



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

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Site Location: 99 Parkdale Avenue

File No.: D07-12-19-0176

Date of Application: October 23, 2019

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This SITE PLAN CONTROL application submitted by J.L. Richards & Associates Limited, on behalf of 11034936 Canada Inc. (Brigil), is APPROVED as shown on the following plan(s):

1. Site Plan, SP-1, prepared by Roderick Lahey Architect Inc., dated April 8, 2019, revision 7 dated April 15, 2020.
2. Landscape Plan, L1.01, prepared by Levstek Consultants Inc., dated August 2019, revision 5 dated May 26, 2020.
3. Elevations, A-4, prepared by Roderick Lahey Architect Inc., dated April 8, 2019, revision 5 dated February 7, 2020.
4. Elevations A-5, prepared by Roderick Lahey Architect Inc., dated April 8, 2019, revision 5 dated February 7, 2020.
5. Enlarged West (Parkdale) Elevation, A-6, prepared by Roderick Lahey Architecture Inc., dated April 8, 2019, revision 7 dated April 15, 2020.
6. Grading and Erosion Control Plan, G1, prepared by J.L. Richards, dated October 22, 2019, revision 4 dated May 6, 2020.
7. Site Servicing Plan, S1, prepared by J.L. Richards, dated October 22, 2019, revision 5, dated June 24, 2020.
8. Removals, Reinstatements & Erosion Plan, RESC, prepared by J.L. Richards, dated October 22, 2019, revision 3 dated March 13, 2020.
9. Drainage and Stormwater Management Plan, DST, prepared by J.L. Richards, dated October 22, 2019, revision 3 dated March 13, 2020.

And as detailed in the following report(s):

1. Phase One Environmental Site Assessment 99 Parkdale Avenue Ottawa Ontario, GHD, dated October 17, 2019.
2. Geotechnical Investigation, Proposed High Rise Development, 99 Parkdale Avenue, Ottawa, ON, Golder Associates Ltd., dated July 31, 2019.
3. Hydrogeological Assessment – Predicted Groundwater Inflow and Radius of Influence – 99 Parkdale Avenue – Ottawa, Ontario, Golder, dated July 31, 2019.
4. Soil Management and Remedial Action Plan, prepared by GHD, dated May 13, 2020.
5. Site Servicing Report 99 Parkdale, prepared by prepared by J.L. Richards & Associates Limited, Revision 1, dated February 7, 2020.
6. Site Servicing Report Addendum 99 Parkdale, prepared by J.L. Richards & Associates Limited, Revision 3, dated June 30, 2020.
7. Pedestrian Level Wind Study 99 Parkdale Avenue Ottawa, Ontario, prepared by Gradient Wind Engineers & Scientists, dated October 21, 2019.
8. Pedestrian Wind Comfort Opinion Letter, prepared by Gradient Wind, dated February 24, 2020.
9. Site Lighting Certificate, Eng. Letter, prepared by Goodkey, Weedmark & Associates Limited Consulting Engineers, dated January 30, 2020.
10. Noise Control Detailed Study 99 Parkdale, prepared by J.L. Richards & Associates Limited, Revision 1, dated February 6, 2020.
11. Transportation Impact Assessment 99 Parkdale Avenue Ottawa, Ontario, prepared by J.L. Richards & Associates Limited, Revision 02 dated February 7, 2020.
12. Tree Conservation Report for 99 Parkdale, Ottawa, Ontario, prepared by Bowfin Environmental Consulting, dated July 19, 2019.

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

## **General Conditions**

### **1. Site Plan 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.

### **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. 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.

### **4. 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.

### **5. 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, Infrastructure and Economic Development Department. Such sidewalk(s) shall be constructed to City Standards.

### **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. Completion of Works**

The Owner acknowledges and agrees that no building shall be occupied on the lands, nor will the Owner convey title to any building 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, 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.

#### **9. 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.”*

#### **10. 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.

#### **11. 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 Control Detailed Study

Document prepared by J.L. Richards & Associates Ltd. dated February 6, 2020.

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

- a. Forced Air - Units on all floors without exposure to the west façade shall be fitted with a forced air heating system, and with the provision for the future installation of central air conditioning.
- b. A/C - Units on all floors with exposure to the west façade shall be fitted with central air conditioning.
- c. 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.
- d. Notices-on-Title respecting noise:

*“Purchasers/tenants are advised that despite the inclusion of noise control features within the building units, sound levels due to increasing road/transitway 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.*

*To help address the need for sound attenuation this dwelling unit includes:*

- i. single/multi-pane glass windows;*
- ii. provision for central air conditioning.*

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

*This dwelling unit has also been designed with the provision for adding central air conditioning at the occupant’s discretion. Installation of central 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 (MECP).*

and

*“Purchasers/tenants are advised that despite the inclusion of noise control features within the building units, sound levels due to increasing road/transitway 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.*

*To help address the need for sound attenuation this dwelling unit includes:*  
iii. *single/multi-pane glass windows;*  
iv. *Central air conditioning.*

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

*This dwelling unit has been supplied with a central air conditioning system and other measures which 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.”*

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**

- a. 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 **Noise Control Detailed Study**, prepared by J.L. Richards & Associates Ltd. dated February 6, 2020, 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.
- b. 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.
- c. All of the information required in subsections (a) and (b) above shall be submitted to the General Manager, Planning, Infrastructure and Economic Development Department, and shall be to his satisfaction.

3. **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.

4. **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 acknowledge 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.”

5. **Geotechnical Investigation**

The Owner acknowledges and agrees that it shall retain the services of a geotechnical engineer, licensed in the Province of Ontario, to ensure that the recommendations of the **Geotechnical Investigation Report**, prepared by Golder Associates Ltd. dated July 31, 2019, (the "Report"), referenced in Schedule "E" herein, 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.

6. **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 Parkdale Avenue frontage (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, Infrastructure and Economic Development Department and the City's Surveyor, showing the existing City Sewer System within Burnside Avenue and Emmerson Avenues 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 Burnside Avenue and Emmerson Avenues 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 Burnside Avenue and Emmerson Avenues 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 Burnside Avenue and Emmerson Avenues and compensate the City for the full amount of any required repairs to the City Sewer System.

**7. 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.

**8. Private Drainage Agreement**

The Owner(s) shall enter into a Private Drainage Agreement with the adjacent property owners, which shall be binding upon the owners and all subsequent purchasers, to deal with mutual rights for surface drainage, in accordance with the site plan approval issued by the City of Ottawa. The Private Drainage Agreement shall be registered on title, of those properties listed in the Agreement, at no cost to the City, and a copy shall be filed with the City, to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development Department.

**9. 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.

#### **10. 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.

#### **11. Cash-in-Lieu 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.

#### **12. Site Lighting Certificate**

- a. 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, 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.

#### **13. Maintenance and Liability Agreement**

The Owner acknowledges and agrees it shall be required to enter into a Maintenance and Liability Agreement for all, but not limited to, plant, seating, bicycle stands and landscaping material (except municipal trees), decorative paving and street furnishings placed in the City's right-of-way along Parkdale Avenue in accordance with City Specifications, and 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.

#### **14. 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 S1**, dated October 22, 2019, revision 5, dated July 24, 2020, **Drainage and Storm Water Management Plan**. Dwg DST, dated October 22, 2019, revision 3 dated March 13, 2020 and **Site Servicing & Stormwater Management Report**, dated February 7, 2020 and **Site Servicing Report Addendum** dated June 30, 2020, all prepared by J.L. Richards & Associates Limited.

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.

**15. 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.

**16. 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.

**17. 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 S1**, dated October 22, 2019, revision 5, dated July 24, 2020, **Drainage and Storm Water Management Plan**. Dwg DST, dated October 22, 2019, revision 3 dated March 13, 2020 and **Site Servicing & Stormwater Management Report**, dated February 7, 2020 and

**Site Servicing Report Addendum** dated June 30, 2020, all prepared by J.L. Richards & Associates Limited.

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 S1**, dated October 22, 2019, revision 5, dated July 24, 2020, **Drainage and Storm Water Management Plan**. Dwg DST, dated October 22, 2019, revision 3 dated March 13, 2020 and **Site Servicing & Stormwater Management Report**, dated February 7, 2020 and **Site Servicing Report Addendum** dated June 30, 2020, all prepared by J.L. Richards & Associates Limited.

**18. 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.

**19. Community Benefit**

The Owner acknowledges and agrees to pay Section 37 community benefit in the amount of \$153,800.00 toward upgrades to Laroche Park, with a focus on an outdoor rink.

**20. Public Lane behind Subject Property**

The Owner shall be responsible for undertaking the necessary works and paying all the costs associated with the paving of the lane located behind the subject property from the intersection with Emmerson Avenue in the north, to the southern extent of their property.

**21. Road Widening**

Prior to registration of this Agreement, the Owner acknowledges and agrees to convey to the City, at no cost to the City, an unencumbered road widening across the complete Parkdale Avenue frontage of the lands, measuring 13 metres from the existing centreline of pavement/the abutting right-of-way. The exact widening must be determined by legal survey. The Owner shall provide a reference plan for registration, indicating the widening, 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 Clerk and Solicitor prior to the execution of this Agreement by the City. All costs shall be borne by the Owner.

**22. Private Snow Clearing**

The Owner acknowledges and agrees to arrange and pay for the snow removal and maintenance of the weaving public pathway on the City's Right-Of-Way in front of the development.

**23. Permanent Encroachment Agreement**

The Owner acknowledges and agrees to enter into a permanent Encroachment Agreement to permit the encroachment of the planter walls, three benches, and bicycle rack for six spaces to be constructed within the City's Parkdale Avenue right-of-way. The Owner shall, at its expense, provide a reference plan for registration, indicating the approved encroachments, and the Owner shall submit the draft reference plan to the City's Surveyor for review and approval prior to its deposit in the Land Registry Office. The Owner further acknowledges and agrees that the cost of preparation and registration of the Encroachment Agreement will be borne by the Owner.

**24. Letter of Tolerance – Right-of-Way**

The Owner shall, within two (2) weeks of Site Plan Control Approval, file with the General Manager, Planning, Infrastructure and Economic Development a copy of the letter of tolerance issued by the Right-of-Way Unit for the encroachment of the planter walls, three benches, and bicycle rack for six spaces to be constructed within the City's Parkdale Avenue right-of-way, as shown on the approved Landscape Plan, referenced in Schedule "E" herein.

**25. Exterior Elevations Drawings**

The Owner acknowledges and agrees to construct the proposed building in accordance with the approved Elevations Plans, referenced in Schedule "E" herein. The Owner further acknowledges and agrees that any subsequent proposed changes to the approved Elevations Plans shall be filed with the General Manager, Planning, Infrastructure and Economic Development and agreed to by both the Owner and the City prior to the implementation of such changes. No amendment to this Agreement shall be required.

**26. Construction Traffic Management Plan**

Should the Owner wish to use a portion of the City's Road for construction staging prior to obtaining a building permit, the Owner must obtain an approved Traffic Management Plan from the Manager, Traffic Management, Transportation Services Department. The Owner acknowledges and agrees that the City has the right for any reason to deny use of the road allowance and to amend the approved Traffic Management Plan as required.

**27. Funds for a Crossing Guard**

Prior to the registration of this Agreement, the Owner acknowledges and agrees to provide confirmation of its arrangement with the Ottawa Safety Council to employ a crossing guard, as well as evidence demonstrating that it has paid the

Ottawa Safety Council the amount of \$7,000 in respect of such employment. This confirmation shall be to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development. The Owner further acknowledges and agrees that the crossing guard shall be positioned at a location to be decided in the future based on a safety assessment, to be conducted by the Ottawa Safety Council and the Owner, to determine the location where a crossing guard is most needed to assist the public in crossing the street. The Owner further acknowledges and agrees that the crossing guard shall be in employment for a total of six months during excavation on the subject lands in order to be in place during the school year.


**28. Pre-construction Meeting**

- a. Prior to issuance of a building permit, the Owner 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.
- b. The Owner further acknowledges and agrees that it shall provide written confirmation of said meeting to the General Manager, Planning, Infrastructure and Economic Development prior to issuance of a building permit.

**29. OC Transpo Transit Fare Incentive**

The Owner acknowledges and agrees to purchase transit passes to be distributed to each future tenant of 99 Parkdale Avenue. Transit passes shall be in the form of loaded Presto cards, or equivalent, each loaded with between \$100 and \$150 and will include the required \$6 activation fee.

October 19th, 2020  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Saide Sayah  
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:** D07-12-19-0176

### SITE LOCATION

99 Parkdale Avenue, and as shown on Document 1.

### SYNOPSIS OF APPLICATION

#### *Proposal and Site Context*

The City of Ottawa has received a Site Plan Control application to permit a 28-storey high-rise apartment building with 240 dwelling units consisting of 6 studios, 127 one-bedroom units and 101 two- or more bedroom units. Vehicular parking to the site's underground parking garage is proposed to be shared with the entrance at 121 Parkdale Avenue. This joint access is from a rear municipally owned laneway that is accessed from Burnside Avenue. The building will contain a six-level underground parking garage, with 184 residential parking spaces and 23 visitor parking spaces and 254 bicycle parking spaces.

The site is located in the Mechanicsville neighbourhood, on the east side of Parkdale Avenue, between Burnside and Emmerson Avenues. The site is currently vacant and has approximately 15 metres of frontage on Parkdale Avenue. Across the street, to the west, is Tunney's Pasture, a federal government office complex with a mix of low to high-rise office towers. To the north, the property abuts an 11-storey high-rise apartment building. To the east, the property abuts a rear laneway, beyond which is an 11-storey high-rise apartment building and a 4-storey above-ground parking garage.

The property abutting 99 Parkdale to the south is known as 121 Parkdale Ave and is currently undergoing construction to build a 32-storey mixed-use building. The development at 99 Parkdale will share a number of amenities with this development at 121 Parkdale, including vehicular access to a 6-level underground parking garage, the underground parking garage, an internal connection between podiums and a roof terrace. The two towers at 99 Parkdale and 121 Parkdale have approximately 18m separation distance.

## ***History***

On June 27, 2012, Council approved a rezoning application (File No. D02-02-11-0108) and the decision received no appeals. The property was rezoned from R5B H(37) (Residential Fifth Density, Subzone B, Height Maximum 37 metres) to R5B[1929] S284-h (Residential Fifth Density, Subzone B, Exception 1929, Schedule 284, with a holding zone). The approved Schedule 284 outlines the building envelope for the property, providing maximum permitted building heights and setbacks. The proposed plans submitted through this Site Plan Control application complies with the maximum heights set out in Schedule 284; however, there are other areas of non-compliance. To address these areas of non-compliance, the Owner applied to the Committee of Adjustment for relief. These Committee of Adjustment applications are discussed in the next section of the report.

Following the 2012 rezoning, a Site Plan Control application was approved on April 23, 2013 (File No. D07-12-11-0232). This Site Plan Control application (File No. D07-12-19-0176) will carry forward several conditions that were previously tied to the 2013 approval. Such conditions include a requirement to pay a community benefit in the amount of \$153,800. As the needs of the community have shifted since 2013, in consultation with Ward Councillor, the monies will now be directed to upgrades to Laroche Park. Other conditions carried forward in this approval include a requirement for paving the public lane behind the subject property and providing a road widening along Parkdale Avenue.

The property is designated “Mixed-Use Centre” in both Schedule B of the Official Plan and in Schedule A – Land Use of the Scott Street Secondary Plan. The 2012 rezoning took place prior to the approval of the Scott Street Secondary Plan and Community Design Plan and is still in full force and effect. There are aspects of the existing zoning permissions that do not align with the Scott Street Secondary Plan. For example, Section 4.1.2 (3) of the Secondary Plan would require that the tower portion of this high-rise building have a 11.5m minimum setback from the interior lot lines; whereas, the existing zoning Schedule 284 permits a 1.5m setback for the tower portion from the northern interior lot line and an 8.4m setback from the southern interior lot line. Since this zoning schedule came into effect prior to the Secondary Plan, any such deviations are permitted as-of-right. The 2020 Minor Variance applications for this proposal do not bring the proposal into further non-conformity with the Scott Street Secondary Plan (for example, the tower portion is not moving). As such, no Official Plan Amendment was required for the new proposal associated with this Site Plan Control application.

## ***Concurrent Applications***

On June 17, 2020 the Committee of Adjustment heard a Minor Variance application (File No. D08-02-20/A-00065) for 99 Parkdale Ave together with a related Consent Application for 121 Parkdale Ave (File No. D08-01-20/B-00060, D08-01-20/B-00071). The Minor Variance application was to permit six variances from the existing zoning on-site, to allow for the proposed building envelope, shared access with 121 Parkdale Ave, reduced width of vehicular and bicycle parking spaces, and reduced width of walkways and landscaped area. The Consent application was to establish easements/rights-of-ways over 121



Parkdale Ave for the benefit of 99 Parkdale Avenue. The Committee of Adjustment refused two of the six variances and refused to grant the associated Consent application. This decision was appealed by the applicant. On October 15, 2020 the LPAT (Local Planning Appeal Tribunal) issued a verbal decision to be effective immediately, granting the minor variances and consents sought at the Committee of Adjustment.

The Owner has also concurrently applied to lift the holding provision (File No. D07-07-20-0005). The holding symbol may not be lifted until the Site Plan Control proposal is approved by Planning Services. Once this Site Plan Control application is approved, the application to lift the holding provision will go to Council for decision.

### ***Conclusion***

Planning Services supports the Site Plan Control application to permit the 28-storey high-rise apartment building. The proposal is consistent with applicable Planning policy and represents good planning. The development will replace a vacant lot with residential uses that contribute to available housing within the urban area.

## **DECISION AND RATIONALE**

This application is approved for the following reasons:

- The proposal is consistent with the policies of the Official Plan for the “Mixed-Use Centre” designation.
- The proposal is consistent with the applicable policies of the Scott Street Secondary Plan and Community Design Plan. Specifically, the proposal conforms to applicable “Mixed Use Centre” policies within the Scott Street Secondary Plan.
- The proposal is in conformity with the provisions of the Zoning By-law 2008-250, as amended. Specifically, the proposed development complies with the R5B[1929] S284-h (Residential Fifth Density, Subzone B, Exception 1929, Schedule 284, with a holding zone).
- The Owner applied for a Minor Variance application (File No. D08-02-20/A-00065) together with a related Consent Application for 121 Parkdale Ave (File No. D08-01-20/B-00060, D08-01-20/B-00071) at the Committee of Adjustment. Two of the six variances associated with the Minor Variance application were refused and the Consent application was also refused. The decisions were subsequently appealed. On October 15, 2020 the LPAT (Local Planning Appeal Tribunal) issued a verbal decision to be effective immediately, granting the minor variances and consents sought at the Committee of Adjustment.
- The Owner has applied for a Lifting of Hold application (File No. D07-07-20-0005). The By-law will proceed to Council for passing once this Site Plan Control application has been approved, as per the conditions of the holding provision.
- The proposal is in keeping with the Urban Design Guidelines for High-rise Buildings and the Transit-Oriented Development (TOD) Guidelines.

- Conditions of approval have been applied to this site to ensure the development meets the applicable Transportation, Infrastructure and Planning requirements.
- As a part of the conditions of approval, the Owner is required to pay Section 37 community benefit in the amount of \$153,800.00 toward upgrades to Laroche Park. Furthermore, the conditions of approval secure a road widening, Cash-In-Lieu of parkland, and an Encroachment Agreement and Maintenance and Liability agreement for items within the City's Right-Of-Way.
- 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.
- The proposed site design represents good planning.

## **CONSULTATION DETAILS**

### **Councillor's Concurrence**

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

### **Public Comments**

This application was subject to public circulation under the Public Notification and Consultation Policy. There were public comments received online and staff considered these comments. Approximately 35 members of the public commented on the application throughout the process.

The Owner also hosted a community information session on December 11, 2019. Approximately 27 individuals from the community signed into the event.

Below is a summary of comments and Planning Services' responses:

#### **1. Construction**

- Concerns that the existing issues happening at the 121 Parkdale construction site will continue as 99 Parkdale is redeveloped.
- Concerns with the following construction worker activities:
  - i. parking their trucks and using equipment on public sidewalks
  - ii. disrupting sightlines at Forward and Burnside and at Parkdale, creating unsafe crossing conditions
  - iii. working beyond the City's noise by-law times for constructions (from 6am to 7pm including weekends)
  - iv. exhibiting bad behaviour

Response:

- Construction impacts are outside of Planning Services' review of Site Plan Control applications.

- As a condition tied to this approval, the Owner will be required to do a Pre-blast survey.
- The Owner is advised that normal site construction working hours are 7:00am to 4:30pm and generally limited to such. City of Ottawa noise by-law hours are 7:00am to 11:00pm.
- Construction traffic must adhere to the City of Ottawa Idling Control By-law (No. 2007-499), as with any other vehicle.
- Construction traffic must adhere to the City of Ottawa Fire Routes By-law (No. 2003-499), as with any other vehicle
- Snow clearing on site will be Minto's responsibility and will be privately managed.

## 2. Traffic, Parking and Safety of Pedestrians

- There is concern with additional traffic along Parkdale Avenue
- There is concern that the proposal is not transit-oriented development. By permitting the volume of parking proposed on-site, it undermines the City's recent efforts to encourage the use of public transit with the implementation of the LRT.
- There is a desire for the development to include more bicycle parking to encourage active transportation.
- There is a desire for the City to consider:
  - i. improving the flow of traffic management out of Colombine Driveway (from Tunney's Pasture) at rush hour
  - ii. roundabouts with crosswalks at Emmerson and/or Colombine Driveway
  - iii. temporarily allowing traffic to access the Sir John A. MacDonald Parkway from Slidell Avenue, in order to ease traffic on Burnside Avenue
- There is concern about the safety of pedestrians as they navigate around the construction site and the development post-construction. There is a desire for a crossing guard at Forward Ave and Burnside Avenue to be installed during school terms.

### Response

- Through the Site Plan Control application review process, the Owner provided the City with a Transportation Impact Assessment (TIA), which was reviewed and approved by City of Ottawa Transportation Project Managers.
- The site is within 600 metres of Tunney's Pasture Transit Station. As such, it is subject to a maximum number of permitted vehicular parking spaces due to its proximity to transit. As per Section 103 of the Zoning By-law, the proposal is permitted to have a maximum of 420 vehicular parking spaces. The development is providing a total of 207 spaces, therefore they are providing 213 less spaces than they can as-of-right.
- The Owner has increased the number of provided bicycle parking spaces provided onsite to 254 spaces.
- As a condition of Site Plan Approval, the Owner will be required to incentivize transit use by providing loaded Presto cards to new tenants.

- At this time, the City is not pursuing Roadway Modifications to the surrounding transportation network.
- As a condition of approval, there is a requirement for the Owner to provide a crossing guard to increase pedestrian safety.

### 3. Infrastructure

- There is concern that the sewer and water services in the area cannot support this development
- There is concern that the new development will decrease the water pressure in existing neighbouring developments

#### Response:

- Through the Site Plan Control application review process, the Owner provided the City with a number of infrastructure plans and studies, including a Site Servicing and Stormwater Management Report. These studies and reports were reviewed and approved by a City of Ottawa Infrastructure Project Manager. The City is satisfied that the development will not have negative infrastructure impacts to the surrounding community.


## **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 partial refusal of associated applications at the Committee of Adjustment.

**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



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| D07-12-19-0176   | 19-1235-B |
| I:\CO\2019\Site\Parkdale_99  |           |
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| REVISION / RÉVISION - 2019 / 10 /30  |           |

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



**99 av. Parkdale Ave.**



NOT TO SCALE