



Committee of the Whole Report

For the Meeting of August 8, 2019

To: Committee of the Whole **Date:** July 26, 2019

From: Andrea Hudson, Acting Director, Sustainable Planning and Community Development

Subject: Rezoning Application No. 00613 for 829-899 Fort Street and 846-856 Broughton Street

RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00613 for 829-899 Fort Street and 846-856 Broughton 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:

1. Preparation and execution of legal agreements to secure the following:
 - a. a 1.73m Statutory Right-of-Way along the Quadra Street frontage, to the satisfaction of the Director of Engineering and Public Works.
 - b. rental of all of the dwelling units in perpetuity, to the satisfaction of the Director of Sustainable Planning and Community Development
 - c. sixty-three dwelling units of below market student rental housing (with a monthly cost of \$850 per student) for a period of four years, to the satisfaction of the Director of Sustainable Planning and Community Development
 - d. fourteen dwelling units of seniors housing to be rented at 60% below market value for a period of 12 years, to the satisfaction of the Director of Sustainable Planning and Community Development
 - e. community use of the multi-purpose rooms, to the satisfaction of the Director of Sustainable Planning and Community Development
 - f. frontage improvements to bury the hydro lines and provide street trees along all three street frontages, to the satisfaction of the Director of Engineering and Public Works
 - g. a childcare facility with a below market lease rate to be operated by a non-profit care provider, to the satisfaction of the Director of Sustainable Planning and Community Development
 - h. a music wellness centre to be operated by the Victoria Conservatory of Music with some availability for community use.
2. Preparation of a staff update report to Council on the applicant's proposed public art contribution.

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.

In accordance with Section 482 of the *Local Government Act*, a zoning bylaw may establish different density regulations for a zone, one generally applicable for the zone and the others to apply if certain conditions are met.

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.

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 829-899 Fort Street and 846-856 Broughton Street. The proposal is to rezone from the CA-2 Zone: Fort Street Special Commercial District, the CHP-OB Zone: Cathedral Hill Precinct Office Building District and the CHP-CR Zone: Cathedral Hill Precinct Commercial Residential District to a new site specific zone in order to increase the density to 5.25:1 floor space ratio (FSR) and permit a ten-storey mixed-use building with commercial uses consisting of retail, office, assembly, daycare facilities, and a mix of market, student and seniors rental housing and associated amenities.

The following points were considered in assessing this application:

- the proposal is consistent with the *Official Community Plan*, 2012 (OCP) Core Residential Urban Place Designation in terms of use and density (the OCP does not specify a maximum density for this location), and the OCP's placemaking and housing policies with regards to streetscape enhancements, amenities and services that foster community and the provision of rental housing
- the proposal is generally consistent with the *Downtown Core Area Plan*, 2011 policies for sites within the Residential Mixed-Use District
- the applicant is amenable to providing a 1.73m Statutory Right-of-Way along Quadra Street to help achieve a standard width for a secondary arterial road
- the applicant is working with the City and BC Hydro to relocate the overhead lines below ground
- the applicant is amenable to entering into a Housing Agreement to secure rental of the residential units in perpetuity and to provide discounted units for seniors and students
- the applicant is proposing a non-profit daycare facility, music wellness centre and limited public access to the multi-purpose rooms within the seniors living facility.
- nine trees are proposed for removal (four on the subject site and 5 within the public right-of-way); these would be replaced with 18 new trees along Fort, Quadra and Broughton and 13 new trees on the subject site.

BACKGROUND

Description of Proposal

This Rezoning Application is to increase the density to 5.25:1 floor space ratio (FSR) and permit a ten-storey mixed-use building with commercial uses consisting of retail, office, assembly, daycare facilities, and a mix of market, student and seniors rental housing and associated amenities.

The subject site is approximately 5,164 m² in area and can be developed under the existing CA-2, CHP-OB and CHP-CR zones as a mixed-use building with an aggregate density of 1.69:1 FSR and up to 22.5m in height. The following changes from the existing zoning are being proposed and would be accommodated in the new zone:

- increase the maximum density to 5.25:1 floor space ratio (FSR)
- increase the maximum height to 30m (to the main roof)
- allow residential and retail commercial uses on the portion of the site currently zoned CHPOB
- include minimum setback requirements for the upper portions of the building.

Affordable Housing Impacts

The applicant proposes the creation of approximately 268 new residential units which would increase the overall supply of housing in the area. The majority of the dwelling units would be rented to seniors as part of a seniors living facility which provides a full range of services, including meals, transportation, wellness consultation, housekeeping, fitness, entertainment, security and first aid response. Fourteen of the seniors living units would be rented at 60% below market for a period of 12 years. Sixty-three of the dwelling units would be rented to students at below market monthly rent levels of \$850 per student for a period of four years. After four years the student rental units could be added to the seniors living facility. A Housing Agreement is being proposed to secure the subsidized seniors rental units and the below market student rental units. The appropriate language has been added to the recommended motion for Council's consideration.

Sustainability Features

As indicated in the applicant's letter dated July 26, 2019, and Sustainability Report dated September 19, 2017 (see attached), the proposed development would target LEED Gold certification and zero carbon emissions. Photovoltaic panels are also proposed for the rooftops of the ten-storey buildings.

Active Transportation Impacts

The application proposes the following features which support active transportation:

- fifty-seven long term bicycle parking stalls and end of trip facilities
- twenty-six short term bicycle parking stalls.

Public Realm Improvements

The following public realm improvements are proposed in association with this Rezoning Application:

- overhead power lines relocated underground
- street trees along Fort Street, Quadra Street and Broughton Street.

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 by low-rise commercial and mixed-use buildings set close to the street. The YMCA is located on the opposite side of Broughton Street. There are several heritage-designated properties adjacent to or in close proximity to the subject site, including Pioneer Square (located across Quadra Street), Christ Church Cathedral, the Royal Theatre, the Mellor Building (821 Broughton Street), 825 Fort Street, and the Sawyer Building (840 Fort Street).

Existing Site Development and Development Potential

The site is comprised of eight properties. The properties fronting Fort Street (829-899 Fort Street) are currently developed as one to three-storey commercial buildings with a mix of office and retail uses. Under the current CA-2 Zone, Fort Street Special Commercial District, the properties could be developed as mixed-use buildings with a range of commercial uses on the ground floor and residential uses above. Permitted density would range from 1.5:1 to 2.5:1 FSR depending on the site size. The maximum permitted height would be 15.5m.

The property located at 856 Broughton Street is developed as a one-storey commercial building with surface parking. The property located at 854 Broughton Street is used as a surface parking lot. Under the current CHP-OB Zone, Cathedral Hill Precinct - Office Building District, the two properties could be developed as office buildings with a maximum density of 2:1 FSR and maximum height of 22.5m.

The property located at 846 Broughton Street is presently a two-storey office building. Under the current CHP-CR Zone, Cathedral Hill Precinct Commercial Residential District, the property could be developed as a residential building or a mixed-use building with residential, office and office accessory uses. The maximum density would be 2:1 FSR and the maximum height would be 22.5m.

Data Table

The majority of the site is zoned either CA-2: Fort Street Special Commercial District or CHP-OB: Cathedral Hill Precinct - Office Buildings District. The following data table compares the proposal with these two zones. An asterisk is used to identify where the proposal is less stringent than the existing zones.

Zoning Criteria	Proposal	CA-2 Zone	CHP-OB Zone
Site area (m ²) – minimum	5164.3	-	-
Density (Floor Space Ratio) – maximum	5.25:1 *	1.50:1	2.00:1

Zoning Criteria	Proposal	CA-2 Zone	CHP-OB Zone
Total floor area (m ²) – maximum	27 111.00 *	7746.5	10328.6
Height (m) – maximum	30.7 * (main roof)	15.5	22.5
Storeys – maximum	10 (plus rooftop mechanical)		
Setbacks (m) – minimum			
Fort Street	0.0 *	0.0	2.0
Quadra Street	1.73 *	0.0	2.0
Broughton Street	1.65 *	0.0	2.0
Interior (west)	0.0	0.0	0.0
Parking – minimum	185	166 (21 Commercial) (145 residential)	134 (92 residential) (42 commercial)
Bicycle parking stalls – minimum			
Class 1	57	40	40
Class 2	26	12	12

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the Fairfield Gonzales CALUC at a Community Meeting held on March 20, 2017. A second Community Meeting was held on February 1, 2018 to share changes to the application since the first meeting. Summaries of the two meetings are 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 buildings, with heights ranging from three to 20 storeys. The OCP does not include guidance for floor space ratios at this location. The proposal is consistent with the use and height envisioned in this Urban Place Designation.

The OCP notes that within each designation, decisions about density and building scale for individual sites will be based on site-specific evaluations in relation to the site, block, and local area context, and will include consideration of consistency with all relevant policies within the OCP and local area plans. The proposal is consistent with the OCP housing objectives which

encourage an increase in the supply of rental housing. In addition, the provision of a seniors residence, non-profit daycare facility and music wellness centre, as well as public access to multi-purpose rooms furthers the OCP housing, placemaking and community wellbeing objectives of supporting diverse, inclusive and multi-generational communities within each neighbourhood. Furthermore, the proposed public realm improvements, including underground hydro lines, new street trees, covered seating areas and landscaping, is consistent with the OCP placemaking policies which encourage design features that contribute to the sense of place and character of an area. Lastly, the proposed sustainability features, including solar panels and extensive green roofs is consistent with the OCP's climate change and energy goals of encouraging energy efficiency and reduced green house gas emissions in new construction.

Downtown Core Area Plan

The subject property is within the Residential Mixed-Use District in the *Downtown Core Area Plan* (DCAP), which supports mixed-use development up to a height of 30m. The DCAP designates this location as part of a "Special Density Area" and does not provide guidance for floor space ratios. Instead, the DCAP encourages new buildings that respond to the local historic context; public realm context; and take into account the policies of the Plan and other relevant plans, policies and design guidelines. The proposal is consistent with these policies and also advances the objectives for Fort Street through the provision of street trees which contribute to an enhanced pedestrian experience.

Cathedral Hill Precinct Plan

The application lacks consistency with the density policy in the *Cathedral Hill Precinct Plan*, which envisions densities up to 2:1 FSR, nor the maximum building heights, which are envisioned at eight storeys (proposal is for ten storeys); however, the Plan does encourage mixed-use development at this location with a variety of housing types and people-oriented uses at grade to enhance pedestrian activity (e.g. restaurants, retail and personal services). The proposal is consistent with these policies. It should be noted that the OCP and DCAP provide the most current policy direction as it relates to density and building heights, and encourages new development to respect the scale and massing of the surrounding context, which the application does achieve.

Tree Preservation Bylaw and Urban Forest Master Plan

There are four existing privately owned trees on the subject site at 835 and 849 Fort Street that are located within the building envelope and are proposed for removal. Five existing public trees in the city sidewalk area are proposed for removal due to impacts of the new building, underground parkade and public realm construction. Eighteen new public trees are proposed along Fort, Quadra and Broughton Streets. The applicant is working with BC Hydro and the City to relocate the overhead lines underground to provide better conditions for tree canopies within the public realm. There is one large caliper feature tree proposed on the subject site near the corner of Quadra Street and Broughton Street. There are also twelve additional trees proposed in the outdoor amenity areas on levels two and three of the proposed building.

Density Bonus Policy

As this application was received prior to November 8, 2018, consistent with the Density Bonus Policy (2016), a land lift analysis conducted by G.P. Rollo & Associates has been provided. It concludes that the additional density proposed with this Rezoning Application does not generate a community amenity contribution due to the costs associated with the onsite amenities,

specifically the proposed subsidized seniors rental units and relocating the hydro lines below ground.

Statutory Right-of-Way

The standard right-of-way for a secondary arterial street is 25.0m. To help achieve this minimum width a 1.72m Statutory Right-of-Way (SRW) would be provided on the Quadra Street frontage of this proposed development. No permanent structures are to be permitted in the SRW; however, the proposal does include a demountable sign for the retirement facility near the Quadra Street entrance, as well as landscaping beds and benches.

CONCLUSIONS


The proposal to construct a ten-storey, mixed-use seniors residence with approximately 268 rental dwelling units, amenity spaces and commercial uses is consistent with the OCP and DCAP with respect to the proposed land use and density. In addition, the proposal advances the goals of the OCP with regards to placemaking, housing and climate action through the provision of public realm improvements, community amenities, subsidized rental housing and commitment to LEED Gold certification. Therefore, it is recommended for Council's consideration that the application move forward to a Public Hearing, subject to the conditions provided in the staff recommendation.

ALTERNATE MOTION

That Council decline Rezoning Application No. 00613 for the property located at 829-899 Fort Street and 846-856 Broughton Street.

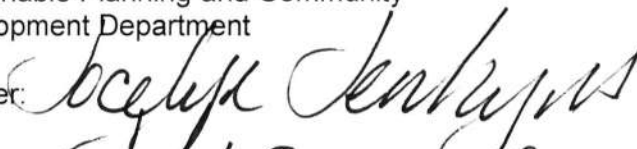
Respectfully submitted,


Alec Johnston
Senior Planner
Development Services Division


Andrea Hudson, Acting Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

Date:


July 31, 2019

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans, date stamped May 31, 2019
- Attachment D: Letter from applicant to Mayor and Council, dated July 26, 2019
- Attachment E: Community Association Land Use Committee Comments, dated March 20, 2017 and February 1, 2018
- Attachment F: Land Lift and Amenity Contribution Analysis, dated July 22, 2019
- Attachment G: Advisory Design Panel Minutes, dated April 11, 2018 and April 24, 2019
- Attachment H: Sustainability Report, dated September 19, 2017
- Attachment I: Correspondence.