



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. 00687 for 1302 Finlayson Street

RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00687 for 1302 Finlayson 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 following conditions are met:

1. Preparation and execution of a Statutory Right-of-Way of 2.50m on the Finlayson Street frontage, to the satisfaction of the City Solicitor.
2. A motion from the Heritage Advisory Panel considering the placement of the existing mixed-use building on Victoria's Register of Heritage Properties.

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 1302 Finlayson Street. The proposal is to rezone from the R1-B Zone, Single Family Dwelling District, to two zones, the R1-S2 Zone, Restricted Small Lot (Two Storey) District and a site specific zone, in order to subdivide the property, retain the existing mixed-use building and construct a new small lot house on the northern portion of the property.

The following points were considered in assessing this application:

- the proposal is consistent with the Traditional Residential Urban Place Designation in the *Official Community Plan* (OCP, 2012)
- the proposal is consistent with the housing objectives and policies within the *Hillside-Quadra Neighbourhood Plan* to ensure that infill is compatible with the existing character of the neighbourhood

- the proposal is consistent with the *Small Lot House Rezoning Policy* (2002), as the existing building onsite is being retained.

BACKGROUND

Description of Proposal

This Rezoning Application is to rezone from the R1-B Zone, Single Family Dwelling District, to two zones, the R1-S2 Zone, Restricted Small Lot (Two Storey) District and a site specific zone, in order to subdivide the property, retain the existing mixed-use building and construct a new small lot house on the northern portion of the property.

The following differences from the standard zone are being proposed and will be discussed in relation to the concurrent Development Permit with Variances Application.

- reduced front and rear setbacks on Lot A (new building)
- increased floor space ratio and total floor area on Lot B (existing building)
- increased site coverage on Lot B
- reduced side yard (Finlayson Street) setback on Lot B.

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 is to retain an existing building and redevelop the rear yard, which would not result in the loss of existing 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 primarily by single family dwellings. Highview Park is located immediately to the north and Summit Park is located just south of the subject property.

Existing Site Development and Development Potential

The site presently houses a mixed-use building with a commercial unit on the ground floor and a residential unit on the second storey. Under the current R1-B Zone, Single Family Dwelling District, the property could be developed as a single family dwelling with either a garden suite or a secondary suite.

Data Table

The following data table compares the proposal with the existing R1-B Zone, Single Family Dwelling District. An asterisk is used to identify where the proposal is less stringent than the existing zone. Two asterisks identifies a legal non-conforming component.

| Zoning Criteria | Proposal - Lot A (new building) | Proposal - Lot B (existing building) | Zone Standard R1-S2, Restricted Small Lot (Two Storey) |
|---|---|---|--|
| Site area (m ²) - minimum | 260.50 | 283.40 | 260.0 |
| Density (Floor Space Ratio) - maximum | 0.60 | 0.75 * | 0.60 |
| Total floor area (m ²) - maximum | 157.13 | 211.26 ** | 190.0 |
| Site coverage (%) - maximum | 38.41 | 47.99 * | 40 |
| Lot width (m) - minimum | 16.99 | 18.70 | 10.0 |
| Height (m) - maximum | 7.50 | 7.38 | 7.50 |
| Storeys - maximum | 2 | 2 | 2 |
| Setbacks (m) - minimum | | | |
| Front (west - Highview Street) | 2.0 * | 0.43 ** | 6.0 |
| Rear (east) | 3.43 * (steps) 4.63 * (building) | 2.72 ** (steps) 4.61 ** (building) | 6.0 |
| Side (north) | 2.40 | 3.01 | 1.50 (non-habitable) 2.40 (habitable) |
| Side (south) | 3.0 | N/A | 1.50 (non-habitable) 2.40 (habitable) |
| Side on flanking street (Finlayson Street) | N/A | 0.51 * | 2.40 |
| Parking (residential) - minimum | 1 | 1 | 1 |
| Parking (commercial) - minimum | 0 | 0 ** | 2 |

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the Hillside-Quadra CALUC at a Community Meeting held on November 28, 2018. A letter dated January 6, 2019 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 (OCP)* designates the property within the Traditional Residential Urban Place Designation, which envisions ground-oriented residential uses as well as low-rise mixed-use along arterial and secondary arterial roads with densities up to 1:1 Floor Space Ratio (FSR). The proposed small lots would be subject to Development Permit Area 15A: Intensive Residential - Small Lot (DPA 15A). Further analysis related to the design will be provided in the accompanying Development Permit with Variances Application report.

Local Area Plans

The *Hillside-Quadra Neighbourhood Plan* identifies the property within the Maintain Current Zoning designation. Within this designation, small lot developments will be considered on their own merits at the time of application, and should conform to established City criteria. The proposal meets the overall housing objectives in compatibility with the established scale and character of adjacent and nearby housing.

Tree Preservation Bylaw and Urban Forest Master Plan

There are four existing Green Ash trees, two public and two privately owned, on the subject site. Staff recommend removing two of the Ash trees to allow for a new pedestrian sidewalk, as there is currently no sidewalk and this will contribute to pedestrian safety and mobility. Three new boulevard trees will be planted as replacement trees in a new grass boulevard that is currently gravel. Their species will be determined at the Building Permit stage. No new trees are proposed on the subject site. A mature 71cm diameter at breast height (DBH) protected Garry Oak tree located in Highview Park, nine metres from the subject property boundary, will not be impacted by the proposed application.

Small Lot House Rezoning Policy

The application is consistent with the Small Lot House Rezoning Policy. The existing building on the lot will be retained and the new house is generally sensitive in character to the nearby dwellings. The applicant conducted consultation of the immediate neighbours and achieved 100% support from respondents on the neighbour petition.

Regulatory Considerations

Generally, the density of small lots is limited to 0.60:1 FSR, whereas the proposed Lot B is 0.75:1 FSR. Staff are supportive of this increase in density, as Lot B is not a traditional small lot due to the existing mixed-use building with commercial on the ground floor and residential on the upper storey. In addition, the OCP identifies maximum densities up to 1:1 in the Traditional Residential designation, which this proposal meets. Finally, the building has been identified as having heritage value and the property owner is willing to place the mixed-use building on the Heritage Register.

Should Council consider approving the Rezoning Application, staff recommend that a 2.5m Statutory Right-of-Way (SRW) on Finlayson Street be secured to help fulfill the Council-approved OCP objectives such as enhanced facilities for walking, cycling, public transit and boulevards that support the long-term viability of large canopy trees. This is in addition to the 0.86m road dedication that would be taken as a condition of subdivision.

CONCLUSIONS

The proposal to rezone and subdivide the subject property, retain the existing building, and construct one new small lot dwelling is consistent with the objectives in the *Official Community Plan, Hillside-Quadra Neighbourhood Plan* and the *Small Lot House Rezoning Policy*. Staff recommend Council consider supporting this application.

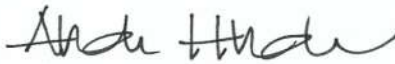
ALTERNATE MOTION

That Council decline Rezoning Application No. 00687 for the property located at 1302 Finlayson Street.

Respectfully submitted,

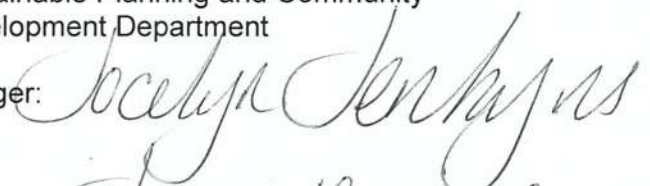


Michael Angrove
Planner
Development Services Division



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


Date: June 19, 2019

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped May 3, 2019
- Attachment D: Letter from applicant to Mayor and Council dated May 3, 2019
- Attachment E: Community Association Land Use Committee Comments dated January 6, 2019
- Attachment F: Statement of Significance for 1302 Finlayson Street
- Attachment G: Arborist Report
- Attachment H: Small Lot Petition