



Committee of the Whole Report For the Meeting of June 27, 2024

To: Committee of the Whole **Date:** June 12, 2024

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

Subject: **Development Permit with Variances Application No. 00241 for 250 Douglas Street**

RECOMMENDATION

That Council, after giving notice, posting signage, and inviting written comments from the public for Council's consideration, consider the following motion:

- "1. That Council authorize the issuance of Development Permit with Variances No. 00241 for 250 Douglas Street, in accordance with plans submitted to the Planning department and date stamped by Planning on May 27, 2024, subject to:
 - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. increase the size of an accessory building (combined floor area) from 37m² to 71m²;
 - ii. allow an accessory building to be located in the rear and side yard;
 - iii. increase the rear yard site coverage from 25% to 56%;
 - iv. increase the overall site coverage for the property from 14% to 45%;
 - v. increase the accessory building height from 3.0m to 3.1m.
2. That the Development Permit with Variances No. 00241, if issued, lapses two years from the date of this resolution."

LEGISLATIVE AUTHORITY

The Report discusses a Development Permit with Variances Application. Considerations include the appropriateness of the relevant regulations and design guidelines to the accessory building regulations and the impact of the variances.

Enabling Legislation

In accordance with Section 489 of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Official Community Plan*. 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 for the construction of an accessory building intended for a bike shelter for the property located at 250 Douglas Street. The variances are related to the size, placement and height of the bike shelter and the overall site coverage and rear yard coverage for the property.

The following points were considered in assessing this application:

- The proposal is generally consistent with Development Permit Area 16, General Form and Character overall objectives to ensure new construction is a good visual fit in the immediate context. The design of the bike shelter, with a shed roof, and simple vertical cladding elements, complements the multifamily building.
- The bike shelter placement is an accessible, yet unobtrusive location on the property. Visual impact on adjoining residential properties will be minimal and is further reduced by the presence of mature landscaping and fencing. A green roof is proposed on the bike shelter creating a softer visual presence when viewed from the multi-family building.
- The variances are supportable. The R3-H Zone, High Density Multiple Dwelling District, did not anticipate accessory buildings and the resulting applicable regulations are a combination of requirements in this zone and the accessory building regulations specific for low density development.
- The variance to allow placement in the side yard is acceptable as this location is the most practical and accessible location from Douglas Street.
- The variance to increase the size of the bike shelter from 37m² to 71m² is reasonable and functional for the proposed context and use.
- The variance for the height of the bike shelter from 3.0m to 3.1m is supportable, noting that a height of 3.5m is the usual residential standard for an accessory building.
- The bike shelter adds a nominal amount to the overall site coverage and rear yard site coverage, both of which already exceed the maximum allowance, due to the presence of a large carport structure.
- The inclusion of a dedicated bike shelter use by the residents supports active transportation objectives.

BACKGROUND

Description of Proposal

This proposal is to construct an accessory building for use as a bike shelter for the occupants of multi-family development.

The variances requested from the R3-H Zone, High Density Multiple Dwelling District, and Schedule F, Accessory Building Regulations, are related to the size, placement and height of the bike shelter and the overall site coverage and rear yard coverage for the property.

Land Use Context

The area is characterized by multi-family residential buildings along Douglas Street and single family and two-family dwellings along Marfield Avenue, St. Andrews Street and Avalon Road.

Beacon Hill Park is directly across the street from this property.

Existing Site Development and Development Potential

The site is presently occupied by a 96-suite condominium building, constructed in 1962.

Under the current zoning, there is no further development potential on the property.

Data Table

The following data table compares the proposal for the bike shelter Accessory Building Regulations (Schedule F) and with the R3-H Zone, High Density Multiple Dwelling District. An asterisk is used to identify where the proposal does not meet the requirements of the Schedule and Zone, and a double asterisk identifies an existing non-conforming situation.

Zoning Criteria for Accessory Building	Proposal	Schedule F
Location	<i>Rear and side yard*</i>	Rear yard
Combined floor area (m ²) - maximum	71*	37
Height (m) – maximum (see following data table)	3.1	3.5
Storeys – maximum	1	1
Rear yard site coverage (%) – maximum	56*	25
Open site space (%) – minimum		
Separation space from main building (within the site) (m) – minimum	0**(existing carport) 6.4 (for new building)	2.4
Setbacks (m) – minimum		
Rear	1.5	0.6
Side	1.5	0.6

Zoning Criteria for existing building and proposed accessory building	Proposal	R3-H
Site area (m ²) - minimum	4530	2787
Site coverage (m ²) - maximum	45*	14
Open site space (%) – minimum	55	40
Height for an accessory building	3.1*	3.0

Zoning Criteria for existing building and proposed accessory building	Proposal	R3-H
Vehicle parking stalls	90	Existing
Bicycle parking proposed – long term	42	Not required by bylaw due to age of building

Sustainable Mobility

The application for a bike shelter supports multi-modal transportation by increasing the number of bike parking spaces, along with enhanced bike parking, cargo and electric bike parking and maintenance facilities.

Relevant History

The building (commonly referred to as Bickerton Court) was constructed in 1962 and contains 96 suites. At the time of construction, bicycle parking facilities were not mandatory. Since the construction of the building, a bike enclosure has been placed along the north elevation of the main building, however, the owners wish to add an additional permanent and secure bike shelter.

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 Variance Application, the original application (June 26, 2023) and revised plans were referred to the James Bay Community Association CALUC for a 30-day comment period. At the time of writing this report, a letter from the CALUC had not been received.

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. Given the nominal potential impact associated with the requested variances staff are recommending that the Opportunity for Public Comment be waived. Letters in support of this application have also been received (attached).

ANALYSIS

Official Community Plan: Design Guidelines

The *Official Community Plan* (OCP) identifies this property within Development Permit Area 16: General Form and Character, and the *Design Guidelines for Multi-Unit Residential, Commercial and Industrial Development* are applicable. The Guidelines do not provide specific considerations for accessory buildings; however, the proposed bike shelter meets general good design principles:

- minimal impact on adjacent residential properties
- the scale is appropriate for the use and location
- well-integrated into the existing site in an unobtrusive area
- minimal disruption to existing landscaping
- Crime Prevention Through Environmental Design (CPTED) principles are addressed with a defined pathway and lighting.

Variances

Bickerton Court, constructed in 1962, was placed in the R3-H Zone, High Density Multiple Dwelling District. This zone refers to the R1-B Zone, Single Family Dwelling District, for regulations on accessory buildings, which in turn refers to the accessory building regulations contained in Schedule F. The R3-H Zone has some limited regulations on accessory buildings related to height and site coverage. Given the size of the property (4350 m²), the irregular shape of the lot and the principal use of the subject property (96 units), the standard accessory building regulations, which were intended to regulate accessory buildings on low density building sites, are not appropriate for an accessory building of this nature. The site-specific variances for the size, placement, and height of an accessory building are supportable in this location to accommodate a functional bike shelter.

The bike shelter marginally contributes to the overall maximum parcel coverage for the site as specified in the High Density Multiple Dwelling District and the maximum rear yard site coverage specified in the Accessory Building Regulations (Schedule F). The existing buildings on the site (principal dwelling and parking garages) are currently in excess of this maximum parcel coverage and represent an anomaly in terms of historical approvals on this property.

Other Regulatory Consideration – Schedule C

As noted, at the time of construction of this multi-family building in 1962, the *Zoning Regulation Bylaw* did not have mandatory requirements for bicycle parking. As such, the inclusion of short- and long-term bike parking is voluntary on behalf of the strata corporation and specific adherence to the Schedule C specifications is not required. The proposed layout of the new bike shelter includes 10 larger stalls for cargo bikes or mobility scooters and 32 regular bike stalls that approximate the dimensional standards specified in Schedule C.

Short-time bike racks have previously been installed near the entrances of the building, which will be retained for visitor use.

Accessibility

No accessibility improvements are proposed beyond what is required through the *British Columbia Building Code*. The proposed pathways to the proposed building are designed to be accessible to allow persons with mobility scooters access to the bike shelter.

Sustainability

As indicated in the applicant's letter, the green building features are as follows:

- a wood structure which is considered a renewable resource
- exterior wall cladding to be a combination of plastic lumber, made from recycled plastic
- frosted glass which is recyclable and considered an environmentally friendly material
- a green roof will help with reducing the amount of hard surface run off
- a crushed limestone path to the proposed structure to reduce the amount of hard surface run off
- the structure will not be heated
- energy efficient lighting.

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.

A bylaw protected multi-stemmed cherry is located within the proposed building footprint and will require removal. One replacement tree will be planted on the subject lot.

CONCLUSIONS

This application for a Development Permit with Variances to construct a bike shelter on this property supports active transportation making the storage and access to bikes easier and more secure for the residents. The bike shelter is proposed in an accessible location with minimal visual impact from Douglas Street or adjacent properties. While there are a number of variances associated with this application, these variances are supportable to allow a functional bike shelter appropriate for the size and scale of this property.

ALTERNATE MOTIONS

Alternate Motion 1 – Consider approval after an 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. 00241 for 250 Douglas Street, in accordance with plans submitted to the Planning department and date stamped by Planning on May 27, 2024, subject to:
 - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
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Alternative Motion 2 - Decline

That Council decline Development Permit Application No. 00241 for the property located at 250 Douglas Street.

Respectfully submitted,

Lucina Baryluk
Senior Planner
Development Services Division

Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped May 27, 2024
- Attachment D: Letter from applicant to Mayor and Council, dated June 10, 2024
- Attachment E: Letters from neighbours