

Action Sandy Hill (ASH) Comments

Zoning By-law Discussion Paper: How Zoning Can Regulate Trees

General:

We welcome the City providing a special focus on trees within the Official Plan and the new Zoning By-law. Since the first purpose of the *Planning Act* is to “promote sustainable economic development in a healthy natural environment within the policy and means provided under this Act” (*Planning Act*, 2022, Article 1.1(a)), along with the heightened appreciation of the contribution of trees to a healthy environment, this is certainly appropriate.

We do, however, question the premise in the discussion paper that “the provision of housing ... is the key and central reason for why neighbourhoods exist at all.” While housing is a necessary element of any successful residential neighbourhood, so too are other elements, like stores, workplaces, parks, public sidewalks, and public institutions like schools and community centres. A neighbourhood is a social space where residents regularly encounter each other in the public realm and engage in various forms of socialization, mutual support and collective action. The key and central reason for why neighbourhoods exist is to transform residents into neighbours. Zoning should promote this process through its regulation of land use and built form.

Trees, for all the reasons outlined in the discussion paper, help define the character of a community and enhance the public realm. They encourage neighbours to leave their private spaces to take a stroll, walk the dog, go for a run. In the process, they are more likely to encounter other neighbours, and thus develop a sense of security and belonging. Trees, in short, are neighbourhood builders and a public good. This should be reflected in the Zoning By-law.

While we agree with many of the premises and suggested options, we have some recommendations to better protect and enhance the tree canopy, particularly in the urban core areas, which are set out below.

We support the city-wide 40 percent canopy target but as one of the urban core communities, we feel that the canopy in the urban core needs not only to be protected but to be augmented. ASH will also be writing separately to the Mayor with suggestions for changes to tree programs to protect and enhance the tree canopy.

Recommendations:

In the introduction, the discussion paper notes that “trees have, to date, not been something that has been considered possible to regulate by Zoning under s. 34 powers of the *Planning Act*... zoning cannot require the planting of trees. However, there is opportunity for zoning to better regulate above and below grade areas for trees to be planted and survive successfully.”

S. 34 of the *Planning Act* does empower municipalities to enact zoning that requires parking to be provided on a parcel of land. Impervious paving is incompatible with the planting and survival of trees in these areas and adjacent ones. Through regulation of parking, however, trees can be elevated to an order-of-priority that matches or exceeds the accommodation for cars. Although the discussion paper states that trees should not be removed to accommodate parking in a development, the wording in the Zoning By-law must be more explicit and prescriptive.

It is not uncommon to find that overhead and underground utilities crisscross properties, sometimes at a shallow depth, and so effectively restrict the possible area and size of tree plantings on those lots by property owners and the city.

It is recommended that:

- the city, through the control of parking requirements, amend the Zoning By-law to explicitly state that any parking (required or otherwise) must not require the removal of distinctive trees and must not compromise the root zones of existing distinctive trees or areas set aside for new tree planting as part of a redevelopment;
- the city, together with utility providers and property developers, should take the necessary steps so that utility lines are placed to allow for as much useable planting space as possible.

In Sandy Hill, we have seen where underground work, such as for parking garages, extends beyond the building footprint and has led to the removal of existing large trees. Another consequence is the reduction of the area where large trees might put down and extend their roots and thrive.

This very much relates to the discussion of soil volume requirements, which should reflect recommended soil volumes not just minimum soil volumes.

It is recommended that:

- the extent of sub-grade structures beyond their above-ground footprint should be limited;
- soil volume requirements should reflect not just minimum soil volumes but also recommended soil volumes which can provide for larger, canopy trees.

Despite recent improvements, the protection of trees during construction in Ottawa is less than in Toronto. Some core communities report that infill developments are the largest source of tree loss, followed by insects and other natural causes (such as Emerald Ash Borer, derecho and ice storms). Ignorance or carelessness during development can be seen when asphalt is laid close to the trunks of large trees for example.

Many new developments in core communities have trees that will never be tall, canopy trees. The City should work with developers to plant on municipal easements and private lots, a higher proportion of trees that will eventually be tall native trees.

It is recommended that:

- Ottawa explore how the Zoning By-law could be amended to prioritize protection of distinctive trees during development;
- Ottawa be more rigorous with tree protection during construction, including the critical root protection zone;
- Information materials/courses on avoiding soil compaction and loss of rainwater infiltration be provided to developers, sub-contractors as well as city staff involved with by-law inspections during development and afterwards. This includes being mindful of how no onsite parking can lead to parking on soft landscaped areas and unwanted tree loss;
- the City follow the lead of communities like Toronto which are taking a more proactive approach to tree planting;
- Measures be taken to ensure more large canopy tree species are planted on municipal easements by the city and elsewhere on residential lots by developers and property owners .

There has been a pattern of developers asking for and receiving approval for reducing front, side, and rear yards. Smaller yards not only reduce the area for trees to thrive and play an important role in the regulation of heavy rains and higher temperatures being experienced with climate change but also the social, health, privacy, and other environmental benefits of landscaped and amenity spaces for residents.

The Westboro pilot-study area, “where a required “rear yard landscaped buffer zone” has been introduced” sounds promising. This might need to be accompanied by design provisions to provide sunlight and daylight to the rear yards.

It is recommended that:

- open space standards set out in the Official Plan and Zoning By-law be adhered to as much as possible in the development approval process and be the basis for any offsets or balancing for the retention and protection of distinguished trees ;
- the Westboro Pilot Study with a contiguous buffer area of soft landscaping for rear yard trees and other amenities might be extended on a city-wide basis.
- Accompanying this might be design provisions to provide sunlight to rear yards.

Conclusion:

Taking into consideration the recommendations above, the overall options being considered for front and rear yard consolidated landscaped areas, soil volume requirements, and regulating “protected trees” are reasonable.