



Committee of the Whole Report For the Meeting of June 29, 2023

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

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

Subject: **Rezoning Application No. 00805 for 1516 Camosun Street, 1270 and 1286 Pandora Avenue and associated Development Permit with Variances Application No. 00190**

RECOMMENDATION

Rezoning Application

1. That Council instruct the Director of Sustainable Planning and Community Development to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in the staff report dated May 1, 2023, for 1516 Camosun Street, 1270 and 1286 Pandora Avenue.
2. That first and second reading of the zoning bylaw amendment be considered by Council and a public hearing date be set once the following conditions are met:
 - a. Plan revisions, to the satisfaction of the Director of Engineering and Public Works, to ensure Accessible Parking requirements for the proposal are met.
3. That subject to approval in principle at the Public Hearing, the applicant prepares and executes the following legal agreement, with contents satisfactory to the Director of Sustainable Planning and Community Development and form satisfactory to the City Solicitor prior to adoption of the bylaw:
 - a. Secure no less than two junior one-bedroom and one studio units as 15% below market ownership units through the Capital Regional District.
4. That subject to approval in principle at the Public Hearing, the applicant prepares and executes the following legal agreements, with contents satisfactory to the Director of Engineering and Public Works and form satisfactory to the City Solicitor prior to adoption of the bylaw:
 - a. A Public Realm Agreement securing the works for improved bicycle lanes along the Pandora Avenue frontage, an improved pedestrian crossing of Pandora Avenue at Camosun Street, and provision of a dual on-street level 2 electric vehicle charging station for use by both the car share vehicle and the public.
 - b. Provision of transportation demand management measures including:

- i. Car share memberships for all units
 - ii. One car share vehicle
 - iii. One bicycle repair and wash station
 - iv. A minimum of two cargo bike stalls
 - v. Electrical outlets for e-bikes
 - vi. Weather protection for short-term bike parking
5. 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.
6. 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 Variances Application

That subject to the design refinements as noted above and with any subsequent updates to the variances reflecting those refinements 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. 00805 if it is approved, consider the following motion:

1. That subject to the adoption of the necessary Zoning Regulation Bylaw Amendment, Council authorizes the issuance of Development Permit with Variances No. 00190 for 1516 Camosun Street, 1270 and 1286 Pandora Avenue in accordance with plans submitted to the Planning department and date stamped by Planning on February 23, 2023 subject to:
 - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. reduce the front lot line setback from 12.00m to 0.00 m for the parkade and to 1.18m for the building
 - ii. reduce the rear lot line setback from 9.90m to 0.33m for the parkade and to 4.86m for the building
 - iii. reduce the east side lot line setback from 9.90m to 0.00m for the parkade and to 2.12m for the building
 - iv. reduce the west side lot line setback from 9.90m to 1.75m for the parkade and as adjusted based on potential design changes
 - v. reduce the east side lot line canopy setback from 3.00m to 0.15m
 - vi. increase the site coverage maximum from 24.00 percent to 56.70 percent
 - vii. reduce the open space minimum from 60.00 percent to 40.00 percent; and,
 - viii. reduce the required number of residential vehicle parking stalls from 49 stalls to 35 stalls.
 - ix. permit long-term bicycle parking to be in a stacked format.
2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution.

LEGISLATIVE AUTHORITY

This report discusses a Rezoning Application and a concurrent Development Permit with Variances Application (DPV). Relevant rezoning considerations include the proposal to increase the density while the relevant DPV 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 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, 2012*. 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 establishment of objectives for the form and character of intensive residential development, a Development Permit may include requirements respecting the character of the development including landscaping, and the siting, form, exterior design and finish of buildings and other structures.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning Application and Development Permit with Variances Application for the properties located at 1516 Camosun Street, 1270 and 1286 Pandora Avenue. The proposal is to rezone from the R3-2 Zone, Multiple Dwelling District to a new zone in order to increase the density. There is a concurrent Development Permit with Variances Application pertaining to the proposed form, character, exterior design, finishes, landscaping, and variances related to setbacks, site coverage and open space, and vehicle parking.

The following points were considered in assessing the Rezoning Application:

- The proposal to increase density from 1.2:1 to 2:1 Floor Space Ratio (FSR) is consistent with the Urban Residential OCP urban place designation that envisions mid-rise multi-unit buildings up to approximately six storeys and up to 2:1 FSR.
- The proposal is consistent with the *Fernwood Neighbourhood Plan (FNP)* that envisions primarily low- to mid-rise residential development consistent with City policies.
- Consistent with the *City's Inclusionary Housing and Community Amenity Contribution Policy*, since this building contains less than 60 units and is for strata development the applicant has offered to contribute \$150,000 which in accordance with the policy would be split with 70 percent going to the Victoria Housing Reserve Fund and 30 percent to the Local Amenities Fund.

- The applicant has offered to provide three below market housing which will be secured via legal agreement.

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

- The proposal is generally consistent with the General Urban Design Guidelines, with the exception of setbacks from property lines. The rear part of the west elevation represents the “tightest” condition; however, the reduced setbacks are likely to have a limited impact on privacy and overlook of surrounding properties, due to the established conditions on adjacent properties.
- The proposed transportation demand management (TDM) measures will help offset the reduction in parking spaces and support sustainable and affordable mobility alternatives to private vehicle ownership.

BACKGROUND

Description of Proposal

The proposal is for a 46-unit residential strata development consisting of a three-storey frontage on Pandora Avenue rising to five storeys towards the interior of the site and along Camosun Street. The building is slightly offset or “skewed” from each frontage, resulting in variable setbacks on all sides. A below grade parkade is accessible from Camosun Street.

The proposal requires an increase in density from 1.2:1 to 2:1. The associated Development Permit with Variances is for a reduction in lot line setbacks, vehicle parking, and site coverage and open space requirements:

- reduce the front (Pandora Street) setback from 12.00m to 0.00 m for the parkade and to 1.18m for the building
- reduce the rear lot line setback from 9.90m to 0.33m for the parkade and to 4.86m for the building
- reduce the side (Camosun Street) setback from 9.90m to 0.00m for the parkade and to 2.12m for the building
- reduce the west side lot line setback from 9.90m to 1.75m for the parkade and to 3.86m for the building (or as adjusted based on potential design changes)
- reduce the east side lot line canopy setback from 3.00m to 0.15m
- increase the site coverage maximum from 24.00 percent to 56.70 percent
- reduce the open space minimum from 60.00 percent to 40.00 percent; and,
- reduce the required number of residential vehicle parking stalls from 49 stalls to 35 stalls.

Existing Site Development and Development Potential

The sites presently contain single-family dwellings. Under the current R3-2 Zone, the property could be developed as multiple dwelling (more than three self-contained dwelling units), with an FSR of up to 1.2:1 or up to 1.6:1 if all required parking is provided underground.

Land Use Context

The area is characterized by low-density residential uses ranging from one to two storeys along Camosun Street, with up to four-storey apartment buildings along Pandora Avenue to the east and west of the subject site.

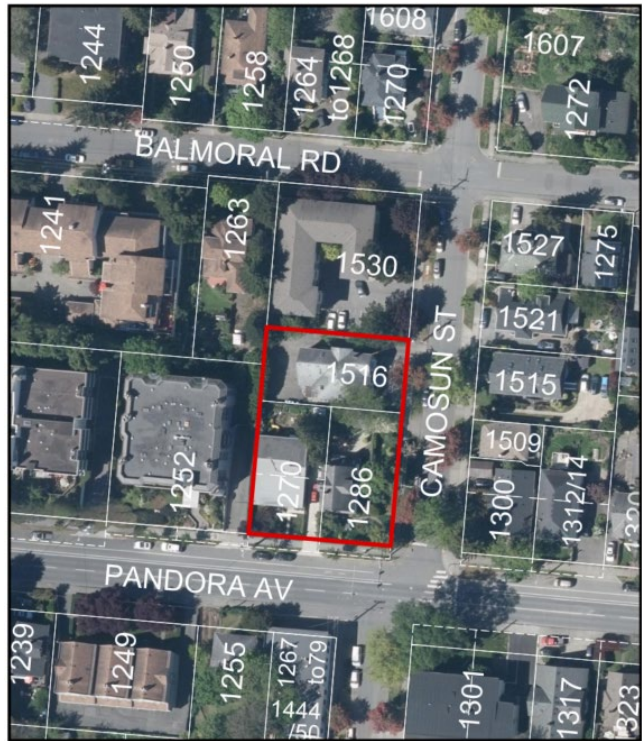


Figure 1: Aerial of subject property

Data Table

The following data table compares the proposal with the existing R3-2 Zone and the Urban Residential 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	Zone Standard Urban Residential Multiple Dwelling	OCP Policy
Site area (m ²) – minimum	1,725.00	920.00	1,840.00	n/a
Density (Floor Space Ratio) – maximum	2:1*	1.2:1 up to 1.6:1 (if all required parking is underground)	2:1	2:1
Total floor area (m ²) – maximum	3,441.00*	2,070.00	3,455.00	n/a
Height (m) – maximum	17.43	18.50	18.50	n/a
Storeys – maximum	5	6 (if site coverage <30%)	6	6

Zoning Criteria	Proposal	Existing Zone R3-2	Zone Standard Urban Residential Multiple Dwelling	OCP Policy
Site coverage (%) – maximum	56.70*	24.00	40.00	n/a
Open site space (%) – minimum	40.00*	60.00	50.00	n/a
Setbacks (m) – minimum				
Front (Pandora)	1.18 building* 0.00 parkade*	12.00	4.00	n/a
Rear (north)	4.86 building* 0.33 parkade*	9.90	10.00	
Side (Camosun)	2.12 building* 0.00 parkade* 0.15 trellis*	9.90 3.00 trellis	4.00	
Side (west)	3.68 building* 1.75 parkade* 4.04 steps	9.90 3.00 steps	6.00	
Parking – minimum	35*	49	49	n/a
Visitor parking included in the overall units – minimum	5	5	5	n/a
Bicycle parking stalls – minimum	59 long term 6 short term	57 long term 6 short term	57 long term 6 short term	n/a

Mobility

The application proposes the following features which support multi-modal transportation:

- car share memberships for all units
- car share vehicle
- on-street EV charging for car share vehicle and the public
- two cargo bike stalls in addition to the required minimum,
- outlets for electric bike parking
- bicycle maintenance and wash station
- weather protection for short-term bike parking

Public Realm

As part of development frontage works, cycling facilities along Pandora Avenue as well as the pedestrian crossing of Pandora Avenue at Camosun Street will be improved. Development works will be done in coordination with adjacent works to be completed by the City. A motion to secure a public realm agreement for development works is included as a condition of Rezoning.

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 on November 16, 2021. Mailed notification was sent to owners and occupiers of property within 100m of the subject property advising that a consultation process was taking place and that information could be obtained and feedback provided through the Development Tracker. A sign was also posted on site, to notify those passing by of this consultative phase. Additionally, the applicant participated in an online meeting with the Fernwood CALUC on December 2, 2021. A letter dated December 21, 2021 along with the comment forms are attached to this report.

Common themes noted in the comment forms include:

- strong general support for the application to provide more housing
- support for the proposed building design and landscaping.

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 identified as urban residential under the OCP urban place designations. The urban residential designation envisions low and mid-rise buildings up to approximately six storeys and floor space ratios generally up to 1.2:1, with increased density up to 2:1 in strategic locations including secondary arterial roads. Pandora Avenue is classified as a secondary arterial road.

Fernwood Neighbourhood Plan

The *Fernwood Neighbourhood Plan* is consistent with the OCP and identifies the subject properties as *Urban Residential*. Housing policies in the *Fernwood Neighbourhood Plan* encourage housing that is diverse in size, tenure, form, is designed to be liveable and complement its surroundings while supporting diverse tenure types. Housing policies also encourage the development of family-oriented housing with larger bedroom units on lower floors, as well as logical lot assembly that creates suitable space for the envisioned scale of housing. Building forms located along arterial corridors (such as Pandora) that maximize liveability for individual units are encouraged by including features such as: courtyards, greater front yard setbacks, shared rear green space, and orienting corner buildings towards side streets.

Urban Residential policies in the *Fernwood Neighbourhood Plan* specify consistency with relevant OCP designation as well as applicable Development Permit Area Design Guidelines (see below).

Inclusionary Housing and Community Amenity Contribution Policy

Per the City’s *Inclusionary Housing and Community Amenity Contribution Policy*, rezoning applications for strata housing projects with fewer than 60 units are requested to make a monetary contribution to the Victoria Housing Reserve Fund and the Local Amenities Fund in accordance with the suggested standards for typical rezoning applications. The applicants have indicated a monetary contribution of \$150,000, which is consistent with the suggested amenity contribution target of \$20/ft² for Level B bonus density for applications in the Urban Residential Urban Place Designation. Per the policy, 70 percent of the funds are allocated to the Victoria Housing Reserve Fund, with the remaining 30 percent going towards the Local Amenities Fund (Fernwood).

Housing

The application, if approved, would add approximately 38 net new residential units, which would increase the overall supply of housing in the area and contribute to the targets set out in the *Victoria Housing Strategy*.

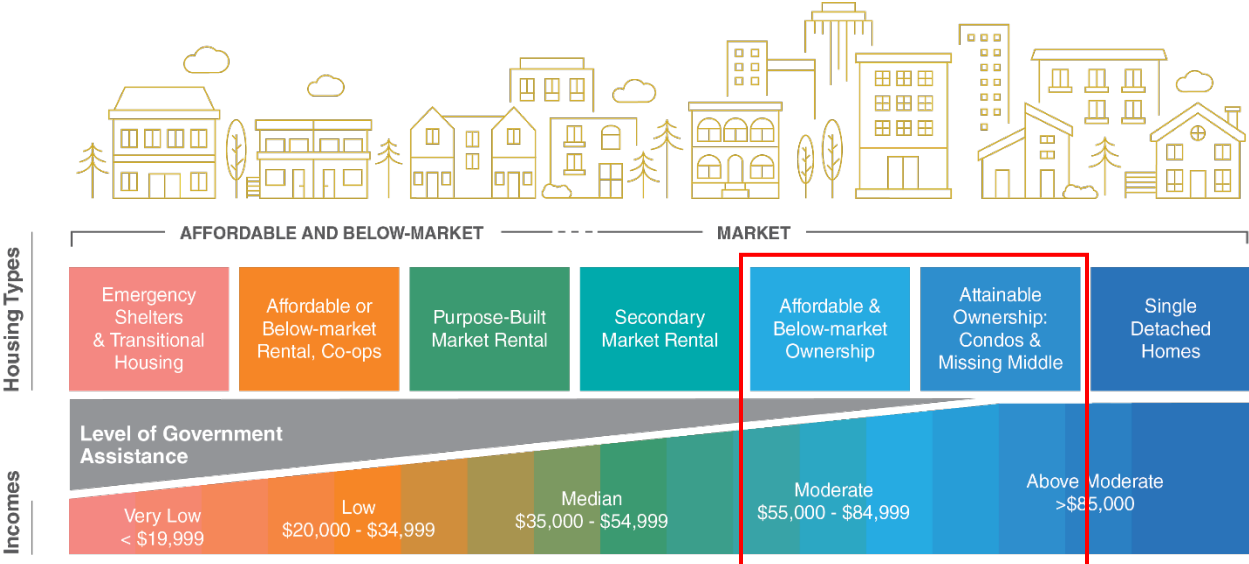


Figure 2. Housing Continuum

Affordability Targets

43 of the 46 proposed units are intended to be market ownership dwelling units. The applicants have proposed to secure three units (two junior one-bedroom and one studio dwelling unit) as 15% below market ownership units through the Capital Regional District and have provided a letter from the CRD confirming the agreement. Initial qualifying annual gross income limits for these units will be targeting household incomes of \$99,000 or less.

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 twelve two-bedroom (21.7 percent) and four three-bedroom (8.7 percent) dwelling units.

Existing Tenants

The proposal is to demolish and redevelop an existing building on each of the subject sites, which would result in a loss of eight existing residential rental units. Consistent with the *Tenant Assistance Policy*, the applicant has provided a Tenant Assistance Plan.

Development Permit with Variance Application

Official Community Plan: Design Guidelines

The *Official Community Plan, 2012* (OCP) identifies this property within DPA 16A, General Urban Design and is subject to the General Urban Design Guidelines for Multi-Unit Residential, Commercial and Industrial Development (2022). The proposal supports a multi-unit residential building located along a transit corridor (Pandora Avenue) and is generally consistent with the design guidelines, in that:

- the design is oriented towards, and has a strong relationship with, the fronting streets to create “eyes on the street”
- the building generally offers a sensitive transition in scale to adjacent properties by providing upper storey step-backs
- the building responds to its location on a corner, with both street facing facades developed as front elevations with variations in the facades
- incorporates variations in the façade
- the primary building entrance is emphasized and has clear sight lines from the public sidewalk
- there are individual entrances to ground floor units with a landscape transition zone to the sidewalk
- high quality and durable building materials have been proposed
- pedestrian and vehicle conflicts in site design minimized through well-defined separation
- open space and landscaping is well integrated in the building design, and all units have balconies or outdoor space.

However, staff note that the following guidelines are not being met, primarily for the north-west corner of the building:

- building setbacks that provide human scale spaces at the street, which include areas for landscaping, as well as allow sun and air access for adjacent properties while minimizing overlook. The DPA guidelines for setbacks are:
 - rear yard setback of a minimum 8m
 - side yard setbacks of approximately 3m
- ground floor residential units whose primary frontage is onto a busy arterial street (Pandora Avenue) and without a full width boulevard may require a greater setback.

Variances

Setbacks

None of the proposed setbacks are consistent with the General Urban Design Guidelines noted above. As a result, the setbacks between the building and the north and west property lines may

have an impact on the privacy of adjacent properties. In addition, the orientation of the building which is slightly offset from the property lines along Pandora Avenue and Camosun Street creates a pinch point with smaller setbacks at the north-western edge of the building (as shown in blue outline in Figure 3). However, this condition is mitigated to a degree by the building locations on adjacent properties: the northern adjacent building has minimal windows on the south façade, and the closest point of the proposed building would overlook a parking area. The western adjacent building has a parkade entrance along the eastern property line which provides a bit of a buffer.



Figure 3: Site plan

Parking

The applicant is seeking a residential vehicle parking reduction from 49 down to 35 stalls. Staff are supportive of a reduction in vehicle parking stalls when offset by a comprehensive Transportation Demand Management (TDM) program. The applicant has offered the provision of a car share vehicle, to be located on-street with a dual-head charger, one for the car share vehicle and one for the public, as well car share memberships for all units, a bike repair and wash station, cargo bike parking, and sheltered short-term bike parking. The project also includes improvements to the Pandora Avenue bike lanes and pedestrian crossing.

When car share vehicles are provided as a TDM measure, the City tries to secure an associated off-street stall for the vehicle. This is regardless of whether an on-street car share space is possible and supported. This ensures equitable outcomes as curb space is not always available and future street maintenance or redesign may require temporary or permanent relocation of the vehicle. The off-street parking stall is typically assigned as a visitor stall until (and if) needed for the car share vehicle.

The applicant has indicated that, because of building security concerns and challenges with preventing unwanted visitors an on-site car share stall cannot be accommodated. Accommodating car share spaces on-street in response to private development is feasible, but also adds complexity and risk to the existing and future management of curb space. Regardless of this risk, the proposed carshare vehicle and charging station, in combination with the enhanced bike parking facilities and bicycle lane and pedestrian crossing improvements is considered a sufficient TDM program to offset the parking stall reduction.

The applicant is proposing a stacked bicycle parking system. Stacked bicycle parking systems can provide space saving opportunities but require a variance as they are not currently accommodated in the City's bicycle parking regulations. The applicant has provided a specification for the stacked bicycle parking to ensure sufficient height clearance and an accessible lift assist mechanism is provided.

Accessibility

No accessibility improvements are proposed beyond what is required through the *British Columbia Building Code*.

Sustainability

As indicated in the applicant's letter dated December 21, 2021 the following sustainability features are associated with this proposal:

- storm water retention along west side of property
- direct metered suites with multiple thermostatically controlled heating zones within each residence
- solar ready conduit from electrical room to roof
- LED lighting throughout
- low-VOC paint in all interior areas
- low flow plumbing fixtures used throughout all units
- secure, heated bike storage at ground level with cargo bike and e-bike parking
- bike wash station and repair stand are to be located in at-grade bike room
- provide electrical outlets for electric bicycle charging locations within bicycle storage
- heat Recovery Ventilation for the building
- high efficiency centralized domestic hot water boiler system
- use of CarbonCure's CO2 embodied carbon capture.

Advisory Design Panel Review

The application was reviewed by the Advisory Design Panel on November 23, 2022. At that meeting, the following motion was passed:

It was moved by Colin Harper, seconded by David Berry, that the Advisory Design Panel recommend to Council that Development Permit Application 00190 for 1516 Camosun Street, 1270 and 1286 Pandora Avenue be approved with the following changes.

- *Consideration for additional privacy from the 4th and 5th floor balconies on the West side*
- *Consideration that the parkade ceiling be dropped to create additional soil volume*
- *Consideration that the tree species on the west side be revised to a more robust species, potentially a columnar tree.*

Carried Unanimously

In response to ADP comments, the applicant revised the planting plan along western boundary, and provided additional detail on privacy mitigation by including additional rooftop planters to provide a privacy screen and prevent direct overlook of adjacent properties.

Tree Preservation Bylaw and Urban Forest Master Plan

The goals of the *Urban Forest Master Plan* include protecting, enhancing, and expanding Victoria's urban forest and optimizing community benefits from the urban forest in all neighbourhoods. This application was received after July 1, 2021, so *Tree Protection Bylaw No. 21-035* applies.

A total of 23 trees have been inventoried. Of these, 14 are located on the subject lot, five of which are bylaw protected. One bylaw protected tree and four non-bylaw protected trees are located off-site. There are five existing municipal trees, two on the Pandora frontage and three on the Camosun Street frontage.

Five bylaw protected trees 744 (47 cm diameter Ash), 745 (32 cm diameter Red Cedar), 746 (45 cm diameter Flowering Plum), 748 (55 cm diameter Laburnum sp.), 749 (99 cm diameter Red Cedar) and nine non-bylaw protected trees on the subject lot are proposed for removal. Removal of the trees is required for excavation of the underground parkade and construction of the building. Municipal tree M-46, a 27 cm diameter English hawthorn, will require removal to accommodate the new driveway.

Off-site bylaw protected trees OS-41, OS-42 and OS-45 can be retained following the mitigation measures outlined in the arborist report.

The applicant is proposing to plant 26 new trees on the subject lot. This includes five trees to replace bylaw trees removed, and four additional replacement trees are required to meet the tree minimum in accordance with the Bylaw. Two municipal trees are proposed, one on the Pandora Avenue frontage and one on the Camosun Street frontage.

Tree Impact Summary Table

Tree Status	Total # of Trees	To be REMOVED	To be PLANTED	NET CHANGE
On-site trees, bylaw protected	5	5	9	+4
On-site trees, not bylaw protected	9	9	17	+8
Municipal trees	5	1	2	+1
Neighbouring trees, bylaw protected	1	0	0	0
Neighbouring trees, not bylaw protected	3	0	0	0
Total	23	15	28	+13

Resource Impacts

Increased Inventory	Annual Maintenance Cost
Street Trees – 1 net new	\$60

CONCLUSIONS

The proposed development substantially complies with relevant land use policies and Development Permit Area guidelines. Revisions to the TDM program are recommended to mitigate the impact of the request for reduced vehicle parking and to promote sustainable mobility choices of future residents.

ALTERNATE MOTIONS

Option 1 – Decline

That Council decline Application No. 00805 for 1516 Camosun Street, 1270 and 1286 Pandora Avenue and associated Development Permit with Variances Application No. 00190.

Respectfully submitted,

Geordie Gordon
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 February 23, 2023
- Attachment C: Letter from applicant to Mayor and Council dated June 21, 2023
- Attachment D: Modo Carshare Arrangement Letter dated December 23, 2022
- Attachment E: Traffic Impact Study dated April 6, 2022
- Attachment F: CRD Affordable Housing Agreement Letter
- Attachment G: Community Association Land Use Committee Comments dated December 21, 2021
- Attachment H: Pre-Application Consultation Comments from Online Feedback Form