



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

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

Site Address: 263 St. Laurent Blvd  
Legal Description: Lot 105, Plan 344  
File No.: D08-01-23/B-00350, D08-01-23/B-00353, D08-02-23/A-00323, D08-02-23/A-00326  
Report Date: August 1, 2024  
Hearing Date: August 7, 2024  
Planner: Margot Linker  
Official Plan Designation: Inner Urban Transect, Corridor  
Zoning: R3B (Residential Third Density, Subzone B)

**DEPARTMENT COMMENTS**

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

**DISCUSSION AND RATIONALE**

The subject site is located in the Inner Urban Transect and is designated as a Corridor, as per Schedules A and B2 of the Official Plan. The transect is characterized by both urban and suburban characteristics, but its intended pattern is urban. The Official Plan supports residential development in this area, and buildings with the highest heights and densities are encouraged to be located closer toward the Corridor.

The subject site is located within the R3B (Residential Third Density, Subzone B) zone, which allows for a mix of residential building forms ranging from detached to townhouse dwellings.

With respect to the criteria listed in Section 51 (24), staff have no concerns with the proposed consent. It follows the direction of the Official Plan to achieve more growth by intensification and remains consistent with the neighbourhood's lot patterns. Staff have no concerns with the proposed easements as they provide the interior units necessary access to their rear yards.

Staff have reviewed the subject minor variance application against the "four tests" as outlined in Section 45 (1) of the *Planning Act*, R.S.O. 1990 c. P.13, as amended.

Staff have no concerns with the proposed lot sizes as they appear to still be able to meet the minimum requirements for setbacks and landscaping. The proposed height remains consistent with what is permitted along minor corridors, as per 5.2.3(3)(a) of the Official Plan.

## **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. 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. Existing grading and drainage patterns must not be altered.
5. Existing services are to be blanked at the owner's expense.
6. Service lateral spacing shall be as specified in City of Ottawa Standard S11.3.
7. Existing street sign to be relocated at the owner's expense.

### **Planning Forestry**

Through discussion with the arborist and applicant, it was determined that the impacts to the roots of the adjacent trees (labelled as tree 1) would be fairly minor and that the trees can be retained through construction. Any clearance pruning required to accommodate the proposed building must be done by a certified arborist, prior to construction and in line with arboricultural best practices.

A tree removal permit will be required for the removal of one city tree (listed under Tree no. 2) and two distinctive private trees. A replanting plan will be required for four private trees and one new street tree. To enhance the streetscape and contribute towards the City's 40% canopy goal, trees will need to be planted in the right-of-way following construction, in line with the Official Plan's policies to enhance and protect the urban forest canopy through growth and intensification (S 4.8.2).

## **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/Applicant(s) provide 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) and species or ultimate size of at least one new tree (50 mm caliper) per lot, in addition to any compensation trees required under the Tree Protection By-law.~~

That the Owner/Applicant(s) provide 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) and species or ultimate size of all compensation trees required under the Tree Protection By-law and/or one new tree (50 mm caliper) per lot, whichever is greater.

3. That the Owner(s) provide proof to the satisfaction of the Development Review Manager of the Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate, to be confirmed in writing from the Department to the Committee, that all existing dwellings/buildings have been removed or relocated in conformity with the Zoning By-law.
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) 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 All Wards Manager of the Development Review All Wards Branch within Planning, Development and Building Services Department, or their 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 All Wards Manager of the Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate.
6. That the Owner(s) submit a Site Servicing Brief prepared by a Professional Civil Engineer licensed in the Province of Ontario, for approval by the Development Review Manager of the Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate, to be confirmed

in writing from the Department to the Committee, outlining the municipal servicing requirements for each unit and indicating, if required, that capacity exists within existing City infrastructure.

7. That the Owner(s) enter into an Infrastructure Agreement with the City of Ottawa to extend the municipal services on Mart Circle Street at his/her own costs and post the necessary securities for the work on the City Right-of-Way to the satisfaction of the **City's Planning, Real Estate and Economic Development Department's Infrastructural Approvals Branch** and to the satisfaction of **City Legal Services**. The Owner(s) must also receive the approval of the Ontario Ministry of the Environment Conservation and Parks for the extension of the municipal services. The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.
8. That the Owner convey a 3 m x 9 m corner sight triangle located at the intersection of St-Laurent Blvd. and Mart Circle to the City, with all costs to be borne by the Owner(s), to the satisfaction of the Surveys and Mapping Branch of the City. This area will be free of all structures, plantings, etc. and will allow a proper sighting distance for motorists when performing turning movements within the intersection. The Committee must receive written confirmation from **City Legal Services** that the transfer of the lands to the City has been registered.
9. That the Owner(s) enter into a resurfacing agreement with the City to the satisfaction of the Program Manager, Right of Way Branch within Planning, Development and Building Services Department, or their designate, and provide financial security in accordance with the Road Activity By-law, as amended, to install an asphalt overlay over the roadway surface of Mart Circle, fronting the subject lands, to the limits shown on the approved Site Servicing Plan. Where the approved Site Servicing Plan demonstrates that resurfacing is not required based on the City's Road Cut Resurfacing Policy, the Development Review Manager of the All-Wards Branch within Planning, Development and Building Services Department, or their designate, shall deem this condition satisfied.
10. 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 Development Review All Wards Manager within Planning, Development and Building Services Department, or their

designate, and City Legal Services. The Committee requires written confirmation that the Agreement is satisfactory to Development Review All Wards Manager of the Development Review All Wards Branch within Planning, Development and Building Services Department, or their 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.

11. The Owner(s) shall prepare a noise attenuation study in compliance with the City of Ottawa Environmental Noise Control Guidelines to the satisfaction of Development Review All Wards Manager Branch within Planning, Development and Building Services Department, or their designate. The Owner(s) shall enter into an agreement with the City that requires the Owner to implement any noise control attenuation measures recommended in the approved study. The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.
12. That the Owner enter into an Agreement with the City, at the expense of the Owner, which is to be registered on Title to deal with the covenants/notices that shall run with the land and bind future owners on subsequent transfers:

“The property is located next to lands that have an existing source of environmental noise (Collector St-Laurent Blvd.) and may therefore be subject to noise and other activities associated with that use.”

The Agreement shall be to the satisfaction of Development Review All Wards Manager of the Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate. The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

13. 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, prepared by IFS Associates, dated June 25, 2024, and associated securities for tree protection. The securities, which will be based on the value of the tree(s) to be protected (**Tree(s)** 11 and 14) 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.**



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