



Committee of the Whole Report

For the Meeting of September 20, 2018

To: Committee of the Whole **Date:** September 6, 2018

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

Subject: Rezoning Application No. 00640 for 1284-1298 Gladstone Avenue and 2000 – 2004 Fernwood Road.

RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00640 for 1284-1298 Gladstone Avenue and 2000–2004 Fernwood 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 a legal agreement to secure a statutory right-of-way of 3.90m on Fernwood Road, and executed by the applicant to the satisfaction of City Staff.

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.

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 1284-1298 Gladstone Avenue and 2000–2004 Fernwood Road. The proposal is to rezone from the C-1 Zone, Limited Commercial District, to a new zone in order to allow live-work units on the ground level of the existing heritage-designated building.

The following points were considered in assessing this application:

- the subject property is designated Small Urban Village in the *Official Community Plan, 2012 (OCP)*, which supports live-work uses
- the *Fernwood Neighbourhood Plan* does not contain policies pertaining to live-work; however, the Plan does contain policies and objectives on the conservation of heritage buildings
- the existing building is heritage-designated and contains a mix of uses, including ground-floor commercial and rental dwelling units above
- the proposed live-work uses would be located on the ground level facing the rear parking lot and would not be visible from the street. The ground floor uses facing the street would remain for commercial use only
- the unit sizes are small; however, they are designed to accommodate live-work uses and may attract tenants with small home-based businesses, as well as, add to the rental housing stock
- no exterior changes to the heritage-designated building are being proposed
- a relaxation in vehicle parking is required to facilitate the creation of ten live-work units. The OCP supports zoning variances to enable and support heritage conversation; therefore, a relaxation in parking is supportable.

BACKGROUND

Description of Proposal

This rezoning application is to rezone the subject property from the C-1 Zone, Limited Commercial District, to a new zone in order to allow live-work units on the ground floor of the existing heritage-designated building. The only changes from the current zone that would be accommodated in the new zone would be adding "live-work" as a permitted use, and restricting this use to the ground floor units facing the rear parking lot.

Affordable Housing Impacts

The existing building currently contains ten rental dwelling units on the upper-storey. In this proposal, the applicant proposes the creation of ten live-work units which would increase the overall supply of rental housing in the area. Staff requested a Housing Agreement to ensure that the residential dwelling units, including the live-work units, would remain rental in perpetuity; however, the applicant had some valid concerns with this request. The existing heritage-designated building is currently a rental building; any future strata conversion would require Council approval if the rental apartment vacancy rate, as provided by Canada Mortgage and Housing Corporation, falls below 4% for Greater Victoria (the current vacancy rate is approximately 0.7% and the City's vacancy rate has been below 2.5% for the last eight years according to the City's 2017 Housing Report). According to the applicant, substantial building upgrades would be required to satisfy current code requirements for a strata conversion and this has proven to be cost prohibitive for the current owners. In addition, the applicant is only requesting a change of use and there would be no increase in density on the site. Given the above, there are other mechanisms currently in place securing the existing rental units in the building, and as a result, a housing agreement would not be necessary in this case.

Sustainability Features

The applicant has not identified any sustainability features associated with this proposal.

Active Transportation Impacts

The site currently contains 17 long-term bicycle parking spaces within a bicycle storage facility and 16 short-term bicycle parking spaces on-site.

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.

Land Use Context

The area is characterized by a mix of commercial and residential uses. There are also several buildings in the neighbourhood that are either heritage registered or heritage designated.

Existing Site Development and Development Potential

The site is presently a two-storey, mixed-use building with ground-floor commercial and residential above.

Under the current C-1 Zone, the property could be developed as a four-storey, mixed-use building with ground-floor commercial and residential above; any future redevelopment of the site would be limited given that the existing building is heritage-designated.

Data Table

The following data table compares the proposal with the existing C-1 Zone. An asterisk is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposal	Existing C-1 Zone
Site area (m ²) - minimum	1727	n/a
Density (Floor Space Ratio) - maximum	0.72:1	1.40:1
Height (m) - maximum	7.30 (main building)	12
Storeys - maximum	2	n/a
Site coverage % - maximum	56	n/a
Setbacks (m) – minimum:		
Front (Fernwood)	0**	6
Rear (West)	14.08	6
Side (north)	0	0
Flanking Street (Gladstone)	0**	2.40

Zoning Criteria	Proposal	Existing C-1 Zone
Parking - minimum	21	40
Bicycle parking stalls (minimum)		
Long-term	17	n/a
Short-term	16	n/a
Accessory Building		
Site coverage % - maximum	1.02	10
Rear yard site coverage% - maximum	4.60	30
Rear yard setback	0.60	0.60
Side yard setback	0.60	0.60
Location	Rear yard	Rear yard
Separation from main building	11	2.40
Height m - maximum	2.44	4

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted the Fernwood CALUC at a Community Meeting held on March 7, 2018. At the time of writing this report, a letter from the CALUC had not been received.

ANALYSIS

Official Community Plan

The *Official Community Plan, 2012* (OCP) Urban Place Designation of the subject property is Small Urban Village, which supports live-work uses. The applicant is proposing to convert small ground-floor commercial units facing the existing parking lot at the rear of the building to live-work which may attract tenants with small home-based business; as well as, add to the overall rental housing stock in the neighbourhood. The units facing the street would remain commercial to ensure that the ground-floor uses facing the street remain commercial only.

Local Area Plans

The *Fernwood Neighbourhood Plan* does not contain policies pertaining to live-work; however the Plan does contain policies and objectives regarding the importance of conserving the existing heritage buildings in the neighbourhood.

Tree Preservation Bylaw and Urban Forest Master Plan

There are no Tree Preservation Bylaw impacts with this application.

Regulatory Considerations

Statutory Right-of-Way

A Statutory Right-of-Way (SRW) of 3.9m on Fernwood Road is being requested as a condition of rezoning for sidewalk and bicycle infrastructure improvements as well as to provide additional street parking in Fernwood Village. This request further advances the objectives and implementation strategies outlined in the OCP and *Fernwood Neighbourhood Plan*, the *Pedestrian Master Plan*, *Urban Forest Master Plan*, and the *Bicycle Master Plan*.

Proposed Site Specific Zoning

The existing C-1 Zone is a standard zone and several properties in the city are subject to this zone. If the “live-work” use is added to this zone then this use would inadvertently be permitted on other lots in the city, which is not the intent of this rezoning application. In order to facilitate this proposal, a new zone would be created to allow “live-work” uses on the ground floor of the existing building and this use would be restricted to the existing units facing the parking lot. Restricting the location of “live-work” uses in the building would ensure that the Small Urban Village would continue to have active commercial street frontages, which is encouraged in the OCP and *Fernwood Neighbourhood Plan*. All other zoning requirements, including density, height, setbacks, lot coverage etc., would refer to the C-1 Zone.

Vehicle Parking Shortfall

Under the new Schedule C – Off-Street Parking, the required number of vehicle parking spaces is 38. There are 21 existing parking spaces on-site that comply with Schedule C. A relaxation in parking is required to facilitate the creation of ten live-work units in the building.

The anticipated parking shortfall for this development under new Schedule C would be 17 parking spaces. This shortfall will impact the availability of parking for nearby residents and businesses. There are currently 17 long-term and 16 short-term bicycle parking spaces on-site. The subject property is also within close proximity to transit and bicycle infrastructure, which may offset overall parking demand and/or vehicle ownership for the development.

Given that the existing building is heritage-designated, and there is no space to provide any additional parking on-site, staff recommend for Council's consideration that a parking regulation is written into the new zone. This approach would allow for change of uses in the building, in accordance with the zone, without triggering an additional vehicle parking variance in the future.

CONCLUSIONS

The proposal to introduce ten “live-work” uses in the existing heritage-designated building is supported in the OCP. Adding this use in the zone may also attract tenants with small home-based businesses; as well as, add to the overall rental housing stock in the neighbourhood. The proposal does not comply with the parking regulations in Schedule C; however, the OCP does support parking variances in exchange for heritage preservation. The subject property is located in close proximity to transit and bicycle infrastructure, which may offset overall parking demand and/or vehicle ownership for the development. Staff recommend for Council's consideration that the application advance to a Public Hearing.

ALTERNATE MOTION

That Council decline Rezoning Application No. 00640 for the property located at 1284-1298 Gladstone Avenue and 2000-2004 Fernwood Road.

Respectfully submitted,


Leanne Taylor
Senior Planner
Development Services Division


Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date:

Sept. 13, 2018

List of Attachments:

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans dated/date stamped May 25, 2018
- Attachment D: Letter from applicant to Mayor and Council dated March 19, 2018
- Attachment E: Letter from applicant to Mayor and Council dated September 7, 2018.