



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

**PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT**

Site Address: 112 Queen Elizabeth Driveway, 8 McLeod Street  
Legal Description: Plan M-3, Lot 56  
File No.: D08-01-24/B-00046 & D08-01-24/B-00047  
Report Date: April 11, 2024  
Hearing Date: April 17, 2024  
Planner: Margot Linker  
Official Plan Designation: Downtown Core Transect, Rideau Canal Special District  
Zoning: R4-UC [478]

**DEPARTMENT COMMENTS**

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

**DISCUSSION AND RATIONALE**

The subject site is located in the Downtown Core Transect and is designated as a Special District, as per Schedules A and B1 of the Official Plan. The Downtown Core is characterized by its high density and mix of uses. In the Rideau Canal Special District, it is intended that new development will respect and reinforce the existing physical character of the area (6.6.2.2).

The subject site is located in the R4-UC[478] (Residential Fourth Density Zone, Subzone UC, Exception 478) zone, which allows for a wide mix of residential building forms, including detached dwellings, and regulates development in a manner that is compatible with existing land use patterns. The site previously received minor variances to facilitate the proposed development.

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 lot patterns are compatible with the planned context. The consent will allow for the development of detached dwellings, which are consistent with the planned context. Staff have no concerns with the proposed easements as they provide appropriate access for parking and servicing.

## **ADDITIONAL COMMENTS**

### **Forestry**

The Tree Information Report notes two protected trees adjacent to the property, both of which are to be retained and protected. The proposed excavation for the stone patio and low wall are to be 4.2m from tree #2 (owned by NCC), within its Critical Root Zone. It has been clarified that excavation (8" depth) within the CRZ will be done by hydrovac, and the granular base for the patio stones will require minimal excavation as there is no footing. Full tree protection fencing is required, and securities must be paid for the protection of tree #2 prior to the start of construction.

### **Heritage Planning Branch**

The subject property is located adjacent to 6 McLeod Street, a property designated under Part IV of the *Ontario Heritage Act*. Section 4.5.2 (2) of the Official Plan sets out that a Heritage Impact Assessment may be required when development is proposed on properties adjacent to designated properties and has the potential to negatively impact the designated resource. A consent application was previously granted at this property in 2021 and as a condition of approval a Heritage Impact Assessment was required to be submitted by the applicant. Heritage staff recommend that previous conditions to approval related to the adjacent designated property be applied to the approval of the subject application, which have been updated in condition 2 below.

### **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. 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. Existing Catch Basin is not to be located within the driveway.
9. This property does not have frontage on a storm or sanitary sewer.
10. Provide a minimum of 1.5m between the proposed driveway and the utility pole.

11. Service lateral spacing shall be as specified in City of Ottawa Standard S11.3.
12. In accordance with the Sewer Connection By-Law a minimum spacing of 1.0m is required between service laterals and the foundation face.

### **Right of Way Management**

The Right-of-Way Management Department has no concerns with the proposed Consent Application, however, as there are requested changes to the private approach/driveway, the Owner shall be made aware that a private approach permit is required to construct a newly created entrance.

### **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. As the property is located adjacent to 6 McLeod Street, a property designated under Part IV of the *Ontario Heritage Act*:
  - a. That the owner(s) provide a Heritage Impact Assessment, 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, that outlines the mitigation measures that will be undertaken to avoid or limit any potential adverse impact on the heritage value of the adjacent designated cultural heritage resource.
  - b. That the Owner(s) provide to the Development Review Manager, Planning, Real Estate and Economic Development Department, or designates, the construction practice for the purpose of removing rock.

If the Owner(s) propose blasting, that the Owner(s) provide the Development Review Manager, Planning, Real Estate and Economic Development Department, or designates, a pre-blast survey prepared as per F-1201, at the Owner(s) expense for all buildings, utilities, structures, water wells, and facilities likely to be affected by the blast and those within 75 m of the location where explosives are to be used. The standard inspection procedure shall include the provision of an explanatory letter to the owner or occupant and owner with a formal request for permission to carry out an inspection.

If the Owner(s) propose hoe ramming, that the Owner(s) provide the Development Review Manager, Planning, Real Estate and Economic Development Department, or designates, a pre-construction survey at the Owner(s) expense for all buildings, utilities, structures, water wells, and facilities likely to be affected by the blast and those within 75 m of the location where explosives are to be used. The standard inspection procedure shall include the provision of an explanatory letter to the owner or occupant and owner with a formal request for permission to carry out an inspection.

- ~~c. That the Owner(s) agree that all blasting activities will conform to the City of Ottawa's standard S.P. No: F-1201 Use of Explosives. Prior to any blasting activities, a pre-blast survey shall be prepared as per F-1201, at the Owner(s) expense for all buildings, utilities, structures, water wells, and facilities likely to be affected by the blast and those within 75 m of the location where explosives are to be used. The standard inspection procedure shall include the provision of an explanatory letter to the owner or occupant and owner with a formal request for permission to carry out an inspection.~~
- ~~d. That the Owner(s) agree to provide a Notification Letter in compliance with City specification F-1201. Specification indicates that a minimum of 15 Business days prior to blasting the Contractor shall provide written notice to all owner(s) and tenants of buildings or facilities within a minimum of 150m of the blasting location. A copy of the Notification Letter will be submitted to the Program Manager of Construction Services, City of Ottawa.~~
3. That the Owner(s) provide proof 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 dwelling/building has been removed.
4. 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.
5. That the Owner(s) provide a servicing plan or other 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 each existing building and/or unit on the severed and retained parcels has its own independent water, sanitary and sewer connection, as appropriate, that are directly connected to City infrastructure and do not cross the proposed severance line.

If they do cross or do not connect directly or are not independent, and there is sufficient justification for the service locations to remain, the Owner(s) must obtain Ontario Ministry of the Environment and Conservation and Parks (Environmental Compliance Approval – ECA), must obtain the approval of the Committee to grant easement(s) as required for access and maintenance of the services, and must register a Joint Use and Maintenance Agreement, between the Owners of the services, on the title of the property, all at his/her own costs.


6. That the Owner(s) enter into a Joint Use, Maintenance and Operating 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 Operating Agreement shall set forth the joint use and maintenance of all common elements including, but not limited to, the common driveways, common landscaping, and common servicing.

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 **applicable Manager of the applicable 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 **applicable Manager of the applicable 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.

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 **Relevant 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. The grading and drainage plan shall delineate existing and proposed grades for both the severed and retained properties, to the satisfaction of **Relevant Manager of the Relevant Branch within Planning, Real Estate and Economic Development Department, or his/her designate**.

8. That the Owner/Applicant(s) 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 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 the approved Tree Information Report v2.0, prepared by Dendron Forestry Services, dated October 1, 2021, the associated security for tree protection, and assurance that the fencing, soil removal and any works within the CRZ of tree #2 will be approved and supervised by an ISA-certified arborist, to be confirmed in a letter of attestation to the City Forester once this work is complete. The security, which will be based on the value of the NCC tree to be protected (Tree 2) 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 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 # 2 is declining and must be removed, the Security for that tree, in its entirety, will be forfeited and paid, by the City, to the NCC.
9. The Owners agree that the location of proposed structures such as driveways, patios, retaining walls, projections, etc. located on a Grading Plan, will be determined by the General Manager of the Planning, Infrastructure and Economic Development Department, or his/her designate, based on the least impact to distinctive trees and tree cover. The Owner(s) further acknowledges and agrees that this review may result in relocation or redesign of these structures, and agrees to revise their plans accordingly to the satisfaction of the General Manager of the Planning, Infrastructure and Economic Development Department, or his/her designate.
10. The Owner/Applicant(s) shall prepare and submit a tree planting plan, 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/ultimate size of one new 50 mm tree to be planted on the property frontage or right-of-way of the retained lot following construction, to enhance the urban tree canopy and streetscape.



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Margot Linker



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Erin O'Connell

110 Laurier Avenue West, Ottawa ON K1P 1J1

Mail code: 01-14

110, av. Laurier Ouest, Ottawa (Ontario) K1P 1J1

Courrier interne : 01-14

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Planner I, Development Review All Wards  
Planning, Real Estate and Economic  
Development Department

Planner III, Development Review All Wards  
Planning, Real Estate and Economic  
Development Department

110 Laurier Avenue West, Ottawa ON K1P 1J1      Mail code: 01-14  
110, av. Laurier Ouest, Ottawa (Ontario) K1P 1J1      Courrier interne : 01-14

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