



Council Report

For the Meeting of March 14, 2019

To: Council **Date:** March 7, 2019

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

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

RECOMMENDATION

That Council receive this update report for information and, that following a public hearing for Bylaw No.18-046 (Official Community Plan Amendment Bylaw) and Bylaw No. 18-045 (Zoning Amendment Bylaw), Council consider the following:

1. Rescind third reading of Housing Agreement Bylaw No.18-047.
2. Amend Housing Agreement Bylaw No.18-047 with the revised Schedule A, as attached.
3. Consider third reading of Housing Agreement Bylaw No.18-047.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with updated information on the proposed housing agreement associated with an Official Community Plan (OCP) Amendment Application, Rezoning Application and Development Permit with Variances Application for the property located at 1303 Fairfield Road. Following the Committee of the Whole meeting on December 6, 2018, the applicant has voluntarily offered to secure the proposed three-bedroom unit as an affordable housing unit, where the rent level would not exceed 30% of gross household income for Moderate Income Households (letter dated March 4, 2019 attached). The housing agreement associated with this proposal has been updated to reflect this change and the agreement would be noted on title pending Council's approval of Housing Agreement Bylaw No. 18-047.

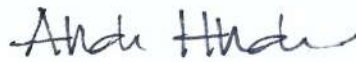
BACKGROUND

During the Committee of the Whole (COTW) meeting on December 6, 2018, Council discussed the need for more affordable housing in the City and the potential for affordable housing within this proposal. The applicant has responded by offering a three-bedroom unit at a rent level that would not exceed 30% of the gross household income for Moderate Income Households. This rent level meets the City's definition of affordable housing. The housing agreement associated with this proposal would secure this commitment, along with rental of all the dwelling units, in perpetuity.

Respectfully submitted,



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:

March 8, 2019

List of Attachments:

- Attachment A: Applicant's letter dated March 4, 2019
- Attachment B: COTW minutes from December 6, 2018.



Nicole Roberts
 Unity Urban Properties
 3471 Short Street
 Victoria, BC V8X 2V6

Alec Johnson
 City of Victoria
 #1 Centennial Square
 Victoria, BC, V8W 1P6

March 4, 2019

RE: Unity Commons 1303 Fairfield Rd.

Dear Alec

As a public hearing date is set I wanted to send you my final update and ask that you please share with Mayor and Council these two items. Thank you in advance.

1. When Unity Commons came forward for first and second reading last month, some members of Council asked me to see how I could further improve upon the spectrum of affordable rents. I worked diligently on this challenge and sought interest from not-for-profit partners. When we reviewed the numbers together the size of the project was simply too small for their interest. I am, however, prepared to amend my housing agreement to secure my commitment to offer the 3 bedroom family suite to a family at 30% of the gross household income for a moderate income family.
2. Regrettably, there is still significant confusion around the implications of the Large Urban Village Designation on the surrounding residential neighbourhood. The question that I am getting is: Does the OCP amendment for Unity Commons designation of Large Urban Village trigger zoning for higher density Urban Residential housing within a 400m radius of the Church, 1303 Fairfield Rd? The answer is "No". Language in the City of Victoria's OCP is the assurance that this is not possible. Even though Unity Commons must seek approval under the Large Urban Residential designation, **residential housing within a 400m radius of the Church cannot be classified as urban residential because Fairfield is not an arterial or a secondary arterial street.** If Fairfield was an arterial or a secondary arterial street, we would have been allowed to seek approval to build our 4th floor within the Small Urban Village designation; we would not need the OCP amendment. The City of Victoria's OCP sections 6.1.6 and 6.1.7 speak to this.

I hope that we can address this issue and the resulting confusion in our presentation at public hearing as it remains confusing for all involved.

Unity Commons is a small project that addresses many of the diverse needs of the community and the neighbourhood. My goal from the outset was to do something relevant, extraordinary and meaningful for the community with this redevelopment. With the existing zoning, it could have been one large luxury home. It could have been 5 luxury condominiums (without requiring an OCP amendment). But I wanted to do something important with this important location.

I wanted a project that

- would be built to a higher environmental standard than what is required by the City
- would create new rental homes in perpetuity – including a three bedroom home for a family
- would provide sufficient parking yet encourage the use of public transit, cycling and pedestrian travel
- would provide new purpose-built community space to enrichen the social and cultural fabric of Fairfield – space subsidized by my contribution to the project
- would improve sightlines at the intersection of Moss and Fairfield and introduce a gathering spot on the corner for a local business owner to expand her café enterprise.

Unity Commons is a small project designed with intention and heart to deliver broad value to the neighbourhood and the community.

I have been at this a long time – 3 years – and the refinements have revealed a strong project that has now garnered the support of our immediate neighbours and many in the broad community. I look forward to the privilege of the public hearing and your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Nicole Roberts", written in a cursive style.

Nicole Roberts

Unity Commons

F. LAND USE MATTERS

F.1 Update on OCP Amendment Application, Rezoning Application No. 00558 and Development Permit with Variances Application No. 000496 for 1303 Fairfield Road (Fairfield)

Councillor Alto joined the meeting at 10:24 a.m.

Committee received a report dated November 23, 2018, from the Acting Director of Sustainable Planning and Community Development regarding an update on an application 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.

Committee discussed:

- *Design considerations including cladding, colour choices, and appearance from the street.*
- *Neighbourhood concerns relating to traffic safety and parking.*
- *Consideration of affordability of the units.*
- *The conclusion of the land lift analysis.*

Moved By Councillor Collins

Seconded By Councillor Dubow

Councillor Thornton-Joe withdrew from the meeting at 11:00 a.m.

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. 00496 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 44 stalls to 16 stalls.
3. The Development Permit lapsing two years from the date of this resolution."

Committee discussed:

- *Community benefits and the various amenities.*

Moved By Councillor Isitt

Seconded By Councillor Loveday

Amendment:

That the motion be amended to include the following:

That Council direct staff to work with the applicant to address the following issues:

- affordability of units
- front yard setback

Committee discussed:

- *The need for affordable rental housing in the City.*

FOR (2): Councillor Isitt, and Councillor Loveday

OPPOSED (5): Mayor Helps, Councillor Alto, Councillor Dubow, Councillor Potts, and Councillor Collins

DEFEATED (2 to 5)

Committee discussed:

- *Design refinements and a desire for more support from the neighbourhood.*

Main motion:

FOR (6): Mayor Helps, Councillor Alto, Councillor Loveday, Councillor Dubow, Councillor Potts, and Councillor Collins

OPPOSED (1): Councillor Isitt

CARRIED (6 to 1)