



## Committee of the Whole Report

### For the Meeting of May 21, 2020

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**To:** Committee of the Whole **Date:** May 7, 2020

**From:** Karen Hoese, Director, Sustainable Planning and Community Development

**Subject:** Development Permit with Variance Application No. 00129 for 1035 Joan Crescent

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### RECOMMENDATION

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

“That Council authorize the issuance of Development Permit with Variance Application No. 00129 for 1035 Joan Crescent, in accordance with:

1. Plans date stamped January 7, 2020.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
  - i. reduce the front yard setback from 10.50 metres to 3.22 metres.
3. The Development Permit lapsing two years from the date of this resolution.”

### LEGISLATIVE AUTHORITY

In accordance with Section 489 of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Official Community Plan*. A Development Permit may vary or supplement the *Zoning Regulation Bylaw* but may not vary the use or density of the land from that specified in the Bylaw.

Pursuant to Section 491 of the *Local Government Act*, where the purpose of the designation is the establishment of objectives for the form and character of intensive residential development, a Development Permit may include requirements respecting the character of the development including landscaping, and the siting, form, exterior design and finish of buildings and other structures.

### EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit with Variance Application for the property located at 1035 Joan Crescent. The proposal is to construct a semi-attached dwelling. The variance is related to

reducing the front setback from 10.5 metres to 3.22 metres.

The following points were considered in assessing this application:

- the proposal is generally consistent with the Design Guidelines for Attached and Semi-Attached Dwellings in Rockland
- the proposal is generally consistent with the Rockland Neighbourhood Plan which encourages semi-attached dwellings and the preservation of the large lots and features that contribute to the character of the area
- the front setback variance is due to the irregular shape of the lot and is considered supportable because the proposed front yard setback is consistent with the setbacks along Joan Crescent, allows ample room for front yard landscaping and helps preserve existing trees on the subject property.

## **BACKGROUND**

### **Description of Proposal**

The proposal is to demolish the existing single-family dwelling and construct a semi-attached dwelling. The variance is related to reducing the front setback from 10.5 metres to 3.22 metres.

### **Affordable Housing**

The applicant proposes the creation of two new residential units which would increase the overall supply of housing in the area.

### **Tenant Assistance Policy**

The existing house is currently rented; however, the tenant has been renting the house for less than a year and is therefore not considered an eligible tenant under the Tenant Assistance Policy. As indicated in the applicant's letter to Mayor and Council, the tenant is renting the house during construction of their new house.

### **Sustainability**

As indicated in the applicant's letter, the following sustainability features are proposed:

- building construction to BC Energy Step Code 3
- electric vehicle charging capabilities
- heat pumps for each unit
- water and energy efficient fixtures and appliances.

### **Active Transportation**

The applicant has not identified any active transportation impacts associated with this application.

## Public Realm

No public realm improvements beyond City standard requirements are proposed in association with this Development Permit Application.

## Accessibility

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

### Existing Site Development and Development Potential

The site is presently developed as a single family dwelling.

Under the R1-A Zone, the property could be developed with the use proposed; however, it could also be developed as a single family dwelling with either a secondary suite or garden suite.

## Data Table

The following data table compares the proposal with the existing R1-A Zone. An asterisk is used to identify where the proposal does not meet the requirements of the existing Zone.

Zoning Criteria	Proposal	R1-A Zone
Site area (m <sup>2</sup> ) – minimum	1729.69	1670 (for semi-attached dwelling)
Site area per unit (m <sup>2</sup> ) – minimum	864.85	835
Number of units – maximum	2	2
Density (Floor Space Ratio) – maximum	0.31	N/A
Total floor area (m <sup>2</sup> ) – maximum	538.42	N/A
Lot width (m) – minimum	41.14	24
Height (m) – maximum	7.35	7.60
Storeys – maximum	2	2.5
Site coverage (%) – maximum	23.08	25
<b>Setbacks</b> (m) – minimum		
Front	<b>3.22 *</b>	10.50
Rear (north)	7.91	7.50
Side (west)	7.07	3.00
Side (east)	4.63	3.00

Zoning Criteria	Proposal	R1-A Zone
Parking – minimum	3	2

## Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, on October 28, 2019 the application was referred to the Rockland CALUC. A letter from the CALUC dated November 18, 2019 is attached.

This application proposes variances; therefore, in accordance with the City's *Land Use Procedures Bylaw*, it requires notice, sign posting and a meeting of Council to consider the variances.

## ANALYSIS

### Development Permit Area and Design Guidelines

The *Official Community Plan* (OCP, 2012) identifies this property with in DPA 15C: Intensive Residential – Rockland. The design guidelines that apply are the *Advisory Design Guidelines for Buildings, Signs and Awnings* (1981) and the *Design Guidelines for Attached and Semi-Attached Dwelling in the Rockland Neighbourhood* (2011). The proposal is considered consistent with these Guidelines in the following ways:

- existing and natural landscape features are retained and incorporated into the development, including historic rock walls and stairs along the front and west side of the property, several Garry Oaks and other mature trees
- new landscaping in the front yard would contribute to the pattern of established front yard landscaping along the street
- the traditional design of the semi-attached dwelling is sympathetic to the character of the area, incorporating details such as a low pitched roof with deeper eaves, soffit and window trim details and vertical window bays that are complimentary to nearby buildings with heritage significance
- the proposed building maintains the established setback from Joan Crescent respecting the existing streetscape and does not intrude upon views of any historic buildings on the street
- parking is not a dominant feature of the development and the proposed driveway would be surfaced with permeable pavers which reduces run-off and minimizes the impact of hard surfacing on the critical root zones of nearby trees
- the proposed building would have minimal impact on the privacy of adjacent properties.

### Rockland Neighbourhood Plan

The proposal is consistent with the *Rockland Neighbourhood Plan* (1987), which encourages semi-attached dwellings as an appropriate form of residential infill development. The proposal also furthers the objectives of the Plan through design that is complimentary to nearby heritage buildings and sensitive site planning that preserves and enhances features of the lot that

contribute to neighbourhood character, such as the rock walls, steps and mature trees and front yard landscaping.

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

The goals of the Urban Forest Master Plan include protecting, enhancing, and expanding Victoria's urban forest and optimizing community benefits from the urban forest in all neighbourhoods.

This permit application was received prior to October 24, 2019, so it falls under Tree Preservation Bylaw No. 05-106 (consolidated June 1, 2015). The tree inventory for the proposal, outlined in the attached arborist report dated April 29, 2020, includes 61 trees that have been assessed: nine bylaw-protected, 49 unprotected, and three City trees. A summary of the impacts to trees is as follows:

- one unprotected magnolia tree is proposed for removal due to conflict with the proposed house
- 60 trees in proximity to construction areas are to be retained, with mitigation measures such as tree protection fencing, arborist supervision and low impact excavation near trees.
- among the trees to be retained, two bylaw-protected Western redcedars will have excavation within their critical root zones for the construction of the east unit's foundation, porch, and patio. The arborist report notes that cedars have poor tolerance to root loss and this could result in reduced growth and canopy dieback, but concludes that there is a high likelihood the trees can be retained long-term.
- Site servicing will have to be carefully planned in coordination with Parks and Engineering to ensure that negative impacts to City trees are minimized.

## **Regulatory Considerations**

### Front Setback Variance

Because this property is an irregular shape, the technical measurement of the proposed front yard setback is 3.22 metres, even though the actual distance from the front property line to the proposed house is approximately 15 metres. The requirement of the R1-A Zone is for a front yard setback of 10.5 metres; therefore the application is to reduce the front setback from 10.5 metres to 3.22 metres. The variance is considered supportable because the proposed building siting maintains the established setback along Joan Crescent, provides ample space for front yard landscaping and retains all but one of the existing trees on site.

### Common Roof

The R1-A Zone requires a common roof connection for semi-attached dwellings while allowing the dwelling units to be separated horizontally (i.e. no common wall requirement). This provision allows for greater flexibility in building design so that new developments can respond to and preserve unique characteristics which may be present on a site. The proposed semi-attached dwelling is designed as two distinct yet complimentary dwellings which are staggered

on the irregular shaped lot and are connected by a common roof on the first storey of the building. This secondary roofline extends over storage rooms for the two units, as well as the garage and covered front entry of one of the units. By staggering the two units, the proposed building is able to provide larger side yard setbacks, which preserves more of the landscape features that contribute to the neighbourhood character of the area, which is consistent with the design guidelines.

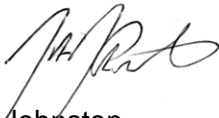
## CONCLUSIONS

The proposal for a semi-attached dwelling with a front setback variance is consistent with the design guidelines for Development Permit Area 15C – Intensive Residential Rockland and the architectural and heritage policies of the Rockland Neighbourhood Plan. Therefore, staff recommend that Council consider supporting the application.

## ALTERNATE MOTION

That Council decline Development Permit with Variance Application No. 00129 for the property located at 1035 Joan Crescent.

Respectfully submitted,



Alec Johnston  
Senior Planner  
Development Services Division



Karen Hoese, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



Date: May 11, 2020

## List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped January 7, 2020
- Attachment D: Letter from applicant to Mayor and Council dated January 7, 2020
- Attachment E: Arborist report dated April 29, 2020
- Attachment F: Letter from the Rockland CALUC dated November 18, 2019.