

OOE Planning Committee (OOEPC) Report to Board - April 11, 2023 John Dance

1. Miscellaneous updates: Few specifics to report

At this writing, on April 27th we will tentatively meet with Planning, Real Estate and Economic Development (PRED) staff to discuss outstanding OOE planning issues. In terms of the 15 des Oblats and 18 Hawthorne applications, revised documents have been posted on the City's DevApps site but they don't show any conspicuously obvious changes reflecting OOECA concerns.

2. Review of Comprehensive Zoning By-Law discussion papers: Seek volunteers to review Equity and Climate Change papers

As part of the City's three-year project to create a new zoning by-law reflecting the new Official Plan and provincial legislation, the City has published a set of "discussion papers" as outlined in last month's report. The planning committee proposes to draft substantive responses to most of these papers but it's looking for other CA members with greater expertise to review the papers on "Climate Change, Resiliency, Public Health" (perhaps somebody on SLOE) and on "Equity, Diversity and Inclusion." Any volunteers, suggestions?

The first draft of the planning committee's review of the Trees discussion paper is attached. (Attachment 1).

The planning committee is also concerned that the City really isn't providing a forum for actual discussion of the discussion papers. The related surveys appear to be superficial and allow little room for making substantive comments.

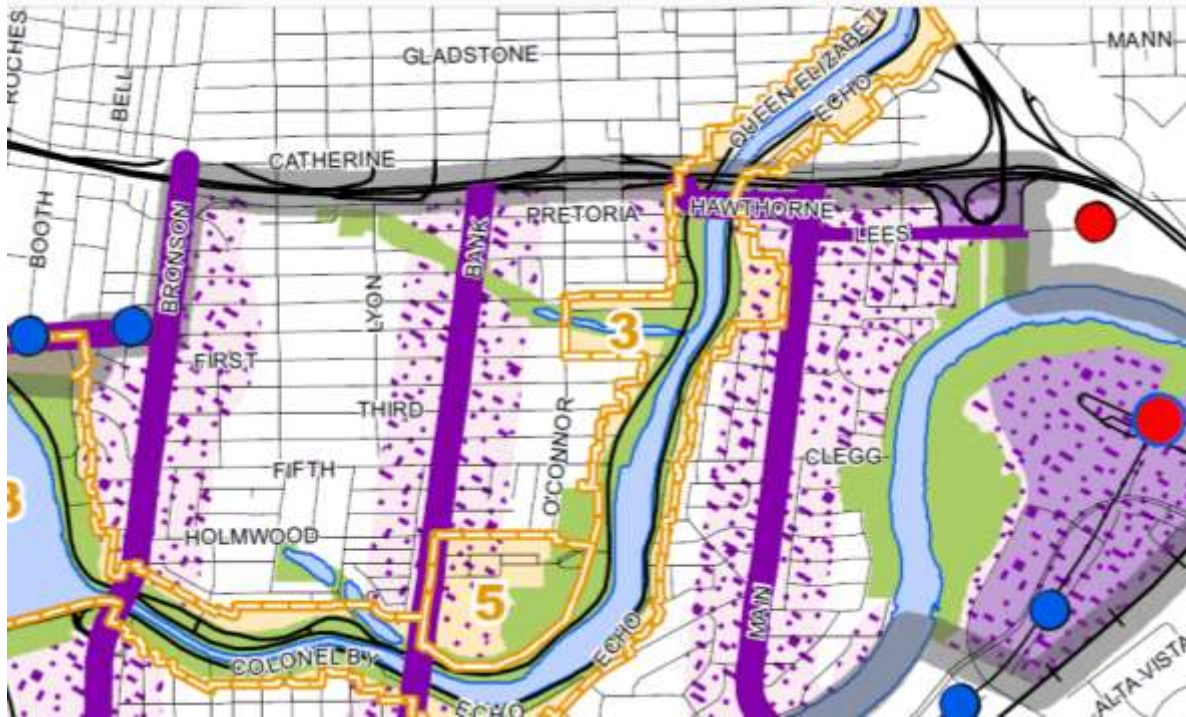
3. "Evolving Neighbourhood Overlay" - Implications for OOE are not clear

As part of the revised Official Plan, the concept of an "Evolving Neighbourhood Overlay" was developed and it applies to 150 metres on both sides of a "mainstreet," meaning for OOE, Main, Hawthorne and Lees. The consequence, as per map below, is that much of OOE is covered by the "Overlay."


What's not clear is what additional height and density will be permitted within the "Overlay." Some readings suggests there could be a maximum

height of six storeys, others suggest four and the OOE Secondary Plan would limit to two - six, depending on the specific location.


This is one of the issues we need to clarify during the meeting with PRED. See Attachment 2 for additional details.




**TRANSECT POLICY AREA /
SECTEUR STRATÉGIQUE DU TRANSECT**


 Downtown Core / Centre-ville


OVERLAY / AFFECTATION SUPPLÉMENTAIRE


 Evolving Neighbourhood /
Quartier en évolution


DESIGNATIONS / DÉSIGNATIONS

 Hub / Carrefour

 Corridor - Mainstreet / Couloir - Rue principale

 Corridor - Minor / Couloir - Rue principale mineure

 Greenspace / Espace vert

 Neighbourhood / Quartier

4. Public Consultation Reductions because of New Provincial Legislation

City staff are changing their development application processing so that they can meet the much more stringent time-limits for approval decisions. Just how community consultation will be affected is (once again!) unclear.

Under new provincial legislation, the allowable processing times for both zoning by-law and site plan control applications have been halved. If City

staff and council do not render a decision within the reduced time limits then the applicant will have her application fees reimbursed. These fees fund, in part, the costs of the officers doing the review.

Currently, the City tries to engage core communities in the “pre-application consultation process” and this process may become more important in this new era of reduced processing times. Pre-app consultation allows a few community members who have signed a non-disclosure agreement (NDA) to comment on a proposal before an application has been made.

A problem with the NDA restriction is that the community reps cannot discuss the proposal with other community members other than the one to three others (currently Ron Rose, Paul Goodkey, Phyllis Odenbach Sutton and John Dance) who also have signed NDAs. A second problem, is that developers may readily ignore the suggestions / comments made by the community reps. Interestingly, some developers - notably The Regional Group, have waived the requirement for confidentiality, thus allowing open and early community discussion of a proposal.

The new processes may impact whether a public meeting is required and the public comment period may be reduced.

5. Initial Zoning By-law Amendment Proposal - Objections regarding Front-facing Garages, Front Yard Setbacks and Interior Courtyards on corner lots

As an interim measure while the new Comprehensive Zoning By-law is under development the City is proposing a ZBL amendment to reflect changes to Ontario’s Planning Act and related matters. Specifically, the amendments will reflect:

- The Planning Act provision now permits up to three units as-of-right on any residential lot with access to water and wastewater services. These revisions supersede existing zoning regulations prohibiting additional units on serviced lots.
- Amendments to implement residential zoning standards as required per the Planning Act, as amended by Bill 23;
- Elimination of distinct subzone standards between detached dwellings, duplex dwellings, and three-unit dwellings in all R2-R5 subzones that permit these uses; and
- Amendments to apply landscaping, setback and design regulations to all urban residential zones, as originally established through past zoning studies.

In terms of the last grouping, the OOEP has the following issues:

A. Re Front-facing Garages and Carports - The revisions would allow front-facing garages with no setback from the front face of the building, something contrary to the OOESP. As per our issues we want to discuss with PRED, we are of the view that FFG garages in specified OOE neighbourhoods should be set back 3.5m from the face of the building.

B. Front Yard setback - On some OOE streets, this amendment could result in front yard minimums being 3m deep rather than 6m.

C. Corner Lot Rear Yards / Interior "Courtyards" - The proposed revisions would allow very small rear yards with corner lots.

Attachment 1

OOECA / SLOE Comments on ZBLA Discussion Paper “How Zoning can Regulate Trees”

General:

We welcome the City providing special focus on trees within the Official Plan and the new Zoning By-law. We agree with many of the premises and suggested options, however, we have a number of recommendations to better protect and enhance the tree canopy, particularly in the core communities.

Although we support the City-wide 40 percent canopy target, what is of greater concern to core communities is that the canopy in the core not just be protected but that it be augmented. If the City succeeds in achieving a 40 percent canopy as a result of many more trees beyond the green belt yet fewer within, then little will have been achieved. Trees in the core are both at greatest risk and of greatest need so what is the City going to do to address this?

Recommendations:

1. Ensure Street Trees are Planted and Protected

Although the discussion paper notes “zoning cannot require the planting of trees,” we suggest the City work with the provincial government to get this restriction removed. That said, for most residential lots, the property line often leaves sufficient space for City street trees and we recommend that the City ensure that where there are not already protected trees on the City street property in front of a new residential development, the City plant such trees of a number directly related to the size of the lot.

2. Implement the Westboro Pilot Study on a City-Wide Basis (Rear Yard Trees)

Require a “contiguous area of soft landscaping / landscaped buffer” to run along the rear property line. As the paper notes, this would “provide for protection and opportunity to plant and/or retain trees within a rear yard, complementary to the use of the rear yard for private recreational and amenity purposes for the residents. Additionally, the rear yard buffer as provided in Westboro provides additional screening and separation potential between new infill, rear yard parking, waste management, etc. and adjacent neighbours – providing some social benefit in addition to the environmental benefit.”

3. Increase Difficulty for Developers to Obtain Minor Variances and Zoning By-law Amendments for Reduced Front and Rear Yards

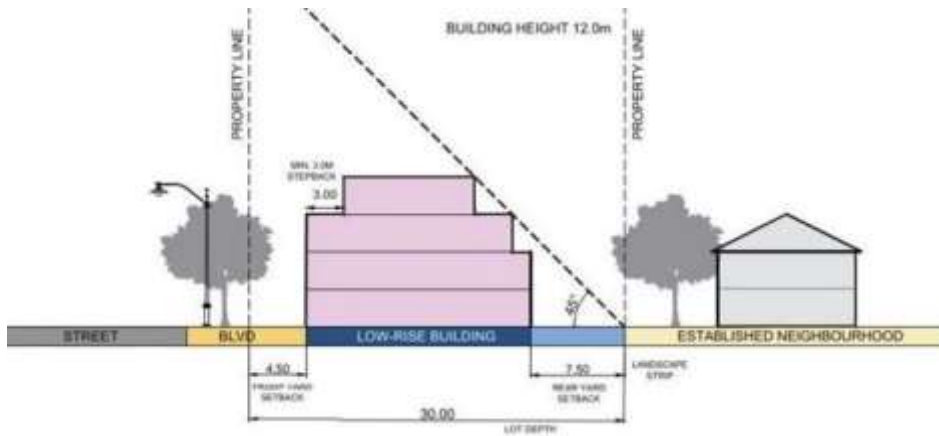
We see a continuing pattern of developers asking for - and having approved - reducing front and rear yards. As is obvious, smaller yards reduce the area for trees to thrive.

4. Ensure More Large Canopy Trees are Planted

Many new developments in core communities have trees that will never be the towering canopy trees that offer so much to the environment. The City should work with developers to plant a much higher proportion of trees that will be tall native trees of the sorts that used to make up our temperate forest.

5. Application of the 45° Angular Plane at Rear

We strongly recommend that angular plane step-back provision to provide daylight and sunlight to the rear yards be reinstated as a requirement, not just a guideline.



6. Limit the Extent of Sub-grade Structure beyond its Above-ground Footprint

We have seen a number of cases where the underground work - particularly for parking garages - extends beyond the footprint of the building. The consequence is the reduction of areas where large trees can put down roots and thrive.

7. Be More Rigorous with Tree Protection

Despite the improvements made in recent years, the protection of trees during construction in Ottawa remains inferior to what Toronto does. Please ensure that the root-protection zone is really respected.

8. Recommended City Options

The four options set out in the paper are reasonable. (Front and rear yard consolidated landscaped areas; soil volume requirement; and regulating “protected trees.”)

Attachment 2

Evolving Neighbourhood Overlay *(from new Official Plan)*

5.6.1.1 Provide built form direction for the urban area where intensification is anticipated to occur

1) The Evolving Overlay will apply to areas that are in a location or at stage of evolution that create the opportunity to achieve an urban form in terms of use, density, built form and site design. These areas are proximate to the boundaries of Hubs and Corridors as shown in the B-series of schedules of this Plan. The Evolving Overlay will be applied generally to the properties that have a lot line along a Minor Corridor; lands 150 meters from the boundary of a Hub or Mainstreet designation; and to lands within a 400-metre radius of a rapid transit station. The Overlay is intended to provide opportunities that allow the City to reach the goals of its Growth Management Framework for intensification through the Zoning By-law, by providing:

- a) Guidance for a gradual change in character based on proximity to Hubs and Corridors,
- b) Allowance for new building forms and typologies, such as missing middle housing;
- c) Direction to built form and site design that support an evolution towards more urban built form patterns and applicable transportation mode share goals; and
- d) Direction to govern the evaluation of development.

2) Where an Evolving overlay is applied:

- a) The Zoning By-law shall provide development standards for the built form and buildable envelope consistent with the planned characteristics of the overlay area, which may differ from the existing characteristics of the area to which the overlay applies; and
- b) The Zoning By-law shall include minimum-density requirements as identified in Table 3a, and permissions to meet or exceed the density targets of Table 3b.

3) In the Evolving Overlay, the City:

- a) Where the Zoning By-law for an area has not been updated either before adoption of this Plan in anticipation of this Plan's policy direction, or post adoption of this Plan, to be consistent with the policy intent of this Plan, the City will generally be supportive of applications for low-rise intensification that seek to amend the development standards of the underlying zone where the proposal demonstrates that the development achieves objectives of the applicable transect with regards to density, built form and site design in keeping with the intent of Sections 3 and 5 of this Plan. The City will be supportive of applications for low-rise intensification that seek to move beyond the development standards of the underlying zone where the proposal demonstrates that the development achieves objectives of the applicable transect with regards to density, built form and site design in keeping with the intent of Sections 3 and 5 of this Plan.

Attachment 3

(Paul Goodkey)

Zoning By-law Amendment Proposal - File No: D02-02-23-0017

Distributed to the public on March 16, 2023

Comments due date: April 17, 2023

PRED Planner: Robert Sandercott

The “On Time Decision Date”, the target date the Zoning By-law Amendment application **will be considered** by the City’s Planning Committee and Agricultural and Rural Affairs Committee, is **June 7, 2023**.

PG initial review of and concerns with the DETAILS OF PROPOSED ZONING AMENDMENT

Re Front Facing Garages

Page 4

Zoning regulations proposed to be expanded include, but are not limited to, the following:

- Restrictions on walkway widths and **setback requirements for attached garages**, as set out through the Infill studies;

Page 19

By amending the existing subsection (3)(a) respecting garages (to be renumbered to subsection (4)(a)) by replacing the words “must be set back at least 0.6m further from the applicable lot line” with “must be no closer to the applicable lot line”.

Page 21

Section 139 sets out landscaping, driveway, **attached garage**, and walkway regulations for low-rise residential zones inside the Greenbelt. This amendment will apply these regulations to all low-rise residential zones, including those in village residential zones with access to municipal services.

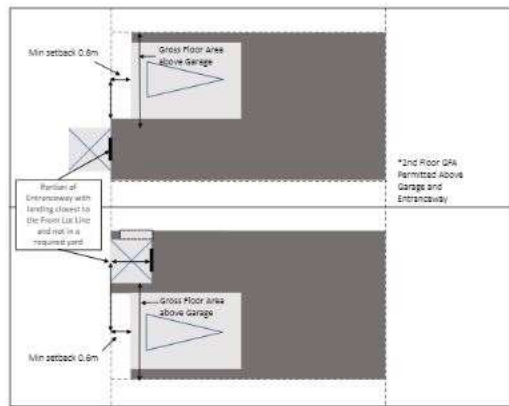
Requirements that will apply to these zones from this section include the following:

- **Attached garages must not be closer to the front lot line than the closest point of the principal entrance into the building (either the front door or the front most point of a projection accessing the front door not located in the required front yard).** Note that the current Section 139 required a further setback for such a garage; the proposed amendment will merely require that garages subject to this section not be further forward of the rest of the building.
- For further details, Section 139 of the Zoning By-law can be found here: <https://ottawa.ca/en/living-ottawa/laws-licences-and-permits/laws/laws-z/zoninglaw-no-2008-250>

Note to Self – the above link doesn't work. The current section 139 provisions read as follows:

Front-facing Garages and Carports

- (3) Any garage or carport facing the front lot line or side lot line abutting a street is subject to the following:
- (a) the entrance to the garage or carport must be set back at least 0.6m further from the applicable lot line than either
 - (i) the principal entrance; or
 - (ii) The front edge of a landing or porch, giving access to the principal entrance, or the portion of a projecting landing or porch that does not fall within a required yard.
 - (b) Despite 139(3)(a)(ii), the garage or carport may not be more than 0.6m closer to the front lot line or side lot line abutting a street than is the principal entrance to the dwelling; or
 - (c) Within the Mature Neighbourhoods Overlay, no such garage or carport is permitted except subject to the Streetscape Character Analysis and Table 140A, (By-law 2021-111)



Page 26

Proposed Applicability of Infill Standards (Sections 139 and 144) By Area

Front Facing Garage Setbacks (139(4)) Cannot be in front of rest of building, principal entrance no more than 0.6 m further from street

Page 32

New Section Names: The titles of some of the affected sections of the By-law will need to be amended to reflect that they are now intended to apply generally to residential zones within the City. Below are the proposed titles of these sections:

139: Built Form, Landscaping, Parking, and Walkway Regulations affecting Low Rise Residential Development in Neighbourhoods

144: Alternative Yard Setbacks affecting Low-Rise Residential Development in Urban Neighbourhoods

OOECA discussion / concern / objection:

- Despite a front-facing garage (ffg) not being permitted, if a SCA indicates ffg's are not the dominate pattern, the OOECA is aware this restriction is an inadequate ZBL provision in OOE – example 49 Mason Terrace.
- The OOECA March 4th letter to Councillor Menard regarding 49 Mason and OOESP policies 23 & 24 recommends that, for OOESP Policy Area 4, **a ZBL amendment requiring an attached front-facing garage to be setback a minimum 3.5 m from the building front facade.**
- The current ZBL requires a 0.6 m setback for ffg's, if and when permitted by a SCA.

Bottom line:

This proposed ZBLA (i.e. no required setback for an ffg) is not acceptable in OOE Neighbourhoods.

Re Front Yard Setbacks

Page 23

What this means:

Front yard setbacks are required to line up with existing setbacks of abutting properties, such that the minimum required is the average of said existing setbacks, but **need not exceed the minimum set out in the applicable zone.**

OOECA concern / objection:

- The Infill 1 / By-law 2012-227 required front yard setback averaging, with a caveat “The maximum permitted front yard setback of the first storey of the front wall is 6 metres.”
- By-law 2020-289 (part of Infill 3, as it is described in the recently released “Discussion Papers”) introduced alternative setbacks and reads as follows:

(By-law 2020-289)

The following yard setbacks apply to any lot zoned R1, R2, R3 and R4 Zone located within Area A of Schedule 342.

Front Yards and Corner Side Yard Setbacks

144.

- (1) The minimum front yard setbacks and minimum corner side yard setbacks are as follows:
 - (a) in the case of an interior lot or through lot, the yard setback must align with the average of the abutting lots' corresponding yard setback abutting the street(s),
 - (b) in the case of a corner lot and corner through lot, the yard setbacks must align with the abutting lots' actual yard setbacks abutting each street, and Section 135 applies;
 - (c) Where an abutting lot is vacant, the provisions of (1) (a) or (b) apply based on the actual yard setbacks of the closest residential building on the next adjacent lot, which must be no more than 30 m from the subject lot's closest side lot line.
 - (d) **Despite the foregoing, the minimum front and/or corner side yard setback need not exceed the minimum required in the Residential subzone in which the lot is located, and in no case may be less than 1.5 m.**

OOECA discussion / concern / objection:

- The vast majority of the typical 12 m wide X 27 m depth lots in OOE Neighbourhoods have a required front yard setback. However, there is a variety of actual front yard setbacks, measured from the front face of dwellings to the front property line. And there is a variety of actual distances between the sidewalks and the front property lines – ranging from a 0 m distance (example Echo drive) and 6 m distance (example Mason Terrace). And there is therefore a variety of front yard area (square metres) available for front yard soft landscaping - and more specifically available areas for front yard trees to thrive and provide the desired mature tree canopies.
- If this provision of “**need not exceed the minimum set out in the applicable zone**” – i.e. 3 m – is the ZBL requirement, there will be insufficient front yard area for a tree to mature and thrive. A 3m front yard setback, on a typical OOE 12 m wide lot, results in a 36 sq. m. area for soft landscaping on the lot. This 36 sq. m. is the critical root zone area needed for a healthy mature tree. But after deducting the areas for driveways and permitted projections - like a full width foundation wall under a 2m projecting front porch (as depicted on the cover page of the May 2022 Low-rise Guidelines) the critical root zone is reduced to approximately 12 sq. m. Notwithstanding the 40% of front yard landscaping area requirement, we all should know, there will be ways and means to avert the 40% requirement.

Bottom line:

This proposed amendment is not acceptable. The viability of a mature tree canopy is too important. This provision should read “...front yard averaging... need not exceed a front yard setback of 6 m”.

Re ‘Postage Stamp Sized’ Rear Yards / Interior “Courtyards” on corner lots

Page 23

What this means:

On corner lots in R2, R3, and R4 zones, where principal entrances face both street frontages, it is permitted to **reduce the rear yard setback to 1.2 m** provided an interior “courtyard” is provided abutting both the rear and interior side lot lines, with dimensions equal to the required rear yard setback under this section and 30 percent of the total lot width.

For further details, Section 144 of the Zoning By-law can be found here: <https://ottawa.ca/en/living-ottawa/laws-licences-and-permits/laws/laws-z/zoninglaw-no-2008-250>

Page 27

Proposed Applicability of Infill Standards (Sections 139 and 144) By Area

Corner Lot Interior/Rear Yard Treatment (144(4)-(7)) Different setbacks for units facing longer street frontage on corner lots, ability to provide "**interior courtyard**" where principal entrances face both streets.

OOECA discussion / concern / objection:

- This is not a new provision ...
- This provision is not permitted in the R1 zones now, nor is it proposed in this ZBLA, but ...
- The OOECA has seen numerous built forms per this provision in our R3 neighbourhoods - example 3 Chestnut, where a vehicle parks in the “interior courtyard” (was called an “interior yard”); two vehicles park in front of the ffg on Lees; and there is another ffg and driveway on Chestnut.

Bottom line:

I have ‘beat my head against the wall’ when speaking / emailing David Wise regarding this provision. There are numerous inherent objections to bring forward, including: overlook / privacy issues; lack of greenspace / tree opportunity; permitted projections / exterior stairways infringing into the “courtyard”; parking enforcement; etc ... and all the more reason to insist on a ffg setback ZBLA regulation, which is greater than 0 m or 0.6 m.