

2023-09-28



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

Site Address: 1704 Boyer Road
Legal Description: Lots 4 and 5, Concession 2 (Ottawa Front)
Geographic Township of Gloucester
File No.: D08-01-23/B-00221
Report Date: September 26, 2023
Hearing Date: October 3, 2023
Planner: Jerrica Gilbert
Official Plan Designation: Suburban (East) Transect, Neighbourhood
Zoning: R1W

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.

ADDITIONAL COMMENTS

Infrastructure Engineering

An easement agreement for drainage might be needed depending on the Grading Plan, to the satisfaction of the Development Review Manager.

Planning Forestry

There are three protected trees on the subject property, as identified in the submitted Tree Information Report. Tree 1 has been identified as the best candidate for retention through development as planned on the future properties (pending the Committee's approval). Planning staff indicated that changes had been made to the site plan prior to submission to reduce the size of the driveways so they made up less than 50% of the

front yard; however, the Tree Information Report (TIR) has not been revised to reflect this change. A revised TIR is required as a condition of consent that reflects the updated site plan in order to ensure the protection of Tree 1.

Although the TIR indicates that Tree 1 is to be retained, the proposed location to the driveway will not support retention of Tree 1. The current plans presented within the TIR show a double wide driveway within 1 m from the trunk of Tree 1 on Lot B. This design would force removal of Tree 1. Based on International Society of Arboriculture's Best Management Practices for Managing Trees in Construction, no linear cuts should take place in the static root zone of a retained tree as this action would risk instability. The static root zone of Tree 1 is 2.01 m (three times the diameter) meaning the driveway should be reduced or moved by at least a metre to accommodate retention of this tree. This direction is strongly supported by the Official Plan Section 4.8.2 policy 3(d) which states when considering impacts on individual trees, planning and development decisions, including Committee of Adjustment decisions, shall give priority to the retention and protection of large, healthy trees over replacement plantings and compensation. Policy 6 also confirms that approvals granted by Council or Committee of Adjustment may include conditions to support tree protection, removal and replanting. The revised TIR must show retention of tree 1 in line with ISA BMPs. A condition has also been applied to ensure the tree protection plan can be upheld once the grading and servicing details have been formalized. Changes to the grading and servicing plan will be requested if they do not align with the TIR.

Trees 2 and 3 currently are proposed for removal. Tree 2 is impacted by the proposed double wide driveway. Tree 3 is within the as-of-right building footprint. Infill tree removal permit applications must be submitted for each tree. Removal of these trees cannot occur until permits are received. A condition of each permit will be to plant compensation trees. The removal of Trees 2 and 3 would require six compensation trees to be planted. For any tree that cannot feasibly be planted, monetary compensation of \$400.00 per tree will be paid to Forestry Services. A tree planting plan must be provided to show where and what species are planned for the parcels post-construction.

The subject property is located within the suburban area, which means only private trees 50 cm in diameter or greater are protected under the Tree Protection By-law. Tree 4 is 48 cm in diameter and is jointly owned. The TIR currently shows removal of this tree. It is strongly advised that Tree 4, which is listed as being good in condition, be retained. The Official Plan aims to retain healthy trees over replacement as referenced above. Protecting trees during development where feasible must be made a priority. This tree is not currently protected under the By-law as it is jointly owned, but it is strongly advised to the applicant that the neighbouring landowner agrees with a plan to injure or remove the tree to avoid a civil dispute.

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 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 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 evidence to the satisfaction of the Chief Building Official, or their designate, to be confirmed in writing from the Department to the Committee, that the existing house and accessory structure has been demolished or relocated under the authority of a building permit.
3. That the Owner(s) provide evidence to the satisfaction of both the Chief Building Official and Development Review Manager, Planning, Real Estate and Economic Development Department, or their designates, that both severed and retained parcels have their own independent water, sanitary and storm connection as appropriate, and that these services do not cross the proposed severance line and are connected directly to City infrastructure. Further, the Owner(s) shall comply to 7.1.5.4(1) of the Ontario Building Code, O. Reg. 332/12 as amended. If necessary, a plumbing permit shall be obtained from Building Code Services for any required alterations.
4. The Owners agree to provide a revised Tree Information Report to the satisfaction of the General Manager of the Planning, Real Estate and Economic Development Department, or their designate. This report shall be prepared by an Arborist, identifying all trees protected under the City's Tree Protection by-law, and meeting the standards of the City's Tree Information Report Guidelines, including specific mitigation measures where work is proposed within the Critical Root Zone of a protected tree.
5. That the Owner(s) provide a combined Grading and 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 Managers of the relevant branches of Planning, Real Estate, and Economic

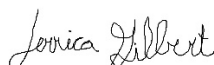
Development, or their designate. The plans can be shown on one sheet or multiple sheets, but must include the following information:

- a. The Grading and Drainage Plan must be prepared by a relevant 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.
 - ii. City of Ottawa Standard Drawings, By-laws, and Guidelines, as amended.
 - b. The Site Servicing Plan must be prepared by a relevant professional: Professional Engineer (P.Eng.), Certified Engineering Technologist (CET), or Ontario Land Surveyor (OLS) and adhere to the requirements as noted for the Grading and 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 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).
 - v. Proposed planting locations from the associated Tree Planting Plan, if provided.
6. 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 Planning, Real Estate and Economic Development Department, or their designate, to require that an asphalt overlay will be installed, at the Owner(s) expense, on Boyer Road, 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 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 the Agreement has been registered on title.

If the Manager of the East Branch within Planning, Real Estate and Economic Development Department, or their designate determines that a Development Agreement requiring an asphalt overlay is no longer necessary, this condition shall be deemed as fulfilled.

7. 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 their designate, showing the location(s) of the specified number of compensation trees (50mm caliper) required under the Tree Protection By-law, assuming that all proposed tree removals are permitted.



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