



Committee of the Whole Report

For the Meeting of December 12, 2019

To: Committee of the Whole **Date:** November 28, 2019

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

Subject: Rezoning Application No. 00636 for 1301 Hillside 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. 00636 for 1301 Hillside 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 conditions are met:

- a. Revised plans to the satisfaction of the Director of Sustainable Planning and Community Development to correct inaccuracies and omissions.
- b. Preparation and execution of the following legal agreements, with form and contents to the satisfaction of the City Solicitor and the Director of Engineering and Public Works:
 - i. A Statutory Right-of-Way of 3.24m off Cook Street
 - ii. A Statutory Right-of-Way of 3.57m off Hillside Avenue
 - iii. Legal agreements securing the purchase of a car share vehicle, on-site provision of a vehicle parking space for the car share vehicle, provision of car share memberships that run with the unit and \$100 in credits for each of the unit, and one year subscription for each unit to the BC Transit EcoPass Program.
- c. Preparation and execution of the following legal agreements, with form and contents to the satisfaction of the City Solicitor and the Director of Sustainable Planning and Community Development:
 - i. Such legal agreement(s) as may be required to secure seven studios, one one-bedroom and one two-bedroom through BC Housing's Affordable Home Ownership Program and prohibiting future stratas from restricting rentals.
 - ii. A legal agreement to secure the construction of the raingardens within the Cook Street and Hillside Avenue boulevards.
- d. Preparation and execution of the following legal agreements, with form and contents to the satisfaction of the City Solicitor and the Director of Parks, Recreation and Facilities:
 - i. Legal agreements that provides for replacement of removed Garry oaks at a ratio of 3 to 1 at 1190 Kings Road (Cridge Centre property), to implement measures such as irrigation to ensure newly planted Garry oaks grow to maturity, to enhance the existing Garry oak meadow on the Cridge Centre property and to install split rail fencing around the Garry oak meadow on the Cridge Centre property.

- e. An updated Arborist Report, to the satisfaction of the Director of Parks, Recreation and Facilities, confirming the tree locations and health of the trees on the eastern property line, and confirming that the construction and excavation work would damage two Garry oak trees to the point that the removal of the trees is necessary.

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 1301 Hillside Avenue. The proposal is to rezone from the C-SS Zone, Special Service Station District, to a site-specific zone in order to construct a six-storey residential building with live-work units on the ground floor.

The following points were considered in assessing this application:

- the proposal is consistent with the policies found in the *Official Community Plan* (OCP, 2012) as it helps establish a sense of place at a busy intersection, and is generally consistent with the Urban Residential place designation
- nine units (seven studios, one one-bedroom and one two-bedroom) will be secured under BC Housing's Affordable Home Ownership Program
- the proposal is inconsistent with the Areas of Greatest Stability designation within the *Oaklands Neighbourhood Plan*. However, multi-family residential is envisioned for the lands immediately east of the subject property and the housing policy notes that apartments should be permitted along Hillside Avenue west of Cedar Hill Road.

BACKGROUND

Description of Proposal

This Rezoning Application is to rezone from the C-SS Zone, Special Service Station District to a site-specific zone in order to construct a six-storey residential building with live-work units and parking on the ground floor.

The following would be accommodated in the new zone:

- live-work as a permitted use within ground floor units
- maximum floor space ratio of 2.25:1
- maximum total floor area of 2800m²
- 3.6m setback from Hillside Avenue
- 0.0m rear yard setback
- 0.0m east side yard setback
- 3.24m west side yard setback

- site coverage of 40%
- open site space of 50%

Affordable Housing Impacts

The applicant proposes the creation of 49 new strata residential units, which will increase overall housing supply in the area. The applicant is proposing a mix of studios, one and two bedrooms. A Housing Agreement is being proposed, which would ensure that future Strata Bylaws could not prohibit the rental of units and to secure nine below market units through BC Housing's Affordable Home Ownership program (AHOP). This is used to ensure that at the Building Permit stage the affordability and unit mix is consistent with the Rezoning plans.

Under BC Housing's AHOP, the applicant is proposing to offer seven bachelor, one one-bedroom and one two-bedroom units at 10% below market rates. A qualified buyer must have a household income that does not exceed the 75th income percentile as determined by BC Housing. According to the applicant, the target incomes under this program would be within the following ranges:

- studios: \$35,000- \$54,999
- one-bedroom and two-bedroom: \$55,000- \$84,999
- two and three-bedroom: > \$85,000

As part of the program, the City of Victoria would retain the value of the below market discount such that should the below market units be resold at market rates, the City would be provided with a Community Amenity Contribution to the Victoria Housing Reserve Fund to support future affordable housing development.

Tenant Assistance Policy

The proposal is to construct on a vacant property, and therefore the Tenant Assistance Policy does not apply.

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 the following features which support active transportation:

- 75 long-term bicycle stalls, including four stalls for cargo bicycles as well as power outlets to 10% of the stalls for e-bikes
- six short-term bicycle stalls
- a bicycle washing station
- provision of EcoPass transit passes to all units for one year
- purchase of a MODO vehicle, \$100 in one-time credits and lifetime memberships that run with each unit.

Public Realm Improvements

Rain gardens to manage storm water are proposed within the Cook Street and Hillside Avenue Boulevards. Given the rain gardens would exceed the standard frontage requirements, construction of the rain gardens would be secured by legal agreement. The appropriate language has been added to the staff recommendation.

Accessibility Impact Statement

The British Columbia Building Code regulates accessibility as it pertains to buildings. The following are features identified by the applicant to address accessibility:

- barrier-free access will be provided from the street and from the private parking area to each dwelling unit and common amenity space
- corridors and doors will exceed the minimum width for accessibility
- window sill heights will not exceed 750mm above the floor and the locking mechanism will not exceed 1170mm above the floor.

Land Use Context

The area is characterized primarily by residential uses. Multi-unit residential buildings are located to the north and west, and the Cridge Centre property is immediately adjacent the property on the east and south. Single family dwellings are located slightly further away from the property to the northwest.

Existing Site Development and Development Potential

The site is presently vacant, having undergone remediation from the previous service station use. Under the current C-SS Zone, Special Service Station District, the property could only be developed as a service station.

Data Table

The following data table compares the proposal with the existing C-SS Zone. An asterisk is used to identify where variances will be required. Two asterisks are used to identify required variances from the site specific zone, in order to avoid enshrining these regulations as rights into the zone.

Zoning Criteria	Proposal	Existing C-SS Zone
Site area (m ²) – minimum	1243.24	N/A
Density (Floor Space Ratio) – maximum	2.25:1	N/A
Total floor area (m ²) – maximum	2793.48	N/A
Lot width (m) – minimum	25.11	N/A
Height (m) – maximum	17.43	11.0
Storeys – maximum	6	N/A
Site coverage % – maximum	75.50 **	N/A
Open site space % – minimum	20.90 **	N/A

Zoning Criteria	Proposal	Existing C-SS Zone
Setbacks (m) – minimum		
Street Boundary (Hillside Avenue)	3.60	4.50
Rear (south)	0.0	4.50
Side (east)	0.0	4.50
Side (west)	3.24	4.50
Vehicle parking (residential) – minimum	19 *	48 (as per Schedule C for multi-family dwellings)
Vehicle parking (visitor) – minimum	4 *	4 (as per Schedule C for multi-family dwellings)
Bicycle parking stalls (long term) – minimum	75	64 (as per Schedule C for multi-family dwellings)
Bicycle parking stalls (short term) – minimum	6	6 (as per Schedule C for multi-family dwellings)

Relevant History

A demolition permit was issued in 2008 for the previous gas station use, and since that time the parcel has been vacant as it underwent environmental remediation. As such, the Certificate of Compliance issued by the Ministry of Environment prohibits subsurface structures as well as at-grade residential uses.

Although it is not the City's responsibility to enforce the Ministry's legislation regarding contaminated sites, it is noted that the applicant has designed the building with surface-oriented concrete slab foundations and footings without basements, a condition of the site's Certificate of Compliance. Ongoing compliance with the *Environmental Management Act* is a matter between the Ministry, the developer and future purchasers.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the Oaklands CALUC at two Community Meetings held on January 30, 2018 and on March 25, 2019. The minutes from the two meetings are attached to this report.

ANALYSIS

Official Community Plan

The property is designated as Urban Residential within the OCP, which envisions a wide range of building forms with mixed-use buildings up to approximately 2:1 Floor Space Ratio (FSR) and six storeys considered on arterial and secondary arterial roads. The application at 2.25:1 FSR is generally within the envisioned density range. The proposal includes nine units to be secured

through BC Housing's Affordable Home Ownership Program, which addresses policies found in Section 13: Housing and Homelessness within the OCP. The proposed building animates and improves the intersection of two arterial roads and would contribute to overall placemaking in the area (Section 8 of the OCP). Finally, prior to this application the property was environmentally remediated after the closure of the former gas station, which addresses objectives within Section 10 of the OCP.

Local Area Plans

The *Oaklands Neighbourhood Plan* identifies the property within the Areas of Greatest Stability designation, which does not envision new multi-unit residential developments. It is possible the gas station use was not envisioned to change over the long-term. However, the properties immediately to the east are designated Areas of Potential Change and the housing policies in the plan note that apartments are permitted along Hillside Avenue west of Cedar Hill Road, which would encompass the subject property.

Tree Preservation Bylaw and Urban Forest Master Plan

Earlier this year, Council increased funding to expedite the implementation of the Urban Forest Master Plan (UFMP). The goals of the UFMP include maximizing community benefits from the urban forest in all neighbourhoods, including a focus on protecting large, healthy trees on public and private property.

The Tree Resource Inventory for this project identified a total of eight trees: one City-owned street tree and seven bylaw-protected trees on the neighboring property at 1190 Kings Road (Cridge Centre property). The trees on the Cridge Centre property are also further protected under a restrictive covenant in favor of the City of Victoria.

The proposal, as currently shown, would require the removal of two Garry oak trees to construct the proposed building. Both of these trees are part of an existing Garry oak meadow and rocky outcrops. Garry oaks ecosystems are native to Victoria and important because they increase biodiversity, maintain ecological integrity and only a very low percentage remain intact. As such, the covenant protection was established to help preserve this meadow in 2001.

A 50cm diameter Garry oak located on the property line has shared ownership with the neighboring property and is identified for removal. This tree is in fair to poor health and in fair structure. The second Garry oak identified for removal is 60cm DBH in fair health and structure that is located on the neighboring property. The root systems of both trees will conflict with the required excavation and will require severe pruning to accommodate the new building. Both of these trees can be retained with a change in building design; however, the applicant has advised that such a change would result in the loss of the proposed affordable housing units.

To help offset the tree removal impacts, the applicant is proposing to replace the impacted trees at a three to one ratio on the Cridge Centre Property and install irrigation to help ensure the newly planted trees grow to maturity. In addition, the applicant is proposing to install split rail fencing around the Garry Oak meadow to provide further protection to the new plantings. Mitigation measures have been provided by the developer to retain the remaining five Garry oaks inventoried.

Finally, a Statutory Right-of-Way will be secured on the Cook Street and Hillside Avenue frontages. On the Hillside Avenue boulevard, a City-owned tree is identified to be removed to allow for the construction of a new streetscape that includes a rain garden, a bike lane

dedication and three new boulevard trees. A rain garden and a new boulevard tree are proposed on the Cook Street frontage.

In summary, three trees are proposed for removal, seven trees are proposed to be planted on the subject lot and six replacement trees are proposed to be planted on the Cridge Centre property.

Regulatory Considerations

The new zone would permit the use of live-work on the ground floor with the following commercial uses: business offices, professional businesses, retail, and restaurants. These commercial uses would aid in activating the relationship of the building with the street, in addition to complying with the requirements of the Certificate of Compliance that restricts residential on the ground floor.

Density Bonus Policy

This proposal was submitted under the *Density Bonus Policy*, 2016. GP Rollo & Associates has completed an economic analysis and determined that there is no land lift, because the applicant is incorporating nine units (seven studios, one one-bedroom and one two-bedroom) offered at 10% below market pricing as part of the BC Housing Affordable Home Ownership Program as well as overall construction costs.

Resource Impacts

There are resource impacts associated with this proposal. The rain gardens proposed within the boulevards on Cook Street and Hillside Avenue will have higher maintenance costs than typical City standard boulevards. Staff recommend for Council's consideration that the proposed raingardens are supported since this would provide for a higher quality public realm and more sustainable storm water management.

Once the project is complete the maintenance of the rain gardens will rest with the Department of Parks, Recreation and Facilities. It is estimated that the annual maintenance of these off-site public realm features will add approximately \$5022 in annual maintenance costs. The breakdown is as follows:

- plantings (raingarden and shrub areas): \$4272
- irrigation infrastructure: \$750 (water meter fees and spring/winter maintenance).

The need for additional FTE as a result of increased inventory would be reviewed through annual operating budget planning as these types of projects are completed and/or brought on-line to the City's maintenance program to ensure capacity to maintain the additional inventory.

CONCLUSIONS

The proposal to construct a six-storey, mixed-use building consisting of ground floor live-work units and parking, is consistent with various OCP policies and provides nine affordable home ownership units that would help to address affordability in the neighbourhood. While two protected trees would be removed or damaged as part of this application, the applicant is proposing measures above and beyond the minimum requirements in order to offset the impact. Additionally, the proposal would improve the public realm at the intersection of two arterial roads and a gateway to two neighbourhoods. Therefore, staff recommend Council consider supporting this application.

ALTERNATE MOTION

That Council decline Rezoning Application No. 00636 for the property located at 1301 Hillside Avenue.

Respectfully submitted,

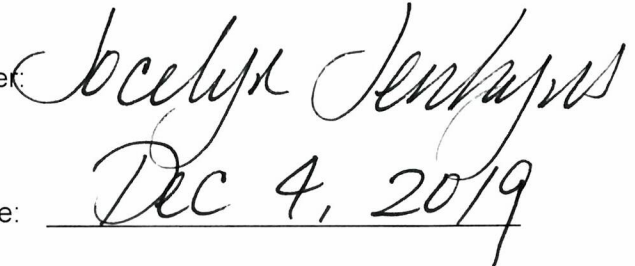


Michael Angrove
Senior Planner
Development Services Division



Andrea Hudson, Acting Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date: Dec 4, 2019

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped September 13, 2019
- Attachment D: Letters from applicant to Mayor and Council dated July 8, 2019, July 17, 2019 and September 3, 2019
- Attachment E: Community Association Land Use Committee Minutes from the January 30, 2018 and March 25, 2019 meetings.
- Attachment F: Advisory Design Panel Minutes from the April 24, 2019 meeting
- Attachment G: Land Lift Analysis, dated November 26, 2019
- Attachment H: Parking Study dated June 12, 2019
- Attachment I: Arborist Report dated May 31, 2019 and revised on September 13, 2019
- Attachment J: Correspondence (Letters received from residents).