



Committee of the Whole Report

For the Meeting of April 9, 2026

To: Committee of the Whole **Date:** March 26, 2026

From: Karen Hoese, Director, Planning and Development

Subject: **Update on Development Permit with Variances No. 01110 for 50 Government Street**

RECOMMENDATION

Development Permit with Variances Application

That Council decline Development Permit with Variances Application No. 01110 for the property located at 50 Government Street.

LEGISLATIVE AUTHORITY

This report discusses a Development Permit with Variances Application. Relevant considerations relate to the application's consistency with the design guidelines and the impact of the variances.

Enabling Legislation

Attachment E describes the relevant sections of the *Local Government Act* listed here:

- Section 483, Housing agreements for affordable housing and special needs housing
- Section 489, Activities that require a development permit
- Section 491, Development permits: specific authorities.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with an update regarding the development application for a five-storey rental residential building on the property located at 50 Government Street. When Council last considered the application, the proposal was to rezone from the R3-2 Zone, Multiple Dwelling District, to a new site-specific zone to increase the density and allow multiple dwelling uses at this location. There was also a concurrent Development Permit with Variances Application pertaining to the proposed form, character, exterior design, finishes and landscaping, and variances related to parking.

At the Council meeting on December 12, 2024, Council passed a motion (attached) requiring revisions to the plans related to parking, trees, meeting the objectives and guidelines of the Development Permit Area, and to reduce impacts on adjacent properties, before returning to another Committee of the Whole meeting.

On October 2, 2025 Council passed a motion adopting the bylaws associated with the 10-Year Official Community Plan Update. The proposal now meets the use and density requirements of the current zoning and therefore no longer requires a rezoning application. It still, however, requires a Development Permit with Variances. This would be delegated to staff for approval if consistent with the relevant guidelines.

The revised proposal meets the required accessible parking and *Tree Protection Bylaw*. The applicant has also redesigned the building, including increasing the floor space ratio and height, increasing the open site space and setbacks, and removing the external staircases; however, it still does not meet the objectives or guidelines of the Development Permit Area.

The following points were considered in assessing the Development Permit with Variances:

- The revised proposal is not considered sufficiently consistent with the objectives and guidelines of Development Permit Area 1: General Urban Design as it does not achieve a design with sufficient usable outdoor space, a positive street relationship, and appropriate building composition and expression for the heritage context. Further, the applicant has not provided sufficient justification for the requested variances to the zoning bylaw.
- The variances related to minimum street frontage and rear and side yard setbacks are not considered supportable because they do not meet the perimeter block goals of the OCP and associated design guidelines, and result in a proposal that exceeds the envisaged built form parameters of the new zoning, which is set up to permit taller buildings on wider lots.
- The variances related to number of parking stalls are considered supportable due to the Transportation Demand Management (TDM) mitigation measures proposed. The variance to the space required behind a parking stall is also supported because it would not impact the public right-of-way.
- The variance related to the front yard fence height is not supported due to the impacts it would have on reducing sightlines between the private residences and the public realm of the street.

It is recommended that Council decline the application. However, an alternative motion has been provided which would move the application forward if Council determines that the proposal sufficiently meets City policy and the previous Council direction.

DESCRIPTION OF PROPOSAL

The proposal previously considered by Council was to rezone the properties from the R3-2 Zone, Multiple Dwelling District, to a new site-specific zone to increase the density from 1.6:1 floor space ratio (FSR) to 1.94:1 FSR to allow the construction of a 4.5-storey (without basement) multiple dwelling rental building with approximately 16 secured rental dwelling units.

The revised proposal is for a five-storey (plus basement) multiple dwelling building with approximately 17 secured rental units and a density of 1.97:1 FSR.

Since this application was brought to Committee of the Whole on December 12, 2024, Zoning Bylaw 2018 was updated on October 2, 2025. As a result, the proposal now meets the use and density provisions of the new GRD-1 Zone and a rezoning application is therefore no longer required. It still, however, requires a Development Permit with Variances. In accordance with the *Land Use Procedures Bylaw*, the proposal would be delegated to staff for approval if consistent with the relevant guidelines.

The Development Permit with Variances is for the form and character of the site. Specific details include:

- five-storey building form (plus basement) with Single Egress Stair (SES) access
- one unit located in the basement
- exterior building materials include stucco, asphalt shingles, and frosted glass railings
- landscaping materials include concrete paving, permeable pavers, river rock, lawn, shrubs, trees and rain gardens.

The proposed variances are as follows:

- reducing the minimum street frontage required for a five-storey building from 30.00m to 17.06m
- reducing the rear setback from 8.59m to 5.65m
- reducing the north side setback from 7.50m (primary facades below five storeys) to 1.55m
- reducing the north side setback from 9.00m (primary facades above four storeys) to 1.55m
- reducing the south side setback from 7.50m (primary facades below five storeys) to 2.19m
- reducing the south side setback from 9.00m (primary facades above four storeys) to 4.22m
- reducing the minimum number of long-term vehicle parking stalls from 17 to two (including one carshare)
- reducing the minimum number of visitor vehicle parking stalls from two to zero
- reducing the minimum space required behind a parking stall from 7.00m to 0.24m
- increasing the front yard fence height from 1.22m to 1.83m.

A Zoning Data Table is attached to this report which compares the previous and current proposal with the existing GRD-1 Zone, General Residential District, (Attachment D).

BACKGROUND

Land Use Context and Site Development Potential

The area is characterized by a mix of single-family dwellings, duplexes, and apartment buildings (Figure 1). Immediately adjacent land uses include:

- North-West – Single Family Dwelling, Heritage Designated
- North-East – Single Family Dwelling, Heritage Designated
- South-East – Single Family Dwelling

The surrounding properties are designated Residential Fabric (Priority Growth Area) in the *Official Community Plan (2025)* which envisions primarily ground-oriented and low-rise buildings generally up to four storeys. Buildings up to six storeys may be achievable with lot assembly.



Figure 1. Aerial photo of subject site

The site is presently used as a four-plex. This use is lawfully non-conforming because it was built prior to the current zone being approved.

Under the current GRD-1 Zone the property can be redeveloped as a multiple dwelling residential building up to four-storeys and a maximum of 2.75:1 floor space ratio (FSR) if certain conditions are met. However, due to the lot size and context, this density may not be achievable while meeting other zoning requirements along with the objectives and guidelines of the development permit area.

Relevant History

At the Council meeting on December 12, 2024, Council passed a motion (attached) requiring revisions to the plans to meet the following conditions before returning to Committee of the Whole:

- *meet the accessible parking requirements in the Zoning Regulation Bylaw, to the satisfaction of the Director of Planning and Development.*
- *revise replacement tree species and locations on the plans to meet the tree minimum requirements on-site and outside of the public SRW areas per the Tree Protection Bylaw No. 21-035 Schedule “F”, to the satisfaction of the Director of Parks, Recreation and Facilities.*
- *meet the objectives and guidelines associated with Development Permit Area 16 (OCP 2012, updated 2023), and adjust the parking variances with Development Permit with Variances No. 00251 as necessary, to the satisfaction of the Director of Planning and Development, including:*
 - i. reducing the amount of floor space if needed to meet the design objectives*
 - ii. providing more usable outdoor space for residents*
 - iii. providing more trees and landscaping*

- iv. *improving the relationship to the public statutory right-of-way (SRW)*
- v. *improving the massing transition to surrounding residential buildings*
- vi. *reducing impacts on adjacent properties*
- vii. *ensuring that if external staircases are being considered, that no external staircase face the adjacent properties.*

The motion also directed staff to further work with the proponent to address the core issues raised by the neighbours as they pertain to setbacks, overlook, and other material factors. The issues raised by neighbours can be seen in full in the attached correspondence. Common elements raised are related to the size and design of the building and the resulting impacts on shadows, setbacks, open space, and overlook.

On September 18, 2025 Council passed a motion directing staff to assess the Single Egress Stairway (SES) building requirements with respect to City capacity in a number of areas. This work is currently underway.

On October 2, 2025 Council passed a motion adopting the bylaws associated with the 10-Year Official Community Plan Update (see the Description of Proposal section above for more information).

ANALYSIS

The revised application incorporates a number of design changes, including:

- increasing the total floor area from 1141.39m² to 1157.67m², with a resulting increase in density (floor space ratio) from 1.94:1 to 1.97:1 (not including basement). The number of dwelling units has also increased from 16 to 17
- increasing the number of storeys from 4.5 (without basement) to five (plus basement)
- increasing the building height from 15.92m (measured to the midpoint on the pitched roof) to 16.57m (measured to the top of the flat roof)
- increasing the rear setback from 2.74m to 5.65m and the open site space from 32.59% to 41.21%
- increasing the front setback to the public SRW from 1.35m to 2.27m (largely due to a decrease in the required size of the SRW, from 3.68m to 2.91m)
- increasing the side yard setbacks from 1.37m to 1.55m, for the northeast side, and from 1.37m to 2.19m on the southwest side
- relocating the bike storage room from the front to the rear of the building
- combining driveway and paths to provide a contiguous space for trees in the front
- adding a pad-mounted transformer to the frontage
- increasing the size of the accessible parking stall to meet the van requirements in the zoning regulations through a widened carport with building cantilever above
- relocating the main entrance further back from the public SRW by 8.19m (from 3.15m to 11.34m)
- removing the external staircases so that the building now has a single internal stair access.
- replacing the pitched roof with a mansard roof
- reducing the size of the upper-level street facing balcony
- changing the predominant exterior cladding material from fibre cement horizontal siding to stucco
- revising the replacement tree species and locations to meet the *Tree Protection Bylaw*.

Development Permit with Variances Application

Official Community Plan: Design Guidelines

The *Official Community Plan* (OCP) identifies this property within Development Permit Area 1: General Urban Design. The relevant objectives of this Development Permit Area (DPA) are to:

- ensure developments advance and contribute to the envisioned urban form for the city, particularly the perimeter block form of development, which preserves green open space in backyards while defining and activating streets
- carefully integrate diverse residential forms
- foster development that is complementary and responsive to surrounding heritage character
- facilitate the continued growth of the city's urban forest canopy
- promote the conservation of water, including through the natural and engineered management and infiltration of rainwater on site.

Design Guidelines that apply to this DPA are the *General Urban Design Guidelines (2025)*. Overall, the revised proposal is not considered sufficiently consistent with the DPA objectives and guidelines. Analysis related to open space, street relationship, building composition and expression is provided below.

Open space

The design guidelines encourage shared open space in the form of courtyards, green spaces, terraces, yards, play areas or rooftop gardens. Site open space should generally be located toward the rear of the lot to support the evolution of perimeter blocks over time, creating a contiguous open space at the interior of blocks. The revised proposal has increased the rear setback (from 2.74m to 5.65m) and increased the open space (from 32.59% to 41.21%). Although the proposed open space exceeds the zoning requirement of 30%, the rear setback still does not meet the required 8.59m minimum.

The ground floor unit has direct access to the yard and the two units on level four have private decks. The remaining 14 units have access to two shared amenity deck spaces on levels three and five. These units do not, however, have private outdoor amenity space as encouraged by the design guidelines.

The proposal does not have sufficient private or shared outdoor space and is not consistent with the perimeter block form objective of the design guidelines.

Street relationship

The design guidelines encourage development to have a positive relationship to the street to foster social interaction in the public realm, as follows:

- Residential use at street level should have strong entry features and building designs that encourage natural surveillance through window and door placement.
- Ground floor homes should have individual entrances oriented towards and connecting to adjacent public sidewalks, courtyards or other open spaces.
- Porches, steps, alcoves, raised terraces, forecourts, landscaping or other design features (such as lighting) are encouraged to make transitions from the public realm to private residences.

- Parking should be designed and located to minimize impacts on adjacent streets and open spaces, and at-grade windows directly adjacent to parking spaces should be avoided or separated through landscaping.

Although the setback to the public SRW has increased from 1.35m to 2.27m (largely due to the SRW decreasing in size) and the bike storage has been moved to the rear of the building, the proposal is still considered inconsistent with the guidelines due to the following:

- The units are configured in such a way that only bedrooms overlook the street. This limits opportunities for natural surveillance and triggers a variance to the GRD-1 zone for primary facades with living and dining rooms solely facing the side yards instead of the front and rear elevations as encouraged in the guidelines and zoning regulations.
- The main entrance has been setback further from the street (by 7.49m) and is now positioned under the building cantilever and partially behind a pad-mounted transformer and short-term bicycle parking.
- The proposal locates two parking stalls in front of the building with at-grade windows that are not separated from the parking spaces by landscaping.

It is therefore recommended that the proposal does not sufficiently support street vitality, pedestrian activity, and visual interest along the street as envisioned in the design guidelines.

Building Composition and Expression

The design guidelines seek variation in façade treatments to achieve architectural interest. New buildings should strive to incorporate substantial, durable and natural materials into their façade that are reflective of the materials used in nearby historic properties. A number of heritage designated properties are located to the north and south of the subject site along Government Street, all of which have a similar materials palette including horizontal siding or cedar shingles.

The use of stucco for this building does create variety in materials along the street as encouraged in the guidelines but it is not reflective of the materials used in nearby historic properties. In addition, there is a lack of architectural features and details such as trim details and moldings, treatment of siding (e.g., the use of score lines, textures, different materials or patterning to distinguish between different floors) which is not consistent with the guidelines.

VariANCES

The revised application is seeking variances to street frontage, setbacks, parking and fence height requirements.

Street Frontage to Increase the Number of Storeys

A variance is proposed to decrease the minimum frontage required from 30m to 17.06m to allow a five-storey building on this lot. As shown in Table 1, lots with frontages between 15m and 30m are permitted a maximum of four storeys. Increasing the number of storeys from four to five also increases the maximum permitted height from 14m to 17m (the current proposal has a height of 16.57m).

Frontage	Number of Stories (maximum)	Height (maximum)
10-15m	3	12m
15-30m	4	14m
30-36m	5	17m

Table 1. Zoning Frontage, Storeys and Height Requirements

The zoning bylaw is structured to allow larger scale buildings on lots with a wider street frontage. It is challenging to meet the zoning requirements and achieve the goals of the design guidelines with larger scale buildings on smaller sized lots. Since many of the existing lots in the GRD-1 Zone have less than 30m frontage, it is anticipated that lot consolidation would often be required to achieve heights above four storeys.

This variance is not supported. A variance to minimum lot width indicates that the proposed development is too significant for a lot of this size, and sufficient justification for the proposed reduction in street frontage has not been provided.

Setbacks

Variances related to setbacks would be required to facilitate this proposal as follows:

- reducing the rear setback from 8.59m to 5.65m
- reducing the north side setback from 7.50m (primary facades below five storeys) to 1.55m
- reducing the north side setback from 9.00m (primary facades above four storeys) to 1.55m
- reducing the south side setback from 7.50m (primary facades below five storeys) to 2.19m
- reducing the south side setback from 9.00m (primary facades above four storeys) to 4.22m.

The setback requirements in the zoning bylaw were intentionally set to align with the objectives of the design guidelines. To reinforce the front-to-back perimeter block urban form goals of the design guidelines, the zoning includes reduced minimum setbacks for side yards that are not defined as primary facades, which includes windows or exterior doors directly into a living or dining room. In this case, the floorplans have been designed with primary windows into living and dining rooms solely facing the side yards, which therefore requires the larger setback sizes. The minimum rear yard setback is intended to provide contiguous greenspace in the centre of the block.

The setback variances are not supported as the orientation of the units is contrary to the goals of the design guidelines to provide a front-to-back orientation and sufficient rear yards leading to a perimeter block form.

Parking

Variances related to parking would be required to facilitate this proposal as follows:

- reducing the minimum number of long-term vehicle parking stalls from 17 to two (including one carshare)
- reducing the minimum number of visitor vehicle parking stalls from two to zero
- reducing the minimum space required behind a parking stall from 7.00m to 0.24m (previously 1.74m).

To help mitigate potential impacts of these variances, the applicant is proposing to provide the following transportation demand management (TDM) measures:

- one car share membership with a \$100 usage credit for each unit
- \$55,000 contribution toward the purchase and operation of a shared, home based fully electric vehicle
- one on-site level two charger
- one on-site car share parking space
- BC Transit EcoPass for a minimum of 20% of the units for a three year term
- four cargo bicycle sized long term parking stalls with minimum dimensions of 0.9m x 2.4m
- one on-site bicycle maintenance and dog wash area with a minimum area of 8.1m²
- access to 110v plugs for 50% of the provided bicycle parking stalls.

These TDM measures would be secured through a legal agreement as part of the development permit with variances process. The variances to the number of parking stalls are supported due to the mitigations proposed. The variance related to the space required behind a parking stall is supported because the parking stall is functional.

Fence

A variance is required to increase the height of the fences located in the front yard from 1.22m to 1.83m (previously no fence variance was proposed). This is not supported as it is inconsistent with the guidelines that support pedestrian activity and seek to create sociable open spaces through building design and ‘eyes on the street’.

Housing

The application, if approved, would add approximately 13 new residential rental units (the existing four units would be replaced by 17 units), which would increase the overall supply of housing in the area and contribute to the targets set out in the *Victoria Housing Strategy*. This is an increase from the previous proposal which included 16 dwelling units.

Affordability Targets

Since this application is for a DPV, housing affordability considerations cannot be required. The applicant, however, is proposing two of the units (10% of the total number of units) to be affordable and secured by legal agreement for a term of 20 years with the following requirements for each unit:

- to be rented at 95% of Canada Mortgage and Housing Corporation (CMHC) median market rates
- to be rented to tenants with a total household income that does not exceed the Median Income Limit identified in the Victoria Housing Reserve Fund Guidelines.

This is consistent with the Affordable Rental Housing Revitalization Tax Exemption Bylaw and therefore the applicant would qualify for tax exemption under this program.

Housing Mix

While the Family Housing Policy applied to the previous proposal, it was replaced by requirements in the zoning regulations on October 2, 2025. The policy targets regarding the number of two- and three-bedroom units are now required under the zoning bylaw as shown in Table 2 below. The proposal meets these requirements.

Unit Type	Required		Proposed	
	Number of Units	Percentage of Units	Number of Units	Percentage of Units
Studio	N/A	N/A	0	0%
One-bedroom	N/A	N/A	11	64.70%
Two-bedroom	2	20% or more	2	11.76%
Three-bedroom	3	10% or more	4	23.52%
TOTAL	N/A	N/A	17	100.00%

Table 2. Family Housing Minimum Requirements

Security of Tenure

The applicant is proposing rental housing secured through a legal agreement.

Existing Tenants

The proposal is to demolish an existing building which would result in a loss of four existing residential rental units. Three of the units are currently occupied by applicant and family, and one is tenanted. While the Tenant Assistance Policy applied to the previous proposal, it was replaced by the Tenant Protection During Redevelopment Bylaw on October 2, 2025. Consistent with this bylaw, a revised Tenant Assistance Plan has been received and approved.

Single Stair Egress

The Fire Department does not support applications with single stair egress (as outlined in the Provincial Ministerial Order No. BA 2024 03). The firefighting and inspection assumptions contained in the Notes section of the order, including the additional fire inspection and firefighting considerations that the fire department is required to maintain for buildings with a single exit stair, are still under review. Staff are currently preparing a response to the September 18, 2025 Council motion regarding Single Egress Stairs (SES).

Tree Protection Bylaw and Urban Forest Master Plan

The goals of the *Urban Forest Master Plan* include protecting, enhancing, and expanding Victoria's urban forest and optimizing community benefits from the urban forest in all neighbourhoods.

A total of four trees have been inventoried: three off-site bylaw protected trees, and one municipal Hawthorn tree in front of the neighbouring property. There are currently no existing municipal trees in front of the subject property.

All neighbouring trees and the municipal tree will be retained following the mitigation measures outlined in the Arborist Report.

Three new trees are proposed on the subject lot, all of which comply with the siting and soil volume requirements of Tree Protection Bylaw 21-035. One new street tree is proposed in a grass boulevard.

Increased Inventory	Annual Maintenance Cost
Street Tree – One net new (\$60 per tree)	\$60

Statutory Right of Way

If Council chooses to approve this application, the applicant will provide a 2.91m wide Statutory Right-of-Way (SRW) along Government Street in advance of issuance of the Building Permit to help fulfill *Official Community Plan* objectives such as enhanced sidewalks and the urban tree canopy. This has been reduced from the initial request of 3.68m because this section of Government Street was reclassified from a collector street to a local street by Council motion and in consideration of the City’s Works and Services Bylaw.

CONCLUSIONS

The applicant has revised the proposal and indicated that they would like to proceed to a Committee of the Whole meeting. However, the proposal does not adequately meet the Development Permit Area objectives and guidelines in relation to usable outdoor space, a positive street relationship, and building composition and expression. The proposed variances to the frontage and setbacks are not supportable as the scale of the proposal is too large for the lot and the reduced setbacks are contrary to the guidelines as it relates to building orientation and perimeter block form.

The recommendation is therefore to decline the application.

ALTERNATE MOTION

Option 1 – Approve as Proposed

That Council, after giving notice, consider the following motion:

- “1. That Council authorize the issuance of Development Permit with Variances No. 00251 for 50 Government Street, in accordance with plans submitted to the Planning and Development department and date stamped on January 21, 2026, subject to:
 - a. proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. reducing the minimum street frontage required for a five-storey building from 30.00m to 17.06m
 - ii. reducing the rear setback from 8.59m to 5.65m

- iii. reducing the north side setback from 7.50m (primary facades below five storeys) to 1.55m
 - iv. reducing the north side setback from 9.00m (primary facades above four storeys) to 1.55m
 - v. reducing the south side setback from 7.50m (primary facades below five storeys) to 2.19m
 - vi. reducing the south side setback from 9.00m (primary facades above four storeys) to 4.22m
 - vii. reducing the minimum number of long-term vehicle parking stalls from 17 to two (including one carshare)
 - viii. reducing the minimum number of visitor vehicle parking stalls from two to zero
 - ix. reducing the minimum space required behind a parking stall from 7.00m to 0.24m
 - x. increasing the front yard fence height from 1.22m to 1.83m.
- b. Registration of the following legal agreements on the property's title, with contents satisfactory to the Director of Planning and Development and form satisfactory to the City Solicitor:
- i. secure the rental tenure of all dwelling units in perpetuity
 - ii. secure 10% of the dwelling units in the building (a total of two units) for a term of 20 years with the following requirements for each unit:
 - a. to be rented at 95% of Canada Mortgage and Housing Corporation (CMHC) median market rates
 - b. to be rented to tenants with a total household income that does not exceed the Median Income Limit identified in the Victoria Housing Reserve Fund Guidelines.
- c. Registration of the following legal agreements on the property's title, with contents satisfactory to the Director of Engineering and Public Works and form satisfactory to the City Solicitor:
- i. provision of transportation demand management measures including:
 - a. one car share membership with a \$100 usage credit for each unit
 - b. minimum \$55,000 contribution toward the purchase and operation of a shared, home based fully electric vehicle
 - c. one on-site level two charger with radio frequency identification (RFID) and communications
 - d. one on-site car share parking space
 - e. BC Transit BC Transit EcoPass for a minimum of 20% of the units for a 3 year term
 - f. minimum four cargo bicycle sized long term parking stalls with minimum dimensions of 0.9m x 2.4m

- g. one on-site bicycle maintenance and dog wash area with a minimum area of 8.1m²
 - h. access to 110v plugs for a minimum of 50% of the provided bicycle parking stalls.
- 2. That the Development Permit with Variances, lapses two years from the date of this resolution if construction is not substantially started within this timeframe; and
- 3. That the approval of this Development Permit with Variances lapses two years from the date of this resolution if the Development Permit with Variances is not issued within this timeframe.”

Respectfully submitted,

Rob Bateman
Senior Planner
Development Services Division

Karen Hoese, Director
Planning and Development Department

Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A Subject Map
- Attachment B Plans date stamped January 21, 2026
- Attachment C Letter from applicant to Mayor and Council received on January 21, 2026
- Attachment D Zoning Data Table
- Attachment E Enabling Legislation
- Attachment F Tenant Assistance Plan dated August 24, 2024
- Attachment G Tree Management Plan dated June 24, 2025
- Attachment H Staff Report from the December 12, 2024 Committee of the Whole Meeting
- Attachment I Motion from the December 12, 2024 Council Meeting
- Attachment J Correspondence (Letters received from residents)