



Committee of the Whole Report

For the Meeting of June 3, 2021

To: Committee of the Whole **Date:** May 20, 2021

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

Subject: Development Permit with Variances Application No. 00080 for 701 Tyee Road (Railyards)

RECOMMENDATION

That Council, subject to the execution of a Housing Agreement ensuring that no restrictions are placed on the rental of dwelling units within this building, to the satisfaction of the Director of Sustainable Planning and Community Development, and 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 Variances Application No. 00080 for 701 Tyee Road, in accordance with:

- a. Plans date stamped April 27, 2021.
- b. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce front (west) setback from 2m to nil for parking levels 1 and 2
 - ii. reduce side (south) setback from 3.5m to nil for parking levels 1 and 2.
- c. 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 *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.

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.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit with Variances Application for the property located at 701 Tyee Road. The proposal is to construct approximately 38 dwelling units in a six-storey multi-unit residential

building as the final phase of the Railyards development. The proposed variances are a result of the underground parkade level projecting above existing grade in the side and front setback areas.

The following points were considered in assessing this application:

- the application has a contemporary-industrial design which is complimentary to the previous Railyards Phases and is generally consistent with the *Railyards Development Guidelines*
- the proposal is consistent with the *Victoria West Neighbourhood Plan*
- the proposed setback variances are considered supportable because they will not have a significant impact on neighbouring properties or the public street.

BACKGROUND

Description of Proposal

The proposal is for a six-storey, multi-unit residential building on the final undeveloped portion of the Railyards development. Specific details include:

- a contemporary-industrial design with subtle sawtooth rooflines
- exterior building materials include: corrugated metal cladding, fibre cement siding, metal roof overhangs, glass guard rails, exterior concrete finish and painted louvres
- a primary building entrance located at the corner of Tyee Road and Bay Street
- approximately 38 dwelling units, the majority of which are two-bedroom (28 units) or one-bedroom units (6 units). The remaining four dwelling units are studios.
- all of the dwelling units have access to private decks or patios
- the applicant has voluntarily agreed to enter into a Housing Agreement to ensure that no restrictions are placed on the rental of dwelling units, which will be strata titled
- 55 vehicle parking stalls (including 4 visitor stalls), situated in an underground parkade accessed from Central Spur Road
- 48 secure, long-term bicycle storage spaces and 6 stalls for visitor bicycles.

The proposed variances to reduce the front (west) setback from 2m to nil and reduce side (south) setback from 3.5m to nil are a result of an underground parkade level projecting 1.41m above existing grade in the front (Tyee Road) and 2.68m above existing grade in the side (south) setback areas.

Sustainability Features

As indicated in the applicant's letter dated April 29, 2021, the following sustainability features are associated with this application:

- light coloured roofing and pavers to reduce the heat island effect
- sourcing resource-efficient materials, including metal cladding, that will use 25-35% recycled content, of which 20% is post-consumer recycled content
- interior finishes with low VOC
- meet or exceed ASHREA 90.1 - 2010
- Energy Recovery Ventilators (ERV)
- high-efficiency condensing boilers
- conserve water by using low-flush toilets and low-flow plumbing fixtures
- provide appliances that are Powersmart
- condensing dryers

- LED light fixtures
- landscaping with drought tolerant, non-invasive and native plant species.

Active Transportation Impacts

The application proposes a publicly accessible pathway, linking Tyee Road to Central Spur Road and the Galloping Goose Trail, which supports active transportation.

Public Realm Improvements

The following public realm improvements (to be installed prior to Occupancy Permit) are proposed and are required by the Railyards Master Development Agreement (MDA):

- the construction of a park (referred to as “Bridges Park”) and “tot lot” between Central Spur Road and the Galloping Goose Trail
- a pathway that can accommodate pedestrians and bicycles from Central Spur Road, through Bridges Park, to the Galloping Goose Trail
- the construction of a “parkette,” public footpaths, and neighbourhood signage (collectively referred to as “Victoria West Entry Park”) at the corner of Bay Street and Tyee Road.

Accessibility Impact Statement

As indicated in the applicant’s letter dated April 29, 2021, the following accessibility features are associated with this application:

- barrier free access and useability of all common areas including mailboxes, elevator controls and bicycle storage room
- all common area doors will be accessible or be provided with a power operator
- an accessible parking stall is located within the parkade, adjacent to the elevator.

The above measures also respond to the *Railyards Development Guidelines* which seek to ensure that barrier free access is provided throughout the Railyards development.

Existing Site Development and Development Potential

The site is located within Development Area J of the CD-5 Zone, Railyards Residential Commercial District, which permits apartments, live/work, and park uses with a maximum floor space ratio (FSR) of 2.35:1.

Data Table

The following data table compares the proposal with the existing CD-5 Zone. An asterisk is used to identify where the proposal is less stringent than the existing Zone.

Zoning Criteria	Proposal	Zone Standard DA-J, CD-5 Zone
Site area (m ²) – minimum	3010	3010
Density (Floor Space Ratio) – maximum	1.63	2.35

Zoning Criteria	Proposal	Zone Standard DA-J, CD-5 Zone
Total floor area (m ²) – maximum	4,913.08	7073.5
Height (m) – maximum	30.94	31
Setbacks (m) – minimum		
Front	0 *	2
Rear	4	3.5
Side (north)	n/a	4
Side (south)	0 *	3.5
Vehicle Parking – minimum	51	48
Visitor parking – minimum	4	4
Bicycle parking stalls – minimum		
Long Term	48	48
Short Term	6	6

Relevant History

On April 14, 2016, Council approved a Development Permit with Variances Application (DPV000404) for the final phase of development at the Railyards. This development comprised of three sub-phases, with the final construction being a seven-storey, multi-residential building at the corner of Tyee Road and Bay Street. The first two sub-phases of development have been constructed and the applicant is seeking approval of a revised design for the final building.

This Development Permit with Variance Application was presented to Committee of the Whole on June 6, 2019 and Council subsequently adopted a motion on June 13, 2019 to move the application forward to an Opportunity for Public Comment. However, the applicant chose to withdraw the application to reconsider the project design and the mix of dwelling unit types. The revised proposal is the subject of this report.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on March 4, 2021, the application was referred for a 30-day comment period to the Victoria West CALUC. A response was received from the CALUC and it 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 within Development Permit Area 13: Core Songhees. The applicable Design Guidelines are the *Railyards Development Guidelines*. The proposal is consistent with these guidelines as follows:

- the proposed design generally reflects the industrial nature of the site and is complimentary to the completed phases of the Railyards development
- the building with the highest residential density is located adjacent to the Point Ellice Bridge
- subtle sloping and saw-tooth roof forms are proposed
- a canopy is provided at the main building entrance
- all motor vehicle parking is provided underground
- glazing and balconies are provided on the east elevation to take advantage of water views
- architectural features, such as balconies and recesses, have been used to articulate the proposed building
- the proposed material palette is consistent with the recommended wall cladding materials listed in the Design Guidelines
- a mix and range of unit types and sizes are proposed
- the proposal contributes to the public park system in the Victoria West Neighbourhood by providing a park, children's play area and several public footpaths through and adjacent to the site.

Staff consider that the proposal is generally consistent with the design guidelines applicable for this development permit area.

Local Area Plans

The subject site is located in the Victoria West Neighbourhood; therefore, the *Victoria West Neighbourhood Plan* (2018) is applicable. The proposal is consistent with the Neighbourhood Plan as follows:

- the Railyards is recognized as part of a Master Planned Area, where development will continue to be guided by existing MDAs, Comprehensive Development Zones and Design Guidelines
- a number of development features are identified within the Railyards development including buildings reflecting a contemporary-industrial aesthetic, a children's play lot, a bicycle and pedestrian connection to the Galloping Goose Regional Trail and a small entry plaza at the Bay Street / Skinner Street intersection.

Proposed Variances

The application proposes to reduce the front (west) setback from 2m to nil and reduce side (south) setback from 3.5m to nil. These variances are due to the slope of the site and would only be required for portions of the underground parking which project above the existing grade. The underground parkade level would project approximately 1.41m above existing grade in the front (Tyee Road) and 2.68m above existing grade in the side (south) setback areas. The proposed grades would be higher than existing grades which would help obscure this portion of the building from view, however, portions may remain visible, particularly on the Bay Street elevation.

Staff consider these variances supportable because they will not have a significant impact on neighbouring properties or the public street.

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.

This permit application was received prior to October 24, 2019, so it falls under Tree Preservation Bylaw No. 05-106 as adopted on December 15th, 2005.

There are 90 new trees proposed for this development both on and off site. The on-site landscaping will add 22 trees, under-planted with extensive shrub plantings. An additional 68 trees were committed to be planted as part of the MDA Amenity Areas to be constructed prior to the completion of this project. These trees are proposed to be planted in the Victoria West Entry Park MDA Amenity Area, Bridges Park and Tot Lot, and as part of the landscaping on the Bridge Dedication Area and will become part of the City's tree inventory.

There are currently no trees located on the subject property. A Construction Impact Assessment and Tree Management Plan prepared by Talbot and Associates and updated February 19th, 2021, identified six City-owned trees which are located adjacent to the subject lot. All six trees will be protected and retained through the project.

The six City-owned trees include four trees that are located in the MDA Bridge Dedication Area: a multi-stemmed horse chestnut (calculated diameter at breast height (DBH): 18cm), a multi-stemmed fruiting cherry (calculated DBH: 60cm), a Western red cedar with a DBH of 51cm and a multi-stemmed big leaf Maple (calculated DBH: 38cm). Two Horse Chestnut trees (65cm and 60cm DBH) located on the Tyee Road boulevard are also identified to be retained.

At the time of the MDA in 2016, the total operational impact of this project was estimated at approximately \$41,950. This was the anticipated cost associated with maintaining the additional landscape amenities through all phases of the project. The impact to the ongoing operational costs associated with the public landscape built through this phase of the project are still unknown. Staff will review the updated costs once further details of the changed landscape are known and present as part of future financial planning processes.

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	0	0	22	+22
Municipal trees	6	0	68	+68
Neighboring trees, bylaw-protected	0	0	0	0
Total	6	0	90	+90

Advisory Design Panel

The Advisory Design Panel (ADP) reviewed the proposal at the meeting of May 27, 2020. The minutes from the meeting are attached for reference, and the following motion was carried:

“That Development Permit with Variance Application No. 00080 for 701 Tyee Road be approved with the following changes:

- *Reconsideration of the expression of the end of the buildings as a gateway to Vic west and the railyard development, particularly the Bay street façade.*
- *Consideration of the overall use of materials and finishes, particularly the extensive use of dark colours on Building 2.*
- *Consideration of the overall architectural expression of the railyard development.*
- *Reconsideration of the unit layouts to take advantage of views, especially Bay Street and waterfront.*
- *Consideration of potential light overspill into residential units from the feature stairwell.*
- *Refinement of Vic West entry courtyard to be more contiguous with the building entry courtyard.”*

In response to the ADP’s comments, the applicant has made a number of revisions to the project design which are explained in detail in the applicant’s letter dated February 18, 2021 and can be summarized as follows:

- the massing was revised to better address the plaza
- rooflines were revised to be more in keeping with The Railyards context
- signage was added to mark the entry to The Railyards
- dark colours were removed and replaced with contemporary industrial materials and finishes
- unit layouts were revised to take advantage of the views
- feature stairwells were removed.

Housing Agreement

The applicant has voluntarily agreed to enter into a Housing Agreement to ensure that no restrictions are placed on the rental of dwelling units, which will be strata titled. The staff recommendation includes appropriate wording to secure this agreement.

Railyards Master Development Agreement

The Railyards MDA requires that the following community amenities be completed prior to the proposed building being occupied:

- Bridges Park and Tot Lot
- Victoria West Entry Park
- Pedestrian Pathway.

The design of the above amenities was approved in conjunction with the previous Development Permit approval and is shown on the approved development plans in the MDA. The City has already committed to the maintenance of these amenities and the costs associated with this will be brought forward for consideration with future budget discussions once it is built.

CONCLUSIONS

The proposal to construct a six-storey residential strata building is generally consistent with the *Victoria West Neighbourhood Plan* and *Railyards Design Guidelines*. The proposed contemporary design generally reflects the industrial nature of the site and compliments the completed phases of the Railyards development. Staff consider the setback variances for the parkade levels to be supportable because they will not have a substantial impact on the adjacent properties or public streets. Staff recommend that the application be moved forward to an Opportunity for Public Comment and that Council consider approving the proposal.

ALTERNATE MOTION

That Council decline Development Permit with Variance Application No. 00080 for the property located at 701 Tyee Road.

Respectfully submitted,

Jim Handy
Senior Planner – Development Agreements
Development Services Division

Karen Hoesel, 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 April 27, 2021
- Attachment D: Letter from applicant to Mayor and Council dated April 29, 2021
- Attachment E: Advisory Design Panel meeting minutes from May 27, 2020
- Attachment F: Letter from applicant responding to ADP comments dated February 18, 2021
- Attachment G: Letter from CALUC dated March 30, 2021
- Attachment H: Correspondence.