

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

Site Location: 114 Isabella Street

File No.: D07-12-20-0040

Date of Application: April 14, 2020

This SITE PLAN CONTROL application submitted by Taylor West, Novatech Engineering Ltd., on behalf of 2702021 Ontario Inc., is APPROVED as shown on the following plan(s):

- 1. **Site Plan**, drawing No. SP-01, prepared by Project1 Studio Inc., project No. 1912, dated 2019-11-20, revision 7 dated 2020-09-11.
- 2. Landscape Plan, drawing No. 119100-L1, prepared by Novatech, project No. 119100, dated 2019-11-20, revision 7 dated 2020-09-11.
- 3. Tree Conservation Plan, drawing No. 119100-TCR, prepared by Novatech, project No. 119100, dated Apr 7/20, revision 3 dated MAR 10/21.
- 4. **North and South Elevations**, drawing No. A201, prepared by Project1 Studio Inc., project No. 1912, revision 7 dated 2020-09-11.
- 5. **East Elevation**, drawing No. A202, prepared by Project1 Studio Inc., project No. 1912, revision 7 dated 2020-09-11.
- 6. **West Elevation**, drawing No. A203, prepared by Project1 Studio Inc., project No. 1912, revision 7 dated 2020-09-11.
- 7. Grading, Servicing and Erosion & Sediment Control Plan, drawing No. 119100-GS, prepared by Novatech Engineers Itd., Project No. 119100, dated Mar 25/20, revision 6, dated Jan 18/21.
- 8. Existing Overland Drainage Pattern, drawing No. EX, prepared by Novatech Engineers Itd., Project No. 119100, dated APR 2021.

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And as detailed in the following report(s):

- Development Servicing and Storm Water Management Report, prepared by Novatech Engineers Ltd., project No. 119100, dated April 9, 2020, revised September 18, 2020.
- 2. **Geotechnical Investigation Report**, prepared by Kollaard Associates, project No. 190650, dated June 11, 2013, revised July 31, 2019.
- 3. **Phase I Environmental Site Assessment**, prepared by Paterson Group, project No.PE4701-1, dated Aug 30, 2019.
- 4. **Phase II Environmental Site Assessment**, prepared by Kollaard Associates, project No. 130293-2, revision 1 dated March 28, 2014.
- 5. **Roadway Noise Assessment Report**, prepared by Gradientwind, Report No. 19-244-Traffic Noise, dated February 28, 2020.
- 6. **Pedestrian Level Wind Study**, prepared by Gradientwind, Report No. 19-244-PLW, dated February 28, 2020.

And subject to the following General and Special Conditions:

#### **General Conditions**

1. 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.

## 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, Infrastructure 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, Infrastructure 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, Infrastructure 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, Infrastructure 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, Infrastructure 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, Infrastructure and Economic Development, the aforesaid Works are proceeding satisfactorily toward completion. The Owner shall obtain the prior consent of the General Manager, Planning, Infrastructure 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, Infrastructure 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.

## **Special Conditions**

## 10. Asphalt Overlay

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

# 11. Noise Study

The Owner agrees to implement a noise study in compliance with the City of Ottawa Environmental Noise Control Guidelines to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development Department. The Owner shall implement the noise control attenuation measures recommended in the approved noise study.

## 12. 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 Impact Assessment Study referenced in Schedule "E" hereto, as approved by the City and/or the approval agencies and authorities (The Ministry of the Environment, Conservation and Parks) or noise thresholds identified in the City's Environmental Noise Control Guidelines. The Professional Engineer shall prepare a letter to the General Manager, Planning, Infrastructure and Economic Development (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.
- 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:
  - 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, and shall be to his satisfaction.

#### 13. Noise Control Attenuation Measures

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

- a) each unit is to be equipped with central air conditioning;
- b) further to subsection (b) above, the location and installation of any outdoor air conditioning device(s) shall comply with the noise criteria of the Ministry of the Environment, Conservation and Parks' Publication NPC-216 entitled 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;
- d) notice respecting noise shall be registered against the lands, at no cost to the City, and a warning clause shall be included in all agreements of purchase and sale or lease agreements, as detailed in paragraph \_\_\_\_\_ below.

## 14. Notice on Title - Noise Control Attenuation Measures

The Owner, or any subsequent owner of the whole or any part of the subject lands, acknowledges and agrees that all agreements of purchase and sale or lease agreements shall contain the following clauses, which shall be covenants running with the subject lands:

# Type D – Central Air Conditioning

"The Purchaser/Lessee for himself, his 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."

## **Ending Paragraph**

"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."

## 15. Geotechnical Investigation

The Owner acknowledges and agrees that it shall retain the services of a geotechnical engineer, licensed in the Province of Ontario, to ensure that the recommendations of the Geotechnical Investigation Report (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 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.

# 16. 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, Conservation and Parks.

#### 17. Stormwater Management Memorandum

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

# 18. 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 Stormwater Management Report, referenced in Schedule "E" herein. The Owner further acknowledges and agrees it shall assume all maintenance and replacement responsibilities in perpetuity. The Owner shall keep all records of inspection and maintenance in perpetuity, and shall provide said records to the City upon its request.

## 19. 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, 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, 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, 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.

## 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, Infrastructure 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. 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.

# 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 Record 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, Infrastructure and Economic Development.

# 23. Waste and Recycling Collection (Standard Collection)

## a) Residential Units

The Owner acknowledges and agrees that the City will provide waste collection and cart (and/or container) recycling collection for the residential units. The Owner shall provide an adequate storage room or space for waste containers and recycling carts (and/or containers). The Owner acknowledges and agrees that it is recommended that the containers and carts be placed on a concrete floor. The Owner shall provide an adequate constructed road access to the waste/recycling storage room or area suitable for waste/recycling vehicles as direct access to the containers and carts is required. The Owner acknowledges and agrees that any additional services (i.e. winching of containers) may result in extra charges.

b) Non-Residential/Commercial Units The Owner acknowledges and agrees that waste collection and recycling collection will not be provided by the City and it shall make appropriate arrangements with a private contractor for waste collection and recycling collection at the Owner's sole expense. The Owner shall consult a private contractor regarding any access requirements for waste and/or recycling collection.

## 24. 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 Isabella Street frontage of the lands, measuring 13.0 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.

# 25. Traffic Management Plan

Should the property Owner wish to use a portion of the City's road allowance for construction staging, prior to obtaining a building permit, the property Owner must obtain an approved Traffic Management Plan from the Manager, Traffic Management, Transportation Services Department. 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.

# 26. 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 all plant and landscaping material (except municipal trees), decorative paving and street furnishings placed in the City's right-of-way along Isabella Street 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.

#### 27. 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.

## 28. On-Site Parking

- (a) The Owner acknowledges and agrees that units within the proposed building(s) will not be provided with on-site parking. In the event any future tenant or purchaser wishes to have parking, the Owner acknowledges that alternative and lawful arrangements will need to be made to address parking needs at an alternate location and such arrangements are solely the responsibility of the person seeking parking. The Owner further acknowledges and agrees the availability and regulations governing onstreet 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 tenant or purchaser intending to rely on on-street parking for their vehicle or vehicles does so at their own risk.
- (b) The Owner acknowledges and agrees that a notice-on-title respecting onsite parking, as contained in Clause \_\_\_\_ below, 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.

## 29. On-Site Parking - Notice on Title

The Owner, or any subsequent owner of the whole or any part of the subject lands, acknowledges and agrees that all agreements of purchase and sale or lease agreements shall contain the following clauses, which shall be covenants running with the subject lands:

"The Purchaser/Lessee for himself, his heirs, executors, administrators, successors and assigns acknowledges being advised that the unit being sold/rented will not be provided with any on-site parking. Should the Purchaser/Lessee have a vehicle for which they wish to have parking, alternative and lawful arrangements will need to be made to address their parking needs at an alternate location and that such arrangements are solely the responsibility of the person seeking parking. The Purchaser/Lessee acknowledges that the availability and regulations governing onstreet parking vary; that access to on-site street parking, including through residential on-street parking permits issued by the City of Ottawa cannot be

guaranteed now or in the future; and that the Purchaser/Lessee intending to rely on on-street parking for their vehicle or vehicles does so at their own risk."

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

May 3, 2021

Date

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

File Number: D07-12-20-0040

#### SITE LOCATION

114 Isabella Street, and as shown on Document 1.

#### SYNOPSIS OF APPLICATION

The site is located on the south side of Isabella Street between O'Connor Street and Metcalfe Street in the Glebe-Dows Lake neighbourhood. The rectangular-shaped site has approximately 11 metres of frontage on Isabella Street, a lot depth of approximately 31 metres and a lot area of 340 square metres. The property was previously occupied by residential development but is currently vacant and is zoned GM4 F(3.0) [2677] (General Mixed Use Zone, Subzone 4, Maximum Floor Space Index 3, Exception 2677).

To the south of the site are low-rise residential dwellings and to the north across Isabella Street is Highway 417. To the east of the site is a retirement home built in 2006 and further east is Loblaws grocery. To the west is a fast-food restaurant and an automobile body shop.

The purpose of the application is to accommodate the redevelopment of the vacant property to construct a seven-storey mixed-use building containing a 19 dwelling units that will provide a mix of studio, one and two-bedroom units on all floors, and a bank machine (ATM) on the ground floor. Garbage will be stored on the ground level. A communal rear-yard amenity space and private amenity spaces in the form of balconies and a terrace are also included. Bicycle parking at a rate of over 1 space per dwelling unit is proposed, for a total of 20 spaces, in an indoor horizontal stacked system.

A Zoning By-law amendment (D02-02-20-0028) was approved by Council on January 27, 2021, which had the effect of providing the following relief:

- Reduction in required parking spaces and visitor parking spaces down to 0,
- Reduction in minimum width of a horizontally oriented bicycle parking space to 0.4 metre, and
- Reduction in minimum front yard setback down to 0 metre (in an abundance of caution).

The property abuts a future multi-use pathway (MUP) along Isabella Street, which is the subject of the Chamberlain Catherine Isabella Functional Design Study, currently underway, which will explore opportunities to improve walking, cycling, transit and general traffic along these streets by reviewing the existing traffic lanes and sidewalk widths, parking and loading areas, pedestrian and cyclist movements and traffic circulation. Staff from the City Transportation Planning group have been involved in the review of this application, and the building's front yard setback has been established so as to not negatively impact the future MUP. As such, the full 26-metre right of way protection is required, as reflected under Condition 27.

#### **DECISION AND RATIONALE**

This application is approved for the following reasons:

- This application is consistent with the "General Urban Area" designation of the Official Plan. The proposed development is appropriately located given its use and offers high quality urban design elements to the existing context.
- The proposed development is consistent with the intent of the Zoning By-law and meets all of the applicable performance standards of the zone, including those included in the recent Zoning By-law Amenment (D02-02-20-0028).
- The development complies with the relevant planning policy context and complies with the zoning bylaw. Accordingly, the development represents good land use planning.

#### **CONSULTATION DETAILS**

#### Councillor's Concurrence

Councillor Shawn Menard is aware of the application related to this report. Councillor has concurred with the proposed conditions of approval.

## **Public Comments**

Public Comments and Responses:

1. There is no sense in building a 19-unit dwelling without any car parking spaces. What happens when people are moving in or out of the building, or when they receive truck or food deliveries? How will those be accommodated with no driveway or parking?

Staff response: It is intended that future residents of this building will not own vehicles. Delivery vehicles can take advantage of the on-street parking area in front of the property and adjacent property for short term parking when available at certain times of day. The proposed parking rate is consistent with the site specific zoning exception.

- 2. The traffic situation is already chaotic in the area. It is difficult as it is to get out of the Villagia retirement home due to cars parked on the street. Additional high-density housing with worsen the traffic conditions.
  - Staff Response: It is not anticipated that a development with no on-site parking will have a significant impact on the local area's traffic situation.
- Adding another towering seven-storey apartment building in an otherwise singlefamily neighbourhood is not consistent with the look and feel of the community. The new building's height would block the existing building to the north's westfacing windows.
  - Staff Response: As proposed, the building meets the current zone's performance standards as it relates to height and setbacks to the side and rear property lines. While some of the side windows will be obscured by the new building, these windows either make part of the stairwell or make part of corner units who also benefit from north or south views.
- 4. The proposed building seems close to the existing pizza shop next door. This may create problems with the existing building's ventilation systems.
  - Staff Response: The building meets the current zone's side yard setback requirements. The applicant and owner have been and continue to be in contact with the property owner to the west.
- 5. The owner should work with the adjacent property owner in order to incorporate the two properties into one single development.
  - Staff Response: This has been suggested to the applicant at the beginning of the application process.

# **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 delays between submissions.

**Contact**: Jean-Charles Renaud Tel: 613-580-2424, ext. 27629, fax 613-580-2576 or e-mail: Jean-Charles.Renaud@ottawa.ca.

# **Document 1 - Location Map**

