

DATE OF MEETING | May 25, 2020 |
AUTHORED BY | CALEB HORN, PLANNER, CURRENT PLANNING |
SUBJECT | **COVENANT AMENDMENT APPLICATION NO. CA11 –
6340 MCROBB AVENUE** |

OVERVIEW

Purpose of Report

To present Council with an application to amend Section 219 covenants registered on the property title of 6340 McRobb Avenue in order to allow a multi-family residential development.

Recommendation

That Council direct Staff to amend covenants FB226410 and FB287633.

BACKGROUND

A covenant amendment application, CA11, was received from 6340 McRobb Holdings Ltd. The applicant proposes to amend the Section 219 covenants registered on the property title at 6340 McRobb Avenue in order to allow a multi-family residential development. The applicant has also applied for a development permit (DP1130) to permit a six-storey multi-family residential building with 66 units on the subject property. The development permit will not be considered unless the covenant amendment is approved.

At its meeting of 2020-MAR-16, Council directed Staff to proceed with a Public Hearing for application CA11. Given concerns surrounding COVID-19 and that there is no statutory requirement for covenant amendments to go to Public Hearing, on 2020-APR-27, Council rescinded the motion to bring application CA11 to Public Hearing and instead directed Staff to proceed to public notification prior to Council's consideration of the application.

Public notification has occurred and notices were distributed to neighbouring property owners and occupants within a 10m radius of the subject property, the same distribution area required for Development Variance Permits as per Council's Covenant Amendment Process Policy. Any public input received has been forwarded to Council prior to tonight's meeting, and Council may now consider approval of the covenant amendment application.

The remainder of this report contains the same information as the report brought to Council on 2020-MAR-16.

Property History

The subject property is a remainder portion of a former lot that previously fronted on Applecross Road, McRobb Avenue, and Uplands Drive. The site was rezoned in 2004 (RA112) to allow for high-density residential. Conditions of this rezoning included the design and construction of Calinda Street to connect Applecross Road with Hammond Bay Road, as well as a covenant

(EW099701) to dictate the site plan for development. The site plan secured by covenant was for two 50m (15-storey) residential buildings on the subject property.

The former lot was subdivided in 2005 (SUB00455) and the lots to the north and east were developed between 2005 and 2016 into a mix of ground-oriented and multi-storey residential developments. Currently, the only undeveloped portions of the parent parcel are the subject property (6340 McRobb Avenue), the adjacent property to the east where a 108-unit multi-family residential building has been approved (6117 Uplands Drive), and the southern portion of 6330 McRobb Avenue to the north.

The subject property was rezoned again in 2009 (RA202) to amend the site-specific zoning and increase the maximum permitted height from 50m to 66m or 20 storeys, whichever is lesser. Conditions of this rezoning included the completion of Sentinal Drive (private road) to connect with Calinda Street, and the discharge of Covenant EW099701 to be replaced with covenants FB226410 and FB287633. The new covenants contained a number of changes to the site plan, including the addition of a townhouse residential development on the eastern portion of the subject property. As the applicant is now proposing a six-storey building instead of townhouses on the eastern portion of the property, a covenant amendment is required.

Subject Property and Site Context

<i>Location</i>	The subject property is located on the north side of Calinda Street, east of Applecross Road. A portion of the property is crossed by Sentinal Drive.
<i>Total Lot Area</i>	1.28ha
<i>Zoning</i>	R9 – High Density (High Rise) Residential
<i>Official Community Plan (OCP) Future Land Use Designation</i>	Urban Node
<i>Neighbourhood Plan Land Use Designation</i>	N/A

The subject property is a vacant lot that has previously been cleared. Sentinal Drive, a privately-maintained road with statutory rights-of-way for public access, crosses the northeastern portion of the property and connects with McRobb Avenue. Another portion of Sentinal Drive bisects the lot and connects with Calinda Street.

The surrounding neighbourhood is a mix of medium-density residential, institutional, and commercial uses at the edge of the Woodgrove Urban Node. Adjacent properties include a 16-unit townhouse strata development to the north, a 50-unit residential rental building across Sentinal Drive to the north, a 48-unit residential strata building to the northeast, a proposed multi-family development at 6117 Uplands Drive to the east, Nanaimo Seniors Village to the southeast, ICBC across Calinda Street to the south, and Georgia View Village commercial plaza to the west. Additional commercial services in the vicinity include Costco and Woodgrove Shopping Centre.

DISCUSSION

Proposed Development

The applicant proposes to develop the subject property in two phases. Phase 1 includes a six-storey building on the east side of the bisecting portion of Sentinel Drive, and Phase 2 includes future towers on the west side. The six-storey multi-family residential building is proposed to include 66 dwelling units and underground parking. The building will be located at the southeast corner of Sentinel Drive and the internal connector road with Calinda Street. Under the existing R9 zoning, no variances are anticipated through DP1130.

Proposed Amendments

The applicant is proposing the following amendments:

Covenant FB226410

- To amend the Terms of Instrument and Schedule A to allow a six-storey multi-family residential building on the eastern portion of the property

Covenant FB287633

- To amend the Terms of Instrument to require the additional Community Amenity Contribution (as defined in Section 1 of the covenant) prior to any future phase on the western portion of the property.

All other conditions of the covenants will remain.

The amendments to covenant FB226410 will allow the applicant to proceed with Phase 1 and the subsequent application DP1130. The proposed use and density are permitted by the existing R9 zoning, but a covenant amendment is needed to alter the building form from townhouses to a multi-storey building. Further development on the western portion of the subject property, dictated by the same covenant, is not being considered as part of this covenant amendment application nor as part of the development permit application.

The amendment to covenant FB287633 will allow the applicant to stagger the Community Amenity Contributions (CACs). A total of \$243,880 in CACs have previously been secured:

- \$68,880 by covenant FB226410 towards the McGirr Sports Fields; and
- \$175,000 by covenant FB287633 (“Additional Community Contribution”) towards the City’s Housing Legacy Reserve Fund.

At this time, both CACs are required prior to any construction on the subject property. The proposed amendment will ensure the former contribution of \$68,880 is required prior to Phase 1, with the remainder required prior to Phase 2. The full CAC amount reflects the build-out for both phases, as phasing was not previously anticipated by the covenants.

A Traffic Impact Assessment (TIA) submitted in support of this application confirmed no negative impact is anticipated on the existing road network from the proposed six-storey multi-family residential building. Staff have reviewed and accepted the TIA.

The applicant has proposed the covenant amendment in response to different market conditions from the time of the last rezoning in 2009. The six-storey multi-family residential development is supported by the existing R9 zoning, and will provide a transition between the future 20-storey residential buildings to the west and the existing four-storey residential buildings to the east. Staff support the proposed amendments.

Policy Context

Official Community Plan

The Official Community Plan (OCP) identifies the subject property as within the Woodgrove Urban Node future land use designation. Development in this Urban Node is characterized by medium- to high-density residential uses in support of the Urban Node's regional commercial centre. Residential densities in excess of 150 units per hectare are generally supported by the OCP. The proposed covenant amendment would allow a development that meets the intent of the OCP future land use designation.

Transportation Master Plan

The subject property is within the 200m buffer of the Woodgrove Mobility Hub, as identified by the Nanaimo Transportation Master Plan (NTMP). Applecross Road, Calinda Street, and Uplands Drive are all identified as cycling routes in the NTMP's Short Term Cycling Network Plan. The NTMP also identifies Woodgrove as a major transit exchange, and Hammond Bay Road, approximately 300m south of the subject property, as a Frequent Transit Network route in the medium term. Currently, the property is served by the #40 bus route on Uplands Drive, approximately 150m northeast of the site, and the #20 bus route on Hammond Bay Road. Higher densities in the Woodgrove Mobility Hub are supported by the NTMP to provide residents with a variety of services within a short distance that is conducive to alternative forms of transportation.

The proposed covenant amendment to allow a six-storey building form is consistent for the City's long-term strategy for land development in urban nodes in close proximity to transit, services, and employment centres.

SUMMARY POINTS

- Covenant Amendment Application No. CA000011 proposes to amend Section 219 covenants registered on the property title of 6340 McRobb Avenue in order to allow a multi-family residential development.
- This application will allow for subsequent consideration of a development permit (DP1130) for a six-storey multi-family residential building (Phase 1) with 66 dwelling units on the eastern portion of the subject property.
- The proposed covenant amendment is supported by policies in the OCP and NTMP.

ATTACHMENTS

ATTACHMENT A: Location Plan
ATTACHMENT B: Covenant FB226410 "Schedule A"
ATTACHMENT C: Conceptual Site Plan
ATTACHMENT D: Aerial Photo

Submitted by:

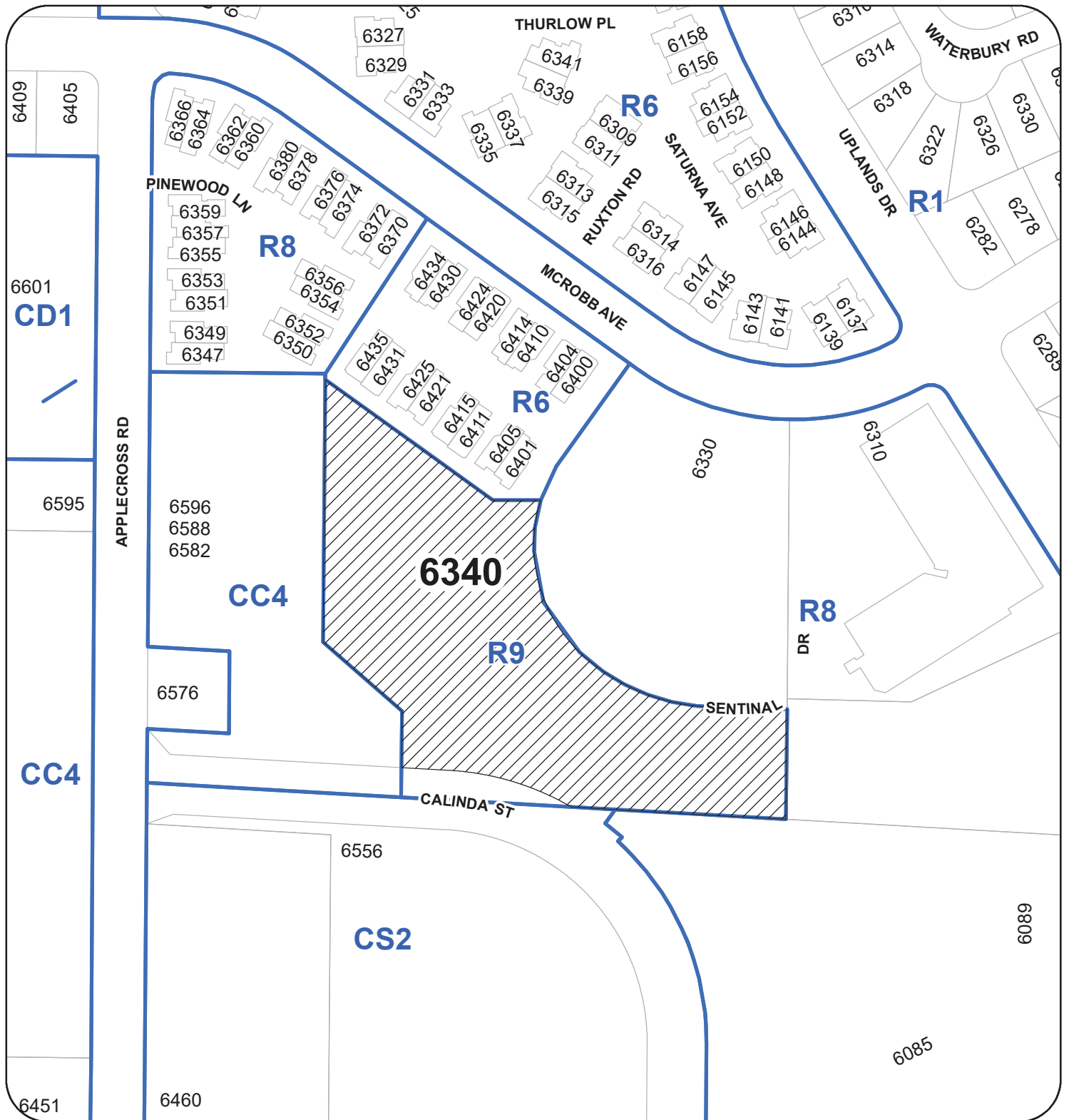
Lainya Rowett
Manager, Current Planning

Concurrence by:

Jeremy Holm
Director, Development Approvals

Dale Lindsay
General Manager, Development Services

ATTACHMENT A LOCATION PLAN



COVENANT AMENDMENT APPLICATION NO. CA000011

LOCATION PLAN

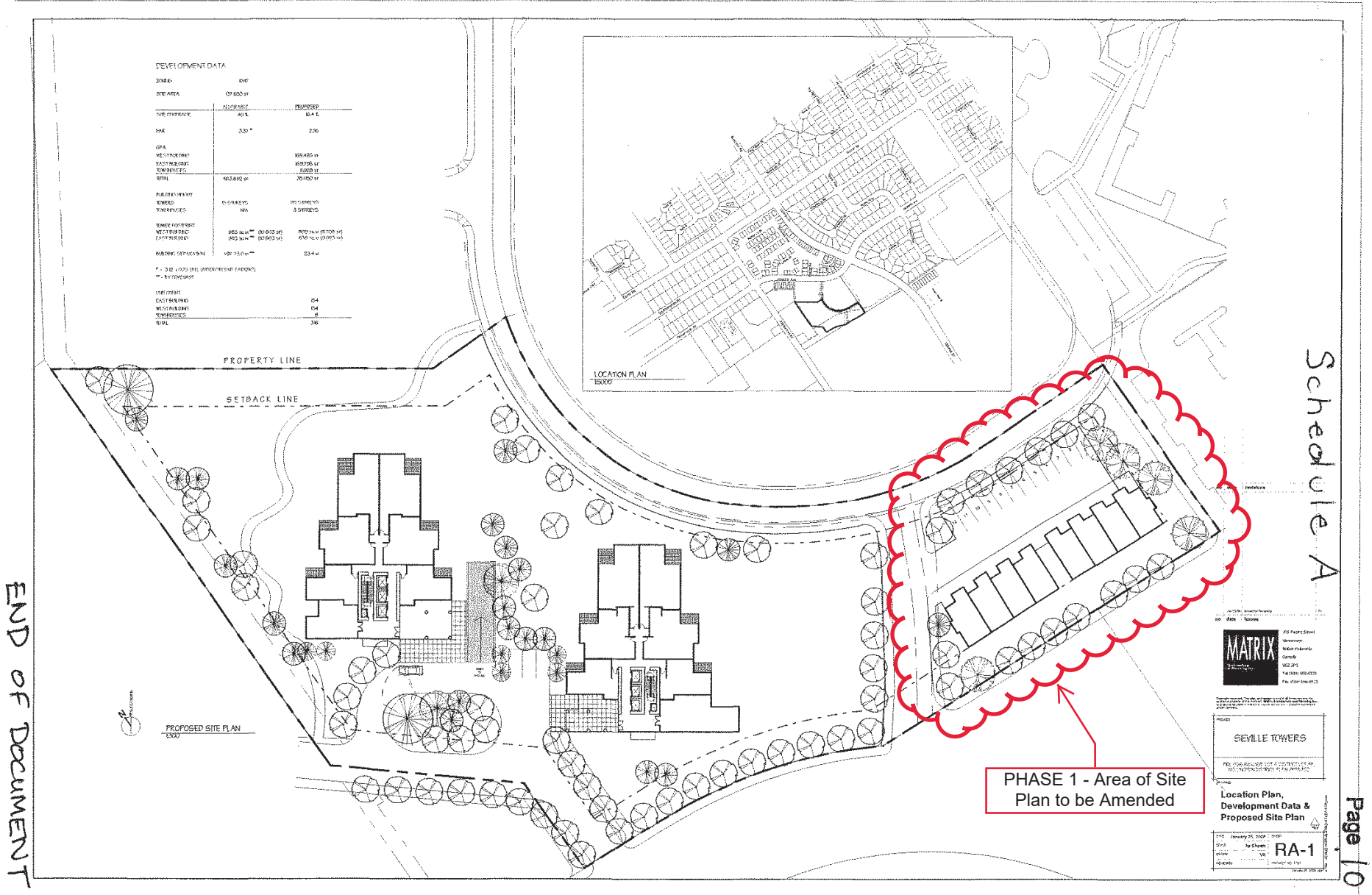
Civic: 6340 MCROBB AVENUE

Legal: LOT 4, DISTRICT LOT 48 WELLINGTON DISTRICT, PLAN VIP78452



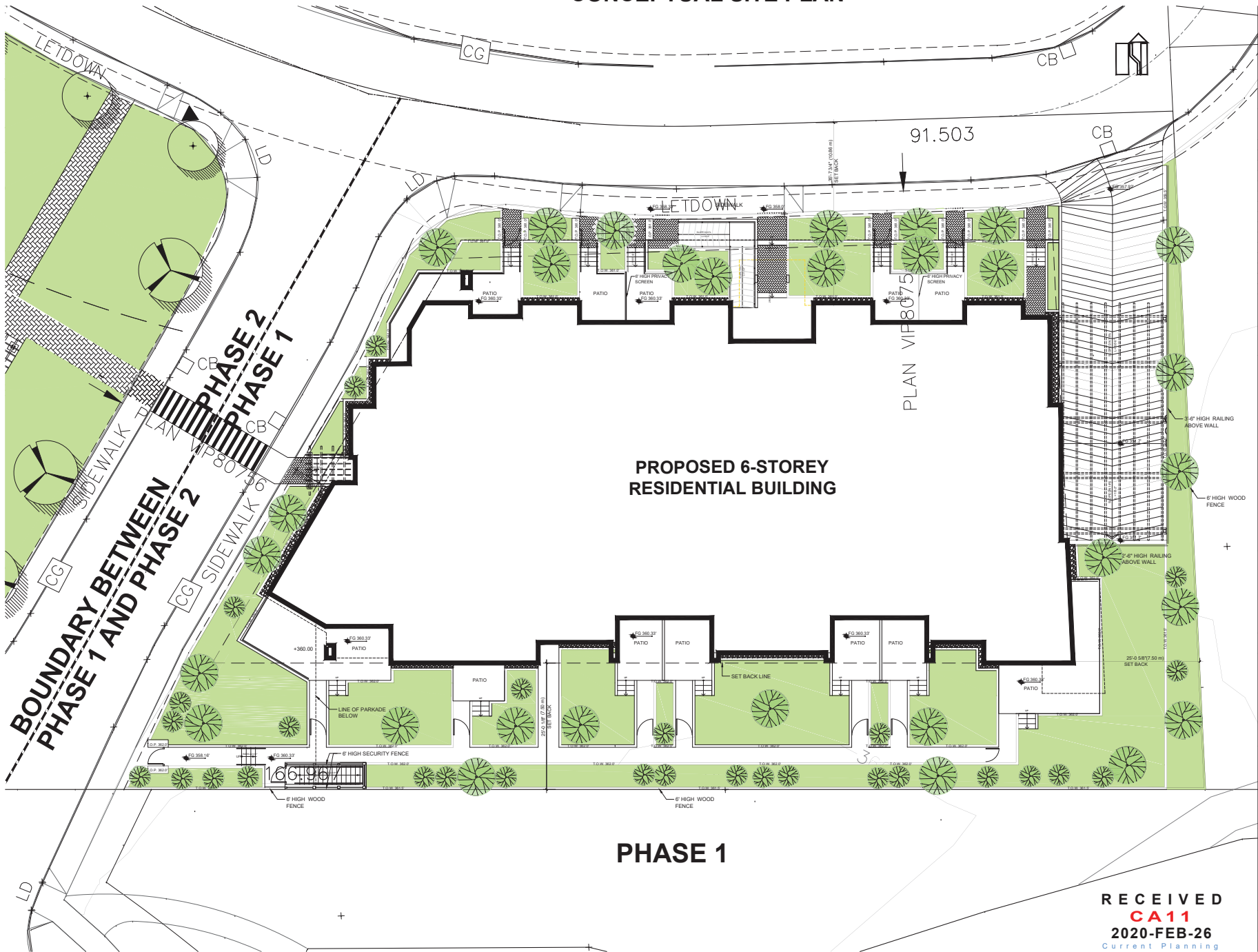
Subject Property

ATTACHMENT B COVENANT FB226410 "SCHEDULE A"



END OF DOCUMENT

ATTACHMENT C CONCEPTUAL SITE PLAN



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NO	DESCRIPTION	DATE
1	FOR CLIENT REVIEW	06-13-2018
2	FOR CLIENT REVIEW	06-12-2018
3	D.P. SUBMISSION	12-07-2018
4	D.P. SUBMISSION	12-29-2018
5	D.P. SUBMISSION	08-15-2019



SALEHI ARCHITECT INC.

207 - 132 10th West Street
NORTH VANCOUVER
TEL: 778-996 7832
EMAIL: r.salehi@salehiarchitect.ca

CLIENT :

PROJECT NO.:

PROJECT :

DRAWING TITLE :

**SITE PLAN
PHASE-1**

SEAL

A-01

RECEIVED
CA 11
2020-FEB-26
Current Planning

DATE : DRAWN : F.N.
SCALE : 1/8"=1'-0" CHECKED : R.S.

PHASE 1

ATTACHMENT D
AERIAL PHOTO



COVENANT AMENDMENT APPLICATION NO. CA000011



Legend

 Subject Property

**SUBMISSION TO NANAIMO CITY COUNCIL
Re: COVENANT AMENDMENT CA000011
(6340 MCROBB AVENUE)**



**BY THE TEXADA STRATA COUNCIL
VIS 6620, 6310 MCROBB AVENUE
(25 MAY 2020)**

1. INTRODUCTION

1.1 This submission, on behalf of the Strata Council and residents of The Texada, VIS 6620, 6310 McRobb Ave., is to voice our opposition to the application CA000011 for a covenant amendment for 6340 McRobb Avenue, Phase 1. The application seeks to change plans for townhouses in Phase 1, approved by the City in 2008, to a 6-storey multi-family apartment building. In the following paragraphs, our submission outlines the primary concerns we have with the proposed development of 6340 McRobb Avenue and our recommendation against the application to amend the covenant amendment. Appendix A – Background, seven slides in .pdf format, traces the evolution of developments in our neighbourhood, Georgia View Village (GVV), as well as the increasing density of succeeding proposals, from the original concept of the 2003 master plan, through the plan approved by the City in 2008, to the current status of development in 2020, including the various proposals for 6340 McRobb Ave.

2. CONCERNS

Density

2.1 Notwithstanding the proposal's technical compliance with the Official Community Plan and zoning, we urge City Council to consider the following with respect to CA000011:

- Owners/residents since 2008 have chosen to live/invest in GVV, in part taking into account the 2008 plans approved by the City, which CA000011 will significantly alter;
- We support the 2008-approved plans for 6340 McRobb, the Phase 1 of which is more commensurate with the developer's sole experience building single-family housing;
- As the Woodgrove Urban Node is already being heavily developed in other areas (e.g. three rental buildings at 6975 North Island Highway and two upscale condo buildings at 6540 Metral Drive), little is to be gained and scale/liveability to be lost by changing previously approved plans for our neighbourhood - plans which already envision two high rise towers that eventually will dominate the skyline of North Nanaimo;
- From 2003 to 2019, 6340 McRobb Phase 1 plans have expanded from parking spaces to townhomes, now to a mid-rise building, and from 0 residential units to 66 units;
- In the same period, Phase 2 plans have ballooned from two 15-storey towers with 266 units to two 20-storey towers linked by another 5-storey building, totaling 432 units;
- Unlike the recently approved DP001155 (neighbouring 6117 Uplands Dr.), which we supported, we contend that the applicant's plans for both development phases of 6340 McRobb Ave. would bring much greater density, which would adversely impact the nature, quality and liveability of the neighbourhood.

Traffic

2.2 In addition to the parking concerns detailed below, it should be noted that Sentinal Drive is a narrow, private road, governed by General Instrument EX124369, raising the following issues:

- **Safety** – high volume, two-way traffic poses risk to vehicles in outdoor parking stalls along the narrow road and to pedestrians/cyclists in Texada's lane, where there are no sidewalks;
- **Construction equipment** – too big and heavy for the narrow road, could add street maintenance costs;

SUBMISSION BY THE TEXADA TO CITY COUNCIL RE CA000011 – 6340 MCROBB AVENUE

- **Cost-sharing** – higher density now proposed for 6340 McRobb will bring greater traffic volume, increasing road maintenance costs, while further distorting the cost sharing formula set out in EX124369 (see Appendix A, page 9).

Site plan

2.3 Should City Council approve CA000011, we are apprehensive that the developer and the City Planning Department may not address our following concerns regarding the Phase 1 design:

- **Parking** - insufficient resident and visitor parking, no parking area for delivery, service and emergency vehicles, and no on-street parking on Sentinal Dr. (too narrow);
- **Access** – none to the main entrance and no loading zone;
- **Garage** - entrance aligned with Texada’s lane and adjacent to 6117 Uplands’ Sentinal Dr. entrance, concentrating traffic in one area, which could be dissipated by moving the entrance to the Sentinal/Calinda connector;
- **Building Footprint** – too big for the size of the property, overwhelming compared to the approved 2008 townhouse plan (a concern which also applies to the 5-storey building proposed to link the two towers in Phase 2).

3. RECOMMENDATION

Rejection

3.1 For the foregoing reasons, The Texada (VIS 6620) recommends that City Council should:

- Reject CA000011 respecting 6340 McRobb Avenue;
- Reaffirm the 2008 approval of the City for townhome development in Phase 1.

Contingency Requirements

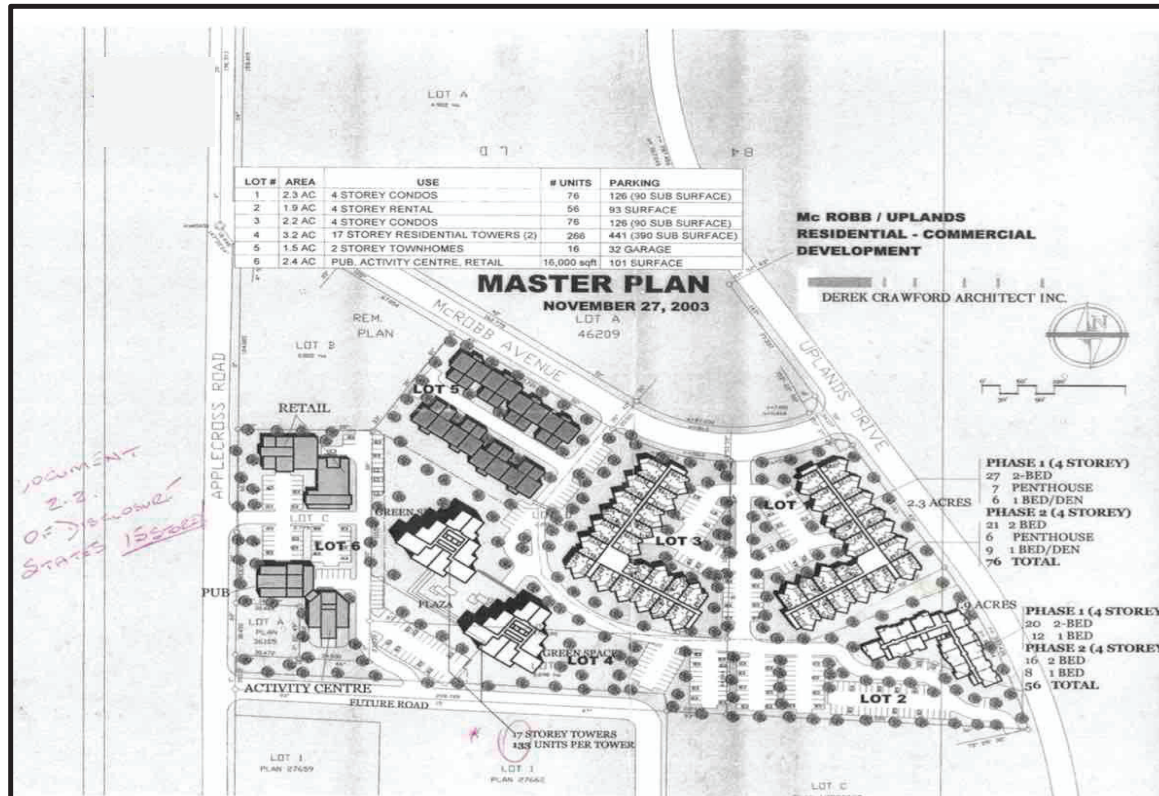
3.2 In the event that, notwithstanding the concerns outlined above, CA000011 is approved, The Texada (VIS 6620) recommends that City Council should:

- Ensure that revisions are made in the Phase 1 site plan before approval of DP001130 (6340 McRobb Ave.), in order to address the concerns described above;
- Obtain a commitment from the developer to adhere to the approved 2008 plans for Phase 2 of development of 6340 McRobb Ave. (i.e., maximum two 20-storey towers with no linking building).

4. CONCLUSION

4.1 In conclusion, may City Council be as mindful of our neighbourhood concerns regarding the proposed covenant amendment as the City was, for example, of neighbourhood concerns when drafting the new home-based business regulations. In the latter exercise, the City Staff Report for Decision noted that “the most common concerns raised by neighbours relate to traffic, parking, and noise impacts”, not unlike the concerns we have expressed above. We urge City Council to recognize our neighbourhood concerns, to reaffirm the plans for 6340 McRobb Ave. approved in 2008, and to maintain the development integrity of Georgia View Village.

APPENDIX A – BACKGROUND



Georgia View Village: 2003

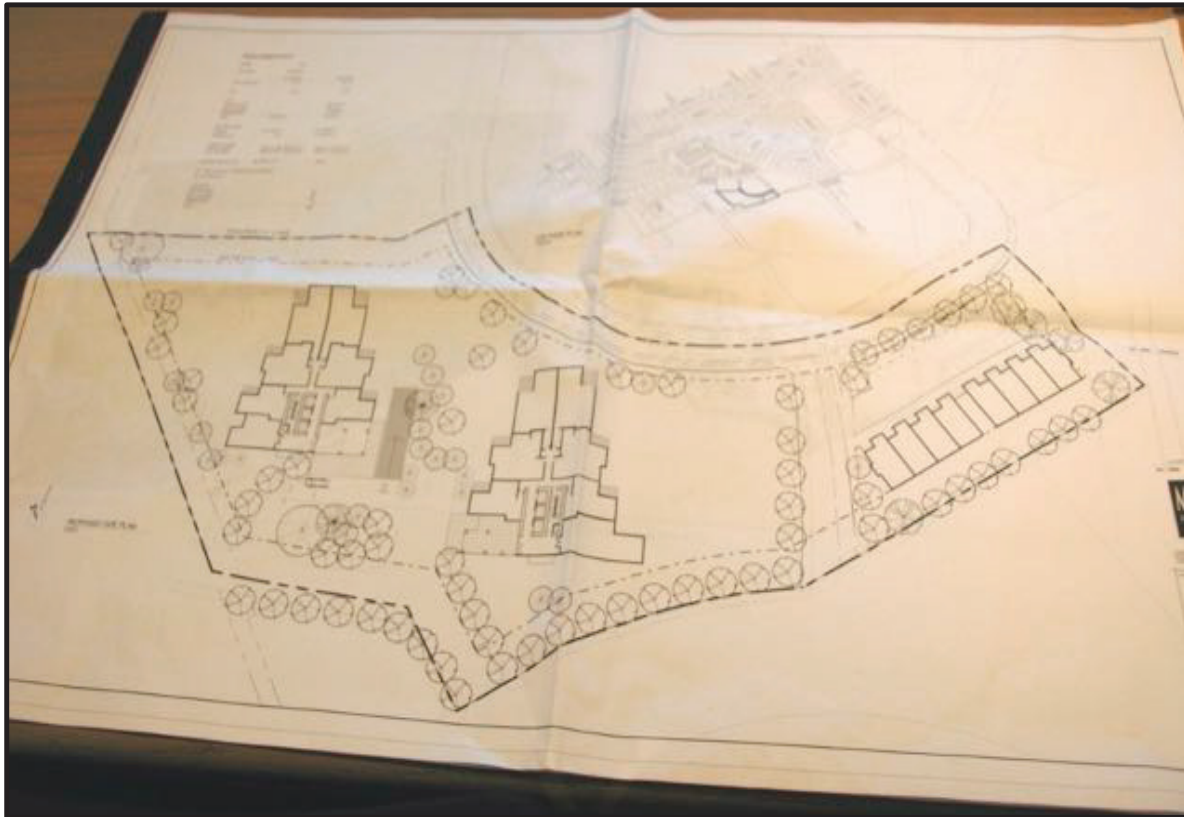
- The original concept: retail centre (Lot 6 – Georgia View Village) and 5 residential properties (Lots 1-5)
- Total residential density for the 5 lots – 490 units
- From 2003-19, Nored Developments sold residential Lots 1-5 to separate developers, while retaining the retail centre

6340 McRobb Ave. – 2003 Development Design

- 2003 site plan:
 - Two 15-storey towers on the west side of the property
 - 133 units in each tower, total 266 units
 - Access to towers via Calinda St.
 - No buildings on the east side of the property - just outdoor parking spaces accessed via Sentinel Dr.



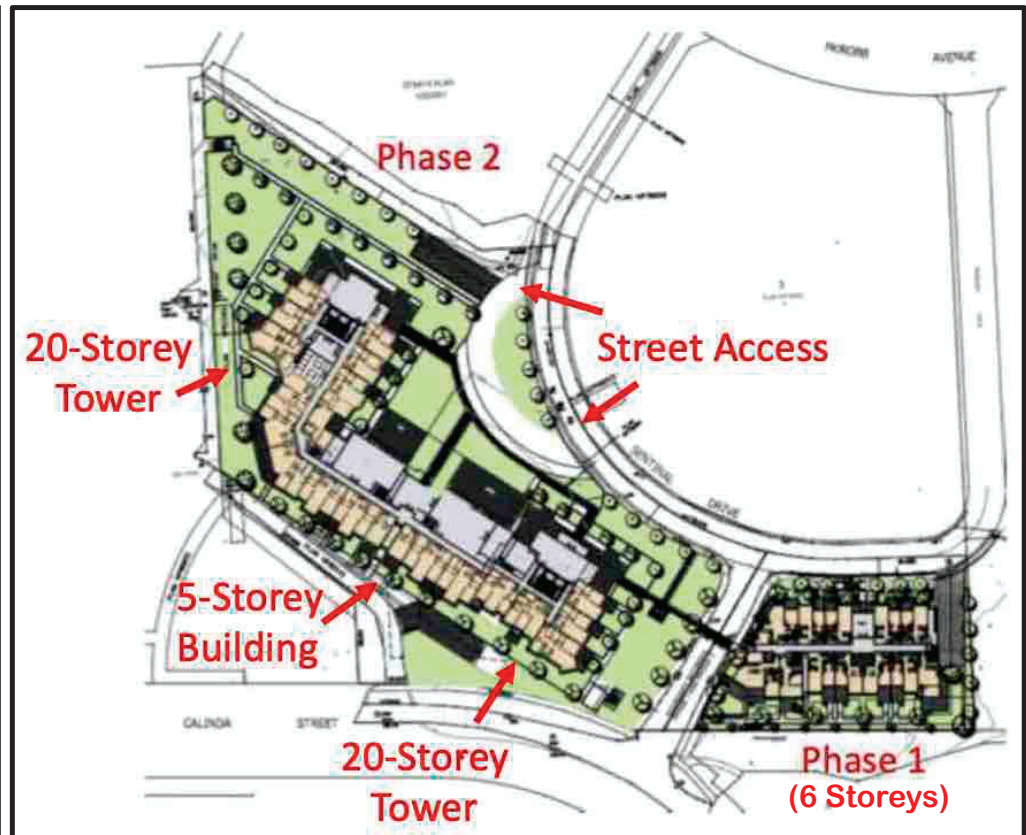
6340 McRobb Ave. – *2008 Development Design*



- **Approved by City Council**
- **Changes from 2003 to 2008 plan:**
 - **Two 20-storey towers replace two 15-storey towers**
 - **Tower units increased from 266 to 308**
 - **Access to towers still via Calinda St.**
 - **Eight 3-storey townhomes, accessed via Sentinal/Calinda Connector, replace parking on east side**

6340 McRobb Ave. – 2019 Development Design

- Design changes from 2008 to developer's 2019 site plan:
 - In Phase 1, 66 units, 6-storey apartment building replaced 8 units, 3-storey townhomes
 - Access changed from Sentinel / Calinda Connector to east end of Sentinel Dr. for Phase 1 and access added on west side of Sentinel Dr. in Phase 2
 - In Phase 2, 5-storey building added to link the two 20-storey towers
 - Density increased from 308 units to 432 units in Phase 2, and from 316 to 498 overall



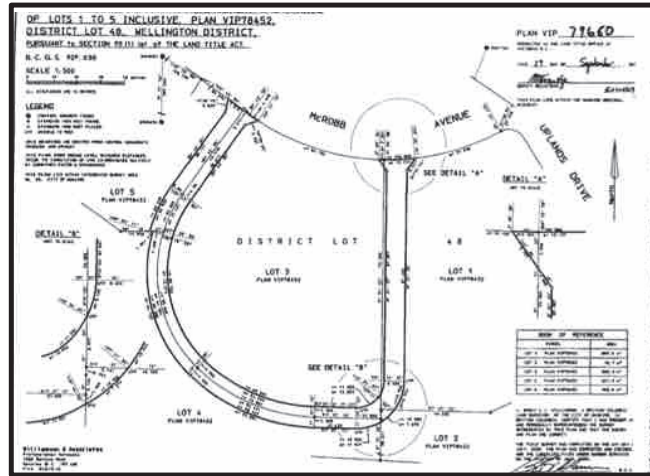
Georgia View Village: 2020

- Lots 1, 3 (Phase 1), 5 and 6 completed
- Lot 2 – DP001155 application approved Apr. 6, 2020
- Lot 4 (Phase 1) – CA000011 / DP001130 applications under review
- Lots 3 (Phase 2) and 4 (Phase 2) undeveloped / no applications
- Sentinel Dr. links all five residential lots

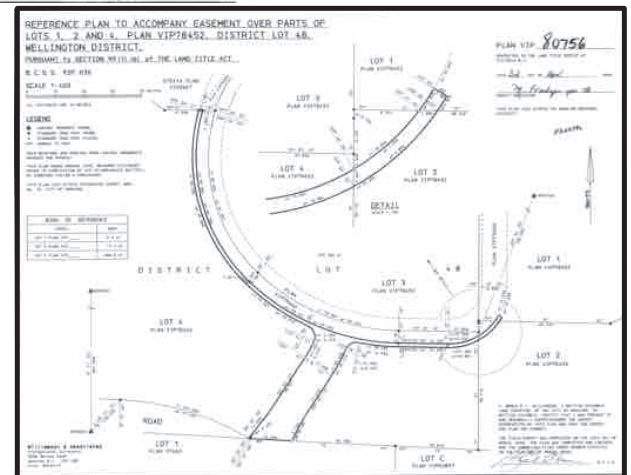


The Tie That Binds – Sentinal Dr. Right of Way

- General Instrument EX124369 of 2005:
 - 1) Grants statutory Right of Way to “all members of the general public” via Sentinal Drive and Texada’s lane
 - 2) Prohibits parking on the Right of Way
 - 3) Requires the owners to respect and maintain the Right of Way
 - 4) Defines a cost-sharing formula, based on density (estimated 2005), for road upkeep (see next slide)
 - 5) Binds the interests of the owners of Lots 1 to 5 together, as rising density in successive site plans impacts on future road safety and maintenance costs (while the cost-sharing formula becomes increasingly obsolete)



*Plan VIP 79660
–access to
McRobb Ave.
(above)*



*Plan VIP 80756
–access to
Calinda St.
(right)*



Georgia View Village – Density Summary

CHANGING DENSITY AND RIGHT-OF-WAY COST-SHARING

PROPERTY	2003		2005*		2008		2019		INCREASE**	
	UNITS	SHARE	UNITS	SHARE	UNITS	SHARE	UNITS	SHARE	UNITS	%
LOT 1 - 6310 MCROBB	76	16%	91	17%	89	15%	89	11%	13	17%
LOT 2 - 6117 UPLANDS	56	11%	64	12%	64	11%	108	14%	52	93%
LOT 3 - 6330 MCROBB ¹	76	16%	91	17%	91	16%	91	11%	15	20%
LOT 4 - 6340 MCROBB²	266	54%	272	51%	316	55%	498	62%	232	87%
LOT 5 - PACIFIC PLACE ³	16	3%	16	3%	16	3%	16	2%	0	0%
5 PROPERTIES' TOTAL	490	100%	534	100%	576	100%	802	100%	312	64%

* EX124369 cost-sharing formula

** Increase from 2003 TO 2019

¹ Currently 50 units completed in Phase 1; unknown if total when Phase 2 is completed will exceed 91.

² Units in Phase 1/Phase 2 by year: 2003 - 0/266, 2005 - 0/272, 2008 - 8/308, 2019 - 66/432.

³ 6404 to 6435 Pachena Place, Nanaimo.