



## Committee of the Whole Report For the Meeting of June 29, 2023

---

**To:** Committee of the Whole **Date:** June 15, 2023

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

**Subject:** **Development Permit with Variances No. 00194 for 429 Vancouver Street**

---

### RECOMMENDATION

1. "That Council waive the standard practice of holding an opportunity for public comment for this application but direct staff to continue other standard practices related to sign posting and public notification, including a request for written commentary to come back to Council for consideration prior to issuing the Development Permit with Variances.
2. And subject to the required notice and advertising, that Council consider authorizing the issuance of Development Permit with Variances Application No. 00194 for 429 Vancouver Street, in accordance with plans submitted to the Planning department and date stamped April 24, 2023, subject to:
  - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
    - i. decrease the interior (east) side setback from 4.72m to 3.39m;
    - ii. decrease the open site space between a parking space and the street from 4.72m to 1.00m;
    - iii. decrease the setback from off-street parking to the street from 6.00m to 1.00m from Vancouver Street and from 6.00m to .90m from Harling Lane;
    - iv. decrease off-street parking from 14 stalls to 8 stalls;
    - v. decrease the street setback from 7.50m to 0.60 for an accessory building for long-term bike parking.
3. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution".

### LEGISLATIVE AUTHORITY

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

## 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* (OCP). 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 Variances for the property located at 429 Vancouver Street.

The proposal is to add two new rental units through minor modifications to the existing eight-unit apartment building. The variances are related to reduced setbacks and parking.

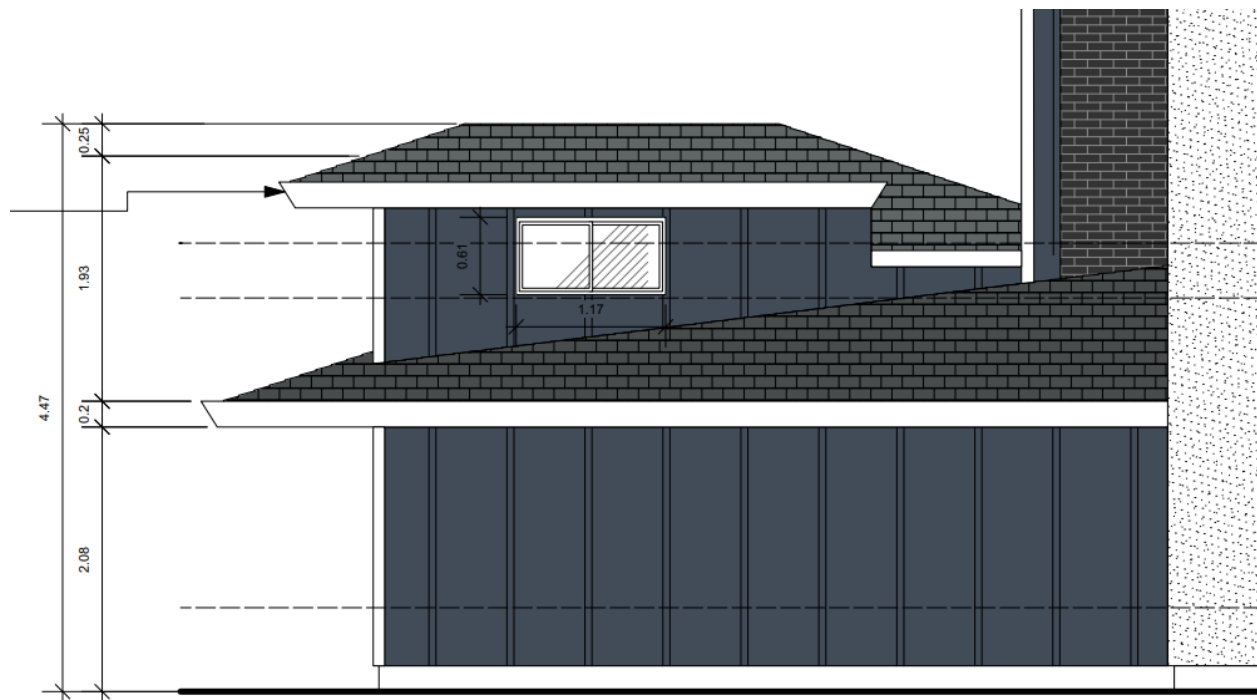
The following points were considered in assessing this application:

- the proposal is generally consistent with the Design Guidelines for Development Permit Area 16: General Form and Character, which encourage human-scaled architecture that contributes to the place character of an area
- the proposal is generally consistent with the *Fairfield Neighbourhood Plan* which supports residential buildings up to four storeys that are compatible with neighbouring buildings and provide front yard landscaping that contributes to an enhanced streetscape
- the proposed parking variance is considered supportable given the provision of short- and long-term bike storage
- due to the relatively small size of the site, there are variances proposed for setbacks, the impacts of which have been mitigated by enhanced landscaping and building design.

## BACKGROUND

### Description of Proposal

The primary outcome of this development proposal is to add two new studio suites to the existing building. To improve the liveability and design of proposed unit #9, the plans have been revised to include larger windows on the north elevation and a new window on the west elevation. (See Figure 1).



## WEST ELEVATION

Figure 1. West Elevation

The proposal includes the following major design components:

- addition of two new studio rental units
- alteration to the roof of one of the new units to increase the ceiling height to permit larger windows and improve the design and liveability of the unit
- modifications to the parking area to include three EV charging stalls
- inclusion of six short-term and 10 long-term bike parking areas
- placement of an accessory building for long-term bike parking.

Landscape elements include:

- new cedar fencing
- new planter beds for tenants in front and behind the building
- perimeter planting with a mix of native, drought tolerant and pollinator plants.

The variances are to:

- decrease the east side yard setback from 4.72m to 3.39m;
- decrease the open site space between a parking space and the street from 4.72m to 1.00m;
- decrease the setback from off-street parking to the street from 6.00m to 1.00m from Vancouver Street and from 6.00m to .90m from the lane;
- decrease the off-street vehicle parking from 14 stalls to 8 stalls;
- decrease the street setback from 7.50m to 0.60m for an accessory building for long-term bike parking.

## Land Use Context

The area is characterized by several multi-unit residential buildings. Beacon Hill Park is located a short distance away to the west. Adjacent land uses include three and four-storey multi-unit residential buildings on all sides.



Figure 2. Aerial Map

## Existing Site Development and Development Potential

The site is presently developed with an eight-unit apartment building. Under the existing R3-AM-2 Zone, Mid-Rise Multiple Dwelling District, the site is developed to its maximum potential.

## Data Table

The following data table compares the proposal with the R3-AM-2 Zone, Mid-rise Multiple Dwelling District. An asterisk is used to identify where the proposal does not meet the requirements of the existing Zone. A double asterisk is used to identify an existing non-conformity.

Zoning Criteria	Current Proposal	Existing Zone R3-AM-2	Comments
Site area (m <sup>2</sup> ) – minimum	874**	920	-
Number of units	10	-	-
Density (Floor Space Ratio) – maximum	0.88	0.90	
Height (m) – maximum	9.44	12	Main building
Storeys – maximum	3	4	
Site coverage (%) – maximum	38.40**	30	-
Open site space (%) – minimum	38.20	30	-
<b>Setbacks (m) – minimum</b>			
Front	Existing	7.50 (1-2 storeys) 9 (3 storeys) 10.5 (4 storeys)	Varies
Rear	13.22	3 or 1/2 building height	Varies
Side (Vancouver Street)	>4.72	4.72	4.72 (based on 9.44 height)
Side (east)	3.39*	4.72	4.72 (based on 9.44 height)
Open site space – street - minimum	1.00* to parking space	4.72	
<b>Off-street parking</b>			

Zoning Criteria	Current Proposal	Existing Zone R3-AM-2	Comments
<b>Vehicle Parking – minimum</b>	8* (including one visitor stall)	14	10 units x 1.3 = 13 visitor 10 x 0.1 = 1 Total = 14
<b>Street setback (m) minimum</b>	1.0* from Vancouver Street 1.0* from lane	6	
<b>Bicycle parking stalls – minimum</b>			
Long term	11	Existing	
Short term	6		
<b>Accessory building bike parking</b>			
Location	Rear	Rear/Side	
Combined floor area (m <sup>2</sup> ) maximum	22	37.0	
Height (m) max	2.83	3.50	
Street setback (m) min	0.60*	7.50	
Rear setback	0.60	0.60	
Side setback	0.60	0.60	

### Relevant History

The building was originally constructed as a seven-unit apartment building in the 1950's. A third-floor penthouse suite was added in 1986/1987. At the same time, storage space was converted into two unauthorized studio suites. The unauthorized studio suites were vacated in May 2019 after a fire in the building alerted City staff to the bylaw infractions. The current owners bought the building in April 2021 and have applied for permits to legalize and upgrade the two studio suites.

### Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for*

*Processing Rezoning and Variance Applications*, on February 2, 2022, the initial version of this application was referred for a 30-day comment period to the Fairfield Gonzales CALUC. Revised plans were referred to the CALUC on November 8, 2022. If communication from the CALUC is received it will be advanced to Council at a subsequent date.

Given the simple nature of this application and the need to expeditiously advance applications that increase the supply of rental housing, staff are recommending for Council's consideration that an opportunity for public comment be waived.

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

## **ANALYSIS**

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

The subject site is designated as Urban Residential in the OCP, which envisions low and mid-rise multi-unit buildings. The OCP also identifies the site within Development Permit Area 16: General Form and Character, which supports multi-unit residential development that is complementary to the place and character of the neighbourhood. Enhancing the character of the streetscape through high quality, human-scaled architecture, landscape and urban design is also a key objective of this DPA.

The proposed development does not entail significant alterations to the building. The portion of the building where alterations to the roofline and windows are proposed is generally consistent with the objectives for DPA 16 and complies with the guidelines in terms of scale, massing and building design respecting the character of the existing building and the area.

The proposed development would also involve:

- additional landscaping to mitigate the impacts of reduced setbacks between the parking area and the street
- enhanced landscaping that incorporates a mix of native, pollinator and drought resistant plants and trees.

### **Fairfield Neighbourhood Plan**

*The Fairfield Neighbourhood Plan* (2019) identifies the site as Urban Residential, consistent with the OCP, and within the Cook Street Village sub-area. The Plan envisions new development up to four storeys and 1.2:1 FSR in this location. New multi-unit residential development is encouraged to have front yard landscaping, street-facing facades, off-street parking that minimizes the impact on the pedestrian realm and site planning, and to be neighbourly and compatible with adjacent development. The alterations to the existing building and to the landscaping are considered generally consistent with these policies.

### **Regulatory Considerations**

The proposed development complies with the R3-AM-2 Zone in terms of use and density. However, at 874 m<sup>2</sup>, the site is legal non-conforming with regards to the minimum site area of the R3-AM-2 Zone, which requires new sites to be a minimum of 920m<sup>2</sup>. The building's current lot coverage of 38.4% is also legal non-conforming exceeding the 30% zone requirement.

Furthermore, the lot is almost triangular in shape and abuts a street on three sides. Taking all of these siting constraints into account, there are several variances under consideration:

- reducing the interior side yard setback from 4.72m to 3.39m;
- reducing the open site space between a parking space and the street from 4.72m to 1.00m
- reducing the setback from off-street parking to the street from 6.00m to 1.00m from Vancouver Street and from 6.00m to .90m from Harling Lane
- reducing the setback from a street for an accessory building for long-term bike parking from 7.50m to 0.60m
- reducing the vehicle parking from 14 stalls to 8 stalls.

### **Interior Side Yard Setback Reduction**

The side yard setback requirement along the east side lot line is 4.72 metres which is half the building height. The building is currently setback 3.39 metres from the east side yard which reflects the original siting of the building. The addition of the third floor in 1986/87 which increased the height of the building also increased the side yard setback requirement to 4.72 bringing the building out of compliance with current bylaw requirements. This setback reduction, if approved, would essentially legalize the existing siting of the building.

The impact on surrounding properties from the reduction in the side yard setback would be minimal, keeping in mind that the building has existed in the current location for approximately 70 years. The location where the roof alteration would occur on the northeast part of the building would not further the setback reduction. As well, the larger windows that would be installed because of the alteration to the roof would face north over the parking lot towards Harling Lane and would not impact the privacy of the adjacent building to the east. The overall effect would be some minor exterior alterations limited to the northeast portion of the building, but the building would not be any closer to the lot line. Staff support this variance.

### **Reducing Off-Street Parking from 14 Stalls to Eight Stalls**

The zoning bylaw currently requires the provision of 14 parking stalls based on 10 units in the building ( $10 \times 1.3 = 13$ ) plus one visitor stall. The site currently has eight parking stalls and doesn't have enough space for 14 parking stalls. The applicants are proposing to reduce the number of stalls from 14 to eight.

By providing a bike rack for six short term bicycle parking, 10 long term bicycle parking stalls in an accessory building and an e-charging station that can serve three stalls; the impact of the parking reduction can be mitigated. Additionally, the building is located on Vancouver Street adjacent to the cycling path which is one block from Cook Street Village. The location is ideal to take advantage of the cycling infrastructure and the close proximity to services lends itself to reducing the need for vehicle parking. Staff support the variance to parking stalls. The applicants have also stated that the existing eight parking stalls are underutilized.

### **Setback Reduction for an Accessory Building for Long-Term Bike Parking**

The zoning bylaw requires accessory buildings to be located a minimum of 7.5 metres from the street. The applicants are proposing to locate an accessory building for the storage of 10 bikes 0.60 metres from the street. The accessory building would be in the parking area to the north of building.

The accessory building would be in the back parking area of the rental building sited 0.60 metres from Harling Lane and adjacent to the parking area of the rental building to the east. The



impact of siting the accessory building in this area would be minimal. Staff support the setback reduction for the accessory building.

### Setback Reductions to Open Site Space Adjacent to a Parking Space

The zoning bylaw requires a minimum open site space requirement of 4.72 metres between a parking space and the street, and a 6.0 metre setback from off-street parking to the street. The applicants are proposing reductions to these setback requirements to accommodate a total of eight parking stalls. The variances would reduce the open site space between a parking space and the street from 4.72m to 1.00m, and reduce the setback from off-street parking to Vancouver Street from 6.00m to 1.00m and from Harling Lane from 6.00m to 0.90m.

The existing conditions where the lot is slightly undersized and it also has streets on three sides, further increases site limitations and necessitates the request for variances. As well, the potential impacts resulting from reducing setbacks between a parking space and the street are minimal. To mitigate any potential impact the applicant is proposing extensive perimeter landscaping to soften the transition between the street and parking area. Staff support these setback reductions.

### Housing

The application, if approved, would add two new rental units, which would increase the overall supply of housing in the area and contribute to the targets set out in the *Victoria Housing Strategy*.

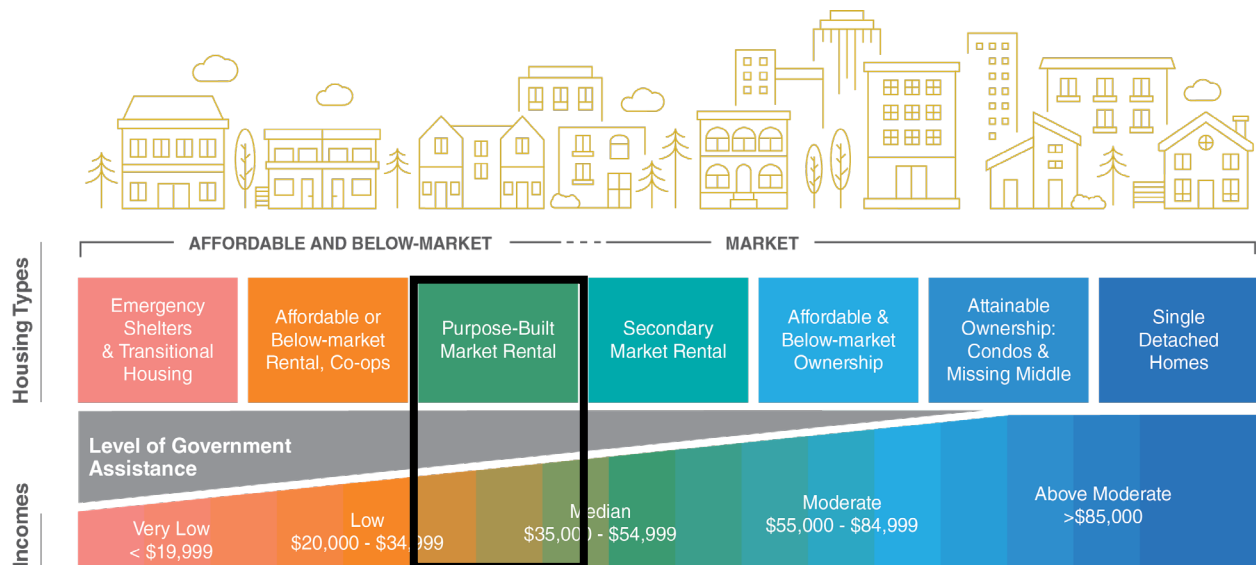


Figure 3. Housing Continuum

### Housing Mix

At present there is no policy that provides targets regarding housing mix and unit type is not mandated by the City. However, the OCP identifies a mix of units as an objective and identifies the need for a diverse range of housing units. As submitted, this application proposes two new residential rental studio units.

### Tenant Assistance Policy

No tenants would be displaced as a result of this proposal being approved.

### **Accessibility**

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

### **Mobility**

The application proposes active transportation measures such as:

- ten long-term bicycle stalls (exceeding the minimum requirements in the *Zoning Regulation Bylaw* by four), and a bike rack for six short-term bicycle stalls
- an e-charging station.

### **Sustainability**

No sustainable features beyond minimum City standards are proposed in associated with this application.

### **Public Realm**

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

## **CONCLUSIONS**

The proposal to add two new studio rental units to an existing building has resulted in several siting variances. None of the variances would alter the form and character of the building and all would have negligible impact on surrounding properties. Extensive landscaping is proposed which would further mitigate the potential impact of the variances on adjacent properties and the public realm.

## **ALTERNATE MOTION**

That Council decline Development Permit with Variances Application No. 00194 for the property located at 429 Vancouver Street.

Respectfully submitted,

Gerry Hamblin  
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: Plans date stamped April 24, 2023
- Attachment B: Letter from applicant to Mayor and Council dated October 27, 2022