



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. 00830 for 1900 Richmond Road, 1921, 1929, 1931/1933, and 1935 Ashgrove Street and Development Permit Application with Variance Application No. 00247

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 1900 Richmond Road, 1921, 1929, 1931/1933, and 1935 Ashgrove Street, such bylaw to include density bonus provisions related to a \$1,000,000 contribution with 70% going towards the Local Amenities Fund and 30% going towards Victoria Housing Reserve Fund
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. Updates to the Tenant Assistance Plan(s) including further details related to tenant needs and relocation assistance following consultation with existing tenants, to the satisfaction of the Director of Sustainable Planning and Community Development.
 - b. That the applicant makes the following revisions to the satisfaction of the Director of Sustainable Planning and Community Planning:
 - i. Enhance the entry materials to differentiate it from the rest of the building and improve the entry plaza with seating and landscaping.
 - ii. Consider enhancing the screening around the Pad Mounted Transformer with landscaping.
 - iii. Coordinate elevations and floor plan window and door openings.
 - iv. Revise the site plan to meet Schedule C – Off Street Parking Regulations.
 - v. Revise Landscape Plan and Site Plan, and ensure consistency regarding the building location, landscaping, furniture, and bike racks.
 - vi. Correct material board inconsistencies and identify quality louvred screen material.

- vii. Provide the material of the surface parking, considering high quality, durable and decorative paving that adds visual interest.
 - viii. Correct minor setback inconsistencies for the Phase 1 building.
 - ix. Any other corrections as a result of the revisions or as identified by staff.
- c. That the applicant makes the following revisions to the satisfaction of the Director of Parks, Recreation and Facilities:
- i. Revisions to the Tree Management Plan to ensure that replacement tree species comply with the Tree Protection Bylaw.
 - ii. Confirmation that an additional municipal tree can be planted.
 - iii. Written confirmation from neighbouring property owners consenting to the removal of shared trees #215 and #246.
 - iv. Indicate how 30% of the vegetation proposed on private property is comprised of native plants, food-bearing plants or provides pollinator habitat as outlined in the *Design Guidelines for: Multi-Unit Residential, Commercial, and Industrial*.
- d. That the applicant makes the following revisions to the satisfaction of the Director of Engineering and Public Works:
- i. Revise the Civil Plan to coordinate with the Site Plan.
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. Housing Agreement to secure the building as rental in perpetuity
 - b. 1.45m wide statutory right of way along Ashgrove Street
5. That adoption of the zoning bylaw amendment will not take place until all 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

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. 00247 for 1900 Richmond Road, 1921, 1929, 1931/1933, and 1935 Ashgrove Street, in accordance with plans submitted to the Planning department and date stamped by Planning on July 12, 2023, subject to:
- a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. Increase the number of stories from 5 to 7;
 - ii. Increase the height from 20.64m to 26.58m;
 - iii. Increase the site coverage from 51.00% to 53.30%.
 - 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.”

LEGISLATIVE AUTHORITY

This report discusses a Rezoning Application, and a concurrent Development Permit with Variances (DPV) Application. Relevant rezoning considerations include the proposal to increase maximum allowable density for both phases from 2.29:1 to 2.54:1 floor space ratio. Relevant DPV considerations include the application's consistency with design guidelines and 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 482 of the *Local Government Act*, a zoning bylaw may establish different density regulations for a zone, one generally applicable for the zone and the others to apply if certain conditions are met.

In accordance with Section 483 of the *Local Government Act*, Council may enter into a Housing Agreement which may include terms agreed to by the owner regarding the occupancy of the housing units and provided such agreement does not vary the use of the density of the land from that permitted under the zoning bylaw.

In accordance with Section 489 of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Community Plan*. A Development Permit may vary or supplement the Zoning Regulation Bylaw but may not vary the use or density of the land from that specified in the Bylaw.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning Application and Development Permit with Variances Application for the property located at 1900 Richmond Road, 1921, 1929, 1931/1933, and 1935 Ashgrove Street. The proposal is to rezone five lots from the R3-2 Zone: Multiple Dwelling District, R1-B Zone: Single Family Dwelling District, and C1-R Zone: Richmond Limited Commercial 2 District to a site-specific comprehensive development zone, to facilitate the second phase of the development, which involves the construction of a multi-unit rental building for seniors. The first phase is currently under construction at 1900 Richmond Road and is an assisted living and memory care facility with ground floor commercial. There is a concurrent DPV Application pertaining to the proposed form, character, exterior design, finishes and landscaping and variances related to height, number of stories and site coverage.

The following points were considered in assessing the Rezoning Application:

- The proposal generally meets the *Official Community Plan*, 2012 (OCP). The overall density of the proposed development is 2.54:1 floor space ratio (FSR); which is slightly above the envisioned density for the Large Urban Village (2.5:1 FSR) and Urban Residential (2:1 FSR) Urban Place Designations; however, the application does advance other OCP objectives regarding providing a range of diverse housing, rental housing, and housing that supports growth management near Urban Villages and Transit Priority Corridors, where a public benefit is provided.

- The Phase 2 proposal is a mix of studio, 1-bedroom, 1-bedroom plus den and 2-bedroom rental units for seniors. Phase 1, which is under construction, consists of approximately 167 assisted living and memory care units with ground floor commercial.
- The applicant is willing to enter into a Housing Agreement to secure the Phase 2 building as rental in perpetuity.
- The proposal is inconsistent with some policies in the *Jubilee Neighbourhood Plan*, which envisions townhouses and reducing the permissible heights for properties zoned R3-2 from six stories or more to a maximum of four stories. The OCP, which is a more recent policy document, envisions up to six stories. The proposal does meet objectives of the neighbourhood plan through the provision of rental housing, usable open site space, and sufficient parking.
- The proposal is inconsistent with the *Tenant Assistance Policy* expectations related to communication with tenants as the applicant has not consulted with existing tenants on the proposed tenant assistance plan. At the time of writing this report, the applicant does not own the properties and has indicated they are not authorized to contact or negotiate with the tenants but have committed to communicating with them within one week of purchasing the homes. Staff recommend further consultation with tenants, including a completed Tenant Request for Assistance Forms, to confirm that policy expectations have been met.
- The applicant has offered \$1,000,000.00 as a Community Amenity Contribution (CAC), which exceeds the policy expectation. As per the Inclusionary Housing and Community Amenity Policy, 30% of the CAC would go to the Victoria Housing Reserve Fund and 70% would go to the Local Amenities Fund.

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

- The proposal is generally consistent with the *Multi-Unit Residential, Commercial and Industrial Design Guidelines* (2012) regarding transitioning to lower density properties, provision of enhanced landscaping, and use of quality materials.
- Revisions are required to enhance the main entry and landscaping around the entry, correct deficiencies and ensure consistency between the plans, correct accessible parking on the plans, and ensure the plans meets the *Tree Preservation Bylaw*.
- The proposal is consistent with the policies for new buildings within the *Jubilee Neighbourhood Plan* regarding providing sufficient parking and green and open site space.
- The variances are supportable and are related to height, number of stories, and a minor increase in site coverage.

Description of Proposal

The proposal is to construct a six-storey seniors rental building with rooftop access (seventh storey) as Phase 2 of a larger development. Phase 1, a five-story assisted living and memory care building featuring ground-floor commercial, is currently under construction at 1900 Richmond Road. The lots in Phase 1 and 2 will be consolidated and the two buildings will be connected by a corridor, as well as an underground parking garage.

The following differences from the C1-R Zone, Richmond Limited Commercial 2 District, are being proposed and would be accommodated in a revised C1-R Zone:

- two development areas
- overall density
- floor area maximums for each development area
- separation space between towers

- regulations for a corridor connecting the two towers
- setbacks for the second phase
- number of stories for the second phase
- regulation for CAC contribution for Phase 2.

The associated Development Permit with Variances is for Phase 2, which is a seniors rental building. Specific details include:

- Six-storey multi-unit building with access to the rooftop by an elevator and stairwell (which are considered a seventh storey).
- Stepped back upper stories on the north, west, and east sides of the building.
- Short-term accessible parking and loading area under part of the building and accessed from Ashgrove Street.
- Access to underground parking from Birch Street through Phase 1.
- West facing ground floor units have semi-private patios and units on levels two to six have private balconies.
- A covered corridor connecting the Phase 1 and 2 buildings.
- Partially covered common plaza area at the entry to the lobby.

Exterior building materials include:

- Colour contrasting cementitious panel.
- Screen walls on north and south sides for privacy.
- Large glass windows on the ground floor to the main residential lobby.
- Aluminium and glass balcony railings.
- Metal cladding and glass covered corridor connecting the two buildings.

Landscape materials include:

- Extensive landscaping on grounds including walking paths, seating, planted areas, raised planter beds, and rain gardens.
- Rooftop amenity space that will include seating areas, raised planter beds, beekeeping hives, and a solar panel array.

The proposed variances are related to the overall site coverage, and number of stories and height for the Phase 2 building.

Land Use Context

The site is within walking distance of the Jubilee Large Urban Village at Fort Street and Richmond Road. Along Fort Street and Richmond Road there are single family dwellings, multi-family residential, mixed use, and commercial land uses, as well as the Royal Jubilee Hospital. Immediately adjacent land uses include:

North – single-family dwelling

South – two-storey commercial buildings

East – five-storey assisted living and memory care building with ground floor commercial (Phase 1 of this proposal)

West – single-family dwellings.



Map 1. Aerial Photo (2021)

Existing Site Development and Development Potential

The properties located at 1921 Ashgrove Street and 1929 Ashgrove Street are currently developed as single-family dwellings. The existing R3-2 Zone, Multiple Dwelling District, allows for multi-unit buildings up to 18.5m, 6 or more stories, and a density of 1.6 to 1. However, these lots could not be developed on their own due to the lot sizes. There is a parking area between the lots that is currently part of Phase 1 and prevents lot consolidation. The R3-2 Zone also allows the uses in the R1-B Zone, which would allow the properties to be developed as single-family dwellings with a secondary suite or garden suite.

The properties located at 1931/1933 and 1935 Ashgrove Street are currently developed as a duplex house conversion and a single-family dwelling, respectively. The existing R1-B Zone,

Single Family Dwelling District, would allow the properties to be developed as single-family dwellings with a secondary suite or garden suite.

Data Table

The following data table compares the proposal with the C1-R Zone, Richmond Limited Commercial 2 District, a site-specific zone that was created for Phase 1 of the development. An asterisk is used to identify where the proposal does not meet the requirements of the C1-R Zone. Two asterisks are used to identify where there is an error on the plans (one accessible parking space needs to be changed to an accessible parking space for visitors to meet Schedule C: Off Street Parking Regulations); this revision is part of the motion for Council's consideration.

Zoning Criteria	Proposal (Phase 2)	Phase 1	Consolidated Phase 1 and 2	C1-R Zone	OCP
Site area (m ²) – minimum	2769	4065	6834	4697	
Density (Floor Space Ratio) – maximum	2.38:1*	2.65:1*	2.54:1*	2.29:1 (when amenity provided)	2:1 - Urban Residential 2.5:1 - Large Urban Village
Total floor area (m ²) – maximum	6585	10771	17356*	10771.30	
Commercial floor area (m ²) - maximum	0	170	170	170	
Height (m) – maximum	26.58*	20.6	n/a	20.64 (when amenity provided)	
Storeys – maximum	7*	5	n/a	5	6
Site coverage (%) – maximum	n/a	n/a	53.30*	51.00	
Open site space (%) – minimum	n/a	n/a	36.2	30.45	
Setbacks (m) – minimum					
Street Boundary - Birch	n/a	1.13 (balconies) 3.427 (face of building)	1.13	1.10	

Zoning Criteria	Proposal (Phase 2)	Phase 1	Consolidated Phase 1 and 2	C1-R Zone	OCP
Street Boundary - Ashgrove	6.169 (balconies) 7.05 (building)	n/a	n/a	2.55	
Side (North)	6.92	2.42	n/a	2.24	
Side (South)	2.24	5.27	n/a	2.24	
Parking					
Vehicle parking – minimum	n/a	n/a	103	100	
Resident - minimum	n/a	n/a	75	75	
Commercial - minimum	n/a	n/a	3	3	
Visitor vehicle parking included in the overall parking - minimum	n/a	n/a	25	22	
Accessible parking included in the overall parking - minimum	n/a	n/a	10** 2 (visitor)	10 2 (visitor)	
Accessible van parking included in overall parking - minimum	n/a	n/a	2** 1 (visitor)	2 1(visitor)	
Bicycle Parking - minimum					
Long Term	n/a	n/a	14	11	
Short Term	n/a	n/a	8	6	

Sustainable Mobility

No sustainable mobility improvements beyond minimum City standards are proposed.

Public Realm

No public realm improvements beyond City standard requirements are proposed in association with this application.

Relevant History

In 2019, Council approved a Rezoning and DPV application for 1900-1912 Richmond Road to construct a five-storey assisted living and memory care building with ground floor commercial uses along Fort Street and Richmond Road. This project (considered Phase 1) is currently under construction with an approximate completion date of late 2023 or early 2024.

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 July 19, 2022. 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 a virtual community meeting with the CALUC on July 19, 2022. A letter dated September 12, 2022, along with the comment forms are attached to this report.

In response to the consultation the applicant has increased the setback to the north, adjacent single-family dwellings, while reducing the setback to the south, adjacent commercial buildings. As well, the 5th and 6th stories have been stepped back.

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 OCP land use designations offer general guidance concerning form, character, use, and density, as well as regulatory guidance in response to the local context, while considering other policies such as those within other sections of the OCP, design guidelines, local area plans, and neighbourhood context.

The subject site is split-designated Large Urban Village and Urban Residential. Phase 1 is split between Large Urban Village and Urban Residential, and Phase 2 is within the Urban Residential designation.

The Large Urban Village urban place designation envisions low to mid-rise mixed-use buildings from four to six-storeys and a density up to approximately 2.5:1 FSR where there is public benefit provided consistent with the plan and other city policies. The Urban Residential designation envisions low to mid-rise multi-unit residential from three to six-storeys and a density of up to approximately 2:1 FSR in areas that support growth management, near Urban Villages and Transit Priority Corridors, where a public benefit is provided for the advancement of plan objectives. The proposed Phase 2 has a density of 2.38:1 FSR, while Phase 1 is 2.65:1 FSR, with a combined density of 2.54:1 FSR. The proposal for Phase 2 is generally consistent with the Urban Residential designation as far as number of stories and being near the Jubilee Large Urban Village and Transit Priority Corridors (Fort Street and Richmond Road).

The Jubilee Neighbourhood Directions also encourage multi-family residential development within walking distance of major transportation corridor and priority frequent transit routes, such as Fort Street.

The OCP encourages the logical assembly of lots to meet plan objectives. The applicant was encouraged to consider consolidating this lot with 1780 Fort Street and 1770 Fort Street/1915 Ashgrove Street, which could result in a more consistent frontage on Fort Street, a better transition to lower density neighbour and a larger site to consider for site planning. The applicant indicated they explored the land assembly but ultimately it was not feasible.

While the overall site is slightly over the envisioned densities in Large Urban Village and Urban Residential, and Phase 2 is over the envisioned density of Urban Residential, the application is generally consistent with other policies in the OCP as far as providing a range of diverse housing, rental housing, and housing near services and facilities. As well, the applicant has offered \$1,000,000.00 Community Amenity Contribution to go toward the Victoria Housing Reserve Fund and Local Amenities Fund.

Jubilee Neighbourhood Plan

The *Jubilee Neighbourhood Plan* (1996) policies are not entirely consistent with policies in the more recent OCP (2012). The Neighborhood Plan (Map 3) identifies the subject properties as suitable for townhouses at a density of "14 units per acre". Additionally, the Plan suggests that the City initiate the rezoning of the remaining R3-2 Zone, Multiple Dwelling District lots on the east side of Ashgrove Street, which includes 1921 and 1929 Ashgrove Street, to the R-J Zone, Low Density Attached Dwelling District, to permit low-density townhouses. However, the OCP is a more recent policy and identifies the properties in Phase 2 of this proposal as Urban Residential, which envisions multi-unit residential including townhouses and low- to mid-rise apartments up to six stories.

The proposal is consistent with other policies in the Neighbourhood Plan, such as providing sufficient parking to meet their needs, as well as, encouraging a mix of housing types, including rental housing.

Regulatory Considerations

There are several differences from the C1-R Zone, Richmond Limited Commercial 2 District that are being proposed and would be accommodated in the amended C1-R Zone. The zone will be drafted to include two development areas with several overall regulations for the site, such as FSR, site coverage, separation space between the buildings, and regulations related to the corridor connecting the two buildings. Other regulations would be specific to each development area, such as setbacks, and floor area.

Inclusionary Housing and Community Amenity Contribution Policy

As per the Inclusionary Housing and Community Amenity Policy, under Approach 2: For Atypical Rezoning Application, an economic analysis was requested. This calculated the lift in land value created by this rezoning would be \$1,331,000, with a CAC contribution of \$998,250 (75% of the lift in land value). The applicant is offering to contribute \$1,000,000, which will be split between the Housing Reserve Fund (30%) and the Local Amenities Fund (70%) as per Council's policy and secured via the rezoning process.

Housing

The application, if approved, would add approximately 88 new market rental units for seniors which would increase the overall supply of housing in the area and contribute to the targets set out in the *Victoria Housing Strategy*. On the seniors housing continuum (Fig. 1) this project would be for moderate (\$70,000 - \$99,000) to above moderate income seniors (\$100,000).

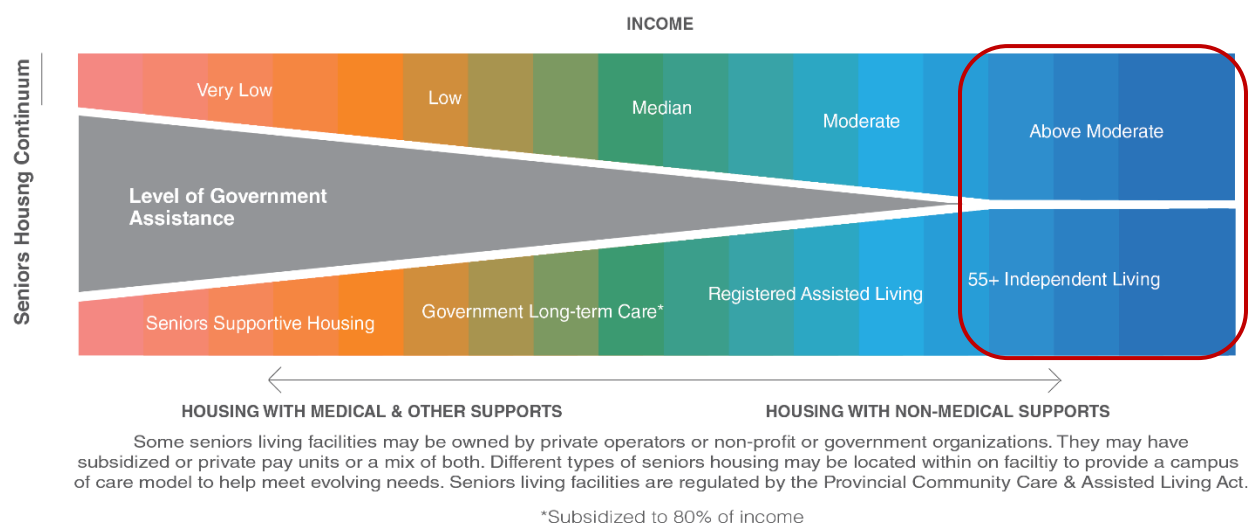


Fig 1. Seniors Housing Continuum

Housing Mix

The OCP identifies that a wide range of housing choices are available within neighbourhoods to support a diverse, inclusive, and multigenerational community. As submitted, this application proposes 88 rental units, which will include approximately 10 studios, 51 one-bedrooms, 17 one-bedroom plus den, and 10 two-bedrooms. This will be in addition to the 167 units of assisted living and memory care units in Phase 1.

Security of Tenure

A Housing Agreement registered on title would ensure the building is secured as rental in perpetuity.

Existing Tenants

The proposal is to redevelop four existing buildings which would result in a loss of nine residential rental units. The applicant has submitted Tenant Assistance Plans (TAPs) for each property, which exceeds the requirements of the policy by incorporating all nine tenants, including two who

would not be considered Eligible Tenants under the Tenant Assistance Policy (i.e., tenants who have resided at the property for less than a year at the time the Rezoning application was submitted).

However, the TAPs are not consistent with the Policy as existing tenants have not been consulted on the proposed TAPs. The applicant has indicated that because they do not own the subject properties, they are not authorized to directly contact or negotiate with the tenants. If the application is successful at the Committee of the Whole, the applicant's stated intention is to complete the purchase of the properties and to initiate discussions with tenants regarding the TAPs within one week of the property purchase closing date.

Information is lacking on the existing unit bedroom compositions and rents; therefore, staff are unable to confirm alignment with the Policy at the time of writing this report. It is recommended that the applicant consult with the existing tenants once they take ownership of the properties and submit updated Tenant Assistance Plans that meet the Tenant Assistance Policy prior to introductory readings of the zoning amendment bylaw.

Statutory Right-of-Way

The applicant has agreed to register a 1.45m wide Statutory Right of Way along the site's Ashgrove Street frontage. This space will be used to improve conditions for pedestrians with a widened sidewalk offset from the curb and separated from motor vehicle traffic by a treed boulevard.

Bowker Creek Watershed

The site is located within the Bowker Creek watershed, which is composed of a gently sloping basin that flows to Bowker Creek. Council endorsed the *Bowker Creek Blueprint – a 100-Year Action Plan to Restore the Bowker Creek Watershed* in 2011, and in February 2021, Council directed staff to include consideration of impacts on the watershed as part of land use matters that occur within the Bowker Creek watershed.

The Blueprint identifies watershed management principles for consideration during the development of land within the watershed, including to:

- minimize building footprints and reduce impervious surfaces, with a goal of having more than 30% effective impervious area.
- direct runoff from hard surfaces to green infrastructure (e.g., rain gardens) to detain and infiltrate runoff to reduce flows and improve water quality entering Bowker Creek.
- conserve green spaces, protect natural areas and plant native species.
- take a green streets approach and infiltrate road runoff to boulevards.

The site design integrates watershed management principles such as rain gardens and planting of native and drought-tolerant plants.

Development Permit with Variances Application

The *Official Community Plan* (OCP, 2012) identifies the Phase 2 portion of the subject site within Development Permit Area (DPA)16 - General Form and Character. Design Guidelines that apply to this DPA are the:

- Design Guidelines for Multi-Unit Residential, Commercial and Industrial Development (2012, revised 2019)
- Advisory Design Guidelines for Buildings, Signs and Awnings (1981)
- Guidelines for Fences, Gates, and Shutters (2010).

The objectives of this DPA are to:

- Provide a sensitive transition to adjacent and nearby areas.
- Integrate buildings in a manner that is complementary to the establish neighbourhood character.
- Enhance the character through high quality architecture, landscape, and urban design.
- Achieve human-scaled design, quality open space, privacy impacts, safety, and accessibility.

The proposal is generally consistent the following key design guidelines:

- The building steps down on the north elevation from six-stories to four-stories to provide a transition and respond to the lower density developments on Ashgrove Street.
- The screening and window placement on the north elevation addresses privacy for adjacent single-family dwellings.
- The building's massing is broken up by using various materials, recesses in the building face, and the inclusion of balconies.
- The main building entrance and individual unit entrances are located at the ground level and address the street.
- There is a combination of semi-private outdoor space and shared outdoor space on the grounds and rooftop.
- Private and public spaces are separated with landscaping and fences.
- Parking is located underground and at grade, and there is landscaping to screen it from the public and other properties.
- A variety of quality and durable materials are proposed, including cementitious panel, glass guards and overhangs, metal wood grain print siding, and metal cladding.

While the proposal generally meets the Design Guidelines, there are a few areas for improvement, which are described in more detail below. Additionally, there are several inconsistencies on the plans, and missing details. These are recommended to be addressed prior to scheduling the introductory readings of the zoning amendment bylaw.

Main Entry and Ground Level Entries

The Design Guidelines encourage a visual and physical connection between the street and the development, with a strong entry feature and design that encourages interaction with the street.

The building's primary entrance features a steel and sizable glass canopy. However, staff recommend that increasing the awning's height and utilizing distinct materials around the entry would transform the entry into a notable building feature. The proposed patio spills out to the public sidewalk; however, the activation of that space could be enhanced and detailed. The recommended motion includes providing more detail in this area and to consider changes to enhance the entry area and landscaping.

Common Landscaped Areas

The Design Guidelines require that a minimum of 30% of the required common landscaped areas include a combination of plants that are native to southern Vancouver Island, food-bearing (capable of being harvested for food and medicine) or that provide pollinator habitats. While the plans do indicate this guideline may be met, details need to be confirmed. A plan revision to address this guideline is included in the recommended motion.

Pad Mounted Transformer

The Design Guidelines encourage to locate utility cabinets such as Pad Mounted Transformers (PMTs) in a way that is carefully integrated into the site design. When located on buildings frontages they should be screened, particularly from the street and public realm. While there is screening between the building and the PMT, there is no screening between the PMT and the public realm. The recommendation is to consider the screening around the PMT more comprehensively.

The applicant indicated they wanted to move forward with the proposal without correcting other plan inconsistencies, and it is recommended these be revised prior to scheduling the introductory readings of the zoning amendment bylaw. These revisions include:

- Coordinating the elevations and floor plan window and door openings.
- Revising the site plan to meet Schedule C – Off Street Parking Regulations.
- Revising the landscape plans and site plans to ensure consistency regarding the building location, landscaping, furniture, bike racks, etc.
- Correcting material board inconsistencies and labelling the louvred screen material.
- Providing the material of the surface parking, considering high quality, durable and decorative paving to add visual interest.
- Correcting minor setback inconsistencies for Phase 1 building.
- Revising the civil plan and landscape plan to coordinate with the site plan.

Jubilee Neighbourhood Plan

The *Jubilee Neighbourhood Plan* envisions new buildings that are compatible with the character of the neighbourhood and surrounding properties, that ground floor units should have individual entries, that site planning should balance green space and paved areas, and there should be useable open space through the development. The proposal has unit entries and patios at ground level, as well as shared greenspace and gardens at grade and on the roof.

Variances

There are several variances recommended for areas where Phase 2 of this proposal do not meet the C1-R zone. By including these regulations as variances, it ensures that if the proposal is not constructed, any future development would require consideration of these variances and design.

Number of Stories

The comparison C1-R zone allows for a maximum of five-stories and the properties are designated Urban Residential which envision six stories. The proposal is for a seven-storey building, with the seventh storey made up of an elevator shaft and stairwell access to the rooftop, and no habitable floor area. The massing of the building is broken up with different materials and undulations in the building faces. It is also stepped back on the fourth and fifth storeys to decrease

the dominance from the street which also mitigates some of the shading impacts and provides an acceptable transition with the adjacent properties. On this basis, the variance is generally supportable.

Height

The comparison zone, C1-R has a maximum height of 20.64m and the proposed height of Phase 2 is 26.58m. The height is technically to the top of the elevator shaft and the height of the main roof is 23.28m. As already mentioned, the upper stories are stepped back, and the seventh storey is non-habitable space and is to access the roof; therefore, the height variance is considered supportable due to the design interventions that have been made to mitigate shadowing and reduce the prominence of the upper storeys.

Site Coverage

The comparison zone has a maximum site coverage of 51% and the proposal is for 53.3%. To help offset the impact of this minor variance, the applicant is proposing an amenity space on the rooftop, as well as rain gardens to support better on-site stormwater management. The proposal includes large areas of consolidated usable outdoor space on the north side of the Phase 2 building and the centre of the site. Due to the enhanced landscape design on the ground and rooftop, the relatively minor variance for site coverage is considered supportable.

Accessibility

The applicant has indicated that the rental suites in Phase 2 will meet adaptable housing requirements. Some details include accessible controls and switches, grab bars in showers and tubs, and greater clearances for doorways, hallways, closets, and washrooms. These design elements are not being secured by legal agreement, though the applicant has indicated it is a design standard for their other buildings to meet operational requirements.

The landscaping includes smooth pathways with minimal vertical disruption for ease of use by people walking or using mobility devices. There are also raised communal planter beds in the courtyard and on the rooftop.

Sustainability

As indicated in the applicant's letter dated July 28, 2023, the applicant intends to include the following sustainability features with this proposal:

- raised planter beds
- beekeeping hives
- rooftop solar panels
- mechanical and electrical efficiencies
- increase building envelope systems and thermal performance
- wastewater reduction
- storm water retention.

Advisory Design Panel Review

The application was reviewed by the Advisory Design Panel on May 24, 2023. A copy of the meeting minutes is attached to this report. The ADP was asked to comment on the transition to lower density uses, the separation space between Phase 1 and 2, and the main entry and ground level entries. At that meeting, the following motion was passed:

That the Advisory Design Panel recommend to Council that Development Permit Application No. 000623 for 1900 Richmond Road, 1921, 1929, 1931/1933, and 1935 Ashgrove Street be approved with the following changes:

- *Recommend approval with revisions to address the transitions to the lower density neighbourhood.*

In response to the ADP motion, the applicant:

- shifted the building to the south by 1.29m;
- introduced visual screening on the north elevation around the patios; and,
- set back the fifth and sixth stories on the north side by 2.40m.

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.

A total of 43 trees were inventoried. Of these, 36 are located on the subject site, and 18 are bylaw protected (2 of these are shared with neighbours). Two bylaw protected trees are located off-site and there are five existing municipal trees along the Ashgrove Street frontage.

All the on-site bylaw protected trees will require removal for excavation of the underground parkade and construction of the proposed building. This includes tree # 112, a 71 cm diameter cherry and 17 multi-stemmed trees that are not species native to Southern Vancouver Island. Municipal Tree M1, a 21 cm diameter European Hornbeam, will require removal to enable construction of the new driveway; and municipal tree M5, a 19 cm diameter European hornbeam, will require removal to accommodate a new PMT. Off-site bylaw protected trees will be retained following mitigation measures outlined in the Arborist Report.

The proposed landscape plan shows 22 new trees on the subject lot, including 19 trees to replace bylaw trees removed. One new municipal tree is proposed on the Ashgrove Street frontage.

Tree Status	Total # of Trees	Total # to be removed	Total # to be planted	NET CHANGE
On-site trees, bylaw protected	18	18	19	+1
On-site trees, not bylaw protected	18	18	3	-15
Municipal trees	5	2	1	-1
Neighbouring trees, bylaw protected	2	0	0	0
Total	43	38	23	-15

Table 1: Tree Impact Summary Table

Minor revisions to the plans are recommended, which are to:

- Revise the Tree Management Plan to ensure that replacement tree species comply with the *Tree Protection Bylaw*.
- Confirm that an additional municipal tree can be planted.

- The applicant obtains written confirmation from the neighbouring property owners consenting to the removal bylaw protected shared trees #215 and #246.

CONCLUSIONS

The proposal is generally consistent with the density, use, and housing policies envisioned in the OCP and advances several goals and objectives, such as increasing the housing supply, diversifying the range of housing types, and encouraging growth in areas near Urban Villages and Frequent Transit Networks. The proposal is also generally consistent with Development Permit Area (DPA) 16: General Form and Character and the design guidelines, with staff recommending some minor changes for greater consistency with the design guidelines, more detail and consistency between the various plans, and ensuring the proposal meets the *Tree Preservation Bylaw*. It is recommended that Council consider supporting this application.

ALTERNATE MOTIONS

Option 1 (Hold a Public Hearing)

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 1900 Richmond Road, 1921, 1929, 1931/1933, and 1935 Ashgrove Street, such bylaw to include density bonus provisions related to a \$1,000,000 contribution with 70% going towards the Local Amenities Fund and 30% going towards Victoria Housing Reserve Fund
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. Updates to the Tenant Assistance Plan(s) including further details related to tenant needs and relocation assistance following consultation with existing tenants, to the satisfaction of the Director of Sustainable Planning and Community Development.
 - b. That the applicant makes the following revisions to the satisfaction of the Director of Sustainable Planning and Community Planning:
 - i. Enhance the entry materials to differentiate it from the rest of the building and improve the entry plaza with seating and landscaping.
 - ii. Consider enhancing the screening around the Pad Mounted Transformer with landscaping.
 - iii. Coordinate elevations and floor plan window and door openings.
 - iv. Revise the site plan to meet Schedule C – Off Street Parking Regulations.
 - v. Revise Landscape Plan and Site Plan, and ensure consistency regarding the building location, landscaping, furniture, and bike racks.
 - vi. Correct material board inconsistencies and identify quality louvred screen material.
 - vii. Provide the material of the surface parking, considering high quality, durable and decorative paving that adds visual interest.
 - viii. Correct minor setback inconsistencies for the Phase 1 building.
 - ix. Any other corrections as a result of the revisions or as identified by staff.
 - c. That the applicant makes the following revisions to the satisfaction of the Director of Parks, Recreation and Facilities:

- i. Revisions to the Tree Management Plan to ensure that replacement tree species comply with the Tree Protection Bylaw.
 - ii. Confirmation that an additional municipal tree can be planted.
 - iii. Written confirmation from neighbouring property owners consenting to the removal of shared trees #215 and #246.
 - iv. Indicate how 30% of the vegetation proposed on private property is comprised of native plants, food-bearing plants or provides pollinator habitat as outlined in the *Design Guidelines for: Multi-Unit Residential, Commercial, and Industrial*.
- d. That the applicant makes the following revisions to the satisfaction of the Director of Engineering and Public Works:
 - i. Revise the Civil Plan to coordinate with the Site Plan.
- 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. Housing Agreement to secure the building as rental in perpetuity
 - b. 1.45m wide statutory right of way along Ashgrove Street
- 4. That adoption of the zoning bylaw amendment will not take place until all the required legal agreements that are registrable in the Land Title Office have been so registered to the satisfaction of the City Solicitor.
- 5. That the above Recommendations be adopted on the condition that they create no legal rights for the applicant or any other person, or obligation on the part of the City or its officials, and any expenditure of funds is at the risk of the person making the expenditure.

Development Permit with Variances

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.00830, 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. 00247 for 1900 Richmond Road, 1921, 1929, 1931/1933, and 1935 Ashgrove Street, in accordance with plans submitted to the Planning department and date stamped by Planning on July 12, 2023, subject to:
 - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. Increase the number of stories from 5 to 7;
 - ii. Increase the height from 20.64m to 26.58m;
 - iii. Increase the site coverage from 51.00% to 53.30%.
 - 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.”

Option 2 (Decline)

That Council decline Rezoning Application No.00830 for 1900 Richmond Road, 1921, 1929, 1931/1933, and 1935 Ashgrove Street.

Respectfully submitted,

Chelsea Medd
Planner
Development Services Division

Karen Hoes, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A: Subject Map
- Attachment B: Plans date stamped July 12, 2023
- Attachment C: Letter from applicant to Mayor and Council dated July 28, 2023
- Attachment D: North Jubilee Neighbourhood Association Letter dated September 9, 2022
- Attachment E: South Jubilee Neighbourhood Association Letter dated November 10, 2022
- Attachment F: Applicant Response to CALUC Meeting dated September 12, 2022
- Attachment G: Pre-Application Consultation Comments from Online Feedback Form
- Attachment H: Advisory Design Panel meeting minutes from May 24, 2023
- Attachment I: Tenant Assistance Plan dated July 25, 2023
- Attachment J: Supplementary Tenant Assistance Plan Letter dated July 26, 2023
- Attachment K: Summary of CAC Analysis dated July 25, 2023
- Attachment L: Arborist Report dated April 6, 2023
- Attachment M: Correspondence (Letters received from residents).