



Committee of the Whole Report

For the Meeting of February 27, 2020

To: Committee of the Whole **Date:** February 13, 2020

From: Karen Hoese, Director, Sustainable Planning and Community Development

Subject: Development Permit with Variances Application No. 00132 for 11 Chown Place

RECOMMENDATION

That, subject to the preparation and execution of a legal agreement to ensure the dwelling units remain rental in perpetuity, to the satisfaction of the Director of Sustainable Planning and Community Development, 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. 00132 for 11 Chown Place, in accordance with:

1. Plans date stamped December 20, 2019.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. increase the building height from 11m to 12.57m;
 - ii. increase the number of storeys from 2 to 4;
 - iii. reduce the horizontal distance between existing Building J and the proposed multi-unit residential building from 12.19m to 9.66m;
 - iv. reduce the horizontal distance between existing Building K and the proposed multi-unit residential building from 12.19m to 8.64m;
 - v. reduce the horizontal distance between existing Building L and the proposed multi-unit residential building from 12.19m to 10.34m;
 - vi. reduce the horizontal distance between the proposed multi-unit residential building and proposed cistern from 12.19m to 0.69m;
 - vii. reduce the horizontal distance between the west side of the proposed multi-unit residential building and surface parking spaces from 6m to 2.40m;
 - viii. reduce the horizontal distance between the east side of the proposed multi-unit residential building and surface parking spaces from 6m to 3.29m;
 - ix. reduce the horizontal distance between the north side of the proposed multi-unit residential building and surface parking spaces from 6m to 3.14m.
3. Discharge existing Section 219 Covenant (Registration No. L3326) from title, to the satisfaction of the Director of Sustainable Planning and Community Development.
4. 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 Variance Application for the property located at 11 Chown Place. The proposal is to construct a four-storey, multi-unit residential building consisting of approximately 58 affordable rental dwelling units. The variances are related to building height, separation distances between buildings and parking spaces.

The following points were considered in assessing this application:

- The subject properties are within Development Permit Area 16 (DPA 16): General Form and Character. Achieving a human-scaled design, quality of open spaces, safety and accessibility are design elements that are also strongly encouraged in DPA 16. DPA 16 also encourages a sensitive transition to neighbouring low-rise built form. The proposal complies with the objectives outlined in this DP area.
- The *Design Guidelines for Multi-Unit Residential, Commercial and Industrial Development* (2012, revised 2019), *Guidelines for Fences, Gates and Shutters* (2010), and *Advisory Design Guidelines for Buildings, Signs and Awnings* (2006) apply to the development proposal. The proposal is generally consistent with the design guidelines.
- The applicant is proposing to increase the building height from 11m to 12.57m and the number of storeys from two to four. The proposed building would be situated in the middle of the site and would have minimal privacy and shadowing impacts on the immediate neighbours.
- The existing zone requires a minimum separation distance of 12.19m between buildings. The applicant is proposing to reduce the separation distances between the proposed multi-unit residential building and existing buildings J, K and L on the subject property as well as between the proposed building and cistern. These reduced separation distances are seen as supportable given the proposed L-shaped built form, sensitive window placement and the soft landscaping between buildings.
- A reduction in the horizontal distances between the proposed multi-unit residential building and surface parking spaces is required. If a continuous parking screen wall is provided then variances would not be required. However, a continuous parking screen wall would not be an ideal treatment for this proposal. The applicant is proposing wood screens with climbing vines in front of the bedroom windows on the ground level.

BACKGROUND

Description of Proposal

The proposal is for a four-storey, multi-unit residential building. Specific details include:

- contemporary architectural features, including a flat roofline, horizontal accents and contemporary-style windows
- exterior building materials include cementitious fibre board, “wood-look” siding and exposed concrete
- one residential entryway into the building on the northwest corner of the building visible from Harriet Road

- individual entryways and private patios for the ground level dwelling units
- an amenity room, scooter storage and a small office on the main floor
- a large roof deck on the third floor
- large south-facing outdoor common area including a natural play area with logs, boulders and wood benches, lawn, community gardens and a cistern
- new community gardens throughout the site (no net loss of existing community gardens)
- a new pocket plaza at the entrance to the site
- 15 new trees and substantial landscaping to be planted around the perimeter of the building
- permeable and decorative pavers to demarcate the main residential entryway
- 68 long-term bicycle parking spaces in the basement.

The proposed variances are related to:

- increasing the height
- reducing the separation distances between buildings and structures
- reducing the horizontal distance between a building and parking spaces.

Affordable Housing Impacts

The applicant proposes the creation of 58 new residential units, which would increase the overall supply of rental housing in the area. Council has recently approved a grant from the Victoria Housing Reserve Fund (VHRF) to the Gorge View Society to assist in the construction of the building. The proposal includes 41 dwelling units that fall within the criteria of very low, low- and median-income limits, as set out in the Victorian Housing Reserve Fund Guidelines. The remaining 17 dwelling units would be market-rate units that would be targeted to moderate income households to help ensure that the project includes housing for a broad range of target incomes. As a condition of the grant funding, the applicant would enter into a Housing Agreement to secure the affordability and rental tenure. As well, the applicant is willing to enter into a separate Housing Agreement to ensure that the new multi-unit residential building remains rental in perpetuity should there be any unforeseen changes associated with the grant.

Sustainability Features

The project would meet Step 3 of the BC Energy Step Code; however, the applicant is targeting to meet Step 4.

Active Transportation Impacts

The applicant is proposing to provide 68 long-term and six short-term bicycle parking spaces.

Public Realm Improvements

No public realm improvements beyond City standard requirements are proposed in association with this Development Permit Application.

Accessibility Impact Statement

The British Columbia Building Code regulates accessibility as it pertains to buildings. One accessible two-bedroom unit would be provided on the main floor. Access from the surface parking lot to the main residential entryway and the common outdoor areas are designed to be accessible.

Existing Site Development and Development Potential

The site is presently a residential development consisting of 15 buildings comprised of apartments and ground-oriented units.

Data Table

The following data table compares the proposal with the existing R3-G-SC Zone, Garden Apartment (Senior Citizen) District. An asterisk is used to identify where the proposal does not meet the requirements of the existing Zone.

Zoning Criteria	Proposal	Zone Standard (R3-G-SC)	Burnside Gorge Neighbourhood Plan
Site area (m ²) – minimum	22,373.70	1858	
Density (Floor Space Ratio) – maximum	0.39:1	0.50:1	
Total floor area (m ²) – maximum	8691	11,186.85	
Height (m) – maximum	12.57 *	11	
Unit floor area (m ²) – minimum	33	33	
Storeys – maximum	4 *	2	3
Horizontal distance between buildings (m) – minimum	9.66 * (building J) 8.64 * (building K) 10.34 * (building L) 0.69 * (cistern)	12.19	
Site coverage (%) – maximum	26	30	
Open site space (%) – minimum	60	40	
Setbacks (m) – minimum			
Front (Harriet Road)	69.07	7.62	
Rear (Balfour Street)	78.96	7.62	
Side (north east)	46	7.62	
Side (north west)	31.33	7.62	
Vehicle parking – minimum			
Residential	62	58	
Visitor	17	17	

Zoning Criteria	Proposal	Zone Standard (R3-G-SC)	Burnside Gorge Neighbourhood Plan
Horizontal distance between a parking space and building (m) – minimum	2.40 * (west) 3.29 * (east) 3.14 * (north)	6	
Bicycle parking stalls – minimum			
Long-term	68	67	
Short-term	6	6	

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the application was referred for a 30-day comment period to the Burnside Gorge CALUC. A letter dated October 4, 2019 and January 14, 2020 are attached to this report in response to an Open House and presentation held by the Gorge View Society.

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 16 (DPA 16): General Form and Character. The objectives of this DPA are to ensure that new multi-unit residential development provides a sensitive transition to adjacent and nearby areas with built form that is often three storeys or lower, and is designed in a manner that is complementary to established place character of a neighbourhood. Achieving a human-scaled design, quality of open spaces, safety and accessibility are elements in a multi-unit residential building that are also strongly encouraged in DPA 16.

To achieve a human-scaled design, the applicant is proposing ground-oriented units with individual entryways and patios facing the interior circulation and common outdoor areas. The proposed multi-unit residential building would be situated in the middle of the site that is presently community gardens and greenspace. The community gardens will be relocated on-site, and the applicant has demonstrated on the plans that there would be no net loss in community garden area for the current residents. The applicant is also proposing additional community garden space for the residents in the new building. A new south-facing playground would also be constructed in the common area adjacent to the new building. The outdoor areas will be accessible.

Providing interesting rooflines is encouraged in the design guidelines. Staff requested that the applicant accentuate the building roofline; however, the applicant feels that the projected bays

break up the horizontality and the parapet treatment accentuates the projections; therefore, no changes have been made to the proposal.

Local Area Plans

The *Burnside Gorge Neighbourhood Plan* (2017) identifies Chown Place as a Special Planning Area and supports low-rise multi-unit residential buildings up to three storeys and a density of up to 1:1 floor space ratio. The Plan also encourages affordable and non-market housing on the site as well as enhancing the tree canopy and providing a pedestrian pathway through the site linking Irma Street.

In addition to providing affordable and non-market rental housing, the applicant is willing to construct a 1.2m wide pathway connecting Irma Street to the south with an existing pathway on-site. Gorge View Society would maintain the new pathway. An existing fence along the south property line would be removed in order to provide easy access to the new pathway.

The proposal is generally consistent with the policy direction in the Plan, except for the proposed height variance.

Tree Preservation Bylaw and Urban Forest Master Plan

The Tree Preservation Plan Report dated February 7, 2020 by Concrete Jungle Forestry Limited provides details regarding the expected impacts to the existing trees from the proposed development. The tree inventory identified 174 trees and tree seedlings on the 2.24ha property. This total is made up of 83 bylaw-protected trees, 31 bylaw-protected seedlings (Garry oaks) and 60 non-bylaw-protected trees (exotic species under 30cm diameter at breast height (DBH)).

The construction of the proposed building, installation of the building servicing, additional parking stalls, sidewalk changes and the relocation of the community gardens would require that 15 trees be removed. Only one of these trees, a 10cm DBH Pacific dogwood, is protected by the *Tree Preservation Bylaw*.

All the remaining trees and tree seedlings on the site would be protected and retained through the development project. The tree protection measures and recommendations included in the Tree Preservation Plan Report will become conditions of a Building Permit and to be carried out in all phases of project construction.

Two bylaw-protected replacement trees will be planted on private property as part of the new landscaping, along with an additional 16 shade trees. There are six City street trees along the Harriet Road frontage of the property which will be retained.

Regulatory Considerations

Height Variance

The applicant is proposing to increase the building height from 11m to 12.57m and the number of storeys from two to four. The proposed multi-unit residential building would be situated in the middle of the site resulting in minimal privacy and shadowing impacts on the adjacent single-family dwellings. The proposed L-shaped design of the new building increases the breathing room between buildings on the site.

Horizontal Distances between Buildings

The existing zone requires a minimum separation distance of 12.19m between buildings. The applicant is proposing to reduce the separation distances between the proposed multi-unit residential building and three existing buildings as follows:

- building J: 12.19m to 9.66m
- building K: 12.19m to 8.64m
- building L: 12.19m to 10.34m
- proposed cistern: 12.19m to 0.69m.

The proposed L-shaped built form, sensitive window placement and the soft landscaping between buildings help reduce any potential privacy impacts. The location of the proposed cistern allows for residents to easily access and use rainwater to irrigate their community gardens.

Horizontal Distances between Surface Parking and the Proposed Building

A reduction in the horizontal distance between the proposed surface parking spaces and the multi-unit residential building is required. The applicant is proposing the following variances:

- reduce the horizontal distance between the west side of the building and surface parking spaces from 6m to 2.40m;
- reduce the horizontal distance between the east side of the building and surface parking spaces from 6m to 3.29m;
- reduce the horizontal distance between the north side of the building and surface parking spaces from 6m to 3.14m.

If a continuous parking screen wall is provided, then the horizontal distance requirement would be 2.4m and the above variances would not be required. A continuous parking screen wall would not be an ideal treatment for this proposal. It would impact the liveability and the amount of sunlight penetration into the ground level units as well as creating an unfriendly interface between the proposed building and the surrounding area. However, the applicant is providing wood screens with climbing vines in front of the bedroom windows on the ground level to screen the headlights from vehicles.

Other Considerations

Advisory Design Panel

The Advisory Design Panel (ADP) reviewed the Development Permit with Variances Application at their meeting on January 22, 2020 and provided the following recommendation for Council's consideration:

"That the Advisory Design Panel recommend to Council that Development Permit with Variances Application No. 00132 for 11 Chown Place be approved as presented but with the following considerations:

- *Review of the north south connector and it's integration into the existing site circulation*
- *Provision of adequate screening between vehicle parking stalls and residents."*

In response to ADP's recommendation above, the applicant revised the alignment of the north south connector (pathway linking Irma Street) and integrated the connector into an existing pathway on-site. As discussed above, the applicant is providing wood screens with climbing vines in front of the bedroom windows on the ground level to screen the headlights from vehicles.

Covenant Discharge

In 1982, a Section 219 Covenant was registered on title stating that no more than 118 persons could reside on site and no more than 15 buildings could be constructed on the property (attached). The existing zone allows for more than two buildings on the site; however, it does not stipulate a maximum number of buildings. Therefore, the covenant may have been registered on title in 1982 to implement the above restrictions. Given the building layout, there is only enough space for 16 buildings without impacts to the other existing buildings on site. Staff recommend for Council's consideration that the existing covenant be discharged from title in order to facilitate this development.

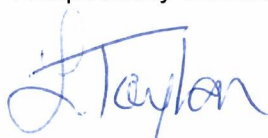
CONCLUSIONS

The proposal to construct a four-storey, multi-unit residential building is generally consistent with DPA 16 and the applicable design guidelines as well as the policies outlined in the *Burnside Gorge Neighbourhood Plan*. The height variance is supportable given the siting of the proposed building and the minimal impacts it would have on the adjacent single-family dwellings. This proposal adds an additional 58 affordable rental family and senior housing units in the neighbourhood. Staff recommend for Council's consideration that the application proceed for an Opportunity for Public Comment.

ALTERNATE MOTION

That Council decline Development Permit with Variance Application No. 00132 for the property located at 11 Chown Place.

Respectfully submitted,

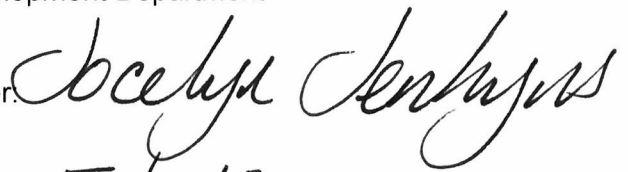


Leanne Taylor
Senior Planner
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Karen Hoese, Director
Sustainable Planning and Community
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Report accepted and recommended by the City Manager:



Date:

Feb 18, 2020

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped December 20, 2019
- Attachment D: Letter from applicant to Mayor and Council dated December 2019
- Attachment E: Correspondence from the Community Association Land Use Committee dated October 4, 2019 and January 14, 2020.
- Attachment F: Tree Preservation Plan prepared by Concrete Jungle Forestry Ltd. dated February 7, 2020

- Attachment G: Crime Prevention Through Environmental Design Report dated February 3, 2020
- Attachment H: Advisory Design Report dated January 15, 2020
- Attachment I: Minutes from the Advisory Design Panel dated January 22, 2020
- Attachment J: Section 219 Covenant (Registration No. L3326).