



Committee of the Whole Report

For the Meeting of September 20, 2018

To: Committee of the Whole **Date:** September 6, 2018

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

Subject: Rezoning Application No. 00638 for 1249 Finlayson Street

RECOMMENDATION

Subject to the applicant adjusting the proposal to retain the Garry oak tree located in the north-west portion of Lot A; and receipt of an executed Statutory Right-of-Way of 2.5m beyond the required 0.86m road dedication off Finlayson Street, to the satisfaction of the City Solicitor; staff recommend that Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00638 for 1249 Finlayson Street, and that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

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 1249 Finlayson Street. The proposal is to rezone from the R1-B Zone, Single Family Dwelling District, to the R1-S2 Zone, Restricted Small Lot (Two Storey) District, in order to subdivide the lot and construct a new small lot house.

The following points were considered in assessing this Application:

- the proposal is consistent with the Traditional Residential Urban Place Designation in the *Official Community Plan (OCP, 2012)*
- the proposal is consistent with the housing objectives and policies within the *Hillside-Quadra Neighbourhood Plan* to ensure that infill is compatible with the existing character of the neighbourhood
- the proposal is consistent with the *Small Lot House Rezoning Policy, 2002*, as the existing building on-site is being retained
- the proposal is inconsistent with the *Tree Preservation Bylaw, 2015*, as a protected Garry Oak tree is proposed to be removed.

BACKGROUND

Description of Proposal

This Rezoning Application is to rezone from the R1-B Zone, Single Family Dwelling District, to the R1-S2 Zone, Restricted Small Lot (Two Storey) District, in order to subdivide the lot and the construct a new small lot house.

The following differences from the standard zone are being proposed and will be discussed in relation to the concurrent Development Permit with Variances Application:

- reduce the front yard setback of Lot A from 6.0m to 2.91m
- reduce the rear yard setback of Lot A from 6.0m to 2.44m
- reduce the front yard setback of Lot B from 6.0m to 3.50m
- reduce the rear yard setback of Lot B from 6.0m to 3.37m.

Affordable Housing Impacts

The applicant proposes the creation of one new residential unit, which would increase the overall housing supply in the area.

Sustainability Features

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

Active Transportation Impacts

The applicant has not identified any active transportation impacts associated with this Application.

Public Realm Improvements

New curb, gutter, sidewalk and drainage along the Highview Street frontage would be secured as a condition of a separate Subdivision Application, in accordance with Section 506 of the *Local Government Act*.

Accessibility Impact Statement

The British Columbia Building Code regulates accessibility as it pertains to buildings.

Land Use Context

The area is predominantly characterized by single family dwellings. Summit Park is located to the south of the property.

Existing Site Development and Development Potential

The site is presently a single family dwelling. Under the current R1-B Zone, Single Family Dwelling District, the property could be developed as a single family dwelling with either a garden suite or a secondary suite.

Data Table

The following data table compares the proposal with the proposed R1-S2 Zone and the existing R1-B Zone. An asterisk is used to identify where the proposal is less stringent than the proposed Zone.

Zoning Criteria	Proposed Lot A (Existing)	Proposed Lot B (New)	Zone Standard R1-S2 Zone	Existing R1-B Zone
Site area (m ²) – minimum	351.00	300.00	260.00	460.00
Density (Floor Space Ratio) – maximum	0.27	0.49	0.60	N/A
Total floor area (m ²) – maximum	94.76	145.50	190.00	N/A
Lot width (m) – minimum	18.33	16.39	10.00	15.00
Height (m) – maximum	6.03	7.16	7.50	7.60
Storeys – maximum	2	2	2	2
Site coverage (%) – maximum	32.80	35.00	40.00	40.00
Setbacks (m) – minimum				
Front	2.91 *	3.50 *	6.00	7.50
Rear	2.44 *	3.37 *	6.00	7.50
Side (north)	N/A	2.40	1.50 (non-habitable) 2.40 (habitable)	1.83
Side (south)	4.21	2.40	1.50 (non-habitable) 2.40 (habitable)	3.00
Side on flanking street	5.07	N/A	2.40	3.50
Parking – minimum	1	1	1	1

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted the Hillside Quadra CALUC at a Community Meeting held on January 28, 2018. A letter from the Community Association dated February 7, 2018 is 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 100% 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) designates the property within the Traditional Residential Urban Place Designation, which envisions ground-oriented residential uses. The Application proposes to rotate the existing house on the lot to front Finlayson Street while the new house would front Highview Street, thus addressing both street frontages.

The proposed small lots would be subject to Development Permit Area 15A: Intensive Residential - Small Lot (DPA 15A). The proposal is generally consistent with the objectives of DPA 15A to achieve new infill development that respects the established character in residential areas. Further analysis related to the design will be provided in the accompanying Development Permit with Variances Application report.

Local Area Plans

The *Hillside-Quadra Neighbourhood Plan* identifies the property within the Maintain Current Zoning designation. Within this designation, small lot developments will be considered on their own merits at the time of Application, and should conform to established City criteria. The proposal meets the overall housing objectives in compatibility with the established scale and character of adjacent and nearby housing.

Tree Preservation Bylaw and Urban Forest Master Plan

As reflected in the staff recommendation, an additional tree could be preserved on site. The impacts to trees are discussed more fully in the concurrent Development Permit with Variances Application report.

Small Lot House Rezoning Policy

The Application is consistent with the Small Lot House Rezoning Policy. The existing dwelling on the lot will be conserved and the new house is generally sensitive in character to the nearby dwellings. The applicant conducted consultation of the immediate neighbours and achieved 100% support from respondents on the neighbour petition. However, a petition letter was sent directly to the City from an adjacent resident opposed to the Application. Including this letter, there is 75% support from adjacent residents, which is still consistent with the Policy.

Regulatory Considerations

Should Council consider approving the Rezoning Application, staff recommend that a 2.5m Statutory Right-of-Way (SRW) on Finlayson Street be secured. This is in addition to the 0.86m road dedication that would be taken as a condition of subdivision.

CONCLUSIONS

The proposal to rezone and subdivide the subject property, retain the existing building, and construct one new small lot dwelling is consistent with the objectives in the *Official Community Plan*, *Hillside-Quadra Neighbourhood Plan* and the *Small Lot House Rezoning Policy*. Therefore, staff recommend Council consider approving this Application.

ALTERNATE MOTIONS

That Council decline Rezoning Application No. 00638 for the property located at 1249 Finlayson Street.

Respectfully submitted,




Michael Angrove
Planner
Development Services

JH



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:


Date: Sept. 13, 2018

List of Attachments:

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped May 17, 2018
- Attachment D: Letter from applicant to Mayor and Council dated August 8, 2018
- Attachment E: Small Lot Rezoning Petition
- Attachment F: Community Association Land Use Committee Comments dated February 7, 2018.