



## Committee of the Whole Report For the Meeting of July 25, 2019

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**To:** Committee of the Whole **Date:** July 11, 2019

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

**Subject:** Development Permit with Variances Application No. 00111 for 208/210, 220, 230 and 240/242 Wilson Street

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### 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. 00686, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00111 for 208/210, 220, 230 and 240/242 Wilson Street in accordance with:

1. Plans date stamped May 16, 2019.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - i. reduce the west (interior lot line) setback from 4m to 2.5m;
  - ii. reduce the number of parking stalls (non-visitor) from 37 to 23.
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.

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 Development Permit with Variances Application for the property located at 208/210, 220,

230 and 240/242 Wilson Street. The proposal is to rezone from the R-2 Zone, Two Family Dwelling District, to a new zone in order to construct an approximately two-storey townhouse development, with approximately 34 strata dwelling units. Three of the dwelling units are proposed to be owner occupied and restricted to a sale price of 15% below market value in perpetuity. The variances are related to the interior side yard setback and vehicle parking. Approval of the concurrent Rezoning Application would also be required to facilitate this proposal.

The following points were considered in assessing this application:

- the proposal is generally consistent with the objectives and guidelines contained in Development Permit Area 15F: Intensive Residential - Attached Residential Development of the *Official Community Plan* (OCP, 2012). The proposal would integrate more intensive residential development in the form of ground-oriented attached residential development within Traditional Residential areas in a manner that respects the established character of the area.
- a variance is requested to reduce the required number of parking stalls from 37 to 23 (in addition to this, the proposal includes the required three visitor parking stalls). To mitigate potential impacts from this variance, the applicant is proposing Transportation Demand Management (TDM) measures and has provided a parking study indicating that the proposal is expected to satisfy resident parking demand. The parking variance is considered supportable subject to securing the proposed TDM measures, which are included in conjunction with the Rezoning Application report recommendation.
- the interior side yard setback variance is supportable as the proposed buildings have been located and designed to have minimal impacts on the neighbouring property.

## BACKGROUND

### Description of Proposal

The proposal is to demolish three existing residential buildings, consolidate four lots, and construct a two-storey, townhouse development with approximately 34 ground-oriented dwelling units. Specific details include:

- stacked townhouse form on the row fronting Wilson Street with bachelor units situated directly below two-bedroom units
- three buildings with both pitched and flat roofs
- pedestrian walkways between buildings
- underground parking accessed via Alston Street
- secure bicycle parking located in the underground parking area.

Exterior building materials include:

- stucco, brick, shingles and clap board siding
- asphalt shingles for the pitched roofs
- natural concrete finish (exterior parkade walls and walkways)
- black powder coated railings.

Landscaping elements include:

- individual private patios for all units
- planting trellis above parkade entrance
- concrete pedestrian walkways
- new landscaped boulevard treatments and public sidewalk.



The variances are related to the interior side yard setback and vehicle parking.

### **Affordable Housing Impacts**

The applicant proposes the creation of approximately 34 new residential units, which would increase the overall supply of housing in the area. As the application site is located within the Traditional Residential Urban Place Designation, as defined in the OCP, the *Inclusionary Housing and Community Amenity Policy* does not apply to this proposal. However, the applicant is voluntarily proposing to enter into a Housing Agreement to secure three of the two-bedroom dwelling units with sale prices restricted at 15% below market value in perpetuity. The sale of these units would be restricted to qualified buyers (income would be one of the criteria for qualifying as a buyer, with the targeted household income limit anticipated to be approximately \$143,000). Capital Regional District (CRD) staff have provided a letter (attached) confirming that they are recommending the CRD Board approve a bylaw supporting the CRD entering into a legal agreement with the applicant to secure below market dwelling units. An agreement is also proposed to ensure that future strata bylaws could not prohibit the rental of the remaining units (i.e. those not being sold below market value).

### **Tenant Assistance Policy**

The proposal is to demolish three existing residential buildings, which would result in a loss of nine existing dwelling units (two duplexes and a five-plex). Consistent with the Tenant Assistance Policy, the applicant has provided a Tenant Assistance Plan, which is attached to this report.

### **Sustainability Features**

As indicated in the applicant's letter, dated May 16, 2019, the following sustainability features are proposed:

- achieve Step 4 of energy code (working towards Step 5)
- sustainably sourced building materials
- "EV ready" underground parking
- dedicated car share vehicle parking stall
- bicycle share program with "Tap Bike"
- drought tolerant landscaping.

### **Active Transportation Impacts**

The application proposes 46 long term bike storage spaces and 20 short term bike spaces, which exceed the requirements in the *Zoning Regulation Bylaw*.

### **Public Realm Improvements**

The existing properties are served by driveway crossings from Wilson Street. As the proposed development would be accessed from Alston Street, these driveways would be removed and a sidewalk with landscaped boulevard would be constructed on the Wilson Street frontage. In addition, a new sidewalk and landscaped boulevard would also be created immediately adjacent to the site on Alston Street.

## Accessibility Impact Statement

The British Columbia Building Code regulates accessibility as it pertains to buildings. The proposed pathways and entrances surrounding the proposed buildings include a number of short staircases, which would inhibit stroller and wheelchair accessibility around the site (see Issues and Analysis section below).

## Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the Victoria West CALUC at a Community Meeting held on January 22, 2019. 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)* identifies this property within Development Permit Area 15F: Intensive Residential - Attached Residential Development. The applicable Design Guidelines are the *Design Guidelines for Attached Residential Development*. The proposal is consistent with these Guidelines as follows:

- the two rows of townhouses run parallel to Wilson Street
- the townhouses have front and rear yard space
- a separation distance of 9.2m is provided between the rows of townhouses (the Guidelines recommend a minimum of 8m)
- the proposal has been designed to have minimal impact on neighbouring properties
- modulation of roof forms break the massing of the proposed buildings
- the front row of townhouses has been designed to have a strong relationship to Wilson Street, with well-defined entry features and direct access to individual units
- private yard space is clearly defined
- a variety of materials and colours are proposed in the exterior treatment of buildings, creating visual interest while being sensitive to the neighbourhood context
- driveway cuts would be removed from Wilson Street and one vehicular entry/exit point would be provided for the development from the flanking street (Alston Street).

The Design Guidelines identify accessibility as a key consideration in the design of pedestrian pathways throughout development sites. However, access to all the proposed residential units are via stairs and stairs are also present in the walkways between the blocks of townhouses and in the entry points to several patios. The applicant has indicated that there are some challenges with the site in terms of topography and that introducing accessible ramps would significantly increase the amount of hardscape across the site. This issue is further discussed in the Advisory Design Panel section of this report (below).



## Tree Preservation Bylaw and Urban Forest Master Plan

A tree inventory and assessment of 16 trees was conducted by Talbot Mackenzie & Associates and recommendations are outlined in the attached report dated March 14, 2019.

There are ten existing trees on the subject property, three of which are bylaw-protected. The bylaw-protected trees include two Western red cedars and a Norway maple. They are unsuitable candidates for long-term preservation due to their health and/or structural condition. Other on-site trees are non-native ornamental or fruit trees. All on-site trees are proposed to be removed to accommodate the development. Off-site, on private property, a cherry and cypress are proposed to be retained and protected.

The Wilson Street municipal frontage currently has four trees: two European white birch and two mountain ash. The structural condition of two of the trees is poor due to utility line clearance. There are no existing trees on the Alston Street frontage. Frontage works will require the removal of all existing public trees. The proposal includes planting eight new trees on Wilson Street and four new trees on Alston Street. However, these numbers are subject to further review by Parks and Recreation (at the Building Permit stage) to ensure that required off-sets from servicing, driveways, and intersections are possible.

## Regulatory Considerations

In addition to the following variances, approval of the concurrent Rezoning Application would be required to facilitate this development and is discussed in a separate report. Although a site specific zone is being sought, variances are recommended (instead of being included in the new zone) where the proposal is not consistent with the *Victoria West Neighbourhood Plan* and the Off-Street Parking Regulations (Schedule C) of the *Zoning Regulation Bylaw*, so that future potential redevelopment, if this proposal was not built, would require Council's consideration and approval for these specific aspects.

### Interior Side Yard Setback Variance

The *Victoria West Neighbourhood Plan* seeks to ensure that a minimum side yard setback of 4m be accommodated on interior lot lines when two rows of townhouses are being proposed. In this instance, the front row of townhouses would be situated approximately 2.5m from the interior lot line, and the rear row would be approximately 2.9m away from that lot line. The proposed variance is considered supportable as window openings along the side elevations have been minimized and designed to have minimal impact on the neighbouring property to the west. In addition, an existing duplex (which would be demolished to facilitate the new development) is situated approximately 2.9m from the property line.

### Number of Vehicle Parking Spaces

A variance is requested to reduce the required number of parking spaces from 37 (as per Schedule C of the *Zoning Regulation Bylaw*) to 23 (see table below).

	Proposal	Schedule C
<b>Vehicle parking stalls - minimum</b>		
Parking	23*	37
Visitor Parking	3	3

<b>Bicycle parking stalls - minimum</b>		
Long Term	42	37
Short Term	20	6

To mitigate potential impacts from this variance the applicant is proposing the following Transportation Demand Management (TDM) measures, which would be secured as a condition of the Rezoning Application:

- one car share vehicle
- one dedicated on-site car share stall with EV charging
- 34 car share memberships (one for each dwelling unit)
- six on-site bikes that are part of a bike share program
- additional bike parking beyond what is required in the zoning bylaw (see table above).

The applicant has provided a parking study indicating that, subject to the above TDM measures, the proposal is expected to satisfy resident parking demand. On this basis the parking variance is considered supportable.

### **Advisory Design Panel Review**

The proposal was presented to the Advisory Design Panel (ADP) at a meeting on April 10, 2019. The minutes are attached to this report. The ADP motion recommended that the Development Permit with Variances Application be approved subject to:

- further review of the Alston Street elevations
- further consideration of the handrail details on the Wilson Street accesses
- further review, where possible, of accessibility throughout the site as a whole.

In response to these recommendations, the applicant made some minor revisions to the proposal, including redesigned handrail details and additional fenestration, landscaping and project signage on the Alston Street frontage. With respect to accessibility, the applicant has indicated that the grade on the property is 18% from front to rear (north to south) and stairs throughout the project are unavoidable without affecting key components of the project design such as density, underground parking and soft landscaped areas. The applicant notes that bicycle ramps will be included on stairwells to access bicycle parking locations. Further information is provided in the ADP response from the applicant (attached). Should Council wish the applicant to explore further opportunities for supporting accessibility throughout the development then an alternative motion (Option 1) has been provided with appropriate wording.

### **CONCLUSIONS**

The proposal to construct a two-storey, ground-oriented multiple dwelling building is generally consistent with Development Permit Area 15F: Intensive Residential - Attached Residential Development. The buildings would integrate more intensive residential development in the form of ground-oriented attached residential development within a Traditional Residential area in a manner that respects the established character of the area. The variances have mitigation proposed to help with potential impacts and are supportable. Staff recommend that Council consider approving this application.



## ALTERNATE MOTIONS

### Option 1 (approve subject to further review of opportunities to support accessibility)

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. 00686, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00111 for 208/210, 220, 230 and 240/242 Wilson Street in accordance with:

1. Plans date stamped May 16, 2019.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - i. reduce the west (interior lot line) setback from 4m to 2.5m;
  - ii. reduce the number of parking stalls (non-visitor) from 37 to 23.
3. Directing staff to work with the applicant to further review opportunities to support accessibility in the development.
4. The Development Permit lapsing two years from the date of this resolution."

### Option 2 (decline)

That Council decline Development Permit with Variances Application No. 00111 for the property located at 208/210, 220, 230 and 240/242 Wilson Street.

Respectfully submitted,

  
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: July 16, 2019

### List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped May 16, 2019
- Attachment D: Letter from applicant to Mayor and Council dated May 16, 2019
- Attachment E: Transportation Study dated February 5, 2019 & update letter dated July 5, 2019
- Attachment F: Tenant Assistance Plan
- Attachment G: Tree Preservation Plan dated March 14, 2019
- Attachment H: Advisory Design Panel Minutes for the meeting of April 10, 2019
- Attachment I: Applicant Response to Advisory Design Panel Comments dated May 16, 2019
- Attachment J: Letter from Capital Regional District dated July 11, 2019.