

## **REPORT**

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

**To:** Mayor Johnstone and Members of Council  
**Date:** September 11, 2023

**From:** Serena Trachta, Acting Director,  
Climate Action, Planning and  
Development  
**File:** REZ00196

**Item #:** 2023-577

**Subject:** **Official Community Plan Amendment, Rezoning, Road Closure, and Land Sale: 909 - 915 Twelfth Street – Bylaws for First and Second Readings**

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#### **RECOMMENDATION**

**THAT** Council consider Official Community Plan Amendment Bylaw No. 8399, 2023 for First Reading.

**THAT** Council consider Official Community Plan Amendment Bylaw No. 8399, 2023 in conjunction with the City's Capital Expenditure Program as contained in the Five Year Financial Plan and the Region's Solid Waste Management Plan and Liquid Waste Management Plan, and which is deemed to be consistent with said program and plans in accordance with Section 477(3)(a) of the *Local Government Act*.

**THAT** Council consider Official Community Amendment Bylaw No. 8399, 2023 for Second Reading, and forward the bylaw to a Public Hearing.

**THAT** Council consider Zoning Amendment Bylaw No. 8400, 2023 and Road Closure, Dedication Removal, and Disposition Bylaw No. 8401, 2023 for First and Second Readings, and forward the bylaws to a Public Hearing.

**THAT** Council authorize the City to execute the Purchase and Sale Agreement, which includes the sale of a portion of lane right-of-way at the rear of 909 and 911/913 Twelfth Street should Council adopt Road Closure, Dedication Removal, and Disposition Bylaw No. 8401, 2023.

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## **PURPOSE**

To request that Council consider the proposed bylaws and land sale, which would facilitate a five-storey, 40-unit residential development at 909-915 Twelfth Street.

## **EXECUTIVE SUMMARY**

Official Community Plan amendment, rezoning, and Development Permit applications have been received for 909-915 Twelfth Street. The proposed development includes a five-storey market condo building with 40 units, and has an overall floor space ratio of 2.5. The building would exceed minimum standards of the Building Bylaw and be constructed to BC Energy Step Code Level 4 standards. The applicant has also proposed to purchase 96.9 sq. m. (1,043 sq. ft.) of unused City lane right-of-way to be incorporated within the proposed development. Applicant-led consultation and review by relevant City committees have been undertaken for the proposed project.

## **BACKGROUND**

### **Policy and Regulations**

The subject properties are designated Residential – Multiple Unit Buildings (RM) in the Official Community Plan (OCP), which is intended to provide a mix of small to moderate sized multiple unit residential buildings up to six storeys in height at a medium density. An OCP amendment is required to facilitate the sale and incorporation of an unused portion of City road right-of-way into the development site as this lane portion is split-designated RM on the western half and Residential – Detached and Semi-Detached Housing (RD) on the eastern half. The proposed OCP amendment would extend the RM designation and the Upper Twelfth Street Residential Corridor Development Permit Area (DPA 2.1) over this lane portion. A copy of OCP Amendment Bylaw No. 8399, 2023 is attached (Attachment 1).

As the proposal is not consistent with the site's existing Community Commercial (Medium Rise) (C-2A) zone, which allows the development of a four-storey mixed-use building, a rezoning is required to a Comprehensive Development (CD) zone (Attachment 2). A summary of these and other relevant City policies and regulations is provided in Attachment 4.

### **Site Characteristics and Context**

The subject site, which consists of three properties and is relatively flat, is located at the corner of Twelfth Street and London Street on the edge of the Moody Park neighbourhood. There are currently four existing buildings on the site, with 909 Twelfth Street containing a two-storey mixed-use building, 911/913 Twelfth Street containing both a commercial building and a residential building, and 915 Twelfth Street containing an auto sales office. Surrounding uses include single detached dwellings to the northeast, and mixed-use commercial retail buildings to the southwest across Twelfth

Street that are similarly zoned as the subject site (Community Commercial (Medium Rise) (C-2A)). A site context map and additional site context information are provided in Attachment 4.

## **PROJECT DESCRIPTION**

The proposed development comprises a five-storey market condo building with 40 residential strata units and an overall density of 2.5 FSR. Nine of the proposed units would be ground-oriented units, of which six are proposed as two-storey townhouse style units. Half of all proposed units would be family-friendly units, containing two or three bedrooms. Overall unit sizes range from approximately 46.5 sq. m. (500 sq. ft.) to 114.1 sq. m. (1,228 sq. ft.). An underground parkade is proposed with access off of the lane.

The building is proposed as an energy-efficient building constructed to BC Energy Step Code Level 4 and it would be the third project on Twelfth Street proposed to meet this advanced building standard or above. A project statistics table can be found in Attachment 4, while the applicant's architectural and landscape drawings are included as Attachment 5.

## **DISCUSSION**

### **Building Height, Massing, and Transition**

The Residential – Multiple Unit Buildings (RM) designation allows the consideration of a five- or six-storey low rise building in cases where a proposal meets one or more significant City priorities. A six-storey building was initially proposed during the earlier Pre-Application Review process, and was subsequently revised to five storeys. The development's proposed increase in height from four storeys (allowed under the site's existing zone) to five storeys for an increase in building energy performance from BC Energy Step Code Level 3 to Step Code Level 4 is considered appropriate and consistent with the RM designation.

Building step-backs are proposed for the upper two levels, helping to create an appropriate street wall relationship with the Twelfth Street frontage. On the east elevation, the building massing is further stepped back in three distinct increments (from two, to three, to five storeys) as the building transitions away from the neighbouring single detached properties toward Twelfth Street. The overall form and density proposed is considered to be generally consistent with the Upper Twelfth Street Residential Corridor Development Permit Area (DPA 2.1) guidelines.

### **Site Access, Off-Street Parking, and Waste Management**

Vehicular access to a two level underground parkade is proposed off the lane to the south. A total of 62 off-street parking spaces (54 resident stalls and eight visitor stalls) are proposed along with a loading space. The development also includes 54 long-term

and six short-term bicycle parking spaces. Proposed off-street vehicle and bicycle parking spaces were evaluated against the zoning requirements that were in effect at the time of application submission in 2019. Garbage and recycling functions are located at the rear of the building off the lane with an on-site staging area.

## **Tenant Assistance Strategy**

### *Existing Residential Tenants*

As each of the existing parcels does not have more than six rental units, the City's Draft Rental Replacement Policy is not applicable. However, to support existing tenants and as the City's Tenant Relocation Policy (2015) is several years old and due for an update, staff has undertaken a review of more current tenant relocation policies from other municipalities to inform our approach for this application and a potential future update to City policy. Based on this review, staff has proposed a 'middle-of-the-road' approach for this application, modeled after the City of Victoria's Tenant Assistance Policy. This approach offers significantly more protection for tenants than the City's current policy and has been agreed to by the applicant. The draft residential tenant assistance strategy principles are provided in Attachment 6.

### *Existing Commercial Tenants*

For the four commercial tenants, the applicant has proposed six months' compensation at the current rental rate at the time notice is provided to end the lease, as well as a flat rate compensation for moving expenses. A summary of the applicant's commercial tenant assistance strategy, which has been reviewed by the City's Economic Development staff, is included in Attachment 6.

## **Closure and Sale of City Lane Right-of-Way**

The applicant has proposed to purchase a 96.9 sq. m. (1,043 sq. ft.) portion of City-owned lane right-of-way (ROW) at the rear of 909 and 911/913 Twelfth Street to be consolidated with the rest of the development site. Following an interdepartmental review, this ROW is considered surplus to the City's needs as, after development, it will no longer be needed to provide access to the subject site or any other adjacent sites. This ROW would be sold to the applicant at an appraised market value of \$269,000. A copy of Road Closure, Dedication Removal, and Disposition Bylaw No. 8401, 2023 is included as Attachment 3, and the draft Purchase and Sale Agreement is included as Attachment 7.

## **CONSULTATION AND COMMITTEE REVIEW**

### ***Local Government Act Consultation and Be Heard New West***

The *Local Government Act* includes specific requirements for consultation that must occur prior to the consideration of an Official Community Plan amendment. The Act

requires local government to provide one or more opportunities it considers appropriate for consultation with the organizations and authorities it considers will be affected by the proposed amendment. At their July 13, 2020 meeting, Council endorsed consultation with the New Westminster Board of Education.

A Be Heard New West project page was created for the proposed development. Five questions were received through the Be Heard page. A copy of the Be Heard New West summary report is included as Attachment 8.

### **Applicant-led Consultation**

Applicant-led consultation took place from January 14 to March 1, 2021. Thirteen people attended the virtual open house, five people submitted feedback through the applicant's project website, and three people submitted feedback by email.

Feedback expressed mostly related to support for thoughtful redevelopment and intensification on Twelfth Street, and bringing in more ground-oriented, multi-unit residential housing; mixed comments on building design, including building height; and concerns about waste collection, traffic and loss of on-street parking, loss of existing businesses/residential units, and safety and proximity of the proposed ground floor patios to the street. A copy of the applicant's consultation summary report, including the comments received, is included as Attachment 9.

### **New Westminster Design Panel**

The applicant presented the proposed development to the New Westminster Design Panel (NWDP) on February 23, 2021. The NWDP expressed its general support for the project, with staff working with the applicant in consideration of the feedback provided. A copy of the meeting minutes can be accessed via the following link:

[https://www.newwestcity.ca/database/files/library/NWDP\\_2021\\_Feb\\_23\\_Minutes.pdf](https://www.newwestcity.ca/database/files/library/NWDP_2021_Feb_23_Minutes.pdf)

### **Community Heritage Commission**

Based on the age of one of the site's existing buildings proposed for demolition to facilitate the development, review by the Community Heritage Commission (CHC) was undertaken on October 6, 2021. During its review, the CHC recommended incorporating an interpretive element to reflect the site's intangible history as the once home of Croton Studio. The proposed interpretive panel (last two pages of Attachment 5) was subsequently presented to the CHC on May 4, 2022. A copy of the meeting minutes can be accessed via the following links:

- October 6, 2021 (Item 5.3):  
[https://www.newwestcity.ca/database/files/library/CHC\\_2021\\_Oct\\_6\\_Minutes.pdf](https://www.newwestcity.ca/database/files/library/CHC_2021_Oct_6_Minutes.pdf)
- May 4, 2022 (Item 4.2):  
[https://www.newwestcity.ca/database/files/library/CHC\\_2022\\_May\\_4\\_Minutes.pdf](https://www.newwestcity.ca/database/files/library/CHC_2022_May_4_Minutes.pdf)

## **Applicant Response and Revisions**

Some examples of changes made by the applicant in response to consultation, committee, and City feedback include the following:

- Updating the proposed tenant assistance strategy;
- Revising building facade design elements, including incorporating Art Deco details to the building, updating the main entry design, addressing blank walls on certain elevations, and enhancing building articulation;
- Re-orienting one of the ground floor units that was facing Twelfth Street to face London Street;
- Adding an interpretive panel at the building's main entrance to reflect the site's intangible history;
- Relocating the indoor amenity area to allow light access;
- Making some adjustments to the parkade configuration, including adding a secure scooter charging area;
- Updating some of the proposed landscaping, including changing to an alternative low maintenance species for the proposed trees along Twelfth Street.

## **APPLICATION REVIEW PROCESS**

The application has been progressing through the City's development review process. The following steps have been completed:

1. Preliminary report to Council and Council consideration of Official Community Plan (OCP) amendment consultation requirements (July 13, 2020);
2. Project information provided to external stakeholders;
3. Applicant-led consultation (February 9, 2021);
4. Presentation to the New Westminster Design Panel (February 23, 2021);
5. Presentations to the Community Heritage Commission (October 6, 2021 / May 4, 2022);
6. Resolution of tenant relocation, coordination of land sale review process, and applicant response to comments and revisions;
7. Council consideration of First and Second Readings of OCP amendment, Zoning Bylaw amendment, and road closure and disposition bylaws – **we are here**;

The next steps for this application are as follows:

8. Public Hearing and Council consideration of Third Reading of proposed bylaws;
9. Applicant addresses adoption requirements;
10. Council consideration of adoption of proposed bylaws;
11. Issuance of Development Permit by Director of Climate Action, Planning and Development.

## **ADOPTION REQUIREMENTS**

Items that will need to be addressed to staff's satisfaction prior to the adoption of the proposed bylaws include, but are not limited to:

- Legal agreements to secure off-street visitor parking, BC Energy Step Code Level 4 requirements, and residential tenant assistance strategy;
- Completion of Purchase and Sale Agreement for the sale of the lane right-of-way at the rear of 909 and 911 Twelfth Street; and
- Payment of Voluntary Amenity Contribution of \$160,000.

## **FINANCIAL IMPLICATIONS**

As a condition of adoption, this project would contribute a Voluntary Amenity Contribution in the sum of \$160,000. This amenity contribution is intended to help fund capital investments required to accommodate a growing population and economy. The proposed sale of the lane right-of-way would realize \$269,000 in revenue for the City.

## **INTERDEPARTMENTAL LIAISON**

The City has a project-based team approach for reviewing development applications. This proposal has been reviewed by a project team consisting of staff from various departments, including Climate Action, Planning, and Development; Engineering Services; Parks and Recreation; and the Economic Development Office. Evaluation of the proposed land sale has been coordinated by Engineering Services (Strategic Projects) in consultation with other City departments.

## **OPTIONS**

The following options are offered for Council's consideration:

1. That Council consider Official Community Plan Amendment Bylaw No. 8399, 2023 for First Reading.
2. That Council consider Official Community Plan Amendment Bylaw No. 8399, 2023 in conjunction with the City's Capital Expenditure Program as contained in the Five Year Financial Plan and the Region's Solid Waste Management Plan and Liquid Waste Management Plan, and which is deemed to be consistent with said program and plans in accordance with Section 477(3)(a) of the *Local Government Act*.
3. That Council consider Official Community Amendment Bylaw No. 8399, 2023 for Second Reading, and forward the bylaw to a Public Hearing.
4. That Council consider Zoning Amendment Bylaw No. 8400, 2023 and Road Closure, Dedication Removal, and Disposition Bylaw No. 8401, 2023 for First and Second Readings, and forward the bylaws to a Public Hearing.

5. That Council authorize the City to execute the Purchase and Sale Agreement, which includes the sale of a portion of lane right-of-way at the rear of 909 and 911/913 Twelfth Street should Council adopt Road Closure, Dedication Removal, and Disposition Bylaw No. 8401, 2023.
6. That Council provide staff with alternative direction.

Staff recommends Options 1 to 5.

## **ATTACHMENTS**

Attachment 1: Official Community Plan Amendment Bylaw No. 8399, 2023

Attachment 2: Zoning Amendment Bylaw No. 8400, 2023

Attachment 3: Road Closure, Dedication Removal, and Disposition Bylaw No. 8401, 2023

Attachment 4: Background Information

Attachment 5: Select Architectural and Landscape Drawings

Attachment 6: Summary of Residential and Commercial Tenant Assistance Strategies

Attachment 7: Draft Purchase and Sale Agreement

Attachment 8: Be Heard New West Summary

Attachment 9: Applicant-led Consultation Summary

Attachment 10: Memos from Directors of Finance and Engineering

Attachment 11: Engineering Services Memo

## **APPROVALS**

This report was prepared by:

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This report was approved by:

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Lisa Spitale, Chief Administrative Officer