

ITEM 1
MANAGER'S REPORT NO. 32
COUNCIL MEETING 89/05/01

RE: SMALL LOT DEVELOPMENT PROPOSAL: THE PUBLIC REVIEW PROCESS AND THE NEXT STEPS
ACTING MUNICIPAL MANAGER'S RECOMMENDATION:

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

* * * * *

TO: ACTING MUNICIPAL MANAGER 1989 APRIL 26
FROM: DIRECTOR PLANNING & BUILDING INSPECTION OUR FILE: 16.200
SUBJECT: SMALL LOT DEVELOPMENT PROPOSAL: THE PUBLIC REVIEW PROCESS AND THE NEXT STEPS
PURPOSE: To summarize the results of the small lot development public review process and to recommend the next steps.

=====

RECOMMENDATION:

1. THAT a bylaw be prepared to amend the regulations of the R4 and R5 District to allow small lot development when the block front has an existing small lot character, as described in Section 5.1 of this report.
2. THAT guidelines be prepared for inclusion into the R9 District so that regulations are appropriate for small lot development in comprehensive new development and redeveloping areas that have a minimum area of 2 acres (0.8 ha).
3. THAT the single family development lot regulations contained in the R4 District be reviewed to determine the advisability of reducing the minimum lot area requirement to 560 m² (6,027.99 sq. ft.) and a minimum lot width requirement to 15.0 m (49.21 ft.)
4. THAT a review of the bulk regulations affecting the size, shape and bulk of single family residential buildings be initiated.

ITEM	1
MANAGER'S REPORT NO.	32
COUNCIL MEETING	89/05/01

REPORT

SUMMARY:

This report summarizes the results of the small lot development public review process and recommends a further course of action.

In general, the response to the proposal was positive, with most people in agreement with the objectives of the proposal. The most frequently cited areas of concern related to the restriction of eligible areas to one side of the street and perceived excessive size of new residential buildings. Some people were opposed to the proposal, and preferred the flexibility inherent in the R9 spot zoning approach.

The report recommends that a bylaw to amend the text of the Zoning Bylaw reflecting the proposal be prepared and forwarded to Council for consideration. This bylaw would amend the R4 and R5 Districts to allow the subdivision of small lots when 30% of the existing lots in a block front have a width of 45 feet (13.72 m) or less. The new small lots would have a minimum width of 30 feet (9.14 m), and a minimum area of 3600 sq. ft. (334.44 m²) in the R5 District; and a minimum width of 36 feet (10.97 m) and a minimum area of 4300 sq. ft. (399.47 m²) in the R4 District.

In addition, it recommends that staff be directed to review the minimum lot requirements for single family development in the R4 District, to address the concern that these requirements are inappropriate in today's circumstances. Also, it is recommended that staff be directed to undertake a comprehensive review of the part of the Zoning Bylaw that affects size, shape and bulk of residential buildings. The report notes that the R9 District is proposed to be retained to permit small lot development in comprehensively developed new areas, or redeveloping areas having a minimum area of 2 acres (0.8 ha).

1.0 INTRODUCTION

At its meeting of 1988 October 5, Council considered a report which presented an alternative approach that would allow small lot development in existing residential areas. The philosophy of the approach presented was that small lot development would be allowed in areas with an established small lot character. It was proposed that the Zoning Bylaw be amended to allow small lot development in R4 and R5 Districts only when at least 30% of existing lots in a block front have a width of 40 feet (12.19 m) or less. At that meeting, Council authorized staff to undertake a public review program regarding the small lot development proposal.

The purpose of this report is to summarize the results of the small lot development review process and make a recommendation regarding the next steps.

2.0 THE PUBLIC REVIEW PROCESS

A leaflet outlining the proposal and the public review program was sent to every household and business in Burnaby in mid January. Advertisements were placed in the "Burnaby Now" newspaper regarding the proposal. Open Houses, which included presentations and question periods were held in early February at Gilmore Community School, Burnaby Central Secondary School, Nelson Elementary and Second Street Community School. Approximately 312 people attended the Open Houses. A Special Council Meeting for delegations was held on February 16, where 17 people made presentations directly to Council. In addition, staff met with 6 individuals and a group of 25 realtors who were interested in the proposal.

Staff also invited written comments. Approximately 135 comment sheets distributed at public open houses were returned, and an additional 63 letters were received.

ITEM	1
MANAGER'S REPORT NO.	32
COUNCIL MEETING	89/05/01

3.0 THE RESULTS OF THE PUBLIC REVIEW PROCESS

In general, the response to the proposal was positive. Of the 198 written comments received, about 44% stated that the proposal is just about right, 28% stated that the proposal is too restrictive, 17% stated that the proposal is not restrictive enough and 11% commented on other matters. Since people are more likely to react against a proposal than to offer support, the extent of the positive response was notable.

A fuller description of the comments made in writing and at the public meetings is included in Attachment 1.

4.0 RESPONSE TO MAJOR ISSUES RAISED

The following discussion outlines the major issues raised and gives staff's responses.

4.1 Philosophy and Underlying Objectives

Comments:

Many of those who were not supportive of the proposal disagreed with the philosophy and underlying objectives of the proposed approach. These concerns related to the lack of flexibility of the proposed formula in dealing with special cases and disagreement with the restriction on the creation of small lots. Many of those who disagreed with the proposal preferred the R9 approach or felt that all lots with two family development potential should be allowed to subdivide.

Some opponents of the proposal noted that the proposed approach limits the number of small lots created thereby potentially reducing the supply of lots available in the municipality and consequently increasing land costs. Some felt that restricting small lot subdivision would in fact limit the production of affordable housing.

Response:

From the outset it was decided that the most important objectives of the proposed approach to small lot subdivision were as follows:

1. To improve the general knowledge and certainty of where small lot development can and cannot occur.
2. To ensure a satisfactory level of neighborhood protection.
3. To limit and restrict small lot development to those areas having a like character.
4. To ensure a reasonable opportunity for small lot development.
5. To reduce the complexity of the small lot development process.

By accepting the objectives of certainty and neighbourhood protection, the ability to be flexible or react to special cases diminishes. In essence, certainty and flexibility are contradictory; if flexibility is increased, then certainty suffers.

The original objectives were reflective of Council's desires and in the view of staff, are still appropriate. The majority of comments received during the review process also support the objective of creating greater certainty.

It is acknowledged that the proposed approach does limit (but not prohibit) the creation of small lots as only about 500 lots would qualify for subdivision, resulting in about 1000 new lots. Given that only about 600 lots have been created through R9 zoning since its inception, it is evident that the proposed approach will create enough lots to meet requirements for years to come. The intent of the approach was to balance the opportunity to create small lots while still protect the character and stability of existing neighbourhoods.

Lots created under the R9 District account for less than 2% of the total stock of about 31,000 single and two family lots. Therefore they do not constitute a large enough portion of the stock of lots to affect land costs.

With reference to the effect of the proposal on the creation of affordable housing, staff are of the opinion that small lots, usually developed with new single family housing, tend to be out of the range that is considered affordable. The Municipality's efforts to promote the development of affordable housing are concentrated elsewhere, for example, the designation of sites for co-operative housing.

Some people commented that they liked the flexibility of R9 zoning to subdivide larger than average lots. A common example was the case of 100 foot (30.48 m) wide lots in the R4 District that are not able to subdivide since the minimum lot width for a single family dwelling is 60.70 feet (18.5 m), and the minimum area is 7212.06 square feet (670 m²) per lot. Staff sensed that many feel that in today's circumstances a minimum width of 60 feet for single family lots is excessive. A review of lot width in the R4 District found that about 30% of the lots have a width less than 60.70 feet (18.5 m). It is recommended that Council authorize staff to initiate a review to determine the advisability of altering the minimum lot dimensions for the R4 District to those consistent with the R5 District.

4.2 Concerns Related to Formula

Many of the concerns related to details in the proposed formula that identifies eligible block fronts.

- i. Definition of 'Small Lot'

Comments:

There was little discussion about existing lots with a width of 40 feet (12.19 m) or less being considered 'small' for the purposes of determining eligibility. However, residents in the 4200-4400 block Graveley wished to have the minimum width raised to 45 feet (13.72 m) so that their block would be eligible.

Response:

In the 4200-4400 Graveley Street small World War II era two family dwellings have been gradually replaced by single family dwellings through R9 zoning. According to both written and verbal comments, there appears to be a consensus among people in the neighbourhood that this change is beneficial. Due to the unusual shape of the lots, typically 90 feet (27.43 m) wide X 91 feet (27.74 m) long, the lots do not meet the criteria for subdivision under the proposed approach since the small lots are 45 feet (13.72 m) wide and are therefore not considered 'small'. Currently, about 43% of the lots in this area have a width of 45 feet (13.72 m).

Staff have reviewed that impact of changing the definition of small lot for the purposes of defining eligibility to 45 feet (13.72 m), and have found that the impact is small with only about 10 more block fronts qualifying within the municipality. Further subdivision of lots within these blocks would be appropriate, and would meet the objectives of the study. Therefore it is suggested that this change be included in the amendment to the Zoning Bylaw.

- ii. Use of '30%' as the Percentage of Lots that must be Small

Comments:

In general, those who wanted a more restrictive approach favoured raising the percentage figure to over 50%, so that the majority of lots are already small. Those who wanted a less restrictive approach favoured a lower percentage figure.

Response:

The 30% figure represents, in staff's view, the best balance between limiting development and providing some opportunities for small lot development. At this percentage, about 500 lots would qualify for subdivision. If the percentage was raised to 50%, only about 200 lots would qualify. If the percentage was lowered to 25%, about 600 lots would qualify for small lot subdivision.

- iii. Minimum Lot Width and Area for New Lots

Comments:

There were few comments regarding the requirements for the size of new small lots. There was some concern that the minimum lot width of 30 feet (9.14 m) and minimum lot area of 3600 square feet (334.44 m²) for the R5 District would create new lots that are too small.

Response:

The proposed size of new lots under the proposal are the same as for those lots developed under R9 zoning. These minimum lot areas and widths correspond to half the requirements for two family development in each zoning District, thereby giving opportunity for subdivision where conditions are appropriate. Very few problems have been experienced with these minimum lot dimensions and no changes are suggested.

- iv. Consideration of One Side of the Block

Comments:

Of those dissenting with the proposal, many were of the opinion that the formula should consider both sides of the block, so that situations where small lots are permitted on one side of the block and not on the other side does not occur. It was felt that the character of a block was affected by both sides of the street, and that a resident on one side of a block was directly affected, in terms of view, by what happens on the other side of the block.

ITEM 1
MANAGER'S REPORT NO. 32
COUNCIL MEETING 89/05/01

Response:

One side of the block between intersecting streets was chosen for the following reasons:

- it is relatively easy to understand and visualize. Knowledge of future development is enhanced when residents can understand the impact of the proposed change on their neighbourhood.
- it recognizes that streets provide a logical separation for different densities, forms of housing or land use.
- since block fronts are relatively small units, a diversity of neighborhood types will be maintained in all areas.

Various methods of including both sides of the block have been investigated. Staff looked at an approach where if one side of a block qualified, the other side would automatically qualify, as long as both sides were in the same zoning District. The major problem encountered is the difficulty in treating block fronts of differing lengths (e.g. Imperial). Also, those in blocks where both sides have slightly less than the required 30% of small lots may feel unfairly treated if potentially a block with 30% of small lots on one side with and no small lots on the other side was eligible for subdivision.

There is concern that if development is allowed to jump across streets, then areas that have not previously experienced small lot development would be impacted. This would be inconsistent with the principle of allowing small lots where they already exist. For example, if development jumps to block fronts with no existing small lot character because they are located across the street from an eligible block front, then properties that back on to the now-eligible block would be impacted from the new small lot development in terms of possible view obstruction and loss of enjoyment of rear garden area.

In addition, if development is permitted to jump across streets, it is possible to argue that it should jump across rear property boundaries or back lanes since the impact of small lots on such properties is greater. This would reduce the factor of certainty and potentially allow small lot development to spread.

4.3 Special Cases

Comments:

Some remarked on the need to have a method that would consider special cases where it was felt subdivision was warranted, but the lot was not in an eligible block front. Most of the cases involved lots with two family development potential that are located in otherwise standard single family areas, or are located a few blocks from an eligible block front.

Response:

Any method that permits consideration of special cases would be contrary to Council's desire to ensure certainty since the decision to allow subdivision would be made on a case-by-case basis without the benefit of specified guidelines. In essence, a system that considered exceptions would be very similar to the R9 zoning approach.

ITEM	1
MANAGER'S REPORT NO.	32
COUNCIL MEETING	89/05/01

4.4 Request for Area Designation

Comment:

Residents in one area in particular requested that they receive special consideration. The area is bounded by Norfolk to the north, Manor Street to the south, Douglas Road to the east, and Westminster Avenue to the west, as well as the area bounded by Spratt Street to the north, Fulwell Street to the south, Douglas Road to the west, and to the east. This area has experienced a significant amount of small lot development under R9 zoning, and large portion of this area qualifies for small lot development under the proposal.

However, part of the area located between Royal Oak Ave. and Westminster Ave., has just begun to experience development and does not qualify. Many residents feel that their neighbourhood has been greatly affected by the beginnings of speculative small lot development which has led to absentee ownership, lowered levels of maintenance, and difficulty in achieving local improvement initiatives. This opinion was not shared by all residents since some residents who live on Norfolk Street did not want further small lot development.

Response:

The area rezoning approach was found to be not appropriate since much small lot development has been scattered throughout the municipality rather than in easily defined areas. An area designation approach would exclude many cases where small lot development would be appropriate, for example, in a discrete block where one or two lots are left to be subdivided. Such an approach would be difficult to put into place and be accepted.

It is realized that when any approach is chosen, there will always be those that feel negatively affected. In this case, a neighbourhood where small lot development was just starting to occur, due in part to an aging housing stock, will have such development halted by the new proposal. It is possible that this area may be a candidate for comprehensive redevelopment discussed later in this report.

4.5 Comments Related to Bulk Regulations

Comments:

There was a perception that new houses are too large in terms of bulk and height, particularly on small lots. Often, however, these comments were made in reference to housing built on any size lot. Comments were received regarding the impact of new houses on existing views, especially in the Capitol Hill and the South Slope areas. Some people felt that a minimum 4 foot (1.22 m) side yard was excessive on a 30 foot wide (9.14 m) lot since the house would be squeezed creating a longer building.

Response:

It is evident that when new housing is constructed in a neighbourhood characterized by older housing of a modest scale, the new housing appears out of character. This problem was addressed in the changes to bulk regulations in the Zoning Bylaw that were adopted in May 1987, which stopped the worse examples of over-building. Now that the new regulations have been in effect for two years, staff are of the opinion that it would be prudent to undertake a review of the impact of the new regulations.

ITEM	1
MANAGER'S REPORT NO.	32
COUNCIL MEETING	89/05/01

In terms of side yards, when a residential building is constructed to the maximum F.A.R. of 0.6, it was found that a 4 foot (1.22 m) side yard on a 30 foot (9.14 m) lot could result in buildings that are about 5 feet longer (1.52 m) than if 3 foot (0.91 m) side yards were required. The advantages of 4 foot (1.22 m) side yards are increased separation between houses resulting in less chance of run-off going into neighbouring yards and the ability to put window openings on side walls. Considering these advantages, it is not necessary to change to the proposed minimum side yard of 4 feet (1.22 m).

In a separate study, staff are currently reviewing the issue of view protection in existing residential areas.

5.0 THE NEXT STEPS

5.1 The Amendment to the Zoning Bylaw

It is now appropriate to prepare a bylaw that will amend the Zoning Bylaw that would incorporate the proposed changes. This bylaw will go through the normal approval process, including a public hearing. The only immediate change to the proposal that is recommended is increasing the width of lots that are considered small for determining eligibility from 40 feet (12.19 m) to 45 feet (13.72 m). In summary, the Zoning Bylaw will amend the text of the R4 and R5 Districts to permit the subdivision of small lots when 30% of the existing lots in a block front have a minimum width of 45 feet (13.72 m) or less. The new small lots will have a minimum width of 30 feet (9.14 m) and a minimum area of 3600 sq. ft. (334.44 m²) in the R5 District, and a minimum width of 36 feet (10.97 m) and a minimum area of 4300 sq. ft. (399.47 m²) in the R4 District.

5.2 Small Lot Development in New Areas or Redeveloping Areas

The proposed approach to small lot development deals with small lot subdivision in existing neighbourhoods. It does not address the issue of small lot development in new or redeveloping comprehensively developed areas.

The influences that affect comprehensive small lot development in new areas, such as the Cariboo Heights development, are obviously much different than those affecting infill development. Preservation of existing character and ensuring compatibility with older development are not major issues. Provision is usually made for appropriate streetscape treatment, since the new areas are comprehensively planned.

Similarly, comprehensive subdivision of redeveloping areas, (for example, an area characterized by large lot single family development that is undergoing significant development pressures) requires different criteria for development than typical infill development. A comprehensive guide plan, comparable to a Community Plan, can deal with issues such as subdivision design and street treatment. Relationship between new housing and old housing is much less important since it is assumed that the entire area will undergo redevelopment.

In this case, a minimum site area for redevelopment of say, 2 acres (0.8 ha), would be required to ensure that the plan is comprehensive and to ensure that the zone is not used for small lot infill.

It is proposed that the R9 District be retained for the development of comprehensive areas. Guidelines would need to be inserted into the zone to ensure that the new development is appropriate to its surroundings and to give criteria for the rezoning consideration process.

ITEM	1
MANAGER'S REPORT NO.	32
COUNCIL MEETING	89/05/01

5.3 Bulk Regulations

As discussed previously, it is recommended that staff be directed to review the regulations contained in the Zoning Bylaw approved approximately two years ago that deal with residential building bulk, shape and size to determine the feasibility and advisability of amending the bulk regulations for small and regular lot development.

5.4 Single Family Development in R4 Districts

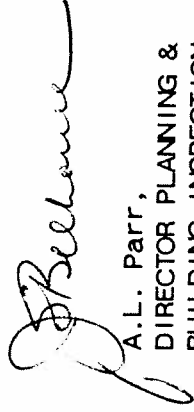
Given the removal of the ability to use R9 zoning to deal with larger than average lots in the R4 District, staff suggest that it would be appropriate to commence a review of the single family development requirements in the R4 District to examine the advisability and feasibility of making the minimum lot requirements consistent with those in the R5 District.

6.0 CONCLUSION

Generally, staff received a positive response to the small lot development proposal. Responses received generally support the objectives of ensuring certainty and preserving neighbourhood protection while allowing some opportunity for small lot development. Staff recommend that a bylaw to amend the text of the Zoning Bylaw reflecting the proposal and the change mentioned above be prepared and forwarded to Council for consideration. Staff also recommend that guidelines be prepared for inclusion into the R9 District so that regulations are appropriate for small lot development in new and redeveloping areas with a minimum area of 2 acres (0.8 ha). In addition it is recommended that the bulk regulations affecting residential buildings in single family residential areas be reviewed, and the lot area requirements for single family development in the R4 District be examined.


BG/jp

Attachments


A.L. Parr,
DIRECTOR PLANNING &
BUILDING INSPECTION

ATTACHMENT 1

ITEM 1
MANAGER'S REPORT NO. 32
COUNCIL MEETING 89/05/01

THE PUBLIC REVIEW PROCESS: A SUMMARY

1.0 The Open Houses

Four Open Houses were held in early February. The format of the Open House was a presentation followed by a question and answer session. Those in attendance were encouraged to submit a comment sheet with their comments. The following discussion highlights the most commonly mentioned issues at each of the Open Houses. 110

1.1 Gilmore Community School:

Many concerns raised at Gilmore School were related to the perceived excessive building bulk of newly developed houses, and resulting impacts on views (especially Capitol Hill), character of neighbourhood, relationship to other houses, and lack of landscaping. In many cases, these concerns were not isolated to houses built on small lots, but applied to all new residential development in existing single family areas.

Considering the proposal, speakers were equally distributed between those who supported the proposal, those who wanted a more restrictive approach and those who wanted a less restrictive approach. Specific concerns about the proposal that were mentioned included the inclusion of only one side of the block in determining eligible blocks, and that the percentage of lots with widths of 40 feet or less that would define small lot was not high enough.

1.2 Burnaby Central Secondary School:

Like Gilmore School, speakers spoke both in support of and against the proposal. There was no consensus among speakers whether small lots contribute to affordable housing.

Some speakers felt that the limitation to block fronts and the 30% factor were too restrictive. Others felt that whole areas should be designated (such as the Manor/Norfolk/Douglas/Westminster and Woodsworth/Hardwick/Godwin areas). One speaker voiced his concern that the development of two family accommodation was impeded by overly restrictive bulk regulations.

1.3 Nelson Elementary School

Once again, speakers spoke both in support of and against the proposal. There was concern about the perceived excessive size of newly constructed houses, and with problems of parking, illegal occupancy associated with small lots.

With regards to the proposal, some speakers felt that both sides of the block should be considered in the definition of 'block', while some others supported an area rezoning approach (same area as mentioned at Burnaby Central).

1.4 Second Street Community School

Many questions at Second Street related to zoning regulations in general. There was concern about house size on small lots and the effect of having 4 foot side yards on narrow lots which could 'squeeze' houses and result in long, narrow houses. There was some discussion about the need for affordable housing in Burnaby.

ITEM	1
MANAGER'S REPORT NO.	32
COUNCIL MEETING	89/05/01

2.0 THE SPECIAL COUNCIL MEETING

Seventeen people addressed Council at the Special Council Meeting that was held on 1989 February 16. Eight speakers preferred the spot zoning approach to small lot development so that the greatest flexibility could be maintained. Four speakers liked the approach but wanted both sides of the street to be considered in determining small lot character.

Two speakers supported the proposal and made reference to the goal of ensuring certainty and protecting the stability of existing neighbourhoods. One speaker did not like small lots, and felt that new houses (on any sized lot) were too large. One speaker wished to have a more site specific approach that considered R3 Districts.

One speaker, representing the Real Estate Board of Greater Vancouver, stated that all R4 and R5 lots should be eligible to subdivide, and that restricting small lots would constrict supply and raise housing prices. The speaker felt that houses on small lots would become more acceptable if family suites were not permitted and illegal suites were closed.

3.0 WRITTEN RESPONSES.

Written responses were received from two main sources; comment sheets distributed at the Public Open Houses, and letters submitted to the Planning Department. In total, 198 written responses were received. The following is a summary of the comments:

Comment Sheets:

The proposal is too restrictive	43
The proposal is not restrictive enough	26
The proposal is about right	55
Other	11
Total	135

Letters:

The proposal is too restrictive	13
The proposal is not restrictive enough	8
The proposal is about right	31
Other	11
Total	63

The most common comment received was support of the proposal and agreement with the objectives of certainty and neighbourhood stability.

Those that felt the proposal is too restrictive made the following comments:

- Consider both sides of the block in determining small lot character and subdivision eligibility.
- Allow two family lots to be subdivided.
- Allow lots in area of existing lots to be subdivided.

- Small lots will help with current housing shortage.
- Concern that existing two family building regulations are too onerous.
- Prefer flexibility of R9 zoning.
- Count two family lots as small lots in formula.
- Lower percentage to 25% of block front.
- Consider the Manor/Norfolk/Westminster/Sprott/Hardwick area as a special case.
- Consider Graveley, west of Willingdon as a special case.

112

Those who felt the proposal was not restrictive enough made the following comments:

- Concern about the height/bulk/size of new buildings.
- Increase percentage of small lots needed to 50 or 60%.
- Minimum lot width should be 36 feet.
- Do not want any small lots in Norfolk area.

Those who felt the proposal was about right offered the following comments:

- Concern about impact of new houses on views in Capitol Hill and South Slope.
- Consider both sides of street.
- Concern about house size and bulk.
- Concern about the lack of landscaped area with new lots.

Some people had no opinions with respect to small lot development, but made the following comments:

- Concern about the size/bulk of new houses that are being constructed.
- Concern about loss of views from new buildings in Capitol Hill and South Slope.
- Wanted consideration of small lot development expanded to include R3 neighbourhoods.
- Wanted a review of the minimum lot width of 60 feet for single family dwellings in the R4 District. This standard is excessive.