



## Council Report

For the Meeting of May 27, 2021

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**To:** Council **Date:** May 13, 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 Council give first, second and third readings of Housing Agreement (1475 Fort Street) Bylaw No. 21-057.

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 **April 30, 2021**
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 April 30, 2021 with the following revisions:

- i. 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
- ii. 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.”**

## **EXECUTIVE SUMMARY**

The purpose of this report is to present Council with an update regarding a Development Permit with Variances Application for the property located at 1475 Fort Street. The proposal is to construct a four-storey rental building with approximately 32 dwelling units. Variances are related to building height, site coverage, setbacks, parking and the location of an accessory structure.

In accordance with Council’s motion of February 4, 2021 (minutes attached), the necessary conditions that would authorize the approval of the Development Permit with Variances for the subject property have been fulfilled. In addition, since the application was presented at Committee of the Whole, the applicant has revised the plans to reduce the footprint of the underground parkade, creating space for additional trees in the southwest corner of the property, and has provided a window overlay with the adjacent property to the south located at 949 Pemberton Road.

## **COMMENTS**

### Legal Agreements

With regard to the preconditions set by Council in relation to this application, staff can report that the following agreements have been executed by the applicant:

- a Housing Agreement to secure rental tenure of the dwelling units in perpetuity, while allowing for potential lease of all or a portion of the dwelling units to the Vancouver Island Health Authority for non-market housing
- a Section 219 covenant to ensure that the dwelling units are not strata titled has been registered on title
- a section 219 covenant to secure a Statutory Right-of-Way of 0.72m along Fort Street has also been registered on title.

### Plan Revisions

The applicant has reduced the footprint of the underground parking structure to provide a larger planting area with greater soil depth in the southwest corner of the property without increasing the parking variance associated with this proposal. Two columnar Hornbeam trees are proposed in this location as bylaw replacement trees. Adding new trees that can grow to full maturity by having access to greater soil depth helps to mitigate the impact of the site coverage, building height and setback variances by softening the visual appearance of the building and reducing privacy impacts by providing screening. They would also help to advance the City’s Urban Forest objectives by providing ecological services such as wildlife habitat, storm water management and reducing urban heat island effects.

In addition to the plan revision, the applicant has provided a window overlay (sheet A502) to help illustrate the relationship between the northwest elevation of 949 Pemberton Road and the south elevation of the proposal. The window overlay demonstrates that there would be minimal privacy impacts as the buildings and windows are off-set from each other. The perimeter landscaping on both properties would also limit overlook into adjacent private outdoor space.

## **CONCLUSIONS**

The applicant has fulfilled the conditions set by Council and the building revisions and landscape improvements help to mitigate the impact of the proposed variances. Therefore, it is recommended that the application advance to an Opportunity for Public Comment.

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: Housing Agreement (1475 Fort Street) Bylaw No. 21-057
- Attachment B: Plans date stamped April 30, 2021
- Attachment C: Council to Follow Committee of the Whole Meeting Minutes dated February 4, 2021.