



Committee of the Whole Report For the Meeting of October 12, 2023

To: Committee of the Whole **Date:** September 28, 2023

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

Subject: **Development Permit with Variances No. 00243 for 822 Catherine 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 notification and advertising, and subject to Council's consideration of any written commentary received, Council consider issuing the Development Permit with Variances as follows:

"That Council authorize the issuance of Development Permit with Variances No. 00243 for 822 Catherine Street, in accordance with plans submitted to the Planning department and date stamped by Planning on September 7, 2023 subject to:

 - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. reduce the front yard setback from 3.0m to 2.77m on the first storey and 6.0 to 0m on the upper storeys
 - ii. reduce the rear yard setback from 6.0m to 2.4m
 - iii. increase the height from 3 storeys to 4 storeys
 - iv. reduce the residential vehicle parking from 30 stalls to 9 stalls
 - v. reduce the commercial vehicle parking from 6 stalls to 0 stalls
 - vi. reduce the van accessible vehicle parking from 1 stall to 0 stalls
 - vii. reduce the visitor van accessible vehicle parking from 1 stall to 0 stalls.
 - b. Submission of revised plans to update the data table, offset the horizontal long term bicycle parking from the walls and confirm EV ready vehicle parking stalls.
 - c. Submission of an updated Tree Management Plan referencing Tree Preservation Bylaw No. 05-106.
3. That the Development Permit, if issued, lapses two years from the date of this resolution.

LEGISLATIVE AUTHORITY

Relevant Development Permit considerations relate to the application's consistency with design guidelines.

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.

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.

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 Development Permit with Variances for the property located at 822 Catherine Street.

The proposal is for a four storey (three storeys plus one storey rooftop access) mixed-use building with approximately 27 rental units. This would replace a previously approved application by simplifying the building form and reducing the number of residential storeys.

The following points were considered in assessing this application:

- On August 4, 2022, Council approved a rezoning and development permit with variances for a three and a half storey mixed-use building with two commercial units and 31 residential rental units. Since that time, the applicant has identified several factors that has led to this new application for a more simplified building form.
- The proposal is consistent with the applicable design guidelines as it creates a new landmark for both the Catherine Street at Edward Street Small Urban Village and the Victoria West neighbourhood, provides a transition from the multi-unit residential to the east to the lower density neighbourhood to the west, and features extensive glazing on the ground floor with patios and entrances that would strengthen the commercial viability of the village.
- The proposal is consistent with the design guidelines for the Catherine Street at Edward Street Small Urban Village within the *Victoria West Neighbourhood Plan*, which envisions commercial ground floor uses with storefront-type facades at or near the edge of the sidewalk, residential uses on the upper floors and buildings that transition to neighbouring lower-scale development.
- The variance to reduce the front yard setback from 3.0m to 2.77m on the first storey and 6.0 to 0m on the upper storeys is considered supportable as the minimal setback and overhang over the first storey creates an active and intimate relationship with the street while the upper storeys provide a form of weather protection.

- The variance to reduce the rear yard setback from 6.0m to 2.4m is supportable as it relates to the one storey parkade structure, and the setback increases to 5.0m for the residential portion above. A six-foot fence along the western property line that is in addition to the existing cedar hedge on the neighbouring lots helps to mitigate potential privacy and overlook concerns on the lower levels.
- The variance to increase the height from three storeys to four storeys is considered supportable as the fourth storey is solely for the rooftop amenity space access and otherwise the building reads as three storeys.
- The variance to reduce the residential vehicle parking from 30 stalls to 9 stalls and the commercial parking from six stalls to zero stalls is supportable due to the comprehensive Transportation Demand Management program that was previously secured. The applicant is also proposing that the residential visitor parking stalls will be shared with commercial vehicle parking given the different peak parking demands.
- The variance to reduce the van accessible vehicle parking from one to zero and the visitor van accessible parking from one to zero is supportable as the parkade was designed prior to the accessible parking update to Schedule C and remains unchanged from the previous application, save for one stall being removed for expanded electrical and mechanical rooms.

BACKGROUND

Description of Proposal

The associated Development Permit with Variances is for a four-storey mixed-use building with approximately 27 residential units and one commercial unit. Specific details include:

- a four-storey building with a flat roof at the third storey and an additional rooftop access as the fourth storey
- private amenity space on the rooftop for residents and a ground floor patio for users of the commercial space
- underground parking accessed off Langford Street.

Exterior materials include:

- corrugated and curved metal cladding on the main exterior building façade
- concrete at the base of the building
- wood soffit for the entry feature wall.

Landscaping elements include:

- ground-level patio for the commercial unit
- benches and metal planters along Catherine Street
- wood rooftop deck as common amenity space for the residents.

The proposed variances are related to:

- reduce the front yard setback from 3.0m to 2.77m on the first storey and 6.0m to 0m on the upper storeys
- reduce the rear yard setback from 6.0m to 2.4m
- increase the height from three storeys to four storeys
- reduce the residential vehicle parking from 30 stalls to 9 stalls
- reduce the commercial vehicle parking from six stalls to zero stalls
- reduce the van accessible parking from one stall to zero stalls
- reduce the visitor van accessible parking from one stall to zero stalls.

Land Use Context

The area is characterized by residential uses, including single-family dwellings and multi-unit residential. Directly to the south is a grocery store, and industrial lands are located further east.



Existing Site Development and Development Potential

The site is presently used as a house conversion for a multi-unit residential rental building. Under the C1-C3 Zone, Catherine Commercial District the property could be developed as a mixed-use building up to three storeys in height and a 1.81:1 FSR.

Data Table

The following data table compares the proposal with the C1-C3 Zone, Catherine Commercial District. An asterisk is used to identify where the proposal does not meet the requirements of this Zone.

Zoning Criteria	Proposal	C1-C3 Zone
Lot area (m ²) – minimum	1002.9	1000
Density (Floor Space Ratio) – maximum	1.8	1.81
Total floor area (m ²) – maximum	1810	1810
Height (m) – maximum	12.17	16
Storeys – maximum	4*	3

Zoning Criteria	Proposal	C1-C3 Zone
Site coverage (%) – maximum	72.8	73
Open site space (%) – minimum	27.1	27
Setbacks (m) – minimum		
Front		
First storey	2.77*	3.0
Above the first storey	0*	6.0
Rear	2.4*	6.0
Side (Langford)	3.1	2.4
Side (Bella)	3.9	2.4
Residential vehicle parking – minimum	9*	37
Visitor vehicle parking– minimum	3	3
Commercial vehicle parking – minimum	0*	4
Van accessible vehicle parking – minimum	0*	1
Visitor accessible vehicle parking – minimum	1	0
Visitor van accessible vehicle parking – minimum	0*	1
Short term bicycle parking stalls – minimum	11	7
Long term bicycle parking stalls – minimum	40	32

Sustainable Mobility

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

- one car share vehicle to be parked on the street
- one on-site parking stall for the car share vehicle is secured along with public access to the parking stall should it be needed
- car share memberships for each of the dwelling units
- a bicycle repair station for residents
- enrolment in the BC Transit EcoPass Program for a minimum of three years for the commercial unit and residential units without a vehicle parking stall.
- improved east-west pedestrian crossing at Catherine Street and Langford Street.

Public Realm

The construction of an east-west pedestrian crossing of Catherine Street at Langford Street was previously secured, which will help improve the pedestrian infrastructure in the Small Urban Village and to/from Victoria West Elementary School.

Relevant History

On August 4, 2022, Council approved a rezoning and development permit with variances for a three and a half storey mixed-use building with two commercial units and 31 residential rental units. Since that time, the applicant has identified several factors that has led to a new application for a more simplified building form.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, since this is a Development Permit with Variances, there is no requirement to refer the application for consultation. However, the application was referred to the Victoria West CALUC on August 3, 2023. At the time of writing this report, a letter from the CALUC had not been received.

Pursuant to section 31 of the City's *Land Use Procedures Bylaw*, Council may provide an opportunity for public comment before considering a development permit with variances application. However, notice of the application must still be sent to all owners and occupiers of the subject property and adjacent properties. The notice would invite recipients to provide written comments prior to Council's consideration of the application. Should Council wish to hold an opportunity for public comment, an alternate motion has been provided at the end of this report.

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. Staff are recommending that the opportunity for public comment be waived.

ANALYSIS

Official Community Plan: Design Guidelines

The subject site is designated Small Urban Village and would fall under DPA 6A: Small Urban Villages in the OCP. This DPA envisions low-rise mixed-use buildings with commercial and community services that reinforce the sidewalk, one to three storey building facades and variable landscaping, boulevard and street tree planting.

The applicable design guidelines within DPA 6A are the *Design Guidelines for: Multi-Unit Residential, Commercial and Industrial* (2012), revised 2019, *Revitalization Guidelines for Corridors, Villages and Town Centres* (2017), *Advisory Design Guidelines for Buildings, Signs and Awnings* (2006), and *Guidelines for Fences, Gates and Shutters* (2010). The proposal complies with the guidelines as follows:

- the proposal would create a new landmark for both the Catherine Street at Edward Street Small Urban Village and the Victoria West neighbourhood
- the proposed building utilizes a flat roofline and provides a transition from the multi-unit residential to the east to the lower density neighbourhood to the west
- the new commercial unit features extensive glazing, is set close to the sidewalk, animates the street through a patio and active entrance and overall would strengthen the commercial viability of the village
- the pedestrian amenities would enhance the pedestrian and cycling experience in the area
- on-site parking is located underground.

Variances

The following sections discuss the proposed variances.

Setbacks

The proposal requires a variance to reduce the front yard setback from 3.0m to 2.77m on the first storey and 6.0m to 0m on the upper storeys. Generally, the intention is to step back buildings at the upper storeys. In this instance, the proposal creates an overhang over the first storey. This allows the first storey to have an active and intimate relationship with the street while the upper storeys provide a form of weather protection. At three storeys (plus a fourth storey rooftop access), the building is still relatively small, so it should not create an overbearing appearance.

A variance is requested to reduce the rear yard setback from 6.0m to 2.4m. This lower setback relates to the one storey parkade structure, and the setback then increases to 5.0m for the residential portion above. A six-foot fence is proposed along the western property line that is in addition to the existing cedar hedge on the neighbouring lots which will help reduce potential concerns related to privacy.

Height

A variance is required to increase the height from three storeys to four storeys. This variance is considered supportable as the fourth storey is solely for the rooftop amenity space access and otherwise the building reads as three storeys.

Parking

A variance is requested to reduce the number of residential parking space from 30 stalls to 9 stalls and the commercial stalls from six stalls to zero. The applicant proposes that the residential visitor stalls would be shared with the commercial uses given the offset peak parking demands. The applicant previously secured the following Transportation Demand Management program to mitigate the shortfall in residential stalls:

- the purchase of one car share vehicle
- one on-site parking stall for the car share vehicle and public access to the parking stall
- car share memberships for each of the dwelling units
- a minimum of 40 long-term bicycle stalls including three cargo bicycle stalls and 20% of which will be equipped with 110V outlets
- a bicycle repair station for residents
- enrolment in the BC Transit EcoPass Program for a minimum of three years for the commercial unit and residential units without a vehicle parking stall.

In addition, a variance is required to reduce the van accessible vehicle parking from one to zero stalls and the visitor van accessible parking from one to zero stalls. The parkade was designed prior to the accessible parking update to Schedule C and remains unchanged from the previous application, save for one stall being removed for expanded electrical and mechanical rooms. In addition, one visitor accessible stall is provided, which exceeds the zero stalls required.

Accessibility

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

Sustainability

The applicant has not identified any sustainability features associated with this proposal.

Tree Preservation Bylaw and Urban Forest Master Plan

The original rezoning for this property was reviewed using Tree Preservation Bylaw No. 05-106 as adopted by Council in November of 2019. This allows for this present application to be reviewed under this same bylaw. The updated Tree Management Plan has used the current Tree Protection Bylaw No. 21-035 and provided tables and tree replacement information which are not a requirement of this application. The recommended motion provides wording to allow the applicant to revise the Tree Management Plan to reference the Tree Preservation Bylaw No. 05-106, which would maintain consistency with the previous rezoning application.

Housing

Since this application is for a Development Permit, housing tenure and affordability considerations cannot be required. As part of the previous Rezoning Application the building was secured as rental in perpetuity and three units were secured at median incomes for a period of ten years. It is noted that the applicant is considering a request to amend or discharge the Housing Agreement securing the three median income units pending the results of their Certificate of Insurance from CMHC's rental construction financing program. However, this aspect of the proposal is a separate consideration from the Development Permit application, which focuses on the form and character of the building, exterior materials and landscaping. If pursued, the request to modify the housing agreement will come to Council at a later date.

The application would add approximately 18 new residential 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*.

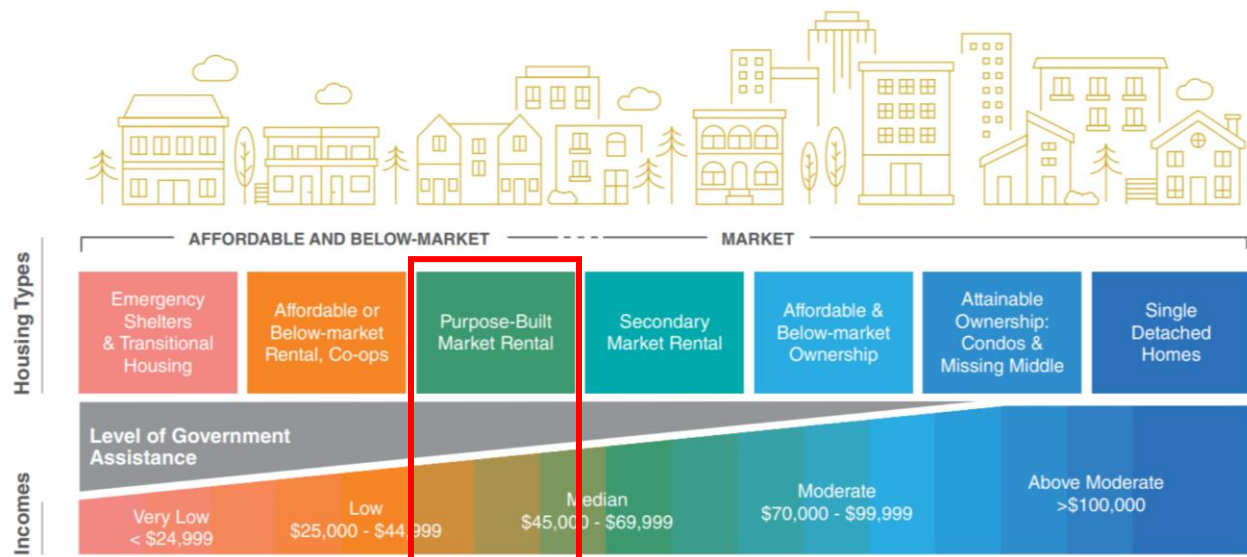


Figure 1. Housing Continuum

Affordability Targets

The proposal is for a market rental building. At present, three units have been secured to be rented at median income levels for a minimum period of ten years. However, as previously noted the applicant is considering removing the requirement to provide the three median income units due to financial constraints, which will be presented to Council at a later date, if pursued.

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 two studios, 15 one-bedrooms, five two-bedrooms, and five three-bedrooms. As noted above, since this application is for a Development Permit with Variances the provision of a specific unit mix has not been secured.

Security of Tenure

A Housing Agreement was previously secured to ensure the building remains as rental in perpetuity and for three units to be rented at median incomes for a minimum period of ten years.

Existing Tenants

The proposal is to redevelop an existing building which would result in a loss of 9 existing residential rental units. A Tenant Assistance Plan was secured through the previous Rezoning Application.

CONCLUSIONS

The proposed development is generally consistent with the relevant Design Guidelines, creates a landmark in the immediate and general context, and provides a transition from the village to the lower-density residences to the west. Therefore, staff recommend that Council consider supporting this application.

ALTERNATE MOTIONS

Option 1 - Approve with 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 Variances No. 00243 for 822 Catherine Street, in accordance with plans submitted to the Planning department and date stamped by Planning on September 7, 2023, subject to:
 - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. reduce the front yard setback from 3.0m to 2.77m on the first storey and 6.0 to 0m on the upper storeys
 - ii. reduce the rear yard setback from 6.0m to 2.4m
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 - b. Submission of revised plans to update the data table, offset the horizontal long term bicycle parking from the walls and confirm EV ready vehicle parking stalls.
 - c. Submission of an updated Tree Management Plan referencing Tree Preservation Bylaw No. 05-106.
2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution.

Option 2 - Decline

That Council decline Development Permit with Variances Application No. 00243 for the property located at 822 Catherine Street.

Respectfully submitted,

Mike Angrove
Senior Planners – Development Agreements
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 September 7, 2023
- Attachment C: Letter from applicant to Mayor and Council dated September 1, 2023
- Attachment D: Construction Impact Assessment & Tree Management Plan amended July 28, 2023