



## Committee of the Whole Report

### For the Meeting of April 18, 2024

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**To:** Committee of the Whole **Date:** April 4, 2024

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

**Subject:** Rezoning Application No. 00809 and Development Permit Application No. 000639 for 1212 Vista Heights

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### RECOMMENDATION(S)

#### 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 March 1, 2024, for 1212 Vista Heights.
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.
3. 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 Application

That Council consider the following motion:

1. That subject to the adoption of the necessary Zoning Regulation Bylaw amendment, Council authorize the issuance of Development Permit No. 000639 for 1212 Vista Heights, in accordance with plans submitted to the Planning department and date stamped by Planning on February 15, 2024.
2. That the Development Permit, if issued, expires two years from the date of this resolution.

### LEGISLATIVE AUTHORITY

This report discusses a Rezoning Application and concurrent Development Permit Application. Relevant rezoning considerations include the addition of a new two-family dwelling unit (duplex) as a permitted use, while the relevant Development Permit considerations relate to the applications consistency with the missing middle housing design guidelines.

## 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.

## EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning Application and Development Permit Application for the property located at 1212 Vista Heights in the Hillside Quadra Neighbourhood Area.

The proposal is to rezone from the R1-B, Single Family Dwelling District, to the R-2 Zone, Two Family Dwelling District to permit the construction of a new two-family dwelling unit (duplex) on the subject property. The existing single-family dwelling and detached garage are proposed to be demolished.

The following points were considered in assessing the Rezoning application:

- The proposal is consistent with the Traditional Residential designation in the *Official Community Plan, 2012* (OCP), which envisions ground-orientated dwellings up to a maximum density of 1.1:1 floor space ratio (FSR).
- The *Hillside Quadra Neighbourhood Plan* contains policies to maintain and enhance a diversity of housing and the plan encourages consideration of rezoning applications to permit two-family dwellings.
- The subject property is 568.87m<sup>2</sup> in size and 16.59m wide, which is generally consistent with the recommended minimum lot size and width specified in the *Neighbourliness Guidelines for Duplexes*.

There is a concurrent Development Permit application pertaining to the form and character, exterior design, finishes, and landscaping. No variances are required to facilitate the proposal.

The following points were considered in assessing the Development Permit application:

- The front entrances have been located and designed to create building identity, distinguish between individual units, and create visual interest for pedestrians.
- Landscaping has been incorporated within the driveway area to soften the impacts of front yard parking and emphasize unit entryways where they are accessed from a driveway.
- The design delineates private front yard spaces, porches, and patios from the public realm and creates a semi-private transitional zone, while maintaining visibility of unit entrances.

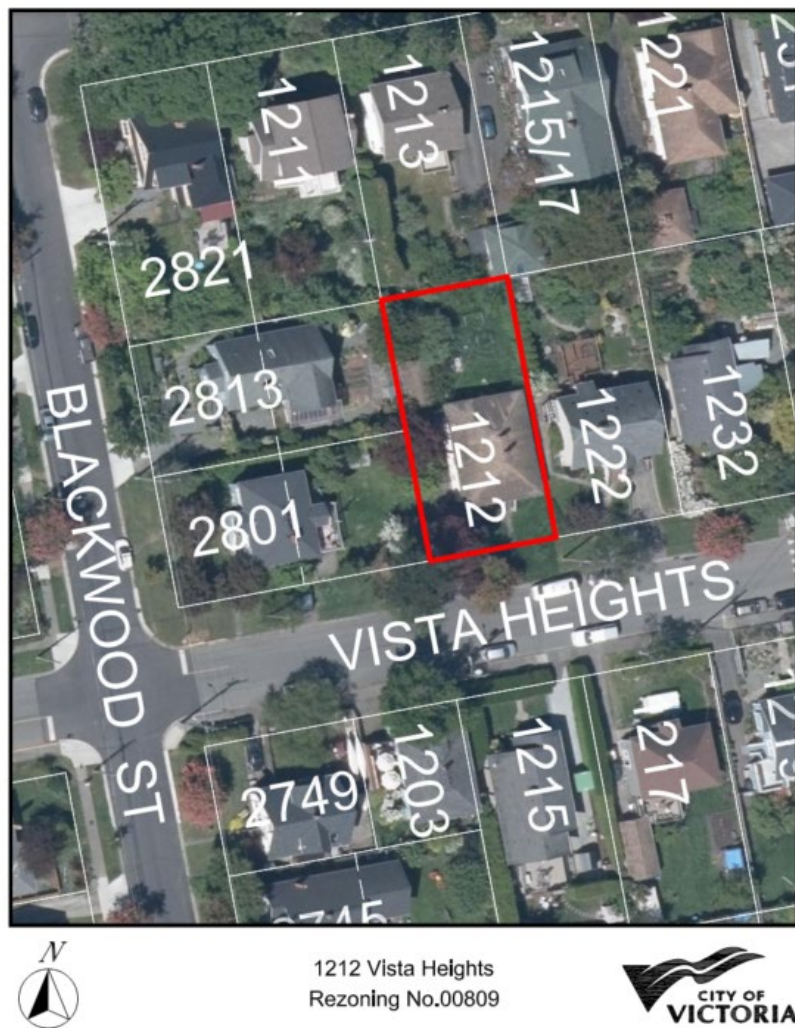
## BACKGROUND

### Description of Proposal

The proposal is to rezone the subject property from the R1-B Zone, Single Family Dwelling District, to the R-2 Zone, Two Family Dwelling District, to permit the construction of a new two-family dwelling unit (duplex). In addition to permitting two-family dwellings as a permitted use, the subject property would be regulated by the provisions of the R-2 Zone.

### Land Use Context

The area is characterized by single-family dwellings.



**Figure 1. Aerial Map**

### Existing Site Development and Development Potential

The site is presently used as a single-family dwelling with a detached accessory structure (garage). Under the current R1-B, Single Family Dwelling District Zone, the property could be

redeveloped as a single-family dwelling, which could contain a secondary suite or garden suite.

Alternatively, the property could be redeveloped as a houseplex with up to six units, subject to Schedule P of the Zoning Regulation Bylaw, Missing Middle Regulations and DPA 15F: Missing Middle Housing design guidelines.

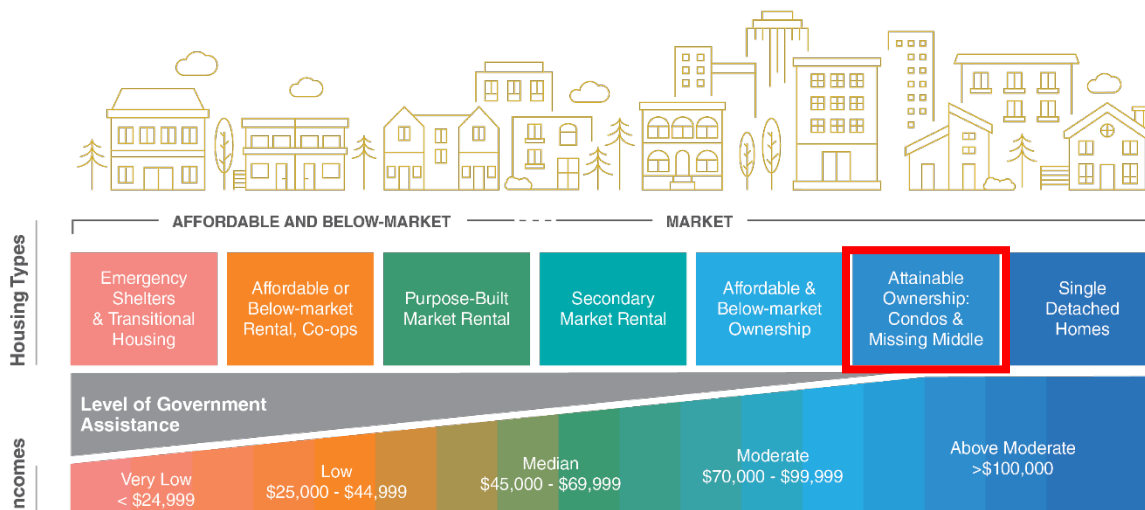
## Data Table

The following data table compares the proposal with the existing R1-B Zone. No variances are required to facilitate construction of the proposed new residential two-family dwelling unit (duplex).

Zoning Criteria	Proposal	R-2 Zone
Site area (m <sup>2</sup> ) – minimum	568.87	555.00
Number of units – maximum	2	2
Density (Floor Space Ratio) – maximum	0.45:1	0.50:1
Total floor area (m <sup>2</sup> ) – maximum	253.53	380.00
Combined floor area (m <sup>2</sup> ) (max)	253.53	380.00
Lot width (m) – minimum	16.59	15.00
Height (m) – maximum	7.13	7.60
Storeys – maximum	2	2
Basement	no	Not permitted for 2 storey buildings
Roof deck	no	Not permitted
Site coverage (%) – maximum	25.55	40.00
Open site space (%) – minimum	63 %	30 %
Number of dwellings units in an attached dwelling	2	2
Setbacks (m) – minimum		
Front	7.5m	7.50m
Rear	12.02m	12.00m
Side (west)	3.00m	3.00m
Side (east)	2.17m	1.66m
Combined side yards	5.17m	4.50m
Parking – minimum	2	2

## Housing

The application, if approved, would add two new residential units for market strata ownership, 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**

## *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.

## *Existing Tenant*

The proposal to demolish the existing single-family dwelling in order to build a new two-family dwelling (duplex) would result in a loss of one existing residential rental unit. The sole tenant currently residing on the property is ineligible for compensation under the City's Tenant Assistance Policy but will still be provided with compensation as per the *Residential Tenancy Act*.

A copy of the Tenant Assistance Plan is attached to this report for review.

## **Accessibility**

No accessibility improvements are proposed beyond what is required through the *British Columbia Building Code*. However, Schedule C of the Zoning Regulation Bylaw requires the applicant to provide one van accessible parking space, which the current design includes.

## **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 September 8, 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 posted on site, to notify those passing by of this consultative phase. Additionally, the applicant participated in a Hillside Quadra Neighbourhood Action Committee (CALUC) meeting on September 28, 2021. A letter dated October 18, 2021, along with the comment forms, are attached to this report.

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 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 bylaws, as specified in the City's *Land Use Procedures Bylaw*.

## ANALYSIS

### Rezoning Application

#### Official Community Plan

The proposal is to permit the construction of a new two-family dwelling unit (duplex) on the subject property, which has a combined floor area of 253.53 m<sup>2</sup> and density of 0.46:1 FSR. The proposed use and density are consistent with the vision contained in the OCP for Traditional Residential properties, which include ground-oriented residential uses up to approximately 1:1.1 FSR and three storeys in height. The proposal to construct a new residential two-family dwelling unit (duplex) on the subject property is considered consistent with applicable OCP policies.

#### Hillside Quadra Neighbourhood Plan

The Hillside Quadra Neighbourhood Plan supports ground-orientated residential construction, which includes duplexes, in Traditional Residential designated areas of the neighbourhood. The proposal to construct a new residential two-family dwelling unit (duplex) aligns with the housing policies of the Hillside Quadra Neighbourhood Plan.

#### Neighbourliness Guidelines for Duplexes

The Neighbourliness Guidelines for Duplexes recommend a minimum lot size of 670m<sup>2</sup> and minimum lot width of 15m for interior duplex lots. The subject site area (568.87m<sup>2</sup>) is below the recommended minimum; however, the lot width (16.59m) exceeds the recommended minimum.

Therefore, given the proposal also exceeds the minimum site standards and zoning provisions of

the R-2 Zone, the proposal is considered generally consistent with the recommendations in the guidelines. The Neighbourliness Guidelines for Duplexes also state that a new duplex must maintain the impression of a single building on a single lot and that driveways should have a minimum impact on a pedestrian's enjoyment of the street. The use of brick, concrete pavers, and textures concrete is encouraged.

The proposal aligns with the design guidelines for construction of new duplexes.

## **Development Permit Application**

### Official Community Plan: Design Guidelines

The OCP identifies this property within DPA 15F: Missing Middle Housing and is therefore subject to the applicable Missing Middle Housing design guidelines.

The proposal aligns with the following Missing Middle Housing design guidelines:

- residential buildings should be orientated towards adjacent public streets and open spaces with entryways clearly visible, and with direct access from the fronting street
- landscape treatments including use of front patios, accented paving treatments, fence and gate details, and other approaches should be used that help call out a residential entry
- design the open site space that it cannot be used to park vehicles, integrate parking in a manner that provides substantial landscaped areas in the rear yards, locate, and consolidate off-street parking areas to minimize extent of driveways and eliminate need for driveway access to individual units, and design driveways to be used as open space
- use of defining features such as a roof overhang, patio or porch or other features to help identify the individual unit entrance ways and incorporate a semi elevated front entrance
- new buildings should incorporate durable and natural building materials into their façade to avoid a 'thin veneer' look and encourage graceful weathering of materials over time
- creative use of landscaping or other screening should be incorporated to reduce the perceived scale of development without compromising surveillance of public areas.

### 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 seven trees have been inventoried. Of these, two trees are located on the subject lot, one of which is bylaw protected. Four bylaw protected trees are located off-site and there is one existing municipal tree on the Vista Heights frontage.

Two bylaw protected off-site trees will require removal to accommodate a new driveway and for excavation of the building foundation. The municipal tree will also require removal to

accommodate the new driveway. The remaining two off-site trees and one on-site bylaw protected tree can be retained following the mitigation measures outlined in the arborist report. The applicant is proposing to plant three new trees on the subject lot, and two new trees on the neighbouring property which will replace trees removed as required under the Bylaw. A new boulevard tree will be planted along the Vista Heights frontage.

## **CONCLUSIONS**

The proposal to rezone the subject property in order to permit the construction of a new two-family dwelling unit (duplex) is considered consistent with the Traditional Residential Urban Place Designation in the OCP, the Hillside Quadra Neighbourhood Plan, and the Missing Middle Housing design guidelines.

The proposal meets the general intent of the Neighbourliness Guidelines for Duplexes, and no variances are required.

It is therefore recommended that Council consider supporting this application.

## **ALTERNATE MOTION**

### **Alternate Option 1 – Decline**

That Council decline Rezoning Application No. 00809 and Development Permit Application No. 000639 for the property located at 1212 Vista Heights.

Respectfully submitted,

Kasha Janota-Bzowska,  
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 14, 2024
- Attachment C: Letter from applicant to Mayor and Council dated February 26, 2024
- Attachment D: Copy of Approved Tenant Assistance Plan
- Attachment E: Community Association Land Use Committee Comments dated October 18, 2021
- Attachment F: Pre-Application Consultation Comments from Online Feedback Form.