

REQUEST FOR PLANNING DECISION

RPD# 2019016

Date: February 25, 2019

SUBJECT: 150 East Victoria Development Agreement Application

RECOMMENDATION: That Council approve second reading of the development agreement regarding 150 East Victoria Street and schedule a Public Hearing.

RECOMMENDATION: **Report/Document:** Draft Agreement, Staff report to PAC

KEY ISSUE(S) CONCEPTS DEFINED: The property owner requests a development agreement to change the use of 5 motel units to 5 dwelling units. The remaining 10 motel units and 2-bdrm owner apartment would remain unchanged.

Within the Downtown Zone, MPS Policy CP-15 regulates the conversion of ground floor commercial space to residential uses. The proposal generally conforms to this policy and all other relevant policies of the MPS.

The existing use of the building as a motel with both short and long term rentals can continue indefinitely without the benefit of a development agreement. It can be argued that reducing the number of units from 21 to 11 will reduce traffic on the property. Furthermore, the renovations, including doubling the size of the units and the addition of kitchens, may result in a safer situation than the potential alternative of people trying to cook with inadequate resources.

Outdoor balconies are provided and high-quality parks are nearby for the use of the residents. The buildings are obviously in existence in their current location, and due to the proximity to property lines landscaped buffers cannot be provided, nor are they required by the current policies of the MPS or regulations of the LUB.

Should Council agree to enter into the development agreement the applicant must obtain a building permit, which will require that the subject building meet current Building Code standards for a multi-unit dwelling.

Following an Public Participation Session noted below, the Planning Advisory Committee passed a motion recommending that Council enter into the proposed Development Agreement, but amended it to include maintenance to all cladding, creation of a green space between the lower building and Herbert Street where possible, create a minimum of 600 square feet of amenity space, that any vents on north side of the lower building meet the national building code, and that there is repair of pavement within 12 months of an occupancy permit. These amendments are incorporated into the attached development agreement and shown in red text.

PUBLIC PARTICIPATION OPPORTUNITY SUMMARY: An advertised Public Participation Opportunity was held on December 3, 2018 and attended by two residents and the proponents. The major issues raised were related to the lack of landscaped open space, building code compliance and current esthetics of the property.

Council gave first reading of the Development Agreement at their regular meeting on January 28, 2019, and held an advertised Public Hearing on February 20, 2019. Although there were no members of the public in attendance to speak on the matter, one letter of objection was received and is included in the package.

RELEVANT MUNICIPAL PLANNING STRATEGY POLICY:

CP-15 – Ground Floor Residential Uses in the Downtown by DA (Summarized in the original PAC Report)

SP-1 It shall be the intention of Council to encourage high density residential development in the Downtown Zone

RP-11 It shall be the intention of Council to encourage and promote the provision of affordable housing units within all residential areas of the Town by:

- (a) encouraging a mix of housing types and densities;

RP-8 It shall be the intention of Council to encourage a mix of housing densities in all residential areas of town to encourage a mix of housing types and income groups in all residential areas.

RESPONSE OPTIONS:

1. Approve Second Reading of the Development Agreement;
2. Approve Second Reading of the Development Agreement with specific changes.
3. Refuse to enter into the agreement.

IMPLICATIONS OF PAC RECOMMENDATION:

GENERAL: The proposed Development Agreement is in general conformance with the Town's policies and regulations.

COMMUNICATION: An advertised Public Participation Opportunity was held on December 3, 2018 and attended by two residents and the proponents. Council gave first reading of the Development Agreement at their regular meeting on January 28, 2019, and held an advertised Public Hearing on February 20, 2019.

OTHER COMMENTS:

Submitted by: Andrew Fisher, Manager of Planning and Strategic Initiatives

Approved by: Gregory D. Herrett, CA, Chief Administrative Officer