



Committee of the Whole Report

For the Meeting of October 24, 2019

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

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

Subject: Update on Rezoning Application No. 00466 and Heritage Alteration Permit Application No. 00214 for 913-929 Burdett Avenue and 914-924 McClure Street

RECOMMENDATION

Rezoning Application No. 00466

1. That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00466 for 913-929 Burdett Avenue and 914-924 McClure Street; and that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council subject to the following conditions:
 - a. Preparation of a Housing Agreement Bylaw for the following:
 - i. to secure 50% of the total units as market rental for a minimum of 20 years;
 - ii. to secure a minimum of 26 units be used as assisted living for a minimum of 20 years;
 - iii. **to secure a minimum of five affordable rental units for a minimum of 20 years;**
 - iv. to ensure that future strata bylaws cannot prohibit strata owners from renting residential strata units; and
 - v. to repeal the formerly adopted Housing Agreement from a past development proposal.
 - b. **Preparation of a Section 219 Covenant to secure the sustainability features and construction achieving a minimum BUILT GREEN® Bronze Certification level.**
2. That Council give authorization for the following, if the Housing Agreement and Rezoning Bylaws are adopted:
 - a. Mayor and City Clerk to execute the documents required in order to discharge or terminate the following legal documents related to a past development proposal, which are not applicable to the current development proposal:
 - i. S.219 Covenant relating to the provision of full frontage works along the Burdett Avenue and McClure Street frontages;

- ii. Statutory Right-of-Way for the provision of a 1.2m public walkway along the east of the property; and
 - iii. Heritage Revitalization Agreement dated February 14, 2008.
- b. Introduction of a bylaw to repeal the February 14, 2008 Heritage Revitalization Agreement, as required.

Heritage Alteration Permit No. 00214

Following consideration of Rezoning Application No. 00466, staff recommend that Council consider this updated motion with respect to Heritage Alteration Permit with Variances No. 00214:

“That Council authorize the issuance of the Heritage Alteration Permit No. 00214 for 913-929 Burdett Avenue and 914-924 McClure Street in accordance with:

- 1. Plans date stamped October 7, 2019.**
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. increasing the building height from 16.5m to 20.55m;
 - b. reducing the front yard setback from 10.6m to 8.75m;
 - c. reducing the rear yard setback from 5.4m to 4.7m;
 - d. reducing the west yard setback from 3.6m to 3.2m for the principal building and from 3.6m to 3.05m for the Cartreff Residence; and
 - e. reducing the vehicle parking requirement from 59 stalls to 56 stalls.**
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of City staff.
4. The Heritage Alteration Permit is subject to the conditions for Mount St. Angela (917-923 Burdett Avenue), the Cartreff Residence (913 Burdett Avenue), and the Temple Residence (924 McClure Street), detailed in Appendix A, Appendix B, and Appendix C attached to this report.
5. The Heritage Alteration Permit lapsing two years from the date of this resolution.”

EXECUTIVE SUMMARY

The purpose of this report is to provide Council with new information, analysis and recommendations regarding a Rezoning Application and a Heritage Alteration Permit Application for the properties located at 913-929 Burdett Avenue and 914-924 McClure Street. At the meeting of June 8, 2017 (minutes attached), Council passed a motion to forward the applications to a public hearing, subject to the preparation of a Zoning Regulation Bylaw Amendment, Housing Agreement Bylaw and Section 219 Covenant for sewage attenuation.

The applicant is willing to fulfil the conditions set by Council; however, given that over two years has passed since Council provided the above direction, staff are bringing the application to Committee of the Whole for Council’s consideration prior to referring the Rezoning Application and Heritage Alteration Permit Application for consideration at a Public Hearing.

BACKGROUND

Description of Proposal

The proposal is to amend the existing CD-10 Zone, Mount St. Angela District to create a new site-specific zone that permits an increase of the bonus density provision in exchange for the

heritage conservation measures to be applied to the heritage-designated buildings on the subject site. The applicant proposes to construct a 106-unit senior's residence (plus 26 assisted living units) to the rear and the side of the existing heritage-designated Mount St. Angela building. Existing heritage-designated houses at 913 Burdett Avenue (Cartreff Residence) and at 924 McClure Street (Temple Residence) are also proposed to be incorporated into the project. The Committee of the Whole reports for Rezoning Application No. 00466 and Heritage Alteration Permit Application No. 00214 presented at the Committee of the Whole (COTW) meetings of January 12, 2017 and June 8, 2017 are attached for additional information and reference. Other than additional off-street parking within the parkade level, no design changes are proposed since the meeting of June 8, 2017.

Regulatory Changes

New Zone

The following amendments from the current CD-10 (Mount St. Angela) District Zone are proposed and would be accommodated in the new zone:

- increase in floor space ratio (FSR) from 1.3:1 to a maximum of 1.96:1 FSR
- the following additional uses:
 - "seniors' housing – assisted living" means a facility where regular care or supervision is given by a health care professional as well as assistance with the performance of the personal functions and activities necessary for daily living for persons such as the aged or chronically ill who are unable to perform them efficiently for themselves
 - "seniors' housing – independent living" means a residential building containing in any combination, two or more dwelling units, housekeeping units, or sleeping units for the accommodation of elderly persons, including the ancillary common areas and accessory personal service and convenience uses, for the exclusive use of residents and tenants of the building and their guests.
- amendment to the amenities in the zone to remove the requirement for a mid-block walkway and a heritage revitalization agreement (the latter being replaced by Heritage Alteration Permit No. 00214)
- additional building height from 13.6m to 16.5m.

Parking

The requirement for 60 vehicle parking stalls in the existing zone is based on a previous proposal for this site. In reviewing the current proposal against the requirements under Schedule C of the *Zoning Regulation Bylaw* (which was updated since the application was last brought to COTW), a total of 59 stalls are required (46 stalls for the residential units and 13 visitor parking stalls). A total of 56 stalls is being proposed; therefore, a three-stall parking variance has been added to the motion for Council's consideration. The variance is considered supportable given that the applicant is proposing long term bike parking in excess of the Schedule C requirements as well as change room facilities which help encourage cycling as a means of transportation.

Legal Agreements

Housing Agreement

With regard to the Housing Agreement Bylaw, the applicant proposes five units as affordable rental for a twenty-year period, with rent levels in accordance with the Inclusionary Housing and

Community Amenity Policy. The affordable units would be located on levels 1, 3 and 4 of the proposed development and would include:

- 1 studio unit
- 1 one bedroom unit
- 2 one bedroom plus den units
- 1 two bedroom unit.

In addition to the housing agreement, the applicant's letter indicates that a 34-unit building at 1046 and 1048 North Park Street to house existing residents of Mount Saint Angela in a purpose-built facility for the Vancouver Island Health Authority has received approvals. These units would not be secured through a housing agreement; however, the site's R-91 Zone, North Park Residential District, limits residential use to "rest homes". The applicant has also indicated that the 34 rental units would be low-income affordable units based on VIHA's housing mandate.

Section 219 Covenants

A report from Herold Engineering has been provided to confirm the flow rates the proposed development would have on existing infrastructure. Staff have reviewed this and confirm that sewage attenuation will not be required for this application. The recommendation has been updated to remove this requirement.

A number of sustainability features are proposed as part of the concurrent Heritage Alteration Permit. These features would be secured through a Section 219 covenant to ensure construction achieving a minimum of BUILT GREEN® "Gold" certification. The applicant is amenable to entering into this agreement. As part of the original recommendation, this was included as a condition of issuing the Heritage Alteration Permit. Normal practice is to prepare these in advance of the Public Hearing and revised wording is included for Council's consideration.

Land Lift Analysis

G.P. Rollo and Associates was engaged to provide an updated economic analysis of the project based on the proposed density and uses of the building and updated costs for heritage retention and seismic upgrading. The analysis determined that based on the increase in density from a floor space ratio of 1.3:1 to 1.96:1 and tenure of the building, the resulting land lift was approximately \$1.35 million. Previous analysis conducted in 2016 determined a land lift of \$3 million. The rehabilitation costs of the Heritage Registered building including seismic upgrading are estimated by a professional quantity surveyor to be in excess of \$5.0 million, an increase of \$0.7 million from 2016. The analysis reaffirms that the costs of rehabilitating the heritage designated buildings is in excess of the projected lift in land value.

CONCLUSION

The proposed design of the development remains unaltered since Committee of the Whole last viewed the application. Revised terms for the Housing Agreement are proposed and staff are seeking direction from Council prior to advancing the applications for consideration at a Public Hearing.

ALTERNATE MOTION

That Council decline Rezoning Application No. 00466 and Heritage Alteration Permit Application No. 00214 for 913-929 Burdett Avenue and 914-924 McClure Street.

Respectfully submitted,

For: J. Taylor
Alec Johnston
Senior Planner – Urban Design
Development Services Division

J.T. / Andrea Hudson
Andrea Hudson, Acting Director
Sustainable Planning and Community
Development Department

[Signature]
John O'Reilly
Senior Heritage Planner
Development Services Division

Report accepted and recommended by the City Manager

Date:

Josephine Jenkins
Oct 17, 2019

Appendices

Conditions of Heritage Alteration Permit No. 00214:

- Appendix A: Mount St. Angela, 917-923 Burdett Avenue
- Appendix B: Cartreff Residence, 913 Burdett Avenue
- Appendix C: Temple Residence, 924 McClure Avenue.

List of Attachments

- Attachment A: Minutes from June 8, 2017 Council Meeting
- Attachment B: Minutes from June 8, 2017 Committee of the Whole Meeting
- Attachment C: Minutes from January 12, 2017 Council Meeting
- Attachment D: Minutes from January 12, 2017 Committee of the Whole Meeting
- Attachment E: Applicant's Letter to Mayor and Council, dated August 13, 2019
- Attachment F: Plans, dated October 7, 2019
- Attachment G: Updated Land Lift Analysis, dated April 25, 2019
- Attachment H: Committee of the Whole Report from the Meeting of June 8, 2017
- Attachment I: Committee of the Whole Reports from the Meeting of January 12, 2017.