



## Committee of the Whole Report For the Meeting of December 6, 2018

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**To:** Committee of the Whole **Date:** November 23, 2018

**From:** Andrea Hudson, Acting Director, Sustainable Planning and Community Development

**Subject:** **Update on OCP Amendment Application, Rezoning Application No. 00558 and Development Permit with Variances Application No. 000496 for 1303 Fairfield Road**

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### RECOMMENDATION

#### OCP Amendment and Rezoning Application No. 00558

That Council instruct staff to prepare the necessary Official Community Plan Amendment Bylaw in accordance with Section 475 of the *Local Government Act*, and the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00558 for 1303 Fairfield Road, 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. Revision and execution of the following legal documents:
  - a. Housing Agreement to ensure the residential units remain rental in perpetuity, to the satisfaction of the Director of Sustainable Planning and Community Development
  - b. Statutory Right-of-Way of 0.86 meters along the Moss Street and Fairfield Road frontages, to the satisfaction of the Director of Engineering and Public Works
  - c. Section 219 Covenant for public realm improvements to Moss Street and Fairfield Road, to the satisfaction of the Director of Engineering and Public Works
  - d. **Section 219 Covenant to secure commitment to Step 3 of the BC Energy Step Code, to the satisfaction of the Director of Sustainable Planning and Community Development.**
  
2. That Council, having provided the opportunity for consultation, pursuant to Section 475(1) of the Local Government Act, with persons; organizations; and authorities it considers will be affected, specifically, the property owners and occupiers within a 200m radius of the subject properties; and that such persons, organizations and authorities have been notified of the proposed OCP Amendment through mailed notice and posting of a notice on the City's website inviting affected persons,

organizations and authorities to ask questions of staff and provide written or verbal comments to Council for their consideration, and having been consulted at a Community Association Land Use Committee (CALUC) Community Meeting, consider whether the opportunity for consultation should be early and ongoing, and determine that no further consultation is required.

3. That Council, specifically consider whether consultation is required under Section 475(2)(b) of the Local Government Act, and determine that no referrals are necessary with the Capital Regional District Board, Councils of Oak Bay, Esquimalt and Saanich, the Songhees and Esquimalt First Nations, the School District Board, and the provincial and federal governments and their agencies, due to the nature of the proposed amendment.
4. That Council give first reading to the Official Community Plan Amendment Bylaw.
5. That Council consider the Official Community Plan Amendment Bylaw in conjunction with the City of Victoria 2017-2021 Financial Plan, the Capital Regional District Liquid Waste Management Plan and the Capital Regional District Solid Waste Management Plan, pursuant to Section 477(3)(a) of the Local Government Act, and deem those plans to be consistent with the proposed Official Community Plan Amendment Bylaw.
6. That Council give second reading to the Official Community Plan Amendment Bylaw.
7. That Council refer the Official Community Plan Amendment Bylaw for consideration at a Public Hearing.

#### **Development Permit with Variances Application No. 000496**

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00558, if it is approved, consider the following updated motion:

“That Council authorize the issuance of Development Permit with Variances Application No. 000496 for 1303 Fairfield Road, in accordance with:

1. Plans date stamped July 20, 2018.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - i. increase the height from 12.00m to **15.04m**
  - ii. reduce the front setback (Moss Street) from 6.00m to **0.00m**
  - iii. reduce the rear setback from **7.80m** to **3.67m**
  - iv. reduce the south side setback from 3.90m to **3.23m** (to the building) and 0.00m (to the pergola)
  - v. reduce the flanking street setback (Fairfield Road) from **2.40m** to **1.02m**
  - vi. **reduce the vehicle parking requirement from 31 stalls to 16 stalls.**
3. The Development Permit lapsing two years from the date of this resolution.”

#### **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 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 updated information regarding an Official Community Plan (OCP) Amendment Application, Rezoning Application and Development Permit with Variances Application for the property located at 1303 Fairfield Road. The applicant proposes an OCP amendment to change the Urban Place Designation from Small Urban Village to Large Urban Village. The proposed rezoning is from the R1-B Zone, Single Family Dwelling District, to a new site-specific zone in order to increase the density and allow for the construction of a four-storey, mixed-use building consisting of commercial and church sanctuary uses on the ground-floor with rental residential units above. The rezoning, if successful, would establish the site-specific regulations for development of 1303 Fairfield Road, which would be more restrictive than the maximum density and height envisioned under the Large Urban Village Urban Place Designation.

On May 10, 2018 Council referred the application back to staff and the applicant to address concerns identified by the neighbourhood, and to more adequately address the transition to surrounding properties. The revised proposal is the subject of this report and some of the design changes have affected the requested variances. The recommended motion for the Development Permit has been updated and the changes are shown in bold text.

**BACKGROUND**

The Committee of the Whole (COTW) reports dated November 29, 2017, Council meeting minutes, and Council Update Report dated April 27, 2018, are attached to this report. The motion from the May 10, 2018 Council meeting states:

*“That Council refer the project back to staff to work with the applicant to address height and massing concerns identified by the neighbourhood and to more adequately address the transition to the surrounding properties and bring back to Committee of the Whole.”*

**Description of Proposal**

The proposal is to rezone from the R1-B Zone, Single Family Dwelling District to a new site-specific zone in order to increase the density to 1.70:1 floor space ratio (FSR), and allow for the construction of a four-storey, mixed-use building consisting of commercial and church sanctuary uses on the ground-floor with rental residential units above. Due to the proposed density and number of storeys, an OCP amendment is required to change the Urban Place designation from Small Urban Village, to Large Urban Village, to facilitate the rezoning application.

## Design Revisions

As outlined in the applicant's letter to Mayor and Council, the applicant has revised the proposal to try to address the neighbour's concerns and improve the transition with adjacent properties.

Specific changes include:

- the proposed density has been reduced from 1.84:1 to 1.70:1 FSR
- the number of residential rental units has reduced from approximately 16 to 15
- the height of the building has been reduced from 15.60m to 15.04m
- the front setback (Moss Street) has been reduced from 0.86m to 0.00m for the second and third storeys
- the flanking street setback (Fairfield Road) has increased from 0.62m to 1.02m
- the fourth floor has been reduced in area and stepped back further from the east, south and west (Moss Street) property lines to reduce potential for overlook, provide a more sympathetic transition with the neighbouring properties, and improve the overall fit with the Five Points Village context
- the project no longer targets Passive House Design, or Step 4 in the BC Energy Step Code, but is committed to Step 3 (the appropriate language to secure this commitment has been added to the recommendation in bold text)
- the south façade has been redesigned to change balcony orientation and window placement to minimize potential impacts on the neighbour's privacy
- minor changes to the overall building composition to ensure a cohesive design in response to the changes listed above
- the addition of a drinking fountain and dog water station on the subject site near the entrance to the commercial space.

## Data Table

The following data table compares the revised proposal with the previous proposal, existing R1-B Zone, Single Family Dwelling District, and the standard C-1 Zone, Limited Commercial District. Relevant information from the Official Community Plan is also provided in the table. An asterisk is used to identify where the proposal is less stringent than the standard zone.

Zoning Criteria	Current Proposal	Previous Proposal	Existing Zone R1-B	Zone Standard C-1	OCP Large Urban Village
Site area (m <sup>2</sup> ) - minimum	993.90	993.90	460.00	-	-
Density (Floor Space Ratio) - maximum	<b>1.70:1*</b>	<b>1.84:1*</b>	N/A	1.4:1	1.5:1 up to 2.5:1
Height (m) - maximum	<b>15.04*</b>	<b>15.60*</b>	7.60 (single family dwelling) 11.00 (public building)	12.00	-

Zoning Criteria	Current Proposal	Previous Proposal	Existing Zone R1-B	Zone Standard C-1	OCP Large Urban Village
Storeys - maximum	4	4	2 (single family dwelling) 2.5 (public building)	-	6
Site coverage % - maximum	62.60	62.60	40%	-	-
Open site space % - minimum	32.40	32.40	N/A	N/A	-
<b>Setbacks (m) – minimum:</b>					
Front (Moss Street)	<b>0*</b>	<b>0.86*</b>	7.50	6.00	-
Rear (east)	<b>3.67*</b>	<b>4.13*</b> (to building) <b>2.63*</b> (to balconies)	8.38	7.80	-
Side (south)	<b>3.23*</b> (to building) <b>0.00*</b> (to pergola)	<b>3.81*</b> (to building) <b>0.00*</b> (to pergola)	3.38	3.90	-
Flanking Street (Fairfield Road)	<b>1.02*</b>	<b>0.62*</b>	3.50	6.00	-
Parking - minimum					
Residential/Commercial	<b>16*</b>	<b>16*</b>	1	20	-
Church Sanctuary	<b>0*</b>	<b>0*</b>	6	11	-
Bicycle parking stalls (minimum)					
Long term	20	20	N/A	19	
Short term	12	12	N/A	6	

Official Community Plan Amendment

The request to amend the *Official Community Plan, 2012* (OCP) is still required as the proposed density and height exceed the maximum for sites designated as Small Urban Village. The only land use designation that would accommodate the proposal is the Large Urban Village Urban Place designation. If approved, the Large Urban Village designation would only apply to 1303 Fairfield Road and the designation would not impact other properties in the Five Points Village or the surrounding area. The rezoning, if approved, would establish the site-specific regulations for development of 1303 Fairfield Road, which would be more restrictive than the maximum density and height envisioned under the Large Urban Village Urban Place Designation.

Parking

The proposal still includes a request to reduce the required parking to 16 stalls, with zero stalls provided for the church's use. The applicant has provided a letter from the School Board in support of a potential agreement with the Fairfield United Church to rent parking stalls on the Sir James Douglas School site on Sunday mornings.

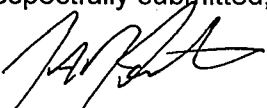
**CONCLUSIONS**

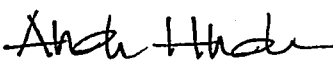
Although the proposal includes a request for an OCP amendment that would change the Urban Place designation to Large Urban Village, the proposal is still generally consistent with the Small Urban Village context and would advance the place-making and housing policies in the OCP, which supports mixed-use buildings and associated streetscape improvements that enhance urban villages, foster social vibrancy, and contribute to a broad range of rental housing types within each neighbourhood. The applicant has made changes in response to concerns regarding height and massing, and has improved the overall transition with adjacent properties. Staff recommend that Council consider advancing the application to a public hearing.

**ALTERNATE MOTION**


That Council decline the OCP Amendment Application, Rezoning Application No. 00558, and Development Permit with Variances Application No. 000496 for the property located at 1303 Fairfield Road.

Respectfully submitted,

 A. Meigs  
Alec Johnston  
Senior Planner  
Development Services Division

  
Andrea Hudson, Acting Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:

  
Date: DEC 4, 2018

**List of Attachments:**

- ATTACHMENT A: Subject Map
- ATTACHMENT B: Aerial Map
- ATTACHMENT C: Plans date stamped July 20, 2018
- ATTACHMENT D: Letter from applicant to Mayor and Council date stamped November 20, 2018
- ATTACHMENT E: Letter from the Greater Victoria School District Facilities Services
- ATTACHMENT F: Committee of the Whole Reports dated November 29 & 30, 2017
- ATTACHMENT G: Committee of the Whole Minutes dated December 14, 2017
- ATTACHMENT H: Council Update Report dated April 27, 2018
- ATTACHMENT I: Draft Council Minutes dated May 10, 2018
- ATTACHMENT J: Correspondence