

2023-10-13



**CONSENT & MINOR VARIANCE APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 2**

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 1469 (1465) Portal Street
Legal Description: Lots 45 & 46, Registered Plan 452
File No.: D08-01-23/B-00188 & D08-01-23/B-00189
D08-02-23/A-00181
Report Date: October 12, 2023
Hearing Date: October 17, 2023
Planner: Justin Grift
Official Plan Designation: Outer Urban Transect, Neighbourhood Designation and falls within the area of the Alta Vista / Faircrest Heights / Riverview Park Secondary Plan
Zoning: R1GG

DEPARTMENT COMMENTS

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

DISCUSSION AND RATIONALE

The Official Plan designates the property as Neighbourhood in the Outer Urban Transect. The policies pertaining to this designation support a wide variety of housing types with a focus on lower density missing-middle housing that reflects the built form context of the neighbourhood. The property also falls within the Alta Vista / Faircrest Heights / Riverview Park Secondary Plan where it is also designated Neighbourhood. The policies in the Secondary Plan speak to ensuring new development gently accommodates additional density in building types and site designs that maintain the character of the existing neighbourhood, including maintaining front yards with sufficient space for healthy tree growth.

The property is zoned *Residential First Density, Subzone GG (R1GG)*. The purpose of this zone is to allow a number of residential uses to provide additional housing choices as well as regulate development in a manner that is compatible with existing land use patterns and so the residential character of a neighbourhood is maintained or enhanced.

Reduced Lot Area and Width (Variances a and b)

The Alta Vista / Faircrest Heights / Riverview Park Secondary Plan provides direction that lot sizes in the immediate surrounding blocks will be considered representative of the typical lot size of the area. Although existing lots in the immediate surrounding blocks vary in shape, the lots sizes are generally consistent. Existing lots range between approximately 15.23 metres and 24 metres in lot width and 502.07 square metres and 923.68 square metres in lot area. As proposed, the severed and retained lots fall within the range of lot width and lot area to other lots in the immediate surrounding blocks.

To ensure that new development gently accommodates additional density building types while maintaining the character of the existing neighbourhood, the Secondary Plan generally discourages new private approaches and prioritizes front yard space for trees and landscaping. Although the development includes the creation of an additional driveway for the new detached dwelling, Staff notes the minimum aggregate soft landscaping requirement in the front yard is being met. Further, the applicant intends to retain the city tree in the front yard and is proposing to plant three additional trees along the right-of-way. Therefore, Staff is satisfied the minor variances for reduced lot width and area meet the intent of the Secondary Plan, and that the development is maintaining the character of the neighbourhood. As conditions for the severance, Staff requests that the Committee impose condition 2, requiring the applicant to provide securities for the existing tree and to submit a Planting Plan demonstrating the three new trees fronting Portal Street.

The intent of the minimum lot widths and areas is to ensure adequate space for the proposed use and to regulate lot patterns. The plans submitted demonstrate that the severed lot accommodates the proposed detached dwelling, complying with the required side yard setbacks, soft landscaping, and parking.

Front Yard Setback and Permitted Projection (Variance c and d)

Staff has no concerns with variances c and d, to allow the dwelling to encroach into the front yard setback and to allow the canopy above the front entrance to project further into the front yard. The Zoning By-law prescribes a front yard setback of 6 metres and permits canopies to project up to 1.8 metres into the required front yard. The intent of these provisions is to maintain a consistent front yard along a street and ensure there is an adequate buffer between buildings and the right-of-way.

As seen on the plans, the relief sought for the front yard setback is only for a small corner of the proposed dwelling. The configuration of the lot does not permit the dwelling to be parallel to the front lot line resulting in the small sliver encroaching into the front yard. The lot configuration also impacts the relief required for the canopy projection. Although the canopy is proposed to be projecting 1.2 metres beyond what is permitted, Staff recognizes it is part of the design of the dwelling and it will serve as a shelter over the steps of the front porch. As the applicant has demonstrated that the required front yard soft landscaping is being met, Staff is satisfied that the variances for the front yard setback and canopy projection are minor and are desirable for the development.

Interior Side Yard Setback (Variance e)

The intent of an interior side yard setback is to ensure there is an adequate buffer between a building and the adjacent lot. Staff note that the subject zone prescribes a total of 3.6 metres of interior side yard setback on both sides of the dwelling, with one yard no less than 1.2 metres. However, because Part 1 is a corner lot and subject to the infill provisions in the Zoning By-law (Section 144), the minimum interior side yard setback is the half of the total prescribed distance – resulting in a required 1.8 metres. Considering that the dwelling on Part 1 is existing and that the zone typically prescribes a minimum of 1.2 metres for one of the interior side yard setbacks, Staff is of the opinion the intent of the setback is met and the variance will not create adverse impacts on Part 2.

With respect to the criteria for the subdivision of land listed in Section 51(24) of the Planning Act, R.S.O. 1990, Staff is satisfied the severance will facilitate the development of a detached dwelling and result in two lots that have frontage on established municipal roads and connected to municipal services.

ADDITIONAL COMMENTS

Forestry

There are fifteen protected trees on Part 3, the land proposed to be subdivided. Tree #1 is a City owned tree in good condition. Securities will be held for this tree to ensure it is adequately protected. The placement of the walkway must also consider impacts to the CRZ of tree #1, and be relocated outside of its Critical Root Zone (CRZ).

There are 5 trees that require removal because of conflicts with the proposed dwelling. Infill tree removal permit applications will be submitted to Forestry Services through the City of Ottawa website for each tree. Tree removal of a protected tree is not allowed until a permit has been issued. A condition of tree removal is compensation tree planting. Based on the number and size of trees being removed, twelve compensation trees would be required to plant on the property. For any tree that justifiably can't be planted, cash in lieu of \$400 per tree will be required. A tree planting plan must be provided to show where compensation trees can be accommodated on the property. The secondary plan encourages space for landscaping and trees, particularly street trees. The planting plan should maximize planting opportunities in the City right of way on both retained and severed parcels, to align with the secondary plan and the Official Plan target of 40% canopy cover for the City.

Consider adjusting the location of the rear yard deck to be as far outside of the retained trees critical root zones as possible. The combination of trees being removed, and construction of the new dwelling are significant changes to the site. Further minimizing construction around the retained trees is advised to limit stress.

Tree protection fencing must be maintained throughout the construction. Failure to do so would be an infraction under the Tree Protection By-law (No. 2020-340).

Right-of-Way

The Right-of-Way Management Department has **no concerns** with the proposed Consent & Minor Variance Applications. However, the Owner shall be made aware that private approach permits are 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):

Cash in Lieu of Parkland

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.

Forestry

2. That the Owner(s), prior to the issuance of a building permit, shall enter into a Development Agreement or a Letter of Undertaking (LOU) with the City of Ottawa, at the expense of the Owner/Applicant(s), and to the satisfaction of the General Manager of the Planning, Infrastructure, and Economic Development Department, or his/her designate. A development agreement is to be registered on Title of the property (where applicable), which will include the:
 - a. Mitigation measures outlined in the approved Tree Information Report v3.0, prepared by Dendron Forestry Services, dated July 12, 2023, and associated security for tree protection. The securities, which will be based on the value of the trees to be protected (# 1) shall be retained for 2 years following completion of construction and returned to the owner only upon the City having received a report from an arborist or appropriate professional confirming that the trees identified are in good health and condition and remain structurally stable.
 - b. 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(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.

- c. 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 of the South Branch within the Planning, Real Estate and Economic Development Department, or his/her designate.

Limiting Distance

3. That the Owner(s) satisfies the Chief Building Official, or designate, by providing design drawings or other documentation prepared by a qualified designer, that as a result of the proposed severance to the existing building on Lot 45 and 46 of Plan 4R-draft shall comply with the Ontario Building Code, O. Reg. 332/12 as amended, in regard to the limiting distance along the easterly of the proposed property line. If necessary, a building permit shall be obtained from Building Code Services for any required alterations.

Servicing

4. 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 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 with 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.

Existing structure

5. That the Owner(s) provide evidence to the satisfaction of the Development Review Manager of the South Branch within Planning, Infrastructure and Economic Development Department, or his/her designate, to be confirmed in writing from the Department to the Committee, that the existing structure

straddling the proposed severance line has been demolished in accordance with the demolition permit or relocated in conformity with the Zoning By-law.

Noise

6. That the Owner 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;

“The property is located next to lands that have an existing source of environmental noise arterial road and may therefore be subject to noise and other activities associated with that use”

The Agreement shall be to the satisfaction of the Development Review Manager of the South Branch within Planning, Infrastructure 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.

Grading and Drainage

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 the Development Review Manager of the South Branch within Planning, Infrastructure 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 South Branch within Planning, Infrastructure and Economic Development Department, or his/her designate.


Corner Sight Triangle

8. That the Owner convey a 3m x 3m corner sight triangle located at the intersection of Portal Ave and Cavendish to the City, with all costs to be borne by the Owner(s). The Owner shall provide a reference plan for registration, indicating the corner sight triangle, to the City Surveyor for review and approval prior to its deposit in the Land Registry Office. 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.



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