



Committee of the Whole Report

For the Meeting of April 25, 2024

To: Committee of the Whole **Date:** April 3, 2024

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

Subject: Rezoning Application No. 00816 for 522 St. Charles Street, associated Development Variance Permit Application No. 00279, Heritage Designation Application No. 00202

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 April 3, 2024, for 522 St. Charles 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. plan revision to show and label all trees (including ID #'s, protected root zones and canopy spread) for trees to be retained and removed on both site and landscape plans, label replacement trees and update the Tree Preservation Summary tables accordingly, to the satisfaction of the Director of Parks, Recreation and Facilities;
 - b. plan revision to consider new sanitary sewer and storm drain services and dimension the two proposed water services, to the satisfaction of the Director of Engineering and Public Works.
3. That adoption of the zoning regulation bylaw amendment will not take place until:
 - a. third reading of an associated heritage designation bylaw to designate the property known as 522 St. Charles Street, as described in the Statement of Significance attached as Attachment E, pursuant to Section 611 of the *Local Government Act*, to the satisfaction of the Director of Sustainable Planning and Community Development.
4. 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 Variance Permit Application

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

- “1. That subject to the adoption of the necessary zoning regulation bylaw amendment, Council authorize the issuance of Development Variance Permit No. 00279 for 522 St. Charles Street, in accordance with plans submitted to the Planning Department and date stamped by Planning on February 9, 2024, subject to:
 - a. The proposed development meeting all City zoning regulation bylaw requirements, except for the following variances:
 - i. reduce the minimum lot width from 15m to 14.30m for proposed Lot A
 - ii. reduce the minimum front yard setback from 7.50m to 6.10m for proposed Lot A
 - iii. reduce the minimum rear yard setback from 9.23m to 8.23m for proposed Lot A
 - iv. reduce the minimum south side yard setback from 3.00m to 1.54m for proposed Lot B.
2. That the Development Variance Permit, if issued, lapses two years from the date of this resolution.”

Heritage Designation Application

That Council:

1. Instruct the Director of Sustainable Planning and Community Development to prepare a heritage designation bylaw that would designate the property at 522 St. Charles Street, that first and second reading of the bylaw be considered by Council and that a public hearing date be set.
2. Approve the Statement of Significance for 522 St. Charles Street attached as Attachment E to this report recognizing the building exterior as the historic features of the property.

LEGISLATIVE AUTHORITY

This report discusses concurrent Rezoning, Development Variance Permit and Heritage Designation applications. Relevant rezoning considerations include the supportability of rezoning to the R1-B Zone as well as a site-specific zone in order to permit subdivision, considerations related to the application for heritage designation include the heritage merit of the existing building, and relevant Development Variance Permit considerations related to the impact of the variances pertaining to lot width and setbacks.

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 498 of the *Local Government Act*, Council may issue a Development Variance Permit that varies a *Zoning Regulation Bylaw* provided the permit does not vary the use or density of land from that specified in the *Zoning Regulation Bylaw*.

In accordance with Section 611 of the *Local Government Act*, Council may designate real property, in whole or in part, as protected property. In accordance with section 611 (2)(c), a heritage designation bylaw may apply to fixtures identified in the bylaw.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning Application and Development Variance Permit Application for the property located at 522 St. Charles Street. The owner wishes to subdivide the property, which requires a minimum lot size of 1483.65m² in the R1-A Zone, Rockland Single Family Dwelling District; therefore, the proposal requires rezoning. The proposal is to

- Rezone a portion of the subject property (proposed Lot A) from the R1-A Zone, Rockland Single Family Dwelling District, to the R1-B Zone, Single Family Dwelling District, to permit subdivision of the property and construction of a single-family dwelling.
- Rezone the remaining portion of the subject property (proposed Lot B) to create a site-specific zone that would permit an existing three-unit house conversion proposed for retention and heritage designation, with an additional rental unit also proposed in an unfinished portion of the existing building.
- A concurrent Development Variance Permit Application pertains to reduced lot width for proposed Lot A as well as front and rear setbacks for the proposed single-family dwelling on Lot A and the south side yard setback for the existing building on Lot B.

The following points were considered in assessing the Rezoning Application:

- The proposed rezoning is consistent with the *Official Community Plan (OCP)* Traditional Residential Urban Place Designation, which envisions ground-oriented residential uses, including single-family dwellings and house conversions to multiple dwellings.
- The OCP includes policies to encourage heritage protection through zoning allowances to enable residential infill that is sensitive to context.
- The *Rockland Neighborhood Plan* and the OCP's strategic direction for Rockland contain policies to balance sensitive infill development with the conservation of historic features and estate-like character of larger lots.
- The application includes a 2.38m wide road dedication along the St. Charles Street frontage to help achieve a standard collector road right-of-way at this location and accommodate a wider sidewalk and space for boulevard trees.

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

- The proposed reduction in lot width for proposed Lot A (to contain a new single-family dwelling) is considered supportable because both resulting side yard setbacks will meet R1-B Zone requirements.
- The proposed reduction in the front yard setback for proposed Lot A is considered supportable because the variance is a result of the 2.38m road dedication requirement that will facilitate frontage improvements.
- The proposed reduction in the rear yard setback for proposed Lot A is considered supportable as the siting of the new dwelling further into the rear yard will assist in maintaining the prominence of the heritage building.
- The proposed reduction in the side yard setback for proposed Lot B is considered supportable as it will not impact neighbouring properties.

BACKGROUND

Description of Proposal

This proposal is to rezone a portion of the property (proposed Lot A) from the R1-A Zone to the R1-B Zone and another portion of the property (proposed Lot B) from the R1-A Zone to a site-specific zone. This would permit subdivision of the property and construction of a single-family dwelling on Lot A, with heritage designation and retention of the three-unit house conversion on Lot B. In addition, a rental unit would be added in an unfinished portion of the house conversion.

The proposed variances include:

- reducing the minimum lot width from 15m to 14.30 for proposed Lot A
- reducing the minimum front yard setback from 7.50m to 6.10m for proposed Lot A
- reducing the minimum rear yard setback from 9.23m to 8.23m for proposed Lot A
- reducing the minimum south side yard setback from 3.00m to 1.54m for proposed Lot B.

Figure 1. Aerial Map



Land Use Context

The area is characterized by single-family dwellings, including heritage registered and designated properties. In addition, there is a four-unit strata development located to the north at 534-580 St. Charles Street.

Existing Site Development and Development Potential

The site is presently used as a house conversion containing three units, including one three-bedroom unit and two one-bedroom units.

Under the current R1-A Zone, the property could be further developed as heritage conserving infill, which could include a single-family dwelling, two-family dwelling or houseplex, subject to the requirements contained in the *Missing Middle Regulations*.

Data Table

The following data table compares proposed Lot A (new lot) with the proposed R1-B Zone and proposed Lot B (containing the house conversion) with the existing R1-A Zone and the *House Conversion Regulations*. An asterisk is used to identify where the proposal does not meet the requirements of the existing or proposed zone. A double asterisk is used to identify where the existing building is legal non-conforming to the R1-A Zone or *House Conversion Regulations*.

Zoning Criteria	Proposal (Lot A)	Zone Standard (R1-B)	Proposal (Lot B)	Zone Standard (R1-A)
Site area (m ²) (min.)	526.70	460	732.45*	1483.65
Lot width (m) (min.)	14.30*	15	19.81*	24
1st & 2nd storey floor area (m ²) (max.)	242.26	280	343.87	n/a
Combined floor area (m ²) (max)	299.10	300	560.60	N/A
Height (m) (max.)	7.45	7.60	8.77**	7.60
Storeys (max.)	2	2	3.50**	2.50
Basement	Yes	Permitted	No	Permitted
Setbacks (m) (min.)				
Front	6.10*	7.50	14.14	10.50
Rear (west)	8.23*	9.23	0** (0.48m existing encroachment)	9.23
Side (north)	1.50	1.50	3.58	3
Side (south)	3	3	1.54*	3
Combined Side Yards	4.50	4.50	5.12	n/a

Zoning Criteria	Proposal (Lot A)	Zone Standard (R1-B)	Proposal (Lot B)	Zone Standard (R1-A)
Site coverage (%) (max.)	39.54	40	32.49	40
Parking (min)	1	1	1	0
Parking location	Interior garage		Front yard**	Not in front yard
House Conversion				
Date of construction	-	-	1913	
Number of dwelling units (max)			4	10 ¹
Minimum unit area (m ²) (min.)	-	-	45.95	33
Landscape - total lot (%) (min.)	-	-	45.25	30
Side yard landscape strip (min. width)	-	-	0**	0.60
Side yard landscape screen - height	-	-	0**	1.50

1. For heritage designated buildings, the *House Conversion Regulations* require 300m² of habitable floor area for the first five units and 46m² of floor area per additional unit.

Sustainable Mobility

No sustainable mobility improvements beyond minimum City standards are proposed in association with this application.

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 December 16, 2021. 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 meeting with the CALUC on January 17, 2021. A letter dated January 21, 2021 along with the comment forms are attached to this report.

Section 464(3) of the *Local Government Act* prohibits a local government from holding a public hearing for a rezoning application that is consistent with the OCP and is intended to permit residential development. However, notice must still be sent to all owners and occupiers of adjacent properties prior to introductory readings of the zoning regulation bylaws. The *Local Government Act* requires a public hearing for Heritage Designation applications; therefore, the recommendation includes authorizing a public hearing for the heritage designation bylaw prior to final adoption of the zoning regulation bylaw amendment.

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 OCP Urban Place Designation for the subject property is Traditional Residential, which envisions ground-oriented residential uses. The OCP anticipates densities of up to approximately 1.1:1 FSR for Traditional Residential properties, with building heights of approximately three-storeys. The proposal is consistent with the Traditional Residential designation in terms of use and density, with single-family and house conversion uses and a combined density under 1.1:1 FSR.

The strategic direction specific to Rockland includes supporting the maintenance of existing dwellings and large lot character through sensitive infill that preserves green space and estate features. While the proposal will result in subdivision and loss of greenspace, it will also preserve and improve the historic building and add housing through sensitive infill.

The OCP includes other strategic objectives that are advanced by the proposal, including:

- housing that is suitable for larger households
- heritage designation and improvements to a heritage building
- retention of existing rental units and addition of one new rental unit
- road dedication to advance mobility objectives.

Rockland Neighbourhood Plan

The *Rockland Neighborhood Plan* contains policies that focus on the retention of heritage buildings, landscape and streetscape features and preserving the estate-like character of larger lots. In addition, the plan envisions new development forms that are complementary to surrounding heritage sites. The proposal includes subdivision to create one new lot that would not meet the minimum area in the R1-A zone; however, the proposed single-family use and efforts to designate and improve the heritage building on the property align with specific objectives in the plan.

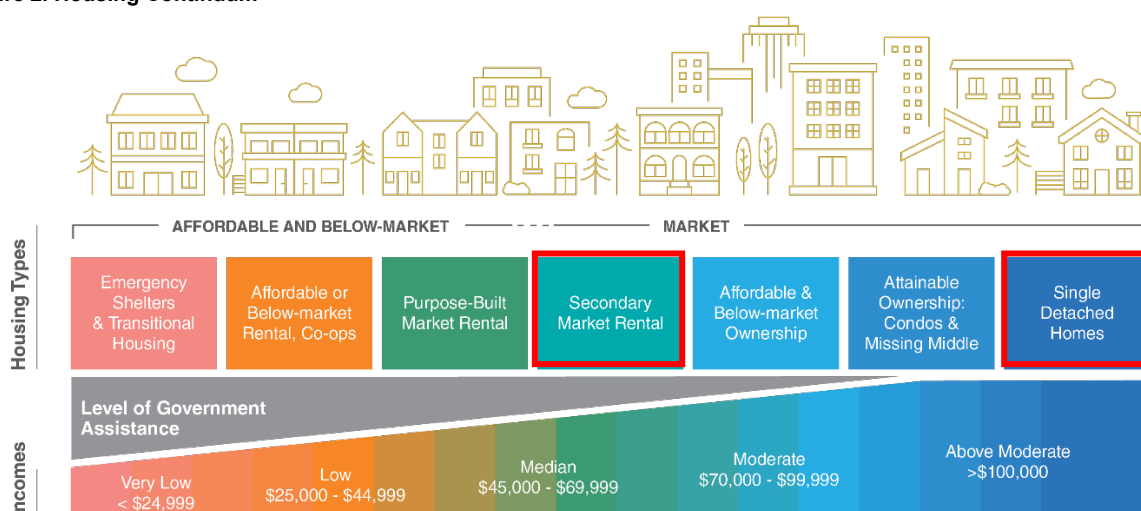
Housing

The application, if approved, would add two new residential units (one single-family dwelling and one new basement rental suite in the existing house conversion), 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 the retention of one three-bedroom unit and two one-bedroom units and the creation of a new two-bedroom basement unit in the heritage home. In addition, one three-bedroom single-family dwelling is proposed on the new lot (to be occupied by the owner).

Figure 2. Housing Continuum



Existing Tenants

There are no tenant impacts associated with this proposal.

Development Variance Permit Application

The proposed subdivision and development triggers variances related to lot width and setbacks.

Lot Width

For proposed Lot A, a variance is required to reduce the minimum lot width from 15m to 14.24m. The variance is considered supportable given that the variance amounts to less than a metre reduction and the side yard setbacks of the R1-B Zone requirements are met.

Setbacks

For proposed Lot A, there are two setback variances required, including reductions to the front yard setback from 7.50m to 6.10m, and the rear yard setback from 9.23m to 8.23m.

- The reduced front yard setback is considered supportable as the variance is the result of the applicant providing a 2.38m road dedication, which will facilitate frontage improvements to improve the sidewalk and boulevard on St. Charles Street.
- The reduced rear yard setback is considered supportable as the siting of the new building further into the rear yard will assist with maintaining the visual prominence of the heritage building without resulting in additional tree impacts.

For proposed Lot B, containing the heritage conversion, a reduction in the south side yard setback from 3m to 1.54m is proposed. This variance is considered supportable as the reduced side yard would be between the proposed new home and the existing house conversion and will, therefore, not impact neighbouring properties.

Accessibility

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

Sustainability

The application does not identify any sustainability features associated with this proposal.

Heritage Designation

The application for the designation of the 3.5-storey house as a Municipal Heritage Site is for a building that is an example of an Arts and Crafts home, typical of its pre-WWI era and Rockland district location. Significant architectural features include a multi-gabled roof profile, the gabled front entrance roof and dormer, and the Craftsman detailing including heavy eaves brackets, dentil trim, and exposed rafter tails. The home also contains many original stained-glass windows on the north elevation. For more information about the history of the home and a complete list of character-defining elements, see Attachment E: Statement of Significance.

The designation of the residence as a Municipal Heritage Site is consistent with relevant City policies and the OCP's strategic directions for Rockland. At its March 12, 2024 meeting, the Heritage Advisory Panel recommended that Council approve the Heritage Designation Application No. 000202 for 522 St. Charles Street.

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.

A total of 30 trees and one hedge have been inventoried.

- On proposed Lot A: 20 trees, of which 12 of which are bylaw protected. Three bylaw protected trees will require removal: one tree is adjacent to an area where excavation will occur for the proposed building, and two trees will require removal to accommodate the new sidewalk within the road dedication.
- On proposed Lot B: Seven trees, three of which are bylaw protected, and one non-bylaw protected hedge. Two bylaw protected trees will require removal to accommodate the new sidewalk within the road dedication.

- On the St. Charles Street frontage, two municipal trees will require removal to accommodate the new driveway to proposed Lot A and proposed frontage works.

The applicant is proposing to plant three replacement trees on proposed Lot A and two replacement trees on proposed Lot B to meet the requirements under the Bylaw. Three municipal trees are proposed on the St. Charles Street frontage.

Resource Impacts

Increased Inventory	Annual Maintenance Cost
Street Trees – 1 net new	\$60
Turf Maintenance	\$300

CONCLUSIONS

The proposal is consistent with the OCP Traditional Residential Urban Place Designation and the proposed single-family dwelling as well as the existing and new units in the house conversion will contribute to the objective of increasing the City's ground-oriented housing supply. The proposed heritage designation furthers the OCP and neighbourhood plan objectives to preserve heritage buildings. The proposed variances are considered supportable in order to facilitate sensitive infill of a heritage property. Therefore, it is recommended that Council consider proceeding as outlined in the recommendation.

ALTERNATE MOTION

That Council decline Rezoning Application No. 00816 for the property located at 522 St. Charles Street.

Respectfully submitted,

Patrick Carroll
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: Subject Map
- Attachment B: Plans date stamped February 9, 2024
- Attachment C: Letter from applicant to Mayor and Council dated February 8, 2024
- Attachment D: Arborist Report dated February 1, 2024
- Attachment E: Statement of Significance
- Attachment F: Heritage Advisory Panel Minutes
- Attachment G: Community Association Land Use Committee Comments dated January 21, 2022
- Attachment H: Pre-Application Consultation Comments from Online Feedback Form