

# Planning and Land Use Committee Report For the Meeting on August 21, 2014

Date: A

August 7, 2014

From:

Jim Handy

Senior Planner - Development Agreements

Subject:

Development Permit with Variance #000370 for 300 Michigan Street

Application to construct a 14-unit multi-family residential building

# **Executive Summary**

The purpose of this report is to present Council with information, analysis and recommendations regarding a Development Permit Application with Variances for the property located at 300 Michigan Street. The application is to construct a four-storey, 14-unit residential building. The application proposes variances to the lot size, parking, and the front, rear and side yard setbacks.

The following points were considered while reviewing this proposal:

- the proposal is generally consistent with the Design Guidelines for: Multi-Unit Residential, Commercial and Industrial, however, design refinements to the southfacing elevation of the building and the front yard should be considered to help enhance the relationship with Michigan Street
- subject to the submission of revised plans identifying the provision of two visitor stalls, staff recommend that Council support the proposed reduction in required parking stalls.

In accordance with the City's Land Use Procedures Bylaw, because this Development Permit Application has variances, it requires notification, sign posting and a Hearing.

#### Recommendations

That Council schedule a Hearing to consider Development Permit with Variances #000370 for 300 Michigan Street, in accordance with final approved plans, subject to:

- Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - Section 3.3.9 Relaxation of the minimum lot size from 920 m<sup>2</sup> to 800.8 m<sup>2</sup>;
  - b. Section 3.3.10 Relaxation of the minimum front setback from 10.5 m to 3.65 m;
  - c. Section 3.3.13 Relaxation of the side (east) setback from 7.07 m to nil:
  - d. Section 3.3.13 Relaxation of the rear setback from 7.07 m to 5.88 m;
  - e. Schedule C Section 16.B.12 (b) Relaxation from 1.4 spaces per unit (20 stalls) to 1.14 spaces per unit (16).
- 2. The submission of revised plans to the satisfaction of the Director of Sustainable Planning and Community Development that:
  - a. refine the south elevation of the proposed building and the front yard to ensure the development provides an effective and attractive street edge on the Michigan Street frontage:
  - identify two visitor parking stalls.

- Council authorizing anchor-pinning into the City right-of-way provided that the applicant enters into an encroachment agreement in a form satisfactory to the City Solicitor and the Director of Engineering and Public Works.
- 4. Final plans to be in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

Respectfully submitted,

Jim Handy

Senior Planner - Development Agreements

**Development Services** 

Deb Day, Director

Sustainable Planning and Community

Development Department

Report accepted and recommended by the City Manager:

Jason Johnson

JH:aw

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#### 1.0 Purpose

The purpose of this report is to present Council with information, analysis and recommendations regarding a Development Permit Application for the property located at 300 Michigan Street. The application is to construct a four-storey, 14-unit residential building.

#### 2.0 Background

#### 2.1 Description of Proposal

The application is to construct a four-storey, 14-unit residential building. The site is currently occupied by a two-storey multi-family building which would be demolished to facilitate the proposed development.

The proposed building would be comprised of 14 residential units consisting of seven, one-bedroom units and seven, two-bedroom units. Exterior finishing materials include horizontal wood siding, pre-finished aluminum panels and stucco. A total of 16 parking stalls would be provided underground to serve the development. The excavation for the underground parkade structure requires anchor-pinning into the City right-of-way and, therefore, Council approval to authorize an encroachment agreement is required.

The application proposes the following variances from the Zoning Regulation Bylaw:

- relaxation of the minimum lot size from 920 m<sup>2</sup> to 800.8 m<sup>2</sup>
- relaxation of the minimum front (Michigan Street) setback from 10.5 m to 3.65 m
- relaxation of the side (east) setback from 7.07 m to nil
- relaxation of the rear setback from 7.07 m to 5.88 m
- relaxation from 1.4 spaces per unit (20 stalls) to 1.14 spaces per unit (16).

#### 2.2 Green Building Features

The applicant is proposing a number of green building features which are outlined in a letter from the applicant attached to this report. These features include:

- water conservation through low-flow plumbing fixtures and dual flush toilets
- energy-efficient appliances and light fixtures
- use of recycled content in materials
- use of non-toxic materials.

Transportation Demand Management (TDM) measures are also proposed in the form of additional bike parking facilities (storage for two additional bikes) and BC Transit passes for purchasers for a period of two years.

## 2.3 Existing Site Development and Development Potential

The application site is located within the R3-2 Zone, Multiple Dwelling District, which permits single family dwellings, two family dwellings, college fraternity buildings, rest homes and multiple dwellings with a maximum floor space ratio (FSR) of up to 1.6:1, subject to the regulations in the zone.

#### 2.4 Data Table

The following data table compares the proposal with the existing R3-2 Zone, Multiple Dwelling District. An asterisk is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposal	Zone Standard
Site area (m²) – minimum	800.8*	920.0
Total floor area (m²) – maximum	1209.5	n/a
Density (Floor Space Ratio) – maximum	1.51:1	1.6:1
Number of Buildings – maximum	1	1
Height (m) – maximum	14.14	18.0
Site coverage (%) – maximum	40	40
Open site space (%) – minimum	60	60
Storeys – maximum	4	n/a
Setbacks (m) – minimum		
Front (Michigan Street)	3.65*	10.5
Rear (north)	5.88*	7.07
Side (Oswego Street)	0.0	0.0
Side (east)	0.0*	7.07
Dwelling unit size (m²) – minimum	53.69	33.0
Parking – minimum	16*	20
Visitor parking – minimum	2	2
Bicycle storage – minimum	16	14
Bicycle rack – minimum	6	6

#### 2.5 Land Use Context

The application site is located on the northeast corner of the Michigan Street and Oswego Street intersection. The other corner lots situated adjacent to this intersection and the lots immediately adjacent to the application site are all occupied by either three or four-storey multifamily buildings.

#### 2.6 Legal Description

Lots A of Lots 1870 and 1871, Victoria City, Plan 8621.

#### 2.7 Consistency with Design Guidelines

The Design Guidelines for: Multi-Unit Residential, Commercial and Industrial are applicable and the proposal complies with the Guidelines as follows:

- the proposed development adds interest to the streetscape through variations in building height and rooflines
- the upper floor is stepped back from Oswego Street
- individual entrances with direct connections to the public sidewalk are provided on the Oswego Street frontage
- a prominent entrance is proposed on the Michigan Street frontage
- no windows to habitable rooms are proposed in the east elevation of the building facing the neighbouring residential property at 330 Michigan Street
- a variety of architectural materials are proposed to articulate street frontages
- parking would be provided underground.

Notwithstanding the above, staff are concerned with the relationship between the proposed building and Michigan Street. As a result of site grade issues, the first floor of the building is set approximately 1 m below the adjacent sidewalk and, as a result, to provide accessible access to the building, a concrete ramp to the main building entrance is proposed immediately adjacent to the City Right-of-Way. The aforementioned Guidelines state that access ramps and related elements should be visually integrated with the overall building design and site plan so as not to appear disjointed from the building façade. Staff recommend that Council require revisions to the satisfaction of the Director of Sustainable Planning and Community Development, refining the south elevation of the proposed building and the front yard to ensure the development provides an effective and attractive street edge on the Michigan Street frontage, prior to a Hearing being scheduled.

### 2.8 Community Consultation

In compliance with the Community Association Land Use Committee Procedures for Processing Variances, the application was referred to the James Bay Neighbourhood Association on July 23, 2014, for a 30-day comment period. No comments were received at the time of writing this report.

This Development Permit Application has variances, therefore, it requires notification, sign posting and a Hearing.

#### 3.0 Issues

The key issues related to this application are:

- parking
- building design
- proposed variances.

#### 4.0 Analysis

#### 4.1 Parking

Schedule C of the *Zoning Regulation Bylaw* requires that a total of 20 parking stalls (1.4 stalls per dwelling unit) be provided in association with the 14-unit multi-family building and that two of these stalls be allocated for visitors. The application proposes one dedicated parking stall per dwelling unit (14 stalls) plus the required visitor stalls. Therefore, the application proposes a variance of four parking stalls. In support of the proposed variance and to mitigate the demand for parking, the applicant has stated that they will be offering future residents BC Transit passes for a period of two years.

While staff consider that the proposed parking provision is acceptable and recommend that Council support advancing this application, it should be noted that the Michigan Street frontage is residential parking only; the Oswego Street frontage is limited-time parking; and on-street parking is heavily utilized in the vicinity of the application site. Any parking demand not accommodated on the subject property will result in residents or visitors looking for on-street parking.

As outlined above, the *Zoning Regulation Bylaw* also requires that two visitor parking stalls be provided, however, these are not indicated on the plans. The applicant has indicated that these stalls will be provided and they will submit revised plans identifying the required visitor parking.

#### 4.2 Building Design

The proposed design is generally consistent with the *Design Guidelines for: Multi-Unit Residential, Commercial and Industrial*, however, staff are concerned with the relationship between the proposed building and Michigan Street. As a result of site grade issues, the first floor of the building is set approximately 1 m below the adjacent sidewalk and, as a result, to provide accessible access to the building, a concrete ramp to the main building entrance is proposed and fully exposed immediately adjacent to the City Right-of-Way. Staff recommend that Council require revisions to the south elevation of the proposed building and the front yard to ensure to ensure the development provides an effective and attractive street edge on the Michigan Street frontage, prior to a Hearing being scheduled. These refinements could involve raising the first floor level of the building adjacent to Michigan Street or screening the proposed ramp with an attractive planter wall (consistent with the Oswego Street interface) and providing enhanced articulation of the first floor.

#### 4.3 Proposed Variances

In addition to the parking variance identified above, the application proposes variances to the front, rear and side (east) setbacks and lot size.

The Zoning Regulation Bylaw requires a 10.5 m front yard setback from Michigan Street. The application proposes a 3.65 m setback which is generally consistent with other properties located in the immediate vicinity.

The east elevation of the proposed building would be set back 3.55 m from the property boundary. However, part of the proposed underground parkade structure partially emerges from the ground on the property boundary resulting in no setback. To mitigate any potential overshadowing or privacy impacts on the adjacent property at 330 Michigan Street, no windows

to habitable rooms are proposed in the east-facing elevation of the proposed building and the proposed building height is limited to 14.14 m (whereas the existing zone allows for a building height up to 18 m).

The application proposes a 5.88 m rear setback compared to the 7.07 m setback required by the *Zoning Regulation Bylaw*. As a result, the rear elevation of the proposed building would be situated approximately 10 m from the neighbouring residential building at 331 Oswego Street with the proposed parkade access being located between the properties. Staff consider this setback to be acceptable and acknowledge that, to minimize overshadowing impacts, the proposed building height is approximately 4 m below the building height allowance identified in the existing zone.

The existing zone requires a minimum lot area of 920 m<sup>2</sup>. The actual lot size is only 800.8 m<sup>2</sup>; however, this is an existing condition, the site is already occupied by a multi-family dwelling and the proposed design demonstrates that a larger building can be satisfactorily accommodated on site.

In light of the above, staff recommend that Council support the proposed variances.

#### 5.0 Resource Impacts

There are no resource impacts anticipated with this application.

#### 6.0 Conclusions

The proposed Development Permit with Variances Application is generally consistent with the Design Guidelines for: Multi-Unit Residential, Commercial and Industrial, however, staff recommend that Council request revisions to the south elevation of the proposed building and the front yard to ensure a positive street relationship with Michigan Street. Subject to the recommended plan revisions, which also include identifying the required visitor parking stalls, staff recommend that Council advance this application to a Hearing.

#### 7.0 Recommendations

#### 7.1 Staff Recommendations

That Council schedule a Hearing to consider Development Permit with Variances #000370 for 300 Michigan Street, in accordance with final approved plans, subject to:

- 1. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - a. Section 3.3.9 Relaxation of the minimum lot size from 920 m<sup>2</sup> to 800.8 m<sup>2</sup>;
  - b. Section 3.3.10 Relaxation of the minimum front setback from 10.5 m to 3.65 m:
  - Section 3.3.13 Relaxation of the side (east) setback from 7.07 m to nil;
  - Section 3.3.13 Relaxation of the rear setback from 7.07 m to 5.88 m;
  - e. Schedule C Section 16.B.12 (b) Relaxation from 1.4 spaces per unit (20 stalls) to 1.14 spaces per unit (16).

- 2. The submission of revised plans, to the satisfaction of the Director of Sustainable Planning and Community Development, that:
  - refine the south elevation of the proposed building and the front yard to ensure the development provides an effective and attractive street edge on the Michigan Street frontage;
  - b. identify two visitor parking stalls.
- Council authorizing anchor-pinning into the City right-of-way provided that the applicant enters into an encroachment agreement in a form satisfactory to the City Solicitor and the Director of Engineering and Public Works.
- 4. Final plans to be in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

# 7.2 Alternate Recommendations (Without Design Refinements)

That Council schedule a Hearing to consider Development Permit with Variances #000370 for 300 Michigan Street, in accordance with plans date stamped July 11, 2014, subject to:

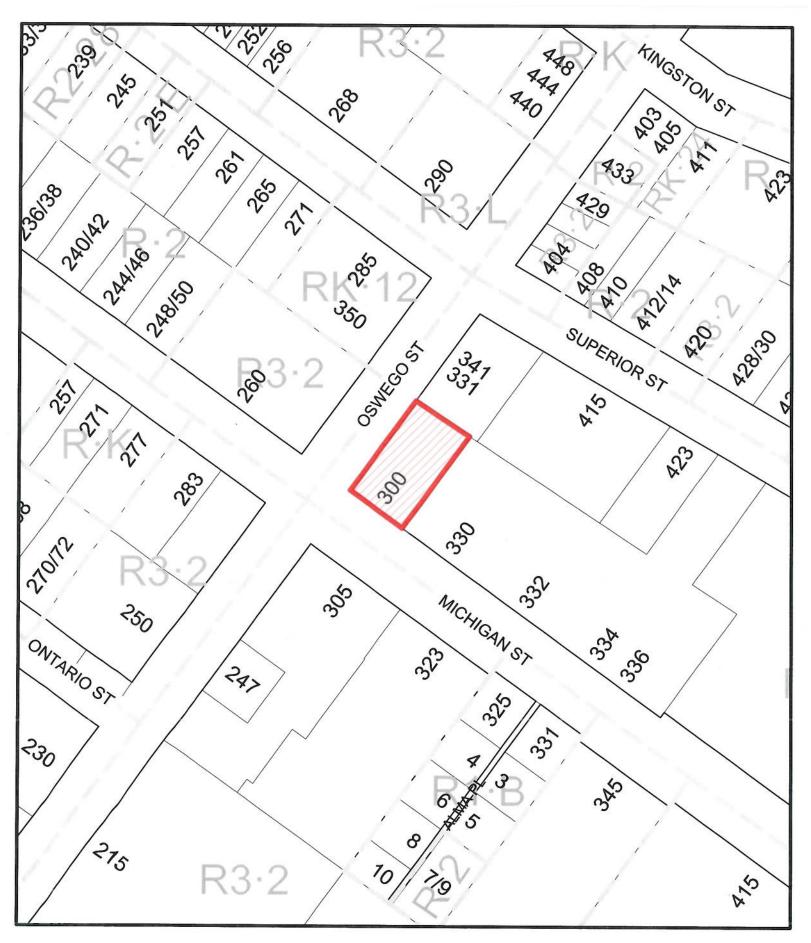
- 1. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - a. Section 3.3.9 Relaxation of the minimum lot size from 920 m<sup>2</sup> to 800.8 m<sup>2</sup>:
  - b. Section 3.3.10 Relaxation of the minimum front setback from 10.5 m to 3.65 m;
  - Section 3.3.13 Relaxation of the side (east) setback from 7.07 m to nil;
  - Section 3.3.13 Relaxation of the rear setback from 7.07 m to 5.88 m;
  - e. Schedule C Section 16.B.12 (b) Relaxation from 1.4 spaces per unit (20 stalls) to 1.14 spaces per unit (16).
- The submission of revised plans, to the satisfaction of the Director of Sustainable Planning and Community Development, that identify the provision two visitor parking stalls.
- Council authorizing anchor-pinning into the City right-of-way provided that the applicant enters into an encroachment agreement in a form satisfactory to the City Solicitor and the Director of Engineering and Public Works.
- Final plans to be in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

#### 7.3 Alternate Recommendation

That Council decline the application.

#### 8.0 List of Attachments

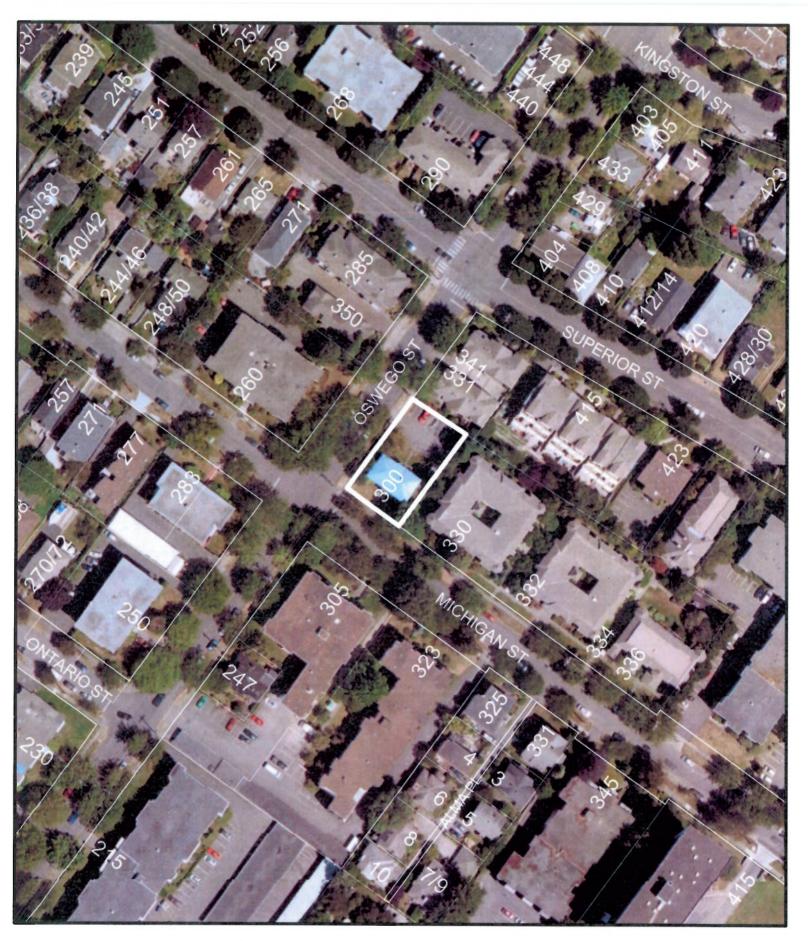
- Zoning map
- Aerial map
- Letter from applicant dated July 24, 2014
- Plans dated July 11, 2014.





300 Michigan Street
Development Permit #000370







300 Michigan Street
Development Permit #000370





Received City of Victoria

JUL 2 4 2014

Planning & Development Department Development Services Division

10 July 2014

City of Victoria Planning Department #1 Centennial Square Victoria, British Columbia, V8W 1R6

Attention:

Mayor and Council

Re:

300 Michigan Street, Victoria British Columbia

Your Worship Mayor Fortin and Council,

We are pleased to submit this development permit application for a 14 unit residential condominium project at the corner of Oswego and Michigan Streets in James Bay. The property is zoned R3-2 and allows for multi-family residential. The surrounding properties adjacent and around this site are all multi-family residential buildings.

The property is only 880.6 square metres and the R3-2 bylaw requires a minimum of 920 square metres. In order to redevelop this remaining parcel, we are requesting a variance from the minimum parcel size.

Further to the City's TRC meeting, we have redesigned our project to address the concerns that have been brought forward. We have made the following changes:

- Lowered the underground parking into the ground so the individual entrances along
   Oswego Street now have direct connections to the public sidewalk
- The main entrance to the building now faces the street and has a strong presence
- We have redesigned the corner of the building so it contributes to both streets
- The base of the building is articulated and faced with a different material
- The parking garage door is now located at the rear and is not prominent
- The top floor has been designed to step back from the lower floors by reducing the building by one unit
- The building mass has been mitigated with different materials, differences in the roofline, articulation of the building faces and stepping back of the top floor

As the property is located between the legislative precinct and James Bay Square, the location is very walkable to work, shopping, and for leisure. We are requesting a variance from the requirement of 20 parking stalls under Schedule C of the bylaw to 16 stalls. We have more than one bicycle parking stall per unit and we have a 6 stall bicycle rack in the front entryway. We will also be offering BC Transit passes to our purchasers for a duration of two years.

The setbacks requested are similar to the setbacks of the adjacent buildings and will integrate well within the existing neighbourhood. The building takes advantage of views towards the street frontages and we have provided generous setbacks towards the adjacent residential units to the east to maintain privacy and overlook. The closest element to the east property line is our stairwell and the only windows facing the building to the east are small horizontal windows located in our bathrooms.

Sustainability features for this site include deconstruction of the existing building, densification, water conservation, energy efficient appliances and light fixtures, natural ventilation, recycle content in materials to be used, use of non-toxic materials, and diversion of construction waste from the landfill.

Our arborist has had discussions with the parks department and the large Sycamore tree on the southeast corner of the site is overly mature and will be removed during construction. As part of the tree preservation plan, replacement trees will be planted.

We feel that this small 14 unit condominium project will be an asset to the neighbourhood. The building will complement the adjacent multi-family dwellings and will integrate into this neighbor.

We thank you for your consideration of the variances request. We look forward to your favourable consideration.

Yours truly,

Alan Lowe

Alan Lowe Architect Inc.

Howkore

cc. Client





# 300 MICHIGAN STREET - SUSTAINABILITY STATEMENT

Parcel Address:

300 Michigan Street

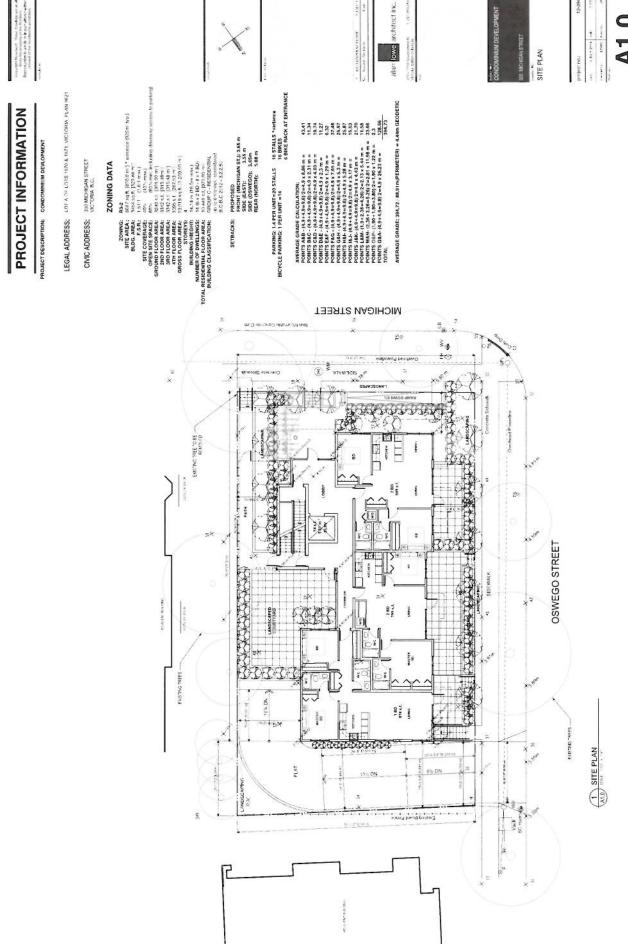
# **Environmental Indicators**

The project is located at the corner of Michigan and Oswego Street within walking distance to the Legislative Precinct / Downtown and the James Bay Urban Village area. The site has a three storey multi-family dwelling with surface parking. The building is tired, has not been well maintained and has a tarp on the roof. The site is located adjacent to three and four storey multi-family dwellings. As the site has been developed in the past, the site does not support ecologically sensitive areas.

The project will see the construction of a new 14 unit, four storey multi-family residential building with one level of underground parking. The building will be located towards the Michigan Street end of the site with the entrance to the underground parking at the lower end of the site.

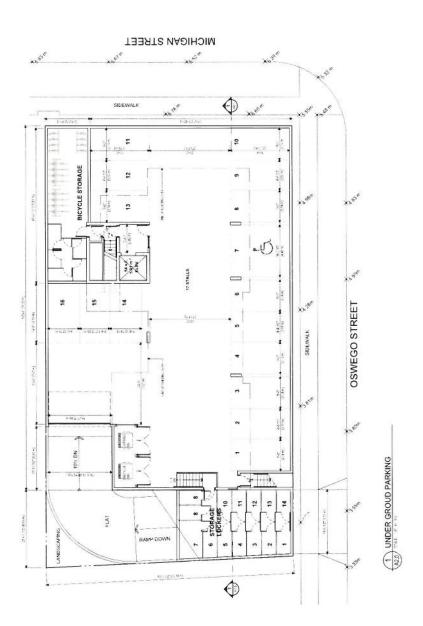
General building sustainable initiatives proposed are as follows:

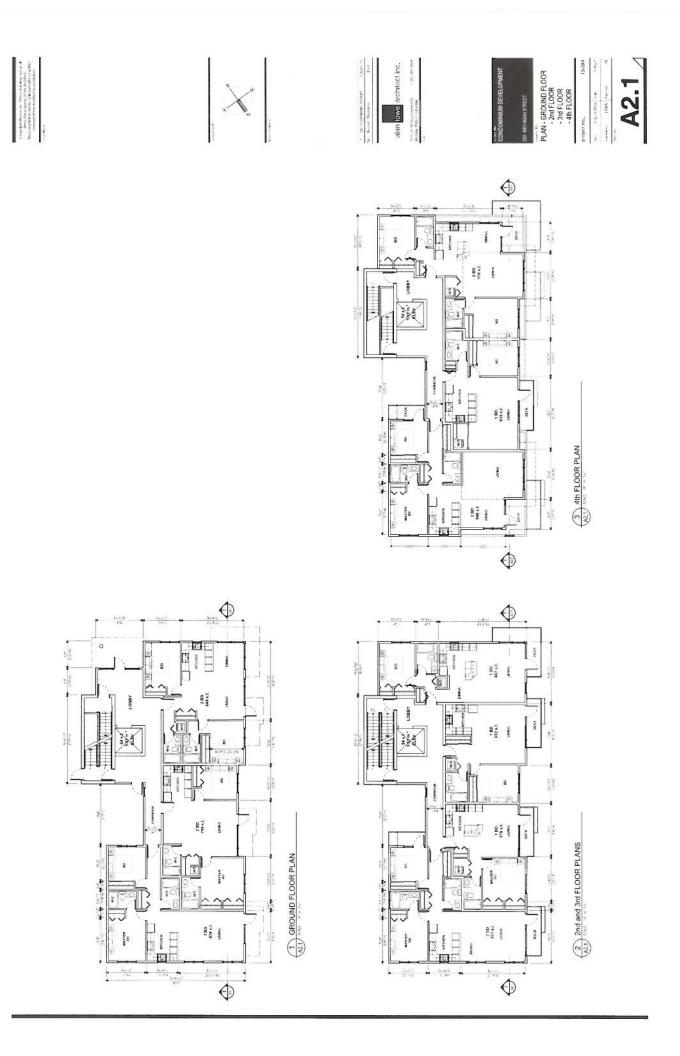
- Redevelop an existing site with higher density to minimize urban sprawl
- Reduction in required parking stalls/ increase in bicycle parking ( 16 secured / 6 at entrance ) to encourage alternate modes of transportation and walking
- BC Transit passes provided to purchasers for first two years
- Deconstruction of existing building
- Water conservation low-flow plumbing fixtures, dual flush toilets
- Energy efficient appliances and light fixtures
- Operable windows for natural ventilation
- Use of recycled content in materials
- Use of non-toxic materials
- Diversion of construction waste from landfill



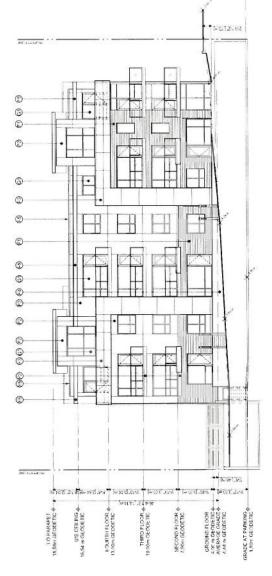
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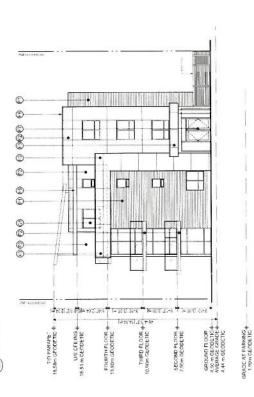




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SOUTH ELEVATION (MICHIGAN STREET)

alan lowe architect Inc.

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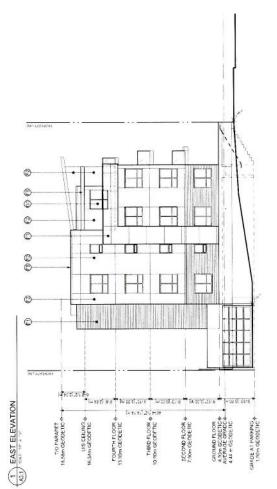
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