

## REPORTS OF COMMITTEES

### **2. Committee of the Whole – December 14, 2017**

#### **13. Rezoning Application No. 00582, Development Permit Application No. 00582 & Heritage Alteration Permit Application with Variances No. 00007 for 224 Superior Street**

##### **Motion:**

It was moved by Councillor Loveday, seconded by Councillor Lucas:

##### **Rezoning Application No. 00582**

That Council instruct staff to prepare the necessary Zoning Regulation bylaw amendments that would authorize the proposed development outlined in Rezoning Application No. 00582 for 224 Superior Street, that first and second reading of the Zoning Regulation bylaw amendments be considered by Council and a Public Hearing date be set, subject to receipt of an executed Statutory Right-of-Way (SRW) of 2.41m on Superior Street.

##### **Development Permit Application No. 00582**

That Council after giving notice and allowing for an Opportunity for Public Comment at a meeting of Council and after a Public Hearing for Rezoning Application No. 00582, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 00582 for 224 Superior Street, in accordance with:

1. Plans date stamped November 9, 2017
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
  - i. reduce the side yard (west) setback from 2.40m to 1.50m to allow for two habitable rooms with windows
3. The Development Permit lapsing two years from the date of this resolution."

##### **Heritage Alteration Permit Application with Variances No. 00007**

That subject to the correction of minor plan inconsistencies and the applicant exploring alternate parking layouts with staff to reduce the impact on the streetscape to the satisfaction of the Director of Sustainable Planning and Community Development, that Council, after giving notice, and allowing an Opportunity for Public Comment at a meeting of Council, and after a Public Hearing for Rezoning Application No. 00582, if it is approved, consider the following motion:

"That Council authorize the issuance of Heritage Alteration Permit Application with Variances No. 00007 for the existing Heritage-Designated house at 224 Superior Street, in accordance with:

1. Plans, date stamped November 9, 2017
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - a. Reduce side yard setback from 3.65m to 1.20m
  - b. Reduce rear yard setback from 4.0m to 1.36m
  - c. Relaxation to allow parking in the front yard
  - d. Increase the site coverage from 30.0% to 35.09%
3. Final plans as amended in accordance with this motion to be generally in accordance with the plans identified above to the satisfaction of the Director, Sustainable Planning and Community Development
4. Heritage Alteration Permit lapsing two years from the date of this resolution."

**Carried**

**For:** Mayor Helps, Councillors Alto, Coleman, Isitt, Loveday, Lucas, Thornton-Joe, and Young  
**Opposed:** Councillor Madoff

## 5. LAND USE MATTERS

### 5.7 Rezoning Application No. 00582, Development Permit Application No. 00582 & Heritage Alteration Permit Application with Variances No. 00007 for 224 Superior Street

Committee received reports dated November 30, 2017, from the Director of Sustainable Planning and Community Development regarding an application to subdivide the subject lot to create one small lot, while maintaining the existing heritage designated house and converting it into four strata units.

#### **Motion:**

It was moved by Councillor Lucas, seconded by Councillor Coleman:

#### **Rezoning Application No. 00582**

That Council instruct staff to prepare the necessary Zoning Regulation bylaw amendments that would authorize the proposed development outlined in Rezoning Application No. 00582 for 224 Superior Street, that first and second reading of the Zoning Regulation bylaw amendments be considered by Council and a Public Hearing date be set, subject to receipt of an executed Statutory Right-of-Way (SRW) of 2.41m on Superior Street.

#### **Development Permit Application No. 00582**

That Council after giving notice and allowing for an Opportunity for Public Comment at a meeting of Council and after a Public Hearing for Rezoning Application No. 00582, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 00582 for 224 Superior Street, in accordance with:

1. Plans date stamped November 9, 2017
2. Development meeting all Zoning Regulation Bylaw requirements
3. The Development Permit lapsing two years from the date of this resolution."

#### **Heritage Alteration Permit Application with Variances No. 00007**

That subject to the correction of minor plan inconsistencies and the applicant exploring alternate parking layouts with staff to reduce the impact on the streetscape to the satisfaction of the Director of Sustainable Planning and Community Development, that Council, after giving notice, and allowing an Opportunity for Public Comment at a meeting of Council, and after a Public Hearing for Rezoning Application No. 00582, if it is approved, consider the following motion:

"That Council authorize the issuance of Heritage Alteration Permit Application with Variances No. 00007 for the existing Heritage-Designated house at 224 Superior Street, in accordance with:

1. Plans, date stamped November 9, 2017
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - a. Reduce side yard setback from 3.65m to 1.20m
  - b. Reduce rear yard setback from 4.0m to 1.36m
  - c. Relaxation to allow parking in the front yard
  - d. Increase the site coverage from 30.0% to 35.09%
3. Final plans as amended in accordance with this motion to be generally in accordance with the plans identified above to the satisfaction of the Director, Sustainable Planning and Community Development
4. Heritage Alteration Permit lapsing two years from the date of this resolution."



**Motion:** It was moved by Mayor Helps, seconded by Councillor Madoff, that the meeting be extended to 4:00 p.m.

CARRIED UNANIMOUSLY 17/COTW

Committee discussed:

- The architecture, siting of the R1S2 house, and the heritage significance of the building.

CARRIED 17/COTW

**For:** Mayor Helps, Councillors Alto, Coleman, Isitt, Loveday, Lucas, Thornton-Joe, and Young

**Against:** Councillor Madoff



## **Committee of the Whole Report**

### **For the Meeting of December 14, 2017**

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**To:** Committee of the Whole **Date:** November 30, 2017

**From:** Jonathan Tinney, Director, Sustainable Planning and Community Development

**Subject:** Rezoning Application No. 00582 for 224 Superior Street

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### **RECOMMENDATION**

That Council instruct staff to prepare the necessary Zoning Regulation bylaw amendments that would authorize the proposed development outlined in Rezoning Application No. 00582 for 224 Superior Street, that first and second reading of the Zoning Regulation bylaw amendments be considered by Council and a Public Hearing date be set, subject to receipt of an executed Statutory Right-of-Way (SRW) of 2.41m on Superior Street.

### **LEGISLATIVE AUTHORITY**

In accordance with Section 479 of the *Local Government Act*, Council may regulate within a zone the use of land, buildings and other structures, the density of the use of the land, building and other structures, the siting, size and dimensions of buildings and other structures; as well as, the uses that are permitted on the land and the location of uses on the land and within buildings and other structures.

### **EXECUTIVE SUMMARY**

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning Application for the property located at 224 Superior Street. The proposal is to subdivide the subject property, amend the current T-15 Zone, Superior Street Accommodation District for the heritage designated house to reflect the change in use from an eight room bed and breakfast to four self-contained strata units, and to rezone the subdivided portion of the property to the R1-S2 Zone, Restricted Small Lot (Two Storey) District.

The following points were considered in assessing this application:

- the proposal is consistent with the Traditional Residential Urban Place Designation and objectives for sensitive infill development in the *Official Community Plan, 2012* and multi-unit buildings on secondary arterial streets
- the proposal is consistent with the policies and design guidelines specified in the *Small Lot House Rezoning Policy, 2002*
- current use of the property is a bed and breakfast; the proposal is to convert the house to four residential strata units creating a form of ground-oriented residential housing.

## **BACKGROUND**

### **Description of Proposal**

This Rezoning Application proposes to subdivide the subject lot to create one small lot, while maintaining the existing heritage designated house and converting it into four strata units. Variances for the existing house would be required to facilitate this development and will be discussed in the concurrent Heritage Alteration Permit with Variances Application. There is also a Development Permit Application associated with the small lot house and it will discuss alignment with the *Design Guidelines for Small Lot Houses*.

### **Affordable Housing Impacts**

The proposal would add one new single-family dwelling and would convert an existing bed and breakfast into four strata units, therefore increasing the overall supply of residential units in the area.

### **Sustainability Features**

The applicant has not identified any sustainability features associated with this proposal.

### **Active Transportation Impacts**

The applicant is proposing to provide one Class 1 bicycle parking space on the small lot; and five Class 1 (long term) and three Class 2 (short term) bicycle parking spaces on the heritage house lot.

### **Public Realm Improvements**

No public realm improvements are proposed in association with this Rezoning Application.

### **Land Use Context**

The area is primarily characterized by single-family dwellings, duplexes, attached dwellings and multiple dwellings.

### **Existing Site Development and Development Potential**

The site is presently a single-family dwelling that is operated as an eight bedroom bed & breakfast. The house is heritage designated.

Under the current T-15 Zone, Superior Street Accommodation District, the property could be developed as a single-family dwelling with secondary suite or garden suite, duplex, or transient accommodation.

### **Data Table**

The following data table compares the proposed changes to the existing house with the existing T-15 Zone, Superior Street Accommodation District; the R1-B Zone, Single Family Dwelling District; and the House Conversion Regulations. It also compares the proposed small lot house with the standard R1-S2 Zone, Restricted Small Lot (Two Storey) District. An asterisk is used to identify where the proposal is less stringent than the existing zone, and two asterisks are used to identify legal non-conformities.



Zoning Criteria	Proposal (existing house)	Zone Standard (T-15)	Zone Standard (R1-B)	Proposal (small lot house)	Proposed Zone Standard (R1-S2)
Site area (m <sup>2</sup> ) - minimum	953.76*	1330.00	460.00	383.02	260.00
Lot width (m) - minimum	27.22*	35.00	15.00	12.91	10.00
Density (Floor Space Ratio) - maximum	0.49	n/a	n/a	0.53	0.6
1 <sup>st</sup> & 2 <sup>nd</sup> storey floor area (m <sup>2</sup> ) - maximum	470.10**	n/a	420.00	n/a	n/a
Combined floor area (m <sup>2</sup> ) - maximum	470.10**	n/a	420.00	182.69	190.00
Height (m) - maximum	7.60**	7.50	7.60	7.24	7.50
Storeys - maximum	2	2	2	2	2
Site coverage % - maximum	35.09*	30.00	40.00	30.25	40.00
<b>Setbacks (m) – minimum:</b>					
Front (SW)	11.19	7.50	7.50	8.71	6.00
Rear (NE)	1.36* (stairs)	4.00	4.00	10.18	6.00
Side (NW)	1.2* (stairs)	3.65	2.72	1.50	1.50
Side (SE)	7.65	3.00	3.00	1.50 (non- habitable) 2.40 (habitable)	1.50 (non- habitable) 2.40 (habitable)
Combined side yards	8.83	4.50	4.50	n/a	n/a
Parking – minimum	4	9 (transient accommodation)	3 (house conversion)	1	1
Parking – location	Front yard*	Rear or side yard	Rear or side yard	Internal	Rear or side yard
Bicycle parking stalls (minimum)	5 (Class 1) 3 (Class 2)	n/a	n/a	1 (Class 1) 0 (Class 2)	n/a
<b>Schedule G – House Conversion Regulations</b>					
	<b>Proposal (existing house)</b>	<b>Schedule G</b>			
Required floor area (m <sup>2</sup> ) - minimum	470.10	345.00			
Minimum unit area (m <sup>2</sup> ) - minimum	116.12	33.00			

## **Relevant History**

The background related to the existing heritage house will be discussed in the accompanying Heritage Alteration with Variances report.

## **Community Consultation**

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted the James Bay CALUC at a Community Meeting held on March 8, 2017. Letters dated March 13, 2017 and November 10, 2017 are attached to this report.

In accordance with the City's *Small Lot House Rezoning Policy*, the applicant has polled the immediate neighbours and reports that 90% support the application. Under this policy, "satisfactory support" is considered to be support in writing for the project by 75% of the neighbours. The required Small Lot House Rezoning Petitions, Summary and illustrative map provided by the applicant are attached to this report.

## **ANALYSIS**

### **Official Community Plan**

The *Official Community Plan (OCP)* Urban Place Designation for the subject properties is Traditional Residential. In accordance with the OCP, small lots are subject to DPA 15A: Intensive Residential – Small Lot. Additionally, the OCP encourages that new buildings and features be developed with a sense of place through sensitive responses to the existing heritage buildings, and retention and enhancement of heritage designated properties. The proposal is consistent with the objectives of the OCP to support sensitive infill in Traditional Residential neighbourhoods.

### **Neighbourhood Plan**

The *James Bay Neighbourhood Plan* encourages conservation and rehabilitation of heritage buildings which contribute to the neighbourhood character, and promotes the continued economic life of heritage structures through land use controls such as density. The change of use would meet this goal by extending the life and renovating the existing heritage designated house.

In addition, the *Neighbourhood Plan* supports infill development, such as small lot single-family houses on large properties, provided there is visual harmony of form and scale between the new buildings and the adjacent units. The proposed small lot provides a sensitive transition between the adjacent duplex and the existing home.

### **Small Lot House Rezoning Policy**

The *Small Lot House Rezoning Policy* encourages sensitive infill development with an emphasis on ground-oriented housing that fits with the existing character of a neighbourhood. The proposed small lot exceeds the minimum lot size and lot width requirements of the Policy. Additionally, the Policy does not support demolition of the existing house to facilitate development of small lots. The proposal would reconfigure the heritage designated house to self contained units, and would only slightly alter the existing building's side façade to facilitate the development of a small lot house.



## **Tree Preservation Bylaw and Urban Forest Master Plan**

Three large publicly owned trees will be impacted. The proposed driveways will be located as far away as possible from the boulevard trees. The Project Arborist will work with applicant and the City of Victoria Parks to retain the trees. An Arborist Report has been provided detailing mitigation and tree protection measures.

There are no bylaw protected trees on the property. A weeping willow on the north side of the property will be removed and three plum trees on the east side of the existing house are proposed for retention.

## **Regulatory Considerations**

Changes to the current T-15 Zone, Superior Street Accommodation District, would be required to facilitate this proposal, including a reduction in the minimum site area, decrease in minimum lot width, and removing "transient accommodation" as a permitted use. Variances related to parking in the front yard, increasing site coverage, and reducing the side and rear yard setbacks are discussed in the Heritage Alteration with Variance Application. These variances are considered supportable. There are no variances required for the small lot.

### Minimum Site Area & Minimum Lot Width

With this subdivision to create a small lot, the current T-15 Zone, Superior Street Accommodation District, would need to be amended. There would be a reduction in the required minimum site area and minimum lot width. This is supportable given the heritage house is being retained and a small lot house is being created.

### Transient Accommodation

The current use is a bed and breakfast, which is considered transient accommodation. The proposed use is a four-unit strata conversion. To better reflect this proposed use, the amended zone would remove "transient accommodation" as a permitted use.

## **Statutory Right-of-Way**

Superior Street has been identified as a Shared Greenway and a proposed bikeway in the Official Community Plan. The applicant is willing to grant the City a Statutory Right-of-Way (SRW) of 2.41m on Superior Street for future upgrades to the sidewalk and boulevard.

## **CONCLUSIONS**

This proposal to rezone the subject property to create a small lot, and allow for a four-unit strata conversion is generally consistent with the *Official Community Plan* and *Small Lot Rezoning Policy*. As such, staff recommend that Council consider supporting this application.



## ALTERNATE MOTION

That Council decline Application No. 00582 for the property located at 224 Superior Street.

Respectfully submitted,



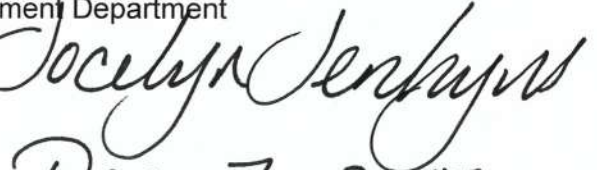
Chelsea Medd  
Planner  
Development Services Division



Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:

Date:

  
Dec 7, 2017

### List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped November 9, 2017
- Attachment D: Letter and Package from applicant to Mayor and Council dated November 9, 2017
- Attachment E: James Bay Community Association Land Use Committee Comments dated March 13, 2017 and November 10, 2017
- Attachment F: Small Lot House Rezoning Petition
- Attachment G: Parking Variance Petition
- Attachment H: Arborist Report dated August 18, 2017
- Attachment I: Correspondence (letters received from residents).