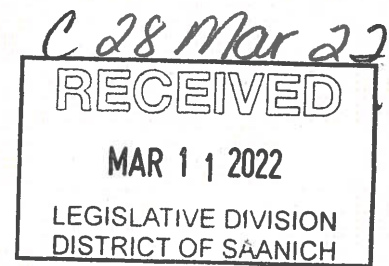




The Corporation of the District of Saanich

Report

To: Mayor and Council
From: Sharon Hvozanski, Director of Planning
Date: March 10, 2022
Subject: Subdivision Application
File: SUB00876 • 4459 Torquay Drive



RECOMMENDATION

That proposed Lot 3 be exempted from the statutory requirement to provide a minimum 10% perimeter road frontage under Section 512(2) of the "Local Government Act" subject to:

- 1. The submission and approval of a revised arborist report to address errors regarding trees NT29 and NT32 - NT37.
2. Registration of a covenant requiring that:
- The design and construction of any new dwellings on the proposed lots conform to a BUILT GREEN® Gold energy efficiency level...
- That any new dwellings on the proposed lots have an arts and crafts inspired design...
- That the development on the site be constructed in accordance with the recommendations of the Subdivision Impact Assessment...
- That a cash contribution of \$11,200 be provided to the Urban Forest Fund...
- Prior to the issuance of a Building Permit, submission and approval of a revised arborist report...

PURPOSE

The purpose of this report is to seek direction from Council on the subject application. The application is a request to subdivide the site to create two standard lots and one panhandle lot for a total of three lots under the existing RS-6 (Single Family Dwelling) Zone. The application includes a request for a waiver from the statutory requirement to provide a minimum 10% lot

perimeter as road frontage in order to create a panhandle lot. No other variances are requested. The applicant is Islander Engineering Ltd. (Mike Achtem).

DISCUSSION

Neighbourhood Context

The subject property is within the Gordon Head Local Area, on the east side of Torquay Drive between Tremblay Drive and Brymea Lane (see Figure 1). It contains a 1950s single family dwelling that would be removed. The subject property is located 2.64 km from the Feltham “Village” and 3.4 km from the University Major “Centre”.

The subject property is the last remaining large remnant lot along this section of Torquay Drive. Surrounding land use is RS-6 zoned single family dwellings.



Figure 1: Neighbourhood Context

Proposed Land Use

There would be no change in zoning. The proposed subdivision would result in two standard lots and one panhandle lot under the existing RS-6 Zone.

Site and Building Design

The subject site has a total area of 2458 m². Proposed Lot 1 would be a standard lot with a lot area of 561 m² and a lot width of 18.24 m. Proposed Lot 2 would be a standard lot with an area of 560 m² and a lot width of 18.12 m. Both lots would comply with the RS-6 Zone which requires

a minimum lot area of 560 m² and minimum lot width of 16.0 m for a standard lot. Proposed Lot 3 would be a panhandle lot with a lot area of 1337 m² (1214 m² without the panhandle) and a lot width of 40 m. It also would comply with the RS-6 Zone which requires a minimum lot area of 835 m² and a minimum lot width of 20.0 m for a panhandle lot.

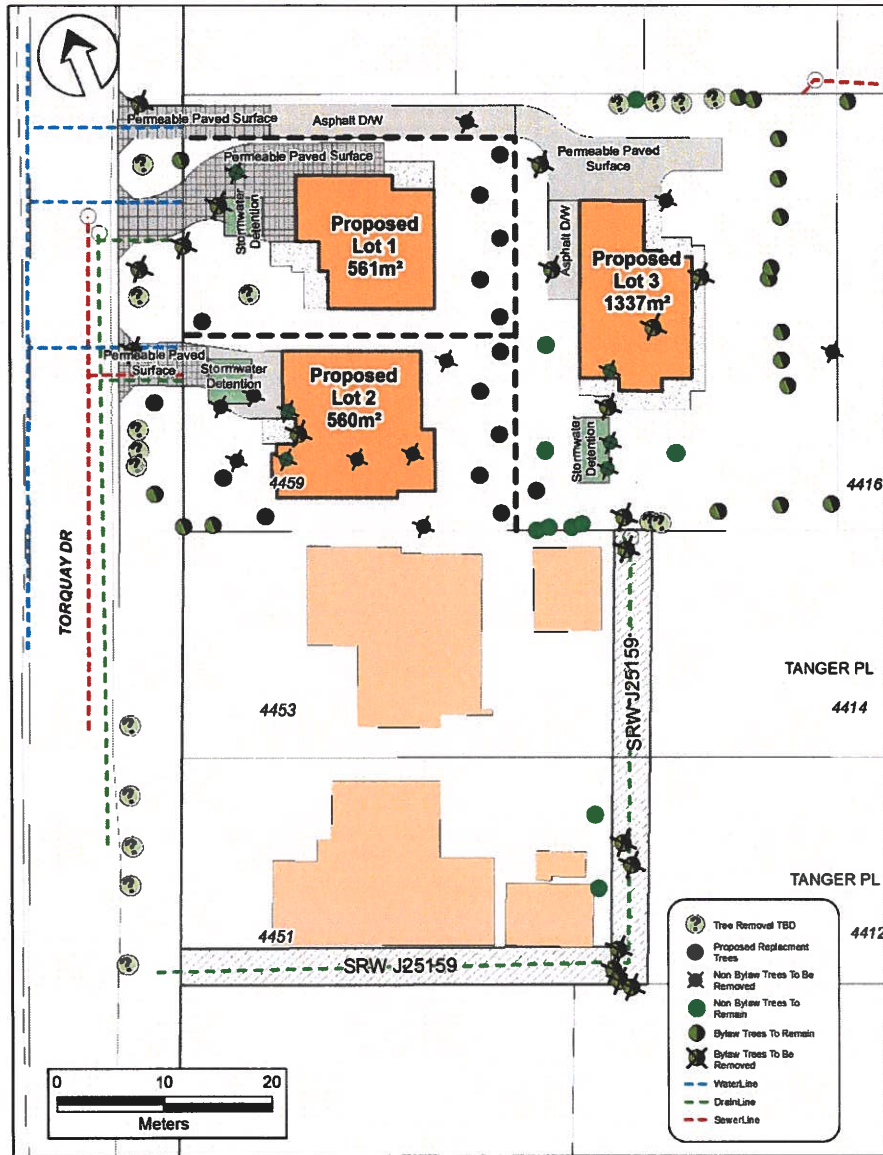


Figure 2: Proposed Subdivision

The dwellings would be two-storeys with gross floor areas of 224 m² (proposed Lots 1 and 2) and 248 m² (proposed Lot 3). The dwellings on proposed Lots 1 and 3 would contain a secondary suite. A minimum of three parking spaces would be provided on each lot. The proposed new residences would be constructed to a BUILT GREEN® Gold energy efficiency level and would be constructed with the necessary conduit to be solar ready for future installation of photovoltaic and/or solar hot water heating systems.

The applicant has submitted a building scheme. The proposed homes would have an arts and crafts inspired design. Based on the proposed building scheme, each home would be required

to have a minimum of two types of exterior wall cladding. Exterior colour schemes would contain deep rich colours, natural earth tones, high grey content, or other muted colours that will contribute to the architectural continuity of the existing streetscape. Exterior finishes would be natural or replicate natural materials and may include horizontal siding, board & batten, cedar shingles, and stone. Roofs with multiple distinct roof pitches and/or multiple distinct roof claddings would be acceptable and may include slate, concrete tile, metal with matte finish, fiberglass-reinforced asphalt shingles with variegation and shadow lines, or wood shingles.

The building scheme, conceptual site plans, and energy efficiency commitments would be secured by covenant.

Consultation

The applicant has stated that information about the project was distributed by direct mail drop to immediate neighbours. Planning sent a referral to the Gordon Head Residents' Association (GHRA). The GHRA responded indicating generally no objection to the project. The response included comments related to tree retention, fence design and height, servicing considerations, and provision for secondary suites or garden suites. A copy of the detailed referral comments from the GHRA is included in the agenda package.

Letters were sent from Planning to all property owners/residents within 90 m of the subject property. One resident response was received indicating no objections but requesting consideration for removal of a dangerous tree.

ALTERNATIVES

1. That Council approve the recommendations as outlined in the Staff Report.
2. That Council reject the recommendations as outlined in the Staff Report.
3. That Council provide alternate direction to Staff.

FINANCIAL IMPLICATIONS

There are 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 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 sustainability; 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 programmes such as ‘Built Green’, LEED or similar accreditation systems.”
- 4.2.1.20 “Require building and site design that reduce the amount of impervious surfaces and incorporate features that will encourage ground water recharge such as green roofs, vegetated swales and pervious paving material.”
- 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 four storeys); and
 - Mixed-use (commercial/residential) (up to four 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 trees.”

Policy Analysis

The proposal is consistent with the Official Community Plan which contemplates limited infill in neighbourhoods inside the Urban Containment Boundary, and with the Gordon Head Local Area Plan which anticipates infill development (including panhandle lots) in this area, and which promotes the retention of single family as the predominant residential land use.

10% Waiver

Pursuant to Council Policy 99/321, all panhandle lots that do not provide a minimum road frontage of 10% of the lot perimeter shall be referred to Council for consideration of a waiver from the statutory requirement pursuant to Section 512(2) of the “Local Government Act”.

The following criteria are used by Council to assess the implications of proposed panhandle lots:

- a) Whether the reduced frontage of the proposed lot will adversely affect the streetscape or result in conflict with existing driveways, intersections, or natural features.

Presently, the existing house is served by a half-circle driveway with two driveway drops to Torquay Drive. The existing driveway would be removed. The proposed panhandle lot access would be located along the north property line in the area of an existing driveway. The driveways to serve each of the lots would be carefully located to minimize loss of the mature Douglas-fir trees along the Torquay Drive boulevard. According to the survey plan, the removal of three boulevard trees and one shared tree would be required for the proposed driveways and site servicing.

The proposed driveways to serve each of the lots would overlap with the Critical Root Zones of the boulevard trees to be retained. In accordance with the recommendations of the project arborist, the driveways would be constructed above the tree root systems under arborist supervision. Underground services would be installed under the driveways under arborist supervision and using alternative excavation methods where necessary to minimize root damage.

An existing hedge along the north property line would be retained in order to minimize potential impacts to the northerly neighbour.

- b) Whether the subdivision will result in an unacceptable loss of privacy to neighbouring properties.

Concerns over loss of privacy have not been received from neighbouring residents. As noted an existing hedge would remain in place to minimize potential impacts to the northerly neighbour. Mature Douglas-fir trees and Western Red Cedar trees in the rear yard of the proposed panhandle lot would also be retained.

Efforts have been made to site the proposed new buildings so as to reduce impacts on neighbouring properties. The proposed dwellings would comply with the setback requirements for the RS-6 Zone. No siting variances are requested.

- c) The extent to which buildings proposed for the lots will impact neighbouring properties by:
 - i) overshadowing
 - ii) obstructing existing views
 - iii) blocking sunlight

As noted, the proposed dwellings would be two storeys and would comply with, or exceed, the siting requirements for the RS-6 Zone. The proposed dwelling on Lot 3, in particular, would be located further from the rear and side property lines than is required under the Zoning Bylaw, which would help minimize any potential overshadowing. As the property is currently heavily treed, it is likely that there is more overshadowing, obstruction of views, and blocking of sunlight now than would be the case following redevelopment.

- d) The extent of blasting, filling, excavating, and tree removal to be carried out to develop the proposed lots.

The site is relatively level and extensive blasting, filling, and excavation is not anticipated. The proposed house designs do not include a full basement thus limiting the amount of excavation that would be required. The proposed homes have been located to minimize loss, where possible, of the mature trees on the site. A total of 27 trees on the site (11 bylaw-protected) and 4 trees on the boulevard would require removal.

- e) The degree to which the buildings to be constructed on the proposed lots will blend in with the design, height, and siting of buildings on adjacent properties.

There is no consistent dwelling height, massing or architectural style in the immediate neighbourhood. Dwellings are a mix of one, one and a half, or two storeys in height.

RS-6 zoning would limit the maximum size of a new dwelling on the proposed lots, to a Gross Floor Area (R) of 310 m², with 80% non-basement (248 m²). At 224 m² and 248 m², the proposed dwellings are at or near the maximum allowable non-basement floor area.

Site and Building Design

An important consideration with infill developments is that the scale, massing, and design of any proposed infill housing respects the neighbourhood character.

The proposed dwellings would comply with the siting, size and building height requirements for the RS-6 Zone and would be in keeping with other houses in the neighbourhood. The homes on proposed Lots 1 and 2 would maintain a similar setback from the street as the homes on the adjacent parcels. Most of the mature boulevard trees would be retained in order to maintain the character of the streetscape. The proposed homes have been designed to maintain the mature trees in the east part of the site.

Servicing

No land dedication is required, but a public access statutory right-of-way will be required for a future separated sidewalk. Cash-in lieu will be required for road widening including curb, gutter, and the sidewalk. This information has been provided to the Approving Officer to be considered as part of the Conditional Approval should Council support the 10% frontage waiver.

Suitably designed sanitary sewer and storm drain systems must be installed to serve proposed Lots 1 and 2 from the existing systems on Torquay Drive. The existing sewer connection is to be provided with an inspection chamber for future use by proposed Lot 3. An appropriately designed storm drain system is to be installed to serve proposed Lot 3 from the existing system traversing 4451 Torquay Drive, 4412 and 4414 Tanger Place. The existing system may require lowering to provide sufficient depth for the required service connection. Stormwater management must be provided in accordance with the requirements of Schedule H "Engineering Specifications" of the Subdivision Bylaw for all three lots. This subdivision is within a Type II watershed area which requires stormwater storage, oil/grit separator or grass swale, and sediment basin.

Provisional water connections would be required to serve proposed Lots 2 and 3. The existing 13 mm water service to proposed Lot 1 must be upgraded to 19 mm. A fire hydrant would also be required on Torquay Drive.

Environment

A Subdivision Impact Assessment and Tree Protection Site Plan were completed for the proposed development by Talbot Mackenzie & Associates Consulting Arborists. The

development site consists of many mature native and non-native trees both on and off the site. Most of the mature trees shown to be retained are located on the boulevard fronting the development site and at the rear of the development site near the east property line on proposed Lot 3. The retention of these trees would require extra effort by the applicant and may require alternative excavation and construction techniques.

Saanich Parks has reviewed the Subdivision Impact Assessment and Tree Protection Site Plan and notes the following:

The site servicing work required on Torquay Drive may impact not just the boulevard trees fronting this development site but also boulevard trees fronting the two neighbouring properties to the south. The trees are part of a row of boulevard Douglas-fir trees that are of significant size and form an important contribution to the urban forest and street appearance of Torquay Drive. Parks recommends that should the proposed site servicing work have impacts to the boulevard trees that necessitate removal or altering as defined in the Bylaw, that the road construction techniques be varied where possible from standard to retain existing tree roots. As noted previously, cash-in lieu will be required for road widening including curb, gutter, and the sidewalk. This information has been provided to the Approving Officer to be considered as part of the Conditional Approval should Council support the 10% frontage waiver.

The proposed driveways to serve each of the lots would overlap with the Critical Root Zones of the boulevard trees to be retained. The driveways would be constructed above the tree root systems under arborist supervision. Underground services would be installed under the driveways under arborist supervision and using alternative excavation methods where necessary to minimize root damage.

The storm connection for Lot 3 requires upgrade of the storm drain located in a right-of-way in the rear yards of 4414 and 4412 Tanger Drive. The upgrade of the storm drain in the rear yard of 4412 Tanger Drive may impact approximately five trees located on this property. The trees have not been surveyed and were not included in the arborist report. While the trees do not appear to be protected by the Tree Protection Bylaw, the work required may result in their removal. The Parks division recommends that prior to subdivision approval the project arborist inventory and comment on the retention status of the trees.

Written permission is not required to remove trees in the right-of-way as this work is permitted however Parks notes that there are errors in the Arborist report dated December 21, 2021 and has recommended that it be revised to correctly identify seven trees within the right-of-way. This has been included in the recommendation and Staff recommend that no Building Permit be issued until this item is corrected to the satisfaction of Parks.

The tree summary as determined by Saanich Parks is as follows:

- Number of Bylaw protected onsite trees: 29
- Number of Boulevard trees: 16
- Number of non-Bylaw protected trees onsite: 26

- Number of Bylaw protected trees onsite to be removed: 11

- Number of Boulevard trees to be removed: 3 + one shared tree for total of 4
- Number of non-Bylaw protected trees to be removed: 16

- Total tree removals: 31
- Number of trees shown to be planted on the subject property: 14
- Number of Boulevard trees shown to be planted: 1
- A total net loss of 16 trees for this development.
- Number of Bylaw replacement trees required onsite at Building Permit: 18 (9 at 2:1 ratio)
- Number of Bylaw replacement trees required onsite at Servicing: 12 (2 at 3:1 ratio)
- Number of Bylaw replacement trees required on the boulevard at Servicing: 12 (4 at 3:1 ratio)
- Total number of Bylaw replacement trees required: 36

Staff have recommended that the errors in the Arborist Report dated December 21, 2021 be corrected as noted in the recommendation.

In 2010 Saanich Council adopted the Urban Forest Strategy. A key goal is "To Protect and Enhance the Urban Forest". Further to this goal is the "No Net Loss" canopy policy. The policy will ensure that every public or protected private tree removed is replaced with a minimum of one tree. The current proposal does not meet the intent of this important policy.

As far as replacement trees are concerned, at each stage of the development (Servicing or Building Permit) the applicant would be required to meet the Tree Bylaw requirements for replacement trees. If Bylaw replacement trees cannot be planted, a cash-in-lieu can be collected under the Tree Permit issued at each stage of the development.

In order to meet the intent of the Urban Forest Strategy the applicant can make a cash contribution to the Urban Forest Fund of \$700 per tree. Based on the review from the Parks Division, there are 16 trees that the Tree Bylaw would not collect replacement tree security deposits for. A cash contribution of \$11,200 (16 trees X \$700) would provide funds for Saanich to purchase and plant trees elsewhere in the District of Saanich.

There are nine existing boulevard trees fronting the proposed development. Schedule I trees will not be required with this development application.

The applicant has stated a willingness to commit to construct the proposed new residences to a BUILT GREEN® Gold energy efficiency level, including the necessary conduit to be solar ready for future installation of photovoltaic and/or solar hot water heating systems. This commitment would be secured by covenant.

Environmental Services has noted that retention and revegetating with native vegetation for habitat values should be a priority. Additional information is needed regarding final landscape plans in order to assess whether native understory species will be planted on site. This would be considered by the Approving Officer should Council approve the frontage waiver.

CONCLUSION


The proposal is consistent with the Official Community Plan which contemplates limited infill in neighbourhoods inside the Urban Containment Boundary, and with the Gordon Head Local Area


Plan which identifies this area as suitable for limited infill. In addition, the proposal has addressed the criteria set in place by Council to assess proposed panhandle lots.

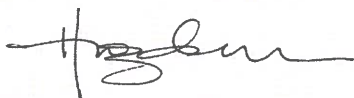
The lot sizes, lot configurations and adjoining side and rear lot boundaries are compatible with the pattern of residential development in the surrounding neighbourhood. The creation of two additional lots for single family residential use would have a negligible impact on traffic or on-street parking.

The design of the proposed dwellings would be consistent with the varied character of the area. The applicant is willing to register a covenant to secure the building scheme, conceptual site/floor plans, and energy efficiency commitments as presented to Council.

While Staff are generally supportive of the application, it is recommended that the applicant address the errors in the Arborist Report.

Prepared by: 
Neil Findlow
Planner

Reviewed by: 
Shari Holmes-Saltzman
Manager of Current Planning

Approved by: 
Sharon Hvozanski
Director of Planning

NDF/jsp

Attachments

ADMINISTRATOR'S COMMENTS:

I endorse the recommendation from the Director of Planning.



Brent Reems, Chief Administrative Officer