

# **REPORT**

## ***Climate Action, Planning and Development***

**To:** Mayor Cote and Members of Council      **Date:** January 31, 2022

**From:** Emilie K. Adin, MCIP      **File:** DVP00691  
Director, Climate Action, Planning and      HA000028  
Development

**Item #:** 2022-60

**Subject:** **Housing Agreement Bylaw and Development Variance Permit to Vary Residential and Visitor Parking Requirements: 520 Eighth Street – Bylaw for Three Readings**

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### **RECOMMENDATION**

**THAT** Council consider Housing Agreement Bylaw No. 8273, 2022 to authorize the City to enter into a Housing Agreement with the property owner to require that all residential units at 520 Eighth Street be secured as market rental housing for First, Second and Third Readings.

**THAT** Council, should the Housing Agreement Bylaw No. 8273, 2022 be adopted, direct the Mayor and Corporate Officer to execute the Housing Agreement.

**THAT** Council provide notice that it will consider issuance of a Development Variance Permit (DVP00691) to reduce the number of required off-street parking spaces by 21% from the standard Zoning Bylaw requirements for secured market rental.

**THAT** Council endorse that six long-term bicycle parking spaces and six short-term bicycle parking spaces be included as part of the Development Permit application for 520 Eighth Street, should the Development Variance Permit (DVP00691) be approved by Council.

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### **PURPOSE**

The purpose of this report is to request that Council: 1) consider adoption of the Housing Agreement Bylaw No. 8273, 2022 for First, Second and Third Readings; 2) issue notice that Council will consider Development Variance Permit (DVP00691) for a

13 space reduction (21%) to the off-street parking provisions of the Zoning Bylaw for secured rental buildings.

**EXECUTIVE SUMMARY**

Housing Agreement and Development Variance Permit applications have been submitted to allow replacement of seven existing parking spaces and a portion of resident storage and locker areas with five new studio and one-bedroom residential units in an existing 56 unit residential rental building at 520 Eighth Street. The Housing Agreement would secure all existing and proposed units (61 units total) within the building as a market rental project for 60 years or the life of the building, whichever is longer. A Development Variance Permit, which would reduce off-street parking below the minimum requirements of the Zoning Bylaw for secured market rental, is required to facilitate the proposal.

Excluding the proposed five units, for which additional parking spaces are not required, 56 residential parking spaces (1.0 space per dwelling unit) and 6 visitor spaces (0.1 spaces per dwelling unit) would be required. The project proposes removing seven parking spaces, resulting in a total of 49 resident spaces (0.8 spaces per unit). No visitor spaces would be provided. This represents a 21% reduction in required parking (13 spaces). Despite this overall reduction, the applicant proposes to provide all required accessible parking stalls.

**BACKGROUND**

**Policy and Regulation**

The applicant’s proposal is consistent with the Official Community Plan land use designation for the site: (RM) Residential – Multiple Unit Buildings. The current zoning is RM-2 Apartment (Low Rise). A summary of related City policies and regulations, which includes the Official Community Plan (OCP) Land Use Designation, Secured Market Rental Housing Policy, Development Permit Area (DPA), and Zoning, is included in Attachment 1.

**Development Variance Permit**

Section 140.22 of the City’s Zoning Bylaw does not require additional off-street parking spaces for secured rental residential units, provided that:

- 1. There are no more than five additional secured rental units proposed; and
- 2. The site was used for secured rental residential units since before 2014.

As per the above, the proposed five rental residential units do not require any additional off-street parking spaces. However, the proposed removal of seven residential parking stalls has triggered the need to review parking requirements for the site. Based on that review, a Development Variance Permit to reduce off-street parking below the minimum requirements of the Zoning Bylaw for secured market rental is required to facilitate the proposal.

Development Permit

The applicant has submitted an application for a development permit. This development permit is to facilitate a form and character review of the proposal and would be considered by the Director of Climate Action, Planning and Development subject to Council consideration of the Housing Agreement Bylaw and Development Variance Permit.

**Site Characteristics and Context**

The site is located mid-block on Eighth Street, between Sixth Avenue and Fifth Avenue. The current three level building, which consists of 56 residential rental units, was built in 1969. The site is surrounded by older high- and mid-rise buildings, ranging from 3 to 14 storeys in height, and is in close proximity to Moody Park and commercial uses along Sixth Street.



Figure 1: Site Context Map with 520 Eighth Street highlighted in Blue

**Proximity to Transit Service and Other Sustainable Transportation Options**

The site is well serviced by transit and within walking distance of multiple bus stops located along the Eighth Street Frequent Transit Network (FTN) and Sixth Avenue. These stops provide bus service to/from SkyTrain stations including New Westminster Station, 22nd Street Station, and Braid Station. The site is surrounded by a complete sidewalk network that is fully accessible. Car share services, for one-way (i.e., EVO) and two-way operations (i.e., Modo), are available in the neighbourhood.

Existing Active Transportation and Sustainable Modes	
<b>Cycling Network</b>	<ul style="list-style-type: none"> <li>• &lt; 300m from Rotary Crosstown Greenway</li> <li>• &lt; 300m from Fourth Street, a primary bike route</li> <li>• &lt; 300m from Tenth Street, a primary bike route</li> </ul>
<b>Transit Network</b>	<ul style="list-style-type: none"> <li>• Well-serviced by transit (#123 FTN on Eighth Street, #101 and #155 on Sixth Avenue)</li> <li>• &lt; 150m walking distance to north and southbound FTN transit stops on Eighth Street</li> <li>• &lt; 150m walking distance to east and westbound transit stops on Sixth Avenue</li> <li>• Bench and transit shelter provided at stops on Eighth Street and Sixth Avenue</li> </ul>
<b>Sustainable Modes</b>	<ul style="list-style-type: none"> <li>• 1 Modo car located approximately 400 m from site</li> <li>• Dedicated EVO parking on the 600 block of Belmont Street</li> </ul>

**PROJECT DESCRIPTION**

The applicant is proposing to replace seven existing parking spaces and a portion of resident storage and locker areas with five new residential units within an existing 56 unit residential rental building. Two studio units of approximately 538.5 sq. ft. (50 sq. m.) and three one-bedroom units between 536.5 and 668.1 sq. ft. (49.8 and 62.1 sq. m.) are proposed. The units would be located adjacent to remaining storage and locker areas and near to the elevator, laundry, and parking. The proposed renovation plan is provided in Figure 2 below:

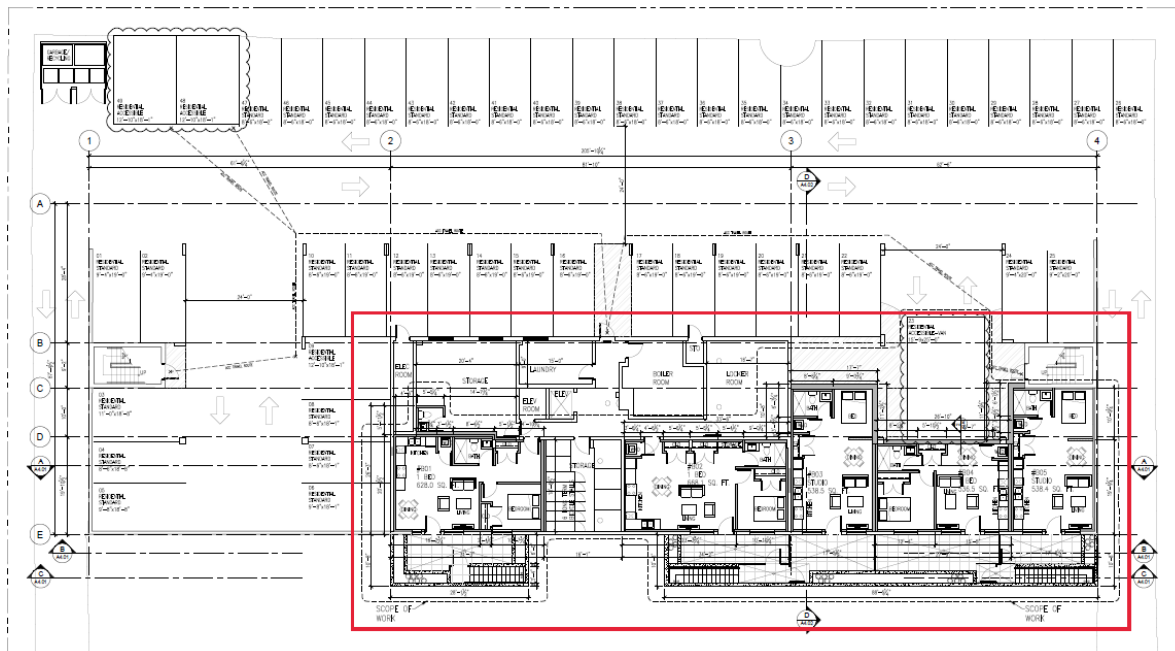


Figure 2: Proposed Renovation Plan

Units would be added in the below-grade portion of the parking and storage area. Due to the sloped nature of the site, the north elevation of the units would be below-grade, and the south portion at-grade. Windows and patio wells would be located along the north side of each unit. Street access would be provided from the north elevation via stairs leading from the below-grade patio wells to pathways connected to Eighth Street. At-grade accessible entries would be provided for Units B01 and B02 from the lobby area at the basement level. These two units would have the option of accessing the street via the nearby elevator.

The proposal would reduce off-street parking from 56 spaces currently provided to 49 spaces. Though the additional units have been proposed in areas previously served by parking, no potential vehicle and resident conflicts have been identified. The proposal would result in 0.8 spaces per residential unit and no visitor parking would be provided. Though a net decrease in parking is proposed, three accessible parking stalls and one accessible van parking stall would be provided, exceeding that required by the Zoning Bylaw (Sec. 145.4).

All existing and proposed rental units (61 units total) would be secured with a Housing Agreement for 60 years or the life of the building, whichever is longer.

**DISCUSSION**

**Requested Variance**

A variance to the current parking requirements is requested, such that the proposal would reduce the parking provision by 21% (13 spaces), which is less than the City’s current Zoning Bylaw parking requirements for residential rental uses.

The applicant has requested the reduced parking rate be considered given the proximity to the FTN and the low use of existing parking supply. At 0.8 spaces per unit, the proposed provisions are similar to requirements under the same Bylaw for secured market rental sites located within the Downtown neighbourhood (i.e., 0.6 space per unit for bachelor and one-bedroom, 0.8 space per unit for two or more bedrooms). Based on a survey completed in April on utilization of the current parking supply, only 15 of the existing 56 stalls are assigned to residents, with 14 stalls (25%) in use by non-building neighbourhood residents and 27 stalls (48%) vacant (with an overall building vacancy rate of 1.8%).

**ANALYSIS**

**Off-Street Parking Reduction**

Given the proximity to transit and similarity of rates used in the Downtown neighbourhood, staff considers the variance for parking to be reasonable when accompanied by a commitment to measures that support active travel. Specifically, Transportation staff have recommended the provision of six short-term bicycle parking stalls. The applicant has agreed to provide a minimum of six short-term spaces, with the design of these spaces to be reviewed as part of the development permit process. The

applicant is also required to comply with the long-term bike parking requirements of the Zoning Bylaw for the new proposed units (1.25 spaces per unit). The applicant has proposed six long-term bike parking stalls in satisfaction of this requirement.

### **Secured Market Rental Housing Agreement**

The site is currently zoned RM-2 Apartment (Low Rise). Under Section 190.49 – Amenity Density Bonus of the City’s Zoning Bylaw, density can be increased to a maximum of 1.8 FSR if an amenity contribution is made. Projects that propose secured rental residential units are exempt from the requirements of an amenity contribution. The current density of 1.17 floor space ratio (FSR) would be increased to 1.26 FSR with the addition of the five units. The applicant has agreed to extend the Housing Agreement to cover all 61 rental units within the project and would therefore be exempt from an amenity contribution. The Housing Agreement Amendment Bylaw is included in Attachment 4.

The following principles have been used (and agreed to by the owner/developer) for structuring the Housing Agreement Bylaw. The signed letter from the developer/owner agreeing to these principles is included as Attachment 5 to this report:

1. The owner(s) will operate the building located at 520 Eighth St, New Westminster (the “Building”), and all dwelling units therein, for rental purposes only and will obtain a business licence from the City of New Westminster for the operation of these rental units. The management and maintenance of the rental units will be expected to comply with all relevant provisions of the Residential Tenancy Act and any other applicable provincial legislation and City bylaws, including The City of New Westminster Business Regulations and Licensing (Rental Units) Amendment Bylaw No 8130 (2019).
2. Article 2 (Use and Construction of Lands and Secured Rental Units) and Article 3 (Disposition and Acquisition of Secured Rental Units) of any Housing Agreement registered against title to 520 Eighth St will be attached to every tenancy agreement created at or after the time of execution of such Housing Agreement by the City and the owner(s).
3. All units in the Building must be owned and managed by one entity.
4. All dwelling units in the Building shall be rented for long-term rental uses and all tenancies beginning on or after the time of execution of a Housing Agreement by the City and the owner(s) must be one month or longer.
5. The owner(s) will not require a tenant(s) or any permitted occupant of the Building to pay any extra charges or fees for property or similar tax.
6. All principles of this housing agreement will apply to existing rental units and any subsequent rental units developed within this property, including the five market rental units that are proposed to be developed as part of the building permit application for this project.
7. The rental tenure will be guaranteed for 60 years or the life of the building.

- 8. The Owner(s) will operate the housing as market rental units. The Housing Agreement will not provide restrictions on eligibility or market rent.

**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. 8273, 2022 and to request that Council issue notice that it will consider issuance of a Development Variance Permit for the proposed parking (**WE ARE HERE**);
- 2. Council consideration of Adoption of Housing Agreement Bylaw;
- 3. Finalization and Registration of the Housing Agreement at the Land Titles Office;
- 4. Council consideration of the Development Variance Permit;
- 5. Consideration of Development Permit application and issuance by the Director of Climate Action, Planning and Development.

**Consultation**

As per the Council resolution on July 12, 2021 the development review process for Development Variance Permits no longer requires an Opportunity to be Heard. However, notices would be sent to surrounding residents by the Legislative Services Department to provide an opportunity for written feedback.

**INTERDEPARTMENTAL LIAISON**

This report was written with input from the Engineering Department.

**OPTIONS**

The following options are provided for Council’s consideration:

- 1. That Council consider Housing Agreement Bylaw 8273, 2022 for first, second, and third reading in order to require all residential units to be secured market rental housing;
- 2. That Council, should the Housing Agreement Bylaw No. 8273, 2022 be adopted, direct the Mayor and Corporate Officer to execute the Housing Agreement.
- 3. That Council provide notice that it will consider issuance of a Development Variance Permit (DVP00691) to reduce the number of required off-street parking spaces to 21% below the standard Zoning Bylaw requirements for secured market residential;

4. That Council endorse that six long-term bicycle parking spaces and six short-term bicycle parking spaces be included as part of the Development Permit application for 520 Eighth Street, should the Development Variance Permit (DVP00691) be approved by Council; or
5. That Council provide staff with alternative feedback.

Staff recommends Options 1, 2, 3, and 4.

### **ATTACHMENTS**

Attachment 1: Policy and Regulations

Attachment 2: Rationale Letter and Project Drawings

Attachment 3: Project Statistics

Attachment 4: Housing Agreement Bylaw 8273, 2022

Attachment 5: Housing Agreement Principles Letter

This report was prepared by:

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