



Committee of the Whole Report For the Meeting of September 22, 2022

To: Committee of the Whole **Date:** September 8, 2022

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

Subject: Development Permit with Variance Application No. 00176 for
458 Cecelia Road

RECOMMENDATION

That Council consider the following motion:

1. That Council waive the standard practice of holding an opportunity for public comment for this application, including the standard practices related to sign posting and public notification.
2. That Council authorize the issuance of Development Permit with Variance Application No. 00176 for 458 Cecelia Road, in accordance with:
 - a. Plans date stamped April 27, 2022.
 - b. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
 - i. increase the side yard setback along the east property line from 0m to 0.1m.
 - c. The applicant providing a 1.4m wide road dedication along the Cecelia Road frontage to the satisfaction of the Director of Engineering and Public Works.
3. That the Development Permit, if issued, lapses in two years from the date of this resolution.
4. That Council advance this matter for ratification and issuance at the September 22, 2022 daytime Council meeting.

LEGISLATIVE AUTHORITY

Relevant Development Permit considerations relate to the application's consistency with design guidelines and supportability of the proposed variance.

Enabling Legislation

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 *Official 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.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit with Variance (DPV) for the property located at 458 Cecelia Road.

The following points were considered in assessing this application:

- The *Official Community Plan, 2012* (OCP) identifies the subject property within Development Permit Area (DPA) 16: General Form and Character. This DPA encourages the integration of new industrial buildings in a manner that is complementary to established place character in a neighbourhood through high quality of architecture, landscape and urban design that responds to the distinctive setting through sensitive and innovative interventions. The proposal incorporates some design elements from adjacent buildings and improves the streetscape appearance. The proposal is generally consistent with the applicable design guidelines.
- The *Burnside Gorge Neighbourhood Plan* (BGNP, 2017) encourages an industrial building design that includes higher floor-to-ceiling heights suitable for contemporary light industry along with loading bays. The proposal complies with the policies outlined in the BGNP.
- The applicant is providing a 1.4m wide road dedication along the Cecelia Road frontage.
- Increasing the side yard setback from 0m to 0.1m is a result of meeting the seismic requirements in the *BC Building Code*. The proposed variance is supportable.

BACKGROUND

Description of Proposal

The proposal is for a new one-storey, including a mezzanine level, industrial building consisting of light industry, vehicle repair and ancillary retail uses. The existing warehouse building in the rear yard will be retained. No self-storage uses are proposed. Specific details of the new industrial building include:

- a low-rise building form consisting of a flat roofline and substantial glazing on the front elevation
- exterior materials include horizontal wood siding, hardie panel, smooth concrete block and metal roof
- main entryway fronting Cecelia Road
- blank wall along the east elevation
- a black chain-link style gate located behind the front face of the building
- soft landscaping in the front yard
- five existing trees in the front yard to be retained
- two long-term and six short-term bicycle parking spaces
- seven surface parking stalls and a loading space in the rear yard.

The proposed variance is related to increasing the side yard setback from 0m to 0.1m along the east property line.

Land Use Context

The area is characterized by a mix of industrial, commercial, institutional, and residential uses.



Figure 1. Aerial photo of subject property

Existing Site Development and Development Potential

The site is presently used as a warehouse building and under the M-2 Zone, Light Industrial District, the property could be developed at a density of 3:1 Floor Space Ratio (FSR) and with the uses proposed or other light industrial uses, such as manufacturing, processing, and assembly. However, it could also be developed as parking garage, car dealership, funeral home, veterinary hospital, or a school.

Data Table

The following data table compares the proposal with the existing M-2 Zone, Light Industrial District. An asterisk is used to identify where the proposal is less stringent than the existing Zone.

Zoning Criteria	Proposal	Zone Standard M-2 Zone
Site area (m ²) – minimum	1323.07	n/a
Density (Floor Space Ratio) – maximum	0.40:1	3:1

Zoning Criteria	Proposal	Zone Standard M-2 Zone
Total floor area (m ²) – maximum	530.70	n/a
Height (m) – maximum	7.52	15
Storeys – maximum	1	n/a
Number of buildings on a lot	2	>1
Site coverage (%) – maximum	n/a	n/a
Setbacks (m) – minimum		
Front	4.60	n/a
Rear	9.28	3 or 0
Side (east)	0.1* (new building) 0.16** (existing building)	0
Side (west)	6.8 (new building) 0.06** (existing building)	3 or 0 (new building) 0 (existing building)
Vehicle parking - minimum	7	6
Loading Space (m) – minimum		
Width	4	4
Length	9	9
Setback from the street	>3	3
Access width from the street	>5	5
Bicycle parking stalls – minimum		
Short-term	2	1
Long-term	6	6

Active Transportation

The application proposes six long-term and two short-term bicycle parking spaces to support active transportation, which slightly exceeds the bicycle requirement for this development.

Public Realm

No public realm improvements beyond City standard requirements are proposed in association with this application.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, on January 5, 2021, March 8, 2022, and April 28, 2022, the application was referred for a 30-day comment period to the Burnside Gorge CALUC. At the time of writing this report, a letter has not been received from the CALUC.

An Opportunity for Public Comment is not a legislative requirement for DPVs under the *Local Government Act*. Each municipality in British Columbia has the authority to determine if there should be a public forum associated with the approval of development permits with variances. The City's *Land Use Procedures Bylaw* states the following with respect to the City's requirements for an Opportunity for Public Comment:

31. Council may provide an opportunity for public comment before passing a resolution to issue:

- a. a development variance permit, other than a permit that varies a bylaw under Section 528 of the Local Government Act;*
- b. a development permit with variances;***
- c. a heritage alteration permit with variances;*
- d. a temporary use permit.*

All development permit applications for new buildings in Development Permit Area 16: General Form and Character are delegated to staff for approval, subject to the review of the Advisory Design Panel. Because there is a minor side yard setback variance with this application that is not delegated to staff, the application must be referred to Council for approval. Given that the proposed variance is minor in nature (i.e., increasing the side yard setback by 10cm) and it would have minimal impacts on the adjacent property, staff recommend that the OPC is waived for this application.

The staff recommendation includes the necessary language to waive the Opportunity for Public Comment, including the standard practices related to sign posting and public notification. If Council would prefer to hold an Opportunity for Public Comment on this application, then the alternate motion is structured accordingly for Council's consideration.

ANALYSIS

Official Community Plan: Design Guidelines

The *Official Community Plan, 2012* (OCP) identifies this property within Development Permit Area 16: General Form and Character. This DPA encourages the integration of new industrial buildings in a manner that is complementary to established place character in a neighbourhood through high quality of architecture, landscape and urban design that responds to the distinctive setting through sensitive and innovative interventions. The proposal includes a simple architectural form and incorporates some design features from adjacent buildings, including a flat roofline and substantial glazing. The proposed high-quality and durable exterior materials including horizontal wood siding, hardie panel, smooth concrete block and metal roof are

consistent with the design guidelines. In addition, the proposal is introducing soft landscaping in the front yard, which will improve the overall streetscape appearance.

Lastly, the OCP encourages new industrial buildings to be designed with sufficient floor-to-ceiling heights and loading bays that support light industrial uses. The proposal includes a floor-to-ceiling height of approximately 5.5m and two loading bays, which enables flexibility and adaptability to accommodate a variety of industrial uses.

Burnside Gorge Neighbourhood Plan

The *Burnside Gorge Neighbourhood Plan* (BGNP, 2017) encourages an industrial building design that includes higher floor-to-ceiling heights suitable for contemporary light industry along with loading bays. The proposal complies with the policies outlined in the BGNP.

Accessibility

No accessibility improvements are proposed beyond what is required through the *British Columbia Building Code*.

Sustainability

As indicated in the applicant's letter dated June 27, 2020, the sustainability features associated with this proposal include high-quality and energy efficient doors, LED lighting and low water consumption appliances, and systems for recovering excess oil and grease from vehicle repairs. The applicant has also indicated a desire to install solar panels on the roof.

Advisory Design Panel Review

The application was reviewed by the Advisory Design Panel on June 23, 2021. At that meeting, the following motion was passed:

That Development Permit with Variance Application No. 00176 for 458 Cecelia Road does not sufficiently meet the applicable design guidelines and policies and should be declined and that the key areas that should be revised include:

- *Reconsider exterior finishes, the front and east elevation to be more neighbourly and to contribute to the public realm.*
- *Landscaping between the parking stalls and the property to the east to soften the relationship between properties.*
- *Increase the overall site landscaping with the potential of additional trees.*
- *Include the arborist report and the details around exterior finishes.*
- *Further consideration of the east elevation wall, which is currently a large blank windowless and featureless wall which is visible from the street.*
- *Design of the front elevation and street relationship requires further development to improve the street relationship, contextual fit and neighbourliness.*

In response to the ADP's recommendation above, the applicant made the following changes:

- relocated the front entrance from the corner to the centre of the building with direct access to the sidewalk
- added a roof projection and more windows on the front elevation
- revised exterior materials and added horizontal wood siding as an accent material

- incorporated a split faced and flat concrete block pattern on the east elevation
- the applicant submitted an arborist report to the satisfaction of the Director of Parks, Recreation and Facilities.

The applicant’s letter dated January 20, 2022 provides further details regarding their response to ADP. The revisions to the proposal are more aligned with the applicable design guidelines that pertain to built form, the building’s relationship to the street and landscaping.

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 Tree Preservation Bylaw No. 05-106 (consolidated November 22, 2019) applies, protecting trees larger than 30cm diameter at breast height (DBH).

There are five existing Douglas-fir trees measuring 64cm, 63cm, 31cm, 34cm and 69cm in diameter located along the frontage of the subject property. These trees are in the future road dedication and would become the City’s responsibility to manage and maintain should Council approve the Development Permit with Variance application. The project arborist has recommended several mitigation measures at various stages of the project to ensure these trees are retained.

There are no bylaw-protected trees on the subject property and the applicant has not proposed to plant any new trees.

Tree Impact Summary Table

Tree Status	Total # of Trees	To be REMOVED	To be PLANTED	NET CHANGE
On-site trees, bylaw-protected	5	0	0	0
On-site trees, not bylaw-protected	0	0	0	0
Municipal trees	0	0	0	0
Neighbouring trees, bylaw-protected	0	0	0	0
Neighbouring trees, not bylaw-protected	0	0	0	0
Total	5	0	0	0

Regulatory Considerations

Side Yard Setback Variance

The required side yard setback in the M-2 Zone is 0 or 3m. To comply with recent changes to the *BC Building Code*, the applicant must set back a portion of the building by 0.1m (10

cm) from the east property line to avoid building sway over the property line in the event of seismic activity. Therefore, a side yard setback in between 0 and 3m triggers a variance. The proposed variance is supportable as it is minor in nature and the area along the east side of the building could not be utilized for unenclosed storage nor could a person access the side yard after the building is constructed.

Other Considerations

Road Dedication

The applicant has voluntarily agreed to provide a 1.4m wide road dedication along the Cecelia Road frontage. The dedication will help achieve the policies and objectives in the OCP and *Burnside Gorge Neighbourhood Plan* pertaining to the enhancement of facilities for walking and boulevards, and the protection of the long-term viability of large canopy trees.

Resource Impacts

It is estimated that the annual City maintenance costs to maintain five existing municipal trees acquired through road dedication is \$300.00.

CONCLUSIONS

The proposal to construct a one-storey, including a mezzanine level, industrial building is generally consistent with the design guidelines. The applicant has made some refinements to the proposal in response to the feedback provided at ADP, which improved the proposal. The side yard setback variance is also supportable as it does not trigger any negative impacts on adjoining properties. Staff recommend that Council waive the opportunity for public comment and approve this Development Permit with Variance Application.

ALTERNATE MOTIONS

Option One – Hold an Opportunity for Public Comment

That Council after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

1. That Council authorize the issuance of Development Permit with Variance Application No. 00176 for 458 Cecelia Road, in accordance with:
 - a. Plans date stamped April 27, 2022.
 - b. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
 - i. increase the side yard setback (west) from 0m to 0.1m.
 - c. The applicant providing a 1.4m wide road dedication along the Cecelia Road frontage to the satisfaction of the Director of Engineering and Public Works.
2. That the Development Permit, if issued, lapses in two years from the date of this resolution.

Option Two – Decline

That Council decline Development Permit with Variance Application No. 00176 for the property located at 458 Cecelia Road.

Respectfully submitted,

Leanne Taylor
Senior Planner
Development Services Division

Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A: Subject Map
- Attachment B: Plans date stamped April 27, 2022
- Attachment C: Letter from applicant to Mayor and Council dated January 20, 2022
- Attachment D: Letter from applicant regarding sustainability features dated June 27, 2020
- Attachment E: Updated arborist report and site plan dated July 8, 2022
- Attachment F: Correspondence.