



## Planning and Land Use Committee Report

### For the Meeting of October 15, 2015

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**To:** Planning and Land Use Committee                      **Date:** October 1, 2015

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

**Subject:** Temporary Use Permit Application No. 00481 for 474 and 478 Burnside Road and 3111 and 3117 Delta Avenue

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### RECOMMENDATION

Staff recommend that Committee forward this report to Council and that after giving notice and allowing an opportunity for public comment at a meeting of Council, that Council consider the following motion:

"That Council authorize the issuance of Temporary Use Permit Application No. 00481 for 474 and 478 Burnside Road and 3111 and 3117 Delta Avenue in accordance with:

1. Plans date stamped August 21, 2015 with revisions to the landscape screening to the satisfaction of staff.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
  - a. Schedule C, Section 7.2 (d) – permit gravel instead of asphalt, concrete or permeable surface.
3. Delivery of vehicles to and from the site meeting Motor Vehicle Act Regulations and City bylaw requirements.
4. The Temporary Use Permit lapsing two years from the date of this resolution."

### LEGISLATIVE AUTHORITY

In accordance with Section 921 of the *Local Government Act*, Council may issue a Temporary Use Permit in accordance with the applicable requirements specified in the *Community Plan*. A Temporary Use Permit may allow temporary commercial and industrial uses and may specify conditions under which the temporary commercial or industrial use may be carried on.

### EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Temporary Use Permit Application for the property located at 474 and 478 Burnside Road and 3111 and 3117 Delta Avenue. The proposal is to store new vehicles on a vacant site currently comprised of four single family zoned lots. The following points were considered in assessing this Application:

- the site is designated General Employment in the *Official Community Plan* in which large lots with outdoor storage are a character feature
- the existing single family zoning is an anomaly with the surrounding area zoned for industrial uses
- there are a number of vehicle sales and vehicle storage lots nearby
- the proposed gravel surface is acceptable with the asphalt pad at the vehicle entrance
- although the Application is for a temporary use (two years is requested with a possible renewal for an additional two years), additional improved landscape screening should be provided
- delivery of vehicles to and from the site will need to meet the *Motor Vehicle Act Regulations* and City bylaw requirements.

## **BACKGROUND**

### **Description of Proposal**

The proposal is for the temporary storage of new vehicles on a vacant site currently comprised of four single family zoned lots. (Note: The houses that previously occupied these lots have been demolished.) The plans do not include an area for loading and unloading vehicles on-site. The request is for a two-year period. A renewal for an additional two years could be requested for a total of four years, however, this would require Council's approval.

Specific details include:

- gravel surface with an asphalt pad at the entrance on Delta Street to contain the gravel within the lot
- existing and new chain link fencing
- a 1m wide strip for existing landscaping; no new landscaping is proposed
- the proposed variance is to permit, a gravel surface rather than asphalt, concrete or permeable surface as required in Schedule C – Parking Requirements of the *Zoning Regulation Bylaw*.

### **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 or provided a description of how vehicles will be delivered to and from the site. Should unloading of uninsured vehicles on the roadway occur, traffic safety and congestion concerns could arise as well as future enforcement challenges.

### **Public Realm Improvements**

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

To meet *Official Community Plan*, 2012 Right-of-Way standards, staff have requested a Statutory Right-of-Way of 1.5m on Delta Street and 3.66m on Burnside Road for future sidewalks, bicycle facilities and boulevard space while maintaining the existing road widths.



The applicant has declined this request. Should a Rezoning Application be made in future, these Statutory Rights-of-Way would be required as a condition of Council's approval.

### **Existing Site Development and Development Potential**

This site, at the north east corner of Burnside Road and Delta Street, is currently comprised of four vacant lots ranging in area from 390m<sup>2</sup> to 479m<sup>2</sup>, for a total site area is 16,871m<sup>2</sup>.

Under the current R1-B Zone, Single Family Dwelling, the site could be developed for four single family dwellings each with a maximum floor area of 300m<sup>2</sup>, which can include a secondary suite. However, the single family use permitted under the current zoning does not conform to the uses envisaged in the General Employment designation of the OCP.

### **Community Consultation**

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, a Community Meeting was held with the Burnside-Gorge Community Association on March 16, 2015. The comments from the meeting are attached to this report.

## **ANALYSIS**

### **Development Permit Area and Design Guidelines**

The site is covered by the General Employment Urban Place designation in the *Official Community Plan (OCP)* and is covered by Development Permit Area 16: General Form and Character.

## **CONCLUSIONS**

The proposal for a temporary vehicle storage lot use on this site is acceptable as it is consistent with the General Employment Urban Place designation in which large lots with outdoor storage are a character feature. The existing single family zoning of the site is an anomaly as the surrounding area is zoned for light industrial uses including vehicle sales, service and repair as well as vehicle storage lots. The variance requested for the proposed gravel surface is acceptable given the use is temporary and an asphalt pad is proposed at the vehicle entrance to contain the gravel on the site. However, additional improved landscape screening should be provided. The applicant was advised of this and has indicated improved landscape screening would be provided. The delivery of vehicles to and from the site will need to be undertaken in a manner that meets *Motor Vehicle Act Regulations* and City bylaw requirements.

## ALTERNATE MOTION

That Council decline the Temporary Use Permit Application No. 00481 for the property located at 474 and 478 Burnside Road and 3111 and 3117 Delta Avenue.

Respectfully submitted,



Brian Sikstrom, Senior Planner  
Development Services Division

am



Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



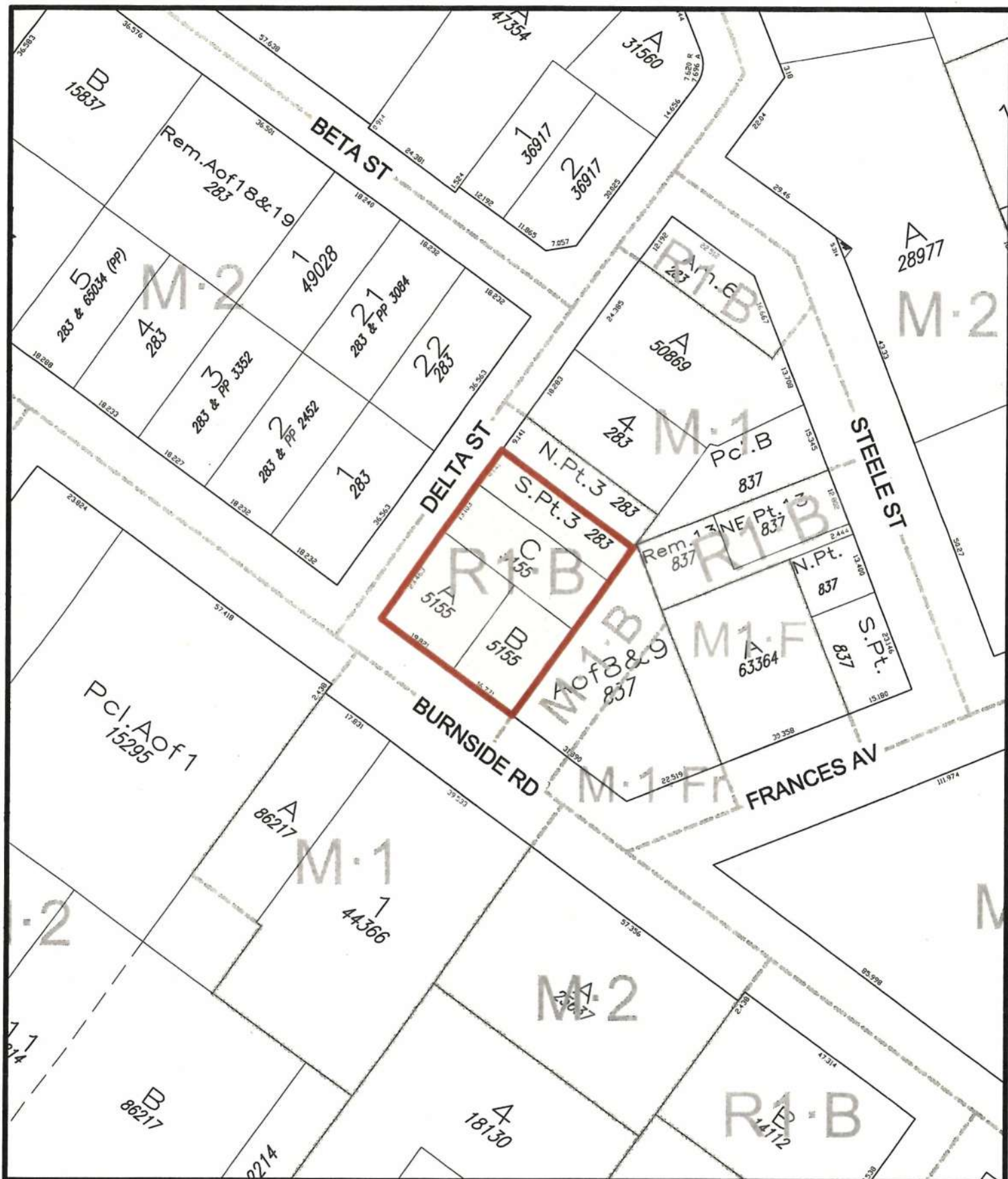
Date:

October 7, 2015

### List of Attachments

- Zoning map
- Aerial map
- Letters from the applicant dated May 7, 2015, and August 19, 2015
- Letter from the Burnside-Gorge Community Association dated March 26, 2015
- Plans dated August 21, 2015.





474 & 478 Burnside Road East /  
 3111 & 3117 Delta Street  
 Rezoning #00481  
 Bylaw #







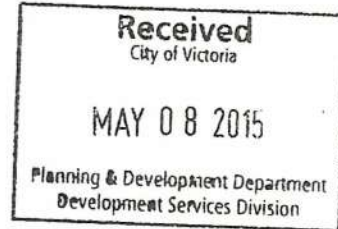
474 & 478 Burnside Road East /  
 3111 & 3117 Delta Street  
 Rezoning #00481  
 Bylaw #





7 May, 2015

City of Victoria  
#1 Centennial Square  
Victoria, British Columbia, V8W 1R6



Attention: Mayor Helps and Councillors,

Re: 474 & 478 Burnside Road and 3111 & 3117 Delta Street, Victoria British Columbia

Your Worship and members of Council,

On behalf of our client, Campus Auto Group, we would like to apply for a temporary use permit to allow our client to store new cars on these lots until the new Burnside Gorge Neighbourhood Plan has been completed and until our client determines what he should build on these properties. Our client purchased these properties that had been problematic for the neighbourhood. They have been working with bylaw enforcement to deal with these derelict houses and they have since been demolished.

Our client owns Campus Honda, Campus Infiniti, Campus Nissan and Campus Acura. With the need to have inventory available for their customers, they would like to use these properties on a temporary basis to store new vehicles. The block in which these properties are located already has a few lots that allow for the storage of vehicles and the adjacent lots are also gravel lots.

We were at the Burnside Neighbourhood CALUC meeting on March 16<sup>th</sup> and the general consensus at the meeting was that they would like to see this property redeveloped in the future. It could either be a new car dealership, a mix-use redevelopment, or a residential/retail development. Our client intends to keep the shrubbery and the trees that are on the site and will be adding a chain link fence around the property. As this is only for a temporary use, it would not be feasible for our client to either pave or add more shrubbery to the site.

The parcel makes for a future lot consolidation and a good site for future redevelopment. With these properties owned by one company, this allows for greater options in the future.

We trust that this temporary use permit application fits within the context of the present neighbourhood and that our client can make use of his properties until he can determine how he wishes to redevelop the site in the future. As the direction for this area is not clear at this time, we feel it would be prudent for our client to request a temporary use permit instead of going for a rezoning when the neighbourhood plan is starting to be reviewed. Should you have any questions, please feel free to contact us at 250-360-2888.

Yours truly,

A handwritten signature in black ink, appearing to read "Alan Lowe". The signature is fluid and cursive, with the first name "Alan" and last name "Lowe" clearly distinguishable.

Alan Lowe  
Alan Lowe Architect Inc.



19 August 2015

City of Victoria  
#1 Centennial Square  
Victoria, British Columbia  
V8W 1R6



Attention: Brian Sikstrom, Area Planner

Re: 474 & 478 Burnside Road and 3111 & 3117 Delta Street, Victoria British Columbia

Dear Mr. Sikstrom;

Further to our meeting with yourself and engineering, we are submitting a revised site plan showing requested changes. The changes are as follows:

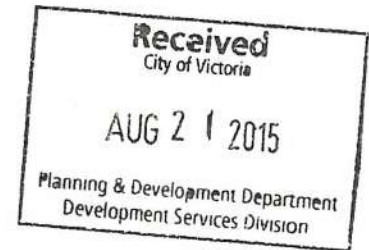
- Landscaping along both Burnside Road and Delta Street has been changed from 0.8 metres to 1.0 metres
- The drawing now shows only one access off Delta Street as the other two existing driveway crossing will not be accessible. We have added a 6 metre long asphalt pad at the entrance to the proposed temporary new car storage lot so that gravel will be contained within the lot.
- The existing grade at the corner of Burnside and Delta is about .7 metres below the existing sidewalk. There is an existing guardrail along the sidewalk at this location.
- As this is a temporary land use permit, we are requesting that we do not have to remove the redundant driveway crossings on Burnside and Delta. Our client would happily remove redundant driveway crossings when the property is developed in the future.
- The requests for the standard right of ways along Burnside and Delta will be reviewed when the property is developed in the future.

We trust that these changes will allow you to complete your report so that we can proceed to a Planning and Land Use Committee meeting in the near future. Should you have any questions, please feel free to contact us at 250-360-2888.

Yours truly,



Alan Lowe  
Alan Lowe Architect Inc.

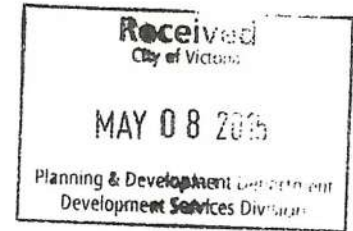






March 26, 2015

Dear Mayor and Council:



**CALUC Community Meeting: Temporary Use Permit Application for 474 & 478 Burnside Road and 3111 & 3117 Delta Street, and Rezoning Application for 680 Garbally Road**

On March 16, 2015, the Burnside Gorge Community Association (BGCA) hosted a CALUC community meeting that was advertised in order for the Campus Honda Group to discuss their temporary use application for 4 lots (474 & 478 Burnside Road, and 3111 & 3117 Delta Street), and for the owner of the Metro Inn to discuss their rezoning application for 680 Garbally Road. Feedback on these two proposals is summarized below. Councillor Geoff Young was invited to this community meeting but was not in attendance.

**Proposal 1:** Temporary use application for 474 & 478 Burnside Road and 3111 & 3117 Delta Street in order to store new cars on the site for two years, with a potential renewal for another two years. Of the four properties, all but 474 Burnside are currently zoned R1-B Single Family Dwelling District. John Williams presented on behalf of Campus Auto Group and Alan Lowe Architects.

**Landscaping and fencing:**

- All of the property will have organic matter removed and gravel applied.
- Attendees encouraged the developer to consider more shrubbery, and that there are enough car lots in the area whose owners have not done anything to make them look good.
- One attendee noted that Honda would do well to improve the site, knowing they'll be coming back to the community for rezoning in two to four years.
- Attendees raised concerns about fencing, dirt removal, gravel and implementing and maintaining shrubbery, and indicated that remaining trees should be boxed so they can be maintained.
- One attendee stated that they can't provide support until they know the 'fit and finish' of the site; for instance, they have no issue with a chain link fence but want to know what to expect.
- In response to questions about whether new shrubs and trees are planned for the Burnside Road side of the property, and whether the site will be fenced, the developer indicated he is not certain. The developer committed to following up with individuals with unanswered questions about fencing and shrubs.

**Future plans for the site:**

- New vehicles will be kept on the site.



- Whether the temporary use will extend two or four years depends on the progress of the Burnside Gorge local area planning process after two years.
- One attendee questioned why Campus Honda does not use the two other lots they own on Delta Street.

## Traffic:

- In response to questions about how many cars the site would hold and impact on local traffic, the developer estimated that about 75 cars would be stored on the 4 lots and that traffic impact would be minimal.

**Vote:** As per the process of a BGCA rezoning community meeting, there was a straw vote to provide context to the questions. Of the meeting attendees who chose to vote, 3 were generally in favour of the proposal as presented, and 4 were opposed.

**Proposal 2:** Robert Rocheleau presented on behalf of the owner of the Metro Inn at 680 Garbally Road. The site is currently operating as a motel and the owner is seeking a rezoning application to run the building as a rental apartment building.

## Landscaping/siting:

- One tree needs to be removed but three will be added. The owner is not certain yet what type of trees will be planted. Attendees supported adding trees.
- One attendee noted that they like the building and its quiet, inviting feel.

## Parking:

- Parking being reduced from 34 to 16 parking spaces. Currently only 5-8 parking stalls are used by long-term motel tenants.
- One attendee noted that one bike stall per unit might be too many.

## Changes to building:

- Unit sizes range from 320 to 400 square ft.
- The owner will consider improving the roof when replacement is needed, but currently has no plans to change the roof.
- The building exterior will be painted. Kitchens will be added in 13 suites that do not currently have them. 21 suites currently have kitchens.
- The owner anticipates keeping the current tower.

## Miscellaneous:

- The owner plans to have onsite management; they are currently in between managers.
- The timeline is as soon as possible.
- One attendee noted that we cannot put all marginalized people in one area. The owner agreed that we need a better neighbourhood and that is one reason they are undertaking this conversion.





- Current rents are \$725-\$900. The owner expects that rents will be similar after changes are made, except that utilities will not be included.

**Vote:** Of the meeting attendees who chose to vote, 9 were generally in favour of the proposal as presented, and none were opposed.

## **Broader Context for Development**

In addition to facilitating comments on the specific rezoning application at BGCA community meetings, the Chair also seeks feedback from attendees on their wishes for, and thoughts about, the immediate vicinity of a subject property. This information is provided to Mayor and Council and the Planning department to help provide critical, holistic perspectives on neighbourhood development objectives. We are hoping that, over time, this will help us stitch together a more comprehensive view and put rezoning applications into context of overarching community goals.

Attendees provided the following comments about the area around 474 & 478 Burnside Road and 3111 & 3117 Delta Street:

- This realistically should be a new car dealership.
- I foresee Jim Pattison selling the old Metro site to Campus Honda, and that Campus Honda will expand in that direction.
- I would like to see office/retail/mixed use with retail at street and high density residential above.
- Move Campus Honda to this site and redevelop existing dealership at Burnside and Finlayson into mixed use residential/retail.

Attendees provided the following comments about the area around 680 Garbally Road:

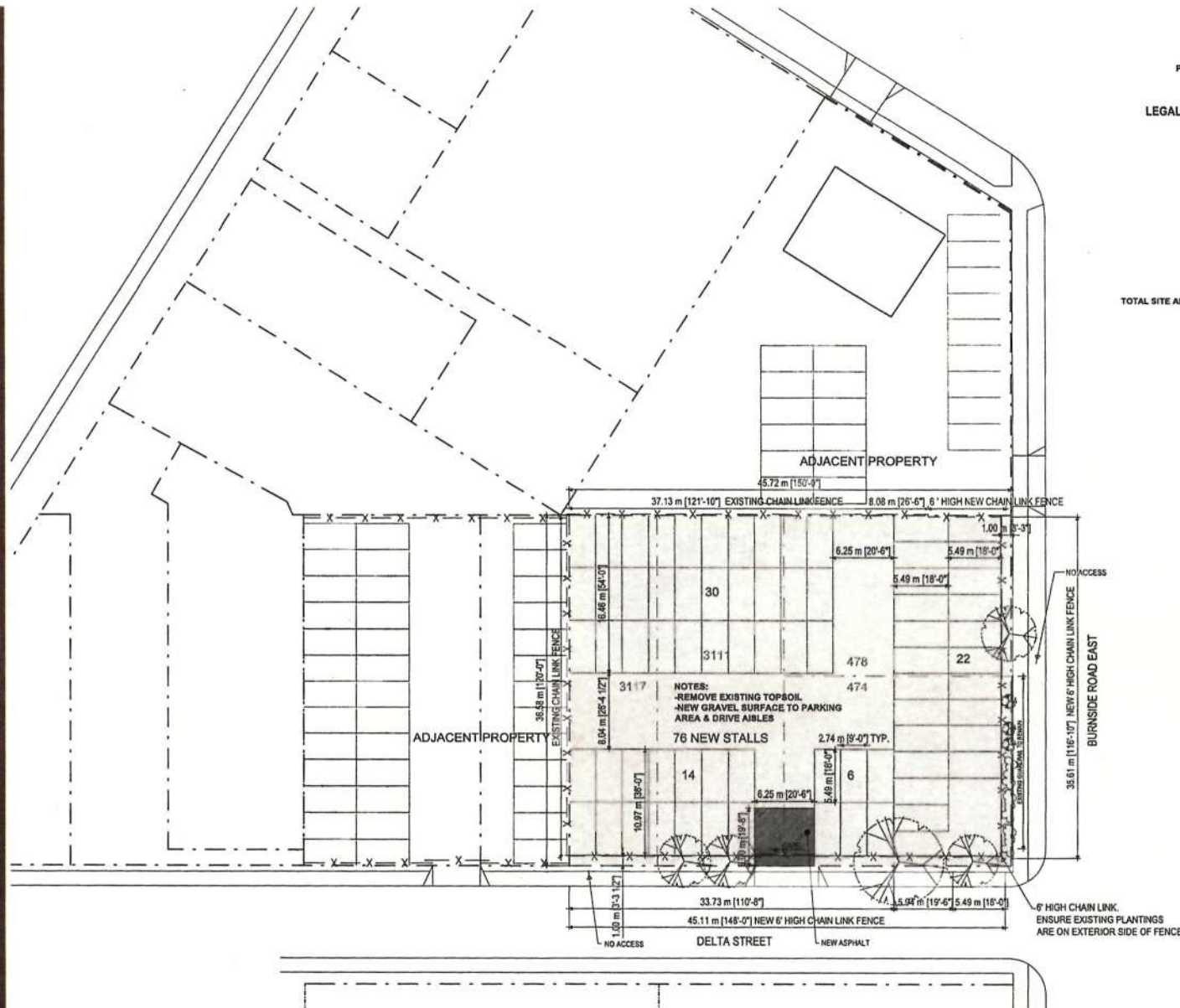
- I would like to see thriving light industrial maintained in this area to keep jobs.
- Why is Burnside Gorge being asked to take all social housing in our area? We lost our park and as far as I know, there is no discussion about replacing it.

Respectfully,

*Carolyn Gisborne*

Carolyn Gisborne  
Land Use Committee Chair  
Burnside Gorge Community Association

cc: Sustainable Planning and Community Development Department  
Alan Lowe, Alan Lowe Architects  
Robert Rocheleau, Praxis Architects



1 SITE PLAN  
SCALE 1:250

## PROJECT INFORMATION

PROJECT DESCRIPTION: TEMPORARY LAND USE APPLICATION

**LEGAL ADDRESS:** 474 BURNSIDE RD. EAST VICTORIA, B.C.  
478 BURNSIDE RD. EAST VICTORIA, B.C.  
3111 DELTA ST. LOT C, SECTION 4, VICTORIA, PLAN S155  
3117 DELTA ST. LOT 3, BLOCK 1, VICTORIA, PLAN 283,  
EXCEPT THAT PART THEREOF LYING TO  
THE NORTH EAST OF A BOUNDARY PARALLEL  
TO AND PERPENDICULARLY DISTANT  
25 FEET FROM THE NORTH EASTERLY BOUNDARY  
OF SAID LOT

**CIVIC ADDRESS:** 474 BURNSIDE RD. EAST VICTORIA, B.C.  
478 BURNSIDE RD. EAST VICTORIA, B.C.  
3111 DELTA STREET VICTORIA, B.C.  
3117 DELTA STREET VICTORIA, B.C.

### ZONING DATA

**ZONING:** R1-B  
**TOTAL SITE AREA (INCL. ALL 4 LOTS):** 181,607 sq. ft. [16,871 m<sup>2</sup>]

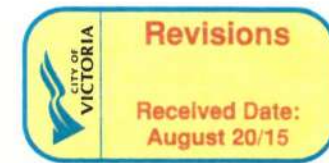
**CAR STORAGE:** 72 NEW CARS STALLS ON TEMPORARY STORAGE LOT

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Area: Park



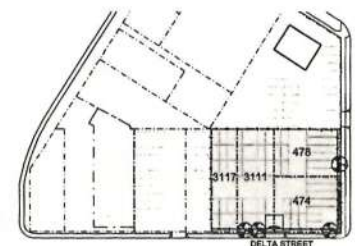
AREA OF TEMPORARY LAND USE PERMIT



2. REVISIONS TO CITY 28 AUG. 15  
1. TEMPORARY LAND USE PERMIT 5 MAY 15  
No. Issue 1 Revision Date

alan LOWE architect inc.

203 - 1118 Esplanade St. S. 250.105.2000  
Victoria, British Columbia  
V8W 2M6



TEMPORARY  
NEW CAR STORAGE LOT

SITE PLAN

project no.: 14-418

date: 25 AUGUST 2015 issue: AS NOTED

prepared by: LOWE drawn by: JW

of set no.

A1.0