



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

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 493 Highcroft Avenue
Legal Description: Plan 42, Part Block 1
File No.: D08-01-23/B-00355, D08-01-23/B-00356
Report Date: February 29, 2024
Hearing Date: March 06, 2024
Planner: Margot Linker
Official Plan Designation: Inner Urban Transect, Neighbourhood
Zoning: R3R[2687] H(8.5) (Residential Third Density Zone, Subzone R, Exception 2687, Suffix H(8.5))

DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department **requests an adjournment of** the applications.

DISCUSSION AND RATIONALE

Regarding the Adjournment Request:

Staff request an adjournment to allow the applicant time to continue communications with forestry staff and update the TIR as necessary. In addition, the adjournment will allow the applicant time to see if there is potential for retention of tree #2 through a redesign of the proposed severance or dwellings.

Regarding the Requested Consent:

If matters between the forester and the applicant are resolved prior to the hearing, staff have the following comments:

The subject site is located in the Inner Urban Transect and is designated as a Neighbourhood, as per Schedules A and B2 of the Official Plan. Policies here allow for a variety of building forms, densities, and housing types (5.2.4(1)(a), 6.3).

The subject site is located within the R3R[2687] H(8.5) (Residential Third Density Zone, Subzone R, Exception 2687, Maximum Height of 8.5 Metres) zone, which allows for a mix of residential uses, including detached and semi-detached dwellings. The exception outlines specific setback and lot dimensions.

Section 53 (12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, includes 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 lot patterns and dimensions result in intensification and remain consistent with the planned context. The consent will allow for the development of a semi-detached and detached dwelling, whose designs are in keeping with the streetscape character analysis for the neighbourhood.

ADDITIONAL COMMENTS

Planning Forestry

The TIR proposes removal of both existing protected trees, though tree #2 is outside of the zoned building envelope; there is a City-owned lilac listed in the City's inventory which must be confirmed in the TIR. Section 4.8.2 of the Official Plan provides strong direction to maintain the urban forest canopy and its ecosystem services during intensification noting when considering the impacts on individual trees, planning and development decisions, including Committee of Adjustment decisions, shall give priority to the retention and protection of large, healthy trees over replacement plantings and compensation. Applications must address the cumulative impacts on the urban forest, over time and space, with the goal of 40% urban forest canopy cover in mind. Further, that the City and the Committee of Adjustment may refuse a development application where it deems the loss of a tree(s) avoidable or where an application fails to provide adequate soil volume for existing and/or new trees. The loss of tree #2 appears to be avoidable; the site plan and grading/servicing plans must be designed to allow for the retention of trees outside of the zoned building footprint as well as to provide adequate space for planting new trees in the frontage or ROW.

A planting plan must be provided showing all required compensation trees, with a minimum of one new 50mm tree per lot, preferably in the ROW or frontage, to replace and enhance the canopy cover and improve the streetscape. The ownership of all hedges must be determined and permission provided by all shared owners if any impacts are proposed. Adjournment is recommended to provide time to revise the design to retain tree #2 and to revise the TIR to include all protected trees.

Right of Way Management

As there are requested changes to the private approach/driveway locations, the Owner shall be made aware that a private approach permit is required to construct each of the newly created entrances, as well as closing any existing entrances.

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. That the Owner(s) provide(s) a Grading and Servicing Plan and Site Plan with the design and locations of proposed elements (services, retaining walls, projections, etc.), and the capping location of existing services, designed and located to ensure the adequate protection of Protected Trees as identified in the Tree Information Report. The Owner(s) further acknowledge(s) and agree(s) that this review may result in relocation of these structures, and agrees to revise their plans accordingly to the satisfaction of the Manager of the relevant Branch within the Planning, Real Estate and Economic Development Department, or their designate(s). The Tree Information Report may require revision to reflect these changes and to include all protected trees on site.
3. 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.
4. 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.
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 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 accessory structure 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 **Central 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 **Central Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate**.
8. 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 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 **Central 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 **Central 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.



Margot Linker
Planner I, Development Review, Central
Planning, Real Estate and Economic
Development Department

Erin O'Connell
Planner III, Development Review, Central
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

Visit us: Ottawa.ca/planning
Visitez-nous : Ottawa.ca/urbanisme