



File No. D07-12-17-0143

July 23, 2018

Novatech  
Suite 200 – 240 Michael Cowpland Drive  
Ottawa, ON K2M 1P6

VIA EMAIL: [k.blakely@novatech-eng.com](mailto:k.blakely@novatech-eng.com)

Dear Ms. Blakely:

**Subject: Site Plan Control Application  
355, 359 and 361 Nelson Street**

The City has approved the Site Plan Control application received on December 7, 2017, subject to Owner of the subject lands entering into a Site Plan Agreement.

It is important to note that this Site Plan Control Approval will lapse if certain requirements are not fulfilled by July 19, 2019. Specific details of the requirements will be provided to you once it has been indicated that the Owner is prepared to enter into an agreement with the City. These requirements may include, but are not limited to the following:

- Site Plan Agreement is signed.
- Security in the form of a Letter of Credit – in the City's standard format and wording, certified cheque or bank draft is provided.
- Certificate of Liability Insurance provided.
- Any required fees are paid

Please note that the documents referred to above, if not submitted in the City's required format(s), will be returned, resulting in a delay issuing a building permit and/or a commence work order.

The Owner of the subject lands is required to enter into a Site Plan Agreement with the City. Please arrange for legal representation as soon as possible to review this Site Plan Approval and the title to the subject lands. Please note that the City will require that all Agreement(s) entered into with the City shall require postponement(s) of any encumbrance(s) on title at the time of registration of the Agreement(s) with the City on the subject lands, and any lands to be conveyed to the City as a condition of Site Plan Approval are required to be conveyed free and clear of any encumbrance(s) on title.

Also enclosed is a copy of the approved plan(s). We will retain the original site plan(s).

If you have any questions or concerns, please contact Kersten Nitsche by telephone at 613-580-2424, extension 16616 or by e-mail at [Kersten.Nitsche@ottawa.ca](mailto:Kersten.Nitsche@ottawa.ca).

Sincerely,

*Signed original on file*

Kersten Nitsche  
Planner II  
Development Review

c.c. Councillor Mathieu Fleury  
Shawn Wessel, Infrastructure Approvals Project Manager, PIED (include 1 set of approved/signed mylars)  
[Matthew.Wilson@ottawa.ca](mailto:Matthew.Wilson@ottawa.ca), Development Inspections  
[John.Buck@ottawa.ca](mailto:John.Buck@ottawa.ca), Building Inspections  
[Patrick.Kennedy@ottawa.ca](mailto:Patrick.Kennedy@ottawa.ca), Program Manager - Permit Approvals (include all final/consolidated approved Geotechnical and/or Slope Stability studies)  
[Mike.Levasseur@ottawa.ca](mailto:Mike.Levasseur@ottawa.ca), Zoning Plan Examiner  
Addressing And Signs  
Joseph Langiano, Right of Way Agreements Coordinator  
[Jake.Gravelle@ottawa.ca](mailto:Jake.Gravelle@ottawa.ca), By-Law Enforcement  
[Wendy.Hickson@ottawa.ca](mailto:Wendy.Hickson@ottawa.ca), Development Agreement Officer  
[Joumana.Tannouri@ottawa.ca](mailto:Joumana.Tannouri@ottawa.ca), Finance  
Carole Legault, Co-ordinator, Accessibility Advisory Committee (no plans)  
[Jake.Lefebvre@mpac.ca](mailto:Jake.Lefebvre@mpac.ca), Account Manager, MPAC  
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[Scott.Ritchie@hydroottawa.com](mailto:Scott.Ritchie@hydroottawa.com), Hydro Ottawa  
[Municipalplanning@enbridge.com](mailto:Municipalplanning@enbridge.com), Alice Coleman – Enbridge Gas Distribution  
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**SITE PLAN CONTROL APPROVAL APPLICATION  
DELEGATED AUTHORITY REPORT  
MANAGER, DEVELOPMENT REVIEW**

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Site Location: 355, 359 and 361 Nelson Street

File No.: D07-12-17-0143

Date of Application: December 7, 2017

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This SITE PLAN CONTROL application submitted by Novatech, on behalf of Fernando Martins, Tina Martins and Albertina Martins, is APPROVED as shown on the following plans:

1. **Site Plan**, Drawing No. A001, prepared by Alcaide Webster Architects Inc., revision 11 dated May 1, 2018.
2. **Landscape Plan**, Drawing No. 116018-L1, prepared by Novatech, revision 3 dated May 14, 2018.
3. **Front Elevation (West)**, Drawing No. 301, prepared by Alcaide Webster Architects Inc., revision 11 dated May 1, 2018.
4. **Laneway Elevation (South)**, Drawing No. A302, prepared by Alcaide Webster Architects Inc., revision 11 dated May 1, 2018.
5. **Rear Elevation (East)**, Drawing No. A303, prepared by Alcaide Webster Architects Inc., revision 11 dated May 1, 2018.
6. **Side Elevation (North)**, Drawing No. A304, prepared by Alcaide Webster Architects Inc., revision 11 dated May 1, 2018.
7. **Grading and Erosion & Sediment Control Plan**, Drawing No. 116018-GR, prepared by Novatech, revision 4 dated May 8, 2018.
8. **General Plan of Services**, Drawing No. 116018-GP, prepared by Novatech, revision 4 dated May 8, 2018.
9. **Stormwater Management Plan**, Drawing No. 116018-SWM, prepared by Novatech, revision 3 dated May 8, 2018.

And as detailed in the following reports:

1. **Development Servicing Study & Stormwater Management Report**, prepared by Novatech, report reference # R-2017-139, dated October 27, 2017, revised May 8, 2018.

2. **Geotechnical Study**, Report: PG4059-LET.01, prepared by Paterson Group Inc. dated April 6, 2017.
3. **Phase I Environmental Site Assessment**, prepared by Paterson Group Inc. , PE3975-1, dated March 7, 2017.

And subject to the following Standard and Special Conditions:

#### **Standard Conditions**

1. **Site Plan 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.

3. **Designated Substances Survey**

Prior to demolition of the existing building on site, the Owner acknowledges and agrees to submit the findings and recommendations for the proper handling and disposal of waste as identified in a Designated Substances Survey to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development, in accordance with Best Management Practices, including but not limited to:

- (a) Asbestos on Construction Projects (O.Reg 838)
- (b) Registration Guidance Manual for Generators of Liquid Industrial and Hazardous Waste (O.Reg 347)
- (c) Proposed Regulation Respecting Lead on Construction Projects
- (d) Made Under the Occupational Health and Safety Act and Waste Management – PCBs. (O.Reg 362)

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 drawings of a design professional, such drawings to be approved by the General Manager, Planning, Infrastructure and Economic Development.

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 and pressure tanks or gravity tanks.

**6. Reinstatement of City Property**

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

**7. Construction Fencing**

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

**8. Completion of Works**

The Owner acknowledges and agrees that no building will be occupied on the lands, nor will the Owner convey title to any building until all requirements with respect to completion for the Works as identified in this Agreement have been carried out and received Approval by the General Manager, Planning, Infrastructure and Economic Development, 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, the aforesaid Works are proceeding satisfactorily toward completion. The Owner shall obtain the prior consent of the General Manager, Planning, Infrastructure and Economic Development for such conveyance and/or occupancy in writing.

**Special Conditions**

**9. Private Drainage Agreement**

The Owner shall enter into a Private Drainage Agreement with the Owner(s) of 371 Nelson Avenue, which shall be binding upon the Owners and all subsequent purchasers, to deal with mutual rights for surface drainage, in accordance with the Stormwater Management Plan approved herein. The Private Drainage Agreement shall be registered on title of those properties listed in the Agreement, at no cost to the City, and a copy shall be filed with the City to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development.

**10. 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 approved herein, are fully implemented. The Owner further acknowledges and agrees that it shall provide the General Manager, Planning, Infrastructure and Economic Development with confirmation issued by the geotechnical engineer that the Owner has complied with all recommendations and provisions of the Geotechnical Investigation 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.

**11. 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 Stormwater Management Plan, General Plan of Services, and the Site Servicing & Stormwater Management Report, all approved herein. 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.

**12. Soil Management**

That if the Owners Environmental Consultant identifies areas on the site during construction where excess soils, fill and/or debris will be removed and if through further testing of any of these materials are found to be contaminated, they must be disposed, treated or recycled at a waste disposal site or landfill licensed for that purpose by the Ministry of Environment.

**13. Groundwater Management**

That the Owners Environmental Consultant test groundwater to be removed from the site during redevelopment, if through further testing the groundwater samples are found to be contaminated, all groundwater must be removed, managed or treated in accordance with appropriate Ontario regulations and/or discharged in accordance with the City of Ottawa Sewer Use By-law 2003-514.

**14. Site Lighting Certificate**

Prior to execution of the Site Plan Agreement, the Owner shall provide a certificate from an acceptable professional engineer, that the site lighting has been designed to meet the following criteria:

- (a) It must be designed using only fixtures that meet the criteria for Full Cut-Off (Sharp cut-off) Classification, as recognized by the Illuminating Engineering Society of North America (IESNA or IES) and;
- (b) It must result in minimal light spillage onto adjacent properties. As a guideline, 0.5 fc is normally the maximum allowable spillage.

Upon completion of the Works, the Owner must provide certification satisfactory to the City that the site lighting has been constructed in accordance with the approved plans prior to the City releasing any associated securities.

**15. 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.

**16. Maintenance and Liability Agreement**

The Owner shall enter into a Maintenance and Liability Agreement for all plant and landscaping material, including ornamental grasses, shrubs, sod, and concrete and interlock pathways located within portions of the City's Nelson Avenue right-of-way. The Maintenance and Liability Agreement shall be registered on title immediately after the registration of this Agreement. The Owner shall assume all maintenance and replacement responsibilities in perpetuity.

**17. Tree Removal within City Right-of-Way**

The Owner acknowledges and agrees that any tree removal within the City's Nelson Avenue right-of-way shall be in accordance with a tree permit, including compensation fees as applicable, from Forestry Services.

**18. Tree Permit**

- (a) The Owner acknowledges and agrees that any tree removal within private property shall be in accordance with an approved Tree Permit and Tree Conservation Report and that a copy of the approved Tree Permit and Tree Conservation Report shall be present on the construction site at all times.
- (b) The Owner further acknowledges and agrees that any trees to be removed from the site shall be in compliance with the Urban Tree Conservation By-law 2009-200, as amended.
- (c) The Owner further agrees that any removal of trees greater than 10cm DBH shall be in accordance with the conditions stated within a Tree Permit duly signed by the Owner and the General Manager, Planning, Infrastructure and Economic Development.
- (d) The Owner further acknowledges that if any trees are to be removed or damaged on abutting properties or straddling a common lot line, written permission must be provided from all affected property owners prior to the issuance of a Tree Permit.

**19. Tree Protection Measures**

The Owner acknowledges and agrees that all trees to be retained, as shown on the approved Landscape Plan, shall be protected in accordance with the City's required tree protection measures, to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development. The Owner further acknowledges and agrees to maintain the tree protection measures until construction is complete and/or the City has provided written permission to remove them. The Owner further acknowledges and agrees that, at a minimum, the following tree protection measures, including tree protection barriers and signage, shall be complied with during all on-site Works:

- (a) Under the guidance of an arborist, erect a fence at the critical root zone (CRZ) of trees, defined as 10 centimetres from the trunk of a tree for every centimeter of trunk DBH (i.e.,  $CRZ = DBH \times 10 \text{ cm}$ ),
- (b) Not place any material or equipment within the CRZ of the tree,

- (c) Not attach any signs, notices or posters to any tree,
- (d) Not raise or lower the existing grade within the CRZ without approval,
- (e) Not tunnel or bore when digging within the CRZ of a tree,
- (f) Not damage the root system, trunk or branches of any tree, and
- (g) Ensure that exhaust fumes from any and all equipment shall not be directed towards any tree canopy.

20. **Residential Waste Collection**

- (a) The Owner acknowledges and agrees they shall inform prospective purchasers and lessees, through a Municipal Covenant Agreement, that residential waste and recycling collection shall not be provided by the City of Ottawa as the waste and recycling facilities and access to these facilities do not meet the City of Ottawa's Council-approved Solid Waste Collection Design Guidelines for Multi-Unit Residential Development.
- (b) The Owner further acknowledges and agrees that residential waste and recycling collection may be provided at a future date if the waste and recycling collection facilities and access to these facilities is redesigned to meet the City of Ottawa's Council-approved Solid Waste Collection Design Guidelines for Multi-Unit Residential Development to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development.
- (c) The Owner further acknowledges and agrees that so long as the City is not providing residential waste and recycling collection, residential waste and recycling must be stored indoors at all times and shall only be removed from the building by the private waste collection contractor at the time of collection.

21. **Right of Way**

The Owner acknowledges and agrees that, prior to an occupancy permit being issued, the Owner shall establish a legal right of way to permit the passage of pedestrians, vehicles, bicycles, and garbage containers from 355, 359 and 361 Nelson Street across the driveway located at 371 Nelson Street.

July 19, 2018

\_\_\_\_\_  
Date



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

Enclosure: Site Plan Control Application approval – Supporting Information





## **SITE PLAN CONTROL APPROVAL APPLICATION SUPPORTING INFORMATION**

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**File Number:** D07-12-17-0143

### **SITE LOCATION**

355, 359 and 361 Nelson Street, and as shown on Document 1.

### **SYNOPSIS OF APPLICATION**

The subject properties, known municipally as 355, 359 and 361 Nelson Street, are located on the eastern side of Nelson Street, between Osgoode Street to the south and Laurier Avenue East to the north. The subject properties have a combined lot area of 1,050 square metres and approximately 28 metres of frontage along Nelson Street.

To the immediate north, east, and south of the subject properties is a mix of residential dwellings, primarily single-detached dwellings and some low-rise buildings. Immediately opposite the site, on the west side of Nelson Street, is a French-immersion elementary school. Further west is the University of Ottawa Campus. The subject property at 355 Nelson Street is currently occupied by a two-story semi-detached dwelling, while the properties at 359 and 361 Nelson Street are both occupied by two and a half-storey single-detached dwellings.

The applicant submitted a Site Plan Control application proposing to consolidate the three subject properties and construct a four-storey apartment building containing 27 dwelling units. A total of nine parking spaces will be provided at the rear of the site, and will be accessed via an existing shared driveway from Nelson Street, located on the property to the immediate south known municipally as 371 Nelson Street. Approximately 153 square metres of amenity area will be provided in the rear yard, with additional amenity area being provided via private balconies.

The site is zoned R4S[480] – Residential Fourth Density, Subzone S, Urban Exception 480 pursuant to Zoning By-law 2008-250, and is designated as General Urban Area pursuant to Schedule B of the Official Plan.

### **DECISION AND RATIONALE**

This application is approved for the following reasons:

- The development supports the policies for the General Urban Area as provided within the Official Plan, by providing increased housing options within a built form that is compatible and sensitive to the surrounding neighbourhood.
- The proposed development, except for the required 1.2 metre pathway for garbage to be brought to the curb, is in conformity with the provisions of Zoning By-law 2008-250. The applicant understands that, in general, the pathway meets the required 1.2 metre pathway, but that they will not receive a building permit for the development until such time that the doorway openings along the garbage pathway also meet the required 1.2 metre width.
- Overall, the development represents good planning.

## CONSULTATION DETAILS

Councillor Mathieu Fleury has provided the following comments:

"Happy to see that the garbage storage has been located indoors and that a private pick-up will be required. Further, the agreement that was reached regarding snow removal on the part of the applicant will be of benefit to the neighbours given the configuration of the parking and access.

Understanding that heritage staff did not share the community concerns with the redevelopment of this site as it pertains to the heritage character of the neighbourhood, we believe the demolition of the Category 3 buildings in this mature neighbourhood is a loss. "

## Public Comments

Two residents submitted comments on the proposed development. Comments and concerns are summarized as follows:

1. Garbage: Concerned about adequate garbage storage size and location and possible overflow onto Nelson Street, as well as concerns about wildlife attracted to garbage.

*Response: Planning staff is satisfied that sufficient space is to be provided for interior waste storage. The waste storage room will be easily accessed by residents via an elevator and will provide a pathway to the exterior via the elevator and a corridor to the front door. Furthermore, the conditions of approval require that a notice on title notify residents that City waste and recycling collection will not be provided, and also require that waste be stored indoors until the time of collection by the private waste collection contractor.*

2. Height: Concerned about proposed four storeys and feel that the development should only be two storeys as per the adjacent dwellings.

*Response: The zoning of the property permits the proposed low-rise apartment building and the proposed height of 14.5 metres.*

3. Number of rooms: Concerned that the proposed development is a bunkhouse.

*Response: The proposed development meets the provisions of By-law 2017-145, which limits the number of bedrooms within a dwelling unit within the Sandy Hill neighbourhood.*

Comments were also received from Action Sandy Hill (ASH) with the main concerns pertaining to the following:

1. Height: ASH feels that the height of 14.5 metres deviates from the Sandy Hill Secondary Plan in its scale and massing and is incompatible with existing adjacent development. To ensure the required compatibility, they urge Planning Services to restrict the building height to a maximum of 11 metres.

*Response: The zoning of the property permits the proposed low-rise apartment building and the proposed height of 14.5 metres.*

2. Garbage: ASH is concerned how garbage will be collected, stored, and disposed of as it appears there is no ramp or utility elevator to provide for this and the garbage storage area is undersized. They are concerned that street-level overflow of garbage will occur and is egregious as the proposed building is directly across from the outdoor play and sports area of an elementary school.

*Response: Planning staff is satisfied that sufficient space is to be provided for interior waste storage. The waste storage room will be easily accessed by residents via an elevator and will provide a pathway to the exterior via the elevator and a corridor to the front door. Furthermore, the conditions of approval require that a notice on title notify residents that City waste and recycling collection will not be provided, and also require that waste be stored indoors until the time of collection by the private waste collection contractor.*

3. Snow removal: ASH is concerned about snow removal and where snow will be piled and possible narrowing of the street.

*Response: The property owner has confirmed that they will be removing the snow from the site.*

4. Heritage: ASH has a strong desire to retain the existing Category 3 contributing buildings on the site as they contribute to the fabric of Sandy Hill.

*Response: Heritage staff have reviewed the proposed development and do not have concerns with the redevelopment of the site.*

5. Other: ASH suggested that more interior bike storage and tenant storage be provided to attract longer term tenants.

*Response: A total of 18 bicycle parking spaces are to be provided, which is in excess of the minimum of 14 spaces as required by the Zoning By-law. Tenant storage is not a zoning requirement but may be provided at any time.*

### **Technical Agency/Public Body Comments**

Comments from technical agencies were standard for Site Plan Control applications and will be addressed in the Site Plan Agreement.

### **Advisory Committee Comments**

Comments from the Accessibility Advisory Committee were received as follows:

1. The site plan does not indicate any barrier-free parking. Using the same percentage of units there should be 3 (2.66) fully accessible parking stalls.

*Response: The provided parking meets the provisions of By-law 2017-301.*

2. There appears to be a grade difference between the main corridor and the rear entrance (parking and amenity access). Ensure persons using wheeled mobility devices can access and egress the building at both the front and rear entrances.

*Response: A hard-surface pathway is provided from the front door to the rear parking lot and amenity area. Access to the front door is provided via an elevator.*

The remaining comments from the Accessibility Advisory Committee were shared with the applicant for incorporation, as applicable, within the building design at the building permit stage:

3. Ensure there is adequate push/pull clearance on all interior doors in the "barrier-free" (HC). For example Unit 04\*HC does not have the 600 mm clearance on the pull side of the bathroom door.
4. Ensure kitchen and bathrooms are designed to suit barrier-free requirements. Chapter 7 of CSA B651 "Accessible Design for the Built Environment" provides standards to ensure barrier-free use.
5. Ensure adequate room in one of the bedrooms to maneuver a wheeled mobility device (i.e. manual wheelchair).
6. Ensure exterior door to balcony amenity area is accessible to persons using a wheeled mobility device; for example threshold no higher than 13mm, adequate maneuvering space on the balcony (1500mm turning diameter).

7. Ensure elevator complies with the requirements of CSA B651 and CSA B44.
8. Compliments on the fully accessible laundry facilities (suggest front loading washer and dryers), ensure knee clearance under laundry sink.
9. Ensure garbage bins are accessible to persons in a seated position (i.e. wheelchair).
10. Consider storage of a wheelchair type bicycle in the bicycle lockup room (turning diameter indicated in room).

#### **APPLICATION PROCESS TIMELINE STATUS**

This Site Plan Control application was not processed by the On Time Decision Date established for the processing of an application that has Manager Delegated Authority due to required revisions to plans and studies.

**Contact:** Kersten Nitsche - Tel: 613-580-2424, ext. 16616; Fax: 613-560-6006; or  
e-mail: [Kersten.Nitsche@ottawa.ca](mailto:Kersten.Nitsche@ottawa.ca)

# Document 1 – Location Map

