



## **Committee of the Whole Report**

### **For the Meeting of January 24, 2019**

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**To:** Committee of the Whole **Date:** January 10, 2019

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

**Subject:** Rezoning Application No. 00621 for 819-823, 825 and 827 Fort Street

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### **RECOMMENDATION**

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00621 for 819-823, 825 and 827 Fort Street, 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. Plan revision to add short-term bicycle parking on the subject property, to the satisfaction of the Director of Sustainable Planning and Community Development.
2. Plan revisions to address setback and building design issues, as outlined in the concurrent Heritage Alteration Permit (No. 00009) report, to the satisfaction of the Director of Sustainable Planning and Community Development.
3. Preparation and execution of legal agreements to secure the tenure of all dwelling units as rental in perpetuity, to the satisfaction of the Director of Sustainable Planning and Community Development.

### **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 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 property located at 819-827 Fort Street. The proposal is to

rezone from the CA-HG Zone, Harris Green District and the CA-2 Zone, Fort Street Special Commercial District, in order to increase the density to 6.17:1 floor space ratio and construct a ten-storey, mixed-use building with ground-floor commercial uses and rental residential apartments above. The proposal would retain the façade of the heritage designated building located at 825 Fort Street and designate the façade of the building located at 819 Fort Street.

The following points were considered in assessing this application:

- the proposal is consistent with the *Official Community Plan, 2012* (OCP) Core Residential Urban Place Designation in terms of use and density (the OCP does not specify a maximum density for this location), and the OCP's place making and housing policies with regards to heritage revitalization and the provision of rental housing, respectively
- the proposal is generally consistent with the *Downtown Core Area Plan* policies for sites within the Residential Mixed-Use District
- the applicant is amenable to entering into a Housing Agreement to secure rental of the residential units in perpetuity
- the heritage façade of 825 Fort Street would be retained, and the façade of 819 Fort would also be retained and heritage designated with this proposal, which would retain the buildings' character defining elements
- a parking variance is requested to reduce the required vehicle parking from 75 to 57 stalls.

## **BACKGROUND**

### **Description of Proposal**

This Rezoning Application is to increase the density to 6.17:1 floor space ratio (FSR) and construct a ten-storey, mixed-use building with ground-floor commercial uses and rental residential apartments above. The proposal would retain the façade of the heritage designated building located at 825 Fort Street and designate the façade of the building located at 819 Fort Street.

The majority of the site is in the CA-2 Zone, Fort Street Special Commercial District. The following differences from the standard CA-2 Zone are being proposed and would be accommodated in the new zone:

- increase in floor space ratio from 1.5:1 to a maximum of 6.17:1 FSR
- increase in height from 15.5m to 30.0m
- setback requirements for portions of the building above the third storey.

### **Affordable Housing Impacts**

The applicant proposes the creation of approximately 100 new residential rental units which would increase the overall supply of rental housing in the area. A Housing Agreement is also being proposed to secure rental of the residential units in perpetuity. The applicant's letter to Mayor and Council indicates that based on the anticipated rent levels, more than 50% of the units would be considered affordable to Moderate Income Households (Gross Annual Income: \$55,000 - \$85,000); staff explored the possibility of securing this level of affordability; however, the applicant has declined to secure this through a legal agreement.

### **Tenant Assistance Policy**

A Tenant Assistance Plan is not required as there are no existing residential tenants on the



subject properties.

## Accessibility Impact Statement

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

## Land Use Context

The Fort Street corridor is characterized by low-rise commercial and mixed-use buildings set close to the street.

## Existing Site Development and Development Potential

The site is presently developed with three commercial buildings. The smaller property (312.4m<sup>2</sup>) located at 819-823 Fort Street is currently developed as a two-storey, mixed-use building with ground-floor retail uses and residential uses above. Under the current CA-HG Zone, Harris Green District, the property could be developed as a commercial or mixed-use building with a maximum density of 3:1 floor space ratio (FSR) and a maximum height of 43m.

The larger property (935.4m<sup>2</sup>) located at 825-827 Fort Street is presently developed with a three-storey, heritage-designated commercial building (825 Fort Street), and a two-storey commercial building (827 Fort Street). Under the current CA-2 Zone, Fort Street Special Commercial District, the property could be developed as a commercial or mixed-use building with a maximum density of 2.0: FSR and maximum height of 15.5m.

## Data Table

The site is comprised of two properties. The property located at 819-823 Fort Street is currently in the CA-HG Zone, Harris Green District. The property located at 825-827 Fort Street is currently in the CA-2 Zone, Fort Street Special Commercial District. The following data table compares the proposal with the existing zones. An asterisk is used to identify where the proposal is less stringent than the existing zones; a double asterisk is used to identify where the existing building is non-conforming to the existing zones.

Zoning Criteria	Proposal	CA-HG	CA-2
Site area (m <sup>2</sup> ) – minimum	1248.00	-	-
Density (Floor Space Ratio) – maximum	<b>6.17:1*</b> <b>6.26:1*</b> (includes rooftop mechanical penthouse)	3.0:1 (mixed-use building) 2.0:1 (commercial uses)	1.50:1
Height (m) – maximum	<b>33.5*</b> (main roof) <b>34.91*</b> (including mechanical penthouse)	43	15.5
Storeys – maximum	10	-	-
Site coverage % – maximum	98.7	-	-
<b>Setbacks (m) – minimum</b>		0.00 (for portions of the building up to 10m in height)	
Front	<b>0.0**</b> (up to 12.28m in height) <b>4.17*</b> (above 12.28m in height)	4.98 (for portions of the building above 10m in height)	-

<b>Zoning Criteria</b>	<b>Proposal</b>	<b>CA-HG</b>	<b>CA-2</b>
Rear	0.11	-	-
Side	<b>0.10** (west)</b> <b>0.10* (east)</b>	4.50 (can be either side yard)	-
Parking – minimum	57	70	58
Bicycle parking stalls – minimum			
Long term	139	118	118
Short term	0*	12	12

### **Community Consultation**

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the Fairfield Gonzales CALUC at a Community Meeting held on September 28, 2017. A meeting summary is attached to this report.

### **ANALYSIS**

#### **Official Community Plan**

The subject property is designated Core Residential in the *Official Community Plan, 2012* (OCP), which supports diverse housing types, including low-, mid- and high-rise, multi-unit residential and mixed-use buildings, with heights ranging from three to 20 storeys. The OCP does not include guidance for floor space ratios at this location. The proposal is consistent with the use and height envisioned in this Urban Place Designation.

The OCP does note that within each designation, decisions about density and building scale for individual sites will be based on site-specific evaluations in relation to the site, block, and local area context, and will include consideration of consistency with all relevant policies within the OCP and local area plans. The OCP encourages a range of housing types, forms and tenures across the City. The application would provide approximately 100 rental dwelling units with a mix of studio, one, two and three bedroom units.

In addition, the proposed retention of the two heritage building façades is consistent with the Placemaking Policies in the OCP, which encourages the continued support for heritage conservation through incentives and allowances such as property tax reductions, bonus density provisions and zoning variances.

#### **Downtown Core Area Plan**

The subject property is within the Residential Mixed-Use District in the *Downtown Core Area Plan* (DCAP), which supports mixed-use development up to a height of 30m. The DCAP designates this location as part of a “Special Density Area” and does not provide guidance for floor space ratios. Instead, the DCAP encourages new buildings that respond to the local historic context; public realm context; and takes into account the policies of the Plan and other relevant plans, policies and design guidelines. The proposal is generally consistent with these



policies; however, it may benefit from further design revisions to ensure consistency with the DCAP and to improve the overall fit with the existing and future context. This is discussed in the report for the concurrent Heritage Alteration with Variances Permit (No. 00009), which includes the appropriate language within the staff recommendation to address these issues.

### **Cathedral Hill Precinct Plan**

The application is not consistent with the density policy in the *Cathedral Hill Precinct Plan*, which envisions densities up to 2:1 FSR, nor the maximum building heights, which are envisioned at eight storeys (proposal is for ten storeys); however, the Plan does encourage mixed-use development at this location with a variety of housing types and people-oriented uses at-grade to enhance pedestrian activity (e.g. restaurants, retail and personal services). The proposal is consistent with these policies. It should be noted that the OCP and DCAP provide the most current policy direction as it relates to density and building heights, and encourages new development to respect the scale and massing of the surrounding context, which the application does, subject to minor revisions to improve the overall fit as noted earlier.

### **Density Bonus Policy**

As this application was received prior to November 8, 2018, consistent with the Density Bonus Policy, a land lift analysis conducted by G.P. Rollo & Associates has been provided. It concludes that the additional density proposed with this Rezoning Application does not generate a land lift due to the rental tenure of the proposed residential units. The Density Bonus Policy encourages negotiation for on-site affordable housing for projects seeking over 30,000 square feet of bonus density on sites designated Core Residential. The proposal is seeking over 52,000 square feet of bonus density; however, due to the lack of a lift in land value, the applicant is not offering secured affordable housing with this proposal.

### **Tree Preservation Bylaw and Urban Forest Master Plan**

There are no Tree Preservation Bylaw impacts with this application. The applicant proposes two new street trees with this application.

### **Regulatory Considerations**

#### Building Height

The applicant proposes the new zone to include a maximum building height of 33.5m to the main roof, and 34.91m to the top of the mechanical penthouse. The DCAP recommends a maximum height of 30m for this area; however, it is worth noting that the existing CA-HG Zone, which applies to the westerly lot, permits a height of 43 metres, which is in excess of the proposed height. Staff are, nonetheless, recommending that Council consider a lower height limit of 30m to be included in the new zone. This would allow Council to consider issuing a height variance for the new building, as proposed in Heritage Alteration Permit No. 00009. This also ensures that the additional height does not become an entitlement entrenched in the zoning, and any future development proposal for height above 30m would go through a similar review and approval process.

#### Parking

The application includes a parking variance to reduce the vehicle parking requirement from 75 stalls to 57 stalls. The applicant has provided a transportation study to support the variance request, which outlines a number of transportation demand management measures to mitigate

for the parking shortfall. These are discussed in the concurrent Heritage Alteration with Variance Permit Application report.

Based on the proposed residential and commercial uses, Schedule C of the *Zoning Regulation Bylaw* requires that 12 short-term bicycle parking stalls (six for residential and six for commercial) be located within close proximity to the building entrances. The applicant has proposed to locate the required short-term parking within the Fort Street right-of-way adjacent the proposed building. Staff do not support this location as there is limited space within the right-of-way to accommodate the bicycle parking for this proposed development, along with other planned infrastructure and street furnishings. Therefore, staff recommend for Council's consideration that the plans be revised to allocate space on the subject site for short-term bicycle parking. The appropriate language has been added to the staff recommendation.

## CONCLUSIONS

The proposal to construct a ten-storey, mixed-use building with approximately 100 dwelling units and commercial uses at street-level is consistent with the OCP and DCAP with respect to the proposed land use and density. In addition, the proposal advances the goals of the OCP with regards to heritage conservation and the provision of rental housing. Therefore, it is recommended for Council's consideration that the application move forward to a Public Hearing, subject to the conditions provided in the staff recommendation.

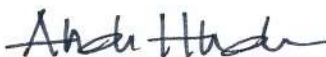
## ALTERNATE MOTION

That Council decline Rezoning Application No. 00621 for the property located at 819-823, 825 and 827 Fort Street.

Respectfully submitted,




Alec Johnston  
Senior Planner  
Development Services Division



Andrea Hudson, Acting Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:

  
Date: Jan 17, 2019

## List of Attachments:

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans, date stamped October 25, 2018
- Attachment D: Applicant's letter to Mayor and Council, dated November 30, 2018
- Attachment E: Conservation Plan for 825 Fort Street, dated December 2017
- Attachment F: Conservation Plan for 819-823 Fort Street, dated March 2018
- Attachment G: *Applicable Standards and Guidelines for the Conservation of Historic Places in Canada*



- Attachment H: Bunt & Associates *Parking and Trip Generation Review Update*, dated November 26, 2018
- Attachment I: Minutes from May 23, 2018 Advisory Design Panel meeting
- Attachment J: Minutes from June 12, 2018 Heritage Advisory Panel meeting
- Attachment K: Community Association Land Use Committee comments, dated September 28, 2017.