



Committee of the Whole Report For the Meeting of June 27, 2019

To: Committee of the Whole

Date: June 13, 2019

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

Subject: Rezoning Application No. 00692 for 1661 Burton Avenue

RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00692 for 1661 Burton Avenue, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following condition is met:

1. Preparation and execution of a Statutory Right-of-Way of 1.21m off Shakespeare Street and 1.17m off the laneway.

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 1661 Burton Avenue. The proposal is to rezone from the R1-B Zone, Single Family Dwelling District, to a site-specific zone in order to permit a daycare for more than eight children within a house conversion.

The following points were considered in assessing this application:

- the proposal is generally consistent with the Traditional Residential Urban Place Designation as described in the *Official Community Plan, 2012 (OCP)*. The proposed use represents a "community service" use which is considered an appropriate use in all Urban Place Designations
- the proposal is generally consistent with the intent of maintaining the single family character of the neighbourhood

- the subject property meets all of the requirements of Schedule G - House Conversion Regulations for a kindergarten except for being built prior to 1931.

BACKGROUND

Description of Proposal

This Rezoning Application is to convert an existing single family dwelling into a kindergarten for more than eight children. The application meets all of the requirements for a kindergarten house conversion except that the building was constructed in 1949. The Schedule G - House Conversion Regulations within the *Zoning Regulation Bylaw* require the building to be constructed prior to 1931 and therefore a rezoning is required.

The following differences from the current zone are being proposed and would be accommodated in the new zone:

- permit the kindergarten use within a building constructed prior to 1950
- reduce the landscape screening requirements for parking stalls adjacent to a residential property.

Tenant Assistance Policy

The proposal is to convert an existing single family dwelling which would result in a loss of one existing residential unit. However, the building was previously owner-occupied and therefore no tenants are being displaced.

Sustainability Features

The applicant has not identified any sustainability features associated with this proposal.

Active Transportation Impacts

The application proposes a three stall bicycle rack, which supports active transportation.

Accessibility Impact Statement

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

Land Use Context

The area is characterized primarily by single family dwellings. Hillside Mall is located immediately to the east and Clawthorpe Park is located a block northwest of the subject property.

Existing Site Development and Development Potential

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

Data Table

The following data table compares the proposal with Schedule G - House Conversion Regulations, which is applicable within the R1-B Zone, Single Family Dwelling District. An asterisk is used to identify where the proposal is less stringent than the regulations.

Zoning Criteria	Proposal	R1-B Zone
Site area (m ²) - minimum (Schedule G)	677.0	670.0
Lot width (m) - minimum (Schedule G)	18.52	18.0
Height (m) - maximum	4.20	7.60
Storeys - maximum	1	2
Setbacks (m) - minimum		
Front	9.10	7.50
Rear	16.80	9.14
Side (west)	4.50	1.85
Side on flanking street - Shakespeare Street	4.10	3.50
Date of construction (Schedule G)	1945 *	1931
Additions in last 5 years (Schedule G)	None	Not permitted
Addition of unenclosed space (Schedule G)	None	Not permitted
Exterior changes (Schedule G)	None	Not permitted
Parking - minimum	2	2
Long term bicycle parking stalls - minimum	0	0
Short term bicycle parking stalls - minimum	3	0

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 April 29, 2019. The minutes from that meeting are attached to this report.

ANALYSIS

Official Community Plan

The proposal is generally consistent with the Traditional Residential Urban Place Designation as described in the *Official Community Plan, 2012 (OCP)*, and the proposed use represents a

“community service” use which is considered an appropriate use in all Urban Place Designations. The OCP further encourages multigenerational neighbourhoods and the creation of “quality, accessible and affordable daycare” spaces in order to foster community wellbeing.

Local Area Plans

The subject property is designated as an area of greatest stability within the *Oaklands Neighbourhood Plan*. While there are no policies specifically addressing daycares, the plan envisions maintaining the family character of the neighbourhood within this designation. The provision of childcare facilities is generally in line with the intent of maintaining family character.

Tree Preservation Bylaw and Urban Forest Master Plan

There are three existing Douglas Fir trees in the rear yard of the subject site. One 95cm diameter at breast height (DBH) Fir tree is bylaw protected.

None of these trees will be impacted by the proposed application or changes to the driveway and residence. Potential excavation associated with establishing play structures on the critical root zones of the protected tree will not be permitted. If the applicant wishes to do this, an ISA certified arborist will be required during the construction phase to supervise any ground excavation.

There is one 60cm DBH public Maple tree on Burton Street that will not be affected by the proposed application. This tree will have protection fencing installed during the renovation period, which will be confirmed at the Building Permit stage.

Regulatory Considerations

Generally, the use of kindergarten is permitted within single family dwellings under Schedule G - House Conversions. The proposal meets all of the regulations to qualify for a house conversion except for the date of construction. As per Schedule G, the dwelling is required to be constructed prior to 1931; however, in this instance the single family dwelling was constructed in 1945. This difference in construction dates is effectively negligible, since there are no changes to the exterior of the house and therefore the character of the neighbourhood remains the same.

Schedule C requires a minimum landscaped area of 1.0m width and a landscape screen of 1.5m in height for parking stalls that are adjacent to a residential property. The two parking stalls on the subject site are located against the property line, with an existing low fence used as screening and does not meet the minimum screening requirements. However, this parking area is an existing condition and there are trees on the adjacent property that aid in screening. Therefore, the site-specific zone will be written to permit the existing conditions.

Should Council consider forwarding the Rezoning Application to a Public Hearing, staff recommend that a Statutory Right-of-Way of 1.17m off the laneway and 1.21m off Shakespeare Street be secured to help fulfil Council-approved OCP objectives such as enhanced facilities for walking, cycling and boulevards, which support the long-term viability of large canopy trees.


CONCLUSIONS

The proposal is generally consistent with the relevant policies in providing childcare throughout the city. In addition, a rezoning would not have been required if the building was constructed 15 years earlier. This difference in year of construction will have little to no outward impact and therefore staff recommend Council consider supporting the application.

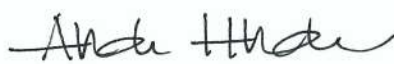
ALTERNATE MOTION

That Council decline Rezoning Application No. 00692 for the property located at 1661 Burton Avenue.

Respectfully submitted,



Michael Angrove
Planner
Development Services Division



Andrea Hudson, Acting Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager



Date:

June 19, 2019

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped June 10, 2019
- Attachment D: Letter from applicant to Mayor and Council dated receive May 10, 2019
- Attachment E: Community Association Land Use Committee minutes dated April 29, 2019
- Attachment F: Correspondence (Letters received from residents).