

2023-06-16



Consent and Minor Variance
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
Panel 1

Site Address: 360 Lacasse Avenue

Legal Description: Part of Lots I and J, Plan 381

File No.: D08-01-23/B-00135 and D08-02-23/A-00116-00117

Date: June 15, 2023

Hearing Date: June 21, 2023

Planner: Margot Linker

New Official Plan Designation: Inner Urban Transect, Evolving Neighbourhood

Zoning: R4UA (Residential Fourth Density, Subzone UA)

Mature Neighbourhood Bylaw: N/A

DEPARTMENT COMMENTS

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

DISCUSSION AND RATIONALE

The subject property is located within the Inner Urban Transect Policy Area on Schedule A and is designated Neighbourhood within the Evolving Neighbourhood Overlay on Schedule B2 in the Official Plan. Neighbourhoods within the Inner Urban area support a wide variety of housing types that maintain a low-rise built form with a focus on missing-middle housing.

Staff note that the R4UA (Residential Fourth Density, Subzone UA) zone allows a mix of residential building forms ranging from detached to low-rise apartment dwellings. This zone regulates development in a manner that is compatible with existing land use patterns so that the mixed building form, residential character of a neighbourhood is maintained and enhanced.

Minimum lot sizes seek to ensure that all elements associated with introducing a low-rise apartment building can be adequately accommodated on site. Staff have no concerns with the reduced lot width and lot area to accommodate the development of this low-rise apartment dwelling as adequate waste storage, bicycle parking, and soft landscaping have been provided.

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 low-rise apartment 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 Comments:

There is one City owned tree in the Right of Way of the subject property. The tree is in poor condition and is shown as to be retained in the Tree Information Report. Construction activities, including installation of services, must be done with the least impact to the City owned tree. Therefore, options for installing services outside of the trees critical root zone should be explored first. Injury or destruction of the City tree caused by the construction would be a Tree Protection By-law infraction. Tree protection fencing must be installed prior to decommissioning of the services and maintained until construction is completed. Moving or removing the tree protection fencing would be an infraction of the Tree Protection By-law.

The plans show that 4 trees will be planted on this property, which will contribute to the urban forest canopy. Since there are no overhead wires in the front yard, it's highly recommended that large canopy tree species are planted.

The proposed site plan shows four walkways at the front of the building. Planning Forestry informed the applicants agent that the preference would be to have one walkway per building. Removing the portion of the interior walkways from the front of the buildings to the sidewalk would provide a better continuous area of soft landscaping for tree establishment and growth. Removing the extension of the pathway from the rear yard directly to the sidewalk would also discourage placement of garbage receptacles beside or against the City tree.

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. 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. that the existing sewer services are capped at the sewer and that the existing water service is blanked at the watermain. Prior to demolition, the Owner(s) will provide proof that the tree



protection fencing around the Critical Root Zone of the protected tree is installed as shown in the Tree Information Report, prior to capping of services, to prevent any excavation within this zone, 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 sanitary and storm services if present, must be abandoned and capped outside of the Critical Root Zone of the City tree as clearly demonstrated on the Existing Conditions, Removals, and Decommissioning plan.

3. 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 the severed and retained parcels can have 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.
4. 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.
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 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.
6. That the Owner(s) demonstrate that the location of the proposed elements, including the driveways, retaining walls, services, projections, etc. shown on the Grading & Servicing Plan, will be determined based on the least impact to protected trees and tree cover. The Owner(s) further acknowledges and agrees that this review may result in relocation of these elements and agrees to revise their plans accordingly 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.



7. That the Owner(s) enter into a Development Agreement with the City, at the expense of the Owner(s) and to the satisfaction of Central 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 Lacasse Avenue, 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 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.

If the Central 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.

8. The Owner(s) shall:

- a. 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 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 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.;

or

- b. 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. **Planning, Real Estate and Economic Development Department** will do a complete review of grading and servicing during the building permit process.
2. Any proposed works to be located within the road allowance requires prior written approval from the Infrastructure Services Department.
3. The surface storm water runoff including the roof water must be self-contained and directed to the City Right-of-Way, not onto abutting private properties as approved by **Planning, Real Estate and Economic Development Department**.
4. Existing grading and drainage patterns must not be altered.
5. Existing services are to be blanked at the owner's expense.
6. This property does not have frontage on a storm sewer.
7. In accordance with the Sewer Connection By-Law a minimum spacing of 1.0m is required between service laterals and the foundation face.



8. The Applicant's cover letter notes that the existing driveway will be removed as part of the redevelopment of the letter. A private approach permit is required to remove the driveway/private approach from the property.

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