



## Committee of the Whole Report For the Meeting of December 12, 2019

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**To:** Committee of the Whole **Date:** November 28, 2019  
**From:** Andrea Hudson, Acting Director, Sustainable Planning and Community Development  
**Subject:** Development Permit with Variances Application No. 00074 for 1301 Hillside Avenue

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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. 00636, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00074 for 1301 Hillside Avenue in accordance with:

1. Plans date stamped September 13, 2019.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - i. reduce the number of residential vehicle parking stalls from 48 to 19;
  - ii. reduce the number of visitor vehicle parking stalls from 5 to 4;
  - iii. increase the site coverage from 40% to 75.5%; and
  - iv. reduce the open site space from 50% to 20.9%.
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 revitalization of an area in which a commercial use is permitted, 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 1301 Hillside

Avenue. The proposal is for a six-storey residential building with live-work units on the ground floor. The variances are related to reducing the required residential and visitor vehicle parking stalls, increasing the site coverage and reducing the open site space.

The following points were considered in assessing this application:

- the proposal is generally consistent with the *Advisory Design Guidelines for Buildings, Signs and Awnings*
- the proposal is consistent with the guidelines for development on the Hillside Avenue corridor found within the *Oaklands Neighbourhood Plan*
- the proposal requires variances to reduce the number of residential vehicle stalls from 47 to 19 and to reduce the number of visitor vehicle parking stalls from 5 to 4. These variances are supportable due to the extensive Transportation Demand Management measures that the applicant is proposing
- the proposal will also require variances to increase the site coverage from 40% to 76.1% and decrease the open site space from 50% to 20.1%. It is recommended that these siting standards be facilitated through the variance process rather than entrenching the standards in a zone, so that if this proposal is not constructed, any new proposals would require new variances that would be assessed on their merit in the future.

## **BACKGROUND**

### **Description of Proposal**

The proposal is for a six-storey residential building with live-work units on the ground floor. Specific details include:

- a six-storey contemporary designed building
- three live-work units and the long-term bicycle stalls are proposed for the ground floor in an effort to activate the pedestrian realm on Hillside Avenue
- exterior access from Hillside Avenue to the rear units on the second level
- outdoor amenity space provided through private decks
- vehicle parking at the rear of the building on the ground level.

The proposed variances are related to:

- reduce the residential vehicle parking stalls from 43 to 18
- reduce the visitor vehicle parking stalls from 5 to 4
- increase the site coverage from 40% to 75.5%
- decrease the open site space from 50% to 20.9%.

### **Sustainability Features**

As indicated in the applicant's letter dated July 17, 2019, the following sustainability features are associated with this application:

- targeting Built Green Certification
- passive design practices, including orienting the building to maximize solar gain
- energy efficient windows and low flow water fixtures
- rainwater gardens and permeable pavers to improve on-site drainage
- reuse of a contaminated lot (former gas station).

## Active Transportation Impacts

The application proposes the following features which support active transportation:

- 75 long-term bicycle stalls, including four stalls for cargo bikes as well as power outlets to 10% of the stalls for e-bikes
- six short-term bicycle stalls
- a bicycle washing station
- provision of EcoPass transit passes to the units for one year
- purchase of a Modo vehicle and lifetime memberships that run with each unit.

## 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 following are features identified by the applicant to address accessibility:

- barrier-free access will be provided from the street and from the private parking area to each dwelling unit and common amenity space
- corridors and doors will exceed the minimum width for accessibility
- window sill heights will not exceed 750mm above the floor and the locking mechanism will not exceed 1170mm above the floor.

## Existing Site Development and Development Potential

The site is presently vacant, having undergone remediation from the previous service station use. Under the current C-SS Zone, Special Service Station District, the property could only be developed as a service station.

## Data Table

The following data table compares the proposal with the existing C-SS Zone. An asterisk is used to identify where variances will be required. Two asterisks are used to identify required variances from the site specific zone, in order to avoid enshrining these regulations as rights into the zone.

Zoning Criteria	Proposal	Existing C-SS Zone
Site area (m <sup>2</sup> ) – minimum	1243.24	N/A
Unit floor area (m <sup>2</sup> ) – minimum	29.16	N/A
Density (Floor Space Ratio) – maximum	2.25	N/A
Total floor area (m <sup>2</sup> ) – maximum	2793.48	N/A
Lot width (m) – minimum	25.11	N/A

<b>Zoning Criteria</b>	<b>Proposal</b>	<b>Existing C-SS Zone</b>
Height (m) – maximum	17.43	11.0
Storeys – maximum	6	N/A
Site coverage % – maximum	<b>75.50 **</b>	N/A
Open site space % – minimum	<b>20.90 **</b>	N/A
<b>Setbacks (m) – minimum</b>		
Street Boundary (Hillside Avenue)	3.60	4.50
Rear (south)	0.0	4.50
Side (east)	0.0	4.50
Side (west)	3.24	4.50
Vehicle parking (residential) – minimum	<b>19 *</b>	48 (as per Schedule C for multi-family dwellings)
Vehicle parking (visitor) – minimum	<b>4 *</b>	4 (as per Schedule C for multi-family dwellings)
Bicycle parking stalls (long term) – minimum	75	64 (as per Schedule C for multi-family dwellings)
Bicycle parking stalls (short term) – minimum	6	6 (as per Schedule C for multi-family dwellings)

## Relevant History

A demolition permit was issued in 2008 for the previous gas station use, and since that time the parcel has been vacant as it underwent environmental remediation. As such, the Certificate of Compliance issued by the Ministry of Environment prohibits subsurface structures as well as at-grade residential uses.

Although it is not the City's responsibility to enforce the Ministry's legislation regarding contaminated sites, it is noted that the applicant has designed the building with surface-oriented concrete slab foundations and footings without basements, a condition of the site's Certificate of Compliance. Ongoing compliance with the *Environmental Management Act* is a matter between the Ministry, the developer and future purchasers.

## Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the Oaklands CALUC at two Community Meetings held on January 30, 2018 and on March 25, 2019. The minutes from the two meetings are 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 (DPA) 7A: Corridors. The objectives of this DPA are to ensure corridors are compatible with adjacent and nearby lower density residential neighbourhoods through human-scaled urban design and sensitive transitions in building form and character, and to enhance the function of Hillside Avenue as a frequent transit corridor with the design of adjacent developments supporting this objective. The proposal is consistent with the objectives of this DPA and the OCP policies, as it would improve the transit-oriented streetscape along Hillside Avenue and increase the residential density along the Hillside Avenue frequent transit corridor.

The *Advisory Design Guidelines for Buildings, Signs and Awnings* are applicable within this DPA. The Design Guidelines encourage a comprehensive design approach with attractive streetscapes and architectural and landscape features that acknowledge and identify the immediate area.

The proposal is generally consistent with the Design Guidelines. The proposal mitigates the height and density by stepping the building back at the fifth storey, and varying the facades and rooflines. The ground floor live-work units, the bicycle parking, and the main residential entrance all improve and encourage interaction with the street. The proposal acknowledges the topography of the Cridge Centre property by providing additional at-grade entrances for the second floor units at the rear that would improve natural surveillance on a secluded area. Amenity space for the units is provided through balconies.

### **Local Area Plans**

The *Oaklands Neighbourhood Plan* notes that major redevelopment should be in keeping with the established scale and character of the existing neighbourhood and should generally be located along existing major roads. The Plan also has guidelines for development on the Hillside corridor, which include:

- scale and massing of buildings should relate to adjacent buildings and provide sensitive transitions
- roof lines and exterior finishes should be varied to avoid monotonous appearances
- location, height and form of buildings should take into account the topography.

The proposal is located on two major roads and the contemporary design is in keeping with the varying design types of the area. While the height and massing is an increase in comparison to some of the existing context, it does take into account the natural topography as the second floor units on the rear are level with the Cridge Centre property. The step-back of the upper storeys and the varying rooflines and materials aid in avoiding a monotonous appearance.

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

Earlier this year, Council increased funding to expedite the implementation of the Urban Forest Master Plan (UFMP). The goals of the UFMP include maximizing community benefits from the urban forest in all neighbourhoods, including a focus on protecting large, healthy trees on public and private property.

The Tree Resource Inventory for this project identified a total of eight trees: one City-owned street tree and seven bylaw-protected trees on the neighboring property at 1190 Kings Road (Cridge Centre property). The trees on the Cridge Centre property are also further protected under a restrictive covenant in favor of the City of Victoria.

The proposal, as currently shown, would require the removal of two Garry oak trees to construct the proposed building. Both of these trees are part of an existing Garry oak meadow and rocky outcrops. Garry oak ecosystems are native to Victoria and important because they increase biodiversity, maintain ecological integrity and only a very low percentage remain intact. As such, the covenant protection was established to help preserve this meadow in 2001.

A 50cm diameter Garry oak located on the property line has shared ownership with the neighboring property and is identified for removal. This tree is in fair to poor health and in fair structure. The second Garry oak identified for removal is 60cm DBH in fair health and structure that is located on the neighboring property. The root systems of both trees will conflict with the required excavation and will require severe pruning to accommodate the new building. Both of these trees can be retained with a change in building design; however, the applicant has advised that such a change would result in the loss of the proposed affordable housing units.

To help offset the tree removal impacts, the applicant is proposing to replace the impacted trees at a three to one ratio on the Cridge Centre Property and install irrigation to help ensure the newly planted trees grow to maturity. In addition, the applicant is proposing to install split rail fencing around the Garry Oak meadow to provide further protection to the new plantings. Mitigation measures have been provided by the developer to retain the remaining five Garry oaks inventoried.

Finally, a Statutory Right-of-Way will be secured on the Cook Street and Hillside Avenue frontages. On the Hillside Avenue boulevard, a City-owned tree is identified to be removed to allow for the construction of a new streetscape that includes a rain garden, a bike lane dedication and three new boulevard trees. A rain garden and a new boulevard tree are proposed on the Cook Street frontage.

In summary, three trees are proposed for removal, seven trees are proposed to be planted on the subject lot and six replacement trees are proposed to be planted on the Cridge Centre property.

### **Regulatory Considerations**

The proposal requires variances to reduce the residential vehicle parking from 48 to 19 stalls and to reduce the visitor vehicle parking stalls from five to four. To offset the variance, the applicant is proposing a number of Transportation Demand Management measures. A new car share vehicle for the area will be purchased and one of the stalls on-site will be dedicated for the car share vehicle. The vehicle, stall and access to the stall by the public would be secured through legal agreements. Each unit would also receive a membership and \$100 in credits to the car share company. The memberships would run with the unit. The proposal provides an excess number of long term bicycle stalls, and provides space for four cargo bicycles and power outlets to charge e-bikes for 10% of the stalls. Finally, the applicant intends to provide each unit with one year worth of transit passes through BC Transit's EcoPASS program.

In addition, staff will draft the site-specific zone with a maximum site coverage of 40% and a minimum open site space of 50%. The proposal will require variances to increase the site coverage from 40% to 76.1% and to decrease the open site space from 50% to 20.1%. While



staff believe this proposal has been designed to fit the site and provide amenity space to the residents, staff do not recommend enshrining the site coverage and open site space within the zone. This is to ensure that, should this proposal not be constructed, any new proposals would either have to meet the site coverage and open site space, or request variances from Council while demonstrating the impact on the public realm is minimal and the future residents would not be negatively affected.

### Advisory Design Panel

The Advisory Design Panel (ADP) reviewed this application on April 24, 2019. A copy of the minutes from this meeting are attached. The ADP was asked to comment on the overall design with particular attention to the density and massing of the building, as well as the lack of soft landscaping and open space.

The ADP recommended approval subject to:

- simplification and refinement of the northwest building corner in terms of massing and materiality
- further consideration to the parking functionality, with particular attention to service and delivery vehicles and short-term loading.

Staff believe the applicant has addressed the above comments. The northwest corner of the building has been refined yet retains its prominence as the primary entrance to the residential units. A drop off zone was considered and proposed by the applicant; however, it was not functional as it would have caused vehicles to stop on the public sidewalk and potentially cause dangerous backup manoeuvres on an arterial road. Staff therefore required the drop off zone be removed from the plans.

### CONCLUSIONS

The proposed development is generally consistent with the relevant Design Guidelines, and represents an appropriate fit at the intersection of two arterial roads. The applicant has generally addressed the items recommended by the Advisory Design Panel to further enhance the development. Therefore, staff recommend that Council consider supporting this application.

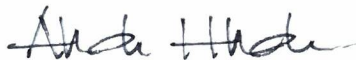
### ALTERNATE MOTION

That Council decline Development Permit with Variances Application No. 00074 for the property located at 1301 Hillside Avenue.

Respectfully submitted,



Michael Angrove  
Planner  
Development Services Division



Andrea Hudson, Acting Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



Date:

Dec 4, 2019

## List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped September 13, 2019
- Attachment D: Letters from applicant to Mayor and Council dated July 8, 2019, July 17, 2019 and September 3, 2019
- Attachment E: Community Association Land Use Committee Minutes from the January 30, 2018 and March 25, 2019 meetings.
- Attachment F: Advisory Design Panel Minutes from the April 24, 2019 meeting
- Attachment G: Land Lift Analysis, dated November 26, 2019
- Attachment H: Parking Study dated June 12, 2019
- Attachment I: Arborist Report dated May 31, 2019 and revised on September 13, 2019
- Attachment J: Correspondence (Letters received from residents).