



## **Committee of the Whole Report**

### **For the Meeting of July 12, 2018**

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**To:** Committee of the Whole **Date:** June 28, 2018

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

**Subject:** Rezoning Application No. 00629 for 1276/1278 Gladstone Avenue

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### **RECOMMENDATION**

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00629 for 1276/1278 Gladstone Avenue, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council, and a Public Hearing date be set, subject to receipt of an executed Statutory Right-of-Way of 1.85m on Gladstone Avenue, 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.

### **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 1276/1278 Gladstone Avenue. The proposal is to rezone from the R1-B Zone, Single Family Dwelling District, to a site specific zone to allow two existing non-conforming, single-family dwellings on a single lot.

The following points were considered in assessing this application:

- the proposal is generally consistent with the *Official Community Plan, 2012*, Traditional Residential Urban Place Designation, which envisions ground-oriented residential
- the proposal is generally consistent with the *Fernwood Neighbourhood Plan, 1994*, which encourages development that maintains the character of single-family dwellings
- the site specific zone would be drafted in a way that restricts the density, height, and setbacks to what currently exists for two single-family dwellings.

## **BACKGROUND**

### **Description of Proposal**

This Rezoning Application is to permit the two existing, non-conforming single-family dwellings on a single lot. The two single-family dwellings were approved through a building permit in 1907 and are considered legal non-conforming; however, under the current Zone, R1-B Single Family Dwelling District, only one single family dwelling would be permitted. The applicant wishes to be able to rebuild what currently exists in the event the buildings were destroyed beyond what could be rebuilt in accordance with legal non-conforming legislation. The applicant has indicated they are not strata titling, and would keep the property under one title. A future subdivision would trigger the need for a Panhandle Subdivision Development Permit, which would require approval from Council.

The following differences from the standard R1-B Zone, Single Family Dwelling District, are being proposed, some of which would be accommodated in the new Zone:

- allow two single-family dwellings
- reduce the lot width from 15.0m to 13.74m
- reduce the front yard setback (south building) from 7.50m to 4.77m
- reduce the rear yard setback (north building) from 11.44m to 5.43m (to the building) and 3.03 (to the stairs)
- reduce the (west) side yard setback (south building) from 3.0m to 0.51m
- reduce the (east) side yard setback (north building) from 1.50m to 0.92m
- reduce the combined side yard setback (south building) from 4.50m to 4.06m
- reduce the combined side yard setback (north building) from 4.50m to 4.44m.

### **Affordable Housing Impacts**

The applicant is not proposing the creation of any new residential units.

### **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 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 single-family dwellings, duplexes, and multiple dwellings. Fernwood Village is located directly to the east, and Victoria High School is across the street to the south.

## Existing Site Development and Development Potential

The site presently contains two single-family dwellings permitted by building permit in 1907. Under the current R1-B Zone, Single Family Dwelling District, the property could be developed as a single-family dwelling with a secondary suite or garden suite.

### Data Table

The following data table compares the proposal with the current R1-B Zone. An asterisk is used to identify where the proposal is less stringent than this Zone.

Zoning Criteria	Proposal			Current Zone R1-B
Site area (m <sup>2</sup> ) – minimum	625.30			460.00
Lot width (m) – minimum	13.74 *			15.00
Number of single family dwellings – maximum	2 *			1
Floor space ratio – maximum	0.27			n/a
Site coverage % – maximum	27.00			40.00
Open site space – minimum	49.00			n/a
	South Bldg.	North Bldg.	Both Bldgs.	
First and second storey floor area (m) – maximum	89.55	79.48	169.03	280.00
Combined floor area (m) – maximum	130.07	158.96	289.03	300.00
Storeys – maximum	1	1	1	2
Height (m) – maximum	4.96	5.49	-	7.6
Basement	Yes	Yes	Yes	Permitted
Setbacks (m) – minimum				
Front	4.77 *	31.09	-	7.50
Projections (stairs) - maximum	n/a	3.09 *	-	2.50
Projections (porch) - maximum	n/a	1.60	-	1.60

	South Bldg.	North Bldg.	Both Bldgs.	
<b>Setbacks (m) – minimum</b>				
Rear	30.14	5.43 * (building) 3.03 * (stairs)	-	11.44
Side (east)	3.55	0.92 *	-	1.50
Side (west)	0.51 *	3.52	-	3.00
Combined side yards	4.06 *	4.44 *	-	4.50
Parking – minimum	2			1

## History

At some point in the past, a separate kitchen was added to the basement of 1278 Gladstone (north building). The kitchen is proposed to be removed with this Application.

## Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted the Fernwood CALUC at a Community Meeting held on December 6th, 2017. A letter from the CALUC dated April 13, 2018 is attached to this report.

## ANALYSIS

### Official Community Plan

The *Official Community Plan (OCP)* Urban Place Designation for the subject property is Traditional Residential. Within this designation, ground oriented residential buildings up to two storeys are envisioned, such as single-family, duplex and attached dwellings. The proposal is for an existing condition to be expressly permitted within the zone.

The OCP gives guidance on site-specific amendments to the plan that are consistent with the intent of the Urban Place Designations and that further the broad objectives and policies that are appropriate and site specific. The density for Traditional Residential envisions a FSR of 1:1, and the proposal is in keeping with the density at 0.27:1.

Since 1907, the use of this site has been for two single-family dwellings; and although the current Policy does not envision two single-family dwellings, it would support a duplex on this site (with variances). This proposal differs in that it is two detached dwellings.

### Local Area Plans

The *Fernwood Neighbourhood Plan, 1994*, encourages that development maintain the look and character of single-family and duplex housing stock. The proposal is to retain the existing two single-family dwellings.

## **Tree Preservation Bylaw and Urban Forest Master Plan**

There are no Tree Preservation Bylaw impacts with this Application.

### **Regulatory Considerations**

The major difference between the R1-B Zone and the proposal is allowing two single-family dwellings on one lot. The site specific zone would allow two single-family dwellings, as they exist now; and if redeveloped, maintain the setbacks, density, and heights therefore ensuring they would be reconstructed as they currently exist.

The General Regulations of the *Zoning Regulation Bylaw* state that not more than one building other than an accessory building be built on one lot, except when a particular zone permits otherwise. The proposal is to rezone to a site specific zone that would allow two single-family dwellings on one lot.

The proposal is not considering small lot subdivision; however, if in the future it were, the standard lot size required would be 260m<sup>2</sup> for each lot, and it would also be subject to the panhandle lot regulations. The Small Lot Rezoning Policy does not support panhandle small lots. The applicant has indicated they are not planning on subdividing the property.

If the applicant were considering changing the use of one of the buildings to a garden suite, it would not meet Schedule M – Garden Suites, nor the Garden Suite Design Guidelines. The house at the rear is larger and would likely be considered the primary residence; however, the unit at the front would be over the maximum floor area for a garden suite and would also need several variances.

The *Fence Bylaw* regulates that fences constructed on residential zoned land must not exceed 1.22m if in the front yard. The applicant has indicated the height of the existing fence would be reduced to one metre, which also takes into account a three metre sight triangle next to the driveway.

### **Statutory Right-of-Way**

The standard Right-of-Way for a local street is 18.0m; however, future transportation-related needs on the corridor can be met with a Right-of-Way width of 15.0m. The applicant is willing to grant the City a Statutory Right-of-Way of 1.85m on Gladstone Avenue for future upgrades to the sidewalk and boulevard.

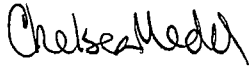
### **CONCLUSIONS**

The proposal to rezone the subject property from the R1-B Zone, Single Family Dwelling District, to site specific zone to permit the existing two single-family dwellings is generally consistent with the Traditional Residential Urban Place Designation and other *Official Community Plan* policies. It would allow a condition that was approved through a building permit in the past, and would allow this condition to exist in the future consistent with the existing setbacks, height, and density.

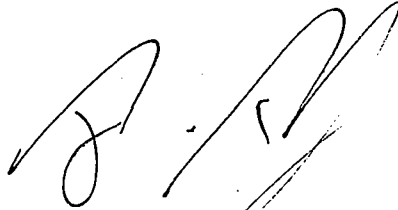
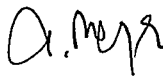
## ALTERNATE MOTION

That Council decline Application No. 00629 for the property located at 1276/1278 Gladstone Avenue.

Respectfully submitted,



Chelsea Medd  
Planner  
Development Services Division

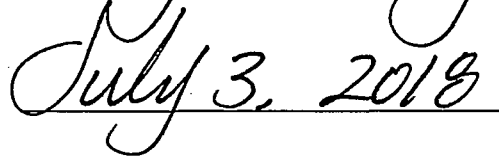


Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



Date:



### List of Attachments:

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped May 15, 2018
- Attachment D: Letter from applicant to Mayor and Council date stamped May 15, 2018
- Attachment E: Community Association Land Use Committee Comments dated April 13, 2018.