



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

Site Location: 404 Eden Avenue

File No.: D07-12-16-0065

Date of Application: May 20, 2016

This SITE PLAN CONTROL application submitted by Jordan Tannis, on behalf of 404 Eden Limited, is APPROVED as shown on the following plan(s):

1. **Site Plan**, SP-1, prepared by Project1 Studio, Consultant Project Number 1852, revision 13, dated 2020-11-13.
2. **North and East Elevations**, A201, prepared by Project1 Studio, Consultant Project Number 1852, revision 13, 2020-12-11.
3. **South and West Elevations**, A202, prepared by Project1 Studio, Consultant Project Number 1852, revision 13, 2020-12-11.
4. **Proposed Site Grading and Servicing Plan**, Drawing No. G-1, prepared by T.L. Mak Engineering Consultant Ltd., dated April 2016, revision 9, dated 11-17-20.
5. **Proposed Erosion and Sediment Control**, Drawing No. ESC-1, prepared by T.L. Mak Engineering Consultant Ltd., dated April 2016, revision 2, dated 11-17-20.
6. **Current Vegetation**, TR-1, 404 Eden Ave, prepared by Fotenn Consultants Inc., revision 3, dated 2020/11/16.
7. **Proposed Development and Conserved Vegetation**, TR-2, 404 Eden Ave, prepared by Fotenn Consultants Inc., revision 3, dated 2020/11/16.

And as detailed in the following report(s):

1. **Noise Impact Assessment Study**, SACL Report #B6-158, prepared by Swallow Acoustic Consultants Ltd., dated March 1, 2016.

2. **Phase One Environmental Site Assessment**, Report Number: 1650401-1000, prepared by Golder Associates, dated February 2016, with validation letter on Nov 26, 2019.
3. **Serviceability Report**, Report No. R-816-6A, prepared by T.L. Mak Engineering Consultants Ltd., dated April 2016, revised May 2020.
4. **Storm Drainage Report**, Report No. R-816-6, prepared by T.L. Mak Engineering Consultants Ltd., dated April 2016, revised May 2020.
5. **Geotechnical Investigation**, Report Number: 1650401, prepared by Golder Associates, dated March 2016, with validation letter May 5, 2020.
6. **Geotechnical Recommendations -excavation impact on the adjacent existing storm sewer**, Memorandum prepared by Paterson Group, dated Jun 23, 2020.

And subject to the following Standard and Special Conditions:

Standard 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. **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. **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.

5. **Water Supply for Fire Fighting**

The Owner shall provide adequate water supply for fire fighting for the building. Water supplies may be provided from a public water works system, automatic fire pumps, pressure tanks or gravity tanks.

6. 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.

7. 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. The existing depressed curb and driveway shall also be reinstated to soft landscaping and full curb following the existing curb line as per City Standards, at the owner(s) expense.

8. Maintenance and Liability Agreement

The Owner shall be required to enter into a maintenance and liability agreement for all plant and landscaping material placed in the City right-of-way, along Eden Avenue and Elvis Lives Lane, and the Owner shall assume all maintenance and replacement responsibilities in perpetuity.

9. 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.

Special Conditions

10. Cash-in-Lieu of Parkland

The Owner shall pay cash-in-lieu of parkland in accordance with the Parkland Dedication By-law of the City of Ottawa, as well as the fee for appraisal services. The monies are to be paid at the time of execution of the Site Plan Agreement.

11. 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.

12. 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 Eden 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 Eden 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 Eden 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 Eden 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 Eden Avenue and compensate the City for the full amount of any

required repairs to the City Sewer System.

13. Use of Explosives and Pre-Blast Survey

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.

14. Noise Control Attenuation Measures

The acknowledges and agrees to implement the noise control attenuation measures recommended in the approved Transportation Noise Assessment, referenced in Schedule "E" of this Agreement, as follows:

- a) each unit is to be equipped with central air conditioning;
- b) each unit is to be fitted with a forced air heating system and ducting, and shall be sized to accommodate central air conditioning;
- c) further to subsection (b) above, the location and installation of any outdoor air conditioning device(s) shall comply with the noise criteria of the Ministry of the Environment and Climate Change's Publication NPC-216 entitled Environmental Noise Guidelines for Installation of Residential Air Conditioning Devices, dated September 1994, as amended, in order to minimize the noise impacts both on and off the immediate vicinity of the subject lands.
- d) prior to the issuance of a building permit, a review of building components (windows, walls, doors) is required and must be designed to achieve indoor sound levels within the City's and the Ministry of the Environment and Climate Change's noise criteria;
- e) notice respecting noise shall be registered against the lands, at no cost to the City, and a warning clause shall be included in all agreements of purchase and sale or lease agreements, as detailed in paragraph 15 below.

15. Notices on Title – Noise Control Attenuation Measures

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

Type D – Central Air Conditioning

“The Purchaser/Lessee for himself, his heirs, executors, administrators, successors and assigns acknowledges being advised that this dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the City of Ottawa’s and the Ministry of the Environment and Climate Change’s noise criteria.”

And

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

16. Waste and Recycling Collection

Residential Units

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.

17. 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.

18. 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. 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.

19. Site Lighting Certificate

Prior to the Site Plan Approval, the applicant shall provide a certificate, from an acceptable professional engineer, that the site lighting has been designed to meet the following criteria:

- a. 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;
- b. It must result in minimal light spillage onto adjacent properties. As a guideline, 0.5 fc is normally the maximum allowable spillage.

Upon completion of the works, the applicant must provide certification satisfactory to the City that the site lighting has been constructed in accordance with the applicant's design prior to the City releasing any associated securities.

20. Elevations

The Owner acknowledges and agrees to construct the proposed building in accordance with the approved exterior elevation drawings. The Owner further agrees that any subsequent proposed changes to the approved exterior elevations shall be filed with the General Manager, Planning, Infrastructure and Economic Development Department, and agreed to by both parties prior to their implementation.

21. Dwelling Units

The Owner acknowledges and agrees that this approval is limited to a maximum of fourteen (14) dwelling units.

22. Snow Storage

The Owner acknowledges and agrees that 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. The Owner further acknowledges and agrees that any snow which cannot be accommodated on site shall be removed and stored off site, and all costs shall be borne by the property owner(s). Removal of snow storage shall be completed in a timely manner.

23. Traffic Management Plan

Should the owner wish to use a portion of the City's road allowance for construction staging, prior to obtaining a building permit, the property owner must obtain an approved Traffic Management Plan from the Manager, Traffic Management, Transportation Services Department. The City has the right for any reason to deny use of the Road Allowance and to amend the approved Traffic Management Plan as required.

24. Pre-Construction Meeting

Prior to issuance of a building permit, the Owners shall conduct a public meeting involving the surrounding neighbourhood and the Ward Councillor's office, the purpose of which is to provide information with respect to the timing and staging of construction activities for the site, including but not limited to the location of staging activities, and the location of parking and intended access routes for associated construction vehicles.

25. Off Site Works

The Owner acknowledges and agrees that a wooden fence, south of the southern property line, shall be built on the property municipally known as 408 Eden Avenue. In addition, new trees shall be planted on 408 Eden Avenue as per the private agreement between the owners of 404 Eden Avenue and 408 Eden Avenue. All costs shall be borne by the Owner of 404 Eden Avenue.

26. Tree Permit

The Owner acknowledges and agrees that any trees to be removed from the site shall be in compliance with the Urban Tree Conservation By-law, 2009-200, as amended. Any required removal shall be in accordance with an approved Tree Permit and the approved Landscape Plan; a copy of the approved Tree Permit and Landscape Plan shall be present on the construction site at all times. The Owner further acknowledges and agrees that issuance of a Tree Permit for removal of the trees identified on the approved landscape plan will not occur until such time when a building permit has been issued for the proposed development.

27. Tree Protection

The Owner acknowledges and agrees that all trees to be retained, as shown on the approved Tree Conservation Plan, shall be protected in accordance with the City's required tree protection measures.

- a. Erect a fence at the critical root zone (CRZ) of trees prior to any site works;
- b. Not place any material or equipment within the CRZ of the tree;
- c. Not attach any signs, notices or posters to any trees;
- d. Not raise or lower the existing grade within the CRZ unless shown on Proposed Servicing and Stormwater Management Plan, or without further approval;
- e. Tunnel or bore when digging within the CRZ of a tree;
- f. Ensure that exhaust fumes from all equipment are not directed towards any tree's canopy

December 23rd 2020

Date



Saide Sayah
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: D07-12-16-0065

SITE LOCATION

404 Eden Avenue, and as shown on Document 1.

SYNOPSIS OF APPLICATION

The subject property, known municipally as 404 Eden Avenue, is located on the western side of Eden Avenue, just south of Richmond Road and east of Churchill Avenue, in the Westboro neighbourhood.

The subject site is approximately 656.3m² with 16.8m of frontage and is currently occupied by a two-storey single-detached dwelling. Surrounding uses include a four-storey mixed-use building with retail space on the ground floor and office space along on Richmond Road to the north and low-rise residential dwellings to the south and east. Eden Avenue is a relatively short residential block located between Richmond Road and Lincoln Avenue, containing only seven properties, all of which are currently single-detached dwellings.

The purpose of the Site Plan is to construct a three-storey low-rise apartment building. The three-storey building will be approximately 10.5 metres in height and will include fourteen residential dwelling units with a mix of one, two, and three-bedroom units. Private and common entrances are proposed along Eden Avenue. One visitor parking space is provided in the rear yard access from Elvis Lives Lane, and an indoor bicycle parking room includes seven parking spaces.

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, providing a low-rise apartment building through intensification in a built form with quality urban design and compatibility.
- The subject property was rezoned to R3R [2372] through Council approval on February 8, 2017 as a result of the related Zoning By-law Amendment application (D02-02-16-0035). The Site Plan approval conforms to the zoning regulations.



- The proposed development provides intensification on a site suitable for the introduction of a built form that transitions well into the existing community and incorporates good urban design elements to ensure compatibility with the character of the area. The design, landscaping, use of the existing laneway, and the building mass transition and scale, contribute to a development that is overall compatible with the existing community. The design of this apartment building responds to the existing character of the streetscape, and the density is appropriate given the site's proximity to community services and amenities, including being within walking distance of future O-Train stations.
- Site challenges such as rear yard amenity area, landscaping, and compatibility have been addressed through the Site Plan process.
- Through the application review, it was determined that some of the existing trees (Tree 5, 6 and 7) may be straddling the property line of the subject site and the property to the south known municipally as 408 Eden Avenue. These trees, possible co-owned, were identified by the applicant for removal due to damage during construction. The removal of the trees required consent of both property owners. The Department received a letter, signed by both property owners, titled "Concorde Properties Access Agreement" dated July 14, 2017. The said agreement acknowledges the removal of co-owned trees. Additional trees and a new wood fence will be provided on 408 Eden Avenue property as compensation; this is reflected in Special Condition 25.
- A Site Plan Agreement is required as a condition of approval to ensure that the subject site is developed to City Standards, enforce necessary notices on title, and to ensure orderly development to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development.

CONSULTATION DETAILS

Councillor Jeff Leiper has concurred with the conditions of approval.

Public Comments

Summary of Comments - Public

Approximately 10 individuals commented throughout proposal, primarily during the Zoning By-law Amendment application, with the vast majority opposed and/or expressing concerns. A few people requested to only be informed of the decision



and provided no comment otherwise.

The following summarizes, in no particular order, a list of comment topics/items raised by various members of the public:

Access and Parking

Elvis Lives Lane is often blocked by delivery trucks and/or garbage from the businesses along Richmond Road. How will this function?

A 10-foot-wide lane is not a proper form of access.

The 13 units will have visitors. Where will they park?

Response:

Elvis Lives Lane is City-owned and is recognized as an open and travelled lane. It is acknowledged that items such as garbage bins routinely encumber portions of the lane, but this generally occurs west of the development site. The lane is of adequate size for passage (vehicles, pedestrians, and cyclist) and this approval the functional travel width will be increased to over 3.0 metres, and the new pavers in the laneway are subject to a Maintenance and Liability Agreement. The development requires a total of one visitor parking space, which is to be provided in the rear yard access from the land. Transportation staff have reviewed the applicant's submission, including the Transportation Overview and subsequent memo's and are satisfied that use of Elvis Lives Lane and site development are appropriate for access and parking.

Number of Units/Overall Density

Currently, there are only seven families living on Eden Avenue and the proposal is to develop 13 units. This will have implications on the noise and traffic on Eden Avenue. Additionally, the overall building is too big for the lot. A building of this size with reduced setbacks is not appropriate.

Response:

The site is located on a segment of Eden Avenue that is a two-way street and all vehicles entering or exiting the site will be directed towards Richmond Road. The proposed development is consistent with the Official Plan, complies with the



streetscape character analysis, and represents a built form that is compatible with the existing surrounding and planned function for the area.

Precedent Setting

If the request to re-zone to “R4” is permitted, this will set a precedent for other lots in low-rise residential areas to re-zoned to R4.

Response:

The question of precedent was addressed during the Zoning By-law Amendment review and Council approved the rezoning on February 8, 2017. At the time, staff provided the following response.

While the department can appreciate the public concern for precedence, the development site context is viewed differently compared to the balance of Eden Avenue. The property abuts a lane and is surrounded by properties fronting on Richmond Road and Churchill Avenue that are located within a Traditional Mainstreet zone. The overall building height, mass and density represent an appropriate transition to the surrounding low-rise residential neighbourhood. Furthermore, it is important to note that all of the properties located on Eden Avenue are zoned R3R and could redevelop with three-unit dwellings as-of-right. The properties on the west side of Eden Avenue could build a three-unit dwelling in conformity with the zoning that results in a building mass substantially larger than the proposed apartment. From a policy context, this is recognized as the planned function.

Front Yard Setback

The property at 300 Richmond Road should not be used as a precedent for establishing the front yard setback. As well, the front yard setback for 404 Eden should respect the existing front yard setback for the other residential buildings along Eden Avenue.

Response:

The average front yard setback for the existing homes on Eden Avenue is 4.07 metres. The proposed development provides a front yard setback of 3.3 metres. Given the site context and relationship of the street presence with 300 Richmond Road located on the property line, the minimal 0.77 metres (2.5 ft) difference will



have no adverse impacts. The setback is exactly halfway between the built form of 300 Richmond Road and 408 Eden Avenue, which will result in an appropriate transition of pedestrian experience on the street. Additionally, the existing driveway will be replaced with landscaping. It should be noted that the application was submitted with a 1.7m front yard setback, and this was improved as a result of the review and comments.

Soil Instability and Impacts from Construction

There is shallow bedrock in the area. The blasting for the underground parking garage could significantly damage the nearby homes.

Response:

Staff reviewed the submitted Geotechnical Investigations and had no concerns with the report. The applicant advises that blasting is not the recommended strategy for this development, but regardless, this approval contains a blasting condition that requires the proper procedures to be followed for the protection of surrounding properties (if blasting occurs), as well as carrying out the recommendations of the Geotechnical Report.

Loss of Mature Trees

The building occupies the majority of the width of the property and will result in a loss of trees.

Response:

As a result of the proposed development and site functionality it was not possible to all the trees on site, but those existing in the front and rear yard will be preserved. Due to the loss of mature trees the development will result in the additional landscaping, including new trees on site, as well as on 408 Eden Avenue.

Technical Agency Comments

All technical agency correspondence was forwarded to the applicant, and the applicant was advised to contact technical agencies directly for additional information and development requirements.



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 a number of revisions required following a period where delegated authority was removed by the Ward Councillor. The applicant made significant revisions, including removing the underground garage that incurred additional review.

Contact: Andrew McCreight- Tel: 613-580-2424, ext.22568; Fax: 613-560-6006; or e-mail: andrew.mccreight@ottawa.ca

Document 1 – Location Map



D02-02-16-0035
D07-12-16-0065

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REVISION / RÉVISION - 2020 / 10 / 29

LOCATION MAP / PLAN DE LOCALISATION
ZONING KEY PLAN / SCHÉMA DE ZONAGE
SITE PLAN / PLAN DE EMPLACEMENT



404 av. Eden Ave.

Entire map area is affected by the Mature Neighbourhoods Overlay (section 139) /
Tout le secteur de la carte est touché par la Zone sous-jacente de quartiers établis (article 139)



NOT TO SCALE