



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bylaws cannot prohibit strata owners from renting residential strata units, and that the former Housing Agreement be repealed and terminated;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 dated 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.