



TO: Development and Infrastructure Committee
FROM: Planning and Building
SUBJECT: Report recommending approval of changes to the Site Plan Control process

Report Number: PB-03-16

Wards Affected: All

File Numbers: 502-02-1

Date to Committee: February 17, 2016

Date to Council: February 29, 2016

Recommendation:

Approve and implement the four priorities for action to support Stable Residential Areas in planning and building department report PB-03-16; and

Direct the Director of Planning and Building to eliminate the site plan process for low density residential areas.

Purpose:

The purpose of this report is to:

1. Respond to a staff direction regarding site plan expectations for low density residential areas;
 2. Discuss the approach for Stable Residential Neighbourhoods as a focus for the Planning and Building Department work program;
 3. Discuss the current site plan process for low density residential areas; and
 4. Identify next steps to eliminate the site plan process for low density residential areas.
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Background:

The following is a brief chronology of the current framework for low density residential areas:

- On January 31, 2005 council passed the following staff direction:
“THAT the Director of Planning and Building be directed to review the existing policies and zoning regulations governing ‘overbuilding’ (“Monster Homes”) in

detached residential areas, either as part of the Five-Year Official Plan Review or as a separate study.”

- After extensive discussions with the public and local building industry, council approved report PL-27/08 on April 7, 2008 for zoning and site plan by-law amendments regulating low-density residential areas.
 - As a companion to report PL-27/08, Planning staff coordinated with the local building industry to develop a Site Plan Requirements and Urban Design Guidelines Manual to assist homeowners, building industry, and staff with the site plan approval process for low density residential areas.
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Discussion:

Summary Overview

Stable residential neighbourhoods in Burlington are a key component of the City's growth management strategy. This was outlined in the recent report on the City's Official Plan Update where the strategy adopted is to focus growth and intensification around the City's Mobility Hubs and Corridors while at the same time developing policies and implementation tools to protect and enhance Stable Residential Neighbourhoods.

The low-density residential areas site plan by-law has been in place for some years in the City. The current review has identified challenges with the process:

- The process is resource intensive in terms of City staff time;
- The process is costly for applicants in terms of time and financial outlay;
- There is rarely a difference in outcome for either the City or the applicant as a result of the low-density residential site plan process.

It is clear from input received on other projects such as the character area studies that concern remains about protecting low-density residential neighbourhoods. There are a number of actions that the City can take to strengthen the approach to protecting and enhancing these neighbourhoods. These actions include:

- Updating the Official Plan to include Stable Residential Neighbourhoods as a foundation of the City's future urban structure (currently underway);
- Implementing the Character Area Study Recommendations for Indian Point, Shoreacres, and Roseland (currently underway);
- Aligning resources within the Planning and Building Department to support the above studies as well as the initiatives in Council's Strategic Plan that focus on Mobility Hubs and Corridors. This is important because this work will provide opportunities for intensification that will serve as relief from the pressure for multi-storey redevelopment in Stable Residential Neighbourhoods;

- Aligning business processes within the City to balance Stable Residential Neighbourhoods policies and requirements with timely decision making on applications through tools like revised zoning, lot grading certificates, and updated customer service;
- Implementing enhanced support for applicants, neighbours and the Committee of Adjustment to balance development rights with neighbourhood character;
- A continuous improvement approach to zoning and customer service for Stable Residential Neighbourhoods so that as issues arise timely adjustments can be implemented;
- Eliminating the requirement for Site Plan approval for low-density residential areas. This will involve transitioning to changes in requirements (lot grading, zoning), communication and education on the new changes, and customer focus to ensure a seamless transition for applicants and neighbourhood residents.

The above suite of tools for Stable Residential Neighbourhoods addresses a multitude of issues related to managing change in these communities. It is a more proactive approach aligned to City Building.

Staff Direction

On March 4, 2014 council passed the following staff direction:

“Direct the Director of Planning and Building to report back to the Development and Infrastructure Committee with a report that outlines site plan expectations by fall of 2014”.

The deadline in the above staff direction was missed due to council’s other staff directions to conduct character studies for Indian Point, Roseland, and Shoreacres communities. The outcomes of the character studies could influence council’s site plan expectations for low density residential areas thus requiring a delay in this report to ensure alignment of discussion and decision making with these other initiatives.

This staff direction is a result of the city’s ongoing challenges with infill and intensification in low density residential areas and is defined by opposing expectations in land development; the broad neighbourhood interests versus singular private property rights.

Staff have been observing these challenges and receiving related feedback since the inception of the site plan process for low density residential areas. To this matter, Planning staff held a workshop and online survey in 2011 for local home builders, architects, designers, and home owners to discuss the site plan process for low density residential areas. While there was some acknowledgment of a useful intent behind the site plan process, overall it was generally not well received with perceptions of inconsistency and subjectivity in site plan expectations.

To assist with a response for this current staff direction, staff held workshops with the Mayor and Councillors in 2015 to discuss their current expectations for managing

change in low density residential areas. The following is a brief summary of the workshop discussions:

1. Urban design is too subjective for low density residential areas, urban design guidelines (UDGs) should be translated where possible into zoning regulations. Staff comment: Under the *Ontario Planning Act*, zoning has prescribed matters in what it can regulate. While zoning is the primary tool for regulating development, not all urban design guidelines can be translated into the zoning by-law. Generally speaking, zoning is intended to control the use and size of a building or parcel of land. Design guidelines regarding cladding materials, architectural styles, grading, drainage, and tree preservation cannot be included in a zoning by-law.
2. The site plan process for low density residential areas could be eliminated in exchange for more restrictive zoning.

Staff comment: Revised zoning can maintain and protect several elements of neighbourhood character. More restrictive zoning has the potential to generate an increase in requests for minor variances through the committee of adjustment. Unlike a site plan process, a minor variance is a public process that engages a community in the decision making along with notification to neighbours and opportunities for appeal to the OMB. The minor variance process is the right tool for a conversation amongst neighbours.

3. Zoning is the primary tool for regulating development, site plan control for low density residential areas does not necessarily bring additional value to the process.

Staff comment: The majority of development issues for low density residential areas are related to grading, drainage, and zoning. Such things can be reviewed outside of a site plan process via site engineering and zoning clearance certificates. A site engineering clearance certificate process does not currently exist and would have to be created to manage the grading and drainage review outside of a site plan application. As such, the only value added from the site plan process for low density residential areas includes:

- Site plan staff coordination of entire process for applicants;
- Boundary tree review; and
- Urban design review.

4. The character studies for Roseland, Indian Point, and Shoreacres communities may inform how to further refine zoning regulations in low density residential areas.

Staff comment: There are overlapping themes among the character studies that provide clear direction on the zoning changes needed. The character studies (see reports PB-14-16 for Roseland and Indian Point and PB-15-16 for Shoreacres) recommend some amendments to the official plan and zoning bylaw that would

apply on a city wide basis in all low density residential areas including character areas. They are generally as follows:

- Strengthen infill policies in the Official Plan.
- Update the definition for compatibility in the Official Plan.
- Strengthen tree protection policies in the Official Plan.
- Develop Floor Area Ratio in zoning bylaw.
- Modify definition for Lot Coverage in zoning bylaw to include carport, covered decks and porches.
- Develop additional zoning provisions related to second storey balconies, two storey architectural features, dwelling depth, garage configuration, and driveway length.

Site Plan Process

At the most basic level, site plan control ensures the logical organization of buildings and associated site elements on a property so that new development is safe, functional, and has high standards of design.

More specifically, site plan control is a multidisciplinary process primarily intended to manage large scale developments by implementing things such as: official plan and zoning compliance; landscape design and tree protection; grading and drainage; parking and loading areas; fire routes; garbage and recycling facilities; ingress and egress; environmental matters; pedestrian safety; transit connections; and coordination with external agencies. It is not a public process under the *Planning Act*; public notice is not required and appeal to the OMB is only possible by the applicant.

In 2005, Council directed staff to study “Monster Homes” due to several public complaints regarding the compatibility of new homes being constructed in mature neighbourhoods. The outcome of that study was council’s expectation that staff should comprehensively review zoning, grading/drainage, forestry, and urban design in a structured framework to manage change in stable residential communities while offering opportunity for discussion, negotiation, and flexibility. Along with revised zoning regulations, the site plan process was adapted to low density residential areas in an attempt to better manage construction of new detached dwellings. It should be noted that site plan control for low density residential areas is not commonly used in Ontario.

Metrics

When the site plan process for low density residential areas was created in 2008, the site plan section absorbed this additional work with no new staff complement. As such, site plan staff have been spread quite thin to manage the section’s full work portfolio. Many proactive initiatives have stopped or were never started because the resources were moved to the low density residential areas site plan process due to application volume and applicant customer service.

The following table is a summary of site plan application volumes between the years 2010-2015. Site plan applications for detached dwellings fall under the Minor Development category. The specific volumes of site plan applications for detached dwellings are shown as a proportion of total Minor Development applications.

| Year | Major Site Plan | Minor Modification | Minor Development |
|------|-----------------|--------------------|-------------------|
| 2010 | 22 | 19 | 71 / 84 |
| 2011 | 19 | 37 | 80 / 91 |
| 2012 | 24 | 27 | 66 / 75 |
| 2013 | 23 | 20 | 83 / 88 |
| 2014 | 23 | 20 | 79 / 86 |
| 2015 | 18 | 18 | 83 / 90 |

The *Planning Act* specifies that site plan applications should be approved within 30 calendar days. The average site plan application processing time for all detached dwellings in 2015 was 77 days. If applications requiring approval of minor variances, Conservation Halton review, or multiple revisions are excluded, the average processing time is 49 days.

In 2015, the following is noted:

- 5% (6/126) of site plan applications were approved within the timeline prescribed by the *Planning Act*;
- The shortest processing time was 21 days;
- The longest processing time was 210 days. This file had significant zoning, engineering, and Conservation Halton issues to resolve requiring several revisions to the plan along with an updated survey and legal description to be registered through the Land Registry Office.
- A typical site plan application for a detached dwelling requires approximately 40 hours of cumulative staff time to process;
- A typical major site plan application requires approximately 200 hours of cumulative staff time to process;
- Generally 75% of all site plan applications are for low density residential applications.

All told, the staff time for site plan control for detached dwellings is between 3 and 5 FTE's.

The volume of applications, cost and processing times for applicants, associated demands on staff resources for the low density site plan process is very high. This has come at the expense of other corporate priorities requiring staff attention. Experience in the administration of this process has shown that the coordination is important amongst City departments; however, the outcomes are largely predetermined through the existing zoning.

The value in moving to a more focused set of tools and service for Stable Residential Neighbourhoods (including more restrictive zoning) is that it leaves the more technical aspects (i.e. grading, drainage, and zoning) of the development review prior to application for a building permit. As such, the zoning bylaw becomes more rigid while the approval process is more predictable for applicants. More responsibility is placed on applicants to obtain all necessary external agency approvals and clearances and planning staff resources will be utilized more effectively.

Strategy/Process

The current business processes, policies, zoning, and customer service related to Stable Residential Neighbourhoods is highly reactive and resource intensive for both applicants and the City. It is time to consider a proactive approach to Stable Residential Neighbourhoods that aligns to Council's Strategic Plan Priorities, aligns to the Official Plan work program, and implements the Character Area Studies. These are initiatives that are currently underway.

At the same time, being proactive also means enhancing customer service and customer experience for both applicants and neighbourhoods. This will be a focus for Planning and Building through:

- Implementing Stable Residential Neighbourhood Zoning Changes through a more comprehensive zoning update;
- Realigning resources to be proactive with applicants in advance of any formal applications to support implementation of the Stable Residential Neighbourhood suite of tools;
- Proactively monitoring implementation of the Character Area Study recommendations and Stable Residential zoning changes to respond to emerging issues in a timely manner. This is very important as the most recent work on the Character Areas occurred about 7-8 years after the initial work on "Monster Homes". Being more proactive means staff and Council can respond as issues arise. With the current resource focus on reactivity, this is a continual challenge.
- Supporting the Committee of Adjustment members as the City transitions to focusing on Stable Residential Neighbourhoods so that Committee members have the perspective and knowledge needed to apply the policies on minor variance applications.
- Eliminating the low density residential areas site plan process in favour of the above.

In addition to the above, the focus on proactivity means that staff will be able to work on key City building priorities including the following: more timely approval on all other site plan applications; focus on other key initiatives such as: implementation of the Strategic Plan; a renewed relationship with BEDC during the development review process; assisting the Policy section with the official plan and zoning by-law updates;

modernizing the various development review procedures for continuous improvement; refining the database and statistical reporting; reviewing increasingly complex major site plan applications within intensification areas and mobility hubs; supporting urban design studies and development of guidelines within intensification areas; etc.

The above list of tasks refocuses the site plan and urban design resources to corporate priorities and city building. This is also an opportunity to move to a collaborative relationship with internal service providers, provide design expertise and resources for developers, and clearly communicate the city's commitment to design excellence, quality of place, and customer service.

The proactive approach also means that the low-density residential areas site plan process can be eliminated. This is not an easy decision however it is clear from the metrics and the customer experience that there is little value added from the process. The experience in the last several years is that very few applications are completely out of character with the neighbourhoods surrounding the proposal. What is more at issue are the zoning provisions for redevelopment which are in need of updating. Further, the metrics also show that a refocused and proactive approach to Stable Residential Areas will build the tools and relationships for the long term stability of these areas in the City.

Financial Matters:

Elimination of the site plan process will decrease site plan revenues for the Planning and Building Department. In 2015, the city received 83 site plan applications for low density residential dwellings. The application fee for these site plan applications was \$1500 each for total revenue of \$124,500. It should be noted that 29 of these site plan applications also required a minor variance application. Elimination of the site plan process for low density residential areas in exchange for more restrictive zoning could lead to an increase in minor variance applications resulting in an increase in committee of adjustment revenues for the Planning and Building Department.

The elimination of the site plan process for low density residential areas would be replaced by applications for zoning and site engineering certificates. The fee for a site engineering certificate has not yet been determined but it is anticipated that when combined with the zoning certificate application fee, they will cover the costs for staff effort and offset most of the decreased site plan revenue for the city.

Other Resource Impacts

Aside from freeing up site plan staff time, elimination of the site plan process for low density residential areas may result in an additional staff resource impact.

The site plan process is coordinated by a site planner who also handles the urban design review. Eliminating site plan approval for low density residential areas will

refocus the site planner to support zoning and site engineering staff to administer and issue their certificates.

Zoning and site engineering staff will have to consider how they will process their certificates (i.e. a combined zoning, grading and drainage certificate versus separate certificates for zoning and grading and drainage). Coordination of these certificates could require an additional administrative resource or the redeployment of an existing administrative position. A business process review for the certificates will assist with this matter. For this reason, the conclusion of the low density residential areas site plan process is recommended so that a transition plan ensures customers/applicants are not left without clear direction on the city's requirements.

Environmental Matters:

With the exception of boundary vegetation (regulated by the *Forestry Act* and is a civil matter between property owners), all other environmental matters can continue to be reviewed by site engineering staff outside of a site plan process for low density residential zones. The applicant will be responsible for coordinating with and obtaining all approvals from Conservation Halton.

Public Engagement Matters:

The content of this report has been discussed with the Burlington Housing and Development Liaison Committee (HDLC) to keep them informed and they are supportive of the proposed change in review process for low density residential areas.

If council directs staff to amend the site plan and/or zoning by-law, notice to the public and development industry will be required in accordance with the *Planning Act* and city official plan.

Next Steps

This report recommends four priorities for action to support Stable Residential Areas. These are:

- Updating the Official Plan Policies;
- Revising Zoning;
- Proactive customer service and monitoring; and,
- Eliminating the low-density residential areas site plan process.

It is the suite of the above actions that is critical. All are necessary to ensure that the priority of Stable Residential Areas for the City is achieved.

The next steps are:

- City wide amendments to the official plan and zoning by-law, as listed earlier in this report and as recommended in the character studies;
- Capital Works Department to develop a business process for a site engineering certificate;
- Zoning staff to review the business process for the existing zoning certificate (as needed); and
- Consult with the building industry regarding a transition period and process until the site plan process for low density residential areas has been eliminated in exchange for more restrictive zoning.

Conclusion:

Council must decide how it wishes to manage change in all mature low density residential neighbourhoods (including character areas). This report recommends a refocusing of work to be more proactive in supporting Stable Residential Areas. It requires a series of actions to be implemented which, with Council’s approval, will be implemented in 2016.

Respectfully submitted,

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Notifications: (after Council decision)

| Name: | Mailing or E-mail Address: |
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| | |

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