



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

Site Location: 73 - 77 Guigues Avenue

File No.: D07-12-19-0082

Date of Application: May 14, 2019

This SITE PLAN CONTROL application submitted by Novatech Inc., on behalf of 11258770 Canada Inc., is APPROVED as shown on the following plan(s):

1. **Proposed Elevation**, A-9, prepared by HD&P Hamel Design and Planning, dated 2018-03-05 Revision 24. Dated 2019-10-02.
2. **Proposed Elevation**, A-10, prepared by HD&P Hamel Design and Planning, dated 2018-03-05 Revision 24. Dated 2019-10-02.
3. **Site Plan**, Dwg. A-1, prepared by HD&P Hamel Design and Planning, 2018-03-05 Revision 27. dated 2019-10-22
4. **Landscape Plan**, Drawing No 118099-L, prepared by Novatech Inc. May 7, 2019: Revision 3, dated 2019-10-03.
5. **Grading and Erosion & Sediment Control Plan**, Drawing No. 118099-GR, prepared by Novatech Inc. May 7, 2019, Revision 3, dated 2019-10-03.
6. **General Plan of Services**, Drawing No. 118099-GP, prepared by Novatech Inc. May 7, 2019, Revision 3, dated 2019-10-03.
7. **Stormwater Management Plan**, Drawing No. 118099-SWM, prepared by Novatech Inc. May 7, 2019, Revision 3, dated 2019-10-03.

And as detailed in the following report(s):

1. **Development Servicing and Stormwater Management Report**, prepared by Novatech, Ref. No. R-2019-063, Revision 2, dated 2019-10-03.

2. **Geotechnical Investigation**, Report PG4601-1, Revision 2, dated 2019-11-14 and **Geotechnical Response**, prepared by Paterson Group Inc., Report PG4601-MEMO.01, dated 2019-11-14, both prepared by Paterson Group Inc.
3. **Phase 1 Environmental Site Assessment**, Report PE4116-1 Revision 1, dated September 29, 2017 and **Engineering Letter** – File # PE4116-LET.02, dated 2019-10-03, both prepared by Paterson Group Inc.
4. **Noise Impact Assessment**, prepared by Novatech Inc, Ref. No. R-2019-067, Revision 1, dated 2019-05-09.

And subject to the following Requirements, General and Special 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 Department.
3. **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.
4. **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.
5. **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.
6. **Maintenance and Liability Agreement**
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 Guigues Avenue and Parent Avenue 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.
7. **Completion of Works**
The owner acknowledges and agrees that no building (or no new building *if existing building on site*) 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.

8. **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."

Special Conditions

1. **Noise Impact Assessment**, prepared by Novatech Inc. dated May 9, 2019
The owner(s) shall implement the noise control attenuation measures recommended in the approved noise study.

(a) Units 3 – 7 are to be designed with the provision for adding Central Air Conditioning.

(b) Notices-on-Title respecting noise (Units 3 – 7):

"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."

and

*"Purchaser/Tenants of the apartment units (Units 1-7) of this townhouse dwelling are advised that despite this inclusion of noise control features in this development and within building units, noise levels from increasing roadway traffic on **St. Patrick 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."

2. **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**, prepared by Novatech Inc. dated May 9, 2019, referenced in this report, as approved by the City and/or the approval agencies and authorities (The Ministry of the Environment and Climate Change) or noise thresholds identified in the City's *Environmental Noise Control Guidelines*. The Professional Engineer shall prepare a letter to the City's Development Inspection Program Manager (the "Certification Letter") stating that he certifies acoustical compliance with all requirements of the applicable conditions in this Agreement, to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development Department.
- b) The Certification Letter shall be unconditional and shall address all requirements as well as all relevant information relating to the development, including project name, lot numbers, building identification, drawing numbers, noise study report number, dates of relevant documents and in particular reference to the documents used for the building permits and site grading applications. The Certification Letter(s) shall bear the certification stamp of a Professional Engineer, licensed in the Province of Ontario, and shall be signed by said Professional Engineer, and shall be based on the following matters:
 - (i) Actual site visits, inspection, testing and actual sound level readings at the receptors;
 - (ii) Previously approved Detailed Noise Control Studies, Site Plan and relevant approved Certification Letters (C of A) or Noise thresholds of the City's *Environmental Noise Control Guidelines*; and
 - (iii) Non-conditional final approval for release for occupancy.

- c) All of the information required in subsections (a) and (b) above shall be submitted to the General Manager, Planning, Infrastructure and Economic Development Department, and shall be to his satisfaction.

3. **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**, prepared by Paterson Group Inc. dated October 2, 2018 (the "Report"), referenced in this report, are fully implemented. The owner further acknowledges and agrees that it shall provide the General Manager, Planning, Infrastructure and Economic Development Department with confirmation issued by the geotechnical engineer that the owner has complied with all recommendations and provisions of the Report, prior to construction of the foundation and at the completion of the Works, which confirmation shall be to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development Department.

4. **Use of Explosives and Pre-Blast Survey**

(a) The owner acknowledges and agrees that all blasting activities will conform to the City's Standard S.P. No. F-1201 entitled *Use of Explosives*, as amended. Prior to any blasting activities, a pre-blast survey shall be prepared as per S.P. No. F-1201, at the owner's expense, for all buildings, utilities, structure, water wells and facilities likely to be affected by the blast, in particular, those within seventy-five (75) metres of the location where explosives are to be used. The standard inspection procedure shall include the provision of an explanatory letter to the owner, or occupant and owner, with a formal request for permission to carry out an inspection (the "Notification Letter").

(b) The owner acknowledges and agrees that the Notification Letter(s) shall be in compliance with City Standard S.P. No. F-1201 and to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development Department. Pursuant to City Standard S.P. No. F-1201, the owner or its agents, contractors and subcontractors shall provide written notice to all owners and tenants of any building and/or facility located within a minimum of one hundred and fifty (150) metres from the blasting location at a minimum of fifteen (15) business days prior to any blasting. The owner further acknowledges and agrees that it shall provide a copy of the Notification Letter(s) to the General Manager, Planning, Infrastructure and Economic Development Department prior to any blasting activities.

5. **Cash in Lieu of Parkland**

Upon execution of this Agreement, the owner shall pay cash-in-lieu of parkland 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. The owner shall also pay the parkland appraisal fee of \$500.00 plus H.S.T. of \$65.00.

6. **Inlet Control Devices (ICDs)**

The owner acknowledges and agrees to install and maintain in good working order the required roof-top inlet control devices, as recommended in the approved General Plan of Services, Dwg 118099-GP, revision 3, Stormwater Management Plan, Dwg 118099-SWM, revision 3 and Development Servicing & Stormwater Management Report, all prepared by Novatech Inc. and dated October 3, 2019, referenced in this report. The owner further acknowledges and agrees it shall assume all maintenance and replacement responsibilities in perpetuity. The owner shall keep all records of inspection and maintenance in perpetuity and shall provide said records to the City upon its request.

7. **Stormwater Management Memorandum**

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

8. **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.

9. **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 General Plan of Services, Dwg 118099-GP, revision 3, Grading and Erosion & Sediment Control Plan, Dwg 118099-GR, Revision 3, Stormwater Management Plan, Dwg 118099-

SWM, revision 3 and Development Servicing & Stormwater Management Report, all prepared by Novatech Inc. and dated October 3, 2019, referenced in this report. 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 General Plan of Services, Dwg 118099-GP, revision 3, Grading and Erosion & Sediment Control Plan, Dwg 118099-GR, Revision 3, Stormwater Management Plan, Dwg 118099-SWM, revision 3 and Development Servicing & Stormwater Management Report, all prepared by Novatech Inc. and dated October 3, 2019, referenced in this report.

10. 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.

11. Protection of City Sewers

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

- (i) provide the General Manager, Planning, Infrastructure and Economic Development Department with the engineering report from a Professional Engineer, licensed in the Province of Ontario, which report shall outline the impact of the proposed building's footing and foundation walls, on the City sewer system, that crosses the Parent Avenue and Guigues Avenue frontages (the "City Sewer System") and the impact of the existing City Sewer System on the building's footing and foundation walls.
- (ii) obtain a legal survey acceptable to the General Manager, Planning, Infrastructure and Economic Development Department and the City's Surveyor, showing the existing City Sewer System within Parent Avenue and Guigues Avenue and the location of the proposed building and its footings in relation to the City Sewer System;
- (iii) obtain a video inspection of the City Sewer System within Parent Avenue and Guigues Avenue 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 Parent Avenue and Guigues Avenue 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 Parent Avenue and Guigues Avenue and compensate the City for the full amount of any required repairs to the City Sewer System.

12. **Exterior Elevations Drawings**

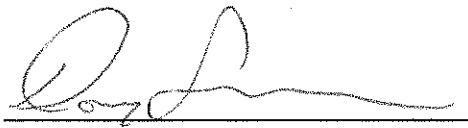
The owner acknowledges and agrees to construct the proposed building in accordance with the approved Elevations Plans, referenced in the list of approved Plans and Reports herein. The owner further acknowledges and agrees that any subsequent proposed changes to the approved Elevations Plans shall be 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.

13. **Waste and Recycling Collection (Standard Collection)**

The owner acknowledges that the City will provide waste and recycling collection for the residential units. As shown on the approved Site Plan, for each unit, the owner will provide an area in the rear yard where waste and recycling containers may be stored. The owner agrees to use best efforts to ensure that the new owners of each unit have completed the required submission form or made the call to 311 prior to occupancy, so that the recycling bins are in place on the back deck when they move in.

December 11, 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: D07-12-19-0082

SITE LOCATION

73-77 Guigues Avenue, and as shown on Document 1.

SYNOPSIS OF APPLICATION

The application seeks to permit the construction of a seven-unit townhouse dwelling with six (6) units fronting Parent and one (1) facing Guigues Avenue.

The property is situated on the northeast corner of Parent Avenue and Guigues Avenue, in the Lowertown West neighbourhood. The site has 41.6 metres of frontage on Parent Avenue and 12.7 metres of frontage on Guigues Avenue. The site is currently occupied by a three-unit townhouse dwelling and a detached garage, with the remainder of the site paved in asphalt. Abutting properties to the north, east, and to the south, across Guigues Avenue, consist of a mix of low-rise residential uses. To the west, across Parent Avenue, are low-rise residential uses, federal government offices and the Notre-Dame Cathedral Basilica. Other nearby uses include the Élisabeth Bruyère Hospital found one block to the north and the commercial By-Ward Market area approximately 100 metres to the south.

DECISION AND RATIONALE

This application is approved for the following reasons:

The property is designated General Urban Area in Schedule B of the Official Plan. This designation permits a range of housing types to meet the needs of all ages, incomes and life circumstances. The City supports infill development and intensification in areas designated General Urban Area where a proposed development enhances and builds upon established desirable characteristics within a community.

The property is situated within the boundaries of the Lowertown West Heritage Conservation District, designated under Part V of the *Ontario Heritage Act*. In addition to applications required under the *Planning Act* for this development, the applicant must also receive approval under the *Ontario Heritage Act*. The applicant has submitted a heritage application for this development.

The parcel is currently zoned R4S "Residential Fourth Density Zone, Subzone S" in the

City of Ottawa Zoning By-law 2008-250, a zone that permits a mix of low-density residential buildings, ranging from detached, semi-detached, townhouse and triplex dwellings to low-rise apartment buildings. The proposal is associated with a minor Zoning By-law Amendment application to address a number of zoning provisions. This area of Lowertown is currently characterised by a mix of housing types on lots of varying sizes. The proposed townhouse building is in keeping with other low-rise residential uses in this centrally-located, urban neighbourhood.

Development proposals for low-rise development are also evaluated using the Urban Design Guidelines for Low-rise Infill Housing. These guidelines encourage infill development to be in a compact urban form that consumes less land and natural resources. The Guidelines also recommend that infill development have inviting entrance features and at-grade living areas facing the street.

The proposed development represents good land use planning as:

- The Official Plan designation as General Urban Area has been met by the proposal resulting in intensification on an underutilized lot, and in a built form that enhances the pedestrian environment with an improved streetscape, within a compact-form that frames the street.
- The recommended conditions, approved plans, approved reports and securities to be provided will ensure the orderly development of the site as per the plans recommended for approval.

CONSULTATION DETAILS

Councillor's Concurrence

Councillor Mathieu Fleury has provided concurrence.

APPLICATION PROCESS TIMELINE STATUS

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

Contact: John Lunney Tel: 613-580-2424, ext. 29240, fax 613-580-2576 or e-mail: john.lunney@ottawa.ca

Document 1 – Location Map

