



Committee of the Whole Report

For the Meeting of October 26, 2017

To: Committee of the Whole **Date:** October 16, 2017

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

Subject: Rezoning Application No. 00519 for 71 and 75 Montreal Street

RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendments that would authorize the proposed development outlined in Rezoning Application No. 00519 for 71 and 75 Montreal Street, that first and second reading of the Zoning Regulation Bylaw Amendments be considered by Council, and a Public Hearing date be set by staff once the following conditions are met:

1. Preparation and execution by the applicant of a Housing Agreement to ensure that a future strata corporation could not pass bylaws that would prohibit or restrict the rental of units to non-owners to the satisfaction of City Staff.
2. Preparation and execution by the applicant of a section 219 covenant for sewerage attenuation to mitigate the impact of increased density, as required, to the satisfaction of City Staff.

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.

In accordance with Section 483 of the *Local Government Act*, Council may enter into a Housing Agreement which may include terms agreed to by the owner regarding the occupancy of the housing units and provided such agreement does not vary the use of the density of the land from that permitted under the zoning bylaw.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning Application for the properties located at 71 and 75 Montreal Street. The proposal is to rezone the lands from the R-2 Zone (Two Family Dwelling District) to a site specific zone in order to permit increased density and the construction of 12 residential units at this location.

The following points were considered in assessing this application:

- the proposal is consistent with the OCP, which designates the property as Traditional Residential and envisions floor space ratios (FSR) up to 1.0:1
- the application is not consistent with certain policies within the *James Bay Neighbourhood Plan* as it relates to land use and density; however, the OCP provides current direction for land use and density as it relates to the subject lands
- a reduction in the number of units from 19 to 12 following Council's direction at the Committee of the Whole meeting on February 2, 2017 has enabled an improved design and has reduced the parking shortfall.

BACKGROUND

Description of Proposal

The application is to rezone the lands from the R-2 Zone (Two Family Dwelling District) to a site specific zone in order to permit increased density and the construction of ground-oriented residential units at this location. The proposal includes:

- 12 residential units
- 12 parking stalls located underground
- a two-storey building over a finished basement.

Affordable Housing Impacts

The applicant proposes the creation of 12 new residential units which would increase the overall supply of housing in the area. Two single-family dwellings would be demolished to accommodate the new units. A Housing Agreement is also being proposed which would ensure that future Strata Bylaws could not prohibit the rental of units.

Sustainability Features

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

Active Transportation Impacts

The applicant is proposing 14 Class 1 bicycle parking stalls, two more than required per Schedule C of the *Zoning Regulation Bylaw*, which supports active transportation.

Public Realm Improvements

The applicant has agreed to provide a 1.1m Statutory Right-of-Way for sidewalk improvements on the Niagara Street frontage.

Land Use Context

The area is predominantly characterized by a mix of residential building types including, duplexes, townhouses, apartments and a cultural facility (White Eagle Polish Hall).

Immediately adjacent land uses include:

- North: a two single-family dwellings
- South: a single-family dwelling

- East: a cultural facility in the R-2 Zone, Two Family Dwelling District
- West: a townhouse complex in the R3-L Zone.

Existing Site Development and Development Potential

The properties are currently in the R-2 Zone, Two Family Dwelling District. Under the current R-2 Zone the properties could each be developed as a single-family dwelling, single-family dwelling with a secondary suite, or duplex dwellings.

Data Table

The following data table compares the current proposal with the previous proposal, as well as, the R3-L Zone, Low Density Multiple Dwelling District and the existing R-2 Zone. An asterisk is used to identify where the proposal is less stringent than the RS-L Zone.

Zoning Criteria	Proposal	Previous Proposal	Zone Standard R3-L Zone	Existing R2 Zone
Site area (m ²) - minimum	930*	930*	2850	555
Site area per unit (m ²) - minimum	77.5*	48.9*	150	277.5
Density (Floor Space Ratio) - maximum	0.92:1*	0.92:1*	0.80:1	0.50:1
Total floor area (m ²) - maximum	855*	855*	744	380
Lot width (m) - minimum	30.5	30.5	18	15
Height (m) - maximum	7.6	7.6	8.5	7.6
Storeys - maximum	2	2	3	1.5
Site coverage % - maximum	73*	78*	40	40
Open site space % - minimum	14*	13.8*	40	30
Setbacks (m) – minimum:				
Front (Niagara Street)	2.4* (building) 1.57* (bike storage)	2.40* (building) 1.57* (bike storage)	4.5	7.5
Rear (SW)	3.05*	2.08*	4.5	10.7
Side (Montreal Street)	2.59* (building) 1.4* (bike storage)	2.59* (building) 1.4* (bike storage)	7.5	3
Side (lane-east)	nil*	nil*	7.50	1.5
Parking - minimum	12*	11*	17	n/a
Visitor parking (minimum)	0*	0*	2	n/a

Zoning Criteria	Proposal	Previous Proposal	Zone Standard R3-L Zone	Existing R2 Zone
Bicycle parking stalls – Class 1 (minimum)	14	19	12	n/a
Bicycle parking stalls – Class 2 (minimum)	6	6	6	n/a

Relevant History

Per Council's direction at the Committee of the Whole meeting on February 2, 2017, the applicant reduced the number of proposed units from 19 to 14, increased the number of two and three bedroom units, and held a secondary meeting with the Community Association. Following the Community Association meeting, the applicant further reduced the number of units from 14 to 12 and increased the parking supply to one stall per unit. The applicant previously offered to provide a car share to residents to accommodate for the parking shortfall associated with the previous number of units proposed; however, the applicant is no longer offering a car share agreement based on the one to one parking ratio proposed in this revised application.

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 May 11, 2016. A letter dated May 20, 2016 is attached to this report. The applicant also subsequently met with the James Bay CALUC on May 10, 2017. A letter dated October 15, 2017 is attached to this report.

ANALYSIS

Official Community Plan

The *Official Community Plan 2012 (OCP)* Urban Place Designation for the subject property is Traditional Residential, which supports ground-oriented residential uses. The OCP states that new development may have a density of generally up to 1:1 FSR and up to two storeys in height. The proposed FSR is 0.92:1 and two storeys.

The application meets the place character features of the Traditional Residential urban place guidelines (Figure 8) and housing policy (13.34) in the OCP, which supports a diversity of housing types to create more home ownership options such as multi-unit residential developments.

Local Area Plans

The land use policies of the *James Bay Neighbourhood Plan* identify the subject lands as suitable for residential development; however, the policies do not recommend increases in density to permit multiple dwellings. Rather, the Plan envisions densification through in-fill housing (small lot single-family dwellings) where appropriate; however, the adoption of the OCP in 2012 provides up-to-date direction for land use and density.

Housing Agreement

The applicant is amenable to entering into a Housing Agreement with the City to ensure that a

future strata corporation could not pass any bylaws that would prohibit or restrict the rental of units to non-owners.

Transportation Demand Management

Schedule C of the Zoning Regulation Bylaw requires a parking ratio of 1.4 stalls per residential unit with 10% of these set aside as visitor parking. The proposal is for 12 units which would require a total of 17 parking stalls.

The applicant has submitted a revised Parking Study, dated May 26, 2017 (attached) to address the change in unit numbers from previous proposals. The parking study concludes that site parking demand is expected to be 10 vehicles (comprising nine resident stalls and one visitor vehicle parking stall). With the proposed supply of 12 parking stalls the applicant is exceeding the anticipated parking demand. Based on the parking study, Staff recommend for Council's consideration that the parking variance is supportable.

Statutory Right-of-Way

The standard Right-of-Way for a local street, such as Niagara Street, is 18.0m; however, future transportation-related needs on the corridor can be met in a Right-of-Way width of 15.0m. To achieve this minimum on this portion of Niagara Street a Statutory Right-of-Way of 1.1m is required. Staff recommend for Council's consideration that a 1.1m Statutory Right-of-Way be provided on the Niagara Street frontage. If Council chooses to advance the application, this agreement is to be registered on title prior to final adoption of the Bylaws. The recommended motion provided for Council's consideration includes the necessary language.

Sewage Attenuation

A sewer attenuation report was provided by the applicant per staff's request dated October 6, 2017 (attached). The proposed rezoning results in increased sewage flow rates necessitating attenuation. Staff recommend for Council's consideration that staff be directed to require a legal agreement for sewage attenuation; again, the necessary wording needed to achieve this is included in the staff recommendation.

CONCLUSIONS

The Application meets the place character features of the Traditional Residential urban place guidelines, and housing policy in the OCP which supports a diversity of housing types to create more home ownership options such as multi-unit residential developments. The applicant has met the requests of Council to provide a greater mix of housing units including two and three bedroom units and has provided parking on site to exceed the parking demand. Staff recommend that Council consider supporting the application.

ALTERNATE MOTION

That Council decline Rezoning Application No. 00519 for the property located at 71 and 75 Montreal Street.

Respectfully submitted,



Miko Betanzo, Senior Planner – Urban Design
Sustainable Planning and Community
Development Department

A. Maye



Jonathan Tinney, Director
Sustainable Planning and Community
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Report accepted and recommended by the City Manager:



Date:

Oct. 17, 2017

List of Attachments:

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans dated/date stamped August 16, 2017
- Attachment D: Letter from applicant to Mayor and Council dated July 10, 2017
- Attachment E: Community Association Land Use Committee Comments dated May 11, 2016 and October 15, 2017
- Attachment F: Parking Study dated May 23, 2017
- Attachment G: Sewer Attenuation Report dated October 6, 2017
- Attachment H: Correspondence (Letters received from residents)