



## Committee of the Whole Report For the Meeting of June 29, 2023

---

**To:** Committee of the Whole **Date:** June 15, 2023  
**From:** Karen Hoese, Director, Sustainable Planning and Community Development  
**Subject:** Updated Report for Rezoning Application No. 00755 and Development Permit with Variances Application No. 00226 for 1737 Rockland Avenue

---

### RECOMMENDATION

#### Rezoning Application

1. That Council instruct the Director of Sustainable Planning and Community Development to prepare the necessary Zoning Regulation Bylaw amendment that would authorize the proposed development outlined in the staff report dated June 15, 2023 for 1737 Rockland Avenue.
2. That first and second reading of the zoning bylaw amendment be considered by Council, concurrent with introductory readings of a heritage designation bylaw for 1737 Rockland Avenue, and a public hearing date be set.
3. That subject to approval in principle at the public hearing, the applicant prepare and execute the following legal agreement, with contents satisfactory to the Director of Engineering, Transportation and Public Works, and form satisfactory to the City Solicitor prior to adoption of the bylaw:
  - a. A Road Dedication for highway purposes as indicated on the plans date stamped June 14, 2023.
4. That adoption of the Zoning Regulation Bylaw amendment will not take place until the required legal agreement is registrable in the Land Title Office and has been so registered to the satisfaction of the City Solicitor.
5. That the above recommendation be adopted on the condition that they create no legal rights for the applicant or any other person, or obligation on the part of the City or its officials, and any expenditure of funds is at the risk of the person making the expenditure.

## Development Permit with Variances Application

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.00755, if it is approved, consider the following motion:

“1. That subject to the adoption of the necessary Zoning Regulation Bylaw amendment, Council authorize the issuance of Development Permit with Variance Application No. 000226 for Proposed Lot 2, 1737 Rockland Avenue, to allow the subdivision of a Panhandle Lot in accordance with plans submitted to the Sustainable Planning and Community Development Department and date stamped on June 14, 2023, subject to:

a) The proposed development meeting all zoning bylaw requirements, except for the following variances:

- i. increase the height from 5.00m to 6.60m for Building A
- ii. increase the number of storeys from 1 to 1.5 for Building A
- iii. decrease the west setback (habitable window) from 7.50m to 2.27m for Building A
- iv. increase the height from 5.00m to 5.30m for Building B
- v. increase the number of storeys from 1 to 2 for Building B
- vi. decrease the north setback (habitable window) from 7.50m to 1.50m for Building B
- vii. increase maximum fence height from 1.8m to 2.4m.

b) The Development Permit lapsing two years from the date of this resolution.”

## EXECUTIVE SUMMARY

The purpose of this report is to present Council with an update regarding a Rezoning and Development Permit with Variances application for the property located at 1737 Rockland Avenue. The proposal is to rezone the entire subject property from the *R1-A Zone, Rockland Single Family Dwelling District*, to a site-specific zone to allow for subdivision to create a new Panhandle Lot and for construction of two single-family dwellings on the proposed Panhandle Lot. The concurrent Development Permit with Variances application pertains only to Proposed Lot 2 (rear lot containing two new single-family dwellings).

A Council motion, ratified on November 25, 2021, directed staff to work with the applicant to achieve greater consistency in relation to setbacks, building height, privacy of the new buildings, and to maximize the retention of trees. In response, the applicant has made a number of revisions to the proposal.

The following points were considered in assessing the proposal as revised:

- The proposed use, height, and density are consistent with the Traditional Residential designation in the *Official Community Plan, 2012 (OCP)*, which envisions ground-oriented residential building up to three storeys in height, as supported by City policy.
- The *Rockland Neighborhood Plan* and the OCP’s strategic direction for Rockland contain policies to balance the conservation of historic features and estate-like character of larger lots with housing diversity through sensitive infill.

- The proposal, as revised, remains inconsistent with specific design objectives for Panhandle Lots to limit building height and ensure generous setbacks to minimize privacy impacts. However, revisions made in response to the previous Council motion include increases to the south and east setbacks and modifications to building height, window placement and screening, which has reduced the number of variances from existing zoning requirements.

## **BACKGROUND**

The proposal is to rezone the subject property from the R1-A Zone, Rockland Single Family Dwelling District, to a site-specific zone to allow for subdivision of a new Panhandle Lot and construction of two single-family dwellings, as strata units, on the new lot. Proposed Lot 1 contains the existing registered heritage home, which is currently used as a single-family dwelling. Proposed Lot 2 is defined as a Panhandle Lot; therefore, a development permit in accordance with *Development Permit Area 15B: Intensive Residential – Panhandle Lot* is also required. The proposed variances are related to building heights, numbers of storeys, and setbacks.

This application was presented to Committee of the Whole on October 28, 2021 (separate rezoning and development permit with variances reports are attached), and on November 25, 2021, Council ratified the following resolution:

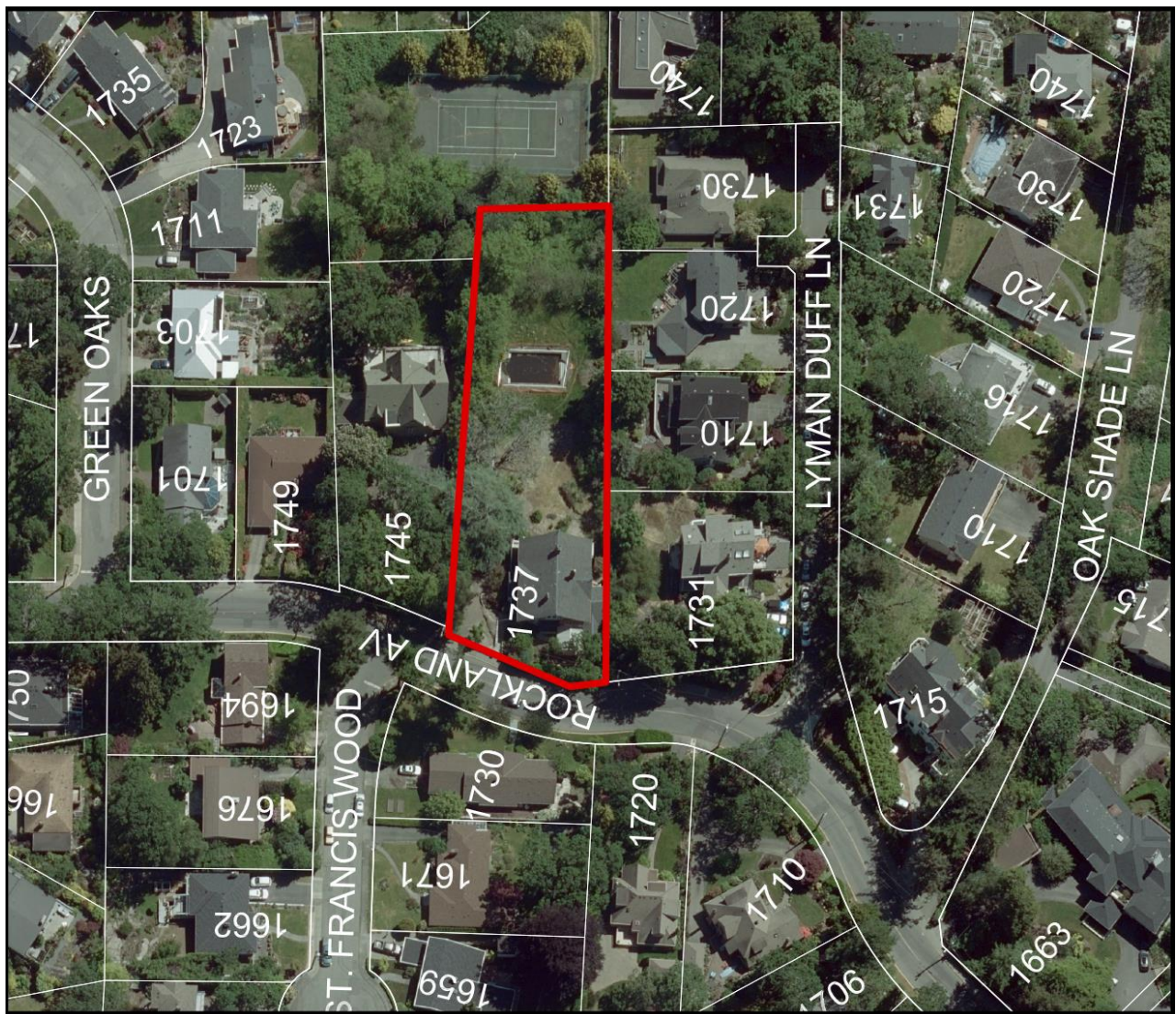
*“That this matter be referred to staff to work with the applicant to achieve greater consistency in relation to setbacks, building height, privacy of the new buildings, and to maximize the retention of trees.”*

### **Existing Site Development and Development Potential**

The subject property is presently in the *R1-A Zone, Rockland Single Family Dwelling District*. Under the R1-A zone, the property could be subdivided to create a Panhandle Lot, with both lots permitted to contain single-family dwellings with secondary suites, subject to Council’s approval of a required Intensive Residential Development Permit applicable to Panhandle Lots.

Alternatively, the current zone would permit semi-attached or 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.

While the recently adopted *Missing Middle Regulations* include provisions for heritage conserving infill, the new legislation does not apply to Panhandle Lots. To allow for assessment as a Heritage Conserving Infill use, the applicant would need to amend the application to propose the new single-family dwellings and existing heritage home to remain on a single lot. In addition, a number of variances would be required.



**Data Tables**

The following data tables compare the proposal with applicable provisions in 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.

Proposed Lot 1 (Lot with Existing House)

Zoning Criteria	Proposal (Lot 1)	Existing Zone (R1-A)
Site area (m <sup>2</sup> ) – minimum	1026.27 *	1502.09 (pre-1970 building eligible for house conversion)
Density (Floor Space Ratio) – maximum	0.40	n/a

Zoning Criteria	Proposal (Lot 1)	Existing Zone (R1-A)
Combined floor area (m <sup>2</sup> ) – minimum	413.80	130.00
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	2	1 minimum
Accessory Building (Schedule F)		
Location	Rear yard	Rear yard
<b>Combined floor area (m<sup>2</sup>) – maximum</b>	<b>76.78 *</b>	<b>37.00</b>
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

Proposed Lot 2 (Panhandle Lot with Building A and Building B)

Zoning Criteria	Proposal (Lot 2 containing Building A and B)	Existing Zone (R1-A Panhandle)
<b>Site area (m<sup>2</sup>) – minimum (without driveway)</b>	1305.39 - Total w/o driveway <b>575.97- Building A site area *</b> <b>729.41 – Building B site area *</b>	<b>850.00</b>

Zoning Criteria	Proposal (Lot 2 containing Building A and B)	Existing Zone (R1-A Panhandle)
Number principal dwellings per lot – maximum	2 *	1
Density (Floor Space Ratio) – maximum	0.32	N/A
Combined floor area (m <sup>2</sup> ) – maximum	234.42 (Building A) 300.06 (Building B) * <b>534.48 (Total) *</b>	<b>280.00</b>
Lot width (m) – minimum	29.52	24.00
Height (m) – maximum	<b>6.60 (Building A) *</b> <b>5.30 (Building B) *</b>	<b>5.00</b>
Storeys – maximum	<b>1.5 (Building A) *</b> <b>2 (Building B) *</b>	<b>1</b>
Site coverage (%) – maximum	24.09	25.00
Setbacks (m) – minimum		
<b>West</b>	<b>2.27 (Building A – habitable window) *</b>	<b>4.00 – non-habitable window 7.50 – habitable window</b>
East	7.5 (Building B – habitable window)	4.00 – non-habitable window 7.50 – habitable window
<b>North</b>	9.59 (Building A – non-habitable window) <b>1.50 (Building B – habitable window) *</b>	4.00 – non-habitable window <b>7.50 – habitable window</b>
South	7.50 (Building A – habitable window) 4.09 (Building B – non-habitable window) 7.54 (Building B – habitable window)	4.00 – non-habitable window 7.50 – habitable window
Parking	4	2 minimum



## Plan Revisions

In response to the November 25, 2022 motion requesting revisions to address setbacks, building height, privacy, retention of trees, the applicant has provided revised plans with changes summarized below:

### Proposed Lot 1 (Containing existing house)

- no changes

### Proposed Lot 2 (Containing both Proposed Building A and Proposed Building B)

- maximum site coverage reduced from 25.70% to 24.09%
- combined floor area reduced from 553.45m<sup>2</sup> to 534.48m<sup>2</sup>
- total lot area for Lot 2 increased by reducing area of panhandle access, although Strata Lot A decreased and Strata Lot B increased.

### Proposed Building A

- building height reduced from 6.87m to 6.60m
- proposed garage reduced from a two vehicle to a single vehicle garage (site coverage reduced from 25.70% to 24.09%)
- driveway widened and one surface parking space added
- one tree (Forest Pansy Redbud) removed to accommodate a surface parking space
- additional fencing added along the portion of the shared boundary between the subject property and the property at 1720 Lyman Duff Lane (new variance to the Fence Bylaw)
- adjustments to landscaped beds due to siting changes.

### Proposed Building B

- building height reduced from 5.49m to 5.30m
- south setback (to Lyman Duff Lane property boundaries) increased from 3.66m to 7.54m to a habitable window
- south setback (to Lyman Duff Lane property boundaries) increased from 3.41m to 4.09m to non-habitable portion of the building
- east setback (to 928 Richmond Avenue property boundary) increased from 5.0m to 7.5m by shifting the building to the west
- two master bedroom upper windows removed (north elevation facing 1745 Rockland Avenue), eliminating all upper floor windows proposed on the north elevation
- additional fencing proposed along a portion of Proposed Lot 2, with a height of 2.4m.

## Impact of Revisions

The revised proposal reduces the total number of variances required to accommodate the proposal and reduce the impact of the remaining variances. Specifically, as revised, maximum site coverage for Proposed Lot 2, two south setbacks (to habitable and non-habitable windows) for Building B, and the east setback for Building B now comply with R1-A requirements. To address privacy concerns, the applicant is requesting a further variance to increase maximum fence height from 1.8m to 2.4m for a portion of fence along Proposed Lot 2.

The proposal now requires the following variances:

### Proposed Building A

- increase the height from 5.00m to 6.60m
- increase the number of storeys from 1 to 1.5
- decrease the west setback (habitable window) from 7.50m to 2.27m.

### Proposed Building B

- increase the height from 5.00m to 5.30m
- increase the number of storeys from 1 to 2
- decrease the north setback (habitable window) from 7.50m to 1.50m
- increase maximum fence height from 1.8m to 2.4m.

It should be noted that the proposal does not meet the following additional R1-A requirements that would be permitted in the new site-specific zone: (This remains unchanged from the previous submission.)

- exceeds one single family dwelling per lot
- less than the minimum lot/site area for Proposed Lot 1 and Proposed Lot 2
- exceeds the total combined floor area for Proposed Lot 2
- exceeds the combined floor area for an accessory building from 37.00m<sup>2</sup> to 76.78m<sup>2</sup>.

### **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 application was received after October 24, 2019, so *Tree Preservation Bylaw No. 05-106* (consolidated November 22, 2019) applies, protecting trees larger than 30cm diameter at breast height (DBH).

Twenty-five trees have been inventoried. Twelve of these are located on the subject lot, nine of which are bylaw protected. Thirteen trees are located off-site, including two municipal trees and seven bylaw protected trees.

Of the nine bylaw protected trees on the subject lot, five are proposed for removal. Trees #136, #137, #138, #139, and #140 are required to be removed for construction of the proposed driveway and Building B. Most of the trees proposed for removal have been assessed to have poor structure. Four bylaw protected trees are proposed for retention with this development. All off-site trees are proposed for retention.

The landscape plan shows 27 new trees for this development, including 16 replacement trees as required by the *Tree Preservation Bylaw*. Six of the proposed trees are also replacement trees required because of the removal of three dead Garry oaks which occurred in 2018.



## Tree Impact Summary Table

<b>Tree Status</b>	<b>Total # of Trees</b>	<b>To be REMOVED</b>	<b>To be PLANTED</b>	<b>NET CHANGE</b>
On-site trees, bylaw protected	9	5	16	+11
On-site trees, not bylaw protected	3	1	10	+9
Municipal trees	0	0	0	0
Neighbouring trees, bylaw protected	9	0	0	0
Neighbouring trees, not bylaw protected	4	0	1	+1
<b>Total</b>	<b>25</b>	<b>6</b>	<b>27</b>	<b>+21</b>

### **Heritage Designation**

The proponent has stated that they are willing to heritage designate the existing building, subject to a successful rezoning, and has submitted a Heritage Designation application (HD000195) to advance this goal. Subject to Council advancing this application, the Heritage Designation application will be brought forward for Council's consideration so both bylaws can be considered concurrently. The application for the designation of the 2.5-storey house as a Municipal Heritage Site is for a building that is a good example of the Chalet style and the types of homes characterizing Rockland in the late 19th century. The designation of the residence as a Municipal Heritage Site is consistent with relevant City policies and the OCP's strategic directions for Rockland.

### **Public Realm**

The proposal will improve pedestrian accessibility along Rockland Avenue Greenway by widening the sidewalk into the roadway with an associated dedication covering the portion of existing sidewalk on private property. Public realm improvements will include any tie-in works of sidewalk widening, including any reinstatements of driveways, as necessary. As part of the subdivision process, the applicant may be required to submit further information to assess the feasibility of an additional road dedication to meet the desired 20m ROW width. Considerations will include the structural integrity of the existing rock wall, adjacent tree health, and overhead utility trespass.

### **CONCLUSIONS**

The proposal remains inconsistent with the Rockland Neighbourhood Plan objective to retain large lot character and the building heights exceed the maximum height permitted for Panhandle Lots. However, the proposed use, height, and density are consistent with the OCP's Traditional Residential designation and revisions to the proposal have responded Council direction to consider revisions to setbacks, building height, and privacy. Therefore, on balance, it is recommended that Council advance the application for consideration at a public hearing.

## **ALTERNATE MOTION**

That Council decline Rezoning Application No. 00755 for the property located at 1737 Rockland Avenue.

Respectfully submitted,

Patrick Carroll  
Senior Planner  
Development Services Division

Karen Hoese, Director  
Sustainable Planning and Community  
Development Department

**Report accepted and recommended by the City Manager.**

### **List of Attachments**

Attachment A: Committee of the Whole Reports for REZ00755 dated October 28, 2021  
Attachment B: Committee of the Whole Reports for DPV00226 dated October 28, 2021  
Attachment C: Minutes from Committee of the Whole Meeting dated November 25, 2021  
Attachment D: Plans date stamped June 14, 2023  
Attachment E: Letter from applicant to Mayor and Council dated June 14, 2023  
Attachment F: CALUC Correspondence dated January 12, 2023  
Attachment G: Correspondence - 2023  
Attachment H: Correspondence - 2021