



Committee of the Whole Report

For the Meeting of June 14, 2018

To: Committee of the Whole **Date:** May 31, 2018

From: Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject: Rezoning Application No. 00620 for 210 Gorge Road East

RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00620 for 210 Gorge Road East, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Preparation and execution of the following legal agreements to the satisfaction of City Staff:
 - a. Statutory Right-of-Way of 4.91m on Gorge Road East
 - b. Housing Agreement to ensure that the residential dwelling units would remain as rental and affordable for in perpetuity.
2. Following consideration of Rezoning Application No. 00620, and if approved that Council authorize staff to prepare and enter into an Encroachment Agreement for a fee of \$750 plus \$25 per m² of exposed shored face during construction, to the satisfaction of the City staff.
3. The applicant complete exploratory digging around the Horse chestnut tree at the south west corner of the site to the satisfaction of City Staff in order to determine the location of the roots and potential impacts the construction of a proposed sidewalk may have on this tree.

LEGISLATIVE AUTHORITY

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 482 of the *Local Government Act*, a zoning bylaw may establish different density regulations for a zone, one generally applicable for the zone, and the others to apply if certain conditions are met.

In accordance with Section 483 of the *Local Government Act*, Council may enter into a Housing Agreement which may include terms agreed to by the owner regarding the occupancy of the housing units and provided such agreement does not vary the use of the density of the land from that permitted under the zoning bylaw.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning Application for the property located at 210 Gorge Road East. The proposal is to rezone from the T-1 Zone, Limited Transient Accommodation District, to a new in order to increase the density from 1.2:1 to 1.87:1 floor space ratio (FSR) to allow a six-storey multi-unit residential building.

The following points were considered in assessing this application:

- the subject property is designated Urban Residential in the *Official Community Plan, 2012 (OCP)*, which supports low and mid-rise multi-unit residential buildings up to approximately six-storeys and a density of up to approximately 2:1 FSR.
- the land use designation in the *Burnside Gorge Neighbourhood Plan* is Urban Residential, which supports multi-unit residential development up to four-storeys, and five-storeys if the building contains ground floor commercial on the north side of Gorge Road. A density of up to 2:1 FSR is supportable.
- expanding the supply of affordable and permanent rental housing and providing a wide range of housing choices within neighbourhoods to support a diverse and inclusive community is encouraged in the OCP. The applicant is proposing to provide 50 affordable rental housing units and 32 self-contained supportive housing units (a total of 82 dwelling units).
- the affordable rental dwelling units would be rented at least 10% below the average rental rates in the region. These units would be offered to residents with household incomes between \$30,000 and \$48,000, which is based on current median household income levels. The applicant has applied for a grant through the Victoria Housing Reserve Fund Program for the affordable rental units.
- the 32 self-contained supportive housing units would provide permanent housing that is subsidized, and have on-site supports including 24/7 staffing. There is no time limit on how long an individual can access this supportive housing. The rents for the supportive housing units would be based on the monthly income assistance shelter allowance of \$375 and these units would be fully funded through the Regional Housing First Program.

BACKGROUND

Description of Proposal

This Rezoning Application is to increase the density from 1.2:1 to 1.87:1 floor space ratio (FSR) to allow a six-storey multi-unit residential building.

The following differences from the existing T-1 Zone are related to increasing the FSR and site coverage, and reducing unit size, setback and parking requirements.

Affordable Housing Impacts

The applicant proposes the creation of 82 new residential units consisting of 50 affordable rental housing units and 32 self-contained supportive housing units, which would increase the overall supply of housing in the area. A Housing Agreement is being proposed to ensure that the dwelling units will remain as rental and affordable for in perpetuity. According to the applicant, the affordable rental dwelling units would be rented at least 10% below the average rental rates in the region. These units would be offered to residents with household incomes between \$30,000 and \$48,000, which is based on current median household income levels. The applicant has applied for a grant through the Victoria Housing Reserve Fund Program for the affordable rental units.

The 32 self-contained supportive housing units would provide permanent housing that is subsidized, and have on-site supports, including 24/7 staffing. There is no time limit on how long an individual can access this supportive housing. Support services are generally designed around an individual resident's needs related to physical or mental health, developmental disabilities, or substance use. According to the applicant, these would be permanent housing units, and there would be no time limit on how long an individual can access this supportive housing. The rents for the supportive housing units would be based on the monthly income assistance shelter allowance of \$375 and these units would be fully funded through the Regional Housing First Program. Victoria Cool Aid Society assumes full responsibility for finding suitable alternate housing options for all tenants and the society has a budget for any rent subsidy required to house the current tenants for the interim period during construction.

Sustainability Features

As indicated in the applicant's letter dated February 13, 2018 the following sustainability features are associated with this application:

- Step 1 Plus of the BC Energy Step Code
- storm water rain gardens and permeable surface treatment
- energy and water-efficient appliances and fixtures.

Active Transportation Impacts

The application proposes the following features which support active transportation:

- 90 Class 1 bicycle parking spaces
- 12 Class 2 bicycle parking spaces
- two bikes and bike share parking spaces for an onsite bike share program
- bike repair area and air pump.

Public Realm Improvements

No public realm improvements are proposed in association with this Rezoning Application.

Accessibility Impact Statement

The British Columbia Building Code regulates accessibility as it pertains to buildings. Eight dwelling units in the building would be barrier-free.

Land Use Context

The area is characterized by low-rise multi-unit residential buildings, townhouses, single-family dwellings and transient accommodation.

Existing Site Development and Development Potential

The site is presently occupied by two residential buildings containing a total of 21 supportive housing units.

Under the current T-1 Zone, the property could be developed as a single-family dwelling, housekeeping apartment building, boarding or rooming house, or transient accommodation up to seven storeys (a maximum height of 21.5m).

Data Table

The following data table compares the proposal with the existing T1 Zone. An asterisk is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposal	Current Zone T-1
Site area (m ²) – minimum	1981.40	1850.00
Density (Floor Space Ratio) – maximum	1.87:1*	1.2:1
Total floor area (m ²) – maximum	3700.10*	2377.56
Height (m) – maximum	17.28	21.50
Storeys – maximum	6	n/a
Site coverage % – maximum	52*	20
Open site space % – minimum	33*	30
Parking – minimum		
Existing Schedule C	24*	90
Proposed Schedule C	24*	30
Visitor parking – minimum included in the overall units		
Proposed Schedule C	4*	8
Bicycle parking stalls – minimum		
Class 1	90	82
Class 2	12	12
Setbacks – minimum		
Street Boundary – Carroll Street	4.25*	7.50
Rear (E)	1.53*	7.50
Side (N)	3.00*	7.50
Side (S)	5.84	7.50
Accessory Building (Gazebo)		
Location	Front yard*	Rear yard
Height (m) – maximum	2.94	3.50
Setback (m) – minimum		0.60
Rear	39.65	0.60
Side	44.32	3.50m or front setback of adjoining lot
Flanking Street (Gorge Road East)	23.13	
Separation space from main building (m) – minimum	1.55	2.40

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted the Burnside Gorge CALUC at a Community Meeting held on October 18, 2017. A letter dated November 30, 2017 is attached to this report.

ANALYSIS

Official Community Plan

The *Official Community Plan*, (2012) (OCP) Urban Place Designation for the subject property is Urban Residential, which supports low-rise and mid-rise multi-unit residential buildings up to approximately six-storeys and a density of up to approximately 2:1 floor space ratio (FSR), provided that the architecture, landscape and urban design respond to the established place character of the neighbourhood.

The OCP also encourages an increase in the supply of affordable and permanent rental housing and a wide range of housing choice within neighbourhoods to support a diverse and inclusive community is encouraged in the OCP. The proposal further advances the affordable housing objectives in the OCP.

Local Area Plan

Burnside Gorge Neighbourhood Plan

The land use designation of the subject property in new *Burnside Gorge Neighbourhood Plan* (2017) Urban Residential. This designation supports the development of multi-unit residential development along Gorge Road East and contains urban design policies to ensure that new development is a good fit within established residential neighbourhoods and is oriented positively towards the street to create a more attractive pedestrian environment. The Plan supports buildings up to five-storeys at this location, provided that there is ground floor commercial space and there is a sensitive transition to lower density areas to the north. If there is no ground floor commercial, the Plan supports up to four-storeys.

The proposal is for a six-storey building along Gorge Road East, which then transitions to five-storeys at the rear due to significant grade changes on the site. There are no ground floor residential units. Providing ground floor commercial space in this building is not feasible from an operations perspective, and considering that this building is 100% rental (operated by a non-profit housing provider), obtaining the maximum number of units is crucial from a financial perspective. The applicant has programmed the building so that all the offices and communal areas are located on the ground floor, so to some degree, the intention of providing commercial uses at grade as a way of encouraging an active street frontage has been advanced.

For comparison, the maximum height of building permitted in the current T-1 Zone is 21.5m which equates to approximately seven storeys. The height of the proposed building is approximately 17.28m, which is over four metres lower than what would be permitted under the existing zone. The applicant has introduced some design elements to reduce building mass on the north side and considers the transition to the lower density residential development to the north.

Tree Preservation Bylaw and Urban Forest Master Plan

The applicant has provided a Tree Preservation Plan prepared by Talbot Mackenzie and Associates. There is one tree (Horse chestnut located on the corner of Gorge Road and Carroll Street) protected by the Tree Preservation Bylaw on the subject property, and this tree would be retained. Clearance pruning would be required, and installing permeable surface treatment and a floating sidewalk around the tree may be required to protect this tree during and after construction; however, further exploratory digging would be required to determine the location of the roots and potential impacts the construction of a proposed sidewalk may have on this tree.

The plan identifies one non-bylaw protected tree (Horse chestnut tree) on the subject property to be removed. This tree has extensive decay in the lower trunk and is unsuitable to retain according to the arborist. There is also one municipal tree (Hawthorne tree) located on Carroll Street that would be impacted by this application as it would be located within one metre of the proposed driveway and within the footprint of the proposed sidewalk. The arborist also recommends the removal of this tree.

Net gain and loss of trees:

- one tree on the subject property would be removed
- one public tree would be removed
- three new public trees would be planted in the boulevard
- 23 new trees would be planted onsite.

Regulatory Considerations

Statutory Right-of-Way

A Statutory Right-of-Way (SRW) of 4.91m is required on Gorge Road East. Gorge Road has been identified as a Greenway, All Ages and Abilities (AAA) cycling corridor, and part of the Frequent Transit Network (FTN), a SRW along this frontage is required to achieve the objectives outlined within these plans.

Encroachment Agreement for Underpinning

With any project of this scale that has small setbacks and requires significant excavation, construction methods often require a form of underpinning which can result in material being left in the public Right-of-Way. The resulting material (typically rock anchors) present no concerns to the public interest and does not impact the underground infrastructure; however, an Encroachment Agreement between the City and the developer is required. Staff recommend for Council's consideration to include direction to allow staff to enter into such an agreement, if the Rezoning Application is approved by Council, and if it is deemed necessary to facilitate the construction of the project.

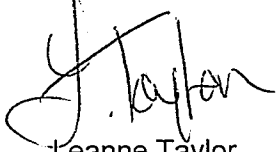
CONCLUSIONS

The proposal is consistent with the OCP from of use, height and density perspective. The application further advances the housing objectives in the OCP relating to affordable non-market rental housing. Although the proposal is not consistent with the *Burnside Gorge Neighbourhood Plan* from a height-perspective, the existing T-1 Zone does permit a building up to approximately seven-storeys which has been taken into consideration when reviewing the proposal for a six-storey building at this location. Staff recommend that Council consider supporting this application.

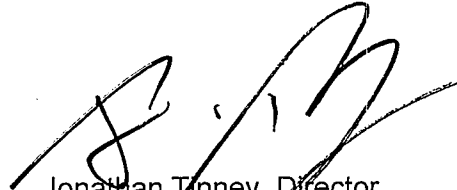
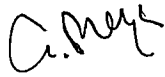
ALTERNATE MOTION

That Council decline Rezoning Application No. 00620 for the property located at 210 Gorge Road.

Respectfully submitted,



Leanne Taylor
Senior Planner
Development Services Division



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date:

June 8, 2018

List of Attachments:

- Appendix A: Subject Map
- Appendix B: Aerial Map
- Appendix C: Plans dated/date stamped February 14, 2018
- Appendix D: Letter from applicant to Mayor and Council dated March 8, 2018
- Appendix E: Community Association Land Use Committee Comments dated July 22, 2018 and November 30, 2017
- Appendix F: Tree Preservation Plan dated February 7, 2018.