



**SITE PLAN CONTROL APPLICATION
DELEGATED AUTHORITY REPORT
PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT**

Site Location: 10 Empress Avenue North

File No.: D07-12-24-0095

Date of Application: August 27, 2024

This SITE PLAN CONTROL application submitted by Simran Soor, Novatech, on behalf of Henry Investments & Dalhousie Non-Profit Housing Co-operative, is APPROVED as shown on the following plans:

1. Site Plan, A1, prepared by Project 1 Studio, dated 2024-08-23, revision 16 dated 2024-10-29
2. Elevations – East & North, A10, prepared by Project 1 Studio, dated 2024-08-23, revision 16 dated 2024-10-29
3. Elevations – West & South, A11, prepared by Project 1 Studio, dated 2024-08-23, revision 16 dated 2024-10-29
4. Landscape Plan, prepared by Novatech, dated Aug.8/24, revision 3 dated Nov.28/24
5. Tree Conservation Plan 1, prepared by Novatech, dated Aug.8/24, revision 2 dated Nov.28/24
6. Tree Conservation Plan 2, prepared by Novatech, dated Aug.8/24, revision 2 dated Nov.28/24
7. General Plan of Services, Drawing No. 121234-GP, prepared by Novatech, Revision 5, dated November 5, 2024
8. Grading, Erosion and Sediment Control Plan, Drawing No. 121234-GR, prepared by Novatech, Revision 5, dated November 5, 2024
9. Post-Development Stormwater Management Plan, Drawing No. 121234-SWM, prepared by Novatech, Revision 2, dated November 5, 2024

And as detailed in the following reports:

1. Phase One Environmental Site Assessment, prepared by Pinchin, File Number 329062, dated April 1, 2024
2. Geotechnical Investigation, prepared by LRL, File Number 240202, dated November 2024
3. Traffic Noise Impact Study, prepared by State of the Art Acoustik, dated August 23, 2024
4. Development Servicing and Stormwater Management Report, Ref: R-2023-111, File No. 121234, prepared by Novatech, dated August 9, 2024

And subject to the following General and Special Conditions:

General Conditions

1. **Lapsing of Approval**

The Owner shall enter into this Site Plan Control Agreement or Letter of Undertaking, 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 or Letter of Undertaking, complete the conditions to be satisfied prior to the signing of this Agreement, and have the corresponding building permit(s) issued within three (3) years 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, Development and Building Services.

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, Development and Building Services, 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, Development and Building Services.

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, Development and Building Services. 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, Development and Building Services.

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, Development and Building Services, 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, Development and Building Services, the aforesaid Works are proceeding satisfactorily toward completion. The Owner shall obtain the prior consent of the General Manager, Planning, Development and Building Services 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, Development and Building Services, 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. **Designated Substances Survey**

Prior to demolition of any existing buildings located on the lands described in Schedule "A" herein, the Owner acknowledges and agrees to complete a designated substances survey and submit the findings and recommendations for the proper handling and disposal of waste as identified in said survey, to the

satisfaction of the General Manager, Planning, Development and Building Services, and in accordance with Best Management Practices. The survey shall address, but not be limited to:

- (a) O.Reg. 278/05: Designated Substance - Asbestos on Construction Projects and in Buildings and Repair Operations under the Occupational Health and Safety Act, R.S.O. 1990, c.O.1, as amended (O.Reg. 278/05);
- (b) Guideline - Lead on Construction Projects, prepared by the Ontario Ministry of Labour - Occupational Health and Safety Branch, published September 2004 and revised April 2011, as amended;
- (c) O.Reg. 213/91: Construction Projects under the Occupational Health and Safety Act, R.S.O. 1990, c.O.1, as amended (O.Reg. 213/91);
- (d) Registration Guidance Manual for Generators of Liquid Industrial and Hazardous Waste, prepared by the Ontario Ministry of the Environment, Conservation and Parks, published April 1995 and revised January 2016, as amended, to be used in conjunction with R.R.O. 1990, Reg. 347: General-Waste Management under the Environmental Protection Act, R.S.O. 1990, c.E.19, as amended (R.R.O. 1990, Reg. 347);
- (e) R.R.O. 1990, Reg. 362: Waste Management – PCB's under the Environmental Protection Act, R.S.O. 1990, c.E.19, as amended (R.R.O. 1990, Reg. 362).

Special Conditions

10. 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.

11. 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 Empress Avenue, fronting the subject lands, as shown on the approved **General Plan of Services**, referenced in Schedule "E" hereto. The overlay shall be carried out to the satisfaction of the General Manager, Planning, Development and Building

Services. The Owner acknowledges and agrees that all costs are to be borne by the Owner.

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, Development and Building Services.

13. **Noise Control Attenuation Measures**

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

- (a) each unit is to be equipped with central air conditioning;
- (b) further to subsection (a) 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;
- (c) 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 **Traffic Noise Impact Study** referenced in Schedule "E" hereto. The professional engineer shall prepare, sign and stamp a letter to the General Manager, Planning, Development and Building Services (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, Development and Building Services.

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

The Owner acknowledges and agrees that a notice shall be registered on title to the subject lands, at the Owner's expense. The Owner further acknowledges and agrees that such notice on title, or the clauses as written directly below, shall be included in all agreements of purchase and sale and lease agreements to inform prospective purchasers and tenants of these matters. The notice on title shall include, but not be limited to, the following:

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 themselves, their 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 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 D – Central Air Conditioning

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

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, Development and Building Services 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, Development and Building Services.

16. **Groundwater Management**

The Owner acknowledges and agrees to retain an environmental consultant to test groundwater to be removed from the site during and after redevelopment. If through further testing the groundwater samples are found to be contaminated, all contaminated groundwater must be removed, managed or treated in accordance with appropriate Ontario regulations and/or discharged in accordance with the City’s Sewer Use By-Law, being By-law No. 2003-514, as amended.

17. **Notice on Title – Below Grade Parking Areas and Depressed Driveways**

The Owner acknowledges and agrees that a notice shall be registered on title to the subject lands, at the Owner’s expense. The Owner further acknowledges and agrees that such notice on title, or the clauses as written directly below, shall be included in all agreements of purchase and sale and lease agreements to inform

prospective purchasers and tenants of these matters. The notice on title shall include, but not be limited to, the following:

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 themselves, their heirs, executors, administrators, successors and assigns, acknowledges being advised that during major storm events, depressed driveways and below grade parking areas may be subject to flooding due to drainage from the road allowance. The purchaser/lessee further acknowledges being advised that the City of Ottawa shall not be liable for flooding claims. Backwater valves are recommended for installation on catch basins located in depressed driveways.”

“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.”

18. **Stormwater Management Memorandum**

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

19. **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, Development and Building Services 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.

20. **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 **Development Servicing and 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.

21. **Environmental Site Remediation Program**

The Owner acknowledges and agrees to submit a verification sampling report for review and approval, summarizing the verification sampling activities and findings. This report shall confirm the remaining soil and groundwater (if required) onsite meet the applicable provincial standards. The Owner acknowledges and agrees that

- (a) soils that are found to be contaminated, must be disposed, treated or recycled at a waste disposal site or landfill licensed for that purpose by the Ministry of the Environment, Conservation and Parks;
- (b) groundwater found to be contaminated, shall be removed, managed and/or treated in accordance with the appropriate Ontario regulations and/or discharged in accordance with the City's Sewer Use By-law, being By-law 2003-514, as amended.

22. **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); and
 - (ii) it must result in minimal light spillage onto adjacent properties. As a guideline, 0.5 fc is normally the maximum allowable spillage.
- (b) The Owner acknowledges and agrees that, upon completion of the lighting Works and prior to the City releasing any associated securities, the Owner shall provide certification satisfactory to the General Manager, Planning, Development and Building Services, 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.

23. **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 Empress Avenue North and Perkins Street rights-of-way, as shown on the approved Landscape Plan referenced in Schedule "E" herein, including all plant and landscaping material (except municipal trees), and walkway

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.

24. **Waste Collection**

The Owner acknowledges and agrees that residential cart (and/or container) garbage, recycling, and organic waste collection will be provided by the City from a centralized refuse room or area. The Owner shall provide, at its own expense, adequate storage for the containers and carts and acknowledges it is recommended that they be placed on a concrete floor. The Owner shall provide an adequately constructed road for direct access to the garbage/recycling/organic waste storage room or area suitable for garbage/recycle/organic waste collection vehicles. Any additional services (i.e. winching of containers) may result in extra charges. It is expressly acknowledged that this service may be amended or discontinued at the City's sole discretion, if in the City's opinion, access is not appropriate or due to policy/process changes within the operating department.

25. **Transportation Demand Measures**

Prior to occupancy, the Owner acknowledges and agrees that it shall implement the following transportation demand management measures, which shall be to the satisfaction of the General Manager, Planning, Development and Building Services Department:

- a) Display local area maps with walking/cycling access routes and key destinations at major entrances.
- b) Display relevant transit schedules and route maps at entrances.
- c) Consider a contract with provider to install on-site bikeshare station.
- d) Unbundle parking cost from monthly rent.
- e) Provide a multimodal travel option information package to new residents.



December 10, 2024 _____
Date

Allison Hamlin
(Acting) Manager, Development
Review All Wards, Planning,
Development and Building Services
Department

Enclosure: Site Plan Control Application approval – Supporting Information

SITE PLAN CONTROL APPROVAL APPLICATION SUPPORTING INFORMATION

File Number: D07-12-24-0095

SITE LOCATION

10 Empress Avenue North, and as shown on Document 1.

SYNOPSIS OF APPLICATION

A Site Plan Control application to construct a 41 unit, four-storey apartment building with 13 resident parking spaces, 3 visitor parking spaces, and 44 bicycle parking spaces.

The subject site is located on the west side of Empress Avenue North and the east side of Perkins Street in the Somerset Ward (Ward 14) in the City of Ottawa. The subject property is in an area bounded by Albert Street to the north, Booth Street to the west, Primrose Avenue to the south, and Cambridge Street to the east. The Site Plan Control application has been submitted to facilitate new development on the subject lands consistent with what was considered through the approved Zoning By-law Amendment.

The subject property contains two townhouse buildings with three units in each building which are currently owned by the Dalhousie Non-Profit Housing Cooperative. The property is located in an area that primarily consists of low-rise residential dwellings. Directly to the north of the property, there is a six-unit apartment building. To the west of the property, there are several garages and rear yard parking areas. To the south of the property, there is a detached dwelling and a semi-detached dwelling. Directly to the east of the property is the Good Companions Seniors' Centre.

The proposed development will be affordable dwelling units on the subject property consisting of 20 one bedroom units, 13 two bedroom units, 7 three bedroom units and one studio unit. The main entrance to the building will be off Empress Avenue. Separate individual entrances will be provided for two of the ground floor units facing Empress Avenue and for two of the ground floor units facing Perkins Street.

In an underground garage which will be accessed via Perkins, 13 resident parking spaces and three visitor parking space will be provided. 42 bicycle parking spaces will be provided within the underground parking garage with two additional bicycle parking spaces located at-grade near the main entrance to the building.

Classic materials such as red brick and detailing such as accentuated cornice lines have been incorporated to speak to the area's historical context.

Residential Units and Types

Dwelling Type	Number of Units
Apartment	41

Related Applications

The following applications are related to this proposed development:

- Zoning By-law Amendment – D02-02-24-0007

DECISION AND RATIONALE

This application is approved for the following reasons:

- The subject site is zoned Residential Fourth Density Subzone UD with an exception (R4-UD [2971]). The proposal is in conformity with Zoning.
- The site is located in the Downtown Core Transect under the Official Plan and is designated Neighbourhood, subject to the Evolving Neighbourhood Overlay. Neighbourhoods within this transect are intended to allow and support a wide variety of housing types with a focus on missing-middle housing and provides an emphasis on regulating the maximum built form envelope that frames the public right of way. Within an area subject to an Evolving Overlay, intensification and gradual changes in character are supported to achieve higher densities and an evolution towards a more urban built form, which has been achieved through the subject development.
- The proposed development contributes to 15-minute neighbourhoods by adding residential density in proximity to a range of services and amenities. The development will increase the number of residential dwelling units on the property from six (6) to forty-one (41) dwelling units while maintaining a low-rise built form that is compatible with the neighbourhood. The development will also establish transit-supportive densities within walking distance of Pimisi LRT station. There will be no impacts for vehicle parking on the Empress Avenue North streetscape, as the underground vehicle and bicycle parking entrance will be located along Perkins Street, where there are a number of existing parking spaces for neighbouring dwellings.
- The proposed development adheres to the objectives of the Urban Design Guidelines for Low-rise Infill Housing. Entrances along both Empress Avenue North and Perkins Street will lead directly into some of the ground-floor units, creating active street frontages that are pedestrian-friendly. The principal entrance leading to the upper units and remaining ground-floor units is at grade and is fully accessible. The proposed development effectively utilizes the site by orienting the building towards Empress Avenue North and providing access to underground parking along Perkins Street, which is primarily characterized by parking areas. The proposed development fits well within the neighbourhood context and respects the existing built form and character of the area. The use of steel cladding for the fourth storey will reduce its visual impact
- The proposed development adheres to the objectives of these Transit-Oriented Development Guidelines. The proposed development provides an increased

residential density on the site to support increased transit ridership. Access to on-site vehicle parking is located on Perkins Street, which is characterized by rear yard parking areas. This will reduce conflicts with pedestrians accessing the site along Empress Avenue North.

- The proposed site design represents good planning

PARKLAND DEDICATION

Parkland dedication, in accordance with By-law 2022-280, is not applicable to this development.

CONSULTATION DETAILS

Councillor's Comments

Councillor Ariel Troster was aware of the application related to this report.

Public Comments

This application was subject to public circulation under the Public Notification and Consultation Policy. There was no public comment received online.

Technical Agency/Public Body Comments

Summary of Comments – Technical

N/A

Advisory Committee Comments

Summary of Comments – Advisory Committees

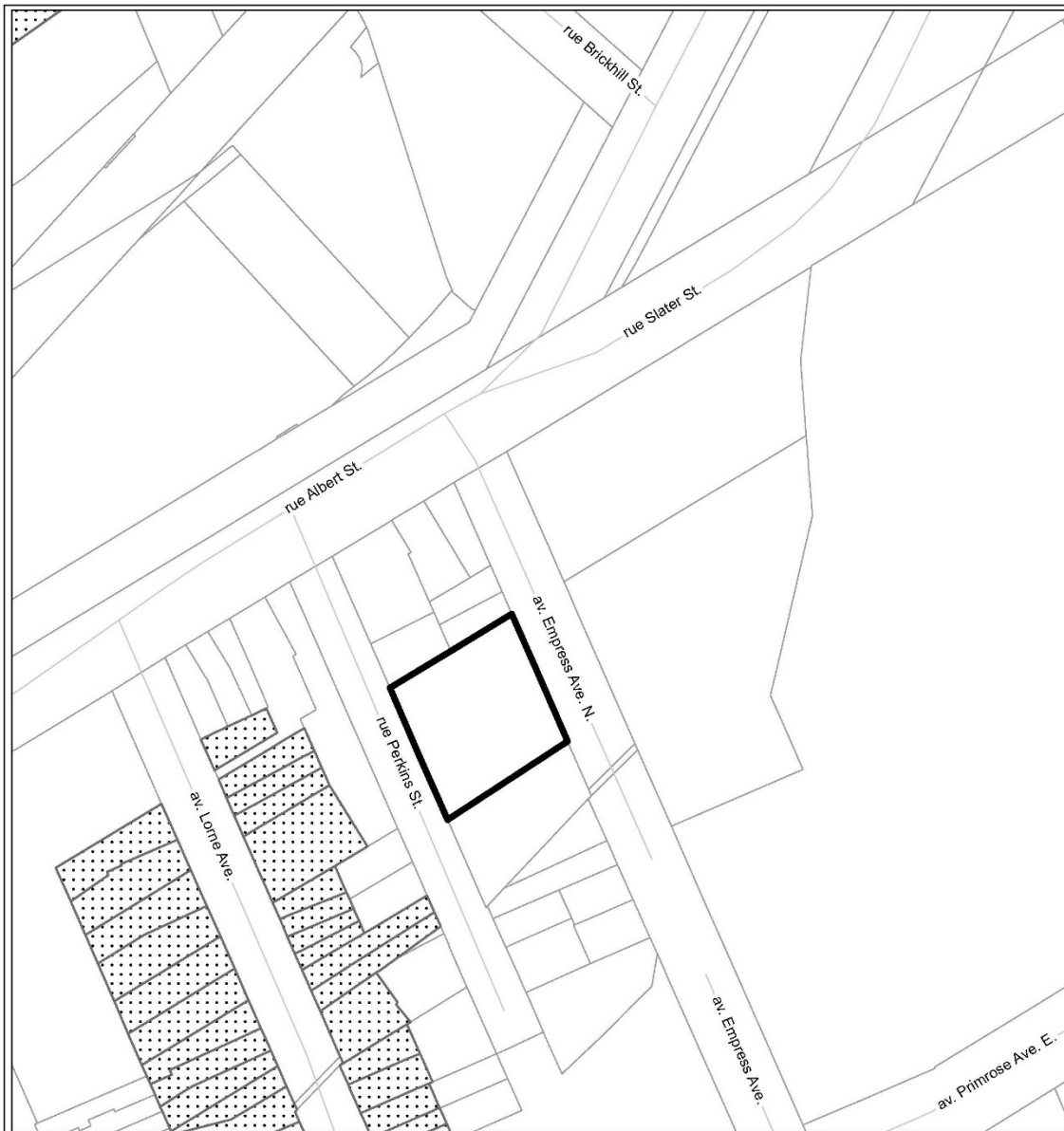
N/A





APPLICATION PROCESS TIMELINE STATUS

This Site Plan application was not processed by the On Time Decision Date due to miscommunications on staffing between applicant and city contacts.

Contact: Erin O'Connell Tel: 613-580-2424, ext. 27967 or e-mail: Erin.O'Connell@ottawa.ca

Document 1 – Location Map



		LOCATION MAP / PLAN DE LOCALISATION ZONING KEY PLAN / SCHÉMA DE ZONAGE	
PC2024-0022	24-0362-X	 10 avenue Empress Avenue North/nord	
I:\CO\2024\Zoning\Empress_10			
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©Les données de parcelles appartiennent à Terranet Enterprises Inc. et à ses fournisseurs. Tous droits réservés. Ne peut être reproduit sans autorisation. CECI N'EST PAS UN PLAN D'ARPENTAGE		Entire map area is affected by the Mature Neighbourhoods Overlay (section 139) / Tout le secteur de la carte est touché par la Zone sous-jacente de quartiers établis (article 139)	
REVISION / RÉVISION - 2024 / 04 / 04		 NOT TO SCALE	