



Committee of the Whole Report For the Meeting of June 22, 2017

To: Committee of the Whole **Date:** June 8, 2017

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

Subject: Rezoning Application No. 00545 for 750 Pemberton Road

RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00545 for 750 Pemberton Road, 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 conditions are met:

1. Preparation of the following documents, executed by the applicant to the satisfaction of City Staff:
 - i. Housing Agreement to ensure the rental of the eight units in the existing heritage-designated house conversion, and two units in the existing coach house, would remain rental suites in perpetuity.
 - ii. Section 219 Covenant to secure the community garden on lot 2 and design of the three proposed single-family dwelling units by ensuring the dwelling units are constructed in accordance with the plans approved by Council.
 - iii. A no-build/non-disturbance and tree protection covenant to ensure there are no buildings or structures constructed in the proposed greenspace and the protection of the existing trees onsite.
 - iv. The applicant complete exploratory digging around the Black Pine and Elm trees to determine the location of the roots and potential impacts the construction of the proposed single family dwelling on lot 1 would have on these trees.

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. In accordance with Section 482 of the *Local Government Act*, a zoning bylaw may establish different density regulations for a zone, one generally applicable for the zone and the others to apply if certain conditions are met.

In accordance with Section 483 of the *Local Government Act*, Council may enter into a Housing Agreement which may include terms agreed to by the owner regarding the occupancy of the

housing units and provided such agreement does not vary the use of the density of the land from that permitted under the zoning bylaw.

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 750 Pemberton Road. The proposal is to rezone from the current R1-A Zone, Rockland Single Family Dwelling, to a new zone in order to subdivide the subject property into four lots, retain the existing heritage-designated house conversion and coach house, and construct three new single-family dwelling units.

The following points were considered in assessing this application:

- the proposal is consistent with the Official Community Plan, which designates the property as *Traditional Residential* which supports ground-oriented buildings up to two-stories and envisions a density up to 1:1 floor space ratio
- although the proposal deviates from the *Rockland Neighbourhood Plan* in terms of proposing a new zone and not retaining the existing R1-A Zone, the applicant is willing to secure ten market rental units (eight in the existing heritage-designated home and two in the coach house) in perpetuity; register a design covenant on title to secure the form and character of the three proposed dwelling units; heritage-designate the exterior of the existing coach house; and register a no-build/non-disturbance and tree protection covenant on title to protect the proposed greenspace and trees onsite. These proposed amenities further advance many objectives in the Plan
- the applicant is retaining an existing communal vegetable garden in the rear yard for the residents living in the rental units
- only two trees (not bylaw protected) would be removed onsite. All other trees, including eight bylaw protected trees in the vicinity, would be retained
- the applicant is providing new Class 1 and Class 2 bicycle parking onsite
- the required number of parking spaces would be provided for the development, therefore a parking variance is not required.

BACKGROUND

Description of Proposal

This Rezoning Application is to subdivide the subject property into four lots, retain the existing heritage-designated house conversion and coach house, and construct three new single-family dwelling units.

The following differences from the current zone are being proposed and would be accommodated in the new zone:

- reduce site area and lot width of proposed lot 1 only
- allow more than one building on a lot (proposed lot 2 only – heritage-designated house conversion and coach house)
- reduce front, rear and side yard setbacks.

Affordable Housing Impacts

The applicant proposes the creation of five new residential units which would increase the overall supply of housing in the area. A Housing Agreement is also being proposed to ensure the ten rental units would remain as rental suites in perpetuity.

Sustainability Features

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

Active Transportation Impacts

The application proposes the following features which support active transportation:

- ten Class 1 bicycle parking spaces
- six Class two bicycle parking spaces.

Public Realm Improvements

No public realm improvements are proposed in association with this Rezoning Application.

Land Use Context

The area is characterized by a mix of single-family dwellings, attached housing and house conversions.

Existing Site Development and Development Potential

The site is presently occupied by a heritage-designated house conversion containing eight rental units and a coach house. Under the current R1-A Zone, the property could be developed into approximately six attached housing units by converting the existing heritage-designated building into a single-family dwelling and attaching five new townhouse units to the existing house. This type of development proposal would result in a loss of rental housing, greenspace and there would be an increase in the amount of building mass on the subject property, especially in the rear yard. This type of proposal permitted under the R1-A zone would only require a Development Permit.

Data Table

The following data table compares the proposal with the existing R1-A Zone. An asterisk is used to identify where the proposal is less stringent than the existing zone. Two asterisks are used to identify where the proposal is existing non-conforming.

Zoning Criteria	Proposed Lot 1 – Single Family Dwelling	Proposed Lot 2 – Heritage-Designated House Conversion and Coach House	Proposed Lot 3 – Single Family Dwelling	Proposed Lot 4 – Single Family Dwelling	Zone Standard T-22 Zone
Site area (m ²) - minimum	705.27*	2028.17*	1084.00	1066.03	740 – regular lot 850 – panhandle 2683.30 – house conversion
Number of buildings per lot - maximum	1	2*	1	1	1
Density (Floor Space Ratio) - maximum	0.29	0.45	0.23	0.21	n/a

Zoning Criteria	Proposed Lot 1 – Single Family Dwelling	Proposed Lot 2 – Heritage-Designated House Conversion and Coach House	Proposed Lot 3 – Single Family Dwelling	Proposed Lot 4 – Single Family Dwelling	Zone Standard T-22 Zone
Total floor area (m ²) - minimum	206.50	739.20** – house conversion 174 ** – coach house	245.00	228.00	130.00
Lot width (m) - minimum	15.53*	49.08	32.81	35.99	24.00
Height (m) - maximum	7.35	11.86** – house conversion 10.66** – coach house	7.20	7.30	7.60
Storeys - maximum	2	2.5 – house conversion 2 – coach house	2	2	2.50
Site coverage % - maximum	18.60	24.10	19.85	19.40	25.00
Setbacks (m) – minimum:					
Front	17.46	26.90 – house conversion/63.26 – coach house	7.15*	16.30	10.50
Rear	5.26*	2.60* – house conversion/0.19** – coach house	14.36	6.80*	7.50 or 25% lot depth (greater)
Side	3.00 (N)	8.82 (N) – house conversion/8.24 – coach house	5.00 (E)	12.15 (SE)	3.00
Side	0.00* (S)	2.64* (S) – house conversion/10.28 – coach house	3.00 (W)	3.70 (NW)	3.00
Parking - minimum	1	8	1	1	1 – single family dwelling 8 – house conversion and coach house
Bicycle parking stalls					
Class 1	n/a	8	n/a	n/a	n/a
Class 2		6			

Relevant History

The existing house conversion was constructed in 1900 and received heritage designation on August 9, 2001. In 2001, the subject property was rezoned to the T-22 Zone, Pemberton Transient Accommodation District, to allow for transient accommodation; however, the new zone would not permit this use.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted the Rockland CALUC at a Community Meeting held on August 25, 2016. A letter dated September 22, 2016 is attached to this report.

ANALYSIS

Official Community Plan

The Official Community Plan (OCP) Urban Place Designation for the subject property is *Traditional Residential*. The OCP supports ground-oriented residential buildings up to two storeys. A floor space ratio (FSR) up to approximately 1:1 is supported. The proposed single-family dwellings are two storeys and the floor space ratios range from 0.21:1 and 0.29:1 for the single-family lots, and 0.45:1 for the lot containing the two buildings, all well below the maximum FSR permitted in the OCP.

The subject property is exempt from requiring a Development Permit to construct the proposed three single-family dwellings according to Appendix A: Development Permit Areas and Heritage Conservation Areas in the OCP; however, the applicant is willing to register a Section 219 Covenant on title to secure the design of the proposed dwelling units and ensure that they are constructed in accordance with the plans approved by Council.

Site Planning, Architecture and Landscape Design

The applicant is proposing the following site planning, architecture and landscape design:

- creating four new lots: Lots 1 and 2 would be fee-simple lots with access by easement, and Lots 3 and 4 would be strata lots sharing a common property road access
- three, two-storey single-family dwellings with no secondary suites
- one single-family dwelling would be located in the side yard, behind the existing heritage-designated building, and two single-family dwellings would be located in the rear yard with minimal views from the street
- the new single-family dwellings would incorporate traditional architectural features, including steeply pitched, stick framed roofs and wide eaves, shed and wall dormers, prominent entryways and vertically proportioned windows
- exterior finishes of the proposed single-family dwelling on Lot 1 would include painted wood shingles, painted cement stucco, stained wood front door with transom windows, stone veneer, cedar and wood trim, black vinyl windows, and asphalt roof shingles
- exterior finishes of the proposed single-family dwelling on Lot 3 would include hardi-shingles, painted cement stucco, wood garage door, stone veneer, hardi-plank horizontal siding, painted wood and cedar trim, black vinyl windows and asphalt roof shingles
- exterior finishes of the proposed single-family dwelling on Lot 4 would include painted hardi-shingles, hardi-plank horizontal siding and cement stucco, stone veneer, painted cedar and wood trim, black vinyl windows and asphalt roof shingles
- retaining and rehabilitating the coach house, including repairs to the roof, windows and entryways, replacing side doors on the south elevation with windows and repainting the exterior
- repainting the exterior of the existing heritage-designated building and removing side stairs and a door on the north elevation (constructed at a later date and does not possess heritage-value)

- parking for the rental units would be located in the rear yard and screened from public view, and single-car garages for the new single-family dwellings would be provided
- retaining an existing communal vegetable garden
- a new garbage and recycling enclosure for the rental units and screened with landscaping
- a new bike room for ten bikes and a ramp in the basement of the existing heritage-designated building, and a Class 2 bicycle rack for six bikes onsite
- majority of the mature landscaping and greenspace would be maintained and additional hard and soft landscaping would be introduced to further enhance the existing vegetation onsite
- only two non-bylaw protected trees would be removed and replaced with five Garry Oak trees onsite.

Local Area Plans

The *Rockland Neighbourhood Plan* states that in order to conserve and retain family housing in Rockland, the R1-A Zone and R1-B Zone, Single Family Dwelling District, should be retained and wherever possible, Rockland's unique and attractive neighbourhood features (e.g. heritage buildings, streetscape and landscape features) should be preserved and enhanced. Although the proposal deviates from the *Rockland Neighbourhood Plan* in terms of not retaining the existing R1-A Zone, the applicant is proposing to ensure that the ten market rental units would remain as rental suites in perpetuity; as well, heritage-designate the coach house, protect the proposed greenspace and all the bylaw protected trees onsite and on adjacent properties, and preserve the existing streetscape.

The applicant is proposing to preserve the large lot character prevalent throughout the Rockland neighbourhood and maintain site coverages of the three single-family lots between 18.6% and 19.85%, which is below the maximum 25% site coverage permitted in the R1-A Zone. This is to ensure the majority of the private greenspace is preserved onsite.

The Plan encourages excellence in architectural design and construction that is compatible with the character and high-quality of the Rockland environment. The applicant has chosen a traditional design approach to compliment the existing heritage buildings onsite. Architectural elements sympathetic to the heritage character of the site would include pitched and gabled rooflines, traditional-style windows, prominent front entryways, and wood shingles and siding. Hard and soft landscaping would be introduced for screening and aesthetic purposes.

The Plan also encourages exterior changes to buildings of heritage merit that are in keeping with their heritage character, as well as, maintaining neighbourhood views, particularly public views towards buildings of architectural and heritage merit. The applicant is proposing conservation repairs, repainting and rehabilitation of the heritage-designated house conversion and coach house that are in keeping with their heritage character and in accordance with a Heritage Impact Assessment prepared by Donald Luxton and Associates (attached). Views of the existing heritage buildings would be maintained as the proposed single-family dwellings are located at the side and rear yard of the subject property and therefore, there would be no significant change to the existing streetscape. Views of the greenspace would also be preserved.

Other Policies

Tree Protection

An arborist report prepared by Edibella Organic Landscapes (attached) concludes that two non-bylaw protected trees, one of which is diseased and dying, would need to be removed to accommodate the proposed development. Although not required by the Tree Preservation Bylaw, to compensate for the removal of these two non-protected trees, the applicant is proposing to plant five Garry Oak trees in the greenspace in the rear yard.

There are also two protected trees impacted by the proposed development; one is on the subject site and one is on the neighbouring property located, to the north, at 820 Pemberton. The tree on the subject site is a large multi-trunk Elm tree which would lose one of its trunks (which is already cabled and leaning heavily) and the roots of this tree would be impacted by the construction of the proposed two-storey single-family dwelling on Lot 1. The other protected tree which would be impacted by the construction on Lot 1 is a Black Pine tree which is located on the neighbour's property. The applicant has committed to working with the neighbour to determine appropriate compensation for the tree. In addition, the staff recommendation provided for Council's consideration, includes a requirement that the applicant undertake further exploratory digging around both protected trees in order to better understand the potential impact to the critical root zones of these trees prior to the application advancing to a public hearing.

The applicant has otherwise sited the new single-family dwellings, including the house proposed for Lot 1 to minimize impacts on the existing trees in the vicinity, including a stand of Garry Oaks located at the front of 750 Pemberton and 820 Pemberton and in a manner that aims to balance objectives related to siting new buildings behind the existing heritage designated house and in locations that preserve the on-site communal vegetable garden. The arborist report identifies mitigation measures to protect the other remaining trees during the construction phase to the satisfaction of City staff.

Heritage Designation

The applicant is willing to heritage-designate the exterior of the coach house. Staff have requested that the interior foyer of the existing heritage-designated house conversion also be designated for its heritage value; however, the applicant has indicated they are not interested in pursuing this at this time (letter attached). A separate report regarding heritage designation will be prepared by staff and presented to the Heritage Advisory Design Panel and brought forward to Council for consideration at a later date.

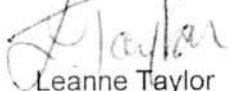
CONCLUSIONS

The proposal to retain the existing heritage-designated house and coach house, and construct three new single-family dwelling units on the subject property is consistent with the objectives outlined in the OCP. Although the proposal deviates from the *Rockland Neighbourhood Plan* in terms of not retaining the existing R1-A Zone, the proposal is achieving many other objectives in the Plan including the preservation of existing heritage buildings and designating the coach house, protecting existing greenspace and the majority of trees onsite, providing rental housing, retaining large lots, and proposing new housing that is sympathetic to the heritage value of the site. Staff recommend for Council's consideration that the application proceed to a Public Hearing.

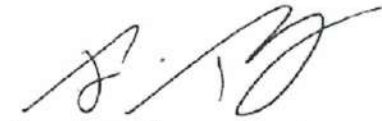
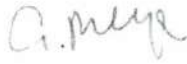
ALTERNATE MOTION

That Council decline Rezoning Application No. 00545 for the property located at 750 Pemberton Road.

Respectfully submitted,



Leanne Taylor
Senior Planner
Development Services Division



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date:

June 14, 2017

List of Attachments

- Subject Map
- Aerial Map
- Plans dated/date stamped May 26, 2017
- Letter from applicant to Mayor and Council dated June 12, 2017
- Letter from applicant re: interior designation of house conversion date stamped June 6, 2017
- Community Association Land Use Committee Comments dated September 22, 2016
- Arborist Report prepared by Edibella Organic Landscapes Inc. dated
- Heritage Consultant documents including Statement of Significance, Heritage Impact Assessment, Heritage Review of Proposed Rear Elevation Interventions and Proposed Colour Schemes date stamped June 1, 2017
- Correspondence received from residents