



Committee of the Whole Report

For the Meeting of December 14, 2017

To: Committee of the Whole **Date:** November 29, 2017

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

Subject: Rezoning Application No. 00558 for 1303 Fairfield Road and associated Official Community Plan Amendment

RECOMMENDATION

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. 00558 for 1303 Fairfield Road, 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 the residential units remain rental in perpetuity
 - b. Statutory Right-of-Way of 0.86 meters along the Moss Street and Fairfield Road frontages
 - c. Section 219 Covenant for public realm improvements to Moss Street and Fairfield Road
 - d. Submission of a sanitary sewer impact assessment to the satisfaction of the Director of Engineering and Public Works, determining if the increase in density results in a need for sewage attenuation; and if sewage attenuation is necessary, preparation of legal agreements to the satisfaction of the City Solicitor and the Director of Engineering and Public Works.
2. 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.
3. 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.

4. 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.
5. That Council give first reading to the Official Community Plan Amendment Bylaw.
6. That Council consider the Official Community Plan Amendment Bylaw in conjunction with the City of Victoria 2017-2021 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.
7. That Council give second reading to the Official Community Plan Amendment Bylaw.
8. That Council refer the Official Community Plan Amendment Bylaw for consideration at a Public Hearing.

LEGISLATIVE AUTHORITY

In accordance with Section 472 of the *Local Government Act*, Council may adopt one or more Official Community Plans. Pursuant to Section 137(1)(b) of the *Community Charter*, the power to amend an Official Community Plan Bylaw is subject to the same approval and other requirements as the power to adopt a new Official Community Plan Bylaw.

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 and an Official Community Plan Amendment Application for the property located at 1303 Fairfield Road. The proposal is to rezone from the R1-B Zone, Single Family Dwelling District, to a new site-specific zone in order to increase the density and allow for construction of a four-storey mixed-use building with commercial and church sanctuary uses on the ground floor, and rental apartments above.

The request to amend the Official Community Plan, 2012 (OCP) is necessary because the proposed number of storeys and floor space ratio of 1.84:1 exceed the height and density envisioned for sites designated as Small Urban Village.

The following points were considered in assessing this application:

- the proposed mix of commercial, community service and residential uses is consistent with the OCP description of Small Urban Villages
- the proposal is inconsistent with the OCP Small Urban Village designation with regards to height and density, which envisions four-storey buildings with floor space ratios up to 2.0:1 where a site is located next to an arterial or secondary arterial road
- the application advances the objectives of the Place Making - Urban Design and Heritage, and the Housing and Homelessness policies of the OCP
- The existing church building, constructed circa 1926, is not a designated heritage building nor is it on the heritage registry.
- consistent with the City's Density Bonus Policy, a land lift analysis was prepared to determine if the proposal could support a community amenity contribution and it was determined that the increase in land value is insufficient to support a community amenity contribution.

BACKGROUND

Description of Proposal

This Rezoning Application is to rezone from the R1-B Zone, Single Family Dwelling District, to a new site-specific zone in order to increase the density to 1.84:1 floor space ratio and allow for construction of a four-storey mixed-use building with commercial and church sanctuary uses on the ground floor and rental apartments above.

The following differences from the standard C-1 Zone, Limited Commercial District are being proposed and would be accommodated in the new zone:

- limited number of commercial uses
- increase floor space ratio up to 1.84:1.

Additionally, a number of variances related to setbacks, height and parking are being proposed and will be discussed in relation to the concurrent Development Permit with Variances Application.

The request to amend the *Official Community Plan, 2012* (OCP) is necessary in order to change the Small Urban Village urban place designation to allow for a four-storey building with a floor space ratio of 1.84:1 at this location.

Affordable Housing Impacts

The applicant proposes the creation of 16 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.

Sustainability Features

As indicated in the applicant's letter dated January 10, 2017, construction of the residential floors of the building would target Passive House Design standards and the ground floor commercial portion of the building would be built to meet the most stringent current energy

codes.

Active Transportation Impacts

The application proposes the following features which support active transportation:

- twenty secure class 1 bicycle parking stalls located on the ground floor
- twelve weather protected class 2 bicycle parking stalls located next to the residential and church sanctuary entrances.

Public Realm Improvements

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

- concrete seating wall, decorative pavers and landscape planter with metal trellis at the corner of Moss Street and Fairfield Road
- concrete seating wall and decorative pavers with the Moss Street boulevard adjacent the church sanctuary entrance.

These improvements would be secured with a Section 219 covenant, registered on the property's title, prior to Council giving final consideration of the proposed Zoning Regulation Bylaw Amendment.

Accessibility Impact Statement

The British Columbia Building Code regulates accessibility as it pertains to buildings.

Land Use Context

The Five Corners Village is characterized by low-rise commercial and mixed-use buildings. Sir James Douglas Elementary School is located north of the subject site on the opposite side of Fairfield Road. The surrounding residential area is designated as Traditional Residential in the OCP and characterized by single-family dwellings, duplexes and house conversions to multiple dwelling units.

Existing Site Development and Development Potential

The site is presently developed with two church buildings. The original church building, constructed circa 1926, is not a designated heritage building nor is it on the heritage registry. As indicated in the applicant's letter to Mayor and Council dated January 10, 2017, the renovation of the existing building to current minimum standards of occupancy was determined to be not economically feasible.

Under the current R1-B Zone, the property could be developed as a public building (e.g. church) or subdivided into two lots with a single-family dwelling (with a secondary suite or garden suite) on each lot.

Data Table

The following data table compares the proposal with the existing R1-B Zone and the standard C1-Zone. An asterisk is used to identify where the proposal is less stringent than the standard zone.

Zoning Criteria	Proposal	Existing Zone R1-B	Zone Standard C-1
Site area (m ²) - minimum	993.90	460.00	N/A
Density (Floor Space Ratio) - maximum	1.84:1*	N/A	1.4:1
Total floor area (m ²) - maximum	1829.30*	420.00 (single family dwelling) N/A (public building)	1391.46
Height (m) - maximum	15.60*	7.60 (single family dwelling) 11.00 (public building)	12.00
Storeys - maximum	4	2 (single family dwelling) 2.5 (public building)	N/A
Site coverage % - maximum	62.60	40%	N/A
Open site space % - minimum	32.40	N/A	N/A
Setbacks (m) – minimum:			
Front (Moss Street)	0.86*	7.50	6.00
Rear (east)	4.13* (to building) 2.63* (to balconies)	8.38	7.80
Side (south)	3.81* (to building) 0.00* (to pergola)	3.38	3.90
Flanking Street (Fairfield Road)	0.62*	3.50	6.00
Parking - minimum			
Residential	16*	1	21
Commercial	0*	N/A	3
Church Sanctuary	0*	20	20
Residential visitor parking (minimum) included in the overall units	0*	N/A	2

Zoning Criteria	Proposal	Existing Zone R1-B	Zone Standard C-1
Bicycle parking stalls (minimum)			
Class 1	20	N/A	19
Class 2	12	N/A	12

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 CALUC at a Community Meeting held on December 19, 2017. The meeting minutes are attached to this report.

ANALYSIS

Official Community Plan

The OCP identifies the site as being located in the Small Urban Village urban place designation, which envisions floor space ratios up to approximately 1.5:1 and mixed-use buildings up to approximately three-storeys. Increased floor space ratios and height up to approximately 2.0:1 and four-storeys, respectively, are envisioned for sites adjacent to arterial and secondary arterial roads. Fairfield Road and Moss Street are classified as collector roads, therefore, the subject site does not meet the location criteria to qualify for additional density and height. The OCP does, however, note 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 proposal supports the OCP vision for enhancing Small Urban Villages in Fairfield by retaining the existing church use and introducing commercial and residential uses that contribute to the mix of uses in the Five Corners Village and are complementary to adjacent residential uses.

The OCP encourages a range of housing types, forms and tenures across the City; this proposal would provide 16 new rental dwelling units in a Passive House designed building. Staff are recommending a Housing Agreement to ensure these new units are part of the city's rental housing stock in perpetuity. The proposal also includes the provision of a commercial unit (retail or café) and church sanctuary on the ground level with associated outdoor plaza spaces. These uses and associated public realm improvements foster social vibrancy and a sense of place, consistent with the OCP policies for Place Making – Urban Design and Heritage.

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. Staff recommend 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 description of the Small Urban Village Urban Place Designation to allow for a four-storey mixed-use building with a floor space ratio of 1.84:1 at this location. Given the proposal is consistent with the maximum height and density envisioned for Small Urban Village designated sites adjacent to secondary arterial roads, and given 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 necessary due to the nature of this amendment.

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 Policy

Under the City of Victoria's Density Bonus Policy, the value of a Community Amenity Contribution from a rezoning that requires an OCP amendment is negotiated based on an independent land lift analysis. The City of Victoria retained G.P. Rollo & Associates to analyze the financial performance of the proposed project, and to estimate the change in property value associated with the proposed rezoning. The analysis indicates that the value of the subject site will not increase due to the proposed rezoning application and recommends that the lack of a lift in value is attributable to two factors:

- a shift from strata ownership of the residential units in the base scenario to market rental in the proposal
- the inclusion of a church sanctuary space for the ongoing operation of the Fairfield United Church, which would generate below market income for the proposal.

A summary of the analysis is attached to the report.

Tree Preservation Bylaw and Urban Forest Master Plan

There are five boulevard trees that would be removed with this proposal. These trees would be replaced with five new boulevard trees along Fairfield Road and three new boulevard trees along Moss Street. In addition, there are five mature trees on neighbouring properties that would be impacted by this proposed development. The consulting arborist has assessed the impact on the trees and recommends removal of one large Maple tree located on 1311 Fairfield Road. The applicant has provided an arborist report which outlines measures to mitigate impacts on the four retained trees on the adjacent properties. In total, six trees would be removed and 13 new trees would be added on or adjacent the site. There are no bylaw protected trees on or off site associated with this application.

CONCLUSIONS

The rezoning application and associated OCP amendment are generally consistent with the place character features of the Small Urban Village urban place designation, and the place-making and housing policies in the OCP which supports mixed-use buildings and associated streetscape improvements that enhance urban villages, foster social vibrancy and contribute to a broad range of rental housing types within each neighbourhood. Staff recommend that Council consider advancing the application to a public hearing.

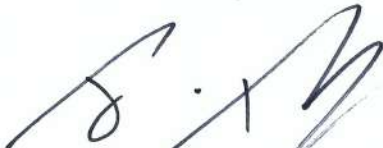
ALTERNATE MOTION

That Council decline Rezoning Application No. 00558 for the property located at 1303 Fairfield Road.

Respectfully submitted,



Alec Johnston
Senior Planner
Development Services Division



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date:

Dec 7, 2017

List of Attachments:

- Attachment A – Subject Map
- Attachment B – Aerial Map
- Attachment C – Plans date stamped October 10, 2017
- Attachment D – Letters from applicant to Mayor and Council dated January 10, 2017 and April 10, 2017
- Attachment E – Community Association Land Use Committee meeting minutes
- Attachment F – Advisory Design Panel meeting minutes
- Attachment G – Parking study dated December 20, 2016
- Attachment H – Arborist report dated September 15, 2016
- Attachment I – Land Lift Analysis dated October 12, 2017
- Attachment J – Correspondence