



Committee of the Whole Report For the Meeting of September 9, 2021

To: Committee of the Whole **Date:** August 27, 2021

From: Karen Hoese, Director, Sustainable Planning and Community Development

Subject: Rezoning Application No. 00718 for 1124 Vancouver Street, 941 and 953 View 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. 00718 for 1124 Vancouver Street, 941 and 953 View 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. Minor plan revisions as detailed in concurrent Development Permit with Variances Application No. 00133.
2. Preparation of the following legal agreements, executed by the applicant, in a form satisfactory to the City Solicitor, to secure:
 - a. the rental tenure in perpetuity and to ensure a future strata cannot restrict the rental of units to the satisfaction of the Director of Sustainable Planning and Community Development
 - b. the provision of two car share vehicles, two car share stalls, 162 car share memberships and a 16 bike stall surplus in excess of the minimum requirements of the Zoning Regulation Bylaw to the satisfaction of the Director of Sustainable Planning and Community Development
 - c. the provision of an on-street Level 2 electric vehicle charging station to the satisfaction of the Director of Engineering and Public Works
 - d. the electrification of 16 parking stalls within the parkade capable of powering J1772 SAE connectors to the satisfaction of the Director of Sustainable Planning and Community Development
 - e. the design and installation of a boulevard rain garden on View Street, to the satisfaction of the Director of Engineering and Public Works
 - f. the streetscape improvements along the development frontages on View Street and Vancouver Street as per the Downtown Public Realm Plan 'New Town' District specifications and Bicycle Master Plan, including the provision and installation of furnishings, materials and one decorative pedestrian light, as approved by the Director of Engineering and Public Works and the Director of Parks, Recreation and Facilities.

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 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 1124 Vancouver Street, 941 and 953 View Street. The proposal is to rezone from the R3-C-P Central Area Multiple Dwelling and Parking District, R3-C-T Central Area Multiple Dwelling and Technology District and S-1 Limited Service District Zones to a site specific zone in order to increase the density and allow a multi-unit rental residential building at this location.

The following points were considered in assessing this application:

- The proposal is consistent with the Core Residential designation in the *Official Community Plan 2012 (OCP)* as it relates to land use and density.
- The proposal is consistent with the *Downtown Core Area Plan, 2011 (DCAP)* policies for sites within the Residential Mixed-Use District as it relates to height and density.
- The proposal is for a purpose-built market rental building, which will be secured in perpetuity through a legal agreement and is therefore exempt from the Inclusionary Housing and Community Amenity Policy.
- As a condition of rezoning, the applicant would provide a legal agreement to restrict the strata titling of the building.

BACKGROUND

Description of Proposal

This Rezoning application is to replace two existing commercial buildings and a surface parking lot with a six-storey purpose-built market rental building containing approximately 162 units, one level of underground parking and residential amenity space. The proposed density is 3.62:1 floor space ratio (FSR).

The proposal complies with the existing R3-C-P Central Area Multiple Dwelling and Parking District and R3-C-T Central Area Multiple Dwelling and Technology District zones; however, rezoning is required because it does not comply with the S-1, Limited Service District. The following key differences from S-1 Zone are being proposed and would be accommodated in the new zone:

- increase the density and height
- allow multi-residential use.

A parking variance is being requested and will be discussed in the concurrent Development Permit with Variances application.

Affordable Housing

The applicant proposes the creation of 162 new residential units, which would increase the overall supply of housing in the area. Legal agreements are proposed to secure the rental tenure in perpetuity and restrict strata titling of the building.

Tenant Assistance Policy

The proposal is to demolish two commercial buildings therefore the Tenant Assistance Policy does not apply.

Sustainability

The applicant has not identified any sustainability features. However, the proposal includes the provision of raingardens in the municipal boulevard along View Street, passive building envelope strategies for improved building performance as well as two car share vehicles, car share memberships and electric vehicle charging stations to reduce CO² emissions.

Active Transportation

The application proposes the following features which support active transportation:

- completion of the boulevard adjacent to the recently completed protected bike lane along the Vancouver Street frontage as part of the All Ages and Abilities cycling network
- 186 long-term and 16 short-term bicycle parking spaces on-site. The provision of long-term bike parking stalls exceeds the requirement by 16 stalls
- provision of two car share vehicles, two car share stalls and 162 car share memberships for residents (one per unit)
- a bicycle repair station located in the ground level courtyard, accessed via wheel ramps.

Public Realm

The following frontage works are being offered and will be secured in association with the Rezoning application:

- streetscape improvements to the View Street and Vancouver Street frontages consistent with the *Downtown Public Realm Plan and Streetscape Standards*
- installation of the protected bike lane improvements adjacent the Vancouver Street frontage, as per the City's *Bicycle Master Plan*
- installation of an on-street Level 2 electric vehicle charging station
- installation of soil cells to achieve recommended soil volumes for all new street trees along the municipal frontage on View Streets
- installation of City of Victoria standard tree guards for all street trees in grates along all municipal frontages
- installation of rain gardens along View Street.

The applicant has committed to working with the City to achieve these improvements and 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

No accessibility improvements are proposed beyond what is required through the *British Columbia Building Code*. The proposed interior courtyard, interior amenity space and roof deck are designed to be accessible.

Land Use Context

The area is characterized by a mixture of low-rise (one and two-storey buildings) and multi-unit buildings ranging in height from four storeys to 15 storeys. Immediately adjacent land uses are commercial buildings and surface parking lots.

Immediately adjacent land uses include:

- North – Harris Green commercial complex (a rezoning and development permit application are under consideration for this property. The current proposal includes a ground floor commercial podium, a central mid-block plaza with three residential towers ranging in height from 28 to 32 storeys. As currently proposed, the 28-storey tower would be across View Street from the subject site.)
- South – a three storey commercial office building
- East – a surface parking lot
- West – a surface parking lot (a development permit with variances application has been submitted for this property, which has not yet been considered by Council. The current proposal is for a 19-storey residential building)

Existing Site Development and Development Potential

The site is presently occupied by two commercial buildings (at one and two storeys) and surface parking. Under the current S-1 Zone (Limited Service District), the property could be developed up to 1.5:1 FSR with a maximum height of 15m. The range of uses permitted in the Zone includes but is not limited to restaurants, clubs, garages, automobile rental and retail sales. Under the R3-C-P Central Area Multiple Dwelling and Parking District and R3-C-T Central Area Multiple Dwelling and Technology District, the property could be developed to contain a range of uses including mixed-use residential up to ten storeys high.

Data Table

The following data tables compare the proposal with the existing zones, as well as the *Downtown Core Area Plan* policies. An asterisk is used to identify where the proposal differs from the existing zones.

Zoning Criteria	Proposal	R3-C-P / R3-C-T (R-48)	S-1	DCAP Guidelines
Site area (m ²) – minimum	2023.48	N/A	N/A	-
Density (Floor Space Ratio) – maximum	3.62:1*	N/A	1.5:1	3:1 (base) 5.5:1 (max.)
Total floor area (m ²) – maximum	7225.10*	N/A	3035.22*	11,129.14

Zoning Criteria	Proposal	R3-C-P / R3-C-T (R-48)	S-1	DCAP Guidelines
Height (m) – maximum	19.40	27	15	45
Storeys – maximum	6	9	N/A	15
Site coverage (%) – maximum	91.26*	N/A	60	-
Open site space (%) – minimum	39	N/A	N/A	-
Setbacks (m) – minimum				
Front (Vancouver Street)	1.50* (building) 0.60* (parkade)	3.50	0.00	0 - 3
Rear (west)	3.00 (building) 0.60* (parkade)	0.00	0 - 3	3.00
Side (north, View Street)	3.00 (building) 0.60 (parkade)	0.00	0.00	0 - 3
Side (south)	3.00 (building) 0.60* (parkade)	0.00	0 - 3	3.00
Vehicle parking residential – minimum (rental in perpetuity)	30*	87	87	-
Vehicle parking visitor – minimum	14*	16	16	-
Vehicle parking car share stalls (included in total)	2	N/A	N/A	-
Bicycle parking stalls long term – minimum	186	170	170	-
Bicycle parking stalls short term – minimum	16	16	16	-

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the Downtown Residents Association (DRA) CALUC at a Community Meeting held on August 28, 2019 and November 6, 2019. Two letters dated January 10, 2020 and January 14, 2020 are attached to this report.

Through the design revision process, a third CALUC meeting was triggered by an increase in density. A 30-day online consultation period was conducted, and the comments received during

this process are attached to this staff report. A total of four online responses were received; concerns were expressed related to parking and lack of sustainability features.

Since the proposal was referred to the CALUC, a minor increase to the FSR has resulted from the excess long-term bike parking (an extra 16 stalls are provided while only the required bike parking is exempt from floor area) and a technicality associated with the inclusion of the elevator shaft in floor area calculations. This amounts to 0.05 FSR (approximately 100m²). Staff do not recommend a further online consultation period because of the small degree of change as well as the reality that the overage is driven largely by regulatory technicalities. Staff have reached out to the CALUC to ensure they are aware of this change, and they have concurred that an additional consultation period is not necessary.

If further correspondence from the CALUC is received it will be forwarded to Council for consideration.

ANALYSIS

Official Community Plan

The *Official Community Plan, 2012* (OCP) Urban Place Designation for the subject property is Core Residential, which supports multi-unit residential, commercial and mixed-use buildings from three storeys up to approximately 20 storeys. The objectives of this designation are to transform the function, form and character of the area through mid-to-high-rise residential, mixed-use and commercial buildings. The proposal is consistent with the objectives of this designation and the OCP policies targeted toward placemaking, and policies encouraging the provision of rental housing.

The proposal is consistent with the objectives set out in the OCP in relation to land use and density.

Downtown Core Area Plan

Aligned with the OCP, the *Downtown Core Area Plan* (DCAP) has policies related to density and land use. The subject property is identified in the Residential Mixed Use District, which encourages multi-residential development appropriate to the context, respecting the allowable building heights in the neighbourhood. The proposal is consistent with the objectives set out in the DCAP in relation to land use and density.

The subject property falls within the density bonus area identified in the DCAP. New development in this location may have a base density of 3:1 FSR with extra density up to 5.5:1 FSR. However, the Inclusionary Housing and Community Amenity Policy came into effect after the DCAP and since the proposal is for a purpose-built rental project, which will be secured in perpetuity through a legal agreement, the proposal is exempt from the policy and no amenity contributions are required.

Tree Preservation Bylaw and Urban Forest Master Plan

The goals of the *Urban Forest Master Plan* include protecting, enhancing, and expanding Victoria's urban forest and optimizing community benefits from the urban forest in all neighbourhoods. This application was received after October 24, 2019, so Tree Preservation Bylaw No. 05-106 (consolidated November 22, 2019) applies, protecting trees larger than 30 cm diameter at breast height (DBH).

There are currently no trees on the subject property. Three large horse chestnut trees (75, 85 and 91 cm diameter) on the Vancouver Street frontage will be retained. Canopy pruning will be required to accommodate the proposed building. The applicant has reduced the size of the proposed balconies on the Vancouver Street frontage to reduce impacts to the canopies of the trees. Three small municipal trees and a 41 cm diameter municipal plum tree on View Street are proposed to be removed. Removal of the trees would be required to construct frontage improvements and underground parkade access.

There are four off-site trees located on the neighbouring properties at 946-950 Fort Street. A bylaw protected plum tree, labelled NT1 in the attached arborist report, will be impacted by the proposed development. Mitigation measures such as the use of alternative shoring techniques will be taken to retain the tree.

The proposed on-site landscaping includes 19 new trees. Three municipal trees are proposed in rain gardens on the View Street frontage.

Tree Impact Summary Table

Tree Status	Total # of Trees	To be REMOVED	To be PLANTED	NET CHANGE
On-site trees, bylaw-protected	0	0	0	0
On-site trees, not bylaw-protected	0	0	19	+19
Municipal trees	7	4	3	-1
Neighbouring trees, bylaw-protected	2	0	0	0
Neighbouring trees, not bylaw-protected	2	0	0	0
Total	11	4	22	+18

Increased Inventory	Annual Maintenance Cost
Rain Gardens	\$2161
Irrigation System	\$500

CONCLUSIONS

The proposal is consistent with the relevant policies in providing a diverse range of housing across the city. The proposal maintains the urban character of the neighbourhood and is within the existing density of the Urban Place Designation; therefore, the recommendation is that Council consider supporting this application.

ALTERNATE MOTION

That Council decline Rezoning Application No. 00718 for 1124 Vancouver Street, 941 and 953 View Street.

Respectfully submitted,

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Karen Hoese, Director
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Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans dated August 16, 2021
- Attachment D: Letter from applicant to Mayor and Council dated August 23, 2021
- Attachment E: ADP staff report dated February 12, 2021
- Attachment F: ADP minutes from the meeting of February 26, 2021
- Attachment G: Community Association Land Use Committee Comments dated January 10, 2020 and January 14, 2020
- Attachment H: Consultation Comments from Online Feedback Form
- Attachment I: Arborist Report, dated August 18, 2021 (as amended)
- Attachment J: Letter from MODO in support of the application dated August 16, 2021
- Attachment K: Correspondence (Letters received from residents).