



## **Committee of the Whole Report**

### **For the Meeting of November 7, 2019**

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**To:** Committee of the Whole **Date:** October 24, 2019

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

**Subject:** Rezoning Application No. 00703 for 1442 Elford 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. 00703 for 1442 Elford 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 applicant prepares and executes a legal agreement ensuring that future Strata Bylaws cannot prohibit the rental of dwelling units.

### **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.

In accordance with Section 483 of the *Local Government Act*, Council may enter into a Housing Agreement which may include terms agreed to by the owner regarding the occupancy of the housing units and provided such agreement does not vary the use of the density of the land from that permitted under the zoning bylaw.

### **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 1442 Elford Street. The proposal is to rezone from the R1-B Zone, Single Family Dwelling District, to a new zone in order to convert the existing single-family dwelling into a multi-unit residential building consisting of approximately five ground-oriented dwelling units. There is a concurrent application to heritage-designate the existing building.

The following points were considered in assessing this application:

- the proposal is consistent with the Urban Residential Urban Place Designation in the *Official Community Plan* (OCP, 2012), which supports ground-oriented, multi-unit residential buildings up to six-storeys and a density up to 1.2:1 floor space ratio as well as house conversions
- the OCP strongly encourages the conservation and enhancement of heritage properties. The existing house was constructed in 1901 and has contributed to the historic character of the Fernwood neighbourhood. The applicant is proposing retain, rehabilitate and heritage-designate the existing house
- the Fernwood Neighbourhood Plan, 1994 supports the conservation of heritage buildings and retention of the single-family zoning in order to preserve the character of the neighbourhood. Retaining and rehabilitating the existing house will preserve and enhance the existing streetscape.
- Under current Schedule G: House Conversion Regulations, a total floor area of 445m<sup>2</sup> is required to convert the existing house to five dwelling units. The proposed floor area is 302m<sup>2</sup> and as a result, a rezoning is required to facilitate this proposal. The unit sizes range from 46m<sup>2</sup> - 102m<sup>2</sup> (one and two bedroom units).

## **BACKGROUND**

### **Description of Proposal**

This Rezoning Application is to convert the existing single-family dwelling to a multi-unit residential building consisting of approximately five ground-oriented dwelling units. The proposed density is 0.6:1 floor space ratio (FSR). The applicant is also proposing to heritage-designate the existing house concurrently with the Rezoning Application.

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

- increase the floor area
- increase the height
- reduce the front yard setback.

### **Affordable Housing Impacts**

The applicant proposes the creation of five new residential units, which would increase the overall supply of housing in the area. A Housing Agreement is also being proposed which would ensure that future Strata Bylaws could not prohibit the rental of units.

### **Sustainability Features**

According to the applicant, the existing house has been covered with asbestos concrete shingles since 1958 and there are lead-based products inside the building. The applicant would be remediating and removing these materials as part of this application.

### **Active Transportation Impacts**

The applicant is proposing to provide seven short-term bicycle parking spaces on-site.

### **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. Due to some grade challenges and the location of a bylaw-protected tree in the front yard, the proposed pathway in the front yard and along the north side of the property will have stairs in order to minimize excavation around the tree. However, the pathway from the parking area in the rear yard to the building would be accessible.

## Land Use Context

The area is characterized by a mix of single-family dwellings, duplexes and low-rise multi-unit residential buildings.

## Existing Site Development and Development Potential

The site is presently a single-family dwelling. Under the current R1-B Zone, the property could be developed as a single-family dwelling with a secondary suite or garden suite. Under the current Schedule G: House Conversion Regulations, the existing single-family dwelling could be converted to approximately three self-contained dwelling units.

## 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.

<b>Zoning Criteria</b>	<b>Proposal</b>	<b>Zone Standard (R1-B Zone)</b>	<b>Schedule G – House Conversion Regulations</b>
Site area (m <sup>2</sup> ) – minimum	503.90	460	n/a
Unit floor area (m <sup>2</sup> ) – minimum	43.90	n/a	33
Density (Floor Space Ratio) – maximum	0.60	n/a	n/a
Total floor area (m <sup>2</sup> ) – maximum	<b>302 *</b>	300	445
Lot width (m) – minimum	15.03	15	n/a
Height (m) – maximum	<b>9.46 *</b>	7.60	n/a
Storeys – maximum	<b>3 *</b>	2	n/a
Roof deck	<b>Yes*</b>	No permitted	Not permitted
Site coverage (%) – maximum	<b>26.90 *</b>	40	n/a
Total landscaped area (%) - minimum	<b>21.19</b>	n/a	30

Zoning Criteria	Proposal	Zone Standard (R1-B Zone)	Schedule G – House Conversion Regulations
<b>Setbacks</b> (m) – minimum			
Front	5.10 *	7.50	
Rear	11.68	8.39	n/a
Side (north)	1.52	1.50	
Side (south)	4.02	3	
Combined side yards	5.54	4.50	
<b>Parking</b> – minimum			
Residential	5	5	n/a
Visitor	0*	1	
Landscape screen (m) – minimum	0.31 (side)* 0.61 (rear)*	1	0.60 (side) 1.50 (rear)
<b>Height of landscape screen (m) – minimum</b>			
Side	1.80	n/a	1.50
Rear	1.80		1.80
<b>Bicycle parking stalls</b> – minimum			
Long-term	0	n/a	n/a
Short-term	7	n/a	

### Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the Fernwood CALUC at a Community Meeting held on June 19, 2019. A letter dated August 16, 2019 is attached to this report.

### ANALYSIS

#### Official Community Plan

The subject property is designated Urban Residential in the *Official Community Plan* (OCP, 2012), which supports ground-oriented, multi-unit residential buildings up to six storeys and a

density up to 1.2:1 FSR as well as house conversions. The applicant is proposing to lift the existing house by 1.3m, which will increase the height to 9.46m or approximately three storeys, in order to convert the existing building into five residential dwelling units. The proposed density would be 0.6:1 FSR. The proposal is consistent with the use, height and density provisions outlined in the OCP.

The OCP also strongly encourages the conservation and enhancement of heritage properties. The existing house was constructed in 1901 and has contributed to the historic character of the Fernwood neighbourhood. The applicant is proposing to rehabilitate the exterior of the building by restoring the house's historic cladding, front porch and stairs, and by reintroducing an historically appropriate colour scheme. These changes will enhance the streetscape appearance of Elford Street and compliment the neighbouring heritage-designated house at 1436 Elford Street.

### **Fernwood Neighbourhood Plan**

The *Fernwood Neighbourhood Plan* (1994) supports the retention of the single-family zoning in order to preserve the character of the neighbourhood as well as the conservation of heritage buildings. The existing house is in need of repair. The applicant's proposal to retain, rehabilitate and heritage-designate the existing house demonstrates the applicant's willingness to preserve the character of the neighbourhood as well as add new residential dwelling units in the neighbourhood in a sensitive manner.

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

The applicant engaged Talbot Mackenzie & Associates to carry out an inventory and development impact assessment of five trees, as outlined in an Arborist Report dated October 16, 2019. On the municipal frontage, there is a large English oak that is 103 cm diameter at breast height (DBH). Within the oak's critical root zone, the construction of a walkway and new stairs to a lower level is being proposed. To mitigate construction impacts on the tree, the Arborist recommends that the walkway be constructed using a method that builds above tree roots (floating) and that excavation for the lower entry be limited. There are two Elm trees located on the neighbouring properties at 1436 and 1450 Elford, which have critical root zones that extend into the proposed parking area. The Arborist is recommending permeable surface treatment and floating construction for the parking lot area. Lastly, the neighbouring property owner at 1436 Elford has provided written consent for the proposed removal of an off-site Douglas-fir (14 cm DBH) to accommodate a new driveway.

### **Density Bonus Policy**

The Rezoning Application was received June 22, 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.*

Even though the proposal is for five dwelling units, Staff asked the applicant if they are willing to include some below-market or affordable units in this project. The applicant informed staff that it is not financially feasible to provide other forms of housing tenure in the project in conjunction with the heritage preservation and rehabilitation of the existing house.



## Regulatory Considerations

The OCP supports heritage conservation through incentives and allowances including zoning variances. A parking variance is required to facilitate this development. The applicant is proposing to reduce the required number of parking spaces from six to five. There is no space on-site to provide six parking spaces for this development. Each dwelling unit would have access to one parking space and visitors would likely park on nearby streets. The property is also in close proximity to frequent transit service, bicycle infrastructure and Stadacona Village with shops and services; therefore, a parking shortfall of one parking space is supportable at this location.

Schedule C: Off-street Parking requires a one metre wide continuous landscape screen between a surface parking area and an adjacent lot used primarily for residential purposes. The subject property abuts residential properties. The applicant is proposing a width of 0.61m along the rear property line and 0.31m along the side property line. The applicant is unable to move the existing house closer to the street to accommodate a landscape screen in the rear yard as it would impact the bylaw-protected tree in the front yard and disrupt the historical streetscape that the applicant is aiming to preserve. To offset a reduction in width, the applicant is proposing to construct a cedar fence with trellis system around the perimeter of the site and plant small trees and shrubs that can grow in a smaller space.

Given that the applicant is retaining and heritage-designating the existing house, staff recommend that the parking requirements are embedded into the new zone.


## CONCLUSIONS

The proposal is to convert the existing single-family dwelling to a multi-unit residential building consisting of approximately five dwelling units is consistent with the land use policies outlined in the OCP and the *Fernwood Neighbourhood Plan*. This development proposal also further advances heritage and housing objectives in the OCP. Staff recommend for Council's consideration that the application proceed to a Public Hearing.

## ALTERNATE MOTION

That Council decline Rezoning Application No. 00703 for the property located at 1442 Elford Street.

Respectfully submitted,



Leanne Taylor  
Senior Planner  
Development Services Division



Andrea Hudson, Acting Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



Date:

October 25, 2019

## List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped October 16, 2019
- Attachment D: Letter from applicant to Mayor and Council dated June 24, 2019
- Attachment E: Community Association Land Use Committee Comments dated August 16, 2019
- Attachment F: Arborist Report prepared by Talbot MacKenzie & Associates dated October 16, 2019.