



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

Site Location: 280 Herzberg Road

File No.: D07-12-17-0066

Date of Application: May 18, 2017

This SITE PLAN CONTROL application submitted by Robert Verch, Roderick Lahey Architect, on behalf of 280 Herzberg Development Corp, is APPROVED as shown on the following plan(s):

1. **Site Plan**, 280 Herzberg, Drawing No. SP-1, prepared by Roderick Lahey Architect Inc., Project No. 1610, dated November 2016, revision 5, dated July 16, 2018.
2. **Building Elevations**, 280 Herzberg, Drawing No. A-02, prepared by Roderick Lahey Architect Inc., Project No. 1610, dated November 2016, revision 4 dated July 30, 2018.
3. **Tree Conservation Report and Landscape Plan**, Drawing No. L.1, prepared by James B. Lennox & Associates Inc., dated January 2017, revision 8, dated July 30, 2018.
4. **Existing Conditions Plan**, 280 Herzberg Road, Drawing No. EX-1, prepared by DSEL, Project No. 17-905, dated October 2018, revision 6, dated October 23, 2018.
5. **Site Servicing & Grading Plan**, 280 Herzberg Road, Drawing No. SSGP-1, prepared by DSEL, Project No. 17-905, dated October 2018, revision 6, dated October 23, 2018.
6. **Erosion and Sediment Control Plan & Detail Sheet**, 280 Herzberg Road, Drawing No. EC-1, prepared by DSEL, Project No. 17-905, dated October 2018, revision 6, dated October 23, 2018.

7. **Stormwater Management Plan**, 280 Herzberg Road, Drawing No. SWM-1, prepared by DSEL, Project No. 17-905, dated October 2018, revision 6, dated October 23, 2018.

And as detailed in the following report(s):

1. **Geotechnical Investigation**, Proposed Condominium Building, 280 Herzberg Road, prepared by exp., Project No. OTT-00203421-A0, dated June 8, 2012.
2. **Site Servicing and Stormwater Management**, prepared by DSEL, Project No. 17-905, dated October 2018.
3. **Road Traffic and Stationary Noise Impact Study**, 280 Herzberg Road, prepared by GHD, Reference No. 11140664, dated September 22, 2107.

And subject to the following Requirements, 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. 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.
5. 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.

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 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.

7. 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.

8. 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.

Special Conditions

9. 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.

10. Re-Grading and Maintenance of Ditch

The Owner acknowledges and agrees it shall be responsible for various grading and maintenance measures along Herzberg Road, which include the following:

- (a) Re-grade the shoulders of the ditch within the road allowance of Herzberg Road abutting the subject lands, to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development Department;
- (b) Obtain utility clearances prior to the re-grading of any ditch;

- (c) Obtain approval from the City's Surface Water Management Services Branch, Municipal Drainage Unit if the grade of any ditch bottom is to change; and
- (d) Maintain a grass cover within the road allowance of Herzberg Road abutting the subject lands, to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development Department.

11. Below Grade Parking Areas and Depressed Driveways

The Owner acknowledges and agrees that during major storm events, depressed driveways and below grade parking areas may be subject to flooding due to drainage from the road allowance. The Owner further acknowledges and agrees that the City will not take responsibility for flooding claims. The Owner further acknowledges that it is recommended that backwater valves be installed on catch basins located in depressed driveways.

12. 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 (the "Report"), referenced in Schedule "E" herein, 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.

13. Protection of City Sewers

(a) Prior to the issuance of a building permit, the Owner shall, at its expense:

- I. obtain a video inspection of the City Sewer System within Terry Fox Drive and Herzberg Road prior to any construction to determine the condition of the existing City Sewer System prior to construction on the lands and to provide said video inspection to the General Manager, Planning, Infrastructure and Economic Development Department.

(b) Upon completion of construction on the lands, the Owner shall, at its expense and to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development Department:

- I. obtain a video inspection of the existing City Sewer System within Terry Fox Drive and Herzberg Road to determine if the City Sewer System sustained any damages as a result of construction on the lands; and

- II. assume all liability for any damages caused to the City Sewer System within Terry Fox Drive and Herzberg Road and compensate the City for the full amount of any required repairs to the City Sewer System.

14. Site Lighting Certificate

- (a) In addition to the requirements contained in clause 19 of Schedule "C" hereto, the Owner acknowledges and agrees, prior to the issuance of a building permit, to provide the City with a certificate from an acceptable professional engineer, licensed in the Province of Ontario, which certificate shall state that the exterior site lighting has been designed to meet the following criteria:
 - i. 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
 - ii. it must result in minimal light spillage onto adjacent properties. As a guideline, 0.5 fc is normally the maximum allowable spillage.
- (b) The Owner acknowledges and agrees that, upon completion of the lighting Works and prior to the City releasing any associated securities, the Owner shall provide certification satisfactory to the General Manager, Planning, Infrastructure and Economic Development Department, from a Professional Engineer, licensed in the Province of Ontario, that the site lighting has been constructed in accordance with the Owner's approved design plan.

15. Private Approach Detail

The Owner acknowledges and agrees that all private accesses to Roads shall comply with the City's Private Approach By-Law being By-Law No. 2003-447 as amended, or as approved through the Site Plan control process.

16. 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 Site Servicing and Stormwater Management report referenced in Schedule "E" 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.

17. 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 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 roof-top 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.

18. 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.

19. 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, referenced in Schedule "E" herein. 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 referenced in Schedule "E" herein.

20. Site Dewatering

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.

21. Cash in Lieu of Parkland

Upon execution of this Agreement, the Owner shall pay cash-in-lieu of parkland in the amount of \$100,488.00. The Owner shall also pay the parkland appraisal fee of \$500.00 plus H.S.T. of \$65.00. Pursuant to the City's Parkland Dedication By-law, being By-law No. 2009-95, as amended, 40% of said funds collected shall be directed to City wide funds, and 60% shall be directed to Ward 4 funds.

22. Permanent Encroachment Agreement

The Owner acknowledges and agrees to enter into a permanent Encroachment Agreement to permit the encroachment of the stairs to be constructed within the City's Herzberg Road right-of-way. The Owner shall, at its expense, provide a reference plan for registration, indicating the approved encroachments, and the

Owner shall submit the draft reference plan to the City's Surveyor for review and approval prior to its deposit in the Land Registry Office. The Owner further acknowledges and agrees that the cost of preparation and registration of the Encroachment Agreement will be borne by the Owner.

23. Tree Permit

The Owner acknowledges and agrees that any trees to be removed shall be removed in accordance with the approved Tree Permit and/or the Tree Conservation Report referenced in Schedule "E" hereto, and in accordance with the City's Urban Tree Conservation By-law, being By-Law No. 2009-200, as amended. The Owner further agrees that a copy of the approved Tree Permit and/or Tree Conservation Report shall be posted on the construction site at all times until Approval is granted by the City for such Works.

24. Tree Protection

The Owner acknowledges and agrees that all trees to be retained, as shown on the approved Tree Conservation Report and Landscape Plan, referenced in this 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:

- (a) Erect a fence at the critical root zone (CRZ) of trees, defined as ten (10 cm) centimetres from the trunk for every centimetre of trunk DBH (i.e., $CRZ = DBH \times 10cm$);
- (b) Do not place any material or equipment within the CRZ of the tree;
- (c) Do not attach any signs, notices or posters to any tree;
- (d) Do not raise or lower the existing grade within the CRZ without the approval of the General Manager, Planning, Infrastructure and Economic Development Department;
- (e) Tunnel or bore when digging within the CRZ of a tree;
- (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.

25. Noise Conditions

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

- (a) All units shall to be equipped with Central Air Conditioning;
- (b) All units shall be fitted with a forced air heating system and ducting, and shall be sized to accommodate central air conditioning;
- (c) further to subsection (b) above, the location and installation of any outdoor air conditioning device(s) shall comply with the noise criteria of the Ministry of the Environment and Climate Change's Publication NPC-216 entitled Environmental Noise Guidelines for Installation of Residential Air Conditioning Devices, dated September 1994, as amended, in order to minimize the noise impacts both on and off the immediate vicinity of the subject lands.

(d) 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.

(e) All units shall have the following Notices-on-Title respecting noise:

“Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some outdoor activities as the sound levels exceed the sound level limits of the City and the Ministry of the Environment.”

AND

“Purchasers/tenants are advised that sound levels due to road traffic will interfere with outdoor activities as the sound levels exceed the sound level limits of the City and the Ministry of the Environment and Climate Change. This dwelling unit has been supplied with a central air conditioning system and other measures which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the City and the Ministry of the Environment and Climate Change.”

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.”

26. 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 Study referenced in Schedule “E” hereto, 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.

February 25, 2019

Date



Derrick Moodie
Manager, Development Review West
Planning, Infrastructure and Economic
Development Department

Enclosure: Site Plan Control Application approval – Supporting Information

SITE PLAN CONTROL APPROVAL APPLICATION SUPPORTING INFORMATION

File Number: D07-12-17-0066

SITE LOCATION

The site is municipally known as 280 Herzberg Road and is located at the northwest corner of the intersection of Terry Fox Drive and Herzberg Road, as shown on Document 1.

SYNOPSIS OF APPLICATION

The subject site is a rectangular parcel with an area of 1701 square metres, and is currently undeveloped with scattered vegetation. The site has road frontage on three sides, with Terry Fox Drive to the west, and Herzberg Road to the south and east. North of the subject site are two 2-storey office buildings with surface parking adjacent to Terry Fox Drive, to the east and south beyond Herzberg Road is the Marshes Golf Course, and to the west beyond Terry Fox Drive is a vacant parcel zoned Industrial Business Park.

The applicant has proposed the development of a 4-storey apartment building containing 32 units. A total of 39 parking spaces, including 2 visitor parking spots and 14 bicycle parking spots, will be provided in an underground parking garage with two-way vehicular access from the east side of the building off of Herzberg Road. On-street parking are also available on the south side of Herzberg Road. The parking garage is partially above-grade, with private patio terraces proposed atop the exposed roof of the parking structure. A passenger drop-off will be located to the south of the building along Herzberg Road.

DECISION AND RATIONALE

This application is approved for the following reasons:

- The subject development conforms to the policies of the Official Plan, including those for development within the Employment Area designation;
- The subject development conforms to the Zoning By-law;
- The Zoning By-law Amendment application (D02-02-17-0047) submitted concurrently with this application has been enacted by Council and is currently in effect;

- Conditions of approval have been included in this report in order to ensure the proposed development is constructed in conformity with City policies and guidelines;
- The applicant has adequately resolved the comments received during the public and technical review processes; and,
- The proposed development will improve the built form of Kanata North, and represents good planning.

CONSULTATION DETAILS

Councillor Jenna Sudds – Kanata North has concurred with the proposed conditions of approval.

Public Comments

Summary of Comments - Public

No public comments were received.

Technical Agency/Public Body Comments

Comments received from utilities were forwarded to the owner to deal directly with the utility to address their requirements.

Advisory Committee Comments

N/A

APPLICATION PROCESS TIMELINE STATUS

This Site Plan application was not processed by the On Time Decision Date established for the processing of an application that has Manager Delegated Authority due to the complexity of issues relating to encroachments and potential roadway modifications.

Contact: Mary Dickinson Tel: 613-580-2424, ext. 13923, fax 613-580-2576 or e-mail: Mary.Dickinson@ottawa.ca

Document 1 – Location Map

