



## **Committee of the Whole Report**

**For the Meeting of December 12, 2019**

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**To:** Committee of the Whole **Date:** November 28, 2019

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

**Subject:** Rezoning Application No. 00695 for 1050-1058 Pandora Avenue and 1508-1518 Cook Street (Wellburn's Site)

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### **RECOMMENDATION**

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00695 for 1050-1058 Pandora Avenue and 1508-1518 Cook Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Preparation and execution of the appropriate legal agreements in order to secure the following:
  - a. all dwelling units remain rental in perpetuity;
  - b. a Statutory Right-of-Way of 3.083m along Cook Street, to the satisfaction of the Director of Engineering and Public Works;
  - c. pay for the construction of an asphalt pathway in Franklin Green Park to connect the proposed 3m wide pathway at the northwest corner of the site to an existing park pathway to the west to the satisfaction of the Director of Parks, Recreation and Facilities;
  - d. provide a bus shelter on Cook Street in accordance with the site plan dated November 22, 2019, and to the satisfaction of the Director of Engineering and Public Works and the Director of Sustainable Planning and Community Development;
  - e. provide two car share vehicles, two assigned car share parking spaces on-site, 118 car share memberships, a \$100 of driving credits for each resident, and 40 electric bicycle charging stations (110V wall outlets) in the underground parkade, to the satisfaction of the Director of Engineering and Public Works; and
  - f. purchase 100 transit passes through BC Transit's EcoPass program to the satisfaction of the Director of Engineering and Public Works.
2. Council authorizing street-level projecting canopies and cornices over the City Right-of-Way on 1050-1058 Pandora Avenue and 1508-1518 Cook Street, 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 1050-1058 Pandora Avenue and 1508-1518 Cook Street. The proposal is to rezone from the CA-1 Zone, Pandora Avenue Special Commercial District, and R-2 Zone, Two-Family Dwelling District, to a new zone in order to increase the density and construct a new four- and six-storey mixed-use addition consisting of ground floor commercial uses and residential above.

The following points were considered in assessing this application:

- The *Official Community Plan* (OCP, 2012) Urban Place Designation for the subject properties is Core Residential, which supports mixed-use buildings from three up to approximately 20 storeys and a density of up to approximately 5.5:1 floor space ratio (FSR). The proposal complies with the land use policies outlined in the OCP.
- The applicant is proposing approximately 103 rental units and a mix of unit types, including ground-oriented and some larger two-bedroom dwelling units.
- The applicant is proposing to retain, rehabilitate and heritage-designate approximately 50% of the existing building (Wellburn's building).
- The Downtown Core Area Plan (DCAP) designates the subject properties within the Residential Mixed-Use District, which supports mixed-use buildings with active commercial and retail uses along Pandora Avenue. The Plan supports a density up to 5.5:1 FSR and heights up to ten storeys for the properties located at 1050-1058 Pandora Avenue and 1508 Cook Street, and a density up to 2:1 FSR and heights up to six storeys for the property located at 1518 Cook Street. The applicant is proposing a maximum height of six storeys and an overall density of 2.92:1 FSR. The proposal complies with the land use policies outlined in DCAP.
- The DCAP supports new development that conserves and enhances the form, character and features of heritage buildings and the proposal complies with this policy direction.

## BACKGROUND

### Description of Proposal

This Rezoning Application is to rezone from the CA-1 Zone, Pandora Avenue Special Commercial District, and R-2 Zone, Two-Family Dwelling District, in order to increase the overall density to 2.92:1 floor space ratio (FSR), retain 50% of the existing heritage-registered building and construct a new four- and six-storey mixed-use addition consisting of ground floor

commercial uses and residential above. The applicant is proposing approximately 103 rental dwelling units and 1054m<sup>2</sup> of commercial floor area, which would accommodate ground floor uses such as restaurants, retail, offices, financial institutions and personal services.

The following differences from the standard zones are being proposed and would be accommodated in the new zone:

- increasing the height and density
- reducing the required number of parking spaces.

### **Affordable Housing Impacts**

The applicant proposes the creation of 103 new rental residential units which would increase the overall supply of housing in the area. A Housing Agreement is also being proposed which would ensure that the dwelling units remain rental in perpetuity.

### **Tenant Assistance Policy**

The proposal is to redevelop an existing building which would result in a loss of 11 existing residential rental units. Consistent with the Tenant Assistance Policy, the applicant has provided a Tenant Assistance Plan which is attached to this report.

### **Sustainability Features**

The following sustainability features are associated with this application:

- Step 1 of the BC Energy Step Code and reduce energy use by at least 10% compared to ASHRAE 90.1 2007
- tapered overhangs of balconies to prevent summer solar gain and maximize winter solar exposure
- light wood framing as primary structural material
- 50% retention of the existing building for its exterior assemblies, structural systems and finishes where appropriate
- permeable surface treatment
- addition of 13 new trees on-site (there are currently no trees on-site).

### **Active Transportation Impacts**

The applicant is proposing 134 long-term and 18 short-term bicycle parking spaces. Forty long-term bicycle parking spaces would be designed for cargo and electric bikes.

### **Public Realm Improvements**

The applicant is willing to pay for the construction of an asphalt pathway in Franklin Green Park in order to connect the proposed 3m wide pathway at the northwest corner of the site to an existing park pathway to the west to the satisfaction of the Director of Parks, Recreation and Facilities.

### **Accessibility Impact Statement**

The British Columbia Building Code regulates accessibility as it pertains to buildings. The proposed ground level dwelling units, courtyard and the pathways surrounding the proposed buildings are designed to be accessible.

## Land Use Context

The area is characterized by a mix of residential and commercial uses. The subject properties also adjoin Franklin Green Park.

## Existing Site Development and Development Potential

The site is presently a two-storey, mixed-use building with ground floor commercial uses and residential above, and a surface parking lot. Under the current CA-1 Zone, the property could be developed into an approximately five-storey, mixed-use building with ground floor commercial and residential uses at a density of 2:1 FSR. The existing surface parking lot is currently zoned R-2 and the property could be developed as a duplex.

## Data Table

The following data table compares the proposal with the existing CA-1 Zone, Pandora Avenue Special Commercial District. An asterisk is used to identify where the proposal is less stringent than the existing Zone.

Zoning Criteria	Proposal	Zone Standard (CA-1 Zone)
Site area (m <sup>2</sup> ) – minimum	2879	n/a
Density (Floor Space Ratio) – maximum	<b>2.92:1 *</b>	2:1
Total floor area (m <sup>2</sup> ) – maximum	<b>8412.30 *</b>	5758
Height (m) – maximum	<b>20.22 *</b>	15.50
Storeys – maximum	6	n/a
Site coverage (%) – maximum	70	n/a
Open site space (%) – minimum	22	n/a
<b>Setbacks (m) – minimum</b>		
Street setback (Pandora Avenue – south)	<b>0 * (existing &amp; Levels 1-2)</b> 3.97 (proposed Levels 3-6)	3
Street setback (Cook Street – east)	<b>0 * (existing &amp; Levels 1-2)</b> 3.08 (proposed Levels 3-4) 13.13 (proposed Levels 5-6)	3
Side (North)	6.18 (proposed Levels 1-4) 7.60 (proposed Levels 5-6)	0 or 3
Side (West)	<b>0 * (existing &amp; Levels 1-2)</b> <b>2.96 * (proposed Levels 3-4)</b> 3.33 (proposed Levels 5-6)	0 or 3

Zoning Criteria	Proposal	Zone Standard (CA-1 Zone)
<b>Vehicle parking – minimum</b>		
Residential	33 *	66
Commercial	5 *	17
Visitor	3 *	10
<b>Bicycle parking stalls – minimum</b>		
Residential – long-term	128	127
Residential – short-term	10	10
Commercial – long-term	6	6
Commercial – short-term	8	8

### Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the North Park CALUC at a Community Meeting held on March 20, 2019. The meeting minutes dated March 20, 2019 are attached to this report.

### ANALYSIS

#### Official Community Plan

##### Land Use, Height and Density

The *Official Community Plan* (OCP, 2012) Urban Place Designation for the subject properties is Core Residential, which supports mixed-use buildings from three up to approximately 20 storeys and a density of up to approximately 5.5:1 FSR. The applicant is proposing a six-storey, mixed-use building with an overall density of 2.92 FSR, which is consistent with the policy direction. The OCP envisions higher density mixed-use development on Pandora Avenue and encourages new population and housing growth within walking distance of North Park Village and within portions of the neighbourhood designated Core Residential.

##### Built Form

The OCP encourages high quality architecture, landscape and urban design to enhance the visual identity and appearance of the city and supports new infill and building additions that respond to context through sensitive and innovative design. The OCP also supports new additions that conserve and enhance heritage properties in such a way that avoids demolition.

The applicant is proposing to retain, rehabilitate and heritage-designate approximately 50% of the existing building, which also includes the entire historical façade facing Pandora Avenue and Cook Street and a portion for the north side wall. The rehabilitation efforts being proposed by the applicant will ensure that the Wellburn's building remains a prominent architectural feature in the development. A new four- and six-storey volume is being proposed that is designed to be modern yet subordinate to the heritage building. The applicant feels that a maximum height of six storeys is an appropriate scale to ensure that the new addition responds well to the heritage context and Franklin Green Park, even though the OCP and DCAP policies support more height and density at this location.

The proposed T-shape building allows for a large west-facing courtyard to be shared and activated by the many residents in the building and commercial patrons during business hours. A mews/breezeway is also being proposed, which would separate the historic and modern buildings at street level and provide access to the interior courtyard and Franklin Green Park. Access to the park would also be provided on the north side of the building.

The OCP encourages active land uses adjacent to parks where appropriate, for animation, surveillance and to encourage park use. The applicant is proposing ground floor units that face the park, but where the public and private space is clearly defined through fencing and soft landscaping. There are upper storey dwelling units with Juliet balconies that overlook the park and provide additional surveillance in the area.

In the Urban Core, animating the pedestrian realm is strongly encouraged through urban design considerations such as sidewalk cafes, street furniture, etc. The applicant is proposing to activate the ground floor of the existing heritage building by reinstating recessed commercial entryways and storefront windows to match the original building design. A ground-level coffee shop with outdoor seating is being proposed in the new four-storey addition to foster neighbourhood vibrancy and strengthen the human-scale design of the proposed building.

### Housing Type and Tenure

The OCP supports a range of housing types, forms and tenures across the City and within neighbourhoods to meet the needs of residents at different life stages, and to facilitate ageing in place. The OCP also encourages a mix of residents, including households with children, by increasing opportunities for innovative forms of ground-oriented multi-residential housing. The applicant is proposing to provide 103 rental dwelling units in perpetuity, as well as a mix of unit types, including some ground-oriented units and some larger two-bedroom units. At this time, the proposal contains the following unit mix:

Unit Type	Number of Units
Studio	4
Studio + Den	7
One Bedroom	53
One Bedroom + Den	24
Two Bedroom	11
Two Bedroom + Den	4



## **Downtown Core Area Plan**

The Downtown Core Area Plan (DCAP) designates the subject properties within the Residential Mixed-Use District, which supports mixed-use buildings with active commercial and retail uses along Pandora Avenue. The Plan supports a density up to 5.5:1 FSR and heights up to ten storeys for the properties located at 1050-1058 Pandora Avenue and 1508 Cook Street, and a height up to six storeys and a density up to 2:1 FSR for the property located at 1518 Cook Street. The DCAP also supports new development that conserves and enhances the form, character and features of heritage buildings. The applicant is proposing to preserve all the character-defining elements of the existing heritage building. The additions would also incorporate some architectural features that are visible in the heritage building, such as a running bond pattern of the glazed white brick, the rhythm, proportion and angles of the projecting oriel windows, and the recessed entryways on the existing storefronts. The proposal complies with the policy direction outlined in DCAP.

## **Tree Preservation Bylaw and Urban Forest Master Plan**

There are no existing trees within the proposed development area or on the street frontages. A total of nine new street trees in grates within the sidewalk are proposed (three on Pandora Avenue and six on Cook Street). The street tree species will be determined by Parks at the building permit stage. Tree training and maintenance will require careful attention by the City to raise the tree crowns above the fabric roller shades, maintain clearance from buildings, provide space for buses on Cook Street, and maintain offsets from overhead electrical wires.

The proposed pathway connection from Cook Street to Franklin Green Park will necessitate park upgrades to ensure accessible access from the development into the park. Currently, there is a new community garden bed where the path is planned to enter Franklin Green.

## **Density Bonus Policy**

The proposal is exempt from the current Inclusionary Housing and Amenity Contribution Policy as the applicant would be providing 100% purpose-built rental housing for the life of the building.

## **Regulatory Considerations**

### Statutory Right-of-Way

A Statutory Right-of-Way (SRW) of 4.94m on Cook Street would be recommended as a condition of rezoning to enhance facilities for walking, cycling, public transit and boulevards. Given that the existing Wellburn's building will be heritage-designated and remain in situ, setting back the new addition by 4.94m would interrupt a continuous building frontage, reduce the amount of sunlight exposure on the north side of the Wellburn's building and expand the amount of blank, north-facing wall. For these reasons, the applicant is proposing an SRW of 3.083m along Cook Street. A reduction in the amount of SRW would likely result in no on-street parking along the Cook Street frontage in the future. There is currently no on-street parking fronting the subject properties on Cook Street.

### Proposed New Zone

The new zone would include a provision to allow for the creation of one or more air space parcels, which are essentially volumetric parcels. Air space parcel subdivisions are a common approach, especially for mixed-use/mixed ownership buildings to allow for the transfer of title of different components of a development.

## Reduction in Vehicle Parking

The applicant is proposing 43 parking spaces for the development (41 parking spaces allocated to residents and uses within the building, and two car share parking spaces). Schedule C: Off-street Parking requires 94 parking spaces, so there would be a parking shortfall of 51 parking spaces. There are challenges with providing underground parking due to the structural integrity of the heritage building and inability to excavate underneath the existing building.

Given the magnitude of the parking shortfall, the applicant engaged WATT Consulting Group to complete a Parking Study for this development. To help offset some of the parking shortfall, the applicant is proposing a variety of Transportation Demand Management (TDM) measures which staff support, including the following:

- purchasing two car share vehicles with assigned parking spaces on-site
- 118 car share memberships (one car share membership per dwelling unit) for the life of the building along with usage credits for each membership
- 100 transit passes
- 40 cargo and electric charging bicycle parking spaces.

Staff recommends that a covenant is registered on title to secure the TDM measures outlined above to the satisfaction of the Director of Engineering and Public Works.

The applicant has also integrated a new bus shelter into the architecture of the building on Cook Street, which is considered a frequent transit route. Other considerations for a parking variance include the site's WalkScore of 97 – "Walker's Paradise: Daily errands do not need a car." The site also abuts the Pandora separated bike lane and is in close proximity to planned bicycle network infrastructure. The OCP supports variances from the *Zoning Regulation Bylaw* to enable and support heritage conservation; therefore, staff recommend embedding the parking requirements into the new zone.

## **Encroachment Agreement**

A number of street-level canopies and cornices are also proposed along 1050-1058 Pandora Avenue and 1508-1518 Cook Street, which project above the City Right-of-Way. These are encouraged in the Guidelines 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 complies with the applicable land use policies and further advances many other policies and objectives outlined in the OCP and the Downtown Core Area Plan, such as retaining and rehabilitating an existing heritage building; providing 103 rental dwelling units in perpetuity as well as a mix of unit types; providing pedestrian connections and active land uses adjacent to Franklin Green Park; and animating the pedestrian realm. A reduction in parking at this location is supportable given the proposed TDM measures and the site's proximity to frequent transit service and bicycle infrastructure. Staff recommend for Council's consideration that the application proceed to a Public Hearing.

## **ALTERNATE MOTION**

That Council decline Rezoning Application No. 00695 for the property located at 1050-1058 Pandora Avenue and 1508-1518 Cook Street.



Respectfully submitted,



Leanne Taylor  
Senior Planner  
Development Services Division



Andrea Hudson, Acting Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



Date:

Dec 4, 2019

#### List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans dated/date stamped November 22, 2019
- Attachment D: Letter from applicant to Mayor and Council dated October 30, 2019
- Attachment E: Community Association Land Use Committee Comments dated March 20, 2019
- Attachment F: Parking Study prepared by WATT Consulting dated October 29, 2019
- Attachment G: Letter from MODO dated October 28, 2019
- Attachment H: Letter from applicant regarding TDM measures dated October 30, 2019
- Attachment I: Tenant Assistance Plan
- Attachment J: Conservation Plan, dated July 2019
- Attachment K: Photographs
- Attachment L: Minutes of the Heritage Advisory Panel, October 8, 2019
- Attachment M: Minutes of the Advisory Design Panel, October 9, 2019.