



## **COTW Report**

**For the June 1, 2023**

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**To:** Committee of the Whole **Date:** May 18, 2023

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

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

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### **RECOMMENDATION**

That Council forward the following motion to the June 1, 2023 daytime meeting of Council for consideration:

#### **Rezoning Application**

1. That Council consider first and second readings of Zoning Regulation Bylaw, Amendment Bylaw (No. 1294) No. 23-018 ("Zoning Amendment Bylaw") and a public hearing date be set.
2. That subject to approval in principle at the public hearing, 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 Council considering final adoption of the bylaws:
  - a. all dwelling units remain below-market rental for 60 years, or the life of the building, whichever is greater;
  - b. all dwelling units are to be operated 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, pedestrian lights as well as soil cells, irrigation and drainage for municipal replacement trees;

- 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 (as amended to the satisfaction of the Director of Sustainable Planning and Community Development).
3. That adoption of the zoning bylaw amendment will not take place until all of the required legal agreements that are registrable in the Land Title Office have been so registered to the satisfaction of the City Solicitor.
  4. That Council authorize the discharge of the existing easement (CA6123705 and CA6123706) from the title of 722 Discovery Street to the satisfaction of the City Solicitor.
  5. That the above recommendations be adopted on the condition that they create no legal rights for the applicant or any other person, or obligation on the part of the City or its officials, and any expenditure of funds is at the risk of the person making the expenditure.

#### 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. Plan revisions to the satisfaction of the Director of Sustainable Planning and Community Development and the Director of Parks, Recreation and Facilities, with the overall intent of encouraging a greater sense of community wellbeing and belonging for the proposed residents as well as minimising potential impacts to the retained specimen trees, which at a minimum shall include but is not limited to the following:
    - i. revisions to the architectural finishes and fenestration patterns more consistent with the previously submitted plans of August 19, 2023, as well as exploring opportunities to mitigate the privacy impacts on the north elevation
    - ii. improvements to the front entrance to create a more welcoming and residential expression through the introduction of soft landscaping
    - iii. reduction in height of the street facing retaining wall and fence height and revisions to the fencing material to increase the transparency into the residential amenity space
    - iv. revisions to the landscaping on the west property boundary to include taller species that provides greater screening between the proposal and the building to the west

- v. minimizing the proposed grading changes within the amenity space and reducing the number of landscape rock seating walls or implementing a design or construction method which requires less extensive regrading
  - vi. incorporating recommendations from the Arborist Report (dated April 24, 2023), specifically, screw piles and grade beams for the seating walls within the relevant design drawings, details, and specifications. Should the arborist recommendations not be achievable, then staff may consider alternative solutions at the discretion of the Director of Sustainable Planning and Community Development
  - vii. provision of further detail on the designed planting areas to clarify the soil volume available with the overall aim to increase the size class of Replacement Tree being proposed, and reduce the total required Cash-in-lieu compensation.
- b. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
- i. reduce the required rear yard setback for the principle building from 8m to 4m;
  - ii. reduce the required number of residential parking spaces from 18 to nil;
  - iii. reduce the required number of commercial parking spaces from one to nil;
  - iv. reduce the required number of visitor parking spaces from nine to nil;
  - v. 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.

## EXECUTIVE SUMMARY

The purpose of this report is to present Council with an update regarding 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.

## BACKGROUND

The application was first presented to Council at a Committee of the Whole meeting on October 6, 2022, where Council advanced the Rezoning Application to a public hearing and passed the following motion with respect to the 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 as well as considering design improvement to further make the building more welcoming and less institutional in appearance.”*

An update report was provided at the Committee of the Whole meeting on April 20, 2023 that demonstrated a reoriented building layout is feasible, which provided a greater setback from the protected trees. Council advanced the Rezoning Application to a public hearing subject to revisions

to correct the arborist report, civil plan, and landscape plans, and staff can report that this has now been completed.

At the April 20 meeting, the applicant requested to proceed with only the Rezoning Application and requested to defer the Development Permit with Variance (DPV) application to a later date once the detailed design work associated with Council's original motion was complete. However, shortly after the April 20 meeting, the applicant submitted revised plans for the Development Permit with Variances application and staff have completed the review of the updated plans, allowing the DPV to "catch-up" with the Rezoning application. Although a number of positive features have been incorporated into the latest plans, staff are recommending further revisions to the detailed design are warranted to provide a greater consistency with the relevant guidelines.

The proposal represents the addition of 90 new supportive housing units, which has been identified as a Council priority item for staff review. To expedite the development process, staff are recommending both applications be advanced to a public hearing concurrently so that the proposed variances (some of which are outside the remit of staff's delegated authority) may be approved by Council at the same meeting. Should Council choose to approve the applications after a public hearing, the design revisions would be handled at the staff level following the hearing. This approach ensures the applicant is able to meet funding deadlines for the development, which is contingent on obtaining a rezoning approval and to process the applications as efficiently as possible.

## **UPDATES**

### **Plan Revisions**

The revised Development Permit with Variance submission retains the same site planning and building orientation features that were presented to Council in April, including:

- a steel-framed modular building reoriented 90 degrees from a north-south direction to an east-west direction
- building height increased from 30.05m to 30.72m
- front yard setback increased from 3m to 10m for the retaining wall and 12m for the building
- west side yard setback reduced from 14.5m to 3m
- reconfiguration of building entrance and accessibility ramp
- outdoor amenity space relocated from the west side yard setback to the front yard beneath the Garry oak trees
- additional privacy landscaping along the Discovery Street frontage
- removal of the bicycle parking pavilion and relocating bicycle parking to the rear of the building.

In addition, the revised plans provide further detail on the proposed architectural elements and finishes, with the following key differences from the plans presented to Council in October 2022 being as follows:

- uniform fenestration pattern set within a large expanse of predominantly wood look metal panel on all elevations with windows vertically aligned (previously these were offset and juxtaposed with contrasting smaller sections of wood look metal panel and dark grey metal panels)
- introduction of corrugated charcoal and light grey metal panel finishes and removal of the

- white horizontal fibre cement panels
- replacement of red brick with grey brick for the ground floor finishes.

### Building Orientation and Setbacks

As reported to Council at the previous meeting in April, the reoriented building layout has resulted in a number of improvements to the design, the key one being the retention of two of the mature bylaw protected Garry oak trees. In addition, the building now has a much stronger street presence with the main building entrance and community amenity space facing Discovery Street (previously these were located on the west side of the building).

The siting of the building does however lead to a more compromised interface between the subject site and the property to the north and the heritage-designated building to the west. In the previous iteration, the rear yard (north) setback was 3m, and this has been increased to 4m. The design guidelines recommend a minimum 8m rear yard setback and whilst both versions do not meet this requirement, the liveability impacts of a reoriented building are exacerbated with the current configuration as the north elevation now includes habitable rooms facing the property to the north (the previous design included only mechanical, laundry and a stair access).

Staff have continued to highlight this design challenge to the applicant; however no mitigating design solutions have been incorporated as part of the revised detailed design. Similarly, the building setback from the west property line has been reduced from 14.5m to 3m which creates a tighter interface to the heritage-designated building to the west. Some effort has been made to include landscaping along this boundary although there may be opportunities to provide taller species that provide greater screening at the ground floor level. Staff have recommended further revisions to occur after the public hearing to explore and potentially incorporate additional design changes to mitigate these impacts.

### Façade composition

In terms of façade composition, the key change that has occurred since the detailed design was last presented to Council in October 2022 relates to the fenestration pattern and application of exterior cladding. In the previous version, windows were offset vertically every two floors and juxtaposed with sections of wood tone vertical metal panels. The effect of this created a playful rhythm along the primary (west) façade that helped to break up the overall massing of the building. The opposing (east) façade adopted a similar approach with windows offset every two floors and grouped with smaller sections of wood tone panels set within white horizontal fibre cement planks. Red brick was utilised along the main floor and exit stairs (north elevation).

The revised concept has simplified the overall material palette with the replacement of red brick with dark grey brick and removal of the white horizontal siding. Windows have been vertically aligned and wood tone is the predominant material across all elevations. A vertical section of charcoal coloured corrugated composite metal panel extends above the main entrance and light grey corrugated metal panels are interspersed between windows on both the front (south) and rear (north) elevations. The overall effect of these architectural interventions results in a uniform and utilitarian building expression and staff are of the opinion that the revised plans do not adequately meet Council's original request to make the building appear more welcoming and less institutional in appearance.

## Amenity space

The revised plans have relocated the residential amenity space from the rear yard behind a bike enclosure to the front yard, underneath the mature Garry oak trees. Staff are supportive of this approach in principle as it has the potential to establish a more positive interface with the street. However, the ability to foster street vitality for the wider community and social vitality for residents is limited by the high retaining wall and corrugated metal fence panels surrounding the amenity space, which results in a fortress-like appearance. Opportunities exist to address these barriers by lowering the retaining wall and fence, and increasing transparency into the residential amenity space, which would improve the relationship between the public and private domain as well as fostering a greater sense of belonging to the community for the proposed residents.

Included in the recommendation for Council's consideration, are a number of revisions to the architectural and landscape plans that would benefit the proposal. These would be handled at the staff level after the public hearing, should Council choose to approve the applications. An alternate recommendation has also been included for Council's consideration to approve the plans without further revisions.

## **Tree Preservation Bylaw and Urban Forest Master Plan**

### Plan Updates

At the April 20, 2023 Committee of the Whole meeting, Council advanced the Rezoning Application to a public hearing subject to revisions to correct the arborist report, civil plan, and landscape plans, and staff can report that this has now been completed. A review of the revised Development Permit with Variances plans submitted on April 24, 2023 has been completed and further analysis is provided below.

### Tree Retention

The concurrent Rezoning and Development Permit with Variances applications propose to retain two of four Garry oaks. The western most mature oak (tree #153) and adjacent oak seedling are to be removed to accommodate site servicing and access. In addition to the Garry oak trees, four bylaw-protected trees were inventoried, and are proposed for removal to facilitate the site servicing and access, or due to their poor structure and expected construction impacts. In total, six bylaw-protected trees are proposed to be removed.

The application does not meet the Tree Protection Bylaw's requirements for Replacement Trees or the Tree Minimum. The proposed plans and arborist report indicates five small Replacement Trees, which do not meet the Tree Protection Bylaw siting requirements and only account for two of the required six. The application does not replace all trees removed at 1:1 and does not meet site Tree Minimum. Under the current design, the applicant is required to provide Cash-in-lieu compensation for a shortfall of four trees totalling \$8,000.

Two new small municipal trees are proposed on the frontage within irrigated, and drained soil cells. The irrigation and drainage are not currently shown on plans however, these will be secured through a legal agreement prior to issuance.

Financial impacts related to maintaining the newly proposed municipal trees is estimated to be \$120 annually.

	Annual Maintenance
Two net new street trees	\$120
Two new irrigated soil cells	\$ Unknown currently

At the request of staff, further exploration work was completed by the arborist to determine the extent and condition of the protected root zones to provide recommendations for the retention of the Garry oak trees within the constraints of the proposed development. This included a review of available soil volumes, and the soil characteristics within the Protected Root Zones of the Garry oak trees. Borehole excavations, and ground penetrating radar were also completed under arborist supervision, and the information was implemented into the Arborist Report. Setbacks for above and below grade were decided based on this information. The Report recommends a minimum of 10m from the south property line to ensure the retention of the bylaw protected Garry oak trees. This setback requirement has been included in the attached Zoning Bylaw Amendment.

In response to Council direction to reconsider the siting of the proposed building, the revised plans and supporting documents demonstrate that a reoriented building is feasible. The applicant has provided sufficient information to provide assurances of the preservation of two of the three bylaw-protected Garry oak trees, however some additional information is required regarding the amenity space design to reduce the expected impacts to the large specimen trees. These recommendations are included for Council's consideration and would be delegated to staff following the public hearing, should Council choose to approve the applications.

## Variances

The applicant is proposing the following parking variances, which remain unchanged from when the application was presented to Council in October 2022:

- 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
- reduce the long-term bicycle parking spaces from 90 to 30.

To off-set the impacts of no parking on-site, the applicant is proposing the following transportation demand management (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.

Given that the parking variance remains unchanged, and the TDM measures being proposed to offset the parking shortfall are being secured through a legal agreement after the public hearing,

staff are supportive of the proposed parking variance. Further analysis of the parking variance can be found in the original staff report presented in October 2022.

Additionally, the proposed Zoning Amendment Bylaw requires a minimum 8-meter rear yard setback (consistent with the relevant design guidelines), which as reported at the last meeting in April has triggered an additional variance. This will ensure that special design strategies can be required to help address potential impacts associated with the smaller rear yard setback.

## **Bylaw Updates**

The revised plans have resulted in some minor revisions to the proposed Zoning Amendment Bylaw, specifically related to setbacks. The provision of heat pumps and the bicycle enclosure within the rear setback have been accommodated in the proposed zone. No further variances have been proposed from what was previously presented to Council.

## **CONCLUSIONS**

The proposal to increase the density and permit a multi-unit residential building consisting of approximately 90 supportive housing dwelling units advances several policies and objectives in the OCP related to housing and community well-being. The reoriented building has resulted in a number of improvements to the design, the key one being the retention of two of the mature bylaw protected Garry oak trees. However, further revisions to the design are warranted in order to fully meet Council's original request to make the building appear more welcoming and less institutional in appearance.

The recommendation includes appropriate wording to allow for design refinements to occur after the public hearing. As such, staff are supportive of the Rezoning application, and the Development Permit Application with Variances, which are now ready to advance to a public hearing and the attached bylaws are ready to receive introductory readings at the next available Council meeting. An alternate motion is provided should Council wish to advance the Development Permit with Variance application without requiring refinements.

## **Alternate Motion (Advance the Development Permit with Variances application to a Public Hearing "as is", Rezoning Application unchanged)**

That Council forward the following motion to the June 1, 2023 daytime meeting of Council for consideration:

### Rezoning Application

1. That Council consider first and second readings of Zoning Regulation Bylaw, Amendment Bylaw (No. 1294) No. 23-018 ("Zoning Amendment Bylaw") and a public hearing be set.
2. That subject to approval in principle at the public hearing, 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 Council considering final adoption of the bylaw:
  - a. all dwelling units remain below-market rental for 60 years, or the life of the building, whichever is greater
  - b. all dwelling units are to be operated 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, pedestrian lights as well as soil cells, irrigation and drainage for municipal replacement trees.
  - 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 (as amended to the satisfaction of the Director of Sustainable Planning and Community Development).
3. That adoption of the zoning bylaw amendment will not take place until all of the required legal agreements that are registrable in the Land Title Office have been so registered to the satisfaction of the City Solicitor.
  4. That Council authorize discharge of the existing easement (CA6123705 and CA6123706) from the title of 722 Discovery Street to the satisfaction of the City Solicitor.
  5. That the above Recommendations be adopted on the condition that they create no legal rights for the applicant or any other person, or obligation on the part of the City or its officials, and any expenditure of funds is at the risk of the person making the expenditure.

#### 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 April 24, 2023
  - b. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
    - i. reduce the required rear yard setback for the principle building from 8m to 4m

- ii. reduce the required number of residential parking spaces from 18 to nil
  - iii. reduce the required number of commercial parking spaces from one to nil
  - iv. reduce the required number of visitor parking spaces from nine to nil
  - v. reduce the required number of long-term bicycle parking spaces from 90 to 30
3. Final plans to be generally in accordance with plans date stamped April 24, 2023.
4. That the Development Permit, if issued, lapses in two years from the date of this resolution.

Respectfully submitted,

Charlotte Wain  
Senior Planner – Urban Design  
Development Services Division

Karen Hoes, Director  
Sustainable Planning and Community  
Development Department

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

#### **List of Attachments**

Attachment A: April 20, 2023 Committee of the Whole Report and Attachments  
Attachment B: Minutes from April 20, 2023 Committee of the Whole meeting  
Attachment C: Council Ratification of April 20, 2023  
Attachment D: Updated Letter from applicant to Mayor and Council dated May 16, 2023  
Attachment E: Revised Plans date stamped April 24, 2023  
Attachment F: Zoning Regulation Bylaw, Amendment Bylaw (No. 1294) No. 23-018