



Committee of the Whole Report

For the Meeting of January 17, 2018

To: Committee of the Whole **Date:** January 3, 2019

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

Subject: Update Report for Rezoning Application No. 00556 and Development Permit with Variance Application No. 00028 for 1417 May Street

RECOMMENDATION

Rezoning Application No. 00556:

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00556 for 1417 May Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council, and a Public Hearing date be set once the legal agreement for on-site storm water management is updated based on the revised proposal.

Development Permit with Variance Application No. 00028:

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00556, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00556 for 1417 May Street, in accordance with:

1. Plans date stamped September 10, 2018.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
 - i. reduce the minimum vehicle parking requirement from six stalls to four stalls.
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.

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 provided such agreement does not vary the use of the density of the land from that permitted under the zoning bylaw.

In accordance with Section 489 of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Official Community Plan*. A Development Permit may vary or supplement the *Zoning Regulation Bylaw* but may not vary the use or density of the land from that specified in the Bylaw.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with updated information regarding the Rezoning and Development Permit with Variance Applications for the property located at 1417 May Street. The proposal is to rezone from the R1-B Zone, Single Family Dwelling District, to a new site-specific zone in order to construct a two-storey residential building with four ground-oriented, self-contained dwelling units. A parking variance is associated with this proposal to reduce the vehicle parking requirement from six to four stalls.

This rezoning application was declined by Council at a Public Hearing on June 14, 2018. At the following meeting of Council, a motion was carried to rescind the third reading of the Zoning Regulation Amendment Bylaw and refer the application back to the applicant and staff for design revisions. The minutes from the Public Hearing and the subsequent Council meeting are attached to this report. The applicant has submitted revised plans; therefore, staff recommend for Council's consideration that the Rezoning and Development Permit with Variance Application proceed for consideration at a Public Hearing.

BACKGROUND

Description of Proposal

As with the previous proposal, the revised proposal is to rezone from the R1-B Zone, Single Family Dwelling District, to a new site-specific zone in order to increase the density and construct a two-storey residential building with four ground-oriented dwelling units. A parking variance to reduce the required number of vehicle parking stalls is also proposed.

Previous Committee of the Whole (COTW) reports for Rezoning Application No. 00556 and Development Permit with Variance Application No. 00028, dated August 31, 2017 and presented at the COTW meeting on September 14, 2017, are attached for additional information and reference. At the Council meeting of June 28, 2018, Council passed the following motion:

"That Council rescind its decision with regard to third reading of Zoning Regulation Bylaw, Amendment Bylaw (No. 1139) No. 18-013, and refer this proposal back to staff for more work on design based on the comments made at the public hearing and return the matter to Council."

The revised proposal is the subject of this report. Changes are outlined in the applicant's letter to Mayor and Council, dated September 10, 2018, and summarized in the analysis section of this report.

Legal Agreements

As a condition of rezoning, the applicant executed a Housing Agreement to ensure that a future strata cannot restrict the rental of units to non-owners. In addition, the applicant registered the

following legal agreements on title in advance of the June 14, 2018 Public Hearing:

- a section 219 covenant on title ensuring the building will be designed to Passive House Standards.
- a section 219 covenant for the design, inspection and long-term maintenance requirements of the proposed on-site storm water system.

These agreements are consistent with the revised proposal and the storm water covenant will be updated to reflect the revised proposal should Council choose to advance the application to a Public Hearing.

Data Table

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

Zoning Criteria	Proposal	Existing Zone R1-B
Site area (m ²) - minimum	926.85	460.00
Density (Floor Space Ratio) - maximum	0.33:1	N/A
Floor area of all floors (m ²) - maximum	445.76*	420.00
Lot width (m) - minimum	15.22	15.00
Height (m) - maximum	8.30*	7.60
Storeys - maximum	2	2
Site coverage % - maximum	31.00	40.00
Open site space % - minimum	47.60	N/A
Rear yard open site space % - minimum	61.00	N/A
Setbacks (m) - minimum:		
Front	6.00*	7.50
Rear	31.19	15.12
Side (east)	3.00	3.00
Side (west)	2.7	1.52
Parking - minimum	4	1
Bicycle parking stalls (minimum)		
Class 1	4	N/A
Class 2	6	N/A

Design Revisions

In response to Council's motion from June 28, 2018, the applicant has made several changes to the building design to achieve a better overall fit with the existing context. Specific details include:

- the roof has changed from a single pitch to a butterfly roof (inverted roof) with a larger overhang
- tongue and groove cedar soffits for the roof and projecting balconies provides visual interest and helps to soften the building's appearance
- board and batten fin walls between the units have been removed on both the north (street facing) and south façades
- board and batten wood siding wraps the south façade and metal screens integrate with the aluminium sun shade and provide privacy screening on the rear balconies
- shiplap wood siding has been introduced on the south, west and east elevations to visually break up the façades into smaller elements and provide visual interest
- rainwater leaders now follow the vertical break on the side façades, created by the shiplap siding, and direct all storm water to the rain gardens in the rear yard
- the front landscape rain gardens have been replaced with additional shrubs and ornamental grasses.

The revised proposal was presented to the Advisory Design Panel for review on December 19, 2018 and recommended approval as presented. The draft meeting minutes are attached to this report.

Therefore, staff recommends for Council's consideration that the building design is generally consistent with the design guidelines for Development Permit Area 16: General Form and Character, and achieves the objectives as outlined in the previous report for Development Permit with Variances Application No. 00028 (attached).

Tenant Assistance Policy

The proposal is to demolish an existing building which would result in a loss of one existing residential rental unit. The current tenant has been renting the house for less than one year; therefore, consistent with the Tenant Assistance Policy, a tenant assistance plan is not required.

Regulatory Considerations

When the application was last presented to Council it included two parking variances which included reducing the number of vehicle parking stalls from six to four, and reducing the visitor parking from one to zero.

With adoption of the new Schedule C of the *Zoning Regulation Bylaw*, the visitor parking requirements have changed and visitor parking is no longer required with this application. A parking variance is still required for the number of stalls based on the Schedule C requirements for larger, strata-titled, multiple-dwelling units. Staff recommend Council consider supporting the reduced parking as there is sufficient street parking available to meet any additional parking demand that may be generated with this proposal.

CONCLUSIONS

Given the revisions undertaken by the applicant to address the Council motion from June 28, 2018, it is recommended for Council's consideration that the application move forward to a Public Hearing.

ALTERNATE MOTIONS

Rezoning Application No. 00556:

That Council decline Rezoning Application No. 00556 for the property located at 1417 May Street.

Development Permit with Variances No. 00028:

That Council decline Development Permit with Variances Application No. 00028 for the property located at 1417 May Street.

Respectfully submitted,



Alec Johnston
Senior Planner
Development Services Division





Andrea Hudson, Acting Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:


Date: Jan 11, 2019

List of Attachments:

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped September 10, 2018
- Attachment D: Letter from applicant to Mayor and Council dated September 10, 2018
- Attachment E: Council meeting minutes from June 28, 2018
- Attachment F: Council meeting minutes from June 14, 2018
- Attachment G: Previous Committee of the Whole reports dated August 31, 2017
- Attachment H: Advisory Design Panel draft meeting minutes from December 19, 2018