



**Committee of the Whole Report
For the Meeting of November 22, 2018**

To: Committee of the Whole **Date:** November 8, 2018

From: Andrea Hudson, Acting Director,
Sustainable Planning and Community Development

Subject: Rezoning Application No. 00605 for 926 and 932 Pandora Avenue

RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00605 for 926 and 932 Pandora Avenue; that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council, and a Public Hearing date be set once the following conditions are met:

1. Provide a Sewage Attenuation Report prepared by a qualified engineer to determine if the proposal would result in increased sewage flow rates, to the satisfaction of the Director of Engineering and Public Works.
2. Provide a Road Dedication Plan for a dedication of 1.38m on Pandora Avenue, to the satisfaction of the Director of Engineering and Public Works.
3. Preparation and execution of a Housing Agreement to secure:
 - i) ten percent of the residential units (approximately 15 dwelling units of which seven of the units would be two and three bedroom units and suitable for families in accordance with the applicant's letter dated November 1, 2018) as affordable rental units (rents at 15% below appraised market rents) in perpetuity and in accordance with an appraisal provided to the city annually
 - ii) ensure that future Strata Bylaws cannot prohibit the rental of the other units in the building, to the satisfaction of the Director of Sustainable Planning and Community Development.
4. Secure an amenity contribution in the amount of \$614,000.00 towards the Downtown Core Area Public Realm Improvement Fund (75%) and the Downtown Heritage Buildings Seismic Upgrade Fund (25%) and to the satisfaction of the Director of Sustainable Planning and Community Development.
5. Council authorizing anchor-pinning into the City Right-of-Way, provided that the applicant enters into an Encroachment Agreement, in a form satisfactory to the City Solicitor and the Director of Engineering and Public Works.

LEGISLATIVE AUTHORITY

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.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning Application for the properties located at 926 and 932 Pandora Avenue. The proposal is to rezone from the CA-1 Zone, Pandora Avenue Special Commercial District, to a new zone in order to increase the permitted density from 3:1 floor space ratio (FSR) to 4.55:1 FSR and to allow for an 11-storey, mixed-use building consisting of residential and commercial uses.

The following points were considered in assessing this Application:

- the subject properties are designated Core Residential in the *Official Community Plan*, 2012 (OCP), which supports mixed-use buildings from three storeys up to approximately 20 storeys, and a density of up to 5.5:1 FSR
- the subject properties are designated Residential Mixed-Use District in the *Downtown Core Area Plan*, which supports mixed-use buildings on Pandora Avenue up to approximately eight to ten storeys, and a density of up to 5.5:1 FSR
- the applicant is willing to offer ten percent of the residential dwelling units (approximately 15 dwelling units) as affordable rental units and provide rents at 15% below appraised market rents in perpetuity and in accordance with an appraisal provided to the city
- The applicant has volunteered to provide road dedication in the amount of 1.38m on Pandora Avenue
- the proposal is subject to the City's *Density Bonus Policy* and a land lift analysis was prepared by Rollo & Associates. The economic analysis concluded that the lift from the proposed rezoning for additional density would be approximately \$818,000.00, and as a result, the City would seek a target of 75% of the increase in land value in accordance with Council's Policy. As a condition of rezoning, the applicant would be providing an amenity contribution in the amount of \$614,000.00 towards the *Downtown Core Area Public Realm Improvement Fund* (75%) and the *Downtown Heritage Buildings Seismic Upgrade Fund* (25%).

BACKGROUND

Description of Proposal

This Rezoning Application is to increase the permitted density from 3:1 floor space ratio (FSR) to 4.55:1 FSR, and to allow an 11-storey, mixed-use building consisting of residential and commercial uses. The following differences from the standard zone (CA-1 Zone, Pandora Avenue Special Commercial District) are being proposed and would be accommodated in the new zone:

- allowing a residential use on the ground floor
- increasing the FSR and total floor area
- increasing the height of building.

Affordable Housing Impacts

The applicant proposes the creation of approximately 148 new residential units which would increase the overall supply of housing in the area. Of the 148 residential units, the applicant is willing to offer ten percent of the residential units (approximately 15 dwelling units) as affordable rental units and provide rents at 15% below appraised market rents in perpetuity and in accordance with an appraisal provided to the city annually. The applicant would ensure that seven of the units would be two and three bedroom units and suitable for families. The applicant is willing to enter a Housing Agreement to ensure Housing Agreement to secure the rental units as well as to ensure that future Strata Bylaws cannot prohibit the rental of the other units in the building (letter attached).

Tenant Assistance Policy

There are currently no residential rental units on-site; therefore, the Tenant Assistance Policy would not apply to this application.

Sustainability Features

The applicant is proposing to incorporate several green roofs throughout the building to help manage stormwater and on-site runoff.

Active Transportation Impacts

The applicant is proposing to provide 178 long-term and 18 short-term bicycle parking spaces on-site, which support active transportation.

Public Realm Improvements

No public realm improvements are proposed in association with this Rezoning Application.

Accessibility Impact Statement

The British Columbia Building Code regulates accessibility as it pertains to buildings.

Land Use Context

The area is characterized by a mix of residential and commercial land uses.

Existing Site Development and Development Potential

The site presently contains a one and a two-storey commercial building and a paid parking lot. Under the current CA-1 Zone, the property could be developed as a five-storey, mixed-used development with ground-floor commercial and residential above.

Data Table

The following data table compares the proposal with the existing CA-1 Zone. An asterisk is

used to identify where the proposal is less stringent than the existing Zone.

Zoning Criteria	Proposal	Zone Standard (CA-1)
Site area (m ²) – minimum	2600.00	n/a
Density (Floor Space Ratio) – maximum	4.55:1 *	2.00:1
Total floor area (m ²) – maximum	11,840.00 *	5351.20
Height (m) – maximum	30 * / 32.34 * (stair access to mechanical)	15.50
Storeys – maximum	10 (building) /11 (stairs to mechanical)	n/a
Site coverage % – maximum	76.90	n/a
Location of residential	Mason Street ground floor *	Second storey and above
Setbacks (m) – minimum		
Street Setback (Pandora Ave)	2.10 *	3.00
Street Setback (Mason St)	3.00	3.00
Side (West)	0.00	0.00
Side (East)	0.00	0.00
Vehicle parking – minimum		
CA-1 Zone	117	88
Visitor parking – minimum included in the overall units	12	8
Schedule C	105 *	154
Schedule C - Visitor	12 *	15
Bicycle parking – minimum		
Schedule C		
Class 1	178	149
Class 2	18	7

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the North Park CALUC at a Community Meeting held on July 5, 2017. A letter dated July 25, 2017 is attached to this report.

Official Community Plan

The *Official Community Plan* (OCP) Urban Place Designation for the subject property is Core Residential, which supports mixed-use buildings from three storeys, up to approximately 20 storeys, and a base density of 3:1 floor space ratio (FSR), up to a maximum of 5.5:1 FSR. The applicant is proposing an 11-storey building (the eleventh storey is a mechanical room), and a density of 4.55:1, which is supported in the OCP.

The OCP encourages new buildings to contribute to the sense of place in Development Permit Areas and Heritage Conservation Areas through sensitive and innovative responses to existing form and character. In the immediate neighbourhood the tallest buildings are Our Place, which is six-storeys; and the six-storey, mixed-use buildings currently under construction at the corner of Pandora Avenue and Vancouver Street. There is a heritage-registered commercial building located at 916 Pandora Avenue (three properties to the west of the subject property), a heritage-designated church located at 1611 Quadra Street (on the corner of Mason and Quadra Streets), as well as a heritage-designated Alix Goolden Performance Hall across the street on Pandora Avenue. Given the subject property's close proximity to St. John the Divine Anglican Church, Alix Goolden Performance Hall, and the First Baptist Church (heritage buildings), a small portion of the site is within the 90m heritage landmark radius identified in the OCP, and as a result, maintaining views of these heritage buildings from a public realm perspective is strongly encouraged in the OCP. The proposal has incorporated some architectural treatments that compliment these neighboring heritage buildings, which is discussed in the concurrent report associated with the Development Permit Application.

From an urban design perspective, the OCP encourages human-scale building design through consideration of form, proportions, pattern detailing and texture, particularly at street-level. Along the Pandora Avenue frontage, the applicant is proposing ground-floor commercial space in order to enhance the streetscape, public realm and pedestrian experience. Incorporating ground-floor commercial space in this building would also add additional services in the neighbourhood for the growing neighbourhood population. On the Mason Street frontage, the applicant is proposing larger townhouse units at grade level (two bedrooms plus a den, suitable for families) with large private patios fronting Mason Street, which adds to the human scale qualities of this building and enhances the streetscape, also strongly encouraged in the OCP. Lastly, all vehicle parking would be provided underground, and therefore, the site would be dominated by building and landscaping (not surface or underbuilding parking), which further advances the objectives in the OCP.

Downtown Core Area Plan

The subject properties are within the Residential Mixed-Use District in the *Downtown Core Area Plan*, 2011 (DCAP), which supports mixed-use development up to approximately ten storeys and a density up to approximately 5:1 FSR. In order to increase pedestrian activity and improve the vitality of the area, the DCAP encourages active commercial and retail uses at street-level along Pandora Avenue. The proposal complies with the policies with respect to use and density; however, the building is 11 storeys due to a mechanical room which is considered a

storey in the *Zoning Regulation Bylaw*. The mechanical room is situated in the middle of the roof and the exterior cladding would be a light coloured, pre-finished metal cladding to mitigate concerns of visual impact.

Density Bonus Policy

Council's *Density Bonus Policy* applies to this proposal. The applicant engaged Rollo & Associates to conduct a land lift analysis for the City (attached). The economic analysis concluded that the lift from the proposed zoning for the additional 1.55:1 FSR of density is approximately \$818,700.00. In accordance with Council's current policy, the City would seek a target of 75% of the increase in land value, which equals to an amenity contribution in the amount of \$614,000.00. The applicant would be providing an amenity contribution in the amount of \$614,000.00 towards the *Downtown Core Area Public Realm Improvement Fund* (75%) and the *Downtown Heritage Buildings Seismic Upgrade Fund* (25%) as a condition of rezoning and to the satisfaction of the Director of Sustainable Planning and Community Development.

Tree Preservation Bylaw and Urban Forest Master Plan

Six existing Flowering Cherry trees on city property on the Pandora Avenue frontage would be retained and three new trees would be planted in the Pandora bike lane median. There are approximately three new trees being proposed along the new Mason Street boulevard. One mature Pine tree on the south east property line may be removed due to impacts from the construction of the underground parkade. There are no bylaw protected trees affected by this Application.

Regulatory Considerations

The applicant is proposing a new zone in order to increase the density from 3:1 FSR to 4.55:1 FSR, and to allow for residential uses on the ground-floor. The new zone would allow for a height of ten storeys, which is consistent with land use policies in DCAP. The applicant is proposing an 11-storey building due to a rooftop mechanical room, and as a result, a height variance would be required. All other regulations in the new zone would be in keeping with the current CA-1 Zone.

Embedded in the standard CA-1 Zone are residential and commercial parking regulations that are different from the parking regulations outlined in Schedule C: Off-Street Parking of the *Zoning Regulation Bylaw*. The parking regulations in the standard CA-1 Zone would be applied to this proposal. In accordance with the CA-1 Zone, the residential parking requirement is 0.55 spaces per dwelling unit, and the commercial parking requirement is 50% of the requirements in current Schedule C. Based on these parking requirements, the applicant is required to provide 88 parking spaces; the applicant is proposing 117 parking spaces. If Schedule C parking ratios were applied without reference to the existing CA-1 Zone then the parking requirement for this proposal would be 169 parking spaces resulting in a parking shortfall of 52 parking spaces. The subject property is located on an All Ages and Abilities (AAA) protected bike lane and is in close proximity to a frequent transit route and walking distance to downtown.

Encroachment Agreement

With any project of this scale, that has little to no setbacks and requires significant excavation, construction methods often require a form of underpinning which can result in material being left in the Public Right-of-Way. The resulting material (typically rock anchors) presents no concerns

to the public interest and does not impact any underground infrastructure; however, an Encroachment Agreement between the City and the developer is required. The staff recommendation provided for Council's consideration includes direction to allow staff to enter into such an agreement if the Rezoning Application is approved by Council, and if it is deemed necessary to facilitate the construction of the project.

Other Considerations

Road Dedication

The applicant has volunteered to provide road dedication in the amount of 1.38m on Pandora Avenue for future pedestrian enhancements along the street.

CONCLUSIONS

The proposal to increase the permitted density from 3:1 floor space ratio (FSR) to 4.55:1 FSR and to allow for an 11-storey, mixed-use building consisting of residential and commercial uses is consistent with the land use policies outlined in the OCP and DCAP. The applicant has considered the surrounding heritage context and the need for sensitive infill development on the site. This development proposal further advances placemaking objectives in the OCP and would increase the overall supply of housing (rental and home-ownership) in the downtown core. Staff recommend for Council's consideration that the application proceed to a Public Hearing.

ALTERNATE MOTION

That Council decline Rezoning Application No. 00605 for the property located at 926-932 Pandora Avenue.

Respectfully submitted,



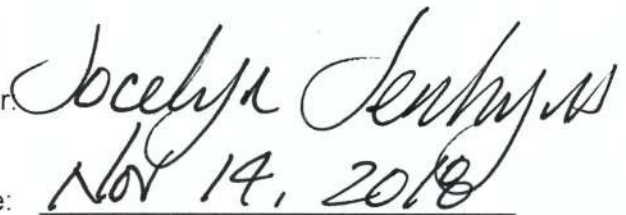
Leanne Taylor
Senior Planner
Development Services Division



Andrea Hudson, Acting Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.

Date:


Nov 14, 2018

List of Attachments:

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans dated/date stamped June 27, 2018
- Attachment D1: Letter from applicant to Mayor and Council dated November 1, 2018
- Attachment D: Letter from applicant to Mayor and Council dated August 11, 2017
- Attachment E: Community Association Land Use Committee Comments dated June 7, 2017
- Attachment G1: Land Lift Analysis prepared by Rollo & Associates dated September 27, 2018.