

## COMMITTEE REPORT

**TO:** CHAIR AND MEMBERS  
PLANNING AND DEVELOPMENT  
COMMITTEE

**DATE:** 2016 December 08

**FROM:** DIRECTOR PLANNING AND BUILDING

**FILE:** 49500 10  
*Reference: R12S Bryant St Charles  
Hambry Waltham*

**SUBJECT: R12S DISTRICT AREA REZONING PUBLIC CONSULTATION  
RESULTS – AREA BOUNDED BY BRYANT STREET, ST. CHARLES  
PLACE, HAMBRY STREET, AND WALTHAM AVENUE**

**PURPOSE:** To review the results of the consultation process regarding a request for an area rezoning from the R5 to the R12S District and to recommend that the subject area not be advanced through the rezoning process.

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**RECOMMENDATIONS:**

1. **THAT** the Planning and Development Committee recommend that Council not advance the request for the R5 to R12S area rezoning for the area bounded by Bryant Street, St. Charles Place, Hambry Street, and Waltham Avenue.
2. **THAT** a copy of this report be sent to the property owners and residents in the petition and consultation areas.

**REPORT****1.0 BACKGROUND**

A petition requesting the rezoning of the area bounded by Bryant Street, St. Charles Place, Hambry Street, and Waltham Avenue from the R5 Residential District to the R12S Residential District was received in the Planning Department. The petition represents an area consisting of 16 lots containing 13 single family dwellings and three two family dwellings (one of which is strata titled) (Sketch #1 *attached*). The petition was signed by 10 (59%) of the 17 property owners.

On the recommendation of the Planning and Development Committee, Council at its regular meeting of 2016 July 11 authorized staff to initiate a consultation process to determine the level of support for the proposed area rezoning. This report reviews the results of the consultation process and recommends that the area rezoning not be advanced.

## **2.0 CONSULTATION PROCESS**

The approved consultation process for the subject area rezoning involved the distribution of a brochure and questionnaire to the property owners and residents of the 17 properties in the proposed rezoning area and to 322 owners and residents in the consultation area. In addition, a community open house was held on 2016 November 10 at Windsor Elementary School and was attended by approximately 30 residents.

### **2.1 Responses in the Rezoning Area**

There were 12 responses to the questionnaire from the property owners of the 17 properties in the rezoning area, which is a 75% response rate. The table below contains the questionnaire results for owners in the rezoning area.

*Questionnaire Results – Owners in the Rezoning Area*

	Support	Oppose	Undecided	Did Not Respond
Resident Owner	3	9	0	5
Absentee Owner	0	0	0	0
Total	3	9	0	5

This return shows that three of the owners favour the proposed area rezoning while nine are opposed. The three positive responses represent 18% of the total number of properties in the subject area.

There were no responses from tenants in the rezoning area.

### **2.2 Responses in the Consultation Area**

There were 20 questionnaires returned from the 322 residents and property owners in the broader consultation area. One supported the proposed rezoning, four did not have any comment or were undecided, and 15 objected. Comments from those who objected included concerns with on street parking; traffic; increased density, including from unauthorized suites; impact on City services, parks, and schools; impact on property values; loss of green space and increased impervious surfaces; the proposal not fitting in with the existing neighbourhood character or zoning; setting a precedent in the neighbourhood for other R12S District area rezonings; lack of consultation with the neighbourhood at the petition stage of the area rezoning process; and the proposal being contrary to the Royal Oak Community Plan.

## **3.0 DISCUSSION**

The key factor in recommending whether an area rezoning should proceed through the rezoning process is evidence of majority opinion in support of the rezoning within the proposed rezoning area. The adopted guidelines for area rezonings state that a proposal should meet the following criteria, in terms of responses to the questionnaire, in order to be forwarded to Public Hearing:

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From: Director Planning and Building  
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1. Where the response rate is 100%, at least 50% of the property owners have indicated that they support an area rezoning; or,
2. Where the response rate is less than 100%, at least 50% of the properties have responded and at least 70% of those who responded support the area rezoning.

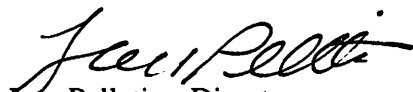
The response rate for the subject area rezoning does not meet the first criteria because 100% of the properties within the rezoning area did not respond. However the response rate does meet the second criteria as 71% (12) of the property owners in the rezoning area responded. Of these respondents, three supported the area rezoning proposal which represents 25% of the respondents. This result does not meet the 70% support requirement. There were nine property owners opposed, representing 75% of the respondents. Five property owners did not respond.

As such, the proposal does not meet the Council adopted guidelines for area rezoning as there is not adequate support among the owners within the rezoning area. Therefore it is recommended that this proposal not be advanced through the rezoning process.

#### 4.0 CONCLUSION

The results of the public consultation process for the area bounded by Bryant Street, St. Charles Place, Hambry Street, and Waltham Avenue have been reviewed and are included in this report. Of the 17 property owners in the rezoning area, three indicated support and nine objected. As such, the proposal has failed to reach the required percentage of support under the City's adopted guidelines for the Area Rezoning program.

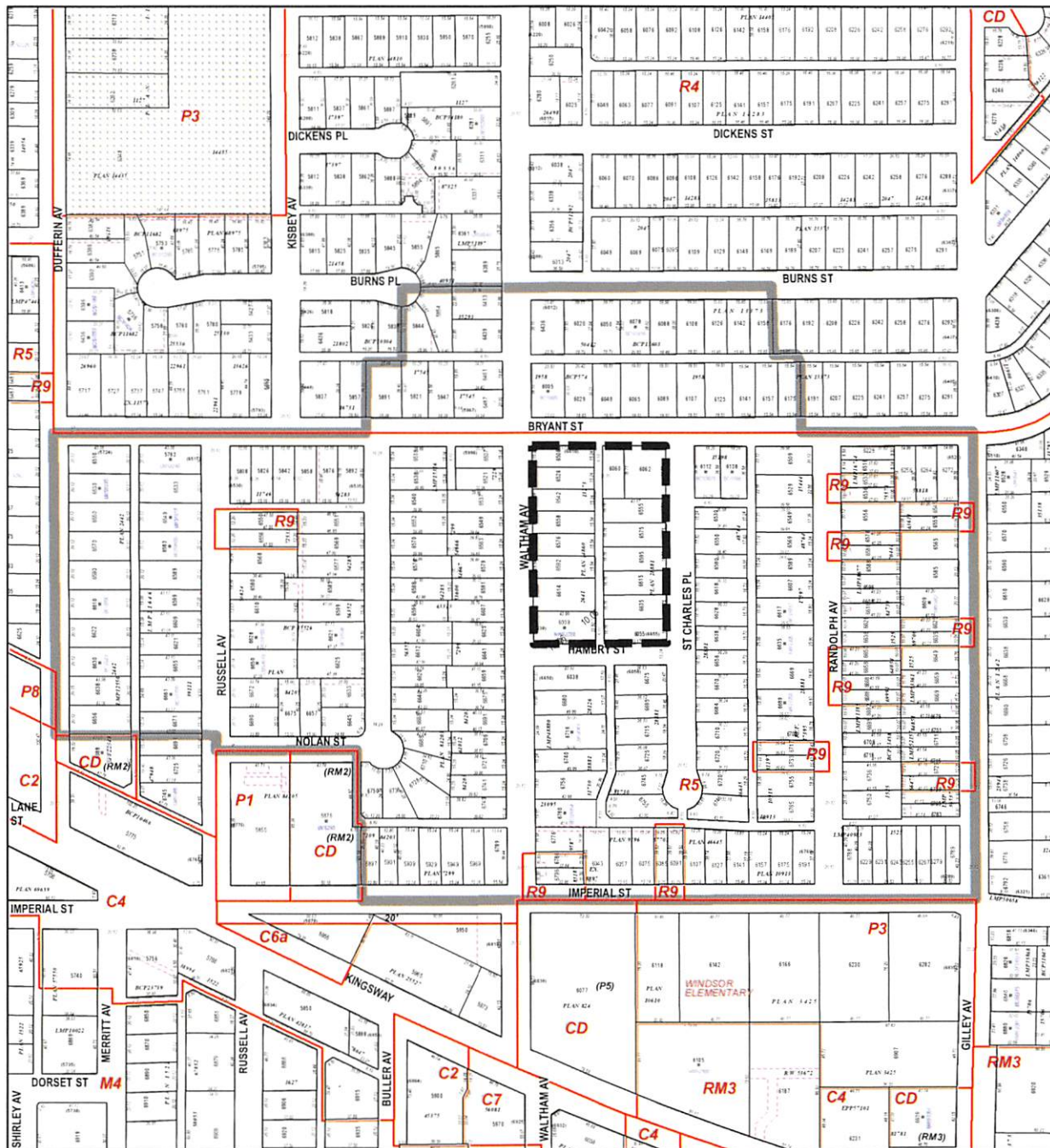
Therefore, it is recommended that the Planning and Development Committee advance this report to Council recommending that the proposed R12S area rezoning process not be advanced, and that a copy of this report be sent to the property owners and residents for their information.



Lou Pelletier, Director  
PLANNING AND BUILDING

LS:spf  
**Attachment**

cc:	City Manager	Director Finance
	Director Engineering	Chief Building Inspector
	City Solicitor	City Clerk



PLANNING & BUILDING DEPARTMENT



DATE:  
JUN 22 2016

SCALE:  
1:4,500

DRAWN BY:  
AY

BRYANT, WALTHAM, HAMBRYS, ST. CHARLES R12S



Rezoning Area



Consultation Area

Sketch #1