



## 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 2440 and 2448 Richmond Road. The proposal is to rezone both lots from the R1-B Zone, Single Family Dwelling District to a site-specific zone to allow the construction of a three-storey multi-unit residential building, with 11 rental units, on each lot.

The following points were considered in assessing this application:

- The proposal is generally consistent with *Official Community Plan, 2012 (OCP)* policies related to the Traditional Residential Urban Place Designation in terms of use and density. Richmond Road is classed as a secondary arterial road where the OCP contemplates multi-unit buildings up to three storeys.
- The proposal is inconsistent with OCP policy which seeks the logical assembly of lots to achieve the best realization of permitted development potential as it limits the ability of the parcel to the south (2432/2434 Richmond Road) to be part of a future land assembly. Staff recommend securing access to 2432/2434 Richmond from Adanac Street as a condition of advancing the application to a public hearing.
- The proposal is inconsistent with the *Jubilee Neighbourhood Plan, 1981*, which seeks to maintain current zoning, and where rezoning occurs, the development should fit with the established form and character. However, while the proposal for two, three-storey buildings does not fit comfortably with the current context, it may respond to the future context as Richmond Road develops.
- 22 rental units would be secured in perpetuity through a Housing Agreement.

## BACKGROUND

### Description of Proposal

This Rezoning Application proposes the construction of two, three-storey multi-unit residential buildings on two separate lots with 11 rental units proposed in each building. The application proposes parking variances which are discussed in the report relating to a concurrent Development Permit with Variances Application.

### Affordable Housing

The applicant proposes the creation of 22 new residential rental units (all of which are studio units), secured with a Housing Agreement, which would increase the overall supply of housing in the area.

## **Tenant Assistance Policy**

The proposal would require demolition of two single family dwellings, which would result in a loss of two existing residential units. One of the houses is occupied by the previous owner and the other is vacant, therefore, the project is exempt from the Tenant Assistance Policy.

## **Sustainability**

As indicated in the applicant's letter dated November 9, 2020 the following sustainability features are associated with this proposal:

- rain garden
- oil interceptors
- permeable pavers
- LED lighting.

## **Active Transportation**

In accordance with the *Zoning Regulation Bylaw*, 11 long term bike parking stalls and six short term bike parking stalls are proposed in each building. Beyond these requirements, the application proposes a bicycle repair and storage area, and four electric bike charging outlets in each building.

## **Public Realm**

The application proposes to construct a curb extension (bulb-out) at the corner of Richmond Road and Adanac Street. This will increase pedestrian visibility and safety, shorten pedestrian crossing distances, and decrease the speed of turning vehicles.

It is recommended that a statutory right-of-way (SRW) of 4.89 metres along Richmond Road be secured to help fulfil OCP objectives such as enhanced facilities for walking, cycling, public transit and boulevards which support the long term viability of street trees. Richmond Road is also an identified route in the City's All Ages and Abilities (AAA) bicycle network and part of BC Transit's Frequent Transit Network. Further analysis regarding the public realm is discussed in the Analysis section.

## **Accessibility**

The *BC Building Code* regulates accessibility as it pertains to buildings. One dwelling unit in Building A is proposed to be adaptable, and one parking stall would be accessible. The adaptable unit will have features such as wider doorways, manoeuvring room at the suite entry, in the kitchen and bathroom, lower outlet and switch heights, reinforcement of bathroom walls for future installation of grab bars, accessible door handles, switches, and outlets, and other features that can later be modified in order to meet the changing needs of occupants.

Further detail can be found in the applicant's letter dated November 13, 2020. Staff requested the applicant consider securing the accessible unit by legal agreement, however, the applicant declined. Although the applicant has indicated it will be an adaptable unit, there is no guarantee that it will be adaptable or accessible unless Council gives direction to secure it in a legal agreement. The staff recommendation therefore includes language to ensure this is secured.

## Land Use Context

The area is characterized by single family dwellings, two-family dwellings, and the Royal Jubilee Hospital. The District of Saanich is to the east across Richmond Road.

Immediately adjacent land uses include:

- north – single family dwellings
- south – two family dwelling
- east – single storey institutional building (District of Saanich)
- west – single family dwelling.

## Existing Site Development and Development Potential

The site is presently occupied by two single family dwellings. Under the current R1-B Zone, Single Family Dwelling District, the properties could each be developed as a single-family dwelling with either a secondary suite or a garden suite.

## Data Table

The existing R1-B Zone does not allow multi-unit buildings as a permitted use. The proposal is compared in the table below to the RTM Zone – Traditional Residential Multiple Dwelling District. An asterisk is used to identify where the proposal differs from the standard RTM Zone and where it is proposed that these variations are included in the site-specific zone; this approach is being taken to ensure that adequate setbacks and siting criteria, specific to this site, are established in the zone. Two asterisks are used to identify what are proposed to be variances from the zone, which will be reviewed in the concurrent Development Permit with Variance report.

As per the *Zoning Regulation Bylaw* General Regulations, Adanac Street would technically be identified as the street frontage for the corner lot which triggers a number of variances despite Richmond reading as the natural frontage. If this application is advanced to a Public Hearing, it is proposed that these technical variances would be written into the site-specific zone. It is also proposed that the site-specific zone would require larger setbacks, lower density and lower site coverage than the RTM Zone and be more closely matched to the actual proposal to ensure privacy and breathing room for the neighbouring properties.

Zoning Criteria	Proposal – Building A (2448 Richmond)	Proposal – Building B (2440 Richmond)	Zone Standard (RTM)
Site area (m <sup>2</sup> ) – minimum	727.00*	696.00*	920.00
Lot width (m) – minimum	15.99*	15.99*	20.00
Density (Floor Space Ratio) – maximum	0.75	0.77	1.0
Height (m) – maximum	8.93	9.70	10.50
Storeys – maximum	3	3	3

Zoning Criteria	Proposal – Building A (2448 Richmond)	Proposal – Building B (2440 Richmond)	Zone Standard (RTM)
Total floor area (m <sup>2</sup> ) – maximum	545.10	532.90	n/a
Site coverage (%) – maximum	26.00	27.00	50.00
Open site space (%) – minimum	44.00	43.50	30.00
<b>Setbacks (m) – minimum</b>			
Front	8.75	8.54	6.00
Rear	18.23	16.54	4.00
Side	<b>1.70**</b>	<b>1.70**</b>	4.00
Side for flanking streets	<b>3.01** (north)</b>	n/a	6.00
Side	n/a	<b>3.22** (south)</b>	4.00
Vehicle parking – minimum	<b>7** (includes 1 visitor)</b>	<b>7** (includes 1 visitor)</b>	9 on each lot (18 total)
Parking location	Side and rear	Rear	Side or rear
<b>Bicycle parking stalls – minimum</b>			
Long term	11	11	11 on each lot (22 total)
Short term	6	6	6 on each lot (12 total)

## Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the North Jubilee Neighbourhood Association CALUC at a Community Meeting held on November 5, 2019. A letter dated January 30, 2020 is attached to this report.

## ANALYSIS

### Official Community Plan

The *Official Community Plan, 2012 (OCP)* designates the property as Traditional Residential. As Richmond Road is classified as a secondary arterial from Bay Street to Newton Street, the anticipated built-form for residential uses ranges from ground-oriented to multi-unit residential buildings up to three storeys, including both attached residential and apartment building forms. The corresponding density is up to approximately 1:1 floor space ratio. The proposal is consistent with these policies.

The OCP encourages the logical assembly of lots to enable the best realization of future development potential, discussed further below. The OCP also encourages buildings to fit well within the immediate context. The Jubilee Strategic Neighbourhood Directions section of the OCP encourages improving the land use transitions between Jubilee Hospital and residential areas. The surrounding properties on Adanac Street and Richmond Road currently contain single family dwellings, and the hospital property immediately across the street contains one-storey institutional buildings. As a result, over the short term, the proposed development will be larger than the surrounding buildings. However, if redevelopment does occur along Richmond Road consistent with established policy, then the proposed buildings would likely fit comfortably in the future built context.

While generally consistent with the OCP in regard to density, due to the new buildings being proposed on two separate lots, rather than a single consolidated lot, there is less opportunity for useable greenspace and private outdoor space. Lot consolidation of the two subject properties and potentially with the lot to the south would allow a more comprehensive development. However, the current surrounding context contains low profile buildings at lower densities; therefore, two separate buildings may be more in keeping with the scale that exists today.

### Logical Assembly and Development of Property

Development of the two subject sites (2440 and 2448 Richmond Road) limits the development potential for the parcel to the south (2432/2434 Richmond Road) and is not consistent with the OCP policy related to logical assembly of development sites that enable the best realization of permitted development potential. The lot at 2424 Richmond Road (at the corner of Emerson Street and Richmond Road) was recently approved to be redeveloped with two houses on one lot; therefore, the lot which is now between the subject sites and 2424 Richmond Road would become “orphaned” (Fig. 1). One way to mitigate the impact of the orphaning is to ensure appropriate future access. In this case, the driveway and parking proposed on the subject properties is well-designed to facilitate a later access through to 2432/2434 Richmond Road from Adanac Street.



Fig. 1: Aerial photo with recently-approved development at 2424 Richmond Road / 1724 Emerson Street, and the proposed development at 2440 and 2448 Richmond

The Adanac Street access is important because Richmond Road is part of the City's cycling and frequent transit networks and is classified as a secondary arterial road. Vehicle access from the lesser-classified street, Adanac Street, will reduce conflicts between vehicles and pedestrians, cyclists, and transit activity along Richmond Road.

Consolidating driveways through an access agreement would also remove the need for the curb cut along Richmond Road and provide an improved pedestrian experience with additional space for large canopy trees as redevelopment occurs. Additionally, if providing a driveway from Richmond Road can be avoided with the future redevelopment of 2432/2434 Richmond Road, there are improved opportunities for a building with a better street presence and more welcoming street relationship as a driveway will not need to be accommodated in the side yard.

Staff are recommending an additional access agreement across the subject sites in order to help ensure that 2432/2434 Richmond Road could be redeveloped in a rational manner considerate of City policy, and recognizing the inherent public benefit of ensuring adequate public realm improvements needed to support increased residential capacity can be made. Despite staff's request, the applicant has indicated they do not wish to register such an agreement but would consider it in the future if the neighbour pursued redevelopment. However, as there would be no mechanism to compel this arrangement at a later date, it is unlikely to occur. Staff would therefore recommend that Council consider making this a condition to be satisfied in the event the proposal is advanced for consideration at a Public Hearing.

### **Access Agreements**

The proposal is for two new buildings on separate lots, with reciprocal access for parking. It is recommended that the reciprocal access agreement be registered prior to a Public Hearing and the necessary language is included in the recommended motion for Council's consideration.

### **Jubilee Neighbourhood Plan**

The *Jubilee Neighbourhood Plan*, 1996, identifies this property as "maintain current zoning." Where rezoning occurs, it encourages fitting in with the form and character of established housing especially that on the same street. The proposal for two, three-storey buildings, is inconsistent with the immediate context; however, as Richmond Road develops in the future it will fit more comfortably. The plan also encourages non-profit and rental housing, and this proposal is for rental housing in perpetuity.

### **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. This application was received after October 24, 2019, so Tree Preservation Bylaw No. 05-106 (consolidated November 22, 2019) applies, protecting trees larger than 30cm diameter at breast height (DBH).

There are eight trees on the subject lot, consisting of mostly fruit trees. Three trees are bylaw-protected, a multi-stemmed plum #742 and a 53cm diameter cherry #733 are proposed for removal. The plum is situated in the proposed statutory-right-of-way and must be removed for offsite works. Removal of the cherry tree is required for building construction.



Four municipal trees were inventoried on the Adanac Street frontage. A 37cm diameter municipal maple #739 in good health with good structure is proposed for removal to accommodate a new driveway crossing. The driveway is positioned in this location to allow for an efficient layout of parking stalls.

Sidewalk construction is proposed in the critical root zones of municipal Garry oak #741 and bylaw-protected pine #743. To reduce potential impacts to the trees, a floating sidewalk design is proposed in the areas outlined on the site plan. The sidewalk would be constructed above the root horizon to retain the root mass of the trees. If roots are shallow, asphalt can be substituted as a surface treatment to ensure retention of the trees.

The applicant is proposing to plant six new trees on the subject lot, including four replacement trees as per the *Tree Preservation Bylaw*. Four new municipal trees are proposed, three on Adanac Street and one tree in the statutory-right-of-way on Richmond Road.

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	3	2	4	+2
Subject property trees, unprotected	5	5	2	-3
City trees	4	1	4	+3
Neighbouring trees, protected	0	0	0	0
Neighbouring trees, unprotected	0	0	0	0
<b>Total</b>	<b>12</b>	<b>8</b>	<b>10</b>	<b>+2</b>

Increased Inventory	Annual Maintenance Cost
Street Trees – 1 net new	\$180

**CONCLUSIONS**

The proposal is for multi-unit rental buildings, secured in perpetuity by a Housing Agreement, which will increase the supply of rental units in the area. The building form and densities are in compliance with the Traditional Residential Land Use Designation, which envisions multi-unit residential buildings up to three storeys on arterial and secondary arterial roads. The proposed density is within the limit of 1:1 floor space ratio identified for this designation. In terms of density and use, this proposal is consistent with the OCP. However, the OCP also envisions land assembly to enable the best realization of future development potential.

An additional legal agreement to ensure that access to 2432/2434 Richmond Road can be accessed off of Adanac Street is included in the recommendation. This is to encourage a more



rational approach to future redevelopment of this property and so the City can better achieve its goals related to active transportation.

## ALTERNATE MOTIONS

That Council decline Rezoning Application No. 00722 for the property located at 2440 and 2448 Richmond.

Respectfully submitted,



Chelsea Medd  
Planner  
Development Services



Karen Hoese, Director  
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Report accepted and recommended by the City Manager:



Date: November 26, 2020

## List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans dated/date stamped October 22, 2020
- Attachment D: Letter from applicant to Mayor and Council dated November 13, 2020
- Attachment E: Arborist Report dated June 24, 2020
- Attachment F: Shadow Study
- Attachment G: MODO Carshare Letter dated April 15, 2020
- Attachment H: Advisory Design Panel Minutes dated July 22, 2020
- Attachment I: North Jubilee Community Association Land Use Committee Letter and Meeting Minutes dated January 30, 2020
- Attachment J: Correspondence.