



## Committee of the Whole Report

### For the Meeting of January 28, 2021

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**To:** Committee of the Whole **Date:** January 14, 2021

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

**Subject:** **Update on 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 October 19, 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 **12.92 metres**;
  - iv. reduce the front setback from 10.5 metres to **1.81 metres (entrance canopy) and 3.53 metres (building)**;
  - v. reduce the rear setback from **6.46 metres** to 3.96 metres;
  - vi. reduce the east side yard setback from **6.46 metres to 3.05 metres (balconies and entrance canopy) and 4.93 metres (building)**;
  - vii. reduce the west side yard setback from **6.46 metres to 3.86 metres**

**(balconies) and 5.75 metres (building);**

- 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. Final plans generally in accordance with the plans date stamped October 19, 2020 with the following revisions:
- a. changes to the panhandle driveway to comply with the *Highway Access Bylaw* and *BC Building Code* requirements, to the satisfaction of the Director of Engineering and Public Works
  - b. Relabel the proposed bylaw replacement trees to ensure replacement trees are provided on site, to the satisfaction of the Director of Parks, Recreation and Facilities
4. The Development Permit lapsing two years from the date of this resolution.”

## **LEGISLATIVE AUTHORITY**

In accordance with Section 483 of the *Local Government Act*, Council may enter into a Housing Agreement which may include terms agreed to by the owner regarding the occupancy of the housing units and provided such agreement does not vary the use of the density of the land from that permitted under the zoning bylaw.

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 updated 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.

## **BACKGROUND**

On June 11, 2020, Council passed a motion (attached) moving this Development Permit with Variances Application forward to an opportunity for public comment subject to specific conditions, which included undertaking consultation and reporting back to Committee of the Whole on the results of the consultation and any changes to the proposal.

## UPDATE

### Community Consultation

The Council motion directed the applicant to participate in a CALUC community meeting that included mailed notices to all owners and residents within 50 metres of the subject property. Given that in-person CALUC community meetings are not currently taking place, consultation was completed in accordance with the temporary online consultation process by mailing notices out to owners and residents within 50 metres of the site with instructions to view the proposal on the Development Tracker and provide feedback through the online comment form (see attached feedback). In addition, the applicant hosted an online community meeting on September 9, 2020 to share information about the proposal and gather feedback (minutes attached).

Following the consultation, the applicant has submitted revised plans that include changes to the building height and landscaping.

### Building Height

As indicated in the applicant's letter to Mayor and Council dated October 19, 2020, the building height has been lowered by 1.47m from 14.39m to 12.92m. The reduction is due in part to an exemption of the parapet height (0.6m) which is consistent with the standard method for measuring height under the *Zoning Regulation Bylaw*. The remaining 0.87m reduction was achieved by reducing the floor-to-floor heights on each level.

The reduced height has also resulted in a change to the required side and rear setbacks, which are measured as half the building height (6.46m). The requested setback variances have been updated in the revised motion to reflect this change.

### Data Table

The following data table compares the previous proposal and the current proposal with the existing 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	Current Proposal	Previous Proposal	R3-AM-2 Zone
Site area (m <sup>2</sup> ) – minimum	1500	1500	920
Density (Floor Space Ratio) – maximum	1.43:1	1.43:1	1.6:1
Total floor area (m <sup>2</sup> ) – maximum	2139.29	2139.29	N/A
Lot width (m) – minimum	31.78	31.78	N/A
Height (m) – maximum	<b>12.92*</b>	<b>14.39*</b>	12.00
Storeys – maximum	4	4	4

<b>Zoning Criteria</b>	<b>Current Proposal</b>	<b>Previous Proposal</b>	<b>R3-AM-2 Zone</b>
Site coverage (%) – maximum	<b>47*</b>	<b>47*</b>	40
Open site space (%) – minimum	38	38	30
<b>Setbacks (m) – minimum</b>			
Front (north)	<b>1.81*</b> (entrance canopy) <b>3.53</b> (building)	<b>1.81*</b> (entrance canopy) <b>3.53</b> (building)	10.50
Rear (south)	<b>3.96*</b>	<b>3.96*</b>	6.46 (1/2 building height)
Side (east)	<b>3.05*</b> (entrance canopy and balconies) <b>4.93</b> (building)	<b>3.05*</b> (entrance canopy and balconies) <b>4.93</b> (building)	6.46 (1/2 building height)
Side (west)	<b>3.86*</b> (balconies) <b>5.75</b> (building)	<b>3.86*</b> (balconies) <b>5.75</b> (building)	6.46 (1/2 building height)
Parking – minimum	<b>26*</b>	<b>26*</b>	45 31 (Schedule C for rental building)
Visitor parking included in the overall units – minimum	<b>2*</b>	<b>2*</b>	3
Bicycle parking stalls – minimums			
Short Term	6	6	6
Long Term	45	45	39

## Landscaping

The design guidelines support site planning that responds to the physical characteristics of the site and adjacent properties. There are nine mature trees located along the west property line that provide visual screening and add to the character of the area. These trees are proposed for removal to accommodate underground parking for the building. The roof of the parkade would be landscaped with a mix of shrubs and ornamental trees.

With the revised plans, the perimeter path on the south side of the property was removed and the ground floor patios were reduced in size to provide a larger area for landscaping. A raised planter with a yew hedge is now proposed along the south property line to help provide some screening with adjacent properties. A deeper raised planter is proposed at the southwest corner to accommodate a medium sized canopy tree which will also provide screening as well as visual interest. Both of the raised planters are located above the underground parking structure,

therefore, the tree and hedge would likely be impacted or removed during any future maintenance work to the parkade roof.

Staff have encouraged the applicant to consider reducing the parkade footprint to allow for retention of trees and/or provide better planting conditions for replacement trees that could help mitigate the impact of the site coverage, building height and setback variances. Retaining trees or adding new trees that can grow to full maturity by having access to greater soil depth would reduce privacy impacts by providing screening and would help to soften the visual appearance of the building. They would also help achieve the City's goals of protecting and enhancing the urban tree canopy, which provides ecological services such as wildlife habitat, storm water management and reducing urban heat island effects. However, the applicant has chosen not to pursue a reduction in the parking due to a perceived market demand for on-site parking.

Two of the previously proposed trees on the east side of the property have been removed to avoid impacting the neighbour's existing servicing connections within the existing easement area.

Lastly, the location of new trees on 1465 Fort Street are now shown on the Landscape Plan; however, these have been labelled incorrectly as replacement trees for the two bylaw protected trees that are proposed to be removed from the subject site. This is problematic because the *Tree Preservation Bylaw* requires replacement trees to be planted on the same property where the bylaw protected tree was removed; therefore, in order to comply with the bylaw, the plans will have to be amended to show four replacement trees on the subject site. Should Council choose to approve this Development Permit with Variance Application the appropriate language has been added to the recommended motion to deal with the Plan revision prior to issuing the permit.

## **Parking**

The parking requirements for this site are embedded in the R3-AM-2 Zone, which requires 1.3 stalls per dwelling unit plus 0.1 visitor stalls per unit for a total of 45 parking stalls. However, when assessed against Schedule C of the *Zoning Regulation Bylaw*, which was updated in 2018 and now correlates parking requirements to location (Core, Village/Centre or Other Area), as well as, tenure and unit size, 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 close proximity to Stadacona Village, the study recommends assessing the proposal against the Schedule C parking requirements for "Village/Centre". This would result in a parking requirement of 25 stalls, one less than the proposed 26 stalls. Fort Street is also a frequent transit corridor and All Ages and Abilities (AAA) bikeway so there is a strong rationale for supporting a larger parking variance for this proposal.

It is acknowledged that reducing the parkade footprint would result in an increase in the parking variance; however, with the right combination of Transportation Demand Management measures this could be supportable. Despite these considerations, the applicant wishes to proceed with the proposed application that includes 26 parking stalls.

## **CONCLUSIONS**

The applicant has undertaken community consultation in accordance with Council's motion and made modifications to the proposal to reduce the impact on adjacent properties. Therefore, it is

recommended that the application proceed 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.**

### **List of Attachments**

- Attachment A — Subject Map
- Attachment B — Aerial Map
- Attachment C — Plans date stamped December 16, 2020
- Attachment D — Letters from the applicant to Mayor and Council dated October 19, 2020
- Attachment E — Online comment forms
- Attachment F — Minutes of September 9, 2020 community meeting
- Attachment G — Staff report and attachments presented at the May 28, 2020 Committee of the Whole meeting
- Attachment H — May 28, 2020 Committee of the Whole meeting minutes
- Attachment I — June 11, 2020 Council meeting minutes
- Attachment J — Parking Impact Assessment dated September 12, 2019