

5. LAND USE MATTERS

5.4 Rezoning Application No. 00558 & Development Permit with Variances Application No. 000496 for 1303 Fairfield Road and associated Official Community Plan Amendment

Committee received reports dated November 29, 2017, from the Director of Sustainable Planning and Community Development regarding an application to increase the density to 1.84:1 floor space ratio and allow for construction of a four-storey mixed-use building with commercial and church sanctuary uses on the ground floor and rental apartments above.

Committee discussed:

- Affects to the neighbouring school and parking for the church.

Motion:

It was moved by Councillor Coleman, seconded by Councillor Alto:

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. Preparation of the following documents, executed by the applicant, to the satisfaction of City Staff:
 - a. Housing Agreement to ensure the residential units remain rental in perpetuity
 - b. Statutory Right-of-Way of 0.86 meters along the Moss Street and Fairfield Road frontages
 - c. Section 219 Covenant for public realm improvements to Moss Street and Fairfield Road
 - d. Submission of a sanitary sewer impact assessment to the satisfaction of the Director of Engineering and Public Works, determining if the increase in density results in a need for sewage attenuation; and if sewage attenuation is necessary, preparation of legal agreements to the satisfaction of the City Solicitor and the Director of Engineering and Public Works.
2. That Council determine, pursuant to section 475(1) of the Local Government Act, that the affected persons, organizations and authorities are those property owners and occupiers within a 200m radius of the subject properties; that the appropriate consultation measures would include a mailed notice of the proposed OCP Amendment to the affected persons; 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.
3. 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 have 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.
4. 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.
 5. That Council give first reading to the Official Community Plan Amendment Bylaw.
 6. 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.
 7. That Council give second reading to the Official Community Plan Amendment Bylaw.
 8. 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 motion:

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

1. Plans date stamped October 10, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. increase the height from 12.00m to 15.60m
 - ii. increase the site coverage from 40% to 62.60%
 - iii. reduce the front setback (Moss Street) from 6.00m to 0.86m
 - iv. reduce the rear setback from 7.80m to 4.13m (to the building) and to 2.63m (to the balconies)
 - v. reduce the south side setback from 3.90m to 3.81m (to the building) and 0.00m (to the pergola)
 - vi. reduce the flanking street setback (Fairfield Road) from 6.00m to 0.62m
 - vii. reduce the vehicle parking requirement from 44 stalls to 16 stalls.
3. Refinement of trellis materials, colour and design to the satisfaction of the Director of Sustainable Planning and Community Development.
4. The Development Permit lapsing two years from the date of this resolution."

Committee discussed:

- Appropriate uses for the site.

Amendment: It was moved by Councillor Madoff, seconded by Mayor Helps, that the motion be amended to include the following point under the development permit:

5. **Further consideration of the finishes on the tower element of the proposal.**

Amendment: It was moved by Councillor Isitt, that the motion be amended to include the following point under the development permit:

6. **That consideration be given to a step back on the fourth floor on the north and west frontages.**

MOTION FAILED DUE TO NO SECONDER

Main motion as amended:

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. Preparation of the following documents, executed by the applicant, to the satisfaction of City Staff:
 - a. Housing Agreement to ensure the residential units remain rental in perpetuity
 - b. Statutory Right-of-Way of 0.86 meters along the Moss Street and Fairfield Road frontages
 - c. Section 219 Covenant for public realm improvements to Moss Street and Fairfield Road
 - d. Submission of a sanitary sewer impact assessment to the satisfaction of the Director of Engineering and Public Works, determining if the increase in density results in a need for sewage attenuation; and if sewage attenuation is necessary, preparation of legal agreements to the satisfaction of the City Solicitor and the Director of Engineering and Public Works.
2. That Council determine, pursuant to section 475(1) of the Local Government Act, that the affected persons, organizations and authorities are those property owners and occupiers within a 200m radius of the subject properties; that the appropriate consultation measures would include a mailed notice of the proposed OCP Amendment to the affected persons; 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.
3. 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 have 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.
4. 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.

5. That Council give first reading to the Official Community Plan Amendment Bylaw.
6. 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.
7. That Council give second reading to the Official Community Plan Amendment Bylaw.
8. 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 motion:

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

1. Plans date stamped October 10, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. increase the height from 12.00m to 15.60m
 - ii. increase the site coverage from 40% to 62.60%
 - iii. reduce the front setback (Moss Street) from 6.00m to 0.86m
 - iv. reduce the rear setback from 7.80m to 4.13m (to the building) and to 2.63m (to the balconies)
 - v. reduce the south side setback from 3.90m to 3.81m (to the building) and 0.00m (to the pergola)
 - vi. reduce the flanking street setback (Fairfield Road) from 6.00m to 0.62m
 - vii. reduce the vehicle parking requirement from 44 stalls to 16 stalls.
3. Refinement of trellis materials, colour and design to the satisfaction of the Director of Sustainable Planning and Community Development.
4. The Development Permit lapsing two years from the date of this resolution.
5. Further consideration of the finishes on the tower element of the proposal."

On the main motion as amended:

CARRIED 17/COTW

For: Mayor Helps, Councillors Alto, Coleman, Loveday, Lucas, Madoff, and Thornton-Joe

Against: Councillor Isitt

Councillor Young returned to the meeting at 2:08 p.m.