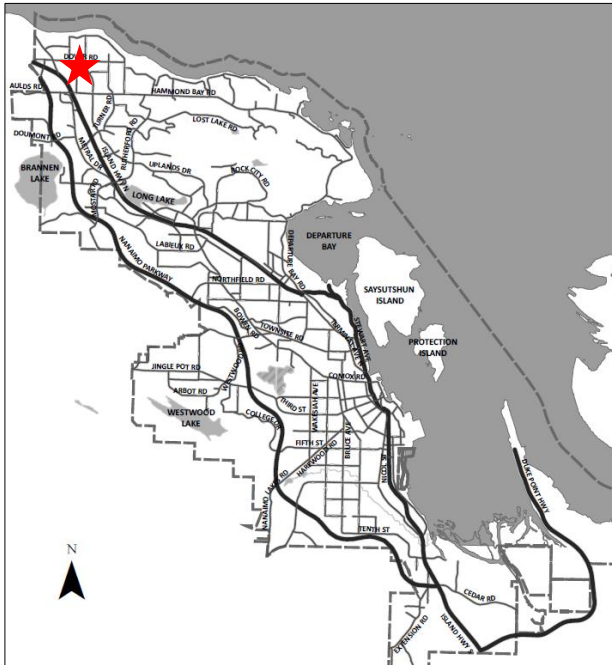


DATE OF MEETING | April 7, 2025

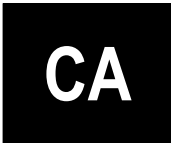
AUTHORED BY | CALEB HORN, PLANNER, CURRENT PLANNING

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



## **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:

<b>Covenant Term</b>	<b>Original Covenants (2005, 2009, 2020)</b>	<b>Approved CA17 (2023) Covenant</b>	<b>Proposed CA19 Covenant</b>
<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 &amp; 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 <sup>2</sup> – West Tower 838m <sup>2</sup> – 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:**

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#### **Concurrence by:**

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