



Committee of the Whole Report

For the Meeting of October 28, 2021

To: Committee of the Whole **Date:** October 14, 2021

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

Subject: Rezoning Application No. 00755 for 1737 Rockland Avenue

RECOMMENDATION

That Council decline Rezoning Application No. 00755 for the property located at 1737 Rockland 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 1737 Rockland Avenue. The proposal is to rezone from the R1-A Zone, Rockland Single Family Dwelling District to a site-specific zone to allow for the subdivision and construction of two single-family dwellings, as strata units, on one panhandle lot. The rezoning application pertains to both of the two proposed lots.

The following points were considered in assessing this application:

- The rezoning and development permit with variance applications (see concurrent staff report) is inconsistent with applicable policy and regulations and therefore the proposal is not supportable, despite the offer of designating the existing heritage registered house located on the subject site.
- The property is designated as Traditional Residential in the *Official Community Plan 2012* (OCP) which envisions ground-oriented housing of up to two storeys. The proposed use, height, and density are consistent with this designation.
- However, the proposal is inconsistent with the panhandle regulations and guidelines for sensitive infill development due to the impacts on the existing adjacent properties which result from decreased setbacks and increased heights.
- The proposal is for two single family houses on one panhandle lot (the zoning

regulations require a maximum of one building per lot) which results in only 644m² of lot area per building. This is lower than the minimum of 850m² which is required per lot. This exacerbates challenges associated with meeting the design guidelines that aim to achieve sensitive infill.

- The OCP and *Rockland Neighborhood Plan (1987)* have policies that focus on the retention of heritage and historic buildings, landscape and streetscape features and estate character ensuring that new development is complementary to nearby heritage sites. Staff consider the proposed infill development to be not sufficiently sensitive to the surrounding context to meet these policies.
- The current R1-A Zone requires a minimum site area of 1502.09m² for the existing house. The proposal would result in the existing house being on a lot that is only 1026.27m² in size.
- The increased accessory building floor area (from 37.00m² to 76.78m²) is not in keeping with typical accessory buildings in the neighbourhood.

On this basis, the recommendation of this report is to decline the application.

BACKGROUND

Description of Proposal

The proposal is to rezone from the R1-A Zone, Rockland Single Family Dwelling District to a site-specific zone to allow for the subdivision and construction of two single-family dwellings as strata units on one panhandle lot.

Differences from the R1-A Zone, Rockland Single Family Dwelling District that would be accommodated in the new zone for Lot 1 relate to site area and floor area for an accessory building. For Lot 2, they relate to the number of single-family dwellings permitted on a lot and the total floor area for the two buildings combined.

Heritage designation (HD000195) and development permit with variances (DPV000585) applications have also been submitted. The development permit with variances application is discussed under a separate concurrent report. The heritage designation application will be brought forward in the event Council advances the application to Public Hearing as the applicant has indicated they are only interested in pursuing designation if the property is rezoned and at this point staff recommend the application is not adequately consistent with other policies and regulations.

Affordable Housing

The applicant proposes the creation of three new residential units (two new single-family houses, one of which would have a secondary suite) which would increase the overall supply of housing in the area.

Tenant Assistance Policy

The proposal would not result in a loss of existing residential rental units and therefore the *Tenant Assistance Policy* would not apply.

Sustainability

The applicant has not identified any sustainability features associated with this proposal.

Active Transportation

The application proposes bike racks for two bikes on Lot 1 which support active transportation.

Public Realm

No public realm improvements beyond City standard requirements are proposed in association with this rezoning application. The applicant will be required to provide a road dedication on Rockland Avenue of approximately 4.33m² to support sidewalk improvements as a requirement of the subdivision.

Accessibility

No accessibility improvements are proposed beyond what is required through the *British Columbia Building Code*.

Land Use Context

The surrounding low-density residential area has ground-oriented housing forms and the immediately adjacent land uses are single-family dwellings. The existing house at 1737 Rockland Avenue is on the heritage registry. The neighbouring property at 1745 Rockland Avenue is heritage designated.

Existing Site Development and Development Potential

The site is presently in the R1-A Zone, Rockland Single Family Dwelling District. Under this zone, the site could be subdivided to accommodate two single-family homes with secondary suites (one house on the panhandle lot and one on the principal lot), subject to Council's approval of a Panhandle Development Permit Application. Alternatively, the current zone would permit two semi-attached dwellings or three attached dwellings, subject to Council's approval of a Rockland Intensive Residential Development Permit Application. The current zoning also permits House Conversions and garden suites.

Data Table

The following two data tables compare the proposal with the R1-A Zone. An asterisk is used to identify where the proposal does not meet the requirements of the existing Zone. Two asterisks are used to identify where there are existing non-conformities. The differences related to Lot 2 for building height, number of storeys, setbacks, and site coverage require variances and are discussed in the concurrent development permit with variances report.

Lot 1 (Lot with Existing House)

Zoning Criteria	Proposal (Lot 1)	Existing Zone (R1-A)
Site area (m ²) – minimum	1026.27 *	1502.094
Density (Floor Space Ratio) – maximum	0.40	n/a
Combined floor area (m ²) – minimum	413.80	130.00

Zoning Criteria	Proposal (Lot 1)	Existing Zone (R1-A)
Lot width (m) – minimum	25.60	24.00
Height (m) – maximum	8.59 **	7.60
Storeys – maximum	2.5	2.5
Site coverage (%) – maximum	36.50	40.00
Setbacks (m) – minimum		
Front (west)	0.44 **	10.50
Rear (east)	16.16	8.72
Side (north)	4.55	3.00
Side (south)	1.35 **	3.00
Parking – minimum	2	1
Accessory Building (Schedule F)		
Location	Rear yard	Rear yard
Combined floor area (m ²) – maximum	76.78 *	37.00
Height (m) – maximum	3.29	3.50
Rear setback (m) – minimum	1.20	0.60
Side setback (m) – minimum	1.50	0.60
Separation space between an accessory building and the principal building – minimum	5.82	2.40
Rear yard site coverage (%) – maximum	22.67	25.00

Lot 2 (Panhandle Lot with Two New Houses)

Zoning Criteria	Proposal (Lot 2)	Existing Zone (R1-A Panhandle)
Site area (m ²) – minimum (without driveway)	1288.00 (644.00 per building)	850.00
Number single family dwelling buildings per lot – maximum	2 *	1

Zoning Criteria	Proposal (Lot 2)	Existing Zone (R1-A Panhandle)
Density (Floor Space Ratio) – maximum	0.30	N/A
Combined floor area (m ²) – maximum	256.53 (Building A) 296.91 (Building B) 553.45 (Total) *	280.00
Lot width (m) – minimum	29.52	24.00
Height (m) – maximum	6.87 (Building A) * 5.49 (Building B) *	5.00
Storeys – maximum	1.5 (Building A) * 2 (Building B) *	1
Site coverage (%) – maximum	25.70 *	25.00
Setbacks (m) – minimum		
West	2.27 (Building A – habitable window) *	
East	5.00 (Building B – habitable window) *	
North	9.59 (Building A – non-habitable window) 1.50 (Building B – habitable window) *	4.00 – non-habitable window 7.50 – habitable window
South	7.50 (Building A – habitable window) 3.41 (Building B – non-habitable window) * 3.66 (Building B – habitable window) *	
Building Separation	10.51 (between Buildings A and B)	N/A
Parking – minimum	2 per building	1 per building

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the development application plans were posted on the Development Tracker and an online comment form provided for feedback. A letter from the Rockland Neighbourhood CALUC dated September 11, 2020 is attached to this report. The comments received from the online comment form are also attached to this report.

ANALYSIS

The following sections provide a summary of the rezoning application's consistency with relevant City policies and regulations.

Official Community Plan

The *Official Community Plan 2012* (OCP) Urban Place Designation for the subject property is Traditional Residential, which envisions ground-oriented housing of up to two storeys. At the local area level, the OCP provides a land use policy vision and strategic directions for Rockland in the City-wide context, including several policies relevant to the subject property. The latter emphasizes conservation of historic architectural and landscape character, including urban forest on private lands, through sensitive infill that retains open and green space and overall estate character. The OCP also includes policies to support heritage through allowances, such as zoning, to achieve a balance between new development and heritage conservation through residential infill that is sensitive to context and innovative in design.

Although retaining the existing heritage registered house meets these goals, the proposed infill development is not sensitive to the surrounding context (see concurrent Development Permit with Variances Application report). Overall staff consider the proposal to not sufficiently meet the OCP policies, however, an alternate motion has been provided if Council chooses to move it forward. The alternate motion would also direct staff to move the heritage designation application forward to a Committee of the Whole meeting for Council's consideration which could occur quickly as to not hold up Council's consideration of the application should the desire be to advance the application as proposed.

Rockland Neighbourhood Plan

Aligned with the OCP, the *Rockland Neighborhood Plan (1987)* also has policies that focus on the retention of heritage and historic buildings, landscape and streetscape features and estate character ensuring that new development is complementary to nearby heritage sites. As explained under the OCP section above, staff consider the proposal to not sufficiently meet the *Rockland Neighbourhood Plan* policies.

Heritage Designation

The proposed heritage designation of the house is compatible with the *Official Community Plan, 2012* (OCP), and is consistent with the *Zoning Regulation Bylaw*. The applicant has indicated they are only interested in pursuing designation if the property is rezoned. At this point, staff recommend the application is not adequately consistent with other policies and regulations, and while heritage designation is desirable the negative impacts associated with the current proposal offset the benefit of designation.

Although the property could be redeveloped to replace the existing house if it is not heritage designated (see Existing Site Development and Development Potential section above), there are incentives to retain the house under current zoning regulations, including:

- The house could be converted into four dwelling units and if it is heritage designated it could be converted into seven dwelling units and no parking would be required.
- If the house were demolished in order to subdivide, it would need approval by Council because it would require a variance for minimum lot width or a development permit for a panhandle lot.

- The front and side setbacks of the existing house are non-conforming. A new building would need to have larger setbacks or seek Council approval for variances.

Regulatory Considerations

The application does not meet the R1-A Zone, Rockland Single Family Dwelling District, nor the standards specified in Schedule H that relate to newly created panhandle lots.

Proposed Lot 1 – Existing Single Family Dwelling

The applicant is requesting relaxation of the following regulations for Lot 1:

- decrease the site area from 1502.094m² to 1026.27m²
- increase the combined floor area for an accessory building from 37.00m² to 76.78m².

While the lot size could be supportable if it facilitates retention of the existing heritage registered building, staff consider the increased accessory building floor area to not be in keeping with typical accessory buildings in the neighbourhood. However, the increase would not have a substantial impact on existing adjacent properties and the building would not be visible from the street.

Proposed Lot 2 – Two New Single Family Dwellings

The applicant is requesting relaxation of the following regulations for Lot 2:

- increase the number of single-family dwelling buildings on a lot from one to two
- increase the combined floor area from 280.00m² to 553.45 m² (for Building A and B together).

The panhandle lot regulations under Schedule H for the R1-A zone establish a minimum lot area of 850m². The proposed lot area is 1288m², resulting in an average lot area per single family dwelling of 644m². The proposed combined floor area (553.45m²) exceeds the maximum of 280m² specified in the panhandle regulations because two houses are being proposed on one lot. Building A has a floor area of 256.53m² and Building B has a floor area of 296.91m². Increasing the number of single-family dwellings and the overall floor area creates challenges for siting the buildings without having impacts on adjacent properties. This is exacerbated by the request to increase the height of both new houses from 5.00m to 6.87m for Building A and to 5.49m for Building B. This is discussed in the concurrent Development Permit with Variances report.

Easement

The parking for Lot 1 is only accessible via the panhandle of Lot 2. An easement would therefore be needed to satisfy the requirements of Schedule C of the *Zoning Regulation Bylaw*.

Tree Preservation Bylaw and Urban Forest Master Plan

The proposal as it relates to trees will be reviewed in association with the concurrent Development Permit Application for this property.

CONCLUSIONS

The proposed housing forms and density are consistent with the land designation and OCP policies related to sensitive infill in Rockland on lots with an estate character. The proposed

buildings' siting, height, setbacks, and site coverage, however, are not in keeping with the panhandle lot regulations and guidelines and have impacts on the privacy of neighbouring properties. Staff recommend that Council consider declining this rezoning application because, overall, it does not sufficiently meet policy goals for integrating infill development into the neighbourhood.

ALTERNATE MOTION

That Council instruct staff to bring forward the Heritage Designation Application and prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No.00755 for 1737 Rockland Avenue, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following condition is met: Preparation and execution of an easement that permits shared use between the two lots of the driveway, to the satisfaction of the City Solicitor.

Respectfully submitted,

Rob Bateman
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Development Services Division

Karen Hoesel, Director
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Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans dated stamped October 8, 2021
- Attachment D: Letter from applicant to Mayor and Council dated June 5, 2021
- Attachment E: Community Association Land Use Committee Comments dated September 11, 2020 and Pre-Application Comments from Online Feedback Form
- Attachment F: Arborist Report dated May 9, 2021
- Attachment G: Correspondence (Letters received from residents).