



Committee of the Whole Report

For the Meeting of August 4, 2022

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

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

Subject: Rezoning Application and Official Community Plan Amendment No. 00766 and Development Permit with Variances Application No. 00175 for 1693-1699 Fort Street

RECOMMENDATION

Rezoning Application

That Council instruct staff to prepare the necessary Official Community Plan (OCP) Amendment Bylaw in accordance with Section 475 of the *Local Government Act* and the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00766 for 1693-1699 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. Preparation of legal agreements executed by the applicant to secure the following with the form and content to the satisfaction of the Director of Sustainable Planning and Community Development and the City Solicitor:
 - a. the building to be secured as rental in perpetuity
 - b. the provision of a two-bedroom accessible unit
 - c. two studios, one one-bedroom and one two-bedroom unit secured as affordable for a minimum of ten years and allocated to median income households (or lower) as defined in the Victoria Housing Strategy.
 - d. Restrict strata titling of the building.
2. Preparation of legal agreements executed by the applicant to secure the following to the Satisfaction of the Director of Engineering and Public Works and City Solicitor:
 - a. A Statutory Right-of-Way of 2.745m on Fort Street, including encroachment of cantilever bay windows.
 - b. Secure the purchase of one fully electric car share vehicle, one electric vehicle charging station and one on-site parking stall for the car share vehicle all to the satisfaction and specifications of the car share organization, and public access to the parking stall, car share memberships for each of the dwelling units including a \$100 car share credit for each unit.

- c. Purchase of 32 BC Transit EcoPasses for a minimum of a three years term for future residents of the building.
 - d. Secure the provision of one electric vehicle charging station (in addition to the car share charging station).
 - e. Secure the provision of electric charging for 50% of the long-term bicycle stalls, one cargo bike stall, and a bicycle repair station.
 - f. Secure the provision of one accessible on-site parking stall.
3. Preparation of legal agreements executed by the applicant to secure the following works and services to the Satisfaction of the Director of Engineering and Public Works and City Solicitor, to be designed and constructed at the time of Building Permit:
 - a. Cycling facilities associated with the All Ages and Abilities network along Fort Street;
 - b. Frontage improvements on all fronting streets;
 - c. Sewage attenuation as necessary, if required.
 4. Preparation of legal agreements executed by the applicant to secure the following to the Satisfaction of the Director of Parks and Director of Engineering and Public Works and City Solicitor:
 - a. Secure the rooftop amenity space programming as per the landscape plans, including landscaping and trees, two barbeques, seating areas and tables.
 - b. Secure the provision, and installation of the proposed boulevard rain gardens and plantings, and design to be determined at Building Permit stage.
 5. Revisions to the plans to include a note that final details of the rain garden design will be reviewed and approved at Building Permit.
 6. That Council determine, pursuant to section 475(1) of the Local Government Act that the affected persons, organizations and authorities are those property owners and occupiers within a 200m radius of the subject properties; that the appropriate consultation measures would include a mailed notice of the proposed OCP Amendment to the affected persons; posting of a notice on the City's website inviting affected persons, organizations and authorities to ask questions of staff and provide written or verbal comments to Council for their consideration.
 - a. That Council, having provided the opportunity for consultation pursuant to Section 475(1) of the Local Government Act with persons, organizations and authorities it considers will be affected, specifically, the property owners and occupiers within a 200m radius of the subject properties have been consulted at a Community Association Land Use Committee (CALUC) Community Meeting, consider whether the opportunity for consultation should be early and ongoing, and determine that no further consultation is required.
 - b. That Council specifically consider whether consultation is required under Section 475(2)(b) of the Local Government Act and determine that no referrals are necessary with the Capital Regional District Board, Councils of Oak Bay, Esquimalt and Saanich, the Songhees and Esquimalt First Nations, the School District Board and the provincial and federal governments and their agencies due to the nature of the proposed amendment.
 - c. That Council give first reading to the Official Community Plan Amendment Bylaw.
 - d. That Council consider the Official Community Plan Amendment Bylaw in conjunction

with the City of Victoria 2017-2021 Financial Plan, the Capital Regional District Liquid Waste Management Plan and the Capital Regional District Solid Waste Management Plan pursuant to Section 477(3)(a) of the Local Government Act and deem those Plans to be consistent with the proposed Official Community Plan Amendment Bylaw.

- e. That Council give second reading to the Official Community Plan Amendment Bylaw.
- f. That Council refer the Official Community Plan Amendment Bylaw for consideration at a Public Hearing.

Development Permit with Variances Application No. 00175

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. 00766, if it is approved, consider the following motion:

1. That Council authorize the issuance of Development Permit with Variance Application No. 00766 for 1693-1699 Fort Street, in accordance with:
 - a. Plans date stamped June 6, 2022.
 - b. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. increase the maximum height from 18.50m to 20.20m;
 - ii. decrease the front yard setback from 13.50m to 0.70m (cantilevered bay window over entry);
 - iii. decrease the front yard setback from 13.50m to 2.745 (building);
 - iv. decrease the front yard setback from 13.50m to 2.20m (bay windows);
 - v. decrease the canopy setback from 4.50m to 1.25m (on North East corner);
 - vi. decrease the rear yard setback from 10.09m to 3.25m;
 - vii. decrease the side yard setback (east) from 13.50m to 3.0m;
 - viii. decrease the side yard setback (west) from 10.09m to 1.80m;
 - ix. increase the site coverage from 20% to 61.20%;
 - x. reduce the number of residential vehicle parking spaces 36 to 9;
 - xi. increase the distance between the entrance and the short term bike parking from 15m to 25m.
2. That the Development Permit, if issued, lapses in two years from the date of this resolution.

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, Development Permit with Variance Application, and concurrent Official Community Plan Amendment Application. Relevant rezoning considerations include the proposal to increase the density and to add commercial as a permitted use.

The relevant Development Permit with Variances considerations relate to the application's consistency with design guidelines and impact of 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 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 an Official Community Plan amendment, Rezoning and Development Permit Variance applications for the property located at 1693-1699 Fort Street. The proposal is to rezone from the R3-2 Zone, Multiple Dwelling District, to a site-specific zone in order to construct a new six-storey building with approximately 34 rental units and a ground floor commercial space. There is a concurrent Development Permit with Variances Application pertaining to the proposed form, character, exterior design, finishes and landscaping and variances are related to parking and bicycle parking.

The following points were considered in assessing the Rezoning Application:

- The proposal exceeds the envisioned densities within the *Official Community Plan*, 2012 (OCP) Urban Residential Urban Place Designation, but it does meet other objectives regarding rental housing, transportation and mobility, urban design, and number of stories.
- An OCP amendment is required to designate the property as Large Urban Village. The proposal is for 2.74:1, which still exceeds the density envisioned in the Large Urban Village of 2.5:1 by a small amount but is otherwise generally consistent with the proposed designation and advances a number of other OCP objectives.
- The proposal includes a mix of studio, one- and two-bedroom units with one fully accessible unit.
- Four of the units (two studios, one one-bedroom, and one two-bedroom) would be below the rental rate for Victoria's median household income, as defined in the Victoria Housing Strategy. This would be secured in a legal agreement.
- The proposal is inconsistent with some policies in the Jubilee Neighbourhood Plan, which envisions up to four stories. However, the OCP, which is a more recent policy, envisions up to six stories. The proposal does meet objectives of the neighbourhood plan in that it is proposing rental housing.

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

- The proposal is generally consistent with Development Permit Area 5: Large Urban Village and the *Advisory Design Guidelines for Buildings, Signs and Awnings* (2006) and *Guidelines for Fences, Gates, and Shutters* (2010), which envision low to mid-rise buildings with ground floor uses that connect to the street, and high-quality architecture, landscape and urban design.
- The proposal is inconsistent with some aspects of the Jubilee Neighbourhood Plan around providing sufficient parking and green space. As the proposal is for six stories, it is also inconsistent with the policy which envisions four stories. However, it does meet other aspects such as generally fitting with the form and character of the existing housing and building a sense of community with shared amenity space and outdoor space.
- The proposed parking variances are considered supportable as the applicant is offering a comprehensive Transportation Demand Management program to mitigate the potential impacts which would be secured by legal agreement.
- The proposed setback variances are supportable because they do not have substantial impacts to the street and provide a good pedestrian relationship.
- The proposed variance to height is supportable because it is slightly above what it permitted in the current zone.
- The variance related to the distance between the entrance and the short term bicycle parking is supportable because the bike parking will be used by both the residential and the commercial space.

BACKGROUND

Description of Proposal

This proposal is for Official Community Plan and Rezoning Application Amendments to allow for the construction of a new six-storey building with approximately 34 rental units and a ground floor commercial unit, with a density of 2.57:1 floor space ratio. The OCP Amendment is to change the Land Use Designation from Urban Residential to Large Urban Village.

The following differences from the current R3-2 Zone, Multiple Dwelling District are being proposed and would be accommodated in the new zone:

- allow a commercial use on the ground floor
- decrease the site area from 920m² to 890m²
- increase the floor space ratio from 1.20:1 to 2.74:1

The proposed variances are to:

- increase the maximum height from 18.50m to 20.20m;
- decrease the front yard setback from 13.50m to 0.70m (cantilevered bay windows);
- decrease the front yard setback from 13.50m to 2.745 (building);
- decrease the front yard setback from 13.50m to 2.20m (windows and balconies);
- decrease the canopy setback from 4.50 to 1.25m;
- decrease the rear yard setback from 10.09m to 3.25m;
- decrease the side yard setback (east) from 13.50m to 3.0m;
- decrease the side yard setback (west) from 10.09m to 1.80m;

- increase the site coverage from 20% to 61.20%;
- reduce the number of residential vehicle parking spaces 36 to 9;
- increase the distance between the entrance and the short term bike parking from 15m to 25m.

Addressing these regulations through the variance process will ensure that if this building is not constructed, the smaller setbacks, increased height and parking are not entrenched in the Zoning Regulations Bylaw and would require Council consideration in the future.

The associated Development Permit with Variances would regulate the form, character, exterior design, finishings, and landscaping.

Exterior building materials include:

- light and medium grey metal and textured cementitious panels, charcoal window frames, and architectural concrete
- angled bay windows and canopies projecting from main facade
- architectural concrete raised patio with dark grey painted metal picket guard railing
- pre-finished metal 'weatherized zinc' screening around mechanical equipment, elevator overrun and parapets.

Landscape elements include:

- landscaping to include native and pollinator plants
- a rooftop patio amenity space with landscaping, BBQs, tables and chairs accessed from sixth floor
- raised concrete patio on corner of Fort Street and Belcher Avenue with landscaping along the edge
- rain gardens and new trees along Fort Street within the Statutory Right-of-Way.

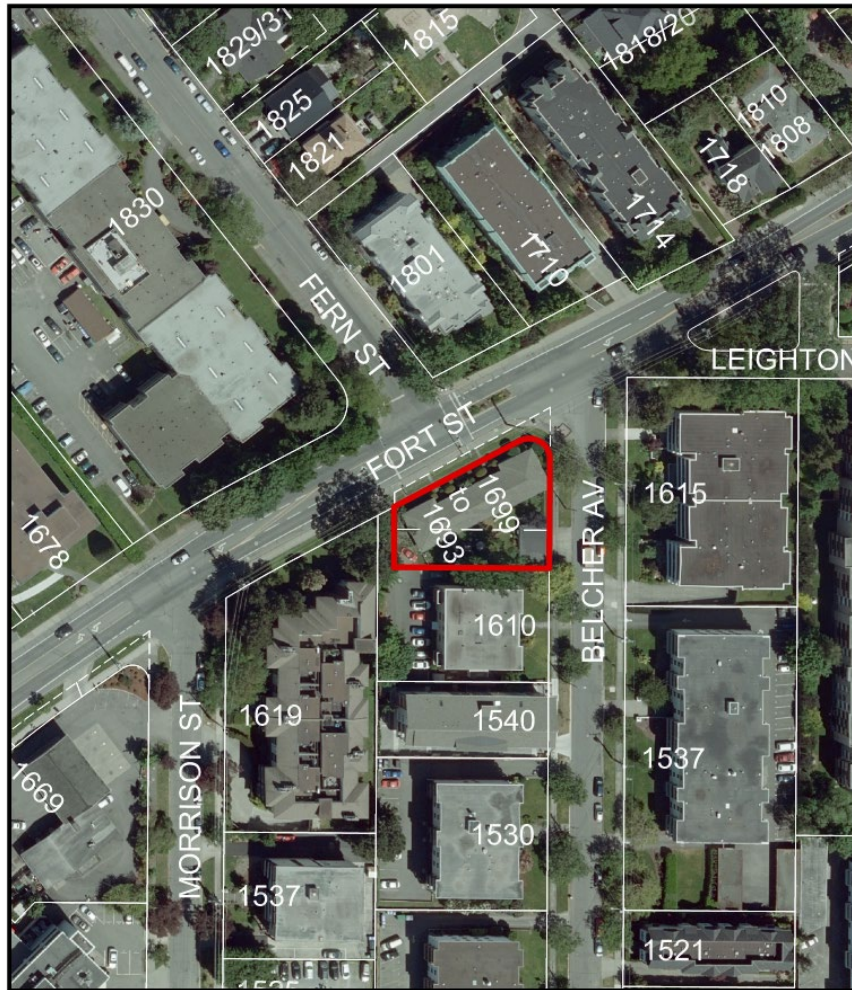
Land Use Context

The area is characterized by three- to four-storey multiple dwellings.

Existing Site Development and Development Potential

The site is presently used as a four-unit multiple dwelling.

Under the current R3-2 Zone, Multiple Dwelling District, the property could be developed as a single-family dwelling, two-family dwelling, or a college fraternity building, church, public school, hospital, or public building. For lots larger than 920m² a multiple dwelling is also permitted up to six or more stories up to 1.6:1; however, the lot does not meet the minimum site area for a multiple dwelling.



Data Table

The following data table compares the proposal with the R3-2 Zone, Multiple Dwelling District. An asterisk is used to identify where the proposal does not meet the requirements of the existing Zone.

Zoning Criteria	Proposal	Existing Zone R3-2	OCP Policy
Site area (m ²) – minimum	896.00*	920.00	
Density (Floor Space Ratio) – maximum	2.74:1*	1.60:1 (6 storeys with enclosed parking)	Urban Residential up to 2:1 OCP Amendment: Large Urban Village up to 2.5:1
Total floor area (m ²) – maximum	2456.70		
Unit floor area (m ²) - minimum	35.44	33.00	

Zoning Criteria	Proposal	Existing Zone R3-2	OCP Policy
Height (m) – maximum	20.17*	18.50	
Storeys – maximum	6	6 or more (based on site coverage)	
Site coverage (%) – maximum	61.15*	20.00	
Open site space (%) – minimum	30.54	30.00	
Setbacks (m) – minimum			
Front (Fort Street)	0.77* (cantilever) 2.745* (face of building) 2.151* (window bays)	13.50	
Rear (S)	3.36*	9.70	
Side (Belcher Avenue)	3.03* (building)	13.50	
Side (W)	1.82*	9.70	
Canopy (NE Corner)	1.25*	4.50	
Vehicle parking – minimum	3* - resident 5 – visitor 1 – carshare 9*	31 – resident 3 – visitor 2 - commercial 36	
Bicycle parking stalls – minimum			
Long Term	63	40	
Short Term	6	6	
Distance from Entrance (m) - minimum	25*	15	

Active Transportation

The application proposes the following features which support active transportation:

- 63 long term bicycle stalls, including one cargo bicycle stall
- 50% of long-term bike stalls will be equipped with outlets for electric bike charging
- six short term bicycles stalls, with four located near the front entry and two on the patio
- bicycle repair station located in the bike room

- car share memberships for tenants and \$100 credit for each unit
- one car share vehicle on site for use of community car share members.

Public Realm

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

- raingardens located adjacent the curb will be utilized to treat rainwater from the roadway
- a new widened 3.0m sidewalk separated from the roadway by a planted boulevard and rain garden
- upgraded wheelchair ramps and traffic signal equipment as required.

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* two consultative processes took place.

In the pre-application phase, the proposal was posted on the Development Tracker along with an invitation to complete a comment form on December 17, 2019. Notification was sent by mail to owners and occupiers of properties within 200m 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. Additionally, the applicant participated in an online meeting with the CALUC and community on January 11, 2020.

After the application was submitted, changes to the application occurred which triggered a second community consultation process. The application was posted on the Development Tracker on November 23, 2021. Notification was sent by mail to owners and occupiers of properties within 200m advising them of the consultation process. A sign was also posted on site to notify those passing by of this consultation. Sign posting was not required during the pre-application consultation because this application pre-dated this change. Additionally, the applicant participated in an online meeting with the CALUC and community on December 8, 2021.

Letters from both CALUC meetings, along with the comment forms are attached to this report.

The first pre-application online consultation received 46 responses. Of those who indicated support for the project, there were common themes related to the need for rental housing and affordable housing, revitalizing the neighbourhood, access to active transportation options, and the support for bicycle parking. Of those who indicated their opposition to the proposal, common themes were related to the height and massing, setbacks and lack of greenspace, affordability, student housing, potential noise from rooftop amenity space, lack of parking and loss of character in the neighbourhood.

The second pre-application online consultation received 22 responses. Of those that indicated support for the project, common themes were related to support for increased density on corridors, rental housing and affordability. Of those who indicated opposition, common themes were related to lack of parking, height and density, setbacks and lack of greenspace.

In response to the consultation the applicant has made the following changes to the proposal:

- change from student housing to rental housing
- inclusion of four affordable rental units for 10 years
- inclusion of a car share vehicle, parking spot and memberships for residents to decrease traffic and the need for car ownership
- change of ground level common amenity space to a commercial unit with an outdoor patio area
- additional accessibility features, including an accessible visitor parking stall, accessible living unit, and ensuring all building access points and common areas are fully accessible
- increase of the number of trees and plantings
- streetscape improvements, including the addition of rain gardens to enhance the pedestrian experience
- increased the number of secure bicycle parking stalls with power supply (20% to 50%).

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

Official Community Plan Amendment Application

The proposal includes a request to amend the OCP in order to allow a floor space ratio up to 2.74:1 floor space ratio (FSR). It is recommended that the proposal is supportable because it does meet a number of objectives regarding rental housing, transportation and mobility, and urban design. Additionally, there are lands in this designation within a block to the south-west and north-east along Fort Street.

OCP Consultation

The *Local Government Act* (LGA) Section 475 requires a Council to provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected by an amendment to the OCP. Consistent with Section 475 of the LGA, Council must further consider whether consultation should be early and ongoing. This statutory obligation is in addition to the Public Hearing requirements. In this instance, it is recommended for Council's consideration that notifying owners and occupiers of land located within 200 metres of the subject site along with posting a notice on the City's website will provide adequate opportunities for consultation with those affected.

The OCP Amendment Application to change the Urban Place Designation of 1693-1699 Fort Street from Urban Residential to Large Urban Village. During the Community Association Land Use Committee (CALUC) Community Meeting process all owners and occupiers within a 200m radius of the site were notified and invited to participate in a Community Meeting; the consultation proposed at this stage in the process is recommended as adequate and consultation with specific authorities, under Section 475 of the Local Government Act, is not recommended as necessary.

Should Council support the OCP amendment, Council is required to consider consultation with the Capital Regional District Board; Councils of Oak Bay, Esquimalt and Saanich; the Songhees and Esquimalt First Nations; the School District Board and the provincial government and its

agencies. However, further consultation is not recommended as necessary for this amendment to the Urban Place Designation as this matter can be considered under policies in the OCP.

Council is also required to consider OCP Amendments in relation to the City's *Financial Plan* and the *Capital Regional District Liquid Waste Management Plan* and the *Capital District Solid Waste Management Plan*. This proposal will have no impact on any of these plans.

Rezoning Application

Official Community Plan

The property is currently designated as Urban Residential in the OCP, which envisions building forms such as attached residential up to three stories, and low-rise and mid-rise multi-unit residential up to approximately six storeys, and densities up to 1.2:1 FSR and increased up to 2:1 in strategic locations for the advancement of plan objectives. The proposal is for an OCP amendment to change the Land Use Designation to Large Urban Village.

The Large Urban Village designation envisions building forms such as row-houses, multi-unit, free standing commercial and mixed-use buildings up to approximately six stories, with densities of up to 2.5:1 FSR considered for the advancement of plan objectives. The proposal also exceeds the Large Urban Village densities envisioned at 2.74:1, however, it is believed that, on balance, the application advances several other City objectives, it borders two Large Urban Villages, and is on an arterial transportation corridor, therefore an OCP amendment could be supported.

The proposal is for rental housing in perpetuity, which advances objectives in the OCP in Section 13: Housing and Homelessness. Additionally, four units would meet the definition of 'affordable' for a minimum of ten years and allocated to median income households (or lower) as defined by the Victoria Housing Strategy. The rental tenure would be secured in perpetuity through a legal agreement and through inclusion in Residential Rental Tenure Zoning.

The proposal would also include a small commercial retail unit suitable for a café or small restaurant, retail store, or professional services, which advances the objectives in the OCP in Section 14: Economy, which envisions adequate lands for job and housing growth to support resident-oriented business.

The extensive Transportation Demand Management program would encourage residents to utilize alternate modes of transportation, and the provision of a car share vehicle would benefit the broader community in a similar fashion, which achieves some of the goals and objectives in Section 7: Transportation and Mobility.

The OCP encourages the logical assembly of lots to meet plan objectives. The applicant was encouraged to consider consolidating this lot with 1610 Belcher Avenue (south), which could result in better site planning and more greenspace, and meeting the densities envisioned in the OCP. The applicant indicated they have considered land assembly, but ultimately it was not feasible given negotiation timing and resource constraints.

Jubilee Neighbourhood Plan

The proposal is inconsistent with some policies in the Jubilee Neighbourhood Plan. The plan does encourage the development of rental housing, which this proposal achieves. However, the plan also encourages housing to respect the character of existing neighbourhood and street variety

through the scale and form of housing. The immediate area has buildings of three to four stories. As well, the Plan has a goal to reduce the allowable height and overall scale of future apartment development in Jubilee from 6 to 8 storeys to 4 storeys. This is echoed in the recommendations section, *‘that the land currently zoned R3-2, Multiple Dwelling District, in the Jubilee Neighbourhood be rezoned to R3-AM-2, Mid-Rise Multiple Dwelling District in order to reduce the permitted height from 6-8 storeys to a maximum 4 storeys.’* However, the OCP offers more recent policy guidance and is considered the paramount policy document when there is misalignment between policy directions.

Inclusionary Housing and Community Amenity Contribution Policy

The proposal is for a purpose-built rental project, which will be secured in perpetuity through a legal agreement and through inclusion in the Residential Rental Tenure Zoning. Further, four of the units will be below the rental rate for Victoria’s median household income, as defined in the *Victoria Housing Strategy* for a minimum of 10 years.

This policy states that applications that are purpose-built rental with tenure secured by legal agreement for the greater of 60 years or the life of the building are exempt from the policy; however, if the application requires an OCP amendment to the Urban Place Designation it is considered an ‘Atypical Rezoning Application (Approach 2)’ and would normally require economic analysis to be conducted to determine if there is a land lift. In this instance, the applicant would prefer to advance the application without an economic analysis. Similar proposals for rental buildings have not generated a land lift, as such it is believed an economic analysis is not necessary. Should Council wish to require economic analysis to be conducted to determine if there is a land lift, the alternate motion has the appropriate wording.

Housing

The application proposes the creation of 34 new residential units, which is a net increase of 30 units and would increase the overall supply of housing in the area and contribute to the targets set out in the *Victoria Housing Strategy*.

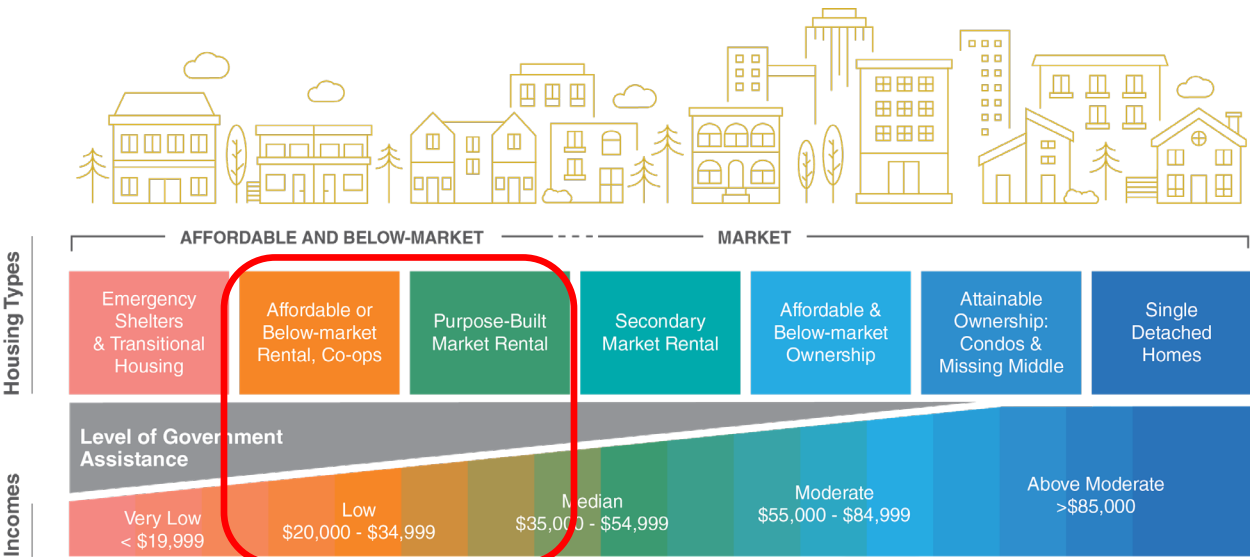


Figure 1. Housing Continuum

Affordability Targets

The proposal consists of 34 residential rental units at market rates. Within these units, two studios, one one-bedroom and one two-bedroom unit will be secured as affordable for a minimum of ten years and allocated to median income households (or lower) as defined in the *Victoria Housing Strategy*.

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. This application proposes six studio units, 13 one-bedroom units, and 15 two-bedroom units. Of these, one two-bedroom unit will be fully accessible, and will be secured in the housing agreement.

Security of Tenure

A Housing Agreement is being proposed which would ensure rental in perpetuity. Further, the Zoning Bylaw Amendment would also include this property in Schedule N – Residential Rental Tenure Zoning.

Existing Tenants

The proposal is to redevelop an existing building which would result in a loss of four existing residential rental units, and the creation of approximately 34 rental units. Consistent with the Tenant Assistance Policy, the applicant has provided a Tenant Assistance Plan which is attached to this report. The Tenant Assistance Plan exceeds Policy expectations, by offering all eligible tenants' financial compensation above the amounts listed in the Policy for both rent and moving expenses. A Tenant Relocation Coordinator has been hired and all tenants have been informed about the process and their rights.

Statutory Right-of-Way

The applicant is amenable to providing a 2.745 metre Statutory Right-of-Way (SRW) on Fort Street. This area will be used to improve pedestrian accessibility and comfort on this busy arterial roadway. This SRW will also enable the inclusion of a raingarden, enhanced street trees planting opportunities, and improvements to the adjacent to the All Ages and Abilities bicycle infrastructure. Minor refinements to the frontage improvements related to this development will be resolved at building permit.

Bowker Creek Watershed

The site is located within the Bowker Creek watershed, which is composed of a gently sloping basin which flows to Bowker Creek. The Bowker Creek Blueprint – a 100-Year Action Plan to Restore the Bowker Creek Watershed, was endorsed by Council in 2011. In February 2021, Council directed staff to include consideration of impacts on the watershed as part of land use matters that occur within the Bowker Creek watershed.

The Blueprint identifies watershed management principles to be considered in development of land within the watershed, including:

- minimize building footprints and reduce impervious surfaces, with a goal of 30% effective impervious area
- direct runoff from hard surfaces to green infrastructure (e.g., rain gardens) to detain and infiltrate runoff to reduce flows and improve water quality entering the creek
- conserve green spaces, protect natural areas or replant with native species
- a green streets approach to infiltrate road runoff in boulevards.

The following management watershed principles have been incorporated into the site design:

- use of native plant species and absorbent soils in landscaping
- two boulevard rain gardens on Fort Street for treatment of road runoff.

Development Permit with Variances Application

Official Community Plan: Design Guidelines

The OCP identifies this property within Development Permit Area 5: Large Urban Village. This DPA envisions low to mid-rise building types that include commercial, multi-unit and mixed uses, where buildings define the street wall, and parking is located away from the street. This property is between Stadacona and Jubilee Large Urban Villages, which are nodes of commercial and community services in the area.

Stadacona Village is a mixed-use area with commercial and multi-unit residential, where different street patterns come together creating unusual lot configurations that offer opportunities for the provision of open space and distinctive urban design. It is an area identified for revitalization and intensification balanced with the open site space to achieve a unique sense of place and coherent urban design. While the proposal generally meets this policy, it does not provide much in terms of open site space.

Jubilee Village is a commercial centre in the Jubilee neighbourhood and is anchored by the Royal Jubilee Hospital, with related commercial, retail and multi-unit residential development. It also highlights portions of Fort Street would benefit from beautification and human-scaled urban design. The proposal does generally meet this policy, in that it is a mid-rise mixed-use development that enhances the area with human scaled urban design.

The following documents were also considered in assessing this application: *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 new commercial unit features extensive glazing, is set close to the sidewalk, and animates the street through a patio and entry, which would strengthen the commercial viability of the village
- the overhang and awnings enhance the architecture and fit with the streetscape
- an attractive streetscape is created using architectural and landscape features
- the pedestrian and cycling experience in the area is enhanced
- fences and gates provide transparency and are cohesive with the design of the building.

Crime Prevention Through Environmental Design (CPTED)

The application considers Crime Prevention Through Environmental Design (CPTED) and has the following features:

- fence enclosing landscaped area to the south and west with controlled access
- lighting throughout the grounds, including the under-building parking and rear landscaped area
- glazed doors at entrances, including to parking areas.

Jubilee Neighbourhood Plan

The subject property is within the South Jubilee Precinct in the Jubilee Neighbourhood Plan. Housing objectives in this neighbourhood include:

- provide ground-oriented individual unit entrances, where possible facing the street
- respect the balance between adequate parking and green space
- provide sufficient parking to meet needs
- fit in with the form and character of established housing, i.e., massing, scale, architectural detailing
- build a sense of community, with community space and outdoor space.

The current application is inconsistent with some aspects of the neighborhood plan, including the number of storeys (see Rezoning section). It is also inconsistent with the policy around residential parking provisions; however, the applicant is providing significant transportation demand management measures to address this, and the property is on an arterial with a bike lane and frequent transit. The design also fosters interaction amongst residents by having a commercial space with a patio, rooftop outdoor amenity space, and shared access, which may facilitate some level of community building opportunities.

Variances

Although a new site-specific zone would be required to accommodate the increased density and lower site area, it is recommended that specific permissions related to setbacks, height, parking and site coverage be handled as variances so that lower standards are not entrenched in new zoning regulations and can be considered in any future approvals should this building not be constructed. The following sections provides further information on the proposed variances.

Height

The proposed building height of 20.17m is 1.67m above the current allowance of 18.50m. This is considered supportable because there is stepping back of the upper stories, and it is relatively minor compared to what is currently permitted.

Setbacks

As noted in the data table, the front, rear and side setbacks are proposed to be reduced, as well, setbacks to awnings and cantilevered windows. These reduced setbacks are considered supportable because they would help frame the street with a human scaled street wall. To help mitigate the impacts to the adjacent properties the applicant is proposing to set back portions of the rear elevation. These impacts are considered to be acceptable in the context of the overall proposed development and proposed mitigation measures.

Parking

A variance is requested to reduce the number of residential parking spaces from 36 to nine. To mitigate some of the potential impacts of the variance, the applicant is proposing the following Transportation Demand Management (TDM) measures, which would be secured by legal agreement as a condition of the concurrent Rezoning Application:

- 63 long term bicycle stalls, including one cargo bicycle stall
- 50% of long-term bike stalls will be equipped with outlets for electric bike charging
- six short term bicycles stalls, with four located near the front entry and two on the patio
- bicycle repair station located in the bike room
- car share memberships for tenants and \$100 credit for each unit
- one car share vehicle on site for use of community car share members
- BC Transit EcoPasses for a minimum of a three years term for future residents of the building.

The applicant has also provided a Parking Variance Report (attached) that indicates the proposed parking supply meets the anticipated site parking demand. Given these measures, the parking variance is considered supportable.

The applicant is also requesting a variance to increase the distance between entrances and the short-term bicycle parking from 15m to 25m. This is considered supportable because this disperses the short-term parking through the site with the opportunity to have bike parking in visible areas near the outdoor commercial patio space.

Site Coverage

A variance to increase the site coverage from 20% to 61.2% is requested. This is generally supportable given that the relatively small site size, good relationship to the street, and provision of outdoor amenity space on the roof.

Accessibility

The proposed building is accessible in all common areas and corridors. As well, one two-bedroom unit will be accessible. There will also be one accessible parking stall.

Sustainability

As indicated in the architect's letter dated March 14, 2022, the following sustainability features are associated with this proposal:

- durable cladding materials
- whole-building energy modelling to meet Step 3 of the BC Energy Step Code
- energy efficient building systems (ERVs)
- 'Energy Star' rated appliances
- motion sensors in common area LED lighting to reduce energy consumption
- programmable thermostats
- solar heat gains are managed through strategic placement of windows, designed to optimize daylight penetration with a reduced window area
- low flow plumbing fixtures and water efficient appliances will be specified.

The letter also elaborates on sustainability in terms of site selection, landscaping, transportation,

construction process, material deconstruction, and waste management.

Advisory Design Review

The Advisory Design Panel (ADP) reviewed this application on June 9, 2021. A copy of the minutes from this meeting are attached to this report. The ADP was asked to comment on the height and massing, building separation distance and transition, street wall, and landscaping. The ADP Motion was as follows:

...That Development Permit with Variance Application No. 000593 for 1693 and 1699 Fort Street be approved with the following changes:

- Requirement that the details of the public visible art component are resolved prior to the application proceeding to COTW.*
- Consideration the adding of additional amenity space on the ground level on the SW corner*
- Improving security and CPTED of the under building parking*
- Encourage the applicant to work with the City to provide additional shrub planting on the Fort St Boulevard*
- Resolve the loss of the tree on Belcher with either a new tree or an enhanced planting scheme, particularly adjacent to the amenity space*
- Consider the inclusion of enhanced paving at the main entrance*
- Consideration for the alternative species along the south boundary to provide more effective screening.*

Since review by ADP, the applicant has made several changes to address the ADP comments and provided a rationale for not making others. A summary is provided below, and a letter is attached to the report:

- The “visible art” is no longer part of the building exterior design.
- Adding an amenity space on the ground floor was found to compromise the efficiency of the building interior and reduce the indoor bike parking.
- To address CPTED issues, the fence enclosing the landscaped area on the south-west property line has been extended towards Belcher Avenue. Lighting has been improved in the parking areas and glazed doors are provided into the entrance lobby to ensure good sight lines travelling to and from the parking area.
- The paving and landscape design have been adjusted to incorporate rain gardens, and proposed plantings include common rush, and flowering dogwood.
- The proposed plans have been revised to retain the existing Cherry tree on Belcher, and the adjacent patio structures have been reduced in height and set back further to avoid the Critical Root Zone.
- The paving treatment at the main entrance would be as per City of Victoria standards.
- A mix of local grasses, flowering shrubs, and Garry oak trees would be planted along the south boundary to provide a visual buffer to the adjacent parking area and neighbouring building at 1610 Belcher Avenue.

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 prior to July 21, 2021; therefore, the Tree Protection Bylaw No. 05-106 applies.

Fifteen trees were inventoried on the subject property, neighbouring properties, and municipal boulevard. Ten Bylaw-protected trees were identified. Five on the subject property, four offsite at 1619 Morrison Street and one on the Belcher Avenue municipal frontage. Five undersized non-bylaw-protected trees were inventoried, two on the subject property, and three at 1610 Belcher Avenue.

The Arborist Report provided supports the removal of the five existing bylaw-protected trees due to construction impacts. Eight replacement trees of the required ten are proposed. Cash-in-lieu totaling \$4000 will be taken for the remaining two. The Arborist Report is attached to this report.

Four new municipal trees will be planted and irrigated on the Fort Street frontage in addition to the proposed rain gardens.

Tree Impact Summary

Tree Status	Total # of Trees	Trees to be REMOVED	NEW Trees	NET CHANGE (new trees minus total to be removed)
Subject property trees, protected	5	5	8	+3
Subject property trees, unprotected	2	2	0	-2
City trees	1	0	4	+4
Neighbouring trees, protected	4	0	0	0
Neighbouring trees, unprotected	3	0	0	0
Total	15	7	12	+5

Bylaw-protected trees being removed from subject property

ID#	Species	DBH	Health	Structural condition	Reason for Removal/ Comments
NT2	Chamaecyparis lawsonia	47	Good	Fair	Within building envelope
NT4	Ulmus spp.	33	Fair	Fair	Conflict with foundation and sidewalk
NT5	Ulmus spp.	34	Fair	Fair	Conflict with foundation and sidewalk
NT6	Ulmus spp.	33	Fair	Fair	Conflict with foundation and sidewalk
NT7	Ulmus spp.	43	Fair	Fair	Conflict with foundation, sidewalk, and parking lot

No bylaw-protected trees from subject property are being retained.

Encroachment Agreement

A number of bay windows and awnings are also proposed along Fort Street, which project above the City Right-of-Way. These are encouraged in the Guidelines to provide pedestrian weather protection and welcoming streetscapes. In order to facilitate these bay windows and

awnings, the applicant is required to enter into an Encroachment Agreement with the City. Appropriate wording is included in the recommendation for Council's consideration.

Financial Implications

Summarized in the table below are the annual maintenance costs that would be incurred by the city following the planting of four new street trees, rain gardens and irrigation on one frontage.

Increased Inventory	Annual Maintenance
New municipal trees (four net new)	\$240
Irrigation	\$400
Rain Garden	\$1900

CONCLUSIONS

An OCP amendment is required to designate the property Large Urban Village which is justifiable given that the proposal meets other OCP objectives regarding rental housing, transportation and mobility, as well as, urban design. The proposal is inconsistent with some policies in the Jubilee Neighbourhood Plan, which envisions up to four stories. However, the OCP, which is a more recent policy, envisions up to six stories.

The proposed development is generally consistent with the relevant design guidelines in DPA 5: Large Urban Village related to high-quality architecture, landscape and urban design. However, the proposal is inconsistent with some aspects of the Jubilee Neighbourhood Plan around balancing adequate parking and green space. The parking variance is offset by a comprehensive Transportation Demand Management program. The variances to setbacks are supportable given the design and street relationship and impact mitigation. Therefore, it is recommended that Council consider supporting this application.

ALTERNATE MOTIONS

Option 1: Complete Land Lift Analysis

Rezoning Application No. 00766

That Council instruct staff to prepare the necessary Official Community Plan Amendment Bylaw in accordance with Section 475 of the *Local Government Act* and the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00766 for 1693-1699 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. Applicant to complete a Land Lift Analysis to determine Community Amenity Contribution, to the satisfaction of the Director of Sustainable Planning and Community Development.
2. Preparation of legal agreements executed by the applicant to secure the following with the form and content to the satisfaction of the Director of Sustainable Planning and Community Development and the City Solicitor:
 - a. The building to be secured as rental in perpetuity.
 - b. The provision of a two-bedroom accessible unit.

- c. Two studios, one one-bedroom and one two-bedroom unit secured as affordable for a minimum of ten years and allocated to median income households (or lower) as defined in the Victoria Housing Strategy.
 - d. Restrict strata titling of the building.
- 3. Preparation of legal agreements executed by the applicant to secure the following to the Satisfaction of the Director of Engineering and Public Works and City Solicitor:
 - a. A Statutory Right-of-Way of 2.745m on Fort Street, including encroachment of cantilevered bay windows, to the Satisfaction of the Director of Engineering and Public Works and City Solicitor.
 - b. Secure the purchase of one fully electric car share vehicle, one electric vehicle charging station and one on-site parking stall for the car share vehicle all to the satisfaction and specifications of the car share organization, and public access to the parking stall, car share memberships for each of the dwelling units including a \$100 car share credit for each unit.
 - c. Purchase of 32 BC Transit EcoPasses for a minimum of a three years term for future residents of the building.
 - d. Secure the provision of one electric vehicle charging station (in addition to the car share charging station).
 - e. Secure the provision of electric charging for 50% of the long-term bicycle stalls, one cargo bike stall, and a bicycle repair station.
 - f. Secure the provision of one accessible on-site parking stall.
- 4. Preparation of legal agreements executed by the applicant to secure the following works and services to the Satisfaction of the Director of Engineering and Public Works and City Solicitor, to be designed and constructed at the time of Building Permit:
 - a. Cycling facilities associated with the All Ages and Abilities network along Fort Street;
 - b. Frontage improvements on all fronting streets;
 - c. Sewage attenuation as necessary, if required.
- 5. Preparation of legal agreements executed by the applicant to secure the following to the Satisfaction of the Director of Parks and Director of Engineering and Public Works and City Solicitor:
 - a. Secure the rooftop amenity space programming as per the landscape plans, including landscaping and trees, two barbeques seating areas and tables.
 - b. Secure the provision, and installation of the proposed boulevard rain gardens and plantings, and design to be determined at Building Permit stage.
- 6. Revisions to the plans to include a note that final details of the rain garden design will be reviewed and approved at Building Permit.
- 7. That Council determine, pursuant to section 475(1) of the Local Government Act that the affected persons, organizations and authorities are those property owners and occupiers within a 200m radius of the subject properties; that the appropriate consultation measures would include a mailed notice of the proposed OCP Amendment to the affected persons; posting of a notice on the City's website inviting affected persons, organizations and authorities to ask questions of staff and provide written or verbal comments to Council for their consideration.

- a. That Council, having provided the opportunity for consultation pursuant to Section 475(1) of the Local Government Act with persons, organizations and authorities it considers will be affected, specifically, the property owners and occupiers within a 200m radius of the subject properties have been consulted at a Community Association Land Use Committee (CALUC) Community Meeting, consider whether the opportunity for consultation should be early and ongoing, and determine that no further consultation is required.
- b. That Council specifically consider whether consultation is required under Section 475(2)(b) of the Local Government Act and determine that no referrals are necessary with the Capital Regional District Board, Councils of Oak Bay, Esquimalt and Saanich, the Songhees and Esquimalt First Nations, the School District Board and the provincial and federal governments and their agencies due to the nature of the proposed amendment.
- c. That Council give first reading to the Official Community Plan Amendment Bylaw.
- d. That Council consider the Official Community Plan Amendment Bylaw in conjunction with the City of Victoria 2017-2021 Financial Plan, the Capital Regional District Liquid Waste Management Plan and the Capital Regional District Solid Waste Management Plan pursuant to Section 477(3)(a) of the Local Government Act and deem those Plans to be consistent with the proposed Official Community Plan Amendment Bylaw.
- e. That Council give second reading to the Official Community Plan Amendment Bylaw.
- f. That Council refer the Official Community Plan Amendment Bylaw for consideration at a Public Hearing.

Development Permit with Variances Application No. 00175

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. 00766, if it is approved, consider the following motion:

1. That Council authorize the issuance of Development Permit with Variance Application No. 00766 for 1693-1699 Fort Street, in accordance with:
 - a. Plans date stamped June 6, 2022.
 - b. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. increase the maximum height from 18.50m to 20.20m;
 - ii. decrease the front yard setback from 13.50m to 0.70m (cantilevered bay window over entry);
 - iii. decrease the front yard setback from 13.50m to 2.745 (building);
 - iv. decrease the front yard setback from 13.50m to 2.20m (bay windows);
 - v. decrease the canopy setback from 4.50m to 1.25m (on North East corner);
 - vi. decrease the rear yard setback from 10.09m to 3.25m;
 - vii. decrease the side yard setback (east) from 13.50m to 3.0m;
 - viii. decrease the side yard setback (west) from 10.09m to 1.80m;
 - ix. increase the site coverage from 20% to 61.20%;
 - x. reduce the number of residential vehicle parking spaces 36 to 9;
 - xi. increase the distance between the entrance and the short term bike

parking from 15m to 25m.

2. That the Development Permit, if issued, lapses in two years from the date of this resolution.

That Council advance this matter for ratification and issuance at the August 4, 2022 daytime Council meeting.

Option 2 - Decline

That Council decline OCP Amendment and Rezoning Application No. 00766, Development Permit with Variances No. 00175 for the property located at 1693-1699 Fort Street.

Respectfully submitted,

Chelsea Medd
Planner
Development Services Division

Karen Hoesel, 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 June 6, 2022
- Attachment C: Letter from applicant to Mayor and Council dated June 6, 2022
- Attachment D: Sustainability Letter from Architect dated March 14, 2022
- Attachment E: Advisory Design Panel Minutes from June 9, 2021
- Attachment F: Letter from the applicant regarding ADP response dated December 21, 2021
- Attachment G: Parking Variance Report dated June 3, 2022
- Attachment H: Tree Management Plan dated November 25, 2020 (amended March 11, 2022)
- Attachment I: Community Association Land Use Committee Comments dated January 11, 2021 and December 8, 2021
- Attachment J: Pre-Application Consultation Comments from Online Feedback Form February 1, 2021 and December 29, 2021
- Attachment K: Tenant Assistance Plan dated February 2021
- Attachment L: Correspondence (Letters received from residents).