



## **Committee of the Whole Report**

### **For the Meeting of June 18<sup>th</sup>, 2020**

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**To:** Committee of the Whole **Date:** June 4, 2020

**From:** Karen Hoese, Director, Sustainable Planning and Community Development

**Subject:** Rezoning Application No. 00721 for 580 and 582 Niagara 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.00721 for 580-582 Niagara 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 on the property's title to secure:
  - a. a Statutory Right of Way, to the satisfaction of the Director of Engineering;
  - b. a Housing Agreement to secure two of the four units as rental in perpetuity.

### **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 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 580-582 Niagara Street. The proposal is to rezone from the R-2 Two Family Dwelling District Zone to a site-specific zone in order to

allow for two additional units in an existing duplex, for a total of four residential units. The two additional units are existing but unapproved. Two of the units would be secured as rental through a housing agreement.

The following points were considered in assessing this application:

- the proposal is consistent with the density and use ranges established for this area, which is designated Traditional Residential in the *Official Community Plan* (OCP, 2012)
- the proposal is consistent with the James Bay Strategic Directions in the OCP to enable adaptation of the existing housing stock to maintain a variety of housing types
- the provision of two rental units supports housing diversity and market rental housing policies outlined in the OCP
- the proposal advances the objectives of the *Pedestrian Master Plan*, 2008, the *Greenways Plan*, 2003, and related OCP policies.

## **BACKGROUND**

### **Description of Proposal**

This Rezoning Application is to rezone from the R-2 Two Family Dwelling District Zone to a new, site-specific zone to allow for two additional residential units in an existing side-by-side duplex building. The proposal involves legalizing the already built but unapproved dwelling units, which are located on the lower storey of the building.

The proposal to allow four units, is a change from the existing zone, which currently allows for a maximum of two units. No changes to the exterior of the building are proposed.

### **Affordable Housing**

The applicant proposes the creation of two new residential units which would increase the overall supply of housing in the area. A Housing Agreement is also proposed, which would secure two of the four units as rental in perpetuity.

### **Tenant Assistance Policy**

The applicant has confirmed that the existing tenants will not need to be displaced in order to complete the work required to legalize the units. Because the tenants will not be displaced, the Tenant Assistance Policy does not apply.

### **Sustainability**

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

### **Active Transportation**

The applicant has not identified any active transportation impacts associated with this Application.

### **Public Realm**

No public realm improvements beyond City standard requirements are proposed in association

with this Rezoning Application.

### **Accessibility**

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

### **Land Use Context**

The area is characterized by a mix of single-family houses, multi-family house conversions and duplexes. There are also several multi-family dwellings further along Niagara Street and Government Street.

### **Existing Site Development and Development Potential**

The site is presently approved as a two dwelling unit building. The building was converted from a single-family dwelling to a two-family dwelling in the 1950s. There are two units in the building that are unapproved.

Under the current R-2 Zone Two Family Dwelling District Zone, the property could be developed as a two-family dwelling or a single-family dwelling with a garden suite or secondary suite. Under the existing Schedule G- House Conversion Regulations, three units would be permitted as a multi-family house conversion. If the application was subject to the proposed House Conversion Guidelines, which Council directed staff to prepare earlier this year, the four units would be permitted without the need for a Rezoning as long as three of the units were secured as rental in perpetuity.

### **Data Table**

The following data table compares the proposal with the existing R-2 Zone Two Family Dwelling District Zone. An asterisk is used to identify where the proposal does not meet the requirements of the existing Zone.

<b>Zoning Criteria</b>	<b>Proposal</b>	<b>Existing Zone – R-2 Two Family Dwelling District (Duplex Use)</b>
Site area (m <sup>2</sup> ) – minimum	679.80	555
Site area per unit (m <sup>2</sup> ) – minimum	138.50*	277.5
Number of units – maximum	4*	2
Number of units in a house conversion – maximum	4*	3
Density (Floor Space Ratio) – maximum	0.45	0.5
Total floor area (m <sup>2</sup> ) – maximum	302.66	380

<b>Zoning Criteria</b>	<b>Proposal</b>	<b>Existing Zone – R-2 Two Family Dwelling District (Duplex Use)</b>
Lot width (m) – minimum	17.07	15
Height (m) – maximum	5.86	7.6
Storeys – maximum	2	2
Site coverage (%) – maximum	26	40
Open site space (%) – minimum	21.85**	30
<b>Setbacks (m) – minimum</b>		
Front	7.98	7.5
Rear	13.14**	13.9
Side (East)	3.80	1.71
Side (West)	4.05	3
Combined side yards	7.85	4.5
Parking – minimum	4	2
Bicycle parking stalls – minimum	0	0

## Relevant History

The house was constructed in 1928 and was converted to a duplex in the 1950's. In 2009, the house was raised and it was at approximately this time that the two additional units were added without a permit.

## Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the James Bay CALUC at a Community Meeting held on August 14, 2019. A letter dated August 27, 2019 is attached to this report.

## ANALYSIS

### Official Community Plan and James Bay Neighbourhood Plan

The proposal to convert the existing two-family dwelling building to four units is consistent with the Traditional Residential Urban Place Designation in the *Official Community Plan* (OCP),

which envisions conversion of the existing housing stock. The four dwelling units within the existing building is also consistent with OCP policies to support a range of housing types, forms and tenures within neighbourhoods.

The proposal is consistent with the James Bay Strategic Direction to adopt and renew the existing building stock and maintain an interesting diversity of housing types.

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

There are no Tree Preservation Bylaw impacts with this Application.

### **Public Realm Improvements**

The standard right-of-way width for a collector street is 20.0 metres, however, future transportation-related needs on the corridor can be met in a right-of-way width of 18.0 metres. To help achieve this width on this portion of Niagara Street, the applicant has agreed to provide a Statutory Right of Way (SRW) of 2.6 metres.

The SRW will help fulfill Council-approved Official Community Plan objectives such as enhanced facilities for pedestrians, transit and the urban tree canopy.

### **CONCLUSIONS**

The application to legalize the two additional residential units within the existing duplex would have very little impact on adjacent properties and is generally consistent with relevant policy. Allowing these additional units and securing them as rental is consistent with the James Bay Neighbourhood Plan and OCP by adding sensitive infill and increasing the overall supply of housing and a variety of housing options in the area. Staff recommend for Council's consideration that the application be approved.


### **ALTERNATE MOTION**

That Council decline Application No.00721 for the property located at 580-582 Niagara Street.

Respectfully submitted,



Chloe Tunis  
Planner  
Development Services



Karen Hoes, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



Date: June 10, 2020

### **List of Attachments**

- Subject Map
- Aerial Map
- Plans dated/date stamped May 25, 2020
- Letter from applicant to Mayor and Council dated January 20, 2020
- Community Association Land Use Committee Comments dated August 27, 2020