

Committee of Adjustment  
Received | Reçu le

2023-04-17

City of Ottawa | Ville d'Ottawa  
Comité de dérogation



Consent  
**COMMENTS TO THE COMMITTEE OF ADJUSTMENT**  
Panel 1

Site Address: 366 Winona Avenue

Legal Description: Lot 25, Registered Plan No. 37

File No.: D08-01-23/B-00085 & D08-01-23/B-00086

Date: April 14, 2023

Hearing Date: April 19, 2023

Planner: Margot Linker

Official Plan Designation: Inner Urban Transect, Neighbourhood, Evolving  
Neighbourhood Overlay

Zoning: R4UB (Residential Fourth Density, Subzone UB) – Subject to Zoning By-law Amendment D02-02-22-0056 to amend the zoning to R4UB[XXXX] (Residential Fourth Density, Subzone UB, Urban Exception XXXX), carried by City Council on April 12, 2023.

Mature Neighbourhood Bylaw: n/a

### DEPARTMENT COMMENTS

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

### DISCUSSION AND RATIONALE

The subject site is located within the Inner Urban Transect Policy Area on Schedule A and is designated Neighbourhood in the Evolving Neighbourhood Overlay on Schedule B2 in the Official Plan. Section 6.3.2 outlines that new development should respect the character of existing areas and development. The subject site is located within the Richmond Road / Westboro Secondary Plan.

Staff note that the R4UB (Residential Fourth Density, Subzone UB) zone permits a mix of residential building forms ranging from detached to low-rise apartment dwellings. The site was subject to a site-specific Zoning By-law Amendment to facilitate the development of two three-storey residential apartment buildings, each containing a total of eight dwelling units.

With respect to the criteria for the subdivision of land listed in Section 51(24) of the Planning Act, R.S.O. 1990, c.P.13, Staff have no concerns with the requested severance. The proposed consent application aligns with the development of the accompanying multi-family dwelling, adhering to the Official Plan policies for those lands designated as Inner Urban Neighbourhood. The size and shape of the



proposed lots are suitable for the use of the land and the lots will front onto an established municipal road with municipal services.

**Forestry Services Comments:**

There are two protected trees identified in the TIR. One of the trees is planned for removal because of conflicts with the low-rise apartment building. The applicant will have to submit a tree removal application permit to the city. Compensation in the form of planting two trees on the property will be required. The city prefers large canopy trees be planted where adequate space is available. Tree #2 will be protected through construction as detailed in the TIR.

There are no protected trees in the ROW that could be impacted by service installation for the severed lots. Tree cover on this property has significantly declined since 2017. The Official Plan has a canopy cover target of 40%. A planting plan must be produced showing the location of one new tree on each of the severed properties for improvement of the streetscape and urban canopy cover.

**The Department further requests that the following conditions be imposed on the minor variance and consent application if approved:**

1. That the Owner(s) provide evidence that payment has been made to the City of Ottawa for cash-in-lieu of the conveyance of land for park or other public recreational purposes, plus applicable appraisal costs. The value of land otherwise required to be conveyed shall be determined by the City of Ottawa in accordance with the provisions of By-Law No. 2022-280.
2. The Owner, or any subsequent owners, at its expense acknowledges and agrees to obtain a private approach permit to remove the now redundant approach from the property. In addition, the removal shall be completed 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**.
3. That the Owner(s) shall prepare and submit a tree planting plan, prepared to the satisfaction of the Development Review Manager of the relevant Branch within the Planning, Real Estate and Economic Development Department, or his/her designate, showing the location of the compensation trees as required under the Tree Protection By-law and one new tree (50 mm caliper) to be planted in the ROW following construction, to enhance the urban tree canopy.



4. 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.
5. 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 **Select Manager of the Select 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 **Select Manager of the Select Branch within Planning, Real Estate and Economic Development Department, or his/her designate**.
6. That the Owner(s) submit a Stormwater Management Report/Brief prepared by a Professional Civil Engineer licensed in the Province of Ontario, for approval by **the Development Review 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, demonstrating a SWM design for the control of post-development runoff from the subject site, up to and including the **100-year storm event, to a 5-year pre-development level**.

The Owner(s) also agrees to enter into a Development Agreement with the City to implement any proposed stormwater system including posting required securities. The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

If applicable, the Owner(s) must obtain an Environmental Compliance Approval from the Ontario Ministry of Environment, Conservation and Parks.



The Owner(s) acknowledges and agrees that should the stormwater management system cross property lines or access to the system be over multiple properties, that the owner shall obtain approval of the Committee to grant easement(s) for access and maintenance of the stormwater system or register a Joint Use and Maintenance Agreement on title of the properties, all at the owner(s) costs.

7. The Owner(s) shall prepare a noise attenuation study in compliance with the City of Ottawa Environmental Noise Control Guidelines to the satisfaction of the **Central Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate**. The Owner(s) shall also enter into an agreement with the City that requires the Owner to implement any noise control attenuation measures recommended in the approved study. The Agreement will also deal with any covenants/notices recommended in the approved study, that shall be registered on the land title and bind future owners on subsequent transfers, warning purchasers and/or tenants of expected noise levels due to the existing source of environmental noise. The Agreement shall be to the satisfaction of the **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.;

**or**

Design the dwelling units with the provision for adding central air conditioning at the occupant's discretion and 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, warning purchasers and/or tenants of expected noise levels due to the existing source of environmental noise. The following two conditions will be included in the above-noted Agreement:

**Notices-on-Title respecting noise:**

- i) "The Purchaser/Lessee for himself, his heirs, executors, administrators, successors and assigns acknowledges being advised that this dwelling unit has been fitted with a forced air heating system and the ducting, etc. was sized to accommodate central air conditioning. Installation of central air conditioning by the



Purchaser/Lessee will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the City of Ottawa's and the Ministry of the Environment and Climate Change's noise criteria;" and

ii) "The Purchaser/Lessee for himself, his heirs, executors, administrators, successors and assigns acknowledges being advised that noise levels due to increasing roadway traffic may be of concern, occasionally interfering with some activities of the dwelling occupants as the outdoor sound level exceeds the City of Ottawa's and the Ministry of the Environment and Climate Change's noise criteria."

**Additional Comments:**

1. The site is located within 300m of the OLRT rail corridor. The City of Ottawa will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.
2. Please note that Winona Avenue is going to undergo an integrated road reconstruction, anticipated for 2024. Please coordinate access with Kim Pearce at kim.pearce@ottawa.ca.

---

Margot Linker  
Planner I  
Development Review, Central Branch  
Planning, Real Estate and Economic  
Development Department

---

Jean-Charles Renaud, RPP, MCIP  
Planner III  
Development Review, Central Branch  
Planning, Real Estate and Economic  
Development Department