



## Committee of the Whole Report

### For the Meeting of July 13<sup>th</sup>, 2023

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**To:** Committee of the Whole **Date:** July 13<sup>th</sup>, 2023

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

**Subject:** **Zoning Regulation Bylaw Amendment Application No. 00803 and Development Permit with Variance No. 00195 for 624 and 628 Manchester Road**

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## RECOMMENDATION(S)

### Rezoning Application

1. That Council instruct the Director of Sustainable Planning and Community Development to prepare the necessary Zoning Regulation Bylaw amendment that would authorize the proposed development outlined in the staff report dated July 13<sup>th</sup>, 2023, for 624 and 628 Manchester Road, such bylaw to include density bonus provisions related to a \$31,602.85 contribution with 70% going towards Community Amenity Fund and 30% going towards Victoria Housing Reserve Fund.
2. That first and second reading of the zoning regulation bylaw amendment be considered by Council and a public hearing date be set.
3. That subject to approval in principle at the Public Hearing, the applicant prepares and executes legal agreements, with contents satisfactory to the Director of Sustainable Planning and Community Development, and form satisfactory to the City Solicitor prior to adoption of the bylaw, to secure:
  - a. *11 Modo Car Share Memberships*
  - b. *unit 2B as an Adaptable Housing Unit*
  - c. *a 1.17 metre access along the back laneway.*
4. That adoption of the proposed zoning regulation bylaw amendment will not take place until all of the required legal agreements that are registrable in the Land Title and Survey Authority office have been so registered to the satisfaction of the City Solicitor.
5. That the above recommendations be adopted on the condition that they create no legal rights for the applicant or any other person, or obligation on the part of the City of Victoria or its officials, and any expenditure of funds is at the risk of the person making the expenditure.

## Development Permit with Variance Application

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Zoning Regulation Bylaw Amendment Application No. 00803, if it is approved, consider the following motion:

1. “That subject to adoption of the necessary Zoning Regulation Bylaw amendment, Council authorizes issuance of Development Permit with Variances No. 00195 for 624 and 628 Manchester Road, in accordance with plans submitted to the Planning department and date stamped by Planning on June 30<sup>th</sup>, 2023, subject to the following:
  - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
    - i. reduce the required front lot line setback to 2.9m
    - ii. reduce the required rear lot line setback to 3.2m
    - iii. reduce the required vehicle parking requirement from 16 to 13 spaces
    - iv. increase the location of the short-term bicycle parking spaces from 15m to 24m from the front lot line
    - v. increase the drive aisle slope from 8 percent to 11.80 percent.
  - b. The property being consolidated into one lot.
2. That the Development Permit with Variances No. 00195, if issued, lapses two years from the date of this resolution.”

## LEGISLATIVE AUTHORITY

This report discusses Zoning Regulation Bylaw Amendment Application No. 00803 (the rezoning) and Development Permit with Variances no. 00195 (the DPV) for 624 and 628 Manchester Road.

The zoning regulation bylaw amendment application requests the creation of a site-specific zone to facilitate the construction of a new 11-unit townhouse development on the subject properties.

The development permit with variances application addresses the design guidelines per Official Community Plan, 2012 (OCP) – Development Permit Area (DPA) #7A – Corridors, and requests relief from the required number of general parking spaces, decreasing the front and rear lot line building setbacks and increasing the location of short-term bicycle parking spaces from the front lot line and permissible drive aisle slope.

## Enabling Legislation

Pursuant to Section 479 of the *Local Government Act*, Council may regulate within a zone the use of land, buildings and other structures, the density of the use of the land, building and other structures, the siting, size and dimensions of buildings and other structures as well as the uses that are permitted on the land and the location of uses on the land and within buildings and other structures.

Pursuant to Section 482 of the *Local Government Act*, a zoning bylaw may establish different density regulations for a zone, one generally applicable for the zone and the others to apply if certain conditions are met.

Pursuant to Section 489 of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable design guidelines specified in the Official Community Plan, 2012. 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 establishment of objectives for the form and character of intensive residential development, 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 Rezoning and Development Permit with Variances applications for the properties located at 624 and 628 Manchester Road in the Burnside Gorge neighbourhood. The proposal is to consolidate the two lots and construct a new 11-unit multi-family townhouse development.

The following points were considered in assessing the Rezoning Application:

- The application is consistent with the Urban Residential urban place designation in the OCP, which envisions ground-orientated multi-family dwellings up to a maximum density of 2.0 floor space ratio (FSR)
- The requested increase in density aligns with the OCP for the Burnside Gorge area and the *Burnside Gorge Neighbourhood Plan, 2017*.

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

- The proposal aligns with design guidelines contained in the DPA #7A – Corridors
- The requested variances related reducing standards pertaining to parking, setbacks, bike parking location, and driveway slope are all supportable as they offer a contextual response to the existing site condition and adjacent buildings.

## **BACKGROUND**

### **Description of Proposal**

This applicant is proposing to rezone the subject properties located at 624 and 628 Manchester Road from the R1-B, Single Family Dwelling District, to a site-specific zone to facilitate the construction of a new 11-unit multi-family townhouse development at a density of 1.17:1 FSR.

It is recommended that a site-specific zone, be drafted should Council choose to advance the application. However, in a number of instances, variances are recommended (instead of inclusion into the new zone), to ensure that if this proposal is not built, that Council review and consideration would be required again, should a different proposal be advanced in the future.

The concurrent DPV application addresses design guidelines as per the OCP's DPA #7A – Corridors for Multi-Family Residential Development and Revitalization of Corridors.

Several variances are required to facilitate the development, specifically:

- reducing the required front lot line setback to 2.9m
- reducing the required rear lot line setback to 3.2m
- reducing the required vehicle parking requirement from 16 to 13 spaces
- increasing the location of the short-term bicycle parking spaces from 15m to 24m from the front lot line
- increasing the drive aisle slope from 8 percent to 11.80 percent.

## Land Use Context

The subject properties are two 511 m<sup>2</sup> lots located by the Douglas Centre shopping centre, Blanshard Street Winery, Island Muffler and Auto Care, and Sumas Park near Jutland Road and Burnside Road East.

The subject properties are bounded by single family and two dwelling residential homes.



Figure 1: Location of subject properties and surrounding land uses.

## Existing Site Development and Development Potential

Each subject property currently contains a single-family dwelling and accessory building on site.

Under the current R1-B Zone – Single Family Dwelling District, each of the subject properties could be redeveloped as single-family dwellings with secondary suites or garden suites.

## Data Table

The following data table compares the proposal with the existing R1-B Zone.

An asterisk is used to identify where the proposal does not meet the requirements of the existing zone. Relevant policy from the *Official Community Plan (OCP)* and the *Fairfield Neighbourhood Plan* are also included.

Zoning Criteria	Proposal	R1-B Zone, Single Family Dwelling District	OCP & Burnside Gorge Neighbourhood Plan
Site area (m <sup>2</sup> ) – minimum	1,018.12 m <sup>2</sup> *	460 m <sup>2</sup>	-
Floor area per unit (m <sup>2</sup> ) – minimum	1,187.20 m <sup>2</sup> *	420 m <sup>2</sup>	-
Density (Floor Space Ratio) – maximum	1.17	n/a	Base density of 1.2 FSR  Density up to 2.0 FSR where amenity contributions are provided
Total floor area (m <sup>2</sup> ) per attached unit – minimum	98.10 m <sup>2</sup>	n/a	-
Lot width (m) – minimum	30.40 m <sup>2</sup> *	15.00 m <sup>2</sup>	-
Height (m) – maximum	11.37 m*	7.60 m	-
Storeys – maximum	3*	2	4
Site coverage (%) – maximum	61.30 %*	40.00 %	-
Open site space (%) – minimum	19.00 %*	n/a	-
Separation space between buildings (within the site) (m) – minimum	n/a	4.50 m	-
Setbacks (m) – minimum			
Front	2.9 m*	7.50 m	Variable yard setbacks with primary doorways facing the street
Rear	3.2 m*	8.25 m	
Side (west)	2.5 m*	3.04 m	
Side (east)	2.75 m*	3.04 m	

<b>Zoning Criteria</b>	<b>Proposal</b>	<b>R1-B Zone, Single Family Dwelling District</b>	<b>OCP &amp; Burnside Gorge Neighbourhood Plan</b>
<b>Combined side yards</b>	<b>5.25 m*</b>	4.50 m	
<b>Vehicle Parking – minimum</b>	<b>13 spaces*</b>	1 for SFD	-
Visitor Vehicle Parking – minimum	1 space	n/a	-
Disabled Vehicle Parking – minimum	1 space	n/a	-
Bicycle Parking – Long-term	14 spaces	n/a	-
Bicycle Parking – Short-term	6 spaces	n/a	-
<b>Location of short-term bicycle parking spaces</b>	<b>24 metres*</b>	n/a	-
Bicycle types of ratios - Horizontal / vertical (%)	50	n/a	-
Driveway slope (%) (max.)	9.4 %	15 %	-
<b>Drive aisle slope (%) (max.)</b>	<b>11.80 %*</b>	8 %	-

## **Mobility**

The application proposes the following features which support multi-modal transportation:

- 11 Modo car share memberships – one membership per new residential unit
- 14 long-term bicycle parking spaces in a secure area
- 6 short-term bicycle parking spaces.

## **Public Realm**

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

## **Accessibility**

The applicant is proposing to construct Unit B2 as an adaptative dwelling unit, as it is accessible from the garage level and from the rear laneway and contains a bathroom and bedroom facility on the ground floor.

In addition to the BC Building Code requirements for construction of an adaptable dwelling unit, the applicant has volunteered to install a stair lift between the ground floor and the second floor as well as installing roll-in showers for the bathrooms during construction.

The adaptable dwelling unit will be secured through a legal agreement.

## Sustainability

The applicant has identified several sustainability features which will be reviewed in association with the concurrent Development Permit Application for this property.

### **Community Consultation**

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, prior to submission of the application, it was posted on the Development Tracker along with an invitation to complete a comment form on October 26<sup>th</sup>, 2021. Mailed notification was sent to owners and occupiers of property within 100m of the subject property advising that a consultation process was taking place and that information could be obtained and feedback provided through the Development Tracker.

A sign was posted on site, to notify those passing by of this consultative phase. Additionally, the applicant participated in a virtual community meeting with the CALUC on November 15<sup>th</sup>, 2021.

A letter dated November 15<sup>th</sup>, 2021, from the Burnside Gorge Community Association along with the comment forms are attached to this report.

In response to comments received by the CALUC, the applicant made the following changes:

- reduced the proposed height of Building A and Building B from 12.13 m to 11.37 m
- changed the front entrance design for Building A along Manchester Road by removing several staircases as to not give off a crowded and private look and feel from the street
- added more landscaped greenspace for the front area of each individual townhouse unit for Building A along Manchester Road
- expanded the area of the proposed common amenity courtyard connecting Building A and Building B together.

The associated 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**

### **Rezoning Application**

#### Official Community Plan

The Urban Residential designation in the OCP envisions attached buildings up to three storeys and mid-rise multi-unit buildings with primary doorways facing the street, underground parking, front yard landscaping, boulevard, street tree planting and an FSR of generally up to 1.2:1.

The proposed new 11-unit townhouse development has an FSR of 1.17:1 and has been designed in a way that creates a pedestrian friendly streetscape with front yard landscaping and doorways facing the street which is in alignment with the goals and objectives of the urban residential designation.



## Burnside-Gorge Neighbourhood Plan

The *Burnside Gorge Neighbourhood Plan, 2017* designates the subject properties as Urban Residential, which supports multi-unit residential buildings including small apartment buildings or stacked townhouses up to three storeys and a density of up to 1.2:1 FSR on consolidation of two lots or on larger lots. The proposal is consistent with the land use policies pertaining to use and density within the Plan.

## Inclusionary Housing and Community Amenity Contribution Policy

As per the Inclusionary Housing and Community Amenity Policy, Section 5., Amenity Contribution Targets & Approach, under Level “A” Bonus: Existing Zoning (R1-B Single Family Dwelling) to OCP Base Density for the Urban Residential urban place designation, the applicant is required to provide a cash-in-lieu contribution of **\$31,602.85**.

The applicant has agreed to the cash contribution amount required under this policy which will be split between the Housing Reserve Fund (30%) and the Community Amenity Fund (70%) as per Council’s policy and secured via the rezoning process.

## Housing

This type of housing falls under “Attainable Ownership: Condos & Missing Middle” as townhouses are multi-family and more attainable than single detached homes. No rentals are being proposed.

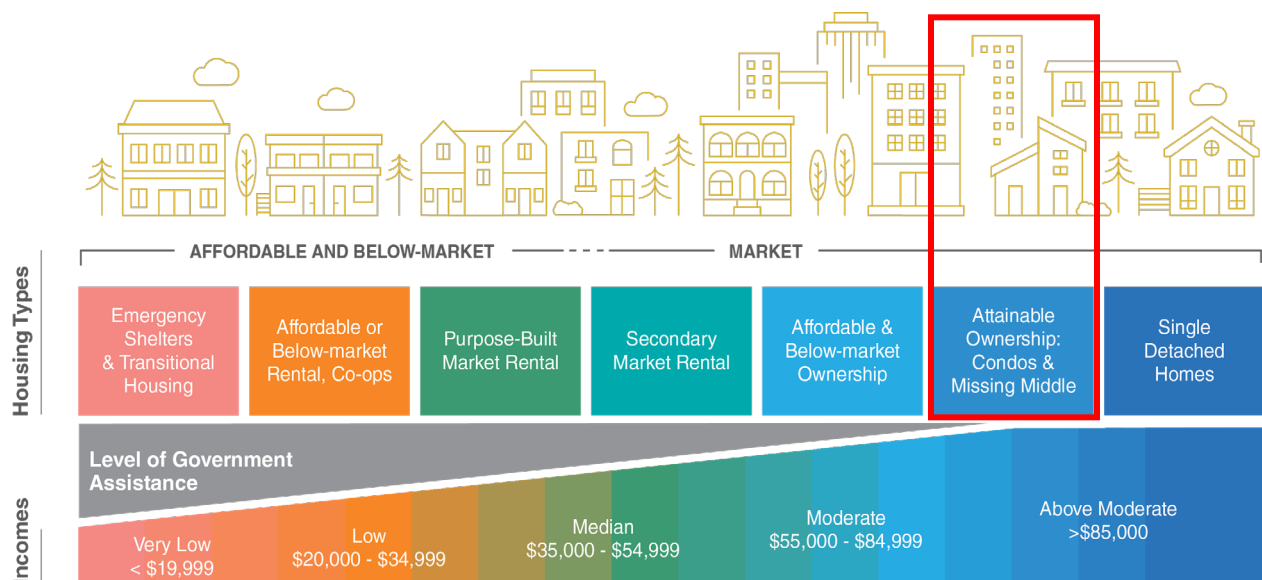


Figure 2: Housing Continuum

## *Housing Mix*

At present there is no policy that provides targets regarding housing mix and unit type is not regulated or secured. However, the OCP identifies a mix of units as an objective and identifies the need for a diverse range of housing units including family housing.



As submitted, this application proposes constructing a new 11-unit multi-family townhouse complex consisting of seven 3-bedroom plus den units, two 4-bedroom units and two 2-bedroom units which will be stratified for sale at market value rate.

### *Existing Tenants*

The subject property contains two tenant households, however, neither had resided on the property for one year or more at the time of rezoning application submission date (December 17<sup>th</sup>, 2021). Therefore, there are no Eligible Tenants as per the Tenant Assistance Policy, and a Tenant Assistance Plan is not required. The applicant will be subject to the minimum requirements for tenant compensation per the Provincial *Residential Tenancy Act* (i.e., one month's rent).

### *Security of Tenure*

The proposal is for 11 new market strata townhouse units. New Provincial legislation prohibits the ability of strata councils to prevent the rental of units.

## **Development Permit with Variance (DPV) Application**

### Official Community Plan, 2012

#### *Development Permit Area #7A – Corridors*

The subject properties are within DPA #7A – Corridors, which identifies that development near arterial roads (Burnside and Douglas) are flanked with a variety of building forms, densities and land uses resulting in urban design that is in need of revitalization while ensuring compatibility with the area.

### Design Guidelines for: Multi-Unit Residential, Commercial, and Industrial (2012), revised 2019

The *Design Guidelines for: Multi-Unit Residential, Commercial, and Industrial (2012), revised 2019* recommend that perceived building mass should be mitigated through the use of architectural elements, visually interesting rooflines that complement the character of surrounding buildings and detailing that creates rhythm and visual interest.

These design guidelines also state that open space should be useable, attractive, and well-integrated with the design for a multi-family residential development.

The proposal includes a variety of private and semi-private outdoor space for the residents, including balconies, decks and a central courtyard area which are strongly encouraged in the design guidelines, and has been designed as to include interesting rooflines and creative detailing.

The proposed development as designed aligns with the guidelines for multi-unit residential design for its streetscape, massing, height, architectural features, and outdoor landscaped features.

### Revitalization Guidelines for Corridors, Villages, and Town Centres (2017)

The *Revitalization Guidelines for Corridors, Villages and Town Centres (2017)* general guidelines recommend that building facades, especially those facing the street, should be well-designed and articulated with human scale architectural features that create a visual interest for pedestrians.

The proposed development as designed aligns with the revitalization guidelines for corridors for streetscape, building design, materials and finishing, open spaces, and landscaping.

## **Variances**

Variances are recommended for areas where the proposal is not consistent with the Burnside Gorge Neighborhood Plan and the Off-Street Parking Regulations (Schedule C) of the *Zoning Regulation Bylaw*.

This ensures that if this proposal is not built, any future redevelopment would require Council's consideration.

### *Setbacks and Siting*

The applicant is requesting a reduction to the front and rear setbacks in order to site Building A 2.9 m from the front lot line and to site Building B (located behind Building B) 3.2m from the rear lot line.

The presence of a rear laneway mitigates shortened rear yard setbacks, and the front yard patio areas have been well landscaped with trees, shrubs, and mental fences to create a buffer.

### *Drive Aisle Slope*

The applicant is requesting an increase in the permissible drive aisle slope from 8 percent to 11.80 percent in order to facilitate the proposed underground parking garage access.

No issues have been identified by Staff as a result of this variance request.

### *Parking and Bicycle Location*

The applicant is requesting a reduction to the required number of vehicle parking spaces from 16 to 13, and an increase in the distance of the short-term bicycle parking spaces from 15m to 24m from the front lot line.

Staff support the parking variance as the proposed transportation demand management (TDM) strategies, such as the modo car memberships as well as the property's proximity to transit and local services will help mitigate any potential impact. No impacts have been identified by Staff for the alternative location for the short-term bicycle parking.

The 11 modo car share memberships will be secured through legal agreement.

### Advisory Design Panel Review

The development permit with variances application was reviewed by the Advisory Design Panel on June 22<sup>nd</sup>, 2022. At that meeting, the following motion was passed:

*THAT the Advisory Design Panel recommend to Council that Development Permit Application No. 00195 for 624 and 628 Manchester Road be approved with the following changes:*

- *Provision of a complete Landscape Plan*
- *Reconsideration of a number and placement of windows of side elevation to improve privacy and proportions*

- Consider using one material on side elevations where there is no change in wall plane.

In response to the comments received by the ADP, the applicant made the following changes:

- submitted a completed landscape plan
- redesigned the front access area and building facade for proposed Unit A1 along Manchester Road
- redesigned the building facade along the rear laneway to better align with the existing character and streetscape
- significantly reduced the number of windows on both sides of the proposed buildings
- changed the number of building materials used on both sides of the proposed 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. Based on 2019 LiDAR analysis, the canopy cover in the Burnside neighbourhood is 14.6% which is among the lowest in the city. This application falls under Tree Protection Bylaw No. 21-035.

Ten trees have been inventoried, including three municipal trees and three bylaw protected trees. Bylaw protected Atlas cedar #97, measuring 71 cm diameter is in a state of declining health and will require removal for building excavation. Bylaw protected multi stemmed cedars #96 and #98 will also require removal for building excavation.

A 46 cm diameter municipal plum tree on the Manchester Road frontage will require removal for construction of a new driveway crossing and a small municipal maple tree growing along the laneway will require removal to construct upgrades to the laneway.

The proposed on-site landscaping includes three replacement trees but will be deficient three replacement trees according to the provisions of the tree bylaw. Under the current proposal, the applicant will be required to pay \$6,000 cash-in-lieu towards the City's Tree Reserve Fund (\$2,000 X 3 replacement trees not planted).

The applicant has agreed to the cash contribution amount required under this policy.

#### Tree Impact Summary Table

Tree Status	Total # of Trees	To be REMOVED	To be PLANTED	NET CHANGE
On-site trees, bylaw protected	3	3	3	0
On-site trees, unprotected	4	4	0	-4
Municipal trees	3	2	1	-1
Neighbouring trees, bylaw protected	0	0	0	0
<b>Total</b>	<b>10</b>	<b>9</b>	<b>4</b>	<b>-5</b>

## CONCLUSIONS

The 11-unit townhouse development aligns with the guidelines for multi-family residential development and corridor revitalization and the requested increase in density aligns with OCP policies for the Burnside Gorge area and the *Burnside Gorge Neighbourhood Plan, 2017*.

In accordance with the Inclusionary Housing and Community Amenity Contribution Policy, the applicant is providing an adaptable dwelling unit and cash-in-lieu of providing affordable housing.

As a result, staff recommend that Council advance this application for consideration at a Public Hearing.

## ALTERNATE MOTION(S)

1. That Council decline Zoning Regulation Bylaw Amendment Application No. 00803 and Development Permit with Variances no. 00195 for 624 and 628 Manchester Road.

## Respectfully submitted,

Kasha Janota-Bzowska  
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 dated stamped June 30<sup>th</sup>, 2023
- Attachment C: Arborist Report dated September 22<sup>nd</sup>, 2022
- Attachment D: Letter from applicant to Mayor and Council dated April 27<sup>th</sup>, 2023
- Attachment E: Community Association Land Use Committee Comments dated November 15<sup>th</sup>, 2021
- Attachment F: Pre-Application Consultation Comments from Online Feedback Form