



Committee of the Whole Report For the Meeting of February 11, 2021

To: Committee of the Whole **Date:** January 28, 2021

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

Subject: Rezoning Application No. 00702 for 349 Kipling Street and 1400 Fairfield Road

RECOMMENDATION

That Council decline Rezoning Application No. 00702 for the property located at 349 Kipling Street and 1400 Fairfield Road.

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 349 Kipling Street and 1400 Fairfield Road. The proposal is to consolidate two lots and construct a duplex and six townhouses plus two rental lock-off suites for a total of ten units. The duplex (plus one lock-off suite) would front onto Fairfield Road and the townhouses (plus one lock-off suite) would front onto Kipling Street and Thurlow Road. The overall proposed density is 0.88:1 floor space ratio. Variances related to parking, height, number of storeys and setbacks will be discussed with the concurrent Development Permit with Variance Application.

The following points were considered in assessing this application:

- the proposal is generally consistent with the *Official Community Plan, 2012 (OCP)* Traditional Residential Urban Place Designation in terms of use and density

- the proposal is inconsistent with the *Fairfield Neighbourhood Plan* (2019) with regards to the height and density envisioned for townhouses and duplexes in Sub-Areas 2 and 3
- the proposal meets the Tenant Assistance Policy (see attached).

BACKGROUND

Description of Proposal

This Rezoning Application is to consolidate two lots (1262.3m²) and construct a duplex and six townhouses plus two rental lock-off suites for a total of ten units with a proposed density of 0.88:1 floor space ratio.

- the duplex (plus one rental unit) would front onto Fairfield Road and the townhouses (plus one rental unit) would front onto Kipling Street and Thurlow Road.
- variances related to parking, setbacks, number of storeys and height are proposed and will be reviewed with the associated Development Permit with Variance Application (No. 000555).

The following differences from the standard R1-B Zone, Single Family Dwelling District, are being proposed and would be accommodated in the new zone that would be consistent with the policy that pertains to the site, except for density which would be increased to a maximum of 0.88:1 floor space ratio.

- allow for ground-oriented multiple dwellings as a permitted use
- allow for buildings up to 2.5 storeys in height
- reduced front, rear and side yard setbacks
- increased site coverage.

Variances are recommended (instead of inclusion in the new zone) where the proposal is not consistent with the *Fairfield Neighbourhood Plan* and the Off-Street Parking Regulations (Schedule C) of the *Zoning Regulation Bylaw*.

Affordable Housing

The applicant proposes the creation of ten new residential 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.

Tenant Assistance Policy

The proposal is to demolish an existing duplex and a single-family dwelling which would result in a loss of three 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

As indicated in the applicant's letter dated October 6, 2020, the following sustainability measures are proposed:

- solar panel ready (rough in)
- heat pump installed on the roof of each unit
- electric car charger ready for all units (rough in)
- use of permeable pavers in parking areas

- water efficient landscape design
- integration of greenery on the rooftop
- design of windows and skylights to enhance natural light
- exceeding requirements for bicycle parking
- on site car-share program.

Active Transportation

The application proposes additional long-term and short-term bicycle parking which supports active transportation.

Public Realm

No public realm improvements beyond City 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 by single family dwellings and several duplexes. The site is located immediately adjacent to two parks: Robert J. Porter Park is located on the opposite side of Kipling Street and Brook Street Green is located on the opposite side of Thurlow Road.

Existing Site Development and Development Potential

The property located at 349 Kipling Street is presently developed as a legal non-conforming duplex. The property located at 1400 Fairfield Road is presently developed as a single-family dwelling.

Under the current R1-B Zone, Single Family Dwelling District, each property could be developed with 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 existing Zone. Additionally, the key City policy that pertains to the area has been included in this table.

Zoning Criteria	Proposal	Existing R1-B Zone	OCP Policy	Fairfield Neighbourhood Policy
Site area (m ²) – minimum	1262.3	460		
Density (Floor Space Ratio) – maximum	0.88:1	N/A	1:1	0.5:1 – 0.85:1 1:1 (along Fairfield Road)

Zoning Criteria	Proposal	Existing R1-B Zone	OCP Policy	Fairfield Neighbourhood Policy
Height (m) – maximum	9.46 * (townhouses) 8.23 * (duplex)	7.6	–	7.6 – 8.3 8.3 – 10.5 (along Fairfield Road)
Storeys – maximum	3 *	2	2 – 2.5	2 – 2.5 2.5 – 3 (along Fairfield Road)
Site coverage (%) – maximum	47.46 *	40	–	–
Open site space (%) – minimum	31.78	–	–	–
Setbacks (m) – minimum				
Front (Thurlow Road)	4.67 *	7.5	Variable	5 – 6m
Rear (Fairfield Road)	5.52 *	18.23 (25% of lot depth)	Variable	5 – 6m
Flanking Side (Kipling Street)	1.50 *	3.5	–	–
Side (interior)	5.14 (building) 3.91 (pergola)	3.0	–	7.5 – 10.7 (space for rear yard)
Vehicle parking – minimum	8*	12	–	–
Visitor vehicle parking - minimum	1	1	–	–
Bicycle parking stalls – minimum				
Long term	18	9	–	–
Short term	8	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 May 3, 2019. A meeting summary is attached to this report.

ANALYSIS

Official Community Plan

The OCP 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 FSR and up to two storeys in height, as well as multi-unit buildings up to three storeys for certain locations as indicated in the *Fairfield Neighbourhood Plan (2019)*. The proposal is generally consistent with these broad guiding policies; however, the OCP also notes that within each designation there will be a range of built forms and that decisions about the appropriate form and scale of a building 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.

In terms of place character, the OCP envisions front and rear yards that can accommodate variable landscaping as a key feature of Traditional Residential Areas. The proposed development provides some front yard space with enhanced landscaping; however, the majority of the site is taken up by buildings and hard-surfaced vehicle circulation space rather than green space. This type of site planning is considered inconsistent with the OCP and the surrounding neighbourhood context, which consists of primarily single family dwellings with front landscaping and rear yards that accommodate private amenity space and space for tree planting.

The construction of ten new housing units supports the broad objectives of Section 13: Housing and Homelessness, which encourage a wide range of housing choice within neighbourhoods and the addition of new rental housing. The provision of larger units that can accommodate households with children is also consistent with the housing objectives of the OCP. However, given the relatively narrow lot width, the larger units create site planning challenges which are discussed in relation to the concurrent Development Permit with Variances Application.

Fairfield Neighbourhood Plan

The subject site is in two Traditional Residential sub-areas: 1400 Fairfield Road is in Sub-Area 2: Traditional Residential Areas along Fairfield Road, while 349 Kipling Street is in Sub-Area 3: General Traditional Residential Areas. Townhouses, duplexes and lock-off suites are envisioned for both sub-areas. In general, the Plan supports buildings up to 2 to 2.5 storeys and density ranging from 0.75 to 0.85:1 floor space ratio for townhouses and 0.5:1 for duplexes. The proposed development of 0.88:1 FSR and three storeys (9.46m) is inconsistent with these policies.

In terms of setbacks, the Plan encourages front setbacks of 5m to 6m to allow for the maintenance of landscaped front yards and welcoming entries consisting of raised front porches, covered patios and other types of semi-private transitional areas that are compatible with the existing block pattern. For corner lots, the Plan supports modest front setbacks when units are oriented towards the flanking street in order to provide more usable space behind the dwelling units. The Plan also encourages rear setbacks of 7.5m to 10.7m to accommodate landscaped rear yards, space for planting medium canopy trees and separation from adjacent development. The new zone would include setback regulations consistent with the *Fairfield Neighbourhood Plan*; therefore, variances are requested with this proposal and will be discussed in relation to the associated Development Permit with Variances Application.

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 Rezoning 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 for the proposal, outlined in the attached arborist report, includes 19 trees in proximity to the development area: two on-site bylaw-protected trees proposed for removal, eight on-site unprotected trees proposed for removal, and nine trees on the municipal frontage (four proposed for removal and five proposed for retention).

The Landscape Plan indicates a total of ten trees to be planted, five municipal street trees and five trees on private property, four of which are designated replacement trees for the intended removal of bylaw-protected trees.

The following table provides a summary of tree related considerations:

Tree Impact Summary Table

Tree Status	Total	To be RETAINED	To be REMOVED	To be PLANTED	Net Change
On-site trees, bylaw-protected	2	0	2	4	+2
On-site trees, unprotected	8	0	8	1	-7
Municipal trees	9	5	4	5	+1
Total	19	5	14	10	-4

Statutory Right-of-Way

To help achieve a standard width for Fairfield Road the applicant is willing to offer a 0.86m wide statutory right-of-way (SRW). The appropriate wording to secure the SRW has been added to the alternate motion should Council choose to advance the Application to a Public Hearing.

CONCLUSIONS

While the proposal is generally consistent with the density, use and housing policies of the OCP, given the numerous inconsistencies with the *Fairfield Neighbourhood Plan* in terms of density, height, setbacks and the provision of open site space, staff recommend that the application be declined. However, alternate motions are provided below should Council wish to consider referring the application back to staff or approving the application in its current form.

ALTERNATE MOTIONS

Option 1 – Referral

That Council refer the application back to staff to work with the applicant to revise the application to address the following:

- reduce the size of the buildings to be consistent with the *Fairfield Neighbourhood Plan*
- reduce the amount of site area dedicated to vehicle circulation to provide more at-grade open site space
- increase the Kipling Street setback
- provide a more sensitive transition with adjacent properties
- ensure the form and character of the development is compatible with the predominant neighbourhood character, consistent with the Design Guidelines for Development Permit Area 15F: Intensive Residential – Attached Dwellings.

Option 2 – Approve

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00702 for 349 Kipling Street and 1400 Fairfield Road, 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 in a form satisfactory to the City Solicitor, for the following:
 - a. to secure a 0.86 metre statutory right-of-way adjacent to Fairfield Road, to the satisfaction of the Director of Engineering and Public Works
 - b. to ensure a future strata cannot restrict rentals, to the satisfaction of the Director of Sustainable Planning and Community Development.

Respectfully submitted,

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Karen Hoese, Director
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Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped January 15, 2021
- Attachment D: Letter from applicant to Mayor and Council dated October 6, 2020
- Attachment E: Community Association Land Use Committee Comments dated May 3, 2019
- Attachment F: Tenant Assistance Plan
- Attachment G: Arborist Report dated October 18, 2019
- Attachment H: Correspondence (Letters received from residents).