

J. REPORTS OF COMMITTEES

J.1 Committee of the Whole

J.1.b Report from the October 4, 2018 COTW Meeting

J.1.b.g 1400 Quadra Street – Rezoning Application No. 00595 and Associated Official Community Plan Amendment and Development Permit with Variance Application No. 000503 (Harris Green)

Moved By Councillor Thornton-Joe

Seconded By Councillor Madoff

Rezoning Application No. 00595

1. That Council instruct staff to prepare the necessary Official Community Plan Amendment Bylaw in accordance with Section 475 of the Local Government Act and the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No.00595 for 1400 Quadra Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:
 - a. Preparation of the following documents, executed by the applicant, to the satisfaction of City Staff:
 - i. Housing Agreement Bylaw securing all dwelling units as rental in perpetuity.
 - b. That Council determine, pursuant to section 475(1) of the Local Government Act that the affected persons, organizations and authorities are those property owners and occupiers within a 200m radius of the subject properties; that the appropriate consultation measures would include a mailed notice of the proposed OCP Amendment to the affected persons; posting of a notice on the City's website inviting affected persons, organizations and authorities to ask questions of staff and provide written or verbal comments to Council for their consideration.
 - c. That Council, having provided the opportunity for consultation pursuant to Section 475(1) of the *Local Government Act* with persons, organizations and authorities it considers will be affected, specifically, the property owners and occupiers within a 200m radius of the subject properties, have been consulted at a Community Association Land Use Committee (CALUC) Community Meeting, consider whether the opportunity for consultation should be early and ongoing, and determine that no further consultation is required.
 - d. That Council specifically consider whether consultation is required under Section 475(2)(b) of the *Local Government Act*, and determine that no referrals are necessary with the

- Capital Regional District Board, Councils of Oak Bay, Esquimalt and Saanich, the Songhees and Esquimalt First Nations, the School District Board and the provincial and federal governments and their agencies due to the nature of the proposed amendment.
- e. That Council give first reading to the Official Community Plan Amendment Bylaw.
 - f. That Council consider the Official Community Plan Amendment Bylaw in conjunction with the City of Victoria 2017-2021 Financial Plan, the Capital Regional District Liquid Waste Management Plan and the Capital Regional District Solid Waste Management Plan pursuant to Section 477(3)(a) of the *Local Government Act*, and deem those Plans to be consistent with the proposed Official Community Plan Amendment Bylaw.
 - g. That Council give second reading to the Official Community Plan Amendment Bylaw.
 - h. That Council refer the Official Community Plan Amendment Bylaw for consideration at a Public Hearing.
2. That, if approved, Council direct staff to prepare the following plan amendments:
- i. Consequent amendment of the *Downtown Core Area Plan, 2011* to change the Central Business District designation covering the site to the Residential Mixed-Use District designation.

Development Permit with Variance Application No. 000503

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. 00595, if it is approved, consider the following motion:

“That Council authorize the issuance of Development Permit Application No. 000503 for 1400 Quadra Street, in accordance with:

1. Plans date stamped September 18, 2018
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Permit one parking stall to be located outside the building
3. The Development Permit lapsing two years from the date of this resolution.”

CARRIED UNANIMOUSLY

F.3 1400 Quadra Street - Rezoning Application No.00595 and Associated Official Community Plan Amendment and Development Permit with Variance Application No.000503 (Harris Green)

Committee received a report dated September 20, 2018 from the Director of Sustainable Planning and Community Development purposing a 14-storey, mixed-use building consisting of ground floor commercial and residential above with a floor space ratio of 5.5:1.

Committee discussed:

- *the mix of residential and business space*

Moved By Councillor Thornton-Joe
Seconded By Mayor Helps

Rezoning Application No. 00595

1. That Council instruct staff to prepare the necessary Official Community Plan Amendment Bylaw in accordance with Section 475 of the Local Government Act and the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No.00595 for 1400 Quadra Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:
 - a. Preparation of the following documents, executed by the applicant, to the satisfaction of City Staff:
 - i. Housing Agreement Bylaw securing all dwelling units as rental in perpetuity.
 - b. That Council determine, pursuant to section 475(1) of the Local Government Act that the affected persons, organizations and authorities are those property owners and occupiers within a 200m radius of the subject properties; that the appropriate consultation measures would include a mailed notice of the proposed OCP Amendment to the affected persons; posting of a notice on the City's website inviting affected persons, organizations and authorities to ask questions of staff and provide written or verbal comments to Council for their consideration.
 - c. That Council, having provided the opportunity for consultation pursuant to Section 475(1) of the Local Government Act with persons, organizations and authorities it considers will be affected, specifically, the property owners and occupiers within a 200m radius of the subject properties, have been consulted at a Community Association Land Use Committee (CALUC) Community Meeting, consider whether the opportunity for consultation should be early and ongoing, and determine that no further consultation is required.
 - d. That Council specifically consider whether consultation is required under Section 475(2)(b) of the Local Government Act, and determine that no referrals are necessary with the Capital Regional District Board, Councils of Oak Bay, Esquimalt and Saanich, the Songhees and Esquimalt First Nations, the School

District Board and the provincial and federal governments and their agencies due to the nature of the proposed amendment.

- e. That Council give first reading to the Official Community Plan Amendment Bylaw.
 - f. That Council consider the Official Community Plan Amendment Bylaw in conjunction with the City of Victoria 2017-2021 Financial Plan, the Capital Regional District Liquid Waste Management Plan and the Capital Regional District Solid Waste Management Plan pursuant to Section 477(3)(a) of the Local Government Act, and deem those Plans to be consistent with the proposed Official Community Plan Amendment Bylaw.
 - g. That Council give second reading to the Official Community Plan Amendment Bylaw.
 - h. That Council refer the Official Community Plan Amendment Bylaw for consideration at a Public Hearing.
2. That, if approved, Council direct staff to prepare the following plan amendments:
- i. Consequent amendment of the Downtown Core Area Plan: 2011 to change the Central Business District designation covering the site to the Residential Mixed-Use District designation.

Development Permit with Variance Application No. 000503

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. 00595, if it is approved, consider the following motion:

“That Council authorize the issuance of Development Permit Application No. 000503 for 1400 Quadra Street, in accordance with:

1. Plans date stamped September 18, 2018
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 - i. Permit one parking stall to be located outside the building
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Motion to postpone

Moved By Councillor Isitt

Seconded By Mayor Helps

That Council postpone consideration of the motion to give Committee an opportunity to consider staff’s recommendation.

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

OPPOSED (1): Councillor Young

CARRIED (8 to 1)

Moved By Councillor Isitt

That Council decline Rezoning Application No. 00602 and Development Permit with Variance Application No.000503 for the property located at 1400 Quadra Street.

Defeated due to no seconder

Moved By Councillor Thornton-Joe

Seconded By Councillor Coleman

To lift the postponed motion from the table.

CARRIED UNANIMOUSLY

On the Main Motion:

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

OPPOSED (1): Councillor Isitt

CARRIED (8 to 1)

Committee recessed at 10:46 a.m. and reconvened at 10:52 a.m.



Committee of the Whole Report For the Meeting of October 4, 2018

To: Committee of the Whole **Date:** September 20, 2018
From: Jonathan Tinney, Director, Sustainable Planning and Community Development
Subject: Development Permit with Variance Application No. 000503 for 1400 Quadra Street

RECOMMENDATION

That Council decline Development Permit with Variance Application No. 000503 for the property located at 1400 Quadra Street.

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.

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 1400 Quadra Street. The proposal is to construct a 14-storey, mixed-use building consisting of ground floor commercial and residential above with a floor space ratio of 5.5:1.

The following points were considered in assessing this Application:

- although the proposal is currently in Development Permit Area 2 (HC): Core Business of the *Official Community Plan* (OCP, 2012), this report assesses the consistency of the proposal with the objectives and guidelines contained in Development Permit Area 3 (HC): Core Mixed-Use Residential, because, if the concurrent rezoning and OCP amendment Application is approved, the Development Permit Area will also need to change to remain consistent.
- the proposal is generally consistent with the objectives and guidelines contained in Development Permit Area 3 (HC): Core Mixed-Use Residential of the OCP. The

proposal would help enhance the area with urban design that reflects the function of a major residential area in scale, massing and character while responding to its historic context.

- a variance is requested to locate an accessible visitor parking space outside of the building on Johnson Street and is considered supportable because it would not have substantial impacts on parking and traffic flow. It would, however, result in a parked car being visible from the street and sidewalk.

As noted in the report related to the Rezoning Application, although this Application deviates from a number of policies related to the use and density, should Council choose to advance it for consideration at a Public Hearing an alternate motion related to the Development Permit Application has also been provided.

BACKGROUND

Description of Proposal

The proposal is to construct a 14-storey, mixed-use building consisting of ground floor commercial and residential above with approximately 113 residential rental units. Specific details include:

- two retail units along Quadra Street and Johnson Street (a total of approximately 339m²)
- mid-rise building form with a mix of traditional and contemporary-style design features, including punched windows and rectilinear lines and both traditional and modern finishes
- exterior materials include painted concrete, brick veneer, prefinished metal flashing, prefinished metal security gate, prefinished metal and translucent glass canopies, prefinished aluminium window systems, and insulated spandrel panel
- upper storeys stepped back from Quadra Street: approximately 2.4m (levels 1-4), 4.4m (levels 5-12), and 7.1m (levels 13-14)
- upper storeys stepped back from Johnson Street: approximately 3.1m (levels 1-4), 6m (levels 5-12), and 7.1m (levels 13-14)
- recessed main entrance to the residential portion of the building
- communal amenity space on level 2 along with a rooftop deck (a portion of which is sunken a half storey down) with hard and soft landscaping including hydrapressed slab paving, groundcovers, shrubs, and trees
- no landscaping at street level
- secure bike parking for 142 bikes located on the main floor behind the retail units
- three levels of underground parking for 104 stalls
- publicly accessible bike parking for 13 bikes located on Quadra Street and on Johnson Street.

The proposed variances are to permit one parking stall (accessible visitor parking) outside of the building.

Sustainability Features

As indicated in the applicant's letter dated May 24, 2018, sustainability features that are associated with this Application include:

- a construction waste management plan
- materials with recycled content and sourced regionally wherever possible
- low emitting materials

- building designed to BC Energy Step Code 1
- low flow fixtures and water efficient landscaping
- high reflectance roofing and green roofing
- light pollution reduced by minimizing light trespass from the building site.

Active Transportation Impacts

The Application proposes 142 long term bike storage spaces and 13 short term bike storage spaces which exceeds the requirement in the *Zoning Regulation Bylaw* by one bike space.

Public Realm Improvements

No public realm improvements are proposed in association with this Rezoning Application.

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 vacant and is undergoing site remediation.

The site is currently partially zoned CBD-1 (site specific) Zone and MRD-1 Zone. The site specific CBD-1 Zone portion would permit a 15m high commercial office building at 1.5 FSR. The MRD-1 Zone portion would permit a 30m high mixed-use building. The site may be difficult to develop to its maximum potential under current zoning due to its size and configuration. This proposal requires a rezoning to a site-specific zone and an OCP Amendment, as 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 18, 2017. A letter dated September 23, 2018 is attached to this report.

This 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

Development Permit Area and Design Guidelines

Although the *Official Community Plan* currently identifies this property within Development Permit Area 2 (HC): Core Business, this report assesses the consistency of the proposal with the objectives and guidelines within Development Permit Area 3 (HC): Core Mixed-Use Residential. This is because the Development Permit Area would need to change to be consistent with the proposed OCP amendment (see concurrent Rezoning and OCP Amendment Application report).

The proposal is generally consistent with the Design Guidelines associated with this Development Permit Area. The following specific topics are explained for Council's consideration.

Massing of Upper Storeys

The regulations and policy require step backs to upper storeys to minimize the effects of shading and maintain views to the open sky and to avoid the visual presence of a bulky upper building mass. The building meets the zoning requirements and guidelines with respect to side and rear step backs to upper storeys (minimum of 3m step back below 30m in height and 6m step back above 30m, excluding the podium) as well as the requirement for a 5:1 building setback ratio (established at a height of 15m) on public streets. The design of the building, however, still results in the appearance of a bulky upper building mass. This may be partly due to the proportions of the massing, particularly the overall height of the building as compared to the tower's width as well as the height of the podium in relation to the height of the tower. At its base above the podium, the tower is approximately 31m deep by 31m wide and the floor plates reduce in size at higher levels. The level 14 floor plate is approximately 23m by 23m. The darker coloured podium and lighter coloured tower will help to visually reduce the massing of the upper storeys.

Relationship to the Street

The proposed building must be designed to relate well to public streets and sidewalks, including high quality architectural materials and detailing to enhance visual interest for pedestrians. The podium height is appropriate to frame the street, create a human scale, and relate to existing nearby buildings. The podium is also articulated with portions set farther back from the street and provides a recessed residential entry. The commercial entrances are not recessed but are identified with signage. One parking space would external to the building and therefore visible from the street and sidewalk (see Regulatory Considerations section below).

The materials include brick cladding and glazing, which would help provide visual interest. A portion of the exterior is painted concrete adjacent to the underground parking access. Continuous weather protection at street level is provided with a metal and translucent glass canopy that also covers all entries.

Relationship to Existing Adjacent Properties

As noted above in relation to the massing of upper storeys, the *Zoning Regulation Bylaw* and Design Guidelines include detailed requirements for stepping back buildings from the property line to provide adequate separation from adjacent buildings. The proposal meets these setback requirements; however, a proposal for a tower on an adjacent property may need to be located farther back to give adequate separation space between buildings.

The existing adjacent building to the west on Johnson Street is set back approximately 8m from the property line and has windows which face the proposal. The proposal may impact privacy because it includes a portion of wall that is approximately 3.7m set back from the lot line, with windows and balconies.

The existing building to the north on Quadra Street would not be substantially affected by the proposal. Several of the proposed units on levels 2 and 3, however, will have windows facing the existing building which is located at or near the property line. These windows would be approximately 2.9m from the property line.

Uniformity of Facades and Cohesion of Building Design

The separate building façades use contrasting materials (brick cladding and spandrel glass) to relate to both historical and contemporary buildings in the area. However, they also have a largely repetitive design with windows on a regular grid-like pattern, which may lack visual interest. To help mitigate this, Juliette balconies are proposed on portions of the elevations. The Juliette balconies and window styles would help visually connect the distinct facades together. It should be noted, however, that these are located in front of windows and not in front of operable doors. These guardrails may result in a faux appearance since they are only decorative and not functional.

Heritage Landmark Building Context

The height, setbacks, siting and overall massing of the proposed building should respect the visual prominence and character-defining importance of the Victoria Conservatory of Music, a heritage landmark building. St. John the Divine and the Palladian also provide heritage context at Quadra and Mason Streets.

The proposal responds to this heritage context with podium height, colours, materials, and recessed window design. The podium height rises to a maximum of four stories which is in keeping with the two-and-a-half storey height of the Conservatory's south extension across the street. A darker colour on the base emphasizes the four-storey scale while a lighter colour above helps diminish the building's overall size and prominence in relation to the Victoria Conservatory of Music. The recessed windows in the brick veneer is consistent with nearby traditional buildings. Other materials on the proposed building, such as the insulated spandrel panels and pre-finished metal canopies, are more contemporary and speak to the varied architectural expressions of the area.

Common Amenity Space

Indoor and outdoor amenity space is provided for the residents at the northwest corner of the site on level 2. A portion of the outdoor amenity space is sunken a half storey down and accessed by exterior stairs. The applicant is proposing to use landscaping to soften the effect of the surrounding concrete walls.

The upper outdoor common space is located adjacent to a private patio. The applicant is proposing to use landscaping to provide a screen between the two areas for privacy.

Tree Preservation Bylaw and Urban Forest Master Plan

There are no Tree Preservation Bylaw impacts with this Application. There are five public trees impacted by this Application – two *Fraxinus ornus* and three *Carpinus betulus*. These trees will be removed because they will not withstand the impacts of the proposed underground parkade and new utility installations for the development. Six new trees are to be planted within the public realm on Quadra and Johnson Streets, with an overall net gain of one tree.

Regulatory Considerations

The proposed variance is to locate one accessible visitor parking space outside of the building. This variance would not have substantial impacts on parking and traffic flow. It would, however, result in a parked car being visible from the street and sidewalk.

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

Advisory Design Panel Review

The proposal was presented to the Advisory Design Panel (ADP) at a meeting on August 22, 2018. At time of writing this report, the draft ADP meeting minutes and motion had not been ratified by the Panel. The draft minutes have been attached to this report. The draft ADP motion recommended that the Development Permit Application be approved with the following recommendations:

- improve the consistency of the elevations' expressions with particular attention to the north façade
- increase privacy between units from the exterior decks to restrict opportunities for overlook / trespass
- reconsider the building termination / how the building meets the sky
- refine the modulation of the building to emphasize its verticality and reinforce its slenderness.

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

- north elevation revised to provide more consistency with other elevations
- patio privacy increased with privacy screen, tall planters, and a two level common patio
- parapet heights corrected to help define termination of the building and help the visual slenderness of the building.

CONCLUSIONS

The proposal to construct a 14-storey, mixed use building consisting of ground floor commercial and residential above, is generally consistent with Development Permit Area 3 (HC): Core Mixed-Use Residential. The building has upper storeys set back, a podium that relates to the street, and materials and design that respond to the heritage context. The parking location variance is supportable because of the limited impact it would have on parking and circulation. This Application, however, would require approval of the concurrent Rezoning Application and OCP Amendment where the proposed changes to the use and density are inconsistent with OCP and DCAP policy. Staff therefore recommend that Council consider declining this Application.

ALTERNATE MOTION

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. 00595, if it is approved, consider the following motion:

“That Council authorize the issuance of Development Permit Application No. 000503 for 1400 Quadra Street, in accordance with:

1. Plans date stamped September 18, 2018.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. permit one parking stall to be located outside of the building.
3. The Development Permit lapsing two years from the date of this resolution.”

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:

Sept. 27, 2018

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped September 18, 2018
- Attachment D: Letter from applicant to Mayor and Council dated September 24, 2018
- Attachment E: Community Association Land Use Committee Comments dated September 23, 2018
- Attachment F: Letters from Colliers International dated July 11, 2017 and October 2, 2017
- Attachment G: Land Lift Analysis Report dated September 25, 2018
- Attachment H: Staff Report for Advisory Design Panel Meeting of August 22, 2018
- Attachment I: Draft Minutes from Advisory Design Panel Meeting of August 22, 2018.