



Committee of the Whole Report

For the Meeting of November 26, 2020

To: Committee of the Whole

Date: November 17, 2020

From: Philip Bellefontaine, Director, Engineering and Public Works

Subject: Development Variance Permit No. 000229 - 2700 Avebury Avenue

RECOMMENDATION

That Council decline application No. DVP000229 for the property located at 2700 Avebury Avenue.

LEGISLATIVE AUTHORITY

In accordance with Section 498 of the *Local Government Act*, Council may issue a Development Variance Permit that varies a Subdivision and Development Bylaw provided the permit does not vary the use or density of land from that specified in the 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 2700 Avebury Avenue. The proposal is to vary the *Victoria Subdivision and Development Servicing Bylaw* to remove the requirement to construct standard frontage improvements, namely a sidewalk on Kings Road, and instead collect a cash contribution in lieu towards an alternate design approach.

This variance request is a result of community interest in alternative streetscape designs on approved greenways within the Oakland's neighbourhood. Council's 2018 – 2022 Strategic Plan identifies support for enhancing existing greenways and development of alternative design approaches within City bylaws while meeting city objectives including safety, accessibility and urban forest management.

The following points were considered in assessing this application:

- The Oaklands Neighbourhood Plan gives an example of a local street cross section that includes sidewalks, but notes the example is illustrative only and not meant to imply specific changes to streets in Oaklands.
- Goals, objectives and targets within the Official Community Plan and Go Victoria along with directions from the existing Greenways Plan, the Subdivision and Development Servicing Bylaw, the Pedestrian Master Plan and the recently adopted Accessibility Framework.

- While the variance application represents a departure from the more standardized infrastructure on the City's road network and presents some potential additional long term maintenance and operational resourcing requirements, it is consistent with Council direction and City policies on traffic calming, adaptive infrastructure design, and place-making.

Staff assess that financial contributions by the applicant in lieu of standard sidewalk frontage investments combined with the outcomes of continued consultation, design and streetscape enhancement activities can achieve the intent of City policy while achieving goals on access, mobility and liveability in the Oaklands Neighbourhood.

However, since the primary application (Rezoning Application for Small Lot House) is not consistent with the Small Lot Rezoning Policy with regard to neighbourhood support, and the recommendation is to decline, this application similarly recommends decline as the variance is only needed if the Small Lot House is advanced.

BACKGROUND

Description of Proposal

This proposal is to vary the *Victoria Subdivision and Development Servicing Bylaw* by removing the requirement to construct frontage improvements on Kings Road and instead provide contributions in lieu for future City investments. The proposal is concurrent with Rezoning Application No. 00700 to permit the subdivision of the property for a new small lot house.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the Oaklands CALUC at a Community Meeting held on April 29th, 2019. The application plans, including this DVP, were referred to the CALUC on August 28, 2019. A letter dated June 12, 2019 is attached to the Rezoning Application report.

Kings Road as People Priority Greenway

Kings Road, between Capital Heights and Richmond Road, is designated in the 2003 Greenways Plan. A community led initiative called the "Oaklands Rise Woonerf Pilot" has generated an initial vision for a multi-block greenway on Kings Road. The design concept focuses on unique streetscape features to support non-motorized users and facilitate place-making, along with traffic calming interventions and ultra-slow vehicle speeds. Staff are progressing a full length design concept to help support the advancement of this broader initiative.

This approach requires customized design and maintenance approaches but is supportable in circumstances where there are suitable baseline traffic conditions and community support. Facilitating emergency vehicle access, municipal service vehicles and providing designated space for people with disabilities is still a requirement under this approach. The variance application for 2700 Avebury Avenue supports future flexibility for streetscape designs on Kings Road should the City decide to pursue this or other non-standard roadway treatments.

ANALYSIS

Public Realm

In the place of the typical frontage improvements required as a condition of the subdivision of a property, the applicant has offered an equivalent payment of \$30,120.00 for the value of these

improvements. These funds will be used to construct future improvements within the public realm after future consultation and design processes for Kings Road have been completed.

Tree Preservation Bylaw and Urban Forest Master Plan

Any alternative designs for the frontage improvements will consider the protection and enhancement of the boulevard and the critical root zone for trees.

Accessibility Impact Statement

Dedicated space for pedestrians is an important component of a complete street design to meet the needs of the people with vision or hearing loss or those who require the support of an assistive device. Alternative designs for Kings Road will include appropriate treatments to accommodate the diverse needs of persons with disabilities.

Active Transportation

The application has not identified any active transportation impacts associated with this application. Haultain Street (230m away from site) and Shakespeare Street (460m away from site) are planned AAA cycling routes and there are several traffic calming and crosswalk initiatives underway in the neighbourhood.

Bylaw Consistency

The purpose of Subdivision and Development Servicing Bylaw is to regulate and to require the provision of works and services in respect of the subdivision and development of land within the city. It is intended to provide consistency, clarity and quality of application and ensure that the impacts of land development are appropriately mitigated. City standards enable consistent design and maintenance processes which can be budgeted for consistently. A comprehensive update of this bylaw has been identified in Go Victoria as a future work item and would include an evaluation of alternative design standards. Different design approaches can be considered on a case by case basis through the Development Variance Application process.

CONCLUSIONS

The Subdivision and Development Servicing bylaw provides for the construction of sidewalks or distinguishable walking areas to improve pedestrian amenities, safety and accessibility with costs attributable to private land development. Staff also recognize a broader review of City policies includes alternative design treatments on this street while still achieving established objectives.

However, as staff are recommending that Council decline the Rezoning Application, it is also recommended that Council consider declining the Development Variance Permit.

An alternate motion has been provided for Council's consideration which suggests Council could approve this application to waive the requirement to construct a standardized frontage and accept \$30,120 towards future improvements on Kings Road.

ALTERNATE MOTION

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 2700 Avebury Avenue if it is approved, consider the following motion:

“That Council authorize the issuance of Development Variance Permit Application No. 2700 Avebury Avenue, in accordance with:

1. Plans date stamped August 8, 2019.
2. Development meeting all *Victoria Subdivision and Development Servicing Bylaw* requirements, except for the following variances:
 - i. Remove the requirement to construct frontage improvements as described within the *Victoria Subdivision and Development Servicing Bylaw*.
3. Provision of a non-refundable \$30,120.00 payment equivalent to the costs of installing frontage improvements to be used toward the implementation of future public realm improvements on Kings Road to the satisfaction of the Director of Engineering and Public Works.
4. The Development Permit lapsing two years from the date of this resolution.”

Respectfully submitted,



Sarah Webb
Manager, Sustainable Transportation
Planning & Development



Philip Bellefontaine
Director, Engineering and Public Works



Report accepted and recommended by the City Manager: _____

Date: 2020-11-19

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans dated/date stamped August 8, 2019
- Attachment D: Letter from applicant to Mayor and Council dated February 14, 2020
- Attachment E: Community Association Land Use Committee Comments dated June 12, 2019
- Attachment F: Arborist Report dated August 5, 2019
- Attachment G: Small Lot House Rezoning Petitions Summary and Map
- Attachment H: Applicant's Community Engagement July 17, 2019
- Attachment I: Correspondence (Letters received from residents).