

**Report to  
Rapport au:**

**Planning Committee  
Comité de l'urbanisme  
23 August 2016 / 23 août 2016**

**and Council  
et au Conseil  
31 August 2016 / 31 août 2016**

**Submitted on August 15, 2016  
Soumis le 15 août 2016**

**Submitted by  
Soumis par:  
Councillor Mathieu Fleury – Ward 12, Rideau-Vanier**

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**Ward: RIDEAU-VANIER (12)**

**File Number: ACS2016-CCS-PLC-0001**

**SUBJECT: New requirements for Site Plan Control in Sandy Hill**

**OBJET: Nouvelles exigences de réglementation des plans d'implantation  
pour la Côte-de-Sable**

## **REPORT RECOMMENDATIONS**

**That Planning Committee recommend Council approve that:**

- 1. Site plan control be required for residential development, for the area set forth in Document 1, as described in Document 2;**
- 2. The purposes of the site plan control be limited to review of design and elevations, where exterior changes are proposed, the location and layout**

for on-site parking, landscaping, grading and drainage, and waste management;

3. In addition to the application for site plan control, the information and documents required for the application be limited to those set forth in Document 3;
4. The fee for the application for site plan control required as a result of this report be set in accordance with the Schedule of Fees in Document 4;
5. The requirement for site plan control as imposed by this report be revisited in the report reviewing the provisions of the R4 zone; and
6. By-laws 2014-256 (Site Plan Control By-law) and 2015-96 (Providing for fees for Planning Applications), both as amended, be further amended in accordance with these recommendations to implement this report.

#### **RECOMMANDATIONS DU RAPPORT**

Que le Comité de l'urbanisme recommande au Conseil d'approuver:

1. l'approbation du plan d'implantation soit exigée pour les aménagements résidentiels dans le secteur présenté au document 1, comme le décrit le document 2;
2. les objectifs de l'approbation du plan d'implantation soient limités à l'examen de la conception et des élévations, lorsque des changements extérieurs sont proposés, à l'emplacement et à la disposition des espaces de stationnement sur place, à l'aménagement paysager, au nivellement et au drainage, et à la gestion des déchets;
3. les renseignements et les documents exigés en plus de la demande d'approbation du plan d'implantation soient limités à ceux qui sont indiqués dans le document 3;
4. les droits de demande d'approbation du plan d'implantation exigés au titre du présent rapport soient établis conformément au barème présenté dans le document 4;
5. l'exigence imposée par le présent rapport quant à l'approbation du plan d'implantation soit réexaminée dans le rapport concernant les dispositions de la zone R4;

6. **le Règlement n° 2014-256 (Règlement régissant la réglementation du plan d'implantation) et le Règlement n° 2015-96 (concernant les droits de demande d'aménagement), dans leur version modifiée, soient modifiés de nouveau conformément aux présentes recommandations aux fins d'application du présent rapport.**

## **BACKGROUND**

Development pressures have occurred for several years in Sandy Hill as a result of students from the University of Ottawa seeking accommodation. In some cases, persons seeking to meet this demand have redeveloped properties in a manner that is inconsistent with the surrounding community and have led to concerns by residents of Sandy Hill over matters that come within the planning realm, such as the design and architecture of the buildings, privacy, parking and waste management.

### **Past Initiatives**

Steps have been taken in the past to address these concerns, both specifically targeted at Sandy Hill and broader areas of the city. These have included:

#### **Site Plan Control – Conversions – May 9, 2012 (By-law amendment, June 27, 2012)**

As part of the consideration of the initial report of Infill I, a motion was carried at Planning Committee and Council requiring that building conversions to three units and above be subject to site plan control in order to address compatibility challenges and to ensure Urban Design Guidelines for Low- and Medium-Density Infill Housing are being met.

#### **Modification to Site Plan Control – Conversions – December 19, 2012**

Concerns arose that the imposition of site plan control pursuant to the May 9, 2012 decision was overbroad and had captured more than was intended. The imposition of site plan control was therefore modified to apply to conversions of one and two unit dwellings to where the building will contain three or more dwelling units other than secondary dwelling units.

#### **Interim Control for Building Conversions – April 24, 2013**

A Notice of Motion was introduced on April 9, 2013 to extend the site plan control pilot project for Sandy Hill to Capital Ward. Upon consideration of this Motion at the Planning Committee meeting of April 23, 2016, Committee recommended and Council concurred

the following day that a study of the conversion of low density housing be undertaken. Planning Committee recommended and Council also approved that an interim control by-law be imposed for Sandy Hill, the Glebe, Old Ottawa East and Old Ottawa South. This Interim Control By-law prohibited converted dwellings as a use and prohibited the conversion of detached, linked-detached, semi-detached and duplex dwellings to a three-unit dwelling.

This Interim Control By-law expired on April 23, 2014. Having imposed an interim control by-law for Sandy Hill, the Glebe, Old Ottawa East and Old Ottawa South means that no further interim control by-law can be imposed for any purpose in respect of these lands for three years (i.e. until April 24, 2017).

### **Conversion Zoning By-law**

The outcome of the study identified above was brought before Council on April 23, 2014. The by-law resulting from this report removed the special rules that permitted a converted dwelling to utilize the performance standards of the building prior to conversion. The By-law also introduces a requirement for rear yard, at-grade amenity space based on the number of units for low-rise apartments. Further, the by-law limited a converted rooming house to seven rooming units.

### **Site Plan Control By-law Update – June 11, 2014**

As a Council priority in the last term, the Site Plan Control By-law, which was originally consolidated post-amalgamation in 2002, was updated on a comprehensive basis. As part of the updating, the special requirement for site plan control originally enacted in May 2012 and modified in December 2012 was deleted.

### **Infill I (Mature Neighbourhoods By-law)**

Sandy Hill is included within the geographic area of the Mature Neighbourhoods Overlay, which came into force by Ontario Municipal Board (OMB) Order on May 26, 2015. This zoning overlay and its associated provisions tie new construction to streetscape character. It also removes parking requirements for buildings of up to 12 units, focusing the intent of zoning regulations on built form and streetscape character due to the nature of the Mature Neighbourhoods where the accommodation of off-street parking was creating significant detriment to neighbourhood character and logistical challenges associated with loss of on-street parking, loss of space for snow and garbage storage, and loss of streetside trees and green front yards. The underlying principle behind this zoning strategy is to implement direct zoning controls to ensure

infill compatibility, and not to attempt to control density with high parking requirements (which lead to the paving of presently green yards).

### **Infill II (height and setbacks)**

The zoning provisions of Infill II, with the exception of permitted heights for triplexes in the R3 zone, were enacted by OMB Order on July 25, 2016. The effect of the Infill II zoning provisions is to provide further control to the building envelope of low-rise residential development in the urban area inside the Greenbelt, notably with respect to building height and rear and side yard setbacks, with the aim of ensuring better fit between new and established buildings, and provide larger rear yard setbacks. These provisions apply in Sandy Hill, where the lot fabric is characterized by small parcels on which development to the maximum extent permitted in zoning has created situations of privacy breach, excessive building mass, and insufficient space to accommodate the logistical necessities of higher-density forms of residential development.

### **Moving Forward – R4 Zone Review**

Much of the Sandy Hill area is zoned R4. City staff are conducting a broader review of the provisions of this zone. The R4 Review will examine the nature and scale of development permitted in the R4 zones. It will assess how well this permitted development aligns with the Official Plan policies related to infill and compatible development, as well as the planned function for R4 zones to be areas for multi-unit, low-rise development. It will determine possible adjustments to the R4 zone provisions and possible general provisions regulating residential developments. The underlying objective is to provide for zoning provisions that will ensure new development is aligned with the Official Plan policies for infill in established areas.

The outcome of this review is expected to be before Committee and Council in the second quarter of 2017.

### **Outstanding Concerns**

Through continuing feedback from the community, it is apparent that while the initiatives above have assisted in regulating development so that it is compatible with the existing area and does not create undesired land use impacts, concerns remain. At the Town and Gown meeting of June 28, 2016, a meeting of representatives of the Sandy Hill Community, the University of Ottawa and the City of Ottawa, concerns with respect to the scale of development, the appearance of development and certain impacts of development such as the management of waste were strongly expressed by those

present from the community to observe and provide input to the meeting. Staff did state that the R4 review was moving forward but there was a clear desire on the part of the Sandy Hill community that steps be taken prior to 2017.

## **DISCUSSION**

There are limited options available that can be implemented quickly. As stated above, given that interim control was imposed in the lead-up to the Zoning By-law to limit conversions, the City is not legally able to impose interim control in this area again before April 24, 2017. In order to allow the R4 Zone Review to provide well-examined and considered recommendations to Committee and Council, based on public consultation, that will be able to withstand the prospect of any appeals to the Ontario Municipal Board, it is important that staff be given the required time to do their review and formulate their recommendations.

A further consideration is that the financial and time burden of any measure to regulate development in Sandy Hill should, to the extent possible, be limited in order to meet the goal at minimal cost and delay, both to the developer and to the City. Furthermore, the intent of these new measures is to address the type of development that has proven to be challenging, without imposing undue burden on small-scale additions or renovations by homeowners. Development as provided in the Zoning By-law remains permitted. Site plan control will serve to review the details of such proposals and provide more detailed direction on how such proposals can achieve better fit with the streetscape and the fabric of the neighbourhood, using Urban Design Guidelines and (where applicable) directions from approved Heritage District Plans.

### **Proposal – Limited Site Plan Control**

In order to promptly address the concerns of the community while limiting the cost and time involved in any additional review, it is proposed that essentially all residential development within the Sandy Hill area, shown on Document 1, be subject to limited site plan control. The details of the additional residential development that would be covered are set forth in Document 2. Providing a broad scope for site plan control will ensure that there will be a chance to review, for the purposes outlined below, any development or redevelopment to ensure that any impact through the addition of floor area, dwelling units, bedrooms or rooming units is properly addressed.

The scope of this review will, however, be limited to three areas: a staff review of the design/elevations for the proposed building or addition where changes are being made to the exterior (including cladding materials); a review of the location and layout of

on-site motor vehicle and bicycle parking (especially where on-site motor vehicle parking is provided); landscaping; and a review of the means by which waste and recycling will be dealt with on site. As the scope of this review is being limited, the standard suite of information and documentation that would be required for a standard site plan application will not be required for applications covered by the proposed Site Plan Control amendment. Rather, only the information and documentation indicating, where applicable, the proposed exterior appearance of the building (including details on cladding and other materials), information showing site layout and parking location, and documentation indicating how waste management will be dealt with will be required (as outlined in Document 3).

## **Fees**

As the scope of the site plan review is to be limited, it is also proposed that a lesser fee be applicable. The current planning fees for the urban area for site plan control range from \$3,124 to \$18,326.00.

Staff propose (as detailed in Document 4) a sliding scale of fees, from zero in the case of additions or renovations that are not visible from the street and result in a building of less than 275 square metres, to \$500 in the case of a façade alteration or the addition of a secondary dwelling unit; \$2,500 for any addition or construction resulting in a building of 350 square metres or larger; and \$500 per additional dwelling unit or additional two rooming units. These fees are cumulative to reflect the relative demand on staff resources incurred by the review of façade changes, dwelling counts and floor area of a building. This fee structure exempts routine applications for residential additions such as sun rooms or mud rooms, and reaches levels comparable to regular site plan control fees for low-rise apartments which would apply to buildings whose size approximates that of a large triplex with multiple rooms per apartment.

In addition to the planning fees, for a standard Site Plan Control application, engineering fees and Conservation Authority fees would also be applicable. As these matters are not being reviewed under this site plan control amendment, these fees would not be applicable. They would, however, still apply for developments to which they currently apply.

The vast majority of applications would meet the criteria for proceeding by a letter of undertaking and would not trigger the need for a site plan agreement; as a result, no legal fees would be imposed. If a site plan agreement were required (e.g. required conveyance or easement, notice on title) the required legal fee would be imposed.

## **Review Time Frame**

No public consultation will be required for Site Plan Control applications made necessary by this report, and no on-site signage will be posted. Site plan control as required by this report will be under delegated authority to staff, with sign-off by the General Manager – Planning, Infrastructure and Economic Development, with a decision timeframe of 42 days. As with similar types of applications, delegated authority can be withdrawn by the Ward Councillor.

## **Existing Development Subject to Site Plan Control**

Any development that would have been subject to full site plan review prior to this amendment will continue to be subject to such review in accordance with existing practice and fees.

## **Future Steps**

This report is being brought forward to provide for a level of additional review pending the completion of the R4 zone study. Therefore it would be appropriate that in the report on the outcome of such study, expected in the second quarter of 2017, recommendations be provided with respect to the continuation, modification or termination of the site plan control requirements implemented by this report.

## **Departmental Comments**

The Department of Planning, Infrastructure and Economic Development does not object to the recommendations of this report.

## **RURAL IMPLICATIONS**

There are no rural implications as a result of the adoption of the recommendations in this report.

## **CONSULTATION**

The recommendations of this report flow from discussions held under the auspices of Councillor Fleury with the Action Sandy Hill and University of Ottawa Town and Gown Committee.

## **COMMENTS BY THE WARD COUNCILLOR**

Councillor Fleury collaborated with staff on the development of this report. Councillor Fleury's office would like to thank the community and Council colleagues who

understand the challenges and are supportive of bringing forward strategies, like Infill 1 and Infill 2, to limit the development pressures that have been negatively impacting the mature neighbourhood of Sandy Hill. We will continue to examine the implementation of strategies and policies that endeavour to maintain the sustainability and the quality of the life, while honouring the heritage elements of this established area.

## **LEGAL IMPLICATIONS**

There are no legal impediments to the adoption of the recommendations in this report. By way of background information, it is noted that applications for site plan approval are subject to being referred to the Ontario Municipal Board, thirty days after an application is received. An applicant also has the ability to bring a motion for directions to the Board to seek the Board's determination as to whether an application is subject to site plan control.

## **RISK MANAGEMENT IMPLICATIONS**

The recommendations of this report introduce new fees, and a new development review requirement, for development or redevelopment of low-rise residential buildings which may have the following impacts:

1. Routine additions to residential dwellings may now be subject to the extra costs and delay associated with site plan control.
2. A high volume of site plan control applications may create backlogs among Development Review staff, to the detriment of all applicants.

Given the temporary nature of these new site plan control requirements and the building permit history as observed in Sandy Hill for the past 18 months, staff is of the view that the nature of the challenges experienced in this neighbourhood justifies the recommended level of review until such time as new zoning regulations can be put in place, following the review of the R4 zone, despite staffing levels within Development Review Services which are constrained by the present hiring freeze and where several vacancies remain unstaffed.

The thresholds selected for site plan control eligibility reflect a wish to avoid applying site plan control to most typical situations of bona fide renovations or additions to residential properties.

## **ASSET MANAGEMENT IMPLICATIONS**

This report has no impact on the City's physical assets.

## **FINANCIAL IMPLICATIONS**

The revenue generated by the proposed Site Plan Control fees will depend on the number of eligible development applications. In the event the revenues are material, Planning, Infrastructure and Economic Development's revenue budget will be adjusted through the 2018 operating budget process.

## **ACCESSIBILITY IMPACTS**

There are no accessibility impacts.

## **ENVIRONMENTAL IMPLICATIONS**

The recommendations of this report will provide a new level of staff review for development in a dense urban neighbourhood which may lead to site redesigns that feature enhanced environmental sustainability.

## **TERM OF COUNCIL PRIORITIES**

The recommendations of this report help respond to the intent of the following Term of Council priorities:

Governance, Planning and Decision-Making:

Achieve measurable improvements in residents' level of trust in how the City is governed and managed, apply a sustainability lens to decision-making, and create a governance model that compares well to best-in-class cities around the world.

## **SUPPORTING DOCUMENTATION**

Document 1 Sandy Hill Special Site Plan Control Area

Document 2 Residential Development to which Sandy Hill Special Site Plan Control Provisions Applicable

Document 3 Required information and documentation

Document 4 Schedule of fees

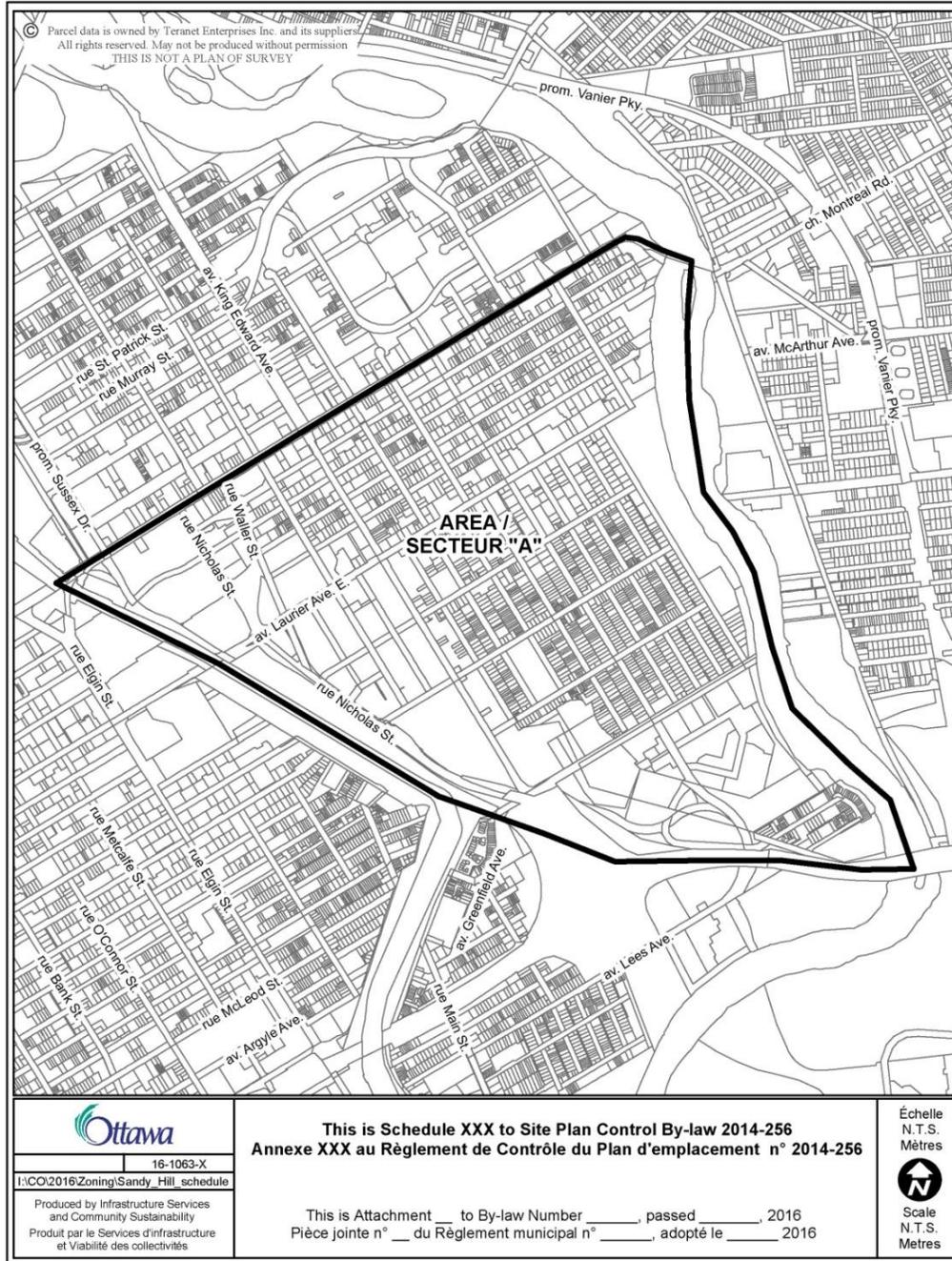
## **DISPOSITION**

Planning, Infrastructure and Economic Development department to prepare the implementing by-laws and forward to Legal Services.

Legal Services to forward the implementing by-laws to City Council.



**Document 1 – Sandy Hill Special Site Plan Control Area**



**Document 2 – Residential Development to which Sandy Hill Special Site Plan Control Provisions Applicable**

- (1) A residential use building that contains a detached dwelling, linked-detached dwelling, semi-detached dwelling, duplex dwelling, three unit dwelling, group home, a townhouse containing no more than three dwelling units where each dwelling unit of the townhouse dwelling is located on a separate conveyable lot, or a rooming house with a maximum of six rooming units and no dwelling units;
- (2) Residential development which constitutes an addition to that identified in (1) above;
- (3) Development which introduces one or more additional dwelling units in development identified in (1) above;
- (4) Development which introduces one or more additional rooming units in development identified in (1) above

Any development that would have been subject to full site plan review prior to this amendment will continue to be subject to such review in accordance with existing practice and fees.

### **Document 3 – Required Information and Documentation**

The information set forth in Subsections 9(3) to (10) inclusive of By-law 2014-256, as amended.

Information required to address the *Planning Act*, paragraph 41(7)(a)(7) being:

- (i) A one-page planning rationale providing a summary of the nature and intent of the proposed development or redevelopment;
- (ii) A site plan showing site layout, the location of the building and all its entrances, details of landscaping, and the layout/location of any on-site motor vehicle and bicycle parking;
- (iii) In the case of additions resulting in buildings of 275 square metres gross floor area and greater, a grading and drainage plan prepared by a certified professional engineer licensed to work in Ontario;
- (iv) Elevation drawings and three-dimensional colour renderings (at a scale of 1:50) of the building before (in the case of redevelopment or additions) and after development or redevelopment;
- (v) Details on cladding materials, windows, and other architectural elements proposed or, in the case of an existing building proposed to be modified, details on how these materials are being changed or replaced;
- (vi) Floor plans of each floor of the building showing the use of all space, consistent with Building Permit application, including all rooms with their intended purpose, vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material.

**Document 4 – Schedule of Fees**

For any residential use building that is proposed to contain three or fewer dwelling units, or fewer than seven rooming units, the following fees for site plan control apply to any new construction or addition to the gross floor area of the building, as follows:

- (1) Any alteration to the front, corner side or other street-facing façade: \$500, plus
- (2) Creation of any new dwelling units or rooming units, where the resulting count does not exceed three dwelling units or seven rooming units: \$500 per additional dwelling unit or per two additional rooming units; plus
- (3) Any addition or new construction, as follows:
  - (i) Where the addition or new construction results in a building of 275 square metres gross floor area or less: \$0, or
  - (ii) Where the addition or new construction results in a building of greater than 275 square metres but not more than 350 square metres gross floor area: \$500, or
  - (iii) Where the addition or new construction results in a building of greater than 350 square metres gross floor area: \$2,500.