

F. **REPORTS OF COMMITTEES (REORDERED)**

F.1 **Committee of the Whole**

F.1.a **Report from the April 19, 2018 COTW Meeting**

1. **930 Fort Street - Rezoning Application No. 00593 & Development Permit with Variances Application No. 00502 (Downtown)**
An application to allow the construction of a 13-storey, mixed-use building containing 62 residential units and two ground-floor commercial units.

Moved By Councillor Thornton-Joe
Seconded By Councillor Coleman

Rezoning Application No. 00593

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.

Development Permit with Variance Application No. 00502

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:

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

CARRIED UNANIMOUSLY

F. **LAND USE MATTERS**

F.3 **930 Fort Street - Rezoning Application No. 00593 & Development Permit with Variances Application No. 00502 (Downtown)**

Committee received reports dated March 29, 2018 from the Director of Sustainable Planning and Community Development regarding an application to construct a 13-storey, mixed-use building containing 62 residential units and two ground-floor commercial units.

Councillor Loveday withdrew from the meeting at 11:11 a.m. and returned at 11:13 a.m.

Committee discussed:

- *The type of amenity contribution for the proposal.*
- *Concerns raised by the Downtown Residents Association.*

Moved By Councillor Thornton-Joe

Seconded By Councillor Alto

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Development Permit with Variance Application No. 00502

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3. revisions to the scale and materials of the podium to provide a more sensitive response to the immediate context within the Heritage Conservation Area.

Moved By Councillor Thornton-Joe
Seconded By Mayor Helps

Amendment:

That the motion be amended to include the following point:

d. address the concerns of the Downtown Residents Association regarding the lack of an overhead door for the visitor car park.

Councillor Coleman withdrew from the meeting at 11:28 a.m. and returned at 11:30 a.m.

Committee discussed:

- *Design considerations for the tower and podium.*

CARRIED UNANIMOUSLY

Main motion as amended:

Rezoning Application No. 00593

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:

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Development Permit with Variance Application No. 00502

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.

FOR (8): Mayor Helps, Councillor Alto, Councillor Coleman, Councillor Isitt, Councillor Loveday, Councillor Madoff, Councillor Thornton-Joe, and Councillor Young

OPPOSED (1): Councillor Lucas

CARRIED (8 to 1)



Committee of the Whole Report For the Meeting of April 12, 2018

To: Committee of the Whole **Date:** March 29, 2018
From: Jonathan Tinney, Director, Sustainable Planning and Community Development
Subject: Development Permit with Variance Application No. 00502 for 930 Fort Street

RECOMMENDATION

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.

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 *Official 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 Development Permit with Variance Application for the property located at 930 Fort Street. The proposal is to construct a 13-storey, mixed use building containing 62 residential units and two ground-floor commercial units. The variance is related to parking.

The following points were considered in assessing this Application:

- the proposal is not consistent with the objectives and guidelines contained in Development Permit Area 7B (HC): Corridors Heritage of the *Official Community Plan*,

2012 (OCP). In particular:

- the building podium does not meet the height requirements. It is not tall enough to anchor the tower and does not sufficiently frame the streetscape and reinforce a human-scale.
- the tower setbacks do not meet the minimum requirements for building separation. This may impact future development of adjacent properties, have impacts on shading and views to the open sky, and create a visual presence of a bulky upper building mass.
- the tower has a uniform appearance. The rear and side elevations are repetitious with large areas of uniform materials and colours (predominantly glass and metal panel).
- the façade materials do not respond to the local context. The perforated metal above the commercial units at street level is inappropriate for the context and too industrial in appearance.
- 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 62 dwelling units and a \$100 driving credit for each membership to encourage activation and initial use of the car share memberships. 80 secure bike storages spaces are also proposed which exceeds the *Zoning Regulation Bylaw* requirement of 62.

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. Specific details include:

- two commercial units along Fort Street (a total of 109.42m²) 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, perforated metal panel, sealed concrete, pre-finished aluminium louver/panel, a pre-finished aluminum architectural element, and stack bond brick
- upper storeys stepped back 3.03m from the street
- recessed main entrance into the building
- communal rooftop amenity space with hard and soft landscaping that is accessed from level 13
- 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 bike parking for 80 bikes located on the main floor behind the retail units
- two levels of underground parking for 27 stalls
- publicly accessible bike 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, 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 bike rack (6 bikes) and bike lockers (80 bikes) which support active transportation and exceed the *Zoning Regulation Bylaw* requirements.

Public Realm Improvements

Proposed public realm improvements are discussed in association with the concurrent Rezoning Application associated with this property.

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 4 storeys (15.5m) in height with a floor space ratio of 2:1. This proposal requires a rezoning to a site-specific zone which is discussed in the concurrent Rezoning Application report.

Community Consultation

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

This Application proposes a variance; therefore, in accordance with the City's *Land Use Procedures Bylaw*, it requires notice, sign posting and a meeting of Council to consider the variance.

ANALYSIS

Development Permit Area and Design Guidelines

The *Official Community Plan (OCP)* identifies this property within Development Permit Area 7B (HC): Corridors Heritage. The proposal is not consistent with the Design Guidelines associated with this Development Permit Area.

Podium Height and Retail Bays at Street Level

The guidelines require a primary street wall between 10m and 15m high and vertical street walls that consider the architectural context of surrounding buildings. The proposed podium height is only 5.8m and therefore does not meet these guidelines. Although this height is consistent with the height of the existing buildings on the adjacent properties, it would not be consistent with

anticipated future redevelopment of three to five-storey building façades that define the street wall. The proposed podium is not tall enough to anchor the tower and does not sufficiently 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. The applicant has made efforts to define the retail bays with brick in two locations on the street frontage; however, more could be done to help make these more distinct.

Building Separation Distances and Upper Storey Setbacks

To address privacy issues and open up views between buildings, the street wall guidelines in the DCAP require a 3m setback for portions of the building up to 30m and a 6m side yard setback for portions of the building above 30m (levels 10-13). The guidelines also state that additional clearances for windows are encouraged to enhance livability for residential uses where feasible. The proposal does not meet these requirements. For levels 3-11, the east setback is only 2.54m. For level 12, the west setback is only 4.57m and the east setback is only 3.27m. This may impact future development of adjacent properties, have impacts on shading and views to the open sky, and create a visual presence of a bulky upper building mass.

Uniformity of the Tower

The DCAP provides detailed urban design guidelines to address the importance of sensitive built forms through building height, scale, massing, setbacks, floor plate restrictions and street wall design. The proposed tower is within the 45m height range envisaged for this property. The DCAP addresses the importance of the design of “base, body and top” in relation to taller buildings. The applicant is proposing a pre-finished aluminum architectural element on the front which will help provide some visual interest and assist in breaking up the uniformity of the building face. The rear and sides, however, are repetitious with large areas of uniform materials and colours (predominantly glass and metal panel).

Materials and Finishes

One of the objectives of DPA 7B is to achieve a more cohesive design for corridors through high quality architecture and urban design, and to conserve the special characteristics of the area. The proposed use of perforated metal above the commercial units at street level is inappropriate for the context and too industrial in appearance. Although Fort Street does have a varied palette of materials, brick or a similar material in scale such as tile, would be a more fitting choice for a street wall in this location.

Lack of Through-Block Walkway

The subject site is located within the Priority Through-Block Walkway Area identified in the DCAP. In these areas, the guidelines encourage the consideration to redesign and replace key pedestrian connections with new through-block walkways. The applicant has noted that a through-block walkway along the western edge of the property is unfeasible due to an existing easement that exists to secure vehicular access and loading for the rear of the property at 926 Fort Street (Lund’s Auctioneers). Any amendment to the existing easement or introduction of a new easement would require the consent of the adjacent property owners and collaboration with the developer to the rear as part of a separate Development Permit for the property at 937 View Street. Furthermore, due to the narrow frontage of the site (approximately 24m), a mid-block walkway would create design challenges and would likely result in an unwelcoming space for pedestrians.

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 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 bike storage for 80 bikes (62 bike storage spaces are required under the *Zoning Regulation Bylaw*). One six space rack at the building entrance (this is a requirement of the *Zoning Regulation Bylaw*).

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

Approval of the concurrent Rezoning Application is also required to facilitate this development and is discussed in a separate report.

Advisory Design Panel Review

The proposal was presented to the Advisory Design Panel (ADP) at a meeting on October 25, 2017 (minutes attached). The ADP recommended that the Rezoning and Development Permit with Variance Applications be approved with recommendations as follows:

- improve the ground floor public realm, specifically outside the retail space, to address natural light, landscaping, access and CPTED concerns
- reconsider the materials of the metal architectural screen along the Fort Street façade to improve durability and appropriateness to the context and increase the perceived height of the podium through materials and landscaping, with consideration to the setback and height of immediately adjacent buildings
- support for the applicant's intent to increase the rooftop amenity space
- support the idea of an additional storey through a slender tower and increased setbacks
- explore adding bedroom windows to allow north-south views
- refine the drawings to ensure the horizontal eyebrows are accurately noted.

In response to these recommendations, the applicant made revisions to the proposal which included the following:

- portion of canopy over ground floor commercial frontage was pulled back to increase daylight to the commercial units
- introduced brick to the ground level frontage to be more in keeping with the contextual materials and help define smaller retail bays
- increased size and improved functionality of rooftop amenity space

- added bedroom windows with north and south views
- the perforated metal panel on the south frontage was raised to give the perception of a higher podium.

CONCLUSIONS

The proposal to construct a 13-storey, mixed use building with ground floor retail fronting Fort Street with residential units above, is not consistent with Development Permit Area 7B (HC): Corridors Heritage. The building podium is not tall enough, the tower setbacks are too small, the tower has a uniform appearance, and the façade materials do not respond to the local context. These deficiencies would impact the public street and adjacent properties, as well as potential redevelopment of nearby properties. The parking variance, however, is supportable because of the proposed mitigation measures. Staff recommend that Council consider directing staff to work with the applicant to revise the proposal for consistency with the Design Guidelines.

ALTERNATE MOTIONS

Option 1 (Decline the Current Proposal)

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

Option 2 (Approve the Current Proposal)

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. 000593, if it is approved, consider the following motion:

“That Council authorize the issuance of Development Permit with Variance Application No. 00502 for 930 Fort Street, in accordance with:

1. Plans date stamped March 23, 2018;
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
 - i. reduce the number of parking stalls from 64 to 27.
3. Registration of legal agreements on the property's title to secure 62 car share memberships along with \$100 of driving credit for each of the memberships, to the satisfaction of City staff;
4. The Development Permit lapsing two years from the date of this resolution.”


Respectfully submitted,


 Rob Bateman
 Senior Process Planner
 Development Services Division

JH


 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.