



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

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Site Location: 368 Chapel Street

File No.: D07-12-18-0054

Date of Application: April 11, 2018

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This SITE PLAN CONTROL application submitted by Jacques Hamel, Hamel Design and Planning, on behalf of Nizar Salem, is APPROVED as shown on the following plan(s):

1. **Site Plan**, Drawing No. A1, prepared by Hamel Design and Planning, dated 2018-09-07, revision 20 dated 2019-01-30.
2. **Building Elevations**, Drawing No. A8, prepared by Hamel Design and Planning, dated 2018-09-07, revision 20 dated 2019-01-30.
3. **Proposed Grading and Servicing Plan**, Drawing No. G-1, prepared by T. L. Mak Engineering Consultants Ltd., dated Oct 12, 2018, revision 2, dated Jan 31, 2019.
4. **Proposed Rooftop Storm Water Management Plan**, Drawing No. SWM-1, prepared by T. L. Mak Engineering Consultants Ltd., dated Oct 12, 2018, revision 2, dated Jan 31, 2019.
5. **Erosion and Sediment Control Plan**, Drawing No. ESC-1, prepared by T. L. Mak Engineering Consultants Ltd., dated Oct 12, 2018, revision 2, dated Jan 31, 2019.

And as detailed in the following report(s):

1. **Stormwater Management Report**, prepared by T. L. Mak Engineering Consultants Ltd., dated Nov, 2018, revision 2, dated Jan 31, 2019.
2. **Servicing Report**, prepared by T. L. Mak Engineering Consultants Ltd., dated Nov, 2018, revision 2, dated Jan 31, 2019.
3. **Environmental Noise Control Study**, prepared by Paterson Group, dated Jan 10, 2018.
4. **Geotechnical Investigation Report**, prepared by Paterson Group, dated Jan 10, 2018.
5. **Phase I Environmental Site Assessment**, prepared by Paterson Group, dated Nov 20, 2017.

And subject to the following Requirements, Standard and Special Conditions:

### **Standard Conditions**

1. 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. **Designated Substance Survey**  
Prior to demolition of the existing building on the subject lands, the Owner shall submit the findings and recommendations for the proper handling and disposal of waste as identified in a designated substances survey, to the City. Such survey shall be to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development Department and be in accordance with best management practices. The survey shall address but not be limited to:
  - a. *Asbestos on Construction Projects. (O.Reg 278/05);*
  - b. *Lead on Construction Projects (ISBN 0-7794-6774-4) made under the Occupational Health and Safety Act, R.S.O. 1990, c.O.1, as amended;*
  - c. *Registration Guidance Manual for Generators of Liquid Industrial and Hazardous Waste. (O.Reg 347);*
  - d. *Proposed Regulation Respecting Lead on Construction Projects made under the Occupational Health and Safety Act, R.S.O. 1990, c.01.1, as amended; and*
  - e. *Waste Management – PCBs. (O.Reg 362)*
5. **Waste Reduction Workplan Summary**  
The Owner acknowledges and agrees, prior to the issuance of a building permit to prepare a waste reduction workplan summary for the construction project, as required by O.Reg 102/94, being “Waste Audits and Waste Reduction Work Plans” made under the *Environmental Protection Act*, RSO 1990, c E.19, as amended and provide a copy of said summary to the General Manager, Planning, Infrastructure and Economic Development Department.

**6. 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.

**7. 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.

**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. 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**

**11. On-Site Parking**

The following provision shall be included in any lease, rental agreement, sublet agreement, condominium agreement and/or Agreement of Purchase and Sale governing all or part of the building:

*"The purchaser, tenant or sublessee acknowledges the unit being rented/sold may not be provided with any on-site parking. Should a tenant/purchaser have a vehicle for which they wish to have parking, that alternative and lawful arrangements may need to be made to accommodate their parking need at an alternative location. The Purchaser/Tenant/Sublessee acknowledges that the availability and regulations governing on-street parking vary; that access to on-street parking, including through residential on-street parking permits issued by the City cannot be guaranteed now or in the future; and that a purchaser, tenant or sublessee intending to rely on on-street parking for their vehicle or vehicles does so at their own risk."*

## **12. Cash-in-Lieu of Parkland**

Upon execution of this Agreement, the Owner shall pay cash-in-lieu of parkland as referenced in Schedule "B" herein. The Owner shall also pay the parkland appraisal fee of \$500.00 plus H.S.T. of \$65.00, as referenced in Schedule "B" herein. 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 12 funds.

## **13. Exterior Elevations Drawings**

The Owner acknowledges and agrees to construct the proposed building in accordance with the approved Elevations, referenced in Schedule "E" herein. The Owner further acknowledges and agrees that any subsequent proposed changes to the approved Elevations Plans shall be filed with the General Manager, Planning, Infrastructure and Economic Development Department and agreed to by both the Owner and the City prior to the implementation of such changes. No amendment to this Agreement shall be required.

## **14. 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 Chapel Street 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."

#### **15. 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 Environmental Noise Control 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.

**16. Notice on Title – Noise Control Attenuation Measures**

The Owner, or any subsequent owner of the whole or any part of the subject lands, acknowledges and agrees that all agreements of purchase and sale or lease agreements shall contain the following clauses, which shall be covenants running with the subject lands:

“The Purchaser/Lessee for himself, his heirs, executors, administrators, successors and assigns acknowledges being advised that 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 of Ottawa’s and the Ministry of the Environment and Climate Change’s noise criteria.”

“The Purchaser/Lessee covenants with the Vendor/Lessor that the above clauses, verbatim, shall be included in all subsequent agreements of purchase *and* sale, and lease agreements for the lands described herein, which covenant shall run with the said lands.”

**17. Air Conditioning Units**

The Owner agrees that all air conditioning units to be provided for the subject building shall be located either on the roof or on the north side of the subject building.

March 8, 2019

\_\_\_\_\_  
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**

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**File Number:** D07-12-18-0054

### **SITE LOCATION**

368 Chapel Street, and as shown on Document 1.

### **SYNOPSIS OF APPLICATION**

- The property is located on the west side of Chapel Street, between Osgoode Street and Somerset Street East.
- The lot contains an existing two-storey detached dwelling, with low-rise residential buildings located on adjacent properties to the south and larger low-rise apartment buildings located to the north.
- The proposal is to construct a three-storey addition to the existing detached dwelling in order to create a seven-unit low-rise apartment dwelling. The front façade and side walls of the existing building will be retained and incorporated into the design of the apartment building
- The exterior design of the addition will consist mainly of hardie panel siding, which will be designed in such a way as to blend in with surrounding buildings along Chapel Street. The existing red brick used for the existing building is to remain.

### **DECISION AND RATIONALE**

This application is approved for the following reasons:

- The development is fully consistent with the policies of the City of Ottawa Official Plan.
- The development is consistent with the policies of the "Low Profile Residential" designation of the Sandy Hill Secondary Plan, which contemplates low-rise residential development including low-rise apartment dwellings.
- The proposed use of a low-rise apartment building will conform to the R4S[480] zone which applies to the property. Minor Variance approval was obtained to address deficiencies pertaining to the minimum lot width, lot area, and interior side yard setbacks of the building.

- The property adequately addresses the Urban Design Guidelines for Low-Rise Infill Housing.
- The conditions to be imposed on the development, in addition to ensuring that the building is constructed as per the approved plans, are also intended to implement commitments that the applicants made to abutting property owners for the proposal, such as the permitted location of air conditioning units.
- The development allows for multiple apartments within a footprint and building envelope that is comparable to and compatible with the existing development along Chapel Street, and thus constitutes good planning.

## **CONSULTATION DETAILS**

Councillor Mathieu Fleury is aware of the application.

### **Public Comments**

#### Summary of Comments - Public

Prior to the filing of the subject application, the applicants filed a Minor Variance application to address zoning deficiencies related to the subject property and design of the proposed building. This application was ultimately appealed to and approved by the Ontario Municipal Board. Prior to this approval, the owners reached an informal agreement with neighbours, who agreed not to oppose the application subject to certain commitments being made in the site design. Most of the comments provided as part of the Site Plan Control process are in reference to this agreement.

A summary of the comments provided through the Site Plan Control process, and responses to those comments, is noted below:

#### **Concern**

The proposed development should not be able to access from the adjacent lane to the north for parking purposes.

#### **Response**

The proposed Site Plan shows a fully landscaped rear yard, with a privacy fence proposed around the boundaries of the lot. As such, the rear yard will not be accessible from the adjacent property. In addition, it should be noted that there is a requirement under the Zoning By-law for rear yard amenity space, which the landscaped area in the rear yard satisfies. The conversion of this area to parking would result in the remaining amenity space not complying with the zoning requirement.



**Concern**

Concerns relating to the exterior design of the building, in particular that there should be no corrugated metal as part of the design.

**Response**

The proposed addition will be comprised mainly of hardie siding and will not contain any corrugated metal. The existing brick cladding for the existing building will be maintained.

**Concern**

Concerns were noted with respect to the location and potential impacts of air conditioning units and kitchen vents for the proposed development. It was requested that these be located so as to minimize their impact on the abutting properties.

**Response**

The applicants have committed to locating these units and vents on the roof of the building, or towards the north side (abutting a driveway on the abutting property) of the building where it is not possible to locate them on the roof. A condition to this effect has been included in the Site Plan approval.

**Concern**

Some concerns were noted with respect to the concrete/interlock pad located in the rear yard towards the southerly side property line, specifically that the use of such a pad by tenants may lead to a loss of privacy.

**Response**

The concrete pad has been removed and replaced with soft landscaping.

**Technical Agency/Public Body 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 in order to address zoning and design issues pertaining to waste management for the site, and to address comments pertaining to engineering, site landscaping, and noise mitigation for the site.

**Contact:** Robert Sandercott Tel: 613-580-2424, ext. 14270, fax 613-580-2576 or e-mail: [robert.sandercott@ottawa.ca](mailto:robert.sandercott@ottawa.ca)

## Document 1 – Location Map

