



Council Report

For the Meeting of November 26, 2020

To: Council **Date:** November 19, 2020

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

Subject: **43, 45 and 55 Gorge Road East and 2827, 2829 and 2831 Irma Street: Rezoning Application No. 00720 and Development Permit with Variances Application No. 00135**

RECOMMENDATION

That the following bylaws **be given introductory readings:**

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1236) No. 20-094
2. Housing Agreement (43 Gorge Road East) Bylaw (2020) No. 20-095
3. Housing Agreement (45 Gorge Road East) Bylaw (2020) No. 20-096
4. Housing Agreement (55 Gorge Road East) Bylaw (2020) No. 20-097
5. Housing Agreement (2827 Irma Street) Bylaw (2020) No. 20-098
6. Housing Agreement (2829 Irma Street) Bylaw (2020) No. 20-099
7. Housing Agreement (2831 Irma Street) Bylaw (2020) No. 20-100.

BACKGROUND

The proposal is for a six-storey, mixed-use building consisting of commercial and residential uses, including 153 rental dwelling units. It came before Council on July 2, 2020, and again on September 3, 2020 where the following resolutions were approved:

Rezoning Application No. 00720

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00720 for 43, 45 and 55 Gorge Road East and 2827, 2829 and 2831 Irma Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council, and that a Public Hearing date be set once the following conditions are met:

1. *Preparation and execution of the appropriate legal agreements executed by the applicant in order to secure the following:*
 - i. *a housing agreement to ensure the residential rental units remain rental in perpetuity;*
 - ii. *statutory right-of-ways of 4.82m on Gorge Road East and 1.38m on Irma Street be registered on title to the satisfaction of the Director of Engineering and Public Works;*
 - iii. *construction of a public plaza on the corner of Gorge Road East and Irma Street to the satisfaction of the Director of Community Planning and Sustainable Development and Director of Engineering and Public Works;*

- iv. *purchase of two car share vehicles with assigned parking spaces on-site, 121 car share memberships for the life of the building along with \$100 usage credit for each membership and 6 commercial parking spaces assigned to residential visitors after business hours and on weekends to the satisfaction of the Director of Community Planning and Sustainable Development; and*
- v. *preparation of the appropriate legal agreement to ensure the appropriate construction methodology would not impact the health of the Garry Oak trees to be retained.*
2. *The applicant confirms that all the current tenants have reviewed the Tenant Assistance Plan and had an opportunity to identify their individual needs and that the applicant update the Tenant Assistance Plan accordingly to the satisfaction of the Director of Community Planning and Sustainable Development.*
3. *An amenity contribution of \$17,500.00 towards the Local Amenities Reserve Fund for the installation of traffic calming devices along Irma and Lotus Streets to the satisfaction of the Director of Engineering and Public Works is secured in the zone.*

Development Permit with Variances Application No. 00135

That, subject to the preparation and execution of legal agreements to secure rental housing in perpetuity, Statutory Right-of-Ways, the construction of a new plaza and transportation demand management measures, to the satisfaction of the Director of Community Planning and Sustainable Development and Director of Engineering and Public Work, 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. 00720, if it is approved, consider the following motion:

“That Council authorize the issuance of Development Permit with Variances Application No. 00135 for 43, 45 and 55 Gorge Road East and 2827, 2829 and 2831 Irma Street, in accordance with:

1. *Plans date stamped May 22, 2020.*
2. *Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:*
 - i. *reduce the required number of residential parking spaces from 141 to 106*
 - ii. *reduce the required number of visitor parking spaces from 15 to 7 parking spaces*
 - iii. *reduce the rear yard setback from 6m to 2.93m.*
3. *The applicant provide the details of the proposed public art to be installed on the brick facade on the west elevation drawing to the satisfaction of the Director of Community Planning and Sustainable Development.*
4. *The Development Permit lapsing two years from the date of this resolution.”*

COMMENTS

Public Hearing Conditions

With regard to the pre-conditions that Council set in relation to this application, the current property owners have executed the following legal agreements:

- a housing agreement to ensure that all dwelling units remain rental in perpetuity
- 4.82m statutory right-of-way (SRW) on Gorge Road East and 1.38m SRW on Irma Street
- Section 219 Covenants securing the following items:
 - a public plaza on the corner of Gorge Road East and Irma Street

- two car share vehicles with assigned parking spaces on-site, 121 car share memberships for the life of the building along with \$100 usage credit for each membership
- six commercial parking spaces assigned to residential visitors after business hours and on weekends
- tree preservation to ensure that the health of the existing Garry oak trees on the subject property are not impacted by the construction of the proposed development.

There are currently six different property owners who were required to execute the above legal agreements. All the property owners, except for the current property owner of 43 Gorge Road East, were able to obtain signed priority agreements with the executed legal agreements by their mortgagees. The City requires priority agreements for all documents registered on title (including housing agreements). However, it is possible to register priority agreements separately, after the legal agreements are registered on title. Further, the City understands that the six properties are to be transferred to the applicant if the rezoning bylaw receives three readings from Council.

Since rental housing applications are identified as Council Priority, Council may consider advancing these applications to a Public Hearing and Opportunity for Public Comment; however, it is recommended that if Council chooses to give the Zoning Amendment Bylaw third reading, Council postpone final adoption of the Zoning Amendment Bylaw and the Housing Agreement Bylaws until staff receives confirmation from the applicant that any outstanding priority agreements are registered on title.

Tenant Assistance Plan

Council requested that the applicant confirm that all the current tenants have reviewed the Tenant Assistance Plan and identified their individual needs, and the applicant provide an updated Tenant Assistance Plan (TAP) to the satisfaction of the Director of Sustainable Planning and Community Development. The applicant has worked diligently to contact tenants and communicate the TAP. The applicant has provided an updated TAP in accordance with the Tenant Assistance Policy (attached).

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: November 24, 2020

List of Attachments

- Updated Tenant Assistance Plan.