



Committee of the Whole Report

For the Meeting of March 22, 2018

To: Committee of the Whole **Date:** March 8, 2018

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

Subject: Rezoning Application No. 00612 for 63 Boyd Street

RECOMMENDATION

That Council decline Rezoning Application No. 00612 for the property located at 63 Boyd Street.

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 63 Boyd Street. The proposal is to rezone from the current R-2 Zone, Two Family Dwelling District, to the R1-S2 Zone, Restricted Small Lot (Two Storey) District, in order to subdivide the property and construct two new small lot houses.

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, 2012 (OCP)*
- the proposal is consistent with the Design Guidelines specified in the *Small Lot House Rezoning Policy, 2002*
- the proposal is consistent with the *James Bay Neighbourhood Plan, 1993*, which encourages infill development in a form and scale that is in visual harmony with existing buildings
- the demolition of existing dwelling units to enable small lot subdivision is inconsistent with the *Small Lot House Rezoning Policy*.

The staff recommendation provided for Council's consideration is to decline the application due to the proposal's lack of consistency with the objective of the *Small Lot House Rezoning Policy*

related to the retention of viable existing housing; however, Council may wish to consider the alternate motion.

BACKGROUND

Description of Proposal

The purpose of this Rezoning application is to rezone 63 Boyd Street from the R-2 Zone, Two Family Dwelling District, to the R1-S2, Restricted Small Lot (Two Storey) District, and to subdivide the existing property to create two small lots. Variances related to building heights and setbacks for the accessory buildings are considered under the concurrent Development Permit with Variances application and are discussed in the accompanying report.

Affordable Housing Impacts

The applicant proposes to create two new residential units to replace one residential unit, which would increase the overall supply of housing in the area by one unit.

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 application.

Accessibility Impact Statement

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

Land Use Context

The area is characterized by single-family dwellings, small lots, and two-family dwellings; and a multiple-dwelling immediately to the south-west.

Existing Site Development and Development Potential

The property located at 63 Boyd Street is presently a single-family dwelling centred over two lots that are zoned for a duplex. The two lots are front to back with only one of the lots having street frontage. If the lots were consolidated, under the current R-2 Zone, Two Family Dwelling District, the property could be developed as a two-family dwelling, or a single-family dwelling with secondary suite or garden 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 is less stringent than the proposed zone. The variances related to height and setbacks will be considered in the accompanying Development Permit with Variances application.

Zoning Criteria	Proposed Lot A	Proposed Lot B	Zone Standard R1-S2
Site area (m ²) - minimum	324.65	324.65	260.00
Density (Floor Space Ratio) - maximum	0.55 to 1	0.55 to 1	0.60 to 1
Total floor area (m ²) - maximum	178.46	178.46	190.00
Lot width (m) - minimum	10.72	10.72	10.00
Height (m) - maximum	8.03*	8.03*	7.50
Storeys - maximum	2	2	2
Site coverage (%) - maximum	39.69	39.69	40.00
Setbacks (m) – minimum:			
Front	6.00	6.00	6.00
Projection - Stairs	0.80	0.80	2.50
Rear	8.56 building 6.89 stairs	8.57 building 6.88 stairs	6.00
Side (north west)	1.50	1.89	1.50 non-habitable 2.40 habitable
Side (south west)	1.89	1.50	1.50 non-habitable 2.40 habitable
Parking - minimum	1	1	1
Schedule F- Accessory Building Regulations			
Location	Rear yard	Rear yard	Rear yard
Combined floor area (m ²) – maximum	20.29	20.29	37.00
Height (m) - maximum	3.67	3.67	4.00 (small lots)
Setbacks (m) – minimum:			
Front	23.86	23.86	18.00
Rear	0.60	0.60	0.60
Side (northeast)	7.22	0.00*	0.60
Side (southwest)	0.00*	7.22	0.60
Separation from single family dwelling - minimum	2.81	2.72	2.40

Zoning Criteria	Proposed Lot A	Proposed Lot B	Zone Standard R1-S2
Rear Site Coverage (%) - maximum	27.44	27.55	30.00

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 September 13, 2017. A letter from the CALUC 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 100% 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 OCP Urban Place Designation for the property is Traditional Residential which contemplates small residential lots to accommodate new ground-oriented infill. In accordance with the OCP, small lots are subject to DPA 15A: Intensive Residential - Small Lot. The proposal is consistent with the objectives of DPA 15A to achieve new infill development in a way that is compatible with the existing neighbourhood.

James Bay Neighbourhood Plan

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.

Small Lot House Rezoning Policy

The *Small Lot House Rezoning Policy* encourages sensitive infill with an emphasis on ground-oriented housing that is consistent with the existing character of development. The proposed lots each exceed the required site area minimum of 260m² and 10m lot width minimum, with each proposed new lot providing 324.65m² of site area and 10.72m lot width. There are several other small lots in the immediate area.

The policy is not intended to facilitate the demolition of an existing house to enable additional houses, and the proposal is to demolish the existing house in order to build two small lot houses. The applicant has indicated in the letter to Council that the house will be deconstructed and recycled as much as possible. Given this objective in the small lot policy, the staff recommendation is to decline the application; however, since the site could be redeveloped as a duplex without rezoning, and given the immediate surrounding land use context including a multi-unit residential building to the south-west, Council may wish to consider the alternate recommendation.

Regulatory Considerations

The property would be rezoned to the R1-S2 Zone, Restricted Small Lot (Two Storey) District. There are variances required to facilitate this proposal related to increasing the maximum heights and reducing the side yard setbacks for attached accessory buildings. These variances are discussed in the accompanying report for the Development Permit with Variances Application.

CONCLUSIONS

This proposal to rezone the subject property to create two small lot houses is generally consistent with the applicable City policies; however, the *Small Lot Rezoning Policy* is not intended to facilitate the demolition of an existing house to enable small lot houses to be built. As such, staff recommend that Council consider declining the Rezoning application.

ALTERNATE MOTION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00612 for 63 Boyd Street, that first and second reading of the *Zoning Regulation Bylaw Amendment* be considered by Council and a Public Hearing date be set.


Respectfully submitted,

Chelsea Medd
Planner
Development Services Division


Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:


Date: March 13, 2018

List of Attachments:

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped February 28, 2018
- Attachment D: Letter from applicant to Mayor and Council dated February 2, 2018
- Attachment E: Community Association Land Use Committee Comments dated September 25, 2017
- Attachment F: Correspondence