



Committee of the Whole Report For the Meeting of November 9, 2023

To: Committee of the Whole **Date:** October 26, 2023
From: Karen Hoese, Director, Sustainable Planning and Community Development
Subject: **Development Variance Permit No. 00276 for 626 Gorge Road East**

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 issuance of Development Variance Permit No. 00276 for 626 Gorge Road East, in accordance with plans submitted to the Planning department and date stamped by Planning on August 3, 2023, subject to:
 - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. reduce the required commercial frontage from 25% to nil
 - ii. reduce the minimum requirement for office or retail use from 135 m² to nil.
2. That the Development Variance Permit, if issued, lapses two years from the date of this resolution."

LEGISLATIVE AUTHORITY

Enabling Legislation

In accordance with Section 498 of the *Local Government Act*, Council may issue a Development Variance Permit that varies a Zoning Regulation Bylaw, provided that 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 626 Gorge Road East. Variances are related to the amount, location and frontage requirements for office and retail use.

The following points were considered in assessing this application:

- Resulting from a previous rezoning application and an *Official Community Plan* amendment of the property, the *Official Community Plan* designates this site as Urban Residential, recognizing the residential use of this former hotel site.
- The *Burnside Neighbourhood Plan* identifies the general area as an employment area and part of the industrial land base within the City. While this application does not support this objective, the previous approvals, existing buildings and context create a unique situation for this site. Additionally, this application does not remove the potential for office or retail in this location as part of an employment area; this application provides more flexibility for residential use on the site.
- The variances are supportable to facilitate the use of the two commercial units on site for conversion to two residential units.
- Changes to the exterior of the building or the site are not anticipated with this application. Bicycle facilities and vehicle parking are provided.

BACKGROUND

Description of Proposal

This proposal is to allow the use of two commercial units for residential use in an existing mixed-use development.

The site-specific zone that applies to this property, R-70 Zone, the Gorge Road Conversion District, requires that at least 25% of the building street frontage must be occupied by office or retail uses. The request is to reduce this amount to nil, and further to eliminate the requirement for a minimum amount of office or retail use.

Land Use Context

This section of Gorge Road is characterized by a mainly industrial uses and surface parking lots, with the exception of the United Church on Gorge Road. The property borders a car wash and an automotive garage. The Sandman Hotel, fronting Douglas Street and Gorge Road East, is the largest commercial development in the area.

Existing Site Development and Development Potential

The site is presently used as a rental residential building, with 26 units in total, noting that two of these units are currently approved for commercial uses.

Under the current R-70 Zone, the property could be developed for offices, retail and transient accommodation or multiple dwelling units. No further construction on the site is permissible without a rezoning.

Data Table

The following data table compares the proposal with the site-specific R-70 Zone, Gorge Road Motel District. An asterisk is used to identify where the proposal does not meet the requirements of this Zone.

Zoning Criteria	Proposal	R-70 Zone	Notes
Site area (m ²) – minimum	1274	1270	
Density (Floor Space Ratio) – maximum	0.75:1	0.75:1	
Total floor area (m ²) - minimum	935	935	
Floor area of commercial/office use (m ²) – minimum	Nil*	154	Requires variance
Location of permitted uses – street frontage for office or retail use (%) minimum	Nil*	25%	Requires variance
Building height (m) - maximum	9.5	10	
Site coverage (%) – maximum	48	48	
Storeys - maximum	2	2	
Setbacks (m) – minimum			
Front	4.94	4.94	
Rear	Nil	Nil	
Sides	Nil	Nil	
Parking – minimum	12	9	0.35 per residential unit
Bicycle parking – short term	8	6	Existing
Bicycle parking – long term	24	24	Existing

Sustainable Mobility

The application has existing bicycle facilities which support multi-modal transportation:

- secure bike storage for 24 bicycles
- exterior bike rack for 8 bicycles.

Public Realm

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

Relevant History

A motel was originally constructed on this site in 1968. In 2013, the property was rezoned to allow the conversion of the 24 motel units to residential use and to construct a two-storey addition for two commercial units. This application also required an Official Community Plan amendment to redesignate the property from General Employment to Urban Residential.

Since that time, a number of tenants have occupied the commercial units on the site, but at the present time there are no businesses operating on this property.

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 / DVP Application, it was referred to the Burnside Gorge 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.

ANALYSIS

Official Community Plan

The *Official Community Plan (OCP) Burnside Neighbourhood Directions* designates this property as Urban Residential. This change to the designation, as part of the 2013 land use amendment applications, acknowledged the potential for residential use of the property based on the conversion of the existing hotel to residential units, recognizing that this property represented an anomaly within the wider context of this general employment area of the Burnside neighbourhood.

In order to maintain the intent of the general OCP direction for this area as a commercial and industrial base for the City, the site-specific zone for the property required a commercial component (offices and retail uses) to be located in the building addition, which was constructed in 2013. This application request is to revisit the specifications for office and retail use.

No new construction, other than interior renovations, are anticipated as part of this application. As such, Development Permit guidelines are not applicable.

Burnside Gorge Neighbourhood Plan

The *Burnside Gorge Neighbourhood Plan (2017)* identifies the subject parcel within the Douglas Corridor Sub-Area and views the area as a base for general employment and industrial uses. The immediate area remains mostly industrial (with the exception of the Sandman Hotel and the United Church). There are no other rental residential buildings in this portion of Burnside Road. It is noted that the redevelopment of the Scott Building (currently under construction at 2659 Douglas) will introduce 151 residential units to the general area.

While this application does not further this broader policy objective of the Neighbourhood Plan to maintain an employment base, the history of previous approvals, existing buildings and established uses for this property, create an anomaly within the broader context of the area.

Variances

Three variances are required to accommodate this proposal to allow the flexibility of locating residential uses within all buildings on the subject property:

- reduce the required commercial frontage from 25% to nil
- reduce the minimum requirement for office or retail use from 135 m² to nil.

These detailed requirements of this site-specific zoning of the property were put in place to ensure that a commercial or office use would be maintained on the property. While a number of commercial tenants have been in these commercial units, the viability of establishing a business in this location is challenging, especially for businesses that would rely on trade from a local population base or walk-by patrons. The other limitation is the size of the units (approximately 56 m² each), which limits the type of businesses that could use a relatively small space. Additionally, the second storey commercial space is only accessible via stairs.

As such, it would be appropriate to allow flexibility in this approach and create the opportunity for more residential uses on the property. The demand for office and retail space in this location would appear to be limited, while converting these two units for residential uses supports the housing goals of the City.

There is adequate on-site parking to accommodate the change from commercial to residential units.

Accessibility

Through the previous rezoning process, one residential unit in the former hotel portion of the building has been developed as an accessible unit.

Sustainability

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

Tree Preservation Bylaw and Urban Forest Master Plan

There are no *Tree Preservation Bylaw* impacts with this application.

Housing

As part of the rezoning for this property in 2013, a housing agreement was entered into requiring all units to be rental units with one accessible unit. This housing agreement will remain in place. No displacement of existing tenants has been indicated by the applicant.

Both commercial units intended for residential use have a floor area of approximately 56m². These size units provide an adequate living space.

CONCLUSIONS

This application to vary the specific amount and location of commercial and office uses on this lot is supportable allowing flexibility in siting residential uses in all the buildings. The residential use of this property has been recognized through previous land use applications, and the creation of more residential units supports the housing objectives of the City. The demand for small office or retail space would appear to be limited in this location. However, office or retail uses will continue to be permitted on the property should there be a demand in the future.

ALTERNATE MOTIONS

Option 1 – Opportunity for Public Comment

1. 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. 00276 for 626 Gorge Road East, in accordance with plans submitted to the Planning department and date stamped by Planning on August 3, 2023, subject to:

- a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. reduce the required commercial frontage from 25% to nil
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2. That the Development Variance Permit, if issued, lapses two years from the date of this resolution.”

Option Two – Decline

That Council decline Application No. 00276 for the property located at 626 Gorge Road East.

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 August 3, 2023
- Attachment D: Letter from applicant to Mayor and Council dated August 3, 2023