



Council Report

For the Meeting of July 7, 2022

To: Council **Date:** June 30, 2022

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

Subject: **Update Report for Rezoning Application No. 00782 and Development Permit with Variances Application No. 00173 for 822 Catherine Street**

RECOMMENDATION

That Council give first and second reading to Zoning Regulation Bylaw Amendment (Bylaw No. 22-070) and that Council give first, second, and third reading to Bylaw No. 22-071 to authorize a Housing Agreement to secure the building as rental in perpetuity, secure a minimum of two one-bedrooms and one studio unit as affordable for a minimum of ten years and allocated to median income households (or lower) as defined in the Victoria Housing Strategy and secure the proposed Tenant Assistance Plan.

EXECUTIVE SUMMARY

Secured Rental and Affordable Housing

As instructed by Council, a Housing Agreement has been executed that would:

- secure the building as rental in perpetuity
- secure a minimum of two one-bedrooms and one studio unit as affordable for a minimum of ten years and allocated to median income households (or lower) as defined in the Victoria Housing Strategy
- secure the proposed Tenant Assistance Plan, including Right of First Refusal in the new development for eligible tenants at 20% below market rate.

The Housing Agreement will be registered on title following the adoption of Bylaw No. 22-071 to authorize the Housing Agreement if it is approved by Council.

BACKGROUND

The application was considered by Council at the Committee of the Whole meeting on April 28, 2022, and it came before Council on May 12, 2022, where the following resolution was approved:

Rezoning Application

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00782 for 822 Catherine 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. *Submission of revised plans to:*
 - a. *Clarify that only the Langford Street boulevard and one new tree on Catherine Street are irrigated from a City water source.*
2. *Preparation of legal agreements executed by the applicant to secure the following with the form and contents to the satisfaction of the Director of Sustainable Planning and Community Development and the City Solicitor:*
 - a. *Secure the building as rental in perpetuity.*
 - b. *Secure two one-bedroom units and one studio unit as affordable for a minimum of ten years and allocated to median income households (or lower) as defined in the Victoria Housing Strategy, to the satisfaction of the Director of Sustainable Planning and Community Development.*
 - c. *Secure the proposed Tenant Assistance Plan, including Right of First Refusal in the new development for eligible tenants at 20% below market.*
3. *Preparation of legal agreements executed by the applicant to secure the following with the form and contents to the satisfaction of the Director of Engineering and Public Works and the City Solicitor:*
 - a. *Secure the purchase of one car share vehicle, one on-site parking stall for the car share vehicle and public access to the parking stall, car share memberships for each of the dwelling units, a minimum of 40 long-term bicycle stalls including three cargo bicycle stalls, 50% of which will be equipped with 110V outlets, a bicycle repair station and enrolment in the BC Transit EcoPass Program for a minimum of three years for the two commercial units and 21 of the residential units.*
 - b. *Secure the construction of an east-west pedestrian crossing of Catherine Street at Langford Street.*
 - c. *Secure the installation of an on-street electric vehicle charger capable of charging two vehicles.*
 - d. *Secure a Statutory Right-of-Way of 0.84m on Bella Street.*
4. *Determination from the project engineer of the extent of the excavation which will be required for the underground parking structure and sidewalk along the shared property lines with the west neighbours and for the Project Arborist to undertake exploratory excavation work to determine the impacts to the bylaw protected Leyland Cypress hedge and make recommendations on how to protect and retain them in good health through the project, to the satisfaction of the Director of Parks, Recreation and Facilities.*

Development Permit with Variances Application

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. 00782, if it is approved, consider the following motion:

1. *That Council authorize the issuance of Development Permit with Variances Application No. 00173 for 822 Catherine Street, in accordance with:*
 - a. *Plans date stamped February 14, 2022.*
 - b. *Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:*
 - i. *reduce the front yard setback from 3.0m to 1.5m on the first storey and 6.0 to 0m on the upper storeys*
 - ii. *reduce the rear yard setback from 6.0m to 2.3m*
 - iii. *increase the height from 3 storeys to 3.5 storeys*
 - iv. *reduce the residential vehicle parking from 30 stalls to 10 stalls*
 - v. *reduce the commercial vehicle parking from 6 stalls to 0 stalls.*
2. *That the Development Permit, if issued, lapses in two years from the date of this resolution.*

Revised Plans

The applicant has submitted revised plans to clarify only the Langford Street boulevard and one new tree on Catherine Street are irrigated from a City water source. The Development Permit with Variances motion therefore remains unchanged.

Public Realm

Legal agreements have been executed to secure the construction of an east-west pedestrian crossing on Catherine Street at Langford Street as well as a Statutory Right-of-Way of 0.84m on Bella Street.

Transportation Demand Management

The Covenant has been executed which would secure the following:

- the purchase of one car share vehicle
- one on-site parking stall for the car share vehicle and public access to the parking stall
- car share memberships for each of the dwelling units
- a minimum of 40 long-term bicycle stalls including three cargo bicycle stalls, 50% of which will be equipped with 110V outlets
- a bicycle repair station
- enrolment in the BC Transit EcoPass Program for a minimum of three years for the two commercial units and 21 of the residential units.

A provision has been added to the Covenant, to which staff are amenable, to allow the car share vehicle to be parked on the public street, so long as an EV charging station is installed at the applicant's expense and the secured on-site parking stall is available for the car share vehicle should the City require the on-street space.

CONCLUSIONS

The applicant has fulfilled the conditions from the Council motion on May 12, 2022. 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 Agreements
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: Committee of the Whole Report dated April 14, 2022
- Attachment B: Minutes from Committee of the Whole Meeting dated April 28, 2022
- Attachment C: Bylaw No. 22-070
- Attachment D: Bylaw No. 22-071.