

CITY OF BURNABY

COMMUNITY PLANNING & HOUSING COMMITTEE

*HIS WORSHIP, THE MAYOR
AND COUNCILLORS*

**RE: PROCEDURE FOR REVIEWING CITIZEN INITIATED AREA REZONING
PROCESSES IN SINGLE AND TWO FAMILY AREAS**

RECOMMENDATIONS:

1. **THAT** Council concur with the revised guidelines outlined in this report when undertaking a consultation and evaluation process associated with citizen initiated area rezoning proposals that would allow small lot single and two family development in existing neighbourhoods.
2. **THAT** Council authorize staff to review the advisability of creating a zoning district, likely a subset to the R12 District, that would permit single family development but not two-family development on small lots, and report its findings for the consideration of the Committee and Council.
3. **THAT** Council authorize staff to develop an approach for allowing the development of medium density infill housing in identified areas located between Town Centre or Apartment areas and single and two family neighbourhoods, and report its findings, including a recommended process to amend community plans, for the consideration of the Community Planning and Housing Committee and Council.

REPORT

The Community Planning and Housing Committee, at its Open meeting held on 2002 January 22, received and adopted the *attached* report providing revised guidelines to direct the public consultation process for area rezoning processes in single and two family dwelling areas. The Committee advised that the revised guidelines arise from experience with the implementation of the area rezoning process in various neighbourhoods and provide greater clarity regarding a variety of circumstances that have occurred with aspects of the process. With these guidelines, Council, residents, the Community Planning and Housing Committee and staff will have a greater sense of confidence regarding the feedback process, how boundaries will be defined and how majority opinion will be determined.

<p>: COPY - CITY MANAGER - DIRECTOR ENGINEERING - DIR. PLNG. & BLDG. - CHIEF BUILDING INSPECTOR - CITY SOLICITOR</p>
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In addition, the Committee recommended that in order to create a response to those neighbourhoods that desire small lot single family subdivision without the option of two-family development, that staff be directed to prepare a report on the advisability of creating a zoning district, similar in application to the R12, that would permit single family development, but not two-family development on small lots. Finally, the Committee recommended that staff be directed to develop a potential approach for allowing the development of medium density infill housing in identified areas located between Town Centre or Apartment areas and single and two family neighbourhoods.

Respectfully submitted,

Councillor C. Redman
Chair

Councillor G. Begin
Member

Councillor D. Johnston
Member

TO: CHAIR AND MEMBERS 2002 JANUARY 18
COMMUNITY PLANNING AND HOUSING COMMITTEE

FROM: DIRECTOR PLANNING AND BUILDING OUR FILE: 16.400

SUBJECT: PROCEDURE FOR REVIEWING CITIZEN INITIATED AREA REZONING
PROCESSES IN SINGLE AND TWO FAMILY AREAS

PURPOSE: To clarify guidelines that direct the public consultation process for area rezoning processes in single and two family areas.

RECOMMENDATIONS:

1. **THAT** Council be requested to concur with the revised guidelines outlined in this report when undertaking a consultation and evaluation process associated with citizen initiated area rezoning proposals that would allow small lot single and two family development in existing neighbourhoods.
2. **THAT** the Community Planning and Housing Committee direct staff to review the advisability of creating a zoning district, likely a subset to the R12 District, that would permit single family development but not two-family development on small lots, and report its findings for the consideration of the Committee and Council.
3. **THAT** the Community Planning and Housing Committee direct staff to develop an approach for allowing the development of medium density infill housing in identified areas located between Town Centre or Apartment areas and single and two family neighbourhoods, and report its findings, including a recommended process to amend community plans, for the consideration of the Community Planning and Housing Committee and Council.

REPORT

1.0 BACKGROUND

A review process to evaluate area rezoning requests was outlined in a report from the Director Planning and Building in May 1995. This was intended to address area rezoning requests that would:

- protect single family neighbourhoods from larger houses (eg. R10 and R11 Districts);

- introduce a potential for small lot development (eg. R12 District, or R4 to R5 District);
- allow consideration of shifts in zoning boundaries where existing development was inconsistent with existing zoning (for example, R2 to R5 where existing lots are small).

Seven years of experience related to these processes has demonstrated that it would be helpful to develop more clearly articulated guidelines that better define the public consultation process and the criteria by which the result of the process would be evaluated. Through this, an improved process will be created that provides greater clarity to the residents, as well as to the Community Planning and Housing Committee Planning when deciding upon appropriate courses of action for citizen-initiated area rezoning processes. This report seeks to clarify guidelines that direct the public consultation process for area rezoning processes in single and two family areas.

2.0 RATIONALE FOR THE REVISED GUIDELINES

This report describes the typical process for obtaining the views of the residents and property owners on proposed area rezoning processes in single and two family areas that would introduce new opportunities for small lot development and outlines some the concerns with the current process. Revised guidelines are proposed for undertaking the public consultation process and interpreting the results that will:

- provide greater clarity and understanding of the area rezoning process for residents and property owners. In the absence of written guidelines adopted by City Council, many proponents are unsure of what is required of them in putting forward a proposal for area rezoning, or the basis of the evaluation of the request by the Committee and Council. The guidelines will also assist proponents, at the outset, to understand the nature and scope of the consultation process that is required;
- provide greater clarity to City Council in evaluating both the proposals for area rezoning and the outcomes of area rezoning consultation processes.

3.0 CITIZEN - INITIATED AREA REZONING PROCESS THAT PROMOTE SMALL LOT DEVELOPMENT

The following provides a summary of citizen-initiated area rezoning processes that have been pursued to permit small lot single and two family development in existing neighbourhoods.

The following citizen-initiated area rezoning processes have been successfully completed:

- Norfolk/Manor Street neighbourhood - R4/R5/R9 to R12
- Holly Street and Vista Crescent - R5/R9 to R12

- 6900-7000 blocks of Dunblane Avenue- R5/R9 to R12
- 4200-4300 blocks Boundary Road - 3700 block Spruce Street - R4 to R5
- Hardwick Street/Woodsworth Street -R5/R9 to R12
- 4100 block of Pandora - R5 to R12
- 4300 block of Albert Street - R5 to R12
- 4700 block of Cambridge Street - R2 to R5
- 7400-7500 blocks of 19th Avenue - R5/R9 to R12

The following proposals are currently in the consultation process:

- 8800-8900 blocks Monroe Avenue R2/R9 to R4
- 8900 block of 15th Avenue - R2 to R9

The following proposals were not successful due to lack of demonstrated support through the public consultation phase or the Public Hearing:

- Clinton Street/Neville Street - R5/R9 to R12
- Pioneer Avenue/Sussex Avenue - R5/R9 to R12
- Holdom Avenue/Ellesmere Avenue/Frances Street - R5/R9 to R12
- 200 block Ellesmere/Howard Avenue - R2/R9 to R4
- 8800-8900 blocks Armstrong/Monroe/ 15th Avenue - R2/R9 to R5
- West side of Capitol Hill - R5/R9 to R12

The following proposals have had petitions submitted indicating interest in pursuing an area rezoning and have been held in abeyance pending the outcome of other planning processes:

- 5000-5100 block of Irmin/Watling Street - R5/R9 to R12
- Rumble/Irmin Street/MacPherson Ave to Gilley Ave - R5/R9 to R12
- 6500 block of 12th Avenue - R5/R9 to R12

4.0 THE CURRENT PROCESS

Residents in a neighbourhood indicate interest in pursuing a rezoning to introduce new opportunities for small lot single and two family development (typically the R12 District but can also happen through rezoning to R4 or R5 Districts) through the submission of a petition to Council, the Community Planning and Housing Committee or the Planning Department. A report reviewing the feasibility and desirability of the request is prepared for the Community Planning and Housing Committee based on the following criteria:

- housing character of the area (e.g. size of existing lots, age of houses, pace of redevelopment);
- appropriateness of the area boundaries (e.g. number of properties, land uses and character of adjacent areas);

- proposed area rezoning to the new District in the context of the City's overall residential growth management strategy and future residential growth objectives; and;
- the priority to be assigned to initiating an area rezoning consultation process in the context of other rezoning process that are underway and other work priorities within the Planning & Building Department.

If the Committee and Council agree that the area rezoning has merit following receipt of the staff report, then staff are authorized to proceed with the process to determine the level of support for the proposal in the neighbourhood.

Planning Department staff prepare a brochure that describes the proposed area rezoning. This brochure also includes a questionnaire to obtain feedback. The brochure and questionnaire are sent to all property owners and residents in the defined candidate rezoning area, using the property tax files to obtain ownership data and addresses. The brochure and questionnaire are also sent to those that own property, or live in the area immediately adjacent to the review area, so that those who may be affected by the proposed area rezoning are informed of the process and have the opportunity to comment.

A public meeting or an information session is held at a venue located near the subject area so that residents and property owners have the opportunity to talk to staff and obtain more information about the proposed area rezoning. This allows respondents to become better informed regarding the proposal prior to completion of the questionnaire.

About one week following the due date for the return of the questionnaire, staff mail a reminder notice to those that have not yet responded. If the response to the questionnaire is not definitive at this point or the response rate is not satisfactory, a third notice is sent to owners and residents.

If the number of responses submitted is not adequate to report to the Committee, a number of practises have occurred, including:

- staff phoning owners who have not responded;
- the proponents/opponents distributing additional questionnaires and submitting them to the Planning Department (although this is discouraged, staff verify with phone calls);
- staff attending the houses of those who have not responded to obtain a response; or
- more supplemental mailings.

Once staff is satisfied that a sufficient response, based on the returns, has been received or that a reasonable effort has been made to obtain feedback from the area, the results are analysed and a report prepared for the Community Planning and Housing Committee

recommending that the area rezoning be forwarded to a Public Hearing or that the rezoning not proceed due to lack of support. If the results of the input process are close or inconclusive, the Committee has, on occasion, requested that staff distribute another questionnaire, or contact property owners or residents by other means.

5.0 REVISED GUIDELINES

5.1 The Feedback Process

The City initiated area rezoning process was developed as a way that property owners and residents in a neighbourhood could request that an area be rezoned to permit small lot development. It is understood that the process to consider the area rezoning is to be initiated by the neighbourhood in order to proceed to a review process, and if successful, a formal rezoning. The questionnaire process is a method by which property owners and residents can quickly and simply express their opinions on the proposed area rezoning and for staff to determine the level of support.

Residents involved in some area rezoning processes have interpreted the questionnaire as a referendum process, and have gone to great effort in getting others to submit their response, or even change their response. Proponents have approached their neighbours directly in attempts to collect or redistribute questionnaires, or present new petitions. Generally speaking, there is a point where residents in a neighbourhood reach a saturation level concerning contact by questionnaires, phone calls or petitions. The proposed guidelines would better clarify that the purpose of the questionnaire is to obtain an indication of support or lack of support for the proposed area rezoning, and is not a referendum on the proposal.

In obtaining feedback from residents, staff assure respondents that the information collected is confidential and their individual responses will not be shared with others. As well, steps are taken so that the questionnaires are distributed by the City by mail or other means. In some instances, residents have requested that they distribute questionnaires or obtain feedback on behalf of the City. This has been strongly discouraged since it may influence the responses of residents and work against the principle of confidentiality.

Considering the variety of methods to obtain feedback that have been used in different processes, it is felt that a more consistent method be used to obtain the views of residents and property owners. To avoid the contact process from being protracted or an irritant to the residents, the following guidelines are recommended:

- i) a brochure describing the proposal and questionnaire would be distributed to all residents and property owners in the defined review area. The property tax files

would form the basis of the list. If necessary, a maximum of two follow-up reminder notices will be sent to those that did not respond, using the Criss-Cross Directory to confirm addresses;

- ii) a brochure and questionnaire would also be sent to property owners and residents in the defined consultation area located adjacent to the review area so that they are aware of the proposal;
- iii) the questionnaire would be distributed and collected by the Planning Department. The role of the questionnaire is to gauge whether or not there is support for the area rezoning proposal; it is not to be viewed as a formal voting procedure;
- iv) a public information meeting would be held to provide an opportunity for residents and property owners to learn more about the proposal and assist in the completion of the City's questionnaire;
- v) phone calls would be used in cases where language is an issue, staff have questions regarding a particular response, some unusual circumstance is present, or if a resident wishes to submit their response verbally. Generally, phone calls will not be used as a supplementary method to obtain a greater response rate; and
- vi) petitions by proponents or opponents of the area rezoning would not be incorporated within the evaluation of the responses from the feedback process. The questionnaire process needs to be sponsored and administered by the City once the area rezoning process has been initiated.

5.2 Timing of the Distribution of the Questionnaires

Members of the Community Planning and Housing Committee requested staff to review the timing of the distribution of the questionnaires. It was felt that distribution of the questionnaire following the public open house may improve the rate of response. In essence, each residence and property owner would receive two mailings; the brochure and information packet before the meeting, and the questionnaire following the meeting.

In reviewing the behaviour of questionnaire respondents relative to the open housing meeting, it is found that the majority of people who choose to respond to the questionnaire do so before the meeting, often immediately after receiving the brochure. Usually, a minority of residents and property owners attend the meetings to seek further information, with some of them submitting their questionnaires at the meeting. A further grouping of questionnaires is usually submitted just prior to the deadline for submission stated in the brochure.

Staff believe that the current system of questionnaire distribution works well. Separating the questionnaire form from the information brochure, would, in staff's view, result in greater confusion to recipients, who in the majority cases, wish to respond immediately. Receiving the brochure and meeting notice, then waiting for the questionnaire may prove to be inconvenient and result in a lower response rate. If property owners or residents inform staff that they had lost or misplaced a questionnaire form, a replacement is set to them.

5.3 Need for Clearer Definition of "Majority Opinion"

Through the public consultation and questionnaire process, staff has attempted to determine whether a "majority opinion" exists in the neighbourhood to support or not to support the rezoning. If it was determined that a majority opinion exists, then staff would recommend to the Community Planning and Housing Committee that the proposed rezoning proceed to the formal rezoning stage and be referred to a Public Hearing.

What constitutes "majority opinion" has not been formally defined in policy. Generally, the Committee has sought a favourable response from at least 50% of the owners of the properties in an area in order to proceed to a Public Hearing. This guideline was based on the practise adopted with the R10 process where it was felt by the Community Planning and Housing Committee that significant change to the development potential within an area (in this case involving a reduction in development density) should be supported by a clear majority of residents. The view of the Committee is that residents are aware of the existing zoning when they live or move into an area, and any change should not be forced upon them.

By the nature of the property ownership patterns in the neighbourhoods that may be appropriate for consideration of rezoning to permit small lot development (ie., R12, R4 or R5 District) staff has found that achieving the 50% benchmark has been problematic in some cases.

In some instances, some of the processes have involved reaching, through repeated contacts, the 50% support to reach majority opinion, although it has been clear that there is an obvious strong minority who do not support the proposal. In such cases, the proposal was forwarded to a Public Hearing, and arising from strong opposition by some residents and surrounding property owners, did not proceed beyond this point.

There have also been instances where the response rate has been lower, but a strong majority of those who responded has indicated support for the proposed area rezoning. For example, in some neighbourhoods, a strong majority of the owners

who responded to the questionnaire have supported the proposal, but the response rate has been weak in terms of the number of respondents. The low response rate appears to be related to the difficulty of making contact with owners due to absentee ownership, difficulty in verifying responses submitted by telephone and in some cases contacts met with hostility by those who felt that they simply did not care about the proposed rezoning and did not want to be bothered.

It is recommended that the definition of majority opinion be clarified through the establishment of the following guidelines. As an overriding principle, an area rezoning proposal to be forwarded to Public Hearing should meet the following basic quantitative criteria:

- i) in cases where at least 50% of all the properties (property owners/residents) in a defined area have indicated that they support an area rezoning; or
- ii) in cases where the response rate is less, at least 70% of those who responded support the area rezoning, and at least 50% of the properties have responded.

It is recognized that if either of the above criteria are met, then it will be generally recommended that a proposed area rezoning proceed to a Public Hearing, where further public opinion can be gauged by City Council. It is also acknowledged that the quantitative criteria may serve as the lowest threshold for forwarding an area rezoning to a Public Hearing. Qualitative factors such as intense opposition from a significant minority of the residents in an area may be a consideration in the Committee's decision whether or not to recommend that a proposal be forwarded to a Public Hearing.

5.4 The Definition of the Study Area and the Consultation Area

In defining the study area, staff have been careful to ensure that the boundaries chosen reflect a logical neighbourhood pattern and that all those properties that may have an interest in the area rezoning are included from the outset. This means that the tendency is to be inclusive in defining the study area, with consideration given to existing lot size and using major roads, landscape features and changes in land use as boundaries. In some instances, this has resulted in the study area boundary being expanded to include areas that may potentially not be interested in new opportunities for small lot development, although the development pattern may meet the original criteria for such development. This has been the source of some friction in the neighbourhood between supporters and opponents of the area rezoning. Since the area rezoning process (particularly the R12 District) was to be pursued only in those areas with demonstrated support, it is recommended that the guidelines state that the review area approximate as reasonably as possible, the original petition area.

Following a review of the input from residents, the study area is occasionally re-shaped to exclude small areas where there is no support for the rezoning and include those areas where there clearly is support. In cases where a substantial change in the study area boundaries is being considered, the new sub-area should be considered on its own merits. This may include, for example, re-canvassing the original study area to obtain their input on the proposed new area that is proposed for rezoning.

If an area rezoning process does not proceed due to lack of majority support either through the questionnaire process or through a Public Hearing, it is recommended that a new process not commence for at least a period of three years after the proposal is rejected. Only in instances where a substantially different proposal is being put forward (e.g. different zoning district) and/or a substantially different area is being proposed, should the rejected area rezoning be re-submitted for consideration.

Through the community plan development process (e.g. Edmonds Town Centre Plan) some single and two family areas of the City have been designated as being appropriate for consideration of an area rezoning to the R12 District. In these cases, property owners who wish to pursue the R12 area rezoning option can request the City to initiate a process through the submission of a petition for a sub-area that comprises at least a one block area.

The following will be considered when defining a study area and subsequent changes to the study area:

- i) After receipt of a petition for a request for an area rezoning to permit new opportunities for small lot development, staff will review the neighbourhood context taking into account the logical boundaries such as roads, natural features, zoning boundaries, anomaly lot sizes and existing land use patterns in defining an area for review. The study area should approximate as closely as reasonably possible the original area that was the subject of the petition.
- ii) Changes to the subject area made after the consultation process shall be minor in nature, keeping generally intact the original study area. Proposed major changes to an area should be considered on their own merits, which may include consulting the area that was the subject of the original area rezoning process.
- iii) Proposals that are rejected due to lack of support shall not be reconsidered for initiation for an area rezoning process for at least three years, unless a substantially new proposal is submitted.

- iv) In those cases where a community plan has identified a neighbourhood as a candidate R12 area, a petition may be submitted on a portion of that area in order to initiate the rezoning for that sub-area.

Residents and property owners in the area immediately adjacent to the study area (the consultation area) are notified of the proposed area rezoning and asked for comments. This informs those that are potentially impacted by a proposed area rezoning of the proposal and gives an opportunity for comment.

Experience with the area rezoning process has indicated that very few of those from the consultation area respond to the request for information, however, residents have requested greater consistency and clarity in determining the extent of the consultation area. Therefore, it is recommended that the following guideline be used to identify the consultation area:

- i) Residential properties located within 100 metres of an area that is the subject of an area rezoning process will be included in the consultation area, unless logical boundaries are more relevant.

The distance of 100 metres (328 feet) to define the consultation area is triple the distance required for Public Hearing notification. The distance of 100 metres equates to the combined distance comprised by a road right-of-way and at least two (depending on lot depth and width) rows of lots across a road. In cases where logical boundaries such as changes in land use, natural features or road patterns indicate a preferred geography, these boundaries should define the consultation area.

6.0 ADVISABILITY OF TWO FAMILY AND SINGLE FAMILY ONLY OPTIONS IN THE R12 DISTRICT

The area rezoning process that would lead to new opportunities for single and two family houses on small lots in existing neighbourhoods was created to allow residents to request zoning that would permit a denser form of housing in single and two family areas. In some instances, residents have pursued area rezonings, particularly to the R12 District, to provide a transition from a designated Apartment Area or Town Centre area to an existing single and two family neighbourhood.

Concern has been raised by some Council members that the R12 District may not represent the best land use response to such areas that are undergoing pressures for change. It was felt that there should be an opportunity to develop new infill housing at a density between R12 District and Multiple Family (RM2-RM3) Districts. The failed Grafton-Pioneer neighbourhood area rezoning was one example where the R12 District was felt not to provide appropriate future development opportunities.

At this time, staff are recommending that an explicit “two-family only” option as an outright permitted use on small lots not be pursued. The two-family option remains a difficult component of the R12 District in terms of community acceptance. In many instances, neighbourhoods have indicated that there was support for the small lot single-family component but not for the two-family option. This concern is coupled with the indication that some builders are designing the two-family dwellings for illegal occupancy, creating potentially four units on a small lot. The City has attempted to address this issue by requiring that kitchens be located on the first floor only.

Staff believe that considering these concerns about the two-family option on small lots, many neighbourhoods would accept an area rezoning that permitted small lot subdivision if the two-family option was not available. It is recommended that staff be directed to pursue development of a Zoning District, perhaps a subset of the R12 District, that allows single family development, but not two family development, on small lots.

Staff also suggest that in some areas (Grafton-Pioneer area, for example) infill development at densities higher than single family housing could be desirable. It is recognized that it may be appropriate to develop a potential approach for allowing the development of medium density infill housing in identified areas located between Town Centre or Apartment areas and single and two family neighbourhoods. While designating land for higher than single and two family development density represents a departure from the City’s policy of limiting multiple family development to designated areas, such transition areas are often under pressure for land use change and single and two-family housing may not represent the best use of the land from a planning and neighbourhood perspective.

Staff is currently reviewing practises in other municipalities where infill development is permitted in neighbourhoods bordering higher density areas. In all instances, the development of guidelines ensuring that the new housing enhances existing dwellings and neighbourhoods is viewed as an essential component to achieving neighbourhood acceptance. Preliminary results of this review was the subject of presentation to the Community Planning and Housing Committee at the April 24 meeting. If directed by the Community Planning and Housing Committee, staff will further develop this approach, including an implementation strategy, and present its recommendations to the Committee at a future meeting.


7.0 CONCLUSION

This report outlines revised guidelines that generally govern citizen initiated area rezoning processes. The recommended guidelines arise from experience with the implementation of the area rezoning process in various neighbourhoods in the City and provide greater

clarity regarding a variety of circumstances that have occurred with aspects of the process. The guidelines are designed to have some flexibility in application and may be adapted from time-to-time as more experience is gained with the area rezoning process.

With these guidelines, Council, residents, the Community Planning and Housing Committee and staff will have a greater sense of confidence regarding the feedback process, how boundaries will be defined and how majority opinion will be determined. At the same time, the guidelines ensure that enough flexibility is maintained to address unique issues that arise during individual area rezoning processes in specific neighbourhoods.

This report also recommends that in order to create a response to those neighbourhoods that desire small lot single family subdivision without the option of two-family development, that staff be directed to prepare a report on the advisability of creating a zoning district, similar in application to the R12, that would permit single family development, but not two-family development on small lots. Finally, it is recommended that staff be directed to develop a potential approach for allowing the development of medium density infill housing in identified areas located between Town Centre or Apartment areas and single and two family neighbourhoods for the consideration of the Community Planning and Housing Committee and Council.



J.S. Belhouse, Director
PLANNING AND BUILDING

BG:sa/cda

cc: City Manager
Director Engineering
Chief Building Inspector

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