



Committee of the Whole Report

For the Meeting of September 19, 2019

To: Committee of the Whole **Date:** September 5, 2019

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

Subject: Development Permit with Variances Application No. 00055 for 415 and 435 Michigan Street

RECOMMENDATION

That Council direct staff to work with the applicant to revise the proposal to provide additional parking spaces and/or develop a comprehensive TDM package to mitigate the parking shortfall and submit revised plans to address inconsistencies in the project data table, and bring the revised proposal back to a future Committee of the Whole meeting.

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 415 and 435 Michigan Street. The proposal is to construct a four-storey multiple dwelling building containing approximately 24 dwelling units and to retain the two existing 13-storey multiple dwelling buildings on site. The variances are related to number of buildings on a lot, front setbacks, site coverage, open site space, number of parking stalls, and accessory building size and location. 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 16: General Form and Character of the *Official Community Plan* (OCP) 2012
- The site is currently non-conforming for vehicle parking. Under current regulations, the 195 existing dwelling units would require 213 spaces but there are only 138 existing spaces. The additional number of vehicle spaces required by the proposed new dwelling

units is 29. The applicant has requested a variance to reduce the required number of parking stalls from 243 to 141. Although the proposed mitigation measures would help reduce the impact of the shortfall of stalls, the variance is still not supportable due to the potential negative impact resulting from the parking demand not being accommodated on site.

- the other variances are related to the number of buildings on site, front setbacks, site coverage, open site space and the size and location of the proposed accessory buildings. These variances would have a limited impact and are considered supportable.

BACKGROUND

Description of Proposal

The proposal is to construct a four-storey multiple dwelling building containing approximately 24 dwelling units and to retain the two existing 13-storey multiple dwelling buildings on site. The overall proposed density is 1.65:1 floor space ratio (FSR). This proposal requires a rezoning to a site-specific zone to accommodate the proposed use which is discussed in the concurrent Rezoning Application report (Rezoning Application No. 00637).

The proposed new building includes the following major design components:

- 12 two-storey upper units on top of 12 one-storey lower units
- entries with direct access to outside (via external stairs)
- access to dwelling units from the front and back of the building
- private rooftop decks for the upper units
- secure bicycle parking located in two accessory buildings (shared by all three buildings).

Exterior building materials include:

- hardie panel, plank, and shingle siding
- hardie trim
- aluminium soffits and siding
- vinyl windows and doors
- glazed wood swing entry doors
- aluminium rails with tempered glass
- standing seam metal roofing
- exterior wood stairs with concrete treads and glass guards
- cedar trellis/fence privacy screens.

Landscaping elements include:

- wood privacy screens
- metal picket fence
- cast in place concrete paving, walls and curbs
- unit paving and hydra pressed slab paving
- lawn area
- ornamental planting area
- rain garden
- retained and new trees.

The variances are related to number of buildings on site, front setbacks, site coverage, open site space, the size and location of the proposed accessory buildings, and number of parking stalls.

Affordable Housing Impacts

The affordable housing impacts are reviewed in association with the concurrent Rezoning Application for this property.

Sustainability Features

As indicated in the applicant's letter dated July 25, 2019, the following sustainability features are proposed:

- stormwater management
- rooftop landscaping (garden plots)
- environmentally friendly building materials (e.g. non-toxic, wood) and low- or no-VOC paints adhesives and sealants
- energy efficient components including high performance windows, heat recovery ventilator and LED lighting
- water efficient fixtures.

Active Transportation Impacts

The application proposes bike racks (30 bikes) and secure bike storage (168 bikes). The bike storage exceeds the requirements of the *Zoning Regulation Bylaw*, however, given the vehicle parking short fall, it is not considered sufficient (see Analysis section below).

Public Realm Improvements

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

Accessibility Impact Statement

The British Columbia Building Code regulates accessibility as it pertains to buildings. The applicant has also provided the following information on this topic:

- pathways and sidewalks do not have stairs, and the on-site sidewalks tie into those along Michigan Street
- entrances into the two existing towers are fully accessible
- the pathways leading to the new recycling storage and bicycle storage buildings are fully accessible.

It should also be noted that the proposed dwelling units have individual stair accesses at each entrance and are therefore not accessible to wheelchairs.

Data Table

The following data table compares the proposal with the existing R3-H Zone. An asterisk is used to identify where the proposal is less stringent than the existing zone. Two asterisks are used to identify where the proposal is existing non-conforming.

Zoning Criteria	Proposal	Current R3-H Zone
Site area (m ²) – minimum	9730.00	2787.00
Density (Floor Space Ratio) – maximum	1.64	1.68 (linked to number of storeys)
Unit floor area (m ²) – minimum	37.50	33.00
Total floor area (m ²) – maximum	15972.00	16346.40
Number of buildings on site (excluding accessory buildings) – maximum	3 *	1
Height (m) – maximum		
Existing buildings	35.11 **	34.00
Proposed building	12.40	34.00
Storeys – maximum		
Existing buildings	13	n/a
Proposed building	4	n/a
Site coverage (%) – maximum	23.60 *	14.00
Open site space (%) – minimum	31.40 *	40.00
Proposed building setbacks (m) – minimum		
North (Michigan Street) – building	5.5 *	15.00
North (Michigan Street) – canopy	5.00 *	12.00
North (Michigan Street) – steps	2.00 *	12.00
South	58.80	17.55
West	40.50	17.55
East	37.40	17.55
Existing buildings' setbacks (m) – minimum		
North (435 Michigan Street)	10.70 *	15.00
North (415 Michigan Street)	9.10 *	15.00

Zoning Criteria	Proposal	Current R3-H Zone
South	30	17.55
West	9.00 **	17.55
East	7.5 **	17.55
Vehicle parking – minimum	141 (including 11 visitor spaces) *	243 (including 22 visitor spaces)
Bicycle parking – minimum		
Long term spaces	168	30
Short term spaces	30	6
Proposed Accessory Building (east) – Garbage/bicycle storage		
Location	Side yard *	Rear yard
Separation space from main building (m) – minimum	2.50	2.40
Floor area (m ²) – maximum	54 *	37.00
Height (m) – maximum	3.50	3.50
Setbacks (m) – minimum		
Rear	39.38	0.60
Side	3.96	0.60
Proposed Accessory Building (west) – Bicycle storage		
Location	Side yard *	Rear yard
Separation space from main building (m) – minimum	3.40	2.40
Floor area (m ²) – maximum	N/A	37.00
Height (m) – maximum	3.18	3.50
Setbacks (m) – minimum		
Rear	31.00	0.60
Side	0.60	0.60

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on October 18, 2017 the application was referred for a 30-day comment period to the James Bay CALUC. A letter dated March 5, 2018 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 *Official Community Plan (OCP)* identifies this property within Development Permit Area 16: General Form and Character. The proposal is generally consistent with the Design Guidelines associated with this Development Permit Area and meet the main overall objectives which include:

- to support multi-unit residential developments that provide a sensitive transition to adjacent and nearby areas
- to integrate multi-unit residential buildings in a manner that is complementary to established place character in a neighbourhood
- to enhance the place character of established areas and their streetscapes through high quality of architecture, landscape and urban design
- to achieve more livable environments through considerations for human-scaled design, quality of open spaces, privacy impacts, safety and accessibility.

The following specific topics are discussed below for Council's consideration:

Integration into Existing Context

To be consistent with the Design Guidelines, new development should be compatible with and improve the character of established areas through design that is unifying, sensitive and innovative. The proposed ground-oriented multiple dwelling building form fits with the varied context on the street and in the neighbourhood. Although the proposed height does not match the adjacent existing 13-storey buildings, the proposed building height would provide a better fit with the neighbourhood overall.

Relationship to the Street

New development should contribute to cohesion, visual identity and the quality of streetscapes. The proposed building incorporates building elements that are complementary to other buildings in the area, such as a consistent street wall and horizontal cornice lines, while still adding interest to the streetscape through variations in building height, rooflines and massing.

The proposed building frames the public street creating a sense of enclosure and provides visual and physical connections between the public street and buildings with front stairs, front porches and canopies oriented towards the street. The dwelling units each have prominent individual entrances with direct connections to the public sidewalk.

Although the proposed building would be closer to the street than the existing buildings on site (see variance section below), the low building form would have a positive relationship to the public street and provide a feeling of enclosure with a human-scaled street wall and a sensitive transition between the public and private realm.

Open Spaces and Landscaping

The open space should be usable, attractive and well-integrated with the design of the building. The proposal would largely leave the site as-is, except with the addition of the proposed building replacing a grass area and two accessory buildings replacing the existing one. A large portion of the site would remain as surface parking. The applicant is proposing additional trees (see Tree Preservation section below) and landscaping around the proposed building and existing outdoor swimming pool. Private open space is provided in the form of front patios, front decks, and rooftop decks. The public and semi-public spaces are distinguished from private spaces through building design and landscaping.

One sidewalk is located along each of the two driveways providing pedestrian access to the proposed rear units and the rest of the site.

Privacy Impacts

The proposed building is approximately 9.2m from the existing building to the east and approximately 16m from the existing building to the west. Several windows are proposed for the sides of the building, which would face windows on the existing buildings. These windows should not have a substantial impact due to their size, placement, and distance from the existing buildings.

The proposal also includes rooftop decks, with the rear roof decks positioned above those in the front. The applicant is proposing to set the rear railings back from the northern edge and to include obscured glass guard rails to help mitigate potential privacy issues.

Tree Preservation Bylaw and Urban Forest Master Plan

A total of 65 trees were inventoried and potential development impacts assessed, as outlined in an Arborist Report by Talbot Mackenzie & Associates dated August 21, 2019. On the municipal frontage, there are nine trees, five birch and four flowering cherry, that are to be retained. Nine non-bylaw trees and three trees protected by the *Tree Preservation Bylaw* are proposed for removal. A four-storey multiple dwelling building is proposed within a front setback, requiring removal of two bylaw-protected Douglas-firs in fair overall condition, 84 cm and 69 cm diameter at breast height (DBH). A bylaw-protected multi-stemmed arbutus (19 cm DBH), in good overall condition, is to be removed due to paving planned near the proposed garbage/recycling area on the east side of the property. Non-bylaw trees to be removed include a horsechestnut (66 cm DBH) that is located where a sidewalk is proposed and a hedge maple (66 cm DBH) in conflict with the bike storage/garbage/recycling planned on the east side of the property. Additional non-bylaw trees proposed for removal are poor candidates for long-term preservation.

Landscape plans indicate 34 trees to be planted as part of the proposal, including six replacement trees in accordance with the Tree Preservation Bylaw: one columnar red maple and five medium-canopy trees (three katsura and two tupelo). The remaining 28 new trees are planned to be 16 small-canopy at maturity and 12 columnar species. Additionally, upgrades to the gardens in the front yards of the existing buildings are currently in progress with medium canopy at maturity trees being planted: 20 river birch and two katsura trees.

Along the west property line, the proposed bike storage and path will require removal of a laurel hedge and two self-seeded English hawthorn trees. This building and path are located within the critical root zone (CRZ) of two offsite bylaw-protected Western red cedars (66 cm and 86 cm DBH). Covered carport structures to be removed from the southwest corner of the property are located within the CRZ of an on-site bylaw-protected elm.

To minimize development impacts to retained trees, tree protection measures such as arborist supervision, reducing the extent of excavations, tree protection fencing, and post-construction irrigation have been identified in the Arborist report.

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. The following changes from the current zone are being proposed. Variances are recommended (instead of being included in the new zone) so that future potential redevelopment, if this proposal was not built, would require Council's consideration and approval for these specific aspects.

Front Setbacks

The following setback variances are requested to facilitate this proposal:

- reduce the front setback to a building from 15m to 5.5m
- reduce the front setback to a canopy on a building from 12m to 5m
- reduce the front setback to stairs on a building from 12m to 2m.

The existing buildings are set back approximately 9.1m (415 Michigan Street) and 10.7m (435 Michigan Street) from the front property line, while the proposed building is set back 5.5m to the projecting fin walls. The majority of the proposed building wall is set back approximately 6m, while the proposed setback to the entry stairs would only be 2m. Although the proposed building is not in line with the two existing buildings, the low-rise building form is suitable for smaller setbacks and provides a strong relationship to the street with entries, windows and front porches. The proposed landscaping including yew hedges and trees would help to soften the public/private interface.

Site Coverage, Open Site Space Variances, and Number of Buildings on Site

The following variances related to site coverage, open site space and number of buildings on site are requested to facilitate this proposal:

- increase the number of buildings permitted on one lot from one to three
- increase the site coverage from 14% to 23.6%
- reduce the open site space from 40% to 31%.

These variances would not have a substantial impact due to the large size of the site and substantial setbacks to the rear and sides of the lot as well as the distances provided between buildings (see the Open Spaces and Landscaping section above).

Number of Vehicle Parking Spaces

A variance is requested by the Applicant to reduce the number of required parking spaces from 243 (including 22 visitor spaces) to 141 (including 11 visitor spaces).

Parking requirements in Schedule C have been set based on comprehensive parking studies. The schedule identifies rates that will help to meet the anticipated demand of new development. Understanding the current parking context for any variance request is important, particularly with an existing legal non-conforming property. The majority of parking on this block of Michigan Street is residential-only parking. There is time-limited parking immediately in front of Irving Park and one existing on-street car share vehicle at the end of the block. Traffic operations staff and parking ambassadors have cited high demand for on-street parking on this street as well as in the immediate surrounding area.

The site is currently legal non-conforming. Under current regulations, the 195 existing dwelling units would require 213 spaces but there are only 138 existing spaces. The additional number of vehicle spaces required by the proposed new dwelling units is 29, making the total number of required parking stalls 243 (due to rounding).

The applicant is proposing to add three on-site parking stalls to the current inventory for a total of 141 stalls. This would increase the current shortfall of vehicle parking spaces from 75 (35% shortfall) to 102 (42% shortfall).

Number of Dwelling Units	Number of Parking Spaces	Number of Parking Spaces Required	Parking Shortfall Under Current Regulations
195 (existing)	138 (existing)	213	75 (35% of requirement)
219 (including 195 existing units plus 24 new units proposed)	141 (proposed)	243	102 (42% of requirement)

The applicant has provided parking studies indicating that the proposal is not expected to negatively affect neighbourhood parking conditions and that no additional vehicle parking is required for this development proposal. Staff have reviewed this report and while, in isolation, the new 24-unit development may not generate significant new parking demand, the request must be considered in broader context of the existing parking shortfall on the site.

The site is located close to the James Bay Large Urban Village and associated services, but proximity alone will not eliminate parking demand of new units or the demand from existing units. A comprehensive approach to transportation demand management (TDM) is required to effectively reduce vehicle ownership / demand from this site.

The applicant is proposing the following TDM measures:

- purchase and transfer of ownership to the car share organization of one new vehicle
- one on-site parking space that will be designated for a car share organization vehicle
- a car share membership for 50 of the 219 dwelling units (22% of the total units on site)
- a \$100 driving credit will be provided for each of the memberships to encourage activation and initial use of the car share memberships
- three bicycles that are part of a bike share program. The applicant will ensure that at least 3 bicycles will be available on-site each morning.
- the addition of 168 secure weather protected bicycle stalls (30 are required for the proposed dwelling units).

The proposed mitigation for the parking variance would not sufficiently compensate for the associated impacts of a shortfall of that magnitude and is therefore not supportable.

Number of Bike Parking Spaces

Short Term Bike Parking: Under the current regulations, 195 newly built dwelling units would require 20 short-term bicycle-parking spaces, however, since they are existing buildings, under Schedule C, no bike parking is technically required. The proposed additional 24 dwelling units requires 6 short-term bike parking spaces. The applicant has proposed 30, which is 24 more spaces than required (there are currently 6 short-term parking spaces on site).

Long Term Bike Parking: Under the current regulations, 195 newly built dwelling units would require 226 long term bicycle spaces, however, since they are existing buildings, under Schedule C, no bike parking is technically required. The applicant is proposing to provide 168 long term stalls in total (there is currently no long term bike parking on site). While this is in excess of the 30 stalls required for the 24 new dwelling units, given the vehicle parking short fall it is not considered sufficient and additional bike parking should be provided.

Accessory Buildings

The following variances related to the proposed accessory buildings are requested to facilitate this proposal:

- permit the proposed accessory buildings to be located in the side yards instead of the rear yard
- increase the floor area of one of the proposed accessory buildings from 37m² to 54m².

These variances will not have a substantial impact due to the large size of the site and the fact that it would be located mostly out of sight from the public street. They would, however, be located in view of several dwelling units in the existing adjacent buildings as well as the existing adjacent properties. The accessory buildings would provide space for garbage as well as the bike storage.

Advisory Design Panel Review

The proposal was presented to the Advisory Design Panel (ADP) on May 9, 2018 (minutes attached). The ADP recommended that this Development Permit with Variances Application be approved with recommendations as follows:

- explore utilizing the vertical elements of the building for rain water leaders and storage options
- consider flipping the layout of the studio suites to offset the alignment of the front door and the upper exterior stairs
- consider introducing additional greenspace to the consolidated site
- review stair design to maximize privacy, storage and liveability
- reconsider the design of the building's end elevations to respond to the massing shift in the building form.

In response to these recommendations, the applicant made revisions to the proposal which included the following:

- vertical elements between units have been widened at ground level
- lower dwelling units have been flipped so that entry door aligns with patio stairs
- plantings and trees have been added to the pool deck area

- the thickness of the stair treads have been increased
- side elevations material change.

CONCLUSIONS

The proposal to construct a four-storey multiple dwelling residential building is generally consistent with Development Permit Area 16: General Form and Character. The building helps frame the street and provides a human scale with a sensitive transition between the public and private space. The variances related to number of buildings on site, front setbacks, site coverage, open site space, and the size and location of the proposed accessory buildings would have a limited impact and are supportable.

From a transportation and parking perspective, the variances requested by the applicant are not supportable with the TDM proposed. The measures would not sufficiently compensate for anticipated impacts associated with shortfall. Additional measures could include providing additional long term bicycle parking, providing transit passes for residents, as well as expanded car and bike share programs.

Staff recommend that Council direct staff to continue working with the applicant to introduce a more comprehensive TDM program and/or increase the number of parking spaces on-site and bring back a revised proposal to a future Committee of the Whole Meeting.

ALTERNATE MOTIONS

Option 1 (Decline the Current Proposal)

That Council decline Development Permit with Variances Application No. 00055 for the property located at 415 and 435 Michigan Street.

Option 2 (Approve the Current Proposal)

Rezoning

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendments that would authorize the proposed development outlined in Rezoning Application No. 00637 for 415 and 435 Michigan Street, that first and second reading of the Zoning Regulation Bylaw Amendments be considered by Council and a Public Hearing date be set once the following conditions are met:

1. An executed legal agreement in a form to the satisfaction of the City Solicitor, to secure all of the dwelling units on site as rental, in perpetuity.
2. An executed legal agreement in a form to the satisfaction of the City Solicitor, to secure two of the proposed one-bedroom rental dwelling units as below-market housing (offered for rent at 30% of the gross annual household income for \$55,200 households, in perpetuity).
3. Registration of a legal agreement on the property's title, with terms and in a form to the satisfaction of the Director of Engineering and the City Solicitor, to secure Transportation Demand Management measures that include:
 - i. provision of one car share vehicle;
 - ii. a dedicated on-site car share parking space;
 - iii. a car share membership each for 50 dwelling units;
 - iv. \$100 of driving credit for each of the car share memberships; and
 - v. three on-site bicycles that are part of a bike share program.

Development Permit with Variance

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. 00637, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00055 for 415 and 435 Michigan Street, in accordance with:

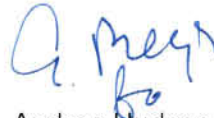
1. Plans date stamped June 4, 2019.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. increase the number of buildings permitted on one lot from one to three;
 - ii. reduce the front setback to buildings from 15m to 5.5m;
 - iii. reduce the front setback to canopies on a building from 12m to 5m;
 - iv. reduce the front setback to stairs on a building from 12m to 2.0m;
 - v. increase the site coverage from 14% to 23.6%;
 - vi. reduce the open site space from 40% to 31%;
 - vii. reduce the number of parking spaces (not visitor) from 221 to 130;
 - viii. reduce the number of parking spaces (visitor) from 22 to 11;
 - ix. permit accessory buildings in the side yard;
 - x. increase the floor area for an accessory building from 37m² to 54m².
3. Revised plans addressing inconsistencies in the project data table.
4. The Development Permit lapsing two years from the date of this resolution."

Respectfully submitted,



Rob Bateman
Senior Process Planner
Development Services Division

JH



Andrea Hudson, Acting Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date: Sept. 12, 2019

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped June 4, 2019
- Attachment D: Letters from applicant to Mayor and Council dated July 30, 2019 and August 28, 2019
- Attachment E: Community Association Land Use Committee Comments dated March 5, 2018
- Attachment F: Parking Study (Watt Consulting Group) dated February 23, 2018
- Attachment G: Parking Study (Bunt & Associates) dated May 9, 2018
- Attachment H: Arborist Report dated August 21, 2019
- Attachment I: Advisory Design Panel Minutes for the meeting of May 9, 2018
- Attachment J: Correspondence.