

REPORTS OF COMMITTEES

2. Committee of the Whole – July 27, 2016

7. Rezoning Application No. 00564 for 2695 Capital Heights Development Permit & Development Variance Permit Application No. 000564 for 2695 Capital Heights

Motion:

It was moved by Councillor Alto, seconded by Councillor Madoff:

Rezoning Application No. 00564 for 2695 Capital Heights

1. That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00564 for 2695 Capital Heights, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set, and;
2. That prior to the Public Hearing staff facilitate a further conversation with the Oaklands Community Association to consider alternatives to a sidewalk installation, the results of such conversation to be reported to the Public Hearing.

Development Variance Permit Application No. 000564 for 2695 Capital Heights

3. 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. 00564, if it is approved, consider the following motions:
 1. That Council authorize the issuance of a Development Permit Application for 2695 Capital Heights, in accordance with:
 - a. Plans date stamped June 9, 2017.
 - b. Development meeting all *Zoning Regulation Bylaw* requirements.
 - c. The Development Permit lapsing two years from the date of this resolution.
 2. That Council authorize the issuance of a Development Variance Permit Application for 2695 Capital Heights, in accordance with:
 - a. Plans date stamped June 9, 2017.
 - b. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the rear setback from 7.50m to 1.01m.
 - c. The Development Permit lapsing two years from the date of this resolution.

Carried Unanimously

6. LAND USE MATTERS

6.2 Rezoning Application No. 00564, Development Permit and Development Variance Permit Application No. 000564 for 2695 Capital Heights

Committee received reports dated July 13, 2017, from the Director of Sustainable Planning and Community Development regarding an application to subdivide the property, retain the existing single-family dwelling in the R-2 Zone and construct a new small lot house.

Motion:

It was moved by Councillor Alto, seconded by Councillor Thornton-Joe:

Rezoning Application No. 00564 for 2695 Capital Heights

1. That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00564 for 2695 Capital Heights, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

Development Variance Permit Application No. 000564 for 2695 Capital Heights

2. 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. 00564, if it is approved, consider the following motions:
 1. That Council authorize the issuance of a Development Permit Application for 2695 Capital Heights, in accordance with:
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 - i. reduce the rear setback from 7.50m to 1.01m.
 - c. The Development Permit lapsing two years from the date of this resolution.

Committee discussed:

- Concerns raised by community association and neighbours regarding the inclusion of the sidewalk.

Amendment: It was moved by Councillor Alto, seconded by Councillor Madoff, that the motion be amended as follows:

Rezoning Application No. 00564 for 2695 Capital Heights

1. That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00564 for 2695 Capital Heights, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set, **and;**

2. That prior to the public hearing staff facilitate a further conversation with the Oaklands Community Association to consider alternatives to a sidewalk installation, the results of such conversation to be reported to the Public Hearing.

On the amendment:
CARRIED UNANIMOUSLY 17/COTW

Main motion as amended:

Rezoning Application No. 00564 for 2695 Capital Heights

1. That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00564 for 2695 Capital Heights, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set, and;
2. That prior to the public hearing staff facilitate a further conversation with the Oaklands Community Association to consider alternatives to a sidewalk installation, the results of such conversation to be reported to the Public Hearing.

Development Variance Permit Application No. 000564 for 2695 Capital Heights

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. 00564, if it is approved, consider the following motions:

1. That Council authorize the issuance of a Development Permit Application for 2695 Capital Heights, in accordance with:
 - a. Plans date stamped June 9, 2017.
 - b. Development meeting all *Zoning Regulation Bylaw* requirements.
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2. That Council authorize the issuance of a Development Variance Permit Application for 2695 Capital Heights, in accordance with:
 - a. Plans date stamped June 9, 2017.
 - b. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the rear setback from 7.50m to 1.01m.
 - c. The Development Permit lapsing two years from the date of this resolution.

On the main motion as amended:
CARRIED UNANIMOUSLY 17/COTW



Committee of the Whole Report

For the Meeting of July 27, 2017

To: Committee of the Whole **Date:** July 13, 2017

From: Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject: Development Permit & Development Variance Permit for 2695 Capital Heights

RECOMMENDATION

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. 00564, if it is approved, consider the following motions:

- 1) That Council authorize the issuance of a Development Permit Application for 2695 Capital Heights, in accordance with:
 - a. Plans date stamped June 9, 2017.
 - b. Development meeting all *Zoning Regulation Bylaw* requirements.
 - c. The Development Permit lapsing two years from the date of this resolution.
- 2) That Council authorize the issuance of a Development Variance Permit Application for 2695 Capital Heights, in accordance with:
 - a. Plans date stamped June 9, 2017.
 - b. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the rear setback from 7.50m to 1.01m.
 - c. 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 *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 Application related to a new small lot house and a Development Variance Permit Application related to reducing the rear yard setback of the existing house for the property located at 2695 Capital Heights. The proposal is to subdivide the property and create one small lot, while retaining the existing house on a regular sized lot. A variance has also been requested to reduce the rear yard setback for the existing house.

The following points were considered in assessing this application:

- the proposal is consistent with the design guidelines specified in the *Small Lot House Rezoning Policy, 2002*, and the applicant would retain the existing single-family dwelling
- the requested variance associated with the existing dwelling at 2695 Capital Heights is to reduce the rear yard setback. Due to the orientation of the house, in reality the rear yard setback acts as a side yard setback. This variance is acceptable as privacy concerns are minimized through the lack of windows on the west side of the proposed dwelling and outdoor space is provided in the 4.03m south setback which acts as the rear yard
- the proposal is consistent with the *Tree Preservation Bylaw* in preserving the existing Garry oak trees on site.

BACKGROUND

Description of Proposal

The proposal is to create two lots, maintain the existing single family dwelling on the western lot, and construct a new small lot house on the eastern lot.

The details for the proposed small lot dwelling include:

- two-storey building
- front garage set back slightly from the main entrance
- pitched rooflines consistent with the character of the area
- exterior materials such as cedar siding, asphalt roofing, and hardie board
- permeable surface treatments on the driveway, walkways, and patio landscaping.

The proposed variance is related to reducing the rear yard setback from 7.50m to 1.01m.

Sustainability Features

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

Active Transportation Impacts

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

Public Realm Improvements

Proposed public realm improvements are discussed in association with the concurrent Rezoning Application associated with this property.

Accessibility Impact Statement

The British Columbia Building Code regulates accessibility as it pertains to buildings. The proposed frontage improvements along Kings Road will be constructed to City of Victoria standards, which are designed to be accessible.

Existing Site Development and Development Potential

The site is presently a single-family dwelling. Under the current R-2 Zone, Two Family Dwelling District, the property could be developed to accommodate either a single-family dwelling or duplex. A single family dwelling may also include either a garden suite or a secondary suite.

Data Table

The following data table compares the proposal with the existing Zones. An asterisk is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposed Lot A Existing Dwelling	Existing R-2 Zone	Proposed Lot B New Dwelling	Proposed R1-S2 Zone
Site area (m ²) - minimum	557.22	460.00	306.48	260.00
1 st & 2 nd storey floor area (m ²) – minimum	149.26	280.00	N/A	N/A
Combined floor area (m ²) - minimum	265.70	300.00	N/A	N/A
Density (Floor Space Ratio) - maximum	N/A	N/A	0.54	0.60
Total floor area (m ²) - maximum	N/A	N/A	165.14	190.00
Lot width (m) - minimum	21.79	15.00	14.10	10.00
Height (m) - maximum	4.12	7.60	7.38	7.50
Storeys - maximum	1	2	2	2
Site coverage % - maximum	27.17	40.00	34.00	40.00
Setbacks (m) – minimum:				
Front	7.56	7.50	6.01	6.00
Rear	1.01*	7.50	6.00	6.00
Side on flanking street	6.71	3.50	N/A	N/A
Side	N/A	N/A	1.50 (west)	1.50 / 2.4 (habitable windows)
Side	4.03 (south)	2.18	1.61 (east)	1.50 / 2.4 (habitable windows)

Zoning Criteria	Proposed Lot A Existing Dwelling	Existing R-2 Zone	Proposed Lot B New Dwelling	Proposed R1-S2 Zone
Combined side yards	10.74	4.50	N/A	N/A
Parking - minimum	1	1	1	1

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted the Oaklands CALUC at a Community Meeting held on October 25, 2016. At the time of writing this report, a letter from the CALUC had not been received.

In accordance with the City's *Small Lot House Rezoning Policy*, the applicant has polled the immediate neighbours and reports that 85% 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.

ANALYSIS

Development Permit Area and Design Guidelines

The *Official Community Plan (OCP)* identifies this property within Development Permit Area 15A, Intensive Residential - Small Lot. The proposal is consistent with the design guidelines specified in the *Small Lot Design Guidelines*. The design of the dwelling is modern, yet has numerous elements that reflect the existing context along Capital Heights such as its rooflines and exterior materials. The height of the proposed building provides a sensitive transition from the existing two-storey dwelling to the east to the existing one-storey dwelling to the west. The slight recession of the garage gives more prominence to the main entrance.

Two replacement trees will be placed in the front yard which will contribute to the character of the tree-lined Kings Road. The hard landscaping on the proposed lot will be constructed with permeable pavers. The patio in the rear of the property is sensitively placed to protect and preserve the existing Garry oak.

Local Area Plans

The Oaklands Neighbourhood Plan identifies the property as Low Density Housing. Within this designation, small lot developments are permitted based on their own merits at the time of application. The proposal meets the overall housing objectives in maintaining the low-scale, family-oriented housing character in much of Oaklands.

Tree Preservation Bylaw and Urban Forest Master Plan

Proposed preservation and impacts to trees are discussed in association with the concurrent Rezoning Application associated with this property.

Regulatory Considerations

A Development Variance Permit to reduce the rear yard setback from 7.50m to 1.01m is being requested in association with this application. While the front of the house is oriented towards Kings Road, the actual frontage is along Capital Heights. Therefore, the east yard is technically considered the rear yard, even though it functions more like a side yard with the south setback acting as the rear yard.

CONCLUSIONS

The proposal to construct a new small lot house along with one variance is consistent with Development Permit Area 15A: Intensive Residential - Small Lot. The small lot house is a form of sensitive infill development and generally fits in with the existing neighbourhood.

ALTERNATE MOTION

That Council decline the Development Permit with Variances for the property located at 2695 Capital Heights.

Respectfully submitted,



Michael Angrove
Planner
Development Services



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department



Report accepted and recommended by the City Manager:



Date: July 18, 2017