



Council Report

For the Meeting of February 15, 2024

To: Council **Date:** February 1, 2024

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

Subject: **Update on Rezoning Application No. 00843 and Development Permit with Variances Application No. 00257 for 133 and 129/135 Gorge Road East**

RECOMMENDATION

Rezoning Application

That Council give first, second, and third readings to the Zoning Regulation Bylaw amendment bylaw after publication of notification in accordance with section 467 of the *Local Government Act*.

Development Permit with Variances Application (updates in bold)

That Council, after giving notice, consider the following motion:

1. That subject to the adoption of the necessary Zoning Regulation Bylaw amendment, Council authorize the issuance of Development Permit with Variances No. 00257 for 133 and **129/135 Gorge Road East**, in accordance with plans submitted to the Planning department and date stamped by Planning on **January 22, 2024**, subject to:
 - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. increase the Phase One building storeys from six storeys to seven storeys
 - ii. increase the Phase One building height from 18.5m to 22.0m
 - iii. reduce the Phase One residential parking from 165 stalls to 95 stalls
 - iv. reduce the Phase One visitor parking from 18 stalls to 15 stalls
 - v. **reduce the rear (south) setback from 15m to 6.20m for the existing buildings on 129/135 Gorge Road East only.**
 - b. Final plans to be generally in accordance with the plans identified above, to the satisfaction of the Director of Sustainable Planning and Community Development.
 - c. Plan revisions to the Gorge Road East frontage design, including the area within the required Statutory Right of Way, to ensure compatibility with the Gorge Road renewal project to the satisfaction of the Director of Engineering and Public Works and the Director of Parks, Recreation and Facilities.
2. That the Development Permit with Variances, if issued, expires two years from the date of this resolution.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with an update regarding the Rezoning and Development Permit with Variances applications for the property located at 133 and 129/135 Gorge Road East. The proposal is to rezone from the T-1 Zone, Limited Transient Accommodation District to a new zone to increase the density and allow mixed-use multi-unit residential rental uses at this location. There is a concurrent Development Permit with Variances (DPV) Application for 133 Gorge Road East pertaining to the proposed form, character, exterior design, finishes and landscaping and variances related to height, and vehicle parking. The DPV has been updated to include a setback variance for the existing buildings on the Phase Two (129/135 Gorge Road East) that is required when the new zone comes into effect. A variance required for open site space has been removed as a result of updated building information.

At Council's request, the applicant explored both incorporating a daycare and providing some units with deeper affordability in the development but have indicated that neither would be economically viable. Otherwise, the applicant has generally fulfilled the conditions set by Council. Pending a few minor revisions to the plans, the application is ready to be considered by Council for approval, with final adoption of the bylaw withheld until the required legal agreements have been registered.

BACKGROUND

On December 7, 2023, Council passed a motion to move this application forward to first, second and third reading, subject to certain conditions and plan revisions. The applicant has generally fulfilled the conditions set by Council. This Update Report includes a summary of the changes to the plans and the associated changes to the variances.

ANALYSIS

Revised Plans

In accordance with Council's motion of December 7, 2023 the application was to be advanced when following conditions have been fulfilled:

- a. *the following revisions to the plans, to the satisfaction of the Director of Sustainable Planning and Community Development:*
 - i. *confirmation that the glass atrium connecting the two portions of the Phase One building incorporates bird-friendly design elements.*
 - ii. *That the applicant consider the inclusion of a daycare in the complex.*
 - iii. *Consider incorporating some units with deeper affordability in the development.*
- b. *the following revisions to the plans, to the satisfaction of the Director of Engineering and Public Works:*
 - i. *revisions to the Gorge Road East SRW design to ensure a continuous accessible grade is maintained.*
- c. *the following revisions to the plans, to the satisfaction of the Director for Parks, Facilities, and Recreation to address outstanding comments including:*
 - i. *confirm that Tree Minimum will be met on Phase One*
 - ii. *confirm that replacement tree plan meets the siting, soil volume and other requirements outlined in the Tree Protection Bylaw No. 21-035, Schedule E.*

- iii. *a letter of consent from the owner at 123 Gorge Road East, agreeing to the removal of shared tree #765*
- iv. *one additional boulevard tree to be planted on Gorge Road East frontage.*
- d. *adjustments to the proposed variances necessary to accommodate the required plan revisions.*

In response to these conditions, the plans have been revised as follows:

- the applicant has provided bird-friendly glazing on the atrium glass
- the applicant has indicated that providing a day care is not cost-feasible (see attached day care memo)
- the applicant has indicated that providing deeper affordability is not possible within the development, though they have offered a cash contribution to the Victoria Housing Reserve Fund in the amount of \$200,000 (see attached housing memo)
- the Gorge Road East SRW has been revised to ensure that a continuous grade can be maintained throughout the length of the SRW
- the applicant has confirmed that tree minimums can be met
- the applicant has confirmed that siting, soil volumes and other issues can be met per Schedule E of the *Tree Protection Bylaw*
- the applicant has provided the required letter of consent for the removal of shared tree #765
- the applicant is refining the frontage concept which will include additional opportunities for street trees.

Regulatory Considerations

Further details of the Phase One building have been received and the variances have been updated to no longer require a variance for minimum open site space. Phase One will achieve 57 percent open site space, above the minimum required in the new zone.

The variances have also been updated to include a setback variance for the existing Phase Two buildings on the rear (south) lot line adjacent to the Gorge waterfront. The southernmost existing buildings will not achieve the setback requirement of 15m in the new zone, and a variance has been included to permit the existing arrangement until such time that the Phase Two property is redeveloped. When the Development Permit for Phase Two is submitted, the proposed building(s) must either comply with the 15m setback requirement or seek approval from Council for a new setback variance. The previous Council motion has been modified to accommodate this variance (see the bold text in the recommendation section above).

The applicant is continuing to make final revisions to the plans, as required by different City departments. These revisions are considered minor and no significant changes to the attached plans are anticipated, but the motion to allow minor revisions will allow the plans to proceed without needing to come back to Council.

Since the initial review of this application, updated designs for Gorge Road have been produced as part of the City's Gorge Road Renewal project. Staff have been working with the applicant to ensure the final frontage design, including the area within the SRW, is compatible. A design concept with changes to pedestrian and cycling facilities, as well as street trees has been shared with the applicant and will be incorporated prior to permit issuance. These updates will require minor changes to the overall frontage design, but the recommended motion would allow the project to move forward to introductory bylaw readings while the final design is confirmed prior to final bylaw adoption.

CONCLUSIONS

The applicant has generally fulfilled the conditions set by Council to consider first, second, and third reading of the proposed bylaw. The recommendation contains the appropriate language for Council to consider approval of the application, with final adoption to occur once the required legal agreements have been registered.

Respectfully submitted,

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Director
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Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A: Aerial Map
- Attachment B: Revised Plans date stamped January 22, 2024
- Attachment C: November 23, 2023, Committee of the Whole meeting staff report
- Attachment D: Day care memo dated December 6, 2023
- Attachment E: Housing affordability memo dated December 12, 2023