



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

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Site Location: 319, 325, 327 Richmond Road, 381 Churchill Avenue North, and  
380 Winona Avenue

File No.: D07-12-20-0081

Date of Application: June 17, 2020

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This SITE PLAN CONTROL application submitted by Fotenn Consultants Inc., on behalf of Richmond Churchill Limited Partnership (c/o Josie Tavares), is APPROVED as shown on the following plan(s):

1. **Site Plan**, A1.01, prepared by Hobin Architects, dated 21-04-09, revision 2 dated 21-10-08.
2. **Landscape Plan**, L1.0, prepared by CSW, dated 22 May 2020, revision 5 dated 08 Oct 2021.
3. **Planting Plan**, L1.1, prepared by CSW, dated 22 May 2020, revision 5 dated 09 Oct 2021.
4. **Roof Terraces**, L2.0, prepared by CSW, dated 22 May 2020, revision 5 dated 08 Oct 2021.
5. **Details**, L4.0, prepared by CSW, dated 22 May 2020, revision 5 dated 08 Oct 2021.
6. **Details**, L4.1, prepared by CSW, dated 22 May 2020, revision 5 dated 08 Oct 2021.
7. **Details**, L4.2 prepared by CSW, dated 22 May 2020, revision 5 dated 08 Oct 2021.
8. **Tree Conservation Report**, prepared by CSW, dated 22 May, 2020, revision 2 dated 18 Dec, 2020.
9. **Elevations**, A3-01, prepared by Hobin Architects, dated 21-04-09, revision 1.

10. **Elevations**, A3-02, prepared by Hobin Architects, dated 21-04-09, revision 1.
11. **Elevations**, A3-03, prepared by Hobin Architects, dated 21-04-09, revision 1.
12. **Site Servicing, Grading, and Erosion and Sediment Control Plan**, C101, prepared by Parsons Corporation, dated June 11, 2020, revision 5 dated November 24, 2021.
13. **Drainage Areas and Roof Drain Plan**, C102, prepared by Parsons Corporation, dated June 11, 2020, revision 5 dated November 24, 2021.
14. **Details**, C103, prepared by Parsons Corporation, dated June 11, 2020, revision 5 dated November 24, 2021.

And as detailed in the following report(s):

1. **Site Servicing and Stormwater Management Report**, prepared by Parsons Corporation, dated June 11, 2020, revised November 24, 2021.
2. **Transportation Impact Assessment**, prepared by CGH Transportation, dated May 2021.
3. **Roadway Traffic Noise Assessment**, prepared by Gradient Wind Engineers & Scientists, dated May 14, 2020, revised December 18, 2020.
4. **Phase II-Environmental Site Assessment**, prepared by Paterson Group Inc., Report: PE4909-2R, dated April 8, 2021.
5. **Phase I-Environmental Site Assessment**, prepared by Paterson Group Inc., dated June 6, 2020, revised September 28, 2021.
6. **Geotechnical Investigation**, prepared by Paterson Group Inc., dated June 15, 2020.

And subject to the following General and Special Conditions:

### **General Conditions**

1. **Site Plan Agreement**

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. **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, Real Estate and Economic Development.

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 drawings of a design professional, such drawings to be approved by the General Manager, Planning, Real Estate and Economic Development.

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. **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. The existing depressed curbs and driveways shall also be reinstated to soft landscaping and full curb following the existing curb line as per City Standards, at the owner(s) expense.

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**

- a) 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.

- b) 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.
- c) 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.

## **Special Conditions**

### **9. 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.

### **10. Transportation Impact Assessment**

The Owner has undertaken a Transportation Impact Assessment for this site, which is referenced in Schedule "E" herein, to determine the infrastructure and programs needed to mitigate the impact of the proposed development on the local transportation network and to establish the site design features needed to support system-wide transportation objectives. The Owner shall ensure that the recommendations of the Transportation Impact Assessment are fully implemented, to the satisfaction of the General Manager, Planning, Real Estate and Economic Development.

### **11. 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.”

“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.”

## **12. Private Access**

The Owner acknowledges and agrees that all private accesses to Roads shall comply with the City’s Private Approach By-Law being By-Law No. 2003-447 as amended, or as approved through the Site Plan control process.

## **13. Noise Study**

Prior to the issuance of a building permit, the Owner agrees to prepare and implement a Stationary Noise Study in compliance with the City of Ottawa Environmental Noise Control Guidelines to the satisfaction of the General Manager, Planning, Real Estate and Economic Development Department. The Owner shall implement the noise control attenuation measures recommended in the approved noise study.

## **14. 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 Roadway Traffic Noise Assessment 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, Real Estate 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, Real Estate 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:

- 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, Real Estate and Economic Development, and shall be to his satisfaction.

#### **15. Noise Control Attenuation Measures**

The Owner acknowledges and agrees to implement the noise control attenuation measures recommended in the approved Roadway Traffic 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 16 below.

#### **16. 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 B – Increasing Roadway Traffic

"The Purchaser/Lessee for himself, his heirs, executors, administrators, successors and assigns acknowledges being advised that despite the inclusion of noise control

features in this development and within building units, noise levels from increasing roadway/rail/air traffic may be of concern, occasionally interfering with some activities of the dwelling occupants as the outdoor sound level exceeds the City of Ottawa's and the Ministry of the Environment, Conservation and Parks' noise criteria."

#### Type D – Central Air Conditioning

"The Purchaser/Lessee for 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."

"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."

### 17. **Geotechnical Investigation**

The Owner acknowledges and agrees that it shall retain the services of a geotechnical engineer, currently 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, 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.

### 18. **Record of Site Condition**

Prior to the issuance of a 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, as amended ("O.Reg. 153/04"), and shall be acknowledged by the Ministry of the Environment, Conservation and Parks. The RSC shall confirm that all or part of the site will be suitable for the proposed use in accordance with O.Reg. 153/04. The City may issue a building permit on a phased basis to allow for site investigation and remediation activities if permitted by O.Reg. 153/04. No further Works will be permitted until the RSC is submitted. Where available information reveals that contamination extends into a City right-of-way and submission of a RSC is not possible, a building permit may be issued on a phased basis:

- a. where the Owner has executed an off-site management agreement with the City to remediate the right-of-way and the site or;

- b. where the Owner has completed remediation Work on the right-of-way to the satisfaction of the General Manager, Planning, Real Estate and Economic Development.

**19. 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.

**20. Below Grade Parking Area 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 shall 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, as contained in Clause 22 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.

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

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

“The Purchaser/Lessee for himself, his heirs, executors, administrators, successors and assigns acknowledges being advised that during major storm events, depressed driveways and below grade parking areas may be subject to flooding due to drainage from the road allowance. The Purchaser/Lessee further acknowledges being advised that the City of Ottawa 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.”



**22. Requirement for a Grease Trap**

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

**23. 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.

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

**25. 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.

**26. 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.

**27. 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.

**28. Off-site Contaminants**

The Owner agrees that, within 6 months of registration of the Site Plan Agreement, enter into an Off-Site Contaminants Agreement, with the City to address the City’s concerns with respect to the off-site contaminants from the subject lands. The Owner acknowledges and agrees that no securities shall be released until such time as the Off-Site Contaminants Agreement has been fully executed by the Owner and the City, to the satisfaction of the City Solicitor and Clerk, Legal Services.

**29. Off-Site Contamination Management Agreement**

The Owner acknowledges and agrees that where contamination emanating from the site and impacting the City’s rights-of-way is discovered during the course of the Works, the Owner shall notify the Manager, Realty Services immediately in writing and agrees to enter into an Off-Site Management Agreement with the City to address the contamination in the rights-of-way. The Owner shall be responsible for all associated costs with the Off-Site Management Agreement, which agreement shall be to the satisfaction of the General Manager, Planning, Real Estate and Economic Development.

**30. Environmental Site Remediation Program**

The Owner acknowledges and agrees to implement an environmental site remediation program, as per the recommendations of the Supplemental Phase II Environmental Site Assessment, referenced in Schedule “E” herein, involving the excavation and off-site disposal of all impacted soil and the pumping treatment or off-site disposal of all impacted groundwater, which is to be completed concurrently with the site redevelopment. The Owner acknowledges and agrees that

- a. soils that are found to be contaminated, must be disposed, treated or recycled at a waste disposal site or landfill licensed for that purpose by the Ministry of the Environment, Conservation and Parks;

**31. Revised Phase Two Environmental Site Assessment Report**

Prior to the issuance of a building permit, the Owner agrees to provide an update to the approved Phase Two Environmental Site Assessment Report. This amendment shall be in the form of an appendix and will include a remediation report and confirmatory sampling results, to the satisfaction of the General Manager, Planning, Real Estate and Economic Development.

### **32. 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, structures, 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, Real Estate and Economic Development. 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, Real Estate and Economic Development prior to any blasting activities.

### **33. Pre-Blast Survey**

Prior to any blasting activities, the Owner acknowledges and agrees it shall arrange for a pre-blast survey to be carried out in accordance with Ontario Provincial Standard Specification entitled "General Specification for the Uses of Explosives", Section 120.07.03, by a Professional Engineer licensed in the Province of Ontario, which states as follows:

- a. A pre-blast survey shall be prepared for all buildings, utilities, structures, water wells, and facilities likely to be affected by the blast and those within 150 m 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.
- b. The pre-blast survey shall include, as a minimum, the following information:
  - i. Type of structure, including type of construction and if possible, the date when built.
  - ii. Identification and description of existing differential settlements, including visible cracks in walls, floors, and ceilings, including a diagram, if applicable, room-by-room. All other apparent structural and cosmetic damage or defect shall also be noted. Defects shall be described, including dimensions, wherever possible.

- iii. Digital photographs or digital video or both, as necessary, to record areas of significant concern. Photographs and videos shall be clear and shall accurately represent the condition of the property. Each photograph or video shall be clearly labelled with the location and date taken.
- c. A copy of the pre-blast survey limited to a single residence or property, including copies of any photographs or videos that may form part of the report shall be provided to the owner of that residence or property, upon request.

#### **34. 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);
  - ii. and 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.

#### **35. Corner Sight Triangle**

Prior to registration of this Agreement, the Owner acknowledges and agrees to convey to the City, at no cost to the City, an unencumbered corner sight triangle measuring 5.0 metres x 5.0 metres at the intersections of Churchill Avenue North and Richmond Road and Winona Avenue and Richmond Road. The exact location and area of the corner sight triangle must be determined by legal survey. The Owner shall provide a reference plan for registration, indicating the corner sight triangle, to the City Surveyor for review 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.

**36. Permanent Features**

The Owner acknowledges and agrees that no permanent features shall be permitted above and below grade within the City's widened right-of-way or corner sight triangle, including commercial signage, except as otherwise shown on the approved Site Plan referenced in Schedule E" herein.

**37. Winona and Wilmont Integrated Project Coordination**

The Owner acknowledges and agrees that site construction shall be coordinated with the City project '2020 Winona and Wilmont Integrated – Capital Project CP000540', and depending on timing and coordination, site development may incur delays as the capital project takes priority for constructability, including truck routes, staging and use of the right-of-way.

**38. Maintenance and Liability Agreement**

The Owner acknowledges and agrees it shall be required to enter into a Maintenance and Liability Agreement for plant and landscaping material (except municipal trees) for decorative pavers in the City's right-of-way along Winona 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.

**39. Exterior Elevations Drawings**

The Owner acknowledges and agrees to construct the proposed building in accordance with the approved Elevation 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, Real Estate 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.

**40. Tree Permit**

The Owner acknowledges and agrees that any trees to be removed shall be removed in accordance with an approved Tree Permit and approved the Tree Conservation Report, referenced in Schedule "E" hereto, and in accordance with the City's Tree Protection By-law, being By-Law No. 2020-340, as amended. The Owner further acknowledges and agrees that a copy of the approved Tree Permit and the said Tree Conservation Report shall be posted on the construction site at all times until Approval is granted by the City for such Works.

**41. Traffic Management Plan**

Should the Owner wish to use a portion of the City's road allowance for construction staging, prior to the issuance a building permit, the Owner shall coordinate an acceptable Traffic Management Plan with the Coordinator, Traffic Management – Construction. The City has the right for any reason to deny use of the road allowance and to amend the said Traffic Management conditions at the City's discretion, as may be required.

42. **Construction Meeting**

The owner agrees to hosting a pre-construction meeting with the community and Ward Councillor's office prior to the start of excavation and construction on the Site.

February 7, 2022

\_\_\_\_\_  
Date



\_\_\_\_\_  
Douglas James  
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

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**File Number:** D07-12-20-0081

### SITE LOCATION

381 Churchill, 319, 325, 327 Richmond, 380 Winona and as shown on Document 1.

### SYNOPSIS OF APPLICATION

The subject site is located in the Westboro neighbourhood, along the north side of Richmond Road in the block between Churchill Avenue North to the west and Winona Avenue to the east. The subject site also incorporates properties with frontages on Churchill Avenue North and Winona Avenue.

The site has approximately 60 metres of frontage along Richmond Road, a lot depth of approximately 55 metres along Churchill Avenue North as well as Winona Avenue. The subject site is 3,270 square metres in size. Currently, the subject property is developed with a one-storey automobile garage and surface parking at the east corner at Winona Avenue, and a two-storey mixed-use building with commercial at-grade and a rear surface parking lot at the corner of Churchill Avenue. On the Churchill Avenue portion of the subject property, there is currently a 2.5-storey residential apartment building, and on the Winona Avenue portion there is a two-storey duplex.

The surrounding properties contain a mix of uses, including small-scale retail, service commercial and low-density residential uses, ranging from low-rise apartment buildings to older 1.5-storey houses to the North and transitioning to a new four-storey commercial building to the South. East and west of the subject site, along Richmond Road, is the traditional mainstreet environment within two-storey buildings with ground floor retail and restaurant uses.

The applicant is proposing to construct a nine-storey mixed-use building with at-grade commercial uses and approximately 180 residential dwelling units in the upper storeys. A tenth storey incorporates the mechanical penthouse and indoor amenity room with access to a roof-top terrace. An underground parking garage accessed from Churchill Avenue provides a total of 131 vehicular parking spaces, of which there are 95 residential, 17 visitor and 19 retail spaces. There will be 194 bicycle parking spaces provided externally and stored internally using a stacking system within a ground floor bike room and within the parking garage levels. The site access for loading and garbage is accessible via a rear private laneway accessed from Winona Avenue.

The nine-storey mixed-use building offers an H-shape configuration and an irregular stepped wall frontage along Richmond road to enhance and improve the pedestrian experience along Main Street. The proposed building retains the previous stepped building profile along Churchill, Richmond and Winona above the 3<sup>rd</sup> and 7<sup>th</sup> floor. The building profile along the rear yard on Winona Avenue is also retained with its 45-degree stepped articulation to achieve a suitable transition down to the lower scale neighbourhood north of the property. The proposed development is clad in a variety of brick, metal and panel materials. The ground floor commercial is defined by being clad in a dark grey brick, and the upper floors are clad in a mix of red brick, dark grey brick, and light and dark metal siding.

## **DECISION AND RATIONALE**

This application is approved for the following reasons:

- The subject site is designated Traditional Mainstreet as set out in Section 3.6.3 of the Official Plan. The proposed development is consistent with the policies of the Traditional Mainstreet, which supports the development of medium-density and mixed-use development, supported by increased walking, cycling and transit use along with built form that emphasizes street level animation and a pedestrian-friendly environment with active frontages. The proposal's mixed-use features relate well to neighbouring properties.
- The subject site is located within the Westboro Village planning sector pursuant to Schedule A of the Richmond Road/Westboro Secondary Plan. The proposed development is consistent with the policies for the Westboro Village planning sector (Sector 3), which encourages a pedestrian-friendly environment with measures such as wider sidewalk and room for tree planting. The proposal's courtyard relates well to the Secondary Plan.
- The Site Plan Control application is consistent with the site-specific Zoning By-law Amendment that was approved by Council on June 14, 2021 with all levels of appeal exhausted (Staff Report No: ACS2021-PIE-PS-0078).
- The site is subject to the Urban Design Guidelines for Traditional Mainstreets. The proposed development is consistent with these Guidelines by achieving high-quality built forms, providing continuity along Mainstreets and fostering compact pedestrian-oriented development and a broad range of uses.
- The site is subject to the Urban Design Guidelines for Transit-Oriented Development. The proposed development is consistent with these Guidelines by providing a mix of uses and densities that complement both transit users and the local community; ensuring that the built form is designed to encourage transit use; and managing the safe circulation of pedestrians, cyclists, vehicles and parking while creating quality public spaces that provide direct, convenient, safe and attractive access to transit.
- The proposed mixed-use development complies with the relevant planning policy context by introducing intensification through a new mid-rise, mixed-use building and being designed to achieve compatibility with the existing character and planned function of the area. Accordingly, the development represents good land use planning.



- A Site Plan Agreement is required to ensure development in accordance with the special conditions.

## **PARKLAND DEDICATION**

Parkland dedication, in accordance with By-law 2009-95, 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 December 4, 2020.

The panel's recommendations from the formal review meeting are:

### **Summary**

- The Panel generally supported the architectural expression of the proposal but reiterated several of its previous recommendations for improving the massing of the proposal and its relationship with the neighbourhood to the north.

### **Massing**

- The Panel appreciates the elegant and sophisticated design and the design moves that have been made since the last proposal, but it reiterates its previous recommendation that an L-shaped building would be preferable to a U-shaped building.
- The Panel also reiterates its previous recommendation to reduce the scale of the Wynona Avenue mass down to four storeys to better reflect the character of the street, improve transition to the existing neighbourhood, and to increase the amount of light that the courtyard receives.

### **Proposed Massing Configuration (H-shape)**

- The Panel recognizes that the H-shape massing configuration will improve the condition for the units in the building, is beneficial in terms of expanding the public realm, and the stepping does hold the streetwall condition.
- The transition of the massing on Churchill to the neighbourhood to the north and the amount of glazing on this side façade is concerning. Explore possibilities of increasing the tight setback and stepping the massing away from the north property line. Shifting the garage access one bay to the south and stepping the upper floors away from the north property line by one additional bay would help improve this relationship.
- The Panel expressed concern that the inset middle portion of the "H" is now flush with the mechanical penthouse above. It is recommended that the mechanical penthouse level be setback to reduce its visibility from the street.

- The clocktower element feels more out of place in an H-shape configuration and overwhelms the patio. It was suggested that it felt more purposeful in the previous scheme and may no longer be needed.
- The Panel recommended a greater alignment of the built form to Richmond Road.

### **Materiality**

- Consider lightening the colour of the materials of the base of the building, as it would make the ground floor more welcoming. A black cornice line with a lighter material below is recommended.
- Study the materiality of the corner feature carefully. How brightly will it be lit at night and how will curtains affect this? Will the clocktower be an entirely transparent box and will the clock mechanisms behind be visible?

### **Public Realm**

- The Panel appreciates the generous public realm along Richmond. Ensure that sidewalk continuity is maintained and that at least four or five street trees are planted along this frontage.
- In the “H” configuration, the Richmond courtyard space will become the more important space compared to that at the corner, which previously was larger. The courtyard should be the focus for a patio and the corner space should be designed as a strong pedestrian area. The patio at the corner detracts from the public realm at this important intersection.
- The Panel reiterates its previous recommendation that the project would benefit greatly from a mid-block connection at the rear of the site. If this is not possible, ensure that the narrow walkway from Churchill to the courtyard is designed to adhere to CPTED principles and is adequately lit.
- Explore ways of introducing street parking to support retail.
- Consider appropriate locations for bicycle racks on the site.

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

- The H-shaped building design was selected as it provides a balance of density and open space. It is important to note that building design and layout significantly changed from application submission, and this was positively reflected in the panel recommendations.
- The level 8/9 canopy projections along Churchill were reduced in size to improve the building setback, and the mechanical penthouse and amenity room level was further setback.
- Window sizes were reduced on the southern façade and materiality simplified to improve relationship as the development transitions into low-rise context.
- Patio was removed from the corner of Churchill and Richmond to allow for wider pedestrian realm and streetscaping at this corner.

## **CONSULTATION DETAILS**

### **Councillor's Concurrence**

Councillor Jeff Leiper has concurred with the proposed conditions of approval.

### **Public Comments**

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

#### Summary of public comments and responses

##### **Corner Public Plaza**

- Concerned with safety and noise due to street proximity
- Appreciate the opportunity for natural sunlight due to southern exposure.
- Presentation did not include streetscape amenities such as bicycle stands.

##### **Response:**

The public plaza has been relocated from the corner of Churchill and Richmond to a mid-block location off of Richmond to provide greater separation from the street. The courtyard space is south facing to maximize sun exposure. The corner space will be revised as a more informal pedestrian area, with wider sidewalks and room for street trees and furniture. The project will incorporate locations for bicycle racks near both residential and retail entrances along all three streets.

##### **Presentation to the main village streets**

- Concerned that the building's height, setbacks, and the clocktower, make it too imposing a structure for a village.
- The building does not have sufficient setbacks making the façade is very imposing for pedestrians.

##### **Response:**

The height and scale of the building was reviewed in accordance with Official Plan, Richmond Road / Westboro Secondary Plan, and key design guidelines as discussed in the report. Richmond Road is a Traditional Mainstreet which represents a significant opportunity for intensification, and the specific policies in the Secondary Plan that allow for the consideration of a taller building have been satisfied. The clocktower portion of the building is set furthest from the neighbouring low-rise residential properties. The rear portion of the development has the podium transition to height of three-storeys using a 45-degree angular plane. The building incorporates stepbacks along the street frontages after the third and seventh levels.

## **Architecture**

- Would like to see more attractive architecture with an emphasis on contemporary units that have more natural light
- It would be great to have Westboro maintain its ties to its industrial past by keeping some street imagery or through architectural features.

## **Response:**

The Official Plan provides direction for urban design and compatibility, outlining, in a broad nature, design objectives such as defining quality spaces, ensuring safety and accessibility, respecting the character of the community, considerations on the adaptability of space in a building, and sustainability. The proposed building design demonstrates quality architecture and the revision from the original submission of the “U” shaped building to the current “H” shaped building resulted in further design improvement. Final materiality is secured through this Site Plan approval.

## **Traffic/Parking Considerations**

- Parking for retail in Westboro is primarily on street and as the popularity of the retail in the area has grown the pressure on street parking has increased. As a result parking on the more residential side streets off Richmond Road has become a problem. The amount of commercial parking is an important consideration with this application because it right on Richmond.
- You will really need to reconsider traffic flow issues once all the towers are built on Scott, Richmond, Churchill and Winona.
- You are going to need arrowed turn lights at Richmond/Churchill and Winona Avenue South at Richmond. This is clogged nowadays without added population.

## **Response:**

The Official Plan encourages intensification and development where there are opportunities to support alternative modes of travel from the car. The site is located approximately 550 metres from a transit station and will include improved pedestrian and cycling connections.

Review of the submitted Transportation Impact Assessment has determined that the development has provided all measures required by the Transit Demand Strategies to support design.

## **General Comments**

- Overall I don't think this apartment building is right for Richmond and Churchill.
- I would like to see our neighbourhood be more liveable and walkable with lots of trees, green space, and wide sidewalks. Buildings should be no taller than the full height of an average tree.
- What are the plans for charging stations?
- What environmental class of building do you intend this to be?

**Response:**

The height and scale of the building was reviewed in accordance with Official Plan, Richmond Road / Westboro Secondary Plan, and key design guidelines. Staff are satisfied that the proposed height is consistent with the policy framework and the use of stepbacks and setbacks for transition has resulted in a compatible built form.

The applicant is aware of design elements, such as charging stations, and will consider this during the design of the building for construction purposes.

**COMMUNITY ORGANIZATION COMMENTS AND RESPONSES**

N/A

**Technical Agency/Public Body Comments**Summary of Comments – Technical

All technical agency correspondence was forwarded to the applicant, and the applicant was advised to contact technical agencies directly for additional information and requirements.

**Advisory Committee Comments**Summary of Comments – Advisory Committees

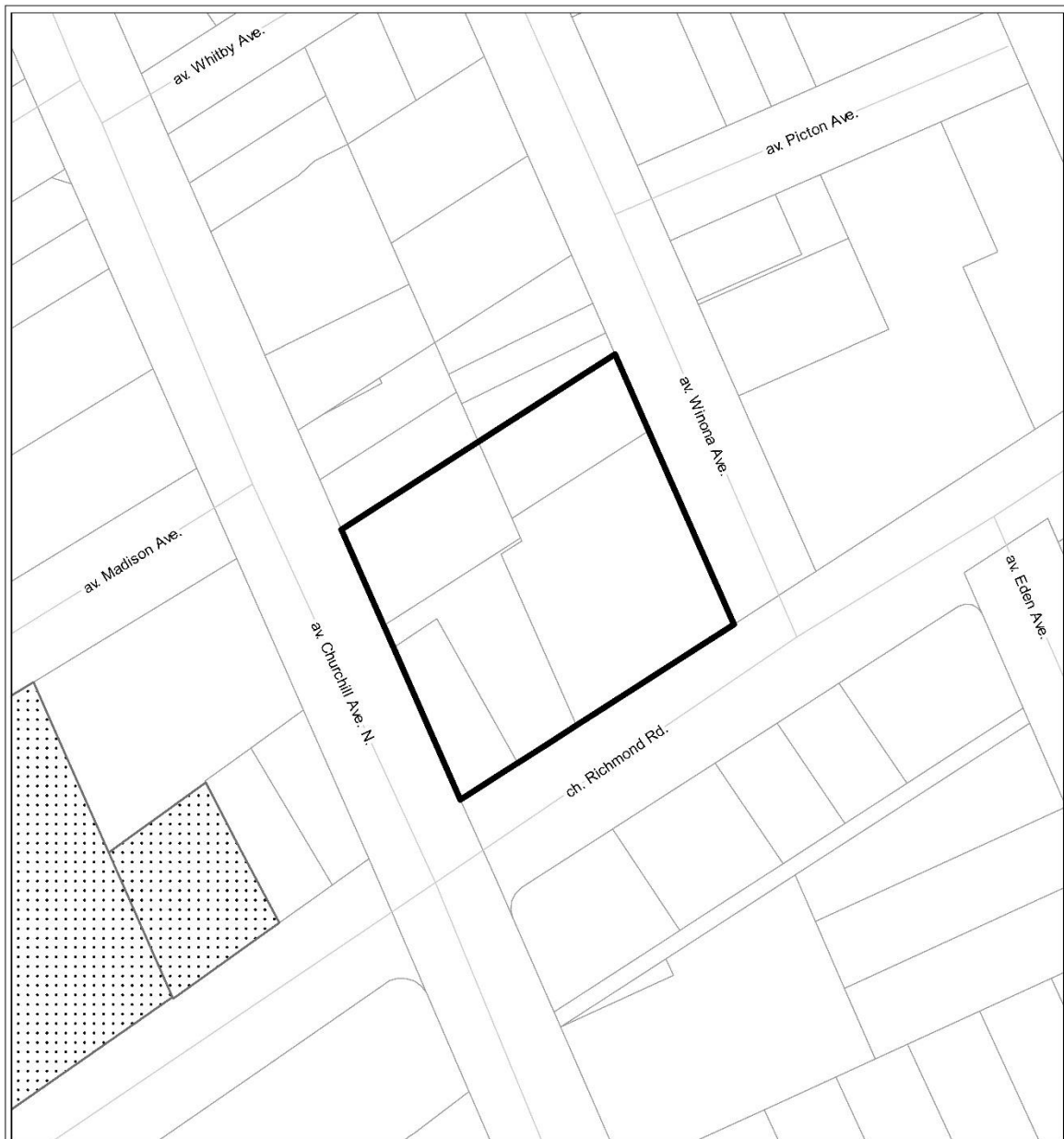
N/A




**APPLICATION PROCESS TIMELINE STATUS**

This Site Plan application was not processed by the On Time Decision Date established for the processing of an application that has Manager Delegated Authority due to a number of revisions to the proposed building design and additional review required.

**Contact:** Andrew McCreight Tel: 613-580-2424, ext. 22568 or e-mail: Andrew.McCreight@ottawa.ca

# Document 1 – Location Map



		<b>LOCATION MAP / PLAN DE LOCALISATION</b> <b>ZONING KEY PLAN / SCHÉMA DE ZONAGE</b> <b>SITE PLAN / PLAN DE EMPLACEMENT</b>	
D02-02-20-0045	20-0600-L		
D07-12-20-0081			
I:\CO\2020\ZKP\Richmond_319_Churchill_381			
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<small>©Les données de parcelles appartiennent à Teranet Enterprises Inc. et à ses fournisseurs. Tous droits réservés. Ne peut être reproduit sans autorisation. CECI N'EST PAS UN PLAN D'ARPENTAGE.</small>			
<b>REVISION / RÉVISION - 2020 / 07 / 09</b>		 <b>319, 325, 327 ch. Richmond Rd.</b> <b>381 av. Churchill Ave. N.</b> <b>380 av. Winona Ave.</b>	 Heritage (Section 60) Patrimoine (Article 60)
		Entire map area is affected by the Mature Neighbourhoods Overlay (section 139) / Tout le secteur de la carte est touché par la Zone sous-jacente de quartiers établis (article 139)	
			