



Committee of the Whole Report

For the Meeting of June 6, 2019

To: Committee of the Whole **Date:** May 23, 2019

From: Andrea Hudson, Acting Director, Sustainable Planning and Community Development

Subject: Development Permit with Variances Application No. 00080 for 701 Tyee Road (Railyards)

RECOMMENDATION

That Council, subject to the execution of a Housing Agreement ensuring that no restrictions are placed on the rental of dwelling units within this building, to the satisfaction of the Director of Sustainable Planning and Community Development, and after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

- "1. That Council authorize the issuance of Development Permit with Variances Application No. 00080 for 701 Tyee Road, in accordance with:
 - a. Plans date stamped April 12, 2019.
 - b. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. increase the height from 31m to 33.01m (building) and to 35.65m (mechanical room).
 - c. The Development Permit lapsing two years from the date of this resolution.
2. Direct staff to work with the applicant to re-examine the design of the Victoria West Entry Park to better address the revised building design and the ADP's comments; and that prior to bringing forward the necessary MDA amendment for Council's consideration, the applicant engages with the Victoria West Neighbourhood Association on the Park redesign."

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 *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 information, analysis and recommendations for a Development Permit with Variances Application for the property located at 701 Tyee Road. The proposal is to construct a seven-storey, multi-unit residential building as the final phase of the Railyards development. The proposed variance is related to height.

The following points were considered in assessing this application:

- the application is generally consistent with the *Railyards Development Guidelines*
- the proposal is consistent with the *Victoria West Neighbourhood Plan* and *Official Community Plan* (OCP, 2012)
- the height variance, related to the building itself, is identical to the variance approved by Council in an earlier version of the proposed building; an additional variance is requested to accommodate rooftop mechanical.

BACKGROUND

Description of Proposal

The proposal is for a seven-storey, multi-unit residential building on the final undeveloped portion of the Railyards development. Specific details include:

- a contemporary-industrial design with contrasting elements on the east and west elevations
- cascading façade with prominent balcony space on the east elevation facing the waterfront
- exterior building materials include: corrugated metal cladding, weathering steel and wood
- a primary building entrance located at the corner of Tyee Road and Bay Street
- approximately 94 dwelling units, the majority of which are studio or one-bedroom units
- the applicant has voluntarily agreed to enter into a Housing Agreement to ensure that no restrictions are placed on the rental of dwelling units, which will be strata titled
- 116 vehicle parking stalls (including 10 visitor stalls), situated in an underground parkade accessed from Central Spur Road
- 104 secure, long-term bicycle storage spaces and 10 stalls for visitor bicycles.

The proposed variance is related to increasing the height from 31m to 33.01m (building), and 35.65m (roof top mechanical).

Sustainability Features

As indicated in the applicant's letter dated April 12, 2019, the following sustainability features are associated with this application:

- light coloured roofing and pavers to reduce the heat island effect
- sourcing resource-efficient materials, including metal cladding, that will use 25-35% recycled content, of which 20% is post-consumer recycled content
- interior finishes with low VOC
- meet or exceed ASHREA 90.1 - 2010
- use an Energy Model to inform the design to optimize and reduce energy use
- Heat Recovery Ventilators (HRV)
- high-efficiency condensing boilers
- conserve water by using low-flush toilets and low-flow plumbing fixtures
- provide appliances that are Powersmart
- condensing dryers
- LED light fixtures
- landscaping with drought tolerant, non-invasive and native plant species.

Active Transportation Impacts

The Application proposes a publicly accessible pathway, linking Tyee Road to Central Spur Road and the Galloping Goose Trail, which supports active transportation.

Public Realm Improvements

The following public realm improvements (to be installed prior to Occupancy Permit) are proposed and are required by the Railyards Master Development Agreement (MDA):

- the construction of a park (referred to as “Bridges Park”) and “tot lot” between Central Spur Road and the Galloping Goose Trail
- a pathway that can accommodate pedestrians and bicycles from Central Spur Road, through Bridges Park, to the Galloping Goose Trail
- the construction of a “parkette,” public footpaths, and neighbourhood signage (collectively referred to as “Victoria West Entry Park”) at the corner of Bay Street and Tyee Road.

Accessibility Impact Statement

In terms of accessibility, the project will meet the BC Building Code requirements for universal accessibility as per the Building Access Handbook 2014, and includes:

- main entry access ramp and handrails
- power operated main entry door
- the mailboxes and elevator call buttons will be installed at an accessible height
- storage room and bike room doors will be accessible
- all corridors and elevator lobbies are designed to permit wheelchair turn-around
- two accessible parking stalls are located within the parkade, at the same level as the parkade entry, and immediately adjacent to the elevator lobby by way of an accessible path of travel.

The above measures also respond to the *Railyards Development Guidelines* which seek to ensure that barrier free access is provided throughout the Railyards development.

Existing Site Development and Development Potential

The site is located within Development Area J of the CD-5 Zone, Railyards Residential Commercial District, which permits apartments, live/work, and park uses with a maximum floor space ratio (FSR) of 2.35:1.

Data Table

The following data table compares the proposal with the existing CD-5 Zone. An asterisk is used to identify where the proposal is less stringent than the existing Zone.

Zoning Criteria	Proposal	Zone Standard DA-J, CD-5 Zone
Site area (m ²) – minimum	3010	3010
Density (Floor Space Ratio) – maximum	2.15	2.35

Zoning Criteria	Proposal	Zone Standard DA-J, CD-5 Zone
Total floor area (m ²) – maximum	6408.1	7073.5
Height (m) – maximum	33.01 * (building) 35.65 *(mechanical)	31
Site coverage (%) – maximum	53	n/a
Open site space (%) – minimum	47	n/a
Setbacks (m) – minimum		
Front	7	2
Rear	4	3.5
Side (north)	n/a	4
Side (south)	3.5	3.5
Vehicle Parking – minimum	106	105
Visitor parking – minimum	10	9
Bicycle parking stalls – minimum		
Long Term	104	104
Short Term	10	9

Relevant History

On April 14, 2016, Council approved a Development Permit with Variances Application for the final phase of development at the Railyards. This development comprised of three sub-phases, with the final construction being a seven-storey, multi-residential building at the corner of Tyee Road and Bay Street. The first two sub-phases of development have been constructed and the applicant is seeking approval of a revised design for the final building.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on June 1, 2018, the application was referred for a 30-day comment period to the Victoria West CALUC. At the time of writing this report, a letter from the CALUC had not been received.

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 *Official Community Plan* (OCP, 2012) identifies this property within Development Permit Area 13: Core Songhees. The applicable Design Guidelines are the *Railyards Development Guidelines*. The proposal is consistent with these guidelines as follows:

- the proposed design generally reflects the industrial nature of the site and is complimentary to the completed phases of the Railyards development
- the building with the highest residential density is located adjacent to the Point Ellice Bridge
- subtle sloping and saw-tooth roof forms are proposed
- a canopy is provided at the main building entrance
- all motor vehicle parking is provided underground
- extensive glazing is provided in the east elevation to take advantage of water views
- architectural features, such as balconies and recesses, have been used to articulate the proposed building
- the proposed material palette is consistent with the recommended wall cladding materials listed in the Design Guidelines
- a mix and range of unit types and sizes are proposed
- the proposal contributes to the public park system in the Victoria West Neighbourhood by providing a park, children's play area and several public footpaths through and adjacent to the site.

As proposed, the building presents itself from Tyee Road as a predominantly vertical seven-storey building with a contemporary-industrial appearance. As the building elevations wrap around to the waterfront, it transitions to a contrasting, cascading terraced building form with a strong horizontal appearance.

Given the significant grade change east to west across the site, the building appears as a nine-storey structure when viewed from the east, with a two-storey podium element projecting from the terraced upper floors adjacent to the future Bridges Park. The use of a contrasting colour palette and an extensive green roof helps reduce the apparent massing of the building and distinguishes it from the upper storeys. In addition, the green roof allows this element of the project to visually blend into the park and landscaped open space when viewed from the adjacent bridge deck.

Concerns relating to the above design approach were raised by the Advisory Design Panel (see below). Staff consider that these concerns have been largely addressed through the submission of design revisions, albeit to some degree, the contrast in the east-west elevations remains. This approach, however, is not inconsistent with the Design Guidelines.

Local Area Plans

The subject site is located in the Victoria West Neighbourhood; therefore, the *Victoria West Neighbourhood Plan* (2018) is applicable. The proposal is consistent with the Neighbourhood Plan as follows:

- the Railyards is recognized as part of a Master Planned Area, where development will continue to be guided by existing MDAs, Comprehensive Development Zones and Design Guidelines
- a number of development features are identified within the Railyards development including buildings reflecting a contemporary-industrial aesthetic, a children's play lot, a bicycle and pedestrian connection to the Galloping Goose Regional Trail and a small entry plaza at the Bay Street / Skinner Street intersection.

Proposed Variances

The application proposes an increase in height from 31m to 33.01m for the building, and 35.65m for a mechanical room. A height variance to 33.01m was approved by Council in April 2016 as part of the previous Development Permit with Variances Application. Staff recommend for Council's consideration that the additional variance for the mechanical room is required to screen the mechanical equipment from public view and shelter it from the elements, and will not have a significant impact on neighbouring properties.

Tree Preservation Bylaw and Urban Forest Master Plan

There are five existing trees to be retained with this proposal on adjacent public land. There are 24 new trees proposed in association with the multi-unit residential building. There are an additional 59 new trees proposed in association with Bridges Park Tot Lot and Bridge Dedication lands. There are no bylaw-protected trees on the subject site.

The children's tot lot, the bicycle and pedestrian connection to the Galloping Goose Regional Trail, and entry plaza on Bay Street are proposed park elements contributing to Vic West's neighbourhood open space, and are components of the MDA.

Advisory Design Panel

The Advisory Design Panel (ADP) reviewed the proposal at the meeting of July 25, 2018. The minutes from the meeting are attached for reference, and the following motion was carried:

"That Development Permit Application No. 00080 for 701 Tyee Road does not sufficiently meet the applicable design guidelines and polices and should be declined, and the key areas that should be revised include:

- *re-examine the east façade to express the organizational element behind the cascading proportions*
- *develop the southeast corner façade to help define the change in design language from the more formal, industrial proportions of the west façade*
- *reconsider the relationship of the second floor balcony to the main entrance*
- *reconsider the second floor unit design to improve tenant access*
- *increase the amount of greenspace on the third floor patios to visually enhance the outlook for residents*
- *explore the materiality of the east façade to support the architectural purpose*
- *reconsider the size and proportion of the balconies for liveability*
- *review the Vic West Plaza entrance for accessibility for cyclists and pedestrians, including access to the bus stop, to create a more welcoming space*
- *consider stronger alignment to the Railyards Development Guidelines."*

In response to the ADP's comments, the applicant has made a number of revisions to the project design which are explained in detail in the applicant's letter dated April 12, 2019. It is noted that, in light of the ADP's comments, the applicant is willing to work with staff to re-examine the design of the Victoria West Entry Park; this is further discussed below.

Housing Agreement

The applicant has voluntarily agreed to enter into a Housing Agreement to ensure that no restrictions are placed on the rental of dwelling units, which will be strata titled, within this building. The staff recommendation includes appropriate wording to secure this agreement.

Railyards Master Development Agreement

The Railyards MDA requires that the following community amenities be completed prior to the proposed building being occupied:

- Bridges Park and Tot Lot
- Victoria West Entry Park
- Pedestrian Pathway.

The design of the above amenities was approved under the previous Development Permit approval and are prescribed exactly as shown on the approved development plans in the MDA. The applicant was not seeking to revise the design of these amenities as part of this application; however, in light of the ADP's comments (see above), the applicant has stated that they would be willing to re-examine the design and layout of the Victoria West Entry Park to address the concerns raised. This would require an amendment to the MDA; thus, the recommendation provides wording that would direct staff to work with the applicant and Victoria West Neighbourhood Association to re-examine the design of this amenity, and return to Council with the revised design and necessary MDA amendment for consideration. It should be noted that as this is entirely voluntary on the applicant's part, and the applicant is providing the amenities consistent with the approved MDA, staff are recommending that this process be separate from, and not delay, the consideration of the current Development Permit with Variance Application for the multi-residential building.

CONCLUSIONS

Staff consider that the proposal is generally consistent with the recently approved *Victoria West Neighbourhood Plan* and the applicable Design Guidelines, and is supportable as presented. The proposal is also consistent with the Railyards MDA, and the proposed variances from the *Zoning Regulation Bylaw* are identical to those previously approved by Council.


ALTERNATE MOTION

That Council decline Development Permit with Variance Application No. 00080 for the property located at 701 Tyee Road.

Respectfully submitted,



FOR
Jim Handy
Senior Planner – Development Agreements
Development Services Division

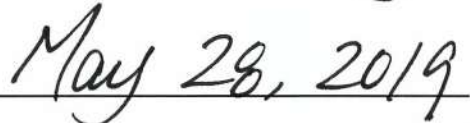


Andrea Hudson, Acting Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager



Date:



List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans dated/date stamped April 12, 2018
- Attachment D: Letter from applicant to Mayor and Council dated April 12, 2019
- Attachment E: Advisory Design Panel meeting minutes from July 25, 2018
- Attachment F: Letter from applicant responding to ADP comments dated April 12, 2019.