



## Committee of the Whole Report For the Meeting of March 13, 2025

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**To:** Committee of the Whole **Date:** February 27, 2025

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

**Subject:** **Rezoning Application No. 00856, Development Permit with Variances No. 00289 and Development Variance Permit No. 00290 for 3106 Washington Avenue**

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### RECOMMENDATION

#### Rezoning Application

1. That Council instruct the director of Planning and Development to prepare the necessary Zoning Regulation Bylaw amendment that would authorize the proposed development outlined in the staff report dated February 27, 2025 for 3106 Washington Avenue.
2. That, after publication of notification in accordance with section 467 of the *Local Government Act*, first, second and third reading of the Zoning Regulation Bylaw amendment be considered by Council once the following conditions are met:
  - a. Revise the plans to create a more compact and efficient use of the site that better aligns with the applicable design guidelines related to site planning and outdoor space and is more consistent with the setbacks of neighbouring properties, to the satisfaction of the Director of Planning and Development.
  - b. Revise the plans to provide a Statutory Right-of-Way at the rear of the property that is approximately 4.2m deep and up to 11.91m long and includes a 3.0m x 3.0m corner cut as determined by the Director of Engineering and Public Works and Director of Parks, Recreation and Facilities to achieve an appropriate connection for the Doric Connector multi-use pathway.
  - c. Revise the long-term bicycle parking for compliance with Schedule C – Off Street Parking Regulations to the satisfaction of the Director of Planning and Development.
3. That following the third reading of the zoning amendment bylaw, the applicant prepare and execute the following legal agreement, with contents satisfactory to the Director of Planning and Development and form satisfactory to the City Solicitor prior to adoption of the bylaw:
  - a. a Statutory Right-of-Way at the rear of the property that is approximately 4.2m deep and up to 11.91m long and includes a 3.0m x 3.0m corner cut as determined by the Director

of Engineering and Public Works and Director of Parks, Recreation and Facilities to achieve an appropriate connection for the Doric Connector Multi-use pathway.

4. That adoption of the zoning bylaw amendment will not take place until all of the required legal agreements that are registrable in the Land Title Office have been so registered to the satisfaction of the City Solicitor.
5. That the above Recommendations 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 with Variances Application (Panhandle Lot)**

That subject to the design refinements as noted above, and with any subsequent updates to the variances reflecting those refinements, that Council, after giving notice consider the following motion:

1. That subject to the adoption of the necessary Zoning Regulation Bylaw amendment, Council authorizes the issuance of Development Permit with Variances No. 00856 for 3106 Washington Avenue for the subdivision of the panhandle lot and subsequent construction of four single family dwellings with secondary suites in accordance with the plans submitted to the Planning and Development department and date stamped by Planning on February 6, 2025, subject to the following conditions, to the satisfaction of the Director of Planning and Development:
  - a. Where plan revisions aligning with staff recommendations may require an additional variance, the proposed development meeting all City zoning bylaw requirements, except for the following variances:
    - i. increase the number of buildings (not including accessory buildings) permitted on the lot from one to four
    - ii. reduce the minimum front yard setback from 7.50m to 2.79m
    - iii. reduce the minimum rear yard setback from 7.50m to a minimum of 5.0m
    - iv. reduce the south side yard setback from 7.50m to 2.42m
    - v. reduce the separation space between the accessory building and primary structures from 2.4m to 1.19m
    - vi. locate the accessory buildings in the side yard.
  - b. Provide additional outdoor space for the primary and secondary suites, either as private outdoor space or communal outdoor space through site layout efficiencies.
  - c. Move the structures further away from the Sequoia tree to ensure adequate light for the proposed primary and secondary units after the tree is pruned and as it continues to grow.
2. That the Development Permit, if issued, lapses two years from the date of this resolution.

### **Development Variance Permit Application**

That Council, after giving notice, consider the following motion:

1. That subject to the adoption of the necessary Zoning Regulation Bylaw amendment, Council authorizes the issuance of Development Variance Permit No. 00290 at 3106 Washington Avenue

for the subdivision of the lot, in accordance with plans submitted to the Planning department and date stamped by Planning on February 6, 2025, subject to:

a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:

i. reduce the north side yard setback for Lot B, as identified on the plans from 1.95m to 0.8m.

b. Where plan revisions aligning with staff recommendations may require an additional variance, the proposed development meeting all City bylaw requirements, except for the following variance, to be confirmed through the revision process:

i. reduce the north side yard setback for Lot B from 10.62m to a minimum of 5m.

2. That the Development Variance Permit, if issued, lapses two years from the date of this resolution.

## LEGISLATIVE AUTHORITY

This report discusses a Rezoning Application, Development Permit with Variances and Development Variance Permit Application. The relevant considerations for each application are as follows:

- Rezoning considerations include the proposal to increase the density and add multiple single-family dwellings with secondary suites as new uses on a new panhandle lot.
- Development Permit with Variance considerations relate to the application's consistency with design guidelines and the impact of variances for the proposed panhandle lot (Lot A).
- Development Variance Permit considerations relate to the impact of variances for the proposed street-fronting lot (Lot B).

## Enabling Legislation

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 489 of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Official 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.

Pursuant to Section 491 of the *Local Government Act*, where the purpose of the designation is the establishment of objectives for the form and character of intensive residential development, a Development Permit may include requirements respecting the character of the development including landscaping, and the siting, form, exterior design and finish of buildings and other structures.

In accordance with Section 498 of the *Local Government Act*, Council may issue a Development Variance Permit that varies a *Zoning Regulation Bylaw* provided the permit does not vary the use or

density of land from that specified in the *Zoning Regulation Bylaw*.

## EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning Application, Development Permit with Variances Application and a Development Variance Permit Application for the property located at 3106 Washington Avenue. The proposal is to:

- subdivide the property in order to create a new panhandle lot (Lot A),
- rezone Lot A from the R1-B Single Family Dwelling District Zone to a new zone to increase the density and allow four new single-family dwellings with secondary suites, and
- maintain the existing house on a separate street-fronting lot (Lot B).

The concurrent Development Permit with Variances Application pertains to the proposed siting, form, character and landscaping associated with development of Lot A, as well as variances related to setbacks and siting. The variances in the proposed motion represent the estimated maximum potential adjustments required to shift the buildings to accommodate the Statutory Right-of-Way, enhance site efficiency by reducing paved areas, and preserve additional open space.

The concurrent Development Variance Permit pertains to the variances related to the new setbacks of the existing house that would be created through the proposed subdivision.

Although there are site planning challenges identified with the proposal, the recommended motion allows for relatively minor changes by shifting the buildings forward approximately 3 to 5m in a way that would address many of these concerns. The motion also allows the opportunity to make more significant changes to the site planning and built form, should the applicant opt to take this approach to better align with policy and design guidelines.

The following points were considered in assessing the Rezoning Application:

- The proposed density and use are generally consistent with the Traditional Residential Urban Place Designation in the *Official Community Plan* (OCP), which supports ground-oriented residential buildings from two to three storeys, and a density of up to approximately 1.1:1 floor space ratio (FSR). However, the proposed four single-family dwellings with suites on one panhandle lot is not a housing form that is contemplated in the OCP.
- The proposal is inconsistent with both the Missing Middle regulations and the Panhandle Lot regulations in terms of use, siting and provision of open space.
- The existing house on the site has been identified in the *Burnside Gorge Neighbourhood Plan* (BGNP) as having heritage merit. Heritage designating the house as part of a Missing Middle Heritage Conserving Infill development would meet heritage objectives identified in the BGNP and OCP. The applicant has declined a request to designate the house as heritage.
- To support the objectives of the *Pedestrian Master Plan*, 2008, the *Greenways Plan*, 2003, the BGNP and related OCP transportation policies, a Statutory Right-of-Way (SRW) is recommended to help achieve an accessible multi-use pathway (the Doric Connector multi-use pathway) in this location. The applicant has not agreed to this request; however, the recommendation includes appropriate language to revise the plans and secure the SRW should Council choose to advance the application.

The following points were considered in assessing the Development Permit with Variance:

- The proposal is inconsistent with the *Burnside Gorge Neighbourhood Plan* (BGNP), which supports ground-oriented sensitive infill development on large lots along Washington Avenue, promoting diverse family housing forms like row houses or townhouses. Consideration of alternatives similar to Missing Middle heritage conserving infill or attached townhouses is encouraged.
- The proposal for a panhandle lot with detached houses set near the rear of the site and adjacent to a giant Sequoia tree results in inconsistencies with the objectives and design guidelines of Development Permit Area 15F: Missing Middle Housing related to development of larger lots, preservation of open space, access to natural light and response to heritage context, including existing buildings with heritage merit.
- The proposal also falls under Development Permit Area 15B: Intensive Residential - Panhandle Lot (DPA 15B), which aims to mitigate the potential impact of on neighboring properties through increased setbacks and lower scaled building forms. The proposed rear-most building is only 1.52m from the property line, which limits usable outdoor space, creates overlook concerns and is inconsistent with the setback pattern of adjacent infill developments.

The associated Development Variance Permit (DVP) is to reduce the required north side yard setback from 1.95m to 0.8m. This is a result of the proposed new lot line created by the panhandle driveway. The existing house and proposed Lot B would remain in the R1-B, Single Family Dwelling District Zone and are not subject to design guidelines.

Due to the inconsistencies with OCP policies and associated design guidelines, the recommendation is to move the application forward subject to plan revisions; however, should Council wish to advance the application as presented, an alternate motion has been provided at the end of this report.

## **BACKGROUND**

### **Description of Proposal**

The proposal is to subdivide the property in order to create a new panhandle lot (Lot A) and rezone from the R1-B Zone, Single Family Dwelling District, to a new zone to increase the density and allow four new single-family dwellings with secondary suites on Lot A. The existing house would be maintained on a separate lot fronting Washington Avenue (Lot B).

The following differences from the current zoning are being proposed, which will be discussed in relation to the concurrent Development Permit with Variances Application for Lot A and the Development Variance Permit Application for Lot B:

Lot A (proposed panhandle)

- increase the number of buildings (not including accessory buildings) permitted on the lot from one to four
- reduce the minimum front yard setback from 7.50m to 2.79m
- reduce the rear yard setback from 7.50m to 1.52m

- reduce the south side yard setback from 7.50m to 2.42m
- permit the accessory buildings to be located in the side yard
- reduce the separation space between the accessory buildings from 2.40m to 1.19m.

Lot B (existing house)

- reduce the north side yard setback from 1.95m to 0.8m.

Additional differences from the existing zone include the maximum floor area, height and site coverage. These differences would be incorporated into the new zone for Lot A.

The **recommended motion** includes the above variances with two differences, as follows:

- Lot A (adjusted variance) – reduce the rear yard setback from 7.50m to a minimum of 5m
- Lot B (new variance) – reduce the rear yard setback from 10.61 to a minimum of 5m

The motion includes a recommendation to revise the building siting to create a more efficient use of the space, which specifically includes the potential to move the buildings forward on the lot and allow for additional outdoor space and provision of a Statutory Right-of-Way that would support the completion of the Doric Connector multi-use pathway. These recommended variances represent the estimated maximum differences from the existing zone if the applicant were to take this approach.

The Zoning Data Table attached to this report compares the proposal with Schedule P: Missing Middle Regulations, R1-B Zone, and the R2-61 Zone, Washington District, a new zone that was recently created in 2021 for the multiple townhouse development directly to the south.

### Land Use Context and Existing Site Development Potential

The area is characterized by a mix of single-family dwellings, townhouses and multi-unit residential buildings.



Under the current R1-B zone the property could be developed as a missing middle development subject to Schedule P: Missing Middle Regulations in the *Zoning Regulation Bylaw*. This includes potential heritage conserving infill Missing Middle development, which allows for new infill development on sites where existing houses with heritage merit are Heritage Designated. The *Burnside Gorge Neighbourhood Plan* has identified the existing house as having heritage merit.

The existing house could also be further developed through the House Conversion regulations, which allows multiple units within existing buildings constructed prior to 1984. The House Conversion regulations also allow for more units in Heritage Designated buildings.

## **Community Consultation**

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, prior to submission of the application, it was posted on the Development Tracker along with an invitation to complete a comment form on June 2, 2023. Mailed notification was sent to owners and occupiers of property within 100m of the subject property advising that a consultation process was taking place and that information could be obtained and feedback provided through the Development Tracker. A sign was also posted on site, to notify those passing by of this consultative phase. Additionally, the applicant participated in a virtual meeting with the CALUC on July 2, 2023. A letter dated June 22, 2023, along with the comment forms are attached to this report.

Section 464(3) of the *Local Government Act* prohibits a local government from holding a public hearing for a rezoning application that is consistent with the OCP and is intended to permit residential development. However, notice must still be sent to all owners and occupiers of adjacent properties prior to introductory readings of the zoning regulation bylaws.

The associated 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**

### **Rezoning Application**

#### Official Community Plan

The subject property is designated Traditional Residential in the *Official Community Plan (OCP)*, which supports two to three storey ground-oriented residential buildings and a density of up to approximately 1.1:1 floor space ratio (FSR). While the density is in line with the infill anticipated in the OCP, the built form and site layout does not align with OCP objectives related to efficient site planning to maintain useable greenspace and support sustainable mobility.

#### Sustainable Mobility - Road Dedication and Statutory Right-of-Way Request

A 1.38m road dedication along Washington Avenue would be required at the subdivision stage to help achieve a standard local classified road right-of-way. The applicant is amenable to providing this SRW.

The applicant has not agreed to providing a Statutory Right-of-Way (SRW) at the south-west corner of the property. This SRW would contribute to completion of the Doric Connector (See figure 1, below). The Doric Connector is envisioned as a multi-use connection between the Galloping Goose Trail and Maddock Avenue East. The pathway has been recognized as a long-standing priority for the Burnside Gorge neighbourhood. It was first conceived as a concept in the early 1990s and has since been included in the *Greenways Plan*, *Pedestrian Master Plan*, *Official Community Plan*, and the more recent *Burnside Gorge Neighbourhood Plan*. The connector has been built in sections as opportunities to acquire land have arisen, resulting in significant pauses in construction. Once completed, this pathway will support increased connectivity within the neighbourhood and encourage active transportation among residents in the City of Victoria and District of Saanich.



Figure 1: potential SRW in context

In 2021, a segment of the pathway was approved as part of a development application at 3080 / 3098 Washington Avenue. This portion of the pathway has now been constructed. For the portion of pathway connecting to Doric Street, there are two SRWs on either side of the lot at 3095 Carroll Street registered in favour of the City. The terms of these SRWs provide options to extend the pathway.

Securing the SRW at 3106 Washington Avenue would connect the path to the north SRW at 3095 Carroll Street, providing an important opportunity to build the path to more adequate standards. Without this SRW, the options for connecting the existing SRWs to the south do not provide adequate space to achieve best practices in multi-use pathway design. Additionally, the connection to the south, using the existing SRW at 3095 Carroll Street in order to complete the Doric Connector would result in significant impacts to the Carroll Street property, including deck removal, removal and closure of potential side entrances as well as gas line reconfiguration.



The current proposed siting of the rearmost house is within the requested SRW area. A revision to the site plan would be required to increase the rear yard setbacks on the lot and move the proposed house out of the SRW area. The approach of increasing the rear setback is aligned with the approach to addressing inconsistencies with applicable design guidelines and likely tree impacts identified in this report. For these reasons, the recommendation includes the SRW requirement and plan revisions as part of the Rezoning Application.

### Burnside Gorge Neighbourhood Plan

Consistent with policies of the OCP, The *Burnside Gorge Neighbourhood Plan* (BGNP) encourages ground-oriented infill development on large lots along Washington Avenue, including diverse housing forms, such as row houses or townhouses suitable for families that are appropriate within the Traditional Residential OCP designation. This objective is aimed at development approaches that maximize the efficiency of the site and allow for consolidated open site space and a variety of unit types. While the application provides additional units through infill, the single-family dwelling with secondary suite housing form and panhandle subdivision site layout is not an encouraged approach to infill development.

The existing house on the site has been identified in the BGNP as having heritage merit. Heritage designating the house as part of a Missing Middle development would meet heritage objectives identified in the BGNP and OCP. This approach could also potentially avoid the need for a rezoning.

### Housing

The application, if approved, would add approximately eight new residential units, four of which would be secondary suites, to the overall supply of housing in the area and contribute to the targets set out in the *Victoria Housing Strategy*.

### *Housing Mix*

As submitted, the four single family dwellings would each have three bedrooms, while the four secondary suites would each have one bedroom.

### **Development Permit with Variances (Panhandle Lot)**

#### Official Community Plan: Design Guidelines

The *Official Community Plan* (OCP) identifies this property within Development Permit Area 15F: Missing Middle Housing, with associated design guidelines applying to all missing middle housing forms. The proposal for a panhandle subdivision with single-family dwellings and secondary suites is not supportable, as it results in inconsistencies with the objectives and design guidelines for DPA 15F, particularly in terms of housing form, siting, impacts on adjacent properties, and open site space. Specific issues include:

- The south side yard setbacks result in insufficient landscaping to ensure sensitive transitions to adjacent existing developments and open spaces. The perpendicular configuration of the units effectively turns what is technically a side yard into a rear yard for the proposed units. This creates limited outdoor space for the primary units.

- The secondary suites are not provided with any private or usable outdoor space.
- The proposed siting of the rear-most building and associated parking stall will have impacts on the crown of the Sequoia tree through partial pruning which is also likely to create shading for both the primary unit and secondary suite.
- The design guidelines prioritize clustering of buildings and parking to avoid disturbing natural features, provide open space to support the urban forest, offer amenity space for residents, reduce storm water runoff, and ensure that sites are not dominated by parking. Moving the buildings closer to the street would allow for some additional consolidation of open space and would improve access to natural light for the units in the rear-most building closest to the Sequoia tree.
- The guidelines related to Heritage Conserving Infill encourage development that is subordinate to the heritage merit house with prominent entrances visible from the street. The configuration of the existing building and garage, provides limited opportunity for the proposed buildings to have a strong connection to the street; however, their scale and placement do not overpower or overshadow the existing heritage merit building.

The *Official Community Plan* (OCP) also identifies this property within Development Permit Area 15B: Intensive Residential – Panhandle Lot (DPA 15B). The purpose of this DPA is to establish objectives for panhandle developments, acknowledging that they may have greater impacts on neighbouring properties. Schedule H - Panhandle Regulations within the *Zoning Regulation Bylaw* provides the regulatory framework for proposed panhandle developments.

In general, it can be challenging for panhandle subdivisions to achieve cohesive and efficient design as compared to one consolidated development on larger lots. The Missing Middle guidelines do suggest that panhandle lots may be considered in conjunction with a Heritage Designation, however, as noted, the applicant is not proposing heritage designation.

#### Rear Yard Variance

Both DPA 15B and the BGNP promote harmonious infill, considering factors such as setbacks, overlook and greenspace. The proposed rear-most building is only 1.52m from the property line, which limits usable outdoor space, creates overlook concerns and disrupts the almost 6m setback pattern established by the recent infill developments on either side of the subject property.

As described below an alternative approach more closely in line with the Missing Middle regulations would better align with applicable design guidelines as well as broader mobility, heritage and greenspace objectives. The recommended motion includes a potential variance of a minimum of 5m, which would help to resolve these issues and also accommodate a new SRW for the Doric Connector multi-use pathway.

#### Bike Parking

While the proposed long-term bike parking does not meet the existing regulations in terms of dimensions, this can be resolved with minor modifications to the design which the applicant has committed to doing. Wording to this effect is included in the recommended and alternate motions. This would likely reduce the number of off-street bicycle parking stalls but could still meet or exceed the minimum requirement laid out in Schedule C – Off Street Parking Regulations of the *Zoning*

*Regulation Bylaw.*

## **Development Variance Permit Application**

### Side yard setback

As a result of the subdivision, the new north side yard setback for the existing house will be reduced to 0.8m (to the exterior stairs on the side of the house), where the requirement is 1.95m. This reduction is due to the proposed panhandle driveway. The majority of the massing of the existing house has a setback closer to 3.68m. Given this context, along with the consideration that setback would be to the panhandle driveway and not directly onto the houses along the property to the north, this variance is considered to be minor and supportable.

### Rear yard setback

There is currently no rear yard setback variance proposed for the existing house. The requirement is for 10.62m (25% of the lot depth) and 10.96m is proposed, as measured to the rear deck. The rear yard setback requirement is based on the lot depth, where larger lots, such as this proposed lot, have a greater setback requirement. The setback requirement for a more typically sized lot in the R1-B zone is 7.50m, and for comparison, the Missing Middle regulations have a minimum rear yard setback of 5m.

Given these factors, it is recommended that a potential reduced setback to a minimum of 5m to the existing deck would retain useable outdoor space and be considered minor and supportable. This would only be required if the siting revisions outlined in the staff recommendation were to be pursued and does not apply to the current proposed plans.

### Tree Preservation Bylaw and Urban Forest Master Plan

The goals of the *Urban Forest Master Plan* include protecting, enhancing, and expanding Victoria's urban forest and optimizing community benefits from the urban forest in all neighbourhoods.

Thirteen trees have been inventoried. Of these, there are five bylaw protected trees located on the subject property. Four bylaw trees are proposed for removal as they are within the building envelope or conflict with the proposed driveway. There are two municipal trees proposed for removal to facilitate frontage improvements.

Giant Sequoia, #201, is a specimen tree that will be impacted by construction. The alternate motion to advance the application as it is currently presented includes a condition to provide further information to determine the retention status of the tree. All neighbouring trees will be retained following recommended mitigation measures.

The landscape plan shows six new trees on the subject lot, including four trees to comply with requirements of the tree bylaw. New municipal trees are not proposed on the frontage due to the presence of a high-pressure water main.

## Alternate Approach

Notwithstanding the issues identified with the current proposal, the recommended motion lays out an alternate approach for the proposal to better align with OCP objectives that would involve relatively minor changes to the currently proposed siting and would be more in line with the relatively new pattern of development established by neighbouring properties. This recommendation is to shift the buildings forward approximately 4.5m. The increased rear setback would be a more efficient use of the space consistent with adjacent development patterns while maintaining adequate separation and green space for the existing house. This would also align with the sustainable mobility objectives and reduce tree impacts identified in this report.

While this siting change would make an SRW for the Doric Connector possible, even if the SRW was not secured, the revised siting would still bring the application in closer alignment to the OCP and BGNP. This approach would allow for the preservation of additional greenspace for the development, reduce the impacts on the Sequoia tree and could potentially be utilized as a common outdoor amenity space for residents, objectives identified in both the OCP and BGNP. Moving the proposed buildings forward would further reduce the back yard area for the existing house; however, the remaining area would still allow for the amount of useable outdoor spaces envisioned in the Missing Middle design guidelines.

## **CONCLUSIONS**

The applicable policies and neighbourhood pattern of development support increased density through infill development. The large size of the existing lot offers an opportunity to efficiently configure infill to not only add multi-family housing, but also create usable private and communal outdoor space, retain greenspace and the urban forest canopy and meet important mobility objectives. The proposal currently does not meet these OCP objectives.

The **recommended motion** provides the flexibility to make relatively minor changes by moving buildings forward in a way that would better address many of these concerns. With this approach, the existing house would still not be protected through Heritage Designation and would still have inconsistencies with the applicable design guidelines related to building form and lot subdivision. Despite this, it could come in closer alignment with site planning, greenspace and transportation objectives. This includes the recommended SRW, which would facilitate the completion of the Doric Connector multi-use pathway.

It is therefore recommended for Council's consideration that the application be advanced subject to plan revisions outlined in the recommended motion to improve its alignment with City policies.

Alternate Options to decline the application (Alternate Option 1) or to advance the application generally as presented (Alternate Option 2) are provided below.

## **ALTERNATE MOTIONS**

### **Alternate Option 1 – Decline**

That Council decline Rezoning Application No. 00856, Development Permit with Variances Application No. 00289 and Development Variance Permit Application No. 00290 for the property

located at 3106 Washington Avenue.

### **Alternate Option 2 – Advance as Presented**

Advances the application with conditions to provide additional information regarding construction methods and impacts to the Sequoia tree as well as provide long-term bicycle parking revisions in order to comply with the zoning regulation requirements.

### **Rezoning Application**

1. That Council instruct the Director of Planning and Development to prepare the necessary Zoning Regulation Bylaw amendment that would authorize the proposed development outlined in the staff report dated February 27, 2025 for the property located at 3106 Washington Ave.
2. That, after publication of notification in accordance with section 467 of the *Local Government Act*, first, second and third reading of the Zoning Regulation Bylaw amendment be considered by Council once the following conditions are met:
  - a. Revise the Arborist Impact Assessment and Root Mapping report for the Sequoia #201 to include:
    - i. Confirm the line of excavation with measurements from the tree and proposed building and provide details on shoring techniques to be used to ensure retention of the tree.
    - ii. Additional information on pruning impacts including photos and anticipated building clearance that can be provided.
  - b. Revise the long-term bicycle parking for compliance with Schedule C – Off Street Parking Regulations.
3. That prior to subdivision of the lot, the applicant dedicate as highway pursuant to section 107 of the *Land Title Act* a 1.38m right-of-way along Washington Avenue to the satisfaction of the Director of Engineering and Public Works.
4. That adoption of the zoning bylaw amendment will not take place until all of the required legal agreements that are registrable in the Land Title Office have been so registered to the satisfaction of the City Solicitor.
5. That the above Recommendations 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 with Variances (Panhandle Lot)**

That Council, after giving notice, consider the following motion:

1. That subject to the adoption of the necessary *Zoning Regulation Bylaw*, Council authorize the issuance of Development Permit with Variances No. 00289 for 3106 Washington Avenue for the subdivision of the panhandle lot and subsequent construction of four single family dwellings

with secondary suites, in accordance with plans submitted to the Planning and Development department and date stamped by Planning on February 6, 2025, subject to:

- a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
  - i. increase the number of buildings (not including accessory buildings) permitted on the lot from one to four
  - ii. reduce the minimum front yard setback from 7.50m to 2.79m
  - iii. reduce the minimum rear yard setback from 7.50m to 1.52m
  - iv. reduce the minimum south side yard setback from 7.5m to 2.42m
  - v. reduce the separation space between the accessory building and primary structures from 2.4m to 1.19m
  - vi. locate the accessory buildings in the side yard.

2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution.

### **Development Variance Permit Application**

That Council, after giving notice, consider the following motion:

1. That subject to the adoption of the necessary Zoning Regulation Bylaw amendment, Council authorizes the issuance of Development Variance Permit No. 00290 for 3106 Washington Avenue for the subdivision of the lot, in accordance with plans dated February 6, 2025, subject to:
  - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
    - i. reduce the north rear yard setback for Lot B, as identified on the plans from 1.95m to 0.8m.
2. That the Development Variance Permit, if issued, lapses two years from the date of this resolution.

Respectfully submitted,

Chloe Tunis  
Senior Planner  
Development Services Division

Karen Hoese, Director  
Planning and Development Department

**Report accepted and recommended by the City Manager.**

### **List of Attachments**

- Attachment A: Subject Map
- Attachment B: Zoning Data Table
- Attachment C: Plans date stamped February 6, 2025

- Attachment D: Letter from applicant to Mayor and Council received February 6, 2025
- Attachment E: Arborist Report received February 6, 2025
- Attachment F: Arborist Impact Assessment received February 6, 2025
- Attachment G: Tree Management Plan received February 6, 2025
- Attachment H: Community Association Land Use Committee Comments dated June 22, 2023
- Attachment I: Pre-Application Consultation Comments from Online Feedback Form
- Attachment J: Correspondence