



Committee of the Whole Report For the Meeting of January 28, 2021

To: Committee of the Whole **Date:** January 14, 2021

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

Subject: Rezoning Application No. 00736 for 430 Powell 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. 00736 for 430 Powell Street, 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 430 Powell Street. The proposal is to rezone from the R-2 Zone, Two Family Dwelling District, to a site specific small-lot zone in order to subdivide the property and construct two new single-family homes.

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 *James Bay Neighbourhood Plan* (1993) to allow for small lot infill housing that fits the form and scale of neighbouring houses
- the proposal is generally consistent with the design guidelines in *Small Lot House Design Guidelines* (2002) with respect to density and consistency with neighbourhood form and character
- with proposed lot sizes of 240.7m² and 241.8m² the proposal is not consistent with the *Small Lot House Rezoning Policy* which states that lots should be a minimum of 260m²; however, the lot sizes and scale of development is consistent with the pattern of nearby development.

BACKGROUND

Description of Proposal

The proposal is to rezone from the R-2 Zone, Two Family Dwelling District, to a site specific small-lot zone in order to subdivide the property and construct two new single-family homes. The property is currently being used as a parking lot, which is non-conforming to the zoning.

The following differences from the standard two-storey small lot zone are being proposed and will be incorporated into the site-specific zone:

- reduce of the minimum lot size from 260.00m to 240.70m for Lot 1 and 241.80m for Lot 2
- reduce the lot width from 10.00m to 8.60m for both lots
- reduce the front yard setbacks on both lots from 6.0m to 4.0m metres.

The following differences from the standard two-storey small lot zone are being proposed and would be incorporated as variances from the site-specific zone:

- reduce the rear yard setback from 6.00m to 2.92m (stairs) and 4.75m (building) on Lot 1
- reduce the rear yard setback from 6.00m to 3.39m (stairs) and 4.53m (building) on Lot 2
- reduce the side yard setbacks for proposed Lot 1 from 2.4m for elevations with windows into habitable floor areas to 2.0m on the north side and 1.2m on the south side
- reduce the side yard setbacks for proposed Lot 2 from 2.4m to 1.2m on the north side and to 2.0m on the south side.

Affordable Housing

The applicant proposes the creation of two new residential units which would increase the overall supply of housing in the area.

Tenant Assistance Policy

The existing use of the site is as a non-conforming surface parking lot; therefore, the proposal does not result in the loss of any residential units.

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 the City's standard, are proposed in association with this Rezoning Application.

Accessibility Impact

Accessibility measures beyond those contained in the British Columbia Building Code are not proposed.

Land Use Context

The area is characterized primarily by a mix of single family, attached and multi-family dwellings. The building directly to the north contains a daycare and medical clinic.

Existing Site Development and Development Potential

The site is presently used as a non-conforming parking lot. Under the current R-2 Zone, Two Family Dwelling District, the property could be developed as a duplex or 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 R1-S2 Zone, Restricted Small Lot (Two Storey) District. An asterisk is used to identify where the proposal does not meet the standard.

Zoning Criteria	Proposal - Lot 1	Proposal - Lot 2	Zone Standard R1-S2, Restricted Small Lot (Two Storey)
Site area (m ²) - minimum	240.7 *	241.8 *	260.0
Density (Floor Space Ratio) - maximum	0.59	0.58	0.60
Total floor area (m ²) - maximum	141.0	140.0	190.0
Site coverage (%) - maximum	39.88	39.90	40
Lot width (m) - minimum	8.6 *	8.6 *	10.0
Height (m) - maximum	7.43	7.45	7.50
Storeys - maximum	2	2	2
Setbacks (m) - minimum			
Front (west - Highview Street)	4.0 *	4.0*	6.0
Rear (east)	2.92 * (steps) 4.75 * (building)	3.39 * (steps) 4.53 * (building)	6.0
Side (north)	2.0 * (habitable)	1.20 * (habitable)	1.50 (non-habitable)

Zoning Criteria	Proposal - Lot 1	Proposal - Lot 2	Zone Standard R1-S2, Restricted Small Lot (Two Storey)
Side (south)	1.2 *	2.0 *	2.40 (habitable) 1.50 (non-habitable) 2.40 (habitable)
Parking (residential) - minimum	1	1	1

Community Consultation

The applicant had scheduled a community meeting with the *Community Association Land Use Committee (CALUC)*, for March 30, 2020. Due to the implementation of COVID-19 protocols, this meeting was cancelled. The James Bay CALUC pursued an alternate process by hosting an online meeting in August 2020 and informed 62 neighbours within 100m by posting a notice to their mailbox. The James Bay CALUC considered this to be adequate to satisfy the CALUC community consultation requirements. A letter dated August 20th, 2020 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 there was 100% support from respondents for 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 is 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 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 *James Bay Neighbourhood Plan* supports infill development, such as small lot single-family dwellings, provided there is visual harmony in form and scale between the new buildings and the adjacent properties. The proposal is generally consistent with the neighbourhood plan. 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

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, so it falls under *Tree Preservation Bylaw No. 05-106* consolidated November 22, 2019. The tree inventory for the proposal, outlined in the attached arborist report, includes three trees in proximity to the proposed development area:

- one offsite bylaw-protected elm, north of the front yard, on the property of 440 Powell Street (James Bay Community Project); and
- two trees on the municipal frontage: a tulip tree and young magnolia.

The three trees are proposed for retention. Preservation of the municipal tulip tree and offsite elm will require careful coordination of site servicing with Parks and Engineering and mitigation measures including arborist supervision, modified excavation techniques, tree protection fencing, and recommendations described in the Arborist Report.

Small Lot House Rezoning Policy

The application is generally consistent with the *Small Lot House Rezoning Policy*. One exception is the minimum lot size and lot width identified in this policy. The policy requires a minimum site area of 260 m² and lot width of 10m. Proposed Lot 1 will be 19.30m² below the site area minimum and proposed Lot 2 will be 18.20m² below. The smaller and more narrow lots (8.6m) result in reduced setbacks as compared to the standard R1-S2 Zone, Restricted Small Lot (Two Storey) District. In context, however, nearby lots tend to have smaller than average lot sizes and similarly reduced setbacks. In this way, the lots generally fit with the nearby pattern of development. For this reason, staff consider the smaller lot size to be supportable.

CONCLUSIONS

The proposal to rezone and subdivide the subject property and construct two new small lot dwellings is consistent with the objectives of the *Official Community Plan*, *James Bay Neighbourhood Plan* and the *Small Lot House Design Guidelines*. It is not, however, consistent with *Small Lot House Rezoning Policy* related to minimum lot size and minimum lot width. Despite the smaller lot size and lot width, the proposed lots fit within the local context. Staff recommend Council consider supporting this application.

ALTERNATE MOTION

That Council decline Rezoning Application No. 00736 for the property located at 430 Powell Street.

Respectfully submitted,

Chloe Bryden Tunis
Planner
Development Services Division

Karen Hoes, Director
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Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map

- Attachment C: Plans date stamped November 3, 2020
- Attachment D: Letter from applicant to Mayor and Council dated June 30, 2020
- Attachment E: Community Association Land Use Committee Comments dated August 21, 2020
- Attachment F: Small Lot Petition
- Attachment G: Arborist Report
- Attachment H: Correspondence.