



Committee of the Whole Report For the Meeting of December 13, 2018

To: Committee of the Whole **Date:** November 29, 2018

From: Andrea Hudson, Acting Director, Sustainable Planning and Community Development

Subject: **Update Report: Rezoning Application No. 00582 and Development Permit Application No. 00582 for 224 Superior Street**

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 the preparation and execution of a Housing Agreement to ensure future strata bylaws cannot prohibit the rental of units, executed by the applicant to the satisfaction of the Director of Sustainable Planning and Community Development.

Development Permit 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 No. 00582 for 224 Superior Street, in accordance with:

1. Plans date stamped August 8, 2018.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. The Development Permit lapsing two years from the date of this resolution."

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.

Pursuant to Section 491 of the *Local Government Act*, where the purpose of the designation is the establishment of objectives for the form and character of intensive residential development, a Development Permit may include requirements respecting the character of the development including landscaping, and the siting, form, exterior design and finish of buildings and other structures.

In accordance with Section 483 of the *Local Government Act*, Council may enter into a Housing Agreement, which may include terms agreed to by the owner regarding the occupancy of the housing units, and provided such agreement does not vary the use of the density of the land from that permitted under the zoning bylaw.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a revised Rezoning Application and Development Permit Application for the property located at 224 Superior Street.

On July 26, 2018, Council passed a motion related to reconsideration of Rezoning and Development Permit with Variances Application No. 00582. Council directed staff to work with the applicant to secure the changes outlined in the applicant's letter dated July 24, 2018, that the letters from the residents at 216 and 218 Superior Street be considered, and that the application return to Committee of the Whole.

As with the previous proposal, the revised proposal is to rezone and subdivide the property to create one small lot, while retaining the existing heritage designated house on another lot and converting it into a four-unit, strata titled, multi-unit dwelling. Variances for the heritage designated house are required to facilitate this development and will be discussed in the concurrent Heritage Alteration Permit with Variances application.

The following points were considered in assessing this revised application:

- the applicant has made changes in response to Council's motion on July 26, 2018, including proposing a Housing Agreement to ensure future strata bylaws cannot prohibit the rental of units
- the small lot house no longer requires a variance for side yard setback, with the removal of two windows in habitable rooms
- 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*.

BACKGROUND

Description of Proposal

The proposal is to subdivide the subject lot to create one small lot, while retaining the existing heritage designated house and converting it into four strata units. There is a Development Permit Application associated with the small lot house; changes to the proposal and alignment with the *Design Guidelines for Small Lot Houses* will be discussed. Variances for the existing house would be required and are covered in the concurrent Heritage Alteration Permit with Variances application report.

Affordable Housing Impacts

The proposal is to construct one new single-family dwelling and convert an existing bed and breakfast into four strata units; therefore, increasing the overall supply of residential units in the area. A Housing Agreement is also being proposed which would ensure that future strata bylaws could not prohibit the rental of units.

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 these applications.

Accessibility Impact Statement

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

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 presently contains a bed and breakfast within a heritage designated building.

Under the current T-15 Zone, Superior Street Accommodation District, the property could be developed as a single-family dwelling with a 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 current 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 ²) - minimum	953.76*	1330.00	460.00	388.37	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	0.46	0.60
1 st & 2 nd storey floor area (m ²) - maximum	470.10**	n/a	420.00	n/a	n/a
Combined floor area (m ²) - maximum	470.10**	n/a	420.00	178.69	190.00
Height (m) - maximum	7.60**	7.50	7.60	6.54	7.50
Storeys - maximum	2	2	2	2	2
Site coverage % - maximum	35.09*	30.00	40.00	29.90	40.00
Setbacks (m) – minimum:					
Front (SW)	11.19	7.50	7.50	8.41	6.00
Rear (NE)	1.36* (stairs)	4.00	7.50	7.39	6.00
Side (NW)	1.2* (stairs)	3.65	2.72	1.80	1.50
Side (SE)	7.65	3.00	3.00	1.50 (non-habitable) 2.70 (habitable)	1.50 (non-habitable) 2.40 (habitable)
Combined side yards	8.85	4.50	4.50	n/a	n/a
Parking – minimum	4*	9 (bed and breakfast)	6 (Strata)	1	1
Parking – location	Front yard*	Schedule C	Schedule C	Garage	Schedule C
Bicycle parking – minimum	5 (Class 1) 3 (Class 2)	n/a	n/a	1 (Class 1)	n/a
Schedule G – House Conversion Regulations					
	Proposal (existing house)	Schedule G			
Floor area (m ²) - minimum	470.10	345.00			
Minimum unit area (m ²) - minimum	116.12	33.00			

Relevant History

A history of the application is as follows:

- The proposal was presented to Committee of the Whole on December 14, 2017. Council motioned to prepare the Zoning Regulation Bylaw amendments, subject to receipt of an executed Statutory Right-of-Way (SRW) of 2.41 metres on Superior Street; and changes being made to the plans to address inconsistencies and to explore parking options for the heritage designated house.
- A report on June 28, 2018 updated Council that the SRW was executed, inconsistencies on the plans were corrected, and there was an update on parking. On June 28, 2018, Council gave first and second readings of the Zoning Regulation Bylaw, Amendment Bylaw.
- It was brought to the attention of the City that chimneys were dismantled on the heritage designated house without proper permits in place; a stop work order was immediately placed on the property. An update report was provided to Council for the July 12, 2018 Council meeting. More information, and an update on the chimneys, can be found in the accompanying Heritage Alteration Permit with Variances report.
- A Public Hearing was held on July 12, 2018, and the proposal was declined by Council.
- A Council Member Motion was brought forward on July 26, 2018 to reconsider the application, with revisions based on the applicant's letter dated July 24, 2018. The motion passed with an amendment to the main motion that the letters from the residents of 216 and 218 Superior Street also be considered. The Council Member Motion from July 26, 2018, and the letter from the applicant dated July 24, 2018, are attached to this report.

Community Consultation

Since the application was last considered by Council, the applicant has engaged with the neighbours at 216 and 218 Superior Street; these neighbours are now in support of the proposal.

As per the Small Lot Rezoning Policy, the applicant must survey all the immediate neighbours. In the original poll of immediate neighbours, the applicant reported 90% in support of the application. With the revisions, the neighbours at 216 and 218 Superior Street indicated support for the application. The applicant now reports that 100% of the immediate neighbours who were polled are in support of the proposal. The original petitions, petition summary and map, and the petitions from 216 and 218 Superior Street, are attached to this report.

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 the Committee of the Whole report dated December 14, 2017.

ANALYSIS

Council's Motion on July 26, 2018 referred to a letter from the applicant dated July 24, 2018. Since that time, the applicant has indicated they have revised their proposal for the proposed small lot house by:

- reducing the height of the roof
- reducing the overhang of the upper and lower eaves

- reducing the size of the gable on the east side
- reducing the width of the house
- reducing the size of the second floor bay window
- removing the second floor piano windows on the west side
- removing the second floor balcony at the rear of the house
- adding a conservatory on the lower floor at the rear of the house
- moving the garage side door and adding a window on the west side.

Height

The *Small Lot Rezoning Policy* encourages consideration of shadowing impacts, privacy and sunlight for small lots, and rhythm of the streetscape. The height of the small lot house has been reduced from 7.24 meters to 6.54 meters (0.7 metres). There will be shadow impacts to neighbours to the west; however, the shadow impacts will be lessened by reducing the height of the small lot house. The side yard setback has been increased to the west, which will lessen shadow impacts slightly. The small lot house, as proposed, will be lower in height than the houses on either side.

Setbacks and windows

The revised proposal has increased the side yard setback on the north-west side from 1.5 meters to 1.8 meters; additionally, the revised proposal has removed the habitable windows (bedrooms). In the R1-S2 Zone, Restricted Small Lot (Two Storey) District, 1.5 meters is permitted when there are no habitable windows. The removal of the windows means a variance is no longer required for the north-west side yard setback.

Balcony and Conservatory

The revised proposal includes removing the second storey rear balcony, and instead having a glass conservatory on the first storey. The *Small Lot Rezoning Policy* encourages careful placement of above grade balconies and decks, using visual separation to enhance privacy, as well as, neighbour consultation on the design. In this case, the rear balcony was removed, which the neighbour has indicated as being in support of, as per the petition attached to this report. A glass conservatory is proposed to be located at the rear of the house, and would have a solid wall on the west side for privacy, while the rear and east sides would be glass.

Tree Preservation Bylaw and Urban Forest Master Plan

Two mature public English Oak trees and one Hornbeam tree are being retained on the Superior Street boulevard. One English Oak is located approximately 2.0 meters from a proposed driveway crossing. The project arborist will work with the applicant and City staff to provide further arborist supervision and mitigation measures during construction to retain and protect these trees.

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, increasing site coverage, and reduction of the side and rear yard setbacks are discussed in the accompanying Heritage Alteration with Variance Application. These variances are considered supportable. There are no variances required for the small lot.

The revision to the plans include removing the habitable windows on the north-west side of the small lot house, meaning there are no longer variances required to the R1-S2 Zone, Restricted Small Lot (Two Storey) District.

CONCLUSIONS

The applicant has responded to the Council Motion of July 26, 2018 to make revisions to address neighbours concerns, reduce the height, and increase setbacks for the proposed small lot house; and has agreed to a housing agreement to not restrict rentals in future strata bylaws for the proposed four units in the heritage designated house. Therefore, staff recommend that Council consider supporting this application.

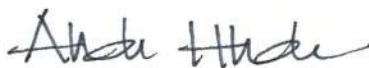
ALTERNATE MOTION

That Council decline Rezoning Application No. 00582, and Development Permit Application No. 00582, for the property located at 224 Superior Street.

Respectfully submitted,




Chelsea Medd
Planner
Development Services Division



Andrea Hudson
Acting Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date: Dec 6, 2018

List of Attachments:

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped August 8, 2018
- Attachment D: Letter from applicant to Mayor and Council date stamped November 21, 2018
- Attachment E: Petitions from 216 and 218 Superior Street date stamped October 9, 2018
- Attachment F: Original petition summary, map and petitions date stamped August 18, 2017
- Attachment G: Staff Report for the Committee of the Whole of December 14, 2017
- Attachment H: Staff Update Report for Council Meeting of June 28, 2018
- Attachment I: Staff Update Report for the Council Meeting of July 12, 2018
- Attachment J: Council Member Motion Report for Council Meeting of July 26, 2018
- Attachment K: Council Motion from July 26, 2018
- Attachment L: Correspondence.