



Planning and Land Use Committee Report

Date: January 23, 2014 **From:** Jim Handy
Development Agreement Facilitator

Subject: **Rezoning Application #00438 for 320 and 401 Garbally Road** – Application to amend the CD-1 Zone, Selkirk Comprehensive District, to permit outside storage and call centre uses in Development Area 3.

Executive Summary

The purpose of this report is to present Council with information, analysis and recommendations regarding a Rezoning Application for the properties 320 and 401 Garbally Road. The properties are located in Development Area 3 of the CD-1 Zone, Selkirk Comprehensive District, which permits a range of uses including light industrial activities and warehousing. The application proposes to add the outside storage of materials and vehicles as well as call centres to the list of permitted uses in Development Area 3.

The following points were considered in reviewing this application:

- The site is currently predominantly occupied by office development and open areas used for ancillary storage purposes and surface parking.
- The proposal is consistent with the *Official Community Plan*.
- The proposal is generally consistent with the *Burnside Neighbourhood Plan* and *Selkirk Waterfront Urban Design Guidelines*.

Recommendation

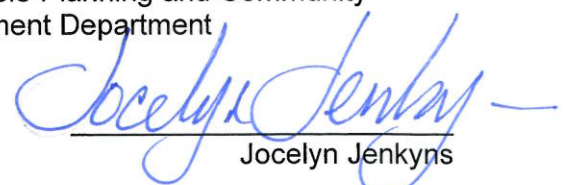
That Rezoning Application #00438 for 320 and 401 Garbally Road proceed for consideration at a Public Hearing and that City staff prepare the necessary *Zoning Regulation Bylaw* amendments.

Respectfully submitted,


Jim Handy
Development Agreement Facilitator
Development Services Division


Deb Day, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:


Jocelyn Jenkyns

JH:aw

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1.0 Purpose

The purpose of this report is to present Council with information, analysis and recommendations regarding a Rezoning Application for the properties located at 320 and 401 Garbally Road. The application proposes to add outside storage of materials and vehicles as well as call centres to the list of permitted uses in Development Area 3 of the CD-1 Zone, Selkirk Comprehensive District.

2.0 Background

2.1 Description of Proposal

The application proposes to add the outside storage of materials or vehicles and call centres to the list of permitted uses in Development Area 3 of the CD-1 Zone, Selkirk Comprehensive District.

2.2 Existing Site Development and Development Potential

The application site is located in Development Area 3 of the CD-1 Zone, Selkirk Comprehensive District. The current zoning allows for a range of uses at this location including, but not limited to: offices, retail, banks, restaurants, pubs, light industry, schools, parking lots, warehouses and high tech.

2.3 Land Use Context

The application site is considered part of the Selkirk Waterfront development site and consists of two parcels. The property at 320 Garbally Road is located on the north side of the street and is currently occupied by Electrical Cable Supply Ltd with an associated two-storey office and warehouse buildings. The majority of this property is undeveloped and used as ancillary outdoor storage and surface parking. The property at 401 Garbally Road is located on the south side of the street and is occupied by office buildings of up to four storeys in height. To the north and west of the site are four-storey commercial/office buildings which provide a buffer from the application site to the residential properties located west of Jutland Road. The lands to the south and east of the site are occupied by two-storey light industrial units and the City's Public Works yard.

2.4 Legal Descriptions

Lot A, Section 5, and part of the bed of the Public Harbour of Victoria, Plan VIP57314
Lot A, Section 5, and part of the bed of the Public Harbour of Victoria, Plan VIP60260.

2.5 Consistency with City Policy

2.5.1 Official Community Plan, 2012

The application site is located within the General Employment Urban Place Designation as outlined in the *Official Community Plan (OCP)*. This designation anticipates, amongst other place-character features, "large lots with on-site outdoor circulation, storage and materials handling space". It also identifies commercial (including office and retail), light industrial, industrial work/live, research and development, education and health service uses as being appropriate in this location.

2.5.2 Burnside Neighbourhood Plan, Revised 2012

The *Burnside Neighbourhood Plan* identifies the application site for light-industrial use. The Neighbourhood Plan goes on to specifically define light industrial use stating that there will be “no outdoor storage associated with this use”. However, it further states that appropriate zoning for this area would be the S-BP-1 Songhees Business Park Zone. The definition of light industrial activities in this S-BP-1 Zone does not prohibit outside storage. Whilst the site was eventually rezoned to the comprehensive CD-1 Zone and not the suggested S-BP-1 Zone, it is considered that it was not the intent of Neighbourhood Plan policy to prohibit outdoor storage in this location.

2.7 Community Consultation

The proposal was presented to the Burnside Gorge Community Association Land Use Committee (CALUC) on December 9, 2013. The CALUC comments are attached to this report.

3.0 Issues

The key issue relates to whether the proposed outside storage and call centre uses are appropriate in this location.

4.0 Analysis

4.1 Land Use

The OCP identifies the site as being within the General Employment Urban Place Designation and potentially suitable for commercial (including office and retail), light industrial, industrial work/live, research and development, education and health service uses. This General Employment designation is anticipated to include large lots with on-site outdoor circulation, storage and materials handling space. The *Burnside Neighbourhood Plan* identifies the site as being suitable for light industrial uses but states that outside storage would normally be excluded. However, this Plan goes on to state that an appropriate zone for this site may be the S-BP-1 Zone, Songhees Business Park, which allows the storage of goods. Whilst the site was eventually rezoned to the comprehensive CD-1 Zone and not the suggested S-BP-1 Zone, it is considered that it was not the intent of the Plan to prohibit outdoor storage in this location.

Both the *Burnside Neighbourhood Plan* and the *Selkirk Waterfront Urban Design Manual* explain that the provision of light-industrial uses at this location would provide a transition and buffer from heavy-industrial uses located to the south in Rock Bay. The commercial/office development that now exists directly to the north of the application site would provide a further buffer, this time between light-industrial activities and mixed-use/residential uses situated further to the north in the Selkirk Waterfront development.

In their letter to Mayor and Council, the applicant also points out that the property at 320 Garbally Road was previously occupied by Centra Gas/Fortis Operations Centre. In that instance, the primary use of the site was permitted under the existing CD-1 Zone, however, the operation included warehousing, a storage yard for trucks and fuel containers as a significant ancillary component. The property at 320 Garbally Road is currently occupied by Electrical Cable Supply Limited and the majority of the site continues to be used for ancillary outside storage purposes.

In light of the above, it is considered that the proposal is in compliance with the OCP and meets the land use intent for the area as outlined in the *Burnside Neighbourhood Plan* and *Selkirk Waterfront Urban Design Guidelines*. Activities associated with a call centre are commensurate with uses already permitted in the existing zone (i.e. office use). In terms of outside storage, much of the undeveloped space within the application site is currently used for surface parking or ancillary storage.

The proposed amendment to the *Zoning Regulation Bylaw* will include regulations which mitigate potential visual impacts resulting from the outside storage by limiting the height of stored materials, providing landscape screening and specifically prohibiting the storage of damaged equipment (i.e. scrap materials).

5.0 Resource Impacts

There are no resource impacts anticipated.

6.0 Options

Option 1 (recommended)

That Rezoning Application #00438 for 320 and 401 Garbally Road proceed for consideration at a Public Hearing and that City staff prepare the necessary *Zoning Regulation Bylaw* amendments.

Option 2

That Rezoning Application #00438 be declined.

7.0 Conclusions

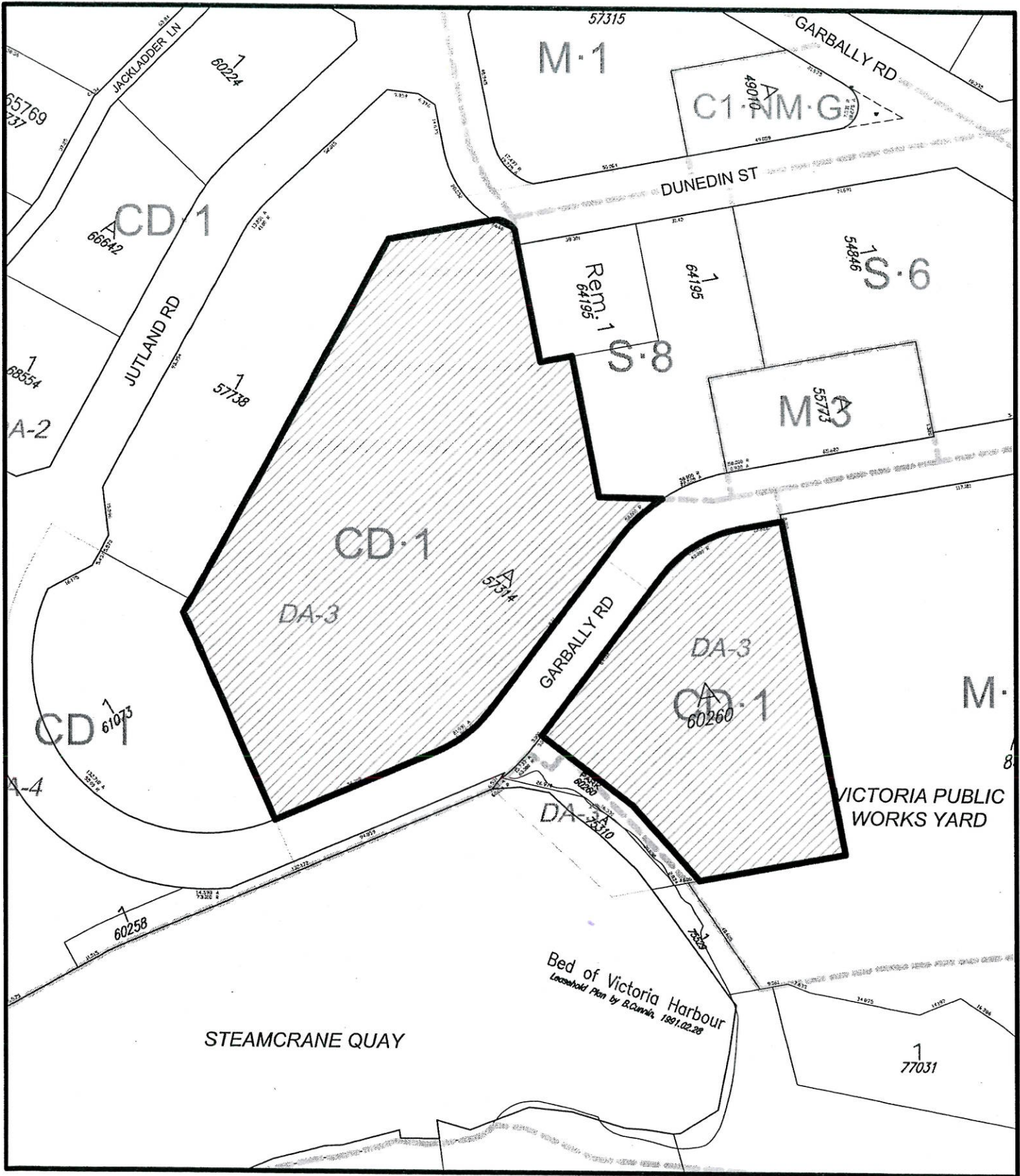
It is considered that the proposal is in compliance with the OCP and meets the original land use intent for the area as outlined in the *Burnside Neighbourhood Plan* and *Selkirk Waterfront Urban Design Guidelines*. It is considered that the proposed outdoor storage and call centre uses are appropriate in this location.

8.0 Recommendation

That Rezoning Application #00438 for 320 and 401 Garbally Road proceed for consideration at a Public Hearing and that City staff prepare the necessary *Zoning Regulation Bylaw* amendments.

9.0 List of Attachments

- Zoning map
- Aerial photograph
- Applicant's letter and plans dated December 19, 2013
- CALUC feedback dated December 19, 2013.



320 & 401 Garbally Road
 Rezoning #00438
 Bylaw #





STEAMCRANE QUAY

VICTORIA PUBLIC WORKS YARD

320 & 401 Garbally Road
Rezoning #00438
Bylaw #

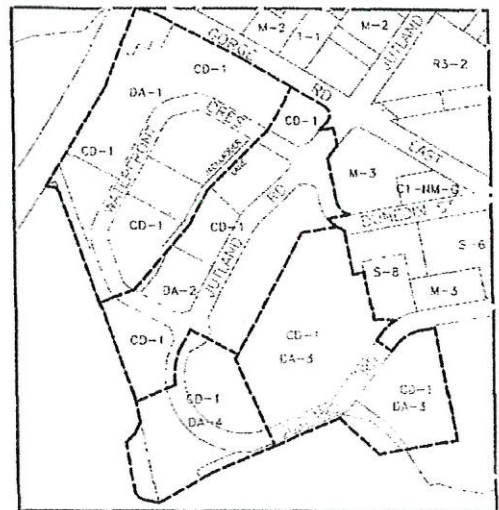


Received
City of Victoria

DEC 19 2013

Planning & Development Department
Development Services Division

ZONING AMENDMENT APPLICATION
CD-1, Selkirk Waterfront, Victoria B.C.



Submitted on behalf of
SELKIRK WATERFRONT PROPERTIES

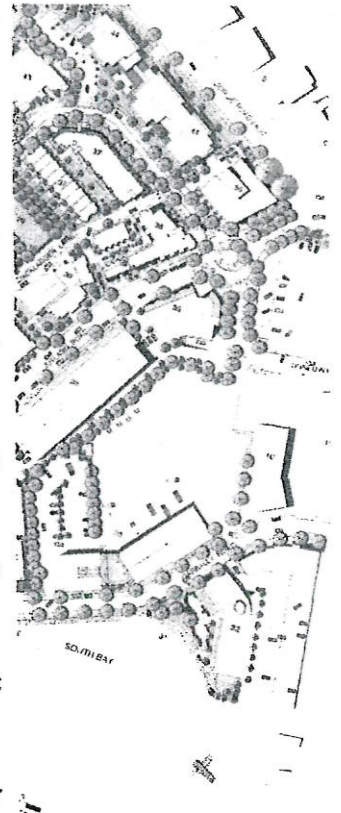
December 19 2013

CASCADIA ARCHITECTS
ESQ. 101 + 102 - 103, 104



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- A. Rezoning Information & Application Form
- B. Owner's Authorization Form & Fee
- C. Application Rationale Letter
- D. 401 Garbally Rd. Certificate of Title & Restrictions
- E. 320 Garbally Rd. Certificate of Title & Restrictions
- F. Ministry of Environment Site Registry Report
- G. Burnside Gorge Community Association Letter



19 December 2013

City of Victoria
No 1 Centennial Square
Victoria, B.C.
V8W 1P6



Attn.: Mayor and Council
Re: Proposed Zoning Amendment: CD-1 Selkirk Waterfront

Dear Mayor and Council,

Jawl Holdings Limited is making application to the City of Victoria to amend the CD-1 Selkirk Waterfront zone to expand the uses permitted in the Light Industrial Zone DA-3, in order to bring the zone in closer alignment with the City's other Light Industrial Zones M-1 and M-2.

INTRODUCTION

The Selkirk Waterfront Comprehensive Development Zone CD-1 was created in 1993 to organize the redevelopment and construction of the Selkirk neighbourhood around several key urban planning objectives including built form, arrangement of uses, and the character of public spaces. A fundamental objective of the zoning was to create a truly mixed-use development that would "integrate with surrounding land-uses"¹ which included industrial, commercial and residential areas. This mixture of uses within the Selkirk also reflected good urban planning practise, offering "the potential for residents to work, shop, socialize, attend school and reside in the same localized area."² The urban design sought to achieve more than a simple integration of greater land use patterns, and was crafted with sensitivity to the nature of those different functions and the practical implications of creating mixed adjacencies.

The resulting geographic organization of uses at the Selkirk was a functional arrangement that wouldn't "exclude industry from the area but ... achieve a more compatible balance of land uses."³

¹ Selkirk Waterfront Project Urban Design Manual, de Hoog D'Ambrosio Rowe Architects, pg.6
² Selkirk Waterfront Project Urban Design Manual, de Hoog D'Ambrosio Rowe Architects, pg.8
³ Selkirk Waterfront Project Urban Design Manual, de Hoog D'Ambrosio Rowe Architects, pg.16



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A Corporate Partnership

Principals

GREGORY DAMANT
Architect AIBC, LEED AP

PETER JOHANNKNECHT
Architect AIBC, Dipl.-Ing., LEED AP
Interior Architect AKNW Germany

Recognizing the importance of the lower harbour as a transportation system for industrial materials and products, and that “some forms of industrial activity are not only compatible with other uses but can significantly add to the interest of an area and the convenience of the workforce”,⁴ the design created a graduated transition of uses from industrial in the south to residential at the north.

DA-3, highlighted in blue below, defines the roughly 6 acre (2.43 hectare) zone of light industrial uses in the south-east portion of the Selkirk site. It is located along Garbally Road adjacent to the City of Victoria Works Yard and the steel recycling facility and acts as a buffer between those existing heavier industrial uses and Selkirk’s new residential areas to the north.

The CD-1 Zone created in 1993 formalized the light industrial character of DA-3 with a list of permitted uses that generally reflect the City’s typical light industrial zones M-1 and M-2, and the first site developed at Selkirk was the 4 acre (1.6 hectare) Centra Gas / Fortis Operations Center at 320 Garbally Road, which included warehousing and a storage yard for trucks, equipment and above-ground fuel containers ancillary to these uses.

The DA-3 area does not, however, explicitly permit exterior storage and so the tenancies of 320 Garbally have not technically been in conformance with the wording of Selkirk’s zoning. It is proposed to correct this issue via application to the City to have additional terms added to the permitted uses listed for DA-3 that will better align the CD-1 zone with the M-1 and M-2 zones.

⁴ Selkirk Waterfront Project Urban Design Manual, de Hoog D’Ambrosio Rowe Architects, pg.16

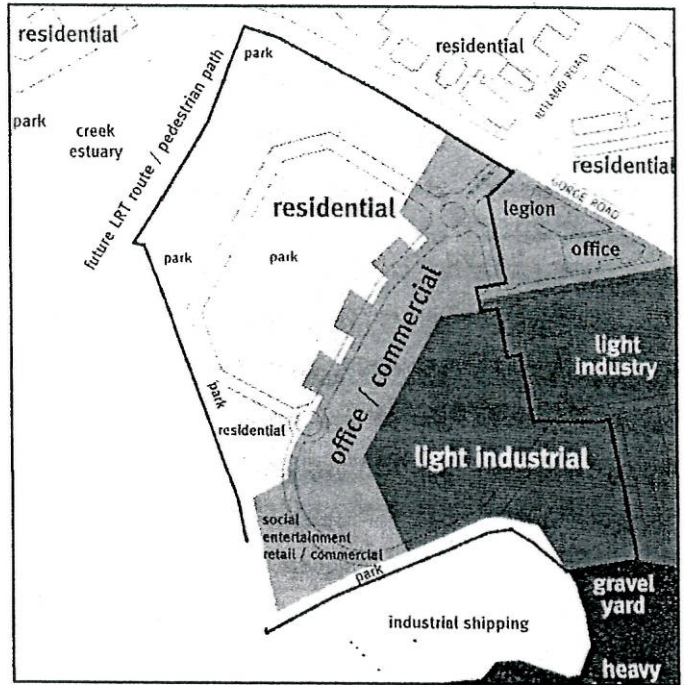


Image excerpted from the Selkirk Waterfront Project Urban Design Manual, pg. 7; prepared by deHoog D’Ambrosio Rowe Architects.



Aerial view of Selkirk Waterfront with zoning diagram overlay.

PROPOSED ZONING AMENDMENT TEXT

Following is an excerpt from the CD-1 zone listing the uses permitted in DA-3. Proposed additional wording to be added by amendment to the CD-1 Zone is highlighted in blue italics:

Development Area 3

The following uses are permitted in Development Area 3 if these uses are not noxious or offensive to the immediate neighbourhood or the general public because of the emission of smoke, noise, vibration, dirt, glare, odour, electrical broadcast interference, dust, effluent, radiation, humidity, heat or hazard:

- (a) offices and retail;
- (b) banks and other financial institutions;
- (c) restaurants;
- (d) neighbourhood pubs;
- (e) bakeries;
- (f) dry cleaners;
- (g) printing and publishing;
- (h) wholesale;
- (i) light industry, including manufacturing, processing, assembly, testing, servicing and repair;
- (j) warehouse;
- (k) schools;
- (l) parkades;
- (m) veterinary hospitals that have enclosed runs;
- (n) residences for caretakers as an accessory use;
- (o) docks and other facilities for pleasure boats, commercial tour boats and ferry boats, excluding marinas,
- (p) parking other than in a parkade,
- (q) high tech,
- (r) storage lot for undamaged equipment, materials, or vehicles intended for lease, resale, or delivery, including above-ground fuel storage ancillary to these uses,*
- (s) call center.*

Note: Both 'storage lot' and 'call center' are uses permitted either one or the other of the City's other Light Industrial Zones (M-1 or M-2).

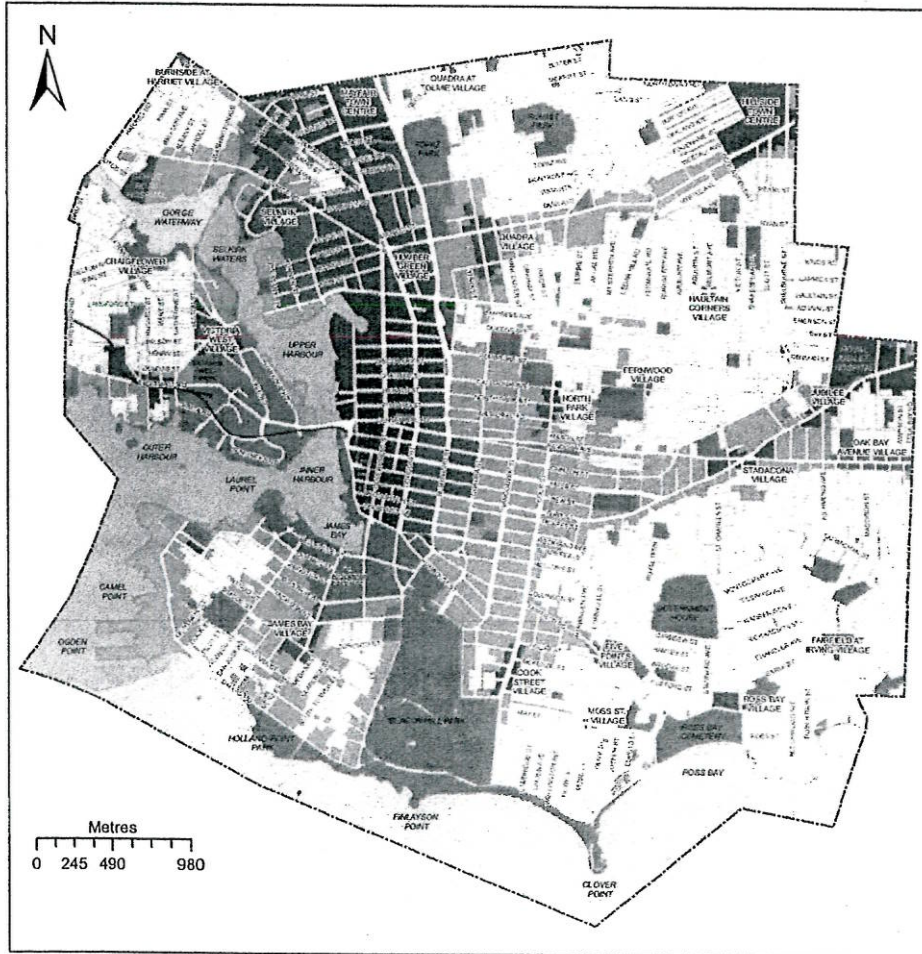
CONFORMANCE WITH CURRENT OCP

Review of the City's recently completed Official Community Plan (OCP) confirms that Selkirk's light industrial uses and the adjacent heavier industry remain integral components of the community's vision for the future development of the area.

The Selkirk is classified as one of the City's Large Urban Villages, suitable for commercial, industrial, and multi-family residential development, with the qualification that "nearby industrial use along Garbally Road continues to operate and is included within this designation to improve compatibility with the adjacent mixed-use Selkirk Waterfront"⁵. This intent is further reflected in the designation of DA-3 as a "General Employment" area, meaning that it is expected and desired to consist "of primarily employment-generating uses and accessory mixed-uses including light-industrial, commercial, and institutional uses contained within a wide range of low to medium-rise building forms, including those with large floor plates on lots with space suitable for vehicle circulation, shipping, and delivery."⁶

⁵ City of Victoria Official Community Plan, page 194

⁶ City of Victoria Official Community Plan, page 35



MAP 2

Urban Place Designations

- Core Historic
- Core Business
- Core Employment
- Core Inner Harbour/Legislative
- Core Songhees
- Core Residential
- General Employment
- Industrial
- Marine Industrial
- Town Centre
- Large Urban Village
- Small Urban Village
- Urban Residential
- Traditional Residential
- Public Facilities, Institutions, Parks and Open Space
- Rail Corridor
- Working Harbour
- Marine

Urban Place Designations extend to the centerlines of adjacent streets.

Image excerpted from the City of Victoria Official Community Plan, page 36

Within the context of the current CD-1 and similar M-1 and M-2 zoning, and with reference to the original Selkirk Design Manual and the current City of Victoria OCP it is clearly appropriate that the CD-1 zone be amended to include the additional permissible uses under DA-3:

- (r) storage lot for undamaged equipment, materials, or vehicles intended for lease, resale, or delivery, including above-ground fuel storage ancillary to these uses,*
- (s) call center.*

This will validate the historical use of the site since redevelopment, and help to ensure that the zoning remains compatible with the range of light industrial businesses and uses that are considered suitable by the planning documents. We trust that this application provides sufficient description and rationale to support the amendment. If you have any questions or require additional information please do not hesitate to contact our office.

Yours sincerely,

CASCADIA ARCHITECTS INCORPORATED

A handwritten signature in black ink, appearing to read 'Gregory Damant', written over a large, loopy circular scribble.

Gregory Damant, Architect

AIBC LEEDap

Principal

greg@cascadiaarchitects.ca

APPENDIX: DA-3 ZONING DATA

Gross Area	Public Right-of-Way	Net Site Area
26,800 sq.m. -	2,590 sq.m. =	24,210 sq.m.

Property Address	Gross Building Area	Parking Count
320 Garbally Road	2464 sq.m.	53 stalls
401 Garbally Road	4736 sq.m.	incl'd. in parkade
Parkade	6600 sq.m.	356 stalls
Total	13800 sq.m.	409 stalls



Image excerpted from the Selkirk Waterfront Site Plan prepared by D'Ambrosio architecture + urbanism



Burnside Gorge Community Association

471 Cecelia Road, Victoria B.C. V8T 4T4
T. (250) 388-5251 | F. (250) 388-5269
bgca@shaw.ca | www.burnsidegorge.ca

Memorandum

Date: December 18, 2013

To: City of Victoria, Karen Jawl

via email

Cc: Burnside Gorge Community Association

From: TJ Schur, Land Use Committee Chair, Burnside Gorge Community Association

Subject: Proposed definition changes for Selkirk CD-1 Zone

On December 09, 2013, Jawl Properties attended the Burnside Gorge Community Association Land Use Committee (LUC) meeting to discuss the proposed changes to the included uses for Selkirk CD-1 Zone.

Karen Jawl submitted the information to the LUC on November 19 and it was circulated to all committee members and to BGCA Board members that live within Selkirk. Additionally, the proposed change was also reviewed by two persons associated with the residential stratas within Selkirk.

The LUC had questions about the impact of the changes on traffic and potential new tenants. Karen indicated that there have been call centres already within the site as well as the storage. The primary road use would be out through Jutland and there is no anticipated increase in traffic.

From our review of the information and our discussions with the community members, proponents and Brian Sikstrom:

- The intent is to correct an omission from the original zoning as it was intended for light industrial businesses and tenancies.
- The proposed uses bring zoning in line with existing use;
- The proponent worked extensively with the City to develop the appropriate wording;
- The proposed wording of the rezoning is more limiting than what would be considered standard;
- There were no significant concerns on proposed language and updated zoning by community members contacted

For these reasons, the LUC was unanimous in its decision to waive the need for a Community meeting for the nature of the application is housekeeping in nature. However, the LUC would like to be advised if any changes are proposed after the submission of this letter.

With thanks,

TJ Schur

TJ Schur
Land Use Chair
Burnside Gorge Community Association

Received
City of Victoria

DEC 19 2013

Planning & Development Department
Development Services Division