



Committee of the Whole Report For the Meeting of December 5, 2024

To: Committee of the Whole **Date:** November 21, 2024

From: Karen Hoese, Director, Planning and Development

Subject: **Rezoning Application No. 00883 and Development Permit with Variances Application No. 00262 for 710 Caledonia Avenue and 1961 Douglas Street**

RECOMMENDATION

Rezoning Application

1. That Council authorise the waiving of the pre-application CALUC consultation requirements in accordance with the Land Use Procedures Bylaw.
2. That Council instruct the Director of Planning and Development to prepare a repeal of the existing bonus density bylaw and replace it with the necessary zoning bylaw amendments that would authorize the proposed changes to the development outlined in the staff report dated November 21, 2024 for 710 Caledonia Ave. and 1961 Douglas Street.
3. That, after publication of notification in accordance with section 467 of the Local Government Act, first, second and third reading of the zoning bylaw amendment be considered by Council.
4. That following third reading of the zoning amendment bylaw, the applicant prepare and execute amendments to the following existing legal agreements on the property's title, with contents satisfactory to the Director of Planning and Development, the Director of Engineering and Public Works and form satisfactory to the City Solicitor:
 - i. Secure approximately 43 additional dwelling units within Building B as rental in perpetuity.
 - ii. Transportation Demand Management covenant including:
 - add four fully electric car share vehicles (six total) to be located on site in dedicated parking spaces, each equipped with level-two electric vehicle charging stations
 - add a minimum contribution of \$55,000 per vehicle towards the purchase and operation of the car share vehicles.

- iii. Public realm improvement covenant:
 - remove the centre median on Caledonia Avenue adjacent to the previously proposed western driveway
 - include an additional boulevard tree along Discovery Street for a total of six medium sized canopy trees .
- iv. Air space parcel subdivision covenant to remove the previously proposed western driveway crossing on Caledonia Avenue.
- v. Accessible Units Covenant to require the 30 accessible dwelling units to be constructed in accordance with Adaptable Dwelling Units as defined in the BC Building Code 2018 and the BC Housing Design Guidelines and Construction Standards (updated from CAN/CSA-B651-95, the National Standard of Canada for barrier-free design standard).
5. That adoption of the zoning bylaw amendment will not take place until all of the required legal agreements that are registrable in the Land Title Office are registered to the satisfaction of the City Solicitor.
6. That the above recommendations be adopted on the condition that they create no legal rights for the applicant or any other person, or obligation on the part of the City or its officials, and any expenditure of funds is at the risk of the person making the expenditure.
7. That this motion be considered for same-day ratification at the daytime Council meeting on December 5, 2024.

Development Permit with Variances Application

That after giving notice, posting signage, and inviting written comments from the public for Council's consideration, consider the following motion if the zoning amendment bylaw is adopted:

- "1. That Council authorize the issuance of Development Permit with Variances No. 00262 for 710 Caledonia Avenue and 1961 Douglas Street, in accordance with plans submitted to the Planning and Development department and date stamped on August 14, 2024, subject to:
 - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. increase the maximum building height of Building A from 45m to 56m
 - ii. increase the maximum building height of Building B from 45m to 74m
 - iii. increase the maximum building height of Building C from 45m to 66m
 - iv. reduce the required number of residential parking spaces from 300 to 221
 - v. reduce the required number of visitor parking spaces from 50 to 15.
 - b. Plan changes to refine the design of the podium facing Caledonia Avenue to be more in keeping with the envisaged employment-focused character of the Rock Bay District and to include a greater proportion of usable private balconies, as encouraged in the Downtown Core Area Plan.

- c. All other previously secured legal agreements and associated conditions secured through the rezoning application REZ00815 continuing to be required.
2. That the Development Permit with Variances (DPV), if issued, lapses two years from the date of issuance.”

LEGISLATIVE AUTHORITY

This report discusses a Rezoning Application and a concurrent Development Permit with Variances (DPV) Application. The relevant Rezoning consideration is the proposed amendments to the existing zoning bylaw, which will contain the same permitted uses and maximum density as the existing zone, but structured without a bonus density provision. Relevant Development Permit with Variance considerations relate to the application’s consistency with design guidelines and the impact of variances.

Enabling Legislation

In accordance with Section 479 of the Local Government Act, Council may regulate within a zone the use of land, buildings and other structures, the density of the use of the land, building and other structures, the siting, size and dimensions of buildings and other structures as well as the uses that are permitted on the land and the location of uses on the land and within buildings and other structures.

In accordance with Section 483 of the Local Government Act, Council may enter into a Housing Agreement which may include terms agreed to by the owner regarding the occupancy of the housing units and provided such agreement does not vary the use of the density of the land from that permitted under the zoning bylaw.

In accordance with Section 489 of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Community Plan*. A Development Permit may vary or supplement the Zoning Regulation Bylaw but may not vary the use or density of the land from that specified in the Bylaw.

Pursuant to Section 491 of the *Local Government Act*, where the purpose of the designation is the revitalization of an area in which a commercial use is permitted, a Development Permit may include requirements respecting the character of the development, including landscaping, and the siting, form, exterior design and finish of buildings and other structures.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a zoning bylaw amendment and Development Permit with Variances application for the property located at 710 Caledonia Avenue and 1961 Douglas Street. A Rezoning and Development Permit with Variances proposal for these properties was approved by Council in November 2023.

The application seeks to amend the previously approved proposal by converting approximately 3,600 m² office space within the podium of Building B to residential use with rental tenure, increasing the proportion of rental units by 43 (43 rental plus two guest suites). Amendments to the legal agreements are also being requested and primarily relate to accessibility standards and Transportation Demand Management (TDM) programs.

The variances are related to building height and parking, and are in addition to the variances previously approved by Council.

The following points were considered in assessing the zoning bylaw amendment application:

- The proposed removal for the requirement of the centre median on Caledonia Avenue is considered supportable due to the consolidation of the driveway crossings on this frontage.
- The proposed changes to the accessibility standards, by replacing reference to the National Standards of Canada standards for barrier-free design with reference to the 2018 BC Building Code is considered to be acceptable since the units will still meet the standards contained within the BC Housing Design Guidelines and Construction Standards.
- The repeal of CD-19 Zone, Douglas Caledonia Comprehensive Development District (CD-19 Zone), is recommended to align with the recently enacted changes to the *Local Government Act* and will be replaced by a new zone that does not have a bonus density or community amenities section.
- The proposed change of use can be facilitated under the existing zoning rights of the CD-19 Zone, due to an inadvertent error that was made by the applicant in their calculation of FSR, which overstated the actual density of the previous Council approved proposal.
- Additional provisions are anticipated to be included in the new zone to regulate the size and location of the proposed co-working space accessed off the upper plaza.

The following points were considered in assessing the Development Permit with Variances amendment application:

- The OCP identifies the subject properties within Development Permit Area (DPA) 7A: Corridors, which envisions the revitalization of the commercial uses along Douglas Street with high quality architecture, landscape and urban design to enhance its appearance, achieve coherent design, strengthen commercial viability and encourage pedestrian use. The proposal is consistent with this policy direction although refinements to the podium design are recommended to provide greater consistency with the envisaged employment character of the Rock Bay District and applicable design guidelines.
- While permitted in the existing zoning, the proposed conversion of office space to residential rental tenure is inconsistent with the strategic direction for the Rock Bay District, which is an area identified as a key employment centre that attracts a range of commercial and light industrial businesses to foster a more diversified and resilient employment base.
- The additional variances to the maximum building heights are relatively minor in nature and the additional storey proposed for Building B is to accommodate access to a newly proposed common amenity roof deck, that was previously associated with two penthouse units.
- The additional residential units have led to an increased parking requirement under the CD-19 Zone. Council previously approved a variance of 71 residential stalls and five visitor stalls. The current proposal requests a variance of 79 residential stalls and 35 visitor stalls, which is considered to be supportable given the proposed increased Transportation Demand Management programs which will help to off-set the anticipated shortfall in parking. This includes an increase in the quantity of car share vehicles and car share parking spaces from two to six. It is recommended that a minimum contribution of \$55,000 per vehicle toward the

purchase and operation of these vehicles. An update to the existing legal agreement will be required.

- Additional updates to other legal agreements will be required to reflect the current proposal and relate to public realm improvements and air space parcels.

Description of Proposal

Zoning Amendment Bylaw

The proposed zoning bylaw amendment is to repeal the CD-19 Zone, Douglas Caledonia Comprehensive Development District, that was created for a previous proposal approved by Council in November 2023 and replace it with a new zone that is substantively the same but is no longer structured as a bonus density zone. The zone currently allows for density up to 6.79:1 floor space ratio (FSR) if certain amenities are provided, and the new zone will remove reference to amenities altogether. The updated proposal associated with the concurrent Development Permit with Variances application is initiating the zoning bylaw amendment for two reasons. Firstly, the requirement for a centre median on Caledonia Avenue is no longer necessary since the updated proposal includes the consolidation of driveway crossings. Secondly, the applicant is also requesting to amend the standards to which the accessible units are constructed to, with reference to the BC Building Code 2018 and the BC Housing Design Guidelines and Construction Standards instead of the National Standard of Canada for barrier-free design standard (CAN/CSA-B651-95).

To achieve the above changes, the repeal of the CD-19 Zone, Douglas Caledonia Comprehensive Development District is recommended, with replacement of a new zone that does not have a bonus density or community amenities section. This is because the Province has recently enacted changes to the *Local Government Act* that make amendments to bonus density zones administratively burdensome for the type of changes that are proposed for this zone. The community amenities in the existing zone are already secured through legal agreements, although some of the legal agreements will need to be amended to reflect the updates to the development as explained in this report. The new zone will be substantively the same as the existing zone but without a bonus density provision. It is recommended that the repeal of the existing zone and replacement with a new zone is the most efficient way to proceed.

Development Permit with Variances

The concurrent Development Permit with Variances application is for the form and character associated with the request to convert approximately 3,600m² office space within the podium of Building B to residential use with rental tenure, which would increase the proportion of rental units by 43 (plus two guest suites). Specific details include:

- changes to the form and character of the podium design of Building B to reflect the change in use from office to residential
- inclusion of a co-working space (approximately 450m² in size) accessed off the upper plaza
- consolidation of driveway access by the removal of a secondary parkade access off Caledonia Avenue and updates to frontage works associated with this (which includes the removal of a raised median)

- an additional commercial unit and consolidated residential lobby along Caledonia Avenue
- reconfigured and enlarged loading area accessed off Discovery Street
- changes to the upper ground floor as a result of the enlarged loading area, which include the relocation of a number of features from the Discovery Street frontage including relocating the guest suites to the podium of Building B, relocation of a bike repair area to an interior space on the same level and relocating a residential amenity space to level-two of Building C (rental)
- updates to the frontage improvements along Discovery Street which includes an additional boulevard tree for a total of six medium sized canopy trees
- reconfiguration of the interior spaces to accommodate additional long-term bike storage for a total of 643 stalls (an additional 38 stalls from the previously approved proposal), 19 of which are in excess of the minimum requirements.

The following differences from the CD-19 Zone, Douglas Caledonia Comprehensive Development District have been identified and require variances (bold text highlights the changes from the previous proposal approved by Council in November 2023):

- increase the maximum building height of Building A from 45m to **55m 56m**
- increase the maximum building height of Building B from 45m to **72m-74m**
- increase the maximum building height of Building C from 45m to **65m 66m**
- reduce the required number of residential parking spaces from **297 300 to 226 221**
- reduce the required number of visitor parking spaces from **45 50 to 30 15.**

The Development Permit with Variances application is triggering amendments to the legal agreements previously secured as part of the original application and primarily relate to accessibility standards and Transportation Demand Management (TDM) programs, although updates to other legal agreements may be required to reflect the updated proposal. An updated Housing Agreement will also be required to secure the additional rental units as rental in perpetuity.

BACKGROUND

Land Use Context and Existing Site Development Potential

The area is characterized by a mix of residential, commercial and light industrial uses. The property located at 710 Caledonia Avenue is presently occupied by a vacant commercial building and surface parking, and the existing building at 1961 Douglas Street is presently used as transient accommodation.

The current CD-19 Zone, Douglas Caledonia Comprehensive Development District permits a mix-use residential building up to 6.79:1 floor space ratio (FSR), with residential uses limited to 5.41:1 FSR contingent on provision of community amenities. Without provision of community amenities, the density is limited to 1.4:1 FSR.



Figure 1. Aerial photo of subject site

Sustainable Mobility Updates

The application proposes the following additional features from the previously approved proposal which support multi-modal transportation:

- an additional 38 long-term bicycle parking stalls for a total of 643 stalls
- an additional three short-term bicycle parking stalls for a total of 81 stalls
- an additional four car share vehicles for a total of six car share vehicles.

Other features that were previously included and remain as part of this proposal include:

- end-of-trip facilities including showers, change rooms and lockers
- a bike repair room
- 10% of the required bike parking allocated for cargo or oversized bikes
- five BC Transit EcoPasses at a total cost of \$25,000
- car share memberships for each residential unit
- a grade-raised protected bicycle lane on the north side of Caledonia Avenue
- a mid-block pedestrian crossing on Discovery Street
- a new traffic signal at the intersection of Douglas and Discovery Street.

Public Realm Updates

The following updates to the previously proposed frontage works are associated with this application:

- removal of the centre median on Caledonia Avenue as a result of the elimination of the western driveway crossing
- an additional street tree on Discovery Street for a total of six trees.

Other features that were previously included and remain as part of this proposal include:

- construction of a public plaza at the corner of Douglas Street and Caledonia Avenue
- five street trees along Douglas Street and three street trees along Caledonia Avenue
- stormwater treatment via soil cells along all frontages.

Updates to the legal agreements registered on the property's title will be required prior final adoption of the Zoning Amendment Bylaw.

Relevant History

In November 2023, Council previously approved a Rezoning and Development Permit with Variances application for the properties at 710 Caledonia Avenue and 1961 Douglas Street zone in order to increase the density and allow for a mixed-use development consisting of three residential towers ranging in heights from 16 to 21 storeys above a commercial podium. This included a mix of housing types and tenures, including strata, market rental and affordable non-market housing, the latter of which would be managed through a partnership between the developer (Chard Development) and BC Housing.

Community Consultation

Although the proposal is being processed under the standard Development Permit with Variances stream, amendments to the *Zoning Regulation Bylaw* are required to update the section pertaining to Community Amenities. This typically requires a meeting with the Community Association Land Use Committee (CALUC) prior to the application being submitted. However, since the proposed amendment to the bylaw is non-substantive, it is recommended that Council waive the requirement for the pre-application meeting. Notification will be provided prior to introductory readings, consistent with the *Land Use Procedures Bylaw*.

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, since this is a Development Permit with Variances application, it was referred to the Burnside and Downtown CALUC for a 30-day comment period. At the time of writing this report, a letter from the CALUC had not been received.

Section 464(3) of the *Local Government Act* prohibits a local government from holding a public hearing for a rezoning application that is consistent with the OCP and is intended to permit residential development. However, notice must still be sent to all owners and occupiers of adjacent properties prior to introductory readings of the zoning regulation bylaws.

The associated application proposes variances, therefore, in accordance with the City's *Land Use Procedures Bylaw*, it requires notice, sign posting and a meeting of Council to consider the variances.

ANALYSIS

Rezoning Application

Official Community Plan

The subject properties are designated Core Employment in the *Official Community Plan OCP* which supports residential mixed-use, work/ live, and commercial, including office, hotels and other visitor accommodation, for the areas located between Douglas Street and Blanshard Street.

The OCP identifies the Rock Bay neighbourhood as a key employment generator and reservoir of industrial and commercial land. The Plan encourages new growth along the Douglas Street Corridor and link land use changes to the planning and implementation of Rapid Transit. In addition, the OCP envisions the development of the Rock Bay District as an area of intensive employment, including the incubation and growth of advanced technology and green industry supported by green infrastructure, high performance building systems, district energy, industrial heritage retention and rapid transit service. The proposed conversion of approximately 3,600 m² of office space to residential rental tenure is inconsistent with the objectives of the Rock Bay District.

Change of Use

Residential density is limited to 5.41:1 FSR and commercial density is limited to 1.38:1 FSR (contingent on provision of community amenities) in the CD-19 Zone, Douglas Caledonia Comprehensive Development District. In the previous proposal approved by Council, an inadvertent error was made by the applicant in their calculation of FSR, which overstated the actual density of the proposal. Floor area calculations were measured to the outside face of exterior walls as opposed to the inside face (as per the *Zoning Regulation Bylaw*) and elevator shafts were not excluded. This resulted in a residential discrepancy of approximately 2,800 m² and a commercial discrepancy of approximately 400 m². Using the definition of Schedule A of the *Zoning Regulation Bylaw* the actual density of the Council approved proposal was 4.99:1 for residential use and 1.32:1 for commercial use. The applicant is therefore able to request the conversion of the office podium of Building B under the current zoning regulations, despite the inconsistencies with the policy.

In order to better meet the spirit of the original Development Permit and the objectives of the Rock Bay District, the applicant has included a co-working space of approximately 440 m² and, at the request of staff, this has been relocated from the podium level of Building C to the upper ground floor (upper plaza level). A high proportion of transparent glazing and an entrance directly off the upper plaza will help to activate this space and the intent is to include provisions in the zoning bylaw amendment to ensure the co-working space is not solely used by residents.

Zoning Bylaw Amendment

The updated proposal associated with the concurrent Development Permit with Variances application is initiating the zoning bylaw amendment in the first place, since it affects the community amenities section of the CD-19 Zone, Douglas Caledonia Comprehensive Development District (specifically the removal of the centre median on Caledonia and the requested amendment to the construction standards for the accessible units). The repeal of the CD-19 Zone and replacement with a new zone without reference to community amenities is considered supportable, since the community amenities in the existing zone are already secured through legal agreements. However, as noted in this report, some of the legal agreements will need to be amended to reflect the updates to the development. The new zone will be substantively the same as the existing zone but without a bonus density provision, which will align with the recent changes to the LGA, enacted by the Province.

Inclusionary Housing and Community Amenity Contribution Policy

The *Inclusionary Housing and Community Amenity Contribution Policy*, applies to rezoning applications that contain residential use in certain OCP Urban Place Designations, including Core Employment. For proposals that include strata residential use, a land lift analysis is typically required to determine the amount of CAC an approvable project can support. This analysis was conducted as part of the previously approved Council proposal and recommended that the City seek no further amenities from this project beyond those which are currently proposed. Given the non-substantive nature of the Rezoning application, it is not recommended to complete a further economic analysis for this application.

Housing

The application, if approved, would add approximately 56 net new residential units (43 rental, two guest suites and 11 condo), which would increase the overall supply of housing in the area and contribute to the targets set out in the *Victoria Housing Strategy*.

Since the current Housing Agreement for rental units only applies to the north-west tower (Building C), an amendment to the Housing Agreement Rental Bylaw is required to ensure the additional 43 units within the podium of Building B will be secured as rental tenure in perpetuity.

The table below shows the updated approximate unit count as it relates to tenure.

Unit Type	Market Rental	Below Market Rental	Condo	Guest Suites	Total
Building A – below market housing					
Approved DPV (Nov 2023)	0	133	0	0	133
Current Proposal	0	133	0	0	133
Building B – strata condo + rental podium					
Approved DPV (Nov 2023)	0	0	147	0	147
Current Proposal	60	0	158	2	220

Unit Type	Market Rental	Below Market Rental	Condo	Guest Suites	Total
Building C – purpose built rental					
Approved DPV (Nov 2023)	169	0	0	2	171
Current Proposal	154	0	0	0	154
Total Units	214	133	158	2	507
Net change	+45	0	+11	0	+56

Table 1. Tenure Unit Count

Housing Mix

The Family Housing Policy came into effect on September 1, 2024, and for purpose built rental proposals the policy requires that a minimum of 25% of the total project dwelling units contain two or more bedrooms, with a minimum of 5% of total units containing three or more bedrooms. For stratified developments the policy requires a minimum of 30% of total project dwelling units contain two or more bedrooms, with a minimum of 10% of total units containing three or more bedrooms. The purpose built rental portion of the application (including below market units) proposes 91 two-bedroom and 23 three-bedroom units which exceeds the minimum policy requirements. For the strata component, the application proposes 51 two-bedroom and 14 three-bedroom units. Although the number of three-bedroom units is slightly under the minimum policy requirements (at 9%), the proposal does exceed the policy with 41% of all condo units being having two or more bedrooms. A covenant was prepared at the time of the original rezoning application to secure the unit mix, which included a minimum of 127 two-bedroom (28%), and 37 three-bedroom (8%) units. No changes to the unit mix covenant are proposed. The applicant has volunteered to secure the additional 43 units as rental tenure in perpetuity.

The table below shows the updated approximate unit count as it relates to housing mix.

Unit Type	Studios	One-bedroom	Two-bedroom	Three-bedroom	Total
Building A – below market housing					
Approved DPV (Nov 2023)	54	34	30	15	133
Current Proposal	54	34	30	15	133
Building B – strata condo + rental podium					
Approved DPV (Nov 2023)	0	88	45	14	147
Current Proposal	6	149	51	14	220
Building C – purpose built rental					
Approved DPV (Nov 2023)	19*	92	52	8	171
Current Proposal	0	85	61	8	154
Total Units (current)	60	268	142	37	507
% of overall units (current)	12%	53%	28%	7%	100%
Net change	-13	+54	+15	0	+56

*this count includes two guest suites

Table 2. Housing Mix Unit Count

Development Permit with Variances Application

Official Community Plan and Development Permit Area Design Guidelines

The *Official Community Plan* (OCP) identifies this property within DPA7A: Corridors. DPA 7A envisions the revitalization of the commercial uses along Douglas Street with high quality architecture, landscape and urban design to enhance its appearance, achieve coherent design, strengthen commercial viability and encourage pedestrian use.

In terms of relevant design guidelines, the subject properties are located in the Rock Bay area of the *Burnside Gorge Neighbourhood Plan*. However, given the proximity to the downtown core, the Plan refers to the *Downtown Core Area Plan* (DCAP) for land use policies related to use, height and density. Residential use is contemplated in the guidelines, although residential use is limited to 3:1 FSR under the Central Business District (CBD) designation of the density bonus system. Although a further departure from these objectives, the reallocation from office to residential use is permitted under the current zoning. The most relevant guidelines are therefore those that relate to how the area is to be revitalized and the form and character of the mixed-use proposal.

Staff have worked with the applicant to ensure the proposal meets the envisioned character of an employment-focussed area. However, further refinements to the podium design are warranted to better meet the form and character objectives of the Rock Bay District as well as the livability and design objectives as they relate to balcony design. Plan revisions are included in the recommendation to refine this aspect of the proposal prior to issuance of the Development Permit with Variances.

Variances

Height

The current CD-19 Zone, Douglas Caledonia Comprehensive Development District has a maximum building height of 45m which was based on policy direction from both the OCP and DCAP that state buildings up to 15 storeys (approximately 45m) and 20 storeys (approximately 60m), respectively, are supported on the subject properties. Council previously approved variances for 55m, 72m and 65m for Buildings A, B and C respectively. The updated proposal includes the following requested variances:

- increase the maximum building height of Building A from 45m to 56m (an increase of 1m)
- increase the maximum building height of Building B from 45m to 74m (an increase of 2m)
- increase the maximum building height of Building C from 45m to 66m (an increase of 1m).

The applicant notes these increases are for the following reasons:

- Building A: to accommodate structural elements to support the uses in the loading lane.
- Building B: to accommodate an additional shared rooftop amenity that was previously designated as a private Penthouse.
- Building C: to meet the needs of the floor-to-ceiling height for the integrated amenity function on the roof level of the podium.

Given that these further requested variances are minor in nature, the proposed height variances are considered supportable.

Parking

The additional residential units results in an increase to the required parking under the CD-19 Zone, Douglas Caledonia Comprehensive Development District. Council previously approved a variance of 71 residential stalls and five visitor stalls. The current proposal requests a variance of 79 residential stalls (a further increase of eight stalls) and 35 visitor stalls (a further increase of 30 stalls). This is considered to be supportable given the proposed increased Transportation Demand Management programs which will help to off-set the anticipated shortfall in parking. This includes an increase in the quantity of car share vehicles and car share parking spaces from two to six. It is recommended that a minimum contribution of \$55,000 per vehicle toward the purchase and operation of these vehicles be provided. All other previously secured TDM programs will still continue to be required and include the following:

- each car share vehicle space being equipped with Level 2 electric vehicle charging stations
- a car share membership for each dwelling unit
- five BC Transit EcoPasses at a total cost of \$25,000
- a minimum of 10% of the required bicycle parking being suitable for cargo bicycles or bicycles used by persons with disabilities
- a minimum 55m² bicycle repair area and associated repair equipment
- end-of-trip facilities including lockers, showers, and wash stations.

An update to the existing legal agreement will be required to reflect the additional TDM measures.

Accessibility

The British Columbia Building Code (BCBC) regulates accessibility as it pertains to buildings. The applicant previously committed to providing 30 accessible dwelling units in Building A (below market, operated by BC Housing), which would be designed in accordance with CAN/CSA-B651-95, the National Standard of Canada, for barrier-free design. These standards either meet or exceed the accessibility requirements of both BC Housing and the British Columbia Building Code.

The National Standards require wider pathways and turning spaces (see below), which would reduce the number of below-market units that could be included in the proposal. The applicant is requesting the accessible units instead be designed in accordance with the 2018 BCBC and BC Housing's Design Guidelines and Construction Standards. These guidelines prioritize affordability and operational needs, and directly influence the design by setting minimum sizes for the various rooms within the units.

	National Standards of Canada	BC Housing Design Guidelines and Construction Standards
Min. Turning Radius	1800mm (70")	1500mm (59")
Min. Width of Accessible Path of Travel	1200mm (48")	1067mm (42")

Table 3. Accessible Units Design Requirements

BC Housing Design Guidelines and Construction standards include requirements for wheelchair accessible units and the applicant has agreed to amend the legal agreement to ensure the 30 units in Building A are constructed in accordance with these standards. The proposed outdoor areas and pathways surrounding the buildings are also designed to be accessible.

In addition, accessible parking would be provided on site. The application proposes a total of 23 accessible parking spaces, which complies with the requirements of Schedule C in the *Zoning Regulation Bylaw*.

Amendments to the legal agreements will be required to reflect the updated construction standards.

Sustainability

The applicant has not identified any sustainability features associated with this updated proposal.

Tree Preservation Bylaw and Urban Forest Master Plan

The Discovery Street frontage has been refined to ensure a garbage vehicle (WB-15) can conduct a left hand turn without impacting the proposed street trees. Staff have worked with the applicant to maximise the number of municipal trees along this frontage and the proposed plans include for an additional street tree along this frontage, for a total of six trees. The public realm improvements covenant that was prepared for the previous proposal may need to be updated to reflect this additional street tree. Appropriate wording is including in the recommendation.

CONCLUSIONS

The proposed zoning bylaw amendment to remove the Community Amenities section of the CD-19 zone is considered relatively non-substantive in nature and the regulation of the co-working space will ensure the proposal is more in keeping with the original Council approval and the Rock Bay District objectives. The proposed conversion of approximately 3,600m² of office space to residential rental tenure is inconsistent with the objectives of the Rock Bay District, which is envisioned to be developed as an area of intensive employment. However, the change of use is permitted under the existing zoning and the proposal does secure an additional 43 rental units as rental tenure in perpetuity which would increase the overall supply of housing in the area and contribute to the targets set out in the *Victoria Housing Strategy*. Refinements to the design of the podium are warranted to provide a more fitting response to the character of the Rock Bay District prior to issuance of the Development Permit with Variances. Council direction is being requested to update the necessary legal agreements to reflect the updated proposal as well as amendments to the Community Amenities section of the Zoning Regulation Bylaw.

The proposed parking variance is supportable given the enhanced TDM package that will be secured through an updated legal agreement. The proposed height variances are also supportable given that they are relatively minor in nature and will not have any incremental perceived impacts of additional height at this location. It is therefore recommended the application be advanced.

Respectfully submitted,

Charlotte Wain
Senior Planner – Urban Design
Development Services Division

Alec Johnston, Assistant Director
ON BEHALF OF:
Karen Hoese, Director
Planning and Development Department

Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A: Subject Map
- Attachment B: Plans date stamped August 14, 2024
- Attachment C: Zoning Data Table
- Attachment D: Letter from applicant to Mayor and Council dated November 13, 2024
- Attachment E: Correspondence (Letters received from residents).