



Committee of the Whole Report

For the Meeting of October 24, 2019

To: Committee of the Whole **Date:** October 10, 2019

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

Subject: Development Permit with Variance Application No. 00056 for 844 Johnson Street

RECOMMENDATION

That Council decline Development Permit with Variance Application No. 00056 for the property located at 844 Johnson Street.

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 Variance Application for the property located at 844 Johnson Street. The proposal is to vary the *Fence Bylaw* to permit an existing 2.40m fence located within the front (Pandora Avenue) yard of the subject property and to approve the overall design of the fence.

The following points were considered in assessing this application:

- the fence is inconsistent with the *Guidelines for Fences, Gates and Shutters*
- the fence is inconsistent with the Building and Street Interface Guidelines found within the *Downtown Core Area Plan*
- the proposed increase in height of the fence from 1.22m to 2.40m within the front yard is not appropriate as it detracts from the public realm and creates a fortress-like appearance to the property.

BACKGROUND

Description of Proposal

The proposal is to permit the design of the existing fence on Pandora Avenue and to vary the *Fence Bylaw* to increase the allowable height of the fence from 1.22m to 2.40m within the front

yard. When a property is bounded by two streets, the *Zoning Regulation Bylaw* defines the frontage of the property to be the wider of the two streets. In this instance, while the front entrance of the building faces Johnson Street, Pandora Avenue is the wider street and is therefore considered the front of the property.

Sustainability Features

The applicant has not identified any active transportation impacts associated with this application.

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.

Existing Site Development and Development Potential

The site is presently a five-storey multi-unit residential building.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on October 6, 2017 and September 10, 2019 the application was referred for a 30-day comment period to the Downtown Residents Association CALUC. At the time of writing this report, a letter from the CALUC had not been received.

This application proposes variances; therefore, in accordance with the City's *Land Use Procedures Bylaw*, it requires notice, sign posting and a meeting of Council to consider the variances.

ANALYSIS

Development Permit Area and Design Guidelines

The *Official Community Plan* (OCP, 2012) identifies this property within Development Permit Area 2 (HC), Core Business. Design Guidelines that apply to DPA 2(HC) are the *Advisory Design Guidelines for Buildings, Signs and Awnings* (2006), and *Guidelines for Fences, Gates and Shutters* (2010).

The existing fence on the Pandora Avenue frontage does not meet the design guidelines found within the *Guidelines for Fences, Gates and Shutters*. The guidelines note that fences and gates must not contribute to a "fortress" appearance from the street. The fortress-like appearance is a result of the excessive height and the spear-like tips at the top of the fence. Approval of this fence could also set a design standard in which other buildings along Pandora Avenue install similar fences, which would contribute to the public's perception of whether the street or area is safe or not.

On September 14, 2016, VicPD completed a Safety and Security Audit for the subject property (Attachment E) using Crime Prevention through Environmental Design (CPTED) principles. A number of areas were identified in order to improve overall safety and security, including installing a high wrought iron fence along Pandora Avenue that could not be easily climbed. The fence has already been installed but still requires a variance as it exceeds the maximum height of 1.22m in the front yard, as discussed in a later section of this report.

Local Area Plans

The *Downtown Core Area Plan* identifies the subject property within the Central Business District, which primarily speaks to new developments. However, Appendix 5 - Building and Street Interface Guidelines identifies the Pandora Avenue frontage within the Avenue category. The Guidelines note that residential uses along Pandora Avenue should express the residential function through façade design elements such as individual entrances, residential landscaping and windows. The façade of the building at 844 Johnson Street, which faces Pandora Avenue, does not have individual entrances and utilizes reflective glazing. The landscaping more resembles a commercial use through the use of river rock and installed utilities. The addition of the tall fence further detracts from the aim of creating a positive street relationship.

Tree Preservation Bylaw and Urban Forest Master Plan

There are no Tree Preservation Bylaw impacts with this application.

Regulatory Considerations

The subject property fronts onto both Johnson Street and Pandora Avenue. The Zoning Regulation Bylaw identifies Pandora Avenue as the front of the property, even though the main entrance to the building is accessed from Johnson Street. Therefore, the proposal requires a variance to the *Fence Bylaw* to increase the height of the existing fence in the front of a residentially zoned property from 1.22m to 2.4m. As identified previously, the height and design of the fence detracts from the public realm and is therefore not supported by staff.

CONCLUSIONS

The 2.4m fence along Pandora Avenue negatively impacts the public realm and is inconsistent with the relevant design guidelines. Staff therefore recommend that Council consider declining the application. An alternate motion is provided below should Council wish to consider the application at an opportunity for public comment.

ALTERNATE MOTION

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

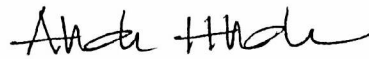
"That Council authorize the issuance of Development Permit with Variance Application No. 00056 for 844 Johnson Street, in accordance with:

1. Plans date stamped August 26, 2019.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Increase the permitted height of a fence located within the front boundary (Pandora Avenue) from 1.22m to 2.40m.
3. The Development Permit lapsing two years from the date of this resolution."

Respectfully submitted,



Michael Angrove
Planner
Development Services



Andrea Hudson, Acting Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

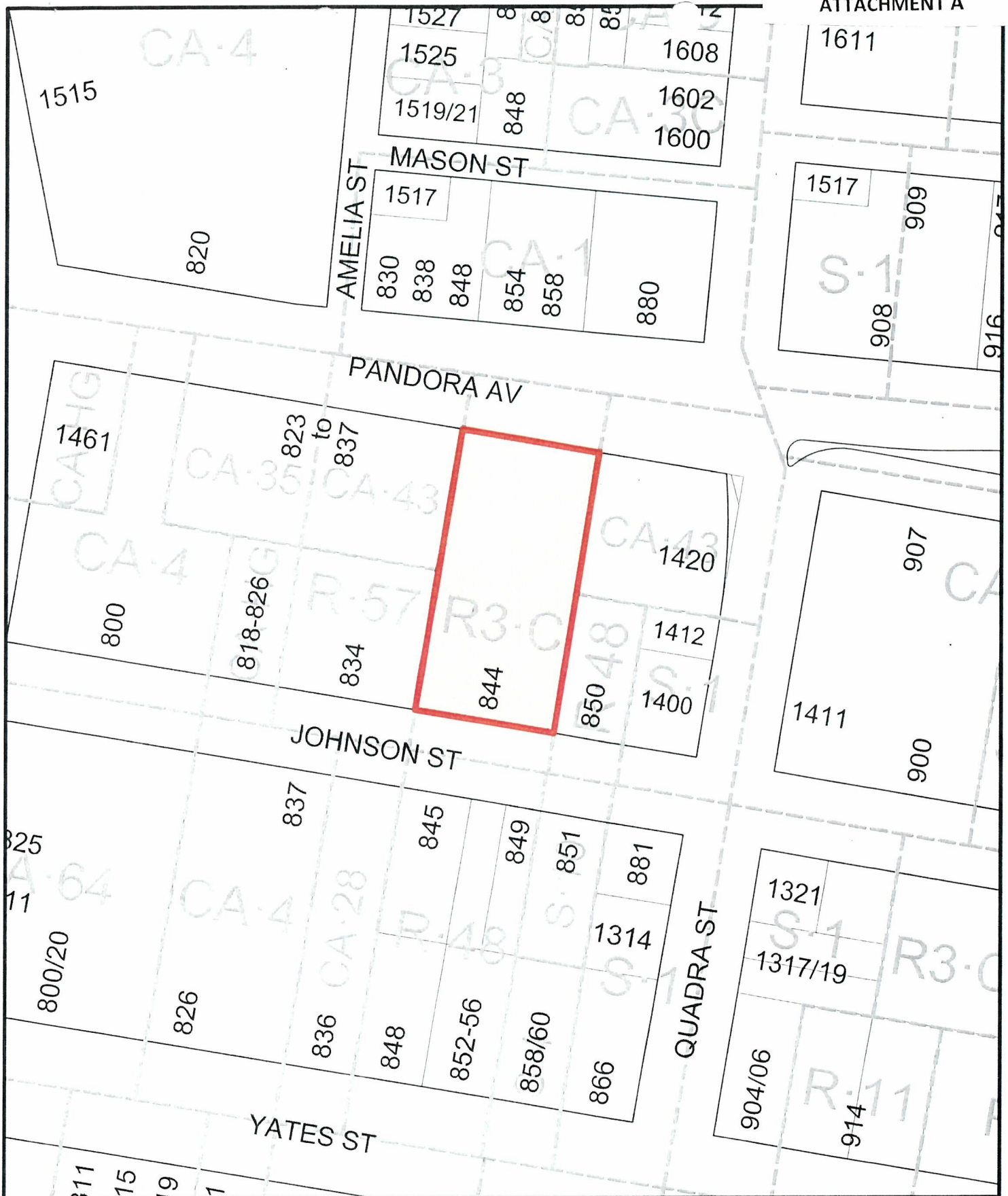


Date:

Oct 17, 2019

List of Attachments

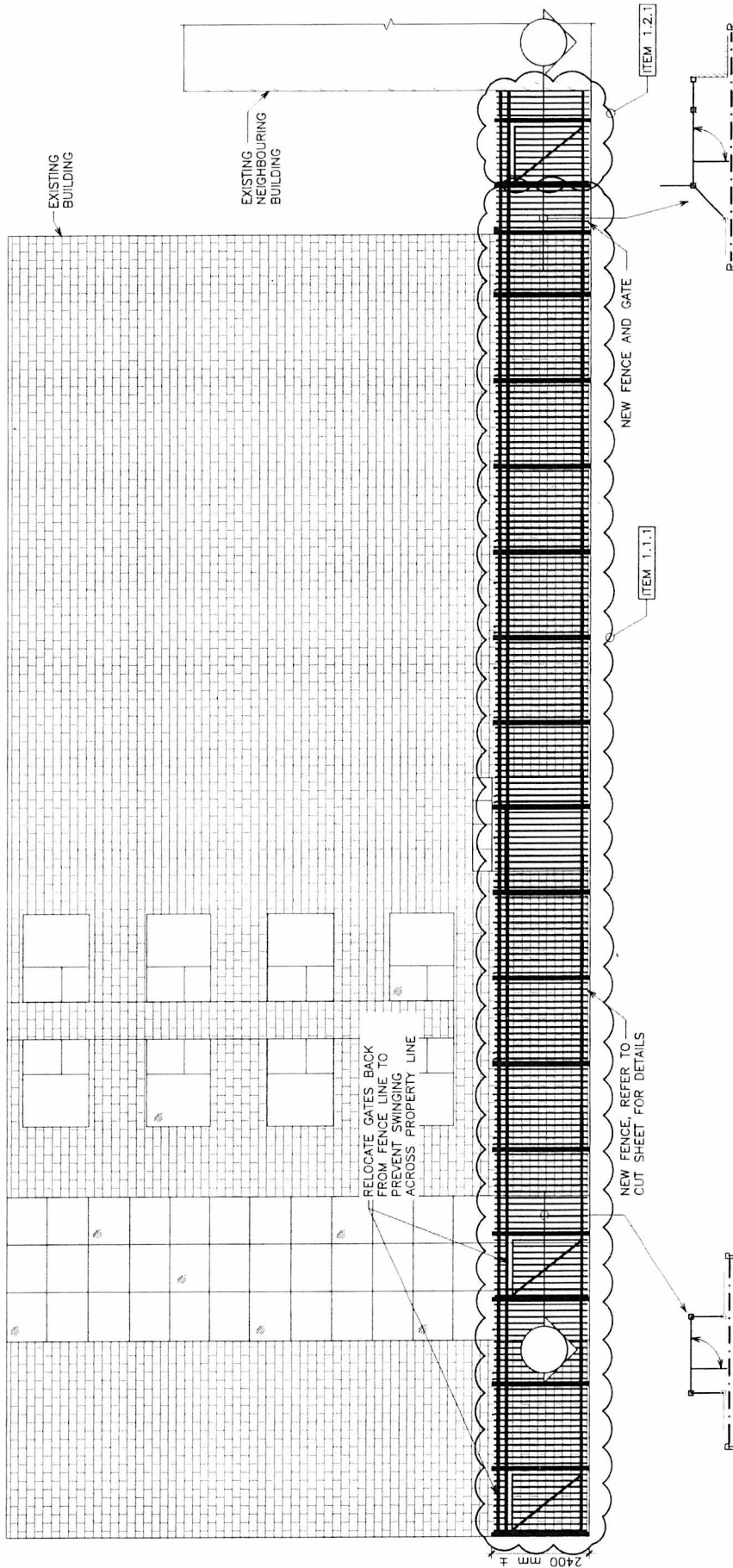
- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans dated/date stamped August 26, 2019
- Attachment D: Letter from applicant to Mayor and Council.
- Attachment E: Victoria Police Safety and Security Audit.



844 Johnson Street
Development Permit with Variance #00056







1 NORTH ELEVATION
SK02 1:100

All drawings, plans, models, designs, specifications and other documents prepared by Read Jones Christoffersen Ltd. ("RJCL") and used in connection with this project are Instruments of service for the work shown in them (the "Work") and as such are and remain the property of RJCL whether the Work is executed or not, and RJCL reserves the copyright in them and in the Work executed from them, and they shall not be used for any other work or project.



Project Name
844 JOHNSON STREET - EXTERIOR UPGRADES

Sketch Title
ELEVATIONS

Drawn By
LO AS SHOWN
Scale
Date
AUGUST 22, 2019
Project No.
VC-115779.0003
Sketch Number
Rev.
SK02

No.	Revision	Date	By
1	ISSUED FOR DPV APPLICATION	2019/08/22	PD



October 01, 2019

City of Victoria
1 Centennial Square
Victoria, BC V8W 1P6

Mayor Helps and Council,

RE: DPV Revised Application Submission
844 Johnson Street, Victoria, BC

RJC No. VIC.115779.0003

On behalf of British Columbia Housing Management Commission (BC Housing), Read Jones Christoffersen Ltd. (RJC) has completed the revised Development Permit with Variance (DPV) application for DPV No. 00056. The original DPV application was made on October 02, 2017. Included are the revised submission requirements indicated in the application review summary issued by the City of Victoria (the City) on October 24, 2017, which are described below. Please note that this letter supersedes the revised application was previously submitted on August 27, 2019 as there have been updates to the scope since that time.

1.0 Summary of Proposed Changes

The following is a numerical itemized list of the proposed changes for the above-noted property. The intent of these installations is to improve safety and security for both residents and community members as noted in the safety and security audit prepared by the Victoria Police Department, dated September 14, 2016.

Please note that some of the changes listed have already been made/installed on site (Section 1.1), but require retroactive approval from the City. Additional, new changes have also been proposed since the initial DPV application (Section 1.2). Responses and proposed revisions in order to address the requirements for "Conditions to be met prior to Committee of the Whole" are included where applicable.

1.1 Original Proposed Changes

1. New 2400mm (96") tall black metal picket fence with gates installed at the north elevation (Pandora Street). This item was a part of the original DPV application scope of work and has already been installed on site

As noted in the Development Services Division comments in the application review summary, the City has noted that the current fence design "does not meet the intent of the Guidelines for



Fences, Gates, and Shutters and creates a 'fortress' like appearance to the street that is not attractive along Pandora Avenue." BC Housing understands this feedback, however they wish to proceed to the Committee of the Whole based on the following:

- .1 Black fencing is a commonly used and classic combination with brick-clad buildings in Victoria and we believe it integrates with the building design and architectural finishes.
- .2 The large existing trees on the Pandora side of the building are a dominant feature and help conceal the fence. The shade due to the trees and northern exposure on this side of the building also help the fence blend in.
- .3 The fence is constructed of high quality, durable materials and cannot be damaged or cut as easily as other materials such as chain-link. As well, the pickets do not facilitate climbing as chain-link would. In addition, the pickets still allow for a substantial amount of transparency through the fence and do not create a solid surface or wall.
- .4 The fence design is similar to fencing installed at the neighbouring Central Baptist Church (833 Pandora) which we believe integrates this fence with the surrounding buildings and fences.

It is understood that the City believes the fence does not meet all criteria of the design guideline for fences and gates. However, based on the above, the picket-style fence appeared to be the best and most reasonable choice of fence style for this application as most criteria from the design guideline were met, while also achieving the primary objective of improving safety and security.

BC Housing wishes to cooperate with the City on this item and come to a resolution that both improves safety and security in and around the building, and also satisfies the City. We believe a reasonable solution can be reached which may require some degree of compromise to address the concerns of both parties. Therefore, we respectfully request that Council please reconsider the fence installation in question with the above in mind. Should Council not support the fence installation as-is, we request more detailed feedback and guidance on how to meet the City's requirements.

In order to address the comments from the Engineering, Permits and Inspections, and Fire departments, the existing two (2) gates in the fence will be relocated back from the line of the fence (i.e. in an alcove) to allow for the gate to still swing in the direction of travel, but not cross the property line or affect public right-of-way on the adjacent sidewalk.

- .2 New 600mm (24") tall black metal picket fence installed on top of existing brick-clad retaining walls at south elevation (Johnson Street). This item was a part of the original DPV application scope of work and has already been installed on site.



As part of the of the new proposed landscaping work, the existing retaining wall and fence would be replaced with a new 1200mm (48") tall metal picket fence as part of landscaping work that is being proposed under a separate Delegated Development Permit (DDP). The landscaping drawings showing the fence are attached for reference.

1.2 New Proposed Changes

- 1 New 2400mm (96") tall black metal picket fence with gate installed at the north-west corner (Pandora Street), spanning between the existing fence (item 1.1.1) and the neighbouring church building. This item is a change from the original DPV application scope of work.

The new gate and fence is offset back from the line of the existing fence and allow for the gate to swing out, but not cross the property line or affect public right-of-way on the adjacent sidewalk. The church has noted they are supportive of this additional fence and gate.

- 2 Removal of existing concrete portal frame (wall and roof section over the ramp) at the south-east corner of the property. A new section of black metal fencing will be installed on the concrete wall where the frame is being removed to match existing.

2.0 Plans

The following revised plans are attached as part of this re-submission:

- One (1) bubbled set (8½ x 11")
- Four (4) bubbled sets (11x17")
- One (1) un-bubbled set (8½x11")
- One (1) un-bubbled set (11x17")

In addition, the following digital submissions will be made to the City:

- Bubbled set (8½ x 11")
- Bubbled sets (11x17")
- Revised letter to the City of Victoria prepared by BC Housing, Safety and Security Audit prepared by the Victoria Police Department

3.0 Sign Posting

No signage will be posted on the fences and gates proposed in this revised DPV application.



4.0 Closing

We trust the above meets your requirements. Should you have any comments or questions, please feel free to contact the undersigned.

Yours truly,

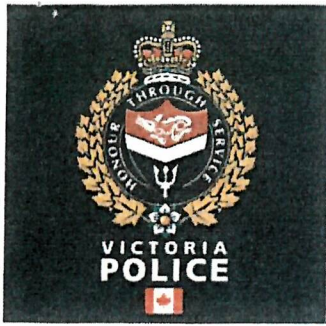
READ JONES CHRISTOFFERSEN LTD.

A handwritten signature in blue ink, appearing to read 'PD', followed by a long, stylized flourish.

Peter Dias, BASc, P.Eng.
Design Engineer

PD/kl

*Encl. DPV No. 00056 Application Letter;
DPV No. 00056 Application Review Summary,
Victoria Police Department Safety and Security Audit;
Revised Drawings.*



September 14, 2016

Heidi Hartmann
Regional Director, Vancouver Island
British Columbia Housing Management Commission
#201-3440 Douglas Street
Victoria, B.C.
V8Z 3L5

Re: Safety and Security Audit – 844 Johnson Street (Formerly the Central Care Home)

Recently there have been inquiries about types of exterior improvements or modifications that could be made at 844 Johnson Street to help improve safety and security for both residents and community members. On September 9, 2016 we attended 844 Johnson Street and conducted a security audit of the exterior of the building using the basic principles of *Crime Prevention Through Environmental Design (CPTED)*. When applied to the built environment, CPTED principles can help reduce crime, improve safety and influence how people use the space. CPTED supports building community and encourages social development.

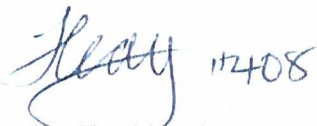
We noticed a number of areas that could be modified to improve overall safety and security. Below are suggestions of these improvements; please refer to the corresponding photographs starting on page 3:

- Improve exterior lighting along the front of the building (Johnson Street side). Install fixtures that would light up the area between the building entrance and the sidewalk. Remove awning if necessary (it may block light). *Refer to photograph #1.*
- Improve lighting on the front west side of the building (Johnson Street side). *Refer to photograph #2.*
- Move fencing on the west side of the building (Johnson Street side) up to meet the southwest corner of the building. *Refer to photograph #2.*
- Landscaping the empty garden beds on the front west side of the building (Johnson Street). Plant low shrubs or ground cover that won't obscure the view to the building. *Refer to photograph #2.*
- Significant pruning of trees that line the sidewalk on Johnson Street; these trees currently block the light to the sidewalk from the lone streetlight. If lighting is still

inadequate with pruning and the addition of exterior building lighting then consider alternatives to the streetlight. *Refer to photograph #3.*

- Remove the low brick retaining wall in front of the Johnson Street entrance and replace with low, wrought iron fencing or small shrubbery. *Refer to photograph #1.*
- Additional CCTV cameras on the exterior of the building, particularly the front west side (Johnson Street) and rear of the building (Pandora Avenue side).
- Install plexi-glass along the fencing on the east side of the building which borders the parking lot of 850 Johnson Street.
- Install high wrought iron fencing (similar to existing fencing) up to the sidewalk at the rear (Pandora Street) of the building (the length of the building) that cannot be easily climbed. *Refer to photograph #4 and #5.*
- Install low, wrought iron fencing along the top of the low concrete wall bordering the walkway next to 834 Johnson Street (west side). *Refer to photograph #6.*
- Install low, wrought iron fencing along the top of the low concrete retaining wall bordering the driveway (Johnson Street side). *Refer to photograph #7.*

We would be happy to clarify any of these suggestions or to assist contractors or B.C. Housing staff with implementation of these modifications.



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