



Committee of the Whole Report

For the Meeting of December 12, 2019

To: Committee of the Whole

Date: November 28, 2019

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

Subject: Rezoning Application No. 00693 for 1029 Queens Avenue

RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00693 for 1029 Queens 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:

1. Placement of the existing duplex on the Heritage Register. (Refer to the Heritage Report on this application.)
2. Preparation and execution of legal agreement to secure the rental housing along with affordability considerations to the satisfaction of the Director of Sustainable Planning and Community Development.
3. A legal agreement to secure four car share memberships (one per dwelling unit) plus a \$100 usage credit for each membership to the satisfaction of the Director of Engineering and Public Works.

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 1029 Queens Avenue. The proposal is to rezone from the R-2 Zone, Two Family Dwelling District, to a site-specific zone in order to retain

the existing two-family dwelling and permit a new two-family rental residential building in the side yard.

The following points were considered in assessing this application:

- The *Official Community Plan* (OCP, 2012) places the subject property within a Traditional Residential Designation. This designation supports a variety of ground-oriented buildings that face the street. The proposed density is within the density provisions of the Traditional Residential designation.
- The *North Park Local Area Plan* supports the conservation of the older housing stock along with the preservation of character housing and encourages housing with ground-oriented units and windows and doors at street level.
- The existing two-family dwelling unit will remain rental and the proposed two-family dwelling unit will also be rental. The applicant has stated that all units will be below market rental in perpetuity and has expressed a willingness to secure these details through a Housing Agreement. This supports housing objectives in the OCP.
- The design of the proposed two-family unit does not provide a direct connection to the street. A positive street presence is emphasized in the applicable policies.
- The applicant is willing to have the existing duplex placed on the Heritage Register in conjunction with this application.

BACKGROUND

Description of Proposal

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

- retain the existing two-family dwelling unit
- construct a new two-family dwelling unit in the side yard
- secure affordable dwelling units in perpetuity (below market rental).

The following differences from the standard R-2 Zone are as follows:

- permitting a second two-family dwelling unit on one parcel
- exceeding the maximum density (floor space ratio)
- allowing setback variances for the new building from the front and side lot lines
- decreasing the required number of off-street vehicular parking stalls. (This is considered in the concurrent Development Permit with Variances Application).

While the applicant refers to the proposal as a carriage house, there is not a defined term for a carriage house within the City's bylaws. The term is sometimes used for a garden suite, but this proposal is outside the parameters of a garden suite.

Specific design details of the new two-family unit include:

- each new unit will be one bedroom, with 52.6 m² of floor area
- the upper unit is accessed from a side door on the east elevation and the lower unit is accessed at grade from the rear yard
- the siding materials are cement board and the roofing material is asphalt shingles
- the existing accessory building will remain and used for bicycle storage
- one parking stall is provided in front of the new building.

Affordable Housing Impacts

The applicant proposes the creation of two new residential units which would increase the overall supply of housing in the area. The applicant is proposing that all of the units (new and proposed) will be “perpetual below-market rental units,” which will be secured with a Housing Agreement.

The exact terms of the housing agreement have not been worked out, and direction will be taken from the Victoria Housing Strategy. However, the applicant has indicated that units in the existing building will be in the median income range, and the new units are estimated to fall between the low and median income ranges.

The Housing Strategy provides the following limits on rents for affordable units.

Affordable Maximum Rents by Bedroom Size and Income Bracket:

	BACHELOR \$375 TO \$875	1 BEDROOM \$425 TO \$1050	2 BEDROOM \$575 TO \$1300	3 BEDROOM \$700 TO \$1750
Very Low Income	\$375	\$425	\$575	\$700
Low Income	\$500	\$650	\$850	\$1000
Median Income	\$875	\$1050	\$1300	\$1750

The applicant notes that the tenants in the existing two-family dwelling unit on the property will not be impacted by the new construction. The Housing Agreement will also apply to the existing two-family dwelling. Flexibility to allow one of the units to be owner-occupied will be a consideration for the Housing Agreement.

Sustainability Features

As indicated in the applicant's letter, dated July 25, 2019, the following sustainability features are associated with this application, notably:

- retention of the existing two-family dwelling (see section on Heritage Considerations)
- bicycle storage and recycling area provided in existing accessory building
- retention of established landscaping in rear yard and introduction of new plantings along western boundary of property as replacement for the removal of eight non-protected trees
- permeable pavers for new hard surfaces (driveway and path).

Active Transportation Impacts

The application proposes a bicycle room, which would support active transportation.

Public Realm Improvements

No public realm improvements are proposed in association with this Rezoning Application.

Accessibility Impact Statement

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

Land Use Context

The area is characterized by single-family homes, some of which have undergone conversions to include additional units. The main exception in this block of Queens Avenue is a 27 unit rental apartment building on the westerly boundary of the subject property.

This block of Queens Avenue is characterized by homes which were built in the early 1900s, including a heritage-registered house immediately adjacent to the subject property at 1033 Queens Avenue. Further details of the heritage significance of the subject property within the context of the neighbourhood is provided in the attached Statement of Significance prepared by the Victoria Heritage Foundation.

Existing Site Development and Development Potential

The site is presently included in the R-2 Zone, which allows for a two-family dwelling unit. No further development potential exists on the lot without a change to the zone.

Data Table

The following data table compares the proposal with the existing zone. An asterisk is used to identify where the proposal is less stringent than the existing zone.

Note that the existing two-family dwelling unit will remain and its existing non-conformities will not be altered by the construction of a new two-family dwelling unit on the lot. The accessory building is in compliance with the Accessory Building Regulations, Schedule F.

Zoning Criteria	Proposal	Zone Standard R-2	Notes
Site area (m ²) – minimum	670	555	
Number of buildings – maximum	2*	1	Only one principal building permitted per lot
Density (Floor Space Ratio) – maximum	0.56:1*	0.5:1	Includes all buildings on the lot
Total floor area (m ²) – maximum	105.4	380	New two-family dwelling unit only
Total floor area (m ²) – maximum	232.7	380	Existing two-family dwelling unit
Total floor area (m ²) – maximum	338.1	380	Both two family dwelling units combined
Lot width (m) – minimum	18	15	
Height (m) – maximum	6.19	7.6	
Storeys – maximum	2	2	

Zoning Criteria	Proposal	Zone Standard R-2	Notes
Site coverage (%) – maximum	29.7	40	Includes all buildings on the lot
Open site space (%) – minimum	66	30	For entire lot
Setbacks (m) – minimum			
Front	6.74*	7.5	
Rear	14.37	12.8	
Side (east)	n/a	1.83	Existing duplex in east side yard
Side (west)	2.24*	3.0	
Combined side yards	3.29*	4.5	
Vehicle Parking – minimum	1*	4	See details in Development Permit report
Bicycle parking stalls – minimum	In accessory building	n/a	No bicycle parking required for two family dwelling unit use

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the North Park Neighbourhood Association CALUC at a Community Meeting held on February 13, 2019. A letter, dated February 13, 2019, is attached to this report. Note that the proposal has changed since this meeting, so some of the comments may no longer be relevant.

ANALYSIS

Official Community Plan and Local Area Plan

The *Official Community Plan* (OCP) identifies the subject parcel as Traditional Residential. The maximum density envisioned within Traditional Residential areas is 1:1 FSR, and overall this project is below the maximum density.

The policies within the Traditional Residential designation envision ground-oriented residential up to two storeys, including single-family, duplex and other housing forms.

North Park Local Area Plan

The subject parcel is within the North Park Neighbourhood. Generally, the *North Park Local Area Plan* supports a variety of housing forms for a mix of income groups. The Plan supports the conservation of the older housing stock along with the preservation of character housing and

encourages housing with ground-oriented units and windows and doors at street level.

Neighbourliness Guidelines for Duplexes

The *Neighbourliness Guidelines for Duplexes* is a policy approved by Council that is “intended to offer guidance to Council, advisory bodies and staff when rezoning or development variance applications are being considered.” While this proposal is not technically rezoning to create a new R-2 zoned lot, the application results in a scenario where a second duplex located in a large side yard of an existing duplex is the result. These guidelines recommend that an appropriately sized lot would offer at least 277.5m² of site area per dwelling unit (so for two duplexes 1110m² total site area would be required.) The policy also notes that for interior lots a total of 670m² of site area is recommended. While this property is 670m², it is also a transitional lot (immediately adjacent to a higher density use) so it could be argued that the lower overall standard of 555m² of site area per duplex lot is adequate. Nonetheless the proposal is inconsistent with the lot area requirements recommended for duplex rezoning applications.

Garden Suite Policy and Guidelines

While a duplex would generally be the maximum development potential on a lot in this location (within an established single-family neighbourhood and not on an arterial road) a proposal for a garden suite or addition to the existing building may be a better approach. The *Garden Suite Policy and Guidelines* are used to assess and guide the design of garden suite applications that are consistent with the zoning. They are also intended to be used in cases where a rezoning or variance is required. Although this application does not completely fit within this policy as it proposes a “duplex garden suite” or carriage house as the applicant characterizes it, there is some value in assessing the proposal against this policy, noting it is inconsistent in a number of ways:

- it is co-located with another duplex
- two-unit garden suites are not anticipated by the policy
- it exceeds the maximum floor area
- it is located in the side yard instead of the rear.

The possibility of pursuing the addition of a single garden suite unit was explored with the applicant and while it may have some advantages in terms of offering additional on-site parking, the applicant wishes to pursue the proposal as presented.

The work underway on the missing middle housing typologies will, in the future, provide better guidance on similar applications that fall outside the established policies.

Victoria Housing Strategy

Despite the shortcomings with established City policies, the applicant’s willingness to enter into a Housing Agreement ensuring the units would be rental in perpetuity offering some degree of affordability, provides merit for this application. Given the alignment of this application with the Housing Strategy, the staff recommendation is to advance the application to Public Hearing.

Tree Preservation Bylaw and Urban Forest Master Plan

Along the west property line, a row of seven trees are proposed for removal due to conflict with the proposed building:

- six Lawson Cypress, with diameter at breast height (DBH) ranging from 15cm to 54cm
- one Horse Chestnut, with a DBH of 14cm.

The landscape plan shows six new trees to be planted in a 2m corridor between the proposed building and west property boundary.

In addition, a pine tree (37cm DBH) on the northwest corner of the existing building is to be removed due to the proposed servicing.

None of the trees planned for removal were protected under the *Tree Preservation Bylaw* at the time of application.

An apple, pear, cherry, and mountain ash in the backyard are to be retained. A young hawthorn tree on the municipal boulevard is to be retained, and to provide additional protection for this tree from the driveway crossing, the crossing width may be reduced at building permit stage or the tree may be relocated at the applicant's expense.

An arborist report (attached) has been provided.

Regulatory Considerations

The most significant variance from the *Zoning Regulation Bylaw*, General Regulations, is the request for two buildings on a lot. With the combined floor area of all the buildings on the lot, the 0.5:1 FSR density provisions of the R-2 Zone is exceeded. The requested density is 0.56:1 FSR, which is still within the upper limit of 1:1 FSR envisioned by the OCP for properties within the Traditional Residential designation.

The proposed two-family dwelling does not meet the established setbacks within the R-2 Zone. Specifically, the front setback is 6.74 m, whereas the requirement is for 7.5m. The existing two-family dwelling already represents a legal non-conforming siting situation with its front yard setback at 6.55 m. Both buildings will be approximately the same distance from the street and will form a consistent setback from the street with other single-family buildings, and, as such, this variance from the front lot line is supportable.

The side setback proposed from the westerly lot line is 2.24m and the requirement is 3.0m. This distance from the proposed building to the lot line of 2.24m, combined with the 5m (approximately) distance of the adjacent apartment building from the lot line, provides a separation distance of approximately 7m between the buildings, which is a sufficient separation distance for privacy purposes. In addition, the proposed landscaping will act as a buffer between the two buildings.

If the proposed building is moved further east on the lot (bringing both buildings closer to each other) the separation distance between the two buildings will be compromised resulting in a lack of privacy and access to light. As such, to place another building in the side yard, a setback compromise is required.

As both buildings (existing and proposed) are sited closer to the east and west property lines, the overall combined side yard setback requirement is not satisfied (from 4.5 m to 3.29 m).

In terms of contextual fit, the proposed two-family dwelling has proportions and a roof line that complement the existing building on the property. The proposed building also provides an appropriate infill and transition to the existing apartment building.

These setback variances are included in the recommendation for the Development Permit Application. The request for a parking variance and the number of buildings per lot are considered in more detail in the Development Permit report.

Heritage Considerations

A Statement of Significance has been provided for the existing two-family dwelling. This dwelling has Craftsman character-defining elements that are representative of its era (1920s) and generally maintained in its original condition. Moreover, the property is valued for its connection to the urban development of the neighbourhood and contributes to the heritage aspects of the streetscape.

The inclusion of this building on the Heritage Register is consistent with the *North Park Local Plan* to preserve character housing and protect streetscape and the objective of the *Official Community Plan* is to conserve heritage property as a resource with value for present and future generations.

The Heritage Advisory Panel, at its meeting of November 12, 2019, recommended that Council request heritage designation of the duplex, as this would provide more protection of this heritage resource. The applicant has indicated that they do not wish to pursue heritage designation due to the additional requirement of a heritage alteration permit should the house require updating. Given the applicant's preference, the benefit associated with placing the building on the Heritage Register and the commitment to securing affordable rental housing, staff recommend that heritage registration is adequate.

CONCLUSIONS

While the proposal represents a number of inconsistencies with City policies, the proposal does have merits in terms of increasing the amount of affordable rental housing in the City in a central location. Given the merits of this proposal, a recommendation to advance the application to a Public Hearing is provided.

ALTERNATE MOTION

That Council decline Rezoning Application No. 00693 for the property located at 1029 Queens Avenue.

Respectfully submitted,



Lucina Baryluk
Senior Planner
Development Services



Andrea Hudson, Acting Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date:

Dec 5, 2019

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans, dated/date stamped July 26, 2019
- Attachment D: Letter from applicant to Mayor and Council, dated July 25, 2019
- Attachment E: Community Association Land Use Committee Comments, dated February 13, 2019
- Attachment F: Arborist Report from Talbot Mackenzie & Associates, dated May 31, 2019
- Attachment G: Victoria Heritage Foundation, Statement of Significance, dated October 2019.