



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

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 11-13 Acacia Avenue, (131) Putman Avenue
Legal Description: Lot 82, Registered Plan M-43
File No.: D08-01-23/B-00178
Report Date: September 14, 2023
Hearing Date: September 20, 2023
Planner: Margot Linker
Official Plan Designation: Inner Urban Transect, Neighbourhood, Evolving
Neighbourhood Overlay
Zoning: R4UD (Residential Fourth Density, Subzone UD)

Committee of Adjustment
Received | Reçu le
2023-09-14
City of Ottawa | Ville d'Ottawa
Comité de dérogation

CONSENT IS REQUIRED FOR THE FOLLOWING:

The Owner requires the Committee's consent to subdivide the property and to establish an easement/ right-of-way.

The severed land is shown as Parts 3 to 8 on Plan 5R-35335, will have frontage of 13.22 metres on Putman Avenue, to an irregular depth of 22.57 metres and will contain a lot area of 243.2 square metres. This lot is vacant and will be known municipally as 131 Putman Avenue.

The retained land is shown on Parts 1 and 2 on Plan 4R-35335, will have frontage of 12.22 metres on Acacia Avenue, to an irregular depth of 20.79 metres and will contain a lot area of 253.1 square metres. This lot contains the existing two-storey residential building known municipally as 11 – 13 Acacia Avenue.

It is proposed to establish an easement/right-of-way for access over Parts 6 & 7 in favour of the owner of the retained lands.

It is proposed to establish an easement/right-of-way over Parts 2, 4, 5, & 8 in favour of Bell.

~~The application indicates that Parts 4 and 5 are subject to an existing easement in favour of Bell.~~

DEPARTMENT COMMENTS

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

DISCUSSION AND RATIONALE

The subject site was previously granted provisional consent and authorized minor variances for reduced lot area, rear yard setback, rear yard area, amenity area, balcony projections, and soft landscaping to accommodate the proposed severance (D08-01-21/B-00046, D08-02-21/A-00044, OLT-21-001196). However, the City's Legal staff have confirmed that the consent lapsed on May 28, 2023.

The subject site is located within the Inner Urban Transect Policy Area and designated Neighbourhood within the Evolving Neighbourhood Overlay. This designation within this policy area is generally planned for allowing and supporting a wide variety of housing types with a focus on missing-middle housing. The severance of the land to accommodate the retained low-rise apartment and future development of the severed parcel 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 within the R4UD (Residential Fourth Density, Subzone UD) zone, which allows for a wide mix of residential building forms ranging from detached to low-rise apartment dwellings and regulates development in a manner that is compatible with existing land use patterns. As mentioned above, the retained lot (Parts 1 and 2), containing the existing low-rise apartment building, was previously authorized minor variances to regulate the development after the severance. The retained lot (Parts 3 to 8) will have a lot width and area sufficient to develop a single detached dwelling or duplex.

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 have no concerns with the proposed easements/right-of-ways. The right-of-way over Parts 6 and 7, being 1.2 metres wide, is a sufficient size to act as a walkway as well as for an appropriate building setback for most dwelling types in the R4UD zone. Regarding the easement over Parts 2, 4, 5, and 8, it is staff's understanding that Bell was consulted to determine the easement locations and that the pole will be relocated within Part 4 with the pole anchor being located within Part 8.

ADDITIONAL COMMENTS

Planning Forestry

There is no development proposed and no tree concerns with the proposed severance. All trees on City property and private trees greater than 30cm in diameter in the inner urban area are protected under the Tree Protection By-law (2020-340) and

plans are to be developed to allow for their retention and long-term survival. A Tree Removal Permit and compensation are required for the removal of any protected tree. A planting plan must be provided showing one new tree to be planted per lot to improve the streetscapes and canopy cover.

Right of Way Management

The Right-of-Way Management Department has **no concerns** with the proposed Consent Application. However, the Owner shall be made aware that a private approach permit is required if a private approach is proposed for the newly created parcel.

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. 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.
3. That the Owner(s) provide evidence to the satisfaction of the **Central Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate, and City Legal Services**, 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) provide a servicing plan or other evidence, to the satisfaction of the **Central Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate, and City Legal Services**, 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.
5. That the Owner(s) enter into a Development Agreement with the City of Ottawa, registered on both the Severed and Retained lands:

Acknowledging the existing retaining wall on the property and, if required by the City as a result of development of either the Severed and/or Retained lands, committing to relocate, modify, or remove said retaining wall at his/her own cost to address drainage, grading and structural integrity as well as the joint use and maintenance of such solution according to a plan prepared by a qualified Civil Engineer licensed in the Province of Ontario, an Ontario Land Surveyor or a Certified Engineering Technologist, and submitted to the satisfaction of the Manager, Development Review, Planning Infrastructure and Economic Development Department, or his/her designate.

The Owner shall also post the securities for the above-noted work(s) to the satisfaction of the General Manager of the Planning, Infrastructure and Economic Development Department, or his/her designate and to the satisfaction of City Legal Services. The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.


6. That the Owner must relocate the Bell Canada utility pole and if applicable the associated bell easement at the Owner(s) expense to a location that will not negatively impact the future development of the land to be severed. All to the satisfaction of the **Central Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate, and City Legal Services** to be confirmed in writing from the Department to the Committee.
7. 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 **Central Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate, and City Legal Services**. 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 **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 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." (50m from Arterial Road (Beechwood and property front Collector Road)



Margot Linker
Planner I, Development Review, Central
Planning, Real Estate and Economic
Development Department



Jean-Charles Renaud
Planner III, Development Review, Central
Planning, Real Estate and Economic
Development Department