



## Committee of the Whole Report

For the Meeting of July 25, 2019

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**To:** Committee of the Whole

**Date:** July 11, 2019

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

**Subject:** Rezoning Application No. 00686 for 208/210, 220, 230 and 240/242 Wilson Street

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### RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00686 for 208/210, 220, 230 and 240/242 Wilson Street, 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:

- i. An executed legal agreement between the owner and the Capital Regional District, in a form to the satisfaction of the City Solicitor, to secure three two-bedroom strata dwelling units for ownership as below-market housing (offered for sale at 15% below market rate, in perpetuity).
- ii. An executed legal agreement in a form to the satisfaction of the City Solicitor, to ensure no restrictions are placed on the rental of all dwelling units, with the exception of the three below-market dwelling units, in perpetuity.
- iii. Registration of a statutory right-of-way of 1.38m along the Alston Street frontage, with terms and in a form to the satisfaction of the Director of Engineering and the City Solicitor.
- iv. Registration of a legal agreement on the property's title, with terms and in a form to the satisfaction of the Director of Engineering and the City Solicitor, to secure Transportation Demand Management measures that include:
  - a. provision of one car share vehicle;
  - b. a dedicated on-site car share parking space with access to electric vehicle charging;
  - c. one car share membership for each dwelling unit;
  - d. six on-site bicycles that are part of a bike share program;
  - e. five long term bike parking spaces in addition to what is required by the *Zoning Regulation Bylaw*; and
  - f. 14 short term bike parking spaces in addition to what is required by the *Zoning Regulation Bylaw*.

## 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 information, analysis and recommendations for a Rezoning Application for the property located at 208/210, 220, 230 and 240/242 Wilson Street. The proposal is to rezone from the R-2 Zone, Two Family Dwelling District, to a new zone in order to construct a two-storey, townhouse development, with approximately 34 strata dwelling units. Three of the dwelling units are proposed to be owner occupied with a restricted sale price at 15% below market value in perpetuity.

The following points were considered in assessing this application:

- the subject property is designated Traditional Residential in the *Official Community Plan* (OCP, 2012) which supports ground-oriented residential buildings up to two storeys, including single, duplex and attached dwellings, with a total FSR (floor space ratio) up to approximately 1:1. The proposed use, height, and density (0.73:1 FSR) meets this policy. The proposal also introduces townhouses to a predominantly single family dwelling neighbourhood which helps meet the OCP goal of providing more choice of housing types.
- the subject property is designated Traditional Residential (General Areas) in the *Victoria West Neighbourhood Plan* (2018) which supports a variety of housing types including townhouses in more than one row, with a maximum height of 2 to 2.5 storeys and a maximum density up to 0.85:1 FSR. The proposed use, height and density meet this policy.
- the applicant is proposing that three of the dwelling units be sold at 15% below market value in perpetuity. The applicant has also agreed to enter into a Housing Agreement to ensure that no restrictions are placed on the rental of the dwelling units.
- the proposal meets the Tenant Assistance Policy (see attached).

## BACKGROUND

### Description of Proposal

This Rezoning Application is to consolidate four existing lots and construct two rows of townhouses with a density of 0.73:1 floor space ratio (FSR). The front row of townhouses facing Wilson Street would be stacked, with bachelor units situated directly below two bedroom dwellings.



## **Affordable Housing Impacts**

The applicant proposes the creation of approximately 34 new residential units which would increase the overall supply of housing in the area. As the application site is located within the Traditional Residential Urban Place Designation, as defined in the OCP, the *Inclusionary Housing and Community Amenity Policy* does not apply to this proposal. However, the applicant is voluntarily proposing to enter into a Housing Agreement to secure three of the two-bedroom dwelling units with sale prices restricted at 15% below market value in perpetuity. The sale of these units would be restricted to qualified buyers (income would be one of the criteria for qualifying as a buyer, with the targeted household income limit anticipated to be approximately \$143,000). Capital Regional District (CRD) staff have provided a letter (attached) confirming that they are recommending the CRD Board approve a Bylaw supporting the CRD entering into a legal agreement with the applicant to secure below market dwelling units. An agreement is also proposed to ensure that future strata bylaws could not prohibit the rental of the remaining units (i.e. those not being sold below market value).

## **Tenant Assistance Policy**

The proposal is to demolish three existing residential buildings which would result in a loss of nine existing dwelling units (two duplexes and one house with five dwelling units in it). Consistent with the Tenant Assistance Policy, the applicant has provided a Tenant Assistance Plan which is attached to this report.

## **Sustainability Features**

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

## **Active Transportation Impacts**

The application proposes 46 long term bike storage spaces and 20 short term bike spaces which exceed the requirements in the *Zoning Regulation Bylaw*.

## **Public Realm Improvements**

The existing properties are served by driveway crossings from Wilson Street. As the proposed development would be accessed from Alston Street, these driveways would be removed and a sidewalk with landscaped boulevard would be constructed on the Wilson Street frontage. In addition, a new sidewalk and landscaped boulevard would also be created immediately adjacent to the site on Alston Street.

## **Accessibility Impact Statement**

The British Columbia Building Code regulates accessibility as it pertains to buildings. The proposed pathways and entrances surrounding the proposed buildings include a number of short staircases which would inhibit stroller and wheelchair accessibility around the site. This issue is further discussed in the concurrent Development Permit with Variances Application for this property.

## Land Use Context

The area is predominantly characterized by single family dwellings and duplexes to the north, west, and south. The Victoria West Large Urban Village is to the east. Immediately adjacent to the site to the east, across Alston Street, is a building materials supplier (Castle).

## Existing Site Development and Development Potential

The site presently consists of four separate lots. Two of these lots have duplexes on them, one lot accommodates a five-plex, and one lot currently is vacant.

Under the current R-2 Zone, Two Family Dwelling District, the property could be potentially redeveloped as four or five separate duplex lots although variances may be required to facilitate this.

## Data Table

The following data table compares the proposal with the policies outlined in the *Victoria West Neighbourhood Plan* and the R-2 Zone, Two-Family Dwelling District, which is the current zoning for the subject property. It should be noted that, if approved, the new standard zone would be drafted to be consistent with the directions outlined in the Neighbourhood Plan.

Zoning Criteria	Proposal	R-2 Zone	Victoria West Neighbourhood Plan
Site area (m <sup>2</sup> ) - minimum	2914.8	555	n/a
Density (Floor Space Ratio) - maximum	0.73:1	0.5:1	0.85:1
Height (m) - maximum	8.1 (measured to highest ceiling)	7.6	7.6 - 8.2
Site coverage (%) - maximum	47.7	40	n/a
Open site space (%) - minimum	48	n/a	n/a
<b>Setbacks (m) - minimum</b>			
South (Wilson Street)	4	7.5	3.5 - 6 (subject to existing street pattern)
North (Rear)	7.5 (measured to the face of the nearest dwelling unit)	4	7.5
West (Interior lot line)	2.5	7.5	4
East (Alston Street)	4	7.5	1.5



<b>Zoning Criteria</b>	<b>Proposal</b>	<b>R-2 Zone</b>	<b>Victoria West Neighbourhood Plan</b>
Parking - minimum	23	37	n/a
Visitor Parking - minimum	3	3	
<b>Bicycle parking stalls - minimum</b>			
Long Term	42	37	
Short Term	20	6	n/a

### **Community Consultation**

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the Victoria West CALUC at a Community Meeting held on January 22, 2019. At the time of writing this report, a letter from the CALUC had not been received.

### **ANALYSIS**

#### **Official Community Plan**

The subject property is designated Traditional Residential in the *Official Community Plan* (OCP, 2012) which supports ground-oriented residential buildings up to two storeys, including single, duplex and attached dwellings, with total floor space ratios up to approximately 1:1. The proposed use, height, and density (0.73:1 FSR) are consistent with this policy.

Two goals of the OCP are to give all residents access to appropriate, secure, affordable housing and provide a wide range of housing types, tenures and prices. By adding townhouses to a predominantly single family dwelling neighbourhood, the proposal widens the range of housing choice which helps support a diverse, inclusive and multigenerational community.

#### **Victoria West Neighbourhood Plan**

The subject property is designated Traditional Residential (General Areas) in the *Victoria West Neighbourhood Plan* (2018) which supports a variety of housing types including townhouses in more than one row, with a maximum height of 2 to 2.5 storeys and a maximum density up to 0.85:1 FSR. The proposed use, height and density are consistent with this policy.

The Neighbourhood Plan encourages the retention of existing buildings that have heritage character. The property 220 Wilson Street is considered to have some heritage value; however, it is neither heritage designated or on the City's Heritage Register. The applicant has investigated the potential for relocating this building and has stated that this is not feasible for a number of reasons, including the fact that the building would need significant structural upgrades to endure a one-time move and, despite marketing the property through Nickel Bros.

and directly to local developers, there has been no interest. This is further detailed in the applicant's letter to Mayor and Council (attached).

### **Tree Preservation Bylaw and Urban Forest Master Plan**

A tree inventory and assessment of 16 trees was conducted by Talbot Mackenzie & Associates and recommendations are outlined in the attached report dated March 14, 2019.

There are ten existing trees on the subject property, three of which are bylaw-protected. The bylaw-protected trees include two Western red cedars and a Norway maple. They are unsuitable candidates for long-term preservation due to their health and/or structural condition. Other on-site trees are non-native ornamental or fruit trees. All on-site trees are proposed to be removed to accommodate the development. Off-site, on private property, a cherry and cypress are proposed to be retained and protected.

The Wilson Street municipal frontage currently has four trees: two European white birch and two mountain ash. The structural condition of two of the trees is poor due to utility line clearance. There are no existing trees on the Alston Street frontage. Frontage works will require the removal of all existing public trees. The proposal includes planting eight new trees on Wilson Street and four new trees on Alston Street. However, these numbers are subject to further review by Parks and Recreation (at the Building Permit stage) to ensure that required off-sets from servicing, driveways, and intersections are possible.

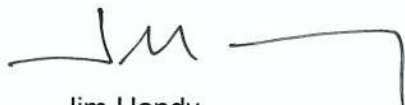
### **CONCLUSIONS**

The proposal to rezone the site to construct two rows of two-storey townhouses is consistent with the use and density envisioned for this location in the OCP and *Victoria West Neighbourhood Plan*. The proposal also introduces townhouses to a predominantly single family dwelling neighbourhood which helps meet the OCP goals of providing more choice of housing types. While the *Inclusionary Housing and Community Amenity Policy* does not apply to this application, the applicant is voluntarily proposing to enter into a Housing Agreement and Covenant to secure three of the two-bedroom dwelling units with sales prices restricted at 15% below market value in perpetuity and also to ensure that future strata bylaws could not prohibit the rental of the remaining units. Staff recommend that Council consider approving this application.

### **ALTERNATE MOTION**

That Council decline Rezoning Application No. 000686 for the property located at 208/210, 220, 230 and 240/242 Wilson Street.

Respectfully submitted,



Jim Handy  
Senior Planner – Development Agreements  
Development Services Division



Andrea Hudson, Acting Director  
Sustainable Planning and Community  
Development Department



Report accepted and recommended by the City Manager:

Date:

*bcclm Senbajns*  
*July 16, 2019*

#### **List of Attachments**

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped May 16, 2019
- Attachment D: Letter from applicant to Mayor and Council dated May 16, 2019
- Attachment E: Transportation Study dated February 5, 2019 & update letter dated July 5, 2019
- Attachment F: Tenant Assistance Plan
- Attachment G: Tree Preservation Plan dated March 14, 2019
- Attachment H: Advisory Design Panel Minutes for the meeting of April 10, 2019
- Attachment I: Applicant Response to Advisory Design Panel Comments dated May 16, 2019
- Attachment J: Letter from Capital Regional District dated July 11, 2019.