

2024-04-03



**CONSENT APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 1**

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 304 Fairmont Avenue
Legal Description: Lot 195 and Part of Lot 196, Registered Plan 114306 and Lot 3 and Part of Lot 4 and Part of Gwynne Street, Reg Plan 233925
File No.: D08-01-24/B-00020
Report Date: March 27, 2024
Hearing Date: April 3, 2024
Planner: Margot Linker
Official Plan Designation: Inner Urban Transect, Neighbourhood, Evolving Overlay
Zoning: R1QQ (Residential First Density, Subzone QQ)

DEPARTMENT COMMENTS

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

DISCUSSION AND RATIONALE

The subject site is located within the Inner Urban Transect and designated Neighbourhood within the Evolving Overlay. This transect is generally planned for providing a range of context-sensitive low-rise housing options.

The site is within the R1QQ (Residential First Density, Subzone QQ) zone, which limits dwelling types to single detached dwellings.

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. The proposed lots are zoning compliant and appear to be consistent with the existing lot patterns within this block.

However, the impacts of the proposed severance to the existing trees on site will be significant if the future development maximizes the zoned building envelope. The site and grading/servicing plans for future development must be designed to minimize impacts to existing protected trees outside of the allowable footprint, particularly those in

the Right of Way and any adjacent properties. Securities will be retained for the City trees, to ensure that they are retained through future design.

ADDITIONAL COMMENTS

Infrastructure Engineering

1. The 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. 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.
4. A private approach permit is required for any access off of the City street.
5. Existing grading and drainage patterns must not be altered.
6. 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.).
7. Provide a minimum of 1.5m between the proposed driveway and the utility pole.
8. Service lateral spacing shall be as specified in City of Ottawa Standard S11.3.
9. In accordance with the Sewer Connection By-Law a minimum spacing of 1.0m is required between service laterals and the foundation face.

CONDITIONS

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

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/Applicant(s) enter into a Development Agreement with the City of Ottawa, at the expense of the Owner/Applicant(s), and to the satisfaction of the Manager of the relevant branch within Planning, Real Estate, and Economic Development Department, or their designate(s). A development agreement is to be registered on Title of the property (where applicable). The agreement will include the tree protection requirements outlined in the Tree Protection By-law and associated specifications based on the conceptual Tree Information Report, and the grading, servicing, and planting plans, and associated securities for tree protection. The securities, which will be based on the value of the tree(s) to be

protected (Trees 5, 6, and 7) shall be retained for 2 years following issuance of an occupancy permit, 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(s) is/are healthy, retainable, and remain(s) 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 any tree is declining and must be removed, the Security for that tree, in its entirety, will be forfeited.

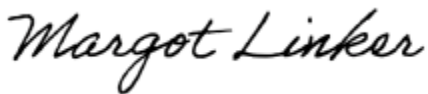
- ~~— That the Owner/Applicant(s) enter into a Development Agreement with the City of Ottawa, at the expense of the Owner/Applicant(s), and to the satisfaction of the Manager of the relevant branch within Planning, Real Estate, and Economic Development Department, or their designate(s). A development agreement is to be registered on Title of the property (where applicable). The agreement will include the mitigation measures outlined in a revised Tree Information Report, will reference the grading, servicing, and planting plans, and include associated securities for tree protection. The securities, which will be based on the value of the tree(s) to be protected (Trees 5, 6, and 7) shall be retained for 2 years following issuance of an occupancy permit, 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(s) is/are healthy, retainable, and remain(s) structurally stable. 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 any tree is declining and must be removed, the Security for that tree, in its entirety, will be forfeited.~~
- ~~— That the Owners provide a combined Grading & Drainage Plan and Site Servicing Plan including, where applicable, the tree locations and protection recommendations from the approved Tree Information Report, to the satisfaction of the Managers of the relevant branches of Planning, Real Estate, and Economic Development, or his/her designate, the plans can be shown on one sheet or multiple sheets, but must include the following information: The Grading and Drainage Plan must be prepared by a relevant professional: Professional Engineer (P.Eng.), Certified Engineering Technologist (CET), Ontario Land Surveyor (OLS), Professional Landscape Architect (OLA), or Professional Architect (OAA) and adhere to the following:
 - ~~• Minimum Grading and Servicing Plan Specifications Infill Serviced Lots~~
 - ~~• City of Ottawa Standard Drawings, By-laws, and Guidelines, as amended.~~
 - ~~• The Site Servicing Plan must be prepared by a relevant professional: Professional Engineer (P.Eng.), Certified Engineering Technologist (CET), or Ontario Land Surveyor (OLS) and adhere to the requirements as noted for the Grading & Drainage Plan.~~
 - ~~• In the case of a vacant parcel being created, the plan(s) must show a conceptual building envelope to establish that the lot can be graded to a~~~~

~~sufficient and legal outlet, has access to services with adequate capacity, and follows the recommendations of the Tree Information Report.~~

~~The following information from the Tree Information Report must be included on both the Grading and Servicing Plans to ensure that these elements are designed to follow the recommendations within the TIR:~~

- ~~• Surveyed locations of all protected trees on and adjacent to the subject site~~
 - ~~• Location of tree protection fencing~~
 - ~~• Measurements from the tree(s) trunks to nearest limit of excavation or grade changes~~
 - ~~• Any notes related to excavation or grade changes within the Critical Root Zone, as recommended in the TIR (e.g. use of hydrovac, directional boring, or capping of services outside of the Critical Root Zone).~~
 - ~~• Proposed planting locations from the associated Tree Planting Plan, if provided.~~
3. That the Owner(s) provide(s) a Grading and Servicing Plan/Site Plan with the proposed elements/structures (driveways, retaining walls, projections, etc.) designed and located based on the least impact to protected trees and tree cover, as well as a revised Tree Information Report reflecting these changes to the satisfaction of the Manager of the relevant Branch within the Planning, Real Estate and Economic Development Department, or their designate(s).
 4. The Owner/Applicant(s) shall prepare and submit a tree planting plan, prepared to the satisfaction of the Manager of the relevant Branch within the Planning, Real Estate and Economic Development Department, or their designate(s), showing the location(s), species or ultimate size of the specified number of compensation trees (50 mm caliper) required under the Tree Protection By-law, assuming that all proposed tree removals are permitted.
 5. 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.
 6. That the Owner(s) provide evidence to the satisfaction of the **Development Review Manager of the Relevant 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 the **Relevant 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 the **Relevant Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate**.



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