



## Committee of the Whole Report For the Meeting of July 9, 2020

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**To:** Committee of the Whole **Date:** June 25, 2020

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

**Subject:** Rezoning Application No. 00708 for 2920 Prior Street

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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. 00708 for 2920 Prior Street, 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 2920 Prior Street. The proposal is to retain the existing house and permit a larger than normal garden suite, and to subdivide the property for a new small lot. There are associated Development Permits with Variances applications for the proposed small lot house and garden suite, and a Development Variance Permit application for the existing house, which will be discussed in the accompanying report.

The following points were considered in assessing this application:

- the proposal is consistent with the Traditional Residential Urban Place Designation and objectives for sensitive infill development in the *Official Community Plan* (2012)
- the proposal is generally consistent with the policies and design guidelines specified in the *Small Lot House Rezoning Policy* (2002) and *Garden Suite Policy and Design Guidelines* (2011)
- the proposal is generally consistent with the *Hillside/Quadra Neighbourhood Plan* (1996), which considers small lot rezoning applications when they meet established policy, and the proposal is compatible with the established scale and character of the neighbourhood.

## **BACKGROUND**

### **Description of Proposal**

This Rezoning Application proposes to subdivide the subject lot in order to create one small lot, while retaining the existing house and converting an accessory building to a garden suite.

The lot with the existing house would be rezoned to a site specific zone to allow a larger than normal garden suite which has already been constructed and regulations that would be more restrictive than normal pertaining to the principle dwelling. Specifically the proposed zone would have:

- an increased floor area for a garden suite from 37 m<sup>2</sup> to 60 m<sup>2</sup>
- a decreased minimum lot size for a “plus site” garden suite from 557 m<sup>2</sup> to 547 m<sup>2</sup>
- setbacks that regulate the location of the garden suite in relation to the new property line
- regulations requiring larger setbacks should the existing house be renovated or redeveloped in the future.

The Development Permits with Variances applications for the small lot house and garden suite and Development Variance Permit application for the existing house will be discussed in the concurrent report.

### **Affordable Housing**

The applicant proposes the creation of two new residential units, a new small lot house and a garden suite, which would increase the overall supply of housing in the area.

### **Tenant Assistance Policy**

The applicant has indicated that there are currently tenants in both the existing house and accessory building (illegal garden suite). As indicated in the Letter to Mayor and Council on June 9, 2020, the house and garden suite require minimal updates. The proposal is to bring the accessory building into compliance as a garden suite, which at Building Permit could include energy upgrades and servicing upgrades. The principle house will not be affected. Further, the applicant has indicated they will be guided by the Residential Tenancy Act and will work with the tenant should temporary displacement occur, and further, will not increase rents due to the upgrades.

### **Sustainability**

As indicated in the applicant’s letter dated June 9, 2020 the following sustainability features are associated with the small lot house proposal:

- bicycle parking
- thermal windows (triple pane)
- on-demand hot water
- electric car charging outlet; e-bike charging area
- LED lighting; energy star appliances
- native landscaping
- low flow faucets, showerheads, and toilets.

### **Active Transportation**

The applicant has identified space in the small lot house for bicycles.

## Public Realm

No public realm improvements beyond the basic City standards 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 immediate area is characterized by single family dwellings and duplexes. There are also attached dwellings a half a block north on Summit Avenue.

## Existing Site Development and Development Potential

The site is presently occupied by a single family dwelling. There is also an accessory building at the rear of the property being used as a dwelling unit.

Under the current R1-B Zone, Single Family Dwelling, the property could be developed as a single family dwelling with a secondary suite or a garden suite.

## Data Table

The following data tables compare the proposal with the existing R1-B Zone, Single Family Dwelling District, proposed site specific zone, and R1-S2, Small Lot Single Family Dwelling. A second table compares the existing accessory building which is being converted to a garden suite to Schedule M – Garden Suite. An asterisk is used to identify where the proposal does not meet the requirements of the existing zone.

Zoning Criteria	Existing Dwelling	Zone Standard (R1-B)	Proposed Future Regulations	Proposed Small Lot Dwelling	Proposed Zone Standard (R1-S2)
Site area (m <sup>2</sup> ) – minimum	547.00	460.00	545.00	330.00	260.00
Lot Width (m) - minimum	21.33 (10.67 street frontage)	15.00	21.00	10.67	10.00
Total floor area (m <sup>2</sup> ) – maximum	132.00 (includes garden suite)  72.00 (principle dwelling only)	n/a	n/a  190.00 (principle dwelling only)	161.24	190.00
Combined floor area (m <sup>2</sup> ) - maximum	140.00	300.00	n/a	218.24	n/a

Zoning Criteria	Existing Dwelling	Zone Standard (R1-B)	Proposed Future Regulations	Proposed Small Lot Dwelling	Proposed Zone Standard (R1-S2)
1 <sup>st</sup> and 2 <sup>nd</sup> storey area (m <sup>2</sup> ) - maximum	72.00	280.00	190.00	161.24	n/a
Floor Space Ratio - maximum	0.24 (includes garden suite)  0.13 (principle dwelling only)	n/a	n/a  0.35 (principle dwelling only)	0.49	0.6
Height (m) - maximum	4.63	7.60	7.50	7.50	7.50
Storeys – maximum	1	2	2	2	2
Basement	Yes	Permitted	Permitted	Yes	Permitted
Setback (m) – minimum:					
Front (east)	7.06**	7.5	6.10	6.10	6.00
Rear (west)	20.41	10.27	16.00	6.00	6.00
Side (north)	<b>1.88 *</b> <b>(habitable)</b>	2.13	1.50 (non-habitable)  2.40 (habitable)	<b>1.50 *</b> <b>(habitable)</b>	1.50 (non-habitable)  2.40 (habitable)
Side (south)	<b>0.92 *</b> <b>(deck, non-habitable)</b>  <b>1.49 *</b> <b>(habitable)</b>	3.00	2.40	1.61 (non-habitable)  2.40 (habitable)	1.50 (non-habitable)  2.40 (habitable)
Combined side yards	<b>2.80*</b>	4.50	n/a	3.11	n/a
Site coverage (%) – maximum	37.80	40.00	40.00	40.00	40.00
Parking – minimum	1	1	Schedule C	1	1

<b>Garden Suite</b>	<b>Proposed</b>	<b>Zone Standard Schedule M – Garden Suite (Not Plus Site)</b>
Site area for Plus Site (m <sup>2</sup> ) - minimum	<b>547.00 *</b>	557.00
Floor area (m <sup>2</sup> ) – maximum	<b>60.00*</b>	37.00 56.00 (plus site)
Height (m) - maximum	<b>4.15*</b>	3.50
Number of storeys - maximum	1	1
Setback (m) – minimum:		
Rear (west)	1.05	0.60
Side (north)	4.40	0.60
Side (south)	5.26	0.60
Side (east)	1.58	n/a
Separation space	10.10	2.40
Location	Rear yard	Rear yard
Rear yard site coverage (%) - maximum	<b>29.00 *</b>	25.00

## Relevant History

City records show an accessory building was built in 1988 as a garage, and the deck was added in 1990. There are no City records of the rear deck for the existing house.

## 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 May 30, 2019. An email from the Community Association dated July 2, 2019 is attached to this report.

In accordance with the City's *Small Lot House Rezoning Policy*, the applicant has polled the immediate neighbours and reports that 87.5% support the application. Under this policy, "satisfactory support" is considered to be support in writing for the project by 75% of the neighbours. The required Small Lot House Rezoning Petitions, Summary and illustrative map provided by the applicant are attached to this report. The neighbours at 2916 Prior Street did not sign a petition, however, have written a letter to Mayor and Council dated August 11, 2019 (attached).

## **ANALYSIS**

### **Official Community Plan**

The *Official Community Plan* (OCP, 2012) Urban Place Designation for the subject properties is Traditional Residential. In accordance with the OCP, small lots are subject to DPA 15A: Intensive Residential – Small Lot. This DPA encourages infill that respects the established character of the neighbourhood. The proposal is consistent with the objectives of the OCP to support sensitive infill in Traditional Residential neighbourhoods.

### **Hillside Quadra Neighbourhood Plan**

The *Hillside Quadra Neighbourhood Plan* envisions infill housing that is compatible with the established scale and character of the adjacent neighbourhood, and retention of the varied character and range of housing types. This proposal retains the existing single family dwelling, and adds a garden suite on one lot, and a small lot house on a separate lot. The Neighbourhood Plan also envisions maintaining current zoning in this area and consideration of small lots when they meet the Small Lot Policy.

### **Small Lot Policy**

The *Small Lot House Rezoning Policy* encourages sensitive infill development with an emphasis on ground-oriented housing that fits with the existing character of a neighbourhood. The proposed small lot exceeds the minimum lot size of 260m<sup>2</sup> and minimum lot width of 10m in the Policy. The proposed lot is 330m<sup>2</sup> and is 10.67m wide.

Additionally, the Policy does not support demolition of the existing house to facilitate development of a small lot and the proposal would retain the existing house.

### **Garden Suite Policy and Design Guidelines**

The *Garden Suite Policy and Design Guidelines* permits garden suites with single family dwellings. This proposal is to formally convert the existing accessory building, which has a floor area of 60 m<sup>2</sup>, into a garden suite.

For properties up to 557 m<sup>2</sup> in area, the garden suite policy allows for garden suites up to 37m<sup>2</sup>. The policy also allows for slightly larger garden suites, up to a maximum of 56m<sup>2</sup> on properties considered “plus sites”, which are those properties that are a minimum of 557m<sup>2</sup> in area, on a corner, have two street frontages, or have laneway access. This property, which is 547m<sup>2</sup>, is not considered a “plus site” as it does not meet these criteria. However, this proposal does utilize an existing building, and the Design Guidelines note that exceptions may be considered when converting existing accessory buildings to garden suites. The accessory building was built with appropriate building permits and generally meets the other aspects of the Garden Suite Design Guidelines.

### **Existing House and Garden Suite**

As noted above, this lot is not considered a “plus site”. However, as the site area is only 10m<sup>2</sup> below the site area required to be considered a “plus site” and is an existing building, this is considered supportable. Additionally, if the lot is subdivided, the garden suite would exceed the maximum rear site coverage requirement by 4%. Rather than vary this regulation, it is recommended that it is accommodated in the new zone as any future changes to the principal

dwelling, which would likely involve expansion into the rear yard, would trigger a variance. Overall site coverage regulations would still apply to the property to ensure adequate open space is provided.

The applicant has requested a site specific zone to regulate future development of the site to address neighbours' concerns that a large house would overwhelm the site and be developed in a way that would limit views. To that end, the new zone would restrict density, rear yard setbacks, and side yard setbacks beyond the standard expressed in the R1-B Zone.

### **Tree Preservation Bylaw and Urban Forest Master Plan**

The goals of the *Urban Forest Master Plan* (2013) include protecting, enhancing, and expanding Victoria's urban forest and optimizing community benefits from the urban forest in all neighbourhoods. The rezoning application was received prior to October 24, 2019, therefore, the proposal falls under the Tree Preservation Bylaw No. 05-106 consolidated June 1, 2015.

The tree inventory included in the Arborist Report, issued on December 17, 2019, identifies seven trees, all of which are proposed for retention. Of these seven trees, two municipal boulevard trees and a bylaw protected Douglas fir on the subject property will be retained but will be impacted by the proposed project. The project arborist has provided mitigation measures such as low impact excavation, arborist supervision and supplemental watering to reduce potential impacts and allow for retention of the trees. Additionally, Parks staff will work with the applicant at the Building Permit phase to ensure the two municipal boulevard trees are retained; this may necessitate some changes to driveway crossings and site servicing within the limited space on the municipal frontage, to ensure the trees or replanting space are not permanently lost. There are no meaningful impacts anticipated to the other four trees included in the Arborist report but located off-site on adjacent properties.

Additionally, the applicant is proposing to plant four small canopy trees on the subject lot.

### **CONCLUSIONS**

The proposal to rezone the property to allow for the creation of a small lot through subdivision, while retaining the existing house and converting an accessory building to a garden suite, is generally consistent with the applicable City policies and allows for a form of sensitive infill development that fits in with the existing neighbourhood. Staff therefore recommend that Council consider supporting this application.

### **ALTERNATE MOTION**

That Council decline Rezoning Application No. 00708 for the property located at 2920 Prior Street.

Respectfully submitted,

  
Chelsea Medd  
Planner  
Development Services

  
Karen Hoese, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



Date: June 29, 2020

**List of Attachments**

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans dated/date stamped June 1, 2020
- Attachment D: Letter from applicant to Mayor and Council dated June 9, 2020
- Attachment E: Letter from Cascadia Architecture dated July 10, 2019 (Received July 12, 2019)
- Attachment F: Community Association Land Use Committee Comments received July 2, 2019
- Attachment G: Arborist Report dated December 17, 2019
- Attachment H: Small Lot Petition
- Attachment I: Correspondence.