

R4 Zoning Review

The City of Ottawa has announced a review of R4 zoning. R4 is the most-dense low-rise residential zone in which low-rise apartment buildings, as well as townhouses, triplexes and other residential forms are permitted. A general description of the review is found at <http://ottawa.ca/en/city-hall/public-engagement/planning-and-infrastructure/residential-fourth-density-r4-zoning-review>

The review raises issues which could have meaningful effect for all residential zones in Ottawa. For example, one idea is to limit the number of bedrooms in a dwelling unit, a measure which could apply across the City.

The City has issued two discussion papers to collect public views. Both are accessed at the link noted above. FCA-FAC has engaged in discussion with city officials and delivered written comments on each paper. The FCA-FAC submissions follow.

Although a formal announcement has not yet been issued, discussion with City planners indicates that comments collected in R4 review will be incorporated into a broader study to deal more comprehensively with current residential zoning questions.

26 May 2017

Tim J. Moerman
Ottawa City Hall
110 Laurier Ave W
Ottawa, ON K1P 1J1

Re: Residential Fourth Density (R4) Zoning Review – Discussion Paper #2

Dear Mr. Moerman,

As indicated in our letter of 20 January 2017, the FCA has formed a focus group of member associations implicated in the R4 Review. We recently recalled this focus group to evaluate the City's second discussion paper, their comments are contained herein.

First, we are very concerned about the systemic complexity of the zoning bylaw and the often-contradictory nature of the Official Plan and Zoning Bylaw. We would encourage the City to consider a comprehensive review of the Zoning Bylaw with a view to streamlining and simplifying it.

Second, we would like to stress that we strongly support your intention to provide no transition clause, as such clauses often permit development to get in under the wire and thereby undermine confidence in the City and anger residents.

1. Community character / compatibility / heritage preservation

We feel that the discussion paper doesn't actually provide any concrete measures to aid with the preservation of community character and compatibility. As stated in our earlier letter, lack of compatibility of new development is one of the biggest concerns of our member associations. Despite Official Plan language encouraging compatible design, respect for community character, and heritage preservation, most of the development we are seeing in areas zoned R4 throughout the City do not meet these objectives.

In your emailed responses to our previous letter, you explained that a review of the site plan control process should result in changes to help address these issues. You also mentioned that OPA 150 has much stronger language around these matters. However, as you know, OPA 150 remains under appeal to the OMB and no one knows when or if it will actually come into effect. As such, we would like to see changes to site plan control introduced in conjunction with this study and an effort to bring the measures around compatibility outlined in OPA 150 introduced to the zoning bylaw through this study.

On another note, discussion paper #2 uses the term "inner urban" frequently. We would like to know if there is a specific definition for this term. We also wonder why, if a measure is considered good planning, it is only being proposed in "inner urban" areas rather than throughout the City.

2. Diversity & versatility

As these matters have not been addressed, we must reiterate the following points that we made in our earlier letter. First, more must be done to encourage a mix of unit sizes, as this offers opportunities for more diverse demographics. It's also worth noting that studio, one-bedroom

apartments, and units with four or more bedrooms, are very limited in terms of their demographic market, while two and three-bedroom apartments offer much more versatility. So, some way to ensure a mix of units, particularly more two or three-bedroom units, is needed.

We have two other suggestions for how to preserve diversity. 1) The City must adopt a policy of not supporting minor variances to lot frontage or lot area requirements. 2) The City should work with communities to identify the major and minor streets in each neighbourhood and assign where apartments (and small mixed use buildings) may go, and by extension where they are prohibited.

Inclusionary zoning is also critical to ensuring diversity. Our communities need to offer housing for people of various socio-economic means. We would like to see a requirement that all new developments over a certain number of units provide a percentage of those units for affordable housing.

3. Scale & permitted uses

We remain concerned that this review is not considering the issue of scale of new development as virtually all new development in the R4 zones is out of scale with neighbouring properties. In some cases the issue is height, while in others it is the construction of new buildings or additions that reach much more deeply into rear yards.

We would recommend that one way to potentially help control the scale of new development would be to introduce a Floor Space Index (FSI) for residential zones. Many other cities in Ontario, including Toronto, use a combination of height limit, setback requirements and FSI to ensure that new buildings are of an appropriate scale. Our math suggests that the current de facto allowable FSI in most R4 areas in Ottawa is 2 or more, while comparable neighbourhoods in Toronto have explicit FSIs ranging from 0.6 or 1.

We remain open to reviewing the subzones, as the maximum and minimum lot sizes don't always make sense, but we also remain convinced that the current approach of "tweaking" lot sizes in the various subzones is not an appropriate way to address this issue. Rather, as indicated at the beginning of this letter, we would like to see a holistic review of all R4 sub-zones and their performance standards with a view to streamlining and simplifying the entire bylaw. Such an effort would naturally require much more time and community engagement.

4. Site servicing

We oppose the change in discussion paper #2 to allow indoor garbage storage in either the main building or an accessory structure. We can point out countless accessory structures (sheds) currently used for garbage storage that are virtually no better at containing and controlling garbage than without such a structure. Having garbage storage interior to the main building would necessitate better management and would mean that poor garbage management would affect residents of the building rather than all the neighbours. If you proceed with the recommendation that garbage storage would be permitted in an accessory structure, then we would ask for stricter requirements for their construction and use in order to ensure that they in fact contain all garbage.

The decision to not address issues around air conditioning units is disappointing. The assertion that Section 65 of the zoning bylaw, site plan control and OPA 150 adequately address this issue are specious. Section 65 provides virtually no detail and certainly isn't enough to control placement of A/C units. OPA 150 is not in effect yet, and we have no idea if or when it will be, so it cannot be relied on in this case. And, site plan control clearly isn't controlling this issue adequately as we can point out numerous buildings that went through site plan control but where the A/C units are placed street side or on balconies and are a serious nuisance to neighbours.

5. Lot consolidation

We remain concerned that the potential for lot consolidation could have dramatic impact on the character of our established neighbourhoods, and disappointed that no measures to address this are being proposed. Ultimately, we would like to see some measures related to lot consolidations that consider the impact and ensure the new lot fabric would still be consistent with the existing lot fabric. Under point to 2, above, we raise the idea of identifying the major and minor streets in each neighbourhood and targeting intensification to the major streets. Likewise, consideration should be given to limiting lot consolidation on minor streets, while permitting it on major streets.

6. Rooming houses

We support any attempt to better clarify the definition of rooming houses, but would like to see the proposed definition and have an opportunity to comment on it before it appears in a planning report to committee. We also continue to believe that changes to the definition alone will not prevent the operation of illegal rooming houses, as such, we continue to believe that rental property licensing must be introduced in Ottawa and must include a requirement for an annual inspection of all rental properties.

Finally, we note the interconnectivity and interdependence of many of these recommendations. For example, removing the limit on the permissible number of units in junior R4 subzones would not be beneficial unless limits on oversized dwelling units, and on the permissible number of bedrooms on a lot were also adopted. Given the ease with which the number of bedrooms could be misrepresented, licensing of all rental properties is also necessary to permit inspection and enforcement of this limitation. As such, it is critical that all recommendations be adopted together.

Thank you in advance for your time and consideration. We look forward to collaborating further.

Yours truly,

Sheila Perry
President, FCA
www.fca-fac.ca

cc. Stephen Willis, General Manager, Planning, Infrastructure and Economic Development
Jan Harder, Chair, Planning Committee
Bob Brocklebank, Glebe CA
Carole Brascoupe, OSCA
Chad Rollins, ASH
M.L. Marti, Centretown CA
Steve McNamnee, Overbrook CA



20 January 2017

Tim J. Moerman
Ottawa City Hall
110 Laurier Ave W
Ottawa, ON K1P 1J1

Re: Residential Fourth Density (R4) Zoning Review

Dear Mr. Moerman,

The Federation of Citizens' Associations (FCA), an incorporated non-profit corporation under Ontario law, is the forum for citizens' associations and similar non-profit volunteer groups in Ottawa. Our over 50 member associations share information about issues facing their communities and, when appropriate, take joint action. The FCA membership includes associations from the city center, the inner suburbs, the suburban communities outside the Greenbelt and rural Ottawa.

The FCA formed a focus group of member associations implicated in the R4 Review to evaluate the City's discussion paper and develop this FCA position on it. The FCA takes positions on issues when there is significant agreement among member associations and when we can express strong principles shared by our member associations. A draft of this letter was presented at the General Meeting of the FCA on December 18, 2017 which supported contributing to your consultation with these positions and meantime other Members have also given this statement their particular endorsement.

There are several key principles that the FCA believes all planning and zoning decisions should support, these include:

- Preservation of individual community character;
- Conservation of our built and natural heritage;
- Environmental sustainability; and,
- Respect for public input and engagement.

Just as we espouse certain principles herein, we believe that any changes made to the zoning bylaw must be accompanied by a set of guiding principles. Such principles aid in the future interpretation and understanding of the bylaw.

Following are the common concerns shared by the members of our focus group, an assessment of whether your discussion paper addresses these concerns, and our comments on requirements in addition to those outlined in your consultation paper.

1. Community character / compatibility / heritage preservation

The discussion paper talks about community character and compatibility, but doesn't address the important issue of heritage preservation. Lack of compatibility of new development is one of the biggest concerns of our member associations. Despite Official Plan language encouraging compatible design, respect for community character, and

heritage preservation, most of the development we are seeing in areas zoned R4 throughout the City do not meet these objectives, so we are asking for a statement of additional direction as part of your recommendation.

The Residential Infill studies, parts 1 and 2, were both intended to address compatibility and community character, but so far seem to have had little impact on development. Part of the problem being that not all types of development in R4 zones are yet subject to the requirements of these by-laws, in particular the streetscape character analysis. We recommend therefore that the streetscape character analysis be applied to all forms of residential development in the R1 through R4 zones.

Staff were to monitor the implementation of Infill 1 and 2, and to report back to Council. This review is relevant to the R4 zone review. Yet we have yet to see any such reporting, has this been done? If yes, when will the results be shared with the public?

Finally, another issue affecting community character is the loss of mature trees. Much more must be done to preserve our urban tree canopy. The R4 zone provisions are directly implicated. One of the objectives of setbacks should be to ensure that there is room for mature trees. Generally speaking, setback requirements as they currently are do not support the maintenance of mature trees nor the expansion of the urban tree canopy. This is inconsistent with the recent consultation on Ottawa's urban forest strategy.

2. Diversity & versatility

The most significant concern we have besides protecting community character is the loss of diversity in our neighbourhoods. Healthy communities need a diverse mix of people, including families, seniors, youth, etc. However, due to the proliferation of one type of dwelling, even if varying by neighbourhood, will result in communities becoming denser but less diverse. In some neighbourhoods, virtually all new builds consist of only micro-units, while in other neighbourhoods the issue is the opposite, that virtually all new development consists solely of oversized dwelling units. The outcome though is the same, that neighbourhoods are slowly but surely losing diversity and versatility. There is nothing surprising about this, the economics of development make it very difficult to maintain diversity in our neighbourhoods unless the City adopts diversity supportive planning policies. We ask that the R4 express an appropriate stand on this matter.

Therefore, more must be done to encourage a mix of unit sizes, as this offers opportunities for more diverse demographics. It's also worth noting that studio, one-bedroom apartments, and units with four or more bedrooms, are very limited in terms of their demographic market, while two and three-bedroom apartments offer much more versatility. So, some way to ensure a mix of units, particularly more two or three-bedroom units, is needed. The proposed guidance for R4 must be adjusted accordingly.

We have two other suggestions for how to preserve diversity. 1) The City must adopt a policy of not supporting minor variances to lot frontage or lot area requirements. 2) The City should work with communities to identify the major and minor streets in each neighbourhood and assign where apartments (and small mixed use buildings) may go, and by extension where they are prohibited.

Inclusionary zoning is also critical to ensuring diversity. Our communities need to offer housing for people of various socio-economic means. We would like to see a requirement that all new developments over a specified, appropriate number of units provide a percentage of those units for affordable housing.

3. Scale & permitted uses

The discussion paper identifies some of the issues around scale, but the associated recommendations don't seem to help to protect community character in any way. The issue being that most new development in the R4 zones is out of scale with neighbouring properties. In some cases the issue is height, while in others it is the construction of new buildings or additions that reach much more deeply into rear yards. Therefore, we ask that more consideration be given to reducing out of scale height limits and increasing rear yard setback requirements.

The Official Plan already says the right things about scale, in that it calls for new development to be compatible with existing development. Scale in terms of height and setbacks is one of the most critical ways to ensure compatibility. However, the zoning bylaw does not reflect this requirement and the discussion paper doesn't seem to make any recommendations in this regard, and should be corrected.

The discussion paper proposes decreasing minimum lot sizes for apartment buildings. We have concerns about permitting apartment buildings on undersized lots and feel that your proposal would need to be modeled before such a change was made.

We are open to reviewing the subzones, as the maximum and minimum lot sizes don't always make sense, but this would require much more time and community engagement.

We support restricting dwelling units to a maximum of 4 bedrooms. We believe oversized dwelling units should not be permitted.

We remain concerned about affordability of housing for families in urban areas, and don't feel that any of the recommendations in the discussion paper would do anything to encourage construction of new housing geared to families or to affordable housing.

We would also add that just as we have minimum density targets, we should identify maximum desired densities by zoning type in order to help ensure dense but livable neighbourhoods.

Committee of Adjustment applications are frequently used to achieve a virtual rezoning of a property. Measures to overcome creeping rezoning must also be addressed.

4. Site servicing

The discussion paper addresses some issues related to site servicing, like garbage and air conditioning units, but fails to address others, including noise and light pollution, and on-site water management. We would encourage you to review these issues as they can have significant impact on quality of life. We would also stress that consideration must be given to the link between the lack of urban tree cover and the need for air conditioning. If we can rebuild our tree canopy this could help to naturally cool areas thereby decreasing the need for air conditioning.

We concur that site plan control should apply to more forms of development and that issues of the overall square footage and the number of bedrooms should be taken into account, not just the number of units. We suggest that any development with 4 or more units, or with 10 or more bedrooms in total, or exceeding 3,500 ft², should be subject to site plan control.

We would also encourage you to examine the possibility of requiring a minimum amount of common space (living room, kitchen, bathrooms, etc.) based on the number of bedrooms. Such a formula could help to ensure more versatile and livable units.

We support the move to require indoor garbage storage. We ask that this be reviewed in conjunction with responsible staff at the City to see if something can also be done to ensure that oversized dwelling units have to pay more for garbage pick-up since they naturally produce more garbage.

Finally we want to ensure that the outcome of this review will not reduce any currently applicable amenity space requirements.

5. Lot consolidation

This issue of lot consolidation is raised in the discussion paper, but no real solution is offered. This is an important issue with potentially huge impact and we hope to see it studied and thoughtfully addressed. Ultimately, we would like to see some measures related to lot consolidations that consider the impact and ensure the new lot fabric would still be consistent with the existing lot fabric.

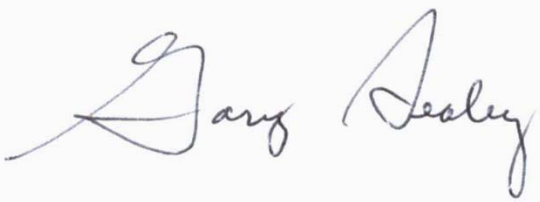
6. Rooming houses

“Defacto” rooming houses have become prevalent in many parts of the City, including in areas that are not zoned R4. We agree that the definitions and rules regarding rooming houses need to be cleaned-up and clarified. Ultimately though, we feel that any changes brought in relation to rooming houses will not prevent those operating “defacto” rooming houses from continuing to do so. As such, rental property licensing must be introduced in Ottawa and must include a requirement for an annual inspection of all rental properties.

Finally, we note the interconnectivity and interdependence of many of these recommendations. For example, removing the limit on the permissible number of units in junior R4 subzones would not be beneficial unless limits on oversized dwelling units, and on the permissible number of bedrooms on a lot were also adopted. Given the ease with which the number of bedrooms could be misrepresented, licensing of all rental properties is also necessary to permit inspection and enforcement of this limitation. As such, it is critical that all recommendations be adopted together.

Thank you in advance for your time and consideration. We look forward to collaborating further.

Sincerely,

A handwritten signature in black ink that reads "Gary Sealey". The signature is written in a cursive style with a large initial 'G' and 'S'.

Gary Sealey
President, FCA
president@fca-fac.ca
www.fca-fac.ca
cc FCA Members; FCA ad hoc group on R4 Review
CC: Councillors
Mathieu Fleury, Ward 12 Rideau-Vanier
Tobi Nussbaum, Ward 13 Rideau-Rockcliffe
Catherine McKenney, Ward 14 Somerset
Jeff Leiper, Ward 15 Kitchissippi
Riley Brockington, Ward 16 River
David Chernushenko, Ward 17 Capital