



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

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

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

**Subject:** **Rezoning Application No. 00842 for 448 Wilson Street and 422 Edward Street and Development Permit with Variances Application No. 00259**

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### 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 November 30, 2023 for 448 Wilson Street and 422 Edward 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 Regulation Bylaw amendment be considered by Council once the following conditions are met:
  - a. Revised plans incorporating a design feature on the north and south facades facing onto the public street to add visual interest and adjusting the setback variances as necessary to accommodate this change, meeting the short-term bicycle requirements, inclusion of a van accessible parking stall, changing the material of the parking lot to permeable and verifying the average grade through additional cross sections, to the satisfaction of the Director of Sustainable Planning and Community Development.
  - b. Revised plans providing a pathway and staircase entry to the house at 740 Russell Street and showing required landings along the public pathway as required, to the satisfaction of the Director of Engineering and Public Works.
  - c. Revised plans and documents addressing comments sent to the applicant on November 28, 2023, which include confirming acceptable tree species, addition of a municipal tree and clarification of bylaw replacement trees, to the satisfaction of the Director of Parks, Recreation & Facilities.
  - d. Provision of a sanitary attenuation report, and a secured commitment to attenuation should it be required through a legal agreement, to the satisfaction of the Director of Engineering and Public Works.
3. That following the third reading of the Zoning Regulation Bylaw amendment, 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. 2.47m wide right of way along Russell Street for highway purposes.
  - b. Provision of transportation demand management measures including:
    - i. four BC Transit EcoPasses for a minimum five-year term each; and,
    - ii. twenty car share memberships (one for each unit).
  - c. Provision of the following public realm improvements:
    - i. design and installation of the Russell Street pedestrian pathway connecting Edward Street and Wilson Street in accordance with plans date stamped October 27, 2023.
    - ii. design and installation of the public parklet on Wilson Street in accordance with plans date stamped October 27, 2023.
4. That adoption of the Zoning Regulation 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 Zoning Regulation Bylaw amendment, Council authorize the issuance of Development Permit with Variances No. 00259 for 448 Wilson Street and 422 Edward Street, in accordance with plans submitted to the Planning department and date stamped by Planning on October 27, 2023, subject to:
- a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
    - i. reduce the front yard setback (Wilson Street) from 4.0m to 3.1m
    - ii. reduce the rear yard setback (Edward Street) from 6.0m to 3.2m
    - iii. reduce the flanking street setback from (Russell Street) 4.0m to 2.5m
    - iv. reduce the side yard setback from 6.0m to 3.8m to the building and 2.85m to the balcony
    - v. reduce vehicle parking from 25 stalls to 7 stalls
    - vi. reduce visitor vehicle parking from 2 stalls to 0 stalls.
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:

- to increase the density
- add ground-oriented multiple dwelling as a new use.

Relevant Development Permit with Variances considerations include:

- the application's consistency with design guidelines
- impact of variances pertaining to setbacks and vehicle parking.

### **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, 2012*. 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 for the property located at 448 Wilson Street and 422 Edward Street. The proposal is to rezone from the R-2 Zone, Two Family District to a new zone in order to construct an approximately twenty-unit ground-oriented multiple dwelling. 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 vehicle parking.

The following points were considered in assessing the Rezoning Application:

- The proposal is generally consistent with the *Official Community Plan, 2012* (OCP) Traditional Residential Urban Place Designation, which envisions ground-oriented residential uses with density up to approximately 1.1:1 floor space ratio (FSR).
- The creation of 20 new dwelling units, including ten three-bedroom units and ten one-bedroom units would further the OCP goal of providing a diversity of housing, including family-oriented housing that is suitable for larger households.
- The proposal is generally consistent with the Traditional Residential: General Areas designation of the *Victoria West Neighbourhood Plan*, which envisions townhouses up to 2.5 storeys in height and densities up to 0.85 FSR.
- A Tenant Assistance Plan has been submitted and meets the minimum requirements.
- The proposed 2.47m statutory right-of-way (SRW) along Russell Street would provide space to improve the existing pedestrian connection through Russell Street, which is closed to vehicles in this area.

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

- The proposed form and character of the development is generally consistent with the design guidelines for Development Permit Area (DPA) 15F, Missing Middle Housing; however, some opportunities remain to improve the Edward Street and Wilson Street frontages.
- The proposed variances to the setbacks are supportable as the application minimizes privacy concerns through tree retention and planting and provides activation to the Russell Street frontage.
- The proposed vehicle parking variance is supportable as long-term bicycle parking exceeds the minimum requirements and a Transportation Demand Management program will be secured. The recommended motion would change one stall to a van accessible stall to meet minimum requirements.
- Five on-site bylaw protected trees, all off-site trees and six municipal trees can be retained following the mitigation measures outlined in the arborist report.

## **BACKGROUND**

### **Description of Proposal**

This proposal is to construct an approximately twenty-unit ground-oriented multiple dwelling. The following major differences from the current zone are being proposed and would be accommodated in the new zone:

- add “ground-oriented multiple dwelling” as a permitted use to enable the stacked townhouse housing typology
- increase the maximum FSR from 0.5:1 to 0.85:1.

The associated Development Permit with Variances is for the design of the townhouse style buildings and associated landscaping. Specific details include:

- two ground-oriented multiple dwelling buildings, with one building containing 14 units and the other building containing six units
- unit mix consisting of ten one-bedroom and ten three-bedroom units
- surface parking for seven vehicles.

Exterior materials include:

- hardie lap siding, board and panels
- stucco
- metal railings

Landscape elements include:

- retention of five on-site bylaw protected trees, all off-site trees and six municipal trees and planting of nine trees
- a new public pathway along Russell Street and connecting Wilson Street and Edward Street
- public parklet on Wilson Street with lawn and a bench

The proposed variances are related to:

- reduce the front yard setback (Wilson Street) from 4.0m to 3.1m
- reduce the rear yard setback (Edward Street) from 6.0m to 3.2m
- reduce the flanking street setback from (Russell Street) 4.0m to 2.5m

- reduce the side yard setback from 6.0m to 3.8m to the building and 2.85m to the balcony
- reduce vehicle parking from 25 stalls to 7 stalls
- reduce visitor vehicle parking from 2 stalls to 0 stalls.

**Land Use Context**

The area is characterized primarily by low density residential such as single-family dwellings, duplexes, and townhouses.



**Figure 1: Site Context**

**Existing Site Development and Development Potential**

The properties are presently used as two single-family dwellings. Under the current R-2 Zone, Two Family Dwelling District, the properties could be developed as two duplexes.

**Data Table**

The following data table compares the proposal with the existing R-2 Zone. An asterisk is used to identify where the proposal does not meet the requirements of Schedule 'P' - Missing Middle Regulations.

Zoning Criteria	Proposal	Existing R-2 Zone	Missing Middle Standard
Site area (m <sup>2</sup> ) – minimum	1467.75	555	460
Number of units – maximum	<b>20*</b>	2	12

Zoning Criteria	Proposal	Existing R-2 Zone	Missing Middle Standard
Density (Floor Space Ratio) – maximum	0.8	0.5	1.1
Total floor area (m <sup>2</sup> ) – maximum	1173.40	280	1410
Lot width (m) – minimum	18.27	18	18
Height (m) – maximum	9.98	7.6	10.5
Site coverage (%) – maximum	<b>47*</b>	40	40
Open site space (%) – minimum	<b>43*</b>	30	45
Separation space between buildings (within the site) (m) – minimum	18.5	N/A	5
<b>Setbacks</b> (m) – minimum			
Front (Wilson Street)	<b>3.1*</b>	7.5	4.0
Rear (Edward Street)	<b>3.2*</b>	28.1	6.0
Side (East)	<b>3.8 (building)*</b> <b>2.85 (balcony)*</b>	1.83	6.0
Flanking (Russell Street)	<b>2.5*</b>	3.5	4.0
Parking – minimum	<b>7*</b>	2	25 (based on condo parking rate)
Visitor Parking – minimum	<b>0*</b>	0	2
Accessible Parking – minimum	0	0	0
Van Accessible Parking – minimum	<b>0*</b>	0	1
Short Term Bicycle Parking – minimum	<b>6*</b>	12	12
Long Term Bicycle Parking – minimum	42	25	25

## Sustainable Mobility

The application proposes the car share memberships for each unit, four BC Transit EcoPasses for five years each, and an upgraded pedestrian pathway on Russell Street, all of which support multi-modal transportation:

## Public Realm

The following public realm improvements are proposed in association with this application:

- Provision of a 2.47m wide right of way along Russell Street for highway purposes.
- Installation of the Russell Street pedestrian pathway connecting Edward Street and Wilson Street.

- Installation of a small public parklet on Wilson Street.

These would be secured with a legal agreement, registered on the property's title, prior to Council giving final consideration of the proposed Zoning Regulation Bylaw Amendment.

## **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 26, 2023. 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 an online meeting with the CALUC on November 15, 2022. At the time of writing this report, a letter from the CALUC had not been received.

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.

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, which supports Missing Middle Housing and other ground-oriented residential uses. The OCP envisions densities of approximately 1.1:1 FSR for properties designated as Traditional Residential and approximately three-storied in height.

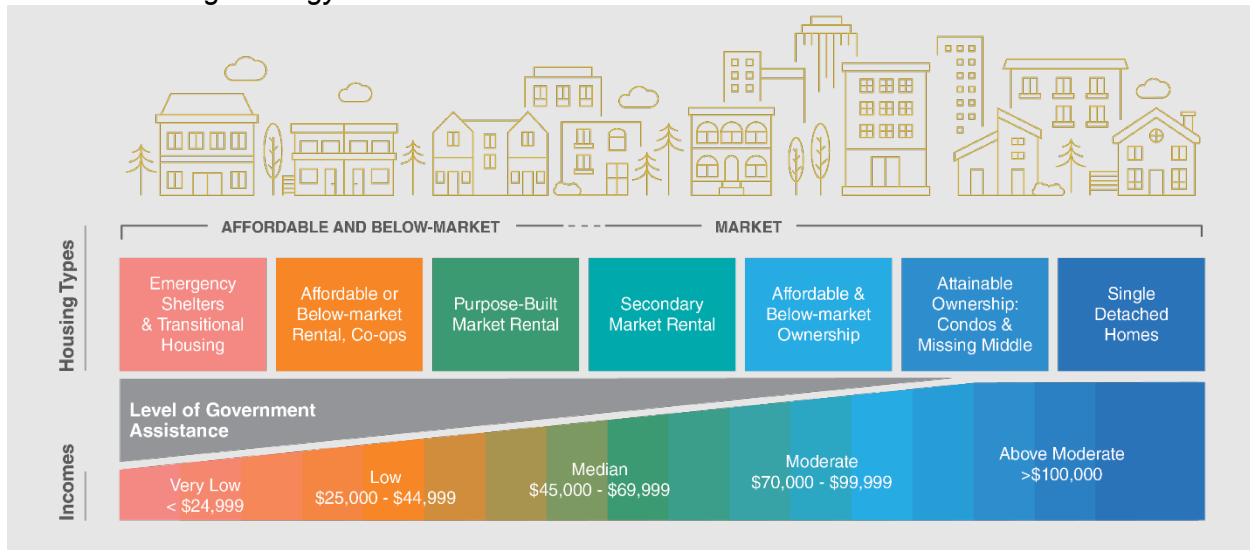
The proposal is consistent with envisioned uses, density and height for Traditional Residential properties as the proposal is for three-storey, ground-oriented multiple dwellings. The proposed two storey units with a density of 0.8:1 FSR are below the 1:1 FSR envisioned in the OCP and are considered appropriate given the site and surrounding context. The proposal also advances other strategic objectives such as activating the public pathway along Russell Street, including three-bedroom units that are suitable for larger families and retention of established trees.

#### Victoria West Neighbourhood Plan

The proposal is generally consistent with the Traditional Residential: General Areas designation in *Victoria West Neighbourhood Plan*, as it achieves the envisioned townhouse housing typologies, meets the 2.5 storey height and is below the 0.85 FSR density.

#### Housing

The application, if approved, would add approximately 18 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*.



**Figure 2. Housing Continuum**

### *Affordability Targets*

The proposal is for twenty ground-oriented multiple dwelling units which at present are to be sold at market rates. This is considered Attainable Ownership: Missing Middle in the above Housing Continuum (Figure 2).

### *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 ten three-bedroom units and ten one-bedroom units.

### *Existing Tenants*

The proposal is to redevelop existing buildings 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.

## **Development Permit with Variances Application**

### Official Community Plan: Design Guidelines

The *Official Community Plan, 2012* (OCP) identifies this property within Development Permit Area (DPA) 15F: Missing Middle Housing. The applicable Design Guidelines are the *Missing Middle Design Guidelines*. The proposal is consistent with these Guidelines as follows:

- the row of townhouses run parallel to Russell Street
- the townhouses have rear yard space in the form of private patios



- a separation distance of 18.5m is provided between the rows of townhouses (the Guidelines recommend a minimum of 5m)
- the proposal has been designed to have minimal impact on neighbouring properties through preservation of existing trees and planting of new trees
- the row of townhouses has been designed to have a strong relationship to Russell Street, with well-defined entry features and direct access to individual units
- a variety of materials and colours are proposed in the exterior treatment of buildings, creating visual interest while being sensitive to the neighbourhood context
- parking has been designed in a clustered format between the two buildings, which minimizes vehicle circulation and hard landscaping across the site.

A few minor amendments to the plans would further align this proposal with the guidelines. These revisions include adding visual interest such as bay windows to the Wilson Street and Edward Street facades and changing the parking lot material to permeable pavers.

### Variances

#### *Setbacks*

The Zoning Regulation Bylaw defines the side setbacks as calculated from Russell Street and the east property line; however, the proposal orients the building such that these are front and rear yards, with Wilson Street and Edward Street acting as side yards. Reducing the Russell Street setback from 4.0m to 2.5m is considered supportable as it allows the front doors to be close to the pedestrian pathway, which allows for activation and “eyes on the street”. The setback variance to the east side yard from 6.0m to 3.8m to the building and 2.85m to the balcony is supportable as the proposal is retaining trees and planting new trees within the setback to minimize privacy concerns and promote neighbourliness.

The variance to the Wilson Street setback from 4.0m to 3.1m and the variance to the Edward Street setback from 6.0m to 3.2m are supportable as they act as side yards which are more conducive to smaller setbacks. However, some additional visual interest can be achieved on the facades that front these streets. The recommended motion seeks to add this visual interest, such as through adding bay windows, to these facades. This may require adjustments to the setback variances, which has been included in the recommended motion.

#### *Parking*

A parking variance is required to reduce the vehicle parking from 25 stalls to seven stalls and the visitor vehicle parking from two stalls to zero stalls. To mitigate potential impacts from this variance the applicant is proposing the following Transportation Demand Management (TDM) measures, which would be secured as a condition of the Rezoning Application:

- long-term bicycle parking that exceeds the requirements set out in Schedule ‘C’
- 20 car share memberships (one for each dwelling unit)
- four BC Transit EcoPasses for a period of no less than five years.

At present the proposal does not meet the minimum one van accessible parking stall requirement nor the short-term bicycle stall parking. The recommended motion includes wording to rectify these discrepancies. On this basis the parking variance is considered supportable.

## 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 exceeding standard requirements 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 20 trees and one hedge have been inventoried. Of these, ten trees and the one hedge are located on the subject lot, and nine of these trees are bylaw protected. There are three existing municipal trees on the Edward Street frontage, five along the Russell Street Frontage, and one along the Wilson Street frontage.

Four bylaw protected trees will require removal as they are in the building area or immediately adjacent to an area where excavation will occur. Three municipal trees would be removed for the installation of a new concrete pathway.

Five on-site bylaw protected trees, all off-site trees and six municipal trees can be retained following the mitigation measures outlined in the arborist report.

The applicant is proposing to plant nine new trees on the subject lot, six of which will be replacement trees planted towards requirements under the Bylaw. Three new municipal trees are proposed on the Russell Street frontage.

## **Resource Impacts**

The applicant is proposing a grassed boulevard on the Wilson Street frontage, which would have an annual maintenance cost of \$500.

## **CONCLUSIONS**

The proposal is generally consistent with the Official Community Plan Traditional Residential Urban Place Designation and the 20 proposed dwelling units will provide a diversity of homes, including family-oriented housing. The siting of the buildings attempts to retain as many existing trees as possible while also providing a new pedestrian pathway through Russell Street. The proposed form and character is generally consistent with applicable design guidelines for Missing Middle Housing. Therefore, it is recommended that Council consider proceeding as outlined in the recommendation.

## **ALTERNATE MOTION**

That Council decline Rezoning Application No. 00842 for the property located at 448 Wilson Street and 422 Edward 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: Plans date stamped October 27, 2023
- Attachment C: Letter from applicant to Mayor and Council dated October 16, 2023
- Attachment D: Tenant Assistance Plan
- Attachment E: Tree Management Plan dated October 9, 2023
- Attachment F: Pre-Application Consultation Comments from Online Feedback Form
- Attachment G: Correspondence (Letters received from residents).