



Committee of the Whole Report

For the Meeting of February 27, 2020

To: Committee of the Whole **Date:** February 13, 2020

From: Karen Hoese, Director, Sustainable Planning and Community Development

Subject: Rezoning Application No. 00670 for 1015 Cook Street

RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00670 for 1015 Cook 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:

1. An executed legal agreement, with terms and in a form to the satisfaction of the Director of Engineering and Public Works and the City Solicitor, to secure Transportation Demand Management measures that include:
 - i. provision of three car share vehicles (different sizes);
 - ii. three dedicated on-site car share parking space with access to electric vehicle charging;
 - iii. one car share membership for each dwelling unit with an initial \$100 credit;
 - iv. two long term bike parking spaces in addition to what is required by the *Zoning Regulation Bylaw*; and
 - v. an at-grade bike parking room that includes a bike repair station, bike wash area, parking for oversized bikes and electric charging capabilities in addition to what is required by the *Zoning Regulation Bylaw*.
2. An executed legal agreement in a form to the satisfaction of the City Solicitor, to secure all of the dwelling units as rental 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 1015 Cook Street. The proposal is to rezone from the C-1 Zone, Limited Commercial District, and the R3-A1 Zone, Low Profile Multiple Dwelling District, to a new zone in order to increase the density and allow for multi-unit residential uses subject to rental tenure in perpetuity.

The following points were considered in assessing this Application:

- the proposed use and density are consistent with the *Official Community Plan* (OCP, 2012) Core Residential Urban Place Designation, which supports multi-unit residential buildings up to six storeys and density ranging from 1.5:1 to 3:1 floor space ratio (FSR)
- the proposed live/work uses with residential above is consistent with the *Fairfield Neighbourhood Plan* (2019), which identifies this site within the Fort Street Corridor and supports additional residential development with publicly-oriented uses on the ground floor and densities ranging from 1.5:1 to 3:1 FSR.
- the proposal is exempt from the current Inclusionary Housing and Amenity Contribution Policy as the applicant would be providing 100% purpose-built rental housing secured in perpetuity by a Housing Agreement
- the proposal meets the Tenant Assistance Policy
- a large Horsechestnut tree located on the City boulevard would be retained with this proposal.

BACKGROUND

Description of Proposal

This Application is to rezone from the C-1 Zone, Limited Commercial District, and the R3-A1 Zone, Low Profile Multiple Dwelling District, to a new site-specific zone in order to increase the density and allow for a five-storey residential building with approximately 31 rental dwelling units, including three live-work units on the ground floor.

In addition to increased height and density, the new zone would allow for increased site coverage, reduced open site space and reduced setbacks in comparison to the existing R3-A1 Zone. A parking variance is also proposed and reviewed in relation to the concurrent Development Permit with Variances Application.

Affordable Housing Impacts

The applicant proposes the creation of 31 new residential rental units, which would increase the overall supply of rental housing in the area. A Housing Agreement is also proposed, which would ensure that the units remain rental in perpetuity.

Originally submitted as a strata condominium proposal, this Application is subject to the Density Bonus Policy (2016). Under the 2016 policy, rezoning applications for sites designated as Core Residential, regardless of the proposed tenure, are eligible for either a fixed rate amenity contribution or an amount determined through an economic analysis of the proposal.

On June 27, 2019, Council adopted the Inclusionary Housing and Community Amenity Policy (IHCAP) and directed staff to apply the IHCAP to applications received after June 13, 2019. Under the IHCAP, purpose-built rental projects secured by a legal agreement for the greater of 60 years or the life of the building are exempt from providing a community amenity contribution.

Following adoption of the IHCAP, the applicant changed the proposal to a purpose built rental building and requested consideration of the proposal under the IHCAP and the exemptions that apply to purpose built rental buildings. Staff recommend that Council consider supporting this request as the proposal is consistent with the IHCAP, and previous analysis has determined that small-scale purpose-built rental projects do not typically generate a sufficient lift in land value to support a community amenity contribution beyond the provision of rental housing.

Tenant Assistance Policy

The proposal is to demolish an existing building, which would result in a loss of two existing residential rental units. 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 sustainability features, which will be reviewed in association with the concurrent Development Permit Application for this property.

Active Transportation Impacts

The Application proposes enhanced bicycle parking facilities including a bike repair area, bike wash station and electric charging capabilities, which support active transportation.

Public Realm Improvements

No public realm improvements, beyond the normal City requirements are proposed in association with this Rezoning Application.

Accessibility Impact Statement

The British Columbia Building Code regulates accessibility as it pertains to buildings. Entrances to the ground floor units are at grade, which contributes towards accessibility.

Land Use Context

The area is characterized by a mix of commercial and residential uses. To the south of the property are two heritage designated houses that have been converted to commercial uses.

Existing Site Development and Development Potential

The site is presently occupied by an older house, which underwent a conversion to four suites in 1953. The building's current use includes a hair salon and office on the main level and two residential rental units above.

Redevelopment under existing zoning would be challenging given the site's split zoning. The front half of the site is zoned C-1, Limited Commercial District, which permits a range of

commercial uses with residential uses above the ground floor. The rear half of the property is zoned R3-A1, Low Profile Multiple Dwelling District, which allows for multiple dwellings and density up to 1:1 FSR.

Data Table

The following data table compares the proposal with the existing C-1 and R3-A1 zones. An asterisk is used to identify where the proposal does not meet the requirements of the existing zoning. Additionally, the key City policy that pertains to the area has been included in this table.

Zoning Criteria	Proposal	C-1 Zone	R3-A1 Zone	OCP Policy	Fairfield Neighbourhood Policy
Site area (m ²) – minimum	668.30 *	-	920.00	-	-
Density (Floor Space Ratio) – maximum	2.32:1 *	1.40:1	1.0:1	2:1 up to 3.5:1	1.5:1 up to 3:1
Height (m) – maximum	15.9 * (main roof) 20.10 * (rooftop structure)	12.00	10.70	-	20
Storeys – maximum	5 * (plus rooftop structure)	4	3	6	6
Site coverage (%) – maximum	53.91 *	-	33.33%	-	-
Open site space (%) – minimum	13.35 *	-	30%	-	-
Setbacks (m) – minimum					
Front (Cook Street)	4.88 *	6.00	7.5	-	-
Rear (E)	5.10 *	7.95	9.0 (up to 7.0m in height) 10.5 (above 7.0m in height)	-	-
Side (N)	3.50 *	0	10.05	-	-
Side (S)	1.25 *	0	10.05	-	-

Zoning Criteria	Proposal	C-1 Zone	R3-A1 Zone	OCP Policy	Fairfield Neighbourhood Policy
Vehicle parking – minimum	4 *	19	37	-	-
Bicycle parking stalls – minimum					
Class 1	33	31	31	-	-
Class 2	6	6	6	-	-

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 August 16, 2018. A letter dated August 20, 2018 is attached to this report. A subsequent meeting was held on July 11, 2019 after the Application was changed from a strata condominium proposal to a rental building and the density and height were increased. A summary of that meeting is also attached to this report.

ANALYSIS

Official Community Plan

The subject property is designated as Core Residential in the Official Community Plan (OCP, 2012), which supports multi-unit residential development up to six-storeys in height with floor space ratios (FSR) ranging from 1.5:1 (base density) up to a maximum of 3:1. The proposed use, height and density are consistent with this policy.

The proposed rental tenure of the building is consistent with the OCP, which supports the creation of new housing types, forms and tenures that contribute to housing diversity and choice for residents in all neighbourhoods. The addition of live/work units on the ground floor is also consistent with the OCP's place making policies which encourage active at grade uses within the Urban Core.

Fairfield Neighbourhood Plan

The subject site is located within the Fort Street corridor in the northwest portion of the Fairfield Neighbourhood. The *Fairfield Neighbourhood Plan* (2019) provides guiding policy for land development in this area consistent with the OCP. The area is characterized by low-rise residential buildings with mixed-use and commercial buildings fronting onto more major roads (e.g. Fort Street and Cook Street). To reinforce the existing pattern and rhythm of small-scale commercial, residential and heritage character in the area, the Plan envisions a continuation of this mix of uses with increased densities, building heights up to six storeys and publicly oriented active uses at-grade that encourage pedestrian activity. The proposed development is generally consistent with these policies.

The Fairfield Neighbourhood Plan encourages the retention of existing buildings that have heritage character. The building located at 1015 Cook Street is considered to have some heritage value; however, it is neither heritage-designated nor listed on the City's Heritage Register. The applicant has investigated the potential for relocating the building and has determined it is not economically viable given the structural condition of the building and the costs associated with moving the utility wires to accommodate a building move. This is outlined in the attached letter from Nickel Bros. dated January 11, 2019.

Tree Preservation Bylaw and Urban Forest Master Plan

The goals of the Urban Forest Master Plan include protecting, enhancing, and expanding Victoria's urban forest and optimizing community benefits from the urban forest in all neighbourhoods.

This Application falls under *Tree Preservation Bylaw No. 05-106* (consolidated June 1, 2015), since it was received prior to October 24, 2019. The tree inventory for the proposal identifies five trees potentially impacted by the development, as outlined in the attached arborist report. A mature Horsechestnut tree on the City boulevard is planned to be retained; site servicing will need to be carefully planned and managed in order to mitigate the potential for negative impacts to this tree. An unprotected pear tree in the backyard would also be retained. Three unprotected trees would be removed; two cherries and a Coast redwood. Two small canopy at maturity trees are proposed to be planted.

Regulatory Considerations

A parking variance is associated with this proposal and is reviewed with the concurrent Development Permit with Variance Application.

CONCLUSIONS

The proposal to rezone the site to construct a five-storey multi-unit building with live/work units on the ground floor is consistent with the use and density envisioned for this location in the OCP and *Fairfield Neighbourhood Plan*. Furthermore, the provision of a housing agreement to secure all the units as rental in perpetuity helps advance the OCP housing goal of providing a range of housing types and tenures in each neighbourhood. Therefore, staff recommend that Council consider approving this Application.

ALTERNATE MOTION

That Council decline Rezoning Application No. 00670 for the property located at 1015 Cook Street.

Respectfully submitted,



Alec Johnston
Senior Planner
Development Services Division



Karen Hoese, Director
Sustainable Planning and Community
Development Department



Report accepted and recommended by the City Manager:

Babyn Jenhyns

Date:

Feb 18, 2020

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped December 18, 2019
- Attachment D: Letter from applicant to Mayor and Council dated December 9, 2019
- Attachment E: Community Association Land Use Committee Comments dated August 16, 2018 and July 11, 2019
- Attachment F: Tenant Assistance Plan dated January 22, 2020
- Attachment G: Arborist Report dated December 27, 2019
- Attachment H: Letter from Nickel Bros. dated January 11, 2019
- Attachment I: Advisory Design Panel Minutes dated November 27, 2019
- Attachment J: Correspondence (Letters received from residents).