



## **Committee of the Whole Report**

### **For the Meeting of June 28, 2018**

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**To:** Committee of the Whole **Date:** June 14, 2018

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

**Subject:** **UPDATE REPORT: Development Permit Application No. 000502 and Rezoning Application No. 00593 for 930 Fort Street**

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### **RECOMMENDATION**

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00593, if it is approved, consider the following motion:

#### **Development Permit with Variance Application No. 000502**

"That Council authorize the issuance of Development Permit with Variance Application No. 000502 for 930 Fort Street, in accordance with:

1. Plans date stamped June 8, 2018;
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
  - i. reduce the number of parking stalls to 27.
3. Proof of a fully executed car share agreement that includes the purchase of 62 car share memberships and \$100 driving credit for each of the memberships to the satisfaction of the Director of Engineering and Public Works;
4. Registration of a covenant on the property's title to secure 62 car share memberships and \$100 of driving credit for each of the memberships, to the satisfaction of the Director of Sustainable Planning and Community Development and in a form satisfactory to the City Solicitor
5. The Development Permit lapsing two years from the date of this resolution."

#### **Rezoning Application No. 00593**

That Council direct staff to:

1. 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.

2. Secure an amenity contribution in the new zone in accordance with the City of Victoria Density Bonus Policy in the amount \$270,675.74 allocated to the Downtown Core Area Public Realm Improvement Fund (75%) and the Downtown Heritage Buildings Seismic Upgrade Fund (25%).

## LEGISLATIVE AUTHORITY

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.

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 revised Development Permit Application for the property located at 930 Fort Street, as well as an update on the concurrent rezoning application.

On April 19, 2018, Committee of the Whole passed the following motion related to Development Permit Application No. 000502 directing staff to work with the applicant to revise the proposal for consistency with the Design Guidelines, including the following specific items, and to bring the revised proposal back to a future Committee of the Whole meeting: provision of distinct, well-defined retail bays, revisions to the tower to address the uniform appearance, revisions to the scale and materials of the podium to provide a more sensitive response to the immediate context, and to address the concerns of the Downtown Residents Association regarding the lack of an overhead door for the visitor car park.

In response to this motion, the applicant has revised their proposal in the following ways:

- removed perforated metal screen and replaced concrete behind with terracotta tile on the podium
- added grey metal panels to areas of white metal panel on east & west facades
- removed the brick at the front entry and provided architectural concrete columns, pilasters, and walls with terracotta above
- added a garage door to the secure visitor parking
- reduced extent of canopy at the residential front entrance.

As with the previous proposal, the revised proposal is to construct a 13-storey, mixed-use building containing approximately 62 residential units and two ground-floor commercial units. The variance is related to parking.

The following points were considered in assessing the Development Permit Application:

- the applicant has made changes in response to the previous Council motion and the proposal is now more consistent with the objectives and guidelines contained in Development Permit Area 7B (HC): Corridors Heritage of the *Official Community Plan*, 2012 (OCP).
- the subject site is located within the Priority Through-Block Walkway Area identified in the *Downtown Core Area Plan* (DCAP). The applicant is not proposing to provide this because of limitations caused by an existing easement and design challenges associated with the narrowness of the lot
- the requested variance is to reduce the number of parking stalls. To help mitigate the impacts, the applicant is proposing to provide a car-share membership for each of the dwelling units and a \$100 driving credit for each membership to encourage activation and initial use of the car-share memberships. As well, 160 secure bike storage spaces (120 on racks and 40 in lockers) are proposed which exceeds the *Zoning Regulation Bylaw* requirement of 62.

At the same April 19, 2018 Committee of the Whole meeting, Council also passed a motion related to the concurrent Rezoning Application No. 00593 directing staff to move the rezoning application forward on the condition of registration of legal agreements to:

- secure an amenity contribution in the amount of \$270,675.74 toward the Local Amenities Reserve Fund
- secure frontage improvements.

Staff are now recommending that the amenity contribution be secured in the new zone itself to reduce the number of legal agreements required, thereby simplifying the process and to allocate it to the Downtown Core Area Public Realm Improvement Fund (75%) and the Downtown Heritage Buildings Seismic Upgrade Fund (25%), in accordance with the City of Victoria Density Bonus Policy. The legal agreements securing the frontage improvements have been registered on title in accordance with the Council motion.

## **BACKGROUND**

### **Description of Proposal**

As with the previous proposal, this proposal is to construct a 13-storey, mixed-use building with ground floor retail fronting Fort Street and residential units above. Specific details include:

- two commercial units along Fort Street (a total of 70.64m<sup>2</sup>) with residential dwelling units above
- mid-rise building form with contemporary-style design features, including rectilinear lines and modern finishes
- exterior materials include metal panel, spandrel glass panel, terracotta tile, sealed concrete, pre-finished aluminium louver/panel, and a pre-finished aluminium architectural element
- upper storeys stepped back 3.03m from the street
- recessed main entrance into the building
- communal rooftop amenity space with hard and soft landscaping
- landscaping including unit paving and concrete planters for shrubs, trees and grasses
- access to underground parking from the rear of the lot through the adjacent property
- secure bicycle parking for 160 bikes located on the main floor behind the retail units
- two levels of underground parking for 27 vehicle stalls
- publicly accessible bicycle parking for 6 bikes located in front of the retail unit on the west of the property.

The proposed variance is to reduce the required number of parking spaces from 64 to 27. Approval of the concurrent Rezoning Application is also required to facilitate this development and is discussed in a separate report.

### **Sustainability Features**

As indicated in the applicant's letter, dated March 23, 2018 (see attached staff report), green building features are proposed to use passive and active strategies such as shading and overhangs across the façades, contemporary heating and cooling systems and high performance envelope and glazing design.

### **Active Transportation Impacts**

The application proposes a bicycle rack (6 bikes) and secure enclosed bicycle storage (160 bikes) which support active transportation and exceeds the *Zoning Regulation Bylaw* requirements.

### **Public Realm Improvements**

As with the previous submission, 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 crosswalk
- raised pedestrian crossing in the protected bike lane with associated signs and paint markings
- bicycle racks
- bollards.

These improvements have been secured with a section 219 covenant registered on the property's title (see Relevant History section of this report for more information).

### **Accessibility Impact Statement**

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

### **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 four storeys (15.5m) in height with a floor space ratio (FSR) of 2:1. There is a concurrent Rezoning Application for this property which would be required to facilitate the proposal (see attached staff report and the Relevant History section of this report for more information).

### **Relevant History**

At the April 19, 2018 Committee of the Whole meeting, staff presented a report (see attached) recommending that Council direct staff to work with applicant to revise the proposal for consistency with the Design Guidelines. At this meeting, Committee passed the following motion:

*“That Council direct staff to work with the applicant to revise the proposal for consistency with the Design Guidelines, including the following specific items, and to bring the revised proposal back to a future Committee of the Whole meeting:*

- a. provision of distinct, well-defined retail bays, consistent with the context along Fort Street.*
- b. revisions to the tower to address the uniform appearance, with particular attention to the north and side elevations.*
- c. revisions to the scale and materials of the podium to provide a more sensitive response to the immediate context within the Heritage Conservation Area.*
- d. address the concerns of the Downtown Residents Association regarding the lack of an overhead door for the visitor car park.”*

In response to this motion, the applicant has revised their proposal to include the following changes:

- removed the perforated metal screen and replaced with concrete behind with terracotta tile on the podium
- added grey metal panels to areas of white metal panel on east & west facades
- removed the brick at the front entry and provided architectural concrete columns, pilasters, and walls with terracotta above
- added a garage door to the secure visitor parking
- reduced extent of canopy at the residential front entrance.

At the same April 19, 2018 Committee of the Whole meeting, Council also passed the following motion related to the concurrent Rezoning Application No. 00593 (see attached staff report):

*“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.”*

Staff are providing the following updates on these two conditions for Council’s information:

- **Density Bonus Policy:** To help simplify the process for both staff and the applicant, the amenity contribution will be secured directly in the proposed new zone. Therefore, legal agreements will not be required for this purpose. Furthermore, the motion directed the amenity contribution toward the Local Amenities Reserve Fund. In accordance with the Downtown Core Area Plan policy, the contribution will actually be directed to the Downtown Core Area Public Realm Improvement Fund (75%) and the Downtown Heritage Buildings Seismic Upgrade Fund (25%)
- **Public Realm Improvements:** The legal agreements securing the frontage improvements have been registered.

## ANALYSIS

### Development Permit Area and Design Guidelines

The *Official Community Plan* (OCP) identifies this property within Development Permit Area 7B (HC): Corridors Heritage. The revised proposal is more consistent with the Design Guidelines associated with this Development Permit Area.

#### Podium Height and Retail Bays at Street Level

As noted in the previous Committee of the Whole report, the guidelines require a primary street wall between 10m and 15m high and vertical street walls that consider the architectural context of the surrounding buildings. Although the proposed podium height is only 6.86m (to the top of the parapet), it is consistent with the height of the existing buildings on the adjacent properties. To help mitigate potential impacts on the street wall, the applicant is proposing to change the materials from the perforated screen to a terracotta tile. This material will help anchor the tower, better frame the streetscape and reinforce a human scale.

One of the key characteristics of Fort Street is the rhythm of retail bays representing smaller commercial units. To help provide some rhythm, the applicant is proposing to provide architectural concrete columns, pilasters, and walls with terracotta above. This would replace the brick that was previously proposed.

#### Building Separation Distances and Upper Storey Setbacks

The applicant is proposing no change to the setbacks from the previous proposal (see the attached previous Committee of the Whole report for details on this). The attached letter to Mayor and Council from the applicant explains details on why the setbacks have not been increased which are related to the size of the site and existing soil conditions.

#### Uniformity of the Tower

As with the previous proposal, the applicant is proposing a pre-finished aluminum architectural element on the front of the tower which will help provide some visual interest and assist in breaking up the uniformity of the building face. The rear and side elevations of the previous proposal were repetitive with large areas of uniform materials and colours (predominantly glass and metal panel). The applicant is now proposing to introduce grey metal panels to the areas of white metal panel on the east & west facades to help break up this uniformity.

#### Materials and Finishes

The applicant is no longer proposing a perforated metal panel on the podium and is proposing terracotta tile instead. This is more in keeping with the existing palette of materials on Fort Street and would be a more fitting choice for a street wall in this location. It is therefore now more consistent with the objective of DPA 7B to achieve a more cohesive design for corridors through high-quality architecture and urban design, and to conserve the special characteristics of the area.

#### Lack of Through-Block Walkway

As explained in the previous report to Committee of the Whole, the applicant is proposing no Through-Block Walkway as envisioned in the DCAP (see the attached previous Committee of the Whole report for details on this).

## Tree Preservation Bylaw and Urban Forest Master Plan

As with the previous proposal, 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

### Parking Variance

As with the previous proposal, the proposed variance is to reduce the required number of parking spaces from 64 to 27. The current zone requires one stall per dwelling unit and two stalls for the commercial space. To mitigate potential impacts from this variance, the applicant is proposing:

- a car-share membership for each of the 62 dwelling units
- a \$100 driving credit will be provided for each of the memberships to encourage activation and initial use of the car share memberships
- secure enclosed bicycle storage on racks for 120 bikes (62 bike storage spaces are required under the *Zoning Regulation Bylaw*). In addition, 40 bicycle lockers would be provided.
- one six-space bicycle rack at the building entrance (this is a requirement of the *Zoning Regulation Bylaw*).

The proposal is located on a bicycle route and a transit route, and is also close to various services which would also help mitigate potential impacts resulting from this variance.

### Floor Space Ratio

There is a concurrent Rezoning Application for this property which would be required to facilitate the proposal (see the attached previous Committee of the Whole report for Rezoning Application No. 00593 for details on this). The applicant has requested a site specific zone that would exclude all of the floor space used for bicycle parking from the calculation of FSR. This calculation would therefore exclude the area for the bicycle storage that meets the requirements of the draft regulations (120 bike spaces on racks) as well as the area that does not meet the requirements (40 bike spaces in lockers). The draft Schedule C regulations would only exclude the required floor area.

## CONCLUSIONS

The proposal to construct a 13-storey, mixed-use building with ground floor retail fronting Fort Street and residential units above, is partially consistent with Development Permit Area 7B (HC): Corridors Heritage. The applicant has revised the proposal in response to the Council motion to make the application more consistent with the Design Guidelines. The revisions include a change of materials on the podium to terracotta tile to be more in keeping with the existing streetscape and help define the street wall, the addition of grey metal panels to help provide visual interest on the side elevations of the tower, and the addition of a garage door to secure the visitor parking. The parking variance is also supportable because of the proposed mitigation measures and the proximity to bike lanes, transit and various services. Staff recommend for Council's consideration that this Development Permit Application be approved. Staff also recommend that Council consider allocating the amenity contribution to the Downtown

Staff also recommend that Council consider allocating the amenity contribution to the Downtown Core Area Public Realm Improvement Fund (75%) and the Downtown Heritage Buildings Seismic Upgrade Fund (25%), in accordance with the City of Victoria Density Bonus Policy and the Downtown Core Area Plan.

## ALTERNATE MOTIONS

### Development Permit Application No. 00502

That Council decline Development Permit with Variance Application No. 00502 for the property located at 930 Fort Street.

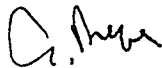
### Rezoning Application No. 00593

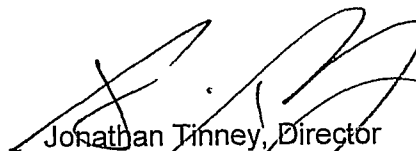
That Council direct staff to:

1. 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.
2. Secure an amenity contribution in the new zone in the amount \$270,675.74 allocated to the Downtown Core Area Public Realm Improvement Fund (75%) and the Downtown Heritage Buildings Seismic Upgrade Fund (25%).


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: June 21, 2018

#### List of Attachments:

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans dated June 8, 2018
- Attachment D: Letter from applicant to Mayor and Council dated June 8, 2018
- Attachment E: April 19, 2018 Committee of the Whole Report for Application No. 00502
- Attachment F: April 19, 2018 Committee of the Whole Report for Rezoning Application No. 00593