



## 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 Hoesel, Director, Sustainable Planning and Community Development

**Subject:** Development Permit with Variances Application No. 000551 for 1908, 1916, and 1920 Oak Bay 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. 00694, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 000551 for 1908, 1916, and 1920 Oak Bay Avenue, in accordance with:

1. Plans date stamped July 6, 2020
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - i. reduce the front setback (south) for the upper storeys from 6.00m to 2.34m;
  - ii. reduce the rear setback (north) from 6.00m to 5.32m;
  - iii. reduce the interior lot line setback (west) from 2.40m to 0.15m;
  - iv. reduce the flanking street setback (east) from 2.40m to 0.72m;
  - v. reduce the number of commercial vehicle parking spaces from 26 to 10;
  - vi. reduce the number of residential vehicle parking spaces from 44 to 43;
  - vii. increase the distance between entrances and the short term bicycle parking from 15m to 48.1m;
  - viii. increase the number of storeys from 4 to 5;
  - ix. increase the height from 14.98m to 18.00m.
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 Application for the property located at 1908, 1916, and 1920 Oak Bay Avenue. The proposal is to construct a four-storey, mixed-use building with ground-floor commercial and residential above. The variances are related to reduced setbacks, reduced number of vehicle parking spaces and increased distance between entrances and short-term bicycle parking. A Rezoning Application is also required and is the subject of an accompanying report.

The following points were considered in assessing this application:

- the proposal is generally consistent with the objectives and guidelines contained in Development Permit Area 6A: Small Urban Villages (Oak Bay Avenue Village), which seeks to help revitalize areas of commercial use into complete Small Urban Villages through human-scale design that would increase vibrancy and strengthen commercial viability
- the setback variances are supportable because they do not have substantial impacts on the street and adjacent properties
- the parking variance to reduce the number of parking spaces is considered supportable as the applicant is proposing Transportation Demand Management (TDM) measures to mitigate the potential impacts from this variance, which would be secured by legal agreement in conjunction with the concurrent Rezoning Application. The applicant has also provided a Transportation Study which indicates the proposed parking supply meets the anticipated site parking demand
- the variance related to the distance between entrances and the short-term bicycle parking is supportable because the proposed frontage design would enhance the experience of pedestrians and cyclists. The required short-term bicycle parking would be consolidated on Redfern Street beside the outdoor commercial patio space. Bicycle parking will also be located within 15m of the entrances in the right-of-way.

## BACKGROUND

### Description of Proposal

The proposal is to construct a four-storey, mixed-use building with approximately 35 strata dwelling units above four commercial retail/restaurant units (approximately 688m<sup>2</sup> floor area) on the ground floor. The proposal includes the following main design components:

- modern architectural form and character
- outdoor commercial patio space on Redfern Street
- weather protection along the street frontage
- balconies for the dwelling units.

Exterior building materials include:

- cementitious panel cladding
- transparent glazing
- pre-finished metal
- painted steel or aluminium
- wood-textured shade screen
- T&G cedar soffit
- clear sealed wood

- concrete
- metal louvre
- concrete block
- brick.

Landscape elements include:

- unit paving
- broom finish concrete
- lawn
- shrub planting areas
- rain garden area
- small trees.

The proposed variances are related to:

- reducing the front setback (south) for the upper storeys from 6.00m to 2.34m
- reducing the rear setback (north) from 6.00m to 5.32m
- reducing the interior lot line setback (west) from 2.40m to 0.15m
- reducing the flanking street setback (east) from 2.40m to 0.72m
- reducing the total vehicle parking from 74 to 57
- increasing the distance between entrances and the short term bicycle parking from 15m to 48.1m

## **Sustainability**

The applicant has provided a letter dated June 23, 2020, outlining sustainability features that are associated with this application, including the installation of four electrical vehicle charging stations with rough-ins provided for all underground stalls and one at-grade stall, secure, heated bike storage at parkade level with a bike work bench, and electric bike charging locations within the bike storage.

## **Active Transportation**

The application proposes heated bike storage and work area as well as electric bike charging stations, which supports active transportation.

## **Accessibility**

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

## **Data Table**

The following data table compares the proposal with the existing CR-3 Zone and the OCP. An asterisk is used to identify where the proposal does not meet the requirements of the existing Zone. The differences related to setbacks and parking would be accommodated by variances so that they are not entrenched in the zone and would therefore need to be considered again if a different proposal came forward in the future (see the concurrent Rezoning Application report).

Zoning Criteria	Proposal	Existing Zone (CR-3)	OCP Small Urban Village
Site area (m <sup>2</sup> ) – minimum	1963.00	N/A	-
Dwelling Unit Area (m <sup>2</sup> ) – minimum	47.00	33.00	-
Density (Floor Space Ratio) – maximum	<b>1.94 *</b>	1.0:1	2.0:1
Total floor area (m <sup>2</sup> ) – maximum	3809.13	N/A	-
Height (m) – maximum	<b>14.98 *</b>	10.70	-
Storeys – maximum	<b>4 *</b>	3	4 (approx.)
<b>Setbacks (m) – minimum</b>			
Front (Oak Bay Ave) – First Storey (canopies excluded)	3.35	3.00	-
Front (Oak Bay Ave) – Upper Storeys	<b>2.34 *</b>	6.00	
Rear (north)	<b>5.32 *</b>	6.00	
Interior Side (west)	<b>0.15 *</b>	2.4 or greater or nil	
Flanking Street (Redfern Street, east) (balconies excluded)	<b>0.72 *</b>	2.40	
<b>Vehicle parking – minimum</b>			-
Total	<b>57 *</b>	74	
Residential	<b>43 *</b>	44	
Visitor	4	4	-
Commercial	<b>10 *</b>	26	
<b>Bicycle parking stalls – minimum</b>			
Long Term	48	46 (including 3 commercial)	-
Short Term	11	11	
Distance from Entrance (m) - minimum	48.1m (to farthest bike parking)	15.00	

## Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the South Jubilee CALUC at a Community Meeting held on March 13, 2019. A letter dated March 22, 2019 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 *Official Community Plan* (OCP, 2012) identifies this property with Development Permit Area 6A: Small Urban Villages (Oak Bay Avenue Village). The objectives of this Development Permit Area (DPA) are to revitalize areas of commercial use into complete Small Urban Villages through human-scale design that would increase vibrancy and strengthen commercial viability. Other objectives are related to achieving a high quality of architecture, landscape and urban design, a unique character and sense of place, compatibility with adjacent residential neighbourhoods, coherent design, and enhancing the experience of pedestrians and cyclists. Design Guidelines that apply to this DPA are the *Advisory Design Guidelines for Buildings, Signs and Awnings* (1981), *Guidelines for Fences, Gates and Shutters* (2010), and the *Oak Bay Avenue Land Use and Design Guidelines* (2001). The DPA also includes the following specific guideline: "Buildings are encouraged to have shop windows and building entrances that are oriented towards the street."

Staff consider that the proposal is generally consistent with the objectives and guidelines of the Development Permit Area. Background information related to the building height, privacy and shading, and the relationship to the street is provided for Council's consideration as follows:

#### Building Height

The *Official Community Plan* and *Oak Bay Avenue Land Use and Design Guidelines* indicate different building heights in this location. The OCP envisions approximately four storeys with a three-storey street-wall, while the design guidelines state that new buildings should be limited to a maximum of three storeys in height. Staff consider the proposed height to be supportable because it is generally consistent with the OCP policy.

The recommendation in this report includes variances that would accommodate an increased height and number of storeys that would be required to add a rooftop amenity space to the proposal. An alternate motion is also provided to move the application forward without these variances. The accompanying rezoning application report provides further discussion on this topic. If it is determined that adding the rooftop access and outdoor amenity space is not feasible, staff will bring forward a revised motion to reduce the degree of variances when Bylaws are presented to Council for introductory readings.

#### Privacy and Shading Impacts

Any redevelopment of the Oak Bay Avenue Small Urban Village striving to meet the goals of the OCP will have impacts on the adjacent existing single-family dwellings due to their close proximity.

This specific proposal will have some privacy and shading impacts on adjacent properties, particularly to the single-family dwellings to the north as well as the church located to the west. Windows and balconies face towards the adjacent properties. The proposed setback to the north elevation exterior wall is approximately 7.3m and the setback to the balconies is 5.3m. The proposed setback of to the upper storeys of the west elevation would be approximately 1m to the balcony and 3.2m to the exterior wall. To help mitigate these impacts, the applicant is proposing to set back portions of the rear elevation and use plantings on the balconies and along the rear property line for privacy screening.

Staff consider these impacts to be acceptable in the context of the overall proposed development and proposed mitigation measures.

### Relationship to the Street

The design guidelines indicate that the proposal should consider the street relationship. The building is located quite close to Oak Bay Avenue (2.34m from the property line to the second floor balcony) and Redfern Street (0.72m from the property line to the exterior wall). Along Redfern Street there is a pad mounted transformer (PMT), waste bins, and surface parking (partially covered by the overhanging building), which may detract from the pedestrian experience. To help reduce the impact on the street, the applicant is proposing wrapping the PMT with graphics, using unit pavers in the parking stalls and setting back the first floor from the street to provide space for outdoor seating.

Staff consider these impacts to be acceptable because, overall, the proposal would provide an active edge with windows, doors and weather protection which would contribute to street activity and economic vitality.

### **Advisory Design Panel**

The application was referred to the Advisory Design Panel (ADP) on June 3, 2020. The ADP was asked to comment on the short-term bike parking location, the building height, privacy and shading impacts, and the relationship to the street.

The ADP passed a motion recommending to Council that Development Permit Application No. 000551 for 1908, 1916, and 1920 Oak Bay Avenue be approved as presented. The meeting minutes are attached for reference.

### **Regulatory Considerations**

Variances related to setbacks and parking would be required to facilitate this proposal. A new site-specific zone would also be required and is discussed in the accompanying Rezoning Application report.

### Setbacks

The following setback variances are proposed to accommodate the development:

- reducing the front setback (south) for the upper storeys from 6.00m to 2.34m
- reducing the rear setback (north) from 6.00m to 5.32m
- reducing the interior lot line setback (west) from 2.40m to 0.15m
- reducing the flanking street setback (east) from 2.40m to 0.72m.

These setbacks are considered supportable because the overall massing would help frame the street with a human scaled street wall. To help mitigate the impacts to the adjacent properties the applicant is proposing to set back portions of the rear elevation and use plantings on the balconies and along the rear property line for privacy screening. Staff consider these impacts to be acceptable in the context of the overall proposed development and proposed mitigation measures.

### Parking Variances

A variance is requested to reduce the number of commercial parking spaces from 26 to 10 and the number of residential parking spaces from 44 to 43. To mitigate some of the potential impacts from the variance, the applicant is proposing the following Transportation Demand Management (TDM) measures, which would be secured by legal agreement as a condition of the concurrent Rezoning Application:

- \$25,000 towards the construction of a crosswalk which would cross Oak Bay Avenue on the east side of Redfern Street
- one car share membership per dwelling unit
- one car share membership per commercial unit
- one hundred dollars in car share usage credits per membership
- electric vehicle readiness for all underground parking stalls
- four electric vehicle charging stations
- 24 electric bike charging stations
- one bicycle repair station.

The applicant has also provided a Transportation Study (attached) that indicates the proposed parking supply meets the anticipated site parking demand. Given these measures, staff consider the parking variance as supportable.

The applicant is also requesting a variance to increase the distance between entrances and the short-term bicycle parking from 15m to 48.1m. This is considered supportable because the proposed frontage design would enhance the experience of pedestrians and cyclists. The required short-term bicycle parking would be consolidated on Redfern Street beside the outdoor commercial patio space. Bicycle parking will also be located within 15m of the entrances in the right of way.

### **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. As this application was received prior to October 24, 2019, Tree Preservation Bylaw No. 05-106 (consolidated June 1, 2015), applies.

This property is located in South Jubilee which presently has 26% tree canopy cover, this is equal to the average City-wide tree canopy cover percentage.

The construction of the proposed building will require the removal of three on-site non-bylaw-protected trees and one City-owned street tree.

Two fruit trees located in the rear yard of 1525 Davie Street will be retained through the project. Parks has issued a permit for the removal of the severely declining 90 cm diameter at breast height (DBH) Garry oak located in the south side yard of this property. This removal permit is not connected to the proposed development.



The proposed on-site landscaping plan includes a treed buffer along the north side of the property. Twenty-four new trees will be planted in this area. The proposed tree species include seven Vine Maples, five Weeping False Cypress, five Serbian Spruce, two Douglas-fir, three Japanese Snowbell and two Canadian Hemlock.

The off-site landscaping includes five new street trees along the Oak Bay Avenue frontage. Structural soil cells will be installed under the sidewalk to provide approximately 12 cubic metres of growing media for each tree. Two new street trees will be planted on the grass boulevard on Redfern Street. All off-site trees will be watered by a drip irrigation system.

#### Tree Impact Summary

Tree Type	Total	To be Removed	To be Planted	Net Change
On-site trees, bylaw protected	0	0	0	0
On-site trees, non-bylaw-protected	3	3	24	+21
Municipal trees	1	1	7	+6
Neighbouring trees, bylaw-protected	0	0	0	0
Neighbouring trees, non-bylaw-protected	2	0	0	0
<b>Total</b>	<b>6</b>	<b>4</b>	<b>31</b>	<b>+27</b>

#### On-Site Tree Removals Non-Bylaw Protected

ID#	Species	DBH	Health	Structural condition	Reason for Removal / Comments
#02	Sycamore Maple	31cm	Fair	Poor	for building construction
#03	Silver Birch	24 cm	Good	Good	for building construction
#04	Sweetgum	30 cm	Good	Fair	for building construction

#### Off-Site Municipal Tree Removals

ID#	Species	DBH	Health	Structural condition	Reason for Removal / Comments
#05	Flowering Cherry	17 cm	Good	Good	for building construction and site servicing



## Resource Impacts

There are new City assets related to trees that will be added if this application is approved, and staff have calculated the annual maintenance costs as shown below. Once the new assets are in place, these costs will be reflected in the City's Financial Plan.

Increased Inventory	Annual Maintenance Cost
Street Trees - 6 net new	\$360
Irrigation System - 7 trees	\$500
Total	\$860

## CONCLUSIONS

The proposal to construct a four-storey mixed-use building is considered consistent with the Design Guidelines for Development Permit Area 6A: Small Urban Villages (Oak Bay Avenue Village). The development would help revitalize an area of commercial use into a complete Small Urban Village through a human-scale design that would increase vibrancy and strengthen commercial viability. The associated variances have been mitigated through design and appropriate TDM measures. Therefore, staff recommend that Council consider approving the application.

## ALTERNATE MOTIONS

### Option 1: Move the Application Forward with no Rooftop Amenity Space

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. 00694, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 000551 for 1908, 1916, and 1920 Oak Bay Avenue , in accordance with:

1. Plans date stamped July 6, 2020
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - i. reduce the front setback (south) for the upper storeys from 6.00m to 2.34m;
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  - iii. reduce the interior lot line setback (west) from 2.40m to 0.15m;
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  - v. reduce the number of commercial vehicle parking spaces from 26 to 10;
  - vi. reduce the number of residential vehicle parking spaces from 44 to 43;
  - vii. increase the distance between entrances and the short-term bicycle parking from 15m to 48.1m;
3. The Development Permit lapsing two years from the date of this resolution."

### Option 2: Decline the Application

That Council decline Development Permit with Variances Application No. 000551 for the property

located at 1908, 1916, and 1920 Oak Bay Avenue.  
Respectfully submitted,



Rob Bateman  
Senior Process 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 July 6, 2020
- Attachment D: Letter from applicant to Mayor and Council dated June 23, 2020
- Attachment E: Community Association Land Use Committee Comments dated March 22, 2019
- Attachment F: Transportation Study dated April 24, 2019
- Attachment G: Advisory Design Panel Meeting minutes from June 3, 2020
- Attachment H: Correspondence (Letters received from residents).