

1410-04 Planning;  
xref 2870-30 Holland.

C/W August 2018



The Corporation of the District of Saanich

## Report

**To:** Mayor and Council  
**From:** Sharon Hvozdzanski, Director of Planning  
**Date:** August 3, 2018  
**Subject:** Subdivision, Rezoning, and Development Variance Permit Application  
File: SUB00607; REZ00446; DVP00404 • 3989 Holland Avenue

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### RECOMMENDATION

That Council not approve the application to rezone a portion of the property from the A-1 (Rural) Zone to the RS-6 (Single Family Dwelling) Zone.

**Note:** If Council resolves to support the Rezoning and Development Permit application, it is recommended that Final Reading of the Zoning Amendment Bylaw and issuance of the Development Variance Permit be withheld pending registration of a covenant to require:

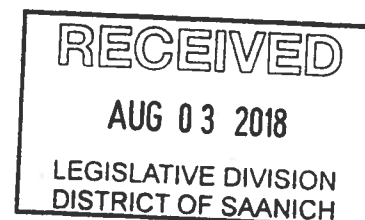
- That dwellings on proposed Strata Lots 1, 2 and 3 conform to a minimum EnerGuide 80 or better level of energy efficient building design and construction standard, are designed to be solar ready; and are prepared for Type 2 electric vehicle plug-ins;
- That a maximum house size be secured for the remainder A-1 zoned lot; and
- Preservation of the trees at the rear of proposed Strata Lot 3.

### PURPOSE

The purpose of this report is to seek direction from Council on the subject application. The application is for a Rezoning from A-1 (Rural) Zone to the RS-6 (Single Family Dwelling) Zone, in support of a subdivision to create three new lots (four lots in total).

A Development Variance Permit is also requested for a front yard setback and fence height. An amendment to the Official Community Plan is also requested in regarding Policy 9.2 addressing minimum lot sizes.

The applicant is Strongitharm Consulting Ltd. (Deane Strongitharm).



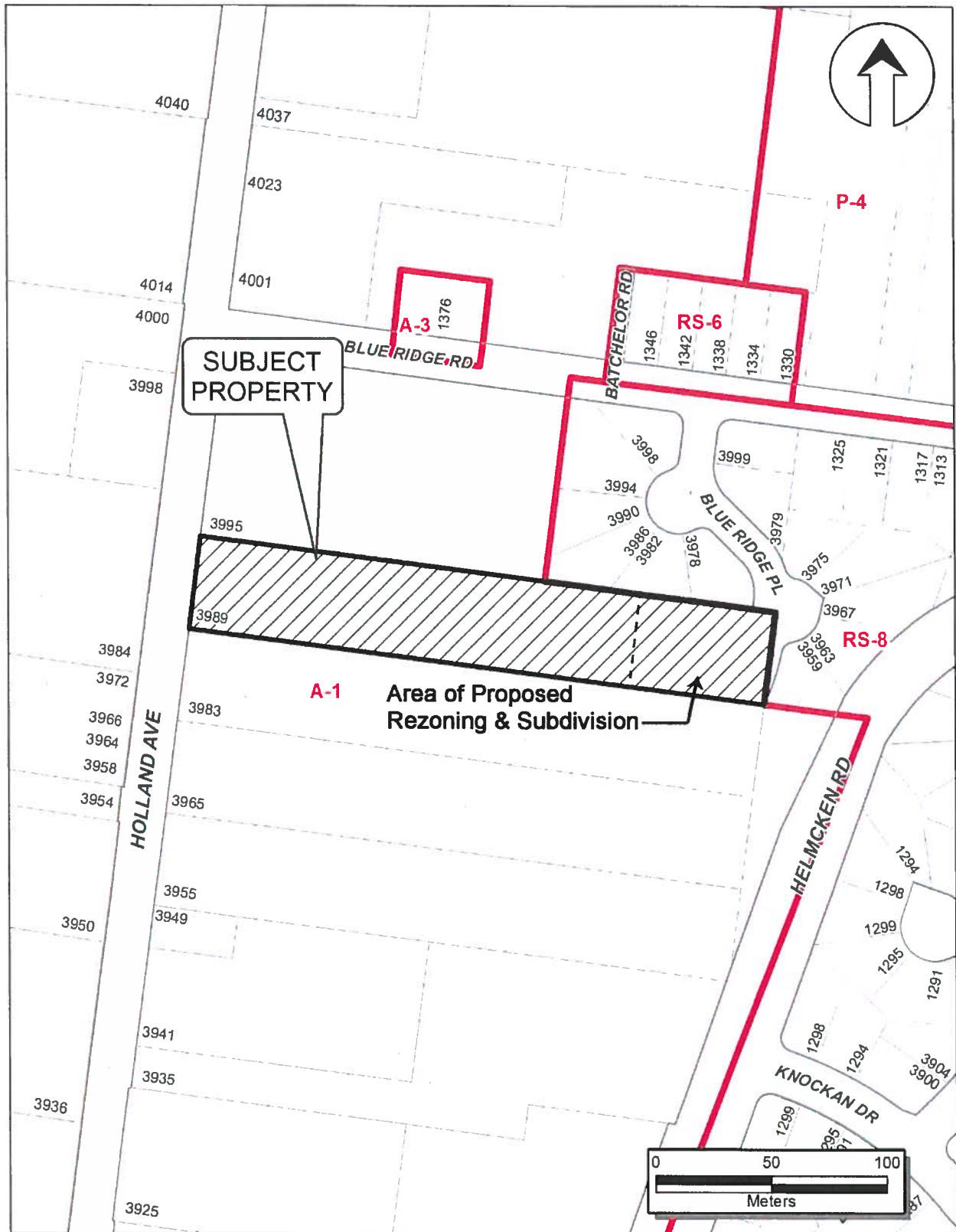


Figure 1: Neighbourhood Context

## DISCUSSION

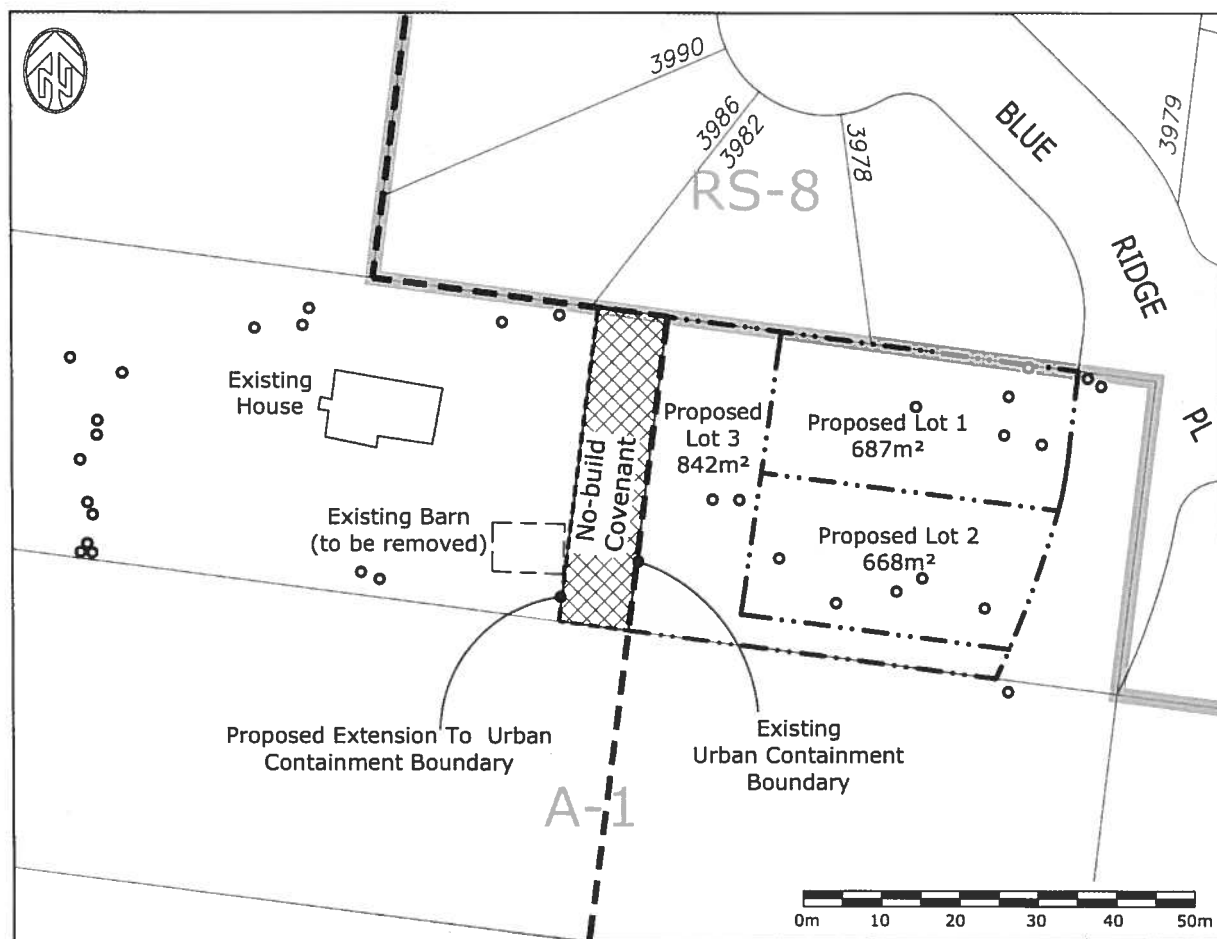
### Background

#### Initial Development Application

In late 2008 a rezoning and subdivision application for the subject property was submitted to Saanich. The proposal was to create three new RS-8 zoned lots (four lots in total). The layout of the proposed subdivision is illustrated in Figure 2. The development proposal also required an amendment to the Sewer Service Boundary and Urban Containment Boundary.

The application was formally considered by Council in June 2009, and was rejected.

Reasons for the lack of support for the application from Council and the community included issues such as: the loss of significant sized trees; the proposed expansion of the Urban Containment Boundary; loss of the urban tree canopy; loss of habitat and the impact on wildlife; increased traffic and related safety concerns; increased on-street parking; concern over the impacts from potential blasting during preparation of the site; urban – rural land use conflict; the potential for similar development of the adjacent two parcels to the south; and the lot sizes are too small and do not comply with the Local Area Plan policy.

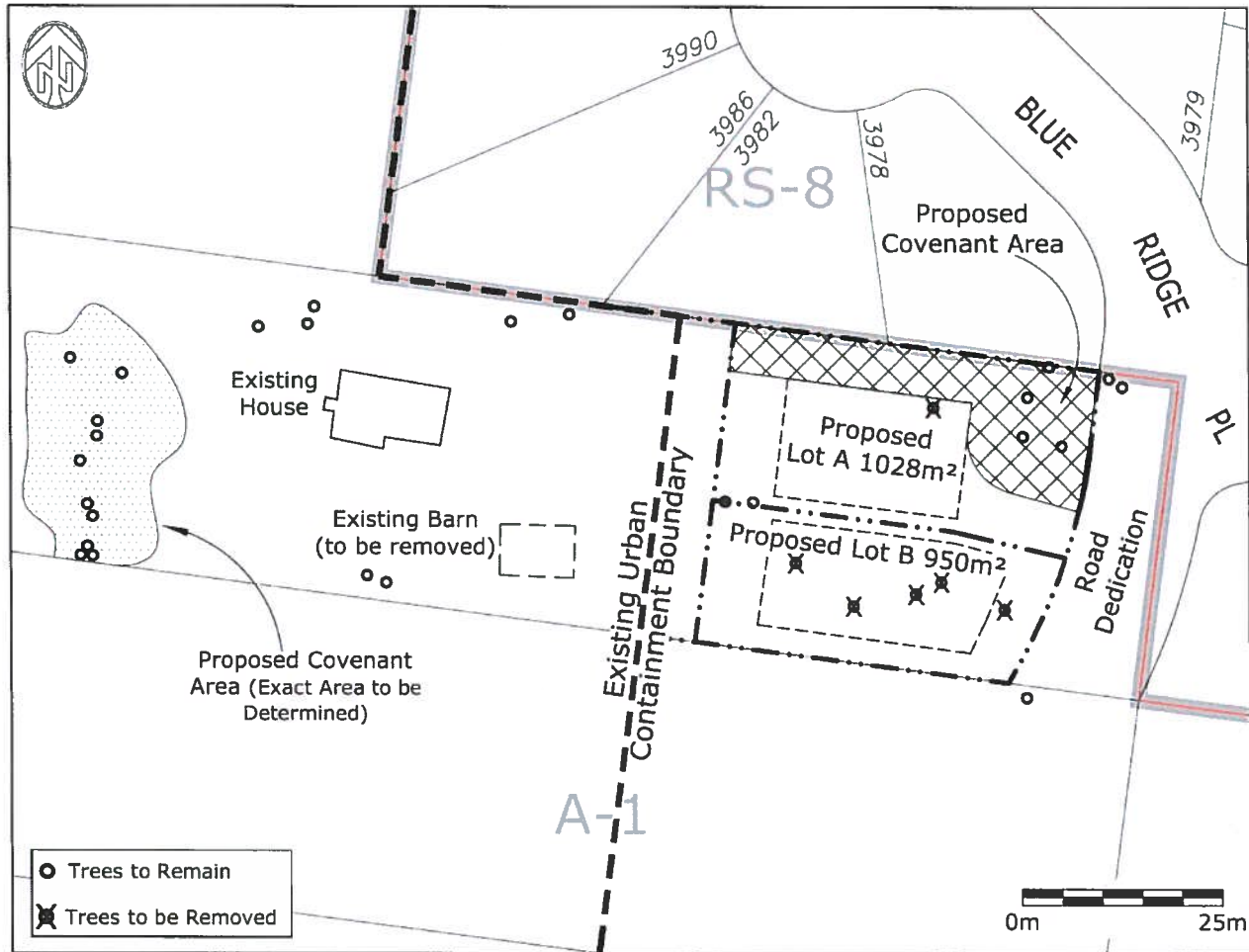


**Figure 2: 2009 Development Proposal - Three new RS-8 zone lots (Rejected)**

#### Second Development Application

In the intervening years, the property owner considered other development options for the east end of the parcel including: a rezoning and subdivision application for two new single family lots; and a rezoning and subdivision application for one new single family lot.

In late 2011, a Council report for the rezoning and subdivision application to create two new RS-8 (Single Family) zoned lots was prepared. The layout of the proposed subdivision is illustrated in Figure 3. The 2011 development proposal was adjusted so that unlike the 2009 proposal, amendments to the Sewer Service Boundary and Urban Containment Boundary were no longer required. Neighbourhood support for the proposal remained an issue. The applicant chose not to proceed to Council and asked that the application be put on hold.



**Figure 3: 2011 Development Proposal - Two new RS-8 zoned lots (Put on hold by applicant)**

Current Development Application

A revised submission was received on December 15, 2017. The revised proposal was to create three new RS-6 (Single Family) zoned strata lots (four lots in total). The layout of the proposed subdivision is illustrated in Figure 4. The larger, remaining portion of the lot, with the existing dwelling would retain the A-1 rural residential zoning.

The subject property is not within the Agricultural Land Reserve (ALR). The rear (East) portion of the property being proposed for rezoning and subdivision is within both the Urban Containment Boundary (UCB) and the Sewer Service Area.



### **Site and Building Design**

Topographically this area rises both from the west and the east to a high point on Helmcken Road. The subject parcel itself gradually rises approximately 8 m from the west to east. The parcel site contains a number of areas with significant firs, oaks and other native trees.

The existing dwelling at the west side of the site would remain on the remainder parcel. The proposed three new strata lots dwellings would have individual driveway accesses on to a private road located south of the lots. This access road in turn would lead to an extension of Blue Ridge Place (see Figure 4).

The applicant has not provided conceptual house designs or a building scheme.

### **Variances**

#### Front Yard Setback

The proposal includes a variance request for the front yard setback of proposed Strata Lot 3. Section 210.4 (a) (i) of the Zoning Bylaw requires that buildings and structures for single family dwellings in the RS-6 Zone shall be sited not less than 6.0 m from a front lot line (this is also true of single family dwellings in the RS-8 zone).

Plans submitted show a front yard setback of 3.5 m for proposed Strata Lot 3, a deficiency of 2.5 m. The proposed reduction in front yard setback for this lot would allow a dwelling to be sited on the parcel and still retain the large trees in the rear of the lot.

#### Fence Height

A variance for fence height is also requested. Section 6.2 (f) (ii) of the Zoning Bylaw limits the height of fences in a rear yard to a height of 1.9 m (6.2 ft). In response to privacy concerns from adjacent property owners, the applicant is proposing a fence of varying height along the rear property line of proposed Strata Lots 1-3. Moving east to west along the rear of the lots, the proposed fence would have a height of 1.52 m (5 ft) for approximately half the length of the rear lot line for Strata Lot 3, and would then increase to a height of 2.44 m (8 ft) from this point till about the first third of the rear of Strata Lot 2, after which it would reduce in height to 1.82 m (6 ft). Along this last section of fencing there is an approximate 0.6 m (2 ft) drop in grade from the subject property to the neighbouring property to the north. Consequently, the proposed fence for this section would sit on a low mortared rock wall which would be visible on the neighbouring property. From the subject property, only the 1.82 m fence would be visible.

The middle 2.44 m (8 ft) high section of fence would exceed the allowable fence height of 1.9 m by 0.54 m, thus the requirement for a variance.

### **Community Consultation**

The applicant states they had contacted neighbours on an individual basis in October and November 2017 and also held an Open House on December 2017. Referrals were sent from the Planning Department to the Residents Association of Strawberry Vale, Marigold and Glanford (RASVMG) on December 18, 2017 and March 28, 2018.

A response was received from the RASVMG on January 15, 2018 stating that they do not support the application. The Residents Association noted objections from a number of neighbours, and recalled a similar application for the same property made in September 2011 and the Planning Department's recommendation for the rejection of that application. The

Association stated that many of the original concerns remain with this new application including: removal of trees; decreasing the tree canopy; and increased traffic.

Correspondence received from several neighbours in the form of emails, letters and a petition have indicated opposition to the proposal, with concerns centering around: traffic; parking; and contravention of the Local Area Plan (LAP) policy regarding minimum lot size.

In an effort to address neighbour's concerns regarding privacy and parking, the applicant has revised the design to include a higher fence along the rear of the proposed Strata Lots, and provision for two additional parking spaces in the new road extension.

## **ALTERNATIVES**

1. That Council approve the recommendations as outlined in the staff report.

Should Council decide to approve the recommendations contained in this report, the implications are that the proposed rezoning and subdivision would not proceed, as presented. The subject property would retain its current A-1 (Rural) zoning and the existing single family dwelling and agricultural buildings would remain on the lot.

2. That Council reject the recommendations as outlined in the staff report.

Should Council decide to reject the recommendations contained in this report, the implications are that the proposed rezoning and subdivision would proceed. The subject property would retain its current A-1 (Rural) Zoning and the existing single family dwelling and other buildings would remain on the westerly section of the lot. Three new strata lots with RS-6 (Single Family) zoning would be created within the Urban Containment Boundary at the easterly portion of the lot.

3. That Council provide alternate direction to Staff.

Should Council provide alternate direction to staff, such as a redesign of the subdivision for example, the implications are that staff would work with the applicant to address comments from Council. The applicant would undertake any necessary revisions to the plans, and would resubmit their proposal, for review by staff and ultimately consideration by Council. This alternative would result in a delay in Council's decision regarding the rezoning application.

## **FINANCIAL IMPLICATIONS**

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

## **STRATEGIC PLAN IMPLICATIONS**

The proposal has no implications related to the District of Saanich 2014 – 2018 Strategic Plan.

## 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.”
- 4.2.5.1 “Support the retention of rural and farm lands through adherence to the Urban Containment Boundary policy and preservation of the Agricultural Land Reserve (Map 19).”
- 5.1.14 “Buffer rural and agricultural lands from adjacent urban residential development as part of redevelopment and subdivision proposals, where appropriate.”

#### Carey Local Area Plan (1999)

- 9.1 “Protect and maintain the stability and character of Carey by maintaining single-family housing as the predominant residential land use.”
  - 9.2 “Support rezoning to the minimum lot sizes as shown in Map 9.2 in areas to be developed.”
- (Map 9.2 identifies a minimum parcel size of 665 m<sup>2</sup>—minimum lot size for the RS-8 zone—for the area of the proposed subdivision).
- 9.3 “Consider subdivision and rezoning for single-family infill development in established neighborhoods that is compatible with and contributes to the character and quality of the community and preserves privacy of dwellings.”

### Policy Analysis

The subject development proposal tests a number of competing policies and best practices in regard to land use. While the Official Community Plan contemplates limited infill in neighbourhoods inside the Urban Containment Boundary, adding higher density single family development at the urban rural/farm land interface increases the opportunity for conflict between working farms and single family residents.

As Council is aware, while bucolic views are well received by most neighbours, working agricultural operations have and will undoubtedly be a source of complaints related to matters such as; noise, smell, appearance and dust. While a 15 m “buffer” is being proposed between the three new lots and the larger remainder A-1 zoned parcel, it will do little to mitigate such concerns. Protecting farmland and supporting local agriculture is a key principle of the OCP.



Adding additional density in this interface area will add further stress on both rural and ALR properties, and those Saanich residents who have agricultural operations in the area.

The proposal with its actual and potential additional tree loss is counter to OCP policies related to protection of the natural environment and the urban tree canopy. While replanting trees is always helpful, the loss of the more established urban canopy has significant impacts on the health of the environment and Climate Change.

The proposed rezoning and subdivision is also inconsistent with the more detailed policies of the Carey Local Area Plan, namely Policy 9.2 with respect to average lot size. Policy 9.2 of the Local Area Plan specifies a minimum lot size of 665 m<sup>2</sup> in this area, which is the minimum lot size of the RS-8 zone. It is for this reason that an amendment to the Official Community plan is requested. The proposed strata lots are smaller than the prevalent lot sizes and RS-8 zoning in the neighbourhood. The proposed RS-6 zoning would result in lots ranging in size from 560 – 598 m<sup>2</sup>.

The applicant has stated that there are similarly zoned lots in close proximity to the proposed subdivision. While there are five lots on Blue Ridge Road and a pocket of two lots on Tristan Place that are zoned RS-6, these are the exception rather than the rule until one reaches the neighbourhood east of Rosedale Park; the single family zoning immediately to the east of the subject property is predominantly RS-8.

The Official Community Plan also notes the importance of neighbourhood character and the role building style, exterior finish, massing, and height have on the effective integration of new housing stock. In this case “fit” with neighbourhood character cannot be assessed as the applicant has not provided conceptual house designs or a possible building scheme, or a conceptual streetscape elevation.

The applicant has stated that they are willing to commit to an EnerGuide 80 or better level of energy efficiency for dwellings on proposed Strata Lots 1, 2, and 3, that they would be made solar ready, and that they would be prepared for Type 2 electric vehicle plug-ins. These commitments would be secured by covenant. Lot 1 has an existing dwelling that would remain and would not be subject to this covenant.

### **Servicing**

With this proposal, there is the opportunity to finalize the construction at the end of Blue Ridge Place. The partial cul-de-sac would be completed, however Development Servicing Requirements note that the proposed jog in the road allowance of Blue Ridge Place would need to be eliminated in order to allow for a more standard road configuration. The requested front yard setback request for Lot 3 may be at odds with driveway construction on that lot. The minimum distance from garage to property line is 5.5 m, the variance request is for 3.5 m. The building envelope may have to be revised. As well, the hammerhead at the end of the proposed strata road would have to be designed to Municipal specifications and a temporary hammerhead constructed at the end of Blue Ridge Place.

Servicing requirements call for property dedication for the proposed Blue Ridge Place extension to a minimum 15.0 m width. The proposed Blue Ridge Place extension must be improved to municipal standards complete with concrete curb and gutter and a temporary “hammerhead” turning area at the end. Concrete barricades and chequer board sign would be required at the end of the Blue Ridge Place extension.

In an attempt to address residents' concerns related to parking, the applicant has revised the design of the subdivision to allow for two additional parking spaces in the new road extension.

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 I watershed area which requires stormwater storage, construction of wetland or treatment train and sediment basin.

### **Environment**

Environmental Services notes that this area has been previously farmed and there are many invasive species present. They recommend removal of the invasive species according to best management practices and in keeping with the goals of the Invasive Species Management Strategy.

The arborist's report identifies 15 trees on the site. Seven trees would be removed, including four Douglas-firs, one Gary Oak, one Horse Chestnut and one Blue Spruce. Eight trees would be retained, including three Garry Oaks and three Douglas-firs located in the northeast corner of proposed Strata Lot 3.

The applicant has proposed tree preservation covenant areas at the rear of Lot 3 and an area on the remainder A-1 portion. Although Parks is in support of the covenant areas, they are of the opinion that extraordinary measures will be required to achieve retention of the trees during servicing and house construction. The applicant's arborist has subsequently provided a letter addressing Park's concerns and indicating their belief that the proposed setbacks are suitable, and outlining the steps their arborist would take to ensure the protection and retention of these trees.

Parks have stated that if the development is approved, site servicing drawings shall show where the applicant would prefer Saanich to plant a boulevard tree required as by Schedule I.

### **Climate Change and Sustainability**

The Official Community Plan (OCP) adopted in 2008 highlights the importance of climate change and sustainability. The OCP is broadly broken down into the pillars of sustainability including environmental integrity, social well-being and economic vibrancy. Climate change is addressed under the environmental integrity section of the OCP and through Saanich's Climate Action Plan.

The following is a summary of the Climate Change and Sustainability features and issues related to the proposed development. It is important to note that this summary is not, and cannot be, an exhaustive list of issues nor a detailed discussion on this complex subject matter. This section is simply meant to ensure this important issue is a key part of the deliberations on the subject application.

#### Climate Change

This section includes the specific features of a proposal related to mitigation and adaptation strategies. Considerations include: 1) Project location and site resilience; 2) Energy and the built environment; 3) Sustainable transportation; 4) Food security; and 5) Waste diversion. The proposed development includes the following considerations related to mitigation and adaptation, such as:

- The proposal is an infill project located within the Urban Containment Boundary and Sewer

Service Area, that is able to use existing roads and infrastructure to service the development;

- Limited infill through the development of new single family housing inside the Urban Containment Boundary provides a much desired housing form within Saanich that people would otherwise have to commute further distances for elsewhere in the region;
- The proposal is located in the Carey Local Area and within 710 m of the Strawberry Vale Village “Centre” where a range of commercial and personal services are provided, employment opportunities exist, and where the majority of future residential and commercial growth is to be focused as per the Official Community Plan;
- The site is within 367 m of Strawberry Elementary School. Nearby parks include Rosedale Park (100 m away), and Knockan Hill Park (310 m away). As a rough measure, in general a walking distance between 400 - 800 m is considered optimal in encouraging the average person to walk to a service or access public transit, instead of driving to their destination. Obviously, health, weather, comfort/ease of use related to alternative transportation, and purpose of the trip all play a role in a person choosing a particular travel mode;
- Sidewalk and cycling infrastructure are typical for a low density neighbourhood in Saanich. Improvements still need to be made to further support and encourage walking and cycling locally and in the Region;
- Holland Road is on transit route #22 (Vic General/Hillside Mall) with a southbound bus stop located 60 m away and a northbound stop 120 m away. Route #22 is a limited Local Route with reduced bus frequency ranging from 30 minutes to 1 hour;
- The applicant has stated their willingness to commit to an EnerGuide 80 or better level of energy efficiency for dwellings constructed on proposed Strata Lots 1 to 3, to have them made solar ready, and be prepared for Type 2 electric vehicle plug-ins;
- The proposed development includes sufficient area for backyard gardening. Long term plans call for a community garden in each Local Planning Area; and
- Protecting farmland and supporting local agriculture is a key principle of the OCP. Adding additional density in this interface area will add further stress on both rural and ALR properties, and those Saanich residents who are actively farming in the area.

### Sustainability

#### *Environmental Integrity*

This section includes the specific features of a proposal and how it impacts the natural environment. Considerations include: 1) Land disturbance; 2) Nature conservation; and 3) Protecting water resources. The proposed development includes considerations related to the natural environment, such as:

- The proposal with its actual and potential tree loss is counter to OCP policies related to protection of the natural environment and the urban tree canopy. While replanting trees is always helpful, the loss of the more established urban canopy has significant impacts on the health of the environment and Climate Change;
- The arborist’s report identifies 15 trees on the site. Seven trees would be removed, including four Douglas-firs, one Gary Oak, one Horse Chestnut and one Blue Spruce. Eight trees would be retained, including three Garry Oaks and three Douglas-firs located in the northeast corner of proposed Strata Lot 3; and
- The applicant has proposed tree preservation covenant areas at the rear of Lot 3 and an area on the remainder A-1 portion. Although Parks is in support of the covenant areas, they are of the opinion that extraordinary measures will be required to achieve retention of the trees during servicing and house construction. The applicant’s arborist has subsequently

provided a letter addressing Park's concerns and indicating their belief that the proposed setbacks are suitable, and outlining the steps their arborist would take to ensure the protection and retention of these trees.

### *Social Well-being*

This section includes the specific features of a proposal and how it impacts the social well-being of our community. Considerations include: 1) Housing diversity; 2) Human-scale pedestrian oriented developments; and 3) Community features. The proposed development includes the following considerations related to social well-being, such as:

- Secondary Suites are permitted in this development. This housing option provides for alternative forms of rental accommodation and supportive housing for immediate family members. Suites also work to make a home purchase by young couples/families, and home retention by aging seniors, relatively more affordable; and
- A range of outdoor, community, and recreation opportunities are available within reasonable walking/cycling distance. Nearby parks include Rosedale and Knockan Hill.

### *Economic Vibrancy*

This section includes the specific features of a proposal and how it impacts the economic vibrancy of our community. Considerations include: 1) Employment; 2) Building local economy; and 3) Long-term resiliency. The proposed development includes features related to economic vibrancy, such as:

- The development would create local short-term jobs during the construction period;
- The development has the potential to place an increased burden on rural/farmland and active agricultural operations;
- Home based businesses would be permissible in this development;
- The development would site additional residential units within the commercial catchment/employment area for the businesses and services located within the Strawberry Vale Village "Centre"; and
- The development would site additional residential units approximately two kilometres from two employment hubs - the Vancouver Island Tech Park and Camosun College Interurban Campus.

## **CONCLUSION**

The proposed rezoning and subdivision at 3989 Holland Avenue would see a portion of the parcel lying within the Urban Containment Boundary and Sewer Service Area rezoned from A-1 to RS-6 to create three new strata lots for single family dwelling use. The large remainder lot would retain its existing A-1 zoning. An OCP amendment and variances for front yard setback on Lot 3 and fence height in the rear yard of the proposed strata lots is requested.

The subject development is similar to the proposal previously rejected by both the Neighbourhood Association and Council in 2009. The referral response from the Neighbourhood Association does not support the current proposal and correspondence from many of the immediate residents raise numerous concerns with the rezoning and subdivision.

As noted in the body of this report, the subject development proposal tests a number of competing policies and best practices in regard to land use. While the Official Community Plan contemplates limited infill in neighbourhoods inside the Urban Containment Boundary, adding

higher density single family development at the urban rural/farm land interface increases the opportunity for conflict between rural lands/agricultural operations and single family residents.

As Council is aware, while bucolic rural/agricultural views are well received by most neighbours, working agricultural operations have and will undoubtedly be a source of complaints related to matters such as; noise, smell, appearance and dust. While a 15 m “buffer” is being proposed between the three new lots and the larger remainder A-1 zoned parcel, it will do little to mitigate such concerns. Protecting farmland and supporting local agriculture is a key principle of the OCP. Adding additional density in this interface area will add further land use stress on both; rural and ALR properties, and those Saanich residents who have agricultural operations in the area.

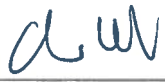
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The proposed rezoning and subdivision is also inconsistent with the more detailed policies of the Carey Local Area Plan, namely Policy 9.2 with respect to average lot size. Policy 9.2 of the Local Area Plan specifies a minimum lot size of 665 m<sup>2</sup> in this area, which is the minimum lot size of the RS-8 zone. It is for this reason that an amendment to the Official Community plan is requested. The proposed strata lots are smaller than the prevalent lot sizes and RS-8 zoning in the neighbourhood. The proposed RS-6 zoning would result in lots ranging in size from 560 – 598 m<sup>2</sup>. While smaller lots have their value and place in Saanich, this location is not appropriate. Based on land use best practices, residential lot sizes should gradually increase in size as you get closer to an interface with rural/agricultural land.


The applicant has stated that there are similarly zoned lots in close proximity to the proposed subdivision. While there are five lots on Blue Ridge Road and a pocket of two lots on Tristan Place that are zoned RS-6, these are the exception rather than the rule until one reaches the neighbourhood east of Rosedale Park; the single family zoning immediately to the east of the subject property is predominantly RS-8.

The Official Community Plan also notes the importance of neighbourhood character and the role building style, exterior finish, massing, and height have on the effective integration of new housing stock. In this case “fit” with neighbourhood character cannot be assessed as the applicant has not provided conceptual house designs or a possible building scheme, or a conceptual streetscape elevation.

For the above-noted reasons, staff recommend that the subject Rezoning and Development Variance Application not be supported.

Prepared by   
Chuck Bell  
Planner

Reviewed by   
Shari Holmes-Saltzman  
Manager of Current Planning

Approved by   
Sharon Hvezdanski  
Director of Planning

CWB/sd  
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Attachments

cc: Graham Barbour, Manager of Inspection Services

**ADMINISTRATOR'S COMMENTS:**

I endorse the recommendation from the Director of Planning.

For   
Paul Thorkelsson, Administrator