

January 15, 2025

Ms. Cheryl Williams

Deputy Secretary-Treasurer
Committee of Adjustment
101 Centrepointe Drive, Fourth Floor
Ottawa, ON K2G 5K7

**RE: Application for Consent
253 York St, Ottawa**



Dear Ms. Williams,

Fotenn Planning + Design ("Fotenn") has been retained by 80 Nelson Street Holdings Inc. and 253 York Street Holdings Inc. (the Owners) to prepare a Planning Rationale for a Consent application to the Committee of Adjustment on their behalf. The intent of this application is to seek consent from the Committee of Adjustment to adjust the lot lines of the subject properties and establish easement for shared, part specific easements over the lands. Two (2) parcels are proposed to be merged into one (1).

In addition to this cover letter, please find enclosed the following materials in support of the application:

- / Completed application form;
- / Site Plan;
- / Draft Reference Plan;
- / Tree Conservation Report;
- / Parcel Abstracts.

I trust that this constitutes a complete submission. Should you have any questions, please do not hesitate to contact the undersigned at henderson@fotenn.com.

Sincerely,

Two handwritten signatures in black ink. The first signature is "G Henderson" and the second is "Lisa Dalla Rosa".

Gillian Henderson, MUP
Planner

Lisa Dalla Rosa, RPP MCIP
Associate

Introduction

Fotenn Planning + Design (“Fotenn”) has been retained by the Owners to prepare this Planning Rationale in support of a Consent application for the property municipally known as 253-257 York Street and 78-80 Nelson Street (the “subject property”) in the City of Ottawa.

1.1 Application Overview

The intent of this Planning Rationale is to assess the proposed Consent against the applicable policy and regulatory framework and to demonstrate how the Consent is appropriate and good planning for the subject property.

Consent from the Committee of Adjustment is required to firstly, adjust the lot lines to amend the boundaries so that the planned addition will be contained within one lot and secondly, establish part-specific easements for pedestrian & vehicular access and services (water, storm and sanitary) as detailed in this application. The subject property has been recently rezoned to permit additions to the existing buildings containing 46 new units. The intention of these lot line adjustments is to simplify the lot fabric to better correspond with the ultimate layout of the project.

A Zoning By-law Amendment and Site Plan Control application (D02-02-21-0088 & D07-12-21-0135) have previously been submitted for the subject property. The site-specific zoning amendment has been approved and the subject property is now zoned R4UD[2923]-c. At the time of writing, concurrence has been provided on the Site Plan Control conditions and the final approval from the City is expected shortly.

The approval of Zoning By-law Amendment and Site Plan Control applications will permit the construction of a project with a consistent 3-storey height. The total number of units will be 53 dwelling units in 253-257 York Street and 42 rooming units in 78-80 Nelson Street, for a total of 95 residential units. These totals combine the existing and new units. Additionally, the existing commercial unit (1) will remain at 253-257 York Street.

Site Context and Surrounding Area

2.1 Subject Property

The subject property, municipally known as 253-257 York Street and 78-80 Nelson Street, is located in the Lowertown East neighbourhood of Ottawa on the block boundary by King Edward Avenue to the west, Clarence Street to the north, Nelson Street to the east, and York Street to the south. The subject property has a frontage of approximately 40.30 meters along York Street and 38.10 meter along Nelson Street. With an approximate lot depth of 40.30 meters, the total site area is 1,535.95 square meters.

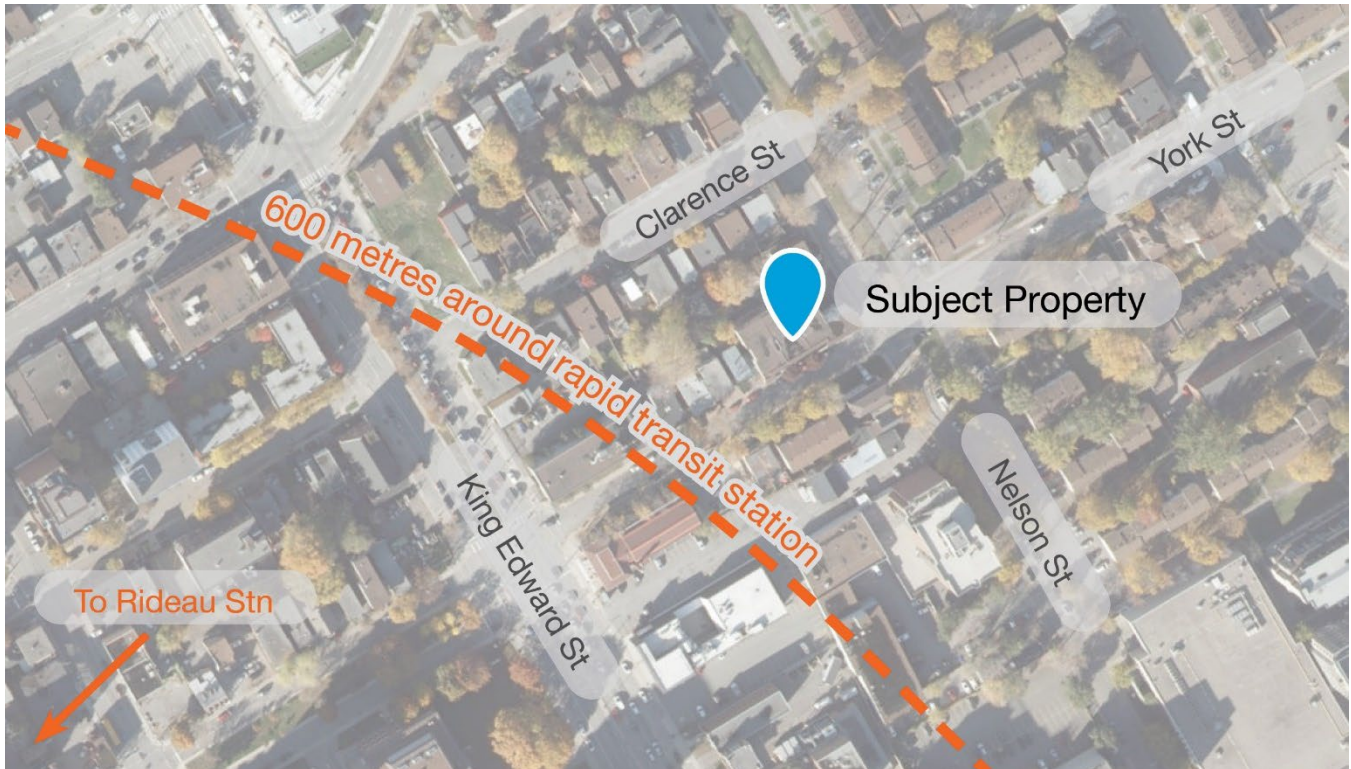


Figure 1: Subject Property.

The subject property is currently developed with one low-rise apartment building fronting on York Street, and a single low-rise residential use building that is 2-storeys in height on Nelson Street. The existing low-rise apartment building on York Street is built to the property lines, while the low-rise on Nelson Street is setback 2.01 meters from the front property line. There are four (4) entrances along the front of the York Street low-rise apartment building providing access to residential units and one entrance at the corner providing access to the commercial space. Additionally, there are two (2) entrances along the Nelson Street residential building. There are two mature trees within the City's, right of way along the frontage of the York Street building (Figures 2 to 3).

A private laneway runs between 253-257 York Street and 78-80 Nelson Street towards a shared parking lot in the rear, providing parking access for both residents of 253-257 York Street and 78-80 Nelson Street. There is currently no soft landscaping in the rear of the subject property.



Figure 2: Subject Property, looking northwest from the intersection of Nelson Street and York Street, towards 253-257 York Street (grey building center-frame) and 78-80 Nelson Street (black building on right side of frame).



Figure 3: Subject Property, looking north from York Street, towards 253-257 York Street.



Figure 4: Subject Property, looking west from Nelson Street towards 78-80 Nelson Street (black building) and 253-257 York Street (grey building).

2.2 Surrounding Area

The subject property is located in the downtown core of Ottawa, in the established neighbourhood of Lowertown East. Lowertown East is an evolving neighbourhood, meaning it is experiencing rapid change in urbanization from low to high density. It is adjacent to the ByWard Market special district (90 meters) and near the Rideau Canal (930 meters) and Parliament and Confederation Boulevard (830 meters) special districts. These special districts have a unique economic development context and require tailored policy approaches. The areas surrounding can generally be categorized as a mix of low-rise building forms. Two elementary schools are in proximity, York Street Public School (210 meters) and Sainte-Anne Catholic School (330 meters). De La Salle High School is approximately 350 meters from the subject property.

The property is located approximately 890 meters from the Mackenzie King transit station, 835 meters from the Laurier transit station, and 720 meters from the Rideau O-Train station. Furthermore, it is located approximately 120 meters from King Edward Avenue and 250 meters from Rideau Street which are both identified as Mainstreet corridors and arterial roads, and part of a broader economic and transportation hub. A range of commercial-retail services are available along King Edward Avenue and Rideau Street. These businesses provide goods and services to fulfil daily needs for area citizens while also providing more specialized functions and destinations that serve the needs of others living beyond the borders of the immediate neighbourhood.

The adjacent land uses can be described as follows:

North: Immediately north of the property, at the intersection of Nelson Street and Clarence Street, is a combination of single detached and semi-detached two-storey residential buildings, with parking provided in driveways. There are sidewalks on both sides of Clarence Street.

St. Patrick Street is approximately 200 meters north of the subject property which is another significant arterial road providing east-west mobility.

Approximately 500 meters north is Bordeleau Park, offering green and recreational space. Bordeleau is a dog-friendly park along the Rideau River that has public tennis and basketball courts, as well as walking trails.



Figure 5: Properties north of the site, looking south towards 300 Clarence Street.

East: Directly east of the subject property across Nelson Street are residential townhomes and a respective parking lot, fronting onto Nelson Street. There are sidewalks on both sides of Nelson Street.

Further east is a continuation of predominantly low-rise buildings up to four (4) stories, the majority being two-storey townhomes. There is an Ottawa Community Housing building at 380 Murray Street with both market and subsidized units, varying in size from 1BR to 3BR. Jules Morin Park and the Lowertown Pool, also known as Patro d'Ottawa, are east of the subject property, offering further recreational opportunities.



Figure 6: Townhomes east of the subject property, looking east towards 267-269 Nelson Street.

South: To the south of the subject property, across York Street, there are low-rise residential properties ranging from two (2) to three (3) stories, with parking provided in driveways.

Champagne Fitness Centre is located south of the subject property, at the intersection of York Street and King Edward Avenue, and a performing arts theater, La Nouvelle Scène Gilles Desjardins, is just south of that, providing further recreational opportunities.

Rideau Street is approximately 250 meters south of the subject property, which features a wide range of uses including grocery stores, retail, restaurants, entertainment, personal services and other uses typically found in a downtown core.



Figure 7: Low-rise residential buildings directly south of the subject property, looking south towards 254 York Street.

West: Immediately to the west of the property is a row of two-storey residential townhomes and a low-rise three (3) storey apartment building located at the intersection of York Street and King Edward Avenue. King Edward Avenue, classified as an Arterial Road, is 125 meters west of the site providing north-south mobility and access to the province of Quebec, including transit stops. King Edward Avenue has a variety of commercial, retail and residential uses.

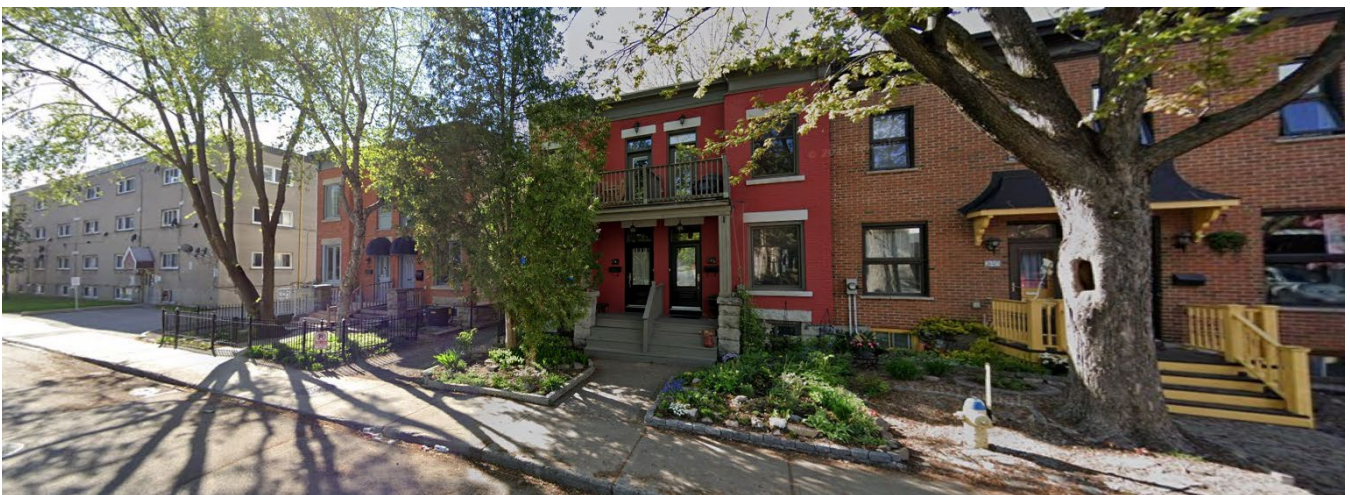


Figure 8: Low-rise residential buildings directly west of the subject property, looking north towards 239-247 York Street.

3.0 Proposed Consent Application

The purpose of the consent application is to adjust the lot lines of 253-257 York Street and 78-80 Nelson Street to align better with the layout of the development. The current parcelization will have a lot line through the new, rear addition to 78-80 Nelson Street. Parts 11 and 10 are currently two separate parcels. Additionally, 78 and 80 Nelson Street were consolidated into one (1) lot, on Decembre 4th, 2024, executed by Daniel C. Fernandes Law Office and signed by Alicia Lynn Fitzsimmons. This has ultimately reduced the number of properties to two (2) lots, as opposed to the previous three (3) lots.

Consent Application Details

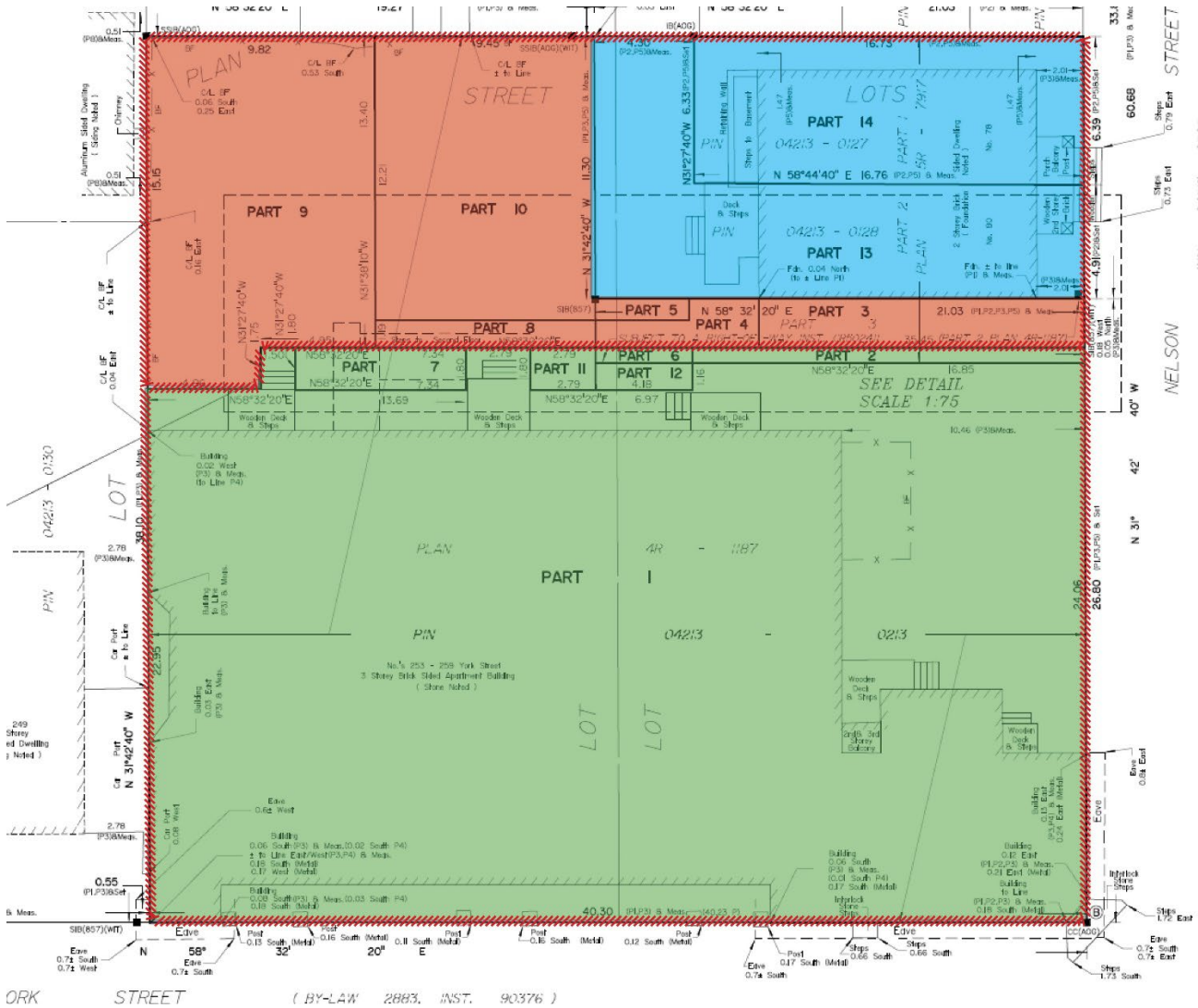


Figure 9: Proposed retained parcel (green) and severed parcel (red). The severed parcel will be consolidated with 78-80 Nelson Street (blue) Ultimate property lines indicated by a red dash.

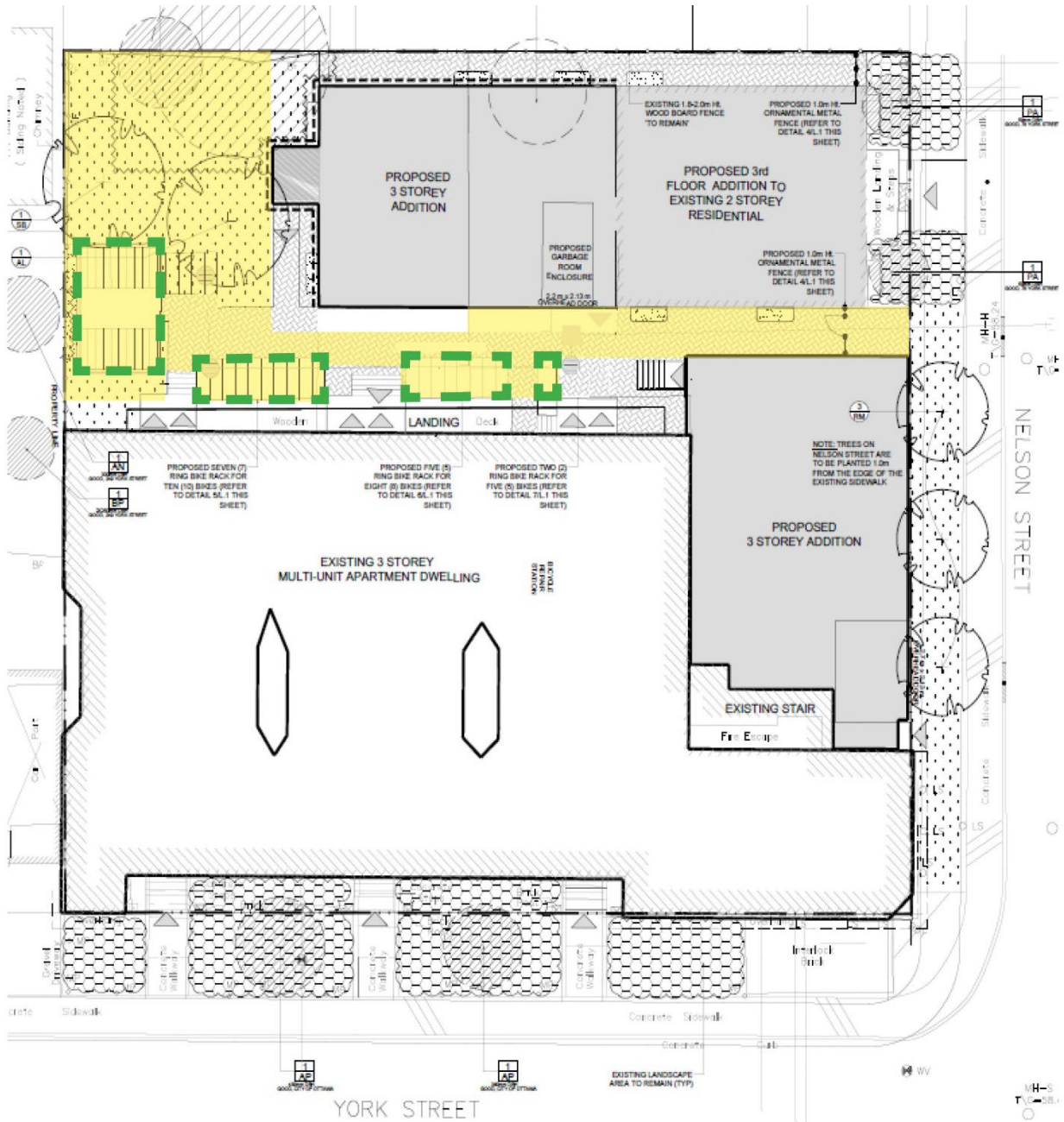


Figure 11: Proposed easement / Right of Way (yellow) shown on the site plan. Bicycle parking outlined in green dashed lines.

Part on R-plan	Area (m ²)	Frontage (m)	Purpose of Easement	In Favour	Description
Part 3, 4, 5, 8 and 9	195.4m ²	2.74	Access to egresses, shared bicycle parking, bicycle repair station, and communal space.	253-257 York Street	Existing shared parking area to be removed and converted into a communal grass area with bicycle parking and repair station

					for use of all residents in 253-257 York Street and 78-80 Nelson Street.
Part 2, 6, 7, 11 and 12	36.5m ²	2.74	Access to egresses, shared bicycle parking, bicycle repair station, and communal space.	In favour of 78-80 Nelson Street.	Existing shared parking area to be removed and converted into a communal grass area with bicycle parking and repair station for use of all residents in 253-257 York Street and 78-80 Nelson Street.

Policy and Regulatory Context

4.1 Planning Act

The Planning Act is provincial legislation that empowers municipalities to engage in land use planning activities in Ontario. Sections 53(1), 53(12), and 51(24) of the Planning Act establish the criteria for the severance of land. As the proposal includes one severed lot and no public infrastructure, a plan of subdivision is not required for the orderly development of the lands. The proposed severance meets the criteria established in Section 51(24) of the Planning Act as follows:

- a) **The effect of development of the proposed subdivision on matters of provincial interest**
The proposed Consent application has regard for matters of provincial interest found in Section 2 of the Planning Act and is consistent with the policies of the Provincial Policy Statement (2024) by providing for a realignment of lots within the urban area that will efficiently use the land, existing infrastructure, and public service facilities.
- b) **Whether the proposed subdivision is premature or in the public interest;**
The proposed Consent adjusts lot lines within the urban area where municipal servicing is available. The severed and retained parcels will be used for purposes established in the Official Plan and Zoning By-law, and the Consent contributes to the housing and intensification goals of the City of Ottawa and the Government of Ontario. The application is therefore not premature and is in the public interest.
- c) **Whether the plan conforms to the Official Plan and adjacent plans of subdivision, if any;**
The proposed Consent conforms with the policies of the City of Ottawa Official Plan (2022) and permits intensification within the Neighbourhood designation within the Downtown Core Transect. The proposed severed and retained lots are consistent with the lot fabric of the surrounding area and will be individually serviced.

The Official Plan promotes concentrated growth in a pattern and density that supports transit, cyclist, and walking. The development will complement an existing mixed-use community and will support growth within the urban boundary where there is availability of existing infrastructure.
- d) **The suitability of the land for purposes for which it is to be subdivided;**
The Consent application proposes the realignment of lot boundaries for the purposes of simplifying the lot fabric, given the redevelopment. The existing Zoning and OP designation permit the proposed low-rise development on the site.
- e) **The number, width, location and proposed grades and elevations of highways, and the adequacy of them;**
The abutting roads are all publicly maintained and connected to the larger urban road network of the City of Ottawa. The resulting lots will all have frontage onto municipal roadways.
- f) **The dimensions and shapes of the proposed lots;**
The proposed lot sizes and shapes are consistent with the lot fabric for other properties in the surrounding area and are appropriate for the redevelopment.
- g) **The restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the building and structures proposed to be erected on it and the restrictions, if any, on adjoining land;**
The subject property is subject to easements, however, they are considered in the consent request and would not restrict the proposed severance.
- h) **Conservation of natural resources and flood control;**

The subject property is not located in a sensitive ecological area or in a floodplain. No adverse impacts are anticipated on natural resources and flood control.

- i) **The adequacy of utilities and municipal services;**
The severed and retained lots will be independently serviced by municipal services, including water, sanitary and stormwater infrastructure.
- j) **The adequacy of school sites;**
The subject property is within proximity to existing public school sites.
- k) **The area of land, if any, within the proposed subdivision, exclusive of highways, is to be conveyed or dedicated for public purposes;**
No land is proposed to be dedicated to the City.
- l) **The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy;**
The subject property is connected to the broader City of Ottawa Hydro network.
- m) **The interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land;**
The proposed consent application facilitates the active site plan control application.

The proposed Consent satisfies the criteria in Section 51(24) of the Planning Act.

4.2 Provincial Policy Statement (2024)

The Provincial Planning Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The Provincial Planning Statement is a policy statement issued under the authority of Section 3 of the *Planning Act* and came into effect on October 20, 2024 (PPS 2024). The *Planning Act* requires that decisions affecting planning matters shall be consistent with policy statements issued under the Act.

PPS, 2024 is a consolidated statement of the provincial government's policies on land uses planning and contains an updated policy direction on key land use planning issues including:

- Building more housing where it's needed;
- Making land available for development;
- Creating opportunities for economic development and job creation;
- Planning for appropriate transportation, water, sewer and other infrastructure necessary to accommodate current and future needs;
- Protecting the environment and important resources including farmland, water, archaeology, cultural heritage, mineral aggregates and petroleum;
- Protecting people, property and community resources by directing development away from natural or human-made hazards, such as flood prone areas.

The PPS has emphasis on "the building of more homes for all Ontarians." The vision also restates the Province's goal of getting at least 1.5-million homes built by 2031.

Section 2.1 of the PPS provides policy direction for planning for people and homes and provides direction to support the achievement of complete communities by:

- / Accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities, and other institutional uses, recreation, parks and open space, and other uses to meet long-term needs;
- / Improving accessibility for people of all ages and abilities by addressing land use barriers which restrict their full participation in society; and
- / Improving social equity and overall quality of life for people of all ages, abilities, and incomes, including equity-deserving groups.

Complete communities are defined in the PPS, 2024 as:

“places such as mixed-use neighbourhoods or other areas within cities, towns, and settlement areas that offer and support opportunities for equitable access to many necessities for daily living for people of all ages and abilities, including an appropriate mix of jobs, a full range of housing, transportation options, public service facilities, local stores and services. Complete communities are inclusive and may take different shapes and forms appropriate to their contexts to meet the diverse needs of their populations.”

The PPS, 2024 also contains the following policies:

- / Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents by:
 - Permitting and facilitating all housing options and intensification
 - promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation; and,
 - requiring transit-supportive development and prioritizing intensification.
- / 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.
- / Planning authorities must provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents.
- / Natural features and areas shall be protected for the long term, including their diversity, connectivity, and long-term ecological function and biodiversity.
- / Planning authorities shall plan for, protect and preserve employment areas for current and future uses, and ensure that the necessary infrastructure is provided to support current and projected needs.
- / Planning authorities shall plan to reduce greenhouse gas emissions and prepare for the impacts of a changing climate through approaches that:
 - support the achievement of compact, transit-supportive, and complete communities;
 - incorporate climate change considerations in planning for and the development of infrastructure, including stormwater management systems, and public service facilities;
 - support energy conservation and efficiency;
 - promote green infrastructure, low impact development, and active transportation, protect the environment and improve air quality; and

- take into consideration any additional approaches that help reduce greenhouse gas emissions and build community resilience to the impacts of a changing climate.

The proposed Consent application is consistent with the Provincial Planning Statement (2024) and aligns with its objectives for efficient land use and housing intensification. The two additions will support low-rise densification through the development of apartment and rooming units, contributing to a diverse housing mix in the neighbourhood. The inclusion of a right of way for both buildings, ensuring access to rear bike storage which replaces a car parking lot, further promotes active transportation and sustainable development. This lot line adjustment is consistent with the 2024 Provincial Planning Statement's focus on intensification, efficient use of land, and sustainable infrastructure planning.

4.3 City of Ottawa Official Plan (2022, as amended)

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.

Section 4.2 (Housing) supports the creation of diverse housing with priority for affordable and missing-middle housing with a target to achieve 20% of all residential development in the form of affordable housing.

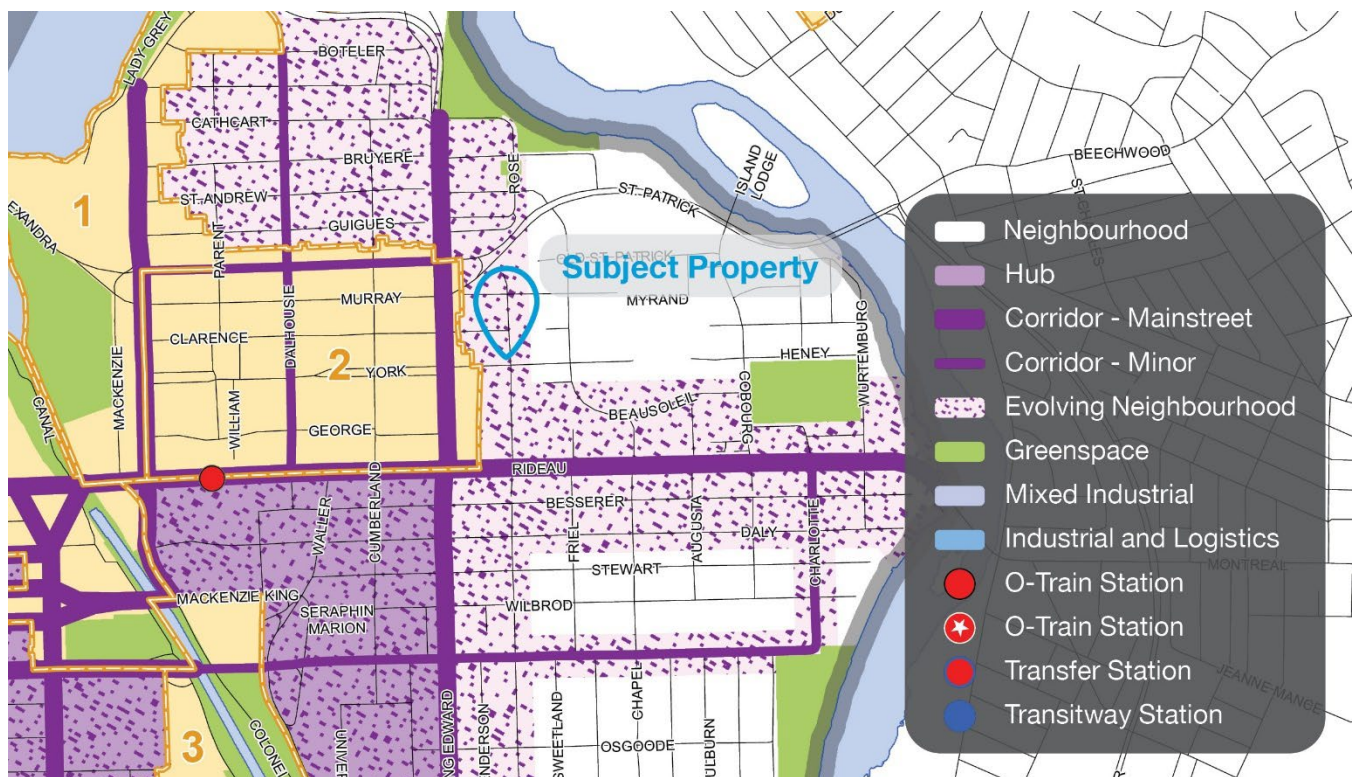


Figure 12: Schedule B1 - Downtown Core Transect.

The Downtown core is intended to develop as a healthy 15-minute neighbourhood within a highly mixed-use environment, where:

- / Hubs and a dense network of Corridors provide a full range of services;
- / A high concentration of employment is maintained and increased;

/ Residential densities are sufficient to support the full range of services.

Section 5.1.1 Policy 6 states that the Downtown Core is planned for higher-density, urban development forms where either no on-site parking is provided, or where parking is arranged on a common parking area, lot or parking garage accessed by a common driveway.

Section 5.1.2 Policy 3 a) states that within the Downtown Core transect Motor vehicle parking shall not be required in new development, other than visitor parking for largescale residential development.

In addition to the policies listed above regarding the reduction of on-site parking, Section 4.1.4 states that the supply of parking in the city will be managed to gradually reduce the area of land used for surface parking lots, and that minimum parking provisions in the Zoning By-law may be reduced or eliminated.

Section 5.1.3 Policy 2 a) states that Downtown Core neighbourhoods shall allow high-density building types that maintain a low-rise form of a of minimum 2 storeys and a maximum of 4 storeys.

Section 5.1.5 directs neighbourhoods in the Downtown Core to accommodate residential growth by supporting diverse housing typologies, especially missing middle housing, with zoning standards that encourage low-rise forms (2 to 4 storeys). It restricts lower-density housing where appropriate to promote higher-density, low-rise residential development.

Section 5.6.1 describes the Evolving Neighbourhood Overlay, applied to neighborhoods near Hubs and Corridors to support a gradual transition from suburban to urban forms and align with city intensification goals. It promotes new housing typologies and establishes standards for urban density, site design, and built form. Zoning By-law standards within the Overlay are tailored to these urban characteristics, potentially replacing existing suburban features, with minimum density requirements aligned with the Growth Management Framework.

Section 11.5 of the Official Plan provides direction to the Committee of Adjustment process.

Policy 4 of Section 11.5 states that in support of Policy 5.2.4, 1 b) and c) the Committee of Adjustment shall consider for applications for Consent with lot patterns and dimensions that result in intensification in support of ground oriented medium density residential that is consistent with the planned context.

Policy 6 of Section 11.5 states that when considering an application, the Committee of Adjustment shall have due regard for the professional advice provided, including legal, planning, engineering, etc., and the Committee shall provide an explanation as to what effect the written and oral submissions it received had on the decision, if any.

The proposed Consent application conforms with the policies of the City of Ottawa Official Plan, including neighbourhood designation and the policies in Section 11.5 which provide direction to the Committee of Adjustment. The proposed development contributes to the vision of the Downtown Core Transect by providing context sensitive intensification that builds upon the existing neighbourhood context and contributes to the provision of missing middle housing, expanding housing type and choice for future residents. The proposed consent will facilitate the construction of additional low-rise housing units within the neighbourhood making efficient use of land, resources and exiting infrastructure as directed by the Official Plan.

4.4 City of Ottawa Zoning By-law (2008-250)

The subject property is zoned Residential Fourth Density, Subzone UD, Urban Exception 2923 with a commercial suffix applied to 253-257 York Street.

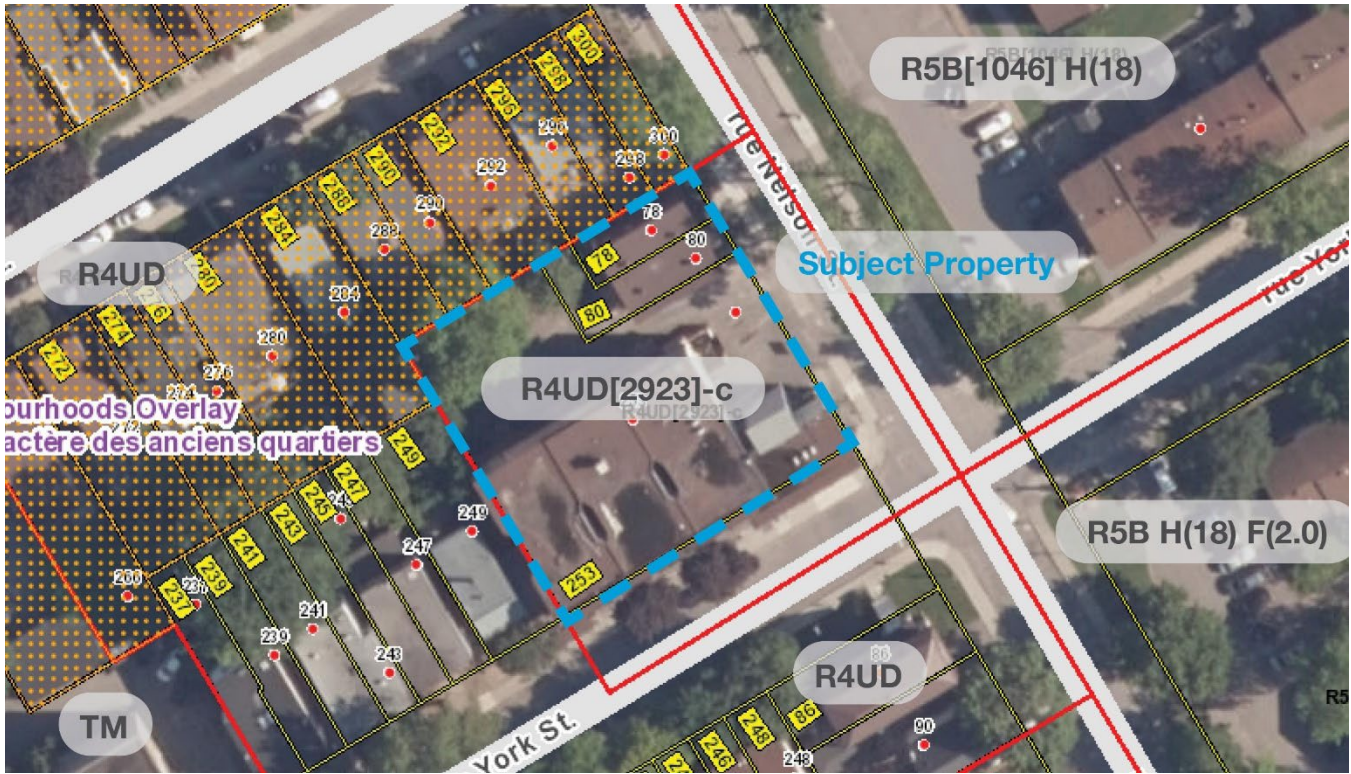


Figure 13: Zoning Map (GeoOttawa).

Urban Exception 2923 includes the following provisions for the subject property:

- / Minimum front yard setback: 0m
- / Minimum corner side yard setback: 0m
- / Minimum of 21% of the lot area must be provided as landscaped area.
- / Minimum number of parking spaces: 0
- / Minimum number of visitor parking spaces: 0
- / A rooming house may occupy a building containing dwelling units.
- / The lands zoned R4UD[2923]-c are to be considered one lot for zoning purposes.
- / Section 144(6) does not apply.

As the subject property is considered one lot for zoning purposes the minimum lot area and lot width requirements under the zoning by-law apply to the all lands zoned [2923]-c, regardless of where the lot delineation lines are.

R4UD – low-rise apartment, 9 or more units	Required	Proposed (one lot for zoning purposes)	Compliance
Minimum lot width (m)	15 m	38.0 m	Yes
Minimum lot area (m ²)	450 m ²	1,535.95 m ²	Yes

The proposed consent applications for the subject project, if approved, would comply with the zoning performance standards for the R4UD[2923]-c zone including the for minimum lot area and lot width. The proposal therefore complies with the City of Ottawa Zoning By-law (2008-250).

5.0 Conclusion

It is our professional planning opinion that a full Plan of Subdivision is not required for the orderly development of the land and the proposed Consent application for 253 York Street and 80 Nelson Street represents good planning and is in the public interest.

The proposed consent application:

- / Satisfies the Planning Act criteria for a Consent;
- / Conforms with the policies of the Provincial Policy Statement;
- / Conforms with the City of Ottawa Official Plan; and
- / Complies with the City of Ottawa Comprehensive Zoning By-law (2008-250)



Gillian Henderson, MUP
Planner

Lisa Dalla Rosa, RPP MCIP
Associate