



## **Committee of the Whole Report**

### **For the Meeting of January 17, 2019**

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**To:** Committee of the Whole **Date:** January 3, 2019

**From:** Andrea Hudson, Acting Director, Sustainable Planning and Community Development

**Subject:** Rezoning Application No. 00649 for 2424 Richmond Road

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### **RECOMMENDATION**

That Council decline Rezoning Application No. 00649 for the property located at 2424 Richmond Road.

### **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 2424 Richmond Road. The proposal is to rezone from the R1-B Zone, Single Family Dwelling District, to a site-specific zone to retain the existing house and add a new two-storey, single-family dwelling on the lot.

The following points were considered in assessing this application:

- the subject property is designated Traditional Residential in the *Official Community Plan, 2012* (OCP) which supports ground-oriented buildings up to two-storeys, and envisions a density up to 1:1 floor space ratio (FSR). While the proposal is not contrary to this designation, the site does not easily lend itself to a second single-family dwelling being added to the property, and the OCP also encourages the logical assembly of lots to facilitate better site planning and better utilization of land within the City
- the Jubilee Neighbourhood Plan (1996) identifies the property within an area where the goal is to "maintain current zoning" and consider duplexes and small lot single-family dwellings that meet established City criteria. In this instance, although the applicant maintains that the application is not a small lot rezoning application as they are not subdividing the lot into two fee simple properties, if reviewed against the small lot regulations and policies, it would not meet the criteria
- the Jubilee Plan also emphasizes that any new infill development should meet established policies and regulations, and provide a design that is sensitive to the scale of development in the immediate context. The proposed new dwelling does not

comfortably fit on Emerson Street in terms of siting and massing, and the proposal does not meet established policies and design guidelines

- retention and reuse of the existing house supports green building initiatives as demolition waste is reduced. The existing house is proposed to have new natural gas heating installed and receive exterior changes (new roof, gutters, paint, and thermal windows).

## **BACKGROUND**

### **Description of Proposal**

This Rezoning Application is to retain the existing single-family dwelling on the lot and construct a new single-family dwelling in the rear yard, with separate strata ownership for each dwelling. Changes to the exterior west side elevation of the existing house (reconfiguration of the stairs and porch) are required to provide a surface parking stall between the two units, the existing house will also be repainted and a new roof will be installed.

### **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**

As indicated in the applicant's letter dated December 10, 2018, the following sustainability features are associated with this application:

- retaining existing home
- drought tolerant, native plants
- Energy Star windows, appliances, and ventilation fans
- gas radiant heat system
- MDF casing and baseboard trim
- low VOC interior paints
- low flow faucets and shower valves and low flush toilets.

### **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 on Emerson Street, which is typical for the immediate neighbourhood. Along Richmond Road, there is a mix of single-family and multiple-dwellings, along with health care uses (Royal Jubilee Hospital and other medical facilities). Richmond Road forms the boundary between the District of Saanich and the City of Victoria.



## Existing Site Development and Development Potential

At present, a single-family dwelling is on the site; this single-family dwelling was constructed in the 1940s. The house entrance fronts Emerson Street and a number of small accessory buildings are located along the rear and side property lines.

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 the existing Zone.

The challenge with a comparison to current zoning is the interpretation of lot lines, i.e., Richmond Road is considered the front lot line as it is defined as the lot line on the widest right-of-way (street). The challenge is, that functionally the front yards are on Emerson Street (considered side yard setback – south), and the rear yards are considered side yards (north).

Zoning Criteria	Proposal			Current Zone R1-B
Site area (m <sup>2</sup> ) – minimum	586.00 (293.00m <sup>2</sup> per dwelling unit)			460.00 (for one dwelling unit)
Lot width (m) – minimum	15.99 (Richmond frontage)			15.00
Number of single family dwellings – maximum	2*			1
Floor space ratio – maximum	0.34			n/a
Site coverage % – maximum	27.00			40.00
Open site space % – minimum	62.63			n/a
Zoning Criteria	West Bldg. (proposed)	East Bldg. (existing)	Both Bldgs.	Current Zone (R1-B)
First and second storey floor area (m) – maximum	127.00	74.98	201.98	280.00
Combined floor area (m) – maximum	127.00	146.35	273.35	300.00
Storeys – maximum	2	1 (plus basement)		2

Height (m) – maximum	6.46	4.50		7.6
Basement	none	yes		permitted
<b>Setbacks (m) – minimum</b>	<i>Note that setbacks are applied to entire lot with Richmond Road considered the front lot line</i>			
Front	23.95 <sup>i</sup>	8.18		7.50
Rear	<b>1.52*</b>	15.20 <sup>i</sup>		9.16
Side (north)	5.53	2.54		1.60
Side (south)	3.66	5.96		3.00
Combined side yards	9.19	8.50		4.50
Separation space	3.15	3.15	3.15	n/a
Parking – minimum	2			1

i. Note: the table indicates the rear yard setback for the existing house as being 15.20m and the front yard setback for the proposed house as being 23.95m, which suggests an expansive rear yard for the existing house and front yard for the new house; however, in reality, these yards don't exist because of the presence of buildings.

#### Small Lot Comparison

Although the subdivision of land is not being proposed, if this application proposed a subdivision, the siting (setbacks) of the proposed dwelling would not conform to standards within the R1-S2 Zone, Restricted Small Lot (Two Storey) District.

For analysis purposes, a comparison to the small lot zone has been provided below. An imaginary lot line was drawn between the houses; and site areas, frontages and setbacks adjusted. In this scenario, Richmond Road would be the frontage for the existing house, and Emerson Street would be the frontage for the proposed house. Further, a road dedication on Richmond Road that would be required at subdivision for public realm improvements, and as such, it would impact lot size and setbacks. An asterisk is used to identify where the proposal is less stringent than the R1-S2 Zone, Restricted Small Lot (Two Storey) District.

<b>Zoning Criteria</b>	<b>West Lot (approx.) Proposed House</b>	<b>East Lot (approx.) Existing House</b>	<b>Comparison Zone R1-S2</b>
Site area (m <sup>2</sup> ) – minimum	<b>242.70* (approx.)</b>	337.40 (approx.)	260.00
Lot width (m) – minimum	15.20 (Emerson)	16.11 (Richmond)	10.00



Number of single family dwellings – maximum	1	1	1
Floor space ratio – maximum	0.52	0.22	0.60
Site coverage % – maximum	29.22	25.88	40.00
Total floor area (m <sup>2</sup> ) – maximum	127.00	74.98	190.00
Storeys – maximum	2	1 (plus basement)	2
Height (m) – maximum	6.46	4.60	7.50
Basement	none	yes	permitted
<b>Setbacks</b> (m) – minimum			
Front	<b>3.66*</b> (Emerson)	7.32 <sup>ii</sup> (Richmond)	6.00
Rear	<b>5.53*</b>	<b>0.2*</b>	6.00
Side	<b>1.52*</b> (habitable - west)	2.54 (north)	2.40 (habitable) 1.50 (non-habitable)
Side	2.95 (east)	5.96 (south)	2.40 (habitable) 1.50 (non-habitable)
Parking – minimum	1	1	1

ii. Note, the front setback is to the property line as if there was a road dedication of 0.86m.

## Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted the North Jubilee CALUC at a Community Meeting held on May 29, 2018. A letter dated July 14, 2018 is attached to this report.

The applicant polled neighbours on Emerson Street and the immediate neighbours. The petitions and illustrative map provided by the applicant are attached to this report. It is noted that a petition of this nature is required for small lot proposals; however, the applicant is preferring to not subdivide and this is technically not a small lot Rezoning Application. If the petition were completed as per the small lot policy, 100% of immediate neighbours to the north, south and west, are reported to be in support of the application. The neighbouring property (Jubilee Hospital) across Richmond Road was not petitioned.

## ANALYSIS

### Official Community Plan

The subject property is designated Traditional Residential in the *Official Community Plan*, which supports ground-oriented buildings up to two-storeys and a density up to 1:1 floor space ratio (FSR). The proposal is for two-storey, ground-oriented housing with a density of 0.34:1 FSR.

While retaining the existing single-family dwelling supports green building policies, it does limit a more logical and integrated redevelopment of the site due to the siting of the building. In any event, infill potential, while keeping the existing house, is limited due to the parcel size, access limitations, and the Statutory Right-of-Way requirements. A single-family dwelling with a secondary suite or garden suite, or potentially a duplex, would be the preferred redevelopment option, if the lot is not combined with others, as it would preserve private outdoor space in the rear yard.

Richmond Road is considered a secondary arterial road, which would support ground-oriented residential buildings such as multi-unit dwellings, including attached residential, and apartments on arterial and secondary arterial streets. The OCP also encourages logical assembly of development sites that enable the best realization of permitted development potential.

As this proposal is technically not a small lot development, it is exempt from Development Permit Area 15A, Intensive Residential – Small Lot, and therefore, the design guidelines applicable to small lots do not apply; however, the applicant is willing to register a Section 219 covenant on title to secure the design of the proposed single-family dwelling and landscaping, and changes to the existing dwelling to ensure they are constructed in accordance with the plans, if approved by Council.

### Design

Although design, form and character are not a consideration for the Rezoning, and this proposal is not subject to a Development Permit Area, staff have evaluated the proposal based on the *Small Lot House Design Guidelines*. The main areas of concern include:

#### *Streetscape*

The *Small Lot House Design Guidelines* encourage dwellings that fit in and reinforce the existing patterns and massing of the streetscape. The proposed building would be larger in mass and height when compared to the immediate context along Emerson Street, and would be disruptive to the streetscape. Additionally, the siting of the building is closer to the street (smaller front yard setback) than the established building setback pattern in order to preserve the rear yard for a private outdoor space. The combination of these elements mean the proposed dwelling is more visually prominent along Emerson Street than the neighbouring houses.





## *Landscape Design*

The Design Guidelines encourage parking, when located in the front yard, to have a softened appearance. The proposal would have a shared driveway with two separate parking stalls: one between the houses, and one oriented parallel in front of the existing house. The shared driveway helps to reduce the disruption to the pedestrian environment, but the separated parking and parking locations would create an extensive paved area visible along Emerson Street. The applicant is proposing permeable pavers for hard surfaces, which would create a more attractive landscape and would help with rain water management. New shrubs would also surround the parking area to help screen and soften the visual impact. Although the parking layout is not ideal, the proposal does provide design solutions to help soften the appearance.

A solid board fence along the frontages of both houses is also proposed. This could be softened by including shrubs or vines along the outside of the fence, or by varying the fence height or design. Private outdoor space is provided in the rear yard of the proposed house; and although a front patio is provided for the existing house, the house will not have a functional rear yard as the outdoor space associated with this building is somewhat compromised.

## **Local Area Plans**

The Jubilee Neighbourhood Plan places the subject property within an area of greatest stability characterized by single-family homes with the intention of maintaining the existing zoning. Duplexes and small lot single-family dwellings are considered if they meet established criteria (policies and regulations). In this instance, the proposal would not meet the small lot design guidelines and regulations (variances would be required).

The Plan recognizes that many streets within the area establish the character of the neighbourhood as single-family. The plan states that new housing should fit in with the established form and character of the street into which it is being placed, and that Emerson Street is characteristic of smaller post-war homes on small lots. Further, an appropriate fit may be achieved through sensitive, small-scale in-fill development. While the proposal would be infill, it is not sensitive to the scale of development in the immediate context.

The Plan also encourages developments to respect the balance between adequate parking and green space. The proposal has located the parking in front of and between the two houses, which would reduce the amount of greenspace in the frontage areas. The functional greenspace for the proposed house would be primarily in the rear yard, and for the existing house greenspace would be provided in the front yard along a busier road (Richmond Road), meaning it may not be the most usable outdoor space.

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

There are two existing bylaw protected Dogwood trees on the existing single-family lot facing Richmond Avenue. In addition, there are two bylaw protected trees (Dogwood and Deodar Cedar) on the neighbouring property near the property line at 2432 Richmond. All these protected trees are to be retained and protected during construction. An arborist report may be required at building permit stage to identify construction impacts and protection measures for the trees on the subject site and neighbouring property.

The City will require three new trees be planted in the boulevard on Emerson Street, with the species determined by City Staff at the building permit stage. The applicant will be responsible for the cost of these trees, along with any other improvements within the City Right-of-Way.



## **Regulatory Considerations**

The proposal has been compared to the current zone, R1-B Zone, Single Family Dwelling District; the main difference is the buildings' setbacks and number of buildings, and would therefore require a site-specific zone. It is worth noting the combined floor areas and site coverage of the two houses is below the maximum floor area and coverage in the current zone. Essentially, under the current zone, one single-family dwelling with a floor area greater than what is being proposed could be developed.

### *Setback Variance*

Due to the lot configuration and street widths, Richmond Road is considered the front lot line, while functionally the two proposed houses front onto Emerson Street. There would be a variance from the existing zone for the rear yard setback, which is reduced from 9.16m to 1.52m. Although considered the rear yard setback, functionally, it is the side yard for the proposed house.

If considered functionally, the proposed setback is less than the established side yard setback for small lots (minimum 2.4m for habitable windows), or for single-family dwellings (3.0m), creating an imposing structure relatively close to the property line. Notwithstanding, the habitable window is a transom window in the dining room and would likely not pose significant privacy issues.

When compared to the existing standard zones for single-family dwellings or small lot development, the main area of divergence is the front yard setback requirement. If Emerson Street is considered the front lot line for the proposed dwelling (Richmond is technically the front), the general established minimum setback is 6.0m for small lots, and the proposal is for 3.66m; staff notes that this disrupts the established pattern of the immediate street context. The applicant feels this placement would maximize the private outdoor space at the rear. The general established minimum standard for a rear yard setback in small lot zones is 6.0m, and the proposal is for 5.53m.

These compromises in the setbacks may be considered an indication that the proposed dwelling does not comfortably fit in this location, and the location of the existing house does not allow flexibility in siting.

## **Small Lot Regulations**

Proposals of this type are generally submitted as small lot proposals, which would entail a fee-simple subdivision (two separate lots, each with its own title with one dwelling on each lot). While there is sufficient land area to achieve the small lot minimum parcel size (260 m<sup>2</sup> per lot), the siting of the existing house does not make the creation of an additional lot feasible. As shown in the comparative data table above, if the proposal was to create two small lots, the proposed house would not meet the lot area, the minimum front yard setback, the side yard setback (west), and the rear yard setback; additionally, the existing house would not meet the rear yard setback (close to 0m setback). The variances that would be required are an indication that due to retaining the existing house, there are challenges to creating an additional lot and meeting the regulations and policy.

The proposal is to create a building strata by retaining the existing house and building an additional house on the lot. In essence, the units will form part of a strata plan similar to a condominium development. As a building strata is technically not a subdivision of land, the City does not have the authority to require any road dedications. If this application proposed the subdivision of land, a 0.86m dedication would be required along Richmond Road, which would



marginally reduce the overall parcel size. This dedication would be in conjunction with any Statutory Right-of-Way requirements (see Section below).

## **Transportation Requirements**

The OCP identifies this section of Richmond Road as a secondary arterial street, and indicates that further improvements are required to the cycling network along this section. The Standard Right-of-Way for an arterial street is 30m. To achieve future transportation needs on this portion of Richmond Road, a Statutory Right-of-Way (SRW) of 4.82m is requested. In essence, although the land remains part of the subject property, the City will have the right to use this SRW for public purposes such as enhanced sidewalks, boulevards to support large canopy trees, and facilities to encourage cycling. As such, no new permanent structures will be permitted in this area, nor is any required parking or turnaround area permitted within 1.0m of this area. Staff recommend that if Council chooses to advance the application for further consideration at a Public Hearing, that Council make this SRW a condition of rezoning to achieve these transportation objectives. The applicant is willing to grant the SRW and the appropriate wording has been included in the alternate motion.

## **CONCLUSIONS**

The proposal to construct a second dwelling on the subject property poses several challenges. By retaining the existing house, the proposed dwelling is sited in the rear yard, which is not sufficient to accommodate an additional dwelling of the proposed size and the parking required for an additional dwelling. The building mass of the proposed dwelling does not fit with the established streetscape and has a smaller setback in front of the house, which disrupts the established pattern on the street. Further, there are alternatives to increasing the density on this lot which would not require a rezoning, such as a garden suite or secondary suite. Alternatively, the assembly of this property with others on Richmond Road may help realize better redevelopment opportunities. The proposal to construct an additional house and retain the existing house is not ideal; therefore, staff recommend Council decline the application.

Alternate motions have been provided should Council wish to consider the application with revisions, or move the application forward to a Public Hearing. The first alternate motion is to have the applicant work with staff to revise the proposal to have a larger setback on Emerson Street, reduce the massing of the proposed dwelling, and revise the landscaping. The second alternate motion is to proceed with preparing the applicable bylaws and legal agreements to advance the application to a Public Hearing without further revisions.

## **ALTERNATE MOTIONS**

### **Option 1**

That the applicant work with Staff to make changes to the proposed design to ensure a better fit with the context of the surrounding properties, and return back to Committee of the Whole with a revised proposal, including:

- a. increase the front yard setback to be more in line with the established streetscape setback along Emerson Street
- b. redesign the proposed dwelling to reduce the mass of the building for a better fit with the streetscape
- c. provide more details of the landscape plan that include paving materials, to reconsider fence design details for the perimeter fence, consider landscaping along the fence line, reducing the height of the wood screen for the outdoor area for the existing house, and ensure all fences meet Fence Bylaw requirements.

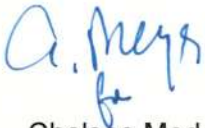
## Option 2

That Council instruct staff to prepare the necessary *Zoning Regulation Bylaw* Amendment that would authorize the proposed development outlined in Rezoning Application No. 00649 for 2424 Richmond Road; that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council; and that a Public Hearing date be set once the following conditions are met:

Preparation of the following documents, executed by the applicant, to the satisfaction of City Staff:

- a. registration of a section 219 covenant to secure the design of the proposed single-family dwelling unit, and to ensure that the existing single-family dwelling is upgraded in accordance with the plans approved by Council and to specify the sequencing of construction and landscaping, including retention of a landscape security deposit
- b. receipt of an executed Statutory Right-of-Way (SRW) of 4.82m along Richmond Road, to the satisfaction of the Director of Engineering and Public Works.

Respectfully submitted,



Chelsea Medd  
Planner  
Development Services Division

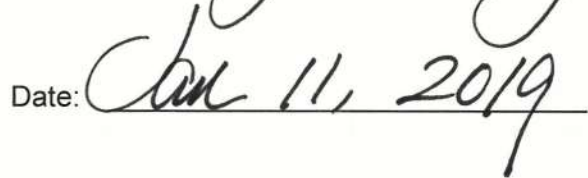


Andrea Hudson, Acting Director  
Sustainable Planning and Community  
Development Department

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 November 2, 2018
- Attachment D: Letter from applicant to Mayor and Council dated December 10, 2018
- Attachment E: Community Association Land Use Committee Comments dated July 14, 2018
- Attachment F: Applicants Neighbourhood Petition Map and Petitions