

**SITE PLAN CONTROL APPLICATION
DELEGATED AUTHORITY REPORT
PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT**

Site Location: 280 Laurier Avenue East

File No.: D07-12-21-0133

Date of Application: August 25, 2021

This SITE PLAN CONTROL application submitted by Jeremy Silburt, Smart Living Properties, on behalf of 280 Laurier Holdings Inc., is APPROVED as shown on the following plan(s):

1. **Site Plan**, A0, prepared by Ottawa Carleton Construction, dated March 29, 2021, revision 1 dated 05/23/23.
2. **Elevations**, A7, prepared by Ottawa Carleton Construction, dated March 21, 2021, revision 1 dated 05/23/23.
3. **Elevations**, A8, prepared by Ottawa Carleton Construction, dated March 21, 2021, revision 1 dated 05/23/23.
4. **Elevations**, A9, prepared by Ottawa Carleton Construction, dated March 21, 2021, revision 1 dated 05/23/23.
5. **Elevations**, A10, prepared by Ottawa Carleton Construction, dated March 21, 2021, revision 1 dated 05/23/23.
6. **Site Servicing, Grading, Erosion & Sediment Control Plan**, C1, prepared by J.L. Richards, dated 23/07/21, revision 05 dated 13/04/23.
7. **Storm Drainage and Ponding Plan**, SWM, prepared by J.L. Richards, dated 23/07/21, revision 03 dated 13/04/23.
8. **Tree Conservation Report & Landscape Plan**, L.1, prepared by James B. Lennox & Associates Inc., dated JULY 2021, revision 5 dated 03/31/2023.

And as detailed in the following report(s):

1. **Noise Control Detailed Study 280 Laurier Avenue East**, prepared by J.L. Richards, dated July 29, 2021.

2. **Site Servicing Report 280 Laurier Avenue East**, prepared by J.L. Richards, revision 3 dated April 13, 2023.

And subject to the following 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. **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.

3. **Water Supply for Fire Fighting**

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

4. **Reinstatement of City Property**

The Owner shall reinstate, at its expense and to the satisfaction of the General Manager, Planning, 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.

5. **Construction Fencing**

The Owner acknowledges and agrees to install construction fencing, at its expense, in such a location as may be determined by the General Manager, Planning, Real Estate and Economic Development.

6. **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.

7. **Extend Internal Walkway**

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, Real Estate and Economic Development.

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.

9. **Development Charges**

The Owner shall pay development charges to the City in accordance with the by-laws of the City.

Special Conditions

10. **Zoning Conformance**

Prior to the registration of this agreement, the Owner shall ensure that the development, as shown on the approved Plans referenced in Schedule "E" herein, conforms with Zoning By-law 2008-250, as amended by 2022-291, approved under the requirements of the *Planning Act*, with all possibility of appeal to the Ontario Land Tribunal exhausted.

11. **On-Site Parking - Notice on Title**

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:

“The Purchaser/Lessee for himself, his heirs, executors, administrators, successors and assigns acknowledges being advised that the unit being sold/rented will not be provided with any on-site parking. Should the Purchaser/Lessee have a vehicle for which they wish to have parking, alternative and lawful arrangements may need to be made to address their parking needs at an alternate location and that such arrangements are solely the responsibility of the person seeking parking. The Purchaser/Lessee acknowledges that the availability and regulations governing on-street parking vary; that access to on-site street parking, including through residential on-street parking permits issued by the City of Ottawa cannot be guaranteed now or in the future; and that the Purchaser/Lessee intending to rely on on-street parking for their vehicle or vehicles does so at their own risk.”

“The Purchaser/Lessee covenants with the Vendor/Lessor that the above clause, 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.”

12. **Private Approach Detail**

The Owner agrees that all private approaches, including temporary construction access to the subject lands, shall be designed and located in accordance with and shall comply with the City’s Private Approach By-Law, being By-law No. 2003-447, as amended, and shall be subject to approval of the General Manager, Planning, Real Estate and Economic Development.

13. **Private Access**

The Owner acknowledges and agrees that all private accesses to Roads shall comply with the City’s Private Approach By-Law being By-Law No. 2003-447 as amended, or as approved through the Site Plan control process.

14. **Noise Control Attenuation Measures**

The Owner acknowledges and agrees to implement the noise control attenuation measures recommended in the approved Noise Control Detailed Study, referenced in Schedule “E” of this Agreement, as follows:

- (a) Units B04, 105, 205 & 305 are to be equipped with central air conditioning;
- (b) Units B04, 105, 205 & 305 are to be fitted with a forced air heating system and ducting, and shall be sized to accommodate central air conditioning;
- (c) 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, Conservation and Parks' noise criteria. A letter shall be prepared by a qualified professional and provided to the General Manager, Planning, Real Estate and Economic Development confirming the plans submitted for building permit issuance have incorporated any and all mitigation measures to achieve the required indoor sound levels;

- (d) upon completion of the development and prior to occupancy and/or final building inspection, a Professional Engineer, licensed in the Province of Ontario with expertise in the subject of acoustics related to land use planning, shall be retained to visit the lands, inspect the installed noise control measures and satisfy themselves that the installed recommended interior noise control measures comply with the measures in the Noise Control Detailed Study, referenced in Schedule "E" hereto. The Professional Engineer shall prepare, sign and stamp a letter to the General Manager, Planning, Real Estate and Economic Development (the "Certification Letter") stating that they certify 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;
- (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 clause 16 below.

15. **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 for Units B04, 105, 205 & 305 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 Units B04, 105, 205 & 305 have 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, dated 1993, and the 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.”

Type D – Central Air Conditioning

“The Purchaser/Lessee for himself, his heirs, executors, administrators, successors and assigns acknowledges being advised that Units B04, 105, 205 & 305 have 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, Conservation and Parks’ noise criteria.”

“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. **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, 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.

17. **Stormwater Management Memorandum**

Prior to registration of this Agreement, the Owner acknowledges and agrees to provide the General Manager, Planning, Real Estate 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.

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

The Owner acknowledges and agrees to install and maintain in good working order the required roof-top stormwater inlet control devices, as recommended in the approved Stormwater Management Report 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.

19. **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.

20. **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 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 Plans and Reports referenced in Schedule "E" herein.

21. **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, Real Estate 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.

22. **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 those elements which are to be located in the City's Laurier Avenue East and Sweetland Avenue rights-of-way, as shown on the approved Tree Conservation Report & Landscape Plan referenced in Schedule "E" herein, including all plant and landscaping material (except municipal trees), and pavers. 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.

23. **Waste Collection**

The Owner acknowledges and agrees that garbage, recycling, and organic waste collection will not be provided by the City and it shall make appropriate arrangements with a private contractor for garbage, recycling, and organic waste collection at the Owner's sole expense. The Owner shall consult a private contractor regarding any access requirements for garbage and/or recycling and organic waste collection.

24. **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.

May 30, 2023

Date



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

SITE PLAN CONTROL APPROVAL APPLICATION SUPPORTING INFORMATION

File Number: D07-12-21-0133

SITE LOCATION

280 Laurier Avenue East, and as shown on Document 1.

SYNOPSIS OF APPLICATION

The subject property, municipally known as 280 Laurier Avenue East, is a corner lot located on the southeast corner of the intersection of Laurier Avenue East and Sweetland Avenue; it has 27.95 metres of frontage along Laurier Avenue East and 32 metres of frontage along Sweetland Avenue. The site is a rectangular parcel with a total area of 895.5 square metres and a lot depth of approximately 32 metres. The site is currently occupied by a 2,387 square metre, 6-storey apartment building and associated surface parking. The existing mid-rise apartment building is a legal non-conforming use. The surrounding area is characterized by a broad mix of uses and building typologies including low-, mid- and high-rise residential and mixed-use buildings, commercial buildings, and institutional uses including the University of Ottawa. The property is located approximately 700 metres from the existing Rideau O-Train Station and approximately 450 metres south of the identified Transit Priority Corridor along Rideau Street.

The proposed development includes the construction of a three-storey residential use addition. The existing six-storey building is to be retained and will connect to the proposed addition along its eastern façade, where the surface parking lot is currently located. The proposed addition has a total gross floor area (GFA) of 774.4 square metres and contains a total of 17 new dwelling units, including 13 studio units and 4 two-bedroom units. One additional studio unit will also be created in the basement of the existing building. Amenity space is provided through a communal outdoor courtyard amenity space behind the proposed addition, and private balconies. The proposed development does not include any vehicular parking spaces; all existing surface parking spaces are being removed to accommodate the proposed addition. A total of 49 bicycle parking spaces are proposed, including 22 indoor spaces located within an enclosed accessory structure in the yard abutting Sweetland Avenue, 24 outdoor spaces located adjacent to the accessory bike storage building, and three additional outdoor spaces located along Laurier Avenue East. A waste storage room is provided within the proposed addition, which will utilize a mechanical lift to lower waste receptacles from the elevated room to the ground on waste pick-up days. Waste collection is to be conducted by a private contractor.

A Zoning By-law Amendment application (File No. D02-02-21-0087) was considered concurrently with the subject application, which was enacted by City Council on August 31, 2022 via by-law 2022-291. The Zoning By-law Amendment outlined the following site-specific zoning provisions:

- Zero vehicular parking required.
- A minimum rear yard setback of 6.4 metres.
- A minimum rear yard area of 180 square metres.
- A minimum setback of an accessory structure from a side lot line abutting a street along Sweetland Avenue of 0.6 metres.
- Waste storage must be located within the principle building.

The requirement to have waste storage located within the principle building was a revision made by City Council prior to the enactment of the Zoning By-law Amendment. In response, the applicant filed an appeal to the Ontario Land Tribunal (OLT) to challenge City Council's decision; the basis of the appeal is that the imposition of having waste storage within the principle building does not conform with policies of the Official Plan. The OLT decision is currently pending. However, in order to move forward, the applicant has submitted revised plans for the proposed development (see list of approved plans), with waste storage located within the principle building, rather than the accessory structure, to achieve zoning conformance. Conditions of approval have been included to ensure that the appeal is settled, and the zoning is in full force and effect before the Owner is able to enter into a Site Plan Agreement with the City of Ottawa.

Residential Units and Types

Dwelling Type	Number of Units
Apartment	18

Related Applications

The following applications are related to this proposed development:

- Zoning By-law Amendment – D02-02-21-0087

DECISION AND RATIONALE

This application is approved for the following reasons:

- The proposed development is consistent with the Minor Corridor and Evolving Overlay designations of the Official Plan.
- The proposal aligns with applicable policies of the Sandy Hill Secondary Plan.
- The proposal conforms to all relevant provisions of the Zoning By-law, including those specific to the R4UD zone and the forthcoming Urban Exception, as per By-law 2022-291. A Zoning By-law Amendment (File No. D02-02-21-0087) providing relief from minimum vehicular parking requirements, minimum rear yard setback, minimum rear yard area, minimum setback of an accessory structure from a side

lot line abutting a street, and requirement for waste storage to be located within the principle building, has been enacted by City Council but is not currently in effect. Although the requirement to locate waste storage within the principle building has been appealed, and is currently pending a decision at the Ontario Land Tribunal, the proposed development has been revised to meet this requirement and achieve zoning compliance.

- Conditions of approval have been included in this report to ensure the proposed development is constructed in conformity with City policies.
- The applicant has adequately resolved the comments provided during the technical review process.
- The proposed development allows for residential intensification of an underutilized portion of a site within the Sandy Hill neighbourhood in a manner that is sensitive to the character of the area and represents good planning.

PARKLAND DEDICATION

Parkland dedication, in accordance with By-law 2022-280, is being satisfied within this approval through the taking of cash-in-lieu of parkland as detailed in the above conditions.

CONSULTATION DETAILS

Councillor's Comments

Councillor Stéphanie Plante was aware of the application related to this report. Councillor has concurred with the proposed conditions of approval.

Public Comments

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

Summary of public comments and responses

Comment

The courtyard and balconies will generate noise and result in the loss of privacy for adjacent residents.

Response

Amenity area is provided in a combination of private balconies and a rear yard amenity area. To respect adjacent neighbours, all balconies are located along the Laurier Street frontage. There are no proposed balconies overlooking the rear yard. The at grade amenity space includes both tree plantings and a 6 foot tall wood fence to provide additional privacy.

Comment

The waste structure will present an odor concern for residents.

Response

Waste storage has been relocated to the principle building.

Comment

There is already lots of waste on site which is not properly maintained. More units will aggravate the situation. No more units should be supported.

Response

A waste storage room is proposed within the addition, which will adequately accommodate waste storage for all residents within both the existing building and proposed addition.

Comment

There will be an increase in traffic and on street parking. There is already a lack on public parking in the area.

Response

Staff have no concerns as the site is well-served by transit and active transportation infrastructure, and is close proximity to amenities on Laurier Avenue, King Edward Avenue, and Rideau Street. The site is within 700 metres of the existing Rideau O-Train Station, and bicycle parking is provided in excess of the minimum requirements for the proposed development.

Technical Agency/Public Body Comments

Enbridge Gas Inc.

The applicant has been provided with comments from Enbridge Gas Inc., which are to be addressed directly with Enbridge Gas Inc.

Bell Canada

The applicant has been provided with comments from Bell Canada, which are to be addressed directly with Bell Canada.

Rogers

The applicant has been provided with comments from Rogers, which are to be addressed directly with Rogers.

Advisory Committee Comments

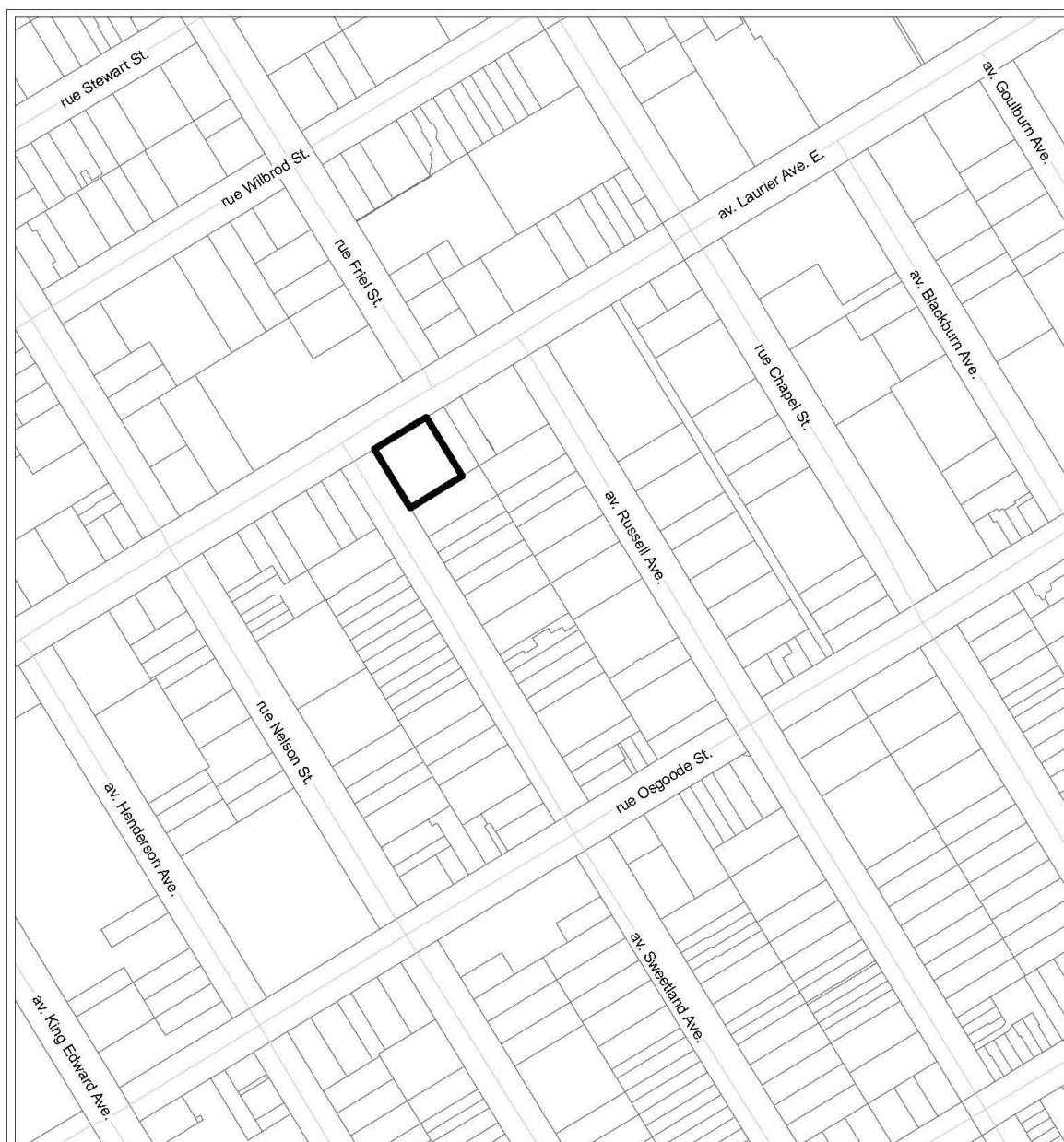
N/A

APPLICATION PROCESS TIMELINE STATUS

This Site Plan application was not processed by the On Time Decision Date due to the complexity of issues associated with site design.

Contact: Colette Gorni Tel: 613-580-2424, ext. 21239 or e-mail:
Colette.Gorni@ottawa.ca

Document 1 – Location Map



D07-12-21-0133

23-0435-D

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REVISION / RÉVISION - 2023 / 05 / 15

LOCATION MAP / PLAN DE LOCALISATION
SITE PLAN / PLAN D'EMPLACEMENT



280 av. Laurier Avenue E.

