



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

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**To:** Committee of the Whole **Date:** November 25, 2021

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

**Subject:** Rezoning Application No. 00783 for 3117 Blackwood 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. 00783 for 3117 Blackwood Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set after submission of revised plans showing a second long term bicycle lockup with both lockups relocated closer to the secondary suites, to the satisfaction of the Director of Sustainable Planning and Community Development.

### 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 3117 Blackwood Street. The proposal is to rezone from the R1-B Zone, Single Family Dwelling District to a site-specific zone in order to construct a new duplex with two secondary suites.

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* which states, "Maintain Current Zoning – consider small lots and duplexes", as it maintains the low density character of the area.
- The proposal is inconsistent with the *Neighbourliness Guidelines for Duplexes*, as the guidelines prohibit secondary suites and require a minimum of 670m<sup>2</sup> for lots with only

one street frontage; however, more recently adopted neighbourhood plans such as the *Victoria West Neighbourhood Plan* permit secondary suites within duplexes and the lot area would still be 612.06m<sup>2</sup> per lot which exceeds the minimum of 555m<sup>2</sup> required in the standard R-2 Zone.

## **BACKGROUND**

### **Description of Proposal**

This Rezoning Application is to rezone from the R1-B Zone, Single Family Dwelling District, to a site-specific zone in order to construct a new duplex with two secondary suites.

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

- allow up to two secondary suites
- increase the total floor area from 280m<sup>2</sup> to 305.3m<sup>2</sup>
- remove maximum combined floor area
- decrease the rear yard setback from 10.7m or 35% of lot depth, whichever is greater, to 7.5m
- increase the number of storeys from 1.5 storeys to 2 storeys.

Variances related to setbacks and vehicle parking will be discussed in the concurrent Development Permit with Variances Application.

### **Affordable Housing**

The applicant proposes the creation of four new residential units, for a net increase of three units, which would increase the overall supply of housing in the area.

### **Tenant Assistance Policy**

The proposal is to demolish an existing single-family dwelling that is owner-occupied. No rental units would be lost and therefore a Tenant Assistance Plan is not required.

### **Active Transportation**

The application proposes a secure bicycle lockup in the rear yard. Staff are requesting that a second lockup be added and that each lockup be relocated closer to the secondary suites. This has been included within the recommended motion.

### **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 primarily by one and a half to two-storey single family dwellings.

## Existing Site Development and Development Potential

The site is presently occupied by a single-family dwelling. Under the current R1-B Zone, Single Family Dwelling District, 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 existing R1-B Zone and the standard R-2 Zone. An asterisk is used to identify where the proposal does not meet the requirements of the standard R-2 Zone.

Zoning Criteria	Proposal	Existing R1-B Zone	Standard R-2 Zone
Site area (m <sup>2</sup> ) – minimum	612.06	460	555
Density (Floor Space Ratio) – maximum	0.5	N/A	0.5
1 <sup>st</sup> and 2 <sup>nd</sup> storey floor area (m <sup>2</sup> ) – maximum	<b>305.3*</b>	280	280
Combined floor area (m <sup>2</sup> ) - maximum	<b>413.5*</b>	300	380
Lot width (m) – minimum	18.75	15	15
Height (m) – maximum	7.59	7.6	7.6
Storeys – maximum	<b>2 (with basement)*</b>	2	1.5 (with basement) 2 (without basement)
Site coverage (%) – maximum	27.8	40	40
Open site space (%) – minimum	65	N/A	30
<b>Setbacks (m) – minimum</b>			
Front	6.1	7.5	5.81
Rear	<b>11.26*</b>	8.16	11.43
<b>Setbacks (m) – minimum</b>			
Side (north)	<b>2.72*</b>	3	3
Side (south)	1.88	1.88	1.88
Combined side yards	4.6	4.5	4.5
Parking – minimum	<b>2*</b>	3	3

## **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 April 29, 2021. A letter dated May 28, 2021 and the Pre-Application Consultation Comments from Online Feedback Form are attached to this report.

## **ANALYSIS**

### **Official Community Plan**

The *Official Community Plan, 2012 (OCP) 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 a designation where the goal is to “Maintain Current Zoning (consider duplexes and small lot single family dwellings meeting established City criteria)”. 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 lot width should be greater than 15m and the site area be at least 670m<sup>2</sup>. The proposal exceeds the minimum lot width, but the lot is only 612.06m<sup>2</sup> which is less than the suggested 670m<sup>2</sup>. In addition, the guidelines do not envision secondary suites within duplexes. In this instance, staff recommend that Council consider supporting the application as it has demonstrated that a duplex can sensitively fit on the proposed lot; further, City policy in other neighbourhoods is trending towards permitting duplexes on significantly smaller lots and with secondary suites. For instance, Victoria West envisions duplexes with suites on lots with a minimum site area of 555m<sup>2</sup>.

### **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.

Thirteen trees have been inventoried by the project arborist, including two boulevard trees and one tree on the adjacent property. Of the eleven trees on the subject property, seven are bylaw-protected. One bylaw protected tree, a 47cm Douglas fir, is proposed for removal and three non-protected trees are proposed for removal. As the 47cm Douglas fir is located outside the building envelope, more information is required to determine whether this tree can be retained through construction of the proposed duplex. Four trees will be planted on site, two of which will be designated replacement trees.

## Tree Impact Summary Table

<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	5	1	2	+1
Subject property trees, unprotected	5	3	2	-1
City trees	2	0	0	0
Neighbouring trees, unprotected	1	0	0	0
<b>Total</b>	<b>13</b>	<b>4</b>	<b>4</b>	<b>0</b>

### **CONCLUSIONS**

The proposal to rezone the property to facilitate the construction of a duplex with up to two secondary suites 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. 00783 for the property located at 3117 Blackwood Street.

Respectfully submitted,

Mike Angrove  
Senior Planner – Development Agreements  
Development Services Division

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 October 5, 2021
- Attachment D: Letter from applicant to Mayor and Council dated October 4, 2021
- Attachment E: Community Association Land Use Committee Comments dated May 28, 2021
- Attachment F: Pre-Application Consultation Comments from Online Feedback Form
- Attachment G: Arborist Report dated March 4, 2021 and revised September 27, 2021
- Attachment H: Correspondence (Letters received from residents).