



## Planning and Land Use Committee Report

For the meeting of August 21, 2014

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**Date:** August 7, 2014      **From:** Charlotte Wain, Senior Planner – Urban Design  
**Subject:** **Development Permit with Variances #000366 for 105 – 230 Cook Street**  
Application to increase the number of seats at an existing restaurant from 30 seats to 60 seats.

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### Executive Summary

The purpose of this report is to present Council with information, analysis and recommendations regarding a Development Permit with Variances Application for the property located at 105 – 230 Cook Street (Pizzeria Prima Strada). The applicant proposes to increase the seating in the existing restaurant from 30 seats to 60 seats. The applicant further proposes a reduction in the required number of parking stalls.

The following points were considered when reviewing the proposal:

- The application to vary the required number of parking stalls is a result of the proposed increase in the number of seats and to account for the removal of two parking stalls that were previously decommissioned, without a permit, to create a garbage and recycling storage area.
- The site is located within a Large Urban Village and is in close proximity to walking, cycling and public transit facilities.
- The applicant has proposed additional bicycle facilities, exceeding the requirements set out in Schedule C of the *Zoning Regulation Bylaw*.

In accordance with the City's *Land Use Procedures Bylaw*, this Development Permit Application with Variances requires notification, sign posting and a Hearing.

### Recommendations

1. That Council schedule a Hearing to consider Development Permit with Variances #000366 for 105 – 230 Cook Street.
2. Following the Hearing, that Council consider passing the following resolution to authorize the Development Permit with Variances, subject to:
  - a. plans stamped July 29, 2014, for Development Permit with Variances #000366;

- b. development meeting all *Zoning Regulation Bylaw* requirements, except for the following:
- Schedule C.16.C.12 – Required parking is reduced from 12 stalls to 5 stalls.
- c. final plans to be in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

Respectfully submitted,


*C.R. Wain*

Charlotte Wain  
Senior Planner – Urban Design  
Development Services

*Deb Day*  
for

Deb Day, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:

  
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Jason Johnson  
Date: August 14, 2014

CW:aw

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## 1.0 Purpose

The purpose of this report is to present Council with information, analysis and recommendations regarding a Development Permit Application with Variances for the property located at 105 – 230 Cook Street (Pizzeria Prima Strada).

## 2.0 Background

### 2.1 Description of Proposal

The applicant proposes to increase the seating in an existing restaurant from 30 seats to 60 seats. The applicant further proposes a reduction in the required number of parking stalls. The property is currently legally non-conforming with respect to parking and contains a total of 28 stalls located at the rear of the property (a deficiency of four stalls). The City's parking regulations require an additional five parking stalls to account for the increase in seating. In addition, the applicant is seeking to remove a further two stalls which were previously decommissioned, without a permit, to create a garbage and recycling storage area. The applicant has included plans to enclose these bins as part of the proposal. An application has been made to vary the required number of parking stalls from 12 stalls to 5 stalls.

It is to be noted that the existing parking lot at the rear is a paid parking lot, managed by a third party, and is not currently operating at full capacity.

#### 2.1.1 Sustainability Features

The proposal includes the reuse of an existing building and provision of bicycle parking for staff and members of the public. No other green building features are proposed.

### 2.2 Existing Site Development and Development Potential

The existing site is currently occupied by a restaurant and commercial uses, with surface parking located at the rear of the building, accessed from Oliphant Avenue. The application site is in the CR-3M-1 Zone, Commercial Residential Apartment (Cook Street Village) District, which permits restaurants and retail stores.

### 2.3 Data Table

The following data table compares the proposal with the existing CR-3M-1 Zone. An asterisk (\*) is used to identify where the proposal is less stringent than the existing zone. A double asterisk (\*\*) is used to identify the existing non-conforming situation.

Zoning Criteria	Proposal	Zone Standard
Combined floor area (m <sup>2</sup> ) – maximum	1198.45	N/A
Unit floor area (m <sup>2</sup> ) – maximum	133.00	N/A
Existing Parking – minimum	28**	32
Proposed Parking – minimum	26	37

Zoning Criteria	Proposal	Zone Standard
Parking – Variance	7*	-
Bicycle storage (Class 1) – minimum	11 (existing)	3
Bicycle rack (Class 2) – minimum	6 (existing)	3

The parking variance considered in this application is for the proposed increase in occupancy, which is calculated on the difference between the existing use (32 stalls) and the proposed increase in occupancy (37 stalls). The removal of two stalls currently occupied by garbage bins brings the total requested reduction in parking to seven stalls.

## 2.4 Land Use Context

The property is located in the Cook Street Village and is surrounded by commercial uses along Cook Street and residential uses to the rear. The immediate land use context includes:

- to the north (along Cook Street) is commercial use zoned CD-7, Cook Street Village
- to the south (along Cook Street) is a commercial building zoned CR-3M-1, Commercial Residential Apartment (Cook Street Village), with residential buildings zoned R3-A2, Low Profile Multiple Dwelling District, further south across Oliphant Avenue
- to the east (across Cook Street) is a commercial building zoned CR-3M-1, Commercial Residential Apartment (Cook Street Village), containing a supermarket
- to the west (along Oliphant Avenue) are properties that are zoned R-2, Single Family Dwelling District.

## 2.5 Legal Description

Lot 1, Fairfield Farm Estate, Victoria City, Plan 13651.

## 2.6 Relevant History

The current occupancy permitted for the building is 30, although the tenant has been operating above this capacity for some years. The applicant has been working with the City's Permits and Inspections Division and has received confirmation that the current illegal occupancy layout of 60 will comply with *BC Building Code* standards. A concurrent Occupancy Permit has been submitted to the City, but has been put on hold pending approval of this application.

Where illegal occupancy is in evidence, the City's *Clean Hands Policy* requires a restrictive covenant to be registered on title stating that the illegal occupancy will be vacated. Given the advancement of the Occupancy Permit, the applicant has submitted a letter to Council requesting to waive the *Clean Hands Policy*, confirming that occupancy will be returned to the original capacity (30), should the parking variance be denied. A copy of this letter has been included with this report.

## 2.7 Community Consultation

In compliance with the Community Association Land Use Committee Procedures for Processing Variances, the application was referred to the Fairfield Gonzales Association on July 21, 2014, for a 30-day comment period. No comments were received at the time of writing this report.

This Development Permit Application with Variances requires notification, sign posting and a Hearing.

## 3.0 Issues

The following issues are associated with this application:

- adequacy of parking
- provision for alternative modes of travel.

## 4.0 Analysis

A Transportation Demand Management study has not been submitted for this requested reduction in parking due to the fact that no additional floor space will be added to the existing restaurant as part of the proposal and the building is located in a Large Urban Village in close proximity to transit facilities. It is anticipated that the majority of customers will use alternative modes of travel to the restaurant. The applicant has reviewed travel preferences with current staff and has noted that out of the 11 staff, only two currently drive vehicles. The remaining nine walk, bike or use public transit. The owners have explored the possibility of subsidized bus passes for staff but the dominant mode of travel is walking or cycling, therefore, this initiative was not considered viable.

The restaurant is already operating at the increased capacity of 60, therefore, any parking impacts on the surrounding streets will already be occurring. However, the applicant is proposing to mitigate the demand for off-street parking by providing for alternative modes of travel. Relying heavily on the walking and cycling options for staff and customers, the applicant has referenced the following mitigation measures:

- Inclusion of a secure bike storage facility – 11 stalls, which is above the minimum requirement of 8 listed in Schedule C of the *Zoning Regulation Bylaw*, located within the building for staff use. This facility has already been installed and is well used by staff.
- Use of publicly accessible bike racks. Three racks are provided around the building. These are existing racks and the locations are identified on the plans.

In addition to the cycling facilities, the applicant is proposing to enclose the garbage bins which are currently located in the rear parking area. A security deposit will be required to ensure these facilities are installed.

It should be noted that a comprehensive review of the parking standards, as set out in Schedule C of the *Zoning Regulation Bylaw*, will commence later this year. As this is a major work program item requiring significant research, analysis and consultation, recommendations for changes to the Bylaw are not anticipated to be presented to Council until later in 2015.

Staff has reviewed the proposal and recommend that Council advance the application, based on the provision of bicycle facilities in excess of the minimum zoning requirements. Staff, therefore, recommend that Council support the proposed parking variance.

## **5.0 Resource Impacts**

There are no resource impacts anticipated with this application.

## **6.0 Conclusions**

The applicant has confirmed the increase in occupant load to 60 will meet current *BC Building Code* requirements. With this increase in capacity, there is a parking shortfall of seven stalls relative to the requirements. In order to mitigate any parking impacts, the applicant has noted an existing secure bike storage facility for staff use, which includes provision in excess of the requirements listed in Schedule C of the *Zoning Regulation Bylaw*.

Given that the development is in an existing commercial building in a Large Urban Village located in close proximity to transit facilities and given the provision of existing bicycle facilities exceeds Bylaw requirements, staff recommend that Council support this application.

## **7.0 Recommendations**

### **7.1 Staff Recommendations**

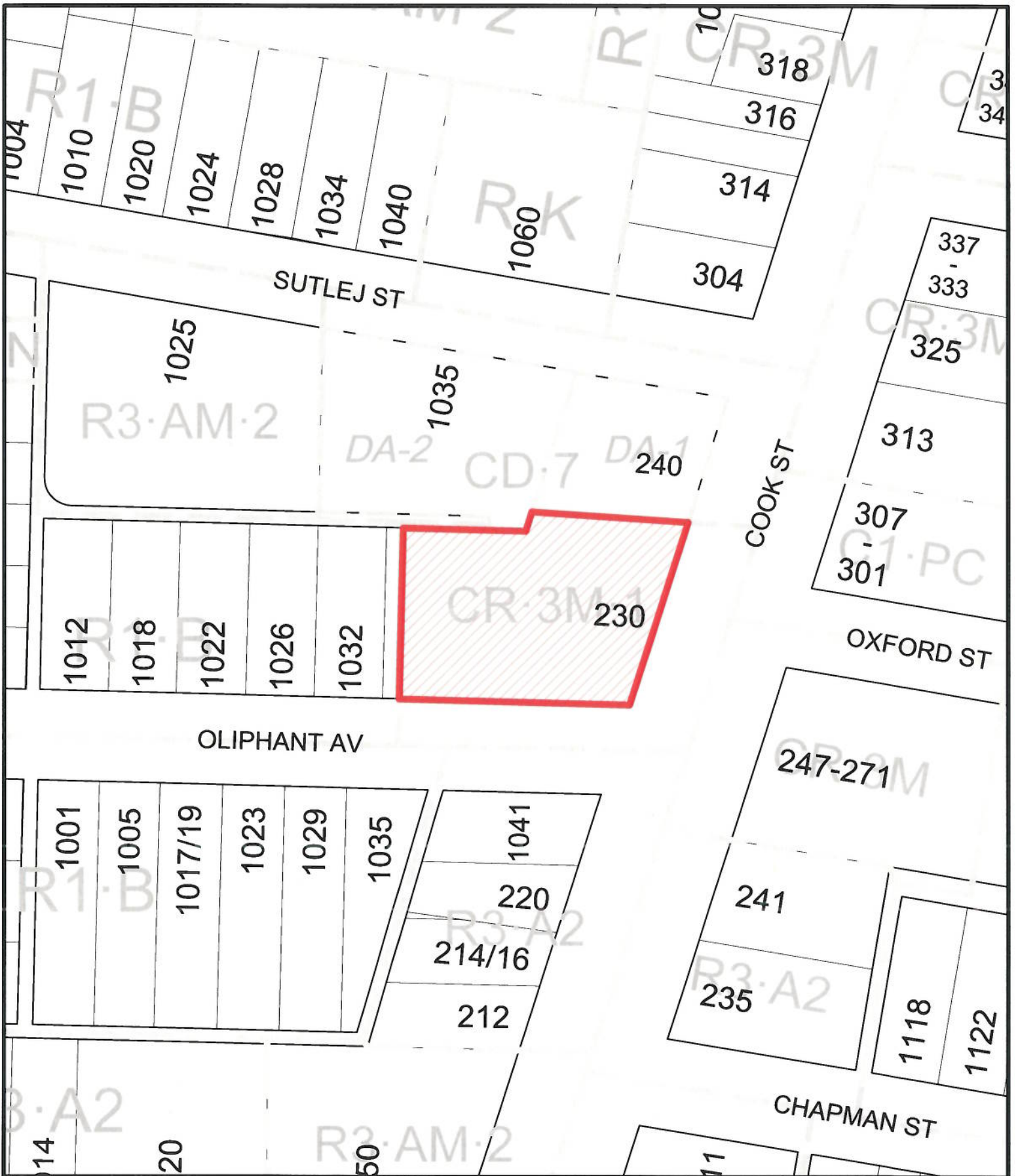
1. That Council schedule a Hearing to consider Development Permit with Variances #000366 for 105 – 230 Cook Street.
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  - a. plans stamped July 29, 2014, for Development Permit with Variances #000366;
  - b. development meeting all *Zoning Regulation Bylaw* requirements, except for the following:
    - Schedule C.16.C.12 – Required parking is reduced from 12 stalls to 5 stalls.
  - c. final plans to be in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

### **7.2 Alternate Recommendation**

That Council decline Development Permit with Variances #000366 for 105 – 230 Cook Street.

## **8.0 List of Attachments**

- Zoning map
- Aerial map
- Letter from applicant dated July 31, 2014
- Letter from applicant referencing the Clean Hands Policy, dated July 25, 2014
- Letter from Praxis Architects dated April 9, 2014
- Plans dated July 29, 2014.



105 - 230 Cook Street  
 Development Permit #000366





105 - 230 Cook Street  
Development Permit #000366





**Tinney & Associates  
568 Victoria Avenue  
Victoria, BC  
V8S 4M6**



Planning & Development Department  
City Planning Division  
#1 Centennial Square  
Victoria, BC  
V8W 1P6

July 31, 2014

Attention: Mayor & Council

**RE: Unit 105 – 230 Cook Street, Lot 1, Fairfield Farm Estate, Victoria City, Plan  
13651 Pizzeria Prima Strada**

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A Development Permit application has been submitted requesting a parking variance for the above noted business. The restaurant (Pizzeria Prima Strada) has increased seating beyond the licensed capacity and as such requires 5 additional parking stalls. The restaurant is currently licensed for 30 seats. The original 30 seat configuration required 6 parking stalls, which the restaurant has located at the back of the facility. For the entire shopping complex (Prima Strada, Serious Coffee, Subway, Medical Clinic, Pharmacy, Beer/Wine store), 28 shared parking stalls were constructed.

Note: 2 of the 28 parking stalls have been occupied by garbage bins serving the entire retail complex, therefore 26 stalls are available.

Seating has been expanded to 60. This increase in seating requires 5 additional parking stalls, which the applicant is unable to provide. Although the site falls short of the required parking to accommodate the expanded seating, the owners have applied traffic demand management strategies to help offset the shortfall. For example: of the eleven staff members that are working at the restaurant at any given time, only two of them drive vehicles. The remaining nine walk, bike, or use public transit. This mode of transportation mix has been very consistent over the past five years of operation. The owners explored the possibility of subsidized bus passes for staff but the dominant mode of transport is walking and bicycles, therefore, the bus pass concept was of little interest. Should staff transportation requirements change in the future the owners will revisit the bus pass idea.

Class 1 bicycle parking is currently available and is well used by the staff (see attached floor plan showing 11 stall bike room at back of restaurant). Class 2 bicycle parking is also available in three locations on the site. With regard to the six parking stalls located at

the back of the restaurant, they are for customer use only. Any staff member that does/did commute by vehicle would not be permitted to use those stalls.

There are no building code or life safety issues (occupant load, exiting, washrooms) with the increased seating as noted in the attached letter from Praxis Architects.

Cook Street Village is a very popular destination which draws from a broad populous, and all modes of transportation. The increased quantity of seating has been in place for some time and the owners are not aware of any overflow parking issues within the surrounding neighbourhood. While Cook Street Village still attracts plenty of vehicle traffic, the village is seen and certainly functions predominantly as a pedestrian destination. This may account for how it is possible to double the seating capacity, seemingly without any parking shortfall issues.

I trust you will find the requested parking variance for 5 parking stalls to be acceptable given the circumstances and location - Cook Street Village.

Thank you in advance for your consideration and understanding. If you require anything further please feel free to call me at 250-590-5703 or email [rfinney@icloud.com](mailto:rfinney@icloud.com)

Sincerely,

*Roger Tinney*

Roger Tinney MCIP  
Project Planner

**Tinney & Associates**  
Land Planning & Design



Received  
City of Victoria

JUL 29 2014

Planning & Development Department  
Development Services Division

Planning & Development Department  
City Planning Division  
#1 Centennial Square  
Victoria, BC  
V8W 1P6

July 25, 2014

Attention: Mayor & Council

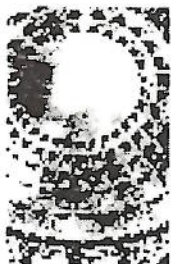
**RE: Unit 105 – 230 Cook Street, Lot 1, Fairfield Farm Estate, Victoria City, Plan 13651  
Pizzeria Prima Strada**

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Please be advised the tenant of the above referenced property/business has applied for a development permit application requesting relaxation of parking requirements. A number of years ago seating in the restaurant was expanded beyond the approved quantity and as such the parking ratio is no longer consistent with the quantity of seating.

The applicant is aware of the Clean Hands Policy and is endeavoring to resolve the situation via the development permit application. Should the parking relaxation request be denied, the applicant is prepared to rectify the situation to be in compliance with the schedule C parking requirements.

Roger Tinney MCIP



**P R A X I S**  
architects inc.

Michael D. Levin, Architect AIBC  
Robert Rocheleau, Architect AIBC

401-1245 Esquimalt Road, Victoria, BC V9A 3P2  
Tel: (250) 475-2702 • Fax: (250) 475-2701  
robert.rocheleau@praxisarchitectsinc.com

April 09, 2014

The City of Victoria  
Engineering Department  
1 Centennial Square  
Victoria BC  
V8W 1P6



**Re: Prima Strada - Occupancy and Life Safety**  
**105-230 Cook Street**

To Whom It May Concern:

Currently for the above noted restaurant only one access to exit is required given the floor area is less than 150 m<sup>2</sup>, travel distance is less than 15 m, and the occupant load is not more than 60.

It is my understanding that the owners would like to increase the number of seats to 60 inside, 8 on the exterior patio, with maximum staff at 11.

Reviewing the existing facility, there are two means of egress provided, one to the rear and the other the main entry. Should the overall occupant load exceed 60, these doors must swing in the direction of travel per Clause 3.4.6.12.

Regarding washroom count, this CRU is served by a female WC with 2 fixture units, and a male WC with a toilet and urinal, or 3 fixture units. Table 3.7.2.2.A. indicates this would serve up to 100 occupants, with excess capacity as the male urinal serves as 2 fixture units.

Trust this to be of assistance.

PRAXIS ARCHITECTS INC

per:

Robert Rocheleau, Architect AIBC  
Director

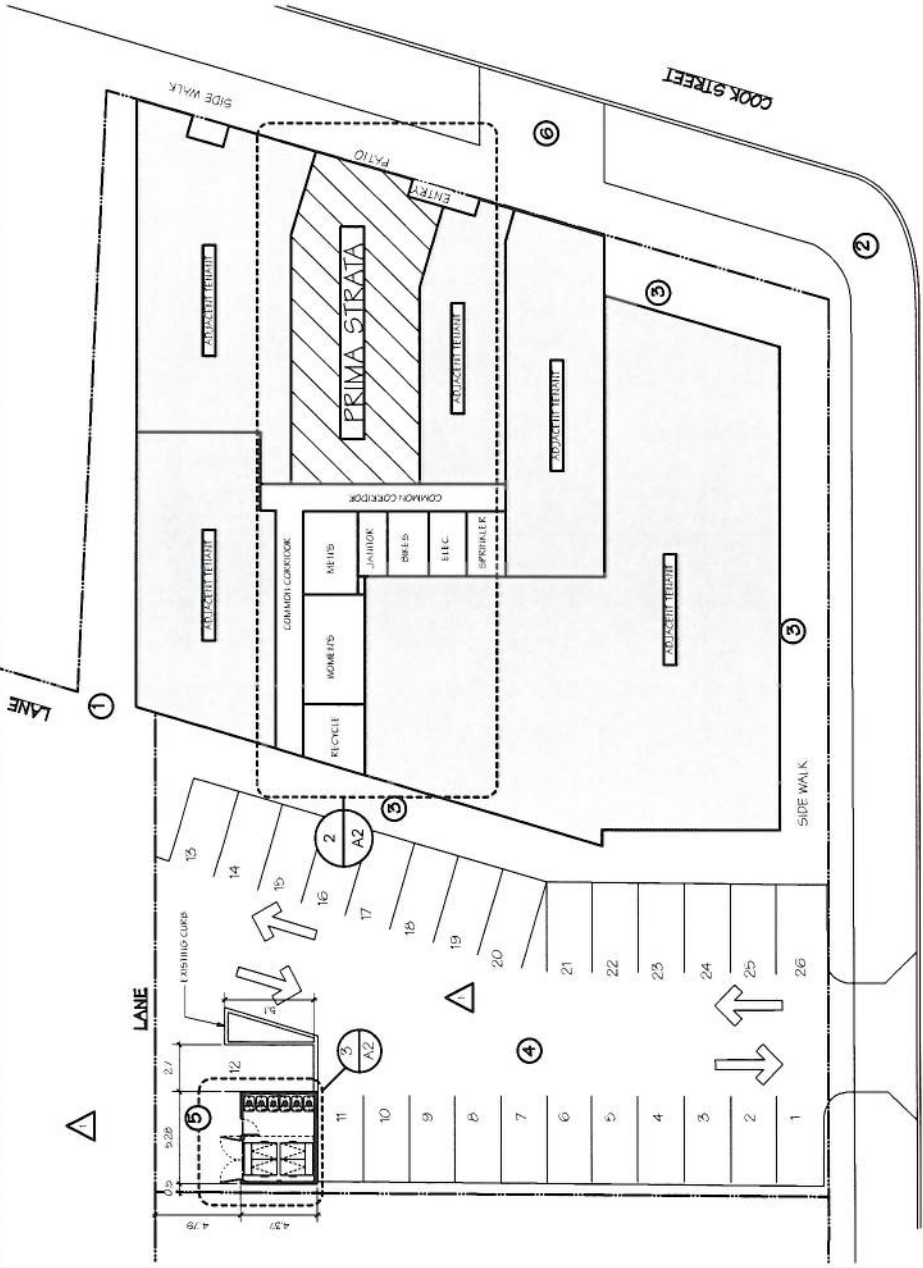
**NOT FOR CONSTRUCTION**

THIS DRAWING IS THE PROPERTY OF R.G. ROCHEREAU ARCHITECTS. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF R.G. ROCHEREAU ARCHITECTS.

- LEGEND**
- ① LOCATION OF PUBLIC USE
  - ② MARK LOCATION OF PUBLIC USE
  - ③ PUBLIC ROAD
  - ④ SIDE WALK
  - ⑤ SIDE WALK
  - ⑥ SIDE WALK



PRIMA STRADA PIZZERIA	
10000 COOK ST. VANCOUVER, BC	
SITE PLAN & DATA	
DATE	11/11/14
SCALE	AS SHOWN
PROJECT NO.	14-001



**NOT FOR CONSTRUCTION**

**GENERAL NOTES:**

1. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED.
2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE BC BUILDING CODE AND ALL APPLICABLE REGULATIONS.
3. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND CONDITIONS OF THE SITE PRIOR TO CONSTRUCTION.
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**NOTE:**  
ALL INTERIOR EQUIPMENT, FURNITURE, FINISHES, ETC. PER  
SCULPIN FISH DESIGN DRAWINGS AND SPECIFICATIONS.

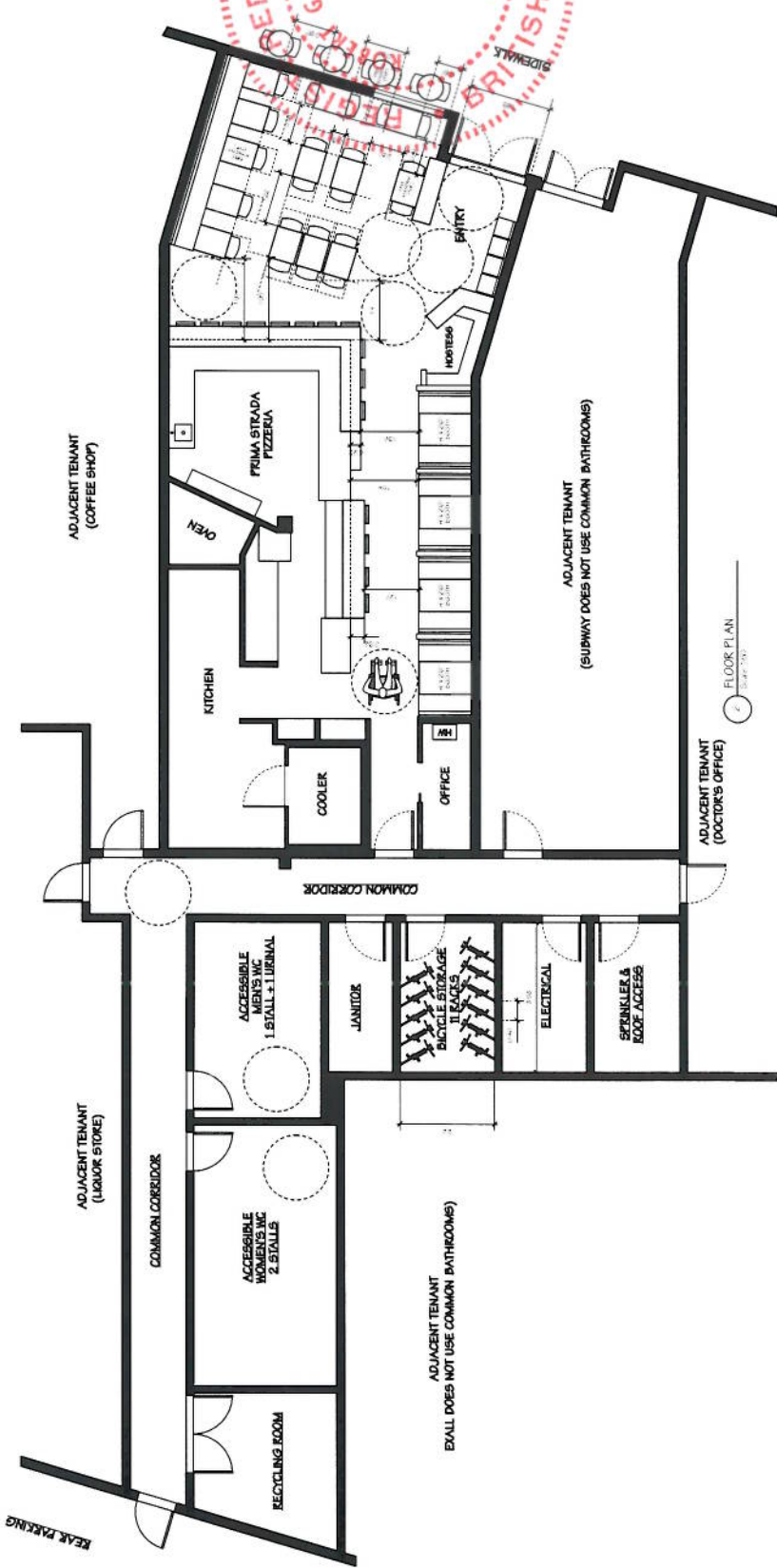
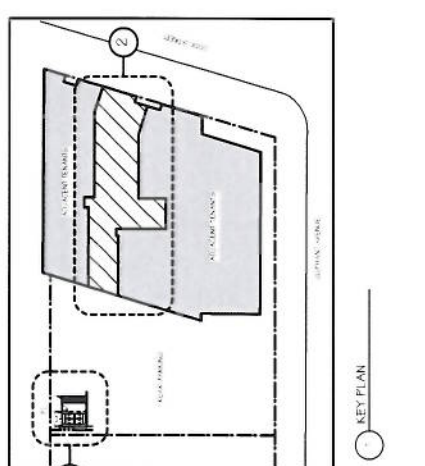
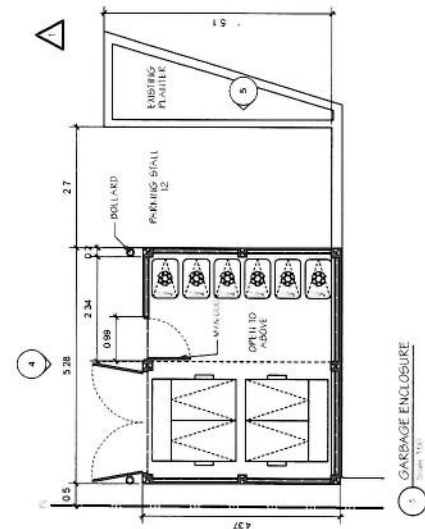
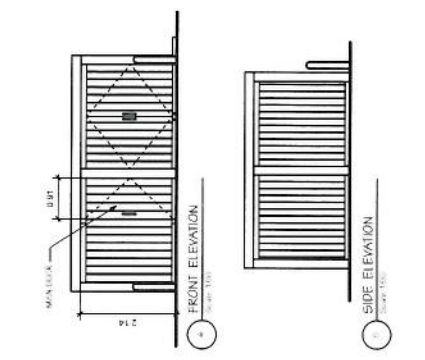
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FLOOR PLAN  
 & GARBAGE ENCLOSURE

DATE: 08/15/2017  
 DRAWN BY: J. HARRIS  
 CHECKED BY: J. HARRIS



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FLOOR PLAN  
 (Scale: 1/8" = 1'-0")