



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

Site Location: 403 Richmond Road

File No.: D07-12-22-0067

Date of Application: April 25, 2022

This SITE PLAN CONTROL application submitted by Fotenn Planning + Design c/o Thomas Freeman, on behalf of Westboro Inc., is APPROVED as shown on the following plan(s):

1. **Details Plan**, Drawing No. C008, prepared by CIMA+, dated 22/04/07, revision 4 dated 23/01/20.
2. **Details Plan**, Drawing No. C009, prepared by CIMA+, dated 22/04/07, revision 4 dated 23/01/20.
3. **Details Plan**, Drawing No. C010, prepared by CIMA+, dated 22/04/07, revision 4 dated 23/01/20.
4. **Details Plan**, Drawing No. C011, prepared by CIMA+, dated 22/04/07, revision 4 dated 23/01/20.
5. **Details Plan**, Drawing No. C012, prepared by CIMA+, dated 22/04/07, revision 4 dated 23/01/20.
6. **Elevations**, Sheet No. A-200, prepared by RLA Architecture, dated Sept. 2, 20, revision 8 dated Jan 23, 23.
7. **Enlarged West Elevation**, Sheet No. A-201, prepared by RLA Architecture, dated Sept. 2, 20, revision 8 dated Jan 23, 23.
8. **Enlarged East Elevation**, Sheet No. A-202, prepared by RLA Architecture, dated Sept. 2, 20, revision 8 dated Jan 23, 23.
9. **Enlarged North Elevation**, Sheet No. A-203, prepared by RLA Architecture, dated Sept. 2, 20, revision 8 dated Jan 23, 23.
10. **Enlarged South Elevation**, Sheet No. A-204, prepared by RLA Architecture, dated Sept. 2, 20, revision 8 dated Jan 23, 23.
11. **Grade Control and Damage Plan**, Drawing No. C005, prepared by CIMA+, dated 22/04/07, revision 4 dated 23/01/20.
12. **Landscape Plan**, Sheet No. L1, prepared by GJA Inc., dated MARCH 2022, revision 3 dated JANUARY 25 2023.
13. **Sediment and Erosion Control Plan**, Drawing No. C002, prepared by CIMA+, dated 22/04/07, revision 4 dated 23/01/20.
14. **Site Plan**, Sheet No. SP-1, prepared by Roderick Lahey Architect Inc., dated Sept. 4, 20, revision 8 dated Jan. 23, 23.

15. **Site Servicing Plan**, Drawing No. C006, prepared by CIMA+, dated 22/04/07, revision 4 dated 23/01/20.
16. **Storm Water Management Plan**, Drawing No. C007, prepared by CIMA+, dated 22/04/07, revision 4 dated 23/01/20.
17. **Tree Conservation Plan**, Drawing No. 403R, prepared by IFS Associates, dated 2021-11-05.

And as detailed in the following report(s):

1. **Environmental Noise Assessment, 403 Richmond Road, Ottawa, Ontario**, Report: 20-174-Traffic Noise, prepared by Gradient Wind Engineers & Scientists, dated April 7, 2022.
2. **Geotechnical Investigation**, Proposed Multi-Storey Building, 403 Richmond Road, Ottawa, Ontario, prepared by Paterson Group, Report: PG5101-1, dated April 12, 2022, revision 2 dated October 7, 2022.
3. **Geotechnical Investigation, Proposed Multi-Storey Building, 403 Richmond Road and 389 Roosevelt Avenue, Ottawa, Ontario**, Report PG5101-1, prepared by Paterson Group, dated April 12, 2022, revision dated October 7, 2022.
4. **Pedestrian Level Wind Study, 403 Richmond Road, Ottawa, Ontario**, Report: 20-174-PLW, prepared by Gradient Wind Engineers & Scientists, dated April 7, 2022, revision dated April 20, 2022.
5. **Phase I-Environmental Site Assessment, 403 Richmond Road and 389 Roosevelt Avenue, Ottawa, Ontario**, Report: PE4744-1R, prepared by Paterson Group, dated April 4, 2022.
6. **Phase II Environmental Site Assessment, 403 Richmond Road and 389 Roosevelt Avenue, Ottawa, Ontario**, Report: PE4744-2, prepared by Paterson Group, dated April 7, 2022.
7. **Site Servicing and Stormwater Management Report, 403 Richmond Road & 389 Roosevelt Avenue**, prepared by CIMA+, CIMA+ file number: A001046, dated April 7, 2022, revision 3 dated January 20, 2023.
8. **Transportation Impact Assessment**, prepared by CIMA+, CIMA+ file number: A001046, dated April 7, 2022.
9. **Tree Conservation Report for 403 Richmond Road & 398 Roosevelt Avenue, Ottawa**, prepared by IFS Associates, dated November 5, 2021, revision dated October 12, 2022.

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

Requirements

1. The Owner shall submit a certificate of insurance in a form satisfactory to the City. The certificate of insurance must be issued in favor of the City of Ottawa in an amount not less than five million dollars per occurrence, must contain an endorsement naming the City as an additional insured and an unconditional thirty days' notice of any material change or cancellation of the policy.

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. 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. Environmental Compliance Approval (ECA)

The proposed stormwater works will be servicing more than one parcel of land and thus does not meet the exemption set out in O.Reg. 525/98. This would mean an ECA would be required regardless of who owns the parcels. The Owner acknowledges and agrees to apply for an Environmental Compliance Approval (ECA) to the Ministry of Environment, Conservation and Parks (MECP) for the storm water facility (SWF) located at this site with an outlet to the Ottawa River. All costs shall be borne by owner. The Owner further acknowledges and agrees that a full Commence Work Notification Letter will not be issued until the MECP has issued the ECA certificate and provided a copy to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development.

4. 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.

5. 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.

6. 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.

7. **Construction Fencing**

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

8. **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.

9. **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.

10. **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.

11. **Development Charges**

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

SPECIAL CONDITIONS

Roads Right-of-Way and Traffic

12. **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.

13. **Temporary Encroachment into the City Right of Way**

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

14. **On-Site Parking**

- a) The Owner acknowledges and agrees that units within the proposed building may 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 may 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 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 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 on-site parking, as contained in Clause 15 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.

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

“The Purchaser/Lessee covenants with the Vendor/Lessor that the above 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.”

Access

16. **Private Approach**

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.

17. **Private Approach Detail**

The Owner acknowledges and agrees that all private approaches serving the proposed development shall be designed and constructed, at the sole expense of the Owner, in accordance with the City’s “Ramp Style Vehicle Access Crossing” Plan, Drawing No. SC13, dated March 2006 and revised March 2015, and the City’s “Continuous Vehicle Access Ramp” Plan, Drawing No. SC13.1, dated March 2006 and revised March 2007, and the Owner shall comply with the City’s Private Approach By-law, being No. 2003-447, as amended.

18. **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.

Noise

19. **Noise Control Attenuation Measures**

The Owner acknowledges and agrees to implement the noise control attenuation measures recommended in the approved ENVIRONMENTAL 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 (a) above, the location and installation of any outdoor air conditioning device(s) shall comply with the noise criteria of the Ministry of the Environment, Conservation and Parks' Publication NPC-216, dated 1993, and the Environmental Noise Guidelines for Installation of Residential Air Conditioning Devices, dated September 1994, as amended, in order to minimize the noise impacts both on and off the immediate vicinity of the subject lands.
- (c) prior to the issuance of a building permit, a review of building components (windows, walls, doors) is required and must be designed to achieve indoor sound levels within the City's and the Ministry of the Environment, Conservation and Parks' noise criteria;
- (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 20 below.

20. **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.”

21. **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 Environmental 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) 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
 - (ii) Non-conditional final approval for release for occupancy.

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.

ENGINEERING

Geotechnical Engineering and Soils

22. **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.

23. **Geotechnical - Encroachments**

The geotechnical report has recommended a method of shoring that may encroach onto the adjacent property or onto the City right-of-way. Please note that the applicant is required to obtain the approval of the adjacent property Owner and/or receive municipal consent for any works within the right-of-way prior to the installation of any encroachments. For encroachments within the ROW the applicant shall ensure that there will be no conflicts between the proposed shoring method and the municipal services or utilities in the ROW.

24. **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.

Where available information reveals that contamination extends into a City right-of-way and submission of an RSC is not possible, a building permit may be issued, at the sole discretion of the Chief Building Official, 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.

25. **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.

Civil Engineering

26. 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 be liable 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 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.

27. 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.”

28. 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.

29. **Protection of City Sewers**

- (a) Prior to the issuance of a building permit, the Owner shall, at its expense:
 - (i) provide the General Manager, Planning, Real Estate and Economic Development with the engineering report from a Professional Engineer, licensed in the Province of Ontario, which report shall outline the impact of the proposed building's footing and foundation walls, on the City sewer system, that crosses the 403 Richmond Road & 389 Roosevelt Avenue frontages (the "City Sewer System") and the impact of the existing City Sewer System on the building's footing and foundation walls;
 - (ii) obtain a legal survey acceptable to the General Manager, Planning, Real Estate and Economic Development and the City's Surveyor, showing the existing City Sewer System within the City ROW at 403 Richmond Road & 389 Roosevelt Avenue and the location of the proposed building and its footings in relation to the City Sewer System;
 - (iii) obtain a video inspection of the City Sewer System within the City ROW at 403 Richmond Road and 389 Roosevelt Avenue frontages prior to any construction to determine the condition of the existing City Sewer System prior to construction on the lands and to provide said video inspection to the General Manager, Planning, Real Estate and Economic Development.
- (b) Upon completion of construction on the lands, the Owner shall, at its expense and to the satisfaction of the General Manager, Planning, Real Estate and Economic Development:
 - (i) obtain a video inspection of the existing City Sewer System within the City ROW at 403 Richmond Road and 389 Roosevelt Avenue frontages to determine if the City Sewer System sustained any damages as a result of construction on the lands; and
 - (ii) assume all liability for any damages caused to the City Sewer System within the City ROW at 403 Richmond Road and 389 Roosevelt Avenue frontages and compensate the City for the full amount of any required repairs to the City Sewer System.

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

The Owner acknowledges and agrees to install and maintain in good working order the required roof-top 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.

31. **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.

32. **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.

33. **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.

Contamination

34. **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;
- (b) groundwater found to be contaminated, shall be removed, managed and/or treated in accordance with the appropriate Ontario regulations and/or discharged in accordance with the City's Sewer Use By-law, being By-law 2003-514, as amended.

The Owner further acknowledges and agrees to provide the General Manager, Planning, Real Estate and Economic Development with a revised phase two ESA with a site remediation report appended upon completion of the remedial activities.

Blasting

35. **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.

36. **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.

Site Lighting

37. 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.

PLANNING AND OTHER

Planning and Design

38. Exterior Elevations Drawings

The Owner acknowledges and agrees to construct the proposed building in accordance with the approved Elevations Plans, referenced in Schedule "E" herein. The Owner further acknowledges and agrees that any subsequent proposed changes to the approved Elevations Plans shall be filed with the General Manager, Planning, 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.

39. 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 walkways placed in the City's right-of-way along Roosevelt 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.

40. Snow Storage – no interference with servicing

In addition to the requirements of Clause 17 of Schedule "C" of this Agreement, the Owner further acknowledges and agrees that any portion of the subject lands which is intended to be used for snow storage shall not interfere with the servicing of the subject lands.

41. Streetscape Elements

- (a) The Owner agrees that along Richmond Road, the area between the building face and curb shall remain publicly accessible, unless the area is occupied by a commercial patio per the approved Landscape Plan. The areas marked on said Landscape Plan as the limits of a commercial patio shall not exceed the limits shown on such Plan without approval from the General Manager, Planning, Real Estate and Economic Development.
- (b) The Owner agrees that the streetscape treatment shown on the approved Landscape Plan has been designed to reinforce the existing streetscape identity of Richmond Road. Deviations from this plan will require approval from the General Manager, Planning, Real Estate and Economic Development.

Trees

42. **Plant Materials**

- a) The owner agrees to include a 2-year warranty of plant materials from date of final acceptance.
- b) The owner agrees to provide watering of all plant materials as required for proper establishment until the end of the warranty period.

43. **Tree Permit**

The Owner acknowledges and agrees to abide by the City’s Tree Protection Bylaw, being By-Law No. 2020-340, as amended and that any trees to be removed shall be removed in accordance with an approved Tree Permit and the Tree Conservation Report referenced in Schedule “E” hereto.

44. **Tree Protection**

The Owner acknowledges and agrees to abide by the City’s Tree Protection Bylaw, being By-Law No. 2020-340, as amended and that all retained trees will be protected in accordance with an approved Tree Conservation Report referenced in Schedule “E” hereto.

Parkland

45. **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.


Other

46. **Pre-Consultation Meeting**

The Owner agrees to hosting a virtual pre-construction meeting with the community and Ward Councillor’s office prior to the start of excavation and construction on the site.

March 2, 2022

Date



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

SITE PLAN CONTROL APPROVAL APPLICATION SUPPORTING INFORMATION

File Number: D07-12-22-0067

SITE LOCATION

403 Richmond Road, and as shown on Document 1.

SYNOPSIS OF APPLICATION

The subject site is located in the Westboro neighbourhood at the southwest corner of Richmond Road and Roosevelt Avenue. The site has a frontage of 27.8 metres on Richmond Road and a frontage of 85.8 metres on Roosevelt Avenue. The total site area is approximately 2,589.8 square metres. The site is currently occupied by a two-storey funeral home on 403 Richmond Road and a detached home on 389 Roosevelt Avenue.

The surrounding area is characterized by a mix of uses along Richmond Road. The area to the north of the site is primarily characterized by low-rise detached and semi-detached homes. The west of the site is characterized by mid- and high-rise residential towers, as well as the Sir John A. MacDonald Parkway and Trans-Canada Pathway which run along the edge of the Ottawa River. The area to the south of the site, beyond the parcels located on Richmond Road, are primarily characterized by low-rise residential development. Low-rise retail uses are found along the east of the subject property.

The purpose of the Site Plan Control application is to accommodate the redevelopment of the subject site by demolishing the existing uses and constructing a nine-storey mixed-use building with 141 residential units and 484 square metres of commercial space facing Richmond Road. There is a range of unit types proposed, including one-bedroom, two-bedroom, and three-bedroom apartments, as well as townhouse units fronting onto Roosevelt Avenue. Parking is provided below grade with a three-level underground parkade. A total of 151 parking spaces are provided, consisting of 93 residential spaces and 16 visitor spaces. Bicycle parking is also provided with 140 residential spaces provided below grade and six exterior spaces provided at the sidewalk level. A single vehicular access to the subject property off Roosevelt Avenue is proposed to provide access for servicing, move ins, pick-ups/drop-offs, and the underground parkade. A garbage and recycling room will be located within the underground parkade. Amenity space will be provided throughout the building, including private balconies/terraces, communal interior, and exterior spaces, as well as private and communal yards at grade. An amenity penthouse will include a gym, indoor amenity space and an outdoor rooftop patio. Zoning for this project was approved by Council in 2021.

DECISION AND RATIONALE

This application is approved for the following reasons:

- The proposal is consistent with the policies of the Official Plan (2022) – specifically, those relating to the Inner Urban Transect (Section 5.2) and Mainstreet Corridors (Section 6.2). The proposed building will enhance the urban built form in this area and reinforce the context of Richmond Road as a main street corridor. The proposal is also generally consistent with the Strategic Directions (Section 2), Growth Management Framework (Section 3) and City-Wide Policies (Section 4). The proposal supports the intensification objectives of the Official Plan and makes efficient use of existing municipal services and infrastructure.
- The proposal is consistent with the policies of the Richmond Road/Westboro Secondary Plan (2022). The proposal will implement the Plan’s Unifying Vision, Overlying Objectives and Principles (Section 2) as it supports intensification at a compatible scale with the existing community and transit-supportive development. Furthermore, the proposal is consistent with the policies of the Richmond Road and Scott Street Mainstreet Corridors (Section 4.2) and the Sector 3 Land Use Strategy and Maximum Building Height Ranges for Westboro Village (Section 5.3). The proposed building provides a series of stepbacks at the rear for an appropriate transition to the low-rise residential area to the north.
- The proposal is generally consistent with the guidelines of the Richmond Road/Westboro Community Design Plan (2007). The proposal supports the Planning Strategy of the CDP (Section 4.0) and the overall vision for the Sector 5 – Westboro Village area (Section 6.6).
- The proposal conforms with the site-specific provisions of the Zoning By-law (2008) – TM[2729] S444.
- The proposal is consistent with the Urban Design Guidelines for Development along Traditional Mainstreets and the Urban Design Guidelines for Transit-Oriented Development.
- The proposal is consistent with the Council-approved Official Plan Amendment (D01-01-20-0015) and Zoning By-law Amendment (D02-02-20-0080). No appeals were filed for these applications.
- The Department is of the opinion that the proposal is consistent with Council-approved policies and guidelines and 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 February 5, 2021.

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

Summary

- The Panel appreciated the building's overall look and feel, the emerging tonality and palette of materials, and the inclusion of family-sized units.
- The Panel recommends improving the landscape treatment on the north part of the property, reducing the visual prominence of the mechanical penthouse by stepping it back, and consider the relationship between the proposal and the adjacent site.

Massing

- Cut back the amenity area from the edge of the building facing Roosevelt and setback about 3 metres, so the view from Richmond on the west is not as imposing.
- The Panel notes the mezzanine's height reads too tall. However, at its current height, the mezzanine permits the creation of two-storey units facing the street. It provides an opportunity to promote family units, which the Panel considers an asset given that they work quite well along the mainstreet.
- Changes to the mechanical penthouse, including a further setback on Richmond, would reduce its mass and visual prominence.
- The current corner transition and massing are not clear; the taller volume could be squared off and stepped back, giving the podium a solid volume that might reduce the height and improve transition on Richmond Road.
- Removing a floor off above the porte cochère at Roosevelt Avenue would soften the transition to the north.

Building Design

- The canopies are a good architectural element; however, the proposal would benefit from larger canopies to distinguish the ground floor and increase level of transparency at grade.
- Massing models are needed to demonstrate what can be developed on the adjacent site. Reconsider windows on this façade and re-think strategies to avoid a "blank wall".
- Screening the open area around parking would reduce traffic perception to the neighbours.

Landscape Design

- The retention of trees is supported by the Panel. Consider extending the streetscape to the curb to create a POPS that reads like a public space and not a private patio.
- The greenspace north of the porte cochère could be designed as a pedestrian-friendly parkette by incorporating street furniture and natural features such as rocks.
- There is an opportunity to incorporate some green elements and design a green edge on the 4th floor north side.

Materiality

- The panel finds the materials refreshing; the brick and stone materials and the monochromatic palette are good combinations creating an elegant design well suited for Westboro.
- The glass corners on the upper level are appreciated and need to be secured during Site Plan Control process.
- The proposed building has a 1960's aesthetic, which was supported, however the Panel noted that the streamlined cornices may contradict this.
- It will be important to handle the details of the proposal carefully to achieve the level of elegance proposed.

Sustainability

- Summarize sustainable features at the Site Plan stage. Consider proximity to transit, green roofs, and energy efficiency.

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

- Enhanced landscaping.
- Enhancements to the legibility of the building's podium.
- Expanded corner plaza.

CONSULTATION DETAILS

Councillor's Comments

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

Public Comments

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

Technical Agency/Public Body Comments

Summary of Comments – Technical

All technical agency correspondences and requirements (i.e., Hydro Ottawa, Bell Canada, Enbridge etc.) were forwarded to the applicant during the review of the Site Plan Control application, and the applicant was advised, where applicable, 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 due to the complexity of planning-related issues.

Contact: Adrian van Wyk Tel: 613-580-2424, ext. 21607 or e-mail: adrian.vanwyk@ottawa.ca.

Document 1 – Location Map



		LOCATION MAP / PLAN DE LOCALISATION SITE PLAN / PLAN D'EMPLACEMENT	
D07-12-22-0067	22-0420-D		
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REVISION / RÉVISION - 2022 / 05 / 05			

