

G. BYLAWS

G.3 Bylaws for 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

Moved By Councillor Thornton-Joe

Seconded By Councillor Loveday

That the following bylaw **be given first and second readings:**

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1236) No. 20-094

CARRIED UNANIMOUSLY

Moved By Councillor Thornton-Joe

Seconded By Councillor Loveday

That the following bylaws **be given first, second, and third readings:**

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

CARRIED UNANIMOUSLY



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.



Sustainable Planning and Community Development
1 Centennial Square
Victoria, BC V8W 1P6

Tenant Assistance Plan

This form must be submitted with your rezoning or development application. For contact, please send questions to your development services planner.

SUMMARY: Instructions and steps for Developers and Property Owners

STEP 1	BACKGROUND: Understand your rights and responsibilities as a landlord. Please review the documents in the background section pertaining to relocating tenants and the City's rental replacement policies.
STEP 2	POLICY APPLICATION: Complete tenant impact assessment to determine the requirements of your application.
STEP 3	Complete application requirement, including: a. Current Site Information b. Tenant Assistance Plan c. Tenant Communication Plan d. Appendix A - Current Occupant Information and Rent Rolls (For office use only) e. Appendix B - Correspondence with Tenants Communication (For office use only)
STEP 4	SUBMIT: Complete form and submit to: a. Email digital copy of plan to housing@victoria.ca (include appendices)
STEP 5	REVISE: Applicant to update and return application requirements with staff input.
STEP 6	FINALIZE: City staff to finalize the review and signs off application requirements and used as attachment for the Committee of the Whole report.

BACKGROUND: Rights and Responsibilities of Landlords and Tenants

The rights and responsibilities of landlords and tenants are regulated by the Province and is set out in the [Residential Tenancy Act](#).

Please refer to the City of Victoria's [website](#) for more information regarding the City of Victoria's rental housing policies. Supporting documents include:

- Tenant Assistance Instructions and Checklist
- Tenant Assistance Policy
- Frequently Asked Questions
- Sample Letter to Tenants
- Request for Tenant Assistance Form and Privacy Guidelines
- Final Tenant Assistance Report

POLICY APPLICATION: Tenant Impact Assessment to Determine the Requirements of your Application

Answer the questions below to determine whether a plan is required with your application:

Tenant Impact	Indicate:		Application Requirement
Are you redeveloping or demolishing a building that will result in loss of existing residential units?	Yes	No	If yes, complete the next question.
Does your work require the permanent relocation of tenant(s) out of the building?	Yes	No	If yes, complete and submit a tenant assistance plan.
Do you have tenant(s) who have been residing in the building for more than one year?	Yes	No	If yes, tenants are eligible under the tenant assistance plan

If any are selected no, then a tenant assistance plan is not required as part of your application.

TENANT ASSISTANCE PLAN

A. Current Site Information

Site Address:	
Owner Name:	
Company Name:	
Tenant Relocation Coordinator (Name, Position, Organization):	

EXISTING RENTAL UNITS

Unit Type	# of Units	Average Rents (\$/Mo.)
Bachelor		
1 BR		
2 BR		
3 BR		
3 BR+		
Total		

B. Tenant Assistance Plan

For any renovation or redevelopment that requires relocation of existing tenants, the property owner must create a Tenant Assistance Plan that addresses the following issues:

- Early communication with the tenants
- Appropriate compensation
- Relocation assistance
- Moving costs and assistance
- Right of first refusal

The City has developed a Tenant Assistance Plan template that is available for applicant use. The template includes the required FOIPPA section 27(2) privacy notification which should be identified for tenants.

Please refer to the Tenant Assistance Policy with Tenant Assistance Plan guidelines for Market Rental and Non-Market Rental Housing Development.

Required under the Residential Tenancy Act

Notice to End Tenancies

A landlord may issue a Notice to End Tenancy only after all necessary permits have been issued by the City. In addition, landlords must give four months' notice to end tenancies for renovation, demolition, and conversions. Tenants have 30 days to dispute the notice.

For more information, please refer to the [Landlord Notice to End Tenancy](#).

Renovations and Repairs

Renovations and repairs must be so extensive that they require the unit to be empty in order for them to take place, and the only way to achieve the necessary emptiness or vacancy is by terminating a tenancy. The RTA and associated guidelines provide specific guidance pertaining to whether a landlord may end a tenancy in order to undertake renovations or repairs to a rental unit.

For more information, please refer to [Ending a Tenancy for Landlord's use of Property](#).

Right of First Refusal

In instances of renovations or repairs requiring vacancy, the RTA requires tenants be offered the right of first refusal to enter into a new tenancy agreement at a rent determined by the landlord. This right of first refusal applies only to a rental unit in a residential property containing 5 or more units, and there are financial penalties for non-compliance.

For more information, please refer to [Tenant Notice: Exercising Right of First Refusal](#).

For full details, please check the Government of British Columbia [website](#).

Tenant Assistance Plan Components	APPLICANT		CITY STAFF
	Tenant Assistance Plan		Did the Applicant meet policy?
	Date:	dd/mm/yyyy	dd/mm/yyyy
Compensation Please indicate how you will be compensating the tenant(s).			Yes No
Moving Expenses Please indicate how the tenant(s) will receive moving expenses and assistance.			Yes No
Relocation Assistance Please indicate how the tenant(s) will receive relocation assistance.			Yes No
Right of First Refusal Please indicate whether the applicant is offering right of first refusal to the tenant(s). Please indicate your reasoning.			Yes No
Tenants Requiring Additional Assistance Please indicate whether there are tenants requiring additional assistance. If so, please indicate how the applicant plans to provide additional support.			Yes No
Other Comments			

Tenant Communication Plan Components	APPLICANT	
	Tenant Communication Plan	
	Date:	dd/mm/yyyy
How and when did you inform tenants of the rezoning or development application?		
How will you be communicating to tenants throughout the rezoning or development application (including decisions made by Council)?		
What kind of resources will you be communicating to your tenants and how will you facilitate tenants in accessing these resources? (Please see the City's website for a list of resources)		
Have tenant(s) confirmed with you whether they request assistance? If so, please indicate the staff responsible or whether a third-party service is requested.		
Other communications notes:		

FINAL TAP Review - [For City Staff to complete]

Application received by _____ (City Staff) on _____ (Date)

Did the applicant meet TAP policy? Yes No

Staff Comments on
final plan: