



Council Report
For the Meeting of May 24, 2018

To: Council **Date:** May 10, 2018
From: Jonathan Tinney, Director, Sustainable Planning and Community Development
Subject: **Update Report for Rezoning Application No. 00556 and Development Permit with Variances Application No. 00028 for 1417 May Street**

RECOMMENDATION

That Council receive this update report for information.

EXECUTIVE SUMMARY

The purpose of this report is to inform Council that, in accordance with Council's motion of September 21, 2017 (attached), the applicant has fulfilled the conditions set by Council in relation to Rezoning Application No. 00556:

- Preparation and execution of a Housing Agreement to ensure that a future strata cannot restrict the rental of units. Notice of the Housing Agreement will be registered on title should Council approve the associated Housing Agreement Bylaw (No. 18-069).
- Registration on title of a section 219 covenant ensuring the building is constructed to Passive House Standards.
- Submission of an onsite storm water management plan and registration of a 219 covenant for the design, inspection and long term maintenance requirements of the storm water system to the satisfaction of the City Solicitor and the Director of Engineering and Public Works.

Respectfully submitted,

Handwritten signature of Alec Johnston.

Alec Johnston
Senior Planner
Development Services

Handwritten signature of Jonathan Tinney.

Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.

Date:

Handwritten signature of Josephine Jenkinson.
May 17, 2018

List of Attachments:

- Attachment A – Council Minutes dated September 21, 2017

3. Rezoning and Development Permit with Variances Application No. 00544 for 1539 Pearl Street (Oaklands)

Motion:

It was moved by Councillor Alto, seconded by Councillor Coleman:

Rezoning Application No. 00544

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00544 for 1539 Pearl Street, that first and second reading of the *Zoning Regulation Bylaw* Amendment be considered by Council and a Public Hearing date be set.

Development Permit with Variances Application No. 00544

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council and after the Public Hearing for Rezoning Application No. 00544 if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 00544 for 1539 Pearl Moss Street, in accordance with:

1. Plans date stamped July 21, 2017
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Part 1.23.4(a): increase the maximum height of Lot A from 7.50m to 7.57m;
 - ii. Part 1.23.4(a): increase the maximum height of Lot A from 7.50m to 7.58m;
 - iii. Part 1.23.8(c): reduce the side yard (east) setback of Lot A from 2.40m to 1.50m to allow for a habitable room with a window;
 - iv. Part 1.23.8(c): reduce the side yard (west) setback of Lot B from 2.40m to 1.50m to allow for a habitable room with a window.
3. The Development Permit lapsing two years from the date of this resolution.

Carried Unanimously

4. Rezoning Application No. 00556 and Development Permit with Variances Application No. 00028 for 1417 May Street (Fairfield Gonzales)

Motion:

It was moved by Councillor Thornton-Joe, seconded by Councillor Alto:

Rezoning Application No. 00556

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00556 for 1417 May 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:

1. Preparation of the following legal agreements to the satisfaction of the City Solicitor:
 - a. Housing Agreement to ensure a future strata cannot restrict the rental of units;
 - b. A Section 219 Covenant ensuring the building is constructed to Passive House standards, to the satisfaction of the Director of Sustainable Planning and Community Development.
2. Preparation of a technical report to the satisfaction of the Director of Engineering and Public Works, identifying how the site will manage all storm water generated on site and, if necessary, preparation of legal agreements for the design, inspection and long term maintenance requirements of the storm water system to the satisfaction of the City Solicitor and the Director of Engineering and Public Works.

Development Permit with Variances Application No. 00028

That Council after giving notice and allowing an opportunity for public comment at a meeting of Council and after the Public Hearing for Rezoning Application No. 00556, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00556 for 1417 May Street, in accordance with:

1. Plans date stamped July 12, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the minimum vehicle parking requirements from six stalls to four stalls;
 - ii. reduce the minimum visitor parking from one stall to zero stalls.
3. The Development Permit lapsing two years from the date of this resolution."

Carried

For: Mayor Helps, Councillors Alto, Coleman, Isitt, Loveday, and Thornton-Joe
Opposed: Councillors Madoff and Young

5. Development Permit with Variance Application No. 00003 for 944 Heywood Avenue (Fairfield Gonzales)

Motion:

It was moved by Councillor Isitt, seconded by Councillor Young, that Council direct staff to work with the applicant to address the following: