



## **Committee of the Whole Report**

### **For the Meeting of April 12, 2018**

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**To:** Committee of the Whole **Date:** March 29, 2018

**From:** Jonathan Tinney, Director, Sustainable Planning and Community Development

**Subject:** Rezoning Application No. 00593 for 930 Fort Street

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### **RECOMMENDATION**

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendments that would authorize the proposed development outlined in Rezoning Application No. 00593 for 930 Fort Street, that first and second reading of the Zoning Regulation Bylaw Amendments be considered by Council, and a Public Hearing date be set once the following conditions are met:

1. Registration of legal agreements to the satisfaction of the Director of the Sustainable Planning and Community Development, securing an amenity contribution in the amount of \$270,675.74 toward the Local Amenities Reserve Fund in accordance with the *City of Victoria Density Bonus Policy*.
2. Registration of legal agreements to the satisfaction of the Director of the Sustainable Planning and Community Development to secure frontage improvements including: raised concrete median, mid-block cross walk, raised crossing of protected bike lane and associated signs and paint markings, bike racks, and bollards on the north side of Fort Street.

### **LEGISLATIVE AUTHORITY**

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.

### **EXECUTIVE SUMMARY**

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning Application for the property located at 930 Fort Street. The proposal is to rezone from the CA-42 Zone, Harris Green Commercial District, to a site-specific zone in order to construct a 13-storey, mixed-use building containing 62 residential units and two ground-floor commercial units. The new zone would be based on the existing zone but with increased density, height, number of storeys and decreased front setback requirements.

The following points were considered in assessing this Application:

- the subject property is designated Core Residential in the *Official Community Plan, 2012* (OCP), which supports diverse housing types including low, mid, and high-rise multi-unit residential and mixed-use with total floor space ratios generally ranging from a base of 3:1 to a maximum of 5.5:1. The proposed use, density, and height are consistent with this policy.
- the *Downtown Core Area Plan* (DCAP) identifies this property within the Residential Mixed-Use District, which supports multi-residential development up to a height of 45m. The base density for a mixed-use development is a floor space ratio of 3:1 and the maximum is 5.5:1. The proposed use, density, and height are consistent with this policy.
- The *City of Victoria Density Bonus Policy* identifies an amenity contribution target of \$129.17 per square meter for this proposal. Based on this bonus density calculation, the applicant would be required to provide an amenity contribution in the amount of \$270,675.74.
- The OCP encourages the logical assembly of development sites to enable the best realization of development potential for the area. Given the existing neighbourhood context and development potential, land assembly with the adjacent properties is strongly encouraged.

## **BACKGROUND**

### **Description of Proposal**

The proposal is to construct a 13-storey, mixed-use building with ground-floor retail fronting Fort Street with residential units above. The building has a floor space ratio (FSR) of 5.50:1 and a maximum height of 44.50m.

The following changes from the current zone are being proposed and would be accommodated in the new zone:

- increasing the maximum floor space ratio from 2:1 to 5.50:1
- increasing the maximum height from 15.50m to 44.50m
- increasing the maximum number of storeys from 4 to 13
- reducing the minimum front setback from 3m to 0.60m.

A parking variance is also being requested and is discussed in the concurrent Development Permit with Variance Application report.

### **Affordable Housing Impacts**

The applicant proposes the creation of 62 new residential units which would increase the overall supply of housing in the area.

### **Sustainability Features**

The applicant has identified a number of sustainability features which will be reviewed in association with the concurrent Development Permit with Variance Application for this property.

### **Active Transportation Impacts**

The Application proposes a bike rack (6 bikes) and bike lockers (80 bikes) which support active transportation and exceed the *Zoning Regulation Bylaw* requirements.

## Public Realm Improvements

The following public realm improvements on the north side of Fort Street are proposed in association with this Rezoning Application:

- raised concrete median
- mid-block cross walk
- raised pedestrian crossing in the protected bike lane with associated signs and paint markings
- bike racks
- bollards.

These would be secured with a Section 219 Covenant registered on the property's title prior to Council giving final consideration of the proposed Zoning Regulation Bylaw Amendment.

## Accessibility Impact Statement

The British Columbia Building Code regulates accessibility as it pertains to buildings.

## Land Use Context

The area is characterized predominantly by low and mid-rise commercial and mixed-use buildings.

Immediately adjacent land uses include:

- surface parking lot to the north, with a Development Permit with Variance Application for a 14-storey mixed-use building at this location
- 19-storey multiple dwelling residential building (View Towers) to the north-west
- single-storey commercial building to the east
- two-storey commercial building to the west.

## Existing Site Development and Development Potential

The site is presently a surface parking lot. Under the current CA-42 Zone, the property could be developed as a commercial or commercial/residential building up to 4 storeys (15.5m) in height with a floor space ratio of 2:1.

## Data Table

The following data table compares the proposal with the existing CA-42 Zone, Harris Green Commercial District. An asterisk is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposal	Zone Standard CA-42 Zone
Site area (m <sup>2</sup> ) – minimum	838.20	N/A
Density (Floor Space Ratio) – maximum	<b>5.58:1 *</b>	2.00:1
Total floor area (m <sup>2</sup> ) – maximum	4677.84	N/A

<b>Zoning Criteria</b>	<b>Proposal</b>	<b>Zone Standard CA-42 Zone</b>
Height (m) – maximum	<b>44.50 *</b>	15.50
Storeys – maximum	<b>13 *</b>	4
<b>Setbacks</b> (m) – minimum		
Front Lot Line (south)	<b>0.60 *</b>	3.00
Rear (north)	0.00	N/A
Side (east)	0.10	N/A
Side (west)	0.10	N/A
Parking – minimum	<b>27 *</b> (including visitor)	64 (62 residential, 2 commercial)
Visitor parking (minimum) included in the overall units	3	3
<b>Bicycle parking stalls – minimum</b>		
Class 1 (secure stalls)	80	62
Class 2 (visitor stalls)	6	6

## Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted the Victoria Downtown Residents Association CALUC at a Community Meeting held on May 17, 2017. A letter from the CALUC dated March 26, 2018 is attached to this report.

## ANALYSIS

### Official Community Plan

The subject property is designated Core Residential in the *Official Community Plan, 2012* (OCP), which supports diverse housing types, including low, mid, and high-rise multi-unit residential and mixed-use with total floor space ratios generally ranging from a base of 3:1 to a maximum of 5.5:1. The proposal is consistent with the use and density envisioned in this Urban Place Designation.

However, it should be noted that the applicant has requested a site specific zone that would exclude the floor space used for bicycle parking from the calculation of FSR. Although this is consistent with the draft Zoning Bylaw 2017 which, if adopted, would apply to downtown, it is not consistent with the existing *Zoning Regulation Bylaw* (which excludes vehicle parking but not bicycle parking from FSR calculations). If calculated in accordance with the current Bylaw the FSR would exceed the density contemplated in the OCP.

The OCP also encourages the logical assembly of development sites to enable the best realization of development potential for the area. Given the existing neighbourhood context and

development potential, land assembly with the adjacent properties is strongly encouraged. This approach would avoid mid-block, piecemeal development and achieve development more consistent with the policies in the OCP and Development Permit Area Design Guidelines. If developed on its own, redevelopment of adjacent lots such as 926 Fort Street (Lund's Auctioneers) will be limited. Staff have discussed this matter with the applicant, who has indicated they wish to proceed with the development of only the single lot at 930 Fort Street.

### **Downtown Core Area Plan**

The subject property is within the Residential Mixed-Use District in the *Downtown Core Area Plan* (DCAP), which supports multi-residential development up to a height of 45m. The base density for a mixed-use development is a floor space ratio of 3:1 and a maximum of 5.5:1. Subject to the above noted request from the applicant to exclude the bicycle parking from the FSR calculations being approved by Council, the proposal is consistent with the DCAP policies related to use, density, and height. However, the design of the proposal does not meet the guidelines, as discussed in the concurrent report associated with the Development Permit with Variance Application.

### **Density Bonus Policy**

The *City of Victoria Density Bonus Policy* identifies an amenity contribution target (fixed rate target) for standard rezoning of properties designated "Core Residential (less than 30,000 ft<sup>2</sup> of bonus density)" in the OCP of \$129.17 per m<sup>2</sup>. Based on the bonus density calculation (increase from 3:1 to 5.5:1 floor space ratio), the applicant would be required to provide an amenity contribution in the amount of \$270,675.74 towards the Local Amenities Reserve Fund and to the satisfaction of City Staff.

### **Tree Preservation Bylaw and Urban Forest Master Plan**

There are no Tree Preservation Bylaw impacts with this Application. There are three trees proposed on the development's private land adjacent to the sidewalk that will add some tree canopy to the public realm.

There are no impacts to public trees with this Application and there are no opportunities to propose new street trees along this frontage due to conflicts with existing underground utilities on Fort Street.

### **Regulatory Considerations**

The new zone would be based on the existing zone, but with increased density, height, number of storeys and decreased front setback requirements. These are consistent with the OCP and are supportable. The reduced number of parking stalls would require a variance, as discussed in the concurrent Development Permit with Variance Application report.

### **CONCLUSIONS**

The proposal to construct a 13-storey, mixed-use building with 62 dwelling units and two commercial units is consistent with the OCP and DCAP with respect to the proposed land use and density. The subject property is suitable for additional density in a taller building, albeit preferably through a land assembly with adjacent properties to enable the best realization of development potential. Staff recommend for Council's consideration that this Rezoning Application be approved.

## ALTERNATE MOTIONS


That Council decline Rezoning Application No. 00593 for the property located at for 930 Fort Street.

Respectfully submitted,

  
Rob Bateman  
Senior Process Planner  
Development Services Division

  
Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:

  
Date: April 4, 2018

### List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped March 23, 2018
- Attachment D: Letter from applicant to Mayor and Council dated March 23, 2018
- Attachment E: Community Association Land Use Committee Comments dated March 26, 2018.
- Attachment F: Advisory Design Panel Report for the Meeting of October 25, 2017
- Attachment G: Advisory Design Panel Minutes for the Meeting of October 25, 2017.