

2023-12-07



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

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 290 Holmwood Avenue
Legal Description: Lots 89 and 90, Reg Plan 108654, Township of Nepean
File No.: D08-01-23/B-00287-289 & 00292
Report Date: December 7, 2023
Hearing Date: December 13, 2023
Planner: Margot Linker
Official Plan Designation: Inner Urban Transect, Neighbourhood, Evolving Overlay
Zoning: R3P[1474] (Residential Third Density, Subzone P, Urban Exception 1474)

DEPARTMENT COMMENTS

Staff understand from the Tree Information Report that one of the trees proposed for removal is jointly owned, and permission has not been granted by the other owners of this tree. A tree removal permit cannot be issued until this permission is confirmed, and not receiving this permit could impact the building design. The Planning, Real Estate and Economic Development Department **requests an adjournment of** the applications until either confirmation that permission has been granted for the removal of the jointly owned tree by the other property owner or the plan has been revised to retain this tree. The adjournment request will also provide the applicant time to address forestry's concerns detailed below.

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.
3. Any proposed works to be located within the road allowance requires prior written approval from the Infrastructure Services Department.
4. 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.

5. 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**.
 7. Existing grading and drainage patterns must not be altered.
 8. Existing services are to be blanked at the owner's expense.
 9. 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.).
 13. This property does not have frontage on a storm sewer, which may result in requirements for a sump pump for the foundation drain.
 14. Provide a minimum of 1.5m between the proposed driveway and the utility pole.
 15. Service lateral spacing shall be as specified in City of Ottawa Standard S11.3.
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Planning Forestry

This development, as proposed, will require the removal of 12 of the 23 protected trees on site due to the location of the building footprints allowable through zoning. One of these trees is jointly-owned with 286 Holmwood and it has been confirmed that no permission been granted by these owners; as such, a tree removal permit cannot be issued. Plans for the eastern building must be designed to allow for the adequate protection of this boundary tree, and preferably more of the existing grouping of spruce trees along the eastern property line, to maintain stability.

The requested minor variances appear to have little impact from a tree perspective, except for the reduced rear yard setback, which reduces the space available to plant the 20 required compensation trees (if all proposed removals were permitted). A planting plan must be provided showing the maximum number of trees that can be planted on site and on any adjacent properties, with the owners' permission.

Section 4.8.2 of the Official Plan provides strong direction to maintain the urban forest canopy and its ecosystem services during intensification noting when considering the 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. Applications must address the cumulative impacts on the urban forest, over time and space, with the goal of 40% urban forest canopy cover in mind. Further, that the City and the Committee of Adjustment may refuse a development application where it deems the loss of a tree(s) avoidable or where an application fails to provide adequate soil volume for existing and/or new trees. Given the large number of tree impacts, including to an adjacent property, this application is not considered to meet the intent of section 4.8.2 of the Official Plan, and an adjournment is strongly recommended to provide time to revise plans to better address these concerns.

Right of Way Management

The Right-of-Way Management Department has **no concerns** with the proposed

Consent and Minor Variance Application. The Owner shall be made aware that a private approach permit is required to establish the four new private approaches and close the portion of the remaining existing redundant private approach. No person shall construct, relocate, alter or close a private approach without first obtaining a private approach permit from the General Manager in accordance with the provisions of this By-law (No. 2003-447) and a road cut permit in accordance with the provisions of By-law No. 2003-445 being the City's Road Activity By-law or a successor by-law thereto.

The Owner shall also be made aware that the address signs outlined on the design plans may not encroach into the City right of way. They are not currently identified on the submitted Site Plan.

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 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.
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 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. 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.

If they do cross or do not connect directly or are not independent, and there is sufficient justification for the service locations to remain, the Owner(s) must obtain Ontario Ministry of the Environment and Conservation and Parks (Environmental Compliance Approval – ECA), must obtain the approval of the Committee to grant easement(s) as required for access and maintenance of the services, and must register a Joint Use and Maintenance Agreement between the Owners of the services, on the title of the property, all at his/her own costs. The Owner(s) also agrees to enter into a Development Agreement with the City to cover these required items as well as all engineering, administrative and financial matters. The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

5. 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**.
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 **Central 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 Holmwood Street, 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 of **Central Manager of Central Branch within Planning, Real Estate & Economic Development Department, or his/her designate**. The Committee requires a copy of Agreement and written confirmation from **City Legal Services** that it has been registered on title.

If the **Central 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.

7. That the Owner provide a Geotechnical Report prepared by a Professional Civil Engineer licensed in the Province of Ontario, that is satisfactory to both **Central Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her** to be confirmed in writing from the **PREDD and the Authority** to the Committee, demonstrating the following: (a) That all parcels to be created by this application are or can be made suitable for residential purposes (slope stability, erosion protection, and building limits adjacent to slopes). (b) That there are no adverse environmental impacts.

The Geotechnical Report shall, as a minimum, determine the limit of organic soils/karst topography/sensitive marine clays present on the severed parcel and provide recommendations for construction methods based on the soil types encountered.

8. 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 party walls, common structural elements such as roof, footings, soffits, foundations, common areas, common driveways, common retaining walls 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. The owners agree to provide a revised site plan with the locations of proposed elements (buildings, driveways, services, grading, etc.) designed 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.

10. That the Owners provide a combined Grading & 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 his/her 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 & 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
11. 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.

12. Prior to the stamping of the deed(s)/issuance of a building permit, the Owner/Applicant(s) 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, Real Estate, 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 mitigation measures outlined in the revised Tree Information Report to be provided as a condition of severance, and associated security for tree protection. The securities, which will be based on the value of the trees to be protected (Tree 19) 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.



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