



## Committee of the Whole Report For the Meeting of April 23, 2020

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**To:** Committee of the Whole **Date:** April 9, 2020  
**From:** Karen Hoese, Director, Sustainable Planning and Community Development  
**Subject:** Rezoning Application No. 00672 for 1023 Tolmie Avenue

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### RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00672 for 1023 Tolmie Avenue, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

### 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.

### 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 1023 Tolmie Avenue. The proposal is to rezone from the R1-B Zone, Single Family Dwelling District, to the R1-S1 Zone, Restricted Small Lot (One Storey) District in order to subdivide the property and construct a new small lot house to the south of the existing dwelling.

The following points were considered in assessing this application:

- the proposal is consistent with the Traditional Residential Urban Place Designation in the *Official Community Plan* (OCP, 2012)
- the proposal is consistent with the housing objectives and policies within the *Hillside-Quadra Neighbourhood Plan* to ensure that infill development is compatible with the existing character of the neighbourhood
- the proposal is consistent with the *Small Lot House Rezoning Policy* (2002), as the existing building on-site is being retained.

## **BACKGROUND**

### **Description of Proposal**

This Rezoning Application is to rezone from the R1-B Zone, Single Family Dwelling District, to the R1-S1 Zone, Restricted Small Lot (One Storey) District, in order to subdivide the property and construct a new small lot house to the south of the existing dwelling. Both properties would be within the R1-S1 Zone should the application be approved.

The following differences from the standard zone are being proposed and will be discussed in relation to the concurrent Development Permit Application:

- reduced front, rear and south side yard setbacks on the south lot (new building)
- reduced south side yard setback on the north lot (existing building).

### **Affordable Housing**

The applicant proposes the creation of one new residential unit which would increase the overall supply of housing in the area.

### **Tenant Assistance Policy**

The proposal is to retain the existing single family dwelling and subdivide the property, which would not result in a loss of existing residential units. Therefore, a Tenant Assistance Plan is not required.

### **Sustainability Features**

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

### **Active Transportation**

The applicant has not identified any active transportation impacts associated with this application.

### **Public Realm**

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

### **Accessibility**

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

### **Land Use Context**

The area is characterized predominantly by single family dwellings. Eight small lot houses have been approved and are under construction immediately to the east. The Quadra at Tolmie Small Urban Village is located to the west of the subject site. Multi-unit residential buildings are located to the north, within the District of Saanich.

## Existing Site Development and Development Potential

The site is presently occupied by a single family dwelling. Under the current R1-B Zone, the property could be developed with a single family dwelling and either a secondary suite or a garden suite.

### Data Table

The following data table compares the proposal with the standard R1-S1 Zone. An asterisk is used to identify where the proposal does not meet the requirements of the existing Zone. Two asterisks are used to identify where the proposal is legally non-conforming.

Zoning Criteria	Proposed North Lot (existing building)	Proposed South Lot (new building)	Zone Standard R1-S1
Site area (m <sup>2</sup> ) – minimum	267.80	268.30	260
Density (Floor Space Ratio) – maximum	0.24	0.23	0.6
Total floor area (m <sup>2</sup> ) – maximum	64.40	62.90	160
Lot width (m) – minimum	16.41	16.20	10
Site coverage (%) - maximum	26.32	31.20	40
Height (m) – maximum	4.53	4.35	5
Storeys – maximum	1	1	1
<b>Setbacks (m) – minimum</b>			
Front (Fifth Street)	4.74**	<b>4.20*</b> (to house) <b>3.0*</b> (to deck)	6.0
Rear	1.60**	<b>3.50*</b>	6.0
Side (north)	n/a	3.0	1.50 (non-habitable window) 2.40 (habitable window)
Side (south)	<b>1.73*</b> (habitable window)	<b>1.50*</b> (habitable window)	1.50 (non-habitable window) 2.40 (habitable window)

Zoning Criteria	Proposed North Lot (existing building)	Proposed South Lot (new building)	Zone Standard R1-S1
Side on flanking street (Tolmie Avenue)	7.48	n/a	2.40
Parking – minimum	1	1	1

### Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the Hillside-Quadra CALUC at a Community Meeting held on June 28, 2018. A letter dated July 25, 2018 is attached to this report. The delay between the Community Meeting and Committee of the Whole Meeting was caused by revisions that were required before the application could proceed. Updated plans have been sent to the CALUC and at the time of writing this report a new letter from the CALUC has not been received by staff.

In accordance with the City's *Small Lot House Rezoning Policy*, the applicant has polled the immediate neighbours. Of the immediate neighbours that responded 75% support the application. Under this policy, "satisfactory support" is considered to be support in writing for the project by 75% of the neighbours. The applicant further polled the support of neighbours further south of the subject property, which are generally in support. The required Small Lot House Rezoning Petitions, Summary and illustrative map provided by the applicant are attached to this report.

### ANALYSIS

#### Official Community Plan

The *Official Community Plan (OCP, 2012)* designates the property within the Traditional Residential urban place designation, which envisions ground-oriented residential uses. The proposal is subject to Development Permit Area 15A: Intensive Residential - Small Lot (DPA 15A) and is generally consistent with the objectives of DPA 15A to achieve new infill development that respects the established character in residential areas. Further analysis related to the design will be provided in the accompanying Development Permit with Variances Application report.

#### Local Area Plans

The *Hillside-Quadra Neighbourhood Plan* identifies the property within the Maintain Current Zoning designation. Within this designation, small lot developments will be considered on their own merits at the time of application and should conform to established City criteria. The proposal meets the overall housing objectives in compatibility with the established scale and character of adjacent and nearby housing.

#### 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.

This application was received prior to October 24, 2019, and therefore falls under Tree Preservation Bylaw No. 05-106 consolidated June 1, 2015. The applicant is proposing to retain all trees on the subject lot and on adjacent lots. No bylaw-protected trees are impacted by the proposal and all municipal trees will be protected and retained. One tree is proposed to be planted on the subject property.

### Small Lot House Rezoning Policy

The proposal is generally consistent with the *Small Lot House Rezoning Policy*, as the existing building will be retained and the proposed lots meet the minimum lot size and width. In addition, the existing and proposed house will maintain the predominantly low heights that are found in the adjacent area, as the R1-S1 Zone has a maximum height of one storey.

### CONCLUSIONS

The proposal to rezone and subdivide the subject property, retain the existing building, and construct one new small lot dwelling is consistent with the objectives in the *Official Community Plan, Hillside-Quadra Neighbourhood Plan* and the *Small Lot House Rezoning Policy*. Staff recommend Council consider supporting this application.

### ALTERNATE MOTION

That Council decline Rezoning Application No. 00672 for the property located at 1023 Tolmie Avenue.

Respectfully submitted,

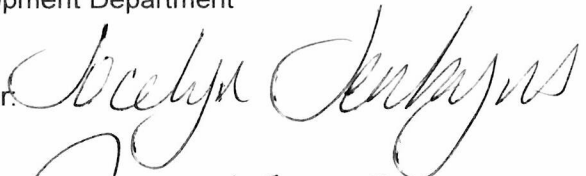


Michael Angrove  
Senior Planner  
Development Services Division



Karen Hoese, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



Date:

Apr. 17, 2020

### List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped April 6, 2020
- Attachment D: Letter from applicant to Mayor and Council dated October 3, 2019
- Attachment E: Community Association Land Use Committee Comments dated July 25, 2018
- Attachment F: Small Lot Petition