



Committee of the Whole Report For the Meeting of September 21, 2017

To: Committee of the Whole **Date:** September 7, 2017
From: Jonathan Tinney, Director, Sustainable Planning and Community Development
Subject: Development Permit with Variances Application No. 00006 for
584 John 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 Permit Application No. 00006 for 584 John Street, in accordance with:

1. Plans date stamped September 16, 2016.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce parking requirement from one stall per 93m² of warehouse/wholesale use to one stall per 190m²; and
 - ii. reduce loading space requirement from one space to nil.
3. Provision of a legal agreement securing the provision of bus passes, bicycle parking and other Transportation Demand Management measures as offered by the applicant to the satisfaction of the City Solicitor.
4. The Development Permit lapsing two years from the date of this resolution."

LEGISLATIVE AUTHORITY

In accordance with Section 489 of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Community Plan*. A Development Permit may vary or supplement the *Zoning Regulation Bylaw* but may not vary the use or density of the land from that specified in the Bylaw.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit with Variances application for the property located at 584 John Street. The proposal is to construct a five-storey warehouse building with accessory office use. The variances are related to a reduced number of on-site parking spaces and the elimination of an on-site loading space.

The following points were considered in assessing this application:

- the form and character of the proposed building is generally consistent with Development Permit Area 16: General Form and Character objectives and the *Design Guidelines for Multi-Unit Residential, Commercial and Industrial, 2012*
- the proposal seeks variances for reduced on-site parking from ten to five spaces and the removal of the requirement for a dedicated loading space. On-street parking in this area can be in high-demand during working hours. There is a likelihood that this proposal would add to the demand and on-street parking congestion could arise.
- a parking study (attached) provided by the applicant gives the best possible scenario for a reduced parking and loading demands; however, this is contingent on occupancy of the building by the applicant's firm. The parking and loading demands of potential future tenants may be different.
- the provision of Transportation Demand Management (TDM) measures outlined in the consultant's parking study, and as proposed by the applicant, should be secured by way of a legal agreement.

BACKGROUND

Description of Proposal

The proposal is to construct a five-storey warehouse with accessory offices on a small and narrow lot near the corner of Rock Bay Avenue and John Street.

Specific details include:

- on-site parking for five vehicles
- on-site storage for 14 bicycles
- balconies on upper levels
- materials include: curtain wall glazing, fibre board, vertical corrugated metal, concrete block and metal railings with glass guards
- landscaping includes: shrubs and grass plantings, large boulders and river rock, two trees and a metal fence.

The proposed variances are related to:

- reduced parking spaces from ten stalls to five stalls
- no dedicated on-site loading space.

Sustainability Features

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

Active Transportation Impacts

The application proposes storage for fourteen bicycles. In addition, the applicant has provided a letter committing to the following TDM measures as outlined in the submitted parking study:

- subsidized bus passes for employees for a two-year period
- provision of fourteen secure bicycle lockers and showers for staff
- provision of an on-site company vehicle for staff use
- encouragement of employee ride sharing for trips to and from work.

Public Realm Improvements

No public realm improvements are proposed in association with this Development Permit with Variances Application.

Existing Site Development and Development Potential

The site is currently in the M-2 Zone, Light Industrial District.

Under the current M-2 Zone, the property could be developed at a density of 3:1 Floor Space Ratio (FSR) with a range of light industrial uses, as well as a restaurant, school, accessory retail, vehicle sales and rentals, and veterinary hospital uses.

Data Table

The following data table compares the proposal with the existing M-2 Zone. An asterisk is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposal	Zone Standard M-2
Site area (m ²) - minimum	344.53	N/A
Lot width (m) - minimum	9.09	N/A
Total floor area (m ²) - maximum	955.29	N/A
Density (Floor Space Ratio) - maximum	2.77:1	3:1
Height (m) - maximum	15.00	15.00
Setbacks (m) - minimum		
Front (John Street)	1.22	Nil
Rear	0	3.00 or 0
Side (west)	0	3.00 or 0
Side (east)	0	3.00 or 0
Parking - minimum	5*	10
Loading space (minimum)	Nil*	1
Bicycle parking stalls (minimum)	14 Class 1 2 Class 2	4 Class 1 2 class 2

Relevant History

A rezoning application was submitted to the City on April 19, 2017 to rezone the property to include the use of a storefront cannabis retailer. The proposal was for the retailer to be located on the second floor of the building; however, on July 6, 2017 the applicant requested the rezoning application be withdrawn and to proceed solely with the Development Permit with Variances as outlined in this report.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the application was referred for a 30-day

comment period to the Burnside Gorge CALUC on February 17, 2016 with notice of revised plans sent to the CALUC on April 18 and August 10, 2016. A letter from the Burnside-Gorge CALUC dated March 31, 2016 is attached to this report. In addition, an email dated September 16, 2016 is attached from the Chair of the Burnside-Gorge CALUC.

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

Development Permit Area and Design Guidelines

The *Official Community Plan (OCP), 2012* identifies this property within DPA 16: General Form and Character. This Development Permit Area designation enables Council to review and approve the form and character of commercial, industrial and multi-family residential developments. The objectives of the designation include enhancing place character through high-quality architecture, landscape and urban design. The form and character of the proposed building is generally consistent with the objectives of the Development Permit Area.

With respect to the *Design Guidelines for: Multi-Unit Residential, Commercial and Industrial*, the proposed building has a distinctive form and massing, a legible front entrance and a variety of durable exterior materials on the front and side elevations. The architectural style is consistent with the industrial nature of the area. The variety of materials visually break-up the building's massing and improves the appearance on the exposed side elevations. Overall, the proposal is consistent with the Design Guidelines.

Regulatory Considerations

This application proposes variances to both on-site parking and on-site loading. On-street parking in this area can be a challenge for businesses during working hours. Parking associated with this development would not be permitted to utilize the residential parking on John Street and existing on-street parking cannot be guaranteed in the future as demands change through shifting land use and development in the area. On-street parking may also be reduced in the future in favour of new sidewalks, boulevards or cycling improvements.

A parking study was prepared by a consultant retained by the applicant to support the request to reduce the number of parking stalls from ten to five stalls. In the study, the parking demand of employees, customers and contractors is described as generally not overlapping; however, there are times when the parking demands would have to be met by on-street parking. The study's assumptions include occupation of the building by the applicant's firm with the analysis based on the firm's transportation demands and operations. Should the building be occupied by different businesses, the parking demand analysis may not be applicable. However, any change of use from warehousing would be subject to the parking requirements of the new use. Increases in required parking stalls would need an additional variance, which would be subject to Council approval.

The parking study further outlines and recommends the implementation of TDM measures to address the requested parking variance of five parking stalls. These measures include bus passes, secure bicycle lockers and showers for employees, an on-site company vehicle and encouragement of employee ride-sharing. The owner has provided a letter committing to the provision of these measures but a legal agreement should be provided to secure them.

The applicant's justification for not providing a dedicated loading space is that there will only be an intermittent demand for loading. This is based on the applicant's proposed occupancy of the building.

CONCLUSIONS

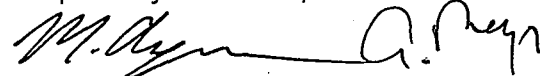
The form and character of the proposed building is generally consistent with the Development Permit Area objectives and the *Design Guidelines for Multi-Unit Residential, Commercial and Industrial, 2012*. The functional aspects of on-site parking and loading are challenging partly due to the small and narrow nature of the lot and partly as a result of the size of the proposed building. Room for required parking and loading is not available on the lot with the building as proposed.

On-street parking in this area is in high demand during working hours. There is a likelihood that this proposal would add to the demand and on-street parking congestion could arise. The parking study provided by the applicant gives the best possible scenario for reduced parking and loading demands but this is contingent on occupancy of the building by the applicant's firm. The parking and loading demands of potential future tenants may be different. It is recommended the provision of TDM measures as proposed by the applicant be secured through a legal agreement. With this condition, staff are able to recommend that Council give consideration to supporting this proposal and advancing the Development Permit with Variances application to an opportunity for public comment.

ALTERNATIVE MOTION

That Council decline Development Permit with Variances Application No. 00006 for the property located at 584 John Street.

Respectfully submitted,




Michael Angrove
Planner
Development Services



Jonathan Tinney, Director
Sustainable Planning and
Community Development

Report accepted and recommended by the City Manager


Date: Sept. 14, 2017

List of Attachments:

- Attachment A – Subject Map
- Attachment B – Aerial Map
- Attachment C – Letter from applicant to Council dated August 29, 2017.
- Attachment D – Letter from Griffin Restoration dated September 9, 2016
- Attachment E – Covering letter dated July 14, 2016 and Parking study dated July 14, 2016
- Attachment F – Letter from Burnside Gorge Community Association dated March 31, 2016
- Attachment G – Email to the applicant from Burnside-Gorge CALUC Chair dated September 16, 2016
- Attachment H – Plans date-stamped September 16, 2016