

Subject: Zoning By-law Amendment – 35 MacKay Street and 71 Thomas Street

File Number: ACS2025-PDB-PSX-0023

Report to Planning and Housing Committee on 19 February 2025

and Council 26 February 2025

**Submitted on February 10, 2025 by Derrick Moodie, Director, Planning Services,
Planning, Development and Building Services**

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Ward: Rideau-Rockcliffe (13)

**Objet : Modification du Règlement de zonage – 35, rue MacKay et 71, rue
Thomas**

Dossier : ACS2025-PDB-PSX-0023

Rapport au Comité de la planification et du logement

le 10 février 2025

et au Conseil le 26 février 2025

**Soumis le 29 janvier 2025 par Derrick Moodie, Directeur, Services de la
planification, Direction générale des services de la planification, de
l'aménagement et du bâtiment**

**Personne ressource : Nastassia Pratt, Urbaniste I, Examen des demandes
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Quartier : Rideau-Rockcliffe (13)

REPORT RECOMMENDATIONS

1. That Planning and Housing Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 35 MacKay Street and 71 Thomas Street, as shown in Document 1, from “Residential Fourth Density, Subzone ‘UD’, Urban Exception 900 (R4UD[900])” to “Residential Fourth Density, Subzone ‘UD’, Urban Exception XXX1 (R4UD[XXX1])” and “Residential Fourth Density, Subzone ‘UD’, Urban Exception XXX2 (R4UD[XXX2])” in order to facilitate the creation of a new lot for the construction of a new single detached dwelling, as detailed in Document 2.
2. That Planning and Housing Committee approve the Consultation Details Section of this report be included as part of the ‘brief explanation’ in the Summary of Written and Oral Public Submissions, to be prepared by the Office of the City Clerk and submitted to Council in the report titled, “Summary of Oral and Written Public Submissions for Items Subject to *the Planning Act* ‘Explanation Requirements’ at the City Council Meeting of February 26, 2025 subject to submissions received between the publication of this report and the time of Council’s decision.

RECOMMANDATIONS DU RAPPORT

1. Que le Comité de la planification et du logement recommande au Conseil d’approuver une modification du *Règlement de zonage* (n° 2008-250) qui touche la propriété située au 35, rue MacKay et au 71, rue Thomas, comme le montre le document 1, en vue de changer le zonage de « zone résidentielle de densité 4, sous-zone UD, exception urbaine 900 » (R4UD[900]) à « zone résidentielle de densité 4, sous-zone UD, exception urbaine XXX1 » (R4UD[XXX1]) et à « zone résidentielle de densité 4, sous-zone UD, exception urbaine XXX2 » (R4UD[XXX2]) dans le but de faciliter la création d’un nouveau lot et de permettre la construction d’une nouvelle maison unifamiliale, comme l’explique en détail le document 2.
2. Que le Comité de la planification et du logement donne son approbation afin que la section du présent rapport consacrée aux détails de la consultation soit incluse en tant que « brève explication » dans le résumé des observations écrites et orales du public, qui sera rédigé par le Bureau du greffe municipal et soumis au Conseil dans le rapport intitulé « Résumé des observations orales et écrites du public sur les questions assujetties aux “exigences d’explication” aux termes de la *Loi sur l’aménagement du territoire*, à la réunion du Conseil municipal prévue le 26 février 2025 », sous

réserve des observations reçues entre le moment de la publication du présent rapport et la date à laquelle le Conseil rendra sa décision.

BACKGROUND

Learn more about [link to Development Application process - Zoning Amendment](#)

For all the supporting documents related to this application visit the [link to Development Application Search Tool](#).

Site location

35 MacKay Street and 71 Thomas Street

Owner

Josh Zaret

Applicant

Fotenn Consultants Inc. (c/o Kenneth Blouin)

Architect

Ardington and Associates Design Inc.

Description of site and surroundings

The subject property is located on a corner lot, on the south-east corner of MacKay Street and Thomas Street. The subject property is 637.57 metres squared with approximately 20.89 metres of frontage along MacKay Street and 30.48 metres frontage along Thomas Street. A detached garage in the southern portion of the subject property was demolished to facilitate the development of a new two and half-storey dwelling on the subject property. The subject property currently contains a semi-detached residential building with five existing trees, one of which is in fair to poor health and is proposed to be removed.

The subject property is located in the New Edinburgh neighbourhood, which is a predominantly residential area with significant value from a heritage perspective. The area contains parks, a school, federal residences, and federal offices, all within walking distance from the subject site. The subject property is within 200 metres of Sussex Drive, an Arterial Road, and approximately 1,200 metres (radially) from the Rideau O-Train station.

The area immediately surrounding the subject property is characterized by a range of uses and building typologies. To the north, across MacKay Street, is the Governor

General's residence and grounds as well as Rideau Hall. To the east are low-rise residential uses and further east is Beechwood Avenue, an Arterial Road, and the area's main commercial street. To the south are low-rise residential uses and further south is the Rideau River. To the west are low-rise residential uses and further west between Sussex Drive and the Ottawa River is the Embassy of France.

The subject property at 35 MacKay Street and 71 Thomas Street is designated under Part V of the *Ontario Heritage Act* (OHA), located in the New Edinburgh Heritage Conservation District. It is also individually designated under Part IV of the OHA and is commonly referred to as the Allen House. Minor exterior changes are proposed for this building.

There are two other applications associated with this development: a Part Lot Control application (D07-08-24-0033) and an *Ontario Heritage Act* application (D09-04-24-0060). The part-lot control application is proposed to subdivide the property into three parcels in order to separate the existing semi-detached residential building into two separate units (35 MacKay Street and 71 Thomas Street) and to facilitate the development of a new residential dwelling on the third parcel (69 Thomas Street), located on the southern part of the site.

The proposed development at 69 Thomas Street is a two and a half-storey detached dwelling with a total gross area of 193 metres squared, consisting of three bedrooms, three bathrooms, an attached single-car garage and new driveway with frontage on Thomas Street.

The development proposes to add one new tree in the front yard, replacing an existing City tree that is in poor condition, in order to enhance the streetscape. Soft landscaping is provided in the front and rear yard.

Summary of requested Zoning By-law Amendment

The applicant proposes to rezone the northern portion of the subject lands, known as 35 MacKay Street and 71 Thomas Street, from "Residential Fourth Density, Subzone 'UD', Urban Exception 900 (R4UD[900])" to "Residential Fourth Density, Subzone 'UD', Urban Exception XXX1 (R4UD[XXX1])" to facilitate to subdivision of the subject property.

The applicant is seeking relief from Zoning By-law 2008-250 through the following site-specific zoning provisions:

- A reduced residential parking space dimension of 2.4 metres wide by 5.2 metres long, whereas a minimum residential parking space of 2.6 metres wide by 5.2 metres long is required.

- A minimum driveway width of 2.4 metres.

Additionally, the applicant proposes to rezone the southern portion of the subject lands, to be known as 69 Thomas Street, from “Residential Fourth Density, Subzone ‘UD’, Urban Exception 900 (R4UD[900])” to “Residential Fourth Density, Subzone ‘UD’, Urban Exception XXX2 (R4UD[XXX2])” in order to accommodate the proposed 2.5-storey, detached residential building.

The applicant is seeking relief from Zoning By-law 2008-250 through the following site-specific zoning provisions:

- A reduced lot area of 192.6 metres squared, whereas a lot area of 225 metres squared is required.
- A front-facing, attached garage, provided that it meets the development standards specified in Section 140A(7)(b) and Table 140A, Column B attached garage, whereas one is not permitted.
- A site-specific zoning provision indicating that Section 60 of the Zoning By-law does not apply.

DISCUSSION

Public consultation

Notification and public consultation were undertaken in accordance with the Public Notification and Public Consultation Policy approved by City Council for Zoning By-law amendments. Comments were received from four residents within the community.

The majority of concerns expressed by the public related to the impact of the development on existing residents, impact to the Allen House, and the character of the area. For this proposal’s consultation details, see Document 3 of this report.

Official Plan designation(s)

Section 2 of the Official Plan provides the strategic direction for the City through a range of broad policies that support intensification housing options throughout the City, including directing low-rise residential growth within existing neighbourhoods. The City has identified infill development as one of the ways to facilitate intensification. The City supports the evolution toward 15-minute neighbourhoods and providing housing options for larger households.

Section 3 of the Official Plan provides the growth management framework for the City and Section 4 of the Official Plan provides city-wide housing and urban design policies;

both of which include policies that encourage low-rise built forms that are dense, context-sensitive, and respond well to existing neighbourhood character and function.

Section 5 of the Official Plan provides policies for the City's six concentric policy areas called transects. Schedule 'A' of the Official Plan shows the subject lands within the Inner Urban Transect Policy Area. This transect policy area includes the older, pre-Second World War neighbourhoods that immediately surround the Downtown Core, and the earliest post-Second World War areas directly adjacent to them. This transect policy area is also a mature built environment whose urban characteristics of low-density housing types are to experience gradual evolution and intensification.

Section 6 of the Official Plan provides the urban designations with specific policy direction for permitted land uses. Schedule 'B1' of the Official Plan designates the subject lands as "Neighbourhood". Low-rise building heights are permitted in the Neighbourhood designation.

Other applicable policies and guidelines

The subject property is found within the New Edinburgh Heritage Conservation District and is a property designated under Parts IV and V of the *Ontario Heritage Act*.

The proposed development is also subject to the City of Ottawa's Urban Design Guidelines for Low-Rise Infill Housing.

Heritage

The *Ontario Heritage Act* application for new construction will be presented to the Built Heritage Committee (BHC) on February 11, 2025. This report will rise to City Council on February 26, 2025.

The heritage permit application is for the construction of a two and a half storey brick clad building on a newly created lot facing Thomas Street. Heritage Planning staff have reviewed the application to alter 35 MacKay Street and find that the proposal is generally compliant and consistent with the Heritage Conservation District Plan and the Standards and Guidelines for the Conservation of Historic Places in Canada and recommended approval of the proposed alteration.

City of Ottawa Heritage Staff are supportive of the proposal.

Planning rationale

Official Plan

The subject property is located within the Inner Urban Transect Policy Area on Schedule A of the Official Plan and is designated Neighbourhood on Schedule B2. The Inner Urban Transect Policy Area provides direction to Neighbourhoods and permits building heights up to four storeys to allow for higher-density, low-rise residential development.

The Neighbourhood designation permits a mix of building forms, densities and housing options through primarily low-rise development. The Neighbourhood designation in the Inner Urban Transect Policy Area encourages low-rise developments that support the strategic direction and growth management framework objectives of the Official Plan, including gradual, ongoing intensification within stable Neighbourhoods. The City has identified that one form of this intensification is through infill development. The proposed development provides an appropriate level of residential density for the site based on the surrounding context, built fabric, distance to transportation infrastructure, employment uses, parks, and major amenities nearby.

The proposal aligns with the policies of the Inner Urban Transect Policy Area, particularly in older neighbourhoods, and encourages a range of lot sizes that include smaller lots and higher lot coverage. The proposed development is context-sensitive and responds well to the surrounding neighbourhood character and function, including the mature built environment. A Streetscape Character Analysis (SCA) was produced by the applicant to support the proposed Zoning By-law Amendment and confirms compatibility with the existing development pattern with this mature neighbourhood. Therefore, the proposed development conforms to the policies of the Official Plan.

New Edinburgh Heritage Conservation Plan

The subject property is further subject to the policies within the New Edinburgh Heritage Conservation Plan (HCP). Objectives of this Plan include ensuring that any infill or new construction respects, and is compatible with, the architectural character of the HCP and respects the scale and massing of existing adjacent buildings and streetscape. The proposed development complements the surrounding built form and is sensitive to the architectural character of the neighbourhood in terms of scale, materiality and building height. The proposed development generally adheres to the Guidelines for New Buildings requirements in section 8.5.4 of the Plan by enhancing and contributing to the physical environment; compatible siting, mass, height and materials; a building of its own time; a front, at grade entrance; and cladding materials that are continuous on all building elevations. The proposed development further frames the public realm and enhances the streetscape by replacing a detached garage with soft landscaping and a new tree that replaces a City tree in poor condition. The proposal conforms to the policies of the New Edinburgh Heritage Conservation Plan and retains the existing

heritage-designated building. The City of Ottawa's Urban Design Guidelines for Low-Rise Infill Housing were also reviewed for consistency. The proposal is consistent with these guidelines.

Recommended Zoning Details

The property is currently zoned R4UD[900] (Residential Fourth Density, Subzone UD, Exception 900). The R4UD (Residential Fourth Density, Subzone UD) regulates development in a manner that is compatible with existing land use patterns so that low-rise residential character of the neighbourhood is maintained or enhanced. The current Zoning Exception 900 is a provision regarding access from existing laneways. This exception will not be carried over in the new site-specific exceptions as it does not serve to protect characteristics specific to this particular block.

The proposal is a two and a half-storey detached residential building providing three bedrooms, three bathrooms, and a front-facing, attached garage with a driveway. The proposed development is a permitted use in Zoning By-law 2008-250. As detailed in Document 2, the proposed Zoning By-law Amendment has the effect of rezoning the site to introduce two new site-specific zoning exceptions. The following summarizes the site-specific zoning provisions and planning rationale:

- Reduction of parking space dimension.

The proposed development and the existing semi-detached residential building do not meet minimum zoning requirements for parking space area as a result of lot severance. Staff do not anticipate any adverse impacts to the present and adjacent properties and street character from the reduced parking space area as these are minor dimension reductions.

- Reduction of driveway width.

The proposed development and the existing semi-detached residential building do not meet minimum zoning requirements for driveway width as a result of lot severance. Staff do not anticipate any adverse impacts to the present and adjacent properties and street character from the reduced driveway width as these are minor dimension reductions.

- Reduction of lot area.

The proposed development of the new residential building does not meet minimum zoning requirements for lot area as a result of the lot severance. The proposal is an infill development that adds a single-family home to the City's housing stock and creates intensification. Zoning performance standards such as

front yard setback, side yard setback, and rear yard setback are being met. Staff do not anticipate any adverse impacts to the present and adjacent properties and street character from the reduced lot area.

- Permission of a front-facing attached garage.

The site is located within a stable, older neighbourhood that is not in close proximity to a transit station. Though a cycle track is approximately 120 metres away along Sussex Drive, the area was historically developed as a car-centric, suburban area. Providing resident parking for the new residential building is ideal for this development, and the proposed attached garage includes a door that is recessed and light-coloured, an iteration with the smallest impact on the streetscape.

- Section 60 of the Zoning By-law does not apply

The subject property is located within the Heritage Overlay which, pursuant to Section 60, supersedes underlying zones to encourage the retention of existing heritage buildings. The accessory building (a cinderblock one-storey garage) was demolished at the southern edge of the property. The accessory structure was not considered to have heritage and not evaluated as a contributing building in the Heritage Conservation District. Therefore, the provisions of Section 60 are not applicable to the redevelopment of this site. The proposal is appropriate, and a heritage permit application is also being recommended for approval by Heritage Staff. Staff support the request to add this site-specific zoning exception.

Provincial Planning Statement

Staff have reviewed this proposal and have determined that it is consistent with the 2024 Provincial Planning Statement (PPS).

RURAL IMPLICATIONS

There are no rural implications associated with this report.

COMMENTS BY THE WARD COUNCILLOR

The Councillor is aware of the application related to this report.

LEGAL IMPLICATIONS

There are no legal implications associated with implementing the report recommendation

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications associated with the recommendations of this report.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications associated with the recommendations of this report.

FINANCIAL IMPLICATIONS

There are no direct financial implications.

ACCESSIBILITY IMPACTS

The proposed new building will be required to meet the accessibility criteria contained in the Ontario Building Code. Staff have no concerns about accessibility.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priorities:

- A city that has affordable housing and is more livable for all.
- A city that is green and resilient.

APPLICATION PROCESS TIMELINE STATUS

The statutory 90-day timeline for making a decision on this application under the *Planning Act* will expire on March 9, 2025.

SUPPORTING DOCUMENTATION

Document 1 Zoning Key Map

Document 2 Details of Recommended Zoning

Document 3 Public Consultation Details

Document 4 Site Plan

Document 5 Building Elevations

Document 6 Building Perspective Conceptual Images

CONCLUSION

The Planning, Development and Building Services Department supports the application and proposed Zoning By-law Amendment. The proposal represents an appropriate form of intensification that is transit-supportive and responds well to the local context, including the mature built-environment. The proposal is consistent with 2024 Provincial Planning Statement; conforms to the Official Plan policies in the Neighbourhood designation as well as the policies of the New Edinburgh Heritage Conservation Plan; and respects the applicable design guidelines.

The amendment represents good planning and, for the reasons stated above, Staff recommend approval of the Zoning By-law amendment.

DISPOSITION

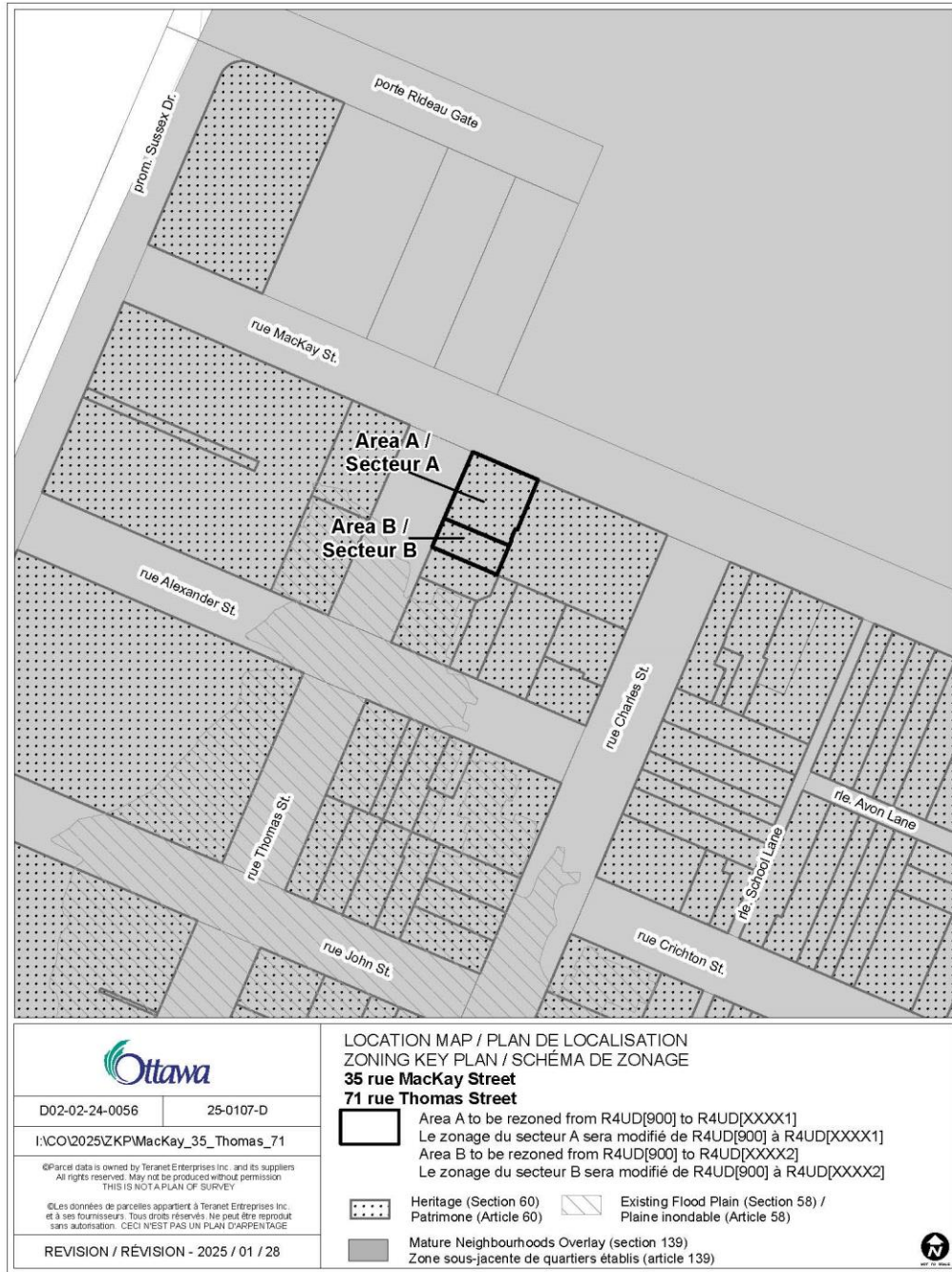
Office of the City Clerk, Council and Committee Services to notify the owner; applicant; Krista O'Brien, Program Manager, Tax Billing & Control, Finance and Corporate Services Department (Mail Code: 26-76) of City Council's decision.

The Planning, Development and Building Services Department will prepare an implementing by-law and forward it to Legal Services.

Legal Services, City Manager's Office to forward the implementing by-law to City Council.

Planning Operations, Planning Services to undertake the statutory notification.

Document 1 – Zoning Key Map



For an interactive Zoning map of Ottawa visit geoOttawa

Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 35 MacKay Street and 71 Thomas Street:

- 1) Rezone the lands as shown in Document 1;
- 2) Add a new exception xxx1 to Section 239 – Urban Exceptions with provisions similar in effect to the following:
 - a) In Column I, Exception Number, “xxx1”
 - b) In Column II, Applicable Zones R4UD[xxx1]
 - c) In Column V, Provisions, add the text:
 - Minimum dimensions of a parking space are 2.4 metres wide by 5.2 metres long
 - Minimum width of a driveway: 2.4 metres
- 3) Add a new exception xxx2 to Section 239 – Urban Exceptions with provisions similar in effect to the following:
 - d) In Column I, Exception Number, “xxx2”
 - e) In Column II, Applicable Zones R4UD[xxx2]
 - f) In Column V, Provisions, add the text:
 - Reduce minimum lot area requirement from 225 square metres to 192.6 square metres
 - Despite Subclause 140(7)(a), a front-facing, attached garage is permitted.
 - Section 60(1) is not applicable.

Document 3 – Consultation Details

Notification and Consultation Process

Notification and public consultation was undertaken in accordance with the Public Notification and Public Consultation Policy approved by City Council for Zoning By-law amendments

Public Comments and Responses are organized by theme below.

Comments Theme 1: Mitigating Neighbouring Foundation Damage

Comment:

- Concerns with the proposed residential building damaging the neighbouring property, including the foundation, due to the close proximity to the neighbouring property on Thomas Street
- Would like to ensure that there are no adverse impacts to the foundation of the neighbouring property that abuts the lot line of the newly residential building

Response

- The proposed building is 2.3 metres from the southern lot line, which is zoning compliant
- The concerned resident was encouraged to conduct a pre and post foundation survey to ensure there is a record of the current and future state of their foundation.

Comments Theme 1: Heritage Sensitivity

Comment:

- Is 35 MacKay Street, which is a designated heritage building, being torn down?
- Concerned with the potential loss of the character of New Edinburgh, its heritage cultural resources, and built fabric.
- Concerned with the potential loss of tourist attraction in the area.

Response:

- 35 MacKay Street is not being demolished.

- The applicant worked closely with the New Edinburgh Community Alliance Heritage Committee throughout the development of this proposal. The proposed development incorporates compatible materials, and is consistent with the scale and massing of the neighbourhood.
- The proposal is subject to the New Edinburgh Heritage Conservation District Plan. The proposed new construction generally conforms to the policies and guidelines for sign New Buildings in Section 8.5.5. The heritage building at 35 MacKay Street is being retained and a new building that is sensitive to the streetscape of surrounding buildings is being proposed. The applicant submitted a Streetscape Character Analysis (SCA) for the City's review and meets the requirements of Section 140 of Zoning By-law 2008-250.

Comments Theme 1: Other Planning / Building related comments

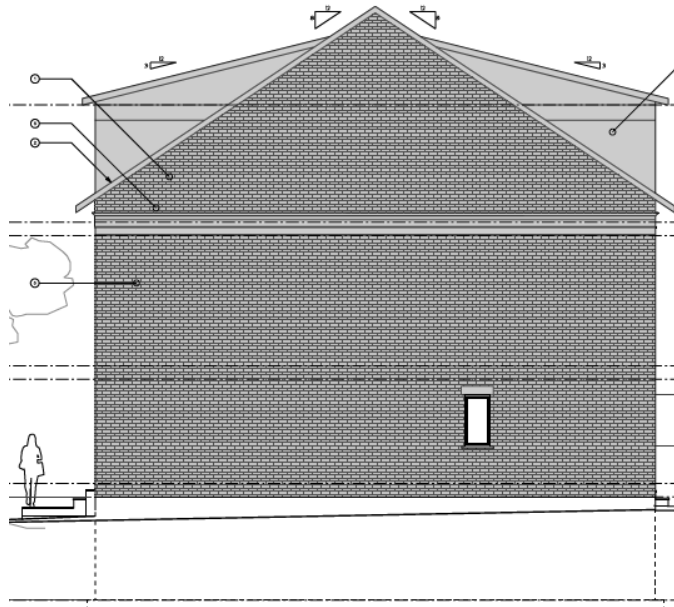
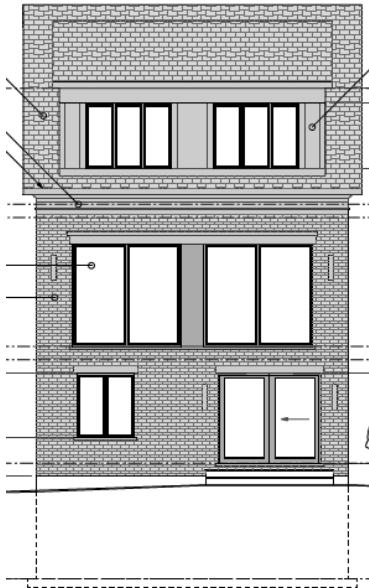
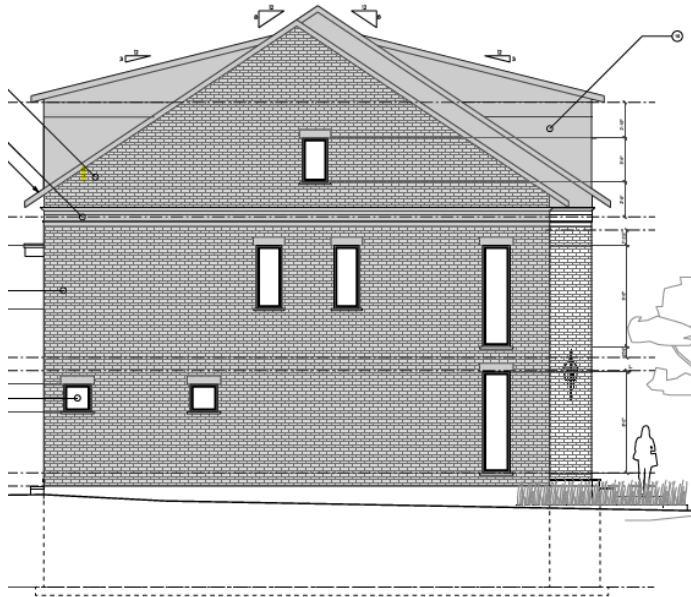
Comment:

- How precisely will the lot be divided into three parcels?
- What are the footprints of the structures?
- What are the plans for the existing structures?
- Was it premature to demolish the garage that had frontage on Thomas Street?

Response:

- A site plan is included in the submission package that identifies the dimensions of the new parcels.
- The new residential building will have a footprint of 95.8 metres squared. All identified zoning deficiencies are being addressed through this Zoning By-law Amendment.
- The existing structures will not be altered through this development and will remain.
- The garage was legally demolished through a demolition permit.

Document 5 – Building Elevations of Proposed Dwelling at 69 Thomas Street



Document 6 – Proposed Conceptual Images, 69 Thomas Street



