



## Committee of the Whole Report For the Meeting of August 4, 2022

---

**To:** Committee of the Whole **Date:** July 21, 2022

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

**Subject:** **Rezoning Application No. 00793 and Associated Development Permit with Variances Application No. 00182 for 1030 Fort Street**

---

### 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. 00793 for 1030 Fort 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. That the Arborist Report be revised to reflect the current design and finalize the tree replacement counts, and that the applicant endeavour to provide a letter from the owner of 1039 View Street approving the removal and replacement of the Bylaw protected Douglas-fir tree as outlined in the Arborist Report to the satisfaction of the Director of Parks, Recreation and Facilities.
2. 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. Restrict strata titling of the building and secure the upper floors of the building for residential rental use for the greater of 60 years or the life of the building.
3. Preparation of legal agreements executed by the applicant to secure the following with the form and contents to the satisfaction of the Director of Engineering and Public Works and the City Solicitor:
  - a. Transportation Demand Management (TDM) programs to offset the proposed parking shortfall including the following
    - i. car share memberships and usage credits for all residential units
    - ii. three BC Transit eco passes for a minimum three-year term for the commercial retail unit
    - iii. the provision of 48 long-term secure bicycle stalls (exceeding the minimum requirements in the Zoning Regulation Bylaw by 12) of which six are oversized for cargo bicycles

- iv. provision of a bike repair station
  - v. provision of 110V outlets for 50% of the total long-term bicycle stalls being provided.
- b. the design, supply and installation of the City's Downtown Public Realm Plan and Streetscape Standards (DPRP), specifically the 'New Town District', including furnishings, materials, sidewalk scoring patterns to the satisfaction of the Director of Engineering and Public Works.
4. Preparation of legal agreements executed by the applicant to secure the following with the form and contents to the satisfaction of the Director of Parks, Recreation and Facilities:
- a. provision and installation of soil cells for the street tree on the Fort Street development frontage, to achieve the recommended specifications, soil volume and depth.
  - b. the provision and installation of a City of Victoria standard tree guard for the street tree in grate on the Fort Street development frontage.

### **Development Permit with Variance Application**

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00793, if it is approved, consider the following motion:

1. That Council authorize the issuance of Development Permit with Variance Application No.00182 for 1030 Fort Street in accordance with:
  - a. Plans date stamped July 4, 2022.
  - b. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
    - i. reduce rear setback from 8m to 7.34m for portions of the building above the first storey;
    - ii. reduce the required residential vehicle parking from 17 stalls to 0;
    - iii. reduced the required residential visitor parking stalls from 3 to 0.
2. That the Development Permit, if issued, lapses in two years from the date of this resolution.
3. That Council advance this matter for ratification and issuance at the August 4, 2022 daytime Council meeting.

### **LEGISLATIVE AUTHORITY**

This report discusses a Rezoning Application and a concurrent Development Permit with Variances Application. Relevant rezoning considerations include the proposal to increase the density and add new commercial uses while the relevant Development Permit with Variance considerations relate to the application's consistency with design guidelines and the impact of the variances.

### **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.

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.

In accordance with Section 489 of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Community Plan*. A Development Permit may vary or supplement the Zoning Regulation Bylaw but may not vary the use or density of the land from that specified in the Bylaw.

Pursuant to Section 491 of the *Local Government Act*, where the purpose of the designation is the revitalization of an area in which a commercial use is permitted, a Development Permit may include requirements respecting the character of the development, including landscaping, and the siting, form, exterior design and finish of buildings and other structures.

## **EXECUTIVE SUMMARY**

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning Application and Development Permit with Variances Application for the property located at 1030 Fort Street. The proposal is to rezone from the CA-42 Zone, Harris Green Commercial District to a new zone in order to construct a six-storey mixed-use building with one commercial on the ground floor and approximately 30 residential rental units above. There is a concurrent Development Permit with Variances Application pertaining to the proposed form, exterior design, finishes and landscaping and variances related to setbacks and parking.

The following points were considered in assessing the Rezoning Application:

- The proposal is consistent with the envisioned densities within the Official Community Plan (OCP, 2012) and the Core Residential Urban Place Designation and meets objectives regarding rental housing, unit typologies, transportation and mobility, economic development and urban design.
- The rezoning application to increase the density from 2.5:1 FSR to 4:1 FSR and increase the height from 15m to 22.3m (6 storeys) is consistent with the Core Residential designation, which envisions buildings up to approximately 20 storeys with total floor space ratios ranging from a base of 3:1 to a maximum of 5.5:1 FSR.

The following points were considered in assessing the Development Permit with Variances Application:

- The proposal is generally consistent with the updated Downtown Core Area Plan (DCAP) 2022 as it provides an appropriate response to the lower scale building form along Fort Street and is oriented to allow for continuity along the street should adjacent parcels develop in the future. The provision of a small-scale retail unit at the ground floor is consistent with the rhythm and pattern along Fort Street adding to the positive pedestrian experience and helping to strengthen the commercial viability of the street.
- The proposal does not meet the minimum 8m rear yard setback recommended in DCAP, which results in a 0.66m variance being requested as discussed below. Should this proposal not proceed, any future proposal would be held to the same 8m rear setback

standard, otherwise Council authorisation would be required for any variance.

- The variance to reduce the rear yard setback from 8m to 7.34m would be mitigated by fritted glass guards that would increase the privacy of rear facing balconies and mitigate any overlook from existing residences to the north. A generous planting buffer with adequate soil volume on the deck of level 2 helps to mitigate potential privacy and overlook concerns on the lower levels.
- The variance to reduce the residential vehicle parking from 23 stalls to zero stalls is supportable due to the comprehensive Transportation Demand Management (TDM) program and provision of bicycle parking in excess of the minimum requirements in the *Zoning Regulation Bylaw*, which will be secured through a legal agreement. In addition to the TDM programs, a proposal with zero parking is considered supportable for this lot which has a relatively narrow frontage (18m); therefore incorporating a drive aisle to accommodate on-site parking would be detrimental to the pedestrian streetscape experience, and would introduce a conflict to the two-way protected bike lanes as well as impacting the provision of on-street parking.

## **BACKGROUND**

### **Description of Proposal**

This Rezoning Application is to rezone from the CA-42 Zone, Harris Green Commercial District, to a new site-specific zone in order to increase the density to 4:1 FSR and add new commercial uses on the ground floor.

The following differences from the CA-42 Zone, are being proposed and would be accommodated in a new site-specific zone:

- increase the density from 2.5:1 FSR to 4:1 FSR
- add new uses including brew pub and utility which are taken from the standard CBD-2, Central Business District-2 Zone.

The associated Development Permit with Variances is for a six-storey mixed-use building with approximately 30 residential units and one ground level commercial unit. Specific details include:

- massing in north-south orientation
- private balconies or decks for all units
- residential storage lockers for 50% of the residential units
- 48 long-term bike racks on the ground floor.

Exterior building materials include:

- glazed terracotta tiles for the primary cladding
- architectural concrete for the building base
- a combination of fritted glazing transparent glazing and pre-finished metal guardrails for the balconies
- cementitious panel in brown and red surrounding the residential balconies
- cedar soffits
- prefinished metal panels for the side elevations and roof top mechanical units.

Landscape elements include:

- one new street tree (species to be determined by City of Victoria) in structural soil cells along Fort Street
- publicly accessible bike parking for eight bicycles located adjacent to the commercial and residential entrances
- one new bench within the municipal boulevard
- five new trees and associated shrubs in the planter on the second-floor residential decks
- hydropressed slab pavers for the residential decks on the second floor
- stacked bond, concrete unit pavers for the 'entrance plaza' within the property line.

Variances associated with the proposal are to:

- reduce the rear setback from 8m to 7.34m for portions of the building above the first storey;
- reduce the required residential vehicle parking from 17 stalls to 0;
- reduced the required residential visitor parking stalls from 3 to 0.

### Land Use Context

The area is characterized by commercial and residential uses.

Immediately adjacent land uses include:

- North – ten storey multi-residential building (1039 View Street)
- South – six-storey mixed use building (the Mosaic)
- East – two-storey commercial building (1038/1040 Fort Street)
- West – two-storey commercial building (1028 Fort Street).



## Existing Site Development and Development Potential

The site presently contains four single-storey small scale retail units.

Under the current CA-42 Harris Green Commercial District Zone, the property could be developed up to a density of 2.5:1 FSR and four storeys.

### Data Table

The following data table compares the proposal with the existing CA-42 Zone, Harris Green Commercial District. An asterisk is used to identify where the proposal does not meet the requirements of the existing Zone.

Zoning Criteria	Proposal	CA-42 Zone, Harris Green Commercial District	CBD-2 Zone, Central Business District-2	OCP Policy	DCAP Policy
Site area (m <sup>2</sup> ) – min.	628.50	n/a	n/a		
Density (Floor Space Ratio) – max.	<b>4.00:1*</b>	2.50:1	4.00:1	3:1 base 5.5:1 max.	3:1 base 5.5:1 max.
Total floor area (m <sup>2</sup> ) – max.	<b>2515.00*</b>	1571.25	1885.50		
Height (m) – max.	22.28	15.5	45.0		45
Storeys – max.	6	4	n/a	20	Approx. 15 residential / 11 commercial
<b>Setbacks</b> (m) – min.					
Front (Fort Street)	3.52 (L1) <b>0.04</b> (L2-L6)	0.00 (L1 and L2) 1.50 (L3) 3.00 (L4+)	n/a		0.3 (L1)
Rear (N)	0.10 (L1) <b>7.34*</b> (building L2-6) <b>5.34*</b> (balconies L2-6)	0	3 (portions above 20m)		8 (L2-6)
Side (E)	<b>0.22*</b>	0	3 (portions above 20m)		0
Side (W)	<b>0.22*</b>	0	3 (portions above 20m)		0

Zoning Criteria	Proposal	CA-42 Zone, Harris Green Commercial District	CBD-2 Zone, Central Business District-2	OCP Policy	DCAP Policy
<b>Vehicle parking – min.</b>					
Residential	0	0	17	-	-
Commercial	0	0	0		
Visitor	0	0	3		
<b>Bicycle parking stalls – min.</b>					
Short term	8	8	8		
Long term	48	36	36		

### Active Transportation

The application proposes the following features which support active transportation:

- 48 long-term bicycle stalls (exceeding the minimum requirements in the *Zoning Regulation Bylaw* by 12), including six cargo bicycle stalls
- a bicycle repair station located in the entrance to the bicycle storage room
- eight publicly accessible bike stalls located near the main entrance on Fort Street
- 50% of the long-term bicycle stalls will be equipped with 110v outlets for electric bicycle charging.

### Public Realm

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

- improvements along the Fort Street frontage consistent with the City's 'New Town' District specifications in the Downtown Public Realm Plan and Streetscape Standards, including the provision and installation of furnishings, materials, and concrete scoring
- provision and installation of soil cells for the street tree on the Fort Street frontage, to achieve the recommended specifications, soil volume and depth
- provision of a City of Victoria standard tree guard for the street tree in grate on the Fort Street development frontage.

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.

### Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, prior to the application submission, the proposal

was posted on the Development Tracker along with an invitation to complete a comment form on August 11, 2021. The mailed notification was sent to owners and occupiers of property within 100m of the subject property advising that a consultation process was taking place and that information could be obtained and feedback provided through the Development Tracker. A sign was also posted on site, to notify those passing by of this consultative phase. Additionally, the applicant participated in an online meeting with the CALUC on August 31, 2021. Of the ten online responses received, nine indicated their opposition to the proposal, with common themes being related to height, construction fatigue, lack of parking and loss of character in the neighbourhood. A letter from the CALUC, dated July 11 is attached to this report.

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.

## **ANALYSIS**

### **Rezoning Application**

#### Official Community Plan

The *Official Community Plan* (OCP, 2012) designation for the site is Core Residential. This designation includes mixed-use buildings up to approximately 20 storeys with total floor space ratios ranging from a base of 3:1 to a maximum of 5.5:1 FSR. The proposal is for a six-storey building at 4:1 FSR and is therefore comfortably within the heights and densities envisaged for this urban place designation. The OCP refers to the local area plan to provide finer grained policy and regulatory guidance in response to local context and development opportunity.

The proposal advances several objectives in the OCP. The applicant is offering to secure the units as rental for the greater of 60 years or the life of the building, which advances goals and objectives in Section 13: Housing and Homelessness. The extensive Transportation Demand Management program would encourage residents to utilize alternate modes of transportation, which achieves some of the goals and objectives in Section 7: Transportation and Mobility. The proposal provides a sensitive and innovative response to the existing form and character of the heritage corridor through a human-scaled design and rich detailing, as discussed later in this report, which advances goals expressed in Section 8: Placemaking within the OCP.

#### Downtown Core Area Plan

The proposal is located in the Residential Mixed-Use District (RMD) in the *Downtown Core Area Plan* (DCAP, 2022). The objectives of this district encourage multi-unit residential development appropriate to the context and function of each neighbourhood and ensuring that new residential development includes active street-level businesses, where appropriate, to increase pedestrian activity within the public realm.

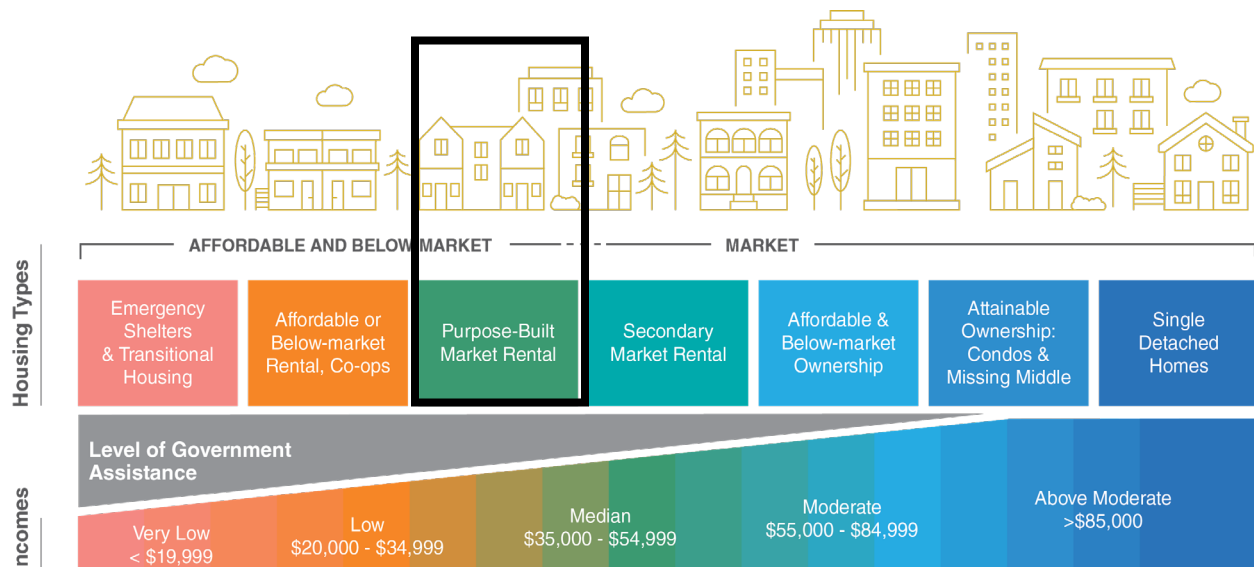
Overall, the proposal is generally consistent with the DCAP, the key guidelines for the subject property. Specifically, the proposal is in accord with a number of the guidelines used to evaluate density, massing, height and scale. Additionally, the proposal internalizes the BC Hydro Transformer which further frees up space for active street-level businesses.



## Inclusionary Housing and Community Amenity Contribution Policy

The proposal is for a purpose-built rental project, which will be secured for the greater of 60 years or the life of the building. Therefore, the proposal is exempt from the *Inclusionary Housing and Community Amenity Policy* and no amenity contributions are required.

The application, if approved, would add approximately 30 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*.



**Figure 1. Housing Continuum**

### *Affordability Targets*

The proposal consists of 30 residential rental units at market rates.

### *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. As submitted, this application proposes 20 one-bedroom plus den and 10 studio units ranging in size from 36.1 m<sup>2</sup> (389 ft<sup>2</sup>) to 63.2 m<sup>2</sup> (680 ft<sup>2</sup>).

### *Security of Tenure*

A Housing Agreement is being proposed which would secure the upper floors of the building as rental for the greater of 60 years or the life of the building. A covenant will also be registered on title of the property to prohibit the stratification and separate sale of individual units. The applicant is not willing to have the property added to *Schedule N – Residential Rental Tenure*.

## *Existing Tenants*

The proposal is to redevelop an existing commercial building therefore the *Tenant Assistance Policy* does not apply.

## **Development Permit with Variance Application**

### Official Community Plan: Design Guidelines

The *Official Community Plan 2012* (OCP) identifies this property in Development Permit Area 7B (HC) Corridors. The objectives of this designation are to revitalize Fort Street and to strengthen commercial viability while improving the pedestrian experience at the street level. Achieving a cohesive design and enhanced appearance through high-quality architecture, landscape and urban design through sensitive and innovative interventions is also an important objective of this DPA. In addition to these objectives, buildings are encouraged to have a three to five storey façade that defines the street wall with upper storeys setback.

The applicable design guidelines within DPA 7B are the the *Downtown Core Area Plan* (DCAP, 2022), *Advisory Design Guidelines for Buildings, Signs and Awnings* (2006), and *Guidelines for Fences, Gates and Shutters* (2010). The proposal complies with the guidelines as follows:

- the proposed six-storey building (22.28m high) provides a human-scaled response to the generally low-scale character of Fort Street, and is comfortably within the allowable 45m maximum height limit recommended in DCAP
- the proposed building is oriented to provide continuity and a sense of enclosure along Fort Street, whilst allowing adjacent properties to redevelop in a similar perimeter block form
- the proposed building maximizes the relatively limited frontage with active uses, either through the residential lobby or commercial retail unit
- the proposed building adopts a contemporary approach to the fenestration patterns and narrow retail bays along the heritage corridor through the use of concrete pilasters at the ground level
- the use of glazed terracotta tiles, textured metal panels and fritted glass balconies provides a richly detailed material palette
- the absence of on-site vehicle parking ensures continuity of the street frontage and maximises safety along the adjacent bike lanes through the lack of a vehicle access lane.

### Variances

Although a site-specific zone is sought, some variances are recommended (instead of inclusion in the new zone) for areas where the proposal is not consistent with the guidelines, and the *Off-Street Parking Regulations* (Schedule C) of the *Zoning Regulation Bylaw*. This ensures that if this proposal is not built, any potential future redevelopment would require Council's consideration and approval of these specific aspects. The following sections discuss the proposed variances.

### *Setbacks*

DCAP requires a minimum rear yard setback of 8m for portions of the building located above the first storey that contain residential uses (balconies may project into this setback up to 2m) and staff are therefore proposing the new zone incorporates the same 8m setback requirement. This

results in variance to reduce the rear yard setback from 8m to 7.34m. Although the applicant has increased the rear setback by 0.35m from the original submission, it is still 0.66m below the minimum requirements recommended in the guidelines, and the applicant cites minimum sizing constraints within unit layouts for washrooms, kitchens, closets, and bedrooms as being the key driver for overall building depth.

To address potential privacy concerns, at the request of staff the applicant has increased the soil volume in the planters on the decks of level 2 and provided a more generous planting palette to create an enhanced buffer between the proposed building and the buildings to the north. The applicant has also included a window alignment diagram in the drawing package which demonstrates that the closest dimensions (balcony to balcony) between the proposed building and the building directly to the north (1039 View Street) is approximately 19.12m, which is considered an acceptable separation distance. However, it should be noted that 1039 View Street exceeds the minimum rear yard setback by approximately 8m, which is double the standards in the current guidelines. Any redevelopment of the property to the north would likely result in a reduced separation distance than the existing condition. Given the separation distance and the enhanced landscaping, the privacy impacts are considered to be minimal and staff recommend Council support the rear yard setback variance.

### *Parking*

No parking is currently required in the current CA-42 Harris Green Commercial District zone, by virtue of the lot size. However, the proposed zone is intended to be based on the CBD-2 Central Business District-2 Zone from the more recent *2018 Zoning Bylaw*, which would require a total number of 20 parking stalls (17 residential and three residential visitor). A variance is therefore requested to reduce the number of residential parking spaces from 17 stalls to zero and the residential visitor stalls from three to zero. No commercial parking would be required under the new zone, consistent with the CBD-2 Zone. The applicant has proposed the following substantial Transportation Demand Management (TDM) program to mitigate the shortfall in residential stalls:

- car share memberships and usage credits for all residential units
- three BC Transit eco passes for a minimum three-year term for the commercial retail unit
- the provision of 12 long-term bicycle stalls in excess of the minimum requirements in the *Zoning Regulation Bylaw*, of which six are oversized for cargo bicycles
- provision of a bike repair station
- provision of 110V outlets for 50% of the total bicycle stalls being provided.

In addition, the property is located in a walkable area with frequent transit and the All Ages and Abilities bike lanes along Fort Street. Moreover, provision of on-site parking would require a 3.5m to 6.0m wide vehicle access onto Fort Street (plus sight triangles for visibility between road users). This in turn would reduce the proportion of active street frontage (contrary to the DCAP guidelines) and may affect the viability of the ground floor retail unit, which currently occupies approximately 8m of the total 18m lot frontage. A vehicle crossing would also introduce a conflict between parkade traffic, pedestrians and cyclists and also require the removal of two existing on-street metered parking stalls. Given the comprehensive TDM programs being proposed and the numerous negative consequences of providing on-site parking, staff recommend that Council support a proposal with zero vehicle parking in this location.

### Accessibility

No accessibility improvements are proposed beyond what is required through the *British Columbia Building Code*. However, the proposal includes residential and commercial entrances

level with the sidewalk on Fort Street and an elevator provides access to all residential units.

### Sustainability

As indicated in the applicant's letter dated April 22, 2022, the proposed building will include an all-electric servicing approach which will minimize Greenhouse Gas emissions during the operational lifetime of the building.

### Advisory Design Panel Review

The application was reviewed by the Advisory Design Panel on February 22, 2022. At that meeting, the following motion was passed:

*"It was moved ... that Development Permit with Variances Application No. 00182 for 1030 Fort Street be approved with the following changes:*

- *Reconsideration to increase the ground floor height.*
- *Consider opportunities to better diffuse light in the light wells."*

In response, the applicant has incorporated the following revisions as noted in the letter dated June 29, 2022:

- The floor-to-floor heights have been decreased on levels two to six, which has been added to the floor-to-floor height on the ground level, increasing the overall floor-to-floor height on level one from 4.57m to 4.67m, an increase of approximately 10cm.
- The detailing and material expression of the building has been revised along the Fort Street frontage to emphasize the height and proportion of the main floor through the following:
  - removal of the concrete banding above the ground level glazing and extending the storefront windows to the underside of the soffit
  - reducing the depth of the metal reveal between the soffit and the terra cotta above
  - reducing the mass and visual impact of the concrete beams by slimming these down and raising the clear height under the beams from 3.3m to 3.7m (an increase of 365mm).
- The metal panels in the inset lightwells on the east and west sidewalls have been simplified to a flat panel style, distinguishing it from the decorative curved panels on the east and west facades, and allowing for future conversion to a lighter paint finish, should the adjacent parcels redevelop and enclose the lightwells.

In addition to the response to the discussion at ADP, the applicant has also incorporated the following revisions in response to commentary by staff:

- provision of additional detail regarding the building separation distances between the proposed building and the adjacent buildings to the north
- increasing the total soil volume from 38 cubic meters to 51 cubic meters for the rear planter on Level 2, which has allowed for the inclusion of a larger variety and density of low and mid height plantings as well as an upsizing of the five proposed trees
- removal of the dropped signage beneath the concrete beams.

While staff would have preferred to see a more substantial increase in the floor to ceiling height of the ground floor to support street vitality, the applicant notes the overall building height is dictated by the allowable heights for wood framed construction under the *BC Building Code* as well as the tolerances below wood floor joists to accommodate mechanical ventilation systems. As it stands, the proposed floor to ceiling height is 4.31m, which is 0.19m below the recommended 4.5m in the DCAP guidelines. The efforts made to enhance the street frontage through the increased floor to floor height of the ground floor, increased clearance height below the concrete beams, the reconfigured signage strategy and the increased proportion of storefront glazing all help to create a positive pedestrian experience along Fort Street. Staff therefore conclude that the comments from ADP and staff have been sufficiently addressed.

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 neighborhoods. This application was received after July 21, 2021; therefore the *Tree Preservation Bylaw No. 21-035* applies.

A total of three trees have been inventoried, two on-site trees (one of which is bylaw protected, a 66cm DBH black locust) and one bylaw protected off-site tree (a 32cm DBH Douglas-fir) are proposed to be removed to accommodate the construction of the proposed mix-use building. One municipal tree (a 35cm DBH field maple) is proposed to be retained along Fort Street. One additional tree is proposed to be planted on the Fort Street frontage.

Based on bylaw criteria, three trees are required on-site to meet the three-tree minimum required for a lot of this size (628.5m<sup>2</sup>). The landscape plan shows location/specifications for five small trees as defined under the *Tree Protection Bylaw*. At the required 2:1 replacement ratio for small trees, two qualify to replace the removed black locust, and two qualify as an additional replacement tree towards stocking levels. Cash-in-lieu totalling \$2,000 will be required for the replacement tree deficit.

The attached Arborist Report notes that the neighbouring lot to the north (1039 View Street) cannot accommodate the required “Schedule E, Part 1” (medium) replacement tree, though several on-structure planting areas can accommodate two “Schedule E, Part 2” (small) trees. Conceptual locations for these have been included with the Tree Management Plan. Parks recommends that a motion be made, that, prior to a public hearing, the applicant endeavour to provide a letter from the owner at 1039 View Street approving the removal and replacement of the bylaw-protected Douglas-fir tree as outlined in the Arborist Report. It is also recommended that prior to a public hearing the Arborist Report is revised to reflect the current design and finalize the tree replacement counts.

Below is a summary of tree related impacts:

*Tree Impact Summary Table*

<b>Tree Status</b>	<b>Total # of Trees</b>	<b>To be REMOVED</b>	<b>To be PLANTED</b>	<b>NET CHANGE</b>
On-site trees, bylaw protected	1	1	4	3

<b>Tree Status</b>	<b>Total # of Trees</b>	<b>To be REMOVED</b>	<b>To be PLANTED</b>	<b>NET CHANGE</b>
On-site trees, not bylaw-protected	1	1	1	0
Municipal trees	1	0	1	1
Neighbouring trees, bylaw protected	1	1	2	1
Neighbouring trees, not bylaw protected	0	0	0	0
<b>Total</b>	<b>4</b>	<b>3</b>	<b>8</b>	<b>+5</b>

*Financial Implications*

Summarized in the table below are the annual maintenance costs that would be incurred by the city following the planting of one new street tree.

<b>Increased Inventory</b>	<b>Annual Maintenance</b>
New municipal trees (one net new)	\$60
New irrigation	\$400

**CONCLUSIONS**

The proposal is consistent with the Core Residential designation and advances numerous goals and objectives in the OCP, including increasing the rental housing stock, encouraging alternative modes of transportation, increasing the commercial viability along Fort Street and improving the placemaking and urban design of the area.

On balance, the proposed development is generally consistent with the relevant Design Guidelines, providing continuity and a sense of enclosure along Fort Street at a scale well within the maximum heights recommended in the guidelines. The contemporary response to the lower scale character along Fort Street is considered to be innovative and sensitive. The proposed rear yard setback variance is considered supportable due to the enhanced landscaping on the rear decks of level two and the parking variances are considered supportable due to the comprehensive TDM measures that would be secured through a legal agreement. Therefore, staff recommend that Council consider supporting this application.

**ALTERNATE MOTION**

That Council decline Application No. 00793 and associated Development Permit with Variances Application for the property located at 1030 Fort Street.

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 July 4, 2022
- Attachment C: Letter from applicant to Mayor and Council dated June 29, 2022
- Attachment D: Letter from applicant in response to ADP and staff comments dated April 22, 2022
- Attachment E: Arborist Report dated October 27, 2021
- Attachment F: Pre-Application Consultation Comments from Online Feedback Form
- Attachment G: Correspondence (Letters received from residents)
- Attachment H: CALUC letter dated July 11, 2022.