



**SITE PLAN CONTROL APPROVAL APPLICATION
DELEGATED AUTHORITY REPORT
MANAGER, DEVELOPMENT REVIEW**

Site Location: 603 Cummings Avenue

File No.: D07-12-17-0161

Date of Application: December 5, 2017

This SITE PLAN CONTROL application submitted by Vincent P. Colizza Architect Incorporated, on behalf of 681 Montreal Road Incorporated, is APPROVED as shown on the following plan(s):

1. Site Plan, SP-1, prepared by Vincent P. Colizza Architect Incorporated, dated June 26, 2017, revision 9 dated April 26, 2018.
2. Landscape Plan, L1.01, prepared by Levstek Consultants Landscape Architects, dated November 27, 2017, revision 3 dated March 22, 2018.
3. North-South Elevation, A301, prepared by Vincent P. Colizza Architect Incorporated, dated June 26, 2017, revision 5 dated April 16, 2018.
4. West-East Elevation, A302, prepared by Vincent P. Colizza Architect Incorporated, dated June 26, 2017, revision 5 dated April 16, 2018.
5. Proposed Grading and Stormwater Management Plan, G-1, prepared by T.L. Mak Engineering Consultants Ltd., dated December 2017, revision 3 dated March 22, 2018.
6. Proposed Servicing Plan, S-1, prepared by T.L. Mak Engineering Consultants Ltd., dated December 2017, revision 3 dated April 12 2018.
7. Proposed Erosion and Sediment Control Plan, ESC-1, prepared by T.L. Mak Engineering Consultants Ltd., dated December 2017, revision 1 dated March 14, 2018.

And as detailed in the following report(s):

1. Serviceability Report, Ref. No. 917-37A, Dated December 2017, prepared by T.L. Mak Engineering Consultants Ltd.
2. Storm Drainage Report, Ref No. 917-37A, dated December 2017, prepared by T.L. Mak Engineering Consultants Ltd.
3. Noise Impact Assessment report, dated May 2, 2018, prepared by IBI group.
4. Geotechnical Investigation Report, Report PG4236-1, dated September 28, 2017, prepared by Paterson Group.

And subject to the following Standard and Special Conditions:

Standard Conditions

1. **Agreement**

The Owner shall enter into a standard site development agreement consisting of the following conditions. In the event the Owner fails to enter into such agreement within one year, this approval shall lapse.

2. **Permits**

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.

3. **Extend Internal Walkways**

The Owner shall extend internal walkways beyond the limits of the subject lands to connect to existing or proposed public sidewalks, at the sole expense of the Owner, to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development Department.

4. **Barrier Curbs**

The Owner acknowledges and agrees that the parking areas and entrances shall have barrier curbs and shall be constructed in accordance with the approved drawings of a design professional, such drawings to be approved by the General Manager, Planning, Infrastructure and Economic Development Department.

5. **Water Supply for Fire Fighting**

The Owner shall provide adequate water supply for fire fighting for every building. Water supplies may be provided from a public water works system, automatic fire pumps, pressure tanks or gravity tanks.

6. Joint Use and Maintenance Agreement

The Owner acknowledges and agrees that should the site be severed in the future, that it shall ensure that the future Owner of the freehold units shall enter into a Joint Use and Maintenance 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 the private roadway and concrete sidewalks; common grass areas; common party walls, exterior walls; common structural elements such as the roof, foundations; common parking areas; and watermains for the mutual benefit and joint use of the owners; and any other elements located in the common property; and the private Agreement shall be filed with the General Manager, Planning, Infrastructure and Economic Development Department.

The Owner shall file with the General Manager, Planning, Infrastructure and Economic Development Department, an opinion from a solicitor authorized to practice law in the Province of Ontario that the private Agreement is binding upon the owners of the land and all subsequent purchasers to deal with the matters referred to in Paragraph (a).

The Joint Use, Maintenance and Liability Private Agreement shall be registered on the Owner's land at no cost to the City, and a copy shall be provided to the City.

7. Construct Sidewalks

The Owner shall design and construct sidewalk(s) within public rights-of-way or on other City owned lands to provide a pedestrian connection from or to the site as may be determined by the General Manager, Planning, Infrastructure and Economic Development Department. Such sidewalk(s) shall be constructed to City Standards.

8. Reinstatement of City Property

The Owner shall reinstate, at its expense and to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development Department, any property of the City, including, but not limited to, sidewalks, curbs and boulevards, which is damaged as a result of the subject development.

9. Construction Fencing

The Owner acknowledges and agrees to install construction fencing, at its expense, in such a location as may be determined by the General Manager, Planning, Infrastructure and Economic Development Department.

10. Maintenance and Liability Agreement

The Owner shall be required to enter into a maintenance and liability agreement for all plant and landscaping material placed in the City right-of-way and the Owner shall assume all maintenance and replacement responsibilities in perpetuity.

11. Completion of Works

The Owner acknowledges and agrees that no building shall be occupied on the lands, nor will the Owner convey title to any building until all requirements with respect to completion of the Works as identified in this Agreement have been carried out and received Approval by the General Manager, Planning, Infrastructure and Economic Development Department, including the installation of municipal numbering provided in a permanent location visible during both day and night and the installation of any street name sign on relevant streets. Notwithstanding the non-completion of the foregoing Works, conveyance and/or occupancy of a lot or structure may otherwise be permitted, if in the sole opinion of the General Manager, Planning, Infrastructure and Economic Development Department, the aforesaid Works are proceeding satisfactorily toward completion. The Owner shall obtain the prior consent of the General Manager, Planning, Infrastructure and Economic Development Department for such conveyance and/or occupancy in writing.

12. Exterior Lighting

All exterior lighting proposed for the subject lands shall be installed only in the locations and in accordance with specifications shown on the approved plans referenced herein unless otherwise approved in writing by the General Manager, Planning, Infrastructure and Economic Development Department. Sharp cut-off fixtures or in exceptional circumstances only, an alternative fixture design approved by the General Manager, Planning, Infrastructure and Economic Development Department, shall be used to minimize possible lighting glare onto adjacent properties. It is noted that exterior lighting includes exterior building lighting.

Special Conditions

1. Permanent Encroachment Agreement

The Owner acknowledges and agrees to enter into a Permanent Encroachment Agreement for the encroachments referenced in paragraph 4 herein. The Owner, at its expense, shall provide a reference plan for registration, indicating the approved encroachments and it will be submitted to the City Surveyor for review and approval prior to its deposit in the Registry Office. The Owner acknowledges and agrees that the costs of preparation and registration of the Encroachment Agreement shall be at its expense.

2. Cash-in-lieu of Parkland

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 Site Plan Agreement.

3. Building Elevations

The Owner agrees to construct the proposed building in accordance with the approved exterior elevation drawings. The Owner further agrees that any subsequent proposed changes to the approved exterior elevations shall be filed with the General Manager, Planning and Growth Management Branch, and agreed to by both parties prior to their implementation

4. Road Widening

Prior to registration of this Agreement, the Owner acknowledges and agrees to convey to the City, at no cost to the City, an unencumbered road widening across the complete Cumming Avenue frontage of the lands, measuring 12 metres from the existing centreline of pavement/the abutting right-of-way. The exact widening must be determined by legal survey. The Owner shall provide a reference plan for registration, indicating the widening, to the City Surveyor for review and approval prior to its deposit in the Land Registry Office. Such reference plan must be tied to the Horizontal Control Network in accordance with the municipal requirements and guidelines for referencing legal surveys. The Owner 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 the execution of this Agreement by the City. All costs shall be borne by the Owner.

5. Permanent Features

The Owner acknowledges and agrees that no permanent features shall be permitted above and below grade within the City's widened right-of-way or corner sight triangle, including commercial signage, except as otherwise shown on the approved Site Plan.

6. Noise Impact Study

The Owner(s) shall implement the noise control attenuation measures recommended in the approved noise study.

- a. Each unit is to be equipped with Central Air Conditioning.
- b. Prior to issuance of building permit, a review of building components (windows, walls, doors) is required and must be designed to achieve indoor sound level criteria.
- c. Notices-on-Title respecting noise:

"This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the City's and the Ministry of the Environment's noise criteria."

And

“Purchaser/Tenants of the apartment units [insert description here] are advised that despite this inclusion of noise control features in this development and within building units, noise levels from increasing roadway traffic on Cummings Avenue may be of concern, occasionally interfering with some activities of the dwelling occupants, as the outdoor sound level exceed the City of Ottawa’s and the Ministry of the Environment’s noise criteria.”

And

“The transferee covenants with the transferor, and the lessee covenants with the lessor, that the above clause’s, verbatim, shall be included in all subsequent agreements of purchase and sale, lease agreements, and Transfers/Deeds conveying the lands described herein, which covenant shall run with the said lands and is for the benefit of the owner of the adjacent road.”

7. Certification Letter for Noise Control Measures

- a. The Owner acknowledges and agrees that upon completion of the development and prior to occupancy and/or final building inspection, it shall retain a Professional Engineer, licensed in the Province of Ontario with expertise in the subject of acoustics related to land use planning, to visit the lands, inspect the installed noise control measures and satisfy himself that the installed recommended interior noise control measures comply with the measures in the Noise Impact Assessment report, as approved by the City and/or the approval agencies and authorities (The Ministry of the Environment and Climate Change) or noise thresholds identified in the City’s *Environmental Noise Control Guidelines*. The Professional Engineer shall prepare a letter to the City’s Development Inspection Program Manager (the “Certification Letter”) stating that he certifies acoustical compliance with all requirements of the applicable conditions in this Agreement, to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development Department.
- b. The Certification Letter shall be unconditional and shall address all requirements as well as all relevant information relating to the development, including project name, lot numbers, building identification, drawing numbers, noise study report number, dates of relevant documents and in particular reference to the documents used for the building permits and site grading applications. The Certification Letter(s) shall bear the certification stamp of a Professional Engineer, licensed in the Province of Ontario, and shall be signed by said Professional Engineer, and shall be based on the following matters:
 - i. Actual site visits, inspection, testing and actual sound level readings at the receptors;

- ii. Previously approved Detailed Noise Control Studies, Site Plan and relevant approved Certification Letters (C of A) or Noise thresholds of the City's *Environmental Noise Control Guidelines*; and
 - iii. Non-conditional final approval for release for occupancy.
- c. All of the information required in subsections (a) and (b) above shall be submitted to the General Manager, Planning, Infrastructure and Economic Development Department, and shall be to his satisfaction.

8. Geotechnical Investigation

The Owner acknowledges and agrees that it shall retain the services of a geotechnical engineer, licensed in the Province of Ontario, to ensure that the recommendations of the Geotechnical Investigation Report (the "Report"), are fully implemented. The Owner further acknowledges and agrees that it shall provide the General Manager, Planning, Infrastructure and Economic Development Department with confirmation issued by the geotechnical engineer that the Owner has complied with all recommendations and provisions of the Report, prior to construction of the foundation and at the completion of the Works, which confirmation shall be to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development Department.

9. Residential Waste and Recycling Collection (no curb-side collection)

The Owner acknowledges and agrees that the City will not provide curb-side residential waste collection. The Owner further acknowledges and agrees that residential container waste collection and cart (and/or container) recycling collection will be provided by the City from a centralized refuse room. The Owner shall provide, at its own expense, an adequate storage room or space for residential waste containers and recycling carts (and/or containers). It is recommended that the containers and carts be placed on a concrete floor. The Owner shall provide an adequately constructed road access to the waste/recycling storage room or area suitable for waste/recycle vehicles. Direct access to the containers and carts is required. Any additional services (i.e. winching of containers) may result in extra charges.

10. Inlet Control Devices (ICDs)

The Owner acknowledges and agrees to install and maintain in good working order the required roof-top and in-ground stormwater inlet control devices, as recommended in the approved Storm Water Drainage Report. The Owner further acknowledges and agrees it shall assume all maintenance and replacement responsibilities in perpetuity. The Owner shall keep all records of inspection and maintenance in perpetuity, and shall provide said records to the City upon its request.

11. Private Storm Sewer Connection to City Sewer System

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:

- 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
- 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.

12. Stormwater Management Memorandum

Prior to registration of this Agreement, the Owner acknowledges and agrees to provide the General Manager, Planning, Infrastructure and Economic Development Department, with a memorandum prepared by a Professional Engineer, licensed in the Province of Ontario, confirming that the designed roof-top scuppers and associated spill point elevations will be set equivalent to the top of the control weir of the approved roof drain elevation(s). The Owner further acknowledges and agrees that said memorandum shall be to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development Department, and all associated costs shall be the Owner's responsibility.

13. Professional Engineering Inspection

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 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.

14. Stormwater Works Certification

Upon completion of all stormwater management Works, the Owner acknowledges and agrees to retain the services of a Professional Engineer, licensed in the Province of Ontario, to ensure that all measures have been implemented in conformity with the approved Plans and Reports. The Owner further acknowledges and agrees to provide the General Manager, Planning, Infrastructure and Economic Development Department with certificates of compliance issued by a Professional Engineer, licensed in the Province of Ontario, confirming that all recommendations and provisions have been implemented in accordance with the approved Plans and Reports.

June 15, 2018

Date



Douglas James
Manager, Development Review
Development Review, Central
Planning, Infrastructure and Economic Development
Department

Enclosure: Site Plan Control Application approval – Supporting Information



SITE PLAN CONTROL APPROVAL APPLICATION SUPPORTING INFORMATION

File Number: D07-12-17-0161

SITE LOCATION

603 Cummings Avenue, and as shown on Document 1.

SYNOPSIS OF APPLICATION

The site is located in the Rideau-Rockcliffe ward, south-west of the Montreal Road and Aviation Parkway intersection. The site area is approximately 700 square metres in area with approximately 15 metres of frontage along Cummings Avenue. A surface parking lot with 36 vehicular parking spaces currently occupies the site.

To the north, the property abuts a one-storey commercial and office building, currently occupied by a veterinary hospital and a gas bar, which fronts onto Montreal Road. To the east, the subject site's rear property line abuts the surface parking lot of a fast-food restaurant (Harvey's), which also fronts onto Montreal Road. To the south and west, a mix of residential building forms ranging from detached to low-rise apartment dwellings surround the property.

The purpose of this Site Plan Control application is to permit the construction of a three storey low-rise apartment dwelling with eight dwelling units. Three surface parking spaces, eight bicycle spaces, and a forty-eight square metres of amenity space is located in the rear yard and accessed from a driveway along the southern lot line.

Through the Site Plan Agreement the City of Ottawa will be retaining a road widening, extending 12 metres from the centerline of Cummings Avenue, 3.39 metres in from the existing front lot line. The applicant will be required to enter into an Encroachment Agreement for a retaining wall, entranceway stairs, and planters. The applicant will also be required to enter into a Maintenance and Liability agreement for interlock and landscaping within the lands being taken for a road widening. The Site Plan Agreement will also require the owner to pay fees for cash-in-lieu of parkland.

The property is designated General Urban Area within the City of Ottawa's Official Plan. As per the 2008-250 Zoning By-law, the property is zoned AM10[2199] – Arterial Mainstreet, Subzone 10, Exception 2199. This zone permits a low-rise apartment dwelling use on the subject lands. The Committee of Adjustment also approved a Minor Variance application (D08-02-17/A-00339) to reduce the southerly interior side yard

setback for a portion of the building and to permit a reduction in the drive aisle width for the proposed parking area.

DECISION AND RATIONALE

This application is approved for the following reasons:

- The proposal is consistent with the policies of the Official Plan for the General Urban Area.
- The proposal is in conformity with the provisions of the Zoning By-law 2008-250 as amended. The zoning onsite is AM10[2199] – Arterial Mainstreet, Subzone 10, Exception 2199.
- The Committee of Adjustment approved a Minor Variance application (D08-02-17/A-00339) on March 7, 2018 to permit a reduced drive aisle width and a reduced interior side yard setback. The decision was not appealed and the decision was final and binding as of April 9, 2018.
- Conditions of approval have been applied to this site to ensure the development meets the applicable Infrastructure and Planning Approval requirements.
- The Owner is required to enter into a Site Plan Agreement and submit securities to ensure that all site works are carried out in accordance with this approval.
- The proposed site design will create new housing options within the greenbelt, and as such represents good planning.

CONSULTATION DETAILS

Councillor Nussbaum has concurred with the proposed conditions of approval.

Public Comments

No public comments were received.

APPLICATION PROCESS TIMELINE STATUS

This Site Plan application was processed by the On Time Decision Date established for the processing of an application that has Manager Delegated Authority

Contact: Ann O'Connor - Tel: 613-580-2424, ext. 12658; Fax: 613-580-2576; or e-mail: ann.oconnor@ottawa.ca

Document 1 – Location Map

