



## Committee of the Whole Report

For the Meeting of March 23, 2017

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**To:** Committee of the Whole **Date:** March 8, 2017

**From:** Jonathan Tinney, Director, Sustainable Planning and Community Development

**Subject:** Rezoning Application No. 00531 for 986, 988 and 990 Heywood Avenue and associated Official Community Plan Amendment

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### RECOMMENDATION

That Council instruct staff to prepare the necessary Official Community Plan Amendment Bylaw and the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00531 for 986, 988 and 990 Heywood Avenue, 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. Preparation of the following documents, executed by the applicant, to the satisfaction of City Staff:
  - a. Housing Agreement to ensure that future strata bylaws cannot restrict the age of occupants or prohibit strata owners from renting residential strata units.
2. 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, those property owners and occupiers within a 100m radius of the subject property 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.
3. 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.
4. That Council give first reading to the Official Community Plan Amendment Bylaw.
5. That Council consider the Official Community Plan Amendment Bylaw in conjunction with the City of Victoria 2012-2016 Financial Plan and 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.
6. That Council give second reading to the Official Community Plan Amendment Bylaw.
7. That Council refer the Official Community Plan Amendment Bylaw for consideration at a Public Hearing.

## LEGISLATIVE AUTHORITY

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

In accordance with Section 482 of the *Local Government Act*, a zoning bylaw may establish different density regulations for a zone, one generally applicable for the zone and the others to apply if certain conditions are met.

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

## EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for an Official Community Plan Amendment Application and Rezoning Application for the property located at 986, 988 and 990 Heywood Avenue. The proposal is to rezone from the R1-B Zone, Single Family Dwelling District and R3-AM2 Zone, Mid-Rise Multiple Dwelling District to a modified version of the R3-AM2 Zone in order to increase the density and allow multi-unit residential uses at this location.

The following points were considered in assessing this application:

- the application is consistent with the *Official Community Plan* (OCP) Urban Residential, which envisions density up to 1.2:1 floor space ratio (FSR) with potential bonus density up to a total of approximately 2:1 FSR in strategic locations for the advancement of plan objectives
- the application meets the objectives of the Placemaking policies and Density Bonus policy in the OCP which supports density towards the upper end of the scale in areas designated Urban Residential that significantly advance the plan objectives and are within 200m of a Large Urban Village
- the applicant has opted for the fixed rate density bonus amenity contribution, which equates to a financial contribution of \$31,907.19.

## BACKGROUND

### Description of Proposal

This Rezoning Application is to increase the maximum density from 1.2:1 floor space ratio (FSR) in the R3-AM-2 Zone, Mid-Rise Multiple Dwelling District, to 1.6:1 FSR and to rezone a small portion at the rear of 986 Heywood Avenue from the R1-B Zone (Single Family Dwelling) to a modified version of the R3-AM2 Zone.

Additionally, a number of variances from the standard R3-AM-2 Zone are being proposed and will be discussed in relation to the concurrent Development Permit Application.

The request to amend the *Official Community Plan*, 2012, is necessary in order to amend a small portion (69.56m<sup>2</sup>) of the rear yard of 986 Heywood Avenue from the Traditional

Residential to the Urban Residential Urban Place Designation, consistent with the remainder of the properties.

### **Affordable Housing Impacts**

The applicant proposes the creation of 21 new residential units which would increase the overall supply of housing in the area. A Housing Agreement is also being proposed which would ensure that future strata bylaws could not prohibit the rental of units, or the age of occupants.

### **Sustainability Features**

The applicant has identified a number of sustainability features which will be reviewed in association with the concurrent Development Permit Application for this property.

### **Active Transportation Impacts**

The applicant has identified a number of measures to support active transportation, which will be reviewed in association with the concurrent Development Permit Application for this property.

### **Public Realm Improvements**

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

### **Land Use Context**

The area is characterized by a mixture of buildings ranging from two-storey single family dwellings to four-storey multi-residential buildings. The subject site is adjacent to a three-storey building to the south (the Tweedsmuir), with a four-storey multi-residential building to the south-west fronting Park Boulevard. To the north are two-storey townhouses that front Oliphant Avenue. To the east in the rear of the property are predominantly two-storey single family dwellings.

### **Existing Site Development and Development Potential**

The site is presently occupied by a single-family dwelling at 986 Heywood Avenue and a duplex at 988/990 Heywood Avenue. Although the property at 988/990 Heywood does have heritage character, it is not listed on the City's Heritage Register or hold Heritage Designation status. The applicant has explored opportunities to move and relocate the property, which would not be possible without impacting the boulevard trees along Heywood Avenue.

The majority of the subject site is in the R3-AM-2 Zone with only a small portion of the rear of 988 Heywood Avenue in the R1-B Zone. The properties could be developed as a four-storey multi-residential building with a density of 1.2:1 FSR. The zone allows for bonus density up to 1.6:1 FSR if parking is enclosed and 50% open site space is provided. Both parcels could also be developed as a duplex (as currently exists at 988/990 Heywood Avenue) or a single-family dwelling with secondary suite.

### **Data Table**

The following data table compares the proposal with the existing R3-AM-2 Zone. An asterisk is used to identify where the proposal is less stringent than the existing zone.

<b>Zoning Criteria</b>	<b>Proposal</b>	<b>Zone Standard R3-AM-2</b>
Site area (m <sup>2</sup> ) - minimum	1463.6	920
Site area per unit (m <sup>2</sup> ) - minimum	54	33
Density (Floor Space Ratio) - maximum	1.6*	1.2
Total floor area (m <sup>2</sup> ) - maximum	2334.85	N/A
Height (m) - maximum	14.28*	12
Storeys - maximum	4	4
Site coverage % - maximum	76*	40
Open site space % - minimum	17*	30
<b>Setbacks (m) - minimum:</b>		
Front	Nil (parkade)* 4.26 (building) *	10.50
Rear	0.72 (parkade) * 7.0 (building) *	7.14
Side (north)	0.90 (parkade) * 5.46 (building) *	7.14
Side (south)	0.57 (parkade) * 2.46 (building) *	7.14
Open site space setback from a street (m) - minimum	4.26*	7.14
Parking - minimum	29	29
Visitor parking (minimum) included in the overall units	3	3
Bicycle parking Class 1 (minimum)	22	21
Bicycle parking Class 2 (minimum)	6	6

### **Community Consultation**

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted the Fairfield Gonzales Community Association CALUC at a Community Meeting held on October 20, 2016. Notes from this meeting are attached to the report.

## ANALYSIS

### Official Community Plan

The OCP identifies the majority of the subject property as being located in the "Urban Residential" designation which envisions floor space ratios generally up to 1.2:1 FSR with increased density up to approximately 2:1 FSR. Policy 6.23 of the OCP notes that applications seeking density towards the upper-end of the scale will generally be supported when the proposal significantly advances Plan objectives and are located within 200m of Large Urban Villages, which the subject sites are consistent with. The OCP notes that within each designation, decisions about density and building scale for individual sites will be based on site-specific evaluations in relation to the site, block and local area context, and will include consideration of consistency with all relevant policies within the OCP and local area plans.

The OCP encourages a range of housing types, forms and tenures across the City and the proposal would provide 21 new dwellings in a combination of one and two-bedroom units, contributing towards the housing need for the home ownership end of the housing spectrum. Although no rental units are proposed, staff are recommending a Housing Agreement to ensure that future strata bylaws could not prohibit strata owners from renting residential strata units.

The proposal is consistent with the place-character features envisioned for the Urban Residential designation through the provision of primary doorways for three ground-oriented units facing the street and provision of parking located underground.

A small portion of the rear of 986 Heywood Avenue is identified in the Traditional Residential Urban Place Designation and late in the process it was identified that to ensure the entire parcel is in the same land use designation, an OCP Amendment of a technical nature is required. The *Local Government Act* (LGA) Section 475 requires 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, given the technical nature of the OCP amendment and that it relates to a small portion (69.56m<sup>2</sup>) and given the considerable consultation that has already taken place, staff recommend for Council's consideration that no further consultation be required.

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 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.

### Density Bonus

The applicant proposes a FSR of 1.6:1. The contribution of a public amenity may justify extra density above the base density of 1.2:1 FSR. The proposal is eligible for the fixed-rate amenity contribution under the Council-approved density bonus policy. This would result in a bonus density of 592.85m<sup>2</sup> or \$31,907.19. The applicant also has the option of conducting an

independent third-party economic analysis, but has opted for the fixed rate amount. The financial contribution would be payable at the time of building permit and would be allocated for future community amenities in the Fairfield neighbourhood.

### Tree Preservation Bylaw

A number of mature trees, one of which is bylaw protected, are located on the neighbouring property to the east and the critical roots extend into the subject site. The underground parkade structure has been pulled back from the eastern boundary edge to mitigate impact to the trees. The applicant has included an arborist report that provides further details for protecting these trees including fencing during the construction phase, which would be monitored by City staff.

### CONCLUSIONS

The proposal is consistent with the OCP as it relates to low-rise multi-unit residential development within the Urban Residential areas and furthers the goals in the OCP. Staff recommend for Council's consideration that Council advance the Application to a Public Hearing, subject to the preparation of legal agreements.

### ALTERNATE MOTION

That Council decline Application No. 00516 for the property located at 986, 988 and 990 Heywood Avenue.

Respectfully submitted,



Charlotte Wain  
Senior Planner - Urban Design  
Development Services Division



Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



Date:

March 16, 2017

### List of Attachments

- Subject Map
- Aerial Map
- Plans dated/date stamped February 27, 2017
- Tree Preservation Plan dated February 20, 2017
- Letter from applicant to Mayor and Council dated October 27, 2016
- Letter from architect dated March 6, 2017
- Staff report to Advisory Design Panel, dated January 6, 2017
- Minutes of January 25, 2017 Advisory Design Panel meeting
- Community Association Land Use Committee Comments dated October 20, 2016
- Correspondence (Letters received from residents).