



• Attachment I
• Item F.1

LATE ITEM COTW

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ITEM # F.1

Committee of the Whole Report For the Meeting of January 12, 2017

To: Committee of the Whole **Date:** December 16, 2016

From: Jonathan Tinney, Director, Sustainable Planning and Community Development

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

RECOMMENDATION

That Council, after giving notice and allowing an opportunity for public comment and after the Public Hearing for Rezoning Application No. 00466, if it is approved, consider the following motion:

1. "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:
 - i. Plans date stamped November 8, 2016.
 - ii. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. increasing the building height from 16.5m to 20.6m
 - b. reducing the front yard setback from 10.6m to 8.8m
 - c. reducing the rear yard setback from 5.4m to 4.2m
 - d. reducing the west yard setback from 3.6m to 3.2m for the principal building and from 3.6m to 1.7m for the Cartreff Residence.
 - iii. Final plans to be generally in accordance with the plans identified above to the satisfaction of City staff.
 - iv. 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.
 - v. Sustainability features and construction achieving the BUILT GREEN® Certification level.
 - vi. The Heritage Alteration Permit lapsing two years from the date of this resolution."

LEGISLATIVE AUTHORITY

A heritage-designated property, pursuant to Section 611(3) of the *Local Government Act*, requires a Heritage Alteration Permit for the occurrence of an alteration, a structural change, a relocation, removal, or damage to an interior feature or fixture, or a landscape feature. In accordance with Section 617 and 618 of the *Local Government Act*, Council may issue a Heritage Alteration Permit which may be subject to terms consistent with the purpose of the

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heritage protection of the property, including: (i) conditions respecting the sequencing and timing of construction, (ii) conditions respecting the character of the alteration of action to be authorized, including landscaping and the siting, form, exterior design and finish of buildings and structures and (iii) security. Council may refuse to issue a Heritage Alteration Permit for an action that, in the opinion of Council, would not be consistent with the purpose of the heritage protection of the property.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Heritage Alteration Permit Application for the properties located at 913-929 Burdett Avenue and 914-924 McClure Street. The Application is being considered concurrent with Rezoning Application No. 00466 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.

A Heritage Revitalization Agreement was adopted by Council on February 14, 2008, in relation to a previous application when the property was rezoned to the current CD-10 (Mount St. Angela) District Zone in February 2008. A Development Permit and Heritage Alteration Permit were approved in March 2010 for the alternative design. These permits have since expired and are unrelated to the current application, and it is being recommended to Council in the concurrent rezoning report that all legal documents not attributable to the current proposal be discharged, which includes the Heritage Revitalization Agreement.

Staff is recommending for Council's consideration that utilizing a Heritage Alteration Permit process rather than a Heritage Revitalization Agreement to specify the conditions for the preservation, rehabilitation, and restoration of the three heritage properties provides a more direct, enforceable and elegant approach ensuring all measures are in place to respect heritage values and meet appropriate conservation standards.

The following points were considered in assessing this Application:

- The Application is consistent with the *Official Community Plan (OCP)*, 2012, that supports new additions that conserve and enhance heritage property.
- The Application is generally consistent with the *Design Guidelines for Multi-Unit Residential, Commercial and Industrial Development*.
- The Application is consistent with the *Standards and Guidelines for the Conservation of Historic Places in Canada*.

BACKGROUND

Description of Proposal

The proposal is to 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 at 917-923 Burdett Avenue. The building is proposed at six storeys. Since the ground level along Burdett Avenue is defined as a basement under the *Zoning Regulation Bylaw*, it does not count as a storey. Existing heritage-designated houses at 913 Burdett Avenue (Cartreff Residence) and at 924 McClure Street (Temple Residence) are also incorporated into the project. The proposal is to remove the existing 1912 addition at the rear of the 1866 Angela College building, the rear annex, the porte-cochere and the third-floor link. Portions of the existing north, west and east

brick walls of the 1912 addition are proposed for retention as features in the interior atrium/galleria containing the main dining area for the residents. The exterior of Angela College would be restored in accordance with the September 2010 Mount St. Angela Conservation Plan.

The Cartreff Residence at 913 Burdett Avenue will be incorporated as part of the complex through a rear addition linking it to the main building. The residence will retain its current duplex configuration and will be moved forward 1.8m, raised by 0.53m, and placed on a new foundation which will return it to its proximate original relationship to the street and sidewalk. The brick chimneys will be measured during deconstruction to form an accurate record, which will then be used as a guide when they are rebuilt using the existing brick.

The Temple Residence at 924 McClure Street is proposed for relocation to the southeast end of the site to allow for a parking garage entrance. The interior will be reconfigured to contain seven suites, but will retain the designated interior features. The exterior finishes will be restored, and a small sympathetic one-storey addition will be located on the northeast corner. New exterior window openings and one door opening are proposed on the garden level to accommodate the new interior layout. Two windows in the northeast corner of the main level will be reused for the small northeast addition, and positioned to match the existing configuration. One window on the second level will be removed to accommodate the new interior layout. A new metal fire escape is proposed for the west elevation. The existing brick chimneys will be reconstructed using the existing brick.

The Mount St. Angela Conservation Plan for the site was prepared by a heritage consultant in March 2007 as part of a previous rezoning application. The Conservation Plan was updated in September 2010 and issued again as a separate document. The same consultant reviewed the previous plan alongside the 2010 Conservation Plan and provided an updated review of the plan in the context of the current proposed development (see attached letter, dated stamped March 18, 2016).

Sustainability Features

As noted in the Applicant's letter, date stamped November 8, 2016, the following sustainability features are proposed as part of this Application:

- building orientation to take advantage of solar gain
- high performance wood frame system
- retention of three existing buildings
- recycling of building materials from the structures to be removed from the property
- solar collectors for hot water pre-heating
- rainwater harvesting for irrigation
- permeable paving to reduce storm water runoff
- heat recovery ventilation systems
- geothermal heating/cooling
- construction to BUILT GREEN® "Gold" standard.

Active Transportation Impacts

The Application proposes the following features which support active transportation:

- 108 secure bicycle racks located in the underground parkade
- 6 publicly accessible bicycle racks located outside the main entrance on Burdett Avenue
- showers and changing facilities for staff located on level one.

Advisory Design Panel Referral

This Application was referred to the Advisory Design Panel (ADP) on July 27, 2016. The Panel were asked to comment on the following aspects of the proposal:

- massing, height and transition in relation to the context
- interface on the west elevation
- loss of the mid-block walkway
- proposed finishes and materials.

The minutes from the meeting are attached for reference and the following motion was carried (unanimous):

That the Advisory Design Panel recommend to Council that Rezoning Application # 00466 and Heritage Application # 00214 for 913-929 Burdett Avenue and 914-924 McClure Street be approved with recommendations as follows:

- *to reconsider the 6-storey massing at the southwest corner*
- *to reconsider the 3-storey massing on the McClure elevation*
- *to reconsider the variety of window sizes and types*
- *resolution of structure, window glazing and materials of the window wall in the atrium to reflect the consideration that has gone into the rest of the project.*

The architect's detailed response to the Panel's recommendations (date stamped November 8, 2016) is attached to this report. The Applicant has responded to ADP's recommendations as follows:

- the proposed density decreased from 1.98:1 to 1.96:1 floor space ratio (FSR)
- the massing on the south west corner has been reduced by increasing the setback from McClure Street at the fifth storey by 1m and removing a unit on the sixth storey. This density was relocated to the south portion of the east wing on the third storey.
- the units along McClure Street have been revised to provide a unified expression for the first three storeys with modulations in the south elevation and the creation of bay windows
- additional windows have been included on the east elevation
- overall the number of window types has been reduced from 22 to 10
- additional detail for the glass atrium has been provided including structural glass fins
- the application of exterior finishes and materials has been refined.

The changes to the massing and proportion of the building in the south west corner are an improvement, and the refinement of the McClure Street frontage provides a sensitive response to the immediate context. The supporting perspective views demonstrate an articulation of the south elevation that respond well to the street with additional entrances to the ground floor units, and modulation in the façade that suggests a townhouse built form, despite the upper units being configured internally as apartments. The floor plans are not consistent with the perspective views and do not represent the same articulation of the façade, and staff therefore recommend for Council's consideration, revisions to the plans to be consistent with the architectural intent along this frontage. Appropriate wording has been included in the concurrent rezoning report to capture this requirement as a condition of setting the Public Hearing.

Heritage Advisory Panel Referral

The Heritage Advisory Panel met on July 12, 2016, (minutes attached) to review the Application. The following motion was carried (unanimously):

That the Panel recommend to Council that Heritage Alteration Permit Application No. 00214 for 913-929 Burdett Avenue and 914-924 McClure Street be declined.

In summary, the Heritage Advisory Panel felt the proposed development's use is inappropriate in terms of scale and its attention to the natural landscape, existing outbuildings, adjacent heritage properties and view corridors. However, staff respectfully disagrees with this assessment as the Application does meet the *Official Community Plan* (OCP) policy in terms of supporting new additions that conserve and enhance heritage property, as well as general standards of the *Standards and Guidelines for the Conservation of Historic Places in Canada* - in particular, the relocation of an historic place within its current context maintains its heritage value, and the development is physically and visually compatible with, subordinate to, and distinguishable from the historic place. The 'Analysis' section of this report provides further information on the evaluation of the Application's consistency with City policy.

ANALYSIS

Official Community Plan

The Application is supported by *Official Community Plan* policies which state:

- 8.49 Continue to support new additions that conserve and enhance heritage property, as consistent with the *National Standards and Guidelines for the Conservation of Historic Places in Canada*.

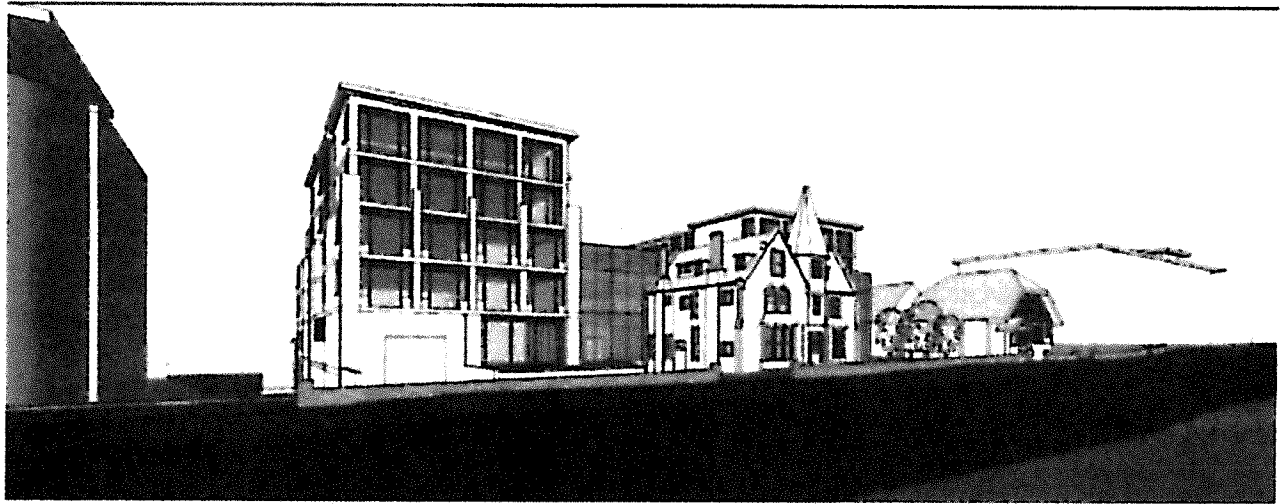
The subject property is within Development Permit Area (DPA) 16 of the *Official Community Plan* which seeks to integrate commercial, industrial and multi-unit residential buildings in a manner that is complementary to the established place character in the neighbourhood, including heritage character. Enhancing the character of the streetscape through high quality architecture, landscape and urban design, as well as creating human-scaled design, quality of open spaces, and safety and accessibility are also key objectives of this DPA.

Multi-Unit Residential, Commercial and Industrial Guidelines

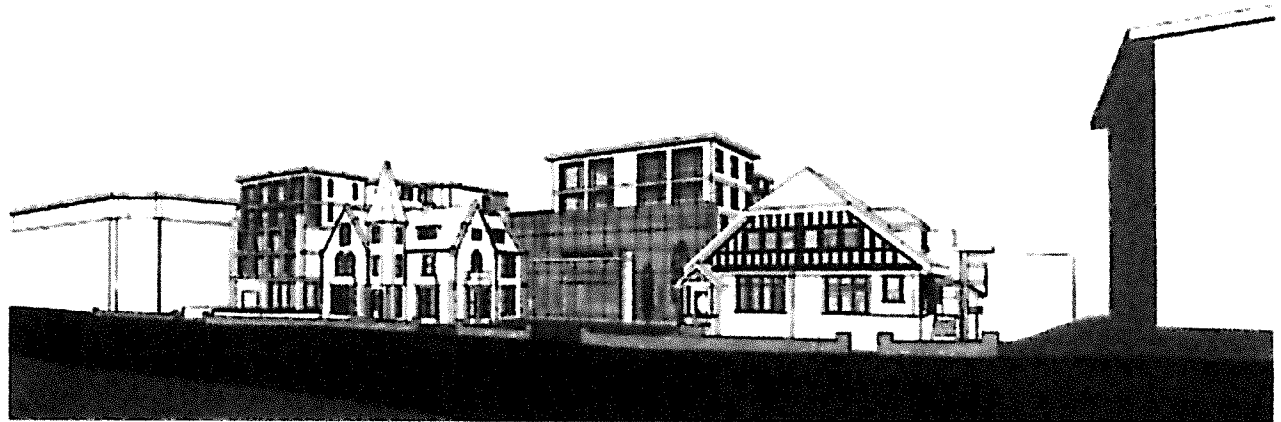
The *Design Guidelines for Multi-Unit Residential, Commercial and Industrial Development* are applicable and the proposal generally complies with the Guidelines as follows:

Height of Building in Relation to Context

The height of the rooftop of the proposed main east and west wings is 20.53m as measured from the site's average grade. This is approximately 1m higher than the adjacent multi-unit residential project to the east on Burdett Avenue known as the Chelsea so this is considered a reasonable fit with the context. The lower height of the Cartreff Residence provides a transition in scale to the four-storey apartment building to the west along Burdett Avenue with an approximate difference in height of 2.6m.

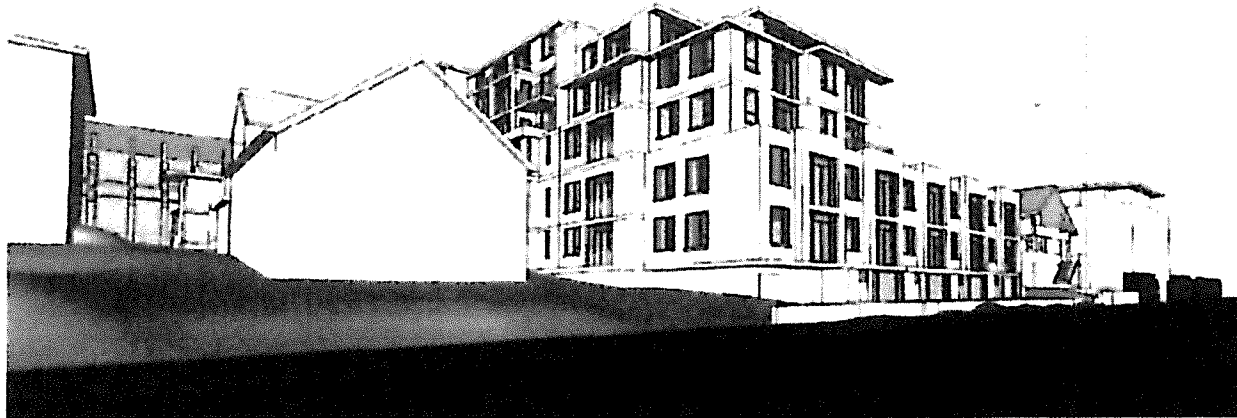


SW view along Burdett Avenue



SE view along Burdett Avenue

On McClure Street, there is a single-family dwelling located at 910 McClure Street (used as a legal duplex) immediately to the west, followed by a three and a half storey heritage-registered building known as Abigail's Hotel at 906 McClure Street. The bulk of the west wing of the proposed development does impact the adjacent house in terms of its height. Staff previously expressed concern with the south west portion of the building and the Applicant responded to comments from staff and ADP by increasing the setback at the fifth storey and removing a unit on the sixth storey as described earlier in this report. The supporting 3D views from street level along McClure Street demonstrate (provided on page 7 of this report) the effect on the overall massing, which now reads as a six storey building, consistent with the policy contained within the OCP.



NE view along McClure Street



NW view along McClure Street

Transition

The guidelines encourage new development to be compatible through sensitive design. The proposed development utilizes a transparent glass connection which provides a transitional backdrop that pronounces Mount St. Angela and the Cartreff Residence along Burdett Avenue. The darker brick veneer on the lower levels of the east and west elevations lessen the overall scale of the development by grounding the structure and creating a more solid transition to each of the three designated structures. At the same time, additional lighter-finished upper levels tend to be emphasized less with the selection of lighter material colours and glass. The proposal has created a more sensitive transition to the adjacent lot by aligning the parkade structure with the building above. This area is proposed to be landscaped with patio seating, paving, plants and shrubs as noted on the landscape plan.

Relationship to the Street

The proposed development respects the dense vegetation and tree canopy of Burdett Avenue by setting back the new portions of the building, and maintaining the existing spatial relationships of the heritage buildings with the street. The landscape treatment of the Burdett Avenue frontage and retention of the stone wall further reinforces this relationship.

On McClure Street, the project proposes a lower scale rhythm of façade elements reminiscent of the exterior colour pattern of the 1912 addition, and is set apart from, and not exceeding the height of, the relocated Temple Residence. The stone wall abutting the south property line will be retained with modifications for vehicle and pedestrian entrances as well as ground-oriented units on the south wing and the relocated Temple Residence.

Human Scale, Massing, Height and Architectural Features

The Guidelines encourage human scale in the design of buildings and public space that enhances local area distinctiveness with features that contribute to a sense of place. The building massing is visually broken down by utilizing varying heights, different materials (stone, brick and glazed curtain wall), horizontal overhangs, and stepping back of upper floors.

Although the building may be perceived as seven storeys from some perspectives along McClure Street, the structure is a six-storey building as the lowest storey meets the definition of basement under the *Zoning Regulation Bylaw* and is excluded from the storey calculations. The mechanical penthouse is also excluded from the storey calculation as it does not contain a roof. The proposed two-storey portion on the south wing contains ground-oriented units that are visually broken into human-scaled proportions through form, surface treatment and colour. It relates well to the relocated Temple Residence, and provides a good transition to the adjacent Chelsea building. Private alcove recesses along McClure Street make a transition from the private realm of the residences to the public realm of the street.

The stepping back of upper floors, mentioned previously, helps to mitigate the perception of the height from McClure Street.

Exterior Finishes

The primary exterior building materials are a combination of buff stone and brown and white brick veneers, glass curtain walls with structural glass fins, glass canopy, and decorative metal railings. Exterior finishes of Mount St. Angela, the Cartreff Residence and the Temple Residence will be fully restored.

Open Spaces and Landscaping

The open spaces of the project are enhanced through the landscape treatment, including ornamental ponds, glazed pergolas, a community herb garden and landscaped courtyards. The roofscape is enhanced by the proposed green roofs on the south wing on McClure Street and a portion of the east wing. Although staff have raised concerns regarding the impact of the west elevation with the adjacent building at 910 McClure Street, this portion of the proposal would be extensively landscaped with trees, shrubs and seating areas, which will assist in softening the building edge on this elevation. The proposal also benefits from some reductions in massing and increasing the stepping back portion of the upper levels on this side.

2010 Conservation Plan

The September 2010 Conservation Plan (updated from the previous March 2007 Conservation Plan) prepared by Donald Luxton and Associates provides a comprehensive plan for the conservation and rehabilitation of the heritage buildings on the site. This latest proposal plan has been reviewed by this consultant and found to be in conformance with the 2010 Conservation Plan (see attached letter, date stamped March 18, 2016).

Heritage Context

The proposal includes the demolition of the rear 1912 addition to Angela College to permit the new development on the site. This rear wing was previously approved for removal as part of the rezoning for the site approved by Council on February 14, 2008. Portions of the west and east brick exterior walls will be retained as features in the interior atrium/galleria containing the main dining area for the senior's residence.

The most significant aspect of the Application is the design of the new building and its relationship to the existing heritage buildings on the site. The concept is for a three-storey glazed curtain wall which will link the south wall of the 1866 Angela College building to the south end of a new addition to the Cartreff Residence at 913 Burdett Avenue. It will also link to a six-storey wing on the east end of the complex that steps down to four storeys adjacent to the Temple Residence, thereby providing a transparent, neutral backdrop to the prominent heritage buildings. The siting will also retain the existing spatial relationship between Angela College and the Cartreff Residence in a landscaped setting respecting the character of the 900 block of Burdett Avenue which has large trees on the boulevard and adjacent properties. The front elevation of the east wing is designed with a combination of a brick base, sandstone veneer on the upper floors, and glazed window walls to relate to the materials of Angela College. The massing of the project is concentrated in the centre of the block to allow for lower portions adjacent to the two or three-storey heritage buildings.

Standards and Guidelines for the Conservation of Historic Places in Canada

Relevant guidelines from the *Standards and Guidelines for the Conservation of Historic Places in Canada* include the following:

4.3.1 - Exterior Form

Recommended:

- 6 Retaining the exterior form by maintaining proportions, colour, and massing and the spatial relationships with adjacent buildings.
- 10 Reinstating the exterior form by recreating missing, or revealing obscured parts to re-establish character-defining proportions and massing.
- 13 Selecting the location of a new addition that ensures that the heritage value of the place is maintained.
- 14 Designing a new addition in a manner that draws a clear distinction between what is historic and what is new.
- 15 Designing an addition that is compatible in terms of materials and massing with the exterior form of the historic building and its setting.

With respect to the preservation and restoration approach to Angela College:

- 24 Reinstating the building's exterior form from the restoration period, based on documentary and physical evidence.
- 25 Removing a non character-defining feature of the building's exterior form, such as an addition built after the restoration period.
- 26 Recreating missing features of the exterior form that existed during the restoration period, based on physical or documentary evidence.

4.5.1 - All Materials

Recommended:

- 14 Repairing or replacing materials to match the original as closely as possible, both visually and physically.

4.5.2 - Wood and Wood Products

Recommended:

- 14 Retaining all sound and repairable wood that contributes to the heritage value of the historic place.
- 17 Replacing in kind extensively deteriorated or missing parts of wood elements, based on documentary and physical evidence.
- 20 Replacing in-kind an irreparable wood element, based on documentary and physical evidence.

The concept respects the above recommendations contained in the *Standards and Guidelines for the Conservation of Historic Places in Canada*. The proposed new building complex links to the two heritage-designated buildings on Burdett Avenue through the rear elevation in both cases, thus minimizing the loss of historic features. The design of the new building repeats some of the primary materials of the original Angela College such as brick and Tyndall limestone, while still designed with a contemporary expression, thus providing a compatible but differentiated addition that preserves the historic character of the original.

The Temple Residence has several additional window and door openings on the lower level which are not original to the structure. The Applicant proposes to retain, repair and reuse existing wood frame windows, and new window openings and new window types will be reflective of the era and style of the house.

The changes proposed for the heritage-designated stone wall at the front of the property along Burdett Avenue are required as detailed on the new landscape plan, and will conserve and integrate the original materials and gateposts.

Regulatory Requirements

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 20.53m. 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 20.53m 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 8.8m for the front yard
- from 5.4m to 4.2m for the rear yard
- from 3.6m to 3.2m for the west yard for the new building and 1.7m for the Cartreff Residence.

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 for Council's consideration.

Tree Preservation Bylaw

The proposal would result in the loss of three trees along McClure Street and the relocation of one along Burdett Avenue. The proposal is to replace these with three street trees consistent with City standards along Burdett Avenue. An arborist report will be required at the same time as a building permit application, which will outline the construction impact mitigation measures to successfully retain the existing trees along the Burdett Avenue street frontage. One Garry Oak tree would be removed as part of the proposed development, since it is located within the proposed building envelope. This is the only bylaw protected tree within the subject site and would be replaced at a ratio of 2:1 as per the requirements of the *Tree Preservation Bylaw*.

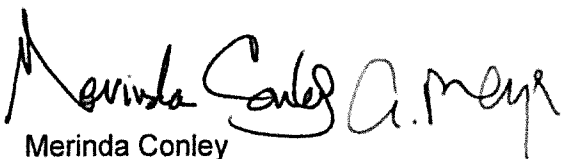
CONCLUSION

Staff recommend that the overall concept of the Application, including the relocation of the heritage houses to allow a more efficient use of the site, has merit and that the concept of linking heritage structures by glazed additions has been successfully used in other jurisdictions. Careful attention to detail will be critical to success. Given the scope and complexity of the project, staff also recommend that a "Certified Professional" architectural heritage consultant be commissioned by the Applicant to oversee all heritage conservation work to ensure consistency with the Heritage Revitalization Agreement and *Standards and Guidelines for the Conservation of Historic Places in Canada*.

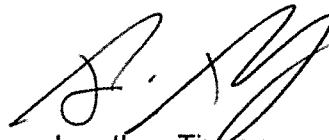
ALTERNATE MOTION

That Council decline 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

Report accepted and recommended by the City Manager:



Date: December 30, 2016

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

- Aerial Map
- Zoning Map
- Letter from John Keay, Keay Cecco Architecture Ltd., date stamped December 15, 2016
- Letter from Larry Cecco, Keay Cecco Architecture Ltd., date stamped November 8, 2016
- Background documentation, dated November 15, 2016
- Letter from Safe Design Council, received February 12, 2016
- Design Rationale, dated November 8, 2016
- Mount St. Angela Conservation Plan, Donald Luxton and Associates, September 2010
- Letter from Donald Luxton, date stamped March 18, 2016
- Plans, dated November 8, 2016
- Land lift analysis, dated October 27, 2016
- Staff report to Heritage Advisory Panel, dated July 5, 2016
- Minutes of July 12, 2016, Heritage Advisory Panel meeting
- Staff report to Advisory Design Panel, dated July 27, 2016
- Minutes of July 27, 2016, Advisory Design Panel meeting.



Committee of the Whole Report

For the Meeting of January 12, 2017

To: Committee of the Whole

Date: December 16, 2016

From: Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject: Rezoning Application No.00466 for 913-929 Burdett Avenue and 914-924 McClure 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. 00466 for 913-929 Burdett Avenue and 914-924 McClure Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and direct staff to set a Public Hearing date once the following conditions are met:

1. Plan revisions to allocate an additional parking stall for visitor use;
2. Plan revisions to demonstrate articulation of the south elevation and any other changes required to ensure accuracy and consistency with plans to the satisfaction of City staff;
3. Discharge of all legal documents from past development proposals not attributable to the current proposal to the satisfaction of City staff including the following:
 - a. S.219 Covenant relating to the provision of full frontage works;
 - b. Statutory Right-of-Way for the provision of a 1.2m public walkway;
4. Introduction of bylaws to repeal the formerly adopted bylaws from past development proposals, including a bylaw pursuant to a Heritage Revitalization Agreement and a bylaw pursuant to a Housing Agreement, as required;
5. Preparation of the following documents, executed by the applicant to the satisfaction of City staff:
 - a. Housing Agreement to secure a minimum of 50% of the units as market rental and 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 that the former Housing Agreement be repealed and terminated;
 - b. Section 219 Covenant for sewage attenuation, as required, to the satisfaction of City staff;
 - c. Agreement to terminate Heritage Revitalization Agreement related to past development proposal."

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 913-929 Burdett Avenue and 914-924 McClure Street. The proposal is to amend the existing CD-10 (Mount St. Angela) Zone to increase the bonus density provision in exchange for the heritage conservation measures to be applied to the heritage-designated buildings on the subject site.

The following points were considered in assessing this application:

- the application is consistent with the OCP Urban Residential urban place designation, which envisions density up to 1.2:1 floor space ratio (FSR) with potential bonus density up to a total of approximately 2:1 FSR in strategic locations for the advancement of plan objectives
- the application meets the objectives of the Placemaking policy, Economy policy and Density Bonus policy in the *Official Community Plan (OCP)* which directs continued support for heritage conservation. A detailed analysis of the Heritage Alteration Permit is provided in a separate report, along with conditions to secure the rehabilitation and seismic upgrading of the heritage-designated building
- a third party economic analysis of the project was completed which states that the proposed increase in density is required in order to off-set the costs of retaining and rehabilitating the heritage-designated building. The analysis determined that the cost of retaining and rehabilitating the Heritage Registered façades was in excess of the projected value of the land lift associated with the project
- a Housing Agreement is recommended to ensure a minimum of 50% of the units are retained as market rental and a minimum of 26 units be used as assisted living for a minimum period of 20 years and to ensure that future strata bylaws cannot prohibit strata owners from renting residential strata units.

BACKGROUND

Description of Proposal

This Rezoning Application is to amend the Zoning Regulation Bylaw to create a new site specific zone that permits increased density.

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
- amendment to the amenities in the zone to remove the requirement for a mid-block walkway along the eastern edge of the property

- additional building height from 13.6m to 16.5m.

Affordable Housing Impacts

The applicant proposes the creation of 106 new residential units plus 26 assisted living units which would increase the overall supply of housing in the area. A Housing Agreement is also being proposed which would ensure that a minimum of 50% of the units are retained as market rental for a minimum period of 20 years and that future Strata Bylaws could not prohibit the rental of units.

Sustainability Features

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

Active Transportation Impacts

The applicant has identified a number of active transportation features which will be reviewed in association with the concurrent Heritage Alteration Permit Application for this property.

Public Realm Improvements

No public realm improvements are proposed in association with this Rezoning Application.

Land Use Context

The area is characterized by a mixture of four and five storey multi-residential buildings along Burdett Avenue and lower scale residential along McClure Street. Christ Church Cathedral is situated opposite the subject site and contains four heritage-designated buildings.

Existing Site Development and Development Potential

The site is presently occupied by three heritage-designated buildings: Mount St. Angela College and the Cartreff residence along Burdett Avenue, and the Temple residence at 924 McClure Street. Two non-heritage-designated two-storey buildings are located at 929 Burdett Avenue and 914 McClure Street, which would be removed to accommodate the development.

Under the current CD-10 (Mount St. Angela) District Zone, the property could be developed as a four-storey multiple-dwelling with a maximum density of 1.3:1 FSR.

Data Table

The following data table compares the proposal with the existing CD-10 (Mount St. Angela) District Zone. The current zone is divided into two development areas; for the purpose of this comparison, these development areas have been combined. 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

Zoning Criteria	Proposal	Zone Standard CD-10
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	10,630.00	4976.00
Height (m) - maximum	20.53*	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)	8.80*	10.60
Rear (McClure Street)	4.20* (building) 3.70* (stairs)	5.40
Side (east)	3.60	3.60
Side (west)	1.70* (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	3*	4
Class 1 secure bicycle parking stalls (minimum)	108	107
Class 2 publicly accessible bicycle parking stalls (minimum)	6	6

Relevant History

The property was rezoned to the current CD-10 (Mount St. Angela) District Zone on February 14, 2008. A Development Permit and Heritage Alteration Permit were approved on March 25, 2010 for an alternative design. These permits have since expired and are unrelated to the current application.

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 Community Association CALUC at a Community Meeting held on June 15, 2015. A letter date stamped June 19, 2015 is attached to this report.

ANALYSIS

Official Community Plan

The OCP identifies the subject property as being located in the "Urban Residential" designation which envisions floor space ratios generally up to 1.2:1 FSR with increased density up to approximately 2:1 FSR. Policy 6.23 of the OCP notes that applications seeking density towards the upper-end of the scale will generally be supported where proposals significantly advance Plan objectives and are located within 200m of the Urban Core. Although the proposal falls just outside the Urban Core at 220m, it does advance other objectives in the OCP such as the retention and seismic upgrades of the heritage designated buildings. The OCP notes that within each designation, decisions about density and building scale for individual sites will be based on site-specific evaluations in relation to the site, block and local area context, and will include consideration of consistency with all relevant policies within the OCP and local area plans (in this case, the *Humboldt Valley Precinct Plan*).

While the applicant is proposing density and height above the base density envisioned for the Urban Residential designation, the Placemaking Policy (8.52) in the OCP directs continued support for heritage conservation through incentives and allowances including property tax reductions, bonus density provisions and zoning variances.

The proposal is consistent with the place-character features envisioned for the Urban Residential designation through the provision of variable yard setbacks, with primary doorways facing the street. It is also consistent with other Placemaking policies that require new development to give careful consideration to maintain the views of identified heritage landmark buildings. The proposal includes view perspectives towards Christ Church Cathedral and has identified that there will be minimal impact on these views during the fall season. The dense tree canopy would obscure some views during the summer months.

The OCP encourages a range of housing types, forms and tenures across the City. The applicant is willing to include, as a voluntary amenity, the rental of at least 50% of the units (a minimum of 53 units) at market rate secured through a Housing Agreement. The Housing Agreement would also ensure that future strata bylaws could not prohibit strata owners from renting residential strata units.

Humboldt Valley Precinct Plan

The Applications are not consistent with the policies in the Humboldt Valley Precinct Plan which designate the subject property for institutional use up to four storeys. The properties at 914 and 924 McClure Street are identified for residential use up to three storeys, although the Plan does also recognise 914 McClure Street specifically as being a potential site for redevelopment.

The proposal is for a six-storey building, which is greater than the building heights envisioned in the Plan (four storeys along Burdett Avenue and three stories along McClure Avenue). Although technically the proposal is not consistent with this policy, it should be noted that the OCP provides the most current policy direction as it relates to density and building heights. The Plan encourages new development to respect the scale and massing of the surrounding area and this was an item identified for review by the Advisory Design Panel. Further details are provided in the concurrent Heritage Alteration Permit report.

Mid-Block Walkway

Previous versions of the proposal included a mid-block walkway connecting Burdett Avenue with McClure Street along the eastern property boundary, consistent with the Humboldt Valley Precinct Plan and current zoning; however, as noted in the applicant's letter, feedback from the community indicated this was not a desirable amenity. As a result, the mid-block walkway is not included in the current proposal. The applicant has also included a letter from the Safe Design Council, which concludes that a mid-block walkway would result in an increased perception of crime. Staff recommend for Council's consideration that this requirement be removed.

Third Party Economic Analysis

Paul Rollo and Associates was engaged to undertake an economic analysis of the project in order to justify that the proposed increase in density was required in order to off-set the costs of retaining and rehabilitating the Heritage Registered building façades. The analysis determined that based on the increase in density from a floor space ratio of 1.3:1 to 1.96:1 the resulting land lift was approximately \$3 million; however, the applicant proposes the rehabilitation of the Heritage Registered building including seismic upgrading. Based on a construction cost estimate provided by a professional quantity surveyor, the cost associated with this work is estimated at \$4.3 million.

In accordance with City Policy, bonus density incentives may be considered where heritage conservation is proposed. As a result, if Council is supportive of the Application moving forward for consideration at a Public Hearing, staff recommend that Council consider requiring specific conditions in association with the Heritage Alteration Permit to secure the retention and rehabilitation of the Heritage Registered building in lieu of monetary contributions to the City's Public Realm Improvement Fund and Heritage Building's Seismic Upgrade Fund, which would normally be based on top of the lift.

Sewage Attenuation

Sewage attenuation may be required for infrastructure improvements to support the proposed increase in density from the 1.3:1 FSR maximum for multiple dwellings in the existing zoning entitlement, to the proposed density of 1.96:1 FSR. The applicant has confirmed that a report from a qualified engineer will be submitted in order to evaluate the need for sewage attenuation. Should any amount of attenuation be necessary, a Section 219 covenant will be required to secure this commitment. Preparation of the S.219 covenant is required prior to a Public Hearing addressing this issue.

Legal Agreements

A number of legal agreements exist pertaining to the previous proposal. This includes a Heritage Revitalization Agreement (HRA) for the heritage buildings on the property, as well as a S.219 covenant for frontage works and a Statutory Right-of-Way (SRW) for a 1.2m mid-block walkway from Burdett Avenue to McClure Street. These documents are no longer attributable to the current proposal, therefore staff recommend for Council's consideration that these documents be rescinded. Further analysis of the HRA is included in the concurrent Heritage Alteration Permit No. 00214 report.

Staff recommend that Council consider requiring a new Housing Agreement, as authorised by Section 483 of the *Local Government Act*, to secure a minimum of 50% of the market seniors

rental units (at least 53 units) and that 26 of the units be used as assisted living for a minimum period of 20 years.

Regulatory Considerations

Building Height and Setbacks

The applicant proposes the new zone to include a maximum building height of 20.53m. Given the importance of the relationship of the new buildings 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 would allow Council to consider issuing a Heritage Alteration Permit with Variances for the new structure, as proposed in Heritage Alteration Permit Application No. 00214. This also ensures that the additional height could only be achieved through a variance process and not become an entitlement entrenched in the zoning, becoming a right for any future proposal that may be advanced if this proposal is not built. Similarly, a number of setback variances are proposed when compared to the current zone as outlined in the data table. Staff have provided further review of these in the concurrent Heritage Alteration Permit report.

In accordance with City Policy, zoning variances (including building height and setbacks) may be considered where heritage conservation is proposed. Staff have provided more detailed comment on the proposed height variance in the Heritage Alteration Permit report.

The floor plans associated with Heritage Alteration Permit Application No. 00214 do not accurately reflect the architectural intent to provide articulation along this façade. Normal practice is for minor design revisions to take place prior to issuance of a Heritage Alteration Permit, but in this circumstance the amendment may affect the setback variance along McClure Street. Staff therefore recommend for Council's consideration that this be corrected prior to setting a Public Hearing.

Parking

The requirement for 60 stalls in the existing zoning is based on the previous proposal. In reviewing the current proposal against the requirements under Schedule C of the *Zoning Regulation Bylaw*, a total of 42 stalls are required (37 stalls for seniors residential and 5 stalls for assisted living/community care). A total of 46 stalls is being proposed and three of these stalls are identified as visitor parking, which is one fewer than the requirements (based on 10% of 37 stalls); however, reallocating one of the underground stalls for visitor use would eliminate the visitor stall parking variance. Appropriate wording has been included in the staff recommendation for Council's consideration to revise the plans accordingly.

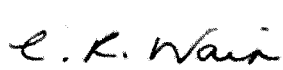
CONCLUSIONS

Although the Application is not consistent with the Humboldt Valley Precinct Plan as it relates to density, it does further the goals and objectives noted in the OCP and the DCAP regarding heritage conservation and place making. As the applicant is proposing to include a minimum of 50% of the dwelling units as market rental for a minimum period of 20 years and the upgrades to the heritage designated buildings will be secured through the Heritage Alteration Permit, the proposed increase in density is considered appropriate in this location. It is recommended for Council's consideration that the Application move forward for a Public Hearing subject to the conditions provided in the staff recommendation.

ALTERNATE MOTION

That Council decline Application No. 00466 for the property located at 913-929 Burdett Avenue and 914-924 McClure Street.

Respectfully submitted,



Charlotte Wain
Senior Planner, Urban Design



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date: December 30, 2016

List of Attachments

- Aerial Map
- Zoning Map
- Letter from John Keay, Keay Cecco Architecture Ltd., date stamped December 15, 2016
- Letter from Larry Cecco, Keay Cecco Architecture Ltd., date stamped November 8, 2016
- Background Documentation, dated December 15, 2016
- Letter from Safe Design Council, received February 12, 2016
- Design Rationale, dated November 8, 2016
- Mount St. Angela Conservation Plan, Donald Luxton and Associates, September 2010
- Letter from Donald Luxton, date stamped March 18, 2016
- Plans dated November 8, 2016
- Land lift analysis dated October 27, 2016
- Staff report to Heritage Advisory Panel, dated July 5, 2016
- Minutes of July 12, 2016, Heritage Advisory Panel meeting
- Staff report to Advisory Design Panel, dated July 27, 2016
- Minutes of July 27, 2016, Design Advisory Panel meeting.