

4. LAND USE MATTERS

4.1 Rezoning Application No. 00486 for 515 Burnside Road East

Committee received a report dated April 6, 2016, regarding an application to permit construction of a two-storey office building with seven rear yard parking spaces, accessed from a rear lane.

Committee discussed:

- The history of a neighbouring piece of land owned by the City and whether the land could be better utilized.
- Staff were questioned as to whether the property owner would like to purchase the property.

Postpone: It was moved by Councillor Young, seconded by Councillor Thornton-Joe, that further discussion and decisions on the applications for 515 Burnside Road East be postponed until further clarification is received from Staff.

CARRIED UNANIMOUSLY 16/COTW

4.3 Rezoning Application No. 00486 for 515 Burnside Road East (CONTINUED)

Committee discussed:

- The reasoning behind the owner not purchasing the adjacent City owned property.

Motion: It was moved by Councillor Madoff, seconded by Councillor Coleman, that Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00486 for 515 Burnside Road East, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set, and that Council consider giving final reading to the Bylaw once the following conditions have been met:

1. Registration of Statutory Rights-of-Way on the Burnside Road and laneway frontages of 3.66m and 1.172m, respectively, to the satisfaction of City staff.
2. Submission of a sanitary sewer impact study showing measures to be required to the satisfaction of City staff.

Committee discussed:

- That a special meeting will occur later this year on Strategic Real Estate, which will allow Council to ensure that City owned land is being used for the best public benefit.

CARRIED UNANIMOUSLY 16/COTW

REPORTS OF THE COMMITTEES

Committee of the Whole – April 21, 2016

2. Rezoning Application No. 00486 for 515 Burnside Road East

It was moved by Councillor Young, seconded by Councillor Thornton-Joe, that Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00486 for 515 Burnside Road East, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set, and that Council consider giving final reading to the Bylaw once the following conditions have been met:

1. Registration of Statutory Rights-of-Way on the Burnside Road and laneway frontages of 3.66m and 1.172m, respectively, to the satisfaction of City staff.
2. Submission of a sanitary sewer impact study showing measures to be required to the satisfaction of City staff.

Carried Unanimously



Committee of the Whole Report

For the Meeting of April 21, 2016

To: Committee of the Whole

Date: April 6, 2016

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

Subject: Rezoning Application No. 00486 for 515 Burnside Road East

RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00486 for 515 Burnside Road East, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set, and that Council consider giving final reading to the Bylaw once the following conditions have been met:

1. Registration of Statutory Rights-of-Way on the Burnside Road and laneway frontages of 3.66m and 1.172m, respectively, to the satisfaction of City staff.
2. Submission of a sanitary sewer impact study showing measures to be required to the satisfaction of City staff.

LEGISLATIVE AUTHORITY

In accordance with Section 479 of the *Local Government Act*, Council may regulate within a zone the use of land, the density of the use of the land, buildings and other structures, the siting, size and dimensions of buildings and other structures, as well as the uses that are permitted on the land and the location of uses on the land and within buildings and other structures.

In accordance with Section 482 of the *Local Government Act*, a zoning bylaw may establish different density regulations for a zone, one generally applicable for the zone and the others to apply if certain conditions are met.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning Application for the property located at 515 Burnside Road East. The proposal is to rezone the current R1-B Zone, Single Family Dwelling District, to a new zone in order to permit the construction of a two-storey office building with seven rear yard parking spaces accessed from a rear lane.

The following points were considered in assessing this Application:

- the site is covered by the Traditional Residential Urban Place Designation in the *Official*

- the site is covered by the Traditional Residential Urban Place Designation in the *Official Community Plan, 2012*, in which freestanding commercial uses can be considered at the intersection of major roads
- permitting office use for this property is in keeping with encouraging and supporting economic activities and sustaining jobs in the City
- the proposed density, building height and setbacks are in keeping with the adjacent and nearby buildings .

BACKGROUND

Description of Proposal

The proposal is to rezone the land from the current R1-B Zone, Single Family Dwelling District, to a new site specific zone in order to permit the construction of a two-storey office building with rear yard parking spaces accessed from a rear lane. Specific details include:

- a floor area of 289m² and Floor Space Ratio of 0.57:1
- a building height of 7.6m
- the majority of parking is situated under a cantilevered section of the second floor of the building
- seven vehicle parking spaces.

The following differences, from the current R1-B Zone and Schedule C parking regulations, are being proposed and would be accommodated in the new zone:

- slightly reduced maximum floor area
- slightly reduced side yard building setbacks
- a reduced rear yard setback
- an increased site coverage
- a reduced width of landscape area around the rear yard parking
- one less parking space for medical offices than is currently required.

The design aspects of this proposal are reviewed in a concurrent Development Permit Application report.

Active Transportation Impacts

The applicant has not identified any active transportation impacts associated with this Application.

Public Realm Improvements

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

Land Use Context

The area is characterized by a variety of uses including commercial (car dealerships) across Burnside Road, single family dwellings to the east and south across a rear lane, and a church across Jutland Road to the west.

Immediately adjacent land uses include:

- North (across Burnside Road) – car dealerships on the east and west corners of Jutland Road
- South (across a rear lane) – single family dwelling
- East – single family dwelling
- West – Jutland Green (a small City-owned green space), a church and an apartment building across Jutland Road.

Existing Site Development and Development Potential

The site is presently in the R1-B Zone, Single Family Dwelling District. It is occupied by a single family dwelling built in 1947.

Under the current R1-B Zone, the property could be developed for a single family dwelling of up to 300m² and two storeys in height.

Data Table

The following data table compares the proposal with the existing R1-B Zone. An asterisk is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposal	R1-B Zone
Site area (m ²) - minimum	508.86	460.00
Lot width (m) - minimum	15.23	15.00
Density (Floor Space Ratio) - maximum	0.57:1	N/A
Total floor area (m ²) - maximum	289.28	300.00
Height (m) - maximum	7.60	7.60
Storeys - maximum	2	2
Site coverage % - maximum	45.40*	40.00
Open site space % - minimum	38.2	N/A
Setbacks (m) - minimum		
Front (Burnside Rd.)	7.46*	7.50
Rear	5.49*	8.35
Side (east)	1.42*	1.50
Side (west)	1.72	1.50
Combined side yards	3.14*	4.50
Parking - minimum	7*	8 (medical offices)
Landscape screening for parking (west and east)	0.3 east side* /Nil west side* 1.8m high fence	0.6 width 1.5m high fence
Bicycle parking stalls (minimum)	3 (class 1) 3 (class 2)	3 (class 1) 3 (class 2)

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted the Burnside-Gorge CALUC at a Community Meeting held on May 11, 2015. A letter from Burnside-Gorge CALUC dated June 2, 2015, was received and is attached to this report. The Burnside-Gorge CALUC was provided with the applicant's most recent letter and modified plans on March 14, 2016. An email dated April 1, 2016, is attached advising that the CALUC does not require a second Community Meeting.

ANALYSIS

Official Community Plan

The property is in the Traditional Residential Urban Place designation in which free-standing commercial uses may be considered at the intersection of major roads. This site is at the intersection of two major roads with non-residential uses on the other three corners.

To meet Statutory Right-of-Way standards set in the *Official Community Plan, 2012*, a Statutory Right-of-Way (SRW) of 3.66m is requested on Burnside Road to be used to develop offset sidewalks, bicycle facilities and boulevard space. Similarly, a 1.172m SRW is requested on the lane frontage to facilitate turning movements of larger vehicles such as garbage/recycling trucks and fire trucks.

Local Area Plans

The *Burnside Neighbourhood Plan* update is underway, however, the current *Burnside Neighbourhood Plan* identifies the area as a residential community (single family and duplex) with recommendation of expansion of the residential area west of the former Burnside School.

Other Considerations

The floor area, height and setbacks of the proposed office building are in keeping with adjacent residential and nearby commercial buildings. The number of parking spaces proposed is sufficient for the proposed office use with access and egress from the lane.

CONCLUSIONS

The proposed office use building is acceptable at this major intersection on the edge of the Cecelia/Sumas residential area with commercial and other non-residential uses across both Burnside Road and Jutland Road. The proposed density, building height and setbacks are in keeping with the adjacent and nearby buildings. The number of parking spaces proposed is sufficient for the proposed office use with access and egress from the lane. Staff recommend for Committee's consideration that the Application be forwarded to Council for consideration and to set a Public Hearing.


ALTERNATE MOTION

That Council decline Rezoning Application No. 00486 for the property located at 515 Burnside Road.

Respectfully submitted,

Brian Sikstrom
Senior Planner
Development Services Division



Jonathan Tinney, Director
Sustainable Planning and Community
Development

Report accepted and recommended by the City Manager:

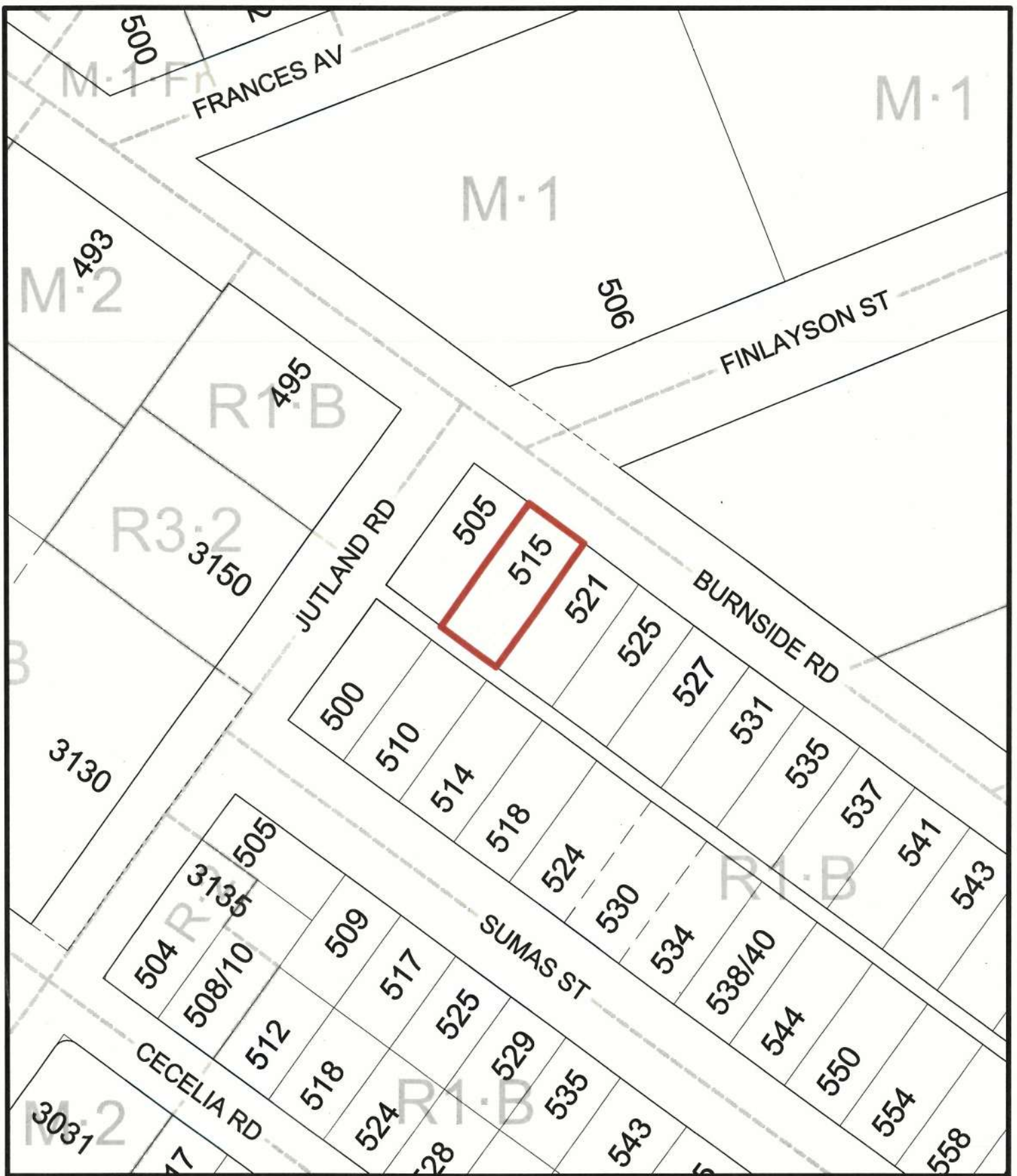


Date: April 13, 2016

List of Attachments

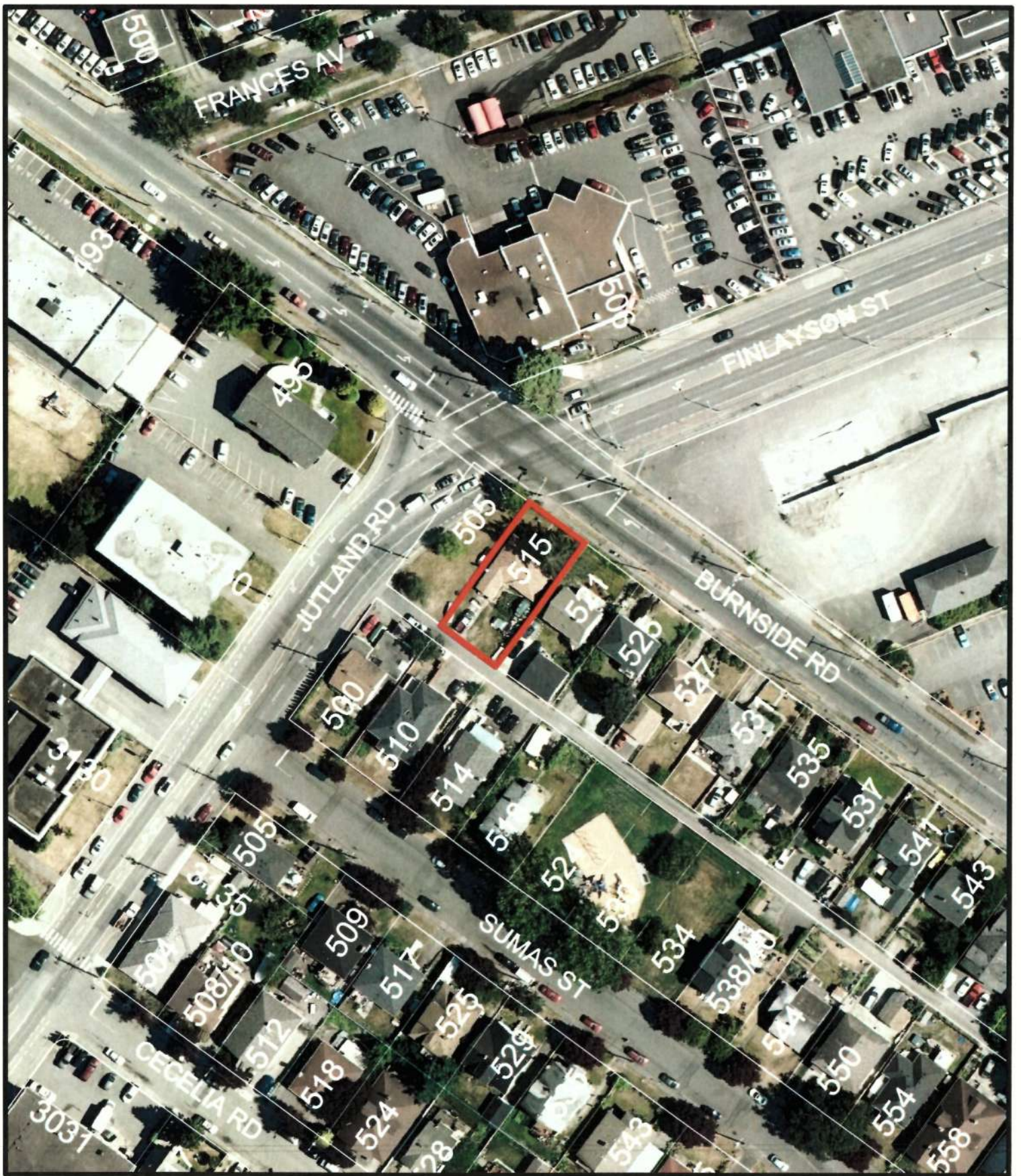
- Zoning map
- Aerial photo
- Letter from the applicant date-stamped March 14, 2016
- Letter from the Burnside Gorge Community Association dated June 2, 2015
- Email from the Burnside Gorge Community Association dated April 1, 2016
- Plans reduced to 8.5" x 11" and date-stamped March 14, 2016.

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515 Burnside Road
Rezoning #00486
Bylaw #





515 Burnside Road
Rezoning #00486
Bylaw #



March 4, 2016



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

RE: 515 BURNSIDE ROAD

Dear Mayor Helps and City of Victoria Council Members,

We are pleased to submit the enclosed documentation to the Mayor and Council for consideration of a Rezoning and Development Permit of the above property. The property under consideration is at the corner of Burnside and Finlayson/Jutland, a significant intersection of 2 major roads which has recently seen a major development in the Jim Patterson Lexus car dealership. At the intersection are also the Campus Honda car dealership and the Victoria Community of Christ church. There is a very small green space on the corner adjacent to the property under consideration. Currently, there is a single family residence on the site.

The proposed development is to develop a 289.28 m² two storey leased commercial space which is intended to contain professional offices. The requested change in zoning would be from R1-B, single family residence, to a site specific zoning permitting commercial occupancies including medical/dental clinics.

1

Although the current zoning does not permit other than single family residence, the Official Community Plan supports in Traditional Residential zones the use of 'freestanding commercial at the intersection of major roads'.

The location of the property under consideration is unique due to the scale and type of development that has occurred across the street with the 2 car dealerships and the zoning on the other side of Burnside which is for the most part other than single family residential. Furthermore, the site is at a corner of a small island of single family residential surrounded by commercial and industrial zones. Assuming the intention of the City is to retain the single family residential nature of this pocket of land, as the OCP does not indicate otherwise, the issue at hand as we see it is what an appropriate use for this particular property is.

Given the development on the other 3 corners of the intersection, a single family residence is not the most desirable use of this land. The intersection is very busy and has a commercial feel not conducive to a positive single family experience. On the other hand, to develop something of significant size, for example another car dealership, would only put under further development pressure the single family residences to the south of this lot. The OCP recognises these transition lots and permits commercial development for lots on major intersections. The property under consideration is a prime example of where such commercial use would be appropriate and rather than undermining the adjacent single family residential, supports and enhances those properties.

The intention of the proposed development is to provide commercial use which would support the residential neighbourhood while providing a bookend to the existing residential, inhibiting commercial development



beyond the major intersection. The design has been developed to fit in with the massing and scale of the adjacent residential while acknowledging in the style and details the commercial development currently at the intersection. At the community meeting 2 schemes were presented. One scheme had a residential feel with pitched roofs and mimicking a single family residence, the other scheme with flat roofs and a style more in keeping with the commercial development across the street. There was a strong preference for the later, the more commercial style building and this is the scheme represented in this rezoning/DP application. This supports our position of presenting a commercial centre at the intersection while bookending the residential lots to the south.

At the community meeting there was strong support for the proposal with reservations in regards to traffic. Access to the site is not permitted from either Jutland, as a small greenspace prevents direct access to that street, or Burnside. Therefore, the only possible access is from the lane at the back, a lane which is narrow and residential in nature. The Owner previously approached the City in regards to purchasing part or all of the greenspace and this was rejected outright, leaving the only access from the lane. This is an unfortunate reality of the site, but does not reduce the position that the most appropriate use for the site is a commercial development which would support the local neighbourhood. Small scale commercial development would not have a significant impact on local traffic as opposed to large scale commercial development or retail use. To reject the proposed development based on traffic would limit the use of the property to single family residential which, as per above, is no longer the most ideal use of this site.

The proposed development will comprise many green building features such as energy efficient lighting and mechanical systems, low flow plumbing fixtures, occupancy sensors, landscaping not requiring irrigation, permeable surfaces for open site spaces, no loss in number of trees on site, use of native or adapted vegetation, and a building envelope which performs to high insulating standards in order to reduce heating and cooling loads. A third party rating system will not be pursued due to the economics of such programs given the relatively small scale of the proposed development.

2

In summary, the proposed development is in conformance with the OCP, has been designed to support and strengthen the adjacent single family residential properties, will be developed to a high standard of green initiatives for the proposed scale of development, and is a positive and appropriate use for the location.

Yours truly,
VDA ARCHITECTURE LIMITED



Kevin Klippenstein, Architect AIBC AAA, LEED AP





June 2, 2015

Dear Mayor and Council:

CALUC Community Meeting: Rezoning Application for 515 Burnside Road East

On May 11, 2015, the Burnside Gorge Community Association (BGCA) hosted a CALUC community meeting that was advertised to discuss the proposal to rezone 515 Burnside Road East to a site-specific commercial zone to allow for medical/dental offices. The proponents are also applying for a development permit for a specific building design and finishes. The proponents are proposing to demolish the existing structure and build a 2800 square foot, two-storey building, with a main floor that is smaller than the upper floor as per drawings presented.

Des Bazett of Vic Davies Architect (VDA) presented on behalf of the property owner. Kevin Klippenstein and Tracy Keenan-Whyte also attended on behalf of the owner.

Feedback on this proposal is summarized below.

Traffic/ parking

- No parking variance would be applied for. The site would accommodate the required 7 parking stalls.
- Traffic will have to approach and leave from the laneway behind the building. At present it is best to approach the laneway with all right hand turns.
- The proponents noted that the laneway is 12 feet wide and that they expect the City to require a traffic study. If City engineers find that approaching via the laneway is not feasible, the proponents do not have a 'plan B' and would have to reconsider the financial viability of the project.
- To alleviate concerns about traffic volumes, the proponents offered to consult neighbours regarding making the laneway one-way or working with the City to see if improvements to the laneway could be financially viable.

Property management/ building tenants

- The current owner will not be managing the property. Attendees identified concerns that the current owner is not managing the current residential development well.
- The proponents have not yet approached potential tenants or selected a developer. However, the proponents noted that there are no plans to make this a medical marijuana dispensary or walk-in clinic.
- One attendee suggested that the proponents should reconsider their proposal for medical/dental offices, and noted that there are not enough doctors to fill existing spaces. The proponents responded that they are working on the zoning and building first before seeking tenants.



Building site

- The proposed building does not maximize building footprint.
- One attendee asked if the new structure will appear to tower over the street. The proponents responded that the overall height will be within a few feet of existing rooftop peaks, that it will be 23 feet to the top of the flat roof, and that setbacks will be 7.5 metres from the front and 5 feet on both sides.
- This is a corner lot, even though there is an adjacent City park.

Miscellaneous

- Commercial property in a residential area does not have different bylaws regarding noise and other issues.
- Approvals are expected to take at least 6 months, then 4-5 months of construction. Noise during construction is a concern.
- One attendee noted that this is an area of young families and that the only issue is the subject property.

Vote: As per the process of a BGCA rezoning community meeting, there was a straw vote to provide context to the questions. Of the meeting attendees who chose to vote, 7 were generally in favour of the proposal as presented. There were 3 abstentions on the grounds that they require more information, especially a traffic demand study.

Broader Context for Development

In addition to facilitating comments on the specific rezoning application at BGCA community meetings, the Chair also seeks feedback from attendees on their wishes for, and thoughts about, the immediate vicinity of a subject property. This information is provided to Mayor and Council and the Planning department to help provide critical, holistic perspectives on neighbourhood development objectives. We are hoping that, over time, this will help us stitch together a more comprehensive view and put rezoning applications into context of overarching community goals.

Attendees provided the following comments about the area around 515 Burnside Rd:

- Douglas Street from Finlayson to Tolmie is our natural urban village.
- The Burnside/Finlayson intersection needs to be made safer. There are a high number of collisions and dangerous behaviour at this intersection.

Respectfully,

Carolyn Gisborne

Land Use Committee Chair
Burnside Gorge Community Association

cc: Sustainable Planning and Community Development Department
Kevin Klippenstein, VDA
Tracy Keenan-Whyte, Macdonald Realty Ltd.

Brian Sikstrom

From: Carolyn Gisborne <landuse@burnsidegorge.ca>
Sent: Friday, April 01, 2016 11:12 AM
To: Kevin Klippenstein
Cc: George; Brian Sikstrom
Subject: Re: 515 Burnside Rezoning

Hi Kevin,

After consulting with the land use committee, I can confirm that we won't be requiring a second community meeting for 515 Burnside. We appreciate that you sent bubbled drawings, which is an important part of the feedback loop with CALUCs that often gets missed.

Brian, please let me know if this email will suffice for a waiver of a second community meeting or if further follow up is required.

Cheers,
Carolyn

On Tuesday, March 29, 2016, Kevin Klippenstein <kevin@vda.ca> wrote:

Hi Carolyn,

In regards to the rezoning application for 515 Burnside, the area planner Brian Sikstrom has suggested we contact you to determine if another Community Meeting is required. We had 2 meetings late last spring after which the rezoning package was submitted to the City. There was a mix-up in receiving the City's comments to the application and we only able to get a revised package dealing with the City's concerns in a couple of weeks ago. Brian has informed us...

Just a heads up, you or your client should touch base again with the Burnside Gorge CALUC, since it has been such a long time since the Community Meeting was held. The Rezoning process indicates that if more than six month passes, another community meeting may be necessary. You should ask CALUC if they are willing to provide the City with a waiver on this in an email or letter.

Not sure if you recall the previous meetings. There wasn't a lot of attendees for either of the meetings and those who were concerned were generally concerned about the traffic impact on the lane rather than any other aspects of the development. In fact most seemed to support the scale and character of what was presented and looked forward to the property being developed.

Please let us know if another community meeting will be requested or if you are willing to provide a waiver as per Brian Sikstrom's suggestion.

Regards,

Kevin Klippenstein Architect AIBC AAA, MRATC, LEED® AP

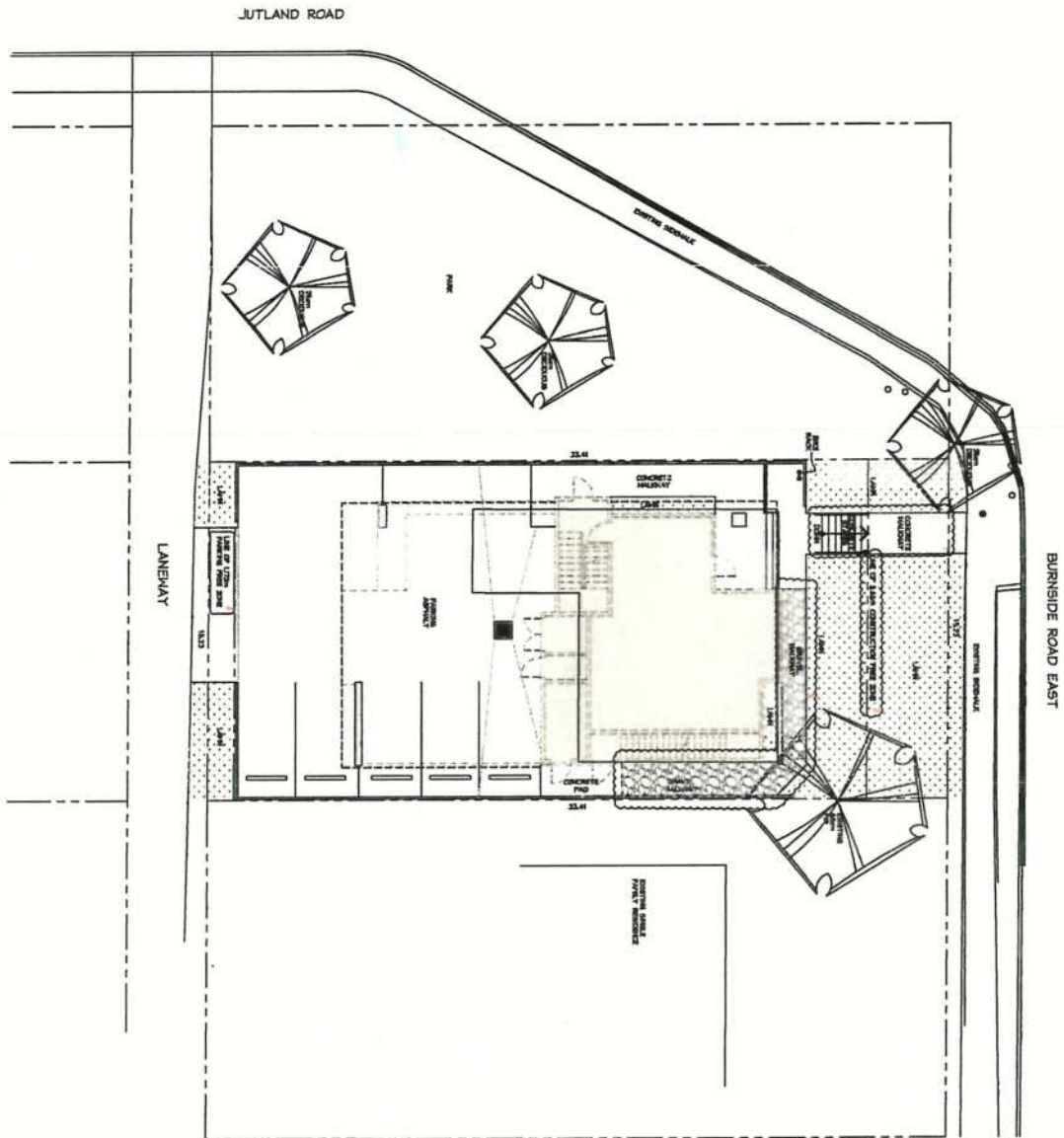
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Received
City of Victoria
MAR 14 2016
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Development Services Division

A1

REZONING &
COMMERCIAL DEVELOPMENT
515 BURNSIDE ROAD EAST

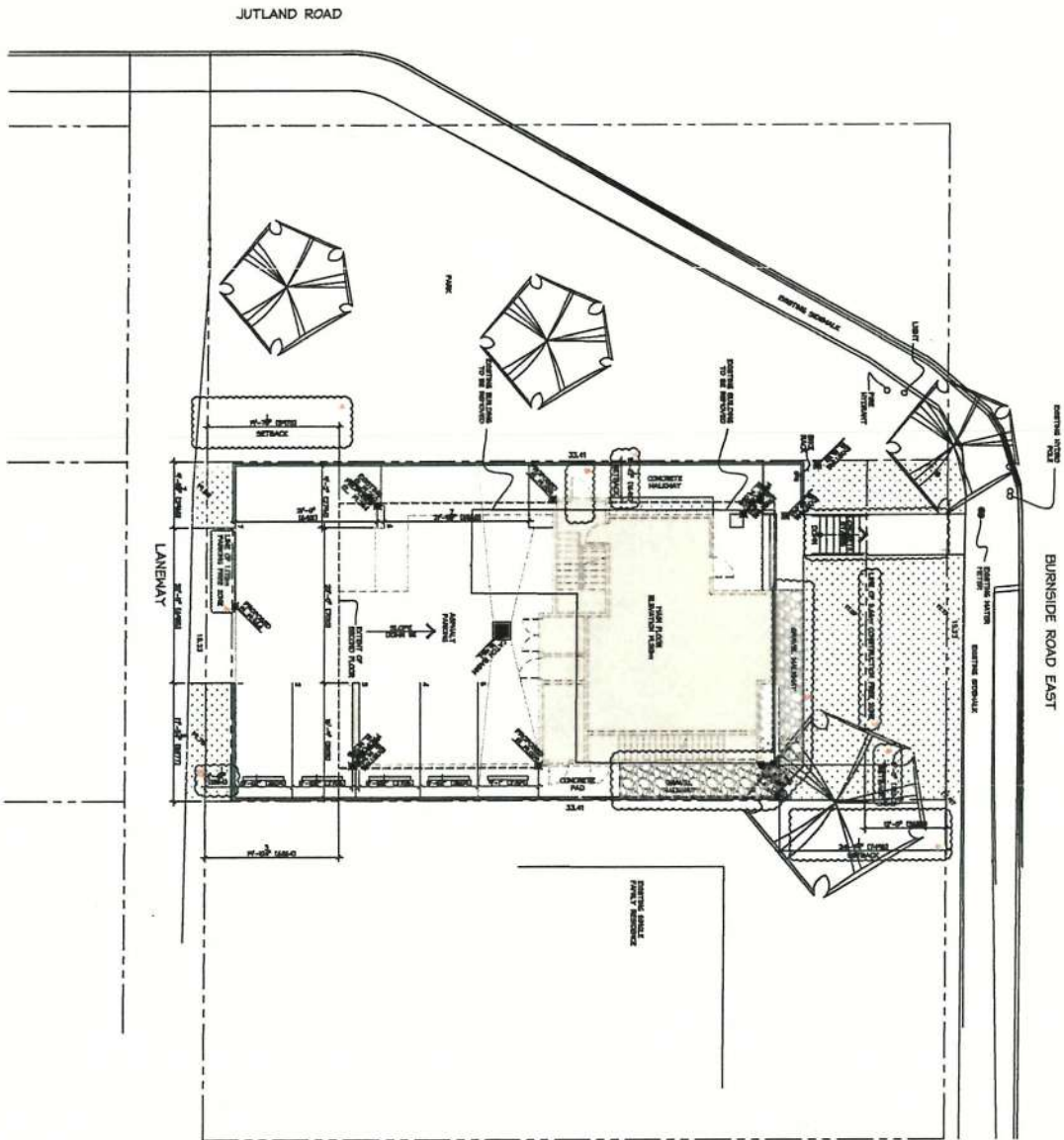
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JUNE 2015
revised MAR. 4, 2016



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ARCHITECTURE
LIMITED

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CIVIC ADDRESS:
515 BURNSIDE ROAD EAST

LEGAL ADDRESS:
LOT 2, BLOCK 1, SECTION 4,
VICTORIA DISTRICT, PLAN 1154

EXISTING ZONING:
R1-B

PROPOSED ZONING:
R1-B

SITE AREA:
509.46m² (5,677.31 SQ.FT.)

OPEN SITE SPACE:
207.06m² (40,648 SQ.FT.)

HEIGHT OF BUILDING:
7.600m (24'-11 1/4")

NUMBER OF STOREYS:
2

PARKING STALLS:
289.28 @ 37.5m² = 71.714 REQUIRED
PROVIDED = 7

BICYCLE PARKING:
CLASS 1:
CLASS 2:

BUILDING SETBACKS:
FRONT YARD: 1.500m (24'-7 3/4")
REAR YARD: 3.226m (10'-7 1/8")
SIDE YARD: 1.500m (5'-0")
SIDE YARD: 1.500m (5'-0")
COMBINED SIDE YARDS: 3.164m (10'-4 1/2")

CODE ANALYSIS:
E.C.B.C. 2012
3.2.2.61 UP TO 2 STOREYS, SPRINKLERED
FLOOR AND SUPPORT STRUCTURE = 45 MIN FIRE RESISTANCE
RATING
2 HR SPRINKLER PROTECTION TO EAST AND WEST SIDES OF
PARKING UNDER BUILDING

PROJECT INFORMATION TABLE

ITEM	DESCRIPTION	UNIT	VALUE
1	TOTAL LOT AREA (SQ. M)	SQ. M	509.46
2	TOTAL LOT AREA (SQ. FT.)	SQ. FT.	5,677.31
3	TOTAL BUILDING AREA (SQ. M)	SQ. M	207.06
4	TOTAL BUILDING AREA (SQ. FT.)	SQ. FT.	40,648
5	OPEN SITE SPACE (SQ. M)	SQ. M	302.40
6	OPEN SITE SPACE (SQ. FT.)	SQ. FT.	65,000
7	NUMBER OF STOREYS	NO.	2
8	HEIGHT OF BUILDING (M)	M	7.600
9	HEIGHT OF BUILDING (FT.)	FT.	24'-11 1/4"
10	NUMBER OF PARKING STALLS	NO.	7
11	NUMBER OF BICYCLE PARKING STALLS	NO.	7
12	FRONT YARD SETBACK (M)	M	1.500
13	FRONT YARD SETBACK (FT.)	FT.	24'-7 3/4"
14	REAR YARD SETBACK (M)	M	3.226
15	REAR YARD SETBACK (FT.)	FT.	10'-7 1/8"
16	SIDE YARD SETBACK (M)	M	1.500
17	SIDE YARD SETBACK (FT.)	FT.	5'-0"
18	COMBINED SIDE YARD SETBACK (M)	M	3.164
19	COMBINED SIDE YARD SETBACK (FT.)	FT.	10'-4 1/2"
20	TOTAL BUILDING AREA (SQ. M)	SQ. M	207.06
21	TOTAL BUILDING AREA (SQ. FT.)	SQ. FT.	40,648

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Development Services Division

A2

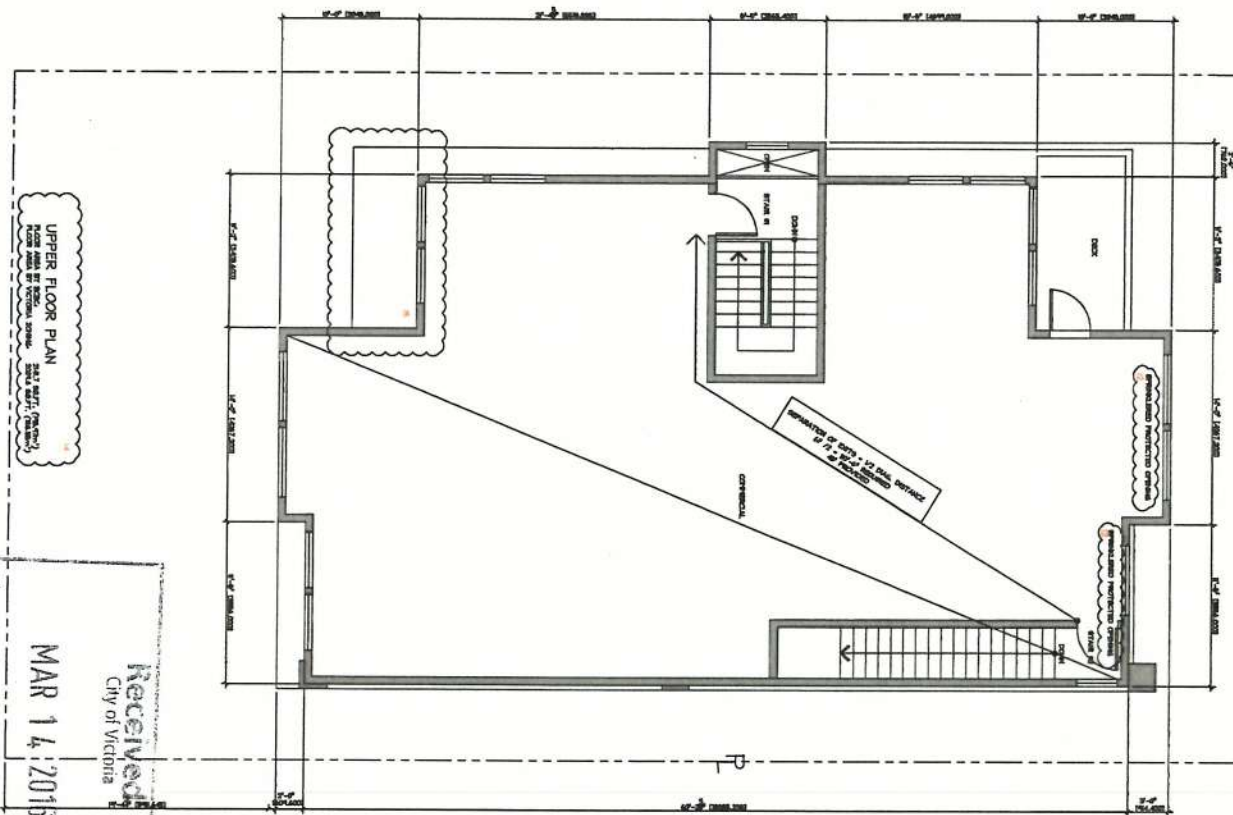
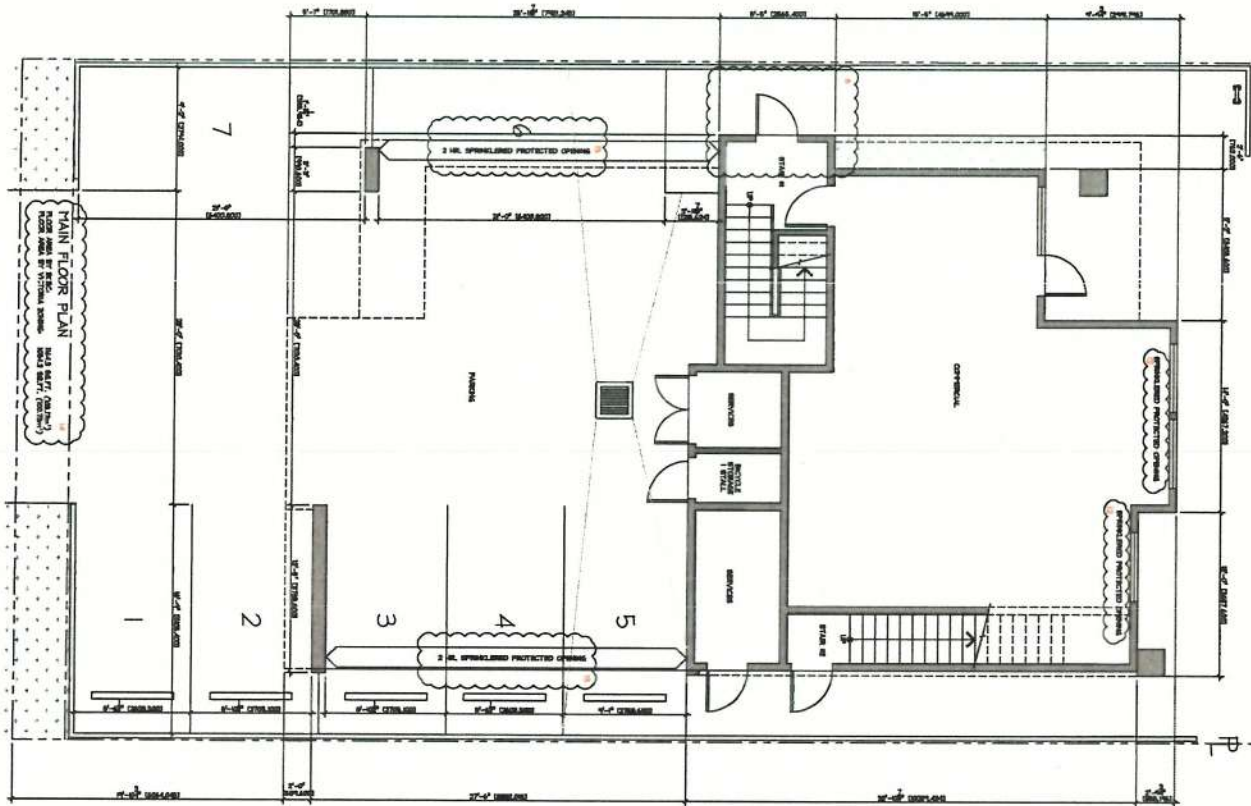
**REZONING &
COMMERCIAL DEVELOPMENT**
515 BURNSIDE ROAD EAST

1:100
JUNE 2015
revised MAR. 4, 2016



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A3

REZONING & COMMERCIAL DEVELOPMENT
 515 BURNSIDE ROAD EAST

1:50
 JUNE 2015
 revised MAR. 4, 2016

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1
EXISTING BUILDING AS
SEEN FROM JITLAND



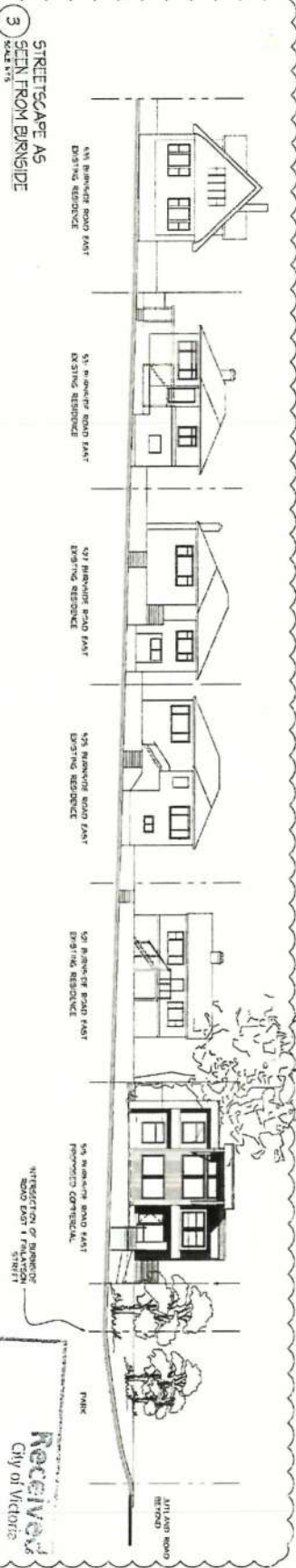
2
EXISTING BUILDING AS
SEEN FROM BURNSIDE



PROPOSED BUILDING AS
SEEN FROM JITLAND
SCALE 1/8"



PROPOSED BUILDING AS
SEEN FROM BURNSIDE
SCALE 1/8"



MAR 14, 2016

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City of Victoria

Planning & Development Department
Development Services Division

A6

REZONING &
COMMERCIAL DEVELOPMENT
515 BURNSIDE ROAD EAST

N.T.S.
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① LOOKING NORTH WEST
BURNSIDE AVE



② LOOKING NORTH
BURNSIDE AVE



③ LOOKING NORTH EAST
BURNSIDE AVE

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