



Committee of the Whole Report For the Meeting of July 6th, 2017

To: Committee of the Whole **Date:** June 22, 2017

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

Subject: Development Permit with Variances Application No.00023 for 2770 Pleasant 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 with Variances Application No. 00023 for 2770 Pleasant Street subject to registration of legal agreements on the properties' titles securing access across the site and addressing issues of the proposed building and equipment straddling the property line to the satisfaction of the City Solicitor, in accordance with:

1. Plans date stamped June 16, 2017
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce Class 1 bicycle space requirement from four to zero;
 - ii. relaxation to permit construction over the lot lines for the office trailer structure.
3. 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 *Official 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 2770 Pleasant Street. The proposal is to add a prefabricated office trailer and install a truck weigh-scale at an existing metals recycling yard. The proposal requires two variances. The first variance would allow the office trailer to straddle two legal lots. The General Regulations of the *Zoning Regulation Bylaw* require that a building be wholly contained on one lot. The second variance is to reduce the required Class 1 bicycle parking from four to zero.

The following points were considered in assessing this Application:

- The proposed building design, landscaping and fencing is generally consistent with the Development Permit Area objectives and design guidelines.
- The variance to allow a building to straddle two properties is needed in this instance as the property owner does not want to consolidate the two properties into one; however, they are willing to register a legal agreement on title ensuring that the properties cannot be sold independently of each other unless the condition is rectified.
- The small size of the office trailer limits the feasibility of adding Class 1 secured bicycle parking within the building; however, this is addressed through a Class 2 four stall bike rack (only two stalls are required).
- The proposed development has minimal visibility from the street, waterfront and adjacent properties, including the heritage-designated Point Ellice House located three lots to the south.

BACKGROUND

Description of Proposal

The proposal is to install a 66.9m² pre-fabricated office trailer and truck scale in an existing metals recycling yard. Specific details include:

- pre-fabricated office trailer, with entry stairs and ramp constructed on site
- three parking stalls (one is required) and one loading bay
- four stall bike rack.

The proposed variances are related to:

- allowing the placement of the office trailer across more than one lot
- reducing the required Class 1 bicycle parking from four to zero.

Sustainability Features

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

Active Transportation Impacts

The applicant has not identified any active transportation impacts associated with this 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 in the M-3 Zone. Under the current zoning the property could be developed at a density of 3:1 Floor Space Ratio (FSR) with a range of heavy industrial uses.

Data Table

The following data table compares the proposal with the existing M-3 Zone. An asterisk is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposal	Zone Standard M-3
Site area (m ²) - minimum	2837.6	N/A
Building wholly on one lot	No *	Contained on one lot
Height (m) - maximum	New Office Trailer - 3.51 New Truck Scale - 0.48	15.00
Setbacks, Office Trailer (m) - minimum:		
Front (East)	7.05	3.00 or 0.00
Rear (West)	62.20	3.00 or 0.00
Side (North)	0.00	3.00 or 0.00
Side (South)	3.00	3.00 or 0.00
Parking - minimum	3	1
Bicycle parking stalls (minimum)		
Class 1	0*	4
Class 2	4	2

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on December 13th, 2016 the Application was referred for a 30-day comment period to the Burnside-Gorge CALUC. The CALUC did not have any comments regarding this Application. Correspondence confirming this, dated January 7th, 2017, is attached to this report.

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, Design Guidelines and Local Area Plans

The *Official Community Plan (OCP)* identifies this property within DPA 16. This Development Permit Area designation enables Council to review and approve the character of the development, including landscaping, and the siting, form, exterior design and finish of buildings and other structures.

The *OCP* and *Burnside Neighbourhood Plan* both recognize the application site as part of a key employment area where there is support for the continuation of industrial uses and industries requiring shoreline access for their operations. The proposal is consistent with this vision. Further, allowing the construction across two lots without consolidating them retains flexibility for future development or changes in industrial activity.

The proposed development is generally consistent with the policies in the *Design Guidelines of Multi-Unit Residential, Commercial and Industrial Development, 2012* which are referenced in

DPA 16. These guidelines recommend placing bike parking near entryways for safety and convenience. The proposed bike rack has been placed in a prominent place, close to the front entry of the building. These design guidelines also recommend shielding the visual impact of loading areas. The loading bay has been placed between the proposed trailer and a new Quonset hut on the east portion of the property, limiting the visual impact from both the water and the street.

Because the parking and loading is located on one of the two lots but serves both, a registered easement is required to secure access to these spaces for as long as the office structure remains on site. Additionally, an easement is required to secure the construction across the lots. This would prevent the lots from being sold separately or altering the easement area without first addressing issues related to the structures. As with the easement for access, the easement would end if the office and weigh scale were to be removed and the area restored.

CONCLUSIONS

The proposal is consistent with the City's policies and design guidelines. The Application proposes the construction of an office trailer and truck scale within a well-established heavy industrial area. Allowing the construction across two lots without consolidating them retains flexibility for future development or changes in industrial activity. The variance to eliminate the required Class 1 bicycle parking is acceptable given the small amount of interior space and the provision of a four stall bike rack. Staff recommend that Council approve the Application subject to registration of legal agreements on the properties' titles securing access across the site and addressing issues of the proposed building straddling the property line to the satisfaction of the City Solicitor.

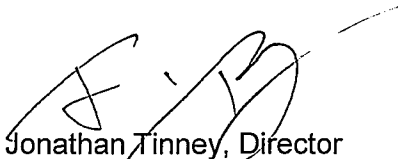
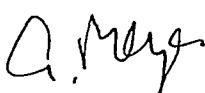
ALTERNATE MOTION

That Council decline the Development Permit with Variances Application No.00023 for the property located at 2770 Pleasant. Street.

Respectfully submitted,



Chloe Tunis
Planning Technician
Development Services Division



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date: June 28, 2017

List of Attachments

- Subject Map
- Aerial Map
- Plans dated/date stamped June 16, 2017
- Letter from applicant to Mayor and Council dated June 14, 2017
- Community Association Land Use Committee comments dated January 7, 2017.