

H. REPORTS OF COMMITTEES

H.1 Committee of the Whole

H.1.b Report from the June 14, 2018 COTW Meeting

H.1.b.c 210 Gorge Road East - Rezoning and Development Permit with Variances Application No. 00076 (Burnside)

Moved By Councillor Isitt

Seconded By Councillor Alto

Application to allow a six-storey multi-unit residential building.

Rezoning Application No. 00620 for 210 Gorge Road East

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00620 for 210 Gorge Road East, 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 and execution of the following legal agreements to the satisfaction of City Staff:
 - a. Statutory Right-of-Way of 4.91m on Gorge Road East
 - b. Housing Agreement to ensure that the residential dwelling units would remain as rental and affordable for in perpetuity.
2. Following consideration of Rezoning Application No. 00620, and if approved that Council authorize staff to prepare and enter into an Encroachment Agreement for a fee of \$750 plus \$25 per m2 of exposed shored face during construction, to the satisfaction of the City staff.
3. The applicant complete exploratory digging around the Horse chestnut tree at the south west corner of the site to the satisfaction of City Staff in order to determine the location of the roots and potential impacts the construction of a proposed sidewalk may have on this tree.
4. That a shadow study be provided as a condition of advancing the application to a public hearing.

Development Permit with Variances Application No. 00076 for 210 Gorge Road East

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. 00620, if it is approved, consider the following motion:

“That Council authorize the issuance of Development Permit Application No. 00076 for 210 Gorge Road East, in accordance with:

1. Plans date stamped February 14, 2018.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. reduce the required number of parking spaces from 90 to 24.
3. The Development Permit lapsing two years from the date of this resolution.
4. The applicant entering into an agreement with a local car share company to secure 20 car share memberships to the satisfaction of City Staff.
5. The applicant provide two bikes and bike share parking spaces onsite to the satisfaction of City Staff.

FOR (7): Mayor Helps, Councillor Alto, Councillor Isitt, Councillor Loveday, Councillor Lucas, Councillor Madoff, and Councillor Thornton-Joe

OPPOSED (1): Councillor Young

CARRIED (7 to 1)

Moved By Councillor Isitt

Seconded By Councillor Alto

6. A covenant to ensure that no more than 32 supportive housing units are within the project.

FOR (6): Mayor Helps, Councillor Loveday, Councillor Lucas, Councillor Madoff, and Councillor Thornton-Joe, Councillor Young

OPPOSED (2): Councillor Alto, Councillor Isitt

CARRIED (6 to 2)

E.2 210 Gorge Road East - Rezoning and Development Permit with Variances Application No. 00076 (Burnside)

Committee received a report dated May 31, 2018, from the Director of Sustainable Planning and Community Development regarding an application to construct a six-storey multi-unit residential building.

Committee discussed:

- *Shadowing and privacy concerns.*
- *The onsite amenities and the Regional Housing First strategy.*

Moved By Mayor Helps
Seconded By Councillor Isitt

Rezoning Application No. 00620 for 210 Gorge Road East

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1. Preparation and execution of the following legal agreements to the satisfaction of City Staff:
 - a. Statutory Right-of-Way of 4.91m on Gorge Road East
 - b. Housing Agreement to ensure that the residential dwelling units would remain as rental and affordable for in perpetuity.
2. Following consideration of Rezoning Application No. 00620, and if approved that Council authorize staff to prepare and enter into an Encroachment Agreement for a fee of \$750 plus \$25 per m² of exposed shored face during construction, to the satisfaction of the City staff.
3. The applicant complete exploratory digging around the Horse chestnut tree at the south west corner of the site to the satisfaction of City Staff in order to determine the location of the roots and potential impacts the construction of a proposed sidewalk may have on this tree.

Development Permit with Variances Application No. 00076 for 210 Gorge Road East

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. 00620, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 00076 for 210 Gorge Road East, in accordance with:

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 - i. reduce the required number of parking spaces from 90 to 24.
3. The Development Permit lapsing two years from the date of this resolution.
4. The applicant entering into an agreement with a local car share company to secure 20 car share memberships to the satisfaction of City Staff.
5. The applicant provide two bikes and bike share parking spaces onsite to the satisfaction of City Staff."

Committee discussed:

- *The changes to density and massing and a desire to hear from nearby residents on whether they support the proposal.*

Moved By Councillor Thornton-Joe

Seconded By Councillor Madoff

Amendment:

That the motion be amended to include the following:

- 6. A covenant to ensure that no more than 32 supportive housing units are within the project.**

On the amendment:

CARRIED UNANIMOUSLY

Moved By Councillor Thornton-Joe

Seconded By Councillor Madoff

Amendment:

That the motion be amended to include the following:

- 4. That a shadow study be provided as a condition of advancing the application to a public hearing.**



Committee of the Whole Report

For the Meeting of June 14, 2018

To: Committee of the Whole **Date:** May 31, 2018

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

Subject: Development Permit with Variances Application No. 00076 for 210 Gorge Road East

RECOMMENDATION

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. 00620, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 00076 for 210 Gorge Road East, in accordance with:

1. Plans date stamped February 14, 2018.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the required number of parking spaces from 90 to 24.
3. The Development Permit lapsing two years from the date of this resolution.
4. The applicant entering into an agreement with a local car share company to secure 20 car share memberships to the satisfaction of City Staff.
5. The applicant provide two bikes and bike share parking spaces onsite to the satisfaction of City Staff."

LEGISLATIVE AUTHORITY

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.

In accordance with Section 498 of the *Local Government Act*, council may issue a Development Variance Permit that varies a *Zoning Regulation Bylaw* provided the permit does not vary the use or density of land from that specified in the *Zoning Regulation Bylaw*.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit with Variance Application for the property located at 210 Gorge Road East. The proposal is to construct a six-storey, multi-unit residential building. The variance is related to reducing the required number of parking spaces from 90 to 24.

The following points were considered in assessing this application:

- the subject property is within Development Permit Area 7A: Corridors – Gorge Road East, which encourages revitalization and a sensitive transition in built form and character to the lower density Traditional Residential neighbourhood to the north of the subject property. DPA 7A further recognizes Gorge Road East as a frequent transit corridor and encourages transit-oriented streetscaping.
- the design guidelines for *Multi-Unit Residential, Commercial and Industrial* (2012) and the *Revitalization Guidelines for Corridors, Villages and Town Centres* (2017) apply to the proposed development. Overall, the proposal is consistent with the design guidelines.
- the land use designation of the subject property in the new *Burnside Gorge Neighbourhood Plan* (2017) is Urban Residential, which supports the development of multi-unit residential development along Gorge Road East up to five storeys, provided that there is ground floor commercial space and there is a sensitive transition to lower density areas to the north. If there is no ground floor commercial, the Plan supports up to four storeys.
- the maximum height of a building permitted in the current T-1 Zone, Limited Transient Accommodation District, is 21.5m which equates to approximately seven storeys. The height of the proposed building is approximately 17.28m, which is over four metres lower than what would be permitted under the existing zone.
- the variance to reduce the required number of parking spaces from 90 to 24 is supportable. Under the new draft Schedule C – Off-Street Parking, 30 parking spaces would be required for affordable dwelling units secured in perpetuity through a legal agreement. Based on this comparison, the proposal would only have a shortfall of six parking spaces and to offset this parking shortfall, the applicant is willing to provide 20 car share memberships, two bikes and bike share parking spaces onsite, and a bike repair station.

BACKGROUND

Description of Proposal

The proposal is for a six-storey, multi-unit residential building consisting of 86 dwelling units. Specific details include:

- contemporary architectural features, including a flat roofline, roofline soffit materials, and contemporary-style windows
- exterior building materials include cementitious fibre board (panel, horizontal and board & batten), brick, aluminium and glass guardrail system, metal roofline soffit material, wood trim, and concrete
- one residential entryway into the building fronting Gorge Road East
- Juliet balconies on the west elevation
- a large lounge, offices and common areas on the ground floor
- large private patio space and gazebo on the south west corner of the building fronting Carroll Street
- garden plots and substantial landscaping along the Carroll frontage

- permeable surface treatment for all communal areas and exposed parking area
- substantial landscaping around the perimeter of the site
- 24 parking spaces located in a gated underground parking structure
- 90 Class 1 bicycle parking spaces on-site located in a secure, enclosed bicycle storage room in the underground parking structure and 12 Class 2 bicycle parking spaces located at the main entrance to the building
- bicycle kitchen (bicycle repair area and air pump) located in the bike storage area.

The proposed variance is related to reducing the required number of parking spaces from 90 to 24.

Sustainability Features

As indicated in the applicant's letter dated February 13, 2018, the following sustainability features are associated with this application:

- Step 1 Plus of the BC Energy Step Code
- storm water rain gardens and permeable surface treatment
- energy and water-efficient appliances and fixtures.

Active Transportation Impacts

The application proposes the following features which support active transportation:

- 90 Class 1 bicycle parking spaces
- 12 Class 2 bicycle parking spaces
- two bikes and bike share parking spaces for an onsite bike share program
- bike repair area and air pump.

Public Realm Improvements

No public realm improvements are proposed in association with this Development Permit with Variance Application.

Accessibility Impact Statement

The British Columbia Building Code regulates accessibility as it pertains to buildings. Eight dwelling units in the building would be barrier-free.

Existing Site Development and Development Potential

The site is presently two rental apartment buildings operated by Victoria Cool Aid Society.

Data Table

The following data table compares the proposal with the existing T1 Zone. An asterisk is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposal	Current Zone T-1
Site area (m ²) – minimum	1981.40	1850.00
Density (Floor Space Ratio) – maximum	1.87:1*	1.2:1

Zoning Criteria	Proposal	Current Zone T-1
Total floor area (m ²) – maximum	3700.10*	2377.56
Height (m) – maximum	17.28	21.50
Storeys – maximum	6	n/a
Site coverage % – maximum	52*	20
Open site space % – minimum	33*	30
Parking – minimum		
Existing Schedule C	24*	90
Proposed Schedule C	24*	30 (affordable dwelling units)
Visitor parking – minimum included in the overall units		
Proposed Schedule C	4*	8
Bicycle parking stalls – minimum		
Class 1	90	82
Class 2	12	12
Setbacks – minimum		
Street Boundary – Carroll Street	4.25*	7.50
Rear (E)	1.53*	7.50
Side (N)	3.00*	7.50
Side (S)	5.84	7.50
Accessory Building (Gazebo)		
Location	Front yard*	Rear yard
Height (m) – maximum	2.94	3.50
Setback (m) – minimum		
Rear	39.65	0.60
Side	44.32	0.60
Flanking Street (Gorge Road East)	23.13	3.50m or front setback of adjoining lot
Separation space from main building (m) – minimum	1.55	2.40

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted the Burnside Gorge CALUC at a Community Meeting held on October 18, 2017. A letter dated November 30, 2017 is attached to this report.

This 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

Development Permit Area and Design Guidelines

The OCP identifies this property in Development Permit Area (DPA) 7A: Corridors. The objectives of this DPA are to ensure that development along corridors is compatible with adjacent and nearby lower density residential neighbourhoods, and encompasses human-scaled urban design and a sensitive transition in building form and place character. DPA 7A further recognizes Gorge Road East as a frequent transit corridor and encourages transit-oriented streetscaping.

To visually break up the building into human-scaled portions, and address transition to the lower density residential areas to the north, the building is set back at the fifth and sixth storeys on the south elevation, and at the fourth and fifth storeys on the north elevation.

To minimize privacy impacts on the four-storey, multi-unit residential building to the east, the applicant is minimizing the amount of glazing on the east elevation, and the portion of this side elevation with windows setback approximately 15.5m from the east property line. The east elevation is predominantly a blank wall; to soften its appearance, the applicant is proposing different applications of cementitious fibre board, a mixed colour palette, roof elements and building articulation.

The proposed landscaping along the Gorge Road East and Carroll Street will improve the streetscape and pedestrian experience at the corner. The large Horse chestnut tree, a landmark tree at this corner, will be retained. The applicant proposes constructing garden plots and soft landscaping along the Carroll Street frontage, as well as, substantial landscaping along Gorge Road East. A Statutory Right-of-Way on Gorge Road East will be required as a condition of rezoning to allow for sidewalk realignment, additional boulevard and trees. Permeable surface treatment would be installed throughout the site.

Local Area Plans

The new *Burnside Gorge Neighbourhood Plan* (2017) supports the development of multi-unit residential development along Gorge Road East and contains urban design policies to ensure that new development is a good fit within established residential neighbourhoods, and is oriented positively towards the street to create a more attractive pedestrian environment. The Plan supports buildings up to five storeys on the north side of Gorge Road East and east of Balfour Avenue, provided that there is ground floor commercial space and there is a sensitive transition to lower density areas to the north. If there is no ground floor commercial, the Plan supports up to four storeys.

Providing ground floor commercial space in this building is not feasible from an operations perspective, and considering that this building is 100% rental (operated by a non-profit housing provider), obtaining the maximum number of units is crucial from a financial perspective. The applicant has programmed the building so that all the offices and communal areas are located on the ground floor (i.e. no dwelling units are located on the ground floor), so to some degree, the intention of providing commercial uses at grade as a way of encouraging an active street frontage has been advanced. The building does transition to five-storeys at the rear due to significant grade changes on the site and the applicant has introduced some design elements to reduce building mass on the north side and considers the transition to the lower density residential development to the north.

Tree Preservation Bylaw and Urban Forest Master Plan

The applicant has provided a Tree Preservation Plan prepared by Talbot Mackenzie and Associates. There is one tree (Horse chestnut tree located on the corner of Gorge Road and Carroll Street) protected by the Tree Preservation Bylaw on the subject property, and this tree would be retained. Clearance pruning would be required, and installing permeable surface treatment and a floating sidewalk around the tree, would be required to protect this tree during and after construction; however, further exploratory digging would be required to determine the location of the roots and potential impacts the construction of a proposed sidewalk may have on this tree.

The Plan identifies one non-bylaw protected tree (Horse chestnut tree) on the subject property to be removed. This tree has extensive decay in the lower trunk and is unsuitable to retain according to the arborist. There is also one municipal tree (Hawthorne tree) located on Carroll Street that would be impacted by this application as it would be located within one metre of the proposed driveway and within the footprint of the proposed sidewalk. The arborist also recommends the removal of this tree.

Net gain and loss of trees:

- one tree on the subject property would be removed
- one public tree would be removed
- three new public trees would be planted in the boulevard
- 23 new trees would be planted onsite.

Regulatory Considerations

The applicant is requesting a reduction in the required number of parking spaces from 90 to 24. Under the new draft Schedule C: Off-Street Parking, only 30 parking spaces would be required for affordable dwelling units secured in perpetuity through a legal agreement, a significant reduction from the current Schedule C. The applicant provided a Parking Demand Analysis (attached), which includes a summary of the current number of parking spaces available at all of Cool Aid's thirteen buildings in Greater Victoria and the number of tenants in each building who have vehicles. There are a total of 65 parking spaces and only five are occupied with vehicles. Based on these numbers, the parking demand in the existing buildings is 0.1 spaces per building. Most parking is occupied by Cool Aid employees and visitors. For this proposal, two parking spaces would be reserved for the 24/7 onsite staff and the remaining 22 parking spaces would be available to tenants and visitors.

To offset the parking shortfall, the applicant is willing to purchase 20 MODO car share memberships for the affordable rental units. MODO has offered to provide \$50 of driving credits to each occupant of the proposed development for joining MODO. The applicant will also provide two bikes and bike-share parking spaces for a bike-share program onsite, as well as a bike repair station.

Given the results of the parking analysis, the proposed transportation demand management (TDM) measures, and the new parking ratios specified in draft Schedule C, the parking variance is seen as supportable.

Other Considerations

The Advisory Design Panel (ADP) reviewed the proposal at the meeting of April 11, 2018. The minutes from the meeting are attached for reference and the following motion was carried (unanimous):

It was moved by Justin Gammon, seconded by Jesse Garlick, that the Advisory Design Panel recommend to Council that Rezoning Application No. 00620 and Development Permit with Variance Application No. 000076 for 210 Gorge Road East be approved with the following considerations:

- *Explore opportunities to introduce glazing on the east façade*
- *Review gazebo placement to eliminate CPTED concerns*
- *Consider access and/or landscaping opportunities on the southeast corner mechanical and electrical room roof*
- *Consider enhancing the parkade and pedestrian entrance treatments and increasing the prominence of the front entrance.*

The applicant has provided a letter dated May 7, 2018 (attached) addressing each consideration provided by the ADP. The applicant has not carried out any changes to the proposal at this time.

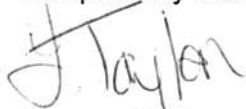
CONCLUSIONS

The proposed six-storey building at 210 Gorge Road is generally consistent with the relevant design guidelines associated with Development Permit Area 7A: Corridors – Gorge Road East. A six-storey building at this location is not supported in the *Burnside Gorge Neighbourhood Plan*; however, the applicant has incorporated some design features and landscaping to reduce the impact along the streetscape and on the immediate neighbours. It should also be reiterated that the existing zoning would allow buildings up to approximately seven storeys. The proposed parking variance is also supportable given the results of the parking analysis, the proposed TDM measures, and the new parking ratios for affordable rental housing in the new draft Schedule C. Staff recommend for Council's consideration that the application proceed to an Opportunity for Public Comment.

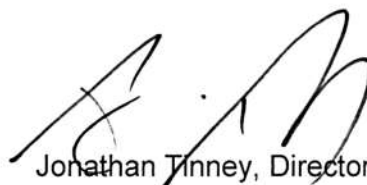
ALTERNATE MOTION

That Council decline Development Permit with Variance Application No. 00076 for the property located at 210 Gorge Road East.

Respectfully submitted,



Leanne Taylor
Senior Planner
Development Services Division



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager


Date: June 8, 2018

List of Attachments:

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped February 14, 2018
- Attachment D: Letter from applicant to Mayor and Council dated March 8, 2018
- Attachment E: Community Association Land Use Committee Comments dated July 22, 2018 and November 30, 2017
- Attachment F: Tree Preservation Plan dated February 7, 2018
- Attachment G: Advisory Design Panel Report dated April 3, 2018
- Attachment H: Minutes from Advisory Design Panel dated April 11, 2018
- Attachment I: Letter from applicant dated May 16, 2018 re: Advisory Design Panel motion
- Attachment J: Parking Analysis dated February 14, 2018
- Attachment K: Letter from MODO Car Share dated May 25, 2018
- Attachment L: Letter from TapBike Solutions dated May 25, 2018.