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

Site Location: 1248 and 1252 Wellington Street West

File No.: D07-12-22-0081

Date of Application: May 12, 2022

This SITE PLAN CONTROL application submitted by FOTENN Planning + Design, on behalf of Wellington Huron Commercial Inc., is APPROVED as shown on the following plan(s):

- 1. **Site Plan**, Drawing SP, prepared by Susan D. Smith Architect, dated Sep/2021, revision no. 3, dated Mar. 29/23.
- 2. **Elevations**, drawing no. EL, prepared by Susan D. Smith Architect Inc., dated Sep/2021, revision no. 3, dated Mar. 29/23.
- 3. **Landscape Plan**, Sheet Number L1, prepared by GJA Inc., dated February 2022, revision no. 3, dated 2023.05.30.
- 4. **Title Page**, C000, prepared by LRL Engineering, LRL Project no:210883, dated JANUARY 2022, revision 03, dated 06 JUN 2023.
- 5. **General Notes**, C001, prepared by LRL Engineering, LRL Project no:210883, dated January 2022, revision 03, dated 06 JUN 2023.
- 6. **Erosion and Sediment Control Plan,** C101, prepared by LRL Engineering, LRL Project no:210883, dated January 2022, revision 03, dated 06 JUN 2023.
- 7. **Existing Conditions and Demolition Plan,** C102, prepared by LRL Engineering, LRL Project no:210883, dated January 2022, revision 03, dated 06 JUN 2023.
- 8. **Grading and Drainage Plan,** C301, prepared by LRL Engineering, LRL Project no:210883, dated January 2022, revision 03, dated 06 JUN 2023.
- 9. **Servicing Plan,** C401, prepared by LRL Engineering, LRL Project no:210883, dated January 2022, revision 03, dated 06 JUN 2023.
- 10. **Stormwater Management Plan,** C601, prepared by LRL Engineering, LRL Project no:210883, dated January 2022, revision 03, dated 06 JUN 2023.
- 11. **Pre-Development Watershed Plan,** C701, prepared by LRL Engineering, LRL Project no:210883, dated January 2022, revision 03, dated 06 JUN 2023.
- 12. **Post-Development Watershed Plan,** C702, prepared by LRL Engineering, LRL Project no:210883, dated January 2022, revision 03, dated 06 JUN 2023.
- 13. **Construction Detail Plan**, C901, prepared by LRL Engineering, LRL Project no:210883, dated January 2022, revision 03, dated 06 JUN 2023.

And as detailed in the following report(s):

- 1. **Geotechnical Investigation,** prepared by Paterson Group, Report: PG5971-1, dated January 17, 2022.
- 2. **Geotechnical Design Summary Details,** prepared by Paterson Group, PG5972-MEMO.02, dated September 12, 2022.
- 3. **Phase I-Environmental Site Assessment,** prepared by Paterson Group, Report: PE5335-1, dated March 28, 2022.
- 4. **Noise Impact Study,** prepared by Thornton Tomasetti, Sw22003.00, dated March 23, 2022, revised March 14, 2023.
- 5. **Stormwater Management and Servicing Report,** prepared by LRL Engineering, LRL File No.: 210883-03, dated March 16, 2022, revised June 6, 2023.
- 6. **Tree Conservation Report**, prepared by IFS Associates, dated March 6, 2023.

#### And subject to the following Requirements:

#### Requirements

The Owner shall submit a certificate of insurance in a form satisfactory to the City. The certificate of insurance must be issued in favor of the City of Ottawa in an amount not less than five million dollars per occurrence, must contain an endorsement naming the City as an additional insured and an unconditional thirty days' notice of any material change or cancellation of the policy.

# And subject to the following Scoped Site Plan Agreement Conditions:

# 1. <u>Execution of Agreement Within One Year</u>

The Owner shall enter into this Scoped 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. 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 will 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 onstreet 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."

## 3. **Noise Control Attenuation Measures**

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

- (a) All commercial units with façades facing north and all residential units with façades facing north or east are to be equipped with central air conditioning;
- (b) West or south-facing units 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, 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.
- (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, 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;
- (e) 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 themself that the installed recommended interior noise control measures comply with the measures in the Noise Impact 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;

(f) 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 4 below.

#### 4. 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 C – Forced Air Heating System and Ducting

"The Purchaser/Lessee for himself, his heirs, executors, administrators, successors and assigns acknowledges being advised that West or south-facing dwelling unit(s) 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 commercial units with façades facing north and all residential units with façades facing north or east 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."

#### 5. 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 Scoped Site Plan Agreement.

And subject to the following General and Special Conditions, which will be subject to a Letter of Undertaking:

#### **GENERAL CONDITIONS**

# 6. **Execution of Letter of Undertaking**

The Owner shall execute the City's standard Letter of Undertaking and satisfy the conditions contained within this Delegated Authority Report. In the event the Owner fails to execute the required Letter of Undertaking and submit any required fees and/or securities within six months, this approval shall lapse.

#### 7. **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

# 8. 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.

#### 9. 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.

# 10. Construction Fencing

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

#### 11. 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.

# 12. **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.

# SPECIAL CONDITIONS

#### **Access**

#### 13. **Asphalt Overlay**

Due to the number of road cut permits required to service this development, the Owner shall install an asphalt overlay over the total area of the public driving surface of Huron Avenue North, fronting the subject lands, as shown on the approved Servicing Plan, referenced in Schedule "E" hereto, or as per Road Cut Resurfacing Policy. The overlay shall be carried out to the satisfaction of the General Manager, Planning, Real Estate and Economic Development. The Owner acknowledges and agrees that all costs are to be borne by the Owner.

#### 14. **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.

#### **Geotechnical Engineering and Soils**

#### 15. **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 (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.

# 16. **Geotechnical - Encroachments**

The Owner acknowledges and agree that the Geotechnical Investigation has recommended a method of shoring that may encroach onto the adjacent property or onto the City's Huron Avenue North right-of way. The Owner acknowledges and agrees that it shall be required to obtain the approval of the adjacent property owner and/or receive municipal consent for any Works within the said Road, prior to the installation of any encroachments. The Owner acknowledges and agrees that for encroachments within the said Road, the Owner shall ensure that there will be no conflicts between the proposed shoring method and the municipal

services or utilities in the said Road.

#### <u>Groundwater</u>

#### 17. **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.

#### **Civil Engineering**

#### 18. **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 Huron Avenue North and subject site 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, Real Estate and Economic Development and the City's Surveyor, showing the existing City Sewer System within Huron Avenue North 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 Huron Avenue North and subject site frontages 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:
  - obtain a video inspection of the existing City Sewer System within Huron Avenue North and subject site frontages 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 Huron Avenue North and subject site frontages and compensate the City for the full amount of any required repairs to the City Sewer System.

#### 19. 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.

#### 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. 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 Storm water management and servicing 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

#### Planning and Design

# 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 Wellington Street West and Huron Avenue North rights-of-way, as shown on the approved Landscape Plan referenced in Schedule "E" herein, including all plant and landscaping material (except municipal trees), planting beds and pedestrian paving. 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.

#### **Waste Collections**

#### 23. Waste Collection

- (a) The Owner acknowledges and agrees that the City will provide curb-side cart (and/or container) garbage, recycling, and organic waste collection for the residential units. The Owner acknowledges and agrees that it is recommended that the containers and carts be placed on a concrete floor where being stored.
- (b) The Owner acknowledges and agrees that garbage, recycling, and organic waste collection will not be provided by the City for the commercial units 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.

#### **Letter of Undertaking Only Inclusions**

#### 24. **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.

#### 25. Works on City Road Allowances

Any Works required to be done by the Owner on City road allowances shall be according to the specifications and by-laws of the City. The Owner, or its contractor, shall be required to obtain all the necessary permits for road cuts prior to the disruption of the City road allowance and it is further understood and agreed that the aforementioned cuts shall be reinstated to the satisfaction of the Director, Infrastructure Services.

## 26. **Testing**

The Owner may be required by the City to perform qualitative and quantitative testing, at the Owner's expense, of any materials which have been or are proposed to be used in the construction of any of the Works required by this Agreement to determine whether they are in conformity with applicable standards as determined by the General Manager, Planning, Real Estate and Economic Development.

# 27. **Provision of As-Built Drawings**

The Owner shall supply to the General Manager, Planning, Real Estate and Economic Development, one set of mylar or plastic film as-constructed road,

grading and service drawings including the location of all Works, certified under seal by a Professional Engineer, licensed in the Province of Ontario, for City records upon Acceptance and Approval of the Works. Furthermore, the Owner shall provide the As-built Drawings and the attribute data for the Works in a form that is compatible with the City's computerized systems.

July 7, 2023

Date

Adrian van Wyk

Planner I, 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: D07-12-22-0081

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#### SITE LOCATION

1248 and 1252 Wellington Street West, and as shown on Document 1.

#### SYNOPSIS OF APPLICATION

The property is located on the corner of Wellington Street West (Traditional Mainstreet) and Huron Avenue North, in the Island Park – Wellington Village Neighbourhood. The area surrounding the subject site is characterized by a broad mix of uses and building typologies ranging from commercial (office, retail, restaurant), mixed-use, and low- and mid-rise residential. The Tunney's Pasture O-Train Station is located approximately 600 metres north of the subject property. The property is listed on the City of Ottawa's Municipal Heritage Register as a non-designated property and is currently occupied by a two-storey mixed-use building with two commercial units at-grade (office and retail) and two residential units above, and surface parking lot.

The proposal is for the redevelopment of a three-storey addition in the southern (rear) portion of the property in place of the existing surface parking. The proposed addition would contain a commercial unit at-grade with two four-bedroom residential dwelling units above. Zero vehicular parking is being proposed; however, three bicycle parking spaces are proposed outside, along Huron Avenue North. A garbage room will be located internally on the ground level.

A Zoning By-law Amendment application (D07-12-22-0081) was submitted in order to obtain relief from some zoning provisions. A Zoning By-law Amendment was recommended for approval at Planning Committee on October 27, 2022 (Report ACS2022-PIE-PS-0136) and approved at City Council on November 9, 2022. By-law 2022-374 rezoned the subject site from Traditional Mainstreet Zone, Subzone 11 (TM11) to Traditional Mainstreet Zone, Subzone 11, Urban Exception 2831 (TM11 [2831]) to include the following exception:

- Despite Section 197(3)(g)(i), the minimum building height is 4.3 metres for a distance of 4.8 metres from the front lot line as set out under subsection 197(5).
- Minimum corner side yard setback: 2.25 metres.
- Despite Section 197(1)(b), where in a mixed-use building and located on the ground floor abutting a street having direct pedestrian access to that street, office uses are permitted to be located within a depth of six metres of the front wall of the main building abutting the street.

#### **Residential Units and Types**

Dwelling Type	Number of Units
Residential Units	2 (two)

# **Related Applications**

The following applications are related to this proposed development:

Zoning By-law Amendment - D02-02-22-0046

#### **DECISION AND RATIONALE**

This application is approved for the following reasons:

- The subject site is located within the Inner Urban Transect of the Official Plan and is further designated as Mainstreet Corridor. The Inner Urban Transect is generally planned for mid- to high-density and mixed-use development. Policies speak to maintaining and enhancing an urban pattern of built form, prioritizing walking and cycling, and providing direction to hubs, corridors and neighbourhoods. The development proposal represents a gentle intensification, contributes to full range of services along Main Street and supports the growth of 15-minute neighbourhoods.
- The subject site is located within the Wellington Street West Secondary Plan area and is designated as the Mainstreet within the West Wellington Policy Area. The proposal maintains a high-quality pedestrian environment characteristic of Traditional Mainstreet by preserving the existing building with active frontage/entrances that contribute to a public-friendly streetscape.
- The existing building at 1248 and 1252 Wellington Street West is listed on the City
  of Ottawa Heritage Register under Section 27 of the Ontario Heritage Act. The
  listed building reinforces the historical character along Wellington Street West.
  The proposal retains the listed building in its entirety in situ, which is a positive
  outcome for heritage conservation of the subject building in the future.
- The development is subject to Urban Design Guidelines for Development along Traditional Mainstreets. It contributes to the creation of a complete street by forming natural, logical extensions of the existing city street network. The proposal retains active façade and contributes to an inviting, safe, and accessible streetscape with emphasis on the ground floor. Furthermore, the proposed addition respects and conserves the heritage value of an existing building, complements the character and style of the existing building, and uses materials and finishes that are in alignment with heritage character, which makes new development physically and visually compatible
- The proposal adheres to all zoning provisions of the TM11 [2831] zoning (Traditional Mainstreet Zone, Subzone 11, Urban Exception 2831), as varied through Zoning By-law Amendment application D02-02-22-0046.

• The proposed low-rise mixed-use building is considered to represent 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 Jeff Leiper was aware of the application related to this report. Councillor has concurred with the proposed conditions of approval.

#### **Public Comments**

This application was <u>not</u> subject to public circulation under the Public Notification and Consultation Policy. There were public comments received online and staff considered these comments.

#### **Technical Agency/Public Body Comments**

Summary of Comments -Technical

N/A

#### **APPLICATION PROCESS TIMELINE STATUS**

This Site Plan application was not processed by the On Time Decision Date due to longer turnaround times between some submissions.

**Contact**: M Masha Wakula, Tel: 613-580-2424, ext. 27029 or e-mail: mmashawakula.vakula@ottawa.ca@ottawa.ca

# **Document 1 - Location Map**

