

REPORTS OF COMMITTEES

1. Committee of the Whole – February 1, 2018

1. Development Variance Permit Application No. 00201 for 821-827 Broughton Street

Motion:

It was moved by Councillor Thornton-Joe, seconded by Councillor Young, 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."

Carried Unanimously

3.2 Development Variance Permit Application No. 00201 for 821-827 Broughton Street (Fairfield Gonzales)

Committee received a report dated January 18, 2018, from the Director of Sustainable Planning and Community Development regarding recommendations for a proposed Development Variance Permit to allow for a reduction in parking stalls; from three to one.

- Motion:** It was moved by Councillor Coleman, seconded by Councillor Thornton-Joe, 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."

CARRIED UNANIMOUSLY 18/COTW



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

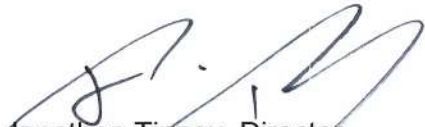
The inclusion of a massage clinic will provide a business frontage at ground-level in an otherwise vacant unit within a Heritage Designated building. With the inclusion of a massage clinic, there is a parking shortfall of an additional three stalls. Due to the minor variance and as no new floor space 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

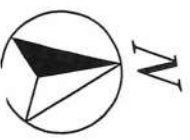
Report accepted and recommended by the City Manager:

Date:


Jan 24, 2018

List of Attachments:

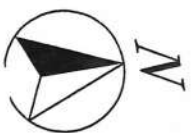
- Attachment A - Subject Map
- Attachment B - Aerial Map
- Attachment C - Plans date stamped December 20, 2017
- Attachment D - Letter from applicant to Mayor and Council dated November 6, 2017



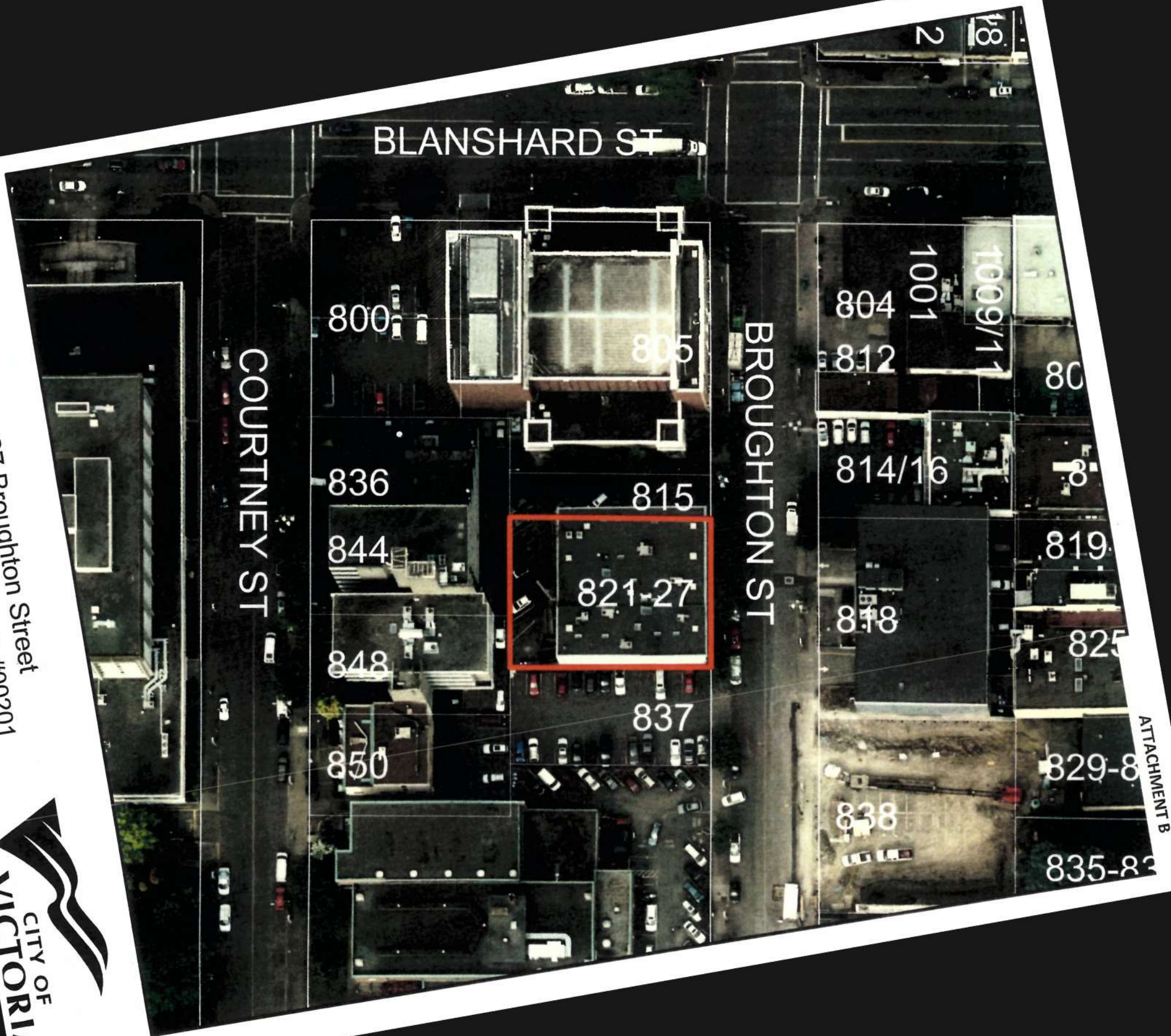
821-27 Broughton Street
Development Variance Permit #00201



ATTACHMENT A



821-27 Broughton Street
Development Variance Permit #00201



ATTACHMENT B

DEC 20 2017

Planning & Development Department
Development Services Division[illegible]

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100% of the respondents reported that they had used the service at least once in the last 12 months.



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SCOTT
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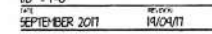
Floor plan of the first floor of the building at 1000 North Dearborn Street, Chicago, Illinois. The plan shows a large rectangular building with a central corridor and several rooms. The rooms are labeled with numbers 1 through 10. The building is situated on a street corner, with the street name 'N. Dearborn St.' visible on the left. The plan includes a north arrow and a scale bar.

BASEMENT PLAN
SCALE: 1/8" = 1'-0"

XX-XXX	ALL
W ⁰ = 1.0°	
SEPTEMBER 2017	19/09/17
RMT CLINIC	

RMT CLINIC - 827 BROUGHTON ST. VICTORIA

Planning & Development Department
Development Services Division



OUT CLING NOT PROLIFICATON CT VICTORIA

November 6, 2017

Mayor Lisa Helps and Council
#1 Centennial Square
Victoria, BC

RE: Application for a Parking Variance - 821-827 Broughton Street, Victoria, BC,
Mellor Building -

Dear Mayor and Council,

We the owners of 821-827 Broughton Street are making application for a Parking Variance to allow for office and clinic for health professionals to occupy vacant street level premises in the Mellor Building. The exterior of the building will not be altered.

The current parking for the building is legal non-conforming as office space. With the proposed change in use we now must address the parking with the City. The building totals **1,647.7 square meters** (17,735 square feet) and is a two story office building, formerly developed for a radio station.

Based on the current zoning and the proposed change in use to allow for office and clinic for health professionals to occupy **256 square meters** (2764 square feet) of office space we would require a variance of Three (3) parking stalls (256 m² @ 1 stall/65m² versus 256 m² @ 1stall/37.5 m²) as indicated in Schedule "C". Please note that under the proposed Schedule C Draft Off-Street Parking Regulations we would require a parking variance of just One (1) stall.

The number of parking stalls based on the size of the building has been non-compliant since the zoning was allocated well over 30 years ago. The size of the building has not changed, the parking has not changed and the building is located downtown with abundant parking available in and around the area.

Within a one block radius of the subject property there are 1291 parking stalls available to the general public including surface lots and City Parkades.

This does not include private parking lots or any of the metered street parking stalls.

Being a downtown location it would be expected that individuals/clients visiting the building are typically already downtown and will walk to the building from their office or condo.

The building also provides bike parking for 7 bicycles.

The main Tenant in the building is the Nature Conservancy and Habitat Acquisition Trust and they would typically bike to work or walk rather than drive in support of their environmental beliefs.

To suggest that having an office and clinic for health professionals in this downtown location could have a material impact on the parking or the traffic seems unrealistic and we would look to the Mayor and Council for a common sense approach and approval of our request.

We look forward to your positive reply.

Yours sincerely

Europort Enterprises Limited

Jan Glerup and/or Nancy Glerup