



Committee of the Whole Report

For the Meeting of September 21, 2017

To: Committee of the Whole **Date:** September 7, 2017

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

Subject: Rezoning Application No. 00589 for 229 Government

RECOMMENDATION

That Council decline Application No. 00589 for the property located at 229 Government 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.

In accordance with Section 482 of the *Local Government Act*, a zoning bylaw may establish different density regulations for a zone, one generally applicable for the zone, and the others to apply if certain conditions are met.

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 229 Government Street. The proposal is to rezone from the current R-2 Zone, Two Family Dwelling District, to a site-specific zone that would allow for a garden suite above a garage on a duplex lot. Although the Application is not contrary to the *Official Community Plan, 2012 (OCP)*, Staff recommend that Council consider declining the Application because the proposal is not consistent with other City policies.

The following points were considered in assessing this Application:

- the proposal is consistent with the Traditional Residential Land Use Designation in OCP which envisions ground-oriented building forms and accessory uses at a floor space ratio (FSR) of 1:1 or lower
- The proposal is inconsistent with the following Policy and Regulations:
 - i. garden suites are not permitted on lots other than single-family dwellings in the *Zoning Regulation Bylaw*
 - ii. garden suites on 'plus lots' may be up to 52m², the proposal is for 99.9m².

- although the applicant indicates this is not a garden suite, but rather a residential unit over a garage in a rear yard, Staff consider this a garden suite within the Zoning Definitions, and applicable regulations and policies apply.

BACKGROUND

Description of Proposal

The purpose of this Application is to rezone the property located at 229 Government Street from the R-2 Zone, Two Family Dwelling District, to a site-specific zone based on the R-2 Zone in order to construct a garden suite above a garage in the rear yard of a property containing a duplex. The Applicant maintains that the proposal is not for a garden suite and that it should be considered a residential unit above an accessory building/garage; however, Staff consider this a form of garden suite based on Policy, and therefore it will be evaluated with the *Garden Suite Policies and Guidelines* and *Zoning Regulations Bylaw*.

The proposal is inconsistent with the *Zoning Regulations Bylaw* as garden suites are not a permitted use on lots in the R-2 Zone when the existing land use is a duplex. Additionally, a garden suite must not be over 52m² on a 'plus site'. There are also a number of variances that would be required to facilitate this development, which have been considered in relation to the concurrent Development Permit with Variance Application related to maximum height and number of stories.

Affordable Housing Impacts

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

Government Street is part of the All Ages and Abilities Bicycle Network, and the People Priority Greenway Network. The applicant has declined to provide a 2.08m Statutory Right-of-Way (SRW) in order to meet the goals of these Policies. Registration of an SRW is recommended to be a condition of Rezoning should Council choose to advance this application for consideration at a Public Hearing.

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 mix of single-family homes, duplexes, multiple-unit residential, and transient accommodation.

Existing Site Development and Development Potential

The site currently contains a duplex. Under the current R-2 Zone, Two Family Dwelling District, the property could be developed as a single-family house with a secondary suite, or a duplex.

Data Table

The following data table compares the proposal with the R1-B-GS2 Zone, Single Family Dwelling with Garden Suite for Plus Sites District, and the R-2 Zone, Two Family Dwelling District. The parcel would qualify as a "plus site" since it is a lot larger than 557m².

An asterisk is used to identify where the proposal is less stringent than the existing zone. Two asterisks are used to identify the existing non-conformities.

Zoning Criteria	Proposal	R1-B-GS2	R-2
Site area (m ²) - minimum	859.31	557.00	555.00
Garden suites	1*	1	Not permitted
Total floor area (m ²) - maximum	249.88	380.00	380.00
Lot width (m) - minimum	18.35	15.00	15.00
Height (m) - maximum	Data not provided but existing condition**	7.60	7.60
Storeys - maximum	Data not provided but existing condition**	2	2
Site coverage % - maximum	30.60	40.00	40.00
Open site space % - minimum	51.00	30.00	30.00
Open site space rear yard % - minimum	76.60	33.00	33.00
Setbacks of primary building (m) – minimum:			
Front	8.66	7.50	7.50
Rear	16.40	16.40	16.40
Side (north)	4.35	1.83	1.83
Side (south)	3.32	3.00	3.00

Zoning Criteria	Proposal	R1-B-GS2	R-2
Combined side yards	7.67	4.50	4.50
Parking - minimum	4	2	2
Garden Suite and Garage			
Combined floor area (m ²) - maximum	99.90*	56.00	37.00
Height (m) - maximum	6.00*	5.50	3.50
Storeys - maximum	2.00*	1.00	1.50
Rear yard site coverage (%) - maximum	17.60	25.00	25.00
Setbacks (m) – minimum:			
Rear	1.30	0.60	0.60
Side (north)	1.50	0.60	0.60
Side (south)	8.30	0.60	0.60
Separation space from main building - minimum	7.30	2.40	2.40

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 10, 2017. A letter dated May 31, 2017 is attached to this report.

ANALYSIS

Official Community Plan

The James Bay Strategic Direction envisions sensitive infill through an interesting diversity of land uses and housing types, and the Urban Place Designation of Traditional Residential further envisions ground-oriented dwellings and accessory structures with densities up to 1:1.

The James Bay Strategic Direction envisions a densely populated neighbourhood, with a variety of housing types and tenure. 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. The Application provides rental housing and would increase density; however, it lacks sensitivity to the surrounding neighbourhood character and massing.

The OCP Urban Place Designation for the subject property is Traditional Residential, which envisions ground-oriented dwellings and accessory uses. In accordance with the OCP, garden suites are subject to DPA 15E: Intensive Residential – Garden Suites. The proposal for a

garden suite on a duplex lot is inconsistent with the objectives of DPA 15E in that it envisions garden suites accessory to single-family homes if they are compatible with, while respecting the established character, of neighbourhoods and surrounding properties.

Garden Suite Policy

The Garden Suite Policy envisions garden suites that are small, ground-oriented units located on lots with single-family dwellings. The proposal is to allow for a garden suite on a lot with a duplex, which is inconsistent with this Policy. A more fulsome analysis of the Application's consistency with the relevant Design Guidelines is provided in the accompanying Development Permit with Variance Application report.

Regulatory Considerations

The *Zoning Regulation Bylaw* does not allow garden suites on lots other than those that contain single-family dwellings in Zones that support that use, and also regulate density through floor area. The proposal is for a garden suite on a lot with an already existing duplex, and is well over the allowed floor area.

The total combined floor area of the entire proposed structure is 99.90m²; the living space on the second floor is 50.14m² and the garage floor space is 49.74m². Required parking spaces may be discounted from floor area; however, in this instance, the required parking is already provided on-site, therefore, the new garage space is included in the floor area calculation. If the two existing parking spaces were removed, the garage space would become the required parking, and 18.6m² per parking stall, or a total of 37.2m², would be exempt from the floor area. Even if this were proposed, the two-storey massing and building design still results in a structure that is not particularly sensitive to surrounding properties. Additionally, over the long term, ensuring that the yard is not used for additional parking would be challenging.

Tree Preservation Bylaw and Urban Forest Master Plan

There are no Tree Preservation Bylaw impacts with this Application.

CONCLUSIONS

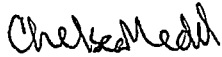
This proposal to rezone the subject property to a site specific zone to construct a garden suite above a garage is consistent with aspects of the OCP related to the Traditional Residential land use designation. However, garden suites are not permitted on lots with duplexes and a number of design guidelines related to garden suites are not met. The suite above the garage does create an opportunity for an interesting form of rental housing; however, it is located on a duplex lot and exceeds the floor area permitted.

Staff recommend for Council's consideration that the Application be declined. If Council decides to consider the alternate motion, Staff recommend an SRW of 2.08m be registered on the property's title for the All Ages and Abilities Bicycle Network, and the People Priority Greenway Network.

ALTERNATE MOTION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment for Rezoning Application No. 000589 for 229 Government Street, that first and second reading of the bylaw be considered by Council, and a Public Hearing date be set upon preparation of a legal agreement securing a 2.08m Statutory Right-of-Way on Government Street to the satisfaction of the Director of Sustainable Planning and Community Development.

Respectfully submitted,

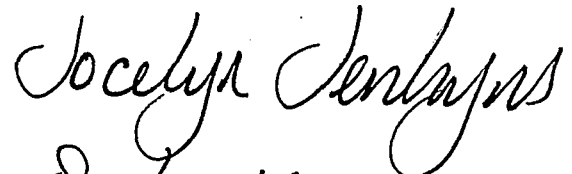


Chelsea Medd, Planner
Sustainable Planning and Community
Development Department



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date:

Sept. 14, 2017

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans dated/date stamped July 13, 2017
- Attachment D: Letter from applicant to Mayor and Council dated May 24, 2017
- Attachment E: Community Association Land Use Committee Comments date May 31, 2017
- Attachment F: Sun Study