



## Committee of the Whole Report For the Meeting of February 15, 2024

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**To:** Committee of the Whole **Date:** January 31, 2024  
**From:** Karen Hoese, Director, Sustainable Planning and Community Development  
**Subject:** Rezoning Application No. 00864 for 1661/1663 Richardson Street

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### RECOMMENDATION

1. That Council instruct the Director of Sustainable Planning and Community Development to prepare the necessary Zoning Regulation Bylaw amendment that would authorize the proposed development outlined in the staff report dated January 18, 2024 for 1661/1663 Richardson Street.
2. That, pursuant to section 30 of the *Land Use Procedures Bylaw*, Council waives the requirement for the holding of a public hearing.
3. That, after publication of notification in accordance with section 467 of the Local Government Act, first, second and third reading of the zoning regulation bylaw amendment be considered by Council.
4. That the above recommendations be adopted on the condition that they create no legal rights for the applicant or any other person, or obligation on the part of the City or its officials, and any expenditure of funds is at the risk of the person making the expenditure.

### LEGISLATIVE AUTHORITY

This report discusses a Rezoning Application. Relevant rezoning considerations include the addition of two-family dwellings and public buildings as permitted uses.

### Enabling Legislation

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 1661/1663 Richardson Street. The proposal is to rezone from the R1-G Zone, Gonzales Single Family Dwelling District, to the R-2 Zone, Two Family Dwelling District to permit an existing non-conforming two-family dwelling to be stratified. There is no development associated with this application.

The following points were considered in assessing the Rezoning Application:

- The proposal to permit the existing non-conforming two-family dwelling on the subject property is consistent with the *Official Community Plan (OCP)* Traditional Residential Urban Place Designation, which envisions ground-oriented residential uses, including two-family dwellings
- The *Gonzales Neighbourhood Community Plan* contains policies to maintain and enhance a diversity of housing and the plan encourages consideration of rezoning applications to permit two-family dwellings
- The subject property containing the existing building is 905.8m<sup>2</sup> in area and 19.8m wide, which exceeds the 670m<sup>2</sup> site area and 15m width recommended for interior lots in the *Neighbourliness Guidelines for Duplexes*
- The two-family dwelling use is considered legal non-conforming as it was completed by permit. The current zoning does not allow for two-family dwellings; therefore, rezoning is required to enable stratification.

## BACKGROUND

### Description of Proposal

This proposal is to rezone the property to enable the strata subdivision of an existing legal non-conforming two-family dwelling with two side-by-side units. The property is in the R1-G Zone, Gonzales Single Family Dwelling District. In addition to permitting two-family dwellings and public buildings as permitted uses, the subject property will be regulated by the R-2 Zone, Two Family Dwelling District requirements if the rezoning is approved.

There are existing variances related to reduced side setbacks and increased floor area that were previously approved by the Board of Variance. There are no proposed variances under consideration with this application.

### Land Use Context

The area is characterized by single-family dwellings; however, two-family and low-density multiple dwellings exist along this portion of Richardson Street. St. Matthias Anglican Church is located at the corner of Richardson Street and Richmond Avenue.

Immediately adjacent land uses include single-family dwellings.



Figure 1. Aerial Map

## Existing Site Development and Development Potential

The site is presently used as a two-family dwelling. The two-family use is considered legal non-conforming as it was completed by permit; however, the property's R1-G zoning does not permit the use and therefore cannot be stratified without a rezoning to accommodate the use.

Under the current R1-G Zone, the property could be developed as a single-family dwelling, which could contain a secondary suite or garden suite. Alternatively, the property could be developed as a houseplex with up to six units, subject to the *Missing Middle Regulations*.

### Data Table

The following data table compares the proposal with the proposed R-2 Zone. An asterisk is used to identify where the proposal does not meet the requirements of the existing Zone. A double asterisk is used to identify variances previously approved by the Board of Variance.

Zoning Criteria	Proposal	R-2 Zone
Site area (m <sup>2</sup> ) (min.)	905.80	555
Site area per dwelling unit (m <sup>2</sup> ) (min.)	452.90	277.50
Lot width (m) (min.)	19.81	15.00
Lot depth (m) (min.)	45.75	n/a
Floor space ratio (max.)	0.27:1	0.5:1
1st & 2nd storey floor area (m <sup>2</sup> ) (max.)	<b>473.16**</b>	280
Combined floor area (m <sup>2</sup> ) (max.)	<b>473.16**</b>	380
Height (m) (max.)	5.23	7.60
Storeys (max.)	2	2
Basement	no	Not permitted for 2 storey buildings
Roof deck	no	Not permitted
<b>Setbacks (m) – minimum</b>		
Front	7.70	7.50
Rear	20.12	16.01
Side	<b>1.5 **</b>	1.98
Side	<b>1.5 **</b>	3

Zoning Criteria	Proposal	R-2 Zone
Combined side yards	3.0 **	4.50
Site coverage (%) (max.)	26.80	40
Open site space (%) (min.)	67.40	30
Open site space rear yard (%) (min.)	100.00	33
Vehicle Parking (min.)	2	2

**Sustainable Mobility**

No sustainable mobility improvements beyond minimum City standards are associated with this application.

**Public Realm**

No public realm improvements beyond City standard requirements are proposed in association with this application.

**Community Consultation**

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, prior to submission of the application, it was posted on the Development Tracker along with an invitation to complete a comment form on September 22, 2023. Mailed notification was sent to owners and occupants of property within 100m of the subject property advising that a consultation process was taking place, and that information could be obtained, and feedback provided through the Development Tracker. A sign was also posted on site, to notify those passing by of this consultative phase. A letter is attached to this report, dated September 22, 2023, which confirms the CALUC’s decision to waive the community meeting requirement.

Section 464(3) of the *Local Government Act* prohibits a local government from holding a public hearing for a rezoning application that is consistent with the OCP and is intended to permit residential development. This rezoning application does not meet the criteria for prohibiting a public hearing because there are no new residential units associated with this application; however, pursuant to section 464(2) of the *Local Government Act*, Council may choose to not hold a public hearing where an application is consistent with the OCP. Notice must still be sent to all owners and occupants of adjacent properties as specified in the *City’s Land Use Procedures Bylaw* advising that the public hearing is being waived prior to introductory readings of the bylaws. Should Council wish to hold a public hearing, an alternate motion has been provided at the end of this report.

# ANALYSIS

## Rezoning Application

### Official Community Plan

The proposal is to permit an existing two-family dwelling on the subject property, which has a combined floor area of 473.1m<sup>2</sup> and density of 0.27:1 FSR. The proposed use and density are consistent with the vision contained in the OCP for Traditional Residential properties, which included ground-oriented residential uses, such as Missing Middle Housing, up to approximately 1:1.1 FSR and three storeys in height. The proposal is considered consistent with applicable OCP policies.

### Gonzales Neighbourhood Community Plan

The *Gonzales Neighbourhood Community Plan* contains policies to maintain and enhance a diversity of housing and the plan encourages consideration of rezoning applications to permit two-family dwellings. The proposal is retaining the existing housing stock, maintaining a two-family use and will not result in impacts to the existing mature trees or landscaping; therefore, it is considered generally consistent with the neighbourhood plan.

### Neighbourliness Guidelines for Duplexes

The subject property is 905.8m<sup>2</sup> in area and is 19.8m wide, which significantly exceeds the 670m<sup>2</sup> minimum site area and 15m minimum width for interior lots contained in the *Neighbourliness Guidelines for Duplexes*.

### Housing

The application, if approved, would not add new residential units as the existing building currently contains two units in total.



**Figure 2. Housing Continuum**

### *Existing Tenants*

The subject property is currently co-owned by two families that intend to continue to occupy the two units following stratification; therefore, a Tenant Assistance Plan is not required as the property is proposed to remain owner-occupied.

### Accessibility

No accessibility improvements are proposed beyond what is required through the *British Columbia Building Code*.

### Sustainability

There are no sustainability features associated with the proposal.

### Tree Preservation Bylaw and Urban Forest Master Plan

There are no *Tree Preservation Bylaw* impacts with this application.

## **CONCLUSIONS**

The proposal to rezone the subject property to allow the existing two-family dwelling to be stratified is considered consistent with the Traditional Residential Urban Place Designation in the OCP and is generally consistent with the *Gonzales Neighbourhood Community Plan*. The property area and width exceed that which is recommended for interior lots in the *Neighbourliness Guidelines for Duplexes* and each of the units are suitable for larger households. Staff therefore recommend Council consider supporting this application.

## **ALTERNATE MOTIONS**

### Option 1 - PUBLIC HEARING (prior to consideration)

1. That Council instruct the Director of Sustainable Planning and Community Development to prepare the necessary Zoning Regulation Bylaw amendment that would authorize the proposed development outlined in the staff report dated January 18, 2024 for 1661/1663 Richardson Street.
2. That first and second reading of the zoning bylaw amendment be considered by Council and a public hearing date be set.
3. That the above Recommendations be adopted on the condition that they create no legal rights for the applicant or any other person, or obligation on the part of the City or its officials, and any expenditure of funds is at the risk of the person making the expenditure.

### Option 2 - DECLINE

That Council decline Rezoning Application No. 00864 for the property located at 1661/1663 Richardson Street.

Respectfully submitted,

Patrick Carroll  
Senior Planner  
Development Services Division

Karen Hoese, Director  
Sustainable Planning and Community  
Development Department

**Report accepted and recommended by the City Manager.**

**List of Attachments**

- Attachment A: Subject Map
- Attachment B: Plans date stamped October 27, 2023
- Attachment C: Letter from applicant to Mayor and Council dated October 27, 2023
- Attachment D: CALUC letter dated September 22, 2023.