

**Report to  
Rapport au:**

**Planning Committee  
Comité de l'urbanisme  
12 December 2019 / 12 décembre 2019**

**Submitted on 26 November 2019  
Soumis le 26 novembre 2019**

**Submitted by  
Soumis par:  
Lee Ann Snedden,  
Director / Directrice**

**Planning Services / Service de la Planification  
Infrastructure and Economic Development Department / Direction générale de la  
planification, de l'infrastructure et du développement économique**

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**Ward: BAY (7) / BAIE (7)**

**File Number: ACS2019-PIE-PS-0131**

**SUBJECT: Site Plan Approval – 2525 Carling Avenue**

**OBJET: Approbation du plan d'implantation – 2525, avenue Carling**

#### **REPORT RECOMMENDATION**

**That Planning Committee approve a Site Plan Control application for the construction of two new commercial-retail buildings at 2525 Carling Avenue, as provided in Documents 2 and 3.**

#### **RECOMMANDATION DU RAPPORT**

**Que le Comité de l'urbanisme approuve une demande de réglementation du plan d'implantation en vue de la construction de deux nouveaux bâtiments destinés à**

**un usage commercial (vente au détail) au 2525, avenue Carling, comme le précisent les documents 2 et 3.**

## **BACKGROUND**

Riocan, the owner of the Lincoln Fields Shopping Centre at 2525 Carling Avenue, began a preliminary community visioning workshop on the redevelopment plans for the aging mall site in April 2017. Approximately 100 area residents attended and participated in the consultation. The session was documented and made public through the ward councillor at that time, Mark Taylor. Riocan and their consulting team met with City staff in August 2018 to discuss the development review process requirements. It was determined at this meeting that the City would be taking on a city-led secondary planning process for the greater Lincoln Fields area, which was subsequently included in the 2019 Council-approved workplan.

Riocan proceeded to submit a site plan application in December 2018 for an initial site plan phase to construct two new commercial buildings on site. The site plan would allow two existing anchor tenants to be relocated, and for the mall to then be demolished and be regraded setting the necessary framework for intensive future development of the shopping centre site. This initial site plan is the subject of this report. Riocan has stated that this site plan is a necessary initial development phase to set the framework allowing for a larger scale redevelopment plan, as the site is expected to include higher intensity buildings and a mix of uses including residential on site.

On March 6, 2019, Councillor Kavanagh hosted a Public Information Session, at which Riocan presented their initial development plans. City staff presented the commencement of the secondary planning process. A Public Information Session was also hosted by Councillor Kavanagh on June 13, 2019, where revisions to the initial site plan were presented. The revisions presented included additional pedestrian connections and landscaping.

On June 25, 2019, during the issue resolution stage of the development review process, Councillor Kavanagh indicated in writing that she was lifting delegated authority for this file at the request of the community associations who have an active interest and involvement in the redevelopment of the Lincoln Fields area, and who were unhappy with the site plan proposed by Riocan (see Document 5).

Concurrent with the ongoing site plan review, an application for Minor Variance was heard by the Committee of Adjustment on September 4, 2019 requesting relief from the maximum parking requirements on site and relief from the percentage of building frontage required to be within 3 metres of the front property line. The Committee of

Adjustment approved the variances and the decision was made final and binding on October 7, 2019.

For all the supporting documents related to this application [visit the link to Development Application Search Tool.](#)

**Site Location**

2525 Carling Avenue

**Owner**

Riocan Real Estate Inv Trust

**Applicant**

Fotenn Consultants, attn. Miguel Tremblay

**Architect**

Rod Lahey Architects

**Description of site and surroundings**

The Lincoln Fields Shopping Centre occupies the subject property at 2525 Carling Avenue. The site is approximately 6.5 hectares in area with street frontage on Carling Avenue, Richmond Road and Croydon Avenue. A private street named Assaly Private accesses the site from Richmond Road at the northeast corner of the property.

Surrounding the site are commercial retail uses to the north, high-rise apartments to the east, and a low rise residential neighbourhood to the south. To the west is commercial retail uses as well as a 19-storey mixed use building. The Sir John A. Macdonald Parkway and off ramp are located just east of the subject site and the Lincoln Fields Transit Station is located less than 200 metres east.

The subject property is the current location of the Lincoln Fields Shopping Centre, a retail development dating to the early 1970s. The main building is a two-storey mall located in the center of the site. Many of the tenants have vacated the mall, but the Metro grocery store and Rexall pharmacy remain open. There is also a separate outparcel at the northeast corner of the property that is occupied by a pizza shop. A second fast food restaurant (Wendy's) located in a single-tenant building in the southwest quadrant of the property, was destroyed by fire on November 27, 2018. In addition to the existing buildings on site, the property is mainly occupied by surface parking lots. Vehicular access to the site is from Assaly Private, Richmond Road, Croydon Avenue and Carling Avenue.

OC Transpo currently runs three local bus routes (routes 11, 51 and 153) through the Lincoln Fields Shopping Centre site, with two stops located at the north entrance to the mall building.

The site is currently artificially graded to be highest in the middle of the site where the existing mall building is situated. This was done when the site was originally developed in order to allow both the Richmond Road and Carling Avenue sides of the two-storey mall to be at grade with the surrounding parking lot.

### **Summary of Proposed Development**

This application proposes the demolition of the existing mall building and the construction of two new commercial-retail buildings on site, including a 2600-square metre single-storey Metro grocery store located near the centre of the site adjacent to the easterly property line. The second is a 1500 square two-storey retail and office building located along Carling Avenue just east of the signalized access. A newly reconfigured parking area will be built within the southeast quadrant of the property, which will serve the two newly proposed buildings.

A primary north-south driveway is proposed that will lead from the signalized intersection at Carling Avenue and will extend to a point just north of the Metro grocery store where it will connect to the existing circulation network on site. This driveway will include pedestrian walkways on either side, landscaping including tree planting and parallel parking stalls. Internal intersections are controlled with all-way stops.

OC Transpo intends to continue to run local bus service through the proposed site. The bus stops will be located along the main north-south driveway, immediately opposite the Metro grocery store. Clear and direct pedestrian connections to the bus stops are being provided as part of this site plan approval. The buses will continue to access the site from Assaly Private and exit via the Croydon Avenue intersection. Turning templates for the buses have been analyzed for the new route and the proposed internal driveways are deemed to be adequately sized.

Dedicated pedestrian pathway connections are being maintained or provided to the new buildings from Richmond Road, Croydon Avenue and Carling Avenue.

The proposal also includes plans to significantly regrade the subject site. Where currently the site is artificially graded up towards the center of the site, the redevelopment proposal will remove the mall and regrade so that the site is relatively flat. The redevelopment plan also includes a detailed stormwater management plan, which will serve to control the release of stormwater from the subject site in accordance with standard City criteria.

## **DISCUSSION**

### **Public consultation**

Notification for this site plan file was carried out in accordance with the requirements set out in the Public Notification and Consultation Policy approved by City Council. This included posting of on-site signs on the subject property and a mail-out to registered area community associations.

In addition, a visioning workshop was hosted by Riocan prior to application submission in 2017, and two community information sessions have been hosted on March 6, 2019 and on June 13, 2019 by the Ward Councillor since the application was filed. Riocan also met with community association representatives on August 6, 2019 to specifically discuss the minor variance applications.

For this proposal's consultation details, see Document 5 of this report.

### **Official Plan**

The Lincoln Fields Shopping Centre is designated Arterial Mainstreet according to Schedule B of the Official Plan. The Official Plan encourages intensification along mainstreets through the implementation of more compact forms of development, encouragement of a lively mix of uses and promotion of a pedestrian-friendly environment. Mainstreet corridors are strategically located on the current or future rapid transit and transit priority network. Development is intended to occur on arterial mainstreets in a way that facilitates the gradual transition to a more urban pattern of land use. This means that, over time, more residential uses will be introduced, and these corridors are expected to see a gradual transition to more intensive forms of development.

A mix of uses, including commercial, residential and institutional uses, are encouraged to be located either within the same buildings or on the same lot. Over time, parking lots between the building and the street could be redeveloped and built upon, and the pedestrian environment will be improved. A building format that encloses and defines the street edge and provides direct pedestrian access to the sidewalk is encouraged. To facilitate this evolution, the Zoning By-law may define the portion of the street frontage of an arterial mainstreet that must be occupied by buildings located at or set back minimally from the sidewalk.

### **Other applicable policies and guidelines**

The Urban Design Guidelines for development along Arterial Mainstreets applies to the subject site, which contains objectives including promotion of development that

contributes to the recognized or planned character of the streets, promotes a comfortable pedestrian environment and creates attractive streetscapes. It also seeks to achieve high-quality built form and establish a strong street edge along the arterial mainstreet, accommodates a broad range of uses including retail, services, commercial, office, institutional and higher density residential, and enhances connections that link development sites to public transit, roads and pedestrian walkways.

The Transit Oriented Development Guidelines also apply to the subject site. The guidelines outline goals within six general categories including land use, layout, built form, pedestrian and cyclist movements, vehicles, parking, streetscape and environment. In general, the guidelines promote a mix of transit-supportive uses which are laid out with a focus on efficient pedestrian and cycling connections that create easily accessible and animated spaces.

## **Zoning**

The subject site is divided into three separate zones. The middle of the property, where the current mall building is located, is designated Arterial Mainstreet (AM). The portion of the site closest to Richmond Road, which includes all the existing parking area north of the mall, is zoned Arterial Mainstreet, Subzone 10, Special Exception 2193 (AM10[2193]). The portion of the site closest to Carling Avenue, which includes all the existing parking area south of the mall, is zoned Arterial Mainstreet, Subzone 10, Special Exception 2194 (AM10[2194]). Subzone 10 includes development standards which specifically set out requirements that are intended to enhance the public realm experience. This includes bringing buildings to the street edge, requiring significant clear glazing on the ground floor of buildings facing the street, and requiring a minimum building height of 2-storeys. The Exceptions 2193 and 2194 simply state that the development along Richmond Road and Carling Avenue can occur separately and do not need to be part of the same development application.

Concurrent with the site plan review, an application for Minor Variance was heard by the Committee of Adjustment on September 4, 2019 which requested relief to reduce the percentage of building frontage required to be within 3 metres of Carling Avenue from 50 per cent to 29 per cent for the proposed two-storey retail-office building. Relief was also requested to permit an increase to the maximum parking rate. This relief is in acknowledgement of the existing parking areas on site, which are intended to be redeveloped as part of the longer-term redevelopment plans for the site. The Committee of Adjustment approved the variances and the decision was made final and binding on October 7, 2019.

## Planning Rationale

Staff are recommending that the plans and studies listed in Document 2 (and available online at the [Development Applications Search page](#)) and conditions within Document 3 be approved for the following reasons:

The proposed development conforms to the Official Plan

The proposed development plan conforms to the policies set out for development along Arterial Mainstreets. It represents a necessary starting point for a much larger redevelopment plan that is intended to be compact, pedestrian-oriented and mixed use.

The proposed development conforms to the applicable design guidelines

The proposed development plan places an emphasis on pedestrian movement to and through the subject site and the location of the 2-storey building along Carling Avenue begins to define the street edge. The proposed plan also begins to define logical circulation movement through the site with the newly established north-south driveway, which is intended to define logical development blocks that will serve the larger scoped development plan for this property.

The proposed development conforms to the Zoning By-law

All aspects of the proposed development conform to the applicable zoning standards including those set out within the Arterial Mainstreet designation and specifically within the Subzone 10 provisions. The applicant obtained approval from the Committee of Adjustment for two minor variances on September 4, 2019, including relief from maximum parking rate and relief from the required percentage of building face within 3 metres of Carling Avenue. The Committee of Adjustment decision is final and binding.

The proposed development conforms to infrastructure and transportation guidelines

The proposed development adequately addresses city guidelines relating to water, wastewater and stormwater infrastructure. The development layout has been reviewed from a transportation perspective and has been deemed to be acceptable.

**Provincial Policy Statement**

Staff have reviewed this proposal and have determined that it is consistent with the Provincial Policy Statement, 2014.

**RURAL IMPLICATIONS**

There are no rural implications.

**COMMENTS BY THE WARD COUNCILLOR**

The Ward Councillor is aware of the application related to this report.

**LEGAL IMPLICATIONS**

Only the applicant may appeal the conditions of site plan approval to the Local Planning Appeal Tribunal.

A review of caselaw before the Local Planning Appeal Tribunal (including prior caselaw from the Ontario Municipal Board) has not revealed any case where, zoning being in place, the Tribunal has refused approval of a site plan without providing an alternative by which the applicant can obtain an approval.

**RISK MANAGEMENT IMPLICATIONS**

There are no anticipated risks associated with this recommendation.

**ASSET MANAGEMENT IMPLICATIONS**

There are no asset management implications associated with the recommendations of this report.

**FINANCIAL IMPLICATIONS**

There are no direct financial implications.

**ACCESSIBILITY IMPACTS**

The proposed development has been reviewed against current accessibility design standards.

**TERM OF COUNCIL PRIORITIES**

This project addresses the following Term of Council Priority:

- Economic Prosperity; Governance, Planning and Decision-Making

## **APPLICATION PROCESS TIMELINE STATUS**

This application (Development Application Number: D07-12-18-0195) was not processed by the "On Time Decision Date" established for the processing of a Site Plan Control application due to changes to the project design and additional time associated with delegated authority being lifted.

## **SUPPORTING DOCUMENTATION**

Document 1 Location Map

Document 2 List of Plans and Reports for Approval

Document 3 Conditions of Approval

Document 4 Site Plan

Document 5 Consultation Details

## **DISPOSITION**

Office of the City Clerk, Legislative Services, to notify the owner, applicant, Ottawa City Scene, Program Manager, Assessment, Financial Services Branch of Planning Committee's decision, and Legal Services to prepare the Site Plan Control agreement.

This SITE PLAN CONTROL application submitted by Fotenn Consultants, on behalf of RioCan Real Estate Inv Trust, is APPROVED as detailed in the plans and reports listed in Document 2 and in accordance with the conditions listed in Document 3:

December 12, 2019

Planning Committee

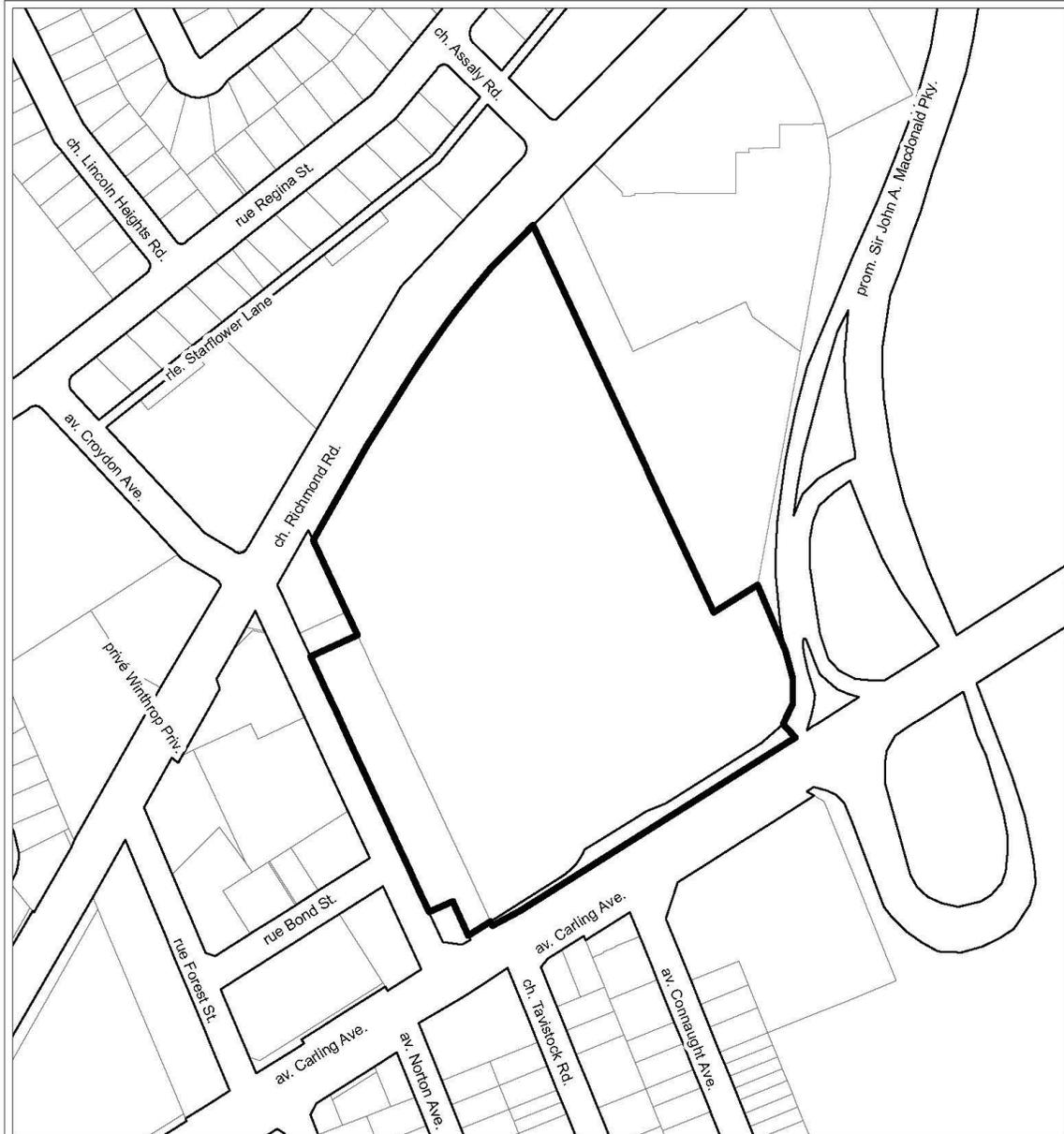
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**Date**

\_\_\_\_\_

**Approval Authority**

Document 1 – Location Map



		LOCATION MAP / PLAN DE LOCALISATION SITE PLAN / PLAN D'EMPLACEMENT	
D07-12-18-0195	19-0056-D		
I:\CO\2019\Site\Carling_2525		 <b>2525 av. Carling Avenue</b>	
<small>©Parcel data is owned by Teranet Enterprises Inc. and its suppliers                  All rights reserved. May not be produced without permission                  THIS IS NOT A PLAN OF SURVEY</small>			
<small>©Les données de parcelles appartient à Teranet Enterprises Inc.                  et à ses fournisseurs. Tous droits réservés. Ne peut être reproduit                  sans autorisation. CECI N'EST PAS UN PLAN D'ARPENTAGE</small>			
REVISION / RÉVISION - 2019 / 01 / 16			

## Document 2 – List of Plans and Studies for Approval

### List of Approved Plans

1. **Site Plan Phase 1**, SP-2, prepared by RLA Architecture, dated September 7, 2018, revision 10 dated October 24, 2019.
2. **Site Plan Overall**, SP-1, prepared by RLA Architecture, dated September 7, 2018, revision 8 dated October 24, 2019.
3. **Site Plan Phasing**, SP-3, prepared by RLA Architecture, dated September 7, 2018, revision 8 dated October 24, 2019.
4. **1803 Lincoln Fields – Northwest Parking Lot Barricade Sketch**, dated November 7, 2019.
5. **Tree Conservation Report and Landscape Plan**, L.1, prepared by James B. Lennox & Associates Inc., dated November 2018, revision 5 dated November 6, 2019.
6. **Elevations**, A02, prepared by RLA Architecture, dated September 7, 2018, revision 4 dated September 25, 2019.
7. **Elevations**, A3, prepared by Pearce McCluskey Architects, dated November 2018.
8. **Elevations**, A3.1, prepared by Pearce McCluskey Architects, dated November 2018.
9. **Existing Conditions Plan**, EX-1, prepared by DSEL, dated December 17, 2018, revision 7 dated November 28, 2019.
10. **Grading Plan**, GP-1, prepared by DSEL, dated December 17, 2018, revision 7 dated November 28, 2019.
11. **Site Servicing Plan**, SSP-1, prepared by DSEL, dated December 17, 2018, revision 7 dated November 28, 2019.
12. **Erosion Control Plan**, EC-1, prepared by DSEL, dated December 17, 2018, revision 6 dated November 5, 2019.

**List of Approved Reports**

1. **Transportation Impact Assessment Report**, prepared by Parsons, report number 476888-01000, dated July 9, 2019
2. **Site Servicing and Stormwater Management Report**, prepared by DSEL, project number 17-997, Revision 5 dated November 2019.
3. **Phase 1 Environmental Site Assessment**, prepared by Golder, report number 1783221, dated February 2018.
4. **Phase 2 Environmental Site Assessment**, prepared by Golder, report number 1780158, dated May 2018.
5. **Geotechnical Investigation Report**, prepared by Golder, report number 1780158-3000, dated November 2018.
6. **Stationary Noise Feasibility Assessment**, prepared by Gradient Wind Engineers & Scientists, report number GW18-178-Stationary Noise Feasibility, dated December 13, 2018.

## **Document 3 – Conditions of Approval**

### **Standard Conditions**

#### **1. Execution of Agreement Within One Year**

The owner shall enter into this Site Plan Control Agreement, including all standard and special conditions, financial and otherwise, as required by the City. If the owner fails to sign this Agreement and complete the conditions to be satisfied prior to the signing of this Agreement within one (1) year of Site Plan approval, the 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. 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.

**6. 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.

**7. Joint Use and Maintenance Agreement**

The owner acknowledges and agrees that should the site be severed in the future, that it shall ensure that the future owner of the freehold units shall enter into a Joint Use and Maintenance Agreement which shall be binding upon the owners and all subsequent purchasers to deal with the joint use, maintenance and liability of the common elements, including but not limited to the private roadway and concrete sidewalks; common grass areas; common party walls, exterior walls; common structural elements such as the roof, foundations; common parking areas; and watermains for the mutual benefit and joint use of the owners; and any other elements located in the common property; and the private Agreement shall be filed with the General Manager, Planning, Infrastructure and Economic Development Department.

The owner shall file with the General Manager, Planning, Infrastructure and Economic Development Department, an opinion from a solicitor authorized to practice law in the Province of Ontario that the private Agreement is binding upon the owners of the land and all subsequent purchasers to deal with the matters referred to in Paragraph (a).

The Joint Use, Maintenance and Liability Private Agreement shall be registered on the owner's land at no cost to the City, and a copy shall be provided to the City.

**8. 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.

**9. 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.

**10. 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.

**11. Completion of Works**

The owner acknowledges and agrees that no new 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.

**12. Access Easement to City**

The owner acknowledges and agrees it shall grant to the City, at the owner's expense, a Blanket Easement over the lands, with the right and licence of free, uninterrupted, unimpeded and unobstructed access to the City to enter on and to pass at any and all times, on, over, along and upon the lands with or without vehicles, supplies, machinery and equipment for all purposes necessary or convenient to construct, maintain, repair and replace the Private Watermains, Private Service Posts and fire hydrants at the owner's expense and access to the monitoring maintenance hole SANMH 105A located within the 2525 Carling Avenue property, as shown on the approved SSP-1 Plan. The owner acknowledges and agrees that notwithstanding the rights granted to the City under the grant of easement, the owner always remains responsible for the maintenance, inspection, alteration, repair, replacement and reconstruction of the utility in the said lands during their term of use. The owner

acknowledges and agrees to provide an electronic copy of the Transfer of Easement prior to the execution of this Agreement by the City, to the satisfaction of the City Clerk and Solicitor. All costs shall be borne by the owner.

### **13. Transportation Study/Brief**

The owner has undertaken a Transportation Impact Assessment for this site, which are referenced herein, to determine the infrastructure and programs needed to mitigate the impact of the proposed development on the local transportation network and to establish the site design features needed to support system-wide transportation objectives. The owner shall ensure that the recommendations of the Transportation Impact Assessment, are fully implemented, to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development.

### **14. Provision for Transit Passenger Standing Areas/Shelter Pads and Shelters**

The owner(s) shall ensure there is no interference with the existing bus shelter and concrete pad located on the south-west side of 2525 Carling Site. In addition, the existing bus shelter and concrete pad must be protected during construction. If the existing bus shelter and concrete pad are damaged during the construction phase the owner shall be responsible to reinstate the structures at their own cost and to the satisfaction of OC Transpo.

### **15. Transit Pads and Shelters**

The owner shall locate, design and construct, at no cost to the City, paved transit passenger standing areas/shelter pads and shelters in accordance with the plans herein and to the specifications of the City of Ottawa to the satisfaction of OC Transpo.

### **16. Transit Plan During Construction**

Prior to registration the owner agrees to provide a transit plan which will outline how the transit route which runs through the subject site will be accommodated during construction to the satisfaction of OC Transpo and Planning, Infrastructure and Economic Development Department.

### **17. Parallel Parking Stalls**

The owner agrees that the three proposed parallel parking stalls which are located on the main north-south drive aisle immediately west of the proposed grocery store building will be clearly marked as a 'no parking area' and will remain as a 'no parking area' until the new OC Transpo bus route has been established and begun operation and until a subsequent analysis is conducted by the owner to determine if the parking

stalls are able to be used without causing a conflict with the bus route to the satisfaction of OC Transpo.

### **18. Slope Stability**

The owner(s) shall have a Professional Structural Engineer and a Soils Engineer, licensed in the Province of Ontario to inspect and confirm the constructed retaining walls have been constructed in accordance with the approved Slope Stability Analysis Report and the Approved Retaining Wall Plan.

### **19. 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 (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.

### **20. Protection of City Sewers**

- (a) Prior to the issuance of a building permit, the owner shall, at its expense:
  - (i) 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 Carling Avenue (south of Building B) the location of the proposed building and its footings in relation to the City Sewer System;
  - (ii) obtain a video inspection of the City Sewer System within Carling Avenue (south of Building B) 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 Carling Avenue (south of Building B) 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 Carling Avenue (south of Building B) and compensate the City for the full amount of any required repairs to the City Sewer System.

## **21 Requirement for a Grease Trap**

In accordance with the City's Sewer Use By-law, being By-law No. 2003-514, as amended, the owner acknowledges and agrees to install a grease trap on the internal sanitary plumbing system when a restaurant is established on the lands.

## **22. Private Drainage Agreement**

Prior to registration of the Site Plan Agreement, the owner(s) shall enter into a Private Drainage Agreement with the adjacent property owners of 1330 Richmond Road, which shall be binding upon the owners and all subsequent purchasers, to deal with mutual rights for surface drainage, in accordance with the site plan approval issued by the City of Ottawa. The Private Drainage Agreement shall be registered on title, of those properties listed in the Agreement, at no cost to the City, and a copy shall be filed with the City, to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development Department.

Alternatively, the owner may pursue an amendment to the existing easement agreement registered as LT109017 between the subject property owner and the owner of 1330 Richmond Road to include allowances specific to permitting emergency overland flows from the subject site onto 1330 Richmond Road all to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development. The amended easement shall be registered on title of the property at 1330 Richmond Road, at no cost to the City, and a copy shall be filed with the City, to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development Department.

## **23. Soil Management**

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.

## **24. Groundwater Management**

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.

## **25. Noise Report**

The owner covenants and agrees that is shall retain the services of a professional engineer licensed in the Province of Ontario to ensure that the recommendations of the Stationary Noise Feasibility Assessment, referenced herein (the "Report"), are fully implemented. The owner further acknowledges and agrees that is 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.

## **26. Site Lighting Certificate**

- a) In addition to the requirements contained in Schedule C of the Site Plan Control Agreement, 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.

**27. Snow Storage (Special Condition)**

In addition to the requirements of Clause 17 of Schedule “C” of this Agreement, the owner acknowledges and agrees that any portion of the subject lands which is intended to be used for snow storage shall not interfere with the servicing of the subject lands.

**28. Leak Survey**

The owner acknowledges and agrees that the Water Plant and sewer service within the lands is a private system, including Private Services and sewer services and appurtenances, and the owner acknowledges and agrees that it is responsible for the operation, maintenance and/or replacement, in perpetuity, of the Private Services and sewer system, including the Private Watermains, private hydrants, private sanitary and storm sewer infrastructure (collectively the “private system”) which are located on the lands and that the owner will retain copies of all the associated Work and maintenance contracts, and make said contracts available for inspection upon demand by the City.

Further, the owner acknowledges and agrees to have a Professional Engineer, licensed in the Province of Ontario, conduct regular inspections of the water system and sewer system, which includes a leak detection survey at least every five (5) years and a video of the sanitary sewer system to check for major water infiltration into the private system. Copies of the inspection reports and videos shall be provided to the General Manager, Public Works and Environmental Services and Fire Services. The owner further acknowledges and agrees that as part of the owner’s ongoing maintenance responsibility for the private system, repairs to the system must be completed immediately to correct any deficiencies which contribute to water loss or leakage of infiltration within the private system. Any deficiencies shall be immediately reported to the City. The owner acknowledges and agrees to notify the General Manager, Public Works and Environmental Services when such repairs have been completed.

**29. Designated Substances Survey**

Prior to demolition of any existing buildings located on the subject lands, the owner acknowledges and agrees to complete a designated substances survey and submit the findings and recommendations for the proper handling and disposal of waste as identified in said survey, to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development Department, and in accordance with Best Management Practices. The survey shall address but not be limited to:

- (a) Designated Substance – Asbestos on Construction Projects and in Buildings and Repair Operations, *Occupational Health and Safety Act*, O.Reg 278/05, as amended, (O.Reg 278/05);
- (b) Guideline for Lead on Construction Projects, prepared by the Ontario Ministry of Labour - Occupational Health and Safety Branch, published September 2004 and revised April 2011, as amended;
- (c) Construction Projects, Occupational Health and Safety Act, O.Reg 213/91, as amended, (O.Reg 213/91);
- (d) Registration Guidance Manual for Generators of Liquid Industrial and Hazardous Waste, prepared by the Ontario Ministry of the Environment, published April 1995 and revised June 2011, as amended, to be used in conjunction with General-Waste Management, Environmental Protection Act, R.R.O. 1990, Reg. 347, as amended, (O.Reg 347);
- (e) Waste Management – PCB's, Environmental Protection At, R.R.O. 1990, Reg. 362, as amended, (O.Reg 362).

### **30. Installation of Signs on Private Property**

The owner acknowledges and agrees it shall obtain approval from the Chief Building Official, Building Code Services prior to installation of any signs on the subject lands. The owner further acknowledges and agrees that any such signs shall be installed in a location to the satisfaction of the Chief Building Official, Building Code Services and the General Manager, Planning, Infrastructure and Economic Development Department, and in accordance with the City's Permanent Signs on Private Property By-law No. 2005-439, as amended.

### **31. 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 Plan and Stormwater Management Plan, referenced 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.

### **32. 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 either:

- (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.

### **33. 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.

### **34. 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.

### **35. 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 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 herein.

### **36. 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.

### **37. Water Plant**

The owner acknowledges and agrees that the water plant within the lands is a private watermain. The owner further acknowledges and agrees that the private watermain and appurtenances thereto are to be maintained by the owner at its own expense, in perpetuity. The owner performing maintenance on critical infrastructure, such as private watermains and private fire hydrants, shall maintain adequate records as proof of having done so in accordance with applicable regulations, and that the records shall be retained for review by the City and or the Fire Department when requested.

### **38. Merging of Parcels**

The owner agrees that prior to registration, all individual parcels of land which make up the subject site will be merged on title under one PIN to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development Department.

### **39. Exterior Elevation Drawings**

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

### **40. Phasing**

The owner acknowledges and agrees that the proposed development will be constructed in Phases as shown on the approved "Site Plan Phasing" referenced herein. The owner acknowledges and agrees that the Site Plan Approval for future phases is conceptual and is subject to the owner entering into an Amending Site Plan Agreement, for the lands shown as Phase 2 and Phase 3 on the approved "Site Plan Phasing" referenced herein, the payment of any applicable fees and securities, and any other requirements that the City may require, all to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development.

### **41. Waste Collection**

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.

### **42. 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 herein, 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) Tunnel or bore when digging within the CRZ of a tree;
- (c) Do not place any material or equipment within the CRZ of the tree;

- (d) Do not attach any signs, notices or posters to any tree;
- (e) Do not raise or lower the existing grade within the CRZ without the approval of the General Manager, Planning, Infrastructure and Economic Development;
- (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.

#### **43.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 always agrees to post the approved Tree Permit during tree removal, grading, construction, and any other site alteration activities.

#### **44.Road Widening along Richmond Road**

Prior to registration of this Agreement, the owner acknowledges and agrees to convey to the City, at no cost to the City, an unencumbered road widening across the complete Richmond Road frontage of the lands, measuring 18.75 metres from the existing centreline of pavement/the abutting right-of-way. The exact widening must be determined by legal survey. The owner shall provide a reference plan for registration, indicating the widening, to the City Surveyor for review and approval prior to its deposit in the Land Registry Office. Such reference plan must be tied to the Horizontal Control Network in accordance with the municipal requirements and guidelines for referencing legal surveys. The owner acknowledges and agrees to provide an electronic copy of the Transfer and a copy of the deposited reference plan to the City Clerk and Solicitor prior to the execution of this Agreement by the City. All costs shall be borne by the owner.

#### **45.Road Widening along Carling Avenue**

Prior to registration of this Agreement, the owner acknowledges and agrees to convey to the City, at no cost to the City, an unencumbered road widening across the complete Carling Avenue frontage of the lands, measuring 22.25 metres from the existing centreline of pavement/the abutting right-of-way. The exact widening must be determined by legal survey. The owner shall provide a reference plan for registration, indicating the widening, to the City Surveyor for review and approval prior to its

deposit in the Land Registry Office. Such reference plan must be tied to the Horizontal Control Network in accordance with the municipal requirements and guidelines for referencing legal surveys. The owner acknowledges and agrees to provide an electronic copy of the Transfer and a copy of the deposited reference plan to the City Clerk and Solicitor prior to the execution of this Agreement by the City. All costs shall be borne by the owner.

#### **46. Hydro Ottawa**

Prior to registration of the Site Plan Agreement the owner agrees to provide correspondence from Hydro Ottawa indicating their concurrence with the presence of any proposed ponding and catch basins proposed within any hydro easements on the subject property to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development.



## Document 5 – Consultation Details

Notification for this site plan file was carried out in accordance with the requirements set out in the Public Notification and Consultation Policy approved by City Council. This included posting of on-site signs on the subject property and a mail-out to registered area community associations.

In addition, a visioning workshop was hosted by Riocan prior to application submission in 2017, and two community information sessions have been hosted on March 6, 2019 and then on June 13, 2019 by the Ward Councillor since the application was filed. Riocan also met with community association representatives on August 6, 2019 to specifically discuss the minor variance applications.

Comments and questions received as part of the development review with respect to site plan matters are summarized and responded to below.

1. Comment – There is frustration that this site plan phase is moving forward in advance of the secondary planning process being complete or even underway. This site plan application is premature.

Response – It is acknowledged an ideal scenario would have the secondary plan for Lincoln Fields in place now and in advance of any redevelopment in the area. Yet the reality of the timing of the secondary planning process has a completion deadline of 2022 or thereabouts as the earliest estimate. In this case, the city does not have a realistic mechanism to stop developers from moving forward with development plans until the secondary plan is in place. As such, staff have reviewed this initial site plan file against both current policies as well as within a conceptual future context based on the anticipated evolution within the shopping centre and area as a whole. The applicant provided a concept plan showing how a full build-out could be achieved at the shopping centre based on this initial site plan being the first step. The beginnings of a logical transportation network within the site is taking shape which serve to create logical development blocks. RioCan has stated that they intend to participate in the secondary planning process and will look to that process to help inform the further development of the shopping centre site.

2. Comment – The proposed site plan represents a ‘suburban-style’ of development that is not appropriate in such close proximity to the current Lincoln Fields Station, which will be converted to a light rail station as part of the phase 2 implementation plan.

Response – The applicant has provided a concept plan in support of this initial site plan phase, which shows how, over time, the site can redevelop into a more intensive and transit supportive site.

3. Comment – This site needs to be greened and landscaped. Currently it is just a huge expanse of asphalt.

Response – The site plan for which staff are recommending approval has evolved significantly since the first iteration in December 2018. Significantly more green areas, landscaping and tree planting have been incorporated into this interim plan.

4. Comment – A pedestrian bridge should be built from the shopping centre site to the new Lincoln Fields LRT station to provide a more direct connection.

Response – The O-Train Phase 2 team are aware of the community's request for a pedestrian bridge at this location, yet at this time, it is not part of the station design plan for the Lincoln Fields Station. A more in-depth discussion relating to pedestrian movement to and from the Lincoln Fields Station will be part of the secondary planning process for this area, with the first consultation expected to be held at the end of 2019 or the beginning of 2020.

5. Comment – The design appears to not sufficiently address improvements to bicycle or pedestrian infrastructure.

Response – The site plan for which staff are recommending approval has evolved significantly since the first iteration and now includes dedicated pathway connections from Carling Avenue, Croydon Avenue, and Richmond Road. Some pedestrian connections are temporary and are intended to serve the proposed two initial buildings until more significant redevelopment is undertaken on site. From a cycling perspective, there is a need to look at what improvements are needed on an area-wide basis, as well as within the shopping centre site. This will be reviewed in detail through the secondary planning process.

6. Comment – There should be a dedicated entrance to the ground floor retail from the street in the building fronting onto Carling Avenue.

Response – A dedicated entrance to the ground floor retail was added to the building design.

7. Comment – It would be great to add an office tower on this site.

Response – This comment was passed on to RioCan for consideration as they start looking at the larger redevelopment plan for the site.

8. Comment – The development should be encouraged to have climate sustainability features as part of their plan.

Response – RioCan has indicated that green roof is not desirable on a grocery store for various reasons, but the discussion on sustainability has been started, and will continue as a strong theme through the secondary planning process.

9. Comment – Many seniors rely on the bus to get to and from the grocery store here. Right now, the bus stop is right in front of the grocery store and should remain very close to the grocery store.

Response – OC Transpo intends to continue to run the same local bus service through the shopping centre site. The bus stops are proposed along the main north-south driveway, immediately next to the grocery store. This configuration will result in a walking distance of less than 50 metres from the front entrance of the grocery store to the bus stop with service heading eastbound, and less than 90 metres from the front entrance to the bus stop with service heading westbound.

10. Comment – Major changes are needed to the adjoining intersections and street network to make the area safer for cyclists and pedestrians.

Response – These elements will be looked at in detail through the secondary planning process.