



Committee of the Whole Report

For the Meeting of October 19, 2017

To: Committee of the Whole **Date:** October 5, 2017

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

Subject: Land Use Contract Discharge for 875 and 877 North Park Street (Rezoning Application No. 00568)

RECOMMENDATION

That Council instruct staff to prepare the necessary Land Use Contract Discharge Bylaw in order to authorize the proposed development for 875 and 877 North Park, that first and second reading of the Land Use Contract Discharge Bylaw be considered by Council and a Public Hearing date be set subject to the preparation and execution of a Housing Agreement to ensure that the rental units remain rental in perpetuity to the satisfaction of the City Solicitor.

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 546 of the *Local Government Act*, Council may discharge a Land Use Contract by bylaw with the agreement of the owner.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for an application to discharge the Land Use Contract (attached) from the property located at 875 and 877 North Park in order to add three new affordable rental dwelling units in the existing apartment building, which currently contains 158 subsidized affordable rental dwelling units for seniors. Following discharge of the LUC, the current R3-C Zone, Central Area Residential District, would apply.

The following points were considered in assessing this application:

- The proposal is consistent with the *Official Community Plan (OCP)*, which designates the subject property as Core Residential and envisions a density up to 5:1 floor space ratio (FSR) and supports multi-unit residential buildings from three storeys up to approximately 20 storeys.

- The proposal is generally consistent with the *Downtown Core Area Plan (DCAP)*, which designates the subject property as Residential Mixed-Use District and envisions a density up to 4.5:1. DCAP supports multi-unit residential buildings up to 15 storeys; however, the existing building, constructed in 1974 before DCAP was introduced, is 17 storeys, including 16 residential floors and an elevator machine room and overrun.
- The *North Park Local Plan* supports residential mixed-use development up to approximately 11 – 15 storeys in the area.
- The applicant is proposing to convert an underutilized amenity space into three affordable rental dwelling units (bachelor suites). In order to add more dwelling units in the building, the LUC must be discharged, which allows no more than 157 dwelling units; however, 158 dwelling units were constructed.
- the Province has advised that all Land Use Contracts (LUC) will be terminated on June 30, 2024 and new bylaws, if required for the affected lands, must be adopted by June 30, 2022. This new legislation and applicable deadlines also apply to land within the jurisdiction of a local government. This proposal initiates this process for the subject property, which is regulated by an existing LUC.

BACKGROUND

Description of Proposal

This Application is to discharge an existing Land Use Contract (attached) in order to add three new affordable rental dwelling units in the existing apartment building. The current R3-C Zone, Central Area Residential District, would apply if the LUC was discharged.

Affordable Housing Impacts

The applicant proposes the creation of three new residential units which would increase the overall supply of rental housing in the area. A housing agreement is being proposed to ensure that the dwelling units will remain rental in perpetuity.

Sustainability Features

The applicant has not identified any sustainability features associated with this proposal.

Active Transportation Impacts

There would be secure and enclosed bicycle storage for 30 bikes in the underground parkade.

Public Realm Improvements

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

Accessibility Impact Statement

The British Columbia Building Code regulates accessibility as it pertains to buildings.

Land Use Context

The area is characterized by residential, commercial and institutional uses.

Existing Site Development and Development Potential

The site is presently occupied by a 17 storey multiple dwelling and a church. The current zone is R3-C; however the Land Use Contract supersedes the regulations in this zone. The LUC permits the existing multiple dwelling with a maximum of 157 dwelling units and ancillary uses as well as a church and/or church hall; however, the building was constructed with 158 dwelling units.

Data Table

The following data table compares the proposal with the R3-C Zone. An asterisk is used to identify where the proposal is less stringent than the existing zone. Two asterisks are used to identify where the proposal is non-conforming.

Zoning Criteria	Proposal	Zone Standard R3-C Zone
Site area (m ²) - minimum	3833.50	920.00
Density (Floor Space Ratio) - maximum	2.30:1	2.80:1
Non-residential uses (% of the allowable floor space ratio) – maximum	14.17	20.00
Height (m) - maximum	49.22	37.00
Site coverage % - maximum	37.00	50.00
Open site space % - minimum	40.00	40.00
Setbacks (m) – minimum:		
Street Boundary	0.53** - Quadra 0.36** - North Park	4.50
Internal lot line	0.00** - South 10.54 - West	6.00
Horizontal distance of structure on one plane (m) – maximum	< 30.00	30.00
Separation distance between buildings (m) – minimum	2.48**	6.00
Parking - minimum	52**	84
Visitor parking (minimum) included in the overall units	17	8
Bicycle parking stalls (minimum)	30	3

Relevant History

LUCs were legislated as a regulatory tool in place of zoning in the 1970s. The LUCs addressed development issues that zoning could not and in these cases Zoning was rendered inapplicable. LUCs were registered on land titles and could previously only be amended or discharged by

agreement between both the Municipality and land owner. The legislation authorizing the use of LUCs was repealed in 1978; however, LUCs entered into prior to these legislative changes remain in force.

The existing Land Use Contract registered on title of the subject property is in effect for a period of 50 years, concluding in 2023. However, under recent Provincial legislation, all Land Use Contracts will be automatically terminated by June 2024 with municipalities required to adopt zoning bylaws for properties subject to Land Use Contracts by June 30, 2022. The City has recently initiated a process of discharging Land Use Contracts and this proposal is consistent with that initiative.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted the North Park CALUC. Due to the nature of this Application, the CALUC advised staff in a letter dated February 9, 2017 (attached) that it had waived the requirement for a Community Meeting.

ANALYSIS

The proposal is consistent with the *Official Community Plan (OCP)*, which designates the subject property as Core Residential and supports multi-unit residential buildings from three storeys up to approximately 20 storeys. The OCP also encourages the ongoing upgrade and regeneration of the city's rental housing stock. This proposal achieves this objective by converting underutilized amenity space into three affordable rental dwelling units for seniors. The applicant indicates there is no intention to strata-title the existing apartments or change the occupancy of the units.

The proposal is generally consistent with the *Downtown Core Area Plan (DCAP)*, which designates the subject property as Residential Mixed-Use District and supports multi-unit residential buildings up to 15 storeys. The existing building, constructed in 1974 and before DCAP was approved, is 17 storeys, including 16 residential floors and an elevator machine room and overrun.

The *North Park Local Plan* supports residential mixed-use development up to approximately 11 to 15 storeys in the area, and the proposal is also generally consistent with the Plan.

CONCLUSIONS

Discharging the LUC will be of benefit as this will be required of the City by 2022, with the phasing out of LUCs by the Province. This process will allow the applicant to add three new affordable rental dwelling units for seniors which would increase the overall supply of rental housing in the area. The proposal is consistent with the City's land use policies and the existing building is generally in keeping with the R3-C Zone. Staff recommend for Council's consideration that the Application advance to a Public Hearing.

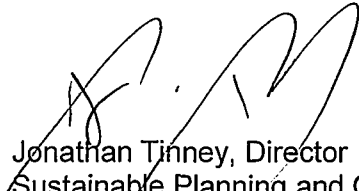
ALTERNATE MOTION

That Council decline Rezoning Application No. 00568 for the property located at 875 and 877 North Park.


Respectfully submitted,


Leanne Taylor
Senior Planner
Development Services Division




Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:


Date: Oct 11, 2017

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped August 2, 2017
- Attachment D: Letter from applicant to Mayor and Council date stamped September 25, 2017
- Attachment E: Letter from North Park CALUC dated February 8, 2017
- Attachment F: Land Use Contract.