



**CONSENT APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 2
PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT**

Site Address: 6950 Notre Dame Street
Legal Description: Part of Lot 3 Concession 2 (Ottawa Front) former Geographic Township of Gloucester
File No.: D08-02-23B/00115 & D08-02-23B/00117
Report Date: May 29, 2023
Hearing Date: June 6, 2023
Official Plan Designation: Suburban (East) Transect, Neighbourhood, Evolving Neighbourhood Overlay
Zoning: R2N

Committee of Adjustment
Received | Reçu le

2023-06-02

City of Ottawa | Ville d'Ottawa
Comité de dérogation

DEPARTMENT COMMENTS

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

DISCUSSION AND RATIONALE

Section 53 (12) of the *Planning Act*, R.S.O. 1990, c .P.13, as amended, permits the criteria for the subdivision of land listed in Section 51 (24) to be considered when determining whether provisional consent may be granted by a committee of adjustment. With respect to the criteria listed in Section 51 (24), staff have no concerns with the proposed consent.

Staff also have no concerns with the requested easements for access and parking.

ADDITIONAL COMMENTS

The proposed consent will permit the lot to be severed in a flag lot configuration for the construction of a long semi-detached dwelling. Per Section 145 (3) of the Zoning By-law, the lands on which a long semi-detached dwelling severed in a flag lot configuration are considered one lot for zoning purposes. No minor variances are required to permit parking for the front lot to be located on the rear/flag lot.

The property is in Area C of Schedule 1A to the Zoning By-law. Per Section 101, Table 101 of the By-law, the minimum parking requirement for a semi-detached dwelling in Area C is one parking space per principal dwelling unit. A long semi-detached dwelling in the R2N zone is permitted one principal dwelling unit per each half of the semi-detached dwelling; therefore, the minimum requirement for the proposed development is two

parking spaces. Changes to the *Planning Act* via Bill 23, the *More Homes Built Faster Act, 2022*, permit up to three units as of right on any serviced parcel of land in an urban area. Although no additional parking is required for additional dwelling units, nothing under the *Planning Act* or Zoning By-law prohibit parking spaces for additional dwelling units. The application proposes four parking spaces for two principal and four additional dwelling unit.

The initial site plan submitted with the application indicated minimal soft landscaping along the westerly boundary of the parking lot and proposed a 6.73 metre drive aisle to access the 90-degree angled parking in the rear yard. In order to meet the minimum landscaping requirements for a parking lot, the applicant reduced the drive aisle to 6.17 metres and increased the landscaped area between the parking lot and the westerly lot line.

Although the revised site plan and corresponding Tree Information Report show a development that is fully compliant with the Zoning By-law with respect to parking space and parking lot provisions, including minimum drive aisle and minimum landscaping requirements, staff recommend that the applicant consider revisions to the building footprint and site plan such the site is more functional for pedestrian traffic accessing the rear yard parking spaces. As proposed, the walkway along rear wall of the building terminates at the entrance to the rear unit and does not extend beyond the length of the adjacent parking space. Access to the parking lot via this walkway will be impeded by a car parked adjacent to the walkway. Relocating the rear unit entrance to the westerly side of the building and extending the walkway at the rear of the building beyond the end of the parking spaces will remove the impediment to accessing the parking lot.

Staff also recommend that the draft reference plan be revised such that Parts 7 and 9 be reconfigured to reflect the increased landscaped area along the westerly boundary of the rear yard parking lot.

Infrastructure Engineering

Servicing easements may be required in addition to the access easement.

Although the Geotechnical and a slope stability report has been completed, a condition has still been imposed as the plans appear to have changed from the original concept plan provided with the previous consent and minor variance applications D08-01-20/B-00018 and D08-02-20/A-00017, heard by Panel 2 of the Committee of Adjustment on February 19, 2020.

The sanitary sewer extension condition is not required if the application is for the parcel addressed as 6946 Notre Dame Street in geoOttawa, and not the parcel addressed as 6950 Notre Dame Street as noted on the notice of hearing.

Planning Forestry

There are two protected trees requiring removal (Trees 1 and 3) because of conflicts with the building footprint. Under the Tree Protection By-law, four trees must be replanted on this property as a condition of their removal; however, only two trees are planned for

replacement on the property. Monetary compensation will be required if a planting solution cannot be reached. The planting plan must be submitted with the infill tree removal application. An infill tree removal permit must be obtained before any removals take place on this property.

A 6.17 metre drive aisle is proposed to access the 90-degree angled parking in the rear yard. The Zoning By-law permits a reduced aisle of 6 metres when providing access to residential parking spaces. Forestry staff recommend that the aisle be further narrowed to the 6-metre minimum to reduce the paved surface and subsequently reduce the excavation impacts to adjacent trees.

The application is not subject to the waste management provisions under the Zoning By-law. Forestry staff recommend that the garbage/recycling storage area be relocated from the rear yard to the building to further reduce the rear yard asphalt area. This will further increase the soft landscaping around the perimeter of the parking area, benefiting trees bordering the property at the rear. Retention of trees in good health that are not protected under the by-law should be considered within the site design.

Tree 2 is a 70-centimetre willow tree in fair to poor condition planned for retention. This tree will be monitored for stability during construction. The Tree Information Report must be updated to show the location of tree protection fencing around this tree prior to applying for a building permit. If there is a decline in the tree's health such that it requires removal, please contact Forestry Services to discuss whether a tree removal permit must be issued. Tree protection fencing must be installed around this tree prior to construction. The Tree Protection Specification can be found at https://documents.ottawa.ca/sites/documents/files/tree_protection_specification_en.pdf.

Right of Way

The Right-of-Way Management Department has **no concerns** with the consent application. However, the applicant has been made aware that a Private Approach Permit is required to establish a driveway/private approach on the severed lot.

Transportation Engineering

The plans provided do not provide sufficient detail regarding the proposed driveways to compare against the Private Approach By-Law. Please ensure that the edge of the driveway is at least 0.3 metres from the adjacent property line.

CONDITIONS

If approved, the Planning, Real Estate and Economic Development Department requests that the Committee of Adjustment impose the following conditions on the application:

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, as amended. Information regarding the appraisal process can be obtained by contacting the Planner.

2. That the Owner(s) provide a combined Grading & Drainage Plan and Site Servicing Plan including, where applicable, the tree locations and protection recommendations from the approved Tree Information Report to the satisfaction of the **Manager of the East Branch within the Planning, Real Estate, and Economic Development, or his/her designate**, the plans can be shown on one sheet or multiple sheets, but must include the following information:
 - a. The Grading and Drainage Plan must be prepared by a qualified professional: Professional Engineer (P.Eng.), Certified Engineering Technologist (CET), Ontario Land Surveyor (OLS), Professional Landscape Architect (OLA), or Professional Architect (OAA) and adhere to the following:
 - i. Minimum Grading and Servicing Plan Specifications Infill Serviced Lots; and
 - ii. City of Ottawa Standard Drawings, By-laws, and Guidelines, as amended.
 - b. The Site Servicing Plan must be prepared by a qualified professional: Professional Engineer (P.Eng.), Certified Engineering Technologist (CET), or Ontario Land Surveyor (OLS) and adhere to the requirements as noted for the Grading & Drainage Plan.
 - c. In the case of a vacant parcel being created, the plan(s) must show a conceptual building envelope to establish that the lot can be graded to a sufficient and legal outlet, has access to services with adequate capacity, and follows the recommendations of the Tree Information Report.
 - d. The following information from the Tree Information Report (TIR) must be included on both the Grading and Servicing Plans to ensure that these elements are designed to follow the recommendations within the TIR:
 - i. Surveyed locations of all protected trees on and adjacent to the subject site;
 - ii. Location of tree protection fencing;
 - iii. Measurements from the tree(s) trunks to nearest limit of excavation or grade changes;
 - iv. Any notes related to excavation or grade changes within the Critical Root Zone, as recommended in the TIR (e.g., use of hydrovac, directional boring, or capping of services outside of the Critical Root Zone); and
 - v. Proposed planting locations from the associated Tree Planting Plan, if provided.

3. That the Owner(s) enter 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 **Manager of the East Branch within the 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 Manager of the East 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.

4. 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 **Manager of the East Branch within the 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 Notre Dame 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 the **Manager of the East 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.

If the **Manager of the East 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.

5. That the Owner provide a Geotechnical Report prepared by a Professional Civil Engineer licensed in the Province of Ontario, that is satisfactory to both the **Manager of the East Branch within the Planning, Real Estate and Economic Development Department (PREDD), or his/her designate**, and the **Conservation Authority** and to be confirmed in writing from the PREDD and the Authority to the Committee, demonstrating the following:
 - a. That all parcels to be created by this application are or can be made suitable for residential purposes (slope stability, erosion protection, and building limits adjacent to slopes); and
 - b. That there are no adverse environmental impacts.

The Geotechnical Report shall, as a minimum, determine the limit of organic soils/karst topography/sensitive marine clays present on the severed parcel and provide recommendations for construction methods based on the soil types encountered.

6. That the Owner provide a Slope Stability Report prepared by a Professional Geotechnical Engineer currently licensed in the Province of Ontario, that is satisfactory to the **Development Review Manager of the East Branch within Planning, Real Estate and Economic Development Department (PREDD), or his/her designate** and to the **Conservation Authority** to be confirmed in writing from PREDD and the Authority to the Committee, demonstrating that all parcels to be created by this application are, or can be made, suitable for residential purposes.
7. That the Owner(s) enter into an Infrastructure Agreement with the City of Ottawa to extend the municipal services on Notre Dame Street at his/her own costs and post the necessary securities for the work on the City Right-of-Way to the satisfaction of the City's **Planning, Real Estate and Economic Development Department's Infrastructural Approvals Branch** and to the satisfaction of City Legal Services. The Owner(s) must also receive the approval of the Ontario Ministry of the Environment Conservation and Parks for the extension of the municipal services. The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.
8. That the Owner(s) satisfy the **Chief Building Official, or designate**, by providing design drawings or other documentation prepared by a qualified designer, that the proposed development on Parts 1 and 4 of the draft reference shall comply with the Ontario Building Code, O. Reg. 332/12 as amended, in regard to the limiting distance along the westerly and easterly property lines.



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