



Planning and Land Use Committee Report

For the Meeting of May 14, 2015

To: Planning and Land Use Committee **Date:** April 30, 2015

From: Charlotte Wain, Senior Planner – Urban Design

Subject: **Development Variance Permit Application No. 000151 for 821-827 Broughton Street**

RECOMMENDATION

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

“That Council authorize the issuance of Development Variance Permit Application No. 000151 for 821-827 Broughton Street in accordance with:

1. Plans date stamped April 22, 2015.
2. Developments meeting all *Zoning Regulation Bylaw* requirements, except for Schedule C, reducing the off-street parking requirement from an additional four parking stalls to nil for the change of use from general office use to dental office.
3. The Development Variance Permit lapsing two years from the date of this resolution.”

LEGISLATIVE AUTHORITY

In accordance with Section 922 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 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 280m² of main-floor general office use within an existing heritage designated building to dental office use. The variances are 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 located Downtown and is within close proximity to walking, cycling and public transit facilities.
- The inclusion of a dental office will provide business activity at ground level in an otherwise vacant unit.
- The applicant has proposed additional bicycle facilities exceeding the requirements set out in Schedule C of the *Zoning Regulation Bylaw*.
- Twelve parking stalls currently exist on the property and are legally 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 for the adjacent City owned property.
- The proposed four-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 request.

BACKGROUND

Description of Proposal

The proposal is to convert 280m² of main-floor general office use within an existing Heritage Designated building to dental office use. 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 four parking stalls to nil due to the change of use from general office use to dental office.

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

The Application proposes the following features which support active transportation:

- provision of secure facilities for 25 bicycles within the building
- publicly accessible bicycle facilities at the rear of the building in the parking lot.

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
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)	0**	2.00
South (rear)	6.00	0
East (side)	0	0
West (side)	0	0
Parking Existing Use – minimum	12**	25
Parking Increased Requirement – minimum	12**	29
Bicycle storage (Class 1) – minimum	25	N/A
Bicycle rack (Class 2) – minimum	6	N/A

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on March 23, 2015, 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 Downtown 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 dental office. 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 excess of the minimum zoning requirements. 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, 12 parking stalls exist on the property, which is 13 fewer than the requirements in the *Zoning Regulation Bylaw* and 17 fewer than the requirements in *Zoning Regulation Bylaw* for the addition of a dental office. 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 dental office will provide a business frontage at ground-level in an otherwise vacant unit within a Heritage Designated building. With the inclusion of a dental office, there is a parking shortfall of an additional four 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 secure storage for 25 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 requirements listed in Schedule C of the *Zoning Regulation Bylaw*.

ALTERNATE MOTION

That Council decline Development Variance Permit Application No. 000151 for the property located at 821-827 Broughton Street.


Respectfully submitted,

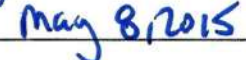


Charlotte Wain
Senior Planner – Urban Design
Development Services Division



Alison Meyer, Assistant Director
Development Services Division
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:  _____ Jason Johnson

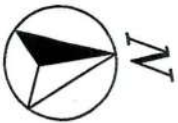
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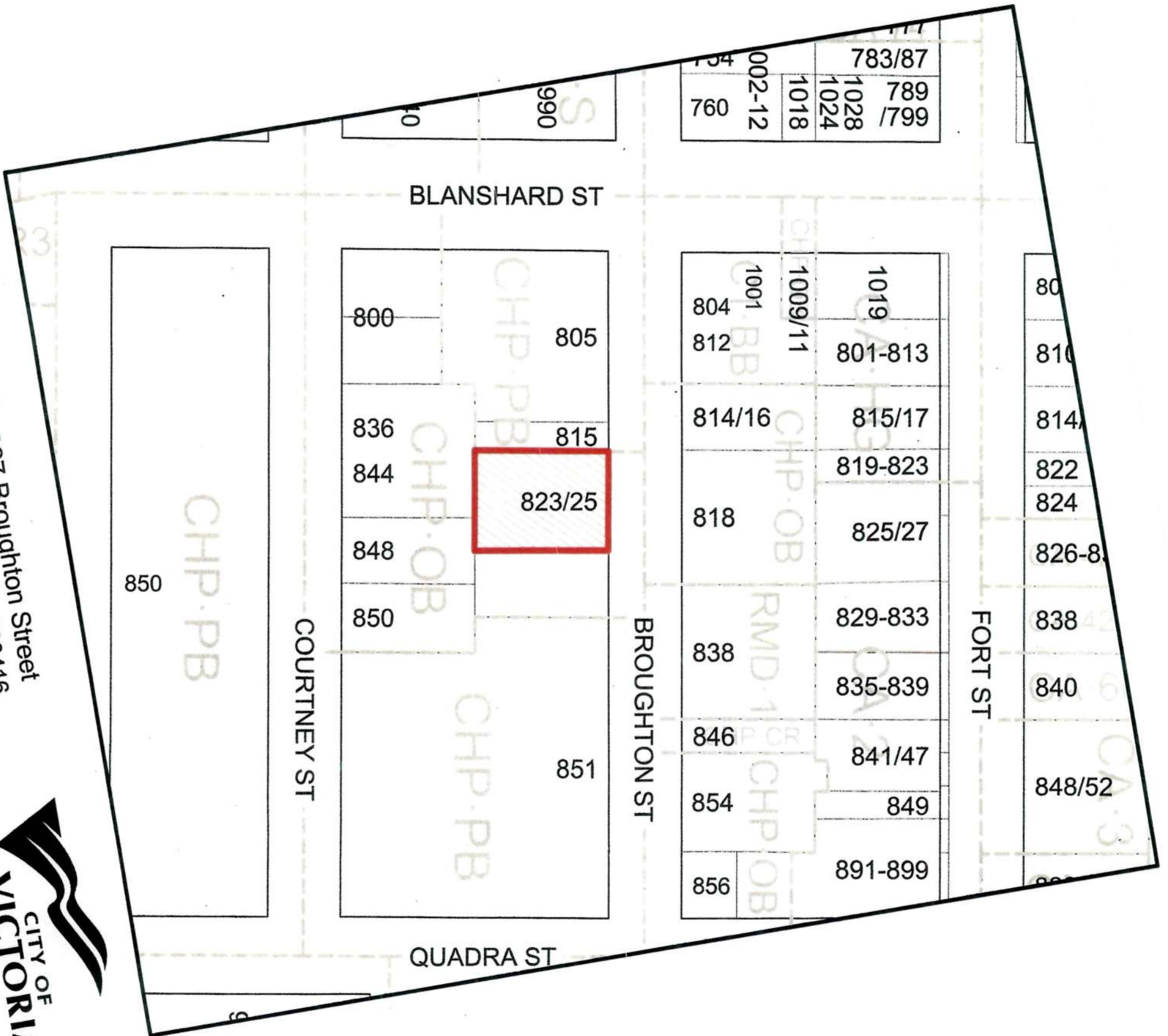
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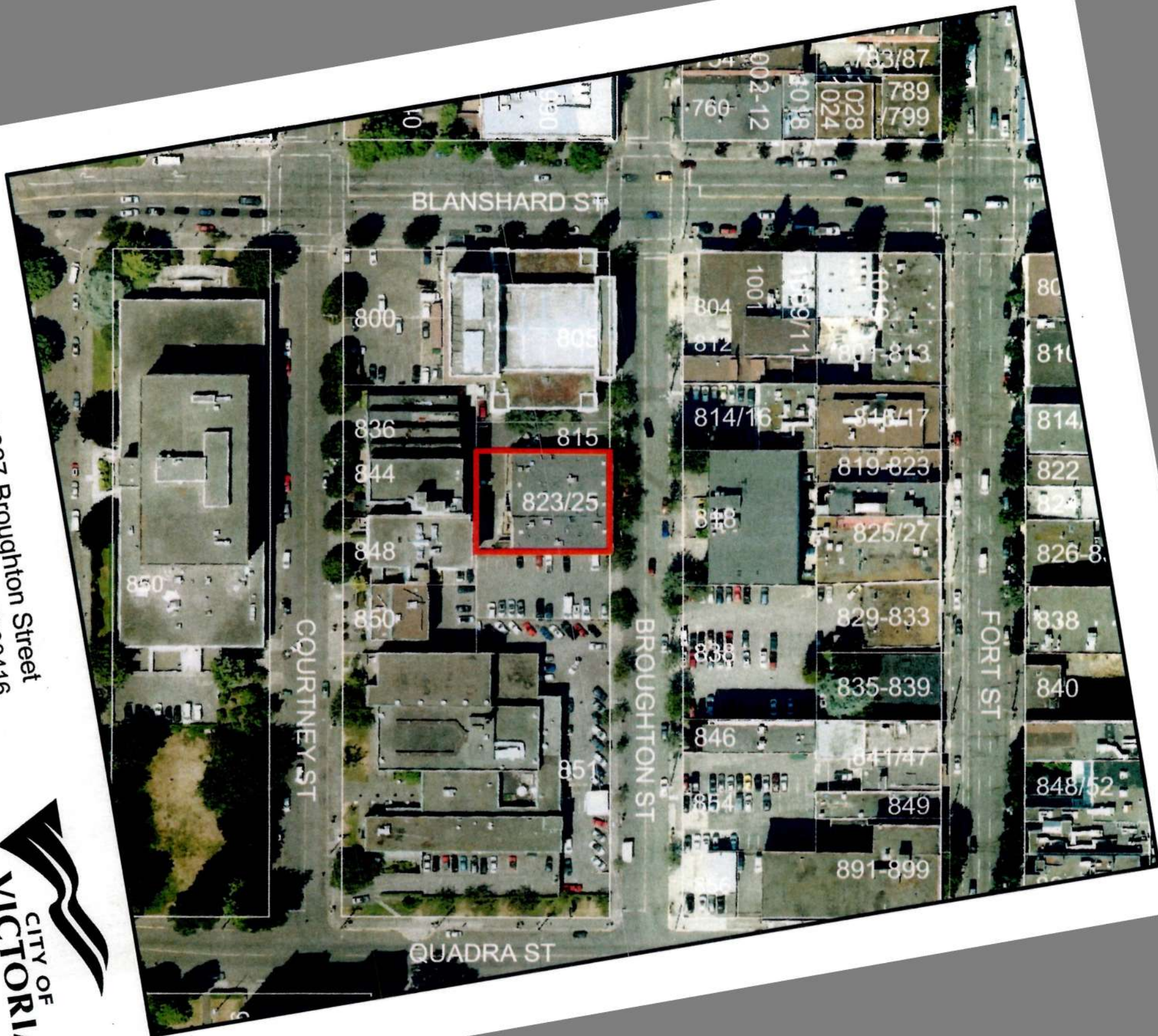
List of Attachments

- Zoning map
- Aerial photo
- Letter from applicant, dated April 21, 2015
- Plans dated April 22, 2015.



821-827 Broughton Street
Development Permit #000416







April 21, 2015

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 a dental practice to occupy 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 a dentist to occupy **280 square meters** (3010 square feet) of office space we would require a variance of Four (4) parking stalls (280 m² @ 1 stall/65m² versus 280 m² @ 1stall/37.5 m²) as indicated in Schedule "C".

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 the 800 Block of Broughton Street there are 146 stalls available to the public. Within a one block radius of the subject property there are another 1408 parking stalls available to the general public, for a total of 1554 parking stalls.

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/customers 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 6 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 a dental practice 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



Europe Enterprises Limited
Jan Glerup

