

Committee of the Whole Report
For the Meeting of June 8, 2017

To: Committee of the Whole **Date:** May 25, 2017

From: Jonathan Tinney, 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.
2. That Council instruct staff to prepare a Housing Agreement Bylaw to secure a minimum of 50% of the total units as market rental for a minimum of 20 years, plus a minimum of 26 units be used as assisted living for a minimum of 20 years, and that future strata bylaws cannot prohibit strata owners from renting residential strata units, and repeal the formerly adopted Housing Agreement from a past development proposal.
3. That the introductory readings of these Bylaws be considered by Council and a Public Hearing date be set once the following conditions are met:
 - a. preparation of a Section 219 Covenant for sewage attenuation as required, and executed by the applicant to the satisfaction of the Director of Engineering and Public Works.
4. 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
 - iii. Heritage Revitalization Agreement dated February 14, 2008.
 - b. Introduction of a bylaw to repeal the February 14, 2008 Heritage Revitalization Agreement, as required.

WT00145 STAFF

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 May 3, 2017.
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.
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. Sustainability features and construction achieving the BUILT GREEN® Certification level.
6. 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 Council meeting of January 12, 2017, Council passed a motion to forward the applications to the Joint Heritage Advisory Panel and the Advisory Design Panel with comments included in the follow-up staff report.

A meeting of the Joint Heritage Advisory Panel and the Advisory Design Panel held on February 1, 2017, led to a recommendation to Council for the approval of the application with recommendations for the refinements to the proposal that are detailed later in this report. The applicant has made design revisions in response to the Panel and staff feedback.

Given that the applicant has satisfied the conditions related to this application, staff are recommending for Council's consideration that the Rezoning Application and Heritage Alteration Permit Application proceed for consideration at a Public Hearing.

BACKGROUND

Description of Proposal

The proposal is to amend the existing CD-10 (Mount St. Angela) Zoning Regulation Bylaw to create a new site-specific zone that permits the 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 dated December 16, 2017, and presented at the Committee of the Whole (COTW) meeting of January 12, 2017, are attached for additional information and reference.

On January 12, 2017, Council passed the following motion:

"It was moved by Councillor Madoff, seconded by Mayor Helps, that a meeting of the Joint Heritage Advisory Panel and the Advisory Design Panel be convened to consider the application for 913-929 Burdett Avenue and 914-924 McClure Street and that the report from the joint panel be included in the agenda when the application is considered by the Committee of the Whole.

That the panel be asked for comments on, but not limited to:

- 1. The relationship between the scale of the proposed development and the OCP policy that supports new additions that conserve and enhance heritage property.*
- 2. Does the proposal appropriately respond to Standard 1 of the National Standards and Guidelines in respect to the removal of heritage designated elements/additions and the relocation of the Cartreff and Temple buildings.*
- 3. Does the proposal respond appropriately to Standard 11 of the National Standards and Guidelines in terms of new construction being physically and visually compatible with, subordinate to, yet distinguishable from, the historic place.*
- 4. Does the Conservation Plan adequately address the National Standards and Guidelines and provide appropriate detail on how the proposal responds to the Guidelines.*
- 5. Has adequate information been provided by the applicant to support the claim that the level of Burdett Street has been raised over time and that this justifies the moving and raising of the Cartreff house.*
- 6. Does the proposed landscape plan respect and retain historic landscaping appropriate to the 1860s Mt. St. Angela building and the 1905, Samuel McClure designed, Cartreff House as outlined in the Standards and Guidelines."*

Issues and Analysis

Further information and analysis are provided in this report on the following items associated with this application:

- Joint Heritage Advisory Panel and Advisory Design Panel meeting
- revisions resulting from the Joint Panel's comments

- revisions resulting from staff feedback
- regulatory considerations

Summary of Joint Heritage Advisory Panel and Advisory Design Panel Report

The Application was referred to the Joint Heritage Advisory Panel (HAPI) and the Advisory Design Panel (ADP) on February 1, 2017 (draft minutes attached). The majority of the Panel agreed that the:

- scale of the development in relation to OCP had been addressed satisfactorily
- proposal appropriately responds to Standard 1 of the National Standards and Guidelines and agreed with the removal of the hotel addition and the porte cochere
- proposal appropriately responds to Standard 11 of the National Standards and Guidelines; however, modifications to the addition of the Cartreff house should be less imitative, particularly the roofline
- Conservation Plan and design detail of the Temple residence pay particular attention to sensitive restoration and reconstruction of the staircase, front wall and gate and resolve the discrepancy in the front elevation of the building itself
- moving and lifting of the Cartreff residence is no longer part of the proposal
- front garden of the Cartreff residence be reconsidered to be more in line with an Edwardian bordered garden and distinct from the rest of the frontage. It was also recommended that the applicant consider the use of the fruit trees as part of the landscape given their historical presence on site
- project be reclassified as a rehabilitation, not as preservation.

Revisions Resulting from Joint Panel Comments

Cartreff Residence

The applicant is proposing to retain the Cartreff residence in its existing location and at its existing height. Roof articulation now reflects existing conditions and reconstructed chimneys are included on all roof plans, elevations, and three-dimensional views. The south wing addition is less imitative with a simple gable roofline, a shed roofed dormer on the west side, and a change of exterior colour that complements the Cartreff while transitioning to the darker foundation. Windows of the addition are more compatible and have been minimized on the west side to increase privacy.

Temple Residence

The applicant is proposing to reconstruct the design details of the staircase, front wall and gate as recommended in the Conservation Plan, and all reconstructed chimneys are on all roof plans, elevations, and three-dimensional views.

St. Angela College

Fenestration openings in the remnant west brick wall are consistent with existing conditions, and the intricate reconstructed chimneys are included on all roof plans, elevations, and three-dimensional views.

Landscaping

The applicant proposes a traditional formalized garden in front of the Cartreff residence distinct from the rest of the frontage. Existing stone gate pillars will be preserved and a new forged gate will be installed. A Plant Schedule and examples are included in the application package and details the proposed tree species, specimen and massing shrubs, as well as, perennials and ground cover.

Revisions Resulting from Staff Comments

The applicant has also responded to staff comments and have included the following revisions:

- an additional visitor parking stall has been allocated in the underground parkade to eliminate a parking variance
- detail has been provided for the overhead door on Burdett Avenue which includes translucent glazing and a mullion pattern to match the surrounding glazing. The assembly is also set back within the structure by 0.4m
- the east corner of the south wing elevation has been revised with the addition of corner glazing and refined architectural details to eliminate the blank wall
- inconsistencies related to bicycle stall calculation and setbacks have been addressed.

Regulatory Requirements

The following data table has been included for clarity and includes updated information related to building height, setbacks and parking that have arisen from the revised design. The building height has increased from 20.53m to 20.55m as a result of updated average grade calculations. Typographical and rounding errors on the plans have been corrected for the front and rear yard setbacks and are detailed in the table. An asterisk is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposal	Zone Standard CD-10
Site area (m ²) - minimum	5429.00	3978.00
Number of dwelling units - maximum	106	N/A
Density (Floor Space Ratio) - maximum	1.96:1*	1.3:1
Total floor area (m ²) - maximum	10,638.00*	4976.00
Height (m) - maximum	20.55* (<i>previously 20.53</i>)	13.60
Storeys - maximum	6*	4
Site coverage % - maximum	49.4*	37.91
Open site space % - minimum	38*	46.56
Setbacks (m) – minimum		
Front (Burdett Avenue)	8.75* (<i>previously 8.8</i>)	10.60

Zoning Criteria	Proposal	Zone Standard CD-10
Rear (McClure Street)	4.70* (building) <i>(previously 4.20)</i> 3.30* (stairs) <i>(previously 3.70)</i>	5.40
Side (east)	3.60	3.60
Side (west)	3.05 (Cartreff residence) 3.20* (building)	3.60
Parking - minimum	46*	60 (number of parking stalls specified in existing zone is attributed to previous proposal)
Visitor parking (minimum) included in the overall units	4 <i>(previously 3*)</i>	4
Class 1 secure bicycle parking stalls (minimum)	108	107
Class 2 publicly accessible bicycle parking stalls (minimum)	8 <i>(previously 6*)</i>	7

Zoning Regulation Bylaw

In accordance with Rezoning Application No. 00466, staff recommend that Council consider a site-specific zone to accommodate the proposed development. The Applicant proposes a building height of 20.55m; given the prominence of this site to the Mount St. Angela building, staff are recommending that Council consider a lower height limit of 16.5m to be included in the new zone, which is the height of the Mount St. Angela building (measured to half the height of the steeple). This approach is recommended to ensure that the higher height does not become an entitlement entrenched in the zone, allowing future proposals to come forward and achieve a height of 20.55m as a right, rather than benefiting from a Council review process.

In addition, this Application is proposing reduced setbacks when compared to the current zone:

- from 10.6m to 8.75m for the front yard
- from 5.4m to 4.7m for the rear yard
- from 3.6m to 3.2m for the west yard for the new building, 3.05m for the Cartreff Residence building, and 1.06m for the Cartreff stairs (a projection allowance is proposed to be incorporated into the new zone).

Staff similarly recommend that Council consider issuing variances for the proposed setbacks to ensure a re-evaluation, if this project is for some reason never built. Appropriate wording has been included in the recommendation provided for Council's consideration.

CONCLUSION

Given the results of the Joint Heritage Advisory Panel and Advisory Design Panel, as well as revisions undertaken by the applicant to address the recommendations by the Panel and staff feedback, it is recommended for Council's consideration that the Application move forward to a Public Hearing.

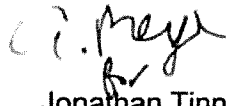
ALTERNATE MOTION

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,



Merinda Conley
Senior Heritage Planner
Development Services Division

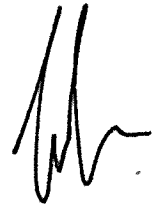


Jonathan Tinney
Director
Sustainable Planning and Community
Development Department



Charlotte Wain
Senior Planner – Urban Design
Development Services Division

Report accepted and recommended by the City Manager:



Date: _____

May 31, 2017

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:

- Minutes from January 12, 2017 Committee of the Whole meeting
- Minutes from January 12, 2017 Council Meeting
- Letter from Larry Cecco, Keay Cecco Architecture Ltd., date stamped May 3, 2017
- Plans, dated May 3, 2017
- Staff report to Joint Advisory Design and Heritage Advisory Panel Report, dated January 19, 2017
- Minutes of February 1, 2017, Joint Advisory Design and Heritage Advisory Panel meeting