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City of Ottawa Committee of Adjustment
June 18th, 2024
101 Centrepointe Drive, 4th Floor
Ottawa, ON K2G 5K7

Attn: To Whom It May Concern

Re: Applications for 242 Park Street, Vanier, ON K1L 7G7

Dear City of Ottawa,

New Wave Property Group has been retained by Mr. Mostafa Menafi, the owner of 242 Park Street to draft this Planning Rationale for a Severance Application and two Minor Variance Applications.

The Severance Application seeks to create a new lot (Lot B) for a proposed three-storey low-rise apartment building.

Consequently, the retained existing triplex (Lot A) will require minor variances for reduced lot area, reduced rear yard setback, reduced rear yard area, reduced soft landscaping area amount, and reduced rear aggregated rectangular soft landscaping area. Meanwhile, the proposed development (Lot B) will need variances for reduced lot area, reduced rear yard setback, reduced rear yard area and reduced rear aggregated rectangular soft landscaping area to comply with City requirements.

This Planning Rationale is included with our application submission to the Committee of Adjustment in accordance with Sections 45 and 53 of the Planning Act, R.S.O. 1990, as amended.

Committee of Adjustment
Received | Reçu le
2024-10-11
City of Ottawa | Ville d'Ottawa
Comité de dérogation

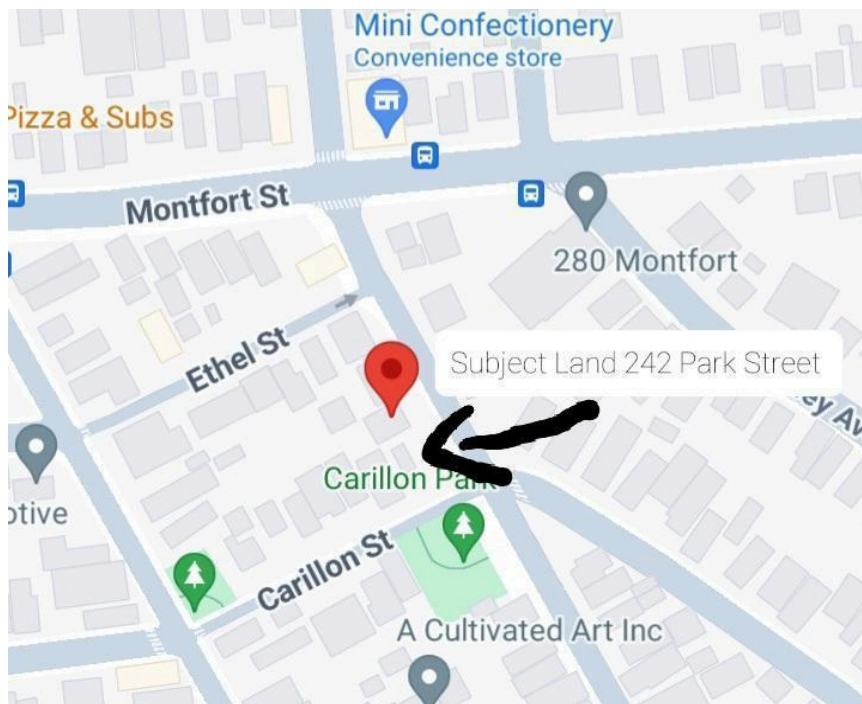


Figure 1: Location Plan

EXECUTIVE SUMMARY

The subject site is a rectangular, corner lot located on Park Street at the intersection of Park Street and Carillon Street in Vanier, within Ward 12 - Rideau-Vanier in the City of Ottawa. The neighborhood features a mix of residential dwelling types, including single-detached homes, low-rise apartments, three-unit buildings, semi-detached houses, and mid-rise and high-rise buildings.

The proposed development involves obtaining a severance to retain the existing triplex dwelling on 242 Park Street (Lot A) and create a new three-storey, eight-unit low-rise apartment building on the severed lot (Lot B) facing southeast on Carillon Street. Due to the subject property's location in Area X of Schedule 1A to the Zoning By-law and its lot size of less than 300m², no vehicle parking is required for either the retained or severed lot. Instead, four bicycle spaces will be provided on the severed lot.

In addition to the requested severance, the proposed development requires nine (9) minor variances. For Lot A, we request variances for the following: 1. Reduced lot area of 254.60 square metres, whereas the By-law requires a minimum lot area of 300 square metres; 2. Reduced rear yard setback of 1.15 meters, or 6.10% of the lot depth, whereas the By-law requires a minimum rear yard setback of 25% of the lot depth, or in this case 4.71 meters; 3. Reduced rear yard area of 15.63 square metres, or 6.14% of the lot area, whereas the By-law requires a minimum lot area of 25% of the lot area, or in this case 63.65 square metres; 4. Reduced rear soft landscaping area of 15.63 square metres, whereas the By-law requires a minimum rear soft landscaping of 35 square metres; and 5. Reduced rear aggregated rectangular soft landscaping area of 15.63 square metres, whereas the By-Law requires a minimum rear aggregated rectangular soft landscaping of 25 square metres. For Lot B, we request variances for the following: 6. Reduced lot area of 290.80 square metres, whereas the By-law requires a minimum lot area of 360 square metres; 7. Reduced rear yard setback of 2 metres, or 12.87% of the lot depth, whereas the By-law requires a minimum rear yard setback of 25% of the lot depth, or in this case 4 metres; 8. Reduced rear yard area of 37.70 square metres, or 12.95% of the lot area, whereas the By-law requires a minimum rear yard area of 25% of the lot area, or in this case 72.70 square metres; and 9. Reduced rear aggregated rectangular soft landscaping area of 37.70 square metres (with the longer dimension more than twice the shorter dimension), whereas the By-law requires a minimum rear aggregated rectangular soft landscaping of 25 square metres with the longer dimension not more than twice.

As detailed in this Planning Rationale, the proposed minor variances meet the four tests required under the Planning Act. The resulting developments—comprising the retained triplex dwelling and the new three-storey apartment building—are considered good land use planning.

SEVERANCE APPLICATION DETAILS

Severance Description

The severance will create two lots from the existing property:

- **Lot A (Retained Lot)**
 - Existing triplex dwelling

- Lot frontage: 13.42 m
- Lot depth: 18.85 m
- Lot area: 254.60 m²
- **Lot B (Severed Lot)**
 - Proposed new low-rise apartment
 - Lot frontage: 18.82 m
 - Lot depth: 15.53 m
 - Lot area: 290.80 m²

DOCUMENTS REQUIRED AND SUBMITTED

The following documents have been submitted in support of the severance application:

- Severance Application Form
- Planning Rationale cover letter (this document)
- Tree Information Report
- Draft Reference Plan
- Application Fee

MINOR VARIANCES REQUESTED

The requested variances for LOT A are identified below as,

1. *To permit a reduced lot area of 254.60 square metres, whereas the By-law requires a minimum lot area of 300 square metres.*
2. *To permit a reduced rear yard setback of 1.15 meters, or 6.10% of the lot depth, whereas the By-law requires a minimum rear yard setback of 25% of the lot depth, or in this case 4.71 meters.*
3. *To permit a reduced rear yard area of 15.63 square metres, or 6.14% of the lot area, whereas the By-law requires a minimum lot area of 25% of the lot area, or in this case 63.65 square metres.*
4. *To permit a reduced rear soft landscaping area of 15.63 square metres, whereas the By-law requires a minimum rear soft landscaping of 35 square metres.*
5. *To permit a reduced rear aggregated rectangular soft landscaping area of 15.63 square metres, whereas the By-Law requires a minimum rear aggregated rectangular soft landscaping of 25 square metres.*

The requested variances for LOT B are identified below as,

6. *To permit a reduced lot area of 290.80 square metres, whereas the By-law requires a minimum lot area of 360 square metres.*
7. *To permit a reduced rear yard setback of 2 metres, or 12.87% of the lot depth, whereas the By-law requires a minimum rear yard setback of 25% of the lot depth, or in this case 4 metres.*

8. *To permit a reduced rear yard area of 37.70 square metres, or 12.95% of the lot area, whereas the By-law requires a minimum rear yard area of 25% of the lot area, or in this case 72.70 square metres.*
9. *To permit a reduced rear aggregated rectangular soft landscaping area of 37.70 square metres (with the longer dimension more than twice the shorter dimension), whereas the By-law requires a minimum rear aggregated rectangular soft landscaping of 25 square metres with the longer dimension not more than twice.*

DOCUMENTS REQUIRED AND SUBMITTED

The following details all documents required and submitted in support of the identified Committee of Adjustment applications concerning nine (9) minor variances. Please note, as stated in Appendix A, **no tree report is required.**

Minor Variance

1. Minor Variance Application Form;
2. Planning Rationale cover letter (this herein document);
3. Survey Plan;
4. Site Plan;
5. Tree Information Report;
6. Elevation Drawings; and
7. Authorization executed by the Registered Owner.

SITE & CONTEXT

Site Description

The subject site is a rectangular lot located at the corner of Park Street and Carillon Street, currently developed with an existing triplex detached dwelling.

- Lot frontage: 28.95 m
- Lot depth: 18.85 m
- Lot area: 545.40 (sq.m)

After Severance

LOT A - Severed lot with retained existing Triplex Dwelling

- Lot frontage: 13.42 m
- Lot depth: 18.85 m
- Lot area: 254.60 (sq.m)

LOT B - Severed lot with proposed eight (8) unit Apartments

- Lot frontage: 18.82 m
- Lot depth: 15.53 m
- Lot area: 290.80 (sq.m)



Figure 2: Site Map (Source: GeoOttawa)

Context

The subject property is located in an established residential neighborhood in Vanier, characterized by a variety of dwelling types including single-detached homes, semi-detached houses, three-unit dwellings, and low-rise apartment buildings. Additionally, the area features mid-rise and high-rise apartment buildings, reflecting a blend of older pre-war designs and modern developments. Within the block of 242 Park Street, moving north from Montreal Road, the neighborhood exhibits a mix of one and two-storey residential dwellings with diverse materials and colors. Notably, a mid-rise apartment building stands at the corner of Montfort and Bradley Avenue, followed by two-storey single-detached and semi-detached dwellings.

Park Street, a two-lane local road with a sidewalk along its northeast side, is approximately 210 meters from Montreal Road, offering convenient access to various amenities and OC Transpo Routes 12, 15, 615, and 616. Continuing northward on Park Street for 70 meters to Montfort Street provides access to OC Transpo Route 20 and additional amenities. The area also features a network of interconnected multi-use pathways and cycle tracks, promoting sustainable transportation options.

The existing triplex dwelling at 242 Park Street contributes to the neighborhood's diverse residential character. The proposed development involves obtaining a severance to retain this existing triplex (Lot A) and create a new three-storey, eight-unit low-rise apartment building (Lot B) facing southeast on Carillon Street. No vehicle parking is proposed due to the property's inclusion in Area X of Schedule 1A to the Zoning By-law, where parking is not required. Instead, four bicycle spaces will be provided on the severed lot, aligning with sustainable transportation goals.

This development will enhance the residential fabric of the area by increasing housing options and density while maintaining compatibility with the existing neighborhood character and supporting the city's broader urban planning goals.

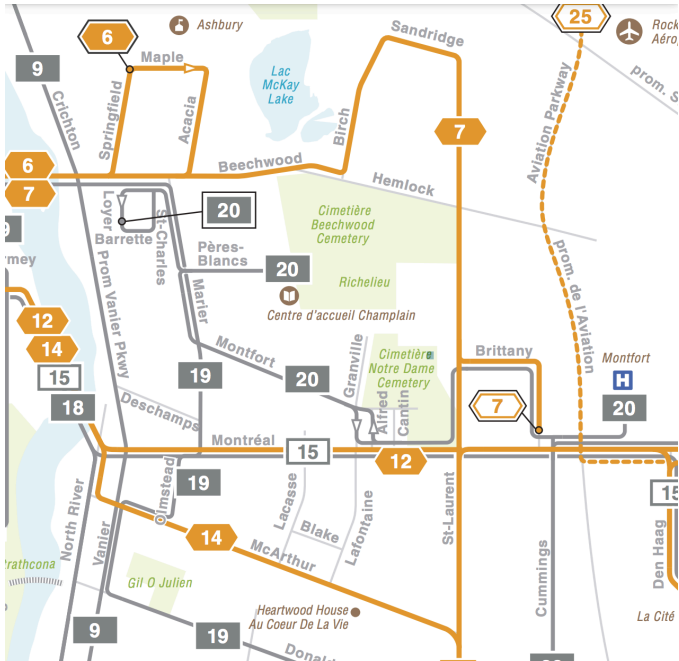


Figure 3: Extract of OC Transpo Route Map (Source: OC Transpo)



Figure 4: Extract of Multi-Pathway & Cycle Track Map (Source: GeoOttawa)

EXISTING THREE-STOREY TRIPLEX AND PROPOSED APARTMENT DEVELOPMENT

The existing three-storey triplex on Lot A is located in an established residential neighborhood with a variety of dwelling types, including single-detached houses, semi-detached homes, three-unit dwellings, and low-rise apartments. Within the block of 242 Park Street, there is a mix of one and two-storey residential dwellings featuring diverse materials and colors.

The proposed development on Lot B involves constructing a new three-storey, eight-unit low-rise apartment building on the severed land, as seen in Figure 5 of the site plan. This development includes zero vehicle parking spaces, a 5-meter long walkway from the sidewalk directly to the front door and additionally, there is a hardscaped path toward the southwest of the building to provide access to the garbage storage plus four bicycle parking spaces.

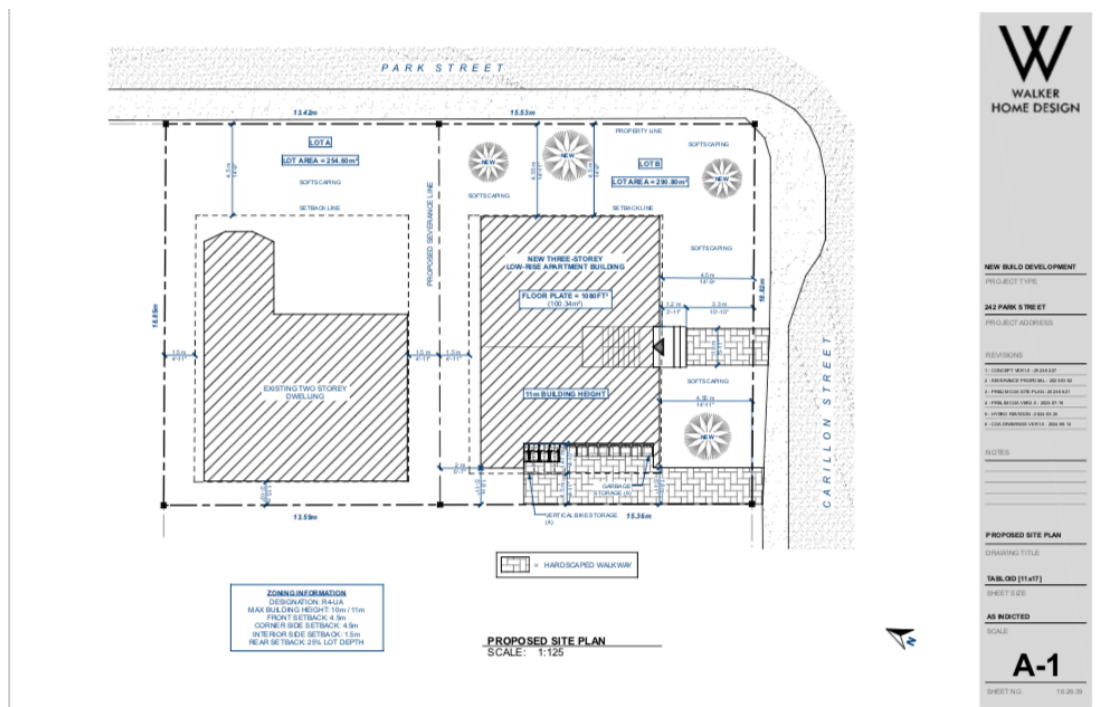


Figure 5: Proposed Site Plan

The proposed structure boasts a 1.5-meter setback to the southwest, with 2-meter setback to the northwest, and another 4.5-meter setback to both the northeast and southeast. Moreover, the design is enhanced by approximately 135.32 m² of soft landscaped area in both the front yard facing Carillon St and the corner side yard facing Park St. The integrated soft landscaping graces every area except those where walkways grant access to garbage disposal, bike parking, and building entry, ensuring a seamless fusion of functionality and aesthetics across the development.

The proposed development seamlessly integrates with the neighborhood's existing fabric of two (2) to four (4) storey structures mandated by the Inner Urban Transect. Our design harmonizes with the established architectural style and lot-to-structure ratio commonly found in low-rise rental apartments across urban neighborhoods within the Inner Urban area. This development not only respects the character of the neighborhood but also fosters a level of growth that preserves the appropriate built form. It responds to the demand for rental units, acknowledging the site's adjacency to Montreal Road, a significant main street corridor.



Figure 6: Front and Right Side of the proposed apartment dwelling.

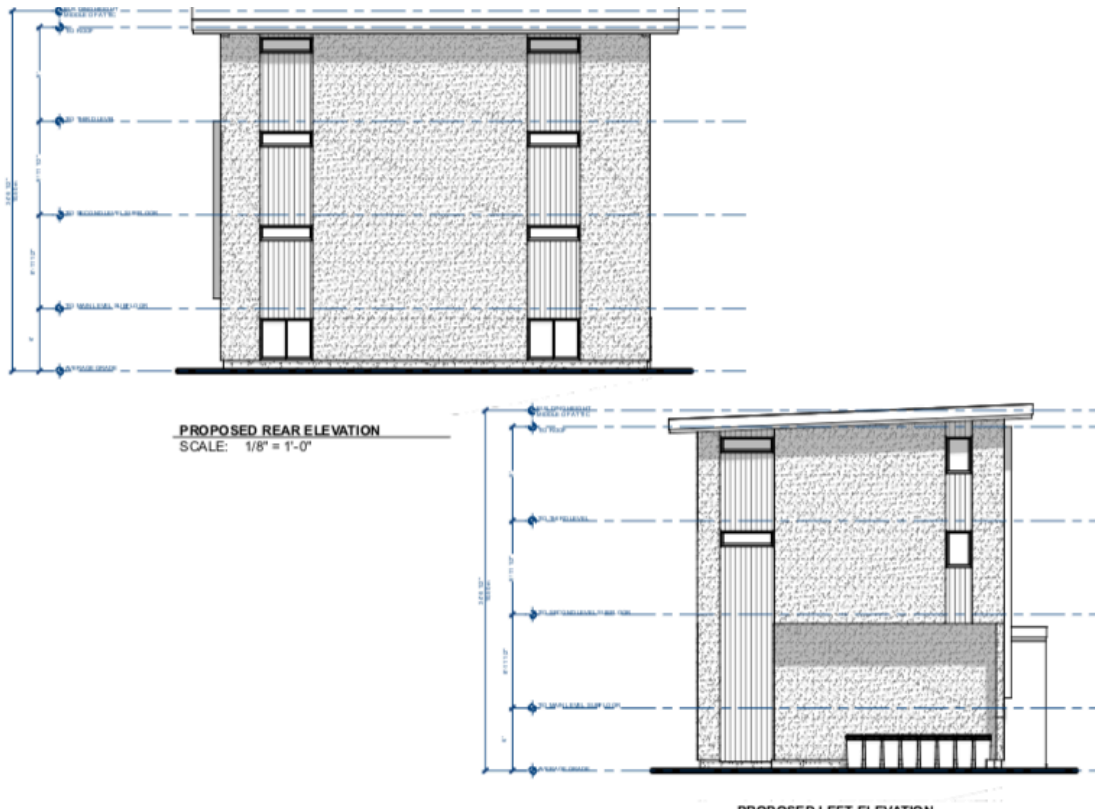


Figure 7: Left and Rear Side of the proposed apartment dwelling.

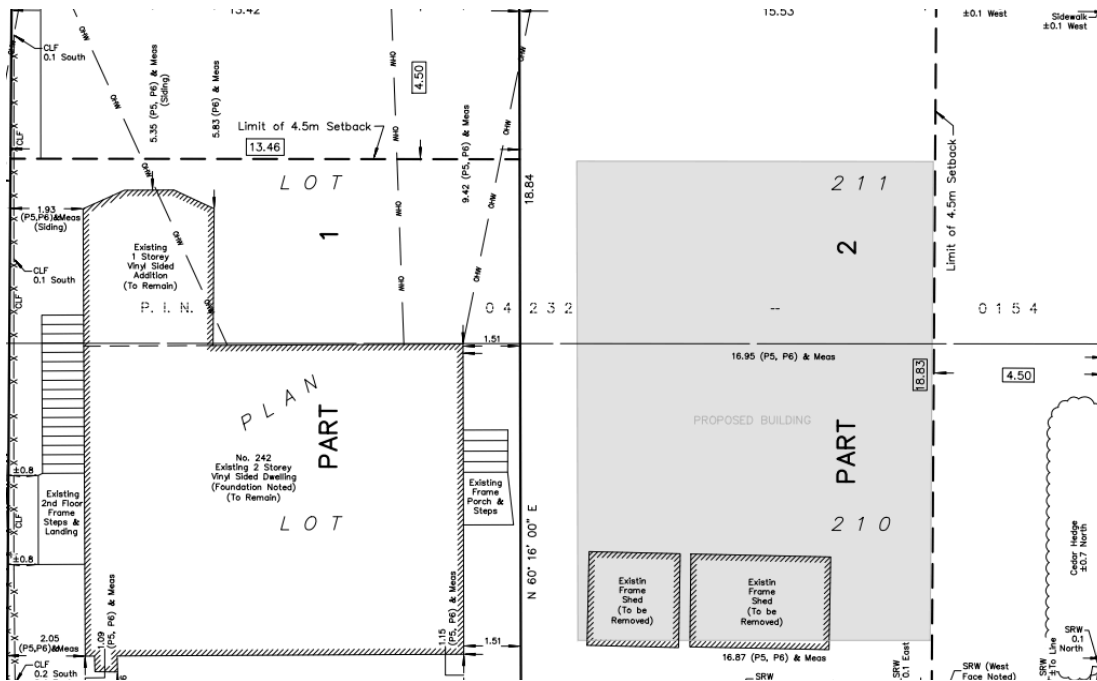


Figure 8: Draft Reference Plan (Showing the Subject Property and the Proposed Severance Line)

POLICY REVIEW

Provincial Policy Statement, 2020

The Provincial Policy Statement, 2020 (PPS) came into effect on May 1, 2020 and provides broad policy direction on matters of provincial interest related to land use planning and development. The Plan is intended to provide for appropriate development while protecting Provincial resources of interest, public health and safety, and the quality of the natural and built environment. The PPS is complemented by other Provincial plans as well as municipal plans such as Official Plans and Secondary Plans. All plans and decisions affecting planning matters “shall be consistent with” the PPS.

Section 1.0 intends to wisely manage change and plan for efficient land use and development patterns, which in turn help support sustainability through strong, liveable, healthy, and resilient communities.

1.1.1 Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
- d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;*
- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;*
- f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;*
- g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;*
- h) promoting development and land use patterns that conserve biodiversity;*
- and*
- i) preparing for the regional and local impacts of a changing climate.*

Comment: The planned emersion of an 8-unit low-rise apartment will address the pressing need for rental housing in the vicinity, maximizing the use of the available lot to create a more streamlined space. This approach ensures the continuation of the predominant low-rise character of the area while promoting transit-friendly and active transportation initiatives through a proposed ratio of 1:2 for bicycle parking spaces to 0 vehicle parking spaces.

1.1.3.1 Settlement areas shall be the focus of growth and development.

1.1.3.2 Land use patterns within settlement areas shall be based on densities and a

mix of land uses which:

- a) efficiently use land and resources;*
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;*
- d) prepare for the impacts of a changing climate;*
- e) support active transportation;*
- f) are transit-supportive, where transit is planned, exists or may be developed;*
and
- g) are freight-supportive.*

Comment: Situated within the urban boundary and within close proximity (100 m) to a bus stop, the subject site encourages densification while making efficient use of land and infrastructure. By opting for development within a pre-serviced zone earmarked for growth, this proposal facilitates the optimal utilization of municipal infrastructure and enhances accessibility to public transportation services.

1.4.3 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

- b) permitting and facilitating:*
 - 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and*
 - 2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;*
- c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;*
- d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;*
- e) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and*
- f) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.*

Comment: The envisioned project embodies a contextual approach to intensification, upholding a customary 1.5 m interior yard setback and aligning with the three-storey height standard prevalent for low-rise apartments within the neighborhood. It stands as an apt site for intensification and new housing, benefitting from sufficient infrastructure levels conducive to supporting active transportation and transit. The addition of rental apartment units will bolster the area's housing stock, aiding in meeting housing targets and reinforcing ongoing investments in transit and infrastructure.

Section 2.0 of the PPS aims to ensure Ontario's long-term prosperity, environmental health, and social well-being through the wise management and conservation of natural resources. This includes policy direction on conserving biodiversity, protecting the Great Lakes, and protecting natural heritage, water, agricultural, mineral, and cultural heritage and archaeological resources. The proposed development supports long-term prosperity, environmental health, and social well-being and does not impact any natural resources.

Section 3.0 of the PPS intends to provide for Ontario's long-term prosperity, environmental health, and social wellbeing by reducing potential natural and human-made hazards and threats to public safety. Development is to be directed away from natural or human-made hazards. Development has been directed away from natural and / or human-made hazards.

After our thorough review, we are of the opinion that the proposed development aligns with the Provincial Policy Statement (PPS), 2020.

CITY OF OTTAWA OFFICIAL PLAN

Designation: *Neighbourhood, Evolving Overlay, Inner Urban Transect*

The City of Ottawa Official Plan was adopted by City Council on November 24th, 2021, and was approved by the MMAH on November 4th, 2022. The Plan is intended to manage growth and change in Ottawa to the year 2046.

Section 2 contains the overall strategic direction of the new Official Plan and is based around the Five Big Policy Moves, which are intended to make Ottawa the most liveable mid-sized City in North America. The Five Big Moves call for increased growth through intensification, sustainable transportation, context-based urban and community design, environmental, climate, and health resiliency embedded into planning policy, and planning policies based on economic development. Six cross-cutting issues have also been identified as essential to the achievement of liveable cities, which are related to intensification, economic development, energy and climate change, healthy and inclusive communities, gender equity, and culture.

Comment: The proposed development generates a net increase of 8 dwelling units by intensifying a new lot, facilitated by our proposed severance. This initiative effectively propels forward the planned intensification strategy for areas near transit hubs and Mainstreet Corridors.

Section 3 of the Official Plan provides a growth management framework that plans for growth across differing geographies in the City. Most growth is to occur in the urban area, which contains six (6) different transect policy areas that have grown and are expected to grow in varying ways. The central link between all transect policies is the creation and connection of networks of fifteen (15) minute communities.

Comment: The proposal for a new 8-unit, 3-storey low-rise apartment, achieved by creating a new lot, aligns with the strategic direction of accommodating additional rental housing units through intensification.

Section 4 of the Official Plan provides policies applicable to development throughout the City. It includes policies for more sustainable modes of transportation and the design and creation of healthy, fifteen (15) minute neighborhoods. This includes the provision of jobs, recreational amenities, and retail uses within a fifteen (15) minute walking distance of residential uses.

Section 4.6 provides policies that address urban design, which involves designing the built form and public realm in a manner that supports healthy, fifteen (15) minute neighborhoods. It also emphasizes design excellence throughout the City, especially in Design Priority Areas.

Comment: The proposed development introduces density through the construction of a low-rise apartment building. With its three-storey height, it seamlessly fits into the area, where two-storey structures are prevalent and three-storey buildings already exist. It's worth mentioning that three-storey heights are permitted within the applicable designation. Additionally, the building enhances the aesthetic quality of the surrounding area with its thoughtful design. Emphasizing green spaces and promoting active modal access, the site design prioritizes community well-being. Moreover, the integration of various materials adds visual interest to the building facade, enriching the public realm experience.

Section 4.6 provides policies aimed at regulating the design of built form and the public realm in a manner that supports fifteen (15) minute neighborhoods. It emphasizes design excellence

throughout the City, especially in Design Priority Areas. The subject site is not located within a Design Priority Area.

Section 5 provides detailed policies for each of the six (6) transect policy areas within the City. Each of the transect policy areas recognize the existing development patterns and provide tailored approaches to transition towards healthier, more sustainable fifteen (15) minute communities. The subject site is located within the Inner Urban Transect and is designated Neighborhood. It is also part of the Evolving Overlay due to proximity to Montreal Road.

Section 5.2 provides policies for the Inner Urban Transect, which represents pre-war neighborhoods surrounding the Downtown Core and the adjacent post-war neighborhoods. The intent of Section 5.2 is to enhance the existing urban built form pattern, site design, and mix of uses. It is generally planned for mid-to-high density development, subject to transit proximity and secondary plans or area-specific policies. Within Neighborhoods, between two (2) and four (4) storeys is permitted.

Comment: The proposed 3-storey, 8-unit low-rise rental apartment exemplifies the envisioned built form and intensification objectives outlined for the Evolving Overlay area. Its design enhances the urban aesthetic of the street, featuring well-considered setbacks and massing that align with the surrounding environment. Furthermore, the incorporation of varied materials adds visual appeal and interest to the structure.

Section 5.6.1 provides policies for built form overlays, including the Evolving Overlay. The Evolving Overlay applies to areas in close proximity to Hubs and Corridors which will gradually evolve to support intensification, transitioning from a suburban to an urban character.

Comment: The proposed development seamlessly fits into the planned 2-3 storey height context for Neighborhoods within the Inner Urban Transect. Simultaneously, it preserves the typical built form pattern and lot-to-structure ratio found in low-rise rental apartments across urban neighborhoods within the Inner Urban area. This harmonious integration enhances the neighborhood's character while achieving a balanced intensification that respects the existing built environment. Moreover, it addresses the demand for rental units, recognizing the site's adjacency to a transit stop and a Mainstreet Corridor.

Section 6.0 contains policies specific to designations within the urban settlement area.

Section 6.3 contains policies that pertain to Neighborhoods. These are contiguous urban areas that form the heart of communities and consist of a mix of densities and built forms. Neighborhoods are noted as being at different types and stages of development, maturity, and evolution. A variety of dwelling types and densities are permitted in Neighborhoods, with the intent of creating and reinforcing 15-minute communities through gradual, context-sensitive development. Permitted building heights are generally 2-4 storeys, which transition in height and density from the neighborhood interior towards Corridors and Hubs.

Comment: The proposed development serves as a symbol of the neighborhood's transition and growth, turning an empty severed lot into a 3-storey low-rise rental apartment. It's worth noting the mix of two-storey and three-storey buildings in the surrounding area of Park Street, highlighting how the new structure seamlessly integrates into the existing urban fabric.

Upon review, we find that the proposed development aligns with the City of Ottawa Official Plan, in accordance with our planning assessment.

CITY OF OTTAWA ZONING BY-LAW

The City of Ottawa has designated this site as R4-UA: Residential Fourth Density, subzone UA, as depicted on the map below. The purpose of the R4-UA Zone is to accommodate a diverse range of residential building forms, spanning from detached homes to low-rise apartment complexes. The performance standards within this zone aim to regulate development in a manner that preserves or enhances the mixed building form and residential character of the neighborhood, ensuring compatibility with existing land use patterns. Given the property's location within the Greenbelt, it falls under the alternative provisions outlined in Section 144 and 162A.

The proposed severance complies with the relevant sections of the Ottawa Zoning By-law. Key sections applicable to this severance request include:

- **Section 139:** Severance guidelines for low-rise residential areas, detailing the requirements for lot frontage, lot area, and building height.
- **Section 197:** General provisions for residential zones, including the minimum lot size and frontage requirements for R3 zones, applicable to the proposed severance.
- **Section 101:** Parking requirements and exemptions for areas designated under Schedule 1A, which includes the subject property's location in Area X, thus not requiring vehicle parking.

Refer to the table below for an overview of the required provisions for this zone and how the proposed development aligns with them.

EXISTING DWELLING LOT A:

Lot Details:	Lot frontage: 13.42 m Lot depth: 18.85 m Lot area: 254.60 m ²
Unit Details:	1-Bedrooms: 3 Total: 3

EXISTING ZONING BY-LAW	Requirement	Existing	Proposed	Section
R4UA Low-rise Apartment Dwelling				
Unit Max Low-Rise Apartment	Maximum 3 units	Maximum 3 units		Section 162 (Table 162A - R4 Subzone Provisions) (6-45)
Minimum Lot Width	10 m	13.59 m		Section 162 (Table

				162A - R4 Subzone Provisions) (6-45)
Minimum Lot Area	300 m2	545.40 m2	254.60 m2	Section 162 (Table 162A - R4 Subzone Provisions) (6-45)
Max Building Height	11 m	6.09 m		Section 162 (Table 162A - R4 Subzone Provisions) (6-45)
Minimum Front Yard Setback (Northeast)	4.5 m	4.5 m		Section 144(1)(d); Section 162 (Table 162A - R4 Subzone Provisions) (6-45)
Minimum Corner Side Yard Setback				
Minimum Rear Yard Setback (Southwest)	25 percent of the lot depth; which is 4.71 m	1.15 m		Section 144(3) (Table 144A)(i) Section 162 (Table 162A - R4 Subzone Provisions) (6-45)

EXISTING ZONING BY-LAW	Requirement	Existing	Proposed	Section
R4UA Low-rise Apartment Dwelling				
Minimum Interior Side Yard Setback (NorthWest)	1.2 m	1.5 m		Section 144(2)(a) Section 162 (Table 162A - R4 Subzone Provisions) (6-45)
Minimum Interior Yard Setback (SouthEast)	1.2 m	1.5 m		Section 144(2)(a) Section 162 (Table 162A - R4 Subzone Provisions) (6-45)
Minimum Rear Yard Area	the rear yard must comprise at least 25 percent of the lot area; which is 63.65 m2	15.63 m2		Section 144(3)(a)

Minimum Rear Area of Soft Landscaping Amount	in the case of a lot of less than 360 square metres in area, at least 35 square metres;	15.63 m²		Section 161(15)(b)(i)
Aggregated Rear Rectangular Soft Landscaping Area	in all cases, must comprise at least one aggregated rectangular area of at least 25 square metres; allowable shape ratio of 2:1	15.63 m²		Section 161(15)(b)(iv)
Aggregated Front Soft Landscaping Area	40 percent in the case of any lot with a width of 12 metres or more	86.99 %		Section 161(15)(d) Section 161 (Table 161 - Front Yard Area)
Parking: Area X				
Minimum Number of Parking Spaces (Resident)	No motor vehicle parking is permitted on a lot less than 450 square metres in area	0 spaces		Section 161(16)(a)
Minimum Number of Parking Spaces (Visitor)	No motor vehicle parking is permitted on a lot less than 450 square metres in area	0 spaces		Section 161(16)(a)
Maximum Walkway	In the case of a rooming house, retirement home, stacked dwelling or low-rise apartment dwelling, 1.8 m;	1.8 m		Section 139(4)(c)(i)
Minimum Bicycle Parking	0.5 per dwelling unit: 1.5 spaces	2 spaces		Section 111 (Table 111A(b)(i))

PROPOSED DEVELOPMENT LOT B:

Lot Details:	Lot frontage: 18.82 m Lot depth: 15.53 m Lot area: 290.80 m ²
Unit Details:	1-Bedrooms: 8 Total: 8

EXISTING ZONING BY-LAW	Requirement	Existing	Proposed	Section
R4UA Low-rise Apartment Dwelling				
Unit Max Low-Rise Apartment	Maximum 8 units		Maximum 8 units	Section 162 (Table 162A - R4 Subzone Provisions) (6-45)
Minimum Lot Width	12 m		18.85 m	Section 162 (Table 162A - R4 Subzone Provisions) (6-45)
Minimum Lot Area	360 m²		290.80 m²	Section 162 (Table 162A - R4 Subzone Provisions) (6-45)
Max Building Height	11 m		11 m	Section 162 (Table 162A - R4 Subzone Provisions) (6-45)
Minimum Front Yard Setback (Southeast)	4.5 m		4.5 m	Section 144(1)(d); Section 162 (Table 162A - R4 Subzone Provisions) (6-45)
Minimum Corner Side Yard Setback (Northeast)	4.5 m		4.5 m	Section 144(1)(b); Section 162 (Table 162A - R4 Subzone Provisions) (6-45)
Minimum Rear Yard Setback (Northwest)	all principal dwelling units front on and face the longer street lot line, the longer street lot line is deemed		2 m	Section 144(5)(a) Section 162 (Table 162A - R4 Subzone Provisions) (6-45)

	to be the front lot line, and minimum required rear yard is 4 m;			
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EXISTING ZONING BY-LAW	Requirement	Existing	Proposed	Section
R4UA Low-rise Apartment Dwelling				
Minimum Interior Side Yard Setback (Southwest)	1.5 m		1.5 m	Section 144(2)(b)(i) Section 162 (Table 162A - R4 Subzone Provisions) (6-45)
Minimum Interior Yard Setback				
Minimum Rear Yard Area	the rear yard must comprise at least 25 percent of the lot area; which is 72.70 m2		37.70 m2	Section 144(3)(a)
Minimum Rear Area of Soft Landscaping Amount	in the case of a lot of less than 360 square metres in area, at least 35 square metres;		37.70 m2	Section 161(15)(b)(i)
Aggregated Rear Rectangular Soft Landscaping Area	in all cases, must comprise at least one aggregated rectangular area of at least 25 square metres; with the longer dimension not more than twice the shorter dimension		37.70 m2	Section 161(15)(b)(iv)
Aggregated Front Soft Landscaping Area	40 percent in the case of any lot with a width of 12 metres or more		80.87 %	Section 161(15)(d) Section 161 (Table 161 - Front Yard Area)

Parking: Area X				
Minimum Number of Parking Spaces (Resident)	No motor vehicle parking is permitted on a lot less than 450 square metres in area		0 spaces	Section 161(16)(a)
Minimum Number of Parking Spaces (Visitor)	No motor vehicle parking is permitted on a lot less than 450 square metres in area		0 spaces	Section 161(16)(a)
Maximum Walkway	In the case of a rooming house, retirement home, stacked dwelling or low-rise apartment dwelling, 1.8 m;		1.8 m	Section 139(4)(c)(i)
Minimum Bicycle Parking	0.5 per dwelling unit: 4 spaces		4 spaces	Section 111 (Table 111A(b)(i))

PLANNING ACT REVIEW

Review of Section 45(1) Minor Variance

The *Planning Act* requires that minor variances are only to be permitted so long as they meet the four tests as set in Section 45(1). These tests are: (1) whether the variance is minor; (2) whether the variance meets the intent and purpose of the Official Plan; (3) whether the variance meets the intent and purpose of the Zoning By-law; and lastly, (4) whether variance is suitable and desirable for the use of the land.

IS THE VARIANCES MINOR?

The requested variances are minor for the following reasons:

LOT A (EXISTING TRIPLEX),

- 1.) **Reduced Lot Area:** The proposed variance *to permit a reduced lot area of 254.60 square metres, whereas the By-law requires a minimum lot area of 300 square metres;* is minor. The reduction in lot area is modest and does not significantly deviate from the required minimum, ensuring the development remains compatible with the surrounding neighborhood. This reduction does not adversely affect neighboring properties and optimizes the use of available space, ***reinforcing the notion that the variance is indeed minor.***
- 2.) **Reduced Rear Yard Setback:** The proposed variance *to permit a reduced rear yard setback of 1.15 meters, or 6.10% of the lot depth, whereas the By-law requires a minimum rear yard setback of 25% of the lot depth, or in this case 4.71 meters;* is minor. The reduction is modest and still allows for adequate separation between the building and neighboring properties, ensuring the development remains compatible with the surrounding area. This variance does not adversely affect the use or enjoyment of neighboring properties, ***making it minor in nature.***
- 3.) **Reduced Rear Yard Area:** The proposed variance *to permit a reduced rear yard area of 15.63 square metres, or 6.14% of the lot area, whereas the By-law requires a minimum lot area of 25% of the lot area, or in this case 63.65 square metres;* is minor. The reduction in rear yard area is minimal and does not significantly impact the functionality of the yard. This ensures that the overall character and usability of the property are maintained, ***reinforcing the minor nature of the variance.***
- 4.) **Reduced Rear Soft Landscaping Area Amount:** The proposed variance *to permit a reduced rear soft landscaping area of 15.63 square metres, whereas the By-law requires a minimum rear soft landscaping of 35 square metres;* is minor. The reduction does not significantly alter the aesthetics or environmental quality of the site, and the proposed landscaping still provides a functional and visually pleasing space. This variance is minor as it ***does not negatively impact the surrounding environment or neighborhood character.***
- 5.) **Reduced Rear Aggregated Rectangular Soft Landscaping Area:** The proposed variance *to permit a reduced rear aggregated rectangular soft landscaping area of 15.63 square metres, whereas the By-Law requires a minimum rear aggregated rectangular*

*soft landscaping of 25 square metres; is minor. The reduction is small and does not compromise the intent of the By-law to provide sufficient space for landscaping and tree planting. The variance **maintains the overall green space quality, ensuring it is minor in nature.***

LOT B (PROPOSED LOW-RISE APARTMENT BUILDING),

- 6.) **Reduced Lot Area:** The proposed variance *to permit a reduced lot area of 290.80 square metres, whereas the By-law requires a minimum lot area of 360 square metres;* is minor. This reduction does not negatively affect neighboring properties, nor does it substantially alter the density or character of the neighborhood. It does not impede the functionality or usability of the proposed development, **indicating that the variance is minor in nature and does not cause undue impact on the surrounding area.**
- 7.) **Reduced Rear Yard Setback:** The proposed variance *to permit a reduced rear yard setback of 2 metres, or 12.87% of the lot depth, whereas the By-law requires a minimum rear yard setback of 25% of the lot depth, or in this case 4 metres;* is minor. The new structure maintains a reasonable distance from neighboring properties and optimizes the available space in the rear yard. While the setback falls below the minimum requirement specified in the By-law, it does not significantly impact the surrounding properties or alter the character of the neighborhood, **reinforcing that the variance is indeed minor.**
- 8.) **Reduced Rear Yard Area:** The proposed variance *to permit a reduced rear yard area of 37.70 square metres, or 12.95% of the lot area, whereas the By-law requires a minimum rear yard area of 25% of the lot area, or in this case 72.70 square metres;* is minor. The reduction in rear yard space is slight and does not notably affect the yard's functionality. This maintains the overall character and usability of the property, **underscoring the minor nature of the adjustment.**
- 9.) **Reduced Rear Aggregated Rectangular Soft Landscaping Area:** The proposed variance *to permit a reduced rear aggregated rectangular soft landscaping area of 37.70 square metres (with the longer dimension more than twice the shorter dimension), whereas the By-law requires a minimum rear aggregated rectangular soft landscaping of 25 square metres with the longer dimension not more than twice;* is minor. The reduction is minor and does not undermine the By-law's intent to ensure adequate space for landscaping and tree planting. The variance preserves the overall quality of green space, **confirming that it is minor in scope.**

DOES THE VARIANCE MEET THE INTENT AND PURPOSE OF THE OFFICIAL PLAN?

The Official Plan aims to foster the development of 15-minute communities by promoting a variety of ground-oriented, low-rise residential dwelling types within neighborhoods. This proposal aligns with this objective by introducing a low-rise rental apartment within a permissible three-storey structure and supports the intent and purposes outlined in the new Official Plan by reinforcing various sections and pertinent policies.

LOT A (EXISTING TRIPLEX),

- 1.) **Reduced Lot Area:** This variance aligns with the Official Plan by allowing the construction of a low-rise residential building within an urban area.

- 2.) **Reduced Rear Yard Setback:** This variance aligns with the Official Plan by maintaining the intended residential character and ensuring efficient use of land within the urban boundary. The reduced setback does not compromise the neighborhood's overall design and maintains the intent of the Official Plan to foster compatible and sustainable development.
- 3.) **Reduced Rear Yard Area:** This variance supports the Official Plan's goal of efficient land use while preserving neighborhood character. By allowing for a reduced rear yard area, the development still meets the intent of providing functional outdoor space that complements the surrounding properties.
- 4.) **Reduced Rear Soft Landscaping Area Amount:** This variance is consistent with the Official Plan's intent to maintain green spaces and promote sustainable development. The reduced landscaping area still provides adequate greenery, aligning with the Plan's objectives of enhancing environmental quality and community aesthetics.
- 5.) **Reduced Rear Aggregated Rectangular Soft Landscaping Area:** The variance supports the Official Plan by ensuring that the development maintains sufficient green space for environmental sustainability, even with the reduced area. The Plan's goal of fostering a green and livable community is upheld, and the variance aligns with these principles.

LOT B (PROPOSED LOW-RISE APARTMENT BUILDING),

- 6.) **Reduced Lot Area:** This variance supports the Official Plan by enabling the development of a low-rise residential dwelling within an urban area.
- 7.) **Reduced Rear Yard Setback:** This variance supports the intent and purposes outlined in the Official Plan by facilitating efficient land use and supporting the development of diverse housing options within neighborhoods.
- 8.) **Reduced Rear Yard Area:** This adjustment aligns with the Official Plan's objective of promoting efficient land use while maintaining the character of the neighborhood. By permitting a reduced rear yard area, the development continues to fulfill the intent of providing practical outdoor space that harmonizes with the surrounding properties.
- 9.) **Reduced Rear Aggregated Rectangular Soft Landscaping Area:** This adjustment aligns with the Official Plan by ensuring that the development retains adequate green space for environmental sustainability, despite the reduced area. The Plan's objective of fostering a green and livable community is preserved, and the adjustment remains consistent with these principles.

Furthermore, the variances support the following sections and pertinent policies:

- **Section 2: Strategic Directions** - The proposal aligns with the policies endorsing intensification within developed urban areas, promoting sustainable land use, transportation, and supporting the goal of providing diverse housing options within neighborhoods. The existing triplex dwelling and proposed development demonstrate a commitment to good urban design and compact built form to enhance sustainability.

- **Section 3: Growth Management Framework** - The development supports the framework by accommodating growth and providing housing options that cater to varying household needs within inner urban areas. The existing triplex dwelling provides housing options for growing families, aligning with the growth management framework.
- **Section 4: City-Wide Policies** - The proposal enhances the public realm to benefit neighborhoods and addresses housing availability and affordability concerns amid the housing crisis. The proposed development introduces a well-designed low-rise rental apartment building.
- **Section 5: Transect** - The development aligns with the guidelines for the Inner Urban Context, focusing on enhancing urban built patterns while prioritizing pedestrian, cycling, and transit infrastructure.
- **Section 6: Urban Designations** - The proposal aligns with the Neighborhoods designation, accommodating diverse densities and built forms while supporting active transportation and proximity to amenities. The existing triplex dwelling presents an appealing form of intensification that supports the community's need for rental housing while ensuring compatibility with the surrounding environment.

These reasons effectively fulfill the intent and purpose of the Official Plan.

DOES THE VARIANCE MEET THE INTENT AND PURPOSE OF THE ZONING BY-LAW?

LOT A (EXISTING TRIPLEX),

1.) Variance: Reduced Lot Area

- Requested Variance: Permit a reduced lot area of 254.60 square meters.
- By-law Requirement: Minimum lot area of 300 square meters.
- Answer: Yes, the variance meets the intent and purpose of the Zoning By-law. The reduction to 254.60 square meters still provides sufficient space for a functional and well-designed residential development. The lot area variance aligns with the intent of the Zoning By-law ***by maintaining the overall character of the area and ensuring that the development remains compatible with its surroundings.***

2.) Variance: Reduced Rear Yard Setback

- Requested Variance: Permit a reduced rear yard setback of 1.15 meters, or 6.10% of the lot depth.
- By-law Requirement: Minimum rear yard setback of 25% of the lot depth, or in this case 4.71 meters.
- Answer: Yes, the variance meets the intent and purpose of the Zoning By-law. The proposed setback still allows for adequate separation between the building and neighboring properties. It ***maintains privacy, safety, and livability, which are the key objectives of the By-law.***

3.) Variance: **Reduced Rear Yard Area**

- Requested Variance: Permit a reduced rear yard area of 15.63 square metres, or 6.14% of the lot area.
- By-law Requirement: Minimum lot area of 25% of the lot area, or in this case 63.65 square metres.
- Answer: Yes, the variance meets the intent and purpose of the Zoning By-law. The reduction in rear yard area is minimal and still provides functional outdoor space. The overall character and ***usability of the property are preserved, ensuring compatibility with surrounding properties.***

4.) Variance: **Reduced Rear Soft Landscaping Area Amount**

- Requested Variance: Permit a reduced rear soft landscaping area of 15.63 square metres.
- By-law Requirement: Minimum rear soft landscaping of 35 square metres.
- Answer: Yes, the variance meets the intent and purpose of the Zoning By-law. The reduced soft landscaping area still provides ***adequate green space, maintaining the environmental quality and aesthetic appeal of the property.***

5.) Variance: **Reduced Rear Aggregated Rectangular Soft Landscaping Area**

- Requested Variance: Permit a reduced rear aggregated rectangular soft landscaping area of 15.63 square metres.
- By-law Requirement: Minimum rear aggregated rectangular soft landscaping of 25 square metres.
- Answer: Yes, the variance meets the intent and purpose of the Zoning By-law. The reduced landscaping area still ***allows for sufficient green space, aligning with the By-law's goal of fostering a green and sustainable urban environment.***

LOT B (PROPOSED LOW-RISE APARTMENT BUILDING),

6.) Variance: **Reduced Lot Area**

- Requested Variance: Permit a reduced lot area of 290.80 square meters.
- By-law Requirement: Minimum lot area of 360 square meters.
- Answer: Yes, the variance meets the intent and purpose of the Zoning By-law. The reduced lot area still allows for a functional and ***compatible residential development, preserving the neighborhood's density and character.***

7.) Variance: **Reduced Rear Yard Setback**

- Requested Variance: Permit a reduced rear yard setback of 2 metres, or 12.87% of the lot depth.
- By-law Requirement: Minimum rear yard setback of 25% of the lot depth, or in this case 4 metres.

Answer: Yes, the variance meets the intent and purpose of the Zoning By-law. The proposed setback ***maintains a reasonable distance from neighboring properties and does not negatively impact privacy or the character of the neighborhood.***

8.) Variance: **Reduced Rear Yard Area**

- Requested Variance: Permit a reduced rear yard area of 37.70 square metres, or 12.95% of the lot area.
- By-law Requirement: Minimum rear yard area of 25% of the lot area, or in this case 72.70 square metres.
- Answer: Yes, the variance aligns with the intent and purpose of the Zoning By-law. The decrease in rear yard area is minor and continues to offer functional outdoor space. The property's overall character and ***usability are maintained, ensuring it remains compatible with neighboring properties.***

9.) Variance: **Reduced Rear Aggregated Rectangular Soft Landscaping Area**

- Requested Variance: Permit a reduced rear aggregated rectangular soft landscaping area of 37.70 square metres (with the longer dimension more than twice the shorter dimension).
- By-law Requirement: Minimum rear aggregated rectangular soft landscaping of 25 square metres with the longer dimension not more than twice.
- Answer: Yes, the variance is consistent with the intent and purpose of the Zoning By-law. The reduced landscaping area ***continues to provide adequate green space, supporting the By-law's objective of promoting a green and sustainable urban environment.***

IS THE VARIANCE SUITABLE FOR THE USE OF THE LAND?

LOT A (EXISTING TRIPLEX),

- 1.) **Reduced Lot Area:** The variance *to permit a reduced lot area of 254.60 square metres, whereas the By-law requires a minimum lot area of 300 square metres;* is suitable for the use of the land. This reduction allows for efficient use of space, ensuring the existing triplex dwelling remains compatible with the surrounding neighborhood and adheres to the policies and direction outlined in the Official Plan and provincial directives concerning housing support. It addresses the demand for new housing in a manner that harmonizes with the surrounding area, making it a fitting and desirable utilization of land.

- 2.) **Reduced Rear Yard Setback:** This variance to permit a reduced rear yard setback of 1.15 meters, or 6.10% of the lot depth, whereas the By-law requires a minimum rear yard setback of 25% of the lot depth, or in this case 4.71 meters; is suitable for the use of the land as it allows for efficient land use while maintaining compatibility with surrounding properties. The reduced setback does not negatively impact the livability or usability of the space, making it a suitable choice for the property.
- 3.) **Reduced Rear Yard Area:** The variance to permit a reduced rear yard area of 15.63 square metres, or 6.14% of the lot area, whereas the By-law requires a minimum lot area of 25% of the lot area, or in this case 63.65 square metres; is suitable for the land as it ensures that the property remains functional and compatible with the surrounding area. The reduction in yard area does not compromise the overall usability of the lot, making it a suitable variance for the development.
- 4.) **Reduced Rear Soft Landscaping Area Amount:** This variance to permit a reduced rear soft landscaping area of 15.63 square metres, whereas the By-law requires a minimum rear soft landscaping of 35 square metres; is suitable for the land as it maintains adequate green space, ensuring the property's environmental and aesthetic quality is preserved. The reduced landscaping amount still provides sufficient greenery, making it a suitable choice for the property.
- 5.) **Reduced Rear Aggregated Rectangular Soft Landscaping Area:** The variance to permit a reduced rear aggregated rectangular soft landscaping area of 15.63 square metres, whereas the By-Law requires a minimum rear aggregated rectangular soft landscaping of 25 square metres; is suitable for the land as it ensures that the property remains functional and environmentally sustainable. The reduction in landscaping area does not detract from the property's overall usability, making it a suitable and appropriate variance.

LOT B (PROPOSED LOW-RISE APARTMENT BUILDING),

- 6.) **Reduced Lot Area:** The variance to permit a reduced lot area of 290.80 square metres, whereas the By-law requires a minimum lot area of 360 square metres, is suitable for the use of the land. This reduction allows for the construction of a residential structure that optimizes land use, maintaining the neighborhood's density and character. It supports the efficient utilization of urban land resources and aligns with the overall development objectives within the neighborhood, reinforcing that the proposed development is a suitable and desirable use of the land.
- 7.) **Reduced Rear Yard Setback:** The variance to permit a reduced rear yard setback of 2 metres, or 12.87% of the lot depth, whereas the By-law requires a minimum rear yard setback of 25% of the lot depth, or in this case 4 metres, is suitable for the use of the land. This variance supports the efficient utilization of urban land resources and contributes to the overall development objectives within the neighborhood. By maintaining functionality and livability, the variance aligns with the intent and purpose of the Official Plan and Zoning By-law, making it a suitable and desirable option for the use of the land.
- 8.) **Reduced Rear Yard Area:** The variance to permit a reduced rear yard area of 37.70 square metres, or 12.95% of the lot area, whereas the By-law requires a minimum rear yard area of 25% of the lot area, or in this case 72.70 square metres; is suitable for the

land as it maintains the property's functionality and compatibility with the surrounding area. The decrease in yard area does not diminish the overall usability of the lot, making this variance suitable for the development.

- 9.) **Reduced Rear Aggregated Rectangular Soft Landscaping Area:** The variance to permit a reduced rear aggregated rectangular soft landscaping area of 37.70 square metres (with the longer dimension more than twice the shorter dimension), whereas the By-law requires a minimum rear aggregated rectangular soft landscaping of 25 square metres with the longer dimension not more than twice; is suitable for the land. It ensures that the property remains both functional and environmentally sustainable. The reduced landscaping area does not compromise the property's overall usability, making this a suitable and appropriate variance.

All nine (9) variances laid out above align with the objectives of both the Official Plan and Zoning By-law, making them suitable and desirable for the use of the land on both Lot A and Lot B.

CONCLUSION

The proposed severance and minor variances for the development at 242 Park Street align with the Provincial Policy Statement (2020) and the Planning Act, which support locally appropriate residential intensification and sustainable land use. This project does not necessitate new public infrastructure, affirming that a plan of subdivision is unnecessary for the orderly municipal development envisioned.

The requested variances, including those for reduced lot area, rear yard setbacks, rear yard areas, and soft landscaping requirements, are essential for realizing a thoughtfully designed development that respects the character of the existing neighborhood while addressing the growing demand for housing. Each variance has been carefully evaluated to ensure it meets the four tests outlined in Section 45(1) of the Planning Act: they are minor in nature, uphold the intent and purpose of the Official Plan and Zoning By-law, and are suitable for the intended use of the land.

The proposed development on Lot B—a new three-storey, eight-unit apartment building—will enhance the neighborhood by increasing density in a manner that is compatible with the existing urban fabric. Similarly, the retention and minor modification of the existing triplex on Lot A will preserve the residential diversity of the area. The variances sought are minimal and have been justified with respect to their impact on the surrounding community, ensuring they do not undermine the intent of the Zoning By-law or the Official Plan.

This development will contribute significantly to the local housing supply, promoting sustainability by prioritizing bicycle parking over vehicle parking and maintaining green spaces within an urban context. The project exemplifies good land use planning by balancing the need for increased density with the preservation of neighborhood character, all while supporting the City of Ottawa's broader urban planning goals.

Given the above considerations, we trust that the Committee of Adjustment will view this application favorably and approve the proposed severance and minor variances. Should you require any further information or clarification, please do not hesitate to contact us.

Yours truly,

New Wave Property Group
Najman Mughal & Frankie Geddes



APPENDIX A

RE: 242 Park Street - Development Inbox x



Murray, Hayley <hayley.murray@ottawa.ca>
to me, Committee ▾

Wed, May 31, 2023, 1:36 PM ☆ 😊 ↶ ⋮

Hello Najman and Frankie,

Thanks for providing some information on your trees. The diameters you provided seemed a bit high and I was in the area this week so I stopped by the site. The largest diameter of the cedar stems along Carillon St. was 15cm. [This does not trigger the need to submit a Tree Information Report with your CofA application.](#) Please pass this email along to the Committee of Adjustment coordinator you are working with for reference.

I did notice that you have started to remove portions of the cedars on the site. I would strongly encourage you to incorporate tree planting into your landscape plan, post construction. I also anticipate the community association will also be asking you to include trees into your design as providing canopy cover in this neighborhood would be extremely valuable.

Thank you,

Hayley Murray

Planning Forester (T), Natural Systems and Rural Affairs

Planning, Real Estate and Economic Development

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ottawa.ca/urbanforest

ottawa.ca/treebylaw
