



Planning and Land Use Committee Report

For Meeting on October 16, 2014

To: Planning and Land Use Committee **Date:** October 2, 2014

From: Lucina Baryluk, Senior Process Planner

Subject: **Rezoning Application #00409 and Development Variance Permit Application #000130 for 1770, 1774 and 1780 Denman Street** - Application to rezone a portion of three lots from the R1-B Zone, Single Family Dwelling District, to the R-2 Zone, Two Family Dwelling District, to permit a five-lot subdivision and the construction of two new two family dwellings

Executive Summary

The purpose of this report is to present Council with information, analysis and recommendations regarding a Rezoning Application and Development Variance Permit Application for the properties located at 1770, 1774 and 1780 Denman Street. The proposal is to rezone a portion of three lots from the R1-B Zone, Single Family Dwelling District, to the R-2 Zone, Two Family Dwelling District, to permit a five-lot subdivision and the construction of two new two family dwellings.

The following factors were considered in reviewing this application:

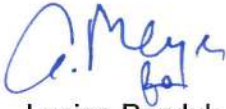
- The application does not comply with the applicable design guidelines for duplexes (*Neighbourliness Guidelines for Duplex*) in terms of meeting the recommended size for an interior lot or fitting into the local neighbourhood. Additionally, the Denman Street duplex does not meet the guideline related to building form as it proposes a front-to-back duplex rather than a side-by-side design.
- The application does not appear to comply with the preliminary review of the proposed subdivision, in particular a dedication of 1.5 metre along Albert Avenue, which puts into question the utility of the rezoning as, even if approved, it is not likely to allow for a successful subdivision.

Staff recommend that the Planning and Land Use Committee decline Rezoning Application #00409 and Development Permit Application #00130. Should the Committee wish to advance these applications, an alternative motion is provided in the final section of this report.

Recommendation

That Council decline Rezoning Application #00409 and Development Variance Permit Application # 00130 for 1770, 1774 and 1780 Denman Street.

Respectfully submitted,




Lucina Baryluk
Senior Process Planner
Development Services Division



Deb Day
Director
Sustainable Planning and
Community Development Department

Report accepted and recommended by the City Manager: _____



Jason Johnson

Date: _____

October 9, 2014

LB/ljm

S:\TEMPEST_ATTACHMENTS\PROSPERO\PL\REZ\REZ00409\PLUC REPORT 1770, 1774, 1780 DENMAN ST OCT 2 2014.DOC

1.0 Purpose

The purpose of this report is to present Council with information, analysis and recommendations regarding a Rezoning Application and Development Variance Permit Application for the properties located at 1770, 1774 and 1780 Denman Street. The proposal is to rezone a portion of three lots from the R1-B Zone, Single Family Dwelling District, to the R-2 Zone, Two Family Dwelling District, to permit a five-lot subdivision and the construction of two new two family dwellings.

2.0 Background

2.1 Description of Proposal

This application involves three existing lots which are all the same size (929 m²). The rezoning application, if successful, would allow for a subdivision and development that would result in a total of five lots with a combination of two family and single family dwellings. The following describes the proposal:

Proposed Lot 1

A new two family dwelling fronting Albert Avenue, requesting a rezoning to the R-2 Zone, Two Family Dwelling District (variances required for rear yard and side yard setbacks).

Proposed Lot 2

The existing single family home, located at 1780 Denman Street, would remain within the R1-B Zone (variance required for side yard setback). The access to this lot would be relocated from Denman Street to Albert Avenue. It is noted that pursuant to the Zoning Regulation Bylaw and provincial legislation, a minimum frontage on a publicly dedicated road is required. This, in part, is the reason for the shape of the lot, which is also determined by an attempt to maintain the minimum lot area of 460 m².

Proposed Lot 3

A new two family dwelling fronting Denman Street, requesting a rezoning to the R-2 Zone, Two Family Dwelling District.

Proposed Lot 4

The existing triplex conversion, located on 1774 Denman Street, will remain within the R1-B Zone (variances required for front yard parking and landscape strip in front yard).

Proposed Lot 5

The existing single family home located on 1770 Denman Street will remain within the R1-B Zone. A driveway crossing will be required to establish off-street parking.

2.2 Existing Site Development

The table below, details the current development on each of the three properties:

Address	Existing Site Development	Frontage, Access and Parking
1770 Denman Street	Single Family Dwelling Constructed in 1910	Frontage on Denman St. and Albert Ave. No driveway crossing No off-street parking
1774 Denman Street	Triplex conversion Constructed as a Single Family Dwelling in 1910 Converted to a triplex in 1950	Frontage on Denman St. and Albert Ave. One driveway crossing on Denman St. One off-street parking stall
1780 Denman Street	Single Family Dwelling Constructed in 1932	Frontage on Denman St. only One driveway crossing on Denman St. Off-street parking available

2.2 Sustainability Features

The applicant has not provided any information about sustainability features associated with their proposal.

2.3 Development Potential

The current zoning of the subject parcels is R1-B, Single Family Dwelling. The zone allows for a single family dwelling unit with a secondary suite. Without further approvals, the two existing single family dwellings could be redeveloped to include a secondary suite. Due to the placement of the existing buildings, any further subdivision of the property within the existing zone would most likely require variances, unless the existing dwellings are relocated.

2.4 Land Use Context

The subject parcels have frontages on both Albert Avenue and Denman Street. Albert Avenue is a narrow local road with no through traffic; however, pedestrians can connect from Albert Avenue to Richmond Road through the parking lot of 1786 Albert Avenue (Richmond Mews) and a public path. Albert Avenue is characterized by small single family dwellings (some over 100 years old) on lots that average 300 m² in area. The most recent redevelopment on Albert Avenue is the heritage rehabilitation of Rosedale Manor at 1731 Albert Avenue.

Denman Street is generally single family dwellings, with a mix of newer and older homes. Some of the older units have been subject to conversion.

2.5 Data Table

As noted earlier, the applicant has indicated they are not prepared to provide a road dedication on Albert Avenue as part of the subdivision process. This has made it challenging to provide an accurate data table. The alternate motion makes the requirement for the road dedication explicit if Council decides to advance this application.

2.6 Applicable City Policy

2.6.1 Official Community Plan, 2012

The *Official Community Plan* (OCP) sets out a vision for the Jubilee Neighbourhood in a City-wide context. The OCP identifies the subject lands within the Traditional Residential designation which envisions a maximum density of up to 1:1 FSR.

2.6.2 Jubilee Neighbourhood Plan

The *Jubilee Neighbourhood Plan* (1996) places the subject property in a category of maintaining the current zoning. Infill housing in the form of small lot subdivision and duplexes are considered within the Neighbourhood Plan, provided that the infill meets established criteria (*Neighbourliness Guidelines for Duplex*).

2.7 Community Consultation

Consistent with the City's Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning Applications, the North Jubilee Neighbourhood Association hosted a CALUC Community Meeting on June 12, 2013. A follow-up letter from the Neighbourhood Association, dated March 24, 2014, is also attached to the report.

3.0 Issues

The following are the key issues associated with this application:

- compliance with *Neighbourliness Guidelines for Duplex*
- inconsistency with the likely subdivision requirements.

4.0 Analysis

4.1 Compliance with the Neighbourliness Guidelines for Duplex

The *Neighbourliness Guidelines for Duplex* establish criteria for reviewing rezoning applications that propose duplex, with the objective of considering the character of buildings and properties that are adjacent, as well as those in the same block and street.

The Guidelines recommend that when a rezoning is required for a duplex, an interior lot should have a minimum site area of 670 m². The proposed duplex lot on Albert Avenue would be approximately 626 m² (subject to change) and the proposed duplex lot on Denman Street would be approximately 560 m² (subject to change). Both of these lots are below the minimum suggested site area.

In terms of "neighbourliness", as described in the Guidelines, this occurs when:

- a duplex fits comfortably with the established scale of the street
- a duplex does not overwhelm its existing neighbours
- a duplex reinforces existing building proportions and shapes
- building and open space patterns which are characteristic of a street and area are respected.

The proposed duplex on Albert Avenue does not satisfy these criteria. In the wider context of Albert Avenue, the introduction of a duplex with 386 m² in floor area does not fit comfortably into the established scale of the street.

In terms of building layout, the Guidelines support side-by-side units. While the proposed duplex on Albert Avenue is a side-by-side unit, the Denman Street duplex is a front-to-back unit. The intent of encouraging side-by-side units is to create a direct connection with the street for each unit.

4.2 Subdivision Requirements

This proposal would require a subdivision of the properties and approval from the Approving Officer. The applicant has received an information letter outlining the preliminary review of the proposed subdivision (attached). The preliminary review identified a number of subdivision requirements, including a requirement to dedicate 1.5 m along Albert Avenue. The portion of Albert Avenue in front of the subject property is 7.62 m in width, whereas the standard for a local road is 18 m. The requirement for a 1.5 m dedication is a minimum requirement to achieve a level of pedestrian improvements necessary to achieve the objectives contained within the City of Victoria's *Pedestrian Master Plan* (2008). The applicant has indicated that they do not wish to comply with this requirement. That is why the application and the submitted plans do not reflect the 1.5 m road dedication.

While the information letter represents only the results of a preliminary review and is not a formal statement of conditions, it does provide some indication of likely subdivision requirements. The applicant's position makes the current rezoning application inconsistent with those likely requirements making it difficult to properly evaluate. It also puts into question the utility of the current rezoning application as, even if approved, it may not allow for successful subdivision.

5.0 Resource Impacts

There are no resource impacts anticipated.

6.0 Conclusions

The fundamental question that Council is being asked to consider is whether allowing the construction of a new duplex on Albert Avenue and a new duplex on Denman Street is appropriate. Staff is recommending that Council not support this application. The proposed duplexes do not comply with the *Neighbourliness Guidelines for Duplex* in terms of recommended site area for interior lots and a number of "neighbourliness" considerations are not met for the proposed duplex on Albert Avenue. Should Council accept these two new two family dwellings in principle, then in order to advance this application, the applicant will be required to provide plans with the appropriate changes and a fuller level of detail to reflect subdivision requirements, as the revised plans will create changes to lot size, setbacks and frontage requirements. A further report would then be prepared with updated information for Council's consideration.

7.0 Staff Recommendation

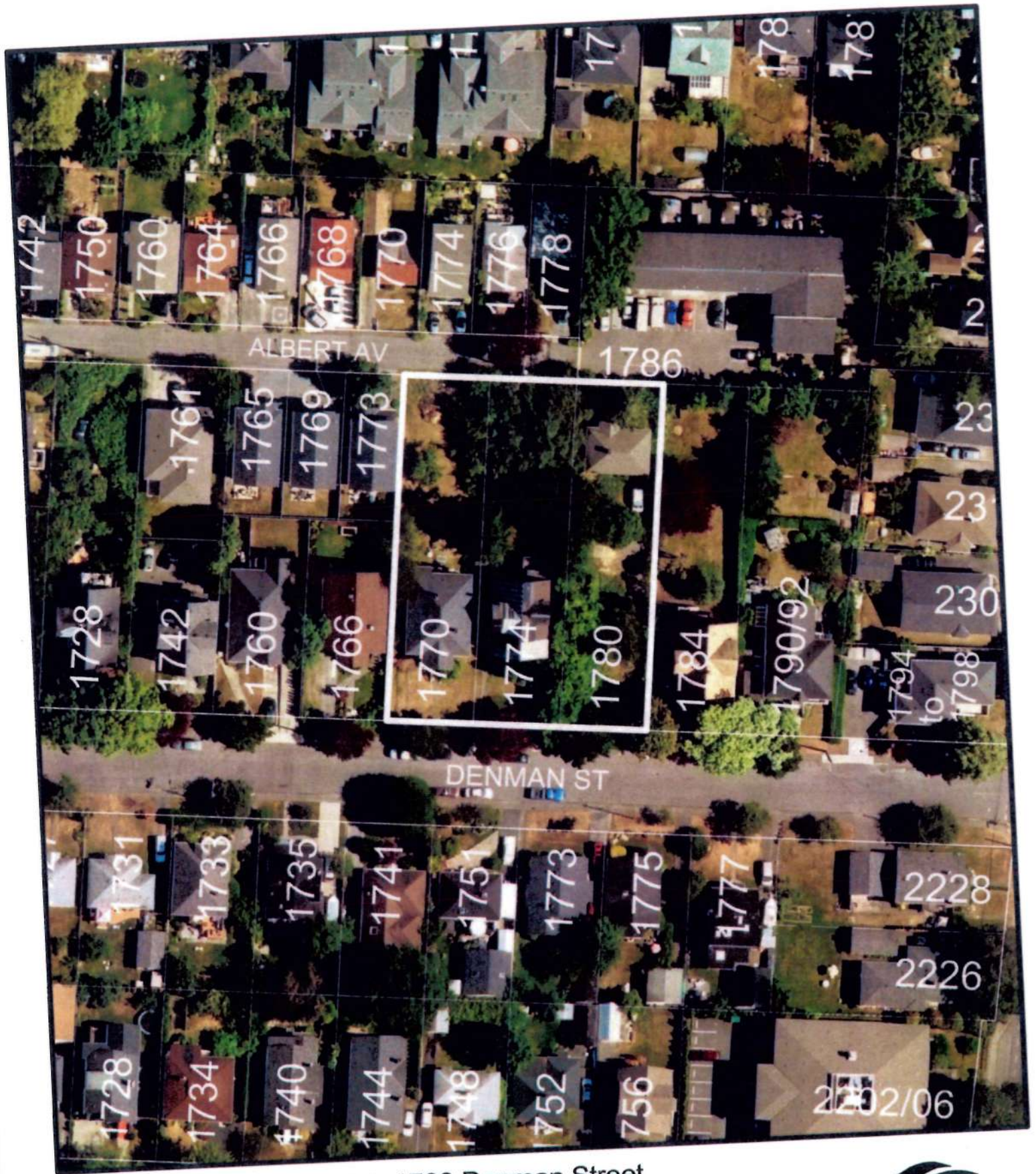
That Council decline Rezoning Application #00409 and Development Variance Permit Application # 00130 for 1770, 1774 and 1780 Denman Street.

7.1 Alternative Motion (Advance Application)

That Rezoning Application #00409 and Development Variance Permit #00130 for 1770, 1774 and 1780 Denman Road be advanced, subject to the applicant providing a revised plan consistent with likely subdivision requirements as outlined in the information letter dated August 18, 2014, and that staff provide an updated report to the Planning and Land Use Committee with a revised data table based on the revised submission.

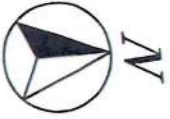
8.0 List of Attachments

- Aerial Map
- Zoning Map
- Plans dated February 7, 2014
- Letters from applicant dated November 22, 2013 and July 10, 2014
- North Jubilee Neighbourhood Association, letters dated July 8, 2013 and March 24, 2014
- City of Victoria letter dated August 18, 2014, to applicant regarding subdivision requirements

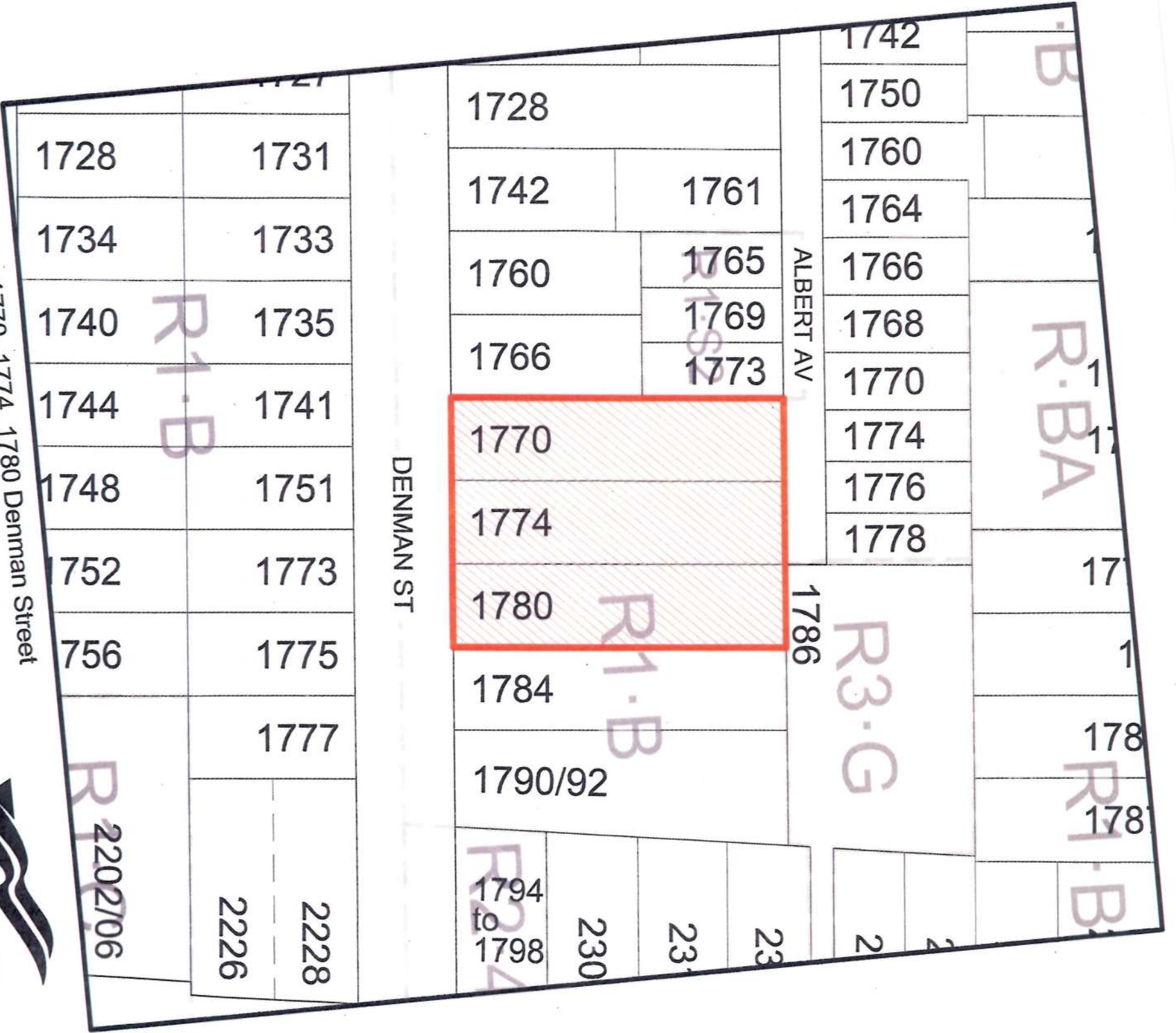


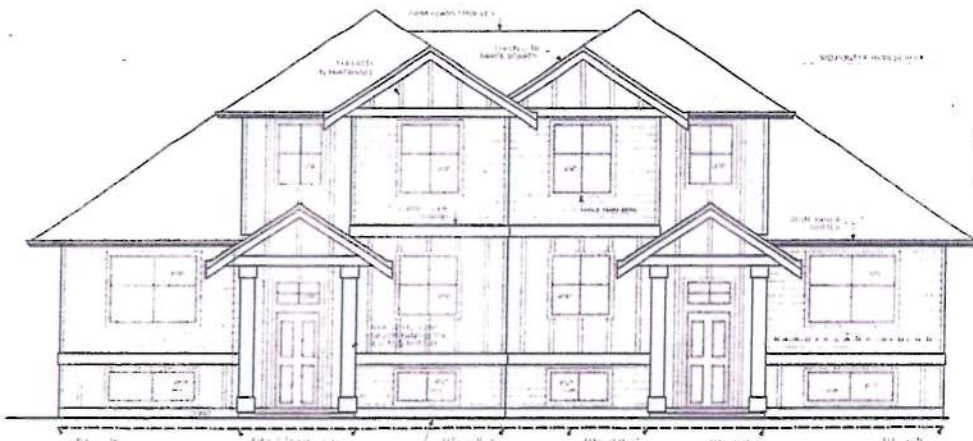
1770, 1774, 1780 Denman Street
Rezoning #00409
Bylaw #



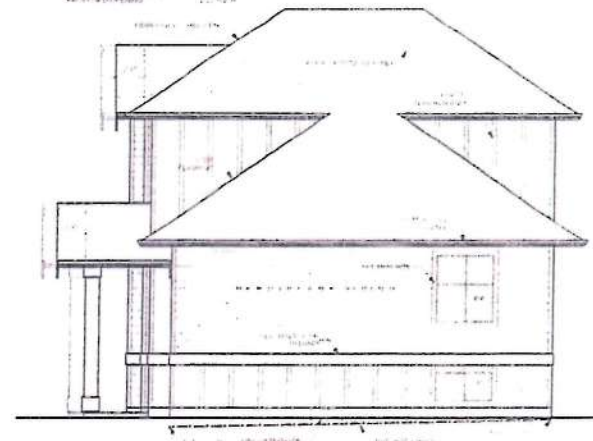


1770, 1774, 1780 Denman Street
Rezoning #00409
Bylaw #





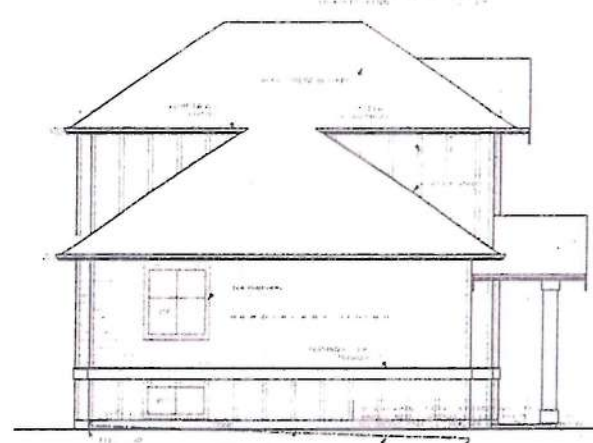
FRONT ELEVATION
Scale 1/4" = 1'-0"



RIGHT ELEVATION
Scale 1/4" = 1'-0"



REAR ELEVATION
Scale 1/4" = 1'-0"



LEFT ELEVATION
Scale 1/4" = 1'-0"

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Development Services Division

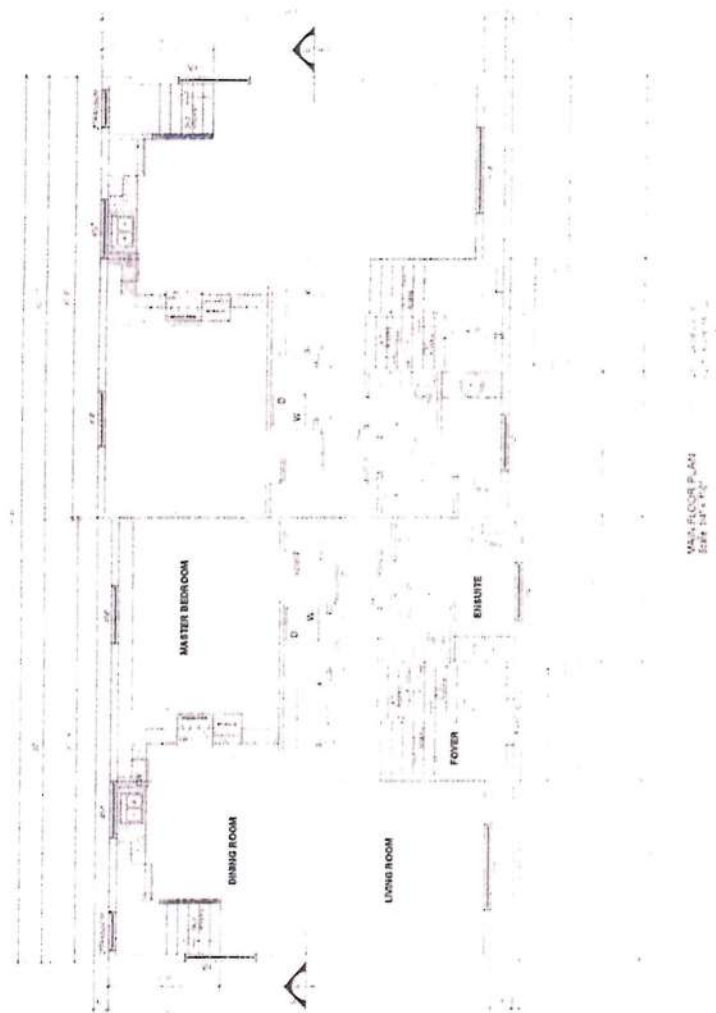
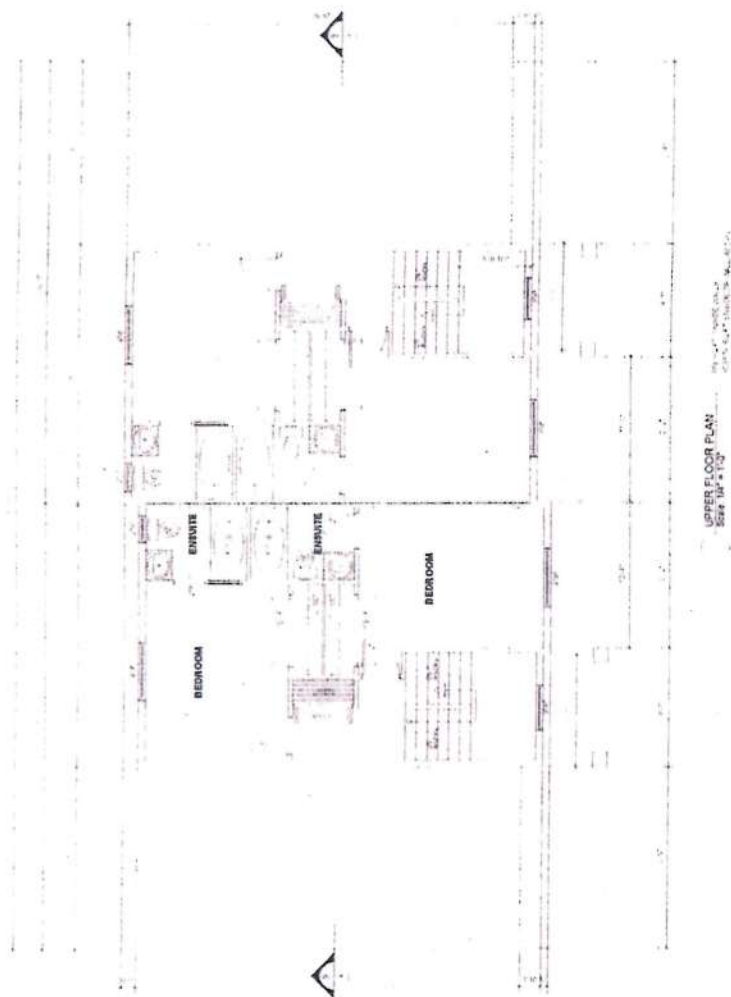


HARTMANN'S
DRAFTING & DESIGN
2000 BAYVIEW AVENUE, SUITE 100
VICTORIA, BC V8P 1A1

DATE: NOV. 2013
DRAWN BY: TMAR
CHK BY: KMAR
PLAN # 112

PROPOSED DUPLEX DEVELOPMENT
FOR MR. BOB GARSIDE

SHEET
1



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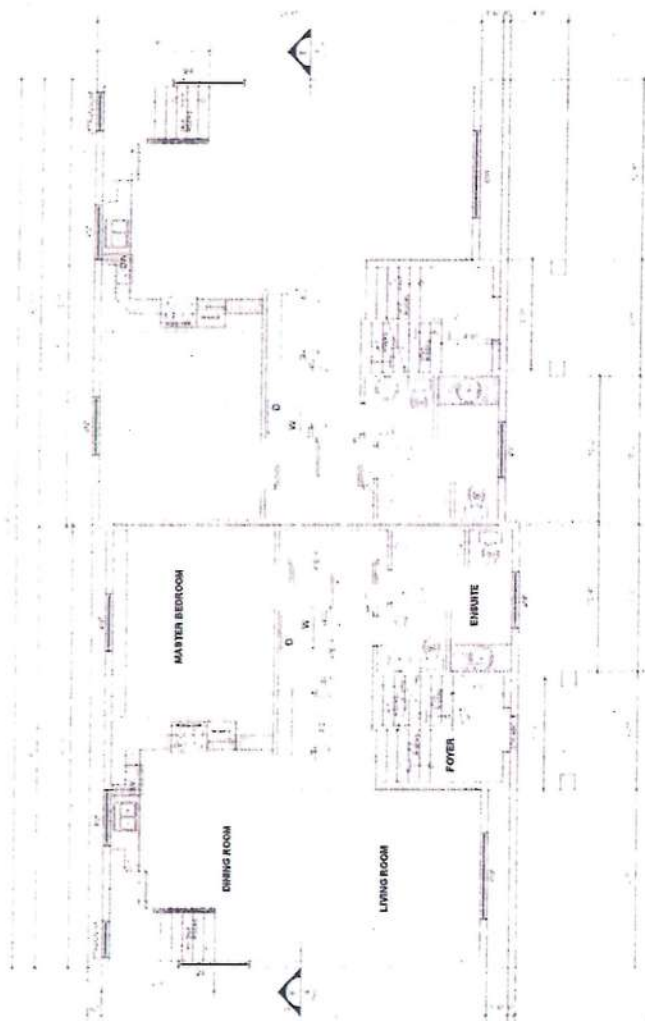
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1000 BAYVIEW AVE. SUITE 100
VICTORIA, BC V8M 1B1

DATE NOV. 2013
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CHK BY KHAR
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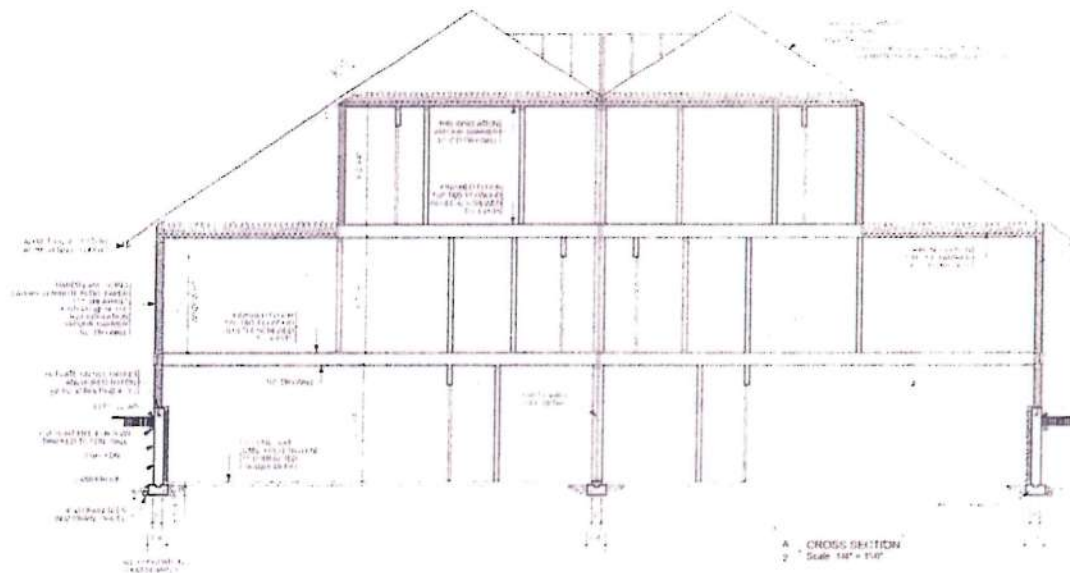
PROPOSED DUPLEX DEVELOPMENT
FOR MR. BOB GARSIDE

SHEET

2



MAIN FLOOR PLAN
Scale 1/4" = 1'-0"



A - CROSS SECTION
Scale 1/4" = 1'-0"

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3000 WILLOW AVENUE, VICTORIA, B.C.
V8M 1Y1 PH: 253-1100 FAX: 253-1101

DATE NOV. 2013
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CHK BY KHAR
PLAN # 115

PROPOSED DUPLEX DEVELOPMENT
FOR MR. BOB GARSIDE

SHEET
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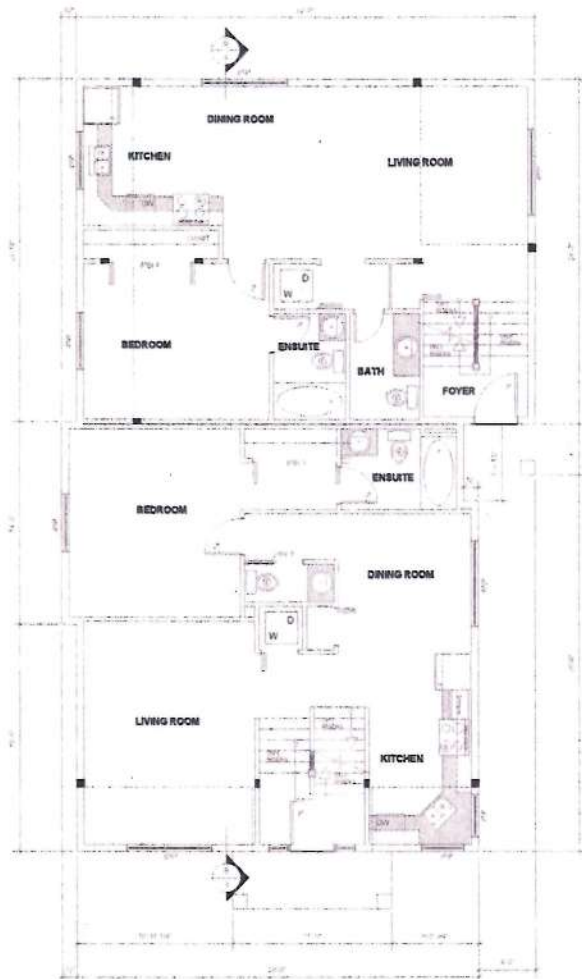
NOTE: EXISTING BUILDING TO REMAIN. NEW CONSTRUCTION TO BE ADDED TO EXISTING BUILDING. ALL NEW CONSTRUCTION TO BE IN ACCORDANCE WITH THE CITY OF VICTORIA'S BUILDING BYLAWS.

EXISTING BUILDING TO REMAIN. NEW CONSTRUCTION TO BE ADDED TO EXISTING BUILDING. ALL NEW CONSTRUCTION TO BE IN ACCORDANCE WITH THE CITY OF VICTORIA'S BUILDING BYLAWS.

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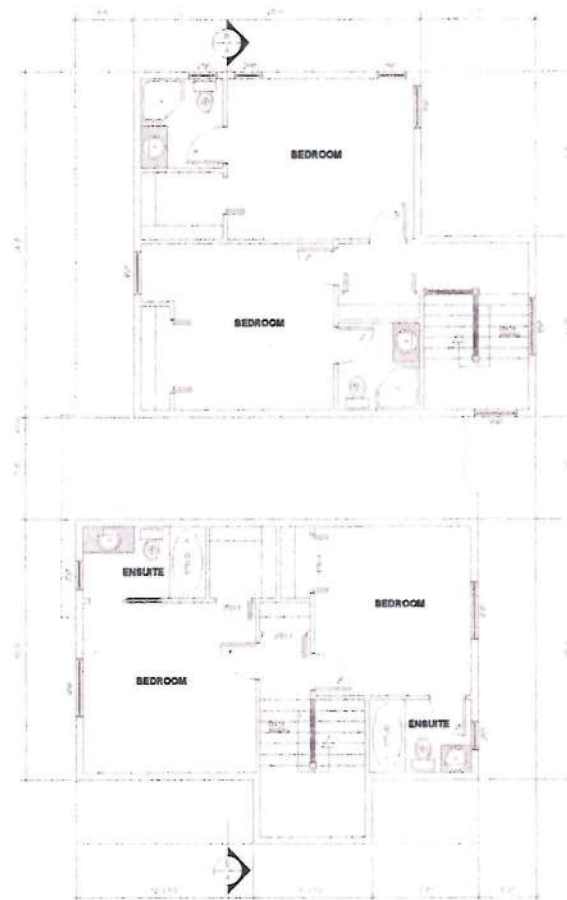
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Development Services Division

 <p>HARTMANN'S DRAFTING & DESIGN HARTMANN ENGINEERING & DESIGN INC. 1000 1/2 STREET, VICTORIA, B.C. V8M 1K1</p>	<p>DATE: JULY 2012 DRAWN BY: TMAH CHK BY: KMAH PLAN # 114</p>	<p>PROPOSED DUPLEX DEVELOPMENT FOR MR. BOB GARSIDE (LOT 3)</p>	<p>SHEET 1</p>
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MAIN FLOOR PLAN
Scale 1/4" = 1'-0"

SEE EXHIBIT "A" FOR DETAILS



UPPER FLOOR PLAN
Scale 1/4" = 1'-0"

SEE EXHIBIT "A" FOR DETAILS

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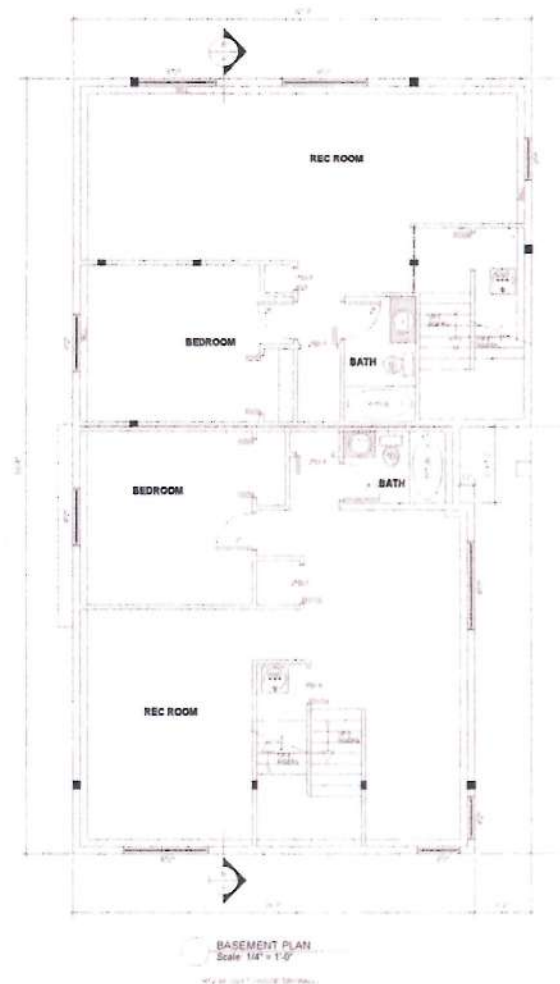
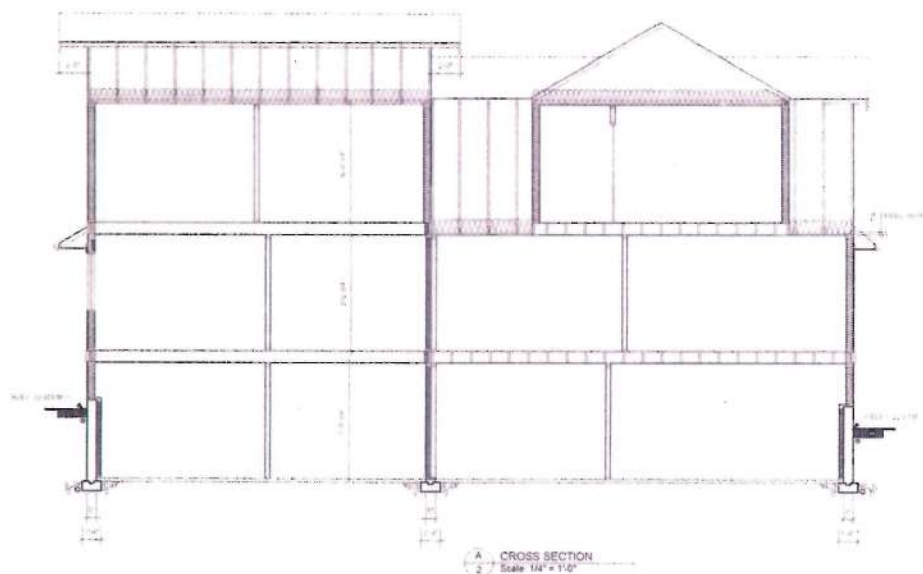


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2000 HARTMANN ROAD, VICTORIA, B.C.
V8N 2X2 (PHONE) 383-1331

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CHK BY: KMAR
PLAN # 114

PROPOSED DUPLEX DEVELOPMENT
FOR MR. BOB GARSIDE (LOT 3)

SHEET
2



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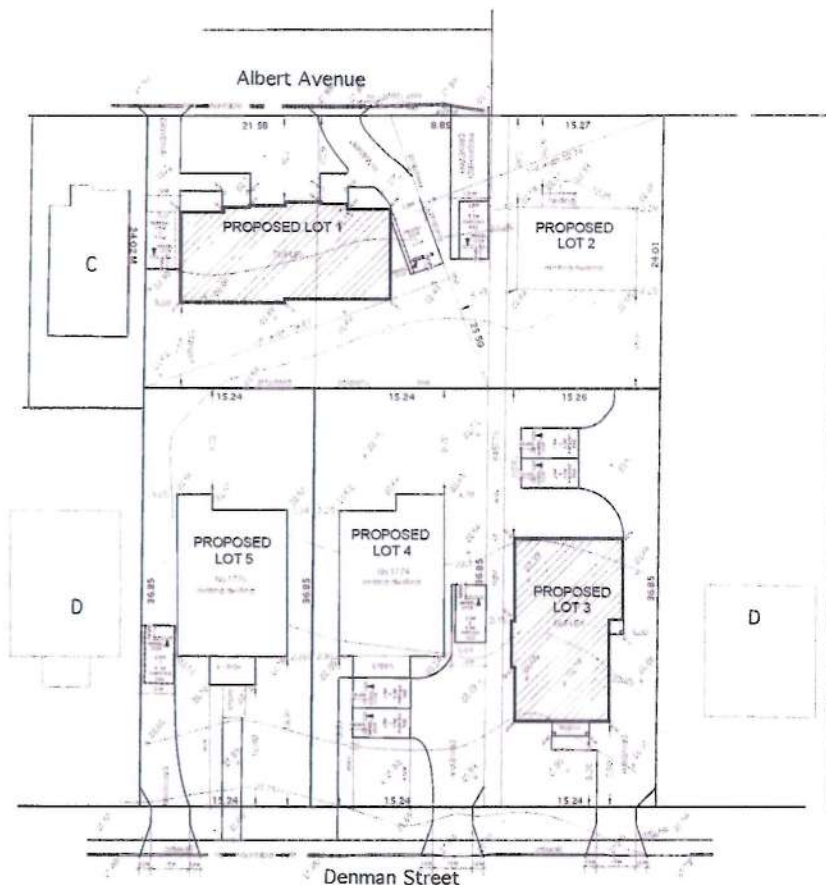


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3000 BAYVIEW AVE. VICTORIA, B.C.
V8P 5K3 PHONE: 253-1200

DATE: JULY 2012
DRAWN BY: TMAR
CHK BY: KIMAR
PLAN # 114

PROPOSED DUPLEX DEVELOPMENT
FOR MR. BOB GARSIDE (LOT 3)

SHEET
3



SITE PLAN
NOV 11, 2012

LOT 1 SITE DATA

OWNER	MR. BOB GARSID
ADDRESS	1111 DENMAN STREET
LOT AREA	328.00 SQ. FT.
LOT AREA	328.00 SQ. FT.
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LOT AREA	328.00 SQ. FT.

LOT 1 GRADE CALCULATIONS
(22.345+22.345) X 2 X 30.585 = 689.577
(22.345+22.311) X 2 X 30.585 = 680.277
(22.345+22.311) X 2 X 30.585 = 680.277
(22.314+22.186) X 2 X 20.5 = 580.227
(22.154+22.154) X 2 X 12.5 = 576.507
(22.154+22.141) X 2 X 6 = 152.87
(22.144+22.141) X 2 X 8.083 = 178.907
(22.144+22.151) X 2 X 4 = 88.56
(22.154+22.151) X 2 X 10 = 221.5
(22.154+22.151) X 2 X 1 = 22.15
(22.154+22.141) X 2 X 10.33 = 228.757
(22.144+22.131) X 2 X 4 = 88.54
(22.134+22.131) X 2 X 8.083 = 178.97
(22.134+22.141) X 2 X 6 = 132.81
(22.144+22.145) X 2 X 12.5 = 276.79
(22.145+22.345) X 2 X 26.5 = 589.49
4401.467 = 197.985 X 22.23
AVG. GRADE = 22.23

LOT 2 SITE DATA

OWNER	MR. BOB GARSID
ADDRESS	1111 DENMAN STREET
LOT AREA	576.00 SQ. FT.
LOT AREA	576.00 SQ. FT.
LOT AREA	576.00 SQ. FT.
LOT AREA	576.00 SQ. FT.
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LOT AREA	576.00 SQ. FT.
LOT AREA	576.00 SQ. FT.

LOT 2 GRADE CALCULATIONS
(22.498+22.458) X 2 X 32 = 718.656
(22.498+22.331) X 2 X 28 = 627.632
(22.331+22.331) X 2 X 4 = 88.32
(22.331+22.091) X 2 X 25.5 = 566.355
(22.091+22.091) X 2 X 6.0625 = 130.8267
(22.091+22.091) X 2 X 4 = 88.34
(22.081+21.951) X 2 X 11 = 542.058
(21.951+21.951) X 2 X 4 = 87.8
(21.951+21.981) X 2 X 10.8375 = 340.242
(21.981+22.131) X 2 X 15.86 = 345.381
(22.131+22.131) X 2 X 1 = 22.13
(22.131+22.111) X 2 X 14 = 311.89
(22.111+22.311) X 2 X 1 = 22.31
(22.311+22.458) X 2 X 25.83 = 633.41
4057.841 = 180.89 X 22.254
AVG. GRADE = 22.274

LOT 3 SITE DATA

OWNER	MR. BOB GARSID
ADDRESS	1111 DENMAN STREET
LOT AREA	276.00 SQ. FT.
LOT AREA	276.00 SQ. FT.
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LOT 4 SITE DATA

OWNER	MR. BOB GARSID
ADDRESS	1111 DENMAN STREET
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LOT 5 SITE DATA

OWNER	MR. BOB GARSID
ADDRESS	1111 DENMAN STREET
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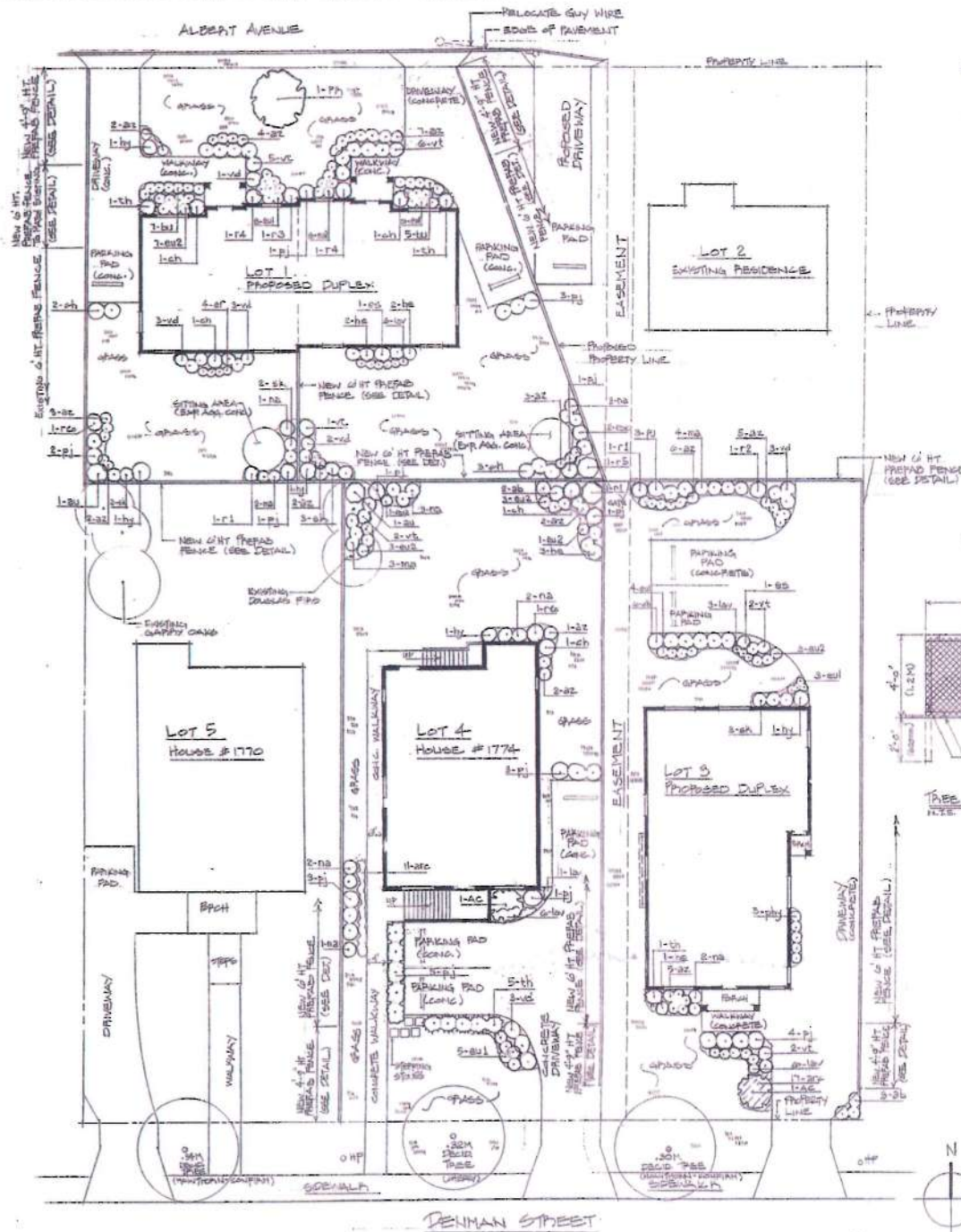
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CHK BY: KMAR
PLAN # 113

PROPOSED DUPLEX DEVELOPMENT
FOR MR. BOB GARSID

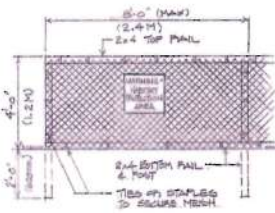
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Planning & Development Department
Development Services Division

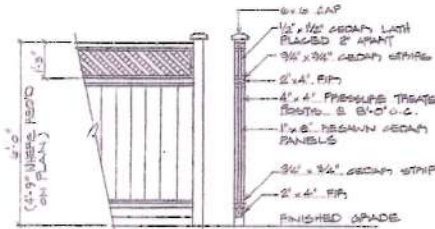


SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	SPACE	TOTAL
3b	ABELIA EDWARD GOUCHER	SHRUB ABELIA	15cm BT	2'-0" x 0.2	2
3c	ARGENTAEFLOUS LILY LILY VANCOUVER JADE	KINDJIANHIC	10cm BT	1'-0" x 0.2	2
3d	ANEMONE JAPONICA	JAPANESE ANEMONE	21cm BT	4'-0" x 0.2	2
3e	ANEMONE JAPONICA	JAPANESE ANEMONE	15cm BT	2'-0" x 0.2	4
3f	CHOCOLATE BURNING	MEXICAN YOLU CRANES	21cm BT	3'-0" x 0.2	10
3g	SPICA CARNEA	HEATHER	15cm BT	1'-0" x 0.2	4
3h	ESCALONIA 'FRAGRANT'	FLOR. PRINCESS	21cm BT	3'-0" x 0.2	2
3i	ESCALONIA 'NEWPORT QUART'	DWARF ESCALONIA	15cm BT	2'-0" x 0.2	2
3j	EUNYMIUS FORTUNEI 'EMERALD N' GOLD'	EUNYMIUS	15cm BT	2'-0" x 0.2	20
3k	EUNYMIUS FORTUNEI 'EMERALD GAIET'	EUNYMIUS	15cm BT	2'-0" x 0.2	24
3l	HERB. BUNIFOLIA 'PATTY O' PUPPLE'	HERB.	15cm BT	2'-0" x 0.2	8
3m	HYDRANGEA MACROPHYLLA	BIG LEAF HYDRANGEA	21cm BT	3'-0" x 0.2	5
3n	LAVANDULA SPICA	LAVENDER	15cm BT	1'-0" x 0.2	22
3o	MANONIA AQUICULUM	OREGON GRAPE	21cm BT	2'-0" x 0.2	2
3p	MANONIA DOMESTICA	HAZELBERRY BAYBERRY	21cm BT	2'-0" x 0.2	14
3q	PHYLLIS JAPONICA	OSORON. BAYBERRY	21cm BT	2'-0" x 0.2	5
3r	PHLOX JAPONICA 'MOUNTAIN FIRE'	LILY OF THE VALLEY SHRUB	21cm BT	3'-0" x 0.2	20
3s	PHLOX JAPONICA 'UNIQUE'	PHLOX	21cm BT	3'-0" x 0.2	3
3t	PHLOX JAPONICA 'GRACE SEABROOK'	PHLOX	21cm BT	3'-0" x 0.2	1
3u	PHLOX JAPONICA 'GOLDEN TONER'	PHLOX	21cm BT	3'-0" x 0.2	1
3v	PHLOX JAPONICA 'HOLDEN'	PHLOX	21cm BT	3'-0" x 0.2	2
3w	PHLOX JAPONICA 'LORD ROBERTS'	PHLOX	21cm BT	4'-0" x 0.2	1
3x	PHLOX JAPONICA 'DORA ANATHEA'	PHLOX	21cm BT	2'-0" x 0.2	2
3y	SPERMATOPHYTES 'JAPONICA'	SPERMATOPHYTES	21cm BT	2'-0" x 0.2	10
3z	THUNIA OCCIDENTALIS 'SHAPAGO'	EMERALD GREEN CEDAR	15cm BT	2'-0" x 0.2	15
3aa	VERBENA DAVALL	VERBENA	21cm BT	2'-0" x 0.2	15
3ab	VERBENA 'SPRING BOULEVARD'	SPRING BOULEVARD VERBENA	21cm BT	2'-0" x 0.2	18
3ac	ACER PALMATE 'DWARF RED DRAGON'	DWARF JAPANESE MAPLE	21cm BT	1'-0" x 0.2	2
3ad	PHLOX JAPONICA 'KUMAZAKI'	KUMAZAKI CHERRY	21cm BT	2'-0" x 0.2	1
3ae	SUKUS MICROPHYLLA JAPONICA 'GREEN BEAUTY'	DWARF BOKWOOD	21cm BT	2'-0" x 0.2	12



- TREE PROTECTION FENCING NOTES:**
1. FENCE WILL BE CONSTRUCTED USING 50# 80mm DIA. WOOD FRAMES. TOP, BOTTOM & POSTS. USE 20mm DIA. WOOD FRAMES. FENCE MUST BE SECURED TO THE WOOD FRAMES WITH 2" TIE OR GALVANIZED STAPLES.
 2. ATTACH A 500mm x 500mm SIGN WITH THE FOLLOWING INFORMATION: "LANDSCAPE - HABITAT PROTECTION AREA". THIS SIGN MUST BE AFFIXED ON EVERY FENCE PANEL AT LEAST EVERY 10 LINEAR METERS.
 3. IN POORLY AREAS, METAL POSTS (1" DIA. OR SMALLER) DRILLED INTO ROCK WILL BE ACCEPTED.

TREE PROTECTION FENCING
N.T.S.



ELEVATION SECTION
PRE-FABRICATED WOOD FENCE
SCALE: 1/4" = 1'-0"

- LEGEND**
- SPRUCES
 - GRANDPINES
 - SHRUBS
 - NEW DECIDUOUS TREE
 - EXISTING TREE
 - NEW HEDGES

- GENERAL NOTES**
1. ALL LANDSCAPING SHALL CONFORM TO BC LA/BCNTA LANDSCAPE STANDARD
 2. ALL LANDSCAPED AREAS AT NEW RESIDENCES SHALL BE IRRIGATED WITH PROFESSIONALLY INSTALLED AUTOMATIC UNDERGROUND SYSTEM
 3. DOWNSIDE LANDSCAPE DESIGN DOES NOT ASSUME LIABILITY FOR ANY EFFECTS OR OMISSIONS ON THIS PLAN

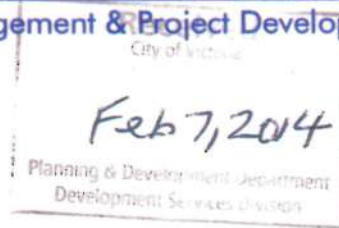
REV. 17/03/2013: REVISIONS TO LOT 1, CHANGE WALKWAY & PARKING & LOT 4 & 5 LANDSCAPING. FENCE PLANT LIST.

LANDSCAPE PLAN
PROPOSED DEVELOPMENT
FOR MR. BOB GAFIDE
SCALE: 1/4" = 1'-0"
DATE: JULY 2012
LI #1
DOUGLAS MOLEMAN, O.C.H.
LANDSCAPE DESIGN
899 SWAN ST. VICTORIA, B.C.
V8X 2Z2 (250)475-0725

REV. 17/03/2013: REVISIONS TO LOT 1, CHANGE WALKWAY & PARKING & LOT 4 & 5 LANDSCAPING. FENCE PLANT LIST.

Mayor and Council

City of Victoria

November 22nd 2013

Re; 1770/1774/1780 Denman St – Application for Subdivision, Rezoning, Development Variance Permit.

We propose that our three lots at 1770/74/80 Denman St. be subdivided to create two new lots for construction of two duplexes. The lots with the existing rental housing would remain in the R1-B Single Family Zone. The two new duplexes would be rentals and could accommodate families. The houses at 1770 and 1780 are single family rentals and the larger house at 1774 is a three unit rental conversion to multifamily. The three houses on the site would be retained and continue as affordable rental housing.

To accommodate our proposal we have made a development variance application to permit the following;

1. A rear yard variance from 10.8 m to 7.569m for the duplex lot to be established on Albert St.
2. A parking variance to permit two parking spaces in the front yard of 1774 Denman St.

My client is not new to the neighbourhood and has owned the properties for more than 20 years. During this time there has been a growth of rental conversions on Denman St. and new construction, including small lots, on Albert St. Because of our proximity to the Jubilee Hospital, which acts as an employment centre, there is a strong demand for rentals, especially within walking distance of the hospital.

Over the past 5 years we have had numerous conversations with our neighbours and made a variety of presentations to the community association. It was clear from our discussions with the residents of Albert St. that they did not want further development of small lots and our application to subdivide the property into three additional single family lots was rejected because of the variances required.

There are two major constraints governing the development of the property, as follows;

1. The front yards of the older homes at 1770 and 1774 Denman St. are 10.8m and 11.44m respectively. The typical front yard setbacks for single family homes is 7.5m. Because of these larger front yard setbacks we are faced with the City's 25% rear yard setback regulation which requires a rear yard setback of 9.2m instead of the standard single

family setback of 7.5m. This seems counter-productive if you are trying to create infill housing.

2. The existing house at 1780 Denman St. is at the rear of the property and would logically have access onto Albert St. but because of the closing of Albert St we must now create an odd shaped lot to provide the frontage required on Albert St.

In developing our plan we reviewed the Jubilee Neighbourhood Plan which supports the development of infill housing with either duplexes or small lots. The development of the two new duplex lots would provide ground oriented rental housing that could accommodate families. We also believe that the design of the duplexes represent a form and character which is consistent with the neighbourhood, which contains larger older houses and numerous conversions to multi-family residential.

In our community consultation the major concern seems to be the traffic and parking on Albert St. The Duplex we propose would meet the City's parking standards and would have additional driveway space to accommodate visitor parking.

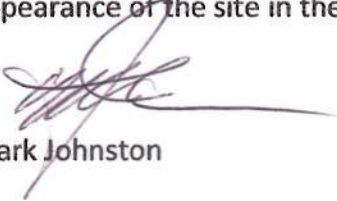
VARIANCES

The existing houses at 1770/74 Denman St. have large front yards and because of the depth of the lots to Albert St. the tenants have enjoyed substantial open space, and the tenants in 1774 have developed a garden area. The requirements of subdivision and rezoning the properties still require a large rear yard but if we put parking there we will accommodate vehicles first, not the needs of our tenants for green/usable/private open space. We have therefore proposed parking two vehicles in the front yard with its 11.4m setback. We have provided a landscape plan to show how the parking would be screened. Even with the front yard parking there would still be a 6.1m setback to the screened parking. A tour of the neighbourhood will illustrate that many of the houses are using their front yards for parking without the opportunity of provision of a landscape screening plan.

Duplexes have larger rear yard setback requirements because of the need to provide open space for two families instead of one. Although our duplex site for the new Albert St lot requires a variance from 10.8m to 7.5m for the rear yard, the width of the lot is more than 30m at the rear, giving more usable open space than if this was a standard duplex lot with the 10.8m setback. Because the rear yards backing on the Albert St. duplex lot are proposed to be 9.2m the area created between the houses is greater than the separation required for two single family lots.

SUMMARY

We believe our proposal adds additional ground oriented rental housing that could accommodate families. We also believe that the demand for rentals by the hospital employees creates a synergy that will support a walkable community and the use of alternate sources of transportation. The proposed height and floor area of the duplexes we have developed meet the City's by-law requirements and fit into the form and character of the neighbourhood. The development of the new housing on this site will also create the opportunity to improve the existing rental housing, which would improving the overall appearance of the site in the neighbourhood.



Mark Johnston

M.H. Johnston & Associates Inc.

July 10th 2014

City of Victoria

Development Services Division

Attn. Lucina Baryluk

Re; 1770, 1774 and 1780 Denman St. – Rezoning and Dev. Variance Permit Applications

Attached are new site and landscape plans. These plans address the concerns of safety on driveway entrances to Albert and Denman St. We are not prepared to dedicate 1.5m of our property on Albert St for sidewalk as this would be a sidewalk from nowhere to nowhere and is not an expense that anyone should have to pay. We would be prepared to give the City an SRW over 1.5m of our frontage for future road widening. I should point out that the 4 houses to the west of us have been built in the last 5-7yrs and none of them dedicated any part of their lots for sidewalk or future road widening.

I have also included a plan for the basement of lot 1 to clarify that it is not a four-unit layout. There is not a separate entrance to the basement.

Please proceed to Council with our application and I would request an opportunity to address the committee and Council in regard to our application.



Mark Johnston



1766 Haultain Street

Victoria, B.C., V8R2L2

July 8, 2013

Mayor Dean Fortin and City Council

1 Centennial Square

Victoria, B.C. V8W 1P6

Re: Proposed Rezoning Application...1770/1774/1780 Denman Street

Dear Mayor and Council:

A Community Meeting was hosted on October 22, 2012 by the Land Use Committee to discuss a rezoning request from the applicant, Mark Johnston (M. H. Johnston and Associates, Inc.) to change the current land use from R1-B single family zone to R2 two family dwelling zone. Residents' comments, concerns and question were forwarded to you by the North Jubilee Neighbourhood Association in a letter dated November 28, 2012. An application was never made to the Planning Department and as six months had passed since the October 22nd meeting, a second Land Use Meeting was hosted on June 12, 2013 in connection with this proposed rezoning application.

The applicant advised the Association that only two changes had been made to the plans shown at the October meeting. The carport proposed for 1774 Denman Street is to be eliminated and the two spaces will be landscaped so they have minimal impact. This approach would allow the tenants a large usable rear yard instead of a parking pad. Back doors have been provided for access to the rear yard for the proposed duplex on Albert Avenue. Due to the density of this proposal and the strong interest shown by residents at the previous meeting, the Association felt it was in the best interests of the neighbourhood to host this second Land Use Meeting.

The applicant advised that the owner would retain ownership of all the properties, both the dwellings presently on the properties as well as the proposed additions. The existing residences are a triplex and a two-unit home (both legally converted to suites) and a single family home. The proposal is to rezone from 3 lots to 5 with the two new lots featuring proposed duplexes. The Albert Avenue duplex would require a variance for parking and also for the rear yard. This proposed duplex would not have outside entrances to the basement. Each unit will be approximately 1800 square feet and will have four bedrooms. The existing house on Denman Street (Lot 4) would require a variance for two parking spots in the front of the house. The proposed duplex for Denman Street (Lot 3) will be approximately 1700 square feet per unit and will also feature four bedrooms and with no outside entrance to the basement which has a bedroom, study, recreation room and bathroom.

Residents' comments, concerns and question from the Land Use Community Meeting:

There have been many proposals made over the years and residents are getting frustrated with these properties. Two of the existing homes are in need of repairs. Would the City require upgrades on existing properties such as new roof and landscaping?

With the proposed duplex on Lot 1 having site area of 6740 sq. ft. it is felt that the owner is going for the maximum size in order to generate the maximum revenue. As these properties will be rentals, there is concern that the owner will let them deteriorate as well. Residents feel that the landlord does not have credibility with them, as he is not been interested in their past concerns. A further comment was that this proposal is based on density and not for the overall "feel" for the neighbourhood.

A number of concerns and comments were heard in connection with the proposal for Albert Avenue (Lot 1):

Albert Avenue is only 25 feet wide featuring many small, cottage type homes and putting in a large duplex is not compatible with these present residences. If the proposed driveway for this duplex is not given approval, the driveway access could be awkward with the possibility of obtaining permission from B.C. Hydro to move a pole. Parking is a major issue for this area with current by-laws unenforceable. This proposal is for four-bedrooms per side and yet there is minimum play area for children.

Applicant was asked if energy efficiency planned for proposed duplexes or any energy audit on existing houses and the reply was "probably not". A request for permeable surfaces was made, but hard surfaces only will be implemented.

The general consensus was that this proposal is not sympathetic to the neighbourhood and is an increase in density only. Units will not provide any environmental benefits. Will these proposed units be affordable?

Please refer to the North Jubilee Neighbourhood Association November 28, 2012 letter in connection with this proposed rezoning application for further information.

Yours truly,

North Jubilee Neighbourhood Association Land Use Committee

Jean Johnson, Land Use Chair

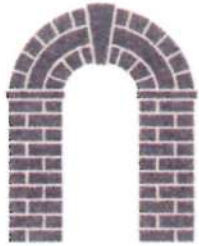
Wilma Peters

Patrick May

Cc: Deborah Day, Director, Planning and Development; Lucina Baryluk, Sr. Process Planner

Councillor Shellie Gudgeon, North Jubilee Council Liaison

Mark Johnston, M. H. Johnston and Associates, Inc. (applicant)



North Jubilee
Neighbourhood
Association

c/o 1766 Haultain Street

Victoria, B.C., V8R2L2

March 24, 2014

Mayor Dean Fortin and City Councillors

@1 Centennial Square

Victoria, B. C. V8W1P6

Re: Rezoning #00409 for 1770-1780 Denman Street

Dear Mayor Fortin and Councillors:

In reply to Anita Walper's February 11, 2014 letter and attached rezoning application, applicant's letter and plans re the above rezoning proposal, please be advised that the North Jubilee Neighbourhood Association has previously submitted written comments on this proposed rezoning. A CALUC meeting was held on October 22, 2012 followed by our letter dated November 28, 2012 with a second CALUC meeting being held on June 12, 2013 which led to our letter dated July 8, 2013. The comments and concerns in these two letters are still valid.

The 8 1/2" x 11" plans forwarded recently are illegible in some areas even with the use of a magnifying sheet, but they basically appear similar to the blueprint plans from the CALUC meetings. One exception noted is that Sheet 3 originally showed a basement plan whereas the latest one shows the main floor plan and Sheets 1, 2 3 and 4 of Plan #113 (Albert Street development and lot site data) are dated November, 2013 whereas the second meeting for this project was held on June 12, 2013.

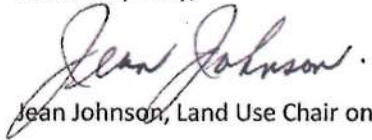
As the two proposed duplexes are to be rentals, the neighbours have expressed concern over their future maintenance, as the exterior condition of the current rentals in this proposal have been in need of constant repair through the years and the applicant advised at one of the CALUC meetings that there wasn't any commitment to future maintenance. James Donaldson owns the properties at 1774 and 1780 Denman Street and Robert Garside owns 1770 Denman Street and is the agent for Mr. Donaldson. In his November 22, 2013 letter to you, Mr. Johnston advises that the house at 1770 Denman is a single family rental, whereas the Association understood that this is a two-unit home that has been legally converted to suites.

The applicant states that the he believes" the design of the duplexes represent a form and character which is consistent with the neighbourhood". The proposed duplex for Albert Avenue is not consistent with the small, cottage type homes across the street in that block. The proposed duplexes are each four bedrooms, but there are not any outdoor amenities for families. The driveways for the Albert Avenue duplex do not appear to have space for turning around which would lead to cars backing in or out onto this narrow street. As these properties are in the Bowker Creek watershed and the Bowker Creek

Blueprint has been adopted by Victoria, the community is not in favour of the concrete driveways and parking pads being proposed for this development.

Proposed increased density in our neighbourhood is a major concern due to already having a large institution situated in our community. North Jubilee currently supports traffic generated by staff, patients, ambulances, delivery vehicles, etc. for the hospital and the surrounding medical buildings as well. Another issue is the loss of green space...even a backyard...as our neighbourhood has one small park. More density, more traffic, loss of green space do not add to the livability of our community which needs more amenities, as we have only one park and lack a community center.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Jean Johnson".

Jean Johnson, Land Use Chair on behalf of Wilma Peters and Patrick May

Cc: Lucina Baryluck, Senior Planner

Councillor Shellie Gudgeon



**Engineering and
Public Works
Department**

#1 Centennial Square
Victoria
British Columbia
V8W 1P6

Tel: 250-361-0300
Fax: 250-361-0311

www.victoria.ca

August 18, 2014

File No. SUB00266

Mark Johnson
1815 Belmont Avenue
Victoria, BC, V8R 3Z3

Dear Sir:

Re: Information Letter for 1770-1780 Denman Street

Legal Description(s):

**LOT 12 PLAN 2695 SECTION 76 VICTORIA,
LOT 13 PLAN 2695 SECTION 76 VICTORIA,
LOT E PLAN 1217 SECTION 76 VICTORIA,**

the "Lands"

The City of Victoria has conducted a preliminary review of the Proposed Subdivision application for **1770-1780 Denman Street**, and as part of the review staff has identified aspects of the subject properties and the proposal that will need to be addressed prior to the Approving Officer issuing a preliminary statement of conditions letter.

Subject to confirmation of the Zoning Bylaw and Development Permit issues associated with the proposal being successfully resolved, a preliminary statement of conditions letter will be issued. Please contact the area planner, Lucina Baryluk (250) 361-0510, in the Planning Department to discuss any issues associated with the Planning Approval process. Updated plans will need to be submitted prior to any issuance of a preliminary statement of conditions letter.

The following is not a statement of conditions letter, but represents a summary of the initial staff review of the proposal, and is provided solely as information. Staff contacts are available to assist with questions you may have regarding the information provided. Please do not hesitate to contact the appropriate contacts to discuss this information.

Works and Services

1. As a requirement identified in Section 940 of the *Local Government Act* and under the *City of Victoria's Development and Subdivision Servicing Bylaw 12-042*, the applicant shall ensure that the proposed lots are fully serviced and frontage improvements shall be completed prior to any final subdivision.

In lieu of completing works and services prior to final subdivision, the applicant may choose to defer completion of the works and services by entering into a Section 219 covenant to ensure that works and services are secured prior to the first building permit issuance associated with the subject properties. Please advise if you wish to pursue this option and discuss the appropriate details.

Existing Structures

2. The existing structures that conflict with proposed lot boundaries shall be removed or relocated under permit in accordance with all applicable codes and bylaws. The removal or relocation shall be completed prior to any final subdivision.

The City of Victoria recognizes the Songhees and Esquimalt Nations in whose traditional territories we live and work
"Hay swx qa"

Road Dedication and Existing Easement

3. Staff review has indicated that a road dedication of 1.5m is required on the proposed lots fronting Albert Street and will be secured at the time of final subdivision.

Any modifications impacting the existing conditions of the Easement (84577-G) will require approvals to the satisfaction of the Director of Engineering and Public Works, prior to any final subdivision.

Applicable Subdivision Fees

4. Applicable fees associated with the proposed subdivision shall be as follows:
- Fees and Deposits for Works and Services.
 - Development Cost Charges per additional lot created under DCC Bylaw 06-65, payable to the City prior to any final subdivision.
 - The subdivision approval fee of \$50.00 to accompany your solicitor's letter of undertaking.

Letter of Undertaking

5. Upon final approval of the subdivision plan, the plan will be released to your solicitor on an undertaking to the satisfaction of the City's solicitor to register the plan in the Land Title Office concurrently with any documents required as a condition of subdivision on an "all or nothing" basis and be registered in priority to any charges of a financial nature.

That if for any reason the subdivision plan is not deposited in the Land Title Office within two months of its approval, it will be returned to the Approving Officer of the City of Victoria; and that a registered copy of the subdivision plan, a copy of each new title search, and a copy of all other documents registered as a condition of subdivision will be forwarded to the Approving Officer upon final registration at the Land Title Office (please forward all registered documents to the Approving Officer, care of the Land Development Technologist).

Yours truly,


Stephen Stern
Land Development Technologist

Attachment - Preliminary Site Plan (Hartmann's Drafting and Design) date stamped
August 14, 2014

- c. Lucina Baryluk, Development Services
Craig Stenberg, Land Development
Robert Garside, 1205 Portage Road, Victoria, BC, V8Z 1L3
Land Development File