



Committee of the Whole Report

For the Meeting of November 2, 2017

To: Committee of the Whole

Date: October 23, 2017

From: Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject: **Rezoning Application No.00562 for 3025 Douglas Street and associated Official Community Plan Amendment**

RECOMMENDATION

1. That Council instruct staff to prepare the necessary Official Community Plan Amendment Bylaw in accordance with Section 475 of the Local Government Act, and the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00562 for 3025 Douglas Street; 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 the following documents, executed by the applicant, to the satisfaction of City Staff:
 - i. Housing Agreement to ensure that the dwelling units in the existing building would remain as rental in perpetuity
 - b. That Council determine, pursuant to section 475(1) of the Local Government Act, that the affected persons, organizations and authorities are those property owners and occupiers within a 200m radius of the subject properties; that the appropriate consultation measures would include a mailed notice of the proposed OCP Amendment to the affected persons; posting of a notice on the City's website inviting affected persons, organizations and authorities to ask questions of staff and provide written or verbal comments to Council for their consideration.
 - c. That Council, having provided the opportunity for consultation pursuant to Section 475(1) of the Local Government Act with persons, organizations and authorities it considers will be affected, specifically, the property owners and occupiers within a 200m radius of the subject properties, have been consulted at a Community Association Land Use Committee (CALUC) Community Meeting, consider whether the opportunity for consultation should be early and ongoing, and determine that no further consultation is required.
 - d. That Council, specifically consider whether consultation is required under Section 475(2)(b) of the Local Government Act, and determine that no referrals are necessary with the Capital Regional District Board, Councils of Oak Bay, Esquimalt and Saanich, the Songhees and Esquimalt First Nations, the School

District Board and the provincial and federal governments and their agencies due to the nature of the proposed amendment.

- e. That Council give first reading to the Official Community Plan Amendment Bylaw.
- f. That Council consider the Official Community Plan Amendment Bylaw in conjunction with the City of Victoria 2012-2016 Financial Plan, the Capital Regional District Liquid Waste Management Plan, and the Capital Regional District Solid Waste Management Plan pursuant to Section 477(3)(a) of the Local Government Act, and deem those Plans to be consistent with the proposed Official Community Plan Amendment Bylaw.
- g. That Council give second reading to the Official Community Plan Amendment Bylaw.
- h. That Council refer the Official Community Plan Amendment Bylaw for consideration at a Public Hearing.

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 3025 Douglas Street. The proposal is to rezone from the T1 Zone, Limited Transient Accommodation District, to a new zone in order to convert the existing building from a motel to a multiple dwelling consisting of approximately 48 affordable market rental units, and existing commercial storage area in the lower level.

The following points were considered in assessing this application:

- the subject property is designated *General Employment* in the Official Community Plan which supports commercial uses, including office and retail, light industrial and industrial work/live uses. Residential uses are not supported within this designation
- the subject property is also designated *General Employment* in the Burnside Gorge Neighbourhood Plan, which supports commercial and light industrial uses, and it does not contemplate residential uses at this location; however, it does support the conversion of existing motel buildings to Single Room Occupancy (SRO) east of Cecilia Ravine through the Conversion Guidelines
- the proposal is not consistent with the Conversion Guidelines – Transient to Residential

- Accommodation, in terms of land use, open/green space, unit mix and unit size
- notwithstanding the above, a Rezoning and OCP Amendment would be supportable to allow the conversion of the existing motel to residential rental units provided that if the building is demolished in the future, any new development on the site must comply with the *General Employment Urban Place Designation*.

BACKGROUND

Description of Proposal

This Rezoning Application is to rezone the subject property from the T1 Zone, Limited Transient Accommodation District, to a new zone in order to convert the existing motel to a multiple-dwelling consisting of approximately 48 affordable market rental units and retain the existing vehicle storage area in the lower level.

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

- change the use from a motel to a multiple dwelling
- increase the floor space ratio from 0.60:1 to 0.80:1.

The request to amend the *Official Community Plan, 2012 (OCP)* is necessary in order to permit residential uses on the subject property.

Affordable Housing Impacts

The applicant proposes the creation of 48 new affordable market rental units which would increase the overall supply of housing in the area. A Housing Agreement is being proposed which would ensure that the dwelling units in the existing building would remain as rental in perpetuity.

Sustainability Features

The applicant has not identified any sustainability features associated with this proposal.

Active Transportation Impacts

The application proposes to provide 48 Class 1 bicycle parking spaces in the underground storage area accessed by a ramp off of Douglas Street to support active transportation.

Public Realm Improvements

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.

Land Use Context

The area is characterized by a mix of commercial uses.

Existing Site Development and Development Potential

The site is presently zoned to allow transient accommodation. Under the current T-1 Zone, Limited Transient Accommodation District, the property could be developed as a housekeeping apartment building, boarding house or rooming house, as well as a single-family dwelling.

Data Table

The following data table compares the proposal with the R3-A and R3-AM Zones. An asterisk is used to identify where the proposal is less stringent than the existing zone. Two asterisks are used to identify where the proposal is non-conforming.

Zoning Criteria	Proposal	Zone Standard R3-A1 and R3-A2 Zone
Site area (m ²) - minimum	1710.54	920
Density (Floor Space Ratio) - maximum	0.80:1	1:1
Total floor area (m ²) - maximum	1367.90	1710.50
Height (m) - maximum	8.24	10.70
Storeys - maximum	2	3
Site coverage % - maximum	48.0**	33.3
Open site space % - minimum	7.5**	30.0
Setbacks (m) – minimum:		
Front (Douglas Street)	0**	7.5
Rear (East)	0**	10.50
Side (north)	0**	4.1
Side (south)	0**	4.1
Entrance canopies or step projection into front setback (m) – maximum	0**	7.5
Surface parking space setback from the street boundary (m) – maximum	1.0**	
Surface parking screen landscape berm height at street (m) - minimum	1.0	
Parking - minimum	28*	80
Visitor parking (minimum) included in the overall units	0*	3

Relevant History

In 2011, the applicant applied to rezone the subject property to permit a private storage business and 45 rental residential units. At the time, the applicant proposed that the existing storage space existing below the motel building be used as leasable storage space. The

storage space and its associated parking do not have direct access from a public street. Instead, access is by way of a private easement across the adjacent property at 3090 and 3098 Nanaimo Street. While this easement currently exists, the City had no authority over the access. To ensure ongoing access to the leasable storage space, as well as to its associated parking, staff recommended that an easement be registered in favour of the City. The owners of 3090 and 3098 Nanaimo Street were not amenable to this recommendation and as a result the Applicant chose not to proceed with the Rezoning Application. The current Rezoning Application includes private storage of vehicles for nearby dealerships and the property owners of 3090 and 3098 Nanaimo Street are still not willing to enter a reciprocal access easement in favour of the City. Provided that the commercial storage space is solely used for the storage of vehicles and not parking then the existing driveway to the basement level can be maintained.

The building currently operates as a long-term affordable market rental housing, which is in contravention of the existing zone.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted the Burnside Gorge Neighbourhood Association at a Community Meeting held on April 11, 2016; however, the Applicant applied for Rezoning and an OCP Amendment more than six months following the Community Meeting. Since the details of the application had not changed, the CALUC waived its requirement for another meeting. A letter dated April 30, 2016 and additional correspondence from the CALUC are attached.

ANALYSIS

Official Community Plan

The Official Community Plan (OCP) Urban Place Designation for the subject property is *General Employment*, which supports large floor-plate commercial and light industrial, and mixed-use buildings up to four storeys at densities up to 2:1 FSR. Commercial, office, retail, commercial services and light industrial are envisioned; as well as, industrial work/live, education, community services, research and development, and health services. The proposal is not consistent with the OCP which only contemplates residential uses in an industrial work/live scenario. However, the OCP Amendment to allow residential uses would be supportable provided that if the existing building is demolished in the future, any new development on the site must comply with the *General Employment* Urban Place Designation. The OCP amendment would likely be in the form of a new policy addressing motel conversions consistent with the policies in the *Burnside Gorge Neighbourhood Plan*, and include a proviso that only existing buildings would qualify and that new development (demolition with new construction), that was not consistent with the General Employment designation, would require an OCP amendment.

The *Local Government Act* (LGA) Section 475 requires a Council to provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected by an amendment to the OCP. Consistent with Section 475 of the LGA, Council must further consider whether consultation should be early and ongoing. This statutory obligation is in addition to the Public Hearing requirements. In this instance, staff recommend for Council's consideration that notifying owners and occupiers of land located within 200 metres of the subject site, along with positing a notice on the City's website, will provide adequate opportunities for consultation with those affected.

The OCP Amendment Application to change the Urban Place Designation of 3025 Douglas Street from General Employment to a new designation to permit residential uses in the form of long-term affordable market rental (short term rental not permitted) will increase the supply of rental accommodation in the city. Given that the surrounding area is characterized by commercial and service commercial uses, and given that the Burnside Gorge Neighbourhood Association waived the request for another Community Meeting to address the OCP Amendment (see attached correspondence), the consultation proposed at this stage in the process is recommended as adequate and consultation with specific authorities, under Section 475 of the LGA, is not recommended as necessary.

Should Council support an OCP amendment, Council is required to consider consultation with the Capital Regional District Board; Councils of Oak Bay, Esquimalt and Saanich; the Songhees and Esquimalt First Nations; the School District Board and the provincial government and its agencies. However, further consultation is not recommended as necessary for this amendment to the Urban Place Designation as this matter can be considered under policies in the OCP.

Council is also required to consider OCP Amendments in relation to the City's *Financial Plan*, the *Capital Regional District Liquid Waste Management Plan* and the *Capital District Solid Waste Management Plan*. This proposal will have no impact on any of these plans.

Burnside Gorge Neighbourhood Plan

The Burnside Gorge Neighbourhood Plan designates the subject property as *General Employment*, which supports commercial and light industrial uses, and it does not support solely residential uses at this location; however, the Plan would support residential uses at grade on lots which front onto Douglas Street provided that a significant employment component is included in the part of the lot along Douglas Street, which is designated *General Employment*. The Plan does support the conversion of existing motel buildings to Single Room Occupancy (SRO) east of Cecilia Ravine. The Applicant is proposing to convert the existing motel to residential and retain the vehicle storage in the lower level; however, the units would be fully self-contained (not SROs).

Conversion Guidelines - Transient to Residential Accommodation

From a land use perspective, the Conversion Guidelines – Transient to Residential Accommodation state that residential land uses should be supported in the OCP when considering a conversion. Residential uses are not supported in the OCP at this location. The Guidelines also state that commercial (e.g. retail store, bank) and community services (e.g. community/recreation centre, library, school) for residents should be located within walking distance. Commercial services are in close proximity to the site; however, there are no community services near the subject property.

With respect to site characteristics, there is no private space for the individual dwelling units and no usable green space, although plans do indicate several planters. There would be a large storage area and bicycle enclosure for residents in the lower level of the building; lighting, alarm systems and security cameras installed; and common laundry facilities located on the main floor. The Guidelines encourage a mix of housing units (i.e. not all bachelor units) with a minimum floor area of 33m² per dwelling unit, and encourage all units to be designed as barrier-free, or a minimum of 5% of the total units to be accessible. The design of the modified units should meet minimum standards as set out in the Canadian Standards Association document B651-M90 entitled Barrier Free Design. The proposal only includes bachelor units, only five of

the 48 units, including the manager's unit, meet the minimum unit size requirement, and none of the units are labelled accessible on the plans submitted.

The proposal is not consistent with the conversion guidelines with respect to land use, unit size, open/green space, accessibility, and unit mix; however, the applicant notes that the proposal is to re-use the existing structure as originally constructed. The units are currently occupied by long-term tenants.

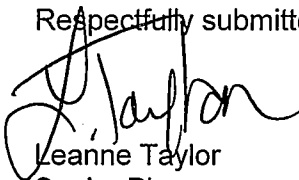
CONCLUSIONS

While the OCP is supportive of initiatives to encourage the development of rental housing, it does not provide direction to override established land-use policies. Meanwhile, the Burnside Gorge Neighbourhood Plan supports commercial and light industrial uses, and it does not support solely residential uses at this location unless a significant employment component is included. However, the Plan does consider the conversion of existing motel buildings to Single Room Occupancy (SRO) east of Cecilia Ravine. The City has provided policy guidelines, such as the *Conversion Guidelines - Transient to Rental Accommodation*, in order to provide guidance regarding important criteria when considering such a proposal. Overall, this Application fails to meet the criteria with respect to locational and site characteristics. Yet, the Guidelines reiterate that proposals are acceptable when neighbourhood plan policies are also supportive. Given that the Neighbourhood Plan supports conversion of motel buildings east of Cecilia Ravine, which includes the subject property, staff recommend for Council's consideration that the Application proceed to a Public Hearing.

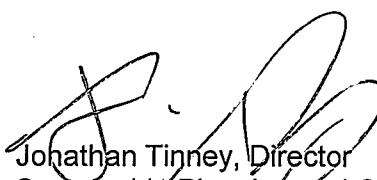
ALTERNATE MOTION

That Council decline Rezoning Application N. 00562 for the property located at 3025 Douglas Street.

Respectfully submitted,

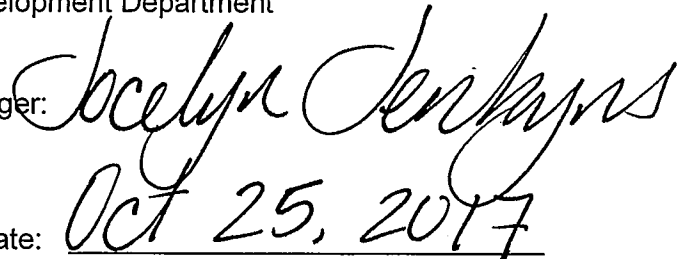


Leanne Taylor
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Jonathan Tinney, Director
Sustainable Planning and Community
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Report accepted and recommended by the City Manager:



Date:

Oct 25, 2017

List of Attachments:

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped August 3, 2017
- Attachment D: Letter from applicant to Mayor and Council dated January 25, 2017
- Attachment E: Letter from applicant to Mayor and Council including the Parking Analysis dated October 23, 2017
- Attachment F: Community Association Land Use Committee Correspondence.