



Council Report

For the Meeting of October 21, 2021

To: Council **Date:** October 13, 2021

From: Karen Hoese, Director, Sustainable Planning and Community Development

Subject: **Update Report for Rezoning Application No. 00745, Development Permit with Variances Application No. 000580 for 780-798 Fort Street & 1106-1126 Blanshard Street and Heritage Designation Application No. 000196 for 1114-1126 Blanshard Street**

RECOMMENDATION

That the following bylaws be given introductory readings:

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 11) No. 21-083
2. Housing Agreement Bylaw No. 21-084
3. Heritage Designation Bylaw No. 21-085

BACKGROUND

Attached for Council's consideration is a copy of the proposed Bylaw No. 21-083, Housing agreement Bylaw No. 21-084 and Heritage Designation Bylaw No. 21-085. The applications came before Council at a Committee of the Whole meeting on April 1, 2021, and on April 8, 2021 the following resolution was approved:

Rezoning Application No. 00745

"That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendments that would authorize the proposed development outlined in Rezoning Application No. 00745 for 780-798 Fort Street and 1106-1126 Blanshard Street, subject to minor plan amendments to correct the public realm details, and that first and second reading of the Zoning Regulation Bylaw Amendments be considered by Council and a Public Hearing date be set once the following conditions are met:

1. *Preparation and execution of legal agreements, to the satisfaction of City Staff, to:*
 - a. *Secure 21 residential units as rental for 60 years;*
 - b. *Restrict the stratification of units at 780-798 Fort Street and 1106-1126 Blanshard Street;*
 - c. *Secure public realm improvements as indicated on the plans dated November 20, 2020;*
 - d. *Secure the historic rehabilitation of the ground floor storefronts to preserve the original transoms, and restore the altered transoms and bulkheads, as can be*

- accommodated without displacing existing commercial tenants, in accordance with the heritage conservation plan, dated March 2021;
- e. Secure a sewer attention.
 2. Confirmation of the communication with existing tenants within the Montrose Apartments, outlining the commitments made to not evict tenants as part of the proposed renovations and, in instances where this cannot be avoided, tenant assistance commitments identified, to the satisfaction of the Director of Sustainable Planning and Community Development.
 3. That Council authorize the Mayor and City Clerk to execute encroachment agreements, to be executed at the time of the building permit approval, if the other necessary approvals are granted, in a form satisfactory to the City Solicitor and the Director of Engineering and Public Works, for:
 - a. building encroachments adjacent to Blanshard Street and View Street for the existing Montrose Apartments;
 - b. anchor-pinning in the City right-of-way.
 4. That Council direct staff to explore, with the applicant, the possibility of securing significant internal heritage features and unit lay outs, within the Heritage Designation, as well as securing the installation of thermal windows when replaced.
 5. That Council request that the applicant consider instituting vacancy controls to help secure the affordability of the housing units and de-incentivize renovations.”

Development Permit with Variances Application No. 000580

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00745, if it is approved, consider the following motion:

“That Council authorize the issuance of Development Permit with Variances Application No. 000580 for 780-798 Fort Street & 1106-1126 Blanshard Street, in accordance with:

1. Plans date stamped November 18, 2020 with minor plan revisions to address Advisory Design panel comments, to the satisfaction of the Director of Sustainable Planning and Community Development.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. increase the building height from 60 metres to 66 metres for Development Area A
 - ii. reduce the west side yard setback from 6 metres to 2.65 metres, for portions of the building 17.5 metres above average grade for Development Area A.
3. The Development Permit lapsing two years from the date of this resolution.”

Heritage Designation Application No. 000196

That Council direct staff to prepare the Heritage Designation Bylaw for the property located at 1114-1126 Blanshard Street and bring it forward for introductory readings, and after giving notice and allowing an opportunity for public comment at a joint Public Hearing with Rezoning Application No. 00745 for 780-798 Fort Street and 1106-1126 Blanshard Street, if it is approved, consider the following motion:

“That Council approve the designation of the property located at 1114-1126 Blanshard Street, in accordance with the Conservation Plan prepared by Donald Luxton and Associates Inc. dated March 2021, pursuant to Section 611 of the Local Government Act, as a Municipal Heritage Site.”

PRE-CONDITIONS

Regarding the pre-conditions that Council set in relation to this application, staff can report that all conditions have been met, agreements have been executed and the application is ready for Council's consideration of introductory readings. Commentary is also provided below regarding additional information that was requested.

The Development Permit with Variances motion directed the applicant to make minor revisions to the plans to address the ADP comments, specifically:

- group tropical trees into larger planters for better chance of long-term survival
- consideration of a through route for pedestrians to be able to enjoy the atrium
- consideration of the treatment to the Montrose building roof with some type of roofscape.

Since the COTW date, the applicant's landscape architect has confirmed that the proposed planter sizes are appropriate for the long-term survival of the proposed trees, The architect has also confirmed that a through-route is available for pedestrians within the atrium; however, given the proposed café and lobby functions as well as the more efficient pedestrian route along the expanded exterior sidewalk, it is not anticipated that this access would typically be used in this way.

Additionally, a green roof was explored for the Montrose building, however it was determined that the existing structure would not support a green roof. To maintain the rental viability of existing residences and to minimize interventions into the heritage building, the level of structural changes required to support a green-roof has therefore not been proposed.

Council also added the following two conditions to the recommended motion:

4. "That Council direct staff to explore, with the applicant, the possibility of securing significant internal heritage features and unit lay outs, within the Heritage Designation, as well as securing the installation of thermal windows when replaced.

5. That Council request that the applicant consider instituting vacancy controls to help secure the affordability of the housing units and de-incentivize renovictions."

The applicant has provided a letter response (attached), which summarizes the outcome of meetings and a building tour staff undertook on April 12, 2021 to evaluate interior features for possible designation.

As described in the letter, some elements of the staircase like the balustrade and rail appear to be original, but the newel posts at every floor are different. The ground floor post has mouldings and a fluted square column, but the upper-level newel posts have minimal detailing and appear to have been rebuilt to meet fire code requirements. Staff were unable to locate plans, photographs or other documentary evidence to verify the original appearance of the staircase and cannot verify the historic integrity of the staircase. In recognition of these uncertainties and the applicant's wish to maintain flexibility for future seismic upgrading, further action to protect the stair is not recommended.

It was also considered whether the upper storey room layouts or other features should be protected. The floor layout of the rest of the building has been subdivided with fire exit doors and

displays non-original wall finishes and flooring material throughout. Staff do not believe there is a public benefit to protecting existing unit layouts given alterations that have occurred.

Some original windows have already been replaced with single pane replicas, consistent with heritage policy. In considering whether thermal panes could be installed, the applicant's window restoration company states that performance upgrades are already being achieved through window repairs. The existing window sashes would have to be heavily modified to accommodate double pane windows and the replacement thermal panes would not last as long as a single pane equivalent. The owner of the building states that they have not received any complaints from tenants about noise or thermal performance of the existing windows, and would like to proceed with their current strategy of maintaining the historic integrity of the windows.

Staff also discussed vacancy controls within the existing Montrose building with the applicant. In the applicant's letter (attached) they note that no tenants are intended to be evicted as part of this proposal. In the unlikely event that renovations require a tenant to vacate their suite, the applicant has offered existing tenants right-of-first refusal, at the same rent, to return to the building. The tenant assistance plan also provides a number of other measures to help assist tenants including:

- relocation assistance to find interim housing, ideally within the building
- reimbursement of moving costs
- option for the tenant to terminate tenancy, with compensation.

Lastly, staff confirm that the applicant has communicated with existing tenants, per condition two in the rezoning motion, outlining the commitments made to not evict tenants within the Montrose Apartments as part of the proposed renovations and the details within the TAP.

CONCLUSIONS

The applicant has executed the required legal agreements and have satisfied staff with the further explorations requested by Council. As such, this application is now ready to advance to a public hearing.

Respectfully submitted,

Miko Betanzo
Senior Planner – Urban Design
Development Services Division

Karen Hoese, Director
Sustainable Planning and Community
Development Department

John O'Reilly Senior Heritage Planner
Sustainable Planning and Community
Development

Report accepted and recommended by the City Manager.

List of Attachments

- Zoning Regulation Bylaw, Amendment Bylaw (No. 11) No. 21-083
- Housing Agreement Bylaw No. 21-084
- Heritage Designation Bylaw No. 21-085
- Applicant letter to Mayor and Council, dated July 15, 2021.