





are comparable in size to those proposed under this consent application.

## **ADDITIONAL COMMENTS**

### **HERITAGE**

100 James Cummings property is listed on the City of Ottawa's Heritage Register as a non-designated listing under Section 27 of the Ontario Heritage Act. The proposal is compliant with the Ontario Heritage Act. Heritage staff encourage the retention of historic gate posts and stone wall sections where possible and where it does not interfere with traffic safety.

In addition, the Owner shall be made aware that private approach permits are required to construct each of the newly created driveways/approaches.

### **RIGHT-OF-WAY**

The Right-of-Way Management Department has one concern with the proposed Consent & Minor Variance Applications. The owner should remove the cedar board wall with shingle cap overhang, including pillars, that fall within the City of Ottawa Right-of-Way abutting James Cummings Ave in front of PART 2 crossing PART 1. This is a violation of the Use and Care of Roads (Bylaw No. 2003-498) as well as the Fence (By-law No. 2003-462).

In addition, the Owner shall be made aware that private approach permits are required to construct each of the newly created driveways/approaches.

### **BUILDING CODE**

The retained parcel shall comply with Ontario Building Code, O. Reg. 332/12 as amended, in regards to the limiting distance along the north property line. Section 55(1)(a) of the Zoning By-law requires that accessory buildings are not to exist on a lot without a principal dwelling, thus frame deck on the proposed severed parcel and the cedar shingle sided shall be relocated or demolished.

### **FORESTRY**

The Tree Information Report (TIR) identified four (4) protected trees within the subject lands and City of Ottawa property. Since the applicant has no immediate plans to develop the proposed lot (PART 1), Planning Forestry requested the applicant prepare a map showing the as of right building footprint as it relates to



protected trees. A plan containing this information was provided, separate to the TIR, and submitted to the Committee of Adjustment for their record. This information will be used to inform future development design decisions with the least impact to protected trees. The Official Plan Section 4.8.2 Policy 6, states that approvals granted by Council or Committee of Adjustment may include conditions to support tree protection, removal and replanting. As a result, Planning Forestry is requesting a condition be applied to the severance to hold securities for City owned tree #2, a 53 cm tree in good condition. This tree is in the Right of Way fronting James Cummings. This security would require future development to design around this tree including but not limited to locating services, driveway and other design features on the property without forcing removal of this tree (within reason).

Tree #1 is described as being in poor condition. Please contact 311 to report concerns with this trees health or public safety if warranted in the future.

## **TRANSPORTATION ENGINEERING SERVICES**

Please note that Carling Avenue is designated as a protected right of way and requires a 42.5m ROW be maintained per Schedule C16 of the Official Plan. Lands that fall within the Carling Avenue ROW protection should be dedicated to the City of Ottawa as part of this application.

Transportation Engineering Services requires a 3m x 9m corner triangle (with 3m on the James Cummings Avenue frontage and 9m on the Carling Avenue frontage). The 3m x 9m corner triangle is based on taper requirements of cycle tracks and sidewalks at off-set crossings. Taper requirements are outlined in the Protected Intersection Design Guide.

Policy 2.1.1 (e) and 2.1.1 (f) of Schedule C16 provide the capability to require this sort of triangle..

## **CONDITIONS OF APPROVAL**

The Department further requests that the following conditions be imposed on the consent application if approved:

### **Parks:**

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.

### **Building Code Services**

2. That the Owner(s) provides 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 the existing building on Part 2 on the Draft 4R plan shall comply with the Ontario Building Code, O. Reg. 332/12 as amended, in regards to the limiting distance along the north property line. If necessary, a building permit shall be obtained from Building Code Services for any required alterations.
3. That the Owner(s) provide evidence to the satisfaction of the Chief Building Official, or designate, that the accessory structures – Portion of the frame deck attached to the dwelling on Part 2 and small cedar shingle sided garage located in the North west corner of Part 1 have been demolished or relocated under the authority of a building permit.

### **Forestry:**

4. The Owner/Applicant(s) enter into a Development Agreement or Letter of Undertaking 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 approved Tree Information Report, prepared by Ottawa Tree Reports, dated October 3, 2023, and associated security for tree protection. The securities, which will be based on the value of the trees to be protected Trees 2 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.

### **Transportation Engineering Services:**

5. That the Owner(s) convey to the City, at no cost to the City, an unencumbered road widening for Carling Avenue across the complete 38.71 metre frontage of the lands, measuring 21.25 metres from the existing centreline of pavement/the abutting right-of-way pursuant to Section 50.1(25)(c) of the Planning Act and



Schedule C16 of the Official Plan. The exact widening must be determined by legal survey. The Owner shall provide a reference plan for registration, indicating the widening, to the City Surveyor for review and approval prior to its deposit in the Land Registry Office. Such reference plan must be tied to the Horizontal Control Network in accordance with the municipal requirements and guidelines for referencing legal surveys. The Owner(s) must provide to the City Surveyor a copy of the Committee of Adjustment Decision and a draft Reference Plan that sets out the required widening. The Committee requires written confirmation from City Legal Services that the transfer of the widening to the City has been registered. All costs shall be borne by the Owner.

6. That the Owner convey a 3m x 9m corner triangle (with 3m on the James Cummings Avenue frontage and 9m on the Carling Avenue frontage). corner sight triangle located at the intersection of Carling Ave. and James Cummings Ave. to the City, with all costs to be borne by the Owner(s), to the satisfaction of the Surveys and Mapping Branch of the City. 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 thlands to the City has been registered.

#### **Infrastructure Services:**

7. That the Owner(s) provide evidence (servicing plan), to the satisfaction of the Development Review Manager of the West Branch within Planning, Infrastructure and Economic Development Department, or his/her designate, to be confirmed in writing from the Department to the Committee, that both the severed and retained parcels have their own independent water, sanitary and sewer connection, as appropriate, and that these services do not cross the proposed severance line and are connected directly to City infrastructure. If they do cross the proposed severance line, or they are not independent, the Owner(s) will be required to relocate or construct new services from the city sewers and/or watermain at his/her own costs.

In the case of a vacant parcel being created, the Owner(s) shall provide evidence (servicing plan), to the satisfaction of the Development Review Manager of the West 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 parcel has access to sufficient services with adequate capacity.

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 of the West 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 West Branch within Planning, Infrastructure and Economic Development Department, or his/her designate.
9. 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 West Branch within Planning, Infrastructure and Economic Development Department, or his/her designate, to require that an asphalt overlay will be installed, at the Owner(s) expense, on James Cummings Avenue and Carling Avenue, 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 the Development Review Manager of the West 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.

If the Development Review Manager of the West Branch within Planning, Infrastructure 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.

10. The Owner(s) shall prepare a noise attenuation study in compliance with the City of Ottawa Environmental Noise Control Guidelines to the satisfaction of the West Branch within Planning, Infrastructure and Economic Development Department, or his/her designate. The Owner(s) shall enter into an agreement with the City that requires the Owner to implement any noise control attenuation measures recommended in the approved study. The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.





11. 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 Manager of the West 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.

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