

ATTN: Aishwarya, Planning Department
Org City of Victoria
Address 1 Centennial Square, Victoria, BC V8W 1P6
apathania@victoria.ca

RE: 1721 Adanac
DVP00271
Minor Variance Rationale

DATE: Revised September 10, 2024

Ms Pathania;

This letter is provided in support of the Development Variance Application for a Schedule P 'missing middle' houseplex at 1721 Adanac and is intended to be read in conjunction with resubmitted DVP documents following receipt of Staff comments.

The proposal includes a request for the following zoning variances. Refer also to the **Missing Middle Housing Design Rationale letter dated 22 April, 2024** in support of the original application:

1. Schedule P 3.4: Coverage: Increase permitted coverage from 40% to 49.5%
2. Schedule P 6.1: Parking: Reduce parking from 3.7 stalls to 1.0 (accessible) stall
3. Schedule P 4.c.iii Site Coverage, Open Site Space: Substitution of 4.5m side length requirement with one irregular edge to allow for a private basement-level patio.

The proposal further cites a rationale to support the design's overall form and height in consideration towards neighborliness and shadowing of adjacent properties as per the guidance provided by the Missing Middle Design Guidelines.

The following excerpts and rationale is provided to assert compliance with Schedule D-1 and D-2 of the Land Use Procedures Bylaw as a Minor Variance.

Schedule D-1 CRITERIA FOR MINOR VARIANCES

A variance is minor if:

1. the applicant has demonstrated to the satisfaction of the Director that:
 - a. they have explored all reasonable alternative solutions to the variance and none are available; and
 - b. any possible mitigations to issues related to the variance have been incorporated into the proposal; and
2. The Director is satisfied based on evidence provided by the applicant and the particular circumstances of the application, that the variance would:
 - a. be unnoticeable by a typical user of the site, and nearby private and public property;or,

- b. not have a substantial negative impact on the livability and functionality of any of the subject site, nearby private property, or nearby public property, including impacts on:
 - i. Shadowing
 - ii. Privacy
 - iii. Usable outdoor space
 - iv. Natural features and vegetation
 - v. Access, connectivity or function for any pedestrians or vehicles (motorized and non-motorized)
 - vi. Access to or operations of underground infrastructure
 - vii. Street Vitality

Rationale

The proponent asserts that all *reasonable* alternatives to the variances have been explored and that mitigating measures have been incorporated to the greatest extent possible.

The proposal is the culmination of months of diligent effort from the proponent and design team. Numerous options have been analyzed and rejected to arrive at a solution that responds to the substance of Missing Middle housing with a dignified and practical solution. The final proposal is generated with sensitivity for the project context, the intent of Schedule P, Missing Middle design guidelines and mitigation of negative impacts including:

- Massing in conformance with height and setback constraints and a sloped roof that reduces wall height on the sides facing adjacent properties.
- Massing biased to the north side of the site to minimize shading impacts on adjacent rear yards
- Provision of (2) three-bedroom suites in compliance with Schedule P to satisfy the need for diversified housing.
- Providing a total of six suites of one or more bedrooms to optimize the number of delivered homes without compromise to liveability.
- Elevated environmental performance targeting Step 5 construction and fully electric operation
- Outdoor living space accessed directly from every suite
- Shared outdoor amenity space with rain protection, built-in seating and programmatic purpose to encourage use
- Practical bicycle storage at grade to enable and encourage active transportation
- Minimal parking to reduce street traffic impact, encourage active transportation and align with City and provincial objectives.
- Strata ownership to enable affordable construction financing.

While it is acknowledged that the proposal will contrast with adjacent 1 ½ storey houses, this is inevitable in the transition from 19th century to 21st century patterns of development in any context.

The resubmitted proposal includes additional information as well as design alterations intended to address comments from Staff related to permeable area and stormwater management. Changes to the accessory building are also anticipated to enhance the

liveability and functionality of the rear yard and generally respond favorably to the criteria outlined in Schedule D1 of the Land Use Procedures Bylaw.

Parking: Reduce parking from 3.7 stalls to 1.0 (accessible) stall

As articulated in the *Missing Middle Housing Design Rationale letter*, properties 12-14m wide fall into a paradoxical situation where they may only have one parking space. However, (by staff interpretation), the most substantial transportation demand measure (provision of a car-share vehicle and parking space) isn't available *because* there is only one parking space on the property.

In practical terms, there is insufficient space on the property for a rear or underground parking lot. While possible in theory, two parking spaces located in the front yard would consume the majority of the front yard, interfere with suite access and short-term bicycle parking, increase impervious surface and reduce on-street parking by an equivalent amount.

It is noted that the proposed parking and TDM measures would be permitted without a variance *if the building is constructed as purpose-built rental housing*. However, it must be acknowledged that home ownership has no relationship with mobility needs. In fact, in the current market for rental housing it is more likely that a purchaser will self-select a home with- or without parking based on their mobility needs than a person or family competing for a rental apartment.

Both the City and the proponent have a demonstrated commitment to reduced car dependence by discouraging car use and providing viable alternatives. Thanks to the City's efforts, car-free living is viable in Victoria. While it will not suit everyone, this proposal is designed to appeal to a car-free lifestyle. It is expected that residents of this development will self-select accordingly, resulting in a net reduction in cars on the street.

Underground infrastructure is unaffected by this variance request.

To support the above, the proponent has committed to providing

- Two BC Transit public transit passes through the Eco PASS program, or its successor in function for BC Transit, for a minimum five-year term for every dwelling unit and
- One membership to a two-way car share service and an initial \$100 usage credit for the two-way car share service for every dwelling unit
- Increased bicycle storage infrastructure, exceeding the requirements for the amount of oversized and ground-mounted bicycle stalls.

With consideration to the above, it is expected that reducing the parking to one stall with inclusion of the amenity package above will make the development more congruous with the neighbourhood and will have a neutral or beneficial effect on liveability, shadowing, privacy, usable outdoor space, vegetation, pedestrian experience, access to infrastructure and street vitality.

Coverage: Increase permitted coverage from 40% to 49.5%

The proposal includes a houseplex with coverage of 162.7 m² (41.7%) and an accessory building and covered outdoor seating area with coverage of 30.4 m² (7.8%) for a total of 49.5%.

The houseplex component is 6.7 m² over the allowable coverage and is fully compliant with height and setback limits. The proponent asserts that the coverage impact of the houseplex is so minimal that it will not make a noticeable difference to the form of development but is beneficial to the lived experience of the residents as it provides more dignified and functional indoor and outdoor living spaces.

The houseplex is optimized in compliance with Schedule P height and setback constraints on four storeys. All storeys are stair-accessed, which makes indoor bicycle storage impractical, particularly for electric/cargo bicycles anticipated in the program. The proponent asserts that an accessory structure is the only practical option for bicycles.

The enclosed bicycle shed adds 19.8 m² to the site coverage. The accessory building roof eave and unenclosed covered outdoor amenity space add an additional 10.6 m² to the total site coverage in the rear yard. This accessory structure is compliant with setback and height constraints for accessory buildings. It is designed with a maximum height of 3.09m and a shed roof with the lowest eave adjacent to the rear property line. The shed is much smaller than existing trees on adjacent properties; supplemental shading studies indicate that it will not overshadow adjacent properties. The accessory building cannot be seen from the street.

While not a regulatory requirement, the shared covered outdoor amenity space is offered as an enhanced amenity in recognition that activities like barbeque, gardening and bicycle repair can be social, happen at all times of year and benefit from rain protection. In this instance, the increased coverage is actually beneficial to the function and vitality of the rear yard.

The design includes integrated hardscape and planted areas serving common and private outdoor spaces around the building. The rear yard has been designed with raised and grade level planters and a lawn area for ornamental and productive gardening and recreation. It is recognized that the quality of outdoor space is equally important to size when measuring amenity value.

Underground infrastructure is unaffected by this variance request.

Refer to: **Neighbourliness - Site, orientation and design of buildings to minimize shadowing impacts on adjacent properties and public spaces** for additional information on shading.

With consideration to the above, it is expected that increasing coverage from 40% to 49.5% with the designed features above will have a neutral or beneficial effect on liveability, shadowing, privacy, usable outdoor space, vegetation, pedestrian experience, access to infrastructure and street vitality in comparison to a comparable compliant houseplex with bicycle parking inside the primary building.

Site Coverage, Open Site Space - a single space: all sides of which are at least 4.5m long (minimum area)

The site design complies with the area requirement for Open Site Space, allowing a usable open backyard area with sufficient space for the growth and maturation of the required replacement trees. However, the design does not comply with the requirements for minimum length of 4.5m, for all sides. More specifically, the open site area is approximately 6.3m x 6.4m [40 m²] with a patio encroaching into the northeast corner - reducing one side to 3.3m for a width of 1.3m. This deviation in the requirements is requested to allow for compliance with the Missing Middle Guidelines in two areas.

First, residential units, including suites, are strongly encouraged to have direct access to usable outdoor amenity space, specifically a patio of sufficient size and dimensions to be usable, attractive and comfortable (Missing Middle Design Guideline (MMDG) 1.9.1). This deviation from the minimum lengths required for the open space allows for a sufficiently large patio area to be usable, and could include walking space as well as potentially a table or additional seating in the space.

Second, the guidelines stipulate that all units should be provided with windows of sufficient size and orientation to provide for sunlight and outward views (MMDG 10.1). Furthermore as the topography and basement suite location do not allow for outward looking windows and entry, the design utilizes the patio to allow for more open area both for inhabitation and for views and sunlight into the main living space (MMDG 10.4).

With consideration to the above, it is expected that the minor reduction of minimum length at the corner of the Open Site Space will make the residential spaces and adjacent private outdoor space more livable without compromising the public outdoor space usability or health of the trees.

Neighbourliness - Site, orientation and design of buildings to minimize shadowing impacts on adjacent properties and public spaces.

The design of the building has been carefully considered to balance the program requirements with the directives outlined in the Missing Middle Guidelines, specifically as they relate to building form and the peaceful coexistence with the neighboring building typologies and character. One of the guidelines recommended, and utilized in this project, is to integrate floor area into peaked roof forms to help mitigate scale and massing and to maximize sunlight access to open spaces (MMDG 5.1.6). Furthermore, the peaked roof responds to the character and form of the adjacent buildings and is aligned with the lowest eaves adjacent to the flanking properties. while being under the maximum allowable building height permitted by Schedule P.

The building form complies with the required setbacks and maximum height in Schedule P, which determine the shading impact of buildings.

To better understand the impacts of the building form and shadowing the design team has undertaken additional studies to compare the outcomes of reducing the roof pitch. In these studies, changes to the building form produces a negligible impact on shadowing, clarifying that no meaningful adjustments can be made with the program requirements of the project.

Based on these studies, the two largest factors in shadowing are the existing mature trees on the property and surrounding area, and the orientation of the site itself. The current tree canopy is substantial, including mature Garry Oaks that are responsible for shading the majority of the adjacent properties. Further, the orientation of the site north-south means that the primarily shadowed area is to the north, at the street, not the neighboring rear yards.

Exhibit A: 1721 Adanac, 2023-12-19. 9am

Characteristic overcast winter conditions in Victoria result in a diffuse light in which shadows are minimized. Mature boulevard trees shade front yards, boulevard and street.



Exhibit B: 1721 Adanac rear yard facing south, 2024-06-28. 9am

Mature deciduous trees in adjacent properties south of the site substantially shade surrounding properties.



With consideration to the above, it is expected that adjustments to the roof line or pitch will have no discernible impact on shadowing on adjacent properties. Minimizing shading impacts for the proposed development has been achieved by adhering to the setback and height constraints and by selecting a site that enables construction without shading adjacent rear yards.

Schedule D-2: GUIDELINES FOR DEVELOPMENT VARIANCE PERMITS

1. The Director shall consider the following guidelines when deciding whether to issue any development variance permit application for minor variances:
 - b. For applications located outside of the Downtown Core Area Plan (2011) boundaries related to:
 - i. mixed-uses, uses other than residential, or residential with seven or more dwelling units:
 1. General Urban Design Guidelines (2022).
 - ii. residential uses with less than seven dwelling units:
 - 2. Missing Middle Design Guidelines (2022).**

The project has been designed with consideration for the **Missing Middle Design Guidelines (2022)**. Refer also to the **Missing Middle Housing Design Rationale letter dated 22 April, 2024** for details on conformance.

Per

Mark Ashby, Principal,
Fold Architecture Inc.