



Committee of the Whole Report

For the Meeting of February 1, 2018

To: Committee of the Whole **Date:** January 18, 2018

From: Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject: Development Variance Permit No. 00201 for 821- 827 Broughton 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 Application No. 00201 for 821-827 Broughton Street, in accordance with:

1. Plans date stamped December 20, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
 - i. reduce the off-street parking requirement from an additional three stalls to nil for the change of use from general office to medical office.
3. The Development 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 for a Development Variance Permit application for the property located at 821-827 Broughton Street. The proposal is to convert 251.6m² of main-floor general office use within an existing heritage designated building to medical office use (massage clinic). The variance is related to parking only.

The following points were considered in assessing this Application:

- the proposal is consistent with the *Downtown Core Area Plan, 2011* and *Cathedral Hill Precinct Plan, 2004*
- the subject property is within Development Permit Area 14, Cathedral Hill Precinct.

- Since there is no new construction, the existing building design is not a matter for review
- the site is within close proximity to walking, cycling and public transit facilities
 - the inclusion of a massage clinic will provide business activity at ground level in an otherwise vacant unit
 - 11 parking stalls currently exist along the side and at the rear of the building. These stalls are non-conforming in terms of quantity and layout standards under Schedule C of the *Zoning Regulation Bylaw*. Access to the existing parking stalls is currently secured by way of a lease agreement through the adjacent City owned property. Without the lease agreement, the property would have zero parking stalls
 - under the proposed Schedule C of the Zoning Regulation Bylaw, the parking requirement associated with the change of use would be reduced from three stalls to one stall
 - the proposed three stall parking variance will have minimal, if any, impact on surrounding residents or businesses. The fact that this is an existing Heritage Designated building with no ability to create new on-site spaces also supports the variance request.

BACKGROUND

Description of Proposal

The proposal is to convert 251.6m² of main-floor general office use within an existing Heritage Designated building to medical office use to allow for a massage clinic. Specific details include:

- retention of the existing Heritage Designated building
- no exterior changes are proposed as part of the application.

The proposed variance is related to a reduction in the off-street parking requirement from three parking stalls to nil due to the change of use from general office use to medical office use.

Sustainability Features

The applicant has not identified any sustainability features associated with this proposal; however, the proposal does include the adaptive reuse of a vacant unit within an existing Heritage Designated building.

Active Transportation Impacts

There are 25 secure bicycle parking stalls in the basement of the building and a publicly accessible bicycle rack at the rear of the building in the parking lot. The applicant is proposing to allocate 4 of the secure bicycle parking stalls for the massage clinic.

Public Realm Improvements

No public realm improvements are proposed in association with this Development Variance Permit application.

Accessibility Impact Statement

The British Columbia Building Code regulates accessibility as it pertains to buildings.

Existing Site Development and Development Potential

The site is presently occupied by an existing Heritage Designated building.

Data Table

The following data table compares the proposal with the existing CHP-OB Zone, Cathedral Hill Precinct Office Building District. An asterisk (*) is used to identify where the proposal is less stringent than the existing zone. A double asterisk (**) is used to identify existing non-conformities.

Zoning Criteria	Proposal	Zone Standard CHP-OB
Site area (m ²) - minimum	1009.00	N/A
Combined floor area (m ²) - maximum	1602.00 (no change)	2018.00
Density (Floor Space Ratio) - maximum	1.59:1 (no change)	2:1
Height (m) - maximum	8.00 (no change)	22.50
Storeys - maximum	2.0	N/A
Setbacks (m) – minimum:		
North (Broughton St.)	0**	2.00
South (rear)	6.00	0
East (side)	0	0
West (side)	0	0
Parking Existing Use - minimum	11**	29
Parking with Change of Use - minimum	11*	32
Bicycle parking stalls (minimum)		
Class 1	4	N/A
Class 2	4	N/A

Relevant History

In 2015, Council approved Development Variance Permit No. 00151 for the adjacent ground-floor commercial unit in the building to reduce the off-street parking requirement from an additional four stalls to nil for a change of use from general office to dental office.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on January 5, 2018 the application was

referred for a 30-day comment period to the Fairfield Gonzales CALUC. 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

Proposed Parking Variance

A Transportation Demand Management study was not considered necessary for this parking variance due to the fact that the variance request is relatively minor in nature, no additional floor space will be added as part of the proposal and the building is located within close proximity to transit facilities. The fact that this is an existing Heritage Designated building results in a limited ability to create new on-site spaces. It is anticipated that the majority of customers will use alternative modes of travel to the proposed massage clinic. In addition, the surrounding on-street parking is metered.

Staff have reviewed the proposal and recommend that the application move forward, based on the minimal impacts to the surrounding neighbourhood and the provision of bicycle facilities in accordance with the proposed Schedule C: Off-Street Parking Regulations. Staff, therefore, recommend for consideration that Council support the proposed parking variance.

Regulatory Considerations

The site is non-conforming in relation to the quantity of parking stalls. Currently, 11 parking stalls exist along the west side and at the rear of the building. Access to the existing parking stalls is currently secured by way of a lease agreement for the adjacent City-owned property, which expires on October 31, 2021. The configuration of the parking stalls is also non-conforming and does not meet the standards set out under Schedule C of the *Zoning Regulation Bylaw*.

CONCLUSIONS


The inclusion of a massage clinic will provide a business frontage at ground-level in an otherwise vacant unit within a Heritage Designated building. With the inclusion of a massage clinic, there is a parking shortfall of an additional three stalls. Due to the minor variance and as no new floor space is being created, the impact on the surrounding properties is expected to be minimal. The fact that this is an existing Heritage Designated building also results in a limited ability to create new on-site spaces. To mitigate any parking impacts, the applicant has included secured storage for four bicycles in the basement of the building in addition to the existing, publicly accessible, bike rack in the parking area, which is in excess of the current requirements listed in Schedule C of the *Zoning Regulation Bylaw*. Therefore, staff recommend that Council consider advancing this application to an opportunity for public comment.

ALTERNATE MOTION

That Council decline Development Variance Permit Application No. 00201 for the property located at 821-827 Broughton Street.

Respectfully submitted,


Alec Johnston
Senior Planner
Development Services Division


Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

Date:


Jan 24, 2018

List of Attachments:

- Attachment A - Subject Map
- Attachment B - Aerial Map
- Attachment C - Plans date stamped December 20, 2017
- Attachment D - Letter from applicant to Mayor and Council dated November 6, 2017