

**L. BYLAWS**

**L.3 Bylaw for 1811 Oak Bay Avenue: Development Permit with Variances  
Application No. 00060**

**Moved By** Councillor Alto

**Seconded By** Councillor Potts

That the following bylaws **be given first, second, and third readings:**

1. Housing Agreement (1811 Oak Bay Avenue 10 Year Rental Commitment)  
Bylaw (2019) No. 19-098
2. Housing Agreement (1811 Oak Bay Avenue No Rental Restrictions) Bylaw  
(2019) No. 19-099

FOR (6): Mayor Helps, Councillor Alto, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, and Councillor Young

OPPOSED (2): Councillor Dubow, and Councillor Isitt

**CARRIED (6 to 2)**



## Council Report

For the Meeting of November 14, 2019

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**To:** Council **Date:** October 31, 2019

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

**Subject:** Update on Development Permit with Variances Application No. 00060 for 1811 Oak Bay Avenue

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### RECOMMENDATION

That Council give first, second and third readings of Housing Agreement (1811 Oak Bay Avenue 10 Year Rental Commitment) Bylaw No. 19-098 and Housing Agreement (1811 Oak Avenue No Rental Restrictions) Bylaw No. 19-099.

### EXECUTIVE SUMMARY

The purpose of this report is to present Council with an update regarding a Development Permit with Variances Application for the property located at 1811 Oak Bay Avenue. The proposal is to construct a five-storey building with multiple dwelling units. The variances are related to reduced site size, setbacks and open space, and increased site coverage.

In accordance with Council's motion of July 25, 2019 included below, the necessary conditions that would authorize the approval of the Development Permit with Variances for the subject property have been fulfilled. In addition, since the application was presented at Committee of the Whole, the applicant has offered to secure the dwelling units as rental for 10 years. A housing agreement bylaw (No. 19-098) to secure this voluntary offer has been prepared for Council's consideration.

### PREVIOUS COUNCIL MOTION

*That, subject to the preparation and execution of the following legal agreements in a form satisfactory to the City Solicitor:*

- 1. a Housing Agreement to ensure a future strata cannot restrict the rental of dwelling units, to the satisfaction of the Director of Sustainable Planning and Community Development*
- 2. a Section 219 covenant to secure a Statutory Right-of-Way of 3.35m along the Oak Bay Avenue frontage to the satisfaction of the Director of Engineering and Public Works.*

*That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:*

*"That Council authorize the issuance of Development Permit with Variance Application No. 00060 for 1811 Oak Bay Avenue, in accordance with:*

- 1. Plans date stamped April 5, 2019.*

2. *Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:*
  - i. *reduce the minimum lot size for multiple dwelling use from 920.0m<sup>2</sup> to 799m<sup>2</sup>;*
  - ii. *increase the maximum site coverage from 32 percent to 74.5 percent;*
  - iii. *reduce the minimum open site space from 60 percent to 23.4 percent;*
  - iv. *reduce the minimum front setback (east) from 12m to 2.63m (to privacy screen) and 3.58m (to building);*
  - v. *reduce the minimum rear setback (west) from 8.41m to 4.32m (to building) and 0.0m (to parkade structure);*
  - vi. *reduce the minimum side setback (north) from 8.41m to 1.99m;*
  - vii. *reduce the minimum side setback (south) from 8.41m to 3.12m (to building) and 0.0m (to parkade structure).*
3. *Development Permit lapsing two years from the date of this resolution.*
4. *That the applicant write a letter to the neighbourhood CALUC notifying a change from rental to strata."*

## COMMENTS

### Legal Agreements

With regard to the preconditions set by Council in relation to this application, staff can report that the following agreements have been executed by the applicant:

- a Housing Agreement to ensure that a future strata cannot restrict the rental of units to non-owners
- a Section 219 Covenant to secure a 3.35m Statutory Right-of-Way parallel to the Oak Bay Avenue property line.

In addition, since this application was considered at Committee of the Whole on July 25, 2019, the applicant has offered to secure all of the dwelling units as rental for a ten year period. This offer is consistent with City policy which encourages the provision of a range of housing types and tenures to meet the diverse needs of residents at different life stages. Housing Agreement Bylaw No. 19-098 has been prepared to secure the 10 year rental commitment.


The recommendation for Council's consideration contains the appropriate language to advance this Application to an Opportunity for Public Comment.

Respectfully submitted,

  
Alec Johnston  
Senior Planner  
Development Services

  
Andrea Hudson, Acting Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:

  
Date: Nov 6, 2019

### Attachments

- Housing Agreement (1811 Oak Bay Avenue 10 Year Rental Commitment) Bylaw No. 19-098
- Housing Agreement (1811 Oak Avenue No Rental Restrictions) Bylaw No. 19-099.