



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

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Site Location: 1309 Carling Avenue (Westgate – Phase 1)

File No.: D07-12-18-0170

Date of Application: November 8, 2018

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This SITE PLAN CONTROL application submitted by Fotenn Consultants, on behalf of RioCan Real Estate Investment Fund, is APPROVED as shown on the following plan(s):

1. Site Plan – Phase 1 Westgate Lands, SP-1, prepared by Roderick Lahey Architecture, revision 14, dated September 10, 2019.
2. Site Plan – Overall Westgate Lands, SP-2, prepared by Roderick Lahey Architecture, revision 4, dated July 18, 2019.
3. Site Plan – Draft Overall Site Plan Finished Phase, SP-3, prepared by Roderick Lahey Architecture, revision 4, dated July 18, 2019.
4. North Elevation, A200, prepared by Roderick Lahey Architecture, revision 9, dated September 11, 2019.
5. South Elevation, A201, prepared by Roderick Lahey Architecture, revision 9, dated September 11, 2019.
6. East & West Elevations, A203, prepared by Roderick Lahey Architecture, revision 9, dated September 11, 2019.
7. Tree Conservation Report & Landscape Plan, L.1, prepared by James B. Lennox & Associates Inc., dated September 2018, revision 6, dated July 19, 2019.
8. Erosion Control Plan, EC-1, prepared by DSEL, dated November 2018, revision 3 dated July 19, 2019.
9. Grading Plan, GP-1 prepared by DSEL, dated November 2018, revision 3, dated July 19, 2019.

10. Site Servicing Plan, SSP-1, prepared by DSEL, dated November 2018, revision 3, dated July 19, 2019.
11. Stormwater Management Plan, SWM-1, prepared by DSEL, dated November 2018, revision 3, dated July 19, 2019.
12. Phase I Environmental Site Assessment, prepared by Golder Associates Ltd., dated December 2015, engineer seal dated January 6, 2016.
13. Phase II Environmental Site Assessment, prepared by Golder Associates Ltd., dated December 2015, engineer seal dated January 6, 2016.
14. Detail Sheet, DS-1, prepared by DSEL, dated November 2018, revision 3, dated July 19, 2019.
15. Detail Sheet, DS-2, prepared by DSEL, dated November 2018, revision 3, dated July 19, 2019.

And as detailed in the following report(s):

1. 1309 Carling Avenue Transportation Impact Assessment Strategy Report – Rev 3, prepared by Parsons, dated May 2019, revised August 28, 2019.
2. Geotechnical Investigation, Proposed Site Redevelopment Westgate Mall Phase 1 Ottawa, Ontario, prepared by Golder Associates Ltd., dated November 2018.
3. Addendum No. 1 – Geotechnical Investigation, Proposed Site Redevelopment, Westgate Mall Phase 1, Ottawa, Ontario, Project No.: 18106595 Rev 2, prepared by Golder Associates Ltd., dated August 9, 2019.
4. Addendum No. 2 – Geotechnical Investigation, Proposed Site Redevelopment, Westgate Mall Phase 1, Ottawa, Ontario, Project NO.: 18106595, prepared by Golder Associates Ltd, dated August 30, 2019.
5. Site Servicing and Stormwater Management Report for Riocan Holdings Inc., 1309 Carling Avenue – Phase 1, City of Ottawa, Project No.: 18-1028, Prepared by DSEL, Revision 3, dated July 2019.
6. Assessment of Adequacy of Public Services for Riocan Management Inc., 1309 & 1335 Carling Avenue, City of Ottawa, Project No.: 15-793, prepared by DSEL, Revision 2, dated May 2016.
7. Detailed Roadway Traffic Noise Assessment, Westgate Shopping Centre Redevelopment, Phase 1, Ottawa, Ontario, Report: GWE15-067 – Detailed Traffic Noise R1, prepared by Gradient Wind Engineering Inc., dated February 20, 2019.



8. Detailed Roadway Traffic Noise Assessment, Westgate Shopping Centre Development, Phase 1, GWE File No.: 15-067 – Cover Letter, prepared by Gradient Wind Engineering Inc., dated February 20, 2019.
9. Pedestrian Level Wind Study – Westgate Shopping Centre Redevelopment, Phase 1, Ottawa, Ontario, prepared by Gradient Wind Engineering Inc., dated November 6, 2018.
10. Response to 1<sup>st</sup> Engineering Comments for Wind Study, Westgate Shopping Centre Redevelopment, Phase 1, GWE File Ref.: 16-139, prepared by Gradient Wind Engineering Inc., dated January 28, 2019.
11. Lighting Letter, prepared by Quadrant and Instaelectric Company, dated June 3, 2019.

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

#### **General Conditions**

##### **1. Agreement**

The Owner shall enter into a standard site development agreement consisting of the following conditions. In the event the Owner fails to enter into such agreement within one year, this approval shall lapse.

- a) The Owner shall enter into a site development agreement for the lands known as Phase 1, and more particularly outlined in the approved Site Plan – Phase 1 Westgate Lands, SP-1, prepared by Roderick Lahey Architecture, revision 14, dated September 10, 2019. In the event the Owner fails to enter into such agreement within one year, this approval shall lapse.
- b) The Owner shall submit application(s) for additional site development for each subsequent phase of the proposed development prior to the issuance of a building permit on any lands not included in the Phase 1 area. For each subsequent approval, the Owner shall enter into a site development agreement with the City which shall be registered on title.

##### **2. Permits**

The Owner shall obtain such permits as may be required from Municipal or Provincial authorities and shall file copies thereof with the General Manager, Planning, Infrastructure and Economic Development Department.

##### **3. Waste Reduction Workplan Summary**

The Owner acknowledges and agrees, prior to the issuance of a building permit to prepare a waste reduction workplan summary for the construction project, as required by O.Reg 102/94, being “Waste Audits and Waste Reduction Work Plans” made under the *Environmental Protection Act*, RSO 1990, c E.19, as amended and

provide a copy of said summary to the General Manager, Planning, Infrastructure and Economic Development Department.

**4. Barrier Curbs**

The Owner acknowledges and agrees that the parking areas and entrances shall have barrier curbs and shall be constructed in accordance with the approved drawings of a design professional, such drawings to be approved by the General Manager, Planning, Infrastructure and Economic Development Department.

**5. Water Supply for Fire Fighting**

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

**6. Reinstatement of City Property**

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

**7. Construction Fencing**

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

**8. Maintenance and Liability Agreement**

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

**9. Completion of Works**

The Owner acknowledges and agrees that no building (or no new building *if existing building on site*) shall be occupied on the Phase 1 Lands, nor will the Owner convey title to any such building or lot until all requirements with respect to completion of the Phase 1 Works as identified in this Agreement have been carried out and received Approval by the General Manager, Planning, Infrastructure and Economic Development Department, including the installation of municipal numbering provided in a permanent location visible during both day and night and the installation of any street name sign on relevant streets. Notwithstanding the non-completion of the foregoing Works, conveyance and/or occupancy of a lot or structure may otherwise be permitted, if in the sole opinion of the General Manager, Planning, Infrastructure and Economic Development Department, the aforesaid Works are proceeding satisfactorily toward completion. The Owner shall obtain the prior consent of the General Manager, Planning, Infrastructure and Economic Development Department for such conveyance and/or occupancy in writing.



#### **10. On-Site Parking**

The following provision shall be included in any lease, rental agreement, sublet agreement, condominium agreement and/or Agreement of Purchase and Sale governing all or part of the building:

*"The purchaser, tenant or sublessee acknowledges the unit being rented/sold may not be provided with any on-site parking. Should a tenant/purchaser have a vehicle for which they wish to have parking, that alternative and lawful arrangements may need to be made to accommodate their parking need at an alternative location. The Purchaser/Tenant/Sublessee acknowledges that the availability and regulations governing on-street parking vary; that access to on-street parking, including through residential on-street parking permits issued by the City cannot be guaranteed now or in the future; and that a purchaser, tenant or sublessee intending to rely on on-street parking for their vehicle or vehicles does so at their own risk."*

#### **11. Snow Storage**

Any portion of the lands which is intended to be used for snow storage shall be shown on the approved Site Plan or as otherwise approved by the General Manager, Planning, Infrastructure and Economic Development Department. The grading and drainage patterns and/or servicing of the site shall not be compromised by the storage of snow. Snow storage areas shall be setback from property lines, foundations, fencing or landscaping a minimum of 1.5 metres. Snow storage areas shall not occupy driveways, aisles, required parking spaces or any portion of a road allowance.

#### **12. Exterior Lighting**

All exterior lighting proposed for the subject lands shall be installed only in the locations and in accordance with specifications shown on the approved plans referenced herein unless otherwise approved in writing by the General Manager, Planning, Infrastructure and Economic Development Department. Sharp cut-off fixtures or in exceptional circumstances only, an alternative fixture design approved by the General Manager, Planning, Infrastructure and Economic Development Department, shall be used to minimize possible lighting glare onto adjacent properties. It is noted that exterior lighting includes exterior building lighting.

### **Special Conditions**

#### **1. Noise Attenuation Measures**

The Owner(s) shall implement the noise control attenuation measures recommended in the approved noise study.

- a) Each unit is to be equipped with Central Air Conditioning.

- b) Prior to issuance of building permit, a review of building components (windows, walls, doors) is required and must be designed to achieve indoor sound level criteria.

- c) Notices-on-Title respecting noise:

*"Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing roadway traffic may, on occasion, interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the City and the Ministry of the Environment, Conservation and Parks. To help address the need for sound attenuation, this development includes:*

- i. *STC rated multi-pane glazing elements and spandrel panels*
  - 1. *North, east, south and west façade bedroom/living room/retail: STC 36/36/26*
- ii. *STC rated exterior walls*
  - 1. *North, east, south and west façade: STC 45*

*This dwelling unit has also been designed with air conditioning. Air conditioning will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the City and the Ministry of the Environment, Conservation and Parks.*

*To ensure that provincial sound level limits are not exceeded, it is important to maintain these sound attenuation features."*

And

*"Purchaser/Tenants of the apartment units in this proposed 24-storey mixed use building are advised that despite this inclusion of noise control features in this development and within building units, noise levels from increasing roadway traffic on Carling Avenue and Merivale Road may be of concern, occasionally interfering with some activities of the dwelling occupants, as the outdoor sound level exceed the City of Ottawa's and the Ministry of the Environment's noise criteria."*

And

*"The transferee covenants with the transferor, and the lessee covenants with the lessor, that the above clause's, verbatim, shall be included in all subsequent agreements of purchase and sale, lease agreements, and Transfers/Deeds conveying the lands described herein, which covenant*



shall run with the said lands and is for the benefit of the owner of the adjacent road.”

## **2. Certification Letter for Noise Control Measures**

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 Feasibility Study**, prepared by Gradient Wind Engineering Inc., dated February 20, 2019, as approved by the City and/or the approval agencies and authorities (The Ministry of the Environment and Climate Change) or noise thresholds identified in the City's *Environmental Noise Control Guidelines*. The Professional Engineer shall prepare a letter to the City's Development Inspection Program Manager (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, Infrastructure and Economic Development Department.

- a) 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.
- b) All of the information required in subsections (a) above shall be submitted to the General Manager, Planning, Infrastructure and Economic Development Department, and shall be to his satisfaction.

## **3. 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, prior to issuance of a building permit, further to City comments and requirements. The Owner further acknowledge and agrees that it shall provide the General Manager, Planning Infrastructure and Economic

Development Department 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 Department.

**4. Below Grade Parking Areas and Depressed Driveways**

- a) The Owner acknowledges and agrees 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 Owner further acknowledges and agrees that the City will not take responsibility for flooding claims. The Owner further acknowledges that it is recommended that backwater valves be installed on catch basins located in depressed driveways.
- b) The Owner acknowledges and agrees that a notice-on-title respecting below grade parking areas and depressed driveways, shall be registered on title to the subject lands, at the Owner's expense, and a warning clause shall be included in all agreements of purchase and sale and lease agreements.

**5. Notices on Title – All Units (Below Grade Parking and Depressed Driveways)**

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 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 will not take responsibility 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."

**6. 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 Study**, prepared by Golder Associates Ltd. dated November 1, 2018 and Addendums #1 dated August 9 and #2 August 30, 2019 (the "Report"), are fully implemented. The Owner further acknowledges and agrees that it shall provide the General Manager, Planning, Infrastructure and



Economic Development Department with confirmation issued by the geotechnical engineer that the Owner has complied with all recommendations and provisions of the Report, prior to construction of the foundation and at the completion of the Works, which confirmation shall be to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development Department.

**7. Protection of City Sewers**

a) Prior to the issuance of a building permit, the Owner shall, at its expense:

- i. provide the General Manager, Planning, Infrastructure and Economic Development Department with the engineering report from a Professional Engineer, licensed in the Province of Ontario, which report shall outline the impact of the proposed building's footing and foundation walls, on the City sewer system, that crosses the *Carling Avenue and Merivale Road* frontages the "City Sewer System"), within limits of Phase 1 of this development, and the impact of the existing City Sewer System on the building's footing and foundation walls.
- ii. obtain a legal survey acceptable to the General Manager, Planning, Infrastructure and Economic Development Department and the City's Surveyor, showing the existing City Sewer System within the *Carling Avenue and Merivale Road*, in proximity of the development site (within limits of Phase 1), 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 the *Carling Avenue and Merivale Road*, in proximity to the development site (within limits of Phase 1), prior to any construction to determine the condition of the existing City Sewer System prior to construction on the lands and to provide said video inspection to the General Manager, Planning, Infrastructure and Economic Development Department.

b) Upon completion of construction on the lands, the Owner shall, at its expense and to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development Department:

- i. obtain a video inspection of the existing City Sewer System within City Sewer System within the *Carling Avenue and Merivale Road*, in proximity to the development site (within limits of Phase 1), 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 City Sewer System within the *Carling Avenue and Merivale Road*, in proximity to the development site (within limits of

Phase 1), and compensate the City for the full amount of any required repairs to the City Sewer System.

**8. Requirement for a Grease Trap**

In accordance with the City's Sewer Use By-law, being By-law No. 2003-514, as amended, the Owner acknowledges and agrees to install a grease trap on the internal sanitary plumbing system when a restaurant is established on the lands.

**9. Requirement for Grease and Oil Interceptor**

The Owner shall, in accordance with the City's Sewer By-law, being By-law No. 2003-514, as amended, install a grease and oil interceptor on the internal sanitary plumbing system in such a location where the storage or repair of vehicles occurs.

**10. 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, structure, water wells and facilities likely to be affected by the blast, in particular, those within seventy-five (75) metres of the location where explosives are to be used. The standard inspection procedure shall include the provision of an explanatory letter to the owner, or occupant and owner, with a formal request for permission to carry out an inspection (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 Department. 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, Infrastructure and Economic Development Department prior to any blasting activities.

**11. Vibration Monitoring**

The proposed limits for vibration monitoring are to meet the following criteria:

*Scope:*

The work under this item includes all requirements for continuous vibration monitoring to the City of Ottawa 1220 mm backbone watermain (WM) within the project limits on Carling Avenue and Merivale Road (as detailed elsewhere in the Contract), during all phases of the work within 15 m of these 1220 mm watermain, including but not limited to, all on-site work activities required for:



- a) The installation of protection system prior to utility installation.
- b) Earth excavation and backfilling operations for the watermain, sanitary sewer and service installations.
- c) Excavation and backfill to construct the roadway and sidewalks.
- d) Placement and Compaction of granular materials and asphalt pavement.

*Definitions:*

*Vibration Monitoring Specialist Engineer:* An Engineer licensed in the Province of Ontario with a minimum of five (5) years' experience in the field of vibration monitoring. The Vibration Monitoring Specialist Engineer shall be retained by the Contractor to develop the vibration monitoring plan, undertake monitoring as specified herein, ensure general conformance with the contract documents and shall issue certificate(s) of conformance.

*Submissions and Design Requirements:*

All submissions shall bear the signature and seal of the Vibration Monitoring Specialist Engineer.

At least four (4) weeks prior to proceeding with the work, the Contractor shall submit a copy of the vibration monitoring plan to the Contract Administrator. The Contractor shall retain a copy of the vibration monitoring plan at the site during vibration monitoring operations.

The vibration monitoring plan shall satisfy the contract documents and at a minimum, contain the following specific information:

- e) Qualifications of the Vibration Monitoring Specialist Engineer.
- f) Proposed instrumentation/equipment and calibrations.
- g) Proposed location of instruments.
- h) Proposed method of installation.
- i) Proposed frequency of readings.
- j) Proposed schedule for issuing certificates of conformance.
- k) Proposed monitoring triggers and precautionary actions.
- l) The proposed monitoring triggers shall specify precautionary action items to be taken by the Contractor at several vibration ranges as the monitored vibration approaches the specified vibration limit, to alert the Contractor that the vibration limit is being approached and to ensure that the vibration limit is not exceeded.

The Contractor shall notify the Contract Administrator in writing that the vibrations measured at the City of Ottawa Watermain has not exceeded the limits specified in the contract, at the intervals below:

- m) One-hour interval for activities identified in the Scope of Work

The Contractor shall make all vibration data available to the Contract Administrator and City Project Manager at all times as well as submit three copies of the vibration monitoring results at the end of each day that work is carried out on the activities above requiring vibration monitoring. The Contractor shall submit

three copies of the vibration monitoring results during all other work activities requiring vibration monitoring at the end of each week to the Contract Administrator.

**Equipment:**

Vibration monitoring shall be carried out with Instantel MiniMate Plus Series III digital seismographs or an approved equivalent, capable of monitoring on a continuous basis and providing peak levels at regular intervals (no greater than 5 minutes) as well as full waveform data. The vibration monitoring equipment shall be capable of measuring vibration intensities up to 254 mm/s at a frequency response of 2 to 250 Hz in the vertical, transverse and radial directions. The vibration monitors shall be equipped with a real time warning system consisting of either a red flashing light or an air horn to alert when a threshold value has been reached. The vibration monitors shall be capable of withstanding saturated conditions and require watertight connections.

The equipment shall have been calibrated within the last six months prior to the commencement of any operations requiring vibration monitoring. Proof of calibration shall be submitted to the Contract Administrator prior to the commencement of any monitoring operations.

**Construction:**

**Installation and Maintenance of Monitoring Equipment**

The vibration monitors (seismographs) for the vibration monitoring shall be installed directly on the 1200 mm backbone watermain, as follows:

**TABLE 1 – VIBRATION MONITORING LOCATIONS**

<b>Watermain &amp; Location Description</b>	<b>Maximum Seismograph Spacing</b>	<b>Minimum Number of Seismographs</b>
1220 mm WM on north side of Merivale Road between Island Park Drive and Carling Avenue	10 m	9
1220 WM on north side of Carling Avenue from Merivale Road to western limits of Phase 1 for this development	10 m	6

The vibration monitors (seismographs) shall be installed using a hydraulic-vacuum excavator. A hole shall be advanced through the existing asphalt and backfill to the top of the pipe with the hydraulic-vacuum excavator. Control of groundwater inflow may be required. The vibration monitor (seismograph) shall then be lowered into place on top of the watermain and coupled to the substrate, and the hole backfilled with native material to hold the seismograph in place.



Vibration monitoring is required when work is within 15 metres of the areas identified for vibration monitoring. The vibration monitoring program shall be in place a minimum of five (5) days prior to the work commencing in these areas to confirm observed background levels.

The installed instrumentation shall be inspected and serviced on a bimonthly basis, or more frequently if required due to on-site conditions, at all locations where the seismographs are within the fluctuating seasonal groundwater table. For instrumentation buried above the seasonal groundwater fluctuations, inspection and servicing shall be every three months unless on-site conditions require otherwise.

In the event that a sensor is no longer functioning:

- n) Immediately notify the Contract Administrator;
- o) Stop all construction operations that are within 15 m of the areas identified in Table which are subject to vibration monitoring requirements;
- p) Notify the Contractor Administrator when the sensor is put back into operation.

Monitoring:

The Contractor shall ensure that the Vibration Monitoring Specialist Engineer is on site monitoring readings for the full duration of all foundation or below grade construction and backfilling operations, and all construction operations above any watermain.

Initial testing shall be carried out at the start of each operation requiring vibration monitoring, as identified in Section 1.0 Scope of Work and Table 1, to determine the dominant frequency of the operation. Instrumentation shall be installed directly on the pipe immediately adjacent to the construction location prior to commencing operations, and analysis shall be carried out by the Vibration Monitoring Specialist Engineer to determine the dominant frequency of the operation as soon as sufficient vibration data has been obtained. If necessary, the Contractor shall alter the procedure for the construction operation being assessed. The revised plan shall be reviewed, signed and sealed by the Vibration Monitoring Specialist Engineer and submitted to the CA. Subsequent operations shall not be carried out until the Vibration Monitoring Specialist Engineer has confirmed that the dominant frequency is within the limits specified herein and instructed the Contractor to proceed.

The following vibration threshold criteria shall apply:

Element	Frequency (Hz)	Peak Particle Velocity (mm/sec)	Required Action	Description of Event
Structure, Pipelines and all other operations	$\leq 40$	15 - 20	Warning: investigate activities	Amber warning light illuminated
		$\geq 20$	Cease all operations and investigate	Red warning light illuminated – vibration is in excess of permitted limit
		$< 15$	No action required	
Structure, Pipelines and all other operations	$\geq 40$	40 - 50	Warning: investigate activities	Amber warning light illuminated
		$\geq 50$	Cease all operations and investigate	Red warning light illuminated – vibration is in excess of permitted limit
		$< 40$	No action required	

After the initial testing is complete, work shall commence from the location furthest from the monitored utility to assess the vibration levels during the operations specified in Section 1.0 Scope of Work. Analysis shall be carried out by the Vibration Monitoring Specialist to determine the dominant frequency of the operation as soon as sufficient vibration data has been obtained. If necessary, the Contractor shall alter the procedure for the construction operation. The revised procedure shall be reviewed, signed and sealed by the Vibration Monitoring Specialist Engineer and submitted to the CA.

The results shall be submitted to the Contract Administrator after each construction operation requiring vibration monitoring has been completed and at the one-hour intervals during the work items listed in Section 1.0 prior to continuing with subsequent work.

If hoe-ramming is required for rock excavation, the vibration instruments shall be monitored on a continuous basis by the Vibration Monitoring Specialist Engineer.

If the vibration limits are exceeded, the work shall be stopped immediately. If the readings are not within the limits stated above, the Contractor shall alter the procedure for the construction operation until the vibrations are within acceptable levels.

If at any time the vibration limit is exceeded during execution of the operations to which vibration monitoring is required (i.e. those listed in Section 1.0 Scope of Work), the Vibration Monitoring Specialist shall immediately advise the Contractor that the vibration limit has been exceeded. The Contractor shall immediately cease all operations when the vibration limit has been exceeded and shall adjust the



method/operation until vibration limits are not exceeded. The testing requirements specified in this special provision shall be repeated to confirm that the vibration limits are not exceeded under execution of the adjusted method/operation. The Contractor shall not be entitled to additional compensation for delays resulting from adjustments to the Contractor's method/operation so that vibration limits are not exceeded. All costs for delays resulting from adjustments to the Contractor's method/operation shall be at no expense to the owner.

#### **12. Record of Site Condition**

Prior to the issuance of a building permit, the Owner shall submit to the General Manager, Planning, Infrastructure and Economic Development Department, and the Chief Building Official a Record of Site Condition ("RSC") completed in accordance with O.Reg. 153/04, as amended, and shall be acknowledged by the Ministry of the Environment and Climate Change. The RSC shall confirm that all or part of the site will be suitable for the proposed use in accordance with O.Reg. 153/04. The City may issue a building permit on a phased basis to allow for site investigation and remediation activities if permitted by O.Reg. 153/04. No further Works will be permitted until the RSC is submitted. Where available information reveals that contamination extends into a City right-of-way and submission of a RSC is not possible, a building permit may be issued on a phased basis:

- a) where the Owner has executed an off-site management agreement with the City to remediate the right-of-way and the site or;
- b) where the Owner has completed remediation Work on the right-of-way to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development Department.

#### **13. 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 and Climate Change.

#### **14. 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.

#### **15. Existing Wells**

The Owner acknowledges and agrees to decommission groundwater monitoring wells located on the lands in accordance with R.R.O. 1990, Regulation 903: Wells under the (Ontario Water Resources Act, R.S.O. 1990, c.O.40), as amended.

#### **16. Municipal Responsibility Agreement**

- a) Prior to the execution of this Agreement by the City, the Owner shall enter into and register on title to the subject lands, a Responsibility Agreement with the City with respect to the private communal water system and the private communal wastewater system servicing the subject lands, such agreement shall be to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development Department.
- b) The Owner further acknowledges and agrees that the communal services shall at all times be operated under a valid Ministry of the Environment and Climate Change Certificate of Approval.

#### **17. 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.

#### **18. Site Lighting Certificate**

- a) The Owner acknowledges and agrees, prior to the issuance of a building permit, to provide the City with a photometric plan to accompany the provided Site Lighting Certificate from an acceptable professional engineer, licensed in the Province of Ontario, in which the 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, Infrastructure and Economic Development Department, 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.

#### **19. Installation of Signs on Private Property**

The Owner acknowledges and agrees it shall obtain approval from the Chief Building Official, Building Code Services prior to installation of any signs on the subject lands. The Owner further acknowledges and agrees that any such signs shall be installed in a location to the satisfaction of the Chief Building Official,



Building Code Services and the General Manager, Planning, Infrastructure and Economic Development Department, and in accordance with the City's Permanent Signs on Private Property By-law No. 2005-439, as amended.

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

The Owner acknowledges and agrees to install and maintain in good working order the required roof-top and in-ground stormwater inlet control devices, as recommended in the approved **Site Servicing Plan**, Dwg SSP-1, prepared by DSEL, revision 3 dated July 19, 2019, **Storm Water Management Plan**, Dwg SWM-1, prepared by DSEL, revision 3 dated July 19, 2018, **Assessment of adequacy of Public Services** dated May 13, 2016, **Detail Sheet**: Dwg DS-1, prepared by DSEL, revision 3 dated July 19, 2019 and **Site Servicing & Stormwater Management Report** dated July 19, 2019 both prepared by DSEL. 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. Solenoid SC34 Stormchamber**

The Owner agrees to install and maintain in good working order, the required stormchamber as recommended in the approved Functional Servicing and Stormwater Management Report referenced in Schedule "E" hereto. The Owner acknowledges and agrees to assume all maintenance and replacement responsibilities in perpetuity, including inspection and debris build-up removal every twelve (12) months, as identified in the said Report, and to keep all records of inspection and maintenance in perpetuity and make said records available for inspection upon demand by the City.

**22. Private Storm Sewer Connection to City Sewer System**

The Owner acknowledges and agrees that any new storm sewers to be installed as part of this development shall not be connected to the City's existing storm sewer system until such time as either:

- a) a certificate of conformance and As-Built drawing(s) have been received from a Professional Engineer, licensed in the Province of Ontario, certifying that all required inlet control devices have been properly installed to City Standards or Specifications, and that the storm sewer system has been installed in accordance with the approved engineering drawings for site development and City Sewer Design Guidelines. The inlet control devices shall be free of any debris; or
- b) a flow limiting orifice plate, designed by a Professional Engineer licensed in the Province of Ontario and to the satisfaction of the City, has been installed at the storm water outlet prior to connecting any upstream storm sewers. Such orifice plate shall not be removed until subsection (a) above has been satisfied and approved by the General Manager, Planning, Infrastructure and Economic Development Department.



### **23. Stormwater Management Memorandum**

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

### **24. Professional Engineering Inspection**

The Owner shall have competent Professional Engineering inspection personnel on-site during the period of construction, to supervise the Works, and the General Manager, Planning, Infrastructure and Economic Development Department, shall have the right at all times to inspect the installation of the Works. The Owner acknowledges and agrees that should it be found in the sole opinion of the General Manager, Planning, Infrastructure and Economic Development Department, that such personnel are not on-site or are incompetent in the performance of their duties, or that the said Works are not being carried out in accordance with the approved plans or specifications and in accordance with good engineering practice, then the General Manager, Planning, Infrastructure and Economic Development Department, may order all Work in the project to be stopped, altered, retested or changed to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development Department.

### **25. 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**, Dwg SSP-1, prepared by DSEL, revision 3 dated July 19, 2019, **Storm Water Management Plan**. Dwg SWM-1, prepared by DSEL, revision 3 dated July 19, 2018, **Assessment of adequacy of Public Services** dated May 13, 2016, **Detail Sheet: Dwg DS-1**, prepared by DSEL, revision 3 dated July 19, 2019, **Detail Sheet: Dwg DS-2**, prepared by DSEL, revision 3 dated July 19, 2019 and **Site Servicing & Stormwater Management Report** dated July 19, 2019 all prepared by DSEL.

The Owner further acknowledges and agrees to provide the General Manager, Planning, Infrastructure and Economic Development Department with certificates of compliance issued by a Professional Engineer, licensed in the Province of Ontario, confirming that all recommendations and provisions have been implemented in accordance with the approved **Site Servicing Plan**, Dwg SSP-1, prepared by DSEL, revision 3 dated July 19, 2019, **Storm Water Management Plan**. Dwg SWM-1, prepared by DSEL, revision 3 dated July 19, 2018, **Assessment of adequacy of Public Services** dated May 13, 2016, **Detail Sheet: Dwg DS-1**, prepared by DSEL, revision 3 dated July 19, 2019, **Detail**



**Sheet:** Dwg DS-2, prepared by DSEL, revision 3 dated July 19, 2019, and **Site Servicing & Stormwater Management Report** dated July 19, 2019 all prepared by DSEL.

**26. 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.

**27. Permit To Take Water (PTTW)**

If required, the Owner acknowledges and agrees to obtain an approved temporary Permit to Take Water application from the Ministry of the Environment, Conservation and Parks in accordance with O. Reg. 387/04 Water Taking and Transfer under *Ontario Water Resources Act*, R.S.O. 1990, c.O.40 prior to starting the project to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development.

**28. Sight Triangle**

The Owner(s) shall convey, at no cost to the City, within six months of signing this agreement, a 5.0 m x 5.0 m corner sight triangle at corner of Carling Avenue and Merivale Road. The owner shall provide a Reference Plan for registration. Such reference plan must be tied to the Horizontal Control Network in accordance with the municipal requirements and guidelines for referencing legal surveys and will be submitted to the City of Ottawa Surveyor for review prior to its deposit in the Registry Office.

**29. Road Widening**

The Owner(s) shall convey, at no cost to the City, a road widening across the complete Carling Avenue frontage measuring 22.25 meters from the existing centerline of pavement. The exact widening must be determined by legal survey. The Owner shall provide an electronic copy of the Deed and a copy of the Deposited Reference Plan indicating the widening, prior to execution of the agreement by the City. Such reference plan must be tied to the Horizontal Control Network in accordance with the municipal requirements and guidelines for referencing legal surveys and will have been submitted to the City Surveyor for review prior to its deposit in the Registry Office. The City will not register the Deed for the road widening until after the City has issued the related building permit.

**30. Traffic Impact Assessment**

The Owner(s) has undertaken a Transportation Impact Assessment – Rev 3 for this site, prepared by Parsons, Project No. 476755-01000, dated August 28, 2019, to determine the infrastructure and programs needed to mitigate the impact of the proposed development on the local transportation network and establish the site design features needed to support system-wide transportation objectives. The Owner shall ensure, that the recommendations of the Transportation Study/Brief are fully implemented, to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development Department

### **31. Tree Permits**

The Owner acknowledges and agrees the any trees to be removed shall be in accordance with an approved Tree Permit and Tree Conservation Report and that a copy of the approved Tree Permit and Tree Conservation Report shall be present on the construction site at all time.

### **32. Tree Protection**

The Owner acknowledges and agrees that all trees to be retained, as shown on the approved Landscape Plan and identified in the Tree Conservation Report, shall be protected in accordance with the City's required tree protection measures. At a minimum, the following tree protection measures shall be applied during all on-site works:

- a) Erect a fence at the critical root zone (CRZ) of trees, defined as 10 cm from the trunk for every centimetre of trunk DBH (i.e.,  $CRZ = DBH \times 10cm$ );
- b) Do not place any material or equipment within the CRZ of the tree;
- c) Do not attach any signs, notices or posters to any tree;
- d) Do not raise or lower the existing grade within the CRZ without approval;
- e) Tunnel or bore when digging within the CRZ of a tree;
- f) Do not damage the root system, trunk or branches of any tree; and
- g) Ensure that exhaust fumes from all equipment are not directed towards any tree's canopy.

### **33. Replacement Trees on City's Right-of way**

As compensation for the removal of two healthy City owned crab apple trees located along Merivale Road, the owner shall provide a cash contribution of \$1,200 to the City's Forestry Services Branch.

### **34. Phased Site Development**

The Owner acknowledges and agrees that this site plan control approval relates only to Phase 1 of a multi-phase development of the lands, of which the Phase 1 Lands form a part. Further site plan approval(s) is required in order to obtain building permits develop the remainder of the lands known municipally as 1309 Carling Avenue. The Owner acknowledges and agrees that a restrictive covenant prohibiting development in the absence of additional site plan approval(s) shall be registered on title to the remainder lands, more particularly outlined on Document 1 attached hereto, at the Owner's expense, and a notice to purchasers clause shall be included in all agreements of purchase and sale any part of the lands described as PIN (XXXXXXXXXX), save and except the Phase 1 Lands in accordance with Section 35 below.



**35. Notices on Title – Phased Site Development**

The Owner, or any subsequent owner of the whole or any part of the lands comprising the remainder lands, being PIN (XXXXXXX) save and except the Phase 1 Lands,, acknowledges and agrees that all agreements of purchase and shall contain the following clauses, which shall be covenants running with the subject lands:

“The Purchaser for himself, his heirs, executors, administrators, successors and assigns acknowledges being advised that phased site development is proposed for the subject lands in accordance with a Site Plan Agreement registered as Instrument XXXX on title to nearby lands. Future development of the subject lands is not permitted in the absence of additional site plan approval and registration of either a new Site Plan Agreement or an amendment to the aforementioned registered Site Plan Agreement.”

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

**36. Right-Of-Way Improvements**

The Owner acknowledges and agrees to construct a cycle track and required Right-Of-Way improvements along the Carling Avenue frontage in Phase 2 of the Westgate Redevelopment. The Owner acknowledges and agrees to construct a cycle track and required Right-Of-Way improvements along the Merivale Avenue frontage in final redevelopment phases of the Westgate Redevelopment. All associated costs shall be the Owner’s responsibility.

**37. Future Phases - Privately Owned Public Space (POPS) Development**

The Owner acknowledges and agrees to construct at least 40 per cent of the Westgate Privately Owned Public Space (POPS) in Phase 2 of the Westgate Redevelopment. The full construction of the Westgate Privately Owned Public Space (POPS) shall take place in the final redevelopment phases. All associated costs shall be the Owner’s responsibility.

**38. Pre-Construction Meeting**

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

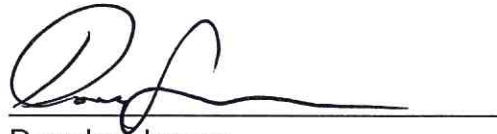
**39. Funds for Crossing Guard**

The Owner agrees to arrange with the Ottawa Safety Council for the employment of a crossing guard, and provide a total of \$13,946.10 for this crossing guard. The

crossing guard will be positioned at a location to be decided in the future based on an assessment that will determine where it would be most needed, to assist residents in crossing the street. The Owner acknowledges and agrees to maintain the crossing guard for a total of six months during their excavation period that would cover the school year.

October 24, 2019

Date

A handwritten signature in black ink, appearing to read 'Douglas James', written over a horizontal line.

Douglas James  
Manager, Development Review - Central  
Planning, Infrastructure and Economic  
Development Department

Enclosure: Site Plan Control Application approval – Supporting Information



## SITE PLAN CONTROL APPROVAL APPLICATION SUPPORTING INFORMATION

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File Number: D07-12-18-0170

### SITE LOCATION

1309 Carling Avenue (Phase 1, Westgate), and as shown on Document 1.

### SYNOPSIS OF APPLICATION

The subject property known as 1309 Carling Avenue is approximately 3.7 hectares in area and located at the north-west corner of the intersection of Carling Avenue and Merivale Road. The site is currently occupied by a one-storey retail shopping centre (Westgate Shopping Centre), which has a second storey office portion on the east end of the shopping centre and a surface parking lot. The site is also occupied by a stand-alone restaurant pad (Monkey Joes) located on the southeast corner of the lot.

To the north of the site is Highway 417, Island Park Drive, and Hampton Park. To the east, there is the Merivale Road Right-of-Way, an Ottawa Hydro electrical station, and parking for the Royal Ottawa Hospital. To the south, there is the Carling Avenue Right-of-Way, a hotel (Best Western) and associated parking, mid-rise mixed-use buildings, and a 21-storey apartment building. To the west, there is a 6-storey office building and the location where Carling Avenue crosses underneath Highway 417.

The Site Plan Control application for Phase 1 of the Westgate redevelopment retains the Westgate Shopping Centre and demolishes the stand-alone restaurant (Monkey Joes) to construct a 24-storey mixed-use building on the southeast corner of the lot. The 24-storey tower has a 4-storey podium and includes 213 residential dwelling units and approximately 2,000 square metres of ground floor retail space. Amenity space is provided on private balconies, fifth floor roof top patio space, and internal and external communal amenity areas.

Within the area delineated for this Site Plan (Phase 1 of the Westgate redevelopment, the "Phase 1 Lands"), there are 185 vehicular parking spaces proposed within 2-levels of underground parking and 28 surface parking spaces. Therefore, within Phase 1, there are 213 vehicular parking spaces. Combined with the existing surface parking lot for the Westgate Shopping Centre, once Phase 1 is complete there will be 828 vehicular parking spaces. There are three existing vehicular access points to the subject property that will continue to be used to access both the Westgate Shopping Centre surface parking lots and Phase 1 parking areas. Access to the Phase 1 underground parking garage will be provided interior to the site, off of the existing Merivale Road egress into Westgate. There are 142 bicycle parking spaces provided in Phase 1, located on the ground floor of the 24-storey mixed-use building and the second level of underground parking.

The subject site is located within the Arterial Mainstreet designation as shown on *Schedule B* of the City of Ottawa's Official Plan. In April 2017, Council approved an Official Plan Amendment and Zoning By-law Amendment application to facilitate the redevelopment of Westgate Shopping Centre. Through the Official Plan Amendment, Council adopted the Westgate Secondary Plan. The property was also rezoned to AM10[2393] S368 – Arterial Mainstreet, Subzone 10, Exception 2393, Schedule 368. This zone allows for five mixed-use high-rise towers, two of which front onto Carling Avenue with a height of 24 storeys. At the rear of the property, closer to Highway 417, three high-rise towers are permitted, one at a height of 24 storeys and two with heights of 36 storeys. This Site Plan Control application seeks to permit Phase 1 of the Westgate redevelopment, with the construction one 24-storey mixed-use building at the corner of Carling Avenue and Merivale Road.

## **DECISION AND RATIONALE**

This application is approved for the following reasons:

- The proposal is consistent with the policies of the Official Plan for Arterial Mainstreet designation.
- The proposal is consistent with the policies of the Westgate Secondary Plan, particularly those relating to the Westgate Lands.
- The proposal is in conformity with the provisions of the Zoning By-law 2008-250, as amended. On April 12, 2017, Council approved an associated rezoning application (D02-02-15-0093). The property is now zoned AM10[2393] S368 – Arterial Mainstreet, Subzone 10, Exception 2393, Schedule 368.
- The proposal responded positively to the recommendations received by the Urban Design Review Panel at the formal review on December 6, 2018. The site design represents good planning.
- The proposal is in keeping with the Urban Design Guidelines for Development along Arterial Mainstreets.
- Conditions of approval have been applied to this site to ensure the development meets the applicable Infrastructure and Planning requirements.
- The Owner is required to enter into a Site Plan Agreement and submit securities to ensure that all site works are carried out in accordance with this approval.



## 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 December 6, 2018. The panel's recommendations from the formal review meeting are:

### Summary

- The Panel finds this shopping mall redevelopment project to be part of an exciting trend across Canada, and understands that this first phase of redevelopment will set the precedent for the rest of the site. Overall, the Panel is supportive of the mixed-use plan, centred on a park, and believes it is a strong precedent for similar transformation projects. The Panel also appreciates the perspective that models future phases of the development, as it is helpful context to review this proposal.

### Tower Placement & Design

- The Panel recommends shifting the tower slightly in order to ground the tower and better relate it to the corner of Merivale Road and Carling Avenue.
  - Through this adjustment to the tower placement, there is potential to strengthen and increase the size of the corner plaza.
  - Bring architectural elements from the tower down to the corner, and provide more glazing, to improve the corner articulation.
- The Panel recommends introducing more subtlety to the building design, with less of a vertical expression, so that the building appears more like a fabric building. The building should punctuate the corner, while not drawing too much attention, slightly setting back the top to reveal a simple glass volume. Future phases are likely to include taller buildings with more vertical expressions and pronounced tops.
  - Reconsider the high contrasting materials, including the red canopy and the red element at the top.
  - Inspiration can be drawn from the two building proposed for the future phases of development on the west portion of the mall property. The treatment of the glazed corners, the finer grain in scale, the hints of green roofs, and the overall architectural expression are appreciated by the Panel.
- The Panel finds the massing of the podium is successful, but the varied use of brick does not seem fully rationalized.
- The Panel suggests that this tower will act as an important beacon within this relatively low-rise neighbourhood, so lighting is an important consideration.

### Site Plan

- The Panel strongly recommends ensuring a strong edge to the future park is established and supported through this first phase of development.
  - There must be an active entrance, facing the park, to the proposed retail space. Consider breaking up this ground floor retail space in order to

- provide a more active commercial edge.
  - Add on street parking along the north-south access driveway to establish a more urban condition, as opposed to a driveway to the mall parking lot.
  - Consider reconfiguring the footprint of the building so that it lines the entire length of the park, moving the parking, access to underground garage and the retailer's 'back of house' to face the hydro corridor and Merivale Road.
- The Panel suggests adding a layby along the west façade, and establishing a wide sidewalk with public uses spilling out from the building as the retail spaces evolve.
- The Panel suggests adapting a transitional plan that considers the interim use of the existing shopping mall, connections between this site and the mall, and future connections to the park. Consider how the streetscape will evolve, and ensure there is flexibility to respond to changing land use demands.
  - Ensure a safe pedestrian flow through the first phase of the development, and also consider accessible access through the site, with linkages to the public realm.
  - Control the future development through zoning and attention to design.
  - Consider long range storm water management, energy strategies, and consider the adaptability of mechanical systems – so that they can be extended to serve future buildings.
- The Panel is supportive of the mezzanine approach to bike parking, and suggests looking to the Ontario Building Code for definitions that could permit implementation.

#### **Carling Avenue Public Realm**

- The Panel suggests programming the space along Carling Avenue so that it's spacious and less long and linear, creating a more attractive space for pedestrians.
  - Locate entrances to the retail space along Carling in order to animate this façade.
  - Establish a plaza at the corner of Merivale and Carling designed to enhance the pedestrian experience, with appropriate lights, pedestrian crossing, benches, transit stop, and public art.
- The Panel advises that there is potential for retail tenants to blank their ground floor façades. Mandate glass along these elevations, and ensure that where there is glass, there is visibility into the interior, and ensure that views into the interior spaces are not blocked by lifestyle advertisements.

#### **Neighbourhood Context**

- The Panel highlights that the overall character of the site is lacking, and there is an opportunity to establish a new character to the site, from both fabric buildings to landmarks.
  - Consider integrating the vocabulary of the surrounding neighbourhood into



the development. That character is defined by the red brick Hydro Electric building along Carling Avenue to the east, and the war time veteran's housing to the south.

- One suggestion from the Panel is to establish a strong green link along the Merivale Road edge of the site, connecting this development to the Island Park federal driveway, and to Hampton Park. Island Park Drive is one of the most scenic driveways in Ottawa, and Hampton Park is an expansive area of forested trails. Knitting the development into this unique urban fabric would improve the quality of life for residents, and enhance the overall project.

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

- The tower shifted further east, within reasonable distance from the hydro station on Merivale, taking into consideration sightlines and views from east-facing residential units.
- Architectural elements from the tower are brought down to the ground level to better relate to the corner at Carling Avenue and Merivale Road.
- Additional glazing was added to the ground floor to strengthen the relationship of commercial spaces and residential lobby to the public realm.
- With the recommendation of introducing a subtle building design, the red canopies and penthouse balcony elements have been removed to reveal curtain walls and a simple glass volume on top of the tower to better complement future phases.
- The use of different coloured bricks adds depth to the overall building volume. The darker material used on the edges of the tower visually breaks up its large massing, better blending it in with the surrounding context.

## **CONSULTATION DETAILS**

### **Councillor's Concurrence**

Councillor Jeff Leiper was aware of Staff's recommendation. Councillor Leiper has concurred with the proposed conditions of approval.

### **Public Comments**

This application was subject to public circulation under the Public Notification and Consultation Policy. Planning Services received submissions from five members of the public through the circulation period.

There was also a public information session which took place on Tuesday January 22, 2019. In attendance at the public meeting were Councillor Leiper, Councillor Brockington and 67 members of the public signed into the event. Below summarizes their concerns:

- There is a need for improved connectivity to the site using active transportation all year long.
  - Provide winter maintenance to the MUP through Hampton Park from Parkview Road to Island Park Drive
  - Provide a wider sidewalk along Merivale Road. This will support foot traffic going north to Hampton Park for recreation.
  - Replace the on-street cycle lane with protected cycle tracks along the Carling Street frontage.
  - Provide more infrastructure to support pedestrian activity within the site.

*Response:* Through the second phase of the redevelopment of Westgate, the Owner will be required to provide a new cycle track along Carling Avenue in front of the site. Through the final phase of the redevelopment of Westgate, the Owner will be required to provide a new cycle track along Merivale Avenue in front of the site. The Right-Of-Way condition fronting both public streets will be improved through later phases of redevelopment.

- There is concern with the proposed massing and shadowing impacts along Viscount Avenue.

*Response:* The City is satisfied that the shadowing impacts of the towers are minimal given the location of the property, adjacent to the highway corridor.

- There is concern that the privacy of the surrounding neighbours will be compromised with the addition of the proposed balconies and amenity space for the proposal.

*Response:* The City is satisfied that the privacy impacts of the towers are minimal given the location of the property, adjacent to the highway corridor and along the Arterial Mainstreet of Carling Avenue and on Merivale Road.

- There is concern that during construction, there will be negative traffic/parking effects on neighbouring communities.

*Response:* The City is satisfied that given the abundance of surface parking currently provided on-site, that the negative impacts of traffic related to construction will be minimized.

- There is concern that vehicular access for those travelling from the east is limited. Which route are you proposing residents use?

*Response:* The accesses currently on-site today will be retained.



## **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 complexity of the issues associated with changes in the Right-Of-Way in future phases

**Contact:** Ann O'Connor Tel: 613-580-2424, ext. 12658, fax 613-580-2576 or e-mail: [ann.oconnor@ottawa.ca](mailto:ann.oconnor@ottawa.ca)

## Document 1 – Location Map

