



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

Site Location: 275 King Edward Avenue (comprised of 257, 261, 269, and 277 King Edward Avenue and 260 Murray Street),

File No.: D07-12-21-0128

Date of Application: August 23, 2021

This SITE PLAN CONTROL application submitted by Momentum Planning and Communications, on behalf of 165177 Canada Inc., is APPROVED as shown on the following plan(s):

1. **Site Plan**, SP01, prepared by Woodman Architect & Associates, revision 10, dated April 21, 2023.
2. **Elevations**, A125-A128, prepared by Woodman Architect & Associates, revision 8, dated August 09, 2022, revision 4 dated April 26, 2022.
3. **Tree Conservation and Landscape Plan**, L.1, prepared by James B. Lennox & Associates Inc., revision 15, dated April 19, 2023.
4. **Servicing Plan**, drawing No. C3.0, prepared by WSP, dated July 23, 2021, revision 05, dated Aug 19, 2022.
5. **Grading Plan**, Drawing No. C2.0, prepared by WSP, dated July 23, 2021, revision 4, dated Jun 28, 2022.
6. **Erosion and Sedimentation Control Plan**, Drawing No. C5.0, prepared by WSP, dated July 23, 2021, Revision 3, dated April 4, 2022.

And as detailed in the following report(s):

1. **Servicing Report**, prepared by WSP, dated July 23, 2021, revised Jan 7, 2022
2. **Storm Water Management Report**, prepared by WSP, dated July 23, 2021, revised
3. **Roadway Traffic Noise Assessment Report**, prepared by Gradientwind Engineers & Scientists.
4. **Phase one ESA Report**, prepared by Paterson Group, dated July 13, 2021.
5. **Geotechnical Investigation Report**, prepared by Paterson Group, dated April 26.
6. **Transportation Impact Assessment**, prepared by D.J. Halpenny & Associates Ltd., dated March 28, 2022.

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

General Conditions

1. Execution of Agreement Within One Year

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

2. Barrier Curbs

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

3. Water Supply for Fire Fighting

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

4. Reinstatement of City Property

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

5. Construction Fencing

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

6. Construct Sidewalks

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

7. Extend Internal Walkway

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

8. Completion of Works

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

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

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

9. Development Charges

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

Special Conditions

10. 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.

11. Private Approach Detail

The Owner agrees that all private approaches, including temporary construction access to the subject lands, shall be designed and located in accordance with and shall comply with the City's Private Approach By-Law, being By-law No. 2003-447, as amended, and shall be subject to approval of the General Manager, Planning, Real Estate and Economic Development.

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 Control Attenuation Measures

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

- (a) each unit is to be equipped with central air conditioning;
- (b) each unit is to be fitted with a forced air heating system and ducting, and shall be sized to accommodate central air conditioning;
- (c) 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, dated 1993, and the Environmental Noise Guidelines for Installation of Residential Air Conditioning Devices, dated September 1994, as amended, in order to minimize the noise impacts both on and off the immediate vicinity of the subject lands.
- (d) prior to the issuance of a building permit, a review of building components (windows, walls, doors) is required and must be designed to achieve indoor sound levels within the City's and the Ministry of the Environment, Conservation and Parks' noise criteria. A letter shall be prepared by a qualified professional and provided to the General Manager, Planning, Real Estate and Economic Development confirming the plans submitted for building permit issuance have incorporated any and all mitigation measures to achieve the required indoor sound levels;
- (e) upon completion of the development and prior to occupancy and/or final building inspection, a Professional Engineer, licensed in the Province of Ontario with expertise in the subject of acoustics related to land use planning, shall be retained to visit the lands, inspect the installed noise control measures and satisfy themselves that the installed recommended interior noise control measures comply with the measures in the **Roadway Traffic Noise Assessment Report** referenced in Schedule "E" hereto. The Professional Engineer shall prepare, sign and stamp a letter to the General

Manager, Planning, Real Estate and Economic Development (the “Certification Letter”) stating that they certify 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;

- (f) notice respecting noise shall be registered against the lands, at no cost to the City, and such notice shall be included in all agreements of purchase and sale or lease agreements, as detailed in clause 14 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 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.”

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, 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.

16. **Geotechnical - Encroachments**

The Owner acknowledges and agree that the **Geotechnical Investigation Report** has recommended a method of shoring that may encroach onto the adjacent property or onto the City's right-of way. The Owner acknowledges and agrees that it shall be required to obtain the approval of the adjacent property owner and/or receive municipal consent for any Works within the said Road, prior to the installation of any encroachments. The Owner acknowledges and agrees that for encroachments within the said Road, the Owner shall ensure that there will be no conflicts between the proposed shoring method and the municipal services or utilities in the said Road.

17. **Record of Site Condition**

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

18. **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."

19. **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.

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

The Owner acknowledges and agrees to install and maintain in good working order the required roof-top and in-ground stormwater inlet control devices, as recommended in the approved **Storm Water 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.

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

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

22. **Site Lighting Certificate**

- (a) In addition to the requirements contained in Clause 19 of Schedule "C" hereto, the Owner acknowledges and agrees, prior to the issuance of a building permit, to provide the City with a certificate from an acceptable professional engineer, licensed in the Province of Ontario, which certificate shall state that the exterior site lighting has been designed to meet the following criteria:
 - (i) it must be designed using only fixtures that meet the criteria for full cut-off (sharp cut-off) classification, as recognized by the Illuminating Engineering Society of North America (IESNA or IES); and
 - (ii) it must result in minimal light spillage onto adjacent properties. As a guideline, 0.5 fc is normally the maximum allowable spillage.

- (b) The Owner acknowledges and agrees that, upon completion of the lighting Works and prior to the City releasing any associated securities, the Owner shall provide certification satisfactory to the General Manager, Planning, Real Estate and Economic Development, from a Professional Engineer, licensed in the Province of Ontario, that the site lighting has been constructed in accordance with the Owner's approved design plan.

23. Exterior Elevations Drawings

The Owner acknowledges and agrees to construct the proposed building in accordance with the approved **Elevations**, referenced in Schedule "E" herein. The Owner further acknowledges and agrees that any subsequent proposed changes to the approved 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.

24. Maintenance and Liability Agreement for Landscaping

The Owner acknowledges and agrees it shall be required to enter into a Maintenance and Liability Agreement with the City, for those elements which are to be located in the City's King Edward Avenue, Clarence Street, and Murray Street rights-of-way, as shown on the approved **Tree Conservation and Landscape Plan** referenced in Schedule "E" herein, including all plant and landscaping material (except municipal trees), and associated curbing. 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.

25. Cash-In-Lieu of Conveyance of Parkland

Prior to registration of the Site Plan Agreement, the Owner acknowledges and agrees to pay cash-in-lieu of conveyance of parkland as referenced in Schedule "B" herein. Pursuant to the City's Parkland Dedication By-law, being By-law No. 2022-280, as amended, 40% of said funds collected shall be directed to City wide funds, and 60% shall be directed to Ward 12 funds. The Owner shall also pay the parkland appraisal fee of \$800.00 plus H.S.T. of \$104.00, as referenced in Schedule "B" herein.

26. 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 metres x 5 metres at the intersection of King Edward Avenue and Clarence Street. 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 Solicitor prior to the execution of this Agreement by the City. All costs shall be borne by the Owner.

27. 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 King Edward Avenue frontage of the lands, measuring 20 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 Solicitor prior to the execution of this Agreement by the City. All costs shall be borne by the Owner.

28. Committee of Adjustment Application

The Owner agrees that prior to registration of the agreement, to apply to the City's Committee of Adjustment, and be granted approval, for an application for consent to establish an access easement benefitting the adjacent neighbour located at 257 Clarence Street as per the settlement associated with the closing of Ontario Land Tribunal File Number: OLT-22-004153.

December 22, 2023

Date



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

Enclosure: Site Plan Control Application approval – Supporting Information



SITE PLAN CONTROL APPROVAL APPLICATION SUPPORTING INFORMATION

File Number: D07-12-21-0128

SITE LOCATION

275 King Edward Avenue (comprised of 257, 261, 269, and 277 King Edward Avenue and 260 Murray Street), and as shown on Document 1.

SYNOPSIS OF APPLICATION

- The site is located on the east side of King Edward Avenue in Lowertown. The site is bounded by Murray Street to the north, and Clarence Street to the south. The surrounding area consists predominantly of low-rise residential uses. To the west is transitional housing, to the south-west is a church, and located to the north is a mid-rise hotel.
- The subject properties have a total lot area of approximately 1,574 square metres with 61 metres of frontage on King Edward Avenue, 30.2 metres of frontage on Murray Street, and 20.2 metres of frontage on Clarence Street. The property is largely vacant, save and except for a two-storey apartment building on the northern portion of the property (257 King Edward Avenue).
- The proposed development is an eight (8) storey hotel containing 67 hotel units, and 54 long-term stay units, for a total of 121 units. A leasable commercial space (restaurant) of 134 square metres is provided at grade. Primary pedestrian access to the hotel is located at the corner of King Edward Avenue and Clarence Street. Primary motor vehicle access is provided from Clarence Street, including two parking spaces at grade, and an underground parking garage containing 49 parking spaces. 32 bicycle parking spaces are provided on the first level of underground parking, with an additional 7 bicycle parking spaces located near the entrances, for a total of 39 bicycle parking spaces. A secondary access for service vehicles is located off Murray Street and will be gated unless in use.
- The building has been stepped back at various levels to ensure a transition in height and respect the low-rise development along Murray Street and Clarence Street to the east. The building is composed primarily of red brick and glazing in metal frames, with a stone base for the first storey. Metal panels and glazing in metal frames are utilized for the 7th and 8th storeys. Tree plantings and landscaping are provided to improve the streetscape.

- Infrastructure capacity exists, and connections will be made to Clarence Street and Murray Street.

Related Applications

The following applications are related to this proposed development:

- Zoning By-law Amendment – D02-02-21-0085

DECISION AND RATIONALE

This application is approved for the following reasons:

- The Urban Design Guidelines for Traditional Mainstreets set forth guidelines including but not limited to streetscape, built form, and landscaping. The development achieves these guidelines by aligning the building along the property line to create a streetscape similar to the surrounding area, providing a 2m sidewalk with hardscaped boulevard, improving the landscaped area on the northwest corner of the property adjacent to the restaurant space, utilizing building materials which fit the surrounding context, providing glazing along the ground floor to connect the building with the street, and introduce street trees and landscaping throughout the site.
- The proposal is in conformity with the Zoning. By-law 2022-186 was approved by Council on June 08, 2022. The approval was subsequently appealed to the Ontario Land Tribunal (OLT) by the adjacent neighbour on Clarence Street (OLT-22-004153), however the appeal has since been withdrawn following a settlement which included the removal of fencing along the shared property line and the establishment of an access easement in favour of the neighbour, as the existing building straddles the property line. The appeal was formally closed by the OLT on November 07, 2023.
- The proposed site design represents good planning.

PARKLAND DEDICATION

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

URBAN DESIGN REVIEW PANEL

The Site Plan Control application was subject to the Urban Design Review Panel process. A formal review meeting was held on October 08, 2021.

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

- A change in the proposed material to include more brick as well as the use of masonry panels.

- The addition of further step backs on the upper floors of the proposed building on the Clarence Street façade, which will enhance views to 257 Clarence Street;
- Increased setback along the eastern interior side yard, which abuts 257 Clarence Street;
- Enhanced compliance with the angular plane required along the Murray Street façade;
- Enhanced building articulation.

ROAD MODIFICATIONS

N/A

CONSULTATION DETAILS

Councillor's Comments

Councillor Stéphanie Plante was aware of the application related to this report. Councillor has concurred with the proposed conditions of approval.

Councillor Stéphanie Plante indicated the following comments:

- I am pleased that the city is increasing the Right of Way to allow for a number of trees in planters to added along King Edward, and full trees at the corner at St. Patrick.

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.

Technical Agency/Public Body Comments

Summary of Comments –Technical

N/A

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 due to complexities associated with the file and appeal to the implementing Zoning By-law.

Contact: Jack Smith Tel: 613-580-2424, ext. 21786 or e-mail: Jack.Smith@ottawa.ca

Document 1 – Location Map



D02-02-21-0085
D07-12-21-0128

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REVISION / REVISION - 2021 / 06 / 26

LOCATION MAP / PLAN DE LOCALISATION
ZONING KEY PLAN / SCHÉMA DE ZONAGE
SITE PLAN / PLAN D'EMPLACEMENT



**257, 261, 269, 275 277 av King Edward Ave
260 rue Murray Street**

Entire map area is affected by the Mature Neighbourhoods Overlay (section 138) /
Tout le secteur de la carte est touché par la Zone sous-jacente de quartiers établis (article 138)

