

3. CONSENT AGENDA

3.1 Temporary Use Permit with Variance Application No. 00001 for 1400 Vancouver Street and 952 Johnson Street

Committee received a report dated July 22, 2016 regarding a proposal to temporarily allow commercial use for the purpose of establishing a marketing suite within the existing building with no proposed modifications to the exterior of the building.

Motion: It was moved by Councillor Coleman, seconded by Councillor Lucas, that Council after giving notice and allowing an opportunity for public comment at the next available meeting of Council, consider the following motion:

"That Council authorize the issuance of Temporary Use Permit Application with Variance No. 00001 for 1400 Vancouver Street and 952 Johnson Street in accordance with:

1. Plans date stamped July 21, 2016.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. Schedule C, 16.C.4 - Required parking is reduced from 44 spaces to three.
3. The Temporary Use Permit lapsing three years from the date of this resolution."

CARRIED UNANIMOUSLY 16/COTW

REPORTS OF COMMITTEES

1. Committee of the Whole – August 18, 2016

1. Temporary Use Permit with Variance Application No. 00001 for 1400 Vancouver Street and 952 Johnson Street

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 - b. The Temporary Use Permit lapsing three years from the date of this resolution."

Carried Unanimously



Committee of the Whole Report For the Meeting of August 18, 2016

To: Committee of the Whole **Date:** July 22, 2016
From: Jonathan Tinney, Director, Sustainable Planning and Community Development
Subject: **Temporary Use Permit with Variance Application No. 00001 for 1400 Vancouver Street and 952 Johnson Street.**

RECOMMENDATION

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

“That Council authorize the issuance of Temporary Use Permit Application with Variance No. 00001 for 1400 Vancouver Street and 952 Johnson Street in accordance with:

1. Plans date stamped July 21, 2016.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. Schedule C, 16.C.4 – Required parking is reduced from 44 spaces to three.
3. The Temporary Use Permit lapsing three years from the date of this resolution.”

LEGISLATIVE AUTHORITY

In accordance with Section 493 of the *Local Government Act*, Council may issue a Temporary Use Permit for land located within an area designated for this purpose in the Official Community Plan. A Temporary Use Permit may allow a use not permitted under the *Zoning Regulation Bylaw*, specify conditions under which the temporary use may be carried out, and allow and regulate the construction of buildings or structures in respect of the use for which the permit is issued.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Temporary Use Permit Application for the property located at 1400 Vancouver Street and 952 Johnson Street. The proposal is to allow a commercial use for the purpose of establishing a marketing suite for a nearby residential development. The variances are related to a reduction in the parking requirements.

The following points were considered in assessing these applications:

- the proposed building is subject to regulation under Development Permit Area 3 (HC) and is consistent with the applicable Design Guidelines in the *Official Community Plan*

(OCP) and the *Downtown Core Area Plan* (DCAP)

- a parking reduction for commercial use is being proposed, which is considered to be supportable given the temporary nature of the use.

BACKGROUND

Description of Proposal

The proposal is to temporarily allow commercial use for the purpose of establishing a marketing suite within the existing building at 1400 Vancouver Street and 952 Johnson Street (commonly referred to as the McCall Funeral Home). The existing building would be retained and no modifications to the exterior of the building are proposed as part of this application.

The commercial use would expire after three years (or less if specified by Council) and may be renewed once for another three years (or less). Staff recommend for Council's consideration that three years is acceptable in this case since the application is consistent with the policy outlined later in this report.

The proposed parking variance is related to a reduction in the provision of commercial parking space from 44 stalls to three.

Sustainability Features

The applicant has not identified any sustainability features associated with this proposal. However, the proposal is to retain the existing building for an adaptive reuse.

Active Transportation Impacts

The application proposes the following features which support active transportation:

- eight secure bike racks located at the rear of the building accessed via the service driveway
- five publicly accessible bike racks located in the reception area within the building. Although not located outside, the intent is that these spaces would be available to the public during business hours for the commercial space.

Public Realm Improvements

No public realm improvements are proposed in association with this Temporary Use with Variances Permit Application.

Existing Site Development and Development Potential

The site is presently occupied by the McCall's Funeral Home building. Under the current S-2, Special District Zone, the permitted use is restricted to funeral undertakers' establishments. Regulations related to siting of buildings, height and setbacks are governed by the most restrictive Zone nearest to the site, which in this case is the CA-43, Pandora Harris Green District.

Although the existing building does not hold an official heritage status (either registered or designated) it has been identified as a candidate in the potential additions to the City of Victoria's Register of Heritage Properties. At the meeting of February 25, 2016 Council directed staff to undertake consultation in relation to this work.

The proposed Temporary Use Permit would not be in conflict with any future potential heritage status since the Application proposes to retain the existing building with no exterior changes.

Data Table

The following data table compares the proposal with the existing CA-43 Zone, Pandora Harris Green District. An asterisk is used to identify where the proposal is less stringent than the existing zone. A double asterisk identifies an existing legal non-conforming aspect.

Zoning Criteria	Proposal	Zone Standard CA-43
Site area (m ²) - minimum	2139.65	920.00
Combined floor area (m ²) - maximum	1640.00	N/A
Density (Floor Space Ratio) - maximum	0.77:1	2.0:1
Density (Floor Space Ratio) office use - maximum	0.41:1	1.0:1
Height (m) - maximum	7.60 (approx.)	15.50
Setbacks (m) - minimum		
Street (Vancouver Street)	0.01**	3.00
Street (Johnson Street)	0.03**	3.00
Rear (west)	~3.00	N/A
Side (north)	0.00	N/A
Parking - minimum	3*	44
Class 1 secure long term bicycle parking stalls – (minimum)	8	4
Class 2 unsecure short term bicycle parking stalls – (minimum)	5	4

Relevant History

At the meeting of February 11, 2016 Council approved a Development Permit for a 210 unit multi-residential building at 951 Johnson Street (also referred to as 989 Johnson Street) to the south of the subject property across Johnson Street. The Application for a Temporary Use Permit would allow the use of a marketing suite for the approved residential development at 951 Johnson Street.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on March 31, 2016 the application was referred for a 30-day comment period to the Downtown Residents Association 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

Development Permit Area and Design Guidelines

The *Official Community Plan 2012* (OCP) Urban Place Designation for the subject property is Core Residential, which supports multi-unit residential, commercial and mixed-use buildings from three storeys up to approximately 20 storeys. The OCP also identifies this property in Development Permit Area 3 (HC) Core Mixed-Use Residential. The objectives of this DPA are to transform the form and character of the area through mid-to-high-rise residential mixed use and commercial buildings and to preserve the special character and the significant historic buildings, features and characteristics of this area. Ensuring high-quality architecture, landscape and urban design is also an important objective of this DPA. The Temporary Use Permit at 1400 Vancouver Street and 952 Johnson Street is consistent with DPA 3 (HC) objectives as they relate to land use and retention of historic buildings.

Downtown Core Area Plan

With respect to local area plans, the *Downtown Core Area Plan, 2011* (DCAP) applies to the subject site. The property is identified in the Residential Mixed District (RMD), which encourages active commercial street-level uses to help increase pedestrian activity. The current proposal for commercial use in this location is therefore consistent with these objectives as it contributes new street-level commercial space in the RMD.

CONCLUSIONS

The proposed temporary commercial use at 1400 Vancouver Street and 952 Johnson Street would support the planning objectives for the Downtown found in the OCP and the DCAP. Staff recommend for Council's consideration that the Application be supported.

ALTERNATE MOTION

That Council decline Temporary Use Permit Application with Variance No. 00001 for the property located at 1400 Vancouver Street and 952 Johnson Street.

Respectfully submitted,



Charlotte Wain
Senior Planner – Urban Design
Development Services Division



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date: August 8, 2016

List of Attachments

- Zoning map
- Aerial photo
- Letter from applicant, date stamped July 20, 2016
- Plans for Temporary Use Permit Application with Variances No. 00001 dated July 21, 2016.

93 94 95 95

MASON ST

1517

909

908

917

916

920

922/924

926/28

930

932

980

PANDORA AV

ST.

ANDREWS SCHOOL

1002

1008

1012

907

1411

900

919

920

935

941

932

975

S-2/1400

983

JOHNSON ST

VANGOUVER ST

1002

1415

1016

1015

1026

921

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935

951

914

930

950

960

966

YATES ST

911

1006

1010

1007

1012/14

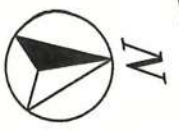
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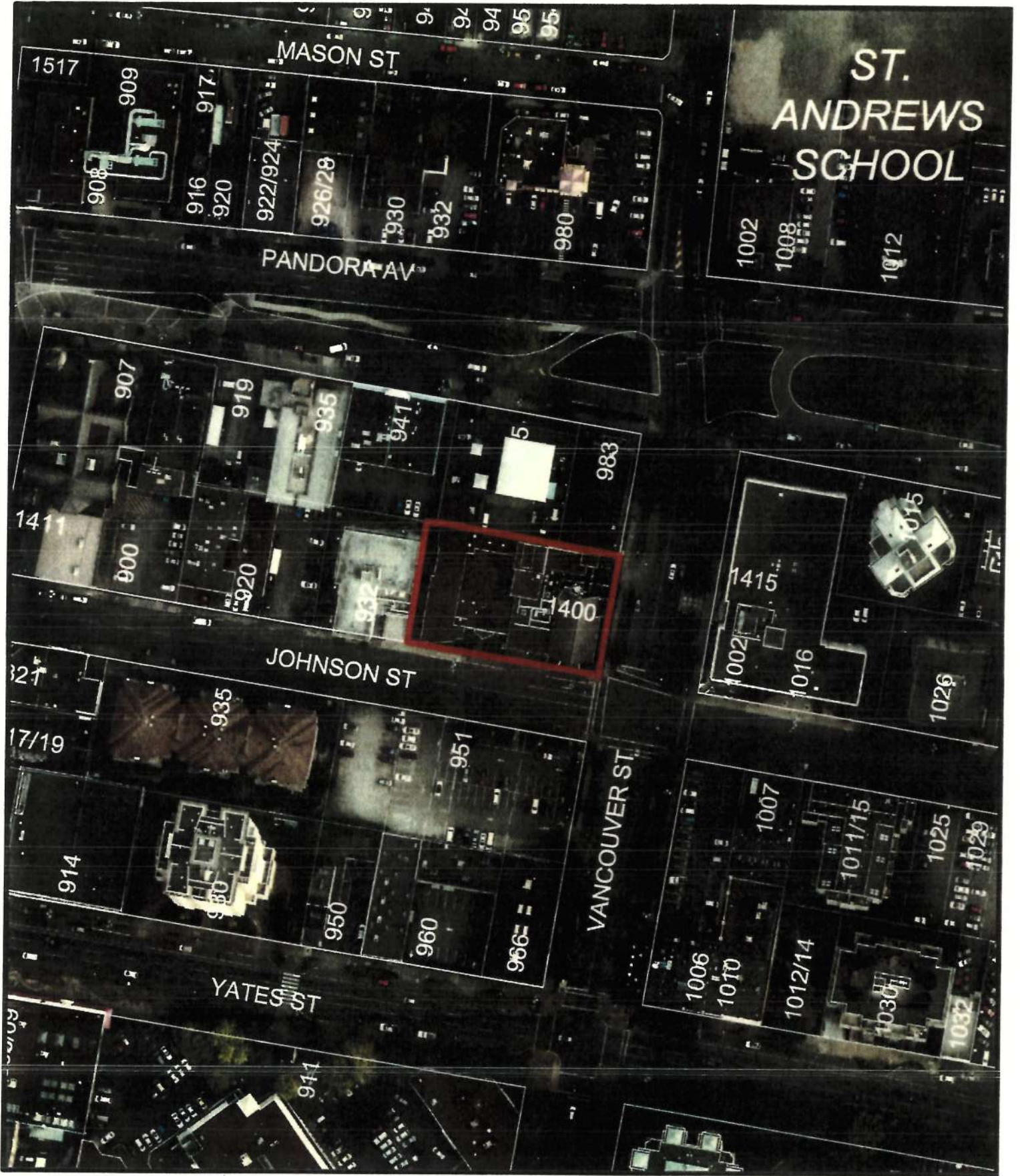
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1029



1400 Vancouver Street & 952 Johnson Street
Rezoning No.00514





1400 Vancouver Street & 952 Johnson Street
Rezoning No.00514





Dear Mayor and Councillors,

Re: 952 Johnson Street

May 16, 2016

Please accept this letter for as a request for a temporary use change and parking variance request at 952 Johnson Street, which is better known as the McCall Funeral Home site and building.

At the end of July, the McCall family will be moving their operations, and will no longer be operating a funeral home service downtown. Currently the site is zoned for retail, office, and personal service, however the zoning as it is written is restricted to those services but relating to a funeral home. Which leaves us as owners to make some difficult decisions on what to do with the building and the land itself. Once the service is officially vacated, the building will be effectively unusable which will lead to a run down unoccupied, derelict building.

As the Harris Green area continues to grow and be developed, office and retail could easily be supported in this location. We had hoped when we bought this site to keep the building in close to its present form, indefinitely. However, without allowing a change of use this would not be possible. We would ultimately be put into a position where the most suitable option would be to demolish the building. To keep the building intact, we are requesting a temporary use change to better reflect the needs of the downtown and more specifically the needs of the Harris Green neighbourhood.

Furthermore, this request is not a significant change to the neighborhood. The site is already servicing retail, personal services and, office use; it has just been specifically catering to a funeral service. We would be conducting nearly the same activities on the site as before, more or less, but not related to a Funeral Home. In order to start attracting and having conversations with potential long term tenants the allowance for uses other than Funeral Homes needs to be in place.

The subject site has a footprint of approximately 23,000 square feet. The building is approximately 15,000 square feet with most of the square footage being on the main floor. The main floor is made up of office area on the West wing of the building, with the Eastern-most part as the chapel. The central area in the middle is used for receptions, consisting of a main reception area with a commercial kitchen in the back. There is a small second story that was used for a caretaker suite and a few offices.

As the parking lot that serviced this building will no longer be available, we are also asking for a parking variance. This parking variance will also allow us to attract an array of tenants. Without this parking variance, the building would have to undertake significant change and modification, most likely resulting in the building being cut in half to allow surface parking on the site. We have had our architects

look at this and neither we nor they can see any way the building can be halved and still retain its character.

In summary, we are asking for a change of tenanted use. The same activities presently operated on site will be continued, but likely with more than one tenant. And, none of them will be related to the funeral business.

Thank you for your consideration of this request.

Sincerely



Daniel Cox

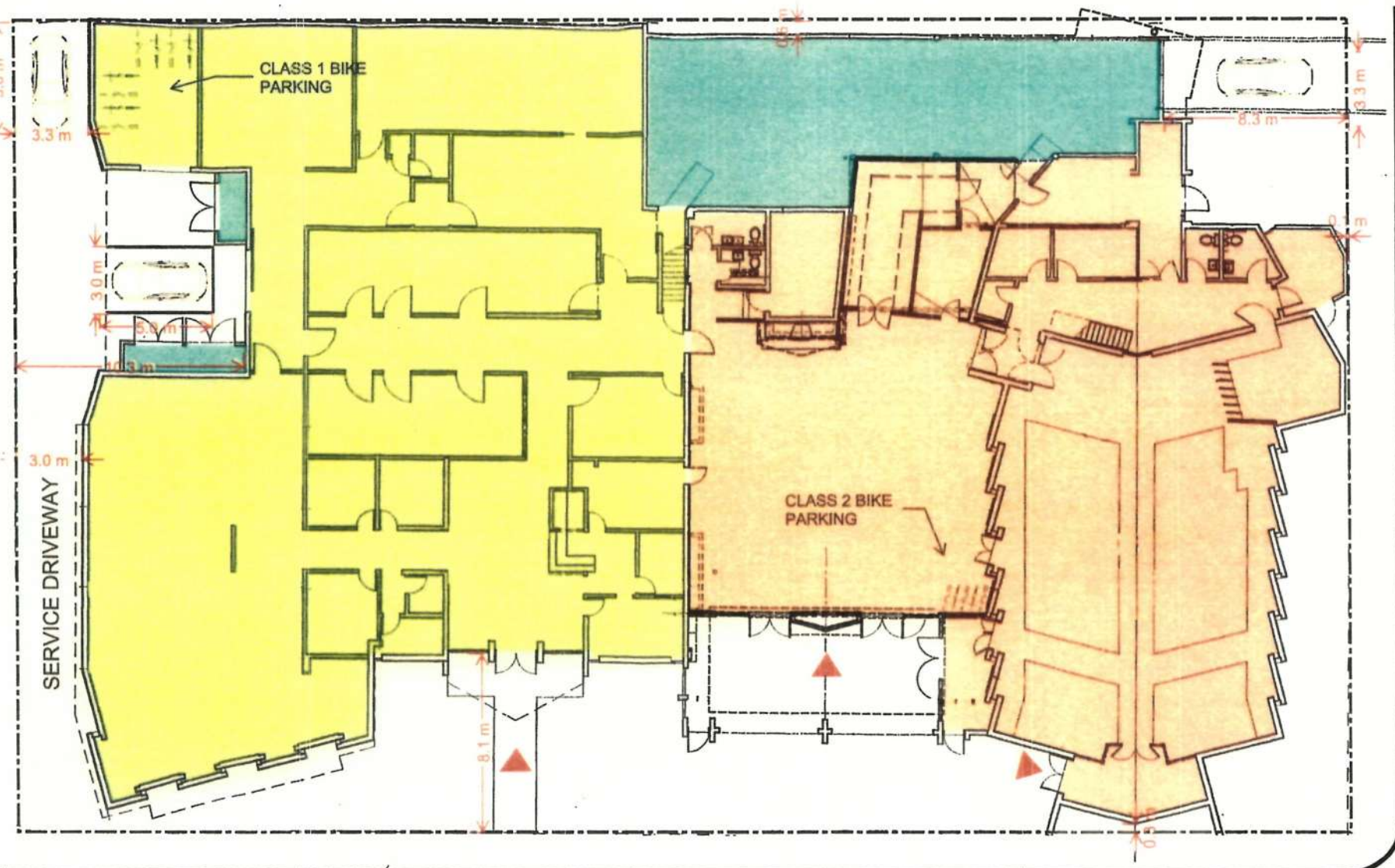






VANCOUVER STREET

SCALE 1 : 201

CONTEXT MAP



-  MAIN ENTRANCES
-  PROPOSED RETAIL - 625 m²
-  PROPOSED OFFICE / RETAIL - 725 m²
-  SERVICE AREAS - 150 m²

OPEN SPACE - 540 m²
FSR 0.7:1

JOHNSON STREET

Received
City of Victoria

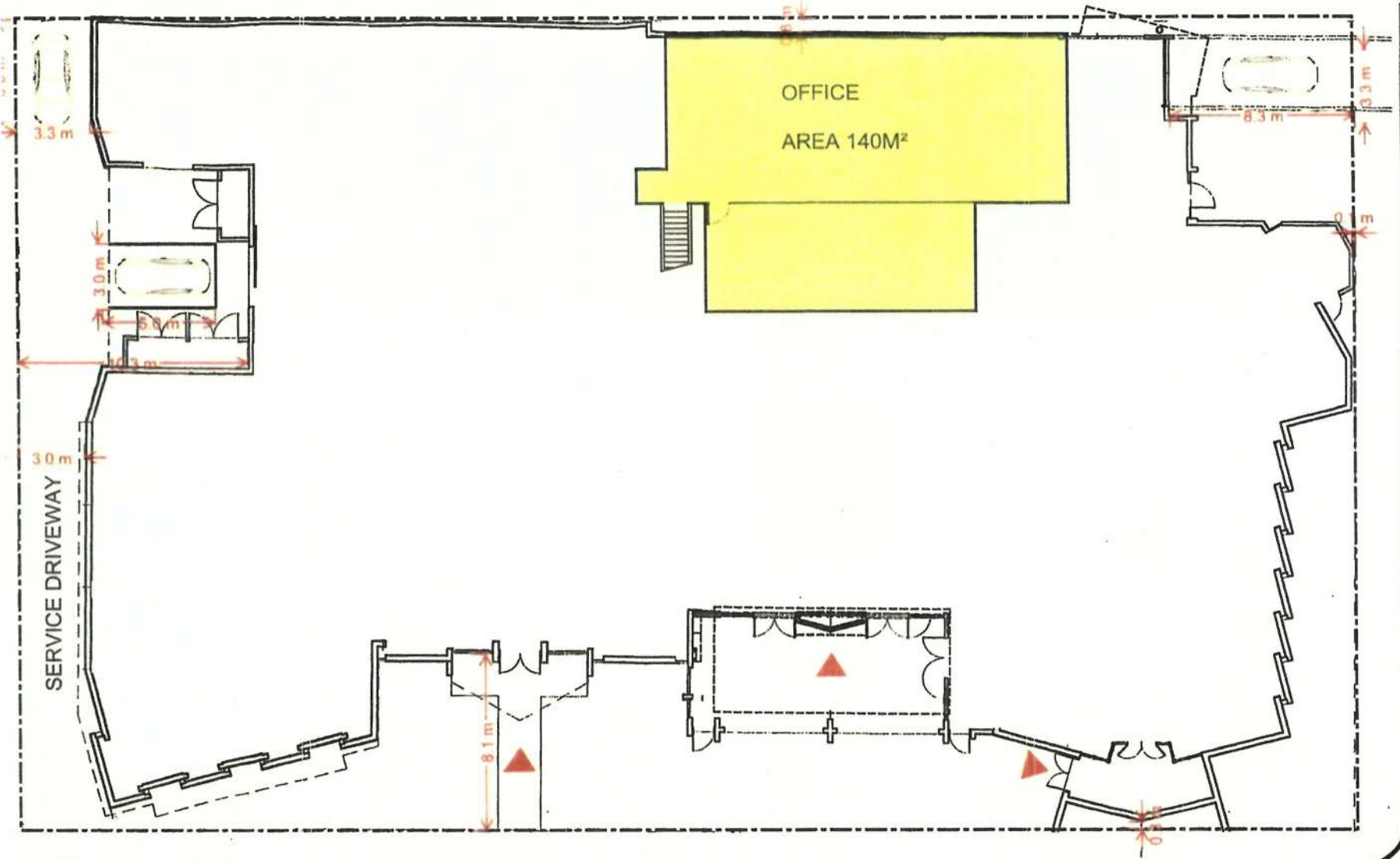
JUL 21 2016

Planning & Development Department
Development Services Division

EXISTING SETBACK DIMENSIONS (MAX AND MIN)
 MAXIMUM HEIGHT MAIN FLOOR - 16FT
 MAXIMUM HEIGHT SECOND FLOOR (ESTIMATE) - 25FT



VANCOUVER STREET



SCALE 1 : 201

CONTEXT MAP

▶ MAIN ENTRANCES

■ PROPOSED OFFICE - 140M²

JOHNSON STREET

EXISTING SETBACK DIMENSIONS (MAX AND MIN)

MAXIMUM HEIGHT MAIN FLOOR - 16FT
MAXIMUM HEIGHT SECOND FLOOR (ESTIMATE) - 25FT

Received
City of Victoria
JUL 21 2016
Planning & Development Department
Development Services Division