



Committee of Adjustment

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2023-11-02

City of Ottawa | Ville d'Ottawa

Comité de dérogation

October 31, 2023

Mr. Michel Bellemare
Secretary Treasurer
City of Ottawa
Committee of Adjustment
101 CentrepoinTE Drive
Ottawa, Ontario
K2G 5K7

**RE: Applications for Minor Variance
368 Tweedsmuir Avenue**

Dear Mr. Bellemare:

HP Urban and The Stirling Group have been retained by the owner to assist in obtaining minor variances to the parking requirement for a proposed 3 storey (plus basement) apartment building with a total of 16 units.

SUMMARY

The project was before the Committee on September 21, 2022 (decision attached) and a site plan was approved on May 17, 2023.

None of the plans submitted to the City for site plan approval or to the Committee for consideration during the minor variance application provided any parking. The Minor Variances were approved, and the site plan was approved without parking based on an interpretation of the parking provisions of the zoning bylaw specifically Section 101 Subsection 1A abutting a Main Street.

It was during the Building Code Services zoning review that it was determined the interpretation of the by-law that was accepted by Planning Staff during the site plan approval process was incorrect and a minor variance would be required to issue a building permit consistent with the site plan and minor variance approvals that have been granted.

THE PROJECT



The building is designed by renowned infill architect Rosaline J. Hill and was designed as a transition element between higher density new construction along Richmond, and the 2-storey neighbourhood to the north. The design is contemporary, but with some traditional features, including a front facade third floor feature akin to a mansard roof. This 'eave' is at the level of the third-floor structure, provides a visual transition to the 2-storey neighbourhood to the north.

The front facade has been designed to break up the visual mass into elements in scale with northern neighbours. A front bay window extends the full height of the building, dividing breaking the massing vertically. The lower eave line breaks the front facade with a strong horizontal feature. And the grouping of large windows (with door) at the ground and second floor on the right side of the facade sets this part of the building apart at this smaller scale.

Low canopy trees will be planted in the front, under overhead wires. The site of our proposed development is only two lots north from Richmond Road within a well serviced walkable neighbourhood.



View from the street looking at the existing home at 368 Tweedsmuir



View from the street looking across the street from 368 Tweedsmuir



View looking north down Tweedsmuir toward the corner of Richmond Road



1 RICHMOND/TWEEDSMUIR

Proposed development at the corner of Richmond Road and Tweedsmuir Avenue



3D rendering of proposed building in context (looking from the right)

OFFICIAL PLAN POLICY

General Policy Direction:

- Evolve to denser, walkable, 15-minute neighbourhoods;
- Provide a transportation network that prioritizes sustainable modes over private vehicles,
- Reduce greenhouse gas emissions in the development and building sectors and in the transportation network.

Applicable Specific Policy Direction:

Official Plan Section 4.1.4

Support the shift towards sustainable modes of transportation

Subsection 2

The City shall manage the supply of parking to minimize and to gradually reduce the total land area in the City consumed to provide surface parking. Minimum parking requirements may be reduced or eliminated, and maximum parking limits may be introduced, in all the following locations:

- a) Hubs and Corridors;

- b) Within a 600-metre radius or 800 metres walking distance, whichever is greatest, to existing or planned rapid transit stations;
- c) Within a 300-metre radius or 400 metres walking distance, whichever is greatest, to existing or planned street transit stops along a Transit Priority Corridor or a Frequent Street Transit route; and
- d) Other areas determined by Council.

The subject site and proposed building are 260 metres walking distance from the Westboro transit station which matches Subsection 2B of the official plan policy. Therefore, the objective of eliminating the parking requirement is consistent with the both the general and specific policy direction of the City's Official Plan.

THE FOUR TESTS

Based on the Official Plan Policy the proposed variance meets the four tests of a minor variance as described in Section 45 of the Planning Act.

1. The variance is minor.
The zoning bylaw already exempts the first 12 units of proposed apartment building from the provision of parking and increasing that exemption to 16 units and eliminating 2 parking spaces will not negatively alter the streetscape or affect abutting properties.
2. The variances are desirable for the appropriate development or use of the property.
The Official Plan encourages low rise infill development close to transit and neighbourhood amenities to promote the evolution to a denser, walkable 15-minute neighbourhood so the variances allow the construction of a low rise missing middle active transportation apartment which is desirable and appropriate.
3. The general intent and purpose of the Zoning By-law is maintained.
The zoning bylaw currently provides reductions in parking requirements that are adjusted in specific locational requirements and the proposed variance is in keeping with the zoning bylaws intent around parking reductions related to area and transit.
4. The general intent and purpose of the Official Plan is maintained.
As demonstrated in the attached rationale the proposed reduction in parking requirements is fully supported by the policy direction of the Official Plan

CONCLUSION

The reduction in parking spaces given the approved site plan and the compatibility with the official plan in the promotion of active transportation demonstrates that the proposed minor variance will have no effect on adjacent properties. The approval of the minor variance will



allow the proposed construction to take place in a manner consistent with the Official Plan and community expectations.

As a result, it is our opinion that the requested minor variances represent good planning and urban development.

Sincerely,

Peter Hume
HP Urban Inc.

Alison Clarke
The Stirling Group



**COMMITTEE OF ADJUSTMENT
OF THE CITY OF OTTAWA**

**DECISION
MINOR VARIANCE / PERMISSION**
(Section 45 of the *Planning Act*)

File No.: D08-02-22/A-00220
Owner(s): 13098931 Canada Inc.
Location: 368 Tweedsmuir Avenue
Ward: 15-Kitchissippi
Legal Description: Lot 41, Registered Plan No. 263
Zoning: R4UB
Zoning By-law: 2008-250

Notice was given and a Public Hearing was held on **September 21 and October 5, 2022**, as required by the *Planning Act*.

PURPOSE OF THE APPLICATION:

The Owner wants to construct a three-storey (plus basement) low-rise apartment building for a total of 16 units that include a mix of two-bedroom, one-bedroom, and bachelor units, as shown on plans filed with the Committee.

RELIEF REQUIRED:

The Owner requires the Authority of the Committee for Minor Variances from the Zoning By-law as follows:

- a) To permit a reduced rear yard setback of 0 metres for bike sheds, whereas the By-law requires a minimum rear yard setback of 0.6 metre for an accessory structure.
- b) To permit an increase to the permitted number of dwelling units to 16, whereas the By-law permits a maximum of 12 dwelling units in a low-rise apartment building.

The application indicates that the Property is the subject of a Site Plan Application (D07-12-22-0087), under the *Planning Act*.

PUBLIC HEARING:

Prior to the Hearing on September 21, 2022, the Committee received an adjournment request from Rosaline Hill, Agent for the Applicant, in order to allow for additional time for consultation with the City Planner regarding zoning interpretation for the proposed bay windows. At the Hearing, the Committee heard from Ms. Hill, who reiterated her request and that the application be adjourned to the next scheduled Hearing October 5, 2022. It was also stated that additional variances will not be sought and if redesign to the proposal is required, revisions to the plans will be made accordingly. Also in attendance was Craig Hamilton, of the City's Planning, Real Estate and Economic Development Department. He confirmed that revisions to the plans would be minor and that adjourning to the next Hearing date would provide sufficient time. With the concurrence of all parties the application was adjourned to the Hearing scheduled for October 5, 2022.

At the renewed Hearing on October 5, 2022, the Panel Chair administered an oath to Ms. Hill, who confirmed that the statutory notice posting requirements were satisfied. Ms. Hill, who appeared along with Peter Hume, also representing the Applicant, provided the Committee with a full presentation. Ms. Hill confirmed that the bay windows as shown on the plans were zoning complaint.

Mr. Hamilton was also in attendance, who stated no concerns with the application. Mr. Hamilton cautioned Ms. Hill, that in his opinion, the windows, as proposed could not be interpreted as bay windows as defined in an internal practice bulletin from Building Code Services and were not considered zoning complaint. Ms. Hill confirmed that she wished to proceed with the plans as filed and would deal with the interpretation of the bay windows at the time of building permit issuance.

The Committee also heard from Larry Wong, of 440 Dawson Avenue, who questioned the proposed setbacks for the accessory structures in the rear yard. Mr. Wong raised concerns with the number of dwelling units proposed for the property and sought confirmation that no parking was required for this development.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

The Committee considered any written and oral submissions relating to the applications in making its Decision, including letters of concern.

The Committee has the power to authorize a minor variance from the provisions of the Zoning By-law if, in its opinion, the application meets all four requirements under subsection 45(1) of the *Planning Act*. It requires consideration of whether the variance is minor, is desirable for the appropriate development or use of the land, building or structure, and whether the general intent and purpose of the Official Plan and the Zoning By-law are maintained.

Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.

The Committee notes that the City's Planning Report raises "no concerns" regarding the application, highlighting that: "Staff are of the opinion that the additional units permitted within the building would be adequately serviced by the amenities on the property. Additionally, the greater density proposed on site maintains an appropriate transition from the Minor Corridor on Richmond Road to the ground-based residential building forms at the interior of the neighbourhood. Multi-unit residential uses are common within the immediate neighbourhood, including semi-detached dwellings, three-unit and nearby apartment dwellings."

The Committee also notes that no cogent evidence was presented that the variances would result in any undue adverse impact on adjacent properties.

Considering the circumstances, the Committee finds that, because the proposal fits well in the area, the requested variances are, from a planning and public interest point of view, desirable for the appropriate development or use of the land, building or structure on the property, and relative to the neighbouring lands. The Committee also finds that the requested variances maintain the general intent and purpose of the Official Plan because the proposal represents a modest form of intensification that respects the character of the neighbourhood. In addition, the Committee finds that the requested variances maintain the general intent and purpose of the Zoning By-law because the proposal represents orderly development on the property that is compatible with the surrounding area. Moreover, the Committee finds that the requested variances are minor because they will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.

The Committee therefore authorizes the requested variances, **subject to** the location and size of the proposed construction being in accordance with the revised plans filed, Committee of Adjustment date stamped October 5, 2022, as they relate to the requested variances.

NOTICE OF RIGHT TO APPEAL:

To appeal this decision to the Ontario Land Tribunal (OLT), a completed appeal form along with payment must be received by the Secretary-Treasurer of the Committee of Adjustment by **November 3, 2022**, delivered by email at cofa@ottawa.ca and/or by mail or courier to the following address:

Secretary-Treasurer, Committee of Adjustment,
101 CentrepoinTE Drive, 4th floor, Ottawa, Ontario, K2G 5K7

The Appeal Form is available on the OLT website at <https://olt.gov.on.ca/>. The OLT has established a filing fee of \$400.00 per type of application with an additional filing fee of \$25.00 for each secondary application. Payment can be made by certified cheque or

money order made payable to the Ontario Minister of Finance, or by credit card. Please indicate on the Appeal Form if you wish to pay by credit card. If you have any questions about the appeal process, please contact the Committee of Adjustment office by calling 613-580-2436 or by email at cofa@ottawa.ca.

Only individuals, corporations and public bodies may appeal Decisions in respect of applications for consent to the OLT. A notice of appeal may not be filed by an unincorporated association or group. However, a Notice of Appeal may be filed in the name of an individual who is a Member of the Association or group on its behalf.

Please note that there are no provisions for the Committee of Adjustment or the OLT to extend the statutory deadline to file an appeal. If the deadline is not met, the OLT does not have the authority to hold a hearing to consider your appeal.

**DECISION SIGNATURE PAGE
PAGE DE SIGNATURE DE LA DÉCISION**

File No. / Dossier n°: D08-02-22/A-00220
Owner(s) / Propriétaire(s): 13098931 Canada Inc.
Location / Emplacement: 368 Tweedsmuir Avenue

We, the undersigned, concur in the decision and the reasons set out by the Committee of Adjustment.

Nous, soussignés, souscrivons à la décision et aux motifs rendus par le Comité de dérogation.

“John Blatherwick”

**JOHN BLATHERWICK
VICE-CHAIR / VICE-PRÉSIDENT**

Absent / Absent

**STAN WILDER
MEMBER / MEMBRE**

“Heather MacLean”

**HEATHER MACLEAN
MEMBER / MEMBRE**

“Michael Wildman”

**MICHAEL WILDMAN
MEMBER / MEMBRE**

“Colin White”

**COLIN WHITE
MEMBER / MEMBRE**

Absent / Absente

**BONNIE OAKES CHARRON
MEMBER / MEMBRE**

I certify that this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa.

Je certifie que celle-ci est une copie conforme de la décision rendue par le Comité de dérogation de la Ville d'Ottawa.



Date of Decision / Date de la décision
October 14, 2022 / 14 octobre 2022

Michel Bellemare
Secretary-Treasurer / Secrétaire-trésorier



**SITE PLAN CONTROL APPLICATION
DELEGATED AUTHORITY REPORT
PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT**

Site Location: 368 Tweedsmuir Avenue

File No.: D07-12-22-0087

Date of Application: May 24, 2022

This SITE PLAN CONTROL application submitted by Jonathan Harris, Rosaline J. Hill Architect Inc., on behalf of 13098931 Canada Inc., is APPROVED as shown on the following plan(s):

1. **Site Plan**, A1.0, prepared by Rosaline J. Hill Architect Inc., dated May 2022, revision 7 dated 2022/12/01.
2. **Tree Conservation Report and Landscape Plan**, L.1, prepared by James B. Lennox & Associates Inc., dated April 2022, revision 9 dated 12/01/2022.
3. **Front Elevation**, A2.1, prepared by Rosaline J. Hill Architect Inc., dated May 2022, revision 7 dated 2022/12/01.
4. **Rear Elevation**, A2.2, prepared by Rosaline J. Hill Architect Inc., dated May 2022, revision 7 dated 2022/12/01.
5. **Left (South Side) Elevation**, A2.3, prepared by Rosaline J. Hill Architect Inc., dated May 2022, revision 7 dated 2022/12/01.
6. **Right (North Side) Elevation**, A2.4, prepared by Rosaline J. Hill Architect Inc., dated May 2022, revision 7 dated 2022/12/01.
7. **Site Servicing Plan and Existing Conditions Plan**, C-1 of 3, prepared by D.B. Gray Engineering Inc. dated APR 22-22, Revision 6 dated JAN 25-23.
8. **Grading Plan and Sediment Control Plan and Drainage Plan**, C-2 of 3, prepared by D.B. Gray Engineering Inc., dated APR 22-22, Revision 5 dated JAN 18-23.
9. **Notes**, C-3 of 3, prepared by D.B. Gray Engineering Inc., dated APR 22-22, Revision 2 dated OCT 25-22.

And as detailed in the following report(s):

1. **Geotechnical Investigation Report**, prepared by Paterson Group, Report No. PG5961-1, dated September 28, 2021.
2. **Phase I Environmental Site Assessment**, prepared by Paterson Group, Report No. PE5429-1, dated October 13, 2021.
3. **Phase II Environmental Site Assessment**, prepared by Paterson Group, Report No. PE5429-2, dated November 4, 2021.
4. **Stationary Noise Assessment**, prepared by Gradient Wind, Report No. GW22-100-Stationary Noise, dated May 20, 2022.
5. **Roadway Traffic Noise Assessment**, prepared by Gradient Wind, Report No. GW22-100, dated October 27, 2022.
6. **Site Servicing Study & Stormwater Management Report**, prepared by DB Gray Engineering Inc., Report No. 22028, dated January 25, 2023.

And subject to the following Scoped Site Plan Agreement Conditions:

1. **Execution of Agreement Within One Year**

The Owner shall enter into a Scoped Site Plan Control Agreement, limited to the following conditions, list of approved plans and reports, financial and otherwise, as required by the City. In the event that the Owner fails to sign this Agreement and complete the conditions to be satisfied prior to the signing of this Agreement within one (1) year of Site Plan approval, the approval shall lapse.

2. **On-Site Parking - Notice on Title**

The Owner, or any subsequent owner of the whole or any part of the subject lands, acknowledges and agrees that all agreements of purchase and sale or lease agreements shall contain the following clauses, which shall be covenants running with the subject lands:

“The Purchaser/Lessee for himself, his heirs, executors, administrators, successors and assigns acknowledges being advised that the unit being sold/rented will not be provided with any on-site parking. Should the Purchaser/Lessee have a vehicle for which they wish to have parking, alternative and lawful arrangements will need to be made to address their parking needs at an alternate location and that such arrangements are solely the responsibility of the person seeking parking. The Purchaser/Lessee acknowledges that the availability and regulations governing on-street parking vary; that access to on-site street parking, including through residential on-street parking permits issued by the City of Ottawa cannot be guaranteed now or in the future; and that the Purchaser/Lessee intending to rely on on-street parking for their vehicle or vehicles does so at their own risk.”

“The Purchaser/Lessee covenants with the Vendor/Lessor that the above clause, verbatim, shall be included in all subsequent agreements of purchase and sale and lease agreements for the lands described herein, which covenant shall run with the said lands.”

3. **Noise Control Attenuation Measures**

The Owner acknowledges and agrees to implement the noise control attenuation measures recommended in the approved Roadway Traffic Noise Assessment, prepared by Gradient Wind, Report: GW22-100 on October 27, 2022, referenced in Schedule “E” of this Agreement, as follows:

- a) each unit is to be fitted with a forced air heating system and ducting, and shall be sized to accommodate central air conditioning;
- b) further to subsection (a) above, the location and installation of any outdoor air conditioning device(s) shall comply with the noise criteria of the Ministry of the Environment, Conservation and Parks’ Publication NPC-216, dated 1993, and the Environmental Noise Guidelines for Installation of Residential Air Conditioning Devices, dated September 1994, as amended, in order to minimize the noise impacts both on and off the immediate vicinity of the subject lands.
- c) notice respecting noise shall be registered against the lands, at no cost to the City, and a warning clause shall be included in all agreements of purchase and sale or lease agreements, as detailed in paragraph XX below.

4. **Notice on Title – Noise Control Attenuation Measures**

The Owner, or any subsequent owner of the whole or any part of the subject lands, acknowledges and agrees that all agreements of purchase and sale or lease agreements shall contain the following clauses, which shall be covenants running with the subject lands:

Type C – Forced Air Heating System and Ducting

“The Purchaser/Lessee for himself, his heirs, executors, administrators, successors and assigns acknowledges being advised that this dwelling unit has been fitted with a forced air heating system and the ducting, etc. was sized to accommodate central air conditioning. Installation of central air conditioning by the Purchaser/Lessee will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the City of Ottawa’s and the Ministry of the Environment, Conservation and Parks’ noise criteria.”

“The Purchaser/Lessee for himself, his heirs, executors, administrators, successors and assigns acknowledges and agrees it shall identify the location and install any outdoor air conditioning device(s) so as to comply with the noise

criteria of the Ministry of the Environment, Conservation and Parks' Publication NPC-216, dated 1993, and the Environmental Noise Guidelines for Installation of Residential Air Conditioning Devices, dated September 1994, as amended, in order to minimize the noise impacts both on and off the immediate vicinity of the subject lands."

"The Purchaser/Lessee covenants with the Vendor/Lessor that the above clauses, verbatim, shall be included in all subsequent agreements of purchase and sale, and lease agreements for the lands described herein, which covenant shall run with the said lands."

5. **Cash-in-lieu of Parkland**

The Owner shall pay cash-in-lieu of parkland in accordance with the Parkland Dedication By-law of the City of Ottawa, as well as the fee for appraisal services. The monies are to be paid at the time of execution of the Site Plan Agreement.

And subject to the following General and Special Conditions, which will be subject to a Letter of Undertaking:

General Conditions

1. **Designated Substances Survey**

Prior to demolition of any existing buildings located on the lands described in Schedule "A" herein, the Owner acknowledges and agrees to complete a designated substances survey and submit the findings and recommendations for the proper handling and disposal of waste as identified in said survey, to the satisfaction of the General Manager, Planning, Real Estate and Economic Development, and in accordance with Best Management Practices. The survey shall address, but not be limited to:

- a. O.Reg. 278/05: Designated Substance - Asbestos on Construction Projects and in Buildings and Repair Operations under the Occupational Health and Safety Act, R.S.O. 1990, c.O.1, as amended (O.Reg. 278/05);
- b. Guideline - Lead on Construction Projects, prepared by the Ontario Ministry of Labour - Occupational Health and Safety Branch, published September 2004 and revised April 2011, as amended;
- c. O.Reg. 213/91: Construction Projects under the Occupational Health and Safety Act, R.S.O. 1990, c.O.1, as amended (O.Reg. 213/91);
- d. Registration Guidance Manual for Generators of Liquid Industrial and Hazardous Waste, prepared by the Ontario Ministry of the Environment, Conservation and Parks, published April 1995 and revised January 2016, as amended, to be used in conjunction with R.R.O. 1990, Reg. 347: General-

Waste Management under the Environmental Protection Act, R.S.O. 1990, c.E.19, as amended (R.R.O. 1990, Reg. 347);

- e. R.R.O. 1990, Reg. 362: Waste Management – PCB's under the Environmental Protection Act, R.S.O. 1990, c.E.19, as amended (R.R.O. 1990, Reg. 362).

2. **Asphalt Overlay**

Due to the number of road cut permits required to service this development, the Owner shall install an asphalt overlay, as shown on the approved Site Servicing Plan and Existing condition prepared by D.B. Gray Engineering Inc. Drawing No. C-1 of 3 dated April 22nd 2022 Revision 6, Revision date January 25th 2023, referenced in Schedule "E" hereto. The overlay shall be carried out to the satisfaction of the General Manager, Planning, Real Estate and Economic Development. The Owner acknowledges and agrees that all costs are to be borne by the Owner.

3. **Water Supply For Fire Fighting**

The Owner shall provide adequate water supply for fire fighting for every building. Water supplies may be provided from a public water works system, automatic fire pumps, pressure tanks or gravity tanks.

4. **Reinstatement of City Property**

The Owner shall reinstate, at its expense and to the satisfaction of the General Manager, Planning, Real Estate and Economic Development, any property of the City, including, but not limited to, sidewalks, curbs and boulevards, which is damaged as a result of the subject development.

5. **Construction Fencing**

The Owner acknowledges and agrees to install construction fencing, at its expense, in such a location as may be determined by the General Manager, Planning, Real Estate and Economic Development.

6. **Construct Sidewalks**

The Owner shall design and construct sidewalk(s) within public rights-of-way or on other City owned lands to provide a pedestrian connection from or to the site as may be determined by the General Manager, Planning, Real Estate and Economic Development. Such sidewalk(s) shall be constructed to City Standards.

7. **Extend Internal Walkway**

The Owner shall extend internal walkways beyond the limits of the subject lands to connect to existing or proposed public sidewalks, at the sole expense of the Owner, to the satisfaction of the General Manager, Planning, Real Estate and Economic Development.

8. **Completion of Works**

The Owner acknowledges and agrees that no new building will be occupied on the lands until all requirements with respect to completion of the Works as identified in this Agreement have been carried out and received Approval by the General Manager, Planning, Real Estate and Economic Development, including the installation of municipal numbering provided in a permanent location visible during both day and night and the installation of any street name sign on relevant streets. Notwithstanding the non-completion of the foregoing Works, occupancy of a lot or structure may otherwise be permitted, if in the sole opinion of the General Manager, Planning, Real Estate and Economic Development, the aforesaid Works are proceeding satisfactorily toward completion. The Owner shall obtain the prior consent of the General Manager, Planning, Real Estate and Economic Development for such occupancy in writing.

Until all requirements with respect to completion of the Works as identified in this Agreement have been carried out and received Approval by the General Manager, Planning, Real Estate and Economic Development, the Owner shall give notice to the City of a proposed conveyance of title to any building at least thirty (30) days prior to any such conveyance. No conveyance of title to any building shall be effective unless the Owner has complied with this provision.

Nothing in this clause shall be construed as prohibiting or preventing the approval of a consent for severance and conveyance for the purposes of obtaining financing.

9. **Professional Engineering Inspection**

The Owner shall have competent Professional Engineering inspection personnel on-site during the period of construction, to supervise the Works, and the General Manager, Planning, Real Estate and Economic Development, shall have the right at all times to inspect the installation of the Works. The Owner acknowledges and agrees that should it be found in the sole opinion of the General Manager, Planning, Real Estate and Economic Development, that such personnel are not on-site or are incompetent in the performance of their duties, or that the said Works are not being carried out in accordance with the approved plans or specifications and in accordance with good engineering practice, then the General Manager, Planning, Real Estate and Economic Development, may order all Work in the project to be stopped, altered, retested or changed to the satisfaction of the General Manager, Planning, Real Estate and Economic Development.

Special Conditions

10. Private Approach Detail

The Owner agrees that all private approaches, including temporary construction access to the subject lands, shall be designed and located in accordance with and shall comply with the City's Private Approach By-Law, being By-law No. 2003-447, as amended, and shall be subject to approval of the General Manager, Planning, Real Estate and Economic Development.

11. Geotechnical Investigation

The Owner acknowledges and agrees that it shall retain the services of a geotechnical engineer, licensed in the Province of Ontario, to ensure that the recommendations of the Geotechnical Investigation Report, Prepared by Paterson Group on September 28, 2021, Report PG5961-1 referenced in Schedule "E" herein, are fully implemented. The Owner further acknowledges and agrees that it shall provide the General Manager, Planning, Real Estate and Economic Development with confirmation issued by the geotechnical engineer that the Owner has complied with all recommendations and provisions of the Report, prior to construction of the foundation and at the completion of the Works, which confirmation shall be to the satisfaction of the General Manager, Planning, Real Estate and Economic Development.

12. Geotechnical - Encroachments

The geotechnical report has recommended a method of shoring that may encroach onto the adjacent property or onto the City right-of-way. Please note that the applicant is required to obtain the approval of the adjacent property Owner and/or receive municipal consent for any works within the right-of-way prior to the installation of any encroachments. For encroachments within the ROW the applicant shall ensure that there will be no conflicts between the proposed shoring method and the municipal services or utilities in the ROW.

13. Permits

The Owner shall obtain such permits as may be required from municipal or provincial authorities and shall file copies thereof with the General Manager, Planning, Real Estate and Economic Development.

14. Stormwater Management Memorandum

Prior to registration of this Agreement, the Owner acknowledges and agrees to provide the General Manager, Planning, Real Estate and Economic Development, with a memorandum prepared by a Professional Engineer, licensed in the Province of Ontario, confirming that the designed roof-top scuppers and associated spill point elevations will be set equivalent to the top of the control weir of the approved roof drain elevation(s). The Owner further acknowledges and

agrees that said memorandum shall be to the satisfaction of the General Manager, Planning, Real Estate and Economic Development, and all associated costs shall be the Owner's responsibility.

15. Protection of City Sewers

- a) Prior to the issuance of a building permit, the Owner shall, at its expense:
 - i. obtain a video inspection of the City Sewer System within Tweedsmuir Avenue between Sanitary maintenance holes MHSA46967 and MHSA27599 and between Storm maintenance holes MHST28722 and MHST44575 prior to any construction to determine the condition of the existing City Sewer System prior to construction on the lands and to provide said video inspection to the General Manager, Planning, Real Estate and Economic Development.
- b) Upon completion of construction on the lands, the Owner shall, at its expense and to the satisfaction of the General Manager, Planning, Real Estate and Economic Development:
 - i. obtain a video inspection of the existing City Sewer System within Tweedsmuir Avenue between Sanitary maintenance holes MHSA46967 and MHSA27599 and between Storm maintenance holes MHST28722 and MHST44575 to determine if the City Sewer System sustained any damages as a result of construction on the lands; and
 - ii. assume all liability for any damages caused to the City Sewer within Tweedsmuir Avenue between Sanitary maintenance holes MHSA46967 and MHSA27599 and between Storm maintenance holes MHST28722 and MHST44575 and compensate the City for the full amount of any required repairs to the City Sewer System.

16. Flow Control Roof Drains

The Owner acknowledges and agrees to install and maintain in good working order the required roof-top stormwater control roof drains , as recommended in the approved Grading Plan and Sediment Control Plan and Drainage plan: prepared by D.B. Gray Engineering Inc. Drawing No. C-2 of 3 dated April 22nd 2022 Revision 5, Revision date January 18th 2023 referenced in Schedule "E" herein. The Owner further acknowledges and agrees it shall assume all maintenance and replacement responsibilities in perpetuity. The Owner shall keep all records of inspection and maintenance in perpetuity, and shall provide said records to the City upon its request.

17. Stormwater Works Certification

Upon completion of all stormwater management Works, the Owner acknowledges and agrees to retain the services of a Professional Engineer, licensed in the

Province of Ontario, to ensure that all measures have been implemented in conformity with the approved Plans and Reports, referenced in Schedule "E" herein. The Owner further acknowledges and agrees to provide the General Manager, Planning, Real Estate and Economic Development with certificates of compliance issued by a Professional Engineer, licensed in the Province of Ontario, confirming that all recommendations and provisions have been implemented in accordance with the approved Plans and Reports referenced in Schedule "E" herein.

18. Risk Assessment Report and Risk Mitigation Measures

The Owner acknowledges and agrees to provide a human health risk assessment report to address the groundwater contamination, as per the recommendations of the Supplemental Phase II Environmental Site Assessment, referenced in Schedule "E" herein, involving implementation of Risk Mitigation measures, that will be implemented concurrently with the site redevelopment. Prior to the issuance of a building permit, the Owner may re-test the monitoring wells in order to confirm that the human health risk assessment remains necessary.

19. Pre-Construction Meeting

The Owner agrees to hosting a virtual pre-construction meeting with the community and the Ward Councillor's office prior to the start of excavation and construction on the site.

May 17, 2023

Date



Andrew McCreight
(A) Manager, Development Review, Central
Planning, Real Estate and Economic
Development Department

Enclosure: Site Plan Control Application approval – Supporting Information

**SITE PLAN CONTROL APPROVAL APPLICATION
SUPPORTING INFORMATION**

File Number: D07-12-22-0087

SITE LOCATION

368 Tweedsmuir Avenue, and as shown on Document 1.

SYNOPSIS OF APPLICATION

The property is located on the west side of Tweedsmuir Avenue, approximately 50 metres north of the Richmond Road intersection. The area is characterized by a mix of uses, including commercial and retail spaces, low-rise to high-rise apartment buildings, along with residential dwellings. 368 Tweedsmuir is currently occupied by a two-storey detached dwelling with an attached carport.

The proposal seeks to construct a three-storey, low-rise apartment building with 16 dwelling units. 25 percent of the 16 dwelling units will be 2-bedroom units, while the rest will consist of 1-bedroom and bachelor units. The proposal does not include on-site parking but does include rear yard bike storage sheds for its tenants. The proposal also includes a garbage shed in the rear yard.

An application to the Committee of Adjustment for Minor Variance (D08-02-22/A-00220) was submitted in order to obtain relief from some zoning provisions. A hearing was held on September 21 and October 5, 2022 and the following reliefs were granted:

- Reduced setback for an accessory structure (bike shed) to 0 metres from the rear property line.
- Increased number of dwelling units to 16.

Residential Units and Types

Dwelling Type	Number of Units
Apartment	16

Related Applications

The following application is related to this proposed development:

- Committee of Adjustment application for Minor Variance: D08-02-22/A-00220

DECISION AND RATIONALE

This application is approved for the following reasons:

- The subject site is located within the Inner Urban Transect of the Official Plan and is further designated as an Evolving Neighbourhood. The Inner Urban Transect is generally planned for mid- to high-density development. Policies speak to maintaining and enhancing an urban pattern of built form, prioritizing walking and cycling, and providing direction to hubs, corridors and neighbourhoods.
- The subject site is located within the Richmond Road / Westboro Secondary Plan area and is located near to the Westboro Village Planning Area Sector. Although outside of the designation sector, this proposal will help support the nearby mainstreet corridor activities.
- The proposal adheres to all zoning provisions of the R4UB zone (Residential Fourth Density, Subzone UB), as varied through Minor Variance application D08-02-22/A-00220.
- The proposed low-rise apartment building is considered to represent good planning.

PARKLAND DEDICATION

Parkland dedication, in accordance with By-law 2022-280, is being satisfied within this approval through the taking of cash-in-lieu of parkland as detailed in the above conditions.

CONSULTATION DETAILS

Councillor's Comments

Councillor Jeff Leiper was aware of the application related to this report. Councillor has concurred with the proposed conditions of approval.

Public Comments

This application was subject to public circulation under the Public Notification and Consultation Policy. There were public comments received online and staff considered these comments.

Advisory Committee Comments

The Accessibility Advisory Committee requested confirmation of adherence to various accessibility standards, including ramps, barrier-free path of travel, accessible parking, accessible units and emergency exists.

Where applicable, adherence was confirmed by the applicant, and accessibility for the

16-unit apartment will be a requirement through review of the corresponding building permit.


APPLICATION PROCESS TIMELINE STATUS

This Site Plan application was not processed by the On Time Decision Date due to longer turnaround times between some submissions as well as the need for extended discussions related to some conditions of approval.

Contact: Jean-Charles Renaud Tel: 613-580-2424, ext. 27629 or e-mail: Jean-Charles.Renaud@ottawa.ca

Document 1 – Location Map



	
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REVISION / RÉVISION - 202 / 06 / 16	

LOCATION MAP / PLAN DE LOCALISATION SITE PLAN / PLAN D'EMPLACEMENT

 368 avenue Tweedsmuir Avenue

