



Committee of the Whole Report

For the Meeting of May 23, 2019

To: Committee of the Whole **Date:** May 9, 2019

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

Subject: Rezoning Application No. 00676 for 3020 Douglas Street and 584 Burnside Road East

RECOMMENDATION

1. That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00676 for 3020 Douglas Street and 584 Burnside Road East, 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:
 - a. Prepare and execute a housing agreement to secure the following:
 - i. all dwelling units remain affordable and rental in perpetuity
 - ii. a minimum of nine three-bedroom units are provided
 - iii. a minimum of ten accessible dwelling units are provided.
 - b. Prepare and execute legal agreements to secure the following:
 - i. a 3.95m Statutory Right-of-Way on Burnside Road East
 - ii. the location and construction of a publicly-accessed pathway linking Douglas Street and Burnside Road East
 - iii. a rain garden and shrub planting in the City-owned Right-of-Way along Burnside Road East.
2. That Council authorize the extension of the existing Temporary Use Permit (TUP) No. 00003 for another three years to allow the existing building to operate as transitional housing and direct staff to make any necessary modifications to the existing Section 219 Covenant (CA6508837 and CA6508838) to permit the extension of the TUP.

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 3020 Douglas Street and 584 Burnside Road East. The proposal is to rezone from the C-1 Zone, Limited Commercial District, to a new zone in order to permit a mixed-use development consisting of commercial and residential uses at an overall density of 2.01:1 floor space ratio.

The following points were considered in assessing this application:

- The subject properties are designated General Employment and Employment-Residential in the *Official Community Plan* (OCP, 2012). The General Employment Urban Place Designation supports buildings up to six storeys in height, a density up to approximately 2:1 FSR and uses such as commercial, light industrial, industrial work/live, education, research and development and health services. The Employment-Residential Urban Place Designation supports commercial, light industrial or mixed-use buildings up to approximately five storeys in height and a density of up to approximately 2.5:1 floor space ratio (FSR) of which the residential density may not exceed 1.5:1 FSR. The OCP supports residential uses on a portion of the site where commercial or light industrial uses comprise the ground floor. The proposal is consistent with the land use and density policies outlined in the OCP.
- The subject properties are also designated General Employment and General Employment with Limited Residential in the *Burnside Gorge Neighbourhood Plan* (2017). The General Employment land use designation supports commercial or light industrial uses and density up to approximately 2:1 FSR; whereas the General Employment with Limited Residential land use designation supports commercial or light industrial on the ground floor and commercial or residential uses on the upper floors and a density of up to approximately 2.5:1 FSR, of which the residential density should not exceed 1.5:1 FSR. The Burnside Gorge Neighbourhood Plan supports building up to six storeys at this location; the proposal is consistent with the land use policies outlined in the Plan.
- The applicant is proposing to rezone the entire site and subdivide to facilitate a phased development. There is a concurrent Development Permit with Variances Application for a six-storey, mixed-use building consisting of ground floor commercial and residential uses for Phase 1. A future proposal for Phase 2 would be for an approximately six-storey commercial building.
- The applicant is willing to enter a housing agreement to ensure that the dwelling units would remain affordable rental in perpetuity.

BACKGROUND

Description of Proposal

This Rezoning Application is to permit a mixed-use development consisting of commercial and residential uses at an overall density of 2.01:1 floor space ratio (FSR). The following differences from the standard zone (Limited Commercial District) are being proposed and would be accommodated in the new zone:

- increasing the floor space ratio

- increasing the height of building
- reducing front, side and rear yard setbacks.

Affordable Housing Impacts

The applicant proposes the creation of 153 new residential units plus four work-live units for a total of 157 dwelling units which would increase the overall supply of affordable rental housing in the area. A Housing Agreement is also being proposed which would ensure that the dwelling units would remain rental in perpetuity.

Tenant Assistance Policy

All 52 tenants living in the existing building will remain in their units during the construction of Phase 1. The applicant has confirmed that they will continue to provide housing and supports to residents throughout the construction phase.

Sustainability Features

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

Active Transportation Impacts

The applicant is providing 186 long-term and 30 short-term bicycle parking spaces for each building, which exceeds the bicycle parking requirements in Schedule C: Off-street Parking Regulations.

Public Realm Improvements

The applicant is proposing a raingarden and shrub plantings within the City-owned Right-of-Way. These would be secured with a Section 219 covenant, registered on the property's title, prior to Council giving final consideration of the proposed Zoning Regulation Bylaw Amendment.

Accessibility Impact Statement

The British Columbia Building Code regulates accessibility as it pertains to buildings. The applicant is proposing 34 accessible dwelling units, including nine studios and 25 one-bedroom units, in the proposed building.

Land Use Context

The area is characterized by mix of residential and commercial uses.

Existing Site Development and Development Potential

The site is presently a two-storey building consisting of residential uses and a parking lot. Under the current C-1 Zone, the property could be developed as a four-storey, mixed-used building consisting of ground floor commercial and residential above and a density of 1.4:1 FSR.

Data Table

The following data table compares the proposal with the existing C-1 Zone. An asterisk is used to identify where the proposal is less stringent than the existing zone. Not applicable (n/a) is

used to identify where the information for the Phase 2 proposal has not been provided at this time.

Zoning Criteria	Proposal – Phase 1	Proposal – Phase 2	Existing Zone C-1
Site area (m ²) – minimum	5752.60	3327	n/a
Density (Floor Space Ratio) – maximum	2.02:1*	2:1 *	1.40:1
Height (m) – maximum	24.24 *	28.48 *	12
Storeys – maximum	6	6	n/a
Site coverage (%) – maximum	69.97 *	n/a	40
Setbacks (m) – minimum			
Front	3.95 * (Burnside Road East)	4* (Douglas Street)	6
Rear	4.21 * – building / 0 – parkade	20	12.12 (Phase 1) / 14.24 (Phase 2)
Side (N)	0	2.40	0
Side (S)	3.50	11	0
Vehicle parking – minimum			
Residential	52	n/a	51
Commercial	77		76
Visitor vehicle parking included in the overall units – minimum	15	n/a	15
Bicycle parking stalls – minimum			
Long-term	186	n/a	181
Short-term	30		30

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the Burnside

Gorge CALUC at a Community Meeting held on August 13, 2018. A letter dated August 14, 2018 are attached to this report.

ANALYSIS

Official Community Plan

The *Official Community Plan* (OCP, 2012) Urban Place Designation for the subject properties are General Employment and Employment-Residential. The General Employment Urban Place Designation supports buildings up to six storeys, a density up to approximately 2:1 FSR and uses such as commercial, light industrial, industrial work/live, education, research and development and health services. The Employment-Residential Urban Place Designation supports commercial, light industrial or mixed-use buildings up to approximately five storeys and a density of up to approximately 2.5:1 FSR of which the residential density may not exceed 1.5:1 FSR. The OCP supports residential uses on a portion of the site where commercial or light industrial uses comprise the ground floor.

On the portion of the site designated Employment-Residential (Phase 1) the applicant is proposing a six storey, mixed-use building consisting of ground floor commercial and residential above, and four work-live units on the ground level. The applicant is also proposing a daycare on the second storey. To ensure a sensitive building transition and meet the spirit of the OCP, the applicant is proposing five storeys along Burnside Road East with the fifth storey setback approximately two metres from the fourth storey. The building increases to six storeys for the mid-block portion. It is recommended that the additional storey be treated as a variance and is discussed further in a concurrent report associated with the Development Permit with Variance Application. The proposed density is 2.02:1 with the residential portion not exceeding 1.5:1.

From a built form perspective, the OCP supports new development that fosters and strengthens social vibrancy through the human-scale design of buildings (form, proportion, pattern detailing and textures at the street level), streetscapes and public spaces in order to create a sense of place. The proposal pays special attention to the human scale and pedestrian experience with respect to the relationship between the proposed built form and the public realm.

The OCP also supports a range of housing types, forms and tenures across the city and within neighbourhoods in order to meet the needs of residents at different life stages, and encourages partnerships that address the need for affordable non-market and market housing suitable for households with children. The applicant is proposing to the following dwelling unit mix:

Dwelling Unit Type	Number of Units
Studio	95
Studio accessible	9
One bedroom	11
One bedroom accessible	25
Two bedroom	4
Three bedroom	9
Work-Live	4
Total Number of Units	157

The proposed unit mix and overall supply of family-friendly housing in this development proposal would further advance the housing objectives in the OCP. It is recommended that the

applicant enter a Housing Agreement to secure the number of family-friendly and accessible dwelling units.

Local Area Plans

The subject properties are designated General Employment and General Employment with Limited Residential in the *Burnside Gorge Neighbourhood Plan* (2017). The General Employment land use designation supports commercial or light industrial uses at a density up to approximately 2:1 FSR. The General Employment with Limited Residential land use designation supports commercial or light industrial on the ground floor and commercial or residential uses on the upper floors, including work-live units, and a density of up to approximately 2.5:1 FSR, of which the residential density should not exceed 1.5:1 FSR. The Plan supports building up to six storeys at this location.

The Plan strongly encourages the retention of general employment lands along this section of the Douglas Corridor for future businesses. It also supports further residential uses at-grade, provided that a significant employment component is included in the part of the lot along Douglas Street which is designated as General Employment. The Plan also encourages buildings with commercial and light industrial uses built up to the street to activate the street frontages and encourage pedestrian activity.

In addition, the Plan supports opportunities to develop new housing that includes a range of housing types, such as apartments and mixed-use buildings, attractive to different households including families with children. The applicant is proposing nine three-bedroom units to attract families with children.

Tree Preservation Bylaw and Urban Forest Master Plan

There are no existing public boulevard trees on Burnside Road East. Four Northern oak trees are proposed in two rain gardens in the public realm along Burnside Road East. Frontage improvements along Douglas Street were recently completed with the BC Transit project, and as a result no additional landscaping will take place on the Douglas Street boulevard at this time.

There are currently no existing trees on the subject site. The applicant is proposing 39 new trees at grade and 14 additional trees in the amenity areas on levels two and three.

Temporary Use Permit

In November 2017, Council approved a Temporary Use Permit (TUP) to allow the existing motel to be operated as transitional housing for three years while the applicant applies for a rezoning to redevelop the site. The current TUP will expire November 23, 2020.

At the November 23, 2017 Council meeting, Council passed a motion in response to a letter from the Burnside Gorge Community Association dated November 22, 2017 to limit the TUP to three years with no extension (attached). A Section 219 Covenant was registered on title as a condition of the TUP to secure various conditions and one of the conditions associated with the time limit is the following:

The owner covenants and agrees that it will not apply to the City for a renewal of the Temporary Use Permit to extend the Temporary Use Permit beyond the initial three year-term pursuant to the City's Council resolution of November 23, 2017.

With this application, the Burnside Gorge Community Association has provided an updated letter with reasons for supporting an extension of the TUP for another three years for Council's consideration. Staff have provided some wording in the recommendation should Council wish to support an extension to the TUP for another three years in accordance with the *Local Government Act* when the TUP expires on November 23, 2020. By authorizing an extension to the TUP at this time will ensure that the tenants can continue to reside in the building during the rezoning process and the construction phase should Council support the rezoning application.

Regulatory Considerations

Statutory Right-of-Way

A Statutory Right-of-Way (SRW) of 3.95m on Burnside Road East is being requested as a condition of rezoning to help achieve the ultimate cross-section identified in the Burnside Gorge Neighbourhood Plan for this corridor. This request further advances the transportation objectives and implementation strategies outlined in the OCP.

Public Pathway

The applicant is proposing a public pathway linking Douglas Street and Burnside Road East in response to community input. The applicant is willing to enter the appropriate legal agreements to secure the location and construction of the path. The applicant has provided some conceptual drawings for the design of the pathway with this development application; however, some refinements may be required as the plans for Phase 2 are further developed. The section of the pathway located in Phase 1 would be constructed in accordance with the plans attached to this report.

Proposed New Zone

The new zone is proposed to 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.

Resource Impacts

There are resource impacts associated with this proposal. The public realm and landscape elements proposed on the Burnside Road East frontage would have higher maintenance costs than typical City standard boulevards.

The applicant is proposing to construct rain gardens and install shrub plantings within the City-owned Right-of-Way. Once the project is complete, the maintenance of the plantings within the rain gardens, the boulevard trees and irrigation system would rest with the Department of Parks, Recreation and Facilities. The bike racks would be the responsibility of the Department of Engineering and Public Works. It is estimated that the annual maintenance of these off-site public realm features would add approximately \$10,000 in annual maintenance costs, based on 2019 rates. The breakdown is as follows:

- plantings (raingarden, trees and irrigation): \$8,500
- irrigation infrastructure: \$1,000 (water meter fees and spring/winter maintenance)
- bike racks: \$500

The need for an additional full-time employee as a result of increased inventory would be reviewed through annual operating budget planning, as these types of projects are completed and/or brought on-line to the City's maintenance program to ensure capacity to maintain the additional inventory.

The landscaping would provide for a higher quality public realm appropriate for the Burnside corridor; therefore, staff recommend for Council's consideration that the proposed landscaping in the City-owned Right-of-Way is supportable.

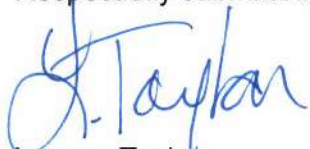
CONCLUSIONS

The proposal to rezone the subject properties in order to increase the density and permit a mixed-use development consisting of commercial and residential uses is consistent with the land use policies outlined in the OCP and the Burnside Gorge Neighbourhood Plan. The applicant is proposing an innovative and sensitive approach to infill development on the site while further advancing the urban design and housing policies outlined in the OCP. Staff recommend for Council's consideration that the application proceed to a Public Hearing.

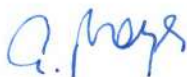
ALTERNATE MOTION

That Council decline Rezoning Application No. 00676 for the property located at 3020 Douglas Street and 584 Burnside Road East.

Respectfully submitted,



Leanne Taylor
Senior Planner
Development Services Division

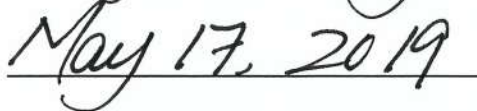


Andrea Hudson, Acting Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager



Date:



List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans dated/date stamped May 8, 2019
- Attachment D: Letter from applicant to Mayor and Council dated March 12, 2019
- Attachment E: Letter from applicant to Mayor and Council dated November 29, 2018
- Attachment F: Community Association Land Use Committee Comments dated August 14, 2018
- Attachment G: ADP report dated April 17, 2019
- Attachment H: Draft ADP minutes dated April 24, 2019
- Attachment I: Council Minutes from November 23, 2019 regarding the existing Temporary Use Permit.