



Planning and Land Use Committee Report

Date: April 24, 2014 **From:** Charlotte Wain, Senior Planner – Urban Design
Subject: **Development Variance Permit Application #00133 for 2-1010 Yates Street**
Application for a parking variance for a change of use in the S-1 Zone, Limited Service District

Executive Summary

The purpose of this report is to provide Council with information, analysis and recommendations regarding a Development Variance Permit Application to vary the parking requirements related to a change of use from retail to a fitness gymnasium at Unit 2, 1010 Yates Street. The property currently has a non-conforming situation related to parking and contains a total of 35 surface parking stalls located in the rear (a deficiency of 17 stalls from the zone standard). Parking regulations contained in Schedule C of the *Zoning Regulation Bylaw* require an increase of 10 stalls for the change of use. The applicant is requesting a parking variance for these required 10 stalls.

The following factors were taken into consideration in reviewing this application:

- The site is located Downtown and is within close proximity to walking, cycling and public transit facilities.
- The inclusion of a fitness gymnasium will provide an active use 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*. This will be secured by way of a landscape security.

Staff recommend that the Planning and Land Use Committee support this application.

In accordance with the *City's Land Use Procedures Bylaw*, this Development Permit Application has variances, therefore, it requires notification, sign posting and a hearing.

Recommendations

That Council authorize the issuance of Development Variance Permit #00131 for 2-1010 Yates Street, in accordance with:

1. Plans date stamped April 24, 2014, for Development Variance Permit #00131.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. Schedule C Off-Street Parking Requirements – relaxation of required parking for the proposed fitness gymnasium from an additional 10 parking stalls to nil.

3. 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

AM

A. E. Day

Charlotte Wain
Senior Planner – Urban Design
Development Services

Deb Day, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

[Signature]

Jason Johnson

Date: *May 8, 2014*

CW:aw

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1.0 Purpose

The purpose of this report is to provide Council with information, analysis and recommendations regarding a Development Variance Permit Application to vary the parking requirements related to a change of use from retail to fitness gymnasium at 2-1010 Yates Street. The property currently has a non-conforming situation related to parking and contains a total of 35 surface parking stalls located in the rear (a deficiency of 17 stalls from the zone standard of 52 stalls). The City's parking regulations require an additional 10 stalls, which is the net difference between the non-conforming parking associated with the previous use and the parking requirement for the proposed new use.

2.0 Background

2.1 Description of Proposal

The applicant intends to convert the existing vacant ground floor retail unit to a fitness gymnasium, with a total proposed assembly area 148.6 m². In order to obtain a Building Permit for this construction, a Development Variance Permit must be obtained for the requested parking variance.

2.2 Existing Site Development and Development Potential

The proposed site is situated within an existing single-storey building on the corner of Yates Street and Vancouver Street. The building currently contains a restaurant (Moxie's Classic Grill) and a vacant retail unit (the proposed location for the fitness gymnasium) fronting Yates Street. Three smaller units, containing a tanning salon, hair salon and office, are located to the rear and are accessed off the parking lot on Vancouver Street.

2.3 Data Table

The following data table compares the proposal with the existing S-1 Zone, Limited Service District. An asterisk (*) is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposal	Zone Standard
Site area (m ²) – minimum	2140	N/A
Total floor area (m ²) – maximum	No change	N/A
Density (Floor Space Ratio) – maximum	No change	1.5:1
Height (m) – maximum	Existing	15
Site coverage (%) – maximum	Existing	60
Storeys – maximum	1.5	N/A

Zoning Criteria	Proposal	Zone Standard
Setbacks (m) – minimum	0	0
North	0	0
South	0	0
East	0	0
West	0	0
Parking Existing Use – minimum	35	52
Parking New Use – minimum	35*	62
Bicycle storage (Class 1) – minimum	5	1
Bicycle rack (Class 2) – minimum	5	5

The parking requirements cannot be applied retroactively to the entire building, which has non-conforming status. The parking variance considered in this application is for the proposed fitness gymnasium, totalling 148.6 m²). The parking variance requested is calculated on the difference between the existing non-conforming use (52 stalls) and the proposed use (62 stalls) for a total of 10 stalls.

2.4 Land Use Context

The site at the corner of Yates Street and Vancouver Street is in an area of service commercial uses and multi-family housing in the Harris Green District. Immediately adjacent uses are:

- North (adjacent to the surface parking lot): multi-family dwellings
- East: vacant site (building demolished)
- South (across Yates Street): multi-family dwellings
- West (across Vancouver Street): retail commercial.

2.5 Community Consultation

In accordance with the Community Association Land Use Committee Procedures for Processing Variances, the application was referred to the Downtown Residents Association on March 18, 2014, for a 30-day comment period. A letter from the Downtown Residents Association was received and is attached to this report. This Development Permit Application has variances, therefore, it 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 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. It is anticipated that the majority of customers will use alternative modes of travel to the proposed fitness gymnasium. In addition, the surrounding on-street parking is metered, and will not affect residential parking.

The change of use from retail to fitness gymnasium may result in a higher demand for parking due to the frequency of customers visiting the facility. 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 option for staff and customers, the applicant is proposing the following:

- Installation of a bicycle rack – 5 stalls, consistent with the minimum requirement listed in Schedule C of the *Zoning Regulation Bylaw*, located at the front of the building for customer use.
- Installation of a secure bike storage facility – 5 stalls, 4 of which are above the minimum requirement listed in Schedule C of the *Zoning Regulation Bylaw*, located within the rear parking lot for staff use.

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 recommends that the application move forward, 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

No additional resource impacts are anticipated.

6.0 Conclusions

The inclusion of a fitness gymnasium will provide an active use at ground level in an otherwise vacant unit. With the inclusion of a fitness gymnasium, there is a parking shortfall of an additional 10 stalls. Due to the relatively minor variance and as no new floor space is being created, the impact on surrounding properties is expected to be minimal. In order to mitigate any parking impacts, the applicant has committed to the installation of both a publicly accessible bike rack and secure bike parking for staff, in excess of the requirements listed in Schedule C of the *Zoning Regulation Bylaw*.

Staff has reviewed the proposal and recommends that the application move forward, based on the provision of bicycle facilities in excess of the minimum zoning requirements.

Given that the development is in an existing commercial building and any new use within the building will potentially create a demand that exceeds the on-site parking capabilities and given the provision of bicycle storage and parking facilities exceed Bylaw requirements, staff recommend approval of this application.

7.0 Recommendations

7.1 Staff Recommendation

That Council authorize the issuance of Development Variance Permit #00131 for 2-1010 Yates Street, in accordance with:

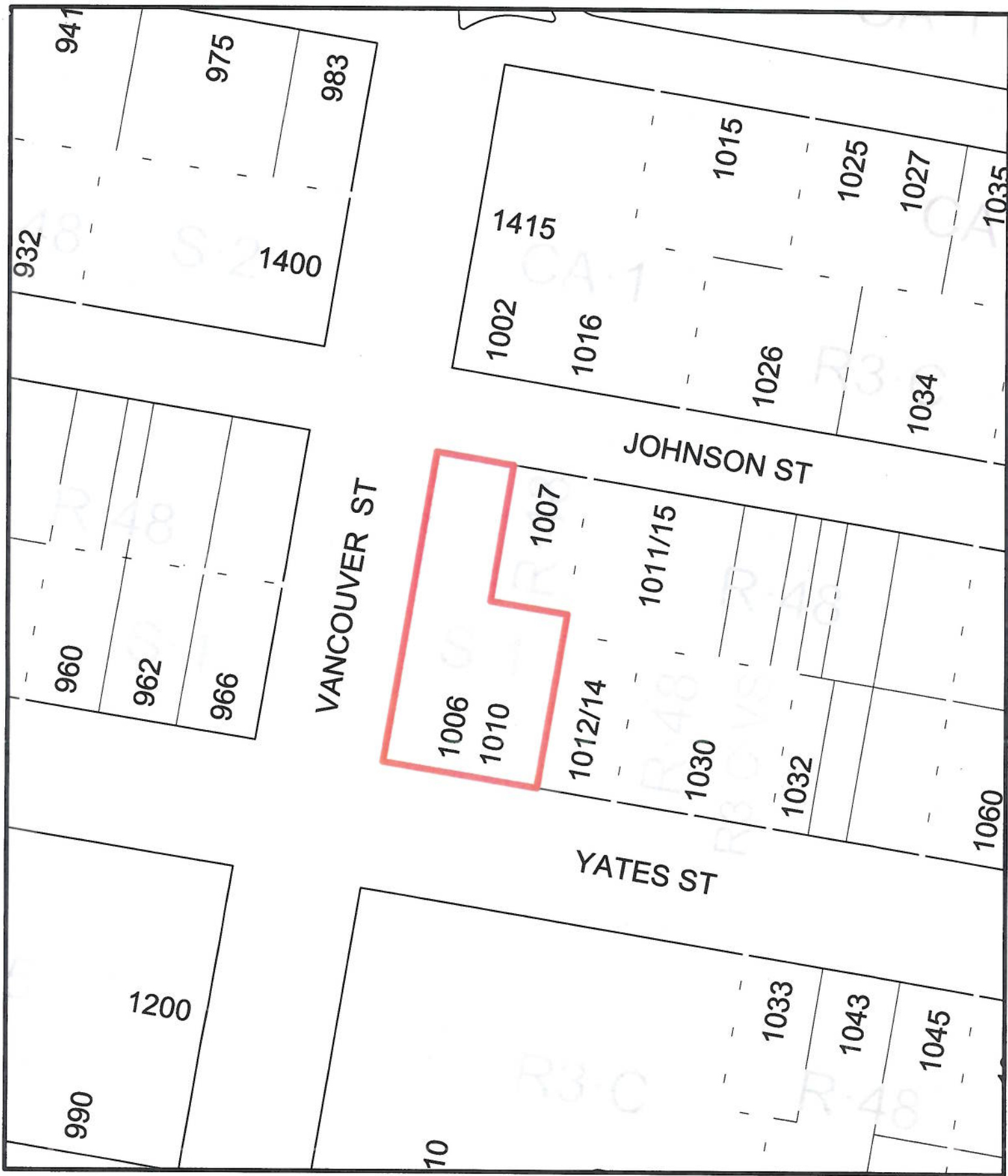
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3. Final plans to be in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

7.2 Alternative Recommendation

That Council decline the application.

8.0 List of Attachments

- Zoning map
- Aerial map
- Letter from applicant to Council dated April 24, 2014
- Letter from Downtown Residents Association dated April 29, 2014
- Plans dated April 24, 2014



1006 and 1010 Yates Street
Development Variance Permit #00133





1006 and 1010 Yates Street
Development Variance Permit #00133



April 24, 2014

Mayor and Council
City of Victoria
1 Centennial Square
Victoria BC
V8W 1P6

RE: Parking Variance for 1010 Yates St.

Dear Mayor and Council,

On behalf of my client Camargue Properties, I am applying for a parking variance to enable a change of use of tenant space #2 at 1010 Yates. We are proposing the space be occupied by a private workout facility called Orange Theory. This gym would have groups of 10-15 people engaged in strength training and aerobic workouts in hourly cycles in the morning before and after work. The location is well suited to this market being three blocks from Douglas and downtown Victoria.

The current parking was approved as non - conforming for the pre-existing uses in the building. The issue is that the use of the space in question is changing from retail at 403 sf/ stall - 6.4 stalls to 1600 sf of assembly use at 102.25 sf/stall - 15.6 stalls for the gym area. We require a parking variance for the difference between the parking required for the two uses.

ERIC BARKER ARCHITECT INC.



727 Pandora Avenue Victoria BC V8W 1N9 | eba@ericbarkerarchitect.ca | 250-385-4565
R:\Current_drawings\2130100 Yates 1006 1010\Correspondence

The justification for this variance is that the market for this facility will come from office and service workers living or working in the downtown. As such many will walk or cycle to the facility. Further the area is well served with on-street metered parking whose use by patrons of this facility will not conflict with retail/ office demand as it is on the edge of downtown.

To facilitate and encourage the use of walking and biking to this location we are proposing the installation of 10 bicycle parking stalls that will be located on the property. We propose 5 class 1 stalls and 5 class 2 stalls at the locations indicated in the site plan. These ten new bicycle parking stalls exceed the minimum requirements in Schedule C of the Bylaw by a considerable margin and will also benefit customers and employees of the other businesses located at this location.

In summary, it is this sort of use that will support living downtown - a key goal of the OCP.

Regards,



Eric J. Barker, Architect AIBC, LEED AP

EJB/ab/jj



1715 Government Street
Victoria, BC
V8W 1Z4
250.386.5503

Mayor Dean Fortin and Council
City of Victoria
No.1 Centennial Square
Victoria, BC
V8W 1P6

April 29, 2014

Re: Development Variance Permit #00133 for 2-1010 Yates Street

Dear Mayor Fortin and Council,

The DRA Land Use Committee has reviewed the proposed development at 2-1010 Yates Street.

Feedback from the committee is as follows:

- Businesses in this area are increasingly patronized by downtown residents and non-motorists.
- A studio/gym space will be a great fit for the neighbourhood.
- The majority of patrons are expected to attend the facility "before and after work" which appear to be off peak times for street parking in that location.

The DRA LUC supports this proposal.

Sincerely,

Ian Sutherland
Chair Land Use Committee
Downtown Residents Association

cc Planning and Development Department

Project Description:

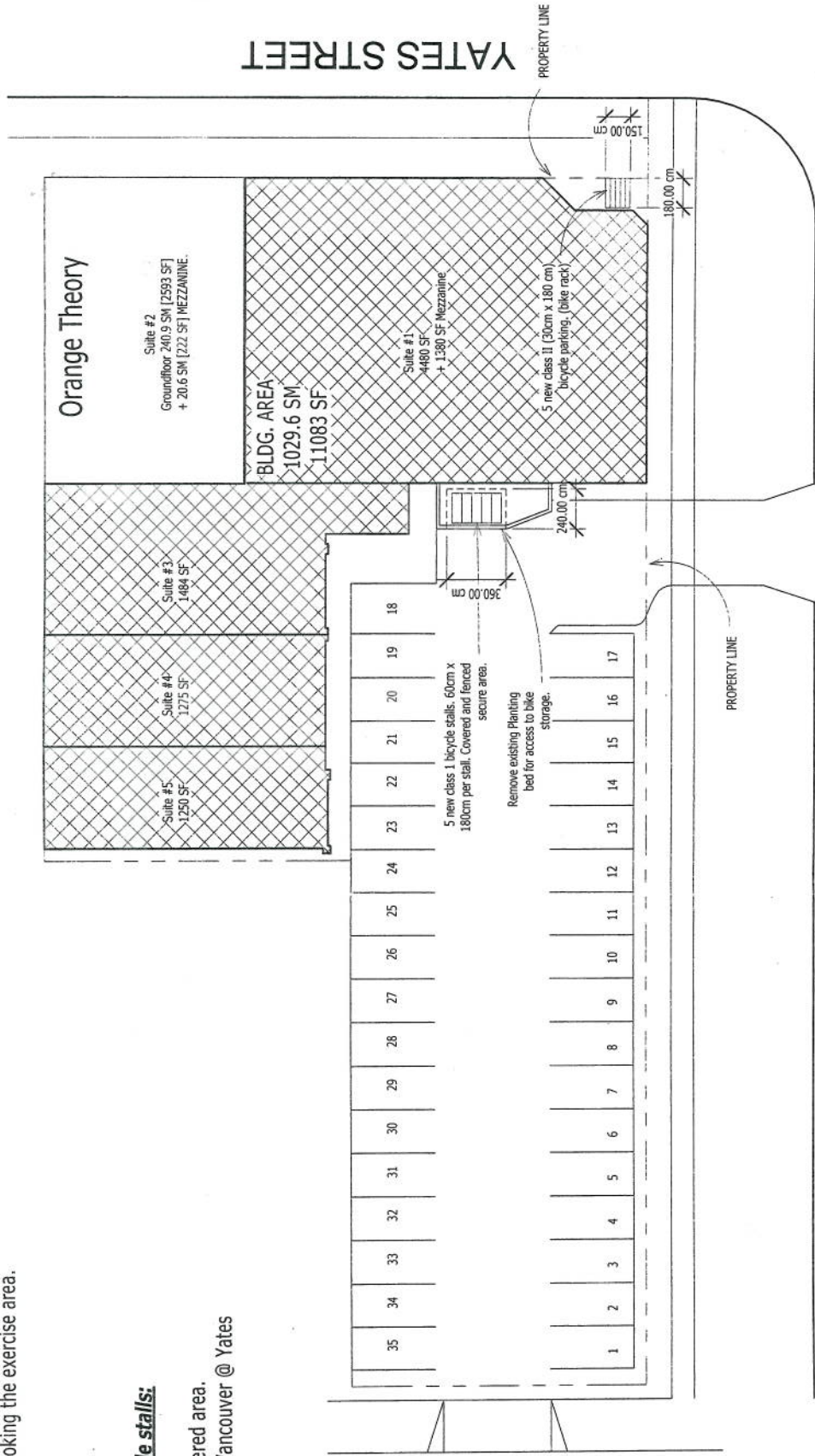
Tenant Improvement in Suite #2 @ 1010 Yates.
A new exercise gym with the exercise area located on the ground floor and a mezzanine with office space overlooking the exercise area.

SUITE SIZE:

Groundfloor 240.9 SM [2593 SF]
+ 20.6 SM [222 SF] MEZZANINE


Proposed number of new bicycle stalls:

5 Class I stalls in secured and covered area.
5 Class II stalls near Entrance at Vancouver @ Yates



VANCOUVER STREET

1 Site Plan, Bicycle Parking
3/64" = 1'-0"

 ERIC BARKER ARCHITECT INC. 727 Pandora Ave. Victoria BC V8W 1Y9 Ph: (250) 385-4555 www.ericbarkerarchitect.com	Site Plan for Bicycle Parking			001.1	
	Date	04/23/2014	Project No.	20146	