



## Committee of the Whole Report For the Meeting of November 26, 2020

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**To:** Committee of the Whole **Date:** November 12, 2020

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

**Subject:** Rezoning Application No. 00700 for 2700 Avebury Avenue

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### RECOMMENDATION

That Council decline Application No. 00700 for the property located at 2700 Avebury Avenue.

### 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 2700 Avebury Avenue. The proposal is to rezone a portion of the property from the R1-B Zone to the R1-S2 Zone in order to allow a small lot subdivision and a construction of new small lot house.

The following points were considered in assessing this application:

- The proposal is generally consistent with the Traditional Residential Urban Place Designation and objectives for sensitive infill development, as described in the *Official Community Plan, 2012* (OCP).
- The proposal is inconsistent with the policies specified in the *Small Lot House Rezoning Policy, 2002*, which specifies that a minimum of 75% of residents of neighbouring properties be in support the proposal; in this instance, the application only received 14% support. As the application did not achieve the required degree of neighbouring support as per Council's policy, staff recommend that the application be declined.
- The proposal is generally consistent with the *Oaklands Neighbourhood Plan* (1993), which encourages infill; however, it also recommends consideration of small lots based on merit and ability to meet the *Small Lot Rezoning Policy*.
- The proposal involves two variance applications: a Development Variance Permit application to reduce the rear yard setback of the existing house and a Development

Variance Permit to relax the standard frontage requirements along Kings Road to allow non-standard (no-sidewalk) right of way changes.

## **BACKGROUND**

### **Description of Proposal**

There are four applications and reports associated with this proposal:

#### New Small Lot House Rezoning

The proposal is to rezone the rear portion of 2700 Avebury Avenue from the R1-B Zone, Single Family Dwelling District, to the R1-S2 Zone, Restricted Small Lot (Two Storey) District, to allow subdivision of the parcel and construction of a new small lot house. This is the subject of this report.

#### New Small Lot House Development Permit

The design of the new small lot house will be reviewed in the concurrent Development Permit application.

#### Existing House

The remainder of the lot will retain the existing R1-B zoning, and the existing house fronting Avebury Avenue will be retained. The existing house requires a rear yard setback variance, reducing the setback from 7.5, to 6.81m. This will be discussed in the concurrent Development Variance Permit Application:

#### Variance to Sidewalk Standards

There is also a concurrent Development Variance Permit Application to vary the requirements of the Victoria Subdivision and Development Servicing Bylaw, namely removing the requirement to construct standard frontage improvements in lieu of an alternative standard for the Kings Greenway. This is discussed in the concurrent Development Variance Permit Application.

### **Housing Impacts**

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

### **Sustainability**

The applicant has identified a number of sustainability features which will be reviewed in association with the concurrent Development Permit Application for this property.

### **Active Transportation**

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

### **Public Realm**

Currently there is no sidewalk on this section of Kings Road. In accordance with City standards, as a condition of subdivision, the developer would be required to construct a sidewalk along the frontage. However, the applicant has requested an alternative proposal for Kings Road which is considered in the concurrent Development Variance Permit Application.

## Accessibility

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

## Land Use Context

The area is characterized by single-family dwellings; many of which were built in the 1940s and 1950s. There are two more recently constructed homes on this block of Kings Road (1351 and 1336 Kings Road). These lots were created as a result of subdividing within the existing zoning and did not require a rezoning application.

## Existing Site Development and Development Potential

The site is presently occupied by a single-family dwelling (constructed in 1953), which will be retained. Under the current R1-B Zone, the property could be redeveloped as a single-family dwelling with a secondary suite or garden suite.

## Data Table

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

<b>Zoning Criteria</b>	<b>Proposal</b>	<b>Small Lot Zone Standard R1-S2</b>	<b>Remainder Lot</b>	<b>Existing Zone R1-B</b>
Site area (m <sup>2</sup> ) – minimum	287	260	461	460
Lot width (m) - minimum	15.1	10	19.1	15
Density (Floor Space Ratio) – maximum	0.51:1	0.6:1	n/a	n/a
Total floor area (m <sup>2</sup> ) - maximum	146.84	190 (1 <sup>st</sup> and 2 <sup>nd</sup> floor)	Approx. 161 Existing	300 (all floors)
Basement	No (crawl space)	Permitted	Existing	Permitted
Height (m) – maximum	7.37	7.5	4.47	7.6
Storeys – maximum	2	2	Existing	2
Site coverage (%) – maximum	27	40	20	40
<b><u>Setbacks (m)</u></b>				
<b>Front</b> (Street) – minimum	6.0 (Kings)	6.0	8.02 (Avebury)	7.5
Projections stairs – maximum	1.83	2.5	n/a	2.5

Zoning Criteria	Proposal	Small Lot Zone Standard R1-S2	Remainder Lot	Existing Zone R1-B
<b>Rear</b> – minimum	6.09	6.0	<b>6.81*</b>	7.5
<b>Side</b> – minimum	1.55 (west)	1.5 non-habitable	n/a (south)	1.9
<b>Side</b> – minimum	1.5 (east)	2.4 habitable	5.42 (north)	3.0
Parking (vehicle) – minimum	1	1	1	1

## Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the Oaklands CALUC at a Community Meeting held on April 29, 2019. A letter dated June 12, 2019 is attached to this report.

In accordance with the City's *Small Lot House Rezoning Policy*, the applicant has polled the immediate neighbours and reports that 14% support the application. Under this policy, "satisfactory support" is considered to be support in writing for the project by 75% of the neighbours. The required Small Lot House Rezoning Petitions Summary and illustrative map provided by the applicant are attached to this report. Staff have the following observations on this petition:

- The petition submission included a letter and a petition from the residents of 2700 Avebury Avenue (subject parcel). Under the policy guidelines, these petitions are not eligible for inclusion. The applicant has not included these petitions in the calculation.
- Some adjacent residents have provided separate comments on the application directly to the City and these are included in the additional correspondence.

In addition, the applicant petitioned the wider neighbourhood (refer to Community Engagement July 17, 2019). It is noted that these petitions do not qualify as petitions under Council's *Small Lot House Rezoning Policy* as the requirement is to canvas immediate neighbours, specifically neighbouring property owners and occupiers bordering the property or directly across the street. These additional petitions include feedback on the request for the variance for the frontage changes from residents with an interest in supporting the Oaklands Rise Greenway.

Additional letters and petitions from the wider community are also included in a separate attachment.

## ANALYSIS

### Official Community Plan

The *Official Community Plan, 2012* (OCP) Urban Place Designation for the property is Traditional Residential which contemplates small residential lots. In accordance with the OCP, small lots are subject to DPA 15A: Intensive Residential - Small Lot. The proposal is generally

consistent with the objectives of DPA 15A to achieve new infill development in a way that is compatible with the existing neighbourhood.

### **Oaklands Neighbourhood Plan**

The *Oaklands Neighbourhood Plan* states that small lot houses will be considered on individual merit provided that the proposal meets the small lot policy. The proposed small lots generally meet the intent of the Neighbourhood Plan; however, the proposal does not meet the *Small Lot Rezoning Policy* due to lack of neighbour support.

### **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 August 5, 2019, includes six bylaw-protected trees which may be impacted by development activities: three Garry oaks on the parent property and three offsite Garry oaks (one at 1336 Kings Road and two at 2710 Avebury Avenue). A summary of the impacts to trees is as follows:

- Two Garry oaks on the new lot will require removal due to conflict with the proposed residence.
- Four replacement trees are required – three Garry oaks and an English oak have been proposed; however, planting feasibility will depend on the extent of rock remaining post-construction.
- Four Garry oaks are to be retained with mitigation measures such as tree protection fencing, ground protection, arborist supervision and lower impact blasting and excavation near trees.
- Two new street trees are proposed on Kings, one adjacent the proposed lot and one adjacent the existing lot. Species and ultimate locations are to be determined by Parks at Building Permit stage.

The arborist report is provided.

### **CONCLUSIONS**

This proposal to rezone the property to retain the existing house and construct one new small lot house is generally consistent with the objectives in the *Official Community Plan*; however, the proposal is inconsistent with the *Small Lot House Rezoning Policy* for sensitive infill development due to lack of neighbour support. The level of neighbour support is not considered “satisfactory” according to the *Small Lot Rezoning Policy*; therefore, staff recommend for Council's consideration that Rezoning Application No. 00700 for 2700 Avebury Avenue be declined.

### **ALTERNATE MOTION**

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No.700 for 2700 Avebury Avenue, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

Respectfully submitted,



Mike Angrove  
Senior Planner  
Development Services Division



Karen Hoese, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



Date: 2020-11-19

### List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans dated/date stamped August 8, 2019
- Attachment D: Letter from applicant to Mayor and Council dated February 14, 2020
- Attachment E: Community Association Land Use Committee Comments dated June 12, 2019
- Attachment F: Arborist Report dated August 5, 2019
- Attachment G: Small Lot House Rezoning Petitions Summary and Map
- Attachment H: Applicant's Community Engagement July 17, 2019
- Attachment I: Correspondence (Letters received from residents).