



Committee of the Whole Report For the Meeting of December 7, 2017

To: Committee of the Whole **Date:** November 23, 2017

From: Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject: Rezoning Application No. 00606 for 350 Sylvia 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. 00606 for 350 Sylvia 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 350 Sylvia Street. The proposal is to rezone from the R-2 Zone, Two Family Dwelling District, to a site-specific zone in order to permit a toilet as a second plumbing fixture in an accessory building.

The following points were considered in assessing this application:

- the proposal is consistent with the Traditional Residential designation of the *Official Community Plan*, within which home occupations are an envisioned use
- the *Official Community Plan* encourages new childcare spaces throughout the city in order to support families and employers
- the *James Bay Neighbourhood Plan* does not provide guidance on the provision of childcare within residential neighbourhoods; however, the policy notes a wide variety of community-oriented services should be easily accessible to all community residents
- childcare service for up to eight persons is a permitted use.

BACKGROUND

Description of Proposal

This Rezoning Application is to permit a toilet as a second plumbing fixture in an accessory building. As per Schedule F – Accessory Building Regulations, accessory buildings must not contain shower, bath or toilet facilities unless they are expressly permitted under the *Zoning Regulation Bylaw* (e.g. garden suites). Schedule F specifically notes that this is a restriction on the use and therefore requires a rezoning.

The use of day care for no more than eight persons is permitted under the *Community Care and Assisted Living Act*.

Sustainability Features

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

Active Transportation Impacts

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

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.

Land Use Context

The immediate area is mainly characterized by single-family houses, many of which have been converted to duplexes and triplexes. In addition, there are some multi-family dwellings located east of the subject property.

Existing Site Development and Development Potential

The site presently contains a single-family dwelling that has been converted into a triplex. Under the current R-2 Zone, Two Family Dwelling District, the property could be developed into a two-storey duplex.

The building was constructed in 1918 and does have heritage value; however, it is neither heritage registered nor designated. The applicant has indicated interest in heritage registration or designation of the property and is in contact with the City's Senior Heritage Planner.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted the James Bay CALUC at a Community Meeting held on June 14, 2017. A letter dated June 27, 2017 is attached to this report.

ANALYSIS

Official Community Plan

The *Official Community Plan* designates the property as Traditional Residential, within which home occupations are envisioned. In addition, the OCP encourages the development of quality, accessible, and affordable daycare and childcare throughout the city to support families and employers.

Local Area Plans

The *James Bay Neighbourhood Plan* is mostly silent with regard to home occupations. The plan does note that a wide variety of community-oriented services should be easily accessible to all community residents.

Tree Preservation Bylaw and Urban Forest Master Plan

There are no Tree Preservation Bylaw impacts with this application and there are no impacts to public trees with this application.

Regulatory Considerations

The restriction on plumbing fixtures in accessory buildings was originally intended to prevent accessory buildings from being used as living spaces. In this case, any potential conversion of the garage in the future from accessory building to another use, such as a garden suite, would require Council approval through a rezoning application as the principle dwelling is currently being used for three self-contained dwelling units. Consistent with the Garden Suite regulations, if the principle dwelling was converted back into a single-family dwelling then it may be possible to convert the accessory building into a garden suite.

CONCLUSIONS

The addition of a toilet as a second plumbing fixture to the existing accessory building would aid the permitted childcare service by allowing children to use the bathroom during outdoor activities without the need to bring the whole class inside. The change is minor and a conversion of the accessory building to a residential unit would require rezoning and Council approval as long as the principle dwelling contains three self-contained units. Therefore, Staff recommend Council consider supporting this application.

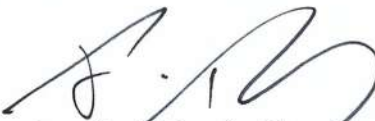
ALTERNATE MOTION

That Council decline Rezoning Application No. 00606 for the property located at 350 Sylvia Street.

Respectfully submitted,

Michael Angrove
Planner
Development Services



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager

Joseph J. Jenkins
Date: November 30, 2017

List of Attachments

- Attachment A – Subject Map
- Attachment B – Aerial Map
- Attachment C – Plans date stamped October 16, 2017
- Attachment D – Letter from applicant to Mayor and Council date stamped August 29, 2017
- Attachment E – Community Association Land Use Committee Comments dated June 27, 2017