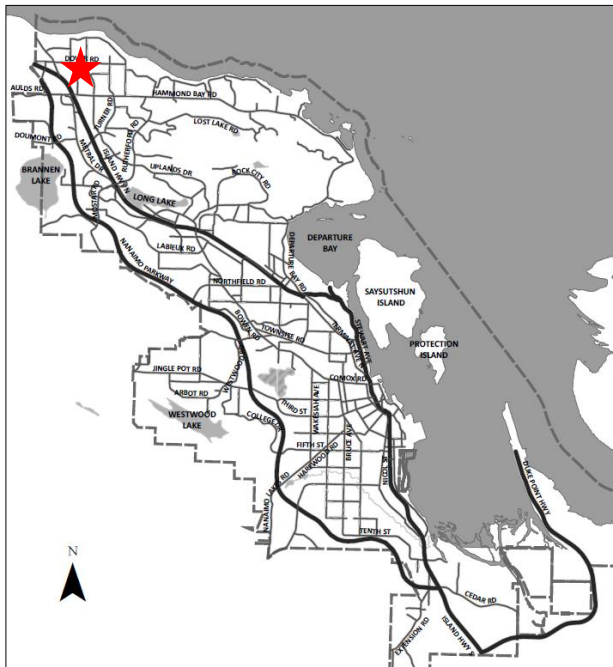


DATE OF MEETING | April 7, 2025

AUTHORED BY | CALEB HORN, PLANNER, CURRENT PLANNING

SUBJECT COVENANT AMENDMENT APPLICATION NO. CA19 – 6340
McROBB AVENUE



Proposal:

To amend covenants on the property title to facilitate the development of a multi-family residential project

Zoning:

R9 – High Density Residential

City Plan Land Use Designation:

Woodgrove Secondary Urban Centre

Development Permit Areas:

DPA8 – Form and Character

Lot Area:

1.28ha – Total Lot Area

1.04ha – Buildings 2 and 3 Area

CA



City Aerial Photo 2024

OVERVIEW

Purpose of Report

To seek Council's direction on an application to amend previously approved Section 219 covenants at 6340 McRobb Avenue, in order to facilitate the development of a proposed multi-family residential project.

Recommendation

That Council direct Staff to proceed with a Public Hearing for the proposed Covenant Amendment for 6340 McRobb Avenue.

BACKGROUND

A Covenant Amendment application, CA19, was received from Townsite Planning Inc., on behalf of 6340 McRobb Holdings Ltd., to amend previously approved Section 219 covenants for the property located at 6340 McRobb Avenue. The amendments would facilitate the proposed development of Buildings 2 and 3 for a multi-family residential project. Building 1, branded as "The Mint", is a 6-storey building currently under construction on the easterly portion of the lot and will consist of 66 residential dwelling units.

The subject property is zoned for high-density residential use and allows a maximum 20-storey building height. Section 219 covenants that dictate development conditions were registered on the property title in 2005 and 2009 through rezoning. Subsequent modification covenants were registered in 2020 to allow Building 1 to proceed as a 6-storey building.

At its special meeting of 2023-NOV-16, Council directed Staff to discharge and replace the existing Section 219 covenants as proposed through Covenant Amendment application CA17 (see Attachment D). Those amendments were to facilitate a change in the proposed building form for the remaining phases from 20 storeys to 6 storeys. Since that time, the applicant has proposed changes to Buildings 2 and 3 in order to accommodate a purpose-built rental component (CA19).

A Development Permit application for Buildings 2 and 3, DP1260, is being reviewed concurrently and will be considered for approval if the Covenant Amendment is approved.

Subject Property and Site Context

The subject property is located in north Nanaimo in the Woodgrove Secondary Urban Centre. The property is generally flat and has previously been cleared of most vegetation except for some stands of trees. Sentinal Drive, a privately maintained road with public access, borders the northeast portion of the property and connects to McRobb Avenue. Another portion of Sentinal Drive bisects the lot to connect with Calinda Street and separates the undeveloped portion of the site from Building 1.

The surrounding neighbourhood is a mix of medium-density residential, institutional, and commercial uses. Adjacent properties include a 16-unit townhouse development to the north in addition to other multi-family apartment buildings across Sentinal Drive. Residential building heights on neighbouring properties range from two to six storeys. Nearby amenities in walking

distance (within 500m) include retail and restaurant services (e.g. Woodgrove Shopping Centre), McGirr Sports Fields, Dover Bay Secondary School, and the Vancouver Island Regional Library.

DISCUSSION

Proposed Development

The proposed site and building design for Buildings 2 & 3 will be considered through the associated Development Permit (DP1260). The design is generally the same as presented through CA17 in 2023, with some minor form and character changes on the north elevation of Building 3 including an increased setback and reduced window openings to address concerns of overlook raised during the CA17 process.

Along with the minor form and character change, the owner is proposing to increase the combined number of dwelling units for Buildings 2 and 3 from 266 to 296 if Building 2 is constructed as purpose-built rental. This flexibility will allow a change in unit composition, with fewer three-bedroom units and more one- and two-bedroom.

Proposed Covenant Amendment

In order to facilitate the proposed development, the applicant is proposing revisions to the covenant terms approved through CA17. A comparison of the original covenant terms, the approved CA17 terms, and the current proposal (CA19) is summarized in the below table, with the proposed CA19 items underlined:

Covenant Term	Original Covenants (2005, 2009, 2020)	Approved CA17 (2023) Covenant	Proposed CA19 Covenant
<i>Maximum Building Height</i>	66.0m and 20 storeys	20.5m and 6 storeys	20.5m and 6 storeys
<i>Maximum Number of Dwelling Units (Combined Buildings 2 & 3)</i>	308 units	266 units	266 units, or <u>296 units if Building 2 is 100% purpose-built rental</u>
<i>Minimum Setback from North Property Line</i>	17.0m	7.5m; 10.0m for uppermost floor	<u>8.4m</u> ; 10.0m for uppermost floor
<i>Parking</i>	Minimum 95% underground	Minimum 95% underground	Minimum 95% underground
<i>Maximum Building Footprint</i>	809m ² – West Tower 838m ² – East Tower	n/a	n/a
<i>Minimum Separation Between Buildings</i>	23.0m	n/a	n/a

The proposed general terms of the covenant are included as Attachment B. While the total number of units proposed (296) has increased since 2023 (266), the proposed number of units in

Buildings 2 and 3 will still be less than what is permitted by the original covenant (308). The applicant intends to develop Building 2 as a purpose-built rental building, but would like to keep flexibility for market ownership units in the event that unforeseen circumstances impact financing for purpose-built rental. The proposed terms include a restriction on the number of units (266) as approved through CA17 if rental tenure is not provided. Additionally, the proposed covenant terms will secure shared access for residents to the outdoor common amenity spaces located between Buildings 2 and 3 (e.g. walkways, seating area, play areas) regardless of tenure.

The covenant terms will maintain the requirement for the Community Amenity Contribution of \$175,000 to be paid at the time of the first Building Permit, as previously approved through rezoning.

Policy Context

City Plan

City Plan identifies the subject property within the Woodgrove Secondary Urban Centre future land use designation where residential uses are supported in apartment building forms with typical building heights between two and 12 storeys. Staff support the proposed Covenant Amendment which is consistent with City Plan objectives to allow for greater flexibility in housing types and tenure. |

OPTIONS

Council's *Covenant Amendment Process Policy* outlines the process for considering an amendment to a covenant previously secured through rezoning. Where the proposed Covenant Amendment pertains to land use, density, or community contributions, Council may choose to direct the application to a Public Hearing. A Public Hearing for a Covenant Amendment is not a statutory requirement and is not impacted by provincial legislation for Public Hearings in the *Local Government Act*. Given that CA19 pertains to density and includes revisions to CA17 which was previously considered at a Public Hearing, Staff recommend directing CA19 to a Public Hearing.

Per the City's Policy, should Council not direct the application to a Public Hearing, the Covenant Amendment can be considered for approval at an upcoming regular Council meeting in a manner consistent with notification requirements for Development Variance Permits. The two options available to Council are outlined as follows.

1. That Council direct Staff to proceed with notification to consider the proposed Covenant Amendment at an upcoming Public Hearing.
 - *The advantages of this option:* Neighbours will be given the opportunity to be heard at a Public Hearing which is consistent with the previous Covenant Amendment application (CA17).
 - *The disadvantages of this option:* The application will need to wait until the next available Public Hearing which is scheduled in May.

2. That Council direct Staff to proceed with notification to consider the proposed Covenant Amendment at an upcoming regular Council meeting.
 - *The advantages of this option:* The application may be considered earlier based on Council's meeting schedule than by proceeding with Public Hearing.
 - *The disadvantages of this option:* The format for neighbours to be heard would not be consistent with the previous Covenant Amendment application (CA17).

SUMMARY POINTS

- Covenant Amendment Application No. CA19 proposes to amend previously approved Section 219 covenants at 6340 McRobb Avenue to facilitate the development of Buildings 2 and 3 of a multi-family residential project.
- At its special meeting of 2023-NOV-16, Council directed Staff to discharge and replace the existing Section 219 covenants in accordance with Covenant Amendment application CA17.
- Since that time, the applicant has proposed changes to Buildings 2 and 3 in order to accommodate a purpose-built rental component (CA19).
- Staff support the proposed Covenant Amendment which is consistent with City Plan objectives to allow for greater flexibility in housing types and tenure.

ATTACHMENTS

ATTACHMENT A: Subject Property Map
ATTACHMENT B: Proposed General Covenant Terms
ATTACHMENT C: Proposed Site Plan
ATTACHMENT D: Link to Report to Council 2023-OCT-16 – Covenant Amendment Application CA17

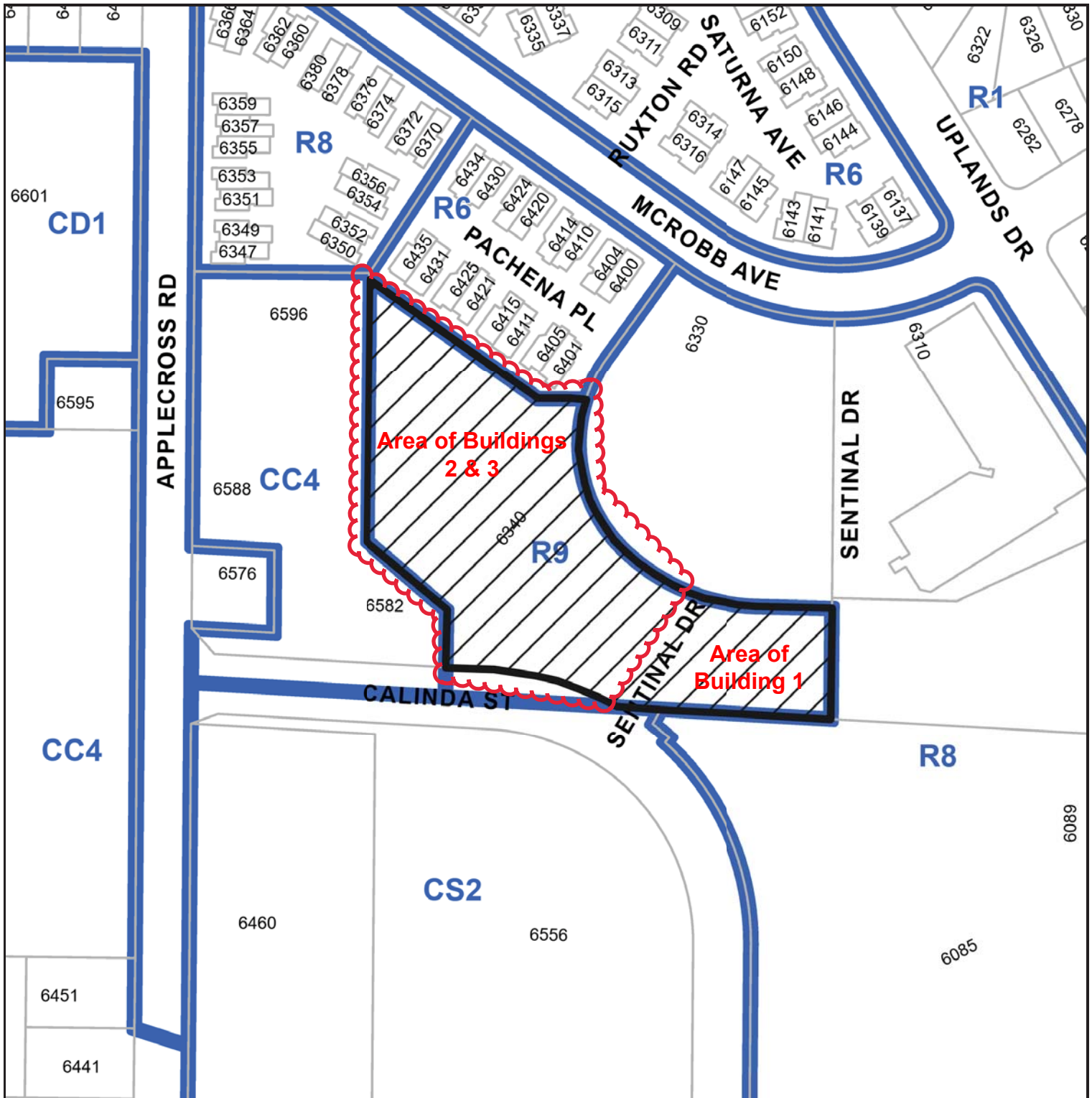
Submitted by:

Lainya Rowett
Manager, Current Planning

Concurrence by:

Claire Negrin
Acting Director, Planning & Development

ATTACHMENT A
SUBJECT PROPERTY MAP



ATTACHMENT B

PROPOSED GENERAL COVENANT TERMS

6340 McRobb Avenue – General Covenant Terms – CA17 and CA19

<i>Development Details</i>	
1.1	Limit Building 1 on the easterly portion of the lot to: <ul style="list-style-type: none"> • A maximum of six storeys; and • A maximum of 66 residential dwelling units.
1.2	Limit Buildings 2 and 3 on the westerly portion of the lot to: <ul style="list-style-type: none"> • A maximum of six storeys and 20.5m; and • A combined maximum of 266 residential dwelling units. <u>Should Building 2 be secured as a purpose-built rental building, then the maximum combined number of dwelling units of Buildings 2 and 3 must not exceed 296.</u>
1.3	<u>Require a minimum setback of 8.4m from the north property line for any portion of building above finished grade</u> , except the uppermost floor which will require a minimum setback of 10.0m from the north property line.
1.4	Require a minimum of 95% of all vehicle parking provided to be underground with vehicle access only from Calinda Street.
<i>Outdoor Space</i>	
2.1	<u>Outdoor common amenity spaces located within the central area between Buildings 2 and 3 will be shared between and available to residents in both buildings.</u>
<i>Amenity Contributions</i>	
3.1	A monetary contribution of \$175,000 will be paid towards the City's Housing Legacy Reserve Fund prior to building permit issuance for Building 2 or 3, whichever occurs first.

Items underlined are revisions proposed through CA19

ATTACHMENT C PROPOSED SITE PLAN



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NO	DESCRIPTION	DATE
1	FOR OWNER REVIEW	02-10-2024
2	ISSUED FOR MEETING WITH OWNER	04-21-2024
3	ISSUED FOR COORDINATION	10-11-2023
4	ISSUED FOR CIVIL CONSULTANT	10-18-2023
5	ISSUED FOR DP	10-27-2023
6	ISSUED FOR A.D.P.	05-05-2023
7	ISSUED FOR A.D.P. PRESENTATION	05-01-2023
8	REISSUED FOR D.P.	05-09-2024
9	REISSUED FOR D.P.	01-17-2024
10	COMBINED SITE PLAN FOR PHASES 2 & 3	02-01-2024

RECEIVED
CA19
2025-FEB-21
Current Planning

SALEHI ARCHITECT INC.

205-930 HARBOURSIDE DR.
NORTH VANCOUVER
V7P 3B7
TEL : 778-596 7833
EMAIL : HS.ALSHI@SALEHARCHITECT.CA

CLIENT :
Mr. Ahmet Nishori
Mint Residential Ltd.

PROJECT NO. 03 - 18

PROJECT :
6340 Mc Robb Ave.

DRAWING TITLE :
SITE PLAN
PHASES 2 & 3

SEAL
REGISTERED ARCHITECT
BRITISH COLUMBIA
A-01

DATE : 02-28-2024
SCALE : 1/32"=1'-0"

DRAWN : M.K.
CHECKED : R.S.

ATTACHMENT D

2023-OCT-16 CA17 STAFF REPORT TO COUNCIL

Link to 2023-OCT-16 CA17 Staff Report to Council:

<https://pub-nanaimo.escribemeetings.com/Meeting.aspx?Id=bedd482a-4143-4b9f-9ee6-e0111347b7fa&Agenda=Merged&lang=English&Item=25&Tab=attachments>