

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: 553 Mutual Street

Legal Description: Lots 74 and 75, Registered Plan 300

File Nos.: D08-01-23/B-00110 & D08-01-23/B-00113

Date: May 4, 2023

Hearing Date: May 17, 2023

Planner: Basma Alkhatib

Official Plan Designation: Inner Urban Transect, Evolving Neighbourhood

Zoning: R3A (Residential third density Zone, subzone A)

DEPARTMENT COMMENTS

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

DISCUSSION AND RATIONALE

The Official Plan designates the property as an Evolving Neighbourhood within the Inner Urban Transect. Urban areas are described as a range of lot sizes that will include smaller lots, and higher lot coverage and floor area ratios. Policy 2.2.1 of the Official Plan states the directions of Intensification and Diversifying Housing Options, and one of them is Provide housing options for larger households, where there needs to be opportunities in residential Neighbourhoods within a short walking distance to Hubs and Corridors to build dwelling units with enough floor space to accommodate larger households within buildings typologies that increase densities on existing lots. This will provide more choices for housing with three or more bedrooms within the developed built-up portions of the urban area. Smaller dwelling units in the form of one- and two-bedroom apartments will continue to be located adjacent to transit stations, within commercial clusters, along corridors with transit stops and commercial services and within Neighbourhoods.

Policy 5.2.1 states that development shall be encouraged to move towards an urban built form pattern. These areas are encouraged to be developed with a focus on multi-modal transportation methods, particularly walking and cycling. Neighbourhoods are anticipated to maintain their low-rise nature unless otherwise stated in Zoning or applicable Secondary Plans.

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 severance will facilitate the establishment of separate ownership of each principal unit in



the Townhouse, a permitted use in the R3A zone. The R3A zone allows a mix of residential building forms ranging from detached to townhouse dwellings in areas designated as General Urban Area in the current Official Plan. This zone requires a minimum lot area of 180 square meters and a minimum lot width of 6 metres for Townhouse. The proposed severance will provide 4 lots with width and area that exceeds the minimum requirements by the Zoning By-law.

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 100 metres of the right-of-way of existing or proposed arterial road or collector or major Collector Street. 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 100m of Transit Priority corridor on St. Laurent Blvd and McArthur Ave, and within 100m of a stationary noise source at 457 McArthur Ave (Car mechanic), 443-447 McArthur Ave (Lexus Motors Vehicle Dealership, and 459 McArthur Ave (welding shop), a noise condition is added to this application to ensure consistency with the Official Plan.

The proposed consent application aligns with the existing 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.

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 proof to the satisfaction of 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, **that the existing dwelling/building has been removed.**
2. That the Owner(s) provide a **servicing plan or other evidence**, to the satisfaction of 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, **that each existing building and/or unit on the severed and retained parcels has its own independent water, sanitary and sewer connection, as appropriate, that are directly connected to City infrastructure and do not cross the proposed severance line.**

3. That the Owner(s) provide evidence to the satisfaction of 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, **that the accessory structure has been demolished** in accordance with the demolition permit or relocated in conformity with the Zoning By-law.
4. 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 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. **The grading and drainage plan shall delineate existing and proposed grades for both the severed and retained properties**, to the satisfaction of the Development Review Manager of the Select Branch within Planning, Real Estate and Economic Development Department, or his/her designate.
5. That the Owner(s) enter into a **Development Agreement with the City**, at the expense of the Owner(s) and to the satisfaction of the Development Review Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate, to require that an asphalt overlay will be installed, at the Owner(s) expense, on Mutual Street, fronting the subject lands, over the entire public driving surface area within the limits of the overlay, if the approved Site Servicing Plan shows three or more cuts within the pavement surface. The overlay must be carried out to the satisfaction of the Development Review Manager of the Central Branch within the 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.

In the event that the Development Review Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate determines that a Development Agreement requiring an asphalt overlay is no longer necessary, this condition shall be deemed as fulfilled.

6. That the Owner(s) enter into a **Joint Use Maintenance and Common Elements Agreement**, at the expense of the Owner(s), setting forth the obligations between the Owner(s) and the proposed future owners.

The Joint Use, Maintenance and Common Elements Agreement shall set forth the joint use and maintenance of all common elements including, but not limited to, the common party walls, common structural elements such as roof, footings, soffits, foundations, common areas, common driveways and common landscaping.

The Owner shall ensure that the Agreement is binding upon all the unit owners and successors in title and shall be to the satisfaction of the Development Review Manager



of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate, and City Legal Services. The Committee requires written confirmation that the Agreement is satisfactory to the Development Review Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate, and is satisfactory to City Legal Services, as well as a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

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 General Manager, Planning, Infrastructure 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 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 (arterial, highway, airport, etc.).

The Agreement shall be to the satisfaction of the General Manager, Planning, Infrastructure 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. Due to being within 100 metres of Transit Priority corridor on St. Laurent Blvd and McArthur Ave, and within 100 metres of a stationary noise source at 457 McArthur Ave (Car mechanic), 443-447 McArthur Ave (Lexus Motors Vehicle Dealership, and 459 McArthur Ave (welding shop).

8. That the Owner(s) provide evidence to the satisfaction of the Chief Building Official, or designate, that the **party wall meets the Ontario Building Code**, O Reg. 332/12 as amended, which requires a 1-hour fire separation from the basement through to the underside of the roof. Verification from the Building Inspector is required. If necessary, a building permit shall be obtained from Building Code Services for any required alterations.

Forestry Services Comments:

1. There is a city owned Norway maple, Tree 1, on the front lawn of the subject property. The tree has defects (a seam extending up the trunk and some decay), grading is necessary within the critical root zone, and it is in proximity (< 1.5m) to excavation for a new driveway. The applicant has indicated they evaluated different driveway layouts for the site, but all options resulted in impacts to this tree. Based on the tree's health paired with the construction impacts of this site, the recommendation to remove this tree is supported. **A permit must be obtained from the Infill Forestry Inspector prior to tree removal. Compensation for removing this city tree will be required as a monetary payment and tree planting.** The tree species that will be planted on this site



should be selected based on site suitability and maximized canopy cover. The details of the tree planting plan will be finalized with the Infill Forestry Inspector.

2. The TIR addresses tree protection measures for three adjacently owned trees (Trees 2,3,4). The City's tree protection specification can also be accessed through this link: https://documents.ottawa.ca/sites/documents/files/tree_protection_specification_en.pdf

Additional Comments:

1. The Right-of-Way Management has **no concerns** with the proposed Consent Applications, as the design and location of the planned approaches conform to the Private Approach By-law. However, the owner shall be made aware that a private approach application is required for each of the newly created driveways/approaches.
2. **Please contact the ROW Department for additional information at rowadmin@ottawa.ca**

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