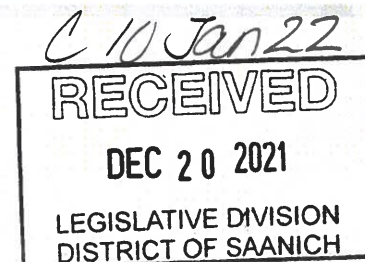




The Corporation of the District of Saanich

# Report

**To:** Mayor and Council  
**From:** Sharon Hvozanski, Director of Planning  
**Date:** December 21, 2021  
**Subject:** Rezoning, Subdivision and Development Variance Permit Application  
File: REZ00598; SUB00803; DVP00401 • 5176 Rambler Road



## RECOMMENDATION

1. That the application to rezone the site at 5176 Rambler Road from the RS-18 (Single Family Dwelling) Zone to the RS-6 (Single Family Dwelling) Zone be approved.
2. That Development Variance Permit DVP00401 be approved.
3. That prior to adoption of the Zoning Amendment Bylaw and ratification of the Development Variance Permit, the applicant register a covenant under section 219 of the "Land Title Act" against title to the subject property, to secure the following:
  - That the new dwelling on proposed Lot B include the installation of the necessary conduits to be solar ready for future installation of photovoltaic and/or solar hot water systems and include an energized EV charging outlet in the garage; and
  - That development of the property be generally in accordance with conceptual house plans prepared by Hartmann's Drafting and Design date stamped received December 16, 2021.

Note: A Staff Report on recent Provincial legislative changes in relation to Public Hearings will be brought forward to Council for review and consideration in early 2022. As Council has expressed interest in not holding Public Hearings when an application conforms with the Official Community Plan, staff have identified the steps required should Council wish to pursue that option in advance of the above-noted staff report. Should Council wish to not hold a Public Hearing in relation to the subject application, which conforms with the Official Community Plan, the following actions are required:

1. That pursuant to section 37 of the Land Use and Development Procedures Bylaw, 2020, No. 9650 (the "Procedure Bylaw"), and in recognition of the amendments to the "Local Government Act" effected by the "Municipal Affairs Statutes Amendment Act (No. 2), 2021", the procedures provided for under sections 17, 19, 21, 24 and 25 of the Procedure Bylaw are temporarily suspended to the extent that they require a public hearing to be held, or are otherwise inconsistent with the procedures set out in recommendations 2 through 5 below.

2. That proposed Zoning Bylaw, 2003, Amendment Bylaw, 2022, No. 9748 (the “Zoning Amendment Bylaw”), to rezone 5176 Rambler Road from the RS-18 (Single Family Dwelling) Zone to the RS-6 (Single Family Dwelling) Zone, be placed on an upcoming council meeting agenda for first three readings.
3. That pursuant to section 464(2) of the “Local Government Act”, a public hearing not be held in relation to the Zoning Amendment Bylaw, and that notice of the decision not to hold a public hearing be given in accordance with section 467 of the “Local Government Act”.
4. That proposed Development Variance Permit DVP00401 (the “Development Variance Permit”) to vary the rear yard setback from 7.5 m to 4.02 m to retain the existing dwelling on proposed Lot A, be placed for consideration on the same upcoming council meeting agenda as the first three readings of the Zoning Amendment Bylaw.
5. That prior to adoption of the Zoning Amendment Bylaw and ratification of the Development Variance Permit, the applicant register a covenant under section 219 of the “Land Title Act” against title to the subject property, to secure the following:
  - That the new dwelling on proposed Lot B include the installation of the necessary conduits to be solar ready for future installation of photovoltaic and/or solar hot water systems and include an energized EV charging outlet in the garage; and
  - That development of the property be generally in accordance with conceptual house plans prepared by Hartmann’s Drafting and Design date stamped received December 16, 2021.

## **PURPOSE**

The purpose of this Report is to seek direction from Council on the subject application. The application is to rezone the parcel at 5176 Rambler Road from the RS-18 (Single Family Dwelling) Zone to the RS-6 (Single Family Dwelling) Zone in order to subdivide to create one additional lot (two lots in total) for single family dwelling use. A siting variance is requested. The applicant is Gerald Penner.

## **DISCUSSION**

### **Neighbourhood Context**

The 1358 m<sup>2</sup> double fronting lot is located between Rambler Road and Lochside Drive in the Village neighbourhood of Cordova Bay. The site contains a 1950s era single family dwelling and detached garage that would be retained. Surrounding land use is single family dwellings on a mixture of RS-6, RS-10, RS-12, and RS-18 zoned lots. The site is located 240 m travel distance from Cordova Bay Elementary School, and 450 m travel distance from Agate Park. Travel distance to commercial services in Cordova Bay Village “Centre” is 460 m and to Mattick’s Farm is 550 m. The site is served by BC Transit Route #32 (Cordova Bay/Royal Oak Exchange) with weekday service at 40 - 60 minute intervals. Transit stops are located in the Village Core within 450 m walking distance of the site.

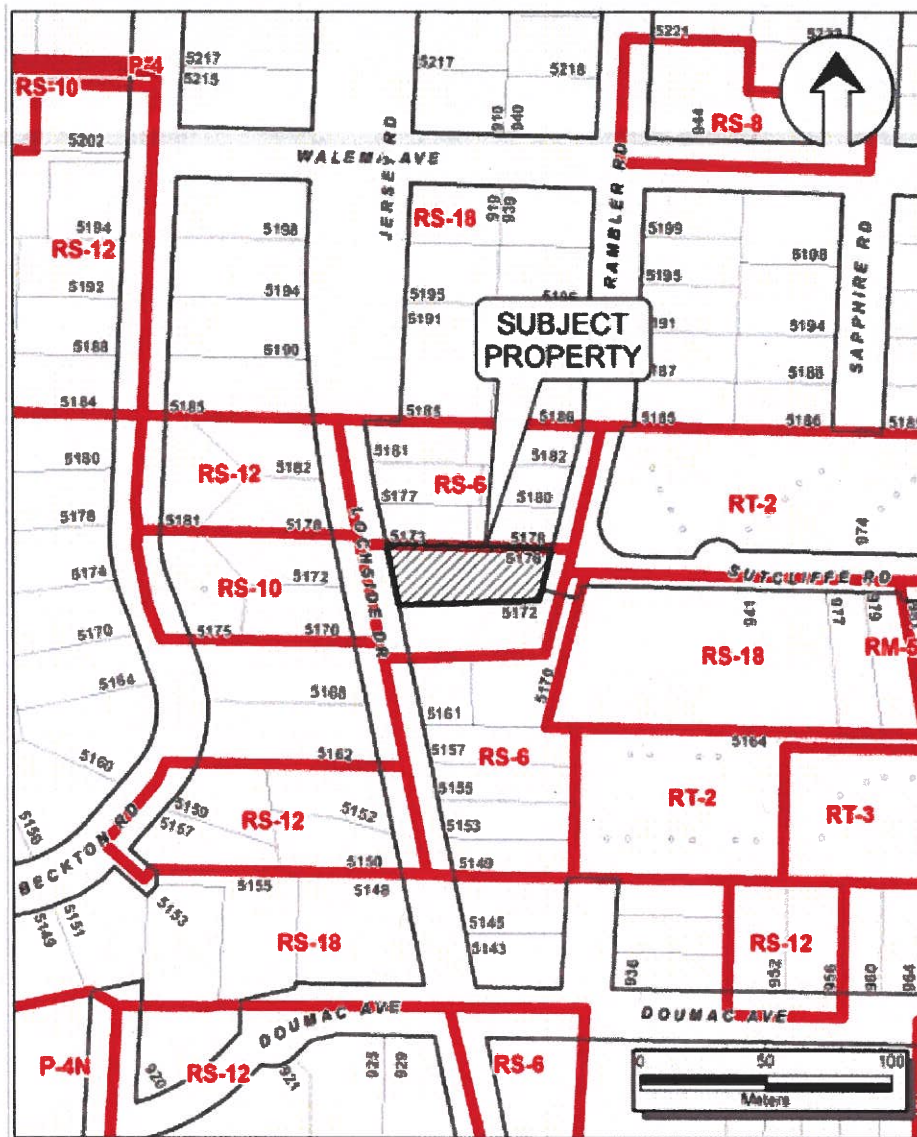


Figure 1: Neighbourhood Context

**Proposed Land Use**

The proposed rezoning would accommodate a subdivision to create one additional lot (two lots total) for single family dwelling use. Proposed Lots A and B would have areas of 767 m<sup>2</sup> and 591 m<sup>2</sup> respectively and would comply with the minimum lot area of 560 m<sup>2</sup> specified in Cordova Bay Local Area Plan Policy 7.4. Proposed lot configurations comply with the requested RS-6 zoning and Subdivision Bylaw regulations. A siting variance is requested for rear yard setback so the existing dwelling can be retained on proposed Lot A. Secondary suites or garden suites are permitted in this development, however, no suite is proposed at this time.

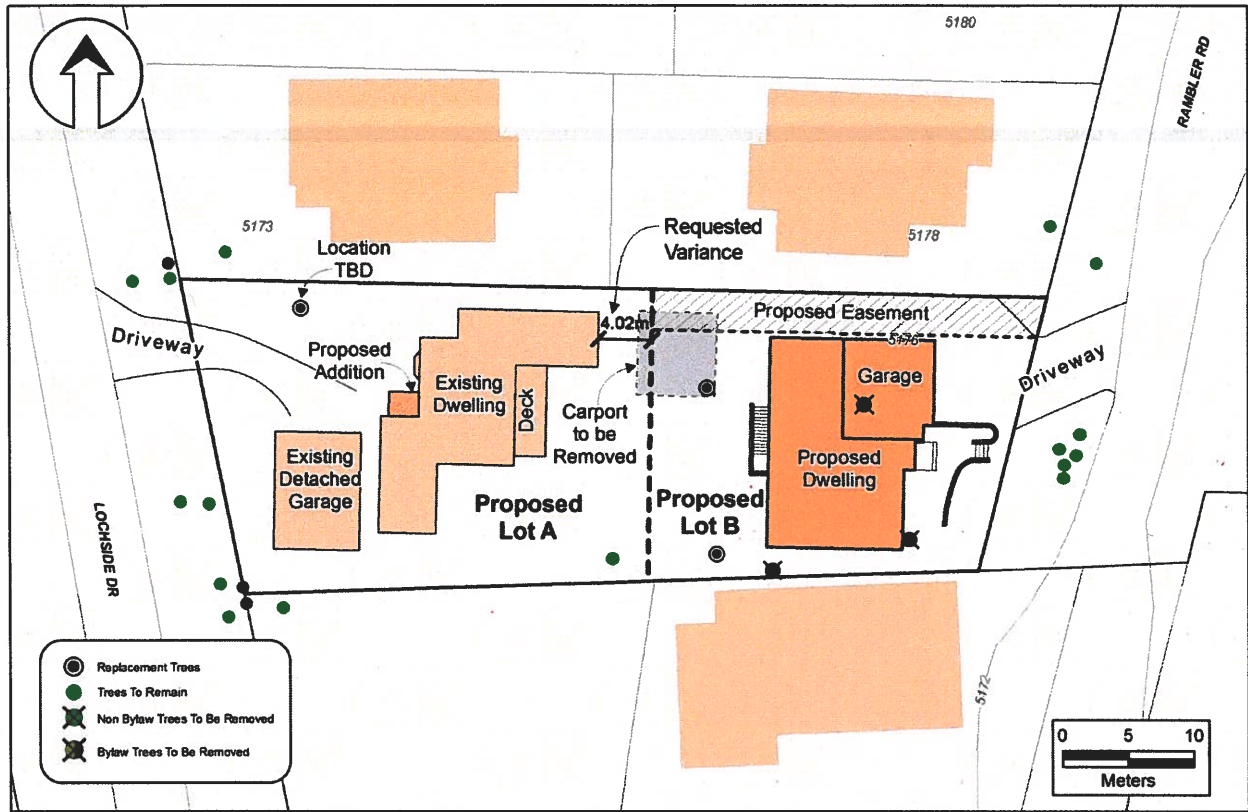


Figure 2: Proposed Subdivision

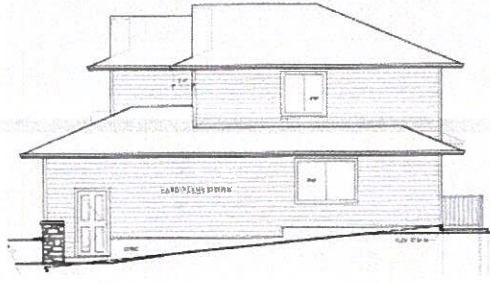
**Site and Building Design**

The site rises in elevation about 7.0 m from east to west. The existing dwelling and detached garage on the west part of the site would be retained on proposed Lot A. An existing carport near the centre of the site would be removed. The existing driveway from Lochside Drive would be retained to service proposed Lot A. Driveway access to the new lot would be from Rambler Road.

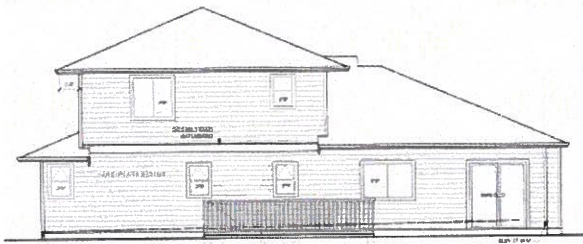
The applicant currently occupies the existing dwelling on the site. Due to the steeply sloping site, multi-level house design, and changing health needs, the existing dwelling no longer suits the family’s needs. The applicant proposes to sell the house and construct a new home on proposed Lot B that would accommodate day to day activities on a single floor. The applicant has provided conceptual house plans for the dwelling to be constructed on proposed Lot B (see Figure 3). The plans are provided for illustrative purposes to give an understanding of how the general massing of the new house on the proposed lot would appear.



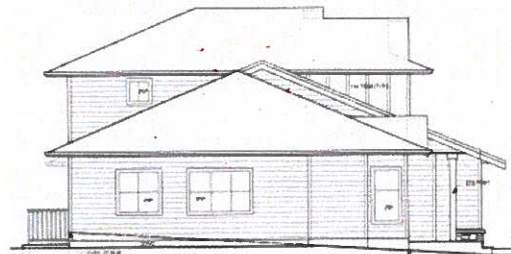
Front (East) Elevation



North Side Elevation



Rear (West) Elevation



South Side Elevation

**Figure 3: Proposed Building Elevations – Proposed Lot B** (from plans by Hartmann’s Drafting and Design)

The new single family dwelling would be required to meet Step 3 of the BC Energy Step Code. Had the application been received after the District of Saanich EV requirements were adopted, the dwelling would be required to provide one energized EV charging outlet. While this application was received prior to adoption of the EV charging requirements, Staff have encouraged the applicant to provide EV charging capability. The applicant has committed to provide EV charging and to include the installation of the necessary conduits to be solar ready for future installation of photovoltaic and/or solar hot water systems. These items would be secured via covenant.

**Consultation**

The applicant has stated that information about the project was provided to neighbours in the immediate area and to the Cordova Bay Association for Community Affairs (CBACA).

A subdivision referral requesting comment about the proposal was sent by the Planning Department to the CBACA and a response was received indicating no objection to the project. A copy of the detailed referral comments for the CBACA is included in the agenda package.

In addition, Planning sent information about the project to residents living within 90 m of the site. An 11 name petition was received indicating no objections. Correspondence was received from the immediate neighbours at 5172 and 5178 Rambler Road also indicating no objection. This information is included in the agenda package.

**ALTERNATIVES**

1. That Council approve the recommendation 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**

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

### **STRATEGIC PLAN IMPLICATIONS**

The subject proposal in part 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".

### **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."
- 4.2.4.3 "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)."
- 4.2.1.14 "Encourage the use of 'green technologies' in the design of all new buildings."

#### Cordova Bay Local Area Plan (1998)

The property is designated "Residential III" on Map 7.1 of the Cordova Bay Local Area Plan. The Local Area Plan policies applicable to this proposal are as follows:

- 5.1 "Encourage protection of indigenous vegetation, wildlife habitats, urban forest landscapes and sensitive marine environments within Cordova Bay when considering applications for change in land use."
- 7.4 "Allow a minimum lot area of 560 m<sup>2</sup> for a conventional lot and 835 m<sup>2</sup> for a panhandle lot within the village area designated Residential III on Map 7.1."

#### Draft Cordova Bay Local Area Plan (2020)

An extensive planning process to update the Cordova Bay Local Area Plan has been on-going since 2018. A Draft Cordova Bay Local Area Plan is currently proceeding through the final

stages of adoption and will be considered by Council this year. The proposal is consistent with the land use objectives of the Draft Cordova Bay Local Area Plan which include more ground oriented housing. The Draft Cordova Bay Local Area Plan supports townhouses and low-rise apartments in the Village Core, as well as ground-oriented housing in adjacent residential areas where most buildings are one or two storeys (up to 7.5 m) in height.

### **Policy Analysis**

The proposal is consistent with the Official Community Plan which contemplates limited infill in neighbourhoods inside the Urban Containment Boundary. The proposed lots would comply with Cordova Bay Local Area Plan, policy 7.4, which requires a minimum lot area of 560 m<sup>2</sup>, and with the Draft Cordova Bay Local Area Plan which supports a minimum lot area of 560 m<sup>2</sup> and ground-oriented housing in the Village residential areas.

The Official Community Plan also notes the importance of neighbourhood character and the role of building style, exterior finish, massing, and height have on the effective integration of new housing stock. The existing dwelling would be retained on proposed Lot A. The applicant has submitted conceptual house plans for the dwelling to be constructed on proposed Lot B. The dwelling would comply with the maximum height, gross floor area, non-basement floor area, and siting requirements for the RS-6 Zone. The applicant has indicated a willingness to commit to provide EV plug-ins in the garages and to construct the dwellings to include the installation of the necessary conduits to be solar ready for future installation of photovoltaic and/or solar hot water systems. These items would be secured via covenant.

The site is located within convenient walking distance of parks, school, commercial services, and public transit. Infill housing as proposed would provide a much desired housing form within Saanich that people would otherwise have to commute further distances for elsewhere in the region. The proposal would allow the existing residents to remain in the community and age in place in a residence suited to their needs.

### **Servicing**

A cash contribution is required in lieu of road improvements along the entire frontage of this subdivision on Lochside Drive based on residential road standards including sidewalk. A cash contribution is also required in lieu of road improvements along the frontage of the subdivision on Rambler Road based on residential road standards. Should Council support the proposed rezoning and Development Variance Permit, the cash in lieu would be addressed by the Approving Officer as part of the Subdivision.

The existing house must be connected or reconnected to storm drain and sanitary sewer. A private easement will be required for storm drain and sanitary sewer along the north property line of proposed Lot B in favour of proposed Lot A. A subsequent sewer connection will be required for proposed Lot A from the existing main on Rambler Road. This connection is to be extended by private easement along the northerly boundary of proposed Lot B. The existing sewer connection on Rambler Road is to be capped and provided with an inspection chamber for future use by proposed Lot B.

Stormwater management must be provided in accordance with the requirements of Schedule H "Engineering Specifications" of the Subdivision Bylaw. The site is within a Type II watershed area which requires stormwater storage, oil/grit separator or grass swale and sediment basin. Subsequent drain connections will be required for both lots from the existing main on Rambler Road. The storm drain connection to proposed Lot A is to be installed via a private easement along the north side of proposed Lot B.

**Environment**

Trees on the property and municipal frontage include mostly Douglas fir, Western Red Cedar, Big Leaf Maple, Pacific dogwood and Western hemlock. A Tree Inventory and Management Plan was prepared for the subdivision proposal by Gye & Associates Consulting Arborists. Twenty-four trees were inventoried, of which 4 are located on the site, 15 on the boulevard, 4 on adjacent properties, and 1 straddling the boundary.

Only one of the on-site trees (multi-stemmed Pacific dogwood #TR-33) is Bylaw-protected. This tree and two unprotected trees on proposed Lot B would require removal due to construction related impacts. Saanich Parks has noted that the Pacific dogwood tree is impressive for this species of tree and while its removal would be regrettable, it is allowable if the subdivision is approved. Relocation of the proposed dwelling on proposed Lot B would not prevent the loss of these trees - the dogwood is in the middle of the building envelope, and the presence of the easement to the north means the envelope must, by necessity, be located closer to the southerly property line. However, as noted below, the applicant is proposing to plant three replacement trees, two on proposed Lot B and one on proposed Lot A.

Parks has noted that Hydro service for proposed Lot B may require pruning, removal or altering of a neighbour's tree (#TR-31). The consulting arborist has stated that "there is a clear aerial corridor between the garage and the existing power pole on Rambler through the canopy of Tree 31. No deleterious impacts to this tree are anticipated". The adjacent property owner has provided a letter of support for the project including permission to prune Tree 31, if required.

The Tree Management Plan includes special measures to preserve Trees 31 and 32 including armoring to protect soils within the tree protection zone during the building phase. Porous surfacing and base materials would be used for driveway construction within the protected root zone to allow infiltration of air and rain water to tree roots. Parks recommends that should the project receive approval, that it be a condition of the subdivision that the development of the lots shall adhere to the Tree Management Plan to assist in the retention of retained trees. This would be sent to the Approving Officer for consideration.

The proposed subdivision shows the retention of boulevard trees fronting both lots. Due to this the boulevard Schedule I tree is not required with this application.

The following tree totals for the project are provided by Saanich Parks:

- Number of Bylaw protected trees onsite to be removed: 1
- Number of Boulevard trees to be removed: 0
- Number of non-Bylaw protected trees to be removed: 2
- Total tree removals: 3
  
- Number of replacement trees required onsite: 1
- Number of trees shown to be planted on the subject property: 3
- Number of Boulevard trees to be planted: 0

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 applicant is proposing to plant 3 new trees on the subject property, and so the current proposal would meet the intent of this important policy.



**Development Variance Permit**

The applicant has requested a rear yard setback variance so the existing house can be retained on proposed Lot A, from 7.5 m to 4.02 m. The variance is for a small section of the house in the north part of the lot and is not anticipated to impact on livability or usability of the rear yard spaces. For these reasons, Staff support the variance request.

**Climate Change and Sustainability**

The Official Community Plan adopted in 2008 highlights the importance of climate change and sustainability. The Official Community Plan 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 Official Community Plan 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 features related to mitigation and adaptation:

- 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 number of lots so created are limited in number, acknowledge longstanding policies of the Official Community Plan and Local Area Plan, and will not result in significant long-term negative impacts, as long as the majority of future growth is focussed in "Centres", "Villages", and along key corridors;
- The site is served by BC Transit Route #32 (Cordova Bay/Royal Oak Exchange) with weekday service at 40 - 60 minute intervals. Transit stops are located within 450 m walking distance of the site;
- New single family dwellings constructed after January 1, 2020 are required to achieve Step 3 of the BC Energy Step Code; and
- The applicant has indicated a willingness to commit to provide an EV plug-in in the garage or to construct the new dwelling to include the installation of the necessary conduits to be solar ready for future installation of photovoltaic and/or solar hot water systems. Staff are requesting this commitment be secured prior to the application being considered at a Public Hearing.

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 the following features related to the natural environment:

- The proposal is an infill development in an already urbanized area without putting pressures onto rural areas;
- Twenty-four trees were inventoried of which 4 are located on the site. Only one of the on-site trees (multi-stemmed Pacific dogwood #TR-33) is Bylaw-protected. This tree and two unprotected trees on proposed Lot B would require removal due to construction related impacts; and
- The Tree Management Plan includes special measures to preserve Trees 31 and 32 including armoring to protect soils within the tree protection zone during the building phase. Porous surfacing and base materials would be used for driveway construction within the protected root zone to allow infiltration of air and rain water to tree roots.

#### *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 features related to social well-being:

- The proposed lots would comply with Cordova Bay Local Area Plan, policy 7.4, which requires a minimum lot area of 560 m<sup>2</sup>;
- The new home is designed to accommodate all day to day activities on a single floor to permit the owners to age in place; and
- Secondary suites or garden suites are permitted in this development however, no suite is proposed at this time. These 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.

#### *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 the following features related to economic vibrancy:

- The development would create local short-term jobs during the construction period;
- Home based businesses would be permissible in this development; and
- The development would site additional residential units within the commercial catchment/employment area for the businesses and services located within the Cordova Bay Village "Centre" and at Mattick's Farm.

## CONCLUSION


The proposal is consistent with the Official Community Plan which contemplates limited infill in neighbourhoods inside the Urban Containment Boundary. The proposed lots would comply with Cordova Bay Local Area Plan policy 7.4 which requires a minimum lot area of 560 m<sup>2</sup>.


The Official Community Plan also notes the importance of neighbourhood character and the role of building style, exterior finish, massing, and height have on the effective integration of new housing stock. The applicant has provided conceptual house plans for the dwelling to be constructed on proposed Lot B. The applicant has indicated a willingness to commit to provide EV plug-ins in the garage and to construct the dwelling to include the installation of the necessary conduits to be solar ready for future installation of photovoltaic and/or solar hot water systems. These commitments would be secured by covenant.

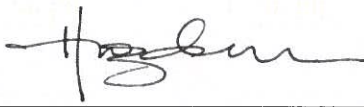
A Tree Inventory and Management Plan were prepared for the subdivision proposal by Gye & Associates Consulting Arborists. Only one on-site tree (multi-stemmed Pacific dogwood #TR-33) is Bylaw-protected. This tree and two unprotected trees on proposed Lot B would require removal due to construction related impacts. The Tree Management Plan includes special measures to preserve retained trees. Parks recommends that should the project receive approval, that it be a condition of the subdivision that the development of the lots shall adhere to the Tree Management Plan to assist in the retention of retained trees.

A Staff Report on recent amendments to the “Local Government Act” through the “Municipal Affairs Statutes Amendment Act (No. 2), 2021” (Bill 26), will be brought forward to Council for review and consideration in early 2022. As Council has expressed an interest in not holding Public Hearings when an application conforms to the Official Community Plan, Staff have identified the steps required should Council wish to pursue that option for this proposed development application.

Staff support the Rezoning and Development Variance Permit application, subject to the recommendations outlined on page 1 of this Report.

Prepared by:   
Neil Findlow  
Planner

Reviewed by:   
Shari Holmes-Saltzman  
Manager of Current Planning

Approved by:   
Sharon Hvozdzanski  
Director of Planning

NDF/jsp

Attachments

**ADMINISTRATOR'S COMMENTS:**

I endorse the recommendation from the Director of Planning.

  
Brent Reems, Acting Chief Administrative Officer