



Planning and Land Use Committee Report

For the Meeting of October 15, 2015

To: Planning and Land Use Committee **Date:** October 1, 2015

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

Subject: Development Permit with Variances Application No. 000386 for 353 Tyee Road

RECOMMENDATION

Staff recommend that Committee forward this report to Council and, after giving notice and allowing an opportunity for public comment at a meeting of Council, that Council consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 000386 for 353 Tyee Road, in accordance with:

1. Plans date stamped September 16, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. Part 1.29(6)(a): reduce the setback from Tyee Road from 3m to 0.50m;
 - b. Part 1.29, 8.4(d): increase the allowable building frontage for office use facing Tyee Road from 50% to 100%.
3. Register a legal agreement on title to limit the commercial use of the buildings and guarantee the future removal of the trailers within five years to the satisfaction of staff.
4. The Development Permit lapsing two years from the date of this resolution."

LEGISLATIVE AUTHORITY

In accordance with Section 920(2) 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.

Pursuant to Section 920(8) of the *Local Government Act*, where the purpose of the designation is the revitalization of an area in which a commercial use is permitted, a Development Permit may include requirements respecting the character of the development, including landscaping, siting, form, exterior design and finish of buildings and other structures.

In accordance with Section 922 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 Permit with Variances Application for the property located at 353 Tyee Road. The proposal is to permit an existing office trailer on-site.

The following points were considered in assessing this Application:

- The proposal is not fully consistent with the *Design Guidelines for the Dockside Area*, however, the existing office trailer and parking lot are temporary.
- A portion of the existing office trailer was installed on the City Right-of-Way (RoW) approximately five years ago to function as a temporary office, storage and meeting space. The applicant will relocate the trailer on-site. The applicant will formalize the parking and add additional soft landscaping to improve the streetscape presence.
- The applicant would like to keep the trailer on-site for a longer period of time, therefore, the building would have to be regulated as a permanent building rather than a temporary building.
- The variances are related to the setback from Tyee Road and the percentage of building frontage facing Tyee Road that can be occupied by a single use.

BACKGROUND

Description of Proposal

The proposal is to permit an existing office trailer.

The proposed variances are related to:

- reducing the setback from Tyee Road from 3m to 0.50m
- increasing the allowable building frontage for office use facing Tyee Road from 50% to 100%.

Sustainability Features

The applicant has not identified any sustainability features associated with this proposal.

Active Transportation Impacts

Two bike racks (Class 2 Bicycle Parking) have been installed on-site adjacent to the office trailer.

Public Realm Improvements

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

Existing Site Development and Development Potential

A portion of the site is presently occupied by a temporary office trailer and the remainder of the site is undeveloped. The site could be developed as multiple dwellings, commercial and/or mixed use.

Data Table

The following data table compares the proposal with the CD-9 Zone, Dockside District. An asterisk is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposal	Zone Standard CD-9
Site area (m ²) - minimum	4712.00	n/a
Density (Floor Space Ratio) - maximum	0.02:1	2.84:1
Floor area (m ²) - maximum	69.10	85,855.00
Geodetic Height (m) - maximum	13.99	45.13
Storeys - maximum	1	n/a
Setbacks (m) - minimum Tyee Road	0.50*	3.00
Building frontage facing Tyee Road for Office use (%) - maximum	100*	50
Parking - minimum	2	2
Bicycle parking stalls (minimum)	6 units (2 racks)	6 units

Relevant History

The applicant has recently registered a Clean Hands Covenant on the property's title in order to ensure removal of the building if the Application is refused. In accordance with the *Clean Hands Policy*, the Covenant had to be registered on title prior to processing the Development Permit with Variances Application.

Council waived an additional component of the *Clean Hands Policy* requiring that the building be vacated prior to initiating an application (Council minutes attached).

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on September 5, 2014, the Application was referred for a 30-day comment period to the Victoria West 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

Development Permit Area and Design Guidelines

The *Official Community Plan* (OCP) identifies this property within Development Permit Area 13: Core Songhees. The existing office trailer was initially installed on-site and on the City's Right-of-Way (RoW) without permits and without consideration of the *Design Guidelines for the Dockside Area*. The applicant is now proposing to relocate the office trailer entirely onsite.

The applicant recognizes that it may be challenging for the existing building to be considered consistent with the applicable Guidelines. However, over the long term, it is the applicant's goal to develop the site with a new multi-unit residential building with office and retail uses on the ground floor that is consistent with the applicable design guidelines. As a result, the applicant is willing to enter into a legal agreement that states that the building shall only be used for a period of five years from the date of registration of the agreement on title.

Staff recommend that Council consider supporting the proposed terms as described above.

Regulatory Considerations

Setback Variance

The applicant has requested a reduced setback from Tyee Road from 3m to 0.50m. The applicant has recently added some landscaping and screening features in the City's boulevard to improve the streetscape presence. Additional soft landscaping is being proposed and would be installed after the trailer is relocated on-site. Staff recommend for Council's consideration that this variance is supportable.

Building Frontage Variance

The CD-9 Zone does not allow any permitted use to occupy more than 50% of the building frontage facing Tyee Road. The applicant is requesting a variance to increase the building frontage requirement from 50% to 100%. Considering that the width of the trailer is approximately 18.9m and only occupies approximately 0.08% of the existing lot frontage, staff recommend for Council's consideration that this variance is supportable.

CONCLUSIONS

The applicant is requesting the approval of the existing office trailer. The applicant is willing to enter into a legal agreement to ensure that the building will be removed after a period of five years. Ultimately, it is the applicant's wish to redevelop the site with a new multi-unit residential building with office and retail uses on the ground floor, consistent with the applicable design guidelines within the *Official Community Plan*.

ALTERNATE MOTION

That Council decline DP Application No. 000386 for the property located at 353 Tyee Road.

Respectfully submitted,



Leanne Taylor, Senior Planner
Development Services Division



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

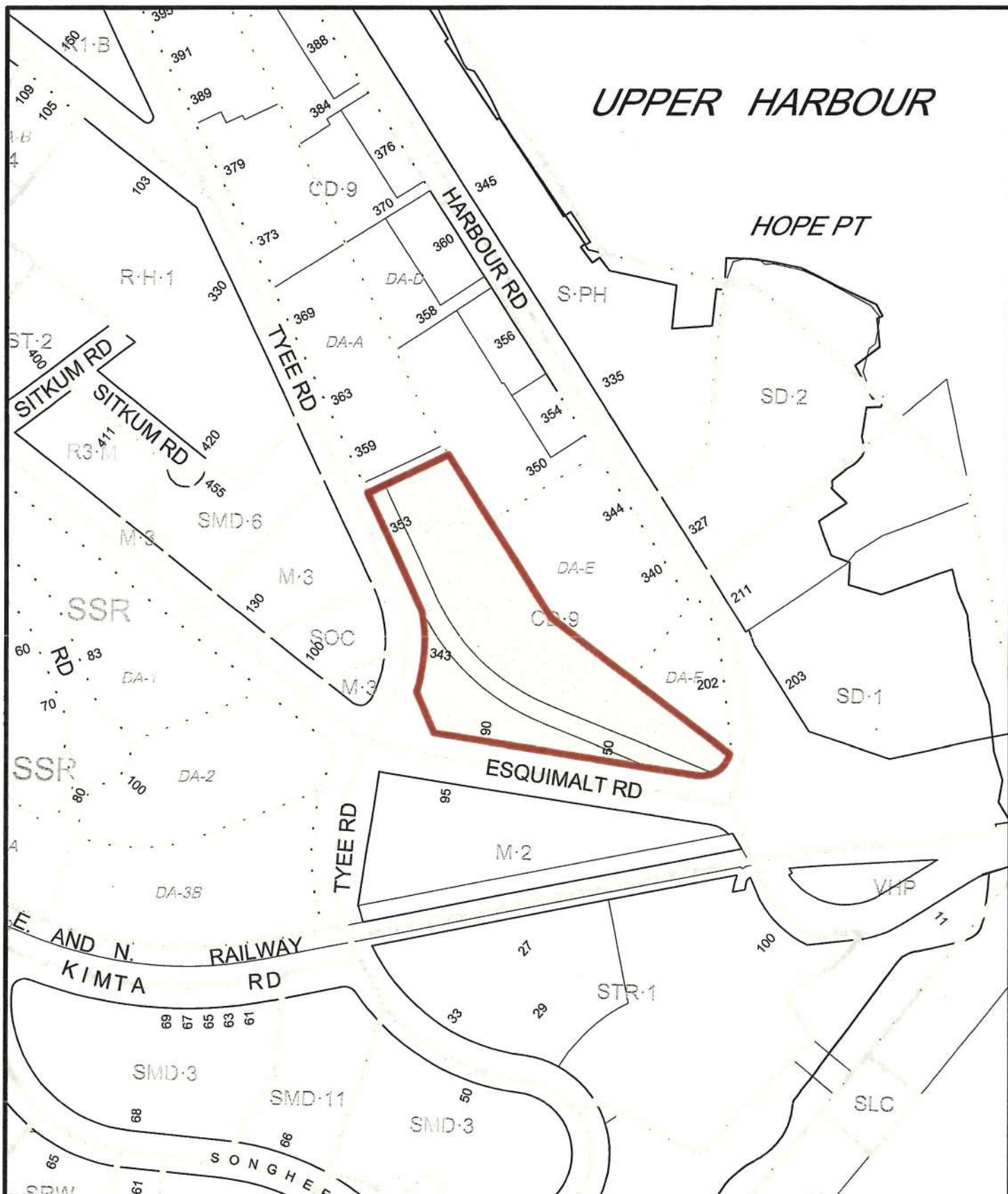
Report accepted and recommended by the City Manager:



Date: October 7, 2015

List of Attachments

- Zoning map
- Aerial photo
- Letter from the applicant dated September 18, 2015
- Plans date stamped September 16, 2015.



UPPER HARBOUR

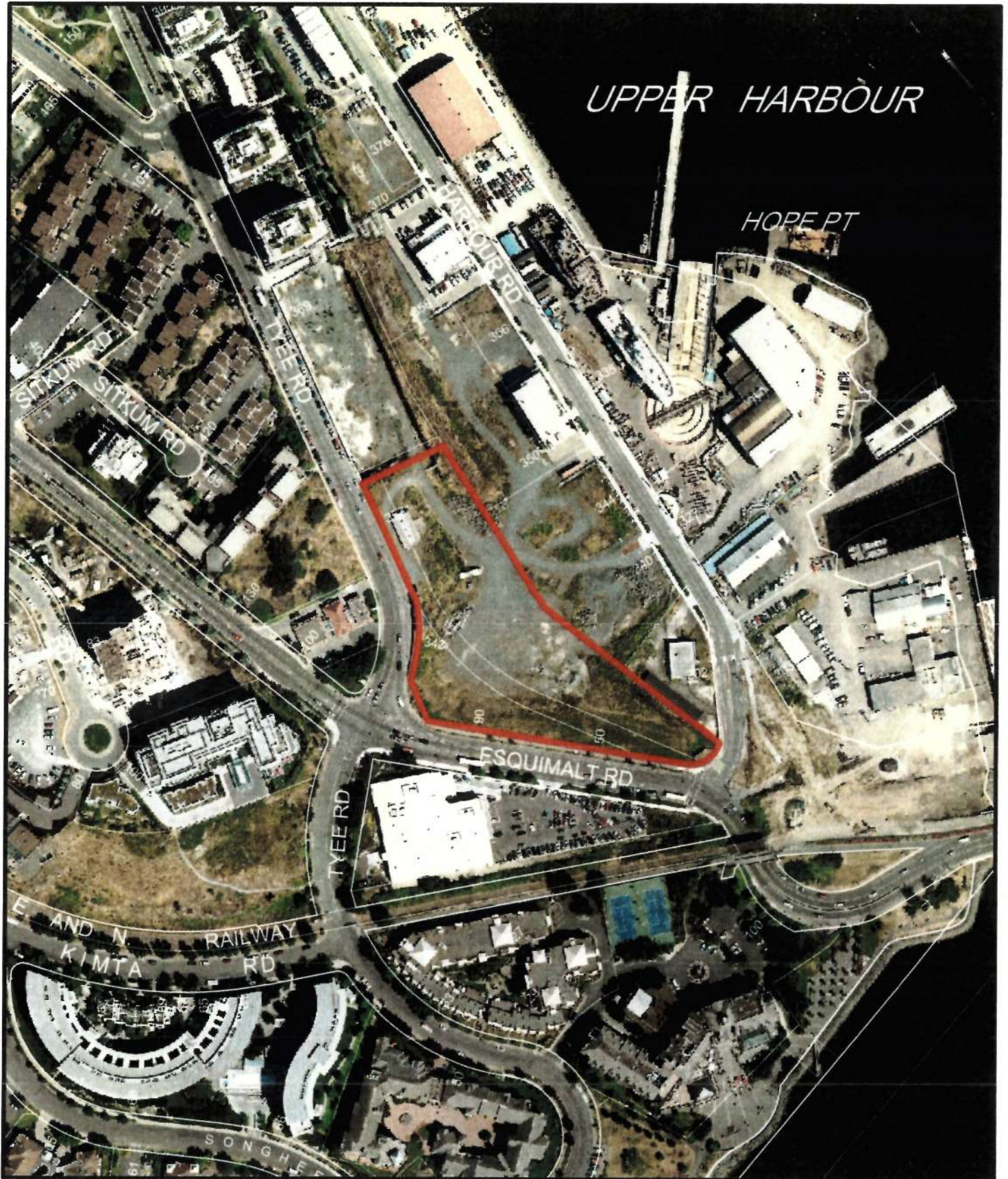
HOPE PT

353 Esquimalt Road
Development Permit #000386



UPPER HARBOUR

HOPE PT

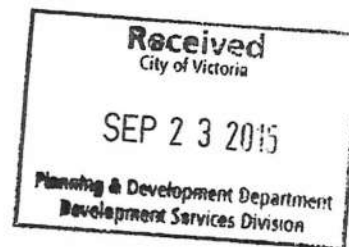


353 Esquimalt Road
Development Permit #000386



September 18, 2015

City of Victoria
1 Centennial Square
Victoria, BC
VSW 1P6



RE: Development Permit Application with Variances for the Dockside Green Site Trailer

Dear Mayor Helps and Victoria City Council,

At the request of Staff, please accept this application for a Development Permit for our refurbished site trailer at 353 Tyee Road.

Our application relates to a construction trailer located at Dockside Green many years ago to facilitate the variety of tasks that are included in development of a large scale and compressive project. In 2014, updates to the trailer were undertaken to reconfigure the fence line and incorporate aesthetic improvements to the trailer to create a more welcoming and inviting space for residents, visitors and members of the public to stop in and attain answers on the development and further facilitate the ongoing needs of the project.

While the trailer has been on the site for many years, in early 2014 Staff requested that a Development Permit for the trailer be submitted. Although differences of opinion do exist on this requirement, on August 2014, Dockside Green submitted our Development Permit for the trailer to the City.

Our application as enclosed reflects the updated trailer onsite. The trailer updates strive to maintain the intent of the current design guidelines but do require two variances: the setback to Tyee Road and the trailer frontage facing Tyee Road for office use. Both minor variances are related to the temporary, single-purpose nature of the site trailer as the zoning was established envisages a different scale of development.

Clearly, a temporary, small, office trailer is not the highest and best use for a site zoned for residential towers and we have no intention of this becoming a permanent structure. Our intent is to use this trailer until clarity around the rezoning application is attained, and a more substantial Dockside Green Discovery Centre can be established.

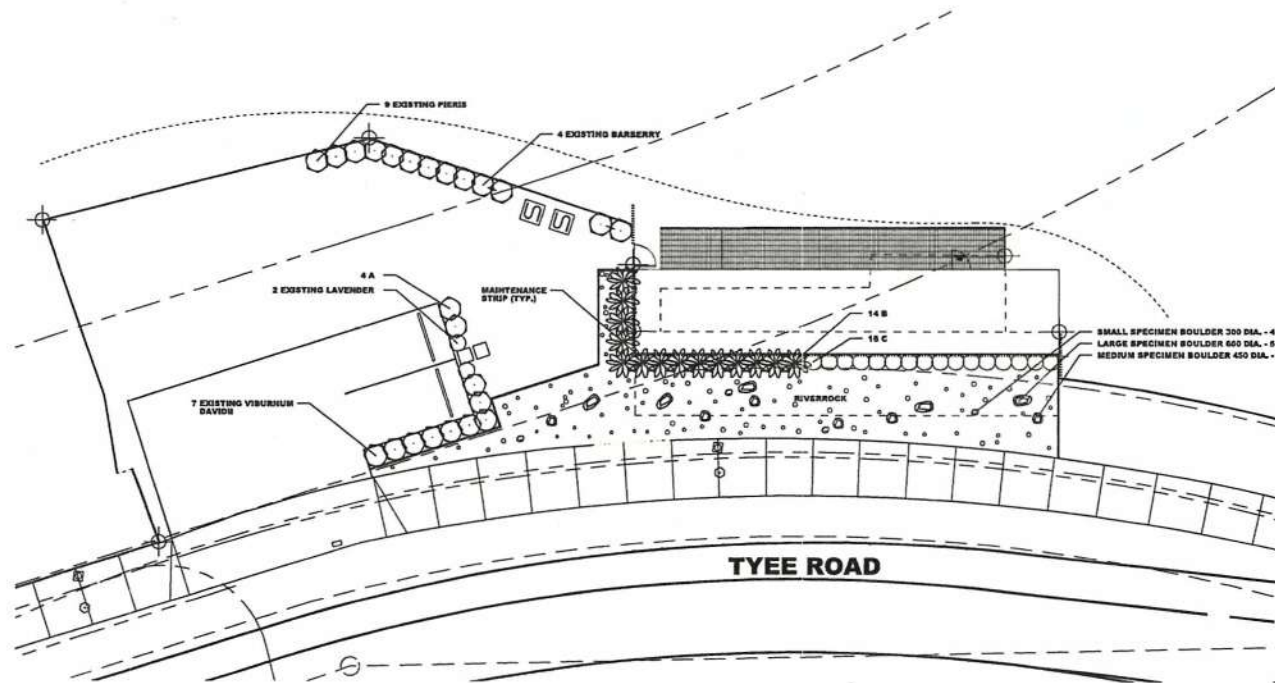


We trust the attached application address the needs for City's approval. We look forward to continued progress on the project in realization of this important development to all residents of the City.

Cordially,

A handwritten signature in black ink, appearing to read 'Ally'.

Ally Dewji
Development Manager
Dockside Green Limited



PLANT LIST

KEY	QTY	BOTANICAL NAME	COMMON NAME	SIZE	ROOTS	COMMENTS
A	4	VIBURNUM DAVIDS	DAVID'S VIBURNUM	45 CM SPN.	27 CM POT	FULL
B	14	CALAMAGROSTIS A. ACUTIFLORA 'KARL FÖRSTER'	FEATHER BEED GRASS	1.0 M HT.	21 CM POT	FULL
C	18	HILICOTYCHON SEMPERVIRENS	BLUE OAT GRASS	80 CM HT.	21 CM POT	FULL

NOTES: PLANTS MUST MEET SIZE AND POT SPECIFICATION AND MAY EXCEED BCMA STANDARDS.
AREA OF PLANT MATERIAL SAVING TO INCLUDE WESTERN NORTH AMERICA.

EXISTING PLANTS INCLUDE:
1 - DAVID'S VIBURNUM
4 - LAVENDER
9 - PIERS
10 - BARBERRY

NOTES

- CONTRACTOR TO REPORT ALL ERRORS, OMISSIONS AND DISCREPANCIES TO LANDSCAPE ARCHITECT IMMEDIATELY AND PRIOR TO COMMENCEMENT OF WORK.
- CONTRACTOR IS RESPONSIBLE FOR VERIFYING THE LOCATION OF ALL UNDERGROUND SERVICES AND ANY DAMAGE TO SAME CAUSED BY HIS WORK.
- CONTRACTOR TO ENSURE SMOOTH CONTINUOUS POSITIVE DRAINAGE AWAY FROM BUILDING TO ALL DRAINAGE PICKUP POINTS.
- ALL LANDSCAPED AREAS TO BE IRRIGATED WITH A FULLY AUTOMATIC UNDERGROUND IRRIGATION SYSTEM. COORDINATE IRRIGATION SLEEVES, TIMER CLOCK LOCATION AND WATER CONNECTIONS.
- AREAS DESIGNATED AS REVER ROCK TO HAVE 150 MM TO 300 MM CLEAN WASHED REVER ROCK TO LANDSCAPE ARCHITECT APPROVAL. TO A DEPTH OF 300 MM PLACED ON BLACK FILTER CLOTH. FILL VOID IN 150MM CLEAN, WASHED PEA GRAVEL. REVER ROCK TO STAND PROUD.
- MAINTENANCE STRIP TO CONSIST OF 2 X 4 PRESSURE TREATED FIR SOLOS, STAKES WITH 2.2 X 4 X 45CM PRESSURE TREATED FIR STAKES, STAKE 1.2 M. O.C. AND AT ALL JOINTS AND ENDS, TOP OF STAKE TO BE 5.0CM. BELOW TOP OF EDGER.
- ALL LANDSCAPE WORK ON CITY PROPERTY TO CITY OF VICTORIA APPROVAL.
- THIS DRAWING IS FOR SOFT LANDSCAPE ONLY. REFER TO ARCHITECTURAL/CIVIL FOR HARD LANDSCAPE & SITE GRADING.



PLANTING PLAN

Dockside Green - Site
Trailer

DATE

• DATE REVISION

DATE: 09/10/2015

11

SCALE: 1:100

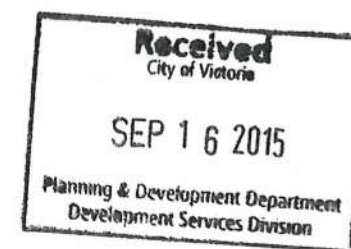
HCMA Architecture + Design
400 - 675 West Hastings Street
Vancouver BC V6B 1N2 Canada
T 604.732.6620
W hcma.ca

DOCKSIDE GREEN - SITE TRAILER

DEVELOPMENT PERMIT APPLICATION

CONTACT		
OWNER:	ARCHITECTURAL:	PLANNING:
Dockside Green	Hughes Condon Marler Architects	Ian Scott Planning Services
353 Tyee Road Victoria BC V9A 0A9 250-995-7640	Suite 300 – 569 Johnson St Victoria BC V8W 1M2 250-382-6650	409 Langford St Victoria BC V9A 3C3 250-884-6202
Ally Dewji adewji@docksidegreen.com	Carl-Jan Rupp cj.rupp@hcma.ca	Ian Scott ianscottconsulting@gmail.com

DRAWING LIST	
A000	COVER SHEET
A100	SITE CONTEXT - EXISTING
A101	SITE PLAN - PROPOSED
A102	ELEVATIONS
A103	FLOOR PLAN
A104	SIGNAGE



HCMA Architecture + Design
Suite 300 - 569 Johnson Street
Victoria BC V8W 1M2 Canada
T 250.382.6650
W hcma.ca

Dockside Green - Site Trailer Cover Sheet

NTS

DATE: 21/08/2015

A000

SCALE:



Received
City of Victoria

SEP 16 2015

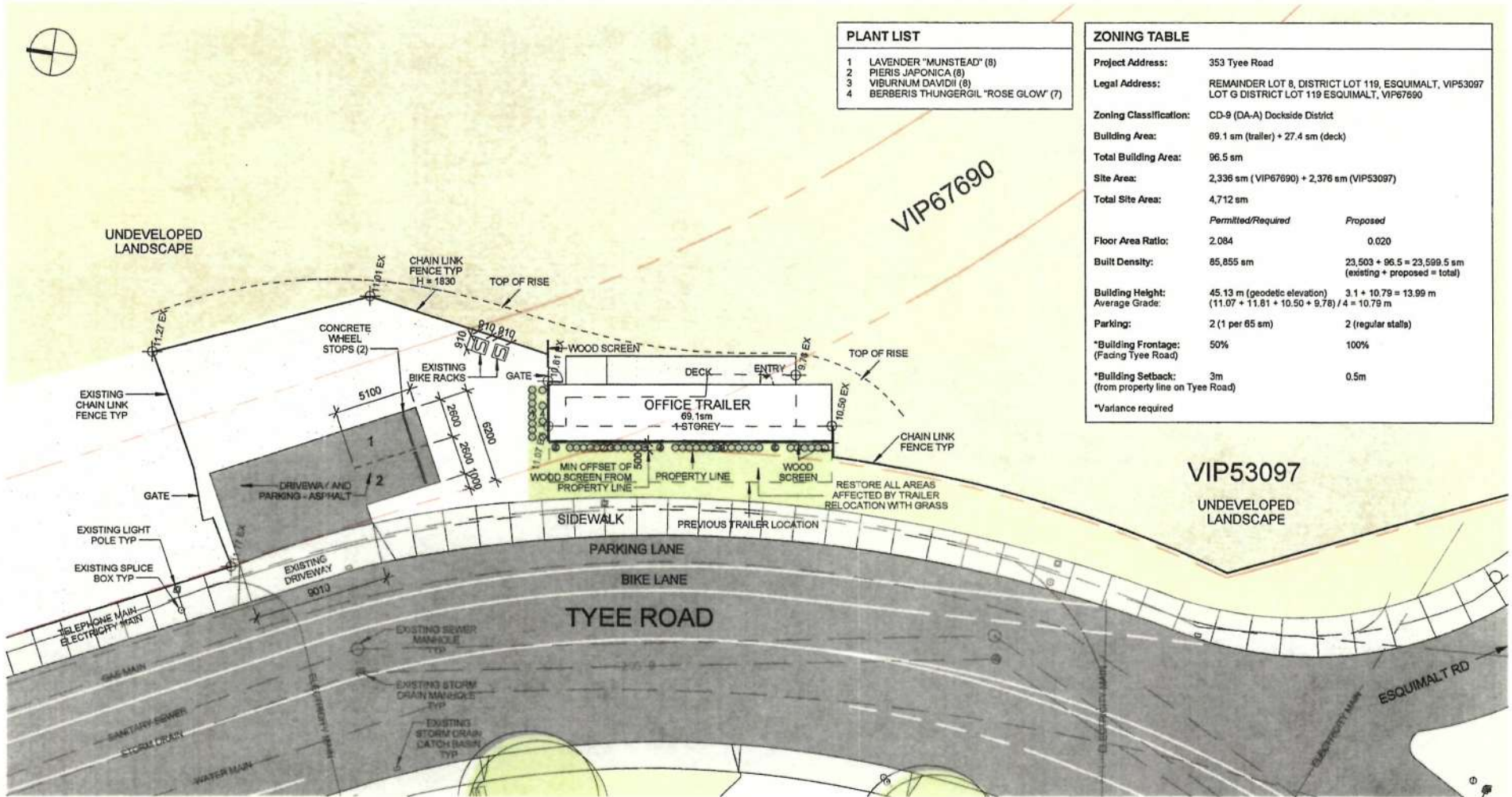
Planning & Development Department
Development Services Division

1 Site Context - Existing
1 : 1000

HCMA Architecture + Design
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W hcma.ca

Dockside Green - Site Trailer | Site Context - Existing

DATE: 21/08/2015
A100
SCALE: 1 : 1000



PLANT LIST	
1	LAVENDER "MUNSTEAD" (8)
2	PIERIS JAPONICA (8)
3	VIBURNUM DAVIDI (8)
4	BERBERIS THUNBERGII "ROSE GLOW" (7)

ZONING TABLE	
Project Address:	353 Tyee Road
Legal Address:	REMAINDER LOT 8, DISTRICT LOT 119, ESQUIMALT, VIP53097 LOT 6 DISTRICT LOT 119 ESQUIMALT, VIP67690
Zoning Classification:	CD-9 (DA-A) Dockside District
Building Area:	69.1 sm (trailer) + 27.4 sm (deck)
Total Building Area:	96.5 sm
Site Area:	2,336 sm (VIP67690) + 2,376 sm (VIP53097)
Total Site Area:	4,712 sm
	Permitted/Required Proposed
Floor Area Ratio:	2.084 0.020
Built Density:	85,855 sm 23,503 + 96.5 = 23,599.5 sm (existing + proposed = total)
Building Height:	45.13 m (geodetic elevation) 3.1 + 10.79 = 13.99 m
Average Grade:	(11.07 + 11.81 + 10.50 + 9.78) / 4 = 10.79 m
Parking:	2 (1 per 65 sm) 2 (regular stalls)
*Building Frontage: (Facing Tyee Road)	50% 100%
*Building Setback: (from property line on Tyee Road)	3m 0.5m
*Variance required	

Received
City of Victoria

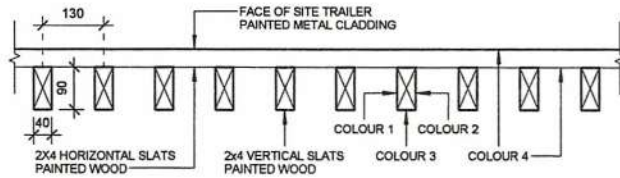
SEP 16 2015

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Development Services Division

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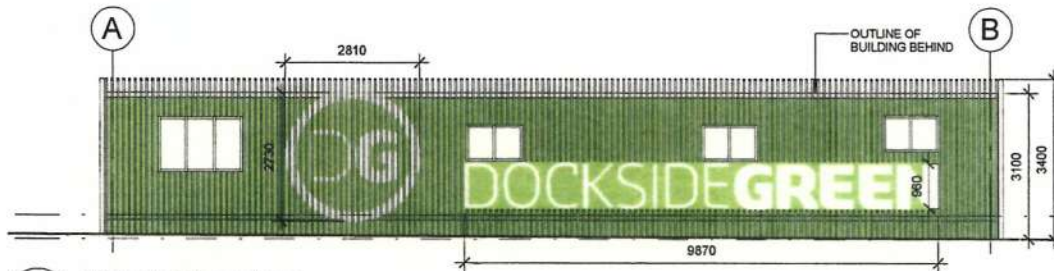
Dockside Green - Site Trailer SITE PLAN - PROPOSED

DATE: 21/08/2015
A101
SCALE: 1:250

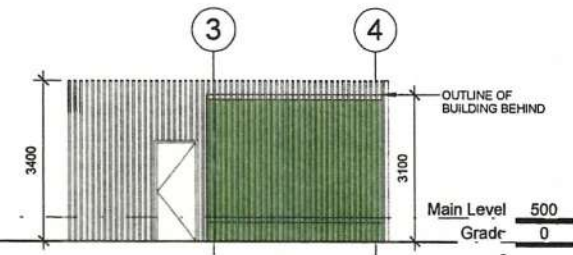


COLOUR 1 - BENJAMIN MOORE - JUNIPER 2048-20
 COLOUR 2 - BENJAMIN MOORE - VINE GREEN 2034-20
 COLOUR 3 - BENJAMIN MOORE - CORDUROY 2153-20
 COLOUR 4 - GENERAL PAINT - SQUILL CL 1995D

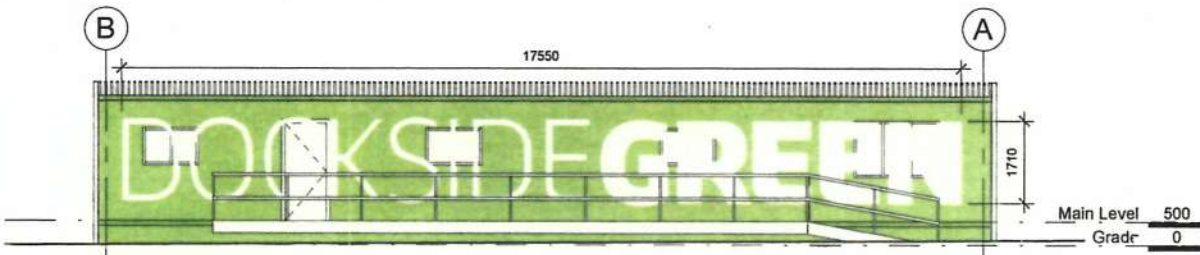
5 Wood Screen Plan Section Detail
 1 : 10



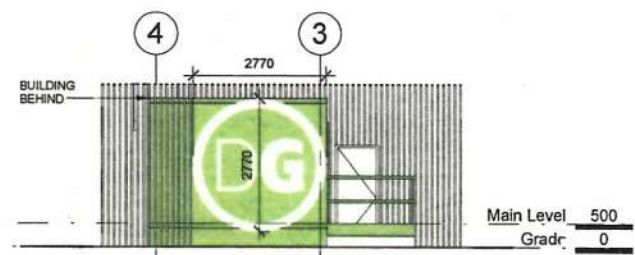
1 West Elevation
 1 : 100



2 North Elevation
 1 : 100



4 East Elevation
 1 : 100



3 South Elevation
 1 : 100

Received
 City of Victoria

SEP 16 2015

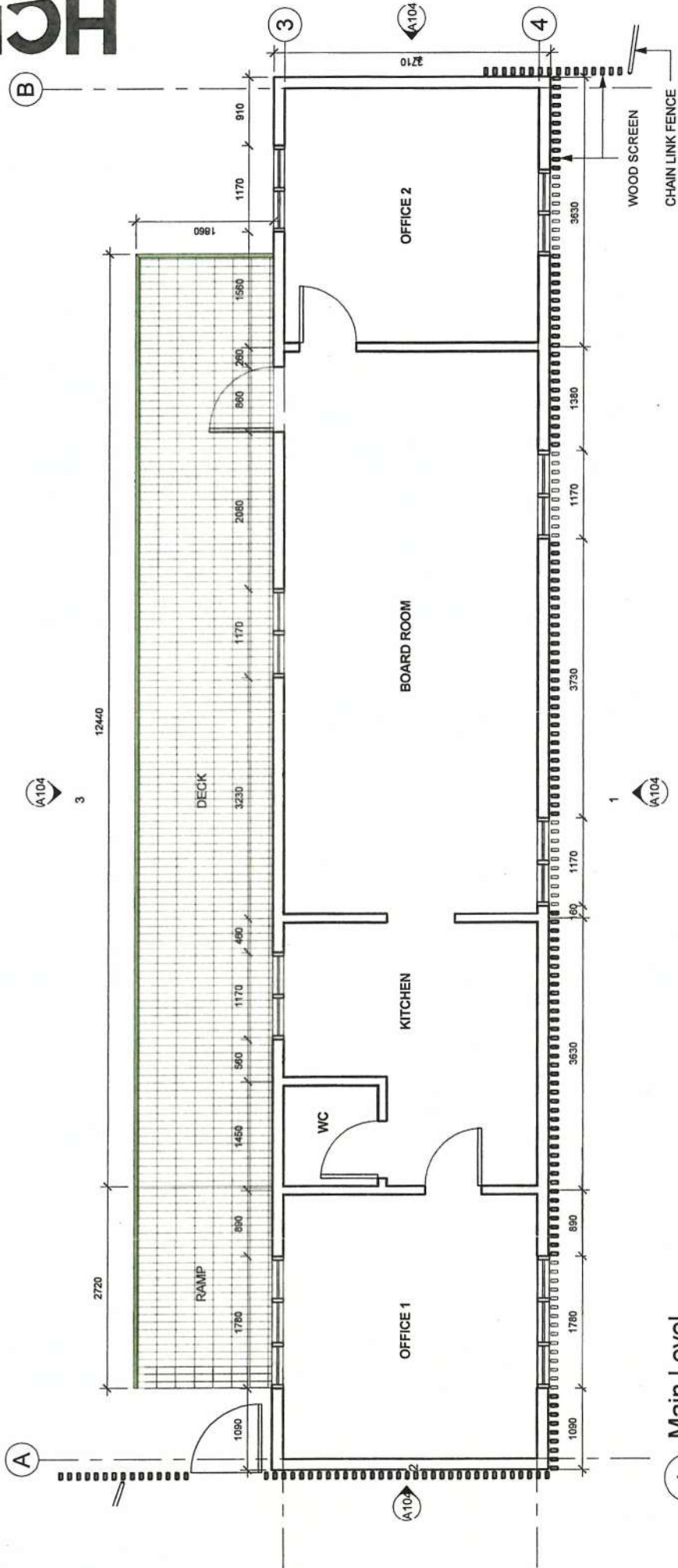
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Dockside Green - Site Trailer Elevations

DATE: 21/08/2015
A102
 SCALE: As Indicated

HCM



1 Main Level
1:50

DATE: 21/08/2015
A103
SCALE: 1:50

Dockside Green - Site Trailer Floor Plan

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SEP 16 2015
Planning & Development Department
Development Services Division