

9. Site Plan Control Approval, 900 Albert Street and 1035 Somerset Street West

Demande d'approbation d'un plan d'implantation pour le 900, rue Albert et le 1035, rue Somerset Ouest

Committee recommendation

That Council approve an application for Site Plan Control for 900 Albert Street and roadway modifications to permit the development of a mixed-used building consisting of three towers, as detailed in Document 2.

Recommandation du Comité

Que le Conseil approuve une demande d'approbation d'un plan d'implantation concernant le 900, rue Albert ainsi que des modifications routières, pour que soit autorisée la construction d'un immeuble polyvalent constitué de trois tours, comme l'indique le document 2.

Documentation/Documentation

1. Director's report, Planning Services, Planning, Infrastructure and Economic Development Department, dated June 15, 2020 (ACS2020-PIE-PS-0052)

Rapport du Directeur, Services de la planification, Direction générale de la planification, de l'infrastructure et du développement économique, daté le 15 juin 2020 (ACS2020-PIE-PS-0052)

2. Extract of draft Minutes, Planning Committee, June 25, 2020

Extrait de l'ébauche du procès-verbal du Comité de l'urbanisme, le 25 juin 2020

**Report to
Rapport au:**

**Planning Committee
Comité de l'urbanisme
25 June 2020 / 25 juin 2020**

**and Council
et au Conseil
15 July 2020 / 15 juillet 2020**

**Submitted on 15 June 2020
Soumis le 15 juin 2020**

**Submitted by
Soumis par:**

Douglas James,

Acting Director / Directeur par intérim

Planning Services / Services de la planification

**Planning, Infrastructure and Economic Development Department / Direction
générale de la planification, de l'infrastructure et du développement économique**

Contact Person / Personne ressource:

Simon M. Deiac, Planner / Urbaniste

**Development Review Central / Examen des demandes d'aménagement centrale
(613) 580-2424, 15641, Simon.Deiac@ottawa.ca**

Ward: SOMERSET (14)

File Number: ACS2020-PIE-PS-0052

**SUBJECT: Site Plan Control Approval, 900 Albert Street and 1035 Somerset
Street West**

**OBJET: Demande d'approbation d'un plan d'implantation pour le 900, rue
Albert et le 1035, rue Somerset Ouest**

REPORT RECOMMENDATIONS

- 1. That Planning Committee recommend Council approve an application for
Site Plan Control for 900 Albert Street and roadway modifications to permit**

the development of a mixed-used building consisting of three towers, as detailed in Document 2.

2. That Delegated authority be reinstated to staff to finalize the details of the Site Plan Control Approval and Agreement.

RECOMMANDATIONS DU RAPPORT

1. Que le Comité de l'urbanisme recommande au Conseil d'approuver une demande d'approbation d'un plan d'implantation concernant le 900, rue Albert ainsi que des modifications routières, pour que soit autorisée la construction d'un immeuble polyvalent constitué de trois tours, comme l'indique le document 2.
2. Que les pouvoirs soient redélegués au personnel relativement aux derniers détails de l'approbation et de l'entente liées au plan d'implantation.

BACKGROUND

For all the supporting documents related to this application visit the [link to Development Application Search Tool](#).

Site location

900 Albert Street and 1035 Somerset Street West, as shown in Document 1.

Owner

TIP Albert GP Inc.

Applicant

Fotenn Consultants Ltd.

Architect

B + H and GGLO

Description of site and surroundings

The subject property is a triangular piece of vacant land approximately 1.66 hectares in size as shown in Document 1. Additional lands at 1035 Somerset Street West which are subject to a purchase and sale agreement have been integrated into the proposed site. The purchase of these lands by the applicant is addressed in the Memorandum of

Understanding (MOU) between the applicant and the City of Ottawa. The property is located immediately southwest of the intersection of Albert Street and City Centre Avenue. The site is bound on the west by the O-Train tracks, on the north by Albert Street and on the south and east by the City Centre development. To the east of City Centre Avenue is an existing low-profile residential community. The property has frontage on both Albert Street and City Centre Avenue. The Bayview O-Train Station is located approximately 140 metres from the future fully signalized intersection on Albert Street along the northern limit of the property. The subject property is zoned MC[1967] s-291-h, which permits the proposed form of development. The holding provision in place requires that prior to development, the applicant must obtain Site Plan Control approval with conditions in place that speak to the provision of affordable housing and consultation with the Urban Design Review Panel. With respect to the condition of Affordable Housing Units, the applicant has entered into a MOU. The structure of the MOU outlines that the applicant will provide a payment of \$6,250,000 pro rated, for affordable housing. The report on the MOU was brought forward for consideration by Planning Committee on October 10, 2019 and approved, by Council on October 28, 2019. A condition with respect to this payment has been included. With respect to consultation with the Urban Design Review Panel, there have been numerous sessions with the UDRP sub-committee. The recommendations of the panel are discussed further in the report. A separate application will be required for the lifting of the holding symbol.

Synopsis of the Site Plan Control Application

The proposed development consists of three high-rise towers positioned above a three-storey mixed-use podium, and five levels of underground parking. The tower heights proposed are at 65, 56, and 27 storeys as shown on Document 5.

Tower 1, at 65 storeys, is the tallest of the three towers and is located in the northwest corner of the site. This tower is positioned atop a podium and includes two storeys of retail and commercial space, two storeys of amenity space, and 61 storeys of residential units.

Tower 2 is the second tallest tower on the site, located in the southwest corner, closest to City Centre Avenue. The proposed height is 56 storeys, which includes a podium containing two storeys of retail and commercial uses, three storeys of amenity space and 51 storeys of residential units.

Tower 3 is a proposed office tower located in the east corner of the site and has a height of 24 storeys. The tower includes one level of retail space. The footprint of the office tower is reduced above the sixth storey to create further separation from the existing residential area on the east side of City Centre Avenue.

For the first phase of construction, the applicant is proposing to build the podium and Towers 1 and 3. Tower 2 is proposed to be constructed later.

The mixed-use development program has been revised from the original submission, which now proposes 130,009 square metres of gross floor area that includes:

- 8,161 square metres of retail space, reduced from 10,515
- 39,369 square metres of office space, increased from 34,021
- 82,479 square metres of residential space
- 1,241 residential units
- 864 parking spaces, reduced from 1059
- Five levels of underground parking, reduced from six
- 964 indoor bike parking spaces increased from 740

Vehicular access to the site is from two separate locations along Albert Street. The westerly access, which is a signalized full movement intersection, is intended to function as the primary access to the site. This area includes drop-off areas for the podium and towers as well as access to the parking garage.

The secondary easterly access will function as a right-in and right-out only access. All loading and service vehicles will also use the eastern access and they would continue south into the site to the loading docks along the south façade of the building. The loading docks are located on Level P2. Vehicles would travel through the space, backing into the loading docks within the building and be screened from view by overhead doors. The loading for the entire development is shared in this singular location and would not be visible when walking along the former Wellington Street right of way to the rear of the property. All required roadway modifications as shown on Document 8 are to be funded by the applicant as part of the Site Plan Control approval and recommended conditions.

Pedestrians can enter the site from Albert Street and City Centre Avenue. A new four metre, multi-use pathway along the southern edge of the subject property provides access between the existing multi-use pathway abutting the O-Train corridor and City Centre Avenue. A new pedestrian bridge will provide a pedestrian connection from Albert Street to the new overpass connecting the site to the west and Bayview LRT station. The construction of this bridge is subject to a Framework Agreement between the applicant and the City of Ottawa to address matters such as design, construction and operations. A new public plaza at the intersection of Albert Street and City Centre Avenue will provide opportunities for retail uses within the eastern podium to activate the public realm.

Direction to Staff on Site Plan Control Matters

As part of the considerations of the related Official Plan and Zoning By-law amendments which are in full force and effect, direction to staff was provided at the July 10, 2018 Planning Committee Meeting as well as the July 11, 2018 Council meeting. Below is a list of the directions to staff, and a response.

July 10, 2018 – Planning Committee

That staff conduct a comprehensive wind and shade study for the entire corridor along Albert Street and the Trillium line, including the Central Library site, East LeBreton Flats, LeBreton Flats, Zibi, 900 Albert Street, to demonstrate the effects of these developments on the livability of the public environment.

Response:

A wind study was prepared in support of the proposed application and was reviewed by staff. With respect to the preparation of a comprehensive wind and shade study, this direction came forward when it was anticipated that the Rendezvous LeBreton concept for the redevelopment of LeBreton Flats would be submitted to the city for evaluation and as such, we would be able to confidently evaluate a comprehensive wind analysis for this portion of the downtown. As the expected concept for the redevelopment of LeBreton Flats did not occur and there is currently no alternative concept, it is not feasible or within the ability of this application to request such an expansive study. Nevertheless, a comprehensive wind study has been prepared for this proposal, which notes that based on test results, interpretation, and experience, many grade-level areas within and surrounding the development site will be acceptable for the intended pedestrian uses throughout the year. However, due to the exposure of the study site to prominent wind directions, some areas at grade and on podium roofs are found to be

too windy and mitigation, such as wind screens and canopies will be provided to alleviate this concern. Elevated terraces will also require mitigation in the form of vertical barriers and canopies to achieve desired wind comfort.

Direction to Staff from July 11, 2018 – Council Meeting

Delegated authority to staff in respect of the site plan application for 900 Albert Street be removed and that site plan approval authority be subject to, and approval through, a report to Planning Committee and Council.

Staff are directed to work with the applicant in the course of developing the site plan to:

- i) remove all exterior parking except that required for accessible spots from the south side of the development site;

Response:

Surface parking has been removed from the site as shown on Document 5.

- ii) develop a phasing approach to make parking available at a rate no greater than the maximum parking would be for each of the towers A, B and C as each tower is completed to prevent the over-provision of parking prior to construction being completed in each phase;

Response:

The amount of underground structure parking has been reduced from six level to five levels. This equates to a reduction in parking from 1059 spaces to 864 spaces, which is below the maximum parking rates permitted within proximity to transit stations by 1474 spaces. As the structured parking is located below grade, this element of the building project must be constructed in one single phase. Parking is to be provided for both the tenants of the residential tower and office building as well as for visitors. With respect to the Transportation Impact Study submitted, Transportation staff have noted that they are supportive of the number of parking spaces, with the understanding that spaces are allotted for specific purposes: retail, office, and residential. The project proposes 442 residential parking spaces and 422 spaces for office and retail uses. Staff note that it is important that spaces designated for each purpose are clearly marked and controlled as such. In a condition to be included in the Site Plan Control Agreement, office and retail spaces are to be clearly marked with signage and pavement markings. Staff have also included a condition whereby the owner agrees that no spaces will be reallocated at any

time for residential purposes. The number of spaces currently assigned for residential represents a low space/unit ratio which is supportive of the targeted transit mode share.

- iii) continue to work with the applicant on a design for the south side loading bay area that accomplishes a more significant integration of the broader community with its quasi-public space that creates an inviting, pedestrian- and cycling-friendly environment;

Response:

The southern elevation has been significantly revised to remove all surface parking and increase animation. The removal of surface parking has allowed for an expansion of the landscaped area and public amenity space at the intersection of Albert Street and City Centre to wrap around the southern façade. A new four metre multi use pathway will be constructed along the southern property limit, which will provide a formal connection from City Centre Avenue to the existing multi use pathway that runs along the O-Train corridor. The pathway will be lit and include architectural elements and new plantings within the design. It is also separated from the truck loading areas and protected by a raised curb from that area as shown on Document 6. Indoor amenity space is also accessible from the southwest corner and additional glazing has been added to this façade.

- iv) ensure the intersections for entry and egress to the development site to provide cyclists and pedestrians a level of service A; and

Response:

Albert Street is an Arterial Road and it should be noted that level of service A is not achievable at an arterial intersection for pedestrians. As well, at this intersection, the governing issue is the delay to pedestrians waiting to cross Albert Street. However, through the review of Multi-Modal Level of Service (MMLOS) targets and future conditions, a strategy was taken to reduce the vehicle level of service at the intersection as a trade-off to increase the pedestrian level to the highest degree possible. Removal of one eastbound vehicle lane reduced the vehicle Level of Service (LOS) to F at the proposed signalized access to provide a shorter crossing distance for pedestrians crossing Albert Street. The removal of this vehicular lane then created an improvement to the new intersection's pedestrian LOS (C), which is paramount given the proximity of the site to light rail transit. The corridor pedestrian LOS is dictated by the vehicle speeds on Albert Street. Reducing the operating speeds along the corridor will improve the level of service for pedestrians walking along the road corridor. This is likely to

occur with the activity in the corridor generated by current and future development. The cycle track design is also in keeping with City design preferences as it physically separates cyclists from vehicle lanes on Albert Street. Cyclists reach the targeted level of service of A along this corridor and at the signalized intersection. The proposed roadway modifications along Albert Street, as shown on Document 8, will form part of the Site Plan Control approval and will be implemented at the applicants cost.

- v) that the number of provided bicycle parking spaces equal or exceed the number of private vehicles spaces for each phase of the development proposal.

Response:

The application has been revised to include a significant increase in the number of bike parking stalls to 964. The majority of the bike parking stalls are located in a secure indoor facility, protected from the elements. Given the proximity of the site to transit, staff are satisfied with the bike stalls provided, which is above combined by-law requirements of 812 stalls for all proposed uses.

DISCUSSION

This application is approved for the following reasons:

- The proposal is consistent with the principles and policies of the Official Plan and the Bayview Station District Secondary Plan.
- The proposal is consistent with the MC[1967] zoning provisions of the site.
- A Section 37 agreement is in place between the applicant and the City of Ottawa for the provision of community benefits as per Part 19 of By-law 2008-250. The contributions of the MOU are over and above the Section 37 agreement.
- Upon obtaining Site Plan Control approval, the applicant will be in a position to apply for and receive approval of the lifting of the holding provisions to permit development. Specifically, conditions with respect to the provision of affordable housing fund and urban design have been included in the recommended conditions to satisfy these requirements.
- Appropriate conditions are in place to address City concerns and requirements with respect to the municipal infrastructure and roadway modifications.
- The applicant has made significant revisions to the proposed building materials and

design as recommended by the Urban Design Review Panel.

Public consultation

Notification and public consultation were undertaken in accordance with the Public Notification and Public Consultation Policy approved by City Council for Site Plan Control Applications. A summary of the comments received, and a staff response are shown in Document 7.

Urban Design Review Panel

The property is within a Design Priority Area and as a result, the Site Plan Control and related planning applications were subject to multiple sessions with the Urban Design Review Panel (UDRP). Further council direction was provided to consult with the UDRP as part of the holding provision in place.

A special panel meeting was held on September 7, 2018. The comments and recommendations from the panel are noted below.

The panel appreciates some of the changes to the office component and to the project in general. Staff have done a great job working with this out of town architect. We remain very concerned by the appearance of the buildings on the Ottawa skyline. The main concern expressed by the panel at our last meeting with the architects was with the glass colour. In our opinion, these buildings, proposed as the tallest in the city, will appear as a dark presence on the skyline and have a significant detrimental impact and will take away from our national symbols. Our recommendations for a more reflective sky coloured glass, will help make the buildings blend in with the sky making them less imposing.

We also do have some concerns with the grade related conditions which appear not worked out. In additional, there are concerns that the alignment of the two towers are not parallel to each other. The glass colour can be a simple fix.

Staff were successful in implementing the following revisions to the project.

- The revised design repositions the office tower on the east podium, creating a massing that decreases progressively towards the east from the taller residential towers. The height of the proposed office tower has also been reduced to 24 storeys from 27.

- The revised office tower floor plate creates an increased separation between the residential towers, which allows for improved views and enhanced sightlines from the towers. The office building floor plate now takes on a more efficient rectilinear form that aligns with Albert Street.
- The revised design of the building podium introduces greater warmth and texture through its materiality by introducing brick masonry as a framework to the façade. The use of two-tone brick provides variety and texture while adding a contextual and familiar scale to the base of the complex. The masonry piers and bands provide additional contrast and depth to the façade.
- The applicant has revised to glass details for the proposed residential towers reflectivity to address the comments of the UDRP.
- A building amenity with an active entrance has been located at the southwest corner of the building and surface parking has also been removed from this area.
- Additional entrances have been placed along the podium of tower 3 (office tower) as recommended by the panel.
- Loading bays are internalized and screened behind coloured patterned doors.

Provincial Policy Statement

Staff have reviewed this proposal and have determined that it is consistent with the 2014 and 2020 Provincial Policy Statements.

RURAL IMPLICATIONS

There are no rural implications associated with this report.

COMMENTS BY THE WARD COUNCILLOR

Councillor McKenney is aware of the recommendations made within this report.

LEGAL IMPLICATIONS

There are no legal impediments to the adoption of this report.

RISK MANAGEMENT IMPLICATIONS

There are no risk implications associated with this report.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management issues related to this report

FINANCIAL IMPLICATIONS

A Section 37 agreement is in place between the applicant and the City of Ottawa for the provision of community benefits as per Part 19 of By-law 2008-250. The contributions of the MOU are over and above the Section 37 agreement.

The applicant is responsible for the road modification costs. Annual operating costs for the added sidewalk, cycle tracks, signal and grass boulevards are estimated at \$16,100 in 2020 dollars.

ACCESSIBILITY IMPACTS

There are no accessibility implications associated with this report.

TERM OF COUNCIL PRIORITIES

This project addresses the 2019-2022 Term of Council Priorities:

- Integrated Transportation
- Thriving Communities

APPLICATION PROCESS TIMELINE STATUS

This application (Development Application Number: D07-12-16-0165) was not processed by the "On Time Decision Date" established for the processing of Site Plan Control applications due the additional time to address technical matters.

SUPPORTING DOCUMENTATION

Document 1 Location Map

Document 2 Approved Reports and Plans and Condition of Site Plan Control Approval

Document 3 Previous Building Elevations, 2018

Document 4 Revised Building Elevations, 2020

Document 5 Site Plan

Document 6 Multi-use Pathway

Document 7 Consultation Details

Document 8 Roadway Modification Approval

DISPOSITION

Legislative Services, Office of the City Clerk to notify the owner; applicant; Ottawa Scene Canada Signs, 415 Legget Drive, Kanata, ON K2K 3R1; Krista O'Brien, Program Manager, Tax Billing and Control, Finance Services Department (Mail Code: 26-76) of City Council's decision.

Planning Operations Branch, Planning Services to undertake the statutory notification.

Document 1 – Location Map



		LOCATION MAP / PLAN DE LOCALISATION SITE PLAN / PLAN D'EMPLACEMENT	
D07-12-16-0165	20-0436-L	<div style="display: flex; align-items: center; justify-content: center;"> <div style="border: 2px solid black; width: 20px; height: 10px; margin-right: 5px;"></div> <div> <p>900 rue Albert St. 1035 rue Somerset St. O.W.</p> </div> </div>	
I:\CO\2020\Site\Albert_900			
<p>©Parcel data is owned by Teramet Enterprises Inc. and its suppliers. All rights reserved. May not be produced without permission. THIS IS NOT A PLAN OF SURVEY.</p> <p>©Les données de parcelles appartiennent à Teramet Enterprises Inc. et à ses fournisseurs. Tous droits réservés. Ne peut être reproduit sans autorisation. CECI N'EST PAS UN PLAN D'ARPENTAGE</p>			
REVISION / RÉVISION - 2020 / 06 / 09			

Document 2 – Approved Reports and Plans and Condition of Site Plan Control Approval

Approved Plans:

1. **900 Albert Ottawa, Site Plan, A1-01**, prepared by B+H Architects, dated 05/04/2020, Revision No. 12 dated 01/05/2020.
2. **900 Albert Ottawa, Building Elevations - North, A3-01**, prepared by B+H Architects, dated 02/21/2020, Revision No. 9 dated 21/02/20.
3. **900 Albert Ottawa, Building Elevations - South, A3-02**, prepared by B+H Architects, dated 02/21/2020, Revision No. 9 dated 21/02/20.
4. **900 Albert Ottawa, Building Elevations - West, A3-03**, prepared by B+H Architects, dated 02/21/2020, Revision No. 9 dated 21/02/20.
5. **900 Albert Ottawa, Building Elevations - Centre Street, A3-04**, prepared by B+H Architects, dated 02/21/2020, Revision No. 9 dated 21/02/20.
6. **Landscape Plan – Ground Floor, L1-01**, prepared by B+H Architects, dated 01/05/2020, Revision No. 11 dated 01/05/2020.
7. **Planting Plan, L1-05**, prepared by B+H Architects, dated 01/05/2020, Revision No. 11 dated 01/05/2020.
8. **Landscape Sections, L3-01**, prepared by B+H Architects, dated 01/05/2020, Revision No. 11 dated 01/05/2020.
9. **Site Servicing Plan for 900 Albert Street, SSP-1**, Sheet 3 of 4, prepared by DSEL, Project No. 18-1049, Revision No. 9, dated 2020/05/01.
10. **Grading Plan for 900 Albert Street, GP-1**, Sheet 2 of 4, prepared by DSEL, Project No. 18-1049, Revision No. 9, dated 2020/05/01.
11. **Stormwater Management Plan for 900 Albert Street, SWM-1**, Sheet 1 of 1, prepared by DSEL, Project No. 18-1049, Revision No. 9, dated 2020/05/01.
12. **Retaining Wall Details for 900 Albert Street, S1000**, prepared by Entuitive, Project no. C016-0109, Revision No. 1, dated 2019/08/30.
13. **Erosion Control Plan for 900 Albert Street, EC-1**, Sheet 4 of 4, prepared by DSEL, Project No. 18-1049, Revision No. 9, dated 2020/05/01.

List of Approved Report(s):

1. **Site Servicing and Stormwater Management Report for Trinity Development Group, 900 Albert Street**, prepared by DSEL, Project no. 18-1049, revision No. 6, dated May 2020.
2. **Geotechnical Investigation, Proposed Multi-Storey Complex, 900 Albert Street**, prepared by Paterson Group Inc., Report No. PG3272-2, Revision No. 6, dated August 20, 2019.
3. **Pedestrian Level Wind + Snow Drift Study, 900 Albert Street**, prepared by Gradient Wind Engineers and Scientists, Report No. GWE16-018-WTPLW, dated August 23, 2019.
4. **Environmental Noise and Vibration Assessment, 900 Albert Street**, prepared by Gradient Wind Engineering Inc., Report No. GWE 16-018-Noise & Vibration R4, Revised May 28, 2018.
5. **Response to Engineering Comments for Noise Study, 900 Albert Street**, prepared by Gradient Wind Engineers and Scientists, GWE File Ref.: 16-018-Cover Letter, dated August 28, 2019.
6. **900 Albert SPA Resubmission – Transportation Impact Assessment Combined Submittal**, prepared by Parsons, Parsons File Ref.: 476655-01000, dated June 6, 2020.

Standard Conditions of Approval

1.	Development Agreement The owner shall enter into an amending 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, Infrastructure and Economic Development Department.
3.	Barrier Curbs

	<p>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, Infrastructure and Economic Development.</p>
4.	<p>Water Supply for Fire Fighting</p> <p>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.</p>
5.	<p>Reinstatement of City Property</p> <p>The owner shall reinstate, at its expense and to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development Department, any property of the City, including, but not limited to, sidewalks, curbs and boulevards, which is damaged as a result of the subject development.</p>
6.	<p>Construction Fencing</p> <p>The owner acknowledges and agrees to install construction fencing, at its expense, in such a location as may be determined by the General Manager, Planning, Infrastructure and Economic Development Department.</p>
7.	<p>Completion of Works</p> <p>The owner acknowledges and agrees that no building will be occupied on the lands, nor will the owner convey title to any building until all requirements with respect to completion of the Works as identified in this Agreement have been carried out and received Approval by the General Manager, Planning, Infrastructure and Economic Development, 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.</p> <p>Notwithstanding the non-completion of the foregoing Works, conveyance and/or occupancy of a lot or structure may otherwise be permitted, if in the sole opinion of the General Manager, Planning, Infrastructure and Economic Development, the aforesaid Works are proceeding satisfactorily toward completion. The owner shall obtain the prior consent of the General Manager, Planning, Infrastructure and Economic Development for such conveyance and/or occupancy in writing.</p>

Special Conditions for Site Plan Approval

8. Record of Site Condition

Prior to the issuance of a building permit, the owner shall submit to the General Manager, Planning, Infrastructure 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 an 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, Infrastructure and Economic Development.

9. High Pressure Transmission Main

In order to help ensure the integrity of the high-pressure transmission main located along the south boundary of the site carries a significant portion of the entire water supply for the City of Ottawa, the owner acknowledges and agrees to undertake the following:

1. a site-specific Settlement and Vibration Monitoring Program will be developed and stamped by a professional Engineer in the province of Ontario and will be submitted to the City for their review and approval before the inclusion of the Plan in the contract documents.
2. should monitoring levels of vibration and underground soil movement exceed the maximum limits outline in the submitted/approved plan/report, the owner agrees to cease all construction activities immediately , and will take necessary correction option and at the same time will report to the City immediately and will resubmit a revised work plan to the City.
3. In the event that the levels of vibration momentarily exceed the maximum limits outlined in the submitted report/plan but the owner's on-site consultant is of the professional opinion that no danger exists, the owner may continue to proceed with the work by a different means, consistent with the report, that does not further cause the levels of vibration /settlement to exceed the maximum limits outlined in the report.

	<p>Priors to so proceeding with the work, the exceedance shall be reported to the Construction Services Branch of the City</p> <ol style="list-style-type: none">4. In the event of any requirement for emergency repairs of this transmission main, the owner shall reimburse the City for the cost of such repair to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development Department.5. The City reserves the right to issue a stop work order for the construction in the event of an incident which would adversely affect the City's requirement to provide safe drinking water. This may include but is not limited to, a leak or failure of the high-pressure transmission main and /or a failure at one of the water purification plans. Where the stop work order is for a period of 24 hours or less, the City is not responsible for any delay claim billed by the developer. NO inference of liability is to be taken from these conditions for any period longer than 24 hours.6. Prepare a contingency plan for the construction work related to the sewer relocation. The contingency plan will document who will be monitoring on-site instrumentation during the sewer relocation work.7. A certificate of liability insurance shall be submitted to the City wherein the owner is the named insured and the City of Ottawa is an additional insured. The limits of the policy shall be in the amount of \$25,000,000 and shall be kept in full force and effect for the term of the construction work.
<p>10. Geotechnical Investigation</p>	<p>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"), are fully implemented. The owner further acknowledges and agrees that it shall provide the General Manager, Planning, Infrastructure and Economic Development with confirmation issued by the geotechnical engineer that the owner has complied with all recommendations and provisions of the Report, prior to construction of the foundation and at the completion of the Works, which confirmation shall be to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development.</p>
<p>11. Use of Explosives and Pre-Blast Survey</p>	<ol style="list-style-type: none">a. The owner acknowledges and agrees that all blasting activities will conform to the City's Standard S.P. No. F-1201 entitled <i>Use of Explosives</i>, 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

	<p>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").</p> <p>b. The owner acknowledges and agrees that the Notification Letter(s) shall be in compliance with City Standard S.P. No. F-1201 and to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development. Pursuant to City Standard S.P. No. F-1201, the owner or its agents, contractors and subcontractors shall provide written notice to all owners and tenants of any building and/or facility located within a minimum of one hundred and fifty (150) metres from the blasting location at a minimum of fifteen (15) business days prior to any blasting. The owner further acknowledges and agrees that it shall provide a copy of the Notification Letter(s) to the General Manager, Planning, Infrastructure and Economic Development prior to any blasting activities.</p>
12. Permanent Encroachment Agreement (underground building footing)	<p>The owner acknowledges and agrees to enter into a permanent Encroachment Agreement to permit the encroachment of the portion of the Building Footing (SSP-1) within the City's Albert Street right-of-way. The owner shall, at its expense, provide a reference plan for registration, indicating the approved encroachments, and the owner shall submit the draft reference plan to the City's Surveyor for review and approval prior to its deposit in the Land Registry Office. The owner further acknowledges and agrees that the cost of preparation and registration of the Encroachment Agreement will be borne by the owner.</p>
13. Permit to Take Water (PTTW)	<p>The owner acknowledges and agrees to accord the approval for the PTTW application from the concerned ministry before Building Permit approval to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development Department</p>
14. Contaminated Groundwater Management	<p>(a) The owner acknowledges and agrees to enter into a Sanitary Sewer Agreement with the Public works and Environmental Services Department, Sewer Use Program prior to construction i.e. prior to building permit application to permit the discharge of contaminated groundwater and remediated groundwater. The owner further agrees that additional testing will be required as part of this agreement to confirm groundwater quality and will retain an environmental consultant to test groundwater to be removed from the site during and after redevelopment and all contaminated and remediated groundwater must be removed, managed or treated in accordance with appropriate Ontario regulations and/or discharged in accordance with the City's</p>

	<p>Sewer Use By-Law, being By-law No. 2003-514, as amended.</p> <p>(b) The owner agrees that if the discharging groundwater is not permitted due to the capacity of the City's sewer system, it will truck the groundwater being pumped out during and after construction.</p>
15. Soil Management	<p>The owner acknowledges and agrees to retain an environmental consultant to identify areas on the subject lands where excess soils, fill and/or construction debris will be removed. If through further testing any of these materials are found to be contaminated, the owner acknowledges and agrees to dispose, treat or recycle these materials at a waste disposal site or landfill licensed for that purpose by the Ministry of the Environment and Climate Change.</p>
16. Groundwater Management	<p>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.</p>
17. Professional Engineering Inspection	<p>The owner shall have competent Professional Engineering inspection personnel on-site during the period of construction, to supervise the Works, and the General Manager, Planning, Infrastructure and Economic Development Department, shall have the right at all times to inspect the installation of the Works. The owner acknowledges and agrees that should it be found in the sole opinion of the General Manager, Planning, Infrastructure and Economic Development Department, that such personnel are not on-site or are incompetent in the performance of their duties, or that the said Works are not being carried out in accordance with the approved plans or specifications and in accordance with good engineering practice, then the General Manager, Planning, Infrastructure and Economic Development Department, may order all Work in the project to be stopped, altered, retested or changed to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development Department.</p>
18. Site Dewatering	<p>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 Sewer Discharge Permit and City's Sewer Use By-law No. 2003-514, as amended, and will obtain required permit / approval to the satisfaction of the General Manager, Planning, Infrastructure</p>

	<p>and Economic Development Department. The owner agrees that if the discharging groundwater is not permitted due to the capacity of the City's sewer system, it will truck the groundwater being pumped out during construction.</p>
19. Fully Supervised Sprinkler System	<p>(a) The owner acknowledges and agrees to establish and maintain a fully supervised</p> <p>(b) sprinkler system, which will include private water system supervision including water flow and control valve alarm service as per approved Site Servicing and Stormwater Management Report for Trinity Development Group, for 900 Albert Street (Appendix B, water supply). The owner further acknowledges and agrees that it shall provide the General Manager, Planning, Infrastructure and Economic Development with confirmation issued by the professional engineer that the owner has complied with all recommendations and provisions of the Report to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development.</p>
20. Easement and R-plan for Private Watermain	<p>The owner acknowledges and agrees that it will acquire an easement and R-plan from the City for their private watermain that would be located within City Property at the northwest corner of the Trinity's property as shown on the SSP-1 drawing to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development.</p>
21. Easement and R-plan for Private Drainage System	<p>The owner acknowledges and agrees that it will acquire an easement and R-plan from the City for their private drainage system, which include drainage tiles, rip-rap and a portion of the swale that would be located within City Property at the northwest corner of the site boundary as shown on the GP-1 drawing to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development.</p>
22. Requirement for a Grease Trap	<p>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.</p>
23. Requirement for Grease and Oil Interceptor	<p>The owner shall, in accordance with the City's Sewer By-law, being By-law No. 2003-514, as amended, install a grease and oil interceptor on the internal sanitary plumbing system in such a location where the storage or repair of vehicles occurs.</p>

24. Waste and Recycling Collection

Non-Residential/Commercial Units

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

Residential and Recycling Collection

The owner acknowledges and agrees that waste collection and recycling collection will not be provided by the City. The Purchaser/Lessee for himself, his heirs, executors, administrators, successors and assigns acknowledge being advised that the City will provide waste collection and cart (and/or container) recycling collection for the residential units, at the owner's expense.

25. Stormwater Works Certification

Upon completion of all stormwater management works including installation of the approved Stormceptor, EF 08 (SWM Plan, SWM-1), 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. The owner further acknowledges and agrees to provide the General Manager, Planning, Infrastructure and Economic Development Department with certificates of compliance issued by a Professional Engineer, licensed in the Province of Ontario, confirming that all recommendations and provisions have been implemented in accordance with the approved Plans and Reports.

26. Maintenance and Liability Agreement for Landscaping Materials and Retaining Walls

The owner acknowledges and agrees it shall be required to enter into a Maintenance and Liability Agreement with the City, for all plant and landscaping material (except municipal trees), decorative paving and street furnishings and all retaining walls placed in the City's right-of-way along Albert Street in accordance with City Specifications, and the Maintenance and Liability Agreement shall be registered on title, at the owner's expense, immediately after the registration of this Agreement. The owner shall assume all maintenance and replacement responsibilities in perpetuity.

27. Warning Clauses – Light Rail Rapid Transit System

- a. 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 for the benefit of the owner of the

adjacent public transit light rail rapid system:

- b. "The Purchaser/Lessee for himself, his heirs, executors, administrators, successors and assigns acknowledges being advised that a public transit light rail rapid transit system (hereinafter referred to as "LRT system") is proposed to be located in proximity to the subject lands, which may be located in a tunnel and/or open trench adjacent to or under the subject lands, and the construction, operation and maintenance of the LRT system may result in environmental impacts to the subject lands including, but not limited to, noise, vibration, electromagnetic interferences, stray current transmissions, smoke and particulate matter (collectively referred to as the "Interferences"). The Purchaser/Lessee acknowledges and agrees that despite the inclusion of noise control features within the subject lands, Interferences may continue to be of concern, occasionally interfering with some activities of the occupants on the subject lands."
- c. 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."

28. 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.

29. Private Storm Sewer Connection to City Sewer System

- a. The owner acknowledges and agrees that any new storm sewers to be installed as part of this development shall not be connected to the City's existing storm sewer system until such time as either:
- b. a certificate of conformance and Record Drawings have been received from a Professional Engineer, licensed in the Province of Ontario, certifying that all required inlet control devices have been properly installed to City Standards or Specifications, and that the storm sewer system has been installed in accordance with the approved engineering drawings for site development and City Sewer Design Guidelines. The inlet control devices shall be free of any debris; or
- c. a flow limiting orifice plate, designed by a Professional Engineer licensed in the Province of Ontario and to the satisfaction of the City, has been installed at the storm

water outlet prior to connecting any upstream storm sewers. Such orifice plate shall not be removed until subsection (a) above has been satisfied and approved by the General Manager, Planning, Infrastructure and Economic Development.

30. Joint Use, Maintenance and Liability Agreement

- (a) The owner acknowledges and agrees that should the lands be severed in the future, it shall ensure that the future owner of the freehold units shall enter into a Joint Use, Maintenance and Liability Agreement which shall be binding upon the owners and all subsequent purchasers to deal with the joint use, maintenance and liability of the common elements, including but not limited to any private roadway including overhang private road(s) and concrete sidewalks; common grass areas; common party walls, exterior walls; common structural elements such as the roof, foundations; common parking areas; sewers and watermains, for the mutual benefit and joint use of the owners; and any other elements located in the common property; and the Joint Use, Maintenance and Liability Agreement shall be filed with the General Manager, Planning, Infrastructure and Economic Development Department.
- (b) The owner shall file with the General Manager, Planning, Infrastructure and Economic Development Department, an opinion from a solicitor authorized to practice law in the Province of Ontario that the Joint Use, Maintenance and Liability Agreement is binding upon the owners of the land and all subsequent purchasers to deal with the matters referred to Paragraph (a) above.
- (c) The owner acknowledges and agrees that the Joint Use, Maintenance and Liability Agreement shall be registered on the owner's Land at no cost to the City, and a copy of the registered agreement shall be provided to the General Manager, Planning, Infrastructure and Economic Development Department.
- (d) The owner acknowledges and agrees that the Joint Use, Maintenance and Liability Agreement shall include a clause to require all future purchasers to enter into an Assumption Agreement in order to transfer all legal and financial obligations required under the Joint Use, Maintenance and Liability Agreement.
- (e) The owner acknowledges and agrees that should the lands be severed in the future, it shall obtain the necessary environmental compliance approvals for the private sewers and stormwater management facilities as required from the MECP (Ministry of Environment, Conservation and Parks) to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development.

31. 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 32-b 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.

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

- a. 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:
- b. "The Purchaser/Lessee for himself, his heirs, executors, administrators, successors and assigns acknowledge being advised that during major storm events, depressed driveways and below grade parking areas may be subject to flooding due to drainage from the road allowance. The Purchaser/Lessee further acknowledges being advised that the City of Ottawa shall not be liable for flooding claims. Backwater valves are recommended for installation on catch basins located in depressed driveways."
- c. "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."

33. Noise Control Attenuation Measures

The owner acknowledges and agrees to implement the noise control attenuation measures recommended in the approved Environmental Noise and Vibration Assessment Study and the related memos, as follows:

- (a) In addition to upgraded windows, the installation of central air conditioning (or similar mechanical system) will be required for all units in the development, which will allow occupants to keep windows closed and maintain a comfortable living environment.
- (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 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.
- (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; notice respecting noise shall be registered against the lands, at no cost to the City, and a Warning Clause will be required in all Agreements of Lease, Purchase and Sale for residential units, and a similarly worded clause will also be required for hotel operators as below:

This dwelling unit has also been designed with air conditioning (or similar mechanical system). Air conditioning will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the City and the Ministry of the Environment and Climate Change. To ensure that provincial sound level limits are not exceeded, it is important to maintain these sound attenuation features.”

and

“Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing roadway traffic may, on occasion, interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the City and the Ministry of the Environment and Climate Change. To help address the need for sound attenuation, this development

includes:

- Exterior wall components on these facades (revised Table 9 in the noise memo) are recommended to have a minimum STC of 45, where a window/wall system is used. Wall assemblies meeting STC 45 would include steel stud walls a minimum 92 mm deep filled with batt insulation, exterior dense glass sheeting, and 16 mm gypsum board on the inside.

Stationary noise levels from the City Centre property will modestly exceed the ENCG stationary sound level limits for a Class 1 (urban) environment. The main source of noise contributing to excess noise levels is the west fresh air intake. This can be readily

mitigated with the introduction of either an acoustical louver or silencer bank meeting the specifications in Table 10. With mitigation, existing stationary sources will be compliant with the stationary sound level limits.

The following stationary Warning Clause will be required in all Agreements of Lease, Purchase and Sale for residential units, and a similarly worded clause will also be required for hotel operators:

“Purchasers/tenants are advised that sound levels due to the adjacent commercial facilities may interfere with outdoor activities as the sound levels may exceed the sound level limits of the City of Ottawa and the Ministry of the Environment.

Purchasers/tenants are further advised that sound levels due to the adjacent commercial facility are required to comply with sound level limits that are protective of indoor areas and are based on the assumption that windows and exterior doors are closed. This dwelling unit has been supplied with a ventilation / air conditioning system which will allow windows and exterior doors to remain closed.”

and

“The transferee covenants with the transferor, and the lessee covenants with the lessor, that the above clause’s, verbatim, shall be included in all subsequent agreements of purchase and sale, lease agreements, and Transfers/Deeds conveying the lands described herein, which covenant shall run with the said lands and is for the benefit of the owner of the adjacent road”

34. 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 and Vibration Assessment Study and the related memos, as approved by the City and/or the approval agencies and authorities (The Ministry of the Environment, Conservation and Parks) or noise thresholds identified in the City’s Environmental Noise Control Guidelines. The Professional Engineer shall prepare a letter to the General Manager, Planning, Infrastructure and Economic Development (the “Certification Letter”) stating that he certifies acoustical compliance with all requirements of the applicable conditions in this Agreement, to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development.
- (b) The Certification Letter shall be unconditional and shall address all requirements as

	<p>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:</p> <ul style="list-style-type: none">(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. <p>(c) All of the information required in subsections (a) and (b) above shall be submitted to the General Manager, Planning, Infrastructure and Economic Development, and shall be to his satisfaction.</p>
<p>35. Urban Design Review Panel</p>	<p>The owner acknowledges and agrees to construct the proposed buildings in accordance with the approved Elevations Plans, referenced in Site Plan Control Agreement. The owner further acknowledges and agrees that subsequent proposed changes to the approved exterior elevations may be subject to review and approval by the City's Urban Design Review Panel, subject to discretion of the General Manager, Planning, Infrastructure and Economic Development. In this regard, if the revised elevations proceed to the City's Urban Design Review panel, the owner shall submit these modified exterior building elevation plans that have been reviewed by the City's Urban Design Review Panel to the General Manager, Planning, Infrastructure and Economic Development for approval, and the owner further acknowledges and agrees that such approved modified elevations will be included as part of this Agreement prior to issuance of any building permits for implementation of such modified exterior design plans. The owner further agrees that the exterior reflective value of the glass for all towers shall be a minimum of 18%. The final glass detail shall be to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development.</p>
<p>36. Roadway Modification Approval</p>	<p>The owner agrees to complete all road modifications required to accommodate this development, as identified in the road modification approval report, and further acknowledges</p>

	and agrees that it is responsible for all costs associated with the public roadway modifications.
37. Letter of Tolerance	<p>The owner shall, within four (4) weeks of Site Plan Control Approval, file with the General Manager, Planning, Infrastructure and Economic Development a copy of the letter of tolerance issued by the Right-of-Way Unit for the encroachment of the elements including but not limited to stairs, pavers and landscape materials to be constructed within the City's Albert Street right-of-way, as shown on the approved Landscape Plan.</p>
38. Permanent Encroachment Agreement (proposed elevated walkway)	<p>The owner acknowledges and agrees to enter into a permanent Encroachment Agreement to permit the encroachment of the elevated pedestrian walkway to be constructed within the City's property as shown on the approved Site Plan. The owner shall, at its expense, provide a reference plan for registration, indicating the approved encroachments, and the owner shall submit the draft reference plan to the City's Surveyor for review and approval prior to its deposit in the Land Registry Office. The owner further acknowledges and agrees that the cost of preparation and registration of the Encroachment Agreement will be borne by the owner.</p>
39. Permanent Features	<p>The owner acknowledges and agrees that no permanent features shall be permitted above and below grade within the City's widened right-of-way, including commercial signage, except as otherwise shown on the approved Site Plan.</p>
40. Transportation Study	<p>The owner has undertaken a Transportation Brief and an Addendum(s) for this site, which Study and Addendum(s) 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 Brief, and Addendum, are fully implemented, to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development.</p>
41. Private Access	<p>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.</p>
42. Notice to Prospective Purchasers and Lessees Adjacent to O-Train corridor	

	<p>The owner shall inform all prospective purchasers and lessees, through a clause to be included in all agreements of Purchase and Sale, and in all lease agreements, and through information on all plans and documents used for marketing purposes, that the O-Train rail corridor is located adjacent to the purchaser's property and may generate noise or vibration at any time.</p>
<p>43. Transit Pads and Shelters</p>	<p>The owner shall locate, design and construct, at no cost to the City of Ottawa, paved transit passenger standing areas/shelter pads and shelters to the specifications of the City.</p>
<p>44. Pre-blast Survey</p>	<p>The owner acknowledges and agrees that a pre-blast survey shall be required as a result of this development, and the owner shall provide a pre-blast survey at their expense along with any additional review fees to the Rideau Transit Group and the Director, O-Train Construction for review and approval prior to any blasting activities. The owner covenants and agrees it shall arrange for a pre-blast survey to be carried out by a Professional Engineer, licensed in the Province of Ontario, and in accordance with the Ontario Provincial Standard Specification entitled "General Specification for the Uses of Explosives", Section 120.07.03, which states as follows:</p> <ul style="list-style-type: none">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:<ul style="list-style-type: none">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

	<p>and shall accurately represent the condition of the property. Each photograph or video shall be clearly labelled with the location and date taken.</p> <p>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.</p>
45. Environmental Impacts	<p>(a) The owner acknowledges and agrees that due to the close proximity of the subject lands to the City's existing and future transit operations, including the light rail rapid transit system, the proposed development, subsequent owners and/or occupants may experience noise, vibration, electromagnetic interferences, stray current transmissions, smoke and particulate matter (collectively referred to as the "Interferences").</p> <p>(b) The owner acknowledges and agrees that it has been advised by the City to apply reasonable attenuation measures with respect to the level of Interferences within the lands and on the proposed development.</p> <p>(c) The owner acknowledges and agrees that a warning clause shall be included in all agreements of purchase and sale and lease agreements, as contained in Clause ___ herein below, in order to ensure subsequent owners and/or occupants are fully informed of the potential Interferences.</p>
46. Engineering Report	<p>Prior to issuance of a building permit, and at the owner's expense, the owner covenants and agrees to provide the Rideau Transit Group and Director, O-Train Construction with an engineering report, prepared by a Professional Engineer licensed in the Province of Ontario, outlining the impact of the proposed building's footing and foundation walls, including any required retaining walls and shoring, on the Confederation Line Light Rail Transit Project (the "Confederation Line Project") and/or the lands adjacent to the City's light rail corridor, and outlining the impact of the Confederation Line Project on the proposed development, including any required retaining walls and shoring.</p>
47. Warning Clauses	<p>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 for the benefit of the owner of the adjacent public transit light rail</p>

	<p>rapid system:</p> <p>“The Purchaser/Lessee for himself, his heirs, executors, administrators, successors and assigns acknowledges being advised that a public transit light rail rapid transit system (hereinafter referred to as “LRT system”) is proposed to be located in proximity to the subject lands, which may be located in a tunnel adjacent to or under the subject lands, and the construction, operation and maintenance of the LRT system may result in environmental impacts to the subject lands including, but not limited to, noise, vibration, electromagnetic interferences, stray current transmissions, smoke and particulate matter (collectively referred to as the “Interferences”). The Purchaser/Lessee acknowledges and agrees that despite the inclusion of noise control features within the subject lands, Interferences may continue to be of concern, occasionally interfering with some activities of the occupants on the subject lands.”</p> <p>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.”</p>
48. Building/Construction Permit Drawings	<p>The owner covenants and agrees to submit PDF files of all construction permit application forms and drawings to the Director, O-Train Planning prior to submitting an application form and/or drawing(s) to the Chief Building Official, Building Code Services. In the event of any revision to the submitted construction permit drawing(s) pertaining to any portion of the proposed building below grade, including but not limited to underground parking, the owner covenants and agrees to submit PDF files of such revision(s) to the Director, O-Train Planning prior to submitting the revised construction permit drawing(s) to the Chief Building Official, Building Code Services.</p>
49. Interference Assessment	<p>The owner covenants and agrees to participate in further discussions with the Director, O-Train Construction relating to rail interference levels and expectations pertaining to liability once the Director, O-Train Construction has made available a general model of interference levels for the rail line in the vicinity of the University of Ottawa.</p>
50. Construction Cranes	<p>Prior to the use of any construction cranes on the subject lands (including mobile and stationary cranes), the owner acknowledges and agrees to provide to the Program Manager, Rail Operations for Capital Railway (operating as “O-Train”), the specifications of the crane(s) including, but not limited to, the crane arm span and load capacity, for review against potential impacts to the safe operation of the O-Train and O-Train corridor.</p>

51. Crane Swing Agreement

- a. The owner acknowledges and agrees that, based on the information provided in Clause _ hereinabove, the owner may be required to enter into a Crane Swing Agreement prior to the operation of any cranes on the subject lands, to the satisfaction of the Program Manager, Rail Operations for Capital Railway (operating as O-Train), as well as the General Manager, Planning, Infrastructure and Economic Development.
- b. The owner acknowledges and agrees it shall be responsible for all costs associated with the preparation and registration of a Crane Swing Agreement. No crane shall be assembled on site until the owner has entered into a Crane Swing Agreement with the City, which agreement shall be registered on title to the subject lands.
- c. The owner acknowledges and agrees that if any part of the crane does enter the aerial rights of the rail corridor (including the crane arm while swinging free) without a signed Crane Swing Agreement, such action will be in violation of Section 26.1 of the Railway Safety Act, R.S.C., 1985, c.32 (4th Supp.), as amended, and the owner shall immediately cease use of the crane.

52. Corridor Crane Precautions

Prior to the issuance of any building permits, the owner shall enter into a Crane Swing Agreement with the City, to the satisfaction of the Program Manager, Rail Operations, and in consultation with the General Manager, Planning, Infrastructure and Economic Development. Prior to execution of the said Crane Swing Agreement by the City, the owner shall provide to the Program Manager, Rail Operations plans identifying the location and description of the type of crane(s) that will be on site, including all existing cranes on the lands, to determine if the mast or the arms of any crane(s) would be entering the air rights of the rail corridor. No crane(s) is to be assembled on site until the specifications of the crane(s) is provided to the Program Manager, Rail Operations, and the owner has executed the Crane Swing Agreement. The owner further acknowledges and agrees that if any crane enters the aerial rights of the rail corridor, including the crane arm while swinging free, without a signed Crane Swing Agreement, such action will be in violation of Section 26.1 of the Railway Safety Act, R.S.C., 1985, c. 32 (4th Supp.), as amended, and the owner shall immediately cease use of the crane. The Crane Swing Agreement shall be registered on title to the development lands, and the owner shall be responsible for all costs in the preparation and registration thereof.

53. Requirement for Flag-person

	<p>The owner acknowledges and agrees no access is allowed to the Capital Railway (operating as O-Train) right-of-way abutting the subject lands to the west without a flag-person present on the subject lands and/or the said right-of-way. The owner further acknowledges and agrees that should the owner, its representatives or contractors require access to the Capital Railway (operating as O-Train) right-of-way, they shall sign and submit a Capital Railway "Contractor/Consultant Health & Safety Compliance" form, provide a Certificate of Insurance naming the "City of Ottawa, Capital Railway and Rail Term Inc." as additional insureds to satisfy the liability requirements provided in the Capital Railway "Contractor/Consultant Health & Safety Compliance" form, and provide a current Workplace Safety and Insurance Board form to the Program Manager, Rail Operations. All flagging duties are to be carried out by Rail Term Inc., (which has an hourly charge of approximately \$107.50 excluding H.S.T.), and all flagging costs are the sole responsibility of the owner. Requests for flagging must be sent by e-mail to Kenneth Morrison (kenneth.morrison@ottawa.ca), a minimum of one week in advance of the first flagging requirement, in order for Rail Term Inc. to set up a flagging agreement with the requestor. All subsequent flagging duties may be scheduled through Rail Term Inc.</p>
<p>54. Cash-in-Lieu of Parkland</p>	<p>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.</p>
<p>55. Access Easement to City</p>	<p>The owner acknowledges and agrees it shall grant to the City, at the owner's expense, a Blanket Easement over the lands, with the right and license of free, uninterrupted, unimpeded and unobstructed access to the City to enter on and to pass at any and all times, on, over, along and upon the lands with or without vehicles, supplies, machinery and equipment for all purposes necessary or convenient to construct, maintain, repair and replace the Private Watermains, Private Service Posts and fire hydrants at the owner's expense. The owner acknowledges and agrees that notwithstanding the rights granted to the City under the grant of easement, the owner remains responsible at all times for the maintenance, inspection, alteration, repair, replacement and reconstruction of the utility in the said lands during their term of use. The owner acknowledges and agrees to provide an electronic copy of the Transfer of Easement prior to the execution of this Agreement by the City, to the satisfaction of the City Clerk and Solicitor. All costs shall be borne by the owner.</p>
<p>56. Consent to Enter</p>	<p>The owner acknowledges and agrees that prior to any works on City of Ottawa property, the owner shall obtain a Consent to Enter approval at their cost to the satisfaction of Corporate Real Estate Office.</p>

57. Easements for Municipal Infrastructure

The owner agrees that within six (6) months of the completion of the works within this approval, the owner shall grant to the City, at no cost to the City, necessary easements required for all existing and new City infrastructure located on the owner's property to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development Department.

58. Affordable Housing Contribution

The owner agrees that a payment shall be made towards Affordable Housing as per the Memorandum of Understanding signed between the City of Ottawa and 801 Albert Street Inc. dated January 3, 2020.

The owner acknowledges and agrees to contribute \$6,250,000.00 towards the City's general reserve for affordable housing. The \$6,250,000.00 will be pro-rated for each apartment tower in the proposed development based on the following:

A) Upon issuance of the first residential occupancy permit for an apartment tower in the development, the amount to be paid shall be the greater of either:

- I. 60 per cent of the aforementioned amount or;
- II. If the number of residential units in the first tower is greater than 60% of the overall number of residential units in the development, the amount to be paid shall be equal to the percentage of units to be provided in the first tower, as compared to the overall development.

B) The balance of the aforementioned amount shall be paid upon the issuance of the first residential occupancy permit for the second residential tower in the development.

59. Pedestrian Bridge Connection

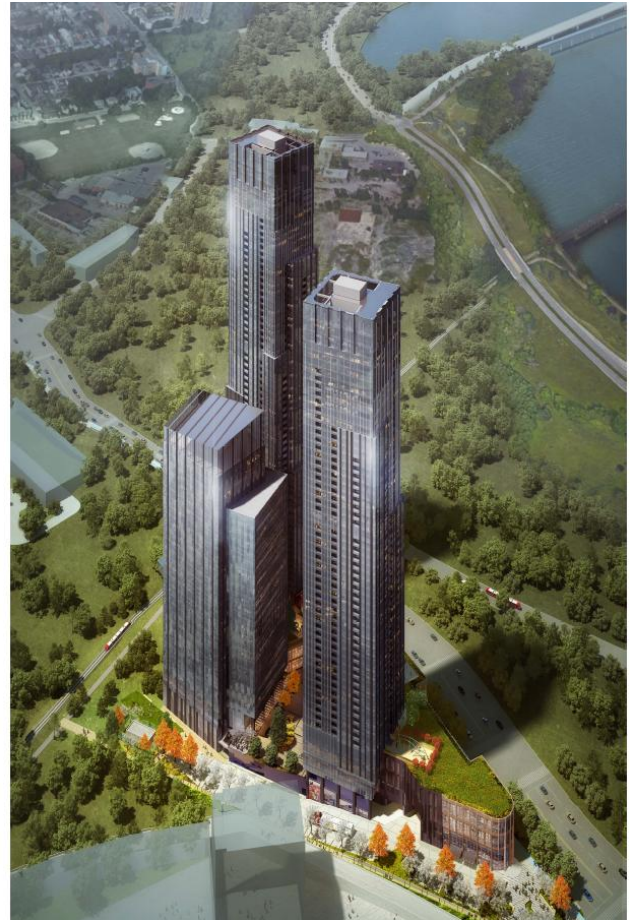
As part of the Trillium Line Extension and the Stage 2 Light Rail Transit Project, the City, at the owner's request, is constructing a pedestrian bridge connection between Bayview Station and the mixed-use podium component of the development (the "Bridge Connection"). The owner hereby agrees:

- a. To convey to the City a pedestrian access easement through the development, including interior portions of the podium, in order to permit continuous pedestrian access and egress to and from the Albert Street and the Bridge Connection during the operating hours of the LRT system, as may be

	<p>established by the City from time to time and to permit the installation, maintenance, repair, replacement and relocation of the City's transit station identification and wayfinding signage and transit information screens, together with any required electrical and/or telecommunications connection;</p> <ul style="list-style-type: none">b. To convey to the City an easement to construct, maintain, repair, replace or remove any portion of the Bridge Connection extending through the owner's lands, including a bridge pier supporting the Bridge Connection;c. To comply with the provisions of the Framework Agreement between the City and the owner and dated October 30, 2018, as may be amended by the City and the owner from time to time;d. To take all steps required to design and construct the development to receive the Bridge Connection;e. Prior to the installation of any tiebacks or other support of excavation within 50 metres of the Bridge Connection, to submit to the City for review and approval plans detailing the location of any proposed tiebacks or other support of excavation. The City may withhold its approval where any tiebacks may interfere with the construction, operation or maintenance of the LRT system or the Bridge Connection.
<p>60. Access Easement</p>	<p>The owner agrees to convey, or agree to have the City reserve, an easement through the portion of the owners property and Parts 1 and 2 described in Condition 63 hereof described as Parts 1 to 6 inclusive, 9 to 13 inclusive, 16 to 23 inclusive on plan 4R-32844 and, where such easement passes though a building, in accordance with the City's specification including with respect to clearances, for uninterrupted, unimpeded and unobstructed access and egress from Albert Street to the Trillium Line rail corridor and to enter on and to pass at any and all times, on, over, along and upon the lands with or without vehicles, supplies, machinery and equipment for all purposes necessary or convenient to construct, maintain, repair and replace the LRT system or any other services or for any municipal purpose.</p>
<p>61. Purchase and Sale Agreement</p>	<p>The owner acknowledges that it will be a party to a Purchase and Sale Agreement with the City of Ottawa for the (Parts 1 and 2 as shown Memorandum of Understanding</p>

	<p>dated December 19, 2019). The owner acknowledges and agrees that nothing in this approval binds the City of Ottawa with respect to the obligations of the owner under the site plan approval with respect to these parcels.</p>
62. Parking Signage and Reallocation	<p>The owner acknowledges and agrees that parking stalls designated for each purpose are to be clearly marked with signage and pavement markings. The owner further agrees that no spaces will be reallocated at any time for additional residential parking purposes.</p>
63. 250 City Centre Avenue	<p>The Owner acknowledges and agrees to provide a pedestrian, servicing and access easement over the site to the mutual satisfaction of the City of Ottawa and owner, to provide for the opportunity for an easement to allow for a future connection to the lands at 250 City Centre Avenue</p>

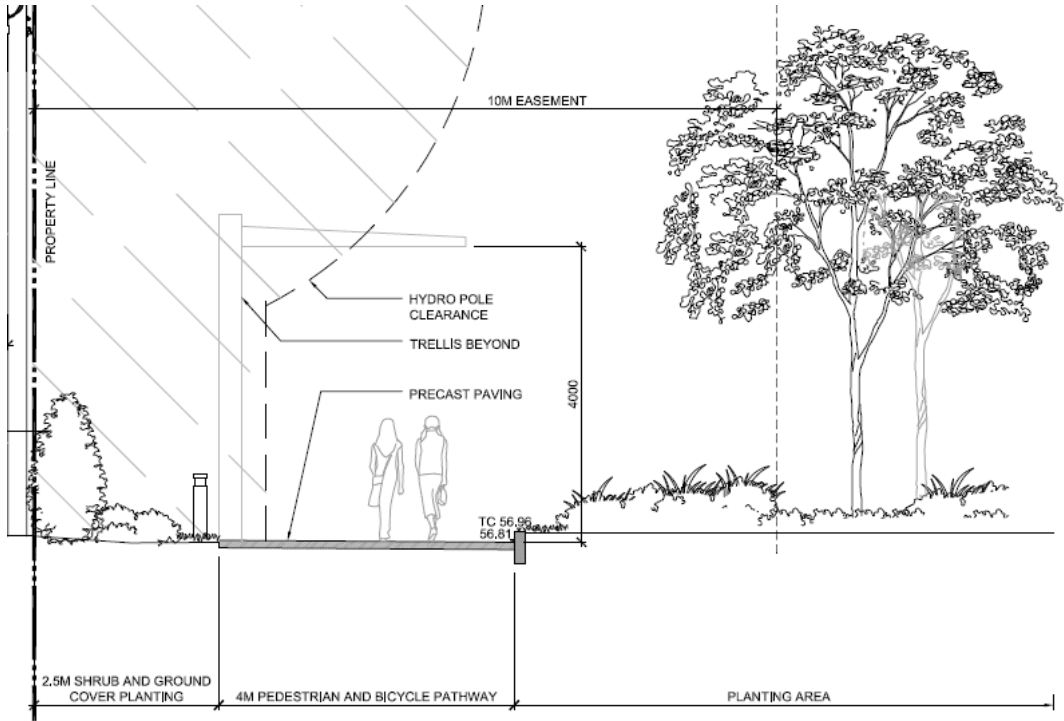
Document 3 – Previous Building Elevations



Document 4 – Revised Building Elevations



Documents 6 – Multi-use Pathway



Documents 7 – Consultation Details

During the circulation process, approximately twenty-eight comments were received, with twenty-two providing comments or concerns, three indicating support of the application and the remainder requesting notification of any file activity.

PUBLIC COMMENTS

1. Concerns were raised with respect to potential shadowing impacts from the proposed development.

Response: A shadow study was prepared by the applicant as part of the application. Given the slender design of the towers, the proposed shadows to be cast from the development are not anticipated to significantly impact the existing developments in the area or future developments to the north. To reduce potential shadowing impacts, the tallest building elements have been placed on the western portion of the site and the proposed office tower has been reduced in height.

2. Concerns were raised with respect to potential traffic and parking impacts from the proposed development.

Response: The proposed development is strategically located within an area that is well served by existing rapid transit, to be further enhanced through the completion of the O-Train project. The proposed parking standards are consistent with the central area and are considered appropriate for the proposed use. The proposed reduction in required rate of parking for an office use will further encourage the use of public transit for a site that is within 600 metres of an existing rapid transit station.

Through the Site Plan Control process, a detailed review of the proposed intersection and roadway modifications has been undertaken to ensure safe access and egress to the site for vehicles, pedestrians and cyclist. The required roadway modifications to support the proposed development will be the responsibility of the applicant which includes a raised cycle track.

3. Concerns were raised about how the project will create connections to the surrounding community, particularly along the former Wellington Street right-of-way, and the sight lines through this area to Hintonburg.

Response: As part of the Site Plan Control approval the project proposes a new east-west connection along the former Wellington Street right-of-way that will be

protected from vehicular movements and formalize the existing informal dirt pathway that abuts the existing multi-use pathway that is adjacent to the O-train corridor.

4. Concerns were raised with respect to conflicts with truck turning movements and the proposed pathway along the southern property limit.

Response: As part of the Site Plan Control approval the design intent is that truck-turning movement will not interfere with cyclist and pedestrians using the pathway. Design elements such as raised curbs and planters are being considered along this edge to further separate the users.

5. Concerns were raised with respect to the provision of affordable housing.

Response: As part of the requirements for the lifting of the holding provision. The Site Plan Control approval is to contain a condition with respect to affordable housing. As noted in recommended conditions the applicant is to provide a payment of affordable housing as agreed to in the Memorandum of Understanding between the City of Ottawa and Trinity. This agreement would see \$6,250,000 paid to the City for affordable housing along with \$525,000 from Section 37 benefits.

6. Concerns were raised with respect to the animation of the southern façade.

Response: The southern elevation features an expanded landscaped area as the result of the removal of surface parking. A new four metre multi use pathway will be constructed along the southern property limit which will provide a formal connection from City Centre Avenue to the existing multi use pathway. The pathway will be lit and include architectural elements and new plantings within the design. The pathway is also separated from the truck loading areas and protected by a raised curb from that area as shown on Document 6. A new amenity space for the tenants of the building has been added at the southwest corner of the site with increased glazing.

Documents 8 – Roadway Modification Approval

CITY OF OTTAWA

ROAD MODIFICATION

APPROVAL UNDER DELEGATED AUTHORITY

DATE: May 20, 2020

RMA-2020-TPD-031

RECOMMENDATIONS

- Staff recommend road modifications along the frontage of 900 Albert Street proposed development to support the complete street design for Albert Street and to complement the design along the Bayview Station frontage. These works include a new signalized protected T-intersection access with a westbound left turn lane with crosswalks and cross rides, a right in/right out truck access and connection to the City Centre signalized intersection.

LOCATION

- 900 Albert Street, Ward 14 – Somerset, see Attachment 1.

BACKGROUND

- The proposed modifications are being undertaken to support a proposed development by Trinity Development Group Inc. to redevelop 900 Albert Street to include 1,241 residential units, over 8,000 m² of retail space and over 37,000 m² of office space.
- The new signalized intersection ties into the three-lane cross section west of the development on Albert Street in order to improve the pedestrian and cycling environment near Bayview Station.
- The Site Plan application is expected to be received at Planning Committee on 11 June 2020. Construction timing of the approved road modifications is determined by the applicant.

EXISTING ROAD CONDITIONS

- Albert Street is a four-lane urban arterial road with a sidewalk on the south side and a sidewalk transitioning to a multi-use pathway east of Bayview Station on the north side. The outside lanes are temporarily reserved for transit fronting this development, and the posted speed limit is 50 km/hr.
- There were six reported collisions on Albert Street between City Centre and Bayview Station Road between 2014 and 2018. One collision involved a non-fatal injury while the remainder caused only property damage. Of these collisions, the impact types include: two rear-end, two sideswipes, one approaching and one single motor vehicle.

PROPOSED ROAD MODIFICATIONS

- It must be emphasized that the following road modifications (see Attachment 2) are conceptual and intended only to illustrate the proposed function. The approval of any detailed design of the road modifications stemming from this report will be subject to the City's detailed design review process.
- The current design integrates with the planned cross section of Albert Street from City Centre Drive to Booth Street. The timing of this reconstruction is currently unknown. The detailed design of the proposed works may need to be modified to ensure a smooth transition to existing conditions at the time of construction.
- The detailed design review process will include requirements for roadside safety provisions, center medians, utility relocations, street lighting, drainage and other needs as deemed appropriate by the City.
- Any required easements or property requirements identified to implement the project as a result of the approved design review process will be the responsibility of the applicant to secure at their cost, to the satisfaction of the City of Ottawa.

Proposed road modifications:

1. Construction of a new three-legged signalized intersection at 900 Albert Street access including:
 - a) The provision of one inbound receiving lane and one shared right-turn/left-turn egress lane on the new access road.

- b) The removal of one eastbound through lane on the approach to the intersection and the addition of a centre median.
 - c) The development of a westbound left turn into the site with an adjacent center median.
 - d) Zebra crosswalks on all crossings.
 - e) Cross-rides on the east and west sides of the intersection and a raised cross-ride on the south side across the access.
- 2. Provision of a bus pad and shelter that will accommodate R1 buses on the south side of Albert Street.
 - 3. New cycle track along the frontage of the site extending from west of the new signalized intersection connecting to existing bike lanes on the bridge to the City Centre Avenue signalized intersection.
 - 4. A new right-in right-out access to the parking garage and for truck deliveries.

MODIFICATION OUTCOMES- BENEFITS AND IMPACTS

The recommendations summarized in this report will help achieve the following objectives from the City's current Transportation Master Plan:

- 1. Section 4.1 – Build a Continuous, Well Connected Pedestrian Network
- 2. Section 4.2 – Create a Walkable Environment
- 3. Section 4.3 – Improve Pedestrian Safety and Promotion
- 4. Section 5.1 – Build and Maintain a Network of Quality Cycling Facilities
- 5. Section 5.2 – Offer Attractive Intermodal Connections and Trip-end Facilities
- 6. Section 5.3 – Improve Cycling Safety and Promotion
- 7. Section 7.1 – Design and Build Complete Streets
- 8. Section 7.4 – Maximize Road Safety for All Users

The proposed modifications support the multi modal targets for the area. Removal of one eastbound lane on the approach to the new intersection provides a shorter pedestrian crossing on the west side of the new access, provides an improved environment for eastbound pedestrians and cyclists along Albert Street but reduces the level of service for buses and vehicles moving through the intersection.

FINANCIAL COMMENTS

- The total estimated cost for the above-noted road modifications, which includes construction, engineering and contingencies, is approximately \$3,364,580. The applicant is responsible for these costs and securities are to be held within the site plan agreement.
- Annual operating costs for the added sidewalk, cycle tracks, signal and grass boulevards are estimated at \$16,100 in 2020 dollars.

CONSULTATIONS

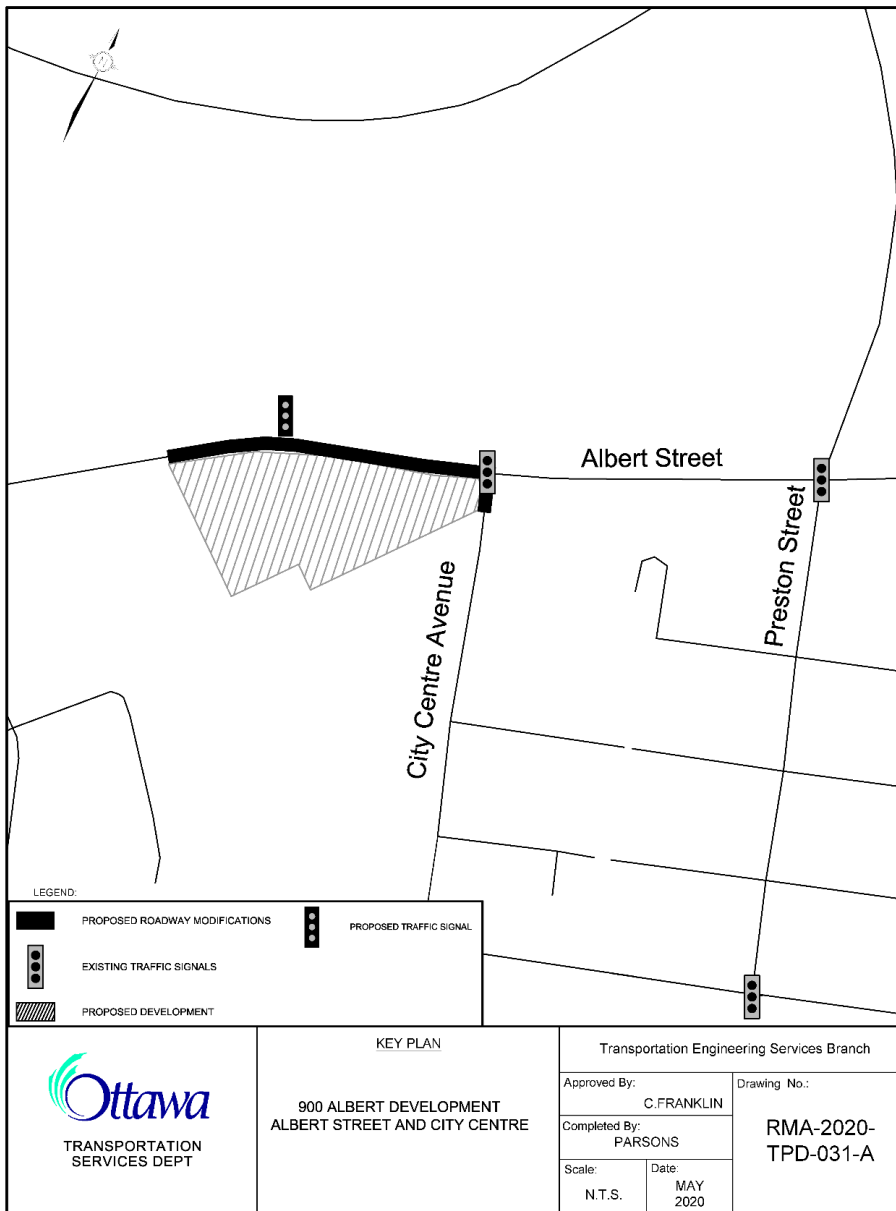
- Preliminary approval was received from the Project Manager of Infrastructure Approvals on 20 May 2020.
- Final approval was received from the Program Manager of Transportation Engineering Services on 26 May 2020.

CURRENT STATUS

- The approved road modifications are ready to be included as part of the Site Plan Application.

ATTACHMENTS (2)

Attachment 1: Key Plan, RMA-2020-TPD-031



Attachment 2: Proposed Road Modifications, RMA-2020-TPD-031

