



Committee of the Whole Report

For the Meeting of September 14, 2017

To: Committee of the Whole **Date:** August 31, 2017

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

Subject: Rezoning Application No. 00544 for 1539 Pearl Street

RECOMMENDATION

That Council decline Rezoning Application No. 00544 for the property located at 1539 Pearl 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 1539 Pearl Street. The proposal is to rezone from the R1-B Zone, Single 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 with secondary suites.

The following points were considered in assessing this Application:

- secondary suites are not permitted on small lots in the *Zoning Regulation Bylaw*.
- the demolition of existing dwelling units to enable small lot subdivision is inconsistent with the *Small Lot House Rezoning Policy*. In this case, the applicant has submitted a letter from an Engineer which states that renovation of the existing building to current minimum standards of occupancy was determined to be not economically feasible
- 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)*
- neighbouring lots are similar in size to the proposed small lots and are zoned R1-B, Single Family Dwelling District, which allows secondary suites as a permitted use.

BACKGROUND

Description of Proposal

This Rezoning Application proposes to rezone 1539 Pearl Street from the R1-B Zone, Single 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 height and setbacks are considered under the concurrent Development Permit with Variances Application and are discussed in the accompanying report.

The Application proposes the inclusion of secondary suites in each small lot house. As secondary suites are not permitted within the R1-S2 Zone, a site specific zone would be required.

Affordable Housing Impacts

The applicant proposes the creation of three additional residential units in total. If approved, each of the two houses would have secondary suites, 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.

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 neighbourhood is predominately characterized by single family dwellings, with retail and commercial uses concentrated along Hillside Avenue. The rear lot line is adjacent to the Oaklands Elementary School grounds.

Existing Site Development and Development Potential

The property located at 1539 Pearl Street is presently a single family dwelling. Under the current R1-B, Single Family Dwelling District, the property could be developed as a single family dwelling with a secondary suite or garden suite. Should the property be rezoned to the R1-S2 Zone and subdivided, one small lot house would be permitted on each lot. Secondary suites and garden suites are not currently permitted on small lots.

Data Table

The following data table compares the proposal with the R1-S2, Restricted Small Lot (Two Storey) Zone. 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	373.40	373.40	260.00
Density (Floor Space Ratio) - maximum	0.47	0.47	0.60
Total floor area (m ²) - maximum	175.86	175.10	190.00
Lot width (m) - minimum	12.20	12.20	10.00
Height (m) - maximum	7.57*	7.58*	7.50
Storeys - maximum	2	2	2
Site coverage % - maximum	33.70	33.70	40.00
Setbacks (m) - minimum:			
Front (north)	6.03	6.03	6.00
Rear (south)	6.74	6.74	6.00
Side (west)	3.00 (habitable)	1.50* (habitable)	1.50 non-habitable 2.40 habitable
Side (east)	1.50* (habitable)	3.00 (habitable)	1.50 non-habitable 2.40 habitable
Parking - minimum	1	1	1
Secondary Suite	Yes*	Yes*	Not permitted

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant consulted the Oaklands CALUC at a Community Meeting held on October 25, 2016. 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. 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 diversify housing to create more opportunities for home ownership. 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 that respects the established character in residential areas.

The Strategic Direction for the Oaklands Neighbourhood considers increased residential capacity within walking distance of the Hillside Avenue transit corridor. The property is one block from Hillside Avenue and would provide an additional three residential units.

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 have a site area of 373.40m², and lot width of 12.20m, which is similar to neighbouring lots along the south side of Pearl Street. The lot dimensions exceed the Policy's minimum site requirement of 260m² and a minimum lot width of 10m.

The policy is not intended to facilitate the demolition of an existing house to enable additional houses to be built unless under justifiable circumstances. In this instance a letter from a Professional Engineer has been submitted which states that the existing house has poor air quality, mould, and foundation/seismic concerns, and remediation would not be economically feasible.

The policy does not contemplate secondary suites within small lot houses.

Tree Preservation Bylaw and Urban Forest Master Plan

There are two protected Garry Oaks on the property: a 1.10m (DBH or diameter breast height) Garry Oak on the City owned frontage, and one dead protected Dogwood that has been approved for removal. There are also three Garry Oaks on the Oakland's School grounds, just south of the property line.

The consulting arborist recommends removal of the two privately owned Garry Oaks as they will be adversely affected by construction and are within the building envelope. The applicant will be planting four replacement trees on the property.

The large municipal Garry Oak on the street frontage will be protected during construction, and the retaining wall located at its trunk will remain in place so as to not disturb its roots. The proposed driveways and site servicing would be located as far from the protected Garry Oak tree as possible. City staff are requiring that the consulting project arborist supervise the protection of the municipal Garry Oak and the School District's Garry Oaks during site demolition, blasting and the construction of the new driveways. The arborist will also oversee the installation of the tree protection fencing of all protected Garry Oak locations off-site.

The arborist will also be asked to regularly monitor construction progress in relation to the protected Garry Oak trees.

Regulatory Considerations

There are variances required to facilitate this proposal related to increasing the maximum heights and reducing the side yard setbacks. These variances are discussed in the accompanying report for the Development Permit with Variances Application.

Secondary suites are not a permitted use in small lot zones and are not supported under the City's *Small Lot Rezoning Policy*; therefore, staff recommend that Council consider declining this Application. However, the proposed small lots are comparable in site area to the neighbouring properties that are zoned R1-B, Single Family Dwelling District. The buildings on these neighbouring lots are legally non-conforming single family dwellings, and may have secondary suites. In light of this, a case may be made that the proposed development is consistent with the land use and pattern of development in the immediate vicinity, and secondary suites could be considered supportable. An alternative motion is presented should Council consider approving this Application.

Road Dedication

Pearl Street is identified as a local road; therefore, the applicant would be required to provide a 2.9m road dedication at the time of subdivision for future upgrades to the street and the addition of a sidewalk.

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* does not support the inclusion of secondary suites within small lots. As such, staff recommend that Council consider declining the Rezoning Application.

Notwithstanding the above, in recognizing that the proposal would result in a land use and lot characteristics, relatively consistent with that currently existing on the southern side of Pearl Street, an alternative motion has been provided should Council consider approving the Application. In addition, an alternative motion is provided should Council consider directing staff to work with the applicant to remove the secondary suite element from the proposal.

ALTERNATE MOTIONS

Option 1 (remove secondary suites from proposal)

That Council instruct staff to work with the applicant to remove the secondary suites from the proposal, and prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00544 for 1539 Pearl Street, that first and second reading of the *Zoning Regulation Bylaw Amendment* be considered by Council and a Public Hearing date be set.

Option 2 (approve Application)

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00544 for 1539 Pearl 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
Sustainable Planning and Community
Development Department



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



Date: Sept. 7, 2017

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped July 21, 2017
- Attachment D: Letter from Applicant to Mayor and Council dated August 22, 2017
- Attachment E: Community Association Land Use Committee Comments dated October 25, 2017
- Attachment F: Letter from Engineer dated December 1, 2016
- Attachment G: Arborist review dated January 30, 2017
- Attachment H: Small Lot Petition.