

2024-09-26

City of Ottawa | Ville d'Ottawa
Comité de dérogation



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

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address: 265 Churchill Avenue North & 325 Bloomfield Avenue
Legal Description: Lot 21, Registered Plan 54 and Lot 22, Registered Plan 54
File No.: D08-01-24/B-00157, D08-01-24/B-00158, D08-02-24/A-00223 & D08-01-24/B-00159, D08-01-24/B-00160, D08-01-24/B-00161, D08-02-24/A-00224, D08-02-24/A-00225
Report Date: September 26, 2024
Hearing Date: October 2, 2024
Planner: Penelope Horn
Official Plan Designation: Inner Urban Transect, Evolving Neighborhood Overlay
Zoning: R3EE, Mature Neighborhood Overlay

DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department **has some concerns with** the applications.

DISCUSSION AND RATIONALE

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 concerns with the proposed consent.

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 are not satisfied that the requested minor variance(s) meet(s) the “four tests”.

The reduction in lot area on Lot 2 and Lot 3 of 21.1 square metres (from 300 square metres to 278.9 square metres) would be of sufficient area to provide a large growing tree. Rather than mitigating the reduced lot area by providing adequate room for tree planting, the application proposes parking, in an area where no parking is required due to the proximity of transit. The cumulative impact of the proposed minor variances and layout of the site result in a proposal that does not align with the intent of the Official Plan.

ADDITIONAL COMMENTS

Infrastructure Engineering

- The Planning, Development and Building Services Department will do a complete review of grading and servicing during the building permit process.
- At the time of building permit application, a grading/servicing plan prepared by a Professional Engineer, Ontario Land surveyor or a Certified Engineering Technologist will be required.
- Any proposed works to be located within the road allowance requires prior written approval from the Infrastructure Services Department.
- 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, Development and Building Services Department.
- A private approach permit is required for any access off of the City street.
- Existing grading and drainage patterns must not be altered.
- 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.).
- Service lateral spacing shall be as specified in City of Ottawa Standard S11.3.
- In accordance with the Sewer Connection By-Law a minimum spacing of 1.0m is required between service laterals and the foundation face.

Transportation Engineering

- Remove existing driveway depressed curb and reinstate with full height curb and sidewalk to City standards.
- Provide a 3m x 9m corner triangle per Policy 2.1.1 (e) of Schedule C16 of the Official Plan. The 3m dimension on the local street (Bloomfield Avenue) and 9m on the collector street (Churchill Avenue). Dedicate the corner triangle to the City of Ottawa road right of way.
- Please note that Bloomfield Avenue has a protected right of way of 18m ROW per Schedule C16 of the Official Plan. Illustrate and dimension the protected right of way on all plans. The new edge of the right of way shall be located 9m from the centre of the Bloomfield Avenue road surface. Dedicate the protected right of way to the City of Ottawa.

Planning Forestry

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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A portion of this site is already under construction and tree permits have been issued for the removal of all trees on site, based on the conflicting locations of buildings, parking, and tree condition. While the variances sought may be minor individually, there are some concerns with the combined impact of the severances with reduced lot areas and the proposed parking on the greenspace and canopy cover of the sites. Through previous applications all large-canopy trees have had to be removed, and the planting plan shows eight of the nine required compensation trees all of which are small species located directly under hydro wires where it is unlikely that they will contribute meaningfully to the canopy cover. It is understood and very much appreciated that the applicant is working with neighbours on an agreement to plant trees on their properties to increase the canopy cover, however the application is reviewed based on its own merits or deficiencies.

Given that parking is not required in this area due to the proximity of transit, provision of adequate soil volume should be prioritized on site to work toward replacement of the lost canopy cover with larger-growing trees. This could be achieved by modifying the number and/or arrangement of parking spaces proposed. Additionally, it must be confirmed through the site plan and planting plan that the design of the projections facing Bloomfield will provide sufficient soil volumes and setbacks to plant trees within this frontage. It is considered that the proposed design does not meet the full intent of the Official Plan, by removing all trees and not providing sufficient soil volume for their adequate replacement. Section 4.8.2 of the Official Plan provides strong direction to maintain the urban forest canopy and its ecosystem services during intensification, including the provision of adequate soil volume for existing and/or new trees.

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 a servicing plan or other evidence, 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 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 the services are shared, 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 their own costs.

3. That the Owner(s) submit a Stormwater Management Brief prepared by a Professional Civil Engineer licensed in the Province of Ontario, demonstrating a design for controlling post-development stormwater peak flows to pre-development peak flows for all stormwater events up to the 100 year storm event, 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,

If the Stormwater Management Brief includes infiltration techniques, the Owner(s) must submit a supporting Geotechnical 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 Planning, Development and Building Services Department, or their designate.

That the Owner(s) enter into a Development Agreement with the City to construct the required stormwater system, including posting required securities. A copy of the Agreement and written confirmation from City Legal Services that it has been registered on title, shall be forwarded to the Committee of Adjustment.

If applicable, the Owner(s) shall obtain an Environmental Compliance Approval from the Ontario Ministry of Environment, Conservation and Parks.

Should the stormwater management system cross property lines or access to the system be over multiple properties, that the owner will seek approval of the Committee to grant easement(s) for access and maintenance of the stormwater system or register a Joint Use and Maintenance Agreement on title of the properties, all at the owner(s) costs.

4. That the Owner(s) provide evidence to the satisfaction of both the Chief Building Official and Development Review Manager, Planning, Development and Building Services 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) enter into either an Easement Agreement or 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 Agreement shall set forth the joint use and maintenance of all common elements including, but not limited to, the, common driveways and common landscaping, shared storm sewer, and stormwater management works.

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.

6. 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.
 - 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 (Churchill Avenue) 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.

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 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.
8. 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 Bloomfield Avenue, 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.
9. That the Owner/Applicant(s) provide a revised site and planting plan with the locations of proposed elements (parking spaces, projections, services, grading, etc.) designed to provide sufficient soil volume and setbacks to plant the required number of compensation trees (50mm caliper), including large-growing species, to the satisfaction of the Manager of the relevant Branch within the Planning, Real Estate and Economic Development Department, or their designate(s).

10. That the Owner agrees to convey to the City, at no cost to the City, an unencumbered road widening across the complete frontage of the lands, measuring 9 meters from the existing centerline of pavement/the abutting right-of-way along Bloomfield Avenue, pursuant to Section 50.1(25)(c) of the Planning Act and Schedule C16 of the City's new Official Plan, if required. The exact widening must be determined by legal survey. The Owner shall provide a reference plan for registration, indicating the widening, to the City Surveyor for review and approval prior to its deposit in the Land Registry Office. Such reference plan must be tied to the Horizontal Control Network in accordance with the municipal requirements and guidelines for referencing legal surveys. The Owner(s) must provide to the City Surveyor a copy of the Committee of Adjustment Decision and a draft Reference Plan that sets out the required widening. The Committee requires written confirmation from City Legal Services that the transfer of the widening to the City has been registered. All costs shall be borne by the Owner.
11. That the Owner convey a 3 m x 9 m corner sight triangle located at the intersection of Bloomfield Ave & Churchill Ave to the City (with the longer dimension along the collector road), 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.



Penelope Horn
Planner I, Development Review All Wards
Planning, Development and Building
Services Department



Erin O'Connell
Planner III, Development Review All Wards
Planning, Development and Building
Services Department