



## Committee of the Whole Report For the Meeting of November 2, 2023

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**To:** Committee of the Whole **Date:** September 25, 2023

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

**Subject:** **Rezoning Application No. 00849 and Development Permit with Variances Application No. 00239 for 854-880 Pandora Avenue.**

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### 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 Council report dated September 25, 2023 for 854-880 Pandora Avenue
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. ensure minimum widths for functional over-size bike parking stalls;
    - ii. revise the Mason Street design to ensure the minimum 1.8m pedestrian zone width is met;
    - iii. incorporate a continuous sidewalk design crossing Mason Street on Quadra Street frontage; and
    - iv. revise the tower materials to provide a lighter material colour, as well as consider options to maintain the visual prominence of the adjacent heritage landmark buildings.
4. That following the third reading of the zoning amendment bylaw, the applicant prepares and executes 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.
  - b. The following five units will be secured as affordable rental in perpetuity:
    - i. two studio units
    - ii. two one-bedroom units
    - iii. one two-bedroom townhouse.
  - c. Transportation Demand Management agreement including:
    - i. provision of a bicycle maintenance/wash station
    - ii. fifty percent of long-term bicycle parking spaces to have access to an electrical outlet to enable E-bike charging
    - iii. twenty-two oversize bicycle parking spaces
    - iv. a minimum of ten car share memberships and usage credits for use by residential units without access to a vehicle parking space.
5. That following the third reading of the zoning amendment bylaw, the applicant prepares and executes the following legal agreements, with contents satisfactory to the Director of Engineering and Public Works and form satisfactory to the City Solicitor prior to adoption of the bylaw(s):
- a. A 0.60m wide right of way along Quadra Street and 1.5m wide right of way along Mason Street for highway purposes.
  - b. A legal agreement to secure upgrades to the existing sidewalk conditions, continuous sidewalk on Mason Street crossing, addition of street furniture, and soil cells for any new trees proposed on the Quadra Street frontage, Pandora Street frontage, and Mason Street frontage.
6. 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.
7. That subject to adoption of the zoning bylaw amendment, Council authorize the projecting encroachments over the City right of way on Quadra Street generally as shown on the plans submitted to the City and date stamped September 14, 2023 provided that the applicant enters into an encroachment agreement with contents satisfactory to the Director of Engineering and Public Works and form satisfactory to the City Solicitor at the time of building permit approval.
8. That the above Recommendations be adopted on the condition that they create no legal rights for the applicant or any other person, or obligation on the part of the City or its officials, and any expenditure of funds is at the risk of the person making the expenditure.

### **Development Permit with Variances Application**

That Council, after giving notice, consider the following motion:

- “1. That subject to the adoption of the necessary Zoning Regulation Bylaw amendment, Council authorize the issuance of Development Permit with Variances No. 00239 for 854-880 Pandora

Avenue in accordance with plans submitted to the Planning department and date stamped by Planning on September 14, 2023 subject to:

- a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
  - i. reduce vehicle parking from 113 stalls to 103 stalls
  - ii. reduce the visitor vehicle parking from 20 stalls to 10 stalls
  - iii. reduce the commercial parking from 13 stalls to 11 stalls
  - iv. reduce rear (north) setback for portion of building between 5m and 18m in height from 8.0m to 2.23m
  - v. reduce rear (north) setback for portion of building greater than 18m in height from 10.0m to 5.65m
  - vi. reduce east side setback for portion of building greater than 18m in height from 10.0m to 6.27m
  - vii. reduce west side setback for portion of building less than 18m in height from 3.0m to 0.35m
  - viii. permit long term bike parking to be located more than one level below finished grade

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 2.0:1 to 6.12:1 Floor Space Ratio (FSR).

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

## **Enabling Legislation**

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

In accordance with Section 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.

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 (DPV) for the properties located at 854-858 and 880 Pandora Avenue. The proposal is to rezone from the CA-1 Zone, Pandora Avenue Special Commercial District to a new zone in order to increase the density to permit the construction of a twenty-storey mixed-use residential rental building. There is a concurrent DPV 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 but is inconsistent with OCP policy on landmark heritage building view impacts
- 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 to provide primarily market rental housing with some affordable housing, as well as advancing pedestrian prioritization policies
- the proposal is substantially consistent with DCAP design guidelines but is inconsistent with DCAP guidance on heritage landmark buildings
- the proposed use is consistent with the North Park Neighbourhood Plan.

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

- the proposal is generally consistent with DCAP design guidelines, including floor plate area maximums
- the proposal is inconsistent with DCAP design guidelines as it relates to the relationship with adjacent landmark heritage buildings
- the proposed setback variances are recommended for support given the corner location and the building's relationship with surrounding properties
- the proposed vehicle parking variance is recommended for support given the location of the building close to transit routes and bike lanes
- The proposed bicycle parking location variance is recommended for support given the statutory right-of-way (SRW) that is being secured with no underground parkade projection.

## **BACKGROUND**

### **Description of Proposal**

This proposal is to rezone and consolidate the properties at 854/858 and 880 Pandora Avenue to increase the density and construct a twenty-storey rental residential building with commercial uses at grade, rooftop amenity spaces, and three levels of underground parking.

The proposal requires an increase in density from 2.0:1 to 6.12:1 which would be accommodated in the new zone. The associated DPV is for a reduction in lot line setbacks and vehicle parking, and includes the following variances:

- reduce the rear (Mason Street) setback from 8.0m to 2.23m for that portion of the building between 5m and 18m in height and from 10.0m to 5.65m for that portion of the building over 18m in height
- reduce the east (Quadra Street) setback from 3.0m to 0.60 m for that portion of the building between 0m and 18m in height and from 10.0m to 6.27m for that portion of the building over 18m in height
- reduce the west setback from 3.0m to 0.35m for that portion of the building between 0m and 18m in height
- reduce the required number of vehicle stalls from 113 to 103
- reduce the visitor vehicle parking from 20 stalls to 10 stalls
- reduce the commercial parking from 13 stalls to 11 stalls.

### **Land Use Context**

The site area is shown in Figure 1. The surrounding area is characterized by low and mid-rise commercial and institutional (government office and church) uses, and mid-rise residential uses. The church at 1611 Quadra Street and former church at 907 Pandora Avenue are both designated as landmark heritage buildings in the OCP.



**Figure 1. Site Area**

**Existing Site Development and Development Potential**

The site is presently used as an automotive repair shop.

Under the current CA-1 Zone, Pandora Avenue Special Commercial District, the property could be redeveloped for a range of commercial uses, as well as a mixed-use residential building with commercial on the ground floor. The density is limited to 2.0:1 FSR.

**Data Table**

The following data table compares the proposal with the existing CA-1 Zone, Pandora Avenue Special Commercial District. 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 (CA-1)	Zone Standard (CBD-2) DT	OCP/DCAP
Site area (m <sup>2</sup> ) – minimum	2,172.70	n/a	n/a	n/a
Density (Floor Space Ratio) – maximum	<b>6.12:1*</b>	2.00:1	3.00:1 (residential) 4.00:1 (Total)	5.00:1 (OCP) 4.5:1 (DCAP)
Total floor area (m <sup>2</sup> ) – maximum	<b>13,291.38*</b>	4,345.00	8690.80	10,863.5 (OCP) 9,777.15 (DCAP)
Height (m) – maximum	<b>64.56*</b>	15.5m	45.00	n/a
Storeys – maximum	20	n/a	n/a	20 (OCP) 15 (DCAP)
Site coverage (%) – maximum	90.8	n/a	n/a	n/a
<b>Setbacks (m) – minimum</b>				DCAP
Front (Pandora St)	0.00m	3.00m	n/a	n/a
Rear (Mason St)	<b>2.23m*</b>	3.00m	N/A - (0m-5m in height) 8.0m - (5m-18m in height) 10.0m - (>18m in height)	10m
East Side (Quadra St)	<b>0.60m*</b>	3.00m	N/A - (0m-18m in height) 10.0m - (>18m in height)	n/a
West Side	<b>0.30m*</b>	3.00m	N/A - (0m-18m in height) 10.0m - (>18m in height)	10m
Parking – minimum (total)	<b>103*</b>	113	113	n/a
Accessible	4	4	4	n/a
Van Accessible	1	1	1	n/a
Other Uses (commercial)	<b>11*</b>	13	13	n/a
Accessible	0	0	0	n/a
Van Accessible	1	1	1	n/a

Zoning Criteria	Proposal	Existing Zone (CA-1)	Zone Standard (CBD-2) DT	OCP/DCAP
Visitor parking included in the overall units – minimum	10*	20	20	n/a
Visitor Accessible	1	0	0	n/a
Visitor Van Accessible	1	1	1	n/a
Bicycle parking stalls – minimum				
Short Term Residential	20	20	20	n/a
Short Term Commercial	5	5	5	n/a
Long Term Residential	225	225	225	n/a
Long Term Commercial	4	3	3	n/a

**Active Transportation**

The application proposes bike maintenance facilities and oversize bicycle parking stalls that accommodate electric and cargo bikes to support multi-modal transportation.

**Public Realm**

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

- 0.60m SRW on Quadra Street
- 1.50m SRW on Mason Street
- upgrades to existing sidewalk conditions on Pandora Street, Quadra Street, and Mason Street frontages.

These would be secured with a legal agreement, registered on the property’s title, prior to Council giving final consideration of the proposed Zoning Regulation Bylaw Amendment.

There is also a recommendation to secure the construction of a continuous sidewalk along the Quadra Street crossing at Mason Street. This would mean that there is no curb drop-off for the pedestrian crosswalk on Mason Street; the sidewalk between the north and south corners of Mason Street would continue across the Mason Street road width. This would prioritize pedestrian crossing in the area, and support OCP Transportation and Mobility goals that prioritize pedestrian mobility above all other modes of transportation. The provision of this continuous sidewalk is also supported by the North Park Neighborhood Plan policies, which encourages pedestrian

prioritization on the Quadra Street corridor. The applicant has agreed to this revision and will update plans prior to bylaw readings.

## **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 February 13, 2023. 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 zoom meeting with the CALUC on February 28, 2023. A letter dated March 28, 2023, along with the comment forms are attached to this report.

The applicant made revisions to the proposal (increased density and height) in August 2023 that required a second round of consultation with the CALUC. 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 meeting with the CALUC on August 21, 2023. A second CALUC letter dated September 15, 2023, along with the comment forms are attached to this report.

Responses from the first round of notification in February 2023 were minimal – three – and were all in support of the application.

Two responses from the second round of notification in August 2023 were received and opposed the proposal on the basis that the tower is too tall.

The applicant has not revised the proposal in response to these comments, although the provision of the continuous sidewalk was the result of a community request.

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 FSR. The proposal complies with the use and height policies in the OCP; however, the proposed residential density is above the maximum density identified in the Core Residential Urban Place designation.

The proposal further advances several key policies and objectives in the OCP, which need to be taken into consideration when evaluating the proposed density and merits of this application. The key features of this proposal include:

- purpose-built rental housing secured in perpetuity
- affordability for ten percent of units above 5.5:1 FSR secured in perpetuity
- improved pedestrian mobility and safety by providing continuous sidewalk on Mason Street road crossing.

As the application is substantially consistent with the OCP, waiving the public hearing is recommended. If Council opts to hold a public hearing, an alternate motion to do so has been provided.

#### North Park Local Area Plan/Downtown Core Area Plan

The *North Park Neighbourhood Plan* (NPNP, 2022) identifies the subject properties as Core Residential. 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 the subject site. Therefore, while located within the North Park Neighbourhood boundaries, redevelopment of the subject site is guided primarily by DCAP.

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 proposal is not wholly consistent with this objective, as the tower location and lack of stepping back on upper storeys does not achieve the greatest deference to the landmark heritage buildings that may be possible. However, achieving this goal would require a trade off in achieving other objectives, such as usable outdoor amenity space, and separation distance to future buildings, as discussed below.

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.

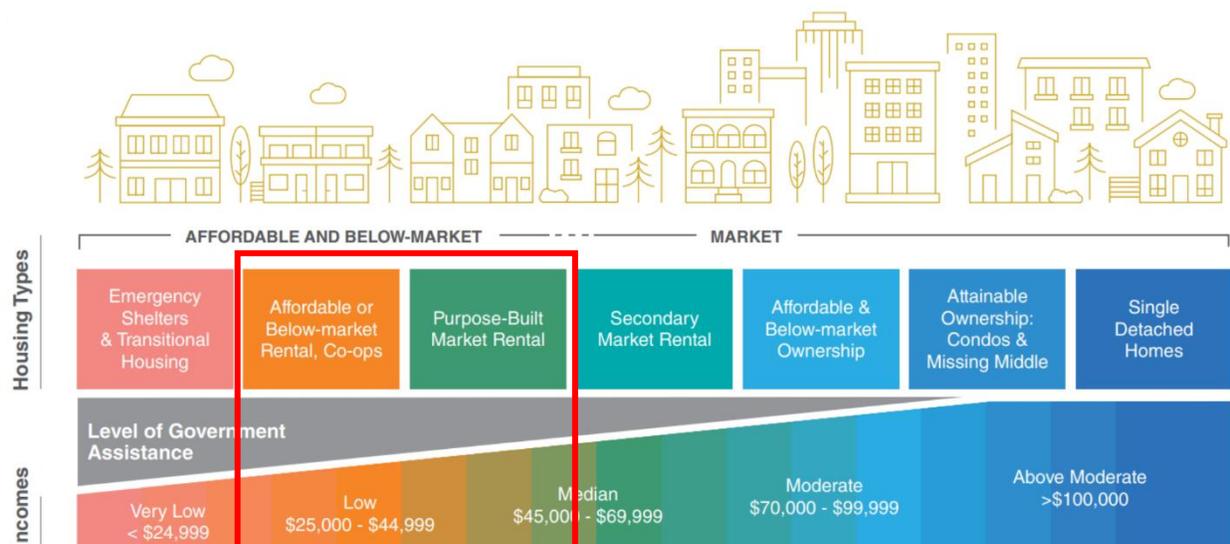
The proposal complies with the use policies in the DCAP; however, the proposed residential density is above the maximum density and height identified in the Plan.

Further to the land use policies, the OCP includes policies pertaining to market rental housing. Specifically, it recognizes the existing tight rental market, characterized by low vacancy rates and high demand. Though many of the policies are calibrated to ensure retention and redevelopment of existing rental housing stock, the addition of rental housing stock furthers the City’s goals as it relates to providing more available rental housing. Affordable housing policies in the Plan

encourage more affordable housing across the housing continuum – which may include a density bonus provision. Although the proposal does offer a somewhat low number of overall affordable units (five), it does provide affordability in exchange for the additional density above what is envisioned under the OCP and DCAP.

## Housing

The application, if approved, would add approximately 197 new residential 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 1. Housing Continuum**

### Affordability Targets

Five of the proposed 197 units will be secured at affordable rental rates via the housing agreement. In order for a unit to be considered affordable, the monthly housing costs (including all fees and charges e.g. utilities) must not exceed 30 per cent of total household incomes. The amount of rent that can be charged based on unit type is shown in the following table, adapted from the City’s Inclusionary Housing and Community Amenity Policy (data from the 2021 Census):

	Studio	1 Bed	2 Bed	3 Bed
<b>Monthly Housing Costs</b>	\$1,125	\$1,250	\$1,400	\$1,750
<b>Annual Gross Household Income</b>	\$45,000	\$50,000	\$55,000	\$69,999

The proposed unit mix that will be secured as affordable is:

- two studio units
- two one-bedroom units
- one two-bedroom townhome.

*Housing Mix*

At present there is no policy that provides targets regarding housing mix and unit type is not typically 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, two-thirds (139) of the units are one-bedroom plus den or smaller. The proposed application includes approximately 58 family-friendly units in the form of 56 two-bedroom units and two three-bedroom units. The two three-bedroom units are currently located on the second and third floor, in close proximity to the outdoor amenity space.

*Security of Tenure*

Rental tenure will be secured in perpetuity via legal agreement, and the new zone will require secured rental tenure in order to achieve the maximum density of 6.12:1 floor space ratio. A covenant will also be registered on the title of the property to prohibit the stratification of individual units.

**Development Permit with Variances Application**

The OCP identifies the subject properties within [Development Permit Area 3 \(HC\)](#) : Core Mixed Use Residential, which envisions evolving the area through the addition of mid- and high-rise residential mixed-use buildings by 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. Below is a summary of how the proposal addresses some of the key elements in the DCAP design guidelines.

*Building Composition and Site Layout*

The DCAP includes specific design guidelines to ensure that a tall building (defined as any building over 23m in height) is designed to protect sky views and access to sunlight through balanced street width to building height proportions, the overall massing, generous tower setbacks and separation distances. The proposed building is 64.56m tall, and the following table compares the proposal with key design guidelines in DCAP for high-rise residential building (greater than 36m in height) to assess its impact on neighbouring lots and the public realm.

<b>Design Criteria for a High-Rise Residential Building (greater than 36m in height)</b>	<b>Recommended</b>	<b>Proposed</b>
Site area for a corner lot – minimum	1400m <sup>2</sup>	2,172.70m <sup>2</sup>
Tower setback from the street wall – minimum	3m	Pandora – 3.5m Quadra – 5m Mason – 3.5m
Tower setback from the side and rear property lines - minimum	10m	28.11m (west side)
Tower floor plate size – maximum	650m <sup>2</sup>	584.6m <sup>2</sup>
Floor plate width - maximum	24m	23.5m
Building Orientation	North-South	North-South

To summarize, the proposal exceeds the minimum site area for a corner lot as wells as minimum tower setbacks from the west side property line and tower step back from the street wall. In particular, the applicant is proposing a large side yard setback to minimize impacts of shadowing

on adjacent properties to the north, as well as providing rooftop amenity space on level two. The application addresses the preferred building orientation and is below the maximum tower floor plate size.

In terms of façade composition, the proposal includes a high proportion of transparent glazing for the street level commercial units to support street vitality and safety. The application also proposes the use of high-quality and durable materials consisting of brick for the base and metal panels for the tower.

Downtown Core Area Plan guidelines call for back of house uses (loading, garbage collection), and pad-mounted transformers (PMT) to be situated away from public view, where possible. In this proposal, the back-of-house uses are substantially located in the parkade entrance off Mason Street. The PMT is currently located on Mason Street, in public view, though this may change pending finalization of BC Hydro servicing plans. Landscaping and screening to soften the visual impact of the PMT from Quadra Street has been provided.

### *Outdoor common space*

The DCAP design guidelines highlight the importance of shared outdoor amenity spaces that are available for all building residents and that encourage social interaction, play and urban food production. The application proposes shared outdoor amenity space accessible on level two, with the following features:

- varied and substantial outdoor seating options
- clear access and visibility from circulation space
- soft landscaping areas with trees to reduce heat island effects
- raised planter boxes for urban agriculture opportunities for residents
- dog run to accommodate pet needs within the building
- playground area.

In addition, there is an outdoor amenity space provided on the rooftop that includes significant outdoor seating area (some covered) as well as barbeque and entertainment space.

### *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 two heritage designated buildings: St. John the Divine Anglican Church (1611 Quadra Street) and Alix Goolden Performance Hall (907 Pandora Avenue). Both buildings are listed as prominent heritage buildings in the OCP. The 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 proposed tower location is partially within the overlap of the two landmark building radii (see

figure 2). Once consolidated, there will be a portion of the subject property that is not impacted by the landmark radii, on the western part of the site (addressed 854/858 Pandora Ave). Placing the tower in this location would allow for it to be outside of the identified area of heritage impact; however, there are also competing priorities related to tower placement, which are discussed below.

It is anticipated that any redevelopment of the adjacent property at 830-848 Pandora Avenue will result in a podium and tower form similar to the subject site; therefore, consideration was given to future tower and associated separation distances.

The Downtown Core Area Plan guidelines call for a minimum 10m setback from adjacent rear and side setbacks, as well as providing guidance on a 20m separation distance between residential towers (which would be accomplished with the 10m setback per lot). If the proposed tower were to be relocated to the western portion of the subject property, out of the heritage landmark radius, it is unlikely that the tower separation distance requirements could be met upon future build out of the adjacent property, at 830-848 Pandora Avenue. The adjacent property is also subject to a different heritage landmark radius from the Congregation Emanu-el Synagogue at 1461 Blanshard Street, and it is unlikely that a future tower on that site would be able to be situated outside the applicable heritage landmark radius and meet the 10m lot line setback guideline.

Further, if the proposed tower were to be relocated to the western portion of the subject property, maintaining a 10m lot line setback, it would result in the fragmentation of the podium rooftop amenity space and would negatively impact the floorplan of the ground floor commercial space. Given these constraints on tower location, and the impacts on the future viability of developing the adjacent lot, there are still concerns 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. Therefore, the recommendation includes direction to require a lighter material colour on the tower to allow it to recede more from the prominence of the adjacent heritage buildings.



When compared to the most appropriate zone standard - (CBD-2) DT, there are variances to the required setbacks. While the proposal is consistent with the DCAP design guidelines – and therefore recommended for support, the recommendation is to accommodate the reductions as variances. This ensures that reduced zoning permissions are not entrenched in the new zone, precluding future Council review and approval if changes are made to the design.

### *Parking*

The application requires a parking variance to the requirements of Schedule C – a shortfall of 10 residential stalls, from the required 113 stalls down to 103. The proposal also requires a variance to the number of commercial parking spaces (20 down to 10) and visitor spaces (13 down to 11). Given the different time of day demands on the commercial parking and the visitor parking spaces – the commercial spaces are primarily utilised during daytime hours, and visitor in the evenings – these parking stalls are planned to be “shared”, designated for different use depending on the time of day.

Given the minimal parking reduction required, and the sharing of spaces, the parking variance is recommended for support with appropriate TDM measures including enhanced bicycle parking, a bike maintenance station, and the provision of car share memberships and usage credits for those residential units without access to a parking space.

Due to requirements that the underground parkade not project into either of the requested SRW's, the applicant has had to redesign the parkade. This revision has resulted in a parkade design that requires long term bike parking to be partially provided on parking level two, further from finished grade than permitted. However, given the benefit of securing of the SRW without underground parkade projections, a variance to the requirement that long term bike parking be within one level of finished grade is recommended.

### 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.

### Advisory Design Panel Review

The application was reviewed by the Advisory Design Panel on June 28, 2023. At that meeting, the following motion was passed (note that this motion has not been approved in the ADP minutes at time of this report):

*That the Advisory Design Panel recommend to Council that Development Permit with Variances Application No. 00239 for 854-880 Pandora Avenue be approved with the following changes:*

- *Applicant to provide staff and Council with studies showing what the same density would look like in a more slender but higher tower to allow the tower to encroach less into the view radius of the heritage buildings*
- *Further consideration to the tower placement on the podium to indicate to staff and council that the proposed location is the most optimal one to balance the competing objectives in the planning documents*

- Applicant to further consider the nature of the colours and materials in order to create a greater sense of cohesion with the podium
- The applicant to demonstrate to staff how the commercial ground spaces are intended to be uses, particularly with how the building touches the ground
- Applicant to further explore additional opportunities for details that reference the heritage buildings in the context .

The applicant has not revised the proposal to address ADP comments. It is important to note that ADP reviewed the proposal at 14 storeys and 4.5:1 FSR. The applicant has added six storeys to the proposal but has not reduced the floor plate which does not respond to ADP’s comment to make the tower more slender in appearance.

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 ten trees have been inventoried. Four are municipal trees located on the Quadra Street frontage and six are municipal trees located on the Pandora Avenue frontage.

The four municipal trees along the Quadra Street frontage, M-5 (37 cm diameter English oak), M-6 (28 cm diameter English oak), M-7 (33 cm diameter English oak) and M-8 (31 cm diameter English oak) require removal for building excavation.

The municipal trees on the Pandora Avenue frontage will be retained following the mitigation measures outlined in the arborist report.

The applicant is proposing to plant 12 new trees on the subject lot in accordance with the Bylaw. Under the current proposal, the applicant would be required to pay \$10,000 for cash-in-lieu towards the City’s Tree Reserve Fund (\$2,000 X 5 replacement trees not planted). Three new municipal trees are proposed on the Quadra Street frontage and five municipal trees are proposed on the Mason Street frontage. All new municipal trees are proposed in irrigated soil cells.

Tree Impact Summary Table

Tree Status	Total # of Trees	To be REMOVED	To be PLANTED	NET CHANGE
On-site trees, bylaw protected	0	0	12	+12
On-site trees, not bylaw protected	0	0	0	0
Municipal trees	10	4	8	+4
Neighbouring trees, bylaw protected	0	0	0	0
<b>Total</b>	10	4	20	<b>+16</b>

**Encroachment Agreement**

A number of street-level canopies are proposed along Quadra Street and Pandora Avenue, which project above the City Right-of-Way. These are encouraged in the Guidelines to provide pedestrian weather protection and welcoming streetscapes. In order to facilitate these canopies,

the applicant is required to enter into an Encroachment Agreement with the City. Appropriate wording is included in the recommendation for Council's consideration.

## **CONCLUSIONS**

The proposal substantially complies with the OCP and advances City strategic priorities related to pedestrian mobility, urban forestry and secured rental tenure in perpetuity, as well as the inclusion of a small number of secured affordable housing units. The variances for setbacks and parking are recommended for support. For these reasons, support of the application is recommended.

## **ALTERNATE MOTIONS**

### **Option 1 – 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 September 25, 2023 for 854-880 Pandora Avenue, subject to the following conditions:
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. That the applicant makes the following revisions to the plans satisfactory to the Director of Sustainable Planning and Community Development:
    - i. ensure minimum widths for functional over-size bike parking stalls;
    - ii. revise the Mason Street design to ensure the minimum 1.8m pedestrian zone width is met;
    - iii. incorporate a continuous sidewalk design crossing Mason Street on Quadra Street frontage; and
    - iv. revise the tower materials to provide a lighter material colour, as well as consider options to maintain the visual prominence of the adjacent heritage landmark buildings.
3. That subject to approval in principle at the public hearing, the applicant prepare and execute the following legal agreements, with contents satisfactory to the Director of Sustainable Planning and Community Development and form satisfactory to the City Solicitor prior to adoption of the bylaw:
  - a. The property shall be rental in perpetuity
  - b. The following 5 units secured as affordable rental in perpetuity:
    - i. two studio units
    - ii. two one-bedroom units
    - iii. one two-bedroom townhouse
  - c. Transportation Demand Management agreement including:
    - i. provision of a bicycle maintenance/wash station
    - ii. fifty percent of long-term bicycle parking spaces to have access to an electrical outlet to enable E-bike charging

- iii. twenty-two oversize bicycle parking spaces
  - iv. a minimum of ten car share memberships and usage credits for use by residential units without access to a vehicle parking space
- 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. 0.60m wide right of way along Quadra Street and 1.5m wide right of way along Mason Street for highway purposes.
  - b. Section 219 covenant to secure upgrades to existing sidewalk conditions, continuous sidewalk on Mason Street crossing, addition of street furniture, and soil cells for any new trees proposed on the Quadra Street frontage, Pandora Street frontage, and Mason 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 subject to adoption of the zoning bylaw amendment, Council authorize the projecting encroachments over the City right of way on Quadra Street generally as shown on the plans submitted to the City and date stamped September 14, 2023 provided that the applicant enters into an encroachment agreement with contents satisfactory to the Director of Engineering and Public Works and form satisfactory to the City Solicitor at the time of building permit approval.
- 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 Variances 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. 00849, if it is approved, consider the following motion:

- “1. That subject to the adoption of the necessary Zoning Regulation Bylaw amendment, Council authorize the issuance of Development Permit with Variances No. 00239 for 854-880 Pandora Avenue in accordance with plans submitted to the Planning department and date stamped by Planning on September 11, 2023 subject to:
  - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
    - i. reduce vehicle parking from 113 stalls to 103 stalls
    - ii. reduce the visitor vehicle parking from 20 stalls to 10 stalls
    - iii. reduce the commercial parking from 13 stalls to 11 stalls
    - iv. reduce rear setback for portion of building between 5m and 18m in height from 8.0m to 2.23m
    - v. reduce rear setback for portion of building greater than 18m in height from 10.0m to 5.65m
    - vi. reduce east side setback for portion of building greater than 18m in height from 10.0m to 6.27m

- vii. reduce west side setback for portion of building less than 18m in height from 3.0m to 0.35m
- viii. permit long term bike parking to be located more than one level below finished grade

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

### **Option 2 – decline**

That Council Rezoning Application No. 00849 and Development Permit with Variances Application No. 00239 for 854-880 Pandora Avenue

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 September 14, 2023
- Attachment C: Letter from applicant to Mayor and Council dated September 14, 2023
- Attachment D: Community Association Land Use Committee Comments dated March 28, 2023 and September 15, 2023
- Attachment E: Pre-Application Consultation Comments from Online Feedback Form
- Attachment F: Correspondence (Letters received from residents).
- Attachment G: Draft ADP minutes June 28, 2023