



Committee of the Whole Report

For the Meeting of September 19, 2019

To: Committee of the Whole

Date: September 5, 2019

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

Subject: Rezoning Application No. 00690 for 1139 Burdett Avenue

RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00690 for 1139 Burdett Avenue, 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 condition is met:

1. Preparation and execution of a Housing Agreement to secure rental of the dwelling units in perpetuity, to the satisfaction of the Director of Sustainable Planning and Community Development.

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 1139 Burdett Avenue. The proposal is to rezone from the R1-B Zone, Single Family Dwelling District, to a new site specific zone, in order to convert the existing building into multiple dwelling units and add dwelling units in a new addition to the rear.

The following points were considered in assessing this application:

- the proposal is generally consistent with the *Official Community Plan (OCP, 2012)* Traditional Residential Urban Place Designation in terms of use, density, built form and place character

- the proposal is consistent with the Fairfield policies specified in the *Suburban Neighbourhoods Plan* (1984), which encourage the adaptive reuse of existing housing stock to meet the varied social and economic needs of residents
- there is one bylaw-protected arbutus tree on site, which would be retained
- the applicant is offering a Housing Agreement to secure all of the units as rental in perpetuity
- the exterior of the existing building is heritage-designated; therefore a concurrent Heritage Alteration Permit with Variances Application is proposed to allow for the rear addition to the building and modifications to the rear portion of the roof.

BACKGROUND

Description of Proposal

This Rezoning Application is to convert the existing building to multiple dwelling units and add dwelling units within a new addition. Specific details include:

- the existing building is heritage-designated and would be retained with an addition and modifications to the roofline at the rear of the building
- although house conversions are permitted under the R1-B Zone, the existing building does not have sufficient floor area to permit seven units and exterior changes that create additional floor area are not permitted under the house conversion regulations; therefore a rezoning is required to facilitate the proposal
- the applicant is proposing a Housing Agreement to secure the dwelling units as rental in perpetuity
- a large bylaw-protected arbutus tree would be retained with this proposal.

The following changes from the current R1-B Zone are being proposed and would be accommodated in the new zone:

- introduce a maximum floor space ratio of 0.54:1
- allow for a small roof deck
- allow for multiple dwellings as a permitted use.

Variances related to building height and setbacks are also proposed and will be discussed in relation to the concurrent Heritage Alteration Permit with Variances Application:

- increase the maximum building height from 7.6m to 9.3m
- reduce the minimum rear yard setback from 9.18m to 2.03m
- reduce the east side yard setback from 2.19m to 1.5m (for the new addition).

Affordable Housing Impacts

The applicant proposes the creation of seven new residential units, which would increase the overall supply of housing in the area. A Housing Agreement is also being proposed to secure the dwelling units as rental in perpetuity.

Active Transportation Impacts

The application proposes eight long term bicycle parking stalls and six short term bicycle parking stalls, which support active transportation.

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 requirements for buildings. The applicant proposes a standard level of accessibility for the project and there are no exceptional accessibility features.

Land Use Context

The area is characterized by house conversions, low-rise apartment buildings and single family dwellings. The adjacent property at 1143/1145 Burdett Avenue is also a heritage-designated building that was converted to a duplex.

Existing Site Development and Development Potential

The site is presently developed as a single family dwelling. Under the current R1-B Zone, the property could be developed as a single family dwelling with a secondary suite or garden suite. It could also be developed as a three unit house conversion under the regulations of Schedule G – House Conversions of the *Zoning Regulation Bylaw*.

Data Table

The following data table compares the proposal with the existing R1-B Zone. An asterisk is used to identify where the proposal is less stringent than the existing zone. A double asterisk is used to identify where the existing building is legal non-conforming.

Zoning Criteria	Proposal	R1-B Zone
Site area (m ²) – minimum	783.10	460.00
Density (Floor Space Ratio) – maximum	0.54:1	n/a
Combined floor area (m ²) – maximum	453.95 *	420.00
Lot width (m) – minimum	21.32	15.00
Height (m) – maximum	9.3 *	7.6
Storeys – maximum	2.5 **	2
Roof deck	Yes *	No
Site coverage (%) – maximum	33.46	40
Setbacks (m) – minimum		
Front	4.85 **	7.50

Zoning Criteria	Proposal	R1-B Zone
Rear	2.03 *	9.18
Side (east)	1.19 ** 1.50 * (new addition)	2.13
Side (west)	6.29	3.00
Combined side yards	7.48	4.5
Parking – minimum	7	7
Bicycle parking stalls – minimum		
Long term	8	8
Short term	6	6
Schedule G – House Conversion Regulations		
Required floor area (m ²) – minimum for seven units	445.95 *	675.00
Minimum unit size (m ²)	37.80	33.00
Exterior change	Yes *	Not permitted
Landscape (%) – minimum	35.52	30.00
Rear yard landscape (%) – minimum	69.70	33.00

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the Fairfield Gonzales CALUC at a Community Meeting held on March 21, 2019. A summary of the meeting is attached to this report.

ANALYSIS

Official Community Plan

The *Official Community Plan* (OCP, 2012) Urban Place Designation for the subject property is Traditional Residential, which supports ground-oriented residential uses. The OCP states that new development may have a density of generally up to 1:1 floor space ratio (FSR) and up to two storeys in height. The proposed density and height are consistent with these policies.

The proposed rental tenure meets the housing objectives in the OCP, which supports a diversity of housing types to create more options such as ground-oriented multi-unit residential developments.

Local Area Plan

The land use policies of *Suburban Neighbourhoods 1984* that relate to Fairfield identify the subject lands as suitable for residential development and encourages the adaptive use of existing buildings to meet the housing needs of residents. The proposal to retain the existing heritage building and add a sensitive addition to the rear of the building is consistent with these policies.

Tree Preservation Bylaw and Urban Forest Master Plan

There are 11 trees inventoried by the Project Arborist. One bylaw-protected *Arbutus* on the subject lot measures 103cm in diameter and was evaluated in good health and structural condition. This is an exceptional specimen tree with respect to its size and condition relative to other *Arbutus* trees found in the City of Victoria. This species has a poor tolerance to disturbance. It is very important that the recommended protection and mitigation measures provided by the Project Arborist are carried out during this project. This is the only tree proposed for retention on the subject property.

Five on-site, non bylaw-protected trees are proposed for removal, the largest being a double stemmed willow with trunks measuring 45cm and 21cm in diameter. There will be a net loss of canopy coverage on the subject lot as there will be limited space available to plant new trees. Proposed landscaping includes small ornamental trees and shrubs. Five off-site trees were inventoried, including a bylaw-protected cherry tree, all of which will be retained.

Housing Agreement

The applicant is proposing to secure the rental tenure of the dwelling units in perpetuity through a Housing Agreement. The property would also be added to Schedule N – Residential Rental Tenure of the *Zoning Regulation Bylaw*.

CONCLUSIONS

The application is consistent with the Traditional Residential Urban Place Designation, and housing policy in the OCP, which supports a diversity of ground-oriented housing types in each neighbourhood. Staff recommend that Council consider supporting the application.

ALTERNATE MOTION

That Council decline Rezoning Application No. 00690 for the property located at 1139 Burdett Avenue.

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:

Bethyn Jenkins
Date: Sept. 10, 2019

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped May 9, 2019
- Attachment D: Letter from applicant to Mayor and Council dated May 8, 2019
- Attachment E: Community Association Land Use Committee Comments dated March 21, 2019
- Attachment F: Arborist Report dated May 8, 2019
- Attachment G: Photographs
- Attachment H: Statement of Significance
- Attachment I: Heritage Restoration Plan, date stamped July 8, 2019
- Attachment J: Heritage Advisory Panel Minutes dated July 9, 2019.