



## Committee of the Whole Report

### For the Meeting of June 3, 2021

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**To:** Committee of the Whole **Date:** May 20, 2021

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

**Subject:** Rezoning Application No. 00669 for 931 McClure Street

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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. 00669 for 931 McClure 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. Revisions to the proposed rooftop decks to address potential privacy impacts, to the satisfaction of the Director of Sustainable Planning and Community Development.
2. Preparation and execution of legal agreements for the following, in a form satisfactory to the City Solicitor and the Director of Sustainable Planning and Community Development:
  - a. to ensure that future strata bylaws cannot restrict the rental of units to non-owners (except for two below-market ownership units)
  - b. to secure two one-bedroom units as below-market housing (below market housing offered for sale at 15% below market rate, in perpetuity) with the Capital Regional District
  - c. to secure a commitment to building design and construction meeting Step 4 of the *BC Energy Step Code*
  - d. to secure the following transportation demand management measures:
    - i. one car share membership per dwelling unit;
    - ii. five hundred dollars in car share usage credits per membership; and
    - iii. five long term bicycle parking stalls in addition to the requirements under Schedule C of the *Zoning Regulation Bylaw*.
3. Secure a community amenity contribution in the amount of \$11,568.75 towards the Local Amenities Fund, to the satisfaction of the Director of Sustainable Planning and Community Development.

### 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 931 McClure Street. The proposal is to rezone from the RK Zone, Medium Density Attached Dwelling District, to a new zone to increase the density to 1.51:1 floor space ratio and allow for a five-storey residential building with approximately 15 dwelling units.

The following points were considered in assessing this application:

- the proposed use and density are generally consistent with the *Official Community Plan, 2012* (OCP) Urban Residential Urban Place Designation and the provision of below market home-ownership units furthers the housing goals and objectives of the OCP
- the proposal is generally consistent with the *Fairfield Neighbourhood Plan, 2019* which envisions new residential development up to 2.5:1 floor space ratio and approximately six storeys in height in the northwest area of the neighbourhood
- the applicant has provided a Tenant Assistance Plan that meets the *Tenant Assistance Policy*
- the application is subject to the *Density Bonus Policy, 2019* and the applicant is offering a community amenity contribution to the Local Amenities Reserve Fund in the amount of \$11,568.75.

## **BACKGROUND**

### **Description of Proposal**

This rezoning application is to allow for a five-storey residential building with 15 dwelling units at a density of 1.51:1 floor space ratio.

The following changes from the current RK Zone are being proposed and would be accommodated in the new zone, which would:

- establish a base density of 0.6:1 and maximum density of 1.51:1 associated with the provision of at least two below market homeownership units and an amenity contribution towards the Local Amenities Reserve Fund
- allow for multiple dwellings as a permitted use
- increase the maximum height to 15.5m
- reduce siting requirements related to site coverage, setbacks and open site space.

A variance to the parking regulations of the *Zoning Regulation Bylaw* is also required which, along with a number of siting considerations, is recommended to be addressed through the concurrent Development Permit with Variances Application associated with this proposal.

### **Affordable Housing**

The applicant proposes to demolish an existing single-family dwelling and create 15 new residential units which would increase the overall supply of housing in the area. A housing agreement is proposed which would ensure that future Strata Bylaws could not prohibit the rental of units. The applicant also proposes two one-bedroom units as below market housing secured in perpetuity through a covenant and housing agreement with the Capital Regional District. The two units would be sold at a minimum of 15% below market value and qualified buyers would earn a maximum income of approximately \$88,000, must have lived in the Capital Region for at least a year and be first time homebuyers. Preference would also be given to qualified buyers that do not own a vehicle.

### **Tenant Assistance Policy**

Consistent with the *Tenant Assistance Policy*, the applicant has provided a Tenant Assistance Plan which is attached to this report. The current tenant started their tenancy after this rezoning application was submitted to the City; therefore, they are not eligible for assistance under the *Tenant Assistance Policy*.

### **Sustainability**

As indicated in the applicant's letter dated December 2, 2020 the proposed building would be designed and constructed to meet the requirements of Step 4 of the *BC Energy Step Code*, which is the highest Step achievable for this class of building. Step 4 wood frame buildings are "Net Zero Ready", which means they are efficient enough to off-set their energy needs with a future investment in on-site renewable energy (e.g. solar panels). The recommendation includes the appropriate language to secure the commitment to Step 4 construction.

### **Active Transportation**

The application proposes 24 long-term bicycle parking stalls in a ground floor bicycle storage room, which exceeds the *Zoning Regulation Bylaw* requirements by five stalls and supports active transportation.

### **Public Realm**

No public realm improvements beyond City standard requirements are proposed in association with this rezoning application.

### **Land Use Context**

The area is characterized by a mix of residential housing types. To the east and south of the site are four-storey multiple dwelling residential buildings. The property to the west of the site is developed as a two-storey building with four dwelling units. On the north side of McClure Street, opposite the subject site, is the Mount St. Angela property which is approved for development of a six-storey seniors' living facility. That proposal retains the heritage designated house at 924 McClure Street and the new building would have three-storey ground-oriented units fronting the McClure Street with the upper storeys stepped back from the street. The

heritage designated Abigail's hotel is located at the west end of the block. There is a new four-storey hotel building currently under construction on that site.

### Existing Site Development and Development Potential

The site is presently developed as a single-family dwelling. Under the current R-K Zone, the property could be developed as three attached dwelling units.

### Data Table

The following data table compares the proposal with the existing RK Zone, Medium Density Attached Residential District and the URMD Zone, Urban Residential Multiple Dwelling District. The relevant OCP and Neighbourhood Plan policies are included for reference. An asterisk is used to identify where the proposal does not meet the requirements of the URMD Zone.

Zoning Criteria	Proposal	Existing RK Zone	Zone Standard URMD Zone	OCP & Fairfield Neighbourhood Plan Policy
Site area (m <sup>2</sup> ) – minimum	<b>693.40*</b>	2775 (185 per dwelling)	1840	Encourages lot consolidation
Number of units – maximum	15	3	-	-
Density (Floor Space Ratio) – maximum	1.51:1	0.6:1	2:1	1.2 – 2.5:1
Lot width (m) – minimum	17.28	18	-	-
Height (m) – maximum	<b>18.87* (roof access)</b> 16.0 (main roof)	8.5 (measured to ceiling)	18.5	20 (Fairfield Plan)
Storeys – maximum	5 (four residential levels above parking)	2.5	6	3 – 6 storeys (OCP) 6 storeys (Fairfield Plan)
Site coverage (%) – maximum	<b>71.90*</b>	33	40	-
Open site space (%) – minimum	<b>26.50*</b>	45	50	-
<b>Setbacks (m) – minimum</b>				
Front Yard	<b>0* (stairs)</b> <b>2.25* (balcony)</b> 5.73 (building)	7.5 (average)	4.00	Variable

Zoning Criteria	Proposal	Existing RK Zone	Zone Standard URMD Zone	OCP & Fairfield Neighbourhood Plan Policy
Rear Yard	<b>1.12*</b> (first storey) <b>3.00*</b> (above the first storey)	2.50 (blank wall) 4.00 (habitable room) 7.5 (living room)	10.00	-
Side Yards	<b>2.00*</b>	2.50 (blank wall) 4.00 (habitable room) 7.5 (living room)	6.00	-
Parking – minimum	<b>10*</b>	19	19	-
Visitor parking included in the overall units – minimum	2	1	1	-
Bicycle parking stalls – minimum				
Long term	24	19	19	-
Short term	6	6	6	-

## Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant consulted the Fairfield Gonzales CALUC at a Community Meeting held on September 27, 2018 prior to submitting this application. A second CALUC meeting was held on November 7, 2019 following changes to the proposal. Meeting summaries are attached to this report.

## ANALYSIS

### Official Community Plan

The *Official Community Plan* (OCP) land use designation for the property is Urban Residential. This designation envisions low and mid-rise multi-unit buildings up to six storeys with floor space ratios up to 2.5:1 in this location. The proposal for a four- and five-storey building (three- and four-storeys of residential above an at-grade parking level) with a floor space ratio of 1.51:1 is consistent with this designation.

The proposed mix of market and non-market housing also meets the housing policy in the OCP, which encourages the creation of new housing types, forms and tenures that contribute to housing diversity and choice for residents in all neighbourhoods.

The commitment to Step 4 of the *BC Energy Code* exceeds the City's current Step 3 requirement and helps to advance the climate and energy goals of the OCP, which supports private development of energy efficient buildings designed to adapt to future sustainable technologies.

### **Fairfield Neighbourhood Plan**

The *Fairfield Neighbourhood Plan (2019)* provides guiding policy for land development in the northwest area of the neighbourhood consistent with the OCP in terms of use and density. The northwest area of the neighbourhood is envisioned as a residential area that provides a transition in height and density from the higher density urban core to the lower density residential neighbourhood character to the east and south.

### **Tree Preservation Bylaw and Urban Forest Master Plan**

The goals of the *Urban Forest Master Plan (2013)* include protecting, enhancing, and expanding Victoria's urban forest and optimizing community benefits from the urban forest in all neighbourhoods.

This application was received prior to October 24, 2019; therefore, it falls under *Tree Preservation Bylaw No. 05-106* as adopted on December 15th, 2005.

There are no bylaw protected trees on the subject property. There are four undersized trees that will require removal to construct the proposed building. Three multi-stemmed Hazelnut trees with trunk diameter at breast height (DBH) of 29, 43 and 62cm are located near the southwest corner of the rear yard. A 25cm DBH Apple tree is located near the middle of the rear property line.

This proposal will require the removal of a 31cm DBH Accolade Cherry boulevard tree to construct a new driveway crossing. One new street tree will be planted on the City boulevard as a replacement tree. The proposed onsite landscaping includes a total of eight Himalayan birch trees, three on either side of the building and two in the internal courtyard. Six Full Moon maple trees are proposed for planting in pots located on the residential patios.

### **Tree Impact Summary**

<b>Tree Type</b>	<b>Total</b>	<b>To be Removed</b>	<b>To be Planted</b>	<b>Net Change</b>
On-site trees, bylaw protected	0	0	0	0
On-site trees, non-bylaw-protected	4	4	8	+4
Municipal trees	1	1	1	0
Neighboring trees, bylaw-protected	0	0	0	0
<b>Total</b>	<b>5</b>	<b>5</b>	<b>9</b>	<b>+4</b>

## **Regulatory Considerations**

Variances related to parking, site coverage, setbacks and height are associated with this proposal and are reviewed with the concurrent Development Permit with Variances Application.

## **CONCLUSIONS**

The application meets the Urban Residential Urban Place Designation in terms of use and density and would help to advance the OCP goals related to housing diversity and energy efficiency. The provision of two below-market housing units over and above the bonus density contribution provides an additional housing option and meets the criteria set out in the OCP to support densities above the base density contemplated under the Urban Residential Urban Place Designation. Therefore, staff recommend that Council consider forwarding this application to a public hearing.

## **ALTERNATE MOTION**

That Council decline Rezoning Application No. 00669 for the property located at 931 McClure Street.

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 April 15, 2021
- Attachment D: Letter from applicant to Mayor and Council dated December 2, 2020
- Attachment E: Community Association Land Use Committee Comments dated September 27, 2018 and November 7, 2019
- Attachment F: Advisory Design Panel meeting minutes dated October 23, 2019
- Attachment G: Tenant Assistance Plan
- Attachment H: Correspondence (Letters received from residents).