



Committee of the Whole Report For the Meeting of November 12, 2020

To: Committee of the Whole **Date:** November 5, 2020

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

Subject: Update to Rezoning Application No. 00694 and Development Permit with Variances Application No. 000551 for 1908, 1916, and 1920 Oak Bay Avenue

RECOMMENDATION

Rezoning Application No. 00694

That Council instruct staff to prepare the necessary *Zoning Regulation Bylaw* amendments that would authorize the proposed development outlined in Rezoning Application No. 00694 for 1908, 1916, and 1920 Oak Bay Avenue, that first and second reading of the Zoning Regulation Bylaw Amendments be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Preparation and execution of legal agreements to:
 - a. ensure that a future strata cannot restrict the rental of units to non-owners, to the satisfaction of the Director of Sustainable Planning and Community Development;
 - b. secure the following transportation demand management measures, to the satisfaction of the Director of Engineering and Public Works:
 - i. \$25,000 towards the construction of a crosswalk
 - ii. one car share membership per dwelling unit
 - iii. one car share membership per commercial unit
 - iv. one hundred dollars in car share usage credits per membership
 - v. electric vehicle **conduits** for all underground parking stalls
 - vi. four electric vehicle charging stations
 - vii. 24 electric bike charging stations
 - viii. one bicycle repair station;
 - c. secure a Statutory Right-of-Way of 3.35 meters along the Oak Bay Avenue to the satisfaction of the Director of Engineering and Public Works; and
 - d. to secure the following, to the satisfaction of the Director of Engineering and Public Works:
 - i. public realm improvements to Oak Bay Avenue and Redfern Street; and
 - ii. removal and disposal of existing storm drain main along the frontage in its current alignment, including excavation, backfill above the spring line of the new pipe, and surface restoration.

Development Permit with Variances Application No. 000551

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00694, if it is approved, consider the following motion:

“That Council authorize the issuance of Development Permit with Variances Application No. 000551 for 1908, 1916, and 1920 Oak Bay Avenue, in accordance with:

1. Plans date stamped **September 29, 2020**.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. reduce the front setback (south) for the upper storeys from 6.00m to **2.30m**;
 - ii. reduce the rear setback (north) from 6.00m to **5.30m**;
 - iii. reduce the interior lot line setback (west) for the **second and third storeys from 2.40m to 1.00m**;
 - iv. reduce the interior lot line setback (west) for the second storeys from 2.40m to 0.15m for **planter boxes**;
 - v. reduce the flanking street setback (east) from 2.40 m to **0.35m**;
 - vi. reduce the number of commercial vehicle parking spaces from 26 to 10;
 - vii. reduce the number of residential vehicle parking spaces from 44 to 43;
 - viii. increase the distance between entrances and the short term bicycle parking from 15m to 48.1m;
 - ix. increase the number of storeys from 4 to 5;
 - x. increase the height from **15m to 17.68m**.
3. The Development Permit lapsing two years from the date of this resolution.”

That the motion be forwarded to the daytime Council meeting of November 12, 2020 for ratification.

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.

In accordance with Section 489 of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Community Plan*. A Development Permit may vary or supplement the *Zoning Regulation Bylaw* but may not vary the use or density of the land from that specified in the Bylaw.

Pursuant to Section 491 of the *Local Government Act*, where the purpose of the designation is the revitalization of an area in which a commercial use is permitted, a development permit may include requirements respecting the character of the development, including landscaping, and the siting, form, exterior design and finish of buildings and other structures.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with an update related to the applicant's planned addition of roof top access for a common outdoor amenity space, provide clarity on the electric vehicle charging approach, propose minor adjustments to the variances to accommodate the standardization of the zone, make minor updates to the plans to correct errors associated with the trees, and seek Council's direction for moving forward.

The applicant has undertaken neighbourhood consultation regarding the possibility of adding a rooftop access and outdoor amenity space and has amended their plans accordingly. The applicant is also requesting that the Council motion be modified to provide only electric conduit for their parking stalls. While this is not as ambitious as anticipated, it is still supportable. Other refinements to the application are considered minor and in keeping with the original proposal. The recommended Council motion has been updated accordingly.

BACKGROUND

On August 6, 2020 Council passed motions (attached) to move the rezoning and development permit with variances applications forward to public hearing subject to specific conditions, which included undertaking consultation and considering adding a rooftop access to facilitate the provision of outdoor common amenity space and preparing and executing legal agreements to secure electric vehicle readiness for all underground parking stalls.

ANALYSIS

Rooftop Amenity Space

In accordance with the Council motion, the applicant consulted with the community through the South Jubilee Community Association Land Use Committee (CALUC) to seek feedback on the potential of adding a storey for rooftop access for common outdoor amenity space. Information was posted to the Development Tracker for 30 days and notices were sent out to owners and occupants within 100m of the site with instructions to view the proposal on the Development Tracker and provide feedback through the online comment form (see attached feedback).

The applicant was provided the comments for their review, and they have determined that they will proceed with the common rooftop amenity space. The plans have been revised accordingly. The variances have also been updated to reflect the revised height. This is seen as a positive addition for the future residents of the building, enhancing overall liveability.

Electrical Conduit - Parking Stalls

Recent *Zoning Bylaw* amendments (No. 20-001 and No. 20-075) were adopted by Council on July 23, 2020 which identify new requirements for supporting electric vehicle readiness in new development. The regulations do not apply to this proposal because it was submitted on April 25, 2019, prior to the date that the amendments became effective on October 1, 2020.

While the Council motion indicated that all parking stalls would be electric vehicle (EV) ready, in preparation of the legal agreements, the applicant clarified that their intention was to install electrical conduit rather than full "EV ready" design for all of their underground parking stalls.

Provision of conduit during construction allows for easier access for future installation of the wires required for EV charging. "EV ready" is where all conduits, wires, and other related

necessary infrastructure is put into place during construction so that future costs to install charging stations are minimized and a strata can more simply administer and allocate stalls in the future.

As part of this proposal, the applicant will be providing four EV charging stations on site along with other TDM measures. While these changes are less ambitious than originally anticipated, staff still consider the Rezoning and Development Permit with Variances application to be supportable.

Tree Information Revisions

Tree information in the proposal has been updated to reflect the correct *Tree Preservation Bylaw* requirements. The plans have been revised accordingly.

Standardization of Zone

Although the proposal remains largely unchanged from the scheme presented to Council on July 23, 2020, a number of technical measurements have been adjusted to simplify and standardize the approach to the proposed zone. The recommendation highlights the proposed changes.

CONCLUSIONS

The applicant has undertaken neighbourhood consultation regarding the possibility of adding a rooftop access and outdoor amenity space and has amended their plans accordingly. The request to modify the Council motion to change the requirement for electric vehicle ready parking stalls to the provision of conduits for future electric vehicle charging upgrades, may reduce the positive impacts associated with electric vehicle charging, however, staff still consider the proposal to be supportable overall. Other refinements to the application are considered minor and in keeping with the original proposal. The recommended Council motion has been updated accordingly.

ALTERNATE MOTION


That Council decline Rezoning Application No. 00694 and Development Permit with Variances Application No. 000551 for the property located at 1908, 1916, and 1920 Oak Bay Avenue.

Respectfully submitted,


Rob Bateman
Senior Process Planner
Development Services Division




Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager: 

Date: November 6, 2020

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped September 29, 2020
- Attachment D: Letter from applicant to Director and Sustainable Planning and Community Development dated November 5, 2020
- Attachment E: Staff report for Rezoning Application No. 00694 presented at the July 23, 2020 Committee of the Whole meeting
- Attachment F: Staff report for Development Permit with Variances Application No. 000551 presented at the July 23, 2020 Committee of the Whole meeting
- Attachment G: August 6, 2020 Council meeting minutes
- Attachment H: Comments through Online Comment Form
- Attachment I: Correspondence.