



**Committee of the Whole Report**  
**For the Meeting of May 28, 2020**

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**To:** Committee of the Whole **Date:** May 14, 2020  
**From:** Karen Hoese, Director, Sustainable Planning and Community Development  
**Subject:** **Development Permit with Variances Application No. 00120 for 1475 Fort Street**

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**RECOMMENDATION**

That, subject to the preparation and execution of the following legal agreements in a form satisfactory to the City Solicitor:

- a. A Housing Agreement to secure rental tenure of the dwelling units in perpetuity, to the satisfaction of the Director of Sustainable Planning and Community Development
- b. A Section 219 covenant to ensure that the dwelling units are not strata titled, to the satisfaction of the Director of Sustainable Planning and Community Development
- c. A section 219 covenant to secure a Statutory Right-of-Way of 0.72m along Fort Street, to the satisfaction of the Director of Engineering and Public Works.

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. 00120 for 1475 Fort Street, in accordance with:

1. Plans date stamped April 8, 2020
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - i. reduce the vehicle parking from 45 stalls to 26 stalls;
  - ii. reduce the visitor parking from 3 stalls to 2 stalls;
  - iii. increase the building height from 12 metres to 14.39 metres;
  - iv. reduce the front setback from 10.5 metres to 1.81 metres
  - v. reduce the rear setback from 7.2 metres to 3.96 metres
  - vi. reduce the east side yard setback from 7.2 metres to 3.05 metres
  - vii. reduce the west side yard setback from 7.2 metres to 3.86 metres
  - viii. increase the site coverage from 40 percent to 47 percent

- ix. allow for an accessory structure to be located in the front yard rather than the rear yard
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 *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.

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 1475 Fort Street. The proposal is to construct a four-storey residential rental building with multiple units on an existing panhandle lot. The variances are related to increased site coverage and height, reduced parking and setbacks, and siting of an accessory structure.

The following points were considered in assessing this Application:

- the proposal is generally consistent with the Design Guidelines for Development Permit Area 7B(HC) – Corridors Heritage, which encourage human-scaled development that enhances the heritage character of the area
- the proposal is generally consistent with the Rockland Neighbourhood Plan which identifies the site for multi-unit development and encourages high quality architecture that reflects the character of the neighbourhood and relates to the lower-scale residential buildings to the south
- all trees on the subject lot and the one tree with shared ownership would be removed, including three bylaw protected trees, and replaced with ten new trees, including six bylaw replacement trees
- the applicant is willing to provide a 0.72m statutory Right-of-Way along Fort Street to help achieve a standard secondary arterial roadway width
- a housing agreement and a covenant are proposed to secure the rental tenure of the dwelling units in perpetuity
- the variances related to reduced setbacks and height are considered supportable as the proposed development would have minimal impacts on the adjacent properties in terms of privacy impacts and shading and there would be no impact on the public realm along Fort Street
- the proposed parking variance is considered sufficient to meet the parking demand for this development given the rental tenure, the provision of additional bicycle parking, and the site location in close proximity to a large urban village and frequent transit along Fort Street

- the variance to allow an accessory structure in the front yard is considered supportable as the proposed location would have minimal impact on adjacent properties
- the variance to allow for increased site coverage is considered supportable as the remaining open site space will be extensively landscaped to provide outdoor amenity space for the residents and add privacy screening between adjacent properties.

## **BACKGROUND**

### **Description of Proposal**

The proposal is to construct a four-storey residential rental building with approximately 32 rental units on an existing panhandle lot.

The proposal includes the following major design components:

- a contemporary four-storey building with underground parking
- a mix of one and two bedroom units
- bicycle storage rooms located in the underground parking level and on the ground floor, close to the main entrance.

Exterior materials include:

- tumbled and smooth brick
- metal panels
- vertical seam metal siding
- cedar soffits
- perforated aluminium screens and aluminium pickets
- metal fascia and flashing
- architectural concrete.

Landscape elements include:

- raised metal planters with a mix of shrubs and ornamental trees
- six stall bike rack located near the main entrance
- 1.8m high wood panel perimeter fence
- private patios for the ground floor units
- a common outdoor amenity area located at the north side of the building with a pergola.

The proposed variances are related to:

- reducing the vehicle parking from 45 stalls to 26 stalls;
- reducing the visitor parking from 3 stalls to 2 stalls;
- increasing the building height from 12 metres to 14.39 metres;
- reducing the front setback from 10.5 metres to 1.81 metres

- reducing the rear setback from 7.2 metres to 3.96 metres
- reducing the east side yard setback from 7.2 metres to 3.05 metres
- reducing the west side yard setback from 7.2 metres to 3.86 metres
- increasing the site coverage from 40 percent to 47 percent
- allowing for an accessory structure to be located in the front yard rather than the rear yard.

### **Affordable Housing**

The applicant proposes the creation of 32 new residential rental units which would increase the overall supply of market rental housing in the area. A Housing Agreement and a Section 219 Covenant are also being proposed to secure the rental tenure of the building in perpetuity.

### **Tenant Assistance Policy**

The proposal is to demolish an existing multi-unit building which had been leased to the Vancouver Island Health Authority (VIHA). The lease has now expired, however, VIHA is still currently using the building to provide temporary housing to VIHA clients until they are able to find longer term accommodation. Given the current occupancy of the building is not subject to the Residential Tenancy Act, the Tenant Assistance Policy does not apply to this proposal.

### **Sustainability**

A number of sustainability features are outlined in the Architect's letter dated June 12, 2019 (revised September 13, 2019), including the following:

- electrical installation to accommodate future solar panels and future electric vehicle and bicycle charging stations
- LED lighting throughout the building and site
- heat recovery ventilation system for the building
- high efficiency plumbing fixtures and water heating system.

### **Active Transportation**

The Application proposes 45 long term bicycle parking stalls and six short term bicycle parking stalls, which support active transportation.

### **Public Realm**

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

### **Accessibility**

The British Columbia Building Code regulates accessibility as it pertains to buildings. The proposed common outdoor amenity space is designed to be accessible.

### **Existing Site Development and Development Potential**

The site is presently developed as a three storey building with 11 dwelling units. In addition to multiple dwellings, the R3-AM-2 Zone permits the following uses:

- single family dwellings with a garden suite or secondary suit, subject to the regulations of the R1-B Zone
- two family dwellings, churches, public buildings, hospitals or schools, subject to the regulations of the R-2 Zone
- college fraternity buildings
- Class A or Class B rest homes.

### Data Table

The following data table compares the proposal with the R3-AM-2 Zone, Mid-Rise Multiple Dwelling District. An asterisk is used to identify where the proposal does not meet the requirements of the existing Zone.

Zoning Criteria	Proposal	R3-AM-2 Zone
Site area (m <sup>2</sup> ) – minimum	1500	920
Density (Floor Space Ratio) – maximum	1.43:1	1.6:1
Total floor area (m <sup>2</sup> ) – maximum	2139.29	N/A
Lot width (m) – minimum	31.78	N/A
Height (m) – maximum	<b>14.39*</b>	12.00
Storeys – maximum	4	4
Site coverage (%) – maximum	<b>47*</b>	40
Open site space (%) – minimum	38	30
<b>Setbacks (m) – minimum</b>		
Front (north)	<b>1.81*</b>	10.50
Rear (south)	<b>3.96*</b>	7.2 (1/2 building height)
Side (east)	<b>3.05*</b>	7.2 (1/2 building height)
Side (west)	<b>3.86*</b>	7.2 (1/2 building height)
Parking – minimum	<b>26*</b>	45 31 (Schedule C for rental building)

Zoning Criteria	Proposal	R3-AM-2 Zone
Visitor parking included in the overall units – minimum	2*	3
Bicycle parking stalls – minimums		
Short Term	6	6
Long Term	45	39

### Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, on June 25, 2019 the Application was referred for a 30-day comment period to the Rockland CALUC. A letter dated April 22, 2020 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 subject site is designated as Urban Residential in the *Official Community Plan (OCP, 2012)*, which envisions low and mid-rise multi-unit buildings. The OCP also identifies the site within Development Permit Area 7B(HC) – Corridors Heritage, which supports high quality architecture, landscape and urban design that is human-scaled, responsive to its heritage context and helps to enhance the pedestrian experience along Fort Street. The design guidelines for this DPA that are applicable to this site are the *Advisory Design Guidelines for Buildings, Signs and Awnings* and the *Guidelines for Fences, Gates and Shutters*.

A number of multi-storey apartment buildings exist in the immediate vicinity that vary in design and contextual sensitivity. Consistent with the Design Guidelines, the proposed design respects the character of the established area and responds to the diversity of building types through form and massing that provides coherence and unity in relation to the adjacent properties. Without being imitative, the form and character of the design draws on the traditional character of the Rockland neighbourhood with the use of brick as a predominant building material and a design that speaks to natural, warm, and high-quality materials, strong horizontal emphasis, and a variety of texture and colour. Parking is provided underground and landscaped planting areas around the building's perimeter would enhance the residential character of the building, help with privacy screening and transition with adjacent properties.

## Rockland Neighbourhood Plan

The Rockland Neighbourhood Plan supports new multi-unit residential development along the Fort Street corridor that relates in terms of scale to the residential properties to the south. Excellence in architectural design that is compatible with the historic character of Rockland is encouraged. The proposed development is considered consistent with these policies.

### Regulatory Considerations

Although the proposed development complies with the R3-AM-2 Zone in terms of use and density, there are several variances required to facilitate the development:

- increase the building height from 12m to 14.39m
- increase the site coverage from 40% to 47%
- reduce the front setback from 10.5m to 1.81m
- reduce the rear yard, east side yard and west side yard setbacks from 7.2m (half the building height) to 3.96m, 3.05m and 3.86m, respectively
- reduce the vehicle parking from 45 stalls to 26 stalls. Note: the parking requirements in this zone are higher than the requirements under Schedule C (31 stalls)
- allow for an accessory structure (pergola) to be located in the front yard rather than the rear yard.

### Setbacks

The variances related to reduced setbacks and height are considered supportable as the proposed development would have minimal impacts on the adjacent properties in terms of privacy impacts and shading and no impact on the public realm along Fort Street. There are no balconies on the south elevation to minimize overlook on the neighbouring townhouse development. Vertical metal screens have been added to the balconies on the east and west elevations to further reduce the potential for overlook.

### Parking

The parking requirements for this site are embedded in the R3-AM-2 Zone, which requires 1.3 stalls per dwelling unit for a total of 45 parking stalls. However, Schedule C of the *Zoning Regulation Bylaw* was updated in 2018 and now correlates parking requirements to location (Core, Village/Centre or Other Area), as well as, tenure and unit size. When assessed against Schedule C, the parking requirement for this site, located in "Other Area", would be 31 stalls.

A Parking Study, dated September 12, 2019, was provided with this Application. Given the site is within 30m of the Stadacona Large Urban Village, the study recommends assessing the proposal against the Schedule C parking requirements for "Village/Centre". Based on the proposed unit sizes, this would result in a parking requirement of 25 stalls, one less than the proposed 26 stalls. The proposed parking is considered sufficient to meet the parking demand for this development given the proposed rental tenure and the site location in close proximity to the Stadacona Village as well as frequent transit along Fort Street.

### Accessory Structure

The variance to allow an accessory structure in the front yard is considered supportable as the proposed location would have minimal impact on adjacent properties and no impact on the public realm along Fort Street.

### Site Coverage

The variance to allow for increased site coverage is considered supportable as the remaining open site space will be extensively landscaped to provide outdoor amenity space for the residents and add privacy screening with adjacent properties

### **Advisory Design Panel Review**

The application was referred to the Advisory Design Panel (ADP) on January 22, 2020. The ADP was asked to comment on the overall building and landscape design, with particular attention to the following aspects of the proposal:

- massing, setbacks and orientation
- response to context and physical characteristics of the site

The ADP voted unanimously to recommend to Council that the Application be approved as presented. The meeting minutes are attached for reference.

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

The goals of the Urban Forest Master Plan include protecting, enhancing, and expanding Victoria's urban forest and optimizing community benefits from the urban forest in all neighbourhoods.

This application was received prior to October 24, 2019, and therefore falls under *Tree Preservation Bylaw No. 05-106* (consolidated June 1, 2015). The tree inventory for the proposal, outlined in the attached Arborist Report dated April 5, 2019, includes 17 trees potentially impacted by the proposed development: ten onsite, six offsite and one tree with shared ownership. All trees on the subject lot and the one tree with shared ownership are proposed for removal, including three bylaw protected trees. Tree removals are required for excavation of the underground parkade. The applicant is proposing to plant 10 new trees, including six bylaw replacement.

### **CONCLUSIONS**

The proposed development is generally consistent with the applicable Design Guidelines and includes high-quality building materials and landscape finishes. The form and character of the building add to the character of the Fort Street Corridor and the potential impact of the variances has been mitigated through building design and landscaping. Therefore, staff recommend for Council's consideration that Council advance the Application to an Opportunity for Public Comment.

### **ALTERNATE MOTION**

That Council decline Development Permit with Variances Application No. 00120 for the property located at 1475 Fort Street.



Respectfully submitted,



Alec Johnston  
Senior Planner  
Development Services Division

Karen Hoese, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



Date: 21 May, 2020

#### List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped April 8, 2020
- Attachment D: Letter from applicant to Mayor and Council dated June 12, 2019 (revised September 13, 2019)
- Attachment E: Letter from the owner, Lantern Properties, to Mayor and Council
- Attachment F: Community Association Land Use Committee Comments dated April 22, 2020
- Attachment G: Arborist Report dated April 5, 2019
- Attachment H: Letter from the owner of 1465 Fort Street regarding tree replacement dated September 13, 2019
- Attachment I: Parking Impact Assessment dated September 12, 2019
- Attachment J: Correspondence (Letters received from residents).