



## **Committee of the Whole Report**

### **For the Meeting of September 20, 2018**

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**To:** Committee of the Whole **Date:** September 6, 2018

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

**Subject:** Rezoning Application No. 00641 for 430 Parry Street

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### **RECOMMENDATION**

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw that would authorize the proposed development outlined in Rezoning Application No. 00641 for 430 Parry Street, that first and second reading of the Zoning Regulation Bylaw be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Preparation and execution of legal agreements to secure two studio units as affordable housing to the satisfaction of the City Solicitor.
2. Preparation and execution of a Housing Agreement to ensure that future Strata Bylaws could not prohibit the rental of units (with the exception of the two affordable units).
3. Submission of a Tenant Assistance Plan to the satisfaction of the Director of Sustainable Planning and Community Development.

### **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 430 Parry Street. The proposal is to rezone from the R-2 Zone, Two-Family Dwelling District, to a site-specific zone in order to construct a four- and five-storey residential building connected by a central elevator. The proposal is to increase the density and allow multi-unit residential uses at this location.

The following points were considered in assessing this Application:

- the proposal is consistent with the *Official Community Plan* (OCP, 2012), which designates the property as Urban Residential and contemplates floor space ratios (FSR) up to 2.0:1 where the proposal significantly advances objectives of the OCP and is within 200m of a large urban village
- the Application is not consistent with the *James Bay Neighbourhood Plan* as it relates to land use; however, the OCP provides current direction for land use related to the subject lands (the Neighbourhood Plan envisions expanding the commercial District to the property)

## **BACKGROUND**

### **Description of Proposal**

This Rezoning Application is to remove the subject property from R-2 Zone, Two Family Dwelling District, and to create a site-specific zone to increase the density of the subject property and to permit multi-unit residential uses at this location.

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

- increase the density from 0.5:1 to 1.73:1
- permit multiple dwelling units at this location.

A variance to the new Schedule C – Off Street Parking Regulations is also required which, along with a number of siting considerations, is recommended to be addressed through the concurrent Development Permit with Variances Application associated with this property.

### **Affordable Housing Impacts**

The applicant proposes the creation of eleven new residential units which would increase the overall supply of housing in the area. In addition to the bonus density requirements, the applicant is offering to provide two of the eleven proposed units as affordable units, managed under agreement with the Capital Regional Housing Corporation. The affordability of the units would be secured via a covenant on title with the following details:

- first sale of the affordable units to be at 20% less than market value, market value being determined by the Capital Regional District (CRD) (based on an appraisal)
- first and all subsequent sales of the affordable units require a qualifying income level to be determined by the CRD. The qualifying income criteria would provide flexibility that is responsive to market conditions
- second and all subsequent sales of the affordable units to be at 15% less than market value, determined by the CRD (based on an appraisal)
- the units shall be restricted as owner-occupied only
- as part of each sale, the CRD would be entitled to a fee to cover administration costs (somewhere between ~0.5% and 1%).

Appropriate wording to secure the above affordability aspects is provided in the Council motion.

An existing house is currently tenanted on-site and the applicant has indicated that a Tenant Assistance Plan will be submitted to the City prior to the scheduling of a Public Hearing to the satisfaction of the Director of Sustainable Planning and Community Development. Because the tenant assistance policy is newly-adopted, the applicant was unable to provide a plan prior to



the Committee of the Whole (COTW) meeting. However, the applicant has noted that with the purchase of the property in 2017, new tenants were secured with full knowledge that their tenancy was short-term and have signed documents stating such.

### **Density Bonus Policy**

The Application triggers the Density Bonus Policy, which specifies a set rate of five dollars per square foot in the Urban Residential OCP Urban Place designation. This would equate to a bonus density contribution for the density above 1.2:1, or 344.92m<sup>2</sup> (3,712.69 ft<sup>2</sup>), totalling \$18,563.45. As per the Policy, this contribution will be directed to the Local Amenities Reserve Fund; however, Council may choose to allocate the contributions elsewhere.

### **Sustainability Features**

The applicant has identified a number of sustainability features which will be reviewed in association with the concurrent Development Permit with Variances Application for this property.

### **Active Transportation Impacts**

The Application proposes to provide all residents a lifetime membership to the MODO car-share program.

### **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 multi-unit buildings, single-family dwellings, the new Capital Park development and James Bay Village commercial uses to the rear of the site.

Immediately adjacent land uses include:

- multi-unit residential building (2-storeys), James Bay United Church and three single family dwellings to the north
- multi-unit residential building (4-storeys) to the south
- single-family dwelling (2-storeys) to the east
- one and two-storey commercial buildings to the west.

The subject property borders a number of different land use designations in the *Official Community Plan* (OCP, 2012). The James Bay Large Urban Village is located to the west, to the east there is traditional residential, and one property over to the north is the Core Inner Harbour / Legislative Urban Place Designation.

### **Existing Site Development and Development Potential**

The site is presently a single-family dwelling. Under the current R-2 Zone, Two-Family Dwelling District, the property could be developed into a duplex.

## Data Table

The following data table compares the proposal with the existing R-2 Zone, Two Family District, and the R3-2 Zone, Multiple Dwelling District, which is a multi-family zone that is common in the area. An asterisk is used to identify where the proposal is less stringent than the R3-2 Zone.

Zoning Criteria	Proposal	Existing R-2 Zone, Two Family District	Zone Standard R3-2, Multiple Dwelling District
Site area (m <sup>2</sup> ) – minimum	<b>650.79 *</b>	555	920.00
Density (Floor Space Ratio) – maximum	<b>1.73 *</b>	0.5	1.20
Total floor area (m <sup>2</sup> ) – maximum	<b>1125.36 *</b>	380	780.90
Lot width (m) – minimum	15.25	15	n/a
Height (m) – maximum	15.12	7.6	18.50
Storeys – maximum	5	2	n/a
Site coverage (%) – maximum	<b>74.1 *</b>	40	24.00
Open Site Space (%) – maximum	<b>10.5 *</b>	30	30
<b>Setbacks (m) – minimum</b>			
Front	<b>0.0 *</b>	7.5	12.00
Rear	<b>4.0 *</b>	10.7	7.56
Side (north)	<b>0.08 *</b>	1.5	7.56
Side (south)	<b>2.36 *</b>	3.0	7.56
Parking – minimum	<b>10 *</b>	14	14
Visitor parking (included in the overall units) – minimum	<b>0*</b>	1	1
Class 1 Bicycle parking stalls – minimum	15	14	14
Class 2 Bicycle parking stalls – minimum	6	6	6

## Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted the James Bay CALUC at a Community Meeting held on February 14<sup>th</sup>, 2018. A letter from the CALUC dated March 2, 2018 is attached to this report.



## ANALYSIS

### Official Community Plan

The OCP Urban Place Designation for the subject property is Urban Residential. This designation contemplates low and mid-rise multi-unit buildings up to six storeys with floor space ratios up to 2:1 in this location when the proposal significantly advances the objectives of the OCP and is within 200m of a Large Urban Village. The proposal is for a four- and five-storey building in two separate building masses with a floor space ratio of 1.73:1 and borders the James Bay Large Urban Village.

The Application meets the place character features of the Traditional Residential Urban Place Guidelines and housing policy in the OCP, which support a diversity of housing types to create more home ownership options such as multi-unit residential developments.

### Local Area Plans

The land use policies of the *James Bay Neighbourhood Plan* identify the subject property within an expanded commercial core. However, the adoption of the OCP in 2012 provides up-to-date direction for land use which sees the subject property within a transitional urban place designation.

### Tree Preservation Bylaw and Urban Forest Master Plan

There are no Tree Preservation Bylaw impacts with this Application.

## CONCLUSIONS

The Application meets the place character features of the Urban Residential urban place guidelines and housing policy in the OCP, which support a diversity of housing types to create more home ownership options such as multi-unit residential developments and affordable housing. The provision of affordable housing units over and above the bonus density contribution provides an additional housing option and meets the criteria set out in the Policy to support densities at the upper end of those contemplated in Urban Residential Urban Place Designation. On this basis, staff recommend that Council consider supporting the Application.

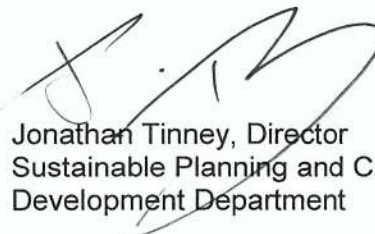
## ALTERNATE MOTION

That Council decline Rezoning Application No. 00641 for the property located at 430 Parry Street.

Respectfully submitted,



Miko Betanzo  
Senior Planner – Urban Design  
Development Services Division



Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:

Date:

*Joelyn Jenkins*  
*Sept. 14, 2018*

**List of Attachments:**

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans dated August 30, 2018
- Attachment D: Letters from applicant to Mayor and Council dated March 22, 2018, May 22, 2018 and August 29, 2018
- Attachment E: Community Association Land Use Committee Comments dated March 2, 2018
- Attachment F: Correspondence (Letters received from residents).