



## Committee of the Whole Report For the Meeting of June 20, 2024

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**To:** Committee of the Whole **Date:** June 6, 2024

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

**Subject:** **Rezoning Application No. 00860 and Development Permit with Variances Application No. 00249 for 1276/1278 Gladstone Avenue**

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### RECOMMENDATIONS

#### 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 June 6, 2024, for 1276/1278 Gladstone Avenue.
2. That, after publication of notification in accordance with section 467 of the *Local Government Act*, first, second and third reading of the Zoning Regulation Bylaw amendment be considered by Council once the following conditions are met:
  - a. Revisions to the landscape plan to consider achieving the siting and soil volume requirements of the *Tree Protection Bylaw* for the proposed replacement tree in the front yard to the satisfaction of the Director of Parks, Recreation and Facilities.
  - b. Revisions to the frontage design to include a ramp access as part of the proposed on-street loading zone design, to the satisfaction of the Director of Engineering and Public Works.
3. That following the third reading of the Zoning Regulation Bylaw amendment, the applicant prepare and execute legal agreements, with contents satisfactory to the Director of Sustainable Planning and Community Development, the Director of Engineering and Public Works, and form satisfactory to the City Solicitor prior to adoption of the bylaw to secure the following:
  - a. To secure the 18 new residential dwelling units as rental in perpetuity.
  - b. To secure two two-bedroom units and six three-bedroom units within the building.
  - c. Provision of transportation demand measures including:
    - i. a \$55,000 contribution towards the purchase and operation of a shared home-based Electric Vehicle (EV)

- ii. a \$20,000 contribution towards the design and installation of an on-street dual head level 2 Electric Vehicle (EV) charger
  - iii. car share membership with a \$100.00 usage credit per dwelling unit
  - iv. BC Transit Eco Passes for 50 percent of the units for a three-year term.
- d. Authorization for the existing Statutory Right-of-way CA7437563 currently registered on Title (a 1.85m SRW for highway purposes) along Gladstone Avenue be rescinded and replaced with a new Statutory Right-of-way for the same area and purpose, with updated terms and conditions.
- e. Authorization for the City Solicitor to enter into a Statutory Right-of-way for the purpose of municipal infrastructure (a water vault) if it is determined to be required.
4. 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.
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 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 authorize the issuance of Development Permit with Variances No. 00249 for 1276/1278 Gladstone Avenue, in accordance with plans submitted to the Planning department and date stamped by Planning on April 26, 2024, subject to:
- a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
    - i. reduce the minimum rear lot line setback from 6.00m to 3.95m for the main face of the building and to 1.00m for the first storey and patio
    - ii. reduce the minimum side (east) lot line setback from 3.50m to 2.09m for the building, to 1.44m for the balconies, and to 0.06m for the steps
    - iii. reduce the minimum side (west) lot line setback from 3.50m to 2.08m for the main face of the building, to 1.36m for the balconies, and to 0.00m for the first storey and patio
    - iv. reduce the number of residential parking spaces from 18 spaces to 0 spaces
    - v. reduce the number of commercial parking spaces from 8 spaces to 0 spaces
    - vi. reduce the number of visitor parking spaces from 2 spaces to 0 spaces
    - vii. reduce the number of accessible parking spaces from 1 space to 0 spaces
    - viii. reduce the number of van accessible parking spaces from 1 space to 0 spaces
    - ix. increase the maximum height of a building from 12m to 13.56m
    - x. increase the maximum number of storeys from four storeys to five storeys.
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 concurrent Development Permit with Variances Application. Relevant rezoning considerations included in the proposal are to change the use and increase the density, while the Development Permit considerations relate to the applications consistency with the relevant design guidelines and the impact of the variances.

### **Enabling Legislation**

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

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

In accordance with Section 489 of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *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 revitalization of an area in which a commercial use is permitted, a Development Permit may include requirements respecting the character of the development, including landscaping, and the siting, form, exterior design and finish of buildings and other structures.

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 (DPV) Application for the property located at 1276/1278 Gladstone Avenue. The proposal is for a 19-unit mixed use apartment building consisting of 18 residential rental units and one commercial unit.

The proposal is to rezone from the R-2-T Zone, Two Single Family Dwelling District, to a new site-specific zone to increase the density from 0.30:1 Floor Space Ratio (FSR) to 1.52:1 FSR and allow for multiple dwellings and commercial uses at this location. The existing single-family dwellings and accessory structures are proposed to be demolished.

The following points were considered in assessing the Rezoning application:

- The proposal is consistent with the Small Urban Village designation in the *Official Community Plan, 2012* (OCP), which envisions low rise, multi-unit, mixed use buildings with heights up to four storeys.
- The proposal is consistent with the housing objectives of the *Fernwood Neighbourhood Plan* (FNP) that encourages low-rise residential apartment buildings as rentals units.
- The proposal aligns with the mixed use and “commercial-desired” policies for properties located within the Fernwood Village as specified in the *Fernwood Neighbourhood Plan*.
- The proposal aligns with the Heritage Conservation Area policies for properties located within the Fernwood Village as specified in the *Fernwood Neighbourhood Plan*.
- Provision of a 1.85m wide SRW along Gladstone Avenue contributes towards achieving a standard right-of-way width to accommodate for wider sidewalks and boulevard spaces.
- The Tenant Assistance Plan meets the policy expectations with respect to rent compensation, moving costs, relocation support by a hired coordinator, and right of first refusal is being provided to the eligible tenants at 20% below market rental rates.

There is a concurrent Development Permit with Variance (DPV) application pertaining to the proposed form and character, exterior design, finishes, and landscaping. The following points were considered in assessing the Development Permit with Variance application:

- The proposal is consistent with the applicable design guidelines for mixed-use buildings based on the *Fernwood Village Design Guidelines (2022)*, the *Guidelines for Fences, Gates, and Shutters (2010)* as well as the guidelines found in the *Official Community Plan (2012)*, Development Permit Area 6B (HC) and the *Fernwood Neighbourhood Plan (2022)*.
- The proposal aligns with the Standards and Guidelines for the Conservation of Historic Places in Canada (A Federal, Provincial and Territorial Collaboration).
- The requested variances related to reducing setbacks and removing the requirement for parking, increasing height and number of storeys are all supportable as they offer a contextual response to the existing site conditions and existing neighbourhood character.

## **BACKGROUND**

### **Description of Proposal**

The proposal is to rezone from the R-2-T, Two Single Family Dwelling District, to a new site-specific zone in order to increase the density from 0.30:1 FSR to 1.52:1 FSR and facilitate the development of a new 19-unit mixed use apartment building consisting of 18 residential rental units and one commercial unit on the subject property.

It is recommended that a site-specific zone, be drafted should Council choose to advance the application. The zone will be based on a combination of the CR-F, Fernwood Commercial Residential District and CR-6, Commercial Residential Fernwood Village District zones, which is consistent with other mixed use development projects in the Fernwood Village Heritage Conservation Area. However, in a number of instances, variances are recommended (instead of inclusion into the new zone), to ensure that if this proposal is not built, the reduced siting criteria, increased height and reduced parking requirements are not permitted as of right in zoning, and any application proposing similar variances would require Council review and approval.

The concurrent DPV application addresses design guidelines as per the OCP’s DPA 6B (HC) – Small Urban Villages Heritage for projects in the Fernwood Village Heritage Conservation Area.

The following changes are proposed and would be accommodated into the new zone:

- changing the land use from two single-family dwellings to multi-family with commercial uses (bakery, restaurant, neighbourhood pub) on the ground floor
- permitting roof decks
- increasing the maximum floor space ratio (FSR) from 0.30:1 to 1.52:1
- increasing the maximum height of a building from 5.6m for the north building and 5.5m for the south building to 12m
- increasing the maximum number of storeys from one storey to four storeys
- increasing the maximum site coverage from 40% to 61%.

Multiple variances are required to facilitate the development, specifically:

- reducing the minimum rear lot line setback from 6.00m to 3.95m for the main face of the building and to 1.00m for the first storey and patio
- reducing the minimum side (east) lot line setback from 3.50m to 2.09m for the building, to 1.44m for the balconies, and to 0.06m for the steps
- reducing the minimum side (west) lot line setback from 3.50m to 2.08m for the main face of the building, to 1.36m for the balconies, and to 0.00m for the first storey and patio
- reducing the number of residential parking spaces from 18 spaces to 0 spaces
- reducing the number of commercial parking spaces from 8 spaces to 0 spaces
- reducing the number of visitor parking spaces from 2 spaces to 0 spaces
- reducing the number of accessible parking spaces from 1 space to 0 spaces
- reducing the number of van accessible parking spaces from 1 space to 0 spaces
- increasing the maximum height of a building from 12m to 13.56m
- increasing the maximum number of storeys from four storeys to five storeys.

## **Land Use Context**

The area around the Fernwood Village is primarily characterized by a mix of single-family, two-family, and multi-family residential homes. Within the Village, there is a mix of ground-floor commercial and mixed-use buildings.

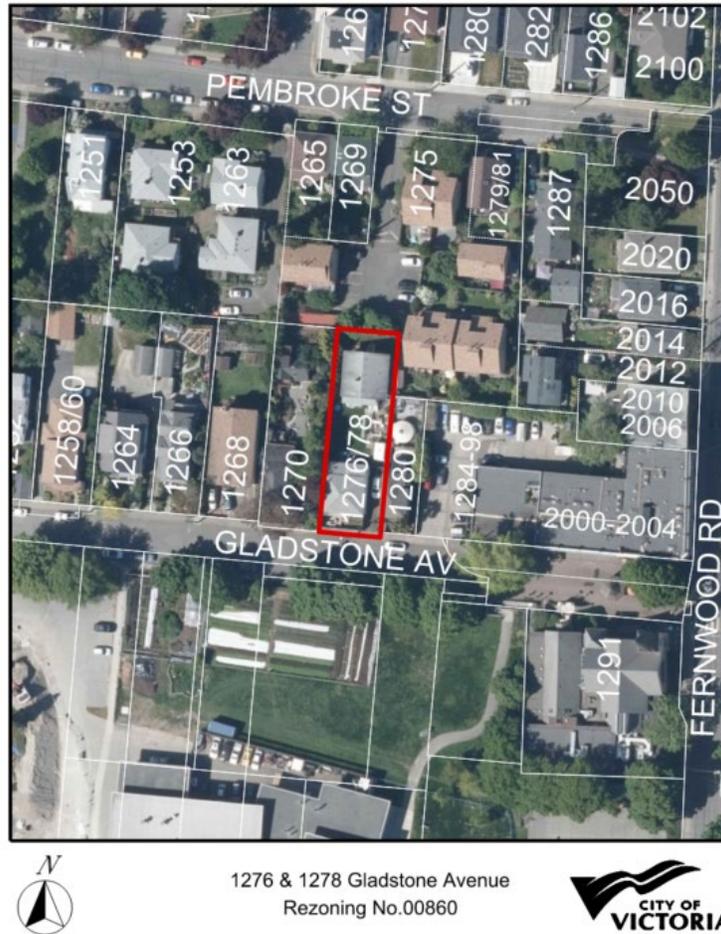
The Gladstone outdoor Mall, William Stevenson Memorial Park, Fernwood Community Centre, and newly renovated Victoria High School are all in close proximity to the subject property.

The adjacent properties are single-family and multi-family homes, and the Victoria High School is located on the opposite side of Gladstone Avenue.

## **Existing Site Development and Development Potential**

Figure 1 shows the location of the subject site. The existing single-family dwellings and accessory structures are all proposed to be demolished.

Under the R-2-T Zone, Two Single-Family Dwelling District, the existing single-family homes can be demolished, and new homes built in their place.



**Figure 1. Aerial photo of subject site**

**Data Table**

The following data table compares the proposal with the CR-F Zone, Fernwood Commercial Residential District, and CR-6 Zone, Commercial Residential Fernwood Village District, which is consistent with other mixed-use development projects in the Fernwood Village Heritage Conservation Area. An asterisk is used to identify where the current proposal does not meet the requirements of one or both of these zones.

Zoning Criteria	Proposal	CR-F Zone	CR-6 Zone
Site area (m <sup>2</sup> ) – minimum	626.40	N/A	N/A
Lot width (m) – minimum	13.70	N/A	N/A
<b>Density (Floor Space Ratio) – maximum</b>	<b>1.52:1*</b>	1.40:1	1.00:1
Total floor area (m <sup>2</sup> ) – maximum	949.46	N/A	N/A

Zoning Criteria	Proposal	CR-F Zone	CR-6 Zone
Combined floor area (m <sup>2</sup> ) – minimum	1319.17	N/A	N/A
Floor area of dwelling unit (m <sup>2</sup> ) – minimum	38.32	N/A	N/A
<b>Height (m) – maximum</b>	<b>13.56*</b>	12.00	10.60
<b>Storeys – maximum</b>	<b>5 storeys*</b> (4 storeys and a roof deck)	4 storeys	4 storeys
Roof deck	Yes	Permitted	Permitted
Site coverage (%) – maximum	60.98	59.00	63.00
<b>Setbacks (m) – Front</b>	<b>5.69*</b>	6.00	3.50
<b>Setbacks (m) – Rear</b>	<b>3.95*</b> – main face of building <b>1.00*</b> – 1 <sup>st</sup> storey and patio	6.00	7.50
<b>Setbacks (m) – Side (East)</b>	<b>2.09*</b> – main face of building <b>1.44*</b> – balconies <b>0.06*</b> – steps	3.39	0.00
<b>Setbacks (m) – Side (West)</b>	<b>2.08*</b> – main face of building <b>0.00*</b> – 1 <sup>st</sup> storey and patio <b>1.36*</b> – balconies	3.39	1.50
<b>Vehicle parking – minimum</b>	<b>0*</b>	18 - Residential	18 - Residential
<b>Commercial parking – minimum</b>	<b>0*</b>	8 - Commercial	8 - Commercial
<b>Visitor Vehicle Stalls (included in overall total)</b>	<b>0*</b>	2 - Visitor	2 - Visitor
<b>Accessible Vehicle Stalls (included in overall total)</b>	<b>0*</b>	1 - Accessible 1 - Van Accessible 0 - Visitor Accessible 0 - Van Visitor Accessible	1 - Accessible 1 - Van Accessible 0 - Visitor Accessible 0 - Van Visitor Accessible
Long Term Bicycle Parking	34.00	20.00	20.00
Short Term Bicycle Parking	7.00	7.00	7.00

## Mobility

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

- an additional 14 long-term bicycle parking spaces provided in excess of what is required as per Schedule C of the *Zoning Regulation Bylaw*
- a \$55,000 contribution towards the purchase and operation of a shared home-based

#### Electric Vehicle (EV)

- a \$20,000.00 contribution towards the design and installation of an on-street dual head level 2 Electric Vehicle (EV) charger
- Modo car share memberships with a \$100 usage credit per residential dwelling unit
- BC Transit Eco Passes for 50 percent of the units for a three-year term.

As part of the TDM package, the monetary contributions provided by the applicant will go towards purchasing a new electric Modo vehicle and EV charging station located on Gladstone Avenue.

The owner will provide a 1.85m Statutory Right-of-way along the Gladstone Avenue frontage. This contributes to a more standard road width and supports the City's public realm and mobility goals.

#### **Accessibility**

The proposal includes accessible design features for mobility considerations, including:

- a bike runnel for easy access to the level one long-term bicycle storage area
- an additional secured and weather protected long-term bicycle parking area accessible from the ground level to accommodate cargo bikes and mobility scooters.

As well, the applicant is proposing to construct five studio apartments located on the ground level as Adaptable Dwelling Units.

#### **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 June 26, 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 formal Official Community Meeting with the Fernwood CALUC on July 25, 2023.

A letter dated August 18, 2023, along with the comment forms are attached to this report.

In response to this consultation, the applicant implemented various privacy and screening measures, changed the exterior siding to a lighter material, re-designed the rooftop patio at the rear of the building, added more landscaped greenery, and enlarged the outdoor amenity space.

Pursuant to section 464(3) of the Local Government Act, Council is prohibited from holding a public hearing when a residential rezoning application is consistent with the OCP and comprises at least half of the gross floor area of all buildings and other structures proposed as part of the development. However, notice must still be sent to all owners and occupiers of adjacent properties prior to introductory readings of the bylaws.

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.

## Advisory Design Panel

The application was reviewed by the Advisory Design Panel on Wednesday, January 24, 2024. At that meeting, the following motion was passed:

*That the Advisory Design Panel recommend that Development Permit Application No. 00249 for 1276/1278 Gladstone Avenue be approved with the following changes:*

- *Consideration for garbage and recycling to be enclosed.*
- *Consideration for more soft landscaping to the subject site.*

In response, the applicant enclosed the residential garbage and recycling area, and is providing more soft landscaping, specifically clematis armandii vines, on each side of the proposed building.

## ANALYSIS

### Rezoning Application

#### Official Community Plan, 2012

The *Official Community Plan* (OCP, 2012) Urban Place Designation for the subject property is Small Urban Village, which envisions low-rise multi-unit, mixed use, and freestanding commercial buildings with heights generally ranging to four storeys depending on the existing and envisioned context of the area. Taller buildings are generally envisioned to be located in mixed-use forms in areas that support the growth management concept of the plan.

Envisioned uses include multi-family residential and mixed use, commercial, home occupations, and live/work units. Low to medium density residential, mixed use, and freestanding commercial use is encouraged with a base density of 1.5:1 FSR. Additional density of up to 2:1 FSR may be considered where public benefit is provided consistent with neighbourhood plan objectives. The proposal is generally consistent with this urban place designation and the housing goals and objectives of the *Official Community Plan, 2012*.

#### Fernwood Neighbourhood Plan

The *Fernwood Neighbourhood Plan* (FNP, 2022) is consistent with the OCP and designates the subject property as Small Urban Village and located in the identified Heritage Conservation Area. Within Fernwood Village, the FNP encourages a mix of commercial and community services with low-rise apartment residential and mixed-use buildings at densities of approximately 1.5:1 to 2.0:1 FSR, with higher densities in this range considered where public benefits or affordable housing is provided. The identified Heritage Conservation Area is a tool used to protect, preserve, and enhance the heritage value or character of related properties with collective historical significance.

The FNP also designates the property as being in a “commercial-desired area” of the Fernwood Village, which calls for considering mixed-use development with publicly orientated, active ground floor uses that may include retail, community and public servicing spaces, or art spaces. Where the ground floor of a new building is not entirely occupied by a commercial space, the FNP encourages active residential-orientated uses in the remaining portion of the ground floor. Housing objectives in the FNP support the creation of multi-family development with varied tenure options including rental housing in the urban villages. Other guiding policies in the FNP speak to future mixed-use developments providing diverse mobility options and opportunities for people to choose car-light lifestyles and to aid in advancing the City’s heritage objectives. The proposal is consistent with the goals and objectives of the *Fernwood Neighbourhood Plan*.

## Housing

This application for 18 dwelling units would result in approximately 16 net 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 2. Housing Continuum**

### *Affordability Targets*

The application indicates that all 18 residential dwelling units will be available for market rent.

### *Housing Mix*

The proposed dwelling unit typologies consist of five studio units, five one-bedroom units, two two-bedroom units, and six three-bedroom units for a total of 18 residential rental dwelling units and 16 net new units. A legal agreement is proposed to secure the provision of at least two two-bedroom units and six three-bedroom units.

### *Security of Tenure*

The applicant has offered to enter into a housing agreement in order to secure the 18 residential dwelling units as rental in perpetuity.

### *Existing Tenants*

This proposal is to demolish two existing single-family dwellings and re-develop on the subject site, which would result in a loss of two existing residential rental units. Consistent with the *Tenant Assistance Policy*, the applicant has provided a Tenant Assistance Plan. This Tenant Assistance Plan meets policy expectations with respect to rent compensation, moving costs, and relocation support. The applicant has hired a relocation coordinator, with direct access to rental properties in the region, to assist the two eligible tenants with relocation. Right of first refusal is being provided to the eligible tenants at 20% below market rental rates.

## **Development Permit with Variance Application**

The *Official Community Plan* (OCP, 2012) identifies this property as being within Development Permit Area 6B (HC): Small Urban Village Heritage and the associated design guidelines apply. The primary objectives for DPA 6B (HC) include accommodating Victoria's anticipated residential growth within Small Urban Villages, supporting future commercial through revitalizing an area of commercial use through infill.

Enhancing the heritage value and characteristics of the area and enhancing the area through infill with a high quality of architecture, landscape and urban design that responds to its heritage setting through sensitive and innovative interventions is also a goal of this DPA. The special features, characteristic and special conditions within DPA 6B (HC) include Small Urban Villages as nodes of commercial use that support adjacent land use areas with potential for revitalization through infill, building additions and heritage conservation. Small Urban Villages have capacity for mixed-use development with active commercial at the street level and multi-family residential above.

The Fernwood Village area of the City is a small commercial district with a majority of buildings that date back to both Victorian and Edwardian eras. Many of the buildings are listed on the City of Victoria Heritage Register, and some are protected heritage property. The proposal is consistent with the general design guidelines and heritage conservation area policies identified in the *Official Community Plan, 2012* for Development Permit Area 6B (HC).

### Fernwood Village Design Guidelines

The Fernwood Village Design Guidelines encourage articulation of façades, especially for larger buildings, into a series of intervals, using vertically proportioned windows and bays, to reflect and fit within the established streetscape pattern. New development should seek to include a distinct roof line in the building design, through such measures as a simplified or contemporary cornice or parapet. Incorporating pedestrian-scale lighting along the length of the building face is key, as is locating and screening proposed rooftop structures so they are not visible from the public realm.

The Fernwood Village design guidelines also encourage the provision of varied roof lines across different buildings to create visual interest along the street, and to generally align floor heights, mid-cornice lines, windowsills, and top edges with those adjacent heritage buildings, and discourages blank walls along open spaces. The proposal is consistent with these guidelines.

### Guidelines for Fences, Gates, and Shutters

The Guidelines for Fences, Gates and Shutters applies to properties in the Fernwood Village heritage conservation area. These guidelines recommend that fences, gates, and shutters integrate with building design, architectural finishes, and materials for a cohesive effect, and be constructed of high quality, durable materials that weather gracefully, and not be too dominating. The proposal aligns with these design guidelines.

### Guidelines for the Conservation of Historic Places in Canada

The proposal aligns with the Guidelines for the Conservation of Historic Places in Canada as it relates to the exterior design and its relationship to the surrounding heritage in Fernwood Village. The use of reclaimed brick and vertical stack bond brick on the façade of the building aligns with character defining elements that historical buildings in the Fernwood Village seek to maintain. The exterior design contributes to the surrounding heritage value of neighbouring historic buildings. Overall, the proposal aligns with the guidelines for the conservation of historical places in Canada.

## Regulatory Considerations

### Setbacks

Variations are being requested to reduce the front, rear, and side yard setbacks. The Fernwood Village guidelines state that in the area adjacent to the established Fernwood Village (where new commercial and mixed-use development is envisioned) new buildings must be located and setback as to achieve a minimum of four metres from the curb to the face of the building. The design guidelines also advise incorporating small setbacks for portions of the façade at the street level to accommodate sidewalk cafes, patios, and other outdoor seating areas. The primary objectives of setbacks in the front, rear and sides of a property are to allow for the preservation of green spaces for trees, landscaping, and stormwater management, to provide an outdoor amenity space for residents and to avoid shading neighbouring properties.

The setbacks as proposed align with the Fernwood Village design guidelines and primary purpose of maintaining setbacks to adjacent buildings. The front yard setback reduction is minor, and adequate building separation remains for the rear and side yards. A zero setback for the first storey on the western side of the property does not present any impact to neighbours, as it is to accommodate the secure bicycle parking storage room. Support for the proposed setback variations is recommended.

### Height and Massing

Variations are requested to increase the maximum building height and the number of storeys. The building is proposed to be 13.57 m in height, which is higher than the comparable CR-F Zone and CR-6 Zone in the Fernwood Village area (12.0m and 10.60m). To mitigate the impacts of increased height and massing, the applicant has made the following exterior design changes:

- removed the rooftop access stair closest to the rear yard and replaced it with an exterior stair at the fourth storey, resulting in a stepped massing and reduced shadowing impact
- brick banding has been added to match the street-facing elevation, additional windows have been provided and the façade has been broken up by the exterior stairs
- the cladding on the west and east façades have been changed from black standing metal seam siding to a wood style board and batten, with variation in the spacing of the boards on each level to differentiate the storeys and further break up the façade.

The building presents as three storeys along Gladstone Avenue, as four storeys at the back and along the sides, however, it is technically considered a five-storey building due to the rooftop access and the way height is measured relative to average grade in the *Zoning Regulation Bylaw*.

The Fernwood Village design guidelines advise that new rooftop additions be designed sensitively to enable conservation of the entire historic building, to use a less dominating colour or lighter shade of colour, and that rooftop additions should be stepped back from the primary façade a minimum 4m to preserve views of the Belfry Theatre's spire. While the guideline for preserving views of the Belfry Theatre spire is primarily for rooftop additions to existing buildings, the proposed building incorporates similar principals into the design to ensure the new building is sympathetic to the existing and celebrated Fernwood Village heritage context.

Given these considerations, allowing a variance for increased building height and number of storeys is considered supportable.

## Parking

The applicant is proposing a zero-parking project, which requires variances to allow reduced parking from 18 residential parking spaces, eight commercial parking spaces, two visitor parking spaces, one accessible and one van accessible parking space to zero on-site parking.

To mitigate some of the potential impacts of a zero-parking project, the applicant is proposing 14 additional long-term bicycle parking stalls, monetary contributions totalling \$75,000 towards the purchase of a new home-based EV vehicle and new on-street dual head level 2 EV charger, Modo car share memberships with usage credits and BC Transit Eco Passes.

As well, the proposed frontage design includes an on-street loading zone parking stall, which is recommended to be modified to include a ramp in order to improve accessibility to the proposed development and the Fernwood Village. A plan revision for the current frontage design has been added to the recommendation for Council's consideration.

Allowing a zero-parking project development in this location is considered supportable based on these mitigations, as well as the property's proximity to frequent BC Transit routes, location in the heart of Fernwood Village and close to Downtown, and the continual expansion of the Gladstone outdoor mall and walkability that the design guidelines encourage for this area.

## **Urban Forest Master Plan and Tree Protection Bylaw**

The goals of the *Urban Forest Master Plan* include protecting, enhancing, and expanding Victoria's urban forest and optimizing community benefits from the urban forest in all neighbourhoods. The following points were considered in assessing the proposal:

- Eleven trees and one cedar hedge have been inventoried. Of these, there are five bylaw protected trees, all of which are on neighbouring lots. There are no trees located on the subject property and no municipal trees impacted by this application.
- All neighbours trees are proposed for retention throughout the development following mitigation measures outlined in the attached arborist report.
- The landscape plan shows four trees proposed along the western property line and one tree proposed in the front yard. All trees proposed on the subject lot do not currently meet the minimum siting and soil volume requirements outlined in the *Tree Protection Bylaw*.
- Cash-in-lieu for three replacement trees will be required. One municipal tree is proposed in a new grass bump-out along the Gladstone Avenue frontage.

## Landscape Plan Revisions

It is recommended that the landscape plan be revised by shifting or notching the proposed front bench seat away from the proposed new tree in order to achieve the replacement tree siting and soil volumes requirements, as per the *Tree Protection Bylaw*.

The applicant has not been amenable to making these changes and expressed a desire to advance the application to the Committee of the Whole for review and consideration; however, the recommendation includes appropriate wording to direct these revisions to the plans.

## Resource Impacts:

The table below summarizes the City of Victoria's municipal annual maintenance costs which would be incurred with this application:

Increased Inventory	Annual Maintenance
One net new municipal tree	\$60
14m <sup>2</sup> new grass boulevard (bump out) on Gladstone Ave.	\$100

## CONCLUSIONS

Rezoning the subject property to a new site-specific zone would permit the construction of a mixed-use building comprising of 18 market-rental residential dwelling units and one commercial unit (a bakery). The proposal aligns with policy objectives related to the City's overall housing targets for rental housing, providing much needed commercial business opportunities in Fernwood Village and expanding the pedestrian realm along Gladstone Avenue.

The proposal complies with the overall goals and objectives of the Small Urban Village urban place designation in the *Official Community Plan, 2012*, as well as the housing, commercial and heritage policies and design guidelines prescribed in the *Fernwood Neighbourhood Plan, 2022*.

The variances related to setbacks, height, number of stores are supportable, and the proposal for zero-parking is supportable based on the robust Transportation Demand Management measures.

Therefore, it is recommended that Council advance this application.

## ALTERNATE MOTION

That Council decline Rezoning Application No. 00860 and Development Permit with Variances Application No. 00249 for the property located at 1276/1278 Gladstone Avenue.

Respectfully submitted,

Kasha Janota-Bzowska  
Planner  
Development Services Division

Karen Hoese, Director  
Sustainable Planning and Community  
Development Department

## List of Attachments

- Attachment A: Subject Map
- Attachment B: Plans date stamped April 26, 2024
- Attachment C: Letter from Applicant to Mayor and Council dated April 26, 2024
- Attachment D: Arborist Report dated April 26, 2024
- Attachment E: Tenants Assistance Plan (TAP) approved on December 19, 2023
- Attachment F: Advisory Design Panel Minutes from the Meeting of January 24, 2024
- Attachment G: Fernwood Community Association Land Use Committee Comments dated August 18, 2023
- Attachment H: Pre-Application Consultation Comments from Online Feedback Form
- Attachment I: Correspondence (Letters received from residents)