



Committee of the Whole Report For the Meeting of August 6, 2020

To: Committee of the Whole **Date:** July 23, 2020

From: Karen Hoesel, Director, Sustainable Planning and Community Development

Subject: Development Variance Permit No. 00246 for 1118 Princess Avenue (George Jay Elementary School)

RECOMMENDATION

1. That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:
"That Council authorize the issuance of Development Variance Permit Application No. 00246 for 1118 Princess Avenue, in accordance with:
 - a. Plans date stamped July 15, 2020.
 - b. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Allow the building to be constructed over a property line
 - ii. Reduce the side yard setback from 1.85m to 0.0m (West - Lot 16)
 - iii. Reduce the side yard setback from 1.85m to 0.0m (East – Lot 17).
 - c. The Development Permit lapsing two years from the date of this resolution."
2. That recommendations be forwarded to the August 6, 2020 daytime Council Meeting so that an opportunity for public comment can be scheduled in September.

LEGISLATIVE AUTHORITY

In accordance with Section 498 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 Variance Permit application for the property located at 1118 Princess Avenue. The proposal is to place a portable school building at George Jay Elementary School to be used as a dedicated music room for the upcoming school year. The existing school site consists of multiple lots that have not been consolidated. The proposed building would be located on the lot line between two lots, referred to as Lot 16 and Lot 17. Variances from the *Zoning Regulation Bylaw* are required to permit the building to be located over the lot line and for the resulting zero side yard setback conditions on both of the impacted lots.

The following points were considered in assessing this application:

- the proposal responds to objectives and policies outlined in the *Official Community Plan*, (OCP, 2012) that recognize the importance of schools and their role in creating a complete community
- the proposed variances are technical in nature resulting from locating the portable building on an existing lot line within the overall school site and are not expected to result in a significant impact on the neighbourhood.

BACKGROUND

Description of Proposal

The proposal is to place a portable school building at George Jay Elementary School. The building will be used as a music room. Specific details include:

- the building would be situated on an existing hard surfaced area located between the existing school buildings and playing fields
- the building would be 4.2m in height and have a footprint of approximately 90m²
- exterior finishing materials include lap siding and metal flashing.

Variances are required to permit the proposed building to be located over a lot line and for the resulting zero side yard setback conditions on each impacted lot.

Sustainability Features

The applicant has not identified any specific sustainability features associated with this proposal, however, the architect has indicated that this particular portable is a new build, constructed to current code standards with improved energy efficiency, featuring thermal resistance using higher insulation values, as well as heating systems that are improved over earlier modular classroom models.

Active Transportation Impacts

The applicant has not identified any active transportation impacts associated with this proposal.

Public Realm Improvements

No public realm improvements are proposed in association with this Development Variance Permit application.

Accessibility Impact Statement

An accessible wheelchair ramp to the building entrance would be provided.

Existing Site Development and Development Potential

The site is presently occupied by George Jay Elementary School.

Under the current R1-B Zone, Single Family Dwelling District, the property could be redeveloped as a single-family dwelling with a secondary suite or a garden suite.

Data Table

The following data table compares the proposal with the existing R1-B Zone. An asterisk is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposal Lot 16	Proposal Lot 17	Existing Zone (R1-B)
Site area (m ²) – minimum	676	676	230
Lot width (m) – minimum	18.46	18.46	7.5
Building Location	Over property line *	Over property line *	Building not permitted over property line
Height (m) – maximum	4.2	4.2	7.6
Storeys – maximum	1	2.5	2.5
Site coverage (%) – maximum	8	7.5	40
Setbacks (m) – minimum:			
Front	7.5	7.5	7.5
Rear	13.86	13.86	9.16
Side (west)	0 *	10.79	1.85
Side (east)	14.5	0 *	1.85
Parking – minimum	0	0	0

Relevant History

The proposed portable building would be located on land owned by the City but administered by School District under the *School Act* given its use for education purposes. On June 25, 2020, the City approved a licence allowing the School District to place the portable at this location for a period of five years with an option to extend this to two further five-year periods if required.

Staff did consider whether it would be possible to consolidate the two lots that are subject to this application (i.e. if the lots were consolidated then no variances would be necessary). However, consolidating lots was not deemed feasible and the submission of a Development Variance Permit application to allow the proposed temporary building to straddle the lot line was considered to be the best way forward.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on July 16, 2020, the application was referred for a 30-day comment period to the Fernwood CALUC. As there is some urgency to proceed with the development and place the building on site for the start of the school year, this application is being presented to Committee of the Whole prior to the end of the 30-day comment period. However, staff have contacted the CALUC chair to discuss the proposal and explain the timelines associated with this application. At the time of writing this report, a letter

from the CALUC had not been received. Any comments received from the CALUC will be forwarded to Council at the Opportunity for Public Comment, should Council proceed with the staff recommendation.

This application proposes variances; therefore, in accordance with the City's *Land Use Procedures Bylaw*, it requires notice, sign posting and a meeting of Council to consider the variance.

ANALYSIS

Official Community Plan

The proposal is consistent with the *Official Community Plan* (OCP, 2012) which includes policies that support schools and recognize the importance of their role in creating complete communities.

Tree Preservation Bylaw and Urban Forest Master Plan

There are no *Tree Preservation Bylaw* impacts or impacts to public trees with this application.

Proposed Variances

The existing site occupied by George Jay Elementary School is made up of multiple lots. As outlined in their letter dated July 20, 2020, the School District is seeking to install the portable building over one of these lot lines for the following reasons:

- if the building was located further to the east (on Lot 16) it would encroach upon the school playing fields
- if the building was located further to the west (on Lot 17) it would encroach upon the existing school and it would be difficult to achieve adequate separation distance between buildings as required by the BC Building Code
- other locational factors such as the presence of a retaining wall on Lot 17, the suitability of the existing asphalt surface and proximity of underground utilities have also influenced the siting of the proposed building.

Further details are included in the aforementioned letter (attached).

The proposed siting of the building requires variances to allow the building to be situated on the lot line and to permit the resulting zero side yard setback condition on both the impacted lots. The proposed side yard setback variance would occur centrally within the school grounds. The proposed building is set back 7.5m from Queens Avenue and would be located a significant distance from the nearest neighbouring property. As such, staff consider that these variances are supportable and would not adversely impact neighbours or the wider neighbourhood.

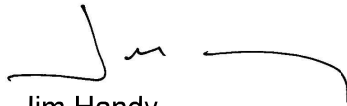
CONCLUSIONS

The proposed application to place a portable school building at George Jay Elementary School is consistent with City policy. The proposed variances are considered supportable and would not impact the neighbouring properties or the wider neighbourhood.

ALTERNATE MOTION

That Council decline Development Variance Permit Application No. 00246 for the property located at 1118 Princess Avenue.

Respectfully submitted,



Jim Handy
Senior Planner – Development Agreements
Development Services Division



Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date: July 25, 2020

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped July 15, 2020
- Attachment D: Letter from applicant to Mayor and Council dated July 20, 2020
- Attachment E: Letter from the Greater Victoria School District dated July 20, 2020.