

## **REPORTS OF COMMITTEES**

1. **Committee of the Whole – June 16, 2016**

3. **Rezoning and Development Permit with Variances Application No. 00489 for 2035 Stanley Avenue**

**Motion:**

It was moved by Councillor Thornton-Joe, seconded by Councillor Alto, that Council refer the application back to staff to allow the applicant an opportunity to submit a revised application addressing the pattern on the street and the size of the building.

**Carried Unanimously**

**4.1 a. Rezoning and Development Permit with Variances Application No. 00489 for 2035 Stanley Avenue**

Committee received reports dated May 25, 2016, regarding applications for the creation of two lots, while retaining the existing nonconforming duplex on one lot and to construct one new small lot house on the other.

The Director of Sustainable Planning and Community Development, the Assistant Director of Development Services and the Planner provided Committee with presentations for the Rezoning Application and the Development Permit with Variances Application.

*Councillor Isitt excused himself from the meeting at 9:04 a.m. and returned at 9:05 a.m.*

Committee discussed:

- Existing opportunities for the site to meet the zoning requirements and policies.

*Councillor Loveday excused himself from the meeting at 9:20 a.m. and returned at 9:21 a.m.*

**Motion:** It was moved by Councillor Madoff, seconded by Councillor Young, that Council consider declining Rezoning Application No. 00489 for the property located at 2035 Stanley Avenue.

Committee discussed:

- The amount of staff time and resources spent on the proposal to date.
- Potential for the building to be placed on the heritage register.

DEFEATED 16/COTW

For: Councillor Loveday, Madoff, and Young  
Against: Mayor Helps, Councillors Alto, Coleman, Isitt, Lucas, and Thornton-Joe

**Motion:** It was moved by Councillor Isitt, seconded by Mayor Helps, that Council refer the application back to staff to allow the applicant an opportunity to submit a revised application addressing siting, the pattern on the street and the size of the new building.

**Amendment:** It was moved by Councillor Alto, seconded by Mayor Helps, that the motion be amended as follows:  
That Council refer the application back to staff to allow the applicant an opportunity to submit a revised application addressing siting, the pattern on the street and the size of the new building.

On the amendment:  
CARRIED 16/COTW

For: Mayor Helps, Councillors Alto, Coleman, Loveday, Lucas, Madoff, and Thornton-Joe  
Against: Councillors Isitt and Young

**Main motion as amended:**

That Council refer the application back to staff to allow the applicant an opportunity to submit a revised application addressing the pattern on the street and the size of the new building.

On the main motion as amended:  
CARRIED UNANIMOUSLY 16/COTW



## **Committee of the Whole Report**

**For the Meeting of June 16, 2016**

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**To:** Committee of the Whole **Date:** May 25, 2016

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

**Subject:** Rezoning Application No. 00489 for 2035 Stanley Avenue

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### **RECOMMENDATION**

That Council consider declining Rezoning Application No. 00489 for the property located at 2035 Stanley Avenue.

### **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.

### **EXECUTIVE SUMMARY**

The purpose of this report is to present Council with information, analysis and recommendations for a revised Rezoning Application for the property located at 2035 Stanley Avenue. On January 14, 2016 the Planning and Land Use Committee passed a motion directing staff to assist the applicant to revise the proposal, particularly in relation to improving the height and massing of the building and reducing the variances. As with the previous proposal, the revised proposal is to rezone from the current R1-B Zone, Single Family Dwelling District, to two new site specific zones in order to subdivide the lot, keep the existing non-conforming duplex and build a new small lot house. Changes to the proposal include reducing the height by 0.30m and altering the roofline to make the massing of the building appear smaller.

The following points were considered in assessing this application:

- the proposal is generally consistent with the Traditional Residential Urban Place Designation in the *Official Community Plan*, 2012 (OCP)
- the proposed lot area for the existing non-conforming duplex is substantially smaller than the minimum size in the *Neighbourliness Guidelines for Duplexes*, 1996 and the standard duplex zone
- the proposed lot area for the new small lot house is substantially smaller than the minimum lot area identified in the *Small Lot House Rezoning Policy*, 2002 and the



- standard small lot zone
- the proposal does not meet the sensitive infill objectives of the *Small Lot House Rezoning Policy*; the siting and massing of the building disrupt the existing street pattern.

## **BACKGROUND**

### **Description of Proposal**

This Rezoning Application is to rezone the subject property from the R1-B Zone, Single Family Dwelling District, to two new zones. The proposal is to create two lots, retain the existing non-conforming duplex on one lot and construct one new small lot house on the other.

The following changes from the standard zones are being proposed and would be accommodated in the new zones:

#### Existing Duplex (Proposed Lot 1)

- reduce the site area (minimum) from 555m<sup>2</sup> to 309.98m<sup>2</sup>
- reduce the site area for each dwelling unit (minimum) from 277.5m<sup>2</sup> to 154.99m<sup>2</sup>

#### New Small Lot House (Proposed Lot 2)

- reduce the site area (minimum) from 260m<sup>2</sup> to 225.03m<sup>2</sup>

In addition, 12 variances would be required to facilitate this Rezoning Application which are reviewed in relation to the concurrent Development Permit with Variances Application.

### **Affordable Housing Impacts**

The applicant proposes the creation of one new residential unit which would increase the overall supply of housing in the area.

### **Sustainability Features**

The applicant has identified a number of sustainability features which will be reviewed in association with the concurrent Development Permit Application for this property.

### **Active Transportation Impacts**

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

### **Public Realm Improvements**

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

### **Land Use Context**

The area is predominantly characterized by single family dwellings.

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

The site is presently a non-conforming duplex. Under the current R1-B Zone, the property could be redeveloped as a single family house with a secondary suite. If the property is rezoned to

two new zones, secondary suites would no longer be permitted.

## Data Table

The following data table compares the proposal with the standard small lot and duplex zones. The small lot house is compared to the R1-S2 Zone, Restricted Small Lot (Two Storey) District, and the existing duplex is compared to the R-2 Zone, Two Family Dwelling District. An asterisk is used to identify where the proposal is less stringent than the standard zones. Two asterisks are used to identify an existing site condition.

Zoning Criteria	Proposed Lot 1 Existing Duplex	Zone Standard R-2	Proposed Lot 2 New House	Zone Standard R1-S2
Site area (m <sup>2</sup> ) - minimum	<b>309.98*</b>	555	<b>225.03*</b>	260
Site area per unit (m <sup>2</sup> ) - minimum	<b>154.99*</b>	277.5	N/A	N/A
Density (Floor Space Ratio) - maximum	0.5:1	0.5:1	0.46:1	0.6:1
Floor area (1 <sup>st</sup> & 2 <sup>nd</sup> storeys (m <sup>2</sup> ) - maximum	153.85	280	103.19	190
Floor area (including basement) (m <sup>2</sup> ) - maximum	231.8	380	N/A	N/A
Lot width (m) - minimum	15.2	15	16.59	10
Height (m) - maximum	<b>7.7**</b>	7.6	7.06	7.5
Storeys - maximum	<b>2 + basement**</b>	1.5 + basement	2 + basement	2 + basement
Site coverage % - maximum	34.05	40	26.96	40
Setbacks (m) - minimum				
Front	<b>5.77 (Stanley St)**</b>	7.5	<b>2.8 (Pembroke St)*</b>	6
Rear	<b>1.5*</b>	10.7	<b>4.9 *</b>	6
Side	<b>0.30 (south)*</b>	1.52	<b>1.5 (east)*</b>	2.4
Side	<b>1.5 (north, internal)*</b>	3	3.02 (west)	2.4
Side (flanking St)	6.85 (Pembroke St)	3.5	N/A	N/A
Combined Side Yard	<b>3*</b>	4.5	N/A	N/A
Parking - minimum	<b>1**</b>	2	1	1
Parking - location	Side yard	Rear or side yard	<b>Front yard*</b>	Rear or side yard



## **Relevant History**

At the January 14, 2016 Planning and Land Use Committee meeting, staff presented a report recommending that Council decline Rezoning Application No. 00489 for 2035 Stanley Avenue, based on insufficient lot sizes and the siting and massing disrupting the existing street pattern. At this meeting, Committee passed a motion directing staff to “work with the applicant to try to find an application that can be supported, particularly in relation to improving the height and massing of the building and reduction of some of the variances.”

The revised proposal is the subject of this report. Changes include a reduction in height by 0.30m and alterations to the roofline to make the massing of the building appear smaller.

## **Community Consultation**

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted with the Fernwood CALUC at a Community Meeting held on July 7, 2015. A letter dated September 10, 2015, is attached to this report.

In accordance with the City's *Small Lot House Rezoning Policy*, the applicant polled the immediate neighbours with the initial application and reports that 92% support the application. Under this policy, “satisfactory support” is considered to be support in writing for the project by 75% of the neighbours. The required Small Lot House Rezoning Petitions, summary and illustrative map provided by the applicant are attached to this report.

## **ANALYSIS**

### **Official Community Plan**

The *Official Community Plan (OCP)* Urban Place Designation for the subject property is Traditional Residential. In accordance with the OCP, small lots are subject to DPA 15A: Intensive Residential – Small Lot and duplexes are subject to DPA 15D: Intensive Residential - Duplex. The form and character of the proposal will be reviewed in relation to the concurrent Development Permit Application.

### **Fernwood Neighbourhood Plan**

The *Fernwood Neighbourhood Plan* (1994) states that this area should maintain the integrity, appearance and character of single family dwellings and that small lot infill housing may be considered if it meets the criteria established by the City. As noted below, this proposal does not meet the lot size criteria in the *Small Lot House Rezoning Policy*.

### **Neighbourliness Guidelines for Duplexes**

The *Neighbourliness Guidelines for Duplexes* states that an interior lot must have a width greater than 15m and a site area in excess of 555m<sup>2</sup>. The proposed duplex lot would only be 309.98 m<sup>2</sup>. This is substantially lower than the minimum prescribed in the relevant policy and what is required in the standard duplex zone (R-2 Zone).

## **Small Lot House Rezoning Policy**

The *Small Lot House Rezoning Policy* refers to a "Small Lot House" with a minimum lot size of 260m<sup>2</sup> and a minimum lot width of 10m. The proposed small lot would be 225.03m<sup>2</sup> and would therefore not meet this policy. This is also smaller than the minimum size in the standard small lot zone (R1-S2 Zone).

The reduction in height and alterations to the rooflines in the revised proposal do improve the height and massing of the building. However, the siting and massing of the building still disrupts the existing street pattern. Therefore, the proposal still does not meet the sensitive infill objectives of the *Small Lot House Rezoning Policy*.

## **Multi-Modal Transportation and Greenways Planning**

To meet Transportation Engineering and Parks and Recreation objectives, a right-of-way width of 18.0m along both the Pembroke Street and Stanley Avenue frontages is required. Should Council decide to rezone this property, a road dedication of 1.39m on both streets would be required as a condition of subdivision. This dedication would have an impact on the lot sizes, property lines and associated zoning criteria, such as front setbacks, and has been taken into account in the staff assessment of the proposal. Without the road dedications, the resulting lot areas would be 247.82m<sup>2</sup> for the proposed small lot and 359.17m<sup>2</sup> for the duplex. These lot areas are still below the minimum envisioned in the policies and standard zones. Infill development within Traditional Residential areas is a particularly sensitive form of development and the minimum lot areas required in the zone and policies were established to represent the lot area requirements after any required dedications.

In addition, the OCP and the *Greenways Plan* (2003) designate Pembroke Street and Stanley Avenue as People Priority Greenways. Greenways are important to the City because they encourage multi-modal transportation by improving the comfort levels for pedestrians and cyclists.

## **Tree Preservation Requirements**

The applicant has provided an arborist report outlining the impact mitigation measures required to successfully retain the trees located in the proposed road dedication at 2035 Stanley Avenue during the construction phase (attached).

## **CONCLUSIONS**

The proposal to rezone the subject property to two new zones, retain the existing non-conforming duplex and construct one new small lot house is not consistent with the objectives of the *Small Lot House Rezoning Policy* and the *Neighbourliness Guidelines for Duplexes*. Staff recommend that Council consider declining this application.

## **ALTERNATE MOTION**

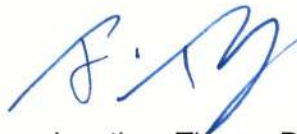
That Committee forward this report to Council and that Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendments that would authorize the proposed development outlined in Rezoning Application No. 00489 for 2035 Stanley Avenue, that first and second reading of the Zoning Regulation Bylaw Amendments be considered by Council and a Public Hearing date be set.



Respectfully submitted,



Rob Bateman  
Planner  
Development Services Division



Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



Date: June 2, 2016

#### List of Attachments

- Zoning map
- Aerial map
- Applicant's letters to Mayor and Council dated April 4, 2016 and July 28, 2015
- Letter from Fernwood Community Association dated September 10, 2015
- Arborist report dated July 16, 2015
- Small Lot Housing Rezoning Petition
- Plans dated April 5, 2015.



## Committee of the Whole Report For the Meeting of June 16, 2016

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**To:** Committee of the Whole **Date:** May 25, 2016

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

**Subject:** Development Permit with Variances Application No. 00489 for 2035 Stanley Avenue

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### RECOMMENDATION

That Council consider declining Development Permit with Variances Application No. 00489 for the property located at 2035 Stanley Avenue.

### LEGISLATIVE AUTHORITY

In accordance with Section 489 of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Community Plan*. A Development Permit may vary or supplement the *Zoning Regulation Bylaw* but may not vary the use or density of the land from that specified in the Bylaw.

Pursuant to Section 491 of the *Local Government Act*, where the purpose of the designation is the establishment of objectives for the form and character of intensive residential development, a Development Permit may include requirements respecting the character of the development including landscaping, and the siting, form, exterior design and finish of buildings and other structures.

### EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a revised Development Permit Application for the property located at 2035 Stanley Avenue. On January 14, 2016 the Planning and Land Use Committee passed a motion directing staff to assist the applicant in revising the proposal, particularly in relation to improving the height and massing of the building and reducing the variances. As with the previous proposal, the revised proposal is to rezone from the current R1-B Zone, Single Family Dwelling District, to two new zones in order to subdivide the lot, keep the existing non-conforming duplex and build a new small lot house. Changes to the proposal include reducing the height by 0.30m and altering the roofline to make the massing of the building appear smaller.

The following points were considered in assessing these applications:

- Staff are recommending that Council decline the concurrent Rezoning Application due to



insufficient lot sizes.

- The proposal is generally consistent with the objectives and guidelines for sensitive infill contained in Development Permit Area 15D: Intensive Residential - Duplex of the *Official Community Plan, 2012 (OCP)*; however,
- the proposal does not meet the *Small Lot House Policy* for sensitive infill due to siting and massing that disrupts the existing street pattern.
- There are eight variances associated with the existing duplex. The variances related to height, number of storeys, front setback and one of the side setbacks are the result of the siting and size of the existing duplex. The reductions in the north side setback (small portion at the back of the building), the rear yard setback and the reduction in number of parking stalls would be a direct result of the proposed small lot.
- Despite the siting and massing challenges, the proposal is generally consistent with the design guidelines for sensitive infill contained in Development Permit Area 15A: Intensive Residential – Small Lot of the *Official Community Plan, 2012 (OCP)*.
- The four variances associated with the new house are to reduce the front, rear and side setbacks and permit parking in the front yard. These variances are the result of the small lot size. The house would be located significantly closer to the front lot line than permitted under the standard front yard setback.

## BACKGROUND

### Description of Proposal

The proposal is to alter an existing non-conforming duplex and construct a new small lot house.

#### Existing Duplex (Proposed Lot 1)

Specific details include:

- an existing two-storey building with a basement
- existing design elements such as a pitched roofline and distinctive front entryways
- existing exterior materials include stucco siding, wood fascia and trim, and fiberglass roofing
- proposed removal of the deck
- proposed construction of a new landing and stairs to access one of the dwelling units.

The proposed variances are related to:

- increasing the height (maximum) from 7.6m to 7.7m (existing)
- increasing the number of storeys (maximum) from 1.5 with a basement to 2 with a basement (existing)
- reducing the front setback (minimum) from 7.5m to 5.77m (existing)
- reducing the rear setback (minimum) from 10.7m to 1.5m
- reducing the side setback (south) (minimum) from 1.52m to 0.30m (existing)
- reducing the side setback (north) (minimum) from 3m to 1.5m
- reducing the combined side yard setback (minimum) from 4.5m to 3m (existing)
- reducing the number of parking stalls (minimum) from 2 to 1.

## New Small Lot House (Proposed Lot 2)

Specific details include:

- a two-storey building with a basement
- design elements such as a pitched roofline, dormers, distinctive front entryway and traditional-style windows
- the exterior materials include cement board siding, cement board panels and trim, wood fascia and trim, and fiberglass shingle roofing
- new hard and soft landscaping would be introduced, including a flag stone path and a patio surfaced with decorative concrete pavers.

The proposed variances are related to:

- reducing the front setback (minimum) from 6m to 2.8m
- reducing the rear setback (minimum) from 6m to 4.9m
- reducing the side setback (east) (minimum) from 2.4m to 1.5m
- permitting parking in the front yard.

### **Sustainability Features**

As indicated in the applicant's letter dated July 28, 2015, sustainability features related to energy efficiency, indoor air quality and resource use are associated with this application.

### **Active Transportation Impacts**

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

### **Public Realm Improvements**

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

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

The site is presently a non-conforming duplex. Under the current R1-B Zone, the property could be redeveloped as a single family house with a secondary suite.

### **Relevant History**

At the January 14, 2016 Planning and Land Use Committee meeting, staff presented a report recommending that Council decline Rezoning Application No. 00489 for 2035 Stanley Avenue, based on insufficient lot sizes and the siting and massing disrupting the existing street pattern. At this meeting, Committee passed a motion directing staff to "work with the applicant to try to find an application that can be supported, particularly in relation to improving the height and massing of the building and reduction of some the variances."

The revised proposal is the subject of this report. Changes include a reduction in height by 0.30m and alterations to the roofline to make the massing of the building appear smaller.



## Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant consulted the Fernwood CALUC at a Community Meeting held on July 7, 2015. A letter dated September 10, 2015, is attached to this report.

## ANALYSIS

### Development Permit Area and Design Guidelines

Should this property be rezoned as proposed, the *Official Community Plan (OCP)* would identify the proposed Lot 1 as being within Development Permit Area 15A: Intensive Residential – Small Lot and proposed Lot 2 as being within Development Permit Area 15D: Intensive Residential – Duplex.

#### Existing Non-Conforming Duplex (Proposed Lot 1)

The proposed alterations to the existing non-conforming duplex have not changed from the last proposal and are generally consistent with the *Neighbourliness Guidelines for Duplexes*, 1996. The proposal would alter the existing duplex by removing the deck at the rear of the property and constructing a landing and stairway to access the entryway of one of the dwelling units. The proposed alterations are minor and the existing exterior design and materials of the house are in keeping with the character of the neighbourhood.

#### New Small Lot House (Proposed Lot 2)

As with the previous proposal, the design of the new small lot house is generally consistent with the *Design Guidelines for Small Lot Houses*, 2002. The new small lot house incorporates architectural elements, such as a pitched roofline, dormers, a distinctive front entryway and traditional-style windows. These elements are similar to features of other houses in the neighbourhood.

The revised proposal for this two-storey house with a basement, still does not integrate infill development that is compatible with the existing neighbourhood and, therefore, does not meet the objectives of DPA 15A: Intensive Residential – Small Lot.

The reduction in height and alterations to the rooflines in the revised proposal do improve the height and massing of the building; however, the siting and massing of the building will still break the established street pattern. The house would still be located much closer to Pembroke Street than the houses on either side of it. This change in street pattern would appear disruptive and would detract from the visual character and cohesiveness of the streetscape.

## Regulatory Considerations

#### Existing Non-Conforming Duplex (Proposed Lot 1)

As with the previous proposal, the applicant is requesting eight variances for the existing duplex (see table below). The height, number of storeys, front setback and one of the side setbacks are the result of the siting and size of the existing duplex. The reductions in the north side setback (small portion at the back of the building), the rear yard setback and the reduction in number of parking stalls would be a direct result of the proposed small lot. Reducing the

number of parking stalls for the duplex would result in one of the dwelling units not having off-street parking.

<b>Zoning Criteria</b>	<b>Proposed Variances Lot 1 Existing Duplex</b>	<b>Zone Standard R-2</b>
Height (m) - maximum	7.7	7.6
Storeys - maximum	2 + basement	1.5 + basement
Setbacks (m) - minimum		
Front	5.77 (Stanley St)	7.5
Rear	1.5	10.7
Side	0.30 (south)	1.52
Side	1.5 (north)	3
Combined Side Yard	3	4.5
Parking - minimum	1	2

#### New Small Lot House (Proposed Lot 2)

The applicant is requesting four variances for the new house (see table below). They are the result of the small lot size. The house would be located significantly closer to the front lot line than under the standard setback, which would disrupt the existing street pattern and would make the building appear to stand out from the adjacent houses. The rear setback variance is due to the concrete stairs and landing at the back of the house. The wall of the building would meet the rear setback requirement.

<b>Zoning Criteria</b>	<b>Proposed Variances Lot 2 New House</b>	<b>Zone Standard R1-S2</b>
Setbacks (m) - minimum		
Front	2.8 (Pembroke St)	6
Rear	4.9	6
Side	1.5 (east)	2.4
Parking - location	Front yard	Rear or side yard

## CONCLUSIONS

The proposal to alter an existing duplex and construct a new house is generally consistent with the design guidelines related to Development Permit Area 15A: Intensive Residential – Small Lot and Development Permit Area 15D: Intensive Residential – Duplex. The proposal, however, does not meet the sensitive infill objectives of the *Small Lot House Policy*. In addition, the small lot sizes result in a large number of variances that would have a local impact. Staff recommend Council consider declining this application because staff are also recommending



that Council consider declining the concurrent Rezoning Application due to substandard lot sizes.

### ALTERNATE MOTION

That Council after giving notice and allowing an opportunity for public comment at a meeting of Council and after the Public Hearing for Rezoning Application No. 00489, if it is approved, consider the following motion:

1. "That Council authorize the issuance of Development Permit Application No. 00489 for 2035 Stanley Avenue in accordance with:

#### Existing Duplex (Proposed Lot 1)

- i. Part 2.1.4 (a): Increase the height from 7.6m to 7.7m;
- ii. Part 2.1.4 (a): Increase the number of storeys from 1.5 with a basement to 2 with a basement;
- iii. Part 2.1.5 (a): Reduce the front setback from 7.5m to 5.77m;
- iv. Part 2.1.5 (b): Reduce the rear setback from 10.7m to 1.5m;
- v. Part 2.1.5 (c): Reduce the side setback (south) from 1.52m to 0.30m;
- vi. Part 2.1.5 (c): Reduce the side setback (north) from 3m to 1.5m;
- vii. Part 2.1.5 (d): Reduce the combined side yard setback from 4.5m to 3m;
- viii. Schedule "C" (4): Reduce the number of parking stalls from 2 to 1.

#### New Small Lot House (Proposed Lot 2)

- a. Part 1.23 (8)(a): Reduce the front setback from 6m to 2.8m;
- b. Part 1.23 (8)(b): Reduce the rear setback from 6m to 4.9m;
- c. Part 1.23 (8)(c): Reduce the side setback (east) from 2.4m to 1.5m;
- d. Schedule "C" (4): Permit parking in the front yard.

3. The Development Permit lapsing two years from the date of this resolution."

Respectfully submitted,



Rob Bateman  
Planner  
Development Services Division



Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



Date: June 2, 2016

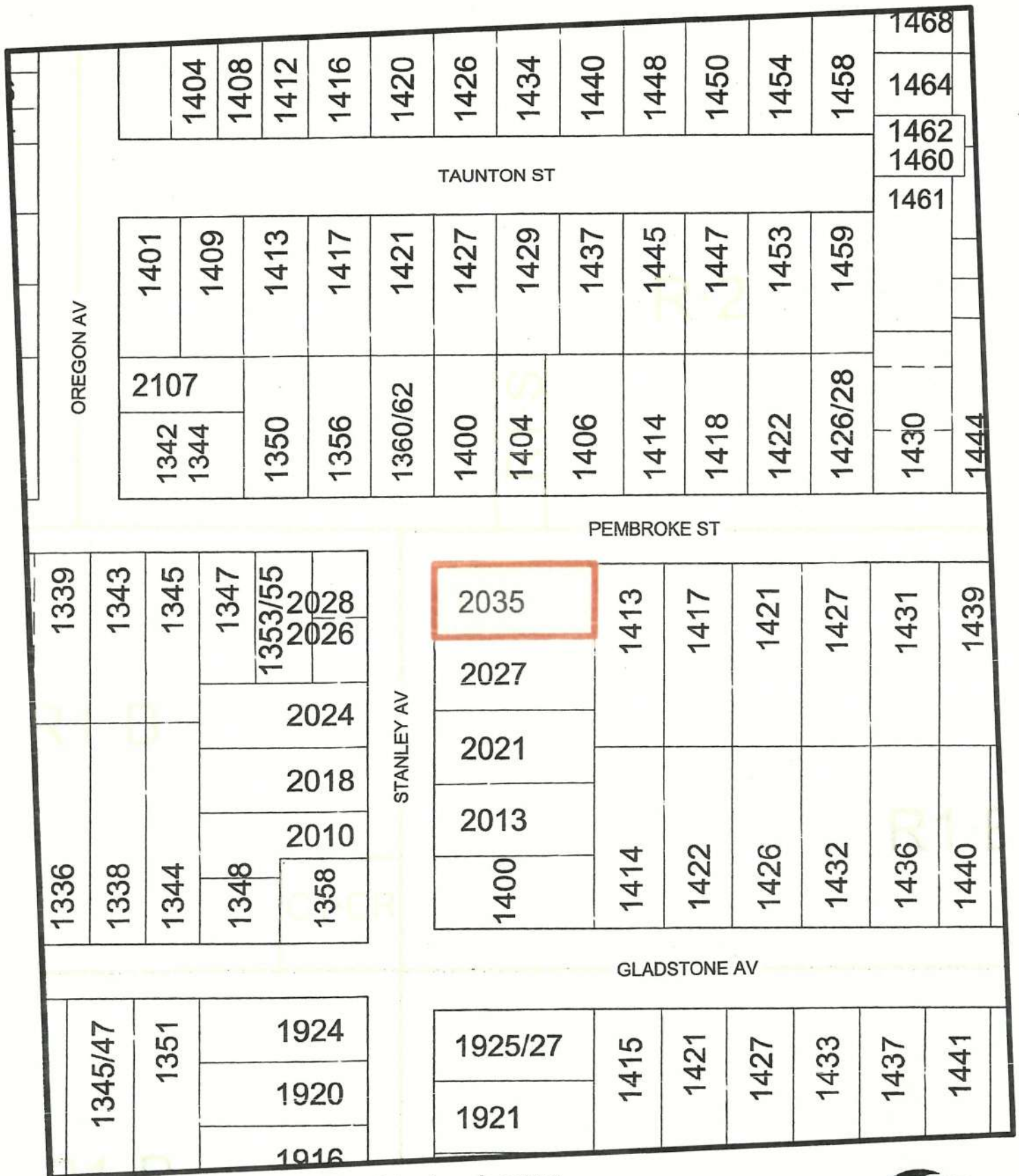
## List of Attachments

- Zoning map
- Aerial map
- Applicant's letters to Mayor and Council dated April 4, 2016 and July 28, 2015
- Letter from Fernwood Community Association dated September 10, 2015
- Arborist report dated July 16, 2015
- Small Lot Housing Rezoning Petition
- Plans dated April 5, 2015.

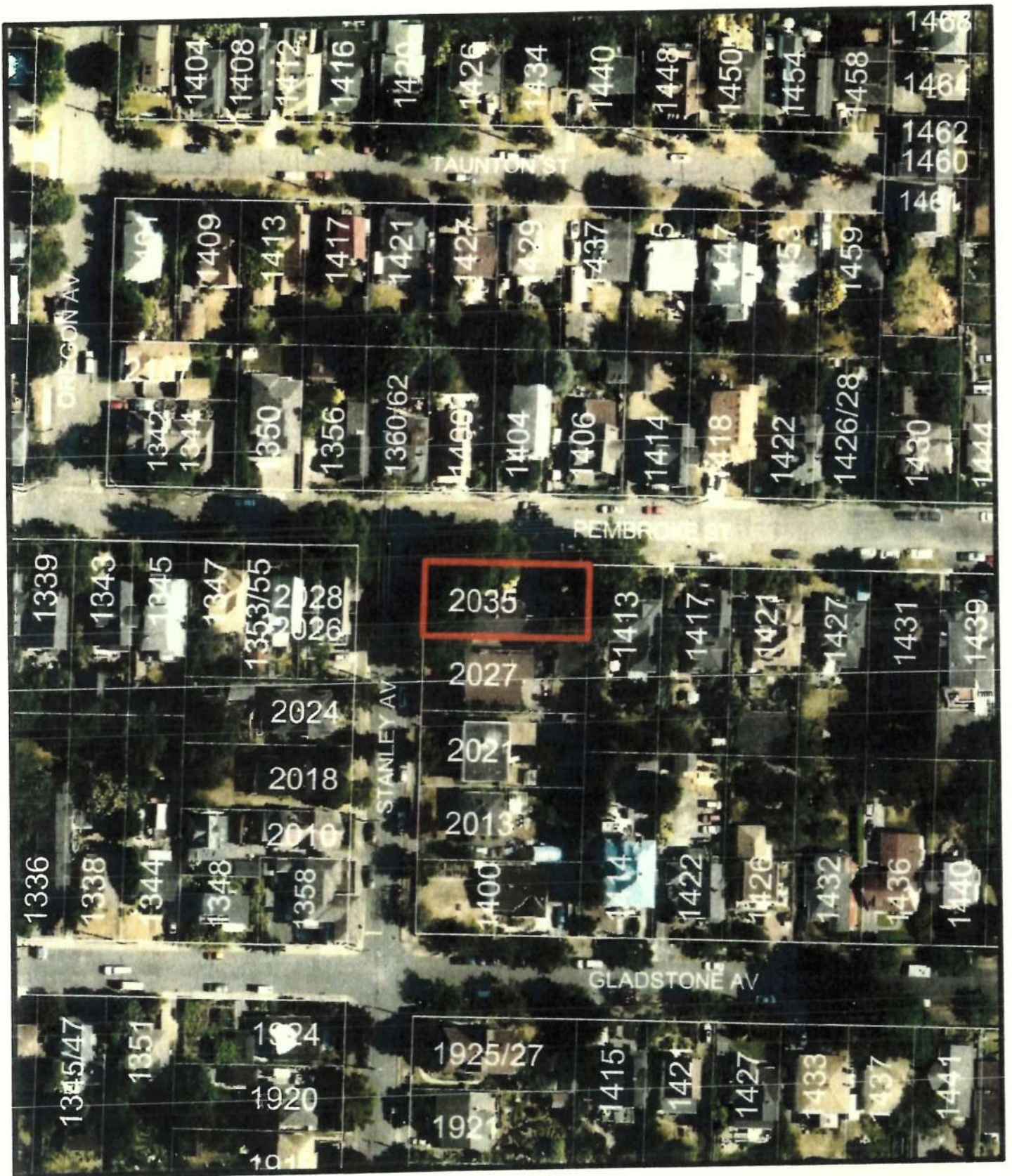




2035 Stanley Avenue  
Rezoning #00489  
Bylaw #







2035 Stanley Avenue  
Rezoning #00489  
Bylaw #





March 25, 2016

Her Worship Mayor Lisa Helps and Councillors  
Corporation of the City of Victoria  
1 Centennial Square  
Victoria, B.C. V8W 1P6



### RE: Rezoning Application #00489 – 2035 Stanley

The original submission for this application was November 2012. Since that time we have held two CALUC meetings, conducted two small lot petitions (both indicating support for the application), worked with City staff, and met numerous times the east contiguous neighbour. Prior to the original Public Hearing we had:

- Obtained support from City Traffic for parking configuration.
- Modified the design in response to CALUC suggestions.
- Redesigned streetscape/landscaping on new small lot as suggested by Planning.
- Registered covenant on title for the existing duplex to upgrade exterior subject to this rezoning application being approved.
- Modified the design to satisfy the eastern neighbours concerns. We understood prior to the Public Hearing they were in support.

At the original Public Hearing, the eastern neighbour raised further concerns. Council declined the application, waived the one year rule and asked us to satisfy this neighbours concerns and return with a revised application.

In response to this directive, we contracted award winning Zebra Design, threw out the original plans and started from scratch to completely redesign the new small lot home. The eastern neighbour has since **signed a letter of support** for this revised proposal.

This new proposal was presented at the January 25, 2016 COW meeting. There was a suggestion at this meeting, we needed to make yet more changes in an effort to get Planning support. However, it was noted by some Councillors, that Planning will be unable to directly support this application since their backing is based on a *technical* review of existing bylaws. It was also noted that some variances are triggered and/or made larger because of the automatic road dedication of 1.39m required on both street frontages – a dedication that I have shown (*In letter of July 28, 2015*) is impractical for this lot and reduces lot size and setbacks unnecessarily.

For this resubmission, further changes have been made with respect to height and massing, as requested at the January 25, 2016 meeting. Reductions have been achieved by altering the exterior design to create a less 'massive' look, and by reducing the height 1 foot, which is still below the allowable height. (*Note that the massing on this site is only 26% site coverage. Small lot zoning allows for 40%. This is a **small**, more affordable house, with a 550sqft footprint and a back yard 19'8" deep.*)

We have satisfied all requests from Council in regard to this application. The neighbour to the east is in support and the small lot petition(s) indicate required support from adjacent neighbours. The design is for a small house covering a small portion of the lot, with changes to key elements that mitigate a 'massive' look and ensure a pleasing, uniform streetscape. It is a proposal that satisfies many OCP initiatives as detailed in my letter of July 28, 2015, and is consistent with other small lot applications previously approved by Council, also outlined in that letter. *(This letter is and attached details many other aspects of this proposal, should you wish to review).*

I trust this revised proposal meets with Council's approval and you will consider moving the application to Public Hearing.

Sincerely,

  
Kim Colpman



July 28, 2015

Her Worship Mayor Lisa Helps and Councillors  
Corporation of the City of Victoria  
1 Centennial Square  
Victoria, B.C. V8W 1P6

This application is a resubmission to rezone the property at 2035 Stanley. At the Public Hearing on July 22, 2014 Council waived the requirement for a one year waiting period to resubmit a revised application and asked me to address massing and design concerns expressed by the neighbour at 1413 Pembroke. I believe this is because Council felt that with some 'fine tuning' the proposal had merit. I therefore present to you a revised proposal for this property.

### Description of Proposal

The basics of my proposal are largely the same. It is a request to rezone the corner property at 2035 Stanley Avenue to allow for subdivision that would retain the existing duplex and create an additional small lot for construction of a new home. The result would be an increase in available housing to support the City's projected population growth – an increase in an area identified for Traditional Residential small lot infill.

The existing duplex would remain 'as-is' and if rezoning is approved, the exterior would be upgraded in accordance with a covenant registered on the property May 2014. To summarize, the exterior of the duplex would be repaired where necessary and painted, and the picket fence repaired and painted (this was done last summer).

A new 3 bedroom family home would be constructed on the small lot facing Pembroke and sited to maximize street connectivity, visual presence and character.

### Pembroke Elevation



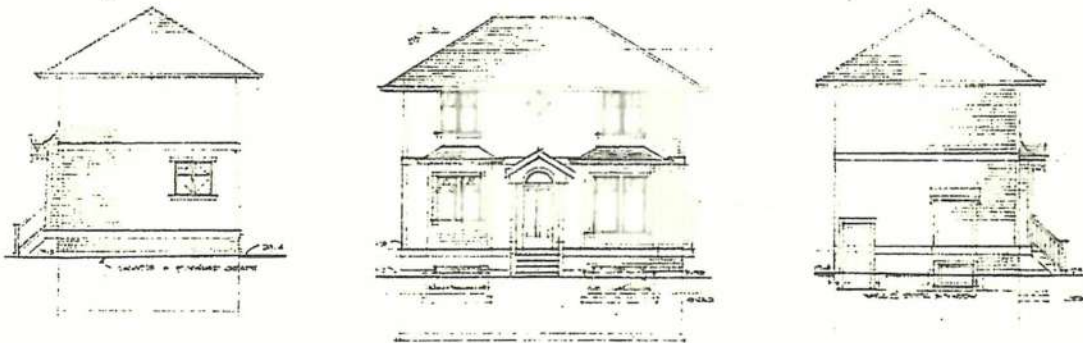
### Neighbourhood Consultation

This is where the main changes take place. At the Public Hearing of July 12, 2014, Mr. and Mrs. Berry of 1413 Pembroke expressed concerns around the design, massing and privacy with the new small lot home. In order to create a solution satisfactory to all, I contracted award winning Zebra Design to help revision the proposed design.

After many months of collaboration and meeting with the neighbour, Mr. and Mrs. Berry have indicated they are satisfied and have signed a letter of support for this new proposal. (*Detailed letters are included in the Small Lot Petition package*). The main changes are:

1. Complete redesign of the new home incorporating architectural features of the building façade in smaller elements creating an impression of a 1.5 story building (addresses massing and design).
2. Refashioned exterior finish and roof design to enhance visual character and create harmony with the neighbourhood (addresses massing and design).
3. Added windows on the east and west elevations to break up the 'blank' wall (addresses design).
4. Incorporated a Yew hedge along southeast portion of the 6' fence (addresses privacy).
5. Reduced backyard patio and moved it away from the east neighbour (addresses privacy).

Original Proposal



Revised Proposal





The revised proposal was also presented to contiguous neighbours. As you will see in the attached Small Lot Petition, 92% of these neighbours are in favor of the proposal.

As well, on July 07, 2015 a Community meeting with the Fernwood Land Use Committee was held. The summary of this meeting is forthcoming from their Chair, David Maxwell.

### Road Dedication

This proposal is subject to the City's automatic road dedication requirement that comes into play anytime there is a subdivision request – in this case **1.39m off each street frontage**. The result is **12%** of the total land handed over which at today's market price, equates to **\$72,000**.

I understand the City's need to plan for the future and developers'/citizens' need to contribute to the betterment of our infrastructure – when it makes sense. The dedication program for this proposal is impractical.

These are two established streets with little opportunity for further subdivision and therefore little or no opportunity for the City to acquire more land through its dedication program. Additionally, the existing homes have improvements (retaining walls, garages) close to lot lines which the City would have to purchase and refurbish in lieu of any automatic dedications.



Walls Along Stanley



Walls Along Pembroke

All of these factors make the road dedication program unreasonable and financially disproportionate to the scale of this proposal.

### Requested Variances

Although I am required to show road dedications on our plans and in the Site Data metrics, I have also included this information without the road dedication, which I believe is a more realistic analysis of this proposal.

#### New Small Lot SFD

The new small lot home has three variances when compared to the standard R1-S2 zoning. The following table explains these variances.

New Small Lot SFD				
Variance	Required (R1-S2)	Proposed	Proposed (Ded'n)	Rationale
Setback - Front	6.00m	4.19m	2.8m	<p>The house sits 1.8m (6') closer to the street than the R1-S2 zoning allows. In my last proposal, Planning indicated the placement of the home was well sited for the lot. I agree, since the goal is to provide positive street connectivity, as outlined in the Design Guidelines, while maintaining a functional rear yard for home owners (<i>Note: There is no rear yard variance for the SFD</i>).</p> <p>The following are a few examples of current City small lot bylaws that support creative infill:</p> <ul style="list-style-type: none"> <li>• R1-S5: Rudlin – Front 3.5m</li> <li>• R1-S19: Springfield – Front 3.0m</li> <li>• R1-S21: McKenzie – Front 3.0m</li> </ul>
Setback – Int East				
With window	2.40m	1.52m	1.52m	<p>Without a window, the proposal meets the setback requirement. However, the east neighbour has expressed the importance of these windows and there are no overlooks as a result.</p> <p>According to the Small Lot Design Guidelines: <i>Relaxation of side yard requirements may be appropriate in some instances to facilitate interesting and innovative design solutions, provided that the encroachment into the setback does not adversely affect the privacy, sunlight or views of the adjacent property.</i></p>
No window	1.50m	1.52m	1.52m	
Lot Area	260.00m <sup>2</sup>	247.82m <sup>2</sup>	225.03m <sup>2</sup>	In practical terms, the lot is 12.18 m <sup>2</sup> shy of the R1-S2 requirement. However, the size and massing of the building has been designed for



New Small Lot SFD													
Variance	Required (R1-S2)	Proposed	Proposed (Ded'n)	Rationale									
				<p>the site and to conform to zone requirements for floor area and site coverage.</p> <table><tr><td></td><td><u>R1-S2</u></td><td><u>SFD</u></td></tr><tr><td>Floor Area:</td><td>190 m<sup>2</sup></td><td>148.68 m<sup>2</sup></td></tr><tr><td>Site Coverage:</td><td>40%</td><td>24.48% (26.96%)</td></tr></table> <p>The City has approved other small lot bylaws in support of infill that utilizes available land in a creative harmonious way. My request is not precedent setting.</p> <ul style="list-style-type: none"><li>• R1-S21: McKenzie – Lot Area 240m<sup>2</sup></li><li>• R1-S22: Grant – Lot Area 215m<sup>2</sup></li><li>• R1-S25: Pembroke – Lot Area 219.5m<sup>2</sup></li></ul>		<u>R1-S2</u>	<u>SFD</u>	Floor Area:	190 m <sup>2</sup>	148.68 m <sup>2</sup>	Site Coverage:	40%	24.48% (26.96%)
	<u>R1-S2</u>	<u>SFD</u>											
Floor Area:	190 m <sup>2</sup>	148.68 m <sup>2</sup>											
Site Coverage:	40%	24.48% (26.96%)											

### Existing Duplex

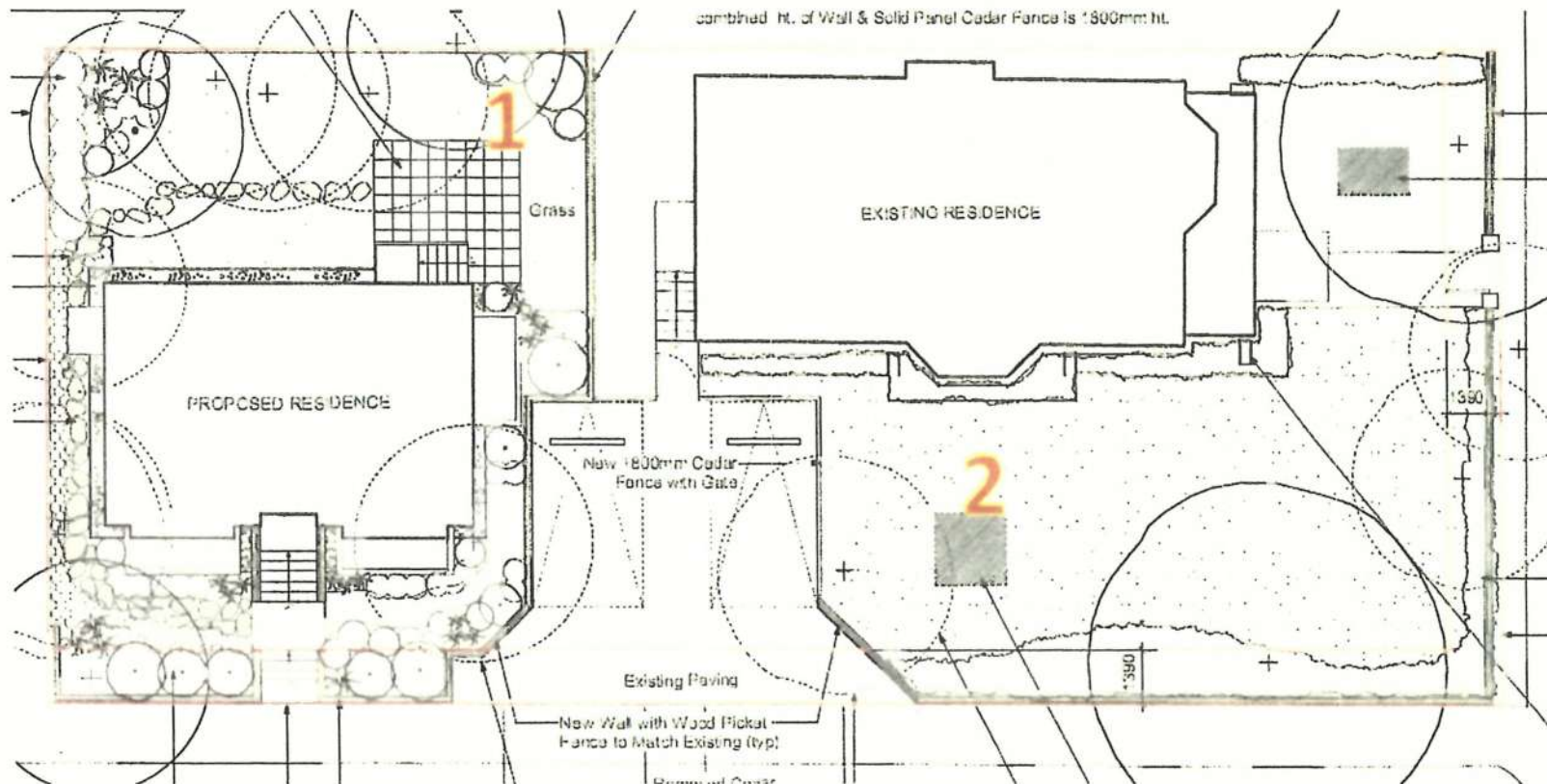
To my knowledge the City does not have a zoning bylaw to support a duplex on small lot, which does not preclude creating one should the proposal make sense. If we compare the new proposed duplex lot to the R1-S2 zone, it fares quite favorably.

Analysis of the Lot Area, Floor Area and Site Coverage reveals that the existing duplex building would meet the zoning requirements in terms of its size and coverage of the site **even on a 260m<sup>2</sup> lot**. The proposed lot is much larger and provides for wonderful outdoor space for the two existing residents.

Reviewing the Rear Setback shows that it could be identified as a Side Yard (see Rationale in the table below) Therefore the only 'real' practical variance request is for reduced parking.

Existing Duplex				
	Required (R1-S2)	Proposed	Proposed (Ded'n)	Rationale
Lot Area	260m <sup>2</sup>	359.17m <sup>2</sup>	309.98m <sup>2</sup>	
Lot Width	10.0m	16.59m	15.20m	
Setbacks <ul style="list-style-type: none"> <li>• Front</li> <li>• Rear</li> <li>• Side (Interior)</li> <li>• Side (Ext)</li> </ul>	6.0m 6.0m 1.5m 1.5m	6.26m 2.50m* 0.30m** 8.24m	4.87m 2.50m 0.30m 6.85m	<p>* The duplex rear yard (east) is against the west side yard of the new home. Because the duplex has a large greenspace at the north west of its lot, this 'rear' yard is not a place for outdoor activity. It could be argued that it reads more like a side yard and would therefore conform to the 1.5m requirement</p> <p>** This is an existing condition that has the benefit of creating a large green yard space (about 180m<sup>2</sup>/1940ft<sup>2</sup>) on the north east part of the property.</p>
Bldg Height	7.5m	7.70m	7.70m	This is an existing condition an in practical terms equates to 6inches.
Floor Area (Total)	190m <sup>2</sup>	153.85m <sup>2</sup>	153.85m <sup>2</sup>	
Floor Area Ratio	0.60	0.43	0.50	
Site Coverage	40%	29.38%	34.05%	
Parking	2	1	1	<p>The parking is situated in its existing location.</p> <p>See <a href="#">Transportation Management Strategy</a> for more details.</p>
Green Space	NA	180m <sup>2</sup>	141m <sup>2</sup>	This is a large green space for residents. In fact the current duplex tenants utilize and share this space today.





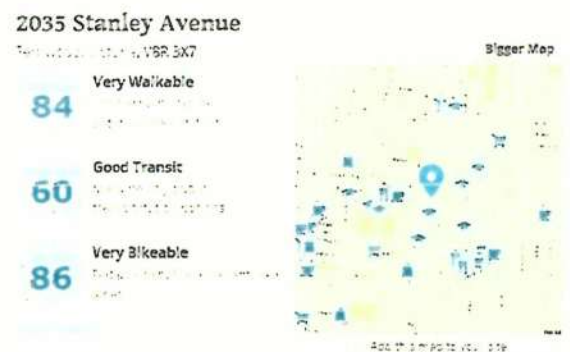
This Site Plan (#1) shows the separation between the houses as more of a side yard arrangement, with the existing residence enjoying a large outdoor space in the northeast of the property (#2)

### Transportation Management Strategy

Providing for the car in urban centres is in transition. The cost of land and desire for affordable housing, is making it very difficult to give up this precious resource to the car. People are now looking for housing close to urban centres where they can choose alternative transportation options and move away from vehicle ownership.

For this reason, the Official Community Plan (OCP) asks that we *consider reductions in parking requirements where geographic location, residential and employment density, housing type, land use mix, transit accessibility, walkability, and other factors support non-auto mode choice or lower parking demand.*

The property at 2035 Stanley is centrally located with easy access to all amenities. It has a very favorable walkscore which supports the OCPs intention and which is why we are requesting a parking variance for the duplex of 1 off-street stall. To support transportation alternatives, there is secured bike storage in the basement of the duplex. As well, 2 guest bike racks will be installed on the property (currently not shown on plans).



The City's Traffic department is in favor of this solution. When the original submission for the July 2014 Public Hearing was reviewed by the City, they were in favor of two parking stalls (1 for the duplex and 1 for the new home). Their requirement was to use the existing access and design the parking space in accordance with the Highway Access Code. The proposal reflects this request.

As well, the Traffic department was supportive of on street parking. They indicated that even though the frontage is 'green space' dedicated, this area of Fernwood supports this type of parking. They suggested some frontage improvements to accommodate the on street parking, which have not yet been detailed by the City.



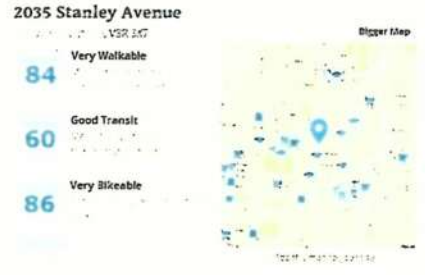
## City Policies

### Official Community Plan and Regional Growth Strategy

Over the next 30 years, Victoria is expected to grow by an additional 20,000 residents. As a built-out city with little remaining undeveloped land, the OCP identifies the need to create more compact built environments within the Urban Core, Town Centres and Urban Villages and in close proximity to transit. This trend toward urbanization is skyrocketing as people move toward more sustainable, balanced lives close to work, play and amenities.

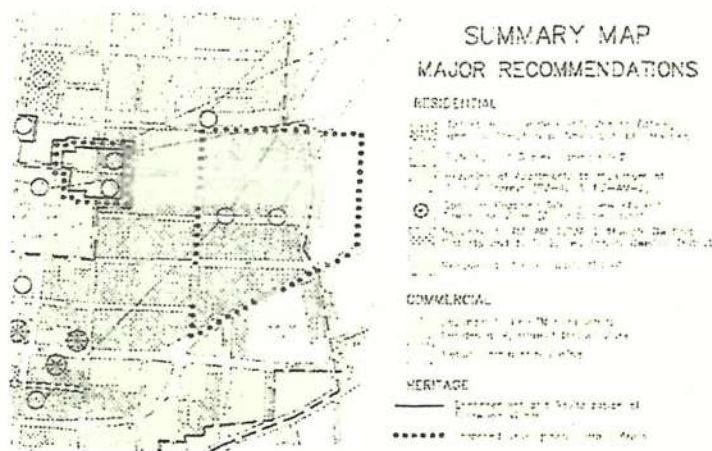
The OCP and the Regional Growth Strategy both have established goals to address this trend. The table below shows how this proposal supports these goals.

OCP Goal	Proposal
<b>Housing Supply for Future Need</b> – <i>Seek to accommodate population growth in the strategic locations, including an additional 10,000 residents in the Urban Core, 8,000 residents in and within close walking distance of Town Centres and Large Urban Villages, and 2,000 in Small Urban Villages and the remainder of residential areas in the city.</i>	Property is located: <ul style="list-style-type: none"> <li>• 15 minute walk to North Park – a Large Urban Village.</li> <li>• 5 minute walk to the Fernwood – a Small Urban Village.</li> </ul>
<b>Land Management and Development - Housing</b> <i>forecast growth of approximately 20,000 additional residents by 2041 is expected to reach Victoria's capacity available under existing zoning for new ground-oriented residential and exceed that for apartments, running the risk that housing will become increasingly more expensive as available capacity is depleted.</i>	Proposal keeps housing cost lower by: <ul style="list-style-type: none"> <li>• Maximizing use of available land now.</li> <li>• Utilizing land for homes and greenspace and less for cars.</li> </ul>
<b>Land Management and Development – Urban</b> <i>development should focus on building coherent, livable places of character, where the goods and services people need are close to home.</i>	Proposal includes a completely revised design for the new home which architecturally compliments the neighbourhood and creates a livable 3 bedroom family home.  Property is located walking distance to most amenities and public transit.
<b>Land Management and Development - Give</b> <i>consideration to site-specific amendments that are consistent with the intent of the Urban Place Designations and that further the broad objectives and policies of the plan, as appropriate to the site context.</i>	Minor variances are required to achieve a very workable solution for this property.  See <a href="#">Requested Variances</a> for detailed explanations

OCP Goal	Proposal
<p><b>Transportation</b> – Consider reductions in parking requirements where geographic location, residential and employment density, housing type, land use mix, transit accessibility, walkability, and other factors support non-auto mode choice or lower parking demand.</p> <p>Future development is to consider transportation options that reduce fossil fuel dependence, help conserve energy and produce low greenhouse gas emissions and other air contaminants.</p>	<p>Property is well located for a desirable walkscore creating opportunities for alternative transportation and reduced reliance on the car.</p> 
<p><b>Land Management and Development</b> - For areas designated Traditional Residential, consider new development, infill, and redevelopment.</p>	<p>Property lies within the Traditional Residential designation, and was identified for Small Lot Infill consideration.</p>
<p><b>Environment, Climate Change and Energy</b> - Continue to promote the reduction of community greenhouse gas emissions, through compact land use patterns such as walkable and complete centres and villages.</p>	<p>Property centrally located to support residents ability to walk, bike or use public transit.</p>

### Fernwood Area Plan

The property at 2035 Stanley is designated as 'Traditional Residential' which is primarily ground-oriented building forms. Interestingly, the map below is the Fernwood Plan from 1996 showing that 2035 Stanley was part of an area to be considered for Small Lot Infill housing. Some 20 years later, this is exactly what we are proposing.





### Design Guidelines

#### Guidelines

The goals outlined for Small Lot rezoning, all of which are supporting through this proposal, ask the City to:

- Support growth through small, adaptive and gradual change
- Revitalize neighbourhoods by allowing new infill construction
- Make (optimal) use of neighbourhood infrastructure (schools, water and sewer).
- Increase the quantity of detached dwelling lots while providing other options.
- Meet changing needs, wants and values of existing and future residents throughout the life cycle (e.g., the need for ground-oriented housing for families with children, the desire for smaller houses and yards for seniors, couples, empty nesters or singles).

With these goals in mind, Zebra Design has expertly applied architectural elements that are sensitive to the siting, massing and visual character of this small lot home and meet the Design Guidelines, such as:

- A streetscape that is sensitive to the character and rhythm of the neighbourhood.
- Horizontal features and smaller elements to visually reduce the size.
- Stepping back of second floor roof line to create an impression of 1.5 stories instead of 2.
- Roof detail, pattern changes and proportional windows for visual character.
- Heritage color and material finishes to harmonize with the area.

In the new home, the front yard creates a welcoming street connection by combining soft landscaping of drought tolerant native plantings against the traditional picket style fence. This fence is mimicked and matches that of the existing duplex along both street frontages. Side and rear yard fences are 6' panels for outdoor privacy.

Most trees being removed are because of poor health, and is welcomed by the east neighbour who often has large dead branches falling into their driveway. One tree is being removed from the SFD lot to accommodate the new home and is being replaced with a Milky Way Dogwood in the south east corner. One cedar tree is being removed to accommodate parking.

Apart from the rear patio and entry sidewalk of the SFD, there is no hardscape. The pathway to the rear yard is flagstone to support sustainable landscape design. The remainder of the site is plantings and grass.

There is no extensive landscaping required for the existing duplex apart from maintenance and basic cleanup.

An arborists report identifying all trees was submitted with the original application and is included again with this application. Additionally, Talbot and McKenzie provided an updated review (July 16, 2105) of the Robina Trees in the road dedication area identifying these trees are reasonably healthy and require no special maintenance.

### Green Building Features

- Retaining existing duplex
- Providing secure bike storage and guest bicycle parking
- Drought tolerant, native plantings, flagstone pathways, pavers for patio
- Energy Star Windows
- Energy Star Appliances
- Use of non HCFC expanding foam around window and door openings
- Fibreglass Exterior Doors
- Natural Hardi Exterior Siding
- Minimum 30 year warranty of roofing material
- MDF casing and baseboard trim (reducing reliance on old growth forest products)
- Installation of hardwired carbon monoxide detector to ensure air quality
- Low Formaldehyde insulation, subfloor sheathing, exterior sheathing, insulation, carpet underlayment and cabinetry.
- Low VOC Interior paints
- Programmable Energy Star thermostat
- Energy Star ventilation fans
- Toilets CSA approved, 4.8L flush volume or less
- Low flow faucets and shower valves

### Summary

Thank you for taking time to read through this detailed report. I trust I have adequately addressed the concerns raised at the July 2014 Public Hearing and respectfully ask Mayor and Council to approve my request to rezone 2035 Stanley. To summarize, here's why:

1. Victoria is a built out city with little land left to create additional housing to meet the demands of population growth.
2. The road dedication program for this property is impractical and hamstring the development potential of this valuable corner lot.
3. The minor variances are not precedent setting and do not negatively impact the design, siting, massing, and character of the new home and have no impact on the livability of the existing duplex.
4. The proposal is a creative solution to available land in an area where the OCP supports small lot infill.
5. It is a centrally located property with a very high walk score making it practical for residents to seek alternate transportation options.
6. Fernwood will have a beautiful new home to welcome another family to its community ☺

Sincerely,  
Kim Colpman





## **Fernwood Community Association**

1923 Fernwood Road,  
Victoria, B.C., V8T 2Y6

(250) 384-7441

Email: [landuse@thefcaca](mailto:landuse@thefcaca)

September 10, 2015

Mayor and Council  
City of Victoria  
#1 Centennial Square  
Victoria, B.C. V8W 1P6

Re: 2035 Stanley Street Rezoning Application (REZ00489)

Dear Mayor and Council;

The Fernwood Community Association held the Official Community Meeting for this proposed development in the main hall at 1923 Fernwood Road on July 7, 2015. No Preliminary Community Meeting was held concerning this proposal.

The proposal is to divide this R1-B property that currently has a legal non-conforming up and down duplex into two site specific zones. One new zone will retain the duplex and the second zone will allow for the construction of a new small lot home.

This proposal requires a number of significant variances that in our opinion would set a precedent that erodes the spirit of both the small lot and duplex zones. Additionally the Fernwood Community Association has adopted the following planning guideline concerning the small lot zone.

The criteria for small lot developments are already generous by allowing houses to be built on smaller lots with smaller set-backs. As a result requests for variances that enlarge the footprint of the house significantly – therefore reducing required set-backs - are not supported. Modest variances to allow for steps, small porches or bay windows will be considered by the land use committee, in consultation with neighbours, on a case by case basis.

The above concern would logically also apply to the duplex zone requested.

Another way to make better use of this lot and also increase the supply of affordable rental housing would be for the City to allow the construction of a one storey garden suite on this site with appropriate off street parking for both residences. This would also address the concern some neighbours have about parking. When looking at parking we believe it is important to look at the number of houses in the immediate vicinity that currently do not have off-street parking. A review of this kind would also need to consider the number of legal and illegal suites in the immediate area. Neighbours of this rezoning application have reported that a number of such suites exist including more than one per lot. Requesting the City enforce its current guidelines concerning such suites could inadvertently lead to a reduction in affordable rental housing. The neighbourhood currently seems to have the ability to accommodate these secondary suites as well as, potentially, an additional yet compact rental unit on the property in question with appropriate parking. Conversely, this rezoning proposal with its larger building footprint and reduced parking could upset that balance.

Additionally concern has been expressed that the proposed new building, with its outside entrance to the basement, could invite the development of an illegal secondary suite.

Sincerely,

*Naomi Simpson* per David Maxwell

David Maxwell  
Chair, Land Use Committee  
Fernwood Community Association

Pc: Sustainable Planning and Community Development Department,  
City of Victoria





## Talbot Mackenzie & Associates

Consulting Arborists

July 16, 2015

K.J. Colpman  
967 Bank Street  
Victoria, BC V8S 4B1

Re: Robinia trees in municipal road dedication at 2035 Stanley Avenue

During our recent site visit, at your request, we visually inspected the health and structural characteristics of the above ground portions of three Robinia psuedoacacia trees numbered 0337, 0349 and 0350 located within the property boundaries, but where they will be in the area of a proposed road dedication on the frontages of Stanley Avenue and Pembroke Street.

All three trees appear reasonably healthy with no fruiting bodies or other indicators of the presence of wood root decay pathogens in evidence. There was also no soil cracking, heaving, root plate lifting or any other indicators of root plate instability observed at the time of this site visit, and the structural characteristics of the three trees observed is typical of most Robinia trees of this size and age.

Our assignment did not include taking resistograph readings, increment core samples or other detailed structural analysis, and while we did not observe any visual evidence of the presence of large cavities nor did we observe evidence of health decline or the presence of disease pathogens or infestations of insect pests, the canopy of Robinia #350 is covered in a dense layer of English Ivy, making it difficult to inspect the structure of the tree beneath this layer of ivy growth.

The growth characteristics observed in #349 are common for this tree species, where the tree develops multiple stems and growth leaders that have narrow angles of attachment, making them susceptible to failure during severe weather conditions or when decay is present at these stem unions.

Our visual inspection did not find any evidence to indicate that the health of any of the trees observed are in decline or that they pose an immediate risk; however, trees of this species do require pruning on a cyclical basis throughout their life to reduce weight from the major stems and limbs as a method of reducing the risk of stem failure and to correct structural defects as they occur. It appears that Robinia #339 has been pruned historically to remove some of the stems that had a weakness present at the unions, but we anticipate that additional pruning will be required on a 5 year pruning cycle to address any re-occurring structural defects and to reduce the risk of failure of the multiple competing stems.

It is our opinion that in future years the trees are likely to have maintenance requirements similar to other mature Robinia trees that are part of the municipal tree resource.

Please do not hesitate to call us at 250-479-8733 should you have any further questions.  
Thank You.

Yours truly,  
Talbot Mackenzie & Associates



Tom Talbot & Graham Mackenzie  
ISA Certified & Consulting Arborists

#### Disclosure Statement

Arborists are professionals who examine trees and use their training, knowledge and experience to recommend techniques and procedures that will improve the health and structure of individual trees or group of trees, or to mitigate associated risks.

Trees are living organisms, whose health and structure change, and are influenced by age, continued growth, climate, weather conditions, and insect and disease pathogens. Indicators of structural weakness and disease are often hidden within the tree structure or beneath the ground. It is not possible for an arborist to identify every flaw or condition that could result in failure nor can he/she guarantee that the tree will remain healthy and free of risk.

Remedial care and mitigation measures recommended are based on the visible and detectable indicators present at the time of the examination and cannot be guaranteed to alleviate all symptoms or to mitigate all risk posed.





## **Talbot Mackenzie & Associates**

Consulting Arborists

June 07, 2012

Phil Large  
607 Vancouver Street  
Victoria, BC V8V 3T9

Re: Tree Retention Report for 2035 Stanley Avenue

**Assignment:** Prepare a tree retention report to be used during the construction of an additional residence on the property at 2035 Stanley Avenue.

**Methodology:** For this purpose we reviewed the site plan and layout of the building, driveway and parking footprints. During a June 06, 2012 site visit we examined and documented the tree resource on the property. For ease of identification in the field, each tree onsite was identified using a numeric metal tag attached to the lower trunk. Information such as tree species, size (dbh), Protected root zone (PRZ), Critical root zone (CRZ), health and structural condition, relative tolerance to construction impacts and general remarks and recommendations was recorded in the attached tree resource spreadsheet.

**Tree Resource:** The tree resource consists mainly of non-bylaw protected exotic tree species. Two (2) bylaw-protected Robinia trees grow on the property, where they are away from the general area of construction and where they are unlikely to be impacted.

**Proposal:** The proposal as outlined in the plans is to construct an additional residence on the east side of the lot and to widen the existing driveway to accommodate additional off street parking.

**Potential impacts on the tree resource:** From the information compiled during our site examination we have determined that it will not be necessary to remove any trees of bylaw-protected size to accommodate this proposal.

We are recommending that the following non bylaw-protected trees that will be impacted by the proposal be removed.

- Tree of heaven #0344 and #0346 – a tree species with an aggressive root system that makes it unsuitable to retain close to houses, hardscape and underground services.
- Douglas-fir #0343 – a tree species that has a low tolerance to construction impacts and is unlikely to survive.
- Big Leaf maple #0342 – that is infected with a wood decay pathogen
- Larch #0347 and Chamaecyparis #0348 – that are located within the footprint for the expanded parking area.

The plans indicate that the remaining trees on the property are to be retained.

**Excavation:** The proposed building footprint is located where the excavation will not impact the bylaw-protected trees on the property.

**Blasting and rock removal:** We do not anticipate that any explosive blasting will be required on this site. If blasting is required, it is located where there is unlikely to be any impact on the bylaw-protected trees.

**Grade changes:** Any proposed grade changes are outside of the critical root zones of the bylaw-protected trees.

**Pruning:** The pruning of bylaw-protected trees should not be required to accommodate or attain clearance from the proposed new residence or aboveground services now or in future years. Any pruning that is required will be for the benefit of tree health or to address existing structural defects.

**Servicing:** We did not review the servicing drawings for the purpose of this report. It should be possible, however to install both the aboveground and underground services without impacting the bylaw-protected trees. Should it be determined that underground services must be upgraded or replaced near the bylaw-protected trees, their location and potential impacts must be reviewed by the Project Arborist.

**Off site work:** We have not been informed of any requirements to up grade or replace the offsite services or any of the municipal infrastructure. We also do not anticipate any alterations to the drainage patterns that would impact bylaw-protected or municipal trees.

**Mitigation of Impacts:** It is our opinion that the proposal as reviewed in the plans that were supplied is unlikely to impact any of the bylaw-protected or municipal trees. Any of the non bylaw-protected trees that you wish to retain should be isolated from the construction impacts by erecting barrier fencing.

- **Barrier fencing:** Areas, surrounding the trees to be retained, should be isolated from the construction activity by erecting protective barrier fencing. Where possible, the fencing should be erected at the perimeter of the critical root zones or at the edge of the canopy dripline. **We also recommend erecting barrier fencing along the west edge of the proposed parking area to isolate the adjacent bylaw-protected Robinia tree #0349 from accidental encroachment on its root zone.**

The barrier fencing to be erected must be a minimum of 4 feet in height and constructed of solid material or flexible safety fencing that is attached to wooden or metal posts. If a flexible fencing material is used, the top and bottom of the fencing must be secured to the posts by a wire or board that runs between these posts. The fencing must be erected prior to the start of any construction activity on site (i.e. demolition, excavation, construction), and remain in place through completion of the project. Signs should be posted around the protection zone to declare it off limits to all construction related activity. The project arborist should be consulted before this fencing is removed or moved for any purpose.



**Conclusion:** It is our opinion that the construction as proposed in the plans that were supplied will not have a detrimental impact on the bylaw-protected trees on the property or on any municipal trees.

Please do not hesitate to call us at 250-479-8733 should you have any further questions.  
Thank you.

Yours truly,

Tom Talbot & Graham Mackenzie  
ISA Certified, & Consulting Arborists

CC – Nigel Banks

**Disclosure Statement**

Arborists are professionals who examine trees and use their training, knowledge and experience to recommend techniques and procedures that will improve the health and structure of individual trees or group of trees, or to mitigate associated risks.

Trees are living organisms, whose health and structure change, and are influenced by age, continued growth, climate, weather conditions, and insect and disease pathogens. Indicators of structural weakness and disease are often hidden within the tree structure or beneath the ground. It is not possible for an arborist to identify every flaw or condition that could result in failure nor can he/she guarantee that the tree will remain healthy and free of risk.

Remedial care and mitigation measures recommended are based on the visible and detectable indicators present at the time of the examination and cannot be guaranteed to alleviate all symptoms or to mitigate all risk posed.

**TREE RESOURCE**  
for  
2035 Stanley Avenue

Tree #	d.b.h. (cm)	Species	PRZ	CRZ	Crown Spread(m)	Condition Health	Condition Structure	Relative Tolerance	Remarks / Recommendations
0339	9, 10, 12	Tree of heaven	N/A	2.0	4.0	Good	Fair	good	Tri-dominant, ivy covered trunk, located partially on neighbouring property at 2027 Stanley Avenue.
0340	7, 8	Mountain ash	N/A	2.0	2.0	Fair	Poor	good	Co-dominant, 1 dead stem, suppressed.
0341	23	Chamaecyparis	N/A	2.3	4.0	Fair	Fair	good	Deflected top.
0342	39, 47	Big Leaf maple	N/A	8.5	11.0	Fair	Poor	moderate	Co-dominant, large hangers, 1 stem heavily decayed, <i>Ganoderma</i> fruiting bodies on both stems, heavily pruned. Poor specimen.
0343	52	Douglas-fir	N/A	8.0	6.5	Fair	Fair	poor	Epicormic growth, end-weighted limbs.
0344	40, 42	Tree of heaven	N/A	12.0	6.5	Fair	Fair	good	Included bark, tri-dominant, may be shared tree. Poor species to retain in residential area.
0345	multiple Stems	Mountain ash	N/A	3.0	3.0	Fair	Fair	good	9 stems between 8 - 10 cm diameter, growing near base of 0344.
0346	50	Tree of heaven	N/A	5.0	10.0	Fair	Fair	good	Located at Northeast corner of property, recent limb failure. Poor species to retain in residential area.
0347	20	Larch	N/A	2.0	4.0	Fair	Fair	good	Growing at base of retaining wall.
0348	25	Chamaecyparis	N/A	2.5	4.5	Fair	Fair	good	Growing at base of retaining wall.
0349	170	Robinia	15.0	12.0	11.5	Fair	Fair	good	10 stems, union above dbh, crossing stems, narrow unions, history of large stem removal.
0350	36	Robinia	N/A	4.0	8.0	Fair	Fair	good	One-sided canopy, included bark.

Prepared by:  
Talbot Mackenzie & Associates  
ISA Certified, and Consulting Arborists  
Phone: (250) 479-8733  
Fax: (250) 479-7050  
email: Treehelp@telus.net



**TREE RESOURCE**  
for  
2035 Stanley Avenue

<i>Tree #</i>	<i>d.b.h. (cm)</i>	<i>Species</i>	<i>PRZ</i>	<i>CRZ</i>	<i>Crown Spread(m)</i>	<i>Condition Health</i>	<i>Condition Structure</i>	<i>Relative Tolerance</i>	<i>Remarks / Recommendations</i>
0337	130	Robinia	15.0	10.0	11.0	Fair	Fair	good	End-weighted limbs, ivy covered. Recommend ivy removal to examine structure more closely.
no tag	30	plum	5.4	3.0	4.0	Fair	Fair	good	Municipal tree, pruning wounds.





### Key to Headings in Resource Table

d.b.h. – **diameter at breast height** - diameter of trunk, measured in centimetres at 1.4 metres above ground level

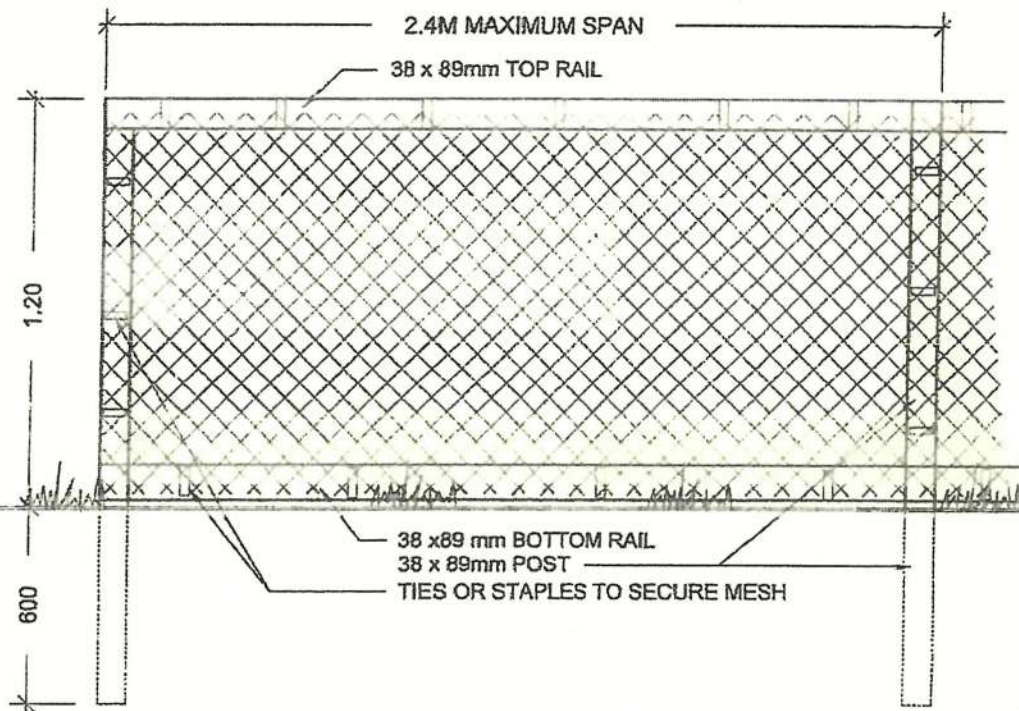
PRZ – **protected root zone** - the area of land surrounding a bylaw-protected tree that contains the bulk of the critical roots of the tree. Indicates the radius of a circle of protected land, measured in metres, calculated by multiplying the diameter of the tree by 18.

CRZ – **critical root zone** - estimated optimal size of tree protection zone based on tree species, condition and age of specimen and the species tolerance to root disturbance. Indicates the radial distance from the trunk, measured in metres.

Condition health/structure –

- Good – no visible or minor health or structural flaw
- Fair – health or structural flaw present that can be corrected through normal arboricultural or horticultural care.
- Poor – significant health or structural defects that compromise the long-term survival or retention of the specimen.

Relative Tolerance – relative tolerance of the selected species to development impacts.



### TREE PROTECTION FENCING

FENCE WILL BE CONSTRUCTED USING

38 X 89 mm (2"X4") WOOD FRAME:

TOP, BOTTOM AND POSTS. \*

USE ORANGE SNOW-FENCING MESH AND

SECURE TO THE WOOD FRAME WITH

"ZIP" TIES OR GALVANIZED STAPLES

\* IN ROCKY AREAS, METAL POSTS (T-BAR  
OR REBAR) DRILLED INTO ROCK WILL BE  
ACCEPTED

DETAIL NAME:

**TREE PROTECTION FENCING**

DATE: Oct 30/07  
DRAWN: DM  
APP'D. RR  
SCALE: N.T.S.

**E105**  
DRAWING



Received  
City of Victoria  
JUL 30 2015  
Planning & Development Department  
Development Services Division

Victoria City Council - 26 Jun 2014

1344	1409	1344	1409
1350	1413	1350	1413
1356	1417	1356	1417
1360/62	1421	1360/62	1421
1400	1427	1400	1427
1404	1429	1404	1429
1406	1437	1406	1437
1414	1445	1414	1445
1418	1447	1418	1447
1422	1453	1422	1453

1348	1347	1348	1347
1358	1353/55	1358	1353/55
2010	2028	2010	2028
2018	2026	2018	2026
2024		2024	
2035		2035	
2027		2027	
2021		2021	
2013		2013	
1400		1400	
1414	1413	1414	1413
1422	1417	1422	1417
1426	1421	1426	1421



2035 Stanley Street  
Rezoning #00350  
Bylaw #



**SUMMARY  
SMALL LOT HOUSE REZONING PETITION**

I, Kim Colman, have petitioned the adjacent neighbours\* in compliance with  
applicant

the *Small Lot House Rezoning Policies* for a small lot house to be located at 2035 Stanley  
(location of proposed house)

and the petitions submitted are those collected by JULY 28 2015 \*\*  
(date)

Address	In Favour ✓	Opposed ✓	Neutral (30-day time expired) ✓
	OWN RUN	OWN RUN	OWN RUN
1413 Rembroke <small>*other correspondence attached</small>	✓		
1406 Rembroke	✓		
1408 Rembroke	✓		
1410 Rembroke	✓		
1404 Rembroke (current)		✓	✓
1404 Rembroke (new owner Aug 10)	✓		
1400 Rembroke		✓	
2028 Stanley	✓		
2028 Stanley		✓	
2026 Stanley	✓		
2027 Stanley	✓		
2027 Stanley		✓	
1360/1362 Rembroke			✓✓
1362 Rembroke			✓

SUMMARY	Number	%
IN FAVOUR	11	92%
OPPOSED	1	8%
TOTAL RESPONSES	12	100%

\*Do not include petitions from the applicant or persons occupying the property subject to rezoning.

\*\*Note that petitions that are more than six months old will not be accepted by the City. It is the applicant's responsibility to obtain new petitions in this event.



## SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,

Kim Coleman, am conducting the petition requirements for the  
(print name)

property located at 2035 Stanley Victoria B.C.

to the following Small Lot Zone: FLS2

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. Please do not include your phone number or email address.

Please review the plans and indicate the following:

NAME: (please print) DAVID & CAROLYN BERRY (see note above)

ADDRESS: 1413 PEMBROKE ST.

Are you the registered owner? Yes ☒ No ☐

I have reviewed the plans of the applicant and have the following comments:

☒ I support the application.

☐ I am opposed to the application.

Comments:

We feel this design is a significant  
improvement over the one proposed  
previously.

June 17 / 15  
Date

[Signature]  
Signature

June 17, 2015

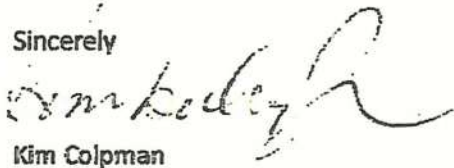
Follow Up Meeting with David and Carolyn Berry Re: 2035 Stanley

On March 23, 2015, I met with Mr. and Mrs. Berry to discuss changes to our Proposal at 2035 Stanley, Victoria BC. David and Carolyn Berry are the contiguous neighbours to the east, living at 1413 Pembroke Street. A signed letter from March 23, 2015 is attached, indicating their acceptance of these changes.

Subsequent to this meeting, additional changes were made to the design. We contracted Zebra Design to prepare electronic CAD drawings for our Rezoning Submission Package (previously submitted hand drawn plans). Zebra Design consultants highlighted ways to make our design better, and to provide what we believe is an even more pleasing additional to the neighbourhood. Their suggestions have been incorporated into this new design, presented today to Mr. and Mrs. Berry. A copy of which was left for their records.

Mr. and Mrs. Berry have reviewed, and are satisfied with, the updated proposal. We have maintained the windows on the east and west sides at their request, as this is an important design feature from their site line perspective.

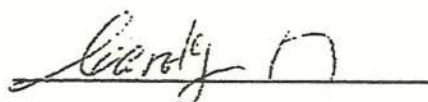
Sincerely



Kim Colpman



David Berry



Carolyn Berry



March 23, 2015

Meeting with David and Carol Barry Re: 2035 Stanley

After meeting with Mr. and Mrs. Barry and discussing their concerns, the following changes were made to our Proposal at 2035 Stanley, Victoria BC. David and Carol Barry are the contiguous neighbours to the east, living at 1413 Pembroke Street:

1. Design modified to include windows on side walls (east and west elevations) to eliminate 'blank' wall look. Windows will provide interest to the design and respect the privacy of the neighbours.
2. Incorporated a hedge along the southeast portion of the backyard and against the 6' fence to provide additional privacy and sound barriers.
3. Reduced the size of the patio from 20x12 to 12 x 12 to keep outdoor BBQ activity further away from Mr. and Mrs. Barry's property.

Mr. and Mrs. Barry also expressed other concerns which we have discussed.

1. A full bathroom in the lower floor may invite 'rental'.
  - This home is marketed toward families and as such must provide sufficient facility. A second full bathroom is an essential feature.
2. Blasting near their home.
  - Should blasting be necessary it will be carried out by professionals who are expert in mitigating damage to secondary properties. In the past, we have had no issues.
3. Existing Duplex needs attention.
  - This past summer, the fence was restored and painted. As well the yard was cleaned up. Should the rezoning be approved, we will be painting the exterior of the existing home as well.

Sincerely,

Kim Colpman

We have read the above letter and are satisfied with the changes Kim Colpman has made to her proposal for 2035 Stanley.

David Berry

Carol Barry

WE ALSO FEEL THE WINDOWS ADDED TO THE FACADE ON OUR SIDE IS AN ESSENTIAL COMPONENT TO OUR SATISFACTION WITH THE DEVELOPMENT.

## SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,

Kim Coleman (print name), am conducting the petition requirements for the

property located at 2035 Stanley, Victoria B.C.

to the following Small Lot Zone: 11-S2

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City reserves your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. Please do not include your phone number or email address.

Please review the plans and indicate the following

NAME: (please print) Dee Turner - 2035 Stanley (see note above)

ADDRESS: 2035 Stanley, Victoria B.C.

Are you the registered owner? Yes ☒

No ☐

I have reviewed the plans of the applicant and have the following comments:

☒ I support the application.

☐ I am opposed to the application.

Comments:

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Jan 17/18  
Date

[Signature]  
Signature



### SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Toronto, I

Kim Sporn am conducting the petition process for the

property located at 235 Stanley

to the following Small Lot Zone: R53

The City of Toronto's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Toronto in response to the petition will form part of the public record and will be discussed in a meeting open to the public before Council. The City maintains your address related to Council's consideration of this matter and will therefore have some information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate yes or no if you are the registered owner. Please do not include your phone number or email address.

Please review the plans and indicate the following:

NAME: please print Lucia Natchez (see note above)

ADDRESS: 1404 Dundas St

Are you the registered owner? Yes ☐

No ☒

- Family Home  
(rented)

RENTED  
Daughter of  
owner.

I have reviewed the plans of the applicant and have the following comments:

☒ I support the application.

☐ I am opposed to the application.

Comments:

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July 12, 2015  
Date

[Signature]  
Signature

## SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,

Kim Coleman, am conducting the petition requirements for the  
(print name)

property located at 2035 Stanley

to the following Small Lot Zone: RS2

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. Please do not include your phone number or email address.

Please review the plans and indicate the following:

NAME: (please print) Dr. Naicker (see note above)

ADDRESS: 1404 Rembride

Are you the registered owner? Yes ☒ No ☐

I have reviewed the plans of the applicant and have the following comments:

☐ I support the application.

☐ I am opposed to the application.

NEUTRAL

Comments:

Owner contacted by phone (live out of province). Home  
has been sold. New owners take possession mid-August 2015  
Therefore their position is neutral. I (Kim Coleman)  
am trying to connect with new owners. Their realtor has  
been sent a copy of our rezoning proposal and asked  
to share it with new owners and to contact me.

Date

[Signature] (for Dr. Naicker - 250-362 2344)  
Signature



## SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,

KIM CAPMAN  
(print name)

, am conducting the petition requirements for the

property located at 2035 STANLEY AVE

to the following Small Lot Zone: R1-S2

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. Please do not include your phone number or email address.

Please review the plans and indicate the following

NAME: (please print) ALIK TATAROV (see note above)

ADDRESS: 1404 PEMBROKE

Are you the registered owner? Yes ☒

No ☐

NEW OWNER

I have reviewed the plans of the applicant and have the following comments:

☒ I support the application.

☐ I am opposed to the application.

Comments:

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JULY 28/2015  
Date

[Signature]  
Signature

## SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,

\_\_\_\_\_, am conducting the petition requirements for the  
(print name)

property located at 2035 STANLEY AVE.

to the following Small Lot Zone: \_\_\_\_\_

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. Please do not include your phone number or email address.

Please review the plans and indicate the following:

NAME (please print) BOB TATAROV (see note above)

ADDRESS: 1404 PEMBERTON

Are you the registered owner? Yes ☐ No ☐

I have reviewed the plans of the applicant and have the following comments:

☒ I support the application.

☐ I am opposed to the application.

Comments:

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JULY 28/2016  
Date

[Signature]  
Signature



## SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria:

Kim (Cipman) am conducting the rezoning requirements for the

property located at 2035 Stanley, Victoria, BC

to re-zoning Small Lot Zone: R2

The City of Victoria's Small Lot Rezoning Bylaw requires that every candidate who is not a resident and owner of neighbouring lots to demonstrate a commitment to the proposal. Please note that all correspondence submitted to the City of Victoria in relation to this Petition will form part of the public record and will be published in a meeting agenda when the matter is before Council. The City reserves your address to assist in Council's consideration of this matter and will disclose the address information to other interested parties if you request you to publish it. Include your name, please indicate your address and indicate yes or no if you are the registered owner. Please do not include your phone number or email address.

Please review the plans and indicate the following:

Name (please print): Julia (Julie) Lommerse (see note above)

ADDRESS: 1400 Pembroke St

Am I the registered owner? Yes ☒ No ☐

I have reviewed the plans of the applicant and have the following comments:

☐ support the application.

☒ am opposed to the application.

Comments:

We are not opposed to any development on this site -- but we are opposed to the current proposal on the table for these reasons:

1. No Parking for New Home: no additional stalls have been proposed over and above the 2 which are on the site serving the 2 units of the duplex. For a house of this size then a minimum of 1-2 stalls should be provided.
2. Set back of house is too large for the lot: If house were scaled back then there would be room for required parking and adequate green space. Perhaps a small cottage style home/coach house?

July 16, 2015

Date

Signature

SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,

Kim Simpson, am conducting the petition requirements for the  
(print name)

property located at 2035 Stinkley

to the following Small Lot Zone: RS2

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. Please do not include your phone number or email address.

Please review the plans and indicate the following:

NAME: (please print) \_\_\_\_\_ (see note above)

ADDRESS: 1360/1362 Rembrake

Are you the registered owner? Yes ☐ No ☐

I have reviewed the plans of the applicant and have the following comments:

☐ I support the application.

☐ I am opposed to the application.

NEUTRAL

Comments:

Residents were not interested in reviewing the proposal and indicated they had no comment.

July 10, 2015  
Date

\_\_\_\_\_  
Signature



SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,

Kim (Colleen), am enclosing the petition requirements for the

property located at 2035 Stanley

to the following Small Lot Zone: RS2

The City of Victoria's Small Lot Rezoning Policy requires that the applicant and voting age residents and owners of neighbouring lots to endorse the acceptability of the process. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be provided to a meeting agenda when this matter is before Council. The City considers your address requested as Council's consideration of the matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please include your address and indicate (yes or no) if you are the registered owner. Please do not include your phone number or email address.

Please review the plans and indicate the following:

NAME: please print John Vissler (see note above)

ADDRESS: 2026/2028 Stanley Ave.

Are you the registered owner? Yes ☒ No ☐

**LIVES IN SUITE, RENTS THE OTHER**

I have reviewed the plans of the applicant and have the following comments:

☒ I support the application.

☐ I am opposed to the application.

Comments:

ensure that there is adequate off-street  
parking

July 23, 2015

[Signature]  
Signature

## SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,

Kim Wolman, am conducting the petition requirements for the  
(print name)

property located at 2035 Stanley

to the following Small Lot Zone: RS2

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. Please do not include your phone number or email address.

Please review the plans and indicate the following:

Name: (please print ANDREW H. HULLAN see note above)

ADDRESS: 3358 SALSBURY WAY, V8P 3K3

Are you the registered owner? Yes ☒ No ☐ of 2027 Stanley

I have reviewed the plans of the applicant and have the following comments:

☒ I support the application.

☐ I am opposed to the application.

Comments:

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25 JUNE 15  
Date

Andrew Hullan  
Signature



## SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,

Jim Coleman, am conducting the petition requirements for the

property located at 255 Stanley, Victoria BC

to the following Small Lot Zone: RL-S2

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. Please do not include your phone number or email address.

Please review the plans and indicate the following:

NAME: (please print) CAROL J. JEN (see note above)

ADDRESS: 3024 Stanley Avenue

Are you the registered owner? Yes ☐ No ☒ RENTER

I have reviewed the plans of the applicant and have the following comments:

☒ I support the application.

☐ I am opposed to the application.

Comments:

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11/11/05  
Date

[Signature]  
Signature

Received  
City of Victoria

APR 05 2016

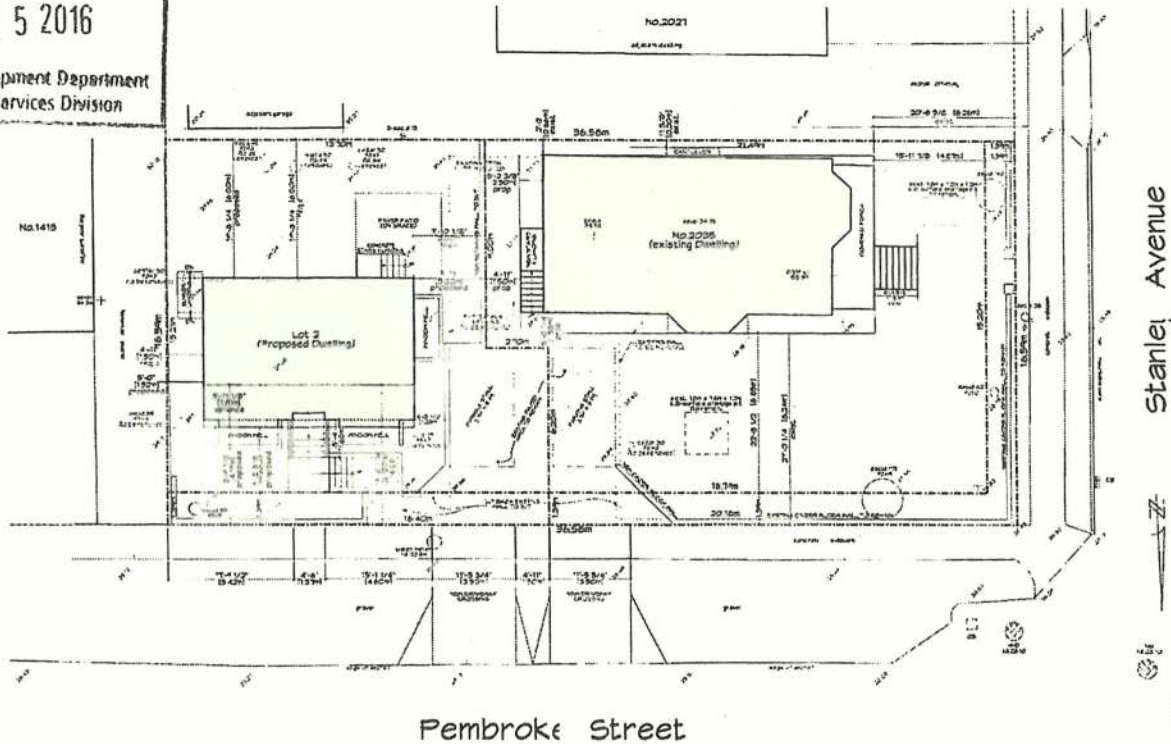
Planning & Development Department  
Development Services Division

**SITE DATA - 2035 STANLEY AVE (PROPOSED LOT 1 - EXISTING DUPLEX)**

LEGAL DESCRIPTION - PROPOSED LOT 1 OF LOT 1, SECTION 73, VICTORIA DISTRICT, PLAN 262  
ZONING - SITE SPECIFIC (PROPOSED)

	PROPOSED	PROPOSED (EXCLUDING 1.5M DEDICATION)
LOT AREA	394.11 M <sup>2</sup> (3666.02 FT <sup>2</sup> )	304.98 M <sup>2</sup> (3336.62 FT <sup>2</sup> )
LOT WIDTH	16.54 M (54.43')	15.20 M (49.87')
LOT DEPTH (AVG.)	21.53 M (70.64')	20.14 M (66.00')
SETBACKS		
FRONT	6.26 M (20.54')	4.81 M (15.80')
REAR (TO HOUSE)	2.50 M (8.20')	2.50 M (8.20')
REAR (TO STAIRS)	1.50 M (4.92')	1.50 M (4.92')
SIDE (INTERIOR)	0.30 M (0.98')	0.30 M (0.98')
SIDE (EXTERIOR)	6.24 M (20.49')	6.55 M (21.47')
AVG. GRADE	20.44 M (67.08')	20.44 M (67.08')
BUILDING HEIGHT	7.10 M (23.29')	7.10 M (23.29')
STOREYS	2 STOREYS + BSMT	2 STOREYS + BSMT
FLOOR AREA		
UPPER FLOOR	64.71 M <sup>2</sup> (701.00 FT <sup>2</sup> )	64.71 M <sup>2</sup> (701.00 FT <sup>2</sup> )
MAIN FLOOR	84.08 M <sup>2</sup> (905.00 FT <sup>2</sup> )	84.08 M <sup>2</sup> (905.00 FT <sup>2</sup> )
LOWER FLOOR (BSMT)	71.95 M <sup>2</sup> (776.00 FT <sup>2</sup> )	71.95 M <sup>2</sup> (776.00 FT <sup>2</sup> )
1ST/2ND STOREYS, TOTAL	139.05 M <sup>2</sup> (1492.00 FT <sup>2</sup> )	139.05 M <sup>2</sup> (1492.00 FT <sup>2</sup> )
ALL FLOORS, TOTAL	231.74 M <sup>2</sup> (2493.00 FT <sup>2</sup> )	231.74 M <sup>2</sup> (2493.00 FT <sup>2</sup> )
TOTAL FLOOR AREA	159.85 M <sup>2</sup> (1726.00 FT <sup>2</sup> )	159.85 M <sup>2</sup> (1726.00 FT <sup>2</sup> )
FLOOR AREA RATIO	0.43	0.50
SITE COVERAGE	24.36 %	34.05 %
PARKING	1 SPACE	1 SPACE

	EXISTING	EXISTING (EXCLUDING 1.5M DEDICATION)
LOT AREA	606.44 M <sup>2</sup> (6533.56 FT <sup>2</sup> )	535.01 M <sup>2</sup> (5758.01 FT <sup>2</sup> )
LOT WIDTH	16.54 M (54.43')	15.20 M (49.87')
LOT DEPTH (AVG.)	36.37 M (119.40')	35.10 M (115.42')



Pembroke Street

**SITE DATA - 2035 STANLEY AVE (PROPOSED LOT 2 - NEW 5FD)**

LEGAL DESCRIPTION - PROPOSED LOT 2 OF LOT 1, SECTION 73, VICTORIA DISTRICT, PLAN 262  
ZONING - R1-52 (PROPOSED)

	REQUIRED	PROPOSED	PROPOSED (EXCLUDING 1.5M DEDICATION)
LOT AREA	260.00 M <sup>2</sup>	247.82 M <sup>2</sup> (2667.54 FT <sup>2</sup> )	225.03 M <sup>2</sup> (2422.14 FT <sup>2</sup> )
LOT WIDTH	10.00 M	16.35 M (53.74')	16.35 M (53.74')
LOT DEPTH (AVG.)		16.60 M (54.46')	15.21 M (49.90')
SETBACKS			
FRONT	6.00 M	4.14 M (13.58')	2.80 M (9.19')
REAR	6.00 M	6.00 M (19.69')	6.00 M (19.69')
SIDE (INT. - EAST)	1.50 M	1.52 M (5.00')	1.52 M (5.00')
TO HUB, RM FINISH	2.40 M	1.52 M (5.00')	1.52 M (5.00')
SIDE (INT. - WEST)	1.50 M	3.02 M (9.91')	3.02 M (9.91')
AVG. GRADE		24.24 M (79.69')	24.24 M (79.69')
BUILDING HEIGHT	7.50 M	7.06 M (23.16')	7.06 M (23.16')
STOREYS	2 + BSMT	2 STOREYS + BSMT	2 STOREYS + BSMT
FLOOR AREA			
UPPER FLOOR		51.51 M <sup>2</sup> (554.42 FT <sup>2</sup> )	51.51 M <sup>2</sup> (554.42 FT <sup>2</sup> )
MAIN FLOOR		51.65 M <sup>2</sup> (556.26 FT <sup>2</sup> )	51.65 M <sup>2</sup> (556.26 FT <sup>2</sup> )
LOWER FLOOR (BSMT)		45.44 M <sup>2</sup> (490.64 FT <sup>2</sup> )	45.44 M <sup>2</sup> (490.64 FT <sup>2</sup> )
1ST/2ND STOREYS, TOTAL		103.14 M <sup>2</sup> (1110.68 FT <sup>2</sup> )	103.14 M <sup>2</sup> (1110.68 FT <sup>2</sup> )
ALL FLOORS, TOTAL		148.60 M <sup>2</sup> (1603.35 FT <sup>2</sup> )	148.60 M <sup>2</sup> (1603.35 FT <sup>2</sup> )
TOTAL FLOOR AREA	190.00 M <sup>2</sup>	103.14 M <sup>2</sup> (1110.68 FT <sup>2</sup> )	103.14 M <sup>2</sup> (1110.68 FT <sup>2</sup> )
FLOOR AREA RATIO	0.60	0.416	0.454
SITE COVERAGE	40.00 %	24.45 %	26.96 %
PARKING	1 SPACE	1 SPACE	1 SPACE

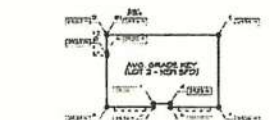
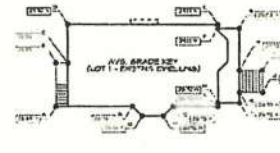
Proposed Site Plan  
Scale: 1:100

LOT 1 (EXISTING DWELLING) - Average Grade Calculation

SEQUENCE	Start	Finish	Average	Distance	Factor	Total Factors	Perimeter	Average grade
AB	28.89	28.55	29.72	3.34	105.32	127.79	49.12	28.936
BC	28.55	28.55	28.55	0.00	28.26			
CD	28.55	29.20	29.13	3.16	107.11			
DE	29.20	29.11	29.15	12.28	481.98			
EF	29.11	29.11	29.11	0.30	8.73			
FG	29.11	28.88	28.99	1.78	51.81			
GH	28.88	28.73	28.81	3.48	100.53			
HI	28.73	28.73	28.73	1.87	53.73			
IJ	28.73	28.73	28.73	1.87	53.73			
JK	28.73	28.73	28.73	1.87	53.73			
KL	28.73	28.73	28.73	0.00	24.71			
LM	28.73	28.73	28.73	0.00	24.71			
MN	28.73	28.73	28.73	0.30	8.67			
NO	28.73	28.73	28.73	0.00	109.73			
OP	28.73	28.73	28.73	1.15	33.08			
PQ	28.73	28.73	28.73	1.15	43.75			
QR	28.73	28.73	28.73	1.15	33.07			
RA	28.73	28.88	28.73	6.32	181.84			
TOTAL				48.12	1102.39			28.936

LOT 2 (NEW 5FD) - Average Grade Calculation

SEQUENCE	Start	Finish	Average	Distance	Factor	Total Factors	Perimeter	Average grade
AB	29.20	29.20	29.20	4.30	127.79	110.41	51.10	29.200
BC	29.20	29.20	29.20	1.15	33.07			
CD	29.20	29.20	29.20	1.15	33.07			
DE	29.20	29.20	29.20	1.15	33.07			
EF	29.20	29.20	29.20	1.15	33.07			
FG	29.20	29.20	29.20	1.15	33.07			
GH	29.20	29.20	29.20	1.15	33.07			
HI	29.20	29.20	29.20	1.15	33.07			
IJ	29.20	29.20	29.20	1.15	33.07			
JK	29.20	29.20	29.20	1.15	33.07			
KL	29.20	29.20	29.20	1.15	33.07			
LM	29.20	29.20	29.20	1.15	33.07			
NO	29.20	29.20	29.20	1.15	33.07			
OP	29.20	29.20	29.20	1.15	33.07			
PQ	29.20	29.20	29.20	1.15	33.07			
QR	29.20	29.20	29.20	1.15	33.07			
RA	29.20	29.20	29.20	1.15	33.07			
TOTAL				31.10	891.41			29.200



- DRAWING LIST:**
- SK0.1 SITE PLAN AND DATA
  - SK1.1 LOT 1 FLOOR PLANS
  - 4 ELEVATIONS
  - SK2.1 LOT 2 FLOOR PLANS
  - 4 ELEVATIONS
  - SK3.1 STREETSCAPES
  - SUPP. LANDSCAPE PLAN



REV. NO.	DESCRIPTION	DATE	REVISION
1	AVG. GRADE RECALCULATED TO INCLUDE RM FINISHES. SPREAD LAYERS ADDED TO SITE PLAN. STAIRS MODIFIED TO ACCENT FOR BUILDING HEIGHT REDUCTION.	MAY 18/16	

ISSUED FOR  
REZONING & DP  
JUNE 17, 2015

**ZEBRADESIGN**

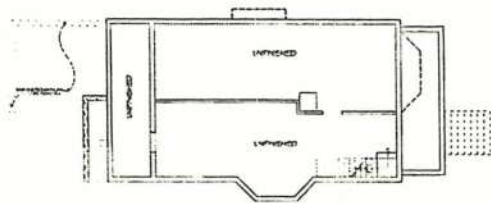
1161 NEWPORT AVE  
Victoria, B.C. V8S 5E6  
Phone: (250) 360-2144  
Fax: (250) 360-2115

Drawn By: K. KOSMAN  
Date: June 17, 2015  
Scale: AS NOTED  
Project: PROPOSED 2-LOT SUBDIVISION 2035 STANLEY AVE.

Title: SITE PLAN & SITE DATA

Sheet: SK 0.1





Lower Floor Plan - Lot 1  
Scale: 1/8" = 1'-0"



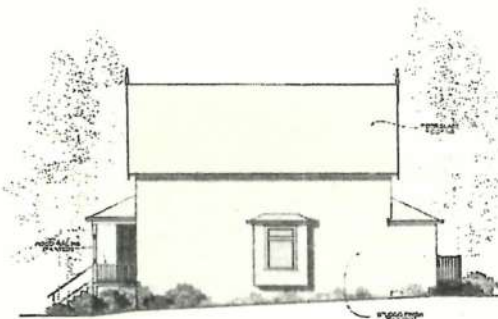
Main Floor Plan - Lot 1  
Scale: 1/8" = 1'-0"



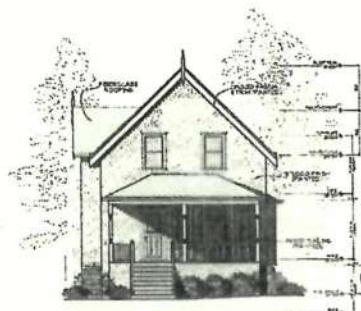
Upper Floor Plan - Lot 1  
Scale: 1/8" = 1'-0"



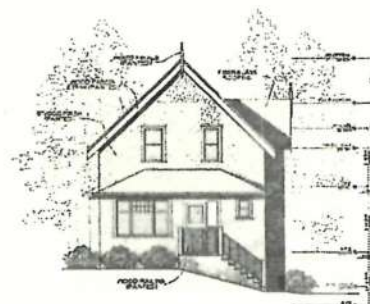
NORTH SIDE ELEVATION  
(PEMBROKE ST.)



SOUTH SIDE ELEVATION



FRONT ELEVATION  
(STANLEY AVE.)



REAR ELEVATION

Elevations - Lot 1  
Scale: 1/8" = 1'-0"

ISSUED FOR  
REZONING & DP  
JUNE 17, 2015

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Victoria, B.C. V8S 5E6  
Phone: (250) 360-2144  
Fax: (250) 360-2115

Drawn By: K. KOSHMAN

Date: June 17, 2015

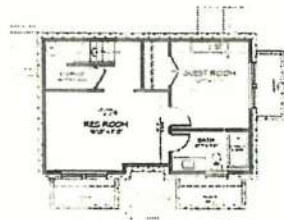
Scale: AS NOTED

Project:

PROPOSED 2-LOT  
SUBDIVISION  
2035 STANLEY AVE.

TITLE:  
LOT 1  
FLOOR PLANS &  
ELEVATIONS

REV. NO.	DESCRIPTION	DATE	Revised By	Sheet
1	NO CHANGE	MAR. 14/16		SK 1.1



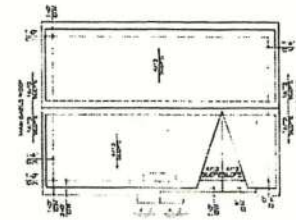
Lower Floor Plan - Lot 2  
Scale: 1/8" = 1'-0"



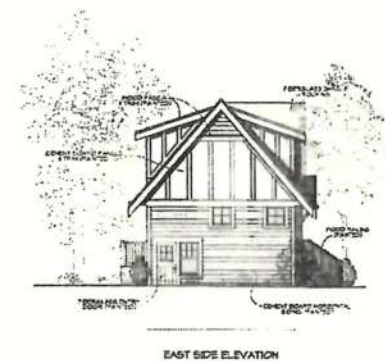
Main Floor Plan - Lot 2  
Scale: 1/8" = 1'-0"



Upper Floor Plan - Lot 2  
Scale: 1/8" = 1'-0"



Roof Plan - Lot 2  
Scale: 1/8" = 1'-0"



Elevations - Lot 2  
Scale: 1/8" = 1'-0"

REV	NO	DESCRIPTION	DATE	Revised by	Sheet
1		ROOF SCALE OF GABLE END ON FRONT ELEVATION CHANGED BUILDING LOWERED 1'-0" INTO THE GROUND 1 OF WINDOWS REDUCED ON EXTERIOR STAIRS PUNCH LANTERN ADDED TO FLOOR PLANS 1 & 2	MAY, 11/15		SK 2.1 Proj No. 180

ISSUED FOR  
REZONING & DP  
JUNE 17, 2015

ZEBRADESIGN

1161 NEWPORT AVE  
Victoria, B.C. V8S 5E6  
Phone: (250) 360-2144  
Fax: (250) 360-2115

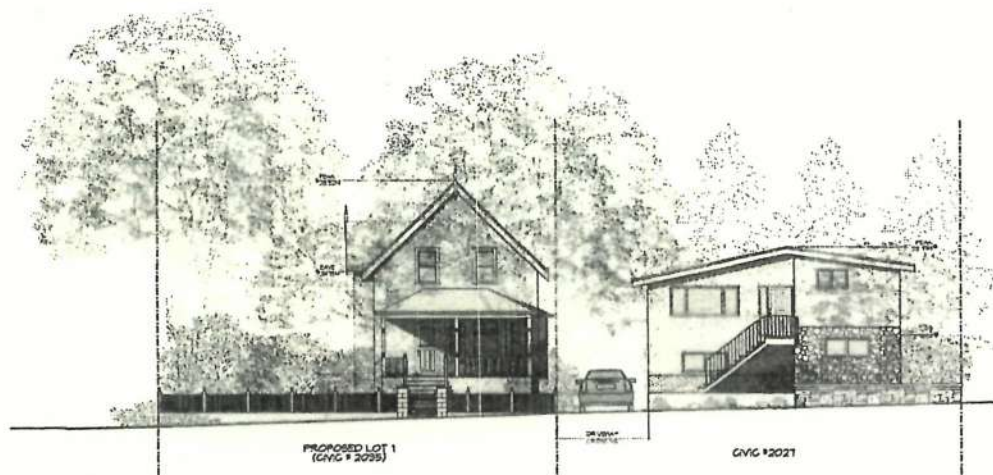
Drawn By: K. KOSHMAN  
Date: June 17, 2015  
Scale: AS NOTED  
Project:  
PROPOSED 2-LOT  
SUBDIVISION  
2035 STANLEY AVE.

Title:  
LOT 2  
FLOOR PLANS &  
ELEVATIONS





Streetscape - Pembroke St.  
Scale: 1/8" = 1'-0"



Streetscape - Stanley Ave  
Scale: 1/8" = 1'-0"

ISSUED FOR  
REZONING 4 DP  
JUNE 17, 2015

ZEBRADDESIGN

1161 NEWPORT AVE  
Victoria, B.C. V8S 5E6  
Phone: (250) 360-2144  
Fax: (250) 360-2115

Drawn By: K. KOSHMAN

Date: June 17, 2015

Scale: AS NOTED

Project:  
PROPOSED 2-L01  
SUBDIVISION  
2035 STANLEY AVE.

Title:  
STREETSCAPES

REV. NO.	DESCRIPTION	DATE	Revision	Sheet
1	ROOF STYLE OF SHEDDED ON FRONT ELEVATION CHANGED BUILDING LOCKED 1'-0" INTO THE SPACING	MAY 14/15		SK 3.1 PROJ. NO. TBD



## Fernwood Community Association

1923 Fernwood Road,  
Victoria, B.C., V8T 2Y6

(250) 384-7441  
Email: [landuse@thefcaca](mailto:landuse@thefcaca)

June 14, 2016

Mayor and Council  
City of Victoria  
#1 Centennial Square  
Victoria, B.C. V8W 1P6

Re: 2035 Stanley Avenue - Rezoning Application (00489)

Dear Mayor and Council;

On Monday June 13, 2016 the Fernwood Community Association's Land Use Committee invited members of the community to meet with the developer to review the latest changes to the proposal to rezone 2035 Stanley Avenue.

The proposal is to divide this R1-B property (that currently has a legal non-conforming up and down duplex) into two site specific zones. One new zone will retain the non-conforming duplex and the second zone will allow for the construction of a new small lot home.

The Fernwood Land Use Committee currently has a policy in place where we do not support a small lot subdivision that requests a significant number of variances.

When considering developments in the Fernwood neighbourhood, the Land Use Committee will be guided by the following planning guidelines.

**Small Lot Zone** – this includes site specific zones requesting the equivalent of a small lot house.

The criteria for small lot developments are already generous by allowing houses to be built on smaller lots with smaller set-backs. As a result, requests for variances that enlarge the footprint of the house significantly – therefore reducing required set-backs - are not supported. Modest variances to allow for steps, small porches or bay windows will be considered by the land use committee, in consultation with neighbours, on a case by case basis.



This policy concerning small lot developments was initially developed to give proponents a clear understanding of where we stood as a neighbourhood. This approach now makes even more sense as we see the escalation in the value of small lot developments. We believe that granting numerous and significant variances in order to create a small lot subdivision will exacerbate this situation and goes against the original intent of the small lot house policy of providing an affordable housing option.

This proposed new home requires two significant variances:

The lot for the new house is too small by 34.97m<sup>2</sup>.

The front yard variance of 3.2 meters places the new house so that it will not align with the other houses to the East on Pembroke Street.

The City's Small Lot House Design Guidelines address this issue by saying 'Unless handled carefully, a setback that varies significantly from the established pattern may be disruptive to the streetscape.'

Generally the comments made at both community meetings did not support this rezoning.

If the proposed subdivision of this lot goes ahead, it is our understanding that the new site specific zone that has the non conforming duplex on could have a strata duplex built on it. With current property values this makes the existing house very attractive to be torn down in order to build a strata duplex on the lot through a hardship variance. The unintentional consequence of approving these two site specific zones could be three houses being built on this lot.

Considering the above, it is our opinion that the neighbours and the community would be better served by permitting a Garden Suite to be built on this lot. The challenge here is the Garden Suite Zoning does not allow for a secondary suite to also exit on the property and in this case, the non conforming up and down duplex is considered a secondary suite.

Despite this challenge, we are suggesting that you consider an exception to permit a Garden Suite in this circumstance.

From the community's perspective a garden suite in this location would be supportable for a number of reasons:

- It respects our ongoing concern regarding the request for significant variances to allow for a Small Lot Subdivision which could result in fitting a square peg into a round hole.
- Introducing a garden suite as an option provides an attractive rental housing unit – one that would likely meet the needs of a person with mobility issues. Now it

won't be an inexpensive rental but will add to the City's rental stock and therefore increase supply to a small degree.

- Unlike a rental house, it should remain a stable rental as the unit can't be sold for redevelopment.
- It might also slow the escalation in land values where people speculate they might be able to get a small lot subdivision approved despite not meeting the requirements of the Small Lot Zone.
- It increases the chance that the property will be sold and the new owner may decide to restore the existing house and convert it back to a single family home. Someone with an interest in developing a sizable garden would find this property attractive especially if it is already zoned for a garden suite.

At Monday's Land Use Meeting neighbours complained about an ongoing lack of maintenance to the lawn and trees on the lot.

Sincerely,

David Maxwell  
Chair, Land Use Committee  
Fernwood Community Association

Pc: Sustainable Planning and Community Development Department,  
City of Victoria



**Julie Lommerse**  
1400 Pembroke Street, Victoria BC V8R 1V6

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

**Re: Rezoning Application #00489 – 2035 Stanley Ave**

On Monday, June 13, 2016 I attended a neighbourhood meeting where Large and Co. presented the changes made to the plans for the 'Small Lot' house proposed for this site. This presentation was in preparation for the upcoming Committee of the Whole meeting on June 16, 2016.

I live opposite the project site and have previously expressed concern about the proposal for the new home. From what I understand, the differences from the last submission are that the proposed new dwelling building was lowered and that the façade was changed slightly — neither of which address the concerns I had with the project, which include:

- Lack of off-street parking - There are only two parking stalls proposed for a 3-unit development. Currently there are two parking stalls for the existing house which has two units, so therefore, how I interpret this is that, there would be no additional parking stalls added for the new house.
- Size of house – I would have supported a smaller house (not shorter) -- one that takes up less space on the lot, so that off-street parking and an acceptable amount of landscaping could be accommodated. I am not that concerned with the look of the house, but rather the size. In the presentation on Monday evening, the developer called this a small family house, but at 1600 sq. ft., I would interpret this as an average size for a house. At 1600 sq. feet I am guessing that it is about the same size, if not larger, than a number of the houses (cottages) currently found along Pembroke Street. A number of my neighbours were concerned that there is a basement associated with this house, a basement that possibly could be used for rental income (illegally), potentially adding even more households to this lot — something that I also am concerned with.
- Proposed setback variances on all three sides of the new house - which in my opinion is a real concern on an already tight lot.
- Proposed new lot is smaller than the minimum required for a small lot - which I feel sets a dangerous precedent for our neighbourhood.
- Ivy not being removed from the large tree facing Stanley Street so the arborist can make an accurate assessment on the tree.

As I have previously mentioned, I would rather see a small cottage or perhaps a carriage house on this site, rather than a full-sized family home which doesn't have enough space to accommodate parking or outdoor living.

Sincerely,

Julie Lommerse