



Committee of the Whole Report For the Meeting of May 23, 2024

To: Committee of the Whole **Date:** May 9, 2024

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

Subject: **Rezoning Application No. 00844 and Development Permit with Variances Application No. 00266 for 1035 Russell 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 May 9, 2024 for 1035 Russell 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. Revise the plans to provide one van accessible parking stall and adjust the proposed variances if necessary, to the satisfaction of the Director of Sustainable Planning and Community Development.
 - b. Revise the Tenant Assistance Plan, to the satisfaction of the Director of Sustainable Planning and Community Development, to meet expectations of the Tenant Assistance Policy, and more specifically to include:
 - i. Rent compensation for eligible tenants as per length of tenancy and at 2022 CMHC average rents or tenant's rent, whichever is higher.
 - ii. Relocation support for eligible tenants with at least three housing options that are comparable in size, location and price, and which meet tenant needs.
 - c. Revise the arborist report, site survey, landscape plan and civil plan to the satisfaction of the Director of Parks, Recreation and Facilities.
3. That following the third reading of the zoning amendment bylaw, 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. a 2.47m wide Statutory Right of Way on Russell 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.

Development Permit with Variances

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 Permit with Variances No. 00266 for 1035 Russell Street, in accordance with plans submitted to the Planning department and date stamped by Planning on December 1, 2023, subject to:
 - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. reduce the side (east) setback from 4.0m to 3.01m;
 - ii. reduce the rear (south) setback from 4.0m to 1.52m;
 - iii. increase the site coverage from 50% to 53.3%;
 - iv. decrease the open site space requirement from 45% to 40.18%;
 - v. decrease the number of required visitor parking stalls from 1 to 0; and
 - vi. decrease the number of required van accessible parking stalls from 1 to 0.
 - b. Final plans generally in accordance with the plans date stamped December 1, 2023, with the following revisions:
 - i. Modifications to the Russell Street frontage to accommodate additional landscaping and simplifying the design of the building, as stated in the letter from the Applicant dated April 9, 2024.
 - ii. Revised plans to the satisfaction of the Director of Engineering are required that addresses the following:
 - Ensure doors do not swing out across a public sidewalk or statutory right of way.
 - Correct the alignment of Raynor Street and ensure all drawings are consistent.
 - Move the sidewalk to align with the property line along Raynor Street and the inbound SRW boundary along Russell Street and ensure all drawings are consistent.
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.

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 *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 1035 Russell Street. The proposal is to rezone from the R-2 Zone, Two Family Dwelling District to a new zone based on the Missing Middle Regulations for Corner Townhouses, to permit eight ground-oriented townhouse units in a single building.

The following points were considered in assessing the Rezoning Application:

- The proposal is consistent with 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 to support a diverse, inclusive, and multigenerational community.
- The rezoning application is also consistent with the *Victoria West Neighbourhood Plan* which identifies the property as Traditional Residential and further identifies this property in the Craigflower Village Adjacent Sub-Area. Within this sub-area, a range of attached housing including ground-oriented townhouses with density up to 1.5:1 floor space ratio (FSR) is supported.
- The proposal exceeds the floor space ratio for a corner townhouse in the Missing Middle regulations resulting in the need for the application to proceed through the rezoning process.
- The proposal includes a 2.47m wide statutory right-of-way along the Russell Street frontage which contributes to achieving a standard road width and provides space for an improved sidewalk and boulevard at this location.
- The applicant has provided a Tenant Assistance Plan (TAP), however, it does not meet the expectations of the *Tenant Assistance Policy* because it fails to provide sufficient rent compensation and relocation support for eligible tenants.

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, site coverage, and visitor and accessible parking. 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 *Victoria West Neighbourhood Plan* design guidelines in terms of visual character and siting.
- The variance to the side (east) setback is considered supportable with landscaping and fencing being added along the property line and there would be minimal overlook on the adjacent residence because it is at a higher elevation than the proposed townhouses.
- The variance to the rear (south) setback is also considered supportable due to landscaping that will be added between the building and the lot line, minimal impact of windows on the south elevation and the distance to the residence on the adjacent lot.
- The variances to the site coverage and open site space requirements are nominal and unlikely to have a noticeable impact on the street or adjacent properties.
- 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 the van accessible parking requirement is not considered supportable because the applicant could, for example, merge two non-accessible stalls to create one van accessible stall.

BACKGROUND

Description of Proposal

This proposal is to rezone from the R-2, Two Family Dwelling District, to a new zone based on the Missing Middle Regulations, to increase the density from 0.5:1 floor space ratio (FSR) to 1.23:1 FSR and allow eight ground-oriented townhouse units in a single row fronting onto Russell Street. Parking would be located underneath the building.

The associated Development Permit with Variances is to allow the construction of one building with eight townhouses, underground parking, and landscaping. The proposed variances are related to:

- reducing the side (east) setback from 5.0m to 3.01m;
- reducing the rear (south) setback from 5.0m to 1.52m;
- increasing the site coverage from 50% to 53.3%;
- decreasing the open site space from 45% to 40.18%;
- decreasing the number of required visitor parking stalls from 1 to 0; and,
- decreasing the number of required van accessible parking stalls from 1 to 0.

Land Use Context

The subject site is one of two properties on a short section of Russell Street. Across Raynor Street to the north and adjacent to the subject site on the east and south, the area is characterized by a mix of single family and two-family dwellings. Immediately across Russell Street to the west is a restaurant and just beyond that across Craigflower Road is the Craigflower Village. Also, nearby to the north of the subject site is Victoria West Community Centre and Banfield Park.

Existing Site Development and Development Potential

The site is presently used as a two-family dwelling (duplex). Under the current R-2, Two Family Dwelling District, the property is being utilized to its maximum potential. Schedule P: Missing Middle Regulations also applies in the current zone, which would permit corner townhouses up to 12 dwelling units on the lot.



1035 Russell Street
Rezoning No.00844



Data Table

The following data table compares the proposal with the Missing Middle Regulations for Corner Townhouses . An asterisk is used to identify where the proposal does not meet the requirements of the Missing Middle Regulations.

Zoning Criteria	Proposal	Missing Middle Regulations – Corner Townhouse	Victoria West Neighbourhood Plan
Site area (m ²) – minimum	735.6	n/a	
Number of units – maximum	8	12	
Density (Floor Space Ratio) – maximum	1.23:1*	1.1:1 (where road dedication is provided as an amenity)	1.5:1
Total floor area (m ²) – maximum	906.54	1410	
Lot width (m) – minimum	18.29	18	
Height (m) – maximum	8.7	12	10.7
Storeys – maximum	3	n/a	3
Site coverage (%) – maximum	53.27*	50	
Open site space (%) – minimum	40.18*	45	
Number of buildings on a lot	1	1	Townhouse in a single row
Setbacks (m) – minimum			
Front - Raynor	2.23	2.0	
Front yard projections (max)	1.55	2.0	
Rear – South	1.52*	5.0	
Side (east)	3.01*	5.0	
Side on flanking street – Russell	3.4	2.0	

Zoning Criteria	Proposal	Missing Middle Regulations – Corner Townhouse	Victoria West Neighbourhood Plan
Vehicle parking – minimum	8	7	
Visitor parking included in the overall units – minimum	0*	1	
Van accessible stalls – minimum	0*	1	
Bicycle parking - long term	12	8	
Bicycle parking - short term	6	6	

Sustainable Mobility

The application proposes 12 long term bicycle parking spaces, and each residential unit will be provided with electric vehicle and e-bike charging capabilities which supports multimodal transportation.

Public Realm

The proposal includes a 2.47m wide statutory right-of-way along the Russell Street frontage which contributes to achieving a standard road width and provides space for an improved sidewalk and boulevard at this location.

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 March 21, 2023. The applicant participated in a community meeting with the CALUC. A letter dated June 19, 2023, summarizing the comments from that meeting is attached to this report. Revised plans were referred to the CALUC on August 3, 2023, and December 7, 2023, but additional comments from the CALUC have not been received.

In response to the consultation the applicant moved the building closer to Russell Street to increase the distance of the building from the east lot line and the adjacent residence. A new fence and additional landscaping will also be installed to mitigate impacts to the neighbouring residence.

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.

Advisory Design Panel

This application was reviewed by the Advisory Design Panel (ADP) on March 27, 2024. A copy of the minutes from this meeting are attached. At that meeting, the following motion was passed:

That the following modifications are recommended for the townhouse building subject to Development Permit with Variances Application No. 00266 for 1035 Russell Street:

- *Consider moving the building away from the Russell Street lot line.*
- *Consider simplifying the design of the building.*

In response, the applicant committed to moving portions of the building further away from the sidewalk and in those locations providing additional landscaping. The applicant also committed to simplifying the design of the building. These changes would be required prior to the issuance of the Development Permit with Variances.

ANALYSIS

Rezoning Application

Official Community Plan

The *Official Community Plan (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 eight 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 an eight-unit ground level townhouse development within Traditional Residential areas in a manner that is compatible with and respects the established character of the neighbourhoods.

Victoria West Neighbourhood Plan

The *Victoria West Neighbourhood Plan* identifies the property as Traditional Residential and locates the property within the Craigflower Village Adjacent sub-area, which provides opportunities for development complementary to the adjacent small urban village. This sub-area envisions various housing types including townhouses in a single row with up to a maximum density of 1.5:1 FSR. The *Victoria West Neighbourhood Plan* supports units to be built close to the street and for residential development that complements the village in form, scale and design. The application, to rezone to a new zone based on the Missing Middle Regulations, is consistent with this policy direction.

Housing

The application, if approved, would add eight 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*.

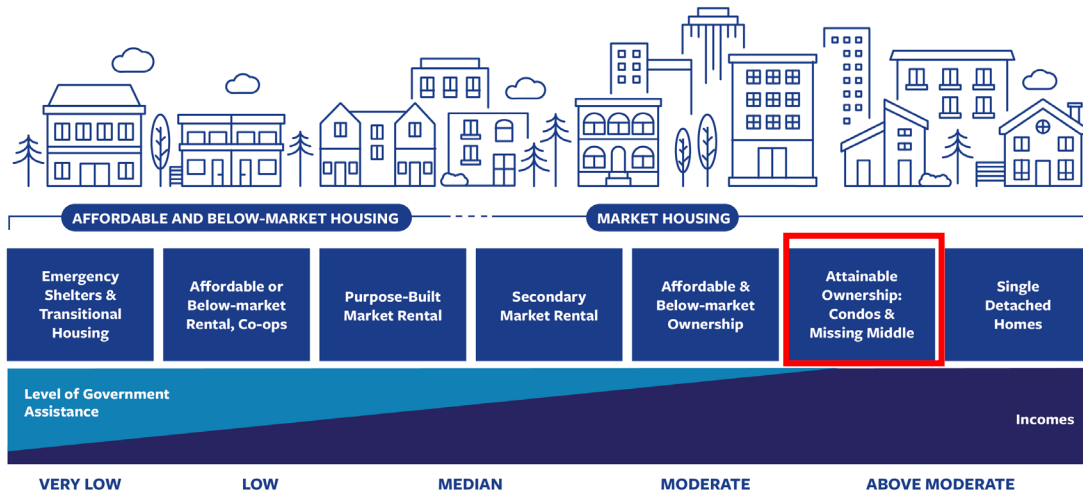


Figure 1. Housing Continuum

Housing Mix

At present there is no policy that provides targets regarding housing mix and unit type is not regulated or secured. As submitted, this application proposes eight two-bedroom townhouse units with three units being designed with the option of a third bedroom or separate studio suite on the ground floor.

Existing Tenants

The proposal is to demolish an existing building which would result in a loss of four existing two-bedroom residential rental units. The applicant has provided a Tenant Assistance Plan (TAP), however, it does not meet the expectations of the *Tenant Assistance Policy* because it fails to provide:

- rent compensation for eligible tenants as per length of tenancy and at 2022 CMHC average rents or tenant's rent, whichever is higher
- relocation support for eligible tenants with at least three housing options of comparable size, location and price, and which meet tenant needs.

There is only one eligible tenant, however, the applicant has indicated they do not want to make further changes to the TAP to bring it into alignment with policy. Nevertheless, should Council choose to advance the application, the recommendation includes a condition to update the TAP to meet the policy prior to Council consideration of the zoning amendment bylaw.

Development Permit with Variances Application

Official Community Plan: Design Guidelines

The 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 a built form of up to three storeys.

Victoria West Neighbourhood Plan

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

- provide a range of ground-oriented forms of housing appropriate to lot size and context;
- for townhouses oriented to the longer frontage of a corner lot, front setbacks of 2.5 metres; may be considered where sufficient green space is provided in the boulevard to support at least medium-sized canopy street trees; and
- to provide sensitive transitions to adjacent lower-scale development, considering massing, access to sunlight, appearance of buildings and landscape, and privacy.

Variances

This application is seeking variances to the front, rear and side setbacks, site coverage and the number of visitor and accessible parking stalls,

Side (east) setback

This is a variance to reduce the side setback from 4.0m to 3.01m. With the front doors of the building oriented onto Russell Street, the east side of the lot becomes the rear yard of the townhouse units.

Complying with the side (east) setback requirement is challenging given the narrow width of the lot, the provision of a 2.47m SRW for Russell Street and locating the sidewalk on the subject property. The proposed location of the building is 3.07m from the Russell Street lot line, however, the building is proposed to be less than 0.50m from the sidewalk in certain locations. Increasing the side setback would result in the building abutting the sidewalk and leaving no room for landscaping or additional space. After the Advisory Design Panel meeting, the applicant committed to modifications to the building frontage on Russell Street that would create additional space between the building and the sidewalk and in those areas installing additional landscaping.

At the rear of each townhouse unit there would be a small patio area; a new fence and landscaping are proposed for the privacy of the units and to mitigate impacts on the adjacent property. The adjacent property is at a slightly higher elevation which further limits potential negative impacts with the reduced side setback. Therefore, support for this variance is recommended.

Rear (south) Setback

This is a variance to reduce the rear setback from 4.0m to 1.52m. While this is technically the rear setback, given the orientation of the building towards Russell Street, it reads more like a side setback. The windows on the end unit townhouse on this side of the building are not large and would have minimal overlook onto the adjacent property. Landscaping and a new fence are also proposed on this side of the property which would further mitigate impacts on the adjacent property. Therefore, support for this variance is recommended.

Site Coverage and Open Site Space

With a depth of 18.29m, this property is slightly above the minimum requirement in the Missing Middle regulations. Variances are proposed to increase the maximum site coverage from 50% to 53.27% and to decrease the minimum open site space requirement from 45% to 40.18%. Given

that these variances are not significant, and that any resulting impacts would be negligible, support for these variances is recommended.

Parking (visitor)

This is a variance to reduce the number of visitor parking stalls from one to zero spaces. The site is close to a 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. Therefore, support for this variance is recommended.

Parking (accessible)

This is a variance to reduce the number of van accessible parking stalls from one to zero spaces. The application proposes a total of eight standard size parking stalls configured as two four-stall underground parking areas beneath the row of townhouses. The *Zoning Regulation Bylaw* requires the provision of seven parking stalls and one van accessible parking stall. To address this, it was requested that two standard parking stalls be merged to create one van accessible stall; however, the applicant has maintained the eight parking stalls to provide a parking stall for each dwelling unit, which does not leave space for a larger accessible stall. As an alternative, they proposed that an accessible parking stall be provided on the street immediately adjacent to the site but this would not meet the intent of the bylaw to provide accessible parking stalls on-site for residents of the development.

The accessible parking requirements were recently introduced to support housing options for people of all abilities. The property is within walking distance of the Craigflower Village and close to a major public transit route and bicycle route; therefore, a one stall parking variance to accommodate a van accessible parking stall is considered supportable. The recommendation includes the appropriate language to ensure the plans are revised to provide a van accessible stall prior to introduction of the zoning amendment bylaw.

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 neighborhoods.

A total of eight trees have been inventoried, of which two are on municipal property. Two on-site bylaw protected trees are proposed for removal to accommodate a new driveway crossing and the proposed sidewalk on Russell Street. The *Tree Protection Bylaw* requires four replacement trees. The current proposal shows three replacement trees; therefore, the applicant will be required to pay \$2000 for cash-in-lieu towards the City's Tree Reserve Fund (\$2,000 X 1 replacement trees not planted). Four municipal trees with irrigation are proposed in a new grass boulevard on Russell Street.

CONCLUSIONS

The proposal to rezone the subject property to permit the construction of an eight-unit ground level townhouse development is consistent with the objectives found in the *Official Community Plan, 2012* and the *Victoria West Neighbourhood Plan*. The development, as proposed, would provide a transition between the residential land uses and the adjacent Craigflower Village. The rezoning and variances would allow the construction of the eight-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. 00844 for the property located at 1035 Russell 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 December 1, 2023
- Attachment B: Letter from applicant to Mayor and Council dated April 25, 2024
- Attachment C: Arborist report dated December 1, 2023
- Attachment D: Community Association Land Use Committee Comments dated June 19, 2023
- Attachment E: Tenant Assistance Plan
- Attachment F: Advisory Design Panel minutes of March 27, 2024