



## Committee of the Whole Report

### For the Meeting of July 23, 2020

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**To:** Committee of the Whole

**Date:** July 9, 2020

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

**Subject:** Development Permit with Variances Application No. 00126 for 956 Heywood Avenue

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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 ensure a future strata cannot restrict the rental of units, to the satisfaction of the Director of Sustainable Planning and Community Development; and
- b. A Section 219 Covenant to secure a car-share membership for each unit, 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 Variances Application No. 00126 for 956 Heywood Avenue, in accordance with:

1. Plans date stamped May 26, 2020.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - i. reduce the vehicle parking from 9 stalls to 6 stalls and visitor parking from 1 stall to zero stalls;
  - ii. increase the height from 12m to 12.98m (main roof) and 14.81m (roof access);
  - iii. reduce the front setback from 10.50 metres to 6.63 metres;
  - iv. reduce the rear setback from 7.71 metres to 1.52 metres;
  - v. reduce the side setbacks from 7.71 metres to 1.37 metres (building) and 0.93m (window screens);
  - vi. increase the site coverage from 30 percent to 64 percent.
3. Registration of legal agreements on the property's title to secure the carshare memberships, to the satisfaction of the Director of Engineering and Public Works.
4. Final plans to be generally in accordance with plans date stamped May 26, 2020.
5. 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.

## 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 956 Heywood Avenue. The proposal is to construct a four-storey building with six dwelling units. The variances are related to reduced setbacks and parking, as well as increased site coverage and height.

The following points were considered in assessing this application:

- the proposal is generally consistent with the Design Guidelines for Development Permit Area 16: General Form and Character, which encourage human-scaled architecture that contributes to the place character of an area
- the proposal is generally consistent with the Fairfield Neighbourhood Plan which supports residential buildings up to four-storeys that are compatible with neighbouring buildings and provide front yard landscaping that contributes to an enhanced streetscape
- the proposed parking variance is considered supportable given the provision of carshare memberships; however, the lack of dedicated visitor parking will likely impact on-street parking supply in the area
- due to the relatively small size of the site, there are variances proposed for setbacks and site coverage, which have been mitigated by enhanced landscaping and building design and are considered supportable
- the proposed increase in height is considered supportable as the main roofline would be similar in height to the adjacent buildings.

## BACKGROUND

### Description of Proposal

The proposal is to construct a four-storey multi-unit residential building with approximately six units on a smaller “orphaned” lot (568m<sup>2</sup>) that is situated between two larger four-storey multi-unit residential buildings.

The proposal includes the following major design components:

- low-rise contemporary design
- six two-bedroom units
- rooftop outdoor amenity space for the upper two units
- at-grade under-building parking accessed via Heywood Avenue
- exterior stair access with horizontal wood screening
- exterior materials to include exposed concrete, wood siding, metal soffits, aluminum windows and operable screens.

Landscape elements include:

- extensive front yard and perimeter planting with a mix of native, drought tolerant and pollinator plants
- green roofs above the parking level at the rear of the building and on the main roof
- separate balconies for the lower four units and rooftop decks for the upper two units
- publicly accessible concrete bench adjacent the sidewalk and front entry path.

The variances are to:

- increase the site coverage from 30% to 64%
- reduce the front setback from 10.5m to 6.63m
- reduce the side yard setbacks from 7.71m (half the building height) to 1.37m (building) and 0.93m (window screens)
- reduce the rear yard setback from 7.71m (half the building height) to 1.52m
- increase the building height from 12m to 12.98m (main roof) and 14.81m (roof access)
- reduce the vehicle parking from 9 stalls to 6 stalls and visitor parking from 1 stall to 0 stalls.

### **Affordable Housing**

The applicant proposes the creation of six new residential units which would increase the overall supply of housing in the area. A Housing Agreement is being proposed, which would ensure that future Strata Bylaws could not prohibit the rental of units.

### **Tenant Assistance Policy**

The existing single-family dwelling is vacant; therefore, the Tenant Assistance Policy does not apply to this proposal.

### **Sustainability**

The applicant has not identified any sustainability features associated with this proposal.

### **Active Transportation**

The application does not propose any specific active transportation beyond meeting the short- and long-term bicycle parking requirements.

### **Public Realm**

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

### **Accessibility**

The British Columbia Building Code regulates accessibility as it pertains to buildings.

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

The site is presently developed with a single-family dwelling. Under the existing R3-AM-2 Zone, Mid-Rise Multiple Dwelling District, in addition to multiple dwellings the property could also be developed with a duplex or a single-family dwelling with a secondary suite or garden suite.

## Data Table

The following data table compares the proposal with the R3-AM-2 Zone. An asterisk is used to identify where the proposal does not meet the requirements of the existing Zone. A double asterisk is used to identify an existing non-conformity.

Zoning Criteria	Proposal	Existing Zone	OCP and Fairfield Plan
Site area (m <sup>2</sup> ) – minimum	<b>568 **</b>	920	-
Number of units – maximum	6	-	-
Density (Floor Space Ratio) – maximum	1.2:1	1.2:1	1.2:1 (OCP) 1.2:1 – 2:1 (Fairfield Plan)
Lot width (m) – minimum	15.52	-	-
Height (m) – maximum	<b>12.98 *</b> (main roof) <b>14.81 *</b> (roof access)	12	13.5 (Fairfield Plan)
Storeys – maximum	4	4	3-6 (OCP) 3-4 (Fairfield Plan)
Site coverage (%) – maximum	<b>64 *</b>	30	-
Open site space (%) – minimum	32	30	-
<b>Setbacks (m) – minimum</b>			
Front	<b>6.63 *</b>	10.5	Variable
Rear	<b>1.52 *</b>	7.71	-
Side (north)	<b>1.37 *</b> (building face) <b>0.93 *</b> (window screens)	7.71	-
Side (south)	<b>1.37 *</b> (building face) <b>0.93 *</b> (window screens)	7.71	-
<b>Vehicle Parking – minimum</b>	<b>6 *</b>	9	-
Visitor parking	<b>0 *</b>	1	-

Zoning Criteria	Proposal	Existing Zone	OCP and Fairfield Plan
<b>Bicycle parking stalls – minimum</b>			-
Long term	8	8	-
Short term	6	6	-

## Relevant History

This proposal was originally submitted as a concurrent Rezoning (No. 00689) and Development Permit Application to increase the density and develop a four-storey building with seven dwelling units. The application was later revised to reduce the density to 1.2:1 floor space ratio, consistent with the existing R3-AM-2 Zone, and the concurrent Rezoning Application was retired. As required with a Rezoning Application, a pre-application community meeting was held and a summary of the meeting provided by the Fairfield Gonzales Community Association Land Use Committee (CALUC) is attached to this report.

## Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, on September 10, 2019 the application was referred for a 30-day comment period to the Fairfield Gonzales CALUC. At the time of writing this report, a letter from the CALUC had not been received. However, as noted above, a summary of a Community Meeting that was held in relation to an earlier version of this application that necessitated a rezoning application has been provided by the CALUC.

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 16: General Form and Character, which supports multi-unit residential development that is complementary to the place character of the neighbourhood. Enhancing the character of the streetscape through high quality, human-scaled architecture, landscape and urban design is also a key objective of this DPA. Design Guidelines that apply to DPA 16 are the *Multi-Unit Residential, Commercial and Industrial Design Guidelines* (2012), *Advisory Design Guidelines for Buildings, Signs and Awnings* (2006), and *Guidelines for Fences, Gates and Shutters* (2010).

The proposed development is generally consistent with the objectives for DPA 16 and complies with the guidelines as follows:

- scale, massing and building design respect the character of the area and incorporate natural, warm exterior materials that are durable and will weather gracefully
- a prominent front entry that provides a focal point for pedestrians
- enhanced front yard landscaping that incorporates a mix of native, pollinator and drought resistant plants and trees which complement the meadow landscape of Beacon Hill Park to the north of the site
- underbuilding parking that is screened from view and does not detract from the streetscape along Heywood Avenue.

### Fairfield Neighbourhood Plan

The *Fairfield Neighbourhood Plan* (2019) identifies the site as Urban Residential, consistent with the OCP, and within the Cook Street Village sub-area. The Plan envisions new development up to four storeys and 1.2:1 floor space ratio in this location. New multi-unit residential development is encouraged to have front yard landscaping, street-facing facades, off-street parking that minimizes the impact on the pedestrian realm and site planning, and to be neighbourly and compatible with adjacent development. The proposed building is considered generally consistent with these policies.

### Tree Preservation Bylaw and Urban Forest Master Plan

The goals of the *Urban Forest Master Plan* (2013) include protecting, enhancing, and expanding Victoria's urban forest and optimizing community benefits from the urban forest in all neighbourhoods. The application was received prior to October 24, 2019; therefore, the proposal falls under the *Tree Preservation Bylaw No. 05-106* consolidated June 1, 2015.

There are 12 ornamental trees on the subject lot, all of which are proposed for removal. The applicant is proposing to plant three small canopy trees in planters on the second level and a yellow cedar in the front yard.

### Tree Impact Summary

Tree Status	Total # of Trees	Trees to be REMOVED	NEW Trees	NET CHANGE (new trees minus total to be removed)
Subject property trees, protected	0	0	0	0
Subject property trees, unprotected	12	12	4	-8
City trees	0	0	1	+1
Neighbouring trees, protected	0	0	0	0
Neighbouring trees, unprotected	0	0	0	0
<b>Total</b>	<b>12</b>	<b>12</b>	<b>5</b>	<b>-7</b>

## Advisory Design Panel

The application was referred to the Advisory Design Panel (ADP) on January 22, 2020 (minutes attached) where the following motion was carried:

*It was moved ... that Development Permit with Variances Application No. 00126 for 956 Heywood Avenue be approved with the following changes:*

- *consideration of the minimum side yard setbacks affecting livability to the neighbours.*

The applicant has not revised the side yard setback noting in the attached letter of response, dated July 6, 2020, that any further reduction in the width of the building would negatively impact the livability of the proposed dwellings, and that reducing the height by sinking the parking level further into the site is unfeasible due to soil conditions.

## Regulatory Considerations

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

- increase the site coverage from 30% to 64%
- reduce the front setback from 10.50m to 6.63m
- reduce the side yard setbacks from 7.71m (half the building height) to 1.37m (to the building) and 0.93m (to the window screens)
- reduce the rear yard setback from 7.71m (half the building height) to 1.52m
- increase the building height from 12m to 12.98m to the main roof and 14.81m to the roof access
- reduce the vehicle parking from 9 stalls to 6 stalls.

## Site Coverage and Setbacks

At 568m<sup>2</sup>, the site is legal non-conforming with regards to minimum site size under the R3-AM-2 Zone, which requires new sites to be a minimum of 900m<sup>2</sup>. Given the relatively small site size, the proposal is seeking variances on maximum site coverage from 30% to 64%, as well as reduced front, rear and side yard setbacks.

The Design Guidelines state that new buildings should be located and oriented to address privacy impacts of adjacent residential units and private outdoor space. The proposed building is located 1.37m from north and south property lines and the building separation is approximately 5.5m on the south side and 5.9m on the north side. The building would be oriented in an east/west direction; however, there are windows for each unit on the north and south elevations, which would face primary windows and private balconies on the adjacent buildings.

To help mitigate the impact of the side yard variances, narrow planters with rushes, as well as moveable screens with vertical slats are proposed in front of the windows to help reduce privacy impacts. Further, the proposal includes extensive perimeter landscaping to aid in screening and softening the transition with adjacent properties. While these design interventions will help mitigate privacy concerns, the proposed building would increase shading of the building to the north, which may have a minor impact on the livability of some of the units within the building. The applicant's letter of response to the ADP includes a detailed shadow analysis comparing the impact of reduced building height or increase setback with the proposed development.



With regards to the front yard variance, the proposed building would project forward by approximately 4m relative to the adjacent buildings; however, the proposed 6.63m setback is greater than the setbacks approved for recently developed properties along Heywood Avenue. Further, the applicant has pulled the building back at the northwest and southwest corners on levels 2-4 to accommodate corner planters that help lessen the impact of the reduced setback on the adjacent neighbours and the streetscape.

Other than the driveway, entry path and bicycle parking area, the front yard would be extensively landscaped using a mix of native, pollinator and drought resistant plants and trees. A concrete bench along the sidewalk is also proposed in front of the bicycle parking and next to the front walkway. As mentioned previously, narrow planters on the north and south elevations, as well as on the rear of the building above the parking level and on the main roof provide opportunities for additional soft landscaping to help offset the impact of increased site coverage.

The design guidelines encourage building design, landscaping and site planning that is sensitive and innovative to context. Given the constraints of the smaller site in the context of larger lots and the measures taken to ameliorate the privacy and visual impacts of the reduced setbacks and increased site coverage, staff consider the variances as supportable.

### Height

The proposed increase in height from 12m to 12.98m to the main roofline and 14.81m to the rooftop access is considered supportable as the building maintains a height similar to the surrounding four-storey context. It is worth noting that the rooftop stair access is lower in height than the elevator overrun, which is exempt from height under the *Zoning Regulation Bylaw*. Both the elevator overrun and the stair access hatch are inset from the edge from the building so the visual impact of these features is minimal.

### Parking

A variance is requested to reduce the required number of parking stalls from a total of nine to six stalls and visitor parking from one to zero stalls. To help offset some of the impacts from this variance the applicant is proposing one car share membership per dwelling unit. Although staff consider the variance as supportable, there may be some impact on on-street parking availability in the area given the lack of dedicated visitor parking.

## **Resource Impacts**

Parks has noted the following resource impacts associated with the new municipal trees that would be provided with this application:

One new municipal tree	\$890 (total for the first five years)
	\$60 per year thereafter

## **CONCLUSIONS**

The proposal to construct a four-storey building with six dwelling units on a relatively small R3-AM-2 zoned lot is considered consistent with the Design Guidelines for Development Permit Area 16: General Form and Character. The building and associated landscaping would integrate with the context of apartment buildings along Heywood Avenue and mitigate the impact of the variances on adjacent properties and the public realm.

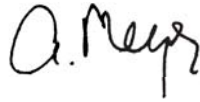


## ALTERNATE MOTION

That Council decline Development Permit with Variances Application No. 00126 for the property located at 956 Heywood Avenue.

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: July 16, 2020

## List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped May 26, 2020
- Attachment D: Letter from applicant to Mayor and Council dated August 5, 2019
- Attachment E: Community Association Land Use Committee Comments on Rezoning Application No. 00689, dated November 22, 2018
- Attachment F: Advisory Design Panel meeting minutes dated January 22, 2020
- Attachment G: Letter from the applicant in response to the Advisory Design Panel dated July 6, 2020
- Attachment H: Correspondence (Letters received from residents).