



Committee of the Whole Report For the Meeting of June 23, 2022

To: Committee of the Whole **Date:** June 9, 2022
From: Karen Hoese, Director, Sustainable Planning and Community Development
Subject: Temporary Use Permit Application No. 00022 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.00022 for 650 Speed Avenue in accordance with plans submitted to the Sustainable Planning and Community Development department, date stamped May 10, 2022, to permit the additional use of multiple dwelling, subject to the following conditions:

- i. No less that 15 parking spaces shall be provided for residents.
- ii. Install 22 long-term bicycle parking spaces in accordance with the plans.
- iii. The Temporary Use Permit, if issued, expires three years from the date of May 14, 2022.”

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 the renewal of a Temporary Use Permit (TUP) for the property located at 650 Speed Avenue. The proposal is to renew the TUP for an additional three years and continue operating the building as a multiple dwelling consisting of approximately 22 affordable and supportive rental dwelling units. 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, 2012 (OCP)* 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 existing motel has self-contained units, which include full kitchens and bathroom facilities.
- A TUP renewal would allow the applicant (Victoria Cool Aid Society) to continue providing 22 affordable and supportive rental dwelling units while they work with senior levels of government on potential funding opportunities to rezone the subject property and retain the existing building for permanent affordable rental housing; otherwise, the existing building would remain vacant during the interim period.
- 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 22 long-term bicycle parking spaces on site.

Given 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. Council waived the Opportunity for Public Comment for the original TUP.

BACKGROUND

Description of Proposal

The proposal is to renew the Temporary Use Permit (TUP) for an additional three years and continue operating the building as a multiple dwelling consisting of approximately 22 affordable and supportive rental dwelling units. The applicant intends to apply for rezoning in the future in order to provide permanent affordable rental housing. Specific details of the current proposal to support a residential use at this location include:

- fully self-contained units, which include full kitchens and bathroom facilities
- 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.

Sustainability

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

Active Transportation

The applicant is proposing 22 long-term 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

No accessibility improvements are proposed beyond what is required through the *British Columbia Building Code*.

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.

Relevant History

On October 14, 2020, Council approved a TUP for a period of two years to allow for a change of use from motel to multiple dwelling. The current TUP expired on May 14, 2022 (staff received the TUP application submission for renewal on May 10, 2022). The applicant has applied to extend the TUP for an additional three years. The *Local Government Act* gives a local government the authority to approve a one-time renewal of a TUP for up to three years.

Victoria Cool Aid Society originally purchased the existing motel to temporarily relocate the tenants who resided at Cedar Grove Supportive Housing located at 210 Gorge Road East while the new mixed-used building consisting of 72 affordable and below-market rental dwelling units, including supportive housing units, is under construction. The applicant anticipates completion and occupancy of the new building in August or September 2022 at which time all the existing tenants will move into their new homes at 210 Gorge Road East.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on May 19, 2022 the application was referred for a 30-day comment period to the Burnside Gorge CALUC. At the time of writing this report, a letter from the CALUC had not been received.

An Opportunity for Public Comment is not a legislative requirement for TUPs 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 urgent need for supportive and affordable rental housing in the City, Council may wish to consider waiving the Opportunity for Public Comment for this TUP application to allow this project to advance to the point of final Council consideration. This would facilitate not only the continued operation of 22 units that are the subject of this TUP, but would allow the residents who are moving back to 210 Gorge Road East to stay at this location until the new building is completed in late summer and allow the applicant to continue providing affordable and supportive rental housing while they work with senior levels of government on potential funding opportunities to rezone and retain the existing building as permanent affordable rental housing.

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.

If Council would prefer to hold an Opportunity for Public Comment on this application, then the alternate motion is structured accordingly for Council's consideration.

ANALYSIS

Official Community Plan

The subject property is designated Town Centre in the *Official Community Plan, 2012 (OCP)*, which supports multi-unit residential buildings. Expanding the supply of rental housing through the 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 frequent transit that is available on Douglas Street and the addition of 22 long-term bicycle parking spaces on site.

CONCLUSIONS

The proposal to renew the TUP for an additional three years and temporarily permit approximately 22 supportive and affordable housing units is consistent with the housing and community well-being policies and objectives in the OCP and *Burnside Gorge Neighbourhood Plan*. A TUP would enable the existing tenants to remain at 650 Speed Avenue until they can move into their new homes at 210 Gorge Road East in late summer, as well as allow the applicant to continue providing much-needed affordable rental housing for an interim period while they secure potential funding opportunities to apply for rezoning. Staff recommend for Council's consideration that the requirement for an Opportunity for Public Comment is waived.

ALTERNATE MOTIONS

Option One - Hold an Opportunity for Public Comment

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

"That Council authorize the issuance of Temporary Use Permit Application No.00022 for 650 Speed Avenue in accordance with plans submitted to the Sustainable Planning and Community Development department, date stamped May 10, 2022, 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. Install 22 long-term bicycle parking spaces in accordance with the plans.
- iii. The Temporary Use Permit, if issued, expires three years from the date of May 14, 2022."

Option Two - Decline

That Council decline TUP Application No. 00022 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.

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans dated May 10, 2022
- Attachment D: Applicant's letter dated May 3, 2022.