



**CONSENT APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 1**

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 612 Tweedsmuir Avenue
Legal Description: Lot 9, Registered Plan 356
File No.: D08-01-23/B-00151 & D08-01-23/B-00152
D08-02-23/A-00136 & D08-02-23/A-00137
Report Date: July 12, 2023
Hearing Date: July 19, 2023
Planner: Basma Alkhatib
Official Plan Designation: Inner Urban Transect, Evolving Neighbourhood Overlay
Zoning: R4UA [2686] H (8.5) (Residential fourth density, subzone UA, exception 2686, maximum height 8.5 metres)

DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department **has no concerns with** the proposed severance nor with minor variances b, d, and f, and **has concerns with** minor variance a, c, e, and g.

DISCUSSION AND RATIONALE

Proposed Consent:

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.

The Official Plan designates the property as 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.

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.

The proposed severance will facilitate the establishment of separate ownership of each principal unit in the proposed semi-detached, permitted use in the R4UA zone. The R4UA zone allows a mix of residential building forms ranging from detached to Planning unit development. This zone requires a minimum lot area of 180 square meters and a minimum lot width of 6 metres for semi-detached. The proposed severance will provide 2 lots with width and area that exceeds the minimum requirements by the Zoning By-law.

The Department has **no concerns** with the proposed consent application because it adheres 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.

Proposed Minor Variances:

Staff have **no concerns with minor variances b, and f** to reduce the interior side yard setback for both proposed lots, as the required reduction is minimal and will not affect the surrounding context.

Staff have **no concern with minor variance d**, to permit a doorway entrance leading to a secondary dwelling unit to be added to the front wall because the new directions of Bill 23 encourage secondary dwellings, and the proposed entrance is not more prominent than the primary dwelling entrance.

Staff **have concerns with minor variance c and g**, to permit a front-facing garage, whereas the Zoning By-Law does not permit a front facing-garage as, according to the Streetscape Character Analysis, the resulting dominant character is ABA, which means no front facing garage is permitted. In this special case this proposal will result in two attached garages that are impacting the street look of two streets. The subject sites are four minutes walking distance from Churchill Avenue, designated as a Minor Corridor, where a bus station is ten minutes walking distance. The Official Plan promotes healthy 15 minutes neighbourhood which will be achieved by maintaining the street dominant characters in Mature neighbourhood as stated in section 5.2.2 of the Official Plan.

Tweedsmuir Avenue is proposed for future Transit Corridor. Section 6.2.1.4 (b) states that for development of lands with frontage on both a Corridor and a side street, vehicular access shall generally be provided from the side street. Section 5.2.1.5 gives the priority to minimizing the number of vehicular private approaches, enhancing unbroken curb space, front yard space for trees and intensive landscaping, over private approaches. The subject proposal does not maintain the intent of Official Plan policies.

Moreover, Section 5.2.2 speaks to parking accessed by driveways that minimize the impact on the public realm and on both City owned trees and privately-owned distinctive

trees, and result in no net increase in vehicular private approaches. The subject proposal is impacting City owned trees, the privately-owned trees and increasing the vehicular private approaches, contrary to the intent of the Official Plan.

Staff **have some concerns with minor variance a and e** to reduce the front yard setback and corner yard setback of the proposed semi-detached because the reduction of the front yard setback is in the favour of the proposed attached front facing garage which is not required by the Zoning By-law and not the dominant character of the street. Moreover, these reductions to the front yard and corner yard setbacks affect the ability to retain trees within the frontage. Section 4.8.2 of the Official Plan prioritizes retention of existing trees over planting new trees and allows for refusal of applications where tree removals are avoidable.

Furthermore, the proposed reduction will result in less softscaping and fewer opportunities for tree and minor plantings within the front yard. These elements have an important role in stormwater management and mitigating climate-related issues such as the heat-island effect.

This application was adjourned on July 5. Staff have received updated designs on July 17, Staff have meet with the applicant to discuss the new design on July 18.

On July 17, staff received updated design. The new design includes increased front yard of Part 1 on the plans, from 3.32 metres to 3.87 metres which provided the opportunity to retain one of the old trees. Staff recognise the efforts to mitigate the impacts, but staff have the opinion that this reduction still impacts the public realm. Greater tree retention may be possible through respecting setback requirements and excluding the attached parking.

ADDITIONAL COMMENTS

Planning Forestry

Section 4.8.2 of the Official Plan prioritizes retention of existing trees over planting new trees and permits refusal of applications where tree removals are avoidable. The application was adjourned on July 5th, 2023, to explore tree retention solutions. The applicant has worked closely with City Staff to revise their design, showing retention of tree #11. The static root zone which reflects stability, is 2.00 m on all sides of the this trees trunk. The nearest extents of excavation shown on the new site plan are between tree #11 and the window well (2.59m) and the driveway (2.74m). Both the plans for excavation are therefore outside of the static root zone of this tree. Following the best management practices of the International Society of Arboriculture of not making a linear cut within the static root zone of a retained tree, the plans provided appear to be feasible with the reduced front yard setback of 3.2m instead of 4.5m as proposed for Part 1. Tree protection will be established and maintained throughout construction as shown in the TIR. Failure to do so would be in violation of the Tree Protection By-law (No 2020-340).

Out of the 18 trees on site (nine of which are impacted by an approved development at 608 Tweedsmuir), five are being removed and four are being retained. As compensation for the removal of the five protected trees, eleven compensation plantings are required. Only four trees will be planted on the site (three small and one large canopy tree) due to available space. Cash in lieu of the trees that cannot be planted will be paid to Forestry Services through the tree removal permit application process. A planting plan has been provided showing the location of these trees.

Transportation Engineering

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 plans, drawings or reports for Part 1 and Part 2, as may be required to demonstrate, to the satisfaction of the Manager, Right-of-Way, Heritage, and Urban Design Department or his/her designate that a **private approach that conforms with the Private Approach By-law** (2003-447) can reasonably be established on the severed land, to be confirmed in writing from the Department to the Committee.
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.**
3. That the Owner(s) **provide a servicing plan**, 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 both 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.
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 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 Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate.

6. That the Owner **conveys a 3m x 3m corner sight triangle located at the intersection of Tweedsmuir Avenue and Duncairn Avenue 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.

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 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 Duncairn Avenue or Tweedsmuir 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 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. If 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.

8. 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.

9. That the owner(s) provide evidence that the 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.
10. That the Owner(s) agree that **the location of the proposed structures**, 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 structures and agrees to revise their plans accordingly to the satisfaction of the Development Review Manager within the Planning, Real Estate and Economic Development Department, or his/her designate.
11. The Owner(s) agrees to **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 demolition**, 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.



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