



## Committee of the Whole Report For the Meeting of May 9, 2024

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**To:** Committee of the Whole **Date:** April 25, 2024

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

**Subject:** **Update on Rezoning Application No. 00753 and Development Permit with Variances Application No. 00158 for 1042 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.

On April 25, 2024, Council referred the application to staff to discuss with the applicant the affordability component of this proposed market rental building. Following discussions with staff, the applicant has revised the proposal to include a commitment to secure ten percent (two studio units) of the rental dwelling units as affordable rental units for a period of sixty years. While this improves the application's consistency with the guiding policies for this area, it is still recommended that Council decline the rezoning application based on the issues outlined in the Committee of the Whole report presented to Council on April 25, 2024 and attached to this updated report. However, should Council wish to advance the application, an alternate recommendation that includes the affordability component is provided at the end of this report.

## **BACKGROUND**

At the Committee of the Whole meeting on April 25, 2024, Council passed the motion below:

### **"Motion to refer as amended:**

*Refer application back to staff to further discuss with the applicant the affordability component in the application and return to Committee of the Whole within two weeks".*

Following the COTW meeting, the applicant met with staff to discuss the affordability component of the proposal and has now revised the application to include a commitment to securing a minimum of two dwelling units as affordable rental units for the greater of 60 years or the life of the building. The applicant has agreed to make the following commitment via a housing agreement related to affordability for 1042-1044 Richardson Street:

*"A commitment of 10% of units in the building (a total of 2 bachelor units) to be secured at 95% of Canada Mortgage and Housing Corporation median market rates for the greater of 60 years or the life of the building".*

In addition, the applicant is increasing the number of accessible units from one to two.

This commitment aligns with the regulations associated with the draft Affordable Rental Housing Revitalization Tax Exemption Bylaw that will be considered by Council in June.

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. The commitment to secure two units enhances the affordability of the purpose-built rental project by ensuring two of the units will be affordable for households with median incomes.

However, due to the scale and massing of the development and the relatively small site size, the proposed land use remains 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.

## CONCLUSIONS

The applicant has addressed the referral motion by adding the affordable housing component. However, 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 (updates in bold text)

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 Street.
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 in perpetuity
  - b. Secure two accessible units.
  - c. Restrict strata titling of the building,
  - d. **Secure a housing agreement for 10% of the units in the building (a total of two bachelor units) at 95% of Canada Mortgage and Housing Corporation (CMHC) median market rates for the greater of 60 years or the life of the building.**
  - e. 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: Aerial Map
- Attachment B: Letter from Applicant dated April 26, 2024
- Attachment C: April 25, 2024 Committee of the Whole meeting staff report
- Attachment D: Plans dated May 2, 2024 deemed January 22, 2024
- Attachment E: Commitment letter May 2, 2024