



Committee of the Whole Report

For the Meeting of March 8, 2018

To: Committee of the Whole

Date: February 22, 2018

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

Subject: Temporary Use Permit Application No. 00007 for 629 and 635 Chatham Street

RECOMMENDATION

That Council decline Temporary Use Permit Application No. 00007 for the property located at 629 and 635 Chatham Street.

LEGISLATIVE AUTHORITY

In accordance with Section 493 of the *Local Government Act*, Council may issue a Temporary Use Permit. A Temporary Use Permit may allow a use not permitted by zoning, may specify conditions under which the temporary use may be carried on, and may allow and regulate construction of buildings and structures in respect of the use of which the permit is issued.

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 Temporary use 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 Temporary Use Permit Application (TUP) for the property located at 629 and 635 Chatham Street. The proposal is to allow a surface parking lot for up to 38 stalls with associated landscaping for a period of up to three years.

The following points were considered in assessing this Application:

- the *Official Community Plan* (OCP) identifies the property within the Core Historic Urban Place Designation, which does not support surface parking lots; however, TUPs are permitted in the OCP throughout the whole City
- the *Downtown Core Area Plan* (DCAP) designates the subject property in the Historic Commercial District, which supports a diverse range of active commercial uses and complementary uses such as multi-residential, hotels, public institutions and tourist services. The Historic Commercial District in the DCAP does not support surface parking lot uses, although it does support the provision of short-term on-street parking

- the landscaping is consistent with the DCAP guidelines and Crime Prevention Through Environmental Design (CPTED) principles, which include goals related to well-designed landscaping that demarcates public and private areas and does not obstruct sightlines
- the Old Town Guidelines designate the property within the Old Commercial District, which encourages designs for buildings and landscapes that are strongly contextual, visually interesting and uplifting to use. The proposal is inconsistent with these guidelines.

The Application is not supportable given that it is inconsistent with the policy as summarized above. However, the proposal is for the temporary use of a vacant site and would marginally improve the streetscape experience with the introduction of soft landscaping. An alternate motion is provided should Council wish to advance consideration of this Temporary Use Permit, particularly given present concerns regarding a shortage of parking downtown.

BACKGROUND

Description of Proposal

The proposal is for a Temporary Use Permit Application (TUP) for the property located at 629 and 635 Chatham Street to allow a surface parking lot for up to 38 stalls with associated landscaping for a period of up to three years. Specific details include:

- 38 new surface parking stalls
- removal of the existing barrier walls
- a landscaped raingarden adjacent to the sidewalk at the front of the property.

Sustainability Features

As indicated in the applicant's letter date stamped November 8, 2017, sustainability features include a landscaped rain garden adjacent to the sidewalk along Chatham Street to assist with stormwater management.

Active Transportation Impacts

The proposal is for a surface parking lot for vehicles; therefore, the applicant has not identified any active transportation impacts associated with this Application.

Public Realm Improvements

No public realm improvements are proposed in association with this Temporary Use Permit Application.

Accessibility Impact Statement

The proposed surface parking lot will be accessible as there are no changes to the grades between the sidewalk and the subject property.

Existing Site Development and Development Potential

The site is presently a vacant lot. Under the current CA-3 Zone, Central Area Commercial District, the property could be developed at a density of 3:1 Floor Space Ratio (FSR) up to 15m in height. The Zone permits a range of uses including commercial and residential.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on September 5, 2017, the Application was referred for a 30-day comment period to the Downtown Residents Association CALUC. At the time of writing this report, a letter from the CALUC had not been received. In accordance with the City's *Land Use Procedures Bylaw*, this Application requires notice, sign posting and a meeting of Council to consider the Application.

ANALYSIS

The *Official Community Plan (OCP)* identifies the property within the Core Historic Urban Place Designation, which does not support surface parking lots; however, TUPs are permitted in the OCP throughout the whole City. A TUP would allow a surface parking lot for a period of up to three years, with the ability to extend the permit for another three years subject to Council approval.

The OCP also identifies this property within Development Permit Area 1 (HC): Core Historic. With respect to onsite landscaping, the existing concrete area fronting Chatham Street would be converted into a rain garden to improve the visual appeal of the neighbourhood and reduce the impacts to the stormwater system through onsite rainwater management. The owner would be responsible for maintaining the raingarden. The proposed landscaping fronting onto Chatham Street would improve the visual appeal along the street.

Local Area Plans

The Downtown Core Area Plan (DCAP) designates the subject property within the Historic Commercial District (HCD), which supports a diverse range of active commercial uses and complementary uses such as multi-residential, hotels, public institutions and tourist services. The HCD does not support surface parking lot uses, although short-term on-street parking is supported to help maintain the HCD as a focus for active commercial uses including retail and entertainment. The proposed changes to the landscaping are consistent with the DCAP guidelines and Crime Prevention Through Environmental Design (CPTED) principles, which include well-designed landscaping that demarcates public and private areas and does not obstruct sightlines.

The Old Town Guidelines designate the property within the Old Commercial District, which encourages building and landscape designs that are strongly contextual, visually interesting and uplifting to use. The proposal is inconsistent with these guidelines; however, it is worth noting that the existing condition of the property (a vacant site) does not meet these objectives either, and the proposal includes the addition of landscaping and improved storm water management. Council may therefore wish to consider the alternate motion in this instance.

Resource Impacts

There are no resource impacts associated with this proposal, as the rain garden is located on private property.

CONCLUSIONS

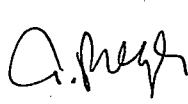

The proposal to temporarily change the use to allow a surface parking lot for a period of up to three years at the property located at 629 and 635 Chatham Street is inconsistent with the OCP, DCAP and Old Town Guidelines that encourage active uses in Old Town. Staff recommend for Council's consideration that the Application be declined; however, the alternate motion provided below would be appropriate if Council wished to consider approving it.

ALTERNATE MOTION

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, authorize the issuance of Temporary use Permit Application No. 00007 for 635 Chatham Street in accordance with:

1. Plans date stamped December 22, 2017
2. Development meeting all *Zoning Regulation Bylaw* requirements
3. The applicant providing a landscape cost estimate for the entire cost of the onsite landscaping in accordance with the Landscape Plan prepared by Murdoch de Greeff Landscape Architects dated December 22, 2017, and a landscape security deposit in the amount of 120% of the Landscape Cost Estimate payable to the City prior to the issuance of the building permit
4. The Temporary use Permit lapsing three years from the date of this resolution.

Respectfully submitted,




Miko Betanzo
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Development Services Division



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date: February 27, 2018

List of Attachments

- Attachment A: Aerial Map
- Attachment B: Subject Map
- Attachment C: Letter from applicant, date stamped November 8, 2017
- Attachment D: Plans date stamped December 22, 2017.