

REPORTS OF THE COMMITTEES

2. Planning and Land Use Committee – June 25, 2015

2. Development Permit with Variances Application No. 000388 for 80 Saghalie Road

It was moved by Councillor Coleman, seconded by Councillor Lucas, that after giving notice and allowing an opportunity for public comment, that Council consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 000388 for 80 Saghalie Road in accordance with:

1. Plans date stamped March 13, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. Part 10.42.27 - Increase the allowable maximum floor area for Commercial use from 190.00m² to 938.40m²;
 - b. Part 10.42.31 - Reduce the minimum required open site space from 50% to 45%;
 - c. Part 10.42.32 - Allow commercial uses on all floors rather than only the ground floor;
 - d. Part 10.42.34 (a) - Allow required parking to be located on-site rather than being enclosed;
 - e. Schedule C, Section C(5) - Reduce the required number of parking stalls from 14 to 8.
3. Register a legal agreement on title to limit the commercial use of the buildings and guarantee the future removal of the trailers within 15 to 20 years to the satisfaction of staff.
4. Final plans in to be accordance with the plans identified above the satisfaction of the staff."

Carried Unanimously

3.2 Development Permit with Variances Application No. 000388 for 80 Saghalie Road

Committee received a report dated June 11, 2015 regarding a Development Permit with Variances Application for the property located at 80 Saghalie Road. The proposal is to permit an existing office building on-site and to subdivide the lands.

Action: It was moved by Councillor Lucas, seconded by Councillor Coleman, that Committee recommends that after giving notice and allowing an opportunity for public comment, that Council consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 000388 for 80 Saghalie Road in accordance with:

1. Plans date stamped March 13, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. Part 10.42.27 - Increase the allowable maximum floor area for Commercial use from 190.00m² to 938.40m²;
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 - e. Schedule C, Section C(5) - Reduce the required number of parking stalls from 14 to 8.
3. Register a legal agreement on title to limit the commercial use of the buildings and guarantee the future removal of the trailers within 15 to 20 years to the satisfaction of staff.
4. Final plans in to be accordance with the plans identified above the satisfaction of the staff."

CARRIED UNANIMOUSLY 15/PLUC/140



Planning and Land Use Committee Report

For the Meeting of June 25, 2015

To: Planning and Land Use Committee **Date:** June 11, 2015

From: Leanne Taylor, Planner, Development Services Division

Subject: Development Permit with Variances Application No. 000388 for 80 Saghalie Road

RECOMMENDATION

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

"That Council authorize the issuance of Development Permit with Variances Application No. 000388 for 80 Saghalie Road in accordance with:

1. Plans date stamped March 13, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. Part 10.42.27 - Increase the allowable maximum floor area for Commercial use from 190.00m² to 938.40m²;
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 - e. Schedule C, Section C(5) – Reduce the required number of parking stalls from 14 to 8.
3. Register a legal agreement on title to limit the commercial use of the buildings and guarantee the future removal of the trailers within 15 to 20 years to the satisfaction of staff.
4. Final plans in to be accordance with the plans identified above the satisfaction of the staff."

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, and the 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 80 Saghalie Road. The proposal is to permit an existing office building on-site and to subdivide the lands.

The following points were considered in assessing this Application:

- the proposal is inconsistent with the *Songhees Policy Plan and Design Guidelines 2008*, however, the existing office building and parking lot are temporary
- the existing site office building was installed on the subject property in 2006 to function as development and construction site offices and still remain on-site
- the applicant would like to keep the office building on the subject parcel to support the build-out of the project and, therefore, the building would have to be regulated as a permanent building rather than a temporary building
- the applicant would also like to subdivide Bayview Lot B (parent parcel) into two parcels, which requires Council approval
- the variances are related to increasing the total floor area of the commercial use and allowing the commercial use on all floors, reducing the minimum required open site space, reducing the total required number of parking spaces from 14 to 8 and allowing the parking to be unenclosed on-site.

BACKGROUND

Description of Proposal

The proposal is to permit an existing office building (prefabricated trailers) and to subdivide the lands.

The proposed variances are related to:

- increasing the allowable maximum floor area for Commercial use from 190m² to 938.40m²
- reducing the minimum required open site space from 50% to 45%
- allowing commercial use on all floors rather than contained only on the ground floor
- allowing the required parking to be surface parking rather than enclosed
- reducing the required number of parking spaces from 14 to 8.

Sustainability Features

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

Active Transportation Impacts

The applicant proposes the following features which support active transportation:

- six bicycle spaces (3 Class 1 and 3 Class 2).

Existing Site Development and Development Potential

The site is presently occupied by an existing office building and the remainder of the site is undeveloped. The maximum density (Floor Space Ratio) permitted on the site is 0.72:1 and could be developed as multiple dwellings, commercial and live-work.

Data Table

The following data table compares the proposal with the SSR Zone, Saghalie Road District. An asterisk is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposal	Zone Standard SSR Zone
Site area (m ²) - minimum	3842	3842
Density (Floor Space Ratio) - maximum	0.24:1	0.72:1
Total commercial floor area (m ²) - maximum	938.4*	190.0
Height (m) - maximum	6.99	17
Storeys - maximum	2	5
Location of commercial use	All Floors*	Ground floor only
Open site space % - minimum	45*	50
Setbacks (m) - minimum		
Front (north)	10.9	3
Rear (south)	12.1	10
Side (east)	12.3	3
Side (west)	19.2	6
Parking - minimum	8*	14
Parking location	Surface (unenclosed)*	Enclosed
Bicycle parking stalls (minimum)	6	3

Relevant History

The existing office building on the property was installed in 2006 as a site trailer for construction of Bayview Phase 1. Following completion of the project, the building was not removed and was converted to office uses and a sales centre in support of the Bayview project. The building improvements were carried out without Planning or Building Permit approvals from the City.

In August of 2014, Council passed a resolution to waive the application of the Clean Hands Policy for Planning Approvals for the site.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on April 19, 2015, the proponent met with the Victoria West CALUC. A letter from the CALUC is attached to this report.

This Application proposes variances, therefore, in accordance with the City's *Land Use Procedures Bylaw*, it requires notice, sign posting and a Hearing 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 building on-site was constructed without permit and without consideration of the *Songhees Policy Plan and Design Guidelines*.

The applicant recognizes that it may be challenging for the existing building to be considered consistent with the applicable Guidelines. Moreover, over the long term, it is the applicant's goal to develop the site with a new multi-unit residential building that is consistent with the *Zoning Regulation Bylaw* and the applicable design guidelines. As a result, the applicant is willing to enter into a legal agreement that indicates when the building would be removed from the site. The applicant is amenable to the following terms:

- The building shall only be used for a period of 15 years from the date of registration of the agreement on title.
- That after the 15-year term, the City may request that the owner remove the building from the lands within a one-year time frame, at the owner's cost.
- Notwithstanding the above, the Owner may, by notice in writing to the City's Director of Sustainable Planning and Community Development, not earlier than nine months and not later than six months prior to the expiry of the Term, request that the Term be extended for a further five-year period from the expiry of the Term. The Director will grant the Owner's request if the development is proceeding in a reasonably prudent manner.

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

Regulatory Considerations

Parking Variance

A parking variance is required as the existing parking layout does not provide the required number of parking spaces in accordance with Schedule "C": Off-street Parking Regulations. The existing office building requires 14 parking spaces. There are currently eight on-site parking spaces that comply with the regulations and 14 parking spaces that do not meet the minimum size and layout standards and cannot be counted towards the on-site parking calculation, and therefore the requested variance is of a technical nature. Staff have no concerns with the parking variance as there is sufficient on-street and off-street parking

available in the area. Should these lands redevelop in the future, the parking variance would no longer apply.

Subdivision

The applicant proposes to subdivide the lot into two separate parcels. As there is no road frontage on Kimta Road, vehicle and emergency access would be provided by a long driveway adjacent to the E&N Railway and Kimta Road. From a site-planning perspective, this condition is not ideal, however, due to the constraints of the Railway Corridor and the slope of the site, this access road would provide access to parking garages and facilitate the required emergency access.

CONCLUSIONS

The applicant is requesting the approval of the existing site office and sales centre on the subject lands. The applicant is willing to enter into a legal agreement to ensure that the building will be removed after a period of 15 or 20 years. Ultimately, it is the applicant's intent to construct a new multi-unit residential building on the property that is consistent with the *Zoning Regulation Bylaw* and the applicable design guidelines within the *Official Community Plan*.

ALTERNATE MOTION

That Council decline Development Permit with Variances Application No. 000388 for the property located at 80 Saghalie Road.

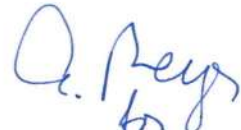
Respectfully submitted,



Leanne Taylor
Planner
Development Services Division



Alison Meyer, Assistant Director
Development Services Division
Sustainable Planning and
Community Development
Department



Andrea Hudson
Acting Director
Sustainable Planning
and Community
Development
Department

Report accepted and recommended by the City Manager:



Jason Johnson

Date:

June 15, 2015

LT:aw

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List of Attachments

- Zoning map
- Aerial photo
- Letter from Victoria West Land Use Committee
- Letter from Focus Equities dated September 14, 2015
- Plans date stamped March 13, 2015.





80 Saghalie Road
Development Permit #000388



April 13, 2015



City of Victoria
#1 Centennial Square
Victoria, BC
V8W 1P6

Attention: Alicia Ferguson, Secretary
Sustainable Planning and Community Development Department,
Development Services Division

Dear Alicia:

Re: Development Permit Application #000388 for Saghalie Road

On Thursday, April 19th, 2015, the Victoria West Community Association Land Use Committee met with the proponent of the above noted development permit application.

The Victoria West Land Use Committee has no objection to the requested variances.

Yours truly,


Doran Musgrove
Chair, Victoria West Land Use Committee

DM/css

June 3, 2015

City of Victoria
1 Centennial Square
Victoria, BC V8W 1P6



Attention: Mayor and Council

Re: 80 Saghalie Road, Site Office Buildings, Development Permit Application with Variances

Dear Mayor Helps and Members of Council:

We are writing with regard to two upcoming Development Permit applications to permit subdivision of the subject parcel and to regulate the existing site office trailers, allowing them to remain in support of the ongoing build-out of the Bayview Place project.

Subdivision Application

The property at 80 Saghalie Road is part of the Bayview Place lands and received rezoning approval on October 24, 2013 to include seniors' housing as a permitted use on the eastern parcel, proposed Lot A. The subdivision will create the seniors' housing Lot A and retain the remnant Lot B for future mixed-use (multiple residential and commercial) development in accordance with the zoning. The preliminary plan of subdivision was submitted and reviewed during the rezoning process and was designed specifically to allow for the interim retention of the trailers on proposed Lot B to serve as the temporary site offices for the project.

Construction History

As background, the site office trailers were originally installed on the property in 2006 to function as the development and construction site offices when the initial Bayview One building was under construction. The buildings are composed of pre-fabricated trailers, assembled together to create the commercial office space.

Prior to installation, the project team engaged with the City of Victoria Planning and Building Department to seek direction on the necessary approvals and was advised that the City does not require Development Permits or Building Permits for such site office trailers. Applications for the required electrical and infrastructure services connection permits were submitted and issued by the City. The project's civil, structural and geotechnical engineers all provided input to the siting, layout and installation of the trailers on site. The trailers were installed on a concrete foundation to account for the sloped topography. The exterior of the trailers were clad in metal siding to present a high quality finish, to be commensurate with the Bayview Place development and respectful of the surrounding residential neighbourhood. This work to transform the previously used trailers into an attractive site office was advanced at significant expense to the project and was made in a concerted effort to be a good neighbor to the community while the project is under construction.

As the master developers of approximately 20 acres of land at Bayview Place, which includes the Bayview and Roundhouse properties, Focus Equities is responsible for ongoing build-out through a multi-phase development process. Accordingly, the site office trailers have been and will continue to be utilized to support overall development management as well as serving as a presentation sales centre for individual phases of the project, including Bayview One and Promontory. It is anticipated that the site office trailers will be required to support the build-out of the project over the coming years and that retention of the buildings in their current location would be less disruptive to the neighbourhood than relocating them around the site phase-by-phase. We believe Bayview Place is in a unique position relative to other development sites in Victoria in that the combined master plan includes at a minimum a further 8 future phases of construction. While we remain confident in the strength of Victoria's market, we

also know from past and current experience that the uptake or absorption of units is achieved at a slower pace than in other markets.

Required Approvals

We understand the City is now suggesting that the buildings be regulated as permanent buildings, rather than temporary buildings as was the intent and classification at original installation. We have been advised that the Development Permit applications referred to below are required.

There are two separate trailer assemblages, with the eastern building encompassing approximately 183 m² on the main floor and the western building encompassing approximately 267 m² on the main floor. The basement level includes approximately 487 m². The total gross floor area is approximately 914 m². Commercial use is permitted in the current zoning; the buildings do not exceed the permitted density of the zone; and the buildings are sited according to the zoning regulations. Attached for your information is documentation from RJC structural engineers with respect to the trailer assemblages.

Three Development Permit applications are submitted along with this letter. The first will allow subdivision of the property, resulting in a freestanding parcel for seniors' housing use on Lot A. The second DP application with variances will regulate the site office trailers on Lot B allowing them to remain as temporary buildings. The third DP Application allows for a parking variance, reducing the required parking spaces from 14 to 8 (note: the site presently provides 22 parking spaces, but only 8 conform to current City parking standards). The following variances are necessary to allow the existing trailers to remain as currently constructed:

- Vary the maximum amount of commercial floor area permitted in any one building from maximum of 190 m² to the amount as constructed.
- Vary the location of the commercial use from being limited to the ground floor of a building only to allow both ground floor and basement commercial use locations.
- Vary the requirement for parking to be enclosed to allow retention of the current surface parking area.
- Vary the minimum amount of Open Site Space to allow retention of the current surface parking area.
- Vary the parking requirement to 8 parking spaces instead of 14.

We note that the intent of the Songhees Hillside Urban Design Guidelines is to ensure a high quality neighbourhood setting and to regulate the form and character of permanent buildings and landscapes. The temporary trailers and the surrounding entry landscape are finished to a high quality, beyond that typical of other development sites and in keeping with the intent of the guidelines. However, as temporary buildings, they were not designed nor intended to meet the full spectrum of the Songhees Hillside Urban Design Guidelines.

Focus Equities is committed to advancing the Bayview Place development and achieving a positive community result, and asks that the Development Permit with Variances be granted to allow retention of the temporary buildings to serve the build-out of the project. The trailers were never intended to be permanent buildings and they will be removed when development of this portion of the site is advanced.

We have worked at length with staff in recent months to collaboratively reach a proposed resolution to this matter. A Section 219 Restrictive Covenant has been prepared and will be registered prior to advancement of the application to Public Hearing. The covenant limits the commercial use of the buildings to general office use related to real estate development, construction and marketing and as a show suite and discovery centre. The covenant also guarantees future removal of the trailers.

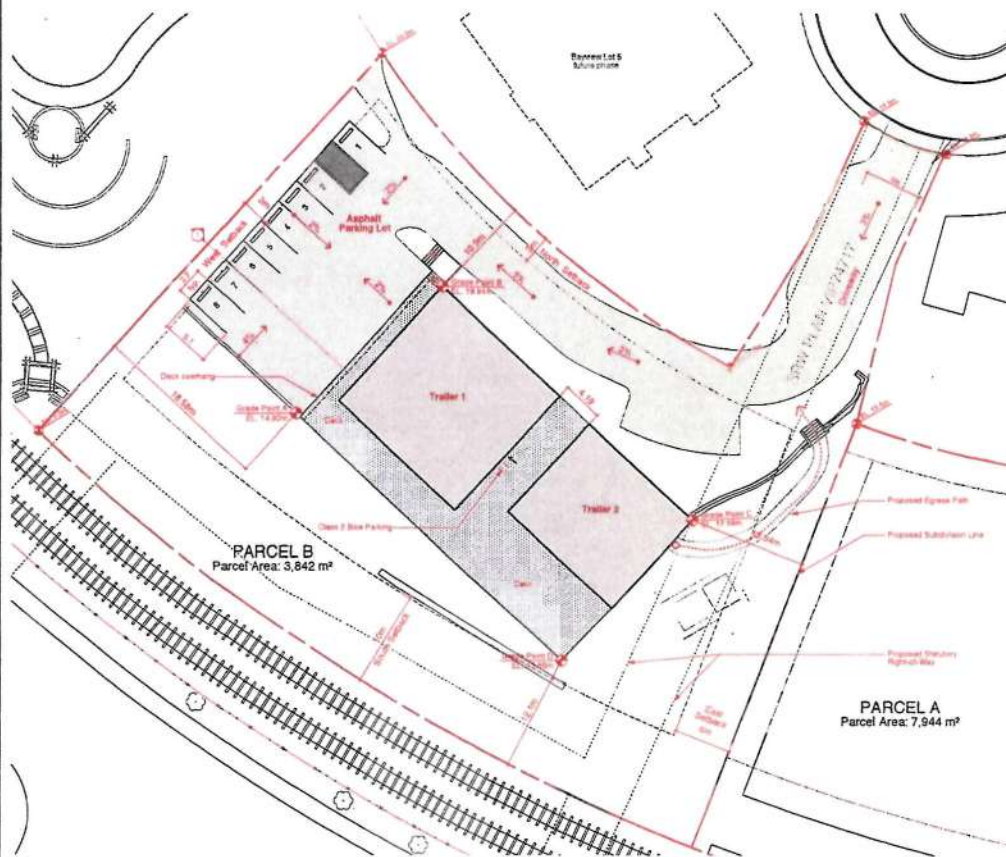
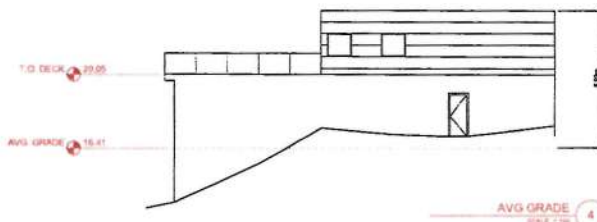
Respectfully,


David Fullbrook
Focus Equities



Grade Points	Average of Points	Distances from Grade Points	Totals
Points A5B	17.37	20m	347.40
Points B5C	16.7	37.3m	697.51
Points C6D	15.71	20m	314.20
Points D6A	14.38	37.3m	536.37
			1895.48
Grade Calculation			
	Perimeter of building		115.51
	Avg. grade		16.47m

Note: See Plan for grade point locations.



SURVEY SITE PLAN (3)

TEMPORARY OFFICE BUILDINGS
80 SAGHALIE ROAD, VICTORIA BC V9A 0A1

Zone (setback)	Zone Standard SSR Zone 1A-3A	Proposed SSR Zone 1A/3A
Site Area (m²)	3942 m ²	3642 sqm
Use	Multi-Residential / Commercial / Live-Voc	Commercial - Part 3 / Occupancy D
Area		769 sq.m
Commercial Floor Area	Maximum: 150 m ² if any one building	838.4 sq.m
Sprinklered		No
Sting	Commercial use may be located only on the ground floor of a building.	Commercial use stated on the ground floor and on the first above ground floor.
Floor Space Ratio	Maximum 0.74 to 1	0.74 to 1
Lot Coverage %	Maximum 40%	29% (note: includes deck and stairs)
Open Site Space %	Maximum 59%	45%
Height of Building (m)	Maximum 7.3m at 5 story	7.0m (=23.47m - parking)
Building Setbacks (m)		
North 3m		10.9m
East 5m		12.5m
South 10m		12.1m
West 5m		19.2m
Parking stalls on site	1 space per 65 m ² = 14 motor vehicles parked	8 on site
Bicycle parking (storage and rack)	1,026 m ² of GFA for the 1st 5000 m ² of area, + additional 55% (Class 1, Class 2)	8 spaces provided (1) Class 1 spaces provided within building (3) Class 2 spaces provided on site
Sting	All parking must be an enclosed parking	Surface parking to name the

A101	Project Information / Survey Site Plan
ID-0.2	Floor Plan: Ground Floor - As Built
ID-1.2	Floor Plan: Second Floor - As Built
A-1.1	Excavation - As Built
A-1.2	Excavation - As Built
A102	Partial Plan

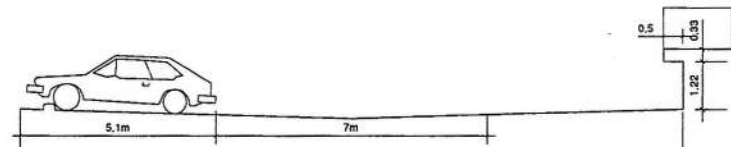
These drawings have been prepared in part based upon information furnished by others. While the information is believed to be reliable, the Architect assumes no responsibility for the accuracy of the "as-built" drawings or for any errors or omissions that may have been incorporated into it as a result of incorrect information provided to the Architect. Those relying on this record document are advised to obtain independent verification of its accuracy.

Received
City of Victoria

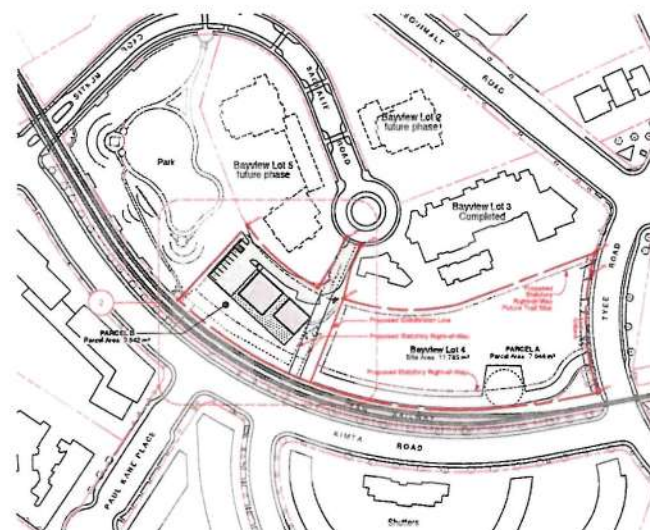
JUN 03 2015

Planning & Development Department
Development Services Division

FOR INFORMATION ONLY
NOT FOR CONSTRUCTION



SECTION 2 PARKING LOT 2
SCALE 1"=20'



PROPOSED SUBDIVISION KEYPLAN

DIALOG®



FOCUS
EQUITIES
A MARSH COMPANY

METRIC

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ARCHITECT & PRIME CONSULTANT
 QUALITY ARCHITECTURAL & ENGINEERING
 801 SOUTH GARDEN AVENUE, SUITE 200
 AUSTIN, TEXAS 78704-1143
 TEL: 512/476-1111 FAX: 512/476-1112
 WWW.QAEN.COM

CODE CONSULTANT
 One 1000 15th Ave. N.E.
 Atlanta, GA 30309
 (404) 525-1100
 Fax: (404) 525-1101

—

Focus Equities Office Trailers

88 Sayhale Road Victoria BC V8A 5A9

Project Information
Site Plan

DRYING
PLANT DATE: 05/19/95

A101

JUN 03 2015

Planning & Development Department
Development Services Division

ISSUED FOR

A 12 MAR 2015 Traced for Development Panel
B 03 JUN 2015 Revisited for Development Panel

FOR INFORMATION ONLY
NOT FOR CONSTRUCTION

METRIC

1. The first step is to identify the problem. In this case, the problem is that the company is not meeting its sales targets.

ARCHITECT & PRIME CONSULTANT
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 2290-2291

CODE CONSULTANT
 Gen. Inv. Off. 1000 N. 1st St.
 1000 N. 1st St. 1000 N. 1st St.
 1000 N. 1st St. 1000 N. 1st St.
 1000 N. 1st St. 1000 N. 1st St.

SEAL

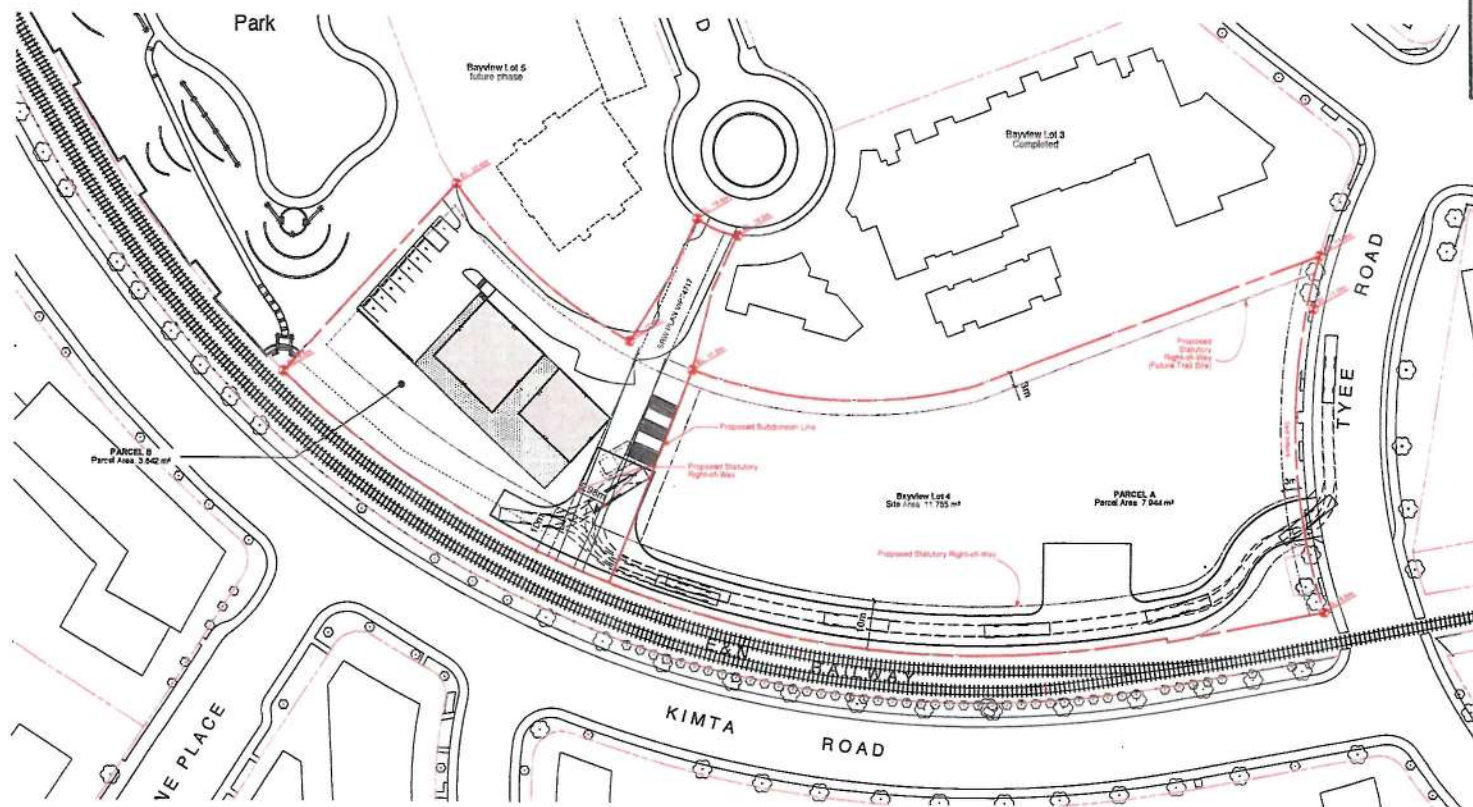
Focus Equities Office Trailers

80 Sagadahoc Road, Victoria BC V8A 6A5

Parcel Plan

DRAWN
PLOT DATE: 06/15

A102



PROPOSED SUBDIVISION

ID-0.2



BAYVIEW PROPERTIES LTD.
Suite 204, 31 Bevilston Square
Victoria, British Columbia, V8W 1J1 Canada
(250) 380-3832

FOCUS
REALTIES
A MARATHON COMPANY

BAYVIEW PROPERTIES

JOB SITE TRAILER OFFICE
FIRST FLOOR

100 Sogahie Road
Victoria, British Columbia

No.	Issue and Revisions	By	Date
1	ISSUED FOR CONSTRUCTION	ME	18 MAY 08
2	Revised for Construction Review	ME	1 JUN 08
3			
4			
5			
6			
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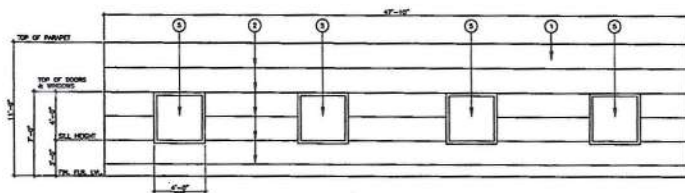
All specifications, drawings, designs, proposals, arrangements and notes
relating to construction shall remain the property of Bayview Properties and shall not be used for any other purpose without the written consent of Bayview Properties. (This clause shall apply to all specifications and drawings with a permit to build or a building permit, and no other, reproduction or use without the written consent of Bayview Properties.)

BAYVIEW PROPERTIES

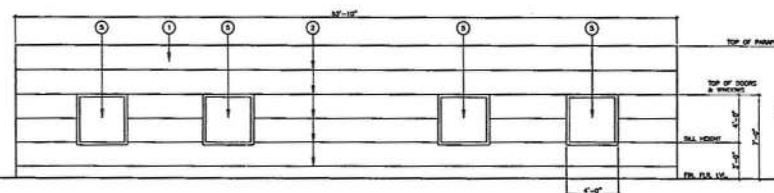
Client: _____
Project Director: _____
Project Engineer: _____
Project Manager: _____
Drawn By: _____
Scale: 1/4" = 1'-0"
Date: _____

EXTERIOR ELEVATIONS

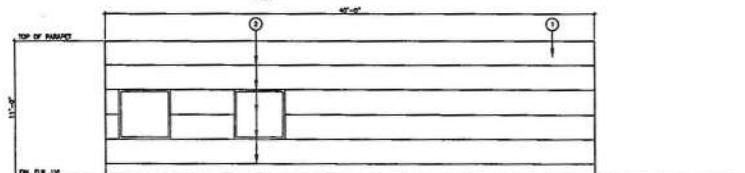
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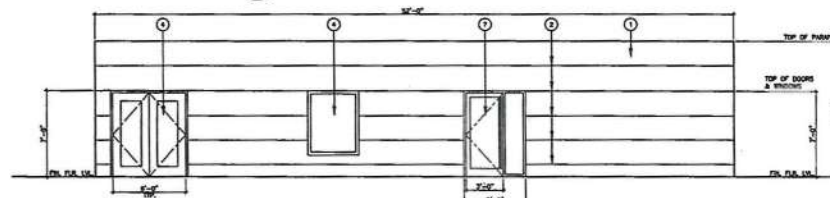
1B NORTH ELEVATION - TRAILER 2



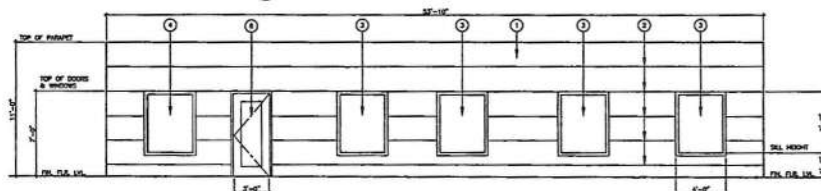
1A NORTH ELEVATION - TRAILER 1



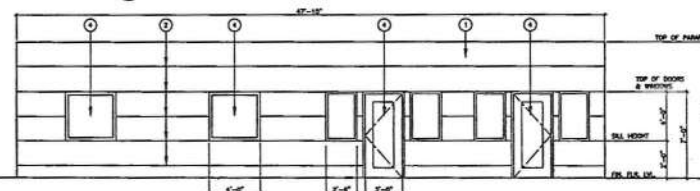
2B EAST ELEVATION - TRAILER 2



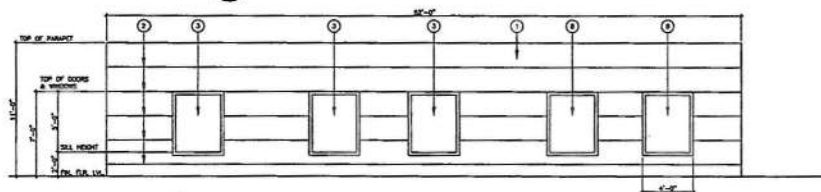
2A EAST ELEVATION - TRAILER 1



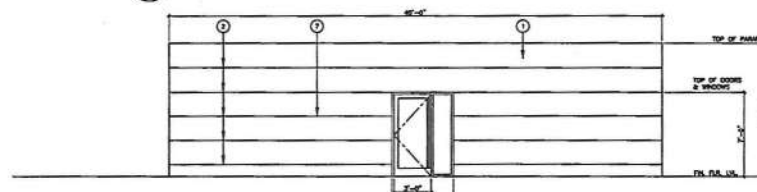
3A SOUTH ELEVATION - TRAILER 1



3B SOUTH ELEVATION - TRAILER 2



4A WEST ELEVATION - TRAILER 1



4B WEST ELEVATION - TRAILER 2

EXTERIOR ELEVATIONS

1/4" = 1'-0" 1

Received
City of Victoria

MAR 13 2015

Planning & Development Department
Development Services Division

KEYNOTES

- ① 10 Exterior Wall, 2'-0" wide metal cladding.
- ② 1' reveal.
- ③ 10 4'-0" x 6'-0" Windows @ 2'-0" o.c. to match.
- ④ 10 4'-0" x 6'-0" Windows @ 2'-0" o.c. to match siding.
- ⑤ 10 4'-0" x 6'-0" Windows @ 2'-0" o.c. to match siding.
- ⑥ 10 2'-0" x 7'-0" Door to match.
- ⑦ 10 2'-0" x 7'-0" Hurricane Door with 2'-0" wide transoms (slight).
- ⑧ Reinforced 10 4'-0" x 6'-0" Windows @ 2'-0" o.c.



**JOB SITE TRAILER OFFICE
FIRST FLOOR**

100 Saghalie Road
Victoria, British Columbia



EXTERIOR ELEVATIONS

$V_E = 10^3$	1
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BAYVIEW PROPERTIES

Project Director: Project Designer:

—

Project Number	Drawn By
1	1

Source: Bureau of Economic Analysis

 $1/4^{\circ}:1^{\circ}-0^{\circ}$

EXTERIOR DECK ELEVATIONS

Source: *Author's calculations*.

A-12

A-1.2

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Development Services Division

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