



## Committee of the Whole Report

For the Meeting of May 27, 2021

---

**To:** Committee of the Whole **Date:** May 13, 2021

**From:** Karen Hoese, Director, Sustainable Planning and Community Development

**Subject:** Development Permit with Variance Application No. 00164 for 900-912 Vancouver Street & 930-990 Burdett Avenue

---

### 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 Permit with Variance Application No. 00164 for 900-912 Vancouver Street & 930-990 Burdett Avenue, in accordance with:

  1. Plans date stamped May 11, 2021.
  2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
    - i. Reduce the vehicle parking from 97 stalls to 73 stalls.
  3. Registration of legal agreements on the property’s title to secure the following:
    - i. the removal of the modular classroom building within five years of Council approval of Development Permit with Variance Application No. 00164, to the satisfaction of the Director of Sustainable Planning and Community Development; and
    - ii. a 1.5 metre Statutory Right-of-Way adjacent to Rockland Avenue to the satisfaction of the Director of Engineering and Public Works.
  4. Final plans generally in accordance with the plans date stamped April 27, 2021 with the following revision:
    - i. amend the site plan to include a statutory right-of-way along a portion of the Rockland Avenue frontage to accommodate a future sidewalk, to the satisfaction of the Director of Engineering and Public Works
    - ii. amend the parking layout to accommodate the statutory right-of-way along Rockland Avenue.
  5. The Development Permit lapsing two years from the date of this resolution.”
2. That recommendations be forwarded to the May 27, 2021 daytime Council Meeting so that an opportunity for public comment can be scheduled in June.

## LEGISLATIVE AUTHORITY

In accordance with Section 489 of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *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 491 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.

## EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit with Variance Application for the property located at 900-912 Vancouver Street and 930-990 Burdett Avenue. The proposal is to place a two-storey modular classroom building at Christ Church Cathedral School. The applicant is willing to provide a legal agreement on title to remove the structure within a maximum of five years. The variance is to reduce the vehicle parking requirements.

The following points were considered in assessing this application:

- The proposal responds to objectives and policies outlined in the *Official Community Plan, 2012* (OCP) that recognize the importance of schools and their role in creating a complete community.
- There are three heritage-designated buildings onsite: Christ Church Cathedral (identified as a heritage landmark building in the OCP), Memorial Hall and Yarrow's Chapel. The landscaped area to the south of the Cathedral is also heritage-designated.
- The proposed building location limits public views of the heritage designated Memorial Hall from Burdett Avenue and interferes with the visual relationship between the hall and the deanery as viewed from Burdett Avenue. This relationship is a character defining element according to the heritage statement of significance for this site.
- The proposal is generally inconsistent with the design guidelines for Development Permit Area 14: Cathedral Hill Precinct, which encourage new buildings to respect the visual prominence and character defining elements of nearby heritage buildings; however, the siting and scale of the building are subordinate to the heritage buildings when viewed from most locations, consistent with the design guidelines.
- The applicant has indicated that the buildings are required to facilitate physical distancing in response to COVID-19 and will also allow for increased enrolment at the School.
- Given the inconsistency with the Design Guidelines, the applicant is offering a legal agreement to secure the building's removal within five years.
- The proposed parking variance is not expected to result in a significant impact on the neighbourhood.

## **BACKGROUND**

### **Description of Proposal**

The proposal is to place a two-storey modular classroom building at the Cathedral School site. The building would be located in the middle of the property between the Memorial Hall and Deanery on a location currently occupied by an artificial turf field. A new replacement play area is also proposed in the parking lot located between the Cathedral and Memorial Hall. Specific details include:

- the two-storey modular building would be 7.31m in height and have a footprint of 180.8m<sup>2</sup> and total floor area of 346m<sup>2</sup>
- exterior finishing materials of the modular buildings include hardi-panel siding and metal flashing.

The proposed classroom building generates an additional two stall requirement and the proposed play area and statutory right-of-way (SRW) would result in a loss of 11 stalls; therefore, the application includes a parking variance to reduce the vehicle parking requirement.

### **Sustainability**

The applicant has not identified any specific sustainability features associated with this proposal. However, in their letter to Council the applicant has pointed out the modular buildings will be relocated from another school campus.

### **Active Transportation**

The application proposes ten short-term bicycle parking stalls which support active transportation. The bicycle racks would be located near the public entrance to the school and accessed via the parking lot entrance off Vancouver Street.

### **Public Realm**

No public realm improvements beyond City standard requirements are proposed in association with this application; however, the applicant has indicated in the letter to Council that they intend to plant gardens within the boulevard in accordance with the City's *Boulevard Gardening Guidelines*.

### **Accessibility**

Accessibility measures beyond those contained in the *British Columbia Building Code* are not proposed.

### **Existing Site Development and Development Potential**

The site occupies the full city block bounded by Quadra Street, Vancouver Street, Rockland Avenue and Burdett Avenue. There are several buildings that form the cathedral and school complex, including the following heritage designated buildings:

- Christ Church Cathedral at the corner of Quadra Street and Rockland Avenue
- Memorial Hall at the corner of Rockland Avenue and Vancouver Street
- Yarrow's Chapel located to the south of Memorial Hall facing Vancouver Street

- the landscaped open space at the corner of Quadra Street and Burdett Avenue is also heritage-designated.

In addition to the heritage buildings, there is a two-storey administrative building located on the corner of Vancouver Street and Burdett Avenue and the two-storey dean's residence located mid-block and fronting onto Burdett Avenue.

### Data Table

The following data table compares the proposal with the existing CHP-PB Zone, Cathedral Hill Precinct Public Building Zone. An asterisk is used to identify where the proposal does not meet the requirements of the existing Zone.

Zoning Criteria	Proposal	CHP-PB Zone
Site area (m <sup>2</sup> ) – minimum	<b>13,624.80</b>	-
Density (Floor Space Ratio) – maximum	0.025:1 (new building) 0.43:1 (overall)	2:1
Height (m) – maximum	7.31	22.50
Storeys – maximum	2	-
<b>Setbacks</b> (m) – minimum		
North (Rockland Avenue)	41.05	7.50
South (Burdett Avenue)	18.36	7.50
East (Vancouver Street)	51.93	7.50
West (Quadra Street)	120.00	7.50
Parking – minimum	<b>73*</b>	1 (residential) 7 (office) 74 (cathedral) 13 (existing school) 2 (proposed school building) 97 (total)
<b>Bicycle parking stalls</b> – minimum		
Long term	0	0 (for new building)
Short term	10	2 (for newbuilding)

## **Community Consultation**

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, on April 29, 2021 this application was referred for a 30-day comment period to the Fairfield and Gonzales CALUC. At the time of writing this report, a letter from the CALUC had not been received.

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 variances.

## **ANALYSIS**

### **Official Community Plan**

The proposal is consistent with the *Official Community Plan*, 2012 (OCP) which includes policies that support schools and recognize the importance of their role in creating complete communities. The siting and scale of the proposed modular classroom is also generally consistent with the OCP's placemaking policies which seeks to maintain public views of heritage landmark buildings, such as the Christ Church Cathedral, through careful consideration of new development.

### **Development Permit Area and Design Guidelines**

The *Official Community Plan* (OCP) identifies this property within Development Permit Area 14: Cathedral Hill Precinct. The applicable guidelines are the *Advisory Design Guidelines for Buildings, Signs and Awnings* and the *Downtown Core Area Plan*. These design guidelines encourage new development to respond to and enhance the character of heritage-designated buildings through building design, siting and choice of exterior material and colour.

The statement of heritage significance for the subject site identifies the visual relationship between the Memorial Hall and Deanery as a character defining element. The proposed location for the modular building interrupts the pedestrian view of this relationship from Burdett Avenue. Although the modular building's design and materials do not compliment the heritage-designated buildings and the proposed location diminishes public views of the Memorial Hall from Burdett Avenue, the building is subordinate in terms of scale and is set back a sufficient distance to provide adequate separation from the heritage buildings.

The applicant has indicated that the proposed building is only needed on a temporary basis and is therefore offering a legal agreement to ensure the building is removed within five years. The agreement is supportable given the inconsistencies with the design guidelines noted above. The appropriate language to secure this agreement has been added to the recommendation.

### **Fairfield Neighbourhood Plan**

The *Fairfield Neighbourhood Plan* encourages new development adjacent to the Christ Church Cathedral site to be designed in a manner that compliments the heritage landmark building in terms of building placement, scale, design, massing and use. The proposed modular classroom supports the existing school use on the site and its scale and placement are subordinate to the heritage buildings. As mentioned, the design and massing of the pre-fabricated modular building are not, however, considered complimentary to the characteristics of the heritage buildings.

## Tree Preservation 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.

This application was received after October 24, 2019, so it falls under *Tree Preservation Bylaw No. 05-106* consolidated November 22, 2019. There are five bylaw-protected trees in the vicinity of the proposed modular building and associated servicing, as outlined in the attached arborist report. A bylaw-protected European holly tree is to be removed to accommodate the building and two replacement trees are to be planted.

The proposed underground service installations within the protected root zones of the two giant sequoias and a purple beech will be reviewed by the project arborist prior to building permit submission. Based on a revised arborist report, building permit conditions will outline tree protection fencing, arborist supervision and low impact excavation measures to ensure that negative impacts to retained trees are minimized. Potential green stormwater management measures to mitigate the lack of permeable areas surrounding the two giant sequoia trees to the east of the proposed building will also be considered at the building permit stage.

### Statutory Right-of-Way

The applicant is offering a 1.5m wide statutory right of way (SRW) along a portion of the Rockland Street frontage which can accommodate a future sidewalk. The SRW would help fulfill OCP objectives related to accessibility, including improving the pedestrian experience for church patrons, school children and staff. The recommendation includes the appropriate language to secure the SRW, as well as a plan amendment to remove the three parking stalls along the Rockland Avenue frontage that would be within the SRW.

### Parking Variance

A 24-stall parking variance is requested with this application to reduce the vehicle parking from 97 stalls to 66 stalls.

Parking Variance Calculation	Parking Stalls
Existing parking shortfall based on current <i>Zoning Regulation Bylaw</i> requirements	11
Required for the proposed modular classroom	2
Converted to a children's play area	8
Removed from the SRW area at the request of staff to provide space for a future sidewalk	3
Total	24

It is worth noting that the subject property is located across the street from the core area boundary. If the property were within the core area the parking requirement for the cathedral

would be reduced from 74 stalls to zero stalls and the site would have a parking surplus of 50 stalls with this proposal.

The variance is considered supportable because the applicant has provided additional short-term bicycle parking that goes beyond the *Zoning Regulation Bylaw* requirement. The site is also located in a walkable area near the Frequent Transit Network (FTN) and All Ages Abilities (AAA) bicycle network along Vancouver Street and Rockland Avenue, which will help visitors, students, staff, and faculty consider alternatives modes of transportation to help mitigate the impact of reduced vehicle parking.

## **CONCLUSIONS**

The proposed application to place a temporary modular school building at Christ Church Cathedral School is consistent with the *Official Community Plan* policies related to supporting schools as an important part of complete communities. Although the pre-fabricated building design and materials are inconsistent with the design guidelines, the proposed building location and scale are generally consistent with the guidelines for new buildings in close proximity to heritage buildings. In addition, the applicant is offering a covenant securing the removal of the building within five years, as well as a statutory right-of-way along Rockland Avenue to help advance OCP objectives related to pedestrian accessibility. The proposed parking variance is considered supportable and would have limited impact on neighbouring properties and the wider neighbourhood.

## **ALTERNATE MOTION**

That Council decline Development Permit with Variance Application No. 00164 for the property located at 912 Vancouver Street.

Respectfully submitted,

Alec Johnston  
Senior Planner  
Development Services Division

Karen Hoesel, Director  
Sustainable Planning and Community  
Development Department

**Report accepted and recommended by the City Manager.**

## **List of Attachments**

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped May 11, 2021
- Attachment D: Letter from applicant to Mayor and Council dated March 12, 2021
- Attachment E: Arborist report dated April 22, 2021.