



Council Report For the Meeting of April 8, 2021

To: Council **Date:** March 25, 2021
From: Karen Hoese, Director, Sustainable Planning and Community Development
Subject: Update Report for Rezoning Application No. 00735 for 3120 Washington Avenue

RECOMMENDATION

That Council give first and second reading of the Zoning Regulation Bylaw Amendment No. 21-020 (Amendment No. 1246) and give first, second and third readings to Housing Agreement (3120 Washington Avenue) Bylaw No. 21-021.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with an update regarding the Rezoning Application for the property located at 3120 Washington Avenue. The proposal is to rezone from the R1-B Zone, Single-Family Dwelling District, to a new zone in order to increase the density and construct a strata development consisting of eight, two-storey single-family dwelling units on a lot.

On January 7, 2021, Council passed the following resolution:

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00735 for 3120 Washington Avenue, 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 of legal agreements executed by the applicant to secure the following, with form satisfactory to the City Solicitor:
 - i. a housing agreement to ensure that future Strata bylaws cannot prohibit the rental of dwelling units, to the satisfaction of the Director of Sustainable Planning and Community Development;*
 - ii. a statutory right-of-way of 1.00m on Washington Avenue for sidewalk improvements, to the satisfaction of the Director of Engineering and Public Works;*
 - iii. the design of the proposed eight single-family dwelling units and associated landscaping in accordance with the plans dated October 13, 2020, to the satisfaction of the Director of Sustainable Planning and Community Development.*
 - iv. Further consideration by the developer of options to increase the rear setback.**

COMMENTS

Rear Yard Setback

Council requested that the applicant consider options to increase the rear yard setback of single-family dwelling unit #2 (SFD 2), which is situated in the northwest corner of the site and with its front facade adjacent to a bylaw-protected Garry oak tree which is planned to be retained. The original rear yard setback of SFD 2 was 3.31m to minimize disturbances to the tree. However, in response to Council's motion, the applicant consulted with the Project Arborist and determined that SFD 2 could be shifted slightly to increase the setback from 3.31m to 4.84m and align with single family dwelling unit #1 (SFD 1). This has resulted in a small portion of the building to be located within the critical root zone of the existing Garry oak tree. To minimize the disturbance to the ground and tree roots in the area, the Certified Arborist has recommended an alternative construction method, which will result in the northeast corner of the building being constructed on a grade beam system. The applicant has also shifted the parking space for SFD 2, modified the patio and adjusted the landscape irrigation system to mitigate impacts to the tree.

Even though the applicant has revised the plans to address Council's motion and taken measures to mitigate impacts to the Garry oak tree, a situation may arise during construction where the applicant may have to shift SFD 2 slightly back to further protect the tree. To allow for this to occur and avoid a setback variance in the future, it is recommended that the rear yard setback in the new zone remain as 3.31m. However, the revised plans with the new rear yard setback of 4.84m are attached to the design covenant registered on title, which ensures that any proposed adjustments to the site layout in order to protect the tree would have to be to the satisfaction of the Director of Sustainable Planning and Community Development.

Public Hearing Conditions

With regard to the pre-conditions that Council set in relation to this application, the following legal agreements have been executed by the applicant:

- a Housing Agreement to ensure that future strata bylaws do not prohibit the rental of dwelling units
- a 1.00m statutory right-of-way (SRW) on Washington Avenue
- a Section 219 Covenant to secure the design of the proposed eight single-family dwelling units and associated landscaping, which references updated plans.

The recommendation provided for Council's consideration contains the appropriate language to advance this application to a Public Hearing.

Respectfully submitted,

Leanne Taylor
Senior Planner
Development Services Division

Karen Hoese, Director
Sustainable Planning and Community
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Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A: Updated Plans date stamped March 2, 2021
- Attachment B: Updated Arborist Report dated January 21, 2021.