

2023-10-27



**CONSENT & MINOR VARIANCE APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 2**

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 243 Bradford Street
Legal Description: Lot 4 Registered Plan 284
File No.: D08-01-23/B-00201 & D08-01-23/B-00202
D08-02-23/A-00190 & D08-02-23/A-00191
Report Date: October 27, 2023
Hearing Date: October 31, 2023
Planner: Sole Soyak
Official Plan Designation: Inner Urban Transect, Neighbourhood Designation
Zoning: LC [772]

DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department **has concerns with** the application(s).

DISCUSSION AND RATIONALE

The Official Plan designates the site as Neighbourhood within the Inner Urban Transect. Built form in the Inner Urban Transect includes both urban and suburban characteristics and its intended pattern is urban. Furthermore, the neighbourhood designation intends to permit a mix of building forms and densities and to encourage more diverse housing forms that will be compatible with the existing built form context of the neighbourhood.

The site is zone LC (Local Commercial) allow a variety of small, locally-oriented convenience and service uses as well as residential uses provide an opportunity to accommodate residential or mixed uses development; and impose development standards that will ensure that the size and scale of development are consistent with that of the surrounding residential area.

Although there are policies on the Official Plan that speak to the city moving towards more sustainable modes of transportation, these policies focus on areas with close proximity to transit priority corridors and frequent street transit routes. Staff is of the opinion that there has not been enough evidence provided to support the significant

reduction of parking spaces and elimination of visitor parking spaces given that a parking impact assessment has not been undertaken.

Additionally, the Official Plan states that “the City shall review requirements, permissions and minimum dimensions for vehicle parking in enclosed spaces and on small lots that cannot reasonably accommodate surface parking and loading and lay-by areas, without unduly compromising site functionality or with the land-use context or the public realm.” In that regard, it has not been demonstrated that the significant reduction in parking would not result in the spillover of parking onto the street which could have an undue adverse impact on the public realm. Therefore, the Department is of the opinion that the variances do not meet the four tests under the *Planning Act*.

ADDITIONAL COMMENTS

Planning Forestry

A revised TIR (v2) was provided on October 26th, 2023, to reflect the updated site plan. Planning Forestry has concerns with the proposed plans as a suitable retention strategy is not provided for tree 9. The current design proposed, specifically the the rear yard parking, threatens removal of this tree. The TIR proposes use of a geocell structure to prevent excavation and provide an elevated rear yard parking area. There is a change in grade (e.g., a small retaining wall is proposed) in the rear yard which tree impacts have not been adequately accounted for. Installing this structure would also restrict the girth of the tree, leaving only 15cm of space, limiting its growth. Tree 9 is outside of the as of right building area and is overall good condition. Section 4.8.2 of the Official Plan policy 6 states that the Committee of Adjustment may refuse a development application where it deems the loss of a tree(s) avoidable. The current plans are not suitable for retention of tree 9. Site plans should be revised for development of the site that permit retention of this tree.

The TIR would also need to be updated to address these discrepancies. The TIR shows retention of the trees along the southern property boundary but does not address the pruning that would be required to accommodate a three-story apartment building. There are also no dimensions on the tree protection fencing area to guide installation as it won't follow the extent of the retained trees critical root zones. The TIR notes on page 10, helical piers will be used at the front of the southern building. Please detail in the TIR whether there is still excavation planned for the building 2.69 m from tree 1 as shown on plan A.05, ensuring plans are consistent with one another and all impacts are accounted for.

Trees 1 – 3 are City owned. Tree protection fencing must be installed before services are decommissioned and capping of services must take place outside of the trees CRZ. Planning Forestry (hayley.murray@ottawa.ca) can provide the applicants agent with contact information with the City's Right of Way team to support this process. Securities

will be collected for City owned trees 1 and 2 to ensure all efforts to protect them throughout construction are made. The securities will be tied to the updated TIR reflecting the final site plan. This is supported by Section 4.8.2 of the Official Plan, policy 6, that states approvals granted by Council or Committee of Adjustment may include conditions to support tree protection. There are no existing trees on the proposed northern lot (243). A tree planting plan is being requested to show where one tree will be planted in the right of way to contribute to the urban forest canopy and streetscape (Section 4.8.2 of the Official Plan).

Right of Way Management

The Right-of-Way Management Department has **no concerns** with the proposed Consent & Minor Variance Applications. However, the Owner shall be made aware that private approach permits are required to construct each of the newly created driveways/approaches.

Transportation Engineering

The two proposed low rise-apartment buildings each containing 10 residential units falls within area C (suburban) of the Consolidated Zoning By-law 2008-250 (as amended by By-law 2016-249).

The total development is proposing to provide 6 residential parking spaces and 0 visitor parking spaces however the minimum parking by-law requires the total development to provide 24 residential parking spaces and 4 visitor parking spaces.

Consideration should be made to ensure sufficient parking is available for visitors and residents. Any residential or visitor parking demands will need to be absorbed by the existing on-street parking spaces in the area. There is no on-street residential parking permit zones or municipal operated off-street parking facilities in the vicinity of this development.

CONDITIONS

If approved, the Planning, Real Estate and Economic Development Department requests that the Committee of Adjustment impose the following condition(s) on the application(s):

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) enter into Joint Use, Maintenance and Common Element, 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 **the Development Review Manager of the West Branch within Planning, Infrastructure 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 West Branch within Planning, Infrastructure 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.

3. That the Owner(s) provide proof 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 existing dwelling has been removed, that the existing sewer services are capped at the sewer and that the existing water service is blanked at the watermain.
4. That the Owner(s) provide evidence (servicing plan), to the satisfaction **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.

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 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**.

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 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 Bradford St., 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.

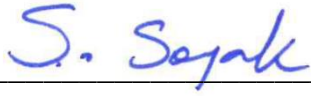
If the **Development Review Manager of the West Branch within Planning, Infrastructure and Economic Development Department, or his/her designate**, determines that a Development Agreement requiring an asphalt overlay is no longer necessary, this condition shall be deemed as fulfilled.

7. That the Owners agree to provide a revised tree information report to the satisfaction of the General Manager of the Planning, Real Estate and Economic Development Department, or his/her designate. This report shall be prepared by an Arborist, identify all trees protected under the City's Tree Protection by-law and meet the standards of the City's Tree Information Report Guidelines, including specific mitigation measures where work is proposed within the Critical Root Zone of a protected tree.

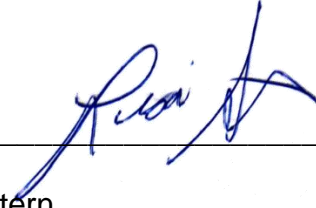
8. That the Owners agree that the location of the proposed structures, including the driveways, retaining walls, projections, etc. shown on the Grading & Servicing Plan, will be determined based on the least impact to protected trees and tree cover. The Owner(s) further acknowledges and agrees that this review may result in relocation of these structures and agrees to revise their plans accordingly 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.

9. That the Owner(s) agree to provide proof that the tree protection fencing around the Critical Root Zone of the protected tree is installed as shown in the approved Tree Information Report, prior to demolition, to prevent any excavation within this zone, to the satisfaction of the Development Review Manager of the Central Branch within the Planning, Real Estate and Economic Development Department, or his/her designate. The sanitary and storm services if present, must be abandoned and capped outside of the Critical Root Zone of the City tree as clearly demonstrated on the Existing Conditions, Removals, and Decommissioning plan.
10. That the Owner/Applicant(s) shall provide a signed letter of permission from the owner of identified adjacent or boundary tree(s), for the proposed removal or operations impacting the tree(s). The applicant acknowledges that a tree removal permit cannot be issued without the permission of all owners of a tree, and that the development plan must be revised to allow for the retention and protection of the adjacent or boundary trees if this letter cannot be produced.
11. Prior to the 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. The Owner(s) agree to provide securities for a period of 2 years following the completion of construction, which is equivalent to the value of the trees to be protected (trees 1 and 2). The Owner(s) agree that the security shall be returned to the owner only upon the City having received a report from an arborist or appropriate professional confirming for both trees 1 and 2, that they are in good health and condition, and remain structurally stable. The Owner(s) acknowledge and agree that if, in the opinion of the City Forester and/or the Development Review Manager of the relevant Branch within Planning, Real Estate, and Economic Development, the report indicates that either or both trees 1 or 2 are declining and must be removed, the Security for that tree, will be forfeited.
12. 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 of one new 50mm tree to be planted on the property frontage or right-of-way of the northern lot (243) following construction, to enhance the urban tree canopy and streetscape.



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