



Committee of the Whole Report

For the Meeting of March 28, 2019

To: Committee of the Whole **Date:** March 14, 2019

From: Andrea Hudson, Acting 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 all residential dwelling units would remain as rental and affordable in perpetuity.

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 applicant has revised the original proposal for a six-storey, multi-unit residential building in response to Council's direction at the October 4, 2018 Council meeting. Now, the applicant is proposing to rezone the subject property from the T-1 Zone, Limited Transient Accommodation District, to a

new zone in order to increase the density from 1.2:1 to 1.71:1 floor space ratio (FSR) to allow a five-storey, mixed-use building consisting of ground floor commercial and residential uses above.

At the October 4, 2018 Council meeting, Council passed the following motion:

Refer this back to staff to see a reduction of storeys to conform with the local area plan, to possibly include ground-floor commercial, to consider an increase in parking, and to bring the type of unit percentages more closely aligned to the Regional Housing First program implementation plan.

In response to Council's motion above, the applicant revised the proposal as follows:

- reducing the density from 1.87:1 to 1.71:1 floor space ratio
- reducing the number of storeys from six to five
- reducing the number of rental dwelling units from 82 to 72
- introducing a small coffee shop on the ground level
- adding one additional parking space to increase the residential supply of on-site parking
- refining the overall design of the building, as further discussed in a concurrent Committee of the Whole report related to the Development Permit with Variances Application.

BACKGROUND

Description of Proposal

This Rezoning Application is to increase the density from 1.2:1 to 1.71:1 floor space ratio (FSR) to allow a five-storey, mixed-use building consisting of ground floor commercial and residential above.

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 72 new residential units consisting of affordable rental housing for people based on a range of income levels that includes Income Assistance level units to near market rental rates. The proposal would increase the overall supply of housing in the area and provide a mix of unit types including studio, one bedroom and two bedroom units, including barrier-free units. A Housing Agreement is being proposed to ensure that the dwelling units will remain as rental and affordable in perpetuity. According to the applicant, the near market 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. In all cases, the monthly rents would not exceed 30% of monthly household income. The applicant has applied for a grant through the Victoria Housing Reserve Fund Program for the affordable rental units.

Tenant Assistance Policy

The proposal is to demolish the existing buildings, which would result in a temporary loss of 21 existing residential rental units. Consistent with the Tenant Assistance Policy, the applicant has provided a Tenant Assistance Plan. 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. The current tenants will be provided with the first right of refusal for a unit in the new development.

Sustainability Features

The applicant has identified a number of sustainability features which will be reviewed in association with the concurrent Development Permit Application for this property.

Active Transportation Impacts

The application proposes the following features which support active transportation:

- 84 long-term bicycle parking spaces
- 12 short-term bicycle parking spaces.

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. Twelve 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	1.71:1 *	1.2:1
Total floor area (m ²) – maximum	3388.19 *	2377.56

Zoning Criteria	Proposal	Current Zone T-1
Height (m) – maximum	14.73	21.50
Storeys – maximum	5	n/a
Site coverage % – maximum	53.50 *	20
Open site space % – minimum	35	30
Parking – minimum		
Residential	21	19
Commercial	0 *	1
Visitor parking – minimum	4 *	7
Bicycle parking stalls – minimum		
Long-term	84	76
Short-term	12	7
Setbacks – minimum		
Street Boundary – Carroll Street	4.34 *	7.50
Rear (E)	1.53 *	7.50
Side (N)	2.93 *	7.50
Side (S)	5.84 *	7.50
Accessory Building (Gazebo)		
Location	Front yard *	Rear yard
Height (m) – maximum	2.98	3.50
Setback (m) – minimum		
Rear	37.55	0.60
Side	44.32	0.60
Flanking Street (Gorge Road East)	20.19	3.50m or front setback of adjoining lot

Zoning Criteria	Proposal	Current Zone T-1
Separation space from main building (m) – minimum	1.55 *	2.40

Relevant History

Council referred the original proposal for a six-storey, multi-unit residential building back to staff at the Public Hearing on October 4, 2018 to give the applicant an opportunity to revise the proposal by reducing the number of storeys to conform with the local area plan, possibly including ground-floor commercial, bringing the type of unit percentages more closely in alignment with the Regional Housing First program implementation plan, and considering an increase in parking (Committee of the Whole report dated May 31, 2018 attached). The bylaws associated with the previous proposal received first and second reading, a Statutory Right-of-Way was registered on title and the applicant entered a housing agreement. The previous proposal was also presented at the Advisory Design Panel on April 11, 2018.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the Burnside Gorge CALUC regarding the changes to the development proposal and a CALUC letter dated March 15, 2019 is attached to the report.

ANALYSIS

Official Community Plan

The *Official Community Plan* (OCP, 2012) 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. In the new development, the Victoria Cool Aid Society would continue to provide support services including 24/7 staffing for those tenants returning to the building and any new tenants that may require support. The proposal further advances the affordable housing objectives in the OCP.

Local Area Plan

The land use designation of the subject property in *Burnside Gorge Neighbourhood Plan* (2017) is 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 applicant has revised the proposal from six storeys to five storeys, which has resulted in a loss of rental units; however, the proposal now includes a small coffee shop on the ground floor, which would be operated as a social enterprise. These changes are more aligned with the policies outlined in the Plan. To maintain a commercial use at ground floor in accordance with the Plan, staff can include a restriction in the new zone requiring a minimum amount of ground floor commercial space in the building, which would be approximately 14m² and consistent with the proposed plans. In applying this zoning approach, the proposed coffee shop could not be converted to office space for building operations or another non-commercial use without Council approval in the future. However, like any commercial space, there is a potential risk that the building owner cannot find a business willing or able to operate a successful enterprise at this location.

Tree Preservation Bylaw and Urban Forest Master Plan

The applicant has provided a Tree Preservation Plan prepared by Talbot Mackenzie and Associates (attached). There is one tree on the subject property protected by the Tree Preservation Bylaw (the Horse chestnut located on the corner of Gorge Road and Carroll Street), 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. Further exploratory digging would be required to determine the location of the roots and any potential impacts that the construction of a proposed sidewalk may have on this tree.

The plan identifies one non-bylaw protected tree on the subject property to be removed (a smaller Horse chestnut tree). This tree has extensive decay in the lower trunk and is unsuitable to retain according to the arborist. There is one Hornbeam tree on Gorge Road East that is to be considered for retention at building permit stage as the installation of a hydro utility box may negatively impact the tree's health. There is also one municipal tree (Hawthorne tree) located on Carroll Street that would be impacted by this development 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 or two public trees would be removed
- three new public trees would be planted in the boulevard
- 23 new trees would be planted onsite.

Regulatory Considerations

Building Height

For comparison purposes, 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 has been reduced to approximately 14.73m, which is over six and a half metres lower than what would be permitted under the existing zone. The applicant has introduced some design elements to reduce the building mass on the north side and to transition to the lower density residential development to the north of the subject property.

Statutory Right-of-Way

A Statutory Right-of-Way (SRW) of 4.91m is required on Gorge Road East. Gorge Road East 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.

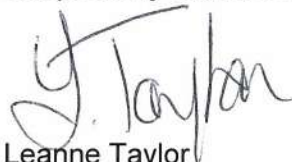
CONCLUSIONS

The proposal is consistent with the OCP from a use, height and density perspective. The application further advances the housing objectives in the OCP relating to affordable non-market rental housing. The proposal is also generally consistent with the *Burnside Gorge Neighbourhood Plan*. Staff recommend for Council's consideration that the application proceed to a Public Hearing.

ALTERNATE MOTION

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

Respectfully submitted,



Leanne Taylor
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 20, 2019

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped March 11, 2019
- Attachment D: Letter from applicant to Mayor and Council dated February 7, 2019
- Attachment E: Letter from the Burnside Gorge CALUC dated March 15, 2019
- Attachment F: Revised Arborist Report dated March 18, 2019
- Attachment G: Council's motion dated October 4, 2018
- Attachment H: Committee of the Whole report dated May 31, 2018
- Attachment I: Original plans dated February 14, 2018
- Attachment J: Tenant Assistance Plan
- Attachment K: Window overlay dated March 11, 2019.