



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

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 674 de l'Église Street
Legal Description: Lot 59, Part of Lots 58 and 60, Registered Plan 334
File No.: D08-01-23/B-00255-256 and D08-02-23/A-00248-249
Report Date: December 7, 2023
Hearing Date: December 13, 2023
Planner: Margot Linker
Official Plan Designation: Inner Urban Transect, Neighbourhood
Zoning: R4UA

DEPARTMENT COMMENTS

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

DISCUSSION AND RATIONALE

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. Staff have also reviewed the requested minor variances 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 zoned Residential Fourth Density, Subzone UA (R4UA). A variety of residential uses are permitted in this zone, ranging from detached dwellings to low-rise apartments. With respect to Official Plan designation, the subject property is within the Inner Urban Transect (Schedule A), and is designated Neighbourhood (Schedule B2). Within this Transect, Neighbourhoods located in proximity to Hubs and Corridors are intended to absorb substantial residential growth, with a focus on missing-middle housing (5.2.4(1)). The Official Plan describes missing-middle housing as low-rise residential development, generally containing three to sixteen dwelling units.

Staff have no concerns with the requested minor variances, and do not foresee negative impacts on surrounding lots. The proposal contemplates the construction of missing-middle housing on a property situated within a 550 metre radius of three Mainstreet Corridors: Montreal Road, St. Laurent Boulevard, and McArthur Avenue. Accordingly, the application responds to the direction of the Official Plan regarding strategic neighbourhood intensification near Corridors.

Staff have no concerns with the requested variances for lot width and lot area, as they do not compromise the site's functionality or integration into the existing context. The proposed lot sizes still provide sufficient space for pedestrian circulation, waste management, and servicing access. Further, the Official Plan supports denser residential development and lot configurations that depart from traditional lot division (4.2.1(2)(a)).

In terms of the variance to permit a reduced interior side yard setback, staff recognize that this is only required for the interior side yards between the proposed buildings (shown as Parts 2 and 3 on the submitted site plan). A shared interior walkway will serve both buildings, with associated easements to permit joint use. Consequently, despite the reduced interior side yard setback, the proposal maintains sufficient width for access between the buildings and does not impact the abutting properties.

Lastly, regarding the variance for front yard soft landscaping, staff see this as a technical variance rather than a deviation from the performance standards of the by-law. This minor variance is necessary for barrier-free circulation on the site due to the lack of sidewalks along this segment of Église Street, making it desirable from an accessibility standpoint. The proposal continues to provide the required amount of front yard soft landscaping and provides sufficient soil volume to accommodate front yard plantings. Thus, staff feel that the variance does not compromise the intent of the by-law.

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. 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.
4. 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**.
5. Existing grading and drainage patterns must not be altered.

6. Existing services are to be blanked at the owner's expense.
7. 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.)
8. Service lateral spacing shall be as specified in City of Ottawa Standard S11.3.

Planning Forestry

~~The proposed construction will require the removal of two protected trees due to their condition and location, impacted by the excavation area. Written consent was provided by the owners of 680 De L'Eglise for removal of their tree.—~~

~~Five compensation trees are required, with adequate space both above and below ground. While 5 trees are proposed on the planting plan, all are small-growing trees on private property, due to the lack of soil volume in front and hydro wires at the rear, which will limit the contribution to canopy cover on site. Section 11.5 (9) of the Official Plan speaks to the necessity of providing adequate soil volume for planting trees in applications for low-rise apartments. Item d) specifically notes that applications to reduce soft landscaped area may be tied to requirements for more intensive planting to account for the loss of surface area. The minor variance for reduced front yard landscaped area is not supported, and plans for the walkway must be revised to provide adequate soil volume for planting large growing trees within the de l'eglise ROW or frontage to provide greater benefits to the streetscape and urban canopy cover. The Planting Plan should also be revised to provide a minimum of 2 (50mm) trees in the Morgan St ROW to improve the streetscape on that side. Tree protection must be installed and maintained for any adjacent trees throughout the construction, in accordance with the City's tree protection specifications.~~

The proposed construction will require the removal of two protected trees due to their condition and location, impacted by the excavation area. Written consent was provided by the owners of 680 De L'Eglise for removal of their tree. 5 compensation trees are required, with adequate space both above and below ground. Section 11.5 (9) of the Official Plan speaks to the necessity of providing adequate soil volume for planting trees in applications for low-rise apartments. Item d) specifically notes that applications to reduce soft landscaped area may be tied to requirements for more intensive planting to account for the loss of surface area. In order to address concerns raised with the soil volumes and tree sizes provided, the applicant is working with staff to revise the planting plan to place trees within the ROW where space is available and to increase the available soil volume on the frontage through pathway design to allow for somewhat larger trees to be planted, understanding the accessibility requirements of the site. The revised Planting Plan is anticipated to be provided prior to the COA hearing, and will not change any aspect of the building itself. Tree protection must be installed and maintained for any adjacent trees throughout the construction, in accordance with the City's tree protection specifications.

CONDITIONS

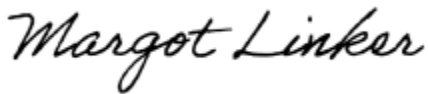
If approved, the Planning, Real Estate and Economic Development Department requests that the Committee of Adjustment impose the following conditions on the applications:

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 owners agree to provide a revised site and/or grading plan with the driveways, services, walkways, and grading situated 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.
3. 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. The majority of these trees should be located within the Right of Way.
4. The Owner, or any subsequent owners, at its expense acknowledges and agrees to obtain a private approach permit to remove the now redundant approach from the property and reinstate the curb to full height. In addition, the removal shall be completed 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 **Right-of-Way, Heritage, and Urban Design Department**. Furthermore, any works required to be done by the Owner(s) on the City Road allowances shall be according to the specifications and by-laws of the City. The Owner, or its contractor, shall be required to obtain all the necessary permits for road cuts prior to the disruption of the City Road allowance and it is further understood and agreed that the aforementioned cuts shall be reinstated to the satisfaction of the **Director, Infrastructure Services**.
5. 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.
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

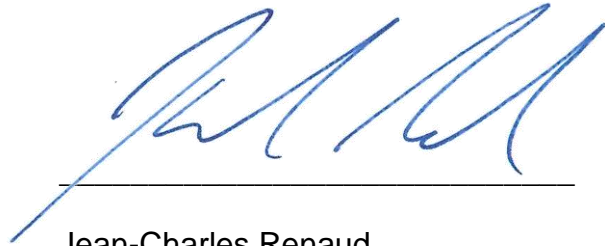
- writing from the Department to the Committee, that the existing structure straddling the proposed severance line has been demolished in accordance with the demolition permit or relocated in conformity with the Zoning By-law.
7. That the Owner(s) shall provide evidence that a grading and drainage plan, 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 **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. The grading and drainage plan shall delineate existing and proposed grades for both the severed and retained properties, to the satisfaction of **Development Review Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate**.
 8. 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.
 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 **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 l'Eglise 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 **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.
 10. That the Owner(s) enter into a Joint Use, Maintenance and Common Element Agreement 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 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 **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 **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.



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