

2014-42

MEMORANDUM

**TO:** Council

**FROM:** Roy Thomassen, Director of Building and Planning  
Hope V. Burns, Consulting Planner

**DATE:** January 22, 2014

**RE:** Official Community Plan Amendment, Rezoning and Development Permit Application, 2326 Oak Bay Avenue, "The Quest", Proposed New Multi-Family Residential Development

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**BACKGROUND:**

The owner of the property (Large and Company Developers), has submitted an application for a new multi-family residential project of 15 units at 2326 Oak Bay Avenue. An OCP amendment and rezoning of the property would be required, and a form and character Development Permit for multi-family residential, with probable variances, would have to be considered to enable this project to be constructed. At this juncture, it is to be determined if Council wishes that the processing of the application is to proceed.

**THE PROPOSAL:**

An application for a five storey multi-family "The Quest" project has been submitted with a letter from the Development Company briefly outlining the project details (Attachment "A"). The plans (Attachment "B") have been prepared by its Architect, Gregory Damant, representing Cascadia Architects Inc. The proposal requires Council consideration of amending the Official Community Plan land use designation for this site which is presently indicated as single-family residential. The new designation would be for multi-family residential as well as designation of the site as a multi-family residential development permit area. Rezoning of the site to an appropriate multi-family category would also be part of this process with a specifically designed zone created for this particular development as none of the existing zones in Oak Bay's zoning bylaw could accommodate the proposed density or site coverage as shown.

Consideration of issuance of a Development Permit that meets the OCP objectives and guidelines for multi-family residential development and required variances would also be required to be considered by Council once the details of the project have been determined. The development is outside of the designated Village Commercial Core and is presently a single family lot (zoned RS-4) in the middle of the multi-family zoning strip which then continues easterly and westerly along Oak Bay Avenue.

The proposal consists of 15 relatively large residential condominium units with a proposed total of 18 parking spaces in the gated underground parking. The parking is all shown behind a locked security gate and no designated visitor parking has been indicated on the plans. The bicycle storage area is on the main floor adjacent to the side entrance to the lobby area. The ramp into the underground parking is shown on the west side of the site.

The unit mix includes four one bedroom units of 71m<sup>2</sup>; four one bedroom and den units of 97m<sup>2</sup>; and the remainder are shown as seven two bedroom units of 90m<sup>2</sup> (750-1040-980 sq. feet respectively) in area on four floors. The top “fifth” floor accommodates an open deck with landscaping and sitting areas and a fitness room so the building is considered to be five storeys in height at 15.7m (51.5 feet). The plans submitted indicate a floor area ratio of 2.32 and lot coverage as 56%. Each unit has an outdoor balcony. Exterior building materials are shown as white stucco, vertical stained cedar siding and accented with vertical metal panels and stacked bond brick along the main floor.

The developer advises that the neighbourhood has been consulted through a community meeting held recently.

**DISCUSSION:**

**Subject Property:**

The existing site has an area of 983.6 m<sup>2</sup> (10588 sq. ft.). An older home is located on the site and is presently designated as Single Family in the Official Community Plan and zoned RS-4 Single Family Dwelling. The property is heavily landscaped but from the survey plan submitted, it does not appear that there are any significant protected trees on the property. A large Garry oak tree is located on the neighbouring property to the east that would need further review to confirm whether it may be retained. Surrounding land use includes the Oak Bay Avenue commercial village core further to the west, single-family residential on the south side of Oak Bay Avenue (RS-4) as well as single family houses immediately adjacent to the north on larger sized properties zoned RS-2. The zoning of the lands to the immediate east and west is RM-3 (which is a multiple dwelling zone) and have been developed as three or four storey multi-family projects prior to the RM-3 Zoning.

**Preliminary Zoning Analysis:**

The following table shows the current zoning requirements for the property and shows the variations to the existing RS-4 Zone for the proposed development:

	<b>Current</b>	<b>Proposed</b>	<b>Change</b>
Zone	RS-4 Single Family Dwelling	RM-5 Multiple Dwelling Zone, 5 storeys	<b>OCP Amendment</b>
Minimum Lot Area	948 m <sup>2</sup>	983.6 m <sup>2</sup>	<b>+35.6 m<sup>2</sup></b>
Permitted Uses	One-family residential	Multiple Dwelling Use	<b>OCP amendment</b>
Minimum Front Setback	7.62m (25 ft)	4.72m (15.5 ft)	<b>- 2.9m (9.5ft)</b>
Minimum Rear Setback	7.62m (25 ft)	3.73 m(12.25 ft)	<b>- 3.89 m (12.8ft)</b>
Minimum Interior Side Setback	1.52m (5 ft)	2.61 m (8.6 ft) East Side	<b>+1.09 m (3.6ft)</b>
Minimum Interior Side Setback	1.52m (5 ft)	3.15 m (10.3 ft) West Side	<b>+1.63m (5.35 ft)</b>

	<b>Current</b>	<b>Proposed</b>	<b>Change</b>
Minimum Exterior Side Setback	3.65 m (12ft)	N/A	
Minimum Combined Side Setback	4.57 m (15 ft)	N/A	
Maximum Building Height	7.32 m (24 ft)	15.7 m (51.5 ft)	<b>+8.38 m (27.5 ft)</b>
Maximum Occupiable Height	4.57 m (15 ft)	12.57 m (41.2 ft)	<b>+8.0 m (26.2 ft)</b>
Number of storeys	Generally 2	5	<b>+3</b>
Maximum Lot Coverage	25 %	56 %	<b>+21%</b>
Maximum Floor Area Ratio	Was 0.40, now fixed floor area, similar amount	2.32	<b>+1.92 (approx.)</b>
<b>Parking</b>	2 stalls per unit	Req'd 34 stalls proposed 18 stalls.	<b>-16 stalls</b>

### LEED

While the developer indicates that the proposal has not been finalized in all aspects he has stated in his letter that he will be pursuing LEED designation which is a “green building” rating system. Points are earned for building attributes considered environmentally beneficial. There are a total of 70 points available in this rating system acquired through six categories. The point system includes evaluation of the following criteria: Sustainable Sites; Water Efficiency; Energy and Atmosphere; Materials and Resources; Indoor Environmental Quality; and, Innovation and Design. In order to qualify for certification as LEED, there are prerequisite credits. The certification levels are as follows:

- Certified                      26 – 32 pts.
- Silver                            33 – 38 pts.
- Gold                              39 – 51 pts.
- Platinum                        52 – 70 pts.

To support the Province in its endeavors to reduce Greenhouse Gas Emissions, the District of Oak Bay has agreed to the aspirational target of 33% reduction by 2020 as an objective at the community level. This policy is found in the present OCP and it is anticipated will be carried through to the updated OCP. It should be strongly encouraged that any new development project meet LEED standards, as meeting these criteria will help maintain sustainable communities in the long term. If this application proceeds, this promise for LEED certification should be ensured through the registration of a restrictive covenant on title that this objective will be met.

## **PLANNING REVIEW**

While it is appreciated that when a significant planning policy document is under review, (e.g. the OCP renewal), review and processing of development applications cannot just be put on hold indefinitely. However, it is felt that the timing of this application may be a bit premature in that the final stages of redrafting the OCP are well underway. While the subject site may be appropriate for possible multiple family residential development noting surrounding land uses and site location, (see map in Attachment "C" that shows it as a lone single family residential site in the centre of a multi-family designated strip of properties) it may be premature to consider the specific details of this proposal, especially when from a preliminary perspective, the proposed floor area ratio and massing is greater than any other project in Oak Bay constructed in recent times. The renewed OCP may deal with this type of requested density and will at least provide more detailed design guidelines with respect to accommodating multi-family projects in the municipality. However, this will be up to Council to determine and therefore, the following is a discussion based on a planning review of the preliminary proposal.

## **OFFICIAL COMMUNITY PLAN**

The Official Community Plan is a statement of intent which is described by way of stating goals, objectives and actions. The Official Community Plan provides a high level planning vision of Oak Bay as a community now and for the future. The OCP renewal is well underway and it is anticipated that discussions on redevelopment and preferred locations and housing types for the existing and proposed multi-family designated areas will be an important aspect of this review.

Whether the subject property is designated as a future multi-family site has not been determined in the OCP review to this point. In evaluating this site for future land use, a higher density may be supported based on its location, adjacency of similar zoned developments, walking access to the commercial core and services, transit accessibility, etc.

The present OCP designates the multiple dwelling use areas as Development Permit Areas for form and character. It is anticipated that the OCP renewal will analyze these locations and designations and provide more detailed design guidelines for this type of development. However, the existing objectives and guidelines will undoubtedly be augmented but vision wise should remain consistent as those quoted below:

*" (c) For the establishment of objectives and the provision of guidelines for the form and character of multi-family residential development:*

***Those lands zoned for Multiple Dwellings Use (or Multifamily/ Commercial Use) as set out in the Zoning Bylaw or those areas of land designated as Special Institutional Use and on which a building to be used for Multiple Dwelling purposes is situate or is proposed.***

*(i) The objectives of the designation include ensuring that multifamily development:*

- complements and enhances the architectural and natural landscape features of the Municipality;*
- that it minimizes externalities for adjacent lower density properties;*
- that it provides for containment of all associated parking on-site;*
- that it preserves view corridors;*
- that where applicable, it respects the natural landscape including mature trees;*
- that it maintains the sense of openness which has been characteristic of residential*

- *development in the Municipality; and*
- *that it provides a quality living environment.”*

There is no existing zoning designation that could accommodate the proposal as submitted and therefore a new zoning category would need to be drafted specific to this site. The zoning would deal with maximum density and site coverage, allowable building height and setbacks. It is a planning comment that the density and architecture character of this project is quite massive and may be considered somewhat overbearing in terms of relation to adjoining properties and the Oak Bay Avenue street frontage. The Advisory Design Panel (ADP) would be a good resource to evaluate the design details and provide advice on the requested density, site coverage, proposed setbacks; architectural details and landscape plans.

Initial planning concerns are raised with the requested floor area ratio of 2.32, the massiveness of the structure itself in relation to the site and surrounding projects, the evaluation of any benefits to the community of approval of this project, the lack of available parking for the project especially for visitors to the site when all of the underground parking is securely gated (the gate could be moved further back into the underground area); physical enhancement of the frontage of the project in terms of a widened sidewalk and appropriate landscaping of the boulevard area, and other items identified through the process.

It is suggested that the following direction be provided by Council:

- Whether the application is to proceed at this time or await at least the preparation of a draft OCP document prior to further consideration;
- Should architectural and landscape plans be modified to address massing, setback and design concerns initially identified;
- Request details of the amenities of the project and benefit to the community to inform the public of the rationale for considering an increased zoning density for this site; and
- At what point should the ADP be invited to review the submission;

## **OPTIONS:**

The purpose of this report is to outline some possible options for Council consideration with respect to dealing with this application.

### **Option 1**

*That further consideration of the application be deferred until a draft OCP with land use designations and enhanced development permit guidelines for multi-family residential is prepared that may then be used to evaluate this new project, and further, that the applicant be advised that should the application proceed further in the future, the concerns raised in this report, by the community, and by Oak Bay Council, should be taken into account with amendments to the proposal as appropriate.*

### **Option 2**

*Proceed with processing of the application with staff review subject to the applicant either modifying or further addressing issues raised in this report and agreed to by Council such as:*

- *decreasing the massing (floor area ratio and site coverage) of the building;*
- *increasing setbacks;*

- providing details of any public benefit to granting the increased density and any information on proposed off-site improvements and amenities;
- creating additional parking on-site, especially accessible visitor parking; and,
- proposing improvements to the streetscape, sidewalk design and tree planting to the satisfaction of the Engineering and Parks' Departments.

**Option 3**

*If the proposal in its present form is considered acceptable to be deliberated further by Council, the application would be forwarded to the Committee of the Whole. The Committee could then request further review by various staff departments and ADP for review and preparation of a detailed staff report to Council's Committee of the Whole for further consideration.*

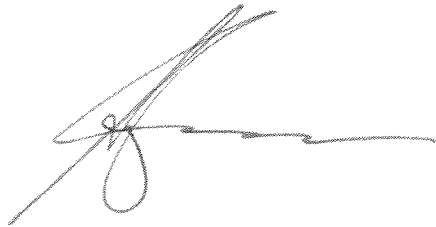
**Option 4**

*Decline to consider the application further.*

**RECOMMENDATION:**

*That further consideration of the application be deferred until a draft OCP with land use designations and enhanced development permit guidelines for multi-family residential is prepared that may then be used to evaluate this new project, and further, that the applicant be advised that should the application proceed further in the future, the concerns raised in this report, by the community, and by Oak Bay Council, should be taken into account with amendments to the proposal as appropriate.*

Respectfully Submitted,




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Roy Thomassen  
Director of Building and Planning




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Hope V. Burns, mcip, rpp  
Consulting Planner

I concur with the recommendations in this report:




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Helen Koning  
Chief Administrative Officer

Attachment "A" --Architectural design plans  
Attachment "B" --Developer's letter dated January 3<sup>rd</sup>, 2014  
Attachment "C"—Site location plan on Zoning Map excerpt

To: Mayor and Council  
From: Municipal Clerk  
Date: February 6, 2014  
Re: **Bylaws for the Council Meeting of February 11, 2014**

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**For First and Second Reading and Setting of a Public Hearing Date**

Bylaw No. 4606, *Ninety-Second Zoning Bylaw Amendment Bylaw, 2014*

This Bylaw will rezone 2280 Oak Bay Avenue/1510 Clive Drive from RM3 – Multiple Dwellings Use – Three Storey, to a new high density multi-family zone “RM-3HD – High Density Three Storey Multiple Dwellings Use” to allow the proposed redevelopment of the Clive apartments into 17 units, based upon the latest plans considered by the Committee of the Whole at its January 20, 2014 meeting.

A development permit for the proposed redevelopment would also be required, depending on the outcome of the consideration of the bylaws. Some aspects of the proposed redevelopment do not comply with Bylaw 4606, therefore variances will be sought for various setbacks as described in the staff memorandum from the January 20, 2014 Committee of the Whole meeting.

Public Hearing

A public hearing is required for Bylaw No. 4606. The public hearing could be accomplished on Tuesday, March 11, 2014. If Council wishes to move forward with a public hearing on this date, the following resolution should be adopted:

***“That a public hearing on Bylaw No. 4606 be held at the Monterey Centre, Garry Oak Room, 1442 Monterey Avenue, on March 11, 2014, at 7:00 p.m., and that notice be given in accordance with the Local Government Act.”***

Council Meeting

Should Council wish to change the regular Council meeting date of March 10, 2014 to align with the public hearing proposed for March 11<sup>th</sup>, the following resolution should be adopted:

***“That the regular meeting of Municipal Council scheduled for March 10, 2014 be re-scheduled to March 11, 2014, following the Public Hearing to be held at 7:00 p.m. at the Monterey Centre, Garry Oak Room, 1442 Monterey Avenue.”***

**For First and Second Reading**

Bylaw No. 4607, *The Clive Housing Agreement Authorization Bylaw, 2014*

This Bylaw would authorize a Housing Agreement that would ensure the provision of rental units only, and ensure that there are no restrictions on rental to families.

The restrictive covenant previously considered by the Committee of the Whole would come forward to Council for formal consideration at a later date should the application proceed further. The restrictive covenant would address parking, and ensure that no units are rented to tenants owning cars once the parking stalls are fully allocated.

Bylaw No. 4608, *Parking Facilities Bylaw Amendment Bylaw No. 1, 2014*

This amendment adds the new zone RM-3HD High Density Three Storey Multiple Dwellings Use to the Parking Facilities Bylaw and imposes a requirement for Two (2) parking spaces per dwelling unit, plus additional guest parking spaces of one (1) space per four (4) dwelling units or part thereof.

The proposed apartment building redevelopment would contain a total of 17 parking spaces, where the bylaw requires 39 parking spaces. Therefore a variance of 22 spaces would be required.



Lorraine Hilton  
Municipal Clerk

Attach.