

Document 4 – Details of Public Consultation

This project has been ongoing since the enactment of the two infill by-law amendments in 2015. Staff have met numerous times with the representatives of the Federation of Citizens' Association (FCA) and with representatives of the Greater Homebuilders Association (GOHBA) since that time. Staff also attended many community association meetings to discuss whether the Mature Neighbourhoods Overlay should be extended to their neighbourhoods.

In April 2018, a public meeting was held at which stakeholders from many community associations as well as urban Ward Councillors were in attendance. Subsequently, Staff submitted an Information Previously Distributed memo to Planning Committee in May 2018 in which the detailed findings and analysis were presented.

A Zoning Strategy Paper (April 2019) was released on the city's webpage and circulated to all affected community associations, resident stakeholders and to GOHBA in April 2019 outlining proposed changes to the regulations and to the inclusion of all urban neighbourhoods within the Greenbelt, with a request for comments. Comments were received from the Queensway Terrace North Community Association, the Champlain Park Community Association, the Old Ottawa South Community Association, the Greater Ottawa Homebuilders Association (GOHBA) and the Federation of Citizens' Association (FCA).

Following discussions with the FCA and with GOHBA on the Zoning Strategy Paper, an Addendum to the Strategy Paper was circulated in September 2019 with a request for comment on the idea of introducing one front yard parking space within the Mature Neighbourhoods Overlay only, as an alternative to a driveway leading to an attached front-facing garage or carport on streets where the character excludes dwellings with attached garages/carports. Comments on the Addendum were received only by the FCA and GOHBA.

At the May 14th, 2020 Planning Committee meeting, Staff were directed to engage further with key stakeholders, including the FCA and with GOHBA, in order to resolve remaining key issues and areas of concern. This resulted in a number of changes to the wording of the proposed By-law amendment, resulting in a recirculation of the proposal in August 2020.

COMMENTS RECEIVED FROM 2019 STRATEGY PAPER AND ADDENDUM

The below represents a summary of comments received from both the April 2019 Strategy Paper and the September 2019 Addendum to the Strategy Paper and staff response to these are noted below. Where a recommended regulation is not discussed herein, it means there is no objection to it.

Extending Regulations to Neighbourhoods outside of the MNO

There were no objections to this proposal. Queensway Terrace North and Manor Park Community Associations, as well as some other community associations during the monitoring period of 2015-2017, requested that the Mature Neighbourhoods Overlay be extended to their neighbourhoods due to ongoing impacts of infill and new development in their neighbourhoods.

Response:

Rather than extend the Overlay and the SCA process to neighbourhoods that were built after 1950, the recommendation is to apply the majority of the existing MNO regulations to all urban neighbourhoods within the Greenbelt zoned R1-R4, while not introducing the SCA component. This is because the lots in the mature neighbourhoods were constructed prior to the advent of the car (before 1950, with most built before 1920), where the lots were not designed based on parking and storage of vehicles. Many lots on mature neighbourhood streets were built without driveways, whether they are accessed by rear lanes or not. Dwellings were built without attached garages or carports, often with only side or rear yard parking or rear yard detached garages. The established look along the street of those neighbourhoods built pre-automobile is distinct from those built since the 1950's with each lot designed around the storage and parking of cars.

Regulations affecting the averaging of the front and corner side yard setbacks based on abutting lots existing setbacks; requiring a minimum percentage of yard area that must be softly landscaped and aggregated to ensure the established soft landscaped areas of front and corner side yards is maintained and not paved over, while also seeking to obtain sufficient soil volume for a street tree or a property tree; creating a garage setback that is greater than the principal entranceway and landing; requiring the use of shared driveways on the smallest infill lots of 7 m or less, restricting walkways to lots wide enough to enable the minimum required soft landscaped area to be met and allow for individual driveways on lots of a minimum width; and ensuring that walkway widths

are appropriate for those requiring access without taking up excessive front yard area; and establishing an interior yard setback next to the rear and side yards on corner lots so as to round out the common open space area along the rear lots lines in the interior of the block are many of the Overlay regulations that are important in any neighbourhood, and given the City is experiencing new development throughout the urban area within the Greenbelt, these regulations will ensure that those matters that are of most significance to existing and future residents are properly regulated.

Introduction of Minimum Soft Landscaped Area Requirements

The community associations stated that they are in support of this regulation. In one case, the representative stated that introducing a minimum aggregated soft landscaped area requirement is significant because doing so will ensure that front yards will have sufficient soil volume to enable a street or property tree that absorbs carbon emissions, which helps to alleviate the City's climate emergency.

GOHBA accepts the idea of this regulation but expressed concerns with requiring that it be aggregated into one useable spot and that it must abut a street lot line.

The Champlain Park Community Association agrees with the soft landscaped area requirement but disagrees with the regulation that prohibits at-grade projections into the minimum required soft landscaped area because it does not want front porches prohibited, as these are characteristic of many older neighbourhoods. They suggest that builders are less likely to limit the size of the building footprint to enable a porch within the allowable footprint, and more likely to ask for minor variances to include them as projections.

Response:

Without requiring that the minimum percentage requirement of the front yard and of the corner side yard that must be soft landscaped area, there would be little soil volume available to enable either a street tree or an on-site tree. The purpose of the requirement for soft landscaped area is twofold: 1) to ensure the maintenance of the look along the street of soft landscaped yards, and 2) to enable as much soil volume as possible (based on the lot width and the extent of the front yard and corner side yard setbacks) to allow for a tree. This second purpose is also covered by the requirement that the soft landscaped area must abut the street lot line. Having the soft landscaping next to the right of way assists in providing soil volume needed for a street tree.

The minimum percentage requirements for soft landscaped area have been tested, applying the areas necessary for driveways, walkways where permitted, paths from the driveways to the principal entranceways, as well as areas needed for projections. The minimum soft landscaped area requirements allow for these other incidental uses of the lands including for projections such as porches, stairs and landings.

Prohibition on Front-Facing Attached Garages on streets in the MNO where these are not dominant / Permitting one Front Yard Parking Space

GOHBA suggested that where this is the dominant pattern in the MNO, that as an alternative to a front-facing garage/carport, one front yard parking space could be permitted, that would be no more than 2.6 m width x 5.2 m depth.

GOHBA's comment in response to the Addendum to the 2019 Strategy Paper is that it is in favour of permitting one front yard parking space on any lot and not only within the Mature Neighbourhoods on streets where driveways are dominant and front-facing garages and carports are not, as an option amongst other on-site parking options. The Champlain Park Community Association disagreed with prohibiting front-facing attached garages or carports where these are not the dominant character as such would result in minor variance requests for numerous applications.

Old Ottawa South Community Association is in favour of prohibiting front-facing garages/carports on Mature Neighbourhoods Overlay streets where they are not already a feature, as noted in their comments submitted on the Strategy Paper. The Federation of Citizen's Associations provided comments on the Addendum stating that it would only consider permitting front yard parking subject to streetscape analysis.

Response:

The Streetscape Character Analysis requires that only where legally-created front yard parking is the dominant pattern, may a new front yard parking space be permitted. The FCA is not in favour of permitting one front yard parking space as-of-right on any lot instead of a driveway or of a parking space located elsewhere on the lot.

The City has prohibited front yard parking in former Ottawa, which includes all of the Mature Neighbourhoods Overlay, since 1964, save and except for a four-year period for certain streets, followed by renewed prohibition on front yard parking. During the appeal period on the first infill study, a charette was held that determined that 23 of 33 lot and

dwelling designs result in parking being provided other than in the front yard. Staff maintain that there are many options for on-site parking including side yard and rear yard surface parking, side yard and rear yard attached garages, and rear yard detached garages/carports.

This report recommends a compromise to front yard parking that would apply to lots in the Mature Neighbourhoods Overlay where driveways are dominant and where attached garages/carports are not dominant that allows for a notched-out space into the side wall of the first floor that enables a side yard surface parking space on lots where there would otherwise not be enough space to park a car. These parking spaces take up far less gross floor area than would an attached garage, thus retaining the majority of the front face of the dwelling.

This compromise, as well as the numerous other ways of accommodating a car on a lot outside of the front yard, is considered far less onerous than blank garage walls facing streets that do not complement the established look of dwellings with large front windows, often with porches that animate the street.

It is expected that the notched-out side yard parking spaces will provide a reasonable alternative, one that has already been introduced in newer development that will meet individual homeowners' needs rather than seeking minor variances to introduce a garage that would not fit in with the streetscape character.

Definition of Façade and Attached Garage Setback

The Community Associations were in favour of introducing this defined term. They are also in favour of a substantial garage setback from the façade and not from the front wall so that they are not the dominant element along the street.

The Queensway Terrace North Community Association stated that the attached garages being built are being used for extra storage and the driveway in front of the attached garage is the main parking spot for a vehicle, resulting in the car being the dominant feature on a street. They also indicate that the designs of new builds do not set attached garages further back than the principal entranceway, and would support moving away from the box look with two doors (front and garage).

The FCA noted that some of its members did not mind attached garages, though it stated that it would where attached garages are permitted, it would like to see a specific

development standard requiring them to be set back further from the front lot line than the principal entranceway.

GOHBA has no objection to introducing a numerical standard greater setback for an attached garage or carport, although want the setback to be measured from the 'front wall' and not from the 'front façade' or 'corner side façade' on which the principal entranceway is located.

GOHBA is not in favour of introducing the term and definition of 'Façade' because it prefers to apply that part of the definition of front wall which focusses only on that part of the wall located closest to the street lot line.

Response:

The intent of the regulation requiring that an attached garage must not be flush with the front wall of the dwelling and must be setback further was meant to refer to that part of the front wall definition which is the main wall of the dwelling. This flaw was pointed out to us after the GOHBA appeal resolution. The result is that many designs have a very narrow front wall so that the garage must set back from it, often where the narrow front wall is closer to the street than the main wall of the dwelling that contains the front door, thus defeating the intent of the zoning provision.

The term façade is noted in various parts of the Zoning By-law but has not been defined. Staff has compromised on the wording of the garage setback such that the term façade no longer appears in that regulation. Staff maintain however, that the term should be defined, particularly given the overarching intent of these zoning regulations is to maintain neighbourhood character, which includes the front and corner side facades of dwellings.

Breaking up Hard Surfaces

The Old Ottawa South and Champlain Park Community Associations stated that they are in favour of these regulations.

GOHBA has no objection to the requirement of a 0.3 m, or 0.15 m per unit separation between side-by-side driveways that must be landscaped.

GOHBA would prefer that the recommended separation between a driveway and a walkway be 0.3 m rather than 0.6 m.

Response:

Because the separation required must be softly landscaped, staff recommend 0.6 m. Note that this softly landscaped space is also able to provide soil volume to enable a tree because the roots may extend under the walkway.

Changes to SCA to require documenting the presence or absence of attached front-facing garages and carports

The Old Ottawa South Community Association is in favour of this new regulation. (it offers the front yard parking alternative which presumably would only kick in if the SCA shows garages/carports not dominant)

Procedures

The Queensway Terrace North Community Association asked how enforcement of these regulations will occur. It also suggested that a requirement for the developer/owner to show proposed landscaping along with new build should be required.

Response:

As with all zoning matters, the recommended rules in the Report will be implemented during the development approval processes, and any complaints lodged against a property owner will be followed up by the By-law Enforcement Services Branch, Emergency and Protective Services Department.

The minimum aggregated area required for soft landscaping in a front yard and in a corner side yard will have to be shown on development plans. The Urban Tree By-law will request that the location of trees be noted on most development review applications including minor variance applications.

Accessibility

The Queensway Terrace North Community Association asked whether it is realistic to assume that a walkway from the side of the driveway is best, suggesting situations in which the car might be parked blocking the path to the front door, suggesting that this would force a pedestrian to walk over the soft landscaping (or a bank of snow) to access the front door.

The community association noted that there is no mention of accommodating a ramp for a wheelchair and whether such would be permitted when removing the required soft landscaped area.

Response:

There are a variety of lot widths and driveway widths that may be developed. On the narrowest lots, individual driveways will be prohibited. Minimum required walkway widths of 1.2 m for detached, semi-detached, long semi-detached and townhouses will be wide enough to allow double-wide strollers, walkers and manual wheelchairs, and minimum walkway width permission will increase to 1.8 m for apartments and stacked townhouses. Narrower lots could present an issue for those with mobility issues who must pass by a car parked in the driveway.

Ramps providing access for a wheelchair are always permitted on a residential lot, and are not subject to the regulations of the Zoning By-law.

COMMENTS RECEIVED FROM AUGUST 2020 RECIRCULATION

The below represents a summary of comments received on the recirculation of the proposed Infill amendments which took place in August 2020.

Walkways

Some concerns were expressed with allowing walkways to be counted as part of the minimum aggregated soft landscaped area, citing the potential loss of available greenspace as a result. A concern was also raised by the Champlain Park Community Association with respect to the need for “walkway” to be a defined term within the Zoning By-law via this amendment.

Response:

In general, a walkway does not interfere with landscaped area and/or trees unlike a driveway. Staff would note that walkway material typically does not extend as deep into the ground as a driveway, such that plant and tree roots can be capable of extending under walkways.

As such, Staff are of the position that the revised provision as proposed is appropriate to allow for flexibility in terms of walkway placement, so long as it is properly separated from a driveway access where leading to the street right-of-way.

Front Yard Setback Averaging

The Champlain Park Community Association raised some concerns with respect to the inclusion of non-residential buildings in the averaging of front yard setback requirements for a lot. Concerns were expressed that this would lead to a “jog in the street wall” and would result in a loss of front yard landscaping.

Response:

While it is not common for non-residential buildings to be encountered on predominantly residential streets, Staff are of the opinion that where they exist, they form part of the streetscape character of that particular street. Consequently, it is not appropriate to exclude a building from being considered in front yard averaging by virtue of its interior use.

Lanes

GOHBA expressed some concerns with the requirement to use laneway access for parking where there is a “travelled lane”, citing concerns relating to laneway maintenance. GOHBA is of the opinion that the requirement should only apply where the lane in question is “open and maintained”.

Response:

While Staff acknowledge that not all travelled rear lanes are maintained by the City, they still represent useable accesses that allow for an alternative to parking directly off of a street. The usage of existing lanes improves the streetscape by ensuring that parking is entirely provided outside of the front yard, and individual driveways from the street are not required.

Balconies on Lots Less than 30.5 m deep

Some commenters, including the Champlain Park Community Association, expressed concerns with or objections to the proposal to allow a projection of 1.2 m for balcony projections into the rear yards of lots 30.5 m or less in depth, citing concerns relating to impacts on privacy and the original intent to prohibit balconies on lots 30 m or less in depth.

Response:

Staff would note that, as lots within urban Ottawa are most commonly 100 feet (30.48 m) in depth, the present regulation prohibiting balconies under 30 m in width does not apply to lots of this standard depth. Hence, the maximum permitted projection of 1.2 m represents a reduction in the permitted projection depth of a balcony on a significant

number of lots within the urban area, of which Staff are of the opinion will be sufficient to address concerns relating to these features.

Interior Side Yard Setbacks on R1-Zoned Lots Over 36 Metres Wide

The Rothwell Heights Property Owners Association suggested that the increase in side yard setback requirements for large lots zoned R1 should start at a lot width of 30 metres instead of 36 metres as is presently set out in the By-law, as this would assist with the preservation of greenspace on lots.

Response:

Staff are satisfied that the present requirement, which starts at a lot width of 36 metres based on what was originally set out under the Infill 2 By-law, is appropriate to mitigate the potential effects of infill and residential development on large R1 lots.