



## Committee of the Whole Report

For the Meeting of August 8, 2019

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**To:** Committee of the Whole **Date:** July 25, 2019

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

**Subject:** Development Permit with Variances Application No. 00115 for 605-629 Speed Avenue and 606-618 Frances Avenue

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### RECOMMENDATION

1. That prior to giving notice and giving an opportunity for public comment at a meeting of Council:
  - a. That Council instruct staff to work with the applicant to provide a functional road design and appropriate cross-sections to demonstrate that the proposed buildings, installation of underground utilities, driveway crossings and ramp grades will accommodate the existing London Plane trees located on Speed Avenue.
  - b. That Council instruct staff to prepare and execute a housing agreement that secures ten dwelling units (seven studios, two 1-bedroom and one 2-bedroom) in the six-storey building as rental in perpetuity and affordable as per the City's definition of Affordable Housing for a period of ten years.
2. That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00115 for 605-629 Speed Avenue and 606-618 Frances Avenue, in accordance with:

  - a. Plans date stamped July 18, 2019.
  - b. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
    - i. increase the height of building from 37m to 45.34m;
    - ii. reduce the front yard setback of the 14-storey portion of the building from 6m to 1.60m to allow for a canopy projection only;
    - iii. reduce the front yard setback of the six-storey portion of the building from 6m to 1.52m to allow for a canopy projection only;
    - iv. reduce the side yard (east) setback from 5.90m to 0.00m for a parkade projection only;
    - v. reduce the required number of residential parking spaces from 237 to 151;
    - vi. reduce the required number of visitor parking space from 25 to 17;

- vii. reduce the separation space between an accessory building (timber pavilion) and the principal building from 2.40m to 1.30m;
  - viii. reduce the separation space between an accessory building (bicycle storage building) and the principal building from 2.40m to 1.40m and locate the accessory building in the side yard.
- c. 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.

## 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 605-629 Speed Avenue and 606-618 Frances Avenue. The proposal is to construct a 14-storey and 6-storey multi-unit residential building. The requested variances are associated with height, setbacks, parking and the accessory buildings.

The following points were considered in assessing this application:

- In 2016, Council approved a Development Permit for two 12-storey buildings at this location; however, this new proposal is more sympathetic to the neighbourhood and existing context.
- The subject property is within Development Permit Area 4 (DPA 4): Town Centre, where 40% of Victoria's anticipated population growth would be accommodated in order to encourage and support a mix of commercial and community services primarily serving the surrounding residential areas. The DPA also encourages high quality architecture, landscape and urban design.
- DPA 4 emphasizes that off-street parking must be underground, at the rear of buildings or otherwise screened. The majority of proposed parking is provided underground and the proposed surface parking is surrounded by substantial soft landscaping.
- The *Burnside Gorge Neighbourhood Plan* designates the subject properties "Town Centre," which supports mixed-use buildings up to 6-12 storeys, upper floors above the street wall generally set back and parking located in structures or underground. The proposed building is considered 14-storeys. This proposed height variance is supportable for reasons outlined in the report concerning the architecture, geotechnical constraints and the technical aspects of the Zoning Bylaw interpretation.
- The applicant is proposing heavy-mass timber construction, which has environmental benefits.
- The applicant is proposing to reduce the front yard setbacks of the 14-storey and 6-storey portions of the building to allow for canopy projections and to create strong connections to Speed Avenue. The buildings are setback beyond the minimum 6m setback requirement. The underground parkade projects slightly above grade along the eastern boundary, which is triggering a side yard setback variance. These setback variances are supportable.
- The variances associated with the timber pavilion and bicycle storage building are supportable and would not impact the 6-storey portion of the building.



- The applicant is proposing to reduce the required number of residential parking spaces from 237 to 151 and visitor parking spaces from 25 to 17. The applicant has provided a Transportation Study prepared by Bunt & Associates to justify the parking variance. The anticipated overall parking shortfall for this development, based on current Schedule C requirements, is 54 parking spaces. To help offset some of this anticipated shortfall, the applicant has offered two carshare vehicles, two designated on-site parking spaces for the car share vehicles and 105 carshare memberships. The subject property is also within walking distance to the Douglas Street transit corridor and bicycle infrastructure. For these reasons, staff support the proposed parking variances.

## **BACKGROUND**

### **Description of Proposal**

The proposal is for a 14-storey and 6-storey multi-unit residential building. Specific details include:

14-storey, multi-unit residential building:

- high-rise building form consisting of contemporary architectural features including a flat roofline, floor to ceiling glazing along the ground level plane, contemporary-style windows and horizontal and vertical reveals
- exterior materials include brick, prefinished metal panel, composite panel, architectural concrete and clear glazing
- main residential entryway fronting Speed Avenue
- ground-oriented units with individual entryways and private outdoor patios bordered by soft landscaping
- articulated eighth floor horizontal reveal
- framed balconies and covered private roof top patios for the dwelling units on the thirteenth storey
- common roof top amenity space.

6-storey, multi-unit residential building:

- mid-rise building form consisting of contemporary architectural features including a flat roofline and contemporary-style and angular framed windows
- exterior materials include brick, composite panel, prefinished metal panel, cementitious panel and clear glazing
- main residential entryway fronting Speed Avenue
- ground-oriented units with individual entryways and private outdoor patios bordered by soft landscaping.

Landscaping, vehicle and bicycle parking, loading and access:

- public pathway linking Speed Avenue and Frances Avenue
- common outdoor amenity space on the south side of the 6-storey building
- a timber pavilion with outdoor seating
- a dog walk area on the north west corner of the site adjacent to Speed Avenue
- permeable landscaping within the critical root zones of the London Plane trees along Speed Avenue
- approximately 48 new trees to be planted on-site
- planting and fencing around the perimeter of the site

- long-term bicycle room on the east side of the 6-storey building
- a driveway linking Speed Avenue and Frances Avenue with surface parking
- access off Speed Avenue to one-level of underground parking with secure and enclosed bicycle parking.

The proposed variances are related to:

- increasing the height of building from 37m to 45.34m
- reducing the front yard setback of the 14-storey portion of the building from 6m to 1.60m to allow for a canopy projection only
- reducing the front yard setback of the 6-storey portion of the building from 6m to 1.52m for a canopy projection only
- reducing the side yard (east) setback from 5.90m to 0.00m for a parkade projection only
- reducing the required number of residential parking spaces from 237 to 151
- reducing the required number of visitor parking space from 25 to 17
- reducing the separation space between an accessory building (timber pavilion) and the principal building from 2.40m to 1.30m
- reducing the separation space between an accessory building (bicycle storage) and the principal building from 2.40m to 1.40m and locate the accessory building in the side yard.

### **Affordable Housing Impacts**

The applicant proposes the creation of 247 new residential units which would increase the overall supply of housing in the area. The applicant has voluntarily offered to provide ten dwelling units (seven studios, two 1-bedroom and one 2-bedroom) in the 6-storey building as rental in perpetuity and affordable as per the City's definition of Affordable Housing for a period of ten years. These units will be secured in a Housing Agreement.

### **Sustainability Features**

The following sustainability features are associated with this application:

- heavy mass-timber system
- Step 1 BC Energy Step Code requirements
- energy and water efficient building systems and appliances
- high performance glazing and passive solar shading in dwelling units
- drought-resistant landscaping and permeable surface treatments
- service rough-in for electric vehicle charging stations
- carshare memberships and two carshare vehicles on-site
- secure and enclosed bicycle storage.

### **Active Transportation Impacts**

The applicant is proposing to provide 285 long-term and 25 short-term bicycle parking spaces as part of this development.

### **Public Realm Improvements**

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



## Accessibility Impact Statement

The British Columbia Building Code regulates accessibility as it pertains to buildings. The design guidelines encourage a high standard of accessibility on-site, including buildings and landscape design. Six dwelling units on the ground level of the 14-storey building would be accessible from the exterior. The outdoor communal areas would be accessible as well.

## Existing Site Development and Development Potential

The subject properties on Frances Avenue are presently vehicle storage. The properties at 605 and 607 Speed Avenue are presently vacant and 609 Speed Avenue is presently occupied by a single family dwelling.

Under the current R-81 Zone, the consolidated properties could be developed at a density of 3.08:1 Floor Space Ratio (FSR) with the proposed uses; however, it could also be developed as two 12-storey buildings.

## Data Table

The following data table compares the proposal with the existing R-81 Zone, Speed and Frances Multiple Dwelling District. An asterisk is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposal	Existing R-81 Zone
Site area (m <sup>2</sup> ) – minimum	5349	5340
Density (Floor Space Ratio) – maximum	2.99:1	3.08:1
Height (m) – maximum	<b>45.34* (west portion – 14-storey)</b> 19.54 (east portion – 6-storey)	37
Storeys – maximum	14 – west portion 6 – east portion	n/a
Site coverage % – maximum	64	66
Open Site Space % – minimum	24	14
<b>Setbacks</b> (m) – minimum		
Front (Speed Avenue)	6.50 (east portion to building) <b>1.60* (canopy east portion)</b> 7.90 (west portion to building) <b>1.52* (canopy west portion)</b>	6.00

Zoning Criteria	Proposal	Existing R-81 Zone
Rear (Frances Avenue)	12 (east portion to building) 3.50 (east side parkade projection) 1.20 (west portion)	0
Side (west)	5.13 (building) 0.50 (parkade projection)	0
Side (east)	9.30 (building) <b>0* (parkade projection)</b>	5.90
<b>Parking – minimum</b>		
Residential as per the R-81 Zone	<b>151*</b>	237
Residential as per Schedule C	<b>151*</b>	195
Visitor	<b>17*</b>	25
<b>Bicycle parking stalls – minimum</b>		
Long-term	286	285
Short-term	26	25
<b>Accessory Building – Timber Pavilion</b>		
Location	Rear yard	Rear yard
Floor area (m <sup>2</sup> ) – maximum	n/a	37
Side yard setback (m) – minimum	n/a	0.60
Rear yard setback (m) – minimum	0.60	0.60
Site coverage – Rear yard (%) – maximum	9	n/a
Separation from main building (m) – minimum	<b>1.30*</b>	2.40
Height (m) – maximum	3.28	3.50

Zoning Criteria	Proposal	Existing R-81 Zone
<b>Accessory Building – Bicycle Storage</b>		
Location	<b>Side yard *</b>	Rear yard
Floor area (m <sup>2</sup> ) - maximum	33	37
Side yard setback (m) - minimum	1.83	0.60
Rear yard setback (m) - minimum	10	0.60
Site coverage – Rear yard (%) – maximum	3.40	n/a
Separation from main building (m) – minimum	<b>1.40*</b>	2.40
Height (m) – maximum	3.28	3.50

### Relevant History

At the June 23, 2016 meeting, Council approved a Development Permit to construct a mixed-use development consisting of ground floor commercial space and two multi-unit residential towers of 12 storeys each on the subject property.

### Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, on March 27, 2019 the application was referred for a 30-day comment period to the Burnside Gorge 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 these properties within Development Permit Area 4 (DPA 4): Town Centre. The OCP supports buildings up to approximately 12 storeys. The objectives of this DPA are to accommodate 40% of Victoria's anticipated population growth in the Town Centres in order to encourage and support a mix of commercial and community services, primarily serving the surrounding residential areas. This DPA also encourages high quality architecture, landscape and urban design with the inclusion of new landmarks in order to achieve a unique character and sense of place. The proposal would add 247 new dwelling units



to the housing supply in the City. This proposal would be the first mid to high-rise development in the Mayfair Town Centre and would be quite prominent until the area builds up over time.

The applicant is proposing two buildings of different scales, but they share a complimentary architectural expression. The contemporary-style buildings have prominent ground-level entryways, flat rooflines, floor to ceiling glazing along the ground level planes and contemporary-style and accentuated windows. The applicant is also proposing high quality and durable materials. The 14-storey building is one vertical plane; however, the applicant has incorporated some lateral shifts in the building, vertical reveals at the corridor windows, a dynamic arrangement of windows and an eighth-storey reveal to break up the massing, especially along the east and west elevations.

The applicant is proposing substantial soft and hard landscaping throughout the site in order to provide a sense of place. The prominent landscaping features of this development proposal include private patio space, a public pathway linking Speed and Frances Avenue (a requirement of the rezoning), a timber pavilion with outdoor seating, communal green space and dog walk area. Rooftop amenity space would be provided for the 14-storey building. There would also be substantial tree planting throughout the site. Overall, the proposal is consistent with the design guidelines.

### **Local Area Plans**

The subject properties are designated Town Centre in the *Burnside Gorge Neighbourhood Plan, 2017*. The Plan supports residential building up to 6 to 12 storeys and parking located in structures or underground.

### **Tree Preservation Bylaw and Urban Forest Master Plan**

An arborist report was submitted with 19 trees inventoried and their health and structural conditions assessed. Recommendations and mitigation measures for the protection of the four mature London Plane trees located on Speed Avenue were made for the construction phase of the project. The London Plane trees range in size between 70cm and 126cm diameter of breast height (DBH). The project arborist does not feel the construction of new sidewalks, curbs and raised grades on Speed Avenue will significantly impact these trees. Staff recommend that additional construction details and a site meeting be held at building permit review stage to discuss the sidewalk design in detail with regards to these trees. Some pruning of limbs will be required at construction phase due to the location of the north facades of the two buildings if setback variances are approved, which will increase City maintenance costs due to managing regrowth. Four public trees that have been severely pruned for hydro lines along Francis Avenue will be replaced with four new boulevard trees. A non-bylaw Western red cedar and Douglas fir on the subject site are proposed for removal as they fall within the parkade excavation envelope.

Six non-bylaw trees on neighbouring properties are proposed for removal as they are in conflict with the underground parkade excavation - four trees at 643 Speed and two at 600 Frances. Prior to public hearing, the applicant should discuss these tree removals with the affected neighbours. An offsite weeping willow at 643 Speed, in good health, with poor structure, will require root pruning for the parkade excavation. Willows have good tolerance to root pruning.

57 small-canopy trees (less than 10m at maturity), are proposed on the subject site. Their size at maturity can be expected to be less than typical, as they are all planted on top of the parkade.



However, there will be a significant increase in the tree canopy compared to what currently exists on the site.

The demolition of some of the existing homes has already taken place and it is understood further demolition will take place in September. No trees have been removed from the site or off-site during demolition.

## **Regulatory Considerations**

### Height Variance

The existing R-81 Zone supports buildings up to 37m (approximately 12 storeys). The applicant is proposing a building height of 45.34m (14-storey building). On the plans, the building appears to be 12 storeys of habitable space; however, the dwelling units on the second storey contain a mezzanine level, which is considered a storey in the *Zoning Regulation Bylaw*, and the covered amenity space and elevator overrun to access the rooftop amenity space is also considered a storey. The requested height variance is supportable for the following reasons:

- it accommodates the dropped and exposed wood beams characteristic of the mass-timber structural system
- it provides three-metre ceiling heights throughout the building to enhance the livability of the units
- it provides lofty-style, ground-oriented units and covered amenity roof deck
- the covered roof is set back and not visible at street level.

In addition to the above, the proposed tall and slender building form is to take advantage of the benefits of mass timber, reduce the seismic forces of the building and mitigate the effects of the poor soil conditions. The applicant has provided a letter by a third-party consultant explaining the reasons for the proposed building form from a seismic and geotechnical perspective at this location.

### Parking Variance

The applicant is proposing to reduce the required number of residential parking spaces from 237 to 151 (includes two car share vehicle stalls) and visitor parking spaces from 25 to 17. The applicant has provided a Transportation Study prepared by Bunt & Associates to justify the parking variance. Due to the poor soil conditions and in turn the financial implications associated with providing underground parking, the applicant is providing one level of underground parking and some surface parking at this location. The single level of underground parking is also limited in area by the critical root zone requirements of the London Plan trees on Speed Avenue.

The existing R-81 Zone, Speed and Frances Multiple Dwelling District, contains a residential parking ratio which is greater than the parking requirements in new Schedule C: Off-street Parking. For comparison, under new Schedule C, the total parking requirement would be 222 parking spaces compared to 262 parking spaces under the existing zone. The anticipated overall parking shortfall for this development, based on the Schedule C requirements, would be 54 parking spaces. To help offset some of this anticipated shortfall, the applicant has offered two carshare vehicles, two designated carshare parking spaces on-site and 105 carshare memberships available to residents who do not have a parking space. The subject property is also within close proximity to the Douglas Street transit corridor and bicycle infrastructure. For these reasons, staff support the proposed parking variances.



### Setback Variances

The applicant is requesting front yard setback variances for each building along the Speed Avenue frontage to allow for canopy projections. These canopy projections accentuate the main entryways and provide weather protection. For these reasons, the variances are considered supportable.

On the east side of the building, the parkade projects slightly above grade at approximately 100mm, which triggers a setback variance. Since it is a minimal projection and would have no impacts on the neighbouring property, the variance is supportable.

### Variances for Accessory Buildings

The applicant is requesting a variance to reduce the separation space between the proposed timber pavilion and the 6-storey building from 2.40m to 1.30m. The proposed location would not impact the ground-level units to the east of the pavilion or obstruct views from the second-storey dwelling units. This outdoor feature would be an amenity for the development. Given these reasons, the proposed variance is supportable.

The applicant is also requesting two variances associated with the bicycle storage building located on the east side of the property and behind the ramp to the underground parkade. The variances include reducing the separation space between the bicycle storage building and the 6-storey building from 2.40m to 1.40m and locating the building in the side yard. The bicycle storage building would have a flat roof and the exterior materials would include clear and translucent glazing, clear-finished wood and a wood door to ensure that this building is aesthetically-pleasing and matches the architectural expression of the principal building. The building is not adjacent to ground level dwelling units and is located in the side yard so that there is easy access to the street. For these reasons, the proposed variances are supportable.

### **Other Considerations**

The Advisory Design Panel recommended to Council that Development Permit with Variances Application No. 00115 for 605-629 Speed Avenue and 606-618 Frances Avenue be approved with the following change:

- that the project comply with the height limit as prescribed within the zone.

The applicant considered the ADP's recommendation above; however, for the architectural and geotechnical reasons outlined above, the applicant has concerns with adjusting the height of the building and the overall impacts this would have on the development, and therefore has not made any changes to this aspect of the design.

### **CONCLUSIONS**

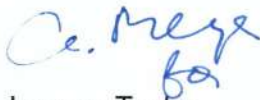
The proposal to construct a 14-storey and 6-storey multi-unit residential building is generally consistent with the design guidelines. This proposal would be the first mid to high-rise development in the Mayfair Town Centre and would be quite prominent until the area builds up over time; however, it would add 247 new dwelling units in the neighbourhood, including ten affordable rental units. The proposed variances to facilitate this development are supportable as well. Staff recommend for Council's consideration that the application proceed to an Opportunity for Public Comment.



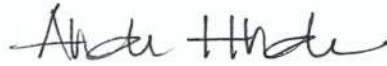
## ALTERNATE MOTION

That Council decline Development Permit with Variances Application No. 00115 for the property located at 605-629 Speed Avenue and 606-618 Frances Avenue.

Respectfully submitted,

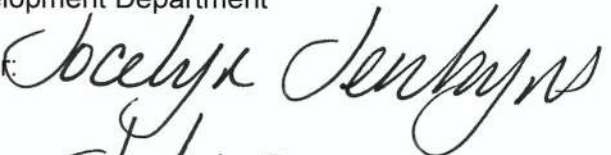


Leanne Taylor  
Senior Planner  
Development Services Division

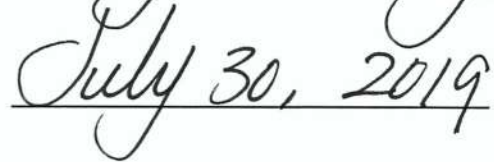


Andrea Hudson, Acting Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



Date:



### List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans dated/date stamped July 18, 2019
- Attachment D: Letter from applicant to Mayor and Council dated July 16, 2019
- Attachment E: Letter from applicant to Mayor and Council dated July 16, 2019
- Attachment F: Arborist Report dated July 16, 2019
- Attachment G: Transportation Assessment
- Attachment H: Letter from Modo dated February 7, 2019
- Attachment I: Letter from Civil Engineer dated July 17, 2019
- Attachment J: Minutes from ADP dated June 26, 2019
- Attachment K: Correspondence.