



Committee of the Whole Report For the Meeting of August 6, 2020

To: Committee of the Whole **Date:** July 9, 2020

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

Subject: Rezoning Application No. 00724 for 202 Raynor 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. 00724 for 202 Raynor Avenue, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

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 202 Raynor Avenue. The proposal is to rezone from the R-2 Zone, Two Family Dwelling District to the R1-S2 Zone, Restricted Small Lot (Two Storey) District, to subdivide the lot while retaining the existing heritage-designated house. There is an associated Development Permit with Variance Application for the proposed small lot house, and a Heritage Alteration Permit with Variance for the existing house, which will be discussed in the accompanying reports.

The following points were considered in assessing this application:

- the proposal is generally consistent with the Traditional Residential Urban Place Designation and objectives for sensitive infill development, as described in the *Official Community Plan* (OCP, 2012)
- the proposal is consistent with the policies in the *Small Lot House Rezoning Policy* (2002) and retains the existing heritage-designated house
- the proposal is generally consistent with the *Victoria West neighbourhood Plan* (2018) and is compatible with the established lot patterns.

BACKGROUND

Description of Proposal

This Rezoning Application proposes to subdivide the property in order to create two small lots, while retaining the existing heritage-designated house on one of the small lots. The Development Permit with Variance Application for the small lot house and the Heritage Alteration Permit with Variance Application for the existing house will be discussed in concurrent reports.

Affordable Housing

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 the existing house and add another dwelling unit. The house is owner-occupied, therefore consistent with the *Tenant Assistance Policy*, a Tenant Assistance Plan is not required.

Sustainability

As indicated in the applicant's letter dated June 5, 2020 the following sustainability features are associated with the new small lot house proposal:

- certified Passive House
- on-site storm water management
- Photovoltaic panel capability.

Active Transportation

The applicant has not identified any active transportation features associated with this application.

Public Realm

No public realm improvements beyond the basic City standard 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 single family dwellings and commercial buildings.

Immediately adjacent land uses include:

- North – heritage-designated single family dwelling (across Raynor Avenue)
- West – single family dwelling
- East – commercial building
- South – small lot single family dwelling.

Existing Site Development and Development Potential

The site presently contains a single-family dwelling that is heritage-designated.

Under the current R-2 Zone, Two Family Dwelling District, the property could be developed as a duplex; or the uses in the R1-B Zone, Single Family Dwelling District, including a house conversion, or single family dwelling with a secondary suite or garden suite.

Data Table

The following data table compares the proposal with the R1-B Zone, Single Family Dwelling District, and the proposed zone, R1-S2, Small Lot (Two Storey) Single Family Dwelling District. While the property is zoned R-2, Two Family Dwelling District, it currently contains a single-family dwelling and therefore the R1-B Zone, Single Family Dwelling District regulations apply. An asterisk is used to identify where the proposal does not meet the requirements of the proposed Zone. Two asterisks are used to identify where there are legal, non-conformities with the existing structure.

Zoning Criteria	Proposal (existing house)	Proposal (small lot house)	Proposed Zone R1-S2	Existing Zone R1-B
Site area (m ²) - minimum	419.00	305.00	260.00	460.00
Lot width (m) - minimum	18.01 (Raynor Avenue)	17.05 (Alston Street)	10.00	15.00
Density (Floor Space Ratio) - maximum	0.45	0.42	0.60	n/a
Total floor area (m ²) - maximum	188.00	128.00	190.00	n/a
Height (m) - maximum	7.29	7.50	7.50	7.60
Storeys - maximum	2	2	2	2
Basement	yes	yes	Permitted	Permitted
Site coverage (%) - maximum	25.00	23.00	40.00	40.00
Setbacks (m) – minimum				
Front yard	4.14 ** (Raynor Avenue)	3.49 * (Alston Street)	6.00	7.50
Projections – stairs (max.)	1.22	n/a	2.50	2.50
Projections – porch roof	n/a	n/a	1.60	1.60

Zoning Criteria	Proposal (existing house)	Proposal (small lot house)	Proposed Zone R1-S2	Existing Zone R1-B
(max.)				
Side yard	2.54 (west)	3.85 (north)	2.40	1.50
Side yard	n/a	4.72 (south)	2.40	3.00
Side yard on flanking street	7.66 (Alston Street)	n/a	2.40	3.50 or 10%
Rear	3.07 * (south)	6.00 (west)	6.00	7.50
Parking – minimum	1	1	1	1

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the Victoria West CALUC at a Community Meeting held on June 18, 2019. At the time of writing this report, a letter from the CALUC had not been received.

In accordance with the City's *Small Lot House Rezoning Policy*, the applicant has polled the immediate neighbours and reports that 75% 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, 2012) Urban Place Designation for the subject properties is Traditional Residential. In accordance with the OCP, small lots are subject to DPA 15A: Intensive Residential – Small Lot. Additionally, the OCP encourages infill to be developed in a way that respects sense of place, responding to existing heritage buildings, and retaining and enhancing heritage-designated properties. The proposal is consistent with the objectives of the OCP to support sensitive infill and to retain and enhance heritage-designated properties.

Victoria West Neighbourhood Plan

The *Victoria West Neighbourhood Plan* supports infill and small lot homes when they are compatible with the historical patterns. The Neighbourhood Plan identifies this area as the North Catherine Street Sub-Area. Within this area, small lots that meet the *Small Lot Rezoning Policy* are considered to be supportable. Further, small lot proposals are not supported when the subdivision results in demolition of the existing house. The proposed new house is compatible within the context of the area and historical lot pattern, and the proposal retains the existing heritage-designated house.

Small Lot House Rezoning Policy

The *Small Lot House Rezoning Policy* encourages sensitive infill development with an emphasis on ground-oriented housing that fits with the existing character of a neighbourhood. The proposed small lot meets the minimum lot size of 260m² and lot width of 10m in the Policy. Additionally, the Policy does not support demolition of existing houses to facilitate development of small lots. The proposal retains the existing heritage-designated house.

Tree Preservation Bylaw and Urban Forest Master Plan

The goals of the Urban Forest Master Plan include protecting, enhancing, and expanding Victoria's urban forest and optimizing community benefits from the urban forest in all neighbourhoods.

This permit application was received after October 24, 2019; therefore, it falls under Tree Preservation Bylaw No. 05-106 consolidated November 22, 2019. The tree inventory for the proposal, outlined in the arborist report, includes nine trees that may be impacted by the proposal: seven on the subject lot, and two trees on City property. Three trees are proposed for removal on the subject property including one bylaw protected purple-leaf plum. Removal is required for construction of the proposed dwelling and new retaining walls. The applicant is proposing to plant two trees on the subject lot, both of which will be bylaw replacement trees.

CONCLUSIONS

This proposal to rezone the subject property to allow for the creation of two small lots through subdivision, while retaining the existing heritage-designated house, and constructing one new small lot house is consistent with the applicable City policies and allows for a form of sensitive development that generally fits with the existing neighbourhood context. Staff therefore recommend that Council consider supporting this application.

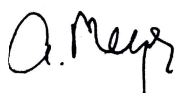
ALTERNATE MOTION

That Council decline Rezoning Application No. 00724 for the property located at 202 Raynor Avenue.

Respectfully submitted,



Chelsea Medd
Planner
Development Services Division



Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date: July 27, 2020

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped June 9, 2020
- Attachment D: Letter from applicant to Mayor and Council dated June 9, 2020
- Attachment E: Design Summary from Waymark Architecture dated June 9, 2020
- Attachment F: Small Lot House Rezoning Petition Map, Summary and Petitions
- Attachment G: Tree Protection Plan dated February 28, 2020
- Attachment H: Arborist Inventory dated February 13, 2020
- Attachment I: Heritage Advisory Panel Minutes from May 12, 2020
- Attachment J: Statement of Significance
- Attachment K: Conservation Plan for 202 Raynor Avenue by Waymark Architecture Inc.
- Attachment L: Correspondence (Letters received from residents).