

# Draft Missing Middle Housing Policy

October 2021

## 1. Policy Purpose

The Missing Middle Housing Policy sets out the City's expectations regarding the construction of missing middle housing forms in the Traditional Residential designation and provides guidance for rezoning or variance requests for new missing middle developments. This policy consolidates and updates 'missing middle' housing policies contained in neighbourhood plans, consistent with the *Official Community Plan, 2012* (OCP) policies that encourage the creation of a variety of missing middle housing forms.

## 2. Objectives for Missing Middle Housing

This policy seeks to align with and reinforce objectives established by the City's OCP, *Victoria Housing Strategy 2016-2025*, *Go Victoria Sustainable Mobility Strategy*, *Climate Leadership Plan*, *Urban Forest Master Plan* and Accessibility Framework. Specific objectives are to:

1. Improve options for families to stay in the city
2. Increase the supply and variety of housing
3. Support a 'car-light' lifestyle, public transit use, and walkable neighbourhood centres
4. Ensure that the look and feel of new missing middle housing developments suit the character of the neighbourhood, support social interaction and foster a sense of place
5. Support conservation of heritage and re-use of character homes
6. Support a healthy urban forest
7. Promote accessibility in the built environment

## 3. Design Guidelines for Missing Middle Housing

In addition to this Policy, there are Missing Middle Design Guidelines which detail building form and site planning recommendations for the development of all new missing middle housing types. The guidelines help to ensure that new missing middle dwellings make a positive contribution to the existing neighbourhood fabric as it continues to evolve and transition according to the changing needs of the community. They encourage attractive and neighbourly buildings that are oriented toward social activity, ensure a good fit between old and new, maximize livability for residents, and uphold City objectives regarding tree retention and planting, and rainwater management.

#### 4. Options for Missing Middle Housing Forms

Missing Middle housing is defined in Appendix B of the Official Community Plan.

The below described “menu” of missing middle housing options provides a reference catalogue for envisioned housing forms and reflects existing site and block scale patterns. This menu of options is not meant to be exhaustive. Other forms of missing middle housing (e.g. townhouses not on a corner and/or in two rows) may be considered through a rezoning process, however alternative forms will be evaluated in terms of how effectively they balance the objectives for missing middle housing (see section 2), respond to surrounding context, and follow associated policies detailed in subsequent sections of this document as well as applicable design guidelines.

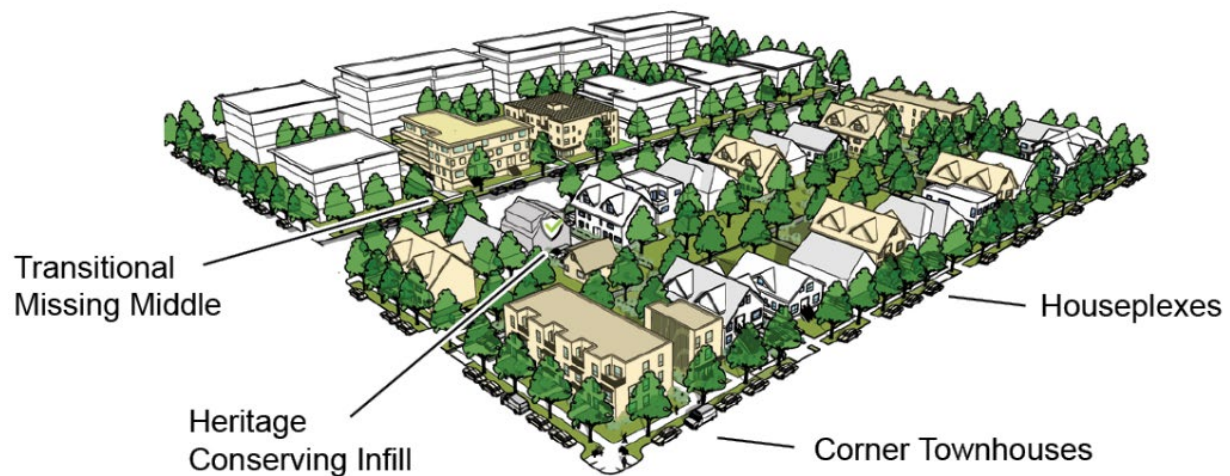


Figure 1 Overview of missing middle housing forms tested for City initiated zoning changes.

##### 4.1. House Conversions

The retention and adaptive re-use of existing single-detached residential buildings by converting them into multiple units is encouraged and generally permitted by zoning within Victoria’s Traditional Residential areas. House conversions can play an important role in creating missing middle housing because buildings that are well-suited to conversion can facilitate net new unit creation while minimizing costs and lifecycle greenhouse gas emissions otherwise associated with new construction.

##### 4.2. Heritage Conserving Infill



Figure 2 Conceptual 3D model of heritage conserving infill

While primarily concerned with increasing housing choice for people in Victoria, the Missing Middle Housing Policy also seeks to support the conservation of heritage homes in the city. The heritage conserving infill option provides a density bonus incentive in response to concerns that allowing the construction of new missing middle housing in neighbourhoods may encourage demolition and redevelopment of unprotected buildings with heritage merit. This density bonus option is only available to as-yet unprotected properties that qualify for and agree to heritage designation.

When a dwelling with heritage merit is granted heritage designation, sensitive new construction is supportable either as an addition or standalone infill housing in the rear yard. Although this form of infill may reduce usable outdoor and tree planting space on the site relative to adding housing solely through conversion or replacement of the existing building, these trade-offs are considered in order to maximize incentive for the protection and rehabilitation of the building with heritage merit, given the costs of rehabilitation and bringing the building up to current code.

#### 4.3. Houseplexes



Figure 3 Conceptual 3D model of a two and a half storey mid-block houseplex

Houseplexes are purpose-built dwellings that contain multiple units (triplex, fourplex, fiveplex etc.). They are similar in appearance and size to a large house and can maintain many of the design elements common to Traditional Residential areas, especially the pattern of green usable backyards.

#### 4.4. Corner Townhouses



Figure 4 Conceptual 3D model of a three-storey corner townhouse

Townhouses tend to deliver the highest proportion of two- and three-bedroom, family-oriented housing units compared to other types of multi-family housing. Although they are often configured with dwelling units sitting side by side, they can also include suites, or be stacked.

#### 4.5. Transitional Missing Middle Housing

Three storey transitional missing middle housing (typically a small apartment building, or possibly stacked townhouses) may have a larger building footprint and site coverage than a houseplex, but will often make sense in a mid-block context. They can help the scale of the built environment to transition from the four- to six-storey buildings permitted in other Urban Place Designations such as Urban Residential or Urban Village areas, to the two-and a-half to three-storey construction permitted in Traditional Residential areas.

##### Transitional Small Apartment Building

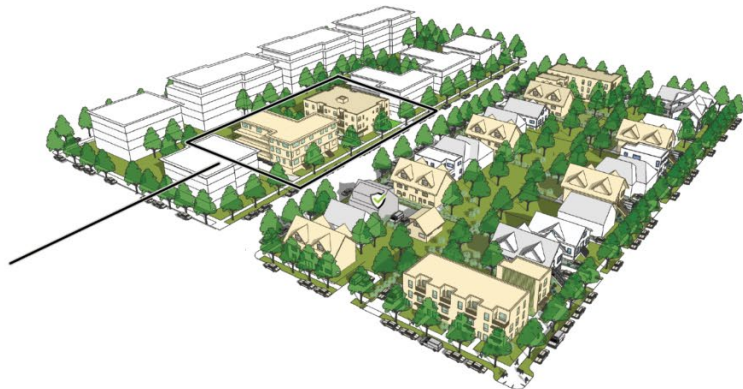


Figure 5 Conceptual model of small apartment buildings facilitating a transition in building scales

#### 4.6. Secondary Suites

Updates to the *BC Building Code* in 2018 expanded the permissibility of secondary suites within missing-middle type multi-family buildings such as townhouses and houseplexes, if the dwellings containing secondary suites do not have any other dwellings above or below them. Alternatively, an accessory dwelling unit can be designed into the containing primary dwelling unit where such a unit is configured above or below another separate unit.

The OCP and Victoria Housing Strategy encourage increasing secondary rental market housing, including accessory suites, especially units with access to usable outdoor space. Secondary suites can act as mortgage helpers for new homebuyers and provide flexibility for aging in place or intergenerational housing.

## 5. Urban Form Policies

Missing middle housing should strive to maintain desirable neighborhood characteristics and design elements while increasing housing choice. The following approaches will help new missing middle housing forms correspond to the context of existing traditional residential areas:



Figure 5 - Key pattern and design elements common to Traditional Residential areas that help buildings relate positively to the street, support livability, social interaction, and neighbourliness.

5.1. Locate buildings within the building footprint zone (see Figure 5) to maintain the pattern of backyards wherever possible.

5.1.1. Along the middle of a block, the maximum building width for a houseplex should respond to the surrounding pattern of building and lot widths. Assembly of mid-block lots to facilitate houseplex buildings that are exceptionally wide relative to

surrounding context (e.g. a 20 m wide houseplex in an area where most lot widths are only 15 m) is discouraged. However, multiple houseplex buildings may be sited on a single large lot to maintain the context of building widths and minimize curb cuts.

5.1.2. In keeping with existing block scale patterns, houseplexes are supportable in corner locations as an alternative to the corner townhouse or other forms.

5.2. Rear setbacks should maintain the pattern of green, usable backyards in the interior of the block.

5.2.1. Garden Suites accessory to houseplexes and townhouse forms are generally discouraged in order to maintain green, usable backyards. However, garden suites are supported on sites with heritage merit to encourage heritage designation and conserve heritage value.

5.2.2. Secondary suites accessory to missing middle housing forms are preferred as they are contained in the principal building, thereby maintaining green, usable backyards.

5.2.3. Where the surrounding context contains large or irregular lot shapes without a clear pattern of building placement, new housing should be located to maximize tree retention and usable green spaces.

5.2.4. Paved parking in rear yards without a laneway is strongly discouraged unless site area is large enough to also provide sufficient space to support a large canopy tree and usable outdoor space. Two parking spaces in the front yard are supported to help eliminate the need for a driveway and paved parking in the rear yard, and reduce the total impervious surface area of the property (See Section 9).

5.3. Mitigate shadowing and perceived building mass.

5.3.1. The maximum number of storeys for houseplexes is three floors at or above grade, where the third above-grade floor can only be 70% of the area of the lower floors (i.e., a “half storey”). This encourages buildings with habitable space in a peaked roof or a semi-submerged building with three full floors of living space.

5.4. Townhouse-sized buildings are supported on the corners of blocks.

5.4.1. The larger building widths associated with townhouse rows are expressly supported in corner locations they are less of a departure from the neighbourhood pattern of narrower detached house sized building widths and open back yards mid-block.

5.4.2. Other forms of townhouses (i.e. mid-block or two-row) may be considered through a rezoning process, however they will be evaluated in terms of how effectively they balance the objectives for missing middle housing and respond to surrounding context, while maintaining adequate usable outdoor space and adequate separation to minimize overlook and mitigate shadowing.

5.5. Minimize overlook on adjacent lots.

5.5.1. Buildings should face the street with their sides facing adjacent lots.

5.5.2. For corner townhouses, a minimum lot width of approximately 18m provides sufficient area between the street fronting townhouses and the interior lot line to reduce overlook on adjacent properties.

5.6. Facilitate a gradual transition in building scales.

5.6.1. Multi-unit buildings up to three storeys are supported in locations adjacent to higher intensity land use designations. Notwithstanding the definition of Missing Middle Housing (see Appendix B of the OCP), these buildings may contain dwelling units that do not have direct access to outside.

6. Housing Choice, Affordability, and Efficient Land Use Considerations

The following clauses support missing middle objectives of improved choice and lower cost alternatives to the detached house.

6.1. Missing middle housing should provide greater housing options for families and other households. See also section 8.3 for storage space incentives.

6.1.1. New missing middle developments should have a minimum of two three-bedroom units per site, or 30% of units, whichever is greater.

6.1.2. Missing middle housing forms can facilitate co-op, cohousing, and other alternative forms of tenure beyond strata and purpose-built rental housing.

6.2. Missing middle housing should contribute to increasing rental housing choice through Accessory Dwelling Units such as secondary suites, garden suites, lock-off units, and forms of shared accommodation.

6.3. Discourage future small lot rezoning and panhandle subdivisions, which reduce green, usable backyards, weaken tree protection measures, and create missed opportunities for more land-efficient provision of housing that generally costs less than new detached houses created through either form of subdivision.

6.3.1. Small lot rezoning and panhandle subdivisions are only supported for the heritage conserving infill option.

6.4. Density benefits for amenities and affordable housing may be considered. As the Traditional Residential areas of the city are envisioned to contain the lowest densities, it may not be feasible or practical to have amenities provided on a site-by-site basis.

Therefore, for small and moderately sized projects, monetary contributions to municipal reserve funds in lieu of affordable housing units and other amenities are considered as these contributions can accrue over time to more effectively deliver local amenities and affordable housing that provide greater public benefits.

- 6.4.1. The base density for missing middle housing is generally equivalent to 0.5:1 FSR or the current zoning on the subject site if it allows a floor area greater than 0.5:1 FSR. The bonused density is considered to be the difference between the base density and the density proposed through a rezoning application.
- 6.4.2. Bonus density is achievable where applicants provide a cash amenity contribution of \$107.63 per square metre (\$10/ft<sup>2</sup>) of bonus floor space. Also see policy 8.4.1. (regarding accessible sidewalks and street tree planting space) for additional criteria for bonus density eligibility that may apply in some locations.
- 6.4.3. Aligning with the City's *Inclusionary Housing and Community Amenity Policy*, cash contributions should be split with 70% going toward the Victoria Housing Reserve Fund and 30% allocated to the Local Amenities Fund, or as determined by Council during a rezoning application.
- 6.4.4. Delivering the greater of one unit or ten percent of units as secured below-market homeownership or below-market rental units can be considered as an alternative to the cash contribution option. See the *Victoria Housing Strategy* for guidance on the income limits associated with these options.
- 6.4.5. Heritage designation, associated with the heritage conserving infill housing option (See section 7), is considered the amenity justifying the bonused density, and thus these projects do not need to provide the cash contribution.

## 7. Heritage Conservation

In addition to the conversion of the designated building (also incentivized in the City's *House Conversion Regulations*) this option allows the construction of an addition and/or new standalone building. The high cost of rehabilitating and ensuring heritage buildings comply with the building code means reducing expectations for heritage conserving infill to accomplish other objectives related to green open backyards and ample tree planting space.

The heritage conserving infill option is strongly recommended over the demolition of heritage merit buildings for new construction.

- 7.1. Allow for development in the rear yard while minimizing overlook.
  - 7.1.1. When a dwelling is granted heritage designation as part of a house conversion, an addition or standalone infill housing in the rear yard is supported.
  - 7.1.2. For protected heritage properties in Traditional Residential areas, minimum rear yard setbacks may be reduced and/or the space (35 m<sup>2</sup>) for the root zone of a large canopy tree (see Tree Protection Bylaw for soil volume requirement) may not be



required (notwithstanding policy 9.1.1.). However, building orientation and window placements should be designed to minimize overlook. In these cases, the Missing Middle Design Guidelines recommend a thoughtful approach to landscaping, where smaller trees may still be feasible even if a large canopy tree cannot be accommodated.

7.1.3. These reduced setbacks to facilitate infill building placement apply to all heritage protected properties, regardless of when they became protected. New housing is permissible behind already protected heritage buildings as long as sufficient floor space remains available through the zone's base density.

## 7.2. Maximize incentive for heritage conservation.

7.2.1. Bonus density of up to 1.1:1 FSR (total) is supported for conservation of heritage amenities in the form of heritage-designation.

7.2.2. Unit sizes aligning with the House Conversion Regulation's requirement of 46 m<sup>2</sup> (~ 495 ft<sup>2</sup>) of habitable floor area are supported for each additional self-contained dwelling unit in heritage conversions and associated infill buildings or additions. Notwithstanding policy 6.1.1, heritage conserving infill developments may have an average of less than 2.0 bedrooms per unit.

7.2.3. This opportunity for bonus density through heritage designation is only available to properties that are not yet designated and are listed on the Heritage Register or become listed in advance of designation.

## 7.3. Renovations should maintain the character of the heritage building.

7.3.1. Where a building is thought to have heritage merit, assessment for potential heritage value may be requested as part of rezoning proposals. Retention and re-use of buildings of heritage merit is encouraged.

7.3.2. Additions to protected Heritage Designated buildings may be considered and should be consistent with the National Standards and Guidelines for the Conservation of Historic Places in Canada.

7.3.3. Where a building is listed on the Heritage Register, retention and re-use of the existing building and its integration into any redevelopment is strongly encouraged.

## 8. Improving Accessibility

Whenever possible, missing middle housing should ensure the removal of barriers to the accessibility of missing middle housing.

### 8.1. Improve accessible, housing choices.

8.1.1. Corner townhouse developments are strongly encouraged to create adaptable units. Without a sloping site, achieving this may require the first floor to be at-grade, eliminating the additional floor space possible in a building with a semi-submerged basement. To provide sufficient buildable floor space for economic viability, while facilitating the creation of an at-grade first floor, three full storeys above grade are supported for buildings in these corner locations.

### 8.2. Accessible Parking.

8.2.1. At least one accessible parking stall is required in all missing middle developments. This approach aligns with current best practice where parking requirements are broadly eliminated while maintaining requirements for accessible parking space.

### 8.3. Accessibility and family friendly storage space incentives.

Indoor storage space is a desired characteristic of new housing, particularly for accommodating mobility devices or for family storage needs such as strollers and car seats. The provision of indoor storage space for these needs is encouraged, as it also helps avoid improper use of exempted bicycle storage space for other storage needs.

8.3.1. A modest amount of contiguous storage space near the main unit entrance may be exempted from FSR calculations in order to accommodate mobility devices, or for families to store strollers or car seats.

### 8.4. Support accessible sidewalks and street tree planting space.

8.4.1. To help accommodate increasing pressure on the right of way to meet accessible mobility, urban forest, and other objectives, bonus density is considered for road dedication where current road widths are deficient and not wide enough to achieve standard sidewalk widths, address utility poles and other accessibility obstructions, and the creation of boulevard widths that support the long-term viability of street trees. Allowable floor space is calculated based on the pre-dedication lot area.

## 9. The Urban Forest

Victoria's urban forest consists of approximately 150,000 trees, three-quarters of which are located on private land. This vast network of mature trees supports the mental and physical health of our community as well as having extensive environmental benefits. The importance of maintaining a healthy urban forest is critical as the city adapts to the accelerating effects of climate change and accommodates increasing numbers of people and housing.

Aligning with the City's Tree Protection Bylaw requirement for a minimum number of trees per lot, this policy ensures that all missing middle housing forms include sufficient space for a large canopy tree, or multiple smaller canopy trees:

9.1. Protect space for trees.

9.1.1. Every lot is required to have enough space for a large canopy tree's root zone, which corresponds to an area roughly 35 m<sup>2</sup> with no side less than 4m wide (also see the Tree Protection Bylaw for soil volume requirement), which cannot be paved or have any structures above or below it, including underground parking.

9.1.2. If site constraints lead to a conflict between missing middle zoning requirements for minimum open site space and minimum motor vehicle parking requirements, the vehicle parking requirements should be substituted for Transportation Demand Management measures as guided by City policy, rather than the open site space minimum.