



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

Site Location: 989 Somerset Street West

File No.: D07-12-14-0081

Date of Application: April 28, 2014

This SITE PLAN CONTROL application submitted by Taggart (City Centre) Ltd. is APPROVED as shown on the following plans:

1. **Site Plan, 989 Somerset**, Drawing No. A1.00, prepared by Hobin Architecture, dated October 2, 2023, revision C dated January 12, 2024.
2. **Landscape Plan, 15 Storey Multi Unit Residential Building 989 Somerset**, Drawing No. L1, prepared by GJA Inc., dated March 2022, revision 6 dated January 15, 2024.
3. **Erosion Control Plan, 989 Somerset Street**, Drawing No. EC-1, prepared by David Schaeffer Engineering Ltd., dated June 2021, revision 15 dated January 17, 2024.
4. **Grading Plan, 989 Somerset Street**, Drawing No. GP-1, prepared by David Schaeffer Engineering Ltd., dated June 2021, revision 15 dated January 17, 2024.
5. **Stormwater Management Plan, 989 Somerset Street**, Drawing No. SWM-1, prepared by David Schaeffer Engineering Ltd., dated June 2021, revision 15 dated January 17, 2024.
6. **Site Servicing Plan, 989 Somerset Street**, Drawing No. SSP-1, prepared by David Schaeffer Engineering Ltd., dated June 2021, revision 15 dated January 17, 2024.
7. **South Elevation, 989 Somerset**, Drawing No. A3.01, prepared by Hobin Architecture, revision B dated December 19, 2023.
8. **West Elevation, 989 Somerset**, Drawing No. A3.02, prepared by Hobin Architecture, revision B dated December 19, 2023.

9. **North Elevation, 989 Somerset**, Drawing No. A3.03, prepared by Hobin Architecture, revision B dated December 19, 2023.
10. **East Elevation, 989 Somerset**, Drawing No. A3.04, prepared by Hobin Architecture, revision B dated December 19, 2023.

And as detailed in the following reports:

11. **Geotechnical Investigation, Proposed Multi-Storey Building, 989 Somerset Street West**, Report No. PG5885-1 Revision 3, prepared by Paterson Group Inc., dated May 25, 2022.
12. **Site Servicing and Stormwater Management Report, Taggart Realty Management, 989 Somerset Street**, Project No. 21-1239, prepared by David Schaeffer Engineering Ltd., Revision 5 dated April 2022.
13. **Phase I – Environmental Site Assessment, Existing Commercial Property, 989 Somerset Street West**, Project No. PE3185-1, prepared by Paterson Group Inc., dated April 14, 2014.
14. **Roadway Traffic Noise Assessment, 989 Somerset Street West**, Report No. 13-116 – Traffic Noise, prepared by Gradient Wind, dated June 8, 2021.
15. **989 Somerset Street Residential/Retail Development Transportation Overview**, Reference No. 1O1110TOX00, prepared by Delcan, dated April 11, 2014.
16. **TIA Strategy Report**, Project No. 477039-01000, prepared by Parsons, dated July 23, 2019.
17. **989 Somerset Street Residential Development, Transportation Addendum No. 2**, Project No. 478016-01000, prepared by Parsons, dated August 3, 2022.
18. **989 Somerset Street Residential Development, Transportation Addendum No. 2, Rev. 1**, Project No. 478016-01000, prepared by Parsons, dated October 6, 2022.

And subject to the following General and Special Conditions:

General Conditions

1. Execution of Agreement Within One Year

The Owner shall enter into this Site Plan Control Agreement, including all standard and special conditions, financial and otherwise, as required by the City. In the event that the Owner fails to sign this Agreement and complete the conditions to be satisfied prior to the signing of this Agreement within one (1) year of Site Plan approval, the approval shall lapse.

2. **Barrier Curbs**

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

3. **Water Supply for Fire Fighting**

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

4. **Reinstatement of City Property**

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

5. **Construction Fencing**

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

6. **Construct Sidewalks**

The Owner shall design and construct sidewalk(s) within public rights-of-way or on other City owned lands to provide a pedestrian connection from or to the site as may be determined by the General Manager, Planning, Real Estate and Economic Development. Such sidewalk(s) shall be constructed to City Standards.

7. **Extend Internal Walkway**

The Owner shall extend internal walkways beyond the limits of the subject lands to connect to existing or proposed public sidewalks, at the sole expense of the Owner, to the satisfaction of the General Manager, Planning, Real Estate and Economic Development.

8. **Completion of Works**

The Owner acknowledges and agrees that no new building will be occupied on the lands until all requirements with respect to completion of the Works as identified in this Agreement have been carried out and received Approval by the General Manager, Planning, Real Estate and Economic Development, including the installation of municipal numbering provided in a permanent location visible during both day and night and the installation of any street name sign on relevant streets. Notwithstanding the non-completion of the foregoing Works, occupancy of a lot or structure may otherwise be permitted, if in the sole opinion of the General Manager, Planning, Real Estate and Economic Development, the aforesaid Works are proceeding satisfactorily toward completion. The Owner shall obtain the prior

consent of the General Manager, Planning, Real Estate and Economic Development for such occupancy in writing.

Until all requirements with respect to completion of the Works as identified in this Agreement have been carried out and received Approval by the General Manager, Planning, Real Estate and Economic Development, the Owner shall give notice to the City of a proposed conveyance of title to any building at least thirty (30) days prior to any such conveyance. No conveyance of title to any building shall be effective unless the Owner has complied with this provision.

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

9. **Development Charges**

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

10. **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, Real Estate and Economic Development, 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

11. 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.

12. Notice on Title – On-site Parking

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

"The purchaser/lessee covenants with the vendor/lessor that the above clauses, verbatim, shall be included in all subsequent agreements of purchase and sale and lease agreements for the lands described herein, which covenant shall run with the said lands."

13. **Geotechnical Investigation**

The Owner acknowledges and agrees that it shall retain the services of a geotechnical engineer, licensed in the Province of Ontario, to ensure that the recommendations of the **Geotechnical Investigation, Proposed Multi-Storey Building, 989 Somerset Street West**, Report No. PG5885-1 Revision 3, prepared by Paterson Group Inc., dated May 25, 2022 (the "Report"), referenced in Schedule "E" herein, are fully implemented. The Owner further acknowledges and agrees that it shall provide the General Manager, Planning, Real Estate and Economic Development with confirmation issued by the geotechnical engineer that the Owner has complied with all recommendations and provisions of the Report, prior to construction of the foundation and at the completion of the Works, which confirmation shall be to the satisfaction of the General Manager, Planning, Real Estate and Economic Development.

14. **Geotechnical – Encroachments**

The Owner acknowledges and agree that the **Geotechnical Investigation, Proposed Multi-Storey Building, 989 Somerset Street West**, Report No. PG5885-1 Revision 3, prepared by Paterson Group Inc., dated May 25, 2022 has recommended a method of shoring that may encroach onto the adjacent property or onto the City's right-of way. The Owner acknowledges and agrees that it shall be required to obtain the approval of the adjacent property owner and/or receive municipal consent for any Works within the said Road, prior to the installation of any encroachments. The Owner acknowledges and agrees that for encroachments within the said Road, the Owner shall ensure that there will be no conflicts between the proposed shoring method and the municipal services or utilities in the said Road.

15. **Record of Site Condition**

Prior to the issuance of any building permit, the Owner shall submit to the General Manager, Planning, Real Estate and Economic Development, and the Chief Building Official, a Record of Site Condition ("RSC") completed in accordance with the *Environmental Protection Act*, R.S.O. 1990, c. E.19, *O.Reg. 153/04* ("*O.Reg. 153/04*"), as amended, and such RSC shall be acknowledged by the Ministry of the Environment, Conservation and Parks. The RSC shall confirm that all or part of the site is 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* which shall be at the sole discretion of the Chief Building Official.

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. **Protection of City Sewers**

- (a) Prior to the issuance of a building permit, the Owner shall, at its expense:
 - (i) provide the General Manager, Planning, Real Estate and Economic Development with the engineering report from a Professional Engineer, licensed in the Province of Ontario, which report shall outline the impact of the proposed building's footing and foundation walls, on the City sewer system, that crosses the City Centre Avenue and Spruce Street frontages (the "City Sewer System") and the impact of the existing City Sewer System on the building's footing and foundation walls;
 - (ii) obtain a legal survey acceptable to the General Manager, Planning, Real Estate and Economic Development and the City's Surveyor, showing the existing City Sewer System within City Centre Avenue and Spruce Street 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 City Centre Avenue and Spruce Street prior to any construction to determine the condition of the existing City Sewer System prior to construction on the lands and to provide said video inspection to the General Manager, Planning, Real Estate and Economic Development.

- (b) Upon completion of construction on the lands, the Owner shall, at its expense and to the satisfaction of the General Manager, Planning, Real Estate and Economic Development:
 - (i) obtain a video inspection of the existing City Sewer System within City Centre Avenue and Spruce Street 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 Centre Avenue and Spruce Street and compensate the City for the full amount of any required repairs to the City Sewer System.

19. **Stormwater Management Memorandum**

Prior to registration of this Agreement, the Owner acknowledges and agrees to provide the General Manager, Planning, Real Estate and Economic Development, with a memorandum prepared by a Professional Engineer, licensed in the Province of Ontario, confirming that the designed roof-top scuppers and associated spill point elevations will be set equivalent to the top of the control weir of the approved roof drain elevation(s). The Owner further acknowledges and agrees that said memorandum shall be to the satisfaction of the General Manager, Planning, Real Estate and Economic Development, and all associated costs shall be the Owner's responsibility.

20. **Stormwater Works Certification**

Upon completion of all stormwater management Works, the Owner acknowledges and agrees to retain the services of a Professional Engineer, licensed in the Province of Ontario, to ensure that all measures have been implemented in conformity with the approved Plans and Reports, referenced in Schedule "E" herein. The Owner further acknowledges and agrees to provide the General Manager, Planning, Real Estate and Economic Development with certificates of compliance issued by a Professional Engineer, licensed in the Province of Ontario, confirming that all recommendations and provisions have been implemented in accordance with the approved Plans and Reports referenced in Schedule "E" herein.

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

The Owner acknowledges and agrees to install and maintain in good working order the required roof-top and in-ground stormwater inlet control devices, as recommended in the approved **Site Servicing and Stormwater Management Report, Taggart Realty Management, 989 Somerset Street**, Project No. 21-1239, prepared by David Schaeffer Engineering Ltd., Revision 5 dated April 2022, referenced in Schedule "E" herein. The Owner further acknowledges and agrees it shall assume all maintenance and replacement responsibilities in perpetuity. The Owner shall keep all records of inspection and maintenance in perpetuity, and shall provide said records to the City upon its request.

22. **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 Drawings 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, Real Estate and Economic Development.

23. **Use of Explosives and Pre-Blast Survey**

The Owner acknowledges and agrees that all blasting activities will conform to the City's Standard S.P. No. F-1201 entitled Use of Explosives, as amended. Prior to any blasting activities, a pre-blast survey shall be prepared as per S.P. No. F-1201, at the Owner's expense, for all buildings, utilities, structures, water wells and facilities likely to be affected by the blast based on the location where explosives are to be used. In particular, a pre-blast survey shall be completed in accordance with Table 1 of S.P. No. F-1201. 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.

24. **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, Real

Estate and Economic Development, from a Professional Engineer, licensed in the Province of Ontario, that the site lighting has been constructed in accordance with the Owner's approved design plan.

25. **Somerset Bridge (underpass of City Centre Avenue near the Site)**

In order to ensure the integrity of the Somerset Bridge (the "Bridge") at the southern boundary of the site, which is an important infrastructure asset of the City of Ottawa, the Owner acknowledges and agrees to undertake the following:

- (a) A site-specific Settlement and Vibration Monitoring Program ("Program") will be developed and stamped by a professional Engineer in the Province of Ontario and will be submitted to the City for their review and approval before the inclusion of the Program in the contract documents;
- (b) Should monitoring levels of vibration and underground soil movement exceed the maximum limits outlined in the Program, the Owner agrees to cease all construction activities immediately, and will take necessary correction option and at the same time will report to the City immediately and will resubmit a revised Program to the City;
- (c) In the event that the levels of vibration momentarily exceed the maximum limits or the settlements exceed the limits outlined in the Program, but the Owner's on-site consultant is of the professional opinion that no danger exists, the Owner may continue to proceed with the work by a different means, consistent with the Program, that does not further cause the levels of vibration/settlement to exceed the maximum limits outlined in the Program. Prior to proceeding with the work, the exceedance shall be reported to the Construction Services Branch of the City;
- (d) In the event of any requirement for emergency repairs of the Bridge, the Owner shall reimburse the City for the cost of such repair to the satisfaction of the General Manager, Planning, Real Estate and Economic Development.
- (e) The City reserves the right to issue a stop work order for the construction in the event of an incident which would adversely affect the City's infrastructure (the Bridge). Where the stop work order is for a period of 24 hours or less, the City is not responsible for any delay claim billed by the developer. No inference of liability is to be taken from these conditions for any period longer than 24 hours.
- (f) A certificate of liability insurance shall be submitted to the City wherein the Owner is the named insured and the City of Ottawa is an additional insured. The limits of the policy shall be in the amount of \$10,000,000 and shall be kept in full force and effect for the term of the construction work.

26. **Cash-In-Lieu of Conveyance of Parkland**

Prior to registration of the Site Plan Agreement, the Owner acknowledges and agrees to pay cash-in-lieu of conveyance of parkland as referenced in Schedule "B"

herein. Pursuant to the City's Parkland Dedication By-law, being By-law No. 2022-280, as amended, 40% of said funds collected shall be directed to City wide funds, and 60% shall be directed to Ward 14 funds. The Owner shall also pay the parkland appraisal fee of \$820.00 plus H.S.T. of \$106.60, as referenced in Schedule "B" herein.

27. **Corner Pedestrian Surface Easement**

Prior to the registration of this Agreement, the Owner shall grant to the City, at no cost to the City, an unencumbered 3 metre x 3 metre corner easement for pedestrian access and crossing at the southeast corner of City Centre Avenue and Spruce Street West, as shown on the approved **Site Plan, 989 Somerset**, Drawing No. A1.00, prepared by Hobin Architecture, dated October 2, 2023, revision C dated January 12, 2024, referenced in Schedule "E" hereto, to the satisfaction of the City. The Owner shall provide a Reference Plan for registration, indicating the pedestrian surface easement, to the City Surveyor for review and approval prior to its deposit in the Land Registry Office. Such reference plan must be tied to the Horizontal Control Network in accordance with the municipal requirements and guidelines for referencing legal surveys. The Owner acknowledges and agrees to provide an electronic copy of the Transfer and a copy of the deposited reference plan to the City Solicitor prior to registration of the easement. All costs shall be borne by the Owner.

28. **Permanent Features**

The Owner acknowledges and agrees that no permanent features greater in height than 0.75 metres, including commercial signage, shall be permitted above grade within the corner pedestrian surface easement described within Clause 27.

29. **Public Staircase**

- (a) The Owner acknowledges and agrees that it shall be responsible to provide and maintain unobstructed access and use of the public staircase providing public pedestrian access between Somerset Street West and City Centre Avenue, as shown on the approved **Site Plan, 989 Somerset**, Drawing No. A1.00, prepared by Hobin Architecture, dated October 2, 2023, revision C dated January 12, 2024, referenced in Schedule "E" herein, in perpetuity.
- (b) The Owner acknowledges and agrees that a notice-on-title respecting the public staircase, as contained in Clause 30 hereinafter, 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.
- (c) The Owner further acknowledges and agrees that the City shall not be liable for any maintenance or insurance claims arising from the maintenance or use of the public staircase.

30. **Public Staircase – Notice on Title**

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 an unobstructed public staircase providing pedestrian access between Somerset Street West and City Centre Avenue shall be provided and maintained in perpetuity. The purchaser/lessee further acknowledges being advised that the City of Ottawa shall not be held liable for any maintenance or insurance claims arising from the maintenance or use of the public staircase."

"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."

31. **Noise Control Attenuation Measures**

The Owner acknowledges and agrees to implement the noise control attenuation measures recommended in the approved **Roadway Traffic Noise Assessment, 989 Somerset Street West**, Report No. 13-116 – Traffic Noise, prepared by Gradient Wind, dated June 8, 2021, 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) prior to the issuance of a building permit, a review of building components (windows, walls, doors) is required and must be designed to achieve indoor sound levels within the City's and the Ministry of the Environment, Conservation and Parks' noise criteria. A letter shall be prepared by a qualified professional and provided to the General Manager, Planning, Real

Estate and Economic Development confirming the plans submitted for building permit issuance have incorporated any and all mitigation measures to achieve the required indoor sound levels;

32. **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:

"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."

"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."

33. **Stationary Noise Study**

The Owner acknowledges and agrees that it shall retain the services of a professional engineer licensed in the Province of Ontario to provide a Stationary Noise Study (the "Report") for review to Development Review – Central, Planning, Real Estate and Economic Development Department, prior to the issuance of a building permit, further to the approved **Roadway Traffic Noise Assessment, 989 Somerset Street West**, Report No. 13-116 – Traffic Noise, prepared by Gradient Wind, dated June 8, 2021, referenced in Schedule "E" of this Agreement. The Owner further acknowledges and agrees that it shall provide the General Manager, Planning, Estate and Economic Development with confirmation issued by the professional engineer that the Owner has complied with all recommendations and provisions of the Report, prior to building occupancy, which confirmation shall be to the satisfaction of the General Manager, Planning, Real Estate and Economic Development.

34. **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 City Centre Avenue and Spruce Street West rights-of-way,

as shown on the approved **Landscape Plan, 15 Storey Multi Unit Residential Building 989 Somerset**, Drawing No. L1, prepared by GJA Inc., dated March 2022, revision 6 dated January 15, 2024, referenced in Schedule “E” herein, including all plant and landscaping material (except municipal trees). 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.

35. **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.

36. **Temporary Encroachment into the City Right-of-Way**

For any zero lot line development adjacent to an arterial or collector road that will have an impact on mobility including sidewalks, cycling lanes or travelled lanes during the construction process must provide a constructability plan which indicates the impact on mobility and traffic prior to registration of the agreement and may be required to provide a traffic impact study based on the impacts on mobility during construction

February 20, 2024

Date



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

Enclosure: Site Plan Control Application approval – Supporting Information



SITE PLAN CONTROL APPROVAL APPLICATION SUPPORTING INFORMATION

File Number: D07-12-14-0081

SITE LOCATION

The site is located at 989 Somerset Street West and 158 Spruce Street West in Somerset Ward (Ward 14), and as shown on Document 1.

SYNOPSIS OF APPLICATION

The subject site is located on the north side of Somerset Street, just west of the Preston Street/Somerset Street intersection, and east of the Light Rail Transit Trillium Line corridor. The site is approximately 1,828 square metres in size, with approximately 30 metres of frontage on Somerset Street, 61 metres on City Centre Avenue, and 30 metres on Spruce Street. A two-storey warehouse building utilized for commercial purposes with a surface parking area currently occupies the lands. Uses surrounding the site include City Centre warehouse complex to the west; light industrial warehouse uses to the north; three-storey townhouse units and commercial uses to the east; and the federal government office for Public Works and Government Services to the south.

The development is a 15-storey residential building comprised of 232 dwelling units, 175 resident and visitor parking spaces, and 189 bicycle parking spaces. The dwelling units are anticipated to offer a mix of unit types including studios, one-bedroom (some with dens), and two-bedrooms.

Within the surface parking lot located at the northeast corner of the site, 11 visitor parking spaces are provided, while 164 spaces – of which 13 are visitor spaces – are provided within three levels of underground parking accessed via Spruce Street. The bicycle parking spaces, as well as 124 storage lockers, are dispersed within the building through the ground floor, as well as within the three underground parking levels. A pedestrian connection from Somerset Street to City Centre Avenue, which represents a five-metre elevation change, is provided via a pedestrian staircase that is sheltered, visible and well-lit. Amenity spaces for the development are provided indoor and within an exterior rooftop amenity space.

Residential Units and Types

Dwelling Type	Number of Units
Apartment	248

Related Applications

N/A

DECISION AND RATIONALE

This application is approved for the following reasons:

- The development conforms to the policies of the Official Plan.
- The development is in conformity with the zoning provisions applicable to the site, which permits high-rise apartment buildings.
- The development responds to the Urban Design Guidelines for High-Rise Buildings through a design that includes appropriate height transition, use of materiality to establish a clear base-middle-top design, and active frontages.
- Overall, the development represents good planning.

PARKLAND DEDICATION

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

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 May 7, 2021. The panel's recommendations from the formal review meeting are available [online](#).

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

- Massing: Stepping back of levels 9 – 15 in conjunction with reduction of these floorplates; recessing of balconies along the Somerset Street frontage to reduce the projects and quiet the expression of the façade; simplification of the garbage and loading bays.
- Architectural Expression: Reduction of floorplate for levels 9 – 15; use of lighter coloured metal panel to streamline and brighten the façade
- Public Realm: Reduced scale of planters along Somerset Street; refinement of the public staircase to ensure a safe and inviting environment for pedestrians.

ROAD MODIFICATIONS

There are no road modifications associated with this site plan control application.

CONSULTATION DETAILS

Councillor's Comments

Councillor Ariel Troster was aware of the application related to this report. Councillor has concurred with the proposed conditions of approval and provided the following comment:

1. While I appreciate and am glad to see that the application is compliant with the existing zoning bylaw, it's frustrating to see that such a significant project to the community can be undertaken without significant consultation and notification. I look forward to working with the community and the developer through the construction process to mitigate construction impact, and to ensure that the community isn't blindsided.

Public Comments

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

Advisory Committee Comments

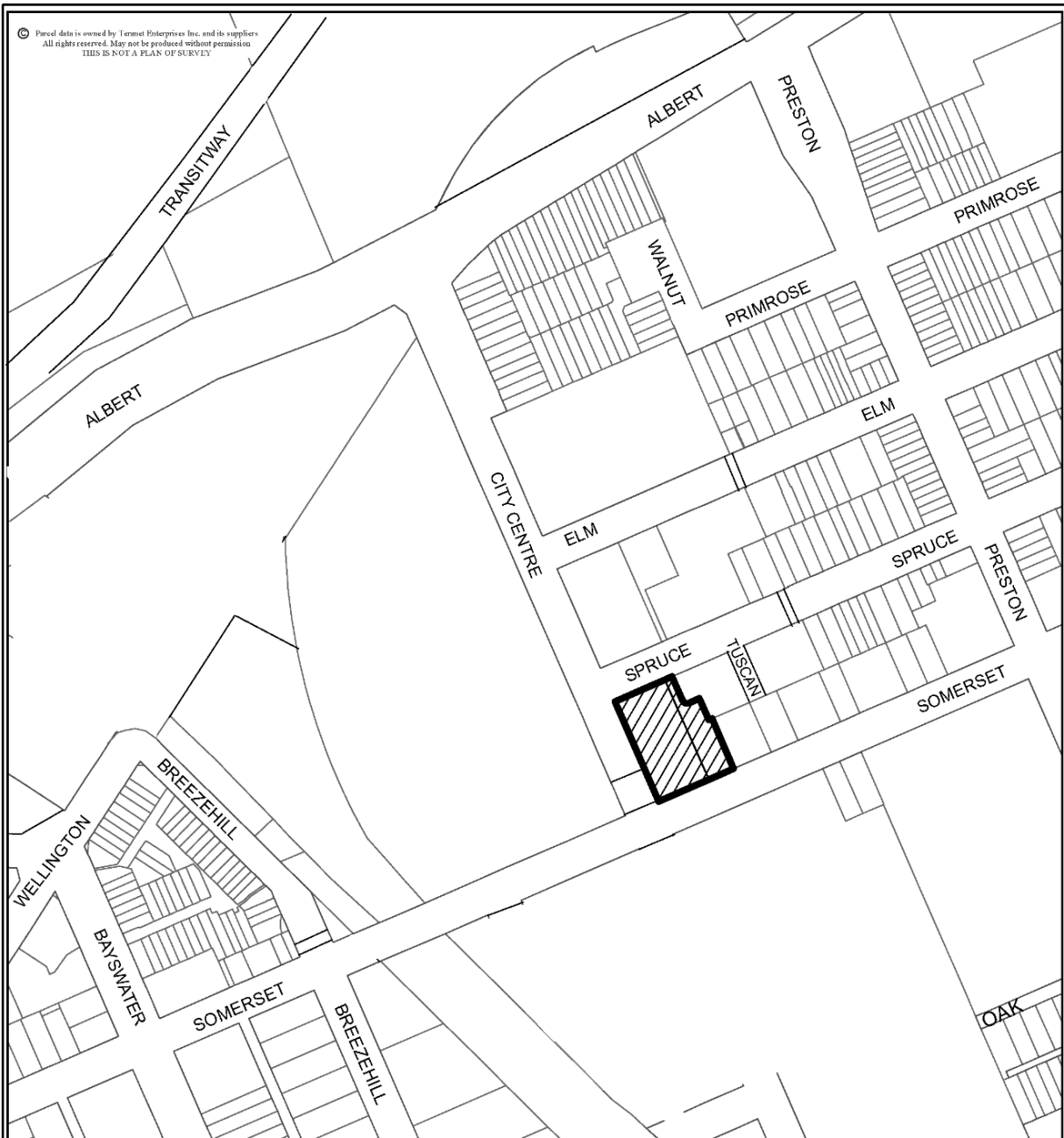
N/A


APPLICATION PROCESS TIMELINE STATUS


This Site Plan application was not processed by the On Time Decision Date due to change in property ownership.

Contact: Kersten Nitsche Tel: 613-580-2424, ext. 29233 or e-mail: Kersten.Nitsche@ottawa.ca

Document 1 – Location Map



 Produced by Infrastructure Services and Community Sustainability Produit par le Services d'infrastructure et Viabilité des collectivités	
D07-12-14-0081	14-0889-C
I:\CO\2014 \ Site Plan \ Somerset 989	
2014 /04/29	
REVISION DATE DE RÉVISION	



Location Map / Plan de révision
Site Plan / Plan de emplacement

989 Somerset Street and 158 Spruce Street

Échelle
N.T.S.
Mètres



Scale
N.T.S.
Metres