



Committee of the Whole Report For the Meeting of March 28, 2019

To: Committee of the Whole **Date:** March 14, 2019
From: Andrea Hudson, Acting Director, Sustainable Planning and Community Development
Subject: Development Permit with Variances Application No. 00076 for 210 Gorge Road East

RECOMMENDATION

Subject to the applicant entering into an agreement with a local car share company to secure 20 car share memberships to the satisfaction of City Staff, 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 with Variances Application No. 00076 for 210 Gorge Road East, in accordance with:

1. Plans date stamped March 11, 2019.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the required number of visitor parking spaces from 7 to 4
 - ii. reduce the required number of commercial parking spaces from 1 to 0
 - iii. reduce the surface parking space setback from a street boundary from 7.50m to 2.68m
 - iv. locate a gazebo in the front yard
 - v. reduce the separation space between the gazebo and the principal building from 2.40m to 1.55m.
3. The Development Permit lapsing two years from the date of this resolution."

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 Rezoning Application for the property located at 210 Gorge Road East. In response to Council's direction at the October 4, 2018 Council meeting, the applicant has revised the original proposal for a six-storey, multi-unit residential building to a five-storey, mixed-use building consisting of ground floor commercial and residential uses above. At the October 4, 2018 Council meeting, Council passed the following motion:

Refer this back to staff to see a reduction of storeys to conform with the local area plan, to possibly include ground-floor commercial, to consider an increase in parking, and to bring the type of unit percentages more closely aligned to the Regional Housing First program implementation plan.

In response to Council's motion above, the applicant revised the proposal as follows:

- reducing the density from 1.87:1 to 1.71:1 floor space ratio
- reducing the number of storeys from six to five
- reducing the height of building from 17.28m to 14.73m
- reducing the number of rental dwelling units from 82 to 72
- introducing restaurant space on the ground level
- adding one additional parking space to increase the residential supply of on-site parking
- refining the overall design of the building in response to the above changes.

The following points were considered in assessing the revised 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. 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. The applicant has introduced ground floor commercial and reduced the number of storeys from six to five, and now the proposal is more consistent with the Plan.
- The variance to reduce the required number of visitor parking spaces from 7 to 4 and the number of commercial parking spaces from one to nil are supportable. To offset this parking shortfall, the applicant is willing to provide 20 car share memberships and scooter parking. One additional parking space is being added, resulting in a surplus of residential parking on-site.
- The variance to reduce the surface parking space setback from a street boundary from 7.50m to 2.68m is supportable given the extensive landscaping and bike parking being proposed to buffer the parking stall from the street.
- The variances associated with the gazebo, including locating the structure in the front yard and reducing the separation distance between the proposed gazebo and principal building from 2.40m to 1.55m, are supportable as the gazebo forms part of the outdoor landscaping and patio area for the residents.

BACKGROUND

Description of Proposal

The proposal is for a five-storey, mixed-use building consisting of ground floor commercial and residential above. 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
- restaurant space on the ground floor with access off of Gorge Road East
- canopy above the residential and commercial entryways
- Juliet balconies on the east and west elevations
- a large lounge, offices and common areas on the ground floor
- large private patio space and gazebo on the southwest 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
- 25 parking spaces located in a gated underground parking structure
- 84 long-term 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.

The proposed variances are related to reducing the required number of visitor and commercial parking spaces, reducing the setback between a parking space and street boundary and the location of a proposed gazebo on-site.

Affordable Housing Impacts

The applicant proposes the creation of 72 new residential units consisting of affordable rental housing for people based on a range of income levels that includes Income Assistance level units to near market rental rates. The proposal would increase the overall supply of housing in the area and provide a mix of unit types including studio, one bedroom and two bedroom units, including barrier-free units. A Housing Agreement is being proposed to ensure that the dwelling units will remain as rental and affordable in perpetuity. According to the applicant, the near market rental dwelling units would be rented at least 10% below the average rental rates in the region. These units would be offered to residents with household incomes between \$30,000 and \$48,000, which is based on current median household income levels. In all cases, the monthly rents would not exceed 30% of monthly household income. The applicant has applied for a grant through the Victoria Housing Reserve Fund Program for the affordable rental units

Tenant Assistance Policy

The proposal is to demolish the existing buildings which would result in a temporary loss of 21 existing residential rental units. Consistent with the Tenant Assistance Policy, the applicant has provided a Tenant Assistance Plan. Victoria Cool Aid Society assumes full responsibility for finding suitable alternate housing options for all tenants, and the society has a budget for any rent subsidy required to house the current tenants for the interim period during construction.

The current tenants will be provided with the first right of refusal for a unit in the new development.

Sustainability Features

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:

- 84 long-term bicycle parking spaces
- 12 short-term bicycle parking spaces.

Public Realm Improvements

No public realm improvements are proposed in association with this Rezoning Application.

Accessibility Impact Statement

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

Land Use Context

The area is characterized by low-rise multi-unit residential buildings, townhouses, single-family dwellings and transient accommodation.

Existing Site Development and Development Potential

The site is presently occupied by two residential buildings containing a total of 21 supportive housing units.

Under the current T-1 Zone, the property could be developed as a single-family dwelling, housekeeping apartment building, boarding or rooming house, or transient accommodation up to seven storeys (a maximum height of 21.5m).

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	1.71:1 *	1.2:1

Zoning Criteria	Proposal	Current Zone T-1
Total floor area (m ²) – maximum	3388.19 *	2377.56
Height (m) – maximum	14.73	21.50
Storeys – maximum	5	n/a
Site coverage % – maximum	53.50 *	20
Open site space % – minimum	35	30
Parking – minimum		
Residential	21	19
Commercial	0 *	1
Visitor parking – minimum	4 *	7
Bicycle parking stalls – minimum		
Long-term	84	76
Short-term	12	7
Setbacks – minimum		
Street Boundary – Carroll Street	4.34 *	7.50
Rear (E)	1.53 *	7.50
Side (N)	2.93 *	7.50
Side (S)	5.84 *	7.50
Accessory Building (Gazebo)		
Location	Front yard *	Rear yard
Height (m) – maximum	2.98	3.50
Setback (m) – minimum		
Rear	37.55	0.60
Side	44.32	0.60
Flanking Street (Gorge Road East)	20.19	3.50m or front setback of adjoining lot

Zoning Criteria	Proposal	Current Zone T-1
Separation space from main building (m) – minimum	1.55 *	2.40

Relevant History

Council referred the original proposal for a six-storey, multi-unit residential building back to staff at the Public Hearing on October 4, 2018 to give the applicant an opportunity to revise the proposal by reducing the number of storeys to conform with the local area plan, possibly including ground-floor commercial, bringing the type of unit percentages more closely in alignment with the Regional Housing First program implementation plan, and considering an increase in parking (Committee of the Whole report dated May 31, 2018 attached). The bylaws associated with the previous proposal received first and second reading, a Statutory Right-of-Way was registered on title and the applicant entered a housing agreement. The previous proposal was also presented at the Advisory Design Panel on April 11, 2018.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the Burnside Gorge CALUC regarding the changes to the development proposal and a CALUC letter dated March 15, 2019 is attached to the 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.

The applicant has reduced the height of building from six storeys to five storeys and stepped back the fifth storey by approximately three metres along Gorge Road East to break up the massing, reduce the building bulk and comply with the policies outlined in the Burnside Gorge Neighbourhood Plan. The applicant has further enhanced the ground floor by introducing additional transparent glazing to accommodate a coffee shop, which would encourage interactions between pedestrians and the interior space.

There have been some adjustments to the interior floor plans, which resulted in the following changes to site planning and window placement:

- a slight increase to site coverage from 52% to 53.5%;

- a shift of the east wall facing the courtyard by 3.293m, however, this wall is still setback over 12m from the east property line;
- a slight shift of the east wall along the upper storeys and at the south end of the building, however, a setback of 1.53m is still being maintained (no changes from original proposal); and
- additional windows added to the east elevation to enhance the liveability of these dwelling units.

With respect to the proposed window placement on the east elevation, the additional glazing does break up some of the blank wall that was shown on the original plans. The majority of new windows are offset from the neighbouring windows to the east. There would be some window overlap between the three new windows being proposed towards the northeast side of the building and the neighbouring building.

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 *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.

In response to community concerns and Council's motion above, the applicant has reduced the building height from six to five storeys, which transitions to four storeys at the rear. The applicant is also proposing a small coffee shop on the ground floor; the plan is to operate it as a social enterprise in the building. However, like any commercial space, there is a potential risk that the building owner cannot find a business willing or able to operate a successful enterprise at this location.

Tree Preservation Bylaw and Urban Forest Master Plan

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

The plan identifies one non-bylaw protected tree on the subject property to be removed (a smaller Horse chestnut tree). This tree has extensive decay in the lower trunk and is unsuitable to retain according to the arborist. There is one Hornbeam tree on Gorge Road East that is to be considered for retention at building permit stage as the installation of a hydro utility box may negatively impact the tree's health. There is also one municipal tree (Hawthorne tree) located on Carroll Street that would be impacted by this development 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 or two public trees 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 visitor parking spaces from seven to four and commercial parking spaces from one to nil. There would be a parking shortfall of three parking spaces on-site. There is no parking variance associated with the residential uses. Compared to the original proposal, the applicant has managed to add one additional parking space on-site, increasing the overall parking supply from 24 to 25. For this proposal, two parking spaces would be reserved for the 24/7 onsite staff and the remaining 23 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. Originally, the applicant was proposing to provide two bikes and bike-share parking spaces for a bike-share program onsite and a bike repair station. However, the applicant has indicated to staff that they would like to have the bike racks available for the coffee shop patrons, and there is a lack of space in the underground parkade for a bike repair station with the additional parking space and scooter parking. Given the proposed transportation demand management (TDM) measure, proximity to frequent transit service and cycling infrastructure, the parking variances are seen as supportable.

The applicant is also proposing to reduce the surface parking space setback from a street boundary from 7.50m to 2.68m. This proposed variance is supportable given the extensive landscaping and bike parking being proposed to buffer the parking stall from the street.

A gazebo is being proposed along the Carroll Street frontage, and there are two variances associated with the proposed gazebo:

- locating the proposed gazebo in the front yard
- reducing the separation distance between the proposed gazebo and principal building from 2.40m to 1.55m.

The gazebo would form part of the outdoor landscaping and patio area for the residents. Given the proposed location of the gazebo, it would likely have no impacts on the immediate neighbours and therefore, staff support the proposed variances.

CONCLUSIONS

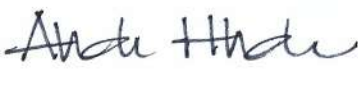
The proposed five-storey, mixed-use building at 210 Gorge Road East is consistent with the relevant design guidelines associated with Development Permit Area 7A: Corridors – Gorge Road East. The proposed parking variances are supportable given the proposed car share memberships and the site's proximity to frequent transit services and cycling infrastructure. A reduction in surface parking setback from the street boundary is also supportable given the landscape treatment along Carroll Street that would help buffer the surface parking space. The variances associated with the gazebo are also supportable given how the structure fits with the overall building and patio design. 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


Andrea Hudson, Acting Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:


Date: March 20, 2019

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped March 11, 2019
- Attachment D: Letter from applicant to Mayor and Council dated February 7, 2019
- Attachment E: Letter from the Burnside Gorge CALUC dated March 15, 2019
- Attachment F: Revised Arborist Report dated March 18, 2019
- Attachment G: Council's motion dated October 4, 2018
- Attachment H: Committee of the Whole report dated May 31, 2018
- Attachment I: Original plans dated February 14, 2018
- Attachment J: Tenant Assistance Plan
- Attachment K: Window overlay dated March 11, 2019.