

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

Site Location: 296 Somerset St East

File No.: D07-12-18-0113

Date of Application: July 28, 2018

This SITE PLAN CONTROL application submitted by Daniel Boulanger for TC United Group, on behalf of ABCG Properties Inc., is APPROVED as shown on the following plan(s):

1. **Site Plan & Site Stats**, Dwg SP-1, prepared by CW architect Inc., revision 5, dated September 18, 2019
2. **Floor Plan Elevations & Section**, A-1, prepared by C.W. architect Inc., revision 5, dated September 18, 2019
3. **Lot Grading, Drainage, Sediment & Erosion Control Plan**, Dwg C101, prepared by McIntosh Perry, revision 7 dated September 27, 2019
4. **Site Servicing Plan**, Dwg C102, prepared by McIntosh Perry, revision 7 dated September 27, 2019

And as detailed in the following report(s):

1. **Geotechnical Report**, prepared by McIntosh Perry dated January 9, 2019
2. **Phase I Environmental Site Assessment**, prepared by McIntosh Perry dated March 2, 2018
3. **Traffic Noise Feasibility Study (TNFS)**, prepared by Swallow Acoustic Consultants Ltd. dated January 18, 2019
4. **Site Servicing & Stormwater Management Report**, prepared by McIntosh Perry dated August 20, 2019

And subject to the following General and Special Conditions:

General Conditions

1.	<u>Site Plan Agreement</u> 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.	<u>Permits</u> 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.	<u>Barrier Curbs</u> 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.
4.	<u>Water Supply for Fire Fighting</u> 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.	<u>Reinstatement of City Property</u> 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.
6.	<u>Construction Fencing</u> 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.
7.	<u>Maintenance and Liability Agreement</u> The Owner shall be required to enter into a maintenance and liability agreement for all plant, landscaping material, (except municipal trees), decorative paving and street furnishings placed in the City's right-of-way along Somerset Street East in accordance with City Specifications, and the Maintenance and Liability Agreement shall be registered on title, at the Owner's expense, immediately after the registration of this Agreement. The Owner shall assume all maintenance and replacement responsibilities in perpetuity.

8.	<p><u>Completion of Works</u></p> <p>The Owner acknowledges and agrees that no building (or no new building <i>if existing building on site</i>) 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.</p>
9.	<p><u>On-Site Parking</u></p> <p>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:</p> <p><i>“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.”</i></p>
10.	<p><u>Snow Storage</u></p> <p>Any portion of the lands which is intended to be used for snow storage shall be shown on the approved Site Plan or as otherwise approved by the General Manager, Planning, Infrastructure and Economic Development Department. The grading and drainage patterns and/or servicing of the site shall not be compromised by the storage of snow. Snow storage areas shall be setback from property lines, foundations, fencing or landscaping a minimum of 1.5 metres. Snow storage areas shall not occupy driveways, aisles, required parking spaces or any portion of a road allowance.</p>
11.	<p><u>Exterior Lighting</u></p> <p>All exterior lighting proposed for the subject lands shall be installed only in the locations and in accordance with specifications shown on the approved</p>

	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.
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Special Conditions

1.	<p><u>Traffic Noise Feasibility Study (TNFS)</u>, prepared by Swallow Acoustic Consultants Ltd. dated January 18, 2019</p> <p>The Owner(s) shall implement the noise control attenuation measures recommended in the approved noise study.</p> <ul style="list-style-type: none"> (a) Each unit is to be designed with the provision for adding 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: <p>"This dwelling unit has been designed with the provision for adding central air conditioning system at the occupant's discretion, 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."</p> <p>and</p> <p>"Purchaser/Tenants of the apartment units of this three storey residential apartment building are advised that despite this inclusion of noise control features in this development and within building units, noise levels from increasing roadway traffic on Somerset Street East and 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."</p> <p>and</p> <p>"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."</p>
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2.	<p><u>Certification Letter for Noise Control Measures</u></p> <p>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 Traffic Noise Feasibility Study (TNFS), prepared by Swallow Acoustic Consultants Ltd. dated January 18, 2019, 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 <i>Environmental Noise Control Guidelines</i>. 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.</p> <p>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:</p> <ul style="list-style-type: none"> (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 <i>Environmental Noise Control Guidelines</i>; and (iii) Non-conditional final approval for release for occupancy. <p>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.</p>
3.	<p><u>Stationary Noise Study</u></p> <p>The Owner covenants and agrees that is shall retain the services of an professional engineer licensed in the Province of Ontario to provide a Stationary Noise Study (the “Report”) for review, prior to issuance of a building permit, further to City comments and requirements. The Owner</p>

	<p>further acknowledge and agrees that it shall provide the General Manager, Planning Infrastructure and Economic Development Department with confirmation issued by the professional engineer that the Owner has complied with all recommendations and provisions of the Report, prior to building occupancy, which confirmation shall be to the satisfaction of the General Manager, Planning Infrastructure and Economic Development Department.</p>
4.	<p><u>Geotechnical Investigation</u></p> <p>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 Report, prepared by McIntosh Perry dated January 9, 2019 (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.</p>
5.	<p><u>Soil Management</u></p> <p>The Owner acknowledges and agrees to retain an environmental consultant to identify areas on the subject lands where excess soils, fill and/or construction debris will be removed. If through further testing any of these materials are found to be contaminated, the Owner acknowledges and agrees to dispose, treat or recycle these materials at a waste disposal site or landfill licensed for that purpose by the Ministry of the Environment and Climate Change.</p>
6.	<p><u>Groundwater Management</u></p> <p>The Owner acknowledges and agrees to retain an environmental consultant to test groundwater to be removed from the site during and after redevelopment. If through further testing the groundwater samples are found to be contaminated, all contaminated groundwater must be removed, managed or treated in accordance with appropriate Ontario regulations and/or discharged in accordance with the City's Sewer Use By-Law, being By-law No. 2003-514, as amended.</p>
7.	<p><u>Permit To Take Water (PTTW)</u></p> <p>If required, the Owner acknowledges and agrees to obtain an approved temporary Permit to Take Water application from the Ministry of the Environment, Conservation and Parks in accordance with O. Reg. 387/04 Water Taking and Transfer under <i>Ontario Water Resources Act</i>, R.S.O. 1990, c.O.40 prior to starting the project to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development.</p>

8.	<p><u>Existing Wells</u></p> <p>The Owner acknowledges and agrees to decommission groundwater monitoring wells located on the lands in accordance with R.R.O. 1990, Regulation 903: Wells under the (Ontario Water Resources Act, R.S.O. 1990, c.O.40), as amended.</p>
9.	<p><u>Cash in Lieu of Parkland</u></p> <p>Upon execution of this Agreement, the Owner shall pay cash-in-lieu of parkland in the amount of \$50,095.77 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.</p>
10.	<p><u>Inlet Control Devices (ICDs)</u></p> <p>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 Plan, Dwg C102, prepared by McIntosh Perry, revision 6 dated August 20, 2019 and Site Servicing & Stormwater Management Report, prepared by McIntosh Perry dated August 20, 2019, 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.</p>
11.	<p><u>Private Storm Sewer Connection to City Sewer System</u></p> <p>The Owner acknowledges and agrees that any new storm sewers to be installed as part of this development shall not be connected to the City’s existing storm sewer system until such time as either:</p> <ul style="list-style-type: none"> (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.	<p><u>Stormwater Management Memorandum</u></p> <p>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.</p>
13.	<p><u>Professional Engineering Inspection</u></p> <p>The Owner shall have competent Professional Engineering inspection personnel on-site during the period of construction, to supervise the Works, and the General Manager, Planning, Infrastructure and Economic Development Department, shall have the right at all times to inspect the installation of the Works. The Owner acknowledges and agrees that should it be found in the sole opinion of the General Manager, Planning, Infrastructure and Economic Development Department, that such personnel are not on-site or are incompetent in the performance of their duties, or that the said Works are not being carried out in accordance with the approved plans or specifications and in accordance with good engineering practice, then the General Manager, Planning, Infrastructure 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.</p>
14.	<p><u>Stormwater Works Certification</u></p> <p>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 Site Servicing Plan, Dwg C102, prepared by McIntosh Perry, revision 6 dated August 20, 2019 and Site Servicing & Stormwater Management Report, prepared by McIntosh Perry dated August 20, 2019, 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 Site Servicing Plan, Dwg C102, prepared by McIntosh Perry, revision 6 dated August 20, 2019 and Site Servicing & Stormwater Management Report, prepared by McIntosh Perry dated August 20, 2019, referenced in Schedule "E" herein.</p>

15.	<p><u>Site Dewatering</u></p> <p>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.</p>
16.	<p><u>Exterior Elevations Drawings</u></p> <p>The Owner acknowledges and agrees to construct the proposed building in accordance with the approved Elevations Plans, 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 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.</p>
17.	<p><u>Waste and Recycling Collection (Standard Collection)</u></p> <p style="padding-left: 40px;">a. Residential Units</p> <p>The Owner acknowledges and agrees that the City will provide waste collection and cart (and/or container) recycling collection for the residential units. The Owner shall provide an adequate storage room or space for waste containers and recycling carts (and/or containers). The Owner acknowledges and agrees that it is recommended that the containers and carts be placed on a concrete floor. The Owner shall provide an adequate constructed road access to the waste/recycling storage room or area suitable for waste/recycling vehicles as direct access to the containers and carts is required. The Owner acknowledges and agrees that any additional services (i.e. winching of containers) may result in extra charges.</p> <p style="padding-left: 40px;">b. Non-Residential/Commercial Units</p> <p>The Owner acknowledges and agrees that waste collection and recycling collection will not be provided by the City and it shall make appropriate arrangements with a private contractor for waste collection and recycling collection at the Owner's sole expense. The Owner shall consult a private contractor regarding any access requirements for waste and/or recycling collection.</p>

18. **Tree Permit**

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

October 7, 2019

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

File Number: D07-12-18-0113

SITE LOCATION

296 Somerset Street E, and as shown on Document 1.

SYNOPSIS OF APPLICATION

The subject site is located mid-block on the south side of Somerset Street East between Russell Avenue and Chapel Street, in the Sandy Hill neighbourhood. The 371.5m² site is a rectangular lot, 30.5 metres deep, with approximately 12 metres of frontage on Somerset Street East.

The site is currently occupied by a two-storey residential building with a driveway on the east side of the property that leads to a shed at the rear. The surrounding area along Somerset Street East features low-rise buildings with residential and limited commercial uses. The property abuts a series of three-storey townhouses to the east, the rear yards of several low-rise residential properties to the south, and a two-storey residential building to the west.

The purpose of the site plan control application is to permit the construction of a three-storey building with a commercial use at grade and four residential units above. There are 3 bicycle spaces proposed in the rear yard, secured within the gated amenity space and 3 bicycle spaces proposed in the front yard for visitors of the commercial unit. No vehicular parking spaces are provided. All waste management is internal to the building.

Through the site plan control process, the applicant revised the exterior building materials, which includes red brick to the front façade of the building. The applicant also added fencing around the perimeter of the rear yard amenity space. A serviceberry tree will be planted in the front yard, on the City Right-of-way.

The property is currently zoned Residential Fourth Density Subsection H, Exception 480, Residential Neighbourhood Commercial Suffix - R4H[480]-c. This zoning permits a wide variety of residential building forms including single-detached, semi-detached, and low-rise apartment buildings. The Residential Neighbourhood Commercial designation on the zoning permits limited, locally-oriented commercial and service uses on the ground floor of a residential building. These uses include artist studio, convenience store, instructional

facility, medical facility, personal service business, restaurant, retail food store, and retail store.

The subject site is designated General Urban Area on Schedule B of the Official Plan and Low-profile Residential Area in the Sandy Hill Secondary Plan.

DECISION AND RATIONALE

This application is approved for the following reasons:

- The application is consistent with the 'General Urban Area' designation of the Official Plan. The application provides for additional dwelling units and housing choices within the General Urban Area in a manner that is compatible with the existing land use patterns and built form of its surrounding neighbourhood.
- The site is designated Low-profile Residential Area in the Sandy Hill Secondary Plan. The proposed residential units and local commercial use complies with this policy context.
- The proposal is in conformity with the Zoning By-law.
- The development complies with the relevant planning policy context and complies with the zoning bylaw. Accordingly, the development represents good land use planning

CONSULTATION DETAILS

Councillor's Concurrence

Councillor Mathieu Fleury is aware of Staff's recommendation and has concurred with the proposed conditions of approval.

Public Comments

This application was subject to public circulation under the Public Notification and Consultation Policy. There were public comments received and staff considered these comments. Staff also received comments from Action Sandy Hill, the local community association. Comments received are summarized below.

Summary of public comments and responses

Comment: Building Design

- Concern with the demolition of a single family home being replaced with a box-like apartment building.
- Concern with change in the neighbourhood, and impact on the character of the area.
- Street currently comprised of predominantly 2-storey buildings and proposed development is not compatible.

- Quantity of brick is in no way equivalent to the cladding used on neighbouring properties. No attempt has been made to complement the existing design fabric of the street.
- Objection to any external stairway
- Lighting should be subtle and near entranceways
- How will parking be prevented in the rear yard?

Response: Staff are satisfied with the design changes made by the applicant through the site plan control process. In response to requests by the Councillor and Community, the applicant will now provide red brick on the front façade of the building. The proposed building will be 9.88 metres in height, which complies with the maximum building height permitted on this property. As such, staff are satisfied that the building will be compatible with the height of other buildings found in the surrounding neighbourhood. The stairways to upper floors of the building are internalized and lighting will be provided near entranceways. There is no parking proposed. The rear yard will be landscaped and fenced.

Trees

- Concern with the removal of two trees in the front yard

Response: The applicant will plant one new tree in the front yard to replace the trees removed for construction.

Commercial Use on Ground Floor

- Why allow a commercial establishment on the bottom floor of this building?

Response: The zoning bylaw permits local commercial uses on this site.

Density

- Concern about the increase in density
- Comment received that the size of units favour short term rentals rather than long-term residents.
- More density will impact noise, garbage and parking in surrounding area.

Response: The zoning bylaw permits the density of units and number of bedrooms proposed on this site. Noise is regulated by City noise bylaws.

Surface drainage

- Concern that new construction will reduce the amount of land available to absorb snowmelt and rainwater. There is concern that it will cause water drainage issues for adjacent properties

Response: Staff have reviewed and approve of the grading and drainage plan provided for this development.

Streetscape Character Analysis

- What are the results of the Streetscape Character Analysis?

Response: Staff can confirm that the streetscape character for this site is 'Character Group A'. The proposed development complies with the streetscape character regulations.

Waste Management

- We trust the City will require private garbage pickup

Response: City will provide waste collection and cart (and/or container) recycling collection for the residential units. For the non-residential unit, waste collection and recycling collection will not be provided by the City and the owner shall make appropriate arrangements with a private contractor for waste collection and recycling collection at the Owner's sole expense.

Technical Agency/Public Body Comments

Summary of Comments –Technical

Staff received comments from technical agencies, including Hydro Ottawa, Enbridge Gas, Canada Post, Rideau Valley Conservation Authority and Bell Canada.

Response to Comments –Technical

Comments from these agencies were sent directly to the applicant for their information.

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 number of reviews required for this application.

Contact: Jean-Charles Renaud Tel: 613-580-2424, ext. 27629, fax 613-580-6006 or e-mail: Jean-Charles.Renaud@ottawa.ca

Document 1 – Location Map

