



Committee of the Whole Report

For the Meeting of November 5, 2020

To: Committee of the Whole **Date:** October 22, 2020

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

Subject: **Rezoning Application No. 00726 for 1628 Edgeware 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. 00726 for 1628 Edgeware 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 and execution of a legal agreement to secure operational details including staffing and services offered, to the satisfaction of the Director of Sustainable Planning and Community Development.
2. Preparation and execution of a statutory right-of-way of 1.18m along the rear lane, 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 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 1628 Edgeware Road. The proposal is to rezone from the R1-B Zone, Single Family Dwelling District to a site-specific zone in order to allow a Rest Home – Class B with seven rooms.

The following points were considered in assessing this application:

- The proposal is generally consistent with the Traditional Residential Urban Place Designation as described in the *Official Community Plan, 2012 (OCP)*. The proposed use is a ground-oriented building which is considered appropriate in this location.
- The proposal is generally consistent with the intent of maintaining the single-family character of the neighbourhood.
- The proposal is consistent with the *Tree Preservation Bylaw* and will retain four bylaw-protected trees (three on adjacent properties and one municipal boulevard tree).

BACKGROUND

Description of Proposal

This Rezoning Application is to replace an existing single-family dwelling with a rest home containing seven private rooms, and communal facilities including offices, kitchen and living areas and an accessory building containing an office and long-term secure bicycle storage. The proposed density is 0.65:1 floor space ratio (FSR).

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

- permit the Rest Home – Class B use
- allow an accessory building with toilet facilities.

Variations related to setbacks, site coverage and parking are being requested and will be discussed in the concurrent Development Permit with Variations application.

Affordable Housing

The applicant proposes the creation of seven new private rooms within a rest home which would increase the overall supply of housing in the area. A legal agreement is being proposed to secure the operation of the facility.

Tenant Assistance Policy

The proposal is to demolish an existing single-family dwelling which would result in a loss of one existing residential unit. However, the building was previously owner-occupied and therefore no tenants are being displaced.

Sustainability

As indicated in the applicant's letter dated October 19, 2020 the proposal will meet the most current energy BC Building Code Step Code requirements.

Active Transportation

The application proposes a two stall publicly accessible bicycle rack in the front yard and secure bike parking for eight bicycles (seven above the minimum requirement) in the accessory building located in the rear yard, which supports active transportation.

Public Realm

No public realm improvements beyond City standard requirements are proposed in association with this Rezoning Application.

Accessibility

The British Columbia Building Code regulates accessibility as it pertains to buildings. One of the private rooms will be accessible and the proposed communal garden and pathways surrounding the proposed building are designed to be accessible.

Land Use Context

The area is characterized primarily by single family dwellings. Hillside Mall is located immediately to the south.

Existing Site Development and Development Potential

The site is presently a single-family dwelling. Under the current R1-B Single Family Dwelling Zone, the property could be developed as a single-family dwelling with either a secondary suite or a garden suite.

Data Table

The following data table compares the proposal with the existing R1-B Zone, Single Family Dwelling District. An asterisk is used to identify where the proposal varies from the existing zone.

Zoning Criteria	Proposal	R1-B Zone
Site area (m ²) – minimum	539.90	230.0
Density (Floor Space Ratio) – maximum	0.65	N/A
1 st and 2 nd storey floor area (m ²) – maximum	349.04*	280.0
Combined floor area (m ²) – maximum	452.26*	300.0
Lot width (m) – minimum	14.76	7.50
Height (m) – maximum	7.18	7.60
Storeys – maximum	2	2
Site coverage (%) – maximum	41.40	40.0
Open site space (%) – minimum	57.40	N/A
Setbacks (m) – minimum		
Front	6.75*	7.50
Rear	8.30*	9.14
Side (east)	1.52	1.50

Zoning Criteria	Proposal	R1-B Zone
Setbacks (m) – minimum		
Side (west)	1.52	1.50
Combined side yards	3.04*	4.50
Parking – minimum	1	6
Bicycle parking stalls – minimum		
Short term	2	2
Long term	8	1

Community Consultation

Consistent with the Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications, the Oaklands CALUC waived the requirement for a community meeting as detailed in the email dated August 1, 2019 (attached). The applicant has however reached out to the community, and the details of their consultation efforts are listed in the applicant’s letter dated October 19, 2020.

ANALYSIS

Official Community Plan

The proposal is generally consistent with the Traditional Residential Urban Place Designation as described in the *Official Community Plan, 2012 (OCP)*. The proposed use is a ground-oriented building which is considered appropriate in this location. Although the building contains seven private rooms, these are not self-contained dwelling units as defined in the OCP and therefore the proposal is not considered a multiple dwelling, which would normally only be permitted along arterial and secondary arterial roads. The proposed rest home would diversify the range of housing types in the neighbourhood.

Oaklands Neighbourhood Plan

The subject property is designated as an area of greatest stability within the *Oaklands Neighbourhood Plan, 1993*. While there are no policies specifically addressing rest homes, the plan envisions maintaining the family character of the neighbourhood within this designation. The provision of a rest home with seven rooms is generally in line with the intent of maintaining family character.

Tree Preservation Bylaw and Urban Forest Master Plan

There are three multi-stemmed trees protected by the *Tree Preservation Bylaw* on the neighbouring properties, which are identified on the tree removal and retention plan. A 48cm diameter at breast height (DBH) cherry tree and a 62 cm DBH apple tree are located on the property to the east and a 32 cm DBH fig tree is located on the property to the west. All three

bylaw-protected trees, in fair health with fair structure, are proposed to be retained as part of the proposed development. The applicant will be required to obtain a Tree Permit at the construction phase to ensure there is arborist supervision when working in the critical root zones of trees to be retained.

There is one 25cm DBH municipal red horsechestnut on Edgeware Road that will be retained. Servicing to the property will need to be carefully planned to reduce potential impacts to the tree.

The applicant is proposing to plant two trees on the subject lot. In addition, a second boulevard tree will be added on the Edgeware frontage.

Tree Impact Summary

Tree Status	Total # of Trees	Trees to be REMOVED	NEW Trees	NET CHANGE (new trees minus total to be removed)
Subject property trees, protected	0	0	0	0
Subject property trees, unprotected	1	1	2	+1
City trees	1	0	1	+1
Neighbouring trees, protected	3	0	0	0
Neighbouring trees, unprotected	0	0	0	0
Total	5	1	3	+2

Increased Inventory	Annual Maintenance Cost
Street Trees – 1 net new	\$60

Regulatory Considerations

Generally, the use of a rest home - Class B is permitted within single family dwellings under Schedule G - House Conversions, provided they meet certain site criteria (including lot size, lot width and the building was constructed prior to 1931). However, since the proposal includes a newly constructed building, a rezoning application is required. In addition, the OCP identifies maximum densities up to 1:1 FSR in the Traditional Residential designation, which this proposal meets.

Should Council consider approving the Rezoning Application, staff recommend that a 1.18m statutory right-of-way (SRW) on the rear lane be secured to meet the City of Victoria lane standard. The application proposes to decommission the existing driveway on Edgeware Road and provide vehicle parking that is accessed from the rear lane. The SRW along the lane will ensure maneuverability to vehicle parking in the short-term and the long-term viability of servicing properties from lane as future redevelopment occurs on adjacent properties.

CONCLUSIONS

The proposal is generally consistent with the relevant policies in providing a diverse range of housing across the city. The proposal maintains the residential character of the neighbourhood and is within the existing density of the Urban Place Designation; therefore, the recommendation is that Council consider supporting this application.

ALTERNATE MOTION

That Council decline Rezoning Application No. 00726 for the property located at 1628 Edgeware Road.

Respectfully submitted,



Charlotte Wain
Senior Planner – Urban Design
Development Services Division



Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

Date: _____

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped October 5, 2020
- Attachment D: Letter from applicant to Mayor and Council dated October 19, 2020
- Attachment E: Community Association Land Use Committee email dated August 1, 2019 waiving the requirement for a meeting
- Attachment F: Advisory Design Panel meeting minutes dated June 3, 2020
- Attachment G: Correspondence (Letters received from residents).