



## Committee of the Whole Report

For the Meeting of March 23, 2017

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**To:** Committee of the Whole **Date:** March 8, 2017

**From:** Jonathan Tinney, Director, Sustainable Planning and Community Development

**Subject:** Development Permit with Variances Application No. 000484 for 986, 988 and 990 Heywood Avenue

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### RECOMMENDATION

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. 00531, if it is approved, consider the following motion:

"That Council authorize the issuance of a Development Permit for Application No. 000531 for 986, 988 and 990 Heywood Avenue, in accordance with:

1. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - i. Increase the height from 12m to 14.28m;
  - ii. Increase the site coverage from 40% to 76%;
  - iii. Reduce the open site space from 50% to 17%;
  - iv. Reduce the minimum required front yard setback from 10.5m to 4.26m for the building and nil for the parkade;
  - v. Reduce the minimum required rear yard setback from 7.14m to 7.0m for the building and 0.72 for the parkade;
  - vi. Reduce the north side yard setback from 7.14m to 5.46m for the building and 0.9 for the parkade;
  - vii. Reduce the south side yard setback from 7.14m to 2.46m for the building face and 0.57m for the parkade;
  - viii. Reduce the requirement for open site space adjacent to the street from 7.14m to 4.26m.
2. Final plans to be generally in accordance with the plans identified above to the satisfaction of City staff.
3. That Council authorize the City Solicitor to execute an Encroachment Agreement for a fee of \$750, plus \$25 per m<sup>2</sup> of exposed shored face during construction in a form satisfactory to staff. This is to accommodate shoring for construction of the underground parking structure if the method of construction involves anchor pinning into the public Right-of-Way.
4. 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 *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.

## EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit Application for the properties located at 986, 988 and 990 Heywood Avenue. The proposal is to construct a four-storey multi-unit residential building containing 21 residential units. The variances are related to height, site coverage, open site space and setbacks.

The following points were considered in assessing this Application:

- the proposed building is subject to guidelines contained in Development Permit Area 16, General Form and Character, and is consistent with the Urban Residential Place Designation in the *Official Community Plan*
- the Application is consistent with the *Multi-Unit Residential, Commercial and Industrial* guidelines
- the proposed height and setback variances are considered supportable based on the architectural interventions and mitigation measures.

## BACKGROUND

### Description of Proposal

The proposal is to construct a four-storey multi-residential building containing 21 residential units. The proposed site plan, architecture and landscape design include the following details:

- low rise building form with three ground-oriented units facing Heywood Avenue and three units to the rear
- a mixture of high quality and durable siding, including stone ceramic tile for the primary building with accents of metal and stone ceramic screens and tongue and groove cedar soffits
- vertical board form exposed concrete for the parkade wall that projects above grade on the north and east elevations
- clear glazing with aluminum frames with clear glass and metal guardrails for balconies
- mechanical penthouse with a ceramic stone screen
- private patios with planting as shown on the landscape plan for each of the six units on the ground level, three facing Heywood Avenue and three to the rear
- one level of underground parking for 32 stalls, including three stalls for residential visitor use
- 21 class 1 bicycle storage spaces located underground
- one publicly accessible class 2 rack for six bikes located adjacent to the main entrance on Heywood Avenue
- removal and replacement of three existing street trees (Cherry) and retention and protection of one existing street tree (Cherry) on Heywood Avenue.



The proposed variances are related to:

- increasing the building height
- increasing the site coverage
- reducing the open site space
- reducing the front, rear and side yard setbacks
- reducing the open site space adjacent from the street.

### **Sustainability Features**

As indicated in the architect's letter, dated October 27, 2016, the proposed sustainability features associated with this Application include the following:

- building constructed to a minimum of BUILT GREEN® "Bronze" standard (although no certification will be sought at this stage)
- high efficiency heating
- natural and recyclable building materials, sourced within 800km of the site where possible
- solar-ready conduit from the electrical room to the roof
- EnergyStar® rated windows and appliances
- LED lighting throughout the building
- interior suite layouts designed to optimize natural daylight
- construction waste diverted from all landfill during construction through smart on-site waste management
- low flow and water efficient plumbing fixtures
- secure heated bike storage in the underground parkade
- electric bike charging locations within the bike storage room.

### **Active Transportation Impacts**

The Application proposes the following features which support active transportation:

- 21 secure bike racks located underground with charging station for electric bikes
- one publicly accessible rack for six bikes located outside the main entrance on Heywood Avenue
- two electric scooter stalls located underground.

### **Public Realm Improvements**

No public realm improvements are proposed in association with this Development Permit Application.

### **Advisory Design Panel Referral**

The Application was referred to the Advisory Design Panel (ADP) on January 26, 2017. The Panel was asked to comment on the following aspects of the proposal:

- massing, height and transition in relation to the context
- interface on the north and east elevations as it relates to the projecting parkade.

The minutes from the meeting are attached for reference and the following motion was carried (unanimous):

*That the Advisory Design Panel recommend to Council Development Permit Application No. 000484 for 986, 988 and 990 Heywood Avenue be approved as proposed.*

Although the ADP recommended the Application be approved as presented, the applicant has worked with staff and have reduced the overall building height from 14.59m to 14.28m.

## **ANALYSIS**

### **Development Permit Area and Design Guidelines**

The *Official Community Plan 2012* (OCP) Urban Place Designation for the majority of the subject property is Urban Residential, which supports low-rise and mid-rise multi-unit buildings of up to approximately six storeys.

Design guidelines that apply to DPA 16 are the *Multi-Unit Residential, Commercial and Industrial Guidelines*; *Advisory Design Guidelines for Buildings, Signs and Awnings* and the *Guidelines for Fences, Gates and Shutters*. As noted below, the Application is generally consistent with the Guidelines.

### **Multi-Unit Residential, Commercial and Industrial Guidelines**

These guidelines are applicable for multi-unit residential buildings of three or more units with the overall aim of achieving design excellence, livability and contribution to a sense of place within the Victoria context. Overall, the proposal is consistent with the guidelines. The use of high quality and durable materials, front patios and a flat roof complement the character of the street, particularly the adjacent Tweedsmuir building to the south, which is listed on the City's Heritage Register. The use of architectural screens and obscure glazing for balcony enclosures helps to improve privacy for the lower scale buildings to the east, and the architectural screening on the front façade provides visual interest to break up the massing of the building.

The guidelines encourage multi-unit residential development to provide an appropriate transition to lower density building forms, which is often three storeys or lower. The proposed building is adjacent to a three-storey building to the south (the Tweedsmuir), with a four-storey condominium building to the south-west fronting Park Boulevard. To the north are two-storey townhouses that front Oliphant Avenue. To the east in the rear of the property are predominantly two-storey single family dwellings. In summary, there are no predominant height characteristics within the neighbourhood block and most range from two to four-storeys. Although the policy supports taller buildings fronting Beacon Hill Park, the proposed building height is higher than the maximum allowance in the current zone and adjacent buildings. The applicant has worked with staff to reduce the overall building height and further discussion is provided later in this report.

The guidelines encourage new development to be designed with sensitivity to context. Staff originally raised concerns with the projecting underground parkade and the potentially stark interface this creates with adjoining properties to the east. This protruding parkade is setback 1.2m from the property line and projects above grade along the rear (east) and side (north) elevation ranging from approximately 0.3m to 1.8m in height from finished grade. Landscaping is proposed within the property line between the parkade wall and the adjacent neighbour's fence. The applicant intends to retain the existing fence on the adjacent properties to avoid impacts to existing vegetation, and to allow adjacent property owners the option to remove the fence in the future. Correspondence has been included from adjoining neighbours in recognition and support of the projecting parkade, which is proposed to be treated with vertical board form concrete. With this in mind, staff recommend that Council support this deviation from the guidelines.



## **Advisory Design Guidelines for Buildings, Signs and Awnings**

These guidelines state that an acceptable application will include consideration of an attractive streetscape and that the architecture and landscaping of the immediate area be identified and acknowledged. In evaluating a design, particular emphasis is placed on the solution to these general aspects: design approach, relevancy of expression, context, pedestrian access, massing, scale, roofline, street relationship and landscape plan. The Application is consistent with these guidelines.

## **Guidelines for Fences, Gates and Shutters**

These guidelines state that fences, gates and shutters must complement the character of the street and not result in a fortress-like appearance, must integrate with building design, architectural finishes and materials for a cohesive effect, and not be the dominant feature of the building façade. The Application is consistent with these guidelines.

## **Regulatory Considerations**

The R3-A2 Zone, Low Profile Multiple Dwelling District, is being proposed to be used as a base zone to create a new zone with an increased density allowance of 1.6:1 FSR that is not contingent on a minimum provision of 50% open site space or 40% site coverage; as a result, a number of variances are proposed as part of this Application. This approach is recommended to ensure that reduced siting requirements are not entrenched in a new custom zone and that any future alternative development proposals would need to again apply to Council to achieve these or different variances. These are discussed in more detail below.

### Building Height

The proposed building height is 14.28m, which is 2.28m above the maximum allowance in the current zone. As referenced in the staff report to ADP, staff recommended design refinements to improve the transition to the single family dwellings at the rear. The applicant has worked with staff and have lowered the building height on two occasions, by 0.2m (eight inches) prior to presenting to ADP, and by approximately one foot following the ADP meeting. In addition, articulation of the front façade has been incorporated through the use of architectural screening, changes in materials and landscaping that serve to emphasize the ground-oriented units which help to create a human-scaled design at the street level. Staff therefore recommend that Council consider supporting this variance.

### Site Coverage

The site coverage for the proposal is 76%, while the Zone standard is 40% (when eligible for bonus density of 1.6:1 FSR). The additional site coverage does create a larger building mass, which results in the request to reduce the minimum front, side and rear yard setback requirements; however, the building has been positioned on the lot to maintain similar front yard setbacks as the adjacent building to the north and south. Staff recommend that Council consider supporting this variance.

### Open Site Space

The proposed open site space is 17% which does not meet the minimum 50% requirement as it relates to the bonus density regulations of the current zone. The landscape plan includes detail on the proposed planting. The lack of soil depth on the roof of the projecting parkade limits the



planting that can be achieved, although efforts have been made to incorporate raised planters to provide visual interest and to help soften the appearance of the rear patios. Extensive planting is also proposed around the perimeter of the property and in the front patios. Should this proposal not be advanced, any new development would need to comply with the 50% open site space requirement. Since appropriate landscaping measures have been included in this particular proposal, staff recommend for Council's consideration that the open site space variance be supported.

### Proposed Setback Variances

The proposal requests the following setback variances:

- reduce the minimum required front yard setback from 10.5m to 4.26m for the building and nil for the parkade
- reduce the minimum required rear yard setback from 7.14m to 7.0m for the building and 0.72 for the parkade
- reduce the north side yard setback from 7.14m to 5.46m for the building and 0.9 for the parkade
- reduce the south side yard setback from 7.14 to 2.46m for the building face and 0.57m for the parkade
- reduce the requirement for open site space adjacent to the street from 7.14m to 4.26m.

A request to reduce the minimum front yard setback from 10.5m to 4.26m is being proposed, and this relates to a portion of the patio adjacent to the main entrance, with the majority of the building façade located further back at 4.2m from the property line. This projection would not interrupt the rhythm of the streetscape as the proposed building would be positioned similar to the adjacent buildings to the north, which is setback approximately 4.5m from Heywood Avenue, and approximately 2.5m for the Tweedsmuir building to the south.

A small variance to the rear yard setback is being proposed from 7.14m to 7.0m (based on half the height of the building). Architectural interventions include a metal and stone ceramic screen, which would assist in mitigating any impacts to adjacent properties to the rear. In addition, the existing vegetation along the eastern property boundary is proposed to be retained which will further improve the privacy between adjoining properties.

The side yard setbacks are required to be half the height of the building, which is 7.14m. In the event that the proposal was for a lower height building, this in turn would result in reduced setback requirements. The potential impacts on the north and south side yards are considered to be minimal as the windows on these elevations are shallow and are predominantly positioned above eye level, or oriented towards Beacon Hill Park in the west. Given the sensitive architectural considerations that have been incorporated in the side elevations, staff recommend Council consider supporting the side yard variances.

A setback variance from 7.14m to 4.26m is being requested for open site space adjacent to a street. As this area is proposed to be landscaped, staff recommend that Council consider supporting this variance.

### **Encroachment Agreements**

With any project of this scale that requires significant excavation, construction methods often require a form of underpinning which can result in material being left in the public Right-of-Way. The resulting material (typically rock anchors) presents no concerns to the public interest and

does not impact the underground infrastructure; however, an Encroachment Agreement between the City and the developer is required. The staff recommendation provided for Council's consideration includes direction to allow staff to enter into such an agreement, if the Rezoning Application is approved by Council and if it is deemed necessary to facilitate the construction of the project.

## CONCLUSIONS

The proposal for a 21 unit multi-residential development is generally consistent with the applicable guidelines and includes high-quality building materials and landscape finishes. The contemporary design is supportable and complementary to the existing character along Heywood Avenue. The variances related to building height, siting and setbacks are supportable through appropriate building articulation and the provision of obscure glazing and architectural screening on the west elevation, which mitigate any privacy impacts on adjacent buildings. Staff, therefore, recommend for Council's consideration that Council support the Application.

## ALTERNATE MOTION

That Council decline Development Permit Application with Variances No. 000484 for the property located at 986, 988 and 990 Heywood Avenue.

Respectfully submitted,

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Senior Planner - Urban Design  
Development Services Division

Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:

Date:

March 16, 2017

## List of Attachments

- Subject Map
- Aerial Map
- Plans dated/date stamped February 27, 2017
- Tree Preservation Plan dated February 20, 2017
- Letter from applicant to Mayor and Council dated October 27, 2016
- Letter from architect dated March 6, 2017
- Staff report to Advisory Design Panel, dated January 6, 2017
- Minutes of January 25, 2017 Advisory Design Panel meeting
- Community Association Land Use Committee Comments dated October 20, 2016
- Correspondence (Letters received from residents).