

January 6, 2025

This document is presented in the language it was provided.  
Ce document est présenté dans la langue dans laquelle il a été fourni.

**Mr. Michel Bellemare**  
Secretary-Treasurer  
Committee of Adjustment  
101 Centrepointe Drive, Fourth Floor  
Ottawa, ON K2G 5K7

**RE: Application for Consent and Minor Variance  
166 McGillivray Street and 441 Echo Drive, Ottawa**

Dear Mr. Bellemare

Fotenn Planning + Design ("Fotenn") has been retained by JB Holdings and MacG CORP ("the Clients") to prepare a Planning Rationale for a Lot Line Adjustment and Minor Variance application at the municipal addresses of 166 McGillivray Street and 441 Echo Drive ("subject sites") in the City of Ottawa, Ontario.

The consent application would facilitate a lot boundary adjustment between 166 McGillivray Street and 441 Echo Drive, while the Minor Variance application would serve to establish a three and a half (3.5) storey, eight (8)-unit apartment building on the realigned 166 McGillivray Street lot.

Please find enclosed the following material in support of the application:

- / This cover letter explaining the nature of the application;
- / Application forms, including:
  - Consent Application Form;
  - Minor Variance Application Form;
- / Architectural materials prepared by CSV Architects, including:
  - Site Plan, drawing no. A100;
  - North & East Elevations, drawing no. A300;
  - South & West Elevations, drawing no. A302;
- / Survey materials prepared by Annis, O'Sullivan, Vollebakk Ltd., including:
  - Plan of Survey of Part of Lot 3, Block K, Registered Plan 102, City of Ottawa, dated October 28, 2024;
  - Plan of Survey of Part of Lot 3, Block K, Registered Plan 102, City of Ottawa, prepared by Annis, O'Sullivan, Vollebakk Ltd.;
- / Tree Information Report (TIR) prepared by IFS Associates Inc., dated December 13, 2024;
- / Confirmation of property ownership, including:
  - Parcel Abstract for 441 Echo Drive; and
  - Parcel Abstract for 166 McGillivray Street.

**Committee of Adjustment**  
Received | Reçu le

2025-01-07

City of Ottawa | Ville d'Ottawa  
**Comité de dérogation**

**Ottawa**

420 O'Connor Street  
Ottawa, ON K2P 1W4  
613.730.5709

**Kingston**

The Woolen Mill  
4 Cataragui Street, Suite 315  
Kingston, ON K7K 1Z7  
613.542.5454

**Toronto**

174 Spadina Avenue, Suite 304  
Toronto, ON M5T 2C2  
416.789.4530

fotenn.com

**FOTENN**

Please contact the undersigned at [nahal@fotenn.com](mailto:nahal@fotenn.com) with any questions or requests for additional material.

Sincerely,



Tamara Nahal, MPI  
Planner



Scott Alain, RPP MCIP  
Senior Planner



Mark Ouseley, MES  
Planner

**Ottawa**

420 O'Connor Street  
Ottawa, ON K2P 1W4  
613.730.5709

**Kingston**

The Woolen Mill  
4 Cataraqui Street, Suite 315  
Kingston, ON K7K 1Z7  
613.542.5454

**Toronto**

174 Spadina Avenue, Suite 304  
Toronto, ON M5T 2C2  
416.789.4530

[fotenn.com](http://fotenn.com)

**FOTENN**

## Background and Context

Fotenn Planning + Design (“Fotenn”) has been retained by JB Holdings and MacG CORP (“the Clients”) to prepare a Planning Rationale for a Consent and Minor Variance application at the municipal address of 166 McGillivray Street and 441 Echo Drive (“subject sites”) in the City of Ottawa, Ontario.

An application for Lot Line Adjustment (Consent) is being requested to modify the shared lot line between 166 McGillivray Street and 441 Echo Street. 441 Echo Drive is a through lot with frontage on both Echo Drive to the west and McGillivray Street to the east. 166 McGillivray Street is an interior lot with frontage on McGillivray Street. The lot line adjustment would move 75.98 square metres of land from the existing rear yard of 166 McGillivray Street to 441 Echo Drive, thereby aligning the rear property line of 166 McGillivray Street with its neighbouring properties to the south. Beyond resurfacing of the conveyed lands, no site works are contemplated under this application for lands at 441 Echo Drive.

The Minor Variance application is being requested to permit the development of a three and a half (3.5) storey, eight (8) unit low-rise apartment building on 166 McGillivray Street. In particular, the application seeks relief from the maximum permitted building height (11.55 metres where 10 metres is permitted); the minimum rear yard setback (5 metres where 6.9 metres is required); and the minimum total rear yard area (20.6% of the rear yard area is provided where 25% is required).

These applications are reviewed against the statutory tests of the Planning Act within this report.

### 1.1 Subject Site



Figure 1: Subject site shown in context





Figure 2: 166 McGillivray Street (retrieved from Google Streetview, October 2024)



Figure 3: 441 Echo Drive (retrieved from Google Streetview, April 2023)

The subject sites include two properties: 166 McGillivray Street, occupied by a one and a half (1.5) storey single detached dwelling that is proposed to be demolished to permit redevelopment, and 441 Echo Drive, a four (4) storey low-rise apartment building that is proposed to remain.

166 McGillivray Street is occupied by a residential building on the north side of the property. A driveway is located on the south side of the property and leads to a garage in the rear yard. A one (1) storey addition was added to the building in the rear and according to the survey, appears to encroach into the neighbouring property at 164 McGillivray Street. Demolition of this building will resolve the encroachment, and the proposed low-rise apartment building will increase the interior side

yard setback to 1.5 metres, an improvement on the existing encroached interior side yard setback for the addition and the 0.85-metre setback for the one and a half (1.5) storey building. The rear yard of this lot is generally hardscaped and includes two (2) accessory buildings.

441 Echo Drive has two (2) entrances to the building fronting onto Echo Drive. An entrance to the parking lot via Echo Drive is located to the north of the building, leading to a surface parking lot comprised of 11 parking spaces. The parking lot can also be accessed from the rear of the property via McGillivray Street.

## 1.2 Area Context

The subject site is located in the Old Ottawa East Neighbourhood.

**North:** Immediately north of the subject site are single detached dwellings fronting on McGillivray Street and Echo Drive. Further north, abutting Herridge Street is a neighbourhood characterized by low-rise buildings including two (2) to three (3) storey detached dwellings, semi-detached dwellings, and multi-unit buildings.

**East:** Immediately east of the subject site are a mixture of detached, semi-detached, and townhouse dwellings fronting on McGillivray Street. Further east is a neighbourhood featuring a mixture of detached and semi-detached houses. Dwellings in this neighbourhood range from one (1) storey to up to three (3) storeys in height.

**South:** Directly south of the subject site is a mixture of low-rise residential buildings including detached dwellings, semi-detached dwellings, and multi-unit residential buildings. Further south is Clegg Street abutting a residential neighbourhood featuring predominantly detached dwellings.

**West:** Directly west of the subject site is Colonel By Drive and the Rideau Canal National Historic Site. The Glebe neighbourhood is located west of the canal.

# 2.0 Overview of Application

## 2.1 Consent Application

The proposed lot line adjustment will reduce the rear yard of 166 McGillivray Street such that it will have a lot depth matching its neighbours at 172, 174, and 180-188 McGillivray Street to the south. The lot line adjustment will also enlarge the site area of 441 Echo Drive. The proposed lot line adjustments are depicted in Figure 4, below. The adjustment will allow normalize the rear yard conditions of both subject properties, allowing more orderly property management for both parcels.



Figure 4: Proposed lot line adjustment, with 441 Echo Drive outlined in orange, 166 McGillivray Street outlined in blue, and the proposed lot line adjustment shown with a dashed white line.

The existing versus proposed frontage, lot depth, and site areas are shown below in Table 1:

Table 1: Existing vs proposed site details

| Property        |          | Frontage | Lot Depth | Site Area              |
|-----------------|----------|----------|-----------|------------------------|
| 166 McGillivray | Existing | 13.10 m  | 30.18 m   | 395.36 m <sup>2</sup>  |
|                 | Proposed |          | 24.38 m   | 319.38 m <sup>2</sup>  |
| 441 Echo Drive  | Existing | 40.25 m  | 60.7 m    | 1394.32 m <sup>2</sup> |
|                 | Proposed |          |           | 1470.69 m <sup>2</sup> |

As shown in Figure 5, below, both McGillivray Street and Echo Drive have a variety of lot shapes and dimensions. 441 Echo Drive is unique among these properties in that it is the only through lot, with access to both Echo Drive and McGillivray



Street. This access would be maintained. Additionally, multiple properties across the street from 166 McGillivray Street, including 167 through 177 McGillivray Street, have narrower lot widths and smaller site areas. Lot widths are generally 5.65 to 5.86 metres, with the end unit, 177, being 10.05 metres to provide access to a rear yard parking area. Lot areas are generally 173.50 to 174.65 square metres, with 177 being 303.03 square metres in size.



Figure 5: Lot fabric of Echo Drive and McGillivray Street.

## 2.2 Minor Variance Application

A minor variance application is required to permit the development of 166 McGillivray Street. Relief from the zoning by-law is required as follows:

- / Increase the maximum permitted building height: 11.55 metres in height is provided, whereas 10 metres is required;
- / Reduce the minimum required rear yard setback: 5 metres is provided, whereas 6.88 metres is required; and
- / Reduce the required rear yard area: 20.6% of the rear yard area is provided, whereas 25% is required.

Further detail is provided in Section 3.4, which assesses the proposed development against the performance standards in the zoning by-law, while Section 4.0 **Error! Reference source not found.** provides rationale supporting the proposed minor variance in response to the four tests of a minor variance per section 45(1) of the Planning Act.

## 2.3 Proposed Development

A three and a half (3.5) storey, eight (8) unit low-rise apartment building is proposed at 166 McGillivray Street. The east (front) and north (side) elevations of the building are shown below in Figure 6, the west (rear) and south (side) elevations

are shown below in Figure 7, and the site plan is shown below in Figure 8. The building exterior materials include brick and block masonry.



Figure 6: Proposed east elevation (left) and north elevation (right), prepared by CSV Architects

On the front façade, windows are proposed for the units facing McGillivray Street on the left side of the building and to provide sunlight in the stairwells on the right side of the building.

The building is designed with a front entrance facing McGillivray Street to the east and a second emergency exit to the north. Both entrances are accessed via a staircase and pathway that lead to the sidewalk. Both entrances are slightly sunk below the grade at the sidewalk, and therefore, the first floor of units are also slightly sunken.

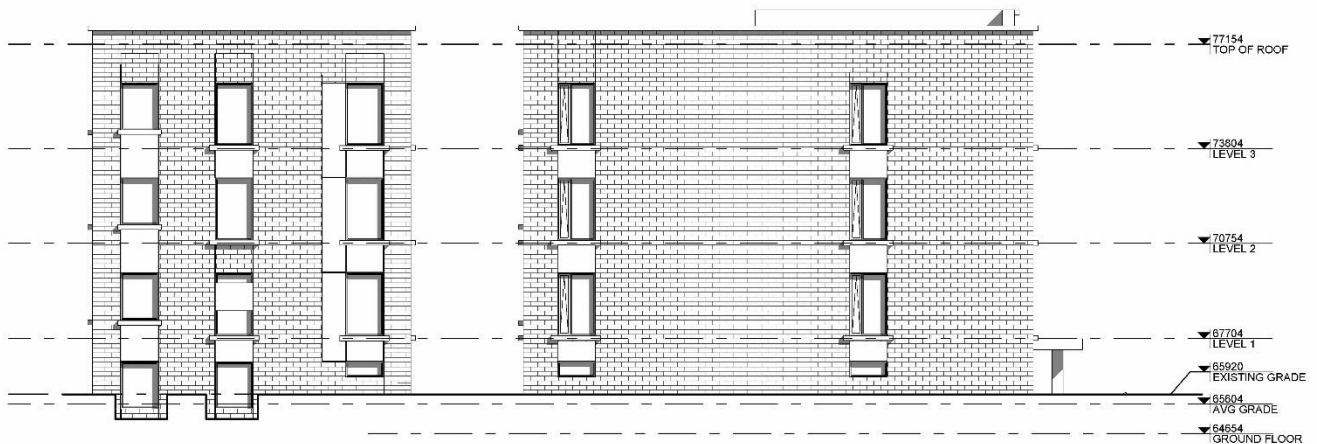


Figure 7: Proposed west elevation (left) and south elevation (right), prepared by CSV Architects

To the south, a 1.5-metre pathway provides access to the garbage and recycling storage and bicycle parking in the rear yard. This path is provided at-grade to the building.



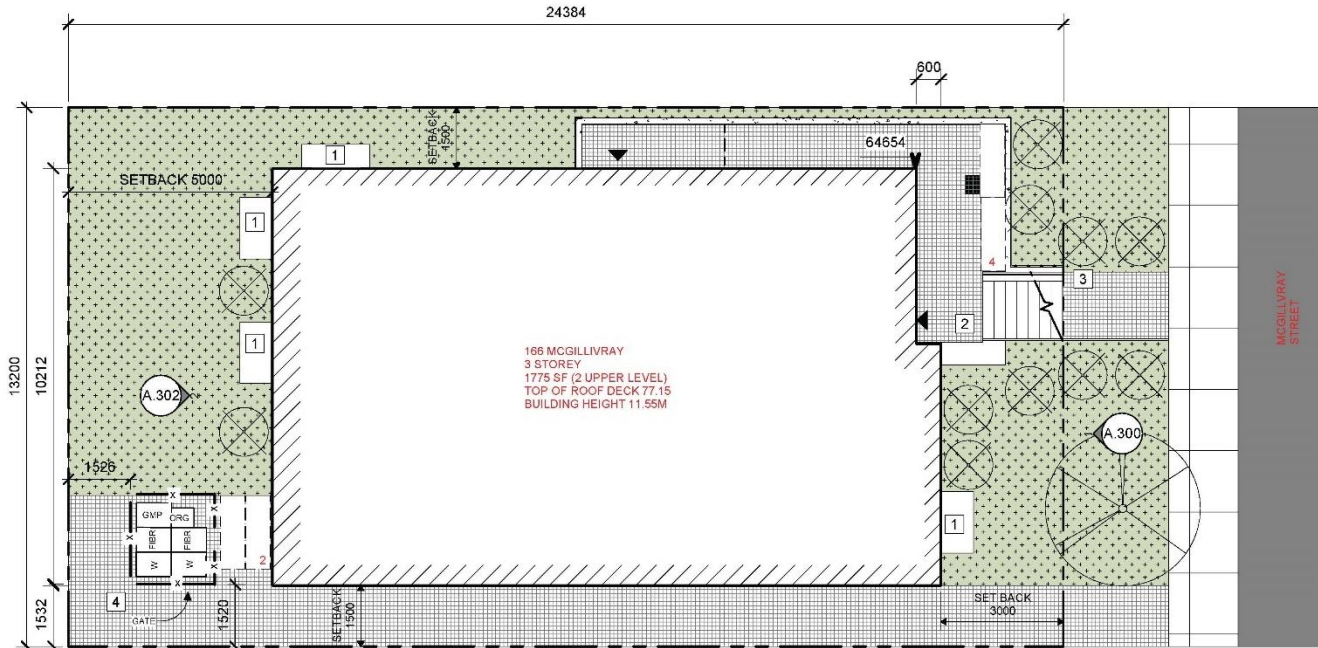


Figure 8: Site plan of proposed development on 166 McGillivray Street, prepared by CSV Architects

The proposed development includes four (4) one (1) bedroom units and four (4) studio apartments.

## 3.0 Policy and Regulatory Review

### 3.1 Provincial Planning Statement (2024)

The Provincial Planning Statement (PPS) provides direction on matters of provincial interest related to land use planning and development. The Planning Act requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the Act, which includes the PPS.

The PPS came into effect October 20, 2024, and consolidates the Provincial Policy Statement, 2020 and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) into a more streamlined land-use planning policy for the Province of Ontario. The PPS provides policy direction for housing supply in the province, supporting development and alignment with infrastructure. It also provides policy direction on opportunities for job creation and economic development, increasing the supply of developable land, protections for the environment and natural resources, and protections for communities, resources, and properties from natural and man-made hazards.

The following PPS policies are applicable to the subject property, among others:

- 2.1.6 Planning authorities should support the achievement of complete communities by:
- a) accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses (including schools and associated child care facilities, long-term care facilities, places of worship and cemeteries), recreation, parks and open space, and other uses to meet long-term needs;
  - b) improving accessibility for people of all ages and abilities by addressing land use barriers which restrict their full participation in society; and
  - c) improving social equity and overall quality of life for people of all ages, abilities, and incomes, including equity-deserving groups.
- 2.2.1 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by:
- a) establishing and implementing minimum targets for the provision of housing that is affordable to low and moderate income households, and coordinating land use planning and planning for housing with Service Managers to address the full range of housing options including affordable housing needs;
  - b) permitting and facilitating:
    1. all housing options required to meet the social, health, economic and wellbeing requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities; and
    2. all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3;
  - c) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation; and
  - d) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations.
- 2.3.1.2 Land use patterns within settlement areas should be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) optimize existing and planned infrastructure and public service facilities;
- c) support active transportation;
- d) are transit-supportive, as appropriate [...]

2.3.1.3 Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.

**The development is proposed for an underutilized lot within an established settlement area. The proposed development contributes to the provision of an array of housing typologies and configurations by adding infill low-rise residential density, which will complement the existing low-rise apartment building on 441 Echo Drive. The proposed development is within walking distance of two bus routes per OC Transpo's New Ways to Bus Network Map, routes 5 and 18.**

2.3.1.5 Planning authorities are encouraged to establish density targets for designated growth areas, based on local conditions. Large and fast-growing municipalities are encouraged to plan for a target of 50 residents and jobs per gross hectare in designated growth areas.

2.4.1.2 To support the achievement of complete communities, a range and mix of housing options, intensification and more mixed-use development, strategic growth areas should be planned:

- a) to accommodate significant population and employment growth;
- b) as focal areas for education, commercial, recreational, and cultural uses;
- c) to accommodate and support the transit network and provide connection points for inter- and intra-regional transit [...]

2.4.1.3 Planning authorities should:

- c) permit development and intensification in strategic growth areas to support the achievement of complete communities and a compact built form;

3.2.2 Efficient use should be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible.

3.2.3 As part of a multimodal transportation system, connectivity within and among transportation systems and modes should be planned for, maintained and, where possible, improved, including connections which cross jurisdictional boundaries.

**The City of Ottawa is identified as a fast-growing municipality, and the proposed development contributes to achieving the density target of 50 residents per gross hectare in a designated growth area. The proposed development supports the creation of complete communities and compact built form.**

**Bicycle parking is provided on the site, and the site is located near two (2) bus routes, which supports active and multimodal transportation systems.**

**The proposed development is therefore consistent with the Provincial Policy Statement, 2024.**



## 3.2 City of Ottawa Official Plan (2022)

The Official Plan for the City of Ottawa was approved November 4, 2022. The Plan provides a framework for the way that the City will develop until 2046 when it is expected that the City's population will surpass 1.4 million people. The Official Plan directs how the city will accommodate this growth over time and set out the policies to guide the development and growth of the City.

### 3.2.1 Strategic Directions

The Official Plan proposes five (5) broad policy directions as the foundation to becoming the most liveable mid-sized city in North America over the next century. These directions include the following:

1. **Achieve, by the end of the planning period, more growth by intensification than by greenfield development.**  
Ottawa is projected to grow by 402,000 people by 2046, requiring 194,800 new households. The Official Plan assigns a 60 per cent share of future growth within Ottawa's existing built-up area by putting in place zoning and other mechanisms that avoid or delay further boundary expansions.
2. **By 2046, the majority of trips in the city will be made by sustainable transportation.**  
The mobility goal of the Official Plan is that by 2046, more than half of all trips will be made by sustainable transportation. 40 per cent of Ottawa's current greenhouse gas emissions are transportation related. Sustainable transportation options are fundamental to 15-minute neighbourhoods and vibrant communities.
3. **Improve our sophistication in urban and community design and put this knowledge to the service of good urbanism at all scales, from the largest to the very small.**  
A goal of the Official Plan is to contribute towards stronger, more inclusive and more vibrant neighbourhoods and Villages. The Official Plan introduces a transect approach to distinguish Ottawa's distinct neighbourhoods and rural Villages, resulting in policies that are better tailored to an area's context, age and function in the city.
4. **Embed environmental, climate and health resiliency and energy into the framework of our planning policies.**  
The Official Plan contains policies to encourage the evolution of neighbourhoods into healthy, inclusive and walkable 15-minute neighbourhoods with a diverse mix of land uses. It also includes policies to help the City achieve its target of 100 per cent greenhouse gas emissions reduction by 2050, its target of a 40 per cent urban forest canopy cover and to increase the City's resiliency to the effects of climate change.
5. **Embed economic development into the framework of our planning policies.**  
In the Official Plan, an economic development lens is taken to policies throughout. In the Plan, flexible land use designations are adaptable to changing economic conditions, new industries and ways of doing business. The Official Plan also supports a broad geographic distribution of employment so that people have the choice to work closer to where they live.

**The proposed development will implement several Big Policy Move Objectives, specifically those of intensification, sustainable transportation, urban design, community design, and climate mitigation and resiliency.**

### 3.2.2 Growth Management Framework

Ottawa's population is projected to grow by 40 per cent between 2018 and 2046. Much of the demand for new housing is expected to be for ground-oriented units, such as single-detached, semi-detached, rowhouse dwellings and new forms not yet developed. Within the Greenbelt, where most of the housing growth in the built-up area is expected to occur, new housing development will be both in the form of larger dwelling units and apartments.

Section 3 of the Official Plan outlines a growth management framework, which is premised on the ability to provide sufficient development opportunities and an appropriate range of choices, locating and designing growth to increase sustainable transportation mode shares and use existing infrastructure efficiently, while reducing greenhouse gas emissions.

The Official Plan notes that most growth will occur within the urban area of the City, with a majority of residential growth to be within the built-up area through intensification, increasing over time during the planning horizon. The City anticipates 93 percent of growth will be within the urban area, and 47 percent of that growth is to occur within the existing urban area as it existed on July 1, 2018 and 46 percent of that growth is within the greenfield portion of the urban area. Intensification will support 15-minute neighbourhoods by being directed to Hubs and Corridors, where the majority of services and amenities are located.

Policy 2 of Section 3.2 indicates that intensification may occur in a variety of built forms and height categories, from Low-rise to High-Rise buildings provided density requirements are met. Policy 3 continues this idea stating Residential intensification shall focus within 15-minute neighbourhoods, which are comprised of Hubs, Corridors and lands within the Neighbourhood designations. Intensification is permitted in all designations where development is permitted taking into account whether the site has municipal water and sewer services.

**The development proposes the intensification of an underdeveloped property within the built-up area through the transformation of a single family detached home into a three and a half (3.5) storey, eight (8) unit building. The proposed development contributes to 15-minute neighbourhoods by providing intensification on a serviced site in an established urban area.**

### 3.2.3 Housing

Section 4.2.1 of the Official Plan outlines policies that enable greater flexibility and an adequate supply and diversity of housing options throughout the city.

Policy 1 of Section 4.2.1 states that a diverse range of flexible and context-sensitive housing options in all areas of the city shall be provided through the Zoning By-law, by:

- a) Primarily regulating the density, built form, height, massing and design of residential development, rather than regulating through restrictions on building typology;
- b) Promoting diversity in unit sizes, densities and tenure options within neighbourhoods including diversity in bedroom count availability;
- c) Permitting a range of housing options across all neighbourhoods to provide the widest possible range of price, occupancy arrangements and tenure;
- d) Establishing development standards for residential uses, appropriately balancing the value to the public interest of new policies or development application requirements against the impacts to housing affordability; and
- e) The City shall maintain, at all times, land with servicing capacity sufficient to provide at least a three year supply of residential units available through lands suitably zoned to facilitate intensification and land in draft approved and registered plans.

Policy 2 of Section 4.2.1 states that the City shall support the production of a missing middle<sup>1</sup> housing range of mid-density, low-rise, multi-unit housing, in order to support the evolution of healthy walkable 15-minute neighbourhoods by:

- a) Allowing housing forms which are denser, small-scale, of generally three or more units per lot in appropriate locations, with lot configurations that depart from the traditional lot division and put the emphasis on the built form and the public realm, as-of-right within the Zoning By-law;
- b) Allowing housing forms of eight or more units in appropriate locations as-of-right within the Zoning By-law; and
- c) In appropriate locations allowing missing middle housing forms while prohibiting lower-density typologies near rapid-transit stations within the Zoning By-law.

**The proposed development contributes positively to the City's housing inventory through intensification. Further, as the proposed development is a low-rise, eight (8) unit residential development, the development helps meet the existing demand for the missing middle housing.**

<sup>1</sup> The City of Ottawa Official Plan defines Missing Middle Housing as low-rise, multiple unit residential development of between three and sixteen units, or more in the case of unusually large lots and for the lower-density types is typically ground oriented.

### 3.2.4 Transect and Designation

Schedule A of the Official Plan divides the City into six concentric policy areas called Transects. Each Transect represents a different gradation in the type and evolution of built environment and planned function of the lands within it, from most urban (the Downtown Core) to least urban (Rural). Throughout the Transect policies, references are made to urban and suburban built form and site design. Transect Policies provide direction on minimum and maximum height based on context through the type of Transect and designation.

The subject site is located within the Inner Urban Transect and the west half is designated Rideau Canal Special District (441 Echo Drive), while the east half (166 McGillivray Street) is designated Neighbourhood, as shown below in Figure 9, below.

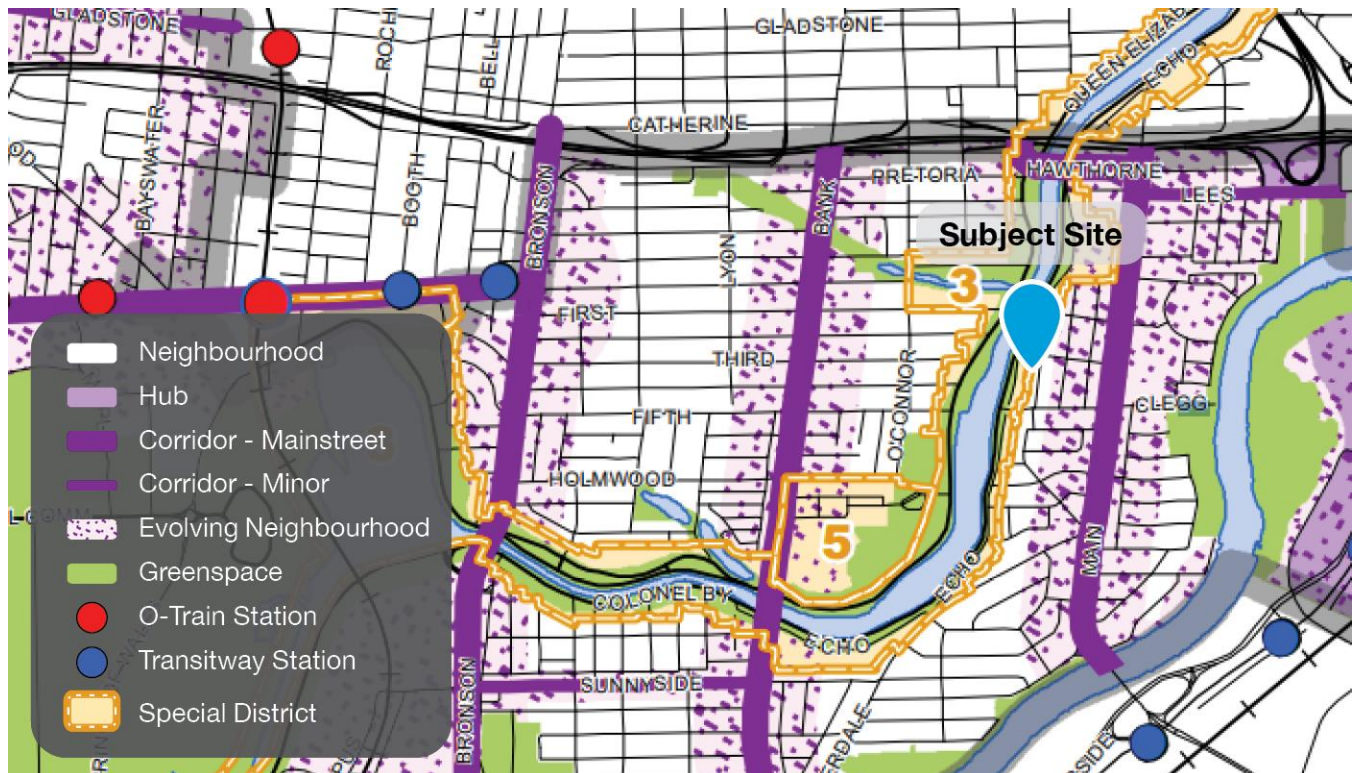


Figure 9: Schedule B2 - Inner Urban Transect, City of Ottawa Official Plan

#### 3.2.4.1 Inner Urban Transect

Section 5.2 provides policies on the Inner Urban Transect, the ring surrounding the Downtown Core within the Greenbelt. The Inner Urban Transect includes pre-World War II Neighbourhoods that immediately surround the Downtown Core. The Inner Urban Transect's built form and site design includes both urban and suburban characteristics, its intended pattern is urban.

Section 5.2.1. indicates that the city shall seek to enhance or establish an urban pattern of built form, site design and mix of uses. Per Policy 3, the Inner Urban Transect is generally planned for mid- to high-density development, subject to:

- / Proximity and access to frequent street transit or rapid transit; and
- / Limits on building heights and massing, and the separation of tower elements, established through secondary plans or area-specific policy, the functional designations, and urban design policies.

Policy 4 states that the Inner Urban Transect shall continue to develop as a mixed-use environment, and Policy 5



Indicates that opportunities for motor vehicle parking in the Inner Urban Transect will be minimized.

Section 5.2.4 provides direction to the Neighbourhoods located within the Inner Urban Transect. Per policy 1, Neighbourhoods located in the Inner Urban area and within a short walking distance of Hubs and Corridors shall accommodate residential growth to meet the Growth Management Framework as outlined in Subsection 3.2, Table 3b. The Zoning By-law shall implement the density thresholds in a manner which adheres to the built form requirements as described in Subsection 5.6.1, as applicable and that:

- / Allows and supports a wide variety of housing types with a focus on missing-middle housing, which may include new housing types that are currently not contemplated in this Plan; [...]
- / Provides for a low-rise built form, by requiring in Zoning a minimum built height of 2 storeys, generally permitting 3 storeys, and where appropriate, will allow a built height of up to 4 storeys to permit higher-density low-rise residential development;
- / Provides an emphasis on regulating the maximum built form envelope that frames the public right of way rather than unit count or lot configuration; and
- / In appropriate locations, to support the production of missing middle housing, lower-density typologies may be prohibited.

Table 2: Neighbourhood and Minor Corridor Residential Density and Large Dwelling Targets (Table 3b in the City of Ottawa Official Plan, 2022)

| Applicable Area      | Target Residential Density Range for Intensification, Dwellings per Net Hectare | Minimum Proportion of Large-household Dwellings within Intensification   |
|----------------------|---|--|
| Inner Urban Transect | 60 to 80  | Within the Neighbourhood designation:<br>Existing lots with a frontage generally 15 metres or wider:<br>- Target of 50 per cent for Low-rise buildings;<br>- Target of 5 per cent for Midrise or taller buildings; |

**The proposed development contributes to the establishment of an urban pattern of built form without any vehicular parking proposed. The proposed development introduces missing middle housing in a three and a half (3.5) storey building, which is "generally permitted".**

**166 McGillivray Street has a frontage of 13.1 metres, therefore, the minimum proportion of large-household dwellings does not apply. However, the proposed development aids in achieving the target residential density range of 60 to 80 dwellings per net hectare.**

### 3.2.4.2 Neighbourhood Designation

Section 6.3 of the Official Plan outlines policies for lands designated as Neighbourhood. Neighbourhoods are contiguous urban areas that constitute the heart of communities. They are planned for ongoing gradual, integrated, sustainable, and internally compatible development. Neighbourhood policies will allow for the development of a full range and choice of housing, with complementary small-scale non-residential land uses to support the creation of 15- minute neighbourhoods.

Policy 2 of Section 6.3.1 states that permitted building heights in Neighbourhoods shall be Low-rise, which is defined to be up to four (4) storeys.

Policy 4 of Section 6.3.1 states that the Zoning By-law and approvals under the Planning Act shall allow a range of residential and non-residential built forms within the Neighbourhood designation, including:

- a) Generally, a full range of low-rise housing options;

- b) Housing options with the predominant new building form being missing middle housing, which meet the intent of Policy 6.3.2.1.

Policy 5 of Section 6.3.1 states that the Zoning By-law will distribute permitted densities in the Neighbourhood by:

- / Allowing higher densities and permitted heights, including predominantly apartment and shared accommodation form, in areas closer to, but not limited to, rapid-transit stations, Corridors and major neighbourhood amenities;
- Allowing lower densities and predominantly ground-oriented dwelling forms further away from rapid-transit stations, Corridors and major neighbourhood amenities;

Policy 1 of Section 6.3.2 states that The Zoning By-law and approvals under the Planning Act will allow innovative buildings forms, including in the missing middle housing category, in order to strengthen, guide towards or seed conditions for 15-minute neighbourhoods. Innovative building forms include, but are not limited to: adaptive reuse of existing buildings into a variety of new uses; development of existing shopping centres; co-location of housing above City facilities including those facilities on land dedicated by parkland (libraries and recreation centres) as per Subsection 4.4.6, Policy 3), City-owned or other; development of a single lot or a consolidation of lots to produce missing middle housing; and by providing air-rights for housing above City infrastructure and facilities, including transit facilities.

**The proposed development is three and a half (3.5) storeys, which falls under the low-rise height category, and provides missing middle housing.**

#### **3.2.4.3 Rideau Canal Special District Designation**

Section 6.6.2.2 of the Official Plan provides direction on the Rideau Canal Special District designation, which applies to 441 Echo Drive. The designation includes the Rideau Canal, its landscape buffer, federal parkways and the first row of properties fronting the Canal.

The intent of the policies for the Rideau Canal Special District is to conserve its cultural heritage landscape while encouraging new sensitive opportunities for animation that enhance experiences for residents and tourists. With respect to the first row of properties, as shown on Schedule B2, the intent of the policies is that new development will respect and reinforce the existing physical character.

Policy 1 states that to recognize the significance of the Rideau Canal Special District to the city's identity and provide a framework for future development, the City will undertake a secondary planning study in consultation with Parks Canada, the National Capital Commission and stakeholders. The boundaries of the Rideau Canal Special District's may be further refined through the secondary planning process. The secondary planning study recommendations will:

- / Identify, characterize, manage and prioritize protecting visual or scenic areas of high quality and the diverse cultural heritage landscape character of the Rideau Canal UNESCO World Heritage Site's setting. This includes significant views to and from the waterway;
- / Include options, where appropriate, for enhanced heritage protection for the areas currently subject to the heritage policies in the 2008-250 Consolidated Zoning By-Law on both Colonel By Drive and Queen Elizabeth Driveway [...]

**The proposed development will not impact the existing building located at 441 Echo Drive or the cultural heritage landscape of the Rideau Canal UNESCO World Heritage site. Further, the proposed development is not proximate to any designated heritage buildings; therefore, there will be no adverse, undue impacts to existing heritage buildings and/ or sites.**

Policy 3 states: working with partners, including the National Capital Commission and Parks Canada to respect the Rideau Canal UNESCO World Heritage Site and protect cultural heritage landscapes. The following will apply:

- / Development and capital projects adjacent to the Rideau Canal may require a Heritage Impact Assessment. Mitigation measures may be required to conserve the cultural heritage landscape and the heritage values of the Rideau Canal as a World Heritage Site and National Historic site. The cultural heritage landscape of the Rideau Canal is comprised of, but not limited to, the physical canal and its landscape buffer, the pathways, the parkways, planting beds, mature forest, mowed grass and open lawns with trees; and
- / All lighting and light fixtures, commercial and digital signage, including those located on private and institutional properties, must not overwhelm or detract the long-range views of the Rideau Canal, as identified in the Capital Illumination Plan, nor the experience along the federal parkways, pathways and the associated greenspaces, which are lined by the iconic light fixtures that provide nighttime lighting, and daytime visual interest.

Policy 4 indicates that the following policies will apply in the first row of properties along the Rideau Canal:

- / Where properties are within or on the edge of established Low-rise residential areas, development will be subject to all of the following:
  - Development will respect the existing patterns of building footprints, height, massing, scale, setback and landscape character within the associated streetscape. The associated streetscape will be determined by the existing low-rise properties on one, or if applicable, both sides of the same street, on the same block as the subject property;
  - In order to be consistent with nearby low-rise residential development, anticipated Secondary Plan process for the area as references in Subsection 6.6.3, Policy 1) will consider if Site Plan Control By-Law may extend within the Rideau Canal Special District; and
  - Carefully consider the visual relationship between the site and the Canal, including the adjacent or nearby federal parkways and the preservation of mature trees by ensuring the continuity of the existing landscape patterns, orientation of buildings and preserving views to and from the Canal [...]

**The proposed development activities will not affect 441 Echo Drive; therefore, they will not affect, overwhelm, or detract from the long-range views of the Rideau Canal. Beyond resurfacing of the conveyed lands, no site works are contemplated under this application for 441 Echo Drive.**

**In conclusion, the proposed Minor Variance and Lot Line Adjustment applications maintain the general intent and purpose of the Official Plan. The proposed development is within the height range of the Neighbourhood designation and has been designed to provide intensification on the site in proximity to transit.**

### 3.3 Urban Design Guidelines for Low-Rise Infill Housing (2022)

The City of Ottawa's Urban Design Guidelines for Low-rise Infill Housing is a series of design guidelines for low-rise residential infill that will help achieve Ottawa's intensification objectives outlined in the Growth Management section of the Official Plan, which directs most of the residential growth to occur within built up areas by 2026, and to provide ground-oriented housing options for larger households. The design of low-rise residential infill will be important as Ottawa's neighbourhoods evolve to meet contemporary planning challenges and the strategic directions outlined in the Official Plan.

The objectives of these Infill guidelines are to help create infill development that will:

- / Enhance streetscapes;
- / Protected and expand established landscaping;
- / Create a more compact urban form to consume less land and natural resources;
- / Achieve a good fit into an existing neighbourhood, respecting its character and its architectural and landscape heritage;
- / Provide new housing designs that offer variety, quality and a sense of identity;



- / Emphasize front doors and windows rather than garages;
- / Include more soft landscaping and less asphalt in front and rear yards;
- / Create at-grade living spaces that promote interaction with the street; and
- / Incorporate environmental innovation and sustainability.

The proposed development adheres to the guidelines, a selected amount of which are highlighted below:

- / Contributes to an inviting, safe, and accessible streetscape by emphasizing the ground floor and street façade of infill buildings. Locates principal entries, windows, porches and key internal uses at street level (Guideline 1.1);
- / Reflects the desirable aspects of the established streetscape character, as the proposed development is a low-rise residential building in a neighbourhood predominantly characterised by this building height (Guideline 1.2);
- / Landscapes the front yard and right-of-way to emphasize aggregated soft landscaping as much as possible and provides adequate soil volume for the planting of a tree (Guideline 2.1);
- / Designs the building to retain an established tree on an adjacent property, 435 Echo Drive (Guideline 2.3);
- / Will plant a tree, shrubs, and ground cover adjacent to the public street and sidewalk for an attractive sidewalk edge (Guideline 2.5);
- / Planting and a retaining wall enhance a sense of separation to define the boundary between the public space of the street and the semi-public space of the front yard (Guideline 2.7);
- / The new infill faces and animates the public street (McGillivray Street). Ground floors with principal entries, windows and key internal uses at street level and facing onto the street contribute to the animation, safety and security (Guideline 3.1.1);
- / Locates and builds infill in a manner that reflects the desirable planned neighbourhood pattern of development in terms of building height, elevation and the location of primary entrances, the elevation of the first floor, yard encroachments such as porches and stair projections, as well as front, rear, and side yard setbacks. The proposed development is consistent with its neighbours' building siting to the south (Guideline 3.1.2);
- / In determining infill lot sizes, recognize the provisions of the Zoning By-law, the Official Plan's Transect-, Overlay-, and Neighbourhood policies, and local lot sizes, including lot width, the existing relationship between lot size, yard setbacks and the scale of homes (Guideline 3.1.3);
- / Avoid the arrangement of units where the front of one dwelling faces the back of another (Guideline 3.1.7);
- / Provides appropriate side and rear separation distances between existing homes and new infill homes/housing blocks to ensure appropriate space for landscaped area and privacy. Building height, site orientation and the location of windows affecting views, sunlight and privacy have all been considered in the building siting and design (Guideline 3.1.8);
- / Maintains rear yard amenity space that is generally consistent with the pattern of the neighbouring homes. Although the rear yard setback is reduced, this is consistent with the neighbouring properties' and the broader rear yard setback pattern, so disruption to the existing neighbourhood pattern of green rear yards is avoided (Guideline 3.1.9);
- / The infill apartment building is designed in a manner that contributes to the quality of the streetscape considers the impacts of scale and mass on the adjacent surrounding homes (Guideline 3.2.1);
- / The infill development is designed to be rich in detail and to enhance public streets and spaces, while also responding to the established patterns of the street and neighbourhood. To appropriately transition into an established neighbourhood, the following elements have been considered:
  - Materials, patterns and colours used in wall treatments;
  - Size, shape, placement and number of doors and windows;
  - The pattern and location of projections and recesses (Guideline 3.3.2);
- / Provide primary building entrances are designed to be inviting and visible from the street by:
  - Using quality and eye-catching materials and features at the entry;
  - Adding architectural elements such as porches which promote street-oriented interaction; and
  - Keeping front doors prominent and close to the ground to match the pattern of the doors on the street (Guideline 3.3.3);

- / Uses the past to inform approaches to design; reinterprets local vernacular in a contemporary way with the use of masonry and brick in the façade (Guideline 3.3.7);
- / No curb cuts or driveways are proposed, which will maintain as much on-street parking as possible (Guideline 4.7); and
- / Stores garbage, recycling and green bins in a rear shed (Guideline 7.10).

The proposed development is consistent with the Urban Design Guidelines for Low-rise Infill Housing.

### 3.4 City of Ottawa Comprehensive Zoning By-law (2008-250)

The subject site is zoned Residential Fourth Density, Subzone UD (R4UD) in the City of Ottawa's Comprehensive Zoning By-Law (2008-250), shown below in Figure 10.



Figure 10: Zoning map of the Subject Site and surrounding context

The purpose of this zone is to:

- / allow a wide mix of residential building forms ranging from detached to low rise apartment dwellings, in some cases limited to four units, and in no case more than four storeys, in areas designated as General Urban Area in the Official Plan;
- / allow a number of other residential uses to provide additional housing choices within the fourth density residential areas;
- / permit ancillary uses to the principal residential use to allow residents to work at home;
- / regulate development in a manner that is compatible with existing land use patterns so that the mixed building form, residential character of a neighbourhood is maintained or enhanced: and

- / permit different development standards, identified in the Z subzone, primarily for areas designated as Developing Communities, which promote efficient land use and compact form while showcasing newer design approaches.

The Mature Neighbourhoods Overlay also applies to the subject site. The Overlay includes zone provisions intended to ensure that new infill development complements and reinforces the established neighbourhood character as seen along each street. As per Section 140 of the By-law, the Mature Neighbourhoods Overlay generally regulates development or additions within the front or corner side yard through the completion of a Streetscape Character Analysis, which is discussed further in section 3.4.1.

Permitted residential uses in the R4UD zone include:

- |                                       |                              |
|---------------------------------------|------------------------------|
| / <b>apartment dwelling, low rise</b> | / planned unit development   |
| / bed and breakfast                   | / retirement home, converted |
| / detached dwelling                   | / retirement home            |
| / diplomatic mission                  | / rooming house              |
| / duplex dwelling                     | / additional dwelling unit   |
| / group home                          | / semi-detached dwelling     |
| / home-based business                 | / stacked dwelling           |
| / home-based daycare                  | / three-unit dwelling        |
| / linked-detached dwelling            | / townhouse dwelling         |
| / park                                | / urban agriculture          |

Table 3, below, evaluates 166 McGillivray Street against the applicable zoning performance standards. The proposed use as assessed is described as “low-rise apartment, maximum of 8 units”. Areas of compliance are noted with a green checkmark (✓) and areas of non-compliance are noted with a red ‘x’ (✗).

Table 3: Zoning performance standards for 166 McGillivray Street, R4UD

| 166 McGillivray Street – R4UD                                   | Requirement  | Provided              | Compliance |
|---|--|-----------------------|------------|
| <b>Minimum Lot Width</b><br>Table 162A                          | 10 m   | 13.1 m                | ✓          |
| <b>Minimum Lot Area</b><br>Table 162A                           | 300 m <sup>2</sup>   | 319.38 m <sup>2</sup> | ✓          |
| <b>Maximum Building Height</b><br>Table 162A                    | 10 m   | 11.55 m               | ✗          |
| <b>Minimum Front Yard Setback</b><br>s. 144(1)(a)               | The yard setback must align with the average of the abutting lots’ corresponding yard setback abutting the street(s): <b>3 m</b> | 3 m                   | ✓          |
| <b>Minimum Interior Side Yard Setback</b><br>s. 162, Table 162A | 1.5  | 1.5 m                 | ✓          |
| <b>Minimum Rear Yard Setback</b><br>s. 144(3)(a)(i), Table 144A | The lot depth minus 17.5 m:<br>24.384 m – 17.5 m = <b>6.88 m</b>   | 5 m                   | ✗          |



| 166 McGillivray Street – R4UD   | Requirement   | Provided                       | Compliance                           |
|---|---|--------------------------------|--------------------------------------|
| <b>Rear Yard Area</b><br>s. 144(3)(a)                                     | The rear yard must comprise at least 25 percent of the lot area:<br>$319.38 \text{ m}^2 * 25\% = 79.9 \text{ m}^2$  | $66 \text{ m}^2 = 20.6\%$      | <span style="color: red;">✘</span>   |
| <b>Minimum Area of Soft Landscaping in the Rear Yard</b><br>s. 161(15)(b) | $35 \text{ m}^2$  | $45 \text{ m}^2$               | <span style="color: green;">✔</span> |
| <b>Rear Yard Soft Landscaping Provisions</b><br>s. 161(15)(c)             | Any part of any yard other than the rear yard not occupied by accessory buildings and structures, permitted projections, bicycle parking and aisles, hardscaped paths of travel for waste and recycling management, pedestrian walkways, permitted driveways and parking exclusion fixtures must be softly landscaped   | Rear yard is softly landscaped | <span style="color: green;">✔</span> |
| <b>Minimum Area of Soft Landscaping in the Front Yard</b><br>Table 161    | 20% of the front yard area:<br><br>Front yard area: $3\text{m} \times 13.1 \text{ m} = 39.3 \text{ m}^2$<br>$20\% \text{ of } 39.3 \text{ m}^2 = 7.86 \text{ m}^2$  | $21.14 \text{ m}^2$            | <span style="color: green;">✔</span> |
| <b>Front Yard Fixtures</b><br>s. 161(15)(e)                               | The front yard and corner side yard must be equipped with solid, permanent fixtures sufficient to prevent motor vehicle parking   | Tree in front yard proposed    | <span style="color: green;">✔</span> |
| <b>Front door</b><br>s. 161(15)(f)  | At least one principal entrance to a ground-floor unit or to a common interior corridor or stairwell must be located on the facade and provide direct access to the street  | Provided                       | <span style="color: green;">✔</span> |
| <b>Front façade fenestration</b><br>s. 161(15)(g)                         | The front facade must comprise at least 25% windows, and <ul style="list-style-type: none"> <li>/ any corner side facade must comprise at least 15% windows;</li> <li>/ windows located in doors may count towards the minimum fenestration requirement; and</li> <li>/ Any window counted towards the minimum fenestration requirement, other than windows in</li> </ul> | 25%                            | <span style="color: green;">✔</span> |

| 166 McGillivray Street – R4UD   | Requirement   | Provided                            | Compliance |
|---|---|-------------------------------------|------------|
|   | doors or at the basement level, must have a lower sill no higher than 100 cm above the floor level  |                                     |            |
| <b>Front façade recession</b><br>s. 161(15)(h) and (j)                                | At least 20% of the area of the front facade must be recessed an additional 0.6 m from the front setback line   | 42%                                 | ✓          |
| <b>Exit Stairs</b><br>s. 161(15)(m)   | Exit stairs providing required egress under the Building Code may project a maximum of 2.2 m into the required rear yard.   | n/a                                 | ✓          |
| <b>Parking Provisions</b>   |   |                                     |            |
| <b>Parking Prohibited</b><br>s. 161(16)(a)  | No motor vehicle parking is permitted on a lot less than 450 square metres in area  | None proposed                       | ✓          |
| <b>Minimum Bicycle Parking</b><br>Table 111A, s. 111(10) and (11)                     | 0.5 per dwelling unit * 8 dwelling units = <b>4 required</b>  | 4 bicycle parking spaces            | ✓          |
|   | 50% required to be horizontal at ground level = <b>4 horizontal bike parking spaces</b>   | 4 horizontal bicycle parking spaces | ✓          |
|   | Where four or more bicycle parking spaces are provided in a common parking area, each bicycle parking space must contain a parking rack that is securely anchored to the ground and attached to a heavy base such as concrete | Will comply                         | ✓?         |
| <b>Minimum Bicycle Parking Dimensions</b><br>Table 111B, s. 111(8B)                   | Horizontal: 0.6 x 1.8 m<br>Vertical: 0.5 x 1.5 m<br>Stacked: 0.37 m wide  | 0.6 x 1.8 m                         | ✓          |
| <b>Minimum Aisle Width</b><br>s. 111(9)   | 1.5 m   | > 1.5 m                             | ✓          |
| <b>Accessory Provisions (Garbage Shed)</b>  |   |                                     |            |
| <b>Min. required setback from an interior side lot line</b><br>Table 55, row 3(e)(ii) | Same as principal building: 1.5 m   | 1.52 m                              | ✓          |
| <b>Min. required setback from a rear lot line</b><br>Table 55, row 3(e)(ii)           | 0.6 m   | 1.52 m                              | ✓          |

| 166 McGillivray Street – R4UD   | Requirement   | Provided                                      | Compliance |
|---|---|---|------------|
| <b>Minimum Required Distance from Any Other Building Located on the same lot</b><br>Table 55, row 4 | 1.2 m   | 1.41 m  | ✓          |
| <b>Maximum Permitted Height</b><br>Table 55, row 5  | 3.6 m, with the height of the exterior walls not to exceed 3.2 m  | 2 m   | ✓          |
| <b>Maximum Permitted Size</b><br>Table 55, row 6  | Aggregate of all accessory buildings not to exceed a lot coverage of 50% of the yard in which they are located, and | 4.5 m <sup>2</sup> of 66m <sup>2</sup> = 6.8% | ✓          |
|   | Max. cumulative floor area of 55 m <sup>2</sup> as measured from the exterior walls of the building                 | 4.5 m <sup>2</sup>                            | ✓          |
| <b>Max. Number of Accessory Buildings Permitted on a lot</b><br>Table 55, row 7                     | 2   | 1   | ✓          |

Table 4, below, evaluates 441 Echo Drive against the applicable zoning performance standards. Areas of compliance are noted with a green checkmark (✓) and areas of non-compliance are noted with a red 'x' (✗).

Table 4: Zoning performance standards for 441 Echo Drive, R4UD

| 441 Echo Drive – R4UD   | Requirement   | Provided                                | Compliance |
|---|---|---|------------|
| <b>Minimum Lot Width</b><br>Table 162A                          | 10 m  | 40.25 m                                 | ✓          |
| <b>Minimum Lot Area</b><br>Table 162A                           | 300 m <sup>2</sup>  | 1,470.69 m <sup>2</sup>                 | ✓          |
| <b>Maximum Building Height</b><br>Table 162A                    | 10 m  | Either complies or legal non-conforming | ✓          |
| <b>Minimum Front Yard Setback</b><br>s. 144(1)(a)               | The yard setback must align with the average of the abutting lots' corresponding yard setback abutting the street(s): $(3.1\text{ m} + 5.6\text{ m})/2 = 4.35\text{ m}$ | 5.1 m                                   | ✓          |
| <b>Minimum Interior Side Yard Setback</b><br>s. 162, Table 162A | 1.5   | North: 11.6 m<br>South: 2.6 m           | ✓          |
| <b>Minimum Rear Yard Setback</b><br>s. 144(3)(a)(i), Table 144A | The lot depth minus 17.5 m:<br>$60.7\text{ m} - 17.5\text{ m} = 43.2\text{ m}$  | 35.8 m, legal non-conforming            | ✓          |
| <b>Rear Yard Area</b><br>s. 144(3)(a)                           | The rear yard must comprise at least 25 percent of the lot area:<br>$1470.69\text{ m}^2 * 25\% = 367.67\text{ m}^2$   | 513.68 m <sup>2</sup>                   | ✓          |

| 441 Echo Drive – R4UD   | Requirement   | Provided   | Compliance |
|---|---|--|------------|
| <b>Minimum Area of Soft Landscaping in the Rear Yard</b><br>s. 161(15)(b) | 35 m <sup>2</sup>   | Legal non-conforming                             | ✓          |
| <b>Rear Yard Soft Landscaping Provisions</b><br>s. 161(15)(c)             | Any part of any yard other than the rear yard not occupied by accessory buildings and structures, permitted projections, bicycle parking and aisles, hardscaped paths of travel for waste and recycling management, pedestrian walkways, permitted driveways and parking exclusion fixtures must be softly landscaped   | Legal non-conforming                             | ✓          |
| <b>Minimum Area of Soft Landscaping in the Front Yard</b><br>Table 161    | 20% of the front yard area:<br><br>Front yard area: 223.5 m <sup>2</sup><br>20% of 223.5 m <sup>2</sup> = <b>44.7 m<sup>2</sup></b>   | 151.7 m <sup>2</sup>                             | ✓          |
| <b>Front Yard Fixtures</b><br>s. 161(15)(e)                               | The front yard and corner side yard must be equipped with solid, permanent fixtures sufficient to prevent motor vehicle parking   | Two (2) trees are planted in the front yard      | ✓          |
| <b>Front door</b><br>s. 161(15)(f)  | At least one principal entrance to a ground-floor unit or to a common interior corridor or stairwell must be located on the facade and provide direct access to the street  | Two (2) principal entrances are located at-grade | ✓          |
| <b>Front façade fenestration</b><br>s. 161(15)(g)                         | The front facade must comprise at least 25% windows, and<br>/ any corner side facade must comprise at least 15% windows;<br>/ windows located in doors may count towards the minimum fenestration requirement; and<br>/ Any window counted towards the minimum fenestration requirement, other than windows in doors or at the basement level, must have a lower sill no higher than 100 cm above the floor level | Legal non-conforming                             | ? ✓        |



| 441 Echo Drive – R4UD                                  | Requirement  | Provided             | Compliance |
|--|--|----------------------|------------|
| <b>Front façade recession</b><br>s. 161(15)(h) and (j) | At least 20 per cent of the area of the front façade must be recessed an additional 0.6 m from the front setback line  | Legal non-conforming | ✓          |
|  | Despite the above, no additional recession of the front façade is required when balconies or porches are provided on the front or corner side façade as follows: <ul style="list-style-type: none"> <li>/ in the case of a lot of less than 15 metres width, one balcony or porch for each storey at or above the first storey is provided;</li> <li>/ in any case each balcony or porch must have a horizontal area of at least 2 m<sup>2</sup>.</li> </ul> | Legal non-conforming | ✓?         |

Satellite imagery (shown below in Figure 11) shows that the low-rise apartment dwelling at 441 Echo Drive was constructed sometime between the date stamps of 1928 and 1958; therefore, it pre-dates certain provisions of the zoning by-law and enjoys legal non-conforming rights. As stated previously, no site works are contemplated for 441 Echo Drive beyond the resurfacing of the lands proposed for conveyance.

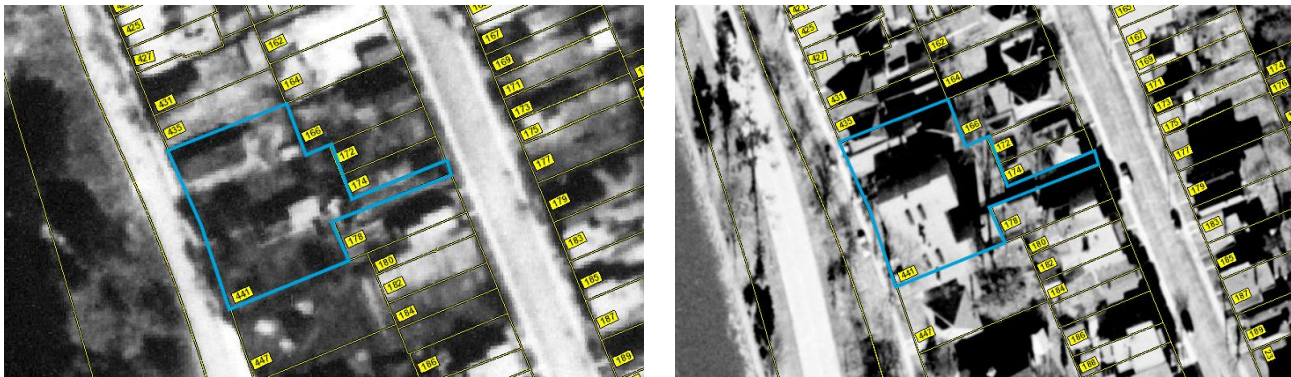


Figure 11: Satellite imagery from GeoOttawa, with 441 Echo Drive highlighted in blue, dating 1928 (left) and 1958 (right).

### 3.4.1 Mature Neighbourhoods Overlay

The site is located within the Mature Neighbourhoods Overlay. The intent of the overlay is to regulate the character of low-rise development including front door location, driveway width, and parking through the completion of a Streetscape Character Analysis. The Mature Neighbourhoods Overlay generally applies to low rise-built form, and provides guidance on elements of the built form, such as walkway and driveway width, garage permissibility, location, and orientation, and parking space location and size.

A Streetscape Character Analysis must be confirmed prior to any application under the Planning Act, building permit application, or approval under the Private Approach By-law, whose approval would permit:

- / a new residential use building;
- / an addition to an existing residential use building, where the addition abuts the front yard or corner side yard;
- / a modification to an existing residential use building that includes:
  - the removal of a principal entranceway that faces the front lot line or side lot line abutting a street; or
  - the addition or expansion of an attached garage or carport that faces the front lot line or side lot line abutting a street; or
  - the addition or expansion of a driveway or parking space in the front yard or corner side yard.

The SCA Guidelines, however, clarify the SCA do not apply to “a dwelling that does not provide on-site parking AND has its front door directly facing the Street.”

**As no parking is proposed for 166 McGillivray Street and the front door directly faces the street, an SCA has not been prepared.**

## 4.0

# Minor Variance Application: the Four Tests

Section 45(1) of the Planning Act establishes four (4) tests to determine whether a variance is deemed to be “minor.”

As the Minor Variance application only applies to 166 McGillivray Street, the four tests are only contemplated in light of this parcel and proposal.

### 4.1 Does the Proposal Maintain the General Intent and Purpose of the Official Plan?

The subject site is designated Neighbourhood within the Inner Urban transect in the City of Ottawa Official Plan. The Neighbourhood designation is intended to support housing in a compact, mixed-use environment. The minimum built height is two (2) storeys and up to four (4) storeys to permit higher-density low-rise residential development. This designation’s intent is to ensure new infill is functionally and aesthetically compatible and contributes to reduced reliance on private vehicles while furthering the establishment of 15-minute neighbourhoods. The minor variance application is consistent with the policies related to the transect, designation, and overlay.

Within the Neighbourhood designation, a range of residential uses are permitted. The proposed minor variance application facilitating the creation of a three and a half (3.5) storey building are consistent with the designation policies, as residential intensification will be introduced in an existing neighbourhood.

The Growth Management Framework of the Official Plan provides direction for intensification to be located within the build-up portion of the urban area. The subject property’s location is within the built-up urban area and is an appropriate location for low-rise intensification.

**The proposed minor variance application maintains the general intent and purpose of the Official Plan.**

### 4.2 Does the Proposal Maintain the General Intent and Purpose of the Zoning By-law?

The subject site is zoned Residential Fourth Density Zone, Subzone UD (R4UD) in the City of Ottawa Comprehensive Zoning By-law. The intent of the R4UD zone is to allow a wide mix of residential buildings ranging from detached to low rise apartment dwellings.

A zoning compliance table has been provided in Section 3.3 of this report summarising the provisions of the R4UD subzone as they relate to the new proposed structure. Minor variances are required, as follows:

- / Increase the maximum permitted building height: 11.55 metres in height is provided, whereas 10 meters is required;
- / Reduce the minimum required rear yard setback: 5 metres is provided, whereas 6.88 metres is required; and
- / Reduce the required rear yard area: 20.6% of the lot area is provided, whereas 25% is required.

#### 4.2.1 Maximum Building Height

A height of 11.55 metres is provided whereas 10 metres is required. The general intent and purpose of the maximum building height requirement is to establish a consistency in building height within a neighbourhood. In the case of the subject property, the surrounding building heights are diverse, and the neighbourhood contains new dwellings which are substantially taller than the original dwellings. The proposed 11.55 m building height fits within the established urban fabric of this neighbourhood.

Another consideration for building height limits is to reduce overlook into adjacent properties. Window locations along interior walls have been limited where possible with consideration to the adjacent built form. It is also noted

that the building to the south is of a similar scale and also limits interior wall windows, ensuring privacy between building tenants.

The building to the north does not currently have windows along the shared lot line. The proposed development would also provide an increased building and lot line separation relative to what is currently established.

#### 4.2.2 Minimum Rear Yard Setback

A rear yard setback of 5 m is provided whereas a minimum 6.88 metre rear yard setback is required. Surrounding properties feature a variety of rear yard setbacks with newer dwellings featuring reduced rear yard setbacks compared to the original housing. The proposed five (5) metre setback is consistent with that of neighbouring properties and represents an appropriate use of the land.

The intent of the rear yard setback requirements is to provide adequate separation from abutting properties to the rear lot line. The proposed five (5)-metre rear yard setback provides sufficient distance for this purpose. The existing zoning requirement assumes an interface with the rear yard of an adjacent unit. In this case, the interfacing condition is a parking lot, and the potential impacts of overlook and transition are not pronounced.

#### 4.2.3 Rear Yard Area

A rear yard area of 20.6% (66 square metres) is provided whereas a minimum of 25% (79.9 square metres) is required. The reduced rear yard area facilitates a more efficient use of the subject property by the proposed structure. The intent of the rear yard setback is to provide an open space for amenity purposes. The 66 square metres provides sufficient area for this purpose. Further, other areas of the zoning by-law are maintained: the minimum area of soft landscaping in the rear yard, 35 square metres, is exceeded, with 45 square metres proposed, thereby mitigating possible impacts resulting from the reduced rear yard setback. The intent to provide adequate outdoor area is therefore maintained. The proposed development would remove hardscaping and large accessory buildings, thereby re-greening the majority of the rear yard.

**The minor variances requested meet the general intent and purpose of the Zoning By-law, as the proposed building successfully provides an appropriate transition to adjacent landowners while offering an appropriate supply of rear yard amenity space to serve tenant needs.**

### 4.3 Is the Proposal Desirable for the Appropriate Development or Use of the Land?

The minor variances requested will enable the construction of a three and a half (3.5) storey low-rise apartment building containing eight (8) units. The project is consistent with the intended function of the R4UD zone. The proposal contributes to the intensification goals of the R4UD zone by increasing housing supply. The policies of the Inner Urban Transect of the Official Plan promote intensification, encouraging low-rise apartment buildings.

The proposed development would remove an existing driveway from McGillivray Street and add a new tree; thereby improving the pedestrian experience and public realm. The proposed development would carry the datum line from adjacent development to the south and serve to improve the “eyes on the street” along McGillivray Street while facilitating gentle intensification in a well-served area.

**The proposed development makes efficient use of the land, proposes land uses that are compatible with the existing context of the surrounding community, makes use of underutilized land connected to services, and positively contributes to provincial and municipal intensification goals.**

### 4.4 Is the Proposal Minor in Nature?

The establishment of the proposed development on the basis of the proposed minor variances is not anticipated to generate any undue or adverse impacts on surrounding properties. The proposed development is generally



consistent with the R4UD zoning provisions and represents a use of the property consistent with the existing mix of dwelling types in the area.

The proposed increase in height, reduced rear yard setback, and reduced rear yard area do not affect the overall character of the neighbourhood. The existing character of the neighbourhood is found to have varying heights, rear yard areas, and setbacks.

**The applicable R4UD zoning would allow a detached, three unit or stacked dwelling to be established at building height of 11 metres as-of-right, with some formats also being permitted to include shallower interior side yard setbacks than that proposed. On a larger lot, an apartment building of 9 or more units would be permitted at a height of 14.5 metres at the same proposed interior yard setback of 1.5 metres. The proposed height of 11.55 metres is generally reflective of the building envelope envisioned within the R4UD zoning.**

**The proposal would normalize the rear yard alignment with neighbouring properties to the south while proposing a similar scale and building envelope. Despite the reduced rear yard setback and area, the proposal would exceed soft landscaping requirements in the rear yard while also allowing areas for bicycle parking and refuse storage/collection.**

**The proposed variances are therefore considered minor in nature.**

## 5.0 Ontario Planning Act - Consents

The Planning Act outlines the powers and criteria for land conveyance in Ontario. Per Section 53(12), in determining if a consent is to be given, a council (or Committee of Adjustment) shall have regard to the criteria under subsection 51(24).

The proposed Consent meets the applicable criteria established in Section 51(24):

- (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;

**The proposed lot line adjustment is consistent with the matters of provincial interest and the Provincial Planning Statement, as described in Section 3.1, above.**

- (b) whether the proposed subdivision is premature or in the public interest;

**The proposed lot line adjustment application is not premature and aligns with the public interest; both the properties subject to the adjustment will continue to comply with the provisions of the Zoning By-law with regard to lot area and width, with relief required through a Minor Variance for 166 McGillivray Street relating to the proposed development only.**

- (c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;

**The proposed lot line adjustment conforms to the City of Ottawa Official Plan (2022), as per Section 3.2 of this Planning Rationale. The lot size is consistent with minimum requirements under the Zoning By-law and is similar to the surrounding lot fabric, which as described in section 1.2, is highly varied, and characterized by a variety of lot sizes and building typologies.**

- (d) the suitability of the land for the purposes for which it is to be subdivided;

**The subject lands, both properties subject to the lot line adjustment, are suitable for the purposes proposed. The lot line adjustment will enlarge the lands associated with 441 Echo Drive and align the lot shape of 166 McGillivray Street with the lands to the south while still allowing for compatible development.**

- (e) The number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;

**The severed and retained lands will continue to have frontage on public roads: McGillivray Road and Echo Drive, respectively.**

- (f) the dimensions and shapes of the proposed lots;

**Following the proposed lot line adjustment, the overall lot shapes will remain as two (2) parcels. The proposed lot line adjustment will help to normalize the rear lot line of 441 Echo Drive, while also making 166 McGillivray Street consistent with neighbouring lands.**

**Both the severed and retained lands will satisfy the requirements outlined in the Zoning By-law with respect to lot area and lot width. The lot line adjustment itself does not generate any zoning compliance**

**issues; however, the proposed development of 166 McGillivray Street does generate zoning compliance considerations which are addressed by the proposed Minor Variance.**

- (g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;

**Following the proposed lot line adjustment and minor variance applications, both the retained and severed parcels will meet applicable zoning performance standards. Relief sought from the Zoning By-law has been described in Section Error! Reference source not found. and will not result in an any undue, adverse impacts to the neighbouring properties.**

- (h) conservation of natural resources and flood control;

**The proposed Consent application is technical in nature and will not cause any loss of natural resources or generate any flooding issues.**

**The proposed lot line adjustment satisfies the applicable criteria for a Consent in the Planning Act.**

## 6.0 Conclusion

It is our professional opinion that the proposed applications to the Committee of Adjustment represent good land use planning principles. The Minor Variances described herein meet the Four Tests of the Planning Act resulting in a development proposal that is appropriate and in the public interest. The Lot Line Adjustment (Consent) application represents good planning and meets the applicable evaluation criteria established in subsection 51(24) of the Planning Act. The variances enable the establishment of a low-rise apartment form that is compatible with surrounding uses and contributes positively to the housing supply, public realm, transit and active transportation objectives. In conclusion:

- / The proposal conforms to the direction of the Provincial Planning Statement;
- / The proposal conforms to the policies and objectives of the Official Plan designations;
- / The proposal meets the intent of the City of Ottawa Comprehensive Zoning By-law;
- / The proposed Minor Variances meet the four tests, as set out in the Planning Act; and
- / The proposed Consent meets the applicable evaluation criteria established in the Planning Act.

Should you have any further comments, please do not hesitate to contact the undersigned.

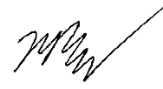
Sincerely,



Tamara Nahal, MPI  
Planner



Scott Alain, RPP MCIP  
Senior Planner



Mark Ouseley, MES  
Planner