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TO: Chair and Members of Planning Committee

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SUBJECT: Findings of Monitoring of Infill 1 and Infill 2 By-laws

OBJET : Surveillance des règlements sur les aménagements intercalaires

PURPOSE

This memorandum has been prepared to report back to Planning Committee on the monitoring of the Infill 1 (2012-147) and 2 (2015-228) Zoning By-laws and recommendations for improvements to By-law 2008-250 and the Streetscape Character Analysis process for the Mature Neighbourhood Overlay.

EXECUTIVE SUMMARY

Infill 1 and 2 By-laws were highly contentious and went through lengthy appeal processes leading to settlements before the Ontario Municipal Board. These reports to

Committee recommended monitoring to review development under the new regulations for a period of two years and examine how any challenges with implementation and/or application of the new regulation that might arise could be addressed, which could include adjustments to the regulations as part of omnibus amendments.

Staff have reviewed 262 Streetscape Character Analysis forms submitted by applicants, and reviewed 249 decisions by the Committee of Adjustment. Additionally, staff have engaged in multiple discussions and consultations with the Federation of Citizen's Association, Community Associations, the Greater Ottawa Home Builder's Association and with internal departments charged with implementing these by-laws.

Staff are satisfied that the Committee of Adjustment are following the intent of the Infill 1 and 2 By-laws and applying these correctly. In almost all of the requests for relief from the regulations, Committee concurred with staff comments. Even in those areas not subject to the Overlay, where staff rely on the Low Rise Infill in Residential Area Urban Design Guidelines, the Committee of Adjustment refused requests not in keeping with the Guidelines. The vast majority of the minor variance requests were reasonable and meet the four tests.

Staff note that many applications requested multiple minor variances, but when looked at in combination still result in minor overall impact, and acceptable conclusions to staff and Committee.

Staff observed few requests where the Committee granted approval on a development where Planning Services expressed concerns. While these did occur and will always occur as decisions are reviewed on a site-by-site basis, these occurrences were limited and do not speak to the overall pattern of intent. Where some inconsistencies were recorded, these had more to do with unclear terminology of the Zoning By-law that will be followed up and described in following sections of this report.

Staff are of the opinion that Infill 1 and 2 regulations have led to a decrease in building mass and volume in the range of 10 per cent to 20 per cent (depending on lot size and subzone requirements) and have led to an improvement to adherence to streetscape character. There are issues that have occurred on a site basis, but in broad terms Infill 1 and 2 have achieved the intent for which they were developed. There remains work to do to encourage higher rates of tree retention and preservation of soft landscaping, better management of on-site parking, and compatibility in design.

A number of modifications to be considered are outlined that will require drafting of technical amendments to the Zoning By-law, with a statutory process to occur per the

Planning Act. Additionally, changes to the Streetscape Character Analysis will require revisions to the current tool and process manuals for both internal and external users. Further inclusion of additional geographic areas into the Mature Neighbourhoods Overlay should only be considered upon passage of the above amendments and changes to the Zoning By-law and SCA process, and subject to a neighbourhood specific zoning study.

BACKGROUND

Infill By-law 2012-147 was adopted by Council in 2012, following an extensive two year public participation process. The by-law was appealed, and subsequently sent back to staff, by a March 2013 Ontario Municipal Board Interim Order (OMB Order PL120666), to reconsider some of the zoning regulations within the context of streetscape character, amongst some other matters. Details of the OMB Interim Order and revisions to the adopted By-law 2012-147, as amended are discussed in Report ACS2013-PAI-PGM-0114 (Response to Ontario Municipal Board Interim Order on Infill By-law 2012-147 Affecting Mature Residential Neighbourhoods) and ACS2014-PAI-PGM-0074 (Draft Revisions to Infill By-law 2012-147 – Response to Ontario Municipal Board Interim Order on Appeal).

The revised Mature Neighbourhoods By-law 2012-147 was enacted by the Ontario Municipal Board on June 10, 2015, following substantial public participation with a stakeholder group consisting of community representatives, architects and the appellants. The modifications to By-law 2012-147 were discussed in report ACS2015-PAI-PGM-0058 and approved by Council in March 2015.

Further to the adoption of the Mature Neighbourhoods By-law (2012-147), which dealt with streetscape character, Council directed staff to address the issues of mass, height and setbacks for a larger geography that includes the inner- and outer-urban areas of the City (the urban area inside the Greenbelt).

On July 8, 2015, the Ontario Municipal Board enacted the Infill 2 By-law (2015-228), which deals with building mass, height, rear and interior side setbacks, rooftop terraces, and projections and discreet intensification in first to fourth density residential zones (R1, R2, R3, R4). This By-law applies to the inner- and outer-urban wards (7 to 18). Following its adoption, five appeals were filed to the Ontario Municipal Board (OMB). Report ACS2016-PAI-PGM-0094 provides the settlement arising from that appeal, approved by Council in July 2016.

Both reports to Committee recommended monitoring to review development under the new regulations for a period of two years and examine how any challenges with implementation or application of the new regulation that might arise may be addressed, which could include adjustments to the regulations as part of future Zoning By-Law amendments.

Transition provisions were included for both by-laws that granted relief from applications submitted prior to passage of the final amendments, with expiration occurring in June and July 2017. As such, development occurring through the two-year monitoring period has consisted of a mix of development approved under prior rules, and development following the new Infill 1 and Infill 2 requirements. There were 45 Committee of Adjustment applications that fell under the Transition provisions, and have been not been considered in this monitoring review.

Monitoring Program Methodology

The purpose of this memorandum is to outline the findings from the monitoring exercise and consider potential solutions for further study by the Zoning and Interpretation Unit for consideration in future work plans and Reports to Committee. Any proposed changes are intended to strengthen the effectiveness of these regulations and ensure that Council's intent is being achieved.

As part of this monitoring exercise, staff has:

- Reviewed 297 Committee of Adjustment applications with minor variance requests for relief from one or more zoning provisions from June 2015-August 2017;
- Visited many sites for which minor variances were granted;
- Met with the Federation of Citizens' Association, Community Associations and residents;
- Met with representatives of the Greater Ottawa Homebuilders Association and the Urban Infill Committee;
- Met with those residents and Community Associations who have requested inclusion within the Mature Neighbourhoods Overlay;
- Met with City frontline staff who deal with development applications and enforcement; and

- Considered all written comments received since June 2015 as well as comments made by residents during Committee of Adjustment deliberations on site-specific development applications.

DISCUSSION

The Mature Neighbourhoods Overlay (Infill 1) recognizes the main character and use of lands along a street and attempts to ensure that new development fits into the look along that street. Before a landowner may build a lot, a home, add an addition to an existing home, create or widen a driveway, or seek a curb cut, a Streetscape Character Analysis (SCA) must be undertaken that determines the existing dominant character of specific land use attributes affecting the look along the street. All lands affected by Infill 1 are shown in Document 1.

The rules affect most zones within the Overlay including residential, commercial and institutional zones. They deal with the use of lands in the front and corner side yards between a house and the street, and between houses along the street, including the amount of front and corner yard landscaping, the amount of lot width taken up by the driveway, location of parking on the property, and location of the front door. The rules also recognize newer forms of development including 'wrap-around dwellings' on corner lots where some units face one street and others face the other street, and long semi-detached dwellings, where one dwelling unit is behind the other.

All lots within the Mature Neighbourhoods Overlay that are zoned R1-R4 are also subject to the Alternative Provisions within the Urban Area introduced under the second phase of the Low-rise Infill Housing Study (Infill 2). The Infill 2 regulations affect all residential properties zoned R1-R4 within the inner and outer urban Wards (Wards 7-18) as shown in Document 2. Note that not all lots within the Infill 2 area are subject to the Mature Neighbourhoods Overlay.

The Infill 2 rules affect the building height, rear and side yard setbacks, projections into the rear and side yard setbacks, projections above the maximum building height, rooftop access and terraces, and rear yard amenity areas. The purpose of these rules is to limit building height and mass, consider privacy issues, sun obstruction, loss of permeable surfaces and soft vegetation, and to allow for new dwellings and additions to existing dwellings that fit in amongst their neighbouring properties.

The intent of these two sets of zoning regulations is to capture what is meant by the term 'character' in zoning terms and to offset land use impacts that may be experienced when new dwellings and additions are introduced into existing residential

neighbourhoods. This does not mean whether the architectural features or building materials are similar to those of neighbouring properties. In zoning terms, the word 'character' may only relate to items that may be regulated under Section 34 of the *Ontario Planning Act*, including such matters as:

- Types of land uses/developments, such as corner lot and flag lot configurations and the introduction of the long semi-detached dwelling form;
- Incidental uses of the land, particularly uses of the front corner side yards and interior yards for landscaping, amenity area, and access;
- Location of buildings, accessory buildings and structures including garages and carports;
- Maximum building height and accessory building and structure heights;
- Minimum lot areas and lot widths;
- Proportion of the land area that a building or structure may occupy, which affects the massing and bulk of these as well as lands available for amenity area;
- Floor area, including the minimum required habitable floor area on the first floor of a dwelling within the Mature Neighbourhoods Overlay; and
- Character, which in addition to the land use factors noted above, is determined further by the look along the street of four land use factors that affect the look between houses, and their street lot lines, and between houses on separate lots.

The Streetscape Character Analysis (SCA) is required prior to developing within the Mature Neighbourhoods Overlay, the purpose of which is to determine the rules that apply based on the dominant look along any particular street on which development is proposed.

Monitoring Findings

The monitoring period for this exercise extended from June 2015 through to August 2017 – dating from passage of the Infill by-laws to after conclusion of the transition provisions. Staff reviewed Committee of Adjustment applications provided during that time, as well as Streetscape Character Analyses submitted during this period. The following statistics summarize the findings from the Streetscape Character Analysis and are displayed in Figure 1:

- Two hundred sixty-two Streetscape Character Analysis forms were submitted to the SCA mailbox, and reviewed by staff tasked with this review in Development Review.
- Two FTE positions (Planner 1) were assigned to this task alongside other Development Review duties associated with application processing.
- Average length of processing time ranged from one hour for simple and straightforward submissions to several days for more challenging circumstances. Complexity increased where snow cover and/or tree cover made interpretation of character groups and correct measurements difficult, in situations where the selection of comparative lots is not clear, and where architectural design and requested variances make calculation of various design elements more challenging.
- SCA results are submitted prior to an application, but are then referenced by review staff upon submission of the formal application. Staff indicate these submissions were influenced positively by the SCA process and final approved plans did reflect the agreed upon streetscape character.
- Seventy per cent of SCA's submitted indicated BBA character (mostly landscaped, low impact from driveway, front door visible from street); though a wide number of other streetscape patterns also emerged.

The Streetscape Character Analysis Patterns and Character Groups are described in detail in Section 140 of the Zoning By-Law, and are summarized here:

Pattern 1 – Front Yard Pattern

- A – Fully Landscaped Front Yard
- B – Landscaped Front Yard in front of the Principal Dwelling

- C – Landscaped Front Yard in front of a portion of the Principal Dwelling
- D – Small or no landscaped Front Yard

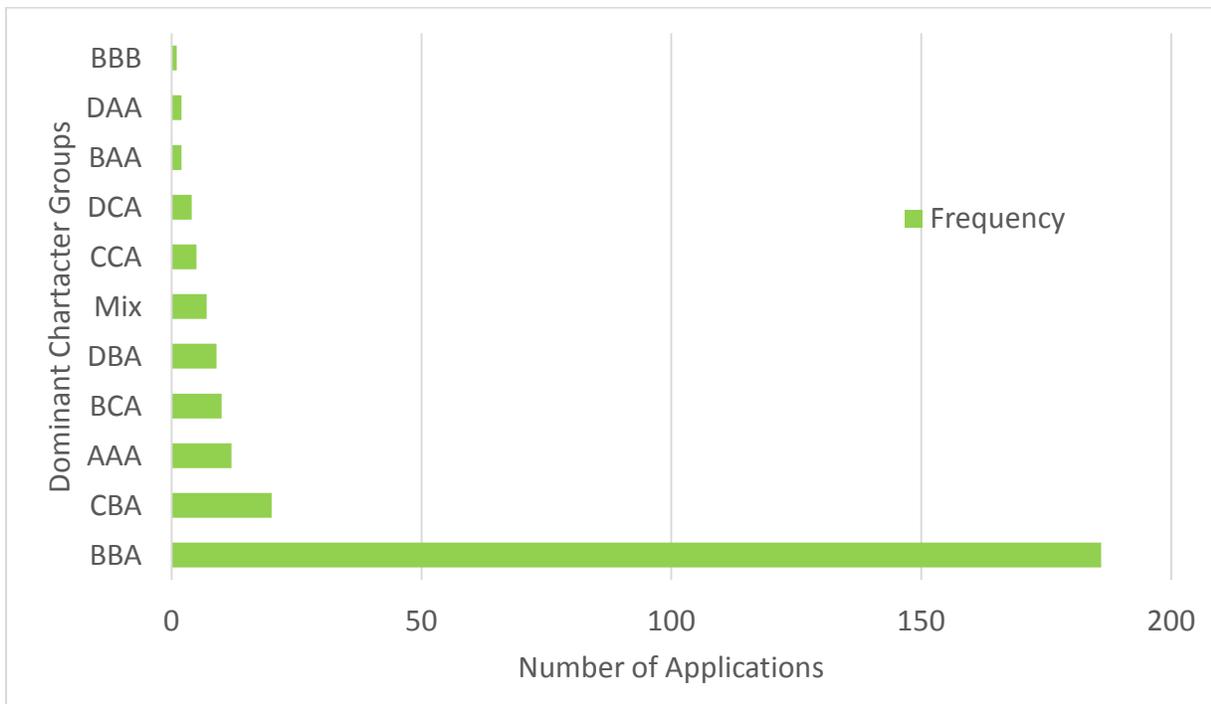
Pattern 2 – Parking Access and Parking Space

- A – No streetscape impact from on-site parking
- B – Low streetscape impact from on-site parking
- C – Medium streetscape impact from on-site parking
- D – High streetscape impact from on-site parking

Pattern 3 – Entranceway

- A – Principal entranceway is located along the front wall of the dwelling
- B – Principal entranceway is not located along the front wall of the dwelling

Figure 1: Prevalence of Character Groups Associated with Completed Streetscape Character Analysis Submissions (June 2015 – August 2017)

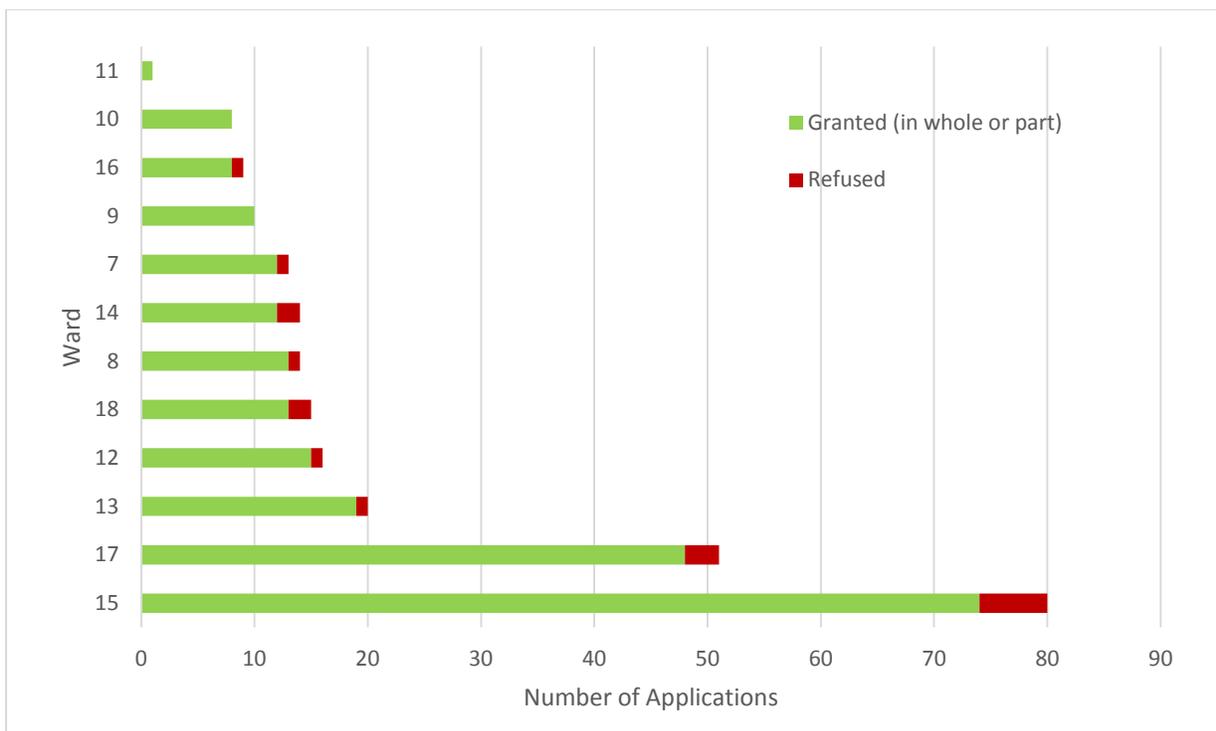


Committee of Adjustment decisions were reviewed specifically, as requests for minor variances are associated with developments seeking to modify requirements of the

subzone or development standards of Infill 1 and 2. This consisted of 252 applications for relief from both the Infill 1 and Infill 2 regulations (June 2015-August 2017). One application was adjourned before the conclusion of the monitoring period resulting in 251 total variance applications of specific pertinence.

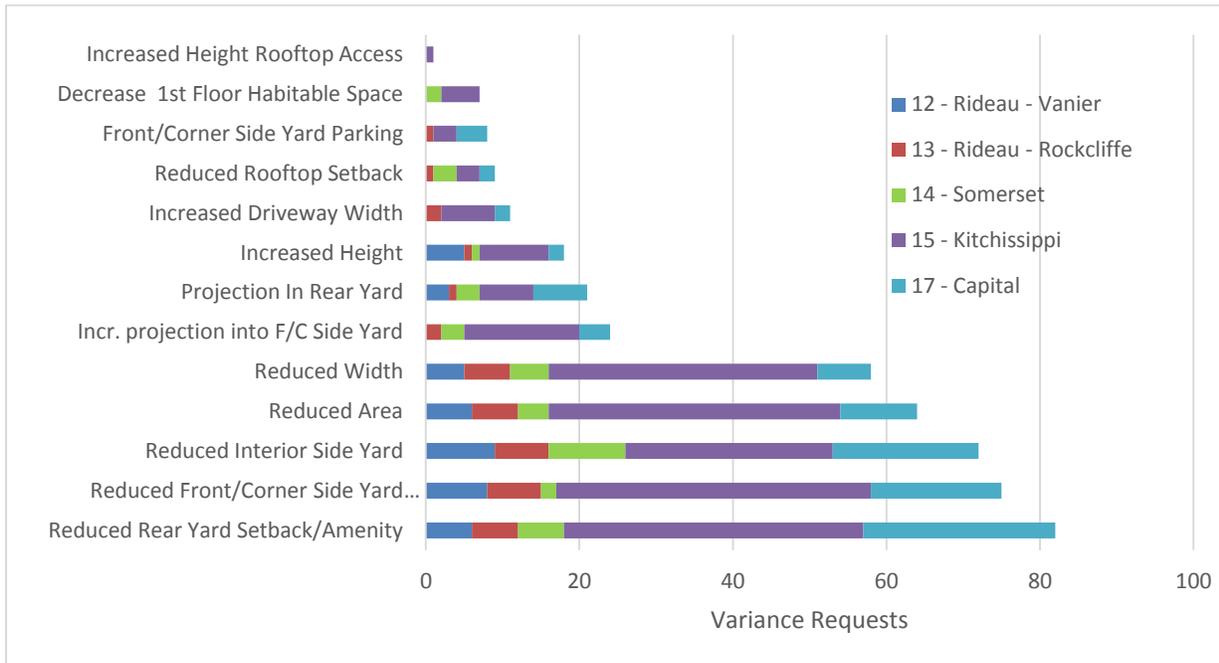
The highest number of applications were in areas associated with the highest redevelopment pressure including Kitchissippi (32 per cent) and Capital (20 per cent) Wards. Figure 2 summarizes these results.

Figure 2: Total Variance Applications (June 2015 – August 2017)



Of the 251 applications, many of the requests were deemed to be minor in nature, in keeping with the general character of the Residential subzone in which the lot is located, based on site-specific circumstances, and in keeping with the *Planning Act* minor variance tests. Staff expressed some level of concern in approximately 30 per cent of all cases across wards, which were generally ratified by Committee in whole or part, or resulted in an amendment to the application to remove concerns. Sixty-five per cent of all applications requested relief of multiple requirements. Figure 3 summarizes the types of relief requested.

Figure 3: Type of Variance – Top 5 Wards (June 2015 – August 2017)



Analysis

Staff are satisfied that the Committee of Adjustment are following the intent of the Infill 1 and 2 by-laws and applying these correctly. In most of the decisions for relief from the regulations, Committee concurred with staff comments. Even in those areas not subject to the Overlay, where staff rely on the Low Rise Infill in Residential Area Urban Design Guidelines, the Committee of Adjustment refused requests not in keeping with the Guidelines. The vast majority of the minor variance requests were reasonable and meet the four tests under the Planning Act.

Staff note that many applications requested multiple minor variances, but when looked at in combination still result in minor overall impact, and acceptable conclusions to staff and Committee.

Staff observed few requests where the Committee granted approval on a development where Planning Services expressed concerns. While these did occur and will always occur as decisions are reviewed on a site-by-site basis, these occurrences were limited and do not speak to the overall pattern of intent. Where some inconsistencies were recorded, these had more to do with unclear terminology of the Zoning By-law that will be followed up and described in following sections of this report.

With respect to key indicators of whether the intent is being followed:

- Reduced Rear yard setbacks – these constituted the most requested application, had the highest rate of occurrences where staff expressed concerns, and also was the most refused by the Committee over concerns of impacts to privacy to neighbours, community impact, inappropriate massing and loss of amenity. Of those granted, the relief provided has generally still resulted in greater setbacks than previously required before Infill 2 – though there are some occurrences where the Committee granted greater relief due to site-specific circumstances. Overall, additional rear yard space is being provided than occurred prior to the introduction of Infill 2.
- Reduced front yard and corner side yard setbacks – concerns expressed by planning staff and from community associations related to ensuring that the streetscape character was maintained. The Committee generally agreed with planning staff, though deviated from staff recommendations where evidence existed that other projections and/or setbacks existed further along a street that were similar in character, or where there were site-specific issues affecting the ability to provide a consistent setback. Of note was that overall character of a street was still considered in the context of decisions made.
- Reduced interior side yard setbacks – these are requested where an application seeks to alter the side setback to allow for an extension of the building envelope. In most cases, these are encroachments that are a function of the proposed building design and less frequently, the particular site characteristics. These were also the most refused application type, indicating sensitivity towards these types of side yard encroachments.
- Reduced lot area and lot width, and driveway widenings – these variance types go together and frequently occur with respect to the severing of lots to create one or more new lots for infill purposes. Staff have concerns with these variance requests where the reduction significantly deviates from the established lot pattern and subzone development standards, and may represent a change in streetscape character. Staff have further concerns when these are linked to a variance request for a driveway width increase and when the width of the lot occurs below 7.5 metres, resulting in a front yard that is able to support very little landscaping.
- Increased maximum height for the building, and increased height permission for projections – these variance applications have been minor in nature and have generally been supportable by both staff and the Committee. Several

applications where staff had concerns were refused on the grounds of impact on adjoining residents.

- Front yard parking – the Committee has been consistent on its refusal to allow new front yard parking without clear rationale. Four of nine applications were permitted during the monitoring period, Two were for clear site-specific reasons that staff concurred with, while two others were not. Front yard parking remains the single most significant concern expressed by residents across the City, and is prohibited in Zoning By-Law 2008-250.

From January 2015 to December 2017 Development Review Services and Building Code Services processed approximately 390 building permits for new ground-oriented dwellings in the inner-city wards affected by Infill 1, and an additional 418 new construction permits in the Infill 2 area – for a total of 808 new residential buildings. Note that this figure does not include new subdivision development at Wateridge (Rockcliffe CFB) and Greystone Village in Wards 13 and 17. Figure 4 indicates the geographic distribution of total residential permit activity. Note that the heat map below does include those new inner-urban subdivisions.

Figure 4: Heat Map of Residential Permit Activity (January 2015 to December 2017, City of Ottawa)

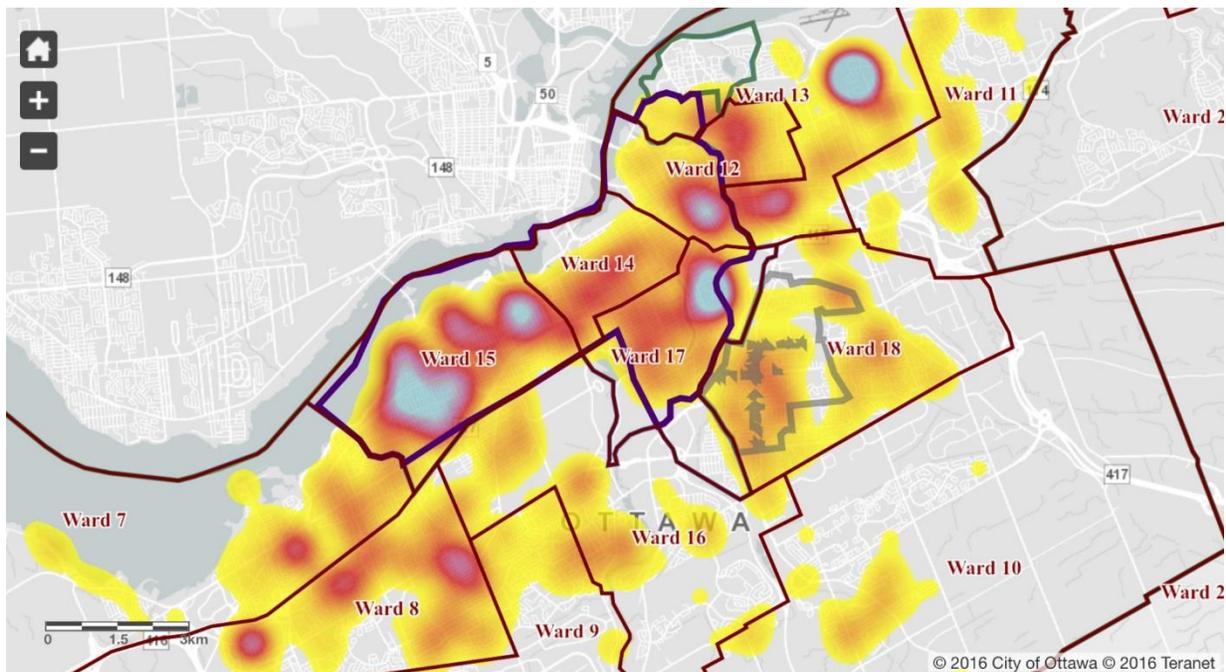
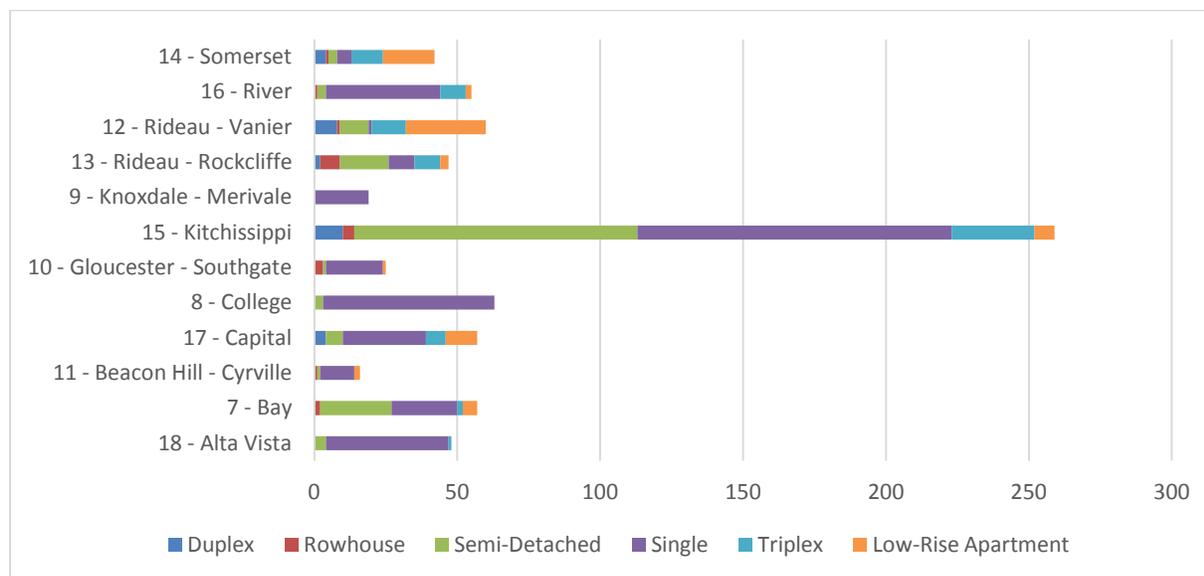


Figure 5 provides a chart indicating the type and distribution of dwelling types associated with the above permit distribution. Note that the below chart of permit activity

does not include new construction in Wards 13 and 17 associated with the Plans of Subdivision for Wateridge and Greystone Developments.

Figure 5: Ward Permit Activity by Typology (January 2015 to December 2017)



This permit activity is coincident with the streetscape character assessment results, and generally with the variance requests associated with the Committee of Adjustment. It is not clear why the variance requests for Ward 17 are out of proportion to the permit activity. These permits were processed largely under the new requirements for Infill 1 and/or Infill 2, though it must be emphasized that a significant portion were included in the transition provisions. These developments:

- Complied with the reduced new height requirements described in Infill 2;
- Complied with the increased rear yard and side yard setback in Infill 2;
- Complied with the Front Yard provisions associated with Infill 1;
- Complied with the entranceway requirements associated with Infill 1.

On the whole, staff are of the opinion that Infill 1 and 2 have led to a decrease in building mass and volume in the range of 10 per cent to 20 per cent (depending on lot size and subzone requirements), increase in rear yard area, a decrease in building height and have led to an improvement to adherence to streetscape character. Staff are satisfied that the Committee of Adjustment is applying the intent of these by-laws and are considering streetscape character when considering applications in whole or part.

There are issues that have occurred on a site-specific basis, but in broad terms Infill 1 and 2 are achieving the intent for which they were developed.

Infill 1 – Modifications to be Reviewed/Considered

The following section identifies issues related to Infill 1 found to be of concern either to residents, the development community or to staff, with suggested modifications to the zoning by-law for further review/consideration in future department work plans. A number of minor issues with respect to technical language and anomalies in the by-law were submitted by external and internal stakeholders. For brevity only the major issues are summarized here.

1. Geographical Application of the Overlay

The intent of the Mature Neighbourhoods Overlay is to facilitate and manage the changing streetscape character of neighbourhoods as redevelopment occurs. It is to be considered only for neighbourhoods of an age pre-dating the 1960's, have been considered in whole or part as being of historical value in the development of the first wave of neighbourhoods in the City, and are experiencing a higher than average demand for infill development that would have the effect of altering the streetscape character from its current configuration. The best fit and applicability for the Overlay are areas of the City that have been pre-zoned to allow for higher density and different dwelling types than presently exist. The Overlay is intended to manage change where the redevelopment and severances of existing lots and lower-density housing will result in changes to the lot pattern, built form and streetscape character as the detached housing supply is converted into more intensive typologies. The Mature Neighbourhood Overlay will assist in facilitating change, but will not prevent or limit it.

Staff have received a number of requests to be included in the Overlay from Community Associations that are experiencing rapid rates of change. While these communities largely understand that redevelopment and intensification will occur, they are deeply concerned about the changes intensification creates on their streetscapes, including loss of green space, loss of tree canopies, and an increase in curb cuts, increased parking areas, and loss of a “sense of community”. These concerns are what Infill 1 was intended to focus on to better manage and integrate intensification as it happens and lessen the impact on the established character within the community. It is recognized that there are other

neighbourhoods outside of the overlay that are comparable to those that are currently subject to the Overlay regulations, and are, or will soon experience, infill development pressure based on their inner urban location, and the age of the dwelling stock. Recognizing the specific character attributes of these neighbourhoods is a key part of understanding where to focus regulatory efforts in accommodating change in an adaptive way.

While appreciating these community concerns, staff are also mindful that inclusion of a community into the Overlay constitutes a major zoning change, and imposes new regulations on private development in the area to be included. There may also be specific neighbourhood character considerations that may warrant additional regulation and changes to other aspects of the Zoning By-law. Neighbourhoods to be considered should be reviewed through a specific zoning study to confirm the extent of intensification potential, awareness in the Community of the intent and effect of the Overlay, and confirm that resources are in place within the City to accommodate the additional processing requirements.

The Mature Neighbourhoods Overlay currently applies to all lots in all zones where dwellings are permitted. As noted above, the intent of the Overlay is to manage and facilitate change and recognize the streetscape character of low- and mid-rise residential neighbourhoods that were initially built before the 1960s and where many reflect a pre-automobile planning paradigm. Applying the rules to non-residential zones affects the intent of those zones that contain different regulations intended to meet other policies, such as in the case of the Traditional Mainstreet (TM) Zone.

Modifications to be Reviewed/Considered:

- Define the criteria for expansion of the Mature neighbourhoods overlay to consider only those areas of the City that meet the following criteria:
 - neighbourhoods of an age pre-dating the 1960s with a recognizable and distinct streetscape character pattern;
 - considered in whole or part as historically significant or of heritage value, recognition or designation;
 - currently zoned, or under consideration to be zoned to permit a higher density, different lot pattern and dwelling-type mix than is reflected in the existing built form and lot characteristics; and

- are experiencing, or will soon experience, a higher than average demand for infill development and redevelopment that would have the effect of altering the streetscape character from its current configuration.
- Revise the Overlay regulations so that these apply solely to dwellings of four storeys and less in the R1-R4 Zones; and
- Require that any neighbourhoods under consideration for addition to the Mature Neighbourhoods Overlay be subject to a zoning study that will document the intensification pressure and neighbourhood context that warrant inclusion in the Overlay; and
- Add neighbourhood Zoning studies to the department work plan with timing for review and consideration for inclusion subject to department and resource capacity.

2. Complexity of the Streetscape Character Analysis

Concerns have been raised by industry with respect to the time and documentation required to undertake an SCA, need to provide measurements with respect to determining driveway lot widths, photo requirements, and how the assessment of the character groups in the SCA manual relate to the regulations found within s.139 and 140 of By-law 2008-250 – particularly to Table 10 which provides the relationships between driveway and lot width.

Development Review staff note they are requiring an average of one hour, but in certain cases requiring more than one day to process the Streetscape Character Analysis internally and are in some cases recreating the submitted analysis to ensure proper documentation. The complexity increases significantly in cases where snow cover is obscuring portions of landscaping and driveways making it difficult to observe and determine applicable widths. Further, the interpretation of some other elements of the by-law also lead to challenges on parts of the applicant and staff particularly on oddly shaped lots, or cases where relief is being sought for other aspects of Infill 1 and 2.

All submissions are required to provide photo documentation to clearly indicate the nature of the streetscape at time of submission. The SCA manual does allow for GeoOttawa to be used for calculation purposes and determining lot widths and setback requirements. Aerial photos and property parcels are updated every

three or four months, though some airphoto years are less clear than others, and industry have noted that precision is difficult, particularly in areas with heavy tree cover or in winter conditions. Streetview photos are up to 3 years out of date, but may be used to view lots and buildings.

The intent of the SCA process is that developers look at the street on which they intend to build and develop or add an addition that will fit in with, or enhance, the look along the street, and provide photos that capture the nature of the street as it was when the SCA is completed. The SCA looks at the incidental uses of the front and corner side yards such as the extent of landscaping, whether there are driveways and their width relative to the lot width, on-site location of parking and whether the front door is visible from the street. This was intended to be a clear, straightforward exercise that could be easily completed as part of a context survey of any development, and was not meant to be an onerous process. While for the most part the process is simple and straightforward, there are areas of improvement that can be made to better streamline the process for industry and approvals staff.

While there are areas of the mature neighbourhoods that have experienced a rapid rate of change, no streets have experienced such change that Streetview results would not still continue to show a dominant pattern, and so a combination of GeoOttawa and Streetview remains a viable tool to supplement the photo requirement.

Modifications to be Reviewed/Considered:

- Revise the Streetscape Character Analysis methodology to eliminate redundancies occurring between s.140 and s.139(10);
- Redefine problematic areas of the regulations that create confusion in interpretation including use of the term *Front Wall*;
- Review the documentation and process requirements associated with the SCA process manual to ensure clarity and efficiency is maintained with the intent;
- Allow for supplementing of photographic evidence with Streetview imagery in cases where seasonal restrictions reduce the ability to accurately collect data and assess character attributes.

3. Landscaping and Driveways

The intent of the Mature Neighbourhoods Overlay is to recognize landscaping of the lands between a house and a street as being more significant than driveways and parking spaces. Most lots within mature neighbourhoods have the vast majority of their front yards softly landscaped with green vegetation, and contribute to a mature tree canopy. Landscaping of yards takes precedence over cars (driveways, parking pads, integral garages). The dominant Character Groups recognize the extent of landscaping, but do not specify the extent of soft versus hard landscaping. Section 109(3) of the Zoning By-law technically requires 100 per cent soft landscaping for all areas in a front or corner side yard not already covered by a driveway, walkways, accessory structure or permitted projection. The Mature Neighbourhoods Overlay overrides this with more specific regulation on landscaping of front and corner side yards, but does not specify a requirement for “soft” landscaping.

As a result, new infill has respected the inclusion of landscaping, but not always in a manner that was intended (or required by by-law). Rather than a continuation of soft “green” landscaping in keeping with the character of the streetscape and provision of soil volume that would allow for the potential for a renewed tree canopy, staff are seeing landscaping consisting of pavers, interlock, river stones or crushed rocks that are by definition hard landscaping. In some cases, these hard landscaped areas simply constitute direct extensions of a driveway or create a parking surface, and provide illegal front yard parking. At any rate, this has led to a loss of “green” amenity, reduction of the urban tree canopy, and a sense of perceived impact on livability by the community. This is particularly notable on lots with frontages of less than 7.5 metres.

One of the most significant visual changes on a street is when the width of the driveway takes up more of the lot width than existing lots. Reductions to lot widths and lot areas was one of the highest types of variance application. Some minor variances sought to increase the driveway width itself. In both cases, the ratio of driveway- to-lot width is changed significantly when minor variances are granted. Measuring the amount of lot width taken up by a driveway was intended to capture the look and spacing of driveways along the street. This has been effective in reducing the driveway extent by prohibiting double-wide driveways on lots less than 15 metres in width and has been upheld by the Committee of Adjustment.

Table 139(10), introduced in the OMB mediation, specifically regulates the driveway/lot width relationship and outlines the maximum driveway width permitted. The intent was for the relationship between driveway width and lot width to remain consistent as a general pattern, irrespective of subsequent variances and severances. However, the relationship between the Section 140 character groups and Section 139(10) table outlining the driveway/lot width ratio creates redundancies, as Table 139(10) always prevails.

Modifications to be Reviewed/Considered:

- Revise the “Front Yard” Character Group to place more focus on the retention of soft landscaping;
- Revise the “Parking and Driveway” Character Group to focus on the presence or absence of a driveway;
- Clarify the “walkway” requirements to more clearly indicate where and to what extent a walkway is permitted to occur in a front yard;
- Review Table 139(10) with external stakeholders to affirm relationships between lot width and maximum permitted driveways are continuing to emphasize landscaping in minimum lot width scenarios;
- Review the landscaping provisions and definitions in the Zoning By-law to clarify intent and strengthen opportunities for tree retention and/or new plantings in infill situations; and
- Consider opportunities to extend revised landscaping requirements, walkway requirements and driveway/lot width relationships in areas outside of the Infill 1 geographic area.

4. Front Walls and Garages

Staff have noted that the “front wall” definition is being misinterpreted and misapplied in Streetscape Character Analysis submissions, and in subsequent building permit submissions by both industry and in internal review of applications. The intent of the definition of front wall is twofold:

- It is the MAIN portion of the wall and excludes attached garages and carports; and

- It is that portion of the wall that is located closest to the front or corner side lot line.

Both of these conditions apply. However, over time the second part of the definition has been the one that is focused on for interpretation. This narrow view of the front wall being only that portion that is the closest to the front lot line has allowed for second storey stick outs that are unappealing and a method of bypassing the intent of these regulations. When the second storey becomes the “front wall” because it sticks out closer to the front lot line, then the at-grade garage is able to move closer to the front lot line than the front door, as long as it is behind that “front wall”. This goes against the intent that the dwelling’s façade and front door should have more prominence than the garage.

Building Code Services staff identified this regulation as being the one that has been the least effective in implementing its intent, which is for garages to have less prominence along the street, and to be less prominent than the front door. The current regulation is that attached garages and carports must be set back further from the street lot line than the front wall of the dwelling, without specifying a clear and prescriptive number. However, building permit applications indicate that these are resulting in setbacks occurring mere centimetres more than the at-grade façade. Without a reasonable set back distinction, the dominance of these garages has not been reduced.

Modifications to be Reviewed/Considered:

- Revise the definition of “front wall” such that it will only apply to that part of the dwelling that is located closest to the front lot line. The term will continue to be used to determine the actual front yard setback of a dwelling or dwelling unit;
- Create a new definition of “façade” to represent all of the dwelling’s wall surfaces that are parallel to and visible from the street;
- Require that attached garages and carports be set back a numerical distance further from the front lot line and corner side lot line than the main entranceway of the dwelling unit.

5. Front Yard and Corner Yard Setbacks

The front yard setback minimum is the average of the two abutting lots, but need not exceed 6 metres. This rule is not appropriate in neighbourhoods where the zoning establishes minimums that are lower than 6 metres, including many of those subject to a minimum of 3 metres.

Modifications to be Reviewed/Considered:

- Revise the wording so that the minimum front yard setback is the average of the two abutting lots, but need not exceed the minimum front yard setback required in the Residential subzone affecting the lot; and
- Revisit the s.139 (3) technical regulations for determining yard setbacks and averaging requirements as necessary to improve clarity and readability.

Infill 2 – Modifications to be Reviewed/Considered

The following section identifies issues related to Infill 2 that are of concern either to residents, the development community or to staff, with suggested zoning modifications to consider in future department work plans. A number of minor issues with respect to technical language and anomalies in the by-law were submitted by external and internal stakeholders. For brevity only the major issues are summarized here.

1. Alternative Provision Regulations

Infill 2 amended zones throughout the inner-urban area. At the time, it was felt that the best way to deal with the resulting schedules and changes was to consolidate these changes within each residential zone, so that applicants could refer to the zone for the information required. As a result, these regulations are repeated in each of the R1 through R4 Zones before each Residential Subzone Table. In practice, these alternative provision regulations are missed when residents seek to learn of the rules, and as they require an applicant to flip between schedules and other sections of the by-law to ascertain applicability.

Similarly, regulations affecting projections into yards and above the height limit are also noted in the Residential Zones, rather than being contained with the General Provisions on these.

Modifications to be Reviewed/Considered:

- Review Zoning By-Law to consider consolidation of the Infill 2 Alternative Provisions to provide greater clarity as to the rules in effect;
- Consolidate the Endnotes in each of the Residential Zones, and reflect these in the Subzone Tables as appropriate;
- Revise language for clarity and consistency as necessary.

2. Projections into the Rear Yard – Balconies

The intent of this regulation is to prohibit balconies from projecting into the rear yard on lots with depths of 100 feet or less, which translates to 30.48 metres. Lot depths of 100 feet are the most common depths based on the typical subdivision designs that apply to existing residential neighbourhoods, other than the newer suburban models. However, as written the regulation affects lots with depths of 30 metres, of which there are very few. The regulation fails to affect the majority of lots it was intended to affect.

Modifications to be Reviewed/Considered:

- Revise zoning to include lots affected by this issue.

3. Interior Side Yard Regulations in the R1 Zone

The current wording of the R1 Zone, Subsection 156 (7) applies an extremely large combined interior side yard setback as soon as a lot has a width of 36 metres, such that the change in requirement from 3m on a lot with a width of 35.9 metres jumps to 14.4 metres at 36.0 metres.

The intent of the minimum interior side yard setbacks is that these should increase incrementally as the lot width increases, rather than apply the maximum of 40 per cent of the lot width to all lots of 36 metres or greater. The wording means that the combined minimum interior side yard must always be 40 per cent of the lot width, regardless of whether the lot width is, for example 36 metres or 46 metres. The minimum interior side yard jumps from 3 metres to 14.4 metres when a lot width increases from less than 36 metres to 36 metres, which is not in keeping with the separation space between lots that are close in lot width size.

Modifications to be Reviewed/Considered:

- Revise to require that the minimum required combined interior side yard increases by 1 metre for each additional 1 m of lot width, to a maximum of 40 per cent of the lot width.

4. Rear Yard Setbacks on Through Lots

Although Section 139 references that the regulation under S. 135 affecting through and corner through lots applies in the Mature Neighbourhoods Overlay, absence of a reference to Section 135 has resulted in a lack of understanding of the rules for rear yards on through and corner through lots.

Modifications to be Reviewed/Considered:

- Add a clause under Subsection 139(3) to re-confirm that all yards abutting streets, including rear yards on through lots and corner through lots, are subject to the front yard setback regulation requiring the minimum to be the average of the two abutting lots.

5. Corner Lot Requirement for Interior Yards

The wording for the requirement for an interior courtyard (“interior yard”) where dwelling units front on both streets differs between the Mature Neighbourhoods Overlay and the Infill 2 provisions. The wording of Infill 2 does not result necessarily in a courtyard, and may be met in a narrow rear yard setback of approximately 2 metres. This conflicts with the minimum rear yard setback of 4 metres when all dwelling units on the corner lot face only one street. The minimum 4-metre rear yard setback is a reduction in the typical minimums required on interior lots.

Where corner lot development of multi-units intends to ‘wrap around’ the corner, an incentive is provided in the minimum interior courtyard. Where development has all dwelling units facing only one of the streets, the minimum rear yard should not be reduced to such an extent that it does not meet the rear yard on the abutting interior side lot resulting in a ‘monster house’. Additionally, there is an issue where the increased rear yard setback is not applying to the corner lots, due to an omission in words.

Further, a loophole exists between Infill 1 and Infill 2, whereby a multi-unit development in the Infill 1 geographic area can bypass the corner lot rules of

Infill 1 that require creation of a courtyard, and subsequently take advantage of the misinterpretation of Infill 2 rules, resulting in minimal rear yard amenity.

Modifications to be Reviewed/Considered:

- Close the loophole in s. 139(22) allowing other dwelling types than those listed to bypass corner lot requirements;
- Review wording of Infill 2 provisions to ensure that the intent is clearly articulated in the by-law and an actual courtyard is created when main entranceways of attached dwelling units face both streets;
- Include the words “corner lots” in the alternative setback requirements.

Summary of Findings

This monitoring report has analyzed the submissions from Streetscape Character Analyses, results from Committee of Adjustment variances to these regulations, and received feedback from industry, members of the public, community associations and staff. We look back to the original purpose and intent of both Infill 1 and 2 as described in the respective Planning Reports and OMB settlements to document their effectiveness in the below tables.

Table 1: Review of Purpose and Intent for Infill 1

Intent	Findings
Maintain and reinforce the established character of mature neighbourhoods	The results from the SCA analysis indicate that the SCA is indeed picking up character attributes of the street and the design of new construction is reflecting these attributes. There are concerns with respect to how s.140 and s.139(10) are coordinating with one another leading to unnecessary complexity and redundancy, and changes will need to be made to both sections and the accompanying SCA Process Manual to better implement the intent.
Landscaping of Front and Corner Side Yards has a Higher priority than provision of	A key change brought in through the OMB settlement was 139(10) which formalizes the driveway/lot width relationship irrespective of future severances, and irrespective of identified character groups. This table

parking	<p>has been effective in limiting instances of double-wide driveways from occurring on lots below 15m, and has been a good tool for enhancing landscaping opportunity in the Infill 1 geographic area. Similarly, walkways are restricted to 1.25 metres in width (as opposed to the General Provision of a maximum 1.8 metres in width) which further provides benefits in increased landscaped area.</p> <p>Staff note that numerous variances have been sought for reduced lot widths, resulting in a change in the pattern of the driveway/lot width ratio, and in driveway widths that are exceeding the intent of the MNO Character Groups and leaving reduced room for landscaping. This matters where severances to existing lots result in new lot widths below 9 metres, and is particularly impactful below 7.5 metres where the existing Table 139 (10) allows for a driveway as wide as 40 per cent of a lot width, or 60 per cent when counting the hard surfaces of both the driveway and a permitted walkway. In cases where severances have occurred near or below 6 metres in lot width little to no landscaping occurs. Shared driveways had been proposed as a solution – in practice these have not been implemented leading to a continuation of driveway and parking pressure on available room for landscaping. Further discussion is necessary to better clarify the extent to which shared driveways should be a preferred solution for reduced lot-width situations.</p> <p>Additionally, the intent of providing the same or greater levels of soft landscaping has not been as effective as desired in preserving and/or allowing for continuation of the visual character of the street, or a robust tree canopy. The Zoning By-law already contains provisions applying city-wide that require 100 per cent of a lot not occupied by a driveway, walkway or permitted projection to be soft landscaped</p>
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	<p>(s.109(3)). Section 139 will similarly need to consider more fulsomely how landscaping may be considered to provide for a continuation of this aspect of streetscape character. This will require further review of the regulations and discussion to find appropriate solutions to emphasize soft landscaping, allow for well-designed xeriscaped areas and allow more opportunity for vegetation placement and/or retention.</p>
<p>Liveable space is provided at grade</p>	<p>An objective noted throughout the creation of the Mature Neighbourhoods Overlay zoning regulations was to have new lots and new dwellings locate at roughly the same grade as existing dwellings. The enacted regulations introduce the term ‘first floor’, as that which is closest to established average grade. Requiring a minimum 40 m² of habitable floor area on the first floor ensures that there is façade visible from the street in addition to any attached or integral garage. However, these two regulations alone have not been effective in ensuring against new dwelling units first floor being raised higher than first floors on abutting properties. This is due to the continuing presence of parking, and the desire for garages to occur attached to the at-grade façade. As long as private parking remains a driver in architectural design for at-grade facades this will not be solved – particularly in the case of reduced width lots. Further regulatory direction may be necessary to address these challenges and ensure the provision of fully urban typologies for urban infill.</p>
<p>Front yard setbacks are consistent with adjoining properties</p>	<p>This objective has been successful in creating a more uniform street wall within mature neighbourhoods. There are concerns with “pop-out” second storey treatments that bypass the definition of front wall – this is covered earlier in this report.</p>
<p>Front doors are visible from the</p>	<p>Industry has commented that the presence or absence</p>

street	of a front entrance does not necessarily signify whether there will be an “active relationship” between the front of a house and the public realm. Staff appreciate this, and note that the presence of an active entrance does provide a good proxy for interaction between the public realm and the building, and that in established communities, the presence of a visible entranceway is a part of the streetscape character. We are satisfied that this intent is being met and no major changes are recommended.
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Table 2: Review of Purpose and Intent for Infill 2

Intent	Findings
Continue to allow the types of residential dwellings permitted under each zone	There has been no appreciable impact on the mix of dwelling types. It is noted that there are structural issues with respect to the development standards in the subzones associated with the R-zone families that may be impeding the development of low-rise apartment buildings, particularly in the R4 zone. However, these do not appear to be directly related or caused specifically by Infill 2, and requires more specific study.
Ensure that individual buildings fit into a city block in a way that leaves a sufficient amount of open space in the middle of the block for air and sun-light penetration, preservation of permeable surfaces and existing vegetation, do not create privacy intrusion or overlook issues and provides for the opportunity for at-grade amenity area	The shift from 25 per cent to (up to) 30 per cent preservation of rear yard open space, with addition of a requirement for 80 per cent soft landscaped amenity area has led to the preservation of more permeable landscape in new development plans. As the transition and monitoring period overlapped, there has not been sufficient time to see if the trend leads to the preservation of more of the City’s tree canopy – however the increased rear yard setback and introduction of a minimum rear yard area has been appreciable, is occurring in new infill, and is being upheld by the Committee of Adjustment.
Permit building heights that	Infill 2 decreased building heights across typologies by

<p>allow for gradual intensification and evolution, and the ability to develop permitted forms of dwelling types, while having regard for the established character and built form</p>	<p>up to 1 metre across the City, and this height decrease has not resulted in a decrease in building activity. While there have been variances for increases in building height, these have been considered to be minor in nature and appear to be in keeping with the intent of the by-law.</p>
<p>Provide new opportunities for discreet infill that allow neighbourhoods to gently transition to a more diverse housing stock</p>	<p>The introduction of new variants in building typology – including the long semi-detached – has allowed for a reasonable implementation of the Official Plan policies on gradual intensification. The Committee of Adjustment has considered variances to permit these new typology types and has considered privacy and adverse land use impacts on neighbours to be minimal.</p>
<p>Better regulate roof-top amenity areas in order to allow them in a way that does not produce privacy or overlook conflicts</p>	<p>The requirement to step-back the rooftop amenity area appears to be successful in maintaining the intent for limiting privacy intrusions and is being upheld. There remains some concerns with respect to the height of the permitted projections that may require further clarification in a future technical amendment.</p>

In summary, there remain three issues that are not new, and continue to be challenges in furthering the compatibility and fit of successful infill in the mature neighbourhoods across the City. These are:

1. **Preservation of Soft Landscaping and a Mature Tree Canopy** – concerns over the loss of “green space” and the tree canopy that provides a contribution to the established character of these neighbourhoods remains a significant concern, and a flashpoint of discontent. While the rear yard amenity and increased setback appears to be successful in maintaining permeable space, the same cannot be said for the front yard characteristics. More work must be done with stakeholders to find ways to better steward this important aspect of community character.
2. **Private Parking and Access** – to repeat from the initial 2012 report, the greatest challenge when introducing more dwelling units within a streetscape has been to

maintain the street's character while attempting to provide a number of land uses and elements on smaller amounts of land. Parking has been arguably the most problematic of these elements. While the established character of a neighbourhood may be characterized by wider lots, wider facades and more space to balance a green front yard, the main front wall of a dwelling, and off-street parking, attempting to accommodate all these elements on narrower lots has led to parking dominating the facades and streetscapes. As a result, the more prominent and distinguishable elements of community character (green front yards and main front walls of the dwellings) either disappear or are relegated to secondary importance. So long as private parking remains a desired element among home purchasers, it will remain a critical driver for architectural design of at-grade facades and create tension with the community desire for landscaping. Further regulatory direction may be required to fully implement the intent of the By-law.

3. **Architectural Compatibility and Design** – the regulation of architecture and architectural materials has not been considered to be within the purview of the Zoning By-law and of the Infill 1 and 2 regulations. However, the continued intensification pressure to develop on smaller lot widths has led to a desire to expand the building envelope to the maximum as permitted by the underlying subzones. The reductions in bulk and massing as a result of Infill 2 appear to have been successful – however the selection of materials, the careful and sensitive arrangement of massing and use of architectural elements to pick up on contextual clues can do much to “break-up” the resulting massing and create better visual outcomes. Ottawa has many examples of excellent infill architecture – and examples of incompatible design choices. While the low-rise design guidelines provide some guidance in this category, much more work could be done with industry to improve design outcomes and deliver a minimum quality expectation.

The above three issues are not restricted to the geographic areas bounded by Infill 1 and 2. While the Infill by-laws represent Ottawa's first initiatives towards regulating character in urban areas and represent a starting point for continued work, further solutions should be considered for broader inclusion in the Zoning By-law and other policy documents if they contribute towards council's intent towards enhancing the quality and livability of Ottawa's neighbourhoods.

Next Steps

The modifications outlined above will require drafting of technical amendments to the Zoning By-law, with a statutory process to occur per the *Planning Act*. Additionally, changes to the Streetscape Character Analysis will require revisions to the current tool and process manuals for both internal and external users. Further inclusion of additional geographic areas into the Mature Neighbourhoods Overlay should be considered only upon passage of the above amendments and changes to the Zoning By-law and SCA process, and subject to a neighbourhood-specific zoning study. As both industry and members of the public will be interested in these changes and in the details of the recommended zoning, there will be a need for further consultation.

It is noted that there is development pressure on the neighbourhoods of Lindenlea, parts of Overbrook and Dow's Lake that could benefit from the earlier placement of the Infill 1 provisions prior to a fulsome review of the regulations as outlined above. These areas exhibit a mature streetscape and building typology that is congruent with those neighbourhoods already represented by the overlay, meet the criteria suggested in this report, are limited in geographical extent and could be accommodated with current resources until such time as broader changes are made to the SCA and Infill 1 and 2 zoning regulations. A separate Zoning By-law amendment report has been prepared to address these specific geographic circumstances.

The Zoning and Interpretation Unit is prepared to add the above scope of work to the 2018-2019 work plan and would seek to bring back a report to Planning Committee with the recommended changes in 2019.

Original signed by

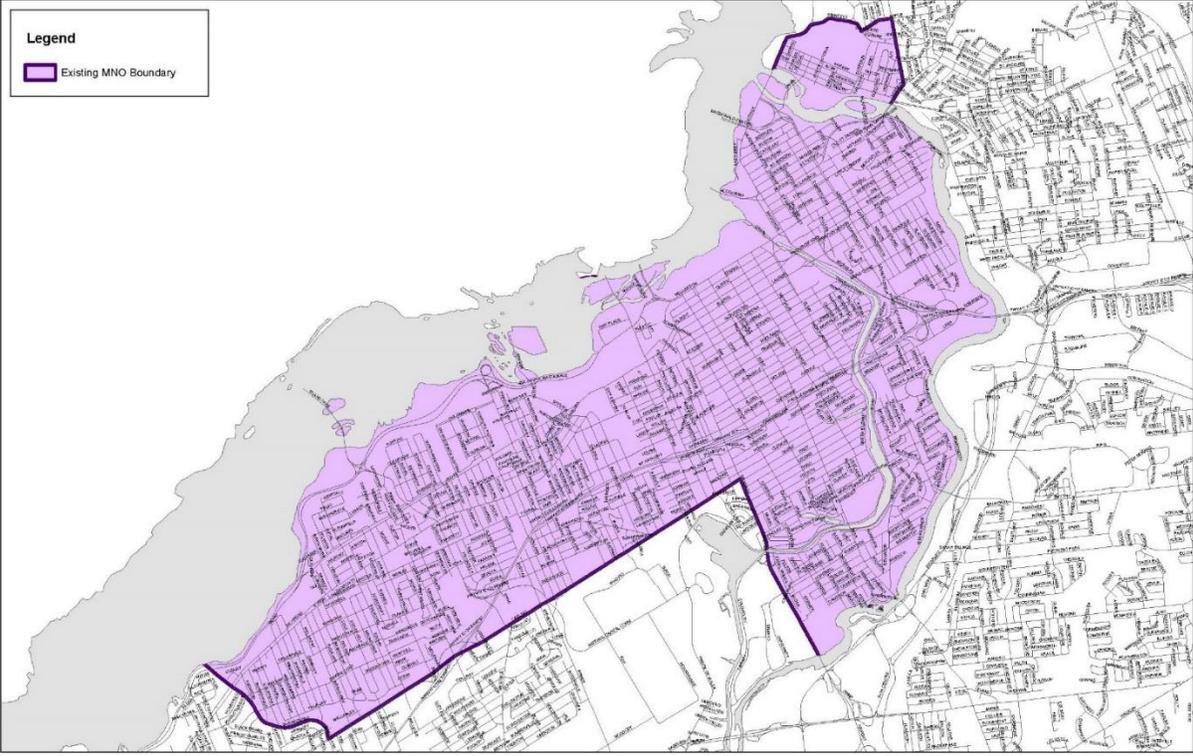
John Smit

SUPPORTING DOCUMENTATION

Document 1 Infill 1 (Mature Neighbourhoods Overlay) Geographic Area

Document 2 Infill 2 Geographic Area

Document 1 – Infill 1 (Mature Neighbourhoods Overlay) Geographic Area



Document 2 – Infill 2 Geographic Area

