



## **Committee of the Whole Report**

### **For the Meeting of May 2, 2019**

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**To:** Committee of the Whole **Date:** April 18, 2019

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

**Subject:** Rezoning Application No. 00656 for 2832 and 2838 Shakespeare Street

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### **RECOMMENDATION**

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00656 for 2832 and 2838 Shakespeare Street, 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 2832 and 2838 Shakespeare 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 and create three small lots, retain the existing two single family dwellings and construct one new small lot house.

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)
- the proposal is consistent with the policies and design guidelines specified in the *Small Lot House Rezoning Policy* (2002) and the applicant would be retaining both existing dwelling units
- the proposed lots with the existing houses, are slightly under the minimum site area required in the R1-B, Single Family Dwelling District, due to a 2.904 metre road dedication required on Morley Street; therefore, the lots for the existing houses are also proposed to be rezoned to the small lot zone

- the proposal is generally consistent with the *Oaklands Neighbourhood Plan* (1993) which encourages infill.

## **BACKGROUND**

### **Description of Proposal**

This Rezoning Application is to rezone the subject properties from the R1-B Zone, Single Family Dwelling District, to the R1-S2 Zone, Restricted Small Lot (Two Storey) District. The proposal is to subdivide and create three small lots, retain the existing two single family dwellings and construct a new small lot house. Variances would be required to facilitate this development and will be discussed in relation to the concurrent Development Permit with Variances Application.

### **Affordable Housing Impacts**

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

### **Tenant Assistance Policy**

The proposal does not result in a loss of existing residential rental units.

### **Sustainability Features**

The applicant has identified sustainability measures in the letter to Council date stamped April 16, 2019.

### **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 a mix of single family dwellings.

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

Under the current R1-B Zone, each property could be developed as a single family dwelling with a secondary suite or garden suite. Should the properties be rezoned to the R1-S2 Zone and subdivided, then one new small lot house would be permitted in the combined rear lot areas of the existing houses.

## Data Table

The following data table compares the proposal with the standard R1-S2 Zone. An asterisk is used to identify where the proposal is less stringent than the zone. A double asterisk is used to identify existing non-conformities.

Zoning Criteria	Proposed Lot 1 existing house 2838 Shakespeare	Proposed Lot 2 existing house 2832 Shakespeare	Proposed Lot 3 new house	Zone Standard R1-S2
Site area (m <sup>2</sup> ) – minimum	424.59	423.99	306.66	260.00
Lot width (m) – minimum	12.44	12.44	12.36	10.00
Density (Floor Space Ratio) – maximum	0.34	0.21	0.50	0.60
Total floor area (m <sup>2</sup> ) – maximum	144.46	91.14	152.75	190.00
Height (m) – maximum	7.81**	4.28	6.89	7.50
Storeys – maximum	2.50**	1.00	2.00	2.00
Basement	n/a	n/a	Yes	Permitted
Site coverage (%) – maximum	30.60	26.46	33.33	40.00
<b>Setbacks (m) – minimum</b>				
Front	1.20** (north – Morley)	19.94 (east – Shakespeare)	6.00	6.00
Rear	0.10** (south)	1.80* (west)	6.01	6.00
Side	n/a	1.90** (south)	1.53 (east – non-habitable) 2.46 (east – habitable)	1.50 (non-habitable) 2.40 (habitable)
Side	13.10 (west)	1.00** (north)	1.61 (west – non-habitable) 2.46 (west – habitable)	1.50 (non-habitable) 2.40 (habitable)
Side – flanking street	2.66 (east)	n/a	n/a	2.40

<b>Zoning Criteria</b>	<b>Proposed Lot 1 existing house 2838 Shakespeare</b>	<b>Proposed Lot 2 existing house 2832 Shakespeare</b>	<b>Proposed Lot 3 new house</b>	<b>Zone Standard R1-S2</b>
Parking – minimum	1	1	1	1
Parking – location	Interior garage	Garage	Interior garage	Schedule C
<b>Schedule F – Accessory Building Regulations</b>				
Location	n/a	<b>Front Yard*</b>	n/a	Rear Yard
Rear Yard Site Coverage (%) – maximum	n/a	n/a	n/a	30.00
Combined floor area (m <sup>2</sup> ) – maximum	n/a	12.30	n/a	37.00
Height (m) – maximum	n/a	3.31	n/a	4.00
<b>Setbacks (m) – minimum</b>				
Front	n/a	<b>15.25*</b>	n/a	18.0
Rear	n/a	16.80	n/a	0.60
Side	n/a	<b>0.30* (north)</b>	n/a	0.60
Separation from single family dwelling (m) – minimum	n/a	3.40	n/a	2.40

### **Community Consultation**

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the Oaklands Community Association Land Use Committee at a Community Meeting held on February 26, 2018. A letter dated August 15, 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's 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.

### **Local Area Plans**

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.

### **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 each exceed the required site area minimum of 260m<sup>2</sup> and lot width requirement of 10m. The existing houses are being retained, consistent with the policy, which states that small lots are not intended to facilitate the demolition of existing housing.

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

There are four existing public boulevard trees associated with this application on Morley Street. The trees are Horse Chestnut ranging from 36cm to 40cm diameter breast height (DBH), all in fair condition. They are planned for retention, but could potentially be impacted by the proposed sidewalk construction. No sidewalks exist on Morley Street currently, which is a cul-de-sac leading to Oaklands School. The project arborist performed exploratory digging to ascertain root locations with relation to the proposed sidewalk location and has recommended that the new sidewalk be constructed to "float" over the tree roots in order to protect them. Alternative sidewalk paving materials may be explored to achieve optimal tree protection as recommended by the arborist. There are six private trees noted on the landscape plans that will be retained on Lot 1 and Lot 2. Three additional trees are proposed on the new small Lot 3 (Dogwood, Ironwood, and a Garry Oak).

### **Road Dedications**

As a condition of subdivision, the applicant is required to dedicate 2.904m on Shakespeare Street 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*. A new sidewalk along Morley Street will be located adjacent to the property line and provide separation between pedestrians and vehicles through a planted boulevard.

### **Regulatory Considerations**

Due to the road dedication of 2.904m on Shakespeare Street, the two parent lots would also require a rezoning from R1-B, Single Family Dwelling District, to R1-S1, Restricted Small Lot (Two Storey) District, as the resulting site area would be less than 460 square meters (the minimum lot

size required in the R1-B Zone). If approved, these lots will also be included in DPA 15A: Intensive Residential Small Lot. Redevelopment of these properties in the future would require a development permit.

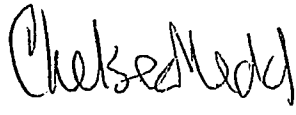

## CONCLUSIONS

This proposal to rezone the subject properties to create three small lots, retaining two houses and adding an additional house, is generally consistent with the *Official Community Plan, Oaklands Neighbourhood Plan* and *Small Lot Rezoning Policy*. Staff recommend that Council consider supporting this application.

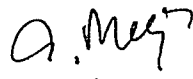
## ALTERNATE MOTION

That Council decline Rezoning Application No. 00656 for the property located at 2832 and 2838 Shakespeare 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:

  
April 26, 2019

## List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans, date stamped March 7, 2019
- Attachment D: Letter from applicant to Mayor and Council, date stamped April 16, 2019
- Attachment E: Community Association Land Use Committee Comments, dated February 26, 2018
- Attachment F: Small Lot Petition, date stamped December 20, 2018.