



Committee of the Whole Report For the Meeting of April 23, 2020

To: Committee of the Whole **Date:** April 9, 2020
From: Karen Hoese, Director, Sustainable Planning and Community Development
Subject: Temporary Use Permit Application No. 00016 for 650 Speed Avenue

RECOMMENDATION

1. That Council waive the standard practice of holding an opportunity for public comment for this application but direct staff to continue other standard practices related to sign posting and public notification, including a request for written commentary to come back to Council for consideration prior to issuing the Temporary Use Permit.
2. And subject to the required notification and advertising, Council consider issuing the Temporary Use Permit as follows:

"That Council authorize the issuance of Temporary Use Permit Application No.00016 for 650 Speed Avenue in accordance with plans submitted to the Sustainable Planning and Community Development department, date stamped April 2, 2020, to permit the additional use of multiple dwelling, subject to the following conditions:

- i. No less than 15 parking spaces shall be provided for residents.
- ii. The planting beds in the front and rear yards shall be cleaned up and reinstated.
- iii. The Temporary Use Permit, if issued, expires two years from the date of this resolution."

LEGISLATIVE AUTHORITY

In accordance with section 493 of the Local Government Act, Council may issue a Temporary Use Permit. A Temporary Use Permit may allow a use not permitted by zoning, may specify conditions under which the temporary use may be carried on, and may allow and regulate construction of buildings and structures in respect of the use of which the permit is issued.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Temporary Use Permit Application for the property located at 650 Speed Avenue. The proposal is to convert the existing four-storey motel to multiple dwelling in order to provide

approximately 22 rental dwelling units for supportive housing. The plans associated with this application provide for no visitor parking spaces, whereas Schedule C would normally require that two visitor spaces be provided for this use. Fifteen parking spaces are provided for residents.

The following points were considered in assessing this application:

- the *Official Community Plan* (OCP, 2012) identifies the subject property within the Town Centre Urban Place Designation, which supports multi-unit residential buildings
- expanding the supply of rental housing through regeneration of existing buildings is encouraged in the OCP
- the OCP also supports the re-use and retrofit of existing buildings
- the *Burnside Gorge Neighbourhood Plan* designates the subject property Town Centre, which also supports multi-unit residential buildings
- the applicant (Victoria Cool Aid Society) is proposing to relocate current tenants in the Cedar Grove Supportive Housing program at 210 Gorge Road East to the existing building in order to begin construction of a new affordable housing development which was recently approved by Council in June 2019
- the existing motel has self-contained units, which include full kitchens and bathroom facilities
- the parking variance is supportable given that the subject property is within close proximity to frequent transit service on Douglas Street. The applicant is also providing bicycle parking on site.

Given the current COVID-19 pandemic, combined with the urgent need for supportive and affordable rental housing in the City, Council may wish to allow this project to advance to the point of final Council consideration by waiving the formal Opportunity for Public Comment while continuing with the practice of allowing for written comments. Other aspects of the process that ensure transparency and notification of the public would be maintained.

BACKGROUND

Description of Proposal

The proposal is to change the use from a motel to multiple dwelling to accommodate approximately 22 supportive housing units for a period of up to two years. The applicant intends to apply for rezoning in the future in order to provide permanent affordable rental housing for low to moderate income individuals by retaining the existing building. Specific details of the current proposal to support a residential use at this location include:

- amenity and office space for residents and support staff on the ground floor
- 22 bicycle parking spaces in an existing carport at the rear of the building.

No visitor parking spaces are provided, while Schedule C would require two spaces. Fifteen parking spaces are provided for the residents.

Affordable Housing

The applicant proposes the creation of 22 new residential units which would increase the overall supply of affordable housing in the area. The fully self-contained units, which include full kitchens and bathroom facilities, would operate as supportive housing for the current tenants in the Cedar Grove Supportive Housing program at 210 Gorge Road East, while this property is being redeveloped into a new affordable and supportive housing project, approved by Council in June 2019.

Sustainability Features

The applicant has not identified any sustainability features associated with this proposal.

Active Transportation

The applicant is proposing 22 bicycle parking spaces within a secure and enclosed carport, which supports active transportation.

Public Realm

No public realm improvements beyond City standard requirements are proposed in association with this Temporary Use Permit Application.

Accessibility

The British Columbia Building Code regulates accessibility as it pertains to buildings. The outdoor common areas are accessible and there is an elevator in the building.

Existing Site Development and Development Potential

The site is presently a motel. Under the current T-1 Zone, Limited Transient Accommodation District, the permitted uses are restricted to single family dwellings and customary accessory uses, transient accommodation, housekeeping apartment buildings, boarding houses and rooming houses.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on April 2, 2020 the application was referred for a 30-day comment period to the Burnside Gorge CALUC. A letter dated April 15, 2020 is attached to this report.

An Opportunity for Public Comment is not a legislative requirement for temporary use permits under the *Local Government Act*. Each municipality in British Columbia has the authority to determine if there should be a public forum associated with the approval of temporary use permits. The City's *Land Use Procedures Bylaw*, states the following with respect to the City's requirements for an Opportunity for Public Comment:

31. Council may provide an opportunity for public comment before passing a resolution to issue:

- a. a development variance permit, other than a permit that varies a bylaw under Section 528 of the *Local Government Act*;
- b. a development permit with variances;
- c. a heritage alteration permit with variances;
- d. a temporary use permit.

Given the current COVID-19 pandemic and the public health order limiting social gatherings and requiring physical distancing, combined with the urgent need for supportive and affordable rental housing in the City, especially at this time, Council may wish to consider waiving the Opportunity for Public Comment for this Temporary Use Permit (TUP) application to allow this

project to advance to the point of final Council consideration. This would facilitate not only the formalization of the 22 units that are the subject of this TUP, but would allow for the construction of 72 new supportive and affordable rental dwelling units at 210 Gorge Road East and the relocation of the residents of the Gorge Road site to Speed Avenue. The applicant notes that the development at 210 Gorge Road East will continue to be delayed if the applicant must wait for an opportunity for public comment to occur for the TUP.

While the staff recommendation includes the necessary language to waive the Opportunity for Public Comment, all other aspects of the process that ensure transparency and notification of the public would be maintained. The *Local Government Act* requires for TUPs that a notice be placed in a newspaper and that mailed notice be provided within the distance specified in the City's bylaws. In this instance notification requirements involve adjacent properties, therefore, consistent with the City's *Land Use Procedures Bylaw*, mailed notice would be sent to owners and occupiers of the subject site and adjacent properties. This notice would still invite recipients to provide written comments on the proposal if they felt inclined. Also in accordance with the City's *Land Use Procedures Bylaw*, a sign would be posted on the property notifying the public of Council's upcoming consideration of the matter along with an invitation to provide written feedback.

To ensure development applications can continue to move forward during the COVID-19 pandemic, a report that explores alternative ways to advance development applications that include Opportunities for Public Comment is under preparation. However, there are numerous application scenarios to be considered and since this work is intertwined with developing new ways of remote participation in the development application processes, this report will take a bit more time. To facilitate this TUP for supportive housing, staff thought it would be prudent to include a recommendation, specific to this application only. However, if Council would prefer to wait, the alternate motion is structured accordingly.

ANALYSIS

Official Community Plan

The subject property is designated Town Centre in the *Official Community Plan (OCP, 2012)*, which supports multi-unit residential buildings. Expanding the supply of rental housing through regeneration of existing buildings is encouraged in the OCP. The OCP also encourages the re-use and retrofit of buildings. The proposal is consistent with the land use policies and further advances policy objectives in the OCP.

Local Area Plans

The *Burnside Gorge Neighbourhood Plan* designates the subject property Town Centre, which supports multi-unit residential buildings. The proposal is also consistent with the land use policies outlined in the Plan.

Regulatory Considerations

Under *Schedule C: Off-street Parking* in the *Zoning Regulation Bylaw*, the proposal would normally require 17 parking spaces, consisting of 15 residential and two visitor parking spaces. The plans associated with this application provide no visitor parking spaces. The proposal does not meet the criteria for a lower parking ratio in *Schedule C: Off-street Parking* because there is a condition in Schedule C requiring that the applicant enter a Housing Agreement to secure the affordable housing in perpetuity in order to qualify for a lower parking ratio. This condition is not

feasible for a TUP application given the term restrictions that are associated with a TUP. Regardless, a reduction in parking from 17 to 15 parking spaces is supportable given the subject property's close proximity to a frequent transit that is available on Douglas Street and the addition of bicycle parking on site.

CONCLUSIONS

The proposal to temporarily permit a multiple dwelling in order to change the use from an existing motel to approximately 22 supportive and affordable housing units for a period of up to two years is consistent with the policy objectives outlined in the OCP and *Burnside Gorge Neighbourhood Plan*. A TUP would enable the applicant to temporarily relocate the tenants from 210 Gorge Road (Cedar Grove Supportive Housing Program) to this existing building in order to allow the applicant to begin the construction of a new affordable housing development on Gorge Road. Staff recommend for Council's consideration that the requirement for an Opportunity for Public Comment is waived.

ALTERNATE MOTION

OPTION 1

That Council after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:


1. That Council authorize the issuance of Temporary Use Permit Application No. 00016 for 650 Speed in accordance with plans submitted to the Sustainable Planning and Community Development department, date stamped April 2, 2020, to permit the additional use of multiple dwelling, subject to the following conditions:
 - i. No less than 15 parking spaces shall be provided for residents.
 - ii. The planting beds in the front and rear yards shall be cleaned up and reinstated.
 - iii. The Temporary Use Permit, if issued, expires two years from the date of this resolution.

OPTION 2

That Council decline Temporary Use Permit Application No. 00016 for the property located at 650 Speed Avenue.

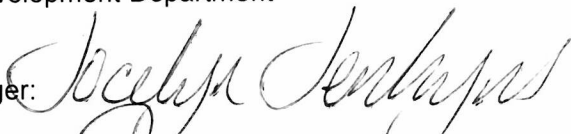
Respectfully submitted,


Leanne Taylor
Senior Planner
Development Services Division




Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:


Date: Apr. 17, 2020

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment D: Plans dated April 2, 2020
- Attachment C: Applicant's letter dated April 2, 2020
- Attachment E: Letter from the Burnside Gorge CALUC dated April 15, 2020.