



Committee of the Whole Report

For the Meeting of October 19, 2017

To: Committee of the Whole **Date:** October 5, 2017

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

Subject: Rezoning Application No. 00597 for 737 Belton Avenue and 1137 Dominion Road

RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00597 for 737 Belton Avenue and 1137 Dominion Road, 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 737 Belton Avenue and 1137 Dominion Road. The proposal is to rezone the eastern portion of the property from the R1-B Zone, Single Family Dwelling District to the R1-S2 Zone, Small Lot (Two Storey) District to permit the construction of a small lot house; as well, rezone the western portion of the property from the R1-B Zone, Single Family Dwelling District to a site-specific zone in order to retain the existing building on site as a small lot house and preserve the commercial use existing on site.

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*, 2012 (OCP)
- the proposal is consistent with the Traditional Community designation within the *Victoria West Plan*

- the proposal is consistent with the design guidelines referenced in the *Small Lot House Rezoning Policy, 2002*, and the applicant would retain one of the existing buildings on-site
- the proposal formalizes the existing legal non-conforming scenario of two primary buildings on a lot in the R1-B Zone, Single Family Dwelling District.

BACKGROUND

Description of Proposal

This Rezoning Application is to rezone the eastern portion of the property from the R1-B Zone, Single Family Dwelling District, to the R1-S2 Zone, Restricted Small Lot (Two Storey) District, and rezone the western portion of the property to a site-specific zone based on the R1-S1 Zone, Restricted Small Lot (One Storey) District with the additional use of retail. The proposal is to create two lots, maintain and repurpose the existing commercial building on the western lot for residential use, and construct a new small lot house on the eastern lot. A site-specific zone will be created to preserve the small-scale commercial use, should the owners wish to reinstate the convenience store in the future.

Three variances would be required, which are reviewed in relation to the concurrent Development Permit with Variances Application report.

Affordable Housing Impacts

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

Sustainability Features

As indicated in the applicant's letter dated June 6, 2017, the driveways will have permeable surfaces and landscaping will incorporate drought tolerant plantings.

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 area is characterized by one to two storey single-family dwellings and three to four storey apartment buildings. In the broader area to the west is Esquimalt High School and the Esquimalt Industrial Park.

Existing Site Development and Development Potential

There are two buildings presently on-site: a two-storey single-family dwelling and a one-storey convenience store. Under the current R1-B Zone, Single Family Dwelling District, the property could be developed to accommodate 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-B Zone, Single Family Dwelling District. An asterisk is used to identify where the proposal is less stringent than the existing zone, a double asterisk is used to identify existing legal non-conformities.

Zoning Criteria	Proposal-Lot A (existing building)	Proposal-Lot A (new building)	Zone Standard R1-S2, Small Lot (Two Storey)
Site area (m ²) - minimum	275.96	260.43	260.00
Density (Floor Space Ratio) - maximum	0.28	0.53	0.6 to 1
Total floor area (m ²) - maximum	77.88	136.69	190.00
Lot width (m) - minimum	20.96	14.20	10.00
Height (m) - maximum	4.09	7.37	7.50
Storeys - maximum	1.00	2.00	2.00
Site coverage % - maximum	28.00	31.00	40.00
Setbacks (m) – minimum:			
Front (Belton)	0.90**	4.24* - building 2.99 - porch	6.00
Rear	8.91	4.65* - building 3.43 - deck	6.00
Side (east)	7.52	2.15 (habitable)*	1.50 (non-habitable) 2.40 (habitable)
Side (west)	n/a	3.99	1.50 (non-habitable) 2.40 (habitable)
Side on flanking street (Dominion)	0.00**	n/a	2.40
Parking - minimum	1	1	1

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted the Victoria West CALUC at a Community Meeting held on May 23, 2017. At the time of writing this report, a letter from the CALUC had not been received.

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 and Summary provided by the applicant are 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 single-family dwellings and local retail stores in pre-existing locations. The proposed small lots would be subject to Development Permit Area 15A: Intensive Residential - Small Lot. The proposal is consistent with the objectives of DPA 15A to achieve new infill development that respects the established character in residential areas.

However, the existing house is being removed due to a compromised crawlspace (Attachment F). The *Small Lot House Rezoning Policy* notes that small lot rezoning is not intended to facilitate the demolition of an existing house to enable additional houses to be built in the same place. The removal of the house in this case is not resulting in additional houses; in fact, this rezoning application would formalize an existing legal non-conforming scenario in which two primary buildings occupy one property, so in this instance the potential of disrupting established lot patterns or the rhythm of the street is minimal.

Additionally, the design of the new dwelling is more in-line with the character of the area, and the proposal has been presented and justified to both the neighbourhood association and immediate neighbours.

Local Area Plans

The Victoria West Plan identifies the property as Traditional Community. Within this designation, the existing character of the mainly detached housing should be conserved. In addition, the plan envisions site-specific zoning for compatible uses such as convenience stores within residential areas.

Tree Preservation Bylaw and Urban Forest Master Plan

Impacts to trees will be outlined in the concurrent Development Permit with Variance Application Report.

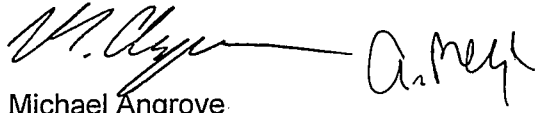
CONCLUSIONS

The proposal to subdivide and rezone the subject property, retain and repurpose the existing commercial building, and construct one new small lot dwelling is consistent with the objectives in the *Official Community Plan*, *Victoria West Plan* and the *Small Lot House Rezoning Policy*. Staff recommend Council consider supporting this application.

ALTERNATE MOTION

That Council decline Rezoning Application No. 00597 for the property located at 737 Belton Avenue and 1137 Dominion Road.

Respectfully submitted,



Michael Angrove
Planner
Development Services



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date:

Oct 11, 2017

List of Attachments:

- Attachment A – Subject Map
- Attachment B – Aerial Map
- Attachment C – Plans date stamped July 24, 2017
- Attachment D – Letter from applicant to Mayor and Council dated October 4, 2017
- Attachment E – Small Lot House Rezoning Petition stamped June 8, 2017
- Attachment F – Letter from Method Engineering & Building Services dated May 24, 2017