

## **REPORT**

### ***Climate Action, Planning and Development***

**To:** Mayor Johnstone and Members of Council  
**Date:** April 24, 2023

**From:** Jackie Teed, Acting Director of Climate Action, Planning and Development  
**File:** REZ00155  
HA000035  
SDP00206

**Item #:** 2023-282

**Subject:** Rezoning and Special Development Permit (810 Agnes Street and 815 - 821 Victoria Street) – Application Consideration

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#### **RECOMMENDATION**

**THAT** the application to rezone 810 Agnes Street and 815-821 Victoria Street be considered and no Public Hearing held, in accordance with the *Local Government Act*.

**THAT** notification be circulated in accordance with the *Local Government Act*.

**THAT** a Housing Agreement Bylaw to secure 352 secured market rental housing units at 810 Agnes Street and 815-821 Victoria Street be forwarded to Council for consideration.

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#### **PURPOSE**

This report provides Council with information on the development proposal for 810 Agnes Street and 815-821 Victoria Street, and requests that the applications for rezoning and housing agreements be considered and that no Public Hearing be held following circulation of notice in accordance with the Local Government Act.

#### **EXECUTIVE SUMMARY**

Rezoning and Special Development Permit applications have been received, and revised over the application review process, to permit the development of a residential high-rise tower with 352 secured market rental housing units. The proposed building would be 33 storeys with an overall floor space ratio (FSR) of 9.40.

The application has been revised under a new property owner to a secured market rental housing development, from the stratified condo development originally proposed by the previous property owner, with increased heights and densities consistent with the Secured Market Rental Housing Policy.

Prior to purchase, the new owner was advised of key in-kind amenity contributions in the original application. They have agreed to the development continuing to include the following: 1) design and construction of a commemorative community park on the adjacent City owned site at 824 Agnes Street; 2) construction and transfer to City ownership of a publically accessible indoor community space; 3) accessibility improvements and barrier free access through adjacent park site including a publically accessible elevator; and 4) universal public washroom for park users. They have proposed to provide these in addition to converting the proposal from stratified condo to secured market rental housing, which means this application goes significantly over-and-above the expectations of the City’s Secured Market Rental Housing Policy.

Following project revisions, the applicant completed re-engagement with key stakeholders and completed City-led consultation and incorporated achievable feedback into the project design. The proposal was also presented to and supported by the New Westminster Design Panel. Staff recommend that Council consider no Public Hearing be held for Zoning Amendment Bylaw No. 8390, 2023, in accordance with the *Local Government Act*, and the City’s principles for determining when a project does not require a Public Hearing.

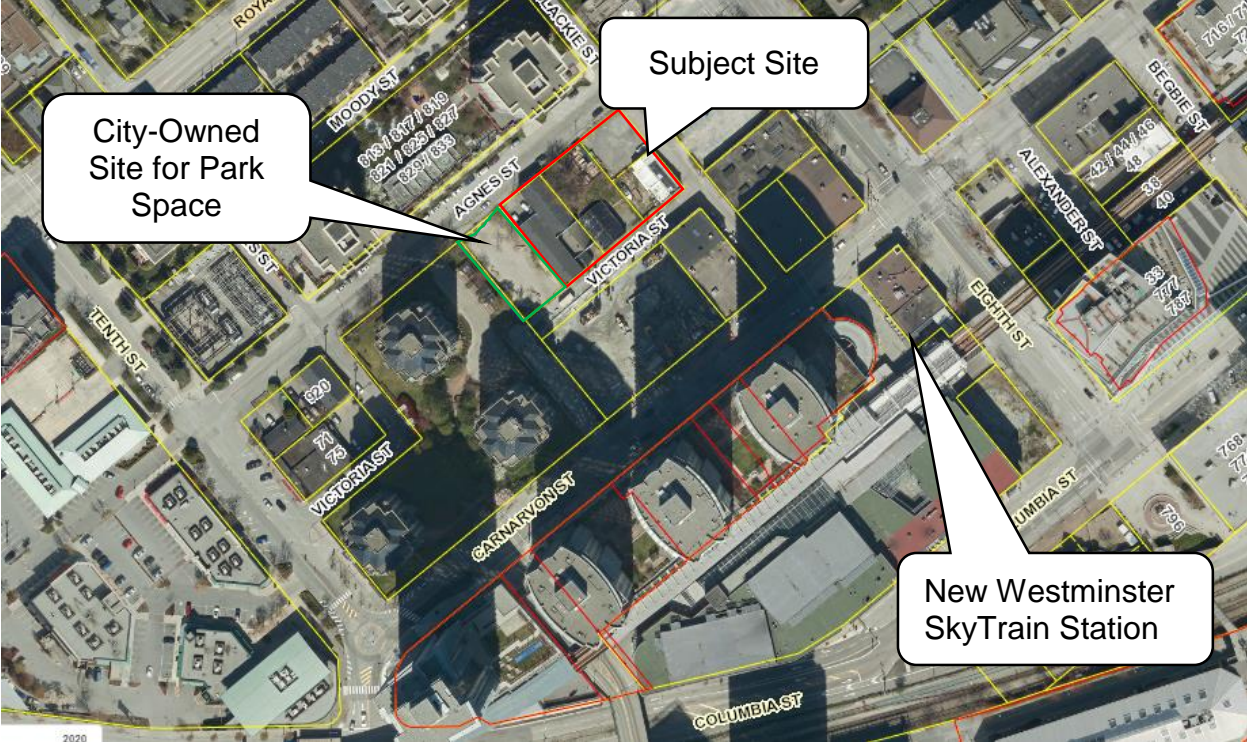
**BACKGROUND**

**Adjacent City Owned Site (824 Agnes Street)**

The City owned site at 824 Agnes Street was a historic focal point for the Chinese community in New Westminster, and was gifted to the City by the Chinese Benevolent Association (CBA). It is currently used as a temporary off-leash dog area. Through a Chinese Reconciliation Process it was identified that this site should be used as a park commemorating Chinese history and contributions. A master plan for a commemorative park (click [here](#) for link to the presentation) and the adjacent interior community amenity space has been developed in parallel with the development applications on the adjacent subject sites and endorsed by Council on [August 31, 2020](#) (Refer to Attachment 1 of this report).

**Site Characteristics and Context**

The subject site is located in the Downtown neighbourhood and is adjacent to Agnes, Victoria and Blackie Streets. The subject sites is located 75 metres (246 feet) from the New Westminster SkyTrain Station.



Further details on site characteristic and context is provided in Attachment 4.

**POLICY AND REGULATIONS**

The application is consistent with the Official Community Plan (OCP) land use designation for the subject property, which is Residential High Density and with other key City policies including, Family Friendly Housing Policy and the Secured Market Rental Housing Policy. Attachment 3 provides more information on policy and regulation context.

**PROPOSAL**

Original Proposal

The previous owner submitted the original applications for a Rezoning and a Special Development Permit in January 2018 for 222 residential units, a density of 7.20 FSR and a height of 29 storeys (89.7 metres / 294.3 feet). All of the residential units in the original proposal were for stratified market ownership. The application was made prior to the City’s development of the Inclusionary Housing Policy. The applicant chose to pause advancing their application around August 2018.

## Current Proposal

In 2022, ownership of the subject applications was transferred to Brookfield Properties, who are now proposing a fully secured market rental building with 352 units, with a height of 33 storeys (114 metres / 374.02 feet), an overall floor space ratio (FSR) of 9.40 and a tower floorplate of 706 square metres (7,600 sq. ft.). The current proposal includes 104 studio (29.5%), 114 one-bedroom (32.4%), 115 two bedroom (32.7%) and 19 three-bedroom (5.4%) units and is compliant with family friendly housing requirements. It includes a request for relaxation of vehicle parking spaces from 262 to 169 overall vehicles parking space (35.5% and 93 space reduction). It also exceeds required bicycle parking requirements from 528 required to 550 provided spaces.

Prior to purchase, the new owner was advised of key in-kind amenity contributions initially negotiated as part of the original proposal. They have agreed to the development continuing to include the following: fully funding the design and construction of the commemorative park at 824 Agnes Street including public art; universal public washroom; street improvements along Victoria Street; barrier-free access to the park and interior amenity space via elevator and sloped walkway; and provision of a 325.16 square metres (3,500 sq. ft.) interior amenity space to be provided to the City for future programming. They have proposed to provide these in addition to converting the proposal from stratified condo to secured market rental housing, which means this application goes significantly over-and-above the expectations of the City's Secured Market Rental Housing Policy.

A summary of revisions between the proposals is included in Attachment 2 and the current proposal drawings are included in Attachment 6.

## DISCUSSION

### **Balance of Benefits**

The Density Bonus Phase 2 Policy anticipates density of 5.2 FSR and a building height of 240 feet (approximately 24 storeys) on the subject sites. The current proposal exceeds the anticipated density (by 4.2 FSR / 80%) and height (by approximately 9 storeys / 37.5%). The Density Bonus Policy allows consideration of applications which exceed anticipated height and density in the case of unique and exceptional circumstance, including the provision of amenities addressing City strategic priorities, for which this project qualifies.

Staff have reviewed the proposed building heights, densities, and proposed in-kind amenities with City policies such as the Secured Market Rental Housing Policy and considers the application to significantly exceed the expectations of that policy. A summary of this analysis is included in Attachment 5. Further, the density and height are also considered reasonable given proximity to New Westminster SkyTrain Station (75 metres / 246 feet) and provision of additional transit oriented housing opportunities addressing identified housing needs.

## **Commemorative Community Park (824 Agnes Street)**

The applicant would be responsible for the costs associated with design and construction of a Commemorative Community Park on the adjacent lot at 824 Agnes Street consistent with the Council approved concept plan.

The proposed park space is approximately the size of a tennis court (808 square metres / 8,700 sq.ft.) and is very steeply sloped (7.62 metres / 25 feet from corner to corner). It will provide valuable, high quality, open space within a dense downtown neighbourhood and contribute towards reconciliation with the Chinese-Canadian community. The park and interior amenity space will be universally accessible through provision of an elevator and sloped walkway (grades 5% or less) extending from Agnes Street to Victoria Street. These accessibility improvements also provide an important connection through this block to SkyTrain, bus loop and commercial services.

A public art component within the park has been secured and will be included in within the detailed design. The applicant would also contribution towards artist selection with a payment of \$26,300 required prior to adoption of the rezoning bylaw. The applicant would be required to provide payment of security to ensure construction of the park and art installation and returned on completion. Staff from the Parks & Recreation Department are continuing to oversee the detailed design and would oversee construction of the park space. Should the proposal be approved, the park space would be closed during construction with completion anticipated for December 2026.

## **Interior Amenity Space**

The applicant would be responsible for construction and ownership transfer to the City of an interior amenity space of at least 325.16 square metres (3,500 sq. ft.). This space would be co-located with the park space at 824 Agnes Street and would provide a bank of doors which open up directly on to the space increasing programing opportunities and synergies.

The applicant would deliver a building shell to allow the flexibility for the City to customize the space for the appropriate future programming. The developer would also provide the City with a cash contribution of \$105,000 to go towards the future necessary customization of the space for programming. The space could serve a variety of needs in the downtown including library, museum, art gallery, recreational or other cultural uses. Staff will work with Council to identify general principles to guide the determination of use.

This space would also include an elevator to provide accessible access to both the amenity space and through the adjacent park space and would also include a washroom to service the park space accessed from the park on the exterior of the building.

Prior to issuance of Building Permits, legal agreements would require the developer to provide details on the components included in the building shell, the elevator (including warranties and initial maintenance obligations) and the exterior washroom, to the City’s satisfaction. Securities would be in place to ensure construction and transfer to the City.

**Current Tower Floorplate**

The tower floorplate size has increased from the previous proposal and, at 706 square metres (7,600 sq. ft.), is slightly above (less than 1% increase) the maximum allowed under the Downtown Building and Public Realm Design Guidelines and Master Plan (700 sq. metres / 7,534 sq. ft.). Staff have reviewed the variance from policy through the application review process and are supportive given it is minor and that impacts on views from and shadows over key public spaces have been mitigated through building design and tower placement.

**Transportation Considerations**

A comprehensive transportation review has been provided by the applicant which includes considerations of vehicle parking and transportation demand management measures, site plan layout, turning movements and solid waste pickup and operations.

The proposal includes a request for relaxation to vehicle parking spaces from 262 to 169 overall vehicles parking space (35.5% and 93 space reduction). The proposed parking reductions are supported considering: 1) proximity to transit; 2) increase bicycle parking (from 528 to 550 spaces); 3) separate bicycle entrance and lobby for increased accessibility; 4) unbundling parking spaces from units for flexibility 5) subsidized transit passes for residents; and 6) welcome brochure & active modes guide for new residents. Where necessary, these measures would be secured through legal agreements on title.

**Housing Agreement**

A Housing Agreement Bylaw is required to secure the proposed rental units for 60-years or the life of the building, whichever is longer. Standard City requirements would be applicable including ownership and management by a single entity, prohibition on stratification and minimum unit mix/bedroom requirements. The owner has agreed to these principles and provided to the City a letter of agreement (Attachment 8). Housing Agreement Bylaw No. 8389 is included in Attachment 9.

**CONSULTATION AND COMMITTEE REVIEW**

The applicant completed re-engagement with key stakeholders and completed City-led consultation and incorporated achievable feedback into the project design. The proposal was also presented to and supported by the New Westminster Design Panel. A detailed committee and consultation summary is included in Attachment 13.

**INTERDEPARTMENTAL LIAISON**

This proposal has been reviewed by a project team consisting of staff from the Engineering Services and Parks and Recreation Departments, and the Building and Planning Divisions of Climate Action, Planning and Development.

**FINANCIAL CONSIDERATIONS**

The in-kind amenities in the application, including both the ownership of an interior amenity space and park improvements, would require on-going operational funding. The amount of this funding has yet to be determined. City Staff will consider potential programming opportunities and work with Finance to determine the on-going financial obligations required and funding source.

**APPLICATION REVIEW PROCESS AND NEXT STEPS**

Below is an overall outline of the development review process for this project. The bold text outlines where we are currently at within the process.

- 1. Preliminary Report to Land Use and Planning Committee (January 8, 2018);
- 2. Preliminary Report to Council (January 29, 2018);
- 3. First Public Open House (Park Space & Development) (January 31, 2018);
- 4. Second Public Open House (Park Space & Development) (April, 2018);
- 5. Presentation to New Westminster Design Panel (July 24, 2018);
- 6. Update report to Council (March 28, 2022);
- 7. Applicant-led public information / consultation on current proposal (May – December, 2022);
- 8. New Westminster Design Panel Review of current proposal (June 28, 2022);
- 9. City-led public consultation, including the creation of a Be Heard New West webpage and survey (March 15 – April 5, 2023);
- 10. Council Consideration Report (**WE ARE HERE**);

**Anticipated Next Steps:**

- 11. Issuance of Notice of Waived Public Hearing;
- 12. Council consideration of First, Second and Third Readings of Rezoning and Housing Agreement Bylaws;
- 13. Completion of Adoption Requirements;
- 14. Adoption of Zoning Amendment Bylaw and Housing Agreement Bylaws;
- 15. Issuance of Special Development Permit by Director of Climate Action, Planning and Development;
- 16. Application and Issuance of Tree and Building Permits.

Staff has recommend that Council consider waiving a Public Hearing as the proposal is consistent with the City’s principles for determining when a project does not require a Public Hearing, as follows:



- the application is largely consistent with City policy and/or Council Strategic Priorities, and/or exceeds City policy in support of Council Strategic Priorities;
- the application responds to public and staff feedback, even if significant, to the satisfaction of the Director of Climate Action, Planning and Development; and;the application is consistent with the Official Community Plan (OCP), per provincially legislated requirements

## **FINAL ADOPTION REQUIREMENTS**

A listing of final adoption requirements is included in Attachment 14.

## **OPTIONS**

The following options are available for Council's consideration:

1. That the application to rezone 810 Agnes Street and 815 – 821 Victoria Street be considered and no Public Hearing held, in accordance with the *Local Government Act*.
2. That notification be circulated in accordance with the *Local Government Act*.
3. That a Housing Agreement Bylaw to secure 352 secured market rental housing units at 810 Agnes Street and 815 – 821 Victoria Street be forwarded to Council for consideration.
4. That Council provide staff with alternative direction.

Staff recommend Options 1, 2, and 3.

## **ATTACHMENTS**

- Attachment 1: Commemorative Park Process and Concept
- Attachment 2: Summary of Application Revisions
- Attachment 3: Policy and Regulation Context
- Attachment 4: Site Character and Context
- Attachment 5: Analysis of Density, Height and Proposed Amenities
- Attachment 6: Applicant Submission Materials
- Attachment 7: Zoning Amendment Bylaw (810 Agnes Street) No. 8390, 2023
- Attachment 8: Housing Agreement Principle Letter of Agreement
- Attachment 9: Housing Agreement Bylaw (810 Agnes Street) No. 8389, 2023
- Attachment 10: Applicant Consultation Summary
- Attachment 11: City-Led Consultation Summary
- Attachment 12: Engineering Servicing Memo
- Attachment 13: Committee and Consultation Summary
- Attachment 14: Rezoning Adoption Requirements



**APPROVALS**

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