

383 Daly Ave

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August 4, 2015

Mr Mayor:

The City's response to my letter of July 23, in which I ask a number of questions relating to the inaccurate statements that the Planning Department made during its presentation to the Planning Committee July 7 on Richcraft's proposed 14 story tower at 560 Rideau St, ignores many issues, is evasive and obfuscates the facts.

I asked you how City officials justified recommending zoning and official plan changes using the existing Uptown Rideau Community Design Plan, which they stated is the policy under which the Richcraft proposal must be judged. I wrote, "The City Planner stated that the proposal before Planning Committee was to be judged according to the 10-year old URCDP and not the draft which Committee members have yet to see, let alone adopt. A document outlining how the proposal does not meet the current CDP was tabled during the meeting, yet Planning staff did not address the discrepancies. The current CDP does not allow for density transfer and has a height limit of 6 stories, except where the OMB has allowed 9. Exceptions are permitted under the City's Official Plan for gateway locations. The site in question is in the middle of the community, located on a street which is blocked to through traffic, and is 1.8 km from the closest new LRT station. How did staff justify their recommendation based on the existing CDP?"

Mr Smit's response to me is duplicitous and confuses the issue when he states, "The applications by Richcraft to amend the OP and Zoning By-law for their site at 560 Rideau were submitted before the current CDP study was initiated. As a result, they were evaluated against the policies in force at that time. The staff recommendation to the Planning Committee indicated that the proposed development, which was reduced in density and height from what was originally proposed, was consistent with the draft Uptown Rideau CDP, which permits density redistribution to be considered in certain situations." How in one paragraph can Mr Smit state that the existing policy applies but the draft new policy is what was used by his staff?

Staff cannot have it both ways. Either the proposals are being judged against the existing CDP or against the draft CDP. What results from staff's using both texts as it sees fit makes for a degree of arbitrariness that defies City policy and basic rules of law. It is disingenuous for staff to make statements to Councillors about the draft CPD, when Councillors cannot make reference to that document. The point was raised during discussions at the Planning Committee meeting of July 7, 2015 but was ignored.

Any reference to the revised CDP which is still in draft, is a red herring, confusing and does not address my question. Please respond to how the existing Uptown Rideau Community Design Plan justifies the Richcraft proposal?

In addition, Mr. Smit's response did not address the issues I raised in the following paragraph, "No rationale was given to Committee members about why staff have concluded that the Richcraft proposal and high rise tower would benefit Rideau St. City Heritage Staff disagreed with Richcraft's own Cultural Heritage Impact Statement and stated that they saw no impact on the heritage nature of the surrounding community. What is their rationale?"

Robert Martin and Associates conducted a Cultural Heritage Impact Statement for Richcraft. They concluded, "the height and mass of the development on Rideau St may negatively impact the Sandy Hill east historic area" and they encourage further refinement of the design on the southern facade to make it more compatible with the surrounding historic fabric.

Similarly the following question was ignored, "During the meeting, Ms Harder, stated that the site merited greater density because of its close proximity to the new LRT. Richcraft's site is 1.4km to the nearest LRT station at the Rideau Centre. Areas qualifying for extra density must be 600 meters from a station. 560 Rideau is more than double the distance required. I repeat my question. Is greater density merited almost 2 km from an LRT station?"

Mr Mayor, Richcraft's current proposal is contrary to the existing Uptown Rideau Community Design Plan, the Sandy Hill Secondary Plan and the City's Official Plan. Rideau Street has the potential to once again be a vibrant main street. The proposal soon to be before Council will do nothing to further this stated goal. Please answer my questions.

Yours truly,

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**c.c.**

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