

COW, July 8, 2024

PL-34-24

Delegation presentation from Michelle Diplock
representing West End Home Builders' Association

Can Burlington Adopt a Human Rights Based Approach to Zoning?

Michelle Diplock, RPP

Canadian Housing Evidence
Collaborative Emerging Scholar
2023/2024

Share your feedback on a proposed rezoning near you.

11833 - 102 Avenue NW

The City has received a rezoning application from Daniel Breier (RE/MAX River City). The current zone is the Medium Scale Residential (RM h23.0) and the proposed zone is the Mixed Use (MU h23.0 f3.0) which would allow:

- A range of uses that support housing, recreation, commerce, and employment opportunities.
- A maximum height of 23.0 metres, which is similar to what is allowed in the current RM h23.0 Zone.
- A maximum Floor Area Ratio of 3.0, which is similar to what is allowed in the current RM h23.0 Zone.

Next steps

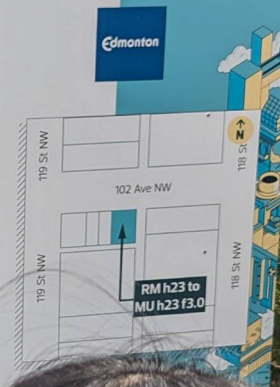
City Council is the decision maker on all rezonings. Information on the application and public hearing date will be provided on the website/QR below when available.

Building design and construction happens at a later date if the rezoning is approved by City Council at a public hearing.

Contact city staff

Abhimanyu Jamwal, 780-496-8881
abhimanyu.jamwal@edmonton.ca
edmonton.ca/RezoningApplications

Applicant:
RE/MAX River City, 780-983-7173





2019 Federal National Housing Strategy

- In 2019, Parliament passed the National Housing Strategy Act. The Act recognizes housing as a human right, and commits organizations and governments to reform housing laws, policies and programs from a human rights perspective; and to involve communities in meaningful ways.
- Chapter 1 of the National Housing Strategy identifies “Housing Rights are Human Rights” but does not clearly define what that means.

Alignment of Burlington’s Housing Strategy with the National Housing Strategy

The National Housing Strategy (NHS) & The City of Burlington’s Housing Strategy (BHS) have differing visions:

City of Burlington	National Housing Strategy
“Everyone is welcome in Burlington. Burlington is a city where all current and future residents have access to the housing options that meet their needs at all stages of life, and that are attainable at all income levels.”	“Canadians have housing that meets their needs and they can afford. Affordable housing is a cornerstone of sustainable, inclusive communities and a Canadian economy where we can prosper and thrive.”



2022 Burlington Housing Strategy

- Importantly, the City of Burlington is not a housing service provider, and therefore must seek to address Burlington's housing needs predominantly through market-based initiatives and reforms.
- A key aspect of Burlington's Housing Strategy include a comprehensive Zoning By-law review.
- While the National Strategy makes plentiful statements about the right to housing, the City of Burlington's Strategy identifies that there are current parts of their local housing policy framework (zoning) that leave the City liable for human rights complaints.

Housing Rights are Human Rights

- The National Housing Strategy sets out broadly discussing and affirming housing rights as human rights.
- The Burlington Housing Strategy mentions human rights exactly one time: “The [Zoning Bylaw] should be updated [...] to provide opportunity for the location of shared housing and group homes in more areas of the City and reduce/mitigate potential risks of human rights complaints”.
- At a national scale, the federal government should be doing more to support municipalities in identifying where their local policy frameworks conflict with the objective of housing as a human right and provide direction and tools for remediation.

But here, at the local level, Burlington has already identified a need for zoning reform. The question then becomes **“Can Burlington Adopt a Human Rights Approach to Zoning?”**



EDMONTON'S ZONING BYLAW UNDER THE LENS OF



EQUITY

Authored by

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Case Study – City of Edmonton

- The City of Edmonton has led the way through zoning reform in Canada, acknowledging that their municipal Zoning By-law is out of step with an equitable human rights approach to development and is working to resolve this.
- Many municipal governments, as they approach zoning reform, are looking towards the work and academic research being done in the City of Edmonton to support and assess how zoning can be “rewritten to make cities more inclusive and welcoming”.



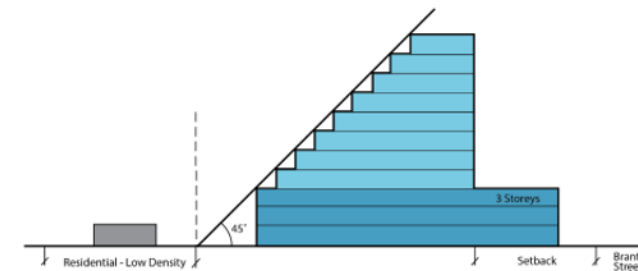
Ontario Context: “Shrink-Wrapping”

Guidelines – Building Massing, Height

- Provide transitions in height to reduce impacts (step-backs).
- Building should not interfere with a 45 degree angular plane if rear yard setback is reduced.

Hamilton 27 PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT

Image Source – City of Hamilton Proposed Neighbourhood Infill Design Guidelines and Zoning Regulations, November 20, 2023, <https://pub-hamilton.escribemeetings.com/filestream.ashx?DocumentId=385894>



Graphic 8-2. Cross section showing built form and transition along Brant Street.

Image Source – City of Burlington Official Plan Interim Working Version, February 2021, <https://www.burlington.ca/en/planning-and-development/resources/Official-Plan/Burlington-Official-Plan-2020-Full.pdf>

What should Burlington do?

Continue to learn from Edmonton (from SGL on the Phase 1: Residential Zones – Discussion Paper:

- Consolidating residential sub-zones to introduce a broader range of housing types to provide more housing choices and opportunities for gentle intensification throughout the residential zones;
- The impact of maximum building heights and massing to support a range of housing forms within the existing lower-density residential zones; and,
- Ways to eliminate exclusionary zoning through the consolidation of definitions of similar built form types to promote a level of clarity in permissions while providing flexibility for the uses. A possible option is to utilize one all-encompassing definition of 'residential', or dividing the definition(s) of residential by scale/ intensity ('small scale residential', which could include single-detached, semidetached, standard townhouse, triplex and fourplex; and, 'large scale residential', which could include higher intensity townhouse forms, and any dwelling type with five or more units).

AND:

- Adopt as a key principle taking a human rights-based approach to the New Zoning Bylaw Project.

