

H. REPORTS OF COMMITTEES

H.1 Committee of the Whole

H.1.a Report from the September 6, 2018 COTW Meeting

H.1.a.I 457 and 459 Kipling Street – Rezoning Application No. 00644 and Development Permit with Variance Application No. 00644 (Fairfield)

Moved By Councillor Coleman

Seconded By Councillor Alto

Rezoning Application No. 00644

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00644 for 457 and 459 Kipling Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council, and a Public Hearing date be set.

Development Permit with Variance Application No. 00644

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00644, if it is approved, consider the following motion:

“That Council authorize the issuance of Development Permit Application No. 00644 for 457 and 459 Kipling Street in accordance with:

1. Plans date stamped July 3, 2018.
2. Development meeting all Zoning Regulation Bylaw requirements, except to increase the combined floor area maximum from 380m² to 389.78m².
3. The Development Permit lapsing two years from the date of this resolution.

CARRIED UNANIMOUSLY

F.5 457 and 459 Kipling Street - Rezoning Application No. 00644 and Development Permit with Variance Application No. 00644 (Fairfield)

Councillor Young excused himself at 3:37 p.m. for a non-pecuniary conflict of interest due to family members living at this location.

Committee received a report dated August 23, 2018 from the Director of Sustainable Planning and Community Development proposing to rezone from the R1-B Zone, Single Family Dwelling District to R-2 Zone, Two Family Dwelling District, to permit an existing non-conforming duplex to be strata titled and to alter the building.

Moved By Councillor Madoff

Seconded By Councillor Coleman

Rezoning Application No. 00644

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00644 for 457 and 459 Kipling Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council, and a Public Hearing date be set.

Development Permit with Variance Application No. 00644

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CARRIED UNANIMOUSLY



Committee of the Whole Report

For the Meeting of September 6, 2018

To: Committee of the Whole **Date:** August 23, 2018

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

Subject: Rezoning Application No. 00644 for 457 and 459 Kipling Street

RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00644 for 457 and 459 Kipling Street, 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 457 and 459 Kipling Street. The proposal is to rezone from the R1-B Zone, Single Family Dwelling District to the R-2 Zone, Two Family Dwelling District, in order to permit the existing non-conforming duplex to be strata titled and to alter the building.

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 (OCP)*, 2012
- the proposal meets the regulatory policies in the *Neighbourliness Guidelines for Duplexes*, 1996
- the property has an existing duplex that is considered a non-conforming use.

BACKGROUND

Description of Proposal

The proposal is to rezone the property from the R1-B Zone, Single Family Dwelling District to the R-2 Zone, Two Family Dwelling District, in order to permit the existing non-conforming duplex to be strata titled and to alter the building and parking location. There is a variance to the R-2 Zone, Two Family Dwelling District, being requested and this will be discussed in relation to the concurrent Development Permit with Variance Application.

Affordable Housing Impacts

The applicant is not proposing to create new residential units. The rezoning would permit the applicant to strata title the two existing residential units.

Sustainability Features

The applicant has identified a number of sustainability features they have changed in the building, which are outlined in the attached Letter to Mayor and Council.

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 house conversions.

Existing Site Development and Development Potential

The site is presently a non-conforming duplex. 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 R-2 Zone, Two Family Dwelling District. An asterisk is used to identify where the proposal is less stringent than the existing zone. Two asterisks are used to identify where the proposal is non-conforming.

Zoning Criteria	Proposal	Zone Standard R-2
Site area (m ²) - minimum	697.00	555.00
Site area per unit (m ²) - minimum	348.50	277.50
Density (Floor Space Ratio) - maximum	0.38:1	0.50:1
Lot width (m) - minimum	18.37	15.00
1 st & 2 nd storey floor area (m ²) - maximum	262.89	280.00
Combined floor area (m ²) - maximum	389.78*	380.00
Height (m) - maximum	7.64**	7.60
Storeys - maximum	3**	2 (with no basement)
Site coverage % - maximum	28.00	40.00
Open site space % (lot)- minimum	34.74	30.00
Open site space % (rear)- minimum	44.88	33.00
Setbacks (m) - minimum		
Front	9.10	7.50
Stairs/porch projection	3.44	3.50
Rear	17.01	13.30
Side (north)	2.00**	3.00
Side (south)	1.80**	1.84
Combined Side	3.80**	4.50
Parking - minimum	2	2
Roof Deck	Existing**	Not permitted

Relevant History

The existing purpose-built duplex was built in 1947 with a Building Permit. At some point, the garage doors were covered over with stonework, resulting in the parking being located in front of the building. The applicant would like to use what was the garage as a storage area, and re-instate the doors with thermally improved garage style access doors.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted the Fairfield Gonzales CALUC at a Community Meeting held on November 23, 2017. A letter received December 1, 2017 is attached to this report.

ANALYSIS

Official Community Plan

The Official Community Plan Urban Place Designation for the subject property is Traditional Residential. In accordance with the OCP, duplexes are subject to DPA 15D: Intensive Residential – Duplex. The proposal is generally consistent with the objectives of DPA 15D to foster and encourage a sense of neighbourliness, and fits in with the neighbouring context.

Local Area Plans

The property is located within the Conservation and General Residential Area in the *Suburban Neighbourhoods Plan*, which encourages improvement in the lifespan of existing housing stock. The existing purpose-built duplex would be retained and improved.

Neighbourliness Guidelines for Duplexes

The *Neighbourliness Guidelines for Duplexes* supports rezoning to the R-2 Zone, Two Family Dwelling District if the lot width is at least 15m, the lot site area is at least 670m² for interior sites, and if the lot has 277.5m² of site area per dwelling unit. The subject property exceeds the requirements of the guidelines, with a lot width of 18.37m, site area of 697m², and site area per dwelling unit of 348.5m².

Tree Preservation Bylaw and Urban Forest Master Plan

There is one bylaw protected Douglas fir tree, which is 84cm in diameter (measured at breast height) located on the southwest corner of the subject property; it will be retained and not affected by the proposed development. There is one publicly owned 65cm diameter Maple tree on the Kipling Boulevard; it will be retained with this proposal.

CONCLUSIONS

This proposal to rezone the property to allow the existing non-conforming duplex to be strata titled is generally consistent with the Official Community Plan and Local Area Plan. The existing duplex use would continue; however, it would allow the duplex to be strata titled.

ALTERNATE MOTION

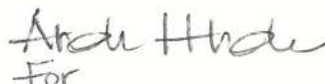
That Council decline Rezoning Application No. 00644 for the property located at 457 and 459 Kipling Street.

Respectfully submitted,



Chelsea Medd
Planner
Development Services Division

JH



For
Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

Joelyn Jenkins

Date:

Aug 28, 2018

List of Attachments:

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped July 3, 2018
- Attachment D: Letter from applicant to Mayor and Council dated August 4, 2018
- Attachment E: Community Association Land Use Committee Comments from meeting on November 23, 2017

GOVERNMENT HOUSE

RICHARDSON ST

DURBAN ST

KIPLING ST

HAMLEY ST

BROOKE ST

THURLOW RD



1405	1407	472	469	1417	1421	1425	1429	1431
451		460	465					
443		458	461					
439		456	457/59					
435		448	453	1440	1444	1450	1456	1460
431/33		444						1464
425		440						
423		436	443		1443	1445	1447	1455
417		432	439					1457
413		428	435					1461
		424	425					
		420	1400	1404	1408	1418	1420/22	1426
		418						1430
		410/12						1432

457-459 Kipling Street
Rezoning No.00644



GOVERNMENT HOUSE

RICHARDSON ST

DURBAN ST

KIPLING ST

HAMLEY ST

BROOKE ST

THURLOW RD

469	1417	1421	1425	1429	1431
465					
461					
457/59					
453	1440	1444	1450	1456	1460
443	1443	1445	1447	1455	1457
439					
435					
425					
1400	1404	1408	1418	1420/22	1426

1405	1407	472
451		460
443		458
439		456
435		448
431/33		444
425		440
423		436
417		432
413		428
		424
		420
		416
		412

Fulton Carey House
 457 - 459 Kipling Street
 Victoria, BC



Page	Drawing Title
0.0	Title Page
0.1	Site Plan
0.1a	Landscape Plan
0.1b	Site Parking Template
0.2	Schedules
2.0	Proposed Basement Plan
2.1	Proposed Main Floor Plan
2.2	Proposed Upper Floor Plan
3.0	Proposed West Elevation
3.1	Proposed South Elevation
3.2	Proposed East Elevation
3.3	Proposed North Elevation
5.0	Roof Plan
6.0	Section A-A
6.1	Section B-B



Legal Description	Lot 107, Fairfield Farm Estate, Victoria City, Plan 884
Parcel I.D.	008-278-296
Ttile #	CA5651336
Zoning	R1-B
Site Area	697.00m ²
Setbacks:	
Side North	2.0m
Side South	1.8m
Front Yard	9.1m
Rear Yard	20.1m
Total Floor Area of Building	195.37m ²
Total Site Coverage of Building	28%

Open Site Space
34.74%
Rear Yard
Open Site Space
44.88%

ATTACHMENT C

1	---	---

**SITE PLAN OF LOT 107, FAIRFIELD FARM
ESTATE, VICTORIA DISTRICT, PLAN 884.**



SCALE=1:100 All distances are in metres.

LEGEND

(S)

Denotes sewer manhole

(D)

Denotes drain manhole

(UP)

Denotes utility pole

+ WM

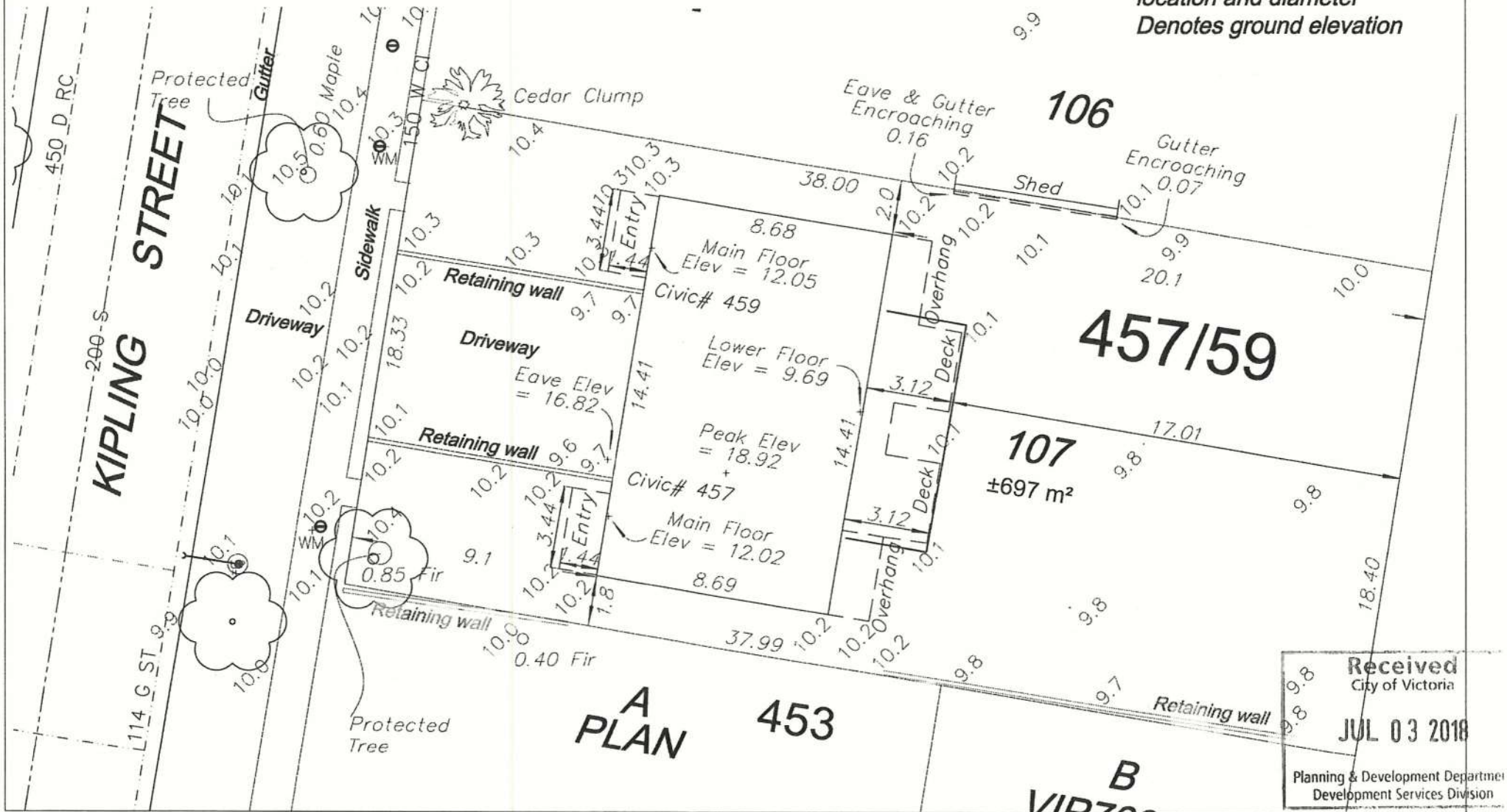
Denotes water meter

○ 0.35 Tree

Denotes approximate tree
location and diameter

9.9

Denotes ground elevation



Received
City of Victoria

JUL 03 2018

Planning & Development Department
Development Services Division

Date: 22 June 2018
Scale: 1:100
PO #: 16-1684
Drawn By: MCL

project
House Plans For:
Fulton Carey House
457 - 459 Kipling Street, Victoria, BC

architect
Doran Musgrove
Architects ABC, LEED AP

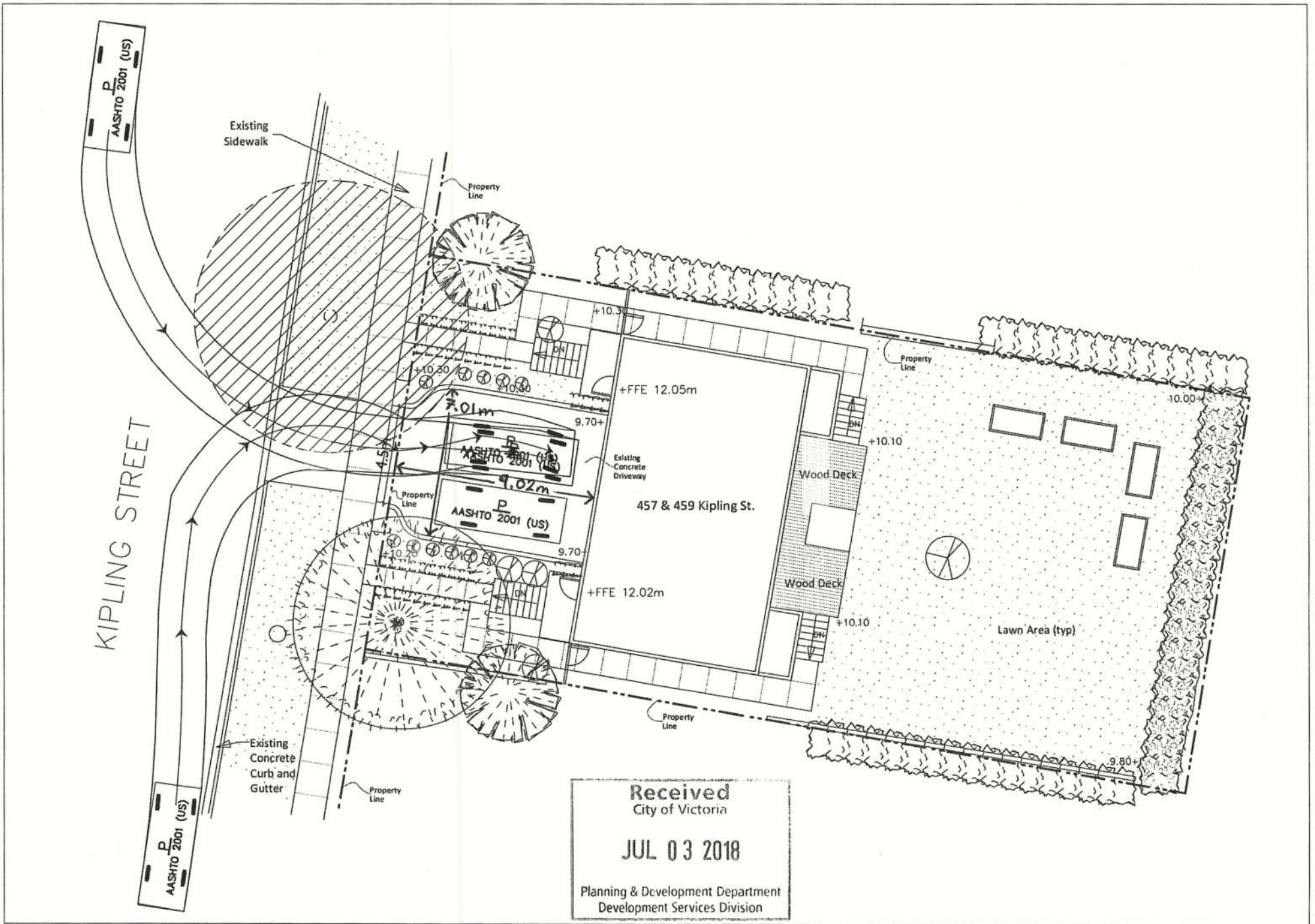
revisions	1	2

drawing

EXISTING SITE PLAN

sheet no.

0.1



Date: 22 June 2018
Scale: NTS
PO #: 16-1684
Drawn By: MGL

project
House Plans For:
Fulton Carey House
457 - 459 Kipling Street, Victoria, BC

architect
Doran Musgrove
Architect AIBC, UEDP AP

revisions	1	2

drawing

SITE PARKING TEMPLATE

sheet no. **0.1b**

WALL TYPES



EXISTING EXTERIOR STUCCO WALL ASSEMBLY:

- Exterior Sheathing Board with Stucco Finish
- Insulated 2x4 Timber Framing
- 1/2" Lath and Plaster Interior



EXISTING EXTERIOR STUCCO WALL ASSEMBLY:

- Exterior Sheathing Board with Stucco Finish
- Insulated 2x4 Timber Framing
- Strip back & add 2lb. Spray Foam Insulation & 6mil Poly Vapour Barrier
- 1/2" GVB Interior



EXISTING EXTERIOR CONCRETE FOUNDATION FORM WALL:

- Exterior Sheathing Board with Stucco Finish
- Insulated 2x4 Timber Framing
- 1/2" Lath and Plaster Interior exist. to remain
- 6" Natural Stone Assembly Laid on Outside of Face, exist. to remain



EXISTING EXTERIOR CONCRETE FOUNDATION FORM WALL:

- 6" Concrete Form Wall
- Painted Finish Exterior



EXISTING EXTERIOR CONCRETE FOUNDATION FORM WALL:

- 8" Concrete Form Wall
- Painted Finish Exterior



INTERIOR PARTITION WALLS:

- 1/2" GVB
- 2x4 Timber Framing
- 1/2" GVB

WALL TYPES



INTERIOR PARTITION WALL:

- 1 x Layer 5/8" Type X Drywall (Fire Rated Caulking at Perimeter)
- 4" Solid Timber Wall Framing
- 1 x Layer 5/8" Type X Drywall (Fire Rated Caulking at Perimeter)



INTERIOR PARTITION WALL:

- 2 x Layers 5/8" Type X Drywall (Fire Rated Caulking at Perimeter)
- Resilient Channels
- Existing wall: - 5/8" plaster
- 4" Solid Timber Wall Framing
- 5/8" plaster
- 2x4 Timber Wall Framing with Studs at 600 Centers (Batt Insulation)
- 1 x Layer 5/8" Type X Drywall (Fire Rated Caulking at Perimeter)



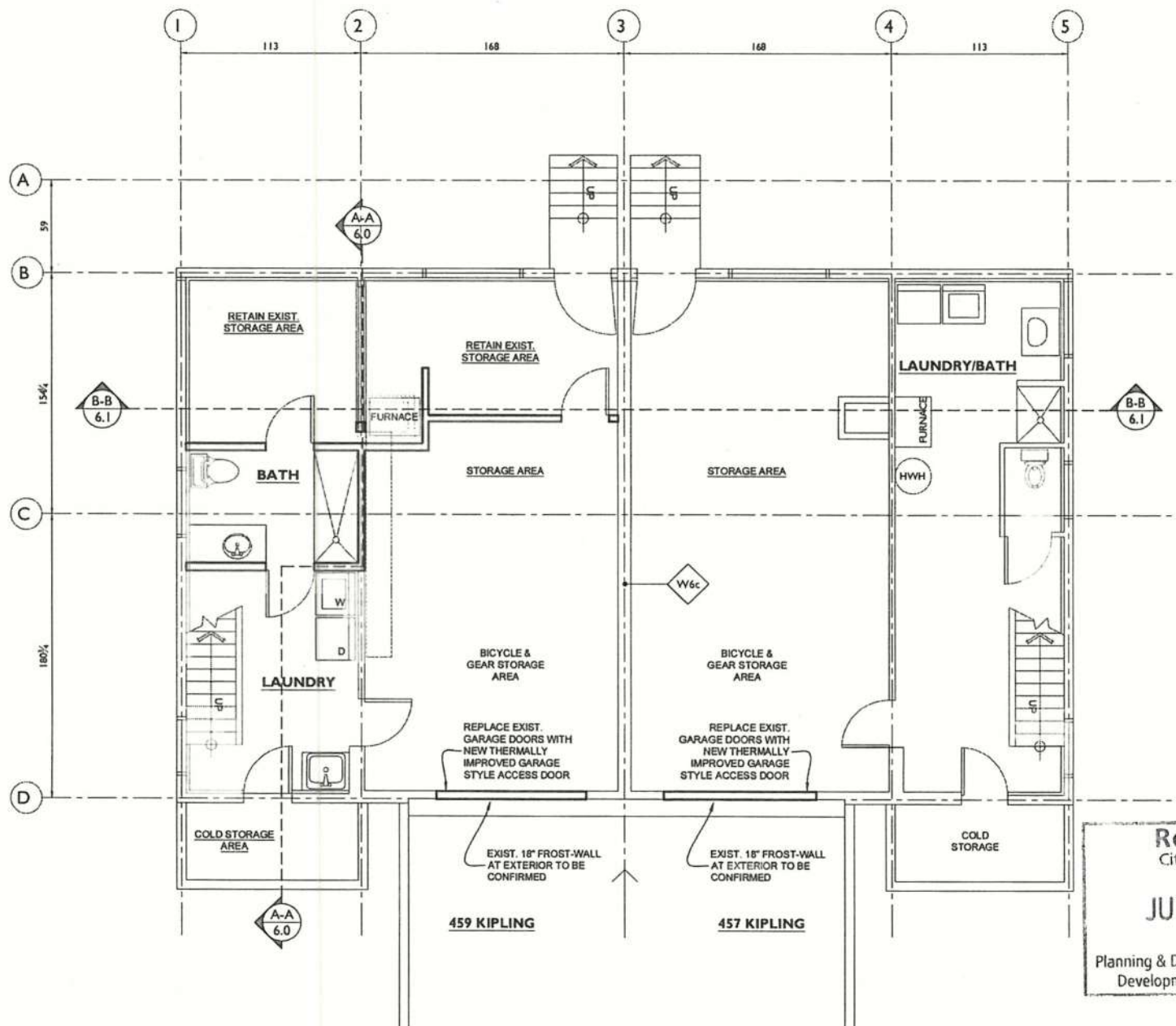
INTERIOR PARTITION WALLS:

- 1 X Layer 5/8" Type X Drywall (Fire Rated Caulking at Perimeter)
- 2x4 Timber Wall Framing with Studs at 600 Center (Batt Insulation)
- 8" Masonry Block Wall
- 2x4 Timber Wall Framing with Studs at 600 Center (Batt Insulation)
- 1 x Layer 5/8" Type X Drywall (Fire Rated Caulking at Perimeter)

NOTE:

- PLEASE REFERENCE CROSS SECTION & ELEVATION DRAWINGS FOR WALL TYPES
- PARTY WALL SEPARATION FRR 1 HR AND STC>50 MET WITH WALL TYPES LISTED ABOVE





Date: 22 June 2018
Scale: 1/4" = 1'-0"
PO #: 16-1684
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project

House Plans For:
Fulton Carey House
457 - 459 Kipling Street, Victoria, BC

architect

Doran Musgrove
Architect ABC, LEED AP

revisions

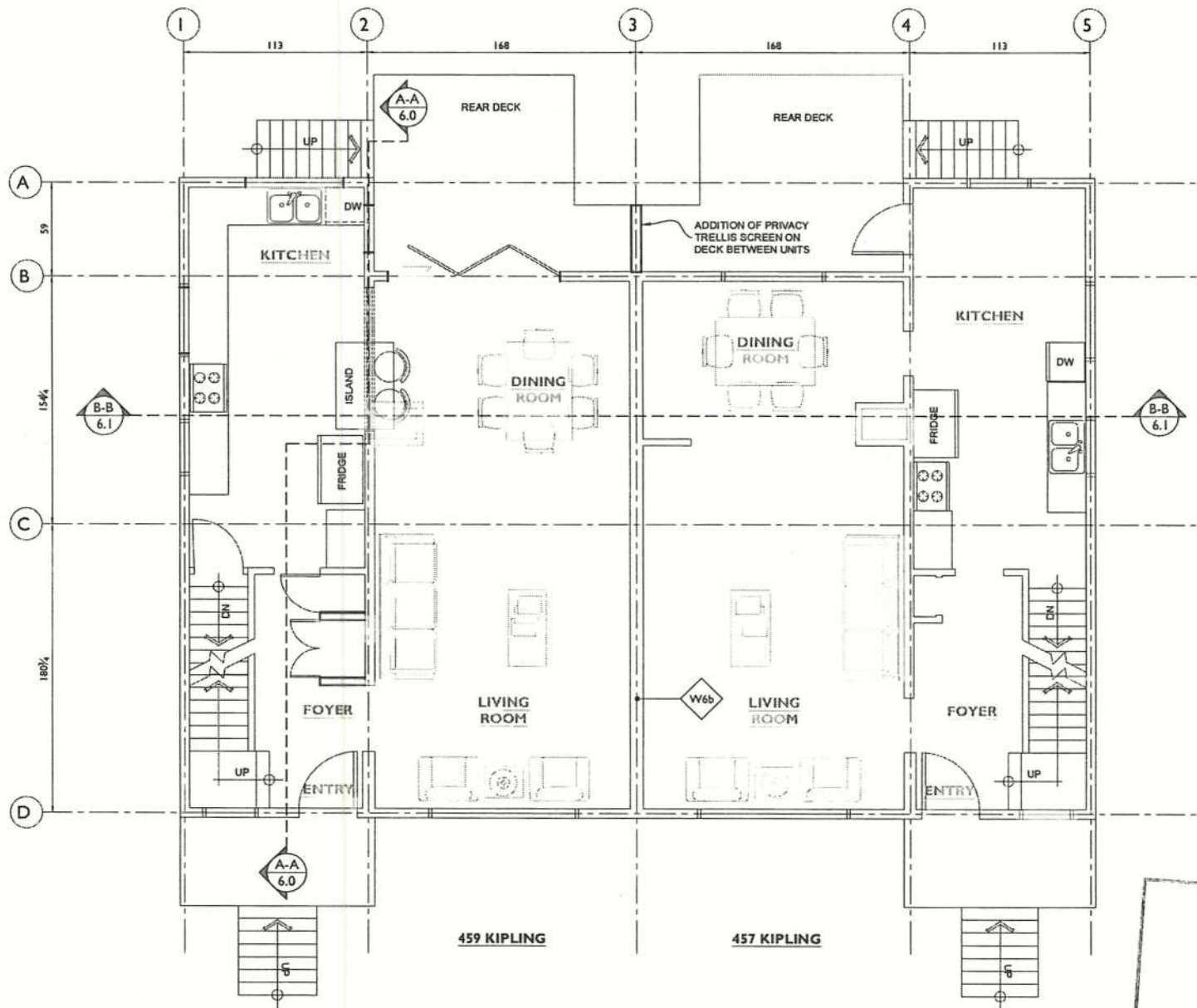
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drawing

PROPOSED BASEMENT PLAN
673 sq.ft. per unit/suite

sheet no.

2.0



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House Plans For:
Fulton Carey House
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architect
Doran Musgrove
Architect NRC, LEED AP

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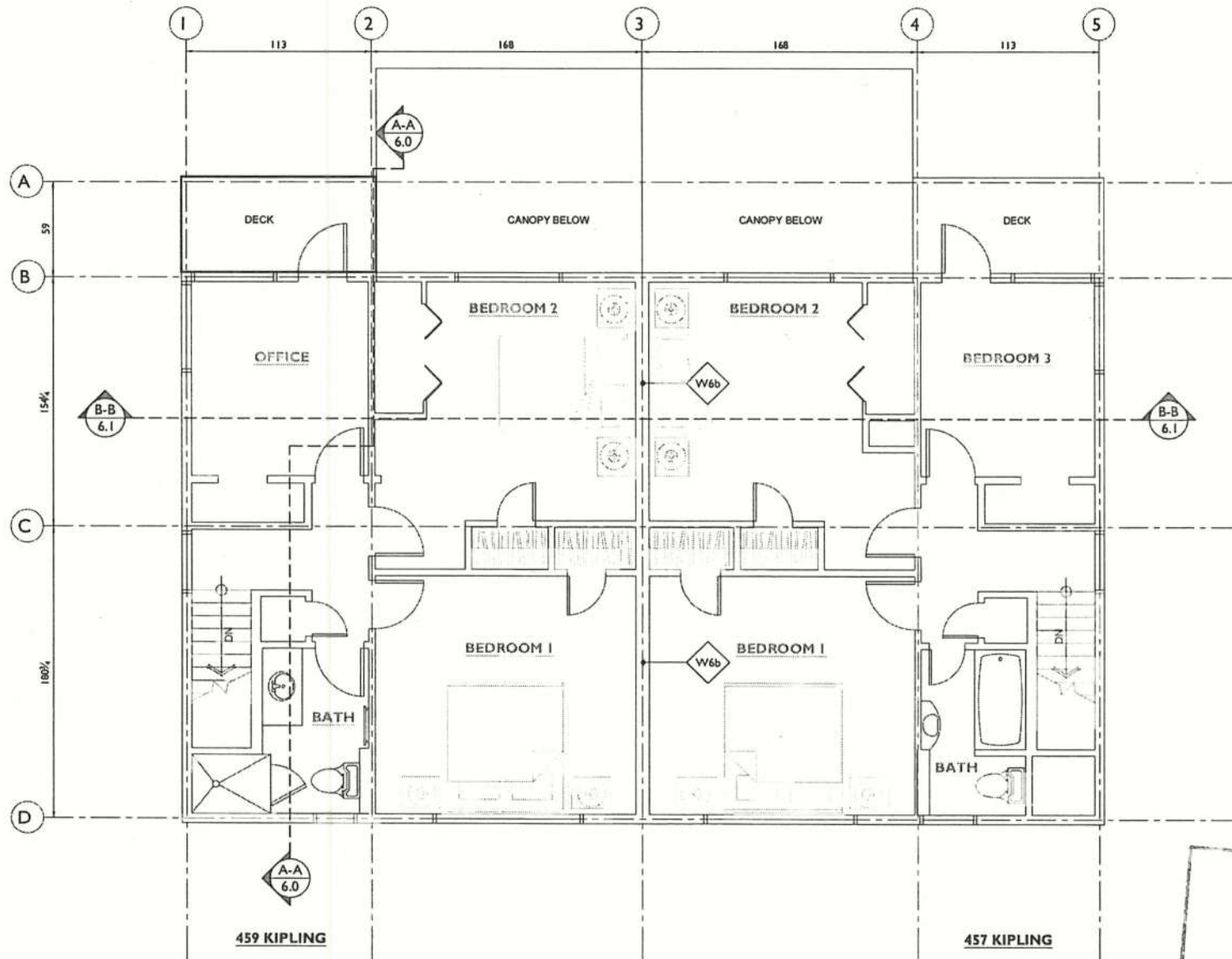
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drawing

PROPOSED MAIN FLOOR PLAN
722 sq.ft. per unit/suite

sheet no.

2.1



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House Plans For:
Fulton Carey House
457 - 459 Kipling Street, Victoria, BC

architect

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Architect ABC, LEED AP

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drawing

PROPOSED UPPER FLOOR PLAN
673 sq.ft. per unit/suite

sheet no.

2.2



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House Plans For:
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architect

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Architects ABC, LEED AP

revisions

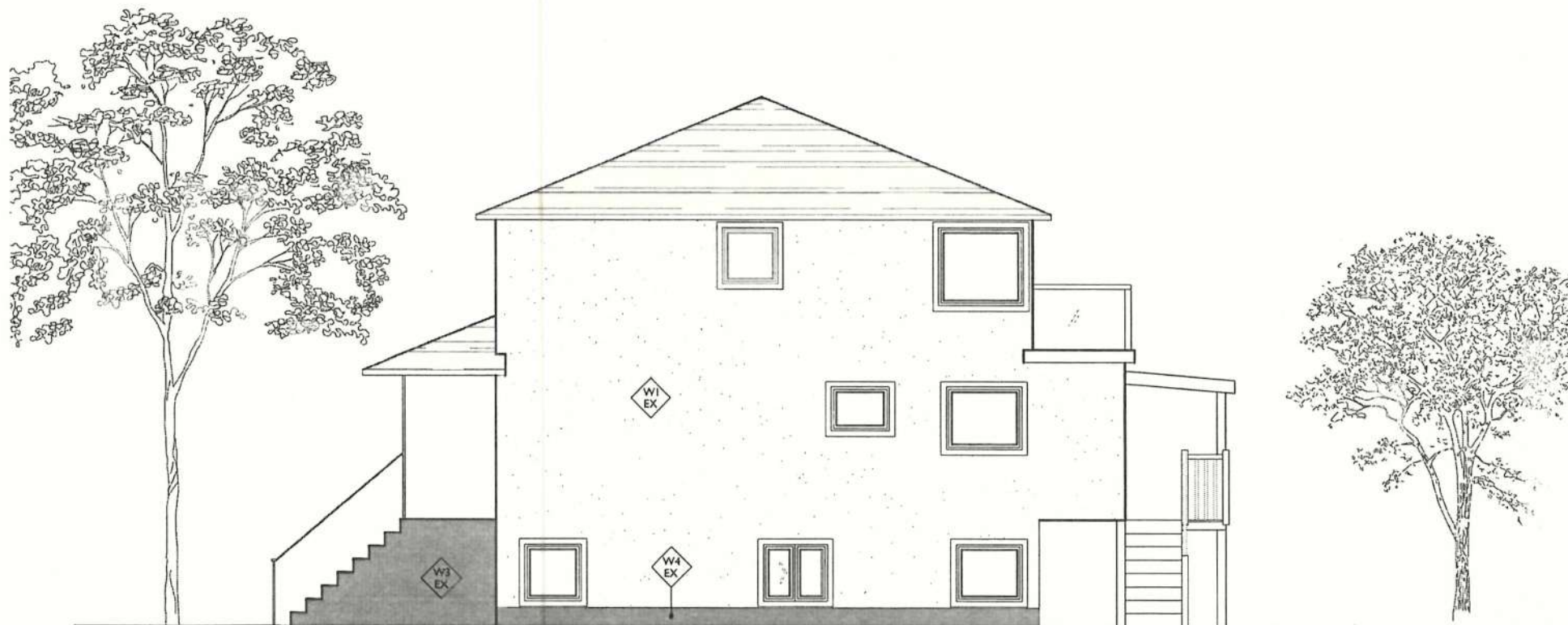
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drawing

PROPOSED WEST ELEVATION

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3.0



SOUTH ELEVATION

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project

House Plans For:
Fulton Carey House
457 - 459 Kipling Street, Victoria, BC

architect

Doran Musgrove
Architect AIBC, LEED AP

revisions

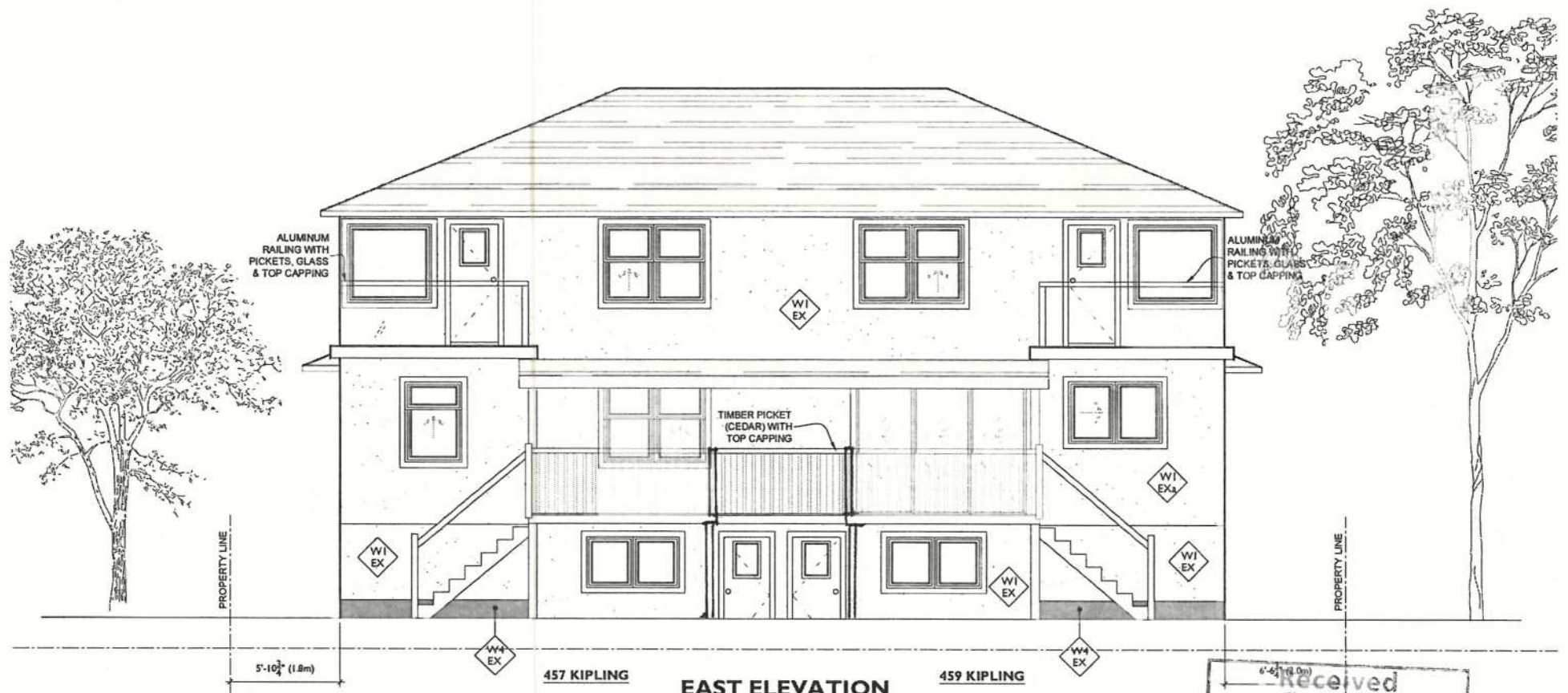
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drawing

PROPOSED SOUTH ELEVATION

sheet no.

3.1



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project

House Plans For:
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revisions

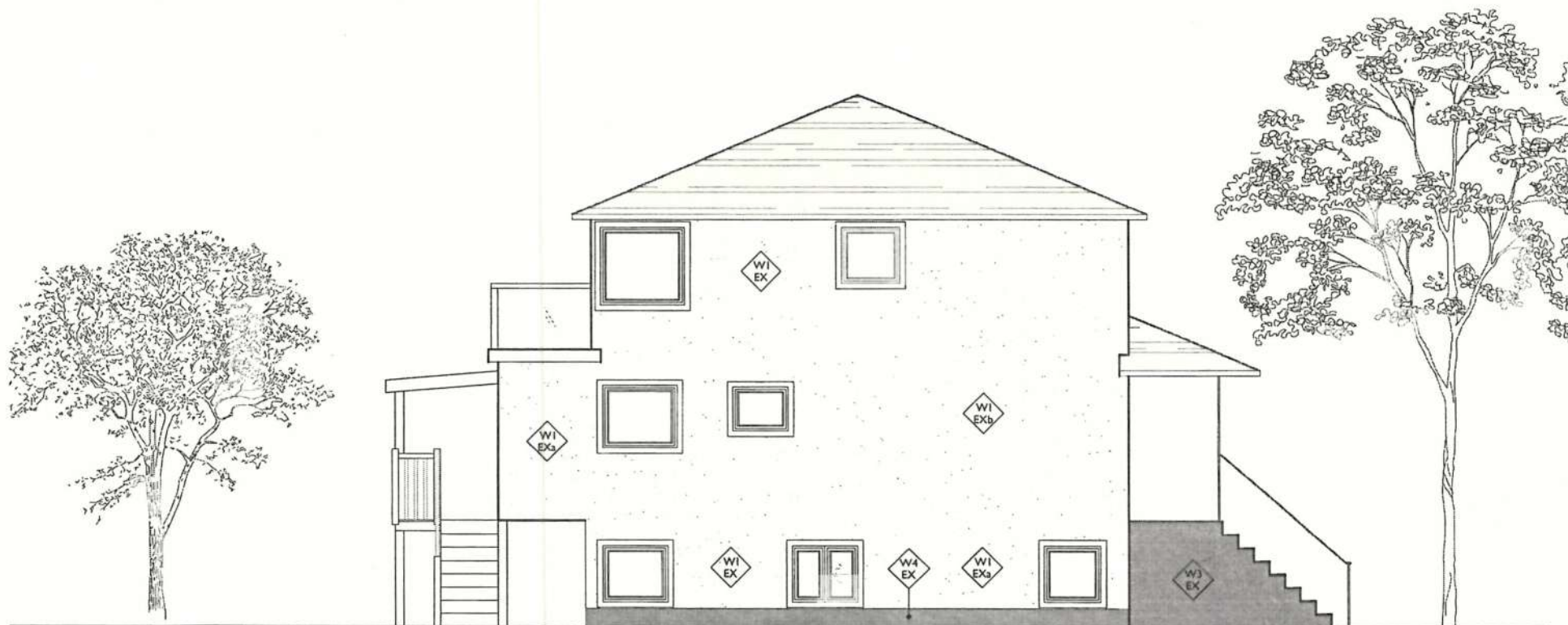
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PROPOSED EAST ELEVATION

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3.2



NORTH ELEVATION

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Development Services Division

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project

House Plans For:
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revisions

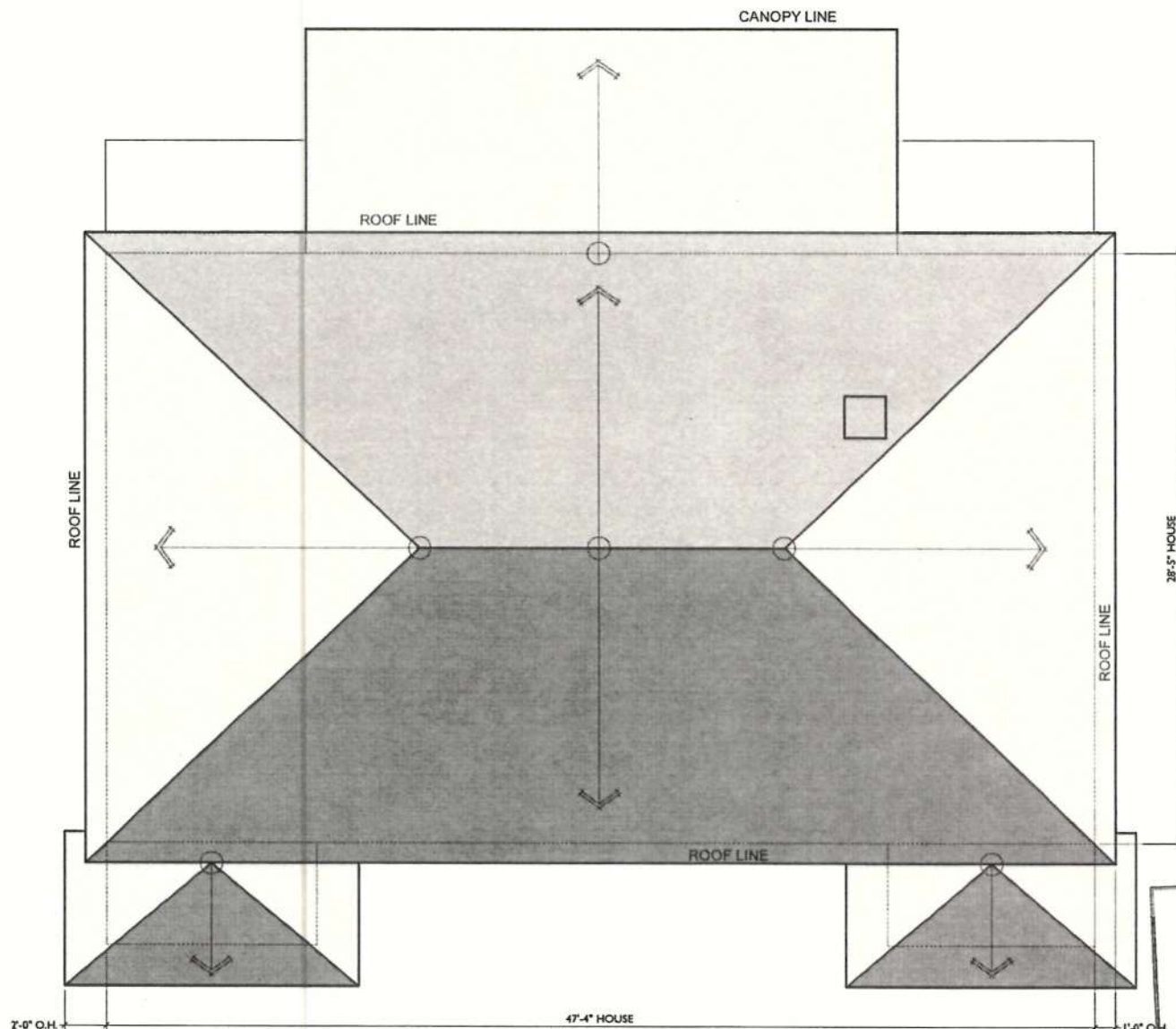
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PROPOSED NORTH ELEVATION

sheet no.

3.3



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project

House Plans For:
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architect

Doran Musgrove
Architect AIBC, LEED AP

revisions

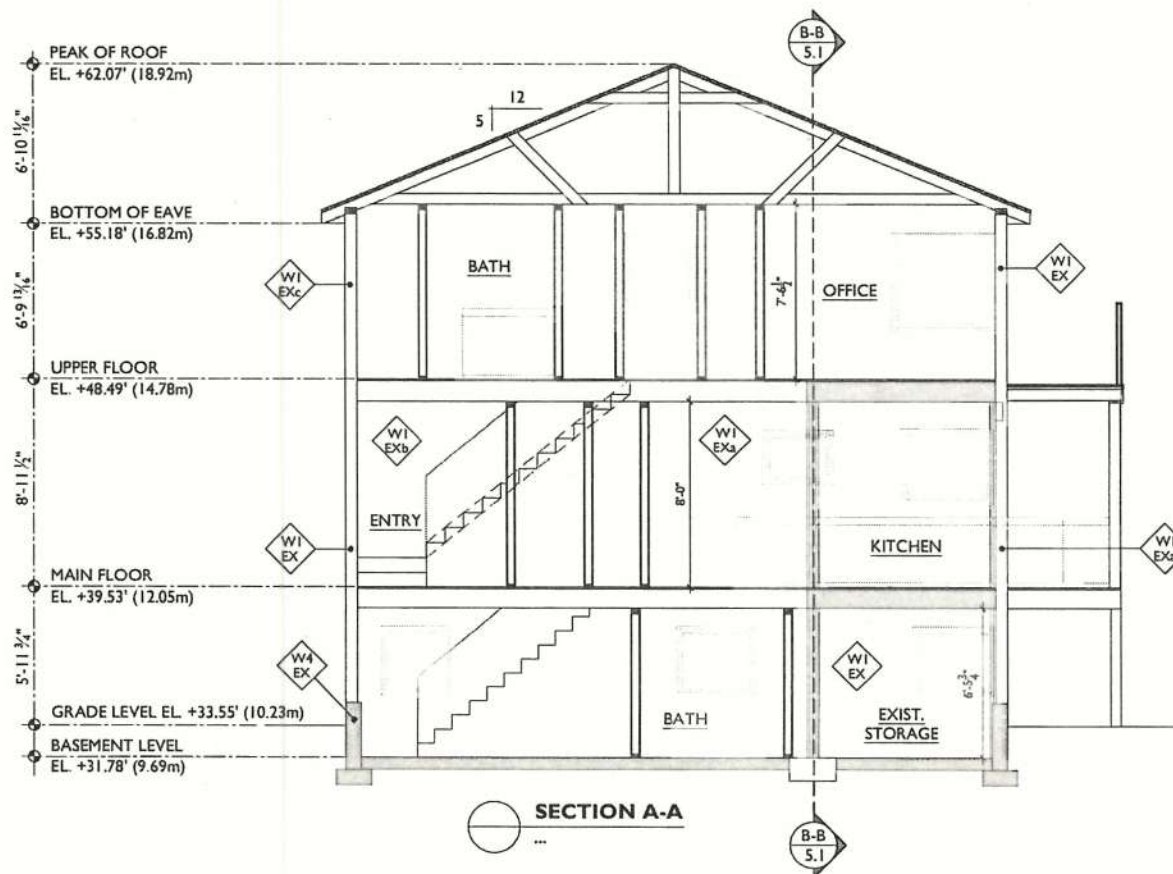
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drawing

ROOF PLAN

sheet no.

5.0



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Development Services Division

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project

House Plans For:
Fulton Carey House
457 - 459 Kipling Street, Victoria, BC

architect
Doran Musgrove
Architects AIBC, LEED AP

revisions

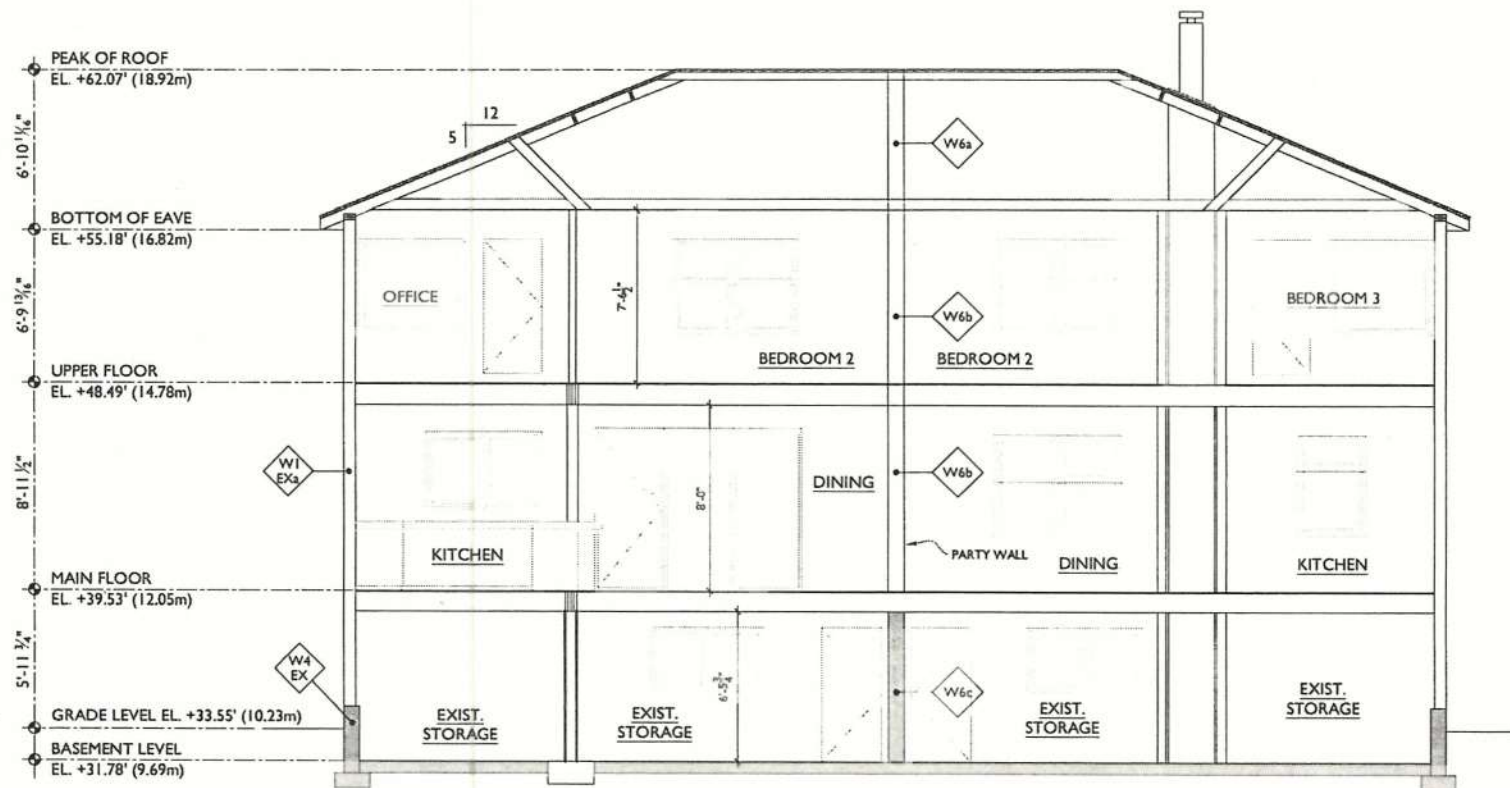
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drawing

SECTION A-A

sheet no.

6.0



SECTION B-B

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City of Victoria

JUL 03 2018

Planning & Development Department
Development Services Division

Date: 22 June 2018
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project

House Plans For:
Fulton Carey House
457 - 459 Kipling Street, Victoria, BC

architect
Doran Musgrove
Architect ABC, LEED AP

revisions

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drawing

SECTION B-B

sheet no

6.1

August 4th, 2018

Mayor and Council
Victoria City Hall
1 Centennial Square
Victoria, BC V8W 1P6

Dear Mayor and Council:

Re: 457/459 Kipling Street – Rezoning to Reflect Existing Use of Property as a Side by Side Duplex

We are the co-owners of the duplex located at 457 and 459 Kipling Street ("457/459 Kipling" or the "Property"). The Property is an existing, side by side duplex that was constructed in 1947. We are making an application to rezone the Property from R1-B to R-2 to reflect the historic and existing use as a side by side duplex. In the future we intend on submitting a separate application to strata title the property.

My family co-purchased the Property with my sister in law's family in November 2016 with the intention that both of our families will live in the Property, side by side. With such an arrangement it is our hope that our children will together attend Sir James Douglas Elementary School just a few blocks away and that they will grow up within the same community. My wife, sister in law, and my sister in law's husband all grew up in Victoria and have several other relatives who live nearby in Fairfield. My family currently resides in one side of the Property and my sister in law's family lives in the other side (fully owner occupied). The rezoning will not change the Property's current configuration (we are not demolishing or rebuilding). Construction is limited to interior renovations and minor alterations that the City requires in order to ensure the Property is BC Building Code compliant such as an upgrade to the electrical supply.

Very limited upgrades have been made to the Property since it was built in 1947. When we purchased the Property in late 2016 we made a number of building improvements consistent with green building practices, including:

- Insulation added to the walls and ceiling
- Removal and safe disposal of asbestos containing materials
- Energy efficient light fixtures
- Dual flush toilets
- Energy Star appliances

There is one variance that we are requesting as part of our rezoning application and it relates to the combined floor area. As a result of reallocating the parking stall from inside the basement of the building to the front of the property where vehicles currently park, the total combined floor area is 9.78 m² greater than the R-2 Zone Standard of 380 m².

Throughout this process we met with all of our neighbours, including those who are nearest the Property, and discussed our interest in rezoning. We received support from our neighbours with no



FGCA CALUC community meeting summary of 457-459 Kipling St. development

Meeting held at Fairfield Place Nov. 23, 2017 at 7pm

CALUC Comittee members participating: Don Monsour, Susan Kainer, David Wales, Alice Albert, Kevin Warren, meeting chaired by Andrew Brownwright CALUC Vice-chair.

Presenting were Daniel Carey and Genevieve Fulton, owners of the duplex

es.The Proposal The owners of both halves of the duplex propose to renovate the building and to strata title the duplex which requires a zoning change from R1-B to R-2

After circulating copies of their plans to the participating neighbours and the CALUC panel the owners briefly outlined the purpose and substance of the project. Currently, renovations are underway at 459 Kipling and the proposal would be to continue on with updating both units to reflect both the traditional appearance and neighborhood use. The Floor was then opened for questions.

The variances for setbacks requested are for the building that is already there and there is no increase to the building mass or footprint, nor will the building be moved.

Variances would allow for parking on site and increased interior floor space would be released from the former inside parking spaces.

One of the neighbours asked about the strata change as it would likely remove the affordable rentability use. Both owners were wishing to continue living in the units and to raise their young families. The neighbour sympathised and there was agreement that the children were most welcome.

The concensus was that there were no objections to the proposal as stated.

Andrew Brownwright

Vice Chair, CALUC