

ITEM 20
MANAGER'S REPORT NO. 36
COUNCIL MEETING 88/05/16

RE: REZONINGS TO THE R1a, R2a, R3a, R4a, R5a and R9a RESIDENTIAL DISTRICTS

ACTING MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the recommendations of the Director Planning & Building Inspection be adopted.

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TO: MUNICIPAL MANAGER 1988 May 12

FROM: DIRECTOR PLANNING & BUILDING INSPECTION

SUBJECT: REZONINGS TO THE R1a, R2a, R3a, R4a, R5a, AND R9a
RESIDENTIAL DISTRICTS

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RECOMMENDATIONS:

1. THAT the requirements for rezoning to the R1a, R2a, R3a, R4a, R5a and R9a Residential Districts be modified by amending the Burnaby Zoning By-law, as outlined in Section 4.0 of this report, and that the Municipal Solicitor be authorized to prepare the necessary text amendments to be the subject of a further report to Council, prior to initiation of a formal Amending By-law and submission to a Public Hearing.
2. THAT the rezoning applications to the R"a" zoning designation, which have not received Second Reading, be held in abeyance pending Council consideration of the proposed Zoning Bylaw amendments.

REPORT

1.0 SUMMARY

This report examines the issues that have arisen in connection with the "a" zoning designations as applied to the residential single and two-family districts, and recommends certain amendments to the text of the Zoning Bylaw. These amendments would continue to permit Council to approve the development of single-family dwellings having gross floor areas greater than those normally permitted in the standard single and two-family districts on lots that are truly large in relative terms, but would establish criteria for eligibility for rezoning that more adequately reflect the intent, to be implemented in conjunction with a set of urban design principles. In essence, the recommended approach involves:

1. establishing a minimum lot area and width for "a" designation zoning equal to 150% of the minimum lot area and width in the pertinent R District;
- 172

2. retaining the rezoning process for approving "a" designations to allow Council to exercise the appropriate discretion in considering proposals for increased gross total floor area, following an opportunity for public input through the Public Hearing process;

3. pursuing a set of urban design guidelines to be employed, following Council approval, in evaluating and guiding proposals for "a" development, and

4. holding all applications that have not received Second Reading for rezoning to an R"a" zoning designation temporarily in abeyance, pending Council consideration of the proposed text amendments.

2.0 BACKGROUND INFORMATION

2.1 On 1987 May 25, Council adopted Bylaw #8737, a series of amendments to the text of the Burnaby Zoning Bylaw primarily directed toward controlling the bulk of single and two-family dwellings in the Residential Districts. The essential density controls involve revised height regulations and the introduction of a maximum Floor Area Ratio, together with a specified maximum gross floor area in each of the zones (R1 through R5, plus R9).

2.2 On 1987 August 24, Council adopted Bylaw #8772 which involved the establishment of certain residential zoning designations with an "a" suffix (R1a, R2a, R3a, R4a, R5a and R9a). The key feature of these residential districts is that the maximum gross floor area is limited only by the Floor Area Ratio, and not by the maximum Gross Floor Area (Floor Area Ratio 0.6 x 110% of minimum lot area) stipulated in the R1 through R5 and R9 zoning Districts. The R1a, R2a, R3a, R4a, R5a and R9a District designations have the same regulations and conditions as those of the R Districts respectively, except that:

- (i) the minimum lot area for lots having an "a" designation is equal to 110% of the minimum lot area for the respective residential zones, and
- (ii) development density is not limited by the maximum gross floor area, but only by the 0.6 Floor Area Ratio.

The purpose of establishing the "a" zoning designation was to make it possible for the owner of a relatively large lot in one of the single or two-family Residential Districts to apply to rezone the property in order to accommodate development on the lot, greater than the present maximum gross floor area specified for the zone.

Through the rezoning process, Council has the opportunity to consider staff recommendations on the potential R"a" rezoning for the particular site, based on the nature of the subject site and the surrounding properties and their present and future development. Upon Council advancing the rezoning request for further consideration, staff work with the applicant toward a plan of development suitable for submission to a Public Hearing which demonstrates an appropriate design response respecting local siting factors. This procedure allows Council to exercise discretion in considering larger residential developments consistent with the discretion that is always employed in making zoning decisions, following the standard opportunities for public input.

- 2.3 On 1988 April 05, the Planning & Building Inspection Department provided a brief report to Council regarding the issues being considered in the review of rezonings to the R1a, R2a, R3a, R4a, R5a and R9a Residential Districts being conducted in this Department. The report stated that issues such as "a" rezonings in new subdivisions, the defining of more definitive urban guidelines and the potential number of rezonings to the R"a" zoning designation were being considered. This report provides an elaboration of the relevant concerns and the recommended approach to dealing with residential development on larger lots.

3.0 GENERAL DISCUSSION

- 3.1 As was previously noted, some concerns have been raised regarding the process involved in rezoning to the R1a, R2a, R3a, R4a, R5a and R9a Districts. Concerns have been raised regarding the amount of staff and Council time being expended on the rezoning of individual single and two-family zoned properties to allow greater development potential and the subjective nature of the analysis involved, as well as the overall impact that the potential number of larger dwellings could have on the surrounding neighbourhoods and the Municipality as a whole.
- 3.2 At the time that the R"a" zoning designations were created, it was not expected that a large number of applications would be submitted to rezone to the R1a, R2a, R3a, R4a, R5a and R9a zoning Districts from the owners of larger properties, considering the requirements of the rezoning process and the owner being required to enter into a restrictive covenant, permitting the property to be developed only in accordance with the plans submitted.

However, since Final Adoption of the Bylaw creating the subject zoning Districts, this Department has received eighteen (18) applications to rezone to an R"a" District, including six (6) new applications which have not yet been reported on. In considering the potential for rezoning existing single and two-family residential properties in the R1, R2, R3, R4, R5 and R9 zoned Districts to their respective "a" zoning Districts, it is noted that there are approximately 14,664 properties zoned for single and two-family developments which are eligible for rezoning to the respective R"a" Districts (properties with over 110% of the District's minimum lot area). This figure represents 47.5% of the single and two-family zoned properties in Burnaby. It is apparent from these quantitatively and proportionally large figures that the criteria currently utilized for determining eligibility for rezoning to an R"a" District does not reflect the intended consideration of a greater permitted floor area on exceptionally larger residential lots in Burnaby.

- 3.3 Based upon this 47.5% potential, this Department would express its concerns regarding the following:

- i) The potential erosion of the effectiveness of the May 1987 Council adopted Bulk Housing Regulations, in terms of maintaining an overall standard maximum dwelling gross floor area for lots in each of the single and two-family residential districts. With 47.5% of the lots in these residential zoning districts eligible for rezoning to the respective R"a" zoning District, this Department is concerned that the number of dwellings constructed as a result of rezonings to an R"a" District could become large enough to have a dramatic impact on the character of the housing stock throughout Burnaby.

Since the creation of the "a" zoning category, this Department has received rezoning applications for properties in which the possible permitted gross floor area under the proposed R"a" zoning has been generally between 545 m² (5,866.5 sq.ft.) and 689.4 m² (7,420.8 sq.ft.), based on 0.6 Floor Area Ratio, with applications involving lots with the potential for up to a gross floor area of 1,177.1 m² (12,671 sq.ft.).

An excessive emphasis on larger single-family dwellings is not considered beneficial to the Municipality, in terms of the scale of the larger dwellings relative to existing single-family dwellings and the need to recognize the basic suburban nature of Burnaby's single and two-family districts, and in terms of the need to maintain the livability and stability of the established residential neighbourhoods. In addition, the emphasis on constructing larger dwellings to the exclusion of a natural balance of more compact or moderately-sized dwellings would not be compatible with the adopted policy of providing a broad range of opportunities in the housing stock. In the current climate of maximizing development potential, it is anticipated that the residential construction industry will take full advantage of any potential for increased permitted gross total floor area, thus creating a change in the potential housing market for Burnaby, which would exclude much of the potential for affordable and average priced family accommodation.

ii) The current process involved in assessing applications to the R1a, R2a, R3a, R4a, R5a and R9a Districts is not presently served by a policy which outlines urban design guidelines for development on single and two-family residential lots and in particular for those lots which are considered eligible to experience a gross floor area greater than that permitted in the R1, R2, R3, R4, R5 and R9 zoning Districts.

Under the current process, each development proposal for a potential R"a" zoned lot is assessed on an individual basis, taking into consideration the nature of the subject site and the present and future development in the area, as was previously discussed. This is done, however, without the benefit of an established set of Council-adopted urban design guidelines which outline the design parameters or objectives for single family residential development and how these objectives can still be achieved with the development of larger single-family dwellings.

iii) As was previously noted, there are approximately 14,664 properties in the R1, R2, R3, R4, R5 and R9 zoning Districts which currently have the potential to rezone to the respective R"a" zoning District. In light of this large number and the apparent interest expressed in applying for this zoning designation since its creation, the Planning & Building Inspection Department is concerned with committing a disproportionately great amount of staff and Council time to individual single-family dwelling development proposals. The current process includes two reports to Council and staff working with the applicant towards the submission of a suitable plan of development in a manner similar to that of a Comprehensive Development zoning.

4.0 PROPOSED BYLAW AMENDMENTS

4.1 In light of the potential development and administrative problems in continuing with the current process for considering the potential for a greater maximum floor area than is permitted in the R1, R2, R3, R4, R5 and R9 Districts, the Planning & Building Inspection Department is recommending that Council establish more realistic criteria governing eligibility for rezoning to the R1a, R2a, R3a, R4a, R5a and R9a zoning Districts. After review, staff consider that 150% of the minimum lot area requirement in each of the single and two-family residential districts is a more realistic and appropriate basis for determining eligibility to experience greater development density.

ITEM	20
MANAGER'S REPORT NO.	36
COUNCIL MEETING	88/05/16

Through the utilization of the 150% minimum lot area requirement truly larger lots would still be eligible for a greater maximum gross floor area, while all other lots would be required to comply with the maximum gross floor area stated in each of the R1, R2, R3, R4, R5 and R9 Districts. The 150% standard is considered to represent a realistic indication of a large lot in Burnaby, as it relates to the other residential properties in the surrounding neighbourhood, through the standards applied in the Zoning Bylaw. The utilization of the 150% standard will assist in avoiding development that would detrimentally alter the character of the housing stock in Burnaby, in terms of both the generally accepted scale of residential development and the opportunity to meet the housing needs of a wide range of socio-economic sectors in the housing market.

4.2

A primary concern expressed during the public input aspect of the process involving the amending of the Zoning Bylaw to implement the bulk housing regulations, was related to the effect of any housing regulations which permit a specific gross total floor area, solely based on lot size, with no recognition of lot width. This concern was expressed, for example, by residents of the Elwell Street area in which there are many lots that are in the 962.7 m^2 (10,362.8 sq.ft.) range in area, but only 15.24 m (50 ft.) in width.

Staff agrees that the public concern about lots with a proportionately smaller width and frontage relative to the lot area is a valid concern and would propose that the development of larger single-family dwellings on these types of lots should be regulated through an adequate minimum lot width. In this regard, this Department is further recommending that a figure based on 150% of the minimum lot width of the respective zoning districts also be utilized in combination with the 150% minimum lot area to determine the eligibility of lots in the single and two-family Districts.

Through the utilization of these criteria, single-family dwellings with a greater total gross floor area could be constructed on larger lots in Burnaby in a manner which will control significant impacts on the neighbouring properties. The utilization of both a minimum lot width and lot area requirement is considered essential to maintain the accepted scale of residential development in Burnaby and the amount of separation and open space surrounding such dwellings. The introduction of a minimum lot width requirement would also make possible the introduction of an increased sideyard setback condition which would help to ensure successful integration of a larger dwelling into its setting on a larger lot.

Under the 150% minimum lot area and width criterion, 1,541 properties, or approximately 5% of the single and two-family residentially-zoned properties would be eligible for rezoning to the respective R"a" zoning designation. This approach is also considered to appropriately address the concern regarding the number of "a" rezoning applications in new subdivisions and their potential to redefine the intended dwelling scale and character of the new subdivision.

The proposed 150% minimum lot area and width requirement would be expressed in the text of the Zoning Bylaw in the form of absolute minimum figures corresponding to each of the respective Districts.

ITEM	20
MANAGER'S REPORT NO.	36
COUNCIL MEETING	88/05/16

4.3 The implementation of a 150% lot area and width requirement is not, however, considered by itself to be adequate to ensure that the residential lots which meet these requirements will be developed in a manner that will not detrimentally impact the surrounding neighbourhood. This Department would recommend that those property owners who own lots that will be eligible for a greater density of development under the proposed criteria and wish to develop utilizing this greater density, continue to be required to rezone the property to the respective R1a, R2a, R3a, R4a, R5a and R9a zoning District. This measure is intended to assure that any discretion that is sought or required is exercised within the legitimate constraints of a zoning process, including a vehicle for soliciting public input through a Public Hearing.

176

Unless otherwise directed by Council, staff will pursue the preparation of a report on urban design guidelines for the development of larger single and two-family dwelling lots. This report will define the siting and design objectives of development on large residential lots in Burnaby, and how such objectives can be achieved. This report would be submitted to Council for consideration prior to the proposed Zoning Bylaw text amendment receiving Final Adoption.

5.0 CONCLUSIONS

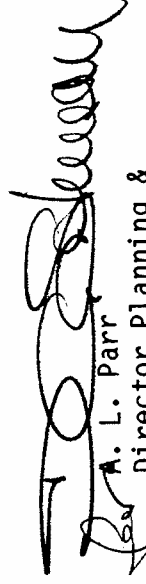
Staff's review of the issues and concerns that have arisen in connection with the implementation of "a" designations to permit larger dwellings on larger lots, taken in the context of the initial intent following the review of the bulk standards, has led to the recommendations contained in this report.

Essentially, it is recommended that the mechanism for entertaining proposals to develop increased floor area on larger lots, up to a maximum of 0.6 FAR, continue to involve rezoning to the "a" designation, but that the qualifications for properties be amended to reflect the intent concerning larger lots by requiring a minimum lot area and lot width equal to 150% of the minimum lot area and width standards for the respective R District category in each case.

Staff intend to submit a further report proposing a set of urban design guidelines to be established for the purpose of defining appropriate urban design objectives, indicating how they can be achieved, and providing a basis for assessing proposals.

In order to deal with current applications for "a" zoning in an appropriate way, it is recommended that new applications that are as yet unreported, together with applications that have not yet achieved Second Reading (14 applications), be held in abeyance pending Council's consideration and decision on these matters.

By these means, it is considered that a more realistic standard for eligibility for large lot consideration will be put in place, with a reasonable process for ensuring that neighbourhood compatibility is achieved where increased development density is proposed on larger lots.


Robert A. L. Parr
Director Planning &
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cc: Chief Building Inspector
Municipal Solicitor