



Committee of the Whole Report

For the Meeting of April 25, 2024

To: Committee of the Whole **Date:** April 11, 2024

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

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

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 the issuance of Development Permit with Variances No. 00235 for 616 and 624 Pembroke Street, 621, 627 and 629 Princess Avenue, in accordance with plans submitted to the Planning department and date stamped by Planning on March 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 137 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.
 - iii. A covenant ensuring that at least 516m² of commercial-industrial unit space on the ground level are not used for self-storage.
 - c. The property being consolidated into one lot.
2. That the Development Permit, if issued, 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 26, 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.
4. *That Council advance this motion to the daytime Council following Committee of the Whole Meeting of April 25, 2024.*

EXECUTIVE SUMMARY

The purpose of this report is to present Council with an update regarding the Development Permit with Variance Application for the property located at 616 and 624 Pembroke Street, 621, 627 and 629 Princess Avenue. 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. The variances are related to setbacks and parking. Following a referral back to staff on February 22, 2024, the applicant has revised the application by reducing the size of the building to meet the density within the zone without incorporating the lot located at 2121 Government Street.

BACKGROUND

On February 22, 2024, Committee of the Whole passed the following motion:

“Postpone decisions on this application until staff have had the opportunity to work with the proponent on pursuing a rezoning, with the application to be expedited by staff and preapplication CALUC process to be waived, to solve issues related to the potentially orphaned lot at 2121 Government Street, and to address other issues identified by staff related to the Official Community Plan and City policies.”

After further discussions with staff, the applicant opted to not pursue a rezoning application, but instead to amend the existing Development Permit with Variances application to come into closer alignment with the applicable policies and design guidelines and avoid issues related to the potentially orphaned lot by removing 2121 Government Street from the proposal.

UPDATES AND ANALYSIS

The proposal includes a number of revisions to the siting and massing in order to come into closer alignment with the applicable policies and design guidelines. The proposal no longer includes the site at 2121 Government Street, which did not relate to the rest of the site and did not contribute to the logical assembly of lots. The Aerial Map in Figure 1 shows the properties included in the revised application.

As a result of not including the site at 2121 Government Street, the massing and floor area has been reduced to fall within the maximum density permitted within the zone. The reduced floor area has been achieved in part by increasing the upper-level step-backs along Pembroke Street. The floor area has been further reduced by increasing the depth of the commercial-industrial units and doubling their ceiling height.



Figure 1: Revised Aerial Map

By removing the lot at 2121 Government Street from the proposal, the application is now consistent with *Official Community Plan* (OCP) principles supporting the of logical assembly of sites. 2121 Government Street would remain vacant and could be developed in the future, either independently or assembled with adjacent properties.

The larger commercial-industrial units along Princess Avenue create more flexible options for potential future uses and is better aligned with OCP, *Downtown Core Area Plan* and *Burnside-Gorge Neighbourhood Plan* policies supporting flexible ground floor industrial uses, including higher ceiling heights.

The building form and massing generally fit with the *Design Guidelines for Multi-Unit Residential, Commercial and Industrial*. The increased upper-level step-back at Pembroke Street continues to be responsive to the Heritage Registered building directly to the East.

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 to proposal does not meet the requirements of the zone.

Zoning Criteria	Proposal	Previous Proposal	M-2 Zone
Site area (m ²) – minimum	2,932	3,663	n/a
Density (Floor Space Ratio) – maximum	2.96	2.92	3
Total floor area (m ²) – maximum	13,040 (8,682 above grade)	15,360 (10,686 above grade)	n/a
Height (m) – maximum	14.95	14.95	15
Setbacks (m) – minimum			
Princess Avenue	0	0	n/a
Pembroke Street	0	0	n/a
Canopy projection	yes	yes	Encroachment agreement required
Side (East)	0.45*	0.45*	3.0 or 0
Side (West)	0.45*	0.45*	3.0 or 0
Parking – minimum			
Stalls	12*	12* (148 previously required)	137
Loading spaces	2	2	1
Bicycle parking stalls – minimum			
Long Term	16	16	15
Short Term	9	8 (8 previously required)	9

CONCLUSIONS

The revised proposal has addressed many of the fundamental issues with the initial proposal, particularly related to the previous inclusion of the site at 2121 Government Street. The revised proposal also provides larger and more flexible commercial-industrial units at Princess Street which are more consistent with the applicable policies. The application is considered to be generally supportable and consistent with the direction provided by Council.

ALTERNATE MOTIONS

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, 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.
 - iii. A covenant ensuring that at least 516m² of commercial-industrial unit space on the ground level are not used for self-storage.
 - 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 March 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 – Decline

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.

Respectfully submitted,

Chloe Tunis
Senior Process Planner
Development Services Division

Karen Hoes, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A: Subject Map
- Attachment B: Plans date stamped March 26, 2024

- Attachment C: Letter from applicant to Mayor and Council dated March 26th, 2024
- Attachment D: February 22, 2024 Committee of the Whole meeting staff report
- Attachment E: February 22, 2024 Committee of the Whole meeting minutes