

3. Zoning By-law Amendment and Plan of Subdivision – 21 Withrow Avenue
Modification du *Règlement de zonage* et plan de lotissement – 21, avenue Withrow

Committee recommendation

That Council approve an amendment to Zoning By-law 2008-250 for 21 Withrow Avenue to permit a 10-lot Plan of Subdivision on a private street, as detailed in Document 2.

Recommandation du Comité

Que le Conseil approuve une modification au *Règlement de zonage 2008-250* visant le 21, avenue Withrow afin de permettre l'aménagement d'un lotissement de 10 lots sur une rue privée, comme l'explique le document 2.

Documentation/Documentation

1. Director's report, Planning Services, Planning, Infrastructure and Economic Development Department, dated October 31, 2019 (ACS2019-PIE-PS-0117)

Rapport de la Directrice, Services de la planification, Direction générale de la planification, de l'infrastructure et du développement économique, daté le 31 octobre 2019 (ACS2019-PIE-PS-0117)

2. Extract of draft Minutes, Planning Committee, November 14, 2019

Extrait de l'ébauche du procès-verbal du Comité de l'urbanisme, le 14 novembre 2019

Report to
Rapport au:

Planning Committee
Comité de l'urbanisme
14 November 2019 / 14 novembre 2019

and Council
et au Conseil
27 November 2019 / 27 novembre 2019

Submitted on 31 October 2019
Soumis le 31 octobre 2019

Submitted by
Soumis par:

Lee Ann Snedden
Director / Directrice

Planning Services / Services de la planification
Planning, Infrastructure and Economic Development Department / Direction
générale de la planification, de l'infrastructure et du développement économique

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Ward: COLLEGE (8) / COLLÈGE (8)

File Number: ACS2019-PIE-PS-0117

SUBJECT: Zoning By-law Amendment and Plan of Subdivision – 21 Withrow
Avenue

OBJET: Modification du *Règlement de zonage* et plan de lotissement – 21,
avenue Withrow

REPORT RECOMMENDATIONS

1. That Planning Committee approve a Plan of Subdivision application for the

creation of a 10-lot subdivision on a private street, as provided in Document 4 and Document 5.

2. That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 21 Withrow Avenue to permit a 10-lot Plan of Subdivision on a private street, as detailed in Document 2.
3. That Planning Committee approve the Consultation Details Section of this report be included as part of the 'brief explanation' in the Summary of Written and Oral Public Submissions, to be prepared by the Office of the City Clerk and submitted to Council in the report titled, "Summary of Oral and Written Public Submissions for Items Subject to the *Planning Act* 'Explanation Requirements' at the City Council Meeting of November 27, 2019", subject to submissions received between the publication of this report and the time of Council's decision.

RECOMMANDATIONS DU RAPPORT

1. Que le Comité de l'urbanisme approuve un plan de lotissement visant la création d'un lotissement de 10 lots sur une rue privée, comme l'indique les documents 4 et 5.
2. Que le Comité de l'urbanisme recommande au Conseil d'approuver une modification au *Règlement de zonage 2008-250* visant le 21, avenue Withrow afin de permettre l'aménagement d'un lotissement de 10 lots sur une rue privée, comme l'explique le document 2.
3. Que le Comité de l'urbanisme donne son approbation à ce que la section du présent rapport consacrée aux détails de la consultation, en tant que « brève explication », dans le résumé des observations écrites et orales du public, qui sera rédigé par le Bureau du greffier municipal et soumis au Conseil dans le rapport intitulé « Résumé des observations orales et écrites du public sur les questions assujetties aux 'exigences d'explication' aux termes de la *Loi sur l'aménagement du territoire*, à la réunion du Conseil municipal prévue le 27 novembre 2019 », à la condition que les observations aient été reçues entre le moment de la publication du présent rapport et le moment de la décision du Conseil.

BACKGROUND

Learn more about [link to Development Application process - Zoning Amendment](#)

For all the supporting documents related to this application visit the [link to Development Application Search Tool](#).

Site location

21 Withrow Avenue

Owner

Theberge Developments Ltd.

Applicant

Bill Holzman Consultants

21 Withrow Avenue

Description of site and surroundings

The subject site is in the City View neighbourhood in Ward 8, which is an established low-rise neighbourhood west of Merivale Road and south of Baseline Road. The property known as 21 Withrow Avenue is an irregular shape and approximately 0.8 hectares in size with frontage on Rita Avenue, Withrow Avenue and St. Helen's Place. This subdivision approval applies to only part of 21 Withrow Avenue, with the lands adjacent to Withrow Avenue being excluded (see Document 1).

The surrounding City View neighbourhood consists almost exclusively of detached dwellings on lots ranging from approximately 15 metres to 30 metres wide, with homes that are a mix of older bungalows, and newer two storey homes. The site is less than 200 metres from Merivale Road.

There is an existing farmhouse on the subject property, known as Kilmorie House, which is designated as a historic building under Part IV of the *Ontario Heritage Act*. The portion of the property that has been identified as holding heritage value is restricted to the house and does not include the surrounding grounds. A detached garage is also located on the property, and has been determined to hold no heritage value, as it was a later addition. Current access to the existing farmhouse is by a driveway off Withrow Avenue. Surrounding the heritage home are grassed lawns to the south and east, as

well as stands of trees throughout the lot as well as a combination of trees and hedges around the periphery of the site, including a line of mature Norway Spruce and White Spruce along the Withrow property line.

Brief history of proposal

A subdivision application and zoning application were filed with the City on November 3, 2017. On September 20, 2019, staff requested concurrence from Councillor Chiarelli by email on the draft subdivision application for the subject site. As a result of unclear direction from the Ward Councillor and in light of the September 25 Council motion resolving that concurrence under the Delegation of Authority By-law for Ward 8 matters be the responsibility of Councillors Hubley and Moffatt due to the Ward Councillor's recent absences from Council and Committee, a decision was made in consultation with the City Clerk to elevate the approval authority to Planning Committee for this subdivision file. The associated Zoning By-law amendment is being brought forward concurrently.

Summary of requested Subdivision proposal

This application is seeking approval of 10 freehold lots on a private street (see Document 4). The access to the subdivision will be from St. Helen's Place, with the frontage from Rita Avenue being blocked to vehicular traffic. Nine new two-storey detached dwellings are proposed to occupy Lot 1 and Lots 3 to 10. These lots range in size from 353.3 square metres to 777.7 square metres in area. Lot 2, which is 1084.5 square metres is a newly created lot that is occupied by the existing heritage house on the property, which is intended to be kept and used once again as a home. Lot widths range from 12.2 metres to 23.1 metres.

In addition to the creation of 10 lots, the subdivision includes a T shaped private road, which is identified as Block 2 on the Draft Plan of Subdivision. As well, Blocks 3 and 4 are shown as a narrow strip along the end of Rita Avenue, which will serve as a 30-centimetre reserve that will be owned by the City and serve to restrict access to Rita Avenue from the subject site. Block 1 is a servicing and landscape block near the entrance to the subdivision. All common elements including the private road and private stormwater infrastructure are intended to be jointly owned through a joint tenancy agreement between all freehold owners within the subdivision.

It should also be noted that Theberge Developments Ltd. has obtained separate approvals for 'Phase 1' of the 21 Withrow development project for the construction of

four detached dwellings that will front onto Withrow Avenue. Approval was sought through Committee of Adjustment on May 11, 2018 and was refused by the Panel. The owner appealed the decision to the Local Planning Appeals Tribunal (LPAT) who overturned the refusal and granted the severances and variances that allow the construction of Phase 1. Although Phase 1 is outside the subdivision lands, the stormwater management plan is integrated with the Phase 1 development.

Summary of requested Zoning By-law amendment proposal

This zoning amendment will serve to permit the construction in accordance with the subdivision plan, as described above. The current zoning of the site, as well as the surrounding neighbourhood, is Residential First Density, subzone FF, Exception 632 (R1FF[632]). The R1FF zone permits detached dwellings as the most intensive form of use, and requires a minimum lot width of 19.5 metres, and a minimum lot area of 600 square metres. Exception 632 permits the use of a portion of the old laneway to be used towards calculating minimum lot area, maximum lot coverage and minimum rear yard requirements.

The subdivision is proposed to be rezoned to Residential First Density, Subzone R, with a special Exception (R1R [xxx1]). This new zoning designation will continue to limit the most intensive form of use to a detached dwelling and will permit a minimum lot width of 12 metres and a minimum lot area of 350 square metres (see Document 4). The subzone R is a more accurate representation of the proposed lot sizes and area characteristics of the new lots, yet a special exception will be required to address a number of site-specific development standards including permission for lots to front onto a private street, site-specific lot area and front yard setback requirements, and to add a maximum lot coverage of 40 per cent (see Document 2). The special exception will also limit the number of development-lots within the subdivision to the currently proposed 10. In addition, specific lot area and frontage requirements will be listed for any lot with a building that is designated under Part IV of the *Ontario Heritage Act*, which will ensure the lot on which Kilmore House is located is maintained as a larger lot within the subdivision and at the proposed 1083 square metres.

DISCUSSION

Public consultation

Notification and public consultation for the jointly circulated Subdivision and Zoning files were undertaken in accordance with the Public Notification and Public Consultation

Policy approved by City Council for Subdivisions and Zoning By-law amendments, which is consistent with those requirements set out in the *Ontario Planning Act*. The statutory public meeting for this subdivision file was held on February 15, 2018 at Ben Franklin Place. Subsequently, additional lands were added to the subdivision, and therefore second statutory public meeting was held on July 13, 2018, also at Ben Franklin Place. Approximately 45 attendees were at the February 15, 2018 meeting, including representatives of the City View Community Association, and approximately 25 attended the July 13, 2018 meeting, including representatives of the City View Community Association.

For this proposal's consultation details, see Document 6 of this report.

Official Plan designations

The subject lands are designated as General Urban Area according to Schedule B of the Official Plan. This designation permits the development of a full range of housing types to meet the needs of all ages, incomes and life circumstances in combination with conveniently located employment, retail, service, leisure and institutional uses. The Urban Design Guidelines for Low-rise Infill Housing also includes some guidance that is applicable to the subject development.

The City's Strategic Direction for growth within the City states the importance of managing growth, maintaining environmental integrity, and building liveable communities. Management of growth requires directing growth to urban areas where services already exist and doing so in a way that furthers the City's environmental goals and in such a way that is sensitive to the surrounding context. From an environmental perspective, the City seeks to preserve natural features and functions, prioritize watershed planning, and greenspace. Building liveable communities is also one of the City's key strategic directions. Policies relating to liveability include ensuring compatibility and quality urban design. In general terms, compatible development means development that, although it is not necessarily the same as or similar to existing building in the vicinity, nonetheless enhances an established community and coexists with existing development without causing undue adverse impact on surrounding properties. It 'fits well' within the physical context and works well among those functions that surround it.

Planning Rationale

The proposed development is consistent with the goals, objectives and policies for

lands within the General Urban Area designation by contributing to the range of housing types within the City View neighbourhood. In accordance with the Urban Design Guidelines for Low-rise Infill Housing, lot orientation, separation distances between new and existing buildings, and appropriate use of landscaping are aspects that were given consideration as part of the review of these applications.

This development is also consistent with the City's strategic directions for growth within the City. This development serves to sensitively intensify within an existing neighbourhood, which works towards achieving growth management goals. This development is also consistent with goals for environmental integrity, on a number of different levels. First, the proposed intensification is within close walking distance to both Merivale Road and Baseline Road, which are shopping and transit corridors. This proximity provides opportunity to choose alternative modes of transportation and access services without relying as heavily on the automobile.

Second, and although this site is not designated as an Urban Natural Feature, as defined in the Official Plan, the value of the existing trees on site is acknowledged and the developer has made significant efforts to preserve trees wherever possible, and where trees could not be kept, replanting of new trees that will eventually replace the existing have been incorporated into the redevelopment plan (see Document 5). This approach will contribute to maintaining the environmental integrity of the subject site, while also balancing this with the City's goals for intensification.

Third, the stormwater management plan on this site has been designed such that the city system will not see increased flows compared to what the site in its current state is releasing, which eliminates new strain on the city system, and has a positive impact on the natural downstream systems that accept the stormwater flows. This stormwater quantity control is proposed to be achieved through the use of underground storage tanks which are proposed to be installed within the private street and which will retain and gradually release stormwater from the site at a controlled rate.

It should be noted that this development will not result in the city taking a portion of the lands for greenspace or parkland. A full analysis was conducted on the number, size and location of parks in the area surrounding the subject site, and it was determined that this area had adequate access to various types of park and open space areas. It was also determined that taking land at the allowed rate for this subdivision would result in a park parcel size below the minimum size threshold set out by the city. Therefore,

Cash-in-Lieu of Parkland is proposed to be taken, which can be used within the ward, and city-wide, to contribute to parkland renewal and acquisition.

Building livable communities is another one of the City's key strategic directions. This subdivision proposes 10 new detached dwellings, within a neighbourhood of detached dwellings. The maximum permitted building height, front, side and rear yard setbacks will remain consistent with the allowances that are already established within the surrounding neighbourhood. The maximum lot coverage is reduced compared to the surrounding zoning, with 40 per cent as the proposed maximum instead of the surrounding R1FF maximum of 45 per cent. The introduction of a private road product is new to the neighbourhood, as are the smaller lots that are proposed for some of the new homes. Because the subdivision will be tucked within the block, the smaller lots proposed will not generally be visible from the public street, and therefore will not adversely or negatively impact the existing established character within the neighbourhood. Kilmorie House, the heritage designated home within the subdivision has separate lot area and lot width requirements to ensure the home will remain on the 1084-square metre lot, which is significantly larger than the other lots within the subdivision.

Provincial Policy Statement

The Provincial Policy Statement provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The fundamental principles of the Provincial Policy Statement include Building Strong Communities, Wise Use and Management of Resources, and Protection of Public Health and Safety.

Staff have reviewed this proposal and have determined that it is consistent with the Provincial Policy Statement, 2014. Of note, this plan provides for efficient and resilient development and land use patterns, while also protecting a cultural heritage asset located on site.

RURAL IMPLICATIONS

There are no anticipated rural implications.

COMMENTS BY THE WARD COUNCILLORS

The College Ward Councillor is aware of this application and the stand-in Councillors Hubley and Moffatt have been notified.

LEGAL IMPLICATIONS

In the event that the recommendations in this report are adopted and the zoning appealed to the Local Planning Appeal Tribunal, it is estimated that a two to three-day hearing would be required. It is anticipated that such hearing could be conducted within staff resources. It is noted that the ability to appeal draft approval of plans of subdivision has been limited by Bill 108. If the application for a rezoning is refused, reasons must be provided. In the event of an appeal of the refusal of the zoning and/or of the refusal of draft plan approval, it would be necessary to retain an outside planner, or other professionals depending on the reasons for the refusal.

RISK MANAGEMENT IMPLICATIONS

There are no risk implications.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications associated with the recommendations of this report.

FINANCIAL IMPLICATIONS

Potential financial implications are within the above Legal Implications. In the event that an external planner is retained, the expense would be absorbed from within Planning, Infrastructure and Economic Development's operating budget.

ACCESSIBILITY IMPACTS

Accessibility requirements were considered during the review of the proposed development applications.

ENVIRONMENTAL IMPLICATIONS

Although the subject site is not designated as an urban natural feature according to the Official Plan, it has been acknowledged that the mature trees on the subject site contribute both to the City's goals relating to the urban tree canopy, and also contribute to the character of the neighbourhood surrounding this site. It is for this reason that the proposed redevelopment plan has required a number of the mature trees to be preserved, particularly around the periphery of the site. Where tree preservation was not possible, appropriate replanting will take place which will eventually replace the trees that are to be removed.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priority:

- Economic Prosperity; Planning and Decision-Making.

APPLICATION PROCESS TIMELINE STATUS

The application was not processed by the "On Time Decision Date" established for the processing of Zoning By-law amendments due to the complexities of the file that required resolution.

SUPPORTING DOCUMENTATION

Document 1 Location Map

Document 2 Zoning Details

Document 3 List of Plans and Reports for Approval and Draft Conditions

Document 4 Draft Plan of Subdivision

Document 5 Landscape Plan

Document 6 Consultation Details

CONCLUSION

The proposed development is an appropriate form of intensification which is context-sensitive and meets the City of Ottawa objectives, including those related to growth management, environmental preservation and building livable communities.

DISPOSITION

Legislative Services, Office of the City Clerk to notify the owner; applicant; Ottawa Scene Canada Signs, 415 Legget Drive, Kanata, ON K2K 3R1; Krista O'Brien, Tax Billing, Accounting and Policy Unit, Revenue Service, Corporate Services (Mail Code: 26-76) of City Council's decision.

Zoning and Interpretations Unit, Policy Planning Branch, Economic Development and Long Range Planning Services to prepare the implementing by-law and forward to Legal Services.




Legal Services, Innovative Client Services Department to forward the implementing by-law to City Council.

Planning Operations Branch, Planning Services to undertake the statutory notification.

Document 1 – Location Map

For an interactive Zoning map of Ottawa visit geoOttawa.



		LOCATION MAP / PLAN DE LOCALISATION ZONING KEY PLAN / SCHÉMA DE ZONAGE PLAN OF SUBDIVISION / PLAN DE LOTISSEMENT	
D02-02-17-0104	19-1129-D	Part of / Partie de 21 av. Withrow Avenue	
D07-16-17-0027		 Area A to be rezoned from R1FF[623] to R1R[XXX1] Le zonage du secteur A sera modifié de R1FF[623] à R1R[XXX1]	
I:\CO\2019\Zoning\Withrow_21			
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REVISION / RÉVISION - 2019 / 10 / 08			

Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for part of 21 Withrow Avenue:

1. Rezone the lands shown in Document 1 from R1FF [632] to R1R [xxx1].
2. Create a new Exception, [xxx1], with provisions similar in effect to the following to be added to Column V:
 - a) Despite Section 59, a lot is considered to have frontage where it abuts a private way that serves as a driveway leading to a public street.
 - b) The lot line that abuts a private way is considered to be the front lot line, and when more than one property line abuts a private way, the front lot line is considered to be the shortest property line and the other lot line that abuts a private way is considered a corner side lot line.
 - c) For the purposes of Part 4, the private way is considered a public street.
 - d) Minimum lot area: 350 square metres
 - e) Maximum lot coverage: 40 per cent
 - f) Minimum corner side yard setback: 3 metres
 - g) Minimum front yard setback: 6 metres
 - h) The lot width and lot area provisions listed in the parent zone and listed within this exception do not apply for any lot on which a building designated under Part 4 of the Heritage Act is located. Instead the following applies:
 - i) Minimum lot area: 1080 square metres
 - ii) Minimum lot width: 23 metres
 - i) For the lands within the [xxx1] exception the maximum number of development-lots is 10.

Document 3 – Draft Plan of Subdivision Conditions

MENU OF CONDITIONS

FOR DRAFT APPROVAL

Theberge Development Ltd.

21 Withrow Avenue

DRAFT APPROVED DD/MM/YYYY

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The City of Ottawa's conditions applying to the draft approval of Theberge Homes Ltd. Subdivision (File No. D07-16-17-0027), 21 Withrow Avenue, are as follows:

	<p>This approval applies to the draft plan certified by Daniel Robinson, Ontario Land Surveyor, dated May 8, 2018, showing 10 residential lots, one private street, two 30-centimetre reserves and one private open space block.</p> <p>This approval applies to the approved conceptual plans and reports in support of the draft plan as follows:</p> <p>Plans:</p> <ol style="list-style-type: none">1) Landscape Plan, Residential Development, 21 Withrow, Sheet Number L1, prepared by Gino J. Aiello Architect, dated October 2017, Revision 4 dated May 21, 2019.2) Tree Conservation Report – 21 Withrow Avenue, prepared by IFS Associates, dated May 13, 2019.3) Grading Plan, 21 Withrow Avenue, drawing number GP-1, prepared by DSEL, dated March 2018, Revision 4 dated January 7, 2019.4) Existing Conditions Plan, 21 Withrow avenue, drawing number EX-1, prepared by DSEL, dated March 2018, Revision 8 dated September 13, 2019.5) Erosion Control Plan, 21 Withrow Avenue, drawing number EC-1, prepared by DSEL, dated March 2018, Revision 8 dated September 13, 2019.6) Site Servicing Plan, 21 Withrow Avenue, drawing number SSP-1, prepared by DSEL, dated March 2018, Revision 8 dated September 13, 2019.7) Sanitary Drainage plan, 21 Withrow Avenue, drawing number SAN-1, prepared by DSEL, dated March 2018, Revision 8 dated September 13, 2019.8) Detail Sheet, 21 Withrow Avenue, drawing number DS-1, prepared	
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	<p>by DSEL, dated March 2018, Revision 8 dated September 13, 2019.</p> <p>9) Existing Storm Drainage Plan, 21 Withrow Avenue, drawing number SWM-1, prepared by DSEL, dated March 2018, Revision 8 dated September 13, 2019.</p> <p>10) Stormwater Management Plan, 21 Withrow Avenue, drawing number SWM-2, prepared by DSEL, dated March 2018, Revision 8 dated September 13, 2019.</p> <p>11) Interim Storm Drainage Plan, 21 Withrow Avenue, drawing number SWM-3, prepared by DSEL, dated March 2018, Revision 8 dated September 13, 2019.</p> <p>Reports:</p> <p>12) Cultural Heritage Impact Statement, Kilmore 21 Withrow Avenue, prepared by MTBA, dated October 2017.</p> <p>13) Geotechnical Investigation, Proposed Residential Development, 21 Withrow Avenue, Report number PG4194-1 Revision 1, prepared by Paterson Group, dated November 30, 2018.</p> <p>14) Environmental Noise Control Study, prepared by Paterson Group, report number PG4239-1R, dated April 23, 2018.</p> <p>15) Functional Servicing and Stormwater Management Report, Project Number 17-931 prepared by DSEL, Revision 4 dated January 2019.</p> <p>Subject to the conditions below, these plans and reports may require updating and/or additional details prior to final approval.</p>	
1.	<p>The owner agrees, by entering into a Subdivision Agreement, to satisfy all terms, conditions and obligations, financial and otherwise, of the City of Ottawa, at the owner's sole expense, all to the satisfaction of the City.</p>	<p>Clearing Agencyⁱ</p>

		General	
2.	G1	<p>Prior to the issuance of a Commence Work Notification, the owner shall obtain such permits as may be required from Municipal or Provincial authorities and shall file copies thereof with the General Manager, Planning, Infrastructure and Economic Development Department.</p>	OTTAWA Planning
3.	G2	<p>Prior to commencing construction, the owner shall enter into a subdivision agreement with the City. The subdivision agreement shall, among other matters, require that the owner post securities in a format approved by the City Solicitor, in an amount of 100 per cent of the estimated cost of all works, save and except non-municipal buildings.</p> <p>The aforementioned security for site works shall be for works on both private and public property and shall include, but not be limited to, lot grading and drainage, landscaping and driveways, roads and road works, road drainage, underground infrastructure and services (storm, sanitary, watermains), streetlights, stormwater management works and park works.</p> <p>The amount secured by the City shall be determined by the General Manager, Planning, Infrastructure and Economic Development Department, based on current City tender costs, which costs shall be reviewed and adjusted annually. Securities for on-site works may be at a reduced rate subject to the approval of the General Manager, Planning, Infrastructure and Economic Development Department.</p> <p>Engineering, Inspection and Review fees will be collected based on the estimated cost of the works (+HST) and a park review and inspection fee will be based on 4 per cent (+HST) of the total value of the park works as noted herein and in accordance with the City's Fees By-law for planning applications (By-law No. 2018-24 or as amended).</p>	OTTAWA Planning
4.	G4	<p>The owner acknowledges and agrees that any person who, prior to the draft plan approval, entered into a purchase and sale agreement with respect to lots or blocks created by this Subdivision, shall be permitted to withdraw from such agreement without penalty and with full refund of any deposit paid, up until the acknowledgement noted above has been executed.</p>	OTTAWA Legal

		The owner agrees to provide to the General Manager, Planning, Infrastructure and Economic Development Department an acknowledgement from those purchasers who signed a purchase and sale agreement before this Subdivision was draft approved, that the Subdivision had not received draft approval by the City. The owner agrees that the purchase and sale agreements signed prior to draft approval shall be amended to contain a clause to notify purchasers of this fact, and to include any special warning clauses, such as but not limited to Noise Warnings and easements.	
5.	G6	The owner, or his agents, shall not commence or permit the commencement of any site related works until such time as a pre-construction meeting has been held with Planning, Infrastructure and Economic Development Department staff and until the City issues a Commence Work Notification.	OTTAWA Planning
6.		The owner acknowledges and agrees that the City will provide curb-side waste collection and recycling collection for the residential units. The owner agrees to design private roads with turn radii in accordance with the Solid Waste Collection Guidelines and to the satisfaction of the Public Works and Environmental Services Department.	OTTAWA Solid Waste
7.		All exterior lighting proposed for the subject lands shall be installed only in the locations and in accordance with City standards unless otherwise approved in writing by the General Manager, Planning, Infrastructure and Economic Development. Sharp cut-off fixtures or, in exceptional circumstances only, an alternative fixture design approved by the General Manager, Planning, Infrastructure and Economic Development, shall be used to minimize possible lighting glare onto adjacent properties. It is noted that exterior lighting includes exterior building lighting.	OTTAWA Planning
8.		The owner acknowledges and agrees to create a common elements condominium or a Joint Use and Maintenance Agreement which will serve as the mechanism for joint ownership and maintenance between the freehold property owners of the private road, all communal services and communal landscape areas.	OTTAWA Planning

9.	<p>The owner acknowledges and agrees that any required access to or physical disturbance of neighbouring lots shall require the written consent of the adjoining property owner, to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development Department.</p>	<p>OTTAWA Planning</p>
10.	<p>(a) The owner acknowledges and agrees that should the owner choose not to declare a common elements condominium for the common infrastructure and lands within the subdivision, it shall ensure that the future owner of the freehold units shall enter into a Joint Use, Maintenance and Liability Agreement which shall be binding upon the owners and all subsequent purchasers to deal with the joint use, maintenance and liability of the common elements, including but not limited to any private roadway(s); common grass areas; exterior walls; common parking areas; sewers, watermains, and stormwater infrastructure, for the mutual benefit and joint use of the owners; and any other elements located in the common property; and the Joint Use, Maintenance and Liability Agreement shall be filed with the General Manager, Planning, Infrastructure and Economic Development.</p> <p>(b) The owner acknowledges that the Joint Use, Maintenance and Liability Agreement shall include a requirement that owners pay into a reserve fund for which the monies will be intended to be used to pay for future repairs of the common elements.</p> <p>(c) The owner shall file with the General Manager, Planning, Infrastructure and Economic Development, an opinion from a solicitor authorized to practice law in the Province of Ontario that the Joint Use, Maintenance and Liability Agreement is binding upon the owners of the land and all subsequent purchasers to deal with the matters referred to Paragraph (a) above.</p> <p>(d) The owner acknowledges and agrees that the Joint Use, Maintenance and Liability Agreement shall be registered on the owner's lands at no cost to the City, and a copy of the registered agreement shall be provided to the General Manager, Planning,</p>	<p>OTTAWA Planning</p>

		<p>Infrastructure and Economic Development.</p> <p>(e) The owner acknowledges and agrees that the Joint Use, Maintenance and Liability Agreement shall include a clause that transfers all legal and financial obligations required under the Joint Use, Maintenance and Liability Agreement to future owners, successors and assigns in title of the subject lands.</p>	
11.		The owner agrees to provide a 2.5-metre wide easement along the eastern lot-line of Lot 10 in favor of those in joint ownership of the common elements for the purposes of protecting a stormwater overland flow route.	OTTAWA Planning
		Zoning	
12.	Z1	The owner agrees that prior to registration of the Plan of Subdivision, the owner shall ensure that the proposed Plan of Subdivision shall conform with a Zoning By-law approved under the requirements of the <i>Planning Act</i> , with all possibility of appeal to the Ontario Municipal Board exhausted.	OTTAWA Planning
13.	Z2	The owner undertakes and agrees that prior to the registration of the Plan of Subdivision, the owner shall deliver to the City a certificate executed by an Ontario Land Surveyor showing that the area and frontage of all lots and blocks within the Subdivision are in accordance with the applicable Zoning By-law.	OTTAWA Planning
		Highways/Roads	
14.	HR1	The owner acknowledges and agrees that all supporting transportation studies and design of all roads and intersections shall be to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development Department.	OTTAWA Planning
15.	HR2	The owner shall retain a licensed or registered professional with expertise in the field of transportation planning and/or traffic operations to prepare a Transportation Impact Assessment. The study shall comply with the City of Ottawa's Transportation Impact Assessment Guidelines. The owner agrees to revise the Draft Plan in accordance with the recommendations	OTTAWA Planning

		of the study.	
16.	HR6	The owner shall provide site triangles at the following locations on the final plan: <ul style="list-style-type: none"> • At the southeast corner of Lot 2 • At the southwest corner of Lot 5 	OTTAWA Planning Legal
17.	HR7	A 0.3 m reserve adjacent to the widened limit of <i>Rita Avenue</i> shall be indicated on the plan submitted for registration and conveyed at no cost to the City.	OTTAWA Planning Legal
18.	HR9	The owner agrees to provide a construction traffic management plan for the subdivision prior to the earlier of registration of the Agreement or early servicing. Such plan shall be to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development Department.	OTTAWA Planning
19.	HR11	All streets shall be named to the satisfaction of the Director of Building Code Services and in accordance with the Municipal Addressing By-law or the Private Roadways By-law as applicable.	OTTAWA Planning BCS
20.	HR14	The owner covenants and agrees to: <ul style="list-style-type: none"> a) obtain approval for a Common Elements Condominium, or other agreement as deemed appropriate, which condominium or other agreement once registered on title, will set out the obligations between the co-owners of the common elements for the operation and maintenance of the private streets, private watermains, private hydrants and private water services, such agreement to be to the satisfaction of the City Solicitor. b) design all private watermains within the subdivision to the satisfaction of the City, and it will pay all related costs, including the cost of connection, inspection, and disinfection by City personnel. c) install the private infrastructure services in accordance with the staging schedule approved by the City. 	OTTAWA Planning Legal

21.	HR15	The owner acknowledges that the construction of buildings may be restricted on certain lots and/or blocks until such time as road connections are made so that snow plow turning, and garbage collection can be implemented.	OTTAWA Planning
22.		The owner agrees that construction traffic will access the site from Withrow Avenue and shall not enter from St. Helen's Place or Rita Avenue for construction of the private road and related underground services.	OTTAWA Planning
23.		Any portion of the lands which is intended to be used for snow storage shall be shown on the approved Landscape Plan or as otherwise approved by the General Manager, Planning, Infrastructure and Economic Development. The grading and drainage patterns and/or servicing of the site shall not be compromised by the storage of snow. Snow storage areas shall be setback a minimum of 1.5 metres from property lines, foundations, fencing or landscaping. Snow storage areas shall not occupy driveways or any portion of a road allowance.	OTTAWA Planning
24.		<p>(a) The owner acknowledges and agrees it shall provide for, install and maintain, at its own expense, all regulatory traffic signage, in accordance with the City's Municipal Addressing By-law 2014-78, as amended.</p> <p>(b) The owner acknowledges and agrees it shall provide for, install and maintain, at its own expense, all temporary street name signs, in accordance with the City's Municipal Addressing By-law 2014-78, as amended, for any private road within the area controlled by this Agreement.</p> <p>(c) The owner acknowledges and agrees it shall, at its own expense, make arrangements for the City to provide, install, and maintain all permanent street name signs, in accordance with the City's Municipal Addressing By-law 2014-78, as amended, and to City Specifications or Standards.</p>	OTTAWA Planning BCS
25.		The owner acknowledges and agrees it shall obtain approval from the Chief Building Official, Building Code Services prior to installation of any	OTTAWA

		signs on the subject lands. The owner further acknowledges and agrees that any such signs shall be installed in a location to the satisfaction of the Chief Building Official, Building Code Services and the General Manager, Planning, Infrastructure and Economic Development, and in accordance with the City's Permanent Signs on Private Property By-law No. 2016-326, as amended.	Planning BCS
		Geotechnical	
26.	GT1	<p>Where special soils conditions exist, the owner covenants and agrees that the following clause shall be incorporated into all agreements of purchase and sale for lots (insert lots numbers). and included in the municipal covenant agreement against the title:</p> <p>“The owner acknowledges that special soils conditions exist on this lot which will require:</p> <p>(a) a geotechnical engineer licensed in the Province of Ontario to approve any proposal or design for a swimming pool installation or other proposal requiring an additional building permit on this lot prior to applying for a pool enclosure permit or installing the pool; and</p> <p>(b) the owner to submit a copy of the geotechnical engineer's or geoscientists report to the General Manager, Planning, Infrastructure and Economic Development Department at the time of the application for the pool enclosure or additional building permit.</p> <p>The owner also acknowledges that said engineer or geoscientist will be required to certify that the construction has been completed in accordance with his/her recommendation and that a copy of the certification or report will be submitted to the General Manager, Planning, Infrastructure and Economic Development Department.</p>	OTTAWA Planning
27.	GT2	The owner shall submit a geotechnical report prepared in accordance with the City's Geotechnical Investigation and Reporting Guidelines and/or Slope Stability Guidelines for Development Applications by a geotechnical engineer or geoscientist, licensed in the Province of Ontario, containing detailed information on applicable geotechnical matters and recommendations to the satisfaction of the General Manager, Planning,	OTTAWA Planning

	<p>Infrastructure and Economic Development which include, but are not limited to:</p> <ul style="list-style-type: none"> a) existing sub-surface soils, groundwater conditions; b) slope stability (including an assessment during seismic loading) and erosion protection, in addition to any building construction requirements adjacent to unstable slope; c) clearly indicate orientation of any cross-sections used in slope stability analysis and location of center of the slip circle; d) grade raise restrictions on the site and, if appropriate, the impacts this will have on the slope stability; e) design and construction of underground services to the building, including differential settlement near any buildings or structures; f) design and construction of roadway, fire routes and parking lots; g) design and construction of retaining walls and/or slope protection; h) design and construction of engineered fill; i) design and construction of building foundations; j) site dewatering; k) design and construction of swimming pools; l) design and construction of park blocks for its intended uses; and m) in areas of sensitive marine clay soils: 	
28.	<p>The owner acknowledges and agrees that the geotechnical investigation shall evaluate the effect of vibration on neighbouring properties as it relates to bedrock removal via methodologies other than blasting. The owner further agrees that the Geotechnical study shall make recommendations as to a pre construction survey area for properties neighbouring this site. This shall be at the owner's cost and shall be implemented regardless of bedrock removal methodology.</p>	<p>OTTAWA Planning</p>

		Pathways, Sidewalks, Walkways, Fencing, and Noise Barriers	
29.	S1	The owner acknowledges and agrees that all pathways, sidewalks, walkways, fencing, and noise barriers are to be designed and constructed in accordance with City specifications, at no cost to the City, and to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development Department.	OTTAWA Planning
30.	S10	The owner shall insert a clause in each agreement of purchase and sale and shall be registered as a notice on title in respect of all lands which fences have been constructed stating that: "Purchasers are advised that they must maintain all fences in good repair, including those as constructed by (<i>Theberge Homes Ltd.</i>) along the boundary of this land, to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development Department. The Purchaser agrees to include this clause in any future purchase and sale agreements".	OTTAWA Planning
31.		The owner agrees that all fencing shall be designed and constructed in locations that are to be to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development Department. All fencing shall be constructed to city specifications and in accordance with the Fence By-law.	OTTAWA Planning
		Landscaping/Streetscaping	
32.	LS1	The owner agrees, prior to registration to have a landscape plan(s) for the plan of subdivision prepared by a Landscape Architect, in accordance with the recommendations contained in the geotechnical report(s), the Tree Conservation Report, and/or the Environmental Impact Statement (if appropriate). The landscape plan(s) shall include detailed planting locations, plant lists which include species, plant form and sizes, details of planting methods, pathway widths and materials, access points, fencing requirements and fencing materials, other landscape features and gateway features where required.	OTTAWA Planning Forestry

		<p>The owner agrees to implement the approved landscape plan(s) and bear all costs and responsibility for the preparation and implementation of the plan(s).</p> <p>The owner agrees that where sensitive marine clay soils are present, and the geotechnical report has satisfied the applicable conditions of the Tree Planting in Sensitive Marine Clay Soils - 2017 Guidelines, confirmation of adequate soil volumes in accordance with the subject guidelines shall be provided by a Landscape Architect prior to zoning approval.</p> <p>All of the aforementioned are to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development Department.</p>	
<p>33.</p>	<p>LS2</p>	<p>The owner agrees that for all single detached and semi-detached lots, a minimum of one tree per interior lot and two trees per exterior side yard lots (i.e. corner lots) shall be provided on the Landscape Plan(s).</p> <p>In areas of low/medium plasticity sensitive marine clay soils, the following exceptions in accordance with the Tree Planting in Sensitive Marine Clay Soils - 2017 Guidelines will apply in order to maximize the number of medium size trees:</p> <ul style="list-style-type: none"> a) Where abutting properties form a continuous greenspace between driveways, one medium size tree will be planted instead of two small size trees, provided the minimum soil volume can be achieved. In these cases, only for the purposes of determining the minimum number of trees to be planted, one medium size tree that replaces two small trees will be counted as two trees. b) The medium size tree should be planted as close as possible to the middle of this continuous greenspace (in the right-of-way) to maximize available soil volume. c) On larger lots with sufficient soil volume for a medium size tree, one medium size tree will be planted on each lot (or each side of a corner lot), even if the abutting properties form a continuous greenspace between driveways. d) If trees need to be replaced, Forestry staff reserve the right to plant 	<p>OTTAWA Planning Forestry</p>

		<p>appropriate size trees at one tree per lot.</p> <p>Along park frontages, the Landscape Plan shall locate trees at a 6-8 metre on-centre separation distance along the full extent of the road right-of-way abutting any park block(s).</p> <p>Should specific site constraints prevent the required allocation of trees, the remaining number of required trees shall be provided within any proposed park(s), open space or environmental blocks, non-residential road right-of-way frontages, stormwater management facility(s), or other suitable alternative locations, to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development Department.</p>	
34.		The owner agrees that plants used in landscaping shall not be of any restricted species known to attract birds and listed by Transport Canada's TP11500 table c4 'Ornamental Trees and Shrubs Attractive to Birds'.	OTTAWA Airport
		Tree Conservation	
35.	TC1	<p>The owner acknowledges and agrees to abide by the Urban Tree Conservation By-law, 2009-200, and that any trees to be removed from the site shall be in accordance with an approved Tree Permit.</p> <p>The owner agrees to implement the measures recommended in the supporting tree conservation report to ensure preservation of the trees identified for protection, in accordance with the City's tree protection requirements listed within the Urban Tree Conservation By-law, 2009-200. All of which are to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development Department.</p>	OTTAWA Planning
36.	TC3	The owner agrees to maintain the tree protection measures until construction is complete and/or the City has provided written permission to remove them.	OTTAWA Planning
37.		The owner acknowledges and agrees that all trees to be retained, as shown on the approved Landscape Plan and identified in the Tree Conservation Report shall be protected in accordance with the City's required tree protection measures. At a minimum, the following tree protection measures shall be applied during all on-site works:	OTTAWA Planning

		<ul style="list-style-type: none"> a. Erect a fence at the critical root zone (CRZ) of trees, defined as 10 centimetres from the trunk for every centimetre of trunk DBH (i.e., CRZ=DBH x 10cm); b. Tunnel or bore when digging within the CRZ of a tree; c. Do not place any material or equipment within the CRZ of the tree; d. Do not attach any signs, notices or posters to any tree; e. Do not raise or lower the existing grade within the CRZ without the approval of the General Manager, Planning, Infrastructure and Economic Development; f. Do not damage the root system, trunk or branches of any tree; and g. Ensure that exhaust fumes from all equipment are not directed towards any tree's canopy. 	
		<p>Gateway Features</p>	
<p>38.</p>	<p>GF3</p>	<p>The owner acknowledges and agrees that the proposed Private/Condo Gateway Feature(s) located on private property near St. Helen's Place shall be designed, constructed and certified by a qualified professional and shall be in accordance with the City's Design Guidelines for Development Application Gateway Features, applicable by-laws and policies. The Private/Condo Gateway Feature shall be subject to the approval of the Chief Building Official.</p> <p>Prior to the earlier of registration or installation, the owner shall deposit security to meet the on-going maintenance obligations of the Feature by the owner for a one-year period after the construction of the Feature. The security will not be reduced or released until the expiration of the one-year period and until the time a certification by a qualified professional confirming that the Feature is constructed in accordance with the Guidelines and approved plans and is in a good state of repair is provided.</p> <p>The owner shall be required to maintain the Private/Condo Gateway Feature in a state of good repair at all times and in perpetuity, at no cost</p>	<p>OTTAWA Planning</p>

		to the City. A maintenance clause will be required in the Condo or Common Elements agreement(s) to reflect the foregoing. All of the aforementioned are to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development Department.	
		Parks	
39.		The owner shall pay cash-in-lieu of parkland in accordance with the Parkland Dedication By-law of the City of Ottawa, as well as the fee for appraisal services. The monies are to be paid at the time of execution of the Subdivision Agreement.	
		Environmental Constraints	
40.	EC1	The owner shall prepare an Integrated Environmental Review and/or an Environmental Impact Statement, in accordance with the policies of the Official Plan, to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development Department.	OTTAWA Planning CA
41.	EC2	The owner agrees that prior to registration, early servicing, or other works that would alter the vegetative characteristics of the site, the owner shall have the environmental impact statement updated as necessary to reflect the final plan as approved, and to address any changes to the anticipated impacts and recommended mitigation measures that may be required as a result of changes to the draft plan, changes in the regulatory context with respect to species at risk, or changes in the known environmental context of the site. This update shall be to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development Department.	OTTAWA Planning
42.	EC4	The owner agrees to abide by all appropriate regulations associated with Provincial and Federal statutes for the protection of wildlife, including migratory birds and species at risk.	OTTAWA Planning
		Sump Pumps	
43.	SP3	The owner acknowledges to install a complete sump pump system which conforms to the City of Ottawa Sewer Design Guidelines, to the satisfaction of the General Manager, Planning, Infrastructure and	OTTAWA

		<p>Economic Development. The owner acknowledges and agrees this will include but not be limited to:</p> <ul style="list-style-type: none"> a. CSA approved sump pump with check valve, b. Design for 200 per cent anticipated flow and maximum head, c. Covered sump pit, d. Backwater valve, e. Back up pump and power supply. 	Planning
44.	SP4	<p>The owner acknowledges and agrees the costs for the sump pump systems including back-up system and installation are the responsibility of the owner while the costs for the maintenance and operation of the system (including back up) and eaves trough discharge will be the responsibility of the homeowner. These conditions will be included, as part of the planning approval and notice will be required within the purchase and sale agreement, as well as registered on title.</p>	OTTAWA Planning
45.	SP5	<p>The owner acknowledges and agrees that in addition to the main sump pump, a back-up system will be required with minimum capacity and continuous hours of operation as will be specified in the City of Ottawa Sewer Design Guidelines.</p>	OTTAWA Planning
46.	SP6	<p>The owner acknowledges and agrees only the perimeter foundation drainage system will be connected to the sump pit and agrees the sump pump system shall discharge to the storm sewer.</p>	OTTAWA Planning
47.	SP8	<p>The owner acknowledges and agrees all grading plans are to clearly indicate each individual home where a sump pump system is required.</p>	OTTAWA Planning
48.	SP9	<p>The owner acknowledges and agrees to include statements in all offers of purchase and sale agreements for all lots and register separately against the title wording acceptable to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development, advising the home is equipped with a sump pump and advising guidelines for its use and maintenance.</p>	OTTAWA Planning

49.	SP10	The owner acknowledges and agrees that all sump pump systems including back-up system must be inspected and maintained regularly in accordance with the manufacturer's recommendations. The owner covenants and agrees that it will advise all prospective lot purchasers of the sump pump systems and back-up system in the agreement of purchase and sale and shall be registered as a notice on title in respect of all Lots and Blocks.	OTTAWA Planning
		Stormwater Management	
50.	SW1	<p>The owner shall provide any and all stormwater reports (list of reports, for example, a Stormwater Site Management Plan in accordance with a Conceptual Stormwater Site Management Plan) that may be required by the City for approval prior to the commencement of any works in any phase of the Plan of Subdivision. Such reports shall be in accordance with any watershed or subwatershed studies, conceptual stormwater reports, City or Provincial standards, specifications and guidelines. The reports shall include, but not be limited to, the provision of erosion and sedimentation control measures, implementation or phasing requirements of interim or permanent measures, and all stormwater monitoring and testing requirements.</p> <p>All reports and plans shall be to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development Department.</p>	OTTAWA Planning CA
51.	SW2	<p>(a) Prior to the commencement of construction of any phase of this Subdivision (roads, utilities, any off-site work, etc.) the owner shall:</p> <ul style="list-style-type: none"> i. have a Stormwater Management Plan and an Erosion and Sediment Control Plan prepared by a Professional Engineer in accordance with current best management practices; ii. (if appropriate) provide all digital models and modelling analysis in an acceptable format; iii. have said plans approved by the General Manager, Planning, Infrastructure and Economic Development Department, and iv. provide certification through a Professional Engineer licensed in 	OTTAWA Planning CA

		<p>the province of Ontario that the plans have been implemented.</p> <p>(b) All submissions and any changes made to the Plan shall be submitted to the satisfaction to the City and the (specify Mississippi Valley / Rideau Valley / South Nation) Conservation Authority.</p> <p>(c) The owner shall implement an inspection and monitoring plan to maintain erosion control measures.</p>	
52.	SW3	<p>On completion of all stormwater works, the owner agrees to provide certification to the General Manager, Planning, Infrastructure and Economic Development Department through a Professional Engineer, licensed in the province of Ontario, that all measures have been implemented in conformity with the approved Stormwater Site Management Plan.</p>	OTTAWA Planning
53.	SW6	<p>The owner agrees that the development of the Subdivision shall be undertaken in such a manner as to prevent any adverse effects, and to protect, enhance or restore any of the existing or natural environment, through the preparation of any storm water management reports, as required by the City.</p>	OTTAWA Planning
54.	SW7	<p>The owner covenants and agrees that the following clause shall be incorporated into all agreements of purchase and sale for the whole, or any part, of a Lot or Block on the Plan of Subdivision, and registered separately against the title:</p> <p>“The owner acknowledges that some of the rear yards within this subdivision are used for on-site storage of infrequent storm events. Pool installation and/or grading alterations and/or coach houses on some of the lots may not be permitted and/or revisions to the approved Subdivision Stormwater Management Plan Report may be required to study the possibility of modification on any individual lot. The owner must obtain approval of the General Manager, Planning, Infrastructure and Economic Development Department of the City of Ottawa prior to undertaking any grading alterations.”</p>	OTTAWA Legal
55.		<p>The owner acknowledges and agrees that it shall include all of the services and stormwater management and conveyance system</p>	OTTAWA

		infrastructure and major overland flow routes as common elements. The owner further agrees that it shall register a common elements condominium agreement and shall have a reserve fund in place for the private infrastructure.	Planning
56.		<p>The owner acknowledges and agrees that any new storm sewers to be installed as part of this development shall not be connected to the City's existing storm sewer system until such time as either:</p> <p>(a) a certificate of conformance and As-Built drawing(s) have been received from a Professional Engineer, licensed in the Province of Ontario, certifying that all required inlet control devices have been properly installed to City Standards or Specifications, and that the storm sewer system has been installed in accordance with the approved engineering drawings for site development and City Sewer Design Guidelines. The inlet control devices shall be free of any debris; or</p> <p>(b) a flow limiting orifice plate, designed by a Professional Engineer licensed in the Province of Ontario and to the satisfaction of the City, has been installed at the storm water outlet prior to connecting any upstream storm sewers. Such orifice plate shall not be removed until subsection (a) above has been satisfied and approved by the General Manager, Planning, Infrastructure and Economic Development Department.</p>	OTTAWA Planning
		Sanitary Services	
57.	SS1	The owner agrees to submit detailed municipal servicing plans, prepared by a Professional Civil Engineer licensed in the Province of Ontario, to the General Manager, Planning, Infrastructure and Economic Development Department.	OTTAWA Planning
58.		The owner acknowledges and agrees that while the site is under construction, any water discharged to the sanitary sewer due to dewatering shall meet the requirements of the City's Sewer Use By-law No. 2003-514, as amended.	OTTAWA Planning

		Water Services	
59.	W1	The owner agrees to design and construct all necessary watermains and the details of water servicing and metering for the lots abutting the watermains within the subject lands. The owner shall pay all related costs, including the cost of connection, inspection and sterilization by City personnel, as well as the supply and installation of water meters by the City.	OTTAWA Planning
60.	W2	The owner shall prepare, at its cost, a hydraulic network analysis of the proposed water plant within the Plan of Subdivision and as it relates to the existing infrastructure. This analysis shall be submitted for review and approval as part of the water plant design submission.	OTTAWA Planning
61.	W3	The owner acknowledges and agrees not to permit any occupancy of buildings on the individual lots described in Schedule "A" until the water plant has been installed, sterilized and placed in service to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development Department.	OTTAWA Planning
62.	W4	The owner further acknowledges and agrees that the service post, which is the fitting located near the property line that allows access to the shutoff valve, must be visible, raised to finished grade and in working condition in order for the City to turn on the service.	OTTAWA Planning
63.		The owner acknowledges and agrees that the water plant within the lands is a private watermain. The owner further acknowledges and agrees that the private watermain and appurtenances thereto are to be maintained by the owner at its own expense, in perpetuity. The owner performing maintenance on critical infrastructure, such as private watermains and private fire hydrants, shall maintain adequate records as proof of having done so in accordance with applicable regulations, and that the records shall be retained for review by the City and or the Fire Department when requested	OTTAWA Planning
		Serviced Lands	
64.	SL1	The owner shall be responsible for the provisions of the following works, including oversizing and over depth (where appropriate), at its cost, in	OTTAWA

		<p>accordance with plans approved by the General Manager, Planning, Infrastructure and Economic Development Department, and/or the Province:</p> <ul style="list-style-type: none"> a. Watermains; b. Sanitary Sewers; c. Storm Sewers; d. Roads and traffic plant(s); e. Street Lights; f. Sidewalks; g. Landscaping; h. Street name, municipal numbering, and traffic signs; i. Stormwater management facilities; and j. Grade Control and Drainage. 	Planning
65.	SL2	The owner shall not commence construction of any Works or cause or permit the commencement of any Works until the City issues a Commence Work Notification, and only then in accordance with the conditions contained therein.	OTTAWA Planning
66.	SL3	The owner agrees to provide services oversized and over depth to service lands beyond the limits of the subdivision as required and to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development Department.	OTTAWA Planning
67.	SL4	The owner shall not be entitled to a building permit, early servicing, or commencement of work construction until they can demonstrate that there is adequate road, sanitary, storm, and watermain capacity and any Environmental Compliance Approvals (ECA) necessary are approved. All are to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development Department.	OTTAWA Planning

68.	<p>The owner acknowledges and agrees that the Water Plant and sewer service within the lands is a private system, including Private Services and sewer services and appurtenances, and the owner acknowledges and agrees that it is responsible for the operation, maintenance and/or replacement, in perpetuity, of the Private Services and sewer system, including the Private Watermains, private hydrants, private sanitary and storm sewer infrastructure (collectively the “private system”) which are located on the lands and that the owner will retain copies of all the associated Work and maintenance contracts, and make said contracts available for inspection upon demand by the City.</p> <p>Further, the owner acknowledges and agrees to have a Professional Engineer, licensed in the Province of Ontario, conduct regular inspections of the water system and sewer system, which includes a leak detection survey at least every five years and a video of the sanitary sewer system to check for major water infiltration into the private system. Copies of the inspection reports and videos shall be provided to the General Manager, Public Works and Environmental Services and Fire Services. The owner further acknowledges and agrees that as part of the owner’s ongoing maintenance responsibility for the private system, repairs to the system must be completed immediately to correct any deficiencies which contribute to water loss or leakage of infiltration within the private system. Any deficiencies shall be immediately reported to the City. The owner acknowledges and agrees to notify the General Manager, Public Works and Environmental Services when such repairs have been completed.</p>	<p>OTTAWA Planning</p>
69.	<p>The owner shall have competent Professional Engineering inspection personnel on-site during the period of construction, to supervise the Works, and the General Manager, Planning, Infrastructure and Economic Development Department, shall have the right at all times to inspect the installation of the Works. The owner acknowledges and agrees that should it be found in the sole opinion of the General Manager, Planning, Infrastructure and Economic Development Department, that such personnel are not on-site or are incompetent in the performance of their duties, or that the said Works are not being carried out in accordance with the approved plans or specifications and in accordance with good engineering practice, then the General Manager, Planning, Infrastructure</p>	<p>OTTAWA Planning</p>

		and Economic Development Department, may order all Work in the project to be stopped, altered, retested or changed to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development Department.	
70.		The owner acknowledges and agrees that the private sewers and appurtenances thereto are to be maintained by the owner at its own expense, in perpetuity. The owner performing maintenance on infrastructure, such as private sewers and underground stormwater management chambers and major overland flow routes, shall maintain adequate records as proof of having done so in accordance with applicable regulations, and that the records shall be retained for review by the City when requested. This shall all be at the owner's cost.	OTTAWA Planning
		Utilities	
71.	U1	The owner is hereby advised that prior to commencing any work within the subdivision, the owner must confirm that sufficient wire-line communication /telecommunication infrastructure is currently available to the proposed development to provide communication/telecommunication service to the proposed development. In the event that such infrastructure is not available, the owner is hereby advised that the owner shall ensure, at no cost to the City, the connection to and/or extension of the existing communication / telecommunication infrastructure. The owner shall be required to demonstrate to the municipality that sufficient communication /telecommunication infrastructure facilities are available within the proposed development to enable, at a minimum, the effective delivery of communication /telecommunication for emergency management services (i.e. 911 Emergency Services).	OTTAWA Planning
72.	H1	The owner shall pre-consult with Hydro Ottawa for any proposed reduction to the City of Ottawa three-metre minimum standard setback prior to designing the electrical servicing, as it may affect the electrical servicing design, timeline for installation and cost; this includes any proposed overhang encroachment into the 3m-setback space.	Hydro Ottawa
73.	H2	The owner may be required to enter into an Electrical Servicing Agreement with Hydro Ottawa Limited, to the satisfaction of Hydro	Hydro

		Ottawa.	Ottawa
74.	H3	The owner may be responsible for a Capital Contribution payment(s) towards a distribution system expansion, if the proposed development requires electrical servicing greater than can be provided by the existing distribution system in the vicinity, either in capacity or in extension limit. This amount shall be in accordance with Hydro Ottawa's Contributed Capital Policy and Conditions of Service.	Hydro Ottawa
75.	H4	Hydro Ottawa's standard distribution network is overhead for any voltage system along or through open fields, business parks, rural areas, arterial, major collector and collector roads; any additional premium costs beyond the standard shall be at the owner's cost; in all instances, electrical distribution above 27kV shall be via overhead distribution.	Hydro Ottawa
76.	H5	The owner shall be responsible for servicing the buildings within the property. Only one service entrance per property shall be permitted.	Hydro Ottawa
77.	H6	Prior to commencement of any construction activities, the owner shall inform Hydro Ottawa of any acute shock construction process or rubberization to be used during construction and apply Hydro Ottawa's work procedure UDS0022 "Protecting Electrical Distribution Underground Plant and Support Structures from Acute Shock Construction Processes". The owner shall be responsible for any damage to Hydro Ottawa distribution assets.	Hydro Ottawa
78.	H7	Hydro Ottawa prohibits any change of grade that results in reduced life expectancy of the asset. Any change in grade of more than 0.3m in the vicinity of proposed or existing electric utility equipment shall be reviewed with Hydro Ottawa. The proposed grade change around XX [state where] is more than 0.3 metres.	Hydro Ottawa
79.	H8	The owner shall ensure that any landscaping or surface finishing does not encroach into existing or proposed Hydro Ottawa's overhead or underground assets or easement. When proposing to place plantings in proximity of existing power lines, the owner shall refer to Hydro Ottawa's free publication "Tree Planting Advice". The shrub or tree location and expected growth must be considered. If any Hydro Ottawa related activity	Hydro Ottawa

		requires the trimming, cutting or removal of vegetation, or removal of other landscaping or surface finishing, the activity and the re-instatement shall be at the owner's expense.	
80.	H9	The owner is advised that there are overhead medium voltage overhead lines along the north side of the property. The owner shall ensure that no personnel or equipment encroaches within three metres (3.0m) of the Hydro Ottawa overhead medium voltage distribution lines, unless approved by Hydro Ottawa. The owner shall contact Hydro Ottawa prior to commencing work when proposing to work within 3.0m of the Hydro Ottawa distribution lines as noted above. No such work shall commence without approval of Hydro Ottawa.	<u>Hydro Ottawa</u>
81.	H10	<p>The owner acknowledges and agrees that prior to commencing Works identified within the Draft Plan; it shall confirm the proposed development is sufficiently serviced by all necessary utilities. The owner further agrees to comply with all relevant and existing utility Conditions of Service, construction processes and guidelines. The owner further agrees it shall be responsible for engaging the providers of any necessary utilities to determine servicing for the proposed development and that it shall be responsible for all costs relating to the relocation, placement and/or upgrade of existing or future utility infrastructure for the proposed development. The owner shall be required to demonstrate to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development that sufficient utility servicing and infrastructure exist to service the proposed development and that communication / telecommunication infrastructure facilities are available, at a minimum, for the delivery of emergency management services.</p> <p>The owner acknowledges and agrees to convey, at their cost, any easements as may be required by the necessary utilities and agrees to abide by all conditions of the City's inhibiting order. The owner further acknowledges and agrees that such easements shall not be granted on any lands being conveyed to the City, or those proposed to be conveyed to the City, without City's approval.</p> <p>Should any lands owned or proposed to be owned by the City be encumbered as a result of these conditions, the owner shall bear the sole</p>	<u>Hydro Ottawa</u>

		responsibility and costs associated with correcting such actions, including but not limited to the conveyance of additional lands, the relocation of any such easements or infrastructure as may be deemed appropriate by the General Manager, Planning, Infrastructure and Economic Development.	
82.		The owner acknowledges and agrees to meet all of Enbridge Gas's requirements for servicing of the subdivision, including provision of easements, any required relocations of gas mains, and installation of a pressure reducing regulator station, if deemed by Enbridge to be needed.	OTTAWA Enbridge
83.		The owner shall transfer such new easements and maintenance agreements as are deemed necessary by Rogers Communications Canada Inc. to service this subdivision, to our satisfaction and that of the appropriate authority and at no cost to Rogers. The owner is also to ensure that these easement documents are registered on title immediately following registration of the final plan, and the affected agencies duly notified.	OTTAWA Rogers
84.		The owner agrees to coordinate the preparation of an overall utility distribution plan which will show the locations (shared or otherwise) and the installation timing and phasing of all required utilities (on-ground, below ground) through liaison with the appropriate electrical, gas, water, telephone and cablevision authority. This includes on-site drainage facilities. Such location plan being to the satisfaction of all affected authorities.	OTTAWA Rogers
85.		The owner agrees to arrange for and pay the costs associated with any relocation of existing services which is necessary because of the subdivision development.	OTTAWA Rogers
		Fire Services	
86.	FUS1	The owner acknowledges and agrees that if two-hour firewalls, active fire protection measures such as sprinkler systems, and/or minimum building separations are required to comply with the FUS calculation as per the City Design Guidelines for water distribution systems, the owner shall note any such requirements on the grading plan. The owner shall, prior to registration, provide certified plans demonstrating the locations of such	OTTAWA Planning

		oversized services and/or oversized plumbing to compensate for low peak hour pressures in the local water distribution system. All are to the satisfaction of the General Manager of Planning, Infrastructure and Economic Development Department.	
87.	FUS2	The owner acknowledges and agrees that measures which include, but are not limited to, active fire protection measures such as sprinkler systems, two-hour firewalls that compartmentalize the structure into separate fire areas, and oversized services and/or oversized plumbing shall require the posting of securities to guarantee their installation, prior to registration. The securities will be released upon receiving a letter signed and sealed by a Professional Engineer licensed in the Province of Ontario certifying that construction was carried out in accordance with the approved drawing(s)/plan(s). All are to the satisfaction of the General Manager of Planning, Infrastructure and Economic Development Department.	OTTAWA Planning
88.	FUS4	The owner acknowledges and agrees that it shall, in the case of insufficient fire flow availability or excessive water age and loss of water disinfectant residual, provide active fire protection options such as sprinkler systems, two-hour firewalls or fire breaks that compartmentalize the structures into separate fire areas, as may be required, to limit the sizing of crescent, dead-end, and other distribution mains to a nominal size of no more than 200 millimetres. All are to be determined by and to the satisfaction of the General Manager of Planning, Infrastructure and Economic Development Department.	OTTAWA Planning
89.		The owner acknowledges and agrees to obtain approval from Ottawa Fire Services that the proposed lot configuration and private road can be adequately served by fire services in accordance with Ottawa Fire Services requirements and guidelines.	OTTAWA OFS
		Noise	
90.		The Environmental Noise Control Guidelines require aircraft noise warning clauses for development within the AVDZ. The Authority requires that for this development a noise warning clause be included in all lease	OTTAWA Airport

		and purchase and sale agreements. The clause should read: <i>“Purchasers/building occupants are forewarned that this property/dwelling unit is located in a noise sensitive area due to its proximity to the Ottawa Macdonald-Cartier International Airport. Noise due to aircraft operations may interfere year-round with indoor and outdoor activities particularly during the summer months”.</i>	
		Land Transfers	
91.	LT1	The owner shall convey, at no cost to the City, all lands required for public purposes, including but not limited to, reserves, road widenings, daylighting triangles, walkway blocks, open space blocks, and lands required for parks (or cash-in-lieu thereof) and for stormwater management. In particular, the owner agrees to convey the following lands: i. 0.3 m Reserve Blocks – Block 3 and Block 4	OTTAWA Planning Legal
92.	LT2	The owner agrees to convey, at no cost to the City, any easements that may be required for the provision of water and wastewater systems, in addition to underground or overland stormwater drainage systems.	OTTAWA Planning Legal
93.		Prior to the registration of this Agreement, the owner shall grant in favour of common elements, an unencumbered Drainage easement along major overland flow routes South of Lots 5 through 9, East of Lots 1, 2 and 3, east of part 4 and east and west of Lot 9 and through neighbouring properties to the north and east of house 4 as shown on the approved Drainage Plan, to the satisfaction of the General Manager of Planning, Infrastructure and Economic Development. The owner shall provide a Reference Plan for registration, indicating the drainage easements, 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 acknowledges and agrees to provide an electronic copy of the Transfer and a copy of the deposited reference plan to the City Clerk and Solicitor prior to registration of the easement. All costs shall be borne by the owner.	OTTAWA Planning

94.		<p>The owner acknowledges and agrees it shall grant to the City, at the owner's expense, a Blanket Easement over the lands, with the right and licence of free, uninterrupted, unimpeded and unobstructed access to the City to enter on and to pass at any and all times, on, over, along and upon the lands with or without vehicles, supplies, machinery and equipment for all purposes necessary or convenient to construct, maintain, repair and replace the Private Watermains, Private Service Posts and fire hydrants at the owner's expense. The owner acknowledges and agrees that notwithstanding the rights granted to the City under the grant of easement, the owner remains responsible at all times for the maintenance, inspection, alteration, repair, replacement and reconstruction of the utility in the said lands during their term of use. The owner acknowledges and agrees to provide an electronic copy of the Transfer of Easement prior to the execution of this Agreement by the City, to the satisfaction of the City Clerk and Solicitor. All costs shall be borne by the owner</p>	<p>OTTAWA Planning Legal</p>
		<p>Blasting</p>	
95.	B1	<p>The owner 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 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.</p> <p>The owner agrees 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 150 metres of the blasting location. The owner agrees to submit a copy of the Notification Letter to the City.</p>	<p>OTTAWA Planning</p>
		<p>Development Charges By-law</p>	

96.	DC1	The owner acknowledges that some of the works of the Subdivision are eligible for development charges revenues pursuant to the City's applicable Development Charges By-law and background study, as well as budget approval by City Council where required. Such contributions are to be determined and agreed to by the City, prior to the commencement of the associated Works or as agreed to by the City. The owner agrees to enter into any agreements that may be required pursuant to the applicable Development Charges By-law.	OTTAWA Planning Legal
97.	DC2	The owner shall inform the purchaser after registration of each lot or block of the development charges that have been paid or which are still applicable to the lot or block. The applicable development charges shall be as stated as of the time of the conveyance of the relevant lot or block and the statement shall be provided at the time of the conveyance. The statement of the owner of the applicable development charges shall also contain the statement that the development charges are subject to changes in accordance with the <i>Development Charges Act, 1997</i> and the <i>Education Development Charges Act</i> .	OTTAWA Planning Legal
98.	DC3	The owner acknowledges and agrees to enter into any front-ending agreements with the City of Ottawa for (specify the works) that are anticipated to be required in advance of the time as approved by Council. The City shall repay the owner for the cost of works as noted herein in accordance with the approved Front-Ending Policy of the City's Development Charge By-law, and subject to budget approval of the required expenditure by City Council in the year in which it is approved.	OTTAWA Planning Legal
99.	DC4	The owner acknowledges that for building permits issued after January 15, 2010, payment of non-residential development charges, excluding development charges for institutional developments, may be calculated in two installments at the option of the owner, such option to be exercised by the owner at the time of the application for the building permit. The non-discounted portion of the development charge shall be paid at the time of issuance of the building permit and the discounted portion of the development charge shall be payable a maximum of two years from the date of issuance of the initial building permit subject to the following conditions:	OTTAWA Planning Legal

		<p>a) a written acknowledgement from the owner of the obligation to pay the discounted portion of the development charges;</p> <p>b) no reduction in the Letter of Credit below the amount of the outstanding discounted development charges; and</p> <p>c) indexing of the development charges in accordance with the provisions of the Development Charges By-law.</p> <p>The owner further acknowledges that Council may terminate the eligibility for this two-stage payment at any time without notice, including for the lands subject to this agreement and including for a building permit for which an application has been filed but not yet issued.</p> <p>For the purposes of this provision, “discounted portion” means the costs of eligible services, except fire, police and engineered services that are subject to 90 per cent cost recovery of growth-related net capital costs for purposes of funding from development charges. The 10 per cent discounted portion, for applicable services, must be financed from non-development charge revenue sources.</p> <p>“Non-discounted portion” means the costs of eligible services, fire, police and engineered services, that are subject to 100 per cent cost recovery of growth-related net capital costs for purposes of funding from development charges.</p>	
		Survey Requirements	
100.	Surv1	The owner shall provide the final plan intended for registration in a digital format that is compatible with the City’s computerized system.	OTTAWA Planning
101.	Surv2	The Plan of Subdivision shall be referenced to the Horizontal Control Network in accordance with the City requirements and guidelines for referencing legal surveys.	OTTAWA Surveys
102.	Surv3	The distance from the travelled Centreline of all existing adjacent roads to the subdivision boundary should be set out in the Plan of Subdivision.	OTTAWA Surveys

		Closing Conditions	
103.	C1	The City Subdivision Agreement shall state that the conditions run with the land and are binding on the owner's, heirs, successors and assigns.	OTTAWA Legal
104.	C2	At any time prior to final approval of this plan for registration, the City may, in accordance with Section 51 (44) of the <i>Planning Act</i> , amend, delete or add to the conditions and this may include the need for amended or new studies.	OTTAWA Legal
105.	C3	The owner shall pay any outstanding taxes owing to the City of Ottawa prior to registration.	OTTAWA Planning Revenue
106.	C4	Prior to registration of the Plan of Subdivision, the City is to be satisfied that Conditions 1 to 107 have been fulfilled.	OTTAWA Planning
107.	C5	The owner covenants and agrees that should damage be caused to any of the Works in this Subdivision by any action or lack of any action whatsoever on its part, the General Manager, Planning, Infrastructure and Economic Development Department may serve notice to the owner to have the damage repaired and if such notification is without effect for a period of two full days after such notice, the General Manager, Planning, Infrastructure and Economic Development Department may cause the damage to be repaired and shall recover the costs of the repair plus the Management Fee under Section 427, of the <i>Municipal Act, 2001</i> , like manner as municipal taxes.	OTTAWA Planning
108.	C6	If the Plan(s) of Subdivision, including all phases within the draft approved plan of subdivision, has not been registered by <i>(a date at least three years after the date of draft approval will be inserted later)</i> , the draft approval shall lapse pursuant to Section 51 (32) of the <i>Planning Act</i> . Extensions may only be granted under the provisions of Section 51 (33) of said <i>Planning Act</i> prior to the lapsing date.	OTTAWA Planning

For Clearing Agencies:

“Planning” refers to Planning Services.

“CA” refers to applicable conservation authorities, including RVCA, MVCA, and SNCA.

“Legal” refers to Legal Services.

“Parks” refers to Parks and Facilities Planning Services.

“BCS” refers to Building Code Services.

“Transit” refers to Transit Planning.

“Transpo Plg” refers to Transportation Planning.

“Forestry” refers to Forest Management.

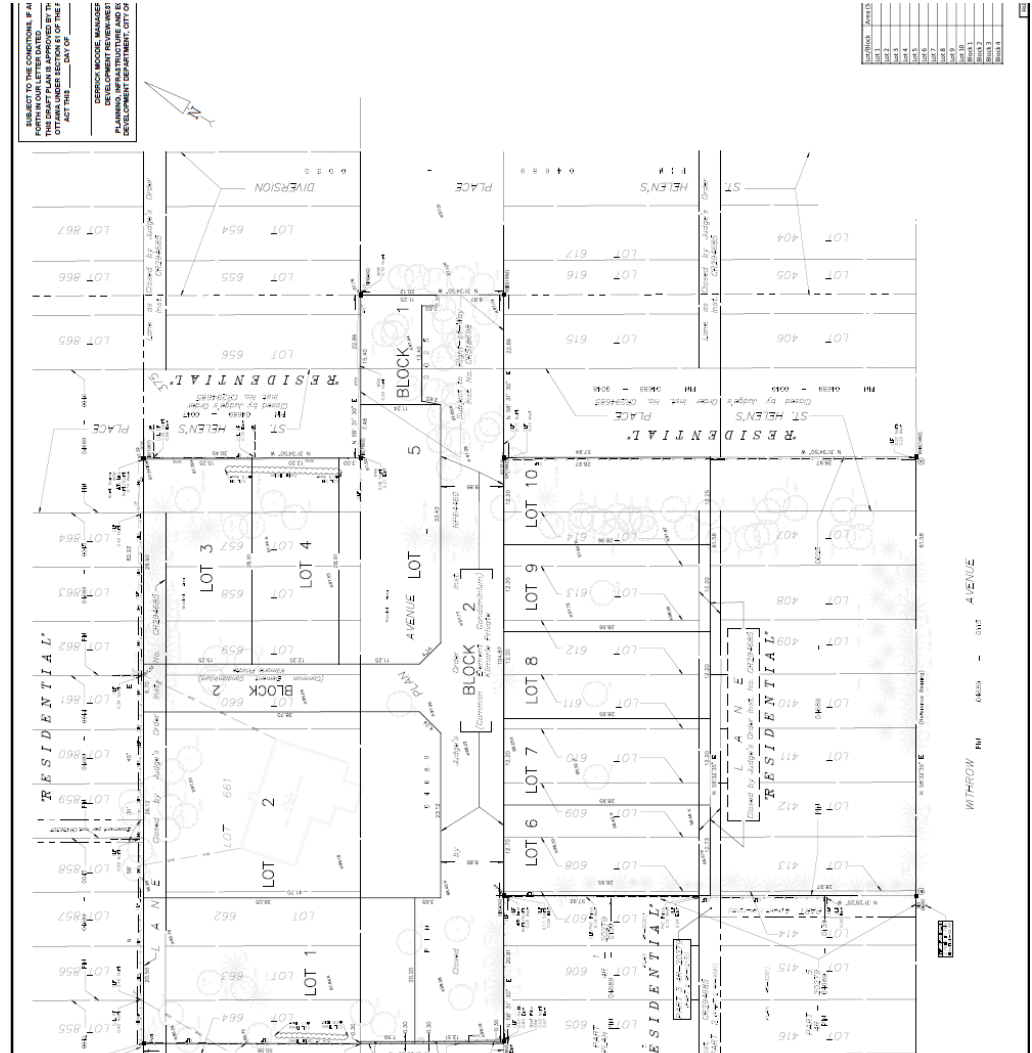
“MTCS” refers to the Ministry of Tourism, Culture and Sport.

“Revenue” refers to Revenue Services.

“Surveys” refers to Surveys & Mapping/City Surveyor.

“OFS” refers to Ottawa Fire Services

Document 4 – Draft Plan of Subdivision



Document 6 – Consultation Details

Notification and public consultation were undertaken in accordance with the Public Notification and Public Consultation Policy approved by City Council for Subdivision, which is consistent with those requirements set out in the Ontario Planning Act. The statutory public meeting for this subdivision file was held on February 15, 2018 at Ben Franklin Place. Subsequently, additional lands were added to the subdivision, and therefore second statutory public meeting was held on July 13, 2018, also at Ben Franklin Place. Approximately 45 attendees were at the February 15, 2018 meeting, and approximately 25 attended the July 13, 2018 meeting.

Comments were received regarding the impact of removal of trees from the site on (a) the urban tree canopy, (b) the preservation of the cultural heritage building on the site, and (c) the overall character of the neighbourhood.

Response:

A Tree Conservation Report was submitted as part of the Subdivision application. The initial plan proposed the protection of an area of trees near St. Helen's Place and the preservation of a 40-centimetre white pine at the northwest corner of the site. In acknowledgement of Official Plan policies relating to tree canopy and tree preservation, the City has worked with the developer to preserve significantly more trees than what was proposed in this original plan. The additional trees that will be preserved include a portion of white cedar hedge along the eastern property line and another along the western property line, a stand of three mature trees between 20 to 29 centimetres in diameter which are immediately north of the heritage home, and a 48-centimetre diameter white pine at the southwestern property line. Tree retention on the site is largely around the periphery of the property, which is characteristic of where the majority of trees are located pre-development. The proposed retention is considered appropriate for an infill residential development of this nature and will contribute positively to the heritage asset on the property, the character of this property within the larger neighbourhood, and the tree canopy, compared to removal of all or most trees on site. Tree preservation also needs to be balanced with the city's goals for intensification and stormwater management, and it is staff's opinion that the proposed plan has struck an appropriate balance. Tree preservation efforts are being coupled with a replanting plan for the site, which will have long term benefits on the site and neighbourhood, as a whole.

Comments were received indicating that the community wanted the subject property to be purchased and converted to public space for use as a park and poetry or community centre in the heritage home.

Response:

The conversion of the subject site to a park would require funds for purchase and development of the lands for parks purposes, for which the Rec, Cultural, and Facilities Services Department does not have the funds. Consideration was given to taking parkland dedication as opposed to cash in lieu of parkland dedication, but an analysis of the area indicated that there were adequate parkland spaces within the area. Further the amount of land that could be acquired, given the small size of this development, is smaller than what is appropriate for parkland in order to be useful. Therefore, any opportunities to maintain this property for public use would need to come from private sources, and the current property owner would need to be willing to sell the land for that alternate use. Despite this file being active for almost two years, staff are unaware of anyone coming forward with the funds to purchase the land.

Comments were received regarding the impact of the performance standard relief sought by concurrent Zoning By-law amendment, severance and minor variance applications on the surrounding neighbourhood.

Response:

The surrounding community is mainly made up of detached dwellings on lots ranging from 15.6 metres to 30 metres in width. The homes which front onto Withrow Avenue, which is a public street, have been approved through a Local Planning Appeals Tribunal's decision to overturn the refusal by the Committee of Adjustment, will be 15.6 metres, which is consistent with the surrounding neighbourhood. For the lots proposed as part of the subdivision, and which are all accessed off of the proposed private street, the varied lot areas and widths, and reduced setbacks that are different from what is typical in the City View neighbourhood, will not be highly visible from the public realm, and therefore the higher density will not negatively impact the existing character of the surrounding neighbourhood.

Comments were received regarding concerns that there was not adequate capacity to handle the additional stormwater flows that will be generated from this site.

Response:

The applicant submitted a Functional Servicing and Stormwater Management Report, which staff have reviewed and deemed satisfactory. Municipal stormwater drainage services have capacity to support the proposed development. Stormwater flows leaving the site will be restricted such that the existing system is not additionally impacted.

Comments were received regarding the negative impacts that ground vibrations will have during construction.

Response: The Geotechnical Report indicated that this site is made up partially of bedrock at shallow depths which may therefore require hoe ramming or blasting, or a combination of both during construction. Pre-blast procedures and blasting procedures are regulated at the municipal level and by the provincial government and are included as conditions of approval. Pre-blast requirements include pre-blast surveys to be made an option for nearby home owners. Hoe ramming is a less impactful alternative to blasting that developers sometimes use. As condition of registration, the applicant will be required to provide further geotechnical information on the anticipated impact on the surrounding neighbourhood, if any, of any hoe ramming that will need to take place as part of the construction phase.

Comments were received regarding concerns about the impact of increased traffic volumes from the new homes.

Response:

A Transportation Impact Assessment is not required for this development, as the total number of lots proposed through both the subdivision and committee of adjustment applications is well below the required trigger. The amount of additional traffic from these homes is very minor in nature and will not adversely impact the neighbourhood.
