



## Committee of the Whole Report For the Meeting of February 3, 2022

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**To:** Committee of the Whole **Date:** January 20, 2022

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

**Subject:** Rezoning Application No. 00791 and Development Permit No. 000605 for 808-812 View Street, 1205-1225 Blanshard Street and 805 Yates Street

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### RECOMMENDATION

#### Rezoning Application

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00791 for 808-812 View Street, 1205-1225 Blanshard Street and 805 Yates 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 of legal agreements executed by the applicant to secure the following with the form and contents to the satisfaction of the Director of Sustainable Planning and Community Development and the City Solicitor:
  - a. frontage improvements coordinated with the Blanshard Street upgrades
  - b. public realm features that meet the Downtown Public Realm Plan and Streetscape Standards
  - c. maintenance and/or extended warranty period for the unique street furnishings proposed
  - d. a 2.0m SRW on Blanshard Street.

#### Development Permit

That Council, after the Public Hearing for Rezoning Application No. 00791, if it is approved, consider the following motion:

1. That Council authorize the issuance of Development Permit Application No. 000605 for 808-812 View Street, 1205-1225 Blanshard Street and 805 Yates Street in accordance with:
  - a. Plans date stamped January 13, 2022.
  - b. Development meeting all *Zoning Regulation Bylaw* requirements.

- c. Registration of legal agreements to the satisfaction of the Director of Sustainable Planning and Community Design and the City Solicitor on the property's title to secure:
  - i. frontage improvements coordinated with the Blanshard Street upgrades
  - ii. public realm features that meet the Downtown Public Realm Plan and Streetscape Standards
  - iii. maintenance and/or extended warranty period for the unique street furnishings proposed
  - iv. a 2.0m Statutory Right-of-Way on Blanshard Street.
2. That the Development Permit, if issued, lapses in two years from the date of this resolution.

## LEGISLATIVE AUTHORITY

This report discusses a Rezoning Application and a Development Permit Application. Relevant rezoning considerations include the proposal to increase the density while the relevant Development Permit considerations relate to the application's consistency with design guidelines.

### Enabling Legislation

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.

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 Rezoning and Development Permit Applications for the property located at 808-812 View Street, 1205-1225 Blanshard Street and 805 Yates Street (Capital 6 site). The proposal is to rezone from the Central Business District 1 Zone to a Central Business District 1 Zone with site specific regulations to increase density. The concurrent Development Permit Application pertains to the proposed form, character, exterior design, finishes and landscaping.

The following points were considered in assessing the Rezoning Application:

- The application proposes an office building at roughly 44m in height and at a density of 5.89:1 floor space ratio (FSR). This is consistent with the use, density and height polices contained in the *Official Community Plan, 2012* (OCP) which envisions buildings up to 60m in height and densities up to 6:1 FSR.
- The proposal is consistent with the objectives of the *Official Community Plan, 2012*

(OCP) and *Victoria 3.0 (2020)* related to increasing the supply of office space, economic revitalization, and jobs in the Business Urban Place Designation. The application advances OCP climate change and energy resiliency goals by proposing to exceed the *BC Building Code Step Code* and by registering for LEED Gold certification.

The following points were considered in assessing the Development Permit:

- The proposed human scaled massing, high quality design, heritage and street context considerations, as well as the improvements to the public realm, achieve a high level of consistency with the Downtown Core Area Plan design guidelines.
- The proposal for a new office building in a location slated for taller buildings and increased density along Blanshard Street, also advances the development permit area objectives for the DPA 2 (HC), Core Business area.

## BACKGROUND

### Description of Proposal

This proposal is to increase the permitted density to construct a ten-storey office building with ground floor commercial uses.

The following differences from the current zone are being proposed and would be accommodated in a revised zone.

- an increase in density from 3:1 floor space ratio (FSR) to 5.89:1 FSR
- a 0.35m encroachment into the 1:5 setback plane on Yates Street
- a reduced rear setback (east) from 6m to 4.6m for portions of the building between 30m and 45m above grade and a reduced setback from 9m to 4.6m for portions of the building above 45m
- a reduced west setback from 6m to 3.9m for portions of the building 30m above grade.

### Land Use Context

The area is characterized by a mix of multi-family mid-rise buildings, newer office buildings, St. Andrews Cathedral and low-rise heritage buildings. Recently, Council approved upgrades and the heritage designation of the Montrose Apartment building, which is kitty corner to this application, as well as a twenty-storey hotel at the corner of Blanshard and Fort Street.



## Existing Site Development and Development Potential

The site is presently used as a movie theatre with small commercial units on Blanshard and View Street.

Under the current CBD-1 Zone, the property could be developed as a ten-storey building up to a density of 3:1 FSR with uses including offices, condominiums, hotels and civic facilities.

### Data Table

The following data table compares the proposal with the existing CBD-1 Zone. An asterisk is used to identify where the proposal does not meet the requirements of the existing Zone.

Zoning Criteria	Proposal	Existing Zone	OCP and Downtown Core Area Plan Policy
Density (Floor Space Ratio) – maximum	<b>5.89*</b>	3.0	6.0
Height (m) – maximum	<b>44.35*</b>	43.0	60.0
Storeys – maximum	10	10	~15-20
<b>Setbacks (m) – minimum</b>			
Front (Yates Street) (1:5 setback plane)	<b>-0.35*</b>	0.0	n/a
Rear (east) 30-45m above grade	<b>4.6*</b>	6.0	n/a
Rear (east) >45m above grade	<b>4.6*</b>	9.0	n/a
Side (west) >30m above grade	<b>3.9*</b>	6.0	n/a
Side (south) 20-45m above grade	8.35	6.0	n/a
Parking – minimum	144	n/a	n/a
<b>Bicycle parking stalls – minimum</b>			
Long Term	100	97	
Short Term	45	43	

### Active Transportation

The application will advance the creation of a separated bike lane along the Yates Street frontage and provide end of trip facilities, including shower and change rooms on the main-floor level which supports active transportation. The proposal also includes provision of three long-term and two short-term bike parking spaces beyond the amount required by City bylaws.

## Public Realm

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

- increased sidewalk area at the north-west corner of the site (Blanshard and Yates Street intersection)
- raingardens and vegetation along the Yates and Blanshard Street frontages to treat road storm water run-off and to provide a greenspace buffer between pedestrian and vehicular traffic and to break up the extent of hard surface within right-of-ways
- unique linear benches bordering the proposed raingardens
- surface treatment, site furnishing, lighting, concrete scoring and bike racks consistent with the City's Downtown Public Realm Plan and Streetscape Standards (DPRP) (specifically, 'New Town District').

The current layout of public realm improvements illustrated on the plans is indicative at this stage of the application. The City is undergoing a re-design for Blanshard Street which will inform the final design. Legal agreements securing the items listed above as well as their coordinated delivery are required prior to Council giving final consideration of the proposed Zoning Regulation Bylaw Amendment. The staff recommendation contains the necessary language.

## Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning Applications*, prior to submission of the application, the proposal was posted on the Development Tracker along with an invitation to complete a comment form on June 25, 2021. Additionally, the applicant participated in an online meeting with the Downtown CALUC on July 13, 2021. A summary of the online feedback was provided to the CALUC on July 26, 2021, however, at the time of writing this report, a letter from the CALUC had not been received.

In response to the consultation and staff commentary, the applicant amended the cladding and design of the east façade of the elevator core to provide more visual interest where it is closest to the property line.

## ANALYSIS

### Rezoning Application

#### Official Community Plan

The *Official Community Plan, 2012* (OCP) identifies this property within the Core Business Urban Place designation. This designation focuses on supporting employment growth and office development in the downtown core and reinforces the area as the Capital Region's primary economic hub.

Envisioned building heights range up to 24 storeys with densities up to 6:1 floor space ratio (FSR). The proposal aligns with the OCP Urban Place Designation with a 10-storey office building, including ground floor commercial uses, at a density of 5.89:1 FSR.

Other aspects of the proposal that advance OCP goals include:

- a public realm with an expanded corner plaza and a sculptural structural element to support human scale and liveability goals
- construction of the Yates Street bike lane and end of trip active transportation facilities to support transportation and mobility goals
- an energy efficient building that seeks to exceed *BC Building Code* Step Code objectives and registration for LEED Gold to advance climate change and energy resiliency goals
- a high-quality office building that advances economic policies for an enhanced urban core that provides employment opportunities.

### Downtown Core Area Plan

The Downtown Core Area Plan (DCAP) primarily identifies this area as intended to support core business functions to ensure that the Downtown can meet office space demands for both short and long-term growth forecasts. Similarly, high quality architecture and surrounding public areas are encouraged to retain Victoria's prominence as the capital of British Columbia and the Downtown Core Area's position as the heart of the region. The proposal for an office building with an enhanced public realm, including provision of plaza areas, within private property, advances these goals and aligns with the neighbourhood objectives outlined in DCAP.

### Victoria 3.0 Economic Action Plan

The proposed office building also meets the objectives in the *Victoria 3.0 - Recovery Reinvention Resilience (2020-2041)* economic action plan by providing high quality, centrally located office space and opportunities for job growth.

## **Development Permit Application**

### Official Community Plan: Design Guidelines

The OCP identifies this property within DPA 2 (HC), Core Business. The proposal advances the goals of this Development Permit Area by:

- contributing to the revitalization of this business district with a new office building in a location along Blanshard Street slated for taller buildings and increased density
- protecting views of heritage landmark buildings from public vantage points through a considered building massing approach
- enhancing the area by proposing high quality architecture, landscape and urban design that reflects the function of a central business district in scale, massing and character while responding to its historic context.

The key design guidelines applicable to this application are contained in the *Downtown Core Area Plan, 2011* (DCAP).

### Downtown Core Area Plan

Through the proposed human scaled massing, high quality design, heritage and street context considerations as well as the improvements to the public realm, the proposal achieves a high level of consistency with the applicable design guidelines.

Areas where the proposal differs from the design guidelines and existing zone relate to minor

infringements into the setback planes, proximity to the residential building to the east and maximum commercial floor plate sizes. Notably, the proposed floor plate sizes are consistent with the updated Downtown Core Area Design Guidelines (yet to be adopted) but inconsistent with the existing DCAP guidelines.

### *Heritage Landmark Radius*

This application falls within the 180m heritage landmark building radius of the St. Andrews Cathedral, located to the west of the subject site. Applications within this radius are subject to special consideration to ensure that the height, setbacks, siting, and overall massing respects the visual prominence and character-defining importance of heritage landmark buildings.

An 8.6 metre setback from View Street is proposed for the tower portion of the building, which maintains the public views and minimizes the shadowing impacts to the cathedral spire and forecourt.

The cladding palette also takes cues from St. Andrews Cathedral utilizing a combination of muted earth-toned ceramic and clay masonry, along with more lustrous metals which complement the recent copper roof update to the cathedral. These design approaches satisfy the objectives set out in the heritage landmark building radius policies.

### *Street Setbacks*

There are minor infringements into the street setbacks described in the zone and in the design guidelines on both Yates and Blanshard Streets. The Yates Street setback is considered negligible at 0.35m and is the result of preserving the view to the St. Andrews Cathedral. The Blanshard street infringement is greater, at 2.1m; however, the surrounding context and desire to increase the setback between this building and the residential building to the east make this inconsistency supportable.

Street setbacks are defined in DCAP to reduce building bulk of upper storeys, to minimize the effects of shading and wind vortices, to maintain views to the open sky, and to avoid the visual presence of bulky upper building mass. In this instance, the lower scale of building surrounding the site, the north-south orientation of the building and the step between the podium and tower all mitigate the infringement impact and help achieve the objectives described above through other design responses.

### *Floor Plates*

Similar to the objectives for street setbacks, floor plate maximums are intended to minimize shadowing impacts, to maintain views to the open sky, and to avoid the visual presence of bulky upper building mass.

The proposed floor plate sizes for levels seven to ten are roughly 1400 square metres. This is above the current DCAP maximum, which recommends a maximum of 1,000 square metres. However, the revised DCAP guidelines, which Council will consider in the coming weeks, recommend a maximum floor plate size of 1500 square metres. This increase to minimum office floor plate sizes was made to the revised DCAP in response to market analyses and feedback that all recommended an increase to minimum office floor plates to ensure the ongoing viability of this use in the downtown.

## *Building Separation*

Building separation policies are generally aimed at enhancing privacy between buildings, opening views to the sky, and improving access to sunlight. To achieve adequate building separations, minimum property line setbacks are recommended, increasing in distance with a proposed building's height.

The majority of the proposed building exceeds the minimum building separation distances in DCAP, however, the building's elevator core encroaches into the separation distance to the residential building to the east by 1.4m for a length of roughly 14m, about a third of the building length. The remainder of the building is set back 10.4m from the east property line, 4.3m in excess of the setback minimum.

Staff suggested increasing the building separation to meet the minimum standard, however, the applicant has demonstrated the functional difficulties in doing so and has provided design strategies to, on balance, mitigate the impact. These design strategies include:

- tailoring the overall building massing to optimize the spatial relationship between the tower and the neighbouring residential building
- setting back the occupied portions of the tower from the east property line by 10.4m, 4.3m in excess of the guidelines
- improving the cladding material proposed on the closest parts of the building
- switching the fire exiting stairs to a split stair to increase the setback
- providing a planted perimeter roof deck for on-looking neighbours with a forested edge on top of the podium to provide a softer buffer and to improve privacy.

Neighbouring building concerns mainly relate to the presence of a building at this location, rather than the specific encroachment into the minimum building separation distances. With that in mind, the proposed building orientation does maximize views and light access to the residential building to the east compared to a building that meets the minimum setback but extends the length of the property line. It does this by increasing the setback for the south portion of the building and increasing the east setback for the majority of the building length. As such, the infringement into the minimum recommended building separation is not viewed as a negative aspect of the proposal that worsens the relationship between the residential building to the east, but instead is viewed as a design approach that optimizes light access and maintains views for the residential building to east, beyond what would be achieved by adhering to the minimum setback requirements.

## Accessibility

Accessibility measures beyond those contained in the *British Columbia Building Code* are not proposed. However, additional consideration has been given to the public realm and the pedestrian experience. The proposed landscaping is consistent with the Downtown Public Realm Plan and significantly improves the pedestrian areas surrounding the proposal. Existing street furniture is proposed to be formalized and co-located, thereby creating clear pedestrian paths and the removal of obstacles. Sidewalk widths are increased around the entire perimeter of the site, which increases pedestrian safety and improves accessibility. Obstacle-free and tactile material changes are also proposed at enlarged pedestrian areas at the Yates and Blanshard Street intersections, which again improves the overall accessibility within the public realm.



## Sustainability

The applicant has indicated in their letter to Council and supplementary sustainability letter (attached) that the project will be registered with the Canadian Green Building Council's LEED program and will target a minimum designation of Gold. Additionally, the applicant has indicated that Step Code 3 of the *BC Building Code* will be targeted, where currently only Step Code 2 is required. In addition to these objectives, the following sustainability features will be included with this application:

- treatment of roadway and sidewalk rainwater in landscaped bioswales (rain gardens)
- end of trip active transportation facilities (locker room / shower amenities)
- extensive landscaped roof areas
- an additional electric vehicle parking stall.

## Advisory Design Panel Review

The application was reviewed by the Advisory Design Panel on October 5, 2021. At that meeting, the following motion was passed:

*That Rezoning No.00791 and Development Permit Application No. 00065 for 808, 812 View Street and 1205- 1225 Blanshard Street be approved with the following change:*

- For the City to work with applicant to accommodate trees along View Street.*

In response, the applicant has committed to continuing to try to find a solution to accommodate tree planting along View Street.

## 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. As noted earlier in this report, the exact location and number of trees is not confirmed at this stage and is pending the re-design of Blanshard Street and the subsequent determination of street trees feasibility relative to the location of underground utilities. Cash in lieu contributions of \$2000 per tree are proposed to be secured should the number of bylaw replacement trees be unachievable.

The tree inventory in the Arborist Report (attached) includes five trees on the municipal frontage along View and Yates Streets. There are no bylaw-protected trees impacted on the subject property or on adjacent properties. Under the Tree Protection Bylaw, the size of the parcel factors into the determination of the minimum number of trees required on-site. For this application, 13 replacement trees are required based a lot size of 2680m<sup>2</sup> and the application is proposing 18 on-site trees. Of the five street trees proposed for removal, two are in fair condition, two in fair to poor condition and one is in good condition. Their proposed removal is triggered by conflicts with the proposed building construction and underground parking and the public realm construction. The following is a summary of the tree-related considerations:

## Tree Information Table

<b>Tree Type</b>	<b>Current Total</b>	<b>To be REMOVED</b>	<b>To be PLANTED</b>	<b>Net Change</b>
On-site tree, bylaw protected	0	0	0	0
On-site trees, non-bylaw protected	0	0	18	+18
Municipal trees	5	5	13	+8
Neighbouring trees, bylaw protected	0	0	0	0
Neighbouring trees, non-bylaw protected	0	0	0	0
<b>Total</b>	<b>5</b>	<b>5</b>	<b>31</b>	<b>+26</b>

## Operating Budget Impacts

<b>Increased Inventory</b>	<b>Annual Maintenance</b>
Five new Street Trees	\$1300
Planting Beds	\$3000
Irrigation	\$1000
<b>Total Annual Maintenance</b>	<b>\$5,300</b>

## **CONCLUSIONS**

This proposal is consistent with the use, height and density objectives in the OCP and advances economic, sustainability, mobility and urban design. Significant green building features are also proposed, exceeding Step Code requirements and voluntarily offering registration with the Canadian Green Building Council's LEED program. Minor inconsistencies with the design guidelines are mitigated through considered design solutions which result in improved outcomes relative to the design guideline objectives. The proposal is also largely consistent with the form and character goals set out in the DCAP and, as such, this application is recommended to advance to a Public Hearing.

## **ALTERNATE MOTION**

That Council decline Rezoning Application No. 00791 and Development Permit application No. 000605 for the property located at for 808-812 View Street, 1205-1225 Blanshard Street and 805 Yates Street.

Respectfully submitted,

Miko Betanzo  
Senior Planner - Urban Design  
Development Services

Karen Hoese, Director  
Sustainable Planning and Community  
Development Department

**Report accepted and recommended by the City Manager.**

### **List of Attachments**

- Attachment A: Subject Map
- Attachment B: Plans date stamped January 13, 2022
- Attachment C: Letter from applicant to Mayor and Council dated November 9, 2021
- Attachment D: Sustainability Measures letter dated June 21, 2021
- Attachment E: Arborist Report dated July 22, 2021
- Attachment F: Pre-Application Consultation Comments from Online Feedback Form
- Attachment G: Correspondence (Letters received from residents).