



## Planning and Land Use Committee Report

### For the Meeting of December 10, 2015

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**To:** Planning and Land Use Committee                      **Date:** November 23, 2015

**From:** Jonathan Tinney, Director, Sustainable Planning and Community Development

**Subject:** Development Variance Permit No. 00164 for 2540 Quadra Street

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### RECOMMENDATION

Staff recommend that Committee forward this report to Council and that Council waive the Clean Hands Policy for Planning Approvals for 2540 Quadra Street to allow the two illegal suites to remain occupied while the Development Variance Permit No. 00164 is under consideration; however, prior to the setting of the date of the meeting of Council to consider this application, the applicant be required to file a covenant on the title specifying that all illegal construction will be removed if the application is refused and that after giving notice and allowing an opportunity for public comment at a meeting of Council, that Council consider the following motion:

“That Council authorize the issuance of Development Permit Application No. 00164 for 2540 Quadra Street, in accordance with:

1. Plans date stamped October 28, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the required number of parking stalls reduced from 29 vehicle parking stalls to 17 stalls (Schedule C).
3. A six space bike rack be provided at the front entrance to the building.
4. Two vehicle parking stalls to be allocated for visitor parking.
5. The Development Permit lapsing two years from the date of this resolution.”

### LEGISLATIVE AUTHORITY

In accordance with Section 922 of the *Local Government Act*, council may issue a Development Variance Permit that varies a *Zoning Regulation Bylaw* provided the permit does not vary the use or density of land from that specified in the *Zoning Regulation Bylaw*.

### EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Variance Permit Application for the property located at 2560 Quadra Street. The proposal is to reduce the overall parking requirement from 29 vehicle parking stalls to 17 stalls for an existing 22 unit rental apartment building. The proposal would facilitate the retention of two existing suites that were constructed without the benefit of City permits or approvals.

The following point was considered in assessing this application:

- The parking variance is supportable as the ratio of car ownership is approximately equivalent to the number of parking stalls provided.

## **BACKGROUND**

### **Description of Proposal**

The proposal is to reduce the overall vehicle parking requirement from 29 stalls to 17 stalls for an existing rental apartment. This parking variance will enable the retention of two existing suites.

### **Sustainability Features**

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

### **Active Transportation Impacts**

As part of the approval process, staff is recommending that Council consider requiring a six space bike rack at the front of the building.

### **Public Realm Improvements**

No public realm improvements are proposed in association with this Development Variance Permit Application.

### **Existing Site Development and Development Potential**

Under the current R3-2 Zone, Multiple Dwelling District, the property could be redeveloped at a density of up to 1.6:1 Floor Space Ratio (FSR) for a multiple dwelling development; however, this would be dependent on satisfying a number of other bylaw requirements for enclosed parking, site coverage and open site space.

### **Data Table**

The following data table compares the proposal with the Schedule C requirements for parking. As the same building footprint is being maintained and no new floor area is added, the other zoning standards remain the same.

An asterisk is used to identify where the proposal is less stringent than the existing zone.

<b>Zoning Criteria</b>	<b>Proposal</b>	<b>Zone Standard Multiple Dwelling District</b>
Parking - minimum	17*	29 (see Relevant History)
Visitor parking (minimum) included in the overall units	2	10% of total number of parking stalls



## Relevant History

The rental apartment occupying the site was constructed in 1967. At the time of construction, 20 units were approved for the building and the number of parking stalls associated with the development is difficult to ascertain. However, sometime after that date, an additional two units were added within the undeveloped basement, which were constructed without the appropriate permits. The new owners, who purchased the property in 2015, wish to legalize this situation. However, in order to allow the additional two units, a parking variance is required.

## Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on November 4, 2015, the application was referred for a 30-day comment period to the Hillside-Quadra Neighbourhood Action Group. At the time of writing this report, a letter from the CALUC had not been received.

This 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

### Zoning Regulation Bylaw, Schedule C - Off-Street Parking Requirements

#### Number of Off-Street Parking Stalls

The parking requirements for each unit in a rental building is 1.3 vehicle parking spaces per unit, and the applicant is requesting that this ratio be reduced to 0.77 vehicle parking spaces per unit. This ratio is recommended as acceptable based on the following:

- The proponents for 2560 Quadra Street commissioned Adept Transportation Solutions to undertake a parking demand study and the results indicated that average resident vehicle ownership rates for rental apartments in the general area is 0.51 per unit.
- The applicant maintains that only 50% of the occupants own cars.
- The area is well-served by transit and within walking distance of the Quadra Village.

#### Dimensions of Off-Street Parking Stalls

At the current time, there are 18 vehicle parking stalls located in the rear yard parking lot. The dimensions of these stalls do not meet the dimensions specified in Schedule C. In order for the existing stalls to satisfy the current standards, the lines will be repainted. While this is seen as improvement to the overall maneuverability for the users, this will result in the loss of one stall.

#### Bicycle Parking Requirements

As this building was constructed prior to the introduction of Off-Street Bicycle Parking requirements, the building is exempt from these regulations. However, the owner has agreed to install a six space bike rack in the front of the building. The inclusion of this bike rack creates further support for the parking variance.

## Other Considerations

### British Columbia Building Code Compliance

Two units within the building were constructed and occupied without building, plumbing and electrical permits. The new owner wishes to rectify this situation by applying for the appropriate permits. By working through this process, both the City and the owner will have the assurance that the two suites are in compliance with the appropriate construction standards, ensuring the health and safety of the occupants.

### Clean Hands Policy Compliance

The Clean Hands Policy for Planning Approvals is in place to deal with situations on properties where there is a development application which requires Council's approval and where there is an outstanding enforcement issue. In this case there is illegal construction and therefore, illegal occupancy of the two suites.

The Policy requires that the illegal occupancy be vacated and that a covenant is in place indicating that if the application is declined, the illegal construction will be removed before Council considers the matter. The applicant is requesting that Council waive this policy with respect to vacating the premises, noting that it would be disruptive for the residents to vacate the units until this issue is resolved. However, the filing of a covenant would still be required to provide clarity for bylaw compliance should the application be declined.

## CONCLUSIONS

Adequate parking is available on-site to satisfy the demand generated by the occupants of the building and the location of the building near transit and Quadra Village merits consideration of the reduced parking ratio. The approval of the parking variance will enable the legalization of two rental suites, with assurances through legal agreements that the suites will meet current construction codes.

## ALTERNATE MOTION

That Council decline Development Variance Permit Application No. 00164 for the property located at 2540 Quadra Street and further, that the City of Victoria commence proceedings to ensure the two illegal suites are removed from the building.

Respectfully submitted,

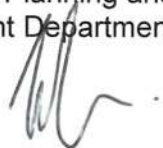


Lucina Baryluk  
Senior Process Planner  
Development Services Division



Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



Date:

December 3, 2015

## **List of Attachments**

- Subject maps
- Plans date stamped October 28, 2015
- Letter from applicant dated November 19, 2015.



KINGS RD

2575

941-975

2590  
-  
2572

1015

2563/2571

025

2565

2560

2559

258

2553

257

2551

256

36

2529

2558

256

WARK ST

2546

2549

STARS  
SCHOOL

255

2530

2540

255

2523

2524

25

2

2520

2527

2

2507

2500

2511

BAY ST

2424



2540 Quadra Street  
Development Variance Permit #00164







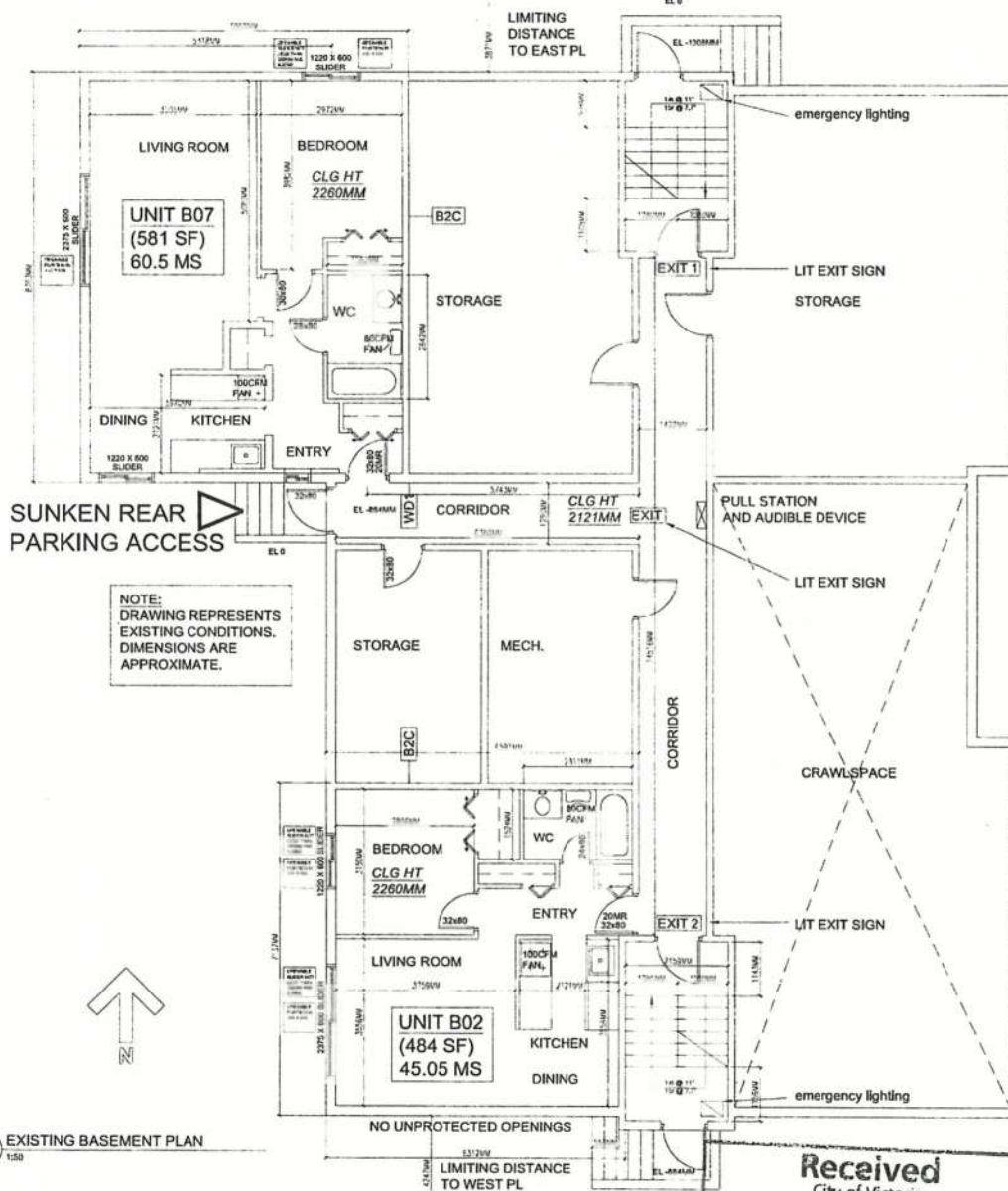
2540 Quadra Street  
Development Variance Permit #00164











# 2540 QUADRA ST - BASEMENT PLAN ZONE R3-2

EXISTING AREA = 13,323.3 SF  
(EXCLUDING CRAWLSPACE)

## UNITS

UNIT B07 - 60.5 MS  
(meet reqts of Part 3.3 (2))

UNIT B02 - 45.05 MS  
(meet reqts of Part 3.3 (2))

TOTAL 2 UNITS - 105.55 MS

## BASEMENT SUITE INFORMATION

d/p

architecture

CLP ARCHITECTURE INC.  
1111 1111 HOMER ST.  
VANCOUVER, BC V6E 1A1  
1.778.888.8888

PROJECT CONTACT:

PROJECT:  
**2540 QUADRA ST  
GRAYSON HOUSE**

PROJECT ADDRESS:  
2540 QUADRA ST  
VICTORIA BC

OWNER:  
GRAYSON APARTMENTS LTD  
SUITE 110 1111 HOMER ST  
VANCOUVER BC

ARCHITECT'S SEAL

MARK DATE DESCRIPTION  
REVISIONS

MARK DATE DESCRIPTION  
ISSUE INFORMATION  
PLOT DATE: OCT 26 2015

PROJECT NO: 15-04  
DRAWN BY: JF  
CHECKED BY: JF  
PROJECTS BY: JF  
PROJECTS BY: JF

SHEET TITLE

BASEMENT PLAN  
EXISTING CONDITIONS

SHEET NO.

A2.0

Received  
City of Victoria  
OCT 28 2015  
Planning & Development Department  
Development Services Division

**GRAYSON**  
**APARTMENTS LTD.**

**CITY OF VICTORIA**  
1 Centennial Square  
Victoria, BC  
V8W 1P6

November 19, 2015

Dear Mayor & Council:

**RE:           GRAYSON HOUSE APARTMENTS,  
              2540 QUADRA STREET, VICTORIA**

We acquired the apartment building referenced above on April 15<sup>th</sup> of this year. The building was originally approved and built as 20 units in 1967. Sometime after construction, two additional units were constructed in the basement. It is our corporate responsibility to ensure these units will be legalized through the building permit process. However before a building permit can be issued a parking variance is required. In good faith, we will be submitting for a building permit at the same time as we make this development permit application.

Further units could only be accommodated with a parking variance. We have completed a professional site plan which is attached and shows 18 parking stalls. This is 11 short of the legislated requirement of 1.3 spaces per dwelling unit under the R3-2 Zoning. To mitigate the parking shortfall we would endeavor to enter into a Zip Car partnership; we are currently an affiliation with Zipcar through Mark Pribula, GM, that our tenants have access to their car-share program at a discounted rate. Our plan would be to deal with this as a "subject to" for approval. Only approximately half the tenants currently have vehicles, so we have capacity to devote +/-6 stalls to car share &/or visitor parking.

In addition, we respectfully request that the Clean Hands Policy be waived that requires the unauthorized units be vacated during the process. As the unauthorized units are occupied, we do not want to disrupt the tenants, so we ask if the units can remain in place while the variance is resolved.

We are underway with renovations / upgrades to three suites (all turnovers). We have retained a designer; we are spending \$15,000 - \$20,000 / unit to provide top quality accommodations. We plan to renovate all suites as they turnover in order to do our part in rejuvenation of the rental stock in the Victoria market. Additionally, we will upgrade common areas and landscaping to improve the aesthetics and curb appeal of the property.

Trusting this is in order. We look forward to working with you. Feel free to contact us with any queries.

Yours truly,

**GRAYSON APARTMENTS LTD.**

Tony Kalla, President & Secretary

**GRAYSON APARTMENTS LTD.**

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