



Committee of the Whole Report For the Meeting of July 27, 2023

To: Committee of the Whole **Date:** July 13, 2023

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

Subject: **Rezoning Application No. 00804 for 205 Quebec Street, 507 Montreal Street, and 210-224 Kingston Street and associated Official Community Plan Amendment and Development Permit with Variances Application No. 00191**

RECOMMENDATION

That Council decline Rezoning Application No. 00804 for 205 Quebec Street, 507 Montreal Street, and 210-224 Kingston Street and the associated Official Community Plan Amendment and Development Permit with Variances Application No. 00191.

LEGISLATIVE AUTHORITY

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

Enabling Legislation

In accordance with Section 479 of the *Local Government Act*, Council may regulate within a zone the use of land, buildings and other structures, the density of the use of the land, building and other structures, the siting, size and dimensions of buildings and other structures as well as the uses that are permitted on the land and the location of uses on the land and within buildings and other structures.

In accordance with Section 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* (OCP). A Development Permit may vary or supplement the *Zoning Regulation Bylaw* but may not vary the use or density of the land from that specified in the Bylaw.

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

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning, an Official Community Plan Amendment and a Development Permit with Variances Application for the property located at 205 Quebec Street, 507 Montreal Street, and 210, 214, 218, and 224 Kingston Street. The proposal is to rezone from the R-K Zone, Medium Density Attached Dwelling District, to allow construction of a new mixed-use development consisting of a three-storey podium with a 17-storey tower above located at the corner of Quebec Street and Montreal Street and three storey townhouses fronting Kingston Street. Commercial uses are proposed on the ground floor of the tower podium.

There is a concurrent Development Permit with Variances Application pertaining to the proposed form, character, exterior design, finishes and landscaping, and variances related to parking.

The following points were considered in assessing the *Official Community Plan, 2012 (OCP)* Amendment Application:

- The proposal includes a request to amend the OCP to increase the maximum density from 2:1 floor space ratio to 2.94:1 floor space ratio, increase the maximum height from six-storeys to 17-storeys, and add commercial and multiple dwelling residential uses.
- The height and massing are inconsistent with the overall intent of the Urban Place Designations and do not meet the broad objectives and policies of the OCP. The Urban Place Designations are designed to support a growth management concept that distributes anticipated future growth to support the development of a strong downtown core and enhance the network of Urban Villages and Town Centres. The proposal does not meet this objective as the proposed building is not suitable for this location.
- The proposal is inappropriate for the current and future site context:
 - The anticipated future development would result in buildings that are up to five-storeys to the north of the subject site and buildings that are up to three-storeys to the south. The Urban Residential designation envisions up to approximately six-storeys for this site, which provides a transition between the more intensive development in the Urban Core and the smaller scale development in the Traditional Residential designation.
 - The existing buildings located to the north of the subject site are approximately seven to 12-storeys and the buildings located to the south are approximately two-storeys. The proposed 17-storey building would not fit into the current context nor provide a transition between these existing buildings.

The following points were considered in assessing the Rezoning Application:

- The subject properties are designated Urban Residential in the OCP which envisions low-rise and mid-rise multi-unit buildings up to approximately six-storeys with total floor space ratios generally up to 1.2:1. Increased density up to a total of approximately 2:1 may be considered for the advancement of plan objectives. The proposed 17-storey mixed-use building, with a 2.94:1 floor space ratio, is not consistent with this policy.

- In accordance with the *Inclusionary Housing and Community Amenity Contribution Policy*, the applicant has provided economic analysis indicating that a contribution of \$2,300,000 is appropriate. The applicant is proposing to provide: \$700,000 to the Housing Reserve Fund, \$200,000 to the Local Amenities Fund, a daycare of 312.1m², with free rent dedicated to a non-profit for a minimum period of ten years (valued at \$1,520,000), and meeting space for twelve hours per week, with free rent dedicated to a non-profit for a minimum period of ten years (e.g. for neighbourhood and volunteer program space with James Bay Community Project).
- The following public realm improvements are proposed in association with this application: enhanced street frontages, AAA protected bike lanes, a cross walk, and undergrounding of BC Hydro lines. The applicant is also proposing to replace City storm water facilities.

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

- A key objective of Development Permit Area 11 is to achieve a sensitive transition between the uses along the harbour and the adjacent residential area through considerations for urban design. The proposal does not meet this objective because it is not integrated with the surrounding context and is not sensitive to the surrounding physical setting which is comprised of smaller-scale buildings.
- The proposed variances are to reduce the number of residential and commercial parking spaces and to increase the distance from the bike rack to the entrance. To help mitigate potential impacts from the vehicle parking variances, the applicant is proposing to provide two EV car-share vehicles, two car-share on-street parking stalls with EV charging and car-share memberships. The proposal also includes a bicycle maintenance facility, cargo bike parking, and additional bike parking. The variances are supportable due to the mitigation proposed.

BACKGROUND

Description of Proposal

The proposal is to rezone the properties from the R-K Zone, Medium Density Attached Dwelling District, to a new site-specific zone to accommodate construction of a mixed-use development consisting of a three-storey podium with a 17-storey tower above and three storey townhouses, including approximately 112 strata dwelling units (102 in the tower with podium and 10 townhouse units). Commercial uses are proposed on the ground floor of the tower podium.

The request to amend the *Official Community Plan, 2012* (OCP) is necessary to increase the density above the 2.0:1 floor space ratio maximum to accommodate the proposed 2.94:1 floor space ratio and increase the maximum number of storeys from six to 17.

The associated Development Permit with Variances is for the form and character of the site. Specific details include:

- a three-storey podium with ground floor commercial uses and a daycare facility fronting Quebec Street and Montreal Street
- a 17-storey tower (north-south orientation) located above the podium at the north-west corner of the site
- two three-storey townhouse buildings (two residential floors plus rooftop access and partially covered deck) fronting Kingston Street and one two-storey townhouse building located behind

- the entire development is located on top of a two-storey underground parkade
- private outdoor space for each dwelling unit in the form of a private balcony, roof deck or patio
- a common rooftop outdoor amenity space consisting of hard and soft landscaping, and outdoor seating
- an outdoor space for the daycare located in the interior of the lot
- exterior finishes include cement panel, running bond brick, wood siding and soffits, glass guards, and exposed architectural concrete
- landscaping materials include broom finished concrete, pavers, rain gardens, shrubs, trees, and benches.

The proposed variances are related to:

- reducing the number of residential parking spaces from 145 to 122
- reducing the number of commercial parking spaces from 13 to 5
- increasing the distance from the residential short term bike parking to the residential entrance from 15m to 21m.

Land Use Context

The area is characterized by a mix of single-family dwellings, duplexes, apartment buildings, and hotels. Immediately adjacent land uses include:

- North – Charles Redfern Green
- South – single family dwellings and duplexes
- East – townhouses and duplexes
- West – seven and nine-storey strata apartment buildings



Figure 1. Aerial photo of subject site

Existing Site Development and Development Potential

The site is presently used as a pay parking lot.

Under the current R-K Zone, the property could be developed as three-storey townhouses with a floor space ratio of 0.6:1.0.

Data Table

The following data table compares the proposal with the existing R-K Zone, Medium Density Attached Dwelling District. An asterisk is used to identify where the proposal does not meet the requirements of the existing Zone. Additionally, the key City policy that pertains to the area has been included in this table.

| Zoning Criteria | Proposal | Current R-K Zone | OCP Policy: Urban Residential UPD |
|--|----------------|---|--|
| Site area (m ²) – minimum | 4009.00 | 555.00 | |
| Density (Floor Space Ratio) – maximum | 2.94:1* | 0.60:1 | 1.2:1 base 2.0:1 max. |
| Total floor area (m ²) – maximum | 11776.00 | n/a | |
| Site area per unit (m ²) – minimum | 35.80* | 185.00 | |
| Height (m) – maximum | 55.80* | 8.50 | |
| Storeys – maximum | 17.00* | 2.60 | 3 to 6 |
| Site coverage (%) – maximum | 65.00* | 33.00 | |
| Open site space (Lot) (%) – minimum | 55.00 | 45.00 | |
| Open site space (Front yard) (%) – minimum | 100 | 70 | |
| Setbacks (m) – minimum | | | |
| Montreal St. (W) | 2.96* | 6.00 - front yard | |
| Kingston St. (S) | 0.18* | 2.50 - blank wall 4.00 - habitable rooms 7.50 - living room | |
| Quebec St. (N) | 1.84* | 2.50 - blank wall 4.00 - habitable rooms 7.50 - living room | |
| Internal Lot lines (N – Townhouse) | 3.65* | 2.50 - blank wall 4.00 - habitable rooms 7.50 - living room | |

| Zoning Criteria | Proposal | Current R-K Zone | OCP Policy: Urban Residential UPD |
|---|---------------|---|---|
| Internal Lot lines (E – Tower Podium) | 4.17* | 2.50 - blank wall 4.00 - habitable rooms 7.50 - living room | |
| Internal Lot lines (E - Townhouse) | 2.01* | 2.50 - blank wall 4.00 - habitable rooms 7.50 - living room | |
| Vehicle parking (Total) – minimum | 142* | 169 | |
| Vehicle parking (Resident) – minimum | 122* | 145 | |
| Vehicle parking (Visitor) – minimum | 15 | 11 | |
| Vehicle parking (Commercial) – minimum | 5* | 13 | |
| Bicycle parking stalls – minimum | | | |
| Long term | 156 | 141 | |
| Short term | 25 | 15 | |
| Distance from Residential Short Term Bike Parking to Residential Entrance (m) – maximum | 21.00* | 15.00 | |

Housing

The application, if approved, would add approximately 109 new strata residential units (the existing three dwelling units would be replaced by 112 new 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*.

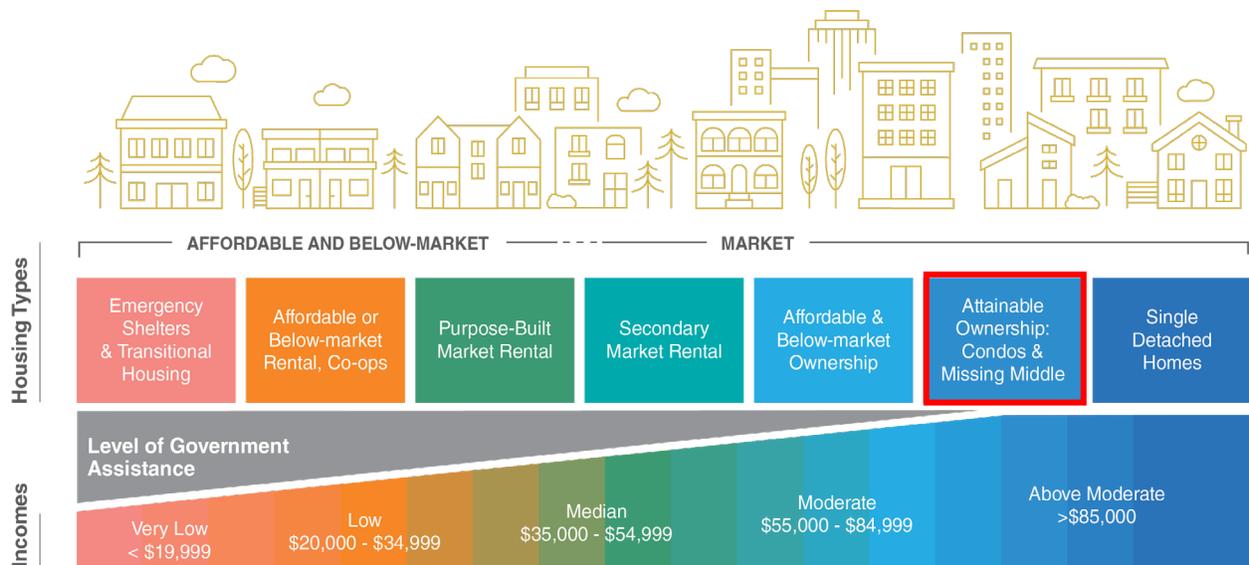


Figure 2. Housing Continuum

Affordability Targets

The proposal does not include affordable housing.

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 102 units in the tower and podium, including two studio, 34 one-bedroom, 34 two-bedroom, and 32 three-bedroom units. There are ten ground-oriented townhouses, including nine three-bedroom and one two-bedroom units. The applicant, however, is not willing to secure the three-bedroom units in a housing agreement and therefore if the application is approved it may end up including fewer three-bedroom units.

Security of Tenure

The applicant is proposing a strata residential development and therefore a Housing Agreement is not necessary to secure rental tenure.

Existing Tenants

The proposal is to demolish an existing building which would result in a loss of three existing residential rental units. If Council chooses to move the application forward without revisions to the plans, the alternate motion (Option 2) would require the applicant to provide a Tenant Assistance Plan consistent with the *Tenant Assistance Policy*.

Accessibility

The applicant has provided the following information related to accessibility: barrier-free access is provided to all commercial entrances as well as to the multi-family residential entrance. Pathways around and through the site are paved and will be accessible with slopes of maximum 5%. There are two parts of the project that are not barrier-free, as a result of urban design

considerations:

- the Kingston townhouse frontages are raised above the public sidewalk, with front porches accessed by a short run of stairs
- at the east end of the site, the pathway between the rows of townhouses is barrier-free until it reaches the east setback, at which point there are stairs to transition down and minimize the finished height relative to the neighbour's sunken driveway at 226 Kingston Street.

Sustainability

The applicant proposes the following sustainability features:

- rain gardens for management of both off-site and on-site stormwater
- all electric buildings, with all electric in-suite hot water tanks, efficient heat pump or VRF HVAC heating, and no natural gas cooktops in both commercial and residential units.

Sustainable Mobility

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

- additional bike parking beyond the amount required by the *Zoning Regulation Bylaw*
- cargo bike parking (four spaces)
- a bicycle maintenance facility
- upgraded bicycle lanes
- two EV carshare vehicles, two carshare on-street parking spaces with EV charging, and 112 carshare memberships
- a pedestrian crosswalk and curb bulges.

Public Realm

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

- design and construction of an enhanced public realm and pedestrian network along Quebec, Montreal and Kingston Street frontages
- AAA protected cycling network along Quebec and Montreal Street frontages
- cross walk at Quebec and Montreal Streets
- undergrounding of BC Hydro lines on Montreal Street.

In addition to these public realm improvements, the applicant is proposing to replace the City's storm water facilities on Montreal Street.

To improve visibility and enable for sufficient space for pedestrians and cyclists at the intersection of Quebec and Montreal streets the applicant has offered a 6.0m x 6.0m SRW at this intersection and illustrated this area on their plans.

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 by November 26, 2021. 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 meeting with the CALUC on November 10, 2021. A letter dated November 16, 2021 along with the comment forms are attached to this report.

In response to the consultation the applicant has adjusted the building massing to have a lower podium height and oriented the tower north-south to reduce shadow impacts.

The associated application proposes variances, therefore, in accordance with the City's *Land Use Procedures Bylaw*, it requires notice, sign posting and a meeting of Council to consider the variances.

ANALYSIS

Official Community Plan (OCP) Amendment Application

The proposal includes a request to amend the OCP in order to:

- increase the maximum density from 2:1 floor space ratio to 2.94:1 floor space ratio
- increase the maximum height from six-storeys to 17-storeys
- add commercial uses.

The OCP amendment is not supported because the height and massing are inconsistent with the intent of the Urban Place Designations, do not meet the broad objectives and policies of the OCP, and are inappropriate for the current and future site context.

The *Official Community Plan, OCP* (2012) seeks to distribute anticipated future growth to support development of a strong downtown core and enhance the network of Urban Villages and Town Centres, while conserving the traditional residential character and enhancing quality of place (see OCP Figure 3: Thirty Year Growth Management Concept in Attachment I). To achieve this, the Urban Place Designations are laid out to support a growth management concept where larger scale development is focused in the Urban Core (generally ranging from five to 24 storeys), and less intensive development is focused on the Town Centres and Large Urban Villages (generally ranging from six to 12 storeys) (see OCP Map 2: Urban Place Designations in Attachment J). The tallest buildings in the City are envisioned to be in the Core Business Urban Place Designation with generally decreasing heights providing a transition towards the edges of the Urban Core area and to the less intensive areas beyond it.

Consistent with this growth management concept, the properties immediately to the north of the subject site are designated Core Inner Harbour/Legislative Urban Place Designation which envisions buildings up to five storeys. These same properties to the north have a maximum building height of 10 to 15 residential storeys in the Downtown Core Area Plan. This height was likely set to accommodate existing building heights in the area. To the south of the subject site, the adjacent Urban Place Designation is Traditional Residential, which envisions ground-oriented buildings (generally up to three-storeys).

The Urban Residential vision for the subject site fits into this overall policy structure and helps meet the goals of the OCP by providing a transition between the more intensive development in the Urban Core and the smaller scale development in the Traditional Residential designation. This designation envisions up to approximately six-storeys with total floor space ratios generally up to 1.2:1. Increased density up to a total of approximately 2:1 may be considered for the advancement of plan objectives.

The proposed height and massing would result in an urban form that is not consistent with the growth management goals of the OCP and would not be appropriate in relation to the anticipated future adjacent and nearby built form. The following summarizes the existing and anticipated future number of storeys (in accordance with OCP policy) on adjacent sites.

Approximate Number of Storeys Adjacent to Site

| Location | Existing Number of Storeys | OCP Policy Number of Storeys |
|-------------------------|----------------------------|---|
| Subject Site | n/a | 3 to 6 (Urban Residential UPD) |
| Montreal Street (west) | 7 to 9 | 3 to 6 (Urban Residential UPD) |
| Quebec Street (north) | 12 | 1 to 5 (Core Inner Harbour/Legislative UPD) |
| Pendray Street (east) | 2 to 3 | 3 to 6 (Urban Residential UPD) |
| Kingston Street (south) | 2 | Up to 3 (Traditional Residential UPD) |

An alternate motion (Option 1) has been provided directing staff to work with the applicant to revise the proposal to be generally consistent with the Urban Residential Urban Place Designation in the *Official Community Plan*.

OCP Consultation

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

The OCP Amendment Application is to allow a mixed-use building up to 17-storeys and a density of up to 2.94:1 FSR at this location. Through the Community Association Land Use Committee (CALUC) Community Meeting process all owners and occupiers within a 200m radius of the site were notified and invited to participate in a Community Meeting; therefore, the consultation proposed at this stage in the process is recommended as adequate and consultation with specific authorities, under Section 475 of the LGA, is not recommended as necessary.

Should Council support the OCP amendment, Council is required to consider consultation with the Capital Regional District Board; Councils of Oak Bay, Esquimalt and Saanich; the Songhees and Esquimalt First Nations; the School District Board and the provincial government and its agencies. However, further consultation is not recommended as necessary for this amendment to the Urban Place Designation as this matter can be considered under policies in the OCP.

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

Rezoning Application

Official Community Plan

The subject properties are designated Urban Residential in the OCP which envisions low-rise and mid-rise multi-unit buildings up to approximately six storeys with total floor space ratios generally

up to 1.2:1. Increased density up to a total of approximately 2:1 may be considered for the advancement of plan objectives. The proposed 17-storey mixed-use building, with a 2.94:1 floor space ratio, is not consistent with this vision nor with the broad objectives and goals of the OCP (see OCP Amendment section above) and is therefore not supported.

James Bay Neighbourhood Plan

The *James Bay Neighbourhood Plan* identifies this site for potential townhouses or lower profile apartments (three storeys) and recommends that the existing R-K zoning be retained. The current proposal is inconsistent with this policy.

Inclusionary Housing and Community Amenity Contribution Policy

In accordance with the *Inclusionary Housing and Community Amenity Contribution Policy*, the applicant engaged Rollo and Associates, on behalf of the City, to prepare a land lift analysis (attached). The policy indicates that 75% of the increase in land value from the existing zoning to be a reasonable balance between the need for Community Amenity Contributions and a project's economic viability.

The analysis for this proposal has resulted in an estimated lift of \$3,070,000, 75% of which would be a contribution of \$2,300,000. The policy indicates that 70% (\$1,610,000) of this should go towards the Local Amenities Fund to be used for Community Amenities, and the remaining 30% (\$690,000) should go towards the Housing Reserve Fund to be used for affordable housing. In lieu of this, the applicant is proposing to provide:

- \$700,000 to the Housing Reserve Fund
- \$200,000 to the Local Amenities Fund to be used for Community Amenities
- provision of a daycare of no less than 312.1m², with free rent dedicated to a non-profit for a period of ten years (valued at \$1,520,000)
- provision of commercial meeting space for no less than 12 hours per week, with free rent dedicated to a non-profit for a period of ten years (e.g. for neighbourhood and volunteer program space with James Bay Community Project).

In addition to this, the applicant is also proposing to provide the public realm improvements listed under the Public Realm section above

Development Permit with Variance Application

Official Community Plan: Design Guidelines

The OCP identifies this property in Development Permit Area 11: James Bay and Outer Harbour. A key objective of this DPA is to achieve a sensitive transition between the uses along the harbour and the adjacent residential area through considerations for urban design. The site is situated between approximately seven to 12-storey apartment buildings to the north along the water and an area predominantly characterized by single-family dwellings to the south. The proposed 17-storey tower does not provide an appropriate transition in height and massing between these areas. The proposal is not integrated with the surrounding context and not sensitive to the physical setting.

The proposed height and massing would also cast larger shadows across the park (Charles Redfern Green) and the buildings beyond it.

Variances

The proposed variances are related to:

- reducing the number of residential parking spaces from 145 to 122
- reducing the number of commercial parking spaces from 13 to 5
- increasing the distance from the residential short term bike parking to the residential entrance from 15m to 21m.

The applicant has provided a Parking Study which recommends that two carshare vehicles are provided along with memberships for most of the residential units. To help mitigate potential impacts from these variances, the applicant is proposing to provide two EV car-share vehicles, two car-share on-street parking stalls with EV charging and 112 car-share memberships. The proposal also includes a bicycle maintenance facility, four spaces of cargo bike parking, and provision of additional bike parking beyond the amount required by the *Zoning Regulation Bylaw* (156 long-term spaces proposed instead of the required 141 spaces and 25 short-term spaces proposed instead of the required 15 spaces). The variances to the number of parking stalls is supportable due to the mitigation proposed.

If Council moves this application forward it is recommended that the proposed mitigation is secured through legal agreements.

Advisory Design Panel Review

The application was reviewed by the Advisory Design Panel on September 28, 2022. At that meeting, the following motion was passed (the minutes are attached in Attachment K):

That the Advisory Design Panel recommend to Council that the Development Permit with Variances Application No. 00191 for 205 Quebec Street, 507 Montreal Street and 210-224 Kingston Street be approved with the following changes.

- *With a consideration to reduce the height of the tower.*

The applicant has not adjusted the proposal in response to this motion.

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. *The Urban Forest Master Plan* recommends a City-wide canopy cover of 40%. Based on 2019 LiDAR analysis, James Bay canopy cover is 26% and city-wide coverage is 28%.

This Rezoning Application falls under Tree Protection Bylaw No. 21-035. There are four bylaw protected trees located on the subject lots that will need to be removed for the proposed development.

There are three off-site private bylaw-protected trees that will be retained through development.

A total of 49 new trees are proposed for the development site which fulfills the tree minimum requirements under the *Tree Protection Bylaw*.

11 municipal street trees are located adjacent to the proposed development and five of which are identified for removal: one Swedish Whitebeam on Quebec Street, three Purple Leaf Plum and one recently planted Sargent's Cherry on Montreal Street.

Several landscaped rain gardens including five new street trees are proposed for the Montreal Street and Quebec Street frontages. Off-site improvements provided by this development, including undergrounding the existing overhead utility lines, will allow the planting of medium sized street trees in the rain gardens.

Tree Impact Summary Table

| Tree Status | Total | To be Retained | To be Removed | To be Planted | Net Change |
|--------------------------------|-----------|----------------|---------------|---------------|------------|
| On-site trees, bylaw-protected | 4 | 0 | 4 | 4 | 0 |
| On-site trees, unprotected | 5 | 0 | 5 | 45* | +40* |
| Off-Site bylaw-protected trees | 3 | 3 | 0 | 0 | 0 |
| Municipal trees | 11 | 6 | 5 | 5 | 0 |
| Total | 23 | 9 | 14 | 54 | +40 |

*Many of these trees will count towards 'tree minimum' and become bylaw protected.

Resource Impacts

The table below summarizes the annual boulevard maintenance costs that would be incurred by the City if the proposal is approved.

| Increased Inventory | Annual Maintenance |
|----------------------------|--------------------|
| Landscaping (Rain Gardens) | \$5,220.00 |
| New irrigation | \$600.00 |

CONCLUSIONS

The proposal to increase the density and height to allow for a mixed-use 17-storey tower does not meet the broad objectives and policies of the OCP and is inappropriate for the current and future site context. It is not integrated with the surrounding context and not sensitive to the physical setting and does not provide an appropriate transition in height and massing between the predominantly single-family dwelling area to the south and the more intensive multiple dwelling buildings to the north. The proposed parking variance, however, is supportable given the proposed TDM package.

It is recommended for Council's consideration that the applications be declined.

ALTERNATE MOTIONS

Option 1 - (Revise for Consistency with the OCP)

1. That Council instruct staff to work with the applicant to revise the proposal to be generally consistent with the Urban Residential Urban Place Designation in the *Official Community Plan, 2012* (OCP) and bring the application back to a Committee of the Whole Meeting for consideration by Council.

Option 2 – (Advance Application as Submitted)

OCP Amendment with Rezoning

1. That Council consider who is affected by the proposed changes to the *Official Community Plan, 2012* and determine that those within a 200m radius of the subject property will be affected.
2. That Council provide an opportunity for consultation pursuant to section 475 of the *Local Government Act*, and direct the Director of Sustainable Planning and Community Development to:
 - a. mail a notice of the proposed OCP Amendment to the persons within a 200m radius of the subject property;
 - b. post a notice on the City's website inviting affected persons, organizations and authorities to ask questions of staff and provide written or verbal comments to Council for their consideration;
3. That Council consider that no consultation is necessary with the Capital Regional District Board; Councils of Oak Bay, Esquimalt and Saanich; the Songhees and Esquimalt First Nations; the School District Board; or the provincial or federal governments or their agencies because the proposed OCP Amendment does not affect them.
4. That Council instruct staff to prepare the necessary Official Community Plan Amendment Bylaw in accordance with Section 475 of the *Local Government Act* and the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00804 for 205 Quebec Street, 507 Montreal Street, and 210, 214, 218, and 224 Kingston Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a public hearing date be set once the following conditions are met:
 - a. Completion of a Tenant Assistance Plan consistent with the *Tenant Assistance Policy*.
5. That subject to approval in principle at the Public Hearing, the applicant prepare and execute the following legal agreements, with contents satisfactory to the Director of Sustainable Planning and Community Development and form satisfactory to the City Solicitor prior to adoption of the bylaws:
 - a. Provision of a daycare of no less than 312.1m², with free rent dedicated to a non-profit for a minimum period of ten years.
 - b. Provision of commercial meeting space for no less than 12 hours per week, with free rent dedicated to a non-profit for a minimum period of ten years.
6. That subject to approval in principle at the public hearing, the applicant prepare and

execute 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 bylaws:

- a. A triangle-shaped right of way at the corner of Montreal Street and Quebec Street that is 6m in length along each of the street frontages for highway purposes.
 - b. Provision of transportation demand management measures including:
 - i. two shared vehicles,
 - ii. two shared vehicle parking stalls located on the property,
 - iii. public access to the shared vehicle parking stalls,
 - iv. 112 car share memberships,
 - v. design and installation of an on-street dual head level 2 electric vehicle charger,
 - vi. additional bike parking beyond the amount required by the Zoning Regulation Bylaw (156 long-term spaces proposed instead of the required 141 spaces and 25 short-term spaces proposed instead of the required 15 spaces), and
 - vii. a bike repair station.
 - c. Provision of the following public realm improvements:
 - i. design, supply and installation of enhanced street frontages along Quebec, Montreal and Kingston Street frontages in the right of way in accordance with the plans date stamped March 3, 2023,
 - ii. design and installation of a AAA protected cycling network along Quebec and Montreal Street frontages in accordance with the plans date stamped March 3, 2023,
 - iii. design and installation of a cross walk at Quebec and Montreal Streets in accordance with the plans date stamped March 3, 2023,
 - iv. undergrounding the BC Hydro lines and associated infrastructure along Montreal Street,
 - v. design and installation of the City's stormwater facilities along the municipal frontage of Montreal Street,
 - vi. boulevard rain gardens with irrigation on the municipal frontage of Montreal Street and Quebec Street in accordance with the plans date stamped March 3, 2023,
 - vii. City of Victoria standard tree guards for all street trees in grates, and
 - viii. soil cells to achieve recommended soil volumes for all new street trees.
7. 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 the public hearing for Rezoning Application No. 00804, if it is approved, consider the following motion:

- “1. That subject to the adoption of the necessary Zoning Regulation Bylaw amendment, Council authorize the issuance of Development Permit with Variances No. 00191 for 205 Quebec Street, 507 Montreal Street, and 210, 214, 218, and 224 Kingston Street, in accordance with plans submitted to the Planning department and date stamped by Planning on March 3, 2023, subject to:
- a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. reduce the number of residential parking spaces from 145 to 122; and
 - ii. reduce the number of commercial parking spaces from 13 to 5;
 - iii. increase the distance from the residential short term bike parking to the residential entrance from 15m to 21m.
 - b. The property being consolidated into one lot.
2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution.”

Respectfully submitted,

Rob Bateman
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 March 3, 2023
- Attachment C: Letter from applicant to Mayor and Council dated July 17, 2023
- Attachment D: Economic Analysis dated March 8, 2022
- Attachment E: Parking Study dated April 11, 2022
- Attachment F: Arborist Report dated March 1, 2023
- Attachment G: Community Association Land Use Committee Comments dated November 16, 2021
- Attachment H: Pre-Application Consultation Comments from Online Feedback Form
- Attachment I: OCP Figure 3: Thirty Year Growth Management Concept
- Attachment J: OCP Map 2: Urban Place Designations
- Attachment K: Advisory Design Panel minutes from September 28, 2022
- Attachment L: Correspondence (Letters received from residents).