



## Committee of the Whole Report For the Meeting of September 9, 2021

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**To:** Committee of the Whole **Date:** August 26, 2021

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

**Subject:** Rezoning Application No. 00723 for 137 Robertson Street and 1848 Hollywood Crescent

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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. 00723 for 137 Robertson Street and 1848 Hollywood Crescent, 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. Revisions to the plans date stamped May 18, 2021 to increase the amount of softscape around the building, confirm the proposed setback to Robertson Street and adjust the location of the proposed bicycle parking.
2. Preparation and execution of legal agreements in a form satisfactory to the City Solicitor to secure the provision of one carshare membership per dwelling unit.

### 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 137 Robertson Street and 1848 Hollywood Crescent. The proposal is to rezone from the R1-G Zone, Gonzales Single Family Dwelling District, to a new zone in order to increase the density and allow for a strata duplex with rental suites.

The following points were considered in assessing this application:

- The proposed ground-oriented housing is generally consistent with the *Official Community Plan* (OCP) in terms of providing compatible infill development in Traditional Residential areas.
- The proposed duplex with secondary suites is generally consistent with the *Gonzales Neighbourhood Community Plan* in terms of contributing to housing diversity in the neighbourhood and maintaining the detached character of the neighbourhood; however, it is inconsistent with the recommendation to consider duplexes based on the City's established criteria and the *Neighbourliness Guidelines for Duplexes*.
- A house conversion with four rental units would be demolished with the application; therefore, consistent with the Tenant Assistance Policy, the applicant has provided a Tenant Assistance Plan.
- Two of the four bylaw-protected trees onsite would be removed with the application; therefore, the applicant has provided arborist report and four replacement trees, consistent with the Tree Protection Bylaw.

## **BACKGROUND**

### **Description of Proposal**

This Rezoning Application is to increase the density to 0.6:1 floor space ratio (FSR) and allow for a duplex with two rental suites (one suite per duplex unit). One duplex unit and suite would face Robertson Street while the other duplex unit and suite would face Hollywood Crescent.

The following differences from the standard R-2 Zone, Two Family Dwelling District are being proposed and would be accommodated in the new zone:

- increase the density from 0.5:1 FSR to 0.6:1 FSR
- reduce the minimum lot size from 555m<sup>2</sup> to 445m<sup>2</sup>
- increase the maximum number of storeys from 1.5 with a basement to 2.5 with a basement for buildings with secondary suites (the proposal is for a three-storey building, however it is recommended that the zone be limited to allow a 2.5 storey building and the extra height be addressed through the concurrent Development Permit with Variance Application).
- establish a 7.5m setback requirement from a street instead of front and rear setback requirements.

Variances related to parking, number of storeys, height, setbacks and roof decks are also associated with this proposal and reviewed in relation to the concurrent Development Permit with Variances Application.

### **Affordable Housing**

The applicant proposes the creation of four new residential units which would maintain the current number of dwelling units on this site.

### **Tenant Assistance Policy**

The proposal is to demolish an existing house conversion which would result in a loss of four existing residential rental units. Consistent with the Tenant Assistance Policy, the applicant has provided a Tenant Assistance Plan which is attached to this report.

## Sustainability

The applicant has not identified any sustainability features associated with this proposal. They have provided a separate “green initiatives” letter which includes a list of sustainability measures; however, they are not willing to secure them so there is no guarantee they will be provided.

## Active Transportation

The application proposes outdoor storage sheds for long-term bicycle parking on the south side of the building. There are also short-term bicycle parking racks near the entrances for visitor bike parking.

## Public Realm

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

## Accessibility

No accessibility improvements are proposed beyond what is required through the *British Columbia Building Code*.

## Land Use Context

The area is characterized by single family dwellings with some duplexes and multi-unit house conversions. The adjacent properties are developed as single family dwellings. The entrance to Gonzales Beach is located within walking distance (200m) of the subject site.

## Existing Site Development and Development Potential

The site is presently developed as a house conversion with four one-bedroom multiple dwelling units. The building is legal non-conforming with respect to the current R1-G Zone, Gonzales Single Family Dwelling District, in terms of siting as it is located less than 0.6m from the south property line.

Under the R1-G Zone, the property could be developed as a single-family dwelling with a secondary suite or garden suite.

## Data Table

The following data table compares the proposal with the existing R1-G Zone, Gonzales Single Family Dwelling District, and the standard R-2 Zone, Two Family Dwelling District. An asterisk is used to identify where the proposal does not meet the requirements of the standard Zone.

Zoning Criteria	Proposal	Existing R1-G Zone	Standard R-2 Zone
Site area (m <sup>2</sup> ) – minimum	447*	460	555

Zoning Criteria	Proposal	Existing R1-G Zone	Standard R-2 Zone
Number of units – maximum			
Principal	2	1	2
Secondary Suite	2*	1	0
Density (Floor Space Ratio) – maximum	0.6:1*	0.5:1	0.5:1
Lot width (m) – minimum	14.94*	15	15
Height (m) – maximum	8.03*	7.6	7.6
Storeys – maximum	3*	1.5 (with basement)	1.5 (with basement)
Site coverage (%) – maximum	38.50	30	40
Open site space (%) – minimum	50.60	50	30
Roof deck	Yes*	No	No
<b>Setbacks</b> (m) – minimum			
Front (Robertson Street)	3.22*	7.50	7.50
Rear (Hollywood Crescent)	3.20*	9.10	10.70
Side (north)	3.01	2.24	1.50
Side (south)	2.83	2.24	1.50
Combined side yards	5.84	5.40	4.50
Parking – minimum	2*	3	3
<b>Bicycle parking stalls</b> – minimum			
Short term	4	0	0
Long term	4	0	0

### Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant initially consulted the Fairfield Gonzales CALUC at a Community Meeting held on March 20, 2017. A second CALUC meeting occurred on January 18, 2018 to provide additional information on the proposal. A third meeting occurred on October 3, 2019, after it was identified that the proposal was for a three-storey building and a potential OCP amendment may be required to facilitate the rezoning; however,

with further staff review it was determined that an OCP Amendment was not required. Meeting summaries of the January 18, 2018 meeting and October 3, 2019 meeting are 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 floor space ratio (FSR) and up to two storeys in height and approximately three storeys along arterial and secondary arterial roads. The OCP also notes that within each designation there will be a range of built forms and that decisions about the appropriate scale 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.

Although the policy would generally discourage a three-storey building at this location given it is located on a collector road (Hollywood Crescent) and local road (Robertson Street) not an arterial road, the proposal is considered supportable because it presents as a two-storey building with a partially above grade basement that fits within the surrounding context. The proposal is technically three storeys in height due to the ceiling height of the basement relative to average grade exceeding 1.2m, which makes it the first storey. This form of development is compatible with the existing context, while creating more liveable basement suites, and is considered consistent with the use, density and place character envisioned in the OCP for Traditional Residential areas.

Although the proposal would result in the loss of four one-bedroom rental units, the two proposed rental suites would re-instate a one- and two-bedroom rental suite to the neighbourhood housing stock. Furthermore, the suites provide mortgage helpers, which may make the duplex units more attainable to those looking for home ownership options in the Gonzales neighbourhood. This helps to advance the OCP housing objectives, which encourage a diversity of housing types to create more home ownership options in each neighbourhood.

### **Gonzales Neighbourhood Community Plan**

The proposed duplex with secondary suites is generally consistent with the *Gonzales Neighbourhood Community Plan* in terms of contributing to housing diversity in the neighbourhood and maintaining the detached housing character of the neighbourhood; however, the Plan does not contemplate duplexes with suites as a potential infill housing typology. Instead, the Plan encourages consideration of duplexes based on the City's established criteria and the *Neighbourliness Guidelines for Duplexes*. Due in part to the relatively small lot size, the proposal does not meet many of the zoning regulations contained in the standard R-2 Zone, Two Family Dwelling District; nor does it meet the minimum lot size and width recommended in the *Neighbourliness Guidelines for Duplexes*, which supports duplexes (without suites) on lots of at least 555m<sup>2</sup> and 15m in width. Suites within duplexes are discouraged by the Guidelines. Nevertheless, the proposal is consistent with many of the other guidelines in terms of scale, relationship to the street and the dwelling unit's orientation takes advantage of the property's unique dual street frontages.

## 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 Rezoning application was received after October 24, 2019 and before July 1, 2021, so it falls under *Tree Preservation Bylaw No. 05-106* consolidated November 22, 2019. The tree inventory in the attached Arborist Report, includes eight trees: four onsite bylaw-protected trees, one non-bylaw tree on the neighbouring lot to the south, and three municipal street trees. The following is a summary of the tree-related considerations:

- two on-site bylaw-protected trees are proposed for removal to accommodate construction of the building and driveway: a pyramidal cedar and a Douglas-fir
- four trees are proposed to be planted as replacement trees
- two bylaw-protected trees on the site are proposed for retention: an English yew and variegated Western red cedar
- an off-site undersized European ash tree to the south and three municipal street trees are to be retained (two large London plane trees on Hollywood Crescent and a young Sweetgum on Robertson Street)
- measures such as tree protection fencing, arborist supervision, and minimizing site disturbance are outlined in the Arborist Report and will be required to mitigate construction impacts to retained trees
- utility service locations will be coordinated with Parks and Engineering to minimize disturbance near the London plane trees on Hollywood Crescent.

### Tree Impact Summary Table

Tree Type	Total	To be REMOVED	To be PLANTED	Net Change
Onsite trees, bylaw-protected	4	2	4	+2
Municipal trees	3	0	0	0
Neighbouring trees, not bylaw-protected	1	0	0	0
<b>Total</b>	<b>8</b>	<b>2</b>	<b>4</b>	<b>+2</b>

### Regulatory Considerations

Variances related to parking, number of storeys, height and roof decks are associated with this proposal and are reviewed with the concurrent Development Permit with Variances Application.

### CONCLUSIONS

The proposal to rezone the site to construct a duplex with secondary suites is consistent with the use and density envisioned for this location in the OCP and would add to housing diversity in the Gonzales neighbourhood. Therefore, staff recommend that Council consider advancing the application to a Public Hearing.

## **ALTERNATE MOTION**

That Council decline Rezoning Application No. 00723 for the property located at 137 Robertson Street and 1848 Hollywood Crescent.

Respectfully submitted,

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Karen Hoese, 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 date stamped May 18, 2021
- Attachment D: Letter from applicant to Mayor and Council dated May 18, 2021
- Attachment E: Community Association Land Use Committee Comments dated January 18, 2018 and October 3, 2019
- Attachment F: Tenant Assistance Plan
- Attachment G: Arborist Report dated May 12, 2021
- Attachment H: Correspondence (Letters received from residents).