October 31st, 2024

To: New Zoning By-law planning staff (newzoning@ottawa.ca)

RE: Submission on Draft 1 of the New Comprehensive Zoning By-law
By: Peoples Official Plan Coalition (POP) (info@popottawa.ca)

In response to the public comment period, this submission by the People's Official Plan Coalition (POP) provides our feedback, comments and recommendations in response to Draft 1 of the proposed New Comprehensive Zoning By-law.

The Peoples Official Plan (POP) coalition is composed of over 20 not-for-profit organizations representing tens of thousands of Ottawans. We advocate at Ottawa City Hall for better transit, greater walkability and active transportation, greenspace for all, housing equity, climate change mitigation and adaptation, equity and inclusion, sustainable waste management, and food security, all sought through ethical city planning practices.

Overview of Key Concerns

We are strongly concerned with implementing more effective policies to ensure equitable housing opportunities with respect to rentals, demographic needs, emergency and temporary housing and 15-minute neighbourhoods. Our vision is for a 15 minute caring city as described in the policy paper by CAWI.

We advocate for creating and preserving soft landscaping space for canopy trees, stormwater management and climate mitigation. Our recommendations for trees and greenspace are further supported by the research presented in the Trees and Zoning position paper by CAFES Ottawa.

POP strongly supports a compact, green, caring and livable city as an important and viable alternative to the high financial costs and detrimental climate impacts of the sprawl model of urban growth. As Ottawa continues to adapt to increasing intensification in the face of accelerating climate change, we recognize the immediate need for zoning to support the threatened urban tree canopy, equitable housing and healthy communities.

Given City Council's approval on October 30th, 2024 of the Poverty Reduction Strategy, with clarification provided at Council for item 1.1.2 to integrate a food security systems lens into City-led strategies and plans, with details provided for that action to include a review of municipal policies from a food security perspective, and given the multiple connections between food security, a current top priority issue in the city, and the levers within this Zoning By-law, we recommend that the second draft of the new Zoning By-law include an integration of a food security systems lens. Just Food will coordinate community input to such a review, including within the POP network, as a contribution to the Zoning By-law team, to be submitted as soon as possible.

A 15-Minute Caring City

Section 199 - Definitions

It is positive to see that the Zoning By-law is permissive of shelters in institutional and recreational zoning. However, the definitions as currently worded are very limiting. There is a missing element, not found under the definitions of "**residential unit**" or "**shelter**", in regards to tiny homes, container homes, and other more modular, easy-to-assemble housing solutions.

Recommendations:

- The definition of "**shelter**" and or "**residential unit**" should be inclusive of temporary structures that are not considered a "building" such as sleeping cabins and temporary modular units such as shipping containers or mobile homes, as an alternative to encampments in urban spaces. It is not clear that these structures are defined as buildings, and therefore permitted for shelter and or residential use.
    - For example, can multiple "shelters" be permitted on a lot with use of a shared kitchen/bathroom? This is unclear as per the current definition.
    - Providing clear definitions on "shelter" and/or "residential unit" would enable innovative and affordable solutions for the ongoing housing crisis.
    - Hamilton's Tiny Shelters is an example of this.

Response:

In Ottawa, "tiny homes", container homes and other easy-to-assemble housing are all considered buildings. If they are used for a residential purpose, then they are a either a dwelling unit or an additional dwelling unit (such as a coach house). The term "shelter" in this by-law refers to a specific land use, not the structure itself.

The existing section 71 and the new section 211 are quite permissive for what is allowed in an emergency situation on a temporary basis. For more permanent situations, multiple residential-use buildings (of any size) can be permitted on one lot - when this occurs, it is called a Planned Unit Development (PUD).

The Ontario Building Code requires all dwellings to have a bathroom.

Section 208 - Community Amenity and Public Space

The provision of Section 208 provides specific direction in regard to amenity areas. This is an important policy area for ensuring equitable access to public space. As neighbourhoods support greater density, the inclusion of public space becomes critical from both a livability and sustainability perspective.

Recommendations:

- Outdoor amenity areas should be an addition to all landscaping requirements and all setbacks and not include landscape provisions or setbacks within the sq m calculation of the amenity area.
- All outdoor amenity areas located at the front or side of property should have public access.
- An indoor and outdoor amenity area should be provided in all residential buildings greater than 8-units
- Flexibility should be applied regarding the provision Section 208 (3) that requires an amenity area to be located on the same lot. In instances where multiple developments can combine their amenity to provide a greater public good, this should be permitted and encouraged.
- The provision of 6 sq m of amenity area per residential dwelling should be applied based on an equity index. In neighbourhoods underserved by parks or community spaces, the requirement for amenity areas should be increased.

There is potential to incorporate elements of a Care Zone into the NMU zoning or through the creation of a new Care Zone specific to providing the amenity and services needed to support a growing population.

If including care zone elements in the proposed zoning, there should be incentives for development that supports principles of care (see list of services in comments on section 906 on).

Response: Outdoor amenity areas can include hard landscaping, soft landscaping, or a combination of both to which they will contribute to the landscaped area requirements in the respective zone. In terms for access to the outdoor amenity area, the Zoning By-law cannot regulate whether if its public or private. Some developers may choose to keep it private and to the residents in the within the residential use.

Section 201 - Stormwater Management

POP supports the new zoning provisions that require on-site stormwater management where there is an increase in impermeable surfaces that control peak run-off to pre-development levels. We support the provisions that building developments may be delayed if IMP capacity studies demonstrate that stormwater is limited; or developers could fund local improvements.

Recommendations:

- Provisions should be included to permit soft landscaping (30 m^3 soil volume at 1 m depth) above underground stormwater attenuation infrastructure, with the intent of creating space for trees.
- The by-law must take a coordinated approach with the Low-Impact Development strategies that have been implemented in the IMP's policy statements.
    - See CAFES letter from August 2024, which recommended clearer IMP policy statements that green infrastructure must be used for stormwater

management and climate mitigation, in accordance with the new Ontario government's **Provincial Planning Statement**.

Response: Staff acknowledges this comment.. Section 201 of the new Zoning By-law proposes t to require that on-site stormwater infrastructure is available, and that with development it can be demonstrated any proposed uses, structures, hard landscaping and driveways, do not result in adverse effects on stormwater infrastructure or other properties. These provisions are further supported by the Infrastructure Master Plan to better manage stormwater in support of the goals of the Official Plan.

Section 210 - Provisions for Underground Structures

We support the required 30 m^3 of soft landscaping with 1 - 1.5 m depth above underground structures with the intent on providing space for a canopy tree. The 1 m minimum and 1.5 m maximum depth will ensure the soil depth does not go too deep, reducing the amount of surface area.

Recommendations:

- We recommend specifying the required surface area of 5.5 x 5.5 m in the provision.
- While the notes refer to "… underground structures that are part of a building, such as underground parking structures", there are numerous other underground structures, such as front and rear porches and entrance stair structures, as well as front yard basement window wells and basement entrances, which must also be regulated so as to not inhibit a mature tree's critical root zone.
    - The solution is to cantilever these structures, as per Section 204 (7) (a) (i), or regulate these structures to be founded on piers as opposed to continuous underground foundation walls.

For reference, as per the CAFES Trees and Zoning position paper, trees require the following minimum soil volumes and surface area measurements.

Size of Tree	Height at Maturity	Soil Volume	Surface Area (1 m depth)
Small	5-9 m	10 m^3	3.2 x 3.2 m
Medium	10 -15 m	30 m^3	5.5 x 5.5 m
Large	15 + m	50 m^3	7 x 7 m

Response:

Staff will consider these comments for the second draft of the new Zoning By-law.

Section 214 - Alternative Setbacks for Tree Retention

POP supports the provision to reduce building setbacks elsewhere on the lot when a building or lot needs to be adjusted in order to retain a mature tree, according to tree protection by-law. We applaud this 'conditional flexibility' where zoning responds to a local condition (i.e. a mature tree to be retained).

However, we have the following concerns:

- The diagram is not to scale - The lot is scaled to be a 15m X 30 m lot. The front yard setback is depicted to be 9 m (instead of a more appropriate 3 m to 6 m) and the side yard setbacks are depicted to be 3 m on both sides – for a total of 6 m (instead of a total 1.8 m or 2.4 m). The building footprint is not the footprint that can be expected for any infill development. The small (approx. 1 m wide) 'slivers' of "equivalent massing" do not reflect the proposed permissions.
- The provision as written would permit a setback reduction in a rear yard to be as little as 1 m from any lot line. That means a mature tree or (2) or (3) in a side yard could result in a 4 storey (or higher) building extending to within 1 m of the rear property line. If the next door and rear neighbours do the same thing, this would reduce the rear yard semi-private amenity space.
- More clarity is needed to address these uncertainties.

Response: We will revise the diagram based on your comments. In terms of setback reductions on the rear yard, the provisions specify that the setbacks may be reduced by up to 3 metres which includes the rear yard. This means 3 metre reduction from whatever the minimum rear yard setback provided in Section 801 (depicted as a percentage of the lot depth). For example, if the minimum rear yard setback prescribed by the underlying zone is 8 metres, this section could not be used to reduce the rear yard setback below 5 metres as-of-right.

Section 302 - Short Term Rental

Secondary suites are an opportunity to provide rental housing in all residential zones across the City. POP supports the permissive nature of secondary suites within this by-law; however, secondary suites for the purposes of permanent rental housing should be incentivized over temporary-uses such as vacation rentals.

  - Introduce incentives for secondary suites secured as permanent rental housing (for example, consideration for minor height relaxations or parking minimums).

While the Zoning By-law does not provide requirements for tenant relocation plans, we believe this is essential and something that should be resourced adequately. In addition, right-of first-refusal should be offered to tenants who are required to relocate due to upzoning of their home.

Response: Short term rentals in urban areas are only permitted when the dwelling unit rented is that of the principal resident.

Generally, the new Zoning By-law is allowing more dwelling units throughout the City regardless of whether they are additional dwelling units or not. The removal of parking minimums and height strategy will also support the increased density. Tenant relocation is beyond the scope of zoning.

Section 307 - Car-Sharing Services

Car sharing promotes environmental sustainability by reducing the number of vehicles on the road; studies suggest that one shared car can replace up to 15 privately owned cars, thereby decreasing traffic congestion and lowering carbon emissions.

Car sharing services support a car-free lifestyle in urban areas and can therefore aid in achieving the modal shift the OP aims for. They allow residents to access vehicles when needed without requiring personal car ownership or dedicated parking spaces. This flexibility can contribute to reduced parking needs in residential developments.

The flexibility of car sharing also enhances urban mobility, allowing users to access a variety of vehicle types on-demand without the long-term commitment of ownership. Overall, car sharing not only provides economic and environmental benefits but also contributes to more efficient use of urban spaces.

As we are eliminating parking minimums through the ZBL, there will be increasing pressure for parking spaces in neighbourhoods. Well-functioning car-sharing services can alleviate this pressure as many residents will not require a private car.

From a health perspective, if we are zoning to build a denser city but (since public transit is not well-functioning) everyone still has a car, then air quality will worsen in our dense car city. Well-functioning car-sharing services in all parts of the city have many benefits and should be incentivized by zoning.

Status Quo: The city is currently served by Communauto, a Canadian company head-quartered in Montreal. Communauto has a fleet of 240 cars in Ottawa, 40% are hybrid, 2% are EVs. Communauto is pleased with the results of their EV pilot and interested in expanding this fleet segment. Communauto has a positive relationship with Ottawa Community Housing and plans to expand the number of shared cars stationed at OCH buildings. Zip-car, an American car-sharing company made a beachhead in several Canadian cities including Ottawa a few years ago but withdrew subsequently. With the exception of a couple of cars stationed in Bells Corners, Communauto is currently serving Ottawa only inside the greenbelt and significant expansion potential exists with regard to Ottawa's suburban and rural areas.

Recommended ways for new ZBL and related instruments to boost availability of car-sharing services in Ottawa:

- Permit car-sharing spaces to occupy any parking space (i.e. not restrict to principal use or accessory use parking lot or parking garage).
- Provide more car-share spaces on public lots to car sharing companies.
- Provide car-share spaces on public lots at subsidized rates, pricing in the benefits of shared car services to residents. (the City of Kingston is offering a 60% subsidy, pilot in Q2 2025).
- Provide electrified car-share spaces on public lots towards additional air quality benefits.
- Permit the car-share service to offer “free floating cars” that are permitted to park for 72 hours in any permit-free zone within the municipal boundary. This enhanced service is presently blocked by Ottawa BL not allowing permits to be stretched across zones. The City of Toronto has 750 free floating Communauto shared cars in a 110 km squared permit area.

Response:
Please note that the Zoning By-law only regulates private property. The Zoning By-law cannot regulate car-sharing spaces in the public Right-of-Way. City staff in the Zoning and Interpretations Unit are aware of car-sharing permit areas in Toronto however, this is not something in the purview of Zoning staff. Permit parking within the City Right-of-Way as well as publicly owned City parking lots are within the purview of Parking Services and Traffic Services.

Section 501 - Flood Plain Overlay

The by-law must have clearer and specific processes and regulations on preparing land for development including clear cutting trees, environmental assessments and land alteration in areas subject to a floodplain overlay. The City’s jurisdiction for the protection of Ottawa’s river wetlands and floodplain areas are unclear, as are the jurisdictions against clear cutting in these areas.

Response: The *Planning Act* provides clear rules for what zoning by-laws can regulate. Under the *Planning Act*, zoning by-laws can regulate the location of buildings and structures, parking and landscaping requirements, and the types of non-residential and residential uses permitted on a lot. The *Planning Act* also gives zoning by-laws the jurisdiction to prohibit new development (new buildings and structures) in the flood plain. The *Planning Act* does not give jurisdiction to zoning by-laws to regulate the preparation of land for development, including activities such as clear-cutting trees, conducting environmental assessments, and altering land in floodplain areas. Those activities are regulated under the jurisdiction of other provincial acts and municipal by-laws, including the *Environmental Assessment Act*, the *Conservation Authorities Act* for lands subject to regulations under that act, and by the Site Alteration By-law, which is approved by City Council under the *Municipal Act*.

Sections 604-606 - Parking Location and Spaces

POP is in strong support of the provisions on zero parking minimums. We are in strong support of the permitting of wheel strip driveways that have permeable strips. We support the new provision that permits the option for shared driveways between two lots. We support keeping the maximum driveway width at 3 m.

Recommendations:

- We believe there needs to be clearer language in this section that reinforces that the soft landscaping minimums must be met and that **parking cannot supersede the required soft landscaping.**

Response: Staff acknowledges this comment. Draft 1 of the new Zoning By-law proposes a choice-based approach allowing property owners, businesses, and developers flexibility in determining the amount of parking to provide based on their need and environmental constraints (i.e., proximity to transit and space to fit parking spaces on their lot). This means that all minimum requirements should be met, which includes soft landscaping. Staff would further note that nothing in Sections 604 through 606 has the effect of superseding minimum soft landscaping requirements – both the provisions of these sections plus any zone-specific provisions including landscaped area requirements must be met in any case.

Section 607 - Parking Lot Provisions

We support the following provisions for principal or accessory use parking lots:

- For lots with 100 spots or less, 15% of lot area must be soft landscaping
- For lots with 100+ spots, 20% of lot area must be soft landscaping
- Lots are required to have a soft landscaped buffer, with a 3.5 m minimum width for 10-100 spot lots, and a 5 m minimum width for 100+ spot lots
- In addition to the buffer, the soft landscaping area width must be a min of 3.5 m
- The permeable features can be islands, medians or pathways
- The minimum soil depth is 1m

Recommendations:

- While it would be ideal for the soft landscaping in parking lots to be contiguous (to allow for more trees with shared root systems), we support that lots can take many forms and there is no guarantee that there will be room for a large contiguous space. We appreciate that the minimum width requirements and 1 m soil depth are intended to ensure the soft landscaping islands, medians, strips and pathways will provide enough soil volume for small to medium-sized trees.
- We suggest including clear language stating the minimum required soil volumes and surface areas required for medium trees (30 m^3 at 1 m depth = 5.5 x 5.5 sq m), rather than just the minimum widths for soft landscaping.

Response: Staff acknowledges this comment. Section 4.1.4 of the Official Plan speaks to the need for landscaping requirements for surface parking lots, as well as the importance of tree islands and sufficient space for the growth of trees, all of which are part of low-impact development (LID) measures and stormwater management. With respect to the suggestion for soil volumes in the parking lot landscaping provisions, Staff note that a major difficulty with doing so in this context is, as acknowledged in this comment, the fact that parking lots can take many forms and it is difficult to control the exact shape and distribution of the permeable features associated with a parking lot – hence, the focus on soil depth in the Draft 1 provisions.

Section 708 - Housing to Meet Demographic Need

It is encouraging to see provisions included for large-sized units, however, POP believes greater priority should be given to this provision. This policy must reflect the needs and diversity of households and include provisions to permit multi-generational and multi-family living within the same home. There is a lack of affordable 3+ bedroom units in Ottawa, which means large families, newcomers, and multi-generational families live in overcrowded and cramped apartments.

Section 708 (1), permits the inclusion of at least 5% of dwelling units to have at least three bedrooms or a minimum gross floor area of at least 80 sq m.

Recommendations:

- POP recommends that Section 708 should designate a percentage of the 5% IZ units to be 3 bedrooms or more.
- Require a large percentage of these units to be ground oriented to ensure accessibility for seniors, mobility aids, or strollers
- Section 708 (1) should increase the 5% minimum for 3-bedroom units to up to 25% depending on neighbourhood demographics and housing tenure. The Official Plan recommends an upper target of 10% of large-household dwellings in residential developments that fall within Hub, Mainstreets and PMTSA areas. At the very least, this should be achieved.

Response: Staff would note that the minimum proportion of large-household dwellings within intensifications in the Official Plan targets represent the average proportion of large household dwellings that is intended to be achieved across **the entirety of each transect**. For example, the 50 per cent target for low-rise buildings on lots with a frontage generally 15 metres or wider prescribed in the Official Plan for Neighbourhoods in the Outer Urban transect is an average that applies across the entirety of that transect. By proposing a minimum rate for large-household dwellings can ensure that we meet the target by 2046.

Section 801 - Neighbourhood Zones and 15 Minute Care Zones

The current draft of the zoning by-law puts great emphasis on 15-minute neighbourhoods. We agree with this direction; however, we would like to see the 15-minute neighbourhood approach include more than just retail and leisure. Section 801 appears to “conditionally permit nonresidential uses, so as to permit a range of services in proximity to permitted high-density residential areas to implement the 15-minute neighbourhood policies of the Official Plan” in mid- and high-rise zones (N5 and N6). An integral part of what makes neighbourhoods thrive is care services. Zoning for care use, as a more specific usage of nonresidential or commercial zoning, is integral in achieving functional 15-minute neighbourhoods.

A fine grained approach such as the use of a suffix or an overlay as a tool to exclusively zone for care services should be considered to ensure that critical services are provided. Use of this type of tool would ensure care services (list provided below) are not competing with other permitted uses, specifically commercial enterprises. We believe care services should have their own category distinct from residential and commercial uses. This is essential to ensuring that care services are given greater priority in achieving the overall purpose of a 15-minute neighbourhood.

Response: Assuming that “care services” refer to the list of services noted in the Section 906/907 comments, Staff would note that some of these uses, such as medical facilities, day cares, and community centres, are among the uses proposed to be conditionally permitted in the N5 and N6 zones. The draft Zoning By-law also proposes the Neighbourhood Commercial Suffix (-c) in certain locations, which includes medical facilities and office uses among the non-residential uses permitted where this suffix applies.

While Staff acknowledge that care services are essential, we cannot force developers to build them. To continue to ensure that these services included within 15-minute neighbourhoods, we can generally permit these services city-wide through uses such as community centres and medical facilities in Neighbourhoods, Hubs, Mainstreets, and Minor Corridor Zones.

Staff are open to further review in subsequent drafts of the Zoning By-law to potentially identify new locations the -c suffix can be applied to in Neighbourhoods in the Inner Urban, Outer Urban, and Suburban Transects that are near schools, community centres, and parks, but far from Hubs or Corridors.

Section 801 - Neighbourhood Zones 1-6 (N1 - N6)

Table 801B - Setbacks in neighbourhoods zones are among the most important provisions that will make space for trees. Front yard setbacks of only 3 m or 4.5 m **will not** provide enough surface area for a medium or large canopy tree.

Recommendations:

- POP recommends 6 m setbacks wherever possible, city-wide.
- Where 6 m is not possible, zoning must require setbacks that are less than 6 m to be complemented by large permeable Right of Way space that can accommodate canopy trees.

Response: Staff recognize the concerns around allowing for sufficient space for trees on residential lots, particularly in the case of infill sites. Increasing setbacks can take up space for potential development and housing construction. While this needs to be balanced with the goals of the Official Plan with respect to maintaining and improving the urban tree canopy (a major element of why supporting requirements such as front yard landscaping are proposed to apply in the draft By-law), they are a factor in review of the proposed setback provisions.

As part of Draft 2, Staff are open to further examining how front yard setbacks are applied, to ensure the locations of zones that allow for 3 and 4.5 m front yard setbacks correspond as much as possible to streets where front yards of these depths are common and allow for appropriate space for tree growth/retention. In terms for permitting 6 m setbacks city-wide, Staff will review whether the setbacks are adequately contextual.

Section 802 - Neighbourhood Built Form Standards

Front Yard Setbacks

We do **not** support the provision that allows front yard setbacks to be **reduced** when the setbacks of the adjacent existing lots are lower than the minimum requirement. This will result in smaller setbacks overtime and a detrimental loss of space for trees.

Recommendations:

- **We recommend that the required front yard setbacks, in all areas of the city, should be the average of the front yard setbacks of the adjacent properties to a maximum required setback distance of 6 m.** We **do not** support the provision that front yard setbacks are **reduced** when the setbacks of the adjacent existing lots are **lower** than the minimum requirement.

- Section 144 has been removed from draft 1 of the new ZBL. The removal of this provision is a major impediment to the City ever achieving the goal of a 40% tree canopy. Whereas the CAFES Trees & Zoning position paper recommended a 6 m minimum front yard setback in all instances, we realize a blanket 6 m front setback may restrict development potential. However, if and when the front yard setbacks of adjacent buildings are between 3 and 6 m, front yard areas for medium and large canopy trees should be implemented in the ZBL.

- Further, the current ZBL Section 144 subsection (1) (d) should be amended to read "*minimum required in the Residential subzone in which the lot is located, need not exceed 6 meters".*

Response: Staff acknowledged the receipt of this comment. See previous response with respect to front yard setbacks.

Staff would additionally note concerns with requiring front yard averaging to take precedence in all cases where the average is less than 6 metres in depth in neighbourhoods (as is recommended in this comment) where the setback pattern is characterized by significantly smaller yard setbacks. It is not uncommon for front yard setbacks along a street to be subject to some variation, such that requiring the front yard setback to be based on a strict average of the abutting properties can in many cases result in the need for minor variances even where the setback proposed can be more clearly shown to be in alignment with the broader pattern found along the streetscape.

Building Design Standards in Neighbourhood Zones

Recommendations:

- To ensure accessibility, public entrances to the site's building must provide the same means of entrance for all users whenever possible, provide equivalent access when access by the same means is not possible, and identify accessible building entrances

- To ensure bird-safe designs are being implemented to help prevent fatal collisions, the by-law should include provisions to treat 90% of exterior glass within the first 16 m above grade, to treat surfaces adjacent to green features, and to eliminate fly-through effects.

Heat islands contribute to significantly higher localized overnight and daytime temperatures. Extreme heat can pose a significant health risk to people in the community which is only expected to increase with the changing climate. This metric is intended to reduce the contribution of new building flat roof areas onto the urban heat island while balancing out opportunities for local renewable energy generation.

Recommendations:

- For flat roofs (low slope ≤ 2:12) over 500m2 projects must provide:

  a) Green roof for at least 50% of available roof space1;
  - Where possible, green roof area should be incorporated into visible or accessible locations, such as podiums.
  - Where the green roof is accessible, the green area may be reduced by 20%
  - Where the green roof is edible landscaping, the whole garden area, including pathways and adjacent terraces, may be counted as "green area".

OR

b) Cool roof installed for 90% of available roof space1 and if the roof is over 2,500m2 a minimum of 1,000 m2 will be designated solar ready2,3;

OR

c) A combination of a green roof, and cool roof and solar PV installed for at least 75% of available roof space.

Flat roof specifications must ensure water drainage is directed toward the property's soft landscaped area rather than the sewer system

Available roof space is considered roof space that is not otherwise occupied by mechanical and electrical equipment.

Response: In terms of accessible entrances, we can enforce where the building entrances are located. Site plan control and building code further enforces accessibility to ensure that building entrances, ramp design, minimum doorway and corridor widths. While we acknowledge bird-safe designs and the importance of mitigating heat islands, Zoning By-laws under the Planning Act cannot regulate building materials and window treatments – that falls under site plan control.

Section 803 - Neighbourhood Site Functional Standards

We are in support of the ***Soft Landscaping Requirements*** outlined in Section 803, and recommend the following:

- For the rear yard requirement of 30 m^3 of soil volume, the provision should specify "at a minimum 1 m and maximum 1.5 m depth" to ensure there is adequate surface area for a tree, and that developers do not reduce surface area by increasing soil depth.
    - This provision should be reworded to account for rear yards that are too small to have a surface area that equates to 30 m^3 of soil at 1-1.5 m depth. While we support the intentions, it will be of no use if not implemented correctly.

- (4) Add that, soil must not be compacted.
- (5) add (d) planting cannot include invasive species and should include a minimum of 50% native plant species.
- Add: where a development project's soft landscaping area does **not** exceed the By-law's minimum requirements by 20%, cool landscape and paving installations must take place to treat 50% of the site's hardscape by use of permeable pavers, high-reflective materials, or canopy tree or vegetation installations.

- Clear language should be incorporated into the actual provision that describes the intention to create space for trees.

Response: Staff acknowledges receipt of this comment and will take them into account for the subsequent draft of the new Zoning By-law. In terms of the type of planting for soft landscaping, the Zoning By-law cannot regulate what type of plants will be planted. The Zoning By-law also cannot generally require specific materials such as high-reflective materials.

Waste Management

POP supports the by-law provisions for waste storage in favour of requirements for adequate, equitable and accessible waste storage.

Response: Staff acknowledges this comment. Please note that waste management provisions will be moved to Part 2 of the subsequent draft Zoning By-law.

Functional Path of Travel

Suggest adding

- Design of grates embedded in the ground along paths of travel must ensure that openings do not allow passage of an object that has a diameter greater than 13mm, ensure that elongated openings are oriented perpendicular to the pedestrian path of travel. (Figure)

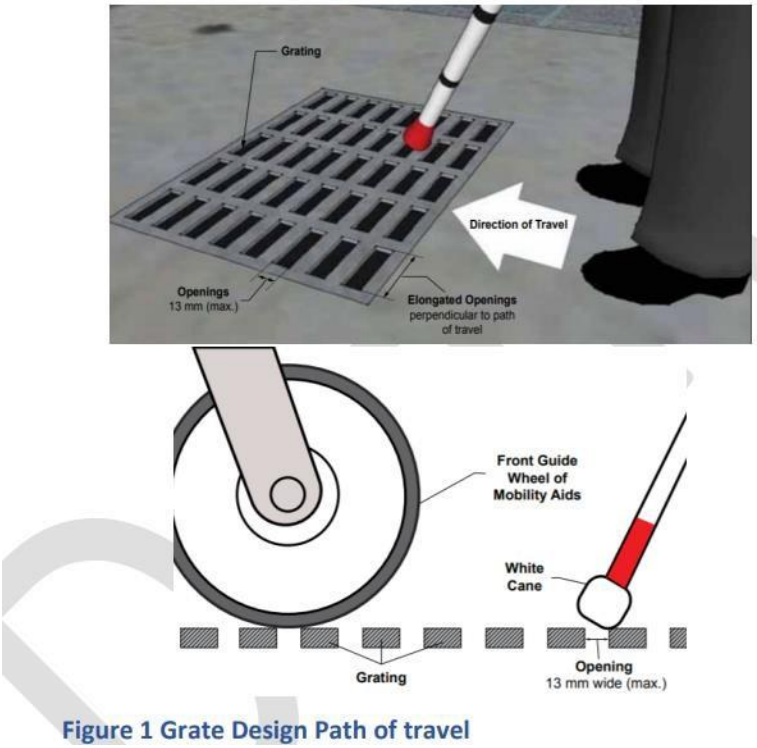

Figure 1 Grate Design Path of travel

Grates that are outside a path of travel must have a maximum porosity of 20 x 20 mm (or 40 x 10 mm) or may be screened.

Response: When we talk about functional path on travel, we are referring to one or more functional paths of travel connecting a public street or travelled public lane with rear yards on a single lot, particularly where functions like bicycle parking are provided via the rear yard. Generally speaking, the Zoning By-law under the *Planning Act* cannot regulate the design of grates.

Suggest adding Section: Protection from Pollution

The on-site outdoor amenities and fresh air ventilation intakes must be protected from adjacent sources of air pollutants including traffic or idling vehicle areas such as drive-throughs, and loading zones, but not including parking spaces.

Protection from sources of air pollutants can be achieved through setbacks, vegetation, or other technologies that provide absorbent and protective buffering, or a combination of these measures. Sources of air pollutants are defined as areas within:

- 150 m of a road with an average of 50,000 vehicles or more per day,
- 100 metres of road with an average of 15,000 vehicles or more per day, and
- 100 metres of idling areas.

We recommend that an objective measure of air pollution (particulates) and a standard be established in consultation with Ottawa Public Health.

Protection options include:

- Natural air pollutant buffering made up of rows of Red Maple, Red Oak, Little Leaf Linden or Honey Locust trees with a row of shrubs underneath the full length of the exposure zone. Vegetated buffers to be 100% native vegetation.

OR

- Physical buffer either by the building, or other structures such as walls 1.5m high.

OR

- 3.5 metres, or more, above road level.

Response: While re recognize the importance of soft landscaping and the retention of mature trees, Zoning By-laws under the Planning Act cannot regulate the types of vegetation that is being planted or the height of such vegetation. The Tree Protection By-law supports the retention of mature trees and the replacement of them if they are to be removed.

Suggest adding Section: Lighting

Light pollution contributes to adverse impacts on humans, wildlife and local ecosystems. Recommendations:

- All exterior lighting fixtures will be Dark Sky compliant (full cut-off)
- No uplighting.
- Colour temperature ratings of 3000K or less.

Response: Zoning By-laws under the *Planning Act* do not have the authority to regulate lighting—that falls under site plan control. However, for larger development applications that include a site plan control application, the city can provide direction on aspects such as downcast lighting. This is part of the broader development process but is not covered by the draft Zoning By-law. Zoning primarily focuses on the size and location of buildings and cannot address every issue.

Inequitable Tree Canopy Distribution and Heat Islands

POP is concerned that equity-deserving neighbourhoods will be the busiest, high traffic and most densely hardscaped areas, leaving less room for trees and increasing the heat island problem. The Urban Forest Management Plan commits to addressing the inequitable distribution of tree canopy in specific neighbourhoods as documented in the City and NCC's 2019 Tree Canopy Assessment. The City's goal of 40% canopy cover will not be reachable without equitably and strictly regulating soft landscaping and greenscaping in the zoning by-law. Additionally, mechanisms such as cash-in-lieu of parkland should be appropriately leveraged to ensure that priority neighbourhoods and rapidly intensifying neighbourhoods have equitable access to greenspace.

Recommendations:

- The by-law needs to have special provisions for **increased soft landscaping in these neighbourhoods**, including exceptions for **larger front yard setbacks**, and **large permeable Right of Way spaces**.
- *Heat in the Street:* Similar to the City of Hamilton having a maximum heat by-law, zoning could support a new regulation that if a street block or corridor exceeds a temperature of 37 degrees celsius for significant periods (metrics to be devised), required greenscaping must be undertaken.

Response: Staff acknowledges this comment and will take them into account for the subsequent draft of the new Zoning By-law.

Sections 901-907 - Hub Zones and Mainstreets

POP **does not** support the provisions for no minimum front setback requirements (at grade) for Hub Zones, Mainstreets and Minor Corridors. Further, permitting a maximum front setback of 2 - 3 m at grade, with the possibility of an increase to 4 m, will likely be used by developers to increase hardscaping and **will not** result in sufficient space for trees.

These zones are dense, busy areas that are among the most important areas to have large shade trees due to heat island effects. Having space for large canopy trees along hub zones and mainstreets will increase cooling, walkability, mitigate carbon emissions, increase biodiversity, and enhance community health and wellness.

Recommendations:

- We recommend increasing setback size to 6 m wherever possible.

- Where setbacks cannot be increased, **small setbacks of 6 m or less must be complemented by large permeable Right of Way space that can accommodate large canopy trees.** We understand it is difficult to draft the by-law to have conditional flexibility (i.e. if there is a generous ROW, then the set-back can be less because there is sufficient permeable/tree planting space).

- In some situations this may require depaving – an approach supported by the Urban Forest Management Plan, phase II.

- More clarity is needed on the regulations for trees being planted and maintained below hydro wires (or atop underground hydro wires) in the Right of Way.

Response: Revisions in Draft 2 of the Zoning By-law have proposed to remove maximum front and exterior side yard setbacks. This would allow developments to be set further back on the lot, possibly to accommodate space sufficient to sustain a tree. Provisions in the first draft in Mainstreet and Hub zones that permitted an increase of the maximum front or exterior side yard setbacks to 4 metres (from 2 metres) have been revised along with the removal of maximum setbacks, and now require that where a front or exterior yard is provided above 1 metre in depth, that it must contain: outdoor patios, bicycle parking, trees, shrubs or other intensive soft landscaping, or features like benches and street furniture.

Shallow front and exterior side yards in Hubs, Mainstreets and Minor Corridor zones are a component of a dense, inviting streetscape and urban form of development. While the urban tree canopy is also important, it must be balanced against the Official Plan mandate for intensification and density – focused on the Hubs and Mainstreet Corridor designations. The removal of maximum front and exterior side yard setbacks, and maintaining no minimum setbacks, is intended to provide flexibility for developments and avoid impacting the viability of smaller urban Mainstreet and Hub lots.

Sections 906 - 907 - Care Services

The care service overlay or suffix proposed above should also apply to Section 906, Minor Corridor, Sections 906-1 to 906-4 and Section 907, Neighbourhood Mixed Use Zone (NMU). We would like to see a provision included in all mixed-use zones for the inclusion of care services to ensure community needs are provided for. Under Section 907 the Permitted Uses could be expanded to include the following care services (if not already there).

Care services include:

- Daycare, eldercare
- Schools, continuing education centers
- Libraries
- Arts and cultural centers, and museums
- Medical and ancillary services
- Mental health services
- Legal services
- Laundromats
- Community recreation
- Social services
- Youth services
- Parkland
- Food banks and food outlets
- Veterinary clinics
- Public washrooms

Response: Most of the uses listed above are permitted in the Neighbourhood Mixed- Use, Hub, Mainstreet, and Minor Corridor Zones through uses like community centres, libraries medical facilities, instructional facilities, personal service business, artist studios, office, retail store, daycare, residential care facility and retirement home. in.

The draft Zoning By-law also proposes the Neighbourhood Commercial Suffix (-c) which also permits small, locally oriented convenience and service uses to meet the needs of residents.

Section 907 - NMU Zoning and Local Economic Development

It is encouraging to see policies that support a 15-minute city incorporated in the Draft By-law through both the new NMU zoning and Evolving Neighbourhood Overlay.

In the NMU zoning, provisions to support local and neighbourhood economic development should be considered such as a fine-grained approach to the incorporation of leasable area maximums to ensure affordable leasable space (with the idea that a smaller footprint will generally have more affordable rent).

Recommendations:

- Include a provision to allow pop-up/shared businesses to operate in one building.
- Permit shared work spaces such as commissary kitchens to create more opportunities for small food businesses.
- Site-specific criteria should be applied to lots with the potential to provide a significant community amenity.

Response: The Zoning By-law under the Planning Act regulates land use and building form. There are no provisions that would limit the number of businesses in a commercial space. Commissary kitchens would typically be considered restaurants or catering establishments, which are both permitted in the NMU zone. While the Zoning By-law can permit a variety of commercial uses in NMU zones, pop-up businesses and commissary kitchens often need special permits and licensing to operate which is not regulated by the Zoning By-law.

The NMU Zone applies to a wide variety of existing uses, including large shopping centres. The NMU1 subzone that replaces the Local Commercial Zone carries forward the existing size limits, but a size limit is not appropriate for the other NMU subzones.

Preservation of Rental Stock

Rental protections are critical to ensuring affordability. We recognize the tools are limited to ensure existing rental stock is maintained. Should a zone for purpose-built rental, in addition to what is permitted under Inclusionary Zoning policies, be permitted in the future, we believe the Zoning By-law should be amended to include such a zone. The following recommendations should be considered to ensure protection of critical rental housing stock in our City.

Recommendations:

- Consideration of site-specific factors on lots that are providing affordable rental housing. These factors may include:
    - Prohibition of upzoning on lots that are currently providing purpose-built rental for 8 units or greater.
    - Prohibition of upzoning on any lot that includes a residential development (8-units or greater) with a vacancy rate between 0-3%.
    - Prohibition of upzoning on any lot that is currently managed by a non-market, community or non-profit housing provider
    - As a similar type of tool as a Streetscape Character Analysis where neighbourhood context is taken into consideration as a component of development, we would like to see Neighbourhood Needs Assessments conducted in mid to high-density neighbourhoods. This assessment should consider how new development is contributing to the unique needs of the neighborhood. For example, what does the neighbourhood need in terms of publicly accessible amenities, parks, recreation, grocery stores and care services?

- **Response**: The Zoning By-law cannot regulate whether a dwelling unit is rented or owned. However, the draft Zoning By-law implements the policies of the Official Plan to address housing supply and housing choice to address housing affordability. Zoning is a significant tool in the toolbox that is needed to ensure we can meet the demand for housing in the next 20 years by building over 190,000 new dwellings for the growing population. This includes increasing permitted densities in Neighbourhoods, along Mainstreets and Minor Corridors and in Hubs in the new Zoning By-law to accelerate the supply of housing being built.

Inclusionary Zoning

Inclusionary Zoning is an essential tool that is widely adopted in cities across Canada to ensure the provision of affordable housing. We recommend the following:

- Use of Inclusionary Zoning as an overlay in all Hub areas (around major transit corridors and nodes)
- Maximize the provincial requirement for inclusionary zoning (inclusion of 5% of housing as affordable)
- Inclusion of large-sized units as a portion of the 5% of affordable units

Response: Inclusionary Zoning is a separate initiative where a separate team is analyzing feasibility of inclusionary zoning and will draft the required Official Plan policies and zoning provisions. This will be carried forward into the new Zoning By-law once adopted.

Section 1102 – Recreation Zone

POP is pleased to see the introduction of opportunities for co-location of housing in community centers, libraries, and recreational and athletic facility buildings. Caring 15-minute neighbourhoods thrive when housing is co-located with care services such as those listed. To better support 15-minute neighbourhoods, incentives should be added to prioritize affordable housing and nonprofit housing provision to be co-located with City-run and City-owned space.

Recommendations:

- Language suggests support for introducing opportunities for co-location of housing in community centers, libraries, and recreational and athletic facility buildings. The same provision should be applied to Places of Worship to allow for co-location of housing.
- Incentivize the provision of affordable housing when it is co-located with City-owned (i.e. public) services.
- Prioritize non-profit housing providers in the development of co-located housing developments with City-run and City-owned services.

Response: For the first recommendation, Staff will consider this for the second draft of the new Zoning By-law.

For the second and third recommendations, these would not be regulated through zoning.

Sections 1301-1309 - Agricultural and Rural Zones

Zoning must demonstrate a coordinated approach with the Site Alteration By-law and the Tree Protection By-law to implement effective regulations to protect trees, forested areas and wetlands from clear cutting for private and commercial developments in line with the no-net loss policies for forested lands and wetlands in the OP.

Response: Staff acknowledges this comment. The Zoning By-law implements the Official Plan designations and policies. The new Zoning By-law will reflect the Natural Heritage System as shown on Official Plan Schedule 11.