



Committee of the Whole Report

For the Meeting of February 27, 2020

To: Committee of the Whole

Date: February 13, 2020

From: Karen Hoese, Director, Sustainable Planning and Community Development

Subject: Rezoning Application No. 00626 for 1913 and 1915 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. 00626 for 1913 and 1915 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:

- a. Preparation and execution of the appropriate legal agreements in order to secure the following:
 - i. That future strata corporations could not pass bylaws that would prohibit or restrict the rental of units to non-owners, to the satisfaction of the Director of Sustainable Planning and Community Development; and
 - ii. A Statutory Right-of-Way of 1.40m on Fernwood Road, to the satisfaction of the Director of Engineering and Public Works.

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 a rezoning application for the property located at 1913 and 1915 Fernwood Road. The proposal is to rezone from the R1-B Zone, Single Family Dwelling District, to a new zone in order to convert an existing duplex into a multi-unit residential building consisting of approximately four ground-oriented dwelling units.

The following points were considered in assessing this application:

- The proposal is consistent with the Traditional Residential Urban Place Designation in the *Official Community Plan* (OCP, 2012), which supports ground-oriented buildings up to two storeys and a density of up to approximately 1:1 floor space ratio.
- The OCP encourages innovative forms of ground-oriented multi-unit residential housing suitable for households with children.
- The OCP also supports the re-use and retrofit of existing buildings.
- The Fernwood Neighbourhood Plan (1994) encourages the retention of the Single Family Zoning (R1-B) at this location as well as the retention and rehabilitation of existing houses in order to preserve and enhance the existing streetscape.
- Under current Schedule G: House Conversion Regulations, a total floor area of 345m² is required to convert the existing house to four dwelling units. The proposed floor area is 305.22m² and as a result, rezoning is required to facilitate this proposal. The unit sizes range from approximately 54m² to 98m² (one and two bedroom units).

BACKGROUND

Description of Proposal

This rezoning application is to convert an existing duplex to a multi-unit residential building consisting of approximately four ground-oriented dwelling units. The proposed density is 0.68:1 floor space ratio (FSR).

The following differences from the current zone are being proposed and would be accommodated in the new zone:

- increase the floor area
- increase the height
- reduce the front yard setback.

Affordable Housing Impacts

The applicant proposes the creation of four new residential units (strata conversion), 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.

Tenant Assistance Policy

The proposal is to renovate an existing building which would result in a loss of two existing residential rental units. Consistent with the Tenant Assistance Policy, the applicant has provided a Tenant Assistance Plan which is attached to this report.

Sustainability Features

The applicant is proposing to re-use and retrofit an existing building rather than demolishing it and constructing a new building.

Active Transportation Impacts

The applicant is proposing to provide eight long-term and six short-term bicycle parking spaces on-site, which is in excess of the bicycle requirements for this development.

Public Realm Improvements

Beyond meeting the standard City requirements, 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. Challenges with the existing building and the excavation required to facilitate this development has resulted in stair access to all the dwelling units. The parking area in the rear yard would be accessible.

Land Use Context

The area is characterized by a mix of house conversions, townhouses and mixed-use buildings. Victoria High School is across the street from the subject property. The site is adjacent to Fernwood Village.

Existing Site Development and Development Potential

The site is presently a duplex. Under the current R1-B Zone, the property could be developed as a single-family dwelling with a secondary suite or garden suite. Under the current Schedule G: House Conversion Regulations, the existing building could be converted to approximately three self-contained dwelling units.

Data Table

The following data table compares the proposal with the R1-B Zone and Schedule G – House Conversion Regulations. An asterisk is used to identify where the proposal does not meet the requirements of the existing Zone.

Zoning Criteria	Proposal	Existing R1-B Zone	Schedule G – House Conversion Regulations
Site area (m ²) – minimum	447.20	230	300
Unit floor area (m ²) – minimum	53.93 to 96.98	n/a	33
Density (Floor Space Ratio) – maximum	0.69:1	n/a	n/a
Total floor area (m ²) – maximum	305.22	n/a	n/a

Zoning Criteria	Proposal	Existing R1-B Zone	Schedule G – House Conversion Regulations
Lot width (m) – minimum	14.97	7.50	n/n
Height (m) – maximum	9.38 *	7.60	n/a
Storeys – maximum	2.50 *	2	n/a
Site coverage (%) – maximum	27.60	40	n/a
Open site space (%) – minimum	31.17	n/a	30
Landscaping – rear yard (%) – minimum	17.50 *	n/a	33
Setbacks (m) – minimum			
Front	4.29 * (building) 1.68 * (stairs)	7.50	
Rear	14.71 (building) 10.19 (deck)	7.50	n/a
Side (north)	1.50	1.50	
Side (south)	3.20	3	
Combined side yards	4.70	4.50	
Parking – minimum	4 *	5	n/a
Rear yard landscape strip width and height (m) – minimum	0.60 (width) 1.50 * (height)	1 (width) n/a (height)	1.50 (width) 1.80 (height)
Bicycle parking stalls – minimum			
Long-term	8	5	n/a
Short-term	6	6	n/a

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the Fernwood CALUC at a Community Meeting held on August 2, 2017. A letter from the CALUC, dated March 23, 2018, is attached. The rezoning application was submitted more than six months after the Community Meeting was held; however, the CALUC waived the requirement for a second meeting (correspondence attached to the report).

ANALYSIS

Official Community Plan

The subject property is designated Traditional Residential in the *Official Community Plan* (OCP, 2012), which supports ground-oriented residential buildings up to two storeys and a density up to approximately 1:1 FSR. The applicant is proposing to lift the existing house by approximately 0.61m, which will increase the height to 9.38m. The proposed density would be 0.69:1 FSR. The proposal is consistent with the use and density provisions outlined in the OCP. The proposed height is a half-storey higher than the policy guidelines referenced in Figure 8. Urban Place Guidelines in the OCP; however, the proposal does further advance other policies and objectives in the OCP, such as:

- re-using and retrofitting of an existing building
- supporting new building additions that respond to context through sensitive and innovative design
- integrating off-street vehicle parking in a way that does not dominate development or streetscapes
- providing innovative forms of ground-oriented housing that is suitable for households with children.

Fernwood Neighbourhood Plan

The *Fernwood Neighbourhood Plan* (1994) supports the retention of the single-family zoning in order to preserve the character of the neighbourhood. The existing duplex is in need of repair. The applicant's proposal to retain and renovate the existing duplex demonstrates the applicant's willingness to preserve the character of the neighbourhood as well as add new residential dwelling units in a sensitive manner.

Tree Preservation Bylaw and Urban Forest Master Plan

The goals of the Urban Forest Master Plan include protecting, enhancing, and expanding Victoria's urban forest and optimizing community benefits from the urban forest in all neighbourhoods.

Because the rezoning application was received prior to October 24, 2019, the proposal falls under the *Tree Preservation Bylaw No. 05-106* consolidated June 1, 2015. The tree inventory for the proposal identifies four trees (one on-site and three off-site trees) that would be impacted by the proposal, as outlined in the arborist report dated August 13, 2019.

Excavation for the house foundation will require the removal of an on-site, non-bylaw protected Norway maple with a 72cm diameter at breast height. For the three off-site trees to be retained, mitigation measures such as arborist supervision, tree protection fencing, ground protection, and low-impact excavation have been recommended. To minimize the impacts to two of the off-site trees, a Cherry and Norway maple tree off-site at 1909 Fernwood Road, the project arborist has recommended that a "floating" driveway be constructed to minimize the depth of excavation and associated root loss, which is also noted on the proposed landscape plan.

The municipal sidewalk would be realigned to create a new boulevard area and provide space for a new tree to be planted (species to be determined by Parks at the building permit stage). On the subject property, a sweet gum tree is proposed to be planted in a small planting area near the south property line in the rear yard.

Regulatory Considerations

Statutory Right-of-Way

The standard right-of-way width for a collector street is 20m; however, the future transportation-related needs on the corridor can be met with a right-of-way width of 15m. To achieve a slightly wider right-of-way and enhance pedestrian facilities along Fernwood Road such as a wider sidewalk, boulevard and street trees, the applicant is willing to provide a Statutory Right-of-Way of 1.40m.

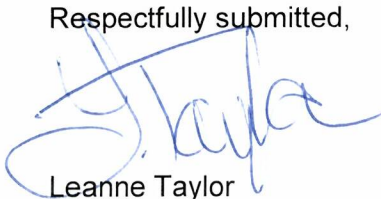
CONCLUSIONS

The proposal to convert an existing duplex to a multi-unit residential building consisting of approximately four dwelling units is consistent with the land use policies outlined in the OCP and the *Fernwood Neighbourhood Plan*. This development proposal further advances policy objectives in the OCP related to climate action, housing, and place-making. Staff recommend for Council's consideration that the application proceed to a Public Hearing.

ALTERNATE MOTION

That Council decline Rezoning Application No. 00626 for the property located at 1913 and 1915 Fernwood Road.

Respectfully submitted,



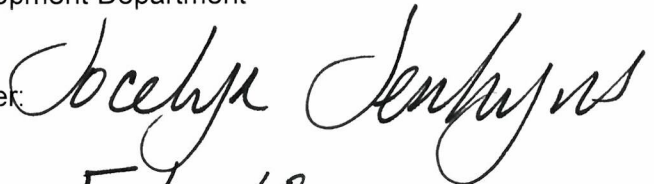
Leanne Taylor
Senior Planner
Development Services Division



Karen Hoes, Director
Sustainable Planning and Community
Development Department



Report accepted and recommended by the City Manager:


Date: Feb 18, 2020

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped October 31, 2019
- Attachment D: Letter from applicant to Mayor and Council dated January 31, 2020
- Attachment E: Tree Preservation Plan prepared by Talbot Mackenzie & Associates dated August 13, 2019
- Attachment F: Tenant Assistance Plan
- Attachment G: Correspondence from the Community Association Land Use Committee dated March 12, 2018 and March 23, 2018
- Attachment H: Correspondence.