



Council Report For the Meeting of June 10, 2021

To: Council **Date:** May 27, 2021
From: Karen Hoese, Director, Sustainable Planning and Community Development
Subject: **Update on Rezoning Application No. 00709 and Development Variance Permit Application No. 00236 for 2740 & 2742 Fifth Street**

RECOMMENDATION

Rezoning Application No. 00709

That Council give first and second reading of the Zoning Regulation Bylaw Amendment No. 21-058 (Amendment No. 1216) and give first, second and third reading of Housing Agreement (2740 and 2742 Fifth Street) Bylaw No. 21-059.

Development Variance Permit Application No. 00236

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. 00709, if it is approved, consider the following motion:

“That Council authorize the issuance of a Development Variance Permit Application for 2740 and 2742 Fifth Street, in accordance with:

- a. Plans date stamped **May 4, 2020**.
- b. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:
 - i. reduce the rear yard setback from 3.0m to 1.20m.
- c. The Development Permit lapsing two years from the date of this resolution.”

EXECUTIVE SUMMARY

The purpose of this report is to present Council with an update on the Rezoning and Development Variance Permit Applications for the property located at 2740 and 2742 Fifth Street. The proposal is to rezone from the R-2 Zone, Two Family Dwelling District, to the R2-38 Zone, Fifth Duplex District to retain the existing two-family dwelling and construct a new single-family dwelling in the rear yard. The proposed variance is to reduce the rear yard setback. The application was considered by Council on December 12, 2019, where the following resolution was approved:

Rezoning Application No. 000709

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00709 for 2740 & 2742 Fifth 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:

- a. Preparation and execution of legal agreements secure the design of the existing and proposed buildings including the energy efficiency certifications, to the satisfaction of City Staff.*
- b. Preparation and execution of a Housing Agreement to secure the proposed dwelling as rental for five years.*
- c. Subject to refinements being made to the proposal with respect to the length of rental tenure and the passive house standard of the new building.*

Development Variance Permit Application No. 00236

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. 00709, if it is approved, consider the following motion:

“That Council authorize the issuance of a Development Variance Permit Application for 2740 & 2742 Fifth Street, in accordance with:

- d. Plans date stamped October 10, 2019.*
- e. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:*
 - ii. reduce the rear yard setback from 3.0m to 1.20m.*
- f. The Development Permit lapsing two years from the date of this resolution.”*

COMMENTS

In response to the Council motion of December 12, 2019, the applicant has revised the application with respect to the passive house standard of the new building and the length of rental tenure, as described below.

Energy Efficiency

The applicant revised the energy efficiency of the proposed single-family dwelling from Built Green certification to Passive House Institute Low Energy Building certification. A design covenant has been registered to secure the new building to be designed and constructed as a Passive House Institute Low Energy Building and Solar Electric Ready. The existing duplex building is already Passive House Certified.

Revised plans have been provided by the applicant to incorporate the new low energy aspects. As such, the Development Variance Permit motion has a new date noted in bold in the recommendation.

Housing Agreement

The applicant originally proposed to secure the new dwelling as rental for five years. However, in response to Council's request that the applicant consider a longer rental term be secured, a

Housing Agreement has been executed which would secure the proposed dwelling as rental for ten years.

The recommendation provided for Council's consideration contains the appropriate language to advance this application to a Public Hearing.

Respectfully submitted,

Mike Angrove
Senior Planner
Development Services Division

Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A: Revised plans dated May 4, 2020
- Attachment B: Letter to Mayor & Council from the applicant received May 19, 2021.