



## Committee of the Whole Report For the Meeting of October 6, 2022

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**To:** Committee of the Whole **Date:** September 22, 2022

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

**Subject:** **Rezoning Application No. 00820 and Development Permit with Variances Application No. 00207 for 722 and 726 Discovery Street**

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### RECOMMENDATION

#### Rezoning Application

1. That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00820 for 722 and 726 Discovery Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.
2. The applicant provided the following items prior to a Public Hearing:
  - a. an updated Arborist Report and Tree Management Plan to the satisfaction of the Director of Parks, Recreation and Facilities
  - b. a revised site plan and landscape plan that comply with the Tree Protection Bylaw with respect to tree identification, soil volumes and tree replacement to the satisfaction of the Director of Parks, Recreation and Facilities
  - c. a revised site plan and landscape plan that comply with the City's Downtown Public Realm Plan and Streetscape Standards (DPRP), specifically, the 'New Town' District for the frontage, to the satisfaction of the Director of Engineering and Public Works
  - d. a revised site plan and landscape plan showing nine short-term bicycle parking spaces on site in accordance with Schedule C: Off-street Parking to the satisfaction of the Director of Sustainable Planning and Community Development.
3. The applicant prepared and executed legal agreements to secure the following with the form and contents to the satisfaction of the Director of Sustainable Planning and Community Development, Director of Engineering and Public Works, and the City Solicitor prior to final adoption of the bylaws:
  - a. all dwelling units would remain affordable or below-market rental for 60 years, or the life of the building, whichever is greater
  - b. all dwelling units are to be owned by a non-profit or government agency for 60 years,

- or the life of the building, whichever is greater, to guarantee that the development will continue to provide non-market housing
- c. a minimum of nine accessible and five adaptable dwelling units to be constructed in accordance with CAN/CSA-B651-95, the National Standard of Canada for barrier-free design
  - d. provide civil design drawings and construct a mid-block crosswalk adjacent to the development, which would include bulb outs, lighting, enhanced street furnishings and landscaping, and coordinate with the mid-block crosswalk requirements associated with the adjacent development proposal on the properties located at 710 Caledonia Ave and 1961 Douglas Street
  - e. the design, supply and installation of the City's Downtown Public Realm Plan and Streetscape Standards (DPRP), specifically, the 'New Town' District for the Discovery Street development frontage, including furnishings, materials, sidewalk scoring patterns and pedestrian lights
  - f. provide five (5) BC Transit's EcoPasses for employees, for a five-year duration; install a level 2 electric charger along the site's Discovery Street frontage for public use; and provide electric charging abilities for a minimum of 20% of the long-term bicycle parking spaces
  - g. install solar voltaic rooftop panels in accordance with the plans dated August 18, 2022
  - h. secure sewage attenuation should it be determined that sewage attenuation will be required for this development following the review of Sanitary Design Flow calculations prepared by Lawson Engineering Ltd., to the satisfaction of the Director of Engineering and Public Works.
4. Discharge the existing Easement (CA6123705 and CA6123706) from the title of 722 Discovery Street to the satisfaction of the City Solicitor.

### **Development Permit with Variances Application**

That Council refer the application back to staff and give the applicant an opportunity to reconsider the siting of the building to allow for the retention and protection of the Garry oak trees to the satisfaction of the Director of Sustainable Planning and Community Development and the Director of Parks, Recreation and Facilities.

### **LEGISLATIVE AUTHORITY**

This report discusses a Rezoning Application and a concurrent Development Permit with Variances (DPV) Application. Relevant rezoning considerations include the proposal to increase the density and add multi-unit residential and office as new uses while the relevant DPV considerations relate to the application's consistency with design guidelines and the 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 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 *Official 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.

## EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning Application and a Development Permit with Variances Application for the properties located at 722 and 726 Discovery Street. The proposal is to rezone from the M-1 Zone, Limited Light Industrial District, to a new residential rental tenure zone in order to increase the density and permit an eight-storey, multi-unit residential building consisting of approximately 90 supportive housing dwelling units. There is a concurrent Development Permit with Variances Application pertaining to the proposed form and character, exterior finishes and landscaping. The proposed variances are related to vehicle and bicycle parking.

The following points were considered in assessing the Rezoning Application:

- The *Official Community Plan* (OCP, 2012) Urban Place designation is Core Employment, which supports residential uses within the Rock Bay neighbourhood between Douglas Street and Blanshard Street
- The proposed density is 3:46:1 floor space ratio (FSR), which is above the maximum residential density of 3:1 FSR supported in Core Employment. However, the proposal is further advancing important OCP policies and objectives related to housing and homelessness, sustainability, food security and community well-being
- The subject properties are located within the Rock Bay District in the *Downtown Core Area Plan* (DCAP, 2011), which supports residential and residential mixed-use development between Douglas Street and Blanshard Street, and the development of non-market housing as the Downtown Core Area grows, in partnership with provincial, non-profit and industry partners
- The proposal is for approximately 90 fully self-contained (including a private washroom and a kitchenette) supportive housing units and support services for people who are at-risk-of-homelessness in the community
- The subject property is located in close proximity to rapid transit on Douglas Street. The DCAP encourages pedestrian connections to transit corridors and transit stops that are direct, safe, convenient, barrier-free, easily identifiable and navigable. The applicant would be installing a new mid-block crossing on Discovery Street to improve pedestrian infrastructure and support transit in the neighbourhood.

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

- The subject properties are within Development Permit Area (DPA) 7A: Douglas Street and Blanshard Street, which encourages the revitalization of commercial corridors, including Douglas and Blanshard streets through high quality architecture, landscape and urban design
- The application is proposing to remove three significant Garry oak trees, which significantly contribute to the urban forest and public realm, to accommodate the building, driveway and pad-mounted transformer (PMT), despite strong encouragement to adjust the site layout to retain the trees
- The proposal is replacing an underutilized surface parking lot with a multi-unit residential building, which will provide additional housing and enhance the neighbourhood
- To create a sense of community on-site, the applicant is proposing outdoor amenity space for residents, including a gazebo, outdoor seating, allotment garden boxes, and landscaping
- The proposal is providing no parking on-site. The DCAP supports parking variances for transit-supportive uses located adjacent to major transit stops. The subject site is less than a 100m from a transit stop on Douglas Street. To further support the lack on on-site parking the applicant is proposing additional transit demand management measures.

## **BACKGROUND**

### **Description of Proposal**

The rezoning proposal is to increase the density and permit a multiple dwelling building consisting of approximately 90 supportive housing units, a commercial kitchen, dining area and support staff offices.

The following differences from the M-1 Zone, Limited Light Industrial District, are being proposed and would be accommodated in the new residential rental tenure zone:

- increase the density from 3:1 to 3.46:1 FSR
- permit residential uses
- increase the maximum height from 15m to 30.05m.

The associated Development Permit with Variance application is for an eight-storey, multi-unit residential building and associated landscaping. Specific details include:

- a steel-framed, modular building
- exterior materials on the building include brick veneer, vertical metal panel, metal plate panel, metal plate spandrel panel, horizontal fibre cement plank, concrete composite metal cladding, heavy timber columns, and metal handrail and guardrail systems
- corrugated metal screening for rooftop mechanical equipment
- exterior finishes of the accessory building for bicycle parking and garbage/recycling enclosure include brick veneer and corrugated metal siding
- outdoor amenity space on the rooftop of the accessory building including allotment garden boxes and outdoor seating
- outdoor common area at grade including a gazebo, outdoor seating, allotment garden boxes, and landscaping
- three significant Garry oak trees to be removed and 12 new trees to be planted on site

- 30 long-term and 6 short-term bicycle parking spaces
- no residential or visitor parking spaces on site
- an accessible vehicle pick-up and drop-off area.

The proposed variances are related to:

- reducing the required number of residential parking spaces from 18 to nil, commercial parking spaces from one to nil, and visitor parking spaces from nine to nil
- reducing the required number of long-term bicycle parking spaces from 90 to 30
- reducing the required number of short-term bicycle parking spaces from nine to six.

### Land Use Context

The area is characterized by a mix of light industrial, commercial and residential uses.



Figure 1. Aerial photo of subject properties

### Existing Site Development and Development Potential

The site is presently used as a surface parking lot.

Under the current M-1 Zone, the property could be developed at a density of 3:1 FSR and include a five-storey commercial and/or light industrial building consisting of a mix of uses, such as manufacturing, processing and assembly, warehouses, financial institution, high-tech, office, restaurant, school, transient accommodation, or work-live.

## Data Table

The following data table compares the proposal with the existing M-1 Zone, Limited Light Industrial District. An asterisk is used to identify where the proposal is less stringent than the existing zone. Additionally, the key City policy that pertains to the area has been included in this table.

Zoning Criteria	Proposal	M-1 Zone	OCP Policy	DCAP
Site area (m <sup>2</sup> ) – minimum	1344.83	n/a		
Density (Floor Space Ratio) – maximum	<b>3.46:1*</b>	3	5:1 (max residential density up to 3:1)	5:1 (max residential density up to 3:1)
Height (m) – maximum	<b>30.05*</b>	15	n/a	60
Storeys – maximum	8	n/a	15	20
Site coverage (%) – maximum	46.60	n/a		
Open site space (%) – minimum	53.30	n/a		
<b>Setbacks (m) – minimum</b>				
Front (Discovery Street)	3.20	n/a		
Rear (North)	3	3 or 0		
Side yard (West)	14.50 (building) <b>1.20* (bicycle enclosure)</b>	3 or 0		
Side yard (East)	<b>2.5* (building)</b> <b>1.6* (heat pump)</b>	3 or 0		
Vehicle parking – minimum	<b>0*</b>	18 (residential) 1 (commercial)		
Visitor vehicle parking - minimum	<b>0*</b>	9		
<b>Loading Space (m) – minimum</b>				
Width	4	4		
Length	9	9		
Height	open	4.30		
Setback from street	<b>0*</b>	3		

Zoning Criteria	Proposal	M-1 Zone	OCP Policy	DCAP
Access from street	4*	5		
<b>Bicycle parking stalls – minimum</b>				
Long-term	30*	90		
Short-term	6*	9		
Percentage (%) of horizontal spaces	47*	50		

**Active Transportation**

The applicant is proposing to provide 30 long-term and six short-term bicycle parking spaces to support active transportation.

**Public Realm**

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

- installation of a dual head level two vehicle charger on Discovery Street
- construction of a mid-block crosswalk adjacent to the development, which would include bulb outs, lighting, enhanced street furnishings and landscaping, and would be coordinated with the mid-block crosswalk requirements associated with the adjacent development proposal on the properties located at 710 Caledonia Avenue and 1961 Douglas Street.

The above would be secured with a Section 219 covenant and 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 submission of the application, it was posted on the Development Tracker along with an invitation to complete a comment form regarding the proposal. Mailed notification was sent to owners and occupiers of property 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. A sign was also posted on site, to notify those passing by of this consultative phase. Additionally, the applicant participated in an online community meeting with the CALUC on February 7, 2022. A letter dated February 11, 2022, along with the comment forms are attached to this report.

Only one comment form was received in the pre-application process and the response was in support of the proposal. However, the CALUC letter expressed concerns related to the lack of larger size (two- and three-bedroom) dwelling units and a shortfall in on-site parking for employees.

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 subject properties are designated Core Employment in the OCP, which supports residential mixed-use, work/live and commercial, including office, hotels and other visitor accommodation, for the areas located between Douglas Street and Blanshard Street. The OCP supports building heights up to 15 storeys and a base density of 3:1 FSR up to a maximum of 5:1 FSR, of which the residential density does not exceed 3:1 FSR. The proposal complies with the use and height policies in the OCP; however, the proposed residential density is above the maximum density identified in the Core Employment Urban Place designation.

The proposal further advances several key policies and objectives in the OCP, which need to be taken into consideration when evaluating the proposed density and merits of this application. The key features of this proposal include:

- affordable and stable housing with support services for people in core housing need
- support services on site, such as life skills training and employment assistance to build individual capacity
- self-contained units with kitchenettes and access to regular meal services to support nutritional health
- indoor and outdoor amenities for residents to foster inclusivity and a sense of community on site
- gardens and other food production spaces for the use of residents
- partnerships with community organizations to reduce poverty in the city.

#### Burnside Gorge Neighbourhood Plan

The *Burnside Gorge Neighbourhood Plan* refers to the DCAP for land use policies related to use, height and density. DCAP identifies the subject properties within the Rock Bay District, which envisions the area as a key employment centre that attracts a range of commercial and light industrial businesses to provide a more diversified and resilient employment base. With respect to residential development, the Plan states that residential and residential mixed-use development are to be primarily located between Douglas Street and Blanshard Street. Furthermore, the Plan states that residential development is to be located, designed, and appropriately sited to mitigate any potentially negative effects on the general operation and function of adjacent employment activities. The building is situated 2.5m from the east property line and 3m from the rear property line. There are residential dwelling units with operable windows facing east. However, there are no residential units facing the rear yard, which would minimize any potential conflicts between residential and employment activities.

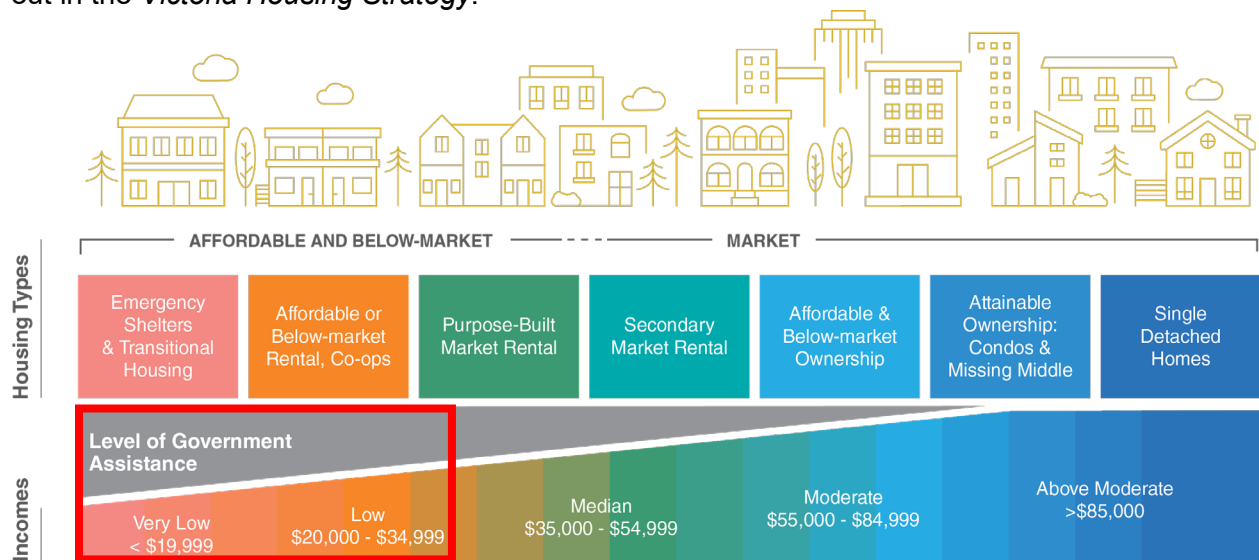
Building heights up to 60m (approximately 20 storeys) and a base density of 3:1 FSR up to a maximum of 5:1 FSR, of which the residential density does not exceed 3:1 FSR is supported in the Plan. The proposal complies with the use and height policies in the DCAP; however, the

proposed residential density is above the maximum density identified in the Plan.

Further to the land use policies, the Plan includes policies pertaining to housing affordability. Specifically, it recognizes the importance of supporting the development of non-market housing in the Downtown Core Area as it continues to grow as well as fostering partnerships with provincial, regional, non-profit and industry partners to deliver affordable housing in the Urban Core.

### Housing

The application, if approved, would add approximately 90 new supportive housing dwelling 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 application indicates that all 90 rental dwelling units would fall under the very low to low-income range of the City’s housing continuum as shown in Figure 1. To secure this commitment of providing affordable rental housing, BC Housing is willing to enter into a Housing Agreement to ensure that all residential rental units would remain affordable or below-market for 60 years or the life of the building, whichever is greater. By securing the above, the proposal is further advancing several housing objectives in the OCP and BGNP.

### *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 approximately 90 self-contained, studio units to fulfill current housing needs in the community. Current tenants living at the Capital City Centre Hotel, also owned by BC Housing, would be relocated to this new building once it is completed.

*Security of Tenure*

In addition to a proposed residential rental tenure zone, a Housing Agreement is being proposed which would ensure that all 90 dwelling units would remain rental and owned by a non-profit or government agency for 60 years, or the life of the building, whichever is greater.

**Development Permit with Variance Application**

Official Community Plan: Design Guidelines

The OCP identifies the subject properties within DPA 7A: Corridors, which envisions the revitalization of areas of commercial use along corridors through high-quality architecture, landscape and urban design to enhance their visual appearance, strengthen commercial viability and encourage pedestrian use. In March 2022, Council adopted new DCAP design guidelines, which apply to this application. Below is a summary of how the proposal addresses some of the key elements in the new design guidelines.

*Urban Forest*

The design guidelines emphasize the importance of designing buildings that provide street vitality and safety through the creation of active and interesting streets including an increased urban forest canopy.

Furthermore, the City’s Urban Forest Master Plan (UFMP, 2013) speaks to the value of Biodiversity and Conservation of Victoria’s remnant ecosystems including Garry oaks. The Plan states, *“Victoria has many stately old trees that are ‘significant’ because of their heritage, wildlife, landmark, or historic values. While the Tree Protection Bylaw provides some measure of protection for these much-loved veterans, additional measures are required to encourage and optimize their conservation. In many cases, they are literally irreplaceable.”*

The Burnside Gorge area has traditionally low canopy cover for the size of the neighborhood at 14.6%. In addition, the UFMP recommends developing canopy cover targets for the City and recommends alignment with other municipalities in the Pacific Northwest in which the overall canopy cover goal is 40%, varied depending on neighbourhood type (i.e. residential 25%, street ROWs 25% and Central Business Districts at 15%).

Along the Discovery Street frontage, there are three large, healthy bylaw-protected Garry Oak trees and one bylaw-protected Garry Oak seedling. The applicant is proposing to remove all four trees to accommodate the building, driveway and pad-mounted transformer (PMT) despite staff strongly encouraging the applicant to adjust the site layout to retain the trees, which significantly contribute to the urban forest and public realm and is in accordance with City policies and design guidelines. The applicant has stated that due to the challenging site grades, modular construction practices, the size of building required to provide 90 supportive housing units, access to the garbage and recycling enclosure, loading service requirements and the need for suitable and attractive private amenity space, it is not a viable option to rotate the building 90 degrees to retain any of the trees.

It is strongly recommended that the applicant further explore design solutions to retain these significant Garry Oak trees. The retention and protection of these trees and the restoration of the remnant ecosystem through understory native plantings will help offset tree canopy loss elsewhere on the property, and in the neighbourhood and further advance several urban forest

and community well-being policies and design guidelines contained in the OCP, DCAP and UFMP.



Figure 2. Photos of the Garry oak trees

### *Building Composition and Site Layout*

The DCAP includes specific design guidelines to ensure that a tall building (defined as any building over 23m in height) is designed to protect sky views and access to sunlight through balanced street width to building height proportions, the overall massing, generous tower setbacks and separation distances. The proposed building is 30.05m tall, and the following table compares the proposal with key design guidelines in DCAP for mid-rise residential building (up to approximately 36m in height) to assess its impact on neighbouring lots and the public realm.

<b>Design Criteria for a Mid-Rise Residential Building</b>	<b>Recommended</b>	<b>Proposed</b>
Site area for an interior lot – minimum	1600m <sup>2</sup>	1344m <sup>2</sup>
Tower setback from the street – minimum	3m	3m
Tower setback from the side and rear property lines - minimum	10m	14.4m (west side) 2.5m (east side) 3m (rear – north side)
Tower floor plate size – maximum	900m <sup>2</sup>	559m <sup>2</sup>
Floor plate width - maximum	22m	19.34m
Building Orientation	North-South	North-South

To summarize, the proposal does not meet the minimum site area for an interior lot or the minimum tower setbacks from the side and rear property lines, which may impact access to sunlight and sky views if other tall buildings are constructed on the adjacent lots. However, from the west property line, the applicant is proposing a much larger side yard setback to minimize impacts on the adjacent heritage-designated building. The proposal does comply with the minimum tower setback from the street, floor plate width, and building orientation, and it is significantly below the maximum tower floor plate size. The building would have minimal shadow impacts on the public realm.

In terms of façade composition, the proposal includes a high proportion of transparent glazing at street level to support street vitality and safety. The application also proposes the use of high-quality and durable materials as well as a variety of textures and details in the exterior cladding

to achieve visual interest and compliment the façade composition of the proposed mixed-use development at 710 Caledonia Avenue and 1961 Douglas Street.

Lastly, the design guidelines encourage back-of-house uses, such as loading, garbage collection, utilities, and pad-mounted transformers (PMT) to be situated away from public view, where possible. In this proposal, the back-of-house uses would be visible from the street, especially the PMT station; however, the applicant has introduced landscaping and screening to soften the visual impact of these uses and located the garbage and recycling enclosure and accessory building as far away from the street as possible.

### *Outdoor common space*

Providing well-designed and attractive open space and landscaped areas that complement the overall building design, increasing tree canopy cover, mitigating heath island effects, and reducing stormwater runoff and greenhouse gas emissions are strongly encouraged in the design guidelines. In addition, providing a range of shared outdoor amenity spaces that are available for all building residents and that encourage social interaction, play and urban food production are strongly encouraged in the design guidelines. The shared outdoor amenity space in the rear yard has been designed to achieve the following:

- maximize access to sunlight while providing areas of shade in the summer
- accessible, usable, and well-integrated open space for residents with substantial outdoor seating
- clear access and visibility from circulation space
- soft landscaping areas with trees to reduce heat island effects
- raised planter boxes for urban agriculture opportunities for residents.

In addition, the outdoor amenity space on the rooftop of the accessory building will include additional raised planter boxes and outdoor seating for residents.

However, it is worth noting that the tree soil volumes and siting requirements outlined in the *Tree Protection Bylaw* have not been met on the plans. It is recommended for Council's consideration that the application meets the tree soil volumes and siting requirements as a condition of rezoning.

### Variances

#### *Vehicle Parking*

The applicant is proposing the following parking variances:

- reduce the required number of residential parking spaces from 18 to nil
- reduce the required number of commercial parking spaces from one to nil
- reduce the required number of visitor parking spaces from nine to nil.

The applicant is proposing to provide a loading space on-site for deliveries, garbage and recycling pick-up, and a pick-up and drop-off area for residents.

According to the Parking Study prepared by Bunt & Associates (see Attachment E), the supportive housing demographic typically have low vehicle ownership rates. The study analyzed parking data from 10 supportive housing buildings in the region, outside of Victoria's core area, and concluded that the average vehicle ownership rate is 0.05 vehicles per unit. This vehicle

ownership rate would equate to a parking demand of approximately five parking spaces for residents in this proposed development. According to the study, the ten other locations have little to no transportation demand management (TDM) initiatives to help reduce automobile dependency whereas this proposal includes TDM measures to offset the impacts of a parking shortfall on site, which is discussed further below.

With respect to visitor and employee parking demand, the study concluded that the average peak visitor parking demand would be 0.06 parking spaces per unit, which equates to approximately five parking spaces. The applicant anticipates up to approximately five employees to be working on site at any given time. Moreover, it is predicted that the parking demand would be approximately two to three parking spaces for employees and an additional two to three parking spaces for visitors. Due to the demand for on-street parking in the neighbourhood, the study concluded that Discovery Street has minimal excess parking; therefore, the need for appropriate TDM measures to minimize the impacts of no employee and visitor parking on-site is an important component of this application.

To off-set the impacts of no parking on-site, the applicant is proposing the following TDM measures, which are considered supportable:

- five BC Transit's EcoPasses to be provided for employees, for a five-year duration
- construction of a mid-block pedestrian crossing near the site's east edge
- installation of a level two electric charger along the site's Discovery Street frontage for public use
- approximately six (20%) electric charging outlets for the long-term bicycle parking spaces.

The subject site is also well-served by public transit. There are 14 transit routes accessible within 800m or an approximately 15min walk, including one transit stop located on Douglas Street, within 100m of the site. BC Housing confirms that all residents of supportive housing have free transit passes available to them through the Low-Income Transit Assistance Program, which is administered through the Social Planning Council. Furthermore, BC's Ministry of Social Development and Poverty Reduction Program also offers bus passes to individuals living in supportive housing.

In addition to public transit, the subject site is well connected to both walking and cycling networks, and is in close proximity to local shops, services and amenities in the neighbourhood. Given the proposed TDM measures and the site's ideal location from a sustainable transportation perspective, the proposed parking variances are supportable.

### *Bicycle Parking*

The applicant is proposing to reduce the long-term bicycle parking spaces from 90 to 30 and the short-term bicycle parking spaces from nine to six. BC Housing indicates that 30 long-term bicycle parking spaces will meet resident demand based on anecdotal data provided by operators of similar developments.

With respect to short-term bicycle parking, staff recommend that the applicant comply with the short-term bicycle parking requirements in Schedule C: Off-street Parking. There is enough space on-site to accommodate three more short-term bicycle parking spaces. Given that there is no vehicle parking, adding the bicycle parking may encourage visitors to use the bike facilities.

## Accessibility

The British Columbia Building Code regulates accessibility as it pertains to buildings. The applicant is proposing nine accessible and five adaptable studio dwelling units, which would be designed in accordance with CAN/CSA-B651-95, the National Standard of Canada, for barrier-free design. These standards either meet or exceed the accessibility requirements of both BC Housing and the British Columbia Building Code. The nine accessible units would be wheelchair accessible, and a safe useable environment for persons with physical, sensory or cognitive disabilities. The proposed outdoor areas and pathways surrounding the buildings are also designed to be accessible, except for the rooftop amenity space above the bike room.

## Sustainability

As indicated in the applicant's letter dated August 12, 2022, the following sustainability features are associated with this proposal:

- building meets BC Energy Step Code Level 3 (exceeds the City's Step 2 requirements)
- solar voltaic rooftop panels to offset power consumption.

## Advisory Design Panel Review

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

*That the Advisory Design Panel supports housing of this nature and scale with the number of units in this location and for this purpose recommend to Council that Development Permit Application No. 000207 for 722 and 726 Discovery Street does not sufficiently meet the applicable design guidelines and policies and should be declined and that the key areas that should be revised include:*

- *design of building and entry should be welcoming and offer a sense of home*
- *building should not read as nonmarket housing*
- *changing window formats and scale to read more residential instead of institutional*
- *increase bike parking*
- *consider preserving the Gary Oak trees along Discovery Street*
- *matching the exterior program to the needs of the future residents*
- *recycling enclosure concealed and covered*
- *further consideration of the termination of the building*
- *explore opportunities to enhance building performance.*

In response, the applicant has made the following design revisions to the proposal:

- added rooftop projections and breaks in the vertical proportions to soften the perceived building mass
- modified the exterior materials to be high quality and durable
- added more windows and incorporated a more playful approach to the window pattern and proportions
- added a wrap-around canopy along the street frontage
- provided additional hard and soft landscaping and adjustments to the layout of the outdoor amenity areas to enhance access and usability
- added a rooftop amenity space above the bike room.

Considering that this is a modular building, the revisions to the proposal are more aligned with the applicable design guidelines that focus on building composition and landscape design. However, staff continue to have concerns with the removal of the three significant Garry Oak trees at the front of the property.

Tree Preservation Bylaw and Urban Forest Master Plan

*Tree Inventory*

The goals of the *Urban Forest Master Plan* (UFMP, 2013) 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 1, 2021, therefore *Tree Protection Bylaw* No. 21-035 applies.

The inventory in the Arborist Report does not account for all the bylaw-protected trees on the subject properties. There is a total of eight bylaw-protected trees on the subject property as well as two smaller yew plants, which may be bylaw-protected Pacific yews. Confirmation of species will be required in accordance with the *Tree Protection Bylaw*.

The proposed plans currently show one municipal tree, a 38 cm DBH Field elm, as removed; however, the arborist report and staff recommend the retention of this tree. Along the Discovery frontage, there are three large bylaw-protected Garry oak trees (87cm, 87cm and 74cm DBH), and one small 100cm tall, bylaw-protected Garry oak seedling on the subject lot. The application proposes to remove all four Garry oaks and replace them with medium or small canopy trees at maturity. The proposed placement of the new trees does not meet the *Tree Protection Bylaw* soil volumes or siting, and therefore, they will not count towards replacement trees or the tree minimum.

Staff have undertaken a visual assessment of the existing Garry Oak trees and consider these trees to be in good to fair health and structural condition. Two of the trees have asphalt paved up to the base, and as a result, further exploration work is recommended to determine the extent of the protected root zone, and condition. These large trees are likely part of Victoria’s remnant Garry Oak ecosystem and are visible in 1928 air photo records.

Trees in urban environments live in challenging conditions, and space for productive root growth is challenged by underground services and compacted soils, and space above ground is often challenged by overhead wires or building faces. Trees of this size and condition are very uncommon in urban environments such as Burnside and Downtown and staff consider them to be significant based on their size, species and condition.

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	6	6	6	0
On-site trees, not bylaw protected	0	0	6	+6
Municipal trees	1	1	3	+2

Neighbouring trees, bylaw protected	0	0	0	0
Neighbouring trees, not bylaw protected	0	0	0	0
<b>Total</b>	<b>7</b>	<b>7</b>	<b>15</b>	<b>+8</b>

Financial impacts related to maintaining the newly proposed municipal trees is unknown at this time.

## OTHER CONSIDERATIONS

In July 2017, an easement was registered on the title of 722 Discovery Street to secure one surface parking space for the use of Capital City Centre Motel located at 1961 Douglas Street as a condition of a parking variance that was triggered as a result of an approved addition of a penthouse unit in the motel. Since then, BC Housing purchased the property at 1961 Douglas Street and the site is currently being operated as transitional housing. Should Council approve this application, the existing easement (CA6123705 and CA6123706) would have to be discharged from title to the satisfaction of the City Solicitor since there is no parking proposed in this application.

## CONCLUSIONS

The proposal to increase the density and permit a multi-unit residential building consisting of approximately 90 supportive housing dwelling units further advances several policies and objectives in the OCP related to housing and community well-being. The proposed vehicle and long-term bicycle parking variances are supportable; however, it is recommended that the application provide the required nine short-term bicycle parking spaces on site.

While there were concerns raised by ADP with the proposed building composition and landscaping, the applicant has tried to address the issues through revisions to their proposal. More significantly, there are some outstanding challenges in terms of competing City priorities, namely the retention of three significant Garry Oak trees while providing supportive housing on the site. As the resolution to these could have impacts on the density, form and massing, a recommendation is provided to refer this application back to staff for further refinements in conjunction with the Development Permit with Variances application, specifically to retain the Garry Oak trees. Staff have provided alternate motions including support for the proposal as it stands.

## ALTERNATE MOTIONS

### Option 1 (Advance the application to a Public Hearing “as is”)

#### Rezoning Application

1. That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00820 for 722 and 726 Discovery Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

2. The applicant provide the following items prior to a Public Hearing:
  - a. provide an updated Arborist Report and Tree Management Plan to the satisfaction of the Director of Parks, Recreation and Facilities.
  - b. revise the site plan and landscape plan to comply with the tree identification, soil volume and tree replacement requirements in accordance with the Tree Protection Bylaw to the satisfaction of the Director of Parks, Recreation and Facilities.
  - c. revise the site plan and landscape plan to comply with the City's Downtown Public Realm Plan and Streetscape Standards (DPRP), specifically, the 'New Town' District for the frontage, to the satisfaction of the Director of Engineering and Public Works.
3. The applicant prepare and execute legal agreements to secure the following with the form and contents to the satisfaction of the Director of Sustainable Planning and Community Development, Director of Engineering and Public Works, and the City Solicitor prior to final adoption of the bylaws:
  - a. all dwelling units would remain affordable or below-market rental for 60 years, or the life of the building, whichever is greater.
  - b. all dwelling units are to be owned by a non-profit or government agency for 60 years, or the life of the building, whichever is greater, to guarantee that the development will continue to provide non-market housing.
  - c. a minimum of nine accessible and five adaptable dwelling units to be constructed in accordance with CAN/CSA-B651-95, the National Standard of Canada for barrier-free design.
  - d. provide civil design drawings and construct a mid-block crosswalk adjacent to the development, which would include bulb outs, lighting, enhanced street furnishings and landscaping, and coordinate with the mid-block crosswalk requirements associated with the adjacent development proposal on the properties located at 710 Caledonia Ave and 1961 Douglas Street.
  - e. the design, supply and installation of the City's Downtown Public Realm Plan and Streetscape Standards (DPRP), specifically, the 'New Town' District for the Discovery Street development frontage, including furnishings, materials, sidewalk scoring patterns and pedestrian lights.
  - f. provide five (5) BC Transit's EcoPasses for employees, for a five-year duration; install a level 2 electric charger along the site's Discovery Street frontage with for public use; and provide electric charging abilities for a minimum of 20% of the long-term bicycle parking spaces.
  - g. install solar voltaic rooftop panels in accordance with the plans dated August 18, 2022.
  - h. secure sewage attenuation should it be determined that sewage attenuation will be required for this development following the review of Sanitary Design Flow calculations prepared by Lawson Engineering Ltd., to the satisfaction of the Director of Engineering and Public Works.
4. Discharge the existing Easement (CA6123705 and CA6123706) from the title of 722 Discovery Street to the satisfaction of the City Solicitor.

#### 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. 00820, if it is approved, consider the following motion:

1. That Council authorize the issuance of Development Permit with Variances Application No. 00207 for 722 and 726 Discovery Street in accordance with:
  - a. Plans date stamped August 19, 2022.
  - b. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
    - i. reduce the required number of residential parking spaces from 18 to nil
    - ii. reduce the required number of commercial parking spaces from one to nil
    - iii. reduce the required number of visitor parking spaces from nine to nil
    - iv. reduce the required number of long-term bicycle parking spaces from 90 to 30
2. That the Development Permit, if issued, lapses in two years from the date of this resolution.

### **Option 2 (Decline)**

That Council decline Rezoning Application No. 00820 and Development Permit with Variances Application No. 00207 for 722 and 726 Discovery Street.

Respectfully submitted,

Leanne Taylor  
Senior Planner  
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 August 19, 2022
- Attachment C: Letter from applicant to Mayor and Council dated September 14, 2022
- Attachment D: Community Benefits of Supportive Housing
- Attachment E: Parking Study prepared by Bunt & Associates dated August 11, 2022
- Attachment F: Arborist Report prepared by Capital Tree Service Inc., dated August 17, 2022
- Attachment G: Advisory Design Panel report dated June 22, 2022
- Attachment H: Minutes from the Advisory Design Panel
- Attachment I: Community Association Land Use Committee Comments dated February 11, 2022
- Attachment J: Pre-Application Consultation Comments from Online Feedback Form
- Attachment K: Correspondence (Letters received from residents).