



Committee of the Whole Report For the Meeting of November 4, 2021

To: Committee of the Whole **Date:** October 21, 2021
From: Karen Hoese, Director, Sustainable Planning and Community Development
Subject: Development Variance Permit No. 00250 for 45 Boyd Street

RECOMMENDATION

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

“That Council authorize the issuance of Development Variance Permit No. 00250 for 45 Boyd Street in accordance with:

1. Plans date stamped May 21, 2021.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. off-street parking reduced from 87 stalls to 58 stalls;
 - ii. visitor parking reduced from 7 stalls to 3 stalls.
3. Installation of one short term bicycle rack (7 spaces) near the main building entrance on Boyd Street prior to the issuance of any building permits.
4. The two accessory buildings identified as long-term bicycle parking be retained for that purpose.
5. The visitor parking stalls to be clearly identified with pavement markings.
6. One accessible parking stall to be clearly identified with pavement markings and signage.
7. The garbage and recycling area to be clearly identified with pavement markings.
8. Final plans to be in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.
9. The Development Variance Permit lapsing two years from the date of this resolution.”

LEGISLATIVE AUTHORITY

In accordance with Section 498 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 regarding a Development Variance Permit Application for the property located at 45 Boyd Street in the James Bay Neighbourhood. The application proposes a vehicle parking variance resulting from the addition of eight units in the existing rental building (Albion Court). These eight units already exist and were constructed without permits at some time in the past. The variance request for vehicular parking is to reduce the total parking requirement from 87 stalls to 58 stalls (29 stall variance) and to reduce the required visitor parking from seven stalls to three stalls.

The following points were considered in analysing this application:

- The *Official Community Plan, 2012* (OCP), James Bay Strategic Directions, supports adaption and renewal of the existing housing stock. This application will enable the applicants to obtain the necessary permits for the reconfiguration of eight residential units within the existing rental building.
- The OCP identifies a Hierarchy of Transportation and Mobility Priorities (Figure 10) whereby pedestrians, cyclists and transit are given priority over privately-owned vehicles. Given this hierarchy, the request for a vehicle parking variance is supportable and transitioning to other modes of transportation is a valid approach in addressing this issue. This location of the building within James Bay provides access to walking and cycling routes along with transit options.
- In support of the variances, the applicant submitted a Parking Study prepared by Watt Consulting. The Study concludes that the amount of vehicle parking stalls available on-site is sufficient for the building. The Study also recommends additional cycling facilities to encourage and support the use of bicycles; however, for new bicycle facilities, the applicant only wishes to proceed with a bicycle rack for short term use. The existing long-term bicycle storage will remain.
- As this is an existing building there is no area available to provide for additional off-street parking. However, this is an opportunity to bring the existing surface parking lot into closer compliance with Schedule C standards, such as clearly identifying Visitor Parking.

BACKGROUND

Description of Proposal

The four-storey building (Albion Court) was constructed in 1972 with 63 rental units. At some point after the initial construction, an additional eight units were added, without permit, bringing the total to 71 units. According to the applicant's submission this was done approximately 30 years ago. However, as a result of a bylaw complaint in 2020, the City's Building Inspector posted a Stop Work order for all work done without a permit. The property has changed hands over the years, and it is difficult to determine with any certainty when the unpermitted work was undertaken. The City has received assurances from the current owner that the appropriate permits will be obtained to ensure code compliance. The Building Permit to enable this work can be issued once the issue of the parking deficiency has been determined.

There is a large surface parking lot located at the rear of the building, which is accessed from Lewis Street. The parking lot borders the rear yards of a number of properties.

The variance request is to reduce the total parking requirement from 87 stalls to 58 stalls (29 stall variance), and further to reduce the amount of visitor parking from seven to three stalls.

No additional alterations are proposed to the existing building, landscaping or site other than the installation of a new bicycle rack at the entrance to the building.

Affordable Housing

Eight additional rental units have been created, which increased the overall supply of housing in the area.

Sustainability

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

Active Transportation

The application proposes the installation of a seven-space bicycle rack at the Boyd Street entrance to the building for visitors (short term). No other active transportation initiatives are proposed.

Public Realm

No public realm improvements beyond City standard requirements are proposed in association with this application.

Accessibility

The *British Columbia Building Code* regulates accessibility as it pertains to buildings. The pathways surrounding the proposed building are designed to be accessible. It is noted that there are currently no accessible parking stalls on site, and part of the recommendation is to identify one space for this purpose.

Data Table

The following data table provides details of the requirements of Schedule C for on-site vehicular parking, visitor parking and bicycle parking. It is noted that bicycle parking is not identified as a variance because under the *Zoning Bylaw*, bicycle parking is not required to be provided in an existing building; the data below is provided for comparative purposes only.

Vehicular parking requirements Residential unit type	Number of units	Bylaw standard	Bylaw requirements
Bachelor Unit	8	0.85 spaces/unit	7
1 bedroom	40	1 space/unit	40
2 bedroom	23	1.45 space/unit	33
Total parking stall requirement			87
Total number of parking stalls provided on-site			58
Variance (shortfall)			29*

Visitor Parking requirements	Number of units	Bylaw standard	Bylaw requirement
Visitor Parking required	71	0.1/unit	7
Visitor Parking provided			3
Variance (shortfall)			4*

Bicycle Parking	Number of units	Bylaw standard	Bylaw requirement
Bicycle Parking – short term (minimum)	71 units	0.1 space per unit	7 stalls
Bicycle Parking – long term (minimum)	71 units	1 space for dwellings less than 45m ² 1.25 spaces for dwellings larger than 45m ²	87 stalls required (shortfall 23)

Relevant History

The Albion Court was constructed as in 1972 with 63 rental units. At the time of construction, the bylaw requirement for off-street vehicular parking was satisfied and there were no requirements for bicycle parking facilities.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, on November 1, 2020 and December 17, 2020 and May 31, 2021 the application was referred for a 30-day comment period to the James Bay Neighbourhood Association. 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

Official Community Plan

The *Official Community Plan, 2012 (OCP)*, James Bay Strategic Directions, supports enabling adaption and renewal of the existing housing stock. This application will enable the applicants to obtain the necessary permits to formalize the eight units already constructed within the existing rental building.

The OCP identifies a Hierarchy of Transportation and Mobility Priorities (Figure 10) whereby pedestrians, cyclists and transit are given priority over privately-owned vehicles. Given this

hierarchy, the request for a vehicle parking variance and transitioning to other modes of transportation is a valid approach in addressing this issue.

The locational factors of this site support walking, biking and transit use. In addition, the commercial core of James Bay is within walking distance as are recreational opportunities along Dallas Road. The applicant elaborates on these locational factors in the Watt Consulting Group Report (attached).

James Bay Neighbourhood Plan, 1993

The *James Bay Neighbourhood Plan* encourages cycling and walking as alternatives to the use of private automobiles.

Tree Preservation Bylaw and Urban Forest Master Plan

There are no *Tree Preservation Bylaw* impacts with this application and there are no impacts to public trees with this application.

Regulatory Considerations

Schedule C requirements – Vehicle Parking

The *Zoning Regulation Bylaw*, Schedule C, requires that 87 off-street parking stalls (based on residential unit mix) be provided for the residential use, whereas only 58 stalls are provided. Of the required number of stalls, seven should be reserved for visitor parking stalls and at the time of writing this report, no stalls are clearly identified as such. The applicant has indicated that three stalls closest to the building will be clearly marked for visitor parking and one stall will be reserved for a loading zone.

In support of the proposed variance, the applicant has submitted a Parking Study prepared by Watt Consulting Group (attached). The purpose of the study was to determine a suitable off-street parking supply for the existing number of units. The study included an analysis of the following:

- locational factors, which identify the site within close proximity to the commercial core of James Bay
- opportunity for transit use as a number of bus lines are within walking range of the site
- the cycling infrastructure of James Bay and Dallas Road are located in the area
- parking supply and demand based on observational data, ownership data for the subject building and other existing rental apartment buildings within the City.

Based on the aforementioned factors, the rental nature of the residential units and an analysis of parking at other apartment buildings, the study suggests that 0.63 stalls per unit ratio would be sufficient, or 45 parking stalls for occupants of the building. According to the consultant's report, there is also demand for seven spaces for visitor parking making the overall parking demand for the development total 52 stalls while 58 stalls are provided. In other words, there are six extra parking stalls available on site, noting that one space will be allocated for loading and another space reserved for accessible parking.

The Parking Study was referred to Engineering and Public Works Department for review with staff concluding that the applicant has provided adequate technical justification for the requested parking variance.

Schedule C requirements – Bicycle Parking

As this is an existing building and no new building construction is anticipated, the project is exempt from providing additional bicycle parking facilities. In summary, the Schedule C exemption is as follows: “no additional bicycle parking (short or long term) is required when only alterations or changes to a building is proposed and the building existed on the date of adoption of the Bylaw.” Nonetheless, as there is currently no bicycle rack available on the subject property for visitor or short-term use, the applicant has agreed to place a seven-stall bicycle rack near the front entrance.

When the building was originally constructed, long-term bicycle parking was not a requirement. However, according to the applicant, 64 long-term bicycle spaces are available in the two storage sheds. These sheds were constructed with permits in 1996 and 2005. Staff cannot confirm that these long-term bicycle parking stalls meet the dimensions and placing requirements (wall or floor mounted) specified in Schedule C as the applicant has not provided this requested information.

While this application is exempt from providing additional bicycle parking facilities, it is noted that if current Bylaw standards were applied, an additional 23 long-term bicycle stalls would be required. To better support lowering the long-term vehicle parking demand and creating less reliance on vehicle ownership, the parking study included a suggestion to increase the long-term bicycle parking by installing a bicycle locker or shelter on the existing parking lot as a Transportation Demand Management (TDM) Measure. However, the applicant has indicated that they do not wish to construct additional bicycle facilities on-site and have committed to retaining the existing bicycle parking. Therefore, it is recommended that a condition of the Development Variance Permit be that the two existing accessory buildings be retained and that they continue to be made available for bicycle parking.

CONCLUSIONS

Undertaking building renovations without obtaining the appropriate approvals creates a challenging situation for the City; however, it is understood that the renovations in question were undertaken by a previous owner of Albion Court and the current owners wish to rectify the situation. In the process of obtaining appropriate approvals, the applicant and the City have explored ways to improve the existing situation for vehicular and bicycle parking. Ideally, to support the vehicle parking variance, further enhancements to the bicycle parking could be considered, and at this time the applicant is willing to provide a seven-stall short term bicycle rack and maintain the bicycle parking contained in the existing accessory buildings. Additionally, the applicant has committed to enhancing the signage to clearly identify visitor parking, an accessible stall and to relocate the recycling and garbage area.

Given the geographic location of the application site, there is policy support for a reduction in the number of required vehicle parking stalls which is bolstered by the parking demand studies conducted by the parking study. Staff therefore recommend advancing the application for consideration at an opportunity for public comment.

ALTERNATE MOTION

That Council decline Development Variance Permit Application No. 00250 for the property located at 45 Boyd Street.

Respectfully submitted,

Lucina Baryluk
Senior Planner
Development Services

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 21, 2021
- Attachment D: Letter from applicant to Mayor and Council dated May 21, 2021
- Attachment E: Parking Study prepared by Watt Consulting Group dated November 30, 2020.