

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and that there is no statutory requirement for covenant amendments to go to Public Hearing, on 2020-APR-27, Council rescinded the motion to bring application CA11 to Public Hearing and instead directed Staff to proceed to public notification prior to Council's consideration of the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 Woodgroove 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:**

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### **Concurrence by:**

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