



Committee of the Whole Report

For the Meeting of February 28, 2019

To: Committee of the Whole **Date:** February 14, 2019

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

Subject: Rezoning Application No. 000642 for 945 Pembroke Street

RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 000642 for 945 Pembroke Street, that first and second reading of the Zoning Regulation Bylaw Amendment and bylaw to authorize a housing agreement be considered by Council and a Public Hearing date be set, subject to the applicant preparing and executing a housing agreement to ensure that future Strata Bylaws could not prohibit the rental of units.

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 property located at 945 Pembroke Street. The proposal is to rezone from the R-2 Zone, Two-Family Dwelling District, to a new zone in order to subdivide and increase the density on each lot to allow multi-unit residential uses at this location.

The following points were considered in assessing this application:

- the subject property is designated Core Residential in the *Official Community Plan*, 2012 (OCP), which supports a diverse range of housing types including low and mid-rise,

- multi-unit residential buildings
- the subject property is within the Residential Mixed-Use District in the *Downtown Core Area Plan* (DCAP), which supports multi-unit residential development up to five storeys and a floor space ratio (FSR) of up to 2:1. The applicant is proposing a smaller scale, ground-oriented residential development that includes two, three-storey, multi-unit residential buildings with densities ranging from 0.86 to 0.87:1 FSR
- the existing dwelling unit is not listed on the Heritage Register or located in a heritage conservation area; however, the applicant explored options to relocate the existing single-family dwelling. To transport the house along Pembroke Street, or through Royal Athletic Park, and relocate it to a different lot, several city trees would have to be significantly pruned or removed and BC Hydro/Telus poles would need to be removed and replaced. For these reasons, relocating the existing single-family dwelling is not feasible
- the applicant is willing to enter into a housing agreement to ensure that future Strata Bylaws could not prohibit the rental of units.

BACKGROUND

Description of Proposal

This Rezoning Application is to subdivide and increase the density to allow multi-unit residential uses at this location. The following differences from the standard zone (Two Family Dwelling District Zone) are being proposed and would be accommodated in the new zone:

- increasing the FSR and total floor area
- increasing the height of building
- reducing front, side and rear yard setbacks.

Affordable Housing Impacts

The applicant proposes the creation of 12 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.

Tenant Assistance Policy

The proposal is to demolish an existing single-family building which would result in a loss of one existing residential rental unit. The current tenant moved into the dwelling unit in November 2017 and the applicant applied for rezoning on April 3, 2018 and therefore, the tenant has not resided in the building long enough to be eligible for tenant assistance under the current Tenant Assistance Policy, which must be one year of tenancy or more. Additionally, the tenant was informed by the applicant of the redevelopment plans and the rezoning application prior to move-in, and in any case has voluntarily chosen to relocate because of personal reasons (letter attached).

Sustainability Features

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

Active Transportation Impacts

The applicant is providing 12 long-term and six short-term bicycle parking spaces for each building, which complies with the bicycle parking requirements in Schedule C: Off-street Parking Regulations.

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 mix of residential uses, a recreation centre, and public parks including Central Park and Royal Athletic Park.

Existing Site Development and Development Potential

The site is presently a single-family dwelling.

Under the current R-2 Zone, Two-Family Dwelling District, the property could be developed as a duplex or a single-family dwelling with a secondary suite or garden suite.

Data Table

The following data table compares the proposal with the existing R-2 Zone, Two Family Dwelling District. An asterisk is used to identify where the proposal is less stringent than the existing Zone.

Zoning Criteria	Proposal Lot A	Proposal Lot B	Existing Zone R-2
Site area (m ²) – minimum	533.29 *	528.41 *	555
Density (Floor Space Ratio) – maximum	0.86:1*	0.87:1*	0.50:1
Height (m) – maximum	9.71*	9.48*	7.60
Storeys – maximum	3*	3*	2
Site coverage (%) – maximum	35.40	35.80	40.00
Open site space (%) – minimum	32.50	31.60	30.00
Setbacks (m) – minimum			
Front (Pembroke Street)	5.65* / 3.20* (entry steps)	5.76* / 3.13* (entry steps)	7.50 / 3.00 (projections)
Rear (S)	12.98	12.79	13.63
Side (E)	2.21 *	1.56 *	3.00
Side (W)	1.56	2.17	1.50

Zoning Criteria	Proposal Lot A	Proposal Lot B	Existing Zone R-2
Vehicle parking – minimum	5 *	5 *	6
Visitor vehicle parking included in the overall units – minimum	0 *	0 *	1
Surface parking landscape screen	0.60 *	0.60 *	n/a
Bicycle parking stalls – minimum			
Class 1	12	12	n/a
Class 2	6	6	n/a

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 March 26, 2018. Meeting minutes dated March 26, 2018 are attached to this report.

ANALYSIS

Official Community Plan

The *Official Community Plan*, 2012 (OCP) Urban Place Designation for the subject property is Core Residential, which supports low-rise, multi-unit residential uses. The applicant is proposing two, multi-unit residential buildings and each building would contain approximately six, two-bedroom units and private patio space, which would be suitable for families. The site is also directly across the street from Central Park and Crystal Pool and walking distance to George Jay Elementary School. The applicant is not proposing rental dwelling units with this application; however, they are willing to enter into a housing agreement to ensure that future Strata Bylaws do not prohibit rental; which would give home-owners the option to rent their dwelling units which could increase the rental supply of housing in the city.

The existing dwelling unit is not listed on the Heritage Register or located in a heritage conservation area; however, the applicant still explored options to relocate the existing single-family dwelling. To transport the house along Pembroke Street, or through Royal Athletic Park, and relocate it to a different lot, several city-owned trees would have to be significantly pruned or removed and BC Hydro/Telus poles would need to be removed and replaced. After reviewing the different options, it was determined that it was not feasible to relocate the existing house and it will have to be demolished to facilitate this development.

Local Area Plans

The subject properties are within the Residential Mixed-Use District in the *Downtown Core Area Plan* (DCAP), which supports multi-unit residential buildings with a density of 2:1 floor space ratio (FSR) and a maximum height of up to approximately five storeys. The applicant is proposing a lower density residential infill development that fits with the existing neighbourhood

context and built form, which is predominantly single-family dwellings that contain traditional-style architectural features.

Tree Preservation Bylaw and Urban Forest Master Plan

The applicant engaged Talbot Mackenzie & Associates to complete a Tree Preservation Plan. The arborist inventoried seven trees associated with this proposal, none of which are located on the subject property. The two public boulevard trees on Pembroke Street are to be retained, which include an American Sweetgum and Garry Oak tree. An exploratory dig was conducted by the arborist to evaluate the impacts of the proposed driveway and front yard patios on the public Sweetgum tree. The applicant has indicated on the site plan that the pathway and patio will be constructed in accordance with the recommendations in the Tree Preservation Plan with no excavation into the tree's roots.

Five non-bylaw protected trees, located on adjacent properties to the west and south, are to be retained. The arborist report states that the construction of the parking lot and patio for unit B6 of the proposal may impact the neighbour's Sweetgum Tree NT3 (non-bylaw protected). The arborist recommends that the applicant construct a floating patio and parking lot to protect the roots of the tree, and the applicant has made a note on the landscape plan that these two elements would be constructed in accordance with the Tree Preservation Plan.

Density Bonus Policy

The Rezoning Application was received April 3, 2018 and is subject to the City's Density Bonus Policy although the proposal is more consistent with a built form and density typically proposed for properties designated Traditional Residential in the OCP, which are exempt from the City's Density Bonus Policy. The applicant prefers a lower density and ground-oriented residential development at this location to fit the neighbourhood context from a site planning and architectural-perspective, with special attention to two neighbouring single-family dwellings to the east, as shown on the plans.

Staff discussed the current Density Bonus Policy and Council's interim direction on inclusionary housing with the applicant. In a letter addressed to Mayor and Council, dated February 13, 2018, the applicant explains the financial implications associated with providing an amenity contribution for this project. That said, the site is designated Core Residential in the OCP and subject to the current policy, which requires either a fixed-rate contribution or a land lift analysis. Staff have provided an alternate motion should Council choose to apply the policy to this development proposal.

CONCLUSIONS

The proposal to subdivide and create two lots and increase the density to allow multi-unit residential uses is consistent with the land use policies outlined in the OCP and DCAP. The applicant has considered the surrounding neighbourhood context, housing types and tenures, and the need for sensitive infill development on the site. Staff recommend for Council's consideration that the application proceed to a Public Hearing.

ALTERNATE MOTION


Option One

That the applicant complies with the City's Density Bonus Policy and report back to the Committee of the Whole.

Option Two

That Council decline Rezoning Application No. 000642 for the property located at 945 Pembroke Street.

Respectfully submitted,



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Development Services Division



Andrea Hudson, Acting Director
Sustainable Planning and Community
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Report accepted and recommended by the City Manager:



Date: Feb 15, 2019

List of Attachments:

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans dated/date stamped February 12, 2019
- Attachment D: Letter from applicant to Mayor and Council dated February 13, 2019
- Attachment E: Letter from applicant to Mayor and Council dated February 13, 2019
- Attachment F: Community Association Land Use Committee Comments dated March 26, 2018
- Attachment G: Arborist Report dated January 8, 2019.
- Attachment H: Letter from Tenant dated January 29, 2019