



Committee of the Whole Report

For the Meeting of February 22, 2024

To: Committee of the Whole **Date:** February 8, 2024

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

Subject: **Development Permit with Variances No. 00235 for 616 and 624 Pembroke Street, 621,627 and 629 Princess Avenue and 2121 Government Street**

RECOMMENDATION

That Council decline the Development Permit with Variances Application No. 00235 for the property located at 616 and 624 Pembroke Street, 621,627 and 629 Princess Avenue and 2121 Government Street.

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.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit with variances for the properties located at 616 and 624 Pembroke Street, 621,627 and 629 Princess Avenue and 2121 Government Street.

The proposal is to consolidate the lots and construct a four-storey building intended for use as a self-storage facility with some ground-oriented general commercial-industrial space along the Pembroke Street frontage. The building will encompass the existing Pembroke Street and Princess Avenue properties while the portion of the site at Government Street will be left undeveloped with minor landscaping.

The following points were considered in assessing this application:

- The building being proposed as part of the application is generally consistent with the applicable vision for Development Permit Area 10B: Rock Bay Heritage. Industrial developments are identified in this plan for the Core Employment area with built form and character appropriate to a high technology and traditional industrial district.
- The setback variances are minor in nature and are considered supportable given the site context. The request to reduce the parking is considered supportable based on the demonstrated typical parking demand for the proposed use as well as the transportation demand management provisions that are provided.
- Notwithstanding the above, the proposal is not consistent with *Official Community Plan, Burnside-Gorge Neighbourhood Plan* by leaving the area of the site along Government Street as undeveloped with minor landscaping and limiting the potential for a land assembly along Government Street. The inclusion of the lot avoids the need for a Rezoning by keeping the density below the maximum permitted in the zone, but it is not otherwise contributing to the logical or cohesive development of the site or the street front along Government Street.
- The inclusion of the lot at Government Street, which is in the middle of a small block encumbers future development by making a logical assembly of these lots in the future contingent on a subdivision and rezoning of the site proposed in this application.
- On July 6th, 2023 Council passed a motion directing staff to prohibit self-storage as a permitted use from the Zoning Regulation Bylaw, but to allow active applications already submitted in full prior to June 15, 2023 to continue through the process.

BACKGROUND

Description of Proposal

The proposal is to consolidate the lots and construct a four-storey building intended for use as a self-storage facility with some ground-oriented general industrial space along the Pembroke Street frontage. The building will encompass the existing Pembroke Street and Princess Avenue properties while the portion of the site at Government Street will be left undeveloped with minor landscaping. The proposed density is 2.92:1 Floor Space Ratio. The proposed variances are related to parking and setbacks.

Specific details include:

- Building materials include brick masonry and insulated metal panels and glazing along the first two storeys, with insulated metal panels and transparent glazing comprising the stepped back upper two storeys.
- The impact of the four-storey massing is softened through articulation, varied use of materials and along Pembroke Street, a stepback at the upper stories.
- Landscaping for the area of the site comprised by the existing lot at 2121 Government Street will include gravel infill, new fencing and four new on-site trees.

Land Use Context

The area is characterized by one- and two-storey light industrial buildings. Two of the nearby buildings have heritage value. Directly adjacent to the east side of the property at Pembroke Street there is a brick, two-storey heritage registered building that is located directly along the shared property line. There is also a brick two-storey heritage designated building a few meters to the West at the corner of Pembroke Street and Government Street.

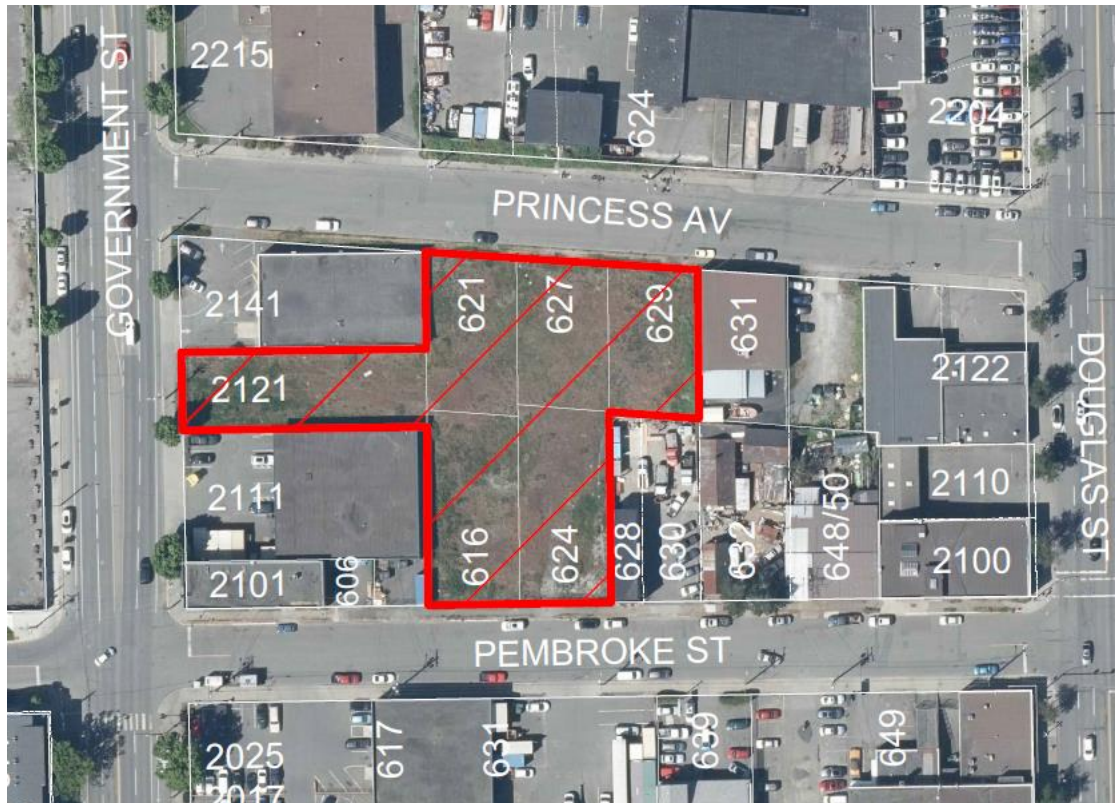


Figure 1. Aerial Map

Existing Site Development and Development Potential

The properties that comprise the subject site are currently undeveloped. Under the existing M2-I Zone, Blanshard Industrial District, each property could be developed with limited light industrial uses including manufacturing, processing, and assembly as well as 'high tech' and service-commercial uses compatible with light industrial uses.

On July 6, 2023 Council passed a motion directing staff to prohibit self-storage as a permitted use from the *Zoning Regulation Bylaw*, but to allow active applications already submitted in full prior to June 15, 2023 to continue through the process.

Data Table

The existing M2-I Zone, Blanshard Industrial District, identifies a range of permitted uses but refers to the M-2 Zone, Light Industrial District for all other uses and regulations. For this reason, the following data table compares the proposal with the M-2 Zone, Light Industrial District. An asterisk is used to identify where the proposal does not meet the requirements of the zone.

Zoning Criteria	Proposal	M-2 Zone
Site area (m ²) – minimum	3,663	n/a
Density (Floor Space Ratio) – maximum	2.92:1	3:1
Total floor area (m ²) – maximum	10,686	n/a
Height (m) – maximum	14.95	15
Storeys – maximum	4	n/a
Site coverage (%) – maximum	74.51	n/a
Setbacks (m) – minimum		
Princess Avenue	0.0	n/a
Pembroke Street	0	n/a
Canopy projection	yes	Encroachment agreement required
Side (East)	0.45*	3.0 or 0
Side (West)	0.45*	3.0 or 0
Parking – minimum		
Stalls	12*	109
Loading spaces	2	1
Bicycle parking stalls – minimum		
Long Term	16	15
Short Term	8	8

Sustainable Mobility

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

- end-of-trip shower facility
- transit passes (BC Transit EcoPASS)

The applicant has agreed to provide BC Transit bus passes for two staff for a minimum of a five-year term. These passes will help to mitigate anticipated parking demand on the property, reduce the impacts on parking availability on the surrounding area and encourage affordable transportation alternatives for staff. The alternate recommendation includes the necessary language to ensure the transit passes and a shower facility are secured as a condition of the permit.

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, it was referred to the Burnside- Gorge Neighbourhood CALUC for a 30-day comment period. At the time of writing this report, a letter from the CALUC had not been received.

ANALYSIS

Official Community Plan

The *Official Community Plan* (OCP) identifies these properties within Development Permit Area (DPA) 10B: Rock Bay Heritage. DPA 10B encourages light industrial and commercial development on underutilized industrial and commercial lands in the Core Employment area. Moreover, the DPA envisions the enhancement of the neighbourhood through high-quality architecture, landscape and urban design that reflects the area's function as an employment district in scale, massing and character and that also responds to the industrial setting of Rock Bay.

The applicable design guidelines include the *Design Guidelines for Multi-Unit Residential, Commercial and Industrial* (2012, updated 2019) and the *Guidelines for Fences, Gates and Shutters* (2010). The guidelines generally encourage development that is a 'good fit' within its context, provides an appropriate design response, and enhances the public realm.

While the proposed building generally meets the objectives of these guidelines in terms of massing and character, the inclusion of the lot at Government Street does not contribute to the cohesive function of the site.

Burnside Gorge Neighbourhood Plan

The *Burnside Gorge Neighbourhood Plan* designates the subject properties as General Employment, which supports commercial or light industrial uses, and retail uses on the ground floor in areas with high pedestrian activity. The subject properties are also within the Rock Bay Sub-Area of the *Burnside Gorge Neighbourhood Plan*. Attracting and maintaining a range of commercial and light industrial businesses, to provide a more diversified and resilient employment base, is strongly encouraged in the Plan. A density up to approximately 3:1 FSR and heights up to five storeys with parking generally located to the rear of the site or underground are supported in the Plan. The proposal is generally consistent with this vision.

Downtown Core Area Plan (DCAP)

The subject properties are located within the Rock Bay District of the *Downtown Core Area Plan*, 2012 (DCAP). The DCAP supports a transformation of the Rock Bay District into an attractive employment centre with a high-quality built form, landscaping and human scale public realm amenities. It also recommends that large blank walls visible from the public realm should be minimized or softened through landscaping. The DCAP contains design guidelines to support street vitality and safety. The building itself is generally consistent with the design guidelines of the DCAP.

The applicant has identified that they intend to pursue temporary opportunities for uses of the space along Government Street, with food trucks being one potential and easily realized option. To support this, the proposal includes power and water connection from the proposed building and accessible to this undeveloped portion of this site. While the applicant has established that they are interested in pursuing an active use for this space, this will not be secured as a future use as a part of this proposal.

Focusing on the proposed building, the proposal is generally consistent with the objectives of the OCP, DCAP and applicable design guidelines. Specific aspects of the development that relate to these guidelines:

- The building supports active uses at the street level and satisfies DPA guidelines related to building composition and materials.
- The use of brick and the upper level setbacks at Pembroke Street are responsive to the Heritage Registered two-storey building directly to the East. The massing of the building is further softened through articulation and glazing throughout.
- A portion of the ground floor proposed for the self-storage use incorporates a generous ceiling height of 6m which would allow for more flexibility for potential future industrial uses. Due in part to the grade change from Pembroke Street to Princess Avenue, the portion of the ground floor proposed for commercial industrial units at Princess Street does not include this higher ceiling height, which limits this flexibility.
- The area of the site comprised by the existing lot at 2121 Government Street will include gravel infill, new fencing and four new on-site trees.

Site Assembly and Massing Approach

The subject properties are designated Core Employment in the OCP, which supports buildings up to five-storeys consisting of light industrial uses on the ground floor and commercial or light industrial uses above, with density up to 3:1 floor space ratio (FSR). The proposal is generally within the envisioned use, density and height framework and is within the existing zoning density. However, this relies on the inclusion of the empty lot at 2121 Government Street to fall within the density in the zoning and OCP.

While the proposed building could potentially fall within density framework of the OCP, even at the slightly higher density that would result from removing the lot at 2121 Government Street from the proposal, this is not the proposal being presented for Council's consideration. Consolidating lots with the primary objective of falling within maximum zoning densities is not supported by OCP policy.

The density ranges identified in the OCP are intended to support rather than lead the broader set of policy considerations. OCP policy notes that site specific development may depart from the guidance set out for a site if the development goes through a rezoning and is supported by City policies, "good urban design principles, the objectives of the plan, and is responsive to the envisioned context of the surrounding area." The OCP further encourages the logical assembly of lots to enable the highest and best use for a site, as well as the potential for neighbouring sites.

The approach of the proposal to consolidate the lot at Government Street does not contribute to the logical or cohesive development of the site or street front along Government Street and is not supported by these principles.

Variances

Three variances are associated with this application:

- Adjusting the minimum internal lot boundary setback on the east elevation from either zero or a minimum of 3m to 0.45m.
- Adjusting the minimum internal lot boundary setback on the west elevation from either zero or a minimum of 3m to 0.45m.
- Reducing the minimum parking stall requirement from 109 stalls to 12 stalls.

Setbacks

The variances to adjust the internal lot boundary setbacks are minor and considered to be supportable. The setback requirements for these internal lot lines are either zero or, where a setback is provided, a minimum of 3 metres. The intention of this is to avoid dead spaces between buildings and lots. A building constructed right at the lot line does not allow for any 'margin of error' or consider other contextual and seismic factors. The minor setbacks proposed allow for a small amount of breathing room without creating an unreasonable void. This slight setback is particularly useful at the east internal lot line starting at Pembroke Street given the placement of the existing brick heritage registered building on the adjacent property. This existing building is positioned right on the shared lot line. Setting the proposed building slightly back from this existing building reduces potential impacts on the heritage registered building. These setback variances are considered to be supportable.

Parking

The applicant is seeking a parking reduction from 109 stalls to 12 stalls. The parking reduction variance is supported by a parking study, which is attached to this report. The study concluded that the 12 parking stalls plus two loading stalls as low parking utilization for relatively short periods of time is typical for self-storage buildings. In order to reduce staff demand for parking on site and in the surrounding area, the applicant has agreed to provide BC Transit bus passes for two staff for a minimum of a five-year term, as well as end-of-trip shower facilities to support those staff taking active transportation options.

This reduction is in line with other similar projects within the city. Given the expected low demand for parking created by this project, this variance is considered to be supportable.

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 beyond what is required through the *British Columbia Building Code* and City regulations.

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 neighborhoods.

There are currently no onsite trees on the subject properties. Based on the total site size of 3,662m² 18 bylaw-protected trees would be required as per the *Tree Protection Bylaw*. Given that the proposed building does not extend into the 735m² site area at Government Street, it has been determined that it can accommodate at least four trees. The applicant has agreed to plant four trees in this area, confirmed with a replacement tree plan. They will be required to pay \$2,000 cash-in-lieu for each remaining replacement tree required. This solution is considered to be supportable. This will be a net gain of four private trees.

The proposal includes seven new street trees: two along the Pembroke Street frontage and five along the Princess Avenue frontage.

Statutory Right of Way and Sidewalk Re-alignment

The proposal includes measures at both the Pembroke Street and Princess Avenue frontages to accommodate a minimum pedestrian zone between street trees and the building frontage and to meet minimum tree setbacks from property lines and trees. These are minimum standards identified in the *Tree Protection Bylaw* and *Subdivision and Development Servicing Bylaw* and further supported by the *Downtown Core Area Plan*.

For the Pembroke Street frontage, the applicant has agreed to provide a 0.6m statutory-right-of-way (SRW) along the property line in order to secure these minimums. The applicant has also agreed to realign the sidewalk along Princess Avenue to accommodate the minimum pedestrian and tree distances outlined above. Appropriate wording to secure the SRW as a condition of the Development Permit with Variances is included in the alternate motion for Council's consideration.

The frontage works associated with this application would be secured as a condition of a separate Building Permit Application, in accordance with Section 506 of the *Local Government Act*.

Encroachment Agreement

A number of street-level canopies are also proposed along Pembroke Street and Princess Avenue which project above the City Right-of-Way. These are encouraged in the Guidelines to provide pedestrian weather protection and welcoming streetscapes. To facilitate these canopies, the applicant is required to enter into an encroachment agreement with the City. Appropriate wording is included in the alternate motion for Council's consideration. The applicant would also work with the City at the building permit stage to ensure that the proposed canopies minimize potential impacts on the healthy growth of the proposed street trees.

CONCLUSIONS

The proposal is somewhat consistent with the design guidelines applicable to the site. The building form and massing generally fit with the Design Guidelines for Multi-Unit Residential, Commercial and Industrial. The building configuration does result in the loss of opportunities for future industrial flexibility within the space, however, the built form and character are generally appropriate for the area.

Looking at the proposal as whole, the inclusion of the property at 2121 Government Street does not relate to the rest of the proposal and does not contribute to the logical assembly and cohesive development of a site. Future development of the block along Government Street would either be orphaned, or, if this lot was included, would trigger a rezoning of the current subject property. This approach undermines a fulsome consideration of the application and potential future development of neighbouring properties, which is contrary to the priorities set out in the *Official Community Plan*. Therefore, it is recommended that Council decline the application.

ALTERNATE MOTIONS

Alternate Option 1 – Consider approval without an Opportunity for Public Comment

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. 00235 for 616 and 624 Pembroke Street, 621,627 and 629 Princess Avenue and 2121 Government Street, in accordance with plans submitted to the Planning department and date stamped by Planning on January 26, 2024, subject to:
 - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. adjust the east side internal lot boundary setback from either 0m or a minimum of 3m to 0.45m
 - ii. adjust the west side internal lot boundary setback from either 0m or a minimum of 3m to 0.45m
 - iii. reduce the required vehicle parking stalls from 109 stalls to 12 stalls.
 - b. Registration of the following legal agreements, with contents satisfactory to the Director of Engineering and Public Works and form satisfactory to the City Solicitor:
 - i. Provision of transportation demand management measures including:
 1. two yearly BC Transit Eco passes for a minimum of five years to be distributed to staff
 2. end of trip shower facilities.
 - ii. A 0.6m Statutory-Right-of-Way along the Pembroke Street frontage.
 - c. The property being consolidated into one lot.
2. That the Development Permit, if issued, lapses two years from the date of issuance, or, if the DVP is not issued by two years from the date of this resolution, then the DVP lapses two years from the date of this resolution.
3. That subject to issuance of the Development Permit, Council authorize the projecting encroachments over the City rights of way on Pembroke Street and Princess Street generally as shown on the plans submitted to the City and dated January 26th, 2024, provided that the applicant enters into an encroachment agreement with contents satisfactory to the Director of Engineering and Public Works and form satisfactory to the City Solicitor.

Alternate Option 2 – 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. 00235 for 616 and 624 Pembroke Street, 621,627 and 629 Princess Avenue and 2121 Government Street, in accordance with plans submitted to the Planning department and date stamped by Planning on January 26, 2024, subject to:
 - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. adjust the east side internal lot boundary setback from either 0m or a minimum of 3m to 0.45m
 - ii. adjust the west side internal lot boundary setback from either 0m or a minimum of 3m to 0.45m
 - iii. reduce the required vehicle parking stalls from 109 stalls to 12 stalls.
 - b. Registration of the following legal agreements, with contents satisfactory to the Director of Engineering and Public Works and form satisfactory to the City Solicitor:
 - i. Provision of transportation demand management measures including:
 1. two yearly BC Transit Eco passes for a minimum of five years to be distributed to staff
 2. end of trip shower facilities.
 - ii. A 0.6m Statutory-Right-of-Way along the Pembroke Street frontage.
 - c. The property being consolidated into one lot.
2. That the Development Permit, if issued, lapses two years from the date of issuance, or, if the DVP is not issued by two years from the date of this resolution, then the DVP lapses two years from the date of this resolution.
3. That subject to issuance of the Development Permit, Council authorize the projecting encroachments over the City rights of way on Pembroke Street and Princess Street generally as shown on the plans submitted to the City and dated January 26th, 2024, provided that the applicant enters into an encroachment agreement with contents satisfactory to the Director of Engineering and Public Works and form satisfactory to the City Solicitor.

Respectfully submitted,

Chloe Tunis
Senior Process 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 January 26, 2024
- Attachment D: Letter from applicant to Mayor and Council dated January 26, 2024
- Attachment E: Parking Study dated November 2, 2023
- Attachment F: Arborist Report dated January 26, 2024