

2023-11-10



**CONSENT & MINOR VARIANCE APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 1**

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 425 Blake Boulevard
Legal Description: Part of Lot 9, Registered Plan 504 and Part of Lot 3, Block 5, Registered Plan 29
File No.: D08-01-23/B-00268 & D08-01-23/B-00269, D08-02-23/A-00260
Report Date: November 9, 2023
Hearing Date: November 15, 2023
Planner: Margot Linker
Official Plan Designation: Inner Urban Transect, Neighbourhood
Zoning: R4UA (Residential Fourth Density, Subzone UA)

DEPARTMENT COMMENTS

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

DISCUSSION AND RATIONALE

Staff have reviewed the subject minor variance application against the “four tests” as outlined in Section 45 (1) of the *Planning Act*, R.S.O. 1990 c. P.13, as amended.

The subject site is located within the Inner Urban Transect on Schedule A and designated Neighbourhood on Schedule B2 in the Official Plan. Neighbourhoods located within the Inner Urban area are intended to allow and support a wide variety of housing types with a focus on missing-middle housing, which generally refers to low-rise infill residential development of between three and sixteen units. Soft landscaping can be used in this transect as a method of offsetting possible constraints from planned mid- to high-density development (4.6.6(6) & (5.2.1(3))). Where soft landscaping requirements are reduced to accommodate vehicular parking, the Official Plan encourages more intensive plantings elsewhere on site and to serve the goals of context sensitive design (11.5(9)).

The subject site is within the R4UA (Residential Fourth Density, Subzone UA) zone, which allows for a wide mix of residential building forms ranging from detached to low-rise apartment dwellings.

Staff have no concerns regarding the reduced lot width. The site plan demonstrates that the proposed lot width can adequately accommodate the building setbacks and functions for the site such as appropriate driveway width and amount of front yard soft landscaping.

While a revised design with no vehicular parking would allow for greater amount of permeable area and space for tree planting, staff have no concerns regarding the reduced soft landscaping in the rear yard if the requested conditions are imposed. As further discussed in Forestry's comments below, staff would appreciate tree planting on site to compensate for the loss of landscaped area to help mitigate these concerns. Staff have also requested a condition related to stormwater management to ensure that stormwater can be controlled per the City's guidelines to address these concerns.

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 proposed lot sizes appear to be consistent with the existing lot fabric within the surrounding neighbourhood.

ADDITIONAL COMMENTS

Infrastructure Engineering

1. **Planning, Real Estate and Economic Development Department** will do a complete review of grading and servicing during the building permit process.
2. Any proposed works to be located within the road allowance requires prior written approval from the Infrastructure Services Department.
3. The surface storm water runoff including the roof water must be self-contained and directed to the City Right-of-Way, not onto abutting private properties as approved by **Planning, Real Estate and Economic Development Department**.
4. Existing grading and drainage patterns must not be altered.
5. Existing services are to be blanked at the owner's expense.
6. Asphalt overlay would be required if three or more road-cuts proposed on City Right of way. This includes the road cut for blanking of existing services, and any other required utility cuts (ie, gas, hydro, etc.).
7. Service lateral spacing shall be as specified in City of Ottawa Standard S11.3.
8. In accordance with the Sewer Connection By-Law a minimum spacing of 1.0m is required between service laterals and the foundation face.

Planning Forestry

The Tree Information Report provided is missing a conceptual site plan overlay which shows the proposed as-of-right building area in relation to existing trees. The applicant's agent was contacted on November 6th requesting an updated version of the report be provided. A condition is being proposed for the applicant to submit a revised TIR

including the site plan overlay, anticipated impacts of development based on the as-of-right footprint, and suggested mitigation measures through development.

The proposal plans to create two new lots which will support one new low-rise apartment each. The applicant seeks to reduce the required soft landscaping area required under the zoning by-law, for ~~each~~ **one** lot. Section 11.5 policy 9 (a) of the Official Plan states that variances to reduce the required area of soft landscaping may be tied to requirements for more intensive plantings such as trees or shrubs, so that the volume of vegetation compensates for reduced horizontal area. Planning Forestry has not received confirmation that plantings, specifically trees, will be incorporated within the site to align with this policy. There are currently no trees on the subject property. The extent of development and reduction of soft landscaping make it critical to integrate tree canopy cover on the site. The applicant would address Planning Forestry's concerns if at least two trees can be planted on each lot with adequate soil volume (one in the front and one in the rear). With no overhead wires in the front yard, the front yard trees are expected to be large at maturity. A condition is being proposed for the applicant to provide a landscape/planting details to ensure section 11.5 policy 9(a) is being met.

Right of Way Management

The Right-of-Way Management Department has **no concerns** with the proposed Consent and Minor Variance Applications. However, the Owner shall be made aware that a private approach permit is required to provide reciprocal access over Parts 2&3 and Parts 4&5 (as indicated on the 4R-plan). In addition, the Owner shall be further made aware that a private approach permit is required to remove the redundant approach and reinstated to soft landscaping.

CONDITIONS

If approved, the Planning, Real Estate and Economic Development Department requests that the Committee of Adjustment impose the following conditions on the applications:

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 4 new 50mm trees to be planted, two on each proposed property, construction, to enhance the urban tree canopy and streetscape.
3. 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 his/her designate. This report shall be prepared by an Arborist,

identifying all trees protected under the City's Tree Protection by-law, showing overlay of the as-of-right building footprint, and existing trees 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.

4. 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.
5. That the Owner(s) provide evidence to the satisfaction of both the **Chief Building Official and Development Review Manager of the Central Branch within 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.
6. 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.
7. That the Owner(s) enter into 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 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.

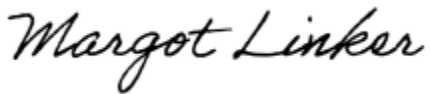
8. That the Owner(s) shall provide evidence that a grading and drainage plan, prepared by a qualified Civil Engineer licensed in the Province of Ontario, an Ontario Land Surveyor or a Certified Engineering Technologist, has been submitted to the satisfaction **of the Development Review Manager the Central 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**.
9. That the Owner(s) submit a Stormwater Management Brief prepared by a Professional Civil Engineer licensed in the Province of Ontario, for approval by 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, demonstrating a SWM design for the control of post-development runoff from the subject site, up to and including the 100-year storm event, to a 2-year pre-development level. The Owner(s) also agrees to enter into a Development Agreement with the City to implement any proposed stormwater system including posting required securities. The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

If applicable, the Owner(s) must obtain an Environmental Compliance Approval from the Ontario Ministry of Environment, Conservation and Parks.

Should the stormwater management system cross property lines or access to the system be over multiple properties, that the owner will be required to obtain approval of the Committee to grant easement(s) for access and maintenance of the stormwater system or register a Joint Use and Maintenance Agreement on title of the properties, all at the owner(s) costs.

10. 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 **Blake Boulevard**, 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 Development Review Manager of the Central 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 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.



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

Erin O'Connell
Planner III, Development Review, Central
Planning, Real Estate and Economic
Development Department