

REPORT

Climate Action, Planning and Development

To: Mayor Johnstone and Members of Council
Date: September 11, 2023

From: Serena Trachta,
Acting Director of Climate Action,
Planning and Development
File: DVP00701
HA000031

Item #: 2023-571

Subject: **Housing Agreement Bylaw and Development Variance Permit to Vary Parking Requirements: 311 Ash Street**

RECOMMENDATION

THAT third reading of Housing Agreement Bylaw (311 Ash Street) Bylaw No. 8382, 2023 be rescinded.

THAT Bylaw No. 8382, 2023 be re-considered and re-read a 3rd time as amended.

THAT Council, should the Housing Agreement Bylaw No. 8382, 2023 be adopted, direct the Mayor and Corporate Officer to execute the Housing Agreement.

THAT Council provide notice that it will reconsider issuance of a Development Variance Permit (DVP00701) to reduce the number of required off-street parking spaces by 34% from the Zoning Bylaw requirements for secured market rental units.

THAT Council endorse that fifty-one long-term bicycle parking spaces and six short-term bicycle parking spaces be included as part of the Development Permit application for 311 Ash Street, should the Development Variance Permit (DVP00701) be approved by Council.

PURPOSE

To provide Council with a staff response to two motions that were adopted by Council on February 27, 2023 regarding the Development Variance Permit and Housing

Agreement application for 311 Ash Street, to request that Council provide notice that it will consider issuance of the Development Variance Permit (DVP00701), and to request that Council consider the Housing Agreement Bylaw No. 8382, 2023.

BACKGROUND

Housing Agreement and Development Variance Permit (DVP) applications have been submitted to allow replacement of 14 existing parking spaces with five new residential units and two bike storage rooms in an existing 29 unit residential rental building at 311 Ash Street. At the meeting of February 27, 2023, Council considered the issuance of a Development Variance Permit at 311 Ash Street to reduce the required parking and facilitate the development. In the discussion, concerns were raised regarding the loss of three significant mature trees on the south-east side of the building and the condition of the building. After discussion, Council passed the following motions:

THAT Council defers the Development Variance Permit DVP00701 for 311 Ash Street pending:

- The applicant reporting back to Council regarding climate mitigation options for the building;
- The applicant be required to plant the maximum size tree under the tree bylaw; and,
- The Building Inspector to report back on the conditions of the building.

THAT Council defers consideration of Item 6.2.a. – Housing Agreement (311 Ash Street) Bylaw No. 8382, 2023 pending approval of the Development Variance Permit DVP00701 for 311 Ash Street.

Staff have now received responses from the applicant, have completed the necessary inspection, and are providing this report in response to Council's motions.

In response to Council's motion regarding climate mitigation options for the building, the Housing Agreement has been updated to:

- Specify that tenants may install air conditioners in their units: and,
- Specify that the owner cannot prohibit tenants from installing air conditioners.

In addition, through the Development Permit and Building Permit, staff will ensure that:

- The owner provides the necessary infrastructure upgrades, including the electrical panel as needed, to the base building to accommodate installation of air conditioners within all units within the building.
- The owner provides shading devices sufficiently deep to provide fully shaded windows along the southern building face, in order to reduce heat gain during the summer.
- Replacement trees are provided per the Tree Bylaw.

As the Housing Agreement has been updated from the version that received three readings on February 13, 2023, Council would need to rescind third reading before re-giving third reading of the new Housing Agreement Bylaw.

DISCUSSION

The applicant has provided an email response to the issues raised in the adopted Council Motion. The applicant's response is provided as Attachment 1.

Staff's response to the issues raised is as follows:

Climate Mitigation

Council raised concerns about the loss of three significant trees and their shading benefits to existing units within the building, particularly on cooling of the units. The applicant has provided their rationale to remove the trees (Attachment 1). Given that the trees could not be feasibly retained if the units are to be added, new climate mitigation measures are proposed. Firstly, the Housing Agreement has been amended to ensure that the building owner cannot prohibit tenants from installing air conditioners, allowing tenants to cool their units and prevent overheating as needed. The building owner shall ensure that the electrical load in the building can be now or will be improved to accommodate the potential electrical load for such air conditioners through the Building Permit process. In addition, the applicant shall provide shading devices on the building to help reduce solar heat gain through the windows in summer. This shading would be secured through the delegated Development Permit, which would be considered by the Director of Climate Action, Planning and Development.

Maximum Sized Replacement Trees

The applicant has responded that they are amenable to providing the maximum caliper replacement trees. In the initial submission, the applicant had originally proposed to remove five trees but staff have worked with the developer to retain two of the five. Since the February 13, 2023 meeting, staff have reviewed the plans again and accept that the removal of the three trees will facilitate traditional construction methods for the newly proposed residential units with natural light. The three trees proposed for removal are semi-mature Austrian Pines which are estimated to be 40-70 years of age, in sound health and structure and, are located on the Third Avenue frontage.

Should Council approve the variance, the developer would be required to replace the removed trees at a 2:1 Ratio (six new trees), as required by the City's Tree Protection Bylaw. The City's arboricultural staff would work with the developer to select appropriate species to maximize longer-term tree canopy benefits; however, it should be noted that it will take decades before the replacement trees could provide similar benefits to the existing trees.

Building Condition

The Integrated Services Division conducted an inspection of the Building in May 2023. The inspection found minor deficiencies such as peeling paint, water leaks near windows, lack of aesthetic maintenance in non-renovated units, slow drains, and lack of hot water available. Integrated Services completed a follow-up inspection in June 2023 and found that all deficiencies have been addressed.

REVIEW PROCESS

The review steps for this application are:

1. Report to Council for First, Second and Third Readings of the Housing Agreement Bylaw No. 8382, 2023 and to request that Council issue notice that it will consider issuance of a Development Variance Permit for the proposed parking (February 13, 2023);
2. Council motion tabling the Housing Agreement and Development Variance Permit applications pending further information from the applicant (February 27, 2023);
3. Update Report to Council to rescind and re-give Third Reading of the Housing Agreement Bylaw No. 8382, 2023 and request that Council re-issue notice that it will consider issuance of a Development Variance Permit for the proposed parking (**WE ARE HERE**);
4. Council consideration of adoption of Housing Agreement Bylaw No. 8382, 2023 and Council consideration of the Development Variance Permit (September 25, 2023);
5. Finalization and Registration of the Housing Agreement at the Land Title and Survey Authority;
6. Consideration of Development Permit application and issuance by the Director of Climate Action, Planning and Development.

CONSULTATION

Notices were previously circulated to surrounding residents in February 2023, when Council originally considered the DVP. As over six months have passed since Council originally considered the DVP, notices would be re-sent to surrounding residents by the City Clerk’s Office (Legislative Services Department) to provide an opportunity for written feedback prior to Council consideration of the Development Variance Permit.

OPTIONS

The following options are provided for Council’s consideration:

1. That third reading of Housing Agreement Bylaw (311 Ash Street) Bylaw No. 8382, 2023 be rescinded.

- 2. That Bylaw No. 8382, 2023 be re-considered and re-read a 3rd time as amended.
- 3. That Council, should the Housing Agreement Bylaw No. 8382, 2023 be adopted, direct the Mayor and Corporate Officer to execute the Housing Agreement.
- 4. That Council provide notice that it will consider issuance of a Development Variance Permit (DVP00701) to reduce the number of required off-street parking spaces by 34% from the Zoning Bylaw requirements for secured market rental units.
- 5. That Council endorse that fifty-one long-term bicycle parking spaces and six short-term bicycle parking spaces be included as part of the Development Permit application for 311 Ash Street, should the Development Variance Permit (DVP00701) be approved by Council.
- 6. That Council provide staff with alternative feedback.

Staff recommend Options 1 through 5.

ATTACHMENTS

- Attachment 1: Applicant Response to Council Motion
- Attachment 2: Housing Agreement Bylaw No. 8382, 2023
- Attachment 3: Housing Agreement Principles Letter
- Attachment 4: Acting Director of Climate Action, Planning and Development’s Report Dated February 13, 2023

APPROVALS

This report was prepared by:
 Hanna Jarrett, Development Planner
 Demian Rueter, Acting Senior Manager of Climate Action, Planning and Development

This report was reviewed by:
 Mike Watson, Acting Manager of Development Planning

This report was approved by:
 Serena Trachta, Acting Director of Climate Action, Planning and Development
 Lisa Spitale, Chief Administrative Officer