



Council Report

For the Meeting of March 7, 2024

To: Council **Date:** February 22, 2024

From: Karen Hoesel, Director, Sustainable Planning and Community Development

Subject: **Update Report for Rezoning Application No. 00830 and Development Permit Application with Variance Application No. 00247 for 1900 Richmond Road and 1921, 1929, 1931/1933 and 1935 Ashgrove Street**

RECOMMENDATION

That the following bylaw be given first, second and third readings:

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1332), 24-002

Development Permit with Variances

That Council, after adoption of the necessary Zoning Regulation Bylaw Amendment consider the following motion:

- “1. That subject to the adoption of the necessary Zoning Regulation Bylaw amendment, Council authorizes the issuance of Development Permit with Variances No. 00247 for 1900 Richmond Road, 1921, 1929, 1931/1933, and 1935 Ashgrove Street, in accordance with plans submitted to the Planning department and date stamped by Planning on **January 24, 2024**, subject to:
 - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. increase the number of stories from 5 to 7;
 - ii. increase the height from 20.64m to 26.58m;
 - iii. increase the site coverage from 51.00% to 53.30%.
 - b. The property being consolidated into one lot.
2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution.”

LEGISLATIVE AUTHORITY

This report discusses a Rezoning Application, and a concurrent Development Permit with Variances (DPV) Application. Relevant rezoning considerations include the proposal to increase maximum allowable density for both phases from 2.29:1 to 2.54:1 floor space ratio. Relevant DPV considerations include the application’s consistency with design guidelines and impact of the variances.

Enabling Legislation

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.

In accordance with Section 489 of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Community Plan*. A Development Permit may vary or supplement the Zoning Regulation Bylaw but may not vary the use or density of the land from that specified in the Bylaw.

Pursuant to Section 491 of the *Local Government Act*, where the purpose of the designation is the revitalization of an area in which a commercial use is permitted, a Development Permit may include requirements respecting the character of the development, including landscaping, and the siting, form, exterior design and finish of buildings and other structures.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with an update regarding the Rezoning and Development Permit with Variances Applications for the properties located at 1900 Richmond Road and 1921, 1929, 1931/1933 and 1935 Ashgrove Street. The proposal is to rezone five lots from the R3-2 Zone: Multiple Dwelling District, R1-B Zone: Single Family Dwelling District, and C1-R Zone: Richmond Limited Commercial 2 District to an amended C1-R Richmond Limited Commercial 2 District, to facilitate the second phase of this development which involves the construction of a multi-unit rental building for seniors. The applicant has fulfilled the conditions set by Council. The applicant has also made minor revisions to materials and windows. Prior to final adoption of the bylaw amendment, the recommendation is to register a Housing Agreement to secure the building as rental in perpetuity, and an agreement to secure a 1.45m wide statutory right-of-way along Ashgrove Street.

BACKGROUND

Description of Proposal

On September 28, 2023, Council passed a motion to move this application forward subject to certain conditions (see attached minutes). The applicant has fulfilled the conditions set by Council

and has made other minor changes related to windows and materials.

ANALYSIS

In accordance with Council's motion of September 29, 2023 (see attached minutes), the following conditions have generally been fulfilled:

- a. *Updates to the Tenant Assistance Plan(s) including further details related to tenant needs and relocation assistance following consultation with existing tenants, to the satisfaction of the Director of Sustainable Planning and Community Development.*
- b. *That the applicant makes the following revisions to the satisfaction of the Director of Sustainable Planning and Community Planning:*
 - i. *Enhance the entry materials to differentiate it from the rest of the building and improve the entry plaza with seating and landscaping.*
 - ii. *Consider enhancing the screening around the Pad Mounted Transformer with landscaping.*
 - iii. *Coordinate elevations and floor plan window and door openings.*
 - iv. *Revise the site plan to meet Schedule C – Off Street Parking Regulations.*
 - v. *Revise Landscape Plan and Site Plan, and ensure consistency regarding the building location, landscaping, furniture, and bike racks.*
 - vi. *Correct material board inconsistencies and identify quality louvred screen material.*
 - vii. *Provide the material of the surface parking, considering high quality, durable and decorative paving that adds visual interest.*
 - viii. *Correct minor setback inconsistencies for the Phase 1 building.*
 - ix. *Any other corrections as a result of the revisions or as identified by staff.*
- c. *That the applicant makes the following revisions to the satisfaction of the Director of Parks, Recreation and Facilities:*
 - i. *Revisions to the Tree Management Plan to ensure that replacement tree species comply with the Tree Protection Bylaw.*
 - ii. *Confirmation that an additional municipal tree can be planted.*
 - iii. *Written confirmation from neighbouring property owners consenting to the removal of shared trees #215 and #246.*
 - iv. *Indicate how 30% of the vegetation proposed on private property is comprised of native plants, food-bearing plants or provides pollinator habitat as outlined in the Design Guidelines for: Multi-Unit Residential, Commercial, and Industrial.*
- d. *That the applicant makes the following revisions to the satisfaction of the Director of Engineering and Public Works:*
 - i. *Revise the Civil Plan to coordinate with the Site Plan.*

In response to Council's motion, the application has been revised as follows:

- The applicant has gained possession of the properties and engaged with tenants to develop Tenant Assistant Plans (TAPs). Comprehensive TAPs for each of the parcels

have been submitted that meet and, in some cases, exceed the Tenant Assistance Policy. Copies of the TAPs are attached in this report.

- The main entry area has been improved with varied accent materials, additional landscaping and the addition of a wood and glass canopy to establish a covered seating area.
- The plans have been revised to add enhanced landscaping and a fence surrounding the Pad Mounted Transformer on three sides, offering a visual screen.
- The parking complies with Schedule C - Off Street Parking.
- Minor inconsistencies have been corrected on the floor plans, elevations, site plan, landscape plan and civil plan.
- The material board specifies the louvered screens are prefinished aluminum with wood tone finish.
- The parking surface material is now identified as decorative paving and pavers.
- A municipal tree was added to the boulevard.
- The Tree Management Plan includes replacement trees that comply with the *Tree Protection Bylaw*.
- The applicant has communicated with adjacent property owners regarding the removal of jointly owned trees #215 and #246. Written confirmation from these neighbours has been provided.
- The landscape plan has been revised to demonstrate that 30% of the vegetation proposed on private property is comprised of native plants, food-bearing plants or provides pollinator habitat, consistent with the design guidelines.

Window Change

The applicant has proposed enlarging the windows on the north and south elevations to enhance natural light in the suites. The windows have been modified from transom windows to larger operable opaque windows, allowing light and ventilation while ensuring airflow.

Materials

The applicant has proposed to change one of the main materials from smooth masonry finish cladding in grey to a smooth masonry finished stucco cladding in a light tan colour to match the materials in Phase 1.

CONCLUSIONS

The applicant has generally fulfilled the conditions set by Council. The recommendation provided for Council's consideration contains the appropriate language for Council to consider approval of the application.

Respectfully submitted,

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Planner
Development Services Division

Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A: Zoning Regulation Bylaw, Amendment Bylaw (No. 1332) No. 24-002
- Attachment B: Plans date stamped January 24, 2024
- Attachment C: Tenant Assistance Plans
- Attachment D: Committee of the Whole Report dated September 14, 2023
- Attachment E: Council Motion Sheet Excerpt from the September 28, 2023