



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

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 152 Columbus Avenue
Legal Description: Lot 129, Registered Plan 441
File No.: D08-01-23/B-00185 & D08-01-23/B-00186
Report Date: August 31, 2023
Hearing Date: September 6, 2023
Planner: Margot Linker
Official Plan Designation: Inner Urban Transect, Neighbourhood
Zoning: R3M (Residential Third Density, Subzone M)

CONSENT IS REQUIRED FOR THE FOLLOWING:

The Owner requires the Committee's consent to sever the land. The property is shown as Parts 1 and 2 on a Draft 4R-Plan filed with the applications and the separate parcels will be as follows:

File No.	Frontage	Depth	Area	Part No.	Municipal Address
B-00185	7.62m	31.73m	241.8 sq. m.	1	152 A Columbus Avenue
B-00186	7.32m 7.62m	31.72m	241.7 sq. m.	2	152 B Columbus Avenue

(as amended by Planning Staff)

DEPARTMENT COMMENTS

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

DISCUSSION AND RATIONALE

The subject site is located within the Inner Urban Transect Policy Area and designated Neighbourhood, which is generally planned for providing a full range of context-sensitive low-rise housing options. The severance of the land to accommodate the development of a semi-detached dwelling is consistent with Section 11.5 Policy 4 in the Official Plan by creating lots with appropriate lot patterns and dimensions that result in intensification in

support of ground oriented residential development that is consistent with the planned context.

The subject site is zoned R3M (Residential Third Density, Subzone M), which allows for a mix of residential building forms ranging from detached to townhouse dwellings and regulates development in a manner that is compatible with existing land use patterns to maintain the existing mixed dwelling, residential character of a neighbourhood.

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.

ADDITIONAL COMMENTS

Planning Forestry

the Tree Information Report (TIR) notes that 1 private tree must be removed due to conflicting services and driveways, and 3 adjacent trees will be retained. While there are no concerns with the severance, it is considered that the plan provided with the TIR is conceptual, and as such, must be modified to allow for the retention of trees 1-4. Of particular concern are the driveways, walkways, services, and excavation for window wells, etc. at the rear of the property which are all in conflict with protected trees, and must be redesigned prior to building permit application. Permits cannot be issued for removal of or fatal damage to adjacent trees without permission of the tree owners. A revised site plan and TIR are required showing how trees 1-4 will be retained, protected, and mitigated. A Planting plan must be provided showing one new tree per lot. If tree #1 is retained through redesign, only 1 new tree must be within the Right of Way, to improve the streetscape and canopy cover.

Right of Way Management

The Right-of-Way Management Department has no concerns with the proposed Consent Applications. However, the Owner shall be made aware that a private approach permit is required to construct each of the newly created driveways/approaches.

CONDITIONS

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

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. The owners agree to provide a revised site and servicing plan with the driveways, services, retaining walls, projections and grading situated to reduce any excavation within the Critical Root Zones of protected trees and/or to provide sufficient soil volume to plant new trees, 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. The Tree Information Report must be revised to reflect changes to the site plan and to show the accurate tree protection areas and mitigation measures.
3. That the Owner/Applicant(s) shall provide a signed letter of permission from the owner of identified adjacent or boundary tree(s), for the proposed removal or operations impacting the tree(s). The applicant acknowledges that a tree removal permit cannot be issued without the permission of all owners of a tree, and that the development plan must be revised to allow for the retention and protection of the adjacent or boundary trees if this letter cannot be produced.
4. The Owner/Applicant(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 one new 50mm tree to be planted on the property frontage or right-of-way of each lot following construction, to enhance the urban tree canopy and streetscape.
5. 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.
6. 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.
7. 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**.

8. That the Owner(s) enter a Joint Use, Maintenance and Common Elements, 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 **Central 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 **Central 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. Development Agreement:

Joint Use and Maintenance Agreement:

The Owner(s) shall enter into a Development Agreement with the City to the satisfaction of the General Manager, Planning Real Estate, and Economic Development Department or his/her designate to acknowledge and agree to, if necessary, amend or replace the existing Joint Use, Maintenance and Common Elements Agreement, or enter into a further agreement setting out the additional common elements, including any legal and financial obligations thereto, which agreement shall be registered on title to the subject lands at the expense of the unit owners. The Agreement will ensure that, in the event that the common elements change, or any additional common elements are constructed which are not addressed under the Joint Use, Maintenance and Common Elements Agreement, that the Joint Use, Maintenance and Common Elements Agreement be updated.

Noise:

The Owner(s) shall (Within 110m of the Vanier Parkway): prepare a noise attenuation study in compliance with the City of Ottawa Environmental Noise Control Guidelines to the satisfaction of the **General Manager, 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

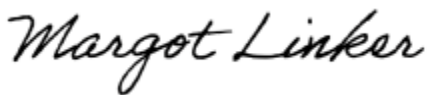
covenants/notices recommended in the approved study, that shall be registered on the land title and bind future owners on subsequent transfers, warning purchasers and/or tenants of expected noise levels due to the existing source of environmental noise. The Agreement shall be to the satisfaction of the **General Manager, 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."



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