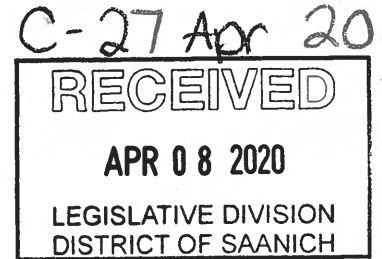




The Corporation of the District of Saanich



Report

To: Mayor and Council
From: Sharon Hvozanski, Director of Planning
Date: April 8, 2020
Subject: Development Variance Permit and Subdivision Application
File: DVP00432; SUB00841 • 1646 Kenmore Road

RECOMMENDATION

1. That Development Variance Permit DVP00432 be approved.
2. That Council withhold ratification of the Development Variance Permit pending registration of a covenant to secure:
 - The new dwellings on proposed Lots 1 and 2 be constructed as certified BUILT GREEN® Gold, or to an Energuide 82 energy efficiency standard;
 - The new dwellings include the installation of the necessary conduits to be solar ready for future installation of photovoltaic and/or solar hot water systems; and
 - The new dwellings on proposed Lots 1 and 2 be constructed substantially in compliance with the plans prepared by Outline Home Design date stamped April 18, 2019.
3. That the ratification of the Development Permit Variance be withheld pending provision of a security deposit of \$8100 for six replacement boulevard trees.

Note: The securing of a cash in lieu payment for road improvements and ensuring the services do not conflict with the proposed retention of tree #13 Garry oak would be referred to the Approving Officer.

PURPOSE

The purpose of this report is to seek direction from Council on the subject application. The application is for a Development Variance Permit for lot width to accommodate a subdivision to create one additional lot under the existing RS-6 (Single Family Dwelling) Zone. The applicant is Errol Nadeau.

DISCUSSION

Neighbourhood Context

The subject property is located on Kenmore Road in the Gordon Head neighbourhood, approximately 500 m east of Shelbourne Street. Feltham "Village" is within 1.5 km travel

distance, with a broader range of commercial services and retail available at the University Major "Centre" within 2.5 km. Gordon Head Middle School is less than 100 m distant, Lambrick Park Secondary is approximately 400 m walking distance, and Gordon Head Recreation Centre is within 700 m walking distance.

The surrounding neighbourhood is predominantly developed with single family dwellings. Tyndall, Majestic, and Lambrick Parks are within 500 m of the property. Access to Mount Douglas Park is approximately 1.2 km walking distance, which provides access to an extensive park trail network (see Figure 1).

In November, 2018, two similar applications (subdivision with lot width variances) were approved at 1642 Kenmore Road and 1643 Kenmore Road. The two houses at 1642 and 1638 Kenmore Road have been constructed and the houses at 1643 and 1647 Kenmore Road are currently under construction.

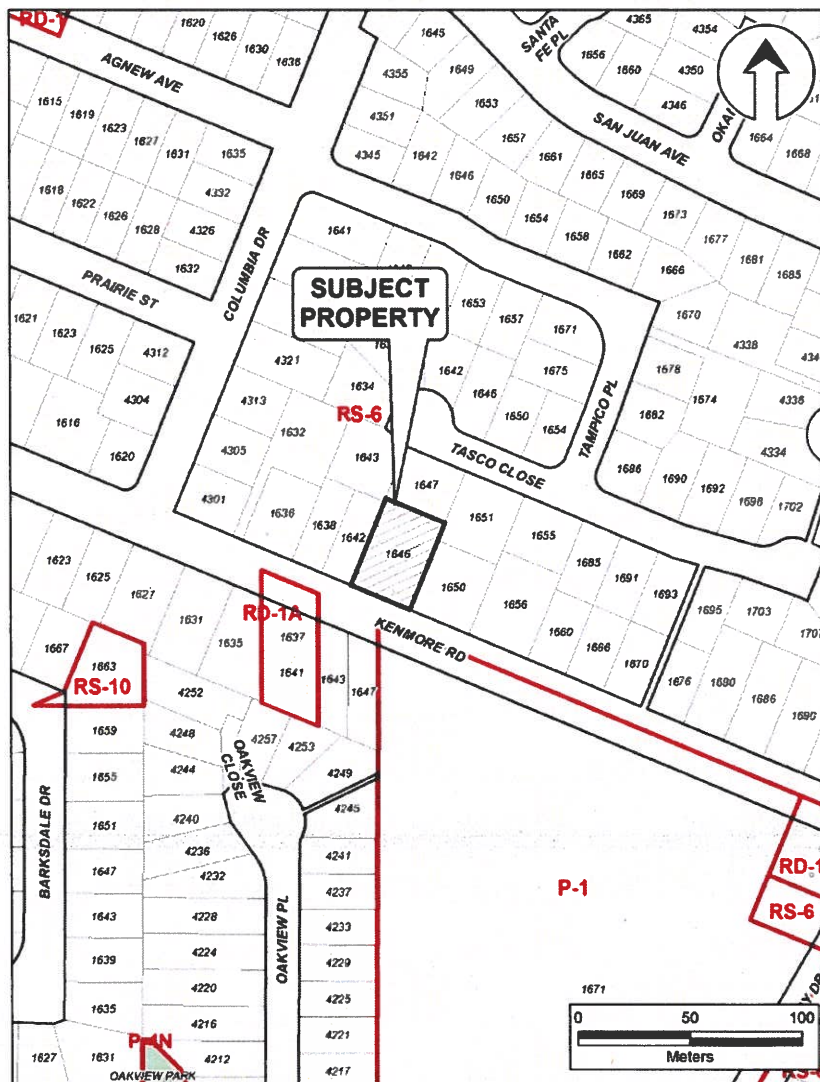


Figure 1: Neighbourhood Context

Proposed Land Use

The residential land use and zoning would not change through this application. The 1,193.4 m² lot is currently developed with a single family dwelling and accessory structure. The existing dwelling and accessory structures would be removed with two new dwellings proposed. The applicant is attempting to sell the existing home through a house relocation company, in order to divert construction waste from the landfill.

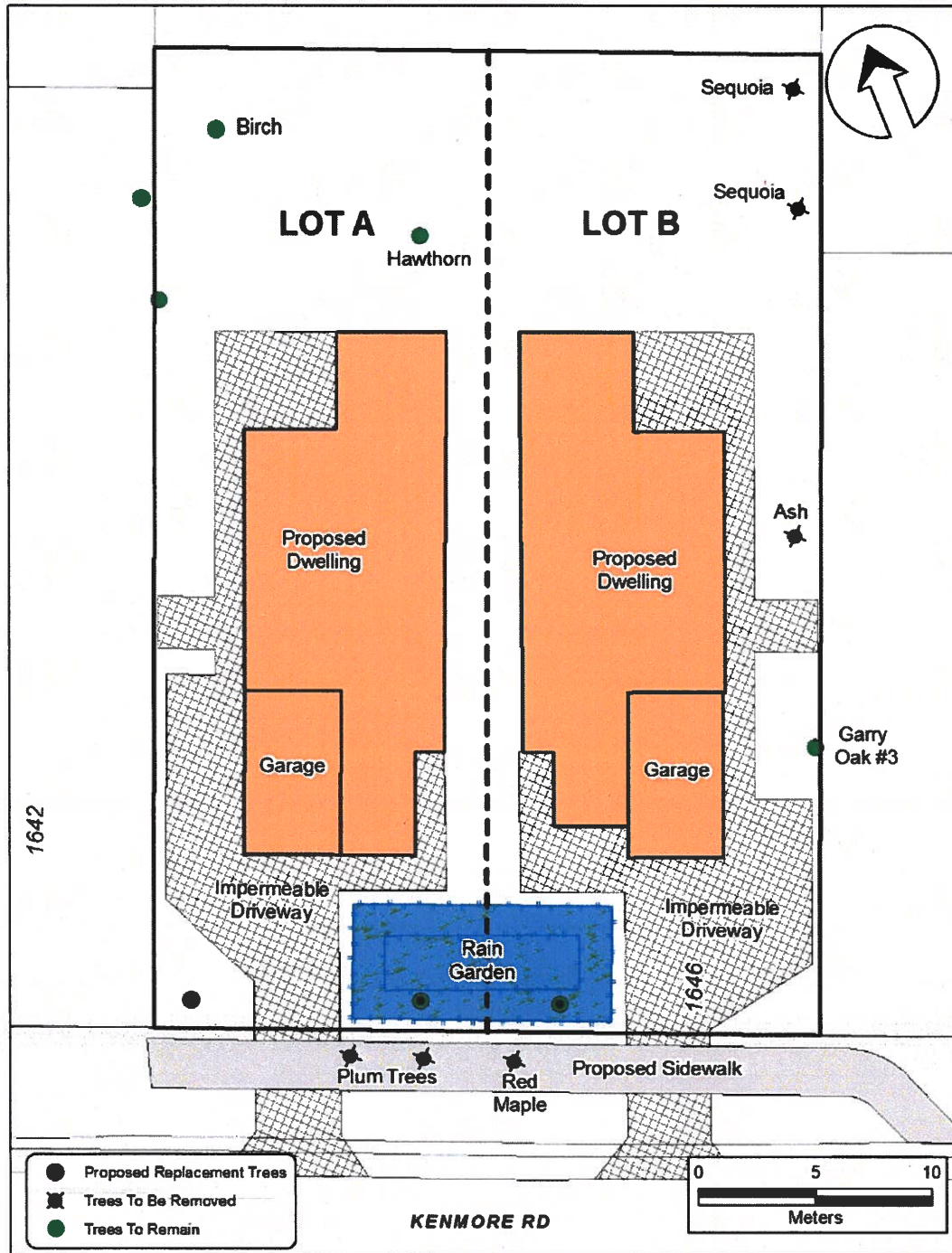


Figure 2: Proposed Subdivision

Site and Building Design

The subject property is relatively level and the proposed subdivision would split the lot in the centre to create two equally sized rectangular lots (see Figure 2). At 596.7 m² in area, both lots would exceed the minimum lot area required, in the RS-6 Zone, of 560 m². The proposed lot width is 14.25 m for both lots, whereas 16 m is required. The proposed dwellings would be sited 7.5 m from the front property line, greater than the minimum required front yard setback in the RS-6 Zone. Given the depth of the lot, there would be substantial rear yard area created with a rear setback of 12 m along the proposed property line. The rear yard increases to approximately 16 m adjacent to the existing neighbours.

The applicant has provided house plans for the new dwellings that they are willing to commit to by covenant. The two-storey dwellings would conform to the RS-6 Zone regulations and both would have gross floor areas of 239m². House plans include an attached single car garage and one surface stall.

The proposed dwellings would be very similar with respect to massing and form, while utilizing different exterior materials and roof forms to create a compatible design without being identical in appearance. The dwelling proposed for Lot 1 has a Craftsman architectural expression with horizontal lap siding and a gable roof (see Figure 3). The dwelling proposed for Lot 2 also has a Craftsman architectural expression with board and baton siding and a feature gable over the garage (see Figure 4). A minimum of two cars would be accommodated on each site.

No accessory buildings or secondary suites are proposed at this time. The applicant chose to remove the basement level secondary suites that were originally proposed as the required excavation would have greatly impacted the Garry Oak located near the east property line, which is proposed to be retained. A raingarden has been proposed in lieu of a stormwater detention tank to eliminate impacts on the Garry oak's root zone.

The applicant has committed to register a covenant requiring that the dwellings are constructed to a BUILT GREEN® Gold, or Energuide 82 energy efficiency standard and constructed to be solar ready for future installation of solar photovoltaic and/or hot water heating systems. As of January 1, 2020, the Building Bylaw requires Part 9 buildings over 1,200 ft² to achieve Step 3 of the BC Energy Step Code.

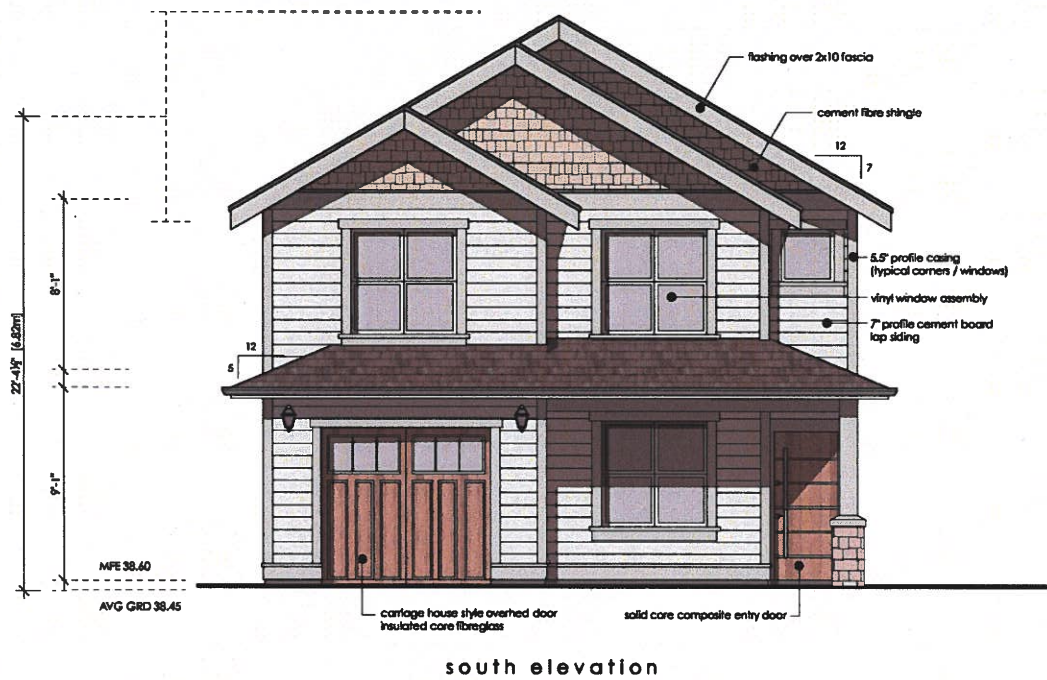


Figure 3: Proposed Front Elevation Lot 1 (Provided by Outline Home Design)

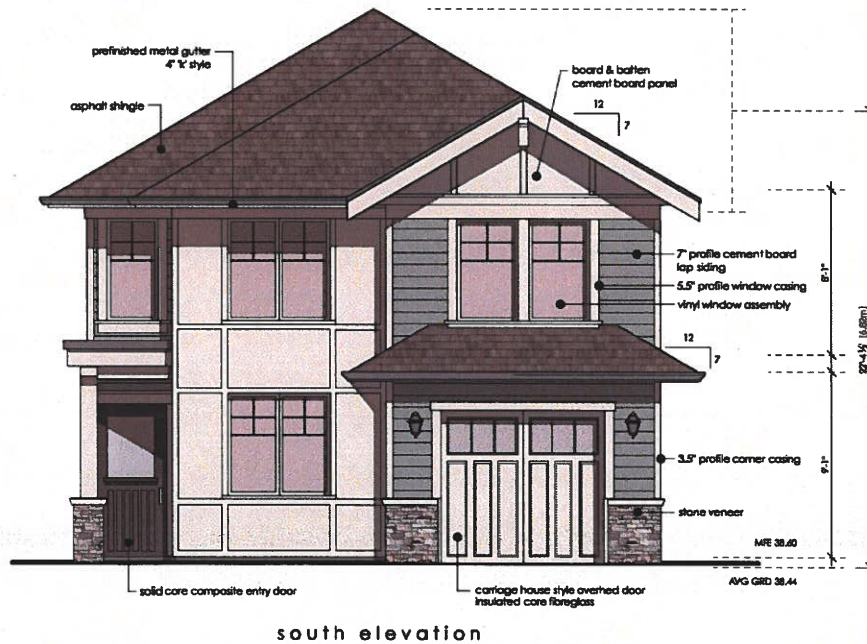


Figure 4: Proposed Front Elevation Lot 2 (Provided by Outline Home Design)

Consultation

Prior to submitting an application the applicant met with the Gordon Head Residents' Association (GHRA), followed by a meeting with the surrounding neighbours. In advance of the neighbourhood meeting a mail out was sent to neighbours within 90 m of the site. At least five neighbours attended the meeting.

A referral was sent to the GHRA who responded stating that they are not in support of the application as they are concerned that the densification in the area is not being supported by infrastructure and amenity improvements. However, they would reconsider their opposition on two conditions:

- Covenants be required to prohibit any garden suites on the lots, with the intent they would be applied even if a future amendment to the Zoning Bylaw would otherwise permit them; and
- That in the future, subdivision applications requiring a variance to lot width be required to apply for a rezoning rather than a Development Variance Permit.

A copy of the detailed referral comments from the Gordon Head Residents' Association is included in the agenda package.

Staff do not recommend that the GHRA conditions be applied. Garden Suites are not yet permitted and the use of covenants for land use restrictions beyond the relevant bylaws and regulations would be redundant. Requiring a covenant under such conditions would not be considered any more of an effective tool or alter the course of any enforcement process that Zoning Bylaw regulations would allow. The proposed regulatory framework which would permit Garden Suites, would require a Garden Suite application to undergo a thorough staff and Advisory Design Panel review. Restricting this land use in advance of a review process may be considered as arbitrarily creating an undue hardship for the subject property while also restricting housing options on the properties in the future. Any restrictions for the lots based on speculative amendments to the Zoning Bylaw should be founded on land use principals and approached cautiously to avoid a challenge of administrative fairness.

With respect to requiring property owners to apply for a rezoning rather than a Development Variance Permit, there are no legal grounds to do so. The authority for Council to issue Development Variance Permit's for a lot configuration regulation is set out in the "Local Government Act" and Council does not have authority to otherwise restrict a property owner's rights to submit an application in accordance with that Act. Final approval of a variance or rezoning is at the full and unfettered discretion of Council and public input must be considered under either process.

Planning mailed notice of the application and information about the application process to neighbours within 90 meters of the site. The Planning Department has received five letters in opposition at the time of writing this report. The primary concerns include the following:

- The amount of development in the area which is causing construction impacts;
- Potential for additional accessory structures and/or Garden Suites.
- The potential for increased traffic; and
- The potential for increased demand for on-street parking.

Staff acknowledge that all development may create impacts caused by the construction process. However, these impacts are temporary and are regulated by Noise Bylaw and overseen by the District's Bylaw Enforcement and/or Inspection Services Departments. The proposed single family dwellings would meet the parking requirement as set out in the Zoning Bylaw.

ALTERNATIVES

1. That Council approve the recommendations as outlined in the staff report (Staff recommendation supporting the application, subject to conditions).
2. That Council reject the recommendations as outlined in the staff report.
3. That Council provide alternate direction to Staff.

FINANCIAL IMPLICATIONS

The proposal has no immediate implications related to the District of Saanich Financial Plan.

STRATEGIC PLAN IMPLICATIONS

The subject proposal works towards achieving one of Council's key Strategic Plan goals, namely; the development of "**Affordable and diverse housing that meets our residents' needs now and in the future.**"

The development also addresses other Strategic Plan goals, such as:

- Increasing housing supply and diversity to support more affordable, vibrant and inclusive communities;
- Ensuring land use decisions are consistent with our community-supported plans; and
- Supporting land use planning which recognizes and protects our rural and urban character while encouraging a suitable mix of housing in our neighbourhoods.

PLANNING IMPLICATIONS

Policy

The following Saanich Planning Policies are most applicable to the subject proposal:

Official Community Plan (2008)

- 4.2.1.1 "Support and implement the eight strategic initiatives of the Regional Growth Strategy, namely: Keep urban settlement compact; Protect the integrity of rural communities; Protect regional green and blue space; Manage natural resources and the environment sustainably; Build complete communities; Improve housing affordability; Increase transportation choice; and Strengthen the regional economy."
- 4.2.1.2 "Maintain the Urban Containment Boundary as the principal tool for growth management in Saanich, and encourage all new development to locate within the Urban Containment Boundary."

- 4.2.1.14 “Encourage the use of ‘green technologies’ in the design of all new buildings.”
- 4.2.1.18 “Encourage new development to achieve higher energy and environmental performance through programs such as ‘Built Green’, LEED or similar accreditation systems.”
- 4.2.2.3 “Consider the use of variances to development control bylaws where they would achieve a more appropriate development in terms of streetscape, pedestrian environment, view protection, overall site design, and compatibility with neighbourhood character and adjoining properties.”
- 4.2.4.3 “Support the following building types and land uses in Neighbourhoods:
- single family dwellings;
 - duplexes, tri-plexes, and four-plexes;
 - townhouses;
 - low-rise residential (up to 4 storeys); and
 - mixed-use (commercial/residential)(up to 4 storeys).”

Gordon Head Local Area Plan (1997)

- 5.1 “Maintain single family housing as the principle form of development.”
- 5.3 “Consider applications to rezone to permit subdivision having due regard for the prevalent lot size in the area, site specific tree location information, and preservation of environmentally significant areas.”
- 5.7 “Ensure new residential subdivisions respect environmental sensitivities within adjacent municipal parks through consideration of lot size, setbacks, building height, tree retention, and servicing.”

Policy Analysis

The proposal is consistent with the Official Community Plan which contemplates limited infill in neighbourhoods inside the Urban Containment Boundary. The proposed lot width of 14.25 m for Lot 1 and 2, would be consistent with the recently subdivided lots to the west and south, across Kenmore Road, and would be slightly narrower than the majority of lots to the east fronting this section of Kenmore Road, which generally exceed the minimum lot width of 16 m for the RS-6 (Single Family Dwelling) Zone.

An important consideration with infill developments is that the scale, massing, and design of any proposed infill housing respects the neighbourhood character. The existing, single family home with a detached garage is typical for the area and it appears that many of the homes were constructed mid-century. A number of two-storey homes, or split level entry homes with partial basements are also present in the neighbourhood. There is no prominent architectural style in the neighbourhood. The applicant has provided house plans for the dwellings they are willing to secure by covenant. No variances for height or setbacks are required.

The front of the homes would include a rain garden, a covered pedestrian entry, single car garage doors with windows and a paved driveway. Constructing the new homes with a similar front yard setback as the existing dwelling would maintain the current rhythm to the street alignment. Two existing Sequoia trees in the rear yard are proposed to be removed due to root

conflicts with the proposed dwellings and hardscape. The removal of the two Sequoia trees was reviewed and supported by the Parks Department. The Garry oak located on the western property line would be retained but would require clearance pruning for the proposed dwelling on Lot 2.

While market housing, the subject proposal would add two additional family houses into a neighbourhood well served by a range of schools (elementary, middle school, high school and University) within easy walking/cycling distance.

The proposal is consistent with Official Community Plan policies and the Gordon Head Local Area Plan. The requested variance to reduce lot width from 16 m to 14.25 m for both lots would allow the subdivision to be approved under the current zoning. The proposed lot width is adequate to create suitable building envelopes on the lots without requiring a side yard setback. Given the above, staff recommend the variance be supported.

Variiances

The proposed subdivision requires a variance for lot width to reduce the requirement from 16 m to 14.25 m for both proposed lots. The proposed lots would meet the minimum area requirements, but due to the depth to width ratio of the subject property the lot width cannot be met. The proposed lot width would meet the RS-4 (Single Family Dwelling) Zone requirement of 14 m, which is a zone often applied to infill subdivisions. The minimum lot depth requirement is 27.5 m whereas the subject property has a depth of 42 m.

Servicing

New or upgraded services for water, sewer, and storm drain would be provided for both proposed lots. Stormwater management must be provided in accordance with the requirements of Schedule H "Engineering Specifications" of the Subdivision Bylaw. This subdivision is within a Type II watershed area which requires stormwater storage, oil/grit separator or grass swale and sediment basin. A rain garden is being proposed to manage storm water runoff.

A new separated sidewalk would be constructed along the frontage. A cash contribution in lieu of road improvements would be provided for works to be completed at a future date.

Environment

The applicant provided an Arborist Report for Development purposes prepared by D. Clark Arboriculture. A total of 13 trees are proposed to be removed from the site, 7 non-protected trees, 3 protected trees (two Sequoias and one Ash) and 3 boulevard trees (two Canadian plums and a Red maple). As previously discussed in this report, the applicant has decided to eliminate the originally proposed secondary suite in the basement to avoid impacting Garry Oak #13 on the western property line.

The applicant is attempting to sell the existing home through a house relocation company, in order to divert construction waste from the landfill.

Stormwater would be managed through the rain gardens proposed to be located in the front yard to allow for slow release into the municipal drain system. The proposed lot coverage is approximately 29%, well below the maximum permitted 40%, and thereby allowing storm water infiltration to occur on a significant portion of the proposed lots.

The applicant has committed to register a covenant requiring that the dwellings are constructed to a BUILT GREEN® Gold, or Energuide 82 energy efficiency standard and constructed to be solar ready for future installation of solar photovoltaic and/or hot water heating systems. As of January 1, 2020, the Building Bylaw requires Part 9 buildings over 1,200 ft² to achieve Step 3 of the BC Energy Step Code.

CONCLUSION

The subject application is for a Development Variance Permit for lot width to accommodate a subdivision to create one additional lot (two lots in total) under the existing RS-6 (Single Family Dwelling) Zone.

The proposal is consistent with both the Official Community Plan which contemplates limited infill in neighbourhoods within the Urban Containment Boundary, and the Gordon Head Local Area Plan which acknowledges that there are several large lots in the area that may be considered for subdivision under the existing single family zoning.

The proposal is an infill development within the Gordon Head neighbourhood that predominantly consists of single family dwellings. The site is within reasonable walking/cycling distance of schools, parks, commercial services and retail, and public transit.

The traditional design of the proposed dwellings are compatible with other single family dwellings in the neighbourhood and the applicant is willing to secure the house plans by covenant. The requested variance to reduce the required lot width from 16 m to 14.25 m would allow the subdivision to occur. The proposed lots have sufficient area to construct two new dwellings without a variance to setbacks. For the above-noted reasons, staff recommend that the Development Variance Permit be supported.

If Council approves the variance, securing a cash in lieu payment for road improvements and ensuring the services do not conflict with the proposed retention of tree #13 Garry oak would be referred to the Approving Officer.

Prepared by: *Gina Lyons*

Gina Lyons
Planner

Reviewed by: *Shari Saltzman*

Shari Holmes-Saltzman
Manager of Current Planning

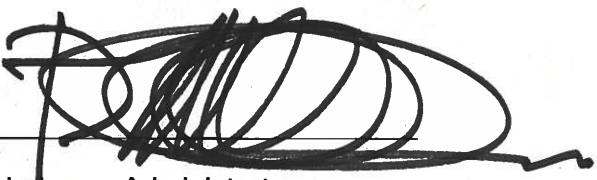
Approved by: *Sharon Hvozanski*

Sharon Hvozanski
Director of Planning

GL/rh

ADMINISTRATOR'S COMMENTS:

I endorse the recommendation from the Director of Planning.



Paul Thorke, Administrator