

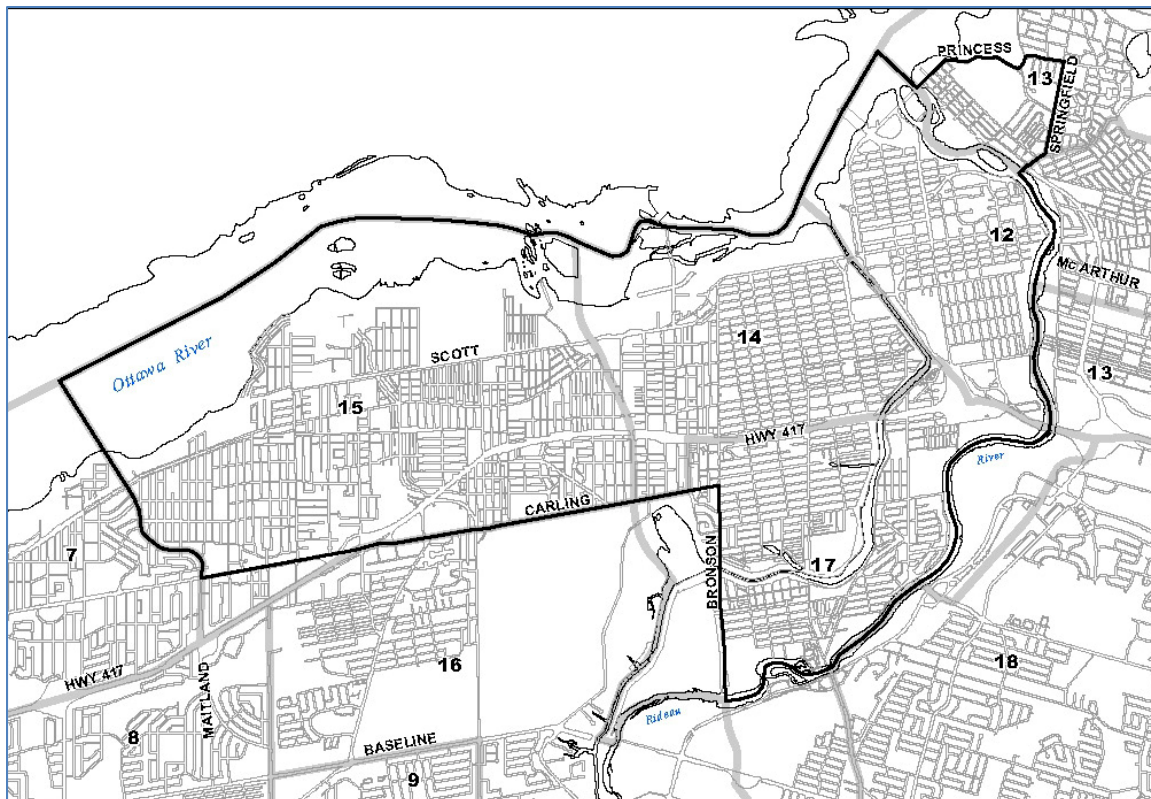
City of Ottawa
Study of Small Scale Residential Infill in Mature Neighbourhoods
Proposed Changes - September, 2011

Changes to the Zoning By-law

General Provisions:

Application

- These provisions apply only to a lot:
 - within the R1, R2, R3 or R4 zones shown on Schedule X (see diagram below); and,
 - on which a new residential use building containing a detached, semi-detached, linked-detached, duplex, three unit or multiple attached dwelling is constructed



Parking

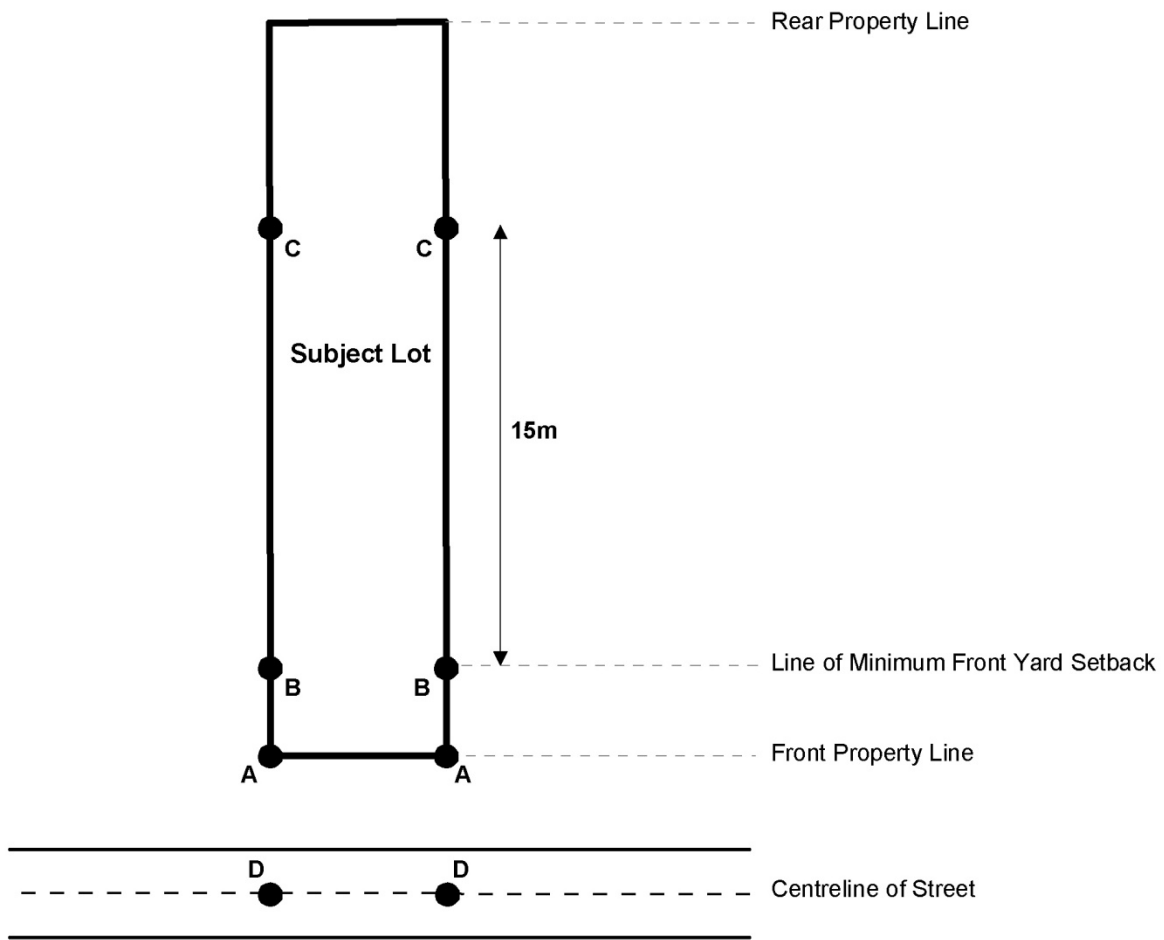
- No parking space is required and Section 101 – Minimum Parking Space Rates and Section 102 – Minimum Visitor Parking Space Rates do not apply
- Section 109 – Location of Parking, does not apply
- The doors of an attached garage may not face the front lot line unless otherwise permitted below
- The minimum driveway width is 2.2 metres and the maximum driveway width is 2.6 metres

Landscaping

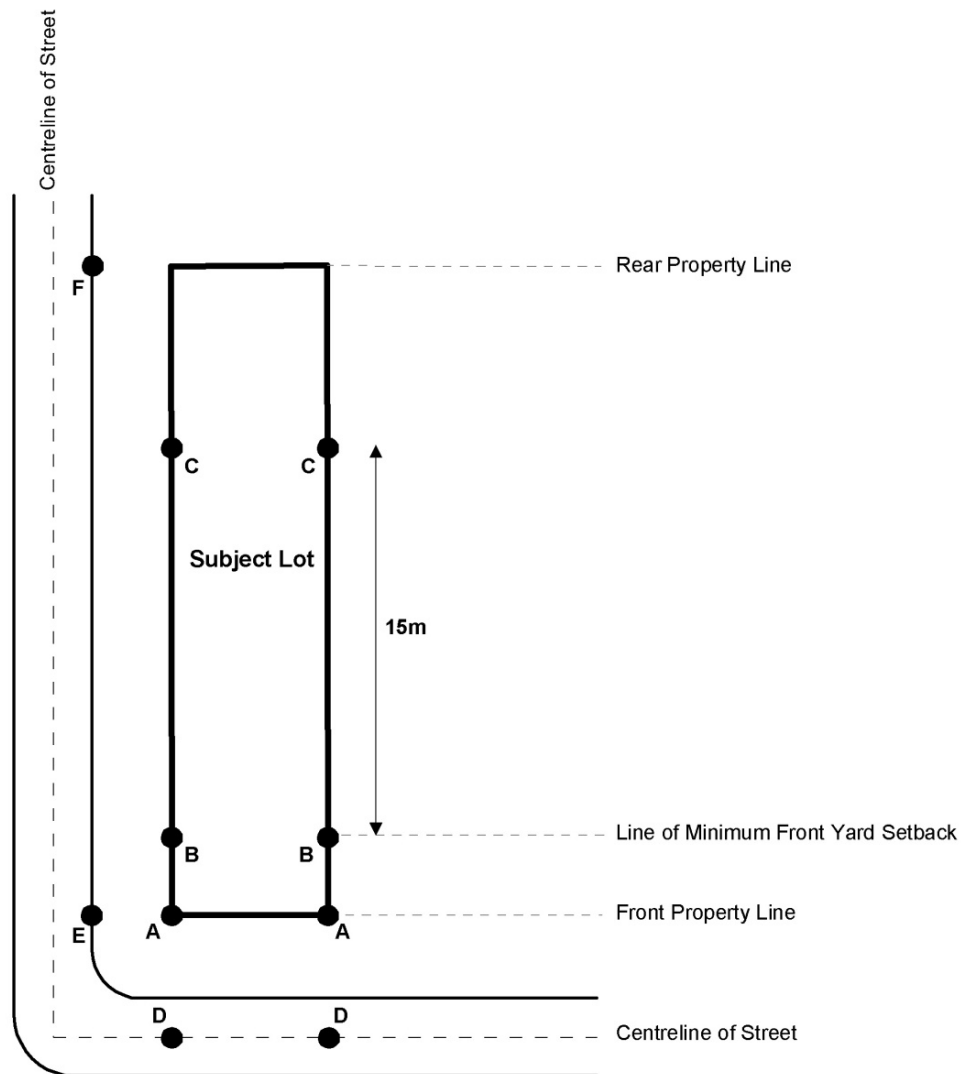
- Except for eaves, troughs, gutters and ornamental elements, no part of a building or structure (including stairs, elevated porches, on-grade patios or decks) may project into a required front yard
- All areas of a lot not occupied by a driveway, walkway, parking space, accessory building or accessory structure, or permitted projections must be landscaped with soft landscaping

Grade

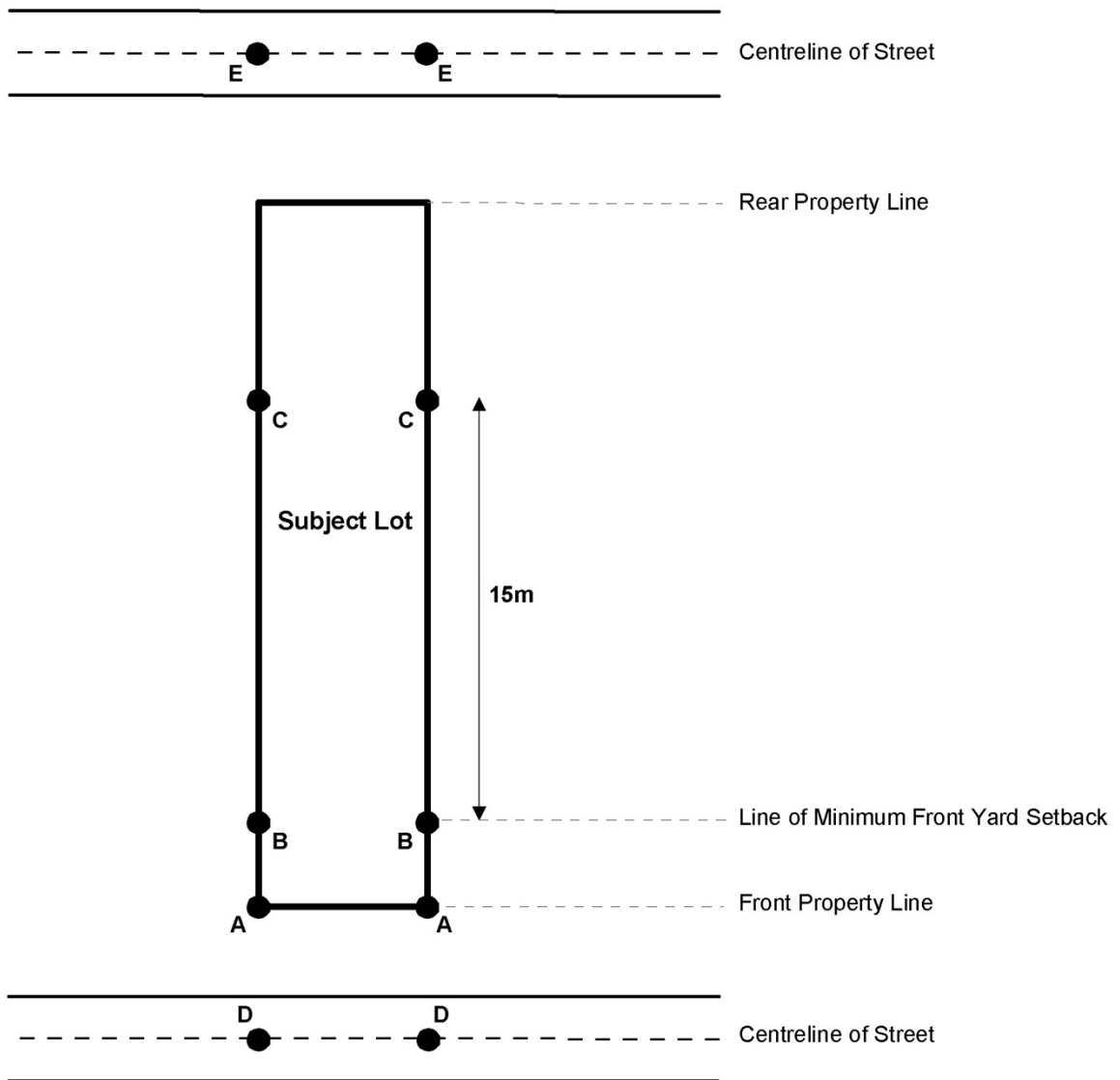
- *Grade shall be calculated prior to any site alterations*
- On lots subject to these provisions grade is to be calculated as follows:
 - On an interior lot:
 - The average of eight (8) grade elevations, six (6) of which are taken along the side lot lines of a lot and two of which are taken at the centerline of the street on which the lot has frontage.
 - The first two (2) grade elevations shall be taken at the points of intersection of the front lot line and each side lot line. **(A)**
 - The second two (2) grade elevations shall be taken along each side lot line at the applicable minimum front yard setback requirement. **(B)**
 - The third two (2) grade elevations shall be taken along each side lot line a distance of 15 m back from where the second two grade elevations were measured. **(C)**
Where the distance above extends beyond the rear lot line, the third two grade elevations shall be taken along each side lot line where they intersect with the rear lot line.
 - The last two (2) grade elevations shall be taken at the points of intersection of the street centerline and the projections of the side lot lines. **(D)**



- On a corner lot:
 - The average of 10 grade elevations, six (6) of which are taken along the side lot lines of a lot and four (4) of which are taken at the centerline of the streets on which the lot has frontage.
 - two (2) grade elevations shall be taken at the points of intersection of the front lot line and each side lot line. **(A)**
 - two (2) grade elevations shall be taken along each side lot line at the applicable minimum front yard setback requirement. **(B)**
 - two (2) grade elevations shall be taken along each side lot line a distance of 15 m back from where the second two grade elevations were measured. **(C)**
 - two (2) grade elevations shall be taken at the points of intersection of the street centerline and the projections of the side lot lines. **(D)**
 - One (1) grade elevation shall be taken at the points of intersection of the street centerline and the projection of the front lot line; **(E)** and,
 - One (1) grade elevation shall be taken at the points of intersection of the street centerline and the rear lot line **(F)**.



- On a through lot:
 - The average of 10 grade elevations, six (6) of which are taken along the side lot lines of a lot and four (4) of which are taken at the centerline of the streets on which the lot has frontage.
 - two (2) grade elevations shall be taken at the points of intersection of the front lot line and each side lot line. **(A)**
 - two (2) grade elevations shall be taken along each side lot line at the applicable minimum front yard setback requirement. **(B)**
 - two (2) grade elevations shall be taken along each side lot line a distance of 15 m back from where the second two grade elevations were measured. **(C)**
 - With respect to the street abutting the front lot line, two (2) grade elevations shall be taken at the points of intersection of the street centerline and the projections of the side lot lines. **(D)**
 - With respect to the street abutting the rear lot line, two (2) grade elevations shall be taken at the points of intersection of the street centerline and the projections of the side lot lines. **(E)**



- Where the lot is both a corner lot and a through lot the average of 12 grade elevations, six (6) of which are taken along the side lot lines of a lot and six (6) of which are taken at the centerline of the streets on which the lot has frontage in accordance with the measurement points required for a corner lot and through lot.

Rooftop Projection

- Any landscape elements located on the roof must be setback 1m from the building wall
- Any projection above the permitted height limit:
 - must not exceed 2.4 metres in height; and,
 - may not be greater than 10 square metres in area, inclusive of overhangs .

Where the required minimum lot width is less than 5.6 metres:

Parking

- No parking is required and the doors of an attached garage may not face a front lot line
- A maximum of one parking space is permitted. Vehicles may be parked on a driveway leading to that parking space:
- The parking space may be located :
 - In a yard other than a front yard; or
 - In an attached garage
- A driveway is only permitted in the front yard if:
 - It is part of a shared driveway; or
 - It passes through a carriageway
- Despite the above:
 - where the rear lot line of a lot other than a corner lot abuts a public lane (as defined in the Zoning By-law) the parking space must be:
 - located in the rear yard; and,
 - accessed only by a driveway from the public lane
 - where the lot is a corner lot or a through lot, the parking space may only be:
 - located in the rear yard or corner side yard; and
 - accessed only by a driveway from the public street abutting the corner or rear lot line or from the public lane.

Landscaping

- The maximum permitted width of a walkway located in any yard is 1.25 metres

Where the required minimum lot width is 5.6 metres or more, but less than 7.6 metres:

Parking

- No parking is required and the doors of an attached garage may not face a front lot line
- the parking space may be located in any yard
- Only one parking space is permitted within the front yard
- The front yard parking space must be:
 - A minimum of 2.2 metres wide
 - A maximum of 2.6 metres wide

Landscaping

- The maximum permitted width of a walkway located in any yard is 1.25 metres
- All walkways located in the front yard must abut the driveway and, must also abut the parking space if one is provided
- Any area of the front yard not used for a parking space, driveway, permitted projections or walkway must be

landscaped with soft landscaping

Front Wall:

- A minimum of 30% of the area of the ground floor part of the front wall must consist of windows
- A garage or storage area may not be located within the first 3.0m back from the front wall of a residential use building
- The only doorway permitted in the front wall of a dwelling is an entrance door to the dwelling

Where the required minimum lot width is 7.6 metres or greater:

Parking

- Parking is not required
- The doors of an attached garage may not face a front lot line, except in the case of:
 - a detached, semi-detached, linked-detached or multiple attached dwelling, if the width of the garage measured at the widest point between its interior walls is equal to 50% or less of the width of the front elevation of the principal dwelling unit;
 - a three-unit dwelling or a duplex dwelling if the total width of the all garages measured at the widest points between their interior walls is equal to 50% or less of the width of the entire building
- Parking spaces are prohibited in the front yard, however vehicles may be parked on a driveway in a front yard leading to a parking space

Change to current interpretation of zoning by-law

Front yard soft surface area

- Discontinue the current interpretation of the Zoning By-law that allows for walkways, stairs, landings, porches and similar built elements to be counted towards the required front yard soft surface area.

Changes to the Urban Design Guidelines

- Certain photos in the guidelines will be substituted with ones that more clearly illustrate a desirable form of infill housing
- Guidelines, with illustrations as necessary, will be added as follows:
 - Where infill is abutting a flanking street (e.g. corner lot), provide parking in the rear yard with access from the flanking street
 - Front door height should be similar to the dominant and desirable pattern of homes in the surrounding neighbourhood
 - Where the front door does not face the street, architectural detailing, lighting and landscape design should clearly indicate the location and route to the front door in order to enhance wayfinding.

Changes to submission requirements and City procedures – all areas of the City

1.

Existing Trees

- Grading plans submitted for Site Plan Control, Committee of Adjustment, and Building Permit applications, will require the inclusion of *Tree Disclosure* information on the grading plan.
- The *Tree Disclosure* information must include the following:
 - A table listing the DBH, Species, condition, and ownership for all City-owned trees, all trees over 50 cm DBH on the subject site, and all trees greater than 10 cm DBH on adjacent properties that have a critical root zone extending onto the subject site. The table must indicate if each tree is to be retained or removed.
 - A plan showing the location of all the trees listed in the table, overlaid on the grading plan.
 - If any excavation is planned to occur within the Critical Root Zone (CRZ) of any of the trees listed in the table, an assessment of the impact of the work on the trees must be included
 - Protection measures for trees to be retained (including on subject site, in the ROW, and/or to protect trees on adjacent private lands).

	<ul style="list-style-type: none"> ○ The <i>Tree Disclosure</i> information must identify where site works will harm or destroy trees on adjacent private lands. In such cases, an arborist and/or applicant is required to contact the owner of the adjacent affected property. <ul style="list-style-type: none"> ○ If Distinctive Tree(s) will be lost, the applicant, with the support of the property owner, is required to apply for a Distinctive Tree Permit from the City. Note that all owners of a jointly owned tree, as determined by the location of the trunk, are required to sign the permit. It is the responsibility of the applicant to ensure that all property owners are in agreement and have signed the permit. ○ If trees less than 50cm DBH may be harmed/ compromised, the applicant is required to erect tree protection prior to the commencement of any site works and it must remain in place until all site works have been completed and inspected. <p>Critical Root Zone (CRZ) - The critical root zone (CRZ) is established as being 10 centimetres from the trunk of a tree for every centimetre of trunk DBH. The CRZ is calculated as DBH x 10 cm.</p> <p>Note that implementation of these proposed procedures will require additional staff.</p>
2.	<p>Change to drawing requirements</p> <ul style="list-style-type: none"> ○ Grading plans submitted for Site Plan Control, Committee of Adjustment and building permit applications will be required to clearly identify, dimension and label all hard and soft surface areas and materials (e.g. asphalt, pavers, wood deck, grass, planting bed etc.) in the front yard, corner side yard, rear yard and ROW. The drawings must show private lands as well as entire ROW area to the curb, and materials for all of these areas. ○ This information will assist the various approval areas in determining whether the application is in conformity with certain by-laws (zoning, encroachment, private approach and drainage).
3.	<p>Change to required review</p> <p>Calculation of building height</p> <ul style="list-style-type: none"> ○ Coordination between the grading approvals unit and Building Code Services will be improved in order to ensure changes to the submitted grading plans will be reassessed by the Zoning Plans Examiner should the approved changes impact building height calculations prior to issuance of the building permit. <p>Review of private approach and encroachment</p> <ul style="list-style-type: none"> ○ In an effort to ensure better compliance with the Private Approach and Encroachment By-laws, Building Code Services will circulate grading plans to Bylaw Permits and Inspections unit which will contact the applicant directly should there be requirements to be met per either by-law.
4.	<p>Final grading and landscape inspection</p> <ul style="list-style-type: none"> ○ Certification of final grade will now be required for all infill homes. The purpose is to ensure that the site grading is completed as per Infrastructure Approvals approved grading plan. ○ In order to implement this, the Drainage By-law will be amended. This amendment may include the taking of securities. ○ Once the final site grading has been completed, the applicant will be required to submit to the City a stamped letter from a Professional Engineer, Ontario Land Surveyor (OLS), or Professional Landscape Architect (whoever did the grading design) certifying that grading has been implemented as per the approved grading plan. ○ The certification letter must also confirm that all hard and soft landscape areas on the site are as per the approved grading plan and that all protected trees remain. ○ Once the certification letter is received, the City will complete a site inspection if deemed necessary.
Committee of Adjustment (C of A) – all areas of the City	
1.	<p>New Trees</p> <ul style="list-style-type: none"> ○ In order to achieve one tree in front of every dwelling, the C of A will be requested, by the staff

	<p>planner, to impose a condition requiring that; for consent applications involving the creation of one or more new lots and for minor variance applications involving a proposal to construct a new dwelling unit, where no street tree exists, the owner plant a tree in the ROW of the new lot</p>
2.	<p>Existing Trees</p> <ul style="list-style-type: none"> ○ The City Forester is to provide comments to C of A based on the <i>Tree Disclosure</i> information supplied with the application. ○ The City Forester may recommend that the application be denied, or that conditions related to existing trees be included if the Committee approves the requested minor variance or consent.
3.	<p>Information Session</p> <ul style="list-style-type: none"> ○ The City will run an information session for new Committee Panels to inform about infill issues and new/proposed changes
<p>Initiatives not to pursue</p>	
<ul style="list-style-type: none"> ○ The City will not pursue specific education campaigns. The idea did not gather much public interest and it is felt that there would not be ‘enough bang of the buck’. ○ The City will not make changes to the requirements for front door location. It was determined that the principle is the desire for glazing and visible activity from the street; this can be achieved with a requirement for windows as easily as it can with a door. The proposed ZBL changes that limit garage widths should at the same time, result in more windows facing the street. 	
<p>Addressing Public Comments “Other Concerns”</p>	
1.	<p>The following questions and concerns deal primarily with issues related to issuance of building permits and the Building Code. Building Code Services has provided the responses shown in blue italics.</p> <p><i>The focus of the Building Code Act is the building structure. Thus, the minimum building standards in the Ontario Building Code (OBC) specify health (eg, venting of sewer gases), life safety elements (eg. exit doors and fire alarm systems), and structural sufficiency standards to be incorporated into the building at the time of construction. There are no standards for landscaping, driveways, tree protection, etc. The intent of the building regulatory regime was to ensure buildings in Ontario were constructed to a minimum uniform standard so that the life safety systems you may find in a home built in 1990 in Ottawa would be found equally in a home built the same year in Toronto.</i></p> <p><i>The Building Code Act and OBC do not regulate the industry. As with other businesses and trades, the Province has chosen to not regulate or license builders, contractors and certain trades. If the Province does license a business or trade it is primarily for the purpose of confirming a minimum qualification level has been achieved, eg. electricians, gas appliance installers, etc.</i></p> <ul style="list-style-type: none"> ○ Should the City be issuing construction permits in cases where the scope of the construction (i.e. size of the house) and site specifics (i.e. lot layout and proximity to the foundations of neighbouring structures) will inevitably result in damage to the neighbours? <p><i>The building permit process limits the review of the permit to the property or building proposed to be constructed. The Act and Code sets out building standards that must be evidenced in the proposed construction plans. If these plans indicate compliance with the Building Code and applicable law (as defined by the Act and for example, the Zoning By-law) can be achieved once actual construction is completed, the Chief Building Official is mandated to issue the building permit.</i></p> <p><i>The reviews of the permit application are based on the information provided by the applicant. Building Code Services must rely on the information submitted by the applicant and their professional consultants.</i></p> <p><i>The Building Code Act does not require information on hedges, trees, yards, etc to be included as the</i></p>

Code only includes standards for the building itself, such as guards, fire exits, venting of plumbing, etc. There are no standards for landscaping, trees, etc.

The actual process of construction is a reflection of behaviour, skills, professionalism of the industry which is not regulated by the Building Code. It is thus the responsibility of the builder to ensure they, in the process of constructing their structure, do not damage neighbouring structures. If precautions are not taken and damage does ensue due to lack of care or negligence, the owner / builder will face claims and litigation launched by the aggrieved neighbours.

The standard the builder must meet is a minimum standard based on the specifics of the site and proposed construction (shallow excavation vs deep for highrise, soils conditions, etc). Shoring is required based on the proposed depth of the excavation and location of the property line from the excavation. The Building Inspector will review the site conditions at the time the first mandatory inspection is scheduled which is when the excavation is completed and the footing forms are installed and will take action if there are any concerns with the conditions.

The City is not able to buffer adjacent neighbours as we do not control the builders' and contractors' behaviours. There are no regulations for the conduct or qualifications of builders and contractors. Nor, do Building Code Inspectors project manage the construction projects or sites. The responsibility to manage the project and the site rests squarely on the shoulders of the builders and contractors. Disputes that arise between the builder and contractors and adjacent property owners are civil disputes and municipalities are not able to become involved in such disputes.

Adjacent property owners must take steps to protect their properties by meeting with their neighbours to discuss their expectations, protocol for access if required, etc.

The process for review and approval under the Building Code Act is a technical review to determine whether, once a building is constructed, the minimum building standards for health, safety and structural sufficiency set out in the Code have been incorporated into the building design and construction. The focus of the Act and Code is the building that is subject of the building permit. Nothing else.

- Does the City construction permit approval process take the need for shoring to stabilise a hillside into consideration? If the City was, indeed, not aware of the need to carry out shoring before it issued the permit, was this a case of a lack of due diligence?

OBC standards relate to the building being constructed only. Slope stability and excavation pertaining to constructing the foundation is assessed by Building Code Services branch. However, slope stability of a yard (steep slopes, ravines, etc) is assessed by the grading approval unit. See above with respect to responsibilities of City vs permit holder/owner.

- Does the City place any limit on the discomfort or damage that a new construction will cause to existing neighbours before it will decide not to issue a building permit?

See above.

- Can the City require an application for building permit to show neighbouring foundations/ structures, within a certain distance from the property line? Required setbacks are minimal and digging and pile driving often occur in the side yard setback area and affect neighbouring properties.

See above

- Drainage problems on neighbouring lots – it seems that when final site grading does not match the approved grading plan, regrading is not always required, as there are no grading inspections. As a result, neighbours are experiencing drainage problems on their lots; infill should not result in property loss or damage on adjacent lots and adjacent homeowners should not have to rely on civil action.

The Building Code does not include standards for grading of the yard and thus the building permit process, other than confirming positive drainage away from the foundation of the building under

construction, is not designed to address grading and drainage. At this time and under current processes, there are no inspectors to undertake inspections of grading for infill construction.

- o Lack of enforcement of by-laws and permit conditions - The public feels that BCS applies different rules for developers, by-law and permit conditions are not fully respected/enforced, correction of mistakes/violations is not required, and that stop work orders only required when problems are extreme.

The focus of the building regulatory regime is public safety. Building Code Services' focus is ensuring construction complies with the minimum building standards. Where the construction proceeds in contravention, the branch will initiate progressive enforcement as set out in the Act. The Building Inspector will identify the contravention, deficiency or deviation so that the permit holder can identify the corrective action. The Building Inspector cannot specify the solution to be applied by the permit holder.

Building Code Services' mandate relates only to the enforcement of Building Code and accordingly, the Building Inspectors enforce only the OBC. They are not authorized to enforce the Tree Conservation By-law, or any other municipal by-laws.

Thus the goal of enforcement is to encourage construction that meets the Building Code and applicable law, as defined by legislation. The construction process is driven by the owner and permit holder with the regulatory regime interjecting at limited and specific stages of construction. The Act places the responsibility for compliance first and foremost with the owner/permit holder. The role of the municipality is to verify compliance in a limited fashion. Thus, the Act mandates specific inspections to be undertaken at key stages of completed construction, as scheduled by the owner/permit holder. The Building Code Inspectors are not on site every day, nor are there sufficient resources to monitor the progress of infill construction on a frequent basis or daily basis.

Enforcement commences when construction is proceeding contrary to the Act and/or contrary to the permit drawings. The Act has provided tools in the form of reports and orders. If the orders are not complied with within the timelines provided, and the issues are significant, then we consider commencing a court action against the permit holder, owner and contractor. Once a court case has been initiated, the Provincial Court takes over, that is, the City, other than preparing its case for prosecution, is no longer in charge of the matter. Enforcement is pursued to obtain compliance and once compliance is achieved, there are no other repercussions. In fact, the Building Code Act is an enabling piece of legislation, not a punitive one. The Building Code sets out building standards, not a code of conduct.

Where there is non-compliance, the role of the municipality is to identify the deficiency or violation and provide for a reasonable timeframe for compliance where necessary. It is up to the owner/permit holder to decide how to achieve compliance. There are always a number of options, each with varying degree of costs and thus, it is up to the owner/permit holder to determine the solution to adopt and incur the related costs. The City cannot dictate a specific solution.

Timelines for addressing deficiencies must be reasonable otherwise the court will deem the order as an abuse of authority and cancel the order. The objective is always to obtain compliance via cajoling, instructing, educating and if this fails, then via orders and court actions.

Also see above.

- o Concern over building materials – “Densely packed town house and similar units, built with modern particle board (glue and softwood) and toxic plastic-based siding, will burn like a massive furnace”.

The OBC regulates construction materials, such as the use of particle boards and siding where the construction is close to the property line. These are minimum standards established by the Province and apply province-wide. The municipality does not have the authority to impose higher building standards.

<p>2.</p>	<p>Other general questions</p> <ul style="list-style-type: none"> ○ How/when will the City deny a tree cutting permit under the urban tree conservation by-law? <i>Answer provided by Forestry Services:</i> <i>The City will only issue a Distinctive Tree Permit when there is a justifiable reason for the removal of the tree(s). A good example of a situation where permits have been denied is when the Arborist Report does not support the removal of the tree. However, since the enactment of the by-law, there have been limited instances like these where the denial of a permit has been justified. During this time, staff have received over 1000 calls regarding Distinctive Tree Permits and only one third of these have been resulted in a permit being issued. In most instances, inspectors work with the resident to accommodate the trees or provide guidance as to how to preserve trees.</i> ○ When/ how will the City impose conditions/ fines around a tree cutting permit? <i>Answer provided by Forestry Services:</i> <i>When a Distinctive Tree Permit is issued, a condition regarding replacement trees is imposed when it is deemed there is sufficient space on the property for new tree(s). Replacement trees can be requested when for each tree removed. Other conditions as deemed necessary by the General Manager can and have been imposed. Examples include retention of remaining vegetation and proper protection of retained vegetation during all site works.</i> <i>Currently, there are no set fines that have been established under the Urban Tree Conservation By-law. This means that when there has been a clear violation of the by-law and charges are laid, the matter needs to be settled in court. Court may be pursued when there is sufficient evidence to indicate without a doubt that there has been a by-law contravention.</i> ○ Does the City’s infill policy track changes and examine the impact of small scale infill on City services such as schools, parks, sewers and water? <i>Answer provided by Planning and Growth Management: No</i>
<p>3.</p>	<p>Height/ Mass/ Scale</p> <p>The public identified height/mass/scale as a primary area of concern. Through the visual survey of this study, height, by in large, was not identified as problems. The survey found few examples of new homes whose height was out of scale with the existing ones; however, new infill homes were found to be typically larger than the original homes on the street and in the neighbourhood. This difference in height does not necessarily make the infill homes incompatible or out of scale with the existing homes when viewed from the street.</p> <p>New homes often occupy more of the lot than the existing homes. The survey could not assess the impacts on rear yards as staff did not have access to private properties.</p> <p>However, through the public consultation, the City understands that height/ mass and scale are issues of concern. Some of the proposed changes such as the new definition of grade and the limits on the size of rooftop projections will help alleviate the issue of height in some cases.</p> <p>As noted by the public, each neighbourhood is different and, therefore, to properly propose changes to the Zoning By-law, a comprehensive neighbourhood by neighbourhood assessment of height, mass and scale is necessary.</p> <p>Staff considered undertaking such an assessment, over the summer, through a paper analysis/examination of lot fabric and house footprints. However, this was ruled out as the available base mapping information does not accurately reflect additions and renovations or the most current new construction. It was strongly felt that site visits were essential to accurately understand the character of the neighbourhood as well as the nature and impacts of the new construction – in particular on side and rear yards.</p> <p>Therefore, Urban Design would like to undertake a separate more detailed neighbourhood by neighbourhood analysis of setbacks, heights, and lot coverage in the future. Consideration of such a study (studies) will be put forward as a budget pressure for Council’s consideration. .</p>

4.	<p>Privacy Privacy issues related to facing windows and balcony overhang can only be significantly addressed by increasing side and rear setbacks. These changes would need to be addressed through the larger zoning study noted in #18.</p>
5.	<p>Sunlight The right to light is not guaranteed by the Planning Act or through case law. Although the issue was not addressed through this study, it may be possible to examine the issue in more detail in relation to the study noted in #18.</p>
6.	<p>Design Guidelines - Lack of strength and ability to enforce The Design Guidelines can only be referred to and recommended through the Site Plan Control process or for applications that require Committee of Adjustment approval or Planning Act approval processes.</p> <p>The Building Code review is a technical review to determine whether the minimum building standards set out in the OBC have been incorporated into the design of the proposed building. There is no legal authority through the Building Code review to require changes based on design guidelines.</p> <p>The guidelines are not meant to be used as a checklist as not each guideline applies in all cases; as such, the guidelines cannot be transformed into a zoning by-law (ZBL).</p> <p>Through this study, there are specific changes to the ZBL that are being proposed. These changes to the ZBL are meant to address the negative impacts of infill housing in mature neighbourhoods and will hold more weight than design guidelines.</p> <p>The guidelines will remain in place as a tool to guide applicants, their designers, staff and communities.</p>
7.	<p>Architectural Character Although there were numerous comments about architectural character/style, the City does not believe that it is necessary or appropriate to create architectural or zoning controls that dictate architectural details such colour, material, roof lines, window treatments etc.</p> <p>An exception occurs where a heritage conservation district exists; in these areas the City does impose architectural controls.</p>
8.	<p>Moratorium/ Interim Control The request for a moratorium on all infill housing in not supported by the City. Although some negative aspects of infill have been identified, a moratorium is not seen as the appropriate means of addressing the issues.</p>
9.	<p>Public Consultation on Infill Projects The public indicated the desire to receive more information about projects and at an earlier stage in the process.</p> <p>Required timelines for notification related to applications for Site Plan Control approval and to the Committee of Adjustment are stipulated by the Ontario Planning Act. The City does not intend to pursue changes to the Planning Act in this regard.</p> <p>Under the Planning Act, no public notification is required for projects that only require a building permit. However, a list of building permits that have been granted is available on Ottawa.ca through Open Data. The information can be accessed at http://www.ottawa.ca/online_services/opendata/info/constr_demo_pool_permits_en.html under the tab “Construction Demolition Pool Enclosure Permits Monthly”. Clicking on the tab will take you to monthly excel files which list information such as: site address, unit type (e.g. semi-detached), permit type etc.</p> <p>In an effort to encourage better communication practices, the City will create a ‘consultation process’</p>

	<p>template that builders/developers will be able to follow as good business practice; this will be posted online. However, it should be noted that there is no way for the City to require a builder/developer to follow the suggested process. The consultation template will be created by the Urban Design group following Council approval.</p> <p>The industry noted that it is also incumbent upon community associations and neighbours to communicate any issues with the builder/developer in a timely manner as early communication facilitates a smoother process.</p>
10.	<p>Sustainability/ Environmental</p> <ul style="list-style-type: none"> ○ The public highlighted the negative impacts of reduced lot infiltration. Impacts caused by loss of permeable area will be reduced by the new requirements for permeable paving and for a minimum of 50% soft surface area in the front yards. Permeable area should also be improved by no longer allowing walkways, stairs, landings and porches to count towards the provision of the required front yard soft surface area. ○ The public stressed the negative impacts caused by trees that are cut down, or lost as a result of infill construction. The public noted that the loss of vegetation will not change unless more trees are subject to the Urban Tree Conservation By-law, and/or issuance of tree cutting permits is restricted and asked if the City would be pursuing either of these things. <p><i>Response provided for Forestry Services:</i></p> <p><i>At the present time, Forestry Services does not have the resources needed to review all building permits or the necessary time to spend helping owners develop strategies to save trees, on each development site where there are large trees. Therefore, Forestry Services has no plans at the present time to expand the applicability of the Tree Conservation By-law.</i></p> <p><i>Many tree cutting permits are requested at the 11th hour of construction and, at this point, safety is often an issue. In many cases that Forestry Services has seen this summer, property owners try to keep their trees and the construction crews either refuse to do the work because of the instability caused to the tree's root zones or a forestry inspector gets called on the site to investigate and recognizes an immediate hazard. It makes it harder to justify keeping a tree when there are concerns about its structural integrity.</i></p> <p><i>Finally, in many cases, applicants request a tree cutting permit after a building permit has been issued. Although it is possible to deny the tree cutting permit, there is significant pressure on forestry inspectors to grant the permit.</i></p> <p><i>Additional information from City Clerk and Solicitor Department:</i></p> <p><i>The Urban Tree Conservation By-law applies even if trees are on an adjacent property, and as such, no development approvals under the Planning Act should be given unless the By-law has been complied with. In the case where the Zoning By-law (ZBL) allows development within the critical root zone of a tree that is protected under the by-law, the development must also meet whatever other requirements are set out by regulation or statute. For example, the zoning by-law may allow development, but the developer cannot proceed without a building permit. It is also illegal to develop without the proper approvals when distinctive trees are a risk.</i></p> <ul style="list-style-type: none"> ○ The public noted that infill can restrict a neighbour's ability to install solar panels. Some degree of protection for solar panels might be possible with a reduction in permitted heights; however whether there is enough sunlight depends on both the height of the infill roof, the height of adjacent homes and the surrounding vegetation. It is extremely difficult to guarantee all future opportunities for installing solar panels. ○ The public commented that houses in good condition should not be allowed to be torn down in order to construct infill housing. Although the City agrees that such demolition is not environmentally friendly, and does not contribute to sustainability, the City can not prohibit the tearing down of private property, even if it is in good condition.

11.	<p>Committee of Adjustment The public questioned whether the Committee of Adjustment is given enough information about infill applications to make informed decisions.</p> <p>The City feels that the Committee of Adjustment (C of A) currently receives the necessary information to make an informed decision. The C of A planner undertakes site visits; Committee members also often do the same. Through the consultation process, the C of A planner asks for elevations and any important contextual information so that the application can be properly assessed by staff and by the Committee. Also, the C of A has the power to defer an application and request more information if they feel that they do not have the necessary information.</p>
12.	<p>Ontario Municipal Board The public noted that the OMB can be a detriment to good infill and suggested that the OMB needs to be educated about the issues and the impacts.</p> <p>If a project goes as far as the OMB, the City will prepare its case based on the supporting zoning and guidelines. Prior to that, there is little/no opportunity for the City to educate or influence the OMB.</p>
13.	<p>Requirement for Site Plan Control At this time, the City will not impose a requirement for singles and semis to go through Site Plan Control due to costs and resource limitations. This may be considered as a next step should the current proposed changes fail to address the issues and improve the current infill situation.</p>
14.	<p>Socio-economic factors/demographics The City cannot control the selling price of existing properties or of new construction. Without controlling the selling price, it is not possible to guarantee the affordability of specific housing types or neighbourhoods.</p> <p>Greater diversity of unit type and tenure is possible as secondary dwelling units are permitted in detached, semi-detached, linked-detached and a maximum of one in the whole of a duplex. Section 133 of the Zoning By-law 2008-250 contains regulations affecting these units and the lots on which they are located. However, increasing unit diversity requires builders take advantage of the current permissions.</p>
15.	<p>Education and incentives</p> <ul style="list-style-type: none"> ○ The City will pursue the idea of creating an Infill Housing Award as part of its biannual Urban Design Awards. Projects will be nominated jointly by the community and builder/developer and judged based on architecture, urban design and the construction and communication process. <p>The staff member currently responsible for the awards program will integrate this new initiative in the next round of awards.</p>

Notes:

1. The proposed changes will be implemented following Council approval.
2. All changes will apply to applications submitted after Council Approval of the changes.
3. The City will undertake a review of the impact of the proposed changes, three years after they have been approved by Council.