

# Planning and Land Use Committee Report

Date:

March 6, 2014

From:

Mike Wilson, Senior Planner - Urban Design

Subject:

**Development Permit Application with Variances #000348 for 815 Queens Avenue** - To increase the permitted height and site coverage and to decrease required setbacks and open site space to construct an eight-unit apartment

building

## **Executive Summary**

The purpose of this report is to provide information, analysis and recommendations regarding a Development Permit Application with Variances for the property located at 815 Queens Avenue. The application is to increase the permitted height and site coverage and to decrease required setbacks and open site space to construct an eight-unit apartment building.

This site was rezoned in 2013 to a new, site-specific zone. The project is currently under construction. Due to drafting errors within the applicant's drawings that were submitted as part of the Rezoning Application, the applicant now requires variances for height and setbacks. Staff became aware of the issue after the Building Permit had been issued. At the time of issuance of Building Permit the plans were in compliance with the *Zoning Regulation Bylaw*. The applicant also wishes to add an additional parking stall in the rear yard to address community concerns with respect to on-street parking.

The following factors were considered in the analysis of this application:

- The application is generally consistent with City policy for the area.
- The applicant proposes an increase in building height of 0.43 m. The proposed building is not out of scale with the immediate streetscape context of the site, including a two-storey apartment building and church. Staff recommend that the Committee support the proposed increase in height.
- The applicant is proposing a 0.9 m increase in this permitted projection for the front stairs Staff recommend that the Committee support this variance as it does not negatively impact the building's street relationship.
- In response to community concerns relating to the lack of on-street parking in the area, the applicant proposes to add an additional parking stall in the rear yard. This additional paved surface triggers the need for variances for open site space and site coverage. This parking stall negatively impacts the liveability of this dwelling unit as it permits a vehicle to be parked within 0.78 m of the building face, effectively reducing access to natural light in the living area and providing the occupants of the unit with the view of a parked vehicle. As a result staff cannot recommend support of these requested variances.

• The applicant proposes to replace the drive-aisle and parking area surface with concrete instead of asphalt. Staff recommend this change be supported. The applicant further proposes to replace paving stone inserts in the concrete with stamped concrete. Given the high site coverage and low open site space requirements in this zone, staff recommend that a permeable surface be installed in these portions of the drive-aisle and parking area.

Although this application is generally consistent with the relevant policies for this area, staff recommend that the Committee request revisions to the landscape and parking layout to ensure consistency with the applicable design guidelines. With these additional revisions, staff recommend that the Committee support this application.

In accordance with the City's Land Use Procedures Bylaw, because this application contains variances, it requires notice, sign posting and a public hearing.

#### Recommendations

That Development Permit Application with Variances #000348 for 815 Queens Avenue proceed to a Public Hearing subject to:

- revision of the paving treatment in the rear parking area and driveway to provide permeable unit pavers (or similar) instead of stamped concrete, to the satisfaction of the Director of Sustainable Planning and Community Development
- revision to the parking layout to reduce the proposed number of parking stalls from 8 stalls to 7 stalls and to enhance the landscaping in place of the eliminated parking stall, to the satisfaction of the Director of Sustainable Planning and Community Development
- Plans date stamped "Development Permit #000348, dated February 6, 2014"
- Final plans as amended to be in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

Respectfully submitted,

Mike Wilson

Senior Planner - Urban Design

**Development Services** 

Deb Day, Director

Sustainable Planning and

Community Development Department

Date: Much 13, 2014

Report accepted and recommended by the City Manager:

Jason Johnson

MW/ljm

### 1.0 Purpose

The purpose of this report is to provide information, analysis and recommendations regarding a Development Permit Application with Variances for the property located at 815 Queens Avenue. The application is to increase the permitted height and site coverage and to decrease required setbacks and open site space to construct an eight-unit apartment building.

## 2.0 Background

This site was rezoned to a new site-specific zone in 2013. The apartment building is currently under construction. City staff issued a Development Permit - Minor Amendment in 2013 to allow changes to the exterior finishes and location of windows.

## 2.1 Description of Proposal

The application is to construct an eight-unit apartment building with eight surface parking stalls in the rear yard. Due to drafting errors within the applicant's drawings that were submitted as part of the Rezoning Application, the applicant now requires variances for height and setbacks. Staff became aware of the issue after the Building Permit had been issued. At the time of issuance of Building Permit the approved plans were in compliance with the *Zoning Regulation Bylaw*.

The applicant also wishes to introduce an additional parking stall in the rear yard. The additional parking stall triggers the need for variances for site coverage and open site space.

## 2.2 Existing Site Development and Development Potential

The existing zone permits the construction of a multiple dwelling building with a floor space ratio of up to 0.82:1 and a height of 8.8 m.

#### 2.3 Data Table

The following data table compares the proposal with the existing R-71 Zone. 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	671	670
Total floor area (m²) – maximum	547	550
Density (Floor Space Ratio) – maximum	0.81:1	0.82:1
Lot Width (m) – minimum	18.4	18
Height (m) – maximum	9.23*	8.8
Site coverage (%) – maximum	33*	32
Open site space (%) – minimum	26.6*	29

Storeys – maximum	3	3
Setbacks (m) – minimum		
Front (North)	6	6
Projections	4.2* – Stairs 0.49 – Cantilever	3.3 – Stairs 1.0 – Cantilever
Rear	15.37	14.5
Side – West	1.8	1.8
Side – East	3.13	3
Parking – minimum	8	7
Visitor parking – minimum	1	1
Bicycle storage – minimum	8	8
Bicycle rack – minimum	6	6

## 2.4 Land Use Context

The following land uses are located in the immediate area:

- to the north across Queens Avenue is a single family dwelling in the R-2 Zone
- to the south is a single family dwelling with a secondary suite in the R-2 Zone
- to the east is a church and surface parking area located in the R-2-CH Zone
- to the west is a two-storey, four-unit apartment building in the R-2 Zone.

## 2.5 Legal Description

Lot 20, Block 8, Section 3, Victoria District, Plan 62.

## 2.6 Relevant History

#### 2.6.1 Rezoning Application #00328 for 1955-1971 Oak Bay Avenue, 1091 Amphion Street

The applicant was granted Council approval to construct a four-storey mixed use building at 1955-1971 Oak Bay Avenue and 1091 Amphion Street. With this application, Council approved the demolition of seven self-contained dwelling units on the site, subject to the terms of a Housing Agreement as authorized by Section 905 of the *Local Government Act*.

The Agreement states that the Owner shall maintain not less than seven dwelling units for rental housing in the new building at 1955-1971 Oak Bay Avenue and 1091 Amphion Street until such time as:

- (a) an occupancy permit is issued by the City for 13 boarding house rooms or not less than seven dwelling units for the property located at 815 Queens Avenue;
- (b) a Housing Agreement being registered against title of 815 Queens Avenue to secure either 13 boarding house rooms or not less than seven dwelling units as rental units for at least 10 years.

As part of Rezoning Application #00370 for the subject property, the owner has entered into a housing agreement to maintain all eight of the units as rental units for a period of not less than 10 years. Council also issued a Development Permit to construct an eight-unit apartment building on the property. The building is currently under construction.

## 2.7 Consistency with Design Guidelines

The subject property is designated within Development Permit Area 16, General Form and Character. The objectives of the designation are to integrate multi-unit residential buildings in a manner that is complementary to established place character of a neighbourhood, including its heritage character. Other objectives include enhancing character and streetscapes through the high quality of architecture, landscape and urban design.

Design guidelines that apply to Development Permit Area 16 are the *Design Guidelines for Multi-Unit Residential, Commercial and Industrial; Advisory Design Guidelines for Buildings, Signs and Awnings*; and the *Guidelines for Fences, Gates and Shutters*. Staff are satisfied that the proposal is generally consistent with the applicable guidelines and have provided further analysis of the proposed variances in Section 4.0 of this report.

## 2.9 Community Consultation

In compliance with the Community Association Land Use Committee (CALUC) Procedures for Processing Variances, the application was referred to the North Park CALUC on February 17, 2014, for a 30-day comment period. No comments were received at the time of writing this report.

In accordance with the City of Victoria Land Use Procedures Bylaw, this Development Permit Application has variances; therefore, it requires notification, sign posting and a public hearing.

## 3.0 Issues

The key issues related to this application are:

- increase in building height
- reduction in front yard setback
- addition of parking stall and landscape amendments.

#### 4.0 Analysis

## 4.1 Proposed Increase in Building Height

The applicant proposes an increase in building height of 0.43 m. This is a result of a drafting error by the applicant at the design phase. Staff acknowledge that the proposed building will be slightly larger and taller than some houses on Queens Avenue; however, the building height is mitigated by the proposed building form and neighbouring buildings. By retaining much of the existing dwelling, the character of a large single family dwelling is maintained while the roof form and mix of exterior materials serve to break down the proposed building's mass. Moreover, the proposed building is not out of scale with the immediate streetscape context of the site, including a two-storey apartment building and church. Staff recommend that the Committee support the proposed increase in height.

## 4.2 Proposed Reduction in Front Yard Setback

The front stairs are permitted to project 3.3 m into the front yard setback. The applicant is proposing a 0.9 m increase in this permitted projection. The setback as initially proposed with the rezoning application did not adequately consider the requirements of the rise and run of the stairs in relation to the height of the second floor. As a result, additional stairs are required to meet building code. Staff recommend that the Committee support this variance as it does not negatively impact the building's street relationship.

### 4.3 Proposed Addition of Parking Stall and Landscape Amendments

In response to community concerns relating to the lack of on-street parking in the area, the applicant proposes to add an additional parking stall in the rear yard. This additional paved surface triggers variances for open site space and site coverage. This parking stall was part of the original proposal, but was removed as part of a recommendation from staff. Staff asked that the stall be removed in order to provide a landscape buffer between the parking area and the living room window of Unit 3. This parking stall negatively impacts the liveability of this dwelling unit as it permits a vehicle to be parked within 0.78 m of the building face, effectively reducing access to natural light in the living area and providing the occupants of the unit with the view of a parked vehicle.

As a result, staff recommend that the Committee does not support these requested variances and recommend retaining the previously approved seven stall configuration with landscaping treatments.

Additionally, the applicant proposes to replace the drive-aisle and parking area surface with concrete instead of asphalt. Staff are supportive of this change. The applicant further proposes to replace paving stone inserts in the concrete with stamped concrete. Given the high site coverage and low open site space requirements in this zone, staff recommend that the Committee require a permeable surface be installed in these portions of the drive-aisle and parking area.

Despite staff's preference that changes not be made to the parking layout and that the original parking layout be maintained, staff note that there have been community concerns expressed about the availability of parking in the area. Option 2 of this report contains wording that would advance the application to a public hearing, as presented by the applicant.

#### 5.0 Resource Impacts

There are no resource impacts anticipated.

## 6.0 Options

#### Option 1 (Recommended)

That Development Permit Application with Variances #000348 for 815 Queens Avenue proceed for consideration at a Public Hearing subject to:

- revision of the paving treatment in the rear parking area and driveway to provide permeable unit pavers (or similar) instead of stamped concrete, to the satisfaction of the Director of Sustainable Planning and Community Development
- revision to the parking layout to reduce the proposed number of parking stalls from 8 stalls to 7 stalls and to enhance the landscaping in place of the eliminated

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- parking stall, to the satisfaction of the Director of Sustainable Planning and Community Development
- Plans date stamped "Development Permit #000348, dated February 6, 2014"
- Final plans as amended to be in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

## Option 2 (As Submitted by the Applicant)

That Council advance Development Permit Application with Variances #000348 for 815 Queens Avenue for consideration at a Public Hearing subject to:

- Plans date stamped "Development Permit #000348, dated February 6, 2014"
- Final plans as amended to be in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

### Option 3 (Decline)

That Council decline Development Permit Application with Variances #000348 for 815 Queens Avenue.

#### 7.0 Conclusions

The application is generally consistent with the applicable land use policies for the site. The building is slightly taller in height than anticipated by the previously approved Development Permit; however, this is mitigated by the proposed building form, neighbouring context and provision of ground-oriented dwelling units. Staff recommend that the Committee require additional landscaping changes to soften the appearance of hard surfaces on the site and to better address the relationship between the proposed building and the rear parking area. Staff recommend that the Committee support this application with further revisions.

#### 8.0 Recommendation

That Development Permit Application with Variances #000348 for 815 Queens Avenue proceed for consideration at a Public Hearing subject to:

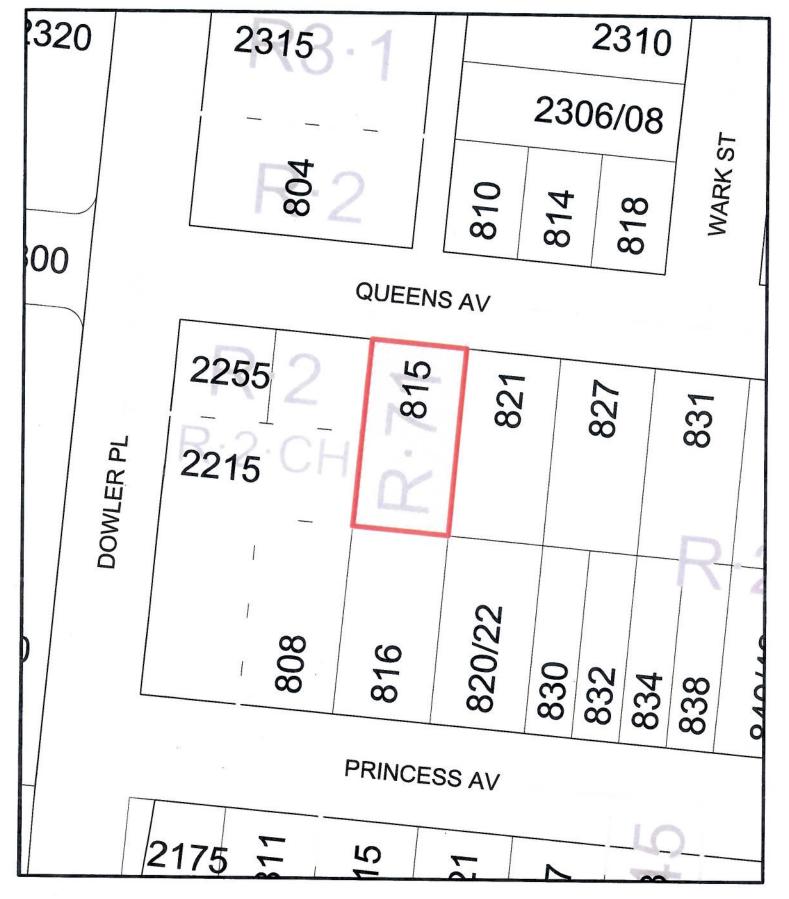
- revision of the paving treatment in the rear parking area and driveway to provide permeable unit pavers (or similar) instead of stamped concrete, to the satisfaction of the Director of Sustainable Planning and Community Development
- revision to the parking layout to reduce the proposed number of parking stalls from 8 stalls to 7 stalls and to enhance the landscaping in place of the eliminated parking stall, to the satisfaction of the Director of Sustainable Planning and Community Development
- Plans date stamped "Development Permit #000348, dated February 6, 2014"
- Final plans as amended to be in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

#### **List of Attachments** 9.0

Zoning map

Development Permit Application with Variances #000348 for 815 Queens Avenue

- Aerial map
- Letter from applicant dated February 6, 2014 Plans dated February 6, 2014.





815 Queens Avenue Development Permit #000348







815 Queens Avenue Development Permit #000348



Received

FFB 0 5 2014

Planning & Development Department Development Services Division



February 6, 2014

City of Victoria No. 1 Centennial Square Victoria, BC V8W 1P6

Attn:

Mayor and Members of Council

Re:

Development Permit Application with Variances

815 Queens Avenue, Victoria, BC

Dear Mayor and Members of Council,

The property located at 815 Queens Avenue has recently received development approvals for the construction and renovation of the existing house into a three-storey eight unit strata-titled rental apartment building. The project is now under construction, and a couple items have come up through the construction phase which has caused us to pursue a Development Permit with Variances.

The subject site is located within the North Park Neighbourhood, and falls within Development Permit Area 16. The form and character of the building's architecture that has already been approved through a Rezoning and Development Permit process <u>will not</u> be altered as a result of the requested variances; rather, the variances are requested to address the following items:

- 1. Building height;
- 2. Projection of entry stairs and electrical room into the front yard setback;
- 3. One additional parking stall in the rear yard; and,
- 4. A change in the paving for the driveway and parking area.

#### ITEM 1

The building height as per the R-71 zoning bylaw is 8.80m. Our requested variance is for 0.58m, resulting in a proposed building height of 9.38m. This difference in height is a result of two items which have come up during the course of construction; however, it is important to note that the geodetic height of the main level will remain unchanged from the height indicated on the original Rezoning and Development Permit Application:

- (i) The as-built main floor ceiling height measurement was inaccurately calculated in the drafting phase of the building's schematic design. The floor-to-floor height of the main level is in fact 0.15m greater than what was previously noted.
- (ii) Secondly, the average finished grade of the site ended up being lower than expected as a result of excavating and grading for the surface parking area in the rear yard. The average finished grade is now 0.32m lower than previously expected. Maintaining a lower finished grade for the site also allows us to avoid using addition stairs within the front walkway leading up to the front entry stairs as well as avoiding stairs leading down to and away from the second exit door at the rear of the building.

#### ITEM 2

The front entry stairs leading up to the front entrance are permitted to project into the front yard setback by 3.30m. Lowering the finished grade of the site (as outlined above) means additional stairs are required in order to make up the difference in height getting up to the main level. These additional required steps causes the front entry stairs to

project further into the front yard setback. The requested variance to accommodate the few extra stairs is for 0.90m, resulting in the front stairs projecting into the front yard setback by 4.20m.

#### ITEM 3

We are proposing to add one additional parking stall to the rear yard of the proposed project. Currently, there are seven parking stalls for eight units, and in an effort to help alleviate some of the on-street parking concerns raised by the community, we would like to add one more stall so that we can provide one parking space per residential unit. Our parking ratio would still be supported by the bylaw; however, this would result in an increase in site coverage and a minimal decrease in open site space.

- The requested increase in site coverage is only 1.0%, varying it from 32.0% to 33.0%
- The requested decrease in open site space is only 2.0%, varying it from 29.0% to 27.0%

#### ITEM 4

We are requesting the unit pavers inlaid throughout the driveway and surface parking area be changed to stamped concrete. This revision will not significantly change the appearance of the driveway and parking area. The stamped concrete is more durable than the previously proposed unit pavers, thereby increasing the sustainability of the paved areas on site.

Lastly, an item came up at the Public Hearing for this proposal held on August 29, 2013 that we would like to address and add in as a voluntary offering in conjunction with this application. The idea of a rent-to-own option was brought up, and we would like to incorporate this offering to the tenants of our building once it is complete. We are excited to be able to offer this option and feel it will further contribute towards a level of affordability and assist in residents transitioning from renters to owners.

Overall, the development proposal is largely in keeping with the form and character already approved through the Development Permit No. 000294, meaning the building's exterior design is the same as previously approved. We are excited to be moving towards a finished and successful project, and respectfully request the variances outlined above.

Sincerely,

Mike Miller President

