



## Committee of the Whole Report For the Meeting of April 25, 2024

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**To:** Committee of the Whole **Date:** April 11, 2024

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

**Subject:** **Update Report for Rezoning Application No.00753 and Development Permit with Variances Application No.00158 for 1042/1044 Richardson Street**

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### RECOMMENDATION

That Council decline Rezoning Application No.00753 and associated Development Permit with Variances Application No.00158 for 1042 and 1044 Richardson Street.

### LEGISLATIVE AUTHORITY

This report discusses a Rezoning Application and a concurrent Development Permit with Variances Application. Relevant rezoning considerations include the proposal to increase the density and allow for multiple dwellings as a permitted use while the relevant Development Permit with Variances considerations relate to the application's consistency with design guidelines and the impact of the requested variances.

### Enabling Legislation

In accordance with Section 479 of the *Local Government Act*, Council may regulate within a zone the use of land, buildings and other structures, the density of the use of the land, building and other structures, the siting, size and dimensions of buildings and other structures as well as the uses that are permitted on the land and the location of uses on the land and within buildings and other structures.

In accordance with Section 482 of the *Local Government Act*, a zoning bylaw may establish different density regulations for a zone, one generally applicable for the zone and the others to apply if certain conditions are met.

In accordance with Section 483 of the *Local Government Act*, Council may enter into a Housing Agreement which may include terms agreed to by the owner regarding the occupancy of the housing units and provided such agreement does not vary the use of the density of the land from that permitted under the zoning bylaw.

In accordance with Section 489 of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Community Plan*. A Development Permit may vary or supplement the Zoning Regulation Bylaw but may not vary the use or density of the land from that specified in the Bylaw.

Pursuant to Section 491 of the *Local Government Act*, where the purpose of the designation is the revitalization of an area in which a commercial use is permitted, a Development Permit may include requirements respecting the character of the development, including landscaping, and the siting, form, exterior design and finish of buildings and other structures.

Pursuant to Section 491 of the *Local Government Act*, where the purpose of the designation is the establishment of objectives for the form and character of intensive residential development, a Development Permit may include requirements respecting the character of the development including landscaping, and the siting, form, exterior design and finish of buildings and other structures.

## **EXECUTIVE SUMMARY**

The purpose of this report is to present Council with an update on the Rezoning and Development Permit with Variances Applications for the properties located at 1042 and 1044 Richardson Street. These applications were initially presented to Committee of the Whole (COTW) on July 14, 2022, (report attached) at which time Council directed the applicant to make design changes to achieve greater consistency with the Fairfield Neighbourhood Plan and other City of Victoria policies, particularly as it relates to liveability for future residents and those on neighbouring parcels. This update report provides a more detailed analysis of the revised proposal because the policy and regulatory framework have changed since this was last considered by Council.

The revised proposal has changed very little from the application that was previously presented to COTW. The primary concern remains that the application proposes the construction of a building that is too large relative to the size of the lot. Furthermore, the previously proposed below-market rental units have been removed from the application so the proposal is no longer consistent with the OCP housing policies related to rental replacement. Based on these factors, the applicant has not adequately addressed Council's previous direction, and the recommendation is to decline the application.

The proposal is to rezone from the R-K Zone, Medium Density Attached Dwelling District, to a new zone to increase the density from 0.6:1 floor space ratio (FSR) to 1.76:1 FSR and allow for a six-storey residential purpose-built market rental building with 20 dwelling units. There is a concurrent Development Permit with Variances Application pertaining to the proposed form, character, exterior design, finishes and landscaping and variances related to height, setbacks, site coverage, open site space and parking.

The following points were considered in assessing the Rezoning Application:

- Due to the location of the property and relatively small lot size, the proposal is considered inconsistent with the *Official Community Plan, 2012* (OCP) Urban Residential Urban Place Designation, which envisions buildings up to 1.2:1 FSR and three-storeys in height.
- The proposal is considered inconsistent with the *Fairfield Neighbourhood Plan*, which supports townhouses, houseplexes or small-scale apartments up to three-storeys in height on smaller Urban Residential sites.
- The proposal no longer includes a housing agreement to secure five of the rental units at below-market rent levels, which is inconsistent with the OCP housing policies that support

replacement of existing rental units with a rent level secured through a legal agreement; however, the proposal is still consistent with the policies that support the provision of new rental housing and a mix of housing types and unit sizes in all neighbourhoods.

- The proposal is considered consistent with the *Fairfield Neighbourhood Plan* policies for the Urban Residential sites in the Rental Retention Area which supports new rental.
- The applicant has provided a Tenant Assistance Plan consistent with the *Tenant Assistance Policy*.
- The proposal is for a purpose-built market rental building, which will be secured for the greater of 60 years or the life of the building through a legal agreement, and is therefore exempt from the *Inclusionary Housing and Community Amenity Policy*.

The following points were considered in assessing the Development Permit with Variance Application:

- The proposal is inconsistent with the objectives and guidelines for Development Permit Area 16: General Form and Character, which encourage new residential buildings to respect the character of established areas through appropriate form and massing that is compatible, unifying, and sensitive to context.
- The exterior corridors and circulation space do not count towards the FSR calculation but do contribute to the bulk of the building.
- The proposed building height combined with a lack of sufficient setbacks and units oriented in each direction may have a negative impact on the liveability of neighbouring dwellings.
- The proposed parking shortfall is supportable based on a comprehensive TDM program to be secured by legal agreement.

## BACKGROUND

### Description of Proposal

This Rezoning Application is to rezone from the R-K Zone, Medium Density Attached Dwelling District, to increase the density from 0.6:1 floor space ratio (FSR) to 1.76:1 FSR and allow for multiple dwellings at this location.

If Council chooses to advance the application, the following changes to the standard URMD, Urban Residential Multiple Dwelling District, would be accommodated in the new site-specific zone:

- reduce the minimum site area from 1840m<sup>2</sup> to 668m<sup>2</sup>
- reduce the maximum density from 2:1 FSR to 1.76:1 FSR.

The associated Development Permit with Variances is for a six-storey rental residential building with approximately 20 dwelling units. The proposal includes five storeys of residential living and a rooftop amenity space which counts as a sixth storey as per the definitions of the *Zoning Regulation Bylaw*.

Specific details include:

- six-storey contemporary building with five levels of rental residential and a rooftop amenity space on the sixth level
- an accessible, ground floor, one-bedroom unit fronting onto Richardson Street
- exterior corridors and circulation space that do not count towards the FSR calculation but do contribute to the bulk of the building
- eight underground parking stalls with driveway access via Richardson Street

- exterior building materials include light grey and off-white cementitious panels, black vinyl windows, perforated metal standing seam screen (black) for the stairwell, and balconies with glass guards and metal railings.

Landscape elements include a rooftop amenity space, ground level planting areas for trees and perimeter planting, front entry plantings and a water feature, and decorative paving for pedestrian pathways.

Variances on the URMD regulations are recommended (instead of inclusion in the new zone) where the proposal is inconsistent with that zone, the *Fairfield Neighbourhood Plan*, or the Off-Street Parking Regulations (Schedule C) of the *Zoning Regulation Bylaw*.

The proposal would require variances from the URMD Zone related to:

- increasing the maximum height from 18.5m to 19.46m
- increasing the maximum site coverage from 40 percent to 52.70 percent
- decreasing the minimum open site space from 50 percent to 39.8 percent
- decreasing the front setback from 4.0m to 2.4m (to the building) and 1.50m (to balconies)
- decreasing the rear yard (north) setback from 10.0m to 5.0m
- decreasing the east side yard setback from 6.0m to 1.20m
- decreasing the west side yard setback from 6.0m to 2.89m (to the building) and 2.09m (to balconies)
- decreasing the vehicle parking from 19 stalls to 8 stalls.

## Land Use Context

The area is characterized by low-rise residential buildings with multiple dwellings.

Immediately adjacent land uses include:

- North – four-storey multiple dwelling buildings
- South – three- and four-storey multiple dwelling building
- East – three-storey multiple dwelling building
- West – two-storey townhouses separated by surface parking for the residential building to the north.

## Existing Site Development and Development Potential

The site presently has multiple dwellings (three one-bedroom units and one studio unit) as a result of a house conversion of the existing building, which was originally constructed as a single-family dwelling in 1910. An additional fifth unit was added to the site through the conversion of a detached studio to a dwelling unit. This work was done without permits by a previous owner.

Under the current R-K Zone, the property could be developed as three attached dwellings (townhouses).



Figure 1 shows the location of the subject property

### Data Table

The following data table compares the proposal with the existing R-K Zone, Medium Density Attached Dwelling District, and the URMD Zone, Urban Residential Multiple Dwelling District, which is the standard zone for multiple dwellings on sites with the Urban Residential urban place designation in the OCP. An asterisk is used to identify where the proposal does not meet the requirements of the URMD Zone. Additionally, the key City policy that pertains to the area has been included in this table.

Zoning Criteria	Current Proposal	Previous Proposal	R-K Zone	URMD Zone	OCP and Fairfield Plan Policy
Site area (m <sup>2</sup> ) – minimum	<b>668*</b>	668	555	1840	Lot consolidation encouraged to realize highest and best use
Site area per unit (m <sup>2</sup> ) – minimum	33.40	33.40	n/a	n/a	n/a
Lot width (m) – minimum	18.28	18.28	18.00	n/a	n/a
Total floor area (m <sup>2</sup> ) – maximum	1174	1174	n/a	n/a	n/a
Unit floor area (m <sup>2</sup> ) – minimum	25	25	n/a	n/a	n/a
Density (Floor Space Ratio) – maximum	<b>1.76:1</b>	1.76:1	0.6:1	2:1	Up to 1.2:1 Up to 2:1 for strategic locations (OCP) 1.2 – 2:1 for larger sites Lower for small sites (Fairfield Plan)
Height (m) – maximum	<b>19.46*</b>	19.46	8.5 (measured to ceiling)	18.50	Up to 20 (Fairfield Plan)
Storeys – maximum	6	6	2.6	6	3 – 6 (OCP) depending on site conditions and existing context  Low scale forms including townhouses and houseplexes are encouraged on smaller sites (Fairfield Plan)
Site coverage (%) – maximum	<b>52.70*</b>	52.70	33	40	-
Open site space (%) – minimum	<b>39.80*</b>	39.80	45	50	-
<b>Setbacks</b> (m) – minimum					
Front (Richardson Street)	<b>2.42* (building)</b> <b>1.50* (balcony)</b>	2.40 (building) 1.51 (balcony)	6	4.00	Variable
Rear (S)	<b>5.00*</b>	5.00	2.5 (blank wall)	10.00	-
Side (E)	<b>1.20*</b>	1.04	2.5 (blank wall)	6.00	-

Zoning Criteria	Current Proposal	Previous Proposal	R-K Zone	URMD Zone	OCP and Fairfield Plan Policy
Side (W)	<b>2.89* (building)</b> <b>2.09* (balcony)</b>	2.89 (building) 2.07(balcony)	2.5 (blank wall)	6.00	-
Vehicle parking – minimum	<b>8* (including 1 accessible)</b>	9	19	16	-
Visitor vehicle parking included in the overall units - minimum	2	2	2	2	-
<b>Bicycle parking stalls – minimum</b>					
Long term	45	22		22	-
Short term	6	6		6	-

## Relevant History

On July 14, 2022, Council passed the following motion at the Committee of the Whole meeting (see attached staff reports and minutes):

*“That the matter be referred to staff, to work with the applicant on a revised application that achieves greater consistency with the Fairfield Neighbourhood Plan and other City of Victoria policies, particularly as it relates to liveability of future residents on this parcel as well as liveability of residents on neighbouring parcels”.*

In response, the applicant submitted a significant redesign of the application (plans dated June 16, 2023), featuring a houseplex with 11 units spanning three storeys, with a building height of 9.78m and density 1.1:1 floor space ratio. The application was referred to the Fairfield Gonzales Community Association Land Use Committee (CALUC) and underwent a technical review by staff.

On September 21, 2023, the applicant reverted to the previous design and requested a reconsideration of the original application submitted in 2022, with some revisions. Notably, the application no longer includes a commitment to secure five below-market rental units. Other minor changes proposed include:

- additional long-term bicycle parking stalls of a variety of sizes
- on-street EV parking stall
- exterior material revisions including removal of walkway screening, the transition of stair cladding to screening and updates to colour and material
- side yard setback increased from 1.04m to 1.2m (east).

However, there have been no changes made in response to Council’s recommendation and the design is still inconsistent with the design guidelines as stated in the analysis section of the report.

## **ANALYSIS**

### **Rezoning Application**

#### **Official Community Plan**

The subject site is designated as Urban Residential in the Official Community Plan, 2012 (OCP), which envisions low and mid-rise multi-unit buildings up to six-storeys in height with density up to 1.2:1 floor space ratio (FSR), depending on site conditions and the existing and envisioned context of the area. Increased density up to 2:1 FSR may be considered in locations that support the growth concept in the OCP, such as in proximity to Urban Villages, Town Centres and Transit Priority Corridors, where public benefit is provided consistent with the objectives of the OCP and other City policies, including local area plans.

The subject site does not meet the criteria to be considered a strategic location; however, it is identified in the *Fairfield Neighbourhood Plan* in an area that is suitable for density up to 2:1 FSR for proposals on larger sites that provide purpose-built rental housing. Due to the relatively small lot size, this application is considered inconsistent with these policies, as discussed in the *Fairfield Neighbourhood Plan* section below.

As noted earlier, this application would provide approximately 20 new rental dwelling units, which would help to advance the OCP housing objective of providing a range of housing types, forms and tenures across the City.

The proposal would also advance the climate and energy policies contained in Section 12 of the OCP, through the provision of on-street electric vehicle charging infrastructure and rooftop solar voltaic panels.

The applicant is no longer offering to secure five below-market rental units. This is inconsistent with the OCP housing policies that encourage replacement of existing rental buildings with new rent levels secured in a housing agreement.

Although inconsistent with certain objectives within the OCP, as noted above there are aspects where it is consistent. Should Council choose to advance the application, it is recommended that an OCP Amendment is not required.

#### **Fairfield Neighbourhood Plan**

The site is designated as Urban Residential in the *Fairfield Neighbourhood Plan* and is located within the "Rental Retention" sub-area of the Plan, which supports densities up to 1.2:1 floor space ratio and four-storeys or up to approximately 2:1 FSR and six-storeys where a proposal replaces and expands upon the existing rental housing stock.

On smaller Urban Residential sites, such as the subject site, the Plan supports lower scale development, including larger houseplexes, house conversions with additions, townhouses or low-rise apartments up to three-storeys in height. This application for a six-storey building with a density of 1.76:1 FSR is considered inconsistent with these policies.

## Housing

The application, if approved, would add 20 new purpose-built market rental units, which would increase the overall supply of housing in the area and contribute to the targets set out in the *Victoria Housing Strategy*.

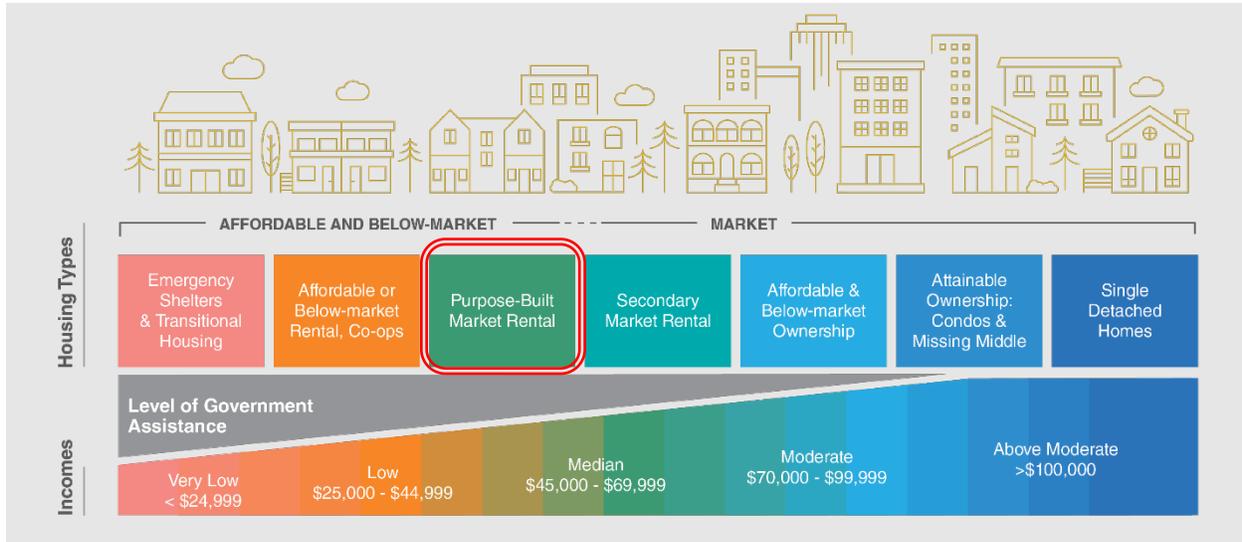


Figure 1. Housing Continuum

### Affordability Targets

The applicant is no longer offering to secure five below-market rental units.

### Housing Mix

At present there is no policy that provides targets regarding housing mix and providing minimum unit types is not mandated by the City. As submitted, this application proposes two studio units, 15 one-bedroom units and three three-bedroom units. The applicant is willing to secure the provision of the three-bedroom units with a legal agreement. The necessary language has been added to the alternate recommendation should Council choose to advance the application.

### Security of Tenure

A Housing Agreement is proposed by the applicant which would secure the dwelling units as rental in perpetuity. A covenant will also be registered on title of the property to prohibit the stratification and separate sale of individual units.

### Existing Tenants

The proposal is to deconstruct the existing house conversion and relocate the accessory building to another site which would result in a loss of five existing residential rental units. Consistent with the *Tenant Assistance Policy*, the applicant has provided a Tenant Assistance Plan which is attached to this report.

## Development Permit with Variances Application

### Official Community Plan: Design Guidelines

The OCP identifies the site within Development Permit Area (DPA) 16: General Form and Character, which supports multi-unit residential development that is complementary to the place character of the neighbourhood. Enhancing the character of the streetscape through high quality, human-scaled architecture, landscape and urban design is also a key objective of this DPA.

Design guidelines that apply to DPA 16 are the Design Guidelines for Multi-Unit Residential, Commercial and Industrial Development (2012), Advisory Design Guidelines for Buildings, Signs and Awnings (2006) and Guidelines for Fences, Gates and Shutters (2010). The proposed building design is generally consistent with many of the design guidelines; however, due to the relatively small site size there are significant aspects of the proposal that are inconsistent with the guidelines:

- The minimal setbacks combined with the orientation of the proposed dwellings units, and exterior circulation spaces create the potential for livability impacts on neighbouring properties.
- The scale, orientation and siting of the building creates shadowing impacts on adjacent properties, particularly those neighbouring units located on lower floors.

In addition, although the proposed density is technically 1.76:1 FSR, the density calculation excludes the area of the exterior corridors and ground floor circulation space even though these areas contribute to the mass of the building, further exacerbating the issue of a large building on a relatively small site.

### Variances

Should Council advance this application, the URMD Zone, Urban Residential Multiple Dwelling District, which was created as a standard zone for properties designated as Urban Residential in the OCP, is proposed as a base zone to create a new zone for the proposal. However, due to the small site size and bulk of the building, several variances would be required as part of this application.

This approach is recommended to ensure that reduced zoning provisions are not entrenched in the new zone, so that any future alternative development proposals for the site would need to comply with the zoning requirements or seek Council approval to achieve similar variances. The proposed variances relate to reduced parking, open site space and setbacks, as well as increased height and site coverage.

### *Parking and Transportation Demand Management*

A parking study was submitted for the previous 20-unit proposal for this site in 2022 which included a survey of on-street parking capacity carried out in September 2020. While there was some latent on-street parking capacity within the vicinity of the site, the 1000 block of Richardson was observed to be between 95 and 100% capacity on the survey dates. The parking study has not been updated to reflect the replacement of the affordable rental units with market rental.

A variance is requested to reduce the required number of parking spaces from 19 stalls to 8 stalls. To mitigate the potential impacts from this variance, the applicant is proposing the following Transportation Demand Management (TDM) measures:

- carshare memberships and driving credits for each of the residential units
- one carshare vehicle, secured through a developer-funded contribution of \$55,000
- one on-street dual head charger providing charge for one carshare vehicle stall and one public EV charger stall
- 23 additional bicycle parking over schedule C requirements
- 45% of required bicycle parking to be oversized
- 50% of required bicycle parking to have access to electric charging
- a bike wash and maintenance station.
- a car share stall with EV charging capacity provided within the site.

The parking variance is considered supportable with the provision of these TDM measures. Should Council choose to advance the application, these TDM measures would be secured with a legal agreement. The appropriate wording to secure the TDM program as a condition of rezoning has been added to the alternate motion.

### *Height*

An increase in height from the URMD Zone of 18.5m to 19.46m is requested. The height is measured to the rooftop access stair and covered roof deck rather than the main roofline of the building which is approximately 16.29m in height. Additionally, the proposed height exceeds the three storeys or approximately 9.5 – 10.5m height envisioned in the *Fairfield Neighbourhood Plan* for smaller sites like this and the shadowing impacts on neighbouring properties would be exacerbated by the limited setbacks. Given the inconsistencies with current policy and the detrimental impacts on neighbouring properties, it is recommended for Council's consideration that the proposed height variance be declined.

### *Setbacks*

Variances are requested to reduce front and rear setbacks from 4.0m and 10.0m to 2.4m (to the building) and 5.0m. Side yard setback variances are also requested to reduce the east setback from 6.0m to 1.2m and the west setback from 6.0m to 2.89m (to the building). Balconies on the west and front elevations would project further into the setbacks.

It is recommended that the setback variances be declined due to the negative impact on neighbouring properties resulting from building proximity, which is exacerbated by the height and bulk of the proposed building. Furthermore, the proposal would also have an impact on the future development potential of the adjacent properties.

### *Site Coverage and Open Site Space*

A variance is sought for an increase in site coverage from 40% (as required in the URMD Zone) to 52.7%, and a reduction in open site space from 50% (as required in the URMD Zone) to 39.8%. The majority of the open site space would consist of landscaped areas and pedestrian pathways located above the underground parking structure, noting that the northeast corner of the parking structure has been notched to provide a roughly 25m<sup>2</sup> area for enhanced landscaping and tree planting. A narrow landscape strip provides some softening of the edge along the side yards of the development; however, due to the site coverage of the above and below grade structures, all

the on-site trees would be removed to accommodate the development. A common amenity space with seating and raised planters is provided on the rooftop.

While the proposed landscape treatment and rooftop amenity is consistent with the design guidelines, the scale of the building relative to the lot size eliminates the opportunity to retain any trees and limits any significant landscaping to the rear yard and some smaller areas at the front of the building. Given the impacts on trees and limited open site space, it is recommended that the site coverage and open site space variances be declined.

### **Advisory Design Panel Review**

The application was reviewed by the Advisory Design Panel on September 22, 2021. At that meeting, the following motion was passed:

*“That the Advisory Design Panel recommend to Council that Development Permit with Variances Application No. 00158 for 1042/1044 Richardson Street does not sufficiently meet the applicable design guidelines and policies and should be declined (and that the key areas that should be revised include):*

- *Variances are not supportable. For example, the proposal has only a third of the site area required in this zone.*
- *The architectural expression, particularly the stair tower, has a more institutional rather than a residential expression as outlined in the guidelines.*
- *Open space requirement is 50% and the project proposed 28.7%.*
- *Maximum site coverage required is 40% and the project proposed 60.02%.*
- *Re-examination of the materiality particularly regarding the exterior cladding.”*

In response, the applicant had made the following revisions prior to the previous COTW meeting:

- The fenestration pattern on the street facing stair tower on the front façade had been revised from a curtainwall to punched windows.
- The prominence of the stair tower had been slightly reduced by revising the roofline so that it slopes down towards the street following the stair run within.

Further changes were made with the latest submission:

- Additional vertical green screens have been added on each level adjacent the stair tower to further soften the appearance of the building.
- The material of the building was changed from cementitious dark grey panels to light grey.

In addition to these revisions, the applicant provided a letter in response to the ADP motion which is attached to this report. In staff's opinion, the applicant has not made sufficient revisions to address the ADP recommendation, nor the concerns noted by staff on the original application.

### **Tree Preservation Bylaw and Urban Forest Master Plan**

The goals of the *Urban Forest Master Plan* include protecting, enhancing, and expanding Victoria's' urban forest and optimizing community benefits from the urban forest in all neighbourhoods. The *Urban Forest Master Plan* recommends a city-wide tree canopy cover of 40%. Based on 2019 LiDAR analysis, Fairfield canopy cover is 29 % and city-wide coverage is 28%. This application was received after October 24, 2019; therefore, *Tree Preservation Bylaw* No. 05-106 (consolidated November 22, 2019) applies.

Sixteen trees have been inventoried. There are 11 trees located on the subject lot, two trees on neighbouring properties, and three municipal trees potentially impacted by the development. Eleven trees are proposed to be removed from the subject site, including two bylaw-protected trees to accommodate the underground parking ramp and for installation of underground services.

Two bylaw-protected trees on neighbouring properties will be retained, along with all three municipal trees. The arborist has recommended tree protection measures and arborist supervision at various stages of the project to ensure these trees shall be retained.

The landscape plan identifies five medium- to large-sized replacement trees planted at the ground level, along with two small trees in freestanding planters on the rooftop, and one new boulevard tree. Six of these are denoted as replacement trees to meet the requirements of the tree bylaw.

## **CONCLUSIONS**

The proposal to construct a six-storey (five residential floors plus a roof deck), purpose-built rental building with approximately 20 dwelling units is consistent with the OCP and *Fairfield Neighbourhood Plan* with respect to adding to the supply of market rental housing stock in the neighbourhood in an area well served by local services and transit. However, due to the scale and massing of the development and the relatively small site size, the proposed land use is inconsistent with the OCP and *Fairfield Neighbourhood Plan*, which supports lower scale buildings such as houseplexes, townhouses on smaller sites, as opposed to a five to six-storey building with multiple dwellings. In addition, the site conditions created as a result of trying to fit a large building on a small site, as well as the orientation of units in all directions, presents critical challenges associated with the liveability of units.

Despite the repeated advice of staff to develop a proposal that aligns better with the applicable land use policies and design guidelines, the applicant has chosen to pursue the current proposal. Because of inconsistencies with Council policies, it is recommended that the Rezoning Application be declined.

Should Council wish to advance the proposal, an alternate recommendation is provided.

## **ALTERNATE MOTION – advance the application for consideration as presented**

1. That Council instruct the Director of Sustainable Planning and Community Development to prepare the necessary Zoning Regulation Bylaw amendment that would authorize the proposed development outlined in the staff report dated January 22, 2024 for 1042 Richardson.
2. That, after publication of notification in accordance with section 467 of the Local Government Act, first, second and third reading of the zoning regulation bylaw amendment be considered by Council.
3. That following the third reading of the zoning amendment bylaw, the applicant prepare and execute the following legal agreements, with contents satisfactory to the Director of Sustainable Planning and Community Development and form satisfactory to the City Solicitor prior to adoption of the bylaw:
  - a. Secure the rental tenure of all dwelling units for the greater of 60 years or the life of the building and ensure a future strata cannot restrict rentals, with terms to the satisfaction of the Director of Sustainable Planning and Community Development.

- b. Secure one accessible one-bedroom unit to the satisfaction of the Director of Sustainable Planning and Community Development.
  - c. Restrict strata titling of the building, with terms to the satisfaction of the Director of Sustainable Planning and Community Development.
  - d. Secure the following Transportation Demand Management measures to offset the proposed parking variance, with terms to the satisfaction of the Director of Engineering and Public Works:
    - i. one car share vehicle, secured through a developer-funded contribution of \$55,000
    - ii. car share memberships and usage credits for all residential units
    - iii. one on-street dual head charger providing charge for one car share vehicle stall and one for public use
    - iv. 23 additional bicycle parking over schedule C requirements
    - v. 45% of required bicycle parking to be oversized
    - vi. 50% charging provision for all bicycle stalls
    - vii. a bike wash and maintenance station.
    - viii. a car share stall with EV charging capacity provided within the site.
4. That adoption of the zoning bylaw amendment will not take place until all of the required legal agreements that are registrable in the Land Title Office have been so registered to the satisfaction of the City Solicitor.
5. That the above Recommendations be adopted on the condition that they create no legal rights for the applicant or any other person, or obligation on the part of the City or its officials, and any expenditure of funds is at the risk of the person making the expenditure.

### **Development Permit with Variance Application**

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

- “1. That subject to the adoption of Zoning Regulation Bylaw, Council authorize the issuance of Development Permit with Variances No. 00158 for 1042/1044 Richardson Street, 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. increasing the maximum height from 18.5m to 19.46m
    - ii. increasing the maximum site coverage from 40 percent to 52.70 percent
    - iii. decreasing the minimum open site space from 50 percent to 39.8 percent
    - iv. decreasing the front setback from 4.0m to 2.4m (to the building) and 1.50m (to balconies)
    - v. decreasing the rear yard (north) setback from 10.0m to 5.0m
    - vi. decreasing the east side yard setback from 6.0m to 1.20m
    - vii. decreasing the west side yard setback from 6.0m to 2.89m (to the building) and 2.09m (to balconies)
    - viii. decreasing the vehicle parking from 19 stalls to 8 stalls.
2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution.”

Respectfully submitted,

Manasvini Thiagarajan  
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: Plans date stamped January 22, 2024
- Attachment C: Letter from applicant to Mayor and Council dated February 9, 2024
- Attachment D: COTW Report for the Meeting of July 14, 2022
- Attachment E: Minutes of the COTW Meeting on July 14, 2022
- Attachment F: Minutes of the Advisory Design Panel meeting on September 22, 2021
- Attachment G: Letter from applicant in response to Advisory Design Panel review
- Attachment H: Arborist Report dated January 23, 2024
- Attachment I: Geotechnical Memo dated May 20, 2022
- Attachment J: Parking Study dated March 19, 2024
- Attachment K: Tenant Assistance Plan dated February 13, 2024
- Attachment L: Pre-Application Consultation Comments from Online Feedback Form
- Attachment M: Correspondence (Letters received from residents).