



Committee of the Whole Report

For the Meeting of July 27, 2017

To: Committee of the Whole

Date: July 20, 2017

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

Subject: Rezoning Application No.00508 for 121 Menzies Street

RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendments that would authorize the proposed development outlined in Rezoning Application No. 00508 for 121 Menzies Street, that first and second reading of the Zoning Regulation Bylaw Amendments be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Preparation of the following documents, executed by the applicant:
 - a. Housing Agreement Bylaw to secure the 10 dwelling units as rental housing in perpetuity with a caretaker living on site to the satisfaction of the Director of Sustainable Planning and Community Development.
 - b. Statutory Right-of-Way of 1.78 metres along Menzies Street to the satisfaction of the Director of Engineering and Public Works.

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 483 of the *Local Government Act*, Council may enter into a Housing Agreement which may include terms agreed to by the owner regarding the occupancy of the housing units and provided such agreement does not vary the use of the density of the land from that permitted under the zoning bylaw.

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 121 Menzies Street. The proposal is to rezone from the R1-B Zone, Single Family Dwelling District, to a site specific zone in order to permit a 10 dwelling unit House Conversion at this location. There is a Development Variance Permit Application, as well as a Heritage Designation Application, that are being processed concurrently with this application.

The following points were considered in assessing this application:

- the proposal is generally consistent with the Traditional Residential Urban Place Designation in the *Official Community Plan, 2012* (OCP), which supports House Conversions. Although the existing building exceeds the height (3.5 storeys instead of 2 storeys) and density (1.12:1.0 instead of 1.0:1.0), the OCP includes policy to enable and support heritage conservation.
- the applicant is proposing a Housing Agreement with the City that would secure the 10 dwelling units as rental housing in perpetuity with a caretaker living on site.
- the site specific zone would be based on the existing R1-B Zone, Single Family Dwelling District, and House Conversion Regulations (Schedule G of the Zoning Bylaw) related to use and density. Other differences from the existing regulations would be addressed through variances so they do not become an entitlement that runs with the land in the event the building is ever destroyed or removed.

BACKGROUND

Description of Proposal

A new site specific zone based on the R1-B Zone, Single Family Dwelling District, and the House Conversion regulations of the Zoning Bylaw is being proposed in order to decrease the total floor area required to accommodate 10 dwelling units (minimum) from 1020m² to 544.15m². Other differences, primarily related to siting and parking, are discussed in relation to the concurrent Development Variance Permit Application. Essentially, the application would legalize the current built form and provide regulations to limit the number of dwelling units to a maximum of ten.

Affordable Housing Impacts

The applicant proposes the creation of three new residential units which would increase the overall supply of housing in the area. A Housing Agreement is also being proposed which would secure the 10 dwelling units as rental housing in perpetuity, with a caretaker living on site.

Sustainability Features

As indicated in the applicant's letter dated April 21, 2017, the following sustainability features are associated with this application:

- rainwater collection
- recycling and composting
- vegetable gardens
- high efficiency appliances with low water flow.

Active Transportation Impacts

The application proposes bike racks which support active transportation.

Public Realm Improvements

No public realm improvements are proposed in association with this Rezoning Application; however, the applicant is willing to provide a 1.78m Statutory Right-of-Way along Menzies Street.

Accessibility Impact Statement

The British Columbia Building Code regulates accessibility as it pertains to buildings.

Land Use Context

The area is characterized by a broad range of land uses including single-family dwellings, duplexes, townhouses, apartments, and commercial uses.

Existing Site Development and Development Potential

The site is presently illegally developed as 11 dwelling units (with individual bathroom), two housekeeping units (with a shared bathroom), and one garden suite. The site was approved for seven housekeeping units, but was subsequently modified without securing the necessary City permits.

Under the current R-2 Zone, the regulations in the R1-B Zone, Single Family Dwelling District, would apply due to the size of the lot. The property could be developed as a single-family dwelling with secondary suite or garden suite.

Data Table

The following data table compares the proposal with the R1-B Zone, Single Family Dwelling District, and the House Conversion Regulations under Schedule G of the Zoning Bylaw. 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	Zone Standard
Site area (m ²) - minimum	460.17	460.00
Lot width (m) - minimum	18.29	15.00
1 st & 2 nd storey floor area (m ²) - maximum	274.49	280.00
Combined floor area (m ²) - maximum	513.39**	300.00
Height (m) - maximum	10.40**	7.60
Storeys - maximum	3.50**	2.00
Setbacks (m) – minimum:		
Front (Menzies Street)	6.90**	7.50
Rear (east)	1.1** (to stairs) 3.9** (to building)	7.50
Side (north)	3.95	3.00
Side (south)	2.3 (to building) 1.1 (to stairs)**	1.83
Combined side yards	5.05	4.50
Site coverage (%) - maximum	42.30*	40.00

Zoning Criteria	Proposal	Zone Standard
Schedule G - House Conversion Regulations		
Required floor area (m ²) - minimum per dwelling unit	544.15*	1020.00
Minimum dwelling unit size (m ²)	28.98*	33.00
Landscape - total lot (%) - minimum	44.00	30.00
Parking - minimum	1*	8
Parking - location	Front Yard*	Behind Front Yard
Bicycle parking stalls (minimum) Class 1 Class 2	10 0	N/A
Schedule F - Accessory Building (Utility Building)		
Location	Side and Rear Yard*	Rear Yard
Combined Floor Area (m ²) -maximum	41.61*	37.00
Height (m) - maximum	4.41*	3.50
Setbacks (m) - minimum:		
Rear	0.50*	0.60
Side	0.40*	0.60
Separation space from principal building	1.00*	2.40
Rear yard site coverage (%) - maximum	29.80%*	25.00
Schedule F - Accessory Building (Shed and Bike Storage)		
Location	Side Yard*	Rear Yard
Setbacks (m) - minimum:		
Rear	7.8	0.60
Side	0.40*	0.60
Separation Space	2.48	2.40

Relevant History

The existing building is approved for seven housekeeping units (without a separate bathroom). At some point in the past, the building was converted to 11 self-contained dwelling units (each with a separate bathroom) and two housekeeping units, and the accessory building was converted into a dwelling unit totalling 14 dwelling units on the site.

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 October 12, 2016. A letter dated October 21, 2016 is attached to this report.

ANALYSIS

Official Community Plan

The proposal for a 10 dwelling unit House Conversion is consistent with the Traditional Residential Urban Place Designation contained in the *Official Community Plan, 2012* (OCP) which supports a diversity of housing types to create more home ownership options such as house conversion to create multi-unit residential developments.

Although the existing building exceeds the Traditional Residential height (3.5 storeys instead of 2 storeys) and density (1.12:1.0 instead of 1.0:1.0), the OCP includes policies to enable and support heritage conservation through incentives and allowances such as this. There is a concurrent Heritage Designation Application for this property.

Tree Preservation Bylaw and Urban Forest Master Plan

There are no Tree Preservation Bylaw impacts with this application.

Regulatory Considerations

This Rezoning Application is to rezone from the R1-B Zone, Single Family Dwelling District, to a site specific zone to allow a House Conversion with 10 dwelling units. The new zone would be based on the R1-B Zone except with decreased floor area per dwelling unit. The other differences from the existing zone (outlined in the table above) are reviewed in the concurrent Development Variance Permit Application staff report.

CONCLUSIONS

The proposal is to rezone the subject property from the R1-B Zone, Single Family Dwelling District, to a new site specific zone to permit a 10 dwelling unit House Conversion and is generally consistent with Traditional Residential Urban Place Designation and other OCP policy. The application includes a concurrent Heritage Designation and a Housing Agreement that would secure the 10 units as rental in perpetuity. Staff recommend that Council consider supporting the application.

ALTERNATE MOTION

That Council decline Rezoning Application No. 00508 for the property located at 121 Menzies Street.

Respectfully submitted,



Rob Bateman
Senior Process Planner
Development Services Division



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

Date: July 18, 2017

List of Attachments:

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped May 25, 2017
- Attachment D: Letter from applicant to Mayor and Council dated April 21, 2017
- Attachment E: Community Association Land Use Committee Comments dated October 21, 2016 and April 20, 2015
- Attachment F: Parking Review dated January 22, 2016.