



Committee of the Whole Report

For the Meeting of January 19, 2023

To: Committee of the Whole **Date:** January 5, 2023

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

Subject: Rezoning Application No. 00811 for 633 Belton Avenue and Development Permit with Variances Application No. 00196

RECOMMENDATION

That Council decline Rezoning Application No. 00811 for the property located at 633 Belton Avenue.

LEGISLATIVE AUTHORITY

This report discusses a Rezoning Application and a concurrent Development Permit with Variances Application. Relevant rezoning considerations include the proposal to increase the density and add multi-unit residential as a new use while the relevant Development Permit with Variances considerations relate to the application's consistency with design guidelines and the impact of variances.

Enabling Legislation

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.

In accordance with Section 483 of the *Local Government Act*, Council may enter into a Housing Agreement which may include terms agreed to by the owner regarding the occupancy of the housing units.

In accordance with Section 489 of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Official Community Plan*. A Development Permit may vary or supplement the *Zoning Regulation Bylaw* but may not vary the use or density of the land from that specified in the Bylaw.

Pursuant to Section 491 of the *Local Government Act*, where the purpose of the designation is the establishment of objectives for the form and character of intensive residential development, a

Development Permit may include requirements respecting the character of the development including landscaping, and the siting, form, exterior design and finish of buildings and other structures.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning Application and Development Permit with Variances Application for the property located at 633 Belton Avenue. The proposal is to rezone from the R1-B Zone, Single Family Dwelling District to a new zone in order to construct a six-unit houseplex. There is a concurrent Development Permit with Variances Application pertaining to the proposed form, character, exterior design, finishes and landscaping and variances related to setbacks and parking.

The following points were considered in assessing the Rezoning Application:

- The proposal is generally consistent with the Traditional Residential designation in the *Official Community Plan, 2012 (OCP)*, which envisions ground-oriented developments up to two storeys and up to 1.0 Floor Space Ratio (FSR).
- The proposal is generally consistent with the Traditional Residential, Northwest Sub-Area designation in the *Victoria West Neighbourhood Plan*, as the proposed two-storey houseplex at 0.68 FSR is below the envisioned two-and-one-half storeys and 0.75 FSR. However, the proposal is for six units, and the Plan only envisions houseplexes up to three units in this area of Victoria West.

The following points were considered in assessing the Development Permit with Variances:

- The proposal is generally consistent with the *Design Guidelines for Attached Residential Development*, as the traditional architectural style fits with the context, the building responds to the topography and site conditions, and there is a positive street relationship between the building and Belton Avenue.
- The proposal is generally consistent with the design guidelines found within the *Victoria West Neighbourhood Plan*, as it provides front and backyard open space, responds to the site topography and creates a positive street relationship.
- The variance to reduce the east side yard setback is supportable as it allows a heat pump to be located within the side yard.
- The variance to reduce the motor vehicle parking stalls in conjunction with a comprehensive Transportation Demand Management program is consistent with the *Official Community Plan, GoVictoria* and the *Victoria West Neighbourhood Plan*, and the property is close to amenities, frequent bus service, and the bicycle network.
- The addition of an off-street accessible stall and a car share stall would be more consistent with past applications including Transportation Demand Management to offset vehicle parking.

It is therefore recommended that the application be declined due to the lack of two off-street vehicle parking stalls, one accessible and one for car share use.

However, the addition of vehicle parking spaces would require a significant redesign of the proposal, which the applicant has stated they are unwilling to undertake; therefore an alternate motion to refer the application back to staff has not been provided. Instead, an alternate motion to move the application forward “as-is” to a Public Hearing has been provided for Council’s

consideration. This alternate motion will also secure on-street EV charging infrastructure and an accessible curb let-down. In this scenario, a variance to lower the vehicle parking is required.

BACKGROUND

Description of Proposal

This proposal is to demolish the existing single-family dwelling and construct a six-unit houseplex. The following differences from the existing R1-B Zone, Single Family Dwelling District are being proposed and would be accommodated in the new zone:

- add multiple dwelling as a permitted use
- increase the height from 7.6m to 8.2m
- increase the density from 0.60 to 0.75 FSR
- increase the site coverage from 40% to 50%
- outdoor features will be exempt from controls set out in the General Regulations of the *Zoning Regulation Bylaw*.

The proposed variances requested by the applicant are related to:

- reducing the east side yard setback from 1.85m to 1.37m
- reducing the residential vehicle parking from 9 stalls to 0 stalls
- reducing the visitor vehicle parking from 1 stall to 0 stalls.

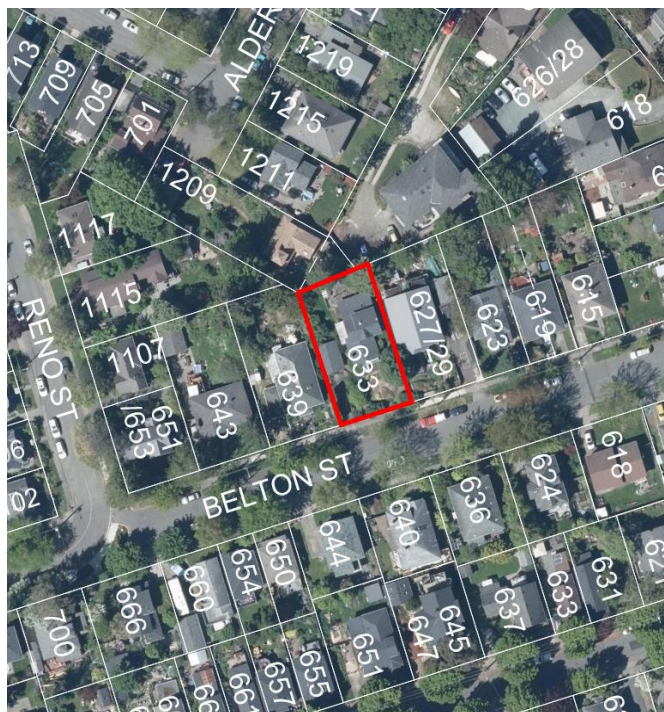
The recommended motion is to decline this application due to the lack of two off-street vehicle parking stalls, one accessible and one for car share use. However, the applicant has outlined that providing two off-street parking stalls would be too significant of a redesign. It is likely that the building would need to shift further north, reducing the rear yard setback, which had previously been increased in response to community input and potentially impacting a large tree, eliminating some of the amenity space, along with other changes that may be required to facilitate this level of redesign.

Land Use Context

The area is characterized by primarily low density residential including single-family dwellings and duplexes. Banfield Park and the Craigflower Small Urban Village are both located within 200m of the subject site.

Existing Site Development and Development Potential

The site is presently used as 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, Single Family Dwelling District and the RTM Zone, Traditional Residential Multiple Dwelling District. An asterisk is used to identify where the proposal does not meet the requirements of the existing R1-B Zone.

Zoning Criteria	Proposal	Existing R1-B Zone	Zone Standard RTM Zone	OCP or other relevant policy if needed
Site area (m ²) – minimum	629.19	460	920	
Density (Floor Space Ratio) – maximum	0.68	N/A	1.0	0.75 - 1
Total floor area (m ²) – maximum	427.30*	300	N/A	
Lot width (m) – minimum	18.49	15	20	
Height (m) – maximum	8.08*	7.6	10.5	7.6 - 8.2
Storeys – maximum	2	2	3	2 - 2.5
Site coverage (%) – maximum	44*	40	50	
Open site space (%) – minimum	48	N/A	30	
Setbacks (m) – minimum				
Front	4.26* 2.77 (stairs)	7.5 2.5	6.0	
Rear	8.0*	8.56	4.0	
Side (east)	1.37 (heat pump)* 2.03	1.85	4.0	
Side (west)	4.1	3.0	4.0	
Combined side yards	5.47	4.5	N/A	
Parking – minimum	0*	9	9	

Zoning Criteria	Proposal	Existing R1-B Zone	Zone Standard RTM Zone	OCP or other relevant policy if needed
Visitor parking – minimum	0*	1	1	
Short term bicycle parking stalls – minimum	6	6	6	
Long term bicycle parking stalls – minimum	21	8	8	

Active Transportation

The application proposes a bicycle repair station and 21 long-term bicycle stalls including seven cargo bicycle stalls, which is 13 stalls in excess of the *Zoning Regulation Bylaw* requirements.

Public Realm

No public realm improvements beyond City standard requirements are proposed in association with the recommended motion.

Accessibility

The two ground floor units are proposed to have accessible at-grade entrances and wheelchair adaptable designs.

Sustainability

As indicated in the applicant's letter the following sustainability features are proposed in this proposal:

- heat pumps for residential heating and cooling
- prioritize low carbon materials
- solar-ready design for future photovoltaic panels
- car free development.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the application was posted on the Development Tracker along with an invitation to complete a comment form on January 5, 2022. Mailed notification was sent to owners and occupiers of property within 100m of the subject property advising that a consultation process was taking place and that information could be obtained and feedback provided through the Development Tracker. A sign was also posted on site, to notify those passing by of this consultative phase. Additionally, the applicant participated in a virtual

meeting with the CALUC on January 26, 2022. A letter dated May 15, 2022, along with the comment forms are attached to this report.

Prior to the CALUC Meeting and outside of City processes, the applicant also hosted several webinars in July 2021, met with residents at a local café, organized a design workshop with interested buyers, and met individually with neighbours.

The proposal received mixed feedback, with support relating to the design of the houseplex, an example of missing middle housing and gentle density, and car-free lifestyle. Concerns related to increased vehicle traffic, decrease in available street parking, too many units, lack of affordable units, and shading. In response to the consultation the applicant has indicated the following changes were made to the proposed plans:

- sited the building towards the front of the lot (instead of the rear) to have a more traditional front/rear yard orientation
- shifted from a three storey at grade concept to a two storey and basement concept by working more closely with the natural topography of the property
- moved the refuse area from the front setback to the east setback, near the back of the building
- introduced a car-free contract with future buyers
- added an on-street EV charger with a connection for a car share vehicle and a connection for the public
- revised two bedroom floor plans to better meet adaptable design standards and maximize light into basement level.

The associated application proposes variances, therefore, in accordance with the City's *Land Use Procedures Bylaw*, it requires notice, sign posting and a meeting of Council to consider the variances.

ANALYSIS

Rezoning Application

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 houseplexes up to two storeys are envisioned.

Victoria West Neighbourhood Plan

The *Victoria West Neighbourhood Plan* identifies the property within the Northwest Sub-Area of the Traditional Residential designation. This sub-area envisions houseplexes on lots at least 670m², with densities up to 0.75 FSR and heights up to 2.5 storeys, but generally limited to three units. The proposal is for a two-storey 0.68 FSR houseplex on a 627m² lot. The six units exceed the envisioned three units in the *Victoria West Neighbourhood Plan*, but the proposal is below the envisioned density.

Inclusionary Housing and Community Amenity Contribution Policy

The property is within the Traditional Residential urban place designation and does not exceed the envisioned 1:1 FSR. Therefore, the *Inclusionary Housing and Community Amenity Contribution Policy* is not applicable.

Housing

The proposal is for six market condominium units. The application, if approved, would add approximately five new residential units, which would increase the overall supply of housing in the area and contribute to the targets set out in the *Victoria Housing Strategy*.

Affordability Targets

The proposal is for market condominium units, which are generally more attainable than single family dwellings.

Housing Mix

At present, there is no policy that provides targets regarding housing mix and unit type is not regulated or secured. However, the OCP identifies a mix of units as an objective and identifies the need for a diverse range of housing units including family housing. As submitted, this application proposes four, three-bedroom units and two, two-bedroom adaptable units. The adaptable units would be secured through a legal agreement.

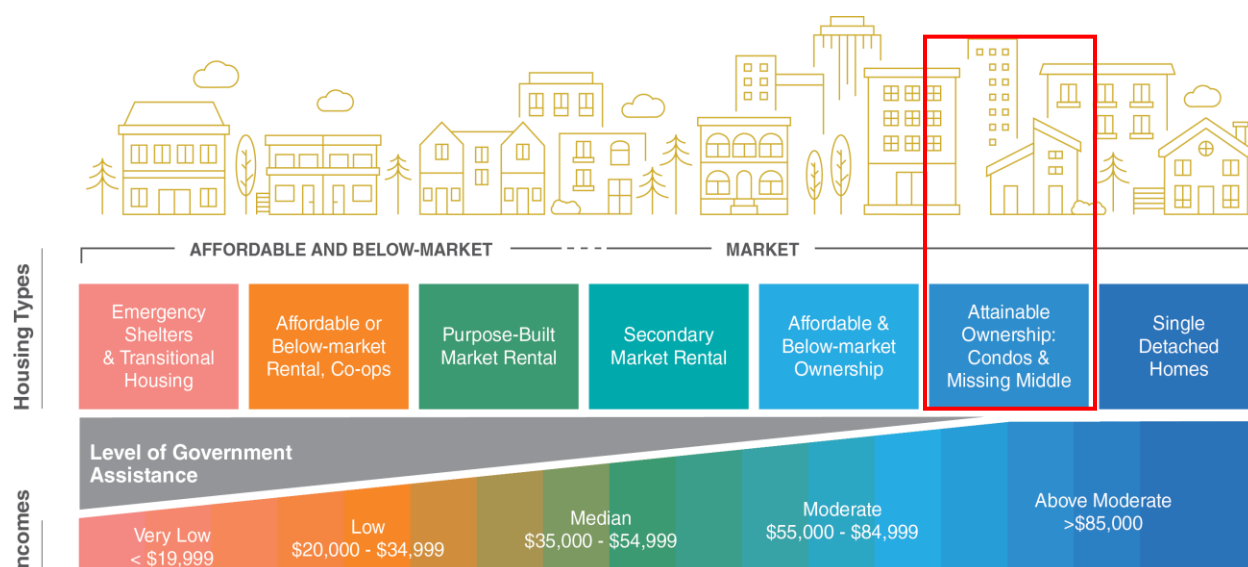


Figure 1. Housing Continuum

Security of Tenure

Provincial legislation that was recently enacted ensures that future Strata Bylaws cannot prohibit the rental of units.

Existing Tenants

The proposal is to demolish an existing building which would result in a loss of one existing residential rental unit. However, the tenants were living in the building for less than one year when the application was submitted and therefore the *Tenant Assistance Policy* does not apply. The applicant has indicated that the tenants have been offered a rent-to-own program whereby 25% of rent can be applied towards the purchase of a home within the applicant's portfolio. The tenants at 633 Belton Avenue have indicated their interest in taking advantage of this program, should the application be approved and constructed. It should be noted that this is outside of City processes.

Car-free Contract

As a car-free development, the intent of the proposal is to attract like-minded families who have chosen not to be dependent on private vehicles. While city streets are public space, to address concerns of local residents the applicant has proposed a "car-free contract" as an addendum to the purchase and sale agreements as a means of demonstrating the commitment of future residents to not park private vehicles on nearby streets.

This agreement has a term of ten years and prohibits parking for more than 24 consecutive hours or two consecutive overnight periods (10 p.m. to 7 a.m.). It should be noted that the contract is between the developer and the buyer, and the City would have no role in enforcing the provisions of the agreement. Any enforcement would have to rely on the on-going interest of the developer and the future residents in ensuring compliance. As such, it does not guarantee that no additional on-street parking will be associated with this development.

Development Permit with Variances Application

Official Community Plan: Design Guidelines

The *Official Community Plan* (OCP) identifies this property within DPA 15F: Intensive Residential – Attached Residential Development. This DPA envisions ground-oriented attached residential development within Traditional Residential areas in a manner that respects the established character of the neighbourhoods through considerations for site planning and building designs that promote livability and provide sensitive transitions.

The applicable design guidelines within DPA 15F are the *Design Guidelines for Attached Residential Development* (2018, revised 2019) and the *Advisory Design Guidelines for Buildings, Signs and Awnings* (1981). The proposal is generally consistent with the guidelines as follows:

- the traditional architectural style with pitched rooflines that break up the building mass is consistent with the context of the immediate area
- the building is sited to maintain both front and rear yards, and utilizes the topography to create three liveable storeys while maintaining a two-storey visual appearance
- two of the units have direct access to Belton Avenue, and the other four units will be accessed with a signed pedestrian pathway
- the rear yard landscaping is designed to create permeable areas where possible and preserve existing trees, while still providing for a unique communal space for residents.

In addition, the proposal is generally consistent with the *Victoria West Neighbourhood Plan* design guidelines applicable to houseplexes, as it provides front and backyard open space, responds to the site topography and presents a positive street relationship.

Variances

Setbacks

A variance to reduce the east side yard setback from 1.85m to 1.37m is required in order to accommodate the proposed heat pumps, which are subject to setbacks. The distance to the actual building face meets the required setback at 2.03m.

Vehicle Parking

The application proposes a “no parking development”, which triggers the need for variances. On September 19, 2022, the City of Victoria’s accessible parking requirements for private development came into force. Accessible parking had previously been regulated by the Province. As the application was received prior to this date it is not subject to the new requirements, which would require an off-street van accessible parking stall be provided. To align with the goals of the *Accessibility Framework*, staff are recommending one accessible parking stall be provided, either accessible or van accessible.

The City has a long history of supporting parking variances through Transportation Demand Management (TDM) programs, which have resulted in significant investments in sustainable transportation over the past two decades. When car share vehicles are provided as a TDM measure, the City consistently secures an associated off-street stall for the vehicle. This is regardless of whether an on-street car share space is possible and supported. The off-street parking stall is typically assigned as a visitor stall until (and if) needed for the car share vehicle. This ensures equitable outcomes as curb space is not always available and future street maintenance or redesign may require temporary or permanent relocation of the vehicle. Since the adoption of accessible parking requirements in 2021, staff have also applied a lens when reviewing parking variances to support general purpose parking reductions over accessible parking. Accommodating both accessible parking and car share spaces on-street in response to private development is feasible, but also adds complexity and risk to the existing and future management of curb space.

The alternative recommendation would move the project forward “as-is” to a public hearing with no off-street parking stalls. Should Council advance the application without off-street parking, an alternate motion is provided that will secure an on-street EV charger (with one space for car share and one space for the public) and on-street accessible parking stall (available for any member of the public).

Variances to reduce the residential vehicle parking from nine stalls to zero stalls and reduce the visitor vehicle parking from one stall to zero stalls are also captured in the alternate motion. The applicant is proposing a comprehensive TDM program to offset this reduction in vehicle parking. The TDM program, which would be secured through a legal agreement, includes the purchase of a car share vehicle, memberships and usage credits to the car share program for all residents, a bicycle repair station, and additional bicycle and cargo bicycle parking. The property is close to amenities, frequent bus service, and the bicycle network which further supports the reduction in motor vehicle parking.

Tree Preservation Bylaw and Urban Forest Master Plan

The goals of the Urban Forest Master Plan (UFMP) include protecting, enhancing, and expanding Victoria’s urban forest and optimizing community benefits from the urban forest in all neighborhoods. This application was received after July 21, 2021; therefore, the *Tree*

Preservation Bylaw No. 21-035 applies. The goals of the UFMP are being met through tree retention and planting to meet tree minimum on site.

A total of nine trees have been inventoried: three are bylaw-protected and located on-site, one is a bylaw-protected hedge on-site one is a municipal tree, and three bylaw-protected trees and one undersized tree are inventoried off-site.

Two protected on-site trees and the unprotected hedge are proposed to be removed to accommodate the construction of the primary building. The municipal tree is proposed for retention while adding a new EV charging station and accessible pathway on the existing boulevard.

Two new trees are required as Replacement Trees for the proposed removals. The plans allow for planting to achieve the site tree minimum of three trees. No new municipal trees are proposed.

Tree Impact Summary

Tree Status	Total # of Trees	Trees to be REMOVED	NEW Trees	NET CHANGE (new trees minus total to be removed)
Subject property trees, protected	3	1	4	+1
Subject property trees, unprotected	1	1	0	-1
City trees	1	0	0	0
Neighbouring trees, protected	3	0	0	0
Neighbouring trees, unprotected	1	0	0	0
Total	9	2	4	0

Bylaw protected trees being removed from subject property:

ID#	Species	DBH	Health	Structural condition	Reason for Removal/ Comments
24	Pear species	51	Fair	Poor	Development Conflict
25	Yellow cedar	100	Fair	Poor	Development Conflict

CONCLUSIONS

The proposal to rezone the property to facilitate the construction of a houseplex is generally consistent with the Traditional Residential Urban Place Designation in the OCP and the relevant policies in the *Victoria West Neighbourhood Plan*. The proposal is generally consistent with the relevant design guidelines and has demonstrated a sensitive approach to infill development. However, the recommended motion would decline the application due to the lack of two off-street vehicle parking stalls, which is consistent with the transportation policies in the *Victoria West Neighbourhood Plan* and the *Accessibility Framework*.

An alternate motion has been provided should Council wish to move the application forward to a public hearing without adding two parking stalls.

ALTERNATE MOTION

Rezoning

That Council instruct the Director of Sustainable Planning and Community Development to prepare the necessary Zoning Regulation Bylaw amendment that would authorize the proposed development outlined in the staff report dated November 17, 2022 for 633 Belton Avenue.

1. That first and second reading of the zoning bylaw amendment be considered by Council and a public hearing date be set once the following conditions are met:
 - a. Revised plans and Arborist Report, to the satisfaction of the Director of Parks, Facilities and Recreation, providing further information from the arborist on the feasibility of retaining the existing trees and the viability of the proposed trees.
2. That subject to approval in principle at the public hearing, the applicant prepare and execute the following legal agreements, with contents satisfactory to the Director of Sustainable Planning and Community Development and form satisfactory to the City Solicitor prior to adoption of the bylaw:
 - a. Provision of no less than two adaptable units, in accordance with the standards in the *British Columbia Building Code* and BC's Building Accessibility Handbook.
3. That subject to approval in principle at the Public Hearing, the applicant prepare and execute the following legal agreements, with contents satisfactory to the Director of Engineering and Public Works and form satisfactory to the City Solicitor prior to adoption of the bylaw:
 - a. Provision of transportation demand management measures including:
 - i. Six car share memberships,
 - ii. One car share vehicle
 - iii. One bicycle repair station
 - iv. A minimum of seven cargo bicycle stalls
 - b. Provision of a dual on-street level 2 electric vehicle charging station for use by both the car share vehicle and the public.
4. That adoption of the zoning bylaw amendment will not take place until all of the required legal agreements that are registrable in the Land Title Office have been so registered to the satisfaction of the City Solicitor.
5. That the above Recommendations be adopted on the condition that they create no legal rights for the applicant or any other person, or obligation on the part of the City or its officials, and any expenditure of funds is at the risk of the person making the expenditure.

Development Permit with Variance Application

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 0811, if it is approved, consider the following motion:

- "1. That subject to the adoption of the necessary Zoning Regulation Bylaw amendment, Council authorize the issuance of Development Permit with Variances No. 00196 for 633 Belton

Avenue, in accordance with plans submitted to the Planning department and date stamped by Planning on May 24, 2022, subject to:

- a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. reduce the east side yard setback from 1.85m to 1.37m;
 - ii. reduce the residential vehicle parking from 9 stalls to 0 stalls; and,
 - iii. reduce the visitor vehicle parking from 1 stall to 0 stalls.

2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution.”

Respectfully submitted,

Mike Angrove
Senior Planner – Development Agreements
Development Services Division

Karen Hoes, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A: Subject Map
- Attachment B: Plans date stamped May 24, 2022
- Attachment C: Letter from applicant to Mayor and Council submitted May 24, 2022
- Attachment D: Arborist Report dated May 17, 2022
- Attachment E: Community Association Land Use Committee Comments dated May 15, 2022
- Attachment F: Pre-Application Consultation Comments from Online Feedback Form
- Attachment G: Correspondence (Letters received from residents).