



Committee of the Whole Report For the Meeting of August 3, 2023

To: Committee of the Whole **Date:** July 20, 2023

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

Subject: Development Permit with Variances Application No. 00201 for 2300, 2310, and 2312 Douglas 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. 00201 for 2300, 2310, and 2312 Douglas Street, in accordance with plans submitted to the Planning department and date stamped by Planning on July 12, 2023, subject to:
- a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. decrease the rear setback (west) from 0 or 3m to 0.3m;
 - ii. decrease the north setback (west) from 0 or 3m to 0.1m;
 - iii. decrease the vehicle parking from 71 to 18.
 - b. Plan revisions showing a driveway and driveway crossing conforming to the Highway Access Bylaw to the satisfaction of the Director of Engineering and Public Works.
 - c. Registration of a legal agreement on the property’s title to secure five BC Transit Eco passes with a two-year term for employees with contents satisfactory to the Director of Engineering and Public Works and form satisfactory to the City Solicitor.
 - d. The applicant file a 3m x 3m road dedication plan to dedicate a highway/sidewalk at Douglas & Queens.
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 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 *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 Application for the properties located at 2300, 2310, and 2312 Douglas Street.

The proposal is to construct a four-storey building with retail uses on the ground floor and self-storage (warehouse) in the remainder of the building.

The variances are related to reduced setbacks and parking.

The following points were considered in assessing this application:

- the proposal is consistent with the vision for *Development Permit Area 10A: Rock Bay*. Industrial developments are identified in this plan for the Core Employment area with built form and character appropriate to a high technology and traditional industrial district
- the proposal is generally consistent with the *Burnside Gorge Neighbourhood Plan* which identifies the subject properties to be in the City's primary industrial land area and envisions development that continues to support rapid transit
- the proposed parking variance is considered supportable given the proposed Transportation Demand Management measure and the findings of the Transportation Review submitted by Bunt & Associates
- the proposed variances to setbacks are considered supportable as they only slightly deviate from the required minimum
- on July 6, 2023 council passed a motion, directing staff to remove mini storage as a permitted use from the Zoning Bylaw, but to allow applications already submitted prior to June 15, 2023, to continue through the process.

BACKGROUND

Description of Proposal

The proposal is to construct a four-storey building with retail uses on the ground floor and self-storage (warehouse) in the remainder of the building. There are four levels plus two basement levels of self-storage. The proposed density is 2.90 FSR. The variances are associated with parking and setbacks.

The proposal includes the following major design components:

- a low-rise building form inspired by stacked shipping containers
- flat roofline
- storefront glazing along street frontages
- flexible ground floor light-industrial space
- multiple storefront entrances for light industrial use along Douglas Street
- lobby and entrance to self-storage on Queens Avenue
- vehicle access to enclosed at-grade parking and loading area from Queens Avenue
- 18 vehicle parking spaces and one loading space
- six short-term and six long-term bicycle stalls
- seating node at the Douglas Street and Queens Avenue intersection.

Exterior building materials include:

- geometric pattern of insulated metal panels in grey, white and weathered zinc
- clear glazing on the ground floor
- spandrel sealed glazing units in light grey on the ground floor
- aluminum storefront windows and metal cladding, both in black, on the ground floor.

Landscape materials include:

- two trees to be planted along Queens Avenue
- soft landscaping along street frontages
- pedestrian lights
- river rock strip at the rear of the building
- stamped concrete at building entrances
- shade-adapted native and adaptive ferns, ornamental grasses, and shrubs along east face of building
- Douglas Street district paving pattern along Douglas Street
- expanded planting bed at intersection of Douglas Street and Queens Avenue featuring drought-tolerant, sun-adapted native and adaptive shrubs and ornamental grasses
- corner treatment including herringbone paving, seating and bollards.

Sustainability features include:

- site remediation due to environmental contamination from past industrial uses
- high-efficiency heating and ventilation system
- heat pump for hot water and ultra-low plumbing fixtures
- LED lighting fixtures
- solar shades
- EV charging stations
- bicycle parking and end-of-trip facilities.

Land Use Context

The area is characterized by light-industrial buildings.

Immediately adjacent land uses include:

North – one-storey commercial building (Dairy Queen restaurant)

South – one-storey commercial building (car sales and rental building) across Queens Avenue

East – one-storey retail (Canadian Oil Exchange) across Douglas Street

West – two-storey self-storage facility (U-Haul)



Figure 1. Aerial Map

Existing Site Development and Development Potential

The subject properties are currently used for surface parking.

Under the current M-1 Zone, Limited Light Industrial District, each property could be developed as limited light industries, including testing, servicing and repair, bakeries, banks, car washes, carpet cleaning, churches, clubs and dry cleaners.

On July 6, 2023 council passed a motion, directing staff to prohibit self-storage as a permitted use from the Zoning Bylaw, but to allow applications already submitted prior to June 15, 2023, to continue through the process.

Data Table

The following data table compares the proposal with the M-1 Zone, Limited Light Industrial District. An asterisk is used to identify where the proposal does not meet the requirements of the existing Zone.

Zoning Criteria	Proposal	M-1 Zone, Limited Light Industrial District	OCP and Burnside Plan
Site area (m ²) minimum	1500.30	n/a	-

Floor Area all floors (m ²)	6873.50	n/a	-
Total Floor Area (m ²) – maximum	4341.00	4500.90	-
Density – Floor space ratio – maximum	2.90	3.00	3:1 (OCP) 3 (Burnside)
Floor space ratio-high tech – maximum	n/a	1.60	-
Floor space ratio-call centre – maximum	n/a	1.60	-
Floor space ratio-transient – maximum	n/a	1.60	-
Floor space ratio-specific retail – maximum	n/a	1.40	-
Average grade	12.10	n/a	-
Top of building	26.76	n/a	-
Height (m)	14.66	15.00	n/a
Height-rear lot line (m) – minimum	n/a	4.00 for bldg portion w/i 7.50m of residential	-
Setbacks (m) – minimum			
Setback for corner lot	3.00	3.00	-
Setback from residential	n/a	3.00	-
Setback – Douglas	1.00	n/a	-
Setback – Rear – West	0.30*	0 or 3.0	-
Setback – Side – North	0.10*	0 or 3.0	-
Setback – Queens – flanking street	2.17	n/a	-
Loading space (m) – minimum			
Number of loading zones	1	1	-
Width	4.00	4.00	-
Length	10.00	9.00	-

Height	4.50	4.30	-
Setback from street	n/a	3.00	-
Access from street	8.00	5.00	-
Parking			
Parking (min.)	18*	71	-
Parking location	parkade	Schedule C	-
EV ready	9	4	-
Landscape screen from Douglas Street (m) – minimum	n/a	1.50 high / 1.00 wide	-
Drive aisle slope (%) – maximum	0.0	8.0	-
Driveway slope (%) – maximum	5.0	15.0	-
Driveway/parking material	Concrete	Solid	-
Long Term Bicycle Stalls	6	6	-
Short Term Bicycle Stalls	6	6	-

Sustainable Mobility

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

Public Realm

The applicant is providing pedestrian enhancements and a seating node as part of their frontage works, including a curb extension from the corner of Douglas Street along Queens Avenue and the provision and installation of underground components. The applicant has also volunteered to dedicate a 3m x 3m section of their property at the same corner to the City to serve as a sidewalk.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant consulted the Burnside Gorge CALUC. A letter from the CALUC dated September 27, 2021, is attached to this report. The letter states that there was no objection to this application proceeding with the comments listed in the letter being considered.

Updated plans with significant revisions addressing the comments listed in the previous letter were referred to the CALUC on July 16, 2022. A letter from the CALUC dated November 25, 2022,

is attached to this report. The CALUC supports this revision of the application and recommends it proceed in development.

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

ANALYSIS

Official Community Plan

The subject properties are designated Core Employment in the *Official Community Plan* (OCP, 2012), which supports five-storey buildings consisting of light industrial uses on the ground floor and commercial or light industrial uses above with density up to 3:1 floor space ratio (FSR). The proposal is within the envisioned use, density and height framework.

Burnside Gorge Neighbourhood

The *Burnside Gorge Neighbourhood Plan* designates the subject properties as General Employment, which supports commercial or light industrial uses, and retail uses on the ground floor along arterial roads (such as Douglas Street) and in areas with high pedestrian activity. The subject properties are also within the Rock Bay Sub-Area of the *Burnside Gorge Neighbourhood Plan*. Attracting and maintaining a range of commercial and light industrial businesses, in order to provide a more diversified and resilient employment base, is strongly encouraged in the Plan.

A density up to approximately 3:1 FSR and heights up to five storeys with parking generally located to the rear or underground are supported in the Plan. The proposal is consistent with this vision.

Downtown Core Area Plan (DCAP)

The subject properties are located within the Rock Bay District of the DCAP, 2012. The DCAP supports a transformation of the Rock Bay District into an attractive employment centre with a high-quality built form, landscaping and human scale public realm amenities.

The DCAP contains design guidelines to support street vitality and safety. The proposed development is generally consistent with the objectives of the DCAP and complies with the guidelines as follows:

- the building form draws inspiration from stacked shipping containers and consists of a flat roofline and storefront glazing along both frontages which offers a distinctive massing for this corner site
- the building incorporates generous floor heights from ground floor with a minimum height of 4.5m to allow for access to natural light, spaciousness and greater flexibility for future changes of use
- a thin horizontal concrete strip runs along all sides of the building and provides building articulation, clearly demarcating the ground floor from the rest of the building
- all building entrances are oriented towards the street to ensure visibility and direct access
- the ground floor is recessed in some areas to provide punctuation along the street

- the building incorporates high-quality, durable materials and a variety of textures and details are used in the exterior cladding to achieve visual interest
- the design guidelines discourage large, blank windowless and featureless walls that are visible from the public realm; as the proposed building is located close to the north property line, windows are not permitted on the north elevation, so varied colours are introduced to break up the blank wall and add interest
- the proposed building occupies the entire site and there is limited space for landscaping, however, soft landscaping along the building frontages is introduced to soften the visual appearance at the street level.

Development Permit Area

The OCP identifies these properties within Development Permit Area (DPA) 10A: Rock Bay. DPA 10A encourages light industrial and commercial development on underutilized industrial and commercial lands in the Core Employment area. Moreover, the DPA envisions the enhancement of the neighbourhood through a high-quality architecture, landscape and urban design that reflects the area's function as an employment district in scale, massing and character and that also responds to the industrial setting of Rock Bay.

Design Guidelines for Development Permit Area 10A: Rock Bay

The proposal is generally consistent with the *Design Guidelines for Multi-Use Residential, Commercial and Industrial Development (2012), revised 2019* which are the primary design guidelines that apply to the proposal.

Variances

Variances are requested where the proposal does not meet the *Zoning Regulation Bylaw*.

Setbacks

The rear setback in the west and the north side setback are proposed to be reduced from 0m or 3m to 0.3m and 0.1m respectively to accommodate BC Building Code requirements associated with the sway of a building. Since these figures only slightly deviate from the required minimum, they are considered supportable.

Vehicle Parking

The applicant is seeking a parking reduction from 71 to 18 stalls. The applicant has submitted a Transportation Review conducted by Bunt & Associates, which is attached to this report. The study concluded that 19 parking stalls are sufficient as low parking utilization is contemplated for self-storage buildings. To help offset the parking shortfall, the applicant has offered five BC Transit Eco passes with a two-year term for employees.

Additionally, the site is well-serviced by various bus routes, with a bus stop on Douglas Street. The site is also adjacent to bike lanes with convenient cycling access towards the north and the south. Therefore, this variance is considered supportable.

Advisory Design Panel Review

The proposal was presented to the Advisory Design Panel (ADP) at a meeting on October 26,

2022. The minutes with motion are attached to this report. The following motion was made by the ADP:

“It was moved ...that Development Permit with Variances Application No. 00201 for 2300, 2310 and 2312 Douglas Street does not sufficiently meet the applicable design guidelines and policies and should be approved with the following changes:

- *Further differentiation between the ground and upper levels”.*

In response, the applicant has revised the colour of the ground floor façade. This change in colour to a darker shade further accentuates the difference between the ground and upper levels and sufficiently addresses the ADP’s motion.

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 July 1, 2021, so Tree Protection Bylaw No. 21-035 applies.

There are currently two existing municipal trees along the Douglas Street frontage. One off-site, non-bylaw protected tree has been inventoried. The off-site tree will require removal for construction of the building. The two municipal trees are proposed to be retained.

The applicant is proposing to plant two new boulevard trees along the Queens Ave frontage. Under the current proposal, the applicant would be required to pay \$16,000 for cash-in-lieu towards the City’s Tree Reserve Fund (\$2,000 X 8 replacement trees not planted).

Tree Impact Summary Table

Tree Status	Total # of Trees	To be REMOVED	To be PLANTED	NET CHANGE
On-site trees, bylaw protected	0	0	0	0
On-site trees, not bylaw protected	0	0	0	0
Municipal trees	2	0	2	+2
Neighbouring trees, bylaw protected	0	0	0	0
Neighbouring trees, not bylaw protected	1	1	0	-1
Total	3	1	2	+1

CONCLUSIONS

The proposal is generally consistent with the density, use, and design guidelines envisioned in the *Official Community Plan*, the *Burnside Gorge Neighbourhood Plan*, the *Downtown Core Area Plan* and the *Development Permit Area 10A: Rock Bay Guidelines*. Therefore, it is recommended that Council consider supporting this application and waive the standard practice of holding an opportunity for public comment.

ALTERNATE MOTION

That Council decline Development Permit with Variances Application No. 00201 for 2300, 2310, and 2312 Douglas Street.

Respectfully submitted,

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Karen Hoese, Director
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Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A: Subject Map
- Attachment B: Letter to Mayor and Council received July 12, 2023
- Attachment C: Plans with Landscaping Revisions date stamped July 12, 2023
- Attachment D: Parking Study dated July 11, 2023
- Attachment E: ADP minutes dated October 26, 2022
- Attachment F: Lighting Plan dated June 27, 2022
- Attachment G: Feedback Letter from Burnside Gorge Community Association dated November 25, 2022
- Attachment H: Feedback Letter from Burnside Gorge Community Association dated September 27, 2021
- Attachment I: Approval in Principle from the Ministry dated November 15, 2022