



Committee of the Whole Report For the Meeting of December 14, 2023

To: Committee of the Whole **Date:** November 30, 2023

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

Subject: **Rezoning Application No. 00829 and associated Development Permit with Variances Application No. 00217 for 2816 Irma Street**

RECOMMENDATION

Rezoning Application

1. 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 December 14, 2023, for 2816 Irma Street.
2. That, after publication of notification in accordance with section 467 of the *Local Government Act*, first, second, and third reading of the zoning bylaw amendment be considered by Council once the following conditions are met, to the satisfaction of the Director of Parks, Recreation and Facilities:
 - a. a replacement tree plan prepared by an arborist or landscape architect showing the location of proposed replacement trees meeting requirements under the bylaw
 - b. revisions to the arborist report commenting on retention status of municipal tree M1 in relation to the proposed 1.8 m wide sidewalk
 - c. an updated Civil plan showing the location of site servicing on private property, proposed location of all third-party utilities, and adding proposed street trees.
3. That following the third reading of the zoning amendment bylaw, the applicant prepares and execute the following legal agreement, 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. a 1.38m Statutory Right of Way on Irma Street.
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 Variances Application

That Council, after giving notice, consider the following motion:

- “1. That subject to the adoption of the necessary Zoning Regulation Bylaw amendment, Council authorizes the issuance of Development Permit with Variances No. 00217 for 2816 Irma Street, in accordance with plans submitted to the Planning department and date stamped by Planning on September 14, 2023, subject to:
 - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. reduce the front yard setback from 6.00m to 4.45m;
 - ii. reduce the side (north) setback from 4.0m to 3.0m;
 - iii. reduce the requirement for soft landscaping between surface vehicle parking spaces and an adjacent lot used primarily for residential purposes from 1.0m to 0.0m;
 - iv. reduce the number of visitor parking spaces from 1 to 0; and
 - v. allow roof decks.
2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution.”

LEGISLATIVE AUTHORITY

This report discusses a Rezoning Application and a concurrent Development Permit with Variances Application. Relevant rezoning considerations include increasing the density and permitting attached dwellings on the subject site.

Relevant Development Permit with Variance considerations include the application’s consistency with design guidelines and impact of variances on surrounding properties.

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 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 2816 Irma Street. The proposal is to rezone from the R1-B Zone, Single Family Dwelling District to a new zone based on the RT Zone, Traditional Residential Attached Dwelling District in order to permit six ground-oriented townhouse units in two buildings.

The following points were considered in assessing the Rezoning Application:

- The proposal is located within the Traditional Residential urban place designation in the *Official Community Plan, 2012* (OCP), which envisions residential uses in a wide range of primarily ground-oriented building forms. The proposal to permit the construction of six ground-oriented townhouse units is consistent with OCP objectives to encourage and expand housing options and provide a wide range of housing choice within neighbourhoods to support a diverse, inclusive, and multigenerational community.
- The rezoning application is also consistent with the *Burnside Gorge Neighbourhood Plan* which identifies the property in the Gorge Residential Sub-Area as Traditional Residential. Within Traditional Residential areas, a range of housing including ground-oriented townhouses with density up to 0.8:1 floor space ratio (FSR) is supported.
- The proposal was initiated prior to the approval of the Missing Middle Housing Initiative; as the application had already been reviewed by staff and would have required revisions to align with the Missing Middle Housing regulations, the applicant decided to move forward with the current application.

There is a concurrent Development Permit with Variances Application pertaining to the proposed form, character, exterior design, finishes and landscaping and variances related to reducing setbacks, visitor parking and roof decks. The following points were considered in assessing the Development Permit with Variances:

- The proposal is generally consistent with Development Permit Area 15F: Missing Middle objectives and guidelines, and with the *Burnside Gorge Neighbourhood Plan* design guidelines in terms of visual character and siting. The urban design policies encourage new development to be compatible and create a good fit with existing residential uses and that new buildings present a friendly appearance to the street and adjacent homes.
- The variances to the front and side setbacks are considered supportable as the siting of the buildings would have minimal impact on the street and adjacent properties.
- The variance to the requirement for soft landscaping between surface vehicle parking spaces and adjacent residential uses would have minimal impact because of a new timber fence that would be constructed around the site including the parking area.
- The variance to visitor parking is considered supportable because of the proximity to public transportation and bicycle routes and the nominal requirement for the provision of one visitor parking space.
- The variance to allow a roof deck is considered supportable because it wouldn't result in overlook of or negatively impact adjacent properties.

BACKGROUND

Description of Proposal

This proposal is to rezone from the R1-B, Single Family Dwelling District to the RT, Traditional Residential Attached Dwelling District to increase the density and allow six ground-oriented

townhouse units. One building with four units would front onto Irma Street and a second building with two units would be located behind and to the west of this building. A third building, on the north portion of the lot, would be for bike storage. Parking would be located at the rear of the lot, west of the buildings.

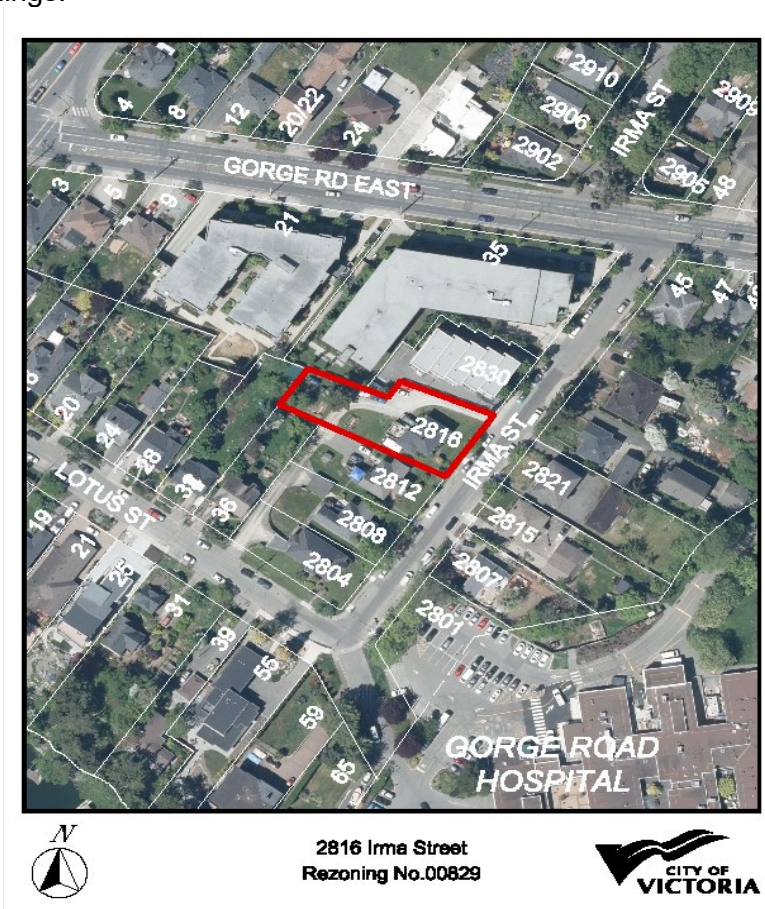
The associated Development Permit with Variances is to allow the construction of two buildings, one with four townhouses and the other with two townhouses, a long-term bicycle storage building, surface level parking area and landscaping.

The proposed variances are related to:

- reducing the front yard setback from the property line from 6.00m to 4.45m
- reducing the side (north) setback from 4.0m to 3.0m
- reduce the requirement for soft landscaping between surface vehicle parking spaces and an adjacent lot used primarily for residential purposes from 1.0m to 0.0m
- reducing the number of visitor parking spaces from 1 to 0
- allowing roof decks.

Land Use Context

The area is characterized by a mix of single family and multiple dwelling uses. To the north of the subject lot is a multiple dwelling building and an attached dwelling building and to the south are single family dwellings.



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 with a secondary suite or a garden suite. Schedule P: Missing Middle Regulations also applies in the current zone, which would permit a house-plex with up to six dwelling units on the lot. If the proposal meets Schedule P in terms of use, this application could be a candidate for a delegated development permit approval.

Data Table

The following data table compares the proposal with the RT Zone, Traditional Residential Attached Dwelling District. An asterisk is used to identify where the proposal does not meet the requirements of the existing Zone.

Zoning Criteria	Proposal	RT Zone
Site area (m ²) – minimum	1114	920
Number of units – maximum	6 (4 in building A & 2 in building B)	n/a
Density (Floor Space Ratio) – maximum	0.71	1.0
Floor area per attached unit (m ²) (min)	139.25	100.00
Height (m) – maximum	9.24	10.5
Storeys – maximum	3	3
Roof Deck	Yes*	Not permitted
Site coverage (%) – maximum	30	50
Open site space (%) – minimum	30	30
Setbacks (m) min		
Front yard - from property line	4.45*	6.00
Rear (west)	15.77	4.00
Side (north)	3.00*	4.00
Side (south)	4.50	4.00
Eave projection (max.)	0.00	0.75
Parking – minimum	6	6
Visitor parking included in the overall units – minimum	0*	1

Zoning Criteria	Proposal	RT Zone
Bicycle parking (long term) – minimum	10	6
Bicycle parking (short term) - minimum	6	6
Landscape strip width between surface vehicle parking and residential uses (rear and side) – minimum	0.0*	1.0

Sustainable Mobility

The application proposes four additional long term bicycle parking spaces, and each residential unit will be provided with electric vehicle and e-bike charging capabilities which supports multi-modal transportation.

Public Realm

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

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, prior to submission of the application, it was posted on the Development Tracker along with an invitation to complete a comment form on October 3, 2022. A sign was also posted on site, to notify those passing by of this consultative phase. Additionally, the applicant participated in a meeting with the CALUC on June 13, 2022. A letter from the CALUC dated June 17, 2022, is attached to this report. The CALUC was also notified on March 22, 2023, and September 29, 2023, about revisions to the plans. No comments were received regarding the revisions.

In response to the consultation, the applicant reduced the number of units from eight to six; reduced the height and massing of the buildings; and, included more open space for play areas and courtyard garden space.

Pursuant to section 464(3) of the Local Government Act, Council is prohibited from holding a public hearing when a residential rezoning application is consistent with the OCP and comprises at least half of the gross floor area of all buildings and other structures proposed as part of the development. However, notice must still be sent to all owners and occupiers of adjacent properties prior to introductory readings of the bylaws.

ANALYSIS

Rezoning Application

Official Community Plan

The *Official Community Plan, 2012* (OCP) designates the property within the Traditional

Residential urban place designation, which envisions residential and accessory uses in a wide range of primarily ground-oriented building forms including single-family, duplexes, townhouses, and row-houses, house conversions, and low-rise multi-unit residential and mixed-use buildings up to three storeys in height. The proposal to allow six ground level townhouse units is consistent with OCP objectives to encourage and expand housing options and that a wide range of housing choice be available within neighbourhoods to support a diverse, inclusive, and multigenerational community.

The proposal is subject to Development Permit Area 15F: Missing Middle Housing, and is generally consistent with the objectives to integrate a six-unit ground level townhouse development within Traditional Residential areas in a manner that is compatible with and respects the established character of the neighbourhoods.

Burnside Gorge Neighbourhood Plan

The *Burnside Gorge Neighbourhood Plan* identifies the property in the Gorge Residential Sub-Area as Traditional Residential. Within the Traditional Residential areas, a range of housing including ground-oriented townhouses up to a floor space ratio (FSR) of 0.8:1 is envisioned. The urban design policies and objectives in the *Burnside Gorge Neighbourhood Plan* encourage new development to be compatible and create a good fit with existing residential uses and for new buildings to present a friendly appearance to the street and adjacent homes. The application to rezone to a new zone based on the RT- Traditional Residential Attached Dwelling District is consistent with this policy direction.

Housing

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

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 six three-bedroom units.

Existing Tenants

The proposal is to demolish an existing single-family dwelling which would result in a loss of one existing residential rental unit. Consistent with the Tenant Assistance Policy, the applicant has provided a Tenant Assistance Plan which is attached to this report.

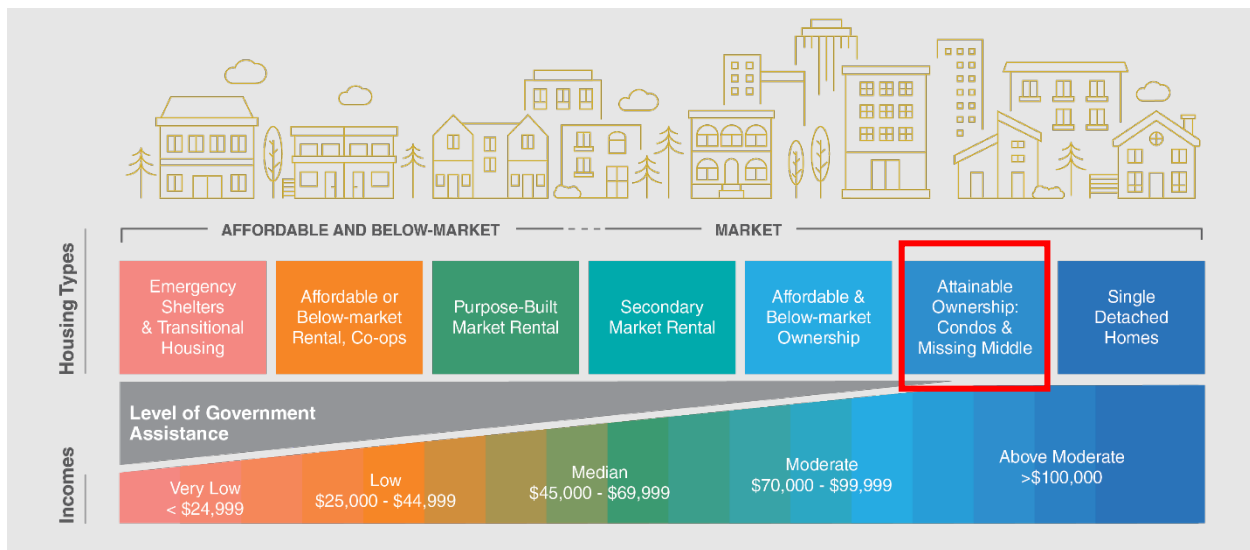


Figure 1. Housing Continuum

Development Permit with Variances Application

Official Community Plan: Design Guidelines

The *Official Community Plan* (OCP) identifies this property within DPA 15F: Missing Middle Housing.

This proposal is consistent with these guidelines that support multi-unit residential developments that provide a sensitive transition to and complement adjacent and nearby areas with built form that is three storeys, or lower.

Burnside Gorge Neighbourhood Plan

The proposal is also consistent with the design guidelines and objectives in the *Burnside Gorge Neighbourhood Plan* for ground-oriented residential infill development with consideration for the following:

- presents a friendly face, with units adjacent to the street
- being a good neighbour to adjacent homes, with massing mitigating impacts on neighbours
- providing sufficient building separation to create an attractive living environment.

Variances

This application is seeking variances on front and side setbacks, the number of parking stalls, landscaping requirements around parking areas, and roof decks.

Front setback

This is a variance to reduce the front setback from 6.0m to 4.45m for the siting of Building A. Building A which has four townhouse units is located at the front of the property adjacent to Irma Street. Siting the building close to the street provides a friendly face to Irma Street, greater separation from Building B at the rear of the lot, and more open space. The setback reduction

would have minimal impact on adjacent properties and is encouraged in the Burnside Gorge Neighbourhood Plan design guidelines. Therefore, support for this variance is recommended.

Side (north) setback

This is a variance request to reduce the side (north) setback from 4.0m to 3.0m for the siting of Building A, which is situated closer to the north lot line to accommodate the longer length of the building and minimize impacts on the properties to the south. This variance is recommended for support due to the minimal nature of the variance and the intention to mitigate impacts on the lower scale properties to the south.

Landscaping

This is a variance request to reduce the soft landscape strip between surface parking areas and residential uses from 1.0m to 0.0m. Due to the irregular, narrowing shape of the lot to the rear (west) where the surface level parking is proposed, there is limited area to provide an additional 1.0m landscape strip surrounding the parking area. This variance is considered supportable because a new 2.0m high wood fence is proposed to be constructed around the development which would screen the parking area from view. In addition, the proposal meets the open site space requirements of the RT Zone and provides sufficient space for soft landscaping.

Parking

This is a variance to reduce the number of visitor parking stalls from 1 to 0. The variance is considered supportable because the site is close to major public transit route and bicycle route and reducing the visitor space by one would have minimal impact on the proposed development or adjacent properties.

Roof Decks

This is a variance to allow the construction of roof decks on each of the dwellings. The variance is considered supportable because the proposed roof decks would not negatively impact neighbouring properties. Also, the overall height of buildings at 9.24m is well below the maximum permitted height in the RT zone of 10.5m.

Accessibility

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

Sustainability

The applicant has not identified any sustainability features associated with this proposal.

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 application was received after July 1, 2021, so Tree Protection Bylaw No. 21-035 applies.

A total of nine trees have been inventoried. Of these, two are located on the subject lot, both of which are bylaw protected. Six non-bylaw protected trees are located off-site. There is one existing municipal tree on the Irma Street frontage. Bylaw protected trees No.1960 (66 cm diameter Douglas-fir) and No.1961 (79 cm diameter multi-stemmed Plum) will require removal for construction of the building and parking. Municipal tree M1 (27 cm diameter Cherry) and all off-

site trees will be retained following the mitigation measures outlined in the arborist report. The applicant is proposing to plant 15 new trees on the subject lot including six replacement trees required by the *Tree Protection Bylaw*. Two new municipal trees are proposed on the Irma frontage.

CONCLUSIONS

The proposal to rezone the subject property to permit the construction of a six-unit ground level townhouse development is consistent with the objectives found in the *Official Community Plan, 2012* and the *Burnside Gorge Neighbourhood Plan*. The development, as proposed, would provide a transition with adjacent land uses. The rezoning and variances would allow the construction of the six-unit townhouses that would fit in with the surrounding neighbourhood with minimal impact. It is therefore recommended that Council consider supporting this application.

ALTERNATE MOTION

That Council decline Rezoning Application No. 00828 for the property located at 2816 Irma Street.

Respectfully submitted,

Gerry Hamblin
Senior Planner
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: Plans date stamped September 14, 2023
- Attachment B: Letter from applicant to Mayor and Council dated March 9, 2023
- Attachment C: Tenant Assistance Plan
- Attachment D: Community Association Land Use Committee Comments dated June 17, 2022
- Attachment E: Correspondence