



Committee of the Whole Report For the Meeting of April 11, 2019

To: Committee of the Whole **Date:** March 28, 2019

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

Subject: Rezoning Application No. 00667 for 2921 Gosworth Road

RECOMMENDATION

That Council decline Rezoning Application No. 00667 for the property located at 2921 Gosworth Road.

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 2921 Gosworth Road. The proposal is to rezone the property and subdivide to create two small lots, retain the existing dwelling on one lot and build a new single-family dwelling on the new lot.

The following points were considered in assessing this Application:

- The proposal is generally consistent with the Traditional Residential Urban Place Designation and objectives for sensitive infill development, as described in the *Official Community Plan* (OCP, 2012).
- The proposal is inconsistent with the policies specified in the *Small Lot House Rezoning Policy*, 2002, which specifies that a minimum of 75% of residents of neighbouring properties be in support of the proposal; in this instance, the Application only received 20% support. As the Application did not achieve the required degree of neighbouring support as per Council's policy, staff recommend that the Application be declined.
- The proposal is generally consistent with the *Small Lot Design Guidelines*; however, further design revisions could be made to better meet policy, which are discussed in the concurrent Development Permit with Variance Application.
- The proposal is generally consistent with the *Oaklands Neighbourhood Plan* (1993), which encourages infill; however, it also recommends consideration of small lots based

on merit and ability to meet the *Small Lot Rezoning Policy*. The Application does not meet *Small Lot Policy* as it has not received sufficient immediate neighbour support.

- The proposed site plan results in minimal private outdoor space for the existing house.

BACKGROUND

Description of Proposal

The proposal is to rezone 2921 Gosworth Road from the R1-B Zone, Single Family Dwelling District, to the R1-S2 Zone, Restricted Small Lot (Two Storey) District, subdivide the lot to create two small lots, retain the existing dwelling on one lot and build a new single-family dwelling on the new lot.

The following differences from the standard R1-S2 Zone, Restricted Small Lot (Two Storey) District, are being proposed and will be discussed in relation to the concurrent Development Permit with Variances Application:

- reduce the front yard setback from 6.00m to 3.38m for Lot A (existing dwelling)
- reduce the front yard setback from 6.00m to 4.93m for Lot B (proposed dwelling)
- reduce the east side yard setback from 2.40m to 1.50m for Lot A (existing dwelling).

Affordable Housing Impacts

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

Tenant Assistance Policy

The applicant has indicated the existing house is occupied by a tenant (previous owner), and there is an agreement between them that they would reside there until such time that construction begins. Since the tenant has been in residence less than one year, in accordance with the Tenant Assistance Policy, a Tenant Assistance Plan is not required.

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

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

Accessibility Impact Statement

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

Land Use Context

The area is characterized by single-family dwellings, including several small lot single-family dwellings. The Victoria Chinese Alliance Church is directly south of the property, across Burton Avenue.

Existing Site Development and Development Potential

The site is presently occupied by a single-family dwelling. Under the current R1-B Zone, the property could be developed as a single-family dwelling with a secondary suite or garden suite.

Data Table

The following data table compares the proposal with the proposed R1-S2 Zone. An asterisk is used to identify where the proposal is less stringent than the zone. Two asterisks are used to identify where the existing condition is legal non-conforming.

Zoning Criteria	Lot A Existing Dwelling	Lot B Proposed Dwelling	Zone Standard R1-S2
Site area (m ²) – minimum	314.80	315.00	260.00
Density (Floor Space Ratio) – maximum	0.29	0.46	0.60
Total floor area (m ²) – maximum	91.70	144.60	190.0
Lot width (m) – minimum	17.22	17.40	10.00
Height (m) – maximum	4.70	6.18	7.50
Storeys – maximum	1	2	2
Basement	no	no	Permitted
Site coverage (%) – maximum	30.50	26.80	40.00
Setbacks (m) – minimum			
Front	3.38 *	4.93 *	6.00
Rear	2.67 **	6.00	6.00
Side (east)	1.50 *	3.08	1.50 (non-habitable) 2.40 (habitable)
Side (west)	n/a	1.50	1.50 (non-habitable) 2.40 (habitable)
Side on flanking street	7.54	n/a	2.40
Parking – minimum	1	1	1

Relevant History

An application to rezone the property to the R-2 Zone, Two Family Dwelling District was made in 1985; the application proposed an addition to the existing house to create a duplex. The application was declined by Council at a Public Hearing on December 12, 1985.

An application to rezone the property to the R1-S2 Zone, Restricted Small Lot District, was made in 1992. The application was to subdivide the property into two small lots, retain the existing house and build a two-storey dwelling; this application was also declined by Council.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the Oaklands CALUC at a Community Meeting held on August 27, 2018. A letter received February 25, 2019 is attached to this report.

In accordance with the City's *Small Lot House Rezoning Policy*, the applicant has polled the immediate neighbours. Under this policy, "satisfactory support" is considered as support in writing for the project by 75% of the neighbours; however, in this instance, the applicant has indicated a support level of only 20% for the proposal. The required Small Lot House Rezoning Petitions, summary and illustrative map provided by the applicant are attached to this report. Additional petitions from the wider community are also included in a separate attachment.

ANALYSIS

Official Community Plan

The *Official Community Plan* Urban Place Designation for the property is Traditional Residential which contemplates small residential lots. In accordance with the OCP, small lots are subject to DPA 15A: Intensive Residential - Small Lot. The proposal is generally consistent with the objectives of DPA 15A to achieve new infill development in a way that is compatible with the existing neighbourhood.

Oaklands Neighbourhood Plan

The *Oaklands Neighbourhood Plan* states that small lot houses will be considered on individual merit provided that the proposal meets the small lot policy. The proposed small lots generally meet the intent of the Neighbourhood Plan; however, the proposal does not meet the *Small Lot Rezoning Policy* due to lack of neighbour support.

Small Lot House Rezoning Policy

The *Small Lot House Rezoning Policy* encourages sensitive infill with an emphasis on ground-oriented housing that is consistent with the existing character of development. The proposed lots both exceed the required site area minimum of 260m² and lot width of 10m. Further, the existing single-family is being retained. However, it should be noted that there are site planning challenges associated with the proposal resulting in reduced private outdoor space for the existing house. Although Burton Avenue is technically the front yard (under the *Zoning Regulation Bylaw* definition), making the existing open area to the Northwest of the current house a "side yard", it has functioned as the rear or "back yard". With the introduction of a new small lot house in this area, there is little private outdoor space for the existing house.

The applicant reported that 20% of immediate neighbours are in support of the Application. The *Small Lot House Rezoning Policy* defines "satisfactory support" when there are at least 75% of immediate neighbours in favour of an application.

Tree Preservation Bylaw and Urban Forest Master Plan

There are two existing public boulevard Red Maple trees on Burton Avenue that will be retained with this application. No new public trees are proposed.

Three small private trees are proposed for removal. Five new trees are proposed on the subject property. There are no bylaw protected trees with this application.

Road Dedication

As a condition of subdivision, the applicant is required to dedicate 2.18m on the Gosworth Road frontage for highway purposes. These dedications will be used to fulfil Council approved objectives listed within the *Official Community Plan*, *Oaklands Neighbourhood Plan*, *Subdivision Bylaw* and *Development Servicing Bylaw*, *Pedestrian Master Plan*, and *Urban Forest Master Plan* to promote active transportation options and provide space for boulevard trees.

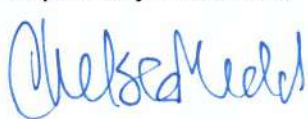
CONCLUSIONS

This proposal to rezone the property to a small lot zone, and subdivide the property into two lots, retain the existing house and construct one new small lot house is generally consistent with the objectives in the *Official Community Plan*; however, the proposal is inconsistent with the *Small Lot House Rezoning Policy* for sensitive infill development due to lack of neighbour support. The level of neighbour support is not considered "satisfactory" according to the *Small Lot Rezoning Policy*; therefore, Staff recommend for Council's consideration that Rezoning Application No. 00677 for 2921 Gosworth Road be declined by Council.


ALTERNATE MOTION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00677 for 2921 Gosworth Road, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

Respectfully submitted,

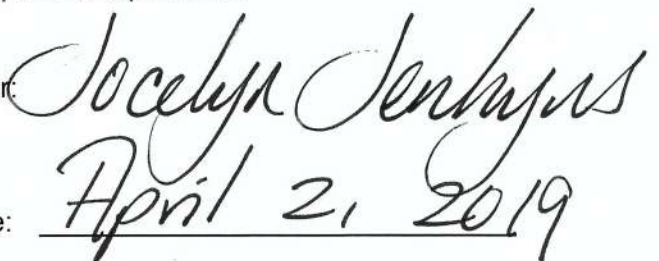


Chelsea Medd
Planner
Development Services Division



Andrea Hudson, Acting Director
Sustainable Planning and Community
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Report accepted and recommended by the City Manager:



Date:

April 2, 2019

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans dated/date stamped February 7, 2019
- Attachment D: Letter from applicant to Mayor and Council dated March 6, 2019
- Attachment E: Community Association Land Use Committee Comments date stamped February 25, 2019
- Attachment F: Small Lot Petition Summary and Petitions dated September 28, 2018
- Attachment G: Additional Petitions.