

Committee of Adjustment
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City of Ottawa | Ville d'Ottawa
Comité de dérogation



Consent

COMMENTS TO THE COMMITTEE OF ADJUSTMENT

Panel 1

Site Address: 91 Concord Street

Legal Description: Lot 3, East Concord Street, Registered Plan 48

File Nos.: D08-01-23/B-00068 & D08-01-23/B-00069

Date: March 23, 2023

Hearing Date: April 5, 2023

Planner: Basma Alkhatib

Official Plan Designation: Downtown Core Transect, Evolving Neighbourhood

Zoning: R4UD (Residential fourth density Zone, subzone UD)

DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department **has no concerns** with the above-noted application.

DISCUSSION AND RATIONALE

The subject site is within Downtown Core Transect Policy Area shown in Schedule B1 of the Official Plan. Section 5 of the Official Plan states that the Downtown Core shall continue to develop as healthy 15-minute neighbourhoods within a highly mixed-use environment. The Downtown Core requires higher-density, urban development forms where either no on-site parking, or parking is arranged on a common parking area, lot or parking garage accessed by a common driveway. The transportation network for the Downtown Core shall prioritize walking and cycling for short trips, and for longer trips cycling and transit, such that convenience and safety for pedestrians, cyclists and transit users shall take priority over private motor vehicle access and movement in the Downtown Core.

The Official Plan highlights the Protection of Health and Safety, in Section 10.2.1. The goal of environmental noise control is to provide guidance between land uses that are noise sensitive and land uses that are sources of noise such as roads, railways, employment areas and equipment for building facilities. Another goal of the environmental noise control is to provide for improved and more liveable and healthy environments in the planning of new neighbourhoods, in development and intensification of older neighbourhoods.

Therefore development proposals for a new or expanded noise sensitive land-use shall require a noise feasibility study and/or detailed noise study following the Environmental Noise Control Guidelines in the locations within 250 metres of the



right-of-way of an existing provincial highway. All noise studies prepared in support of development shall be consistent with the City's Environmental Noise Control Guidelines and shall include noise mitigation and a warning clause where necessary, as a condition of approval.

Since the subject site is within 50 metres of the highway 417, two conditions will add to this application to assure the application of the Official Plan goals. The condition applied for Part 1 (the retained detached) is to register the land on Title to ensure that new buyers or any additions must consider the noise sensitivity of the site. The condition for Part 2 (new non occupied land) requires noise attenuation study in compliance with the City of Ottawa Environmental Noise Control Guidelines which the Official Plan requires.

Also, in reviewing the applications, it was discovered that a private approach has been constructed along Havelock Street without a permit. In addition, the approach width exceeds the permitted maximum nine metres. Furthermore, it appears that the front steps are encroaching into the city boulevard. Considering these issues, The Right-of-Way Management Department requests the conditions mentioned in the condition section to be imposed.

Finally, the subject site is compliant with the Zoning By-law requirements for lot size and area.

The Department has **no concerns** with the applicant's request to for Consent for the proposed two lots.

The Planning, Real Estate and Economic Development Department further requests that the following conditions be imposed on the consent if approved:

1. That the Owner(s) provide evidence (servicing plan), to the satisfaction of the **Central Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate**, to be confirmed in writing from the Department to the Committee, that both the severed and retained parcels have their own independent water, sanitary and sewer connection, as appropriate, and that these services do not cross the proposed severance line and are connected directly to City infrastructure. If they do cross the proposed severance line, or they are not independent, the Owner(s) will be required to relocate or construct new services from the city sewers and/or watermain at his/her own costs. Further, the Owner(s) shall comply to 7.1.5.4(1) of the Ontario Building Code, O. Reg. 332/12 as amended. If necessary, a plumbing permit shall be obtained from Building Code Services for any required alterations.



2. That the Owner(s) shall provide evidence that a grading and drainage plan, prepared by a qualified Civil Engineer licensed in the Province of Ontario, an Ontario Land Surveyor or a Certified Engineering Technologist, has been submitted to the satisfaction of **Central Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate** to be confirmed in writing from the Department to the Committee. The grading and drainage plan shall delineate existing and proposed grades for both the severed and retained properties, to the satisfaction of **Central Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate**.
3. That the Owner convey a 3 m x 3 m corner sight triangle located at the intersection of Concord and Havelock to the City, with all costs to be borne by the Owner(s), to the satisfaction of the Surveys and Mapping Branch of the City. This area will be free of all structures, plantings, etc. and will allow a proper sighting distance for motorists when performing turning movements within the intersection. The Committee must receive written confirmation from **City Legal Services** that the transfer of the lands to the City has been registered.
4. **Noise condition for Part 1 (retained land):**

That the Owner enter into an Agreement with the City, at the expense of the Owner, which is to be registered on Title to deal with the covenants/notices that shall run with the land and bind future owners on subsequent transfers;

“The property is located next to lands that have an existing source of environmental noise (within 50m of highway 417) and may therefore be subject to noise and other activities associated with that use”

The Agreement shall be to the satisfaction of **Central Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate**. The Committee requires a copy of the Agreement and written confirmation from **City Legal Services** that it has been registered on title.
5. **Noise condition for Part 2 (severed land):**

The Owner(s) shall prepare a noise attenuation study in compliance with the City of Ottawa Environmental Noise Control Guidelines to the satisfaction of **Central Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate**. The Owner(s) shall enter into an agreement with the City that requires the Owner to implement any noise control attenuation measures recommended in the approved study. The Committee requires a copy of the Agreement and written confirmation from **City Legal Services** that it has been registered on title.
6. The Owner/Applicant(s) shall prepare and submit a tree planting plan, prepared to the satisfaction of the **Development Review Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate**, showing the location of one new 50mm tree to be planted on



each lot following construction, to enhance the urban tree canopy and/or streetscape where adequate soil volume can be provided.

7. The Owner, or any subsequent owners, acknowledges and agrees to obtain a private approach permit to remove the existing driveway along Concord. In addition, the removal shall be in accordance with and shall comply with the City's Private Approach By-Law, being By-law No. 2003-447, as amended, and shall be subject to approval of the **Right-of-Way, Heritage, and Urban Design Department**. Furthermore, any works required to be done by the Owner(s) on the City Road allowances shall be according to the specifications and by-laws of the City. The Owner, or its contractor, shall be required to obtain all the necessary permits for road cuts prior to the disruption of the City Road allowance and it is further understood and agreed that the aforementioned cuts shall be reinstated to the satisfaction of the **Director, Infrastructure Services**.
8. The Owner, or any subsequent owners, acknowledges and agrees to obtain a private approach permit to legalize the driveway located along Havelock Street. In addition, the private approaches shall be designed and located in accordance with and shall comply with the City's Private Approach By-Law, being By-law No. 2003-447, as amended, and shall be subject to approval of the **Right-of-Way, Heritage, and Urban Design Department**. Furthermore, any works required to be done by the Owner(s) on the City Road allowances shall be according to the specifications and by-laws of the City. The Owner, or its contractor, shall be required to obtain all the necessary permits for road cuts prior to the disruption of the City Road allowance and it is further understood and agreed that the aforementioned cuts shall be reinstated to the satisfaction of the **Director, Infrastructure Services**.
9. That the Owner(s) and its successors, if required, in the opinion (and at the sole discretion) of the **Manager, Right-of-Way, Heritage, Urban Design Department or his/her designate**, acknowledges, and agrees to enter into an **Encroachment Agreement** to permit the encroachment of, including, but not limited to retaining walls, fences, **stairs**, ramps, appurtenances structures or structure(s) that are permanent in nature within the City's right-of-way . The Owner shall, at its expense, provide a draft reference plan to the **Right-of-Way, Heritage, and Urban Design Department, as well as to the City's Surveyor** for review and approval prior to its deposit at the Land Registry Office. Immediately after the registration of the **Encroachment Agreement**,



the Owner shall assume maintenance and replacement responsibilities in perpetuity. The Owner(s) and its successors acknowledges and agree that this Agreement is binding and shall be drafted to the satisfaction of **the Manger, Right-of-Way, Heritage, and Urban Design Department, or his/her designate, and to the City's Legal Services Department.** Furthermore, the Committee requires confirmation from the **City's Legal Services Department** that it has been registered on Title. Moreover, the Owner shall be made aware that failure to receive the required approval will result in the Owner having to remove or relocate the structure(s), element(s), or feature(s) from the City's right-of-way onto private property, prior to the provisional consent being granted.

Forestry Services Comments:

1. The TIR notes that there is only one protected tree on site which is recommended for removal due to its hazardous condition. While there are no tree-related concerns with the proposed severance, a tree planting plan is required showing the locations of one new tree per lot, to improve the streetscape and canopy cover following development.

Additional Comments:

1. No draft plan was filed with the application and TES was unable to review the proposed driveway(s) against the Private Approach By-Law.
2. **Please contact the ROW Department at rowadmin@ottawa.ca to submit your application.**

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