

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

Site Location: 398, 402 and 406 Roosevelt Avenue

File No.: D07-12-17-0171

Date of Application: December 20, 2017

This SITE PLAN CONTROL application submitted by Fotenn Planning and Design, on behalf of ML Devco, is APPROVED as shown on the following plans:

1. **Site Plan, The Westmount, 398-406 Roosevelt Ave.**, Sheet No. SP-1, prepared by RLA Architecture, Revision 10 dated May 13, 2022.
2. **Landscape Plan, Multi Unit Residential Condominium, 398-406 Roosevelt Avenue**, Sheet No. L1, prepared by GJA Inc., Revision 7 dated June 29, 2022.
3. **Building Elevations, The Westmount, 398-406 Roosevelt Ave.**, Sheet No. A-200, prepared by RLA Architecture, revision 6 dated June 27, 2022.
4. **Grading and Drainage Plan**, 6-Storey Residential Building, 406 Roosevelt, Drawing No. C101, prepared by McIntosh Perry, revision 3 dated May 25, 2022.
5. **Site Servicing Plan**, 6-Storey Residential Building, 406 Roosevelt, Drawing No. C102, prepared by McIntosh Perry, revision 3 dated May 25, 2022.
6. **Erosion and Sediment Control Plan**, 6-Storey Residential Building, 406 Roosevelt, Drawing No. C103, prepared by McIntosh Perry, revision 3 dated May 25, 2022.
7. **Pre-Development Drainage Plan**, 6-Storey Residential Building, 406 Roosevelt, Drawing No. PRE, prepared by McIntosh Perry, revision 2 dated April 6, 2022.
8. **Post-Development Drainage Plan**, 6-Storey Residential Building, 406 Roosevelt, Drawing No. POST, prepared by McIntosh Perry, revision 2 dated April 6, 2022.

And as detailed in the following reports:

9. **Geotechnical Investigation, Proposed Multi-Storey Building, 398, 402 & 406 Roosevelt Avenue – Ottawa**, Report No. PG4339-1, prepared by Paterson Group, Revision 1 dated December 7, 2021.
10. **TIA Strategy Report, 398-406 Roosevelt Avenue**, Report No. 476577-01000, prepared by Parsons, dated December 22, 2017.
11. **TIA Addendum #1, 398-406 Roosevelt Avenue**, Report No. 478060-01000, prepared by Parsons, dated December 13, 2021.
12. **Servicing & Stormwater Management Report, 398-406 Roosevelt Avenue**, Ottawa, Project No. CCO-22-3302, prepared by McIntosh Perry Consulting Engineers Ltd., dated April 6, 2022.
13. **Tree Conservation Report for 398, 402 and 406 Roosevelt Avenue, Ottawa**, prepared by IFS Associates, dated January 17, 2022.
14. **Pedestrian Level Wind Study, 398, 402, 406 Roosevelt Avenue**, Report No. GWE17-179-CFDPLW, prepared by Gradient Wind Engineering Inc., dated March 29, 2018.
15. **Pedestrian Level Wind Study Memorandum, 398-406 Roosevelt Avenue**, Gradient Wind File 17-179, prepared by Gradient Wind Engineering Inc., dated April 1, 2022.
16. **Traffic Noise Assessment, 398, 402, 406 Roosevelt Avenue**, Report No. GWE17-179-Noise, prepared by Gradient Wind Engineering Inc., dated March 29, 2018.
17. **Traffic Noise Assessment Addendum Letter, 398, 402, 406 Roosevelt Avenue**, Report No. GW File No. 17-179-Addendum Letter, prepared by Gradient Wind Engineering Inc., dated April 7, 2022.
18. **Phase I Environmental Site Assessment, Residential Properties, 398, 402 and 406 Roosevelt Avenue – Ottawa**, Report: PE4046-1, prepared by Paterson Group, dated October 6, 2017.
19. **Phase I Environmental Site Assessment Update, 398, 402 and 406 Roosevelt Avenue**, File No. PE5677-LET.01, prepared by Paterson Group, dated March 23, 2022.
20. **Letter – City Comments (D07-12-17-0171), 398, 402 and 406 Roosevelt Avenue**, File No. PE5677-LET.02, prepared by Paterson Group, dated March 24, 2022.

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

General 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. In the event that 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, Real Estate and Economic Development.

3. 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 drawings of a design professional, such drawings to be approved by the General Manager, Planning, Real Estate and Economic Development.

4. 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.

5. Reinstatement of City Property

The Owner shall reinstate, at its expense and to the satisfaction of the General Manager, Planning, Real Estate and Economic Development, any property of the City, including, but not limited to, sidewalks, curbs and boulevards, which is damaged as a result of the subject development.

6. 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, Real Estate and Economic Development.

7. 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, Real Estate and Economic Development. Such sidewalk(s) shall be constructed to City Standards.

8. **Completion of Works**

The Owner acknowledges and agrees that no new building will be occupied on the lands 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, Real Estate and Economic Development, 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, occupancy of a lot or structure may otherwise be permitted, if in the sole opinion of the General Manager, Planning, Real Estate and Economic Development, the aforesaid Works are proceeding satisfactorily toward completion. The Owner shall obtain the prior consent of the General Manager, Planning, Real Estate and Economic Development for such occupancy in writing.

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, Real Estate and Economic Development, the Owner shall give notice to the City of a proposed conveyance of title to any building at least thirty (30) days prior to any such conveyance. No conveyance of title to any building shall be effective unless the Owner has complied with this provision.

Nothing in this clause shall be construed as prohibiting or preventing the approval of a consent for severance and conveyance for the purposes of obtaining financing.

Special Conditions

9. **Roadway Modifications**

The Owner agrees to complete all road modifications required to accommodate this development, as identified in the road modification approval report referenced in Schedule "E" hereto, and further acknowledges and agrees that it is responsible for all costs associated with the public roadway modifications.

10. **Transportation Impact Assessment**

The Owner has undertaken **TIA Strategy Report, 398-406 Roosevelt Avenue**, Report No. 476577-01000, prepared by Parsons, dated December 22, 2017 and **TIA Addendum #1, 398-406 Roosevelt Avenue**, Report No. 478060-01000, prepared by Parsons, dated December 13, 2021 referenced in Schedule "E" 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 Strategy Report and Transportation Impact Assessment Addendum #1, are fully implemented, to the satisfaction of the General Manager, Planning, Real Estate and Economic Development.

11. **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 **Traffic Noise Assessment, 398, 402, 406 Roosevelt Avenue**, Report No. GWE17-179-Noise, prepared by Gradient Wind Engineering Inc., dated March 29, 2018 and **Traffic Noise Assessment Addendum Letter, 398, 402, 406 Roosevelt Avenue**, Report No. GW File No. 17-179-Addendum Letter, prepared by Gradient Wind Engineering Inc., dated April 7, 2022 referenced in Schedule “E” hereto, as approved by the City and/or the approval agencies and authorities (The Ministry of the Environment, Conservation and Parks) or noise thresholds identified in the City’s Environmental Noise Control Guidelines. The Professional Engineer shall prepare a letter to the General Manager, Planning, Real Estate and Economic Development (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, Real Estate and Economic Development.
- (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, Real Estate and Economic Development, and shall be to his satisfaction.

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

The Owner, or any subsequent owner of the whole or any part of the subject lands, acknowledges and agrees that all agreements of purchase and sale or lease

agreements shall contain the following clauses, which shall be covenants running with the subject lands:

Type B – Increasing Roadway Traffic

“The Purchaser/Lessee for himself, his heirs, executors, administrators, successors and assigns acknowledges being advised that despite the inclusion of noise control features in this development and within building units, noise levels from increasing roadway/rail/air traffic may be of concern, occasionally interfering with some activities of the dwelling occupants as the outdoor sound level exceeds the City of Ottawa’s and the Ministry of the Environment, Conservation and Parks’ noise criteria.”

Type C – Forced Air Heating System and Ducting

“The Purchaser/Lessee for himself, his heirs, executors, administrators, successors and assigns acknowledges being advised that this dwelling unit has been fitted with a forced air heating system and the ducting, etc. was sized to accommodate central air conditioning. Installation of central air conditioning by the Purchaser/Lessee 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, Conservation and Parks’ noise criteria.”

“The Purchaser/Lessee for himself, his heirs, executors, administrators, successors and assigns acknowledges and agrees it shall identify the location and install any outdoor air conditioning device(s) so as to comply with the noise criteria of the Ministry of the Environment, Conservation and Parks’ 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.”

Ending Paragraph

“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.”

13. **Stationary Noise Study**

The Owner covenants and agrees that it shall retain the services of a professional engineer licensed in the Province of Ontario to provide a Stationary Noise Study (the “Report”) for review to Development Review – Central, Planning, Real Estate and Economic Development Department, prior to issuance of a building permit, further to **Traffic Noise Assessment, 398, 402, 406 Roosevelt Avenue**, Report No. GWE17-179-Noise, prepared by Gradient Wind Engineering Inc., dated March 29, 2018 and **Traffic Noise Assessment Addendum Letter, 398, 402, 406 Roosevelt Avenue**, Report No. GW File No. 17-179-Addendum Letter, prepared by Gradient Wind Engineering Inc., dated April 7, 2022, City comments, and requirements. The Owner further acknowledge and agrees that it shall provide the General Manager, Planning Real Estate and Economic Development 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.

14. **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, Proposed Multi-Storey Building, 398, 402 & 406 Roosevelt Avenue – Ottawa**, Report No. PG4339-1, prepared by Paterson Group, Revision 1 dated December 7, 2021 referenced in Schedule “E” herein, are fully implemented. The Owner further acknowledges and agrees that it shall provide the General Manager, Planning, Real Estate and Economic Development 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, Real Estate and Economic Development.

15. **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, Conservation and Parks.

16. **Retaining Wall**

The Owner agrees to submit to the General Manager, Planning, Real Estate and Economic Development, prior to issuance of a building permit, details of the retaining walls which are greater than one metre in height, as shown on the approved **Grading and Drainage Plan**, 6-Storey Residential Building, 406 Roosevelt, Drawing No. C101, prepared by McIntosh Perry, revision 3 dated May 25, 2022 referenced in Schedule “E” hereto, which shall be designed and prepared by a Professional Structural Engineer, licensed in the Province of Ontario, to the satisfaction of the General Manager, Planning, Real Estate and Economic Development. The Owner shall provide confirmation to the General Manager, Planning, Real Estate and Economic Development that the Professional Structural Engineer has inspected and confirmed that the retaining walls have been constructed in accordance with the approved retaining wall details.

17. **Retaining Wall – Stability**

The Owner acknowledges and agrees to install the proposed retaining walls in accordance with the approved Retaining Wall Design for 398, 402 and 406 Roosevelt Avenue and as shown on the approved **Grading and Drainage Plan**, 6-Storey Residential Building, 406 Roosevelt, Drawing No. C101, prepared by

McIntosh Perry, revision 3 dated May 25, 2022, referenced in Schedule "E" hereto. The Owner shall provide written confirmation, satisfactory to the General Manager, Planning, Real Estate and Economic Development, that a Geotechnical Engineer/Professional Structural Engineer, licensed in the Province of Ontario, has inspected and confirmed that the retaining walls have been constructed in accordance with the said approved Retaining Wall Design for 398, 402 and 406 Roosevelt Avenue. The Owner further acknowledges and agrees to provide an Internal Compound Stability (ICS) analysis from a Geotechnical Engineer / Professional Structural Engineer, licensed in the Province of Ontario, that all retaining walls, which are greater than one metre in height have been checked for global stability, have a factor of safety of at least 1.5 for static conditions (as calculated through SLIDE) and 1.1 for seismic conditions is achieved, which shall be to the satisfaction of the General Manager, Planning, Real Estate and Economic Development. The report shall provide structural details of the retaining wall(s).

The Owner further acknowledge and agrees to retain the services of a Professional Structural Engineer and a Soils Engineer, licensed in the Province of Ontario, to inspect any retaining walls on the subject lands and confirm that the retaining walls have been constructed in accordance with the approved retaining wall details.

18. **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 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.

19. **Stormwater Management Memorandum**

Prior to registration of this Agreement, the Owner acknowledges and agrees to provide the General Manager, Planning, Infrastructure and Economic Development, 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, Real Estate and Economic Development, and all associated costs shall be the Owner's responsibility.

20. **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, Real Estate and Economic Development 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 Roosevelt Avenue frontage (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, Real Estate and Economic Development and the City’s Surveyor, showing the existing City Sewer System within Roosevelt 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 Roosevelt 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, Real Estate and Economic Development.
- (b) Upon completion of construction on the lands, the Owner shall, at its expense and to the satisfaction of the General Manager, Planning, Real Estate and Economic Development:
- (i) obtain a video inspection of the existing City Sewer System within the frontage of the site on Roosevelt 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 the frontage of the site on Roosevelt Avenue and compensate the City for the full amount of any required repairs to the City Sewer System.

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

The Owner acknowledges and agrees to install and maintain in good working order the required in-ground stormwater inlet control devices, as recommended in the approved **Site Servicing Plan**, 6-Storey Residential Building, 406 Roosevelt, Drawing No. C102, prepared by McIntosh Perry, revision 3 dated May 25, 2022 and **Servicing & Stormwater Management Report, 398-406 Roosevelt Avenue**, Ottawa, Project No. CCO-22-3302, prepared by McIntosh Perry Consulting Engineers Ltd., dated April 6, 2022 referenced in Schedule “E” herein. The Owner further acknowledges and agrees it shall assume all maintenance and replacement responsibilities in perpetuity. The Owner shall keep all records of inspection and maintenance in perpetuity and shall provide said records to the City upon its request.

22. **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, Real Estate and Economic Development, 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, Real Estate and Economic Development, 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, Real Estate and Economic Development, may order all Work in the project to be stopped, altered, retested or changed to the satisfaction of the General Manager, Planning, Real Estate and Economic Development.

23. **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 **Site Servicing Plan**, 6-Storey Residential Building, 406 Roosevelt, Drawing No. C102, prepared by McIntosh Perry, revision 3 dated May 25, 2022 and **Servicing & Stormwater Management Report, 398-406 Roosevelt Avenue**, Ottawa, Project No. CCO-22-3302, prepared by McIntosh Perry Consulting Engineers Ltd., dated April 6, 2022 referenced in Schedule "E" herein. The Owner further acknowledges and agrees to provide the General Manager, Planning, Real Estate and Economic Development with certificates of compliance issued by a Professional Engineer, licensed in the Province of Ontario, confirming that all recommendations and provisions have been implemented in accordance with the approved **Site Servicing Plan**, 6-Storey Residential Building, 406 Roosevelt, Drawing No. C102, prepared by McIntosh Perry, revision 3 dated May 25, 2022 and **Servicing & Stormwater Management Report, 398-406 Roosevelt Avenue**, Ottawa, Project No. CCO-22-3302, prepared by McIntosh Perry Consulting Engineers Ltd., dated April 6, 2022 referenced in Schedule "E" herein.

24. **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.

25. **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, structures, 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. 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, Real Estate and Economic Development prior to any blasting activities.

26. **Site Lighting Certificate**

- (a) In addition to the requirements contained in clause 19 of Schedule “C” hereto, 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);
 - (ii) and 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, 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. **Maintenance and Liability Agreement for Landscaping**

The Owner acknowledges and agrees it shall be required to enter into a Maintenance and Liability Agreement with the City for the plant and landscaping material (excluding municipal trees), including the shrubbery and concrete connections/pads between the City sidewalk and building face, placed in the City’s right-of-way along Roosevelt 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.

28. **Tree Permit**

The Owner acknowledges and agrees that any trees to be removed shall be removed in accordance with an approved Tree Permit and the approved **Tree Conservation Report for 398, 402 and 406 Roosevelt Avenue, Ottawa**, prepared by IFS Associates, dated January 17, 2022 referenced in Schedule “E” hereto, and in accordance with the City’s Tree Protection By-law, being By-Law No. 2020-340, as amended. The Owner further agrees that a copy of the approved Tree Permit

and approved Tree Conservation Report shall be posted on the construction site at all times until Approval is granted by the City for such Works.

29. **Replacement Trees in City's Right-of-Way**

The Owner acknowledges and agrees that for the two trees that are to be removed from the City's right-of-way for the purposes of underground infrastructure replacement, the Owner shall pay \$2,200 for four replacement trees as referenced in Schedule "B" herein and as agreed upon with the City's Forestry Services Branch. The Owner further acknowledges and agrees that the City will plant the replacement trees as part of the City's annual planting program.

30. **Pre-Construction Meeting**

The Owner agrees to hosting a virtual pre-construction meeting with the community and Ward Councillor's office prior to the start of excavation and construction on the site.

31. **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.

July 18, 2022

Date



Andrew McCreight, MCIP RPP
Manager (A), Development Review, Central
Planning, Real Estate and Economic
Development Department

Enclosure: Site Plan Control Application approval – Supporting Information

SITE PLAN CONTROL APPROVAL APPLICATION SUPPORTING INFORMATION

File Number: D07-12-17-0171

SITE LOCATION

The site is located at 398, 402 and 406 Roosevelt Avenue in Ward 15 (Kitchissippi Ward), as shown on Document 1.

SYNOPSIS OF APPLICATION

The site is located on the west side of Roosevelt Avenue between Richmond Road to the south and the transitway to the north. The site has a total lot area of 1,365 square metres and a total frontage of 45.9 metres along Roosevelt Avenue and is currently occupied by three two-storey single-detached dwellings. The site is zoned R5B[2472] H(21), which permits a six-storey mid-rise apartment building with site-specific provisions that address setbacks and stepbacks.

To the north, along Roosevelt Avenue, is a low-rise residential neighbourhood. To the east, across the street, is a two-storey funeral home with surface parking. On the south side of the site is the Richmond Road mainstreet with a variety of mixed-use buildings ranging from two to eight storeys. To the west, along Berkley Avenue, are a low- to medium- density residential buildings, which transition into a high-density residential neighbourhood further to the west.

The proposed development is for a six-storey mid-rise apartment building with a total gross floor area (GFA) of 3,603.2 square metres. A total of 29 residential units are proposed with a mix of unit sizes ranging from studio to two-bedroom plus den. Parking will be provided within two levels underground, with a total of 49 parking spaces, including two visitor spaces. Access to the parking garage is proposed at the north end of the building. Fifteen bicycle parking spaces will also be provided on site.

All amenity space for the revised proposal will be provided through the use of at-grade landscaped terraces (in the rear yard), inset balconies, or communal indoor spaces. Four street trees are also proposed along Roosevelt Avenue along with a new sidewalk that will extend the length of the frontage.

DECISION AND RATIONALE

This application is approved for the following reasons:

- The proposed development conforms to the Official Plan policies for the General Urban Area, which support development of residential uses in close proximity to transit, services, amenities, and employment.
- The proposed development complies with the Richmond Road/Westboro Secondary Plan, which supports development that achieves appropriate setbacks and transition of building heights.

- The height and massing of the proposed development was considered and approved through a Zoning By-law Amendment process, which was subsequently appealed to and dismissed by the Ontario Land Tribunal (OLT), formerly the Local Planning Appeal Tribunal (LPAT).
- The proposed development complies to the applicable provisions of Zoning By-law 2008-250.
- Overall, the proposed development represents good planning.

PARKLAND DEDICATION

Parkland dedication, in accordance with By-law 2009-95, is being satisfied within this approval through the taking of cash-in-lieu of parkland as detailed in the above conditions.

URBAN DESIGN REVIEW PANEL

The Site Plan Control application was subject to the Urban Design Review Panel process. A formal review meeting was held on February 28, 2018. The panel's recommendations from the formal review meeting are:

General Comments

- The Panel appreciates the applicant's attempt to understand the neighbourhood. The Panel does however have some concerns with reviewing this proposal under Mainstreet (TM), rather than residential (R3) policies. The Panel is of the opinion that critical moves are necessary in order to better transition the building to the existing low-rise residential neighbourhood to the north, and to improve the corner condition to relate more appropriately to the Richmond Road commercial street.
- The Panel strongly believes that the scale and mass of the building is too large for the size of the site, and that more appropriate setbacks and stepbacks are required, particularly on the north side of the lot, and at the corner facing Richmond Road.

Corner Treatment

- Given that the southeast corner of the lot is quite visible from the Richmond Road commercial corridor. The Panel emphasizes the need to orient the building toward this important traditional main street. The Panel recommends eliminating the proposed signage and wrapping the glazing around the corner to create a front facing condition onto the public square.
- In addition to wrapping the glazing, the Panel advises that the building be setback to create an exterior area for a public place, such as a plaza or sitting area. It is the opinion of the Panel that this will help develop the building's important relationship to Richmond Road.

Neighbourhood Transition

- The Panel recommends that the building be lowered in height to four storeys, with the possibility of stepping back a fifth storey. This step back is particularly important on the north side, abutting the existing residential uses, where the Panel believes an increased separation between this building and the existing house is desirable.
- To improve the transition toward the residential area to the north, consider introducing a driveway along the north side of the lot to establish more space between the proposed building and the house next door.
- The Panel feels strongly that the lack of a landscaped buffer at the rear lot creates an unacceptable transition from this development to the adjacent lots to the rear. The Panel recommends reducing the size of the asphalt pad, and introducing landscaping to improve the impact on the rear neighbours.
- The Panel suggests reducing the number of points of vehicular access to the site, immediately next to the residential neighbours. Ideally, the ramp to the underground parking could be accessed from the existing lane on the adjacent commercial property to the south, to reduce impact on adjacent residential neighbours.
- The Panel is of the opinion that the proposed office units could work commercially. However, the applicant should consider live-work units at the ground floor as an alternative, as this is a transitional area between a main commercial street and an established residential area.

Architectural Expression

- The Panel suggests a more cohesive architectural language by reducing the ambiguity between horizontal and vertical expressions. A reduction in height to four storeys, with a clear step back to a fifth storey will help to achieve a more singular architectural language.
- Generally, the use of brick is good, but the Panel recommends eliminating the use of brick on the top floors, thereby minimizing the visual impact of the top of the building on the streetscape.
- The Panel sees a strong rhythm going north along Roosevelt, however the rhythm gets lost with the archways and disjointed window pattern. It is recommended that the arches are eliminated, so that the character and rhythm created by the 'storefronts' is carried across the front façade of the building.
- The Panel believes that the cornice is a strong design element that can work well. Extend the cornice across the entire fourth floor of the building to help delineate the stepped back floors.
- The Panel suggests that the two-storey band can wrap around the corner to address Richmond Road, with the upper floors stepped back further.
- The Panel appreciates the architectural detailing proposed, however suggests exploring opportunities to merge the heritage influences with a more contemporary style, to fit the context of this evolving neighbourhood.
- The Panel appreciates the industrial style windows. It is advised that this window style be brought up from the base to the upper floors, simplifying the overall window expressions found on the building.

- The Panel advises increasing the height of the ground floor to between 4.5 and 5 metres. Consider using only this heightened first floor as the band that is wrapped around to orient toward the Richmond Road commercial corridor. With this approach, all the floors above the first level can take on a distinct residential appearance.
- The Panel notes that the mechanical room is absent on the elevations and advises the applicant to ensure that its impact is minimized.
- It is recommended that the applicant work with hydro and other utility providers to eliminate the presence of messy cables, wood poles, screws, etc., where possible.
- The Panel advises that the area of pavement, hardscape, the location of street trees, on-street parking, and drop off areas, be further studied and be more clearly articulated on the plans.

Access

- The Panel has concerns with the location of the vehicular activity on the residential side of the lot. Explore the option of an easement allowance, or pull the building back to locate the ramp access between the adjacent commercial building and the proposed new building. It is the opinion of the Panel that moving the garage entrance to the rear is ideal.
- The Panel feels strongly that there should be no layby along Roosevelt Avenue. Large street trees are needed, along with a wide sidewalk extending up to Richmond Road.
- Consider shifting the main entrance to the residential units closer to the street. The current design could result in bicycles and other clutter accumulating in the inset.

The Panel was successful in aiding in the implementation of the following:

- Improving the Roosevelt Avenue streetscape through the addition of a new sidewalk and street trees.
- The removal of the proposed at-grade parking at the rear of the building and use of this area as rear yards with soft landscaping.
- Reduction of proposed vehicular entrances from two to one driveway.
- Height transition of building from four storeys at the north end where it abuts the existing residential neighbourhood to six storeys at the south end where it abuts the Traditional Mainstreet property.

ROAD MODIFICATIONS

There are road modifications associated with this site plan control application, as detailed in the attached Road Modifications Report.

CONSULTATION DETAILS

Councillor's Concurrence

Councillor Jeff Leiper was aware of the application related to this report. Councillor

Leiper has concurred with the proposed conditions of approval and the road modifications.

Public Comments

This application was subject to public circulation under the Public Notification and Consultation Policy. There were public comments received online and staff considered these comments.

Summary of public comments and responses

Comments on the following topics were submitted:

Traffic

- Concern about the impact of this development along with development proposed across Roosevelt Avenue to the east.
- Concern about use of Roosevelt Avenue as a turn-around for vehicles that do not realize the street is a dead-end.
- Concern about use of residential driveway for turning around.

Staff response: Staff have reviewed the proposed development, including the supporting Traffic Impact Assessment and Traffic Impact Assessment Addendum, and have no concerns regarding the traffic impacts of the proposed development.

Excavation and Blasting Activities

- Concern about the impact of excavation and blasting activities during the construction of the development.

Staff response: A pre-construction building condition survey will be carried out by Paterson Group for buildings within 75 metres of the subject site, for those owners/tenants who would like the survey done. The owner will work with neighbouring properties to install seismographs to monitor vibration during blasting activities.

Commercial uses

- Why eliminate the ground floor streetfront commercial space? Why not combine ground floor commercial with residential living?

Staff response: A residential development without any commercial units is permitted as per the zoning applicable to this site.

Architectural Design

- I am very pleased with the new architectural design and use and I support this new development.

Staff response: Comments noted.

Exhaust from parking garage vent

- A comment has been received with concern about the possibility of exhaust from the parking garage vent affecting residential properties to the north of the development site.

Staff response: The exhaust vent for the parking garage is located on the south side of the site adjacent to the commercial parking lot. The parking garage air intake is located on the north side adjacent to residential properties. This air intake is not an exhaust vent.

Location of Driveway

- A comment has been received regarding the location of the driveway adjacent to a residential dwelling unit.

Staff response: Staff have reviewed the location of the proposed driveway and do not have any concerns.

Removal of City Tree

- Concern has been raised regarding the removal of a mature sugar maple on within the City right-of-way at the north end of the subject site.

Staff response: The City has reviewed and confirmed that the proposed development will negatively impact this tree and it should be removed. Compensation for removal of City trees is a requirement of the Site Plan Control approval.

Location of Gas Meter

- A comment was received regarding the location of the gas meter on the building and its proximity to the adjacent residential dwelling unit.

Staff Response: The gas meter has been shifted in its position along the north wall, as per the approved elevations, to maximum the distance from the adjacent residential dwelling unit and to ensure it is fully out of view by the proposed privacy fence along the north property wall.

Privacy

- Concerns were received regarding privacy being maintained for the adjacent residential dwelling unit and that the proposed development did not meet the provisions of Section 41(7)(a)(6) of the Planning Act, which states that “a municipality may require the owner of the land to, provide to the satisfaction of and at no expense to the municipality any or all of the following: walls, fences, hedges, trees, shrubs or other groundcover or facilities for the landscaping of the lands or the protection of adjoining lands”.

Staff Response: Staff are satisfied that the privacy fence to be constructed along the north and west property lines, as shown on the approved Landscape Plan, addresses the provisions of the *Planning Act*.

Stationary Noise Study

- A comment was received regarding the requirement for a Stationary Noise Study as noted is required within the approved Traffic Noise Assessment and Addendum.

Staff Response: Due to the mechanical equipment not typically being finalized until building permit stage, a Stationary Noise Study has not been completed but is required to be completed prior to the issuance of a building permit.

Technical Agency/Public Body Comments

Summary of Comments – Technical

N/A

Advisory Committee Comments

Summary of Comments – Advisory Committees

N/A

APPLICATION PROCESS TIMELINE STATUS

This Site Plan application was not processed by the On Time Decision Date established for the processing of an application that has Manager Delegated Authority due to the sale of the property from the original applicant to the current applicant and owner, as well as changes to the development by the current owner.

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Document 1 – Location Map

