



Committee of the Whole Report

For the Meeting of May 2, 2019

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

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

Subject: Rezoning Application No. 00616 for 553 Raynor Avenue

RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendments that would authorize the proposed development outlined in Rezoning Application No. 00616 for 553 Raynor Avenue, that first and second reading of the Zoning Regulation Bylaw Amendments 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.

In accordance with Section 482 of the *Local Government Act*, a zoning bylaw may establish different density regulations for a zone, one generally applicable for the zone and the others to apply if certain conditions are met.

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 553 Raynor Avenue. The proposal is to rezone from the R1-B Zone, Single Family Dwelling District, to a new zone in order increase the combined floor area of the existing house. The increased floor area is for a new dormer on the west side, extending a dormer on the east side, and enclosing the garage for living space.

The following points were considered in assessing this application:

- The house is currently approved as a duplex house conversion and has had multiple renovations without permit. This application would allow an increased floor area caused by building an illegal dormer and enclosing the garage, as well, increase the height and number of stories.
- The proposed use is a single family dwelling with secondary suite. Increasing the combined floor area for changes to the existing house requires rezoning to a site-specific zone.

- The proposal is consistent with the *Official Community Plan* (OCP, 2012) and the *Victoria West Neighbourhood Plan* (2018), which envisions ground-oriented residential and encourages the retention of buildings and new buildings that fit with the character of neighbourhoods.

BACKGROUND

Description of Proposal

This Rezoning Application is to rezone the property from the R1-B Zone, Single Family Dwelling District, to a new zone in order to alter the building and allow previous alterations which were completed without the benefit of permits. The following differences from the R1-B Zone, Single Family Dwelling District, are being proposed and would be accommodated in the new zone:

- increase the combined floor area from 300m² to 360.70m²
- increase the height from 7.60m to 7.88m
- increase the number of stories from 2 to 2.5.

The current zone permits secondary suites; however, the combined floor area is greater than that permitted in the R1-B Zone and the property therefore requires rezoning.

The alterations that result in a change in floor area include:

- changing the dormer on the east elevation (reduced size)
- a new dormer on the west elevation (existing and without permits)
- enclosing the garage (existing and without permits)
- removing an enclosed area at the back of the building under the stairs.

The existing house has a third kitchen on the ground floor, which would be decommissioned as part of the Building Permit application. Should the Rezoning Application be approved, a building permit would be required to make the changes listed above as well as to complete the internal renovations outlined in the applicant's letter (attached).

Affordable Housing Impacts

The applicant is not proposing to create new residential units.

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 and house conversions. Immediately adjacent to the east is Craigflower Village, and Raynor Park to the south.

Existing Site Development and Development Potential

The site is presently being used as a single family dwelling; however, it is permitted as a duplex house conversion. At some point in the past, a third unit was also added. Under the current R1-B Zone, Single Family Dwelling District, the property could be redeveloped as a single family dwelling with a secondary suite or garden suite.

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. A double asterisk is used to identify where there are legal non-conformities.

Zoning Criteria	Proposal	Existing Zone R1-B
Site area (m ²) – minimum	557.50	460.00
Lot width (m) – minimum	15.24	15.00
Combined floor area (m ²) – maximum	360.70 *	300.00
1 st & 2 nd storey floor area (m ²) – maximum	271.80	280.00
Density (Floor Space Ratio)	0.65	n/a
Height (m) – maximum	7.88 *	7.60
Storeys – maximum	2.5 *	2
Site coverage % – maximum	33.00	40.00
Roof deck	Existing **	Not permitted
Setbacks (m) – minimum		
Front	7.20 **	7.50
Projections – stairs/porch	1.80 **	0 - steps over 1.7m
Rear	10.61	9.15
Side (west)	2.90 **	3.00

Zoning Criteria	Proposal	Existing Zone R1-B
Side (east)	1.50 **	1.52
Combined side yards	4.40 **	4.50
Parking – minimum	1	1

Relevant History

City records show that the existing building was constructed in 1912 and converted to a duplex in 1950. The building changed to a triplex sometime after 1950 and at some point the garage on the ground floor was converted to living space without the necessary approvals in place. In July of 2015, a Stop Work Order was posted on the property for the illegal construction of a dormer on the west side of the house.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted the Vic West Land Use Committee at a meeting on February 21, 2017. As six months had passed before application submission, a letter dated October 9, 2017 states that a second meeting is not required.

ANALYSIS

Official Community Plan

The *Official Community Plan* (OCP, 2012) Urban Place Designation for the subject property is Traditional Residential. This Urban Place Designation envisions ground-oriented buildings up to two storeys. This property is directly adjacent to the Craigflower Small Urban Village.

Victoria West Neighbourhood Plan

The *Victoria West Neighbourhood Plan* locates this property in the Northwest Sub-Area, which supports housing that is compatible with the surrounding neighbourhood, including single-family dwellings with secondary suites. The plan also encourages the retention of buildings to maintain the existing character in neighbourhoods. When considering a rezoning application in this area, buildings up to 10.7m (approximately three storeys) are supported. This proposal is consistent with these policies as it retains and adapts the existing dwelling.

Tree Preservation Bylaw and Urban Forest Master Plan

There are no Tree Preservation Bylaw impacts with this application.

Regulatory Considerations

The applicants are requesting an increase to the combined floor area, height and number of stories in order to legalize a dormer and enclosed garage and legalize other renovations to the existing house. The proposed increase in combined floor area does not significantly change the

massing or density of the existing house. The proposed increase in height and number of stories arises from the proposal to rebuild the east dormer and to permit the west dormer (which was built without permits), but the height would not change significantly from what is existing. By enclosing the garage, the parking stall would be located in front of the house which complies with Schedule C – Off-Street Parking of the *Zoning Regulation Bylaw*.

The site specific zone would be drafted in such a way that if a new building is constructed on the subject property in the future, it would comply with the regulations in the R1-B Zone, Single Family Dwelling District.

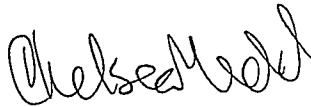
CONCLUSIONS

The proposal to rezone the property at 553 Raynor Avenue to a site specific zone for a single family dwelling with secondary suite is consistent with the objectives in the *Official Community Plan* and *Victoria West Neighbourhood Plan*. The rezoning would allow the alteration of the existing building and permit work that was done in the past without permits. The requested changes to increase the combined floor area, increase the height and increase the number of stories do not significantly change the existing building. Staff recommend that Council consider supporting this application.


ALTERNATE MOTION

That Council decline Rezoning Application No. 00616 for the property located at 553 Raynor Avenue.

Respectfully submitted,

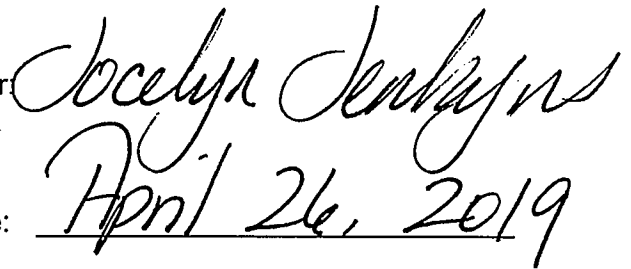


Chelsea Medd
Planner
Development Services Division



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 8, 2019
- Attachment D: Letter from applicant to Mayor and Council dated February 21, 2019
- Attachment E: Community Association Land Use Committee letter dated October 9, 2017
- Attachment F: Letters from Neighbours date stamped November 20, 2018.