



## Committee of the Whole Report For the Meeting of February 7, 2019

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**To:** Council **Date:** January 31, 2019

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

**Subject:** **Update on Rezoning Application No. 00610 and Development Permit with Variances Application No. 00088 for 505, 517, 519/521 Quadra Street and 931 Convent Place**

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### RECOMMENDATION

#### Rezoning Application No. 00610

That Council receive this report for information and provide updated instruction to staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00610 for 505, 517 and 519/521 Quadra Street and 931 Convent Place, 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. Preparation and execution of the following legal agreements:
  - a. Statutory Right-of-Way to secure 1.59 metres of the site adjacent Southgate Street, to the satisfaction of the Director of Engineering and Public Works.
  - b. Statutory Right-of-Way to secure 2.02 metres of the site adjacent Convent Place, to the satisfaction of the Director of Engineering and Public Works.
  - c. Housing Agreement to secure the following:
    1. the residential units as rental for a 20 year period
    2. **to secure the rent level of the four townhouse style units fronting Convent Place at a maximum of 40% of the gross household income for moderate income households**
    3. to ensure that future strata bylaws cannot restrict the rental of units to non-owners, to the satisfaction of the Director of Sustainable Planning and Community Development.
  - d. **Section 219 covenant to ensure that the dwelling units are not strata titled prior to the 20-year term of the housing agreement lapsing.**

#### Development Permit with Variances No. 00088

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00610, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No, 00088 for 505, 517, 519/521 Quadra Street and 931 Convent Place, in accordance with:

1. Receipt of final plans generally in accordance with the plans date stamped **January 22, 2019**.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - i. reduce the required vehicle parking from 115 stalls to 95 stalls;
  - ii. reduce the required visitor parking from 9 stalls to 8 stalls;
  - iii. **reduce the internal boundary setback for portions of the building on the first and second storeys from 4.8m to 1.5m (to the garden shed).**
3. Receipt of a car share agreement that includes MODO car share memberships for 50% of the residential units, to the satisfaction of the Director of Engineering and Public Works.
4. The Development Permit lapsing two years from the date of this resolution."

## 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 regarding a Rezoning Application and a Development Permit with Variances Application for the properties located at 505, 517, 519/521 Quadra and 931 Convent Place. The necessary conditions that would authorize the approval of the rezoning for the subject site have been fulfilled in accordance with the Council motion of September 6, 2018; however, the applicant has since revised the proposal to identify a rent level for the four townhouse units. Therefore, the staff recommendation for the Rezoning Application has been updated to reflect a change in the proposed housing agreement to secure rent levels of four of the units at 40% of gross household incomes for Moderate Income Households.

The recommended motion for Development Permit Application No. 00088 has also been updated to include a setback variance for the garden shed that was identified during drafting of the proposed site-specific zone. As well, to remove the requirement for submission of revised plans as the applicant has made changes to the proposal to address staff's concerns since the application was presented to Committee of the Whole.

Lastly, the applicant has provided new information regarding the structural integrity of the existing four-storey apartment building located at 505 Quadra Street. The applicant's letter and structural assessment are attached to this report.



## BACKGROUND

### Description of Proposal

The proposal is to rezone from the R3-AM-1 Zone, Mid-Rise Multiple Dwelling District, the R3-A1 Zone, Low Profile Multiple Dwelling District and the R-K Zone, Medium Density Attached Dwelling District, to a new site-specific zone in order to increase the density and allow for a six-storey, multi-unit residential building with approximately 83 units and four townhouses with an overall density of 1.9:1 floor space ratio (FSR).

The application was presented to Committee of the Whole on September 6, 2018. The Committee of the Whole (COTW) report dated August 23, 2018, together with the Council meeting minutes, are attached to this report. The motions from the Council meeting were as follows:

#### Rezoning Application No. 00610

*"That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00610 for 505, 517 and 519/521 Quadra Street and 931 Convent Place, 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. Preparation and execution of the following legal agreements:*
  - a. Statutory Right-of-Way to secure 1.59 metres of the site adjacent Southgate Street, to the satisfaction of the Director of Engineering and Public Works;*
  - b. Statutory Right-of-Way to secure 2.02 metres of the site adjacent Convent Place, to the satisfaction of the Director of Engineering and Public Works; and*
  - c. Housing Agreement to secure the residential units as rental for a 20 year period, to ensure that these units are not strata titled prior to the 20 year term of the agreement lapsing and to ensure that future strata bylaws cannot restrict the rental of units to non-owners, to the satisfaction of the Director of Sustainable Planning and Community Development"*

#### Development Permit with Variances Application No.00088

*"That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00610, if it is approved, consider the following motion:*

*'That Council authorize the issuance of Development Permit with Variances Application No, 00088 for 505, 517, 519/521 Quadra Street and 931 Convent Place, in accordance with:*

- 1. Receipt of final plans generally in accordance with the plans date stamped August 20, 2018, with the following changes to the satisfaction of the Director of Sustainable Planning and Community Development:*
  - i. correct minor inconsistencies between plans*
  - ii. siting and design of the proposed fence and guardrail as shown on the landscape plan*
- 2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:*
  - i. reduce the required vehicle parking from 115 stalls to 95 stalls;*
  - ii. reduce the required visitor parking from 9 stalls to 8 stalls*



3. *Receipt of a car share agreement that includes MODO car share memberships for 50% of the residential units to the satisfaction of the Director of Engineering and Public Works.*
4. *The Development Permit lapsing two years from the date of this resolution.*

*That Council refer the application back to Advisory Design Panel for comment whether their concerns were addressed and that this letter be added to the Public Hearing."*

### **Legal Agreements and Below Market Rental**

The applicant has prepared the following legal agreements, consistent with the Council motion from September 6, 2018:

- A Statutory Right-of-Way to secure 1.59 metres of the site adjacent Southgate Street, which will be registered on title prior to a future Public Hearing for this application
- A Statutory Right-of-Way to secure 2.02 metres of the site adjacent Convent Place, which will be registered on title prior to a future Public Hearing for this application
- Housing Agreement to secure the residential units as rental for a 20-year period and to ensure that future strata bylaws cannot restrict the rental of units to non-owners. This agreement would be updated to secure the rent levels of the four townhouse units as outlined below. The agreement will be registered on title following the adoption of a Housing Agreement Bylaw to authorize the Housing Agreement, if it is approved by Council
- A section 219 covenant to ensure that the dwelling units are not strata titled during the twenty-year rental term, which will be registered on title prior to a future Public Hearing for this application.

As the application was received prior to November 8, 2018, it is subject to the City's Density Bonus Policy. Consistent with the policy, a land lift analysis conducted by Coriolis Consulting Corporation has been provided with this application. 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; however, since the time the application was presented to the Committee of the Whole, the applicant has revised the proposal to include a commitment to secure four townhouse units fronting Convent Place at rent levels that would not exceed 40% of the gross household income for Moderate Income Households (i.e. below market rent). The applicant's letter dated January 18, 2019, which describes the below market rental proposal, is attached to this report. Although the rent levels would not meet the City's definition of affordability, which is based on rents set to no more than 30% of gross household income, it would provide below market, family-friendly rental units for a period of twenty years. The recommended motion has been updated with regards to the proposed housing agreement to secure the below market rent levels for the townhouse units.

### **Setback Variance.**

The new site-specific zone would establish a minimum 4.8m internal boundary (south) setback requirement for the first and second storey portions of the building. The proposed building would comply with this setback requirement except for the proposed accessory structure located above the parkade level at the northeast corner of the property, which is setback 1.5m from the internal boundary. Rather than entrenching the reduced setback in the new zone, staff recommend for Council's consideration that the reduced setback for the garden structure be handled through a variance as part of Development Permit with Variances Application No. 00088. The recommended motion has been updated with the additional setback variance.

## Structural Assessment

The applicant has submitted a letter and engineering report on the structural integrity of the existing four-storey apartment building which outlines the requirements to bring the building up to current BC Building Code's structural and seismic standards. The applicant's letter indicates that based on the findings of the structural assessment and the costs associated with Code compliance the existing building has reached the end of its useful life.

## Advisory Design Panel Review

Development Permit with Variances Application No. 00088 was presented to the Advisory Design Panel on September 26, 2018, where it was recommended to Council that the application be approved as presented. The meeting minutes are attached to this report.

## Plan Revisions

Since the time the application was presented to the Committee of the Whole, and following review by the Advisory Design Panel, the applicant has submitted revised plans to address minor inconsistencies between the plans, improve the proposed perimeter fence design so that it relates better to the proposed building design, and to relocate the perimeter fence so that its height is compliant with the Fence Bylaw. Based on these changes, the recommended motion for Development Permit with Variances No. 00088 has been updated to remove the requirement for specific revisions to the plans.

## CONCLUSION

The necessary conditions that would authorize the approval of the Rezoning Application for the property located at the subject site have been fulfilled. The recommendation provided for Council's consideration contains updated language to advance this application to a Public Hearing.

## ALTERNATE MOTIONS

### Rezoning Application No. 00610

That Council decline Rezoning Application No. 00610 for the property located at 515, 517, 519/521 Quadra Street and 931 Convent Place.

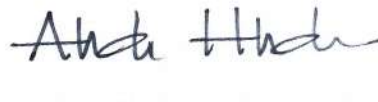
### Development Permit with Variances Application No. 00088

That Council decline Development Permit with Variances Application No. 00088 for the property located at 505, 517, 519/521 Quadra Street and 931 Convent Place.

Respectfully submitted,



Alec Johnston  
Senior Planner



Andrea Hudson, Acting Director  
Sustainable Planning and Community



Report accepted and recommended by the City Manager:



Date:

Feb 1, 2019

**List of Attachments:**

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped January 22, 2019
- Attachment D: Applicant's letters to Mayor and Council dated January 18, 2019 and January 22, 2018
- Attachment E: Structural Review of 505 Quadra Street dated January 18, 2019
- Attachment F: Committee of the Whole reports dated August 23, 2018
- Attachment G: Council meeting minutes dated September 6, 2018
- Attachment H: Advisory Design Panel meeting minutes dated September 26, 2018