

Subdivision Process and Relationship to the Mature Neighbourhood Overlay

Recommendation:

That the December 7, 2015, Sustainable Development report CR_3023, be received for information.

Report Summary

This report provides information on the application of the Mature Neighbourhood Overlay to decisions on subdivision applications, as well as the appeal and notification mechanisms that apply to the subdivision process.

Previous Council/Committee Action

At the October 5/6/7, 2015, Executive Committee meeting, the following motion was passed:

1. That Administration provide a report on:
 - ii. How the Mature Neighbourhood Overlay applies to the decision making process of subdivision applications in Mature Neighbourhoods.
 - ii. What appeal mechanisms, notification processes and/or meaningful input opportunities are available to residents through the land subdivision process within the affected notification area.

Report

Background

Edmonton is actively growing, and the City's strategy is to balance growth up, in and out. Mature and established neighbourhoods have a key role to play in the ongoing growth and change in the city. Managing and enabling this growth and fostering positive change requires a variety of approaches. These approaches range from supporting small-scale incremental infill, such as enabling new homes on subdivided lots in mature and established communities, to building new communities in developing areas, to advancing transformational projects such as Blatchford and The Quarters.

Edmonton's Municipal Development Plan *The Way We Grow* sets a target of 25 percent of net new housing growth annually in Edmonton's mature neighbourhoods. In 2013 and 2014, 14 percent of net new housing units city-wide were built in mature neighbourhoods, three percent were built in established neighbourhoods and 83 percent were built in developing neighbourhoods. The greatest population growth city-wide over the last five years has also been achieved in developing neighbourhoods. By contrast,

the total population in mature neighbourhoods declined by over 73,000 people in the last 40 years and the average age of residents has increased significantly.

These shifts in population and demographics mean that there are many opportunities to better support existing communities and effectively utilize existing infrastructure such as transit, schools, parks, and other community amenities. *The Way We Grow* also lays out the goals and policies for shaping and changing growth patterns so that Edmonton can grow sustainably. One way to do so is by providing a broader choice of housing options to meet diverse household needs.

Edmonton's Infill Roadmap, which was received for information by Executive Committee in August 2014, was the result of an ongoing conversation about city growth and change to enable greater opportunities for infill. The *Infill Roadmap* provides a clear two year work plan with 23 actions to support more and better infill in our mature and existing neighbourhoods. One key opportunity to better support incremental change in our existing communities is to allow the subdivision of (RF1) Single Detached Residential Zone lots (Action 15). Approximately 50 percent of all residentially zoned land in Edmonton, by total area, is designated (RF1) Single Detached Residential Zone. The city contains over 107,000 (RF1) Single Detached Residential Zone lots, of which more than 54,000 are 50 feet or wider.

On April 13, 2015, City Council approved amendments to Zoning Bylaw 12800 to allow the creation of 7.6 metre (25 feet) wide lots in the (RF1) Single Detached Residential Zone. Subdivision into more than two lots may occur where supported by City Council approved Statutory Plans and Policies or where the Subdivision Authority deems the site width to be in character with lots on the same block. During the debate over the amendments in the spring of 2015, some neighbourhoods requested special exemptions from the amendments. City Council made a decision to apply amendments to Zoning Bylaw 12800 across all neighbourhoods. As a result of these amendments, Administration advances the subdivision of any (RF1) Single Detached Residential Zone property that complies with the new lot size regulations, including those within the boundaries of the Mature Neighbourhood Overlay.

From April 13, 2015, to October 15, 2015, approximately 52 of Edmonton's 54,000 (RF1) Single Detached Residential Zone lots that are 50 feet or wider have an approved plan of subdivision in 26 mature neighbourhoods. For comparison, there were over 9,700 residential subdivisions approved in all of 2014.

Relationship of the Mature Neighbourhood Overlay to Subdivision

The Mature Neighbourhood Overlay was initially adopted because the mature neighbourhoods in Edmonton were seeing suburban style homes being built that, in the opinion of some community members, did not fit within the context of the existing development. These new homes often included features such as front attached garages and were built to the maximum allowable height and lot coverage of the zone. The new 'suburban style' houses were perceived as being at odds with the established pattern of

mature neighbourhoods, which included features such as streets with treed boulevards, lanes, rear detached garages, front porches, and lower building heights. As a response to these concerns, the Mature Neighbourhood Overlay was developed and included in Zoning Bylaw 12800 in 2001. The introduction of the Mature Neighbourhood Overlay lowered the maximum height from 10.0 metres to 8.6 metres for principal structures within five low density residential zones commonly applied to mature areas, as well as 23 other regulations that aim to ensure that new development is contextually sensitive to its surroundings.

The Mature Neighbourhood Overlay is designed to guide development at the development permit stage. All subdivided land in Edmonton, whether located in developing or mature areas, must meet the minimum lot dimension (site width and site depth) and site area requirements of the applicable zone as set out in Zoning Bylaw 12800.

To make the intent and content of the Mature Neighbourhood Overlay easier to understand, Administration is in the process of publishing a plain language illustrated guide to communicate the basic purpose and intended outcomes of the 24 modifying regulations that it contains. This will support better shared understanding and community dialogue through the Mature Neighbourhood Overlay review process (Action 17 of the *Infill Roadmap*) which is scheduled to begin in the first quarter of 2016.

Subdivision Process

Section 654 of the *Municipal Government Act* states that the Subdivision Authority must not approve an application for subdivision unless the land is suitable for the purpose for which the subdivision is intended and the proposed subdivision conforms to both any applicable statutory plan and land use bylaw.

Prior to the April 13, 2015, Zoning Bylaw 12800 amendments, the only municipal direction on lot subdivision within mature neighbourhoods was contained within Section E.4. of the *Residential Infill Guidelines*. This section of the Guidelines indicate: "Lots should not be created which have a frontage of less than 65 percent of the average lot width on the block face." In many scenarios this would require the consolidation of three or more lots in order to achieve a parcel of adequate size to accommodate a subdivision in alignment with the guideline. In practice there was very little demand and or uptake for this type of subdivision, city-wide.

The practice of the Subdivision Authority before April 13, 2015, was to assess the suitability of a lot for subdivision based on the lot widths of other parcels within the immediate area and character was evaluated on a case-by-case basis based on the lot widths along the block. As authority for this practice, the Subdivision Authority relied on section 654(1) of the *Municipal Government Act* and the general purpose statement in the Mature Neighbourhood Overlay to adjudicate on applications.

As a result of the April 13, 2015, amendments, which were aligned with Action 15 of the

Infill Roadmap, the need for an assessment of character to influence subdivision decisions was explicitly moved to those subdivision applications that would create more than two lots. Thus character was redefined as 'one subdivision creating not more than two lots.' The decision to limit subdivision to two lots was deliberately made, following the preceding Executive Committee discussion, to prevent the subdivision of large lots into three or even four narrow lots. Making this decision confirmed that when the Subdivision Authority considers lot splits creating three to four lots, the issue of character would be an important consideration, while lot splitting into two lots was deemed appropriate for city-wide application.

The recent implementation of the *Infill Roadmap* Action 15 has provided clarity that the subdivision of (RF1) Single Detached Residential Zone lots is a city-wide opportunity to enable broader single-family housing options in our mature and established communities, provide more opportunities for incremental small-scale infill development, support the social sustainability of communities, and effectively utilize existing infrastructure. City-wide application of Action 15 provides Edmontonians with the ability to live in the neighbourhood of their choice without being limited to certain areas of the city.

As a result of these amendments, Administration advances the subdivision of (RF1) Single Detached Residential Zone property that complies with the new lot size regulations, including those within the boundaries of the Mature Neighbourhood Overlay. Zoning Bylaw 12800 directs Administration to consider surrounding lot width characteristics only when considering subdivision of a property into more than two lots or where existing plans indicate that greater redevelopment opportunity should be provided in the area. The practice of supporting subdivisions from one lot into two within the (RF1) Single Detached Residential Zone ensures predictability in decision making.

Subdivision Notification and Appeal

The Subdivision Authority is established by City Council by bylaw under section 623 of the *Municipal Government Act* to exercise subdivision duties on behalf of the municipality. In 2014 the Subdivision Authority approved 9,700 residential subdivisions city-wide, which underscores the importance of ensuring clarity in subdivision rules and decisions, and the need to have a consistent and transparent process for Administration and applicants alike.

Under section 653 of the *Municipal Government Act*, notification of applications for the subdivision of a lot is only required to be given to owners of adjacent properties. This notification is not required if the lot to be subdivided is located within an area structure plan or conceptual scheme.

The City currently notifies adjacent property owners about a proposed subdivision application and provides a Subdivision Application Information insert (Attachment 1) with the notification letter (Attachment 2) for all subdivision applications in the (RF1) Single Detached Residential Zone. This provides adjacent property owners an

opportunity to provide submissions and input on any technical concerns with the subdivision, such as an environmental concern to a greater surrounding area. Section 653(6) of the *Municipal Government Act*, states that the Subdivision Authority's decision is not bound by submissions from adjacent property owners. Neither adjacent property owners nor owners of other properties within close proximity have the right to appeal a decision of a Subdivision Authority under Section 678(1) of the *Municipal Government Act*.

Administration is currently working to improve the content of subdivision application notification letters to clarify its role at the subdivision stage.

Input

City policies and regulations regarding development and growth are influenced by feedback received during public engagement on a broad diversity of projects and initiatives. Specific input on how infill development can be enabled in mature and established neighbourhoods is ideally suited for conversations on the high level objectives and policy development. The subdivision land development stage is structured to implement Zoning Bylaw 12800. Ongoing opportunities and additional venues for public engagement on broader city-building conversations related to growth and infill development will continue as the *Infill Roadmap* is implemented.

Conclusion

Administration currently advances the subdivision of (RF1) Single Detached Residential Zone property that meets the minimum lot requirements in accordance with the April 13, 2015, Zoning Bylaw 12800 amendment. The bylaw directs Administration to consider the width of surrounding lots when considering a subdivision of more than two lots. Should the current application of Zoning Bylaw 12800 and Mature Neighbourhood Overlay need further considerations, Council could direct Administration to revise practice and bylaws accordingly.

Policy

The Way We Grow, Edmonton's Municipal Development Plan:

- 4.2, Support neighbourhood revitalization, redevelopment and residential infill that contributes to the livability and adaptability of established neighbourhoods.
- 4.2, Optimize the use of existing infrastructure in established neighbourhoods.
- 4.4, Provide a broad and varied housing choice, incorporating housing for various demographic and income groups in all neighbourhoods.
- 4.5, Work proactively and in partnership with others to meet a wide range of affordable housing needs in all areas of the city.

ELEVATE: The Report of the Community Sustainability Task Force, 2012

Others Reviewing this Report

- K. Rozmahel, General Manager, Corporate Services