

Michael Frajman - mh8621

URBP-GP 1605 – Land Use Law

Public Hearing Assignment

April 6, 2023

Council of the Town of Hampstead, Quebec

Special Council Meeting

Public Consultation on Zoning By-Law amendment 1001-10

Modifying the maximum land use ratio in “Old Hampstead”

Meeting held on December 5, 2022, with recording used as reference.

Recording can be found at https://www.facebook.com/watch/live/?ref=watch_permalink&v=474954761216773.

On December 5, 2022, Hampstead Town Council convened a special meeting to act as the second public consultation on a proposed amendment to the town’s zoning code. First, tabled at the April 4, 2022, town council meeting, amendment 10 to Hampstead By-Law 1001, its zoning regulations, increases the allowable “land use ratio” from 0.52 to 0.80 in a segment of the town colloquially known as “Old Hampstead”. An initial public consultation explaining the motivations of the change was held on May 2, 2022, with this second meeting bringing in a private consultant to explain the findings of a town-commissioned study. This report will examine the proceedings and opinions expressed at the December 5 meeting and provide analysis for potential outcomes.

The Town of Hampstead is a small suburb of around 7000 people enclaved by Montreal, Quebec. The town, founded in 1914, remains entirely residential and was built according to garden city principles. Most of the early homes built are single-family, have an architecturally consistent style and take up small footprints on large verdant lots. One section of the town, labelled as zone RA-1 but commonly known as Old Hampstead, contains a large concentration of these old homes. There are four primary metrics the town uses in regulating structures:

setback from property line, height, land coverage ratio (LCR) (which measures the footprint of all structures on a property), and land use ratio (LUR) (which is like floor area ratio (FAR) and measures usable floor area of the primary structure relative to the lot). The amendment, as mentioned above, seeks to increase the LUR for structures in the RA-1 zone. As of writing the town remains firm in only changing this one metric, leaving the other three untouched.

The motivations behind the zoning proposal were to find relief for homeowners looking to expand existing homes or building new homes to have more living space within the structure. At the hearing, the mayor described a “Swiss cheese” situation where new homes would be built to the maximum LCR and LUR as-of-right, but the interior layout of the home would have partial floors or mezzanines as the owner ran out of LUR to create a full floor. It was viewed that homes should ultimately have more floor space within the same volume. Hampstead’s ideal location relative to downtown Montreal and generously sized lots lend to some owners wanting to maximize their properties. The mayor wanted to balance these needs against preventing truly massive new constructions that may detract from neighbouring property owners’ enjoyment.

The agencies involved in the rezoning process are the town council itself, made up of six councillors as well as the mayor Jeremy Levi, the town Planning Advisory Committee (PAC), a body made up of volunteers which reviews renovation permitting requests and composed of two town councillors and five town residents all of whom must be accredited engineers, architects or planners, and a private planning consulting firm, PARÉ+, who was given a mandate through the PAC to study the possibly effects of the rezoning. The December 5 town meeting was chaired by mayor Levi with five councillors present. A representative from PARÉ+ opened the meeting by presenting a publicly available version of the rezoning study. As the meeting was a public consultation any resident of the town was welcome to attend and voice their opinions on the

amendment. Notable among those attending was former town mayor Bill Steinberg who had been leading opposition to the amendment via his blog and chain email.

The hearing was opened by the PARÉ+ representative explaining the four zoning metrics and discussing his simulations of the most extreme possible examples of buildings that could be constructed by the LUR change. He concluded that existing height and setback restrictions would be enough to prevent larger homes than currently allowable as-of-right while providing relief to homeowners looking for more floor space. He determined that on rare occasions someone may be able to build a sizeable extension, contra the motivation of the rezoning, due to setback restrictions not covering certain irregularly shaped lot fully. The representative further recommended revising the towns existing architectural guidelines or tightening the granting of variances on rear setbacks to help preserve character and prevent the aforementioned exceptional cases. A recent strengthening of provincial heritage preservation laws would also help protect older buildings. The hearing then proceeded to public feedback.

The consensus among those opposed to the change was the loss of greenery and garden city character within the town and the encroachment of larger homes on adjacent properties. One resident expressed fear of more “monster houses” and “brick walls” being viewed out her window and warned of a “slippery slope” that encourages demolition of the town’s older homes. Others expressed confusion over the technical nature of the rezoning and wanted reassurance that demolitions would not accelerate in number as a result. Former mayor Steinberg questioned the transparency of the process. Current mayor Levi explained that after the council began considering the issue, they queried the PAC for an opinion. The PAC created a call for study and hired PARÉ+. Following the PARÉ+ report and public feedback the matter will go back to the town council to make further changes and vote on the law. The PAC may weigh in if they wish

but the mayor claimed they were satisfied with the report. If the law passes council, town residents have recourse to oppose the measure by collecting a certain number of signatures on a petition. There is a time frame to initiate the petition and if enough signatures are collected a referendum is held on the law. While this is the procedure for any zoning change, the mayor promised residents that if enough signatures were collected on the petition, council would forego the referendum and rescind the law.

The mayor and councillors further responded to concerns by trying to clarify their support for the law. Those that spoke stated how after reading the recommendations and understanding the implication of the changes they were confident that overly large construction would be minimized while allowing for residents to maximize usable space within the volume of their house. The PAC, a body composed of professionals, being on-board with the PARÉ+ also gave them reassurance. They also reiterated how many of the already existing large modern homes in the town were built using the smaller LUR value of 0.52 and not the new proposed value of 0.80 and guaranteed one citizen that variances cannot be granted on LUR under any circumstance.

An opposing opinion which stood out came from an audience member who states they are a professor in environmentalism. They expressed concern that PARÉ+ was only asked to study the narrow issue of rezoning and not look at wider sustainability implications. In particular, the report should have looked at construction waste produced from total home demolition, how the loss of greenery could trap more heat, and if the average homeowner truly needed all the additional space due to having more people living in the house or simply to have the space. Mayor Levi responded that while there is no formal data, many people looking to expand their home were big families in his experience but appreciated their other concerns. The mayor stated

to the room that the town is committed to sustainability and will be reviewing its master plan in the coming years with concerns like these in mind.

Given these issues, I find myself in agreement with the PARÉ+ report. An increase in LUR is workable and seems like a reasonable solution for letting homeowners who choose to renovate or build a new home to obtain maximum value if they have already reached the maximum volume. The town should be prepared to follow the report's advice on increasing setback requirements to prevent against large extensions which may intrude on adjacent properties' sightlines. Quebec's new heritage laws are likely to slow down outright demolitions of older buildings by providing more mechanisms to track and review proposals for modifications. This assuages some of my fears that granting more useable interior space may encourage more demolitions as, at least for Hampstead's RA-1 zone, a majority of homes fall would into the protected category. The amendment may have also landed better in the court of public opinion if it had come after a master plan rewrite where it could have been considered in a wider context. The towns intentions overall seem well placed and efforts can be made, if they are not already in place, to protect preferences for both bigger homes and for neighborhood character.

Additional References

Hampstead's permit and renovation webpage with summary of PAC:

<https://www.hampstead.qc.ca/en/building-and-renovations/>

Amendment 1001-10 webpage with PARÉ+ study:

<https://www.hampstead.qc.ca/en/public-consultation/>

Quebec's new heritage preservation laws:

<https://www.canlii.org/en/qc/laws/astat/sq-2021-c-10/latest/sq-2021-c-10.html>



HAMPSTEAD

AVIS EST DONNÉ QUE LE CONSEIL MUNICIPAL DE LA VILLE DE HAMPSTEAD TIENDRA UNE SÉANCE DE CONSULTATION PUBLIQUE LUNDI, LE 5 DÉCEMBRE 2022 À 19H00, AU CENTRE COMMUNAUTAIRE IRVING L. ADESSKY, 30, RUE LYNCROFT, À HAMPSTEAD, QUÉBEC.

ORDRE DU JOUR

1. Adoption de l'ordre du jour.
2. Présentation et explication du règlement **1001-10** ayant pour but d'amender le règlement n° 1001 concernant le zonage.
3. Période de questions du public.
4. Levée de la séance.

Toute personne désirant des spécifications d'ordre techniques sur la présente demande, doit communiquer avec la direction de l'urbanisme (mduchesne@hampstead.qc.ca).

Toute personne voulant faire des représentations au conseil municipal doit le faire par écrit à la greffière de la Ville, (bvardin@hampstead.qc.ca), avant lundi, le 5 décembre 2022 à 16:00 heure.

Conformément à la loi, toute question du public peut être posée en langue française aux membres du conseil et d'obtenir également une réponse en français.

Donné à Hampstead, le 2 décembre 2022.

(s) Poovadee Permal-Vardin

Poovadee Permal-Vardin, greffière

NOTICE IS HEREBY GIVEN THAT THE COUNCIL OF THE TOWN OF HAMPSTEAD WILL HOLD A PUBLIC CONSULTATION MEETING ON MONDAY, DECEMBER 5, 2022, AT 7:00 PM, AT THE IRVING L. ADESSKY COMMUNITY CENTRE, 30 RUE LYNCROFT, IN HAMPSTEAD, QUÉBEC.

AGENDA

1. Adoption of the agenda.
2. Presentation and explanation of By-law **1001-10** amending Zoning By-law no. 1001.
3. Public question period.
4. Adjournment.

Anyone wishing to have technical specifications regarding this request, must contact the direction of Urban Planning (mduchesne@hampstead.qc.ca).

Anyone wishing to make representations to the Municipal Council must do so, to the Town Clerk, at (bvardin@hampstead.qc.ca), before Monday, December 5, 2022, at 4:00 p.m.

Given at Hampstead, on December 2, 2022.

(s) Poovadee Permal-Vardin

Poovadee Permal-Vardin, Town Clerk

PROVINCE OF QUEBEC
TOWN OF HAMPSTEAD

1ST DRAFT BY-LAW NO. 1001-10


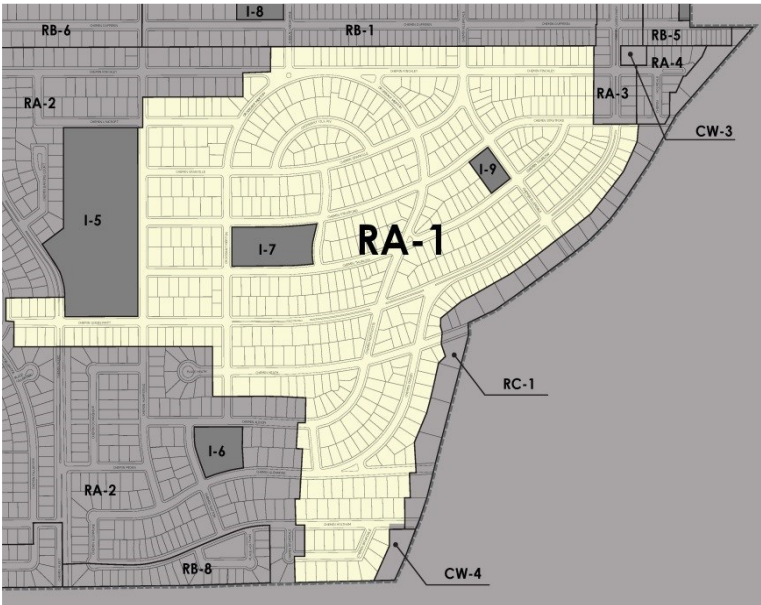
BY-LAW MODIFYING ZONING
BY-LAW NO. 1001

WHEREAS notice of motion of the 1st Draft of By-law no. 1001-10 was given at the Regular Council meeting held on April 4, 2022;

WHEREAS all Council members received a copy of the present 1st Draft By-law and declare having read it;

ON ** ** 2021, THE COUNCIL DECREES AS FOLLOWS:**

1. Schedule B: Zone RA-1 of Zoning By-law 1001 is modified under BUILDING DENSITY - *Maximum land use ratio*, to be read as follows:

ZONE RA-1				
				
USES	H1	H2	PB3	
DIMENSIONS				
Maximum height of the main building	10.67 m (1)		4 m	
MINIMUM SETBACKS				
Front	6.1 m	6.1 m	15 m	
Secondary front	6.1 m	6.1 m	15 m	
Side	(2)		10 m	
Rear	25% of the average landsite depth		10 m	
BUILDING DENSITY				
Maximum land coverage ratio	0.40	0.40	N/A	
Minimum land use ratio	0.25	0.25	N/A	
Maximum land use ratio	0.80	0.80	0.02	

Règlements de la Ville de Hampstead

LANDSITE DEVELOPMENT				
Minimum total plant coverage	30% (3)	30% (3)	N/A	
Minimum front yard plant coverage	5%	5%	N/A	

NOTES
<p>(1) The height of the roof must not be higher or lower when at more than 30%of the average height of neighbouring buildings located less than 30.5 metres away on the same side of the street.</p> <p>(2) For lots with side or secondary front boundary lines that are parallel or almost parallel (between 0 and 5 degrees): the side setback is equivalent to15% of the width of the lot measured at the lot front boundary line.</p> <p>For lots with side or secondary front boundary lines that form an angle of more than 5 degrees: the side setback is equivalent to 15% of the width ofthe lot measured along the front construction line.</p> <p>When calculating the side setback, the result must never be less than 2.3metres.</p> <p>(3) The surface of a green roof can also be included in the plant coverage, upto a maximum of 25 square metres.</p>

AMENDMENT

2. This By-law will come into force in accordance with the law.

(s) Jeremy Levi
Jeremy Levi, Mayor

(s) Brinda Permal-Vardin
Brinda Permal-Vardin, Deputy Town Clerk