



Committee of the Whole Report For the Meeting of July 2, 2020

To: Committee of the Whole **Date:** June 18, 2020
From: Karen Hoese, Director, Sustainable Planning and Community Development
Subject: Rezoning Application No. 00705 for 1224 Richardson 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. 00705 for 1224 Richardson 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. Preparation and execution of legal agreements for the following:
 - a. to ensure that a future strata cannot restrict the rental of units to non-owners, to the satisfaction of the Director of Sustainable Planning and Community Development;
 - b. to secure the following transportation demand management measures, to the satisfaction of the Director of Engineering and Public Works:
 - i. one car share vehicle
 - ii. one car share parking spot
 - iii. one care share membership per dwelling unit
 - iv. one hundred dollars in car share usage credits per membership
 - v. two oversized bicycle parking stalls
 - vi. one bicycle repair station;
 - c. to secure a 1.43 metre Statutory Right-of-Way adjacent to the lane.

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 1224 Richardson Street. The proposal is to rezone from the R1-B Zone, Single Family Dwelling District, to a new site-specific zone in order to increase the density to 0.67:1 floor space ratio (FSR) and allow for multiple dwellings at this location. A concurrent development permit with variances application would vary the parking, height and number of storeys and allow for a roof deck.

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 would create new homeownership options and advance the OCP's objectives with regards to providing a diversity of housing types in each neighbourhood
- the proposal is inconsistent with the *Rockland Neighbourhood Plan (1987)*, which encourages consideration of duplex or small-scale townhouses as an appropriate form of infill in the R1-B Zoned areas of the neighbourhood
- the proposal meets the Tenant Assistance Policy.

BACKGROUND

Description of Proposal

This Rezoning Application is to allow for three ground-oriented residential buildings, with approximately 24 dwelling units, at an overall density of 0.67:1 floor space ratio (FSR). Although similar in width to adjacent properties, the subject site is a relatively deep lot with a total site area of approximately 1738m². The new zone would allow for houseplexes as a form of ground-oriented multiple dwelling, as well as increased height and reduced setbacks in comparison to the R1-B Zone, Single Family Dwelling District.

Variances related to parking, number of storeys, height and roof decks are also associated with this proposal and reviewed in relation to the concurrent Development Permit with Variances Application.

Affordable Housing

The applicant proposes the demolition of two dwellings and creation of 24 new one- and two-bedroom units which would increase the overall supply of housing in the area. A Housing Agreement is also being proposed which would ensure that future Strata Bylaws could not prohibit the rental of units.

The subject site is designated as Traditional Residential in the *Official Community Plan (OCP, 2012)* and is therefore not subject to the Inclusionary Housing and Community Amenity Policy. Nevertheless, as a voluntary measure, the applicant is offering to secure the initial sale of the units at an average of \$330,000 for one-bedroom units and \$480,000 for two-bedroom units. An

additional covenant on the dwellings would require an owner to pay fifty percent of the difference between their purchase price and the increased sale price to the City's Housing Reserve Fund if the unit is sold within three years of purchase.

In order to meet the definition of affordable homeownership, as outlined in the *Victoria Housing Strategy Phase Two*, an applicant must partner with a government agency or establish non-profit housing organization to administer the unit sales, income test potential buyers, and to monitor and enforce the affordable housing program. This is typically done through agencies such as BC Housing or the Capital Regional District which, unlike the City, are resourced to run these programs and staff have recommended that the applicant pursue such a partnership. However, the applicant has chosen not to do so, and has not provided an alternate way of administering the program or ensuring that affordability is passed on to future owners. Further, the proposed below-market rates for the initial sale have not been verified by an independent third-party, nor have maximum income criteria for potential buyers been established.

Therefore, although these voluntary covenants could potentially help in limiting housing prices and curbing speculation, in the absence of appropriate administrative measures in place it is uncertain as to what extent the application would provide a contribution to affordable housing in Victoria. However, an alternate motion is provided should Council decide to direct staff to work with the applicant on executing these covenants.

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

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

The application proposes short and long term bicycle parking, including two spaces for over-sized bicycles, which supports active transportation.

Public Realm

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

Accessibility

The British Columbia Building Code regulates accessibility as it pertains to buildings.

Land Use Context

The area is characterized by single family dwellings, duplexes and house conversions to multiple dwellings. Several of the properties to the west, along Linden Avenue, are either heritage-registered or designated properties.

Existing Site Development and Development Potential

The site is presently developed as a single family dwelling that has been converted to a duplex.

Under the current R1-B Zone, the property could be developed as a single family dwelling with either a secondary suite or a garden suite. Alternatively, subject to Council approval of a development permit for panhandle subdivision, the property could be subdivided into three lots and each lot could have a single family dwelling with either a secondary suite or garden suite.

Data Table

The following data table compares the proposal with the existing R1-B Zone, Single Family Dwelling District. An asterisk is used to identify where the proposal does not meet the requirements of the existing zone.

Zoning Criteria	Proposal	Existing Zone	OCP Traditional Residential
Site area (m ²) – minimum	1738.22	460	-
Number of units – maximum	24	2	-
Density (Floor Space Ratio) – maximum	0.67:1	-	1:1
Total floor area (m ²) – maximum	1156.15 *	420	-
Lot width (m) – minimum	17.36	15	
Height (m) – maximum	9.4 * (Building A) 10.08 * (Building B) 9.95 * (Building C)	7.6	-
Storeys – maximum	3*	2	Up to 2-3
Site coverage (%) – maximum	31	40	-
Open site space (%) – minimum	56	-	-
Separation space between buildings (within the site) (m) – minimum	27.05 (Buildings A and B) 7.61 (Buildings B and C)	-	-
Roof deck	Yes * (Buildings B and C)	No	-
Setbacks (m) – minimum			

Zoning Criteria	Proposal	Existing Zone	OCP Traditional Residential
Building A			
Front	7.09 * (building) 4.80 * (stairs)	7.5 (building) 5.0 (stairs)	-
Side (east)	1.84	1.74 (10% of lot width)	-
Side (west)	3.14 (building)	1.74 (10% of lot width)	-
Combined side yards	4.98	4.5	-
Building B			
Side (east)	1.81 (building)	1.74 (10% of lot width)	-
Side (west)	3.13 (building) 1.47 * (stairs)	1.74 (10% of lot width)	-
Combined side yards	3.28 *	4.5	-
Building C			
Side (east)	1.81 (building)	1.74 (10% of lot width)	-
Side (west)	3.09 (building) 1.29 * (stairs)	1.74 (10% of lot width)	-
Rear	9.35 *	25.25 (25% of lot depth)	-
Combined side yards	3.10 *	4.5	-
Parking – minimum	10 *	23	-
Visitor parking included in the overall units – minimum	3	2	-
Bicycle parking – minimum			
Long Term	26	26	-
Short Term	18	18	-

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the Rockland CALUC at a Community Meeting held on July 16, 2019. A second CALUC meeting was held on

September 17, 2019 due to the potential for an Official Community Plan amendment. All property owners and residents within 200m of the subject site were notified of the second meeting, whereas only those within 100m were notified of the first meeting. Meeting summaries are 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 and approximately three storeys along arterial and secondary arterial roads. The OCP also notes that within each designation there will be a range of built forms and that decisions about the appropriate scale for a particular site will be based on an evaluation of the context in addition to consistency with OCP policies, other relevant City policies and local area plans.

The subject site is located on a collector road, not an arterial road, however the immediate context includes several older character houses that are similar in scale to the proposed buildings. While the proposed development is technically three storeys in height due to the ceiling height of the basement relative to average grade, the buildings present as two storeys with a raised basement. This form of development fits with the existing context and is considered consistent with the spirit of the Traditional Residential Urban Place Designation.

Some of the adjacent houses remain as single family dwellings while many have been converted to multiple dwellings – a common form of infill development in both the Rockland neighbourhood and Fairfield to the south of Richardson Street. The proposed houseplexes, which are buildings of three or more units that appear as large single family dwellings, and density of 0.67:1 FSR, are considered a compatible form of infill development that is consistent with the use, density and place character envisioned in the OCP for Traditional Residential areas. Furthermore, the proposed mix of one- and two-bedroom condominiums would help advance the OCP housing objectives, which encourage a diversity of housing types to create more home ownership options in each neighbourhood.

Rockland Neighbourhood Plan

The *Rockland Neighbourhood Plan* (1987) supports consideration of duplexes or small-scale townhouses as an appropriate form of infill in areas currently zoned R1-B. The plan does not contemplate houseplexes as a potential housing typology in the neighbourhood. Although the proposed development is not consistent with the envisioned use, it is aligned with the policies that support new buildings that compliment the larger estate houses of Rockland, and would add to the neighbourhood's ground-oriented housing stock.

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 was received prior to October 24, 2019, so it falls under *Tree Preservation Bylaw No. 05-106* consolidated June 1, 2015. The tree inventory included in the attached

arborist report identifies five offsite trees that could be impacted by development activities: one bylaw-protected, three unprotected, and one City street tree. The following is a summary of tree-related considerations:

- a bylaw-protected European ash tree on the neighbouring property to the east is proposed for removal due to conflict with Building C (root loss from excavation and loss of canopy); therefore, two replacement trees will need to be planted at 1232 Richardson Street
- an unprotected black locust tree on 1232 Richardson Street is also proposed for removal due to negative impacts from the proposed building excavation
- two unprotected trees on neighbouring properties and a hawthorn tree on the City frontage are to be retained with mitigation measures such as tree protection fencing and arborist supervision
- thirty new trees have been proposed to be planted on the site.

Statutory Right-of-Way

The applicant is offering a 1.43m wide Statutory Right-of-Way to help achieve a wider right-of-way along the public portion of the lane.

Regulatory Considerations

Variances related to parking, number of storeys, height and roof decks are associated with this proposal and are reviewed with the concurrent Development Permit with Variances Application.

CONCLUSIONS

The proposal to rezone the site to construct three houseplexes on one lot is consistent with the use and density envisioned for this location in the OCP and would add to housing diversity in the Rockland neighbourhood. Therefore, staff recommend that Council consider advancing the application to a Public Hearing.

ALTERNATE MOTIONS

Option 1 (with Legal Agreement related to Housing Offer)

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00705 for 1224 Richardson 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:

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 - b. to secure the following transportation demand management measures, to the satisfaction of the Director of Engineering and Public Works:
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 - ii. one car share parking spot

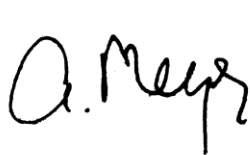
- iii. one care share membership per dwelling unit
- iv. one hundred dollars in car share usage credits per membership
- v. two oversized bicycle parking stalls
- vi. one bicycle repair station;
- c. to secure a 1.43 metre statutory right-of-way adjacent to the lane;
- d. to secure the initial sale prices at a maximum average of \$330,000 for one bedroom units and \$480,000 for two bedroom units; and**
- e. to ensure that an owner contribute 50% of the difference between their purchase price and the increased sale price to the City's Housing Reserve Fund if the unit is sold within three years of purchase.**

Option 2 (Decline)


That Council decline Rezoning Application No. 00705 for the property located at 1224 Richardson Street.

Respectfully submitted,


 Alec Johnston
 Senior Planner
 Development Services




 Karen Hoese, Director
 Sustainable Planning and Community
 Development Department

Report accepted and recommended by the City Manager: 

Date: June 23, 2020

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped June 8, 2020
- Attachment D: Letter from applicant to Mayor and Council dated May 20, 2020
- Attachment E: Community Association Land Use Committee Comments dated July 16, 2019, September 17, 2019 and October 10, 2019
- Attachment F: Arborist report dated May 13, 2019 updated August 19, 2019
- Attachment G: Advisory Design Panel minutes dated November 27, 2019
- Attachment H: Letter from applicant in response to Advisory Design Panel recommendation dated January 24, 2020
- Attachment I: Tenant Assistance Plan
- Attachment J: Correspondence.