



## Committee of the Whole Report

### For the Meeting of May 6, 2021

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**To:** Committee of the Whole **Date:** April 14, 2021

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

**Subject:** Rezoning Application No. 00734 for 1120 - 1128 Burdett Avenue

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### RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendments that would authorize the proposed development outlined in Rezoning Application No. 00734 for 1120, 1124 and 1128 Burdett Avenue, that first and second reading of the Zoning Regulation Bylaw Amendments be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Plan revisions to include three new boulevard trees to the satisfaction of the Director of Parks, Recreation and Facilities.
2. Preparation and execution of legal agreements, in a form satisfactory to the City Solicitor, for the following:
  - a. to secure all of the dwelling units in the building as rental in perpetuity, to the satisfaction of the Director of Sustainable Planning and Community Development
  - b. to secure a minimum of thirteen two-bedroom and three three-bedroom units within the building, to the satisfaction of the Director of Sustainable Planning and Community Development
  - c. to restrict strata titling of the building, to the satisfaction of the Director of Sustainable Planning and Community Development.
3. Discharge of all legal documents from past development proposals not attributable to the current proposal to the satisfaction of City staff.

### 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 the Rezoning Application for the properties located at 1120, 1124 and 1128 Burdett Avenue. The proposal is to rezone from the R1-B Zone, Single Family Dwelling District, and the R3-AM-1 Zone, Mid-Rise Multiple Dwelling District to a new zone in order to increase the density to 1.9:1 floor space ratio and allow for a five-storey rental building with approximately 42 dwelling units at this location.

The following points were considered in assessing this application:

- the proposed use and density are consistent with the *Official Community Plan, 2012* (OCP) Urban Residential Urban Place Designation, which supports multi-unit residential buildings up to six storeys and density ranging from 1.2:1 floor space ratio (FSR) to 2:1 FSR where a proposal significantly advances OCP strategic objectives, such as the provision of rental housing
- the proposal is consistent with the *Fairfield Neighbourhood Plan* (2019), which identifies the site within the Rental Retention Sub-Area and supports buildings up to six storeys and 2:1 FSR where new rental housing is secured through legal agreements, consistent with the *Inclusionary Housing and Community Amenity Policy*
- the applicant has provided a Tenant Assistance Plan which exceeds the expectations of the *Tenant Assistance Policy*.

## BACKGROUND

### Description of Proposal

This Rezoning Application is to increase the density to 1.9:1 FSR and allow for a five-storey rental building with approximately 42 dwelling units. The new zone would allow for increased density, height and site coverage, as well as reduced setbacks and open site space in comparison to the current zones. It would also include provisions to secure the dwelling units as rental housing as a community amenity contribution in order to achieve the maximum density specified in the zone. Variances related to parking and setbacks are also associated with this proposal and will be reviewed in relation to the concurrent Development Permit with Variance Application (No. 00146).

### Affordable Housing

The applicant proposes the creation of 42 new residential rental units which would increase the overall supply of housing in the area. Legal agreements are proposed to secure the rental tenure of the units in perpetuity, restrict strata titling of the building and secure the provision of at least 13 two-bedroom units and three three-bedroom units.

The current proposal includes the following unit mix:

- 16 studio
- 10 one-bedroom
- 13 two-bedroom
- 3 three-bedroom.

### **Tenant Assistance Policy**

The proposal is to demolish three existing single-family dwellings which would result in a loss of what are presently five residential rental units, including one one-bedroom, two two-bedrooms, and two three-bedroom units. In total there are 8 tenants eligible for assistance, and 7 tenants currently residing in the units. Consistent with the *Tenant Assistance Policy*, the applicant has provided a Tenant Assistance Plan which is attached to this report. This Tenant Assistance Plan exceeds policy expectations. The applicant has provided eligible tenants with right of first refusal to return to the proposed new building at the same rental rate they are currently paying, even if lower than 10% below market rent level, which exceeds policy expectations and ensures greater affordability for the tenants when they return to the new building.

### **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. There is a covenant on title relating to achieving Built Green Bronze Certification which is associated with a previous development proposal for the site. The covenant would be discharged with this Application because the current proposal would meet the requirements of *BC Energy Step Code* 3, which is a higher standard than Built Green Bronze. The appropriate wording has been added to the recommendation for Council's consideration.

### **Active Transportation**

The Application proposes additional long-term bicycle parking, including three stalls for larger cargo bikes, 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 four-storey residential buildings with multiple dwelling units. The properties to the immediate north, east and west of the site are developed as four-storey buildings as is the property to the south on the opposite side of Burdett Avenue. Further east along Burdett Avenue is a mixture of two- and three-storey residential buildings including two heritage designated buildings at 1139 and 1143/1145 Burdett Avenue.

## Existing Site Development and Development Potential

The site is comprised of 1120, 1124 and 1128 Burdett Avenue, which are all presently developed as single-family dwellings. 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 and standard Urban Residential Multiple Dwelling (URMD) District. An asterisk is used to identify where the proposal does not meet the requirements of the standard URMD Zone. Additionally, the key City policy that pertains to the area has been included in this table.

Zoning Criteria	Proposal	R1-B Zone	URMD Zone	OCP & Fairfield Neighbourhood Policy
Site area (m <sup>2</sup> ) – minimum	<b>1673.70*</b>	460	1840	Encourages lot consolidation
Density (Floor Space Ratio) – maximum	1.9:1	-	2:1	1.2 – 2:1
Height (m) – maximum	16.46	7.6	18.50	13 – 20 (Fairfield Plan)
Storeys – maximum	5	2	6	3 – 6 (OCP) 4 – 6 (Fairfield Plan)
Site coverage (%) – maximum	<b>53*</b>	40	40	-
Open site space (%) – minimum	<b>44*</b>	-	50	-
<b>Setbacks</b> (m) – minimum				
Front (Burdett Avenue)	4.25	7.5	4	Variable
Rear (N)	<b>5.87* (building)</b> <b>5.03* (balcony)</b>	9.2 (25% of lot depth)	10	-
Side (E)	<b>3.75* (building)</b> <b>2.90* (balcony)</b>	1.5 (or 10% of lot width)	6	-
Side (W)	<b>3.50* (building)</b> <b>2.57* (balcony)</b>	1.5 (or 10% of lot width)	6	-

Zoning Criteria	Proposal	R1-B Zone	URMD Zone	OCP & Fairfield Neighbourhood Policy
Combined side yard	7.25 (building)	4.5	-	-
Vehicle parking – minimum	<b>40*</b>	-	47	-
<b>Bicycle parking stalls</b> – minimum				
Long term	56	-	49	-
Short term	6	-	6	-

### Relevant History

A previous rezoning application (Rezoning No. 00516) for these properties to allow for a four-storey building with multiple dwellings was declined by Council on February 22, 2018.

### 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 February 27, 2020. A summary of the meeting is attached to this report.

## ANALYSIS

### Official Community Plan

The subject site is designated as Urban Residential in the *Official Community Plan, 2012* (OCP), which envisions low and mid-rise multi-unit buildings up to six-storeys in height with density up to 1.2:1 floor space ratio (FSR). Increased density up to 2:1 FSR may be considered in strategic locations for the advancement of Plan objectives. Strategic locations are identified as sites within 200m of the Urban Core, Town Centres or Large Urban Villages, sites adjacent to arterial or secondary arterial roads or as identified in neighbourhood plans. In this case, the *Fairfield Neighbourhood Plan* identifies this site as a suitable location for density up to 2:1 FSR for proposals that provide purpose built rental housing. The site is also located within 125m walking distance from the Urban Core. The OCP also encourages a range of housing types, forms and tenures across the City. The proposed five-storey rental building with a density of 1.9:1 FSR would provide approximately 42 new rental dwelling units in a combination of studio, one-, two- and three-bedroom units and is therefore considered consistent with the OCP.

### Fairfield Neighbourhood Plan

The *Fairfield Neighbourhood Plan* (2019) also identifies the site as Urban Residential and within the Rental Retention Sub-Area. As mentioned, the plan envisions new development up to six-

storeys and 2:1 floor space ratio for purpose built residential rental buildings. This Application is considered consistent with these policies.

### 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 after October 24, 2019, so it falls under *Tree Preservation Bylaw No. 05-106* consolidated on November 22, 2019. The tree inventory for the proposal, outlined in the attached arborist report, includes 14 trees in proximity to the development area. Nine trees are proposed for removal: three on-site bylaw-protected trees, four on-site non-bylaw protected trees and two trees on the municipal frontage. Five off-site bylaw-protected trees are located on the property to the east. The proposed underground parkade is set back from the property line and the arborist report indicates that shoring techniques will be used to limit the extent of excavation and preserve the trees.

The landscape plan indicates a total of 20 trees to be planted on the subject lot, including six designated replacement trees for the intended removal of bylaw-protected trees. New trees will be planted above the underground parkade structure. In addition, three new municipal trees are proposed in the boulevard.

The following table provides a summary of tree related considerations:

Tree Type	Total	To be REMOVED	To be PLANTED	Net Change
On site trees, bylaw protected	3	3	6	+3
On site trees, non-bylaw protected	4	4	14	+10
Municipal trees	2	2	3	+1
Neighbouring trees, bylaw protected	5	0	0	0
Neighbouring trees, non-bylaw protected	0	0	0	0
<b>Total</b>	<b>14</b>	<b>9</b>	<b>23</b>	<b>+14</b>

### Resource Impacts

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

### CONCLUSIONS

The proposal is consistent with the OCP as it relates to higher-density multi-unit residential development and advances OCP housing objectives. Staff recommend that Council consider supporting this application.

## **ALTERNATE MOTION**

That Council decline Rezoning Application No. 00734 for the properties located at 1120, 1124 and 1128 Burdett Avenue.

Respectfully submitted,

Alec Johnston  
Senior Planner  
Development Services Division

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 October 8, 2020
- Attachment D: Letter from applicant to Mayor and Council dated March 27, 2020 (revised May 15, 2020)
- Attachment E: Community Association Land Use Committee Meeting Summary dated February 27, 2020
- Attachment F: Arborist Report dated March 27, 2020
- Attachment G: Tenant Assistance Plan
- Attachment H: Advisory Design Panel minutes dated August 26, 2020