



## Committee of the Whole Report

For the Meeting of December 14, 2017

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**To:** Committee of the Whole **Date:** November 30, 2017

**From:** Jonathan Tinney, Director, Sustainable Planning and Community Development

**Subject:** **Update on Rezoning Application No. 00525 and Development Permit with Variances Application No. 00035 for 1201 Fort Street and 1050 Pentrelew Place, and associated Official Community Plan Amendment**

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### RECOMMENDATION

#### Rezoning Application No.00525 and associated Official Community Plan Amendment

That Council instruct staff to prepare the necessary Official Community Plan Amendment Bylaw in accordance with Section 475 of the *Local Government Act* and the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00525 for 1201 Fort Street and 1050 Pentrelew Place, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council, and a Public Hearing date be set once the following conditions are met:

1. Preparation of the following documents, executed by the applicant, to the satisfaction of City Staff:
  - a. Housing Agreement to ensure that a future strata corporation could not pass bylaws that would prohibit or restrict the rental of units to non-owners
  - b. Housing Agreement to ensure that ten percent of the approved unit count, being no less than ten units, be provided as affordable rental units on another site within the City of Victoria
  - c. Statutory Right-of-Way of 1.86m along the Pentrelew Place frontage
  - d. Statutory Right-of-Way of 2.40m for the provision of a public pathway connecting Fort Street to Pentrelew Place
  - e. Statutory Right-of-Way of 2.53m for the provision of a future public pathway along the west side of the property
  - f. Section 219 Covenant for public realm improvements to Fort Street and Pentrelew Place
  - g. Section 219 Covenant for construction and maintenance of the public pathways.
2. That Council determine, pursuant to section 475(1) of the *Local Government Act*, that the affected persons, organizations and authorities are those property owners and occupiers within a 200m radius of the subject properties; that the

appropriate consultation measures would include a mailed notice of the proposed Official Community Plan Amendment to the affected persons; and posting of a notice on the City's website inviting affected persons, organizations and authorities to ask questions of staff and provide written or verbal comments to Council for their consideration.

3. That Council, having provided the opportunity for consultation with persons, organizations and authorities it considers will be affected, specifically, the property owners and occupiers within a 200m radius of the subject properties having been consulted at a Community Association Land Use Committee (CALUC) Community Meeting, consider whether the opportunity for consultation should be early and ongoing, and determine that no further consultation is required, pursuant to Section 475(1) of the *Local Government Act*.
4. That Council, specifically consider whether consultation is required under Section 475(2)(b) of the *Local Government Act*, and determine that no referrals are necessary with the Capital Regional District Board, Councils of Oak Bay, Esquimalt and Saanich, the Songhees and Esquimalt First Nations, the School District Board and the provincial and federal governments and their agencies due to the nature of the proposed amendment.
5. That Council give first reading to the Official Community Plan Amendment Bylaw.
6. That Council consider the Official Community Plan Amendment Bylaw in conjunction with the City of Victoria 2017-2012 Financial Plan, the Capital Regional District Liquid Waste Management Plan and the Capital Regional District Solid Waste Management Plan pursuant to Section 477(3)(a) of the *Local Government Act*, and deem those Plans to be consistent with the proposed Official Community Plan Amendment Bylaw.
7. That Council give second reading to the Official Community Plan Amendment Bylaw.
8. That Council refer the Official Community Plan Amendment Bylaw for consideration at a Public Hearing.

#### **Development Permit with Variances Application No. 00035**

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. 00525, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00035 for 1201 Fort Street and 1050 Pentrelew Place, in accordance with:

1. Plans date stamped November 15, 2017.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - a. increase the maximum height for Building A from 12.00m to 21.42m
  - b. increase the maximum height for Building B from 12.00m to 15.11m



- c. increase the maximum site coverage from 40% to 42.60%
  - d. reduce the Fort Street setback for Building A from 10.50m to 6.40m (to the building)
  - e. reduce the south setback for Building B from 7.56m to 6.13m
  - f. reduce the west setback for Building A from 10.71m to 4.00m (to the parkade structure)
  - g. reduce the west setback for Building B from 7.56m to 0.60m (to ground floor parking area and patio screen)
  - h. reduce the Pentrelew Place setback from 3.65m to 2.79m (to stairs)
  - i. reduce the required parking from 120 parking stalls to 119 parking stalls
  - j. reduce the required visitor parking from 12 stalls to 9 stalls.
3. Refinement of balcony materials on Buildings A and B to the satisfaction of the Director of Sustainable Planning and Community Development.
4. The Development Permit lapsing two years from the date of this resolution."

## LEGISLATIVE AUTHORITY

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

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

In accordance with Section 489 of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Official Community Plan*. 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 new information, analysis and recommendations regarding a Rezoning Application for the properties located at 1201 Fort Street and 1050 Pentrelew Place. At the Council meeting of October 26, 2017, Council passed a motion directing the applicant to revise several elements of the proposal, and that the revised application be brought back to Committee of the Whole.

Given that the applicant has revised the proposal to address the conditions outlined in the Council motion, staff are recommending for Council's consideration that the Rezoning and Development Permit with Variances proceed for consideration at a Public Hearing.



## BACKGROUND

### Description of Proposal

Similar to the previous proposals, the revised proposal is to rezone from the R3-AM-2 Zone, Mid-Rise Multiple Dwelling District, and the R1-B Zone, Single Family Dwelling District, to a new site specific zone in order to increase the density and allow for the construction of a six-storey multi-unit residential building, a four-storey multi-unit residential building and nine townhouses.

The request to amend the *Official Community Plan*, 2012 (OCP), to designate the south portion of the site as Urban Residential, consistent with the north portion of the site, is necessary because the application proposes to redistribute some of the height and density to the south. The proposed number of storeys for the multi-unit residential buildings and the overall floor space ratio of 1.29:1 exceeds the height and density envisioned for sites designated as Traditional Residential; however, the proposed density is consistent with the maximum envisioned in the OCP. In addition, the amendment would extend the boundary of DPA 7B (HC) – Corridors Heritage to encompass the entire site.

Previous Committee of the Whole (COTW) reports for Rezoning Application No. 00525 and Development Permit with Variances Application No. 00035 dated March 23, 2017 and October 12, 2017, and presented at the COTW meetings of April 6, 2017, and October 26, 2017, respectively, are attached for additional information and reference.

Most recently, on October 26, 2017, Council passed the following motion:

*“That the application be referred to staff to work with the applicant to address the following issues, and report to Committee of the Whole:*

- 1. Revise the density, massing, height and setbacks of the building to [the] south, to provide a more sensitive transition to the ground-oriented adjacent and nearby properties and mitigate concerns relating to overlook;*
- 2. Revise the massing, height and visual appearance of the townhouses, and remove the rooftop decks, to provide a more sensitive transition to the Pentrelew Place frontage and nearby properties;*
- 3. Revise the design and visual appearance of the driveway access on Pentrelew Place;*
- 4. Consider fixtures for public use and enjoyment in the landscape plan for the greenspace bounded by the proposed pathway, Fort Street and the property to the east subject to CPTED principles.*
- 5. Demonstrate how the application is consistent with the objectives of Development Permit 7b that is to encourage buildings that enhance the heritage character of the Fort Street corridor.”*

### Revisions Resulting from Council Motion

Revise the density, massing, height and setbacks of the building to the south, to provide a more sensitive transition to the ground-oriented adjacent and nearby properties and mitigate concerns relating to overlook.

The setback from the south property line to Building B has increased from 4.67m to 6.13m. In addition, to minimize overlook, the corner balconies on the second and third storeys have been removed and the remaining balconies have been reduced in area and setback further from the



property line. Furthermore, the floor plate of the fourth storey has been reduced and reconfigured to increase separation distance and mitigate concerns relating to overlook.

Revise the massing, height and visual appearance of the townhouses, and remove the rooftop decks to provide a more sensitive transition to the Pentrelew Place frontage and nearby properties.

The number of townhouses has been reduced from ten to nine units. The applicant has also removed the third storey and associated rooftop decks; as well as, reduced the overall height of the townhouse buildings to below 7.6m to be consistent with the maximum height permitted in the existing R1-B Zone: Single Family Dwelling District. The roof pitch has also changed to better reflect the character of the neighbouring single-family dwellings along Pentrelew Place.

In addition, the applicant has increased the setbacks from the townhouse buildings to Pentrelew Place and increased the separation space between the townhouse buildings to improve the visual appearance of the townhouses and provide a more sensitive transition to the Pentrelew Place frontage. The increased separation space between Buildings D and E has also allowed for a straighter alignment to the proposed public pathway, as well as, improvements to the public pathway entrance onto Pentrelew Place.

Revise the design and visual appearance of the driveway access on Pentrelew Place.

The driveway access has been designed to accommodate the critical root zone of the retained Oak at the southeast corner of the site; therefore, options for changing the placement of this driveway are limited. The applicant has made landscape improvements to the Pentrelew frontage adjacent the driveway access to soften the visual appearance of Building B and to improve sightlines to the building entrance.

Consider fixtures for public use and enjoyment in the landscape plan for the greenspace bounded by the proposed pathway, Fort Street and the property to the east subject to CPTED principles.

As noted above, the pathway alignment and design has been improved by shifting the Pentrelew Place entrance further south, between Buildings D and E. This new alignment provides better sightlines and public access to the site. In addition, the applicant is proposing the following fixtures for public use and enjoyment:

- a seating wall adjacent the Pentrelew Place entrance to the pathway
- a metal bench on the west side of the pathway near the visitor bike parking beside Building A
- a metal bench on the east side of the pathway adjacent to the greenspace between the pathway and the east property line
- a garbage can located at the Fort Street entrance to the pathway.

Demonstrate how the application is consistent with the objectives of Development Permit 7B that is to encourage buildings that enhance the heritage character of the Fort Street corridor.

Although the neighbourhood direction for Rockland supports the maintenance of existing dwellings and large lot character through sensitive infill that preserves green space and estate features, a number of multi-storey apartment buildings exist in the immediate vicinity that vary in design and contextual sensitivity. By comparison, 1201 Fort Street integrates a diversity of housing that incorporates a variety of sympathetic, high-quality earth tone materials that



emphasize a strong horizontal form. The linear stone elements on the facades, as well as the projecting soffits and flat roof lines placed above a transparent floor line, emphasize the horizontal plane of Buildings A and B and help minimize vertical scale within the existing heritage context. The proposal also responds to the site's historic context with the orientation and curvilinear placement of Building A, which is positioned to minimize the visual impact on Fort Street, and to retain many of the existing trees along this frontage. Building B is positioned to also lessen impact at the rear and west side of the property, and away from Pentrelew Place.

The scale and massing of the townhouses, with low pitched roofs, are reflective of the houses along Pentrelew Place rather than the statelier heritage designated houses of the Rockland neighbourhood. The design of the townhouses has adopted several features that recognize a number of character-defining elements within the area. References to Edwardian Vernacular Arts & Crafts speak to the traditional architectural vocabulary and scale that borrows from the surrounding context, as seen in such elements as:

- gabled roofs with roof finials
- box windows, bay windows with gabled pediments
- fenestration scale and window style
- wide window casing
- brick veneer and detailing
- brick chimneys
- half-timbering and dentil mouldings.

Though the 1201 Fort Street application challenges Rockland's neighbourhood objectives and policies, it also attempts to reflect and enhance the special character of the Fort Street Corridor by integrating a cohesive design that speaks to natural, warm, and high-quality materials; strong horizontal emphasis; and a variety of texture, colour and form. Furthermore, the application proposes to use the existing and new landscape to soften and screen the Fort Street edge and enhance the pedestrian experience. Additionally, it utilizes new hard and soft landscaping features to respect the character of the area as seen through the inclusion of stone walls, stone seating, gateposts, Garry Oak woodland, and boulevard and ornamental shrubs.

### Data Table

The following data table compares the current proposal with the previous proposal, the existing zoning and the relevant OCP policies for Urban Residential (Area A) and Traditional Residential (Area B) urban place designations. An asterisk is used to identify where the proposal is less stringent than the standard R3-AM-2 Zone.

Zoning Criteria	Current Proposal	Previous Proposal	Zone Standard R3-AM2 (Area A)	Zone Standard R1-B (Area B)	OCP Policy
Site area (m <sup>2</sup> ) - minimum	<b>7850.00</b>	7850.00	920.00	460.00 (standard lot) 600.00 (panhandle lot)	N/A

<b>Zoning Criteria</b>	<b>Current Proposal</b>	<b>Previous Proposal</b>	<b>Zone Standard R3-AM2 (Area A)</b>	<b>Zone Standard R1-B (Area B)</b>	<b>OCP Policy</b>
Lot width (m) - minimum	<b>95.00</b>	95.00	N/A	15.00 (standard lot) 18.00 (panhandle lot)	N/A
Number of units - maximum	<b>86</b>	94	N/A	16 (8 single-family dwellings and 8 secondary suites or garden suites)	N/A
Density (Floor Space Ratio) - maximum	<b>1.29:1</b>	1.39:1	1.6:1	N/A	2.0:1 (Area A) 1.00:1 (Area B) 1.29:1 (Blended OCP Maximum FSR)
Total floor area (m <sup>2</sup> ) – maximum	<b>10156.00*</b>	10898.00*	3573.30 (Area A) 2580.00 (Area B) 6153.30 (Combined)		4466.60 (Area A) 5639.80 (Area B) 10126.50 (Combined)
Storeys - maximum	<b>6* (Building A) 4 (Building B) 2 (Buildings C, D and E)</b>	6* (Building A) 4* (Building B) 3 (Buildings C, D and E)	4	2 (standard lot) 1 (panhandle lot)	6 (Area A) 3 (Area B)
Height (m) - maximum	<b>21.42* (Building A) 15.11* (Building B) 7.30 (Building C) 7.54 (Building D) 7.47 (Building E)</b>	21.40* (Building A) 18.00* (Building B) 10.86 (Building C) 11.42 (Building D) 11.34 (Building E)	12.00	7.60 (standard lot) 5.00 (panhandle lot)	N/A
Roof decks	<b>No</b>	Yes (Townhouses: Buildings C, D and E)	N/A	No	N/A
Site coverage % - maximum	<b>42.60*</b>	57.20*	40%	40.00 (standard lot) 25.00 (panhandle lot)	N/A
Landscaped Area % - minimum	<b>56.00</b>	42.60	50%	N/A	N/A



<b>Zoning Criteria</b>	<b>Current Proposal</b>	<b>Previous Proposal</b>	<b>Zone Standard R3-AM2 (Area A)</b>	<b>Zone Standard R1-B (Area B)</b>	<b>OCP Policy</b>
Setbacks (m) – minimum:					
Fort St.	<b>6.40*</b> (Building A)	6.00* (Building A)	10.50	N/A	N/A
South	<b>6.13*</b> (Building B)	4.67* (Building B)	7.56	7.50 (standard lot) 4.00 (panhandle lot)	N/A
West	<b>4.00*</b> (Building A) <b>0.65*</b> (Building B)	4.00* (Building A) 0.65* (Building B)	10.71 (Building A) 7.56 (Building B)	7.50 (standard lot) 4.00 (panhandle lot)	N/A
Pentrelew Pl.	<b>2.79*</b> (to stairs) <b>4.20</b> (to building)	1.91* (to stairs) 2.03* (to building)	3.65 (Building C) 3.77 (Building D) 3.74 (Building E)	1.50 (standard lot) 4.00 (panhandle lot)	N/A
Parking (minimum)	<b>119*</b>	121*	120	N/A	N/A
Visitor parking (minimum)	<b>9*</b>	9*	12 (10% of total parking)	N/A	N/A
Bicycle parking stalls (minimum)	<b>88</b> (multi-unit residential) <b>9</b> (townhouses)	96 (multi-unit residential) 10 (townhouses)	77 (multi-unit residential) 9 (townhouses)	N/A	N/A
Class 1					
Class 2	<b>2 – 6 space racks</b>	2 – 6 space racks	2 – 6 space racks		

**Note:** The area of the proposed bicycle parking rooms (259.24m<sup>2</sup>) has been excluded from the total floor area calculation and floor space ratio.

### Relevant History

At the April 6, 2017 Committee of the Whole meeting, Council referred Rezoning Application No. 00525 and Development Permit Application No. 00035 back to staff to work with the applicant on-site planning and design revisions to improve the proposal's overall fit with the surrounding context and to discuss the potential for affordable housing with this proposal. The revised proposal, which included a reduction in the number of storeys for Building B, a reduction in the number of townhouses, a revised design for both the multi-unit residential buildings and the



townhouses buildings, as well as an affordable housing contribution was presented by staff in a report to Committee of the Whole at the October 26, 2017 meeting. At that meeting staff recommended that Council consider advancing the Application to a Public Hearing. Council passed a motion referring the application back to staff to work on further site planning and design revisions to improve the transition to the adjacent properties and Pentrelew Place and to enhance the semi-public open space with fixtures for public use.

The revised proposal is the subject of this report. Changes include:

- reducing the floor space ratio from 1.39:1 to 1.29:1
- reducing the site coverage from 57.20% to 42.60%
- increasing the open site space from 42.60% to 56.00%
- increasing the south setback to Building B from 4.67m to 6.13m
- increasing the Fort Street setback to Building A from 6.00m to 6.40m
- increasing the Pentrelew Place setbacks for the townhouse buildings
- reducing the number of townhouse units from ten to nine
- reducing the height and number of storeys for the townhouse buildings
- increasing the separation space between townhouse buildings
- improving the alignment of the public pathway and increasing the setbacks from the townhouses to the pathway.

### **Community Consultation**

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the Rockland Neighbourhood Association CALUC was notified of the revised proposal on November 16, 2017.

### **Zoning Regulation Bylaw**

In accordance with Rezoning Application No. 00525, staff recommend that Council consider a site-specific zone to accommodate the proposed development. Given the scale of this development, the sites proximity to several heritage designated buildings, and the sensitivity of the mature trees, staff are recommending that Council consider more stringent height, setback and site coverage requirements in the new zone. It is also recommended that the height and several siting criteria be addressed through the variance process to ensure that if any future proposals come forward, that they benefit from a Council review process rather than being entitled to more generous siting allowances already expressed in the zone.

A review of the parking demand based on the proposed Schedule C rates, which includes a provision for larger unit sizes, indicates a potential parking demand of 123 stalls; however, this demand has not factored a discount for the proximity to the Frequent Transit Network along Fort Street. As 119 stalls are proposed, the anticipated parking shortfall is four stalls.

Whereas the previous proposals provided secure bicycle parking in the underground parkade, the current proposal now includes 259.24m<sup>2</sup> of secure bike parking at-grade, replacing one of the ground floor units in Building B and the common amenity room between Buildings A and B. The applicant is proposing to exempt the bicycle parking area from the Floor Space Ratio (FSR) calculation. Under the current *Zoning Regulation Bylaw*, all floor area at-grade is included in the FSR calculation. Removing the bicycle parking from the FSR calculation reduces the FSR from 1.33:1 to 1.29:1. Excluding the bicycle parking area from the FSR calculation is considered supportable as the provision of an at-grade bicycle parking area improves the functionality of the bicycle parking and encourages cycling as an alternative mode of travel. This approach is also

consistent with the direction of the proposed changes to Schedule C of the *Zoning Regulation Bylaw*.

### **Tree Preservation and Urban Forest Management**

The consulting arborist has conducted exploratory digging within the root zones of some of the trees noted as retained to gain more information about these trees. An updated arborist report has been provided that outlines the tree protection measures and construction impact mitigation measures proposed to retain the trees.

The number of retained trees has not changed with this latest proposal; however, due to changes to the site plan, the number of proposed new trees has been reduced from 106 to 103.

### **CONCLUSIONS**

Given the revisions undertaken by the applicant to address the Council motion from October 26, 2017, and staff feedback, it is recommended for Council's consideration that the Application move forward to a Public Hearing.

### **ALTERNATE MOTION**

That Council decline Rezoning Application No. 00525 and Development Permit with Variances Application No. 00035 for the property located at 1201 Fort Street and 1050 Pentrelew Place.

Respectfully submitted,

  
Alec Johnston, Senior Planner  
Development Services Division

*Q. Myers*

  
Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:

  
Date: Dec 7, 2017



**List of Attachments:**

- Attachment A - Subject Map
- Attachment B - Aerial Map
- Attachment C - Plans date stamped November 15, 2017
- Attachment D - Letters from applicant to Mayor and Council dated November 30, 2017 and November 14, 2017
- Attachment E – Arborist Report dated November 21, 2017
- Attachment F - Committee of the Whole reports for Rezoning Application No. 00525 and Development Permit with Variances Application No. 00035 dated March 23, 2017 and October 12, 2017
- Attachment G - Correspondence