



## **Committee of the Whole Report**

**For the Meeting of October 19, 2017**

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**To:** Committee of the Whole **Date:** October 19, 2017

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

**Subject:** Rezoning Application No.00576 for 425 Oswego Street

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### **RECOMMENDATION**

That Council decline Rezoning Application No. 00576 for the property located at 425 Oswego 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 425 Oswego Street. The proposal is to rezone from the current R3-2 Zone, Multiple Family Dwelling District, to a site-specific zone based on the R1-S2 Zone, Restricted Small Lot (Two Storey) District, in order to create a two and a half storey, single-family dwelling on an existing undersized lot.

The following points were considered in assessing this application:

- the proposal is consistent with the OCP in terms of providing a range of housing choice and is consistent with the Urban Residential Land Use Designation in the OCP which envisions ground-oriented building forms and accessory uses at a floor space ratio (FSR) of 1.2:1
- the proposal is inconsistent with the Small Lot Regulations in terms of minimum lot size and height
- the proposal is inconsistent with the *Zoning Regulation Bylaw* which requires a minimum of 230m<sup>2</sup> of lot area for single-family dwellings.

## **BACKGROUND**

### **Description of Proposal**

This Rezoning Application is to permit a two and a half storey single-family dwelling on an existing undersized lot. The lot was subdivided prior to the current zoning and current policy and regulations applicable to the subject property. The following differences from the standard R1-S2 Zone are being proposed:

- reduce the minimum site area from 260m<sup>2</sup> to 166.70 m<sup>2</sup>
- reduce the minimum lot width from ten metres to 9.13m
- increase the density from a FSR of 0.6:1 to 0.73:1
- increase the height from 7.50m to 8.46m
- increase the maximum number storeys from two, to two and a half
- reduce the front yard setback from six metres to 2.71m
- reduce the rear yard setback from six metres to 4.75m
- reduce the side yard setback from 2.4m to 1.2m.

### **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**

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 area is characterized by a range of residential and hotel uses. Buildings range from traditional single-family homes, multifamily buildings, townhouses, to duplexes and heritage properties. Buildings in the immediate area are typically two-storeys in height.

### **Existing Site Development and Development Potential**

The site is presently undeveloped. Under the current R3-2 Zone, the property could be developed to accommodate a garage or accessory building.

## Data Table

The following data table compares the proposal with the existing R3-2 Zone, Multiple Family Dwelling District and the R1-S2 Zone, Restricted Small Lot (Two Storey) District.

An asterisk is used to identify where the proposal is less stringent than the existing zone.

<b>Zoning Criteria</b>	<b>Proposal</b>	<b>Existing R3-2 Zone Multiple Family Dwelling District as related to single family dwellings</b>	<b>Zone Standard R1-S2 Zone Restricted Small Lot (Two Storey) District.</b>
Site area (m <sup>2</sup> ) - minimum	166.7*	460	260.0
Density (Floor Space Ratio) - maximum	0.73*	n/a	0.60
Total floor area (m <sup>2</sup> ) - maximum	121.55	280.00	190
Lot width (m) - minimum	9.13*	15.00	10.00
Height (m) - maximum	8.46*	7.6	7.50
Storeys - maximum	2.5*	2	2
Site coverage % - maximum	34.31	40	40.00
<b>Setbacks (m) – minimum:</b>			
Front	2.71*	7.5	6.00
Rear	4.75*	7.5	6.00
Side (north)	2.70*	3.0	2.40
Side (south)	1.20*	1.5	2.40
Parking - minimum	1	1	1

## Relevant History

The existing lot was subdivided prior to the current policy and regulations applicable to the subject property. The neighbouring undersized parcel (166.5 m<sup>2</sup>) to the north of the subject property was part of the original subdivision in 1996 and developed by the applicant with a single-family home.

## 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 8, 2016*. A letter dated June 17, 2016 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 25% support the application. One of the four adjacent lots is in support, one is neutral and the two neighbouring multifamily buildings had incomplete polls. Under this policy, "satisfactory support" is considered to be support in writing for the project by 75% of the neighbours. The required rezoning petitions, summary, and illustrative map provided by the applicant are attached to this report.

## **ANALYSIS**

### **Official Community Plan**

The Official Community Plan Land Use Designation for the subject property is Urban Residential. This designation envisions attached and detached buildings up to three storeys with floor space ratios generally up to 1.2:1. The OCP also seeks to encourage sensitive infill and supports a range of housing forms. The proposal for a small lot house on an existing undersized parcel provides an alternative housing form; however, the proposed massing, height and scale does not provide the sensitive infill the OCP envisions. A smaller and more sensitive dwelling form is achievable on this parcel and the applicant has not responded sufficiently to comments provided by staff that would reduce the overall scale of the dwelling.

The James Bay Neighbourhood Plan envisions sensitive infill through an interesting diversity of land uses and housing types. Infill development is supported if it is sensitive to neighbouring properties and helps maintain the interesting diversity of land uses, housing types and character areas within James Bay. While the alternative housing form is supported within the neighbourhood plan, the overall massing, height and scale does not realize the neighbourhood plan objectives.

### **Tree Preservation Bylaw and Urban Forest Master Plan**

There are no Tree Preservation Bylaw impacts with this application and the applicant has proposed to reuse the existing driveway apron to help preserve the existing mature Sycamore Maple tree on the boulevard.

### **Regulatory Considerations**

The R1-S2 Zone requires a minimum parcel size of 260m<sup>2</sup> and a parcel width of 10m to permit the construction of a dwelling. Moreover, the *Zoning Regulation Bylaw* does not allow single-family dwellings on parcels smaller than 230m<sup>2</sup>. The proposal is for a small lot house on a lot that is 166.70m<sup>2</sup> with a lot width of 9.13m.

## **CONCLUSIONS**

This proposal to rezone the subject property to a site-specific zone in order to construct a single-family dwelling is consistent with aspects of the OCP related to the Urban Residential land use designation; however, it is inconsistent with the OCP and Local Neighbourhood Plan in terms of sensitive infill and with the regulations for minimum lot sizes, and the City's Small Lot House Rezoning Policy in terms of neighbour support. Staff recommend for Council's consideration that the Application be declined.

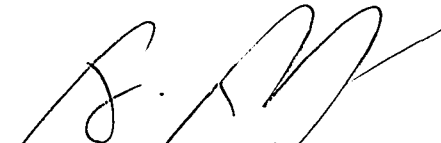
## ALTERNATE MOTION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00576 for 425 Oswego Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council, and a Public Hearing date be set subject to the applicant reducing the scale, massing and height of the proposed single-family dwelling to the satisfaction of the Director of Sustainable Planning and Community Development.

Respectfully submitted,

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



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 dated/date stamped August 16, 2017
- Attachment D: Letter from applicant to Mayor and Council dated August 14, 2017
- Attachment E: Community Association Land Use Committee Comments dated June 17, 2016
- Attachment F: Correspondence
- Attachment G: Small Lot Housing Rezoning Summary, date stamped May 30, 2017