



## Committee of the Whole Report For the Meeting of November 12, 2020

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**To:** Committee of the Whole **Date:** October 22, 2020  
**From:** Karen Hoese, Director, Sustainable Planning and Community Development  
**Subject:** Rezoning Application No. 00711 for 1114 Rockland Avenue

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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. 00711 for 1114 Rockland 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:

1. Secure an amenity contribution in the amount of \$144,021.20 towards the Victoria Housing Reserve Fund (70%) and Local Amenities Fund (30%), to the satisfaction of the Director of Sustainable Planning and Community Development.
2. Secure two one-bedroom units to be sold at a minimum of 10% below market rate (below-market ownership units) in perpetuity, to the satisfaction of the Director of Sustainable Planning and Community Development.
3. Preparation and execution of legal agreements for the following:
  - a. to ensure that future strata bylaws cannot restrict the rental of units to non-owners (with the exception of two below-market ownership units), 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 care share membership per dwelling unit;
    - ii. one hundred dollars in car share usage credits per membership;
    - iii. 20 long term bicycle parking stalls in addition to the requirements under Schedule C of the *Zoning Regulation Bylaw*;
    - iv. a bicycle maintenance area; and
    - v. a BC Transit bus pass subsidy of at least \$22,500 for future residents.

### 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 1114 Rockland Avenue. The proposal is to rezone from the R3-A1 Zone, Low Profile Multiple Dwelling District to a new zone in order to increase the density to 2:1 floor space ratio and allow for a five-storey building with multiple dwellings.

The following points were considered in assessing this application:

- the proposed use and density are consistent with the *Official Community Plan, 2012* (OCP) 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 proposal is consistent with the *Fairfield Neighbourhood Plan (2019)*, which identifies this site within the Fort Street Corridor and supports additional residential development up to six-storeys (20m) in height and densities ranging from 1.5:1 to 3:1 FSR
- consistent with the Inclusionary Housing and Community Amenity Policy the applicant would provide an amenity contribution of \$144,021.20 with seventy percent allocated to the Victoria Housing Reserve Fund and thirty percent allocated to the Local Amenities Fund
- the proposal includes two below-market ownership units, which would be secured by legal agreement and administered by the Capital Regional District, and would advance the OCP goal of providing a diversity of housing options in each neighbourhood
- a large by-law protected Coast redwood tree on 1126 Rockland Avenue would be retained with this proposal.

## **BACKGROUND**

### **Description of Proposal**

This application is to rezone from the R3-A1 Zone, Low Profile Multiple Dwelling District to a new zone in order to increase the density to 2:1 floor space ratio and allow for a five-storey building with multiple dwelling units (four levels of housing over one level of above-grade parking). The new zone would allow for increased density and height and site coverage, as well as reduced setbacks and open space in comparison to the current zone. It would also include provisions to secure cash-in-lieu and below-market units as community amenity contributions in order to achieve the maximum density specified in the zone. Variances related to parking and side setbacks are also associated with this proposal and will be reviewed in relation to the concurrent Development Permit with Variances Application.

## **Affordable Housing**

The applicant proposes the creation of 22 new residential units (17 one-bedroom and five two-bedroom which would increase the overall supply of housing in the area. In addition, the applicant is offering two below-market one-bedroom units which would be sold at a minimum of 10% below market value for the first and all subsequent sales. The Capital Regional District (CRD) would manage the appraisal and sale of the below-market units in perpetuity (see attached letter from the CRD). This arrangement would be secured through legal agreements on title. The appropriate language has been added to the staff recommendation to secure this arrangement. Further, a Housing Agreement is also being proposed which would ensure that future Strata Bylaws could not prohibit the rental of the remaining units.

In addition, consistent with the Inclusionary Housing and Community Amenity Policy, the applicant proposes an amenity contribution of \$144,021.20 towards the Victoria Housing Reserve Fund (70%) and Local Amenities Fund (30%). This financial contribution would be required as a community amenity provision in order to achieve the maximum permitted density in the new site-specific zone.

## **Tenant Assistance Policy**

The existing building has remained vacant since a fire damaged the building in 2013; therefore, a tenant assistance plan is not required with this proposal.

## **Sustainability**

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

## **Active Transportation**

The application proposes the following features which support active transportation:

- 20 long term bicycle parking stalls in addition to the Zoning Regulation Bylaw requirements
- a bicycle repair room.

## **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. The building entrance and bicycle repair room are also designed to be accessible.

## **Land Use Context**

The area is characterized by a mix of commercial and residential uses. To the west of the property are two heritage designated houses that have been converted to commercial uses. To the immediate north and east, as well as the opposite side of Rockland Avenue are four-storey multi-unit residential buildings. A five-storey multi-unit residential building was recently approved to the northeast of the subject property at 1015 Cook Street.

## Existing Site Development and Development Potential

The site is presently occupied by a vacant house conversion which was damaged by fire in 2013.

Under the current R3-A1 Zone, the property could be developed as a four storey multi-unit residential building with a density up to 1.2:1 FSR.

### Data Table

The following data table compares the proposal with the existing R3-A1 Zone, Low Profile Multiple Dwelling District. An asterisk is used to identify where the proposal does not meet the requirements of the existing zoning. A double asterisk indicates where the proposal is legal non-conforming in relation to the existing zoning. Additionally, the key City policy that pertains to the area has been included in this table.

| Zoning Criteria                       | Proposal  | Existing R3-A1 Zone  | OCP and Fairfield Neighbourhood Plan Policy   |
|---------------------------------------|---|--|---|
| Site area (m <sup>2</sup> ) – minimum | <b>669**</b>  | 920  | -   |
| Density (Floor Space Ratio) – maximum | <b>2:1*</b>   | 1:1  | 1.5:1 – 3:1   |
| Height (m) – maximum                  | <b>15.87*(main roof)<br/>18.90* (roof top access)</b>                         | 10.70  | 20  |
| Storeys – maximum                     | <b>5* (plus rooftop access)</b>   | 3  | 6   |
| Site coverage (%) – maximum           | <b>62.40*</b>   | 33.33  | -   |
| Open site space (%) – minimum         | <b>28.80*</b>   | 30   | -   |
| <b>Setbacks (m) – minimum</b>         |   |  |   |
| Front (Rockland Avenue)               | <b>3.77*</b>  | 7.50   | Three to five storey buildings define the street wall<br><br>Buildings with landscaped setbacks in more residential areas |
| Rear (S)                              | <b>3.33*</b>  | 9.00 (for portions of a building less than 7m in height)<br>10.50 (for portions of a building greater than 7m in height) |   |
| Side (E)                              | <b>0.35* (to main entry)<br/>3.00* (to building)<br/>1.74* (to balconies)</b> | 9.45 (half the building height)  |   |
| Side (W)                              | <b>2.07* (to building)<br/>1.77* (to balconies)</b>                           | 9.45 (half the building height)  |   |

| Zoning Criteria   | Proposal | Existing R3-A1 Zone | OCP and Fairfield Neighbourhood Plan Policy |
|---|----------|---------------------|---|
| Vehicle parking – minimum   | 12*      | 17                  | -   |
| Visitor vehicle parking included in the overall parking – minimum | 2        | 2                   | -   |
| <b>Bicycle parking stalls</b> – minimum                           |          |                     |   |
| Long term   | 44       | 24                  | -   |
| Short term  | 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 June 27, 2019. A summary of the meeting is 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 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 two units of below-market housing secured by a legal agreement with the Capital Regional District would also help advance the OCP housing objectives which encourage the creation of new housing types, forms and tenures that contribute to housing diversity and choice for residents in all neighbourhoods.

#### Fairfield Neighbourhood Plan

The *Fairfield Neighbourhood Plan (2019)* identifies the site within the Fort Street Corridor and envisions buildings up to six-storeys (20m) in height and densities ranging from 1.5:1 up to 3:1 FSR consistent with the OCP. The proposed development is considered consistent with these policies.

The Plan supports increased residential densities in close proximity to frequent transit routes, and also encourages more active forms of transportation such as walking and cycling. The subject site is located within approximately 200m of frequent transit along Fort Street, and the applicant proposes a \$22,500 bus pass subsidy for future residents of the building. Further, the proposal includes 20 additional long-term bicycle parking stalls (44 in total) and an at-grade bicycle repair room fronting onto Rockland Avenue, which is identified as a greenway in the Plan.

## Tree Preservation Bylaw and Urban Forest Master Plan

There are two bylaw protected trees potentially impacted by the proposed development. A multi-stemmed pear tree proposed for removal is situated on the north property line. The tree is showing signs of dieback and was assessed in poor health with poor structure. The second tree is a 122 cm diameter Coast redwood situated on the neighbouring property to the east. The tree has been assessed in fair health with good structure. An arborist report issued on November 1, 2019 suggests that root growth from the tree is likely restricted to the east by the presence of the neighbor's building and that the majority of the tree's roots are growing in the backyard of the subject lot. The arborist undertook exploratory excavation to determine the location of roots critical to the health and stability of the tree. An addendum to the arborist report issued on August 15, 2020 outlines excavation specifications and mitigation measures to be followed to limit impacts to the tree and ensure its preservation.

The applicant is proposing to plant seven trees on the subject lot, including two replacement trees as per the Tree Preservation Bylaw. All proposed trees have a columnar growth habit.

The municipal sidewalk will be relocated to property line, which will create planting space in the boulevard for a new tree.

### Tree Impact Summary

| Tree Status                         | Total # of Trees | Trees to be REMOVED | NEW Trees | NET CHANGE<br>(new trees minus total to be removed) |
|-------------------------------------|------------------|---------------------|-----------|---|
| Subject property trees, protected   | 1                | 1                   | 2         | +1  |
| Subject property trees, unprotected | 0                | 0                   | 5         | +5  |
| City trees                          | 0                | 0                   | 1         | +1  |
| Neighbouring trees, protected       | 1                | 0                   | 0         | 0   |
| Neighbouring trees, unprotected     | 4                | 0                   | 0         | 0   |
| <b>Total</b>                        | <b>6</b>         | <b>1</b>            | <b>8</b>  | <b>+7</b>   |

### Regulatory Considerations

Variations related to parking and side yard setbacks are associated with this proposal and are reviewed with the concurrent Development Permit with Variations Application.

### Resource Impacts

The applicant is proposing one new street tree, which will have an annual maintenance cost of \$60.

### CONCLUSIONS

The proposal to rezone the site to construct a five-storey multi-unit building is considered consistent with the use and density envisioned for this location in the OCP and *Fairfield*

*Neighbourhood Plan.* The provision of two below-market ownership dwellings would help advance the goal of providing a range of housing types and tenures in each neighbourhood. Furthermore, the bus pass subsidy and enhanced bicycle facilities encourage increased usage of transit and cycling as envisioned in the neighbourhood plan. Based on these reasons it is recommended that Council consider approving this application.

## ALTERNATE MOTION

That Council decline Rezoning Application No. 00711 for the property located at 1114 Rockland Avenue.

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:



Date: October 26, 2020

## List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped June 29, 2020
- Attachment D: Letter from applicant to Mayor and Council dated July 31, 2019, amended April 17, 2020
- Attachment E: Community Association Land Use Committee meeting summary dated June 27, 2019
- Attachment F: Letter from the Capital Regional District regarding below-market housing dated January 27, 2020
- Attachment G: Arborist Report dated November 1, 2019
- Attachment H: Arborist Report Addendum dated August 15, 2020
- Attachment I: Advisory Design Panel meeting minutes dated February 26, 2020
- Attachment J: Correspondence (Letters received from residents).