

Committee of the Whole Report
For the Meeting of February 8, 2018

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.

- v. That Council give first reading to the Official Community Plan Amendment Bylaw.
 - vi. That Council consider the Official Community Plan Amendment Bylaw in conjunction with the City of Victoria 2018-2020 Draft 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.
 - vii. That Council give second reading to the Official Community Plan Amendment Bylaw.
 - viii. That Council refer the Official Community Plan Amendment Bylaw for consideration at a Public Hearing.
2. That Council instruct staff to change the land use designation of the property located at 3025 Douglas Street from General Employment to Town Centre in the *Burnside Gorge Neighbourhood Plan*.

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 update 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 market rental units, and existing commercial storage area in the lower level.

At the Committee of the Whole meeting on November 2, 2017 (minutes and report attached), Council considered this Rezoning Application and directed staff to prepare the necessary Official Community Plan (OCP) and Zoning Regulation Bylaw amendments with the

understanding that the OCP amendment would be in the form of a of a new policy. This new policy would address motel conversions consistent with the policies in the *Burnside Gorge Neighbourhood Plan*, and include a proviso that only existing buildings would qualify, and new development (demolition with new construction) that was not consistent with the General Employment designation, would require an OCP amendment.

In the process of drafting the OCP Amendment Bylaw, staff discovered that adding a general policy to the OCP would be too broad and affect other properties, which would require additional public consultation (beyond 200m of the subject property) and clearly not the intent of this proposal. Furthermore, it is not good legal practice to add a policy to the OCP for one property as it would result in a site specific OCP amendment and transform the purpose of the OCP from a broad land use policy and categorization scheme to a site specific regulatory framework more akin to a Zoning Regulation Bylaw than an OCP. Given this direction, amending the Urban Place Designation from *General Employment* to *Town Centre* would be the most appropriate solution for several reasons in order to support rental housing on the subject property at this time.

ANALYSIS

Amending the Urban Place Designation from *General Employment* to *Town Centre* would be the most appropriate solution for several reasons. Firstly, *Town Centre* supports commercial land uses, heights up to ten-storeys and densities up to 2:1 floor space ratio (FSR) and may be increased up to a total of approximately 3:1 FSR when advancement of plan objectives are considered. This designation also supports low and mid-rise multi-unit residential and mixed-use buildings. For comparison, the *General Employment* designation only supports densities up to 2:1 FSR and heights up to six storeys. Similarly, the *Burnside Gorge Neighbourhood Plan* only supports buildings up to four storeys at this location and this would not change.

In addition, the subject property is one property away from lands designated *Town Centre* and less than 150m from Mayfair Shopping Centre, which is also designated *Town Centre* in the OCP. Expanding the *Town Centre* designation to the subject property would not be a huge leap nor out of context with the immediate neighbourhood. Ground-oriented commercial is also strongly encouraged in the *Town Centre* designation. The site specific zone has been drafted to fit with the current use, density and height of the existing building so that any future redevelopment of the site would be subject to a rezoning and a Council process.

The second option is to change the land use designation of the subject property to *Urban Residential* as this designation does support mixed-use buildings along arterial roads (i.e. Douglas Street), such as Douglas Street, up to six-storeys and a 2:1 FSR; however, residential uses must be provided; whereas, the *Town Centre* designation does support standalone commercial uses which is more consistent with the *General Employment* designation and strongly encouraged at this location.

The third option would be to amend the *General Employment* designation by adding a policy that supports motel conversions to rental housing, which would affect all lands with this designation. This type of OCP amendment would require greater public consultation and it would be a significant departure from the intent of the *General Employment* designation, which is to preserve existing and future commercial and light industrial uses that generate economic development in the city while minimizing potential conflicts with residential uses that may arise adjacent to industrial uses.

CONCLUSION

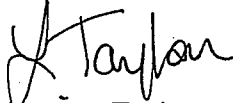
Amending the Urban Place Designation from *General Employment* to *Town Centre* would be the most appropriate solution in order to support rental housing on the subject property. The *Town Centre* designation is comparable to *General Employment* in relation to encouraging a strong commercial presence along Douglas Street. The *Town Centre* designation does support more height and density compared to the *General Employment* designation; however, redevelopment of the subject property would be subject to other OCP policies and design guidelines, and would have to fit with the neighbourhood context. Therefore, maximizing heights and densities that are supported in the *Town Centre* designation may not be appropriate on the site alone. Staff recommend for Council's consideration that the OCP designation of the subject property is changed from *General Employment* to *Town Centre* and the Application advance to a Public Hearing.

ALTERNATE MOTIONS

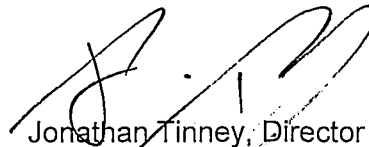
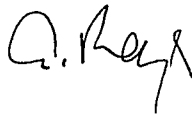
ALTERNATIVE MOTION 1 (Decline)

That Council decline Rezoning Application No. 00562 for the property located at 3025 Douglas Street.

Respectfully submitted,



Leanne Taylor
Senior Planner
Development Services Division



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date:

Jan 31, 2018

List of Attachments:

- Appendix A: Committee of the Whole minutes dated November 2, 2017
- Appendix B: Council minutes dated November 9, 2017
- Appendix C: Committee of the Whole report dated October 19, 2017