



Committee of the Whole Report

For the Meeting of September 19, 2019

To: Committee of the Whole

Date: September 5, 2019

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

Subject: Rezoning Application No. 00691 for 514 and 518 Sumas 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. 00691 for 514 and 518 Sumas 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. Prepare and execute a Housing Agreement to ensure that future Strata Bylaws cannot prohibit the rental of dwelling units.
2. Prepare and execute a legal agreement to secure a 1.172m Statutory Right-of-Way along the lane frontage.

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 properties located at 514 and 518 Sumas Street. The proposal is to rezone from the R1-B Zone, Single Family Dwelling District, to the RT Zone, Traditional Residential Attached Dwelling District, in order to increase the density to 1:1 Floor Space Ratio (FSR) and permit an attached dwelling.

The following points were considered in assessing this application:

- the subject properties are designated Urban Residential in the *Official Community Plan, (2012 OCP)*, which supports attached and detached buildings up to three storeys and a density of up to 1.2:1 FSR. The OCP also supports multi-unit residential buildings at this location
- the land use designation in the *Burnside Gorge Neighbourhood Plan* is Urban Residential, which supports multi-unit residential development up to four-storeys and a density of up to 2:1 FSR
- the applicant is proposing a ground-oriented, housing form that would be more suitable for families
- should Council approve the Rezoning Application then the applicant will apply for a Development Permit, which would also require Council approval
- the applicant has provided a Tenant Assistance Plan (attached).

BACKGROUND

Description of Proposal

This Rezoning Application is to rezone from the R1-B Zone, Single Family Dwelling District, to the RT Zone, Traditional Residential Attached Dwelling District in order to increase the density to 1:1 Floor Space Ratio (FSR) and permit an attached dwelling.

The proposed differences from the existing R1-B Zone are related to increasing the density, height, site coverage, and reducing the front and rear yard setbacks.

Affordable Housing Impacts

The applicant is proposing attached dwelling units in order to provide larger units suitable for families. A Housing Agreement is being proposed, which would ensure that future Strata Bylaws could not prohibit the rental of units.

Tenant Assistance Policy

The proposal is to demolish two existing buildings, which would result in a loss of two existing residential rental units. Consistent with the Tenant Assistance Policy, the applicant has provided a Tenant Assistance Plan, which is attached to this report.

Sustainability Features

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

Active Transportation Impacts

Given that the applicant has only submitted a Rezoning Application at this time, the details on the active transportation impacts are not available and will be provided at the Development Permit stage for Council's consideration.

Public Realm Improvements

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

Accessibility Impact Statement

Details regarding the accessibility of the project would be provided at the Development Permit stage for Council's consideration.

Land Use Context

The area is characterized by a mix of single family dwellings and duplexes.

Existing Site Development and Development Potential

The site is presently two single-family dwellings.

Under the current R1-B Zone, each 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 RT Zone.

Zoning Criteria	Proposal	Existing R1-B Zone	Zone Standard RT Zone
Site area (m ²) – minimum	1018	460	920
Density (Floor Space Ratio) – maximum	1:1	n/a	1:1
Lot width (m) – minimum	30.48	15	20
Height (m) – maximum	10.50	7.60	10.50
Storeys – maximum	3	2	3
Site coverage (%) – maximum	50	40	50
Open site space (%) – minimum	50	n/a	30
Number of dwellings units in an attached dwelling	4	n/a	4
Separation space between buildings (within the site) (m) – minimum	7	n/a	5
Setbacks (m) – minimum			
Front	6	7.50	6
Rear	4	8.36	4
Side (east)	4	3.04	4

Zoning Criteria	Proposal	Existing R1-B Zone	Zone Standard RT Zone
Side (west)	4	3.04	4
Combined side yard	8	4.50	n/a
Parking – minimum	To be determined at the Development Permit stage		
Visitor parking included in the overall units – minimum	To be determined at the Development Permit stage		
Bicycle parking stalls – minimum	To be determined at the Development Permit stage		

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the Burnside Gorge CALUC at a Community Meeting held on August 17, 2018. A letter dated August 18, 2018 is attached to this report.

ANALYSIS

Official Community Plan

The *Official Community Plan*, (OCP, 2012) Urban Place Designation for the subject properties is Urban Residential, which supports attached and detached buildings up to three storeys and a density of up to 1.2:1 FSR. The OCP also supports multi-unit residential buildings up to six storeys at this location.

The OCP also encourages an increase in a wide range of housing choice within neighbourhoods to support a diverse and inclusive community. The applicant feels that a smaller scale housing development would be a better fit adjacent to Sumas Park and that an attached housing form would offer more family-size units in the neighbourhood.

Local Area Plans

Burnside Gorge Neighbourhood Plan

The land use designation of the subject properties in the *Burnside Gorge Neighbourhood Plan* (2017) is Urban Residential, which supports multi-unit residential development up to four storeys and a density of up to 2:1 FSR. The applicant is proposing ground-oriented housing even though the policies support more intensification and higher density residential development west of Sumas Park and in close proximity to Jutland Road.

Tree Preservation Bylaw and Urban Forest Master Plan

An inventory and assessment of eight trees that may be impacted by the development was undertaken by Gye + Associates, as outlined in the Arborist Report dated September 11, 2019. There is a bylaw-protected Arbutus with 12cm diameter at breast height (DBH) located near the east property line, which is proposed for retention. Two non-bylaw purple-leaf plum trees (30cm and 28cm DBH) are proposed for removal due to conflict with the proposed building envelope of

Block one. Realignment of the sidewalk from the edge of the road to the property line will require the removal of two purple-leaf plums on the municipal frontage (18cm and 38cm DBH). On the new boulevard, three trees have been proposed and the species will be determined by Parks at the Building Permit stage. The cottonwood, elm, and purple-leaf plum trees in Sumas Park would be protected during any construction on the subject property with tree protection fencing.

Density Bonus Policy

The Rezoning Application was received April 4, 2019 and is subject to Council's interim Affordable Housing Policy, which is summarized in Council's motion dated November 22, 2018:

That Council direct staff to negotiate for inclusive housing or cash-in-lieu on all strata projects except in buildings of 10 units or less.

Based on the proposed RT Zone, the applicant could potentially construct up to eight ground-oriented attached dwelling units on the site and would therefore be technically exempt from the requirement to provide inclusive housing or cash-in-lieu with this proposal. The proposal is more consistent with a built form and density typically proposed for properties designated Traditional Residential in the OCP. That said, the applicant is willing to enter into a housing agreement to ensure that future strata bylaws cannot prohibit the rental of dwelling units, and may be willing to explore an opportunity to incorporate some level of below market-housing within the project, if it is financially feasible. Staff will continue to explore this possibility with the applicant and report back to Council prior to Public Hearing.

Regulatory Considerations

Statutory Right-of-Way

A Statutory Right-of-Way (SRW) of 1.172m is required on the lane frontage to achieve a standard road right-of-way for a lane and enable two-way traffic on the lane in the future.

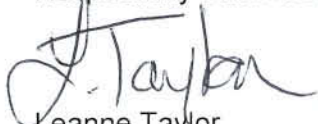
CONCLUSIONS

The proposal is consistent with the OCP and the *Burnside Gorge Neighbourhood Plan* from a use, height and density perspective, and further advances the housing objectives in the OCP related to providing a wide range of housing choice within neighbourhoods to support a diverse and inclusive community. Staff recommend that Council consider advancing the Rezoning Application to a Public Hearing.

ALTERNATE MOTION

That Council decline Rezoning Application No. 00691 for the properties located at 514 and 518 Sumas Street.

Respectfully submitted,



Leanne Taylor
Senior Planner
Development Services Division

JH



Andrea Hudson, Acting Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager

Joelyn Jenkins
Date: Sept. 12, 2019

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans dated/date stamped September 4, 2019
- Attachment D: Letter from applicant to Mayor and Council dated July 8, 2019
- Attachment E: Community Association Land Use Committee Comments dated August 18, 2018
- Attachment F: Arborist Report dated September 11, 2019
- Attachment G: Tenant Assistance Plan.