

F. LAND USE MATTERS

F.2 Rezoning Application No. 00634 & Development Permit Application No. 00527 for 324/328 Cook Street and 1044, 1048 and 1052/1054 Pendergast Street (Fairfield)

Committee received a report dated November 23, 2018, from the Acting Director of Sustainable Planning and Community Development regarding an application to increase the density and construct a four-storey, mixed-use building with commercial uses and residential uses at an overall density of 2.19:1 FSR.

Councillor Dubow withdrew from the meeting at 12:19 p.m.

Moved By Councillor Alto
Seconded By Mayor Helps

Rezoning Application No. 00634

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00634 for 324/328 Cook Street and 1044, 1048 and 1052/1054 Pendergast 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 and execution of the following legal agreements:

- a. Statutory Right-of-Way securing 1.38 metres of the site adjacent Pendergast Street, to the satisfaction of the Director of Engineering and Public Works.
- b. Housing Agreement ensuring that future strata bylaws cannot restrict the rental of units to non-owners, to the satisfaction of the Director of Sustainable Planning and Community Development.
- c. Section 219 Covenant securing an amenity contribution in the amount of \$136,163.47 toward the Local Amenities Reserve Fund, to the satisfaction of the Director of Sustainable Planning and Community Development.
- d. Section 219 Covenant to secure the construction of the following public realm improvements, to the satisfaction of the Director of Engineering and Public Works:
 - rain gardens along Pendergast Street enhanced boulevard planting and low seating walls permeable and impermeable concrete sidewalk pavers.
- e. Section 219 Covenant to secure the maintenance of the proposed rain gardens and boulevard planting for a period of one year, to the satisfaction of the Director of Parks, Recreation and Facilities.

Moved By Mayor Helps
Seconded By Councillor Alto

Amendment:

That the motion be amended to include the following:

Direct staff to work with the applicant to revise the plans to remove the three parking stalls on Pendergast in exchange for green space.

CARRIED UNANIMOUSLY

Moved By Mayor Helps
Seconded By Councillor Collins

Amendment:

That the motion be amended to include the following:

Ask staff to report back on the process for determining the vulnerability of tenants with respect to this application and all future applications.

CARRIED UNANIMOUSLY

Moved By Mayor Helps
Seconded By Councillor Isitt

Amendment:

That the motion be amended to include the following:

Direct staff to work with BC Housing and report back on BC Housing purchasing 10% of the units to be used for affordable rental in perpetuity.

Committee discussed:

- *Consideration of reducing the on-site parking to achieve affordable housing.*

Moved By Councillor Isitt
Seconded By Councillor Collins

Amendment to the amendment:

That the amendment be amended as follows:

Direct staff to work with BC Housing and/or the applicant to secure and report back on BC Housing purchasing 10-20% of the units to be used for as affordable rental housing in perpetuity.

CARRIED UNANIMOUSLY

Moved By Councillor Isitt
Seconded By Councillor Alto

Amendment to the amendment:

That the amendment be amended as follows:

That Council direct staff to work with BC Housing and/or the applicant to secure 10-20% of the strata units affordable rental housing in perpetuity.

CARRIED UNANIMOUSLY

Moved By Councillor Collins
Seconded By Councillor Loveday

Amendment to the amendment:

That the amendment be amended to include the following:

ensure the tenants who are being displaced have first right of refusal

CARRIED UNANIMOUSLY

Moved By Councillor Isitt

Seconded By Councillor Collins

Amendment to the amendment:

That the amendment be amended to include the following:

provided they meet the income eligibility requirements for the affordable units

FOR (4): Mayor Helps, Councillor Isitt, Councillor Dubow, and Councillor Collins

OPPOSED (3): Councillor Alto, Councillor Loveday, and Councillor Potts

CARRIED (4 to 3)

Moved By Mayor Helps

Seconded By Councillor Isitt

Amendment to the amendment:

That the amendment be amended as follows:

Remove the word "income"

CARRIED UNANIMOUSLY

On the amendment:

CARRIED UNANIMOUSLY

Moved By Councillor Isitt

Seconded By Councillor Collins

Amendment:

That the motion be amended to include the following:

Refer back to staff and applicant to consider revising the application to create rental housing, including non market rental housing rather than strata housing, as a condition of the rezoning

FOR (3): Councillor Isitt, Councillor Potts, and Councillor Collins

OPPOSED (4): Mayor Helps, Councillor Alto, Councillor Loveday, and Councillor Dubow

DEFEATED (3 to 4)

Main motion as amended:

Rezoning Application No. 00634

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00634 for 324/328 Cook Street and 1044, 1048 and 1052/1054 Pendergast Street, and that staff report back to Committee of the Whole once the following conditions are met:

1. Preparation and execution of the following legal agreements:
 - a. Statutory Right-of-Way securing 1.38 metres of the site adjacent Pendergast Street, to the satisfaction of the Director of Engineering and Public Works.
 - b. Housing Agreement ensuring that future strata bylaws cannot restrict the rental of units to non-owners, to the satisfaction of the Director of Sustainable Planning and Community Development.
 - c. Section 219 Covenant securing an amenity contribution in the amount of \$136,163.47 toward the Local Amenities Reserve Fund, to the satisfaction of the Director of Sustainable Planning and Community Development.
 - d. Section 219 Covenant to secure the construction of the following public realm improvements, to the satisfaction of the Director of Engineering and Public Works:
 - i. raingardens along Pendergast Street
 - ii. enhanced boulevard planting and low seating walls
 - iii. permeable and impermeable concrete sidewalk pavers.
 - e. Section 219 Covenant to secure the maintenance of the proposed rain gardens and boulevard planting for a period of one year, to the satisfaction of the Director of Parks, Recreation and Facilities.
2. Update report to Council on the proposed day-care facility located at 380 Cook Street and execution of any necessary legal agreements, to the satisfaction of the Director of Sustainable Planning and Community Development.

Development Permit Application No. 00527

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. 00634, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00527 for 324/328 Cook Street and 1044, 1048, 1052/1054 Pendergast Street, in accordance with:

1. Receipt of final plans, generally in accordance with the plans date stamped November 23, 2018, with refinement to artwork panels, to the satisfaction of the Director of Sustainable Planning and Community Development.
2. The Development Permit lapsing two years from the date of this resolution."

Direct staff to work with BC Housing and/or the applicant to secure 10-20% of the units as affordable rental housing in perpetuity and ensure the tenants who are being displaced have first right of refusal provided they meet the eligibility requirements for the affordable units.

Direct staff to work with the applicant to revise the plans to remove the three parking stalls on Pendergast in exchange for green space.

Ask staff to report back on the process for determining the vulnerability of tenants with respect to this application and all future applications.

FOR (6): Mayor Helps, Councillor Alto, Councillor Loveday, Councillor Dubow, Councillor Potts, and Councillor Collins

OPPOSED (1): Councillor Isitt

CARRIED (6 to 1)