



## Committee of the Whole Report

For the December 6, 2018

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**To:** Committee of the Whole **Date:** November 23, 2018

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

**Subject:** Rezoning Application No. 00634 for 324/328 Cook Street and 1044, 1048 and 1052/1054 Pendergast 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. 00634 for 324/328 Cook Street and 1044, 1048 and 1052/1054 Pendergast 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. Preparation and execution of the following legal agreements:
  - a. Statutory Right-of-Way securing 1.38 metres of the site adjacent Pendergast Street, to the satisfaction of the Director of Engineering and Public Works.
  - b. Housing Agreement ensuring 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.
  - c. Section 219 Covenant securing an amenity contribution in the amount of \$136,163.47 toward the Local Amenities Reserve Fund, to the satisfaction of the Director of Sustainable Planning and Community Development.
  - d. Section 219 Covenant to secure the construction of the following public realm improvements, to the satisfaction of the Director of Engineering and Public Works:
    - i. raingardens along Pendergast Street
    - ii. enhanced boulevard planting and low seating walls
    - iii. permeable and impermeable concrete sidewalk pavers.
  - e. Section 219 Covenant to secure the maintenance of the proposed rain gardens and boulevard planting for a period of one year to the satisfaction of the Director of Parks, Recreation and Facilities.

### 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 or 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 324/328 Cook Street and 1044, 1048 and 1052/1054 Pendergast Street. The proposal is to rezone from the CR-3M Zone, Commercial Residential Apartment Modified District and the R-K Zone, Medium Density Attached Dwelling District, to a new site-specific zone in order to increase the density and construct a four-storey, mixed-use building with commercial uses and residential uses at an overall density of 2.19:1 floor space ratio (FSR).

The following points were considered in assessing this application:

- the proposal is consistent with the *Official Community Plan* (OCP) Urban Residential and Large Urban Village Urban Place Designations, which envision densities up to 2:1 FSR and 2.5:1 FSR, respectively, in strategic locations for the advancement of plan objectives
- the proposal is consistent with the OCP strategic direction for the Fairfield neighbourhood which encourages residential intensification within walking distance of Cook Street Village and high-quality urban design and public realm enhancements
- the proposal is inconsistent with the *Suburban Neighbourhoods Plan* as it relates to use, density and height; however, the OCP provides more current direction for land use and density in this area
- consistent with the City's Density Bonus Policy, as the application was received before November 8, 2018, the application is eligible for a fixed-rate amenity contribution of \$5 per square foot of bonus density, which equates to an amenity contribution of \$136,163.47
- the applicant has provided a tenant assistance plan with this proposal to ensure existing tenants of the two single-family dwellings and duplex are supported through a transition to new housing
- in order to help achieve the standard Right-of-Way width, a 1.38m Statutory Right-of-Way would be provided along Pendergast Street
- several bylaw protected and public trees would be removed and replaced; however, the large chestnut trees along Cook Street would be retained
- the applicant is proposing public realm improvements including: raingardens, pavers and seating walls which would be secured through a Section 219 Covenant.



## **BACKGROUND**

### **Description of Proposal**

This Rezoning Application is to rezone from the CR-3M Zone, Commercial Residential Apartment Modified District and the R-K Zone, Medium Density Attached Dwelling District, to a new site-specific zone in order to increase the density and construct a four-storey, mixed-use building with commercial uses and residential uses at an overall density of 2.19:1 FSR. The new zone would allow for reduced setbacks and increased density, height, and number of storeys in comparison to the CR-3M Zone.

### **Affordable Housing Impacts**

The applicant proposes the creation of approximately 48 new residential units which would increase the overall supply of housing in the area. A Housing Agreement is also being proposed which would ensure that future Strata Bylaws could not prohibit the rental of units.

The two single-family dwellings and duplex located at 1044, 1048 and 1052/1054 Pendergast Street are currently rented; therefore, the applicant has provided a Tenant Assistance Plan (attached) to ensure that the existing tenants are assisted through the transition to new housing.

### **Sustainability Features**

The applicant has identified a number of sustainability features which will be reviewed in association with the concurrent Development Permit Application for this property.

### **Active Transportation Impacts**

The application proposes the following features which support active transportation:

- bicycle storage rooms on the ground-floor, and within the underground parkade, with a total of 63 long term bicycle parking stalls
- 12 short-term bicycle parking stalls located near the residential entrances and the commercial unit fronting Pendergast Street.

### **Public Realm Improvements**

The following frontage improvements are proposed in association with this Rezoning Application:

- raingardens along Pendergast Street
- enhanced boulevard planting and low seating walls
- sidewalk improvements utilizing a combination of regular and permeable concrete pavers.

These would be secured with a Section 219 covenant. The appropriate language has been added to the staff recommendation.

### **Accessibility Impact Statement**

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

## Land Use Context

324/328 Cook Street is located within Cook Street Village, which is characterized by low-rise commercial and mixed-use buildings. The Cook Street Activity Centre is located at 380 Cook Street, immediately to the north of the subject site. The residential area surrounding 1044, 1048 and 1052/1054 Pendergast Street is characterized by low-rise, multi-unit residential buildings with some single-family dwellings, duplexes, and multi-unit house conversions located towards the west end of the block, closer to Vancouver Street.

## Existing Site Development and Development Potential

The property located at 324/328 Cook Street is presently developed as a one-storey commercial building with two retail commercial units. Under the current CR-3M Zone, Commercial Residential Apartment Modified District, the property could be developed as a three-storey, mixed-use building with ground-floor commercial uses and residential units above at a density of 1:1 FSR.

The three properties located at 1044, 1048 and 1052/1054 Pendergast Street are presently developed as two single-family dwellings and a duplex. Under the current R-K Zone, Medium Density Attached Dwellings District, the properties could be consolidated and developed with nine attached dwelling units.

## Data Table

The following data table compares the proposal with the two existing zones: 324/328 Cook Street is within the CR-3M Zone, Commercial Residential Apartment Modified District, and 1044, 1048 and 1052/1054 Pendergast Street are within the R-K Zone, Medium Density Attached Dwelling District. Relevant information from the Official Community Plan is also provided in the table. An asterisk is used to identify where the proposal is less stringent than the existing zones.

Zoning Criteria	Proposal	CR-3M Zone	R-K Zone	OCP Policy
Site area (m <sup>2</sup> ) – minimum	2875.00	N/A	555.00	N/A
Density (Floor Space Ratio) – maximum	<b>2.19:1 *</b> overall <b>2.5:1 *</b> large urban village area <b>2.0:1 *</b> urban residential area	1.0:1	0.6:1	2.5:1 large urban village 2.0:1 urban residential
Height (m) – maximum	<b>13.70 *</b> main roof <b>16.15 *</b> mezzanine	10.70	8.50	N/A
Storeys – maximum	<b>4 *</b>	3	N/A	6



Zoning Criteria	Proposal	CR-3M Zone	R-K Zone	OCP Policy
Site coverage (%) – maximum	65.70 *	N/A	33.00	N/A
Landscaping (%) – minimum	34.10 *	N/A	45.00	N/A
<b>Setbacks – minimum</b>				
Front (Cook Street)	0.45* (to canopy support)	3.00 (first storey) 6.00 (upper storeys)	6.00	N/A
Rear (W)	3.54* (building) 5.04* (main window)	6.00	2.50 (building) 4.00 (habitable window) 7.50 (main living room window)	N/A
Side (N)	4.18*	4.03	2.50 (building) 4.00 (habitable window) 7.50 (main living room window)	N/A
Flanking Street (Pendergast Street)	3.18 * (building) 4.2 * (main window)	2.40	2.50 (building) 4.00 (habitable window) 7.50 (main living room window)	N/A
Vehicle parking – minimum	88	81	86	N/A
<b>Bicycle parking – minimum</b>				
Long term	63	50	50	N/A
Short term	12	12	12	N/A

### Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted the Fairfield Gonzales CALUC at a Community Meeting held on December 7, 2017. A letter dated December 15, 2017 is attached to this report.

## ANALYSIS

### Official Community Plan

The Official Community Plan (OCP) identifies the site as being located in two urban place designations: 324/328 Cook Street is designated as Large Urban Village and 1044, 1048 and 1052/1054 Pendergast are designated as Urban Residential. For sites designated as Large Urban Village, the OCP supports low-rise and mid-rise, multi-unit buildings of up to six-storeys, including apartments and mixed-use buildings. Ground-oriented commercial uses with buildings set close to the street frontage are noted as some of the place character features of Large Urban Villages. The OCP states that new development may have a density of generally up to 1.5:1 floor space ratio (FSR), and increased density of up to 2.5:1 FSR may be considered in "strategic locations for the advancement of Plan objectives". The site is located within a Large Urban Village, as identified in Map 2 of the OCP and referenced in policy 13.1, and, therefore, meets the OCP policy of being considered a strategic location.

For sites designated as Urban Residential, the OCP also envisions low-rise and mid-rise multi-unit buildings up to six-storeys with FSR up to 1.2:1 with increased density up to approximately 2:1. Policy 6.23 of the OCP notes that an application seeking density towards the upper-end of the scale will generally be supported when the proposal advances Plan objectives and is located within 200m of a Town Centre or Large Urban Village. In this case, the Pendergast Street properties are adjacent to a Large Urban Village and, therefore, are considered a strategic location.

The proposed use, density and number of storeys are considered consistent with the OCP designations for the site.

### Density Bonus Policy

As this application was received prior to November 8, 2018, the fixed-rate provision of the *Density Bonus Policy*, 2016 applies and identifies an amenity contribution target of \$5 per square foot of bonus density for standard rezoning of properties designated as either Urban Residential or Large Urban Village. Based on this rate, the applicant would be required to provide an amenity contribution to the Local Amenities Reserve Fund in the amount of \$136,163.47. The new site-specific zone would specify a base density, as well as, a density that may be achieved with the amenity contribution.

### Suburban Neighbourhood Plan

The *Suburban Neighbourhood Plan*, 1984 provides direction on land use and density within Cook Street Village and on adjacent properties. Under this Plan, the properties located at 1044, 1048 and 1052/1054 Pendergast Street are designated as "Conservation, Townhouses & General Residential". This designation encourages conservation of "attractive family housing" through refurbishment of existing housing stock, adaptive reuse of existing buildings to meet a variety of social and economic needs, and consideration of new housing infill that maintains a low-density scale (e.g. single-family dwellings, duplexes and small-scale townhouses).



The property located at 324/328 Cook Street is designated as "District Centre" as part of Cook Street Village, which envisions one-storey commercial buildings or residential, or mixed-use buildings up to three storeys.

Although the proposal is not entirely consistent with these policies, it should be noted that the OCP provides the most current policy direction as it relates to land use and density. The intent when the OCP was adopted in 2012 was that local area plans would be brought into alignment with the OCP over time through amendments and through the creation of more up-to-date Local Area Plans (OCP policy 19.2). The *Suburban Neighbourhood Plan* remains in effect in the interim.

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

Seventeen public and private trees were inventoried by the project arborist. Eight of the trees are public boulevard trees – five on Pendergast Street and three on Cook Street. The project arborist's report is attached for reference.

The three mature Horse Chestnut trees on Cook Street will be retained and protected during construction. Staff requested additional exploratory digging be done by the project arborist to investigate the location of Tree NT08 critical roots. No significant structural roots were found within the vicinity of the proposed parkade excavation for this development. The project arborist would be present on site to provide supervision when any excavation work is being performed for the building demolition, construction, and site servicing installations, if the proposal is approved.

Of the eight neighbour's trees within close proximity to the proposed development, five are proposed for removal due to construction impacts:

- Western Red Cedar - 61cm diameter at breast height (DBH)\* *Bylaw protected*
- Western Red Cedar - 55cm DBH
- Leyland Cypress - 59cm DBH
- Lawson Cypress - 57cm DBH
- Cherry - 40cm DBH.

A cherry and an apple tree on the neighbour's property to the west are still to be determined if they would require removal, according to the arborist report.

The architecture of the building massing has taken into account the preservation of the large canopy Horse Chestnut tree (NT08) on Cook Street. Mitigation measures for protecting the public trees, specifically the Horse Chestnut trees, are proposed by the project arborist and the project landscape architect. New sidewalks constructed with permeable pavers would be located further away from the tree trunks and roots. The existing boulevard compacted soils would be remediated to allow more air, water and nutrients to the Horse Chestnut's root zones by creating landscape beds with irrigation and mulch around the trees, which will help alleviate future compaction issues. The existing trees on Pendergast would similarly have landscaped beds with additional rain garden plantings. There are associated costs for maintaining new landscaping features on city boulevards, which are outlined in the following section.

### **Resource Impacts**

There are resource impacts associated with this proposal. The pavers and landscaping elements proposed on the frontage will have higher maintenance costs than typical City



standard boulevards. Staff recommend for Council's consideration that the proposed pavers, seating and planting are supported since this would provide for a higher quality public realm appropriate for a Large Urban Village context.

The Applicant proposes to construct raingardens and install shrub plantings within the City-owned Right-of-Way. Once the project is complete (anticipated to be in 2020), the maintenance of the plantings within the rain gardens and the shrub areas will rest with the Department of Parks, Recreation and Facilities. The pavers and seating would be the responsibility of the Department of Engineering and Public Works. It is estimated that the annual maintenance of these off-site public realm features will add approximately \$12,350 in annual maintenance costs, based on 2018 rates. The breakdown is as follows:

- Plantings (raingarden and shrub areas): \$10,100
- irrigation infrastructure: \$1,000 (water meter fees and spring/winter maintenance)
- pavers: \$250
- benches: \$500
- bike racks: \$500

The applicant has offered to maintain the raingardens and shrub plantings for a period of one year after which, they will become the responsibility of the City to maintain. Staff recommend that Council require this offer is secured by legal agreement.

The need for additional FTE as a result of increased inventory would be reviewed through annual operating budget planning as these types of projects are completed and/or brought on-line to the City's maintenance program to ensure capacity to maintain the additional inventory.

## CONCLUSIONS

The proposal is consistent with the OCP as it relates to multi-unit residential and mixed-use development within Large Urban Villages and surrounding areas. The proposal would further OCP goals with regards to increasing housing diversity, enhancing the public realm and improving storm water management. Staff recommend for Council's consideration that Council advance the application to a Public Hearing, subject to the preparation of legal agreements.

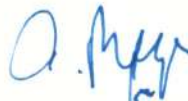
## ALTERNATE MOTION

That Council decline Rezoning Application No. 00634 for the property located at 324/328 Cook Street and 1044, 1048 and 1052/1054 Pendergast Street.

Respectfully submitted,



Alec Johnston  
Senior Planner  
Development Services Division



Andrea Hudson, Acting Director  
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Development Department



Report accepted and recommended by the City Manager

*Jocelyn Kenney*  
Date: Nov 29, 2018

**List of Attachments**

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped November 23, 2018
- Attachment D: Letters from applicant to Mayor and Council dated February 27, 2018 and May 9, 2018
- Attachment E: Community Association Land Use Committee Comments dated December 7, 2017
- Attachment F: Arborist Report dated May 7, 2018
- Attachment G: Letter from 380 Cook Street Strata Council regarding tree removal
- Attachment H: Tenant Assistance Plan dated November 21, 2018
- Attachment I: Advisory Design Panel Minutes dated June 27, 2018
- Attachment J: Correspondence