



Thursday, October 8, 2020

COUNCIL CHAMBERS - 1 CENTENNIAL SQUARE, VICTORIA BC

To be held immediately following the Committee of the Whole Meeting

The City of Victoria is located on the homelands of the Songhees and Esquimalt People

Due to the COVID-19 Pandemic, public access to City Hall is not permitted. This meeting may be viewed on the City's webcast at [www.victoria.ca](http://www.victoria.ca)

Pages

**A. CONVENE COUNCIL MEETING**

**B. APPROVAL OF AGENDA**

**C. READING OF MINUTES**

**D. PROCLAMATIONS**

**D.1. Proclamation - Taoist Tai Chi Arts 50th Anniversary**

1

*Pending approval at Committee of the Whole*

**\*D.2. Proclamation - Energy Efficient Day**

2

*Pending approval at Committee of the Whole*

**E. UNFINISHED BUSINESS**

**F. REPORTS OF COMMITTEES**

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**F.1.a. Report from the October 1, 2020 COTW Meeting**

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**F.1.a.a. Child Care in Victoria Action Plan**

**F.1.a.b. 1244 Wharf Street: Rezoning Application No. 00739 (Downtown)**

**F.1.a.c. 3080, 3082 and 3090 Washington Avenue: Rezoning Application No. 00714, associated Official Community Plan Amendment, and Development Permit Application No. 000566 (Burnside)**

F.1.a.d. Accessibility Framework and Policy Update

F.1.a.e. 2021 Strategic Plan Grants

F.1.a.f. Appointment of Auditor

F.1.a.g. Council Member Motion: Keep Growing, Victoria

\*F.1.b. Report from the October 8, 2020 COTW Meeting

[Link to the October 8, 2020 COTW agenda](#)

\*F.1.b.a. 1623-1625 Bank Street - Report on the Potential Heritage Designation (South Jubilee)

\*F.1.b.b. Build Back Victoria and Business Recovery from Pandemic Bylaw Review Report

## G. BYLAWS

G.1. Bylaw for 334 Dallas Road: Rezoning Application No. 00674 and Development Permit with Variances Application No. 00101

7

A report recommending:

- 1st and 2nd readings of:
  - Zoning Regulation Bylaw, Amendment Bylaw (No. 1229) No. 20-068
- 1st, 2nd, and 3rd readings of:
  - Housing Agreement (334 Dallas Road) Bylaw (2020) No. 20-069
- Consideration of revised development permit with variances motion

The application is ready to proceed to Public Hearing and proposes a new triplex building.

G.2. Bylaw for Next Generation House Conversion Regulations

75

A report recommending:

- 1st and 2nd readings of:
  - Zoning Regulation Bylaw, Amendment Bylaw (No. 1231) No. 20-077



The bylaw is ready to proceed to Public Hearing and proposes to amend the Zoning Regulation Bylaw by adding new off-street parking provisions for house conversions to Schedule C – Off-Street Parking, and replacing Schedule G – House Conversion Regulations with new house conversion regulations in order to yield additional opportunities for house conversions in the City.

**G.3. Bylaw for Build Back Victoria and Business Recovery from Pandemic Bylaw**

192

*Pending approval at COTW*

- **1st, 2nd and 3rd reading of:**
  - Business Recovery from Pandemic Bylaw Amendment Bylaw (No. 1) No. 20-105

The purpose of this bylaw is to amend the Business Recovery from Pandemic Bylaw to extend the duration of that bylaw in light of continuing public health advisories regarding physical distancing and other changes impacting business operations, to provide for extension of permits issued under that bylaw, and to better address issues related to erection of weather protection for the temporary outdoor commercial use on City street, in parks, and on private property.

**\*G.4. Bylaw for 736 Princess: Rezoning Application No. 00602 and Development Permit with Variances Application No. 00065**

195

**Addendum**

A report recommending:

- **1st and 2nd readings of:**
  - Zoning Regulation Amendment Bylaw (No. 20-106)
- **1st, 2nd and 3rd readings of:**
  - Housing Agreement Bylaw (No. 20-107)

The application is ready to proceed to Public Hearing and proposes to increase the density and construct a six-storey, mixed-use building consisting of commercial and residential uses.

**\*G.5. Bylaw for 330-336 Michigan Street: Development Permit with Variance Application No. 00122**

211

## Addendum

A report recommending:

- **1st, 2nd, and 3rd readings of:**
  - Housing Agreement (330, 332, 334, & 336 Michigan Street)  
Bylaw (2020) No. 20-084

The application is ready to proceed to an Opportunity for Public Comment and proposes to redevelop the site for affordable housing units.

## **H. CORRESPONDENCE**

### **H.1. Letter from the Minister of Municipal Affairs and Housing 222**

A letter regarding British Columbia's economic recovery.

### **H.2. Letter from the Union of British Columbia Municipalities 228**

A letter dated July 31, 2020 regarding the UBCM Response to *Building BC's Recovery, Together*

## **I. NEW BUSINESS**

## **J. CLOSED MEETING**

### **MOTION TO CLOSE THE OCTOBER 8, 2020 COUNCIL MEETING TO THE PUBLIC**

That Council convene a closed meeting that excludes the public under Section 90 of the Community Charter for the reason that the following agenda items deal with matters specified in Sections 90(1) and/or (2) of the Community Charter, namely:

*Section 90(1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:*

- *Section 90(1)(c) labour relations or other employee relations; and*
- *Section 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.*

*Section 90(2) A part of a council meeting may be closed to the public if the subject matter being considered relates to one or more of the following:*

- *Section 90(2)(b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a*

*provincial government or the federal government or both and a third party*

K. APPROVAL OF CLOSED AGENDA

L. READING OF CLOSED MINUTES

M. UNFINISHED BUSINESS

M.1. Intergovernmental Relations - Community Charter Section 90(1)(b)

N. CORRESPONDENCE

O. NEW BUSINESS

\*O.1. DEFERRED

~~Land - Community Charter Section 90(1)(e)~~

\*O.2. Legal Advice - Community Charter Section 90(1)(i)

*Addenda - New Item*

O.3. Employee Relations - Community Charter Section 90(1)(c)

O.4. Employee Relations - Community Charter Section 90(1)(c)

P. CONSIDERATION TO RISE & REPORT

Q. ADJOURNMENT

**“TAOIST TAI CHI® ARTS 50<sup>TH</sup> ANNIVERSARY DAY”**

- WHEREAS** 2020 is the 50<sup>th</sup> anniversary of the Taoist Tai Chi® arts in Canada that promote the ancient practices of Taoism, which enrich mental, spiritual, and physical well-being. Many people who practice these arts share their experience of this practice which enhanced their social and spiritual connections, helped relieve pain, reduced stress, improved posture, circulation, and balance; and
- WHEREAS** 50 years ago, in 1970, Master Moy Lin Shin, a Taoist monk, began teaching the Taoist Tai Chi® path in Toronto, Canada; and
- WHEREAS** today, Fung Loy Kok Institute of Taoism, together with its affiliates around the world, have trained volunteer instructors offering Taoist Tai Chi® practice continuously for 50 years, and currently, to more than 40,000 participants in numerous locations throughout 26 countries including 11,016 participants in over 330 locations in Canada with 1200 instructors; and
- WHEREAS** Fung Loy Kok Institute of Taoism and its affiliates practice the Taoist Tai Chi® arts as a path to ultimate transformation, using the guiding principles of compassion, virtue, and wisdom, in all we do. This practice works to alleviate pain and suffering to the individual, thereby reducing the financial burden on health services in the communities where Taoist Tai Chi® practice is offered; and
- WHEREAS** it is altogether fitting and proper that Canada, with its diverse population and appreciation for all cultures moving together in harmony, and its commitment to improving the wellness of its workforce and all residents, should set aside a day to recognize the Fung Loy Kok Institute of Taoism in its endeavour to bring these arts which promote good health, the richness of Chinese culture, and a greater understanding and respect among all peoples.

**NOW, THEREFORE** I do hereby proclaim the week of November 7<sup>th</sup>, 2020 as “**TAOIST TAI CHI® ARTS 50<sup>TH</sup> ANNIVERSARY DAY**” in recognition of Fung Loy Kok’s remarkable journey of 50 years on the HOMELANDS of the Lekwungen speaking SONGHEES AND ESQUIMALT PEOPLE in the **CITY OF VICTORIA, CAPITAL CITY** of the **PROVINCE of BRITISH COLUMBIA**.

**IN WITNESS WHEREOF**, I hereunto set my hand this October 8<sup>th</sup>, Two Thousand and Twenty.

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**LISA HELPS  
MAYOR  
CITY OF VICTORIA  
BRITISH COLUMBIA**

**Sponsored by:**  
Cathy Percival  
Fung Loy Kok Institute of Taoism

**“ENERGY EFFICIENCY DAY”**

- WHEREAS** *the building science, heating, ventilation, air conditioning, refrigeration and water heating industry employs tens of thousands people in Canada; and*
- WHEREAS** *energy efficiency and the jobs it creates are key to the future of Vancouver Island, our province and our country. As your constituent and a member of the energy efficiency community, I want to invite you to celebrate with me on October 7th, 2020; and*
- WHEREAS** *when we celebrate energy efficiency, we're celebrating people. There are more than 436,000 Canadians who work in the energy efficiency sector, and together, we're eliminating waste, reducing carbon emissions, and growing the economy. I'm proud to be part of a sector that improves our communities in so many ways — from creating good, local jobs; to building and retrofitting safe and resilient homes; to creating better-ventilated schools; to addressing energy poverty, and more; and*
- WHEREAS** *So how can you help your constituents in this sector? I'm asking you to post or share something on social media to voice your support for energy efficiency day on October 7<sup>th</sup>; and*
- WHEREAS** *I look forward to celebrating with you; and*
- WHEREAS** *the "your organization", acknowledges the impact of the heating, ventilation, air conditioning, refrigeration and water heating industry across the entire region of Vancouver Island, in honour of Energy Efficiency Day, on October 07, 2020; and*
- WHEREAS** *we expand the concept of “Small Business Week” to encompass a month, as we recognize small businesses are a pillar of our community.*

**NOW, THEREFORE** I do hereby proclaim the Wednesday October 7<sup>th</sup> 2020 as “**SMALL BUSINESS MONTH**” on the **HOMELANDS** of the **Lekwungen speaking SONGHEES AND ESQUIMALT PEOPLE** in the **CITY OF VICTORIA**, **CAPITAL CITY** of the **PROVINCE** of **BRITISH COLUMBIA** and urge all citizens to join me in recognizing the importance of energy efficiency in our daily lives.

**IN WITNESS WHEREOF**, I hereunto set my hand this October 8<sup>th</sup>, Two Thousand and Twenty.

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**LISA HELPS**  
**MAYOR**  
**CITY OF VICTORIA**  
**BRITISH COLUMBIA**

**Sponsored by:**  
Calvin Tripp  
VI ASHRAE

**COMMITTEE OF THE WHOLE REPORT**  
**FROM THE MEETING HELD OCTOBER 1, 2020**

For the Council meeting of October 8, 2020, the Committee recommends the following:

**E.1 Child Care in Victoria Action Plan**

That Council receive the report for information and:

1. Refer to staff to report back at the Term 3 Update on the Financial and Human Resource implications and the ability to implement the Process, Policy, Partnerships and education and Training recommendations that are within municipal jurisdiction in the Report.
2. Bring forward the specific recommended advocacy motions for consideration at a future Council meeting.

**G.1 1244 Wharf Street: Rezoning Application No. 00739 (Downtown)**

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw amendments that would authorize the proposed development outlined in Rezoning Application No.00739 for 1244 Wharf Street, that first and second reading of the Zoning Regulation Bylaw amendments be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Council authorizing the existing street-level projecting building ornamentation over the City right-of-way, provided that the applicant enters into an Encroachment Agreement in a form satisfactory to the City Solicitor and the Director of Engineering and Public Works.

**G.2 3080, 3082 and 3090 Washington Avenue: Rezoning Application No. 00714, associated Official Community Plan Amendment, and Development Permit Application No. 000566 (Burnside)**

**Rezoning Application No. 00714 and associated Official Community Plan Amendment:**

1. That Council instruct the Director of Sustainable Planning and Community Development to prepare:
  - a. the necessary Official Community Plan amendment bylaw in accordance with Section 475 of the Local Government Act and the necessary Zoning Regulation Bylaw amendment that would change the Urban Place Designation of 3080, 3082 and 3090 Washington Avenue from Traditional Residential to Urban Residential and authorize the proposed development outlined in the staff report dated September 17, 2020 for Rezoning Application No. 00714; and
  - b. the necessary bylaw in order to terminate the Land Use Contract F32837 pertaining to 3080, 3082 and 3090 Washington Avenue.
2. That first and second readings of the zoning bylaw amendments and the Land Use Contract termination bylaw be considered by Council and a public hearing date be set once the following conditions are met:
  - a. Preparation of legal agreements executed by the applicant to secure the following, with form satisfactory to the City Solicitor:
    - i. a Housing Agreement to ensure that future strata bylaws do not prohibit the rental of dwelling units, to the satisfaction of the Director of Sustainable Planning and Community Development;

- ii. a statutory right-of-way of 1.00m on Washington Avenue for highway purposes, to the satisfaction of the Director of Engineering and Public Works;
    - iii. a statutory right-of-way of 4.2m on the subject properties for the construction of the Doric Connector greenway, to the satisfaction of the Director of Community Planning and Sustainable Development and the Director of Engineering and Public Works; and
    - iv. construction of the Doric Connector greenway by the applicant, to the satisfaction of the Director of Community Planning and Sustainable Development and the Director of Engineering and Public Works.
  - b. Revisions to the design of the greenway to ensure that it is wheelchair accessible, to the satisfaction of the Director of Engineering and Public Works.
  - c. Lower the building heights of the attached dwellings along the north and south property lines to achieve a sensitive transition to, and minimize impacts on, the adjacent neighbours, to the satisfaction of the Director of Community Planning and Sustainable Development.
  - d. Explore potential design changes to the greenway to see if it is possible to both retain trees and make it wheelchair accessible, to the satisfaction of the Director of Engineering and Public Works.
  - e. Revisions to the design of the greenway fencing to address neighbouring safety and privacy concerns to the satisfaction of the Director of Engineering and Public Works.
3. That Council consider who is affected by the proposed changes to the Official Community Plan, and determine that the following persons, organizations and authorities will be affected:
    - a. those property owners and occupiers within a 200m radius of the subject properties.
  4. That Council provide an opportunity for consultation pursuant to section 475 of the Local Government Act, and direct the Director of Sustainable Planning and Community Development to:
    - a. mail a notice of the proposed OCP Amendment to those property owners and occupiers within a 200m radius of the subject properties; and
    - b. post a notice on the City's website inviting affected persons, organizations and authorities to ask questions of staff and provide written or verbal comments to Council for their consideration.
  5. That Council consider that no consultation is necessary with the Capital Regional District Board, Councils of Oak Bay, Esquimalt and Saanich, the Songhees and Esquimalt First Nations, the School District Board, or the provincial or federal governments or their agencies because the proposed OCP amendment does not affect them.
  6. That Recommendations 1 to 5 be adopted on the condition that they create no legal rights for the applicant or any other person, or obligation on the part of the City or its officials, and any expenditure of funds is at the risk of the person making the expenditure.

**Development Permit Application No. 000566**

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00714, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 000566 for 3080, 3082 and 3090 Washington Avenue, in accordance with:

1. Plans date stamped August 7, 2020.

2. The applicant revise the proposed Phasing Plan to ensure that the outdoor amenity space and Doric Connector are constructed in Phase 1 and provide more details on potential interim conditions of each phase, to the satisfaction of the Director of Sustainable Planning and Community Development.
3. The Development Permit lapsing two years from the date of this resolution.”

#### **H.1 Accessibility Framework and Policy Update**

That Council approve the:

1. Accessibility Framework (Attachment A);
2. Terms of Reference for a new Accessibility Advisory Committee (Attachment C);

##### **Add to Purpose**

1. \*Act as a resource and provide advice and recommendations to City Council and staff on the implementation of the Accessibility Framework and short term action plan
2. \*Work with staff on a draft Mid-to-Long Term Accessibility Action Plan by Q3 2021.
3. \*Review proposed tool for balancing competing rights and interests and provide comments and recommendations to Council after review
4. \* Review and update current guidelines for writing an Accessibility Impact Statement (AIS) so the document can function as an Accessibility Lens

##### **Amendment to Composition**

Increase 7 to 9 members

##### **Amendment to Composition – Bullet 3**

Membership to the committee **will be limited to people with lived experiences of accessibility challenges** and may also include..

##### **Add to Procedures**

- The City will reasonably accommodate members’ disabilities, as appropriate.
- All voting and non-voting members of the Committee will participate in an initial orientation session to ensure a common understanding of the scope of the Committees’ mandate as approved by Council.\***The orientation session described above will be held prior to the first regular meeting.**

3. Accessibility and Inclusion Policy (Attachment E); and
4. Short-Term Action Plan (Attachment G).

#### **H.3 2021 Strategic Plan Grants**

That in addition to the weighting given by Council, that the 2021 grants have an additional focus on building community resilience; and,

- Replace 30% community impact with 30% project builds community resilience.
- Resilience definition: the capacity of a system, enterprise, community or a person to maintain its core purpose or integrity in the face of dramatically changed circumstances.



**H.4 Appointment of Auditor**

That Council appoint BDO Canada LLP as the City's auditor for the financial reporting years 2020-2024.

**J.1 Council Member Motion: Keep Growing, Victoria**

That Council:

1. Endorse in principle the continuation of Get Growing, Victoria as an annual program.
2. Direct staff to report back on the results of the 2020 Get Growing, Victoria program and on the implications of continuing the program annually in 2021 and future years
3. Invite input from the Urban Food Table and other stakeholders on the continuation of Get Growing, Victoria.



## **Council Report**

**For the Meeting of October 8, 2020**

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**To:** Committee of the Whole **Date:** September 17, 2020

**From:** Karen Hoesse, Director, Sustainable Planning and Community Development

**Subject:** **Update on Rezoning Application No.000674 and Development Permit with Variance Application No. 00101 for 334 Dallas Road**

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### **RECOMMENDATION**

#### **Rezoning Application No. 000674**

That Council give first and second reading of the Zoning Regulation Bylaw Amendment No. 20-068 and give first, second and third reading of Housing Agreement (334 Dallas Road) Bylaw No. 20-069.

#### **Development Permit with Variances Application No. 00101 – Revised Motion**

That Council, after giving notice and allowing an opportunity for public comment and after a Public Hearing for the Rezoning Application, if it is approved, consider the following motion:

“That Council authorize the issuance of Development Permit Application with Variances No. 000101 for 334 Dallas Road, in accordance with:

1. Plans, date stamped May 26, 2020.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - i. increase the maximum height for a dwelling to 7.92m;
  - ii. increase the maximum height for an accessory building to 3.96m;
  - iii. reduce the vehicular parking requirements from 4 stalls to 3 stalls;
  - iv. reduce the rear yard open site space from 33% to 13%.
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.
4. Development Permit with Variances lapsing two years from the date of this resolution.”

### **EXECUTIVE SUMMARY**

The purpose of this report is present Council with an update regarding a rezoning application and a development permit with variances for property located at 334 Dallas Road. The proposal is to rezone from the Two Family Dwelling District, R-2 Zone, to a site-specific zone in order to permit

construction of a building comprising of three dwelling units. Two of the dwelling units will be secured as market rental for a ten-year period.

In accordance with Council's motion of February 27, 2020, included below, the necessary conditions that would authorize the approval of Rezoning No. 00674 have been fulfilled:

### **Rezoning Application No. 00674 for 334 Dallas Road**

*That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No.00674 for 334 Dallas Road, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:*

- 1. Landscape plan be amended to provide more detail as described in the Development Permit Application Report.*
- 2. Preparation and execution of legal agreements to require a 10-year rental period (market rental), for the two basement units to the satisfaction of the Director of Sustainable Planning and Community Development.*

### **Development Permit with Variances Application No. 00101 for 334 Dallas Road**

*That subject to revisions to the landscape plan to include permeable paving in the rear yard, installation of a six stall bike rack, inclusion of more plant materials (including native, pollinator and edible plants), details of fencing and opportunities to include plantings along the fence to the satisfaction of the Director of Sustainable Planning and Community Development, that Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00674, if it is approved, consider the following motion:*

*"That Council authorize the issuance of Development Permit with Variance Application No. 00101 for 334 Dallas Road, in accordance with:*

- 1. Plans date stamped August 26, 2019.*
- 2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:*
  - i. increase the maximum height for a dwelling to 7.92 m;*
  - ii. increase the maximum height for an accessory building to 3.96 m;*
  - iii. reduce the vehicular parking requirements from 4 stalls to 3 stalls;*
  - iv. reduce the rear yard open site space from 33% to 13%.*
- 3. The Development Permit lapsing two years from the date of this resolution."*

### **PUBLIC HEARING CONDITIONS UPDATE**

With regard to the pre-conditions set by Council in relation to the Rezoning Application, staff can report that the following items have been fulfilled:

#### **Housing Agreement**

An executed Housing Agreement was provided to secure two dwelling units as market rental for ten years.

## Revised plans

The applicant has submitted plans showing revisions to the proposed on-site landscaping, to the satisfaction of the Director of Sustainable Planning and Community Development. These landscape revisions can be summarized as follows:

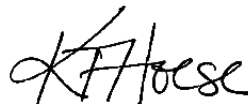
- permeable pavers replace concrete in the rear yard improving the rainwater management of the site
- two raised planter beds have been introduced in the rear yard providing an opportunity for growing food
- a planting area has been introduced at the end of the driveway to soften the appearance of the development
- the location of bike rack has been indicated
- details of fence panels have been provided
- an increase in the number of on-site trees and shrubs and perennials is proposed.

The recommendation provided for Council's consideration contains appropriate language to advance these applications to Public Hearing.

Respectfully submitted,



Chloe Tunis  
Planner  
Development Services



Karen Hoese, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



Date: September 22, 2020

## List of Attachments

- Attachment A: Revised plans with landscape changes dated May 26, 2020
- Attachment B: Committee of the Whole report and attachments from the meeting of February 6, 2020.



Revision Number	Revision Description	Revision Date
1	Amently space added, ext finishes revised (rock removed)	12 MAY 2019
2	Zoning Plan Check clarifications/corrections, note clarifying garage basement AT grade not above, serves as patio and driveway.	26 AUG 2019
3	Landscape Plan changes	20 MAY 2020

ACCESSORY GARAGE BUILDING			
AVERAGE OF POINTS	DISTANCE BETWEEN GRADE POINTS		TOTALS
(6.81+7.21)/2	X 6.71 m	=	47.04 m
(7.21+3.99)/2	X 0.20 m	=	1.12 m
(3.99+3.99)/2	X 2.33 m	=	9.30 m
(3.99+7.22)/2	X 3.56 m	=	19.95 m
(7.22+6.81)/2	X 6.71 m	=	47.04 m
(6.81+6.81)/2	X 6.10 m	=	41.54 m
			25.62 m
			165.99/25.62 = 6.48 m

PROJECT DATA:

ZONING: R-2 Zone, Two Family Dwelling District, City of Victoria

SITE AREA: 7163 sf (665.46sm)

SITE COVERAGE: max 40%

Dwelling	2047 sf
Acc Bldg	440 sf
Total	2487 sf = 34.7%

OPEN SITE SPACE

Site Area	7163
- Buildings	2487 sf
- Driveways	1235 sf
Total	3722 = 52.0 %

REAR YARD OPEN SPACE

970 = 13.54 %

FLOOR AREAS:

max F.S.R. = 0.50 R2	=	3582 sf
max F.S.R. = 0.75 Plex	=	5372 sf
Proposed	=	3611 sf = 0.51

MAIN	1893 sf (175.9 sm)
SCND	1751 sf (162.7 sm)
	3644 sf (338.6 sm)

Ceiling 1.19 m above avg grade = Basement

Unit 2	Unit 3	
BSMT	899 sf	750 sf = 1649 sf (153.2 sm)
Gar. Basement		937 sf ( 87.1 sm)
Site TOTAL		2586 sf ( 240.3 sm)

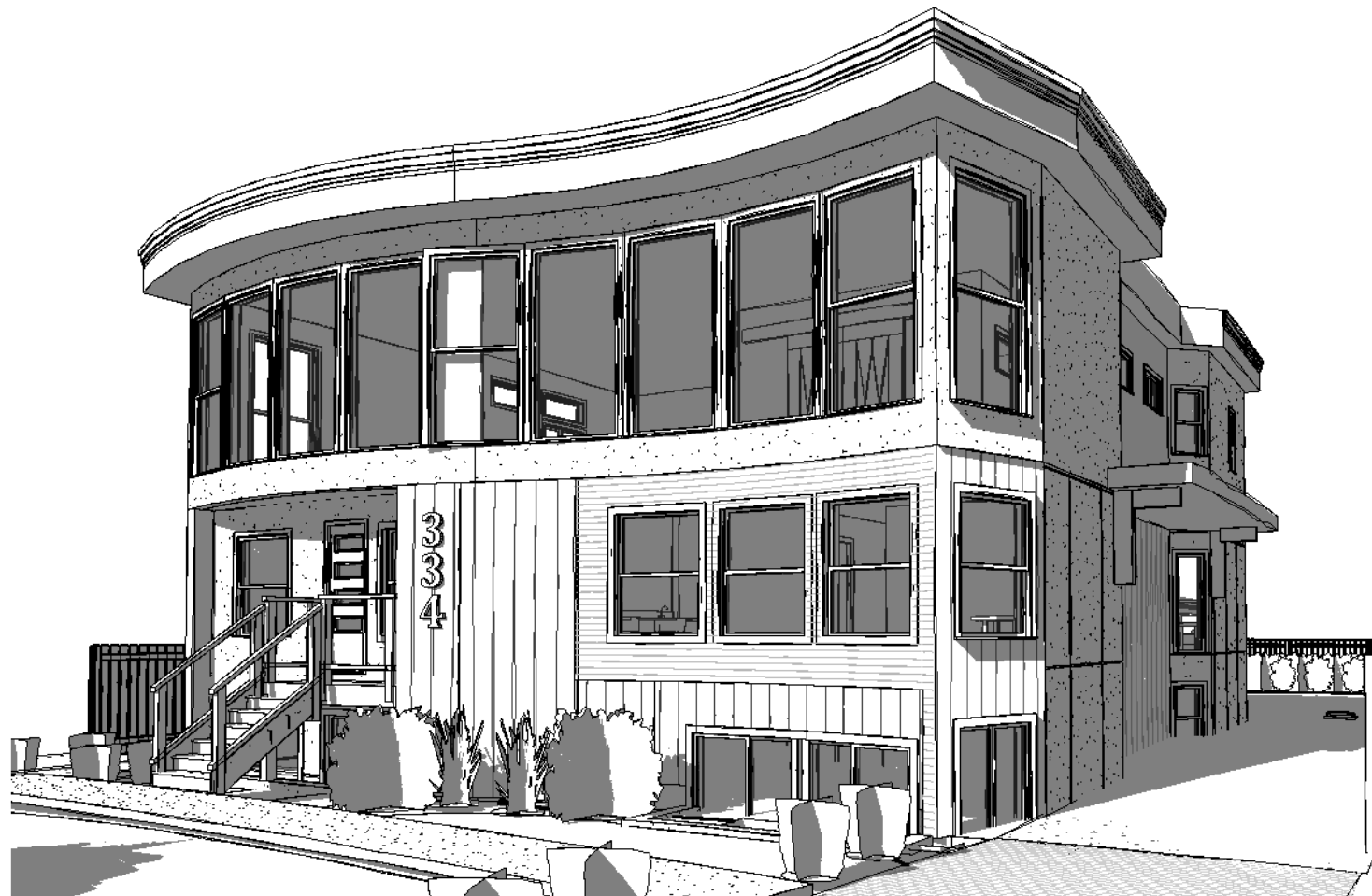
ACC GAR main	440 sf (37.2 sm)
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BUILDING HEIGHT:  
Proposed from AVG GRADE 7.92m (25.98')

Variance for Height, rear yard open space,

PRINCIPAL BUILDING

AVERAGE OF POINTS	DISTANCE BETWEEN GRADE POINTS		TOTALS
(7.20+7.20)/2	X 12.80 m	=	92.16 m
(7.20+7.20)/2	X 4.57 m	=	32.90 m
(7.20+7.20)/2	X 0.91 m	=	6.55 m
(7.20+6.95)/2	X 1.20 m	=	8.49 m
(6.95+5.72)/2	X 0.20 m	=	1.27 m
(5.72+5.72)/2	X 1.14 m	=	6.52 m
(5.72+7.05)/2	X 0.20 m	=	1.28 m
(7.05+7.13)/2	X 3.05 m	=	21.63 m
(7.13+7.14)/2	X 0.91 m	=	6.49 m
(7.14+7.06)/2	X 4.88 m	=	34.65 m
(7.06+6.93)/2	X 12.80 m	=	89.54 m
(6.93+6.99)/2	X 4.88 m	=	33.97 m
(6.99+7.00)/2	X 0.61 m	=	4.27 m
(7.00+7.02)/2	X 5.79 m	=	40.59 m
(7.02+7.02)/2	X 0.61 m	=	4.28 m
(7.02+7.20)/2	X 4.57 m	=	32.49 m
			59.12 m
			417.08/59.12 = 7.06 m



3D View 3



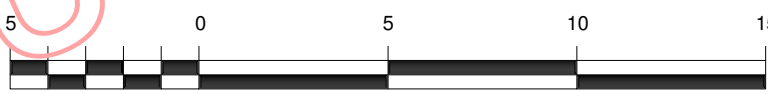
3D View 1

Strata Plan VIS5588

House #338  
Main Floor (Sill)=8.67  
Peak=15.77  
Eave=14.18

Condo BLDG #360  
Peak=20.52

Site Plan Of:  
Lot 4, Beckley Farm,  
Victoria City, Plan 293.



This document is prepared for municipal purposes only.

Dated this 28th day of March, 2016.

B.C.L.S.

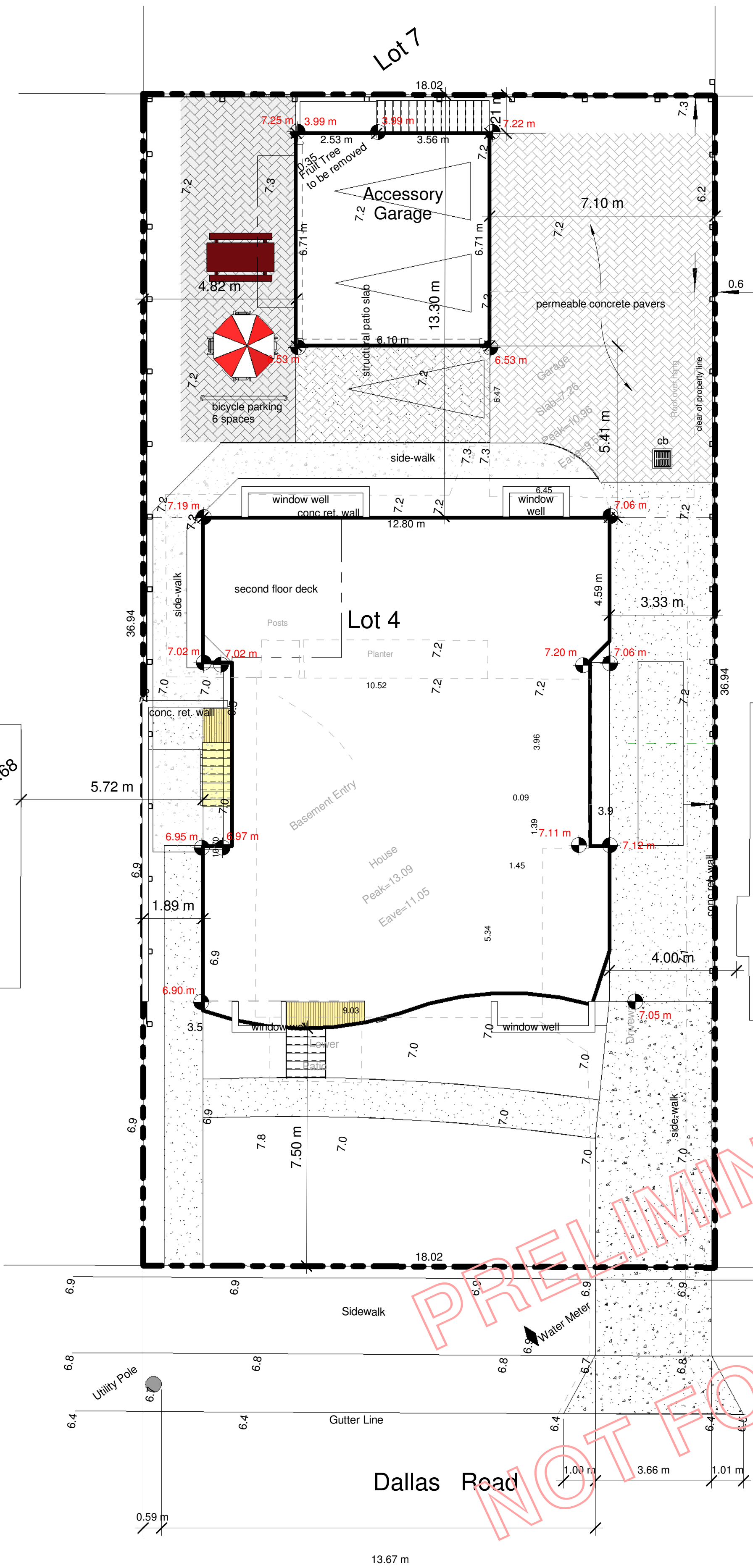
Distances and elevations shown are in metres.

Elevations are geodetic and derived from OCM8-88.

Wey Mayenburg Land Surveying Inc.

www.weysurveys.com

#4-2227 James White Boulevard  
Sidney, BC V8L 1Z5  
Telephone (250) 656-5155  
File: 150312/SIT/IBM



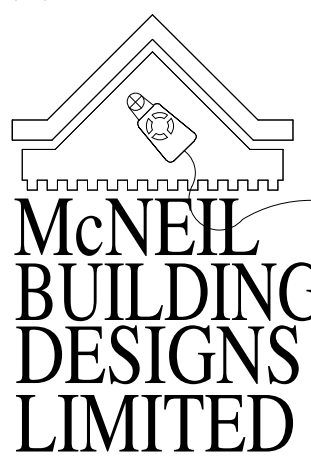
Site Servicing Plan  
1 : 100

Revisions

Received Date:  
May 26, 2020

Proposed Houseplex for :

Raj & Sunny Sihota  
334 Dallas Road, Victoria, BC



Ron McNeil, ASTTBC BD, ASCT  
1304 Lovers Lane,  
Cobble Hill, BC V8R 1L6  
Phone/Fax: 250.360.7307  
info@mcneilbuildings.bc.ca

SEAL MUST  
APPEAR REG TO  
BE VALID

DATE DEC 2018

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FOR RVT -

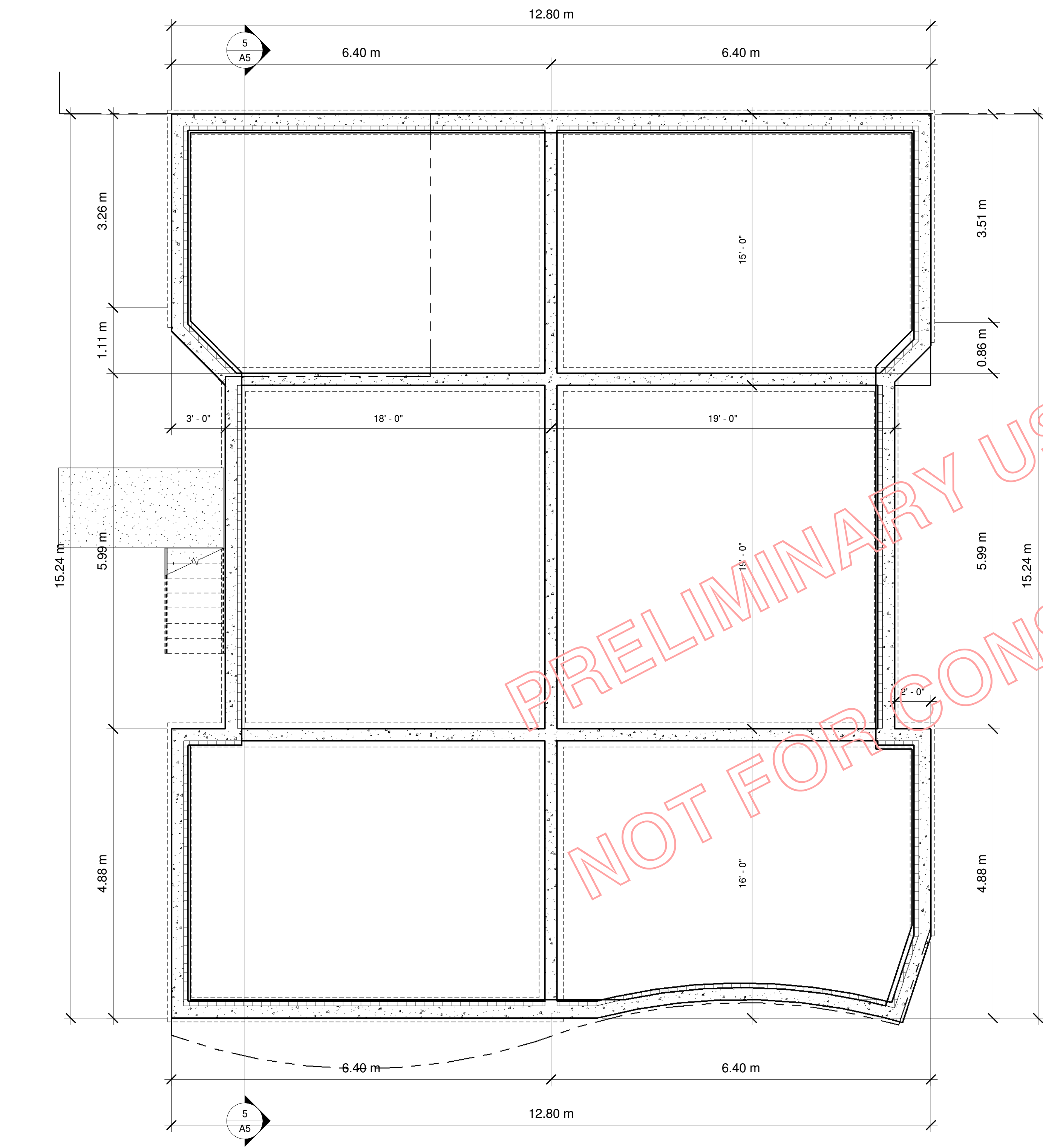
SHEET

A1

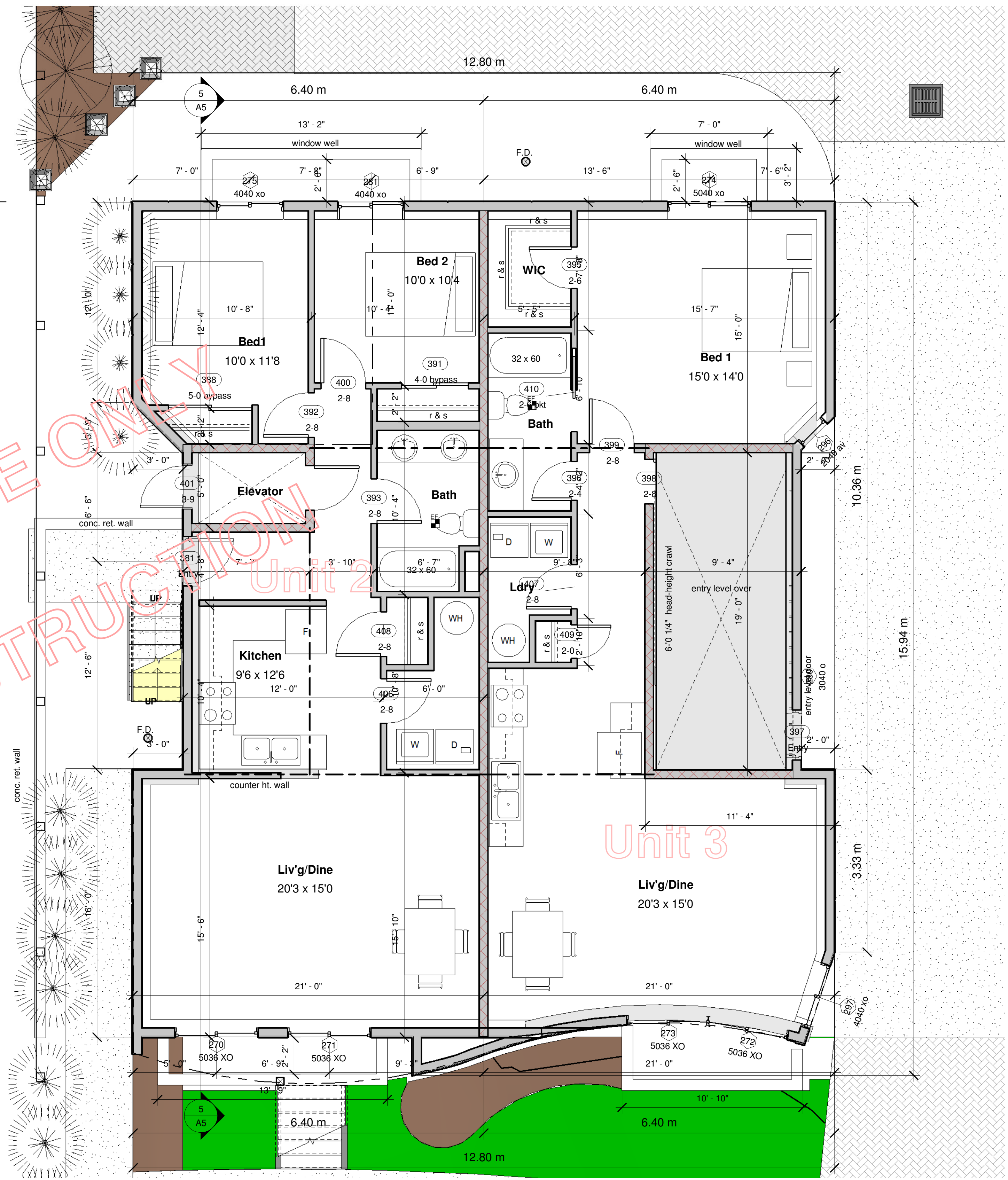
SHEET A1 OF A1



Revision Number	Revision Description	Revision Date
2	Zoning Plan Check clarifications/corrections, note clarifying garage basement AT grade not above, serves as patio and driveway.	26 AUG 2019



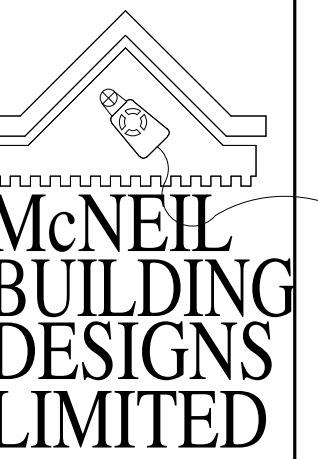
1 Foundation  
1/4" = 1'-0"



2 Basement Floor  
1649 sf  
1/4" = 1'-0"  
8'0" ceiling ht  
6'8" head ht  
see section/elevs, bsmt cell'g 1.21m above avg grade.

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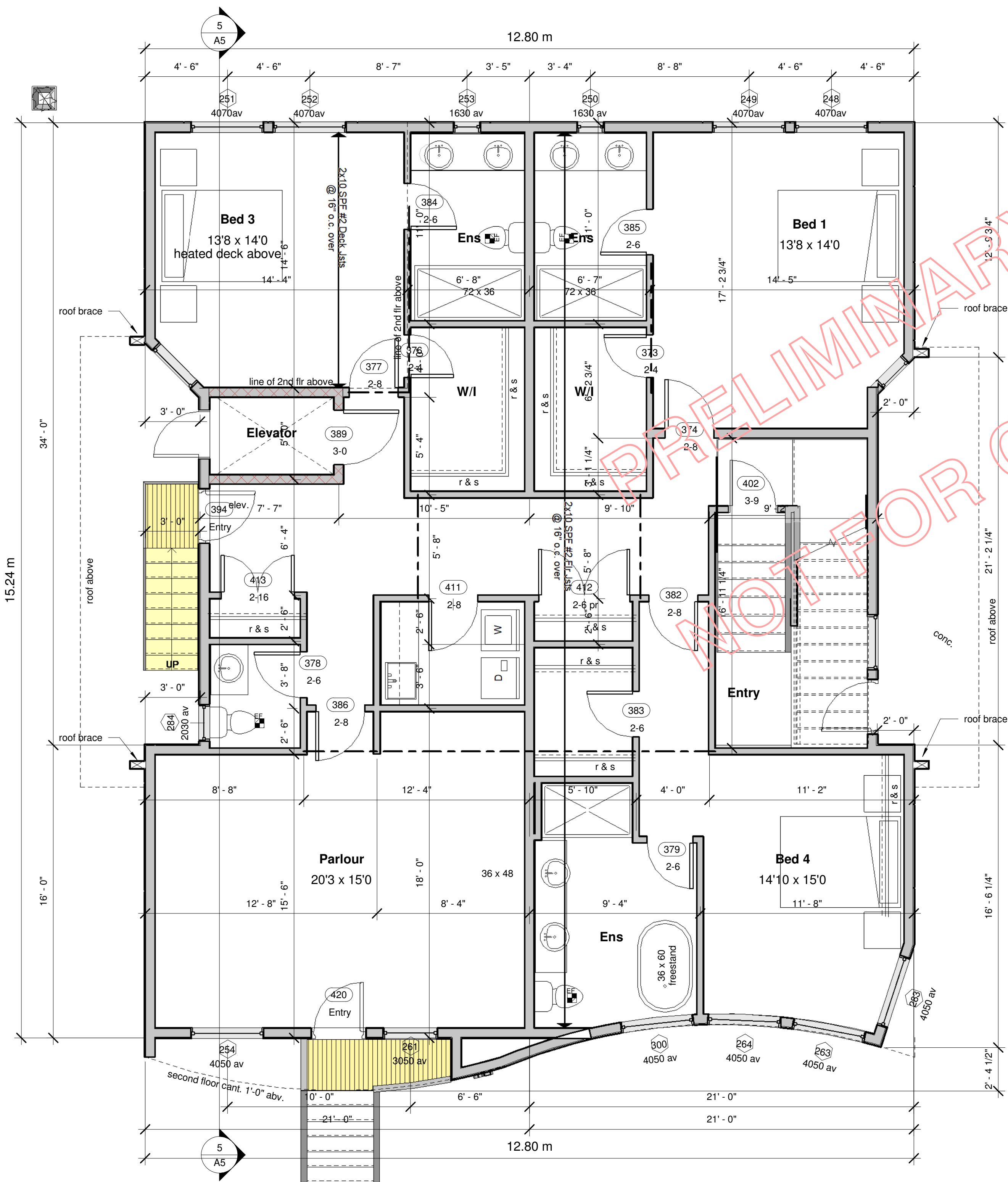
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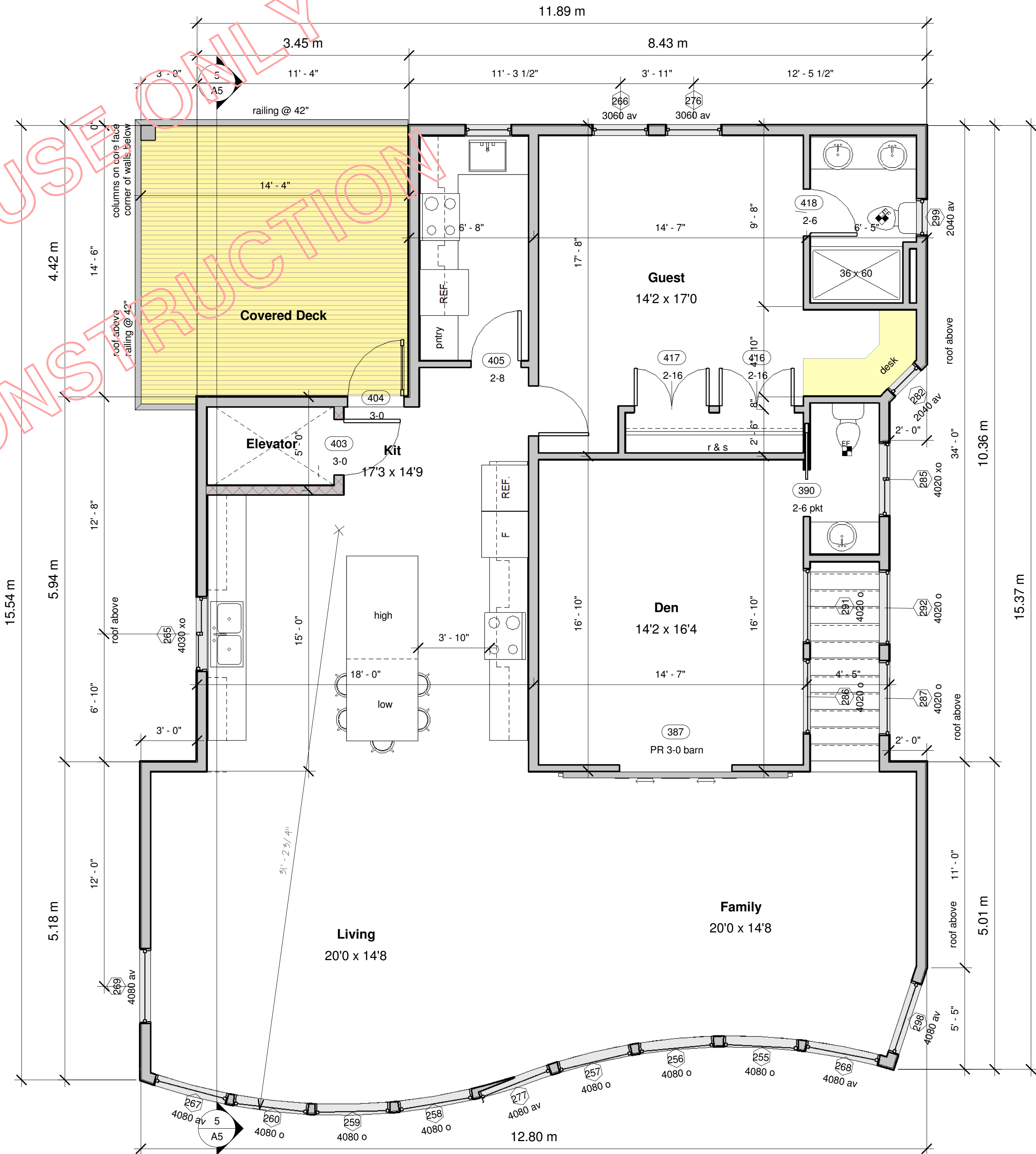
SHEET  
**A2**  
SHEET A2 OF A2



Revision Number	Revision Description	Revision Date
2	Zoning Plan Check clarifications/corrections, note clarifying garage basement AT grade not above, serves as patio and driveway.	26 AUG 2019



① Main Floor  
1/4" = 1'-0"  
1893 sf  
8'0" ceiling ht  
6'8" head ht



③ Second Floor  
1/4" = 1'-0"  
1751 sf  
10'0" ceiling ht  
8'8" head ht

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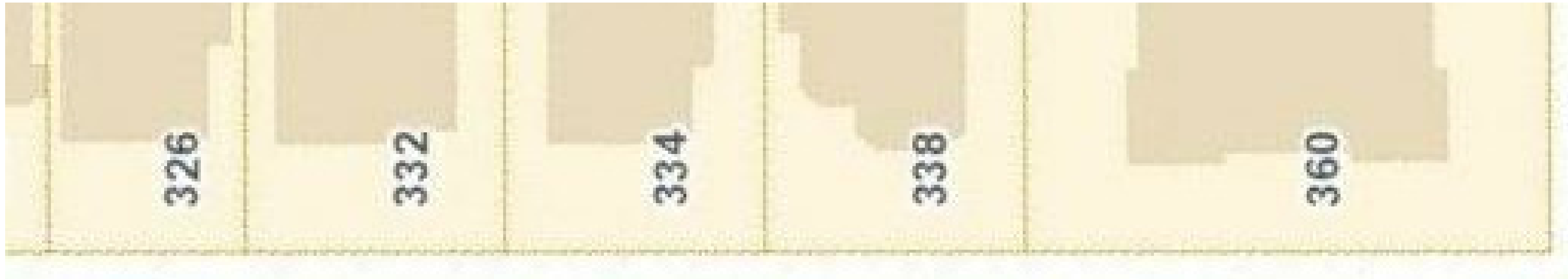
**A3**

SHEET A3 OF A3

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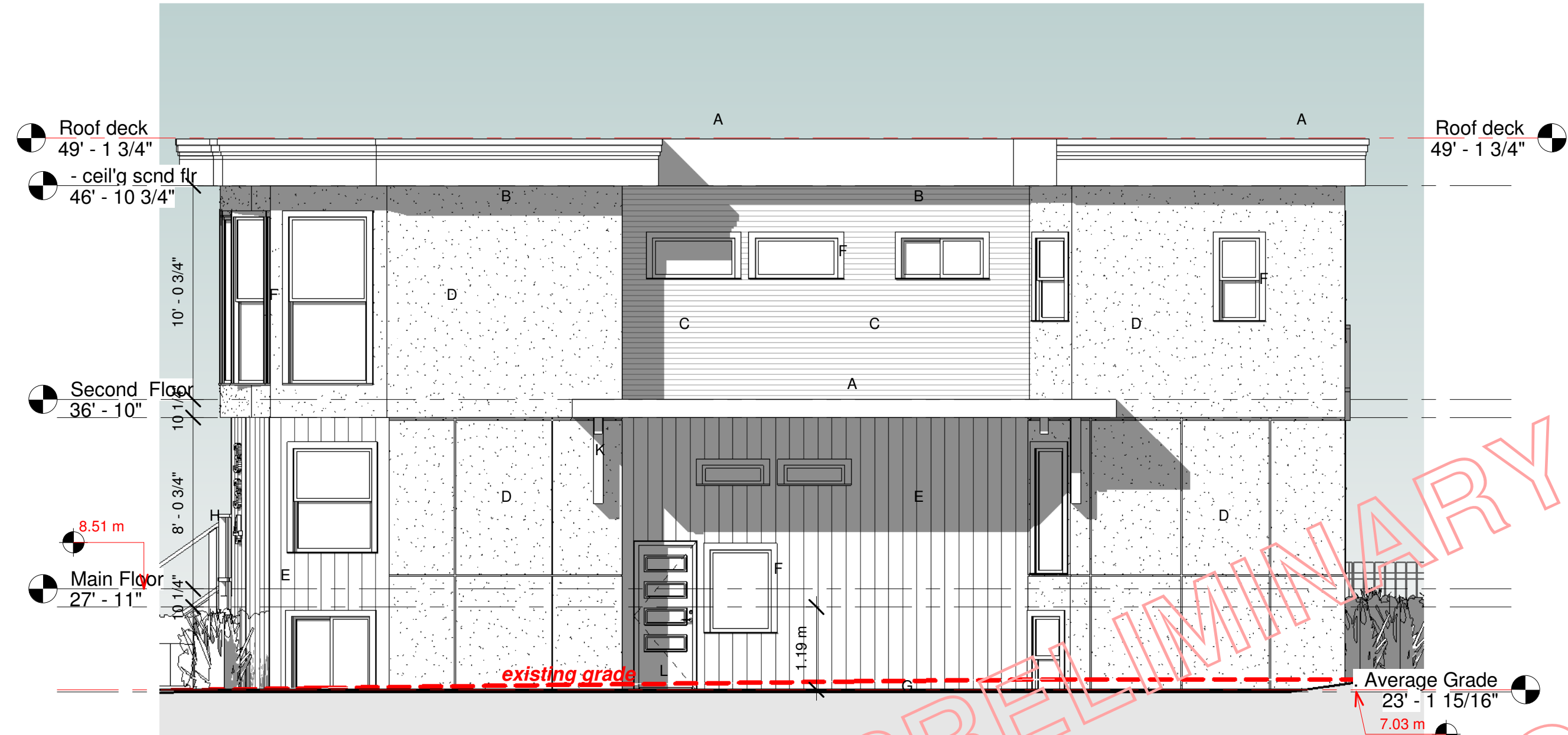




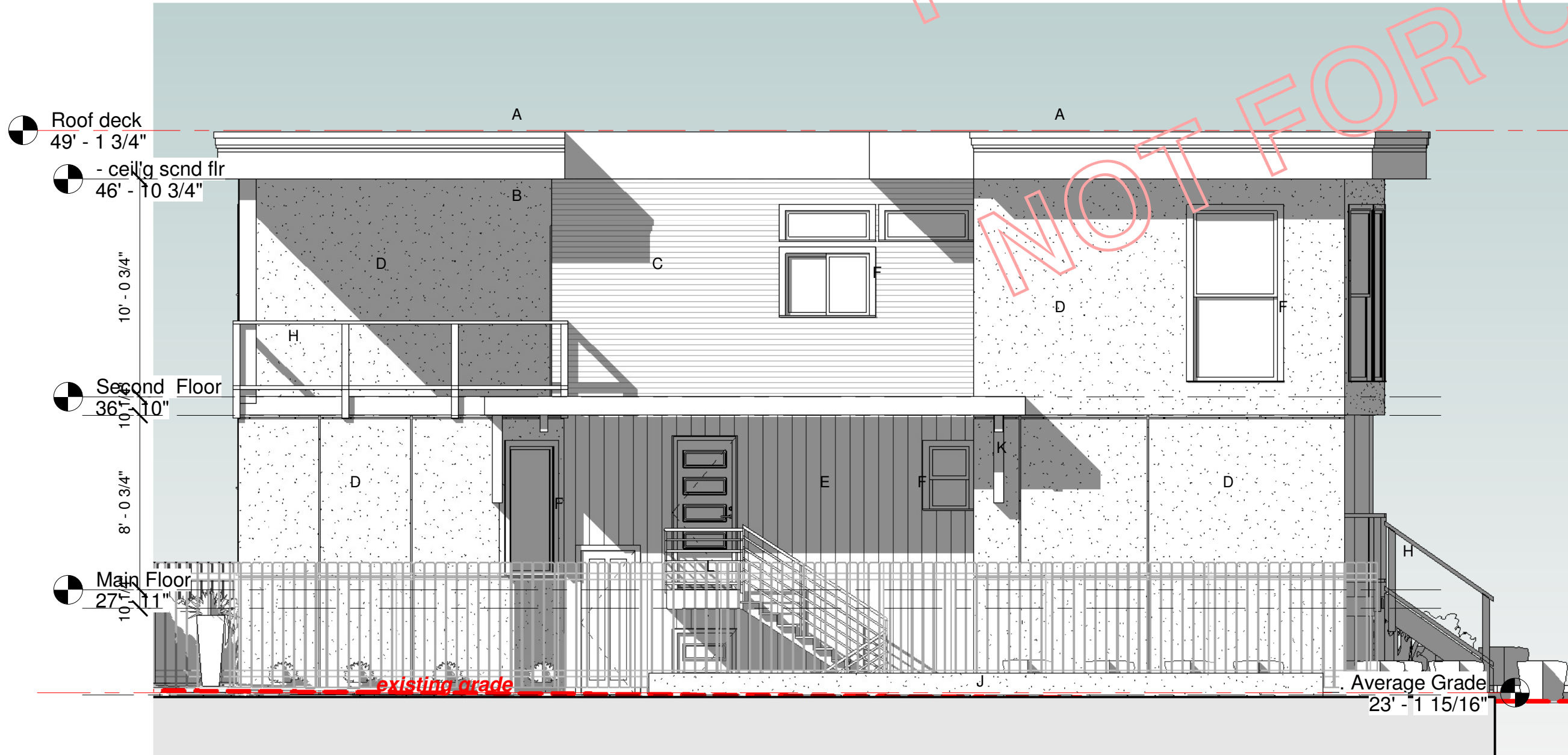
Revision Schedule		
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1	Amently space added, ext finishes revised (rock removed)	12 MAY 2019
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5 Street Scope  
1/16" = 1'-0"

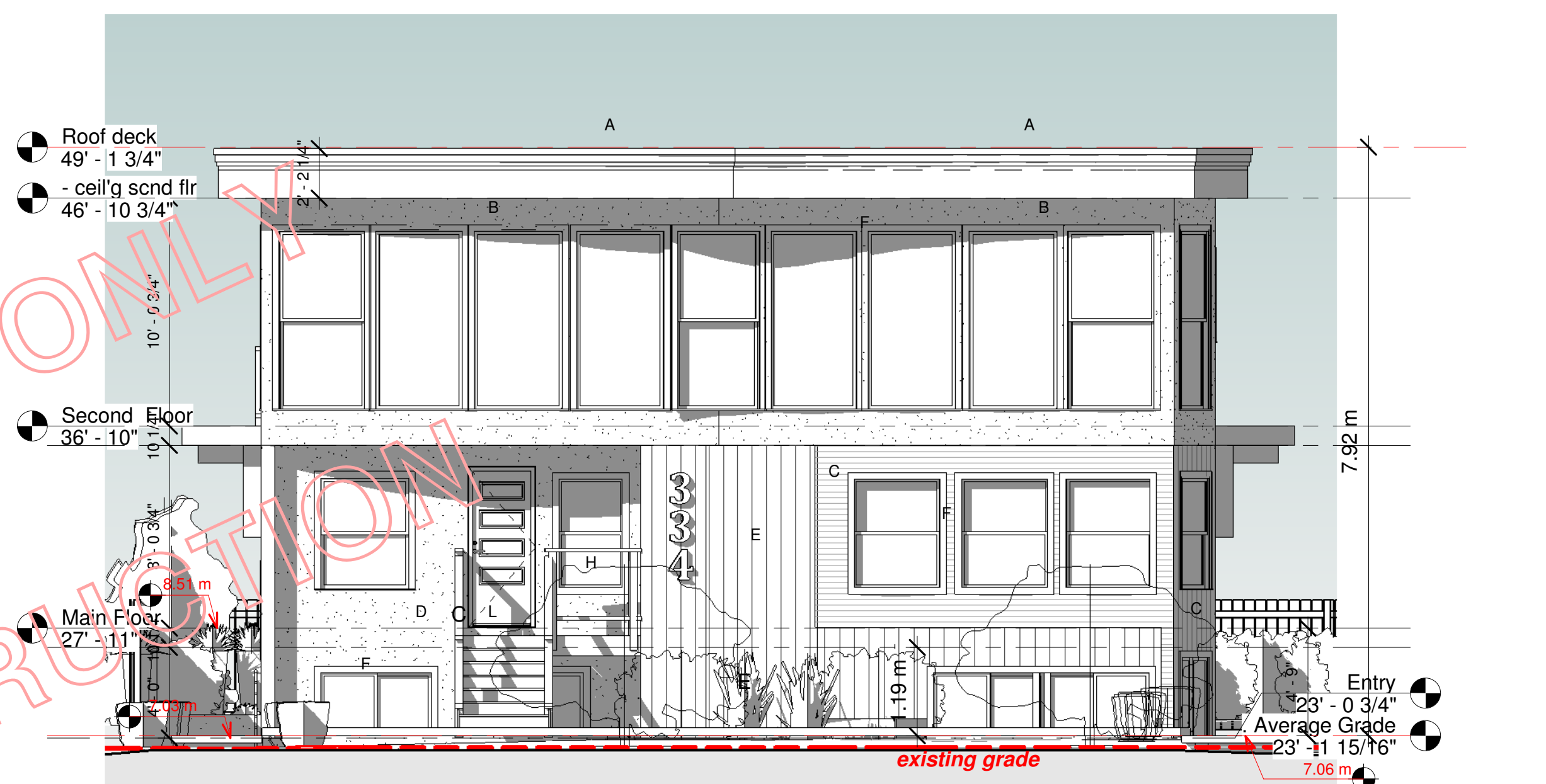


2 Right (east) Elevation  
3/16" = 1'-0"



3 Left (west) Elevation  
3/16" = 1'-0"

- A Torch - On Roofing Membrane
- B Vented Aluminum SOFFIT
- C 1x3 Clear CEDAR Siding
- D Acrylic STUCCO
- E Corrugated Metal Siding vertical
- F 1x4 Door & Window TRIM
- G 2x10 BELLY BAND w/ Drip Cap
- H Metal or Tempered Glass RAILING
- J Parged CONCRETE
- K 4x4 GABLE BRACE
- L Natural Stained Wood DOOR

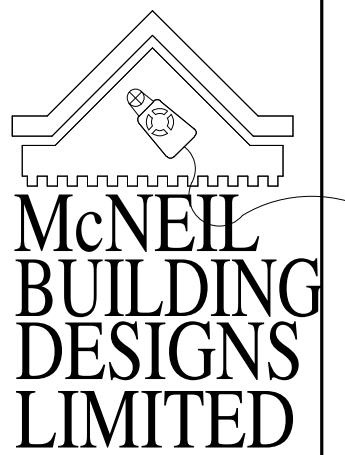


1 Front (south) Elevation  
3/16" = 1'-0"



4 Rear (north) Elevation  
3/16" = 1'-0"

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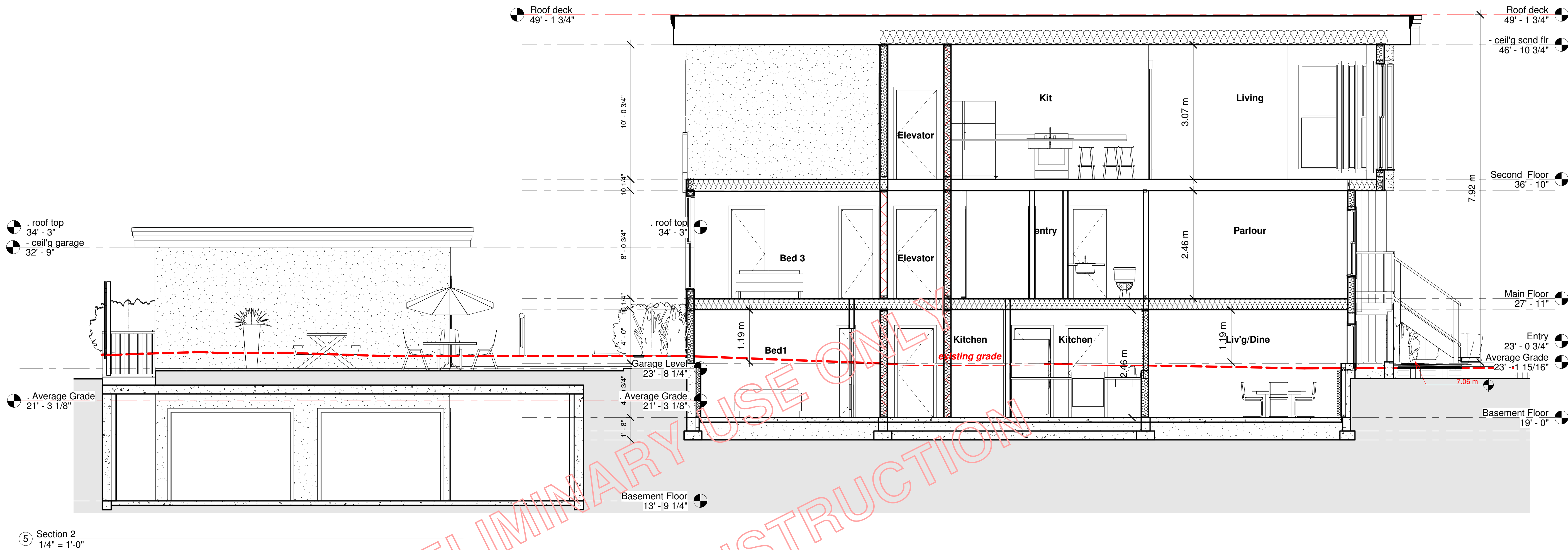
SHEET

**A4**

SHEET A4 OF A4



Revision Number	Revision Description	Revision Date
2	Zoning Plan Check clarifications/corrections, note clarifying garage basement AT grade not above, serves as patio and driveway.	26 AUG 2019



**LIST OF DETAILS & SECTION NOTES**

- FOUNDATION WALL AT SLAB
- BASE OF WALL/FOUNDATION
- RIM JOIST
- WATER SHEDDING ROOF/WALL
- WATERPROOF MEMBRANE ROOF/WALL
- CANTILEVERED FLOOR
- EXTERIOR CORNER
- INTERIOR CORNER
- CLADDING TRANSITION
- WINDOW HEAD
- WINDOW JAMB
- WINDOW SILL
- DOOR SILL - PROTECTED MEMBRANE PEDESTRIAN SURFACE
- DOOR SILL - EXPOSED MEMBRANE PEDESTRIAN SURFACE
- ACCESSIBLE DOOR SILL - PROTECTED MEMBRANE PEDESTRIAN SURFACE
- ACCESSIBLE DOOR SILL - EXPOSED MEMBRANE PEDESTRIAN SURFACE
- EXTERIOR ELEMENT - COLUMN
- WALL EXHAUST VENT
- ELECTRICAL FIXTURES
- PIPES

- 30 R40 blown INSULATION  
6mil U.V. poly V.B.  
5/8" GWB
- 31 All interior walls to be 1/2" GWB  
each side of 2x4 STUDS @ 16" o.c.  
EXCEPT WHERE SHOWN ON PLAN
- 32 TYPICAL EXTERIOR WALL:  
HARDIPANEL w/ battens,  
HARDPLANK SIDING or STONE finish  
2 layers 30min BUILDING PAPER  
1/2" SHEATHING (Prefer Plywd)  
1x8 RESAWN (Satisfactory)  
2x6 STUDS @ 16" o.c.  
R20 batt INSULATION  
6 mil U.V. poly V.B.  
1/2" GWB

- 33 TYPICAL FLOOR:  
CARPET & UNDERLAY, LINO,  
HARDWOOD, or CERAMIC TILE finish,  
5/8" T&G PLYWOOD / OSB  
2x10 SPF#2 floor joists  
(See Framing on Plans)  
R20 batt INSULATION  
1/2" GWB ceiling  
(INSUL only over GARAGE use 5/8" GWB)
- 34 CRAWL SPACE  
2" concrete seal coat  
6 mil poly M.B. & V.B.  
4" min compacted granular FILL  
note: 20" min to underside of joists  
for service access
- 35 4" concrete SLAB  
6 mil poly M.B. & V.B.  
5" min compacted granular FILL  
(no poly required for Garage Slab)
- 36 DEMISING WALL (1 hr.) BCBC: W8a  
2 layers 5/8" GWB type 'X' one side  
R12 batt INSULATION  
2x4 STUDS staggered studs @ 16" o.c. on  
2x6 top & bottom plates  
5/8" GWB type 'X' other side

- 37 DEMISING FLOOR (1 hr.) BCBC: F7b  
CARPET & UNDERLAY, LINO,  
HARDWOOD, or CERAMIC TILE finish,  
5/8" T&G PLYWOOD / OSB  
2x10 SPF#2 floor joists  
(See Framing on Plans)  
R20 batt INSULATION  
5/8" GWB type 'X'  
resilient metal channels  
5/8" GWB type 'X'
- DECK OVER HEATED SPACE:  
60 mil VINYL DECKING  
5/8" T&G PLYWOOD  
2x4 PURLINS @ 24" o.c.  
2x10 SPF#2 floor joists @ 16" o.c.  
(See Framing on Plans)  
R28 batt INSULATION  
6 mil UV POLY V.B.  
1/2" GWB on ceiling

CRAWL SPACE  
2" conc seal coat  
6mil poly M.B. & V.B.  
5" min comp granular fill

Note: 5/6" max to u.s. joists  
for Saanich def. "crawl space"  
20" min for service access

DEMISING WALL (1 hr.) BCBC: W13a  
5/8" GWB type 'X'  
R12 batt INSULATION  
2x4 STUDS @ 16" o.c.  
1/2" air space  
1/2" ext fiberboard sheathing  
2x4 STUDS @ 16" o.c.  
R12 batt INSULATION  
5/8" GWB type 'X'

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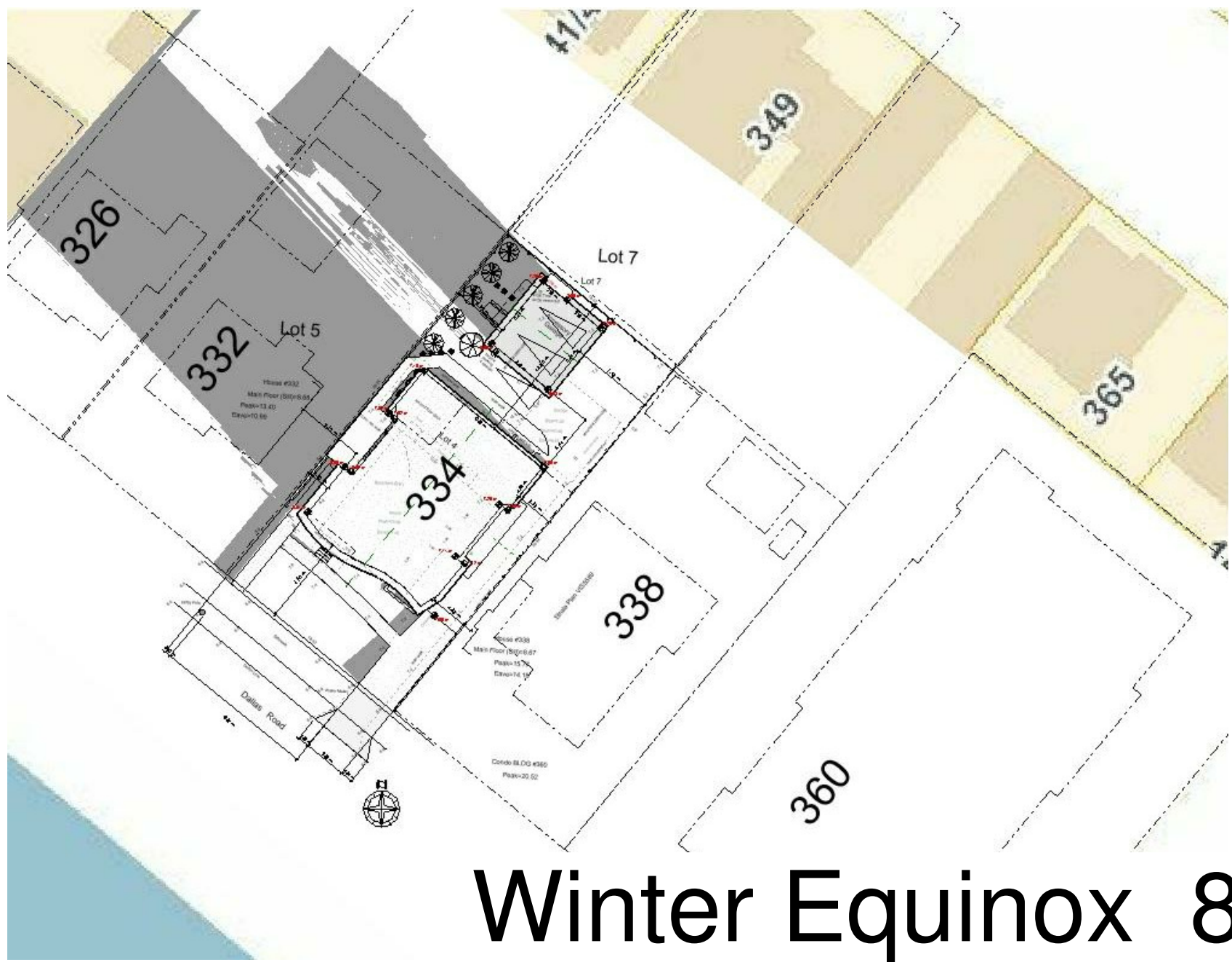
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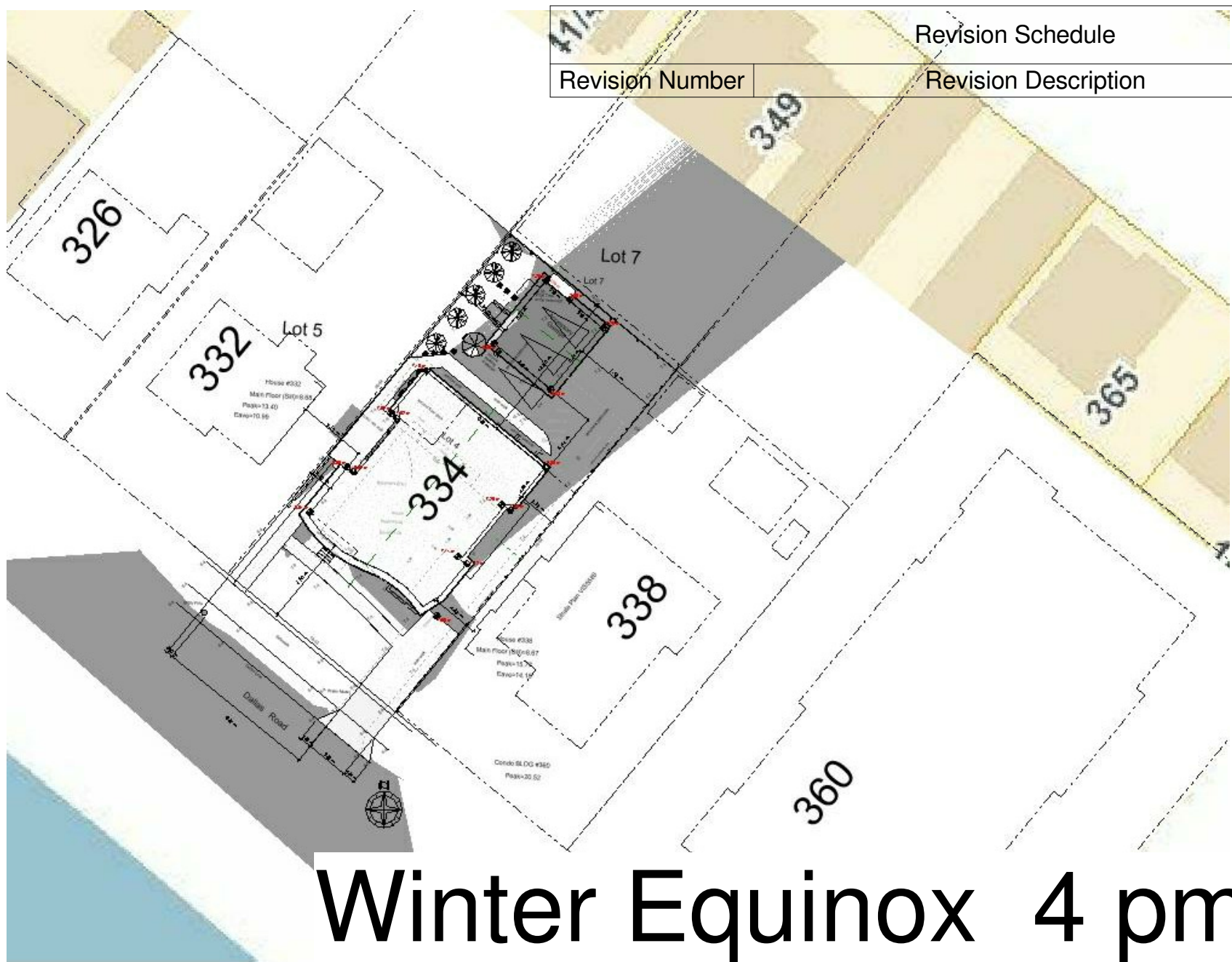




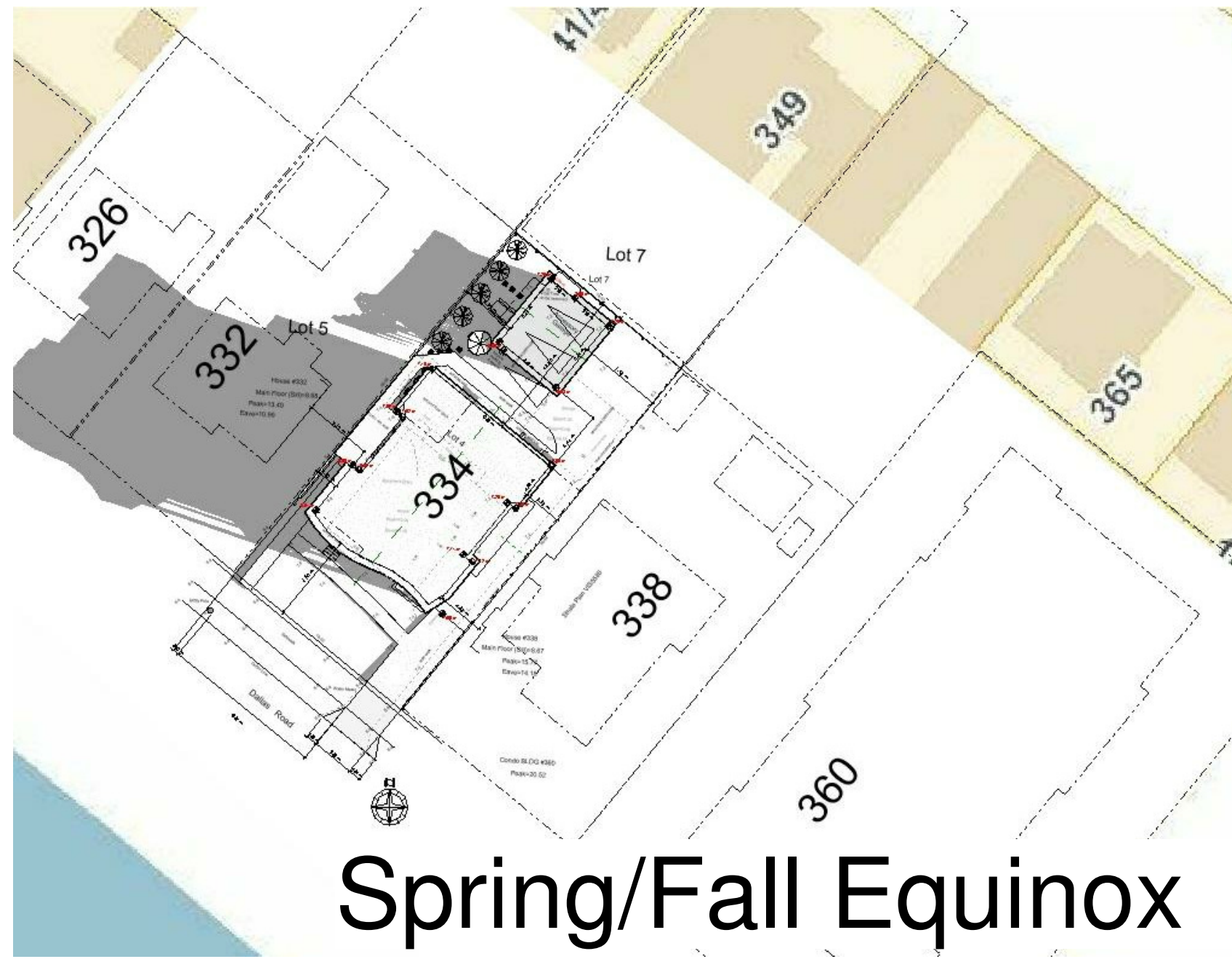
Winter Equinox 8 am



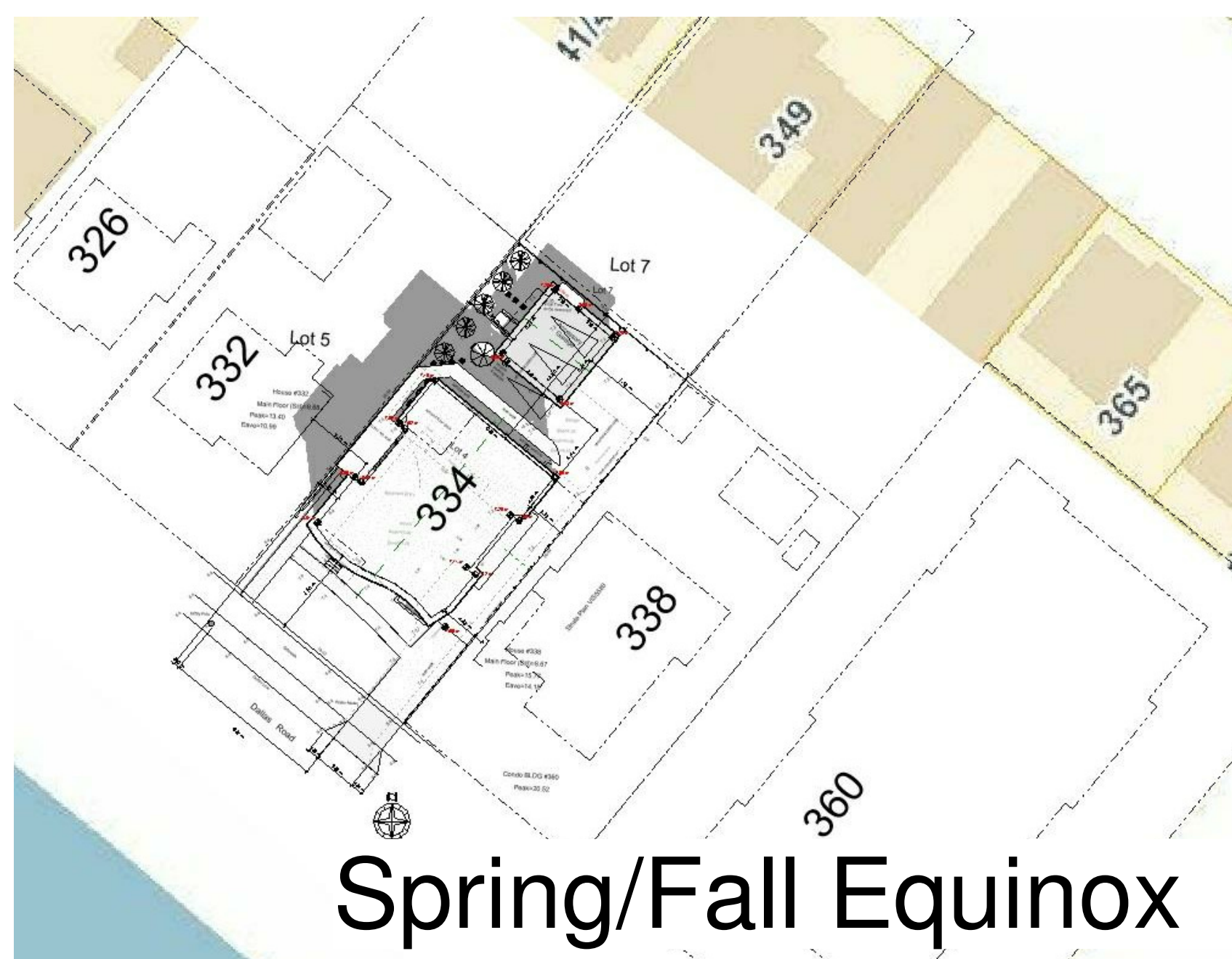
Winter Equinox Noon



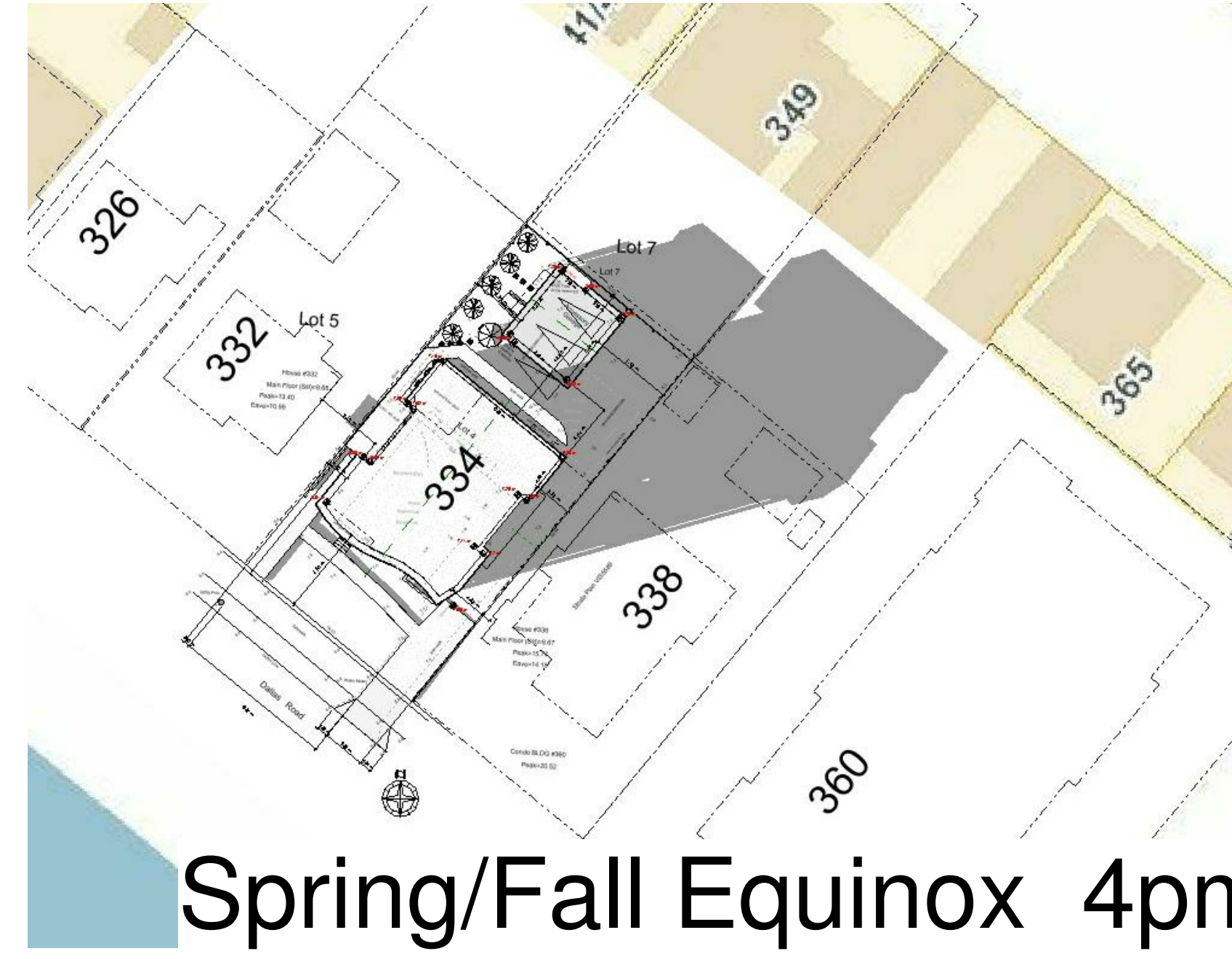
Winter Equinox 4 pm



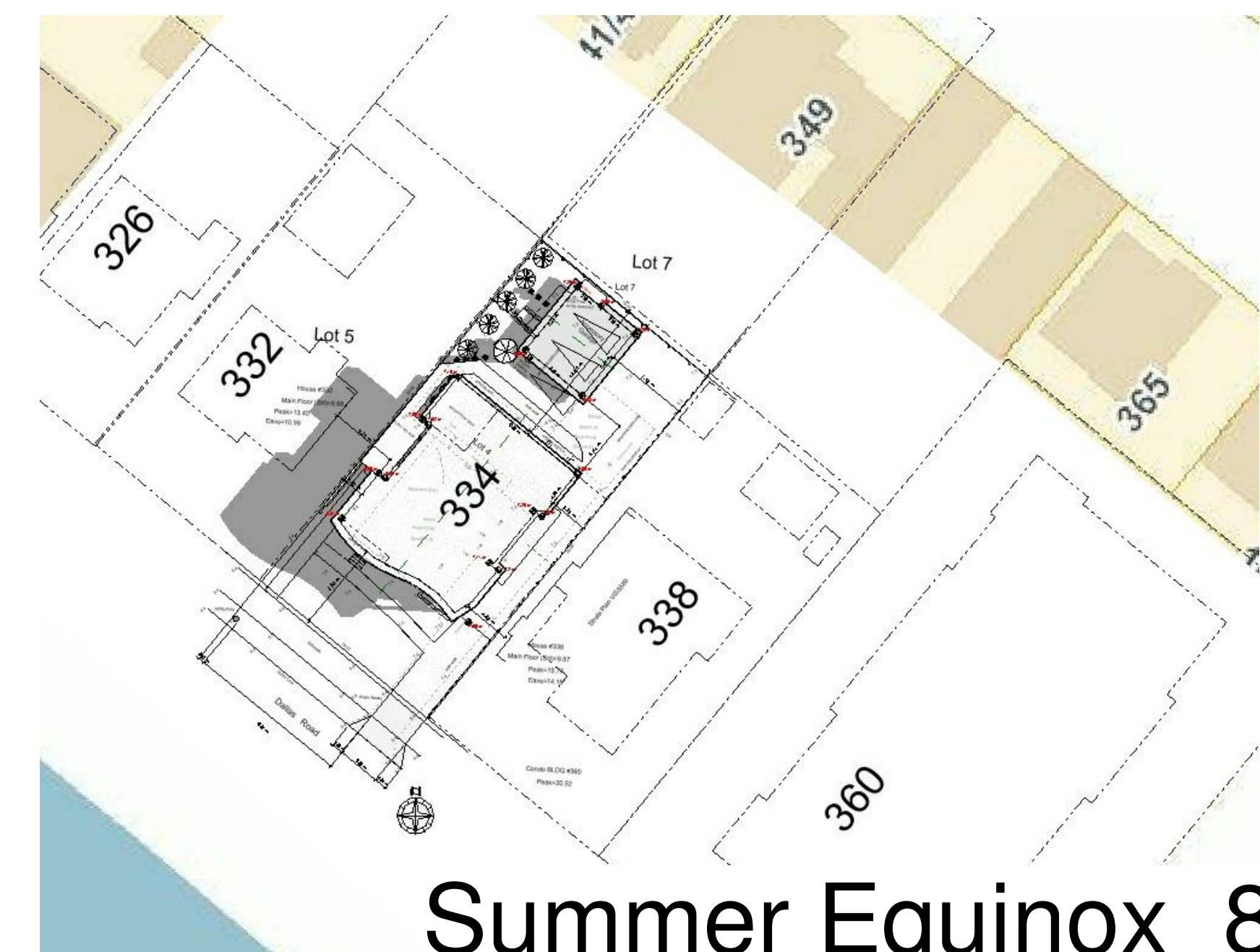
Spring/Fall Equinox 8 am



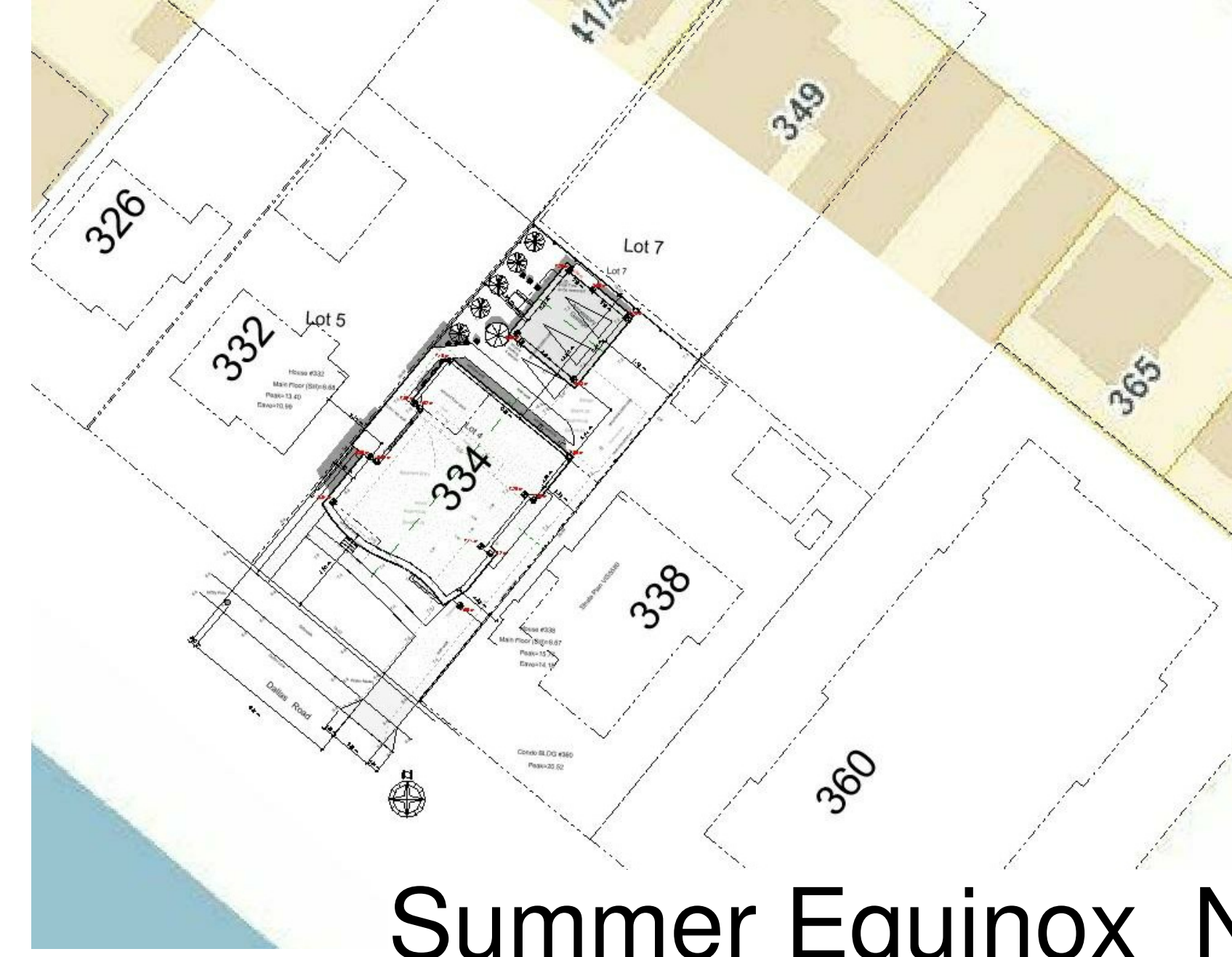
Spring/Fall Equinox Noon



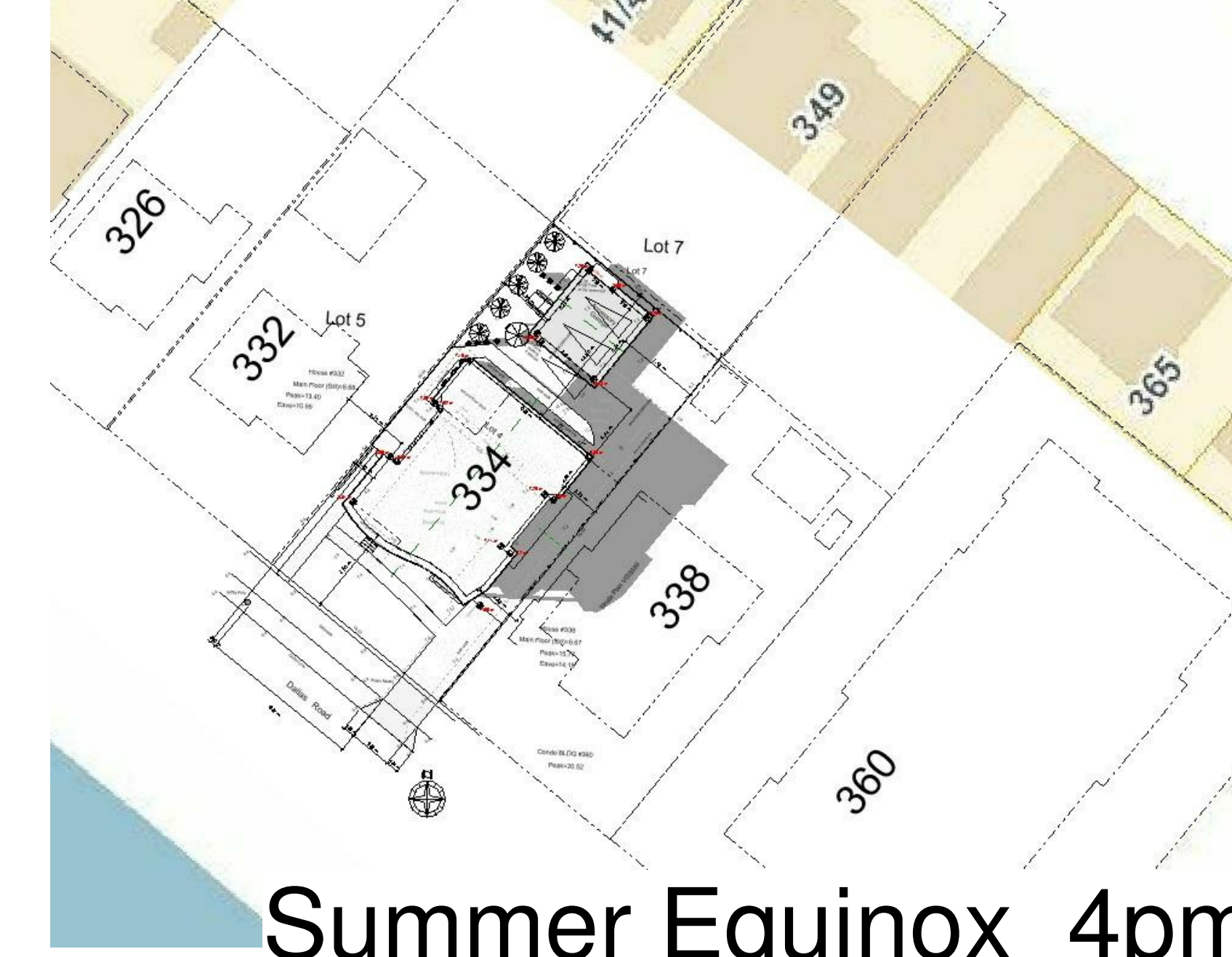
Spring/Fall Equinox 4pm



Summer Equinox 8 am



Summer Equinox Noon



Summer Equinox 4pm

Revision Schedule		
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DATE DEC 2018

DRAWN Author

JOB RVT -

SHEET

**A6**

SHEET A6 OF A6

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PLANT LIST				
SYMBOL	QTY.	BOTANICAL NAMES	COMMON NAMES	SIZE
TREES				
Pc	7	Prunus Cerasifera	Cherry Plum	2.0 cm cal.
SHRUBS & PERENNIALS				
Bs	20	Buxus Sempervirens	Common Boxwood	#2 Pot
Lm	6	Lavandula Munstead	English Lavender	#1 Pot
Ro	5	Rhodo Variety	Rhododendron	#5 Pot
Rs	9	Ribes Sanguineum	Red-flowering Current	#5 Pot
Af	6	Aquilegia Formosa	Red Columbine	#2 Pot
VINES & GROUNDCOVER				
Hv	4	Hebe Variety	Hebe	#1 Pot

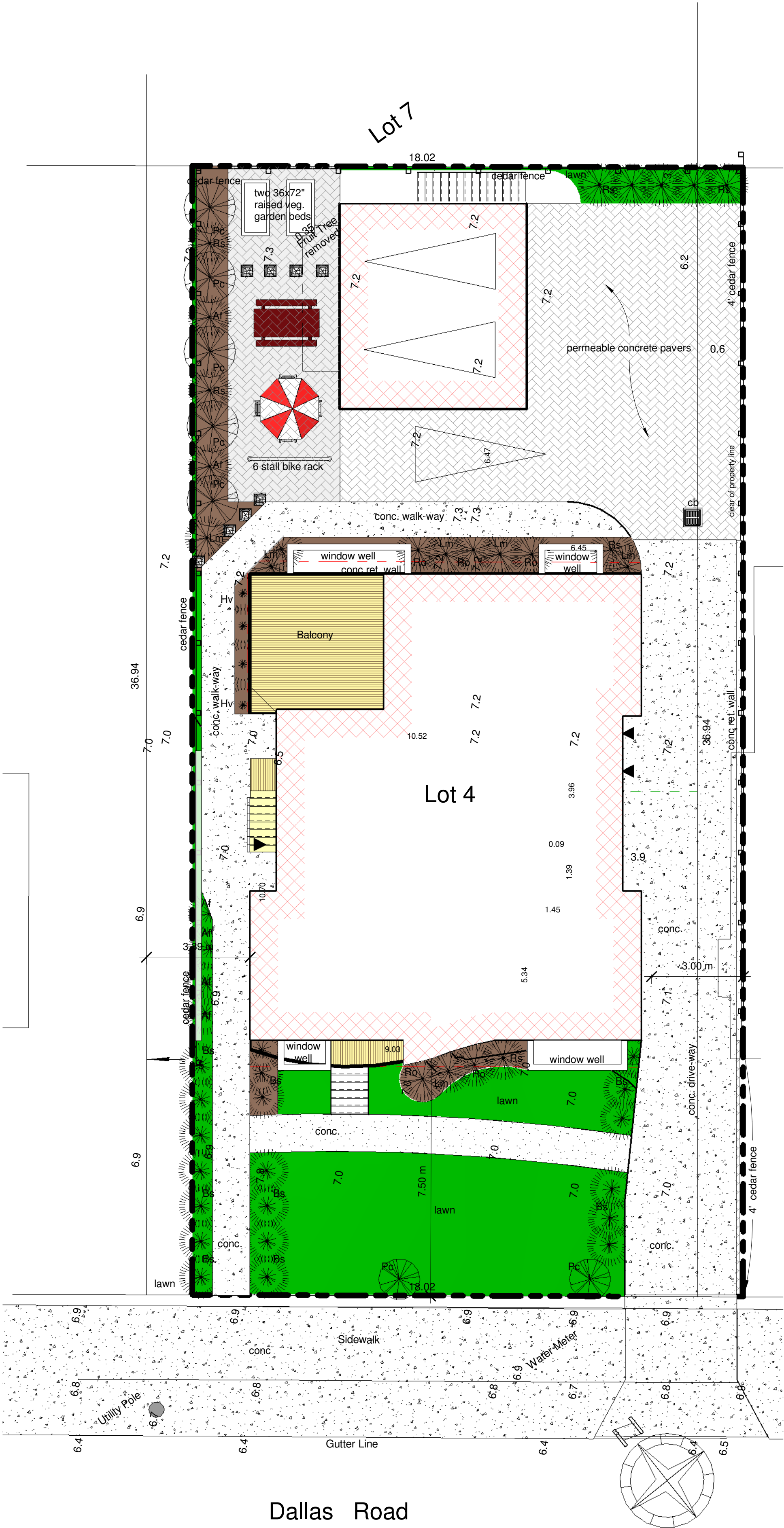
NOTES

- Plant material, insulation and maintenance to conform to BCSLA/BCLNA standard (current editon).
- All growing meduim to comply to BCLSA/BCLNA standard designation "1P - Level-1 Well Groomed Areas."
- All Planting areas to be covered with well aged bark mulch application of 75mm (minimum).
- Underground irrigation system to be installed. Irrigation materials and installation to conform, as a minimum, to BCSLA/BCLNA Standard (current edition) and IIABC Standards. All irrigation piping under hardsurfaces to be sleeved. Install heads to reduce sprinkler coverage on sidewalks, parking and adjacent properties and roads. Adjust irrigation seasonally. Limit watering times between 11:00pm and 6:00am. Irrigation to be designed to water different areas of the landscape based on watering needs. Irrigation design to be sensitive to slope factors of site.
- Fencing to be built as shown on plan; Replacement of fencing where existing is in poor condition. Max height not to exceed allowable by the municipality. All fencing to be treated with two coats of semi-transparent stain on cedar fencing.



LEGEND	
SOFTSCAPE	
	Planting Area
HARDSCAPE	
	Concrete
	Concrete Permeable unit paving, charcoal/shadow, all sizes

Sample of 5 ft fence, 4 ft @ driveway, retaining wall only where subject property below neighbour.

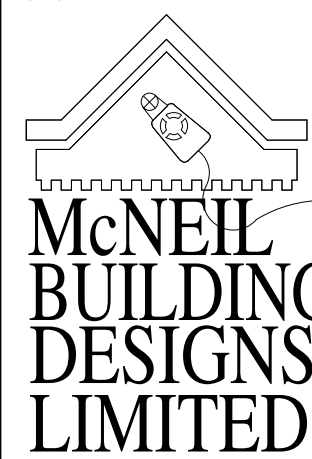


1 Landscape Plan  
1 : 100

Revision Schedule		
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3	Landscape Plan changes	20 MAY 2020

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FOR RVT -

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SHEET L1 OF L1

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## **Committee of the Whole Report**

### **For the Meeting of February 6, 2020**

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**To:** Committee of the Whole **Date:** January 23, 2020

**From:** Karen Hoese, Director, Sustainable Planning and Community Development

**Subject:** Rezoning Application No. 00674 for 334 Dallas Road

---

### **RECOMMENDATION**

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No.00674 for 334 Dallas Road, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Landscape plan be amended to provide more detail as described in the Development Permit Application Report.
2. Preparation and execution of legal agreements to require a 10-year rental period (market rental), for the two basement units to the satisfaction of the Director of Sustainable Planning and Community Development.

### **LEGISLATIVE AUTHORITY**

In accordance with Section 479 of the *Local Government Act*, Council may regulate within a zone the use of land, buildings and other structures, the density of the use of the land, building and other structures, the siting, size and dimensions of buildings and other structures as well as the uses that are permitted on the land and the location of uses on the land and within buildings and other structures.

In accordance with Section 483 of the *Local Government Act*, Council may enter into a Housing Agreement which may include terms agreed to by the owner regarding the occupancy of the housing units and provided such agreement does not vary the use of the density of the land from that permitted under the zoning bylaw.

### **EXECUTIVE SUMMARY**

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning Application for the property located at 334 Dallas Road. The proposal is to rezone from the Two Family Dwelling District, R-2 Zone, to a site-specific zone in order to permit construction of a three unit dwelling.

The following points were considered in assessing this application:

- the proposal is consistent with the density and uses established for this area, which is designated Traditional Residential in the Official Community Plan (OCP)
- the proposal is consistent with the James Bay Neighbourhood Plan which encourages a range of housing opportunities
- the provision of two rental units supports housing diversity and market rental housing policies.

## **BACKGROUND**

### **Description of Proposal**

This proposal is to rezone from the R-2 Zone, Two Family Dwelling District, to a site-specific zone in order to:

- demolish the existing single family dwelling and garage
- construct a new three unit residential building
- secure the two lower units (ground floor units) as market rental for a period of 10 years.

The applicant and the James Bay Neighbourhood Association reference the term 'houseplex' for the type of housing form proposed. However, as a definition and standards for this terminology have not been developed through the local area planning for James Bay, at this time it is more appropriate to consider the proposed building as a triplex.

The following list details the differences from the standard R-2 Zone:

- permitting a third unit
- exceeding the maximum density (floor space ratio)
- increasing the height of the dwelling and the accessory building (variances required)
- decreasing the required number of off-street vehicular parking stalls (variance required)
- decreasing the amount of rear yard open space (variance required).

### **Affordable Housing Impacts**

The Rezoning would permit the creation of two new residential units (for a total of three units on the property) which would increase the overall supply of housing in the area. The applicant has indicated that two of the units would remain market rental for a period of 10 years. This would be secured by a Housing Agreement, which would include provisions to restrict strata conversion in that time period.

### **Tenant Assistance Policy**

The proposal is to demolish an existing building which would result in a loss of one existing residential unit. The tenant is not eligible for tenant assistance due to their length of occupancy. The Tenant Assistance Plan is provided with this report.

### **Sustainability Features**

The applicant has not identified any sustainability features associated with this proposal.

### **Active Transportation Impacts**

The applicant proposes bicycle parking which supports active transportation.

## Public Realm Improvements

No public realm improvements beyond the City's standard requirements are proposed in association with this Rezoning Application.

## Accessibility Impact Statement

The British Columbia Building Code regulates accessibility as it pertains to buildings. The proposed pathway surrounding the building is designed to be accessible and provides access to the elevator for the main unit.

## Land Use Context

This portion of Dallas Road (between Boyd Street and San Jose Avenue) has seen little change over the last two decades. The most recent change to this block has been the construction of the duplex at 338 Dallas Road in 2004. The 28 unit condominium building at 360 Dallas Road was constructed in 1971. All other houses in the immediate area are single family dwellings. While the zoning in the immediate area is R-2, Two Family Dwelling District, many of the lots in the immediate area would not have sufficient site area for a duplex.

## Existing Site Development and Development Potential

Under the current zone the property could be redeveloped for a duplex.

## Data Table

The following data table compares the proposal with the existing R-2 Zone. An asterisk is used to identify where the proposal varies from the than the existing Zone. The concurrent Development Permit Application Report analyses the variances in detail.

Zoning Criteria	Proposal	Existing Zone R-2	Comments
Site area (m <sup>2</sup> ) – minimum	665.46	555	Based on two units – see site area per unit
Site area per unit (m <sup>2</sup> ) – minimum	221.82 *	277.5	Requires a new zone – not a variance
Number of units – maximum	3 *	1 duplex (2 units)	Zone does not permit a 3 <sup>rd</sup> unit
Density (Floor Space Ratio) – maximum	0.51:1 *	0.5:1	Floor area does not include basement area. Requires a new zone - not a variance
Total floor area (m <sup>2</sup> ) – maximum	491.80 *	380.00	For all units and includes basement
First & Second Storey floor area (m <sup>2</sup> ) – maximum	338.6 * (upper unit only)	280.00	1 <sup>st</sup> and 2 <sup>nd</sup> storey floor area is for combined floor area of duplex

<b>Zoning Criteria</b>	<b>Proposal</b>	<b>Existing Zone R-2</b>	<b>Comments</b>
Lot width (m) – minimum	18.02	15.00	
Height (m) – maximum	7.92 *	7.6	
Storeys – maximum	2	2	
Site coverage (%) – maximum	34.7	40.0	
Open site space (%) – minimum	52	30.0	
Open site space (%) - minimum Rear yard	13.54 *	33.00	
Separation space between buildings (within the site) (m) – minimum	5.41	2.40	
<b>Setbacks (m) – minimum</b>			
Front	7.50	7.50	
Rear	13.3	12.92	
Side (east)	1.80	1.80	
Side (west)	3.30	3.00	
Combined side yards	5.10	4.50	
Parking – minimum	3*	4	Based on the unit size
Visitor parking included in the overall units – minimum	0	0	
<b>Bicycle parking stalls – minimum</b>			
Short term	6 space rack	n/a	Bicycle parking is not required for two family dwellings, but is required for multiple dwellings
Long term	4 spaces within accessory building	n/a	

<b>Zoning Criteria Accessory Building</b>	<b>Proposal</b>	<b>Existing Zone R-2</b>	<b>Comments</b>
Location	Rear yard	Rear yard	
Above ground floor area – (m <sup>2</sup> ) - maximum	36.59	37.00	

<b>Zoning Criteria Accessory Building</b>	<b>Proposal</b>	<b>Existing Zone R-2</b>	<b>Comments</b>
Basement floor area	87.05	n/a	
Height (m) – maximum	3.96*	3.5	
<b>Setbacks</b> (m) – minimum			
Rear	1.21	0.60	
Side (east)	7.1	0.60	
Side (west)	4.82	0.60	

## Relevant History

### Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the James Bay Neighbourhood Association at a Community Meeting on May 9, 2018 and another meeting on October 9, 2019. According to the *CALUC Procedures for Processing Rezoning and Variance Applications*, a second meeting was triggered due to an increase in the floor space ratio from the earlier submission. In addition, as the submission plans were refined over time, it was also noted that a height variance for the garage would be required due to the inclusion of a storage area under the garage.

The letters from the James Bay Neighbour Neighbourhood Association (attached) are dated as follows:

- May 23, 2018
- November 21, 2018
- October 23, 2019.

## ANALYSIS

### Official Community Plan

The Official Community Plan (OCP) designates the subject property as Traditional Residential. The maximum density envisioned within Traditional Residential areas is 1:1 FSR, and this project is below the maximum envisioned. Dallas Road in this location has a functional street classification of a Secondary Arterial. The Traditional Residential Designation envisions low rise multi-unit residential buildings up to three storeys on arterial and secondary arterial roads; therefore, the proposal is consistent with the OCP.

### Local Area Plans

#### The James Bay Neighbourhood Plan (1993)

The James Bay Neighbourhood Plan, in the Goals and Objectives on Housing, encourages a range of housing opportunities, with many references to family housing. One ground floor unit has two bedrooms, and the main dwelling unit has four bedrooms.



## Tree Preservation Bylaw and Urban Forest Master Plan

There are a number of smaller, non-bylaw protected trees on the property, all of which will be removed. Due to the presence of underground services on Dallas Road, there is no requirement for trees within the public realm.

### Regulatory Considerations

The proposed density is in excess of what is permitted in the R-2 Zone, which is intended for two units, so to achieve a redevelopment with three units, an increase in density would be expected. The proposed density at 0.51:1 floor space ratio (FSR) is marginally above the established ratio of 0.5:1 FSR for the R-2 Zone. However, it is noted that the calculation for FSR does not include the floor area of the two lower units as they are considered basement space and, as such, are exempt from the floor area calculation for a two family dwelling. As defined by the *Zoning Regulation Bylaw*, the finished ceiling height of the lower units project no more than 1.2m above grade, and are therefore exempt from floor space calculations.

The density on the subject parcel is a result of the large main unit, which occupies the total building footprint on two floors (338.6m<sup>2</sup> total floor area) exceeding the maximum floor area permitted for a two-family dwelling unit as well as what would be allowed for a single family house in the (R1-B) for a lot of this size. If all floor areas of all units (including the basement) are used in the calculation of the floor area, the overall FSR would be 0.74:1, which remains below the limit of 1:1 FSR established by the Official Community Plan within the Traditional Residential designation.

### CONCLUSIONS

The proposal will contribute to the housing options within James Bay, and two market rental units will be secured for a period of ten years. The building form is in compliance with the Traditional Residential Designation, which envisions low rise multi-unit residential buildings up to three storeys on arterial and secondary arterial roads. Three residential units are considered a multi-unit development. The proposed density is within the limit of 1:1 FSR identified for this designation. Therefore, in terms of use, density and building form, this proposal is consistent with the policies and objections of the Official Community Plan as stated within the Traditional Residential designation.

### ALTERNATE MOTION

That Council decline Rezoning Application No. 00674 for the property located at 334 Dallas Road.

Respectfully submitted,



Lucina Baryluk  
Senior Planner  
Development Services



Karen Hoese, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:

*Joelyn Jenkins*

Date:

*Jan 29, 2020*

**List of Attachments**

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped August 26, 2019
- Attachment D: Letter from applicant to Mayor and Council dated November 19, 2019
- Attachment E: Community Association Land Use Committee Comments dated May 23, 2018, November 21, 2018, June 7, 2019 and October 23, 2019
- Attachment F: Tenant Assistance Plan
- Attachment G: Correspondence.



## Committee of the Whole Report For the Meeting of February 6, 2020

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**To:** Committee of the Whole **Date:** January 23, 2020

**From:** Karen Hoesle, Director, Sustainable Planning and Community Development

**Subject:** Development Permit with Variances Application No. 00101 for 334 Dallas Road

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### RECOMMENDATION

That subject to revisions to the landscape plan to include permeable paving in the rear yard, installation of a six stall bike rack, inclusion of more plant materials (including native, pollinator and edible plants), details of fencing and opportunities to include plantings along the fence to the satisfaction of the Director of Sustainable Planning and Community Development, that Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00674, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variance Application No. 00101 for 334 Dallas Road, in accordance with:

1. Plans date stamped August 26, 2019.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - i. increase the maximum height for a dwelling to 7.92 m
  - ii. increase the maximum height for an accessory building to 3.96 m
  - iii. reduce the vehicular parking requirements from 4 stalls to 3 stalls
  - iv. reduce the rear yard open site space from 33% to 13%.
3. The Development Permit lapsing two years from the date of this resolution."

### LEGISLATIVE AUTHORITY

In accordance with Section 489 of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Community Plan*. A Development Permit may vary or supplement the *Zoning Regulation Bylaw* but may not vary the use or density of the land from that specified in the Bylaw.

### EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit Application for the property located at 334 Dallas Road. The proposal is to rezone from the R-2 Zone, Two Family Dwelling District, to a site specific zone in order to permit construction of a three unit dwelling. The variances are related to increasing the height

of the principal dwelling and the accessory building, decreasing the required number of off-street vehicle parking stalls from four to three stalls and decreasing the amount of rear yard open space from 33% to approximately 13%.

The following points were considered in assessing this application:

- The project is generally consistent with the applicable design guidelines, as the proposed building creates visual interest and adds variety to the streetscape, and at the same time fits within the local context
- The height variances for the dwelling and accessory building are minor in nature and considered supportable
- The parking variance for one fewer vehicle stall is supportable as bicycle parking is provided
- The variance for rear yard open site space is acceptable provided landscaping enhancements are incorporated into the site planning.

## **BACKGROUND**

### **Description of Proposal**

This proposal is to rezone from the R-2 Zone, Two Family Dwelling District, to a site-specific zone in order to:

- demolish the existing single family dwelling and garage
- construct a new three unit residential building
- secure the two lower units as market rental for a period of 10 years.

The existing R-2 Zone allows for a two family dwelling on the subject property. The following differences from the standard Zone are:

- permitting a third unit
- exceeding the maximum density (floor space ratio)
- increasing the height of the dwelling and accessory building (variances required)
- decreasing the required number of off-street vehicular parking stalls from four stalls to three stalls (variance required)
- decreasing the amount of rear yard open space from 33% to 13% (variance required).

Design details include:

- a two-storey flat roof building form, with full windows across the front of the upper storey
- cladding materials include metal siding, cedar siding and stucco
- two vehicle parking stalls are provided in the proposed garage plus a surface stall is provided for a third vehicle
- a storage area is proposed under the garage, which is accessed by stairs adjacent to the rear property line
- the landscape plan includes an amenity area in the north-west corner of the property and front yard lawn and shrubs.

### **Sustainability Features**

The applicant has not identified any sustainability features associated with this proposal.

### **Active Transportation Impacts**

The application proposes bike racks for the use of the occupants. The number of short term bike parking stalls, as shown on the landscape plan, will be corrected to show a six space rack.

## Public Realm Improvements

No public realm improvements, beyond the City's standard requirements, are proposed in association with this Development Permit Application.

## Accessibility Impact Statement

The British Columbia Building Code regulates accessibility as it pertains to buildings. The proposed pathway surrounding the building is designed to provide access to the elevator for the main unit.

## Existing Site Development and Development Potential

The site is presently zoned R-2 Zone, Two Family Dwelling District. Under the current R-2 Zone, the property could be redeveloped with a duplex.

## Data Tables

The following data table compares the proposal with the R-2 Zone and identifies variances only. The full data table is provided in the Rezoning Application Report. An asterisk is used to identify where the proposal varies from the existing zone.

Zoning Criteria	Proposal	Existing Zone R-2	Comments
Height (m) – maximum	7.92 *	7.6	
Open site space % – minimum Rear yard	13.54 *	33.00	Open site space does not include drive aisle or parking surfaces
Parking – minimum	3 *	4	Based on unit size
Accessory building height	3.96 *	3.5	

## Relevant History Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the James Bay Neighbourhood Association at a Community Meeting on May 9, 2018 and another meeting on October 9, 2019. This application required a second Community Meeting as there was an increase in the floor space ratio from the earlier submission, and in accordance with the *CALUC Procedures for Processing Rezoning and Variance Applications* a second Community Meeting was triggered. The letters from the James Bay Neighbour Neighbourhood Association are attached to the Rezoning Application Report.

This application proposes variances, therefore, in accordance with the City's *Land Use Procedures Bylaw*, it requires notice, sign posting and a meeting of Council to consider the variances.

## ANALYSIS

### Development Permit Area and Design Guidelines

The *Official Community Plan* (OCP) identifies this property within DPA 16, General Form and Character. As this proposal is for three units (multi-unit residential) the applicable guidelines are *Design Guidelines for Multi-Unit Residential, Commercial and Industrial Development*.

The guidelines encourage new developments to be compatible with and improve the character of the established area through design. The guidelines applicable to this development can be summarized as follows:

- create a transition in form and massing to lower-density buildings and respect the character of established areas and building variety through the form and massing
- add visual interest to the streetscape through variations in building height, rooflines and massing
- protect the privacy of adjacent single-family dwellings
- establish a positive street relationship.

In the immediate context, the proposed dwelling relates in building mass and height to the adjacent duplex to the east (338 Dallas Road). Although the proposal is slightly higher than the adjacent building, the height variance is minor. However, the proposal appears more massive due to the lack of articulation. Arising from comments from staff and the public as expressed at the community meeting, the applicant has adjusted the design with a curved frontage to lessen the box-like appearance of the structure. As a transition to the house to the west (332 Dallas Road), the proposal is less sympathetic. However, in terms of privacy impacts, there are minimal windows on the west elevation, and the proposed second floor deck will overlook the rear yard of this house but not directly into the dwelling. Overall on this block of Dallas Road, the proposal represents an appropriate fit. In the wider context of Dallas Road, the newer homes have a more modern expression, generally with flat roofs or non-traditional roof forms.

In terms of street relationship, the applicant has adjusted the front elevation to create a more prominent entry with a porch, and the material will create visual interest. The entrances to the lower units are on the sides of the building and, as such, do not directly relate to the street.

### The James Bay Neighbourhood Plan (1993)

The James Bay Neighbourhood Plan, in the Goals and Objectives on Housing, encourages the following:

- visual harmony of form and scale between new buildings and adjacent residential units
- high standard of design for new residential developments
- respect for the existing streetscape character.

As noted above, in the context of this block of Dallas Road, this dwelling fits as the building massing and its flat roof is compatible with the apartment building. The adjacent building to the east compliments the single family dwellings in the block forming a cohesive streetscape.

### Regulatory Considerations

#### Height of Dwelling Unit

At the James Bay Neighbourhood Association meeting (letter dated October 23, 2019) the applicants noted that the height of the house would be adjusted and a variance would not be



required. Staff have also discussed the option of reducing the floor to ceiling height with the applicant.

From follow-up with the applicant, it has been clarified that the building height would not be reduced, as the applicant wished to retain the proposed floor to ceiling heights (8 feet floor to ceiling for the basement, 9 feet for the ground floor and 10 feet for the upper storey).

At the community meetings, there was considerable discussion of the height of this building in relation to the adjacent building to the east (338 Dallas Road). According to the building plans for the dwelling at 338 Dallas Road, constructed in 2004, the height is 7.57m (height limit is 7.6m) and did not require a variance. The total height of the proposed house at 334 Dallas Road is 7.92m, which requires a variance to allow the extra 32cm (12 inches). This minor variance is supportable as the additional height will have limited additional visual impact.

It is noted that the Official Community Plan envisions buildings up to three storeys on secondary arterials within the Traditional Residential designation, making this building height anticipated within OCP policy.

#### Height of the Accessory Building

The height variance for the garage is required due to grade issues and the inclusion of a storage basement under the garage and access stairs. The maximum height for accessory buildings is 3.5m and the request is for 3.96 m (approximately 18 inch variance). While this is not an ideal situation, it is required to accommodate the storage solution, which will serve three residential units.

#### Schedule C – Off-Street Parking Regulations

The vehicular parking standards are determined by the size of the units and locational factors (outside of the core area or village centre). The parking requirements for the proposal are as follows:

- main unit (floor area exceeds 70m<sup>2</sup>) – 1.45 vehicular parking stalls required
- two rental suites (floor area exceeds 70m<sup>2</sup>) 1.3 per unit – 2.6 vehicular stalls required
- no visitor stalls are required.

Therefore, a total of four stalls are required but only three stalls are provided. The shortfall in vehicular parking will be offset by the provision of short and long term bicycle parking. It is noted that the landscape plan will be corrected to show a six-space bicycle rack.

#### Rear Yard Open Site Space

The entire lot will be excavated for the new construction and, as such, all of the existing vegetation will be removed, including an apple tree in the rear yard. Due to the requirements for vehicular parking, most of the rear yard is hard surface to accommodate parking and access. The standard for open site space in the rear yard is 33% intended to provide private outdoor space for the residents. The applicants have shown an amenity area in the northwest corner for this purpose.

To offset the amount of hard paved surface in the rear yard, to improve the storm water management and to generally soften the hardscape, staff are recommending the following changes to the landscaping:

- replace the concrete in the rear yard with permeable pavers

- include more plant materials on the property (including native, pollinator and edible plants)
- improve fencing and add plantings along fence to add visual interest and privacy.

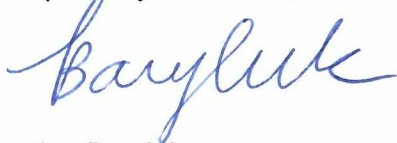
## CONCLUSIONS

The variances are minor in nature and supportable. The proposal is generally in consistency with the applicable guidelines and in order to improve compliance with the guidelines and lessen the impact of the variances, staff are recommending further enhancements to the landscaping; the staff recommendation includes the necessary wording to facilitate these changes.

## ALTERNATE MOTION

That Council decline Development Application No. 00101 for the property located at 334 Dallas Road.

Respectfully submitted,



Lucina Baryluk  
Senior Planner  
Development Services



Karen Hoes, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



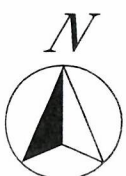
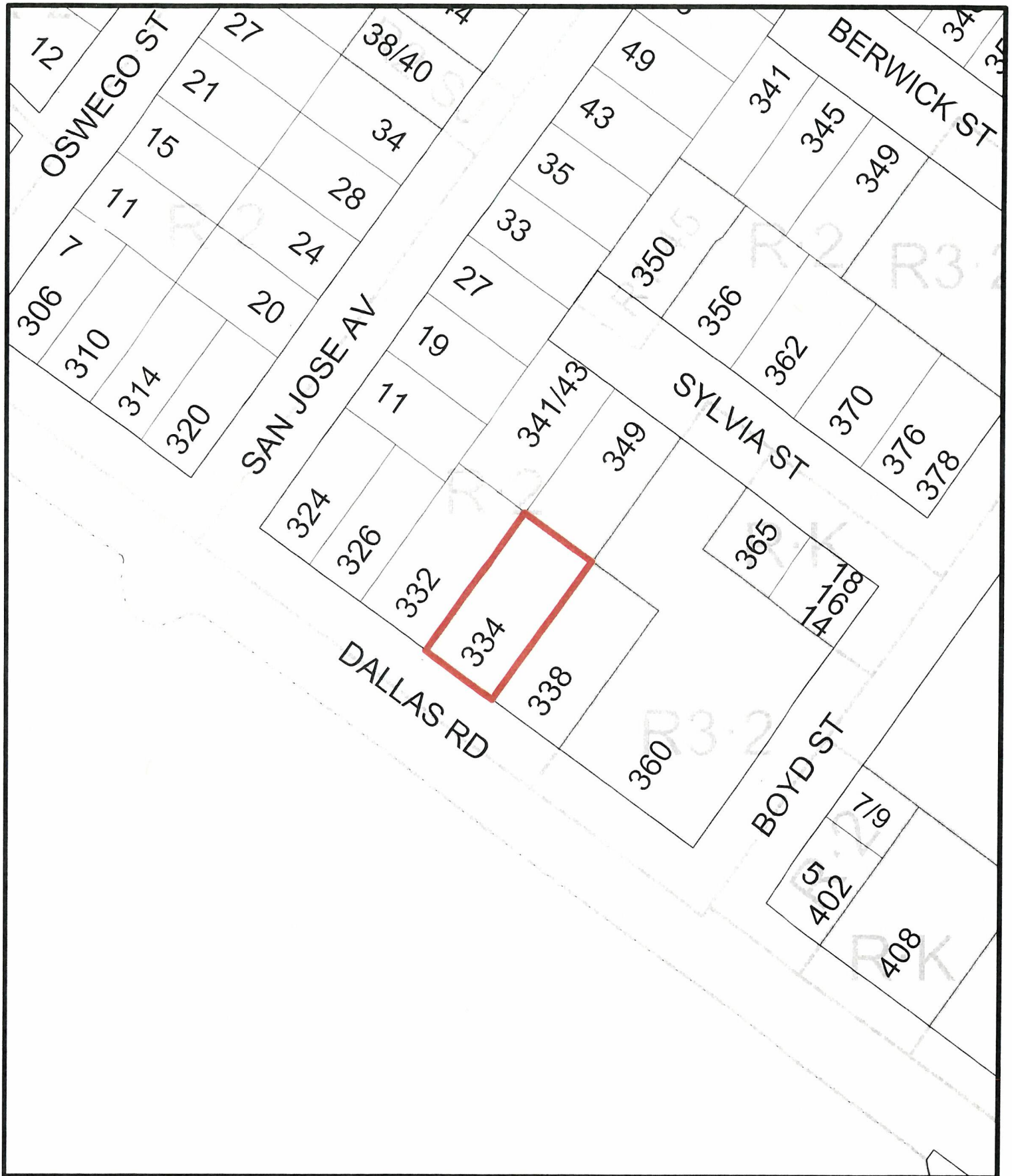
Date:

Jan 29, 2020

## List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped August 26, 2019
- Attachment D: Letter from applicant to Mayor and Council dated November 19, 2019
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334 Dallas Road  
Rezoning No.00674





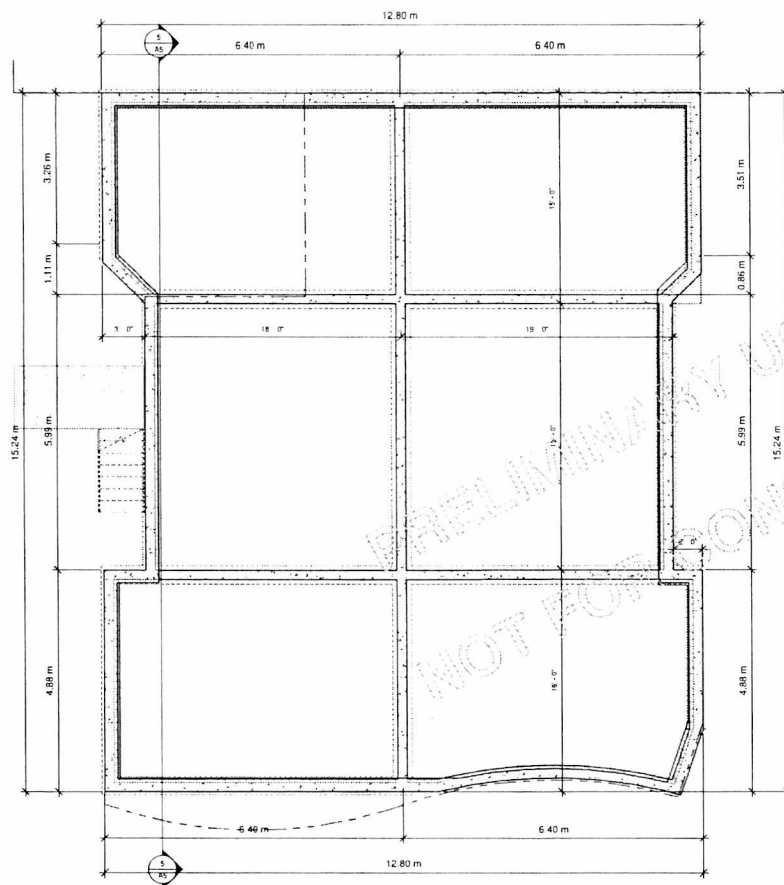
334 Dallas Road  
Rezoning No.00674



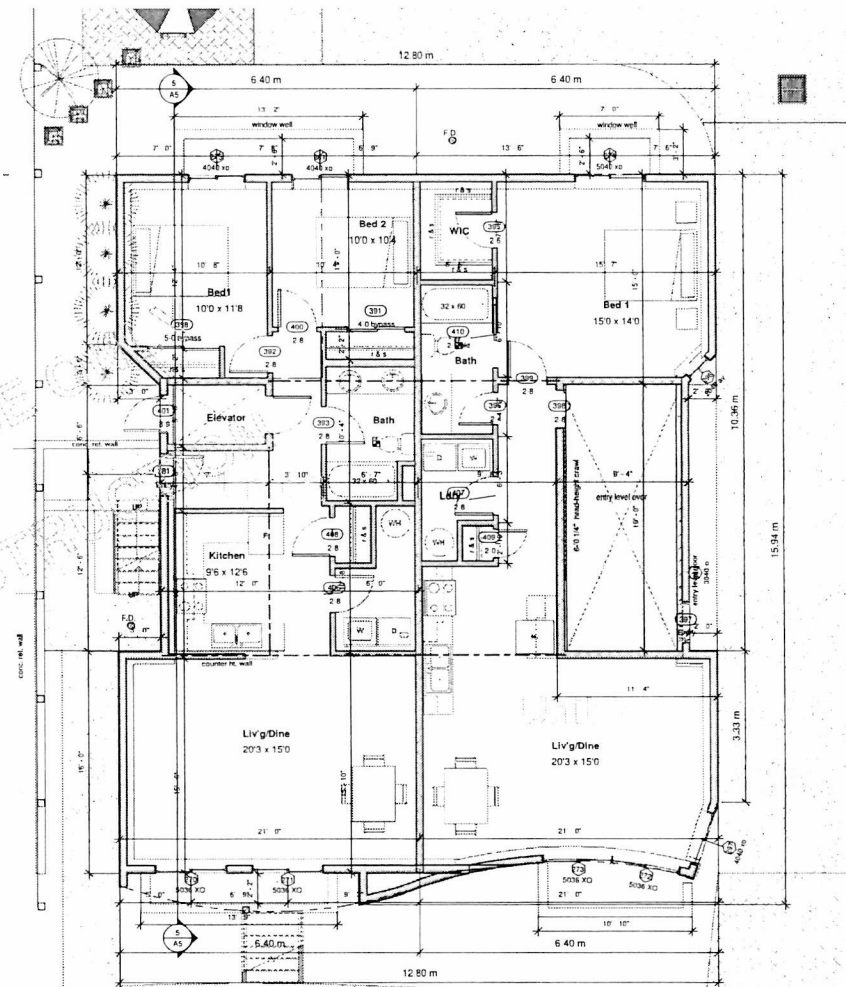




Revision Number	Revision Description	Revision Date
2	Zoning Plan Check clarifications/corrections, note clarifying garage basement AT grade not above, serves as patio and driveway.	26 AUG 2019



① Foundation  
1/4" = 1'-0"



② Basement Floor  
1/4" = 1'-0"  
1649 sq ft  
8'0" ceiling ht  
6'8" head ht  
see section/elevs. bsmt cell g 1.21m above avg grade

Proposed Houseplex for:

**Raj & Sunny Sihota**  
334 Dallas Road, Victoria, BC

**McNEIL BUILDING DESIGNS LIMITED**

Raj & Sunny Sihota  
1840 University Ave.  
Victoria, BC V8T 1C8  
Phone: (250) 381-7100  
www.mcneilbuildingdesigns.com

SEAL MUST  
APPEAR HERE TO  
BE VALID

DATE: DEC 2018  
BY: RAM  
REV: RVT

**A2**

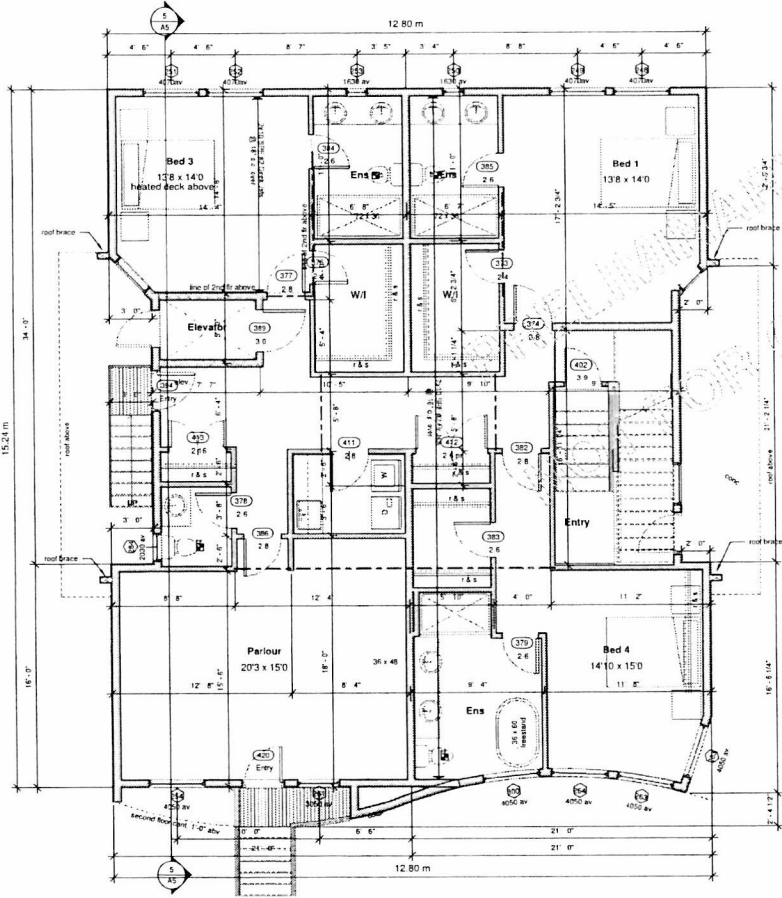
SHEET A2 OF A2

Received  
City of Victoria

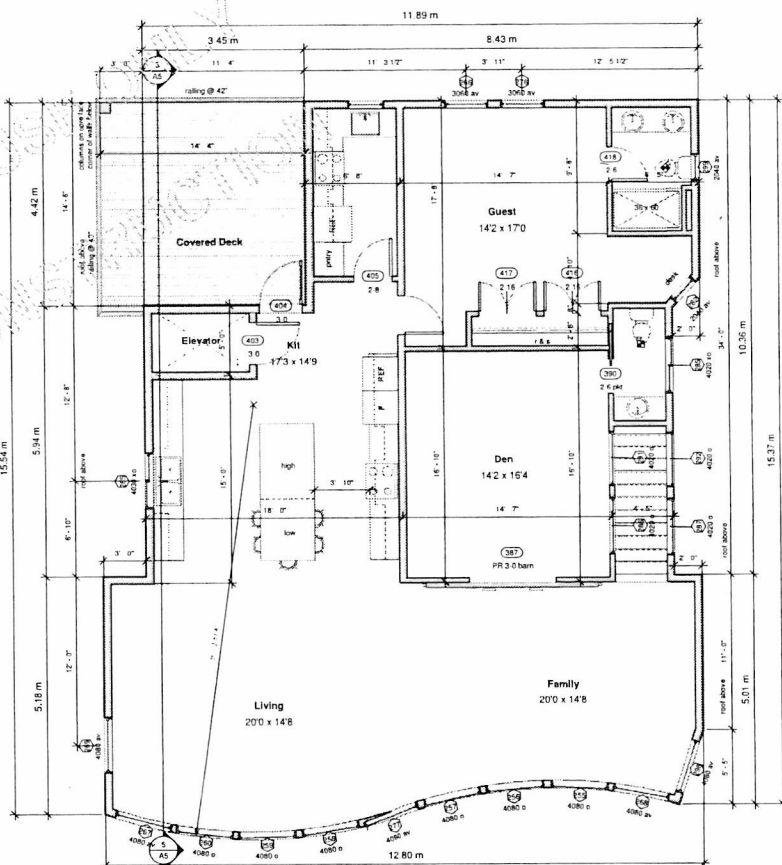
AUG 26 2019

Planning & Development Department

Revision Number	Revision Description	Revision Date
2	Zoning Plan Check clarifications/corrections, note clarifying garage basement AT grade not above, serves as patio and driveway.	26 AUG 2019



1 Main Floor  
1/4" = 1'-0"  
1893 sf  
8'0 ceiling ht  
6'8 head ht



2 Second Floor  
1/4" = 1'-0"  
1751 sf  
10'0 ceiling ht  
8'8 head ht

Received  
City of Victoria

AUG 26 2019

Plan is to be used for the City of Victoria  
Recreation and Services Division

Proposed Houseplex for  
**Raj & Sunny Sihota**  
334 Dallas Road, Victoria, BC



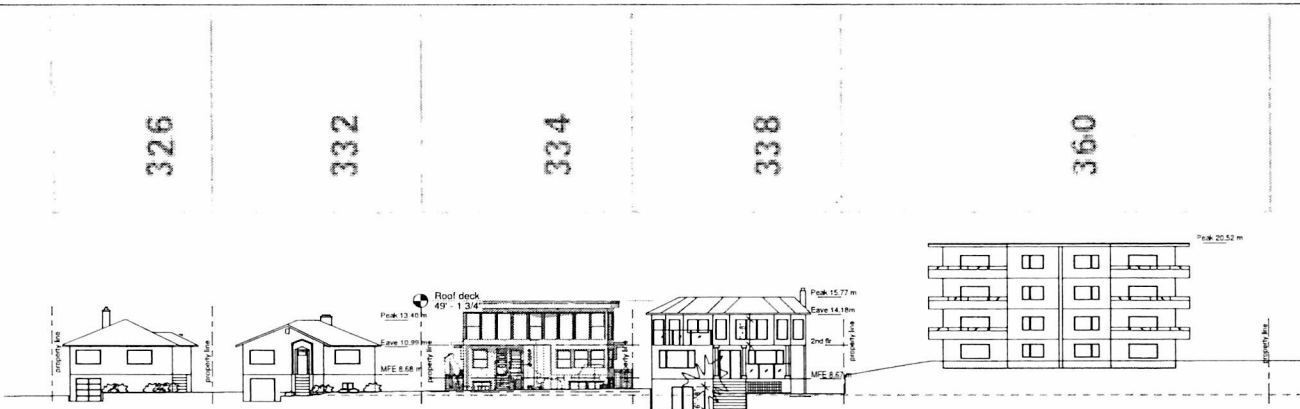
By: McNEIL BUILDING DESIGNS LTD.  
1344 Lorain Lane  
Victoria, B.C. V8L 1A1  
Phone: 250-361-1807  
info@mcneilbuildingdesigns.com

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APPEAR HERE TO  
BE VALID

DATE: DEC 2018  
BY: RAM/MS  
REV: RVT

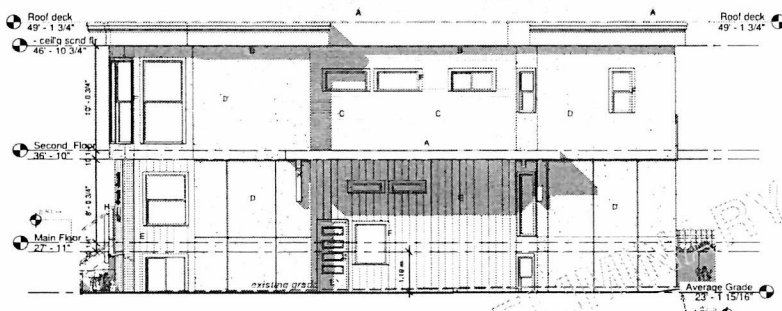
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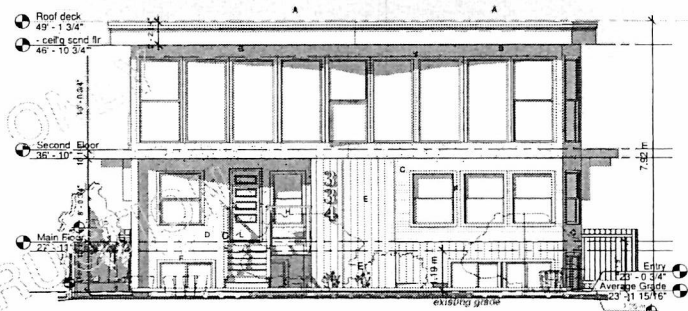


Revision Schedule		
Revision Number	Revision Description	Revision Date
1	Amenity space added, ext finishes revised (rock removed)	12 MAY 2019
2	Zoning Plan Check clarifications/corrections, note clarifying garage basement AT grade not above, serves as patio and driveway.	06 AUG 2019

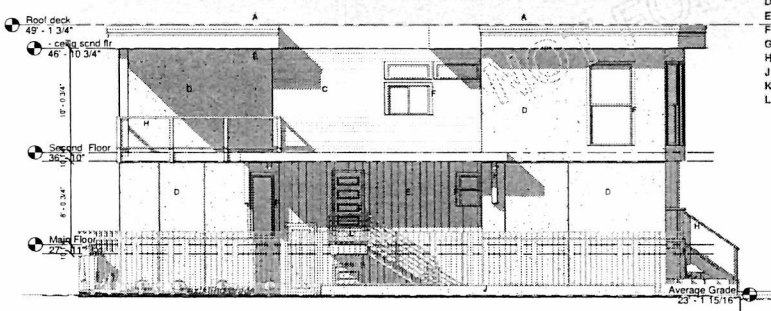
5 Street Scap  
1/16" = 1'-0"



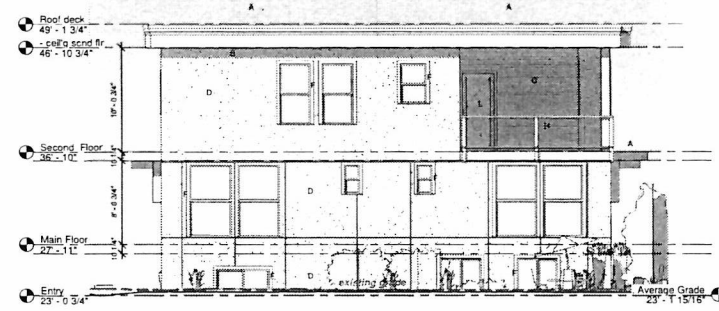
2 Right (east) Elevation  
3/16" = 1'-0"



1 Front (south) Elevation  
3/16" = 1'-0"



3 Left (west) Elevation  
3/16" = 1'-0"



4 Rear (north) Elevation  
3/16" = 1'-0"

- A To(d) -On Roofing Membrane
- B Vented Aluminum SOFFIT
- C 1x3 Clear CEDAR Siding
- D Acrylic STUCCO
- E Corrugated Metal Siding - vertical
- F 1x4 Door & Window TRIM
- G 2x10 BELLY BAND w/ Drip Cap
- H Metal or Tempered Glass RAILING
- J Parged CONCRETE
- K 4x4 GABLE BRACE
- L Natural Stained Wood DOOR

Proposed Houseplex, for:  
**Raj & Sunny Sihota**  
 334 Dallas Road, Victoria, BC

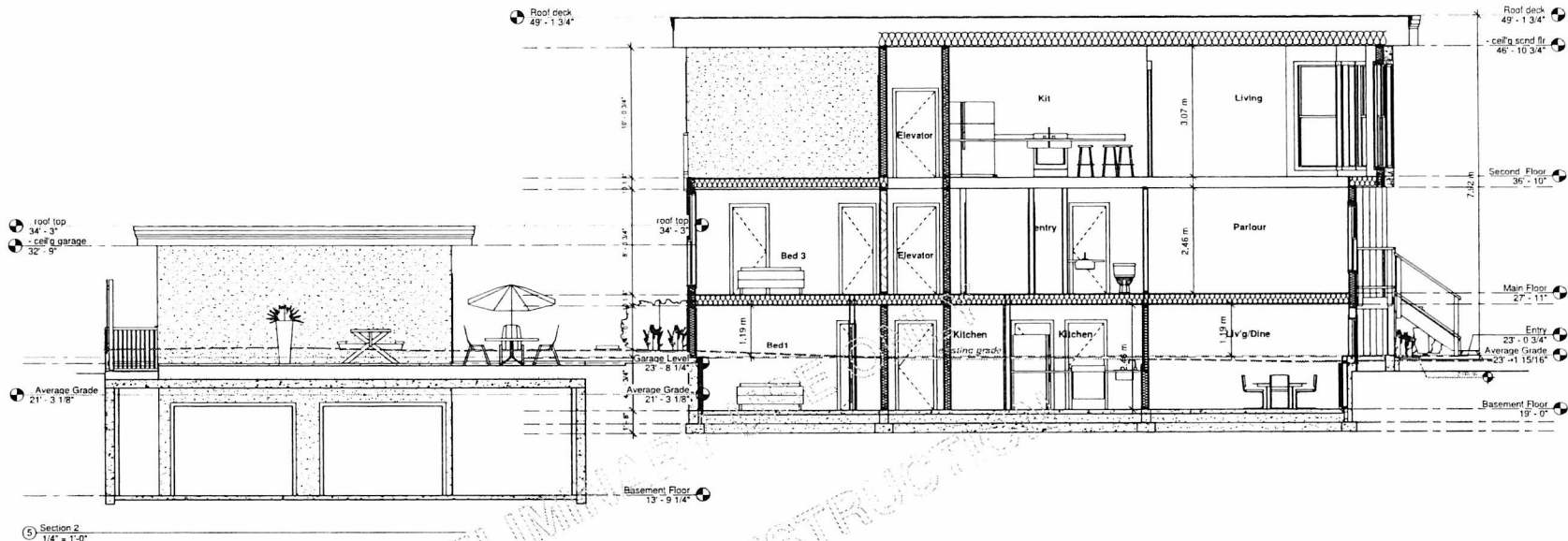


McNEIL BUILDING DESIGNS LIMITED  
 800 McNEIL AUSTIN ROAD  
 100A Lower Level  
 CANBERRA ACT 2614  
 Phone/Fax: (02) 360 7807  
 www.mcneilbuilding.com.au

SEAL MUST APPEAR HERE TO BE VALID	
DATE	DEC 2018
BY	RAM
REV	RV7
<b>A4</b>	
SHEET A4 OF A4	

AUG 26 2019

Revision Number	Revision Description	Revision Date
2	Zoning Plan Check clarifications, corrections, note clarifying garage basement AT grade not above, serves as patio and driveway.	26 AUG 2019



#### LIST OF DETAILS & SECTION NOTES

- 1 FOUNDATION WALL AT SLAB
- 2 BASE OF WALL/FOUNDATION
- 4 RIM JOIST
- 5 WATER SHEDDING ROOF/WALL
- 6 WATERPROOF MEMBRANE ROOF/WALL
- 7 CANTILEVERED FLOOR
- 8 EXTERIOR CORNER
- 9 INTERIOR CORNER
- 10 CLADDING TRANSITION
- 11 WINDOW HEAD
- 12 WINDOW JAMB
- 13 WINDOW SILL
- 14 DOOR SILL - PROTECTED MEMBRANE PEDESTRIAN SURFACE
- 15 DOOR SILL - EXPOSED MEMBRANE PEDESTRIAN SURFACE
- 16 ACCESSIBLE DOOR SILL - PROTECTED MEMBRANE PEDESTRIAN SURFACE
- 17 ACCESSIBLE DOOR SILL - EXPOSED MEMBRANE PEDESTRIAN SURFACE
- 23 EXTERIOR ELEMENT - COLUMN
- 27 WALL EXHAUST VENT
- 28 ELECTRICAL FIXTURES
- 29 PIPES

- 30 R40 BATT INSULATION  
6 mil poly V.B.  
5/8" GWB
- 31 All interior walls to be 1/2" GWB  
with core of 2x4 STUDS @ 16" o.c.  
EXCEPT WHERE SHOWN ON PLAN
- 32 TYPICAL EXTERIOR WALL  
HARDIPANEL w/ battens  
HANDPLANED SIDING or STONE Finish  
2 layers 35mm BUILDING PAPER  
1/2" ISOLATING (Water Paper)  
1/8" RESAWN (Satisfactory)  
2x4 STUDS @ 16" o.c.  
R20 batt INSULATION  
6 mil poly V.B.  
1/2" GWB
- 33 TYPICAL FLOOR  
CARPET & UNDERLAY, LINO  
HARDWOOD or CERAMIC TILE finish  
5/8" TAG PLYWOOD (OSB)  
2x10 SPPF2 floor joists  
(See Framing on Plans)  
R20 batt INSULATION  
5/8" GWB type "X"  
(R20L only new GARAGE use 5/8" GWB)
- 34 CRAWL SPACE  
2" concrete seal coat  
6 mil poly M.B. & V.B.  
4" min compacted granular FILL  
note: 2" min to underside of joists  
for service access
- 35 4" concrete SLAB  
6 mil poly M.B. & V.B.  
4" min compacted granular FILL  
(not poly required for Garage Slab)
- 36 DEMISING WALL (1/2" CBCG W28)  
2 layers 1/2" GWB type "X" one side  
R12 batt INSULATION  
2x4 STUDS staggered studs @ 16" o.c. on  
2x6 top & bottom plates  
5/8" GWB type "X" other side
- 37 DEMISING FLOOR (1/2" CBCG W28)  
CARPET & UNDERLAY, LINO  
HARDWOOD or CERAMIC TILE finish  
5/8" TAG PLYWOOD (OSB)  
2x10 SPPF2 floor joists  
(See Framing on Plans)  
R20 batt INSULATION  
5/8" GWB type "X"  
resilient metal channels  
5/8" GWB type "X"

**CRAWL SPACE**  
2" concrete seal coat  
6 mil poly M.B. & V.B.  
4" min compact granular fill  
Note: 1/2" max to u.s. joists  
for search ref. "crawl space"  
2" min for service access

**DECK OVER HEATED SPACE**  
60 mil DOWNSIDEKING  
5/8" TAG PLYWOOD  
2x4 PILING @ 24" o.c.  
2x10 SPPF2 floor joists @ 16" o.c.  
(See Framing on Plans)  
R20 batt INSULATION  
6 mil poly V.B.  
1/2" GWB on railing

**DEMISING WALL (1/2" CBCG W28)**  
5/8" GWB type "X"  
R12 batt INSULATION  
2x4 STUDS @ 16" o.c.  
1/2" air space  
1/2" min thickness sheathing  
2x4 STUDS @ 16" o.c.  
R12 batt INSULATION  
5/8" GWB type "X"

Received  
City of Victoria

AUG 26 2019

City of Victoria Development Department  
Planning and Services Division

Proposed Houseplex for  
**Raj & Sunny Sihota**  
334 Dallas Road, Victoria, BC

**McNEIL BUILDING DESIGNS LIMITED**

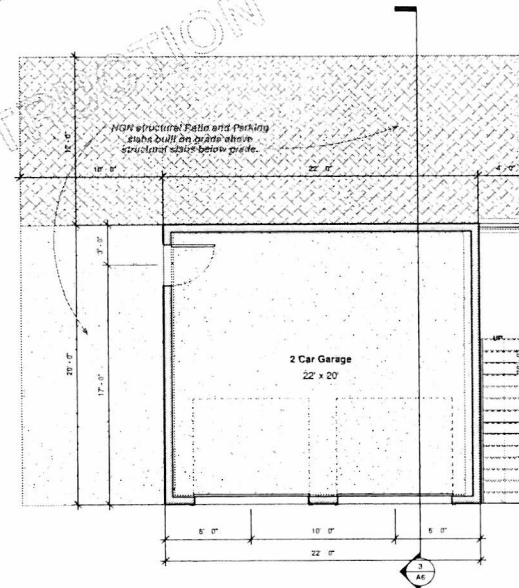
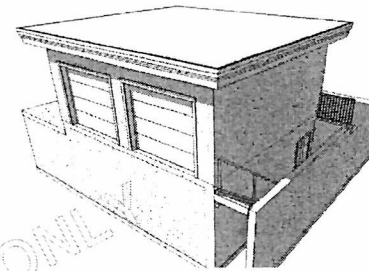
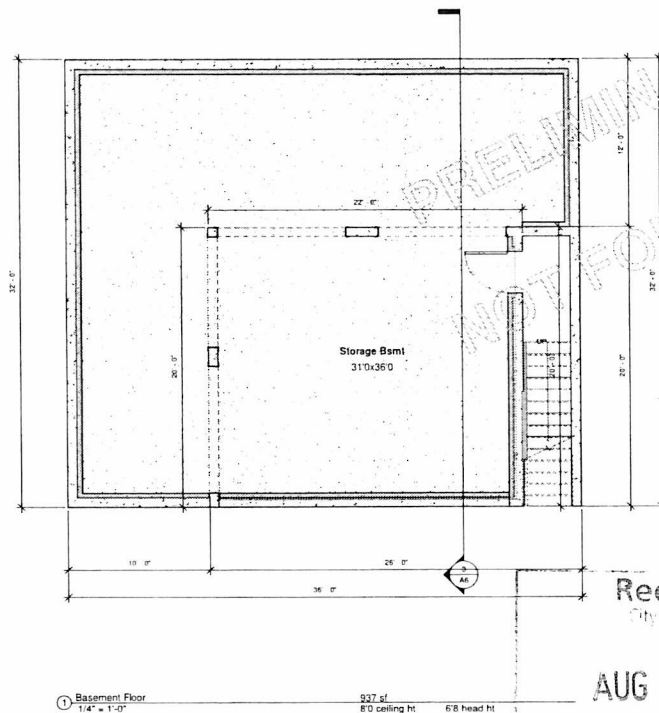
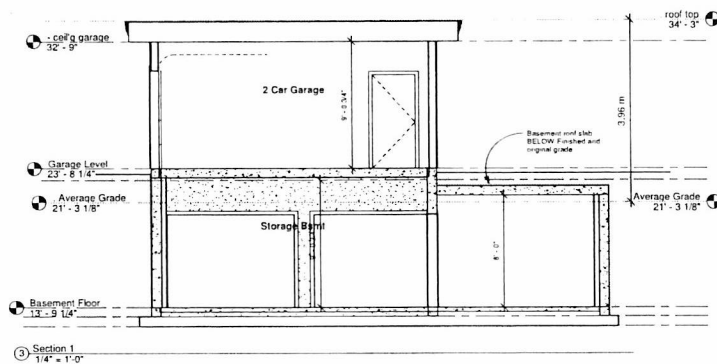
8-4 McNEIL LATTICE SPAS-1  
134 Linn Lane  
CARRLE, BC V8L 1L6  
Phone: 250-567-5871  
info@mcneilspas.com

SEAL MUST  
APPEAR HERE TO  
BE VALID

PH: DEC 2018  
BY: RAM  
REV: RVT  
30-1

**A5**

SHEET A5 OF A5



Revision Schedule		
Revision Number	Revision Description	Revision Date
1	Note to confirm roof slab of basement is AT grade and not ABOVE grade, and is amenity patio and parking surfaces.	11 JUL 2019
2	Grades recalculated, variance for ht due to skewed avg grade.	26 JUL 2019

Received  
City of Victoria

AUG 26 2019

Planning & Development Department  
Development Services Division

Proposed Garage for  
**Mr. Raj & Sunny SIHOTA**  
at: 334 Dallas Road, Victoria, BC



McNEIL BUILDING DESIGNS LIMITED  
104 Lorne Ave.  
Victoria, BC V8T 2E6  
Phone: 250-360-7007  
Fax: 250-360-7007

SEAL MUST  
APPEAR HERE TO  
BE VALID

10/11 OCT 2018

10/14 RAM

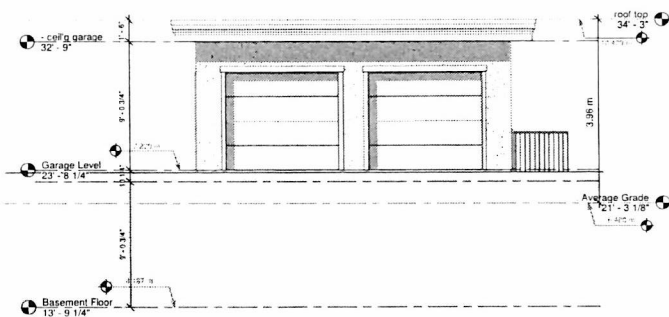
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**A6**

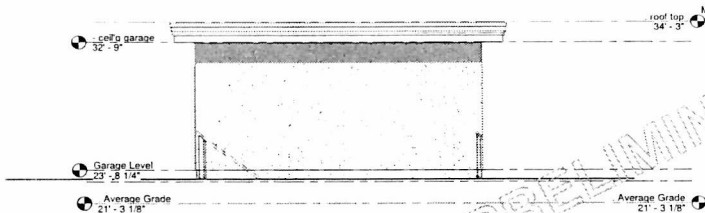
SHEET A6 OF A6



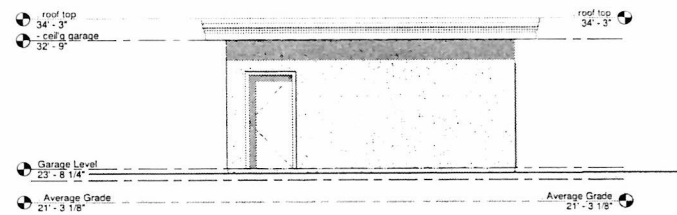
Revision Schedule		
Revision Number	Revision Description	Revision Date
1	Note to confirm roof slab of basement is AT grade and not ABOVE grade, and is amenity patio and parking surfaces.	11 JUL 2019
2	Grades recalculated, variance for ht due to skewed avg grade.	26 AUG 2019



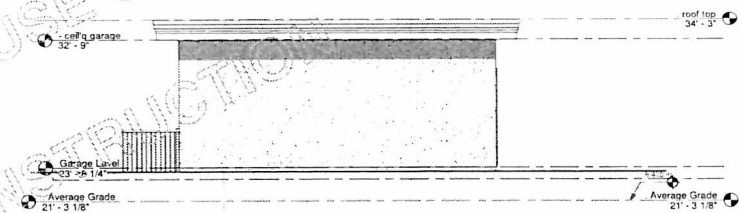
③ Front (East) Elevation  
1/4" = 1'-0"



④ Right (North) Elevation  
1/4" = 1'-0"



⑤ Left (South) Elevation  
1/4" = 1'-0"



⑥ Rear (West) Elevation  
1/4" = 1'-0"

- A Fiberglass Laminated SHINGLES
- B 2x12 Fascia Board for HIDDEN GUTTER
- 4x4 CANT STRIP w/ Flashing
- C 2x10 Combed face, pre-primed kiln dried SPF BARGE BOARD w/ 1x4 Shadow Line
- D STUCCO Finish w/ Reveal
- E HARDIEPANEL SIDING w/ Easy Trim
- F 1x3 Clear CEDAR SIDING
- G 2x10 Combed face, pre-primed kiln dried
- H SPF BELLY BAND w/ Drip Cap
- J 1x4 CORNER BOARD
- K 1x4 Door & Window TRIM
- L Metal RAILING w/ Tempered & Laminated Glass (prefer powder black)
- M Parged CONCRETE

PRELIMINARY USE ONLY  
NOT FOR CONSTRUCTION

Received  
City of Victoria

AUG 26 2019

Planning & Development Department  
Development Services Division

Proposed Garage for:  
**Mr. Raj & Sunny SIHOTA**  
 at: 334 Dallas Road, Victoria, BC  
 McNEIL BUILDING DESIGNS LIMITED  
 814 McNEIL ASTRICH ROAD EAST  
 104 LAMBERT, CANADA V8T 1V9  
 Phone: 250-361-0101  
 info@mcneilbuildingdesigns.com

SEAL MUST APPEAR HERE TO BE VALID

DATE: OCT 2018

BY: RAM

FOR: RVT/KW




A7

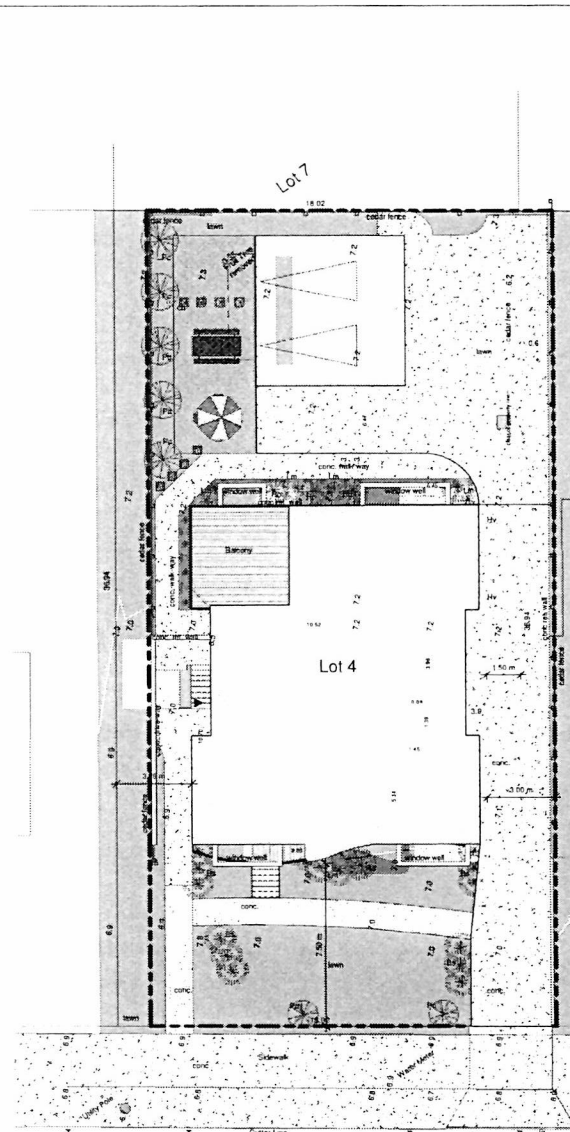
PROJECT: A7 DRAWING: A7

PLANT LIST				
SYMBOL	QTY.	BOTANICAL NAMES	COMMON NAMES	SIZE
<b>TREES</b>				
Pc	2	Prunus Cerasifera	Cherry Plum	2.0 cm cal.
<b>SHRUBS &amp; PERENNIALS</b>				
Bs	12	Buxus Sempervirens	Common Boxwood	#2 Pot
Lm	6	Lavandula Munstead	English Lavender	#1 Pot
Rv	5	Rhodo Variety	Rhododendron	#5 Pot
<b>VINES &amp; GROUND COVER</b>				
Hv	4	Hebe Variety	Hebe	#1 Pot

#### NOTES

- Plant material, insulation and maintenance to conform to BCSLA/BCLNA standard (current edition).
- All growing medium to comply to BCLSA/BCLNA standard designation "1P - Level-1 Well Groomed Areas."
- All Planting areas to be covered with well aged bark mulch application of 75mm (minimum).
- Underground irrigation system to be installed. Irrigation materials and installation to conform, as a minimum, to BCSLA/BCLNA Standard (current edition) and IABC Standards. All irrigation piping under hardsurfaces to be sleeved. Install heads to reduce sprinkler coverage on sidewalks, parking and adjacent properties and roads. Adjust irrigation seasonally. Limit watering times between 11:00pm and 6:00am. Irrigation to be designed to water different areas of the landscape based on watering needs. Irrigation design to be sensitive to slope factors of site.
- Fencing to be built as shown on plan; Replacement of fencing where existing is in poor condition. Max height not to exceed allowable by the municipality. All fencing to be treated with two coats of semi-transparent stain on cedar fencing.

LEGEND	
<b>SOFTSCAPE</b>	
	Planting Area
<b>HARDSCAPE</b>	
	Concrete
	Concrete unit paving, charcoal/shadow, all sizes



① Landscape Plan  
1:100

Dallas Road

Received  
City of Victoria

AUG 26 2019

Planning & Development Department  
Development Services Division

Revision Schedule		
Revision Number	Revision Description	Revision Date
1	Amenity space added ext finishes revised (rock removed)	12 MAY 2019

Proposed Houseplex for:

**Raj & Sunny Sihota**  
334 Dallas Road, Victoria, BC

**McNEIL BUILDING DESIGNS LIMITED**  
1000 Lonsdale Ave.  
Victoria, BC V8W 2E7  
Phone: 250-383-1111  
www.mcneilbuildingdesigns.com

SEAL MUST  
APPEAR HERE TO  
BE VALID

DATE: DEC 2018  
BY: Author  
FOR: RVT  
SHEET: L1 OF L1

Rajinder and Jasbir Sihota  
897 Maltwood Terrace  
Victoria, BC, V8X 5G2

November 14, 2019

Mayor and Council  
City of Victoria

Subject: Request for rezoning of 334 Dallas Road

My wife and I are the owners of 334 Dallas Road. We would like to replace the current single family home that currently exists on the site with a new tri-plex building. However, to do that, we would need to change the current zoning to the new houseplex zoning. Our new building will be very similar in size to an adjacent building and is not out of place in the neighbourhood.

We intend to live in the new home with our extended family in one of the three units of the new building. We intend to rent out the other two units that will be located in the basement. We do not intend to strata title the property and we are prepared to sign a 10 year covenant to that effect.

We have attached plans to our new building. The new building is designed to be within the current setbacks of the current zoning. We are not requesting any changes in any existing setbacks. However, we are requesting variances related to (1) total square footage, (2) height of the detached accessory garage and (3) height of the main building.

The significant change in the zoning request is the addition of rental units in the lower floor which has resulted in an increase in the total square footage of the building. One rental unit will be a two bedroom suite while the other will be a one bedroom suite. We have designed the new building with sufficient parking for cars and bicycles as recommended by city staff.

We will also need a height variance on the accessory garage due to the limited storage in the principal building. I, as the owner, elected to build a basement under garage. It is a bit of an expensive solution but will ensure a better solution for residents, tenants, and neighbourhood as there won't be so much in belongings left in the yard or driveway.

.....2

The city bylaws, however, have a catch 22. The outside stairs into the basement, become 'grade', and thus skew the average grade calculation down into the grade so the building 'measures' higher. Thus the further the building is lowered, the deeper the stairwell and the higher the building. Without the false values of lowered grade, if measured from existing we are well within permitted height at about 3.3m, instead of the 3.96m from using the city method. We hope you can see the odd bylaw wording has created this catch 22 and recognize this as something that forces us to request support of this variance,

We are also requesting a variance to the height of the main building of 32 cm. When we first met with the James Bay CALUC in May of 2018, we had not asked for a height variance. Subsequent to the meeting we tried many different plans to address issues raised by the CALUC and City staff. We finally found a plan that we thought would address many of the issues raised. However, as a result of the changes, we were asked to meet again with the James Bay CALUC again. We did this in October, 2019. Changes from the May, 2018 plans, resulted in a need for a height variance for the main building of 32 cm.

During this most recent meeting, we heard complaints about the height variance request of 32 cm that came generally from the four storey apartment which is next to the duplex to the right of us. We responded that the height our building would not be more than the duplex between us and the four storey apartment. After hearing the complaints, we stated we should be able to stay within the existing permitted height. I met with my designer after the meeting to confirm. He noted, even with the requested height variance, our building was still 2 feet 8 inches less than the duplex between us and the four story apartment. He also indicated not having the height variance would reduce daylight into the proposed basement suites.

Our original design proposal in May, 2018 did not propose any height variance. I was surprised to learn at the meeting that my designer was proposing a height variance on the main building. My response at the meeting was made without knowledge of the circumstances to which the height variance was requested. I should not have said we should be able to reduce the height to remain under the current zoning. This was my mistake but it was not made to deceive anyone.

We also contacted neighbours for their feedback. We took the feedback and made changes to the plans to address concerns from both CALUC and the neighbours. Attached in the appendix to this letter which contains a summary of concerns raised and our responses to those concerns. Our neighbour to the right, Mr Mark Imhoff, sent a separate letter to CALUC outlining his concerns. We've outlined his concerns and our responses.

We look forward to hearing from you on any comments you may have.

.....3

Yours truly,

Rajinder S. Sihota

Jasbir K. Sihota

Attachment

Item #	Concerns Expressed on Project	Response
<b>General comments received:</b>		
1	Height of building and impact on water views	Height of proposed building will be 32 cm higher than permitted under current zoning. However, with additional height, our building will still be 2 feet 8 inches less than duplex to right.
2	Increase in FSR and massing parameters	Proposed increases are within Houseplex parameters
3	Box shape of structure	Have altered design by adding entrance at the front to reduce boxy appearance. Others at CALUC indicated they like the design.
4	Side entrances	Added front entrance to building
5	Parking issues	Adjusted parking based on suggestions from city staff
6	Affordability of proposed suites	Suites will be at market rent
<b>Comments received from owner/neighbour on right, Mr. Mark Imhoff</b>		
7	Monolithic look	Have altered the front look with recessed front entrance. Others at CALUC meeting indicated they liked the design.
8	FSR is more than what is currently allowed	Within what is allowed with a Houseplex format
9	Massing of the building	Within what is allowed with a Houseplex format. Additional space is required for additional suite. Size of building is comparable to Mr Imhoff's house that is adjacent. Front elevation view on plans confirms this.
10	No front entry	Changed to add front entrance
11	Too apartment like	Others at the CALUC meeting indicated they liked the design of the building.
12	No consultation for window placement	Shared plans with Mr Imhoff before CALUC meeting. Number of windows and placement on sides was not considered problematic by City staff
13	Updated design	Updated Mr Imhoff of design changes since CALUC meeting



## James Bay Neighbourhood Association

jbna@vcn.bc.ca  
Victoria, B.C., Canada

[www.jbna.org](http://www.jbna.org)

May 23<sup>rd</sup>, 2018

Mayor and Council,  
City of Victoria

Dear Mayor Helps and Councilors,

**Re: CALUC Community Meeting - 334 Dallas Street**

The community meeting to consider the proposal at 334 Dallas Street was held on May 9<sup>th</sup> (72 attendees). Attached please find an excerpt of the General Meeting minutes regarding the proposal (Attachment "A").

The meeting was successful in that most items associated with the project were raised, but unsuccessful as there were conflicting views, with confusion and mistrust due to the introduction of a concept not yet discussed in James Bay, and not accompanied by parameters via bylaw, namely a zoning request for a "HousePlex. Most disturbing, was that the proponent said he was "encouraged" by staff to develop a HousePlex whereas Planning had not discussed this concept with the JBNA-DRC or the community at large.

Meeting participants expressed both positive and negative comments.

Direct or near-direct neighbours raised issues related to:

- height which affected both streetscape and water views of those east of the property
- significant increase in FSR and other massing parameters
- "box-shape" of the structure
- the side- entrances do not project a friendly street front entrance (also orphaning of the only sizable greenspace to remain on the property)
- proposed parking was seen as problematic
  - not reflective of owner/tenant needs  
(the question must be asked, whom will the 3 parking spots serve? Will the parking spots be assigned to the occupants of the 4-bedroom owner home, or the occupants of the two rental units? The narrow drive with parking in the rear may be problematic with shared parking spots. With the CRD-wastewater project removing 25% of street parking on the north side of Dallas, street parking may not be available for tenants if the owner has more than one vehicle.)
  - creating a large area of hard-surface along the full west side of the property and much of the back of the property
  - the street is already congested with cars
- the 2 rental suites were not perceived as "affordable" (i.e. meaning below market rates)

..2



Some residents, from further afield, were in support of the proposal, if/with a lowered height. The upper level curved front-face was identified as attractive and the provision of two rental suites seen as positive.

The JBNA CALUC-DRC would welcome the proponents back to another JBNA General Meeting with a revised proposal that would respond to the site coverage and height matters raised by nearby residents from east of the property. Given the limited number of residents within the 100m area, it would be possible to notify the residents without instigating the City notification process.

Attachment "B" contains comments from a direct neighbour who was unable to attend the meeting.

For your consideration,



Marg Gardiner  
President, JBNA

Cc: JBNA Board  
Miko Betanzo, CoV Senior Planner  
Raj Sihota, Owner/proponent  
Ron McNeil, McNeil Building Designs Ltd.



## **ATTACHMENT “A”:** *Excerpt from Minutes of February 14<sup>th</sup>, 2018 CALUC meeting*

### **5. CALUC 334 Dallas Rezoning**

- Raj Sihota, Owner/Proponent
- Ron McNeil, McNeil Building Designs Ltd.

The Chair confirmed that the one-page description of the proposal had been distributed to meeting attendees, the builder had consulted with neighbours, and the shadow study had been included in the presentation slides as per commitment at the pre-meeting. The City sent out 150 Community Meeting notices to residents within 100 metres of 334 Dallas. The Community Meeting was opened.

Tim VanAlstine reported on the Development Review Committee pre-meeting. Tim VanAlstine, Wayne Shillington, and Linda Carlson met with Raj Sahota (owner) and Ron McNeil (McNeil Building Designs Limited) on March 9, 2018:

The Proponent plans to demolish the existing building and build a 4-bedroom family home with 2 additional rental units. The property currently has a duplex zoning (R2) which permits a second residential unit. Rezoning is required for the second rental suite. The owner is prepared to add a covenant that would commit the 2 suites as rental housing units. The proposal calls for 3 parking stalls. No variances will be required.

**Note:** Although height and set-back variances are not being sought, when the City's Community Meeting Notice was prepared, **a variance to the Floor Space Ratio (FSR) became evident.**

Ron McNeil presented the proposal to seek rezoning.

The plan is to build a single family dwelling at 334 Dallas Rd with two secondary suites on the lowest floor of the building, accessible from the sides of the building. Setback requirements have been met. Height is slightly over allowable height limit and approximately the same as the house immediately to the east. The proposal does not meet the current R2 zoning because 2 basement units require a development permit and rezoning application. The suites are in the basement (1/2 below grade) with owner bedrooms on the middle level floor and living area on the upper floor.

The City has encouraged the proponent to a rezone as a “houseplex.” The owner is willing to put a covenant on the property to ensure that the two rental units are maintained as rental.

**Questions and concerns - the first opportunity given to those who live within 100m of 334 Dallas Road who received notification from the City.**

Q: I am unfamiliar with the term Houseplex. Can you define what it means?

A: The proponent was not able to define, but said that it was referenced in the OCP and City staff had “encouraged” them to add the second rental suite and proceed with a ‘houseplex’ zoning designation.

Q: Where in the OCP is the houseplex defined/found?

A: Did not know. City staff liaison Kimberley Stratford obtained an e-mail from Director of Planning, Jonathan Tinney and read it aloud: *Definition of houseplex - Houseplexes could be permitted in several existing zones and are generally supported in the Traditional Residential*

*designation in the OCP currently. That said, the concept is emerging as a preferred policy direction in the Fairfield and Gonzales Neighbourhood Plan processes. In essence the direction would support a focus on small-scale multi-family dwellings (likely a four or sixplex, but could be more) that looks like a single family house (typically on a larger lot), though it also refers to the conversion of larger, older homes into multi units. (Jonathan Tinney, Director of Planning, May 9<sup>th</sup>)*

C: Resident on Boyd Street expressed concerns about parking. Onsite parking doesn't account for visitor parking, and parking spots along Dallas Rd are being lost. Resident believes family home with 2 suites will create more of a parking nightmare in community.

A: One residential parking spot will be provided for each of the three residential units.

C: Dallas Road neighbour believes there is a need for a variance for floor area. Another concern is that the entrances are on the side, which will be disturbing for neighbours. Concerned that there is no street entry. Also wants to know what other variance are required.

A: There are two entrances on the driveway side and the other from east side of building. We are applying for a site specific zoning so that the 2<sup>nd</sup> rental suite can be included.

Q: how does it fit in to the City's Schedule C parking?

A: meets requirements of Schedule C

C: Nearby neighbour confirms owner will live on upper floors and basement will be for rental. Proponent said the rental suites are affordable housing, but a suite with a view in a new house on Dallas Road will not be affordable, more likely \$2500 to \$3000 a month. Believes the property will be flipped within a couple of years to make a significant profit. Unhappy about people coming into James Bay and changing the neighbourhood for large profits.

Q: Resident who lives in the apt building at Dallas and Boyd Street has a unit on the back of the building and currently has a west facing view. Wants to know if the building is over height, and specifically if it is taller than the building between the apartment and this property?

A: Believes the other building was built under old by-laws. Basically this proposal is the same height of newer townhouses being built on Dallas Rd. It may be slightly higher than the building to the east.

C: Direct neighbour had 5 points of objection: Variance for FSR too large. Almost an increase of two thirds. Structure looks like a box with curve on upper side being the only design characteristic away from a total box. There is no front entry, leading to the only green space being a dead space. Side entry impacts privacy concerns for neighbours and adds to noise factor. Hopes demolition and construction will be done between October and May when residents are not trying to enjoy being outside. Is there a time frame for seeking rezoning from the City?

A: We will assess and consider the information provided at this meeting and will determine how to proceed. We would hope to be able to file an application within a month or so.

C: Dallas Rd resident is opposed to demolition of existing house on property and believes there needs to be variances and rezoning of structure as being proposed. Positioning of garage may be problematic, and who will use the garage – tenants or owner?

**Questions and Concerns - opportunity given to James Bay residents who live beyond 100m from 334 Dallas Road**

Q: Dallas Rd resident is unhappy that this is yet another spot zoning when there are already 700 in James Bay. Questions what the owners will use the parking spaces for, and will the basement suites be used as short-term rentals?

A: There is no intention to have short-term rentals and the owner will provide a covenant on the property for the rental units.

Q: Dock St resident wonders about the size of the rental units and the rent to be charged?

A: There is one unit at 899 sq.ft. and the other is 750 sq.ft. The rent is not known at this point but it will be market rent.

C: St Andrews St resident observed that the presentation identified the rental units as affordable and if so, the rent has to be below market rent. Perhaps clarification would be helpful. Is it market rent or is it below market rent?

A: The proposal is for units that will be market rent. Presenter was using the term that came out of discussion with the City about houseplex.

C: Resident suggests proponent not use the word affordable as it gives an expectation of lower than market rentals. Resident clarifies the total floor area and FSR for R2 as there is typo in handout.

A: After reviewing the handout, proponent agrees that there are typos on the data chart.

Q: Is this a flat roof?

A: Yes.

Q: And what is the height of the basement, ground floor and upper floor?

A: Basement is 8ft. ground floor is 9ft and upper floor 10ft

C: The proponent might alleviate some of neighbours' concerns by reducing the top floor by 1ft.

A: We will look at that.

Q: San Jose St resident comments that height does become a concern for shadow and privacy, and wonders if reducing the height would still require a rezoning?

A: Yes

C: Menzies St resident supports the design and particularly inclusion of 2 suites. Would like to see less parking area and see conversion of garage into a rental unit.

C: Fisherman's Wharf resident asks if the City prohibits use of the garage as more livable space?

A: Yes, that is the regulation.

Q: Clarence St resident wants more info on what a houseplex design is – is it a policy direction or bylaw?

A: Mayor Helps, who was present, responded that the idea is currently a policy direction and the plan is to incorporate it into the zoning bylaws.

C: Pilot St resident likes design, doesn't believe it is a box, feels parking is adequate and that general parking concerns should be taken to the City to address. Supports the suggestion to consider reducing height level of top floor.

## **ATTACHMENT "B":** *Note-e-mails received before/during/after the CALUC meeting*

----- Original Message -----

From: The Mark Imhoff Group XXXXXXXXXXXXXXXX

Date: Thu, May 3, 2018, 18:31

Subject: 334 Dallas

-----

Dear JBNA and Neighbours

I've had an opportunity to consider the proposal for 334 Dallas Road. I have several concerns.

1. The design when first viewed from the rendering looks interesting with its curved upper level wall. Upon closer inspection of the plans and understanding neighbourhood friendly designs; this proposal is a little more than a large box. With no front entry visible from the street the structure is very apartment-building-like in stature, giving it a monolithic look;
2. This monolithic look continues on all 4 sides. You just need to review the plans closely;
3. Although the design requires no setback relief, the home is substantially larger in Floor Space Ratio than allowed. This means requesting three variances: Floor Space Ratio, Total Floor Area and use as a triplex (R-K zoning).

The idea behind Floor Space Ratio Bylaws is to create different designs within the larger allowed building envelope (not necessarily to build to each corner of the allowed setback). The property owner is asking for an increase of more than 50% that is allowable under Single Family (R1-B) or Duplex (R2) guidelines;

- 3.1. The main and upper floor allowable is 3014sqft. This proposal is asking for 3843sqft in this area, an increase of 829sqft or 28%;
- 3.2 The basement area allowable is 1507sqft. This proposal is asking for 1837sqft, an increase of 330sqft or 22%;
- 3.3 The total Floor Space Ratio allowed is 0.5% and this proposal is asking for 0.79% well over the current allowable, 58% more;
4. It's simple to see when you ask for these types of increases and elect to build out to all the corners of your envelope, the massing of the building and the box like design becomes the issue;
5. The design with no front entry does not create a welcome street front presence. Having the entries on both sides of the property will increase foot traffic which will have a greater effect on the Neighbours;
6. Design item critics:
  - 6.1 There is no labeling of the height of the roof parapet wall?
  - 6.2. The hard surface parking and sidewalks partially dictated with side entry's and the need for more parking with the extra suite seams excessive;
  - 6.3 The property is zoned for duplex and that is probably its highest and best use for this lot. There is more value in creating two homes for family ownership rather than an apartment-like-building on a mid-block street lot.
  - 6.4 This is a massive Stucco Box
  - 6.5 Most of the extra space contemplated in this proposal is not for the extra requested suite.
  - 6.6 When a rezoning is considered, consultation and notification with neighbors on design for window placement and privacy should be addressed. None of that was done with this proposal. These plans were merely drawn long prior without any communication to the neighbors.
  - 6.7 I do realize a new home will be built on this lot. I'm concerned this plan of substantially increasing the space has pushed this design. I'm open to development with good planning and neighborhood consultation.

Thank You,  
Mark Imhoff  
Owner 2-338 Dallas





## James Bay Neighbourhood Association

jbna@vcn.bc.ca  
Victoria, B.C., Canada

[www.jbna.org](http://www.jbna.org)

November 21<sup>st</sup>, 2018

Mayor and Council,  
City of Victoria

Dear Mayor Helps and Councilors,

**Re: CALUC Community Meeting - 334 Dallas Street**



This correspondence should be considered a companion letter to the JBNA May 23<sup>rd</sup>, 2018, letter concerning the CALUC review of May 9<sup>th</sup>, 2018.

JBNA was contacted by the proponent with the request that JBNA Board accept the May CALUC review as being current although the 6-month period between the Community Meeting and the proponents submission has lapsed. On November 15<sup>th</sup>, Tim VanAlstine, JBNA CALUC CO-Chair and I met with Miko Betanzo and were advised that some changes had been made to the proposal since the May 9<sup>th</sup> JBNA General Meeting.

The development proposal was opposed by near-by neighbours but supported by those further afield. The discussion was also contentious due to the introduction of a concept not yet discussed in James Bay, and not accompanied by parameters via bylaw, namely a zoning request for a "HousePlex. Most disturbing, was that the proponent said he was "encouraged" by staff to develop a HousePlex whereas Planning had not discussed this concept with the JBNA-DRC or the community at large.

The major change, as relayed by Miko Betanzo, is the creation of a street front entrance for the principal suite in the complex. Given this street change revision, the JBNA Board believes that further public review would not be likely to further alter the project.

For your consideration,

Marg Gardiner  
President, JBNA

Cc: JBNA Board  
Miko Betanzo, CoV Senior Planner  
Raj Sihota, Owner/proponent 7 Ron McNeil, McNeil Building Designs Ltd.



## James Bay Neighbourhood Association

Victoria, B.C., Canada

[www.jbna.org](http://www.jbna.org)

June 7<sup>th</sup>, 2019

Mayor Helps,  
City of Victoria

Dear Mayor Helps,

**Re: Rezoning Application 334 Dallas Road**

The James Bay Neighbourhood Association has been notified of changes to the application to develop the property at 334 Dallas Road. The original application came before the CALUC on May 8, 2018. At that time the proponent indicated that he was advised by the City to seek a "houseplex" zone in order to accommodate his desire to have two rental units in the building.

The term was unfamiliar and the JBNA requested clarification from our Councilor Liaison who was in attendance at the meeting. The Councilor was also unfamiliar with the term and enquiry was made of the Jonathan Tinney, Director of Planning. An explanation was provided. Upon further enquiry, it was confirmed that "houseplex" as a zone does not exist.

In response to the May 16, 2019 revised application for 334 Dallas Road we conducted a search of the City's website and found the term "houseplex" referenced in developing local area plans. We have not found a Council revision to the zoning bylaw to establish a zone called "houseplex". Zoning Regulation Bylaw 80-159 does not contain the word "houseplex". In spite of this, the owner of 334 Dallas Road is applying to rezone his property to the "new houseplex zoning."

While the revised proposal for 334 Dallas Road itself may not warrant another CALUC, the application to establish a new, possibly non-existent zone does cause the JBNA concern.

Before the City proceeds with this application, we ask that full public process be given to the creation of any new zone, such as "houseplex".

We seek your attention to this matter.

Sincerely,

Marg Gardiner,  
President, JBNA

CC: Victoria Councillors  
Planning: Miko Betanzo, Andrea Hudson, Alison Meyers  
VCAN

---

*JBNA ~ honouring our history, building our future*





## James Bay Neighbourhood Association

---

jbna@vcn.bc.ca  
Victoria, B.C., Canada

[www.jbna.org](http://www.jbna.org)

October 23<sup>rd</sup>, 2019

Mayor and Council,  
City of Victoria

Dear Mayor Helps and Councilors,

**Re: CALUC Community Meeting - 334 Dallas Street**

The second community meeting to consider the proposal at 334 Dallas Street was held on October 9<sup>th</sup> (34 attendees). Attached please find an excerpt of the General Meeting minutes regarding the proposal (Attachment "A").

The proposal had first come forward to a JBNA Community Meeting in May, 2018. A letter dated May 23<sup>rd</sup>, 2018, provides a report of that meeting. JBNA had requested a second look at the proposal since in the intervening period we had been notified of several changes with the most recent change requiring a variance due to a change in height.

There was not a pre-meeting for this CALUC. The City distributed 139 Community Meeting Notices.

The proponent stated the rezoning is for a houseplex. There is no such zone in existence in Victoria, and therefore the JBNA considers the proper rezoning is for a triplex.

In general, those present at the meeting thought the current concept was a significant improvement over the 2018 concept; however, concerns of Massing, height and lot site coverage remain.

In the days following the CALUC Community Meeting, the proponents informed JBNA that "*note we will for sure revise to keep house height within zoning and no variance.*"

For your consideration,

Marg Gardiner  
President, JBNA

Cc: JBNA Board  
Chloe Tunis, CoV Planner  
Raj Sihota, Owner/Proponent  
Ron McNeil, McNeil Building Designs Ltd.

**ATTACHMENT “A”:** *Excerpt from Minutes of October 9<sup>th</sup>, 2019 CALUC meeting*

**5. CALUC 334 Dallas Rezoning**

- Raj Sihota, Owner/Proponent
- Ron McNeil, McNeil Building Designs Ltd.

Mr. McNeil suggested that there are two changes of significance [from the 2018 proposal]:

1. The first being that the driveway is now on the east side of the property, as the City identified problems with the driveway on the west due to existing utility poles.
2. The second change is the height. The proponent will be seeking a height variance of 0.2 meters for the roof line as well as for the garage in the back. This is a result of how the City defines height. The garage itself is not oversized, but the owner wanted to put a basement under the garage. This is unusual. The basement under the garage measures 32x36 ft. including the stairwell.

The original plan had a side entrance, but both the City and the neighbours to the east objected so the entrance is now on the street side (Dallas). There is a basement level with a 1 bedroom suite and a 2 bedroom suite. The ground floor is bedrooms with the living area on the 2<sup>nd</sup> floor to maximize views. Landscape plans are slightly modified with change of main entry. There is a deck on the rear of the building.

**Questions/comments:**

Q: Resident within 100 meters, on Dallas Road. When cars are parked in the back, will they have to back out to access Dallas Road?

A: No, there is enough room to turn around.

Q: Resident within 100 meters, in condo Boyd/Dallas. How much taller is this house next to the one on the west side?

A: It is quite a bit higher than the small bungalow, but not much more than the house on the east side. The variance is for 28 centimetres.

Q: Are there any plans to turn the garage into a garden suite?

A: No, there are no plans to do that because the plan is for the 2 suites in the house.

Q: Where are the windows on the east side?

A: Proponent shows windows on slide and confirms windows facing house to the east.

Q: Resident within 100 meters, in condo at Boyd/Dallas. Concern that you will build this building over height. You don't have a variance and you might not get it, but if you build as proposed you will completely eliminate my view of the water. I am at the back of our building and have an open view looking over the breakwater. You want to build the same, slightly more height than the building right next door which is already over height. Can I go to the City to oppose the variance, because I am against the height? The view is the value of my home.

A: Mr. McNeil repeated variance is only for 28 centimetres.

Q: Resident from Lewis Street considers it important to show respect to those concerned about the impact. It is important to respect the views, the sun that exist among those already living in the area. It is a very large building. Resident challenged designer to reconsider the design so that the building does not create adverse consequences for nearby existing residents.

A: It is only a .28 meter variance.

Q: Nearby resident observes that this proposal is considerably higher than existing.

A: That's what happens with development

Q: Several people in James Bay have mobility challenges. How many of the two suites will be accessible? Wants the record to indicate that there should be emphasis on accessible buildings when new builds.

A: There will be space for an elevator in the building and there may be ability to build a ramp for one of the suites. It looks doubtful.

Q: Dallas Road resident ask what are the heights of the ceiling?

A: 8' ceiling in basement and on main floor and 10' ceiling in 2<sup>nd</sup> floor.

C: Can't you lower them to minimize the height?

Q: Niagara Street resident curious about the greenspace. What is the foot print of this proposal? It is unclear how much green space we might lose in the neighbourhood. Are there trees being removed to build the new house? It is always a concern when we lose greenspace in this neighbourhood.

A: There is a fruit tree in the back yard that will be removed. The foot print is larger than existing house and there is the garage as well. There is considerably more pavement.

Q: What is between this house and the property to the east?

A: There is a fence between the two properties.

Q: Is there thought between planting trees instead of a fence?

A: There is just room for a driveway and fence.

Q: Nearby resident questions the number of parking spaces. If there are two suites in addition to the house you could have up to 5 cars.

A: The City bylaw for parking is met. There are 2 spaces for house residents and 1 space for the 2-bedroom suite. It is presumed renter of 1 bedroom suite will not have a car.

C: This is a building in good taste. There are really good points being made here. I think the City is wanting us to improve housing and achieving the allowable height is reasonable when it means offering options for rental.

Q: Next door neighbour to the west. Comments made reflect some issues I was concerned about. The suggestions proposed are easy to address. My property is within the height permitted, there was no variance for my property. There are changes in the neighbourhood and duplexes are always going to replace single family homes. I am not opposed to two suites in this property. One concern is with regard the square footage. Is it really necessary to have more than 5000 sq ft in order to accommodate two additional suites? Usually larger residences have cut outs to minimize the impact, but this is a corner-to-corner build on all sides. The impact on the street front is large and imposing. The basement under the garage is awfully big. Suggest you stay within the allowable height and minimize variances.

Q: Dallas Road resident questions storm water retention under the driveway and thinks a lot of storm water retention will be required because there is a lot of concrete and a huge basement under the garage. Won't the water run onto neighbouring properties?

A: No. An enormous capacity isn't required and the storm retention it is designed according to the size of the roof area. There is a formula applied.

C: Perhaps some permeable paving would be a good idea. Permeable service doesn't require catch basin.

A: Permeable doesn't work when the ground is saturated. The City wants solid surface with a catch basin.

C: You might reconsider permeable pavement because you are taxed at a lower rate.

C: Resident says in fact, more permeable surfaces minimize the amount of storm water runoff. Rather than build a large retention system, increasing the permeable surfaces and eliminating some of the concrete would be an improvement. There is a large amount of concrete on this site.



Sustainable Planning and Community Development  
1 Centennial Square  
Victoria, BC V8W 1P6

# Tenant Assistance Plan

**This form must be submitted with your rezoning or development application. For contact, please send questions to your development services planner.**

## SUMMARY: Instructions and steps for Developers and Property Owners

STEP 1	<b>BACKGROUND:</b> Understand your rights and responsibilities as a landlord. Please review the documents in the background section pertaining to relocating tenants and the City's rental replacement policies.
STEP 2	<b>POLICY APPLICATION:</b> Complete tenant impact assessment to determine the requirements of your application.
STEP 3	Complete application requirement, including: a. Current Site Information b. Tenant Assistance Plan c. Tenant Communication Plan d. Appendix A - Current Occupant Information and Rent Rolls (For office use only) e. Appendix B - Correspondence with Tenants Communication (For office use only)
STEP 4	<b>SUBMIT:</b> Complete form and submit to: a. Email digital copy of plan to <a href="mailto:housing@victoria.ca">housing@victoria.ca</a> (include appendices)
STEP 5	<b>REVISE:</b> Applicant to update and return application requirements with staff input.
STEP 6	<b>FINALIZE:</b> City staff to finalize the review and signs off application requirements and used as attachment for the Committee of the Whole report.

## BACKGROUND: Rights and Responsibilities of Landlords and Tenants

The rights and responsibilities of landlords and tenants are regulated by the Province and is set out in the [Residential Tenancy Act](#).

Please refer to the City of Victoria's [website](#) for more information regarding the City of Victoria's rental housing policies. Supporting documents include:

- Tenant Assistance Instructions and Checklist
- Tenant Assistance Policy
- Frequently Asked Questions
- Sample Letter to Tenants
- Request for Tenant Assistance Form and Privacy Guidelines
- Final Tenant Assistance Report

## POLICY APPLICATION: Tenant Impact Assessment to Determine the Requirements of your Application

Answer the questions below to determine whether a plan is required with your application:

Tenant Impact	Indicate:		Application Requirement
Are you redeveloping or demolishing a building that will result in loss of existing residential units?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	If yes, complete the next question.
Does your work require the permanent relocation of tenant(s) out of the building?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	If yes, complete and submit a tenant assistance plan.
Do you have tenant(s) who have been residing in the building for more than one year?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	If yes, tenants are eligible under the tenant assistance plan

**If any are selected no, then a tenant assistance plan is not required as part of your application.**



# TENANT ASSISTANCE PLAN

## A. Current Site Information

Site Address:	334 Dallas Road
Owner Name:	Rajinder and Jasbir Sihota
Company Name:	
Tenant Relocation Coordinator (Name, Position, Organization):	

### EXISTING RENTAL UNITS

Unit Type	# of Units	Average Rents (\$/Mo.)
Bachelor		
1 BR		
2 BR		
3 BR		
3 BR+	1	\$3,500
Total		

## B. Tenant Assistance Plan

For any renovation or redevelopment that requires relocation of existing tenants, the property owner must create a Tenant Assistance Plan that addresses the following issues:

- Early communication with the tenants
- Appropriate compensation
- Relocation assistance
- Moving costs and assistance
- Right of first refusal

The City has developed a Tenant Assistance Plan template that is available for applicant use. The template includes the required FOIPPA section 27(2) privacy notification which should be identified for tenants.

Please refer to the Tenant Assistance Policy with Tenant Assistance Plan guidelines for Market Rental and Non-Market Rental Housing Development.

### Required under the Residential Tenancy Act

#### Notice to End Tenancies

A landlord may issue a Notice to End Tenancy only after all necessary permits have been issued by the City. In addition, landlords must give four months' notice to end tenancies for renovation, demolition, and conversions. Tenants have 30 days to dispute the notice.

For more information, please refer to the [Landlord Notice to End Tenancy](#).

#### Renovations and Repairs

Renovations and repairs must be so extensive that they require the unit to be empty in order for them to take place, and the only way to achieve the necessary emptiness or vacancy is by terminating a tenancy. The RTA and associated guidelines provide specific guidance pertaining to whether a landlord may end a tenancy in order to undertake renovations or repairs to a rental unit.

For more information, please refer to [Ending a Tenancy for Landlord's use of Property](#).

#### Right of First Refusal

In instances of renovations or repairs requiring vacancy, the RTA requires tenants be offered the right of first refusal to enter into a new tenancy agreement at a rent determined by the landlord. This right of first refusal applies only to a rental unit in a residential property containing 5 or more units, and there are financial penalties for non-compliance.

For more information, please refer to [Tenant Notice: Exercising Right of First Refusal](#).

For full details, please check the Government of British Columbia [website](#).

Tenant Assistance Plan Components	APPLICANT		CITY STAFF
	Tenant Assistance Plan		Did the Applicant meet policy?
	Date:	January 13, 2020	
<b>Compensation</b> Please indicate how you will be compensating the tenant(s).	N/A		Yes  No
<b>Moving Expenses</b> Please indicate how the tenant(s) will receive moving expenses and assistance.	N/A		Yes  No
<b>Relocation Assistance</b> Please indicate how the tenant(s) will receive relocation assistance.	My son has offered a house for rent to the tenants which is available at the end of the lease term (January 1, 2020) My cousin has also offered a house for rent to the tenants which is available also at the end of the lease term (January 1, 2020)		Yes  No
<b>Right of First Refusal</b> Please indicate whether the applicant is offering right of first refusal to the tenant(s). Please indicate your reasoning.	N/A		Yes  No
<b>Tenants Requiring Additional Assistance</b> Please indicate whether there are tenants requiring additional assistance. If so, please indicate how the applicant plans to provide additional support.	N/A		Yes  No
<b>Other Comments</b>			



<b>Tenant Communication Plan Components</b>	<b>APPLICANT</b>	
	<b>Tenant Communication Plan</b>	
	<b>Date:</b>	January 13, 2020
How and when did you inform tenants of the rezoning or development application?	When the current tenants entered into a rental agreement in February 15, 2019, they were advised that the rental would be only to the end of 2019 because the property was being rezoned and house would be demolished or developed. Lease term expires on December 31, 2019.	
How will you be communicating to tenants throughout the rezoning or development application (including decisions made by Council)?	N/A (lease term expired December 31, 2019)	
What kind of resources will you be communicating to your tenants and how will you facilitate tenants in accessing these resources? (Please see the City's website for a list of resources)		
Have tenant(s) confirmed with you whether they request assistance? If so, please indicate the staff responsible or whether a third-party service is requested.		
Other communications notes:		

## FINAL TAP Review - [For City Staff to complete]

Application received by Amanda Blick McStravick (City Staff) on January 13, 2020 (Date)

Did the applicant meet TAP policy?      Yes      ☒      No

Staff Comments on  
final plan:

There are no eligible tenants associated with this application. The last tenancy agreement has expired and the duration was shorter than one year, however the Applicant did offer two alternative accommodations to move on to. Staff believe that communication with that tenant has been transparent, and that no previous tenants have left because of reasons associated with this rezoning application.

**Lacey Maxwell**

---

**From:** Brad Glazer [REDACTED]  
**Sent:** May 9, 2018 7:49 PM  
**To:** Victoria Mayor and Council  
**Cc:** [REDACTED]  
**Subject:** Proposed Development at 334 Dallas Road

Dear Mayor and Council,

My name is Brad Glazer and the duplexes that I live in and own are located at 356 and 358 Sylvia Street. I currently enjoy ocean views from my second floor and am very concerned about the impact the proposed development located at 334 Dallas Road, which is a 2 storey plus basement houseplex, will have on these ocean views. In order to reduce this impact, I'd like to propose that the side yard setbacks be switched so the larger setback of 3.39m is on the east side and the smaller setback of 1.8m is on the west side, which will significantly reduce this impact.

I look forward to hearing from you regarding my concern and proposed solution.

Sincerely yours,

Brad Glazer

## Lacey Maxwell

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**From:** Victoria Mayor and Council  
**Subject:** FW: Changing zoning bylaw

**From:** Pat Machell  
**Sent:** May 11, 2018 11:36 AM  
**To:** Victoria Mayor and Council <mayorandcouncil@victoria.ca>  
**Subject:** Changing zoning bylaw

We attended a meeting at the James Bay new horizons concerning the changing of zoning regulation bylaw from R-2(existing zone) to ? The developers want to change the height of the new zoning bylaw, to accommodate their building plans t 334 Dallas Rd. Small house to the right of the larger house in the picture. Just to point out, the larger house on the left exceeds the 7.6m -R-2 Zone, two family dwelling, by the whole height of the roof. The house the developer is proposing to build is about 2 ft higher. We would like to see the height no higher than what it is zoned for-you can see from the photo a higher building would interfere with our view substantially.

We are against changing the zoning for this lot, for other reasons as well. Would changing the zoning start a precedence for the other 3 lots beside it? I'm not against new homes on this or the others, but would like to maintain the existing zoning regulations. We would not like to see large monster homes along this or any other area on Dallas Rd. Please keep it as it is. Also as you can see from the photo as well , the larger home has 4 outside entrances to apartments, I am assuming he had the zoning changed, after all the other lots are zoned 2 family. The new house the developer proposed, admitted at the meeting will have 3 families.....interesting. We would appreciate any up dates on this matter thank you. Dave and Pat Machell 360 Dallas Rd. [REDACTED]



Sent from my iPad



# A BYLAW OF THE CITY OF VICTORIA

The Council of The Corporation of the City of Victoria enacts the following provisions:

- “3.132 R-98 Dallas Road Multiple Dwelling District”**

- |                            |        |      |
|----------------------------|--------|------|
| READ A FIRST TIME the      | day of | 2020 |
| READ A SECOND TIME the     | day of | 2020 |
| Public hearing held on the | day of | 2020 |
| READ A THIRD TIME the      | day of | 2020 |
| ADOPTED on the             | day of | 2020 |

MAYOR

**PART 3.132 – R-98 ZONE, DALLAS ROAD MULTIPLE DWELLING DISTRICT****3.132.1 Permitted Uses in this Zone**

The following uses are the only uses permitted in this Zone:

- a. Uses permitted in the R-2 Zone, Two Family Dwelling District, subject to the regulations set out in Part 2.1 of the Zoning Regulation Bylaw
- b. Multiple dwelling, subject to the regulations set out in this Part

**3.132.2 Lot Area, Site Area Per Unit, Lot Width**

- |   |                              |
|---|------------------------------|
| a. <u>Lot area</u> (minimum)                                | 665m <sup>2</sup>            |
| b. <u>Site area</u> for each <u>dwelling unit</u> (minimum) | 220m <sup>2</sup>            |
| c. <u>Lot width</u> (minimum)                               | 15m average <u>lot</u> width |

**3.132.3 Floor Area, Floor Space Ratio**

- |   |                   |
|---|-------------------|
| a. Floor <u>area</u> for the first and second storeys combined (maximum)              | 339m <sup>2</sup> |
| b. Total floor <u>area</u> of all levels combined including <u>basement</u> (maximum) | 492m <sup>2</sup> |
| c. <u>Floor space ratio</u> (maximum)   | 0.51:1            |

**3.132.4 Height, Storeys, Roof Decks**

- |   |               |
|---|---------------|
| a. Principal <u>building height</u> (maximum) | 7.6 m         |
| b. <u>Storeys</u> (maximum)                   | 2             |
| c. <u>Roof deck</u>                           | Not permitted |

**PART 3.132 – R-98 ZONE, DALLAS ROAD MULTIPLE DWELLING DISTRICT****3.132.5 Setbacks, Projections**

- a. Front yard setback (minimum) 7.5m

Except for the following maximum projections into the setback:

- steps 1.5m
- b. Rear yard setback (minimum) 13.0m
- c. Side yard setback (east) from interior lot lines (minimum) 1.8m
- d. Side yard setback (west) from interior lot lines (minimum) 3.3m
- e. Separation space between buildings (minimum) 5.0m

**3.132.6 Site Coverage, Open Site Space**

- a. Site Coverage (maximum) 35%
- b. Open site space (minimum) 50%
- c. Open site space, rear yard (minimum) 33%

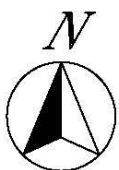
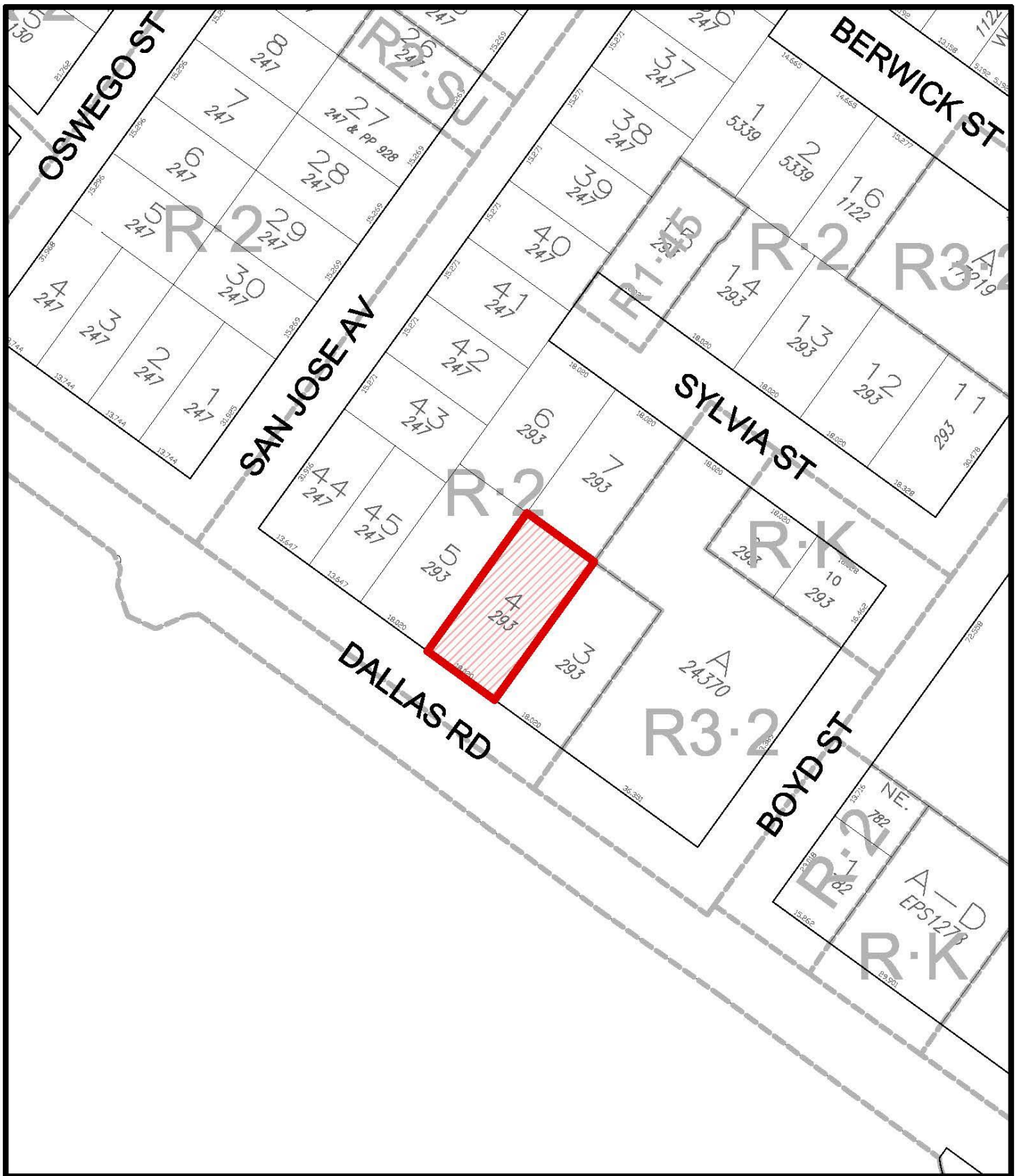
**3.132.7 Outdoor Features**

The setbacks set out in Section 3.132.5 apply to outdoor features as though they are buildings.

Outdoor features shall not exceed a height of 3.5m from natural grade or finished grade, whichever is lower.

**3.132.8 Vehicle and Bicycle Parking**

- a. Vehicle parking (minimum) Subject to the regulations in Schedule "C"
- b. Bicycle parking (minimum) Subject to the regulations in Schedule "C"



334 Dallas Road  
Rezoning No.00674







**HOUSING AGREEMENT**(Pursuant to section 483 of the *Local Government Act*)

BETWEEN:

**THE CORPORATION OF THE CITY OF VICTORIA**#1 Centennial Square  
Victoria, B.C. V8W 1P6(the "**City**")

AND:

RAJINDER SINGH SIHOTA and JASBIR KAUR SIHOTA

334 DALLAS ROAD

VICTORIA, BC

**V8V 1A8**(the "**Owner**")

AND:

ROYAL BANK OF CANADA

A Chartered Bank having a Branch Office at

10 York Mills Road – 3<sup>rd</sup> Floor, Toronto, Canada M2P 0A2(the "**Existing Chargeholder**")**WHEREAS:**

- A. Capitalized terms used herein will have the respective meanings ascribed to them in section 1.1 of this Agreement, unless the context otherwise clearly requires or they are elsewhere defined herein.
- B. Under section 483 of the *Local Government Act* the City may, by bylaw, enter into a housing agreement with an owner regarding the occupancy of the housing units identified in the agreement, including but not limited to terms and conditions referred to in section 483(2) of the *Local Government Act*.
- C. The Owner is the registered owner in fee simple of lands in the City of Victoria, British Columbia, with a civic address of 334 Dallas Road Victoria, B.C. and legally described as:  
  
PID: 009-174-320  
Lot 4 Beckley Farm Victoria City Plan 293  
  
(collectively, the "**Lands**").
- D. The Owner has applied to the City to rezone the Lands to permit a three (3) unit residential development and has agreed to restrict two of the units on the ground floor to rental tenure only for a period of ten years in accordance with this Agreement.

{00014619:4}

- E. The City and the Owner wish to enter into this Agreement, as a housing agreement pursuant to section 483 of the *Local Government Act*, to secure the agreement of the Owner that two basement Dwelling Units within the Development on the Lands will be used and held only as rental housing.

**NOW THIS AGREEMENT WITNESSES** that pursuant to section 483 of the *Local Government Act*, and in consideration of the premises and covenants contained in this agreement (the "**Agreement**"), the parties agree each with the other as follows:

## 1.0 DEFINITIONS

### 1.1 In this Agreement:

"**Business Day**" means Monday to Friday, other than any such day which is a statutory holiday in Victoria, British Columbia;

"**Development**" means the new Three (3) unit building consisting of residential housing and related facilities on the Lands;

"**Dwelling Units**" means any or all, as the context may require, of the Ground Floor Units and "**Dwelling Unit**" means any of such Ground Floor Units located on the Lands;

"**Ground Floor Units**" means the two self-contained residential dwelling units to be located on the ground floor of the Development;

"**Immediate Family**" includes a person's spouse, child, grandchild, parent, grandparent, sibling, niece and nephew, and includes the Immediate Family of the person's spouse;

"**Non-owner**" means a person other than a Related Person or the Owner;

"**Owner**" includes a person who acquires an interest in the Lands or any part of the Lands or the Development and is thereby bound by this Agreement, as referred to in section 8.3;

"**Related Person**" includes, where the registered or beneficial owner of the Lands or Dwelling Unit, as applicable, is:

- (a) a corporation or society:
  - (i) an officer, director, shareholder, or member of such corporation or society, or of another entity which is a shareholder or member of such corporation or society; or
  - (ii) an Immediate Family of a person to whom paragraph (i) applies, or
- (b) an individual, an Immediate Family of the registered or beneficial owner;

"**Strata Corporation**" means, for the portions of the Lands or any building on the Lands that is subdivided under the *Strata Property Act*, a strata corporation as defined in that Act, including the Owner while in control of the strata corporation and subsequently the individual strata lot owners collectively acting as the strata corporation.

{00014619;4}

"**Tenancy Agreement**" means a tenancy agreement pursuant to the *Residential Tenancy Act* that is regulated by that Act.

## **2.0 DWELLING UNITS TO BE USED AND OCCUPIED ONLY AS RENTAL UNITS**

- 2.1** The Owner covenants and agrees that the Dwelling Units shall only be used as rental housing for a period of Ten (10) years from the date the City issues an occupancy permit for the Development (the "Restricted Period") and for that purpose shall only be occupied by a Non-owner under the terms of a Tenancy Agreement between the Owner and the Non-owner who occupies the Dwelling Unit.

## **3.0 NO RESTRICTIONS ON RENTALS**

- 3.1** The Owner covenants and agrees that during the Restricted Period, the Owner shall not take any steps, or enter into any agreements, or impose any rules or regulations whatsoever, the effect of which would be to prevent or restrict the Owner of a Dwelling Unit from renting that Dwelling Unit to a Non-owner under the terms of a Tenancy Agreement.
- 3.2** Without limiting the generality of section 3.1, the Owner covenants and agrees that it will not make application to deposit a strata plan for or in respect of the Lands or a building on the Lands unless the strata bylaws in no way restrict rental of any Dwelling Unit to a Non-owner under the terms of a Tenancy Agreement.

## **4.0 REPORTING**

- 4.1** The Owner covenants and agrees to provide to the City's Director of Sustainable Planning and Development, within thirty (30) days of the Director's written request, a report in writing confirming that:

- (a) the Dwelling Units are being rented to Non-owners or are vacant, and
- (b) all other requirements of this Agreement are being complied with by the Owner and the Development,

along with such other information as may be requested by the Director from time to time.

- 4.2** The Owner hereby authorizes the City to make such inquiries as it considers necessary in order to confirm that the Owner is complying with this Agreement.
- 4.3** The Owner acknowledges that it is within the City's sole discretion to consent or not to consent to modifications of this Agreement and that such consent may be withheld for any reason.

## **5.0 NOTICE TO BE REGISTERED IN LAND TITLE OFFICE**

- 5.1** Notice of this Agreement (the "**Notice**") will be registered in the Land Title Office by the City at the cost of the Owner in accordance with section 483 of the *Local Government Act*, and this Agreement is binding on the parties to this Agreement as well as all persons who acquire an interest in the Lands after registration of the Notice.

{00014619;4}

## **6.0 LIABILITY**

- 6.1** The Owner agrees to indemnify and saves harmless the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from all claims, demands, actions, damages, costs and liabilities, which all or any of them shall or may be liable for or suffer or incur or be put to by reason of or arising out of failure of the Owner to comply with the terms and conditions of this Agreement, or otherwise that would not have arisen "but for" this Agreement.
- 6.2** The Owner hereby releases and forever discharges the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from any and all claims, demands, actions, damages, economic loss, costs and liabilities which the Owner now has or hereafter may have with respect to or by reason of or arising out of the fact that the Lands are encumbered by and affected by this Agreement, or otherwise that would not have arisen "but for" this Agreement.

## **7.0 PRIORITY AGREEMENT**

- 7.1** The Existing Chargeholder, as the registered holder of a charge by way of Mortgage against the Lands, which said charges are registered in the Land Title Office at Victoria, British Columbia, under number CA7893482 for and in consideration of the sum of One Dollar (\$1.00) paid by the City (the receipt whereof is hereby acknowledged), agrees with the City that upon filing of a Notice with the Land Title Office that the Lands are subject to this Agreement, pursuant to section 483(5) of the *Local Government Act*, this Agreement shall be an encumbrance upon the Lands in priority to the said charges in the same manner and to the same effect as if Notice had been filed prior to the said charges.

## **8.0 GENERAL PROVISIONS**

- 8.1 NOTICE.** If sent as follows, notice under this Agreement is considered to be received:

- (a) upon confirmation of delivery by Canada Post if sent by registered mail,
- (b) on the next Business Day if sent by facsimile or email with no notice of failure to deliver being received back by the sender, and
- (c) on the date of delivery if hand-delivered, and

in the case of the City, addressed to:

City of Victoria  
#1 Centennial Square  
Victoria, BC V8W 1P6

Attention: Director of Sustainable Planning and  
Community Development  
Fax: 250-361-0386  
Email: [khoese@victoria.ca](mailto:khoese@victoria.ca)



and in the case of the Owner, addressed to:

334 Dallas Road  
Victoria, BC V8V 1A8

Attention: Rajinder Singh Sihota  
Email: raj727@gmail.com

or upon registration of a strata plan for the Lands, to the Strata Corporation, and to the Owner of any Dwelling Unit that is subject to the restrictions under section 2.1.

If a party identifies alternate contact information in writing to another party, notice is to be given to that alternate address.

If normal mail, email or facsimile service is interrupted by strike, work slowdown, force majeure, or other cause,

- (d) notice sent by the impaired service is considered to be received on the date of delivery, and
- (e) the sending party must use its best efforts to ensure prompt receipt of a notice by using other uninterrupted services, or by hand-delivering the notice.

**8.2 TIME.** Time is of the essence of this Agreement.

**8.3 BINDING EFFECT.** This Agreement will enure to the benefit of and be binding upon the parties hereto and their respective heirs, administrators, executors, successors, and permitted assignees. In accordance with section 483(6) of the *Local Government Act*, this Agreement and all obligations hereunder is binding on all who acquire an interest in the Lands, and the Owner only during the Owner's ownership of any interest in the Lands, and with respect only to that portion of the Lands of which the Owner has an interest.

**8.4 WAIVER.** The waiver by a party of any failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement is not to be construed as a waiver of any future or continuing failure, whether similar or dissimilar.

**8.5 HEADINGS.** The division of this Agreement into articles and sections and the insertion of headings are for the convenience of reference only and will not affect the construction or interpretation of this Agreement.

**8.6 LANGUAGE.** Words importing the singular number only will include the plural and vice versa, words importing the masculine gender will include the feminine and neuter genders and vice versa, and words importing persons will include individuals, partnerships, associations, trusts, unincorporated organizations and corporations and vice versa.

**8.7 LEGISLATION.** Reference to any enactment includes any regulations, orders or directives made under the authority of that enactment, and is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided.

{00014619:4}

- 8.8 EQUITABLE REMEDIES.** The Owner acknowledges and agrees that damages would be an inadequate remedy for the City for breach of this Agreement and that the public interest strongly favours specific performance, injunctive relief (mandatory or otherwise), or other equitable relief, as the only adequate remedy for a default under this Agreement
- 8.9 CUMULATIVE REMEDIES.** No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.
- 8.10 ENTIRE AGREEMENT.** This Agreement when executed will set forth the entire agreement and understanding of the parties as at the date it is made.
- 8.11 FURTHER ASSURANCES.** Each of the parties will do, execute, and deliver, or cause to be done, executed, and delivered all such further acts, documents and things as may be reasonably required from time to time to give effect to this Agreement.
- 8.12 AMENDMENT.** This Agreement may be amended from time to time, by consent of the Owner and a bylaw duly passed by the Council of the City and thereafter if it is signed by the City and the Owner.
- 8.13 LAW APPLICABLE.** This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.
- 8.14 NO DEROGATION FROM STATUTORY AUTHORITY.** Nothing in this Agreement shall:
- (a) limit, impair, fetter or derogate from the statutory powers of the City all of which powers may be exercised by the City from time to time and at any time to the fullest extent that the City is enabled and no permissive bylaw enacted by the City, or permit, licence or approval, granted, made or issued thereunder, or pursuant to statute, by the City shall estop, limit or impair the City from relying upon and enforcing this Agreement; or
  - (b) relieve the Owner from complying with any enactment, including the City's bylaws, or any obligation of the Owner under any other agreement with the City.
- 8.15 SEVERABILITY.** If any section, term or provision of this Agreement is found to be partially or wholly illegal or unenforceable, then such sections or parts will be considered to be separate and severable from this Agreement and the remaining sections or parts of this Agreement, as the case may be, will be unaffected thereby and will remain and be enforceable to the fullest extent permitted by law as though the illegal or unenforceable parts or sections had never been included in this Agreement.
- 8.16 JOINT AND SEVERAL.** The Owner, if more than one, are jointly and severally obligated to perform and observe each and every of the covenants, warranties and agreements herein contained by the Owner to be observed and performed.
- 8.17 COUNTERPARTS.** This Agreement may be executed in counterparts and delivered by emailed PDF file, each of which will have the same effect as if all parties had signed the same document. Each counterpart shall be deemed to be an original. All counterparts shall be construed together and shall constitute one and the same Agreement.
- 8.18 EFFECTIVE DATE.** This Agreement is effective as of the date of the signature of the last party to sign.

{00014619;4}

IN WITNESS WHEREOF the parties hereto have set their hands and seals as of the day and year last below written.

THE CORPORATION OF THE CITY OF  
VICTORIA by its authorized signatories:

Karen Hoese, Director of Sustainable Planning  
and Community Development

Date signed: \_\_\_\_\_

SIGNED, SEALED AND DELIVERED  
In the presence of:

Witness

S. BRUCE CORNFIELD  
Barrister & Solicitor  
#305 - 771 Vernon Avenue  
Victoria, B.C. V8Y 5A7  
(as to both signatories)

Occupation \_\_\_\_\_  
Date signed: June 2nd 2020

RAJINDER SINGH SIHOTA

JASBIR KAUR SIHOTA

ROYAL BANK OF CANADA  
by its authorized signatory(ies):

Print Name: SARRINA CURTIS Team Leader

Print Name: GILLIAN TSENG Team Leader

Date signed: June 26, 2020



OLIVER SORIANO MANUABA, Notary Public  
City of Toronto. Limited to the attestation of  
Instruments and the taking of affidavits for  
The Royal Bank of Canada, Royal Trust Corporation  
of Canada and The Royal Trust Company.  
Expires, November 20, 2022.

ROYAL BANK OF CANADA

10 York Mills Rd., Toronto, ON M2P 0A2

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## Council Report

For the Meeting of October 8, 2020

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**To:** Council **Date:** September 24, 2020

**From:** Karen Hoes, Director, Sustainable Planning and Community Development

**Subject:** **Next Generation House Conversion Regulations (Schedule G and Schedule C of Zoning Regulation Bylaw 80-159)**

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### RECOMMENDATION

1. That Council give first and second reading and direct staff to set the public hearing for the attached Zoning Regulation Bylaw Amendment Bylaw No. 20-077 to amend Schedule A by replacing Schedule G – House Conversion Regulations and amending Schedule C – Off-Street Parking Regulations of the Zoning Regulation Bylaw.

### EXECUTIVE SUMMARY

On March 12, 2020 Council passed the following motion:

1. *That Council direct staff to prepare bylaws to amend Schedule G - House Conversion Regulations and Schedule C - Off Street Parking Regulations of the Zoning Regulation Bylaw, consistent with this report, in order to:*
  - a. *change the qualifying year of construction;*
  - b. *reduce restrictions on exterior changes;*
  - c. *clarify and expand opportunities to utilize under-height basements;*
  - d. *allow attic spaces to be developed;*
  - e. *allow vehicle car parking in front yard (for non-heritage properties);*
  - f. *increase and incentivize permitted number of units;*
  - g. *allow windows and doors on front elevations;*
  - h. *remove parking requirements; and*
  - i. *require bicycle parking.*
2. *That Council direct staff to monitor the impact of the Next Generation Conversion Regulations, with particular attention paid to buildings with heritage value, and prepare an update report to Council within two to three years (once meaningful observations can be made), noting that staff would report back earlier in the event that a pattern of*




*negative impacts to buildings with heritage value or other concerning trends are observed.*

3. *That Council direct staff to monitor the impact of removing parking requirements and prepare an update to Council within two to three years (once meaningful observations can be made) noting that staff would report back earlier in the event of a negative pattern emerging.*
4. *That Council direct staff to continue to explore and bring forward items for Council's consideration that are listed in the "Sprint Option" of the Committee of the Whole Report dated December 5, 2019, as opportunities for improvements/expansion (e.g. green building incentive program) present themselves, noting that a more fulsome review and accounting of progress towards sprint goals would be included in the two to three year review report.*
5. *That Council direct staff to develop a design guidance document to provide advice aimed at advancing high-quality design that respects the local context and addresses potential neighbourliness impacts.*

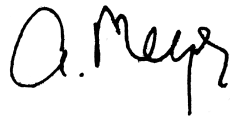
As outlined in the March 12<sup>th</sup>, 2020 Council motion, should the bylaws be adopted staff will monitor and report back on the bylaw changes and will continue to develop a design guidance document and explore further opportunities for improvement/expansion for house conversions.

The staff report introducing this matter to the December 5<sup>th</sup>, 2019 Committee of the whole meeting is attached as Appendix C. March 5<sup>th</sup>, 2020 Committee of the whole staff update report outlining feedback from the public consultation period and providing final recommendations is attached as Appendix D.

Respectfully submitted,



Chloe Tunis  
Planner  
Development Services Division



Karen Hoese, Director  
Sustainable Planning and  
Community Development Department

Report accepted and recommended by the City Manager:



Date: October 1, 2020

#### List of Attachments

- Attachment A: Zoning Regulation Bylaw, Amendment Bylaw Amendment Bylaw No. 20-027 (Schedule C Off-Street Parking Regulations and Schedule G House Conversion Regulations)
- Attachment B: December 5, 2019 staff report
- Attachment C: March 5, 2020 staff report.

## A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw by adding new off-street parking provisions for house conversions to Schedule C – Off-Street Parking, and replacing Schedule G – House Conversion Regulations with new house conversion regulations in order to yield additional opportunities for house conversions in the City.

The Council of The Corporation of the City of Victoria enacts the following provisions:

- 1 This Bylaw may be cited as the “ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 1231)”.
- 2 Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended as follows:
  - (a) Schedule C – Off-Street Parking is amended:
    - (i) In section 1, by adding the following new row in Table 1: Minimum Number of Required Vehicle Parking Spaces, directly below the row for “Assisted Living Facility”:

Use or Class of Use	Minimum Parking Spaces	Minimum Visitor Parking Spaces
<u>Two Family Dwelling or Multiple Dwelling - House Conversion</u> (Building converted to <u>two family dwelling</u> or <u>multiple dwelling</u> as a <u>house conversion</u> in accordance with Schedule “G”)	n/a	n/a

- (ii) In section 1, by adding the following new row in Table 2: Minimum Number of Required Bicycle Parking Spaces, directly below the row for “Single Family Dwelling, Two Family Dwelling, Semi-attached Dwelling, Secondary Suite, Garden Suite”:

Use or Class of Use	Minimum Number of Long Term Bicycle Parking Spaces	Minimum Number of Short Term Bicycle Parking Spaces
<u>Two Family Dwelling or Multiple Dwelling - House Conversion</u> (Building converted to <u>two family dwelling</u> or <u>multiple dwelling</u> as a <u>house conversion</u> in accordance with Schedule “G”)	1 per <u>dwelling unit</u> , except where the <u>dwelling unit</u> has access to a private garage	n/a

- 3 The Zoning Regulation Bylaw is further amended by repealing the entire Schedule G –  
House Conversion Regulations and replacing it with Schedule 1 of this Bylaw.

4 This Bylaw comes into force on adoption.

CITY CLERK \_\_\_\_\_ MAYOR \_\_\_\_\_

**SCHEDULE G - HOUSE CONVERSION REGULATIONS****1. Permitted Uses as a result of House Conversions**

The only uses created as a result of a house conversion are those listed in the left hand column of this section 1 provided that the conditions in the corresponding right hand column have been met.

- |  |   |
|--|---|
| a. <u>Two family dwelling</u> or <u>multiple dwelling</u>  | If the <u>building</u> was constructed as a <u>single family dwelling</u> or <u>two family dwelling</u> prior to 1984.  |
| b. <u>Boarding house</u> , <u>rooming house</u> , <u>housekeeping apartment building</u> , <u>rest home - class "B"</u> , or <u>kindergarten</u> | If the <u>building</u> was constructed as a <u>single family dwelling</u> prior to 1931 and has an existing <u>lot area</u> of 670m <sup>2</sup> and a <u>width</u> of not less than 18m, except when located in the R1-A Zone which requires an existing <u>lot area</u> of 740m <sup>2</sup> and a <u>width</u> of not less than 24m. |

**2. Restrictions for Strata Lots and Multiple Uses**

- |                                  |   |
|----------------------------------|---|
| a. Restrictions on strata lots   | <u>House conversions</u> are not permitted on any <u>lot</u> or in any <u>building</u> where strata lots have been created.                 |
| b. Restrictions on multiple uses | A <u>building</u> that has been converted to any use set out in section 1 of this Schedule "G" may not contain more than one permitted use. |

**3. Restrictions on Changes**

- |                                   |  |
|-----------------------------------|--|
| a. General Restriction on Changes | None of the changes listed in subsection (b) shall: <ul style="list-style-type: none"> <li>i. have been made to a <u>building</u> for 5 years prior to the commencement of a use created as a result of a <u>house conversion</u>, or</li> <li>ii. be permitted after the new use created as a result of a <u>house conversion</u> has commenced.</li> </ul> |
| b. Restricted Changes             | <ul style="list-style-type: none"> <li>i. The addition of any steps, staircases, decks or porches exceeding 1.5m in height on a <u>building</u> façade facing a street.</li> <li>ii. Any extension to a <u>building</u> that creates additional enclosed floor <u>area</u>.</li> <li>iii. Raising the <u>building</u> more than 0.6m.</li> </ul>             |



**SCHEDULE G - HOUSE CONVERSION REGULATIONS**

## c. Permitted Changes

Notwithstanding any language to the contrary in subsection (b), none of the following changes are restricted:

- i. Changes to a building façade where the purpose and effect of the changes are to return the building to its original exterior finish;
- ii. New windows or doors;
- iii. The addition of floor area or storeys that are within the existing building footprint by
  - A. adding dormers,
  - B. raising the building to a maximum of 0.6m (not including the additional height created by adding dormers), or
  - C. converting an attached garage to living space;
- iv. An extension to a building not greater in area than the bicycle parking area required by Schedule "C", provided that:
  - A. the extension is required in order to satisfy the bicycle parking area requirements of Schedule "C", and
  - B. the bicycle parking is located within the primary building;
- v. Changes to a building that was converted to any of the uses in this Schedule prior to June 28, 1984;
- vi. An addition to a two family dwelling, boarding house, rooming house, housekeeping apartment building, rest homes - class "B", multiple dwelling, or kindergarten converted prior to June 28, 1984 to a maximum of 333m<sup>2</sup> including the area of all floors;
- vii. Any additional steps added to an existing staircase as a result of raising a building or adjusting staircases to meet existing British Columbia Building Code requirements;
- viii. The addition of a main floor access ramp within the front yard of any building that is used as a rest home - class "B".

## d. Changes set out in section 3(b)(ii) are deemed to affect the density of land.

**SCHEDULE G - HOUSE CONVERSION REGULATIONS****4. Number of Self-Contained Dwelling Units Permitted in a House Conversion**

- a. The maximum number self-contained dwelling units permitted in a multiple dwelling or a two family dwelling shall be determined as follows:

Number of <u>self-contained dwelling units</u>	Required minimum habitable floor <u>area</u> per building	Required minimum habitable floor <u>area</u> per <u>building</u> that is: i. heritage designated; ii. rental in perpetuity; or iii. <u>affordable</u> in perpetuity	Required minimum habitable floor <u>area</u> per <u>building</u> that is heritage designated and: i. rental in perpetuity; or ii. <u>affordable</u> in perpetuity
2	150m <sup>2</sup>	100m <sup>2</sup>	80m <sup>2</sup>
3	250m <sup>2</sup>	200m <sup>2</sup>	175m <sup>2</sup>
4	350m <sup>2</sup>	250m <sup>2</sup>	240m <sup>2</sup>
5	450m <sup>2</sup>	300m <sup>2</sup>	280m <sup>2</sup>

For each additional self-contained dwelling unit an additional 46m<sup>2</sup> of habitable floor area is required.

**5. Minimum floor area for Individual Dwelling Units**

- a. two family and multiple dwelling units (minimum) 33m<sup>2</sup>
- b. housekeeping apartment units (minimum) 25.5m<sup>2</sup> exclusive of any common or shared space

**6. Storeys**

Notwithstanding Section 14(2)(b) of the General Regulations and any provision of Schedule "B", the maximum number of storeys for a house conversion is as follows:

- a. In R1-A - Rockland Single Family Dwelling District zone 2 ½ storeys
- b. In R1-B - Single Family Dwelling District zone 2 ½ storeys
- c. In R1-G - Gonzales Single Family Dwelling District zone
- i. where no basement 2 ½ storeys
  - ii. where basement 2 storeys
- d. In all other zones 2 ½ storeys

**SCHEDULE G - HOUSE CONVERSION REGULATIONS****7. Landscaping, Screening and Parking**

- |  |   |
|--|---|
| a. Landscaping (minimum)   | Not less than 33% of the surface <u>area</u> of the <u>rear yard</u> and not less than 30% of the surface <u>area</u> of the entire <u>lot</u> shall be maintained in a landscaped condition, and used for no other purpose |
| b. Side <u>lot</u> line landscaping for unenclosed parking (minimum) | 0.6m wide with a <u>landscape screen</u> of at least 1.5m in height   |
| c. <u>Rear lot line</u> landscaping for unenclosed parking (minimum) | 1.5m wide with a <u>landscape screen</u> of at least 1.8m in height   |
| d. Vehicle parking   | Subject to the Regulations in Schedule "C"  |
| e. Bicycle parking   | Subject to the Regulations in Schedule "C"  |



## Committee of the Whole Report

### For the Meeting of December 5, 2019

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**To:** Committee of the Whole **Date:** November 20, 2019

**From:** Andrea Hudson, Acting Director, Sustainable Planning and Community Development

**Subject:** Next Generation Conversion Regulations – Proposed Changes

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## RECOMMENDATION

That Council direct staff to:

1. Undertake consultation, as outlined in this report, on the following proposed changes to the *Zoning Regulation Bylaw* Schedule G – Housing Conversion Regulations and Schedule C – Off-Street Parking Regulations described as the 'Run' option:
  - a. Change the qualifying year of construction
  - b. Reduce restrictions on exterior changes
  - c. Clarify and expand opportunities to utilize under-height basements
  - d. Allow attic spaces to be developed
  - e. Allow vehicle car parking in front yard (for non-heritage properties)
  - f. Increase and incentivize permitted number of units
  - g. Allow windows and doors on front elevations
  - h. Decrease parking requirements
  - i. Require bicycle parking
  - j. Allow exemptions for required bicycle parking
2. Report back to Council with feedback from consultation and final recommendations for amendments to the *Zoning Regulation Bylaw*.

## EXECUTIVE SUMMARY

Over the last several decades, the Conversion Regulations have facilitated the creation of a significant number of residential units and housing choice by repurposing large, existing single-family houses into smaller residential units. This has been accomplished in a manner that has had the side benefit of preserving the existing character of many of Victoria's neighbourhoods, adding to the stock of heritage-designated and registered properties and diverting demolition waste from landfills. While the current regulations are considered to be very successful, the "Next Generation Conversion Regulations" are required to ensure the ongoing health and vitality of the program.

The proposed changes represent an opportunity to "refresh" the program in order to reflect evolving community values and to yield additional opportunities for houses to be converted to suites, in order to ultimately increase the number and range of housing units available.



The report presents three options for Council's consideration, which are characterized as "Walk," "Run" and "Sprint." While staff recommend the middle "Run" option, it should be noted that this approach provides an ambitious and robust list of benefits, that would:

- make it easier to convert a house to multiple units
- facilitate the creation of more units
- incentivize heritage designation as well as the creation of rental, affordable rental and affordable home ownership units.

Although during the strategic planning sessions Council discussed the benefits of having staff simply bring forward the bylaw amendments that would update the Conversion Regulations to accelerate the creation of additional housing, the degree of change presented in the "Run" option would benefit from focused community consultation, as outlined in this report.

## **PURPOSE**

The purpose of this report is to outline a series of potential changes to the House Conversion Regulations and seek Council's direction regarding the preferred approach for moving forward.

## **BACKGROUND**

### **Description of Proposed Changes**

Although the report outlines three potential approaches, categorized as "Walk," "Run" and "Sprint," staff recommend taking the middle "Run" option, which would:

- make it easier to convert a house to multiple units
- facilitate the creation of more units
- incentivize heritage designation as well as the creation of rental, affordable rental and affordable home ownership units.

Proposed changes include:

- allowing additional conversions by changing the qualifying year of construction
- expanding opportunities to incorporate under-utilized basement and attic space
- increasing and incentivizing the permitted number of units
- relaxing restrictions related to the degree of exterior change that is permitted
- revising parking and bike parking requirements.

While the "Run" approach is ambitious in terms of its aim to facilitate additional housing, it is balanced with a number of regulations aimed at minimizing negative impacts to neighbourhood character, context and privacy to help ensure that house conversions continue to be welcome additions within neighbourhoods.

## **Relevant History**

The House Conversion Regulations, contained in Schedule G of the *Zoning Regulation Bylaw*, were first established in the 1950's. The intent was to offer a viable option for re-purposing larger, older houses, as it was recognized that there was a significant stock of houses built at the turn-of-the-century which were designed to accommodate large families and/or staff and that no longer served their intended purpose and could be redesigned to accommodate a number of smaller suites. The conversion regulations were structured to allow property owners to convert qualifying

single family dwellings to a set number of self-contained dwelling units, based on the overall floor area of the building, with larger buildings allowing a greater number of units and smaller buildings allowing fewer.

These regulations have had the intended effect of facilitating many conversions throughout the City, resulting in what could be described as small multiple dwelling buildings nested within existing homes in low density neighbourhoods, with little disruption to the immediate neighbours or the existing character of the area. These regulations also assisted in the diversion of a significant amount of building waste from the landfill and preserving existing housing stock, including many character homes.

Many heritage-registered and heritage-designated homes are conversions; however, there is currently no incentive to heritage designate a home unless the conversion requires rezoning. Staff's assessment is that the program has been a great success; however, many of the buildings that could easily be converted have been, resulting in a reduced number of building permit applications to convert houses in recent years.

For the most part, conversions are handled through a simple Building Permit process. Occasionally, but more frequently in recent years as the most viable candidate properties have already been converted, some small variances to the regulations have been approved either through a Board of Variance or Council process. In some other instances, rezoning applications have been supported by Council to facilitate conversions where the density or use restriction could not be met. When applications go through these additional processes, more staff time is required and there is a higher level of risk and costs for applicants.

In addition to allowing conversion of single-family dwellings to multiple units, the Conversion Regulations also allow kindergartens (daycares and pre-schools), light-housekeeping units, boarding houses and rooming houses. Despite these other permitted uses, this report focuses on the conversion of buildings to multiple residential units only.

A direction contained in the City of Victoria Strategic Plan, 2019 – 2022, identifies that staff should accelerate implementation of the Victoria Housing Strategy by developing a “city-wide strategy for additional house conversion opportunities” and “incentivize and mandate the creation of family-appropriate two and three bedroom rental units.” As part of the Council deliberations during the 2019 budgeting process at the February 5, 2019 Special Committee of the Whole meeting, Council suggested that one approach that would reduce the amount of staff time needed to revamp the Conversion Regulations was for staff, based on their knowledge and experience, to bring forward proposed bylaw changes. To that end, specific regulatory details of the conversion regulations are discussed in the Analysis section of this report, describing both the current regulations and how they could be modified to improve the program and/or facilitate additional conversions. A focused phase of consultation is, however, still recommended in order to communicate the details of the intended changes and to help “proof” the proposed regulations against unintended consequences.

## **ANALYSIS**

This section provides a discussion of key factors that should be considered in relation to potential changes to the Conversion Regulations:

- housing affordability and choice
- heritage conservation

- neighbourhood character
- impact on the urban forest
- climate action
- transportation - parking
- site servicing and construction
- community consultation
- proposed zoning changes:
  - change the qualifying year of construction
  - reduce restrictions on exterior changes
  - clarify and expand opportunities to utilize under-height basements
  - allow attic spaces to be developed
  - allow vehicle parking in front yard
  - increase and incentivize permitted number of units
  - allow new windows and doors on front elevation
  - decrease parking requirement
  - require bicycle parking
  - allow floor area exemption for required bicycle parking
- potential future work.

## **Housing Affordability and Choice**

House Conversions increase the supply of ground-oriented housing within neighbourhoods, which has a positive impact on overall housing prices as well as on individual units within conversions, which will generally be less expensive than a single family or duplex unit on the same property. Additionally, house conversions often provide rental housing stock. One of the proposed changes would incentivize applications that offer secure rental housing and/or affordable rental or home ownership by allowing a greater number of units per floor area and requiring a lower level of parking. This provision is discussed in more detail below.

In 2018, an Infill Analysis Report prepared for the City by Urbanics Consultants as part of the Local Area Planning process, found that in the Fairfield and Gonzales neighbourhoods, out of a range of infill rental options, conversions were the most likely to be financially viable. Further, the report found that in these neighbourhoods, conversions were likely to be particularly attractive redevelopment option for homeowners as compared to developers. Staff observations would suggest many applicants are prospective homeowners or existing homeowners looking to stay on site and add rental units that would increase the affordability of their own housing costs.

Another advantage of House Conversions is that, in part because of need to adapt to an existing floor plan, they typically result in a range of unit types including multiple bedroom units, usually within each building that is converted. This creates a healthy mix of unit types available for future residents.

It is worth noting that new opportunities for conversions may make it more attractive to redevelop existing rental properties and, as with any redevelopment, this could result in the existing tenants being displaced. Existing rental units that may be redeveloped for a house conversion include both approved and non-approved units within conversions or secondary suites within single family houses. House conversions containing housekeeping or rooming houses – which are rooms or units that are not self-contained and share some level of shared washroom or cooking facilities – may also become viable to redevelop into self-contained rental or strata units. However, on balance staff recommend that the potential for additional units created via the proposed changes

would far exceed the number lost through the redevelopment of properties that already have more than one unit.

### **Heritage Conservation**

As noted earlier, many conversions have been heritage-designated while others have been added to the Heritage Register, which provides valuable heritage resources that add to the urban fabric and remain available as an asset for future generations to enjoy. Additionally, even if a building associated with a house conversion is not heritage-designated or heritage-registered, the overall structure and often the architectural details are retained, allowing for consideration of heritage designation or listing on the Heritage Register at a later date.

One of the proposed changes would incentivize applications that offer to heritage designate their property by allowing a greater number of units per floor area. This provision would be applicable where it is determined that the property has heritage value and a Heritage Designation Bylaw is adopted for the property through the normal City process. This incentive would also be applicable for houses that are currently heritage-designated, to support their ongoing use. Any resulting exterior changes would continue to require a heritage alteration permit to ensure consistency with heritage standards and guidelines.

### **Neighbourhood Character**

For the most part, conversions can be accommodated within existing neighbourhoods with little disruption to the immediate neighbours and in a manner that maintains the look and feel of the local area. In this way, conversions are usually seen as a positive influence within neighbourhoods as investment and upgrades of these existing buildings are encouraged.

### **Impact on Urban Forest**

Converting existing houses to multiple units has a significantly lower impact on the urban forest than most other forms of development because it reuses an existing building within an existing building footprint. The current conversion regulations do not allow additions outside the existing building envelope.

The process of conversion usually results in adding hard surfaces to the rear yard for vehicle parking, which can impact existing trees and limit the space available to accommodate new trees. Reducing the parking requirement would allow for greater tree retention and provide additional space to plant new trees. Potential changes related to parking requirements are further discussed below.

### **Climate Action**

Buildings account for 51% of the City's total greenhouse gas emissions and energy efficiency retrofits present the largest opportunity to reduce these emissions. The Climate Leadership Plan sets targets whereby all existing buildings will be highly energy efficient and will all be powered with renewable energy by 2050. Victoria's building stock is aging, with 70% of the existing units built prior to 1970. For many of these buildings, aging conditions make for poor energy performance and many still use fossil fuel heating systems. Expanding the number of potential house conversions may give the City additional opportunities to intervene through touchpoints where low carbon heating systems and energy efficiency measures can be encouraged as part of the conversion process. New Provincial building retrofit standards as well as a number of



reward programs are anticipated to be announced in the coming months. Once this information is available, staff will be in a better position to assess and make recommendations about expanding the proposed incentive program to include energy efficient/passive renovations; this opportunity has been included below in the section outlining Potential Future Work.

### **Transportation – Parking**

The recommended changes include a reduction in parking requirements for conversions in heritage-designated houses, affordable rental, and secured below-market home ownership. During the recent update of the Off-Street Parking Regulations, an analysis of parking demand found that average vehicle ownership rates are lower in rental units compared to condominiums, and that average vehicle ownership for non-market affordable housing is much lower than the average. For heritage-designated houses, a lower parking requirement would help to retain the character of the property by preserving more of the existing landscaped areas.

While a full analysis and consultation has not been conducted for these proposed reductions, the recommendations also include more stringent long-term bicycle parking requirements which could potentially offset a portion of the additional vehicle parking demand. These recommended changes are described further in the Proposed Zoning Changes section.

While reducing minimum parking requirements is recommended, applicants could still choose to provide a number of parking stalls that exceeds the Zoning Bylaw requirement in order to meet market demand.

### **Site Servicing and Construction**

Because existing buildings that were originally designed for larger families are being repurposed, the impact on site servicing such as storm drain, sanitary sewer or water connections can sometimes result in significant project costs. It is also important to note that the types of appliances people expect in their homes (dishwashers, washing machines, multiple bathrooms) has changed, and if a single family house is reconfigured to accommodate multiple units, each with a demand for its own appliances, additional burden is placed on City services.

Depending on the scale of the conversion, site servicing upgrades may be required to accommodate the additional demand as many of the older homes are not up to current City Standards or current building and plumbing codes. Therefore, this can also be an opportunity to upgrade services that do not meet today's standards. The drawback would be that upgrades can add quite a bit of cost to a conversion project, and digging up existing services and/or trenching for new services can be disruptive to existing trees and can at times limit locations available for planting new trees.

### **Community Consultation**

As noted earlier in this report, on February 5<sup>th</sup>, 2019 as part of Council's discussion in conjunction with establishing the Victoria Strategic Plan, it was suggested that one way to limit the staff resources required to update the Conversion Regulations in order to enable action on other housing initiatives was to have staff bring forward proposed amendments, based on staff's experience with the regulations. This report does that; however, it seeks direction on the extent of change Council is hoping to achieve. Additionally, staff do recommend that some targeted consultation occur with key stakeholders once Council selects a preferred approach, which would involve:

- referral to the Heritage Advisory Panel
- referral to Renters' Advisory Committee
- referral to each Community Association Land Use Committee with a request for feedback (if any) within 45 days
- referral to the Urban Development Institute and the Home Builders Association with a request for feedback (if any) within 45 days
- posting notice on the City's website and at the Development Services counter inviting feedback.

This level of consultation can be accommodated within the existing staff resources. Staff would review and consolidate the feedback and if appropriate recommend revisions for Council's consideration. These steps above are in addition to the normal notification and consultation requirements associated with Public Hearings that are required for rezoning initiatives.

## **Proposed Zoning Changes**

The following sections detail proposed changes to Schedule G – House Conversions Regulations and Schedule C – Off-Street Parking Regulations, both contained in the *Zoning Regulation Bylaw*. A benefit of the proposed changes, in addition to increasing the number of units yielded through conversion, is that the process of conversion would be easier and even where an application could not meet the reduced zoning standards, more applications could be handled as a variance application (simpler process) rather than triggering a rezoning application. In summary, benefits of the proposed changes include:

- making it easier to convert a house to multiple units
- facilitating the creation of more residential units
- incentivizing:
  - heritage designation
  - the creation of rental and affordable rental units
  - the creation of affordable home ownership units.

### a.) Change the Qualifying Year of Construction

Under the current regulations, generally, a house must have been constructed prior to 1931 in order to be converted to multiple units, with limited conversions permitted for houses built prior to 1969. The proposal is to allow any house constructed in 1984 or earlier to be converted to a multiple dwelling. The reason for choosing 1984 is that it coincides with the year that the R1-B Zone, Single Family Dwelling District, was significantly modified to greatly reduce the permitted maximum floor area. The modified year-of-construction date simplifies the regulation, expands the conversion options for older houses and captures houses that are more likely to have larger floor area therefore facilitating an increased number of House Conversions.

### b.) Reduce Restrictions on Exterior Changes

Minor exterior changes, such as new porches and decks and above ground-level entries and stairs, are not currently permitted. The exception to this is where these changes are required for fire exiting, provided they are not on an elevation facing a street. This restriction may limit the options for unit configuration, which can have a negative impact on unit size and privacy within the conversion. Further to this, the restriction limits the potential for individual outdoor space for each unit. Staff recommended removing this restriction for portions of the building not facing the street. While there may be some privacy impacts on neighbouring properties, these exterior changes are all things that a non-conversion house on the same site are permitted to do. This change would also not impact the zoning restriction on roof decks, which are decks located above the second storey of the building.

Related to these restrictions is the lack of clarity in the regulations regarding fire exiting. Staff further recommend clarifying the regulations to clearly exempt fire escapes that are required by the BC Building Code or the Fire Code to be permitted on all storeys and exempt from height definitions.

Any exterior changes to a heritage-designated building would be subject to heritage considerations and may require a heritage alteration permit to ensure that the form, materials and detailing are compatible with the architectural style of the designated home.

#### c.) Clarify and Expand Opportunities to Utilize Under-Height Basements

One of the current challenges associated with house conversions is the way floor area is calculated; the floor area must be existing and it must be habitable as per the BC Building Code. This means that under-height basements do not count toward the total floor area eligible for conversion, even though the current regulations allow the area to be made habitable by increasing the floor to ceiling height by up to 0.6 metres. It is therefore recommended that the regulations increase the opportunities to utilize newly created habitable space in an existing basement or lower storey if the height is increased (up to 0.6m) so that it qualifies as habitable, within overall building height limits. This change would facilitate the potential for more units in a way that would not impact the outward appearance of the building beyond what is already permitted in the current regulations.

#### d.) Allow Attic Spaces to be Developed

Developing attic space offers another opportunity to create more floor area with potentially minimal exterior changes to a house conversion. Allowing dormers in this space, or similar spaces, is recommended in order to allow for more liveable floor area without expanding beyond the existing building footprint. To help preserve the character and massing of a home, the amount of dormered area could be limited by restricting this attic space to a half storey.

Undeveloped attic space does not count as a storey, so when this space is developed into floor area, it also adds to the number of storeys. Currently, for houses already at the maximum number of storeys, this would add a half storey beyond what is permitted in the zoning, even though the outward appearance of the house, in the majority of cases, would hardly change. This additional half storey would be limited in massing by virtue of the half storey definition, which can be a maximum of 70% of the floor area of the ground floor. The maximum building height, as measured in metres from average grade to midpoint of the roof, would remain unchanged and still apply; thereby limiting the potential amount of change. The following table compares the existing and proposed regulations, with the two cells highlighted grey identifying the changes.

<b>Zone</b>	<b><u>Current</u> max. building height (no change)</b>	<b><u>Current</u> maximum number of storeys</b>	<b><u>Proposed</u> maximum number of storeys for conversions</b>
R1-A - Rockland Single Family Dwelling District	7.6m	2 ½ storeys	2 ½ storeys (no change)
R1-B - Single Family Dwelling District	7.6m	2 storeys	2 ½ storeys
R1-G - Gonzales Single Family Dwelling District	7.6m	2 storeys without basement 1 ½ storeys with basement	2 ½ storeys without basement 2 storeys with basement

Staff recommend that these changes are consistent with the Official Community Plan (2012), and based on staff observation and experience, developing attic space into floor area is likely to increase the potential viability for many conversions in a manner that would have no impact on the building footprint and limited impact on the view of the building from the street, while allowing for greater use of what is typically underutilized attic space.

e.) Allow Vehicle Parking in Front Yard (non-heritage)

Front yard parking is not permitted in house conversions. This proposed change would bring house conversions in line to the current standard for similar single-family and two-family houses by allowing up to two vehicle parking stalls in the front yard. Front yard parking for heritage-designated buildings is not included in this proposed change. While this could have some impacts on the streetscape, front yard parking could also lower the amount of surface area required for parking in the rear yard. This would help to maintain the urban forest and maximize the useable back yard space for residents.

f.) Increase and Incentivize Permitted Number of Units

Currently, the number of units permitted in a house conversion depends on the amount of existing *habitable* floor area. This measure can be quite restrictive and limits the potential for conversions. It is worth noting that the changes described in “a,” “c” and “d” alone will release additional candidate properties eligible for conversion and will enable a greater number of units within qualifying buildings. However, lowering the total floor area required per unit would further increase the potential number of units within a building, which would increase both the financial viability of a conversion and the potential number of units that can be achieved. Staff recommend establishing a system that incentivizes heritage designation, rental housing, affordable rental housing and below market home ownership by allowing more units in these circumstances. The incentives for secured rental would include a provision to allow one unit to be used by the property owner to allow for the redevelopment of properties by homeowners who wish to continue to reside in the building.

The following table compares the current and proposed total building floor area required in relation to the number of units that can be achieved under varying circumstances. The areas of proposed change are highlighted in grey.

Number of units achieved:	Current regulations require X m <sup>2</sup> of floor area:	Proposed regulations would require X m <sup>2</sup> of floor area <u>IF</u> : <ul style="list-style-type: none"> <li>• heritage designated</li> <li>• rental</li> <li>• below market ownership</li> </ul>	Proposed regulations would require X m <sup>2</sup> of floor area <u>IF</u> affordable rental OR two of the following are secured: <ul style="list-style-type: none"> <li>• heritage designated</li> <li>• rental</li> <li>• below mkt ownership</li> </ul>
2	150m <sup>2</sup>	100m <sup>2</sup>	80m <sup>2</sup>
3	250m <sup>2</sup>	200m <sup>2</sup>	175m <sup>2</sup>
4	350m <sup>2</sup>	260m <sup>2</sup>	240m <sup>2</sup>
5	450m <sup>2</sup>	310m <sup>2</sup>	280m <sup>2</sup>
46m <sup>2</sup> for each additional unit (currently 115m <sup>2</sup> )			



Another advantage of house conversions is that any building typically yields a mix of unit types because of the need to design around an existing floor plate. So, while the minimum required floor area per unit is proposed to change, there would still be opportunities for a mix of unit sizes depending on the building layout. The minimum unit size per unit would remain at 33m<sup>2</sup>, which is consistent with typical minimum unit sizes outside the downtown core.

#### g.) Allow Windows and Doors on Front Elevation

New windows and doors at the street front are not currently permitted as part of a house conversions. Windows and some doors along the street front would support street-oriented units and allow more flexibility in floor layouts. The current restriction on new stairs at the front of the building would prevent this proposed change from having major impacts to the character and massing of houses. For these reasons, allowing new windows and doors on the front elevation of non-heritage designated houses is recommended. For heritage-designated houses, this change could be limited by heritage considerations.

#### h.) Decrease Parking Requirement

The current zoning bylaw parking requirements, contained in Schedule C – Off-Street Parking Regulations, typically require between 0.2 to 1.45 parking stalls per residential unit, depending on:

- tenure (there is a higher parking requirement for strata units, lower for rental and affordable units)
- size of the unit (there is a higher parking requirement for larger units)
- location of the property (there are lower requirements for properties within the Core and Village Centres).

Recently, 0.1 stall per unit of visit parking is also required, which results in an additional stall required for conversions with 5 or more units. Current parking requirements generally reflect the measured parking demand for the various types of units. Some exceptions where parking demand may be higher than the requirements are for single family dwellings, units in Village Centres and affordable units. Required parking rates in these categories are lower to reflect lower density development areas in the case of single family homes or to encourage development and additional density in Village Centres.

The previous Schedule C, which was in place until 2018, had a lower parking requirement, which was:

- 1 stall per unit for buildings with three or fewer units
- 0.8 stall per unit for buildings containing more than three units.

To encourage house conversions and minimize impacts to the affected property, staff recommend the following parking rates for house conversions:

- 1.0 stalls per unit for units larger than 70m<sup>2</sup>
- 0.7 stalls per unit for units between 45m<sup>2</sup> and 70m<sup>2</sup>
- 0.5 stalls per unit for units less than 45m<sup>2</sup>.
- 0.2 stalls per unit for affordable rental and affordable home ownership units, and units within a heritage designated building.

These parking rates, which are more akin to the old Schedule C, would, in most instances:

- accommodate the majority of parking demand

- help reduce the extent of hard surfacing required to accommodate required parking, thereby potentially reducing the impact on the urban forest, supporting green stormwater management and allowing for more outdoor amenity space in general
- make the process of conversion more attainable for more buildings.

Embedded in the previous Schedule C rates was a requirement that 10% of the parking stalls be reserved for visitor parking. Consistent with the current Schedule C, staff instead recommend adding the 0.1 stall per unit for visitor parking on top of the residential requirement.

It should be noted that while neither a full analysis nor consultation of the potential impacts of reducing the parking requirements has been conducted, given the benefits of incentivizing this form of development while encouraging heritage conservation, the creation of affordable units and supporting urban forest health, combined with the newly proposed bike parking requirements (below) it is anticipated that while there may be some additional pressure placed on on-street parking, the proposed rates strike an appropriate balance.

#### i.) Require Bicycle Parking

Bike parking is currently only required for new buildings or additions. Given the proposed lower vehicle parking rates and active transportation objectives, staff recommend including long-term bicycle parking as a requirement for house conversions. While this would be an extra burden, the number of required stalls is relatively low, and there are a number of options for locating the bike parking within the building or an accessory building. Additionally, a floor area exemption (below) is proposed to help facilitate the provision of bike parking.

#### j.) Allow Floor Area Exemption for Required Bicycle Parking

Allowing an addition that is the equivalent size of the required parking area would reduce the burden of this requirement on a house conversion project. It would also allow for the flexibility of adding the bike parking where it is most convenient. This proposed change would have a relatively minor impact on the building character and facilitates high quality bicycle parking facilities in both new and existing conversions. It may, however, place greater pressure on increasing the building footprint by a small degree or introducing a new accessory building to accommodate the bike parking which in turn could impact the urban forest. Staff would work with applicants through the normal process to try to alleviate negative pressures on trees while providing opportunities to include functional bike parking.

### **Potential Future Work**

In undertaking this work, staff noted that there are a number of other opportunities to potentially expand and improve the Conversion Regulations that are not recommended for further exploration, at this time, due to limited staff resources and a series of associated known and unknown risks. Identified as a continuation of the list above, these changes include:

- k) consider establishing an incentive for achieving passive/energy efficient standard
- l) consider revising other zones to allow conversions in zones that currently restrict them
- m) allow garden suites with conversions
- n) allow additions that create new floor area
- o) consider allowing the creation of floor area beyond zoning limitations for heritage, rental and affordable housing
- p) explore further options for legalizing unlawful units
- q) review landscaping requirements to ensure they align with the updated tree preservation bylaw, integrate rainwater management standards, and balance usable yard space with privacy for neighbours

- r) explore establishing a system of delegated authority so staff can review, and in some instances, approve parking variances.

Although included and identified as the “Sprint” approach, these actions are not recommended for advancement as part of this initiative. They are primarily included in this report to share ideas and begin a collective exploration of other possible improvements to be explored in a future phase. These changes may also be advanced as part of other Victoria Housing Strategy actions as well as part of the Missing Middle Housing Strategy.

## OPTIONS & IMPACTS

The following section outlines three potential options that Council may wish to consider in order to advance further work on this topic, they are described as:

- Walk
- Run (recommended)
- Sprint

The following table provides a summary of which regulatory changes are included within each approach. The discussion related to the impacts, is structured so that each of the “Walk,” “Run” and “Sprint” options are briefly described, a summary of resource implications is provided and potential advantages and disadvantages are explored. The “Sprint” approach, while included in this table, would take a significant amount of additional staff resources to advance and represents a number of associated known and unknown risks.

Proposed Zoning Change	Walk	Run (Recommended)	Sprint
a.) Change the qualifying year of construction	X	X	X
b.) Reduce restrictions on exterior changes	X	X	X
c.) Clarify and expand opportunities to utilize under-height basements	X	X	X
d.) Allow attic spaces to be developed	X	X	X
e.) Allow vehicle car parking in front yard (non-heritage)	X	X	X
f.) Increase and incentivize permitted number of units		X	X
g.) Allow windows and doors on front elevation		X	X
h.) Decrease parking requirement		X	X
i.) Require bike parking		X	X
j.) Allow exemption for required bicycle parking		X	X
k.) Establish incentive for achieving passive / energy efficient retrofit standard			X

<b>Proposed Zoning Change</b>	<b>Walk</b>	<b>Run (Recommended)</b>	<b>Sprint</b>
l.) Allow conversions in zones that currently restrict them			X
m.) Allow garden suites with conversions			X
n.) Allow additions that create new floor area			X
o.) Allow the creation of floor area beyond zoning limitations for heritage, rental and affordable housing			X
p.) Explore further options for legalizing unlawful units			X
q.) Review landscaping requirements to ensure they align with the updated tree preservation bylaw, integrate rainwater management standards, and balance usable yard space with privacy for neighbours			X
r.) Explore establishing a system of delegated authority for parking variances			X

### **Option 1: Walk**

#### Description

This approach recommends a series of small steps that will likely facilitate some additional conversions and simplify the process for legalizing existing, non-approved conversions.

#### Resource Impacts

There will be few resource implications associated with this approach, however could be some resource impacts related to the potential increase in building permits for house conversions. These projects tend to be slightly more complicated than new-build projects and can require comparatively more staff time in the review process.

<b>Advantages</b>	<b>Disadvantages</b>
Clarifies / simplifies existing regulations	Relatively low risk, with some potential unknowns
Opportunity for more units to be created	Exterior changes, while limited, may be visible to neighbouring properties
Allows small exterior changes that can improve liveability/lay out options	May change appearance of a building from road to some degree
Allows for development of currently underutilized basement and attic space	Does not incentivize heritage designation, rental or non-market housing forms
Potential for more homes to be converted, preserving existing neighbourhood character	Not clear how effective the changes will be in terms of making more conversion projects financially feasible



## Option 2: Run (Recommended)

### Description

This approach recommends large steps that will likely facilitate many additional conversions along with secured rental, affordable rental, affordable home ownership and heritage designations.

### Resource Impacts

There will be resource implications associated with this approach resulting from the need for staff to manage applications through the Housing Agreements and Heritage Designation Bylaws through the Council approval process. There may also be an increased number of neighbourhood parking issues that need to be managed by staff. This will need to be monitored and if additional staff resources are required it would be factored into future financial planning cycles.

Advantages	Disadvantages
All the advantages of the “Walk” approach	Higher risk, particularly related to potential unknowns of decrease in parking and potential impacts of redevelopment in existing conversions
Offers incentives for heritage designation, rental, affordable rental and affordable home ownership	Not clear how effective the incentives will be in securing heritage designation, rental, affordable rental or affordable home ownership
Ensures secure bike parking is provided in all conversions	Would put additional pressure on on-street parking and adds additional costs for the applicant associated with creating long-term bike parking facilities.
Incentive for heritage designation helps secure heritage assets and helps maintain neighbourhood character	Exterior changes, while limited, may be visible to neighbouring properties. This includes changes to the roof massing
Allows for more flexibility in “legalizing” existing unapproved conversions	Incentives can add time and complexity to the approvals process

## Option 3: Sprint

### Description

This approach includes the same large steps recommended in the “Run” approach and also includes a number of potential next steps that have not been fully analyzed and would likely be fairly labour intensive for staff to take to the next level of analysis in order to present well-considered recommendations for Council’s review. In some instances, some identified options are linked to or would benefit from being advanced subsequent to, or in tandem with other initiatives.

Given the greater potential impacts and unknown risks associated with this option, staff recommend that the “Sprint” level changes be explored after the potential “Run” options have been implemented and staff have a chance to monitor the outcomes. Staff also recommend

further public consultation on these changes. Undertaking this work in a future phase would allow staff to take a closer look at the potential risks and would provide an opportunity for 'fine tuning' of the first phase of changes.

#### Resource Impacts

In addition to the resource impacts of the "Run" option, this option will take additional staff resources for comprehensive review and recommended additional consultation. Additional resources would need to be factored into future financial planning in order to undertake this work.

Advantages	Disadvantages
Creates a 'check in' for the outcomes of initial changes (if implemented as a second phase after the first phase of changes)	High risk, particularly related to potential impact on neighbouring properties, pressure for redevelopment in existing houses and conversions
	Would require additional staff resources to fully understand implications
	Would not have the benefit of learning and refinement based on implementation of "Walk"/ "Run" changes

#### *Accessibility Impact Statement*

The British Columbia Building Code regulates accessibility as it pertains to buildings.

#### *2019 -2022 Strategic Plan*

The City of Victoria Strategic Plan includes an action to accelerate implementation of the Victoria Housing Strategy by developing a strategy for additional house conversion opportunities. These recommended changes are an important step in supporting a greater number of conversions.

#### *Impacts to Financial Plan*

At this time there are no impacts to the Financial Plan. Future reports would identify any budgetary needs, for instance, additional dedicated staff. These would be referred to future financial planning processes.

#### *Official Community Plan Consistency Statement*

This initiative advances the following broad objectives contained in the Official Community Plan:

- 13(a) – That housing development responds to future demand and is facilitated through land use policies and practices
- 13(c) - The existing supply of rental housing is expanded through regeneration
- 13(d) – A wide range of housing choice is available within neighbourhoods to support diverse, inclusive and multi generational community.

## CONCLUSIONS

The current Conversion Regulations have facilitated the creation of a significant amount of residential units and housing choice by repurposing existing houses over the last several decades. This has been accomplished in a manner that has had the side benefit of preserving the existing character of many of Victoria's neighbourhoods, adding to the stock of heritage designated and registered properties and diverting building materials from entering the landfill. The proposed changes represent an opportunity to "refresh" the program by advancing the City's "Next Generation Conversion Regulations." The proposed changes will better reflect evolving community values and yield additional opportunities for houses to be converted to suites in order to ultimately increase the number and range of housing units available, while incentivizing heritage designation, the provision of rental housing, affordable rental and affordable home ownership.

Respectfully submitted,



Chloe Tunis, Planner  
Development Services

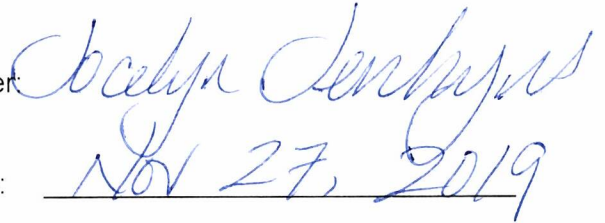


Alison Meyer, Assistant Director  
Development Services



Andrea Hudson, Acting Director  
Sustainable Planning and  
Community Development  
Department

Report accepted and recommended by the City Manager:



Date:

Nov 27, 2019

## List of Attachments

- Attachment A: Schedule G – House Conversion Regulations
- Attachment B: Schedule C – Parking Regulations

## SCHEDULE G - HOUSE CONVERSION REGULATIONS

### 1. Permitted Uses as a result of House Conversions

The only uses created as a result of a house conversion are those listed in the left hand column of this section 1 provided that the conditions in the corresponding right hand column have been met.

- |  |   |
|--|---|
| a. <u>Two family dwelling</u>  | If the <u>building</u> was constructed as a <u>single family dwelling</u> prior to 1970   |
| b. <u>Multiple dwelling</u>  | <p>If the <u>building</u> was constructed as a <u>single family dwelling</u> or <u>two family dwelling</u> prior to 1931,</p> <p>or</p> <p>If the <u>building</u> was constructed as a <u>two family dwelling</u> between 1931 and 1969</p>   |
| c. <u>Boarding house, rooming house, housekeeping apartment building, rest home - class "B", or kindergarten</u> | If the <u>building</u> was constructed as a <u>single family dwelling</u> prior to 1931 and has an existing <u>lot area</u> of 670m <sup>2</sup> and a <u>width</u> of not less than 18m, except when located in the R1-A Zone which requires an existing <u>lot area</u> of 740m <sup>2</sup> and a <u>width</u> of not less than 24m. |

### 2. Restrictions

- |  |  |
|--|--|
| a. Restrictions on exterior change<br>(see sections 6 and 7) | No exterior change shall have been made to a <u>building</u> for 5 years prior to the commencement of a use created as a result of a <u>house conversion</u> , and no exterior change is permitted after the new use created as a result of a <u>house conversion</u> has commenced. |
| b. Restrictions on strata lots                               | <u>House conversions</u> are not permitted on any <u>lot</u> or in any <u>building</u> where strata lots have been created.  |
| c. Restrictions on multiple uses                             | A <u>building</u> that has been converted to any use set out in section 1 of this Schedule G may not contain more than one permitted use.  |



## SCHEDULE G - HOUSE CONVERSION REGULATIONS

### 3. Number of Self Contained Dwelling Units Permitted in a House Conversion

For the purpose of calculating the number of allowable units in a building only floor area with an existing minimum clearance which is considered to be habitable floor area by the *British Columbia Building Code* can be used to qualify.

- a. The maximum number self-contained dwelling units permitted in a multiple dwelling or a two family dwelling shall be determined as follows:

Number of <u>self-contained dwelling units</u> :	Required minimum habitable floor <u>area</u> per building:
2	150m <sup>2</sup>
3	245m <sup>2</sup>
4	345m <sup>2</sup>
5	445m <sup>2</sup>

For each additional self-contained dwelling unit an additional 115m<sup>2</sup> of habitable floor area is required.

- b. Notwithstanding subsection a., no more than 3 self-contained dwelling units are permitted in a building constructed as a two family dwelling between 1931 and 1969.

### 4. Minimum floor area for Individual Dwelling Units

- |  |  |
|--|--|
| a. <u>Two family dwelling</u> units (minimum)    | 46m <sup>2</sup>   |
| b. <u>Multiple dwelling</u> units (minimum)      | 33m <sup>2</sup>   |
| c. <u>Housekeeping apartment units</u> (minimum) | 25.5m <sup>2</sup> exclusive of any common or shared space |

### 5. Landscaping, Screening and Parking

- |  |   |
|--|---|
| a. Landscaping (minimum)   | Not less than 33% of the surface <u>area</u> of the <u>rear yard</u> and not less than 30% of the surface <u>area</u> of the entire <u>lot</u> shall be maintained in a landscaped condition, and used for no other purpose |
| b. Side <u>lot</u> line landscaping for unenclosed parking (minimum) | 0.6m wide with a <u>landscape screen</u> of at least 1.5m in height   |
| c. <u>Rear lot line</u> landscaping for unenclosed parking (minimum) | 1.5m wide with a <u>landscape screen</u> of at least 1.8m in height   |
| d. Parking   | Subject to the regulations in Schedule "C" and shall not be located in the <u>front yard</u>  |

## SCHEDULE G - HOUSE CONVERSION REGULATIONS

### 6. Exterior Change Definition

Exterior changes include the following:

- a. Any extension to a building which creates additional enclosed floor space, including any dormer area (see section 6.g);
- b. Any addition of unenclosed floor space, including a sundeck, balcony or porch;
- c. Raising a building by more than 0.6m (see section 6.g);
- d. Raising a building in any way which increases the habitable floor area of the building as defined by the *British Columbia Building Code* (see section 6.g);
- e. Changes to the facade of any building or any portion of the building facing a street, including alterations to cladding material or alterations to, or the creation of, windows or doors;
- f. The addition of any steps or entranceway exceeding 1.5m in height; and
- g. Changes set out in sections 6.a., 6.c. and 6.d. are deemed to affect the use or density of land use.

### 7. Permitted Changes to House Conversions

Exterior changes does not include:

- a. The relocation of a building on the existing lot;
- b. Changes to any facade of a building which does not face a street including changes to or the addition of, doors, window, steps, or fire escapes;
- c. Changes to the street facade where the purpose and effect of the changes are to return the building to its original exterior finish;
- d. Changes to a building that was converted to any of the uses in this schedule prior to June 28, 1984.
- e. An addition to a two family dwelling, boarding house, rooming house, housekeeping apartment building, rest homes - class "B", multiple dwelling, or kindergarten converted prior to June 28, 1984 to a maximum of 333m<sup>2</sup> including the area of all floors; and
- f. A building that was converted prior to June 28, 1984 must not exceed 7.6m or 2 storeys in height.

## SCHEDULE G - HOUSE CONVERSION REGULATIONS

### 8. Rest Homes - Class "B"

Notwithstanding anything in sections 6 and 7, where any building is used as a rest home - class "B", exterior change does not include:

- a. The addition of a main floor access ramp within any front yard; or
- b. The addition of up to 19m<sup>2</sup> of enclosed floor space on any façade of a building which does not face a street, provided such additions are required to meet with lawful standards for fire, health or safety

(Amended Bylaw 14-041 adopted July 10, 2014)

**Zoning Bylaw No. 80-159**  
**Schedule C:**  
**Off-Street Parking Regulations**



# 1. Parking Requirements

## 1.1 Application of Requirements

1. The minimum number of parking spaces required for each use must be calculated to the nearest whole number.
2. Where a building contains more than one use, the total number of parking spaces required shall be the sum of the number of parking spaces required for each use, or type of use, calculated separately.

**Example:** Calculating Vehicle Parking Requirements

Type of Building or Use	Units / Floor Area	Parking Required	Visitor Parking Required	Total Parking Required
Multi-Residential, Condominium	8 units between 45-70m <sup>2</sup> in the Core Area	$8 \times 0.8 = 6.4$	$14 \times 0.1 = 1.4$ (1.4 → 1)	$14 + 1 = 15$
	6 units greater than 70m <sup>2</sup> in the Core Area	$6 \times 1.2 = 7.2$		
		$6.4 + 7.2 = 13.6$ (13.6 → 14)		
Restaurant	155m <sup>2</sup>	3.88 (3.88 → 4)	N/A	4
Office, Health Care	678m <sup>2</sup>	13.6 (13.6 → 14)	N/A	14
<b>Total Vehicular Parking Spaces Required</b>				<b>33</b>

3. If a use is not specifically listed in Table 1 or Table 2 of this Schedule, the number of parking spaces required shall be calculated on the basis of a use or class of use that is most similar to the actual use, based on parking demand characteristics.
4. Unless otherwise stated, all references to "floor area" in this Schedule shall be calculated as gross floor area.
5. For the purpose of calculating parking requirements under this Bylaw, in addition to all internal floor areas, all outside seating and serving areas located on a lot and associated with a Restaurant or a Drinking Establishment use shall be counted as floor area.



## 1.2 Required Vehicle and Bicycle Parking Spaces

1. The owner or occupier of any land or any building or other structure, for each use present on the land or in the building or other structure, must provide off-street vehicle parking spaces in accordance with Table 1.

**Table 1:** Minimum Number of Required Vehicle Parking Spaces

Use or Class of Use	Minimum Parking Spaces	Minimum Visitor Parking Spaces
<b>Residential</b>		
<u>Single Family Dwelling</u>	1.0 space per <u>dwelling unit</u>	n/a
<u>Two Family Dwelling</u>	1.0 space per <u>dwelling unit</u>	n/a
<u>Semi-attached Dwelling</u>	1.0 space per <u>dwelling unit</u>	n/a
<u>Attached Dwelling</u>	1.0 space per <u>dwelling unit</u>	0.1 spaces per <u>dwelling unit</u>
<u>Secondary Suite</u> or <u>Garden Suite</u>	n/a unless two <u>Secondary Suites</u> , two <u>Garden Suites</u> , or a <u>Secondary Suite</u> and a <u>Garden Suite</u> , are located on the same <u>lot</u> in which case 1.0 space shall be provided in addition to the number of spaces required for the <u>Single Family Dwelling</u> , <u>Two Family Dwelling</u> or <u>Semi-attached Dwelling</u>	n/a
Assisted Living Facility ( <u>dwelling unit</u> or residential unit within housing for elderly or people with disabilities that provides nursing care, housekeeping and prepared meals as needed and includes <u>Nursing Homes</u> )	0.35 spaces per <u>dwelling unit</u> or residential unit	0.1 spaces per <u>dwelling unit</u> or residential unit

Use or Class of Use	Minimum Number of Parking Spaces			Minimum Number of Visitor Parking spaces
<u>Multiple Dwelling</u>	Core Area	Village / Centre	Other Area	
Condominium ( <u>dwelling unit</u> in a <u>building</u> regulated by the <i>Strata Property Act</i> )	0.65 spaces per <u>dwelling unit</u> that is less than 45m <sup>2</sup>	0.70 spaces per <u>dwelling unit</u> that is less than 45m <sup>2</sup>	0.85 spaces per <u>dwelling unit</u> that is less than 45m <sup>2</sup>	0.1 spaces per <u>dwelling unit</u>
	0.80 spaces per <u>dwelling unit</u> that is 45m <sup>2</sup> or more, but equal to or less than 70m <sup>2</sup>	0.85 spaces per <u>dwelling unit</u> that is 45m <sup>2</sup> or more, but equal to or less than 70m <sup>2</sup>	1.00 space per <u>dwelling unit</u> that is 45m <sup>2</sup> or more, but equal to or less than 70m <sup>2</sup>	
	1.20 spaces per <u>dwelling unit</u> that is more than 70m <sup>2</sup>	1.30 spaces per <u>dwelling unit</u> that is more than 70m <sup>2</sup>	1.45 spaces per <u>dwelling unit</u> that is more than 70m <sup>2</sup>	
Apartment ( <u>dwelling unit</u> secured as rental in perpetuity through a legal agreement)	0.50 spaces per <u>dwelling unit</u> that is less than 45m <sup>2</sup>	0.60 spaces per <u>dwelling unit</u> that is less than 45m <sup>2</sup>	0.75 spaces per <u>dwelling unit</u> that is less than 45m <sup>2</sup>	0.1 spaces per <u>dwelling unit</u>
	0.60 spaces per <u>dwelling unit</u> that is 45m <sup>2</sup> or more, but equal to or less than 70m <sup>2</sup>	0.70 spaces per <u>dwelling unit</u> that is 45m <sup>2</sup> or more, but equal to or less than 70m <sup>2</sup>	0.90 spaces per <u>dwelling unit</u> that is 45m <sup>2</sup> or more, but equal to or less than 70m <sup>2</sup>	
	1.00 space per <u>dwelling unit</u> that is more than 70m <sup>2</sup>	1.10 spaces per <u>dwelling unit</u> that is more than 70m <sup>2</sup>	1.30 spaces per <u>dwelling unit</u> that is more than 70m <sup>2</sup>	
Affordable ( <u>affordable dwelling units</u> secured in perpetuity through a legal agreement)	0.20 per <u>dwelling unit</u> that is less than 45m <sup>2</sup>			0.1 spaces per <u>dwelling unit</u>
	0.50 spaces per <u>dwelling unit</u> that is 45m <sup>2</sup> or more, but equal to or less than 70m <sup>2</sup>			
	0.75 spaces per <u>dwelling unit</u> that is more than 70m <sup>2</sup>			



Use or Class of Use	Minimum Number of Parking Spaces			
	Core Area	Village / Centre	Other Area	
All other <u>multiple dwellings</u>	0.65 spaces per <u>dwelling unit</u> that is less than 45m <sup>2</sup>	0.70 spaces per <u>dwelling unit</u> that is less than 45m <sup>2</sup>	0.85 spaces per <u>dwelling unit</u> that is less than 45m <sup>2</sup>	0.1 spaces per <u>dwelling unit</u>
	0.80 spaces per <u>dwelling unit</u> that is 45m <sup>2</sup> or more, but equal to or less than 70m <sup>2</sup>	0.85 spaces per <u>dwelling unit</u> that is 45m <sup>2</sup> or more, but equal to or less than 70m <sup>2</sup>	1.00 space per <u>dwelling unit</u> that is 45m <sup>2</sup> or more, but equal to or less than 70m <sup>2</sup>	
	1.20 spaces per <u>dwelling unit</u> that is more than 70m <sup>2</sup>	1.30 spaces per <u>dwelling unit</u> that is more than 70m <sup>2</sup>	1.45 spaces per <u>dwelling unit</u> that is more than 70m <sup>2</sup>	
<b>Commercial</b>	<b>Core Area</b>	<b>Village / Centre</b>	<b>Other Area</b>	
Office	1 space per 70m <sup>2</sup> floor area	1 space per 55m <sup>2</sup> floor area	1 space per 50m <sup>2</sup> floor area	
Medical Office (includes dental offices, surgeries and similar uses)	1 space per 50m <sup>2</sup> floor area	1 space per 40m <sup>2</sup> floor area	1 space per 37.5m <sup>2</sup> floor area	
Personal Services (includes hairdressers, dry cleaners, repair of personal goods, travel agents and other similar uses)	1 space per 50m <sup>2</sup> floor area	1 space per 40m <sup>2</sup> floor area	1 space per 37.5m <sup>2</sup> floor area	
<u>Financial Service</u>	1 space per 50m <sup>2</sup> floor area	1 space per 40m <sup>2</sup> floor area	1 space per 37.5m <sup>2</sup> floor area	
<u>Restaurant</u>	1 space per 40m <sup>2</sup> floor area	1 space per 25m <sup>2</sup> floor area	1 space per 20m <sup>2</sup> floor area	
Drinking Establishment (a <u>building</u> or area including a nightclub, bar or pub that is licensed through the <i>Liquor Control and Licensing Act</i> for the sale and consumption of Liquor on the premises and where entertainment may be provided in the form of recorded music, live performances or a dance floor)	n/a	1 space per 70m <sup>2</sup> floor area	1 space per 60m <sup>2</sup> floor area	

Use or Class of Use		Minimum Number of Parking Spaces		
Commercial		Core Area	Village / Centre	Other Area
Retail		1 space per 80m <sup>2</sup> floor area	1 space per 50m <sup>2</sup> floor area	1 space per 37.5m <sup>2</sup> floor area
Grocery Store	800m <sup>2</sup> or less	1 space per 80m <sup>2</sup> floor area	1 space per 50m <sup>2</sup> floor area	1 space per 37.5m <sup>2</sup> floor area
	> 800m <sup>2</sup>	1 space per 50m <sup>2</sup> floor area	1 space per 40m <sup>2</sup> floor area	1 space per 20m <sup>2</sup> floor area
<u>Transient Accommodation</u>		0.25 spaces per room	0.50 spaces per room	
Institutional		Core Area	Village / Centre	Other Area
<u>Hospital</u>		1 space per 80m <sup>2</sup> floor area		
Elementary / Middle School		1 space per 150m <sup>2</sup> floor area		
Secondary School		1 space per 75m <sup>2</sup> floor area		
University / College (as defined under British Columbia legislation, and regulated as such under said legislation)		1 space per 80m <sup>2</sup> floor area		
Arts and Culture (includes museums, art galleries, theatres and other similar uses, but does not include cinemas)		1 space per 80m <sup>2</sup> floor area		1 space per 40m <sup>2</sup> floor area
Place of Worship		n/a	1 space per 80m <sup>2</sup> floor area	1 space per 40m <sup>2</sup> floor area
Assembly (includes convention facilities, cinemas, training facilities and other similar uses)		1 space per 30m <sup>2</sup> floor area	1 space per 20m <sup>2</sup> floor area	
Health and Fitness (commercial recreational facilities, gymnasiums and other similar uses)		1 space per 30m <sup>2</sup> floor area	1 space per 20m <sup>2</sup> floor area	
Care Facility (day use facilities, and includes preschool, day care, residential care facilities and similar uses)		1 space per 100m <sup>2</sup> floor area	1 space per 80m <sup>2</sup> floor area	

Use or Class of Use	Minimum Number of Parking Spaces		
	Core Area	Village / Centre	Other Area
Transitional Housing and Emergency Shelters (a staffed facility, open year round, that provides temporary accommodation for persons who are homeless or at risk of homelessness, and may include food and support services)	1 space per 80m <sup>2</sup> floor area		
Industrial			
Industrial	1 space per 140m <sup>2</sup> floor area		
Warehouse	1 space per 100m <sup>2</sup> floor area		

2. The owner or occupier of any land or any building or other structure, for each use present on the land or in the building or other structure, must provide off-street bicycle parking spaces in accordance with Table 2.

**Table 2:** Minimum Number of Required Bicycle Parking Spaces

Use or Class of Use	Minimum Number of Long Term Bicycle Parking Spaces		Minimum Number of Short Term Bicycle Parking Spaces
Residential			
<u>Single Family Dwelling</u> , <u>Two Family Dwelling</u> , <u>Semi-attached Dwelling</u> , <u>Secondary Suite</u> , <u>Garden Suite</u>	n/a		n/a
<u>Attached Dwelling</u>	1 per <u>dwelling unit</u> , except where the <u>dwelling unit</u> has access to a private garage		The greater of 6 spaces per <u>building</u> or 0.1 spaces per <u>dwelling unit</u>
<u>Multiple Dwelling</u>	1 space per <u>dwelling unit</u> that is less than 45m <sup>2</sup>	1.25 spaces per <u>dwelling unit</u> that is 45m <sup>2</sup> or more	The greater of 6 spaces per <u>building</u> or 0.1 spaces per <u>dwelling unit</u>

Use or Class of Use	Minimum Number of Long Term Bicycle Parking Spaces	Minimum Number of Short Term Bicycle Parking Spaces
<b>Residential</b>		
Assisted Living Facility ( <u>dwelling unit</u> or residential unit within housing for elderly or people with disabilities that provides nursing care, housekeeping and prepared meals as needed and includes <u>Nursing Homes</u> )	1 space per 20 <u>dwelling units</u> or residential units	1 space per 50 <u>dwelling units</u> or residential units
<b>Commercial</b>		
Office	1 space per 150m <sup>2</sup> floor area, or part thereof	1 space per 400m <sup>2</sup> floor area, or part thereof
Medical Office (includes dental office, surgeries and similar uses)	1 space per 200m <sup>2</sup> floor area, or part thereof	1 space per 300m <sup>2</sup> floor area, or part thereof
Personal Services (includes hairdressers, dry cleaners, repair of personal goods, travel agents and other similar uses)	1 space per 200m <sup>2</sup> floor area, or part thereof	1 space per 200m <sup>2</sup> floor area, or part thereof
<u>Financial Service</u>	1 space per 200m <sup>2</sup> floor area, or part thereof	1 space per 200m <sup>2</sup> floor area, or part thereof
<u>Restaurant</u>	1 space per 400m <sup>2</sup> floor area, or part thereof	1 space per 100m <sup>2</sup> floor area, or part thereof
Drinking Establishment (a <u>building</u> or area including a nightclub, bar or pub that is licensed through the <i>Liquor Control and Licensing Act</i> for the sale and consumption of Liquor on the premises and where entertainment may be provided in the form of recorded music, live performances or a dance floor)	1 space per 400m <sup>2</sup> floor area, or part thereof	1 space per 100m <sup>2</sup> floor area, or part thereof
Retail	1 space per 200m <sup>2</sup> floor area, or part thereof	1 space per 200m <sup>2</sup> floor area, or part thereof
Grocery Store	1 space per 200m <sup>2</sup> floor area, or part thereof	1 space per 200m <sup>2</sup> floor area, or part thereof
<u>Transient Accommodation</u>	1 space per 25 rooms, or part thereof	1 space per 40 rooms, or part thereof

Use or Class of Use	Minimum Number of Long Term Bicycle Parking Spaces	Minimum Number of Short Term Bicycle Parking Spaces
<b>Institutional</b>		
<u>Hospital</u>	1 space per 500m <sup>2</sup> floor area, or part thereof	6 spaces per public <u>building</u> entrance
Elementary / Middle School	1 space per 1,600m <sup>2</sup> floor area, or part thereof	1 space per 160m <sup>2</sup> floor area, or part thereof
Secondary School	1 space per 1,600m <sup>2</sup> floor area, or part thereof	1 space per 125m <sup>2</sup> floor area, or part thereof
University / College (as defined under British Columbia legislation, and regulated as such under said legislation)	1 space per 1,600m <sup>2</sup> , or part thereof	1 space per 100m <sup>2</sup> , or part thereof
Arts and Culture (includes museums, art galleries, theatres and other similar uses, but does not include cinemas)	1 space per 450m <sup>2</sup> floor area, or part thereof	1 space per 130m <sup>2</sup> floor area, or part thereof
Place of Worship	n/a	1 space per 200m <sup>2</sup> floor area, or part thereof
Assembly (includes convention facilities, cinemas, training facilities and other similar uses)	n/a	1 space per 200m <sup>2</sup> floor area, or part thereof
Health and Fitness (commercial recreational facilities, gymnasiums and other similar uses)	1 space per 400m <sup>2</sup> floor area, or part thereof	1 space per 100m <sup>2</sup> floor area, or part thereof
Care Facility (day use facilities, and includes preschool, day care, residential care facilities and similar uses)	1 space per 700m <sup>2</sup> floor area, or part thereof	1 space per 200m <sup>2</sup> floor area, or part thereof
<b>Industrial</b>		
Industrial	1 space per 1,200m <sup>2</sup> floor area, or part thereof	6 spaces
Warehouse	1 space per 1,200m <sup>2</sup> floor area, or part thereof	6 spaces



## **2. Vehicle Parking Specifications**

### **2.1 Vehicle Parking Appearance**

1. A vehicle parking area or vehicle parking space must be surfaced with asphalt, concrete, pavers, or permeable material that provides a durable surface.
2. Each vehicle parking space must be clearly delineated on the parking surface.
3. Vehicle parking areas consisting of five (5) or more parking spaces must be illuminated with shield lighting that is directed toward the ground and designed so that the light does not directly fall on an adjacent lot or street.
4. Each visitor vehicle parking space required under this Bylaw must be clearly identified for the sole use of visitors.

### **2.2 Vehicle Parking Location and Dimensions**

1. All vehicle parking spaces required under this Bylaw must be provided on the same lot as the building or use which they serve.
2. Notwithstanding section 2.2.1, parking spaces may be provided on a different lot from the lot on which the building or use is to which they appertain, where:
  - (a) the lot on which the parking spaces are is not more than 125m from the building or use to which they appertain; and
  - (b) if the lot on which the parking spaces are forms part of a separate parcel of land for Land Title Office purposes, there is registered against its title an easement providing for such parking requirements, and appurtenant to the lot on which the building is, and there is furthermore registered a covenant in favour of the City restricting the use of the easement area on the servient tenement to parking purposes for as long as the provisions of this Schedule have application to the dominant tenement; and
  - (c) the conditions outlined in subsections (a) and (b) existed on the date of the adoption of the Bylaw incorporating this Schedule.
3. A vehicle parking space must not be closer than 1.0m to a street.
4. A vehicle parking space must have unobstructed access.
5. All vehicle parking spaces and drive aisles must have dimensions not less than those identified in Figure 2 of this Schedule.

6. Notwithstanding section 2.2.5, where:
  - (a) the vehicle parking space is associated with either a Single Family Dwelling, Two Family Dwelling or Semi-attached Dwelling use, and
  - (b) the vehicle parking space is accessed directly from a street,
 the width of the adjacent street may be included towards the total width of the drive aisle provided.
7. One way vehicle access and egress through the parking area is required where:
  - (a) more than one vehicle parking space is provided in the parking area, and
  - (b) the vehicle parking spaces are not configured parallel or perpendicular to the drive aisle.
8. A vehicle parking space that abuts a structure on one side, such as a wall or column, must have a minimum width of 2.7m.
9. A vehicle parking space that abuts a structure on both sides, such as a wall or column, must have a minimum width of 3.0m.
10. Where a vehicle parking space or drive aisle is located underground or covered by a roof, a minimum unobstructed height clearance of 2.1m must be provided between the floor and any mechanical equipment, or, if there is no mechanical equipment, between the floor and the ceiling.

**Figure 2: Minimum Parking Space and Drive Aisle Dimensions (all measurements in metres)**

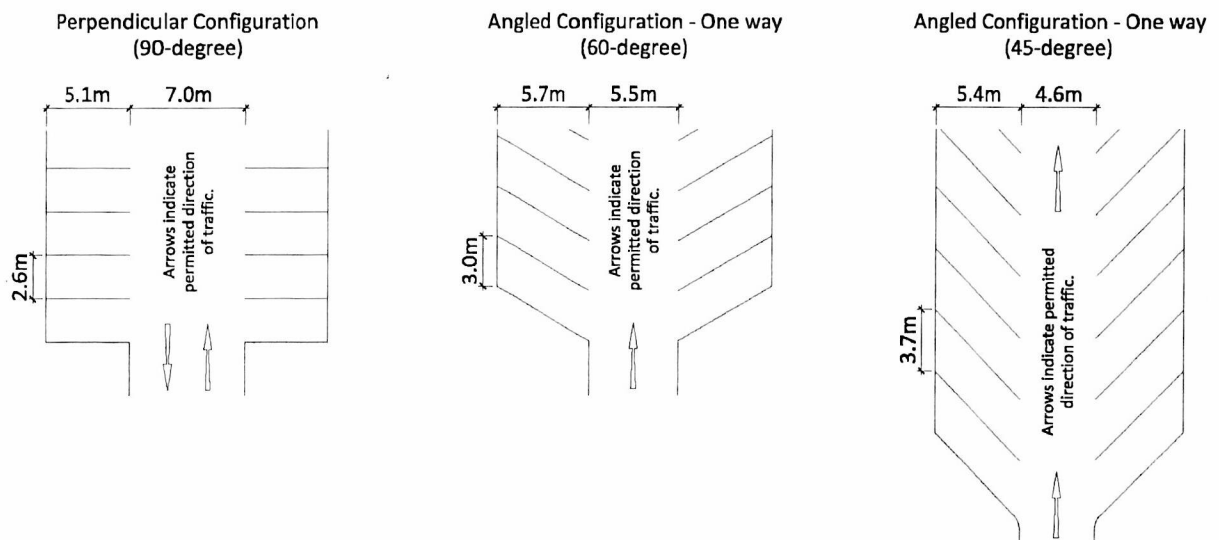
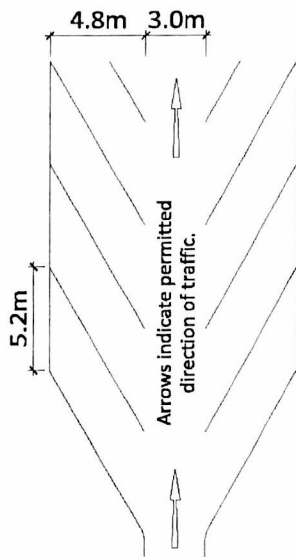
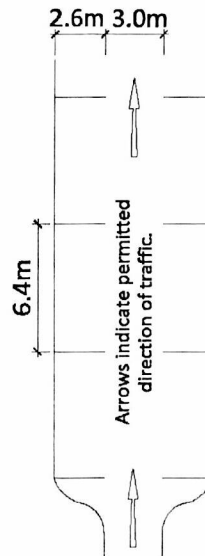


Figure 2 Cont.

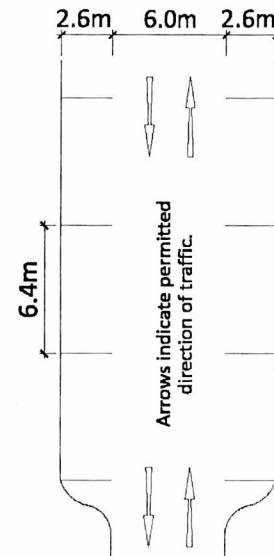
Angled Configuration - One way  
(30-degree)



Parallel Configuration  
One way  
(0-degree)



Parallel Configuration  
Two way  
(0-degree)

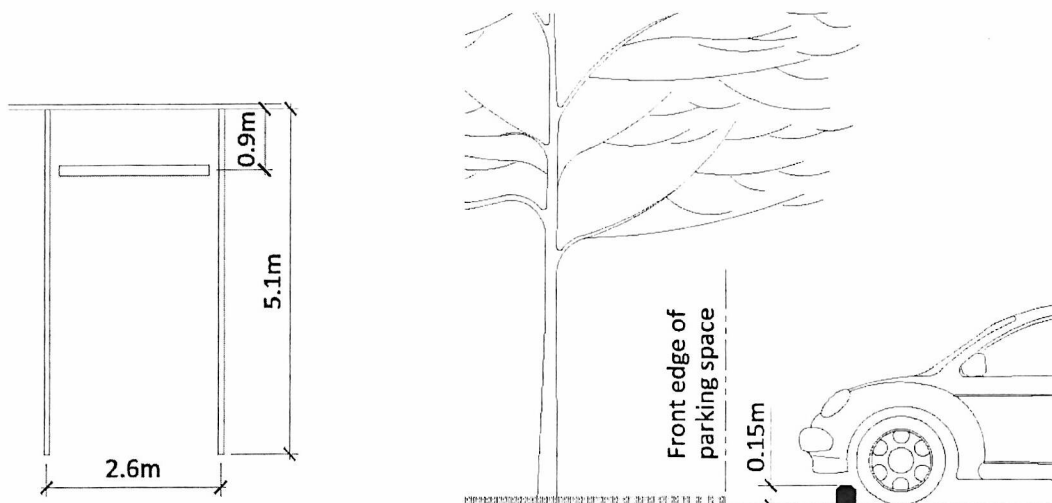


11. Vehicle parking is not permitted in the front yard of a lot except as follows:

- (a) Parking may be provided in the front yard of a lot where:
  - (i) the principal use of the lot is industrial or warehouse,
  - (ii) such parking is required to serve that use, and
  - (iii) the number of parking spaces in the front yard does not exceed the total amount of parking spaces required by this Bylaw;
- (b) Parking may be provided in the front yard of a property where:
  - (i) the principal use of the lot is commercial or institutional,
  - (ii) such parking is required to serve that use, and
  - (iii) the building on the lot existed on the date of adoption of the Bylaw incorporating this Schedule;
- (c) A maximum of one parking space that meets the minimum dimensions described in this Schedule may be provided in the front yard of a property where the principal use of the lot is Single Family Dwelling; or
- (d) A maximum of two parking spaces that meet the minimum dimensions described in this Schedule may be provided in the front yard of a property where the principal use of the lot is Two Family Dwelling or Semi-attached Dwelling.

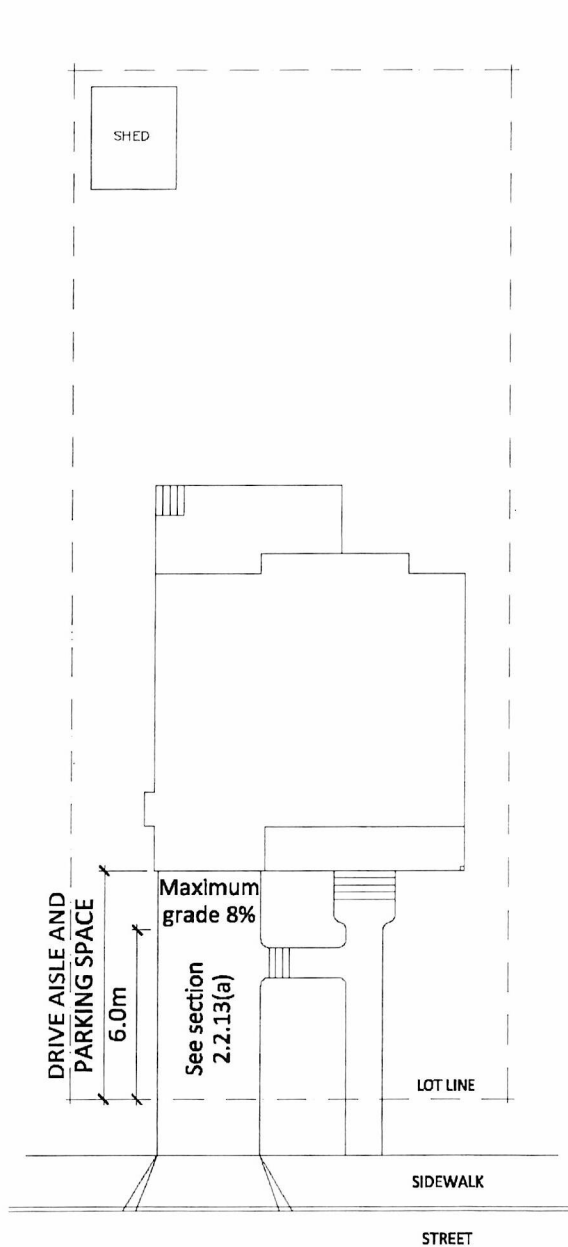
12. (a) An unenclosed surface vehicle parking space that abuts a pedestrian walkway or landscaped area without a barrier curb between the parking space and the pedestrian walkway or landscaped area must have a wheel stop centered horizontally within the parking space and placed 0.9m from the end of the parking space adjacent to the pedestrian walkway or landscaped area, in accordance with Figure 3 of this Schedule.
- (b) The requirements of subsection (a) do not apply to a parking space that satisfies at least one of the following conditions:
  - (i) The parking space is configured parallel to the curb or drive aisle;
  - (ii) The parking space shares a common front boundary with another parking space; or
  - (iii) The parking space is associated with either a Single Family Dwelling, Two Family Dwelling or Semi-attached Dwelling use.
- (c) Where a wheel stop is provided pursuant to subsection (a), the portion of the parking space between the wheel stop and the front edge of the parking space, as marked in Figure 3, is exempt from the requirements of section 2.1.1 and may be surfaced with permeable material or landscaping, provided that no landscaping exceeds 0.15m in height.

**Figure 3: Required Wheel Stop Placement**

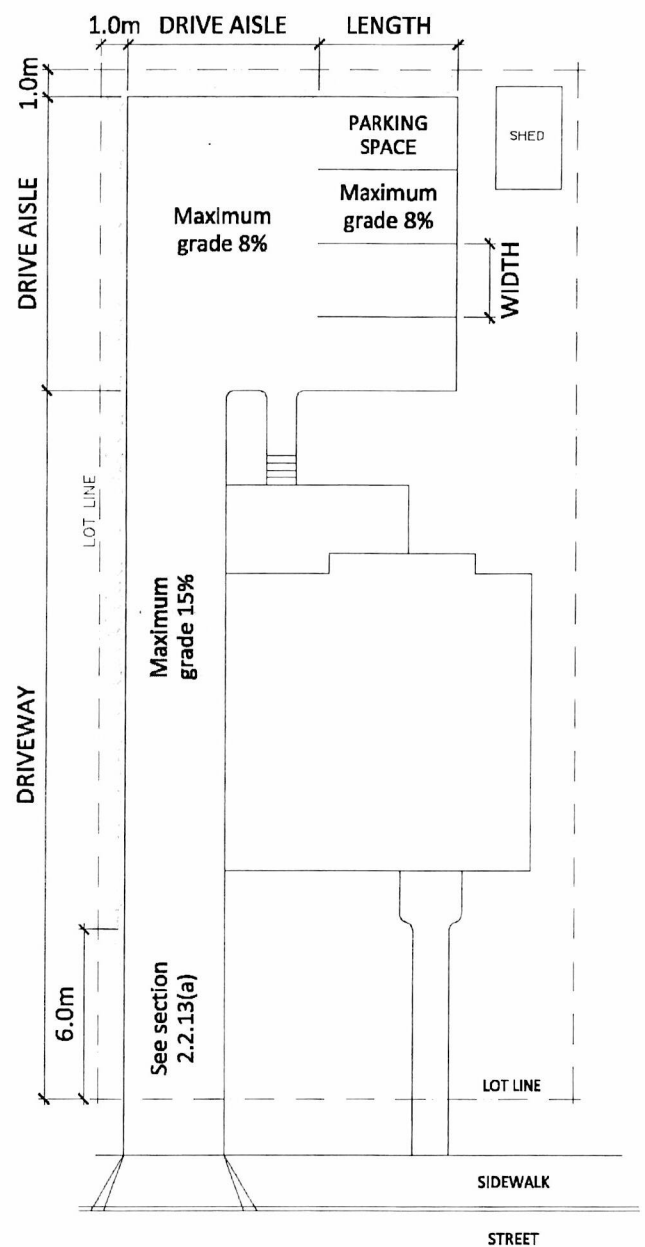


13. (a) Where a drive aisle or parking space is located within 6.0m of a street boundary it must comply with applicable grade requirements prescribed in this Schedule and the *Highway Access Bylaw*.
- (b) The maximum grade for a drive aisle or parking stall is 8%.
- (c) The maximum grade for a driveway is 15%.

## Examples: Maximum Grades for Parking Areas

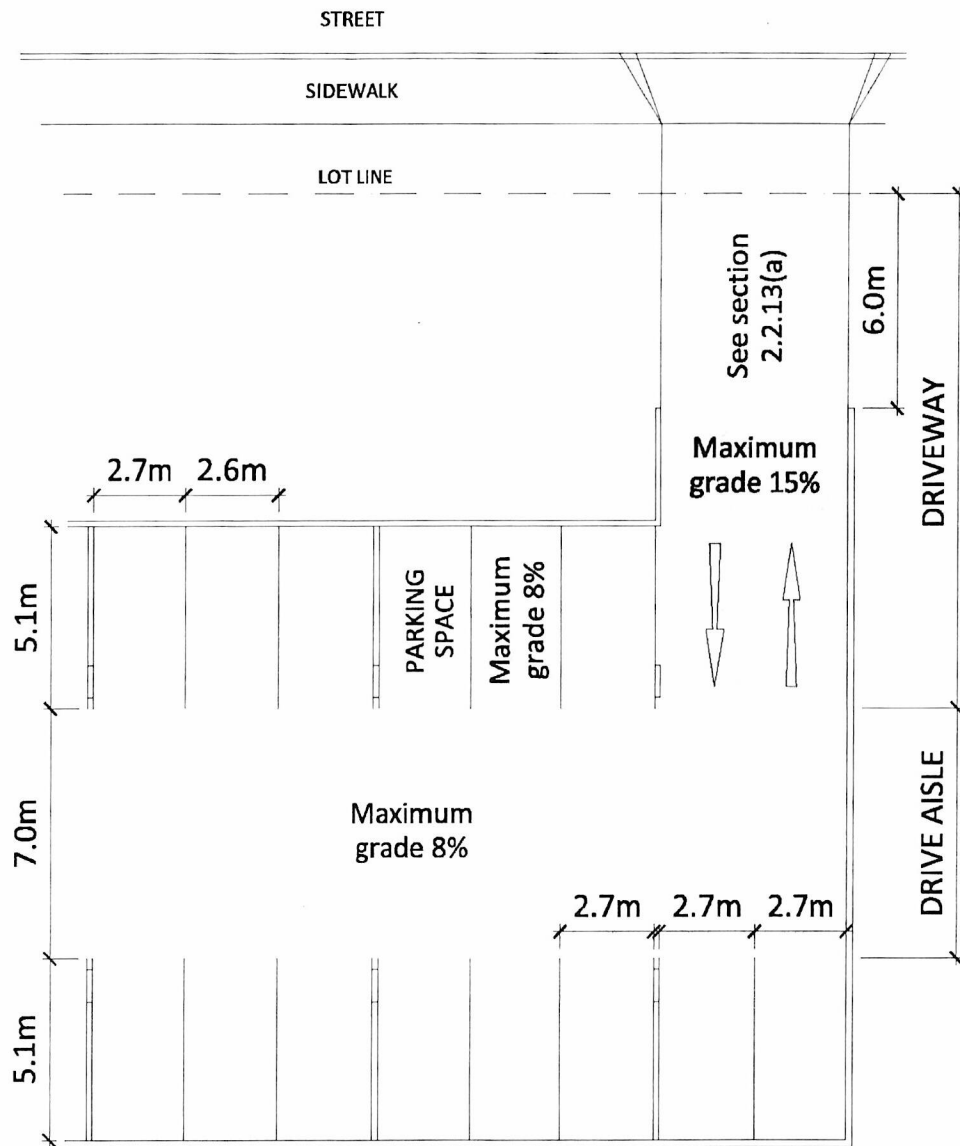


Example single family dwelling configuration



Example multiple dwelling configuration



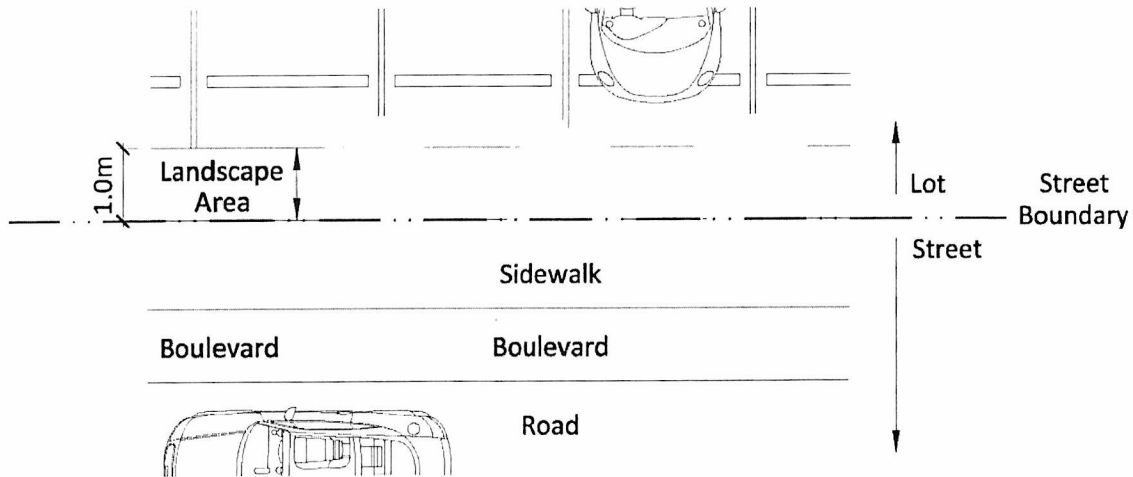


Example parkade configuration

### 2.3 Vehicular Parking Landscaping and Screening

1. If a surface vehicle parking area or vehicle parking space is located adjacent to a street, it must include a soft landscaped area, with a minimum width of 1.0m between the parking area or parking space and the street boundary.

**Example:** Minimum Landscape Area Adjacent to a Street Boundary



2. A surface vehicle parking area or surface vehicle parking space must include:
  - (a) continuous soft landscape areas with a minimum width of 1.0m, and
  - (b) a continuous landscape screenbetween the parking area or parking space and any adjacent lot used primarily for residential purposes, excluding the area where landscaping is prohibited pursuant to the *Highway Access Bylaw*.
3. The requirements of sections 2.3.1 and 2.3.2 do not apply where the principal use of the lot is Single Family Dwelling, Two Family Dwelling or Semi-attached Dwelling.
4. Where thirty (30) or more vehicle parking spaces are provided on a lot as surface parking, a minimum of 10% of the parking area must be soft landscaped (soft landscaping could include grass, shrubs or trees).

### **3. Bicycle Parking**

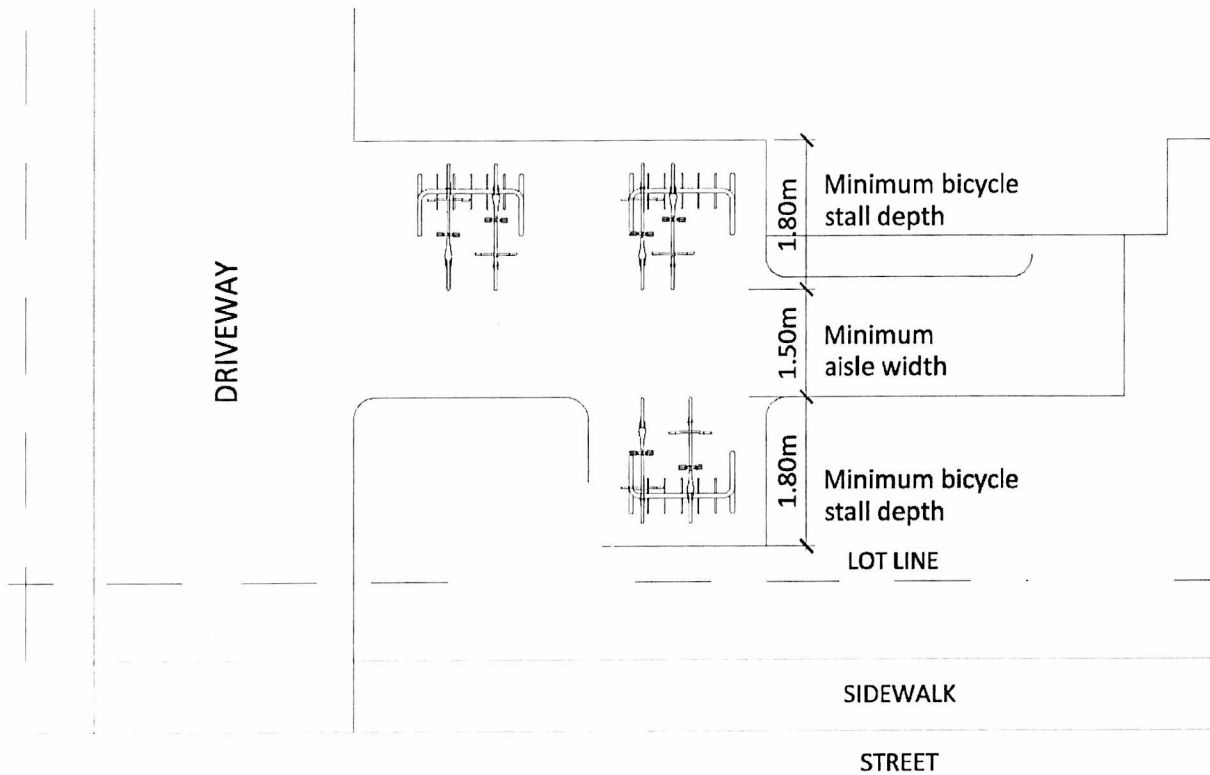
#### **3.1 Bicycle Parking Specifications**

1. All bicycle parking spaces required under this Bylaw must be provided on the same lot as the building or use which they serve.
2. (a) Each bicycle parking, short term space required under this Bylaw must be:
  - (i) designed and installed to the minimum dimensions shown in Table 3 of this Schedule; and
  - (ii) provided as a bicycle rack that is permanently anchored to the ground or a wall.
- (b) Each bicycle parking, short term space required under this Bylaw in association with a residential use must be located within a maximum distance of 15.0m from a building entrance that is accessible by visitors.
- (c) Notwithstanding subsection (b), where a minimum of 6 bicycle parking, short term spaces are located within 15.0m of each building entrance that is accessible by visitors, any additional required spaces may be provided in a location that is further than 15.0m from a building entrance.
- (d) Each bicycle parking, short term space required under this Bylaw in association with a commercial or institutional use must be located a maximum distance of 15.0m from a building entrance that is accessible by the public.
- (e) Notwithstanding subsection (d), where a minimum of 6 bicycle parking, short term spaces are located within 15.0m of each building entrance that is accessible by the public, any additional required spaces may be provided in a location that is further than 15.0m from a building entrance.
- (f) Each bicycle parking, short term space required under this Bylaw in association with an industrial use must be located within a maximum distance of 15.0m from the primary building entrance.

**Table 3:** Minimum Dimensions for Bicycle Parking (all minimum dimensions measured in metres)

	Ground Anchored Rack		Wall Mounted Rack	
	>45 degrees	≤45 degrees	>45 degrees	≤45 degrees
<b>Angle of Rack (in an aerial perspective, measured from the plane of the nearest wall of a <u>building</u>)</b>				
Minimum stall depth	1.8	1.45	1.2	1.2
Minimum aisle width	1.5	1.5	1.5	1.5
Minimum distance between bicycle racks (for racks that accommodate two or more bicycles)	0.9	1.3	0.9	1.3
Minimum distance between bicycle racks (for racks that accommodate no more than one bicycle)	0.45	0.65	0.45	0.65
Minimum distance between bicycle racks and entrance door to bicycle storage facility	0.6	0.6	0.6	0.6

**Example: Short-Term Bicycle Parking Configuration**

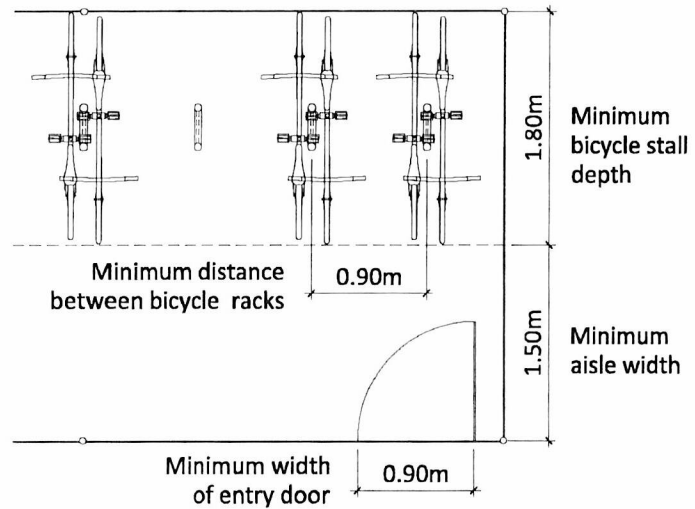


3. (a) Each bicycle parking, long term space required under this Bylaw must:
  - (i) be designed and installed to the minimum dimensions shown in Table 3 of this Schedule;
  - (ii) be provided as a bicycle rack that is permanently anchored to the ground or a wall;
  - (iii) have a minimum unobstructed height clearance of 2.1m between the floor and any mechanical equipment, or, if there is no mechanical equipment, between the floor and the ceiling;
  - (iv) be provided in a secure, weather-protected, dedicated bicycle parking facility accessible to residents, employees or other identified users of the building;
  - (v) be located in a bicycle parking facility accessible through an entry door with a minimum width of 0.9m; and
  - (vi) be located within one floor of finished grade and, if accessed by a stairwell only, the stairwell must include a ramp for bicycles.
- (b) At least half of the bicycle parking, long term spaces required under this Bylaw must be ground anchored.

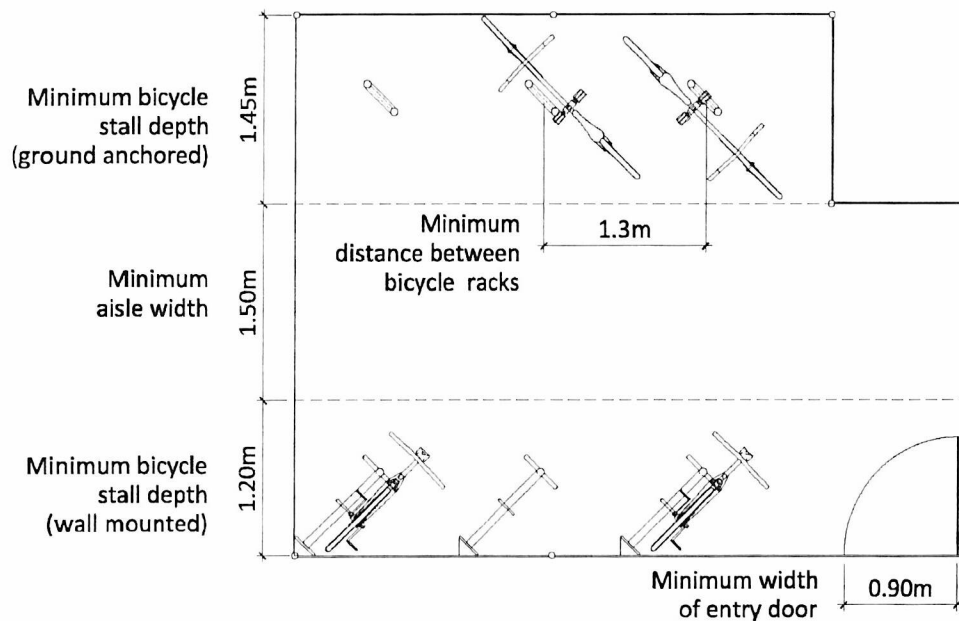


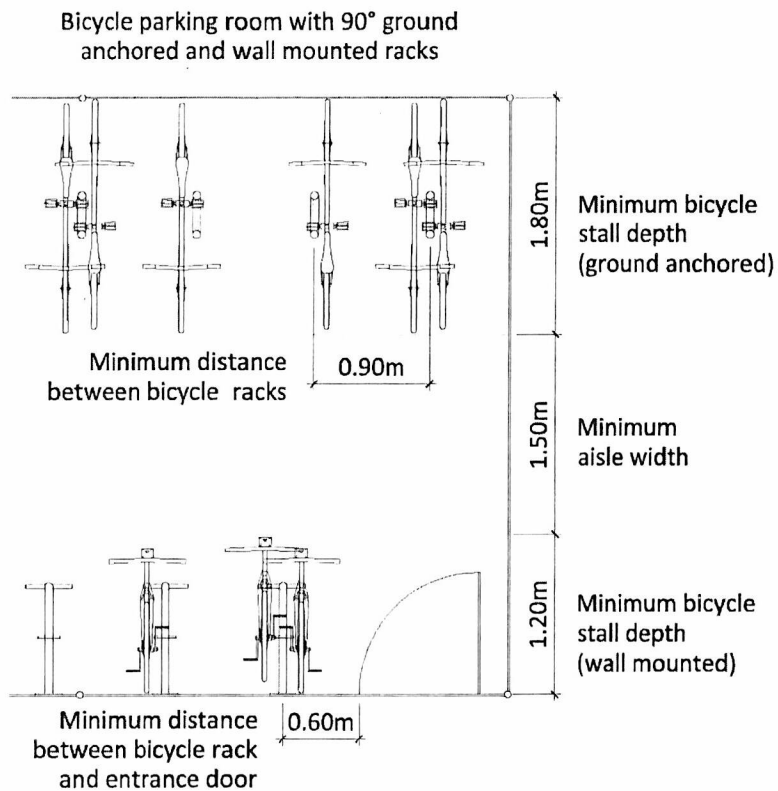
## Examples: Long-term Bicycle Parking Configurations

Bicycle parking room with  
90° ground anchored racks



Bicycle parking room with 45° angled ground  
anchored and wall mounted racks





### 3.2 Bicycle Parking Exemptions





1. Notwithstanding section 1.2.2:

- (a) bicycle parking, short term spaces are not required to be provided where the siting and design of a building existing on the date of adoption of the Bylaw incorporating this Schedule physically prohibits such spaces from being provided on a lot in accordance with this Bylaw;
- (b) no additional bicycle parking, short term or bicycle parking, long term spaces are required to be provided where only alterations or changes of use to a building are proposed and the building existed on the date of adoption of the Bylaw incorporating this Schedule; and
- (c) if additions are proposed to a building existing on the date of adoption of the Bylaw incorporating this Schedule, additional bicycle parking, short term and bicycle parking, long term spaces must be provided for the additional bicycle parking required with respect to the building addition only.

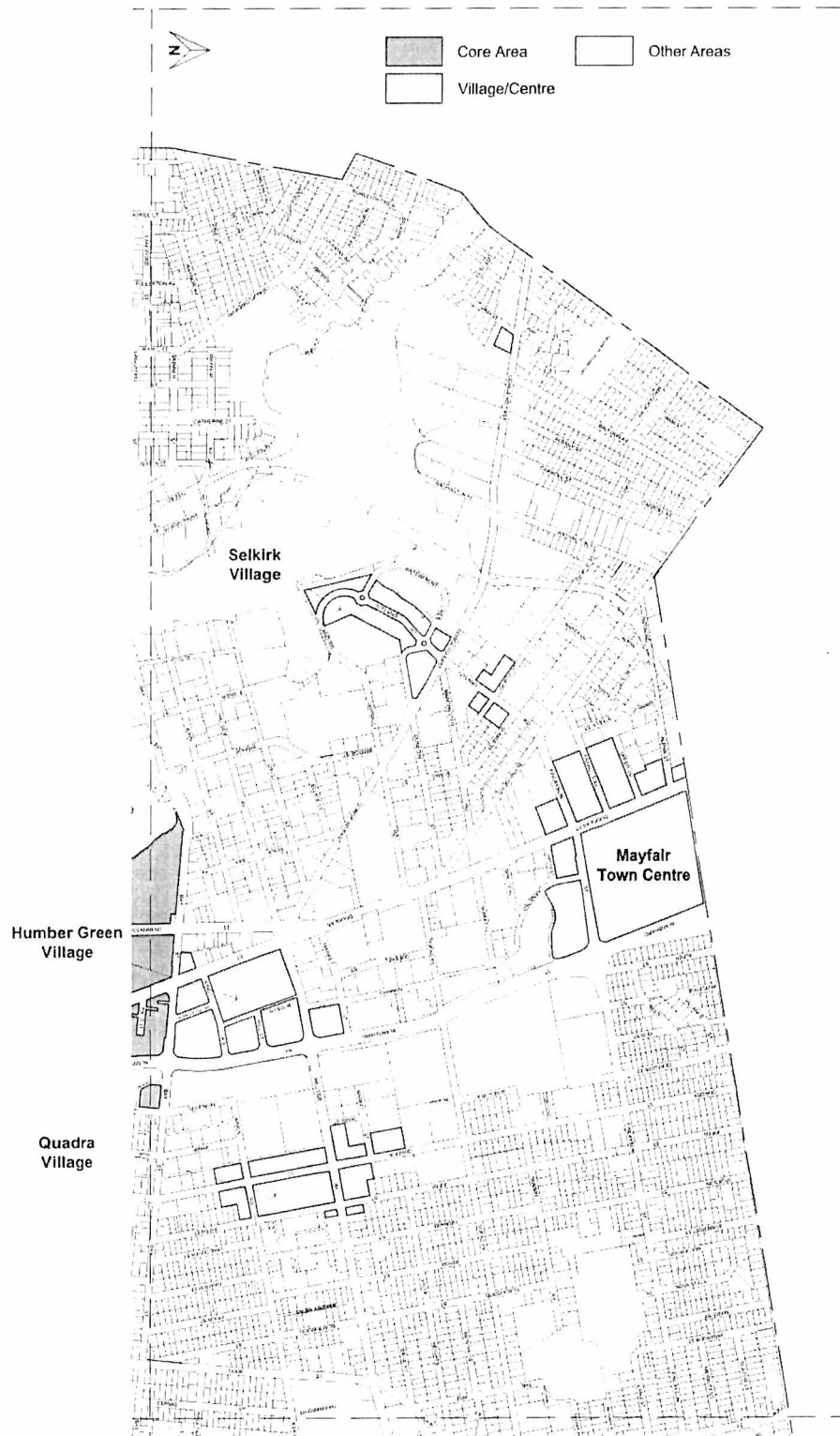
# Appendix 1



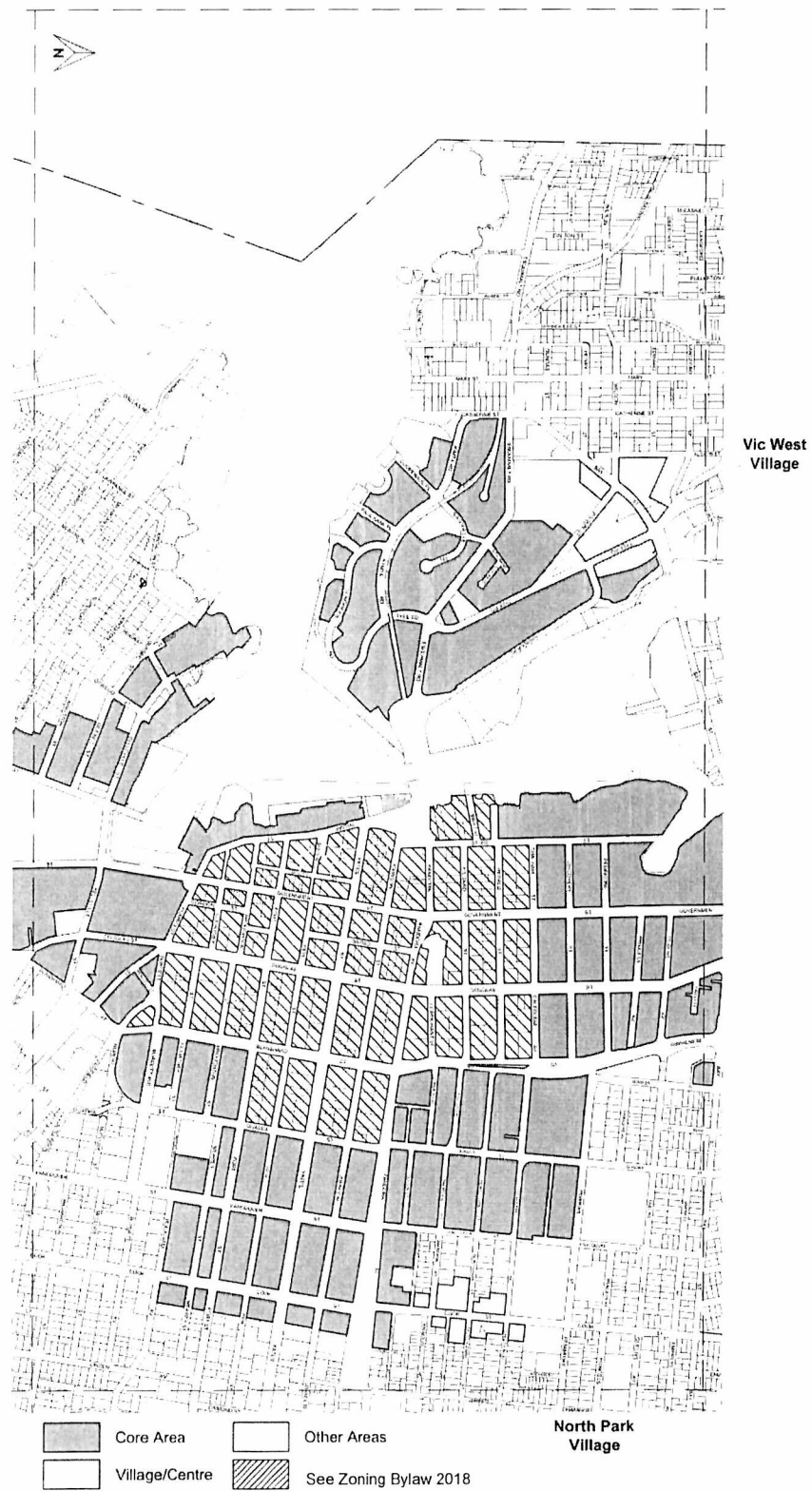
## Geographic Areas for Schedule C

	Core Area		Other Areas
	Village/Centre		See Zoning Bylaw 2018

# Map A

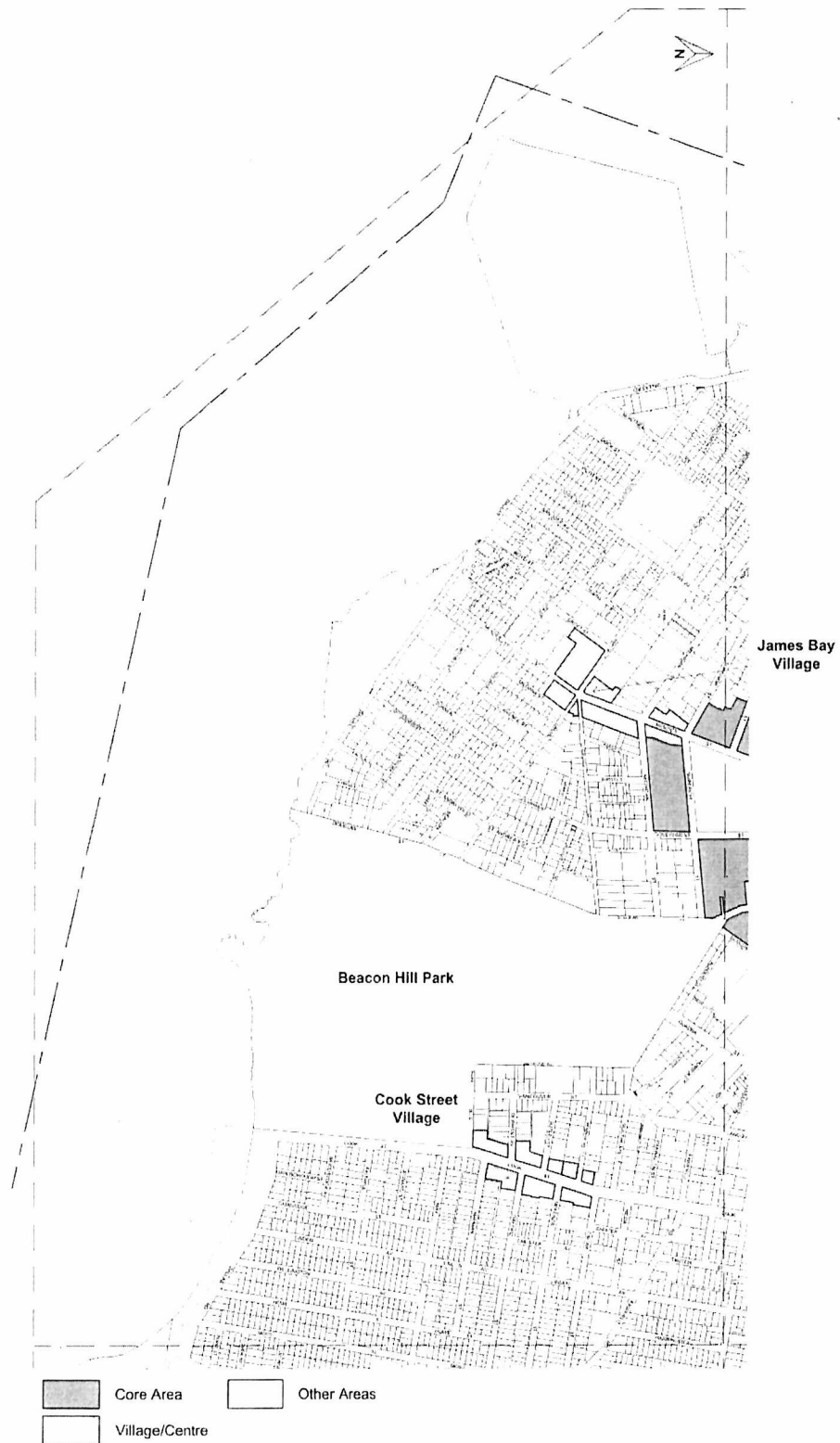


## Map B





## Map C



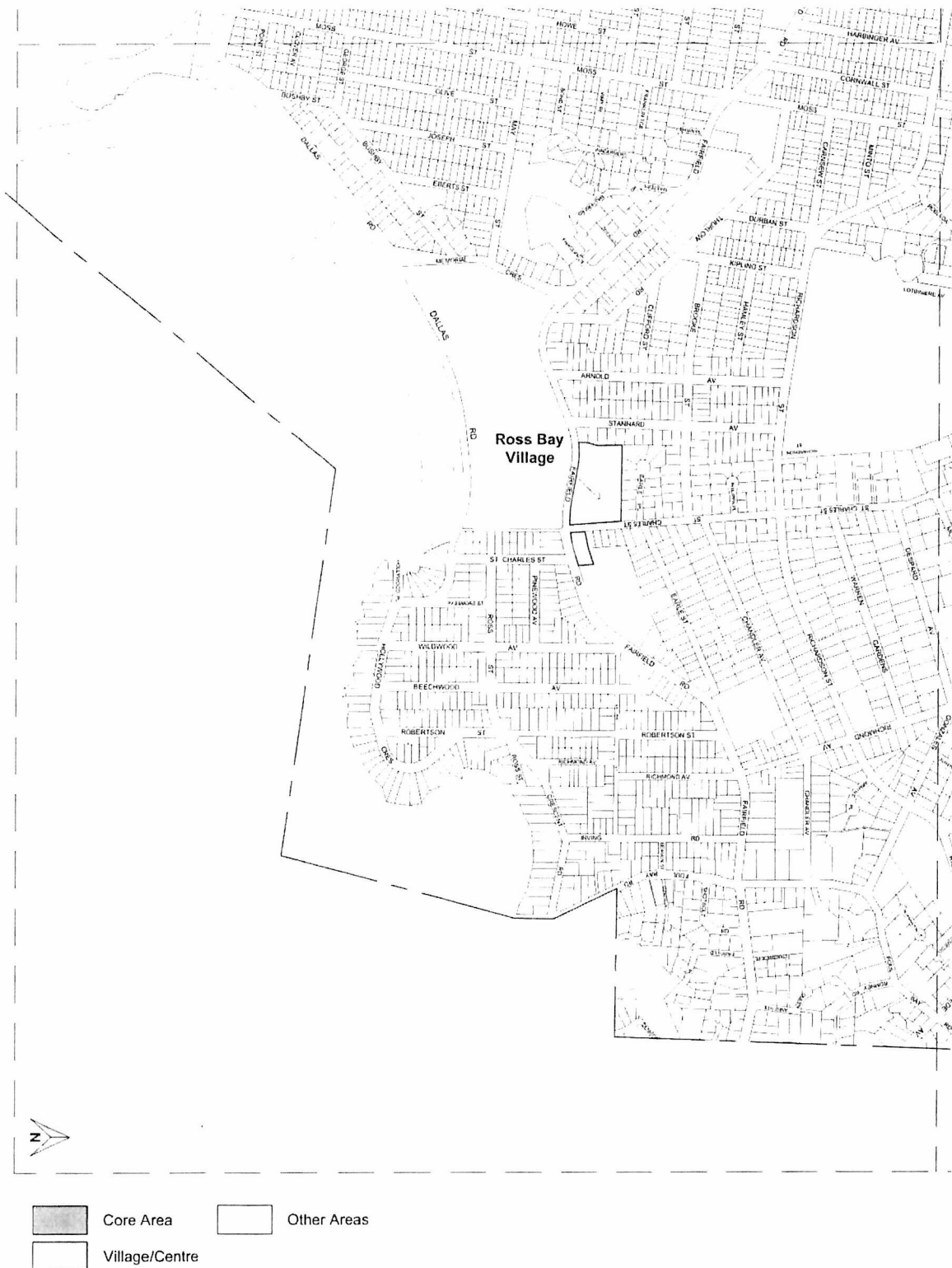
# Map D



# Map E



# Map F



Revisions to the Development Permit Application for the Proposed Starbucks in DoubleTree by Hilton at 777 Douglas St.

### **List of Changes**

#### **Sheets A3.0, A3.1, A3.2 & A4.0 :**

- 1) In terms of materiality the proposed exterior finishes have mainly been changed to silver metallic AL13 panels and wherever concrete is used the concrete is to be painted to match the silver metallic AL13 panels.
- 2) The proposed window mullions have been increased and the windows sill height has been kept same height as the existing windows sill height (24" AFF).
- 3) Upwalls have been added for the two guardrails of the proposed deck to make them aligned with the windows sill height.
- 4) A new AL13 fascia has been proposed above the main entrance stairs facing Burdett Ave.. This would strengthen the continuity of the AL13 fascia defining the roof line and also creates a more promising threshold for the entrance.
- 5) The wall supporting the green wall facing Burdett Ave. has been pushed back 10" away from the property line to allow for the green wall system. The specs of the green wall system has been submitted together with the revised DP plans.
- 6) A new AL13 screen has been proposed on the roof to hide the existing rooftop HVAC units.





## Committee of the Whole Report

### For the Meeting of March 5, 2020

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**To:** Committee of the Whole **Date:** February 20, 2020

**From:** Karen Hoese, Director of Sustainable Planning and Community Development

**Subject:** Next Generation Conversion Regulations – Update Report

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### RECOMMENDATION

1. That Council direct staff to prepare bylaws to amend Schedule G - House Conversion Regulations and Schedule C - Off Street Parking Regulations of the *Zoning Regulation Bylaw*, consistent with this report, in order to:
  - a. change the qualifying year of construction;
  - b. reduce restrictions on exterior changes;
  - c. clarify and expand opportunities to utilize under-height basements;
  - d. allow attic spaces to be developed;
  - e. allow vehicle car parking in front yard (for non-heritage properties);
  - f. increase and incentivize permitted number of units;
  - g. allow windows and doors on front elevations;
  - h. decrease parking requirements; and
  - i. require bicycle parking.
2. That Council direct staff to monitor the impact of the Next Generation Conversion Regulations, with particular attention paid to buildings with heritage value, and prepare an update report to Council within two to three years (once meaningful observations can be made), noting that staff would report back earlier in the event that a pattern of negative impacts to buildings with heritage value or other concerning trends are observed.
3. That as a next step, Council direct staff to undertake a further assessment of the parking requirements, including the impact of parking on the site layout and associated landscaping, as well as the possibility of delegating authority to staff for minor parking variances associated with house conversions.
4. That Council direct staff to continue to explore and bring forward items for Council's consideration that are listed in the "Sprint Option" of the Committee of the Whole Report dated December 5, 2019, as opportunities for improvements/expansion (e.g. green building incentive program) present themselves, noting that a more fulsome review and accounting of progress towards sprint goals would be included in the two to three year review report.
5. That Council direct staff to develop a design guidance document to provide advice aimed at advancing high-quality design that respects the local context and addresses potential neighbourliness impacts.

## EXECUTIVE SUMMARY

The purpose of this report is to update Council regarding feedback received on the Next Generation Conversion Regulations and seek direction on the preferred approach for moving forward. Overall feedback was positive; however, in some instances there were concerns related to reducing restrictions related to exterior changes, allowing windows and doors on front elevations, and parking. Some stakeholders felt that the proposed changes related to the above-noted topics were too permissive and others felt the proposed changes were too restrictive.

This report provides an overview of the targeted consultation and provides analysis and final recommendations directing staff to prepare amendments to the *Zoning Regulation Bylaw*, in order to replace the existing house conversion regulations and amend the off-street parking regulations. The report also advances a number of actions aimed at monitoring and guarding against unintended consequences as well as paying particular attention to concerns related to potential impact to buildings with heritage value. Additionally, upon further review, staff are recommending minor adjustments to floor area requirements and the resulting number of units permitted in order to provide a more logical “step” in the proposed incentives and to better align with other existing bylaw requirements.

## BACKGROUND

The purpose of this report is to provide an update regarding the feedback received on the Next Generation Conversion Regulations and seek Council direction on the preferred approach for moving forward. On December 5, 2019 (report included in Attachment A), Council passed the following motion:

That Council direct staff to:

1. Undertake consultation, as outlined in this report, on the following proposed changes to the Zoning Regulation Bylaw Schedule G – Housing Conversion Regulations and Schedule C – Off-Street Parking Regulations described as the ‘Run’ option:
  - a. Change the qualifying year of construction
  - b. Reduce restrictions on exterior changes
  - c. Clarify and expand opportunities to utilize under-height basements
  - d. Allow attic spaces to be developed
  - e. Allow vehicle car parking in front yard (for non-heritage properties)
  - f. Increase and incentivize permitted number of units
  - g. Allow windows and doors on front elevations
  - h. Decrease parking requirements
  - i. Require bicycle parking
  - j. Allow exemptions for required bicycle parking.
2. Report back to Council with feedback from consultation and final recommendations for amendments to the Zoning Regulation Bylaw.

Overall feedback was positive; however, in some instances there were concerns related to reducing restrictions related to exterior changes, allowing windows and doors on front elevations, and parking regulations. Some stakeholders felt that the proposed changes related to the above-noted topics were too permissive, while others felt the proposed changes were too restrictive.

The following sections provide an overview of the targeted consultation as well as analysis and recommendations related to:

- reducing restrictions on exterior changes and allowing new windows and doors on the front elevation
- creating a voluntary design guidance document
- fine-tuning the number of units permitted in relation to maximum floor area.

## Consultation

The following engagement with the public and key stakeholders has been undertaken:

Website and Social Media: The Next Generation Conversion Regulations webpage was updated with links to the staff report and opportunities to provide feedback were identified. The project was also shared through the City of Victoria Twitter and Facebook accounts.

Key Stakeholders: Information on the proposed changes along with a request for feedback was provided to:

- Heritage Advisory Panel
- Victoria Residential Builders Association (VRBA)
- Renters' Advisory Committee
- Community Land Use Committees (CALUCs)
- Urban Development Institute

The feedback received was largely positive in nature; copies of all written feedback can be found in Attachment B. In addition to written feedback from individuals, the Fernwood and Rockland CALUCs provided written comments and the VRBA printed information and comments on the proposed changes in the January 21<sup>st</sup> edition of the Times Colonist.

In addition to sharing the project information with the groups listed above, staff attended the following meetings:

Urban Development Institute (UDI), January 21, 2020: Staff met with members of the UDI to share information and receive verbal feedback on the proposed changes.

Heritage Advisory Panel January 13, 2020: While the Panel was generally supportive of the proposed changes, they expressed concern over the potential for negative impacts on buildings that have heritage value but are not protected with a heritage designation status. Based on these concerns, the Panel passed the following motion:

*That the Heritage Advisory Panel oppose item b (reduce restrictions on exterior changes) and item g (allow windows and doors on front elevations) in the staff report.*

A copy of the minutes from the Heritage Advisory Panel meeting are attached.

Renters' Advisory Committee, January 22, 2020: Staff gave a presentation to the Renter's Advisory Committee to share information and receive feedback. A copy of the Renters Advisory Committee minutes is attached.

## Feedback Themes

The following sections discuss the key feedback themes:

### Parking

Almost all the feedback included comments on reduced vehicle parking minimums. Many of these comments were in support of the proposed vehicle parking reductions and new bicycle parking requirements, with some comments calling to further reduce or completely eliminate vehicle parking minimums and to delegate parking variances to staff. Conversely, there was also some feedback expressing concern over the additional pressure that both lower parking minimums and a greater number of house conversions may have on street parking demand.

Staff recommend continuing with the proposed changes to the minimum parking requirements; however, a more detailed review would provide further opportunities to refine the parking requirements, including the impact of parking on the site layout and associated landscaping, as well as the possibility of delegating authority to staff for minor parking variances associated with house conversions. The recommended motion includes direction to undertake this assessment as a next step.

### Tenant Displacement

Another common theme was the concern that these updates could result in tenants being displaced. For example, existing rental conversions may become more attractive to renovate and potentially add units, displacing the existing tenants in the process.

While there is the potential for tenant displacement in any redevelopment, there are some additional supports available where the building is being converted to a strata. In the cases where a residential building is changing from rental to strata, the Residential Strata Titling Policy would apply. This policy states that while the vacancy rate for Metro Victoria is below 4% no applications to convert residential rental buildings with more than four rental units will be accepted and must be appealed to Council. Regardless of the number of units, a Tenant Plan must be completed for any application that involves a strata conversion of active rental dwelling units. For clarity, this is a separate process from the Tenant Assistance Plan required through a Rezoning application. The Tenant Plan is negotiated with staff and may include an option to purchase, alternative rental options, rental assistance or secured rental tenancy in the unit for a fixed term. (Residential Strata Titling Policy and Tenant Plan included in Attachment C).

Although the possibility does exist for tenants of buildings that are currently rental to be displaced as owners advance projects to upgrade and realize additional units, staff still recommend that on balance, the potential for additional units would far exceed the number lost through the redevelopment. Additionally, there may be opportunities to further support tenants through future Housing Strategy initiatives.

### Exterior Changes / New Windows and Doors on Front Elevations

As noted earlier, the Heritage Advisory Panel expressed concern that the updated regulations could result in more exterior alterations to houses that are not formally protected with a heritage designation but that do have heritage value. Of particular concern is the potential that changes would not respect existing architectural detailing, materials or historical context. However, other respondents noted that allowing this degree of flexibility was important to unit layouts and overall project feasibility. Staff note that allowing doors to be added to front elevations expands the possibility to create accessible units.

While the proposed changes would create a greater potential for exterior changes to buildings with heritage value, on balance, staff consider that the benefits outweigh the risks associated with relaxing the restrictions. While there is potential for more exterior changes, the updated regulations also make it more viable for existing houses to be saved and restored rather than demolished in favour of new development. Additionally, conversion and the associated reinvestment in a property presents an opportunity to restore architectural detailing that may have been covered or altered through previous renovations and does not necessarily lead to a negative outcome. Staff recommend the creation of a voluntary design guidance document to assist applicants and design professionals pursuing conversion projects.

For houses that are already formally protected with a heritage designation, exterior changes would continue to require a Heritage Alteration Permit to ensure consistency with the *Standards and Guidelines for the Conservation of Historic Places in Canada (Standards and Guidelines)*. For houses not yet formally protected with a designation, but where applicants are hoping to realize the incentive for obtaining heritage designation, alterations would need to be in keeping with the *Standards and Guidelines* in order to achieve heritage designation, which is a pre-condition to receiving the incentive of extra units.

To guard against the possibility of a trend of conversion applications making detrimental changes to buildings with heritage value, staff have included direction in the recommendation that would ensure that each application would receive a visual assessment of publicly-visible elevations comparing the existing condition with the proposed changes. If a pattern of detrimental alterations is identified, staff would report back to Council to seek direction to refine the bylaws. This approach would not be able to stop a specific proposal but would ensure that if a challenging pattern is observed, there is an avenue available for Council to “course correct.”

If Council feels that the preferred path forward should exclude the possibilities of making exterior changes and adding new windows and doors on front elevations, then Alternate Motion One would provide the appropriate direction.

Another approach, if Council would like to proceed more cautiously, is to only allow these changes to houses built after 1931. This would reduce the risk of unsympathetic exterior changes to much of the City’s older houses, but it would also limit options and in some cases be detrimental to the feasibility of pre-1931 houses that do not have significant heritage value. Alternate Motion Two provides the appropriate direction to advance this option.

The Options Section of this report details the advantages and disadvantages of these two options as well as the staff recommendation.

### **Voluntary Design Guidance Document for House Conversions**

One of the feedback themes was that some form of guidance to encourage high quality design would be beneficial. To address this and to support applicants through the house conversion process, it is recommended that staff create a voluntary design guidance document. The intention of the document would be to help ensure that house conversions are done in a way that maximizes the liveability of units, respects character of existing buildings and the street context, and ultimately enhances Victoria’s neighbourhoods.

Much of the material for the design document can be adapted from the existing voluntary *Secondary Suite Design Guidelines*, which would minimize the staff time required to create the document. Should Council choose to proceed with the bylaw update, staff would begin developing the design guidelines, which would be made available as an advisory publication shortly after the bylaw updates are approved.

### **Number of Units Permitted**

As a result of further analysis, staff are recommending a slight adjustment to the table outlining the number of units permitted based on the total building floor area. Specifically, at the first incentive level the floor area required for four units is recommended to be reduced from 260m<sup>2</sup> to 250m<sup>2</sup> and the floor area required for five units be reduced from 310m<sup>2</sup> to 300m<sup>2</sup>.



The reason for the first adjustment from 260m<sup>2</sup> to 250m<sup>2</sup> is to ensure that there is an incentive of an additional unit compared to the non-incentive level of three units for 250m<sup>2</sup>. This would potentially encourage more applicant uptake on the provision of heritage designation, rental or below market ownership. The reasoning for the second adjustment from 310m<sup>2</sup> to 300m<sup>2</sup> for five units is that this number is consistent with the 300m<sup>2</sup> maximum house size used in many single-family zones and is therefore likely include more houses. Both of these changes are relatively minor and still leave room for livable units at a range of sizes.

The chart below shows the new thresholds for the number of units permitted based on the total building floor area. The numbers proposed in the previous staff report are included and crossed out for reference. The description of the second incentive level has also been adjusted for clarity.

Number of units achieved:	Current regulations require X m <sup>2</sup> of floor area:	Proposed regulations would require X m <sup>2</sup> of floor area IF: <ul style="list-style-type: none"> <li>• heritage designated</li> <li>• rental</li> <li>• below market home ownership</li> </ul>	Proposed regulations would require X m <sup>2</sup> of floor area IF: <ul style="list-style-type: none"> <li>• affordable rental</li> <li>• heritage designated AND one of: <ul style="list-style-type: none"> <li>○ rental OR</li> <li>○ below market home ownership</li> </ul> </li> </ul>
2	150m <sup>2</sup>	100m <sup>2</sup>	80m <sup>2</sup>
3	250m <sup>2</sup>	200m <sup>2</sup>	175m <sup>2</sup>
4	350m <sup>2</sup>	<del>260m<sup>2</sup></del> 250m <sup>2</sup>	240m <sup>2</sup>
5	450m <sup>2</sup>	<del>310m<sup>2</sup></del> 300m <sup>2</sup>	280m <sup>2</sup>
46m <sup>2</sup> for each additional unit (currently 115m <sup>2</sup> )			

## OPTIONS & IMPACTS

The following sections outline three potential options, related to the topics of allowing exterior changes and permitting new windows and doors on front elevations, that Council may wish to consider in order to advance the preparation of proposed bylaw amendments. The first option pertains to the staff recommendation while the other two options represent alternate motions that are included at the end of the report.

### Option: Staff Recommendation

Implement full range of 'Run' level proposed changes, monitor impact and pay special attention to potential impact on buildings with heritage value that are not heritage-designated.

Advantages	Disadvantages
Greatest degree of flexibility and facilitates the greatest number of candidate properties.	May place houses that are not heritage-designated at risk of unsympathetic renovations.
In addition to overall program monitoring, establishes method of visual assessment so if a negative trend is observed, further Council direction can be sought.	

### Option: Alternate Motion One

Do not relax exterior change restrictions and do not allow addition of new windows and doors on front façade and monitor impact.

Advantages	Disadvantages
Reduces risk of unsympathetic renovations to houses with heritage value that are not already heritage designated nor intending to designate.	Many houses without heritage value would also be impacted by this restriction.
	Is less flexible and may create challenges in terms of lay out and access to units.

### Option: Alternate Motion Two

For buildings constructed before 1931, do not relax exterior change restrictions and do not allow addition of new windows and doors on front façade and monitor impact.

Advantages	Disadvantages
Reduces risk of unsympathetic renovations to pre-1931 houses with heritage value that are not already heritage designated nor intending to designate.	Many houses without heritage value would still be impacted by this restriction (although fewer than the previous option)
	Is less flexible and may create challenges in terms of lay out and access to units.

## CONCLUSION

The feedback received regarding the Next Generation House Conversion Regulations was generally very supportive and indicated strong support for the rental and heritage preservation opportunities presented by expanding the potential for house conversions. Although there was some concern expressed related to exterior changes and the ability to add windows and doors to front facades, staff recommend advancing the full range of proposed amendments and embarking on a course of monitoring and review to ensure that the proposed changes do not have negative unintended consequences.

### ALTERNATE MOTION ONE (no exterior changes or new window/doors on front elevation)

1. That Council direct staff to prepare bylaws to amend Schedule G - House Conversion Regulations and Schedule C - Off Street Parking Regulations of the *Zoning Regulation Bylaw*, consistent with this report, in order to:
  - a. change the qualifying year of construction;
  - b. clarify and expand opportunities to utilize under-height basements;
  - c. allow attic spaces to be developed;
  - d. allow vehicle car parking in front yard (for non-heritage properties);
  - e. increase and incentivize permitted number of units;
  - f. decrease parking requirements; and
  - g. require bicycle parking.

2. That Council direct staff to monitor the impact of the Next Generation Conversion Regulations and prepare an update report to Council within two to three years (once meaningful observations can be made.)
3. That as a next step after implementation of this phase, Council direct staff to undertake a further assessment of the parking requirements, including the impact of parking on the site layout and associated landscaping, as well as the possibility of delegating authority to staff for minor parking variances associated with house conversions.
4. That Council direct staff to continue to explore and bring forward items for Council's consideration that are listed in the "Sprint Option" of the Committee of the Whole Report dated December 5, 2019, as opportunities for improvements/expansion (e.g. green building incentive program) present themselves, noting that a more fulsome review and accounting of progress towards sprint goals would be included in the two to three year review report.
5. That Council direct staff to develop a voluntary design guidance document to provide advice aimed at advancing high-quality design that respects the local context and addresses potential neighbourliness impacts.

**ALTERNATE MOTION TWO** (exterior changes and new window/doors on front elevations allowed only on houses built after 1931)

1. That Council direct staff to prepare bylaws to amend Schedule G - House Conversion Regulations and Schedule C - Off Street Parking Regulations of the *Zoning Regulation Bylaw*, consistent with this report, in order to:
  - a. change the qualifying year of construction;
  - b. reduce restrictions on exterior changes to houses built after 1931;
  - c. clarify and expand opportunities to utilize under-height basements;
  - d. allow attic spaces to be developed;
  - e. allow vehicle car parking in front yard (for non-heritage properties);
  - f. increase and incentivize permitted number of units;
  - g. allow windows and doors on front elevations on houses built after 1931;
  - h. decrease parking requirements; and
  - i. require bicycle parking.
2. That Council direct staff to monitor the impact of the Next Generation Conversion Regulations and prepare an update report to Council within two to three years (once meaningful observations can be made.)
3. That as a next step after implementation of this phase, Council direct staff to undertake a further assessment of the parking requirements, including the impact of parking on the site layout and associated landscaping, as well as the possibility of delegating authority to staff for minor parking variances associated with house conversions.
4. That Council direct staff to continue to explore and bring forward items for Council's consideration that are listed in the "Sprint Option" of the Committee of the Whole Report dated December 5, 2019, as opportunities for improvements/expansion (e.g. green building incentive program) present themselves, noting that a more fulsome review and accounting of progress towards sprint goals would be included in the two to three year review report.
5. That Council direct staff to develop a voluntary design guidance document to provide advice aimed at advancing high-quality design that respects the local context and addresses potential neighbourliness impacts.

Respectfully submitted,



Chloe Tunis  
Planner  
Development Services



Alison Meyer  
Assistant Director  
Development Services



Karen Hoes, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



Date:

Feb 27, 2020

#### List of Attachments

- Attachment A: December 5, 2019 Council Report – Next Generation House Conversion Regulations
- Attachment B: Consultation Feedback
- Attachment C: Residential Strata Titling Policy and Strata Title Tenant Plan.



## Committee of the Whole Report

### For the Meeting of December 5, 2019

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**To:** Committee of the Whole **Date:** November 20, 2019

**From:** Andrea Hudson, Acting Director, Sustainable Planning and Community Development

**Subject:** Next Generation Conversion Regulations – Proposed Changes

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### RECOMMENDATION

That Council direct staff to:

1. Undertake consultation, as outlined in this report, on the following proposed changes to the *Zoning Regulation Bylaw* Schedule G – Housing Conversion Regulations and Schedule C – Off-Street Parking Regulations described as the 'Run' option:
  - a. Change the qualifying year of construction
  - b. Reduce restrictions on exterior changes
  - c. Clarify and expand opportunities to utilize under-height basements
  - d. Allow attic spaces to be developed
  - e. Allow vehicle car parking in front yard (for non-heritage properties)
  - f. Increase and incentivize permitted number of units
  - g. Allow windows and doors on front elevations
  - h. Decrease parking requirements
  - i. Require bicycle parking
  - j. Allow exemptions for required bicycle parking
2. Report back to Council with feedback from consultation and final recommendations for amendments to the *Zoning Regulation Bylaw*.

### EXECUTIVE SUMMARY

Over the last several decades, the Conversion Regulations have facilitated the creation of a significant number of residential units and housing choice by repurposing large, existing single-family houses into smaller residential units. This has been accomplished in a manner that has had the side benefit of preserving the existing character of many of Victoria's neighbourhoods, adding to the stock of heritage-designated and registered properties and diverting demolition waste from landfills. While the current regulations are considered to be very successful, the "Next Generation Conversion Regulations" are required to ensure the ongoing health and vitality of the program.

The proposed changes represent an opportunity to "refresh" the program in order to reflect evolving community values and to yield additional opportunities for houses to be converted to suites, in order to ultimately increase the number and range of housing units available.



The report presents three options for Council's consideration, which are characterized as "Walk," "Run" and "Sprint." While staff recommend the middle "Run" option, it should be noted that this approach provides an ambitious and robust list of benefits, that would:

- make it easier to convert a house to multiple units
- facilitate the creation of more units
- incentivize heritage designation as well as the creation of rental, affordable rental and affordable home ownership units.

Although during the strategic planning sessions Council discussed the benefits of having staff simply bring forward the bylaw amendments that would update the Conversion Regulations to accelerate the creation of additional housing, the degree of change presented in the "Run" option would benefit from focused community consultation, as outlined in this report.

## **PURPOSE**

The purpose of this report is to outline a series of potential changes to the House Conversion Regulations and seek Council's direction regarding the preferred approach for moving forward.

## **BACKGROUND**

### **Description of Proposed Changes**

Although the report outlines three potential approaches, categorized as "Walk," "Run" and "Sprint," staff recommend taking the middle "Run" option, which would:

- make it easier to convert a house to multiple units
- facilitate the creation of more units
- incentivize heritage designation as well as the creation of rental, affordable rental and affordable home ownership units.

Proposed changes include:

- allowing additional conversions by changing the qualifying year of construction
- expanding opportunities to incorporate under-utilized basement and attic space
- increasing and incentivizing the permitted number of units
- relaxing restrictions related to the degree of exterior change that is permitted
- revising parking and bike parking requirements.

While the "Run" approach is ambitious in terms of its aim to facilitate additional housing, it is balanced with a number of regulations aimed at minimizing negative impacts to neighbourhood character, context and privacy to help ensure that house conversions continue to be welcome additions within neighbourhoods.

## **Relevant History**

The House Conversion Regulations, contained in Schedule G of the *Zoning Regulation Bylaw*, were first established in the 1950's. The intent was to offer a viable option for re-purposing larger, older houses, as it was recognized that there was a significant stock of houses built at the turn-of-the-century which were designed to accommodate large families and/or staff and that no longer served their intended purpose and could be redesigned to accommodate a number of smaller suites. The conversion regulations were structured to allow property owners to convert qualifying

single family dwellings to a set number of self-contained dwelling units, based on the overall floor area of the building, with larger buildings allowing a greater number of units and smaller buildings allowing fewer.

These regulations have had the intended effect of facilitating many conversions throughout the City, resulting in what could be described as small multiple dwelling buildings nested within existing homes in low density neighbourhoods, with little disruption to the immediate neighbours or the existing character of the area. These regulations also assisted in the diversion of a significant amount of building waste from the landfill and preserving existing housing stock, including many character homes.

Many heritage-registered and heritage-designated homes are conversions; however, there is currently no incentive to heritage designate a home unless the conversion requires rezoning. Staff's assessment is that the program has been a great success; however, many of the buildings that could easily be converted have been, resulting in a reduced number of building permit applications to convert houses in recent years.

For the most part, conversions are handled through a simple Building Permit process. Occasionally, but more frequently in recent years as the most viable candidate properties have already been converted, some small variances to the regulations have been approved either through a Board of Variance or Council process. In some other instances, rezoning applications have been supported by Council to facilitate conversions where the density or use restriction could not be met. When applications go through these additional processes, more staff time is required and there is a higher level of risk and costs for applicants.

In addition to allowing conversion of single-family dwellings to multiple units, the Conversion Regulations also allow kindergartens (daycares and pre-schools), light-housekeeping units, boarding houses and rooming houses. Despite these other permitted uses, this report focuses on the conversion of buildings to multiple residential units only.

A direction contained in the City of Victoria Strategic Plan, 2019 – 2022, identifies that staff should accelerate implementation of the Victoria Housing Strategy by developing a “city-wide strategy for additional house conversion opportunities” and “incentivize and mandate the creation of family-appropriate two and three bedroom rental units.” As part of the Council deliberations during the 2019 budgeting process at the February 5, 2019 Special Committee of the Whole meeting, Council suggested that one approach that would reduce the amount of staff time needed to revamp the Conversion Regulations was for staff, based on their knowledge and experience, to bring forward proposed bylaw changes. To that end, specific regulatory details of the conversion regulations are discussed in the Analysis section of this report, describing both the current regulations and how they could be modified to improve the program and/or facilitate additional conversions. A focused phase of consultation is, however, still recommended in order to communicate the details of the intended changes and to help “proof” the proposed regulations against unintended consequences.

## **ANALYSIS**

This section provides a discussion of key factors that should be considered in relation to potential changes to the Conversion Regulations:

- housing affordability and choice
- heritage conservation

- neighbourhood character
- impact on the urban forest
- climate action
- transportation - parking
- site servicing and construction
- community consultation
- proposed zoning changes:
  - change the qualifying year of construction
  - reduce restrictions on exterior changes
  - clarify and expand opportunities to utilize under-height basements
  - allow attic spaces to be developed
  - allow vehicle parking in front yard
  - increase and incentivize permitted number of units
  - allow new windows and doors on front elevation
  - decrease parking requirement
  - require bicycle parking
  - allow floor area exemption for required bicycle parking
- potential future work.

## **Housing Affordability and Choice**

House Conversions increase the supply of ground-oriented housing within neighbourhoods, which has a positive impact on overall housing prices as well as on individual units within conversions, which will generally be less expensive than a single family or duplex unit on the same property. Additionally, house conversions often provide rental housing stock. One of the proposed changes would incentivize applications that offer secure rental housing and/or affordable rental or home ownership by allowing a greater number of units per floor area and requiring a lower level of parking. This provision is discussed in more detail below.

In 2018, an Infill Analysis Report prepared for the City by Urbanics Consultants as part of the Local Area Planning process, found that in the Fairfield and Gonzales neighbourhoods, out of a range of infill rental options, conversions were the most likely to be financially viable. Further, the report found that in these neighbourhoods, conversions were likely to be particularly attractive redevelopment option for homeowners as compared to developers. Staff observations would suggest many applicants are prospective homeowners or existing homeowners looking to stay on site and add rental units that would increase the affordability of their own housing costs.

Another advantage of House Conversions is that, in part because of need to adapt to an existing floor plan, they typically result in a range of unit types including multiple bedroom units, usually within each building that is converted. This creates a healthy mix of unit types available for future residents.

It is worth noting that new opportunities for conversions may make it more attractive to redevelop existing rental properties and, as with any redevelopment, this could result in the existing tenants being displaced. Existing rental units that may be redeveloped for a house conversion include both approved and non-approved units within conversions or secondary suites within single family houses. House conversions containing housekeeping or rooming houses – which are rooms or units that are not self-contained and share some level of shared washroom or cooking facilities – may also become viable to redevelop into self-contained rental or strata units. However, on balance staff recommend that the potential for additional units created via the proposed changes

would far exceed the number lost through the redevelopment of properties that already have more than one unit.

## **Heritage Conservation**

As noted earlier, many conversions have been heritage-designated while others have been added to the Heritage Register, which provides valuable heritage resources that add to the urban fabric and remain available as an asset for future generations to enjoy. Additionally, even if a building associated with a house conversion is not heritage-designated or heritage-registered, the overall structure and often the architectural details are retained, allowing for consideration of heritage designation or listing on the Heritage Register at a later date.

One of the proposed changes would incentivize applications that offer to heritage designate their property by allowing a greater number of units per floor area. This provision would be applicable where it is determined that the property has heritage value and a Heritage Designation Bylaw is adopted for the property through the normal City process. This incentive would also be applicable for houses that are currently heritage-designated, to support their ongoing use. Any resulting exterior changes would continue to require a heritage alteration permit to ensure consistency with heritage standards and guidelines.

## **Neighbourhood Character**

For the most part, conversions can be accommodated within existing neighbourhoods with little disruption to the immediate neighbours and in a manner that maintains the look and feel of the local area. In this way, conversions are usually seen as a positive influence within neighbourhoods as investment and upgrades of these existing buildings are encouraged.

## **Impact on Urban Forest**

Converting existing houses to multiple units has a significantly lower impact on the urban forest than most other forms of development because it reuses an existing building within an existing building footprint. The current conversion regulations do not allow additions outside the existing building envelope.

The process of conversion usually results in adding hard surfaces to the rear yard for vehicle parking, which can impact existing trees and limit the space available to accommodate new trees. Reducing the parking requirement would allow for greater tree retention and provide additional space to plant new trees. Potential changes related to parking requirements are further discussed below.

## **Climate Action**

Buildings account for 51% of the City's total greenhouse gas emissions and energy efficiency retrofits present the largest opportunity to reduce these emissions. The Climate Leadership Plan sets targets whereby all existing buildings will be highly energy efficient and will all be powered with renewable energy by 2050. Victoria's building stock is aging, with 70% of the existing units built prior to 1970. For many of these buildings, aging conditions make for poor energy performance and many still use fossil fuel heating systems. Expanding the number of potential house conversions may give the City additional opportunities to intervene through touchpoints where low carbon heating systems and energy efficiency measures can be encouraged as part of the conversion process. New Provincial building retrofit standards as well as a number of

reward programs are anticipated to be announced in the coming months. Once this information is available, staff will be in a better position to assess and make recommendations about expanding the proposed incentive program to include energy efficient/passive renovations; this opportunity has been included below in the section outlining Potential Future Work.

### **Transportation – Parking**

The recommended changes include a reduction in parking requirements for conversions in heritage-designated houses, affordable rental, and secured below-market home ownership. During the recent update of the Off-Street Parking Regulations, an analysis of parking demand found that average vehicle ownership rates are lower in rental units compared to condominiums, and that average vehicle ownership for non-market affordable housing is much lower than the average. For heritage-designated houses, a lower parking requirement would help to retain the character of the property by preserving more of the existing landscaped areas.

While a full analysis and consultation has not been conducted for these proposed reductions, the recommendations also include more stringent long-term bicycle parking requirements which could potentially offset a portion of the additional vehicle parking demand. These recommended changes are described further in the Proposed Zoning Changes section.

While reducing minimum parking requirements is recommended, applicants could still choose to provide a number of parking stalls that exceeds the Zoning Bylaw requirement in order to meet market demand.

### **Site Servicing and Construction**

Because existing buildings that were originally designed for larger families are being repurposed, the impact on site servicing such as storm drain, sanitary sewer or water connections can sometimes result in significant project costs. It is also important to note that the types of appliances people expect in their homes (dishwashers, washing machines, multiple bathrooms) has changed, and if a single family house is reconfigured to accommodate multiple units, each with a demand for its own appliances, additional burden is placed on City services.

Depending on the scale of the conversion, site servicing upgrades may be required to accommodate the additional demand as many of the older homes are not up to current City Standards or current building and plumbing codes. Therefore, this can also be an opportunity to upgrade services that do not meet today's standards. The drawback would be that upgrades can add quite a bit of cost to a conversion project, and digging up existing services and/or trenching for new services can be disruptive to existing trees and can at times limit locations available for planting new trees.

### **Community Consultation**

As noted earlier in this report, on February 5<sup>th</sup>, 2019 as part of Council's discussion in conjunction with establishing the Victoria Strategic Plan, it was suggested that one way to limit the staff resources required to update the Conversion Regulations in order to enable action on other housing initiatives was to have staff bring forward proposed amendments, based on staff's experience with the regulations. This report does that; however, it seeks direction on the extent of change Council is hoping to achieve. Additionally, staff do recommend that some targeted consultation occur with key stakeholders once Council selects a preferred approach, which would involve:



- referral to the Heritage Advisory Panel
- referral to Renters' Advisory Committee
- referral to each Community Association Land Use Committee with a request for feedback (if any) within 45 days
- referral to the Urban Development Institute and the Home Builders Association with a request for feedback (if any) within 45 days
- posting notice on the City's website and at the Development Services counter inviting feedback.

This level of consultation can be accommodated within the existing staff resources. Staff would review and consolidate the feedback and if appropriate recommend revisions for Council's consideration. These steps above are in addition to the normal notification and consultation requirements associated with Public Hearings that are required for rezoning initiatives.

## Proposed Zoning Changes

The following sections detail proposed changes to Schedule G – House Conversions Regulations and Schedule C – Off-Street Parking Regulations, both contained in the *Zoning Regulation Bylaw*. A benefit of the proposed changes, in addition to increasing the number of units yielded through conversion, is that the process of conversion would be easier and even where an application could not meet the reduced zoning standards, more applications could be handled as a variance application (simpler process) rather than triggering a rezoning application. In summary, benefits of the proposed changes include:

- making it easier to convert a house to multiple units
- facilitating the creation of more residential units
- incentivizing:
  - heritage designation
  - the creation of rental and affordable rental units
  - the creation of affordable home ownership units.

### a.) Change the Qualifying Year of Construction

Under the current regulations, generally, a house must have been constructed prior to 1931 in order to be converted to multiple units, with limited conversions permitted for houses built prior to 1969. The proposal is to allow any house constructed in 1984 or earlier to be converted to a multiple dwelling. The reason for choosing 1984 is that it coincides with the year that the R1-B Zone, Single Family Dwelling District, was significantly modified to greatly reduce the permitted maximum floor area. The modified year-of-construction date simplifies the regulation, expands the conversion options for older houses and captures houses that are more likely to have larger floor area therefore facilitating an increased number of House Conversions.

### b.) Reduce Restrictions on Exterior Changes

Minor exterior changes, such as new porches and decks and above ground-level entries and stairs, are not currently permitted. The exception to this is where these changes are required for fire exiting, provided they are not on an elevation facing a street. This restriction may limit the options for unit configuration, which can have a negative impact on unit size and privacy within the conversion. Further to this, the restriction limits the potential for individual outdoor space for each unit. Staff recommended removing this restriction for portions of the building not facing the street. While there may be some privacy impacts on neighbouring properties, these exterior changes are all things that a non-conversion house on the same site are permitted to do. This change would also not impact the zoning restriction on roof decks, which are decks located above the second storey of the building.

Related to these restrictions is the lack of clarity in the regulations regarding fire exiting. Staff further recommend clarifying the regulations to clearly exempt fire escapes that are required by the BC Building Code or the Fire Code to be permitted on all storeys and exempt from height definitions.

Any exterior changes to a heritage-designated building would be subject to heritage considerations and may require a heritage alteration permit to ensure that the form, materials and detailing are compatible with the architectural style of the designated home.

#### c.) Clarify and Expand Opportunities to Utilize Under-Height Basements

One of the current challenges associated with house conversions is the way floor area is calculated; the floor area must be existing and it must be habitable as per the BC Building Code. This means that under-height basements do not count toward the total floor area eligible for conversion, even though the current regulations allow the area to be made habitable by increasing the floor to ceiling height by up to 0.6 metres. It is therefore recommended that the regulations increase the opportunities to utilize newly created habitable space in an existing basement or lower storey if the height is increased (up to 0.6m) so that it qualifies as habitable, within overall building height limits. This change would facilitate the potential for more units in a way that would not impact the outward appearance of the building beyond what is already permitted in the current regulations.

#### d.) Allow Attic Spaces to be Developed

Developing attic space offers another opportunity to create more floor area with potentially minimal exterior changes to a house conversion. Allowing dormers in this space, or similar spaces, is recommended in order to allow for more liveable floor area without expanding beyond the existing building footprint. To help preserve the character and massing of a home, the amount of dormered area could be limited by restricting this attic space to a half storey.

Undeveloped attic space does not count as a storey, so when this space is developed into floor area, it also adds to the number of storeys. Currently, for houses already at the maximum number of storeys, this would add a half storey beyond what is permitted in the zoning, even though the outward appearance of the house, in the majority of cases, would hardly change. This additional half storey would be limited in massing by virtue of the half storey definition, which can be a maximum of 70% of the floor area of the ground floor. The maximum building height, as measured in metres from average grade to midpoint of the roof, would remain unchanged and still apply; thereby limiting the potential amount of change. The following table compares the existing and proposed regulations, with the two cells highlighted grey identifying the changes.

<b>Zone</b>	<b><u>Current</u> max. building height (no change)</b>	<b><u>Current</u> maximum number of storeys</b>	<b><u>Proposed</u> maximum number of storeys for conversions</b>
R1-A - Rockland Single Family Dwelling District	7.6m	2 ½ storeys	2 ½ storeys (no change)
R1-B - Single Family Dwelling District	7.6m	2 storeys	2 ½ storeys
R1-G - Gonzales Single Family Dwelling District	7.6m	2 storeys without basement 1 ½ storeys with basement	2 ½ storeys without basement 2 storeys with basement

Staff recommend that these changes are consistent with the Official Community Plan (2012), and based on staff observation and experience, developing attic space into floor area is likely to increase the potential viability for many conversions in a manner that would have no impact on the building footprint and limited impact on the view of the building from the street, while allowing for greater use of what is typically underutilized attic space.

e.) Allow Vehicle Parking in Front Yard (non-heritage)

Front yard parking is not permitted in house conversions. This proposed change would bring house conversions in line to the current standard for similar single-family and two-family houses by allowing up to two vehicle parking stalls in the front yard. Front yard parking for heritage-designated buildings is not included in this proposed change. While this could have some impacts on the streetscape, front yard parking could also lower the amount of surface area required for parking in the rear yard. This would help to maintain the urban forest and maximize the useable back yard space for residents.

f.) Increase and Incentivize Permitted Number of Units

Currently, the number of units permitted in a house conversion depends on the amount of existing *habitable* floor area. This measure can be quite restrictive and limits the potential for conversions. It is worth noting that the changes described in “a,” “c” and “d” alone will release additional candidate properties eligible for conversion and will enable a greater number of units within qualifying buildings. However, lowering the total floor area required per unit would further increase the potential number of units within a building, which would increase both the financial viability of a conversion and the potential number of units that can be achieved. Staff recommend establishing a system that incentivizes heritage designation, rental housing, affordable rental housing and below market home ownership by allowing more units in these circumstances. The incentives for secured rental would include a provision to allow one unit to be used by the property owner to allow for the redevelopment of properties by homeowners who wish to continue to reside in the building.

The following table compares the current and proposed total building floor area required in relation to the number of units that can be achieved under varying circumstances. The areas of proposed change are highlighted in grey.

Number of units achieved:	Current regulations require X m <sup>2</sup> of floor area:	Proposed regulations would require X m <sup>2</sup> of floor area <u>IF</u> : <ul style="list-style-type: none"> <li>• heritage designated</li> <li>• rental</li> <li>• below market ownership</li> </ul>	Proposed regulations would require X m <sup>2</sup> of floor area <u>IF</u> affordable rental OR two of the following are secured: <ul style="list-style-type: none"> <li>• heritage designated</li> <li>• rental</li> <li>• below mkt ownership</li> </ul>
2	150m <sup>2</sup>	100m <sup>2</sup>	80m <sup>2</sup>
3	250m <sup>2</sup>	200m <sup>2</sup>	175m <sup>2</sup>
4	350m <sup>2</sup>	260m <sup>2</sup>	240m <sup>2</sup>
5	450m <sup>2</sup>	310m <sup>2</sup>	280m <sup>2</sup>
46m <sup>2</sup> for each additional unit (currently 115m <sup>2</sup> )			

Another advantage of house conversions is that any building typically yields a mix of unit types because of the need to design around an existing floor plate. So, while the minimum required floor area per unit is proposed to change, there would still be opportunities for a mix of unit sizes depending on the building layout. The minimum unit size per unit would remain at 33m<sup>2</sup>, which is consistent with typical minimum unit sizes outside the downtown core.

g.) Allow Windows and Doors on Front Elevation

New windows and doors at the street front are not currently permitted as part of a house conversions. Windows and some doors along the street front would support street-oriented units and allow more flexibility in floor layouts. The current restriction on new stairs at the front of the building would prevent this proposed change from having major impacts to the character and massing of houses. For these reasons, allowing new windows and doors on the front elevation of non-heritage designated houses is recommended. For heritage-designated houses, this change could be limited by heritage considerations.

h.) Decrease Parking Requirement

The current zoning bylaw parking requirements, contained in Schedule C – Off-Street Parking Regulations, typically require between 0.2 to 1.45 parking stalls per residential unit, depending on:

- tenure (there is a higher parking requirement for strata units, lower for rental and affordable units)
- size of the unit (there is a higher parking requirement for larger units)
- location of the property (there are lower requirements for properties within the Core and Village Centres).

Recently, 0.1 stall per unit of visit parking is also required, which results in an additional stall required for conversions with 5 or more units. Current parking requirements generally reflect the measured parking demand for the various types of units,. Some exceptions where parking demand may be higher than the requirements are for single family dwellings, units in Village Centres and affordable units. Required parking rates in these categories are lower to reflect lower density development areas in the case of single family homes or to encourage development and additional density in Village Centres.

The previous Schedule C, which was in place until 2018, had a lower parking requirement, which was:

- 1 stall per unit for buildings with three or fewer units
- 0.8 stall per unit for buildings containing more than three units.

To encourage house conversions and minimize impacts to the affected property, staff recommend the following parking rates for house conversions:

- 1.0 stalls per unit for units larger than 70m<sup>2</sup>
- 0.7 stalls per unit for units between 45m<sup>2</sup> and 70m<sup>2</sup>
- 0.5 stalls per unit for units less than 45m<sup>2</sup>.
- 0.2 stalls per unit for affordable rental and affordable home ownership units, and units within a heritage designated building.

These parking rates, which are more akin to the old Schedule C, would, in most instances:

- accommodate the majority of parking demand



- help reduce the extent of hard surfacing required to accommodate required parking, thereby potentially reducing the impact on the urban forest, supporting green stormwater management and allowing for more outdoor amenity space in general
- make the process of conversion more attainable for more buildings.

Embedded in the previous Schedule C rates was a requirement that 10% of the parking stalls be reserved for visitor parking. Consistent with the current Schedule C, staff instead recommend adding the 0.1 stall per unit for visitor parking on top of the residential requirement.

It should be noted that while neither a full analysis nor consultation of the potential impacts of reducing the parking requirements has been conducted, given the benefits of incentivizing this form of development while encouraging heritage conservation, the creation of affordable units and supporting urban forest health, combined with the newly proposed bike parking requirements (below) it is anticipated that while there may be some additional pressure placed on on-street parking, the proposed rates strike an appropriate balance.

#### i.) Require Bicycle Parking

Bike parking is currently only required for new buildings or additions. Given the proposed lower vehicle parking rates and active transportation objectives, staff recommend including long-term bicycle parking as a requirement for house conversions. While this would be an extra burden, the number of required stalls is relatively low, and there are a number of options for locating the bike parking within the building or an accessory building. Additionally, a floor area exemption (below) is proposed to help facilitate the provision of bike parking.

#### j.) Allow Floor Area Exemption for Required Bicycle Parking

Allowing an addition that is the equivalent size of the required parking area would reduce the burden of this requirement on a house conversion project. It would also allow for the flexibility of adding the bike parking where it is most convenient. This proposed change would have a relatively minor impact on the building character and facilitates high quality bicycle parking facilities in both new and existing conversions. It may, however, place greater pressure on increasing the building footprint by a small degree or introducing a new accessory building to accommodate the bike parking which in turn could impact the urban forest. Staff would work with applicants through the normal process to try to alleviate negative pressures on trees while providing opportunities to include functional bike parking.

### **Potential Future Work**

In undertaking this work, staff noted that there are a number of other opportunities to potentially expand and improve the Conversion Regulations that are not recommended for further exploration, at this time, due to limited staff resources and a series of associated known and unknown risks. Identified as a continuation of the list above, these changes include:

- k) consider establishing an incentive for achieving passive/energy efficient standard
- l) consider revising other zones to allow conversions in zones that currently restrict them
- m) allow garden suites with conversions
- n) allow additions that create new floor area
- o) consider allowing the creation of floor area beyond zoning limitations for heritage, rental and affordable housing
- p) explore further options for legalizing unlawful units
- q) review landscaping requirements to ensure they align with the updated tree preservation bylaw, integrate rainwater management standards, and balance usable yard space with privacy for neighbours



- r) explore establishing a system of delegated authority so staff can review, and in some instances, approve parking variances.

Although included and identified as the “Sprint” approach, these actions are not recommended for advancement as part of this initiative. They are primarily included in this report to share ideas and begin a collective exploration of other possible improvements to be explored in a future phase. These changes may also be advanced as part of other Victoria Housing Strategy actions as well as part of the Missing Middle Housing Strategy.

## OPTIONS & IMPACTS

The following section outlines three potential options that Council may wish to consider in order to advance further work on this topic, they are described as:

- Walk
- Run (recommended)
- Sprint

The following table provides a summary of which regulatory changes are included within each approach. The discussion related to the impacts, is structured so that each of the “Walk,” “Run” and “Sprint” options are briefly described, a summary of resource implications is provided and potential advantages and disadvantages are explored. The “Sprint” approach, while included in this table, would take a significant amount of additional staff resources to advance and represents a number of associated known and unknown risks.

Proposed Zoning Change	Walk	Run (Recommended)	Sprint
a.) Change the qualifying year of construction	X	X	X
b.) Reduce restrictions on exterior changes	X	X	X
c.) Clarify and expand opportunities to utilize under-height basements	X	X	X
d.) Allow attic spaces to be developed	X	X	X
e.) Allow vehicle car parking in front yard (non-heritage)	X	X	X
f.) Increase and incentivize permitted number of units		X	X
g.) Allow windows and doors on front elevation		X	X
h.) Decrease parking requirement		X	X
i.) Require bike parking		X	X
j.) Allow exemption for required bicycle parking		X	X
k.) Establish incentive for achieving passive / energy efficient retrofit standard			X

Proposed Zoning Change	Walk	Run (Recommended)	Sprint
l.) Allow conversions in zones that currently restrict them			X
m.) Allow garden suites with conversions			X
n.) Allow additions that create new floor area			X
o.) Allow the creation of floor area beyond zoning limitations for heritage, rental and affordable housing			X
p.) Explore further options for legalizing unlawful units			X
q.) Review landscaping requirements to ensure they align with the updated tree preservation bylaw, integrate rainwater management standards, and balance usable yard space with privacy for neighbours			X
r.) Explore establishing a system of delegated authority for parking variances			X

### Option 1: Walk

#### Description

This approach recommends a series of small steps that will likely facilitate some additional conversions and simplify the process for legalizing existing, non-approved conversions.

#### Resource Impacts

There will be few resource implications associated with this approach, however could be some resource impacts related to the potential increase in building permits for house conversions. These projects tend to be slightly more complicated than new-build projects and can require comparatively more staff time in the review process.

Advantages	Disadvantages
Clarifies / simplifies existing regulations	Relatively low risk, with some potential unknowns
Opportunity for more units to be created	Exterior changes, while limited, may be visible to neighbouring properties
Allows small exterior changes that can improve liveability/layout options	May change appearance of a building from road to some degree
Allows for development of currently underutilized basement and attic space	Does not incentivize heritage designation, rental or non-market housing forms
Potential for more homes to be converted, preserving existing neighbourhood character	Not clear how effective the changes will be in terms of making more conversion projects financially feasible

## Option 2: Run (Recommended)

### Description

This approach recommends large steps that will likely facilitate many additional conversions along with secured rental, affordable rental, affordable home ownership and heritage designations.

### Resource Impacts

There will be resource implications associated with this approach resulting from the need for staff to manage applications through the Housing Agreements and Heritage Designation Bylaws through the Council approval process. There may also be an increased number of neighbourhood parking issues that need to be managed by staff. This will need to be monitored and if additional staff resources are required it would be factored into future financial planning cycles.

Advantages	Disadvantages
All the advantages of the “Walk” approach	Higher risk, particularly related to potential unknowns of decrease in parking and potential impacts of redevelopment in existing conversions
Offers incentives for heritage designation, rental, affordable rental and affordable home ownership	Not clear how effective the incentives will be in securing heritage designation, rental, affordable rental or affordable home ownership
Ensures secure bike parking is provided in all conversions	Would put additional pressure on on-street parking and adds additional costs for the applicant associated with creating long-term bike parking facilities.
Incentive for heritage designation helps secure heritage assets and helps maintain neighbourhood character	Exterior changes, while limited, may be visible to neighbouring properties. This includes changes to the roof massing
Allows for more flexibility in “legalizing” existing unapproved conversions	Incentives can add time and complexity to the approvals process

## Option 3: Sprint

### Description

This approach includes the same large steps recommended in the “Run” approach and also includes a number of potential next steps that have not been fully analyzed and would likely be fairly labour intensive for staff to take to the next level of analysis in order to present well-considered recommendations for Council’s review. In some instances, some identified options are linked to or would benefit from being advanced subsequent to, or in tandem with other initiatives.

Given the greater potential impacts and unknown risks associated with this option, staff recommend that the “Sprint” level changes be explored after the potential “Run” options have been implemented and staff have a chance to monitor the outcomes. Staff also recommend

further public consultation on these changes. Undertaking this work in a future phase would allow staff to take a closer look at the potential risks and would provide an opportunity for 'fine tuning' of the first phase of changes.

#### Resource Impacts

In addition to the resource impacts of the "Run" option, this option will take additional staff resources for comprehensive review and recommended additional consultation. Additional resources would need to be factored into future financial planning in order to undertake this work.

Advantages	Disadvantages
Creates a 'check in' for the outcomes of initial changes (if implemented as a second phase after the first phase of changes)	High risk, particularly related to potential impact on neighbouring properties, pressure for redevelopment in existing houses and conversions
	Would require additional staff resources to fully understand implications
	Would not have the benefit of learning and refinement based on implementation of "Walk"/ "Run" changes

#### *Accessibility Impact Statement*

The British Columbia Building Code regulates accessibility as it pertains to buildings.

#### *2019 -2022 Strategic Plan*

The City of Victoria Strategic Plan includes an action to accelerate implementation of the Victoria Housing Strategy by developing a strategy for additional house conversion opportunities. These recommended changes are an important step in supporting a greater number of conversions.

#### *Impacts to Financial Plan*

At this time there are no impacts to the Financial Plan. Future reports would identify any budgetary needs, for instance, additional dedicated staff. These would be referred to future financial planning processes.

#### *Official Community Plan Consistency Statement*

This initiative advances the following broad objectives contained in the Official Community Plan:

- 13(a) – That housing development responds to future demand and is facilitated through land use policies and practices
- 13(c) - The existing supply of rental housing is expanded through regeneration
- 13(d) – A wide range of housing choice is available within neighbourhoods to support diverse, inclusive and multi generational community.

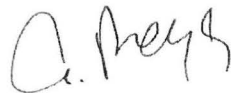
## CONCLUSIONS

The current Conversion Regulations have facilitated the creation of a significant amount of residential units and housing choice by repurposing existing houses over the last several decades. This has been accomplished in a manner that has had the side benefit of preserving the existing character of many of Victoria's neighbourhoods, adding to the stock of heritage designated and registered properties and diverting building materials from entering the landfill. The proposed changes represent an opportunity to "refresh" the program by advancing the City's "Next Generation Conversion Regulations." The proposed changes will better reflect evolving community values and yield additional opportunities for houses to be converted to suites in order to ultimately increase the number and range of housing units available, while incentivizing heritage designation, the provision of rental housing, affordable rental and affordable home ownership.

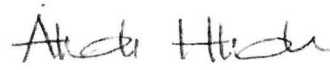
Respectfully submitted,



Chloe Tunis, Planner  
Development Services



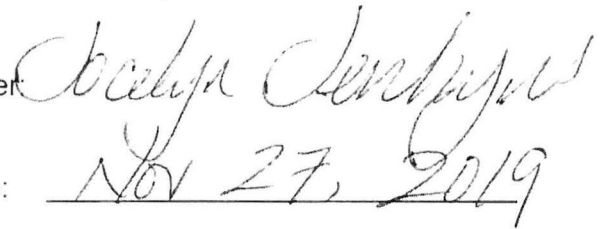
Alison Meyer, Assistant Director  
Development Services



Andrea Hudson, Acting Director  
Sustainable Planning and  
Community Development  
Department

Report accepted and recommended by the City Manager

Date:

  
Nov 27, 2019

### List of Attachments

- Attachment A: Schedule G – House Conversion Regulations
- Attachment B: Schedule C – Parking Regulations



### 3. House Conversion Update Project

Presenters: Chloe Tunis, Planner, Development Services  
Alison Meyer, Assistant Director, Development Services

#### Panel Questions and Comments

- In the current regulations, under-height basements do not count towards the total floor area that is eligible for conversion. Two ways to deal with under-height basements are to lower the floor level by digging down or raise the upper floors. Is either one acceptable? Chloe: Applicants are encouraged to dig down. Currently you can dig down or if you have a full-height basement, it can be raised by 2 ft. If the basement is under height, the house cannot be raised. The proposed changes would remove this restriction.
- It is a good idea to open up the possibility of changes to building form (e.g. addition of dormers) or the addition of doors and windows on the front façade of heritage houses. These changes would be in keeping with the style (i.e. Craftsman or Arts and Crafts) of many heritage-designated houses. However, new doors and windows on the front façade should be a last resort as there are other ways to access different units without these exterior changes. The onus is on staff to ensure that the changes are appropriate and sympathetic.
- Reducing parking restrictions on site provides owners with the freedom to decide how many spaces to provide. Parking in the front yard is not appropriate for heritage-designated houses as it negatively impacts the appearance of the house and the neighbourhood. The restrictions would also prevent the paving of rear yards.
- Providing an incentive for energy conservation is worthwhile. As an encouragement, it was suggested that building permit applications could be expedited for projects that are net 0 or better than the step code standards.
- What housing stock, heritage or non-heritage, is impacted by the changes? Alison Meyer: The incentive for permitted number of units is for heritage-designated buildings only; the proposed changes to the conversion regulations apply to non-heritage, heritage-registered and heritage-designated buildings.
- The current conversion regulations regarding exterior changes have negatively impacted heritage-registered and non-heritage-registered (character) buildings. The structure of the original building is lost in the conversion. The regulation changes would permit more units; however, the proposed relaxation of exterior changes would allow new cladding materials, windows (including vinyl) and doors on the front elevation, potentially destroying heritage value.
- Alison Meyer: One of the challenges with existing non-heritage-designated housing is that it is more lucrative for developers to have the building demolished. With the proposed regulations and incentives, the City is trying to address this. Sometimes buildings have already been stripped of their architectural detailing and the applicant must decide whether to demolish the building, strip the interior and acquire three units, or heritage designate and acquire two extra units.
- Which restrictions would be relaxed? Chloe Tunis: Changes to the following parts of Schedule G, Section 6, are proposed:
  - a. addition to the side of a building would not be allowed, but a new dormer would be possible
  - b. addition of an unenclosed floor space (sundeck, balcony, porch) would be allowed, but not facing the street
  - d. developing an under-height basement by raising the building would be allowed

- e. changes to the front façade of a building would be allowed, including new cladding, windows and doors
- Alison Meyer: Exterior changes to non-heritage-designated buildings would be reviewed by the Panel only if the applicant is applying for an incentive by designating the building.
- What is a bicycle parking space? Bicycle parking has become a considerable regulation that requires accommodation. Chloe Tunis: The space must be weather protected with minimum dimensions and ground or wall-mounted equipment to which to lock the bike. Allowing a small rear addition or accessory building provides flexibility to meet the bicycle parking regulations.
- 
- It was suggested that staff consult with the Victoria Heritage Foundation and the Hallmark Heritage Society regarding the changes.

**Moved**

**Seconded**

That the Heritage Advisory Panel recommend that staff clarify the wording in Schedule G.

**Carried (unanimous)**

**Moved**

**Seconded**

That the Heritage Advisory Panel oppose item b (reduce restrictions on exterior changes) and item g (allow windows and doors on front elevations) in the staff report.

**Carried (5 in favour, 2 opposed)**

## 5. HOUSE CONVERSION REGULATIONS UPDATE – CHECK-IN

Chloe Tunis, Development Services Planner, presented an overview of the proposed updates to the House Conversion Regulations.

The Committee discussed:

- How do the proposed changes interact with the Fairfield neighbourhood plan?
  - Typically only a building permit would be required for a house conversion; this is not changing with the proposed updates to the House Conversion Regulations.
  - House conversions are a component of missing middle housing, by creating spaces within existing houses.
- The need to preserve a neighbourhood's form and character is restrictive, and prevents more supply to be developed.
  - Conversion regulations would provide a way of preserving neighbourhood character while adding more housing supply within existing houses.
- How often would house conversions displace tenants, and would they be eligible for compensation?
  - It is challenging to predict the uptake of the new regulations, and unknown how many of those converted houses are rented.
  - No Tenant Assistance Policy is required through the building permit process; this is only required through rezoning applications.
- To how many houses would the new regulations apply?
  - It is hard to say exactly; many more houses would be eligible, but it is challenging to predict the uptake.
- Would the regulations apply to both rental and strata housing?
  - Yes.
- There is no guarantee that these units would be rented; how can we ensure that this update increases the number of available rental units?
  - Even if the units are not secured as rentals, this arrangement is attractive for owners who wish to rent a couple units within a house. Compared to a new build, these units are more likely to be rented.
- How could these newly-created units be secured as rentals?
  - A housing agreement would be registered on title to secure the units as rentals, and this would require Council approval.
- The regulations would allow relatively small units; how is diversity and accessibility in rental stock promoted through these updated regulations?
  - More units could be possible per total floor area. However, the minimum floor areas still allow for unit sizes that are larger than many of the typical unit sizes in multi-family developments in the City.
  - House conversions tend to be quite varied, depending on existing configuration, creating some studio units and some larger units.
- Is there any way to encourage shared resources (e.g. washing machines) to free up unit space?
  - Changes to the requirements around decks and entryways would allow for more usable indoor space within units, rather than multiple indoor entries.

The Committee provided the following feedback:

- support for the opportunities created by the updated regulations
- the need to balance the preservation of neighbourhood character with the need to increase the number of units within the City
- concern that many old houses could be converted
- support for increasing the supply of affordable rental housing
- concern that these regulations would incentive the displacement of existing tenants (similar to demoviction)
- the need for protections for existing tenants
- concern that family homes would be broken up into multiple units, each renting for the original price of the whole house
- housing is more important than the appearance of a neighbourhood.

Staff will follow up with the Committee on ways to provide additional feedback on the proposed updates to the House Conversion Regulations.



**Kyle Ryan**  
President, VRBA

## New Home Conversion Proposal Assists Supply, Affordability

The City of Victoria is considering an important home conversion policy that may improve supply, vacancy rate and affordability.

CMHC reports vacancies in Victoria have dropped to 1%, adding to our housing challenges.

Canada's strong population growth of over half a million annually is driving demand.

About 60% are newcomers to Canada and we need to welcome them with affordable housing

They are a significant part of our strong economy – people bringing their skills and expertise.

However, CMHC also reports new housing in Greater Victoria declined by 18% last year.

New supply remains a challenge due to the cost of land, labour, materials and getting approvals.

One way to boost supply is converting older, single detached homes into multi-unit housing.

According to the city's report, the new conversion policy will:

- make it easier to convert a house to multiple units
- facilitate the creation of more units
- incentivize heritage designation as well as the creation of rental, affordable rental and affordable home ownership units

Proposed changes include:

- allowing additional conversions by changing the qualifying year of construction
- expanding opportunities to incorporate under-utilized basement and attic space
- increasing and incentivizing the permitted number of units
- relaxing restrictions related to the degree of exterior change
- revising parking and bike parking requirements.

There are several options for how quickly these proposals may be enacted.

An aggressive timeline would be appropriate considering the extent of our housing challenges.

The city's proposal appears to represent a more flexible approach to housing by assisting more supply and affordability – clear benefits to the community.

You can offer your support and provide feedback to the city, no later than February 10, by visiting <https://www.victoria.ca/EN/main/residents/planning-development/development-services/house-conversions.html>

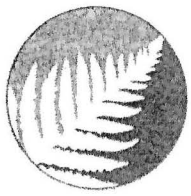
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**VICTORIA**  
**RESIDENTIAL BUILDERS**





# FERNWOOD COMMUNITY ASSOCIATION

Andrea Hudson, Acting Director  
Sustainable Planning and Community Development Department  
City of Victoria  
Victoria, BC

RE: Proposed Changes to House Conversion Regulations

Dear Ms. Hudson,

The Fernwood Land Use Committee, with the approval of the Board of Directors of the Fernwood Community Association, are pleased to submit the following comments concerning the proposed changes to the City's regulations permitting house conversions as presented in the Committee of the Whole Report dated November 20, 2019.

On a rainy February night 16 neighbours attended Fernwood's regularly scheduled land use meeting to discuss changes the City is considering to the regulations governing house conversions. A notice of the meeting, including a copy of the Report, was sent out through our email distribution list.

In general no significant issues were raised concerning the following proposed changes: a. Qualifying year of construction; b. Reduced restrictions on exterior changes; c. Expanding opportunities to utilize under-height basements; d. Allowing attic spaces to be developed; f. Increasing and incentivizing permitted number of units; g. Allowing windows and doors on front elevations; i. Requiring bicycle parking and j. Allowing exemptions for required bicycle parking.

It is important to note there were disagreements over some of the details, particularly with regard to parking. Please note this letter is not an 'endorsement' because there are varying concerns about the impact of the parking-specific proposals. The group summarized their feelings as: "Our vision is that we can have community in the midst of densification. We agree more density is needed but disagree on what level and how to accomplish this." Those in attendance agreed that house conversions must be done in a way that preserves the character and feel of the neighbourhood and minimizes impacts on existing green space.

Rather than endorse or object, our focus is to raise questions and concerns that we believe were not addressed in the Report that we all agreed should be raised and discussed, regardless of our individual opinions.

We recognize that many of our neighbours, including some people in the room that night, live in precarious housing. We therefore urge the City to consider a number of unanticipated consequences of the new conversion proposals. In most circumstances existing tenants will be reno-victed during a house conversion and in some cases family housing could be lost if a larger unit is broken up into smaller ones. Additionally, since conversions will be expensive, there could be a loss of affordable rental housing and a proliferation of lucrative short term holiday rentals. Prior to changes being made to the Conversion Regulations we think it would be prudent of the City to review the effectiveness of the City's existing Tenant Assistance Plan to confirm that existing renters are being adequately protected.

In a similar vein, we are concerned about the proposal to incentivize the number of units by reducing minimum floor areas required. We worry this could lead to owners/ developers maximizing the number of small units in a conversion, which does not address the need in Fernwood for family rental housing. To encourage the development of family housing we encourage the City to consider incentivizing the number of bedrooms within units rather than only just the number of units (e.g. through a subsidy for multi-bedroom units).


With regard to vehicle parking in front yards it was suggested that the City require permeable parking surfaces and limit how much of the front yard can be turned into parking. Additionally, some attendees were concerned that allowing front-yard parking could threaten the character and feel of the neighbourhood, since currently there are many gardens, mature trees and lawns that the community enjoys.

With regard to decreasing the parking requirements, attendees would like the City to consider creating an exemption for houses that currently do not have driveway access. There are a number of houses in Fernwood that currently have street parking only. If such a house was converted into suites, it is possible that only one off-street parking space would be required, and the creation of a driveway to accommodate that would eliminate the existing street parking space, resulting in no net gain of parking, but a loss of green space and an additional expense.

Finally, we are not commenting on the eight items listed in the Committee of the Whole Report under the heading 'Potential Future Work' as they are not recommended for further exploration at this time. We certainly expect that when these significant changes are explored the process will include a robust consultation process.

Thank you for this opportunity to comment.

Sincerely

A handwritten signature in black ink, reading "David Maxwell". The signature is fluid and cursive, with the first name "David" and last name "Maxwell" clearly legible.

David Maxwell, Chair  
Fernwood Land Use Committee

February 10, 2020

Mayor and Council  
City of Victoria

Re: Next Generation Conversion Regulations – Proposed Changes

Dear Mayor and Council:

The Rockland Neighborhood Association Land Use Committee has reviewed the proposed changes to the current Conversion Regulation and is generally very supportive of the changes to drive increased density utilizing existing structures while being sensitive to the existing character of residential neighborhoods. The recommended “Run” option would hopefully facilitate the required greater housing options in a speedy manner.

We support the drive to incentivize Heritage Conversion and understand it will work to maintain the look and feel of Rockland, and the city, as the previous rounds of conversion did so well. We would recommend that articulation of the range of change to heritage structures and how those changes align with accepted heritage restoration standards be made very clear during public consultation in order to enable informed feedback.

As the report acknowledges, a full analysis of parking has not been conducted there will need to be further discussion around the parking requirements. The reduction of onsite parking and the potential to push unknown volumes onto our streets with this and other recent policy decisions (e.g. bike lanes) are likely to have a cumulative impact on neighborhood parking issues. This will continue to be a source of tension in neighbourhoods as overall density increases, and will require further analysis in the context of these proposed changes to Conversion Regulations.

Regards,

Rockland Neighbourhood Association Land Use Committee

Mayor and Council  
City of Victoria  
City Hall  
1 Centennial Square  
Victoria, BC  
V8W 1P6

February 10, 2020

Dear Mayor and Council,

**Re: Next Generation Conversion Regulations.**

Thank you for the opportunity to provide our input on the Next Generation Conversion Regulations.

The Community Social Planning Council (CSPC) is an independent, non-partisan, and knowledgeable voice on social issues in BC's capital region. By fostering social innovation and integrated action on social, cultural, economic and environmental conditions the Council supports the creation of sustainable communities.

Two of our four priority work areas are housing affordability and sustainability. Both housing affordability and sustainability will be assisted by the proposed changes to the Next Generation Conversion Regulations.

In relation to the three options in the staff proposal - walk, run, or sprint - we note that both housing scarcity in Victoria and climate change are crisis-level problems, and we need to quickly mobilize a range of effective policies to address both. While there are no magic-bullet policy solutions, updating the conversion regulations would enable more and different types of housing to be available in the core urban area of the region, reducing automobile traffic and greenhouse gas emissions.

Thus the CSPC supports the adoption of the "Run" option in the staff proposal, but we urge the City to immediately launch preparations for the remainder of policies in the "Sprint" option.

We thank you again for the opportunity and for your consideration of this submission.

Yours truly,



Diana Gibson  
Executive Director





*Cities for Everyone* supports more affordable housing and transportation, in order to provide security, freedom and opportunity for people with all incomes and abilities

[www.citiesforeveryone.org](http://www.citiesforeveryone.org)

Victoria City Council  
Victoria City Hall  
10 February 2020  
Re: **Next Generation House Conversion Regulations**

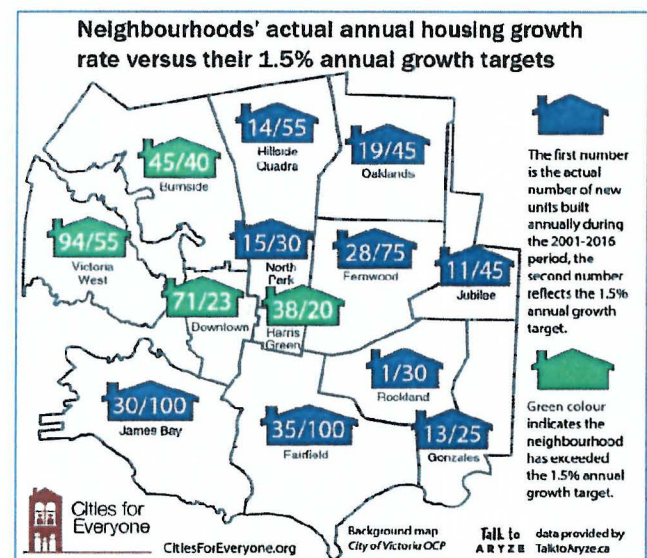
Dear Mayor and Councillors,

*Cities for Everyone* advocates for more affordable and inclusive housing and transportation options in our region. We are glad that Victoria is developing [New Generation of House Conversion Regulations](#) designed to allow more infill housing to be built in our residential neighborhoods. This is an important and timely initiative. Abundant research indicates that residents of compact urban neighborhoods [drive less](#), [save on transportation costs](#), are [safer and healthier](#), produce [less pollution](#), [consume less land](#), and have better [economic mobility](#) (chance that a child born in poverty becomes economically successful as an adult) than they would living in automobile-oriented areas. As a result, residential infill helps achieve our community's economic, social and environmental goals.

Cities for Everyone advocates the "[1.5% Solution](#)" which means that residential neighborhood housing supply should increase by approximately 1.5% annually to match regional population growth rates, in order to accommodate growing demand, increase affordability and achieve other community goals. According to analysis of Victoria's building approvals, most neighborhoods are adding far fewer homes than needed to achieve this target, as shown to the right.

The proposed Next Generation House Conversion Regulations can help achieve neighborhood growth targets by reducing the costs and impediments to property owners of adding more housing units. We therefore support the proposal and encourage the city to adopt the "sprint" (strongest) option because it would allow:

- Conversions in zones that currently restrict them.
- Garden suites with conversions.
- Additions that create new floor area.
- Delegated authority for parking variations.





*Next Generation House Conversion Regulations*  
**Cities For Everyone**

Below are some specific comments and suggestions about this proposal.

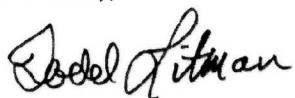
- We see little justification to limit conversions to houses built before 1985, since some newer houses are suitable for expansion. Many newer houses are large and were designed for easy conversion, using adaptable housing guidelines such as CMHC's [FlexHousing](#) standard, which allows houses to be upgraded, expanded, divided into extra units, and adapted to new uses.
- The proposed maximum heights (7.6 metre and 2.5 stories) are likely to prevent some potential house conversions. We recommend that this be increased, particularly for corner lots and larger lots where there are fewer impacts on neighbors.
- The proposal only marginally reduces off-street parking minimums. For example, it still requires 0.7 spaces for a small 450 square foot unit 1.0 spaces for a 700 sf unit, although many of the households that will occupy such housing are car-free, and the city wants to discourage car use and increase housing affordability. Many jurisdictions are [eliminating parking requirements](#), or requiring [unbundling](#) (parking rented separately from apartments) so car-free households are no longer required to pay for parking spaces they don't need. Note, eliminating parking requirements does not eliminate parking, it simply allows property owners to decide how many off-street parking spaces to provide based on their specific needs.

In many situations, off-street parking requirements actually reduce the number of parking spaces available to residents because each driveway displaces one on-street space. Most residential driveways only serve one vehicle and are only occupied part-time. As a result, adding an off-street space reduces the number of parking spaces available to neighbors. Off-street parking significantly increases development costs, increases impervious surface area and stormwater management costs, and driveways create obstacles to pedestrian, particularly wheelchair users. We therefore recommend eliminating parking minimums altogether, or be significantly reduced, and eliminated where a new driveway would serve just one vehicle.

- We would also like to ensure that residential garage spaces can be converted to living space, as many newer houses have ground-level garages that are not used to store motor vehicles and are well suited for suites with wheelchair/ disabled access.
- The proposal emphasizes the importance of preserving heritage buildings. This is desirable but should be balanced with other community goals. As the proud owner of a 1905 designated heritage home I can report from personal experience that such housing is costly to maintain and operate, and can never be as energy efficient as new housing. Not every older house deserves preservation, and to achieve our affordability and environmental goals heritage preservation should be matched with higher allowable densities on other properties. For example, if 20% of houses in an area are preserved for their heritage value, this constraint on infill development should be offset by increasing allowable densities by 20% on other properties, for example, raising maximum building heights from 2.5 to 3.0 stories.
- To reduce development costs and delays, particularly for smaller infill projects, we encourage the City to delegate project approval decisions, such as reduced parking requirements, to qualified staff.
- On a related issue, we note that many areas designated for multi-family housing in Victoria's Official Community Plan (OCP) have not be upzoned to allow the density and height required for such housing. We therefore ask the city to upzone all areas designated in the OCP for multi-family housing to accommodate those targets.

*Next Generation House Conversion Regulations*  
**Cities For Everyone**

Sincerely,

A handwritten signature in black ink that reads "Todd Litman". The signature is written in a cursive, flowing style.

Todd Litman  
*Cities for Everyone*

## Katie Lauriston

---

**From:** David Thompson [REDACTED]  
**Sent:** February 10, 2020 12:37 PM  
**To:** Victoria Mayor and Council; Development Services email inquiries  
**Subject:** Submission - Next Generation Conversion Regulations

February 10, 2020

Mayor and Council  
City of Victoria  
City Hall  
1 Centennial Square  
Victoria, BC  
V8W 1P6

Dear Mayor and Council,

### **Re: Submission on Next Generation Conversion Regulations.**

We thank you for undertaking this public consultation on the Next Generation Conversion Regulations.

PolicyLink is an independent research and consulting firm with clients in government, business and the non-profit sector across Canada. Our public policy focus areas include climate, energy, employment, economic and fiscal policy.

We make the following observations for your consideration:

1. **Policy-goal alignment.** Good public policy aligns regulation, incentives and other tools with government goals in order to achieve those goals.
2. **Greater affordability of housing and reducing greenhouse gas emissions** are stated key goal for the City of Victoria.
3. **Existing zoning bylaws in Victoria are not aligned with, and significantly undermine,** the above-noted City goals.
4. **Increasing the supply of housing** in Victoria will improve affordability compared to baseline levels, and will enable more regional residents to live closer to employment, shopping, cultural and other destinations, thus reducing greenhouse gas emissions from transportation.
5. **The overall thrust of the Next Generation Conversion Regulations "Run" proposal** would increase the supply of housing, thus aligning with and supporting the above City of Victoria key goals.
6. **The "Walk" proposal would delay and undermine** achieving progress on the goals.
7. **The "Sprint" proposal would provide greater support** to the above City of Victoria key goals. The City staff report of November 20, 2019 recommends "that the 'Sprint' level changes be explored after the potential 'Run' options have been implemented and staff have a chance to monitor the outcomes." Good public policy would set clear targets here, i.e. instructing staff to commence monitoring and preparation of all Sprint options immediately, and to report back to Council within clear timeframes, e.g. six months for the majority of Sprint options, and 12 months for the remainder.
8. **A range of further measures should be explored** in order to provide better policy alignment and support to the above goals, including:
  1. reducing non-safety related setback requirements, which restrict the supply of housing;
  2. relaxing floor space ratios and site coverage ratios, which restrict the supply of housing; and,
  3. eliminating off-street parking requirements, which restrict the supply of housing.

We thank you again for this consultation and for consideration of our submission.

With respect,

David Thompson

\*\*\*\*\*

**David Thompson**

PolicyLink Research and Consulting

[www.plrc.ca](http://www.plrc.ca)



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**From:** Robin Bayley [REDACTED]  
**Sent:** January 12, 2020 2:11 PM  
**To:** Chloe Tunis <ctunis@victoria.ca>  
**Subject:** Re: Next Generation Conversion Regulations

Dear Chloe Tunis

I had read the staff report and listened to the COTW presentation and I was struck by various aspects relating to accessibility.

Firstly, anything to do w. parking is pertinent to accessibility, especially since there are no accessible parking rules or minimum in place in the City and have not been for over a year. If accessible parking is not supplied, it is likely that the additional units will not be available to PWD. It is a common misconception that people with disabilities do not drive. In fact, even people who use wheelchairs do, and others who are not able to partake in active transportation do so.

It is also considering incentives. Previously, there was an item in the strategic plan about incenting accessible suites in house conversions. If accessibility is not in the mix, then the incentives developed may not be sufficient to cover costs for additional needs of people with mobility impairments.

When I raise issues of accessibility, I am often told it is out of scope because the project has been conceived without an accessibility lens. And then when I raise such issues later, it is too late.

---

Robin Bayley  
39 Linden Avenue  
Victoria, BC, V8V4C9  
Phone: ([REDACTED])  
Mobile: ([REDACTED])  
[REDACTED]



**From:** Sean Janzer [REDACTED]  
**Sent:** January 15, 2020 3:43 PM  
**To:** Chloe Tunis <[ctunis@victoria.ca](mailto:ctunis@victoria.ca)>  
**Subject:** Feedback on Proposed Conversion Changes

Hi Chloe,

I think the staff report is well thought out and will result in the creation of new units. Some feedback:

- Allowing changes to windows and doors to the front will be critical for unit layout
- Further to above, increasing under-height basements creates much needed livable floor space, but will likely require some exterior changes for functionality
- Given the fact that many conversions will require remediation of asbestos, houses may be "gutted" quite often. This is the perfect time to increase energy performance over the bare minimum. I think an incentive based program is important given our community's zeal for combatting climate change.
- Once implemented, if there was a guide to the house conversion process made available it would be helpful.

I sincerely hope the "run" strategy gets implemented, it will result in more rentals and ground based strata units in our community!

Thanks,

Sean Janzer  
[REDACTED]  
110-4460 Chatterton Way  
Victoria, BC

  
**ROYAL LEPAGE**  
Coast Capital Realty

## Katie Lauriston

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**From:** Jim Knock [REDACTED]  
**Sent:** January 22, 2020 2:50 PM  
**To:** Chloe Tunis  
**Subject:** Conversions

Hi Chloe.

As promised, here are my 'free' observations on your updated conversion plans. These are based on a multi-decade period in Provincial Government (UVic MPA Grad) and a lifetime of experience in design, construction, finance and change management.

The attached specific comments about Conversions are based on the following basic credos:

1. Renters and rental property owners are partners who can only succeed and prosper if the other party is successful and prosperous.
2. Renters and rental property owners are bound by long standing civil laws that have been recently complicated by statute law, economic, social and political intervention.
3. Society generally accepts that all citizens have a right to receive suitable accommodation without clarifying what that means.
4. The current operating structures for providing accommodation have not stabilized.
5. The demand for rental accommodation exceeds the capacity of governments to even come close meeting without causing huge funding/taxation backlash and politically terminal backlash (i.e. major NIMBY responses and tax revolt).
6. Governments are implementing policies that are intended to create a huge wealth transfer from all rental property owners to renters; the historic idea that proportional taxation treats all investment equally is being distorted so much that it has become a major impediment to wise investment decisions.
7. The complexity of new government policy has destroyed the traditional contractual relations between renters and rental property owners; it has shifted to a renter/government and rental property owner/government triangle.
8. Like all contracts, contractual negotiations are like a chess game; each party will only sign on if they see an personal advantage for doing so.
9. Only a small minority of renters and rental property owners are problems (jerks); they only exist because government policies prevent them from being identified, exposed and thus excluded from the rental marketplace.
10. There is a huge power imbalance in the rental marketplace; renters have 1/2 months rental at risk, owners have hundreds of thousands of dollars at risk with each and every transaction.

If one accepts the validity of the above (I would propose that recent history and available data makes it difficult to deny them); then the following proposals concerning conversions should be considered:

- Do not revise existing standards without data on existing registered and illegal conversions in the target community; all UVic profs stressed the need to set desired targets and probable outcomes to enable the program to determine if it was a success
- Ensure Political acceptance is in place, not just with council but in the affected communities and throughout Municipal Inspection and Engineering Departments; NIMBY exists internally as well as in the community
- Many inexpensive rentals fly below the radar and efforts to regulate them often reduce their numbers and/or increase their rents (see recent Globe stories in Vancouver)
- Most conversions will require renovations to meet required Residential Tenancy standards, increasing renovations and tenant churning
- Without documented current numbers (informal visitation sampling would be easy and effective combined with some Assessment Corp information and city data analysis to create reasonably accurate numbers), everything will be a guess (as you admitted that during your talk). How will you or anyone else know if the city good a good return on it's investment on this housing initiative
- Over the years many other programs identified and implemented to increase available affordable rental accommodation have stalled or failed; we need to know why before we create new initiatives that may be no more successful than these earlier efforts
- The criteria for approving the changes should be simplified for easier implementation; make sure reasons for rejections are minimized and depoliticized
- Why tie heritage and other criteria into the conversions; the only purpose would be to provide hidden cross subsidization (isn't the program about increasing more affordable rentals, not to subsidize other programs)
- Why put barriers in place that increase complexity and provide more opportunities for citizens to resist increases in affordable rentals in their area (enabling NIMBY)
- The whole approval process introduces a 1-3 year delay between inception and conclusion whereas the existing informal underground process considerably shortens that process and costs less allowing for more affordable rentals; the only loser in the informal underground process is the city revenue department
- By clearly identifying and quantifying the variables associated with a new Conversion process and the planning process that must be met to obtain the necessary approvals to proceed, and then putting it on line, rental owners could work through the process on their own, learning as they go and obtain immediate approval to proceed, fast tracking the creation of additional affordable rentals
- Like automated bank loans, current technology could be easily put in place that would capture all the variables and decision trees would be thought through in advance, the approval process would be depersonalized and it would ensure all applicants were treated identically (reducing front desk time and processing delays)
- The current conversion process does not encourage the creation of affordable rental units; if that is the prime objective than the process needs rethinking

If the Planning Dept has the latitude to modify the Conversion Process and their desired outcome is an increase in affordable rentals whose capital and operating costs are not

paid for by the city, then I would suggest that there may be better ways to go about it than I saw with your presentation.

If you wish to discuss further, I would enjoy doing so at your convenience.

--

***Jim Knock***

1370 Dallas Road  
Victoria, BC, Canada  
V8S 1A1  
Cel [REDACTED]

**From:** John Luton [REDACTED]  
**Sent:** January 26, 2020 5:39 PM  
**To:** Development Services email inquiries <[DevelopmentServices@victoria.ca](mailto:DevelopmentServices@victoria.ca)>  
**Subject:** House conversion policy

I'm not thrilled with the idea of waiving bicycle parking requirements. Rather, the city should commit to assisting those who want to increase housing units with programs that would design creative solutions to deliver additional bicycle parking, both for any increase in numbers of residents allowed and to help retrofit existing stock to meet a growing attraction to cycling as a transportation and lifestyle choice.

Making affordable units more attractive demands that they dovetail with the emerging transportation choices of many, who are reducing their costs for transportation by cycling and walking more often. Reducing requirements for bicycle parking suppresses demand and will incent people to convert more of their property for vehicle parking.

I understand the intent of allowing front yard parking, but first choice should be developing bike parking solutions. Front yard parking adds more blacktop and attendant impacts (drainage issues, heat island effect), and reduces greenspace that is the added value of any yard. Front yard parking should be the variance of last resort.

John Luton,  
Home: 22 Philippa Place  
Victoria, BC V8S 1S6

[REDACTED]  
[REDACTED]  
[REDACTED]



## Katie Lauriston

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**From:** Development Services email inquiries  
**Sent:** January 28, 2020 10:06 AM  
**To:** Chloe Tunis  
**Subject:** FW: House Conversion Regulations Feedback

Thanks!

**From:** L H [REDACTED]  
**Sent:** January 26, 2020 10:03 PM  
**To:** Development Services email inquiries <DevelopmentServices@victoria.ca>  
**Subject:** House Conversion Regulations Feedback

Hi,

I saw information online about the city looking for feedback on house conversion regulations: <https://www.victoria.ca/EN/main/residents/planning-development/development-services/house-conversions.html>

First off, I think it's wonderful that the city is wishing to retain old homes (especially character ones) and to encourage homeowners/developers to convert them into multiple family units. This ensures some of our beautiful character/heritage buildings remain and provides more affordable housing. This is also positive for the environment, rather than sending good material to the landfill. It also keeps some of this amazing architecture around, which is one of the reasons why Victoria is so special, the character buildings also are so important to our tourism industry.

The only concern I have is parking. I live in James Bay in a lane style street. We have a few older homes that have been converted into suites. We have limited parking on one side of the road. One of the homeowners provides parking for all of her tenants, which is great. The other homeowner rents out six units and doesn't provide any parking. This can be a real problem. You have homeowners who pay big bucks in property taxes etc. and they or their guests can't park on the street at times. People get frustrated with a landlord making big profit off of tenants and not being courteous to others. It's an issue. Most tenants still have vehicles so it is important that parking is provided. I would say at the back of the home though and not at the front. When all you see is a yard full of cars it starts to make the neighbourhood look pretty unsightly. I don't see that many tenants using backyards. I think the priority should be aesthetics. Please also consider that many of these buildings will be non-smoking. It's a good idea to require landlords to provide a smoking area on the property. I have an apartment building across the way where smoking is not allowed. Until late at night people come out on the street to smoke in front of people's houses. In the summer they can be quite loud and the smell of marijuana infiltrates into homes with open windows.. As the city densifies, this is something that should be regulated.

Sincerely,

Lara Hurrell  
James Bay homeowner/resident

## Katie Lauriston

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**From:** amy white [REDACTED]  
**Sent:** January 29, 2020 11:35 AM  
**To:** Chloe Tunis  
**Subject:** RAC follow up

Hi Chloe,

This is Amy from the Renter's Advisory Committee - the one who was concerned about the displacement of tenants with this new proposal.

I really just want to reiterate I am extremely concerned for current tenants who are at risk of being evicted in order to make room for housing conversions. I would support this idea IF there are tenant protections in place, and it worries me that there aren't any at all.

I'll give you my own situation as an example. My husband and our 5 year old and myself live in a 3 bedroom house (with a basement) that has been purchased by a developer. Their initial proposal to demolish 3 family houses and make 48 luxury units was denied. If and when it is eventually approved, we will at least have the tenant assistance policy to aid us finally in moving and finding alternative housing. With what you are proposing now puts as directly as risk for being evicted at any moment, we don't have to wait for the development proposal to be approved, with zero protections or assistance. The owner could potentially easily say they are going to convert our unfinished basement into a unit and break up the upstairs while they are waiting for their approval and poof, we are gone! Additionally, the tenant assistance plan does not apply for tenants who have lived somewhere for less than a year, so the developer can essentially have them evicted before the year is up and again get out of assisting any tenants at all.

There are massive rocks in this plan from a tenant's perspective and I beg you to reconsider this from our point of view. Landlords unfortunately can be quick to exploit loopholes with zero repercussions and the objective of increasing housing may severely backfire for families and those living in 2+ bedroom units.

Thanks for your time,  
Amy White

Sent from my iPhone

## Katie Lauriston

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**From:** Development Services email inquiries  
**Sent:** January 30, 2020 8:26 AM  
**To:** Chloe Tunis  
**Subject:** FW: Feedback on proposed changes to house conversion regulations

FYI

**From:** Jack Sandor [REDACTED]  
**Sent:** January 28, 2020 9:36 PM  
**To:** Development Services email inquiries <DevelopmentServices@victoria.ca>  
**Subject:** Feedback on proposed changes to house conversion regulations

Hi there,

My name is Jack, and I'm a resident of Victoria. I live in Rockland, and I support all the proposed changes. My only piece of feedback beyond that is that I'd like to see car parking minimums removed entirely rather than reduced. There's already a massive amount of car parking available in the city compared to every other form of transportation, and given the cities goal to reduce the number of car trips by getting people to take alternative forms of transportation (a fantastic goal!) it seems silly to mandate that parking be available.

Jack Sandor

**From:** Manon Elder [REDACTED]  
**Sent:** February 6, 2020 9:40 AM  
**To:** Chloe Tunis <ctunis@victoria.ca>  
**Subject:** RE: FEEDBACK

Hello Chloe  
Thank you.

Attic development- Homeowner would have to see if the cost is worth the development as the usable space may be too small for anything of significance other than an upper expansion to lower suite with bedrooms and bathroom.

Addition of windows letting in light is an upgrade to quality of life.

parking is a huge problem especially since bike lanes came in and wiped out street parking as it did to our rental property on Fort st. also allotting bikes for vehicles gives the message for less carbon footprint legal suites allows for garbage allowance to suites making the property cleaner. reducing height of basement suites to 6'3" allows for more legal suites

thank you  
manon

**From:** Manon Elder [REDACTED]  
**Sent:** February 6, 2020 1:01 AM  
**To:** Development Services email inquiries <[DevelopmentServices@victoria.ca](mailto:DevelopmentServices@victoria.ca)>  
**Subject:** FEEDBACK

Hello

I saw this down below and would like to give feedback before the feb 10, 2020 deadline. where can i do this?

or on what website can i do this?

<https://www.victoria.ca/EN/main/residents/planning-development/development-services/house-conversions.html>

I would like to see bicycles offset vehicles for parking allowances.

Attic development

exterior changes to allow staircases to attic units

basement height reduction to 6 foot 3 inches

if explanations are required for these I would be happy to provide them

best

manon elder



## Katie Lauriston

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**From:** Development Services email inquiries  
**Sent:** February 7, 2020 4:28 PM  
**To:** Chloe Tunis  
**Subject:** FW: parking and house conversions

**From:** Denise Stocco [REDACTED]  
**Sent:** February 7, 2020 3:54 PM  
**To:** Development Services email inquiries <DevelopmentServices@victoria.ca>  
**Subject:** parking and house conversions

["developmentservices@victoria.ca"](mailto:developmentservices@victoria.ca) <[developmentservices@victoria.ca](mailto:developmentservices@victoria.ca)>

February 7, 2029

Hello,

NEXT GENERATION – HOUSE CONVERSIONS.

I would like to address the topic of “parking” in the proposed changes to regulations.

The effort to provide more housing in the city is laudable there is a real need. Most adults rely on cars for transportation. A recent survey of the neighborhood showed that 97% of people had a car. The young people who do not want cars and use bikes are still a very small minority. An increase in residents, will lead to an increase in cars in neighborhoods. I live in Fernwood. In my street there are many secondary suites (3 or 4) per house. As it is now there are cars parked on both sides of the streets day and night, leaving one lane for car circulation. Many residents use their garage as storage as well. With at least 300 adults moving in the new Caledonian project, Chambers Street and adjacent streets will be literally clogged.

Has the Municipality considered the impact of having more cars in the streets ? What steps are taken to accommodate the resulting increase in parked cars, traffic and congestion ? Are there plans to build underground or above ground parking to accommodate population/car increases? Most working people have to rely on cars to get to work. Public transport is still not convenient, cheap (free buses?) or frequent enough for people to make the switch. Car share companies have a potential for reducing the number of cars in the streets and should be supported.

Creating more housing for people is positive. Increasing the number of cars will not be, as more people will spend more time finding street parking, increasing traffic and traffic jams, pollution, etc.. For this reason the new regulations for house conversion should not go ahead until the municipality has put in place steps designed to alleviate - not make worse - parking and circulation problems.

Thank you for your attention.

Denise Stocco  
[REDACTED]



## Katie Lauriston

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**From:** Eric Doherty [REDACTED]  
**Sent:** February 8, 2020 12:36 PM  
**To:** Lisa Helps (Mayor); Jeremy Loveday (Councillor); Ben Isitt (Councillor); Marianne Alto (Councillor); Sharmarke Dubow (Councillor); Sarah Potts (Councillor); Charlayne Thornton-Joe (Councillor); Geoff Young (Councillor); Oaklands Board; Executive Director; Development Services email inquiries  
**Subject:** Next Generation Conversion Regulations - Proposed Changes  
**Attachments:** E Doherty ltr re Victoria Conversion Bylaw - Feb 2020.pdf

Dear Mayor Helps and Victoria City Council members,

February 8, 2020

### Re Next Generation Conversion Regulations - Proposed Changes

I would like to thank you and city staff for Victoria's forward looking proposed Next Generation Conversion Regulations.

However, I have some suggestions to strengthen these regulations, and the way they are communicated:

#### 1) Allow conversion of houses built as recently as 2019

The suggestion I would like to emphasize the most is changing the cut-off date to the end of 2019. The written and verbal reports by staff suggests that 1985 was chosen because larger houses were permitted before this date, but did not identify any negative effects of choosing a more recent date such as January 1, 2020. (Many houses built after 1985 exceed 2500 square feet, and some exceed 4000 square feet.) If the effect of updating these regulations is positive as the staff report suggests, it will be even more worthwhile if more houses are eligible.

Newer houses are more likely to be deliberately designed for easy conversion, using adaptable housing guidelines such as CMHC's FlexHousing™ standard. CMHC states that "adaptable housing can be upgraded, expanded, *divided into extra units* or used for a variety of purposes throughout its life."<sup>il1</sup>

#### 2) Garage space conversion clarity

I would also like to ensure that garage spaces within houses can be converted to living space, *and home owners are aware of this option*. Many newer houses have ground level garages at the front which is ideal for the entranceways to ground level suites. These ground level entrances are often well suited for wheelchair/disabled access.

#### 3) Clarity regarding the conversion of common sizes of houses

The proposed conversion bylaw is applicable to commonly sized houses, not just the largest houses. It seems to allow a 2-3 bedroom suite in a modest size house. (The proposed minimum size for adding one rental unit

is only 100 m<sup>2</sup> or 1076 square feet). However, there may be barriers in the BC Building Code posing significant barrier to larger and/or multiple rental suites.

*If there are counter-productive barriers to creating rental suites in the Provincial Building Code, I would like these to be clearly identified so they can be addressed at the political level.*

I would also like to have clear information on the situation regarding the feasibility of family size rental suites in common sizes of homes in Victoria. For example:

- What are the differences from building a smaller secondary suite?
- Can the owner of a house with 1,200 square feet on each of two levels feasibly put in a 1,200 square foot basement/ground floor suite?

#### **4) Stronger incentives / protections for rental conversions**

The staff report states that “new opportunities for conversions may make it more attractive to redevelop existing rental properties and, as with any redevelopment, this could result in the existing tenants being displaced.”

I believe that existing rental conversions should NOT be eligible for conversion to strata (ownership) units under this bylaw. These existing conversions, many of which provide relatively affordable rental housing, should remain as rental accommodation unless City Council is satisfied that conversion to strata is in the public interest.

I believe that the City should be ‘sprinting’ to create rental units in formerly single family houses (some of which will be homeowner created and relatively affordable).

#### **5) Communicate intention to phase out fossil fuel heating**

The staff report notes that many building suitable for conversion “still use fossil fuel heating systems [and] house conversions may give the City additional opportunities to intervene through touchpoints where low carbon heating systems and energy efficiency measures can be encouraged”

*I would like to the City to immediately and clearly express its intent to require and/or incentivise non-fossil fuel heating and hot water systems in conversions in the near future.* This will allow people investigating conversion possibilities to consider systems such as air source heat pumps as part of their planning, rather than getting caught unprepared by changes that may only be months away.

#### **6) Reduce parking requirements given the climate emergency**

I am also concerned that the reductions in parking requirements are so modest. Responding to the climate emergency requires cities to quickly reduce the number of private vehicles and the distances traveled by vehicles (in addition to rapid electrification of the automobile fleet). *I would like to see deeper reductions in parking requirements, especially for rental conversions.*

Please note that leading cities are eliminating parking minimums and instituting parking maximums as part of their climate emergency responses.

Thank you,

Eric Doherty

1555 Oakland Avenue

Victoria BC V8T 2L1

[REDACTED]

Cc Oakland Community Association

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Eric Doherty, Registered Professional Planner, MCIP - Ecopath Planning

Victoria, BC Canada

NEW PHONE NUMBER [REDACTED]

[REDACTED]

[www.ecoplanning.ca](http://www.ecoplanning.ca)

Twitter @Eric\_Doherty

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<sup>i(1)</sup> <https://www.cmhc-schl.gc.ca/en/developing-and-renovating/accessible-adaptable-housing/universal-design-adaptable-housing-models>

## Katie Lauriston

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**From:** Jack Meredith [REDACTED]  
**Sent:** February 8, 2020 11:50 PM  
**To:** Development Services email inquiries; Chloe Tunis; Jeremy Loveday (Councillor); Lisa Helps (Mayor); ben@isitt.ca  
**Subject:** Next Generation House Conversions Regulations - FEEDBACK

To all involved,

I would like to say how delighted I am that the City is moving ahead with updating the House Conversion Regulations.

I would also like to complement the people involved in their thoughtfulness about the many issues and for moving the update along so quickly. I think it will be a very useful tool to enable many home owners and developers to bring more housing units into the Victoria market.

For context, I am an architectural engineer specializing in Green Buildings and currently advising several clients on retrofitting existing homes to enable them to age in place and share their homes with caregivers and/or tenants.

I have the following comments and suggestions on the recommendations.

My comments are organized using the alphabetic labels in the section "Proposed Zoning Changes":

a.) Change the Qualifying Year of Construction: The recommendation is to change the qualifying year from 1931 to 1984. I am supportive of enabling more buildings to be included in the House Conversation Regulations but I fail to understand the logic of setting a new date of 1984. I can imagine many houses built after 1984 in which aging owners have more space than they need or want or are able to keep up. A house once full of family or guests or hobbies is now too large for their needs but they still want to remain in their home on the street close to their friends and neighbours. For this reason, I RECOMMEND that the Next Generation House Conversion Regulations apply to all houses in Victoria, regardless of age.

b.) Reduce Restrictions on Exterior Changes: I am totally supportive of the recommendation to allow exterior changes to the exterior of existing houses. As noted in the recommendations this should enable designs to be better configured and have units able to access outdoor space. This is highly desirable to avoid developing more substandard units. However, I RECOMMEND that this be taken further to allow exterior changes to all portions of the building INCLUDING portions of the building facing the street. I think this will not have negative esthetic impacts but rather have positive esthetic impacts by correcting poor initial designs. (Heritage Houses should obviously be required to maintain their exterior appearance.)

c.) Clarify and Expand Opportunities to Utilize Under-Height Basements:  
I agree with this recommendation

d.) Allow Attic Spaces to be Developed: I agree with this recommendation to add a half story in beyond what is permitted in zoning (e.g. R1-B 2.5 storeys).

e.) Allow Vehicle Parking in Front Yard (non-heritage): I totally agree with the recommendation to allow parking in front yards. In many cases, parking is the major barrier for owners considering house conversions since access to the backyard is not possible. Further I RECOMMEND that the amount of parking not be limited to two vehicles but rather be determined by size and function. By this I mean if the front yard is large enough to accommodate the parking in a safe and aesthetically pleasing fashion then allow it.

f.) Increase and Incentivize Permitted Number of Units: I do not understand the logic of this recommendation. The recommendation is to allow the number of units based on size of building. I think I understand the need to limit the number of units is to avoid increasing the population density in the neighbourhood beyond a certain amount. What I don't understand is the logic of allowing higher population density if the units are 1. heritage or 2. rental or 3. below market ownership.) I RECOMMEND all houses are allowed to use the right column (i.e. 2 units for 80m<sup>2</sup>; 3 units for 175m<sup>2</sup>; 4 units for 240 m<sup>2</sup>; 5 units for 280 m<sup>2</sup>).

g.) Allow Windows and Doors on Front Elevation: I agree with the recommendation to allow windows and doors on the front elevation of non-heritage designated houses. In addition, I RECOMMEND that stairs also be allowed to be added in non-heritage designated houses. This would further support street oriented units; access to outdoors and allow more flexibility in floor layouts and improving poorly design houses.

h.) Decrease Parking Requirement: I am so glad the off street parking issue is being raised as it is arguably the single biggest barrier for people considering sharing their homes with caregivers and tenants. I understand the concept of basing the parking requirement on the size of units. However, I think the recommended requirements are too onerous both now and into the future as we evolve away from the single occupant vehicle paradigm. I understand this is a controversial issue but in order to increase the amount of RENTAL units in the City of Victoria I RECOMMEND that the parking requirement for RENTAL units be 1.0 stalls for units over 100m<sup>2</sup>; .5 stalls for units from 45m<sup>2</sup> to 100m<sup>2</sup> and .2 stalls for units less than 45m<sup>2</sup>.

i.) Require Bicycle Parking: I totally agree with the recommendation to provide proper secured bike parking. Most people considering house conversions understand and support the need to provide this amenity.

j.) Allow Floor Area Exemption for Required Bicycle Parking. I support the recommendation to allow creation of additions or new accessory buildings to accommodate high quality bike parking.

POTENTIAL FUTURE WORK: I understand the need to limit the scope of changes in order to speed up the process but I encourage you to consider the following comments on future work.

k.) Passive House/Energy Efficiency Standards: House Conversions completed as a result of these changes will likely result in these houses remaining viable and using energy for many years to come. Consequently, I feel strongly that when these conversions are being done that energy efficiency measures be integrated into the projects. Energy retrofit technologies and techniques are well know and easily implemented, particularly during major renovations. Therefore, I RECOMMEND that it be mandatory for any house conversion have an Energuide Energy Evaluation completed so that home owners can learn about common sense energy efficiency measures and associated energy retrofit incentives that can be easily incorporated and have reasonable payback.

l.) Considering Other Zones: No comment

m.) Allow Garden Suites with Conversions: This seems like a no brainer to me. If a home owner has sufficient space for a garden suite why would it not be allowed in addition to any suites within the house. I RECOMMEND allowing Garden Suites and considering them as a "unit" within the House Conversion Regulations.

n.) Allow Additions that Create New Space: Similar to the Garden Suites comment above. If the site is appropriate why not allow minor additions as part of the House Conversion? In many cases a minor addition, may be able to improve the aesthetics of a house while adding new units. I RECOMMEND allowing home owners to undertake minor additions as part of House Conversions.

o.) Creation of floor area beyond zoning: No comment.

p.) Legalizing Unlawful Suites: No comment.



q.) Landscaping/Tree Preservation: No comment.

r.) Delegated Authority: No comment.

Thank you for encouraging feedback on the proposed House Conversion Regulations.

If you have any questions, please do not hesitate to contact me.

Jack Meredith, P.Eng. LEED Fellow Emeritus

President, HGBC Healthy Green Buildings Consultants Ltd.

[REDACTED]

## Katie Lauriston

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**From:** Ryan Jabs [REDACTED]  
**Sent:** February 10, 2020 9:51 AM  
**To:** Development Services email inquiries  
**Subject:** House conversions feedback

Hi folks,

Thank you for receiving feedback around updating the city's house conversion policies. I'm at 1560 Oakland Ave and am fully supportive of loosening the regulations around house conversions, and feel that the "sprint" option is the best way to go, particularly as we fall deeper into the climate crisis we are facing.

I am a small developer, but conversions aren't my specialty and generally aren't projects I often consider. However, anything we can do to make it easier and quicker to build more housing will help with our housing crisis. More importantly, good densification of all types is key to reducing our local contribution to climate change.

And we really need to speed these processes up.

In addition, I'm very much in favour of reducing even further or eliminating all together the requirements around parking – particularly when amenities in a conversion are added to support alternative transportation. If we're serious about the climate challenges we face, we need to give people more opportunities to get out of their car and cater less to those who believe parking and car ownership is a right and a necessity. How can we really expect people to change if we continually entertain discussions around parking in one of the most walkable municipalities in Canada?

Reducing the number of parking spaces will also help with affordability for those who make the decision to go without a vehicle. And it gives owners an opportunity to plant more trees and provide more green space for residents and to help with storm water management.

Again, I appreciate you taking feedback as you consider this important policy change.

Take care,

Ryan Jabs | President, Community Builder  
Lapis Homes | [REDACTED] | [www.lapishomes.com](http://www.lapishomes.com)  
[REDACTED]



CITY OF VICTORIA ENGINEERING POLICIES	
POLICY: Residential Strata Titling	
Prepared By: Land Development	Date: 1997
Authorized By: Victoria City Council	Date: 1997

1. A preliminary approval obtained from City Council or the Approving Officer is valid for a period of one year from the date Council's resolution to approve is adopted.
2. When the rental apartment vacancy rate as provided by Canada Mortgage and Housing Corporation falls below 4% for Metro Victoria, no applications to convert existing residential rental buildings containing more than four rental dwelling units shall be accepted.
3. Any owner/developer denied the privilege to apply to convert existing residential buildings to strata lots for the reason outlined in Paragraph (2) has the right to appeal to City Council and a successful appeal is required before the City Engineer will accept a formal application to convert.
4. The vacancy rate applicable to an application shall be the rate that prevails in the rental statistics provided by C.M.H.C. on the date the preliminary application is received at City Hall.
5. Tenant Plan - Rental Residential Strata Conversions

Any preliminary application to convert a building containing active rental dwelling units shall be accompanied with a Tenant Plan which will set out:

- a. Certification that the owner/developer has notified the tenants of the building of the proposal to convert the building into strata units.
- b. A complete list of the tenants in the building.
- c. The type of choices such as a continued fixed-term tenancy, option to purchase rental unit, etc. offered to the tenants that would allow them to continue to occupy their units after the strata conversion has been completed.
- d. Any monetary assistance to be offered, such as rental-free period, moving expenses, etc.
- e. Formal notification that tenants have been advised of other agencies that may be of assistance, such as Pacifica Housing, the Capital Regional District, etc.

The Tenant Plan shall be submitted to Council for review at the preliminary application stage and the owner/developer shall certify that the Tenant Plan, as adopted by Council, has been carried out prior to final approval. The Tenant Plan shall be signed by all the tenants.



**Corporation of the City of Victoria**  
Engineering Department, Land Development Section

Application No. \_\_\_\_\_

**TENANT PLAN – STRATA TITLING**

☐ Preliminary Application

☐ Final Application

APPLICANTS NAME (PRINT)	ADDRESS	PHONE # / FAX #
PROJECT ADDRESS	# EXISTING UNITS RENTED _____, OWNER OCCUPIED _____, VACANT _____	
# NEW UNITS IN PROJECT	# TOTAL PROPOSED STRATA UNITS	

EXPLAIN NATURE OF PROJECT AND REASON FOR STRATA TITLING:


EXPLAIN TYPES OF ASSISTANCE / OFFERED TO TENANTS:

<input type="checkbox"/> - Fixed Term Tenancy -
<input type="checkbox"/> - Option to Purchase -
<input type="checkbox"/> - Rental Assistance -
<input type="checkbox"/> - Alternative Rental -
<input type="checkbox"/> - Other -

TENANT INFORMATION (Please Print)				
TENANT'S SIGNATURE	PHONE #	UNIT #	DATE ACCEPTED	DATE COMPLETED

NOTE: If the above space is insufficient use back of form.

APPLICANT'S CERTIFICATION	
FINAL / PRELIMINARY	I _____ confirm that the information contained in this form is correct to the best of my knowledge and certify to the City of Victoria that I will provide the tenant (s) with the assistance as accepted by the tenant as outlined on this TENANT PLAN.
	Applicant's Signature (Confirming Offer Accepted) _____ Date _____
	Applicant's Signature (Confirming Offer Completed) _____ Date _____

NOTE: THIS TENANT PLAN CAN BE MADE AVAILABLE IN OTHER LANGUAGES UPON REQUEST.

NO. 20-105

**BUSINESS RECOVERY FROM PANDEMIC BYLAW AMENDMENT BYLAW (NO. 1)****A BYLAW OF THE CITY OF VICTORIA**

The purpose of this bylaw is to amend the Business Recovery from Pandemic Bylaw to extend the duration of that bylaw in light of continuing public health advisories regarding physical distancing and other changes impacting business operations, to provide for extension of permits issued under that bylaw, and to better address issues related to erection of weather protection for the temporary outdoor commercial use on City street, in parks, and on private property.

Under its statutory powers, including sections 8(3), 35(11), 36, 38, and 154(1) of the *Community Charter* and sections 488-491 of the *Local Government Act*, the Council of the Corporation of the City of Victoria, in an open meeting assembled, enacts the following provisions:

**Title**

- 1 This bylaw may be cited as the “Business Recovery from Pandemic Bylaw Amendment Bylaw (No. 1)”.

**Amendment**

- 2 The Business Recovery from Pandemic Bylaw No. 20-072 is amended
  - (a) in section 3(1), by renumbering paragraphs (a) through (g) as paragraphs (b) through (h) and inserting a new paragraph (a) as follows:
 

“(a) Building and Plumbing Regulation Bylaw;”,
  - (b) in section 4(3), by deleting the period at the end of paragraph (c) and adding the following as a continuation of subsection (3):
 

“and may require an applicant for a permit to provide confirmation, in a form acceptable to the Director of Engineering, from an appropriate professional that the portion of the street and all structures and objects to be placed on the street under the proposed permit would be safe and suitable for their intended use as described in the application for the permit.”,
  - (c) in section 4(6)(d), by deleting “2” and replacing it with “5”,
  - (d) by adding the following as the new subsections (9) through (11) in section 4:
 

“(9) The Director of Engineering may, at any time, extend the duration of a permit issued under subsection (3) and, subject to subsection (10), such extended permit shall continue to be valid on the terms and conditions as originally issued.

(10) The Director of Engineering may, as a condition of issuing a permit under subsection (3) or extension of a permit under subsection (9), require that the permit holder

    - (a) within a time provided in the permit or extension, make the necessary additions or alterations to ensure that the portion of the street that is



subject to the permit and all the structures or objects placed on a street pursuant to the permit to are fully accessible to all persons, and

- (b) provide confirmation, in the form acceptable to the Director of Engineering, from an appropriate professional that the portion of the street that is subject to the permit and all structures or objects placed on a street pursuant to the permit are safe and suitable for their intended use as authorized under the permit.
- (11) Unless a permit holder, within 14 days of receiving a request from the Director of Engineering, provides confirmation, in a form acceptable to the Director of Engineering, from an appropriate professional that the portion of the street that is subject to the permit and all structures or objects placed on a street pursuant to the permit are safe and suitable for their intended use as authorized under the permit, the permit is deemed to be cancelled and of no force and effect.’,
- (e) in section 5(2), by deleting the period at the end of paragraph (d) and adding the following as a continuation of subsection (2):
 

“and may require an applicant for a permit to provide confirmation, in a form acceptable to the Director of Parks, from an appropriate professional that the portion of the park and all structures and objects to be placed in the park under the proposed permit would be safe and suitable for their intended use as described in the application for the permit.”,
- (f) in section 5(5)(d), by deleting “2” and replacing it with “5”,
- (g) by adding the following as the new subsections (8) through (10) in section 5:
  - “(8) The Director of Parks may, at any time, extend the duration of a permit issued under subsection (2) and, subject to subsection (9), such extended permit shall continue to be valid on the terms and conditions as originally issued.
  - (9) The Director of Parks may, as a condition of issuing a permit under subsection (2) or extension of a permit under subsection (8), require that the permit holder
    - (a) within a time provided in the permit or extension, make the necessary additions or alterations to ensure that the portion of the park that is subject to the permit and all the structures or objects placed in a park pursuant to the permit to are fully accessible to all persons, and
    - (b) provide confirmation, in the form acceptable to the Director of Parks, from an appropriate professional that the portion of the park that is subject to the permit and all structures or objects placed in a park pursuant to the permit are safe and suitable for their intended use as authorized under the permit.
  - (10) Unless a permit holder, within 14 days of receiving a request from the Director of Parks, provides confirmation, in a form acceptable to the Director of Parks, from an appropriate professional that the portion of the

- ## Commencement

MAYOR



## Council Report

### For the Meeting of October 8, 2020

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**To:** Council **Date:** October 2, 2020

**From:** Karen Hoes, Director, Sustainable Planning and Community Development

**Subject:** **Update report on the Rezoning Application No. 00602 and Development Permit with Variances Application No. 00065 for 736 Princess Avenue**

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## RECOMMENDATION

That Council give first and second reading of the Zoning Regulation Amendment Bylaw (No. 20-106) and first, second, and third reading of the Housing Agreement Bylaw (No. 20-107).

## EXECUTIVE SUMMARY

The purpose of this report is to present Council with an update on the Rezoning and Development Permit with Variances Applications for the property located at 736 Princess Avenue, considered by Council at the Committee of the Whole meeting on July 9, 2020. The proposal is to rezone from the M-1 Zone, Limited Light Industrial District, to the P-CR Zone, Princess Commercial Residential District, in order to increase the density from 3:1 floor space ratio (FSR) to 4.01:1 FSR and construct a six-storey, mixed-use building consisting of commercial and residential uses, including 28 affordable rental dwelling units of supportive transitional housing.

In accordance with Council's motion of July 9, 2020, included below, a housing agreement and section 219 covenant have been prepared and these legal agreements will be executed by the applicant prior to Public Hearing.

### Rezoning Application No. 00602

*That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00602 for 736 Princess Avenue, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:*

- a. *Preparation and execution of the appropriate legal agreements executed by the applicant in order to secure the following:*
  - i. *a housing agreement to ensure the 28 supportive transitional housing units remain rental and affordable (very low income levels) for at least 60 years in accordance with the City's definition of affordability in the Victoria Housing Strategy 2016-2025 (Phase Two: 2019-2022)*
  - ii. *that all 28 non-market dwelling units are owned by a non-profit or government agency*

- iii. *that the applicant provides a minimum of five accessible dwelling units and designed in accordance with CSA B651-12 Accessible Design for the Built Environment standards.*

#### Development Permit with Variances Application No. 00065

*That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00602, if it is approved, consider the following motion:*

*“That Council authorize the issuance of Development Permit with Variance Application No. 00065 for 736 Princess Avenue, in accordance with:*

1. *Plans date stamped June 18, 2020.*
2. *Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:*
  - i. *reduce the required number of residential parking spaces from 14 to 0;*
  - ii. *reduce the required number of commercial parking spaces from 17 to 8;*
  - iii. *reduce the required number of visitor parking spaces from 3 to 0;*
  - iv. *reduce the required number of long-term residential bicycle parking spaces from 28 to 7;*
  - v. *reduce the required number of short-term residential bicycle parking spaces from six to 0;*
3. *The applicant identifies the location of the PMT station on the site plan, to the satisfaction of the Director of Sustainable Planning and Community Development.*
4. *The Development Permit lapsing two years from the date of this resolution.”*

#### Public Hearing Conditions

With regard to the pre-conditions that Council set in relation to this application, the applicant has prepared the following legal agreements:

- a housing agreement to ensure that the 28 supportive transitional housing units will remain rental and affordable (very low income levels) for at least 60 years in accordance with the City’s definition of affordability in the *Victoria Housing Strategy 2016-2025 (Phase Two: 2019-2022)*
- Section 219 Covenant securing the following:
  - all 28 non-market dwelling units are owned by a non-profit or government agency
  - a minimum of five accessible dwelling units are designed in accordance with CSA *B651-12 Accessible Design for the Built Environment* standards.

The housing agreement and section 219 covenant will be executed by the applicant prior to the Public Hearing that is tentatively scheduled for October 22, 2020, subject to Council’s approval. It is the City’s standard process to ensure that legal agreements are registered on title prior to Public Hearing. The applicant has notified staff that the abovementioned section 219 covenant may not be registered on title in time for a Public Hearing on October 22, but it is critical that a Public Hearing occurs on this date in order for the applicant to be eligible for funding to construct the supportive housing project. Since affordable housing applications are identified as Council Priority, Council may consider advancing these applications to a Public Hearing; however, it is recommended that Council postpone final adoption of the Zoning Amendment Bylaw and the Housing Agreement Bylaw until staff receives confirmation from the applicant that the section 219 covenant has been registered on title.

The recommendation provided for Council's consideration contains the appropriate language to advance these applications to a Public Hearing.

Respectfully submitted,



Leanne Taylor  
Senior Planner  
Development Services Division



Karen Hoese, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



Date: October 6, 2020



NO. 20-106

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw by creating the P-CR Zone, Princess Commercial Residential District, and to rezone land known as 736 Princess Avenue from the M-1 Zone, Limited Light Industrial District to the P-CR Zone, Princess Commercial Residential District.

The Council of The Corporation of the City of Victoria enacts the following provisions:

- 1 This Bylaw may be cited as the “ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 1238)”.
- 2 Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended in the Table of Contents of Schedule “B” under the caption PART 4 – GENERAL COMMERCIAL ZONES by adding the following words:  
  
“4.104 P-CR, Princess Commercial Residential District”
- 3 The Zoning Regulation Bylaw is also amended by adding to Schedule B after Part 4.103 the provisions contained in Schedule 1 of this Bylaw.
- 4 The land known as 736 Princess Avenue, legally described as PID: 000-249-718 Lot 12, Block B, Section 3, Victoria District, Plan 8, and shown hatched on the attached map, is removed from the M-1 Zone, Limited Light Industrial District, and placed in the P-CR Zone, Princess Commercial Residential District.

READ A FIRST TIME the	day of	2020
READ A SECOND TIME the	day of	2020
Public hearing held on the	day of	2020
READ A THIRD TIME the	day of	2020
ADOPTED on the	day of	2020

CITY CLERK

MAYOR

**PART 4.104 – P-CR ZONE, PRINCESS COMMERCIAL RESIDENTIAL DISTRICT****4.104.1 Permitted Uses in this Zone**

The following uses are the only uses permitted in this Zone:

- a. high-tech
- b. multiple dwelling
- c. personal service
- d. office
- e. restaurant
- f. retail
- g. school

**4.104.2 Community Amenity**

As a condition of additional density pursuant to Part 4.104.4.b, the following community amenities must be provided:

- a. all dwelling units within a multiple dwelling must be secured through a legal agreement as rental for sixty (60) years.
- b. all dwelling units within a multiple dwelling must be secured through a legal agreement as 100% non-market and owned by a non-profit or government agency for sixty (60) years.

**4.104.3 Lot Area**

- a. Lot area (minimum) 556m<sup>2</sup>

**4.104.4 Floor Space Ratio**

- a. Maximum floor space ratio is 3:1, excluding residential uses, where the community amenities in Part 4.104.2 are not provided.
- b. Maximum floor space ratio permitted for all uses is 4.01:1, of which the floor space ratio of residential uses must not exceed 2.17:1, where the community amenities in Part 4.104.2 are provided.

**4.104.5 Height, Storeys**

- a. Principal building height (maximum) 21m
- b. Storeys (maximum) 6

**PART 4.104 – P-CR ZONE, PRINCESS COMMERCIAL RESIDENTIAL DISTRICT****4.104.6 Setbacks**

- |  |    |
|--|----|
| a. <u>Front yard setback</u> (minimum) | 0m |
| b. <u>Rear yard setback</u> (minimum)  | 0m |
| c. <u>Side yard setback</u> (minimum)  | 0m |

**4.104.7 Site Coverage**

- |                                   |     |
|-----------------------------------|-----|
| a. <u>Site Coverage</u> (maximum) | 96% |
|-----------------------------------|-----|

**4.104.8 Vehicle and Bicycle Parking**

- |                              |  |
|------------------------------|--|
| a. Vehicle parking (minimum) | Subject to the regulations in Schedule "C" |
| b. Bicycle parking (minimum) | Subject to the regulations in Schedule "C" |







**HOUSING AGREEMENT**  
(Pursuant to section 483 of the *Local Government Act*)

AMONG:

**THE CORPORATION OF THE CITY OF VICTORIA**  
#1 Centennial Square  
Victoria, B.C. V8W 1P6  
(the "**City**")

AND:

**1224037 B.C. LTD.** (inc. no. BC1224047)  
711 Princess Avenue  
Victoria, B.C. V8T 1K5  
(the "**Owner**")

AND:

**THE JOHN HOWARD SOCIETY OF VICTORIA**  
2675 Bridge Street  
Victoria, B.C. V8T 4Y4  
(the "**Society**")

**WHEREAS:**

- A. Capitalized terms used herein will have the respective meanings ascribed to them in section 1.1 of this Agreement, unless the context otherwise clearly requires or they are elsewhere defined herein.
- B. Under section 483 of the *Local Government Act* the City may, by bylaw, enter into a housing agreement with an owner regarding the occupancy of the housing units identified in the agreement, including but not limited to terms and conditions referred to in section 483(2) of the *Local Government Act*.
- C. The Owner is the registered owner in fee simple of lands in the City of Victoria, British Columbia, with a civic address of 736 Princess Avenue, Victoria, B.C. and legally described as:  
  
PID: 000-249-718  
Lot 12 Block B Section 3 Victoria District Plan 8  
(the "**Lands**").
- D. The Owner and the Society have entered into an agreement for the purchase of the Lands by the Society from the Owner, which will occur after this Agreement is entered into;
- E. The Society has applied to the City to rezone the Lands to permit construction of twenty-eight (28) supportive transitional rental and affordable (for people at very low income levels) housing units within the Development to be owned by a non-profit or government agency, in accordance with this Agreement.
- F. The City, the Owner and the Society wish to enter into this Agreement, as a housing agreement pursuant to section 483 of the *Local Government Act*, to secure the agreement

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of the Society, after it has become the registered owner of the Lands, to provide very low income rental housing, and that all Dwelling Units within the Development on the Lands will be used and held only as rental housing.

**NOW THIS AGREEMENT WITNESSES** that pursuant to section 483 of the *Local Government Act*, and in consideration of the premises and covenants contained in this agreement (the "**Agreement**"), the parties agree each with the other as follows:

#### 1.0 DEFINITIONS

##### 1.1 In this Agreement:

**"Building Permit"** means any building permit that may be issued with respect to the Lands after enactment of the Rezoning Bylaw and issuance of the Development Permit, if the Rezoning Bylaw is enacted and the Development Permit is issued;

**"Business Day"** means Monday to Friday, other than any such day which is a statutory holiday in Victoria, British Columbia;

**"Development"** means the new twenty-eight (28) unit building consisting of residential housing and related facilities on the Lands contemplated by the Rezoning Bylaw and the Development Permit;

**"Development Permit"** means the development permit with variance issued pursuant to development permit with variance application no. 00065;

**"Director of Planning"** means the person employed by the City as the Director of the Sustainable Planning and Community Development Department and their successors in function and anyone acting under their respective authority;

**"Dwelling Units"** means any or all, as the context may require, of the twenty-eight (28) self-contained residential dwelling units within the Development and includes any dwelling unit that is developed on the Lands in future, whether as part of the Development or otherwise, and **"Dwelling Unit"** means any of such residential dwelling units located on the Lands;

**"Government Agency"** means the British Columbia Housing Management Commission, the Canada Mortgage and Housing Corporation, the Capital Region Housing Corporation, a non-profit municipal housing corporation and any other organization of a similar nature approved by the Director of Planning in writing;

**"Immediate Family"** includes a person's spouse, child, grandchild, parent, grandparent, sibling, niece and nephew, and includes the Immediate Family of the person's spouse;

**"Market Rent"** means the rent (as determined by a professional appraiser acceptable to the City in the City's sole and absolute discretion) that a willing tenant would pay to a willing landlord to rent the Dwelling Unit in question pursuant to a Tenancy Agreement, on the open market in Victoria, British Columbia, having regard to any utility or other services or amenities available to the tenant or provided by the registered and beneficial owner of the Lands as landlord;

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**"Non-owner"** means a person other than a Related Person or the registered and beneficial owner of the Lands;

**"Owner"** includes a person who acquires an interest in the Lands or any part of the Lands or the Development and is thereby bound by this Agreement, as referred to in section 9.3, and the term Owner will refer to the Society after the Society becomes the registered and beneficial owner of the Lands, as and where applicable;

**"Related Person"** includes, where the registered or beneficial owner of the Lands or Dwelling Unit, as applicable, is:

- (a) a corporation or society:
  - (i) an officer, director, shareholder, or member of such corporation or society, or of another entity which is a shareholder or member of such corporation or society; or
  - (ii) an Immediate Family of a person to whom paragraph (i) applies, or
- (b) an individual, an Immediate Family of the registered or beneficial owner;

**"Rent"** means the amount of rent payable monthly in advance by the occupants of a Very Low Income Unit, as the same may be amended from time to time by the City; provided, however, that such Rent will never go below the applicable figures for 2020. For 2020 that Rent is: three hundred and seventy-five dollars (\$375) for a bachelor; four hundred and twenty-five dollars (\$425) for a 1 bedroom; five hundred and seventy-five dollars (\$575) for a 2 bedroom; and seven hundred dollars (\$700) for a 3 bedroom;

**"Rezoning Bylaw"** means the rezoning bylaw enacted pursuant to rezoning application no. 00602;

**"Tenancy Agreement"** means a tenancy agreement pursuant to the *Residential Tenancy Act* that is regulated by that Act;

**"Term"** means 60 years from the date when the final occupancy permit for the Building is issued by the City;

**"Very Low Income"** means "very low income" calculated in accordance with the City's definition of affordability in the *Victoria Housing Strategy 2016-2025* (Phase Two: 2019-2022), as the same may be amended or replaced from time to time; and

**"Very Low Income Unit"** means a Dwelling Unit that is designated as a very low income unit in accordance with Article 4.0 of this Agreement;

## 2.0 TRANSFER OF OWNERSHIP

- 2.1 The Owner and the Society covenant and agree with the City that prior to any Building Permit being issued by the City the registered and beneficial title to the Lands will have been transferred to and registered in the name of the Society solely.

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### **3.0 DWELLING UNITS TO BE USED AND OCCUPIED ONLY AS RENTAL UNITS**

- 3.1** The Owner covenants and agrees that all the Dwelling Units shall only be used as rental housing throughout the Term, and for that purpose shall only be occupied by a Non-owner under the terms of a Tenancy Agreement between the Owner and the Non-owner who occupies the Dwelling Unit.

### **4.0 VERY LOW INCOME HOUSING**

- 4.1** The Owner further covenants and agrees that, throughout the Term, all of the Dwelling Units shall be designated as Very Low Income Units and shall only be occupied and used as Very Low Income Units.
- 4.2** Each of the Very Low Income Units shall, throughout the Term, only be occupied by a Non-owner or Non-owners under the terms of a Tenancy Agreement with a combined annual household income that is equal to or less than the Very Low Income that applies to the particular Very Low Income Unit being occupied by such Non-owner or Non-owners.
- 4.3** Monthly rent for each Very Low Income Unit shall not exceed:
- (a) the Rent applicable to the type of Very Low Income Unit; or
  - (b) in the event that the City ceases to determine Rent or Very Low Income, the applicable income assistance shelter maximums as determined by the British Columbia Ministry of Social Development and Poverty Reduction or successor in function.
- 4.4** For the purpose of section 4.3(a) where rent is payable on a monthly basis and Very Low Income is reported or determined as an annual amount, either the rent or the income figures shall be adjusted to a monthly or annual amount so that an appropriate comparison can be made.

### **5.0 OWNERSHIP**

- 5.1** The Owner covenants and agrees with the City that by not later than the date when the first Building Permit is issued and thereafter until the end of the Term the Lands will be owned only by a not-for-profit society registered and in good standing in the Province of British Columbia or by a Government Agency.

### **6.0 REPORTING**

- 6.1** The Owner covenants and agrees to provide to the Director of Planning, within thirty (30) days of the Director of Planning's written request, a report in writing confirming the following:
- (a) all Dwelling Units are being rented to Non-owners, and
  - (b) all the Very Low Income Units are being rented in accordance with Article 4.0,
- along with such other information as may be requested by the Director of Planning from time to time.

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**6.2** The Owner hereby authorizes the City to make such inquiries as it considers necessary in order to confirm that the Owner is complying with this Agreement.

**6.3** The Owner acknowledges that it is within the City's sole discretion to consent or not to consent to modifications of this Agreement and that such consent may be withheld for any reason.

## **7.0 NOTICE TO BE REGISTERED IN LAND TITLE OFFICE**

**7.1** Notice of this Agreement (the "**Notice**") will be registered in the Land Title Office by the City at the cost of the Owner in accordance with section 483 of the *Local Government Act*, and this Agreement is binding on the parties to this Agreement as well as all persons who acquire an interest in the Lands after registration of the Notice.

## **8.0 LIABILITY**

**8.1** The Owner agrees to indemnify and save harmless the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from all claims, demands, actions, damages, costs and liabilities, which all or any of them shall or may be liable for or suffer or incur or be put to by reason of or arising out of failure of the Owner to comply with the terms and conditions of this Agreement, or otherwise that would not have arisen "but for" this Agreement.

**8.2** The Owner hereby releases and forever discharges the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from any and all claims, demands, actions, damages, economic loss, costs and liabilities which the Owner now has or hereafter may have with respect to or by reason of or arising out of the fact that the Lands are encumbered by and affected by this Agreement, or otherwise that would not have arisen "but for" this Agreement.

## **9.0 GENERAL PROVISIONS**

**9.1 NOTICE.** If sent as follows, notice under this Agreement is considered to be received:

- (a) upon confirmation of delivery by Canada Post if sent by registered mail,
- (b) on the next Business Day if sent by facsimile or email with no notice of failure to deliver being received back by the sender, and
- (c) on the date of delivery if hand-delivered, and

in the case of the City, addressed to:

City of Victoria  
#1 Centennial Square  
Victoria, BC V8W 1P6

Attention: Director of Sustainable Planning and Community Development  
Fax: 250-361-0386  
Email: [khoese@victoria.ca](mailto:khoese@victoria.ca)

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and in the case of the Owner, addressed to:

1224037 B.C. Ltd.  
711 Princess Avenue  
Victoria, BC V8T 1K5

Attention: Gerald Hartwig  
Fax: 250-475-3358  
Email: gh@hartwigindustries.com

and in the case of the Society, addressed to:

The John Howard Society of Victoria  
2675 Bridge Street  
Victoria, B.C. V8T 1K5

Attention: Manj Toor  
Email: manj.toor@jhsvic.ca

If a party identifies alternate contact information in writing to another party, notice is to be given to that alternate address.

If normal mail, email or facsimile service is interrupted by strike, work slowdown, force majeure, or other cause,

- (d) notice sent by the impaired service is considered to be received on the date of delivery, and
- (e) the sending party must use its best efforts to ensure prompt receipt of a notice by using other uninterrupted services, or by hand-delivering the notice.

**9.2 TIME.** Time is of the essence of this Agreement.

**9.3 BINDING EFFECT.** This Agreement will enure to the benefit of and be binding upon the parties hereto and their respective heirs, administrators, executors, successors, and permitted assignees. In accordance with section 483(6) of the *Local Government Act*, this Agreement and all obligations hereunder is binding on all who acquire an interest in the Lands, and the Owner only during the Owner's ownership of any interest in the Lands, and with respect only to that portion of the Lands of which the Owner has an interest.

**9.4 WAIVER.** The waiver by a party of any failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement is not to be construed as a waiver of any future or continuing failure, whether similar or dissimilar.

**9.5 HEADINGS.** The division of this Agreement into articles and sections and the insertion of headings are for the convenience of reference only and will not affect the construction or interpretation of this Agreement.

**9.6 LANGUAGE.** Words importing the singular number only will include the plural and vice versa, words importing the masculine gender will include the feminine and neuter genders and vice versa, and words importing persons will include individuals, partnerships, associations, trusts, unincorporated organizations and corporations and vice versa.

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- 9.7 LEGISLATION.** Reference to any enactment includes any regulations, orders or directives made under the authority of that enactment, and is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided.
- 9.8 EQUITABLE REMEDIES.** The Owner acknowledges and agrees that damages would be an inadequate remedy for the City for breach of this Agreement and that the public interest strongly favours specific performance, injunctive relief (mandatory or otherwise), or other equitable relief, as the only adequate remedy for a default under this Agreement.
- 9.9 CUMULATIVE REMEDIES.** No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.
- 9.10 ENTIRE AGREEMENT.** This Agreement when executed will set forth the entire agreement and understanding of the parties as at the date it is made.
- 9.11 FURTHER ASSURANCES.** Each of the parties will do, execute, and deliver, or cause to be done, executed, and delivered all such further acts, documents and things as may be reasonably required from time to time to give effect to this Agreement.
- 9.12 AMENDMENT.** This Agreement may be amended from time to time, by consent of the Owner and a bylaw duly passed by the Council of the City and thereafter if it is signed by the City and the Owner.
- 9.13 LAW APPLICABLE.** This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.
- 9.14 NO DEROGATION FROM STATUTORY AUTHORITY.** Nothing in this Agreement shall:
- (a) limit, impair, fetter or derogate from the statutory powers of the City all of which powers may be exercised by the City from time to time and at any time to the fullest extent that the City is enabled and no permissive bylaw enacted by the City, or permit, licence or approval, granted, made or issued thereunder, or pursuant to statute, by the City shall estop, limit or impair the City from relying upon and enforcing this Agreement; or
  - (b) relieve the Owner from complying with any enactment, including the City's bylaws, or any obligation of the Owner under any other agreement with the City.
- 9.15 SEVERABILITY.** If any section, term or provision of this Agreement is found to be partially or wholly illegal or unenforceable, then such sections or parts will be considered to be separate and severable from this Agreement and the remaining sections or parts of this Agreement, as the case may be, will be unaffected thereby and will remain and be enforceable to the fullest extent permitted by law as though the illegal or unenforceable parts or sections had never been included in this Agreement.
- 9.16 JOINT AND SEVERAL.** The Owner, if more than one, are jointly and severally obligated to perform and observe each and every of the covenants, warranties and agreements herein contained by the Owner to be observed and performed.
- 9.17 COUNTERPARTS.** This Agreement may be executed in counterparts and delivered by emailed PDF file, each of which will have the same effect as if all parties had signed the

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same document. Each counterpart shall be deemed to be an original. All counterparts shall be construed together and shall constitute one and the same Agreement.

**9.18 EFFECTIVE DATE.** This Agreement is effective as of the date of the signature of the last party to sign.

**IN WITNESS WHEREOF** the parties hereto have set their hands and seals as of the day and year last below written.

**THE CORPORATION OF THE CITY OF** )  
**VICTORIA** by its authorized signatory: )

\_\_\_\_\_  
Karen Hoese, Director of Sustainable  
Planning and Community Development )

Date signed: \_\_\_\_\_ )

**1224037 B.C. LTD.** )  
by its authorized signatory(ies): )

\_\_\_\_\_  
Print Name: )

\_\_\_\_\_  
Print Name: )

Date signed: Oct 6 2020 )

**THE JOHN HOWARD SOCIETY OF VICTORIA** )  
by its authorized signatory(ies): )

\_\_\_\_\_  
Print Name: CHRIS BERTHOUD )

\_\_\_\_\_  
Print Name: HANK MATTHEWS / Henry C )

Date signed: October 06/20 )

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## Council Report

### For the Meeting of October 8, 2020

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**To:** Council  
**From:** C. Coates, City Clerk  
**Subject:** 330-336 Michigan Street: Development Permit with Variance Application No. 00122

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### RECOMMENDATION

That the following bylaw be given first, second, and third readings:

1. Housing Agreement (330, 332, 334, & 336 Michigan Street) Bylaw (2020) No. 20-084

### BACKGROUND

Attached for Council's initial consideration is a copy of the proposed Bylaw No. 20-084.

The issue came before Council on February 27, 2020 where the following resolution was approved:

#### **330-336 Michigan Street: Development Permit with Variance Application No. 00122**

That, subject to the preparation and registration of legal agreements to secure the building as rental in perpetuity, to the satisfaction of the Director of Sustainable Planning and Community Development, and subject to securing a Statutory Right-of-Way of 2.44m off Superior Street to the satisfaction of the Director of Engineering, and subject to the applicant working with staff to explore design modifications to reduce the number of trees impacted by proposed landscaping changes and submitting updated and revised plans addressing inconsistencies between the Arborist Report and submitted plans to the satisfaction of the Director of Parks, Recreation and Facilities, that Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Development Permit with Variance Application No. 00122 for 330-336 Michigan Street, in accordance with:

1. Plans date stamped January 21, 2020.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - i. increase the site coverage from 40% to 43.5%
  - ii. reduce the open site space from 60% to 55.5%
  - iii. reduce the setback from the street boundary (Michigan Street) from 10.5m to 5.5m
  - iv. reduce the rear yard setback from 7.38m to 5.78m
  - v. reduce the east side yard setback from 7.38m to 6.0m
  - vi. reduce the west side yard setback from 7.38m to 6.39m to the building face and 5.82m to the balcony.

3. Registration on the property's title of a Statutory Right-of-Way of 2.44m off Superior Street, to the satisfaction of the Director of Engineering.
4. The Development Permit lapsing two years from the date of this resolution."

Respectfully submitted,



Chris Coates  
City Clerk

**Report accepted and recommended by the City Manager:**



**Date:**

October 7, 2020

**List of Attachments:**

- Bylaw No. 20-084



Under its statutory powers, including section 483 of the *Local Government Act*, the Council of The Corporation of the City of Victoria in an open meeting enacts the following provisions:

1 This Bylaw may be cited as the "HOUSING AGREEMENT (330, 332, 334 & 336  
MICHIGAN STREET) BYLAW (2020)".

2 The Director of Sustainable Planning and Community Development is authorized to execute the Housing Agreement:

- (a) substantially in the form attached to this Bylaw as Schedule A;
- (b) between the City and Capital Region Housing Corporation, BC0257647 or other registered owners from time to time of the lands described in subsection (c); and
- (c) that applies to the lands known as 330, 332, 334 & 336 Michigan Street, Victoria, BC, legally described as:  
PID: 001-225-197, Lot A of Lots 1864, 1871, 1872, 1873, 1874, 1875 and 1876, Victoria City, Plan 42136.

ADOPTED on the \_\_\_\_\_ day of \_\_\_\_\_ 2020

MAYOR

**HOUSING AGREEMENT**(Pursuant to section 483 of the *Local Government Act*)

BETWEEN:

**THE CORPORATION OF THE CITY OF VICTORIA**#1 Centennial Square  
Victoria, B.C. V8W 1P6

(the "City")

AND:

**CAPITAL REGION HOUSING CORPORATION**Inc. No. BC257647  
534 Yates Street  
Victoria, B.C. V8W 2S6

(the "Owner")

**WHEREAS:**

- A. Capitalized terms used herein will have the respective meanings ascribed to them in section 1.1 of this Agreement, unless the context otherwise clearly requires or they are elsewhere defined herein.
- B. Under section 483 of the *Local Government Act* the City may, by bylaw, enter into a housing agreement with an owner regarding the occupancy of the housing units identified in the agreement, including but not limited to terms and conditions referred to in section 483(2) of the *Local Government Act*.
- C. The Owner is the registered and beneficial owner in fee simple of lands in the City of Victoria, British Columbia, with a civic address of 330, 332, 334 and 336 Michigan Street, Victoria, B.C. and legally described as:
  - PID: 001-225-197
  - LOT A, OF LOTS 1864, 1871, 1872, 1873, 1874, 1875 AND 1876, VICTORIA
  - CITY, PLAN 42136
  - (the "Lands").
- D. The Owner has applied to the City for a development permit with variances to permit the Development on the Lands in accordance with this Agreement.
- E. Subject to the issuance of a development permit with variances, the Owner intends to subdivide the Development through an air space parcel subdivision and/or by way of stratification and the Dwelling Units will be operated as residential rental units.
- F. The City and the Owner wish to enter into this Agreement, as a housing agreement pursuant to section 483 of the *Local Government Act*, to secure the agreement of the Owner that all Dwelling Units on the Lands will be used and held only as rental housing.

**NOW THIS AGREEMENT WITNESSES** that pursuant to section 483 of the *Local Government Act*, and in consideration of the premises and covenants contained in this agreement (the "**Agreement**"), the parties agree each with the other as follows:

## **1.0 DEFINITIONS**

### **1.1** In this Agreement:

**"Business Day"** means Monday to Friday, other than any such day which is a statutory holiday in Victoria, British Columbia;

**"Development"** means two new mixed use, multi-storey buildings to be constructed on the Lands, and consisting of approximately 97 residential dwelling units and 9 commercial units, and related facilities authorized and contemplated by the development permit with variances and all permits issued by the City in respect thereof;

**"Director"** means the City's Director of Sustainable Planning and Community Development or their authorized nominee;

**"Dwelling Units"** means any or all, as the context may require, self-contained residential dwelling units within the Development and includes any dwelling unit that is developed on the Lands in future, whether as part of the Development or otherwise, and **"Dwelling Unit"** means any of such residential dwelling units located on the Lands;

**"Immediate Family"** includes a person's spouse, partner, child, grandchild, parent, grandparent, sibling, niece and nephew, and the Immediate Family of the person's spouse;

**"Land Title Act"** means the Land Title Act, R.S.B.C. 1996, c.250;

**"Lands"** means that certain parcel of land described in Recital C, and includes any parcel into which some or all of such land is consolidated or subdivided;

**"Local Government Act"** means the Local Government Act, R.S.B.C. 2015, c. 1;

**"Non-owner"** means a person other than a Related Person or the Owner;

**"Owner"** includes a person who acquires an interest in the Lands or any part of the Lands or the Development and is thereby bound by this Agreement, as referred to in section 13.3;

**"Related Person"** includes, where the registered or beneficial owner of the Lands or Dwelling Unit, as applicable, is:

- (a) a corporation or society:
  - (i) an officer, director, shareholder, or member of such corporation or society, or of another entity which is a shareholder or member of such corporation or society; or
  - (ii) an Immediate Family of a person to whom paragraph (i) applies, or
- (b) an individual, an Immediate Family of the registered or beneficial owner;

**"Strata Corporation"** means, for the portions of the Lands or any building on the Lands that is subdivided under the Strata Property Act, a strata corporation as defined in that Act, including the Owner while in control of the strata corporation and subsequently the individual strata lot owners collectively acting as the strata corporation;

**"Strata Plan"** means a strata plan filed in respect of the Lands or any subdivided portion thereof pursuant to the *Strata Property Act*;

**"Strata Property Act"** means the Strata Property Act, S.B.C. 1998, c. 43;

**"Tenancy Agreement"** means an agreement, lease, licence, or other right of a Non-owner to occupy a Dwelling Unit.

## **2.0 DWELLING UNITS TO BE RENTED AND USED ONLY AS RENTAL UNITS**

- 2.1** The Owner covenants and agrees that the Dwelling Units shall only be used as rental housing in perpetuity, and for that purpose shall only be occupied by a Non-owner under the terms of a Tenancy Agreement between the Owner and the Non-owner who occupies the Dwelling Unit.

## **3.0 NO RESTRICTIONS ON RENTALS**

- 3.1** The Owner covenants and agrees that the Owner shall not take any steps, or enter into any agreements, or impose any rules or regulations whatsoever, the effect of which would be to prevent or restrict the Owner of a Dwelling Unit from renting that Dwelling Unit to a Non-owner under the terms of a Tenancy Agreement.
- 3.2** Without limiting the generality of section 3.1, the Owner covenants and agrees that it will not make application to deposit a Strata Plan for or in respect of the Lands or a building on the Lands unless the strata bylaws in no way restrict rental of any Dwelling Unit to a Non-owner under the terms of a Tenancy Agreement.

## **4.0 SUBDIVISION**

- 4.1 Subdivision Generally.** If the Lands are subdivided at any time hereafter either under the provisions of the *Land Title Act* or under the *Strata Property Act*, or under other similar legislation enacted from time to time, then upon the deposit of a plan of subdivision, a Strata Plan, or similar plan as the case may be, subject to section 4.2 :

- (a) the rights and benefits of this Agreement herein granted will be annexed to and run with each of the new parcels, lots or other subdivided parcels and areas so created; and
- (b) the burdens, obligations, agreements and covenants contained in this Agreement will continue to be noted on each of the new parcels, lots or other subdivided parcels and areas so created.

- 4.2 Subdivision by Strata Plan.** If the Lands, or any portion thereof, are subdivided by a Strata Plan:

- (a) the existence of this Agreement and the City bylaw authorizing and enacting it will be noted on the title of each individual strata lot and noted on the common property sheet;
- (b) the Owner will cause the Strata Corporation or the strata corporations created by the deposit of a Strata Plan to be obliged to perform and observe the Owner's applicable covenants in this Agreement, solely at the expense of the strata lot owners; and
- (c) the liability of each strata lot owner for the performance and observance of the Owner's covenants herein will be in proportion to the unit entitlement of his, her or its strata lot as established by the Strata Plan,

provided that, if the Lands are first subdivided by air space plan and then one or more of these parcels are further subdivided by Strata Plan, the easements and covenants registered concurrently with the air space plan may designate the air space parcel or the remainder, and therefore each strata lot owner and/or the Strata Corporation, responsible to perform and observe the Owner's covenants in this Agreement.

- 4.3 Release of Notice.** For certainty, if the portion of the Lands containing the Development is subdivided and any of the parcels created as a result of such subdivision do not contain any of the Dwelling Units (the "**Subdivided Parcel**"), the owner of such Subdivided Parcel may apply to the City to release the Notice (as defined in section 6.1) from title to the Subdivided Parcel. The City agrees to execute and deliver a release of this Housing Agreement from title to the Subdivided Parcel, provided however that: (a) the City will have no obligation to execute any such release until a written request therefor from the owner of the Subdivided Parcel has been received by the City, which request will include the form of release in registerable form; (b) the cost of preparation of such release and the cost of registration of same in the Land Title Office will be paid by the Owner; and (c) the City will have a reasonable time within which to execute such release and return the same to the Owner for registration.

## **5.0 REPORTING**

- 5.1** The Owner covenants and agrees to provide to the Director, within thirty (30) days of the Director's request, a report in writing confirming that:
- (a) all Dwelling Units are being rented to Non-owners or are vacant,
  - (b) all other requirements of this Agreement are being complied with by the Owner,
- along with such other information as may be requested by the Director from time to time.
- 5.2** The Owner hereby authorizes the City to make such inquiries as it considers necessary in order to confirm that the Owner is complying with this Agreement.
- 5.3** The Owner acknowledges that it is within the City's sole discretion to consent or not to consent to modifications of this Agreement and that such consent may be withheld for any reason.



## 6.0 NOTICE TO BE REGISTERED IN LAND TITLE OFFICE

- 6.1 Notice of this Agreement (the "Notice") will be registered in the Land Title Office by the City at the cost of the Owner in accordance with section 483 of the *Local Government Act*, and this Agreement is binding on the parties to this Agreement as well as all persons who acquire an interest in the Lands after registration of the Notice.

## 7.0 LIABILITY

- 7.1 The Owner agrees to indemnify and saves harmless the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from all claims, demands, actions, damages, costs and liabilities, which all or any of them shall or may be liable for or suffer or incur or be put to by reason of or arising out of failure of the Owner to comply with the terms and conditions of this Agreement, or otherwise that would not have arisen "but for" this Agreement.
- 7.2 The Owner hereby releases and forever discharges the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from any and all claims, demands, actions, damages, economic loss, costs and liabilities which the Owner now has or hereafter may have with respect to or by reason of or arising out of the fact that the Lands are encumbered by and affected by this Agreement, or otherwise that would not have arisen "but for" this Agreement.

## 8.0 GENERAL PROVISIONS

- 8.1 **NOTICE.** If sent as follows, notice under this Agreement is considered to be received:

- (a) seventy-two (72) hours after the time of its mailing (by registered mail),
- (b) on the date of dispatch if delivered by email or fax before 5:00 pm on a regular Business Day, and otherwise on the next regular Business Day thereafter, and
- (c) on the date of delivery if hand-delivered, and

in the case of the City, addressed to:

City of Victoria  
#1 Centennial Square  
Victoria, BC V8W 1P6

Attention: Director of Sustainable Planning and  
Community Development  
Fax: 250-361-0386  
Email: [khoese@victoria.ca](mailto:khoese@victoria.ca)

and in the case of the Owner, addressed to:

Capital Region Housing Corporation  
631 Fisgard Street  
Victoria, BC V8W 1R7

Attention: Senior Manager, Regional Housing  
 Fax: 250-361-4970  
 Email: [cculham@crd.bc.ca](mailto:cculham@crd.bc.ca)

or upon registration of a strata plan for the Lands, to the Strata Corporation, and to the Owner of any Dwelling Unit that is subject to the restrictions under section 2.1.

If a party identifies alternate contact information in writing to another party, notice is to be given to that alternate address/person.

If normal mail, email or facsimile service is interrupted by strike, work slowdown, force majeure, or other cause,

- (d) notice sent by the impaired service is considered to be received on the date of delivery, and
- (e) the sending party must use its best efforts to ensure prompt receipt of a notice by using other uninterrupted services, or by hand-delivering the notice.

**8.2 TIME.** Time is of the essence of this Agreement.

**8.3 BINDING EFFECT.** This Agreement will enure to the benefit of and be binding upon the parties hereto and their respective successors, and permitted assignees. In accordance with section 483(6) of the *Local Government Act*, this Agreement and all obligations hereunder is binding on all who acquire an interest in the Lands, and is binding on the Owner only during the Owner's ownership of any interest in the Lands, and with respect only to that portion of the Lands of which the Owner has an interest.

**8.4 WAIVER.** The waiver by a party of any failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement is not to be construed as a waiver of any future or continuing failure, whether similar or dissimilar.

**8.5 HEADINGS.** The division of this Agreement into articles and sections and the insertion of headings are for the convenience of reference only and will not affect the construction or interpretation of this Agreement.

**8.6 LANGUAGE.** Words importing the singular number only will include the plural and vice versa, words importing the masculine gender will include the feminine and neuter genders and vice versa, and words importing persons will include individuals, partnerships, associations, trusts, unincorporated organizations and corporations and vice versa.

**8.7 LEGISLATION.** Reference to any enactment includes any regulations, orders or directives made under the authority of that enactment, and is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided.

**8.8 EQUITABLE REMEDIES.** The Owner acknowledges and agrees that damages would be an inadequate remedy for the City for breach of this Agreement and that the public interest strongly favours specific performance, injunctive relief (mandatory or otherwise), or other equitable relief, as the only adequate remedy for a default under this Agreement.

- 8.9 CUMULATIVE REMEDIES.** No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.
- 8.10 ENTIRE AGREEMENT.** This Agreement when executed will set forth the entire agreement and understanding of the parties as at the date it is made.
- 8.11 FURTHER ASSURANCES.** Each of the parties will do, execute, and deliver, or cause to be done, executed, and delivered all such further acts, documents and things as may be reasonably required from time to time to give effect to this Agreement.
- 8.12 AMENDMENT.** This Agreement may be amended from time to time, by consent of the Owner and a bylaw duly passed by the Council of the City and thereafter if it is signed by the City and the Owner provided however, that the Owner acknowledges that it is within the City's sole discretion to consent or not to consent to modifications of this Agreement and that such consent may be withheld for any reason.
- 8.13 LAW APPLICABLE.** This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.
- 8.14 NO DEROGATION FROM STATUTORY AUTHORITY.** Nothing in this Agreement shall:
- (a) limit, impair, fetter or derogate from the statutory powers of the City all of which powers may be exercised by the City from time to time and at any time to the fullest extent that the City is enabled and no permissive bylaw enacted by the City, or permit, licence or approval, granted, made or issued thereunder, or pursuant to statute, by the City shall estop, limit or impair the City from relying upon and enforcing this Agreement; or
  - (b) relieve the Owner from complying with any enactment, including the City's bylaws, or any obligation of the Owner under any other agreement with the City.
- 8.15 SEVERABILITY.** If any section, term or provision of this Agreement is found to be partially or wholly illegal or unenforceable, then such sections or parts will be considered to be separate and severable from this Agreement and the remaining sections or parts of this Agreement, as the case may be, will be unaffected thereby and will remain and be enforceable to the fullest extent permitted by law as though the illegal or unenforceable parts or sections had never been included in this Agreement.
- 8.16 JOINT AND SEVERAL.** The Owner, if more than one, are jointly and severally obligated to perform and observe each and every of the covenants, warranties and agreements herein contained by the Owner to be observed and performed.
- 8.17 COUNTERPARTS.** This Agreement may be executed in counterparts and delivered by emailed PDF file, each of which will have the same effect as if all parties had signed the same document. Each counterpart shall be deemed to be an original. All counterparts shall be construed together and shall constitute one and the same Agreement.

**8.18 EFFECTIVE DATE.** This Agreement is effective as of the date of the signature of the last party to sign.

**IN WITNESS WHEREOF** the parties hereto have set their hands and seals as of the day and year last below written.

**THE CORPORATION OF THE CITY OF** )  
**VICTORIA** by its authorized signatories: )

\_\_\_\_\_)  
 Karen Hoese, Director of Sustainable )  
 Development and Community Planning )

Date signed: \_\_\_\_\_ )

**CAPITAL REGION HOUSING** )  
**CORPORATION** )

by its authorized signatory(ies): )

x David Screech )  
 Print Name: Vice-chair CRHC Board )

x David Screech )  
 Print Name: )

Date signed: Sept 15/2020 )



[Date]

Ref: 256384

Honourable John Horgan  
Premier  
PO Box 9041 Stn Prov Govt  
Victoria BC V8W 9E1

Honourable Carole James  
Minister of Finance  
PO Box 1234 Stn Prov Govt  
Victoria BC V1A 2B2

Dear Premier and Minister James:

During the month of July, I held 10 consultation sessions about COVID-19 and economic recovery with municipal mayors and regional district chairs or their representatives across the province. The sessions provided an opportunity for local governments to contribute directly to British Columbia's recovery conversation. The Ministry of Municipal Affairs and Housing invited representatives from 189 local governments including 21 regional districts and 14 resort communities to the conversations. The discussion and ideas that were generated helped inform this letter and I am pleased to share them with you.

Overwhelmingly, local government representatives were most concerned about connectivity, infrastructure, transit and food security. The ministry also heard that people want more than economic recovery, they want to make things better for everyone and COVID-19 provides the opportunity to do that as we restart the economy towards recovery.

The consultation sessions were guided by the principles, values and measures outlined in the government's discussion paper, Building B.C.'s Recovery, Together. They focused on the importance of getting people back to work quickly, the value of equity, leaving no one behind, restoring the Province of British Columbia's revenue base, supporting climate commitments, and having an immediate and demonstrable impact on economic recovery.

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Local governments put forward a variety of practical, innovative and valuable ideas in the consultation sessions. The following priority themes (common topics or subject areas for recovery investment) were identified:

- **Connectivity/Broadband**
- **Investment in Infrastructure**
- **Transit/Transportation**
- **Agriculture/Food Security**
- **Child Care**
- **Low Wage Workers/Employment**
- **Health Care, Mental Health and Social Services**
- **Tourism/Recreation**
- **Education/Training**
- **Clean Energy and Technology**
- **Affordable Housing**
- **Industry/Business Development**
- **Reconciliation**

These priority themes (described further in **Appendix 1**) cut across all local governments, independent of size and location. They also reflect a strong sense of “building back better” – an idea that has been widely expressed by many who say that with the hard economic impact of COVID-19 comes an opportunity to diversify, innovate, collaborate and partner to make things better for people and communities as we work towards economic recovery.

The priority themes and ideas expressed by local government leaders were primarily focused on what could be done to help various sectors in their communities rather than on the needs of the local governments themselves. At the same time, the importance of local governments having enough supports and capacity to restart operations was also noted.

A number of local governments have laid off workers, experienced real revenue losses (e.g. transit, user fees) and faced significant new costs (e.g. adapting local government facilities and services to a COVID-19 environment). Some local governments also noted the opportunity to rethink local government financing to ensure that their financial tools are sufficiently robust and sustainable to meet the increased and changing demands on local governments and their services.

I would like to take this opportunity to recognize the dedication, hard work and leadership local governments are providing to their communities, each with unique needs, during a challenging and ever-evolving time. As B.C. has moved into restart and now recovery planning, local governments have not only been working hard to get themselves back to full operation in a safe way, they have also been supporting the businesses, non-profits and other interests in their communities. This includes patio expansions for restaurants, shop local campaigns, virtual community events, business information tools, local economic recovery task forces and direct contributions in dedicated time and resources.

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Honourable John Horgan  
Honourable Carole James  
Page 3

Most importantly, local governments have been doing this work in collaboration with other local governments across their regions, First Nation neighbours, all sectors in their communities and the Province. The commitment to come together in response to the unprecedented COVID-19 emergency persisted as we worked together to get restarted and now continues in rebuilding together as local governments work with the Province to plan for recovery.

I appreciate the time that everyone took out of their busy lives to participate in the consultation sessions and the recommendations they provided from their unique positions on the front lines of the pandemic.

It gives me great pleasure to provide this input from my calls with local government leaders to the economic recovery engagement process. I expect that some local governments will also be submitting ideas into that process directly. The Union of BC Municipalities has also prepared a letter for submission and I am very pleased to include it here.

Sincerely,

A handwritten signature in black ink, appearing to read 'Selina Robinson', with a stylized flourish at the end.

Selina Robinson  
Minister

pc: Her Worship Mayor Maja Tait, President, Union of BC Municipalities  
Local Governments in British Columbia

## **Appendix 1 – Description of Priority Themes**

### **Connectivity/Broadband**

Digital connectivity is the number one opportunity that emerged in almost every engagement session, especially for rural and remote communities. To fully participate in the new economy, communities need digital access through broadband, cellular mobility, and capacity development to effectively use these technologies. Reliable and affordable high-speed internet is critical to removing barriers to growth and community well-being to enable working from home, remote schooling, moving traditional businesses to an online format and developing new types of businesses. Improving connectivity generates opportunities for everyone to learn new skills and access essential services and it will make it easier for communities to attract new residents and business investment that creates jobs for the long-term.

### **Investment in Infrastructure**

Local governments recognize that continued investment in critical infrastructure projects that facilitate the delivery of public services, such as drinking water, sewage collection and treatment, cultural and recreational facilities, parks and transportation are good investments for everyone and creates primary and secondary jobs in their communities. Investment in infrastructure addresses environmental, economic and social dimensions, and is seen as having general economic benefits for all industry sectors. Several communities have also noted that they have “shovel-ready” projects.

### **Transit/Transportation**

Effective transit and transportation networks are vital for economic recovery as they help bring people back to work and allow businesses to distribute their products and get the supplies they need. Local leaders identified a need for transit funding to make up for revenue losses and to enable the service frequency and safety that will get riders “back on board”. Other transportation infrastructure needs identified include expansion of highways, increased ferry services and investment in railway and municipal airports.

### **Agriculture/Food Security**

During the pandemic, it became even more apparent that food security is an essential need. The ability for small producers to increase their capacity and structural support is needed to ensure food is marketed, produced, processed, packaged, distributed and sold locally. Local leaders acknowledged that our reliance on foreign agricultural workers impacts food security and identified an opportunity to create a skilled domestic agricultural workforce in order to reduce reliance on workers from outside B.C.

### **Child Care**

The provision of childcare is essential for enabling workers to return to work and speed up economic recovery. Many communities identified a lack of adequate childcare in their communities. Local leaders recognize that investments in safe, reliable and affordable childcare is vital to economic recovery.

### **Low Wage Workers/Employment**

The disproportionate impact of COVID-19 on low wage workers especially in certain sectors (e.g. tourism, retail and food services, agriculture and non-profits), and particularly women and youth, highlights the need for support for these workers. Local leaders talked about supplementing wages as a way to stimulate recovery that would also make it easier to recruit for often hard-to-fill jobs. Some local governments noted that their communities would benefit if they could hire students and others for temporary positions in the short term, until the economy picked up.

### **Health Care, Mental Health and Social Services**

The pandemic and emergency measures have strongly impacted vulnerable populations. Isolation from services and support networks has had a profound impact on the homeless population, families living in poverty, and individuals struggling with pre-existing mental health and substance use issues. Local governments and non-profit organizations have been at the forefront of mitigating these impacts during the pandemic. Support from the Province and collaboration with local governments and non-profit organizations is essential in post-pandemic planning as this provides an opportunity to not just “pick up where we left off” but re-shape and strengthen B.C.’s health care, mental health and social services.

### **Tourism/Recreation**

Some local governments with great natural assets, noted the challenge of diversifying their tourism economies to be more resilient over the long term. Investments to support local governments in enhancing natural assets through the development of trails, parks and facilities such as campsites and washrooms will help create new jobs, especially for youth, expand tourism and improve outcomes for people and communities.

### **Education/Training**

A number of local governments identified the need for training programs to attract young people that can participate in the economy and some others noted that resource-based workers were also going through a separate economic downturn (i.e. mill closures) and that sector could also benefit from retraining and education programs.

### **Clean Energy and Technology**

Communities have asked for consistent investment to help them transition to a low carbon future and support green technology aligned with CleanBC goals. These investments will ensure that communities and local businesses are ready to seize economic opportunities coming from clean energy and technology and create more and higher-value jobs. Additionally, local governments noted that investments in climate change adaptation and mitigation activities and studies would have long-term benefits.

## **Affordable Housing**

There is still a shortage of affordable housing in the province. Investment in affordable housing will reduce chronic homelessness and support vulnerable populations by providing those most in need with a safe place to call home. Affordable and workforce housing will allow people to return to work quickly and give them the security they need to fully participate in the economy. Building affordable housing not only provides much needed housing but employs hundreds of skilled workers and can provide new workers with opportunities to learn new skills.

## **Industry/Business Development**

Innovation and investment in traditional resource industries such as forestry is a critical component of economic recovery as these industries support and create jobs in many of B.C.'s rural communities. Communities and businesses need support to capitalize on innovative and emerging opportunities. Local governments recognize the need to assist businesses in developing an online presence and the need to work in collaboration with their local business community on an ongoing basis to promote economic recovery.

## **Reconciliation**

The pandemic has highlighted the need to work together across communities and regions. Investing in ways to foster partnerships with Indigenous neighbours that not only support reconciliation but also builds community economic resilience is a real opportunity before us. There is strong willingness among local governments to work in collaboration with neighbouring Indigenous communities (as many have done in COVID-19 response); it was noted that some smaller and rural/remote local governments as well as First Nations lack resources and capacity for the level of engagement needed to achieve real economic progress.



July 31, 2020

The Honourable John Horgan  
Premier of British Columbia  
PO BOX 9041, STN PROV GOV  
Victoria BC V8W 9E1

The Honourable Carole James  
Minister of Finance and Deputy Premier  
Room 153, Parliament Buildings  
Victoria, BC V8V 1X4

Dear Premier Horgan and Minister James:

**Re: UBCM Response to *Building BC's Recovery, Together***

On behalf of BC local governments, please find attached the Union of BC Municipalities submission to the Province's *Building BC's Recovery, Together* consultation document.

Our submission reflects the results of member outreach undertaken over the March – May period, as well as more recent local government engagement on specific policy files such as public transit.

As well, I am pleased to advise that at our July 17<sup>th</sup> meeting, the Executive formally constituted a Special Committee on Economic Recovery, comprising members of the Presidents Committee. We would welcome the opportunity to work collaboratively with you to share the perspectives of local government as we continue to move forward with the Restart Plan.

I also wish to take this opportunity to thank you for your leadership as we continue to navigate our province through this challenging and unprecedented time.

Yours truly,

A handwritten signature in black ink, appearing to read "Maja Tait", is written over a light blue circular background.

Mayor Maja Tait  
UBCM President

Cc: Hon. Selina Robinson, Minister of Municipal Affairs and Housing

*Attachment: UBCM Submission to the Province's Building BC's Recovery, Together*

## Union of BC Municipalities Submission to the Province's *Building BC's Recovery, Together* Consultation Paper

### 1. Introduction

The Union of British Columbia Municipalities (UBCM) represents 100% of the local governments in British Columbia (BC), as well as eight First Nations members, and has advocated for policy and programs that support its membership's needs since 1905.

BC local governments are recognized as orders of government in their respective jurisdictions under the Community Charter and Local Government Act. As the order of government closest to its citizens, local government leaders know the significant impact that this pandemic has had on BC residents; small and large businesses; non-profit groups and other community-based organizations.

As the recognized, collective voice of BC local government, UBCM is pleased to provide this submission to the Province's *Building BC's Recovery, Together* consultation process.

### 2. *Building BC's Recovery, Together* Consultation Process

The Province's *Building BC's Recovery, Together* consultation process offers British Columbians an opportunity to provide their feedback either through the consultation paper, on line survey or one of the virtual town halls. Due to the personal focus of the Province's consultation, UBCM was unsure if this was the appropriate avenue for us to make our views known. However, at our July board meeting Executive members directed that we prepare a submission to ensure that the local government voice was heard as part of the Province's recovery process. As a result, our submission does not respond directly to the questions posed within the Province's consultation paper (*page 12*) but instead provides an overview of the feedback we have heard from our members after undertaking our own member engagement.

So while our submission may not fit within the Province's template for response, we note that many of the elements covered within our submission do align with the provincial priorities identified on page 11 of the consultation paper as follows:

- *STRENGTHENING OUR HEALTH CARE SYSTEM*
- *CREATING AND RESTORING GOOD-PAYING AND SUSTAINABLE JOBS*
- *BECOMING MORE SELF-SUFFICIENT*
- *IMPROVING EDUCATION, TRAINING AND APPRENTICESHIP OPPORTUNITIES*
- *TAKING ADVANTAGE OF BC'S ABUNDANT CLEAN ENERGY*
- *MOVING FORWARD ON MEANINGFUL RECONCILIATION WITH INDIGENOUS PEOPLES*
- *BUILDING THE CRITICAL INFRASTRUCTURE AND SERVICES THAT ALL COMMUNITIES NEED TO THRIVE*
- *ENSURING THAT BC IS ON A STRONG FISCAL FOOTING*

And while our submission may not directly reference all of the identified provincial priorities, UBCM does have a repository of resolutions and policy positions that would indicate broad member support for all of the priorities that have been identified.

In the Province's consultation paper, it states: *"As conversations across the province move from restart to recovery, it is clear recovery means more than returning to the past. This is an opportunity for businesses, organizations and non-profit agencies to help us generate solutions to address the challenges they face."*

UBCM concurs with this statement. By identifying the challenges facing local governments, as well as possible solutions, we hope our submission helps to generate new and creative opportunities for BC local government. We view our submission as a first step to help inform the Province's recovery process and look forward to further engagement in the coming months.

### **3. UBCM Perspectives on Recovery**

#### **Local Government and Financial Recovery**

In late March 2020, UBCM reached out to a wide of range of local governments to gather information on the immediate and projected long-term financial pressures facing local governments, their residents, and local businesses as a result of the pandemic. Many local governments identified a loss of variable revenue, the shelving of capital projects, a re-evaluation of property taxes, new costs of supporting vulnerable populations, and concerns over reserve restrictions and looming financial deadlines. In response to these concerns, UBCM raised potential relief measures with the Province that focused on property taxes, legislated financial timelines, restrictions on reserves, capital project timelines, grants, and infrastructure stimulus funding.

In early April, the Province introduced a financial relief framework that initiated temporary changes to B.C.'s property tax framework to provide financial support for businesses and local governments. Among the changes introduced, local governments were given the ability to borrow, interest-free, from their capital reserve funds and municipalities will be able to access school tax revenue collected for the Province until the end of the year. UBCM committed to monitoring the impact of the measures on local government finances, and working with the Province to ensure that local governments had the necessary resources to sustain their communities.

After a second round of outreach, many of our members acknowledged the provincial measures were a modest first step in attempting to address the pandemic-related financial challenges for communities. The measures provided local governments with some flexibility, enhanced cash flow, and short-term certainty that assisted them in financial decision-making. These provincial measures were viewed as a tool for governments to use in the interim, as well as support for local businesses. Even with these provincial measures, many local governments had to re-evaluate their budgets and make extremely difficult decisions and adjustments on capital spending, service levels, staffing, and proposed property tax increases, to ensure continued operation and delivery of critical services. Many local governments also engaged in layoffs of casual, temporary and facility related staff in early April, with the continued uncertainty of the pandemic impacting potential future layoffs.

While there was a general feeling that local governments might be able to financially weather the next several months, our members expressed particular concern about their finances in coming year(s). The risk of delinquencies amongst residential and commercial property taxpayers remains high as the economic fallout from the pandemic mounts. Local governments are concerned that the continued loss of non-taxation revenue, coupled with the uncertainty of tax delinquencies, will hinder the ability of local governments to advance capital projects, maintain existing essential services, and pay back reserves without significant property tax increases in the years ahead.

Upon receiving this feedback, UBCM called for additional provincial support measures in May to address local government funding shortfalls, mitigate the risk of tax delinquencies, and facilitate a revival of local economies. In particular, UBCM called for financial support for transit to aid local economic recoveries; an infrastructure stimulus framework to generate economic returns for communities; and an expansion of the property tax deferral program to all residents to reduce the risk of tax delinquencies. A copy of our May 8<sup>th</sup> letter to Minister Robinson is attached to this submission.

In addition, UBCM supported the Federation of Canadian Municipalities' request for a minimum of \$10 billion in emergency operating funding, with an additional \$2.4 billion for communities with transit systems, to be provided through a direct federal allocation to local governments.

Recently the federal government announced a \$19 billion funding program to support provinces with their recovery efforts, with specific funding to be targeted to local governments, specifically transit services. On July 22<sup>nd</sup> the Province announced it would target up to \$1 billion of additional spending to address COVID-19 impacts and restart plans of local governments and public transit services, conditional on matching federal contributions under a 50/50 cost-sharing criteria. UBCM welcomes this announcement and looks forward to working with the Province to identify how best to support local governments with their recovery efforts.

### **Local Government and Public Transit**

As noted above, in the early days of the pandemic, UBCM reached out to local governments to identify their financial challenges. And while we heard predictably about property taxes, and the loss of other revenue sources (i.e. casinos, parking and recreation fees) we also heard very specific concerns around transit, and the significant impact on local government budgets.

UBCM then followed up with officials from BC Transit, TransLink and the Mayors' Council on Regional Transportation to get a better understanding of the impacts on transit communities across BC. The financial impact is, and continues to be devastating.<sup>1</sup> In May, the UBCM Executive directed that we offer our support to BC Transit and TransLink communities to address the problem in a collective way. On June 16<sup>th</sup>, UBCM hosted a Public Transit Forum for all BC Transit and TransLink communities. What we found most interesting was, despite facing major financial challenges, mayors from transit communities commented on how important it was to remain on track; how they wanted to be part of the conversation to make transit more nimble and better able to adapt to these crisis situations.

During the Forum a document outlining draft principles and recommendations was shared with participants. The document specifically asked the Province to work with all transit / community partners on the development of a transit recovery strategy to address the financial impacts; and a rebuilding strategy that would

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<sup>1</sup> For example: Kelowna - \$3M losses predicted over next 12 months; Nanaimo RD - \$2.5 - \$3 million in 2020; Nelson - \$100,000 in revenue losses to date; Prince George - \$100,000-\$200,000 in revenue losses to date.



focus on how to sustain, grow and identify alternative funding models to support public transit.

UBCM recognizes that the Mayors' Council is working with Minister Robinson to address TransLink community concerns, however there is no comparable collective for BC Transit communities. As a result, UBCM wrote to the Minister of Transportation and Infrastructure on behalf of BC Transit communities offering to assist. We indicated our interest in working with the Province to coordinate a consultation process with affected communities to identify how best to support them to deliver transit at this critical time, and into the future. A copy of our June 29<sup>th</sup> letter to Minister Trevena is attached.

As noted earlier, UBCM was pleased to learn of the July 22<sup>nd</sup> announcement by the Minister of Finance to earmark up to \$1 billion to fund the Province's portion of municipal and transit services assistance, depending on the outcome of further federal cost-sharing discussions. We look forward to learning more about how this funding will be allocated to support transit communities recover from fare losses and rebuild the system to be more resilient. UBCM remains committed to working with the Province to identify other funding models to ensure transit can remain sustainable not only at this critical time, but through the recovery process into the future.

### **Local Government and Infrastructure**

As the Province turns its attention to the recovery phase of the pandemic, Infrastructure stimulus has historically generated significant economic returns for local communities, through increased employment, the flow through of dollars to local businesses, and the creation of much needed community assets.

When UBCM reached out to its members this past spring about recovery, members expressed broad support for securing an infrastructure stimulus framework that:

- maximizes flexibility on project category, eligible costs, procurement and timelines;
- provides 100% funding for any recovery program and/or current infrastructure program; and
- ensures administrative ease and efficiency in recognition of local staff capacity.

In addition, members noted that any infrastructure stimulus framework should support "shovel worthy" projects over shovel ready projects, expedite BC announcements in the Investing in Canada Infrastructure Program (ICIP), and remove existing federal stacking rules. UBCM believes that the current Gas Tax funding model is the appropriate model for any infrastructure stimulus framework,

as it maximizes local choice and flexibility to ensure funds are invested in the areas with the greatest need and economic return.

An ancillary issue that has surfaced repeatedly in our discussion of infrastructure stimulus relates to procurement. While we understand existing trade agreements prescribe specific procurement obligations, our members have expressed a desire to procure locally, where possible, as means to support local economic recovery. Local governments have expressed frustration with the BC Bid process, as it does not permit local governments to hire/buy local due to specified procurement thresholds. Adjustments to procurement thresholds or processes may provide an opportunity for economic stimulus, at a time when local economic development is critical to the overall provincial recovery effort.

### **Local Government and Broadband Connectivity**

Improved and expanded broadband internet connectivity has been, and continues to be a key priority for UBCM. Its importance has been underscored in 2020 by the move to work and conduct business remotely during the COVID-19 pandemic. In the early days of the pandemic local governments with limited connectivity struggled to conduct normal council/board business in a virtual format. While most local governments found ways to adapt, there are still many regions of our province that continue to struggle daily due to the lack of, or inadequate connectivity. The pandemic has revealed how vulnerable these communities are when disasters happen, and highlight how important it is to remedy the current situation.

We applaud the Province for expanding the Connecting British Columbia program in response to the COVID-19 pandemic to help internet service providers (ISPs) undertake immediate network equipment upgrades to rapidly improve capacity and internet speeds in underserved areas, but unfortunately it is still not enough. None of the current funding programs address the issue of existing, dormant backbone and last-mile infrastructure that either lacks an ISP to make use of it, or is owned by an existing Internet service provider that declines to activate and use it. Consequently, action needs to be taken to require ISPs or the owners of network infrastructure to activate and make use of existing, dormant network infrastructure to help achieve universal broadband Internet access.

Addressing the broadband connectivity gap is critical to the recovery effort. Communities need reliable adequate broadband connectivity to conduct the day to day business of local government; attract and retain business; support distance education / learning opportunities; access online health support/services; and ensure that their citizens are able to engage fully in a virtual environment.

## Local Government and Societal Impacts of COVID-19

While much of our submission has focused on economic recovery, our Executive and broader membership have identified the significant social impacts associated with the pandemic. As noted in the Province's consultation paper, hundreds of thousands of individuals have lost their jobs with those most impacted coming from the service sectors, notably retail, restaurants, hotels and tourism.

An example of this impact is very clearly evident on a community such as Whistler, a tourist destination, dominated by service sector employment. The following account was shared by Councillor Jen Ford, UBCM Third Vice-President:

*The Whistler Food Bank saw an immediate and alarming uptick in need for food security. Prior to Covid, the food bank handed out bags to roughly 45 households each week (one day per week it was open). In the first week, we saw 100, in the next week we were up to 200, and the peak was just before the CERB cheques started, there was 600 bags in a week. We moved to the conference centre with 5 day per week service. The service has remained strong with an average of 200 bags per week, and will remain at the conference centre through September. This move made sense to allow for adequate spacing and processing of the food donations. There are also outreach services available on site for support navigating CERB applications, financial support, and multicultural outreach. Prior to Covid, the majority of people would talk about insecure and unstable housing as the biggest issue. That has changed substantially, and it is now job insecurity and mental health.*

*As far as the tourism impact, Whistler generates 25% of the provincial tourism export revenue. The closure of hotels and reduced capacity of restaurants will be felt for many, many months ahead. Many of the local restaurants have reopened, and all the hotels have reopened, but we're seeing an entirely different kind of guest who is spending less and staying for shorter stays, unlike our typical visitor. Every business in town is being challenged by far fewer workers and few applicants, so service levels are difficult.*

The societal impacts of the pandemic cannot be underestimated. Additional and ongoing support is needed to assist vulnerable populations that have been significantly affected. Whether its unemployment, homelessness, substance abuse/addictions, mental health or other situations requiring social support services, communities are on the front line working with the Province, local organizations and volunteers to do what they can to help their residents.

#### 4. UBCM Role in the Provincial Recovery Effort

In order to effectively respond to, and recover from, the current pandemic, it is imperative that federal, provincial, local and aboriginal governments work collaboratively to address the devastating health, safety, social and economic impacts that have impacted every resident, in every region of our province and country.

At the July 2020 UBCM Executive meeting, board members directed that a Special Committee on Economic Recovery be established to serve as a contact point for provincial and federal governments to support recovery efforts. The newly established Special Committee is comprised of the following Executive members:

- Mayor Maja Tait, President
- Councillor Brian Frenkel, 1<sup>st</sup> VP
- Councillor Laurey-Anne Roodenburg, 2<sup>nd</sup> VP
- Councillor Jen Ford, 3<sup>rd</sup> VP
- Councillor Arjun Singh, Past President
- Councillor Craig Hodge, GVRD/Metro Rep.

Members of the Special Committee would welcome the opportunity to meet with the Province to discuss our submission or any other matters as they pertain to local governments and pandemic recovery.

#### 5. Concluding Remarks

On behalf of local governments across BC, UBCM thanks the Province for undertaking the ***Building BC's Recovery, Together*** consultation process. We appreciate the opportunity to share what we have heard from our members since the state of emergency was declared in March 2020.

While this submission is not exhaustive of the issues and challenges facing our members, we consider it to be an accurate portrayal of the key concerns facing BC local government. As the collective voice of local government, UBCM stands ready to work with the Province and offer our assistance as BC moves forward through the recovery phase.

*Attachments:*

- *May 8, 2020 letter to Minister Robinson*
- *June 29, 2020 letter to Minister Trevena*

May 8, 2020

The Honorable Selina Robinson  
Minister of Municipal Affairs and Housing  
PO Box 9056 Stn Prov Govt  
Victoria, BC V8W 9E2  
Via Email: MAH.minister@gov.bc.ca

Dear Minister Robinson,

On behalf of the Union of British Columbia Municipalities (UBCM), I wish to thank you for listening to the range of financial pressures facing local governments that were raised in our discussions with you and your staff in April. The Province's willingness to move quickly and develop measures seeking to address those financial challenges was welcomed by UBCM and its members.

The measures announced on April 16<sup>th</sup> were an important first step in supporting our members and their local economies, as they provided additional relief to small business and gave some flexibility to help local governments maintain operations. At the time of their announcement, UBCM committed to monitoring the impact of the measures on local government finances, and working with the Province to ensure that local governments had the necessary resources to sustain their communities.

We have since reached out to our membership to gauge the impact of the provincial financial relief framework, and to identify a stimulus approach that would assist a post-pandemic recovery in our communities. Outlined below you will find a summary of our outreach findings, coupled with a request for additional measures that would address local government funding shortfalls, mitigate the risk of tax delinquencies, and facilitate a revival of local economies.

### **Provincial Financial Relief Measures**

Many of our members acknowledge the April 16<sup>th</sup> measures as a modest first step in attempting to address the pandemic-related financial challenges of communities. The measures provided local governments with some flexibility, enhanced cash flow, and short-term certainty that assisted local governments in their financial decision making. They were viewed as a tool for governments to use in the interim, as well as financial support for local businesses. It should be

noted that many local governments had to re-evaluate their budgets and make extremely difficult decisions and adjustments on capital spending, service levels, staffing, and proposed property tax increases, to ensure continued operation and delivery of critical services. Many local governments also engaged in layoffs of casual, temporary and facility related staff in early April, with the continued uncertainty of the pandemic impacting potential future layoffs.

While there is a general feeling that local governments might be able to financially weather the next several months, our members are particularly concerned about their finances for the following year(s). The risk of delinquencies amongst residential and commercial property taxpayers remains high as the economic fallout from the pandemic mounts. Local governments are concerned that the continued loss of non-taxation revenue, coupled with the uncertainty of tax delinquencies, will hinder the ability of local governments to advance capital projects, maintain existing essential services, and pay back reserves without significant property tax increases in the years ahead.

### **Expanded Property Tax Deferral Program**

Given the risk of property tax delinquencies, local governments are seeking an expansion of the existing Property Tax Deferral Program to cover all residential tax payers at a minimum. While the program's eligibility covers a significant number of residents, there remains a sizeable number of ineligible residents that require support. An expanded program would mitigate the risk of delinquencies, and provide a greater degree of certainty for budgeting and long-term financial planning.

### **Transit Financial Support**

The need for financial support for transit has also emerged as an issue amongst transit dependent communities throughout the province. Not only has the loss of fare revenue significantly impacted many local government budgets, but the decreased ridership arising from physical distancing requirements threatens the financial sustainability of existing services levels. Transit is a service critical to supporting local economic recoveries, and UBCM's members are looking for provincial funding assistance to support the sustainability of transit in their communities.

### **Economic Recovery Stimulus Funding**

UBCM's members are seeking economic recovery stimulus funding once the Province fully turns its attention to the recovery phase of the pandemic. Infrastructure stimulus has historically generated significant economic returns for local communities, through increased employment, the flow through of dollars to local businesses, and the creation of much needed community assets.



To that effect, UBCM's members are broadly supportive of securing an infrastructure stimulus framework which maximizes flexibility on project category, eligible costs, procurement and timelines; provides 100% funding for any recovery program and/or current infrastructure program; and which ensures administrative ease and efficiency in recognition of local staff capacity. In addition, any infrastructure stimulus framework should support shovel worthy projects over shovel ready projects, expedite BC announcements in the Investing in Canada Infrastructure Program (ICIP), and remove existing federal stacking rules. UBCM believes that the current Gas Tax funding model is the appropriate model for any infrastructure stimulus framework, as it maximizes local choice and flexibility to ensure funds are invested in the areas with the greatest need and economic return.

I wish to thank you for your leadership and collaboration on combating the impact of the pandemic in BC's communities. I look forward to working with the Province on these proposed measures to ensure that local governments have the resources necessary to sustain their operations and services while stimulating their local economies.

Sincerely,

A handwritten signature in black ink, appearing to read 'Maja Tait', with a stylized, cursive script.

Mayor Maja Tait  
UBCM President

June 29, 2020

The Honourable Claire Trevena  
Minister of Transportation and Infrastructure  
Room 306 Parliament Buildings  
Victoria, BC V8V 1X4

Dear Minister Trevena:

**Re: Public Transit in BC**

On behalf of UBCM I wanted to take the opportunity to update you on work that we have undertaken to support transit communities in BC. While all BC communities have been financially impacted by COVID-19, UBCM has found that transit communities are struggling even more so. I shared some initial findings when we connected a few months ago, and now have additional feedback that I felt was important to convey.

In response to member concerns, UBCM hosted a Transit Forum on June 16<sup>th</sup> for both TransLink and BC Transit communities. The session was well attended with over 90 participants and was planned in coordination with the TransLink Mayors' Council. The Forum opened with a joint presentation by Erinn Pinkerton, President and CEO, BC Transit and Kevin Desmond, CEO, TransLink on the state of public transit in BC. Both presenters noted that the next two years will bring continued uncertainty and the need to be nimble and responsive.

Mayors from both TransLink and BC Transit communities shared the financial and operational challenges they have faced over the past four months and how they have tried to adapt. Discussion focused on a draft set of principles and recommendations that reflected on how to recover from current losses and what is needed to rebuild public transit. This document, attached, received overwhelming support.

And, despite the significant financial losses faced by many transit communities, it was heartening to learn that over 90% of participants indicated that their community remains committed to the same growth, transportation and other local/regional plans and objectives that they had in place prior to COVID-19. Interestingly, the Mayors commented on how important it was to remain on track; the importance of continued transit growth and the need to make transit more nimble and adaptive to respond to these crisis situations.

And finally, over 98% of Forum participants supported being part of a collaborative approach (UBCM, BC Transit and TransLink communities) going forward that would advance the recommendations for rebuilding transit in BC to the provincial and federal government.

UBCM and its local government members recognize that transit is an essential service that is key to the Province's Restart Plan. Based on what we heard from Forum participants, there is an opportunity for transit communities to help identify what recovery and rebuilding might look like and to ensure public transit remains sustainable into the future as the Province continues to re-open the economy.

We recognize that the Mayors' Council is already working collaboratively with Minister Robinson's office and would offer our organization as a body that could assist your Ministry in establishing an ongoing working relationship with BC Transit communities.

In closing, we would welcome an opportunity to meet with you to discuss how we can work in partnership to develop a recovery and rebuild strategy for BC public transit.

Yours truly,



Mayor Maja Tait  
UBCM President

**Att: *Principles and Recommendations to the Province for Rebuilding Transit in BC***

cc: Hon. Selina Robinson, Minister of Municipal Affairs and Housing (Responsible for TransLink)  
Mayor Jonathon Cote, City of New Westminster and Chair, Mayors' Council  
Mayor Colin Basran, City of Kelowna  
Mayor Jack Crompton, Resort Municipality of Whistler  
Kevin Desmond, CEO, TransLink  
Erinn Pinkerton, CEO and President, BC Transit  
Mike Buda, Executive Director, Mayors' Council on Regional Transportation