



## **Committee of the Whole Report**

### **For the Meeting of January 19, 2023**

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**To:** Committee of the Whole **Date:** December 22, 2022

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

**Subject:** **Update Report for Rezoning Application No. 00702 and Development Permit with Variances Application No. 00219 for 349 Kipling Street and 1400 Fairfield Road**

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## **RECOMMENDATION**

### **Rezoning Application**

1. That Council instruct the Director of Sustainable Planning and Community Development to prepare the necessary Zoning Regulation Bylaw amendment that would authorize the proposed development outlined in the staff report dated December 12, 2022, for 349 Kipling Street and 1400 Fairfield Road, such bylaw to include density bonus provisions related to a \$67,500 contribution towards the City of Victoria's Housing Reserve Fund and a \$10,000 contribution towards the Local Amenities Fund.
2. That first and second reading of the zoning bylaw amendment be considered by Council and a public hearing date be set.
3. That subject to approval in principle at the public hearing, the applicant prepare and execute the following legal agreements, with form satisfactory to the City Solicitor prior to adoption of the bylaw:
  - a. Secure a 0.86m wide statutory right of way along Fairfield Road to the satisfaction of the Director of Engineering and Public Works.
4. That adoption of the zoning bylaw amendment will not take place until all of the required legal agreements that are registrable in the Land Title Office have been so registered to the satisfaction of the City Solicitor.
5. That the above Recommendations be adopted on the condition that they create no legal rights for the applicant or any other person, or obligation on the part of the City or its officials, and any expenditure of funds is at the risk of the person making the expenditure.

## 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. 00702, if it is approved, consider the following motion:

- “1. That subject to the adoption of the necessary Zoning Regulation Bylaw amendment, Council authorize the issuance of Development Permit with Variances No. 00219 for 1400 Fairfield Road and 349 Kipling Street, generally in accordance with plans submitted to the Planning department and date stamped by Planning on November 15, 2022, subject to:
  - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
    - i. reduce the flanking street setback (Kipling Street) from 6m to 1.67m;
    - ii. reduce the rear yard setback (Fairfield Road) from 6m to 3.36m;
    - iii. reduce the front yard setback (Thurlow Road) from 6m to 4.80m;
    - iv. reduce the south side setback from 4m to 1.66m;
    - v. permit roof decks in the form of balconies;
    - vi. locate the accessory building (garbage) in the rear/side yard, increase the height from 3.50m to 4.05m and reduce the separation space from the main building from 2.40m to 1.32m;
    - vii. increase site coverage from 50% to 51.1%;
    - viii. decrease the floor area per attached dwelling unit from 100m<sup>2</sup> to 92.3m<sup>2</sup>;
    - ix. reduce the number of residential vehicle parking stalls from 9 to 8;
    - x. reduce the number of visitor parking stalls from 1 to 0;
    - xi. reduce the required aisle depth clearance behind the two garage parking stalls along Thurlow Road from 7m to 5.27m at the centre and to 3.43m at both ends.
2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution”.

## LEGISLATIVE AUTHORITY

This report discusses a Rezoning Application and a concurrent Development Permit with Variances Application. Relevant rezoning considerations include the proposal to permit attached dwellings and increase the number of residential units on the site, while the relevant Development Permit with Variance considerations relate to the application’s consistency with design guidelines and the impact of 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 489 of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Official Community Plan*. 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 establishment of objectives for the form and character of intensive residential development, 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 provide Council with an update on the Rezoning and Development Permit with Variances Applications for the properties located at 349 Kipling Street and 1400 Fairfield Road. These applications were initially presented to Council on February 11, 2021, at which time Council directed the applicant to make a number of design changes. Given that nearly two years have passed and that the resulting changes are fairly significant, this report is intended to present Council with updated information, analysis and recommendations pertaining to the revised application.

The proposal is to rezone from the R1-B Zone, Single Family Dwelling District, to a new site-specific zone in order to consolidate two lots and construct townhouses with a total of nine dwelling units. The proposed townhouses are configured in two buildings. Block 1 with four units would front onto Kipling Street and Thurlow Road and Block 2 with five units would front onto Fairfield Road and Kipling Street. The overall proposed density is 0.84:1 floor space ratio (FSR). There is a concurrent Development Permit with Variances Application associated with this application.

The following points were considered in assessing the Rezoning Application:

- The proposal is generally consistent with the *Official Community Plan* (OCP, 2012) as well as the Traditional Residential Urban Place Designation and meets objectives regarding unit typologies, built form and character.
- The proposal is consistent with the *Fairfield Neighbourhood Plan* (2019) with regard to the height and density envisioned in Sub-Area 2 (Traditional Residential Area along Fairfield Road) and Sub-Area 3 (General Traditional Residential Area).
- The proposal meets the Tenant Assistance Policy.

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

- The proposal is consistent with the Design Guidelines for Development Permit Area 15F: Intensive Residential – Attached Residential Development, in terms of integrating more intensive residential development in a manner that respects the established character of the neighbourhood.
- The proposal is generally consistent with *Fairfield Neighbourhood Plan's* form and character objectives for Traditional Residential Areas and the corresponding density and height policies.

- There are a number of variances related to siting of the main building, the accessory building as well as parking, which are all recommended as being supportable as they are either considered minor or the impacts have been mitigated through positive site planning choices or design features.

## **BACKGROUND**

### **Description of Proposal**

This Rezoning Application is to rezone two lots from the R1-B, Single Family Dwelling District, to a new site-specific zone, in order to construct townhouses. Nine dwelling units are proposed, of which three are two-bedroom units and six are three-bedroom units. The proposed density is 0.84:1 floor space ratio. The proposed townhouses are configured in two buildings: Block 1 fronts onto Kipling Street and Thurlow Road and would have four units and Block 2 fronts onto Fairfield Road and Kipling Street and would have five units.

Specific details include:

- prominent front porches and traditional architectural features such as a chimney, wood soffits and peaked rooflines have been used, which complement the form and character of the neighbourhood
- bay windows and punched traditional windows
- upper-level rear windows have been limited to reduce overlook
- each unit has its own ground-level access
- there are eight surface stalls
- thirty-four long-term bicycle stalls along with a maintenance station and bike wash are provided in the basement
- private outdoor space in the form of both patios and balconies for all units.

Exterior building materials include:

- traditional cladding which includes wood soffits, wood shingles (cedar) and light grey vertical siding
- standing seam white metal roof with skylights
- acrylic white stucco, horizontal wood grain cladding and cementitious trim and panel
- glass railings with white aluminum frame and white metal cap flashing for balconies.

Landscape elements include:

- a community node with a bench at the corner of Thurlow Road and Kipling Street
- permeable interlocking concrete pavers, patios, perimeter landscaping and evergreen vines
- landscaped front and rear yards
- a total of seventeen trees to be planted, four municipal street trees and thirteen trees on private property.

It is recommended that a site-specific zone, based on the RT Zone, Traditional Residential Attached Dwelling District, be drafted should Council choose to advance the application. However, in a number of instances, variances are recommended (instead of inclusion in the new zone), to ensure that if this proposal is not built, that Council review and consideration would be required again, should a different proposal be advanced in the future.

The proposed variances are to:

- reduce flanking street setback (Kipling Street) from 6m to 1.67m
- reduce rear yard setback (Fairfield Road) from 6m to 3.36m
- reduce front yard setback (Thurlow Road) from 6m to 4.80m
- reduce south side setback from 4m to 1.66m at the side of parking garage
- permit roof decks in the form of balconies
- allow an accessory building (garbage) in the rear/side yard, with increased height from 3.50m to 4.05m and a reduced separation space from the main building from 2.40m to 1.32m
- increase site coverage from the required 50% to 51.1%
- decrease floor area per attached dwelling unit from 100 m<sup>2</sup> to 92.3 m<sup>2</sup>
- reduce residential vehicle parking stalls from 9 to 8
- reduce visitor parking stalls from 1 to 0
- reduce aisle depth clearance behind the two parking stalls along Thurlow Road from 7m to 3.43m at its narrowest width.

### 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 to the north and Brooke Street Green is located on the opposite side of Thurlow Road to the east. Other adjacent land uses include:

- South-east – 1.5 storey single-family homes (1408 Fairfield Road and 1407 Thurlow Road)
- West – two-storey single-family homes



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 R1-B Zone, Single Family Dwelling District and the RT Zone, Traditional Residential District. An asterisk is used to identify where the proposal does not meet the requirements of the existing Zone. Additionally, the key City policy that pertains to the area has been included in this table.

Zoning Criteria	Proposal	RT Zone, Residential Traditional District	Existing R1-B Zone, Single-Family Residential District	Previous Proposal	OCP & Fairfield Neighbourhood Policy
Site area (m <sup>2</sup> ) – minimum	1262.3	920	460		
Total floor area (m <sup>2</sup> ) – maximum	1063.47	n/a	280.00 – 1 <sup>st</sup> and 2 <sup>nd</sup> storey 300.00 - combined floor area		
Density (Floor Space Ratio) – maximum	0.84:1	1.0 to 1.0	n/a	0.88:1	1.0:1.0 (OCP)  0.5:1 to 0.85:1 1:1 along Fairfield Road (Fairfield Plan )
Floor area per attached dwelling unit (m <sup>2</sup> ) – minimum	<b>92.30*</b>	100	n/a		
Height (m) – maximum	Block 1 - 8.27 Block 2 - 8.94	10.50	7.60	9.46 (town-houses) 8.23 (duplex)	7.6 – 8.3 and 8.3 – 10.5 along Fairfield Road (Fairfield Plan)
Storeys – maximum	2.50	3	2	3	OCP – 2 to 2.5 (OCP)  2 to 2.5 and 2.36 to 3 along Fairfield Road (Fairfield Plan)
Lot Width (m) – minimum	<b>17.34* - average</b> <b>17.36 - per definition</b>	20.00	15.00		

Zoning Criteria	Proposal	RT Zone, Residential Traditional District	Existing R1-B Zone, Single-Family Residential District	Previous Proposal	OCP & Fairfield Neighbourhood Policy
Use	Attached Dwelling	Attached Dwelling	Single-Family Dwelling		Attached Dwelling (OCP)  Townhouses (Fairfield Plan)
Number of units in attached dwelling (maximum)	<b>4 in Block 1 5 in Block 2*</b>	4	n/a		
Number of attached dwellings	2	More than 1	1		
Roof Deck	<b>Yes*</b>	Not permitted	Not permitted		
Site coverage (%) – maximum	<b>51.1</b>	50.00	40.00	47.46	-
Open site space (%) – minimum	39.30	30.00	n/a	31.78	
<b>Setbacks</b> (m) – minimum					
Front (Thurlow Road)	<b>4.80*</b>	6	7.50	4.67	OCP - Variable; Fairfield - 5 – 6
Rear (Fairfield Road)	<b>3.36* patio; 4.65 steps</b>	6	18.23	5.52	OCP - Variable; Fairfield - 5 – 6
Flanking Side (Kipling Street)	<b>1.67* building face; 0.09* – steps / patio</b>	6	3.5	1.50	-
South Side (interior)	<b>1.66*</b>	4.00	1.74	5.14	7.5 – 10.7 (space for rear yard)
Combined side yards	1.75	n/a	4.50		
Vehicle parking – minimum	<b>8*</b>	9		8	-
Visitor vehicle parking – minimum	<b>0*</b>	1		1	-
Aisle clearance (m) – minimum	<b>5.27* centre 3.43 edges</b>	7			

Zoning Criteria	Proposal	RT Zone, Residential Traditional District	Existing R1-B Zone, Single-Family Residential District	Previous Proposal	OCP & Fairfield Neighbourhood Policy
<b>Bicycle parking stalls – minimum</b>					-
Long Term	34	9		9	
Short Term	6	6		6	
<b>Accessory Building</b>					
Location	<b>Rear/side yard*</b>	Rear Yard			
Height (m) max.	<b>4.05*</b>	3.50			
Separation space from main building (m)	<b>1.32*</b>	2.40			

## Relevant History

On February 11, 2021, Council passed the following motion at the Committee of the Whole meeting (see attached staff reports):

*“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”.*

As indicated in the Letter to Council dated November 23, 2022, and summarized below, the applicant has made significant design changes in response to Council’s direction:

- The heights and densities of townhouse buildings have been reduced to be consistent with the ranges outlined in the Fairfield Neighbourhood Plan.
- The rear drive aisle and parking were removed to provide open site space for residents in the form of seven rear yards with native species.
- A second double garage accessible from Thurlow Road has been provided in addition to



the clustered parking provided at the centre of the site with access from Kipling Street to reduce on-site hard surfaces required for circulation and provide space for seven rear yards.

- The Kipling Street (west) setback has been increased slightly from 1.5m to 1.67m and expands to approximately 3.85 m adjacent to Unit 8 and the corner of Unit 1. Because of the relatively narrow lot width of 17.3m, there are limited opportunities to expand the Kipling Street side yard without substantially impacting the size of the units and/or open space to the east.
- Peaked roofs and traditional materials were incorporated into the revised design to better align with the form and character of the area, additionally, significant design revisions were made to the façade fronting Thurlow Road to present as a single-family dwelling and to the façade fronting Fairfield Road to present as a two-storey duplex.
- Rooftop decks were removed and rear yard outdoor spaces at grade level are provided to limit overlook and top floor windows are primarily placed high in rooms to limit potential overlook issues.

## **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 May 3, 2019. A summary of the meeting is attached to this report.

With the resubmission in 2021, the proposal was posted on the Development Tracker along with an invitation to complete a comment form within the 30-day comment period. The mailed notification was sent to owners and occupiers of property 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. Additionally, the applicant participated in an online meeting with the CALUC on Nov 22, 2021. Of the nine online responses received, four indicated their opposition to the proposal, with common themes being related to height, number of units and loss of parking in the neighbourhood.

Updated plans were referred to the CALUC on November 16, 2022. If further communication from the CALUC is received it will be advanced to Council at a subsequent date.

## **ANALYSIS**

### **Rezoning Application**

#### Official Community Plan (OCP)

The OCP Urban Place Designation for the subject property is Traditional Residential, which supports ground-oriented residential uses such as single, duplex and attached dwellings. The OCP states that new development may generally have a density of up to 1:1 FSR. The proposal is for a 2.5-storey building at 0.84 FSR and is therefore within the heights and densities envisaged for this urban place designation. 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 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 with variable setbacks and buildings oriented to face the street. Houses that accommodate variable landscaping, street tree planting, on-street parking and individual driveways are key place character features of Traditional Residential Areas. The proposed development provides enhanced landscaping in the front, rear and side yard spaces and all unit entrances and principal windows are oriented toward the street. The proposal has clustered parking accessible through a common driveway from Kipling Street and a second double garage that is accessible from Thurlow Road. This approach reduces the amount of hardscape dedicated to vehicle circulation and provides additional at-grade green spaces in the rear yards. This type of site planning is considered consistent with the OCP.

The proposal also advances other objectives of the OCP. The construction of nine new housing units supports the broad objectives of Section 13: Housing and Homelessness, which encourages diversifying the range of housing types within neighbourhoods while increasing the overall supply. The provision of larger units that can accommodate households with children is also consistent with the housing objectives. The extensive Transportation Demand Management measure would encourage residents to utilize alternate modes of transportation which achieves some of the goals and objectives in Section 7: Transportation and Mobility.

While the proposal is generally consistent and provides a sensitive and innovative response to the existing form and character of the neighborhood through a traditional design approach, given the relatively narrow lot width, certain variances are created which are discussed in relation to the concurrent Development Permit with Variances Application.

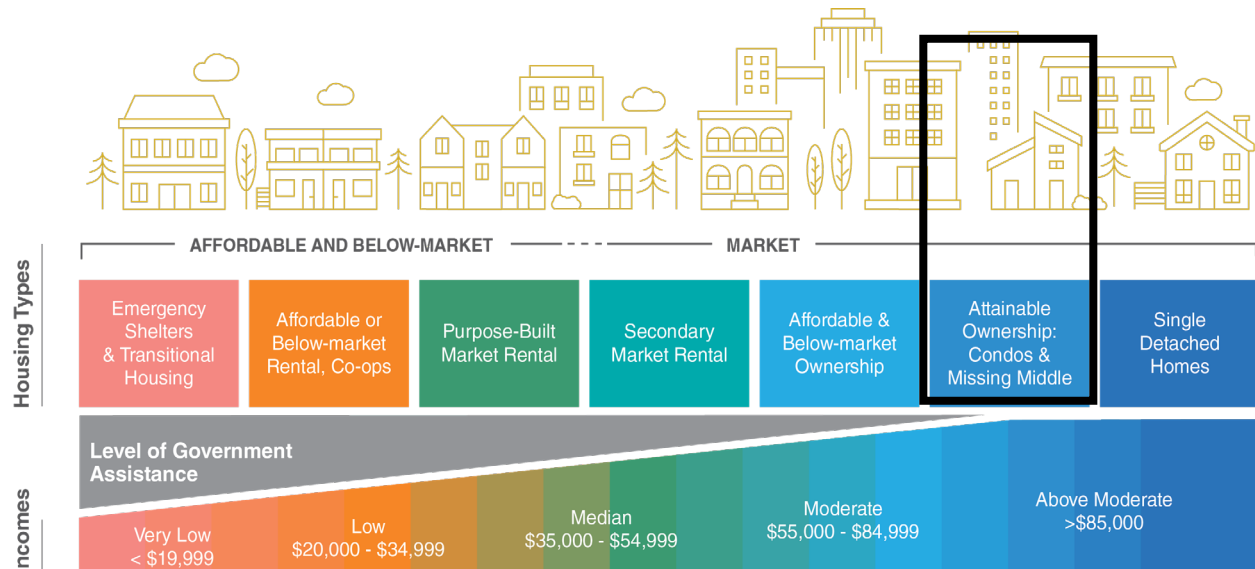
#### Fairfield Neighbourhood Plan

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 are envisioned for both sub-areas. In general, the Plan supports buildings up to 2 to 2.5 storeys (approximately 7.6 to 8.3m in height) and 2.5 to three storeys along Fairfield Road (up to approximately 8.3 to 10.5m in height). *The Fairfield Neighborhood Plan* supports densities ranging from 0.75:1 to 0.85:1 floor space ratio for townhouses. The proposed development of 0.84 FSR and 2.5 storeys (8.27m in height for Building 1 and 8.94m in height for Building 2) is consistent 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 incorporating 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. Staff recommend that the new zone include setback regulations consistent with the *Fairfield Neighbourhood Plan*; and that variances be used to deviate from this standard so that lessened requirements do not become an entitlement in the zone. This will be discussed further in relation to the associated Development Permit with Variances Application.

## Housing

The proposal consists of nine residential market strata units. The application, if approved, would add six new residential units, 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 proposed residential market strata units would be considered more attainable home ownership compared to a new single-family dwelling.

### *Housing Mix*

At present there is no policy that provides targets regarding housing mix and unit type 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 three 2-bedroom units and six 3-bedroom units ranging in size from 92.3m<sup>2</sup> (994 ft<sup>2</sup>) to 203.7m<sup>2</sup> (2193 ft<sup>2</sup>). floor area for each unit.

### *Security of Tenure*

The proposal is for nine new market strata units. New Provincial legislation prohibits the ability of strata councils to prevent the rental of units.

## *Existing Tenants*

The proposal is to demolish an existing duplex and a single-family dwelling which would result in a loss of three existing residential units that are currently rented. Consistent with the Tenant Assistance Policy, the applicant has provided a Tenant Assistance Plan which is attached to this report.

## Amenity Contributions

Although the site is in the Traditional Residential district and thereby exempt from the *Inclusionary Housing and Community Amenity Policy*, the applicant is offering to contribute the following:

- \$67,500 (\$7,500 per unit) to the City of Victoria Housing Reserve Fund to assist in the development and retention of affordable rental housing for households with very low or median incomes.
- \$10,000.00 as a voluntary contribution to be utilized in park improvements.

If Council advances the application, these contributions would be secured as density bonus provisions within the new zone.

## **Development Permit with Variance Application**

### Official Community Plan: Design Guidelines

The *Official Community Plan*, 2012 (OCP) identifies these properties within Development Permit Area 15F: Intensive Residential - Attached Residential Development. The objectives of Development Permit Area (DPA) 15F: Intensive Residential – Attached Residential Development are:

- *to accommodate 10% of Victoria's anticipated population growth and associated housing growth in Small Urban Villages, and residential areas, to encourage and support future and existing commercial and community services*
- *to integrate more intensive residential development in the form of ground-oriented attached residential development within Traditional Residential areas in a manner that respects the established character of the neighbourhoods*
- *to accommodate housing growth in Traditional Residential areas in a manner that is gradual, of a compatible scale and adaptive to the local contexts*
- *to achieve a high quality of architecture, landscape and urban design to enhance neighbourhoods*
- *to integrate infill development in Traditional Residential areas that is compatible with existing neighbourhoods through considerations for site planning and building designs that promote livability and provide sensitive transitions to adjacent developments.*

The applicable design guidelines are the Design Guidelines for *Attached Residential Development: Fairfield Neighborhood*. The purpose of these Guidelines is to encourage high quality design that enhances social vitality and creates a good fit with the existing neighbourhood.

The proposal complies with the guidelines as follows:

- considers the mix of traditional and contemporary designs located near the proposed development and incorporates both traditional and contemporary design elements in the form of chimney, bay windows and punched traditional windows

- adopts a traditional approach to the fenestration patterns through the use of cladding such as wood soffits, vertical wood siding, and wood shingles
- includes peaked roofs and prominent porch entryways
- orients units to the public streets
- provides landscaped front and rear yards
- reduces overlook by limiting upper-level rear window.

The proposal is therefore consistent with these Guidelines with respect to incorporating design features to integrate with the existing context in a manner that respects the established neighbourhood character.

### Site Planning

The Design Guidelines encourage site planning that maintains the pattern of landscaped front and rear yards, makes a positive contribution to the streetscape and minimizes the amount of area dedicated to vehicle parking and circulation. The proposed development provides enhanced landscaping in the front, rear and side yard spaces. All unit entrances and principal windows are oriented towards the street to facilitate direct pedestrian access from the fronting street.

The proposal has six parking garages located towards the centre of the site, accessible through a common driveway from Kipling Street with a double garage that is accessible from Thurlow Road. This approach reduces the amount of hardscape dedicated to vehicle circulation and provides seven at-grade usable open site spaces for residents in the rear yard and two open green spaces on the side facing Fairfield Road thereby providing dedicated private outdoor spaces for all units in conjunction with private balconies.

Additionally, to provide livable family-oriented spaces while adhering to the height restrictions, the design provides basement space to accommodate more rooms. This type of optimized site planning works well considering the restricted lot size and is considered consistent with the OCP.

### Neighbourliness / Compatibility

The Design Guidelines seek to ensure that new development responds to the established form and architectural characteristics of surrounding buildings to achieve new buildings which are compatible with their context and minimize impacts on neighbours. To achieve a good fit, the Guidelines encourage consideration of building articulation, scale and proportions, as well as similar or complementary roof forms, building details and fenestration patterns. Townhouses are also encouraged to transition in scale next to existing residential buildings.

As detailed in the preceding section, the proposal incorporates various architectural features that relate to the predominant residential character of the area. The design adopts a traditional approach to the fenestration patterns through the use of cladding such as wood soffits, vertical wood siding, and wood shingles, and embodies peaked roofs, prominent porch entries, bay windows and punched traditional windows. The façade fronting Thurlow Road presents as a single-family dwelling, and the building form steps down to reduce the height difference between the neighbouring buildings on Thurlow Road. The façade fronting Fairfield Road presents as a two-storey duplex and transitions from single-family homes on that side. The heights and densities of each respective townhouse building have been designed to be consistent with the ranges outlined in the Fairfield Neighbourhood Plan.

## Fairfield Neighbourhood Plan

The *Fairfield Neighbourhood Plan* provides specific form and character guidelines for Tradition Residential Areas to ensure new development is contextually appropriate. The guidelines relate to:

- orienting units to face the street with space for front and rear yards
- minimizing the amount of space dedicated to parking and automobile circulation to support soft landscaping and sensitive transitions with adjacent properties
- achieving street-fronting buildings which present a friendly face to the street with front entrances visible from public spaces
- providing sensitive transitions to adjacent lower-scale development, considering massing, access to sunlight, appearance of buildings and landscape, and privacy
- ensuring adequate separation between buildings and access to sunlight for living spaces and open spaces
- encouraging design and site planning which responds sensitively to topography
- encouraging building design which relates to the existing context, with special attention to streets with a strong pre-existing character
- designing each townhouse unit to be distinct but compatible with its neighbours, and to break up longer rows of townhouses
- encouraging the use of quality materials.

The proposal is generally consistent with many of the aforementioned guidelines as noted in the preceding section of this report.

## **Regulatory Considerations related to Variances**

Although a site-specific zone, based on the Traditional Residential Zone is proposed, variances are recommended (instead of inclusion in the new zone) for areas where the proposal is not consistent with the *Fairfield Neighbourhood Plan* and the Off-Street Parking Regulations (Schedule C) of the *Zoning Regulation Bylaw*. This ensures that if this proposal is not built, any future redevelopment would require Council's consideration.

## Setbacks

The *Fairfield Neighbourhood Plan* encourages setbacks from street boundaries and rear property lines to accommodate space for landscaped yards that contribute to an enhanced streetscape and provide at-grade private amenity space, room for tree planting and separation from adjacent development. The Plan envisions front setbacks of 5m to 6m and rear yard setbacks of 7.5m to 10.7m. The proposed development has frontage on three streets.

- Front Setback (Thurlow Road) – proposed to be reduced to 4.80m, measured to an exterior porch post, at its narrowest width. However, this setback ranges from and sometimes exceeds the minimum and is generally consistent with the existing street context and is therefore considered supportable.
- Rear Setback (Fairfield Road) – proposed to be reduced to 3.36m, measured to the patio. The setback generally ranges from 4.65m at the entrance and to 6.02m along the principal façade. Since this is close to the recommended 5m minimum (and sometimes exceeds it),

this is generally consistent with the existing street context as the existing R1-B zoning permits porch projections of 1.6m into street fronting setbacks.

- Flanking Setback (Kipling Street) – proposed to be reduced from 6 m to 1.67m, measured to the building face, at its narrowest width and to 5.93m along the side of Unit 8. This reduced setback is necessary in order to allow for 5 meters of building depth and for rear yards to be added. For corner lots with units fronting the flanking street, the *Fairfield Neighbourhood Plan* supports modest front setbacks to accommodate the provision of rear yards that provide useable amenity space and for transitions between the housing units. For lots at least 15m wide, the Plan supports setbacks of 1.5m for street fronting units compatible with the rhythm of existing buildings along the street. In this case, the proposal is the only building on the street as it would fully occupy the Kipling Street side. The reduced setback of 1.67m provides some space for landscaping, steps and entry features at the front and accommodates at-grade amenity space behind the units. Therefore, the variance is considered supportable because the reduced setback is achieving the intended goals of accommodating rear yards, which are identified in the neighbourhood plan as a key feature.
- Side yard interior setback (rear yard space) - proposed to be reduced to 1.66m, measured to the parking garage at its narrowest width. The setback generally ranges from 5m behind seven of the units and to 1.7m along the side of unit 9. Due to the site orientation, shadowing on neighbouring properties is relatively limited with shadows being primarily cast onto Kipling Street and Thurlow Road and away from neighbouring properties. A window alignment diagram is included in the drawing package which suggests limited overlook potential. Additionally, the proposal employs the following design elements to maintain privacy between the neighboring properties:
  - all unit entrances and principal windows oriented towards street fronts
  - windows that are not facing the street are strategically located to minimize direct views or overlook into neighboring properties.

As an additional privacy measure, the applicant is proposing a solid wooden fence 5 feet in height with evergreen vines. Given the enhanced landscaping, the window overlay drawings and shadow studies, the privacy impacts are considered to be minimal and staff recommend Council support this variance.

### Number of Vehicle Parking Spaces

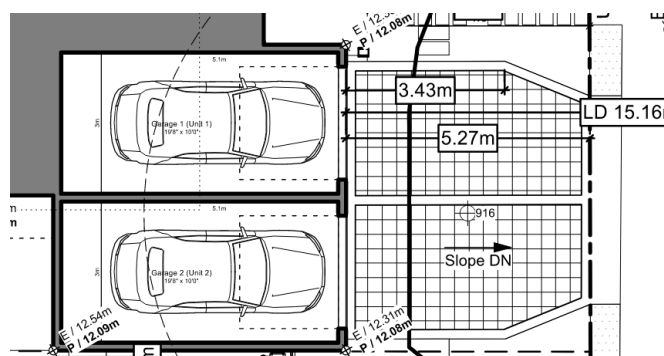
The parking variance to reduce the required residential vehicle parking stalls from nine to eight and the required visitor parking stalls from one to nil is considered supportable given the proposed transportation demand management measure of providing bicycle parking in excess of the minimum zoning requirements. In addition to the TDM measure, this variance is considered supportable as the lot has a relatively narrow frontage (17.3m); therefore, incorporating an increased parking area to accommodate more on-site parking would be detrimental to the pedestrian streetscape experience, the neighbourhood character, and would result in a loss of units.

Additionally, an on-street parking assessment was undertaken. The results indicate that the visitor parking demand for the subject site could be accommodated on street without having an impact on the surrounding neighbourhood parking conditions. In addition, there are no other houses located along the 72.93m street frontage on the 300 Block of Kipling Street, and across the street from the proposed development is Robert J. Porter Park, with an additional street frontage space of 72.93m.

Nonetheless, it is anticipated that the requested parking variance will result in increased demand for on-street parking. The City does not guarantee parking will be available on the street near the development. Additionally, the on-street parking available may not be suitable for the needs of users with mobility challenges.

### Drive Aisle Depth

As per the *Highway Access Bylaw*, the maximum permitted width for the driveway crossing is 4.5m and the proposal is required to have a 3m x 3m site triangle at both ends of the driveway crossing. Additionally, as per zoning regulations the required aisle depth clearance behind the two parking stalls along Thurlow Road is 7m. The proposal conforms with the requirements of the *Highway Access Bylaw* but requires a variance to reduce the required aisle depth clearance from 7m to 5.27m at the center and to 3.43m at both edges. Since a vehicle would move in and out of the parking stall in a straight manner and there are no foreseeable difficulties in maneuvering, the variance is considered supportable (see below).



### Roof Deck

As per the Zoning Bylaw definition, "A roof deck is any deck or balcony that is above the 2nd storey". Three out of eleven balconies are above the second storey and therefore require variances. However, these three balconies either face Brooke Street Park and Robert J. Porter Park, not other residential properties and would therefore be supportable as there are no potential overlook or privacy concerns.

### Site Coverage

The proposal has a site coverage of 51.1% which exceeds the standard of 50% required in the RT Zone. Because the increase is minor, it is considered supportable.

### Minimum Unit Floor Area

Two out of nine units have a minimum floor area of 92.3 m<sup>2</sup>. These figures vary slightly from the required 100 m<sup>2</sup> floor area per attached dwelling unit, envisioned in the RT Zone and would therefore be supportable as they are still of a liveable size.

### Accessory Building

Three variances pertaining to the accessory building (the small garbage and recycling building on site) are being requested:



- increase the height of the accessory building from 3.50m to 4.05m
- decrease the separation distance between the accessory building and the main building from 2.40m to 1.32m
- locate the accessory building in the interior side yard.

The 4.05m height is due to the slope of the roof which was cohesively designed to relate to the roof pitch, style, and scale of the main buildings. The limited separation distance from the main building is due to the restricted lot size. Technically as per zoning definitions, the accessory building is in the interior side yard (the yard space between two properties) but, in essence, it is on the property's rear side (not on any of the three fronting streets) and this fulfils the intent of the zoning regulations. Therefore, all three variances for the accessory building are recommended as supportable.

## **Accessibility**

Accessibility measures beyond those contained in the *British Columbia Building Code*, are not proposed.

## **Mobility**

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

- thirty-four long-term bicycle stalls (exceeding the minimum requirements in the *Zoning Regulation Bylaw* by 25), including six short-term bicycle stalls
- a bicycle repair booth with bike tools and a bike wash alcove located in the bicycle storage room
- seventeen bicycle spaces designed to accommodate cargo-type bikes.

## **Sustainability**

The following sustainability measures are proposed:

- solar panel ready (rough in)
- electric car charger ready for all units (rough in)
- use of permeable pavers in parking areas
- water efficient landscaping
- windows and skylights designed to enhance natural light
- exceeded requirements for bicycle parking
- energy efficient light fixtures
- water efficient plumbing fixtures
- low-VOC interior finishes.

## **Public Realm**

In addition to the amenity contribution towards parks improvements (\$10,000), a community-oriented bench is proposed on the corner of Kipling Street and Thurlow Road, on the subject property. This bench overlooks Robert J. Porter Park and Brooke Street Green and is designed for community use.

## **Advisory Design Panel Review**

The previous proposal was presented to the Advisory Design Panel (ADP) at a meeting on August 26, 2020. The minutes are attached to this report. The ADP motion recommended that the Development Permit with Variances Application be approved subject to:

- *addressing the Kipling Street elevation and the Thurlow Street elevation*
- *considering improvements to privacy screening of the at the rooftop level*
- *considering alternative narrower species of planting along the drive aisle*
- *evaluating increasing the access to light into lock off suites*
- *improving the transparency of landscaping on Thurlow Street.*

In response to this direction as well as the Council direction of February 11, 2021, the applicant has incorporated the following revisions as noted in the letter to Mayor and Council dated November 23, 2022:

*Kipling Street elevation:*

- *the setback from the street and sidewalk was increased*
- *an at grade electrical room was added to meet BC Hydro site servicing requirements*
- *a shared bicycle room was added below Unit 8 with a bicycle ramp to access the space from Kipling Street*
- *exterior materials were revised from hardie panels and brick to wood shingles and vertical siding to increase consistency with neighbourhood form and character.*

*Thurlow Road elevation:*

- *the rear drive aisle with access from Thurlow Road was removed and replaced with private rear yards*
- *the proposal now has six parking stalls at the center of the site with access from Kipling Street and two parking stalls located with access from Thurlow Road*
- *unit 1 on Thurlow Road was re-designed to present as a single-family dwelling consistent with the predominant housing form.*

*Rooftop Level:*

- *rooftop decks were removed from the plans due to concerns related to privacy and character of the neighborhood and replaced with street facing balconies on all units*
- *pitched roof forms were added to increase alignment with form and character of the area.*

*Planting along drive aisle:*

*The rear drive aisle was removed, with six parking stalls re-located to the centre of the site with access from Kipling Street and two parking garages located with access from Thurlow Road. Private rear yards were added where the rear drive aisle was previously located allowing for four trees to be planted at the rear of the site for screening.*

*Lock-off suites:*

*Lock off suites were removed from the proposal. The number of units was revised from 8 townhouses with two lock-off suites (10 units) to 9 townhouses.*

*Landscape transparency:*

*Several shrubs and fencing along the exterior of the yard were removed. The lawn area was expanded to increase transparency into the site along the Thurlow Road frontage.*

Although, this resubmission represents a significant redesign, and although this version has not been reviewed by ADP, the redesign addresses the concerns raised by the ADP that remain relevant to the proposal.

### **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. Based on the City's 2019 LIDAR data, the Fairfield Neighbourhood tree canopy cover is 31 percent, and the city-wide coverage is 28 percent. In Appendix B of the *Urban Forest Master Plan*, tree canopy targets for the Pacific Northwest, and leading research, recommend a canopy cover goal of 40 percent for cities.

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 18 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 eight trees on the municipal frontage (three proposed for removal and five proposed for retention). Exploratory excavation work undertaken by the Project Arborist has determined that Municipal Flowering Cherry NT9 can be retained through the construction of the driveway access on Thurlow Road.

The Landscape Plan indicates a total of seventeen trees to be planted, four municipal street trees and thirteen trees on private property, four of which are designated replacement trees for the intended removal of bylaw-protected trees. One vacant tree planting site on Kipling Street identified as NT2 will be planted by the Parks Division in coordination with this development. An irrigation system with drip rings will be installed to water the four proposed municipal street trees until they are established.

The following table provides a summary of tree related considerations:

Tree Impact Summary Table

<b>Tree Status</b>	<b>Total</b>	<b>To be Retained</b>	<b>To be Removed</b>	<b>To be Planted</b>	<b>Net Change</b>
On-site trees, bylaw-protected	2	0	2	4	+2
On-site trees, unprotected	8	0	8	9	+1
Municipal trees	8	5	3	4	+1
Total	18	5	13	17	+4

### ***Financial Implications***

Summarized in the table below are the annual maintenance costs that would be incurred by the City following the planting of one new street tree.

Increased Inventory	Annual Maintenance
New municipal trees (one net new)	\$60
New irrigation	\$600

### **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).

### **CONCLUSIONS**

The proposal is generally consistent with the density, use, open site space and housing policies envisioned in the *Fairfield Neighbourhood Plan* and advances a number of goals and objectives in the OCP, such as increasing the housing supply, diversifying the range of housing types including the provision of larger units that can accommodate households with children and encouraging alternative modes of transportation.

The proposal is also consistent with Development Permit Area 15F: Intensive Attached Residential Development. The buildings would integrate new residential development within a Traditional Residential area in a manner that respects the established character of the area. This amalgam of traditional and contemporary design features is considered to be innovative and sensitive to the established neighbourhood character. Therefore, it is recommended that Council consider supporting this application. However, alternate motions are provided below should Council wish to consider referring the application back to staff or declining 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.

#### **Option 2 – Decline**

That Council decline Application No. 00702 and associated Development Permit with Variances Application No. 00219 for the properties located at 349 Kipling Street and 1400 Fairfield Road.

Respectfully submitted,

Manasvini Thiagarajan  
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: Plans date stamped December 19, 2022
- Attachment C: Letter from applicant to Mayor and Council dated November 23, 2022
- Attachment D: Parking Study dated April 1, 2021
- Attachment E: Community Association Land Use Committee Comments dated May 3, 2019
- Attachment F: Tenant Assistance Plan
- Attachment G: Advisory Design Panel meeting minutes dated August 26, 2020
- Attachment H: Arborist Report dated October 28, 2022
- Attachment I: Feedback from 30-day Community Meeting comment period in November 2021
- Attachment J: Correspondence (Letters received from residents)
- Attachment K: Community Association Land Use Committee Meeting Report dated November 22, 2021