



Committee of the Whole Report

For the Meeting of January 21, 2021

To: Committee of the Whole **Date:** January 7, 2021

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

Subject: Rezoning Application No. 00712 for 1125 Fort 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.00712 for 1125 Fort 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. That Council consider the Heritage Designation of 1125 Fort Street, consistent with plans date stamped September 9, 2020;
2. Preparation of legal agreements, to the satisfaction of the Director of Sustainable Planning and Community Development, to:
 - a) secure one of the proposed residential units as rental for a period of 20 years
 - b) Ensure that a future strata cannot restrict the rental of units to non-owners.

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.

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 1125 Fort Street. The proposal is to rezone from the R3-1 Zone, Multiple 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

at the rear, fronting Meares Street. There is a concurrent Development Permit with Variances application, as well as a Heritage Designation application, that are presented in separate reports.

The following points were considered in assessing this application:

- the proposal is generally consistent with the *Official Community Plan, 2012* (OCP) Urban Residential Urban Place Designation in terms of use, built form and character
- the applicant is offering a Housing Agreement to secure one of the units within the existing building as a rental unit for a period of 20 years
- the proposed density of 1.92 to 1 Floor Space Ratio (FSR) can be considered justified given the proposed heritage designation of the existing building and provision of a rental unit; however, a land lift analysis has not been completed to validate this
- the proposal is consistent with the *Fairfield Neighbourhood Plan, 2019*, which encourages more housing focused on the Fort Street corridor as well as the adaptive reuse of existing housing stock.

BACKGROUND

Description of Proposal

This Rezoning application is to convert the existing building to two dwelling units and add three new residential units over parking within a new addition along Meares Street. The proposal includes a concurrent Heritage Designation of the existing building on Fort Street. The proposal also includes a Housing Agreement to secure one of the units within the existing building as rental for a period of 20 years.

The following differences from the current zone are being proposed and would be accommodated in the new zone:

- reduce the minimum site area from 920m² to 420m²
- increase the maximum floor space ratio from 1.20 to 1 to 1.92 to 1
- reduce the street boundary setback at Fort Street from 10.5m to 2.6m to the building face and 0.53 to the front stairs
- reduce the street boundary setback at Fort Street from 10.5m to 1.74m
- reduce the East and West side yard setbacks from 7.22m to 0m
- increase the maximum site coverage from 30% to 81%
- decrease the minimum open site space from 30% to 16%.

A variance to reduce the vehicle parking from eight stalls to four stalls is also proposed and will be discussed in relation to the concurrent Development Permit with Variances application.

Affordable Housing

The applicant proposes the creation of five new residential units which would increase the overall supply of housing in the area. A Housing Agreement is being proposed which would ensure that future Strata Bylaws could not prohibit the rental of units. A Housing Agreement is also being proposed to secure one unit within the existing building as rental for a period of 20 years.

Sustainability

The applicant has not identified any sustainability features associated with this proposal.

Active Transportation

The applicant has not identified any active transportation impacts associated with this application.

Public Realm

No public realm improvements beyond the City's standard requirements are proposed in association with this Rezoning application.

Accessibility

Accessibility measures beyond those contained in the British Columbia Building Code are not proposed.

Land Use Context

The area is characterized mainly by multi-unit residential buildings, with some commercial uses operating out of heritage houses along Fort Street.

Existing Site Development and Development Potential

The site presently contains a single family dwelling. Under the current R3-1 Multiple Dwelling District Zone, the property could be developed as a house conversion or multi-family dwelling; however, a multi-family dwelling would require a variance for the site area.

Data Table

The following data table compares the proposal with the R3-1 Multiple Dwelling District Zone. An asterisk is used to identify where the proposal does not meet the standard expressed in the existing zone.

Zoning Criteria	Proposal	Existing Zone
Site area (m ²) – minimum	420.6*	920.0
Density (Floor Space Ratio) – maximum	1.92*	1.20
Total floor area (m ²) – maximum	808	N/A
Lot width (m) – minimum	12.19	N/A
Height (m) – maximum	12.45	18.50
Storeys – maximum	4	N/A
Site coverage % – maximum	81*	30
Open site space % – minimum	16*	30

Zoning Criteria	Proposal	Existing Zone
Setbacks (m) – minimum		
Front (North - Fort Street)	2.60*	10.50
Front Stair Projection	0.53	N/A
Rear (South - Meares Street)	1.74*	10.50
Side (East)	0*	7.22
Side (south)	0*	7.22
Parking – minimum	4*	8
Visitor parking included in the overall parking total – minimum	0	1
Bicycle parking stalls – minimum		
Long term	8	6
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 Neighbourhood CALUC at a Community Meeting held on June 13, 2019. A letter dated June 13, 2019 is attached to this report.

ANALYSIS

Official Community Plan

The OCP Urban Place Designation for the subject property is Urban Residential. This designation envisions low- and mid-rise multi-unit buildings up to six storeys with floor space ratios of 1.2:1 and up to 2:1 where a development advances strategic objectives. The existing zoning allows for a density of 1.2:1 for this proposal, or up to 1.6:1 where all the required parking has been provided. Because the proposal does not include all the required parking, the maximum density for the proposal is 1.2:1.

The OCP also contains policies which state that the above-noted density ranges “may be varied to achieve heritage conservation objectives where alternative guidelines are established for a heritage property or properties or a Heritage Conservation Area.” Additionally, in Section 8: Placemaking - Urban Design and Heritage, the OCP includes policies which state, “Continue to enable and support heritage conservation through incentives and allowances including ... bonus density provisions and zoning variances.”

The proposed density of 1.92:1 is at the upper end of the anticipated density range for the Urban Residential Designation; however, the proposal is in a strategic location along the Fort

Street Corridor and supports OCP strategic objectives by heritage-designating the existing house and securing one of the units as rental. Additionally, this type of development is consistent with the pattern of development along the Fort Street Corridor and provides a logical transition from the higher density Urban Core Residential OCP designation directly to the west. For these reasons, staff consider the proposed level of density to be appropriate at this site.

Fairfield Neighbourhood Plan

The *Fairfield Neighbourhood Plan* also encourages more housing focused on the Fort Street corridor as well as the adaptive reuse of existing housing stock to meet the varied social and economic needs of residents

Inclusionary Housing and Community Amenity Policy

The *Inclusionary Housing and Community Amenity Policy* states that heritage designation may be considered an alternative amenity noting that “projects with heritage conservation contributions of equal or greater value to that of the community amenity contribution are exempt as determined through an economic analysis.” However, in this instance, an independent land lift analysis has not been completed to demonstrate that the heritage conservation contributions and secured rental unit is of equal or greater value to the increase in land value from the existing zoning and OCP base level of 1.2:1 to the proposed 1.92:1.

The *Inclusionary Housing and Community Amenity Policy* further notes that this project would be considered an “Atypical Rezoning Application” because it “contains a building which is eligible for heritage conservation and/or heritage designation...” and that “an economic analysis conducted at the applicant’s expense may be used to determine the amount of CAC an approvable project can support.” Because of the relatively small scale of the proposal, in this instance, the applicant has elected to not undertake an independent economic analysis. While staff cannot confirm that the project would not yield a community amenity contribution beyond heritage designation and the securing of a rental unit for 20 years, based on the outcome of land lifts of other heritage projects, it would seem unlikely. The applicant has provided a memo with commentary on the land lift value, which is attached in this report. Should Council wish to have an independent economic analysis this information provided, the alternate motion provides the appropriate wording.

Tree Preservation Bylaw and Urban Forest Master Plan

There are no *Tree Preservation Bylaw* or public tree impacts with this application.

CONCLUSIONS

While a land lift analysis has not been completed, the proposal to rezone the property at 1125 Fort Street is generally consistent with the goals in the OCP and the Urban Residential designation in the Fairfield Neighbourhood Plan, which support residential infill and preservation of existing heritage character, particularly along the Fort Street Corridor. The associated Heritage Designation and proposed Housing Agreement to secure one of the units as rental for a period of 20 years would further support these goals. For these reasons, staff recommend for Council’s consideration that the application be supported.

ALTERNATE MOTION

Option One – Land Lift Analysis

That Council direct staff to work with the applicant to provide a third part economic analysis at the applicant's expense concurrent with the preparation of the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning application No. 00712 for 1125 Fort Street and incorporating Community Amenity Contributions if warranted and 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:

3. That Council consider the Heritage Designation of 1125 Fort Street, consistent with plans date stamped September 9, 2020;
4. Preparation of legal agreements, to the satisfaction of the Director of Sustainable Planning and Community Development, to:
 - c) secure one of the proposed residential units as rental for a period of 20 years
 - d) Ensure that a future strata cannot restrict the rental of units to non-owners.

Option Two – Decline

That Council decline Rezoning Application No. 00712 for the property located at 1125 Fort Street.

Respectfully submitted,

Chloe Bryden Tunis
Planner
Development Services

Karen Hoesel, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A – Subject Map
- Attachment B – Aerial Map
- Attachment C – Plans date stamped September 9, 2020
- Attachment D – Photographs
- Attachment E – Statement of Significance
- Attachment F – November 10, 2020 Heritage Advisory Panel Meeting Minutes
- Attachment G – Letter from the applicant, date stamped March 3, 2020
- Attachment H – Economic Analysis Memo from applicant dated September 9, 2020
- Attachment I – CALUC Comments dated June 13th, 2019
- Attachment J – Correspondence (letters received from residents).