



Committee of the Whole Report For the Meeting of January 28, 2021

To: Committee of the Whole **Date:** January 7, 2020

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

Subject: Rezoning Application No. 00655 for 496 and 498 Cecelia Road and 3130 Jutland Road and associated Official Community Plan Amendment

RECOMMENDATION

1. That Council instruct staff to prepare the necessary Official Community Plan Amendment Bylaw in accordance with Section 475 of the Local Government Act and the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00655 for 496 and 498 Cecelia Road and 3130 Jutland Road 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:
 - a. Preparation and execution of the appropriate legal agreements to secure the following:
 - i. that the 88 dwelling units would remain below-market rental for 60 years in accordance with BC Housing's Community Housing Fund program requirements to the satisfaction of the Director of Sustainable Planning and Community Development and the City Solicitor;
 - ii. that a minimum of 26 two-bedroom and 20 three-bedroom dwelling units are provided in the development to the satisfaction of the Director of Sustainable Planning and Community Development;
 - iii. provide a daycare on-site for a minimum of 15 years to the satisfaction of the Director of Sustainable Planning and Community Development;
 - iv. construction and maintenance of a 1290m² plaza in accordance with the landscape plans dated December 11, 2020 to the satisfaction of the Director of Sustainable Planning and Community Development;
 - v. public access of the plaza area to the satisfaction of the Director of Sustainable Planning and Community Development;
 - vi. construction of a new traffic signal at the corner of Cecelia and Jutland Road in accordance with the conceptual plan dated December 11, 2020 to the satisfaction of the Director of Engineering and Public Works;
 - vii. a Statutory Right-of-Way on 496 and 498 Cecelia Road to allow for a portion of the sidewalk to be on site to mitigate impacts on an existing London Plane tree.
 - b. That the applicant provide road dedication of 1.38m on Cecelia Road for boulevard and sidewalk improvements at the time of subdivision to the satisfaction of the Director of Engineering and Public Works.

- c. That Council determine, pursuant to section 475(1) of the Local Government Act that the affected persons, organizations and authorities are those property owners and occupiers within a 200m radius of the subject properties; that the appropriate consultation measures would include a mailed notice of the proposed OCP Amendment to the affected persons; posting of a notice on the City's website inviting affected persons, organizations and authorities to ask questions of staff and provide written or verbal comments to Council for their consideration.
- d. That Council, having provided the opportunity for consultation pursuant to Section 475(1) of the *Local Government Act* with persons, organizations and authorities it considers will be affected, specifically, the property owners and occupiers within a 200m radius of the subject properties have been consulted at a Community Association Land Use Committee (CALUC) Community Meeting, consider whether the opportunity for consultation should be early and ongoing, and determine that no further consultation is required.
- e. That Council, specifically consider whether consultation is required under Section 475(2)(b) of the *Local Government Act*, and determine that no referrals are necessary with the Capital Regional District Board, Councils of Oak Bay, Esquimalt and Saanich, the Songhees and Esquimalt First Nations, the School District Board and the provincial and federal governments and their agencies due to the nature of the proposed amendment.
- f. That Council give first reading to the Official Community Plan Amendment Bylaw.
- g. That Council consider the Official Community Plan Amendment Bylaw in conjunction with the City of Victoria 2017-2021 Financial Plan, the Capital Regional District Liquid Waste Management Plan and the Capital Regional District Solid Waste Management Plan pursuant to Section 477(3)(a) of the *Local Government Act*, and deem those Plans to be consistent with the proposed Official Community Plan Amendment Bylaw.
- h. That Council give second reading to the Official Community Plan Amendment Bylaw.
- i. That Council refer the Official Community Plan Amendment Bylaw for consideration at a Public Hearing.

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 properties located at 496 and 498 Cecelia Road and 3130 Jutland Road. The proposal is to rezone from the R1-B Zone, Single-Family Dwelling District, to a new residential rental tenure zone to increase the density and construct a five-storey, mixed-use building consisting of ground floor community-oriented uses and residential uses on the upper floors, and a four-storey, multi-unit residential building. The proposed development will consist of approximately 88 affordable and below-market rental dwelling units. An amendment to the *Official Community Plan (OCP)* from Public Facilities, Institutions, Parks and Open Space to Large Urban Village is required to facilitate this development.

The following points were considered in assessing this application:

- While the current OCP Urban Place Designation does not envision this form of development, the proposed Large Urban Village designation would support the proposed density of 1.40:1 floor space ratio (FSR) and building heights ranging of four and five storeys.
- The *Burnside Gorge Neighbourhood Plan (BGNP, 2017)* envisions a mixed-use development on the Burnside School site if the site is redeveloped for uses other than school purposes. Creating an urban village consisting of affordable housing, community uses and a central greenspace (plaza) fronting Cecelia Road, is envisioned for the lands. This proposal is consistent with this vision for the site.
- The proposed plaza area will include outdoor seating, picnic tables, boulder play structures, fruit trees and power supply. This plaza advances the BGNP strategy related to providing a central greenspace for the neighbourhood
- Maintaining and enhancing Cecelia Road as a pedestrian-oriented and tree-lined street is strongly encouraged in the BGNP. The application retains two existing London Plane trees and adds several new trees along Cecelia Road, which would enhance the urban forest and provide substantial tree canopy along the street.
- A daycare and out of school care program is proposed which would accommodate approximately 60 children, which would be operated by the Burnside Gorge Neighbourhood Association. This further advances the OCP objective of considering non-profit daycare space as an amenity in new mixed-use developments.
- School District 61 will provide art education and fitness programs in the community flex space provided on site. In the evenings and weekends the space would be available for programs and events provided by the Burnside Gorge Neighbourhood Association.
- The applicant is proposing 8 studios, 34 one-bedroom, 26 two-bedroom, and 20 three-bedroom dwelling units of affordable and below-market rental housing, including ground-oriented and accessible dwelling units that would support aging in place. Over half of the dwelling units would be suitable for families with children.

BACKGROUND

Description of Proposal

This Rezoning Application is to rezone the properties located at 496 and 498 Cecelia Road and 3130 Jutland Road from the R1-B Zone, Single Family Dwelling District, to a new residential rental tenure zone to increase the density to 1.40:1 floor space ratio. The application would advance the construction of a five-storey, mixed-use building consisting of ground floor community-oriented uses and residential uses on the upper floors, and a four-storey, multi-unit residential building. The ground-floor community uses would include a day care and after school care programs, a fitness studio, and educational and art classroom space. The

development will provide approximately 88 affordable and below-market rental dwelling units. An amendment to the *Official Community Plan (OCP)* from Public Facilities, Institutions, Parks and Open Space to Large Urban Village is required to facilitate this development.

The new zone would be drafted to reflect the proposed development and the following differences from the existing R1-B Zone related to increasing the density, height, and site coverage, and reducing setbacks would be accommodated in the new zone.

Affordable Housing

The applicant proposes the creation of 88 new residential units which would increase the overall supply of housing in the area. The following mix of studios, one, two, and three-bedroom units would be provided:

| Unit Type | Number of dwelling units |
|------------------|---------------------------------|
| Studios | 8 |
| One-bedroom | 34 |
| Two-bedroom | 26 |
| Three-bedroom | 20 |
| Total | 88 |

It is recommended that the City enter into a legal agreement with the applicant to secure the two and three-bedroom sized dwelling units.

The applicant is partnering with BC Housing to deliver a mixed-income model under BC Housing's Community Housing Fund in which:

- 20% of the units are deeply subsidized serving very low-income households (<\$26,400), and would be secured at income assistance rates, as determined by the Ministry of Social Development and Poverty Reduction.
- 50% of the units are Rent Geared to Income (RGI) and would be secured at BC Housing's Housing Income Limits. These units will rent at 30% of tenants' specific household incomes and will serve low to moderate incomes (\$26,400 to \$84,500) and are considered affordable and below-market depending on unit size.
- 30% of the units will serve moderate and above moderate-income households (\$74,150 to \$113,040).

The household income targets are considered affordable under BC Housing's program. It is recommended for Council's consideration that the applicant's commitments ensure that the residential rental units remain below-market for at least 60 years in accordance with BC Housing's Community Housing Fund program requirements be secured through a legal agreement.

Tenant Assistance Policy

The site is presently vacant therefore the Tenant Assistance Policy does not apply.

Sustainability

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

Active Transportation

The application proposes to install 110 long-term and 32 short-term residential bicycle parking spaces with this development, which supports active transportation.

Public Realm

The proposed development will generate increased demand on the surrounding road network by all users. An evaluation of the intersection at Jutland Road and Cecelia Road indicates increased vehicle trips will be an outcome of this development, causing congestion, and increasing delay for all road users. To avoid these impacts and ensure the intersection can continue to operate at an acceptable level of service between two higher classified streets, a new traffic signal is required to safely accommodate the new motor vehicle trips generated by this development. Provision of a new traffic signal would be a requirement of this development.

Cecelia Road and this location on Jutland Road are identified in the City's *Greenways Plan* (2003) and *2016 Bicycle Network*. The Burnside Gorge Local Area Plan has also identified this location as a future village hub. Staff had previously identified and planned funding up to \$50,000 for crosswalk upgrades and associated accessibility improvements at this intersection in 2021/2022. As a contribution and recognition of the existing need for enhancements of the crossing, a portion of this previously identified capital funding will now be reallocated toward the implementation of the traffic signal at this intersection. The remainder of all costs for the traffic signal will be covered by the development as a public realm improvement. This improvement would be secured with a legal agreement, registered on the property's title, prior to Council giving final consideration of the proposed Zoning Regulation Bylaw Amendment.

Additionally, the applicant is willing to dedicate 1.38m of road frontage for the construction of a boulevard and sidewalk on Cecelia Road.

Accessibility

The British Columbia Building Code regulates accessibility as it pertains to buildings. The applicant is complying with BC Housing and Canadian Mortgage and Housing Corporation's accessibility requirements, which require five percent of residential units to be fully accessible as defined by the BC Building Code. The remaining 95% of residential units and all the common indoor and outdoor areas will be universally-designed and barrier-free.

Land Use Context

The area is characterized by a mix of residential, commercial, and light industrial uses.

Existing Site Development and Development Potential

The site is presently comprised of three lots and functions as a sports field and parking lot. Under the current R1-B Zone, each property could be developed as a public building, or a single-family dwelling with a secondary suite or garden suite.

Data Table

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

| Zoning Criteria | Proposal | Existing Zone |
|--|-----------------|---------------|
| Site area (m ²) – minimum | 5563.53 | 460 |
| Density (Floor Space Ratio) – maximum | 1.40:1 | n/a |
| Total floor area (m ²) – maximum | 7817.40* | 420 |
| Height (m) – maximum | 18.52* | 7.60 |
| Storeys – maximum | 5 | 2 |
| Site coverage (%) – maximum | 32.80 | 40 |
| Open site space (%) – minimum | 62.20 | n/a |
| Setbacks (m) – minimum | | |
| Front | 14.63 | 7.50 |
| Rear | 6.68* | 25.30 |
| Side (east) | 2.73 | 5.75 |
| Side (west) | 2.97 | 5.75 |
| Parking – minimum | 89 | 74 |
| Visitor parking – minimum | 9 | 9 |
| Bicycle parking stalls – minimum | | |
| Long-term | 110 | 110 |
| Short-term | 32 | 15 |

Relevant History

In 2018, the City completed a memorandum of understanding (MOU) with Pacifica Housing and School District 61 (SD 61) to support the development of affordable housing, childcare space and programming space for SD 61 and the community, on approximately 5563m² of city-owned land behind the Burnside School.

Under the terms of the MOU, the City would enter a 60-year lease for its land with Pacifica Housing at nominal rates to support the proposed affordable housing project, which includes approximately 88 affordable and below-market dwelling units, 372m² of childcare and out of school care space, and 418m² of programming space. Should Council approve the Rezoning application then the City would execute the land lease with Pacifica Housing. If the rezoning application is not approved then the land lease would not be executed, and the MOU between the City, SD 61 and Pacifica would be terminated.

Providing surplus land in support of affordable housing is consistent with the City's 2019-2022 Strategic Plan Objective 3: Affordable Housing - Action 5 to consider using existing City land for affordable housing. The proposal also supports the policy direction provided for in the Victoria

Housing Strategy 2016-2025 to consider opportunities to use existing City lands to support increased affordable housing supply.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the Burnside Gorge CALUC at a Community Meeting held on February 26, 2018. A letter dated June 8, 2018 and July 19, 2020 are attached to this report.

ANALYSIS

Official Community Plan

OCP Designation and Proposed Amendment

The current OCP Urban Place Designation of the subject properties is Public Facilities, Institutions, Parks and Open Space Core, which supports recreational, institutional (i.e. government offices), educational buildings and structures within open space. Variable heights ranging from two and a half storeys or higher depending on the adjacent context, and a density of approximately 0.5:1 FSR is supportable.

The applicant is proposing to amend the OCP Urban Place designation to Large Urban Village, which supports mixed-use and multi-unit residential buildings up to six storeys and a density of up to approximately 2.5:1 FSR. The proposal is consistent with the land use, height and density policies for Large Urban Village, and further advances other policies and objectives in the OCP, such as:

- providing 88 affordable and below-market rental dwelling units
- proposing a mix of unit types that are suitable for seniors and households with children as well as accessible units
- providing underground parking and maximizing the amount of open space and outdoor amenities available to residents and visitors
- incorporating a new daycare and community programming space.

With respect to the procedures for an OCP Amendment, the *Local Government Act (LGA)* Section 475 requires a Council to provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected by an amendment to the OCP. Consistent with Section 475 of the LGA, Council must further consider whether consultation should be early and ongoing. This statutory obligation is in addition to the Public Hearing requirements. In this instance, staff recommend for Council's consideration that notifying owners and occupiers of land located within 200 metres of the subject site along with posting a notice on the City's website will provide adequate opportunities for consultation with those affected.

Given that through the Community Association Land Use Committee (CALUC) Community Meeting process, all owners and occupiers within a 200m radius of the site were notified and invited to participate in a Community Meeting, the consultation proposed at this stage in the process is recommended as adequate and consultation with specific authorities, under Section 475 of the LGA, is not recommended as necessary.

Should Council support the OCP amendment, Council is required to consider consultation with the Capital Regional District Board; Councils of Oak Bay, Esquimalt and Saanich; the Songhees and Esquimalt First Nations; the School District Board and the provincial government and its

agencies. However, further consultation is not recommended as necessary for this amendment to the Urban Place Designation as this matter can be considered under policies in the OCP.

Council is also required to consider OCP Amendments in relation to the City's *Financial Plan* and the *Capital Regional District Liquid Waste Management Plan* and the *Capital District Solid Waste Management Plan*. Although this proposal will have no impact on the two Waste Management Plans, the City's Financial Plan may need to be adjusted in the future to accommodate costs that are anticipated in association with maintenance of the new greenway.

Built Form

The OCP encourages a high quality of architecture, landscape and urban design to enhance the visual identity and appearance of the city. The applicant is proposing a human-scale design with contemporary architectural features that fit in with the existing light industrial neighbourhood context and assist in establishing a new urban village character and identity for this area. The four-storey multi-unit residential building contains ground-oriented units with private entrances and direct connections to the plaza area. The proposed daycare and community space on the ground floor of the five-storey mixed-use building also have individual entrances fronting Cecelia Road and the plaza area. All the residential parking would be provided underground.

The applicant is proposing a large outdoor play area for the daycare, and substantial open space for residents and visitors to foster social interaction and create a sense of place on site.

Housing

This proposal is a result of a partnership between the City, Pacifica Housing, SD 61 and BC Housing, which is consistent with the OCP's aim of advancing innovative approaches to housing that result in a range of market and non-market residential units, through a variety of partnerships.

The OCP also encourages affordable non-market and innovative forms of ground-oriented housing that attract a mix of residents, including seniors and households with children. The applicant is proposing a mix of unit types, including ground-oriented, accessible, and larger family-size units in this development.

Multi-Generational Neighbourhoods

The OCP encourages new development that would attract young people, seniors and households with children and provide community supports for families and employers. Furthermore, the OCP encourages the provision of non-profit daycare space as an amenity in new mixed-use developments secured by a legal agreement. The proposed amenities, such as the daycare and out-of-school care programs, community space and programming, and the plaza area would contribute to creating an equitable and inclusive community on site. The applicant has partnered with the Burnside Gorge Neighbourhood Association to operate the proposed daycare and out-of-school care programs. The applicant is also willing to provide a daycare on site for a minimum of 15 years, secured by a legal agreement registered on title.

Burnside Gorge Neighbourhood Plan

The Burnside Gorge Neighbourhood Plan envisions a mixed-use development on the Burnside School site if the site is redeveloped for uses other than school purposes. Expanding the Cecelia urban village and providing affordable housing, community uses and spaces, and a central greenspace (plaza) fronting Cecelia Road is encouraged on the site; therefore,

amending the OCP designation to Large Urban Village is consistent with the land use objectives in the Plan. The Plan encourages the integration of new housing, especially housing attractive to families with children, and strengthening the social and economic vitality of the urban village so that it is a place to live, work and gather. The proposal is consistent with this policy direction in the Plan.

Establishing a greenspace fronting onto Cecelia Road that serves as a central greenspace for the urban village is also encouraged in the Plan. The applicant is proposing an approximately 1290m² plaza area with some lawn to function as a flexible gathering place for the neighbourhood. The plaza area includes outdoor seating, fruit trees, and a few small boulders for play value.

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 includes a focus on protecting large, healthy trees on public and private property. Based on 2013 LiDAR data, Burnside Gorge is an area of low canopy cover at 13%. The City-wide canopy cover average is 26%.

This project will add an additional 32 trees on the private property. The City sidewalk will be realigned to construct a new grass boulevard which will provide planting space for three new street trees. One additional City street tree will be planted in the sidewalk adjacent to the proposed plaza space.

There are no trees identified for removal. The following three existing large trees will be protected and retained as part of the development:

- a bylaw protected 110 cm DBH London Plane tree located in the southwest corner of the property. This tree has an asymmetric crown shape due to BC Hydro clearance pruning. This tree will be protected and retained throughout the project
- an Austrian Pine tree with a DBH of approximately 100 cm is located on the adjacent property at 3150 Jutland Road. This bylaw protected tree will be protected and retained
- one City owned 57 cm DBH London Plane tree is located on the property frontage. The applicant has proposed to realign the City sidewalk onto their property to allow for sufficient clearance for this tree to be retained. This alignment will require the registration of a Statutory Right of Way over the private property.

Tree Impact Summary

| Tree Type | Total | To be REMOVED | To be PLANTED | Net Change |
|---|----------|---------------|---------------|------------|
| On site trees, bylaw protected | 1 | 0 | 0 | 0 |
| On site trees, non-bylaw protected | 0 | 0 | 32 | +32 |
| Municipal trees | 1 | 0 | 4 | +4 |
| Neighbouring trees, bylaw protected | 1 | 0 | 0 | 0 |
| Neighbouring trees, non-bylaw protected | 0 | 0 | 0 | 0 |
| Total | 3 | 0 | 36 | +36 |

Financial Implications

Summarized in the table below are the annual maintenance costs that would be incurred by the city following the planting of four new street trees, and irrigation system.

| Increased Inventory | Annual Maintenance Cost |
|--------------------------------|-------------------------|
| Four new Street Trees | \$200 |
| Irrigation System – Tree Zones | \$400 |

CONCLUSIONS

The proposal to increase the density and permit a mixed-use development consisting of approximately 88 affordable and below-market rental dwelling units further advances several policies and objectives in the OCP related to urban design and place-making, affordable housing, parks and open space, and multi-generational neighbourhoods. Staff recommend for Council's consideration that the application proceed to a Public Hearing.

ALTERNATE MOTION

That Council decline Application No. 00655 for the property located at 496 and 498 Cecelia Road and 3130 Jutland Road.

Respectfully submitted,

Leanne Taylor
Senior Planner
Development Services Division

Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

Date: _____

List of Attachments

- Subject Map
- Aerial Map
- Plans date stamped December 17, 2020
- Letter from applicant to Mayor and Council dated December 22, 2020
- Letter from Landscape Architect to Mayor and Council dated July 6, 2018
- Community Association Land Use Committee Comments dated June 8, 2018 and July 19, 2020
- Arborist Report dated December 10, 2020
- Advisory Design Panel report dated July 15, 2020
- Minutes for the Advisory Design Panel dated July 22, 2020
- Correspondence (Letters received from residents).