



Committee of the Whole Report For the Meeting of February 18, 2021

To: Committee of the Whole **Date:** February 4, 2021

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

Subject: Development Variance Permit Application No. 00249 for 1260 Grant Street and 1289 Gladstone Avenue

RECOMMENDATION

That, subject to a formal response from the School District consenting to the request for Statutory Right-of-Ways on Fernwood Road, Grant Street and Gladstone Avenue, 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. 00249 for 1260 Grant Street and 1289 Gladstone Avenue, in accordance with:

- a. Plans date stamped December 24, 2020.
- b. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. relaxation to all of the impacted lots for setbacks, site coverage, height, number of storeys and open site space requirements;
 - ii. relaxation to permit building over property lines and a street;
 - iii. relaxation to permit parking spaces on separate lots;
 - iv. relaxation of required parking from 283 spaces to 149;
 - v. allow a roof deck.
- c. Registration of Statutory Right of Ways on the property’s title, on terms and in a form to the satisfaction of the Director of Engineering and Public Works and City Solicitor, to allow pedestrian network improvements in the following areas:
 - i. a 6.1m section along the property frontage on Gladstone Avenue
 - ii. a 3.9m section along the property frontage on Grant Street
 - iii. a 2.9m section on the property frontage on Fernwood Road, north of Vining Street, reducing to 0.9m in the section between the existing transit stop and the Belfry Theatre
 - iv. a 0.5m section along the property frontage on Fernwood Road, south of Vining Street.

- d. Submission of a revised Arborist Report and landscape plans, to the satisfaction of the Director of Parks, Recreation and Facilities, in order to assess the impact of the proposals upon trees and specifically including the following information:
 - i. the applicant must confirm the proposed relocation area of the Pad Mounted Transformer (PMT) and have the project arborist review its impact on trees. The PMT shall be located on school land and the information provided should include the location of any new conduits required, including in the City's Right-of-Way;
 - ii. the landscape plan shall identify two replacement trees for the proposed removal of each bylaw protected tree. Large canopy replacement trees are preferred;
 - iii. include a plant list showing the quantity of new trees proposed, species and size. Clearly identify proposed new trees on the Landscape Plan.
- e. Revised plans illustrating proposed pedestrian improvements and driveway crossing designs that are consistent with the *Highway Access Bylaw* and *Subdivision and Development Servicing Bylaw*, to the satisfaction of the Director of Engineering and Public Works.
- f. 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 1260 Grant Street and 1289 Gladstone Avenue (Victoria High School). The application proposes a number of variances associated with additions and seismic renovations to the existing school and the construction of a future daycare.

The majority of the variances are required due to the school being located on multiple lots and are related to setbacks, site coverage, open site space, buildings being located on lot lines and parking being located on separate lots. In addition, the application seeks a height variance to support new stairwells associated with the seismic upgrades and a parking variance.

The following points were considered in assessing this application:

- the proposal is consistent with the *Official Community Plan, 2012 (OCP)* that recognizes the importance of schools and their role in creating a complete community
- the proposal is consistent with the *Fernwood Neighbourhood Plan* which seeks the improvement of educational services in the community
- additional information is required to assess the impact of the proposal upon bylaw protected trees
- the proposed variances are generally supportable and would not have a negative impact on neighbours or the wider neighbourhood.

BACKGROUND

Description of Proposal

The application proposes a number of variances associated with additions and seismic renovations to the Victoria High School and the construction of a future daycare. Specific details include:

- a two-storey addition to the east face of the previous building addition
- a landscaped outdoor teaching space on the roof of the two-storey addition
- two, four-storey stairwells on the north face of the original school building
- a future daycare space
- reconfigured surface parking areas
- landscape improvements adjacent to the parking areas and main school entrance.

The proposed variances are related to:

- setbacks, site coverage, open site space, buildings located on highway and lot lines and parking on adjacent parcels, as a result of the school site consisting of multiple lots
- relaxing the building height and number of storeys
- relaxation of required parking from 283 stalls to 149 stalls
- allowing a roof deck to support an outdoor teaching space.

Sustainability

The applicant has indicated the following sustainability features will be provided in association with this proposal:

- Renovations take advantage of embodied carbon and reduce the demand for virgin materials. Vic High is built of quality brick, stone, concrete and terra cotta structure which creates a strong shell for the building. Upwards of 11% of carbon emission in a building are due to 'upfront' carbon, or what is associated with materials and construction processes to construct a new building. The work at Vic High reduces the carbon associated with construction by reusing the building shell.
- Construction includes the salvage of original interior building features to reduce the need for virgin materials. Heritage slate chalkboards, marble partitions, radiators, wood doors and trim and casework will be reused or repurposed throughout the school.
- Construction may include the use of CarbonCure concrete, a Canadian technology that injects carbon dioxide into concrete. The carbon dioxide then becomes chemically converted into Calcium Carbonate and sequestered permanently. Each cubic yard of concrete sequesters approximately 25lbs of CO₂.
- Complete replacement of lighting throughout the heritage school and much of the 1950 art wing addition to new LED lighting.
- Complete replacement of all mechanical systems in the school. The existing heating plant of steam boiler system (with roughly 50-60% efficiency) in the basement will be replaced with new condensing natural gas boilers with 90-95% efficiency. This will reduce the overall gas usage of the school.
- Existing ventilation systems will be replaced by heat recovery ventilators with 80-85% heat recovery efficiency. This will reduce heat required for ventilation air and electric energy to fans as systems are running only when building is occupied.
- Complete replacement of plumbing throughout the heritage school and all new plumbing

fixtures will be low-flow fixtures to reduce both cold and hot water use.

- Replacement of all classroom windows with double pane thermal argon filled windows. New windows will significantly reduce energy loss in the heritage school. The School District is currently finalizing funding for window replacement and restoration on the original school building, which still uses the original single pane windows.
- Energy modeling of the new addition was used to look at glazing combinations and using different types of glass, including insulated glazing panels, as well as combinations of standard double glazed and ultra-thermal performance double and triple glazing.

Active Transportation

The application proposes the following features which support active transportation:

- 20 long term bike racks within an enclosed structure
- 180 short term bike racks
- shower facilities for staff and students
- pedestrian connections to the 8m wide Greenway which is planned to be constructed to the west and associated with the proposed Capital Region District (CRD) Housing project.

In addition to the above staff are seeking to secure Statutory Right of Ways (SRWs) to support pedestrian sidewalk improvements on Grant Street, Fernwood Road and Gladstone Avenue, to support the high volume of pedestrians in the area and improve accessibility in the built environment. Staff are also working with the applicant on the establishment of a new accessible bus stop with a new shelter on Fernwood Road, located closer to the school entry, to support public transit use.

Public Realm

Frontage works have been requested in association with this Development Variance Permit and further details are provided in the Analysis section of this report.

Accessibility

The applicant has indicated the following accessibility features will be provided in association with this proposal:

- increased accessible parking from two to five stalls, of which one stall will be oversized for van parking and two of the new stalls will have dimensions that are in line with the latest accessible parking designs currently under development
- a new accessible entrance will be provided from Fernwood Road
- improved accessible access from the Grant Street entrance including maintaining auto door opener, removal of vestibule doors and addressing exterior ramp as required
- a new elevator to serve all floors of the school, including a gymnasium and Fairey Tech level, will be provided
- an accessible changeroom and showers will be provided at the gymnasium level
- a 16m² personal care room will be provided on level two and will include a gantry lift system, adult sized change table, accessible toilet and sink, oversized accessible shower and storage room with charging area for a wheelchair
- a 31m² sensory room will be provided on level two
- accessible stations will be provided in specialty classrooms including Foods, Chemistry and Biology

- non-gender segregated changing rooms and showers provided at the gymnasium level
- non-gender segregated washrooms will be provided on every level of the school.

Existing Site Development and Development Potential

The site is presently occupied by Victoria High School.

Under the current R-2 Zone, Two Family Dwelling District, the property could be developed with duplexes or single-family dwellings (with secondary suites) on multiple lots or a range of public buildings could be accommodated on the site.

Data Table

The following data table compares the proposal with the existing R-2 Zone. An asterisk is used to identify where the proposal does not meet the requirements of the existing Zone. Due to the fact that the building straddles numerous lots and a highway the proposal appears to be inconsistent with several siting requirements and, as evident in the table below, it is challenging to present zoning information in a meaningful way. The majority of variances are technical in nature and already in existence. Key changes that would have an outwardly noticeable appearance include the four-storey stairwell additions, single-storey and two-storey additions (mainly visible from Fernwood Road to the east) and reconfigured site parking to the rear (west) of the school.

Zoning Criteria	Proposal	Existing R-2 Zone
Density (Floor Space Ratio) – maximum	N/A	0.5:1
Height (m) – maximum	>11*	11
Storeys – maximum	>2.5*	2.5
Site coverage (%) – maximum	>40*	40
Open site space (%) – minimum		
Open site space	<30*	30
Minimum (rear yard)	<33*	33
Setbacks (m) – minimum		
Front	<7.5*	7.5
Rear	<10.7 or 35% of lot depth*	35% of lot depth or 10.7

Zoning Criteria	Proposal	Existing R-2 Zone
Side	<3 or 10%*	10% or 3
Side	<1.5 or 10%*	10% or 1.5
Combined side yard	<4.5*	4.5
Building over property line	Yes*	Not permitted
Roof deck	Yes*	Not permitted
Parking – minimum	149*	283
Parking location	On separate lots*	Not permitted on separate lots
Bicycle parking stalls – minimum		
Short Term	180	13
Long Term	20	2

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, on December 8, 2020, the application was referred for a 30-day comment period to the Fernwood CALUC. At the time of writing this report, a letter from the CALUC had not been received.

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

Official Community Plan

The proposal is consistent with the *Official Community Plan, 2012 (OCP)* which includes policies that support schools and recognize the importance of their role in creating complete communities.

Fernwood Neighbourhood Plan

The proposal is consistent with the *Fernwood Neighbourhood Plan* which seeks the improvement of educational services in the community.

Tree Preservation Bylaw and Urban Forest Master Plan

The applicant has submitted an Arborist Report for the site in conjunction with a concurrent Tree Permit Application. Revisions to the report and to the landscape plan are required and must include the following information:

- the proposed relocation area of the Pad Mounted Transformer and its impact on trees
- two replacement trees shall be identified for the proposed removal of each bylaw-protected tree
- a plant list showing the quantity of new trees proposed, species and size.

The staff recommendation includes wording requiring that this information be provided prior to issuance of the Development Variance Permit.

Variances

Setbacks, Site Coverage and Open Site Space

The Victoria High School site consists of multiple lots and a highway that are predominantly in the R-2 Zone, Two Family Dwelling District, resulting in each individual lot having setback, site coverage and open site space requirements. Similar to the existing buildings on site, the proposed building additions would not comply with these *Zoning Regulation Bylaw* requirements and the proposal results in multiple variances. The proposed setback, site coverage and open site space variances are considered supportable as, in the opinion of staff, they are largely technical in nature and would not negatively impact neighbours or the wider community.

Working with the applicant it has been determined that rather than identify each individual setback, site coverage and open site space variance associated with each impacted lot, which would be numerous, a simpler approach is to vary General Regulation 14(2)(b) of the *Zoning Regulation Bylaw*. This regulation states that buildings and structures in a zone must comply with the maximum and minimum requirements for floor area, floor space ratio, height, number of storeys, setbacks and site coverage.

Height

The existing zoning limits the maximum building height for a school to 11m and the number of storeys to 2.5. The existing school is four storeys and 23.6m in height, and the proposal seeks two separate stairwell additions on the north side of the existing building which are both 4 storeys and approximately 17.3m in height. These additions are required as part of the seismic upgrade of the existing building and would not exceed the eaves height of the existing building.

While clearly visible to the north of the site, the stairwell additions are a critical part of the seismic renovations, would be located approximately 70m from the closest neighbouring property and are not deemed to have a significant impact on the heritage building (this is further discussed in the Heritage section of this report below). The proposed height variance is therefore considered supportable.

It is also proposed that General Regulation 14(2)(b) be varied to allow the height variance. However, it should be noted that, as a condition of the Development Variance Permit, development must be carried out in accordance with the submitted plans. This prevents the applicant from building over the permitted height of 11m anywhere else on the site without further Council approval.

Building Over Lot Lines

Due to the circumstances of the site consisting of multiple lots, further variances are required to allow the building additions to be located over lot lines and a highway. Again, these variances are technical in nature and the additions would not negatively impact neighbours or the wider community.

In this instance, General Regulation 19 of the *Zoning Regulation Bylaw* would be amended to allow the requested variances associated with building over the lot line.

Parking

The application proposes a parking variance from 283 stalls to 149 stalls. The applicant has pointed out that the City calculates parking for schools based on floor area and, while this may result in an accurate parking demand for other schools, particularly new schools, the existing Victoria High School is relatively unique in that it has large underutilized storage and service areas, two full size gymnasiums, an auditorium and other spaces which, in this case, result in a parking requirement that perhaps does not accurately reflect the intensity of use within the school space. As such, the applicant has provided a parking study (attached) to estimate the demand for on-site parking at the subject site based on the proposed scope of the addition. This study concludes that between 150 and 160 parking stalls would address on-site parking demand associated with the proposed additions.

The applicant is proposing that 149 vehicle stalls be provided and that additional bicycle parking facilities and end-of-trip showering facilities be supplied to offset the shortfall in on-site parking stalls. City staff support these measures and have also determined that further work, specifically off-site improvements to support pedestrian connectivity and accessibility in and around the site, would be beneficial to further support the proposed parking variance. As such, staff have negotiated for SRWs to be registered on title, to support the following:

- **Gladstone Avenue**

There are currently existing sidewalks, curbs, and a portion of the roadway located on the Victoria High School site. To rectify and ensure the City can continue to maintain and provide public access to these areas, an SRW of approximately 6.1m has been requested. This proposed SRW will capture the existing portions of the roadway, curb and sidewalk that are currently located on the school site and enable enhancements of the sidewalk including its widening and the introduction of a new landscaped boulevard. This work would be done as a part of the frontage improvements with the project.

- **Grant Street**

An area of approximately 3.9m is requested as part of an SRW to undertake pedestrian enhancements on Grant Street adjacent to the School. This would align with an SRW and new sidewalk being provided by the proposed Capital Region District (CRD) Housing project to the west of the school at 1209/1230 Grant Street, capturing the existing portions of the sidewalk currently located on the school site and providing space for a widened sidewalk and new landscaped boulevard. This work would be done as a part of the frontage improvements with the project.

- **Fernwood Road**

To enable pedestrian and public transit enhancements on Fernwood Road, an area of approximately 2.9m is requested as part of an SRW north of Vining Street. This space will be used to locate an accessible transit shelter and bus stop in front of the

school. Beyond the shelter, an area of approx. 0.9m will enable the widening of the sidewalk up to the Belfry Theatre. City staff will recommend that BC Transit provide the new shelter for this location as a part of the City's / BC Transit annual shelter partnership program. A collaborative process will support a sidewalk design that addresses the existing features in this area, such as basketball courts.

South of Vining Street, an area of 0.5m is also being requested to enable widening of the sidewalk. The original request was for 1.5m of space, however the School District was concerned about perceived loss of greenspace in this area. A more modest 0.5m SRW will improve the existing conditions by removing barriers for people with disabilities and help service additional pedestrian traffic associated with the proposed school expansion.

The areas identified above are illustrated in a proposed SRW plan attached to this report.

The City has received confirmation from the School District that they are in agreement, in principle, to enter into the requested SRWs, however, this agreement requires final approval from the School District Board.

Subject to the applicant formally agreeing to work with the City to register the aforementioned SRWs, staff consider that the proposed variance is supportable. If the School District does not consent to this request, then staff will work with the School District to identify other potential Transportation Demand Management measures that could be employed at the site to offset the demand for off-street parking and provide an update to Council prior to the Opportunity for Public Comment.

It should be noted that the applicant has indicated that a daycare will be provided on site at some point in the future which will also generate demand for motor vehicle parking, pedestrian infrastructure and transit facilities. The application includes a parking variance for that daycare based on the anticipated floor area associated with this use, however, details of the final daycare location and design have not been provided (an approximate location of this future building has been indicated on the plans showing a location in the north-east corner of the site). A not-for-profit daycare at this location would not require a Development Permit or Council approval of the final location of such a building or its design.

Parking provided on separate lots

In addition to the parking stall variance, a variance is also required to allow parking stalls to be located on adjacent lots. Again, this is a supportable variance, which is technical in nature and results from the site consisting of multiple lots.

Roof deck

The existing site zoning prohibits roof decks. The purpose of this regulation is primarily to avoid overlook and privacy issues in a residential context. The applicant proposes a landscaped roof deck area above the two-storey addition as a space to allow for outdoor classroom learning opportunities. This deck would be located over 60m from the nearest residential property.

The proposed roof deck variance is supportable as it would not result in any negative impacts upon the residential amenity enjoyed by any neighbouring property.

Heritage

The subject property is listed on the Register of Heritage Properties and the OCP identifies it as a Landmark Heritage Building.

The applicant voluntarily presented their proposals to the Heritage Advisory Panel (HAPL) at its August 11, 2020 meeting. HAPL was generally supportive of the application, with members complimenting the massing, use of materials and overall integration of the proposed addition and stair towers with the heritage building. HAPL members offered the following comments and questions on the proposal:

- The seismic stair towers obscure the frieze band beneath the cornice at the top of the building and should be lowered if technically possible.
- Will the windows on the main building be preserved or replaced?
- The new addition should more clearly reference the design language of Victoria High School, particularly the strong horizontal bands across the façade. The mullions or detailing of the new addition should reference these features.

In response to HAPL's comments the applicant has provided the following revisions and responses:

- The stair towers are seismic elements to transfer the roof load from the attic into the slab over the stair element. Although the intersection of the towers with the frieze band is awkward, the additional height is required for the seismic function of the towers.
- The School District is considering three strategies for window replacement. Two involve restoring the existing windows and the third strategy is to restore the custom windows on the façade and replace only the standardized windows.
- The window mullions and window pattern of the new addition have been revised to create clear horizontal bands across the facade, roughly corresponding to the belt course of Victoria High School.

In staff's opinion, the responses adequately address HAPL's questions and concerns.

Staff also requested that the applicant consider Heritage Designating the property, however, they have confirmed that they are not interested in pursuing this at this time.

CONCLUSIONS

The proposed application for variances associated with additions and seismic renovations to Victoria High School is consistent with City policy. Subject to the School District Board's formal response to the request for the SRWs, the proposed variances are considered supportable and would not impact the neighbouring properties or the wider neighbourhood.

ALTERNATE MOTION

That Council decline Development Variance Permit Application No. 00249 for the property located at 1260 Grant Street and 1289 Gladstone Avenue.

Respectfully submitted,

Jim Handy
Senior Planner – Development Agreements
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 24, 2020
- Attachment D: Letter to Mayor and Council Dated November 27, 2020
- Attachment E: Parking Study Dated July 13, 2020
- Attachment F: Requested Statutory Rights of Way.