



Council Report

For the Meeting of June 22, 2017

To: Council **Date:** May 31, 2017

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

Subject: Development Variance Permit No. 00189 for 735 Market Street

RECOMMENDATION

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 00189 for 735 Market Street, in accordance with:

1. Plans date stamped May 2, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. Schedule C, section 16.C.4 - Relaxation of parking requirement from four spaces (one space per 37.50m²) to three spaces (one space per 60.85m²) for personal service use.
3. The Development Permit lapsing two years from the date of this resolution."

LEGISLATIVE AUTHORITY

In accordance with Section 498 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 *Zoning Regulation Bylaw*.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit Application for the property located at 735 Market Street. The proposal is to reduce the parking requirement due to the proposed change of use on the ground floor from office to personal services to facilitate a physical rehabilitation business moving into the space.

The following points were considered in assessing this application:

- the site is well served by public transit on Douglas Street and Hillside Avenue
- the site is near the Galloping Goose Trail
- six new bicycle stalls are being provided.

BACKGROUND

Description of Proposal

The proposal is for the reduction of the number of parking stalls from four stalls to three stalls in order to facilitate the establishment of a physical rehabilitation business moving into the ground floor.

Sustainability Features

The applicant has not identified any sustainability features associated with this proposal.

Active Transportation Impacts

The application proposes the following features which support active transportation:

- three stalls of Class 1 bicycle parking (inside)
- three stalls of Class 2 bicycle parking (outside)

Public Realm Improvements

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

Data Table

The following data table compares the proposal with the existing C1-N Zone: Neighbourhood Shopping District. An asterisk is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposal	Zone Standard C1-N
Height (m) - maximum	5.7	21.5
Density (Floor Space Ratio) - maximum	0.70:1	1.40:1
Parking - minimum	3*	4
Bicycle parking stalls (minimum)	Class 1 – 3 Class 2 - 3	Class 1 – 3 Class 2 – 3 (for existing buildings not required)
Number of dwelling units	1	1
Setbacks (m) – minimum:		
Front	3.05	3

Zoning Criteria	Proposal	Zone Standard C1-N
Rear	0.23	n/a
Side (west)	0.17	n/a
Side (east)	3.05	n/a

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on April 11, 2017 the application was referred for a 30-day comment period to the Burnside-Gorge CALUC. A letter dated March 16th, 2017 is attached to this report.

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

The site is well served by public transit along Douglas Street and Hillside Avenue, and by the Galloping Goose Trail. In addition, the proposal includes six bicycle parking spaces, and three vehicle parking spaces are maintained on the property. Any additional changes in use that triggers a higher parking requirement would necessitate a further variance with staff review and Council approval.

CONCLUSIONS

The request for a reduced overall parking requirement of one stall is recommended for Council's consideration as being supportable, based on the proximity to public transit, and the provision of bicycle parking.

ALTERNATE MOTION

That Council decline Development Variance Permit Application No. 00189 for the property located at 735 Market Street.

Respectfully submitted,


 

Chelsea Medd
Planner
Development Services Division


Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

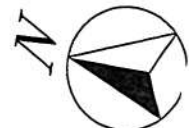
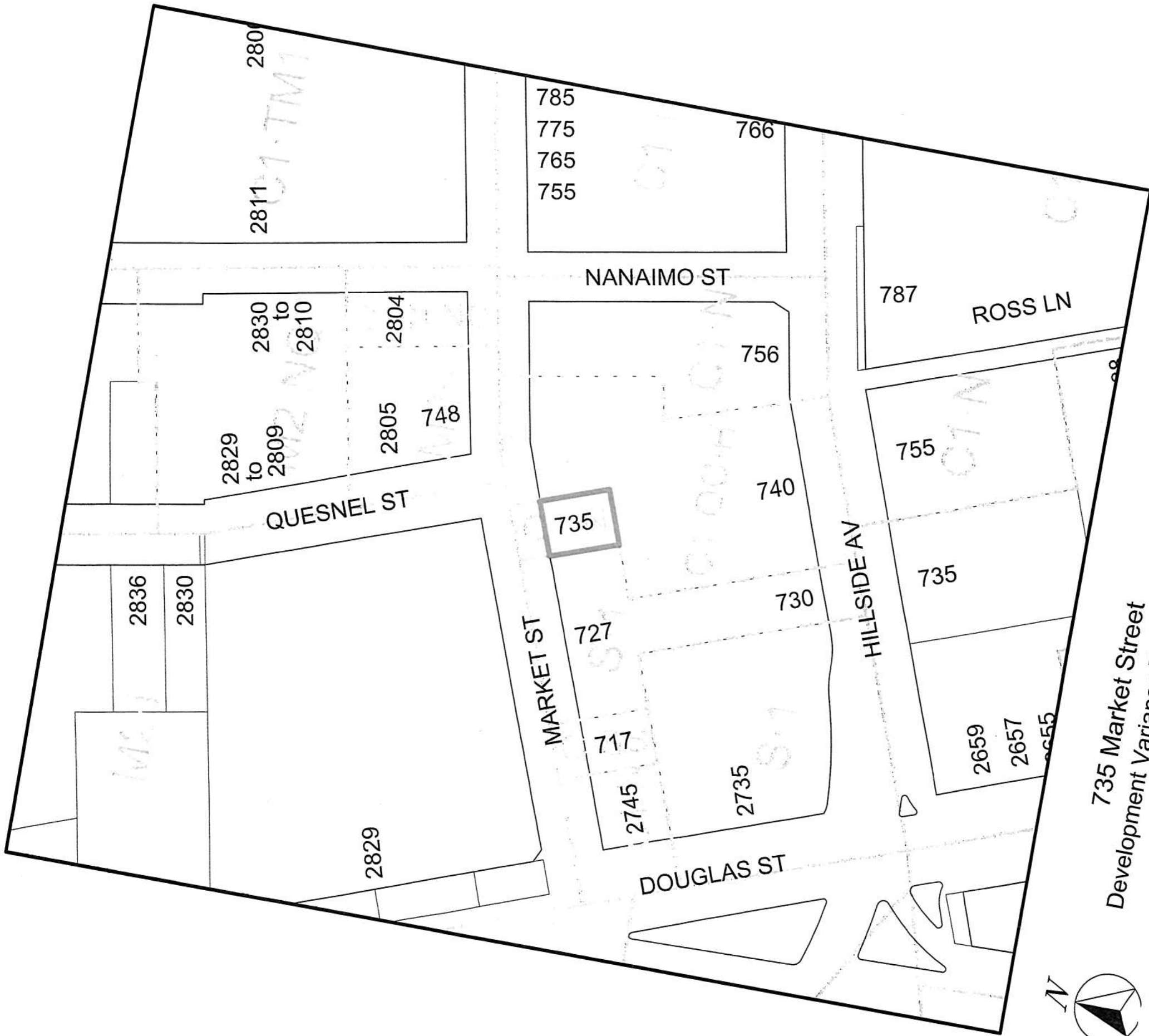
Report accepted and recommended by the City Manager:

Date:


June 8, 2017

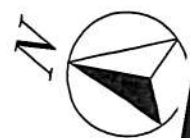
List of Attachments:

- Zoning Map
- Aerial Map
- Plans dated/date stamped May 2, 2017
- Letter from applicant to Mayor and Council dated May 2, 2017
- Community Association Land Use Committee Comments dated March 16, 2017
- Correspondence (Letters received from business owners in proximity)



735 Market Street
Development Variance Permit #00189





735 Market Street
Development Variance Permit #00189



To the Mayor and Council of the City of Victoria,

This letter is my application for a parking variance within your municipality. My proposed business, Cain Exercise Rehab, is to be located at 735A Market Street.

The property in question currently has two conforming off-street parking stalls available and a third legal non-conforming stall. With the calculation of the property's square footage, that leaves the site with a shortfall of one parking space.

The nature of my business is that of a physical rehabilitation clinic. I am the sole proprietor with no additional clinicians or receptionists on staff. My clientele will be utilizing my services on a one-on-one base only with at least 15 minutes of time in between appointments to provide for recordkeeping, minimizing my business's parking demand. At any point in the future, if I should decide to expand on my services and staff, such an event would see me moving to a new location to accommodate for the increase in volume.

There are a number of factors that may be considered in regards to the parking demand in the Market Street area. Road parking is available immediately in front of the property for up to 60 minutes, while the surrounding area provides for 90 minutes. The site is also located directly between and within 50 meters of two of Victoria's most major bus routes on Douglas Street and Blanshard Street. Furthermore, with the relatively-close proximity to the Galloping Goose Regional Trail, it stands to reason that I may encourage my clients to choose an active form of transportation, such as walking or biking, to my business as part of their later-stage rehabilitation.

There is currently no bike parking on site, but I have provided information for the proposed bicycle stalls that I will utilize should the variance be approved. The current requirement is for three Class 1 interior and three Class 2 exterior stalls; my proposal will honour both of those requirements.

With the above considerations, I am able to provide support from the neighbouring businesses to assure that there is no concern regarding any potential increase in parking demand or traffic that my business may cause. In fact, a number of the neighbours are in favour of my presence in this area due to our potential to help assist in the growth of one another's businesses, the community, and local economy.

Sincerely,

Jon Cain
(778) 265-8716
info@cainexerciserehab.com

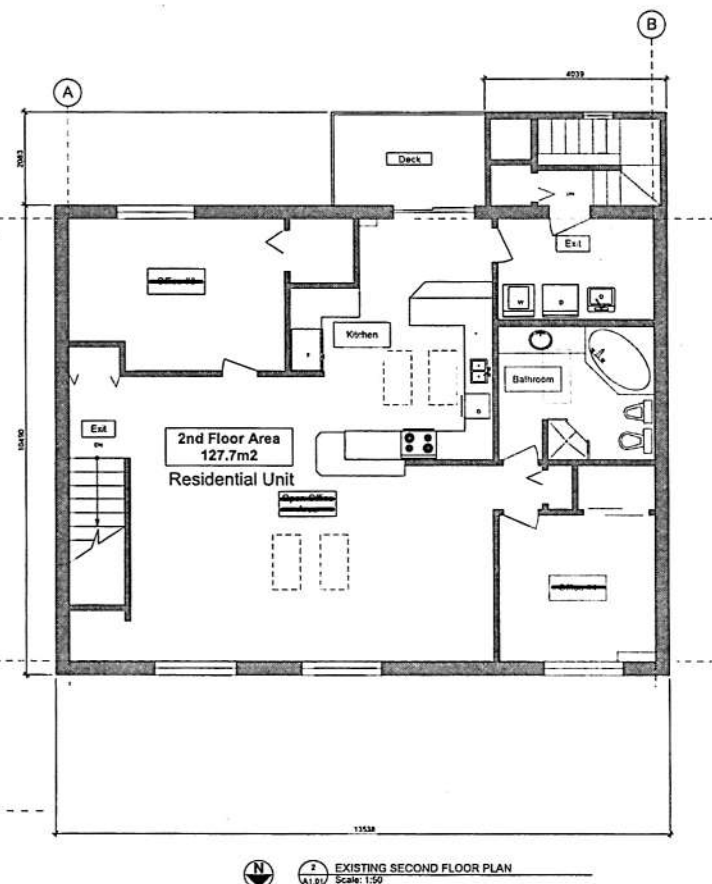
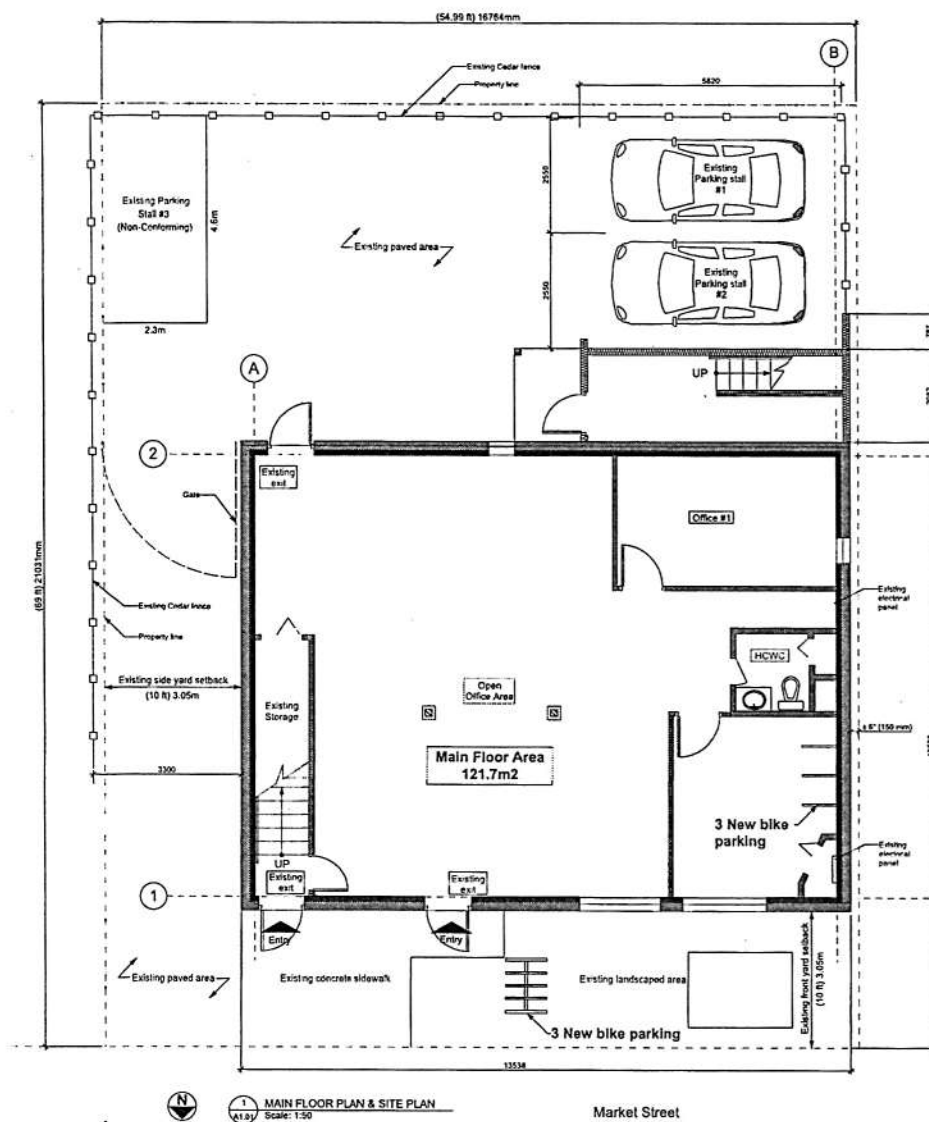
Revisions

Received Date:
May 2, 2017

KPL James
architecture

519 PANDORA AVENUE, VICTORIA, V.C.
TEL 36236161 FAX 36231877

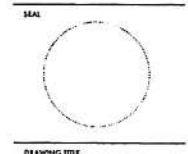
Applicant:
Cain Exercise Rehab
John Cain
778-265-8716
info@cainexerciserehab.com



Revisions

NO.	DATE	ISSUE

Cain Exercise Rehab
735 Market St.
Updated Site Plan



Site/Main Floor Plan
2nd Floor Plan

KPL JOB #: 1717
DRAWN:
CHECKED:
SCALE: 1:50
PRINT DATE: 2017-02-24
DRAWING #: **A1.01**

From: Carolyn Gisborne [mailto:landuse@burnsidegorge.ca]

Sent: Thursday, Mar 16, 2017 3:08 PM

To: [REDACTED]

Subject: Re: Letter of support - parking variance for 735A Market Street

[REDACTED]

Dear Mayor and Council,

Re: Parking Variance for 735A Market Street

The Burnside-Gorge Land Use Committee (BGLUC) wishes to express our support for the parking variance proposed for 735A Market Street. The business owner of Cain Exercise Rehab is proposing to use the 2-off street parking stalls on the property, a variance of three stalls.

The BGLUC supports this variance given the nature of the business, the fact that there is street parking available immediately in front of the property for up to 60 minutes, and that the owner has proposed to include 3 bicycle parking spots in excess of the required 3 spots.

The BGLUC supports active transportation as a fundamental element of land use planning and recognizes that the area around 735A Market Street is easily accessible by bus, on foot, and by bicycle. Additionally, we appreciate that the business owners approached our committee to work in good faith, recognizing that they were not required to contact us for a parking variance.

We appreciate the opportunity to comment.

Respectfully,

Carolyn Gisborne

Carolyn Gisborne
Chair, Burnside-Gorge Land Use Committee



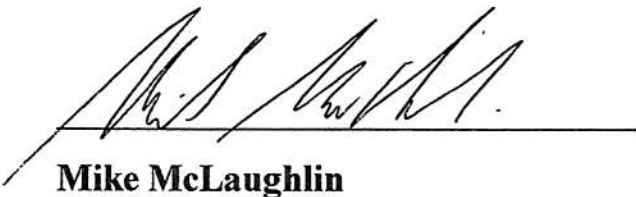
To whom it may concern;

I am writing this letter on behalf of SG Power Products in regards to Cain Exercise Rehab parking request. We understand of the issue regarding parking and we are writing to inform that it will not be an impact on our business. We have two parking lots on our property that give us the room required to conduct our business and allow plenty of customer parking. The increase in parking demand that would come with the Cain Exercise Rehab will not impact our own.

If there are any questions, please do not hesitate to contact myself Mike at my email mike@sgpower.com or the company phone number 250-382-8291 in the service department.

Thank you and we wish Jon the best of luck with his business venture.

Sincerely,



Mike McLaughlin

Manager

250-382-8291

mike@sgpower.com



2817 Quesnel Street, Victoria BC V8T 4K2 | Tel 250-383-6353 | Fax 250-383-2247 | Toll Free 1-800-957-0561

27Mar2017

To Whom It May Concern,

This letter is being written as regards the parking variance being sought by Cain Exercise Rehab located at 735 Market Street, Victoria, BC. As the co-owner of a neighbouring business, First Choice Book & Victoria Bindery, located at 2817 Quesnel Street, I'd like to offer my support for the establishment of this business in the neighbourhood.

Based on the information presented to me, I do not foresee any interference with our business caused by the parking requirements that may arise from the presence of Cain Exercise Rehab in the neighbourhood. In fact, I foresee that the establishment of another small, local business could be an enhancement for the generation of increased business for adjacent businesses in the neighbourhood.

If there are any concerns or questions, please do not hesitate to contact me at my address.

Best regards,

A handwritten signature in black ink, appearing to read 'PO'Connor'.

Patrick O'Connor
Co-owner
First Choice Books & Victoria Bindery

Jon,

The Great Little Box Company doesn't have any concerns about Cain Exercise Rehab's limited parking or its effects on traffic. This is an area with many business and we've never had any issues with the availability of parking.

Thank you for coming by today, it was nice to meet you.

Jen Harlow



Great Little Box Company

Great people to deal with - Great packaging solutions

Jennifer Harlow

Customer Solutions Manager, Branches

www.glbc.com

T: 250-412-1501

F: 250-384-7113

E: jharlow@glbc.com

Award winning customer service, quality products and on time delivery every time.



To keep up to date on what is happening in the packaging world, follow us on Facebook, Instagram and Twitter.





301-740 Hillside Avenue
Victoria, BC V8T 1Z4

Telephone 250-595-1551 Fax 250-595-6793

ERIC B. FRETZ M.D. INC.
F.R.C.P.C.

DR. DAVID MASSEL INC.
BSc., M.D., F.R.C.P.C.

DR. PAUL G. NOVAK INC.
BSc., M.D., F.R.C.P.C.

DR. KERRETT WALLACE INC.
M.B., B.S., F.R.C.P.C., F.A.C.C.

DR. LAURENCE D. STERNS INC.
M.D., F.R.C.P.C.

DR. MALCOLM B. WILLIAMS INC.
M.B., B.S., M.R.C.P. (UK), F.R.C.P.C., F.A.C.C.

KENNETH J. YVORCHUK M.D. INC.
M.D., F.R.C.P.C., F.A.C.C.

DR. RICHARD LEATHER INC.
BSc., M.D., F.R.C.P.C., F.C.C.S.

DR. RANDALL A. SOCHOWSKI INC.
M.D., F.R.C.P.C., F.A.C.C.

DR. CHRIS J. LANE INC.
BSc., M.D., F.R.C.P.C.

February 22, 2017

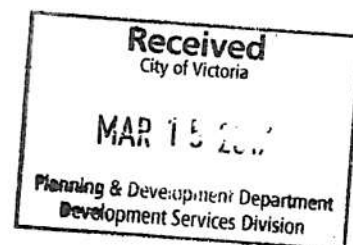
Re: Parking Variance

This note is in regards to support Cain Exercise Rehab's parking variance. Our office has no concerns about the parking demands in our area. The clients of Cain Exercise Rehab will have no impact on our office or our patient's ability to park.

Please let me know if you have any questions.

Sincerely,

Chelsey Wood
Clinic Manager



ANDREW SHERET LIMITED



EST 1892

VICTORIA (Head Office)
401-740 HILLSIDE AVENUE
VICTORIA, B.C. V8T 1Z4

VICTORIA (Branch)
W1-740 HILLSIDE AVENUE
VICTORIA, B.C. V8T 1Z4

WESTSHORE
895 Langford Plwy
Langford, B.C. V9B 4V5

2545 McCULLOUGH ROAD
NANAIMO, B.C. V9S 4M9

1137 "C" SMITHERS RD
PARKSVILLE, BC V9P 2C1

699 - 29TH STREET
COURTENAY, B.C. V9N 7Y3

1395 MAPLE STREET
CAMPBELL RIVER, B.C. V9W 5E3

5239 TRANS CANADA HWY
DUNCAN, BC V9R 2C0

425 EAST BROADWAY
VANCOUVER, B.C. V5T 1W9

7434 EDMONDS STREET
BURNABY, B.C. V3N 1A8

4500 VANGUARD ROAD
RICHMOND, B.C. V6X 2P4

1955B - 56TH AVENUE
SURREY, B.C. V3S 6K4

DISTRIBUTION
1785B 66TH AVENUE
SURREY, BC V3S 7X1

2045 PARAMOUNT CRESCENT
ABBOTSFORD, B.C. V2T 6A5

1602 KEBET WAY
PORT COQUITLAM, B.C. V3C 5W9

44129 YALE ROAD
CHILLIWACK, B.C. V2R 4H2

410 BANKS ROAD
KELOWNA, B.C. V1X 6A3

1020 WADDINGTON DRIVE
VERNON, B.C. V1T 8T3

290 DUNCAN AVE WEST
PENTICTON, B.C. V2A7N1

324 DUNCAN AVE WEST
PENTICTON, B.C. V2A 7N1

1242 MCGILL ROAD
KAMLOOPS, B.C. V2C 6N6

2717 COLUMBIA AVENUE
CASTLEGAR, B.C. V1N 2X8

3500 Massey Drive
PRINCE GEORGE, B.C. V2N 2M4

2690 - 13TH AVENUE SW
SALMON ARM, B.C. V1E 1E4

4650 KEITH AVENUE
TERRACE, B.C. V8G 4K1

401-740 Hillside Ave.
Victoria, B.C.
V8T 1Z4

February 9, 2017

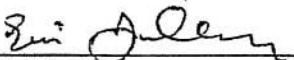
Re: 735 Market St.

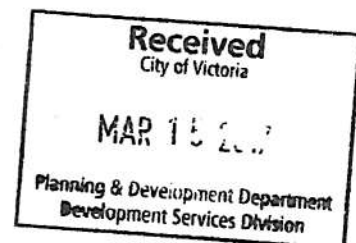
To whom it may concern:

We understand that Cain Exercise Rehab has applied for a Parking Variance to operate his business at 735 Market Street.

On behalf of the ownership and management of Andrew Sheret Limited, the business operating next door to Cain Exercise Rehab, we are confident that the variance will provide no impact to our business use. We fully support the application being made by Cain Exercise Rehab.

Sincerely,
ANDREW SHERET LIMITED


Eric Findlay,
President





To whom it may concern,

I'm writing this letter in regards to the situation of parking variance brought forward by Cain Exercise Rehab located at 735 Market Street. As the owner and manager of the neighbouring business, Cakes Etc., located at 2821 Quesnel Street, I'd like to fully offer my support for the establishment of this business in the area.

Based on the information presented to me, I foresee no interference with our business caused by the parking requirements that will arise from the presence of Cain Exercise Rehab in the neighborhood. In fact, I predict that the establishment of another small, local business will be a positive situation for the benefit of helping generate increased business for anyone who is operating in the surrounding area.

If there are any questions or concerns, please do not hesitate to contact me at :Phone 250 360 2390 or email: deb@cakesetc.ca.

Sincerely,

A handwritten signature in black ink, appearing to read 'Deborah Cater', is written over a large, stylized checkmark.

Deborah Cater

Owner



2821 Quesnel street, Victoria, B.C Canada.

PH: 2503602390.

FX: 2503602396

EM: deb@cakesetc.ca

February 10, 2017

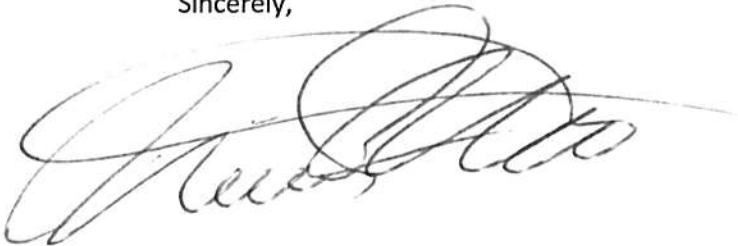
To whom it may concern,

As the ownership of Hornby's Canopy City, it has been brought to my attention that Cain Exercise Rehab is seeking a parking variance in order to operate its business near mine.

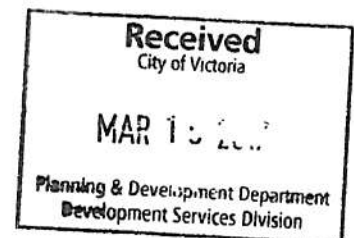
After discussing with the owner of that business, I can say that I have no concerns regarding parking requirements or traffic in the neighbourhood and that Cain Exercise Rehab will not interfere with our business here. I can hereby offer my support for this variance application.

If there are any questions or concerns, please do not hesitate to contact me by phone at 250-383-3214 or by email at horbys@shaw.ca.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mike Moore", written in dark ink.

Mike Moore
Owner
Hornby's Canopy City
2745 Douglas Street
250-383-3214





To whom it may concern,

I'd like to offer my show of support to Cain Exercise Rehab, located at 735A Market Street, in their application for a parking variance. Our own business, Body Dynamics 24-Hour Fitness, will not be impacted by any potential parking or traffic changes caused by this proposal, and I look forward to being able to have a working relationship with Cain Exercise Rehab in order to help one another grow each other's businesses.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "M Shorter", with a long horizontal line extending to the right.

Michele Shorter, Owner
Body Dynamics 24-Hour Fitness
2841 Quesnel Street
250-386-2000
bdhq2@shaw.ca

