



Committee of the Whole Report

For the Meeting of May 7, 2020

To: Committee of the Whole **Date:** May 1, 2020

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

Subject: Rezoning Application No. 00678 for 601 Trutch Street

RECOMMENDATION

That Council decline Rezoning Application No. 00678 for the property located at 601 Trutch Street.

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 601 Trutch Street. The proposal is to rezone an existing heritage designated property from the R1-B Zone, Single Family Dwelling District to a site specific zone to allow for additional dwellings on the property. In addition to multiple units within the heritage house, a new two-storey two-unit (duplex) is proposed for the northeast corner of the property, adjacent to the rear lane, and one additional dwelling unit is proposed through an alteration of an existing building on the southeast corner of the property, also adjacent to the rear lane.

The following points were considered in assessing this application:

- the proposal is generally consistent with the *Official Community Plan, 2012* (OCP) Traditional Residential Urban Place Designation in terms of use and density and would add to the diversity of housing within the neighbourhood
- the proposal is inconsistent with the *Fairfield Neighbourhood Plan, 2019* which contemplates ground-oriented infill housing, such as laneway housing, when associated with a commitment to heritage conservation; however, the subject property and existing house are already heritage designated and the applicant has not offered any additional commitment to heritage conservation that would justify consideration of additional

density or laneway housing infill

- under the current House Conversion Regulations of the *Zoning Regulation Bylaw* the house is eligible for three suites based on the amount of floor area. Under the proposed conversion regulations the building would be eligible for five suites if the rental tenure were also secured through a housing agreement
- when assessed against the Garden Suite Policy, the proposal is inconsistent with the policy direction that envisions garden suites as single dwelling units located on lots where the principal use is a single family dwelling.
- several large Garry Oak trees, which are protected under the Tree Preservation Bylaw and the property's heritage designation bylaw, may be impacted by site servicing requirements associated with the proposal.

Because of a number of inconsistencies with City policies, the staff recommendation is to decline the proposal; however, an alternate motion is provided below should Council wish to consider approving the application.

BACKGROUND

Description of Proposal

This Rezoning Application is to allow for a combination of uses on an existing heritage designated property, including seven dwellings within the heritage house, conversion of an existing accessory building to a dwelling unit (Building A) and construction of a new two-unit, two-storey (duplex) building adjacent to the rear laneway (Building B).

The following differences from the standard R1-B Zone, Single Family Dwelling District, are being proposed and would be accommodated in the new site specific zone, if Council advances the application for further consideration:

- increase the number of dwelling units that can be created as a result of house conversion
- permit one or more laneway housing units which could be attached (e.g. duplex) or detached
- increase the maximum combined floor area for all buildings on the lot from 300m² to 424m²

In addition, several variances are proposed and will be discussed in relation to the concurrent Heritage Alteration Permit with Variances Application.

Affordable Housing

The heritage building currently includes seven self-contained units, of which three are legally permitted. The applicant proposes the legalization of the other four units within the heritage building and creation of three new residential units which would increase the overall supply of housing in the area. The applicant has indicated the intent to provide these units as rental but has not offered a housing agreement to secure the rental tenure or a general rent level for the dwelling units; however, should Council advance the application, the property would be added to Schedule N – Residential Rental Tenure of the *Zoning Regulation Bylaw*.

Tenant Assistance Policy

The tenants of the seven existing units within the heritage designated building would not be impacted by this development.

Active Transportation

The application proposes five lockers for bike storage located at the rear of the heritage building. Staff suggested the applicant consider a common bicycle parking room, rather than individual lockers, as the proposed lockers do not meet the *Zoning Regulation Bylaw's* Schedule C requirements for long-term bicycle parking and could be used for general storage.

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 by single family dwellings and house conversions. Nearly all the houses on Trutch Street are either heritage registered or designated.

Existing Site Development and Development Potential

The site is comprised of two legal lots. Both the property and house are protected under Heritage Designation Bylaw No. 82-1. The heritage house was originally converted to one suite and seven housekeeping units in 1959 and then to four suites and five housekeeping units in 1982. At some point it was converted without permits to its current configuration with seven self-contained suites.

Under the current R1-B Zone and Schedule G – House Conversion Regulations, the house could be converted to three self-contained suites based on the existing floor area of the building. Under the proposed House Conversion Regulations, if approved by Council, the house could be converted to five self-contained suites.

Data Table

The following data table compares the proposal with the existing R1-B Zone, Single Family Dwelling District, Schedule G – House Conversion Regulations and Schedule M – Garden Suites. An asterisk is used to identify where the proposal doesn't meet the existing zoning regulations. A double asterisk indicates an existing non-conforming condition.

Zoning Criteria - All Buildings	Proposed	Zone Standard R1-B
Site area (m ²) - minimum	1523.00	460.00
Density (Floor Space Ratio) - maximum	0.28:1	n/a

Total floor area (m ²) - maximum	325** (existing house) 27 (Building A – one unit) 72 (Building B – two units) 424* (total)	300
Height (m) - maximum	Existing	7.6
Storeys - maximum	2	2
Site coverage (%) - maximum	24.00	40.00
Vehicle parking - minimum	3*	10
Visitor vehicle parking included in the overall units - minimum	1	1
Bicycle parking stalls - minimum		
Long Term	0	0
Short Term	4	0
Zoning Criteria – Main Building (House Conversion)	Proposed	Zone Standard Schedule G – House Conversion Regulations
Number of dwelling units based on floor area	7*	3
Setbacks		
Front (Trutch Street)	25.90	7.5
Rear (south)	0.1**	12.49 (25% of lot depth)
Side (north)	6.1	3.5
Side (south)	5.8	3.5
Zoning Criteria - Building A (Existing Laneway Building)	Proposed Zone	Zone Standard Schedule M – Garden Suites
Principle Building Use	Multiple Dwelling*	Single Family Dwelling
Location	Side*	Rear
Combined Floor Area	27	56
Height	2.9	5.5
Storeys	1	1.5
Rear Setback	0.6	0.6
Side Setback	0.46** 0.57* (addition)	0.6

Separation space	3.51	2.4
Rear yard site coverage	n/a	25
Zoning Criteria - Building B (New Duplex Laneway Building)	Proposed Zone	Zone Standard Schedule M – Garden Suites
Principle Building Use	Multiple Dwelling*	Single Family dwelling
Location	Side*	Rear
Combined Floor Area	72*	56
Height	5.06	5.5
Storeys	2*	1.5
Rear Setback	0.6	0.6
Side Setback	0.6	0.6
Separation space	1.8*	2.4
Roof deck	Yes*	No

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the Fairfield Gonzales CALUC at a Community Meeting held on September 13, 2018. A summary of the meeting is attached to this report.

ANALYSIS

Official Community Plan

The *Official Community Plan* (OCP, 2012) Urban Place Designation for the subject property is Traditional Residential, which supports ground-oriented residential uses. The OCP states that new development may have a density of generally up to 1:1 FSR and up to two storeys in height. The proposal is generally consistent with these broad guiding policies; however, the OCP also notes that within each designation there will be a range of built forms and that decisions about the appropriate form and scale of a building for a particular site will be based on an evaluation of the context in addition to consistency with OCP policies, other relevant City policies and local area plans.

The construction of three new housing units supports the broad objectives of Section 13: Housing and Homelessness, which encourage a wide range of housing choice within neighbourhoods and the expansion of rental housing supply through regeneration. The three units range in size, which generally meets Section 13 policies on housing diversity and supporting a range of housing types across the city.

Fairfield Neighbourhood Plan

The *Fairfield Neighbourhood Plan* (2019) also envisions ground-oriented housing at this location and recommends consideration of additional density and alternate forms of housing as incentives for protection and conservation of houses with heritage merit. The subject property and existing house are already heritage designated and the applicant has not offered any additional commitment to heritage conservation that would justify consideration of additional density or laneway housing infill. Furthermore, while laneway housing is contemplated in the neighbourhood plan, the proposed dwellings (Building A and B) do not address the rear lane, enhance the pedestrian environment or provide sufficient space for new tree planting, which is strongly encouraged in the plan.

House Conversion Regulations

The current House Conversion Regulations would only permit three self-contained units based on the 325m² of floor area. If approved, the proposed House Conversion Regulations would reduce the floor area per unit requirements for buildings that are subject to heritage designation. Based on the proposed regulations the house could be converted to five self-contained suites. Therefore, the proposed seven suites is inconsistent with both the existing and proposed House Conversion Regulations.

The Garden Suite Policy and Guidelines (2017)

The *Garden Suite Policy and Guidelines* (2017) are useful in assessing this application. Under the Policy, only properties with a single family detached dwelling and no existing secondary suites are eligible for a garden suite. The subject property has seven existing rental units and is not eligible for one or more garden suites. Furthermore, a garden suite is envisioned as a small, ground-oriented, unit that is ancillary to the single family dwelling. The Policy does not contemplate more than one garden suite on a lot nor a two-unit garden suite. Therefore, the proposed Buildings A and B are not considered supportable when assessed against the *Garden Suite Policy and Guidelines*.

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). There are two large bylaw protected Garry oaks in the front yard of the subject lot and three municipal trees in the boulevard along Trutch Street. No site servicing plan has been provided as part of the application. Staff are concerned that the extension of new services from Trutch Street to the proposed development at the rear of the lot could negatively impact these trees. Should Council choose to advance the application, staff recommend the applicant provide an arborist report to demonstrate how services will be installed and trees retained to the satisfaction of staff. The project arborist will need to review the scope of the project and provide mitigation measures to reduce potential impacts to trees and ensure they are retained long-term, in good vitality. The alternate motion includes the appropriate language for Council's consideration.

There are currently no trees proposed for removal or to be planted.

Statutory Right-of-Way

To help achieve a standard width for the rear lane the applicant is willing to offer a 0.56m wide statutory right-of-way (SRW). The appropriate wording to secure the SRW has been added to the alternate motion should Council choose to advance the Application to a Public Hearing.

CONCLUSIONS

The subject property is already heritage designated, and the applicant has not proposed any additional commitment to heritage protection; therefore, the proposal to increase the number of dwellings within the existing house conversion while adding three additional dwelling units adjacent to the rear lane is not fully aligned with the OCP and Fairfield Neighbourhood Plan.

Furthermore, the proposal is inconsistent with the Garden Suite Policy, existing and proposed House Conversion Regulations, and could potentially negatively impact the bylaw protected trees and heritage landscape of the site due to servicing. Due to the number of inconsistencies with City policies, staff recommend that the application be declined. However, an alternate motion is provided below should Council wish to consider approving the application.

ALTERNATE MOTION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00678 for 601 Trutch Street, 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. preparation and execution of legal agreements to secure a 0.56 metre wide statutory right-of-way adjacent to the rear lane, to the satisfaction of the Director of Engineering and Public Works
2. preparation of an arborist report to demonstrate how trees will be retained to the satisfaction of the Director of Parks, Recreation and Facilities.

Respectfully submitted,



Alec Johnston
Senior Planner
Development Services Division



Karen Hoese, Director
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Report accepted and recommended by the City Manager:



Date: _____

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped November 29, 2019
- Attachment D: Letter from applicant to Mayor and Council dated November 29, 2019
- Attachment E: Community Association Land Use Committee Meeting Summary
- Attachment F: Heritage Advisory Panel Minutes
- Correspondence (Letters received from residents).