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Key / Murray Law
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**NEW HOMES PLUS INC. VS. CITY OF CHARLOTTETOWN /
32635-001DK**

Dear Iain,

Following section 58 of the IRAC Rules of Practice & procedures:

(a) the expert's acknowledgement that the duty of the expert is to advise the Commission impartially on matters within the expert's area of expertise, and that duty overrides any duty to the party that has called this expert;

I acknowledge my duty as an expert planner, offering impartial guidance as it relates to this requested rezoning application. I have not met, and have done no work on behalf of the land owner in the past. My opinion is based purely on my professional opinion.

(b) the expert's curriculum vitae including his or her training, education, and experience that qualifies him or her to produce the report;

See my attached CV. I have been certified as a professional planner for over 20 years as a member of the Canadian Institute of planners (CIP) and The Atlantic Planners Institute (API). I have operated a planning consulting firm for over 25 years.

(c) an account of the nature of the request or direction received from the party to prepare the report;

I was asked by Key Murray Law to provide my expert opinion on the outcome and best practices of the requested zoning amendment.

(d) the facts and assumptions on which the report's conclusions are based;

See the following documentation

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Planning

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Job Number
22-142

(e) disclosure of any matters that fall outside the expert's area of expertise; and

There are no matters that are part of my request for opinion that fall outside my area of expertise.

(f) identification of any literature or other materials specifically relied upon in support of the opinions.

As noted in this letter.

I have reviewed the included background material relating to the rezoning application at PID# 773051 (Doiron - June 28 Meeting Package.pdf, LA22-13-Record.pdf, City OP and Zoning Bylaw, Planning Act) and offer my assessment of rejection of the application. Municipal planning on PEI is enabled through the provincial Planning Act (current to November 17, 2021), which sets out the requirements for Council and Planning Boards to prepare, administer and follow the policies set out in their Official Plan and the regulations set out in their zoning bylaw and subdivision bylaw. In this case, an application was made by the developer to rezone the remaining undeveloped parcel from R-1S (Single Detached Residential) to R-1N (Narrow Single Detached Residential). The key differences between these two zones include:

	R-1S	R-1N
LOT AREA	540 M2	372 M2
LOT FRONTAGE	18 M	12.2 M
UNDERGROUND SERVICES	NOT REQUIRED	REQUIRED

Most of the other requirements (side yard setback, rear yard setbacks, front yard setback, height, flankage yard setbacks, and permitted uses) are all the same.

Most urban municipalities in Canada have made provisions for narrower lot standards over the last few decades primarily to:

1. address the sky-rocketing cost of road and infrastructure costs and provide more affordable forms of housing to residents
2. provide greater density housing options which addresses the "missing middle" housing now being sought in many municipalities
3. reduce suburban sprawl
4. create more walkable communities and reduce reliance on motor vehicles
5. reduce longterm service maintenance costs to the municipality

These issues will be expanded upon later in my analysis. In my review of the official plan policies, and the zoning and Development bylaw, ***I believe the rezoning request to be fair, warranted and in keeping with the intent of the official Plan.*** As an office, Fathom is working on master plans that will result in over 40k new units in Atlantic Canada, and in almost all cases we are employing narrow lot housing as a way to provide greater affordability, greater environmental sustainability and reduced longterm costs for

municipalities. I would wholeheartedly endorse this rezoning request as a professional planner.

OFFICIAL PLAN POLICIES (OP AMENDED JUNE 6, 2022)

Amendments to the Zoning Bylaw (such as the one proposed in this case) are enabled for consideration via policy 1.5.3 of the official plan which states:

“It is not intended that all areas designated for specific uses on a longer term planning basis, as shown on the schedules and appendices of this Plan, will be zoned immediately for such uses. Certain areas may be zoned initially in another zone category, or for their existing uses pending future rezoning to the designated uses indicated in this Plan. When Council receives an application for a development that is in conformity with the land use designations and policies of this Plan, the Zoning & Development Bylaw may be amended to allow the development to proceed without an amendment of this Plan, unless the applicable policies of this Plan require an Official Plan amendment for such development.”

Rezoning from one residential use to another slightly more dense residential use would not trigger a Plan amendment so the burden in this rezoning request is to demonstrate that the request is consistent with the policies of the official plan.

The Charlottetown Official Plan articulates a wide range of policies and objectives. The key ones that would support this requested zoning change include the following:

3.1 Guiding Settlement:

Our goal is to develop settlement patterns which are efficient in their use of land resources and cost of servicing, encourage equitable and harmonious community relationships, and help to sustain Charlottetown's distinctive character and identity.

1. Our objective is to contain urban sprawl by introducing a staging strategy for new development, and to ensure that there is concurrency between proposals for new development and the provision of underground municipal services.

- Our policy shall be to direct urban growth to land that is a logical extension of an existing urban area, or neighbourhood, and will be serviced by municipal water and wastewater systems;
- Our policy shall be to have the responsible municipal departments ensure that adequate infrastructure and servicing facilities are in place prior to, or are developed concurrently with, new development.

2. Our objective is to promote compact urban form and infill development, as well as the efficient use of infrastructure and public service facilities.

- Our policy shall be to allow moderately higher densities in neighbourhoods

These policies set out the cost to the municipality of urban sprawl. The lands are already serviced, so reducing the lot frontage allows more homes to be built on the same parcel of land. This (1) reduces road costs per unit and allows the savings to be passed on to the future home owner, (2) reduces the length of

road per home which saves the municipality long term maintenance costs, (3) reduces the amount of land consumed for development allowing more natural and agricultural land to be preserved in the municipality, (4) increases the taxes that can be collected for the municipality due to more homes, (5) creates more walkable communities which are common in more dense neighbourhoods, (6) and reduces reliance on automobiles while providing greater options for different modal types (cycling, walking, transit).

Defining Our Direction

Our goal is to maintain the distinct character of Charlottetown's neighbourhoods, to enhance the special qualities of each, and to help them adjust to the challenges of economic and social transformation.

2. Our objective is to allow moderately higher densities and alternative forms of development in any new residential subdivisions which may be established, provided that this development is well planned overall, and harmonious with existing residential neighbourhoods.

The proposed rezoning directly "allows moderately higher densities and alternative forms of development in any new residential subdivision". The proposed development is well planned and harmonious with the existing neighbourhood.

3.2 Sustaining Charlottetown's Neighbourhoods

1. Our objective is to preserve the built form and density of Charlottetown's existing neighbourhoods, and to ensure that new development is harmonious with its surroundings.

- Our policy shall be to ensure that the footprint, height, massing, and setbacks of new residential, commercial, and institutional development in existing neighbourhoods are physically related to its surroundings.

The height, massing and setbacks between R1-S and R-1N are exactly the same. The 'footprint' would be smaller than the current detached homes which should be considered a positive for neighbours since it provides less blocked views, more sunlight, and less shading.

2. Our objective is to allow moderately higher densities and alternative forms of development in any new residential subdivisions which may be established, provided that this development is well planned overall, and harmonious with existing residential neighbourhoods.

This objective is met by this proposed development. The development proposes 'moderately higher and alternative forms of development' and the proposed development is 'well planned and harmonious with the existing residential neighbourhood'.

3.3 Housing Needs and Variety

One of the fundamental aims of good community management is to ensure that there is an adequate supply and variety of affordable housing for all sectors of the population.

Our objective is to encourage development in fully serviced areas of the City, to promote settlement and neighbourhood policies as mechanisms for directing the location of new housing, and to encourage new residential development near centres of employment.

- Our policy shall be to base residential densities on the availability of municipal services, education facilities, recreation and open space amenities, transportation routes, and such other factors as the City may need to consider.
- Our policy shall be to provide medium density housing styles to meet future housing needs.
- Our policy shall be to actively work with our partners to address the housing needs of seniors, to expand the range of affordable housing available to them, and to provide it in neighbourhoods preferred by them.

This parcel is located within walking distance of several employment centres including the Beach Grove Industrial Park, the Airport Industrial area, and the University Avenue shopping area. The site is also directly adjacent to the West Royalty Elementary School, and close to the Upton Farm recreation lands. Reducing the road frontage requirements by 33% and the lot area by 33% substantially reduces servicing costs while allowing upwards of 30% more homes on the same parcel of land. These savings create much more affordable home options.

City of Charlottetown Zoning & Development Bylaw

In my review, the procedures for zoning amendments have been followed pursuant to “4.29 AMENDMENTS TO THE ZONING AND DEVELOPMENT BY-LAW”

City’s anticipated rezoning “shortcomings” (Pg 6 of 9 - Tab 17)

In the city’s review of the proposed zoning application, the City notes three anticipated shortcomings of the rezoning request:

(1) The proposal is located adjacent to the bypass highway therefore noise from traffic may be an issue for some residents

It should be noted that there are hundreds of homes which directly abut the bypass highway and many of these were built before the highway was constructed. The new homes can be easily built to higher noise abatement standards using acoustic panels, sound-proof windows and sliding glass doors, etc. Today, most standard insulating windows have STC ratings around 26. These dual-pane windows feature two panes of 3mm glass. Adding more windowpanes, creates more layers of insulation which helps to dampen outside noises. Further, construction of these new homes will reduce the noise for existing residents in this neighbourhood by creating a partial sound barrier with the new buildings. Noise will be reduced for existing residents and the new homes can be built to a much greater STC rating.

(2) residents have concerns regarding the increase to the amount of dwellings already contemplated for this portion of the subdivision.

This is the most common complaint in planning. Given the opportunity to back onto nature, or to back on to new homes, residents will always choose the former. The narrow lots mean that the homes will be narrower and there will be more 'openings' between homes than may be permitted under the current zoning. This means there is a greater chance there will be more openings in the rear of the existing homes than under existing zoning. This very gentle density increase helps to address the housing shortage while having a minimal impact on the existing neighbourhood.

(3) When residents purchased homes the additional lots were not contemplated in the subdivision plan for their neighbourhood.

Additional homes were planned when Mutch Crescent was planned since the two right-of-way's into these lands were part of the original design. A slightly higher density may not have been planned when the land was zoned, however, I would contend a much higher density could have been logically requested due to the proximity to transit, schools, industrial park and other places of work. Since rezoning is allowed to be considered in the official plan, there is no 100% assurances that zones will stay the same forever. This gentle increase in density is typical in every growing municipality in Canada and is needed to address the housing crisis.

Current Best Practices Assessment

I have demonstrated above that the zoning amendment requested meets the intent of the policies set out in the Official Plan and the procedures outlined in the Zoning Bylaw. In this section, I provide my opinion as a professional planner that the requested zoning change from R-1S to R-1N is consistent with good planning practice for the many reasons highlighted below.

- 1. Housing affordability and variety:** The National Bank of Canada (NBC) and many other national and provincial sources have outlined the challenges of the current housing crisis brought about by supply chain issues relating to the pandemic, rising interest rates, lack of housing supply, a shortage in suitably zoned land, labour shortages, and a variety of other reasons. The NBC recently noted that "the second quarter of 2022, Canada's housing market saw the "worst deterioration" of affordability in 41 years"¹. As a result, home ownership is on the decline in Canada from a high in 2019 (68.55%) to 66.5% in 2022². Reducing lot area and frontages by 33% (going from R-1S to R-1N) would reduce lot costs and servicing costs by a similar amount. This could save tens of thousands of dollars off of home prices making homes significantly more affordable. Similarly, homes built on smaller lots tend themselves to be smaller than the homes built on larger lots. Small lot housing provides developers with a method to offer more affordable housing options. At the same time, these homes will be much more costly than the homes built on Mutch Crescent in 2011-2012 so there is no argument that land values would be reduced from these more affordable homes. Being adjacent to a an elementary school provides excellent opportunities for new affordable housing for young

1 <https://www.nbc.ca/content/dam/bnc/en/rates-and-analysis/economic-analysis/housing-affordability.pdf>

2 <https://tradingeconomics.com/canada/home-ownership-rate>

families.

2. **Reducing Road Lengths reduces municipal maintenance costs.** Roads are typically conveyed to the municipality once built, producing significant annual (snow removal, spring catch basin cleaning, etc.) and long-term (road reconstruction and upkeep) maintenance costs to the municipality. By reducing road lengths per unit by 33%, that will reduce the long term maintenance costs of these public roads to the municipality by 33%. Greater density in existing serviced areas is an effective way to reduce suburban sprawl. A 2013 Stantec report (Quantifying the costs and benefits of alternative growth scenarios³), showed that HRM could save \$3b over 18 years by reducing suburban sprawl. This could be achieved by concentrating more residential development in existing serviced growth centres.
3. **Adding additional density creates additional tax benefits to the municipality.** Adding an additional 33% more homes per given acre of land provides additional tax benefits to the municipality.
4. **Adding additional density makes transit and active transportation work better.** The city's growing transit network and AT network works best in denser neighbourhoods. Gentle (and not-so-gentle) density increases in our cities help them to be more economically and ecologically sustainable. The costs of traditional suburban sprawl has in the last few decades been recognized for its true social, economic and environmental costs.
5. **Greater density provides greater walkability and better community health benefits.** Reducing road lengths per unit by 33% means that people have much shorter walks or bike rides to destinations when compared to large frontage sprawl. In the case of this development, the 46 units proposed to be built under R-1N (12.2m frontage x 46 units = 280m of road if double loaded), if those same 46 units were built under the R-1S zone (18m frontage x 46 units) it would require 414m of road which means longer commute times, higher road costs, and less efficient transit. Shorter roads and greater density makes transit and active transportation work much better in a city.

In reviewing the Official Plan, Zoning Bylaw, the PEI Planning Act and the PEI Municipal Government Act, I can wholeheartedly and unequivocally attest that the requested rezoning application meets the best practices for good urban planning as well as the intent of the City's Official Plan and Planning Act. If you have any questions about this report, please feel free to contact me at your convenience.

Sincerely,



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Fathom Studio

3 <https://www.halifax.ca/sites/default/files/documents/about-the-city/regional-community-planning/HRMGrowthScenariosFinalReportJuly82013.pdf>