



Committee of the Whole Report

For the Meeting of May 23, 2019

To: Committee of the Whole **Date:** May 9, 2019

From: Andrea Hudson, Acting Director, Sustainable Planning and Community Development

Subject: Rezoning Application No. 00673 for 2566-2580 Fifth Street and Associated Official Community Plan Amendment

RECOMMENDATION

1. That Council instruct staff to prepare the necessary Official Community Plan Amendment Bylaw in accordance with Section 475 of the *Local Government Act* and the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00673 for 2566-2580 Fifth 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:
 - a. Preparation of the following documents, executed by the applicant, to the satisfaction of City Staff:
 - i. Housing Agreement Bylaw to secure the building as rental in perpetuity, secure 10% of the units as affordable in perpetuity, and securing an additional 10% of the units as affordable for five years; and
 - ii. Legal agreements and a car share agreement to secure the purchase of one car share vehicle, one parking stall for the car share vehicle on-site, access for the public to the car share stall, one car share membership for that runs with each unit and \$100 in credit to the car share company for each unit.
 - b. That Council determine, pursuant to section 475(1) of the *Local Government Act* that the affected persons, organizations and authorities are those property owners and occupiers within a 200m radius of the subject properties; that the appropriate consultation measures would include a mailed notice of the proposed OCP Amendment to the affected persons; posting of a notice on the City's website inviting affected persons, organizations and authorities to ask questions of staff and provide written or verbal comments to Council for their consideration.
 - c. That Council, having provided the opportunity for consultation pursuant to Section 475(1) of the *Local Government Act* with persons, organizations and authorities it considers will be affected, specifically, the property owners and occupiers within a 200m radius of the subject properties have been consulted at a Community Association Land Use Committee (CALUC) Community Meeting, consider whether the opportunity for consultation should be early and ongoing, and determine that no further consultation is required.

- d. That Council specifically consider whether consultation is required under Section 475(2)(b) of the *Local Government Act* and determine that no referrals are necessary with the Capital Regional District Board, Councils of Oak Bay, Esquimalt and Saanich, the Songhees and Esquimalt First Nations, the School District Board and the provincial and federal governments and their agencies due to the nature of the proposed amendment.
 - e. That Council give first reading to the Official Community Plan Amendment Bylaw.
 - f. That Council consider the Official Community Plan Amendment Bylaw in conjunction with the City of Victoria 2019-2023 Financial Plan, the Capital Regional District Liquid Waste Management Plan and the Capital Regional District Solid Waste Management Plan pursuant to Section 477(3)(a) of the *Local Government Act*, and deem those Plans to be consistent with the proposed Official Community Plan Amendment Bylaw.
 - g. That Council give second reading to the Official Community Plan Amendment Bylaw.
 - h. That Council refer the Official Community Plan Amendment Bylaw for consideration at a Public Hearing.
2. That Council instruct staff to prepare the Zoning Regulation Bylaw Amendment that would authorize the amendment of Figure 1 in Schedule 'C' of Zoning Bylaw No. 80-159 to include the subject property within the Village/Centre Geographic Area, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the above conditions are met.

LEGISLATIVE AUTHORITY

In accordance with Section 479 of the *Local Government Act*, Council may regulate within a zone the use of land, buildings and other structures, the density of the use of the land, building and other structures, the siting, size and dimensions of buildings and other structures as well as the uses that are permitted on the land and the location of uses on the land and within buildings and other structures.

In accordance with Section 483 of the *Local Government Act*, Council may enter into a Housing Agreement which may include terms agreed to by the owner regarding the occupancy of the housing units and provided such agreement does not vary the use of the density of the land from that permitted under the zoning bylaw.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning Application for the property located at 2566-2580 Fifth Street. The proposal is to rezone from the R-2 Zone, Two Family Dwelling District, to a site-specific zone to construct a five-storey mixed use building split into two building masses. An educational or community service use is proposed for the ground floor with residential above. Fifth Street is fronted by a combination of the commercial space as well as at-grade townhouses. An *Official Community Plan* amendment is required with this application to permit the ground floor commercial use and the 2.54:1 Floor Space Ratio (FSR).

The following points were considered in assessing this application:

- amending the *Official Community Plan* (OCP, 2012) Urban Place Designation from Urban Residential to Large Urban Village is supportable as the properties to the north and east on the same block are designated Large Urban Village and the subject properties were included within the Proposed Quadra Village map in the *Hillside-Quadra Neighbourhood Plan*
- the proposal is consistent with the Large Urban Village designation, which envisions mixed-use buildings up to six storeys with a density of up to approximately 2.5:1 Floor Space Ratio (FSR). In addition, the provision of affordable housing and of the educational space advances numerous OCP objectives
- the scale and massing of the proposal provides an appropriate transition between the multi-unit residential and mixed-use buildings along Quadra Street and Kings Road and the single family dwellings across Fifth Street
- the proposal is inconsistent with the "duplex to low density" designation in the *Hillside-Quadra Neighbourhood Plan*, but is consistent in considering the social needs of the neighbourhood through the provision of affordable housing and an education space.

BACKGROUND

Description of Proposal

This Rezoning Application is to rezone from the R-2 Zone, Two Family Dwelling District, to a site-specific zone to construct a five-storey, mixed use building split into two building masses. A ground floor commercial space intended for use as an educational or community service space is proposed along with townhouses fronting onto Fifth Street. An interior courtyard and rooftop patio on the fourth floor would be available to the residents as amenity space.

The following differences from the standard C1-QV Zone, Quadra Village District, are being proposed and would be accommodated in the new zone:

- permitting residential use on the ground floor
- increased floor area from 2527m² to 4567m²
- increased floor space ratio from 1.40:1 to 2.54:1
- reduced rear yard setback from 4.04m to 4.0m
- reduced north side yard setback from 4.04m to 2.70m
- reduced south side yard setback from 4.04m to 2.70m.

The differences in vehicle parking spaces are discussed in the concurrent Development Permit with Variances report.

The request to amend the *Official Community Plan* Urban Place Designation from Urban Residential to Large Urban Village is necessary in order to permit the ground floor commercial use and in order to exceed the Urban Residential maximum density of 2.0:1 FSR.

Affordable Housing Impacts

The applicant proposes the creation of 64 new residential rental units, which would increase the overall supply of housing in the area. A Housing Agreement is also being proposed to secure the building as rental in perpetuity, to secure 10% of the units as affordable in perpetuity, and to secure an additional 10% of the units as affordable for five years.

Tenant Assistance Policy

The proposal is to demolish three existing single family dwellings, which were previously owner-occupied and are currently vacant. This proposal results in no loss of residential rental units and a Tenant Assistance Plan is not required.

Sustainability Features

The applicant is proposing a sedum-planted green roof on the commercial building that connects the two building masses. The applicant's letter to Mayor and Council indicates the possibility of installing solar panels on the five-storey building in the future.

Active Transportation Impacts

The application proposes the following features which support active transportation:

- long term and short term bicycle parking consistent with Schedule 'C' requirements
- provision of a car share vehicle and on-site space
- provision of car share memberships and \$100 in car share credits to all residents

Public Realm Improvements

No public realm improvements are proposed in association with this Rezoning Application.

Accessibility Impact Statement

The British Columbia Building Code regulates accessibility as it pertains to buildings. However, the applicant has identified that BC Housing requires 20% of the building to be accessible. In addition, the following features would be included to address accessibility:

- all units, except for the two townhouse units, are accessible without the use of stairs
- all fixtures can be installed to meet accessibility standard
- oversized doors are provided for manoeuvrability
- wheelchair turning radius has been accommodated within the kitchens.

Land Use Context

The area is characterized by a mixture of commercial and residential uses. Mixed-use and commercial buildings are located to the west, a multi-unit residential building is located to the north, single family dwellings to the east, and an institutional use is located in the heritage registered building to the south, known as the Quadra Primary School.

Existing Site Development and Development Potential

There are presently three single family dwellings on the subject properties. Under the current R-2 Zone, the properties could be developed as duplexes.

Data Table

The following data table compares the proposal with the existing R-2 Zone, Two Family Dwelling District, and the standard C1-QV Zone, Quadra Village District, which is a common nearby zone. An asterisk is used to identify where the proposal is less stringent than the

standard C1-QV Zone.

Zoning Criteria	Proposal	Existing R-2 Zone	Zone Standard C1-QV
Site area (m ²) – minimum	1805	555	N/A
Use on the ground storey	Residential *	Residential	Commercial
Density (Floor Space Ratio) – maximum	2.54 *	0.5	1.40
Total floor area (m ²) – maximum	4566.30 *	380.0	2527.0
Lot width (m) – minimum	43.91	15.0	N/A
Height (m) – maximum	16.16 *	7.6	15.50
Storeys – maximum	5 *	2	4
Site coverage (%) – maximum	65.40	40	N/A
Open site space (%) – minimum	34.60	30	N/A
Setbacks (m) – minimum			
Front	1.0	7.5	0.0
Rear	4.0 *	10.7	4.04
Side (north)	2.70 *	4.39 or 3.0	4.04
Side (south)	2.70 *	4.39 or 3.0	4.04
Vehicle Parking – Residential (minimum)	18 *	2	45
Vehicle Parking – Visitor (minimum)	2 *	N/A	6
Vehicle Parking – Commercial (minimum)	5 *	N/A	8
Bicycle parking – Long Term (minimum)	71	N/A	71
Bicycle parking – Short Term (minimum)	12	N/A	12

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the Hillside-Quadra CALUC at three Community Meetings held on February 28, 2018, October 9, 2018 and May 1, 2019. Letters dated March 22, 2018 and December 9, 2018 are attached to this report. A letter from the most recent meeting had not been received by staff at the time of writing this report.

ANALYSIS

Official Community Plan

The property is currently designated as Urban Residential within the OCP, which envisions ground-oriented building forms with mixed-use buildings up to approximately 2:1 FSR considered on arterial and secondary arterial roads. The Application is not located on an arterial or secondary arterial road and features a commercial use on the ground floor as well as exceeds the maximum FSR of 2:1. Therefore, the proposal for a five-storey mixed-use building requires an Official Community Plan Amendment to change the Urban Place Designation from Urban Residential to Large Urban Village. The proposal is consistent with the Large Urban Village designation, which envisions mixed-use buildings up to six storeys and FSRs of up to approximately 2.5:1. The adjacent properties to the north and west are already designated Large Urban Village, and the property to the south is designated as Public Facilities, Institutions, Parks and Open Space.

The *Local Government Act* (LGA) Section 475 requires a Council to provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected by an amendment to the OCP. Consistent with Section 475 of the LGA, Council must further consider whether consultation should be early and ongoing. This statutory obligation is in addition to the Public Hearing requirements. In this instance, staff recommend for Council's consideration that notifying owners and occupiers of land located within 200 metres of the subject site along with posting a notice on the City's website will provide adequate opportunities for consultation with those affected.

The OCP Amendment Application would change the Urban Place Designation of 2566-2588 Fifth Street from Urban Residential to Large Urban Village. Given that the subject property is already bordered on two property lines by the Large Urban Village designation, that the proposal secures a large portion of the residential units as affordable in perpetuity, and that through the Community Association Land Use Committee (CALUC) Community Meeting process all owners and occupiers within a 200m radius of the site were notified and invited to participate in a Community Meeting, the consultation proposed at this stage in the process is recommended as adequate and consultation with specific authorities, under Section 475 of the LGA, is not recommended as necessary.

Should Council support the OCP amendment, Council is required to consider consultation with the Capital Regional District Board; Councils of Oak Bay, Esquimalt and Saanich; the Songhees and Esquimalt First Nations; the School District Board and the provincial government and its agencies. However, further consultation is not recommended as being necessary for this amendment to the Urban Place Designation as this matter can be considered under policies in the OCP.

Council is also required to consider OCP Amendments in relation to the City's *Financial Plan*

and the *Capital Regional District Liquid Waste Management Plan* and the *Capital District Solid Waste Management Plan*. This proposal will have no impact on any of these plans.

Local Area Plans

The *Hillside-Quadra Neighbourhood Plan* identifies the subject properties as within the “duplex to low density” area of potential change. The application is inconsistent with this designation. However, the subject properties are located within the boundaries of the Proposed Quadra Village in Map 1a. In addition, the Plan notes that developers of major residential and commercial projects should consider the social concerns and needs of residents of the area. The inclusion of both affordable housing and education space is viewed by staff as meeting this objective.

Tree Preservation Bylaw and Urban Forest Master Plan

There are no Tree Preservation Bylaw impacts with this application.

Three public trees would be impacted by this application - one 45cm DBH Red maple, one 5cm DBH Red maple and one 25cm DBH Silver birch. They are proposed for removal as they will be too heavily impacted by the proposed underground parkade and driveway location. A new public realm streetscape, including a new boulevard with trees, in this location will improve pedestrian mobility and safety along Fifth Street. Four new boulevard trees are proposed, and their species will be determined at building permit phase.

There are sixteen non-bylaw-protected trees on the site proposed for removal. All trees are in fair to poor, unmaintained condition. An arborist report was not required for this application, as the trees are not protected and they are all located within the building and parkade structure, which necessitates their removal.

Density Bonus Policy

As noted in the applicant's Letter to Mayor and Council (attached), a Housing Agreement would be used to secure the building as rental in perpetuity, to secure 10% of the units as affordable as per the City's definition of affordable housing, and to secure an additional 10% of the units as affordable for five years.

CONCLUSIONS

The OCP amendment is supportable due to its adjacency to other properties designated Large Urban Village, its provision of educational or community service space and affordable housing, and its ability to provide a transition to the lower-density dwellings to the east. Furthermore, the proposal is generally consistent with the Large Urban Village designation in the OCP, which envisions ground-oriented, multi-unit residential and mixed-use buildings. Therefore, staff recommend Council consider supporting the application.

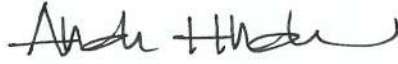
ALTERNATE MOTION

That Council decline Rezoning Application No. 00673 for the property located at 2566-2580 Fifth Street.

Respectfully submitted,



Michael Angrove
Planner
Development Services



Andrea Hudson, Acting Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date:

May 17, 2019

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped April 24, 2019
- Attachment D: Letter from applicant to Mayor and Council dated April 1, 2019
- Attachment E: Community Association Land Use Committee Comments dated March 22, 2018 and December 9, 2018.
- Attachment F: Traffic Impact Assessment Study
- Attachment G: Correspondence (Letters received from residents).