



Committee of the Whole Report

For the Meeting of July 27, 2017

To: Committee of the Whole

Date: July 13, 2017

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

Subject: Rezoning Application No. 00564 for 2695 Capital Heights

RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00564 for 2695 Capital Heights, 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 2695 Capital Heights. The proposal is to rezone a portion of the property from the R-2 Zone, Two Family Dwelling District to the R1-S2 Zone, Restricted Small Lot (Two Storey) District in order to subdivide the property, retain the existing single-family dwelling in the R-2 Zone and construct a new small lot house.

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 Low Density Housing designation within the *Oaklands Neighbourhood Plan*
- the proposal is consistent with the design guidelines specified in the *Small Lot House Rezoning Policy, 2002*, and the applicant would retain the existing single-family dwelling
- the proposal is consistent with the *Tree Preservation Bylaw* in preserving the existing Garry oak trees on site.

BACKGROUND

Description of Proposal

This Rezoning Application is to rezone the eastern portion of the property from the R-2 Zone, Two Family Dwelling District, to the R1-S2 Zone, Restricted Small Lot (Two Storey) District. The proposal is to create two lots, maintain the existing single-family dwelling on the western lot, and construct a new small lot house on the eastern lot. One variance would be required for the western lot with the existing single-family dwelling, which is reviewed in relation to the concurrent Development Permit and Development Permit with Variance 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

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

Construction of a curb, gutter, and sidewalk along the south side of Kings Road would be secured as a condition of a separate Subdivision Application, in accordance with Section 506 of the *Local Government Act*.

Accessibility Impact Statement

Proposed accessibility improvements are discussed in association with the concurrent Development Permit with Variance Application associated with this property.

Land Use Context

The area is characterized mainly by single-family dwellings. There are two small lot houses to the northeast of the property along Kings Road. In addition, to the north of the property is multi-residential housing and the Cridge Centre for the Family.

Existing Site Development and Development Potential

The site is presently a single-family dwelling. Under the current R-2 Zone, Two Family Dwelling District, the property could be developed as a single-family dwelling or a duplex.

Data Table

The following data table compares the proposal with the existing Zones. An asterisk is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposed Lot A Existing Dwelling	Existing R-2 Zone	Proposed Lot B New Dwelling	Proposed R1-S2 Zone
Site area (m ²) - minimum	557.22	460.00	306.48	260.00
1 st & 2 nd storey floor area (m ²) – minimum	149.26	280.00	N/A	N/A
Combined floor area (m ²) - minimum	265.70	300.00	N/A	N/A
Density (Floor Space Ratio) - maximum	N/A	N/A	0.54	0.60
Total floor area (m ²) - maximum	N/A	N/A	165.14	190.00
Lot width (m) - minimum	21.79	15.00	14.10	10.00
Height (m) - maximum	4.12	7.60	7.38	7.50
Storeys - maximum	1	2	2	2
Site coverage % - maximum	27.17	40.00	34.00	40.00
Setbacks (m) – minimum:				
Front	7.56	7.50	6.01	6.00
Rear	1.01*	7.50	6.00	6.00
Side on flanking street	6.71	3.50	N/A	N/A
Side	N/A	N/A	1.50 (west)	1.50 / 2.4 (habitable windows)
Side	4.03 (south)	2.18	1.61 (east)	1.50 / 2.4 (habitable windows)
Combined side yards	10.74	4.50	N/A	N/A
Parking - minimum	1	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 Oaklands CALUC at a Community Meeting held on October 25, 2016. 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 85% 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, Summary and illustrative map 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. The proposed small lot 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.

Local Area Plans

The Oaklands Neighbourhood Plan identifies the property as Low Density Housing. Within this designation, small lot developments are permitted based on their own merits at the time of application.

Tree Preservation Bylaw and Urban Forest Master Plan

There are four trees protected by the Tree Preservation Bylaw on the subject property. One is a healthy Garry Oak on the rear of the proposed Lot B, and the other is a declining Dogwood on the same lot, which the consulting arborist recommends be removed. Two replacement Dogwood trees are proposed in the landscape plan of Lot B. On Lot A there are two mature Garry Oaks on the front of the property facing Capitals Heights. There is a proposed driveway from Kings Road that could potentially affect the critical root zone of these two Oaks. The project arborist would review the driveway excavation on site during construction. There is a net gain of one replacement tree on private property.

There are three public trees (mature Garry Oaks) on the City boulevards on Kings Road and Capital Heights. One of two Garry Oaks on Kings Road may be impacted by the driveway construction to Lot B. The project arborist would supervise the driveway construction and its impacts on the tree's critical root zone.

There is a proposed greenway on Kings Road adjacent to the two protected Garry Oaks on the boulevard. These trees will be protected during construction and the project arborist will be present to supervise the path's excavation and construction methods for this public pathway. There are no gains or losses of public trees on this proposed project.

CONCLUSIONS

The proposal to subdivide and rezone the subject property, retain the existing single-family dwelling, and construct one new small lot dwelling is consistent with the objectives in the OCP, *Oaklands Neighbourhood Plan* and the *Small Lot House Rezoning Policy*.

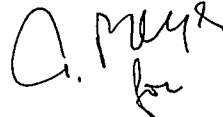
ALTERNATE MOTION

That Council decline Rezoning Application No. 00564 for the property located at 2695 Capital Heights.

Respectfully submitted,

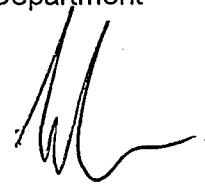
 

Michael Angrove
Planner
Development Services



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date: July 13, 2017

List of Attachments

- Attachment A – Subject Map
- Attachment B – Aerial Map
- Attachment C – Plans dated/date stamped June 9, 2017
- Attachment D – Letter from applicant to Mayor and Council dated June 9, 2017
- Attachment E – Community Association Land Use Committee Minutes dated October 25, 2016
- Attachment F – Arborist Report