



## Committee of the Whole Report For the Meeting of May 23, 2024

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**To:** Committee of the Whole **Date:** May 9, 2024

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

**Subject:** Rezoning Application No. 00851 for 1055 Alston Street and Development Permit with Variances Application No. 00234

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### RECOMMENDATION

#### 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 May 9, 2024 for 1055 Alston Street.
2. That, after publication of notification in accordance with section 467 of the *Local Government Act*, first, second and third reading of the Zoning Regulation Bylaw amendment be considered by Council once the following conditions are met:
  - a. Revised plans identifying a second car share stall on-site.
3. That following the third reading of the zoning amendment bylaw, the applicant prepare and execute the following legal agreements, with contents satisfactory to the Director of Engineering and Public Works and form satisfactory to the City Solicitor prior to adoption of the bylaw:
  - a. Provision of a 1.0m wide statutory right of way for a portion along Alston Street to accommodate a sidewalk and two boulevard trees to City standards.
  - b. Provision of transportation demand management measures including:
    - i. two electric car share vehicles with a security of \$55,000 per vehicle
    - ii. two car share vehicle parking stalls equipped with Level 2 electric vehicle charging stations
    - iii. public access to the shared vehicle parking stalls
    - iv. a minimum of 56 car share memberships and credits
    - v. enhanced bicycle facilities including 50% of long-term bicycle spaces to have access to an electrical outlet, 22 long-term bicycle parking stalls to be oversized for cargo bicycles, and a bicycle maintenance station
    - vi. two EcoPasses for a minimum of five years for the industrial space.

4. That adoption of the zoning bylaw amendment will not take place until all of the required legal agreements that are registrable in the Land Title 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 or its officials, and any expenditure of funds is at the risk of the person making the expenditure.

### **Development Permit with Variances Application**

That Council, after giving notice, consider the following motion:

- “1. That subject to the adoption of the necessary Zoning Regulation Bylaw amendment, Council authorize the issuance of Development Permit with Variances No. 00234 for 1055 Alston Street, in accordance with plans submitted to the Planning department and date stamped by Planning on April 18, 2024, subject to:
- a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
    - i. reduce the residential vehicle parking from 55 stalls to 17 stalls
    - ii. reduce the visitor vehicle parking from six stalls to two stalls
    - iii. reduce the industrial vehicle parking from eight stalls to four stalls
    - iv. reduce the visitor van accessible stall from one stall to zero stalls
    - v. reduce the surface parking lot setback from a street from 1m to 0.6m
    - vi. eliminate the landscape screen between a surface parking lot and a street.
2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution.”

### **LEGISLATIVE AUTHORITY**

This report discusses a Rezoning Application and a concurrent Development Permit with Variances Application. Relevant rezoning considerations include adding residential as a permitted use. Relevant Development Permit with Variances considerations include the application’s consistency with design guidelines and the impact of variances.

### **Enabling Legislation**

In accordance with 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.

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 establishment of objectives for the form and character of commercial, industrial and multi-family 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 Application and Development Permit with Variances Application for the property located at 1055 Alston Street. The proposal is to rezone from the M2-S Zone, Songhees Light Industrial District, to a new zone to construct a mixed-use building with one industrial unit and approximately 56 residential units. There is a concurrent Development Permit with Variances Application pertaining to the proposed form, character, exterior design, finishes and landscaping and variances related to vehicle parking.

The following points were considered in assessing the Rezoning Application:

- The proposal is generally consistent with the General Employment designation within the *Official Community Plan (OCP)*, which envisions mixed-uses including light industrial and residential, with densities up to approximately 2.5 Floor Space Ratio (FSR).
- The proposal is located in the General Employment with Limited Residential designation in the *Victoria West Neighbourhood Plan* and is generally consistent with the envisioned uses and location of uses but is inconsistent with the envisioned density of 2.0 FSR and heights of 15m or three storeys.
- Provision of a 1m wide SRW along Alston Street contributes towards achieving a standard right-of-way width which can accommodate wider sidewalks and boulevard space.

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

- The proposal is generally consistent with the applicable design guidelines as the building uses the natural topography to present as lower along Alston Street, has a prominent entrance for the residential units, and features two rooftop patios for residents. The Tyee Road industrial space is set back from the street with the loading areas concealed within the building.
- The proposal would replace the existing industrial space, which is in high demand and scarce supply in the city.
- The variances to decrease the residential vehicle parking from 55 stalls to 17 stalls, decrease the visitor vehicle parking from six stalls to two stalls, decrease the industrial vehicle parking from eight stalls to four stalls and decrease the visitor van accessible stall from one stall to zero stalls are supportable due to the comprehensive Transportation Demand Management program proposed as well as the property's location within a walkable area with access to frequent transit and cycling routes.
- The variances to reduce the surface parking lot setback from a street from 1m to 0.6m and eliminate the landscape screen between a surface parking lot and a street are supportable as the applicant has worked to implement some form of landscape screening within a limited amount of space at the ground level. Any further increase of landscaping in this area would result in a further reduction in parking, including losing an accessible parking stall.
- The proposal meets the replanting requirements outlined in the *Tree Protection Bylaw*.

## BACKGROUND

### Description of Proposal

This proposal is to rezone from the M2-S Zone, Songhees Light Industrial District, to a new zone in order to construct a mixed-use building with one industrial unit accessed from Tyee Road and approximately 56 residential units accessed from Alston Street.

The following differences from the standard M2-S Zone are being proposed and would be accommodated in the new zone:

- add residential as a permitted use
- reduce the density from 3:1 FSR to 2.4:1 FSR
- decrease the rear setback from 3.0m to 2.88m
- decrease the south side yard setback from 3.0m to 0.3m
- decrease the north side yard setback from 3.0m to 0m
- increase the height from 15m to 21.5m.

The associated Development Permit with Variances is for the form and character of the proposed building and associated landscaping. Specific details include:

- a five-storey building massing with industrial uses on Tyee Road and vehicle parking and residential above
- main entrance for the residential use is architecturally prominent and located off Alston Street
- common residential amenity space through two rooftop patios
- access to the residential parkade is from Alston Street and access to the industrial parking and loading stalls is from Tyee Road.

Exterior materials include:

- corrugated metal panel
- metal composite panel
- concrete

Landscaping elements include:

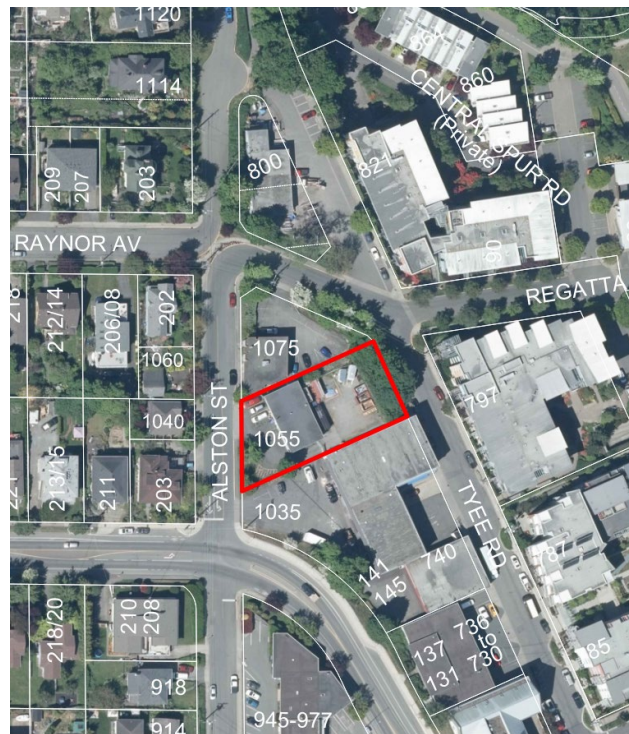
- rooftop amenity space with seating and planters on top of the one-storey residential lobby
- rooftop amenity space on the main building roof with seating, a multi-use area, a fireplace and a screen for movie projection
- seven new trees along the north property line and two along the south property line.

The proposed variances are related to:

- reducing the residential vehicle parking from 55 stalls to 17 stalls
- reducing the visitor vehicle parking from six stalls to two stalls
- reducing the industrial vehicle parking from eight stalls to four stalls
- reducing the visitor van accessible stall from one stall to zero stalls
- reducing the surface parking lot setback from a street from 1m to 0.6m
- eliminating the landscape screen between a surface parking lot and a street.

## Land Use Context

The area is characterized by low density residential to the west, medium density residential (the Railyards) to the east and industrial uses to the north and south (see Figure 1).



**Figure 1: Aerial view of the subject property**

## Existing Site Development and Development Potential

The site is presently used as an office. Under the current M2-S Zone, Songhees Light Industrial District, the property could be developed for a variety of industrial and commercial uses, up to a maximum height of 15m and 3.0:1 Floor Space Ratio.

## Data Table

The following data table compares the proposal with the existing M2-S Zone. An asterisk is used to identify where the proposal does not meet the requirements of the existing Zone.

Zoning Criteria	Proposal	Existing M2-S Zone
Use	<b>Residential &amp; Industrial*</b>	Industrial Only
Site area (m <sup>2</sup> ) – minimum	1406	N/A
Density (Floor Space Ratio) – maximum	2.4:1	3.0:1
Total floor area (m <sup>2</sup> ) – maximum	3381	4218
Height (m) – maximum	<b>21.1*</b>	15

Zoning Criteria	Proposal	Existing M2-S Zone
Storeys – maximum	5	N/A
Site coverage (%) – maximum	80	N/A
Open site space (%) – minimum	11	N/A
<b>Setbacks (m) – minimum</b>		
Front (Alston Street)	3.5	3.0
Rear (Tye Road)	<b>2.88*</b>	3.0
Side (north)	<b>0*</b>	3.0
Side (south)	<b>0.3*</b>	3.0
Residential Parking – minimum	<b>17*</b>	55
Visitor parking – minimum	<b>2*</b>	6
Industrial Parking – minimum	<b>4*</b>	8
Accessible car stalls – minimum	2	2
Accessible van stalls – minimum	1	1
Visitor Accessible van parking – minimum	<b>0*</b>	1
Long term bicycle parking stalls – minimum	65	61
Short term bicycle parking stalls – minimum	6	6
Landscape screen from Tye Road (m) – minimum	<b>0*</b>	1.5 high / 1.0 wide
Surface parking setback from street (m) – minimum	<b>0.6*</b>	1.0

## Sustainable Mobility

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

- enhanced bike parking including 22 oversized long-term bicycle parking stalls for cargo bicycles and a bicycle maintenance station
- two EcoPasses for a period of five years for the industrial space
- two electric car share vehicles and vehicle parking spaces
- car share memberships and credits for each of the residential units.

## Public Realm

As part of the application, a 1.0m wide Statutory Right-of-Way along a portion of Alston Street will be secured, which contributes towards achieving a standard right-of-way width to accommodate wider sidewalks and two boulevard trees.

## 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 March 30, 2023. 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 also posted on site, to notify those passing by of this consultative phase. Additionally, the applicant participated in an online meeting with the CALUC on April 18, 2023. A letter from the Vic West Community Association Land Use Committee dated June 19, 2023, has been attached to this report.

In response to the consultation the applicant has included frontage improvements to widen the sidewalk and replace street trees, added a rooftop amenity area for residents of the building and added building signage to mitigate the parkade wall along Tyee Road.

Pursuant to section 464(3) of the *Local Government Act*, Council is prohibited from holding a public hearing when a residential rezoning application is consistent with the OCP and comprises at least half of the gross floor area of all buildings and other structures proposed as part of the development. However, notice must still be sent to all owners and occupiers of adjacent properties prior to introductory readings of the bylaws.

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 property is designated as Employment-Residential within the OCP, which envisions building forms that include commercial mixed-use buildings, heights up to approximately five storeys and densities of 2.5:1 Floor Space Ratio (FSR), with residential densities occupying half of the total FSR of the building. The proposal for 2.4:1 FSR, of which approximately 61% is residential, exceeds the envisioned residential component of density within the OCP, but on balance is consistent with the OCP as it meets other objectives regarding overall density, transportation and mobility, and preserving industrial space which is in high demand and scarce supply in the city. In addition, the proposed density does not exceed the maximum density of the existing M2-S Zone, which is 3.0:1 FSR.

The extensive Transportation Demand Management program would encourage residents and employees to utilize alternate modes of transportation, and the provision of a car share vehicle

would benefit the broader community in a similar fashion, which achieves some of the goals and objectives in Section 7: Transportation and Mobility.

Victoria West Neighbourhood Plan

The proposal is located in the General Employment with Limited Residential designation in the *Victoria West Neighbourhood Plan* and is generally consistent with the envisioned uses and location of uses by having the industrial component located on the lowest level along Tye and the residential component on the upper levels. However, the proposal is inconsistent with the envisioned density of 2.0:1 FSR and heights of 15m or three storeys, but on balance meets the overarching policies in the *Official Community Plan*.

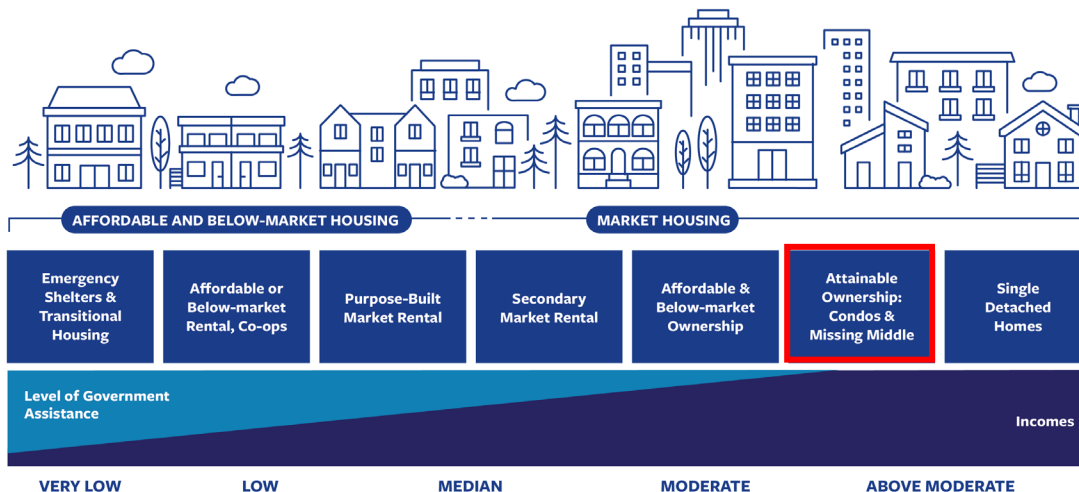
The *Victoria West Neighbourhood Plan* also recommends flexibility in design to accommodate a range of commercial and industrial uses, which can be seen in the proposal’s extra-high floor to ceiling heights proposed on the lowest level. Finally, the Plan recommends provision of a public amenity when residential density is added through a rezoning. In this instance, the applicant conducted an economic analysis that determined there was no additional lift to provide for amenities, as noted in the proceeding section.

Inclusionary Housing and Community Amenity Contribution Policy

The proposal is considered an atypical rezoning application under the *Inclusionary Housing and Community Amenity Policy*, as it involves a rezoning from a zone with no residential use (in this case industrial) to a zone which allows for residential use. An economic analysis was conducted, which concluded that no additional amenity contributions are required.

Housing

The application, if approved, would add approximately 56 new residential condominium 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 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. As submitted, this application proposes 40 one-bedroom units and 16 two-bedroom units.

### *Existing Tenants*

The proposal is to redevelop an existing industrial building which would not result in a loss of existing residential rental units.

## **Development Permit with Variance Application**

### Official Community Plan: Design Guidelines

The *Official Community Plan* (OCP) identifies this property within Development Permit Area 13: Core Songhees. The relevant objectives of DPA 13 are:

- to continue to revitalize former rail yards and heavy industrial sites into areas of commercial use to increase vibrancy and strengthen commercial viability,
- to achieve a high quality of architecture, landscape and urban design that is unique to the Songhees peninsula and its special places, reflecting its former industrial uses and geographic features,
- to acknowledge the geographic context of the Songhees peninsula through building forms that are generally lower near the shoreline and gradually rise in height to correspond with the rise in topography.

Design Guidelines that apply to DPA 13 are the *Multi-Unit Residential, Commercial and Industrial Design Guidelines* (2012), *Revitalization Guidelines for Corridors, Villages and Town Centres* (2017), *Victoria Harbour Plan* (2001), *Policy Plan and Design Guidelines for the Songhees Area of Victoria West* (2008) and *Guidelines for Fences, Gates and Shutters* (2010).

The *Victoria West Neighbourhood Plan* also has several goals and objectives relating to the design of new buildings, including:

- Heights along Alston Street should be no more than 11 metres (approx. three storeys) in height to maintain a sensitive transition to the neighbourhood.
- Alston Street frontages should establish a street wall that activates the public realm and provide spaces for street tree planting and landscaping.
- Buildings that mix light industrial and residential uses should be sensitively designed to reduce residential overlook of loading, storage or working areas and minimize impacts on the residential uses.

The proposal is considered to be generally consistent with the Design Guidelines in the following ways:

- The building is setback from Alston Street, with a one-storey residential lobby activating the street and acting as a transition to the residential units. The approximate height is 12.4m calculated from Level 1 of the residences to the roof (not including the rooftop access).
- The industrial portion of the building is designed to be setback from the upper storeys and the loading stalls are located interior to the building, which reduces the impact on the residential uses.

- The proposal provides ample common amenity space on various rooftops.
- The residential parkade is located between the two street frontages, which uses an otherwise hard-to-program space due to the topography.

### VariANCES

The proposal to reduce the residential vehicle parking from 55 stalls to 17 stalls, reduce the visitor vehicle parking from six stalls to two stalls, reduce the industrial vehicle parking from eight stalls to four stalls and reduce the visitor van accessible stall from one stall to zero stalls are supportable due to the comprehensive Transportation Demand Management program designed to offset the number of vehicle trips. This program includes 65 long-term bicycle stalls (four stalls more than required by Schedule C), 22 oversized long-term bicycle parking stalls for cargo bicycles, a bicycle wash and repair station, car share memberships and \$100 in car share credit for each of the residential units, two car share vehicles and publicly accessible car share stalls and two EcoPasses for a period of five years for the industrial unit. In addition, the northwest vehicle parking stall in the surface parking lot, although not labelled as such, has dimensions that would meet the accessible stall standards.

The variances to reduce the surface parking lot setback from a street from 1m to 0.6m and eliminate the landscape screen between a surface parking lot and a street are supportable as the applicant has worked to implement a form of landscape screening within a limited amount of space at the ground level on Tyee Road. Any further increase of landscaping in this area would result in a further reduction in parking, including the loss of an accessible parking stall.

### ACCESSIBILITY

The applicant has indicated the following accessibility improvements:

- all building entrances, common area corridors and common amenity rooms will have accessible doorways
- rooftop amenity areas will be accessible
- units will include backing and blocking to allow for adaptable design changes
- clearances in suites will meet adaptable design standards for doorways.

### ADVISORY DESIGN PANEL REVIEW

The submission and primary review of the application occurred in late 2023 when Advisory Design Panel meetings were not taking place due to a lack of quorum; therefore, the application is being presented to Committee of the Whole without an ADP review. However, an alternative motion has been provided should Council wish for ADP to review the application.

### 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. The *Urban Forest Master Plan* recommends a city-wide canopy cover of 40%. Based on 2019 LiDAR analysis, Victoria West canopy cover is 19 percent and city-wide coverage is 28%.

Sixteen trees have been inventoried. Of these, there are a total of six bylaw protected trees: four on the subject lot, one shared tree and one neighbour tree. There are currently three small municipal trees on the Alston Street frontage.

Eleven trees are proposed to be removed from the subject site, including four bylaw-protected trees and one shared tree, as they are in the building area or immediately adjacent to an area where excavation will occur. Two municipal trees will be impacted by construction of a new sidewalk and require removal.

The landscape plan shows seven new trees on the subject lot which meet the replanting requirements outlined in the *Tree Protection Bylaw*. Two new boulevard trees are proposed along the Alston Street frontage.

## CONCLUSIONS

The proposal is generally consistent with the General Employment designation and advances numerous goals and objectives in the OCP, including increasing housing stock, maintaining important industrial space and encouraging alternative modes of transportation.

The proposed development is generally consistent with the relevant Design Guidelines, provides visual interest to both street frontages, provides flexibility in the use of the industrial unit, hides the parking area between the residential and industrial components and provides two private rooftop amenity spaces. Therefore, it is recommended that Council consider supporting this application.

## ALTERNATE MOTIONS

### Option 1: Require ADP Review

#### 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 May 9, 2024 for 1055 Alston Street.
2. That, after publication of notification in accordance with section 467 of the *Local Government Act*, first, second and third reading of the Zoning Regulation Bylaw amendment be considered by Council once the following conditions are met:
  - a. Revised plans identifying a second car share stall on-site.
  - b. The application be reviewed by the Advisory Design Panel.
3. That following the third reading of the zoning amendment bylaw, the applicant prepare and execute the following legal agreements, with contents satisfactory to the Director of Engineering and Public Works and form satisfactory to the City Solicitor prior to adoption of the bylaw:
  - a. Provision of a 1.0m wide statutory right of way for a portion along Alston Street to accommodate a sidewalk and two boulevard trees to City standards.
  - b. Provision of transportation demand management measures including:
    - i. two electric car share vehicles with a security of \$55,000 per vehicle
    - ii. two car share vehicle parking stalls equipped with Level 2 electric vehicle charging stations
    - iii. public access to the shared vehicle parking stalls
    - iv. a minimum of 56 car share memberships and credits

- v. enhanced bicycle facilities including 50% of long-term bicycle spaces to have access to an electrical outlet, 10% of long-term bicycle parking to be oversized for cargo bicycles, and a bicycle maintenance station, and
  - vi. two EcoPasses for a minimum of five years for the industrial space.
4. That adoption of the zoning bylaw amendment will not take place until all of the required legal agreements that are registrable in the Land Title 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 or its officials, and any expenditure of funds is at the risk of the person making the expenditure.

### **Development Permit with Variances Application**

That Council, after giving notice, consider the following motion:

- “1. That subject to the adoption of the necessary Zoning Regulation Bylaw amendment, Council authorize the issuance of Development Permit with Variances No. 00234 for 1055 Alston Street, in accordance with plans submitted to the Planning department and date stamped by Planning on April 18, 2024, subject to:
- a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
    - i. reduce the residential vehicle parking from 55 stalls to 17 stalls
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    - v. reduce the surface parking lot setback from a street from 1m to 0.6m
    - vi. eliminate the landscape screen between a surface parking lot and a street.
2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution.”

### Option 2: Decline

That Council decline Rezoning Application No. 00851 for the property located at 1055 Alston Street.

Respectfully submitted,

Mike Angrove  
Senior Planner – 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 April 18, 2024
- Attachment C: Letter from applicant to Mayor and Council submitted April 25, 2023

- Attachment D: Construction Impact Assessment & Tree Management Plan dated July 7, 2023 and revised January 30, 2024
- Attachment E: Traffic Impact Assessment dated July 17, 2023
- Attachment F: Letter from Victoria West CALUC dated June 19, 2023
- Attachment G: Pre-Application Consultation Comments from Online Feedback Form
- Attachment H: Correspondence (Letters received from residents).