



## Committee of the Whole Report

### For the Meeting of August 5, 2021

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**To:** Committee of the Whole **Date:** July 22, 2021

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

**Subject:** Rezoning Application No. 00763 for 3150 Somerset 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. 00763 for 3150 Somerset 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 3150 Somerset Street. The proposal is to rezone from the R1-B Zone, Single Family Dwelling District to the R-2 Zone, Two Family Dwelling District in order to demolish the existing legally non-conforming duplex, subdivide the property, and construct two new duplexes.

The following points were considered in assessing this application:

- the proposal is consistent with the Traditional Residential Urban Place Designation within the *Official Community Plan* (2012), which envisions ground-oriented housing such as duplexes.
- the proposal is generally consistent with the *Hillside Quadra Neighbourhood Plan, 1996*, which envisions maintaining the form and character of mature areas through low density housing such as duplexes.
- the proposal is inconsistent with the site area requirement within the *Neighbourliness Guidelines for Duplexes* which recommends a minimum of 670m<sup>2</sup> for lots with only one street frontage; however, the lot area would still be 608.8m<sup>2</sup> per lot which exceeds the minimum of 555m<sup>2</sup> stipulated in the R-2 Zone.

## **BACKGROUND**

### **Description of Proposal**

This Rezoning Application is to rezone from the R1-B Zone, Single Family Dwelling District to the R-2 Zone, Two Family Dwelling District in order to demolish the existing legally non-conforming duplex, subdivide the property, and construct two new duplexes. The proposal meets all the requirements of the R-2 Zone.

### **Affordable Housing**

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

### **Tenant Assistance Policy**

The proposal is to demolish an existing building which would result in a loss of two existing residential rental units. However, at the time of application submission both tenants had not been residing in the units for greater than one year, so consistent with the Tenant Assistance Policy a Tenant Assistance Plan is not required. Nonetheless, the applicant has indicated that the property owner is working with the current tenants to arrange a private Tenant Assistance Plan.

### **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.

### **Land Use Context**

The area is primarily characterized by single family dwellings.

### **Existing Site Development and Development Potential**

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

### **Data Table**

The following data table compares the proposal with the proposed R-2 Zone, Two Family Dwelling District. No variances are requested, as the proposal meets all the requirements of the R-2 Zone.

<b>Zoning Criteria</b>	<b>Proposed Lot A (northern lot)</b>	<b>Proposed Lot B (southern lot)</b>	<b>Zone Standard R-2 Zone</b>
Site area (m <sup>2</sup> ) – minimum	608.08	608.08	555
Density (Floor Space Ratio) – maximum	0.46	0.46	0.50
Total floor area (m <sup>2</sup> ) – maximum	278.86	278.86	280
Lot width (m) – minimum	15.24	15.24	15
Height (m) – maximum	7.53	7.45	7.6
Storeys – maximum	2	2	2
Site coverage (%) – maximum	30.89	30.89	40
Open site space (%) – minimum	60.78	60.78	30
<b>Setbacks (m) – minimum</b>			
Front	7.5	7.5	6.7
Rear	14.43	14.43	13.97
Side	1.52 (south)	1.52 (north)	1.52
Side	3.0 (north)	3.0 (south)	3.0
Combined side yards	4.52	4.52	4.50
Parking – minimum	2	2	2

### **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 November 14, 2020. A letter dated December 14, 2020 from the CALUC and the Pre-Application Consultation Comments from the Online Feedback Form are attached to this report.

The main concern from residents was generally around the removal of Garry oak trees. The original proposal had two Garry oak trees being removed. However, the arborist has now confirmed that one of the trees can be retained while the other should be removed due to decay.

## **ANALYSIS**

### **Official Community Plan**

The *Official Community Plan* (OCP, 2012) Urban Place Designation for the subject property is Traditional Residential. Within this designation, ground-oriented residential buildings including duplexes up to two storeys are envisioned.

### **Hillside-Quadra Neighbourhood Plan**

The *Hillside-Quadra Neighbourhood Plan* (1996) identifies the property within the “Maintain Current Zoning (consider duplexes and small lot single family dwellings meeting established City criteria)” designation. The plan further states that mature areas of the neighbourhood should remain low density, which includes duplexes.

### **Neighbourliness Guidelines for Duplexes**

The Neighbourliness Guidelines for Duplexes note that to rezone for a duplex on an interior lot, the width should be greater than 15m and the site area greater than 670m<sup>2</sup>. The proposal exceeds the minimum lot width, but the resulting lots are only 608.08m<sup>2</sup> which is less than the suggested 670m<sup>2</sup>. In this instance, staff recommend that Council consider supporting the application as the application has demonstrated that the duplexes can sensitively fit on the proposed lots, and that City policy in other neighbourhoods is trending towards permitting duplexes on significantly smaller lots. For instance, Victoria West envisions duplexes on 460m<sup>2</sup> lots and Fairfield envisions duplexes on 555m<sup>2</sup> lots, both of which the proposal would meet.

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

The application was received after October 24, 2019, therefore it falls under Tree Preservation Bylaw No. 05-106 consolidated November 22, 2019.

Four trees have been inventoried by the project arborist: two Garry oaks on the subject lot and two municipal trees.

Garry oak #591 is 95 cm in diameter and meets the criteria for removal due to extensive decay in the trunk. The other Garry oak, tree #592, is a large, 147cm diameter tree with a broad canopy. This tree is proposed for retention and is located within the building envelope, but outside of the building footprint. To retain the tree, the project arborist will supervise excavation and provide mitigation measures where required to ensure retention. There are new grade changes, retaining walls and fill soil proposed within the critical root zone of this tree and the project arborist recommends that sections of the retaining wall under the canopy of the tree should be repaired or reinforced as opposed to replaced, which will reduce potential impacts to the retained tree.

A small municipal tree is proposed for removal to allow for construction of a new driveway. The new placement of driveways and services will create space for three new boulevard trees. The applicant is also proposing to plant three new trees on the subject lots, including two replacement trees for the removal of Garry oak #591.

## Tree Impact Summary

<b>Tree Status</b>	<b>Total # of Trees</b>	<b>Trees to be REMOVED</b>	<b>NEW Trees</b>	<b>NET CHANGE (new trees minus total to be removed)</b>
Subject property trees, protected	2	1	3	+2
Subject property trees, unprotected	0	0	0	0
City trees	2	1	3	+2
Neighbouring trees, protected	0	0	0	0
Neighbouring trees, unprotected	0	0	0	0
<b>Total</b>	<b>4</b>	<b>2</b>	<b>6</b>	<b>+4</b>

## **Financial Implications**

Summarized in the table below are the annual maintenance costs that would be incurred by the City following the planting of two new street trees:

<b>Increased Inventory</b>	<b>Annual Maintenance Cost</b>
Street Trees – 2 net new	\$120

## **CONCLUSIONS**

The proposal to rezone the property to facilitate the construction of two duplexes is generally consistent with the Traditional Residential Urban Place Designation in the OCP and the relevant policies in the *Hillside-Quadra Neighbourhood Plan*. The proposal has demonstrated a sensitive approach to infill development and staff recommend that Council consider supporting the application.

## **ALTERNATE MOTION**

That Council decline Rezoning Application No. 00763 for the property located at 3150 Somerset Street.

Respectfully submitted,

Mike Angrove  
Senior Planner  
Development Services Division

Karen Hoesel, Director  
Sustainable Planning and Community  
Development Department

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

## List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans dated/date stamped June 8, 2021
- Attachment D: Letter from applicant to Mayor and Council dated December 15, 2020
- Attachment E: Community Association Land Use Committee Comments dated December 14, 2020 and Pre-Application Consultation Comments from Online Feedback Form
- Attachment F: Arborist Report dated January 8, 2021 and amended March 25, 2021 and June 3, 2021
- Attachment G: Correspondence (Letters received from residents).