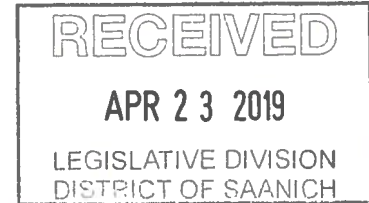




The Corporation of the District of Saanich

Report

To: Mayor and Council
From: Sharon Hvozdzanski, Director of Planning
Date: April 22, 2019
Subject: Development Permit Amendment Application
File: DPA00941 • 4567 Wilkinson Road (Alias: 741 Travino Lane)



RECOMMENDATION

That Development Permit Amendment DPA00941 be approved.

PURPOSE

The purpose of this report is to seek direction from Council on the subject application. The application is to amend Development Permit DPR2008-00009 (now DPR00370) to vary the height for Building E (previously Building C) at the Travino Gardens development. The applicant is KPL James Architecture Inc. (Tony James).

DISCUSSION

Neighbourhood Context

The Travino Gardens development is located within the Royal Oak Major "Centre" on the former Royal Oak Middle School site. Surrounding land use includes South Island Distance Education Centre and attached housing on the west, attached housing and a church on the north, Royal Oak Middle School on the east, and single family dwellings on the south (see Figure 1).

Background

In October 2011, Council approved an application to rezone the former school site from the P-1 (Assembly) Zone to the new CD-1RO (Comprehensive Development Royal Oak) Zone, and a Form and Character Development Permit, to construct a 5 building, 245 unit apartment development with underground parking. Four of the five buildings are now completed and occupied. The final phase of the proposed development (Building E) is nearing completion and will soon be ready for occupancy. A recent height survey by Powell & Associates BC Land Surveyors indicates that Building E exceeds the permitted height based on the Zoning Bylaw and the approved Development Permit.

Plans attached to and forming part of the Development Permit indicate a building height of 22.55 m for Building E, consistent with the Zoning Bylaw requirement. In September 2017, the Acting Director of Planning approved a Minor Development Permit Amendment (DPA00915) for changes to Building E to accommodate a roof top garden and garden entrance lobby. The additional roof top structure increased the overall building height by 0.60 m to 23.15 m.

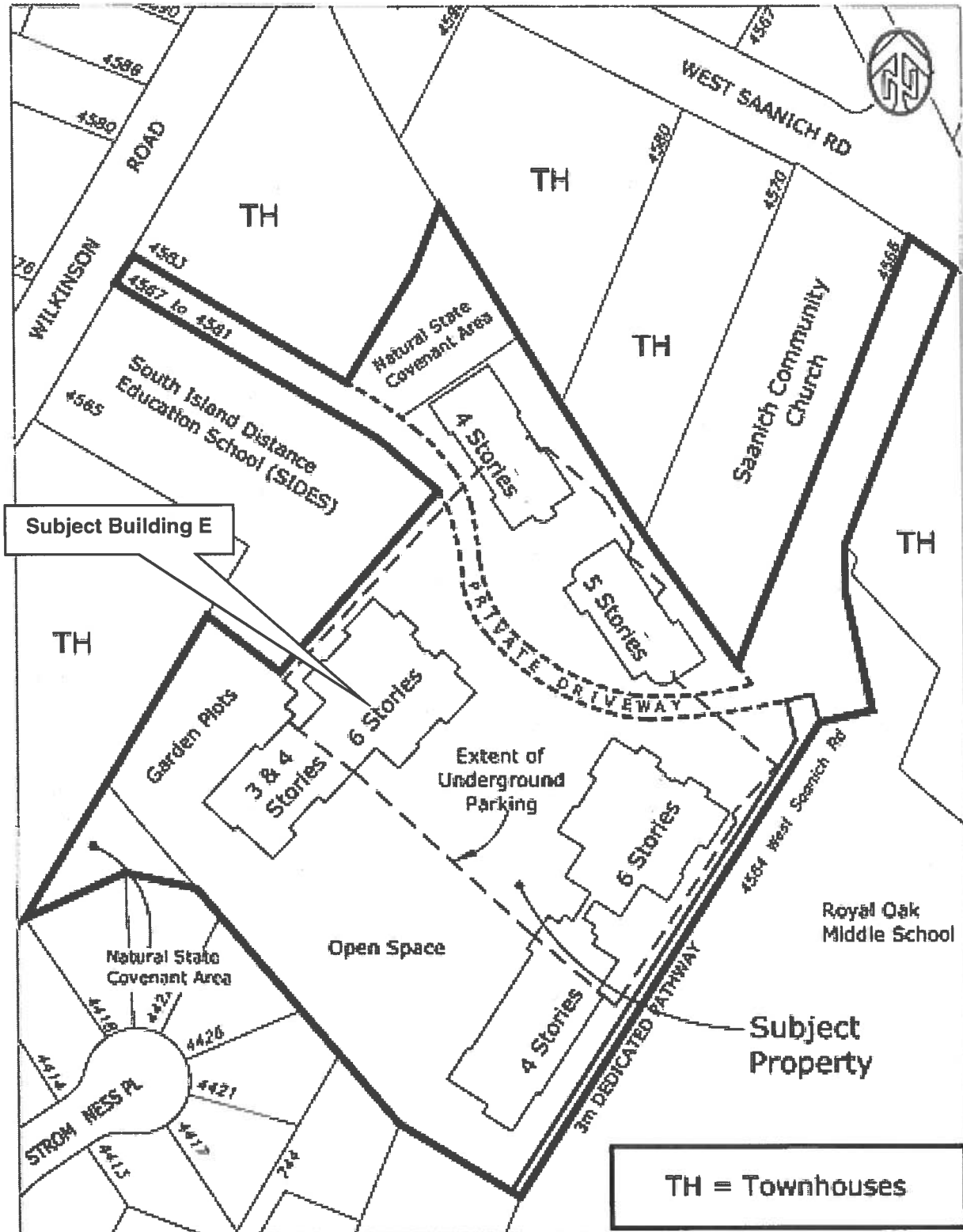


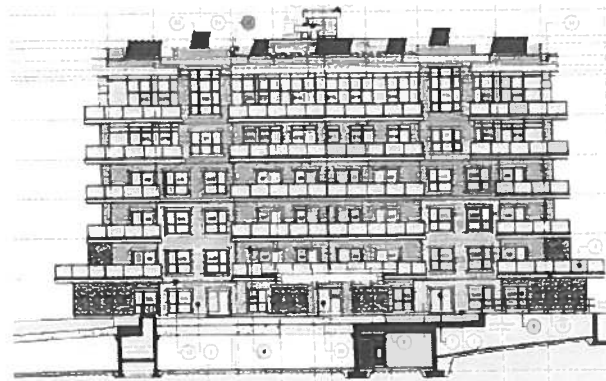
Figure 1: Context Map



East Elevation



West Elevation



North Elevation



South Elevation

Figure 2: Building E – Elevations (from plans by KPL James Architecture)

The changes were supported on the basis that they would provide a significant amenity area for future residents and the additional structure was setback from the roof edge so that it would not generally be visible from below.

The recent survey indicates an as-built height of 23.40 m which is 0.25 m over the permitted height based on the amended Development Permit and 0.85 m over the permitted height for the building based on the CD-1RO Zone and the original Development Permit. The applicant has stated that the height increase of an additional 0.25 m is the result of cumulative changes that

occurred through the construction process based on the use of off-the-shelf studs which were slightly longer than specified on the building plans.

Consultation

Planning sent a referral to the Royal Oak Community Association. A response was received indicating no objection to the height variance request.

ALTERNATIVES

1. That Council approve the recommendation as outlined in the staff report (Staff Recommend).

The implications of this alternative are discussed in detail in the latter sections of this report.

2. That Council reject the recommendations as outlined in the staff report.

Should Council decide to reject the recommendations contained in this report, the implications are that changes would be required to the existing building to reduce the overall building height. These changes would cause a significant hardship for the developer and future residents. They would be expensive to undertake and would significantly delay occupancy.

3. That Council provide alternate direction to Staff.

Should Council provide alternate direction to staff, the implications are that staff would work with the applicant to address comments from Council. The applicant would undertake any necessary revisions to the plans, and would resubmit their proposal for review by staff, and ultimately consideration by Council.

FINANCIAL IMPLICATIONS

The proposal has no immediate implications related to the District of Saanich Financial Plan.

STRATEGIC PLAN IMPLICATIONS

The proposal has no implications related to the District of Saanich 2015 - 2018 Strategic Plan.

PLANNING IMPLICATIONS

Policy

The following Saanich Planning Policies are most applicable to the subject proposal:

Official Community Plan (2008)

- 4.2.3.6 "Support and encourage "green" development practices by utilizing density bonusing, modified/alternative development standards or other mechanisms when reviewing development applications."
- 7.1.6 "Consider varying development control bylaws where the variance would contribute to a more appropriate site development having regard for the impact on adjoining lands."

Development Permit DPR00370

7. "The lands shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and shall comply with all Municipal bylaws except for those provisions specifically varied herein. Minor variations which do not affect the overall building and landscape design and appearance may be permitted by the Director of Planning or in his absence, the Manager of Community Planning."
8. "Notwithstanding the provisions of Section 7 of this Permit the following changes will be permitted and not require an amendment to this Permit:
 - (a) When the height or siting of a building or structure is varied 20 cm or less provided, however, that this variance will not exceed the maximum height or siting requirements of the Zoning Bylaw.
 - (b) Changes to the relative location and size of doors and windows on any façade which do not alter the general character of the design or impact the privacy of neighbouring properties following consultation with the Director of Planning, or Manager of Community Planning in his absence.
 - (c) Where items noted under Section 8(b) are required to comply with the Building Code and/or the Fire Code and those changes are not perceptible from a road or adjacent property.
 - (d) Changes to soft landscaping provided the changes meet or exceed the standards contained on the landscape plans forming part of this Permit."

Analysis

Travino Gardens is a high quality, CARE award winning development located in the Royal Oak Major "Centre". The 245 unit development is certified BUILT GREEN® Gold and incorporates numerous sustainability and Transportation Demand Management initiatives to address climate change and improve liveability for its residents.

Requested Variance


The subject application is for an amendment to an existing Form and Character Development Permit. The proposed amendment is to vary the permitted height for Building E of the development by 0.25 m from 23.15 m to 23.40 m. Given the scale and massing of this large building and the design that that steps down from six stories to three stories, a height variance of 0.25 m would generally not be noticeable and would not significantly impact views or result in overshadowing or privacy impacts to neighbours. For these reasons, the variance can be supported.

CONCLUSION

An amendment to an existing Development Permit is requested to vary the permitted height for Building E of the Travino Gardens development by 0.25 m from 23.15 m to 23.40 m to address a construction error. The increase in height would generally not be noticeable and would not significantly impact views or result in overshadowing or privacy impacts to neighbours. The building is nearing completion and compliance would cause a significant hardship for the developer and future residents. Building changes to address the construction error would be

expensive and would significantly delay occupancy. For the above-noted reasons, staff support the subject application.

Prepared by: 
Neil Findlow
Senior Planner

Reviewed by: 
Shari Holmes-Saltzman
Manager of Current Planning

Approved by: 
for Sharon Hvozdzanski
Director of Planning

NDF/jsp

ADMINISTRATOR'S COMMENTS:

I endorse the recommendation from the Director of Planning.


Paul Thorkeleson, Administrator

COPY

DISTRICT OF SAANICH

DPA00941
Amends DPR00370
(DPR2008-00009)

DEVELOPMENT PERMIT AMENDMENT

To: **Mike Geric Construction Ltd. Inc. No. BC0103896**
4520 West Saanich Road
Victoria BC V8Z 3G4

(herein called "the Owner")

1. This Development Permit Amendment is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied by this Permit.
2. This Development Permit Amendment applies to the lands known and described as:

Lot A Section 9 Lake District Plan EPP12165 Except Part in Strata Plan EPS2526 (Phases 1 To 3) (See Plan EPS2526 For Limited Access)

4567 Wilkinson Road

(herein called "the lands")

3. This Development Permit Amendment further regulates the development of the lands as follows:
 - (a) By varying the provisions of the Zoning Bylaw 8200, Section 1705.13(b)(ii) to permit a building height of 23.40 m for Building E (was Building C).
 - (b) To require the buildings and lands to be constructed and developed in accordance with the plans prepared by KPL James Architecture Inc. received on April 1, 2019 copies of which are attached to and form part of this permit.
4. The lands shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and shall comply with all Municipal bylaws except for those provisions specifically varied herein. Minor variations which do not affect the overall building and landscape design and appearance may be permitted by the Director of Planning or in the Director's absence, the Manager of Current Planning.
5. Notwithstanding the provisions of Section 4 of this Permit the following changes will be permitted and not require an amendment to this Permit:
 - (a) When the height or siting of a building or structure is varied 20 cm or less provided, however, that this variance will not exceed the maximum height or siting requirements of the Zoning Bylaw.

- (b) Changes to the relative location and size of doors and windows on any façade which do not alter the general character of the design or impact the privacy of neighbouring properties following consultation with the Director of Planning or in the Director's absence, the Manager of Current Planning.
 - (c) Where items noted under Section 8(b) are required to comply with the Building Code and/or the Fire Code and those changes are not perceptible from a road or adjacent property.
 - (d) Changes to soft landscaping provided the changes meet or exceed the standards contained on the landscape plans forming part of this Permit.
6. The terms and conditions contained in this Permit shall enure to the benefit of and be binding upon the Owner, their executors, heirs and administrators, successors, and assigns as the case may be or their successors in title to the land.
7. This Permit is not a Building Permit.

AUTHORIZING RESOLUTION PASSED BY THE MUNICIPAL COUNCIL ON THE

_____ DAY OF _____ 20 _____
ISSUED THIS _____ DAY OF _____ 20 _____

Municipal Clerk

COPY

Planning - RE: Saanich Referral

From: "Roger Graham" <royaloakca@gmail.com>
To: <planning@saanich.ca>
Date: 4/11/2019 11:10 AM
Subject: RE: Saanich Referral

Saanich Planning:

The Executive of Royal Oak Community Association has reviewed the below noted application to amend the building height and has no objection to the request.

Roger Graham | President
Royal Oak Community Association

For Membership Information (by mail or PayPal)
<http://www.royaloakcommunityassociation.ca/membership.html>
Email: RoyalOakCA@gmail.com **Mailing Address:**
 PO Box 50 106-4480 West Saanich Road, Victoria, BC, V8Z 3E9

From: planning@saanich.ca [planning@saanich.ca]
Sent: April 8, 2019 11:42 AM
To: royaloakca@gmail.com
Subject: Saanich Referral

April 4, 2019

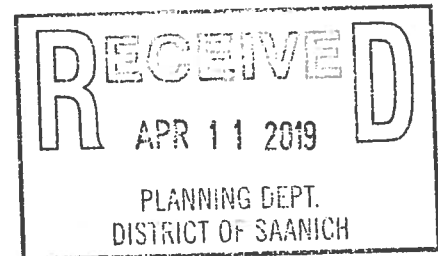
Dear Royal Oak Community Association:

Re: Application for Development:

Applicant:	KPL James Architecture Inc
Site Address:	741 Travino Lane 4567 Wilkinson Rd
Legal:	LOT A SECTION 9 LAKE DISTRICT PLAN EPP12165
Folder No.:	DPA00941
Description:	To Amend Development Permit DPR00370 to vary the permitted height for Building E to address a construction error.

The District of Saanich has received an application for a site within your Community Association area. The Planning Department is referring the proposed plans and relevant information to your Community Association for review and comment. Please note that any requested variances may be subject to change based on the Planners detailed review of the file.

In a written letter or email to planning@saanich.ca, please provide your comments to the Planning Department indicating if your Community Association:



**ENTERED
IN CASE**

- Has no objection to the project
- Generally has no objection with suggested changes or concerns
- Does not support the project (please provide reason).

We would appreciate receiving your comments by May 2, 2019 so that they can be included in the package that is forwarded to Council. If you cannot meet this time frame, please email or call our office to indicate if and when you might be able to respond to the referral.

If you require further information about the proposed development please contact Neil Findlow Local Area Planner at 250-475-5494, extension 3405.

It is suggested that you periodically check our website, www.saanich.ca *Active Development Applications* as any revised site plans for this application will be posted there.

Sincerely,



Neil Findlow
Senior Planner

NF/rh

cc: Clerks Department