



## Planning and Land Use Committee Report

### For Meeting of July 3, 2014

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**Date:** June 19, 2014

**From:** Helen Cain, Senior Planner

**Subject:** **Rezoning Application #00437 for 1314 Pembroke Street**

Application to rezone lands from the R-2 Zone to a new zone that permits small-lot house development and Development Permit for subdivision and the construction of three new small-lot single-family dwellings.

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### Executive Summary

The purpose of this report is to present Council with information, analysis and recommendations regarding a Rezoning Application and Development Permit for the property at 1314 Pembroke Street. The applicant proposes to rezone the property from the R2-Zone (Two Family Dwelling District) to a new zone that would permit a small-lot development, to subdivide the land and to construct three new small-lot houses.

The current proposal is identical to the previous Rezoning Application and Development Permit for the subject property that Council declined on June 13, 2013 (Minutes attached). However, Council later voted on October 10, 2013 (Minutes attached), to "waive the requirement that the applicant must wait one year before being allowed to re-submit a revised application for the same property".

The following points were considered in the staff recommendation to Council:

- The subject property is designated "Traditional Residential" in the *Official Community Plan, 2012* (OCP). The proposed rezoning and development are compatible with this Urban Place Designation, "Fernwood Strategic Directions" in the OCP and applicable policies in the *Fernwood Neighbourhood Plan, 1997*.
- Should Council approve this application, a 1.41 m road dedication along both Pembroke Street and Sayward Street would be required at subdivision, which should be anticipated in the necessary *Zoning Regulation Bylaw* amendments.
- The *Small Lot House Policy* defines a "small lot" as a minimum of 260 m<sup>2</sup>. All three proposed small lots are less than 260 m<sup>2</sup>. Two lots would be slightly less (255.19 m<sup>2</sup>) than standard due to road dedication requirements at subdivision, but the corner lot at Pembroke Street and Sayward Street is smaller (219.99 m<sup>2</sup>) because road dedications would reduce the site area along two frontages.
- With respect to the immediate land use context and associated place character, the existing pattern of lots is fine-grained. A total of 13 lots are either adjacent to the subject property, directly across the street or otherwise within 10 m. All lots are located in the R1-B Zone (Single Family Dwelling District) or the R-2 Zone (Two Family Dwelling District) but have legally non-conforming lot sizes. Of the R1-B Zone lots, five are less than 360 m<sup>2</sup> whereas the required minimum site area is 460 m<sup>2</sup>.
- After future road dedication, all lots would also have front yard setbacks (4.29 m) that do not meet the R1-S2 Zone where the required setback is greater (6.00 m). Also, one lot is deficient for the side yard setback along a flanking street. However, the place character along the Pembroke Street and Sayward Street streetscapes has houses set closer to the street than the proposal.

- While the proposed development would not meet the minimum lot size standard, all other aspects of this proposal comply with the relevant design guidelines for Development Permit Area 15A - Intensive Residential Small Lot Development.

Given the fine-grained land-use pattern along the immediate block of Pembroke Street, and that the proposal complies with all other aspects of the *Small Lot House Policy and Design Guidelines*, staff recommend that Council advance this application to a Public Hearing.

### Recommendations

1. a. That Council instruct staff to prepare the necessary *Zoning Regulation Bylaw* amendments that would authorize the proposed development outlined in Rezoning Application #00437 for 1314 Pembroke Street;  
b. That Council consider giving first and second reading to the *Zoning Regulation Bylaw* amendments;  
c. That Council schedule a Public Hearing after the *Zoning Regulation Bylaw* amendment has received first and second reading.
2. Subject to the adoption of the *Zoning Regulation Bylaw* amendment for 1314 Pembroke Street, that Council authorize the issuance of the Development Permit for 1314 Pembroke Street, in accordance with:
  - a. plans for Rezoning Application #00437 stamped January 21, 2014;
  - b. development meeting all *Zoning Regulation Bylaw* requirements;
  - c. final plans to be generally in accordance with plans identified above.

Respectfully submitted,

Helen Cain

Helen Cain  
Senior Planner  
Development Services Division

D. E. Day

Deb Day, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:

Jason Johnson

Date: June 25, 2014

HC:aw

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## **1.0 Purpose**

The purpose of this report is to present Council with information, analysis and recommendations regarding a Rezoning Application and a concurrent Development Permit for the property at 1314 Pembroke Street.

## **2.0 Background**

### **2.1 Relevant History**

#### **2.1.1 Council Decline of Earlier Application**

The current proposal is identical to the previous Rezoning Application and Development Permit for the subject property that Council declined on June 13, 2013 (Minutes attached). However, Council later voted on October 13, 2013 (Minutes attached), to permit the applicant to reapply for the same proposal, waiving the requirement in the *Land Use Procedures Bylaw* to wait for one year from the date of refusal prior to reapplication. The applicant reapplied earlier this year with the same application, which is the subject of this report.

#### **2.1.2 Condition and Demolition of Single Family Dwelling**

In the previous Rezoning Application, the proposal included the removal of a single-family dwelling that existed on the property. At that time, the applicant provided third-party reports on the condition of the existing house, which assessed the structure to have major deficiencies in relation to the *British Columbia Electrical Code* and *British Columbia Building Code* requirements. A Building Permit for demolition of the house was issued in April, 2013 and the land is currently vacant.

## **2.2 Description of Proposal**

The proposal is to rezone the property at 1314 Pembroke Street from the R2-Zone (Two-Family Dwelling District) to a new zone that permits small-lot houses. The development proposed is to subdivide the parcel into three lots and construct three single-family dwellings. On one of the lots (Lot 3), the proposed house is 0.66:1 FSR, which exceeds the maximum permitted density of 0.6:1 FSR in the R1-S2 Zone (Restricted Small Lot House Two Storey District). Given that density cannot be varied, a custom zone is required for the development.

To enable the implementation of multi-modal streets over time, a road dedication of 1.41 m along both Pembroke Street and Sayward Street would be required at subdivision, should Council approve this application. Accordingly, the new zone for the subject property must reflect the dimensions for each lot after road dedication. Two lots would be slightly less (255.19 m<sup>2</sup>) than the standard, but the corner lot at Pembroke Street and Sayward Street would be 40 m<sup>2</sup> less than the requirement (219.99 m<sup>2</sup>) because road dedication would reduce the site area along two frontages. All three lots would also be substandard with regard to front yard setbacks and the corner lot (Lot 3) would also have a reduced side yard setback to the flanking street (Sayward Street).

The proposed site plan, house design and landscaping for each house would include:

- Exterior finishes in mixed materials with siding in HardiePlank or HardiePlank with wooden batten combined with HardiePlank shingles. There are also wood trim details along the rooflines, above porches and around entryways and

windows. Each house has a distinctive and custom appearance and overall the paint palette is neutral, including white, grey, beige, tan, green ("sage") and brown ("brick").

- Doors are wood, windows are vinyl (white) and railings on the balconies, porches and stairs are either metal or wood.
- Landscaping includes soft and hard surfaces with lawn, shrubs and groundcover in the front yard of each lot and lawn, as well as existing and new trees planted in rear yards.

With respect to streetscape improvements, two trees would be removed from the Pembroke Street frontage but replaced with a total of four new trees sited near the front property lines to provide a net increase in the tree canopy along Pembroke Street and Sayward Street.

## 2.2 Existing Site Development and Development Potential

The subject property is located in the R-2 Zone (Two-Family Dwelling District). This Zone permits two-family dwellings (duplexes) and all uses permitted in the R1-B Zone (Single-Family Dwelling District), subject to regulations in that Zone. The data table (below) compares the proposal with the R1-S2 Zone (Restricted Small Lot (Two Storey) District). Each proposed small-lot house is less stringent than the standard zone in criteria identified with an asterisk.

Zoning Criteria	Proposed Lot 1	Proposed Lot 2	Proposed Lot 3	Zone Standard R1-S2
Site area (m <sup>2</sup> ) – minimum	255.19*	255.19*	219.99*	260.0
Lot width (m) – minimum	10.22	10.22	8.82*	10.0
Total floor area (m <sup>2</sup> ) – maximum	149.67	149.27	145.3	190.0
Density (Floor Space Ratio) – maximum	0.59:1	0.59:1	0.66:1*	0.6
Height (m) – maximum	7.48	7.34	7.25	7.5
Site coverage (%) – maximum	39.95	39.95	47.16*	40.0
Open site space (%) – minimum	n/a	n/a	n/a	n/a
Storeys – maximum	2	2	2	2
Setbacks (m) – minimum				
Front (Pembroke Street)	4.29*	4.29*	4.59*	6.0
Rear (North)	6.0	6.0	6.8	6.0
Side (East)	1.52	1.52	0.61* (flanking street)	1.5.0/2.40 flanking street
Side (West)	1.53	1.53	1.5	1.4
Vehicular Parking – minimum	1 space	1 space	1 space	1 space

## 2.3 Land Use Context

The property is located at the corner of Pembroke Street and Sayward Street in an area where the residential character is primarily low-density single-family dwellings. Fernwood Village and Victoria High School are within walking distance (i.e. 200 m) to the south, forming a cluster of commercial, public facility and school uses. Infill that is low-density, ground-oriented housing is well-suited to the streetscape along Pembroke Street, Sayward Street and northeast Fernwood Road.



The immediate land use context includes:

- the block of Sayward Street between Denman Street and Pembroke Street, where 19 land parcels are in the R-2 Zone (Two Family Dwelling District)
- the block of Pembroke Street between Fernwood Road and Sayward Street, where seven parcels are in the R1-B Zone (Single Family Dwelling District) and three parcels are in the R-2 Zone (Two Family Dwelling District).

## **2.4 Legal Description**

Lot C (DD F40858), Section 75, Victoria District, Plan 200.

## **2.5 Consistency with City Policy**

### **2.5.1 Regional Growth Strategy**

The proposal contributes to the *Regional Growth Strategy* goal of adding to the supply of ground-oriented housing within the boundaries of the City.

### **2.5.2 Official Community Plan, 2012**

The proposed development is consistent with land use policies in the *Official Community Plan 2012* (OCP). The property at 1314 Pembroke Street is designated as Traditional Residential in the OCP, where small lot houses are considered an appropriate form of new infill.

In accordance with the OCP, the new small-lot dwellings are subject to DPA15A Intensive Residential - Small Lot. The objectives of DPA 15A are:

4. (a) *To accommodate 10% of Victoria's anticipated population growth and associated housing growth in Small Urban Villages and residential areas to encourage and support future and existing commercial and community services.*
- (b) *To accommodate housing growth in Traditional Residential areas in a manner that is gradual, of a small scale and adaptive to the local contexts.*
- (c) *To integrate more intensive residential development in the form of single-family dwellings on relatively small lots within existing Traditional Residential areas in a manner that respects the established character of neighbourhoods.*
- (d) *To achieve a high quality of architecture, landscape and urban design to enhance neighbourhoods.*
- (e) *To integrate infill development in Traditional Residential areas that is compatible with existing neighbourhoods through considerations for privacy, landscaping and parking.*

The proposed development at 1314 Pembroke Street is broadly consistent with DPA 15A objectives for small-scale infill with high-quality design that respects established character.

### **2.5.3 Small Lot House Policy, 2002**

Under the *Small Lot House Policy 2002*, a “Small Lot House” refers to a minimum lot size of 260 m<sup>2</sup> and “a minimum width of 10 m”. Based on this City policy, rezoning proposals for small-lot developments should include a lot that is 260 m<sup>2</sup> or greater under normal circumstances unless an acceptable rationale is given to justify a substandard lot.

In this proposal, all three lots are less than 260 m<sup>2</sup> in area as determined on the basis of future road dedication. However, the lot pattern in the immediate context is fine-grained: out of 13 parcels adjacent to the subject property, directly across the street or otherwise within 10 m, six are 360 m<sup>2</sup> or less, nine are 440 m<sup>2</sup> or less and all 13 lots are less than 460 m<sup>2</sup>. Six of the lots are located in the R1-B Zone (Single Family Dwelling District) and seven are in the R2-Zone (Two Family Dwelling District) where the minimum required lot area for a single-family dwelling is 460 m<sup>2</sup>. Given this particular setting and that two of the three proposed small lots are slightly less (255.19 m<sup>2</sup>) than the policy identifies, staff consider the proposal to be acceptable. However, it should be noted that most land parcels in Victoria with potential for intensive residential development in the form of small-lot houses would need a minimum lot size of 260 m<sup>2</sup> in order to respect the established place character of each neighbourhood and to help to ensure sensitive infill.

### **2.6 Consistency with Design Guidelines**

The proposal is subject to review under DPA 15A, Intensive Residential Small Lot Development. Building form, character, exterior finishes and landscaping details are controlled and regulated in relation to the *Design Guidelines for Small Lot Houses, 2002*. Staff assessment of this small lot house proposal for compliance with applicable guidelines is summarized as below.

#### **2.6.1 Siting, Location and Topography**

The property at 1314 Pembroke Street is a corner lot where the three proposed small-lot houses would be sited with their rear and side yards adjacent to rear and side yards of neighbouring dwellings. Privacy for the neighbours would be protected through retention of a large cedar tree on Lot 1 and on Lots 1 and 2 new trees would be planted close to the rear property lines. Lot 3, at the corner of Pembroke Street and Sayward Street, is deficient in side yard setbacks along Sayward Street, but this would have no impact on privacy because the garage would be located next to the property line and not the main dwelling.

#### **2.6.2 Architectural Envelope**

The two houses on Lots 1 and 2 are smaller in massing than on Lot 3, which is appropriate to their respective context along Pembroke Street and Sayward Street. Each dwelling is well-balanced in the proportion of glazing to solid-wall surfaces, has a roof shape and pitch similar to adjacent houses, and is typical in the wider context of both streetscapes.

#### **2.6.3 Openings**

The number, size and composition of windows are similar to older homes in the area, are detailed with wood trim and a neutral palette that fits into the historic context. Principal entryways of the small-lot houses are clearly visible from the street and include roofed porches that draw attention away from garage doors, which sit close to the front of Lots 1 and 2. Shrubbery is planted adjacent to the principal entryways and between the houses to further lessen the visual impacts of the garages and their driveways.



#### **2.6.4 Textures and Detail**

The three dwellings have architectural references to the Arts and Crafts style, prevalent in the Fernwood area and throughout Victoria, but have compositions and exterior finishes that are contemporary. The proposed palette is neutral with a mix of materials and textures, such as HardiePlank siding, cedar shingle, stone facing and metal elements for the railings on the balconies, porches and stairs. It should also be noted that the new house on Lot 3, at the corner of Pembroke Street and Sayward Street, has dual frontages with a cohesive design and continuity in the type and high quality of finishes (e.g. texture, colour).

#### **2.6.5 Landscaping**

Two trees would be removed from the Pembroke Street frontage and replaced with new trees at the front of each property line that would provide a net increase in the tree canopy in the public-private interface along Pembroke Street and Sayward Street. There would also be the introduction of shrubs set close to the houses. Rear yard plantings would include an existing large cedar tree, new maple trees and a deciduous species that would serve as screening from neighbouring properties.

#### **2.7 Community Consultation**

The applicant consulted with the Fernwood Community Association on January 8, 2014. A letter from the Land Use Committee is attached to this report. With respect to the Small House Rezoning Policy petition, the required poll of neighbours was conducted in 2014 and achieved a high level (96%) of support.

### **3. Issues**

The key issues related to this application are:

- transportation planning for multi-modal streets
- setback variances and streetscape character
- small lots and sensitive infill.

### **4. Analysis**

#### **4.1 Transportation Planning for Multi-Modal Streets**

Planning for multi-modal traffic and circulation in the City's road system requires the widening of public Rights-of-Way (ROW) through the transfer of private land for public purposes. Specifically, transportation objectives and requirements can be met through a ROW width of 15.0 m along both the Pembroke Street and the Sayward Street frontages.

To achieve this minimum for the portion of Pembroke Street and Sayward Street that includes 1314 Pembroke Street, a road dedication of 1.41 m would be required as a condition of the subdivision pending Council approval of this rezoning. Future road dedication will have impacts to the lot sizes, property lines and associated zoning criteria, such as front setbacks. The applicant has provided plans that include the dimensions of the small-lot development after the road dedication and staff reviewed the proposal on the basis of these conditions at subdivision.

## **4.2 Setback Variances and Streetscape Character**

After future road dedication, all lots would have front yard setbacks (4.29 m) that do not meet the R1-S2 Zone where the required setback is greater (6.0 m). Additionally, one lot is deficient for the side yard setback along a flanking street. However, the established character along both the Pembroke Street and Sayward Street streetscapes has houses with smaller front yard setbacks. The proposed site plan would permit the small-lot houses to fit into the streetscape context.

## **4.3 Small Lots and Sensitive Infill**

All three proposed lots are substandard with respect to the minimum site area for small-lot houses as identified in the existing policy and zoning regulation requirements. However, the established pattern of lots surrounding the subject property is fine-grained, where most of the land parcels in the immediate area have a site area significantly less than is required for a single-family dwelling. Given these conditions and that two small lots would be close to 260 m<sup>2</sup>, which is the identified "small lot" size in the existing City policy, staff consider the proposal to be acceptable.

## **5. Resource Impacts**

There are no resource impacts associated with this development.

## **6.0. Conclusions**

A custom zone would be required for this proposed development because one of the three small-lot houses exceeds the R1-S2 Zone with respect to allowable density. Additionally, all three lots would have a site area less than the minimum permitted in that Zone. However, two lots are almost of the standard size and the existing land use pattern along Pembroke Street is particularly fine-grained. Specifically, all lots in the immediate vicinity of the subject property do not meet the standard for lot size for single family dwellings. Given these existing conditions and the overall high quality of the proposed design, staff recommend that Council approve the Rezoning Application and authorize the issuance of a Development Permit for the three small-lot houses as presented in this report.

## **7.0 Recommendation**

### **7.1 Staff Recommendations**

1.
  - a. That Council instruct staff to prepare the necessary *Zoning Regulation Bylaw* amendments that would authorize the proposed development outlined in Rezoning Application #00437 for 1314 Pembroke Street;
  - b. That Council consider giving first and second reading to the *Zoning Regulation Bylaw* amendment;
  - c. That Council schedule a Public Hearing after the *Zoning Regulation Bylaw* amendment has received first and second reading.
2. Subject to the adoption of the *Zoning Regulation Bylaw* amendment for 1314 Pembroke Street, that Council authorize the issuance of the Development Permit for 1314 Pembroke Street, in accordance with:



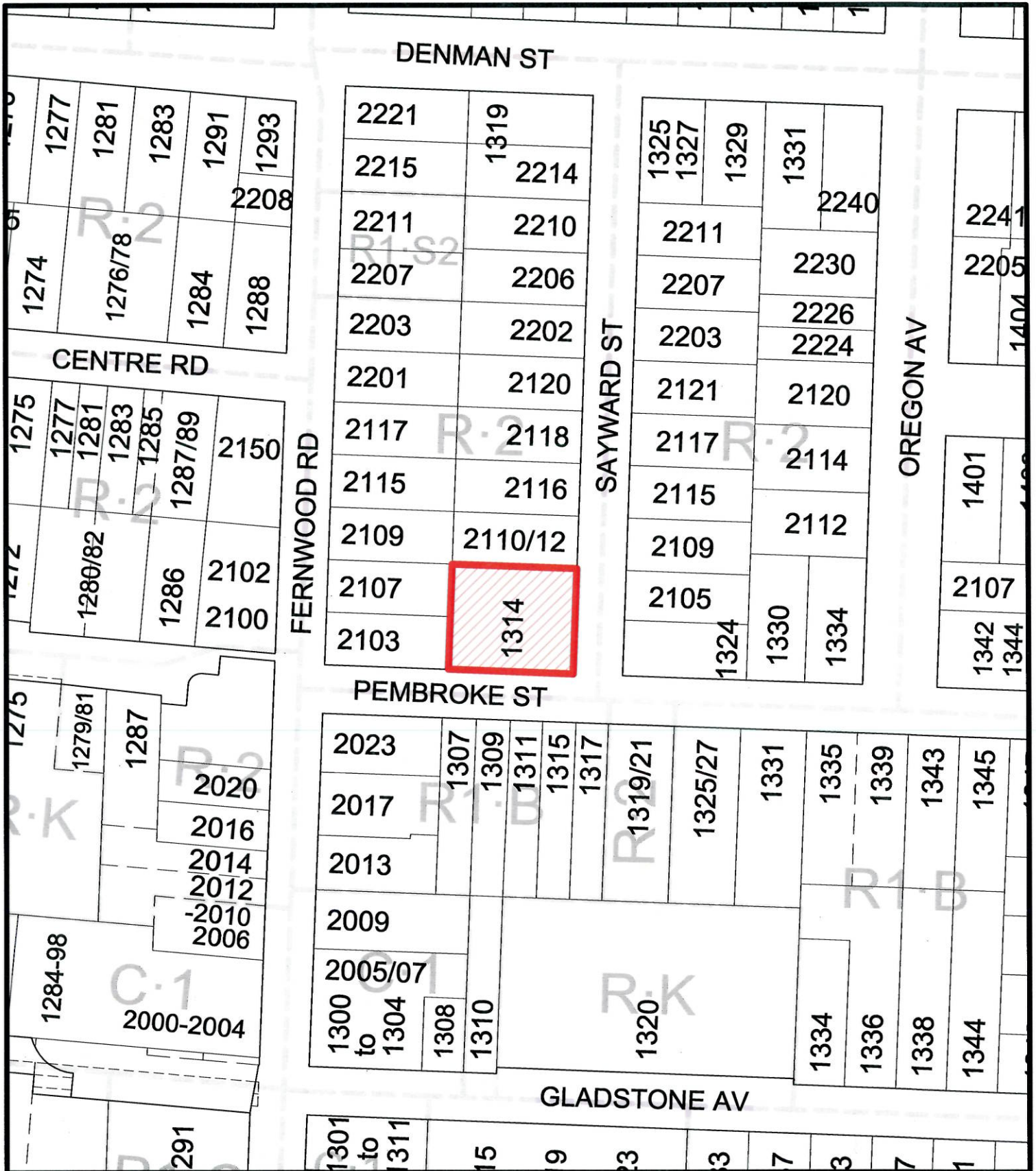
- a. plans for Rezoning Application #00437 stamped January 21, 2014;
- b. development meeting all *Zoning Regulation Bylaw* requirements;
- c. final plans to be in accordance with plans identified above.

## **7.2 Alternate Recommendation (decline)**

That Council decline Rezoning Application #00437 for the property at 1314 Pembroke Street.

## **8.0 List of Attachments**

- Zoning map
- Aerial photo
- Council Meeting Minutes, October 10, 2013
- Planning and Land Use Standing Committee Minutes, June 13, 2013
- Letter from Earl Large stamped January 21 2014
- Revised plans for Rezoning Application #000147 stamped January 21, 2014.
- Fernwood Community Association letter stamped February 24, 2014
- Summary and Responses to Small Lot House Rezoning Petition, 2013-2014
- Planning and Land Use Standing Committee report dated January 31, 2014.



1314 Pembroke Street  
Rezoning #00437  
Bylaw #









## NEW BUSINESS

### **1. Notice of Motion – Waive One Year Requirement for Re-submission of Rezoning Application**

Council received a letter dated August 7, 2013 from Mr. Earl Large of Large & Co. Developers regarding his rezoning application for the property known as 1314 Pembroke Street.

#### **Motion**

It was moved by Councillor Alto, seconded by Councillor Helps, that:

"WHEREAS at the City Council meeting of June 13, 2013, Council rejected an application to rezone 1314 Pembroke Street;

WHEREAS the applicant is prepared to resubmit an application for this property in the very near future;

THEREFORE BE IT RESOLVED THAT that the City waive the requirement that the applicant must wait one year before being allowed to re-submit a revised application for the same property.

*Councillor Alto said that the application was denied on a four-four vote and the applicant is interested in making changes to the design and applying earlier than the one year requirement in bylaw. The fees and other costs would not be waived.*

*Councillor Madoff said that staff have the ability to waive the one year waiting period if there is substantive change to the application, has that been done?*

*Councillor Alto said that she does not know if the staff have had discussions with the applicant. They were aware of the motion and no one raised any concerns.*

*Councillor Gudgeon said if there is a process in place we need to know if it was followed.*

*Mayor Fortin said if it is a different application, then it can come forward, but if it is the same, then the one year rule applies.*

*Councillor Madoff said staff have to make the determination if the application is completely new or if a significant change has been made.*

*Councillor Alto said that it is her impression that it is not the same application.*

*Councillor Young said that he is prepared to support this. If the proposal had been changed it would not be in front of us. Are we prepared to have another look at this as Mr. Large feels that some points were not given enough consideration.*

Carried Unanimously



## REZONING APPLICATION PUBLIC HEARING

### **1. Rezoning Application No. 00377 for property known as 1314 Pembroke Street**

#### **1. Zoning Regulation Bylaw, Amendment Bylaw (No. 958)**

To amend the Zoning Regulation Bylaw:

- (a) to create a R1-S23 Zone, Pembroke Small Lot (Two Storey) District;
- (b) to rezone land known as 1314 Pembroke Street to a new R1-S23 Zone, Pembroke Small Lot (Two Storey) District, to permit the land to be subdivided to be used for single-family dwellings and accessory buildings, home occupation and garage sales.

New Zone: R1-S23 Zone, Pembroke Small Lot (Two Storey) District  
Legal Description: Lot C (DD F40858), Section 75, Victoria District, Plan 200  
Existing Zone: R2 Zone, Two Family Dwelling District

*Mayor Fortin opened the public hearing at 7:49 p.m.*

Kim Colpman (Applicant): The proposal is for three new homes which will be created with a creative use of the land in question. Strategies in the Official Community Plan (OCP) are supported by creating new and compact homes near an urban village on small residential lots. Fernwood Village is listed as a priority planning area and the proposal is 150 meters from the centre of the Village. The proposal is also close to Jubilee Hospital and on walking, biking and bus routes to UVic and downtown. They have used a green approach and varied architecture in their design to reflect the community. An important design feature will be the installation of natural gas in all three homes. They have 92% support of the neighbours through their consultation.

Robert Boelens (Sayward Street): He lives beside the proposed development and has concerns about the project. He was aware of the old property beside his house and that it might be developed and he is not opposed to it being developed, but he does have concerns about this proposal. A number of issues were raised with the development at the public meetings and with the neighbours, which are not included in this package. The main concern is that this proposal is not for three units, but five. There is a backdoor, just like the front door and placement for a full bathroom. He thinks that Council has the opportunity to ensure that the zoning is carried out and reflects your intention to have three units. Council can have a condition that there is a sliding patio door and only one bathtub on one floor. His other concern is the majority of these petition forms that were distributed to the neighbourhood were based on a plan that was not as detailed as these. He has had subsequent discussions with the developer cancelling his support which is not included in the package. There is also frustration about increased parking and traffic if the development occurs.

*Councillor Thornton-Joe confirmed with staff that the development does not include suites, and if they wanted to put them in, would they have to come back to Council.*

Brian Sikstrom (Senior Planner): That is correct; suites are not permitted in small lot developments.

Gary Greenspoon (Pembroke Street): He lives across the street from the proposed development. He has been aware of the proposal for a long time, but this is the first time he has seen the specifics. It was his understanding that the developer wanted three units with a basement suite, which means there would be six suites. When he attended the community meeting he heard there would be two units with a suite each; this is the first time he has heard about three units with no suites. He lives across the street and he has never been given literature or approached by the developer. He left his email at the community association meeting to be contacted. He also did not see a public notice on

the sign. This would also produce more construction more noise. Parking is also an issue. He has no problem with Belfry patrons' use of the street, but three units disturb him as there will be at least six more vehicles on the street. When he moved to Victoria it had a reputation of being quiet; how many View Towers do you want in Victoria? You move to an area because of the quiet and quality of life it provides. When development goes on like this it diminishes that.

*Councillor Madoff asked what the notification area was.*

Brian Sikstrom: 100 meters from the property and a notice posted on the property.

Devin Palmer (Pembroke Street): Is there a height variance?

Brian Sikstrom: No there is no height variance as the houses are within the zoning height limit for small lots.

*Mayor Fortin closed the public hearing at 8:04 p.m.*

**2. Bylaw Motion – Consideration of Third Reading**

It was moved by Councillor Helps, seconded by Councillor Alto, that the following bylaw **be given third reading:**

Zoning Regulation Bylaw, Amendment Bylaw (No. 958)

13-031

*Councillor Young said that he is not able to support this proposal. Small lot rezonings are always a tough issue. He believes in infill zoning and he agrees that is an important part of our planning policies. However, he thinks it has to be used only in circumstances to stabilize neighbourhoods. As we gradually densify neighbourhoods we must also be cautious of the potential of sending a signal that we are encouraging speculative holding of property and subdivision. He is concerned we are carrying the process of sub-division too far and that there is a danger people will begin to allow older houses to run down and require redevelopment. Some of the comments in the applicant's letter about the old house could be made about any old house in the City. People have a choice of how much money they invest in their properties and it is natural that over time upgrades will be made. A small lot subdivision minimum site area is 260 meters is already sufficiently small and a couple of these lots are just short of that and one substantially short. He shares the concerns of the neighbours that there was an expectation that the lot would be developed, but the development should reflect the neighbourhood conditions and this one is going a little bit too far.*

*Councillor Madoff said that she concurs with Councillor Young's comments. We have to be mindful when looking at small lot zone requirements and how they are applied. When considering the variances it was never anticipated that there would be three lots. There is an opportunity for development and the corner property would lend itself to two houses; doubling density is a reasonable outcome.*

*Councillor Helps said that she supports the proposal and thanks the neighbours for coming out. At a function she attended recently, they discussed the future of residential development and that no one is building single family homes anymore. This proposal represents the best possible in urban neighbourhoods. With respect to traffic, people who are 35 or younger may not own a car and this is building for the future not the past.*

Defeated

**For:**

**Mayor Fortin, Councillors Alto, Coleman and Helps**

**Against:**

**Councillors Gudgeon, Madoff, Thornton-Joe and Young**



3. **Bylaw Motion – Receive and File**

It was moved by Councillor Young, seconded by Councillor Madoff, that the following bylaw **be received and filed**:

Zoning Regulation Bylaw, Amendment Bylaw (No. 958)

13-031

Carried

**For:**

***Councillors Coleman, Gudgeon, Madoff,  
Thornton-Joe and Young***

**Against:**

***Mayor Fortin, Councillors Alto and Helps***

4. **Motion – File Development Permit**

It was moved by Councillor Young, seconded by Councillor Madoff, that Council receive and file the Development Permit for the property known as 1314 Pembroke Street.

Carried

**For:**

***Councillors Coleman, Gudgeon, Madoff,  
Thornton-Joe and Young***

**Against:**

***Mayor Fortin, Councillors Alto and Helps***

Council meeting  
June 13, 2013



January 17, 2014

City of Victoria  
Mayor and Council  
1 Centennial Square  
Victoria, BC V8W 1P6

Dear Mr. Mayor and Councilors:

Re: Rezoning Application - 1314 Pembroke Street

Thank you for allowing me to bring this application to you once more.

When it was originally presented on June 13, 2013 it was rejected. This was a result of me not making a proper, detailed presentation to you that resulted in a misinterpretation of the project.

The points to clarify are:

1. Was the existing building worth saving?

The building was vacant when we purchased the property and it was un-rentable. We of course try to get rental income during process, but this building was condemned. Also it was rat infested, needles etc. and the neighbours requested that we remove it.

2. The lot size appeared to be too small.

This was because highways take a designated amount for potential road widening. The fact is, the roads will never be widened and this provision should not stop logical development.

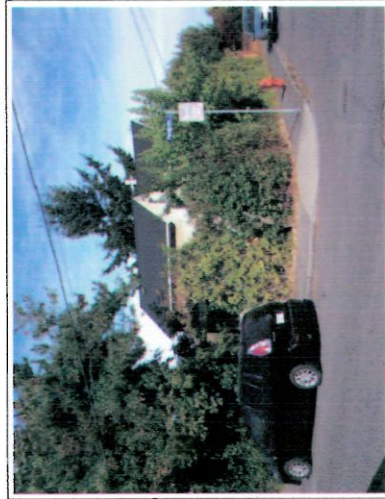
The neighbours are heavily in favour of this project (see survey of immediate neighbours 94.4%) including all contiguous neighbours. The community report is very favorable as well and the Planning Department recommends that this application be approved.

Yours truly,

A handwritten signature in black ink, appearing to read "Earl Large", with a large, stylized flourish at the end.

Earl Large

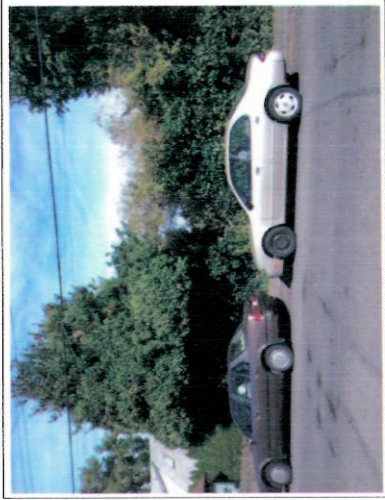




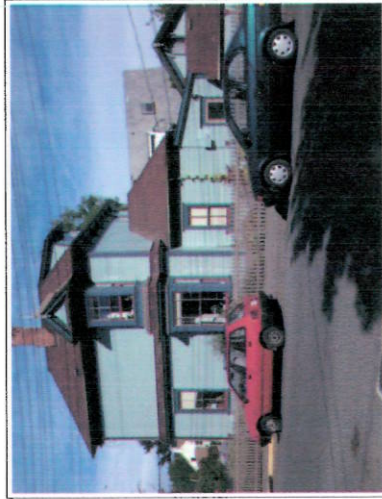
SUBJECT PROPERTY VIEWED FROM CORNER OF PEMBROKE & SAYWARD STREET



SUBJECT PROPERTY VIEWED FROM SAYWARD STREET



BACK OF SUBJECT PROPERTY VIEWED FROM PEMBROKE STREET



ADJACENT PROPERTY TO THE WEST OF SUBJECT PROPERTY ON PEMBROKE STREET



ADJACENT PROPERTIES TO THE NORTH OF SUBJECT PROPERTY ON SAYWARD STREET

# LARGE & CO.

11111 11111 Street  
 Suite 11111  
 Victoria, BC V8N 1A1  
 Tel: (250) 111-1111  
 Fax: (250) 111-1112

<b>Garry Treasch</b> Residential Design	
11111 11111 Street, Suite 11111 Victoria, BC V8N 1A1	
Drawn By: G. TREASCH	
Date: November 12, 2013	
Title: A15 SITE PLAN	
Project: 11111 11111 Street 11111 11111 Street Victoria, BC	
Client: 11111 11111 Street 11111 11111 Street Victoria, BC	
Sheet: 1 of 7	
Plan No.	

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**JAN 21 2014**  
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 Development Services Division

UNIT 1		UNIT 2		UNIT 3	
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CIVIC ADDRESS - 1314 PEARMORE STREET  
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SCALE - 1:1000

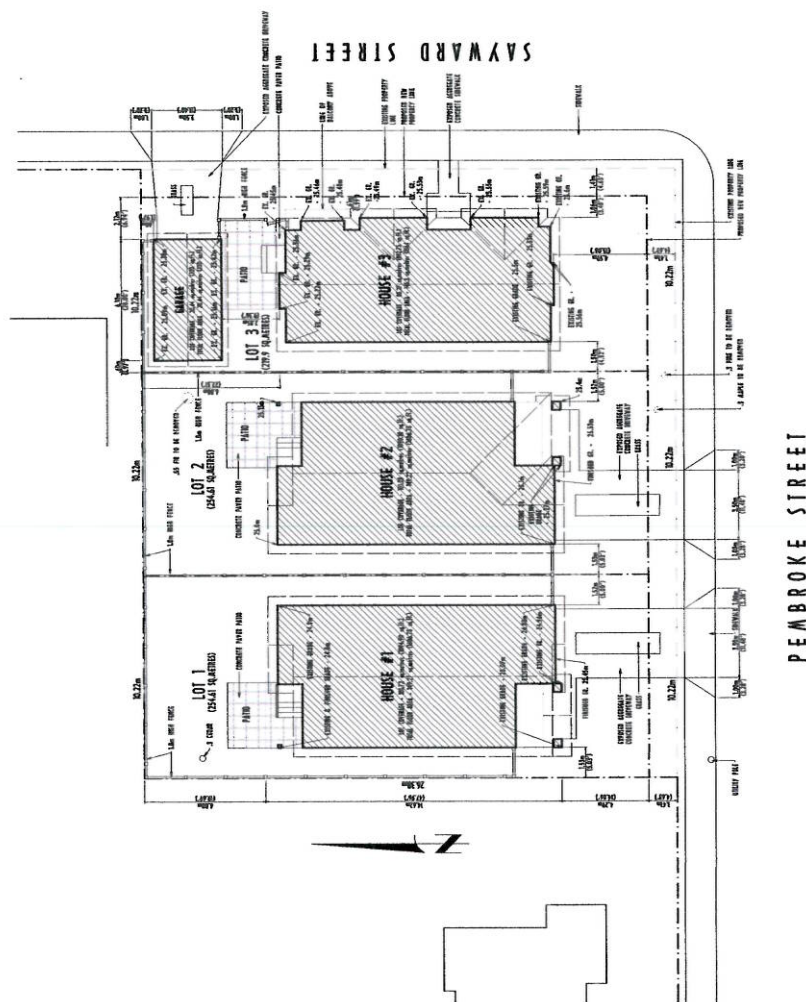
LARGE & CO.

<b>Gerry Treesch</b> Residential Design 18181 13th Avenue, Suite 100 Richmond, BC V6V 1Y1 Tel: 604-273-1234	Drawn By: G. TREESCH Date: November 22, 2013 Scale: A5 1/4"=1'-0"	Project: Proposed 2 Unit 18181 13th Avenue Richmond, BC V6V 1Y1	Drawing SITE PLAN	Revisions	Sheet 2 of 7	Plan No.
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### AVERAGE GRADE CALCULATIONS

STATE OF TEXAS - 2002		STATE OF TEXAS - 2003		STATE OF TEXAS - 2004		STATE OF TEXAS - 2005		STATE OF TEXAS - 2006		STATE OF TEXAS - 2007		STATE OF TEXAS - 2008		STATE OF TEXAS - 2009		STATE OF TEXAS - 2010		STATE OF TEXAS - 2011		STATE OF TEXAS - 2012		STATE OF TEXAS - 2013		STATE OF TEXAS - 2014		STATE OF TEXAS - 2015		STATE OF TEXAS - 2016		STATE OF TEXAS - 2017		STATE OF TEXAS - 2018		STATE OF TEXAS - 2019		STATE OF TEXAS - 2020		STATE OF TEXAS - 2021		STATE OF TEXAS - 2022		STATE OF TEXAS - 2023		STATE OF TEXAS - 2024		STATE OF TEXAS - 2025		STATE OF TEXAS - 2026		STATE OF TEXAS - 2027		STATE OF TEXAS - 2028		STATE OF TEXAS - 2029		STATE OF TEXAS - 2030																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																					
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[illegible]

NOTE: ALL LABORERS WERE TO CONFORM WITH BGLSLA AND BGLSTA STANDARD SPECIFICATIONS

**Land Development**  
1007 Vancouver Street  
Vancouver, BC V6V 3T9  
Phone - 350-480-3904

the 1990s, and from 2000 to 2010, the number of people aged 65 and over increased by 1.5 million, or 10.5%.

Scale AS SHOWN
Project:

University of Victoria  
Victoria, BC

100

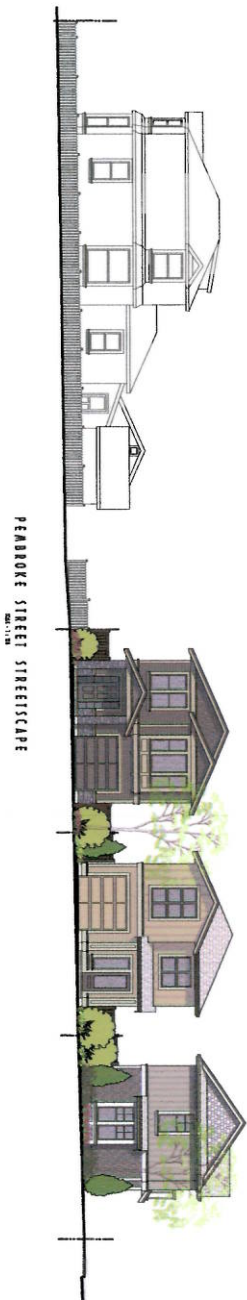
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Sheet 3 of 7

Page No.

JAN 21 2014

Planning & Development Department  
Development Services Division



PENBROKE STREET STREETSCAPE

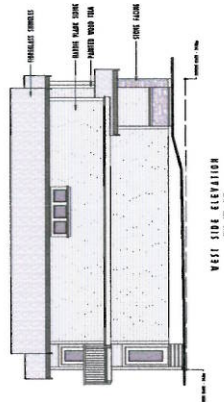
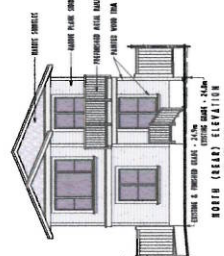
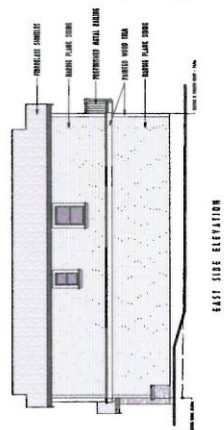
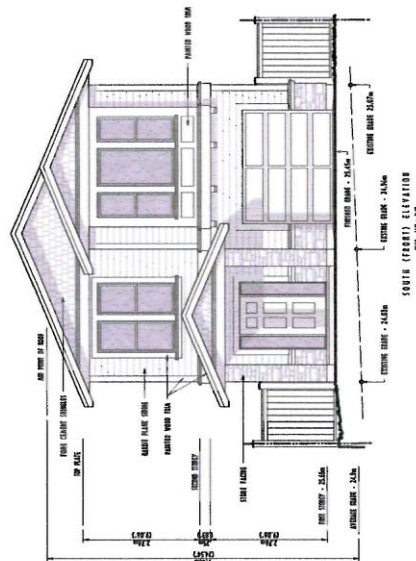


SAYWARD STREET STREETSCAPE

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City of Victoria  
JAN 21 2014  
Planning & Development Department  
Development Services Division

LARGE & CO.	
1000 14th Street, Suite 100 Victoria, BC V8W 2E1 Phone: 250-383-1111 Fax: 250-383-1112	
Gerry Troesch Residential Design 1000 14th Street, Suite 100 Victoria, BC V8W 2E1 Phone: 250-383-1111 Fax: 250-383-1112	
Drawn By: G. TROESCH	Scale: AS SHOWN
Date: November 21, 2013	Project: 1000 14th Street, Suite 100 1000 14th Street, Suite 100 Victoria, BC V8W 2E1
Drawn: 10/21/2013	Drawn: 10/21/2013
Reviewed: 10/21/2013	Reviewed: 10/21/2013
Sheet: 4 of 7	Pen No:





Proposed House - Lot #1

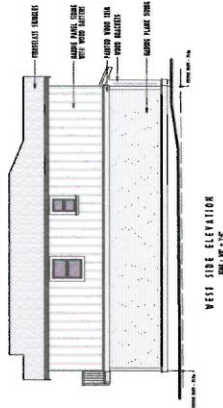
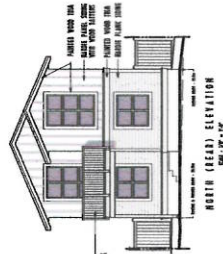
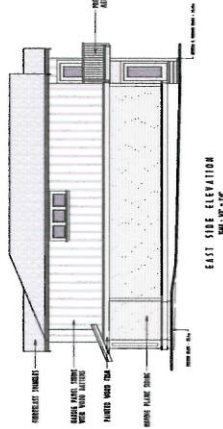
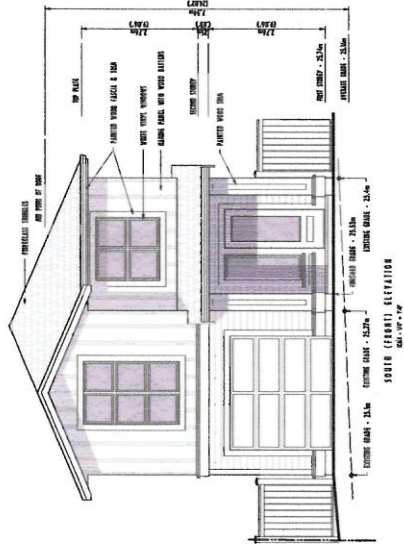
**Received**  
City of Victoria

JAN 21 2014

Planning & Development Department  
Development Services Division

**LARGE & CO.**  
Lead Development

Gerry Troesch Residential Design 1000 1st Ave. S.E. Atlanta, GA 30316 404/525-1000	Drawn By G. TROESCH Date November 22, 2005 Title A/S 90-01N Project Truncated L BR 3000 S. Lenoir S.W. Atlanta, GA 30310 Atlanta, GA	Drawing STREET SCAPES	Revisions	Sheet 5 of 7 Mr. No
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Proposed House - Lot #2

Received  
 City of Victoria  
 JAN 21 2014  
 Planning & Development Department  
 Development Services Division

LARGE & CO.

Lead Development  
 Large & Co.  
 1000 14th Street  
 Suite 100  
 Victoria, BC V8W 2E1  
 Tel: 250-383-1111  
 Fax: 250-383-1112

Garry Troesch  
 Residential Design  
 1000 14th Street  
 Suite 100  
 Victoria, BC V8W 2E1  
 Tel: 250-383-1111  
 Fax: 250-383-1112

Drawn By: G. Troesch  
 Date: November 22, 2013  
 Scale: AS SHOWN

Project:  
 Approved & Issued  
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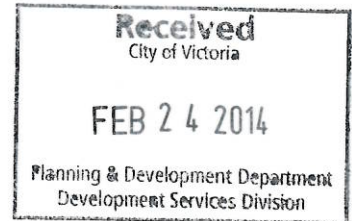
1923 Fernwood Road  
Victoria, BC V8T 2Y6

Phone: (250) 384-7441  
Email: [landuse@fernwoodvic.ca](mailto:landuse@fernwoodvic.ca)

February 22, 2014

Mayor and Council  
City of Victoria

Re: 1314 Pembroke Street



On January 8, 2014 the proposed rezoning of 1314 Pembroke Street was presented at the Fernwood Community Association Land Use Committee meeting. Approximately 20 people plus the developer and some of his staff attended the meeting.

This was the second official community meeting to discuss the proposal to rezone the property from R-2 (two family dwelling district - duplex) to R1-S2 (Restricted Small Lot - two storey). The proposal to subdivide the lot into three small lots will require two setback variances. The first official community meeting was held September 5, 2012.

The proposal for three two story small lot houses was generally received favourably by those attending both official community meetings.

A number of comments were made at the September 5, 2012 meeting regarding parking and traffic safety issues that currently exist for the first two blocks of Pembroke Street. The inclusion of two new driveways on Pembroke Street and the subsequent reduction in street parking were seen as compounding the safety issues for the intersections at both Pembroke and Fernwood and Pembroke and Sayward. Comments were made about the two new driveways reducing street parking even further, this is especially critical when Belfry Theatre patrons park on the street.

Sincerely yours,

David Maxwell, Chair  
Land Use Committee  
Fernwood Community Association

Pc: Planning and Development Department, City of Victoria