



## Committee of the Whole Report For the Meeting of May 26, 2022

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**To:** Committee of the Whole **Date:** May 13, 2022  
**From:** Karen Hoese, Director, Sustainable Planning and Community Development  
**Subject:** Development Permit with Variances Application No. 00051 for 937 View Street

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### RECOMMENDATION

That Council decline Development Permit with Variances Application No. 00051 for the property located at 937 View Street.

### LEGISLATIVE AUTHORITY

Relevant Development Permit with Variance considerations relate to:

- the application's consistency with design guidelines
- the impact of variances.

### Enabling Legislation

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.

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 Development Permit with Variances Application for the property located at 937 View Street, which proposes a 19-storey residential building with approximately 266 rental units. Two

variances from the existing zone are proposed and relate to an increase in the maximum height from 27m to 60.15m and an increase in the maximum number of storeys from 9 to 19 storeys.

The following points were considered in assessing this application:

- The proposal has undergone numerous design iterations, which has resulted in an incremental increase in the building height from 45m (14 storeys) at the initial submission, to the current proposal of 60.15m (19 storeys). The most recent revisions relate to an increase in the setbacks to conform with the building separation requirements expressed in the design guidelines.
- The revised proposal is still 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 upper portions of the tower setbacks on the front (north) do not meet the minimum requirements for street wall heights, with floors 9 to 11 encroaching by approximately 3m.
  - The overall size and scale of the street wall does not enhance the experience at ground level by providing a human scaled urban design.
  - The proposal does not achieve a cohesive design or enhance the appearance along an arterial road (as visible from Fort Street) through high quality architecture, landscape and urban design responsive to its historic context through sensitive and innovative interventions.
- The impact of the proposed height variance would have a detrimental impact on shading of the public realm, access to sunlight and views to the open sky, and the location directly adjacent to an existing tall building would exacerbate these negative impacts.

Given the inconsistencies with the guidelines, staff are recommending that Council decline the Development Permit with Variances application.

## **BACKGROUND**

### **Description of Proposal**

This proposal is to construct a 19-storey, purpose built rental residential building containing approximately 266 units. Specific details include:

- high rise tower form with three distinct façade elements and uniform fenestration pattern
- exterior materials include curtain wall panel systems in white, light grey and dark grey stone texture
- community amenity space on the ground floor and two additional amenity spaces on level 19 including an outdoor north facing terrace
- primary and secondary street walls set back approximately 3.5m (levels 1 through 11) and a tertiary street wall set back approximately 6m (levels 5 through 14) from the street, with upper floors (levels 15 through 18) set back 8m and the penthouse (level 19) set back approximately 12m from the street
- removal of one existing boulevard tree to allow for the driveway access
- landscaping on View Street consisting of four new street trees (two on-street in tree grates and two in boulevard planting strips) and a raingarden
- landscaping within the private property consisting of nine new trees and shrub planting in raised planters along the north (front) and east (side) property lines, and a trellis and associated planting along the west (side) property line

- secure bicycle parking for 290 bicycles, located at the rear of the building on the main floor
- publicly accessible bicycle parking for 27 bicycles located at the front entrance and the side lane (easement for access to 930 Fort Street to the south).

The following differences from the R-48 Zone, Harris Green District, are proposed and require variances:

- an increase in the maximum height from 27m to 60.15m
- an increase in the maximum number of storeys from 9 to 19 storeys.

### Land Use Context

The area is characterized by a mix of residential, commercial and surface parking lot uses.

Immediately adjacent land uses include:

- North – Harris Green commercial complex (currently part of an active rezoning application)
- South – surface parking lot (an approved development permit for a 13-storey mixed use building exists and will expire in September 2022 if construction has not substantially commenced)
- East – vacant single storey commercial buildings and surface parking (Council approved a rezoning and development permit application for a six-storey, purpose built rental building on February 10, 2022)
- West – existing 19-storey multi residential building (View Towers)



### Existing Site Development and Development Potential

The site is presently used as a surface parking lot.

Under the current R-48 Zone (Harris Green District), the property could be developed at a height of ten storeys (if commercial use is included on the ground floor) to accommodate a range of uses, including but not limited to residential, retail, office, restaurant, theatres or day cares. The current zone does not prescribe a maximum density.

### Data Table

The following data table compares the proposal with the R-48 Zone (Harris Green District) as well as the *Downtown Core Area Plan* policies. An asterisk is used to identify where the proposal does not meet the requirements of the existing Zone.

Zoning Criteria	Proposal	R-48 Zone	2011 DCAP Guidelines
Site area (m <sup>2</sup> ) – minimum	1572.30	N/A	-
Density (Floor Space Ratio) – maximum	7.97	7.97 <sup>1</sup>	5.5:1
Total floor area (m <sup>2</sup> ) – maximum	12,539	N/A	8647.65
Height (m) – maximum	<b>60.15*</b>	27	45.00
Storeys – maximum	<b>19*</b>	9	15
Site coverage (%) – maximum	62.00	N/A	-
Open site space (%) – minimum	38.00	N/A	-
<b>Setbacks (m) – minimum</b>			
Front (View Street)	3.50	3.50	0 - 3
Rear (south)	0.00	N/A	3.00
Side (east)	0.00	N/A	0 - 3
Side (west)	7.62	N/A	0 - 3
Vehicle Parking – minimum	0	0	-
Bicycle parking stalls long term – minimum	290	274	-
Bicycle parking stalls short term – minimum	27	27	-

<sup>1</sup> The R-48 zone is silent on density. However, a calculation has been provided based on the permitted heights and setbacks of the existing zone.

## Active Transportation

The application proposes the following features which support active transportation:

- 290 secure bicycle stalls located at the rear of the building on the main floor (exceeding the minimum requirements in the *Zoning Regulation Bylaw* by 16 stalls), 50% of which are proposed to have electric charging outlets
- 16 publicly accessible bike racks located on View Street and 11 publicly accessible bike racks located on the side lane including bicycle repair benches.

The electrical charging outlets for the bicycle stalls would be secured through a legal agreement should Council decide to advance the application.

## Public Realm

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

- streetscape improvements along the development frontage as per the Downtown Public Realm Plan 'New Town' District specifications, including the provision and installation of furnishings, materials and one decorative pedestrian light
- provision and installation of soil cells to achieve recommended soil volumes and depths for two of the four new street trees in the sidewalk along View Street
- provision and installation of the City standard tree guards for all street trees in grates
- a boulevard rain garden along View Street.

Should Council decide to advance the application these would be secured with a Section 219 covenant, registered on the property's title, prior to Council giving final consideration at an opportunity for public comment.

## Private Easement

A private easement exists along the west of the property, providing access to and from View Street for the owner of 930 Fort Street. An active Development Permit exists for 930 Fort Street, which if constructed would contain approximately 27 underground parking stalls. This information is provided for context only, and the existence of the easement is not a factor that Council may consider in determining whether to deny or approve this application since it is unrelated to the relevant design guidelines applicable to the subject property. The proposal for 937 View Street will not affect the easement and the application has allowed for access to 930 Fort Street as part of the current design.

## Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant was referred for a 30-day comment period to the Downtown Residents Association (DRA) CALUC on September 5, 2017. Revised plans were also circulated to the CALUC on October 28, 2019, January 24, 2020, May 13, 2021, and January 13, 2022. A letter dated February 2, 2020 is attached to this report.

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

The associated 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.

### **Advisory Design Panel Review**

The application was referred to the Advisory Design Panel (ADP) on February 26, 2021 (minutes attached) where the following motion was carried:

*"It was moved by Pamela Madoff, seconded by Marilyn Palmer, that Development Permit with Variances Application No. 00051 for 937 View Street does not sufficiently meet the applicable design guidelines and polices and should be declined (and that the key areas that should be revised include:)*

- *A shorter podium, in compliance with the guidelines, should be considered to respond to the narrow proportion of View Street and to create a more human scale. The podium should be clearly defined by a significant building setback.*
- *The DCAP guidelines for street walls requiring a 3m setback for buildings up to 30m and a 6m side yard setback for portions of buildings above 30m should be followed in order to address issues of privacy, create space between buildings and reduce impacts on adjacent buildings.*
- *The building presents a very austere facade at the ground level. The DCAP guidelines encourage an articulated facade at the base level with multiple entrances, extensive glazing, pedestrian-scale lighting and canopies and awnings to provide weather protection for pedestrians.*
- *DCAP guidelines stress the importance of a strong architectural expression of 'base, body and top' specific to taller buildings. The proposal does not respond to this guideline and this has resulted in a uniform, monolithic appearance.*
- *The monolithic appearance of the building is further accentuated by a lack of variety in fenestration, materials, colour, texture and architectural expression.*
- *The proposal does not provide the high-quality architecture, building materials, landscape and urban design response that it specified in DPA 7B.*
- *Design development to enhance/refine pedestrian experience."*

The applicant has submitted revised plans and a letter from the architect dated April 29, 2021 (attached) provides further detail regarding their response to ADP. A brief summary of the changes that have been made include:

- an increase in building height from 18 storeys to 19 storeys
- a reduced podium height and massing from six to four storeys
- an increase in building setbacks that generally conformed with the minimum DCAP requirements (minor deviations were still apparent)
- revisions to the building form with attempts to break down the overall massing through a layered hierarchy of facades, step backs, corner cuts, projecting horizontal floor slabs and introduction of a secondary material treatment for the podium element
- introduction of a ground floor residential amenity space with shared patio and provision of ground floor weather protection canopies
- removal of green roof feature.

Additional revisions have been made in response to comments from staff. A letter from the architect dated December 29, 2021 provides further detail on the design changes, which can be summarised as follows:

- design refinements to the layered street walls through the removal of the projecting horizontal floor slabs on the secondary street wall and the addition of a third material (overall massing remains unchanged)
- simplification of the fenestration pattern and introduction of stronger shadow lines and recessed rainscreen panels.

## **ANALYSIS**

### **Development Permit Area and Design Guidelines**

#### **Official Community Plan**

The *Official Community Plan, 2012* (OCP) identifies this property within Development Permit Area 7B (HC): Corridors Heritage. Key objectives of this designation include conserving the heritage value, special character and the significant historic buildings, features and characteristics of this area; further, the objectives look to achieve a more cohesive design and enhanced appearance, along arterial and secondary arterial streets, through high quality architecture, landscape and urban design responsive to its historic context through sensitive and innovative interventions. Although revisions to this proposal have resulted in increased tower setbacks, decreased podium height, and improved uniformity of the side elevations, it is still not consistent with the design guidelines associated with this Development Permit Area. Staff have concerns that the tower would have impacts on shading and privacy, that the street wall would not relate well to the public street and sidewalk, and that the building lacks cohesion and does not provide a sensitive response to the Heritage Corridor.

The OCP encourages the logical assembly of development sites to enable the best realization of development potential for the area. Staff strongly encouraged the applicant to consider lot consolidation with the adjacent owner to the east, which would help achieve a development more consistent with the policies in the OCP and Development Permit Area design guidelines through site planning. However, this was not realized and on January 10, 2022 Council approved a Rezoning and Development Permit with Variances for a six-storey, purpose built rental building for the adjacent parcel.

#### **Downtown Core Area Plan**

The *Downtown Core Area Plan* (DCAP) was originally approved in September 2011 as the key neighbourhood plan for Harris Green and has recently undergone a review to maintain alignment with other related City policies, plans and regulations. It was determined that improvements to its building design guidelines were needed to better achieve plan objectives and ensure future growth and development results in high quality environments. The updated DCAP was approved by Council on March 3, 2022, with related OCP amendment bylaws approved on March 24, 2022. The OCP bylaw includes a transition period of three-month effective date to allow current in-stream development applications to be processed under the previous DCAP (2011). Given that the current proposal is being presented during this transition period, a review of relevant policies from both the 2011 and 2022 DCAP has been provided. The applicant has primarily focussed on responding to the guidelines in the 2011 DCAP.

The subject site is designated Residential Mixed-Use District in the DCAP which envisions multi-residential development up to a height of 45m. The base density for a mixed-use

development is a floor space ratio (FSR) of 3:1 and a maximum of 5.5:1. The proposed height is 60.15m and the density is 7.97:1 FSR, therefore the proposal is inconsistent with the height and density provisions in the DCAP. Despite being in excess of the maximum density prescribed in the relevant policy documents, the application does not exceed the theoretical density that could be achieved under the existing R-48 Zone, which is 7.97:1. As a result of complying with the zoning, the application qualifies for being processed as a Development Permit with Variance.

The DCAP provides both broad urban design objectives for the Downtown Core and more detailed design guidelines for specific districts. The DCAP also includes policies related to the design of buildings. Although improvements have been made to the proposal, the current design does not sufficiently meet the relevant design guidelines. Further commentary is provided below, as well as details on how the proposal responds to the recently adopted DCAP (2022) guidelines.

## Building Separation

### *2011 DCAP*

The 2011 DCAP guidelines require a minimum clearance of 3m from all side and rear property lines for portions of the building up to 30m in height and a minimum clearance of 6m for portions of the building above 30m. Additional clearances are required where buildings above 45m are located directly next to existing buildings greater than 45m in height. View Towers is located directly adjacent to the west and meets this height criteria (at approximately 52m), therefore a minimum side yard clearance of 10m is required from the west property line. Above 45m, balconies are required to be a minimum of 9.5m from the property line. The proposal generally meets the building separation distances with the exception of the terrace located on the southwest of level 15, which is positioned 7.9m from the property line (an encroachment of 1.6m). The positioning of the building from the south setback above level 15 is a fraction below the minimum 6m required, at 5.88m from the property line (an encroachment of 0.12m).

Despite the general conformity with the separation distances, the guidelines do encourage additional clearances (where feasible) to enhance livability for residential uses, and this is of particular importance given the orientation of units on all elevations, since three of the façades (south, east and west) would have large banks of windows facing existing or approved buildings. The separation distances stated in the guidelines are minimal when compared to best practices elsewhere, and recently constructed developments have led to some tight interfaces in the Urban Core. In response to these less than desirable conditions, the updated DCAP (2022) includes more stringent setback requirements as discussed below.

### *2022 DCAP*

The updated DCAP (2022) requires a minimum rear yard setback of 8m for portions of the building located above the first storey that contain residential uses and a minimum side and rear setback of 10m for buildings that exceed 36m in height, which the proposal does not conform with. The proposed tower would be located 4m from the south (rear) property line (4m below the minimum setback requirements) 3.88m from the east property line (approximately 6m below the minimum requirements) and 7.62m from the west property line (approximately 2m below the minimum requirements). The proposal does however conform with the guidelines for portions of towers that face a public street (typically the front setback), which require a minimum setback of 3m, and the proposal exceeds this by 0.5m for the View Street frontage.

The guidelines include additional policies that reinforce the need to mitigate overlook and

enhance privacy for individual residential units. Council recently approved a Rezoning and Development Permit with Variances for the adjacent parcel to the east for a six-storey, purpose built rental building. If constructed, this would include bedrooms and living rooms approximately 5m from the west property line of the subject site, with a 7m building to building interface. The property to the south (930 Fort Street) also has an approved Development Permit for a 13-storey residential building, which if constructed would be situated approximately 5m from the property line and also contains living rooms and bedrooms. This would result in a building-to-building interface on the south of only 8m for the first nine storeys and 11m for upper portions of the tower. Although the previous DCAP (2011) requirements are generally being met, the interface between the proposed building and recently approved buildings significantly affects the privacy and livability for residents given the orientation of units on all sides and the large expanse of windows.

## Built Form and Massing

### *2011 DCAP*

The 2011 DCAP guidelines seek to minimize the effects of wind through massing and design, and note that new buildings that are located adjacent to a park, plaza or open space may be required to submit a shadow and wind assessment. Whilst the applicant has provided a shadow study, no wind assessment has been provided despite staff's request. Given the location of the proposed tall building being adjacent to View Towers and across the street from the public plaza proposed as part of the in-stream Rezoning application for the 900-block of Yates Street, staff have requested in the alternate motion that a wind study be provided in advance of an opportunity for public comment, should Council decide to advance the application. The updated 2022 DCAP guidelines further support this request where proposals are likely to result in significant wind tunnel effects on the pedestrian realm.

DCAP addresses the importance of the design of "base, body and top" in relation to taller buildings with a key objective being to avoid uniformity in building design. The proposed development has evolved through a number of design iterations, and in more recent versions staff noted concern at the lack of expression between the base, body and top of the tower. The applicant cites the proposed prefabricated modular construction method as being the primary reason that is driving the current design.

The guidelines include design criteria which apply to new buildings that are located along public streets to frame the streetscape and reinforce a human scale. The DCAP (2011) had a prescriptive approach for creating a series of street walls which aims to reduce the overall massing and bulkiness of taller buildings. The proposal generally conforms with this design approach, with the exception of a portion of the primary street wall (levels 9 to 11), which does not meet the required 6m setback from the property line, for portions of the building above 25m. Although the applicant has attempted to address other aspects for upper storey setback requirements in the guidelines, the multiple layered front façade, combined with the staggered setbacks (particularly on the east elevation), results in an appearance that lacks overall design cohesion.

### *2022 DCAP*

The new DCAP (2022) recognised the limitations of such prescriptive design guidelines and has simplified the approach to tall buildings, eliminating the requirement for multiple staggered façade setbacks, which does present opportunities to create a more elegant building form. However, the minimum tower setback requirements under the new DCAP (2022) mentioned

previously (which cannot be met in the current design) ultimately determine the resultant floor plate size and whether a site can accommodate a tall building. Whilst the proposal would meet the floorplate limitations in both the 2011 and 2022 DCAP, the updated 2022 DCAP suggests a minimum parcel size of 1600m<sup>2</sup> for interior lots, which the subject site is deficient by approximately 30m<sup>2</sup>. In these circumstances, an innovative and creative response is required to meet the intent of the guidelines, on key issues mentioned earlier such as form and massing, building separation, privacy and access to sunlight. The current proposal does not present any thoughtful responses to these design considerations which suggests that the subject site is not a candidate for a tall building.

### Relationship to the Street

The Residential Mixed-Use District encourages multi-residential development appropriate to the context, respecting the allowable building heights in the neighbourhood. Active commercial street-level uses are encouraged to help increase pedestrian activity. View Street is identified as a Local Street, with commercial or residential considered as acceptable uses. Although the proposal does not include commercial use at the ground floor, it does include a shared amenity room adjacent to the lobby and street-facing common patio, as well as individual entrances to the three ground level units. For these reasons, the proposal is considered to be generally consistent with the policy as it contributes to increased pedestrian activity and interest at the street level. However, further consideration is required for the proposed fencing for the ground level mechanical rooms, which exceeds the maximum height of the Fence Bylaw as discussed on the following page, and details on the elevation drawings are limited with respect to the street level entrances. Appropriate wording to refine this element is included in the alternate motion, should Council advance the application.

The guidelines encourage increasing the urban tree canopy and other landscape elements as a component of streetscape improvements. The proposal includes a rain garden and four new street trees as discussed later in this report, which is consistent with the guidelines. The recent approval of the proposal to the east includes a rain garden adjoining the subject site, and should Council advance the application, staff are recommending the application at 937 View Street be revised to provide a more seamless transition to the adjacent development to the east.

### Crime Prevention Through Environmental Design

At the request of staff, the applicant has provided a Crime Prevention Through Environmental Design (CPTED) analysis to identify measures being undertaken to address safety and security. The proposal has improved in recent iterations and does include an amenity room and office with windows overlooking the vehicle access lane and public bike storage, which enhances natural surveillance. However, the lighting features referenced in the CPTED letter are not included on the architectural or landscape drawings, therefore if Council chooses to advance the application, this will be a required plan revision prior to an opportunity for public comment.

### Heritage Corridor

An objective of DPA 7B (HC): Corridors Heritage is to achieve a more cohesive design through high-quality architecture and urban design that is responsive to its historic context and conserves the special characteristics and heritage value of the area.

The proposed development alters the spatial organization of the streetscape between Quadra and Vancouver Streets through the introduction of a tall building that is incompatible in terms of size, scale and design to its context. The proposed development does not provide an adequate

transition in scale to respond to the low-rise character of its adjacent historic context to the south (Fort Street).

### **Advisory Design Guidelines for Buildings Signs and Awnings (1981)**

The *Advisory Design Guidelines for Buildings Signs and Awnings* (1981) state that an acceptable application will include consideration of an attractive streetscape and that the architecture and landscaping of the immediate area be identified and acknowledged. In evaluating a design, particular emphasis will be placed on the solution to these general aspects: comprehensive design approach, relevancy of expression, context, pedestrian access, massing, scale, roofline, detailing, street relationship, vistas, landscaping plan, colours and textures. The application is not consistent with these guidelines as it relates to massing, scale and context.

### **Guidelines for Fences, Gates and Shutters (2010)**

The objective of these guidelines is to ensure that where fences, gates and shutters are required, they are designed well and complement their surroundings. The application includes security fencing for access to the ground level mechanical rooms on the east of the building, although details in the application package are limited. The gates are set back behind the pad mounted transformer (PMT), which does reduce the negative visual impact on the street to a certain extent. However, the height of the gates is taller than allowed under the Fence Bylaw, which adds to fortress-like appearance along the street. In addition, further consultation is required with BC Hydro to ensure the proposed power supply aligns with the recently approved development to the east. This may affect the design at the street level and appropriate wording is included in the alternate recommendation to address this, should Council decide to advance the application.

### **Fence Height Variance**

The *Fence Bylaw* requires fences to be no taller than 1.83m if the fence is located between that parcel's front building line and the rear boundary. Since the security fencing is proposed at 2.21m high, which exceeds the maximum height allowed in the Fence Bylaw by 0.38m, the proposal may require a variance. Appropriate wording is provided in the alternate recommendation to remove this variance, should Council decide to advance the application.

### **Variations**

Two variations to the *Zoning Regulation Bylaw* are being proposed as part of this application.

#### Height and Number of Storeys

An increase in the height from 27m to 60.15m and an increase in the number of storeys from 9 to 19 is being requested. The R-48 Zone does not prescribe a maximum density through an FSR calculation. In the case of a height variance in this Zone, standard practice is to determine the "theoretical" FSR based on the height and setback regulations as they relate to the subject property. This determines the building envelope that can be achieved. The theoretical density for the subject property is 7.97:1 FSR and the proposal is for a building with an FSR of 7.97:1. Although determining the building envelope through R-48 zoning parameters has been standard practice, this doesn't necessarily result in a building that would meet the relevant guidelines or receive staff support. An analysis was also provided that applied the relevant setback and street wall requirements in the DCAP (2011), which results in a "quantitative design guideline compliant" theoretical FSR of 5.99:1.

At the time of the initial submission in 2017, the proposal met the maximum height limits recommended in the guidelines (45m). Throughout the design evolution, in order to meet the required building setbacks (DCAP, 2011), the proposal has gradually increased in height and density, with the proposal being presented to Council now exceeding the recommended height guidelines in the DCAP by 15m, or four storeys. Through the review process, staff repeatedly emphasised the importance of meeting and exceeding the minimum building separation distances, but not at the expense of other aspects of the guidelines. Other relevant aspects of the guidelines encourage the orientation of tall building massing to limit sun shadowing, particularly on adjacent public realm locations such as sidewalks, parks, plazas, and open spaces. Since the proposal was submitted, an active application now exists to rezone the property to the north (Harris Green commercial complex), which contains a public plaza directly north of the subject property. The shading impacts of the proposed 19 storey building would have a detrimental effect on this proposed public space. The 2022 DCAP guidelines require a more rigorous approach to shading analysis and whilst this level of detail has not been provided, it is anticipated that the proposal would be a further departure from this aspect of the new guidelines.

The guidelines encourage offsetting tall buildings from other adjacent tall buildings, to create a more diverse skyline and improve sunlight access into development blocks. View Towers is located immediately to the west of the subject site and the proposed building would exceed the height of this existing building by approximately 0.5m. Although the proposed form is less slab-like than its neighbour, the height and scale of the building would exacerbate negative impacts on views to the sky and access to sunlight. Given the inconsistencies with current policy (both 2011 and 2022 DCAP) and the detrimental impacts on the public realm, staff recommend for Council's consideration that the proposed height variance be declined.

### **Accessibility**

No accessibility improvements are proposed beyond what is required through the *British Columbia Building Code*. The proposed ground floor patios and all amenity spaces are designed to be accessible and should Council decide to advance the application, these will be secured through a legal agreement, which the applicant is amenable to.

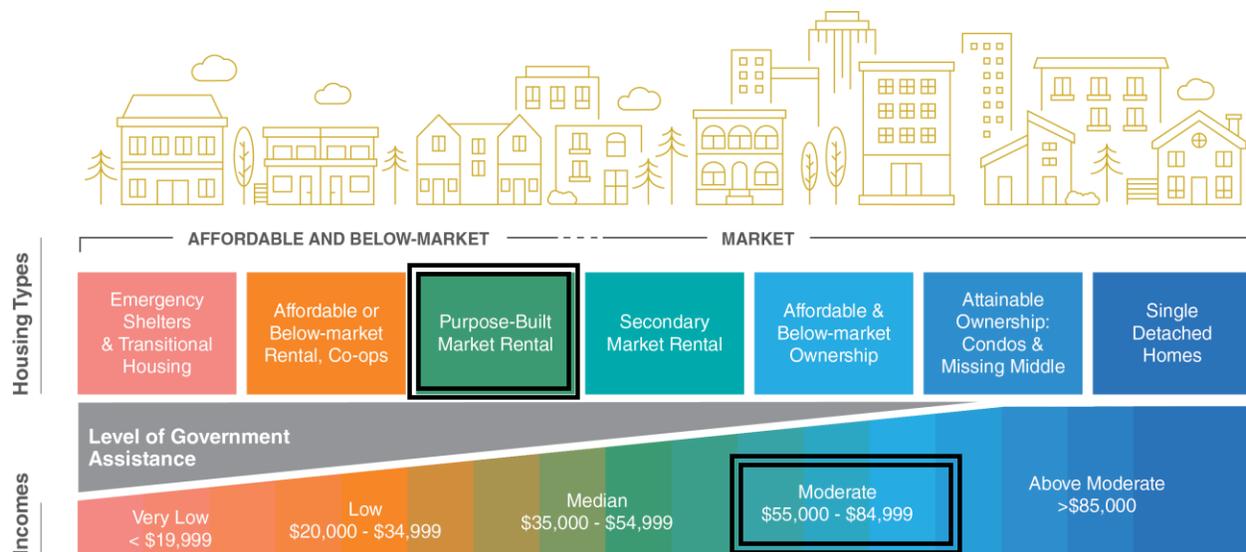
### **Sustainability**

The proposal includes secure bike parking for 290 stalls, which exceeds the minimum standards in the *Zoning Regulation Bylaw* by 16 stalls. The applicant notes the provision of electrical outlets for the bike room, and has agreed to secure electric outlets for 50% of the bicycle stalls through a legal agreement, should Council decide to advance the application.

### **Housing**

Since this application is for a Development Permit with Variances, housing tenure and affordability considerations cannot be required. However, the applicant has agreed to secure the rental tenure of the building for the greater of 60 years or the life of the building. The application would add approximately 266 new residential rental units, which would increase the overall supply of housing in the area and contribute to the targets set out in the *Victoria Housing Strategy*.

As noted in the applicant's letter, the proposal aims to target Moderate Incomes, which falls on the market end of the Housing Continuum diagram.



**Figure 1. Housing Continuum**

### *Housing Mix*

At present there is no policy that provides targets regarding housing mix, and unit type is not regulated or secured. However, the OCP identifies a mix of units as an objective and identifies the need for a diverse range of housing units including family housing (two bedrooms or more). As submitted, this application proposes a mixture of studio and 1-bedroom units ranging from 29 m<sup>2</sup> (312 ft<sup>2</sup>) to 48 m<sup>2</sup> (516 ft<sup>2</sup>) in size, but does not include any units appropriate for families. However, as noted above, since this application is for a Development Permit with Variances, the provision of a specific unit mix has not been secured.

### *Security of Tenure*

A Housing Agreement is being proposed which would ensure that the units would remain rental for 60 years or the life of the building.

### **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 on August 9, 2017, so *Tree Preservation Bylaw* No. 05-106 (consolidated on June 1, 2015) applies.

One existing tree on Fort Street, an 8 cm diameter Persian Ironwood will require removal to accommodate the driveway access. Two new street trees are proposed to be planted in the boulevard rain gardens and two new street trees are proposed in grates within the sidewalk. The landscape plan shows nine small canopy trees at maturity. Should Council advance the proposal, it is recommended that prior to Public Hearing the applicant identify the extent of the soil cells within the sidewalk and that the provision of soil cells be secured through a legal agreement. Appropriate wording in the alternate motion is included for Council's consideration.

Parks has requested a second rain garden be added in the eastern-most bulb that would be integrated with the recently approved development at 1124 Vancouver Street.

Below is a summary of tree related impacts:

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	9	9
Municipal trees	1	1	4	+3
Neighbouring trees, bylaw protected	0	0	0	0
Neighbouring trees, not bylaw protected	0	0	0	0
<b>Total</b>	<b>1</b>	<b>1</b>	<b>4</b>	<b>+12</b>

The City would incur the following annual maintenance costs for the planting of four new municipal trees, installation of two rain gardens, and an irrigation system.

**Table 1: Resource Impacts**

Increased Inventory	Annual Maintenance
New municipal trees (three net new)	\$180
New rain gardens	\$1,632
Irrigation	\$400

**CONCLUSIONS**

The proposal to construct a 19-storey, purpose built rental building with approximately 266 dwelling units is consistent with the OCP and DCAP with respect to the proposed land use and would offer a significant supply of one-bedroom / studio units in a centrally located area well served by local services and transit. However, the limited setbacks as well as the orientation of units in all directions presents critical challenges associated with privacy and liveability of units. The proposed height exceeds those recommended in the guidelines and would have negative shading impacts on the public realm and the location directly adjacent to an existing tall building would exacerbate the negative impacts on views to the sky and access to sunlight. The multiple design iterations and attempts to achieve the setback and street wall requirements has resulted in an architectural expression that lacks cohesion.

The proposal does not sufficiently meet the DCAP (2011) guidelines, and given the more stringent setback and minimum parcel size requirements, the proposal would be a further departure from the new (2022) guidelines. The subject property is not suitable candidate for a tall building and staff recommend for Council's consideration that this Development Permit with

Variances Application be declined. Despite the consistent advice provided by staff with respect to developing a proposal that has greater consistency with the guidelines, the applicant has opted to pursue the current proposal. Given the longstanding nature of the application, it is therefore not recommended the applicant be directed to prepare an alternate design. Should Council wish to advance the proposal, an alternate recommendation is provided to advance the current design with minor revisions.

### **ALTERNATE MOTION (Advance as is with Minor Revisions)**

That, subject to plan revisions to address the following:

- a. Corrections to the illustration of the bicycle parking stalls to comply with Schedule C of the *Zoning Regulation Bylaw*
- b. Provision of additional information on the View Street elevations to include details of door openings for residential units, lobby and amenity rooms as well as to accurately reflect the proposed landscaping features illustrated in the 3D renders
- c. Improving the relationship with the street adjacent to the pad mounted transformer and ensuring that any proposed fencing meets the relevant guidelines and maximum heights in the Fence Bylaw
- d. Provision of a rain garden in the easternmost landscape bulb along View Street, to provide a more seamless transition to the recently approved development to the east
- e. Provision of a lighting study
- f. Provision of a wind study
- g. Provision of a physical material board
- h. Provision of an updated Sewage Attenuation Report to the satisfaction of the Director of Engineering and Public Works
- i. Confirmation that BC Hydro has approved the proposed power supply to the development, to the satisfaction of the Director of Engineering and Public Works
- j. Corrections to the Landscape Plan and Civil Plans to include a rain garden on the easternmost bulb out that is integrated with the proposed rain garden on the adjacent development
- k. Confirmation of the extent of soil cells on landscape and civil plan to the satisfaction of the Director of Parks, Recreation and Facilities and Director of Engineering and Public Works
- l. Corrections to the Preliminary Servicing Plan, to the satisfaction of the Director of Engineering and Public Works.

And, subject to the preparation and execution of the following legal agreements in a form satisfactory to the City Solicitor:

- a. A Housing Agreement to secure the rental tenure of the building for the greater of 60 years or the life of the building and to ensure that a future strata cannot restrict the rental of units, to the satisfaction of the Director of Sustainable Planning and Community Development.
- b. A Section 219 covenant to ensure that the dwelling units are not strata titled, to the satisfaction of the Director of Sustainable Planning and Community Development.
- c. A Section 219 covenant to secure the common amenity areas as fully accessible, to the

satisfaction of the Director of Sustainable Planning and Community Development.

- d. A Section 219 covenant to secure electric outlets for no less than 50% of the bicycle stalls to the satisfaction of the Director of Sustainable Planning and Community Development
- e. A Section 219 covenant to secure public realm improvements including:
  - i. streetscape improvements along the development frontage as per the Downtown Public Realm Plan 'New Town' District specifications, including the provision and installation of furnishings, materials and one decorative pedestrian light to the satisfaction of the Director of Engineering and Public Works.
  - ii. provision and installation of soil cells to achieve recommended soil volumes and depths for 2 of the 4 new street trees in the sidewalk along View Street
  - iii. provision and installation of the City of Victoria standard tree guards for all street trees in grates
  - iv. two boulevard rain gardens along View Street.

And that subject to receipt of a letter from the Ministry of Environment confirming that the landowner has met the requirements of Section 557(2) of the *Local Government Act* with respect to contaminated sites, Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

1. "That Council authorize the issuance of Development Permit with Variances No. 00051 for 937 View Street in accordance with:
  - a. Plans date stamped January 6, 2022.
  - b. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
    - i. increase the height from 27m to 60.15m;
    - ii. increase the number of storeys from 9 to 19.
2. That the Development Permit, if issued, lapses in two years from the date of this resolution.

Respectfully submitted,

Charlotte Wain  
Senior Planner – Urban Design  
Development Services Division

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 6, 2022
- Attachment C: 3D Renderings date stamped January 28, 2022
- Attachment D: Letter from architect to Mayor and Council dated March 21, 2022

- Attachment E: Letter from owner to Mayor and Council dated March 17, 2022
- Attachment F: ADP staff report dated February 10, 2021
- Attachment G: ADP minutes from the meeting of February 24, 2021
- Attachment H: Letter from Architect in response to Advisory Design Panel meeting dated April 29, 2021
- Attachment I: CPTED Analysis dated August 10, 2020
- Attachment J: Community Association Land Use Committee Comments dated February 2, 2020
- Attachment K: Correspondence (Letters received from residents).