



## Committee of the Whole Report

### For the Meeting of July 14, 2022

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**To:** Committee of the Whole **Date:** June 30, 2022

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

**Subject:** Rezoning Application No. 00753 and Development Permit with Variances Application No. 00158 for 1042/1044 Richardson Street

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### RECOMMENDATION

That Council decline Rezoning Application No. 00753 for the property located at 1042/1044 Richardson Street.

### LEGISLATIVE AUTHORITY

This report discusses a Rezoning Application and a concurrent Development Permit with Variances Application. Relevant rezoning considerations include the proposal to increase the density and allow for multiple dwellings as a permitted use while the relevant Development Permit with Variances considerations relate to the application's consistency with design guidelines and the impact of the requested variances.

### Enabling Legislation

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.

In accordance with Section 489 of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Official Community Plan*,

2012 (OCP). A Development Permit may vary or supplement the Zoning Regulation Bylaw but may not vary the use or density of the land from that specified in the Bylaw.

Pursuant to Section 491 of the *Local Government Act*, where the purpose of the designation is the revitalization of an area in which a commercial use is permitted, a Development Permit may include requirements respecting the character of the development, including landscaping, and the siting, form, exterior design and finish of buildings and other structures.

## EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning Application and Development Permit with Variances Application for the property located at 1042/1044 Richardson Street. The proposal is to rezone from the R-K Zone, Medium Density Attached Dwelling District, to a new zone in order to increase the density from 0.6:1 floor space ratio to 1.76:1 floor space ratio and allow for a six-storey residential rental building with approximately 20 dwelling units at this location. There is a concurrent Development Permit with Variances Application pertaining to the proposed form, character, exterior design, finishes and landscaping and variances related to height, setbacks, site coverage, open site space and parking.

The following points were considered in assessing the Rezoning Application:

- Due to the location of the property and relatively small lot size, the proposal is considered inconsistent with the *Official Community Plan, 2012* (OCP) Urban Residential Urban Place Designation, which envisions buildings up to 1.2:1 FSR and three-storeys in height.
- The proposal is consistent with the OCP housing policies which support replacement of existing rental units with a rent level secured through a legal agreement and a mix of housing types and unit sizes in all neighbourhoods.
- The proposal is considered inconsistent with the *Fairfield Neighbourhood Plan*, which supports townhouses, houseplexes or small-scale apartments up to three-storeys in height on smaller Urban Residential sites.
- The proposal is considered consistent with the *Fairfield Neighbourhood Plan* policies for the Urban Residential sites in the Rental Retention Area which supports new rental and rental replacement secured with a legal agreement.
- The applicant has provided a Tenant Assistance Plan consistent with the *Tenant Assistance Policy*.
- The proposal is for a purpose-built market rental building, which will be secured for the greater of 60 years or the life of the building through a legal agreement, and is therefore exempt from the *Inclusionary Housing and Community Amenity Policy*.

The following points were considered in assessing the Development Permit with Variance Application:

- The proposal is inconsistent with the objective and guidelines for Development Permit Area 16: General Form and Character, which encourage new residential buildings to respect the character of established areas through appropriate form and massing that is compatible, unifying, and sensitive to context.
- The exterior corridors and circulation space do not count towards the FSR calculation but do contribute to the bulk of the building.
- The proposed building height combined with a lack of sufficient setbacks and units oriented in each direction may have a negative impact on the liveability of neighbouring

dwelling due to shadowing and privacy impacts

- The proposed increase in site coverage and limited open site space limits the opportunity to provide at-grade landscaping and amenity space.
- The proposed parking variance is considered supportable as the applicant is offering car share memberships and usage credits as well as enhanced bicycle parking to mitigate any impact.

## BACKGROUND

### Description of Proposal

This Rezoning Application is to rezone from the R-K Zone, Medium Density Attached Dwelling District, to a new zone in order to increase the density from 0.6:1 floor space ratio (FSR) to 1.76:1 FSR and allow for multiple dwellings at this location.

The following changes to the standard URMD, Urban Residential Multiple Dwelling District, are being proposed and would be accommodated in the new zone:

- reduce the minimum site area from 1840m<sup>2</sup> to 668m<sup>2</sup>
- reduce the maximum density from 2:1 FSR to 1.76:1 FSR.

Variances are recommended (instead of inclusion in the new zone) where the proposal is inconsistent with the *Fairfield Neighbourhood Plan*, the standard URMD Zone or the Off-Street Parking Regulations (Schedule C) of the *Zoning Regulation Bylaw*.

The associated Development Permit with Variances is for a six-storey rental residential building with approximately 20 dwelling units. Specific details include:

- six-storey contemporary building with five levels of rental residential and a rooftop amenity space on the sixth level
- exterior corridors and circulation space screened with vertical slats and vines that do not count towards the FSR calculation but do contribute to the bulk of the building
- an accessible, ground floor, one-bedroom unit fronting onto Richardson Street
- bicycle access and parking on all levels
- nine underground parking stalls with driveway access via Richardson Street
- exterior materials include: cementitious panels (grey and white), metal balcony guard rails, and wooden vertical screens
- landscape elements include: planter boxes with vines and cascading plants to screen the exterior corridors, a rooftop amenity space, ground level planting areas for trees and perimeter planting, front entry plantings and water feature and decorative paving for pedestrian pathways.

The proposed variances are related to:

- increasing the maximum height from 18.5m to 19.46m
- increasing the maximum site coverage from 40 percent to 53 percent
- reducing the minimum open site space from 50 percent to 39.8 percent
- reducing the front setback from 4.0m to 2.4m (to the building) and 1.50m (to balconies)
- reducing the rear yard setback from 10.0m to 5.0m
- reducing the east side yard setback from 6.0m to 1.04m
- reducing the west side yard setback from 6.0m to 2.89m (to the building) and 2.09m (to balconies)

- reducing the vehicle parking from 16 stalls to 9 stalls and visitor parking from two stalls to one stall.

## Land Use Context

The area is characterized by low-rise residential buildings with multiple dwellings.

Immediately adjacent land uses include:

North – four-storey residential buildings with multiple dwellings

South – three- and four-storey residential buildings with multiple dwellings

East – three-storey residential building with multiple dwellings

West – two-storey townhouses separated by surface parking for the residential building to the north.



## Existing Site Development and Development Potential

The site is presently used as multiple dwellings (three one-bedroom units and one studio unit) as a result of house conversion of the existing building, which was originally constructed as a single-family dwelling in 1910. An additional fifth unit was added to the site through the

conversion of a detached studio to a dwelling unit. This work was done without permits by a previous owner.

Under the current R-K Zone, the property could be developed as three attached dwellings.

## Data Table

The following data table compares the proposal with the existing R-K Zone, Medium Density Attached Dwelling District, and the URMD Zone, Urban Residential Multiple Dwelling District, which is the standard zone for multiple dwellings on sites with the Urban Residential urban place designation in the OCP. An asterisk is used to identify where the proposal does not meet the requirements of the URMD Zone. Additionally, the key City policy that pertains to the area has been included in this table.

Zoning Criteria	Proposal	R-K Zone	URMD Zone	OCP and Fairfield Plan Policy
Site area (m <sup>2</sup> ) – minimum	<b>668*</b>	555	1840	Lot consolidation encouraged to realize highest and best use
Density (Floor Space Ratio) – maximum	1.76:1	0.6:1	2:1	Up to 1.2:1 Up to 2:1 for strategic locations (OCP)  1.2 – 2:1 for larger sites Lower for small sites (Fairfield Plan)
Height (m) – maximum	<b>19.46*</b>	8.5 (measured to ceiling)	18.50	13 – 20 (Fairfield Plan)
Storeys – maximum	6	2.5	6	3 – 6 (OCP)  4 – 6 on larger sites Up to three storeys for smaller sites
Site coverage (%) – maximum	<b>52.70*</b>	33	40	-
Open site space (%) – minimum	<b>39.80*</b>	45	50	-
<b>Setbacks (m) – minimum</b>				
Front (Richardson Street)	<b>2.40*</b> (building) <b>1.51*</b> (balcony)	6	4.00	Variable
Rear (S)	<b>5.00*</b>	2.5 (blank wall)	10.00	-
Side (E)	<b>1.04*</b>	2.5 (blank wall)	6.00	-

Zoning Criteria	Proposal	R-K Zone	URMD Zone	OCP and Fairfield Plan Policy
Side (W)	<b>2.89*</b> (building) <b>2.07*</b> (balcony)	2.5 (blank wall)	6.00	-
Vehicle parking – minimum	<b>9*</b>	16	16	-
Visitor vehicle parking included in the overall units - minimum	2	2	2	-
<b>Bicycle parking stalls – minimum</b>				
Long term	22		22	-
Short term	6		6	-

### Active Transportation

The application proposes the following features which support active transportation:

- twenty-two long term bicycle parking stalls in a common bike room on the underground parking level
- additional bicycle parking racks located in the exterior corridors on levels two to five, which can accommodate up to 46 additional bikes or a combination of bikes, scooters or other mobility aids.
- bike repair stand and wash area located in an open area along the east side of the building.

### Public Realm

The following public realm improvements are proposed in association with this application:

- on-street curbside electric vehicle (EV) charging station for two vehicles.

The appropriate wording to secure the EV charger prior to a public hearing has been added to the alternate motion.

### Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the application was posted on the Development Tracker along with an invitation to complete a comment form on August 7, 2020. At the time, CALUC meetings (virtual or in person) were not part of the pre-application process due to restrictions associated with COVID-19. Mailed notification was also sent to owners and occupants of properties within 100m of the subject property advising that a consultation process was taking place and that information could be obtained and feedback provided through the Development Tracker. A sign was also posted on site, to notify those passing by of this

consultative phase. At the time of writing this report, a letter from the CALUC had not been received.

The associated Development Permit application proposes variances, therefore, in accordance with the City's *Land Use Procedures Bylaw*, it requires notice, sign posting and a meeting of Council to consider the variances.

## **ANALYSIS**

### **Rezoning Application**

#### 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. The subject site does not meet the location criteria to be considered a strategic location; however, it is identified in the *Fairfield Neighbourhood Plan* in an area that is suitable for density up to 2:1 FSR for proposals on larger sites that provide purpose-built rental housing. Due to the relatively small lot size, this application is considered inconsistent with these policies, as discussed in the *Fairfield Neighbourhood Plan* section below.

As noted earlier, this application would provide approximately 20 new rental dwelling units (15 market and five affordable) in a combination of studio, one- and three- bedroom units, including one accessible one-bedroom unit, which would help to advance the OCP housing objective of providing a range of housing types, forms and tenures across the City.

The proposal would also advance the climate and energy policies contained in Section 12 of the OCP, through the provision of on-street electric vehicle charging infrastructure and rooftop solar voltaic panels.

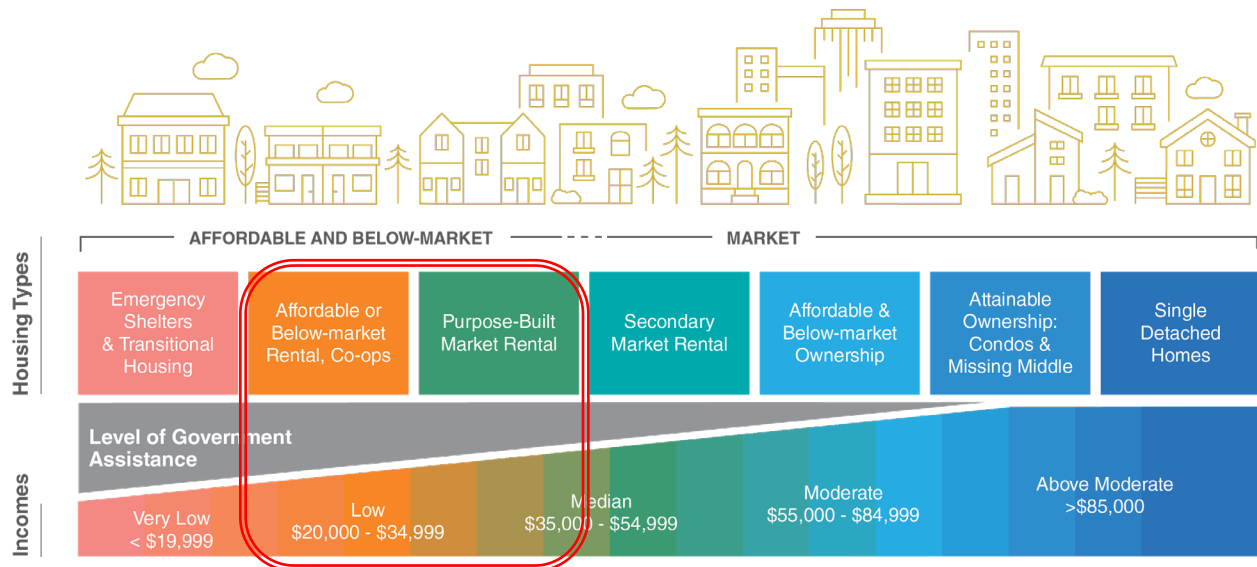
Although inconsistent with a number of aspects of the OCP, as noted above there are also aspects where it is consistent. On balance, should Council choose to advance the application, Staff recommend that an OCP Amendment is not required.

#### Fairfield Neighbourhood Plan

As noted, the site is designated as Urban Residential in the *Fairfield Neighbourhood Plan* and is located within the "Rental Retention" sub-area of the Plan, which supports densities up to 1.2:1 floor space ratio and four-storeys or up to approximately 2:1 floor space ratio and six-storeys where a proposal replaces and expands upon the existing rental housing stock. On smaller Urban Residential sites such as the subject site, the Plan supports lower scale development, including larger houseplexes, house conversions with additions, townhouses or low-rise apartments up to three-storeys in height. This application for a six-storey building with a density of 1.76:1 FSR is considered inconsistent with these policies.

## Housing

The application, if approved, would add approximately 15 net new residential rental units. Of the 20 dwelling units, 15 would be market rental and five would be secured as affordable rental through a Housing Agreement, which would increase the overall supply of housing in the area and contribute to the targets set out in the *Victoria Housing Strategy*.



**Figure 1. Housing Continuum**

### *Affordability Targets*

The current proposal includes the following affordable housing units:

- four studio units
- one one-bedroom unit.

These units would be secured at a rent level that does not exceed thirty percent of gross income for households in the low to moderate income brackets (\$35,000 - \$42,000) as identified in the *Victoria Housing Strategy*.

### *Housing Mix*

At present there is no policy that provides targets regarding housing mix and providing minimum unit types is not mandated by the City. However, the OCP identifies a mix of units as an objective and identifies the need for a diverse range of housing units including family housing. As submitted, this application proposes two studio units, 15 one-bedroom units and three three-bedroom units. The applicant is willing to secure the provision of the three-bedroom units with a legal agreement.

### *Security of Tenure*

A Housing Agreement is being proposed which would secure all of the dwelling units as rental (15 market and five affordable dwellings) in perpetuity. A covenant will also be registered on title



of the property to prohibit, among other things, the stratification, separate sale of individual units and rentals for a term of less than one month

### *Existing Tenants*

The proposal is to deconstruct the existing house conversion and relocate the accessory building to another site which would result in a loss of five existing residential rental units. Consistent with the *Tenant Assistance Policy*, the applicant has provided a Tenant Assistance Plan which is attached to this report.

## **Development Permit with Variances Application**

### Official Community Plan: Design Guidelines

The OCP identifies the site within Development Permit Area (DPA) 16: General Form and Character, which supports multi-unit residential development that is complementary to the place character of the neighbourhood. Enhancing the character of the streetscape through high quality, human-scaled architecture, landscape and urban design is also a key objective of this DPA.

Design guidelines that apply to DPA 16 are the *Design Guidelines for Multi-Unit Residential, Commercial and Industrial Development* (2012), *Advisory Design Guidelines for Buildings, Signs and Awnings* (2006) and *Guidelines for Fences, Gates and Shutters* (2010). The proposed building design is generally consistent with many of the design guidelines; however, due to the relatively small site size there are significant aspects of the proposal that are inconsistent with the guidelines:

- The minimal setbacks combined with the orientation of the proposed dwellings units, and exterior circulation spaces creates the potential for privacy impacts on neighbouring properties.
- The scale, orientation and siting of the building creates shadowing impacts on adjacent properties, particularly those neighbouring units located on lower floors.

In addition, although the proposed density is technically 1.76:1 FSR, the density calculation excludes the area of the exterior corridors and ground floor circulation space even though these areas contribute to the mass of the building, further exacerbating the issue of a large building on a relatively small site.

### Variances

The URMD Zone, Urban Residential Multiple Dwelling District, which was created as a standard zone for properties designated as Urban Residential in the OCP, is proposed as a base zone to create a new zone for the proposal. Therefore, because of the small site size and bulk of the building, several variances are proposed as part of this application. This approach is recommended to ensure that reduced zoning provisions are not entrenched in the new zone, so that any future alternative development proposals for the site would need to comply with the zoning requirements or seek Council approval to achieve similar variances. The proposed variances relate to reduced parking, open site space and setbacks, as well as increased height and site coverage.

## *Parking*

A variance is requested to reduce the required number of parking spaces from 16 stalls to nine stalls. To mitigate the potential impacts from this variance, the applicant is proposing the following Transportation Demand Management (TDM) measures:

- purchase of an electric or hybrid engine carshare vehicle
- car-share memberships and credits for each of the dwelling units
- a bicycle repair stand and wash area
- on-site EV charging station for two vehicles (one for MODO and one publicly available).

These TDM measures would be secured with covenants should Council choose to advance the application to a public hearing. In addition to the long-term bicycle parking outlined in the *Zoning Regulation Bylaw*, the applicant is proposing extra bicycle parking on levels two to five of the building which could also be used for parking scooters or other mobility aids. Staff consider the parking variance as supportable with the provision of these TDM measures.

## *Height*

An increase in height from the URMD Zone standard of 18.5m to 19.46m is requested. The height is measured to the rooftop access stair and covered roof deck rather than the main roofline of the building which is approximately 16.25m in height. While the majority of the building is lower in height, the building still exceeds the three storeys or approximately 9.5 – 10.5m height envisioned in the *Fairfield Neighbourhood Plan* for smaller sites like this and the shadowing impacts on neighbouring properties would be exacerbated by the limited setbacks. Given the inconsistencies with current policy and the detrimental impacts on neighbouring properties, it is recommended for Council's consideration that the proposed height variance be declined.

## *Setbacks*

Variances are requested to reduce front and rear setbacks from 4.0m and 10.0m to 2.4m (to the building) and 5.0m. Side yard setback variances are also requested to reduce the east setback from 6.0m to 1.04m and the west setback from 6.0m to 2.89m (to the building). Balconies on the west and front elevations would project further into the setbacks. It is recommended that the setback variances be declined due to the resulting negative impact on neighbouring properties, through overbearing impact, loss of privacy and overshadowing and other issues resulting from building proximity and lack of neighbourliness. These impacts are exacerbated by the height and bulk of the proposed building. Furthermore, the proposal would also have an impact on the future development potential of the adjacent properties.

## *Site Coverage and Open Site Space*

An increase in site coverage from 40% to 52.7% and a reduction in open site space from 50% to 39.8% is requested. The majority of the open site space would consist of landscaped areas and pedestrian pathways located above the underground parking structure. However, the northeast corner of the parking structure has been notched to provide a roughly 25m<sup>2</sup> area for enhanced landscaping and tree planting. A narrow landscape strip provides some softening of the edge along the side yards of the development; however, due to the site coverage of the above and below grade structures, all the on-site trees would be removed to accommodate the development.

Although there isn't sufficient space for a common outdoor amenity space at grade, the rooftop would provide a common amenity space with seating and raised planters. While the proposed landscape treatment and rooftop amenity is consistent with the design guidelines, the scale of the building relative to the lot size eliminates the opportunity to retain any trees and limits any significant landscaping to the rear yard and some smaller areas at the front of the building. Given the impacts on trees and limited open site space, it is recommended that the site coverage and open site space variances be declined.

### Accessibility

The applicant is proposing an accessible one-bedroom unit on the ground floor. A covenant to secure this commitment is included in the alternate motion, should Council choose to advance the application.

### Sustainability

As indicated in the applicant's letter dated June 16, 2022 the following sustainability features are indicated to be included in the project:

- meeting Step 3 of the BC Energy Step Code
- use of exterior durable materials designed to last the lifespan of the building and be easily/readily maintained
- 100% electric infrastructure, eliminating combustion sources
- providing directly metered suites with multiple thermostatically controlled heating zones in each residence
- solar panels installed on the roof of the building
- use of LED lighting throughout the project
- low-VOC paint in all interior areas
- low-flow plumbing fixtures used throughout all units
- secure bike storage on each floor of the building with electrical outlets for electric bicycle charging
- rough in electrical for future electric vehicle charging stations
- on site rain-boxes for stormwater management
- permeable surfacing where appropriate.

### Advisory Design Panel Review

The application was reviewed by the Advisory Design Panel on September 22, 2021. At that meeting, the following motion was passed:

*"That the Advisory Design Panel recommend to Council that Development Permit with Variances Application No. 00158 for 1042/1044 Richardson Street does not sufficiently meet the applicable design guidelines and policies and should be declined (and that the key areas that should be revised include:)"*

- *Variances are not supportable. For example, the proposal has only a third of the site area required in this zone.*
- *The architectural expression, particularly the stair tower, has a more institutional rather than a residential expression as outlined in the guidelines.*
- *Open space requirement is 50% and the project proposed 28.7%.*
- *Maximum site coverage required is 40% and the project proposed 60.02%.*
- *Re-examination of the materiality particularly regarding the exterior cladding."*

In response, the applicant has made the following revisions:

- The fenestration pattern on the street facing stair tower on the front façade has been revised from a curtainwall to punched windows.
- The prominence of the stair tower has also been slightly reduced by revising the roofline so that it slopes down towards the street following the stair run within.
- Additional vertical green screens have been added on each level adjacent the stair tower to further soften the appearance of the building.
- The materiality of the building has not changed; however, the layout of the main cementitious panel has been clarified on the elevations and renderings.

In addition to these revisions, the applicant provided a letter in response to the ADP motion which is attached to this report. In staff's opinion, the applicant has not made sufficient revisions to address the ADP recommendation, nor the concerns noted by staff on the original 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. The Fairfield neighbourhood has a canopy cover of 32% which is considered moderately well treed for urban residential areas. This application was received after October 24, 2019; therefore, Tree Preservation Bylaw No. 05-106 (consolidated November 22, 2019) applies, protecting trees larger than 30cm diameter at breast height (DBH).

Sixteen trees have been inventoried (11 on subject property, four on the municipal boulevard and one on the neighbouring property at 1035 McClure). Of these, two trees on the subject lot are bylaw protected. There is also a bylaw protected tree on the neighbouring property near the rear property line which is to be retained (a bylaw protected Black Locust identified as Tree #79 was previously removed due to condition through a tree removal permit.)

All 11 private trees on the subject property are proposed for removal. Two bylaw protected trees due to the proposed construction impacts: a multi-stemmed 34cm DBH English Holly and a 31cm DBH Spruce. Of the eleven trees being removed, five are impacted by the excavation for the underground parking/parking entrance ramp, five are within areas proposed for access walkways around the building and one tree is impacted by a sidewalk and underground utility installation.

Four trees on the municipal frontage were inventoried. Two street trees located on the opposite side of the street will be retained. One of two street trees on the subject property frontage will be retained. A 33 cm DBH European Birch street tree will be removed to allow construction of the new driveway crossing. One new street tree will be planted on the boulevard frontage.

The landscape plans identify 12 new trees onsite. Eight trees at ground level: four Paperbark Maples, three Fastigate Beech, one Magnolia 'Daybreak', and four trees (Magnolia 'Daybreak') in freestanding planters on the rooftop. Parks will work with the applicant to identify four of the ground level trees as bylaw replacement trees. (Two additional bylaw replacement trees are also required under a separate tree removal permit for the previously removed Black Locust tree.)

### Tree Impact Summary Tables

Tree Status	Total # of Trees	To be REMOVED	To be PLANTED	NET CHANGE
On-site trees, bylaw protected	2	2	4 (Bylaw requires 4 trees at 2:1 replacement)	+2
On-site trees, not bylaw protected	9	9	8	-1
Municipal trees	4	1	1	0
Neighbouring trees, bylaw protected	1	0	0	0
Neighbouring trees, not bylaw protected	0	0	0	0
<b>Total</b>	<b>16</b>	<b>-12</b>	<b>13</b>	<b>+1</b>

Bylaw protected trees being removed from subject property:

ID#	Species	DBH (cm)	Health Condition	Structural Condition	Reason for Removal/ Comments
84	English Holly	34 cm	Good	Fair, multi-stemmed	Construction of the underground parking and entrance ramp
85	Spruce spp.	31 cm	Fair	Good	Construction, sidewalk and servicing impacts

Municipal tree to be removed:

ID#	Species	DBH (cm)	Health Condition	Structural Condition	Reason for Removal/ Comments
NT#2	European Birch	33 cm	Fair	Fair	Driveway construction

### Resource Impacts

The maintenance and operations costs associated with the on-street electric vehicle (EV) charging station will be recovered through fees charged and the sale of Low Carbon Fuel credits. Key performance metrics related to the deployment of on-street EV charging

infrastructure will be monitored and reported on through the EV and Electric Mobility Strategy implementation.

## CONCLUSIONS

The proposal to construct a six-storey (five residential floors plus a roof deck), purpose-built rental building with approximately 20 dwelling units (15 market and five affordable) is consistent with the OCP and *Fairfield Neighbourhood Plan* with respect to adding to the supply of market and affordable rental housing stock in the neighbourhood in an area well served by local services and transit. However, due to the scale and massing of the development and the relatively small site size, the proposed land use is inconsistent with the OCP and *Fairfield Neighbourhood Plan*, which supports lower scale three-storey buildings such as houseplexes, townhouses, additions to existing house conversions or small apartment buildings as opposed to a five to six-storey building with multiple dwellings. In addition, the site conditions created as a result of trying to fit a large building on a small site, as well as the orientation of units in all directions, presents critical challenges associated with the privacy and liveability of units.

Despite the repeated advice of staff to develop a proposal that aligns better with the applicable land use policies and design guidelines, the applicant has chosen to pursue the current proposal. Because of inconsistencies with Council policies, it is recommended that the Rezoning Application be declined.

Should Council wish to advance the proposal, an alternate recommendation is provided to advance the current design with minor revisions.

## ALTERNATE MOTION

### Rezoning Application

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00753 for 1042/1044 Richardson 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. Minor plan revisions to increase the on-street electric vehicle (EV) charging station capacity to two vehicles, to the satisfaction of the Director of Engineering and Public Works; and to identify on-site bylaw replacement trees, to the satisfaction of the Director of Parks, Recreation and Facilities.
2. Preparation of the following legal agreements, executed by the applicant, with the form and contents to the satisfaction of the City Solicitor, to:
  - a. Secure the rental tenure of all dwelling units for the greater of 60 years or the life of the building and ensure a future strata cannot restrict rentals, with terms to the satisfaction of the Director of Sustainable Planning and Community Development.
  - b. Secure the provision of no less than four studio units and one one-bedroom unit as affordable for the greater of 60 years or the life of the building and allocated to median income households (or lower) as defined in the Victoria Housing Strategy, with terms to the satisfaction of the Director of Sustainable Planning and Community Development.

- c. Secure one accessible one-bedroom unit to the satisfaction of the Director of Sustainable Planning and Community Development.
- d. Restrict strata titling of the building, with terms to the satisfaction of the Director of Sustainable Planning and Community Development.
- e. Secure the following Transportation Demand Management measures to offset the proposed parking variance, with terms to the satisfaction of the Director of Sustainable Planning and Community Development:
  - i. car share vehicle memberships and usage credits for each dwelling unit
  - ii. purchase of an electric or hybrid engine carshare vehicle
  - iii. dedicated on-site parking stall for one carshare vehicle
  - iv. bicycle repair stand and wash area.
- f. Secure the provision of an on-street electric vehicle charging station with capacity for two vehicles, with terms to the satisfaction of the Director of Engineering and Public Works.

### **Development Permit with Variance Application**

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No.00753, if it is approved, consider the following motion:

1. That Council authorize the issuance of Development Permit with Variance Application No. 00158 for 1042/1044 Richardson Street, in accordance with:
  - a. Plans date stamped April 26, 2022.
  - b. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
    - i. increase the maximum height from 18.5m to 19.46m
    - ii. increase the maximum site coverage from 40 percent to 61 percent
    - iii. reduce the minimum open site space from 50 percent to 28.5 percent
    - iv. reduce the front setback from 4.0m to 2.4m (to the building) and 1.50m (to balconies)
    - v. reduce the rear yard setback from 10.0m to 5.0m
    - vi. reduce the east side yard setback from 6.0m to 1.04m
    - vii. reduce the west side yard setback from 6.0m to 2.89m (to the building) and 2.09m (to balconies)
    - viii. reduce the vehicle parking from 16 stalls to 9 stalls and visitor parking from two stalls to one stall.
2. That the Development Permit, if issued, lapses in two years from the date of this resolution.

Respectfully submitted,

Alec Johnston  
Senior Planner  
Development Services Division

Karen Hoes, Director  
Sustainable Planning and Community  
Development Department

**Report accepted and recommended by the City Manager.**

**List of Attachments**

- Attachment A: Subject Map
- Attachment B: Plans date stamped April 26, 2022
- Attachment C: Letter from applicant to Mayor and Council dated June 16, 2022
- Attachment D: Letter from applicant in response to Advisory Design Panel review
- Attachment E: Arborist Report dated May 13, 2022
- Attachment F: Geotechnical Memo dated May 20, 2022
- Attachment G: Parking Study dated September 15, 2020
- Attachment H: Pre-Application Consultation Comments from Online Feedback Form
- Attachment I: Correspondence (Letters received from residents).