



## Committee of the Whole Report For the Meeting of November 5, 2020

---

**To:** Committee of the Whole **Date:** October 22, 2020  
**From:** Karen Hoese, Director, Sustainable Planning and Community Development  
**Subject:** Development Variance Permit No. 00243 for 611 and 629 Speed Avenue

---

### RECOMMENDATION

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 Variance Permit Application No. 00243 for 611 and 629 Speed Avenue, in accordance with:

1. Plans date stamped October 14, 2020.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - i. reduce the site area of proposed strata lot 1 from 5340m<sup>2</sup> to 2112m<sup>2</sup>;
  - ii. reduce the site area of proposed strata lot 2 from 5340m<sup>2</sup> to 3237m<sup>2</sup>;
  - iii. reduce the required number of residential parking spaces from 65 to 16 for strata lot 1;
  - iv. reduce the required number of visitor parking spaces from 7 to 4 for strata lot 1.
3. The applicant must provide two car share vehicles, two designated car share parking spaces with energized electrical outlets each capable of 240 volts and 30 amps, 100 car share memberships and usage credits in Phase 1, 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 498 of the *Local Government Act*, Council may issue a Development Variance Permit that varies a *Zoning Regulation Bylaw* provided the permit does not vary the use or density of land from that specified in the *Zoning Regulation Bylaw*.

### EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Variance Permit Application for the property located at 611 and 629 Speed

Avenue. The proposal is to vary the site area and reduce the required number of residential and visitor parking spaces for a previously approved six-storey multi-unit residential building to allow for a phased strata development (temporary strata subdivision) and building occupancy. The outward appearance and approved uses remain unchanged and the variances are of a technical nature, only required to facilitate the phased (temporary) subdivision which will allow the buildings to be occupied in stages as they are completed.

The following points were considered in assessing this application:

- In 2019, Council approved a Development Permit with Variances (DPV) application for a 14-storey and six-storey multi-unit residential building with shared underground parking (considered one building under the *Zoning Regulation Bylaw*).
- The existing R-81 Zone, Speed and Frances Multiple Dwelling District, and the approved development permit plans, do not permit a phased strata development; as a result, no portion of the building can be occupied until the entire project is completed. The applicant has determined that they would now like to construct the development in two phases.
- Ten dwelling units (seven studios, two 1-bedroom and one 2-bedroom) in the six-storey building (Phase 1) are rental in perpetuity as well as affordable for a period of ten years (secured by Housing Agreement), so these technical variance requests will ensure that the affordable rental dwelling units are occupied following the completion of the six-storey portion (Phase 1) rather than remaining unoccupied (vacant) until the 14-storey portion of the building is completed.
- In 2019, Council approved parking variances for the multi-unit residential building by allowing a reduction in the required number of residential parking spaces from 237 to 151 and visitor parking spaces from 25 to 17. A temporary parking variance is required to facilitate a temporary strata subdivision, and to offset the parking shortfall, the applicant is willing to provide the two car share vehicles, 100 car share memberships and usage credits, and two designated car share parking spaces with energized electrical outlets each capable of 240 volts and 30 amps in Phase 1 of the development.
- Other than those listed above, there are no other proposed changes to the approved development permit.

## **BACKGROUND**

### **Description of Proposal**

The proposal is to vary the site area and reduce the required number of residential and visitor parking spaces for an already approved six-storey multi-unit residential building that would allow for a phased strata development (temporary strata subdivision) and building occupancy of 68 dwellings units in the six-storey portion of the building proposed for Phase 1. For the duration of the phased subdivision, the proposed variances are the following:

- reduce the site area of proposed strata lot 1 from 5340m<sup>2</sup> to 2112m<sup>2</sup>
- reduce the site area of proposed strata lot 2 from 5340m<sup>2</sup> to 3237m<sup>2</sup>
- reduce the required number of residential parking spaces from 65 to 16 for strata lot 1
- reduce the required number of visitor parking spaces from 7 to 4 for strata lot 1.

### **Affordable Housing**

In 2019, Council gave approval for the creation of approximately 247 new residential units, which would increase the overall supply of housing in the area. The applicant is providing ten

dwelling units (seven studios, two 1-bedroom and one 2-bedroom) in the six-storey building as rental in perpetuity, and affordable as per the City's definition of Affordable Housing for a period of ten years. These units have been secured in a Housing Agreement.

### Existing Site Development

The site is presently vacant.

### Data Table

The following data table compares the proposal with the existing R-81 Zone, Speed and Frances Multiple Dwelling District. An asterisk is used to identify where the proposal does not meet the requirements of the existing Zone. Two asterisks are used to identify variances that have already been approved.

Zoning Criteria	Proposed Phase 1 (six-storey building) and Phase 2 (Site Area only)	Combined Phase 1 and 2	Existing R-81 Zone
Site area (m <sup>2</sup> ) – minimum	<b>2112*</b> (Phase 1) <b>3237*</b> (Phase 2)	5349	5340
Density (floor Space ratio) – maximum	1.66:1	2.99:1	3.08:1
Height (m) – maximum	19.44	<b>45.34**</b> (west portion – <b>14-storey</b> ) 19.44 (east portion – 6- storey)	37
Storeys – maximum	6	14 (west portion) 6 (east portion)	n/a
Site coverage (%) – maximum	34	64	66
Open site space (%) – minimum	38	24	14
<b>Setbacks</b> (m) – minimum			
Front (Speed Avenue)	6.50 (east portion to building) <b>1.60**</b> (canopy east portion)	6.50 (east portion to building) <b>1.60**</b> (canopy east portion) 7.90 (west portion to building) <b>1.52**</b> (canopy west portion)	6.00

Zoning Criteria	Proposed Phase 1 (six-storey building) and Phase 2 (Site Area only)	Combined Phase 1 and 2	Existing R-81 Zone
Rear (Frances Avenue)	12	12 (east portion to building) 3.50 (east side parkade projection) 1.20 (west portion)	0
Side (west)	12.86	5.13 (building) 0.50 (parkade projection)	0
Side (east)	9.30 (building) <b>0**</b> (parkade projection)	9.30 (building) <b>0**</b> (parkade projection)	5.90
<b>Parking – minimum</b>			
Residential as per the R-81 Zone	<b>13*</b>	<b>151**</b>	237
Visitor as per Schedule C	<b>7*</b>	<b>17**</b>	25
<b>Bicycle parking stalls – minimum</b>			
Long-term	75	286	285
Short-term	7	26	25
<b>Accessory Building – Bicycle Enclosure</b>			
Location	<b>Side yard**</b>	Rear yard	Rear yard
Floor area (m <sup>2</sup> ) – maximum	33	n/a	37
Side yard setback (m) – minimum	1.83	n/a	0.60
Rear yard setback (m) – minimum	10	0.60	0.60
Site coverage – Rear yard (%) – maximum	3.40	9	n/a
Separation from main building (m) – minimum	<b>1.40**</b>	<b>1.30**</b>	2.40
Height (m) – maximum	3.28	3.28	3.50

Zoning Criteria	Proposed Phase 1 (six-storey building) and Phase 2 (Site Area only)	Combined Phase 1 and 2	Existing R-81 Zone
<b>Accessory Building – Timber Pavilion</b>			
Location	Rear yard	Rear yard	Rear yard
Floor area (m <sup>2</sup> ) – maximum	n/a	n/a	37
Side yard setback (m) – minimum	n/a	n/a	0.60
Rear yard setback (m) – minimum	0.60	0.60	0.60
Site coverage – Rear yard (%) – maximum	9	9	n/a
Separation from main building (m) – minimum	<b>1.30**</b>	<b>1.30**</b>	2.40
Height (m) – maximum	3.28	3.28	3.50

## Relevant History

At the November 28, 2019 meeting, Council approved a Development Permit with Variances application to construct a 14-storey and six-storey multi-unit residential building. The variances are related to height, parking and setbacks.

## Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, on April 21, 2020 the application was referred for a 30-day comment period to the Burnside Gorge CALUC. An email dated April 24, 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

### Regulatory Considerations

#### Relaxation in Site Area

To facilitate a phased strata development that would allow the six-storey portion (Phase 1) to be strata-titled and occupied independently of the 14-storey portion of the building (Phase 2), each phase must comply with the minimum site area in the R-81 zone and the approved development

permit plans. The R-81 zone requires a minimum site area of 5340m<sup>2</sup> for a multiple dwelling. Variances are required to reduce the site area from 5340m<sup>2</sup> to 2112m<sup>2</sup> for Phase 1 (strata lot 1) and 5340m<sup>2</sup> to 3237m<sup>2</sup> for Phase 2 (strata lot 2) in order to satisfy the zoning requirements for a temporary strata subdivision.

A phasing plan that shows the interim condition of Phase 2 has been provided by the applicant even though the development of Phase 2 should be well underway when Phase 1 is completed. These variances are supportable given that they would allow the applicant to occupy the first phase of development, which include the affordable rental units, while the second phase is under construction.

### Parking Variances

For Phase 1 to be constructed and occupied prior to the completion of Phase 2, a temporary parking variance is required. The applicant is proposing to provide 13 residential and seven visitor parking spaces in Phase 1. This parking variance is a result of building code requirements on parkade exits (only one of the three exits will be available while Phase 2 is under construction) and to ensure that there is adequate staging area for construction. To help offset the parking shortfall, the applicant will deliver the full Transportation Demand Management program prior to occupancy of Phase 1, which includes the following:

- two car share vehicles
- two designated car share parking spaces with energized electrical outlets each capable of 240 volts and 30 amps
- 100 car share memberships and usage credits.

### Occupancy of Phase Two

At the completion of Phase 2, the applicant will dissolve the phased strata plan so that the site becomes one parcel again in accordance with the current zone and previously approved development permit plans (attached). Dissolving the phased strata plan will allow staff to issue an occupancy permit for the 14-storey building when it is completed without additional approvals from Council. Therefore, the proposed variances discussed above are essentially temporary in nature.

## **CONCLUSIONS**

The proposed technical variances required to facilitate a phased strata development that would enable a phased occupancy approach is supportable given that there are no design changes to the overall development. It is recommended that Council advance the application to an opportunity for public comment.

## **ALTERNATE MOTION**

That Council decline DVP Application No. 00243 for the property located at 611 and 629 Speed Avenue.

Respectfully submitted,

  
Leanne Taylor  
Senior Planner  
Development Services Division



  
Karen Hoese, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



Date: October 26, 2020

### List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans dated/date stamped October 14, 2020
- Attachment D: Letter from applicant to Mayor and Council dated July 15, 2020
- Attachment E: Email from the Community Association Land Use Committee dated April 24, 2020
- Attachment F: Letter from MODO dated July 20, 2020
- Attachment G: MODO Car Share Agreement
- Attachment H: Approved Development Permit Plans dated July 18, 2019.