

## Planning and Land Use Committee Report

For the Meeting of February 19, 2015

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**To:** Planning and Land Use Committee **Date:** February 5, 2015  
**From:** Jim Handy, Senior Planner – Development Agreements, Development Services  
**Subject:** Development Permit with Variance Application #000403 for 450 Dallas Road

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### RECOMMENDATION

Staff recommend that Committee forward this report to Council and that after giving notice and allowing an opportunity for public comment that Council consider the following motion:

“That Council authorize the issuance of Development Permit Application #000403 for 450 Dallas Road, in accordance with:

1. Plans date stamped January 21, 2015,
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
  - i. Schedule C, Section 16.A.11(c) - Parking relaxed from 1 parking stall to 0 parking stalls for the additional residential unit
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director, Development Services Division, Sustainable Planning and Community Development Department.”

### LEGISLATIVE AUTHORITY

In accordance with section 920(2) of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Official Community Plan (OCP)*. 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 sections 920(8) and (9), where the purpose of designation is the establishment of objectives for the form and character of a commercial, industrial and multi-family development, a Development Permit may include requirements respecting the character of the development, including the landscaping, siting, form, exterior design and finish of buildings and other structures but may not include requirements regarding the particulars of the landscaping or of the 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 Variance Application for the property located at 450 Dallas Road. The proposal is to create an additional residential unit within an existing multi-unit building resulting in a one stall parking variance.

The following points were considered in assessing this Application:

- the proposal is consistent with the objectives for multi-unit residential developments in Development Permit Area 16: General Form and Character of the OCP
- the proposal is consistent with the *Design Guidelines for Multi-Unit Residential, Commercial and Industrial Development (2012)*
- the proposal does not result in any external alterations to the existing building
- the proposal proposes a one stall parking variance only.

## BACKGROUND

### Description of Proposal

The proposal is to create an additional residential unit within an existing multi-unit building resulting in a one stall parking variance. No alterations to the exterior of the existing building are proposed.

### Sustainability Features

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

### Existing Site Development

The site is zoned R3-H Zone, High Density Multiple Dwelling District and is presently occupied by a 11-storey multi-unit residential building with a two-storey annex.

### Relevant History

The original 11-storey building was constructed in 1962 with a total of 58 residential units. A two-storey annex was later constructed increasing the total number of units to 74. The *Zoning Regulation Bylaw* was subsequently revised and the parking requirement increased from 1.2 parking stalls per unit to 1.3 parking stalls per unit. Therefore, in 1981, the parking situation on the property became legally non-conforming.

In 1987, two of the units were combined into a single unit, reducing the total number of units to 73. The applicant now wishes to convert this unit back into two units and, as such, return the total unit count back to 74.

Section 911(10)(a) of the *Local Government Act* (LGA) states that legally non-conforming rights apply if any maintenance, extensions or alterations do not involve a further contravention of the *Zoning Regulation Bylaw*. In this instance, increasing the residential unit count from 73 to 74 results in a requirement for an additional parking stall, so this section of the LGA does not apply. A variance is therefore being requested.



## Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on January 22, 2015, the Application was referred for a 30-day comment period to the James Bay CALUC. At the time of writing this report, a letter from the CALUC had not been received.

This Application proposes a variance, 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

### Development Permit Area and Design Guidelines

The OCP identifies this property with in Development Permit Area 13: General Form and Character.

The existing building consists of 73 multi-family residential units with 38 surface parking stalls. The existing parking situation is legally non-conforming. The proposal is to create an additional residential unit within an existing multi-family building resulting in a one stall parking variance. The resulting scenario would be identical to that which existing prior to 1987 when two units were combined to a single unit. Staff recommend that Council consider supporting this Application as the one stall parking variance would have limited impact on the demand for on-street parking in the vicinity of the site and no external alterations to the existing building are proposed.

## CONCLUSIONS

The proposal is to create an additional residential unit within an existing multi-family building resulting in a one stall parking variance. Staff recommend that Council consider supporting this Application as the parking variance would have limited impact on the demand for on-street parking in the vicinity of the site and no external alterations to the existing building are proposed.

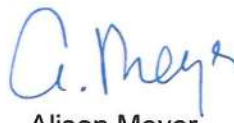
## ALTERNATE MOTION

That Council decline Development Permit with Variance Application #000403 for the property located at 450 Dallas Road.

Respectfully submitted,




Jim Handy  
Senior Planner – Development Agreements  
Development Services Division



Alison Meyer  
Assistant Director  
Development Services Division

Report accepted and recommended by the City Manager:

  
Jason Johnson

Date:

  
Feb. 11, 2015

JH:aw

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## **List of Attachments**

- Aerial photo
- Zoning map
- Applicant's letter to Council dated January 21, 2015
- Plans dated January 21, 2015.

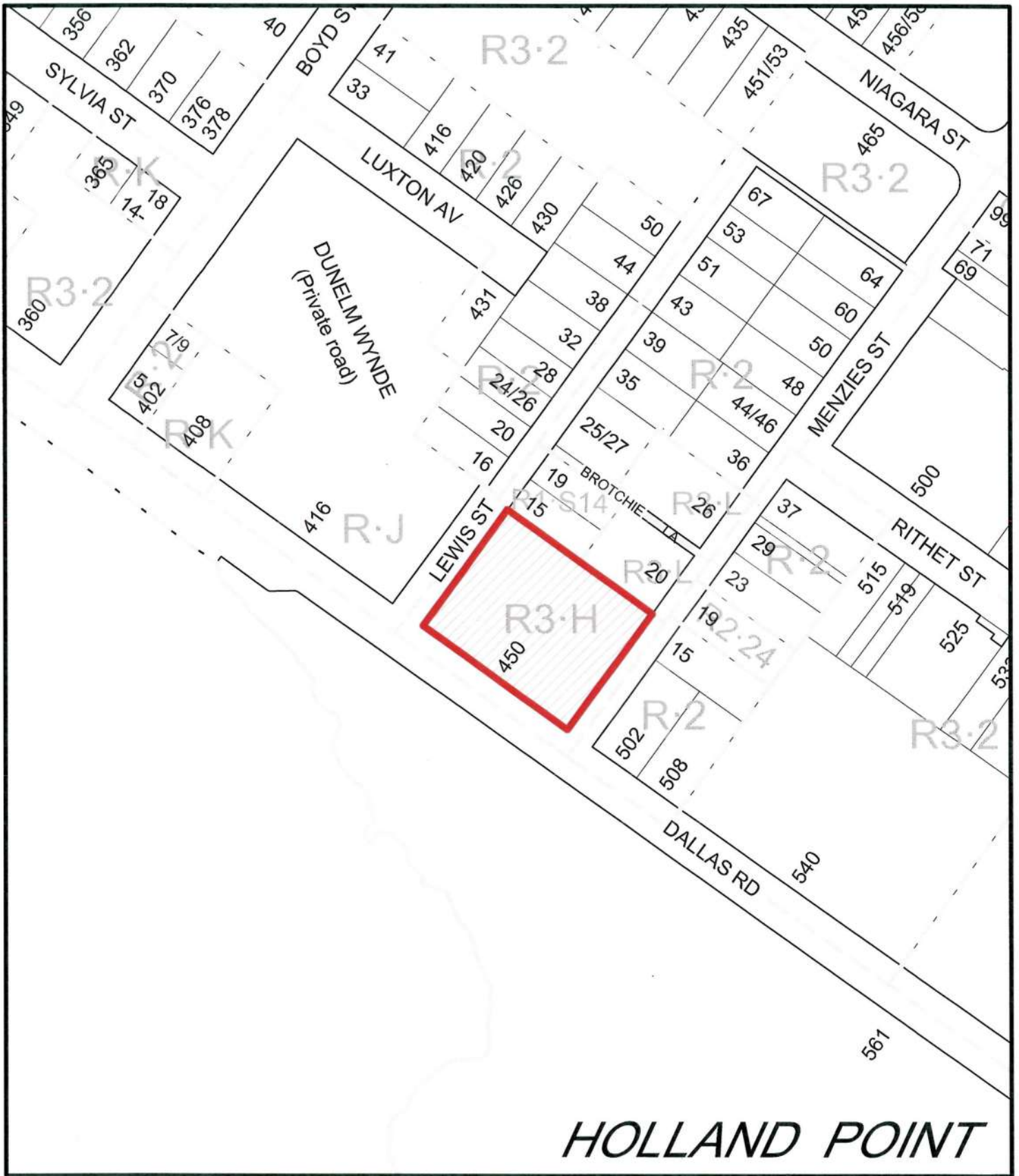




450 Dallas Road  
Development Permit #000403







450 Dallas Road  
Development Permit #000403



January 19/2015

Jim Handy,  
Area Planner  
City of Victoria  
City Hall: 1 Centennial Square  
Victoria, B.C.  
V8W 1P6

**Re : Relaxation of Development Permit, 450 Dallas, Suite Addition**

To Mayor and Council

This is to accompany our application and outline the issue to you.

The rational to allow for the relaxation is as follows:

The building was built in 1962 with a total of 58 units in 11 stories. A few years later the annex was built with 16 suites which brought the total number of suites on site up to 74.

We found records of a building permit application to merge two ground level suites into one large suite in the tower, which was approved. Since this time the suite count on site was reduced to 73.

Our proposal is to divide the same large suite on the ground floor back into two suites as per the original building permit in 1962. This brings the count back up to 74. We are restoring the original suite count as approved in 1962.

The modifications would require only interior work and no alterations to the building facade or parking. This is further supported by the fact that this rental property is within walking distance to public transport and all major amenities.

Regards



Eric Barker Architect AIBC LEED / AP

**ERIC BARKER ARCHITECT INC.**



727 Pandora Avenue Victoria BC V8W 1N9 | eba@ericbarkerarchitect.ca | 250-385-4565  
R:\Current\_drawings\00000\_2014 Projects\201412 450 Dallas Road\correspondence\Letter to Major and Council.docx



**CONTACT INFORMATION:**  
OWNER: STARLIGHT INVESTMENTS  
401 THE MEADOW, SUITE 1100  
TOLSON, ON M5S 3S5  
PHONE: 416 725 9407  
EMAIL: STARLIGHTINVESTMENTS.COM  
ARCHITECT: DICK BAKER ARCHITECT  
727 WINDSOR AVE  
VICTORIA, BC V8N 1A9  
PHONE: 250 365 4555 EXT. 29  
EMAIL: PETER@DICKBAKERARCHITECT.CA

**Project Description:**  
ADDITION OF ONE SUITE TO AN EXISTING MULTISTORY RESIDENTIAL BUILDING. INTERIOR WORK ONLY. NO CHANGES TO BUILDING FACADE OR BUILDING FOOTPRINT AND SITE COVERAGE. ADDITION OF ONE NEW SUITE FOR A TOTAL NEW SUITE COUNT OF 74 SUITES.

**EXISTING SUITES**

AMSR	GROUND	2	7	18
U	U	7	7	18
TOTAL EXISTING SUITES: 22				

Sheet Title	Sheet Number	Sheet Revision
AMSR	1	01/16/2015
PLAN	1	01/16/2015

**OWNER ADDRESS:**  
Starlight Investments  
401 The Meadow  
Tolson, ON M5S 3S5  
Phone: 416 725 9407  
Email: starlightinvestments.com

**LEGAL DESCRIPTION:**  
LOT 1, BLOCK 1, VICTORIA PARK, PLAN 10017

**REVISIONS:**  
R-1

50' BUILD

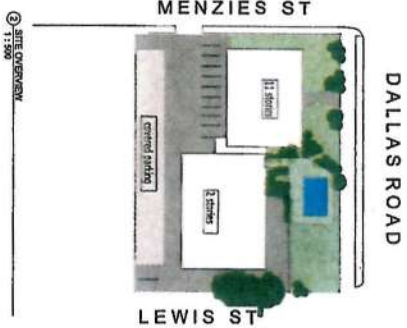
EXISTING SUITE 8 IS ON  
GROUND LEVEL TO BE  
DIVIDED INTO 2 SUITES,  
10A AND 10B

MAIN BLDG. 11  
STORIES



① Data General Land Properties  
11/200

MAIN 1 STORY



② SITE OVERVIEW  
11/200

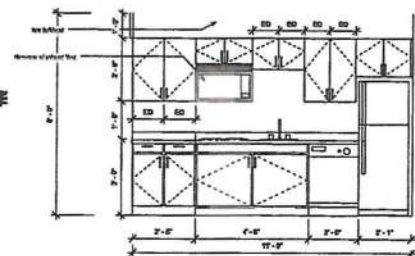
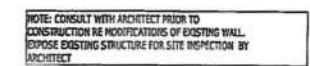
JAN 7 1 2015

City of Victoria  
Planning & Development Department  
Development Services Division

A101

Project Name	Starlight Investments
Project Address	450 DALLAS
Project Date	01/16/2015
Project Status	APPROVED
Project ID	A101





Planning & Development Department  
Development Services Division

○ Wall Legend  
1 : 50

Doc. #	DocId	Document
81/Current.../attchments/000000 2014-10-15 15:00:33/201412		
A102 Dallas Record (PDF Page 1)		
DP application		
Starlight Investment		
450 DALLAS		
PLAN		
Project number		201412
Project start Date		01/26/15
Project Issue Date		01/26/2015
Drawn by		mp
Checked by		cta
A102		
Scale - As Indicated		