MOTIONS

- 1. <u>To Set Public Hearings for the Council Meeting of Thursday, July 9, 2015 for</u>: It was moved by Councillor Madoff, seconded by Councillor Loveday, that the following Public Hearings be held in Council Chambers, City Hall, on **THURSDAY**, **JULY 9, 2015**, at 7:00 p.m.:
 - 1. Rezoning Application No. 00451 for 1049 Richmond Avenue

Carried Unanimously

Council Meeting Minutes June 25, 2015

UNFINISHED BUSINESS

1. Rezoning Application No. 00451 for 1049 Richmond Avenue

Council received a report dated May 14, 2015 from the Sustainable Planning and Community Development regarding Rezoning Application No. 004351 for 1049 Richmond Avenue updating Council on the status of conditions set by Council, and to recommend the application proceed to public hearing. The application is for construction of a new small lot home in the side yard of an existing home.

Motion:

d.

e.

f.

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

- 1. That Council give first and second reading to the *Zoning Regulation Bylaw Amendment* and a Public Hearing date be set.
- 2. Following consideration of the *Zoning Regulation Bylaw Amendment* for Rezoning Application No. 00451, if it is approved, Council consider the following motion:
 - "That Council approve a Development Permit for 1049 Richmond Avenue, in accordance with:
 - 1. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. Part 4 (2) (a): height increased from 7.50m to 8.55m for the existing single family dwelling;
 - b. Part 4 (2) (b): height increased from 1.5 storeys with basement to 2 storeys with basement for both the existing and proposed single family dwelling;
 - c. Part 7 (1): site coverage increased from 30% to 33.50% for the proposed single family dwelling;
 - Part 9 (1) (c): north side yard reduced from 2.40m to 1.57m for the proposed single family dwelling;
 - Part 9 (1) (c): north side yard reduced from 2.40m to 1.30m (cantilever portion only) and the south side yard reduce from 2.40m to 1.20m (cantilever portion only) for the exiting single family dwelling;
 - Schedule C (Section 3): parking behind the front wall of the building relaxed to permit one parking stall in the front yard of the existing single family dwelling.
- Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director, Development Services Division, Sustainable Planning and Community Development Department.
- 4. The Development Permit lapsing two years from the date of this resolution." Carried Unanimously



Council Report For the Meeting of May 28, 2015

To: Council **Date:** May 14, 2015

From: Brian Sikstrom, Senior Planner, Development Services Division

Subject: Rezoning Application No. 00451 and Development Permit with Variances Application No. 00451 for 1049 Richmond Avenue - Application ready to proceed to Public Hearing

RECOMMENDATION

- 1. That Council give first and second reading to the Zoning Regulation Bylaw Amendment and a Public Hearing date be set.
- 2. Following consideration of the Zoning Regulation Bylaw Amendment for Rezoning Application No. 00451, if it is approved, Council consider the following motion:

"That Council approve a Development Permit for 1049 Richmond Avenue, in accordance with:

- 1. Plans for Rezoning Application No. 00451 and Development Permit Application No. 00451, stamped August 27, 2014, November 26, 2014, and April 15, 2015;
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. Part 4 (2) (a): height increased from 7.50m to 8.55m for the existing single family dwelling;
 - b. Part 4 (2) (b): height increased from 1.5 storeys with basement to 2 storeys with basement for both the existing and proposed single family dwelling;
 - c. Part 7 (1): site coverage increased from 30% to 33.50% for the proposed single family dwelling;
 - d. Part 9 (1) (c): north side yard reduced from 2.40m to 1.57m for the proposed single family dwelling;
 - e. Part 9 (1) (c): north side yard reduced from 2.40m to 1.30m (cantilever portion only) and south side yard reduced from 2.40m to 1.20m (cantilever portion only) for the existing single family dwelling;
 - f. Schedule C (Section 3): parking behind the front wall of the building relaxed to permit one parking stall in the front yard of the existing single family dwelling.
- 3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director, Development Services Division, Sustainable Planning and Community Development Department.
- 4. The Development Permit lapsing two years from the date of this resolution."

EXECUTIVE SUMMARY

The purpose of this report is to inform Council that, in accordance with Council's motion of February 12, 2015, the necessary Zoning Regulation Bylaw Amendment that would authorize Rezoning Application No. 00451 for the property located at 1049 Richmond Avenue has been prepared. The Planning and Land Use Committee (PLUC) report dated, January 23, 2015, as well as the meeting minutes, are attached.

With regard to the pre-conditions that Council set in relation to these Applications, staff can report that:

- The Statutory Right-of-Way noted in the previous Council recommendation, as a condition of rezoning, should more accurately be identified as a road dedication. The submitted plans identify the dedication and accurately reflect the adjustments to lot size and setbacks, so no plan or application revisions are required.
- The applicant has responded to comments from members of Council at the PLUC meeting of February 5, 2015, regarding reducing the impacts of the proposed new house on the house to the south. The changes are outlined in the applicant's letter (attached) and include:
 - aligning the new house with the proposed north property line to increase its distance from the neighbouring house to the south
 - revising the second floor layout of the new house to remove one bedroom and a variance for habitable room setback
 - reducing the roof line height at the rear of the new house to increase sun exposure to the north windows of the neighbouring house to the south.

Staff recommend for Council's consideration that Council advance this Zoning Regulation Bylaw Amendment Application with the associated Development Permit Application to a Public Hearing, in accordance with the updated motion provided in the Recommendation Section.

Respectfully submitted,

Brian Sikstrom Senior Planner Development Services Division

Alison Meyer, Assistant Director Development Services Division Sustainable Planning and Community Development

Date:

Attale Hthat

Andrea Hudson Acting Director Sustainable Planning and Community Development

Report accepted and recommended by the City Manager:

Jason Johnson

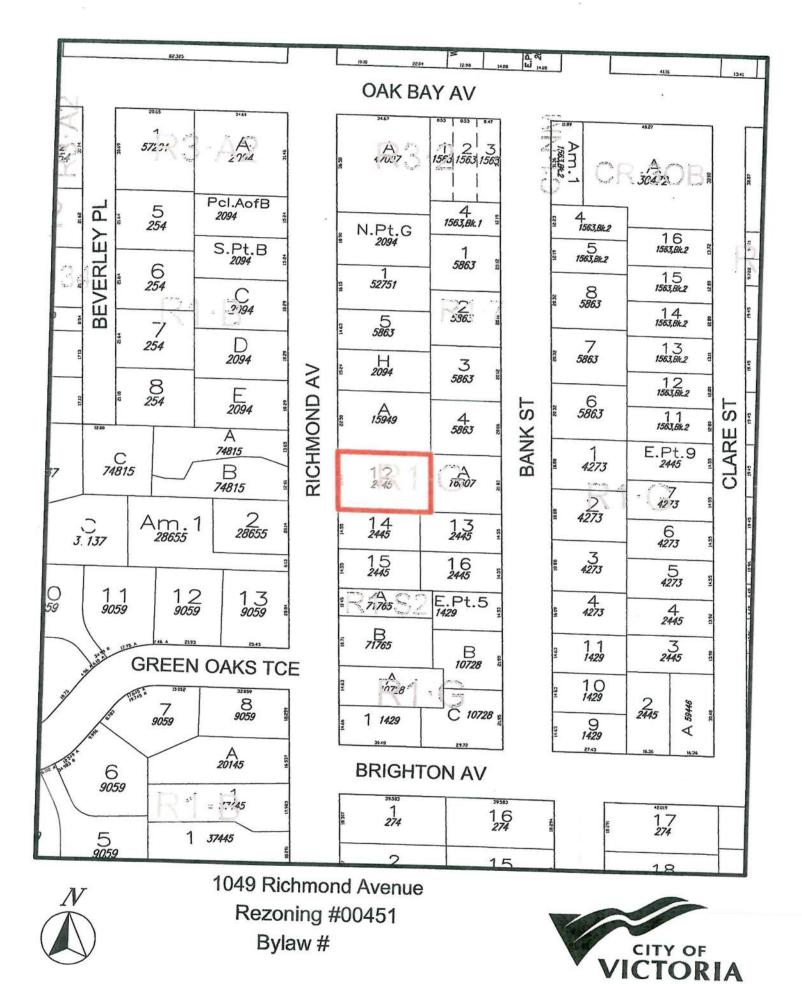
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Council Report Rezoning Application No. 00451 and Development Permit with Variances No. 00451 for 1049 Richmond Avenue April 27, 2015

List of Attachments

- Zoning map
- Aerial map
- January 23, 2015, Planning and Land Use Committee Report
- February 5, 2015, Planning and Land Use Committee Minutes
- February 12, 2015, Council Minutes
- Letter from the applicant dated April 10, 2015
- Revised plans dated April 15, 2015.







1049 Richmond Avenue Rezoning #00451 Bylaw #





Planning and Land Use Committee Report For the Meeting of February 5, 2015

To:	Planning and Land Use Committee	Date:	January 23, 2015	
From:	Brian Sikstrom, Senior Planner, Development Services Division			
Subject:	Rezoning Application #00451 for 1049 Richm	ond Ave	enue	

RECOMMENDATION

Staff recommend that Committee forward this report to Council and that Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application #00451 for 1049 Richmond Avenue, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following condition is met:

 The provision of a Statutory Right of Way of 0.856m on Richmond Avenue to the satisfaction of the Director of Engineering and Public Works.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning Application for the property located at 1049 Richmond Avenue. The proposal is to rezone the property from the R-1-G Zone, Gonzales Single Family Dwelling District, to the R1-G2 Zone, Gonzales Small Lot District, in order to permit the subdivision and construction of a new small lot single family dwelling in the side yard of an existing single family dwelling.

The following points were considered in assessing this application:

- This proposal is in keeping with the Official Community Plan, 2012 and Gonzales Neighbourhood Community Plan, 2002 objectives for sensitive infill development.
- The area and lot width of both proposed lots are greater than the minimum regulations in the Gonzales Small Lot District Zone.
- The floor area and floor space ratio for both the existing and proposed houses are less than the maximum regulations in the Gonzales Small Lot District Zone.

LEGISLATIVE AUTHORITY

In accordance with section 903(c) 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 land, buildings and other structures, siting, size and dimensions of (i) buildings and other structures, and (ii) the uses that are permitted on the land, the location of uses on the land and within buildings and other structures.

BACKGROUND

Description of Proposal

This Rezoning Application would facilitate the subdivision and construction of a new small lot single family dwelling in the side yard of a property with an existing single family dwelling. The proposed new small lot single family dwelling would have three bedrooms and would be two storeys with a basement. The proposed combined first and second floor area, as well as the floor space ratio, is less than the maximum permitted in the R1-G2 Zone, Gonzales Small Lot District. The existing house is also proposed to be included in the R1-G2 Zone and it also has two storeys with a basement and a floor area and floor space ratio that are less than the maximum permitted in the R1-G2 Zone. The proposed lot area and lot width for both houses are greater than the minimum regulations in the Zone.

The following differences from the R1-G2 Zone, Gonzales Small Lot District, are being proposed and will be discussed in relation to the concurrent Development Permit Application:

- both houses would have two storeys and a basement, while the Zone permits one and half storeys with a basement
- the existing house would have front yard parking
- the south side yard of the proposed house and both side yards of the existing house would be less than the minimum zone standard
- · the height of the existing house is above the maximum zone standard
- the site coverage of the proposed house would be above the maximum zone standard.

Sustainability Features

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

Land Use Context

The area is characterized by a mix of single family detached dwellings, conversions and duplexes.

Immediately adjacent land uses include:

North – 4-suite conversion South – single family dwelling East – single family dwellings and four-suite conversion West (across Richmond Ave.) – single family dwellings.

Existing Site Development and Development Potential

The site is presently occupied by a single family dwelling built in 1909.

Under the current R1-G Zone, Gonzales Single Family Dwelling District, the property could be developed with a new single family dwelling of up to 300m², which could include a secondary suite. The lot size meets the criteria for consideration of a rezoning to a duplex.

Data Table

The following data table compares the proposal with the R1-G2 Gonzales Small Lot District Zone. An asterisk is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposed House	Existing House	R1-G2 Zone Standard	
Site area (m²) – minimum	350	389	300	
Total floor area (m ²)	209	232		
1 st and 2 nd floors (m ²) – maximum	159	149	160	
Basement (m ²)	50 ¹	83 ¹		
Density (Floor Space Ratio) - maximum	0.45:1	0.38:1	0.55:1	
Lot width – minimum	10.84	11.83	10	
Height (m) – maximum	7.31	8.55 ²	7.5	
Storeys – maximum	2* (with basement)	2 (with basement) ²	1.5 (with basement)	
Site coverage (%) – maximum	33.04*	28.6	30	
Open site space (%) – minimum Front Yard	60.3	63.5	50	
Setbacks (m) – minimum				
Front	6	7.1 (front steps)	6	
Rear	11.4	9.9	9.1	
Side (north)	1.57	1.58* (bldg. face)/1.30*	1.5/2.40 (habitable	
Side (south)	1.56*	(cantilever)	room)	
8 <u>(</u>).		1.61*(bldg. face)/ 1.20* (cantilever)	1.5/2.40 (habitable room)	
Parking – minimum	1	1 (front yard)*	1 (side or rear yard)	

Notes:

- 1. Basement floor area exempt.
- 2. The existing house is currently non-conforming with respect to height and storeys under the existing R-1-G Zone, Gonzales Single Family Dwelling District.

Community Consultation

Consistent with the Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications, the applicant has consulted with the Fairfield Gonzales CALUC at a Community Meeting held on April 22, 2014. A letter dated April 22, 2014, is attached to this report.

In accordance with the City's *Small Lot House Rezoning Policy*, the applicant has polled the immediate neighbours and reports that 85% support the Application. Under this policy, "satisfactory support" is considered to be support in writing for the project by 75% of the neighbours. The required Small Lot House Rezoning Petitions, Summary and illustrative map provided by the applicant are attached to this report.

ANALYSIS

Official Community Plan

The proposed development is consistent with the relevant land use policies of the Official Community Plan, 2012 (OCP). The property is designated as Traditional Residential in the OCP,

where ground-oriented housing, such as small lot single family dwellings, is envisioned. In accordance with the OCP, the new small lot dwellings are subject to DPA 15A, Intensive Residential Small Lot.

Local Area Plan

The Gonzales Neighbourhood Community Plan, 2002 recommends consideration of small lot infill developments in compliance with the *Small Lot House Design Guidelines*, as well as the standards set out in the R1-G2 Zone, Gonzales Small Lot District. This small lot zoning differs from the R1-S2 Zone, Restricted Small Lot (Two Storey) District, by requiring larger lots (300 m² minimum), smaller houses (160 m² maximum), reduced site coverage (30% maximum) and an increased rear yard setback (9 m).

The proposal meets the Gonzales Small Lot District Zone standards with respect to lot size and density. A number of variances from the Zone standards are requested and will be discussed in relation to the concurrent Development Permit Application.

CONCLUSIONS

The proposal is in keeping with the Official Community Plan, 2012 and Gonzales Neighbourhood Community Plan, 2002 objectives for sensitive infill development. Therefore, staff recommend for Committee's consideration that the Application advance to a Public Hearing.

ALTERNATE MOTION

That Council decline Application #00451 for the property located at 1049 Richmond Avenue.

Respectfully submitted,

Brian Sikstrom Senior Planner Development Services Division

Alison Meyer, Assistant Director Sustainable Planning and Community Development Department

Report accepted and recommended by the City Manager:

Jason Johnson Jarmy 28,7015

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S:\TEMPEST_ATTACHMENTS\PROSPERO\PL\REZ\REZ00451\1049 RICHMOND PLUC REPORT FOR REZONING NEW FORMAT JANUARY 1015.DOC

Date:

List of Attachments

- Zoning map
- Aerial photo
- Letter from Applicant dated January 12, 2015 (with notes on sustainable building features attached)
- Fairfield Gonzales CALUC meeting notes dated April 22, 2014
- Further consultation letters from the Applicant dated November 27, 2014, and November 10, 2014, and November 10, 2013
- Small Lot House Rezoning Petitions
- Objection document (undated) from adjacent property owner
- Plans for Rezoning Application #00451.

3. COMBINED DEVELOPMENT APPLICATIONS

3.1 Rezoning Application No. 00451 for 1049 Richmond Avenue

Committee received a report regarding a Rezoning Application No. 00451 for 1049 Richmond Avenue. The proposal is to rezone the property to authorize a new small lot house and retain the existing house in the Fairfield-Gonzales neighbourhood.

<u>Action:</u> It was moved by Councillor Coleman, seconded by Councillor Loveday, that Committee recommends:

- 1. That Council direct staff to prepare the necessary *Zoning Regulation Bylaw Amendment* that would authorize the proposed development outlined in Rezoning Application No. 00451 for 1049 Richmond Avenue.
- 2. That Council consider giving first and second reading to the *Bylaw Amendment* after the Bylaw has been drafted.
- 3. That Council schedule a Public Hearing after the bylaw has received second reading and the following condition has been met:
 - a. The provision of a Statutory Right-of-Way of 0.856m on Richmond Avenue to the satisfaction of the Director of Engineering and Public Works.

CARRIED UNANIMOUSLY 15/PLUC035

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PLUC meeting February 5, 2015

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REPORTS OF THE COMMITTEES

3. Planning and Land Use Committee – February 5, 2015

1. Rezoning Application No. 00451 for 1049 Richmond Avenue

It was moved by Councillor Madoff, seconded by Councillor Coleman, that Council:

- Direct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00451 for 1049 Richmond Avenue.
- 2. Consider giving first and second reading to the *Bylaw Amendment* after the Bylaw has been drafted.
- 3. Schedule a Public Hearing after the bylaw has received second reading and the following condition has been met:
 - a. The provision of a Statutory Right-of-Way of 0.856m on Richmond Avenue to the satisfaction of the Director of Engineering and Public Works. <u>Carried Unanimously</u>

2. Development Permit Application No. 00451 for 1049 Richmond Avenue

It was moved by Councillor Madoff, seconded by Councillor Coleman, following the Public Hearing for the Rezoning; that Council consider the following motion:

That Council authorize the issuance of Development Permit Application No. 00451 for 1049 Richmond Avenue, in accordance with:

- 1. Plans date stamped August 27, 2014 and November 26, 2014.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - Part 4(2)(a): height increased from 7.50m to 8.55m for the existing single family dwelling;
 - b. Part 4(2)(b): height increased from 1.5 storeys with basement to 2 storeys with basement for both the existing and proposed single family dwelling;
 - c. Part 7(1): site coverage increased from 30% to 33.04% for the proposed single family dwelling;
 - Part 9(1)(c): south side yard setback reduced from 2.40m to 1.56m for the proposed single family dwelling;
 - Part 9(1)(c): north side yard setback reduced from 2.40m to 1.30m (cantilever portion only) and south side yard reduced from 2.40m to 1.20m (cantilever portion only) for the existing single family dwelling;
 - f. Schedule C3: parking behind the front wall of the building relaxed to permit one parking stall in the front yard of the existing single family dwelling.
- 3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director, Development Services, Sustainable Planning and Community Development Department. Carried Unanimously

Council Meeting February 12, 2015 Dear Mayor Helps and Councillors,

RE: Rezoning Application for a Small Lot Subdivision at 1049 Richmond Avenue

We are writing to provide you with an update to our rezoning application to the City of Victoria that you reviewed at the Planning and Land Use Committee (PLUC) meeting of February 5, 2015. As you may remember, we are seeking your approval to subdivide our existing large lot at 1049 Richmond Avenue into two smaller lots - retaining our existing 1908 character home and allowing us to build a new one for ourselves that is more suitable for us as retirees.

As we communicated to you in our January 12 letter, it is our hope to stay in the neighbourhood we have lived in for the past 22 years but in a new house with a more modern floorpan and with a garden that is less onerous to keep up. The Gonzales Community Neighbourhood Plan and City of Victoria Official Community Plan both support a small lot subdivision for properties like ours and a number of these have occurred in our neighbourhood. Our neighbourhood contains predominantly single family homes or duplexes, both owner-occupied and rental, but also includes in the immediate vicinity another small lot home (3 doors away), a panhandle lot (across the road) and two-small apartment buildings - one rental (next door on the North side) and the other stratified (immediately to the south-east on Bank Street). If approved, the new house would help maintain the balance of single family homes in our block and in the evolving neighbourhood.

Beginning in November, 2013, with informal consultations with our neighbours, we shared our early design ideas and subsequently attended a community meeting with the Fairfield Gonzales Community Association. We also completed the required rezoning petition process and have support from 85% of our immediate neighbours. Our subsequent extensive neighbourhood consultation led to our decision to pursue a traditionally styled home. We shared our design with every neighbour on our block of Richmond and the houses on the west side of Bank Street and have received positive feedback. The only neighbour to express concerns has been our next door neighbour to the south at 1035 Richmond who feels that light coming into their north-facing windows and sky views might be reduced.

At the PLUC in February, where city staff gave a positive recommendation to our proposal, committee members made a number of suggestions for ways that perceived impacts on our neighbours to the south could be reduced. We took careful note of those suggestions. We also met with our neighbours the McKays again to further explore their concerns and see what thoughts they might have on how they could be accommodated.

As a result of these meetings we have again revised the design of our proposed new home in ways that we feel directly address the expressed concerns of our neighbours and the comments of the committee. The changes include the following:

- completely revised the second floor layout to remove one bedroom and thus the need for a variance for a habitable room within 2.4 metres of the neighbour to the south;
- ensured that all of the portion of the new house that extends beyond the rear wall of our southern neighbours has a roof line at least four feet lower than the peak of the house - maximizing early morning exposure to our neighbours' north facing windows; and
- aligned the new house against the north lot line (facing our existing house) to create more space to the southern lot line with 1035 Richmond and providing between 14 and 16 feet of space to the new house.

Our revised design now has no variances in relation to the property to the south and we believe strikes a reasonable balance between the one neighbour's expressed concerns and our needs in a new home. The new proposal has the following key features in relation to the zoning requirements for the R1-G2 zone:

- two new lots that are 23% larger than required by the zone with wider frontages;
- building density (FSR) is much lower than permitted;
- landscaped open space is much greater than required;
- exceeds front and rear setback requirements;
- new house is below maximum height even with two storeys and basement;
- new house helps secure single family nature of the block and provides an attractive design consistent with the neighbourhood and the city's sensitive infill policy.

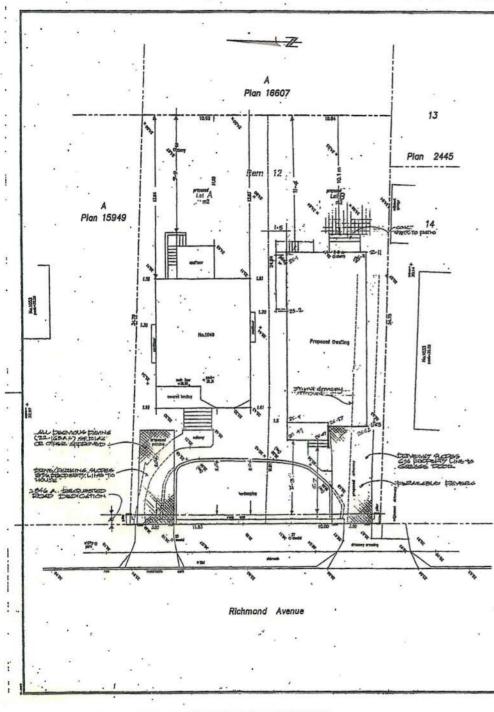
We look forward to presenting our final proposal formally to you at a future public hearing. We are working with City Planning and Development staff and the city solicitor's office to establish a 0.86 metre statutory right of way for the city across the front of our lot to satisfy one of the conditions for the scheduling of a public hearing. We hope to have this completed in the next two weeks.

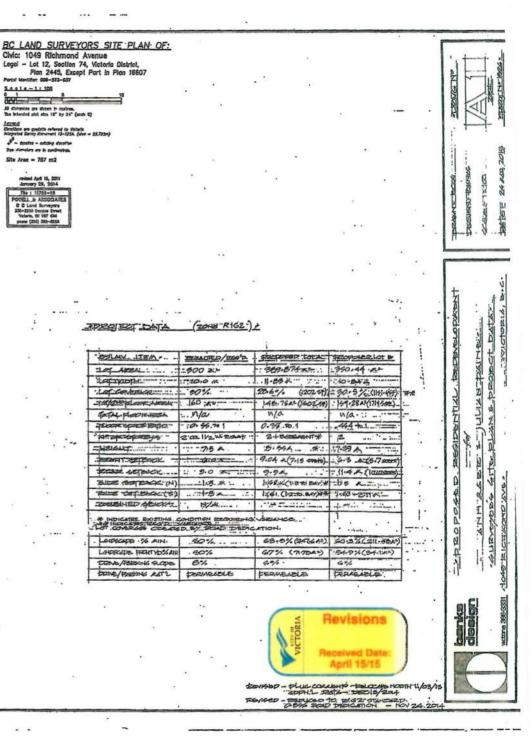
Thank you again for your consideration of our proposal. We feel strongly that the new home design would make a positive contribution to our neighbourhood and in its final iteration goes a long way to accommodating the few concerns that have been expressed to us.

Yours sincerely,

ORIGINAL SIGNED BY .

Julian Paine and Ann Marr





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