



Committee of the Whole Report

For the Meeting of September 14, 2023

To: Committee of the Whole **Date:** August 31, 2023

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

Subject: Rezoning Application No. 00806 and associated Development Permit with Variances Application No. 00193 for 1702 Quadra Street/862 Fisgard Street

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 August 31, 2023, for 1702 Quadra Street/862 Fisgard Street.
2. That, pursuant to section 30 of the *Land Use Procedures Bylaw*, Council waives the requirement for the holding of a public hearing.
3. That, after publication of notification in accordance with section 467 of the Local Government Act, first, second, and third reading of the zoning bylaw amendment be considered by Council once the following conditions are met:
 - a. That the applicant makes the following revisions to the plans satisfactory to the Director of Sustainable Planning and Community Development:
 - i. incorporation of a 2.0m wide Statutory Right of Way on the Quadra Street frontage
 - ii. provision of one accessible vehicle stall, one van accessible vehicle stall, one visitor stall, and one car share vehicle stall
 - iii. addition of a servicing/loading area for garbage collection
 - iv. provision of a bicycle repair facility
 - v. inclusion of rooftop amenity space
 - vi. revision of the materials and/or colour palette to better respond to the heritage context
 - vii. sidewalk grades through the driveway not exceeding 3%
 - viii. a driveway crossing in compliance with the Highway Access Bylaw
 - ix. functional vertical long term bicycle parking racks
 - x. manoeuvring aisle for the short-term bicycle parking a minimum of 1.5m wide
 - xi. maximum grade of the driveway at 6% for the first 6.0m and 15% beyond the first 6.0m.
 - b. Adjustments to the proposed variances necessary to accommodate the required plan revisions.

- c. The Arborist Report, Civil, and Landscape Plans are revised to the satisfaction of the Director of Parks, Recreation, and Facilities to address outstanding Parks comments including:
 - i. confirm the retention of trees OS1, OS2, and OS3
 - ii. review and discuss feasibility of retention for Tree M1
 - iii. revise the Arborist report and Tree Management Plan to be consistent with the revised building design
 - iv. provide a tree impact summary
 - v. provide a tree preservation summary.
4. That following the third reading of the zoning amendment bylaw, the applicant prepares 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 bylaw:
 - a. The property shall be rental in perpetuity or the greater of 60 years or the life of the building.
 - b. Provision of transportation demand management measures including:
 - i. one care share vehicle
 - ii. one car share vehicle parking stall
 - iii. car share memberships for all units
 - iv. end of trip facilities including a bicycle repair facility
 - v. a minimum of 12 cargo bike stalls
 - vi. 20 percent of long-term stalls with charging capability.
5. That That following the third reading of the zoning amendment bylaw, the applicant prepares 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 bylaw(s):
 - a. 2.0m wide Statutory Right of Way along Quadra Street for highway purposes
 - b. Section 219 covenant to secure upgrades to existing sidewalk conditions, addition of street furniture and upgrades to Fisgard Green, and soil cells for any new trees proposed on the Quadra Street frontage.
6. 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.
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 giving notice, 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. 00193 for 1702 Quadra Street/862 Fisgard Street in accordance with revised plans submitted to the Planning department subject to:
 - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:

- i. reduce vehicle parking from 60 stalls to 4 stalls
- ii. reduce the Quadra Street setback from 4.5m to 2.0m for the base and 4.0m for the tower
- iii. reduce the Fisgard Street setback from 4.5m to 0m for the base and 3.5m for the tower
- iv. reduce the north lot line setback from 6.0m to 0.3m for the bike enclosure and 4.2m for the tower
- v. reduce the west lot line setback from 6.0m to 0.0m for the bike enclosure, 3.8m for the base, and 6.5m for the tower
- vi. increase the site coverage from 50.0 percent to 78.7 percent
- vii. reduce the open site space from 40.0 percent to 22.0 percent
- viii. increase the height from 37.0m to 42.7.

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 (DPV) Application. The relevant rezoning consideration is the increase in density from a maximum of 2.5:1 to 5.5:1 Floor Space Ratio (FSR).

Relevant DPV considerations include the application's consistency with design guidelines and the impact of variances.

Enabling Legislation

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

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

Pursuant to Section 491 of the *Local Government Act*, where the purpose of the designation is the 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 property

located at 1702 Quadra Street/862 Fisgard Street. The proposal is to rezone from the R3-C Zone, Central Area Residential District to a new zone to increase the density to construct a 13 storey mixed-use residential rental building with 88 residential units, three live-work units, and one commercial unit. There is a concurrent Development Permit with Variances Application pertaining to the proposed form, character, exterior design, finishes and landscaping and variances related to setbacks and vehicle parking.

The following points were considered in assessing the Rezoning Application:

- The proposal is consistent with the use and built form in the applicable *Official Community Plan* (OCP) Core Residential land use designation.
- The proposal exceeds density maximums envisioned in the *Downtown Core Area Plan* (4.5:1) and the OCP (5:1); however, the project advances other strategic priorities for rental housing.
- At 948 m² the proposal is inconsistent with corner site area minimums (1400m²) in the *Downtown Core Area Plan* (DCAP).
- The application is inconsistent with OCP policy on landmark heritage building view impacts.
- The application is inconsistent with DCAP guidance on heritage landmark buildings.
- The proposal advances strategic priorities to provide market rental housing.
- The proposed use is consistent with the *North Park Neighbourhood Plan*.

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

- The proposal is generally consistent with DCAP design guidelines, except as it relates to tower setbacks, material choices, and relationship with adjacent landmark heritage buildings.
- The proposed setback, site coverage and open site space variances are considered supportable given the constrained nature of the site.
- The residential parking variance is supportable given the proposed Transportation Demand Management measures, and the provision of accessible parking on site.
- The proposed height variance is considered supportable given the FSR and urban place designation of the subject property.

BACKGROUND

Description of Proposal

This proposal is to rezone 1702 Quadra Street/862 Fisgard Street to increase the density and construct a 13-storey rental residential building with live-work uses at grade. Four vehicle parking stalls (one to be a dedicated car share stall) and a total of 202 bicycle parking stalls are proposed. The proposal requires an increase in density from 2.5:1 to 5.5:1 and would be accommodated in a new zone.

The associated Development Permit with Variances (DPV) is for the form, character, and landscaping of the proposed redevelopment.

The proposed variances are related to:

- reducing vehicle parking from 60 stalls to 4 stalls
- reducing the Quadra Street setback from 4.5m to 2.0m for the base and 4.0m for the tower
- reducing the Fisgard Street setback from 4.5m to 0m for the base and 3.5m for the tower

- reducing the north lot line setback from 6.0m to 0.3m for the bike enclosure and 4.2m for the tower
- reducing the west lot line setback from 6.0m to 0.0m for the bike enclosure, 3.8m for the base, and 6.5m for the tower
- increasing the site coverage from 50.0 percent to 78.70 percent
- reducing the open site space from 40.0 percent to 22.0 percent
- increasing the height from 37.0m to 42.7m.

Existing Site Development and Development Potential

The site is presently used as a residential building with 15 residential rental units.

Under the current R3-C Zone, Central Area Residential District the property could be developed further up to an FSR of 2.5:1 (depending on site coverage), and for a range of commercial uses.

Land Use Context

The area is characterized primarily by residential buildings, as well as institutional (church) uses, and some commercial uses along both Quadra Street and Fisgard Street. The church at 1701 Quadra Street is designated as a landmark heritage building in the OCP.



Figure 1. Site Area

Data Table

The following data table compares the proposal with the existing R3-C, Central Area Residential District Zone. An asterisk is used to identify where the proposal does not meet the requirements of the existing Zone. Key OCP and DCAP policies are included where relevant.

Zoning Criteria	Proposal	Existing Zone (Standard Zone) R3-C	OCP/DCAP
Site area (m ²) – minimum	947.78	920.00	1400.00 (DCAP)
Density (Floor Space Ratio) – maximum	5.5:1*	2.5:1	4.5:1 (DCAP) 5:1 (OCP)
Total floor area (m ²) – maximum	5212.56*	2369.00	
Height (m) – maximum	42.70	37.00	
Storeys – maximum	13	n/a	
Site coverage (%) – maximum	78.70*	50.00	n/a
Open site space (%) – minimum	22.00*	40.00	n/a
Setbacks (m) – minimum			
Quadra Street	2.00 – base* 4.00 – tower*	4.50	
Fisgard Street	0.00 – base * 3.50 – tower *	4.50	
Internal (north)	0.30 – bike area* 4.50 – tower*	6.00	10.0 (DCAP)
Internal (west)	0.00 – bike area* 3.80 – base* 6.50 – tower	6.00	10.0 (DCAP)
Parking – minimum	4*	60	n/a
Accessible	2	2	n/a
Van Accessible	1	1	n/a
Visitor parking included in the overall units – minimum	0*	5	n/a
Visitor Accessible	0*	1	n/a
Visitor Van Accessible	0*	1	n/a

Zoning Criteria	Proposal	Existing Zone (Standard Zone) R3-C	OCP/DCAP
Bicycle parking stalls – minimum			
Short Term Residential	170	103	n/a
Long Term Residential	32	10	n/a

Housing

The application, if approved, would replace 15 existing rental units with 91 new rental units, which would increase the overall supply of housing in the area and contribute to the targets set out in the *Victoria Housing Strategy*.

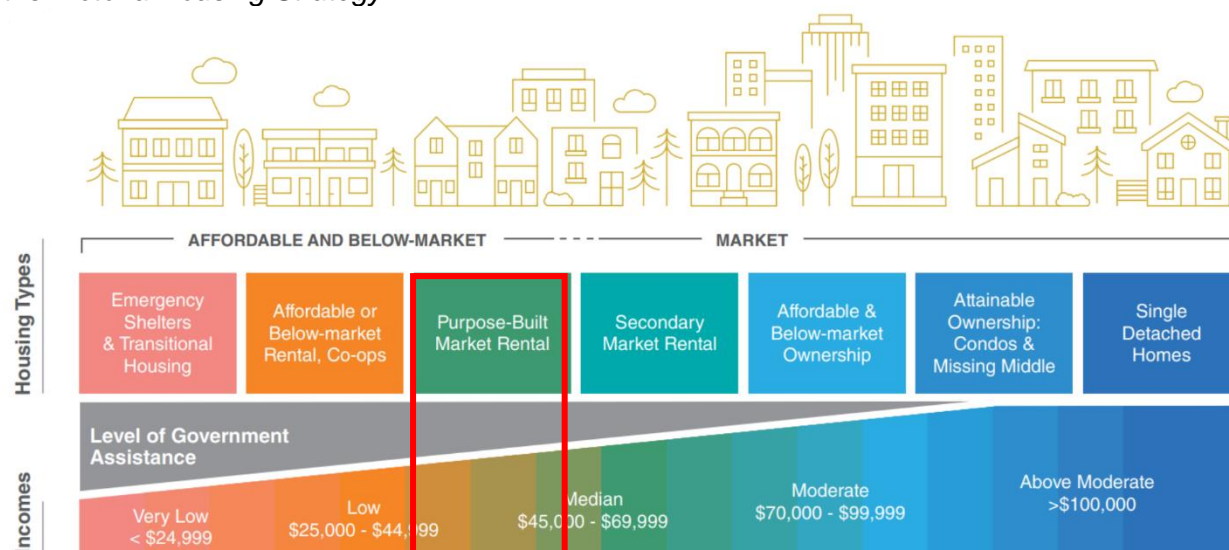


Figure 2. Housing Continuum

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 three live-work units, 23 bachelor units, 55 one-bedroom units, and 10 two-bedroom units. The applicant has indicated that they are willing to secure the number of two-bedroom units in the housing agreement.

Security of Tenure

Rental tenure will be secured via legal agreement. A covenant will also be registered on the title of the property to prohibit the stratification of individual units.

Existing Tenants

The proposal to demolish and redevelop an existing building would result in a loss of 15 existing residential rental units. Consistent with the *Tenant Assistance Policy*, the applicant has provided a Tenant Assistance Plan that has been approved by staff (see Appendix D).

Mobility

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

- one car share (Moto) vehicle and parking space
- one care share (Moto) membership per dwelling unit
- enhanced bike parking including:
 - additional quantities above minimum requirements
 - a minimum of 12 cargo bike stalls
 - bicycle repair station
 - 20 percent of long-term stalls with charging capability.

Public Realm

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

- 2m SRW on Quadra Street
- upgrades to existing sidewalk conditions
- addition of street furniture and upgrades to existing Fisgard Green.

These would be secured with a Section 219 covenant, registered on the property's title, prior to Council giving final consideration of the proposed Zoning Regulation Bylaw Amendment.

Relevant History

This application was initially submitted in December 2021. The proposal at that time included the retention of the façade of the existing building ("The Abbey"), which was to be heritage designated through the rezoning application and incorporated into the new building design. The applicant has since determined that the retention of the façade is not cost feasible, substantially revised the proposal, and resubmitted it in June 2023. As The Abbey building is not heritage registered or designated, no approval for removal of the façade is required.

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 23, 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 a virtual meeting with the CALUC on December 8, 2021. A second CALUC meeting took place on October 25, 2022. Letters dated January 10, 2022, and November 25, 2022, along with the comment forms are attached to this report.

There were six responses from notification in 2022 and were split two each between support/oppose/undecided. Concerns included the lack of parking, lack of affordability, and a

preference for the previous design over the revised one. At the time of the second CALUC referral, the proposal still incorporated the retention of the current building façade. In response to these comments, the applicant has further refined the design, though the most significant change to the application (removal of the existing building façade) was not made because of community feedback. The CALUC was notified of the most recent design changes; however, at the time of writing this report, no response from the CALUC had been received.

Pursuant to section 464(2) of the *Local Government Act*, Council may choose to not hold a public hearing where an application is consistent with the OCP. However, notice must still be sent to all owners and occupiers of adjacent properties as specified in the City's *Land Use Procedures Bylaw* advising that the public hearing is being waived prior to introductory readings of the bylaws. Should Council wish to hold a public hearing, an alternate motion has been provided at the end of this report.

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 *Official Community Plan* (OCP, 2012) designates the properties as Core Residential, which envisions multi-unit residential, commercial and mixed-used buildings from three storeys up to approximately 20 storeys. Density for the area west of Quadra Street, north of Pandora Avenue, and south of Caledonia Avenue is envisioned to be up to 5:1 floor space ratio (FSR). Place characteristic features of the area include three to five storey building facades with set-back upper storeys, buildings set close to the street to define the public realm along retail streets, with uses including high-rise multi-unit residential and mixed use.

The OCP identifies the subject properties within Development Permit Area 3 (HC): Core Mixed-Use Residential, which supports residential growth through intensified multi-unit residential and mixed-use development.

The applicant is proposing a 5.5:1 FSR, which is 0.5 FSR above what is envisioned in the OCP. While the proposed FSR exceeds what is envisioned in the OCP, the provision of rental units is a City strategic priority and is recommended for support. The applicant has indicated that providing any secured affordable housing in this project is not financially viable at this point, though may be possible subject to government funding following completion.

North Park Neighbourhood Plan

The *North Park Neighbourhood Plan* (NPNP, 2022) is consistent with the OCP and identifies the subject properties as Core Residential. One of the NPNP objectives is to ensure that new development along the Quadra Street Corridor compliments the existing heritage buildings – the area known as “Church Row”. The plan specifies that new buildings should respond to landmark buildings through siting, massing, and design that maintains the prominence and public views of the buildings.

The NPNP identifies North Park as being “on the shoulder of Victoria’s downtown”, with DCAP

providing guidance for development in some areas of North Park, including along Pandora Avenue and encompassing the subject site. While within the North Park Neighbourhood boundaries, redevelopment of the subject site is therefore guided primarily by DCAP.

Downtown Core Area Plan

The subject property is within the Residential Mixed-Use District of DCAP, which supports mixed-use buildings along Quadra Street to encourage increased pedestrian activity and improved vitality within the public realm. At this location, DCAP supports heights up to 45m (approximately 11 to 15 storeys) and a density of 4.5:1 FSR for mixed-use buildings. Within this residential precinct, DCAP encourages new multi-unit residential development and other land uses, public amenities and services that are appropriate to the context and function of the neighbourhood and foster complete communities.

Development Permit with Variances Application

Official Community Plan: Design Guidelines

The OCP identifies this property in [Development Permit Area 3 \(HC\)](#): Core Mixed Use Residential and subject to the *Downtown Core Area Plan* (DCAP, 2012). The objectives for this DPA that are relevant to this location include:

- evolving the area through the addition of mid- and high-rise residential mixed-use buildings, with high-rises being located primarily along Yates Street and Blanshard Street
- achieving a high quality of design (architecture, landscape, and urban) that is sensitive to the prominence of landmark heritage buildings but allows the development as a major residential centre.

Special conditions that justify this DPA designation that are applicable to this application include:

- the area has land available for residential intensification through multiunit residential and mixed-use development.

The proposed development is a mixed-use residential building that provides residential intensification and is consistent with these objectives.

Downtown Core Area Plan

The DCAP façade composition guidelines encourage consistency of materials, finishes, and patterns between the building base and the upper storey tower. The proposal substantially satisfies this requirement through the consistent use of various types of metal and light-coloured panels throughout the base and tower. Since the proposal no longer supports the retention of the Abbey façade, it no longer responds to any preserved heritage elements on the subject property. The proposal's overall fit within Heritage Conservation Area 3 and its relationship with the heritage landmark buildings across Quadra Street to the east will be explored in the subsequent section.

The DCAP open space guidelines encourage green spaces that are well integrated into overall building design. Benefits of these spaces are also realized in mitigating heat island effects and reducing stormwater runoff. While the subject site is adjacent to a small city-owned greenspace (Fisgard Green), there is virtually no open space or landscaped areas on the subject property. The rooftop garden area that was proposed in the previous design iteration has been removed. Staff have concerns that the lack of greenspace will have a detrimental impact on the livability of

the building, as well as missed opportunities for mitigating effect on some environment impacts. The recommendation includes direction to have the applicant reincorporate a rooftop amenity space for use by residents.

Heritage

The *Downtown Core Area Plan* includes the following relevant objectives for heritage conservation in the downtown core:

- Development and heritage conservation are balanced through sensitive new infill and property additions that respond to the heritage value and character of Downtown Core Area Districts.
- Heritage Conservation Area 3 has heritage value as a church precinct, with church spires providing prominent features to the skyline with the cluster of landmark buildings on Quadra Street.

The subject property is within a 90m heritage landmark radius from the heritage designated First Metropolitan United Church at 1701 Quadra Street and is just beyond the landmark radius of St. John the Divine Anglican Church at 1611 Quadra Street. Both buildings are listed as prominent heritage buildings in the OCP. *Official Community Plan* policy indicates that the views of these landmark buildings from the public realm should be given careful consideration when new development is proposed within the identified radius. The entire subject property is within the landmark radius of 1701 Quadra Street (see figure 3); therefore, locating the tower outside of the landmark building radius is not an option. However, staff are concerned that the tower design has not adequately contemplated the view of the heritage property from the public realm, or the prominence of the proposed building in this section of Church Row.

Downtown Core Area Plan guidelines call for a minimum 10m setback from adjacent rear and side setbacks, which is not achieved with this proposal. There is limited, if any, opportunity to relocate the tower on the subject property, nor would relocation have a substantial impact on the relationship with the adjacent heritage property.

The proposed material and colour of the building appear to create a significant contrast between the proposed building and the surrounding heritage landmark buildings. According to the application brief, the intention with the selection of materials and colour was to be “*respectful to the surrounding heritage structures and neighbourhood history...grounded in context but contemporary in appearance.*” Some of the material choices are intended to reduce visual impact and provide a sense of lightness.

Design rationale notwithstanding, there are concerns that the tower may not be responding to the surrounding context in colour and material choice, nor be well integrated within the context of the adjacent heritage brick buildings. Staff are concerned that the material and colour choices will have the opposite effect of what is intended and have a dominating effect on the surrounding heritage buildings due to the contrast and reflective quality of the proposed metal panels.

The proposal includes salvaging bricks from the façade of the existing building and incorporating them into a design element of the proposed building. The reuse of the bricks is supported as long as they are used in a publicly accessible space, reflecting their origin on the public face of the original building. The use of the salvaged bricks will not be substantial enough to mitigate the other concerns regarding materiality as detailed above; however, the applicant has indicated a willingness to explore expanded use of these or other compatible materials on the podium level.

The proposed bike parking structure includes an interpretive element on the exterior, an archival photograph of the original owner of the original building, Lee Dye, and his wife. This feature is supported to commemorate the original building, as well as bring awareness to the historic Chinese community in North Park.

Should Council choose to advance this application, the recommendation includes appropriate language for staff to work with the applicant to refine the material palette and improve the compatibility of the proposal within the heritage context of “Church Row”. If Council does not want to require refinement to the materials, an alternative option to proceed with the proposed material treatment is provided.

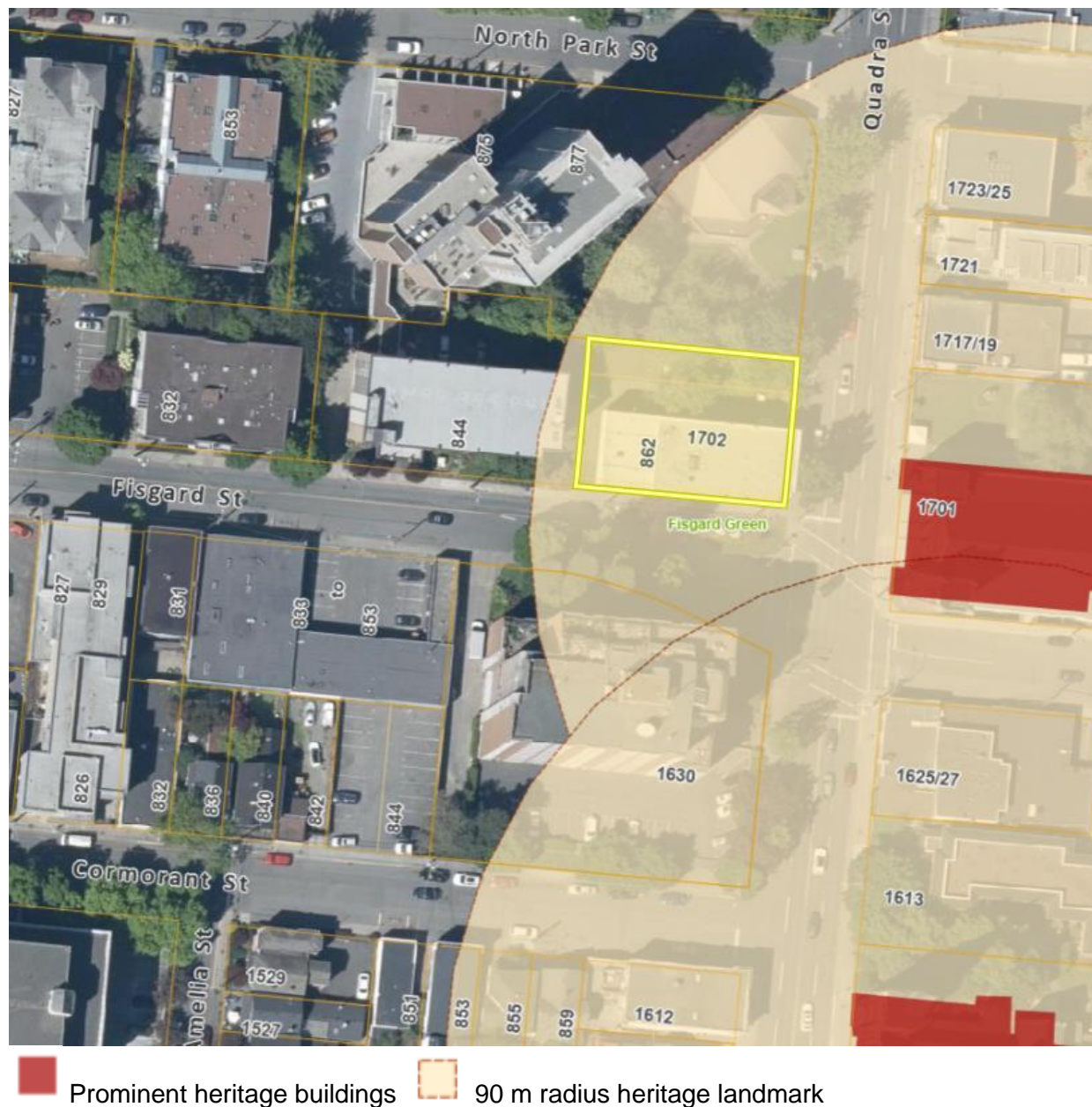


Figure 3 – 90m radius from 1701 Quadra Street (First Metropolitan United Church)

Variances

If Council moves this application forward, it is recommended that the new site-specific zone be based on the existing R3-C Zone, Central Area Residential District. Variances would be used to accommodate aspects of the proposal that do not conform with the R3-C Zone. This ensures that increased zoning permissions are not entrenched in the new zone precluding future Council review and approval if changes to the design are made.

Setbacks

The DCAP design guidelines recommend a site area of 1400m² for corner sites to accommodate a tall building (over 23m) to meet appropriate tower setbacks, maintain access to sunlight and sky views from public open spaces, and minimize impacts on neighbouring lots. The site area of the subject property is 947.60m². For high-rise buildings (over 36m) the guidelines encourage a 10m setback from the side and rear property lines to achieve liveability and privacy for individual residential units. The proposed tower setbacks along the north (side yard) and west (rear yard) property lines are 4.2m and 6.5m, respectively.

In addition to the undersized site, the setbacks have been further constrained by the City's request for a 2.0m Statutory Right of Way on Quadra Street. The required width of Quadra Street as an arterial is 30.0m; it is currently 20.0m – under normal circumstances, the SRW request would be 3.0m to achieve an eventual width of 26.0m, consistent with widths on Quadra to the north of the site.

It is noted that there is a trade-off between achieving the desired SRW width and the associated negative impact of reducing the setbacks by pushing the building massing north and west to accommodate the SRW. Staff and the applicant have arrived at a compromised 2.0m SRW in an effort to ensure the DCAP minimum sidewalk widths are met in the SRW, while maintaining the north and west setbacks to the greatest extent possible.

The property immediately to the north at 875/877 North Park contains a church (First Baptist Victoria) as well as a retirement home (North Park Manor) on a strata lot with common property immediately adjacent to the north lot line of 1702 Quadra Street. The common property area is currently primarily treed open space, which provides some privacy buffer between the properties.

To the west, at 844 Fisgard Street, is a second retirement home (Fisgard House). There is minimal landscaping buffer between 844 Fisgard Street and the site at 1702 Quadra Street.

Should redevelopment of 875/877 North Park Street occur, there is a likelihood that a sufficient setback can be maintained to reduce privacy and overlook between 875/877 North Park and the subject site. If 844 Fisgard Street is redeveloped, there will likely be greater privacy and overlook concerns, though the building setback arrangement is likely to stay the same – the existing building on 1702 Quadra Street (The Abbey) is approximately what the proposed setback will be if the application is approved by Council.

Although not reflected on the submitted plans, the applicant has indicated that they can accommodate the requested 2.0m SRW and the associated setbacks (see attached Letter to Mayor and Council) and will revise the plans accordingly prior to the introductory bylaw readings.

Given the small site area and SRW request, increasing the setbacks any further while maintaining a sufficient building floorplate to provide liveable unit sizes is likely not possible. Given the inability

to increase setbacks, accommodate the SRW, and maintain a minimum floorplate size, staff recommend supporting the setback variances.

Parking

Based on *Zoning Regulation Bylaw* Schedule C parking requirements, this proposal requires 60 parking stalls (50 residential, 9 visitor, and 1 commercial). Of these stalls, two each of accessible and van accessible stalls are required (one each for residential and visitor). The applicant is proposing four stalls – two accessible, one van accessible, and one carshare stall. Although the dimensions of the car share stall meet accessible stall requirements, it does not count as such since there will be a legal agreement in place dictating the use of the stall for a car share vehicle which is not specified to be an accessible van. However, the car share stall would be able to accommodate a user with accessibility requirements, as well as an accessible vehicle if the car share operator chooses to provide one.

To offset the significant parking reduction being sought, the applicant is proposing Transportation Demand Management (TDM) measures that include a car share vehicle with a dedicated stall, car share memberships for each unit, and enhanced bicycle parking facilities. Given the location of the building and constrained site, staff consider the provision of TDM measures appropriate and recommend support for the parking variance.

The applicant has not proposed a sufficient garbage loading or staging space that would allow the collection of waste without placing a bin on the street. Staff do not support this arrangement and have requested that the applicant revise the garbage loading area to allow collection in a permitted manner without the bin being placed on the street for any length of time. Existing stopping restrictions on Fisgard Street, combined with transit routing, make it impossible to accommodate bin staging on the roadway without having a detrimental impact on traffic flow. The recommendation includes the appropriate language to require the applicant to provide a garbage bin staging area.

Accessibility

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

Sustainability

The applicant has not identified any sustainability features associated with this proposal beyond minimum requirements.

Advisory Design Panel Review

The initial application was reviewed by the Advisory Design Review Panel on April 27, 2022. At that meeting, the following motion was passed:

That the Advisory Design Panel recommend to Council that Development Permit with Variance Application No. 00193 for 1702 Quadra Street be approved with the following changes:

- *Consider reducing floor space ratio to allow for larger window openings, addition of balconies, increase setbacks along Quadra Street and adapt the rooftop patio for all-season use.*
- *Explore retaining trees on north property line.*

However, due to changing economic conditions and building code regulations, the applicant has revised the proposal to the point where it is considered a new application; core elements of the design have changed, including the removal of the existing building façade, and changes to tower design (form, massing, materials, balconies), and the removal of the rooftop greenspace.

Staff intended to have the new design reviewed by the ADP; however, consistent with the Council motion of July 6, 2023, to forego ADP review due to a lack of panel members, no ADP review of the new proposal has occurred.

The application was also reviewed by the Heritage Advisory Panel (HAPL) on April 12, 2022. At that meeting, the following motions were passed:

That the Heritage Advisory Panel recommend that Council approve the designation and the hybrid approach outlined in the conservation plan located at 1702 Quadra Street, pursuant to Section 611 of the Local Government Act, as a Municipal Heritage Site.

That the Heritage Advisory Panel recommend that Council decline Rezoning Application No. 00806 and Development Permit with Variance Application No. 00193 for 1702 Quadra Street.

i. *as listed by the Panel:*

- *Lack of compatibility of the proposed addition in the design expression, form, scale, massing, and materiality.*
- *A lack of setback and excessive height along Quadra Street negatively impacts the adjacent cultural landmark and the experience of the Public Realm.*
- *The proposed project negatively impacts the authenticity, integrity and heritage value of the existing building.*
- *Not a sensitive addition for an infill project in a Heritage Conservation Area.*
- *It is not physically and visually compatible and subordinate to a heritage asset.*
- *The architectural expression is heavy and massive, and therefore it overwhelms the existing heritage building.*

While the 2021/2022 application that sought to retain the heritage façade of the Abbey was referred to the HAPL, the applicant has since proceeded with a different application that does not retain the façade. While the HAPL was in favour of Heritage Designating the façade, it recommended that Council not support the rezoning for reasons outlined in the above motion. As the proposal no longer contains a heritage element, the revised application would not be reviewed by the HAPL.

Tree Preservation Bylaw and Urban Forest Master Plan

Parks Considerations

The goals of the Urban Forest Master Plan include protecting, enhancing, and expanding Victoria's urban forest and optimizing community benefits from the urban forest in all neighborhoods. This application was received after July 21, 2021; therefore, Tree Preservation Bylaw No. 21-035 applies. The application does not currently meet the bylaw requirements and further information is required.

Tree Preservation

A total of 16 trees were inventoried, of which three are municipal, two are bylaw-protected on the subject property, and five are bylaw-protected neighbouring trees. Two and four undersized trees

were inventoried on the subject property, and neighbouring property respectively. All trees are proposed to be removed from the subject property, and all trees retained from the neighbouring property. One of the municipal trees is proposed for removal.

One replacement tree is proposed on the subject property within a soil cell, and the applicant will be required to provide \$8000 cash in lieu of planting the additional four required trees to meet the 1:1 tree replacement and tree minimum requirements. Two new municipal trees within Soil cells are proposed on the Quadra Street frontage. The applicant has agreed to review the possible retention of tree M3, and if retained, only one new tree within an irrigated soil cell is proposed on Quadra Street.

Tree Status	Total # of Trees	Trees to be REMOVED	NEW Trees	NET CHANGE
Subject property trees, protected	2	2	1	-1
Subject property trees, unprotected	2	2	0	-2
City trees	3	1 (TBD)	2 (TBD)	+1 (TBD)
Neighbouring trees, protected	5	0 (TBD)	0 (TBD)	0 (TBD)
Neighbouring trees, unprotected	4	0	0	0
Total	16	5	3	-2

Parks is currently awaiting a revised Arborist Report to determine the retention status of multiple neighbouring trees, and of tree M3. Tree counts are listed as TBD due to this variable and are subject to change.

Bylaw protected trees being removed from subject property:

ID#	Species	DBH	Health	Structural condition	Reason for Removal/ Comments
NT3	Ash species	35	Fair	Poor	Within building envelope
NT4	Big-leaf maple	90	Fair	Fair	Within building envelope

Municipal trees being removed from subject property frontage (Quadra):

ID#	Species	DBH	Health	Structural condition	Reason for Removal/ Comments
M3	English oak	46	Good	Fair	Within building envelope

Financial Implications

Summarized in the table below are the annual maintenance costs that would be incurred by the city following the planting of one new street tree.

Increased Inventory	Annual Maintenance
New municipal trees (one net new)	\$60
Irrigation one new service and two new tree rings	\$300

CONCLUSIONS

While the proposed application departs from the OCP and DCAP as it relates to density and setbacks, the proposed project substantially achieves compliance with these documents and furthers strategic priorities related to rental housing. Staff therefore recommend support for the project, pending design revisions as outlined in the recommendation.

ALTERNATE MOTIONS

Option One – Hold Public Hearing

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 August 31, 2023, for 1702 Quadra Street/862 Fisgard Street, subject to the following:
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. The following revisions to the plans satisfactory to the Director of Sustainable Planning and Community Development:
 - i. incorporation of a 2.0m wide Statutory Right of Way on the Quadra Street frontage
 - ii. provision of one accessible vehicle stall, one van accessible vehicle stall, one visitor stall, and one car share vehicle stall
 - iii. addition of a servicing/loading area for garbage collection
 - iv. provision of a bicycle repair facility
 - v. inclusion of rooftop amenity space
 - vi. revision of the materials and/or colour palette to better respond to the heritage context
 - vii. sidewalk grades through the driveway not exceeding 3%
 - viii. a driveway crossing in compliance with the Highway Access Bylaw
 - ix. functional vertical long term bicycle parking racks
 - x. manoeuvring aisle for the short-term bicycle parking a minimum of 1.5m wide
 - xi. maximum grade of the driveway at 6% for the first 6.0m and 15% beyond the first 6.0m.
 - b. Adjustments to the proposed variances necessary to accommodate the required plan revisions.
 - c. The Arborist Report, Civil, and Landscape Plans are revised to the satisfaction of the Director of Parks, Recreation, and Facilities to address outstanding Parks comments including:
 - i. confirm the retention of trees OS1, OS2, and OS3
 - ii. review and discuss feasibility of retention for Tree M1
 - iii. revise the Arborist report and Tree Management Plan to be consistent with the revised building design
 - iv. provide a tree impact summary
 - v. provide a tree preservation summary.
3. That subject to approval in principle at the public hearing, the applicant prepares 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 bylaw:
 - a. Provision of transportation demand management measures including:

- i. one care share vehicle,
 - ii. one car share vehicle parking stall,
 - iii. car share memberships for all units,
 - iv. end of trip facilities including a bicycle repair facility.
 - v. a minimum of 12 cargo bike stalls
 - vi. 20 percent of long-term stalls with charging capability.
 - b. The property shall be rental in perpetuity or the greater of 60 years or the life of the building.
4. That subject to approval in principle at the public hearing, the applicant prepares 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 bylaw(s):
 - a. 2.0m wide Statutory Right of Way along Quadra Street for highway purposes
 - b. Section 219 covenant to secure upgrades to existing sidewalk conditions, addition of street furniture and upgrades to Figgard Green, and soil cells for any new trees proposed on the Quadra Street frontage.
 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 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. 00860, 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. 00193 for 1702 Quadra Street/862 Figgard Street in accordance with revised plans submitted to the Planning department subject to:
 - b. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. reduce vehicle parking from 60 stalls to 4 stalls
 - ii. reduce the Quadra Street setback from 4.5m to 2.0m for the base and 4.0m for the tower
 - iii. reduce the Figgard Street setback from 4.5m to 0m for the base and 3.5m for the tower
 - iv. reduce the north lot line setback from 6.0m to 0.3m for the bike enclosure and 4.2m for the tower
 - v. reduce the west lot line setback from 6.0m to 0.0m for the bike enclosure, 3.8m for the base, and 6.5m for the tower
 - vi. increase the site coverage from 50.0 percent to 78.7 percent
 - vii. reduce the open site space from 40.0 percent to 22.0 percent
 - viii. increase the height from 37.0m to 42.7.

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

Option Two - Decline

That Council decline Rezoning Application No. 00806 and associated Development Permit with Variances Application No. 00193 for 1702 Quadra Street/862 Fisgard Street.

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 June 13, 2023
- Attachment C: Draft site plan dated August 18, 2023
- Attachment D: Application Brief dated June 2, 2023
- Attachment E: Applicant Commitment Letter dated August 14, 2023
- Attachment F: Tenant Assistance Plan (no appendices)
- Attachment G: Traffic and Parking Analysis dated December 21, 2021
- Attachment H: Community Association Land Use Committee Comments dated November 25, 2022
- Attachment I: Pre-Application Consultation Comments from Online Feedback Form November 14, 2022
- Attachment J: HAPL Minutes April 12, 2022.
- Attachment K: Letter to Mayor and Council dated September 1, 2023