

From: **Fleury, Mathieu** <Mathieu.Fleury@ottawa.ca>
Date: Wed, Jul 3, 2013 at 3:16 PM
Subject: RE: 458 Nelson
To: Chad Rollins, Christopher Collmorgen
Cc: "Watson, Jim (Mayor/Maire)" <Jim.Watson@ottawa.ca> ,

Dear Chad and Christopher,

I want to take a moment to thank you and the rest of the ASH board for your continued commitment to our community. At the board meeting of June 24th the board approved a motion to request that I lift delegated authority on the application for Site Plan Control Approval at 458 Nelson. I have decided to provide concurrence to this application and thought it was important to share my reasoning with the board.

It is important to consider the purpose of Site Plan Control. As the name suggests, Site Plan Control is the process that is used to control or regulate the various features on the site of an actual development including building location, landscaping, drainage, parking, and access by pedestrians and vehicles. Issues of massing and use are dictated by the zoning. Prior to the spring of 2012, building conversions were not subject to Site Plan Control. We recognized that a number of issues were arising with these projects that could have been fixed by adding the site plan process. We worked with ASH to have a pilot project initiated to add site plan control to building conversions within Sandy Hill.

At 458 Nelson, we have had a number of issues addressed through Site Plan Control. We received feedback from ASH and shared it with the planner on the file and the applicant. In response to these concerns, the developer has:

- a) Revised the drawings to ensure that the large tree in the back yard be protected
- b) Reduced the floor space of the rooftop patio to provide additional privacy and noise isolation to neighbouring properties
- c) Moved the bike storage to the back to reduce clutter
- d) Added a 6ft privacy fence around back yard

In addition to these improvements, the site plan process allowed us to initiate a conversation about some of the challenges of conversions in Sandy Hill. We facilitated a number of discussions between Mr. Derenyi and staff to provide better understanding about how the process currently functions and what are the shortcomings.

In order to address these shortcomings, City Council has approved an Interim Control Bylaw for conversions in Sandy Hill and parts of Capital Ward. This prohibits the conversions of buildings until a study can be completed to ensure that the policy aligns with the goals for Sandy Hill. There is also an upcoming study to address height and massing of Infill projects in Sandy Hill. We hope to be able to use this study to better address the character of these conversion projects.

With regards to the arguments for lifting delegated authority, I am afraid don't agree with Mr. Derenyi interpretation of the facts. We have had a number of discussions with staff from the planning department and building code services and the project meets the requirements to qualify as a conversion, as opposed to a demolition. We recognize that a definition could be better developed to be more restrictive when dealing with conversions and that is something that will need to be looked at in the Interim Control Bylaw study. However, until that is done, this application must be reviewed with the current interpretation. If I were to lift the delegated authority, I would be asking that committee reject this application on the grounds that it does not qualify as a conversion but rather as should be considered a demolition, despite the advice that we have received from our City staff in zoning interpretation, building officials and planning lawyers.

To clarify, the interested community members for this file have had the opportunity to ask their questions to staff. I understand that the questions have been answered although dissatisfaction relating to 'bunk houses' will continue to exist until the new zoning is in place. We are committed to working on resolving this type of housing issue through the Interim control by law review.

With regards to the transition clause, the text of the approved interim control bylaw reads as follows:

“AND BE IT FURTHER RESOLVED that the Interim Control by-law not apply so as to prevent the issuance of a building permit for the development of a Converted Dwelling, or a Three-unit Dwelling resulting from the conversion of a Detached, Linked-detached, Semi-detached or Duplex Dwelling within the areas shown on Attachments 1 and 2, for which a completed application for a building permit, Committee of Adjustment approval or site plan control approval has been received by April 23, 2013.”

An application for a site plan control approval was submitted prior to April 23rd and therefore, they are entitled to apply for a building permit. The phasing of the construction permit has no effect on Site plan Control approval.

It is important that we continue to work together through these difficult files, but we must also be mindful of the planning process. It is very important to me that we keep a continued dialogue for important issues and that dialogue must include honesty. Lifting delegated authority for a sure defeat after we have already achieved an interim control bylaw is the kind of dishonest political move that I promised the residents of Sandy Hill that I would avoid.

Mathieu Fleury

City Councillor/Conseiller municipal

Ward /Quartier 12 (Rideau-Vanier)

[\(613\) 580-2482](tel:6135802482)

mathieu.fleury@ottawa.ca