



Committee of the Whole Report For the Meeting of May 9, 2019

To: Committee of the Whole **Date:** April 25, 2019

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

Subject: Rezoning Application No. 00666 for 952 Johnson Street and 1400 Vancouver Street (McCall's)

RECOMMENDATION

1. That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00666 for 952 Johnson Street and 1400 Vancouver Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council, and a Public Hearing date be set subject to:
 - a. Preparation of a Housing Agreement to secure the tenure of all dwelling units as rental in perpetuity, to the satisfaction of the Director of Sustainable Planning and Community Development.
 - b. Registration of legal agreements on the property's title to secure public realm improvements, to the satisfaction of the Director of Engineering and Public Works.
 - c. Heritage designation of the chapel building located at 952 Johnson Street and 1400 Vancouver Street.
2. That Council authorize the street-level projecting canopies over the City Right-of-Way and 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 property located at 952 Johnson Street and 1400 Vancouver Street. The proposal is to rezone from the S-2 Zone, Special District, to a new zone in order to construct a high-rise, mixed-use residential rental building with an increase in density to 4.4:1 floor space ratio (FSR), and to permit commercial and residential uses at this location. The Rezoning Application is concurrent with Development Permit with Variance Application No. 00095 and Heritage Designation Application No. 000184.

The following points were considered in assessing the Rezoning Application:

- the proposal is consistent with the *Official Community Plan* (OCP, 2012) Core Residential Urban Place Designation in terms of use and density, and the OCP's placemaking and housing policies with regards to heritage conservation and the provision of rental housing
- the proposal is generally consistent with the *Downtown Core Area Plan* (DCAP, 2011) policies for sites within the Residential Mixed-Use District
- as a condition of rezoning, the applicant would provide a Housing Agreement to secure the tenure of all dwelling units as rental in perpetuity, and heritage designation of the chapel building
- 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 given the heritage designation of the chapel and proposed tenure of the units as rental, there is no land lift from the proposed rezoning.

BACKGROUND

Description of Proposal

This Rezoning Application is to increase the permitted density from 2:1 to 4.4:1 FSR and to permit residential and commercial uses on the site. A high-rise, mixed-use building is proposed with ground-floor commercial-retail uses at grade and residential rental apartments above. The existing chapel on the site at the corner of Johnson and Vancouver Streets would be retained for commercial use.

The following differences from the standard zone (CA-43 Zone, Pandora Harris Green District as referenced in the S-2 Zone, Special District) are being proposed and would be accommodated in the new zone:

- allow commercial and residential uses
- increase total floor area and density
- reduce the rear and side setbacks.

The proposal also requests an increase in building height, which is recommended by staff to be considered by Council as a variance through the concurrent Development Permit with Variance Application for this property so that it does not become an entitlement linked to the zoning for the site.

Affordable Housing Impacts

The applicant proposes the creation of approximately ninety-three new market rental residential units which would increase the overall supply of housing in the area. The applicant has agreed to enter into a Housing Agreement to secure rental tenure of the residential units in perpetuity.

Tenant Assistance Policy

A Tenant Assistance Plan is not required as there are no existing residential rental units on the subject property.

Sustainability Features

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

Active Transportation Impacts

The application proposes the following features which support active transportation:

- implementation of the Vancouver Street Bikeway fronting the development
- 130 long-term and 15 short-term bicycle parking spaces on-site. The provision of long-term bike parking stalls exceeds the requirement by 10 stalls.

Public Realm Improvements

The following frontage works are being offered and will be secured in association with the Rezoning Application:

- streetscape improvements to Johnson Street and Vancouver Street fronting the development consistent with the Downtown Public Realm Plan Strategy
- the Vancouver Street corridor is planned as an All Ages and Ability (AAA) bike route with physically separated cycling facilities anticipated for construction in 2020. The proposal would implement the detailed design of the Vancouver Street Bikeway to City standards.

Land Use Context

The area is characterized by a mix of residential, commercial, community service and institution land uses. Immediately adjacent land uses include:

- North: two lots with frontages on Pandora Avenue and Vancouver Street contain two low-rise commercial buildings and a church. A Rezoning Application and Development Permit Application have been submitted for this site to construct a high-rise, mixed-use building with ground-floor commercial and residential above. As advised by the applicant, the two developments are working together to coordinate positioning of the towers within the block as well as the grade-level interface along Vancouver Street.
- South: across Johnson Street, a high-rise, mixed-use building is under construction with ground-floor commercial-retail fronting Vancouver and Johnson Streets and residential above.
- East: across Vancouver Street is a government office building.
- West: adjacent to the site is a mid-rise residential condominium building with ground-floor commercial fronting Johnson Street.

Existing Site Development and Development Potential

The site is presently occupied by the McCall's Funeral Home consisting of a series of one-storey connected pavilion buildings. Under the current S-2 Zone, Special District, the only use permitted is that of funeral undertakers' establishment.

Data Table

The following data table compares the proposal with the existing CA-43 Zone, Pandora Harris Green District, as the zone governed by the most restrictive regulations nearest to the site as referenced in the S-2 Zone, Special District. An asterisk is used to identify where the proposal is less stringent than the existing zone and a double asterisk is used to identify an existing condition. Key policies from the OCP and DCAP are also provided for comparison.

Zoning Criteria	Proposal	Existing Zone S-2 / CA-43	OCP	DCAP
Site area (m ²) – minimum	2151.7	n/a	-	-
Density (Floor Space Ratio) – maximum	4.4*	2	3 - 5.5	3 - 5.5
Total floor area (m ²) – maximum	9468.8*	4303.4	-	-
Lot width (m) – minimum	36.57	n/a	-	-
Height (m) – maximum	49.71*	15.5	-	45
Storeys – maximum	16	n/a	20	-
Site coverage % – maximum	78	n/a	-	-
Setbacks (m) – minimum				
Front (east) – Vancouver Street	0.00** chapel 12.94 building	3	-	0
Rear (west)	0.11*	0 - 3	-	see Building Separation Guidelines
Side (north)	0.21*	0 - 3	-	see Building Separation Guidelines
Side (south) – Johnson Street	0.20* deck 0.61* building	3	-	0
Vehicle parking – residential – minimum	78	76		

Zoning Criteria	Proposal	Existing Zone S-2 / CA-43	OCP	DCAP
Vehicle parking – visitor – minimum	9	9		
Vehicle parking – commercial – minimum	11	11		
Bicycle parking – long term – minimum	130	120		
Bicycle parking – short term – minimum	15	15		

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the Downtown Residents Association CALUC at a Community Meeting held on July 5, 2018. A letter dated August 18, 2018 is attached to this report.

ANALYSIS

Official Community Plan

The subject site is designated as Core Residential in the *Official Community Plan* which envisions multi-unit residential, commercial and mixed-use buildings from three storeys up to approximately 20 storeys and with total floor space ratios (FSR) ranging from a base of 3:1 to a maximum of 5.5:1. The proposal is consistent with the density and uses envisioned in this Urban Place Designation.

The OCP encourages housing supply to accommodate population growth in the Urban Core and a range of housing types, forms and tenures across the City. The proposed development would provide approximately ninety-three purpose-built market rental dwelling units, secured in perpetuity. Unit sizes range from approximately 460 square feet (studio) to 1481 square feet (3 bedroom), with the majority as one and two bedroom units.

The proposed designation of the chapel building is consistent with OCP placemaking (urban design and heritage) policies to identify, protect and conserve properties of heritage value.

Downtown Core Area Plan

The subject property is within the Residential Mixed-Use District (RMD) in the *Downtown Core Area Plan*, with applicable policies to encourage multi-residential development appropriate to the context of the neighbourhood. The base density for mixed-use development is 3:1 FSR and a maximum density is 5.5:1 FSR, of which the commercial portion shall not exceed 1:1 FSR. The maximum building height for the site is outlined as 45m. The DCAP built form policies encourage new buildings to complement their surroundings and to provide a positive interface with the public realm. The proposal's consistency with these policies and other applicable design guidelines is discussed in the report for the concurrent Development Permit with Variance Application.

Heritage policies in the DCAP encourage working with the private sector to identify, protect and conserve property with heritage value in the Downtown Core Area. Energy and Environment policies support adaptation and re-use of existing buildings where appropriate to contribute to environmental stewardship. The proposed retention, seismic upgrading, designation and reuse of the chapel supports these policies.

Density Bonus Policy

As this Rezoning 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. The Rezoning Application is seeking 1.4 FSR of bonus density; however, the report (attached) concludes that the additional density proposed does not generate a land lift due to the rental tenure of the proposed residential units and heritage conservation costs. As such, it does not recommend that the City seek any contribution from the developer if the applicant secures all the residential units as rental in perpetuity and the heritage designation and conservation measures are fulfilled.

Regulatory Considerations

Building Height

The proposed increase in building height from 15.5m to approximately 49.8m is higher than the maximum height of 45m anticipated in the DCAP for this site. Staff are recommending that a height limit of 45m be included in the new zone, consistent with the *Downtown Core Area Plan*, and that Council consider a height variance issued through Development Permit with Variance Application No. 00095. This would ensure that any additional height given above the maximum specified in the DCAP does not become an entitlement in the zoning and that if for any reason this proposal was not constructed, future approvals would require Council's consideration of this increase in height.

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 it is deemed necessary to facilitate the construction of the project.

A number of street-level canopies are also proposed along Johnson Street, which project above the City Right-of-Way. These are encouraged in the DCAP and *Advisory Design Guidelines for Buildings, Signs and Awnings* (2006) to provide pedestrian weather protection and welcoming streetscapes. In order to facilitate these canopies, the applicant is required to enter into an Encroachment Agreement with the City. Appropriate wording is included in the recommendation for Council's consideration.

CONCLUSIONS

The proposal to construct a new high-rise, mixed-use commercial and residential building at a density of 4.4:1 FSR is consistent with the OCP and DCAP with respect to the proposed land use and density. The creation of approximately ninety-three market rental units, secured through legal agreement, advances the goals of the OCP with regards to the provision of rental housing. The retention and designation of the chapel of the McCall Brother's Funeral Home advances the City's heritage conservation goals. Therefore, it is recommended for Council's consideration that the application move forward to a Public Hearing.

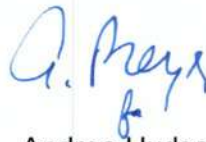
ALTERNATE MOTION

That Council decline Rezoning Application No. 00666 for the property located at 952 Johnson Street and 1400 Vancouver Street.

Respectfully submitted,



Moira Wilson
Senior Planner – Urban Design
Development Services Division



Andrea Hudson, Acting Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager



Date:

May 3, 2019

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped March 27, 2019
- Attachment D: Letter from applicant to Mayor and Council dated April 20, 2019
- Attachment E: Community Association Land Use Committee Comments dated August 18, 2018
- Attachment F: Land Lift Analysis prepared by Rollo & Associates dated March 11, 2019
- Attachment G: Pedestrian Level Wind Study prepared by Gradient Wind Engineers & Scientists dated November 26, 2018
- Attachment H: Minutes from February 27, 2019 Advisory Design Panel Meeting
- Attachment I: Minutes from April 9, 2019 Heritage Advisory Panel Meeting.