



**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, JULY 16, 2019**

SUBJECT **Building Conversion to Strata for Lot 1, Block 453, Malahat District, Plan VIP84067 – 1480 & 1490 Finlayson View Place**

ISSUE

A request has been made to convert two single-family dwelling buildings to strata at 1480 and 1490 Finlayson View Place.

BACKGROUND

The 3.13 hectare (ha) property is located on Finlayson View Place in the Malahat (Appendix 1). The property is split-zoned Greenbelt 3 (GB-3) and Greenbelt 2 (GB-2) in the Malahat Land Use Bylaw, 1981, Bylaw No. 980, and is adjacent to the Cowichan Valley Regional District to the north, The Great Trail to the west, and GB-2 and GB-3 properties to the east and south. Portions of the property are designated as steep slope, riparian and sensitive ecosystem development permit areas in the Malahat Official Community Plan, 2012, Bylaw No. 3721.

There are two single-family dwellings and a detached accessory suite on the property. One single-family dwelling was constructed in 2016 and the other buildings are still under construction. The density of the property is in compliance with Section 2.19 of Bylaw No. 980, which states that where a lot is included in more than one zone, the zone boundary shall be deemed to be a lot boundary for the purposes of determining applicable uses, densities and other regulations in the bylaw.

The owners have applied to convert the single-family dwellings to strata under Section 242 of the *Strata Property Act* (Appendix 2). As one of the dwellings was previously occupied, the CRD Board is the approving authority.

ALTERNATIVES

That the Land Use Committee recommends to the Capital Regional District Board:

1. That That Building Conversion Strata BC000023, for Lot 1, Block 453, Malahat District, Plan VIP84067, to obtain individual title for two single-family dwellings as shown on the Sketch Plan prepared by Glen Mitchell, BCLS, be approved subject to the following conditions:
 - i. Approval for a water supply system under the Drinking Water Protection Act be obtained;
 - ii. A certificate of occupancy for the dwelling at 1490 Finlayson View Place be obtained;
 - iii. The submission of a final survey plan for endorsement by the General Manager, Planning & Protective Services Department.
2. That Building Conversion Strata BC000023 be refused.
3. That the application be referred back to staff for more information.

LEGISLATIVE IMPLICATIONS

Section 242 of the *Strata Property Act* establishes the CRD Board as the approving authority and requires that approval shall not be granted unless the building substantially complies with the applicable bylaws of the Regional District and the *BC Building Code*.

The Capital Regional District (CRD) Land Use Committee Bylaw, 2004, Bylaw No. 3166, was recently amended by Bylaw No. 4271 to give powers to the committee to make recommendations to the CRD Board on the approval or refusal of an application for the conversion of previously occupied buildings to strata. Juan de Fuca Development Fees and Procedures Bylaw, 2018, Bylaw No. 3885, outlines application requirements for building conversions to strata.

PUBLIC CONSULTATION IMPLICATIONS

Bylaw No. 3885 does not require public notification of the application; however, at any time during the building conversion strata application process, the Board may refer the application to any agency or organization for their comments and suggestions. Notice of the Land Use Committee meeting and CRD Board meeting are posted on the CRD website.

LAND USE IMPLICATIONS

Section 242(6) of the *Strata Property Act* requires the approving authority to consider the following:

- (a) the priority of rental accommodation over privately owned housing in the area,
- (b) any proposals for the relocation of persons occupying a residential building,
- (c) the life expectancy of the building,
- (d) projected major increases in maintenance costs due to the condition of the building, and
- (e) any other matters that, in its opinion, are relevant.

The property is designated Settlement Area in the Malahat Official Community Plan (OCP), which signifies that the predominant land use is for residential purposes. The OCP indicates that the available housing stock meets the needs and requirements of the market place based on the population data and without zoning changes. The population has increased from 147 in 2011 to 190 in 2016. In that same time, 24 building permits were issued for new single-family dwellings in the Malahat area.

Bylaw No. 3874 was adopted in 2013 to allow detached accessory suites to GB-2 and GB-3 zones, thereby increasing opportunities for rental accommodation in the community. There is a detached accessory suite under construction on the GB-2 portion of the subject property. Due to split-zoning, there is potential for a detached accessory suite to be constructed on the GB-3 portion as well.

The owners are currently living at 1480 Finlayson View Place and intend on moving into the new dwelling on the property upon completion of the building permit. There will be no relocation of other persons occupying the property.

The dwelling at 1480 Finlayson View Place was completed in 2016. The detached accessory suite and the second dwelling at 1490 Finlayson View Place are still under construction. Information on the life expectancy of the building has been provided by McFadden Contracting and is estimated at 50-75 years with annual maintenance costs of \$400 (Appendix 3). Two new septic systems have also been installed and final certifications completed in 2018.

The groundwater well on the property was drilled in 2013 and provides an estimated flow rate of 24,712 litres per day. A water quality test has been provided indicating the water meets the requirements of the Guidelines for Canadian Drinking Water Quality without further treatment (Appendix 4). The owners propose to use the well to supply potable water to the two dwellings and the detached suite. In accordance with the *Drinking Water Protection Act*, a permit will be required for a water supply well.

The groundwater well also provides water to sprinkler systems installed in each dwelling as a fire protection measure since the property is outside of a fire protection service area. Information about the fire suppression system has been provided in Appendix 5.

The CRD must not approve a strata plan unless the buildings substantially comply with the Regional District's applicable bylaws and with the *BC Building Code*. Certificates of occupancy for the second dwelling and detached accessory suite remain outstanding.

Staff recommend approval of the strata plan subject to obtaining final occupancy certificates for the buildings, providing confirmation of approval of a water system, and submission of a final survey plan for endorsement by the General Manager, Planning & Protective Services Department.

CONCLUSION

An application has been received to convert two dwellings to strata at 1480 and 1490 Finlayson View Place in the Malahat. The property is split-zoned GB-2 and GB-3. Section 2.19 of the Malahat Land Use Bylaw, Bylaw No. 980, states that where a lot is included in more than one zone, the zone boundary shall act as a lot boundary for the purposes of determining use and density. The dwelling at 1490 Finlayson View Place is still under construction. Staff recommend approval subject to completion of the building permit, issuance of a water supply permit for the shared well and submission of a final survey plan.

RECOMMENDATION

That the Land Use Committee recommends to the Capital Regional District Board:

That Building Conversion Strata BC000023, for Lot 1, Block 453, Malahat District, Plan VIP84067, to obtain individual title for two single-family dwellings as shown on the Sketch Plan prepared by Glen Mitchell, BCLS, be approved subject to the following conditions:

- i. Approval for a water supply system under the *Drinking Water Protection Act* be obtained;
- ii. A certificate of occupancy for the dwelling at 1490 Finlayson View Place be obtained;
- iii. The submission of a final survey plan for endorsement by the General Manager, Planning & Protective Services Department.

Submitted by:	Emma Taylor, MA, MCIP, RPP, Planner
Concurrence:	Iain Lawrence, MCIP, RPP, Manager, Juan de Fuca Community Planning
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ET:wm

Attachments:

- Appendix 1: Subject Property Map
- Appendix 2: Proposed Survey Plan
- Appendix 3: Building Life Expectancy
- Appendix 4: Water Supply Information
- Appendix 5: Fire Suppression System Information