

2024-02-02



Consent & Minor Variance
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
Panel 2

Site Address: 9 Tower Road

Legal Description: Lots 886, 887, 888 and 889, Registered Plan 375; City of Ottawa

File No.: D08-01-23/B00320 and
D08-02-23/A-00290 & A-00291

Date: February 1, 2024

Hearing Date: February 6, 2024

Planner: Shahira Jalal

Official Plan Designation: Outer Urban Transect Area, Neighbourhood District,
Evolving Neighbourhood Overlay

Zoning: R1FF[632]

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 permits the criteria for the subdivision of land listed in Section 51 (24) to be considered when determining whether provisional consent may be granted.

The property is designated Neighbourhood within the Outer Urban Transect of the Official Plan (OP). Section 5.3 of the OP encourages increased density in Neighbourhoods. Creating two new lots from one large lot supports this policy. Infill development within the built-up urban area is in keeping with the growth management strategy under Section 2.2.1 that includes a 60 per cent intensification target by 2046.

The property is zoned Residential First Density, subzone FF. The requested minor variances are consistent with the intent of the R1FF zone, which are, among others, “regulate development in a manner that is compatible with existing land use patterns so that the detached dwelling, residential character of a neighbourhood is maintained or enhanced”. A variance to permit reduced lot width and area is indeed minor in nature and would still provide for appropriate development of one detached dwelling



on each lot.

Staff note that throughout the City View/Crestwood neighbourhood and also within the R1FF subzone, a few other lots have been severed for the creation of two new lots comparable in size to those proposed under this consent application

ADDITIONAL COMMENTS

Right of Way:

The Right-of-Way Management Department has no concerns with the proposed Application. However, the Owner shall be made aware that private approach permits are required to construct the newly created driveway/approaches and close redundant approaches. In addition, please note; Lot 1 private approach needs a 0.3m setback from the neighboring property line or written consent from the neighboring property owner allowing less. Hydro pole not indicated on lot 1 plan. 1.5m setback required. Request required setback from forestry for a private approach adjacent to the tree and the CRZ (critical root zone).

C1. The Owner, or any subsequent owners, at its expense acknowledges and agrees to obtain a private approach permit to establish the required new approach or remove the now redundant 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 the City's Private Approach By-law, being 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

Apply here <https://ottawa.ca/en/planning-development-and-construction/construction-right-way/driveways>

Forestry:

There are 10 protected trees on the subject site. Tree #1 is a City owned silver maple in good condition. Since front yard parking is not permitted under the Zoning By-law the driveway, as a result of the severance, is being relocated to the west side of the property. An Infill Forestry Inspector must be on site during excavation/construction located within the CRZ of tree # 1. All mitigation measures described in the TIR must be followed. Securities will be held for tree #1 to ensure it is adequately protected through the planned construction (driveway relocation). This is supported by Section 4.8.2, policy 6 that states, "Approvals granted by



Council or Committee of Adjustment may include conditions to support tree protection, removal and replanting”.

Trees # 6-8 are shown as requiring removal because of conflicts with the building footprint. Signed boundary tree consent forms for removal of trees 6 and 7 were provided by the applicant’s agent. As per the TIR & replanting plan prepared by IFS Associates, dated November 29, 2023, permits are required for the removal of the private & boundary trees on site (trees # 6, 7, & 8), and eight replacement trees are required (as per Schedule B of the Tree Protection By-law).

A grading and servicing plan must be provided showing that grading requirements can be met that align with tree protection and retention identified in the TIR.

Tree protection fencing must be in place before construction begins on Lot 2. The City of Ottawa Tree Protection Specification can be found here: https://documents.ottawa.ca/sites/documents/files/tree_protection_specification_en.pdf

Building Code Services:

Building Code Services have no comments.

Infrastructure Services:

Infrastructure Services have no comments.

CONDITIONS OF APPROVAL

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

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/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 **Development Review Manager of the West Branch within Planning, Infrastructure and Economic Development Department, or his/her designate(s)**. A development agreement is to be registered on Title of the property (where applicable). The agreement will include the mitigation measures outlined in the approved Tree Information Report, prepared by IFS Associates, dated Nov. 29, 2023, and associated security for tree protection. The security, which will be based on the value of the tree to be protected (Tree 1) shall be retained for two (2) years following completion of construction, and thereafter returned to the owner only upon the City having received a report from an arborist or appropriate professional confirming that the identified tree is healthy, retainable, and remains structurally stable. **The Owner(s) acknowledge(s) and agree(s) that if, in the opinion of the City Forester and/or the Manager of the relevant Branch within Planning, Real Estate, and Economic Development, the report indicates that Tree 1 is declining and must be removed, the Security for that tree, in its entirety, will be forfeited.**

3. That the Owner(s) provide(s) a Grading and Servicing Plan/Site Plan with the locations of proposed structures (driveways, retaining walls, projections, etc.) determined based on the least impact to protected trees and tree cover, as well as a Tree Information Report reflecting these changes to the satisfaction of the **Development Review Manager of the West Branch within Planning, Infrastructure and Economic Development Department, or his/her designate(s)**.

Infrastructure Services:

4. 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(s)**, 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.

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 **the Manager of the West Branch within Planning, Infrastructure and Economic Development Department, or his/her designate(s)** 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 Manager of the West Branch within Planning, Infrastructure and Economic Development Department, or his/her designate(s)**.
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 West Branch within Planning, Infrastructure and Economic Development Department, or his/her designate(s)**, to require that an asphalt overlay will be installed, at the Owner(s) expense, on Tower 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 of **the 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 **Manager of the West Branch within Planning, Infrastructure and Economic Development Department, or his/her designate(s)** determines that a Development Agreement requiring an asphalt overlay is no longer necessary, this condition shall be deemed as fulfilled.

7. That the Owner(s) submit a Stormwater Management Brief prepared by a Professional Civil Engineer licensed in the Province of Ontario, demonstrating a design for controlling post-development stormwater peak flows to pre-development peak flows for all stormwater events up to the 100 year storm event, to the satisfaction of **the Development Review Manager of the West Branch within Planning, Real Estate and Economic Development Department, or**



his/her designate, to be confirmed in writing from the Department to the Committee.

If the Stormwater Management Brief includes infiltration techniques, the Owner(s) must submit a supporting Geotechnical Brief prepared by a Professional Civil Engineer licensed in the Province of Ontario, for approval by the **Development Review Manager of the West Branch within Planning, Real Estate and Economic Development Department, or his/her designate(s)**.

The Owner(s) acknowledges and agrees to enter into a Development Agreement with the City to construct the required stormwater system, including posting required securities. A copy of the Agreement and written confirmation from City Legal Services that it has been registered on title, shall be forwarded to the Committee of Adjustment.

If applicable, the Owner(s) shall obtain an Environmental Compliance Approval from the Ontario Ministry of Environment, Conservation and Parks. The owners acknowledge and agree that should the stormwater management system cross property lines or access to the system be over multiple properties, that the owner will seek 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.

8. 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 Manager of the West Branch within Planning, Infrastructure and Economic Development Department, or his/her designate(s)**. 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.
9. 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, highway, airport, etc.) and may therefore be subject to noise and other activities associated with that use.”



The Agreement shall be to the satisfaction of **the Manager of the West Branch within Planning, Infrastructure and Economic Development Department, or his/her designate(s)**. The Committee requires a copy of the Agreement and written confirmation from **City Legal Services** that it has been registered on title.

A handwritten signature in black ink, appearing to read "Shahira Jalal".

Shahira Jalal,
Planner I, Development Review, West

A handwritten signature in black ink, appearing to read "Stream Shen".

Stream Shen, MCIP RPP
Planner III (A), Development Review,
West