

 **REZONING APPLICATION**
MCCAULEY

10608 – 97 STREET NW

To allow a Lodging Houses Use on the second floor of an existing commercial development while allowing redevelopment opportunity.



RECOMMENDATION AND JUSTIFICATION

Urban Form and Corporate Strategic Development is in SUPPORT of this application because:

- The introduction of a Lodging Houses Use can provide support for commercial activity on a pedestrian oriented street and provides an opportunity for an affordable housing choice in close proximity to the downtown.

THE APPLICATION

BYLAW 18182 is to amend the Zoning Bylaw from (CB2) General Business Zone to (DC2) Site Specific Development Control Provision. The purpose of this DC2 Provision is to allow a use not otherwise allowed under the existing commercial zone, specifically a Lodging Houses Use, while at the same time, not restrict redevelopment of the site. As such, no Site Plan is appended to the DC2 Provision.

In considering the applicant's stated intention, to acquire a development permit for a Lodging Houses Use that has historically been in operation on the site for many years, in conjunction with commercial uses, the only suitable conventional zone, with respect to the requested use is the (CB3) Commercial Mixed Business Zone, where it is a permitted use. The CB3 Zone is intended for medium intensity Commercial Uses and is not appropriate for the scale of this very small site. For this reason, the application is for a DC2.

SITE AND SURROUNDING AREA

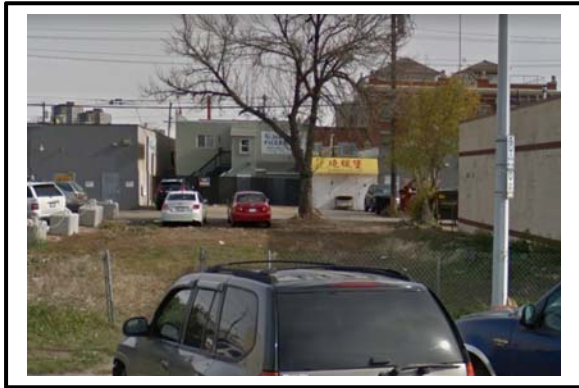
This is a small, internal site, 0.03 ha (317.1 m²) in size, along the west side of 97 Street NW and north of 106 Avenue NW.



AERIAL VIEW OF APPLICATION AREA

	EXISTING ZONING	CURRENT USE
SUBJECT SITE	(CB2) General Business Zone	Existing two storey building with commercial at grade and residential above
CONTEXT		
North	(CB2) General Business Zone	Single storey commercial building
East, across 97 Street	(CB1) Low Intensity Business Zone	Two storey commercial building

South	(CB2) General Business Zone	Single storey commercial building
West, across lane	(CB2) General Business Zone	Vacant lot



LOOKING EAST TO REAR OF SITE FROM 98 STREET



PICTOMETRY VIEW OF SITE LOOKING WEST

PLANNING ANALYSIS

SITE HISTORY

The applicant has stated that the building / site have historically been utilized for commercial purposes with a Lodging Houses use on the second floor. In 1999 a Development Permit (DP) for an Apartment House use was applied for and granted. When the Apartment House use was discontinued, the Lodging Houses use was resumed without obtaining permits. The applicant's attempt to obtain a DP for a Lodging Houses use was refused by the Development Authority on June 3, 2015, and the decision was upheld by the Subdivision and Development Appeal Board on July 24, 2015. Because the Lodging Houses use was discontinued with the approval of the Apartment House use, the 'grandfathering' of the Lodging Houses use was lost and a rezoning of the property to include a Lodging Houses use is required in order for the applicant to obtain a Development Permit (DP). The property was given a face lift in the fall of 2014 under the Façade Improvement Program.

LAND USE COMPATIBILITY

The CB2 Zone contains the residential use of Apartment Housing. A Lodging Houses use is a residential-related use and is not a listed use under the CB2 Zone. Apartment Housing and a Lodging Houses above commercial are compatible uses, and add to the viability of pedestrian oriented streets.

PLANS IN EFFECT

The site is located within the Chinatown North area of the Boyle Street McCauley Area Redevelopment Plan. This area is intended as a low scale, pedestrian-oriented area of special ethnic character. The addition of a Lodging Houses Use is in keeping with this vision.

Objectives of the plan include the following:

- To encourage the provision of an adequate supply of ownership and rental housing options for low and middle-income residents.
- To ensure that viable older multiple occupancy housing stock can be preserved while meeting basic health, safety and building standards.

A Lodging Houses Use helps achieve these objectives.

ZONING BYLAW

A Lodging Houses Use is subject to Sections 76 and 96 of the Special Land Use Provisions of the Zoning Bylaw. The proposed DC2 Provision seeks exceptions to these regulations in the following ways:

Section 76 – Lodging Houses

- Section 76.4 stipulates that Lodging Houses be developed as either a purpose-built freestanding structure, or Single Detached Housing converted for the purpose, or part of an Apartment Housing development. Given the proposal is intended for an existing commercial building, where an Apartment House use is permitted on the second floor and where that use has been approved in the past, regulation 4.h (to allow a Lodging Houses Use above first floor commercial) is included in the DC2 Provision.
- Section 76.9 stipulates that increases in vehicular traffic generation and parking demand must be to the satisfaction of the Development Officer and/or Transportation Services. The proposed Provision requests that no parking be required for Lodging Houses or Apartment House use. Given the small site size, a minimum of three parking stalls are required to accommodate commercial opportunities. Under the Zoning Bylaw commercial uses have a higher parking requirement than does Lodging Houses or Apartment House uses. Consequently, use of a portion of the site for Lodging Houses has less of a parking impact than if the second floor were used for commercial purposes. 97 Street is a high frequency bus route and a pedestrian oriented street.

Section 96

Under Section 96 a Lodging Houses Use is among a collective set of specified residential uses that are referred to as “Special Residential Facilities” and are subject to thresholds. The purpose of the threshold is to:

1. Ensure that the capacity of any neighbourhood to accommodate Special Residential Facilities is not exceeded;
2. Ensure that Special Residential Facilities are available in all neighbourhoods; and
3. Protect existing Special Residential Facilities from concentration that could impair their proper functioning.

There is a maximum threshold of three facilities per 1000 persons in any neighbourhood and a register of all approved Special Residential Facilities is required to be kept by the Development Authority. The Register indicates the McCauley neighbourhood is at / nearing the neighbourhood threshold of 15 facilities with 12 approved facilities and applications accepted for three others. The applicant is seeking Council’s consideration to allow this facility despite the threshold limitation. There is also a maximum of two Special Residential Facilities allowed in a single block, in a residential zone. Given this is not a site or area zoned residential, the block threshold is not relevant; however, there are no registered Special Residential Facilities within this block.

TECHNICAL REVIEW

All comments from affected City Departments and utility agencies have been addressed.

PUBLIC ENGAGEMENT

<p>PRE-CONSULTATION (Applicant) August 12, 2016</p>	<ul style="list-style-type: none"> • Number of recipients: 115 • Three responses requested clarity on why they were receiving the letter and had no problem. • One response did not support the inclusion of a Lodging Houses Use; however, no reason was provided
<p>ADVANCE NOTICE March 7, 2017</p>	<ul style="list-style-type: none"> • Number of recipients: 115 • One response was received with concern that the proposal is “slum housing”. • One response was received indicating the person to whom the notice was addressed no longer lived there. • Not having had a response from the McCauley Community League, they were contacted June 14, 2017. They responded via e-mail on July 4, 2017 that they had no comments.
<p>PUBLIC MEETING</p>	<ul style="list-style-type: none"> • Not held

If the rezoning is supported, a Development Permit (DP) application for a Lodging Houses Use is required and approval would require a Building Permit (BP) for interior alterations. Any building code issues will need to be addressed at that time. City building inspectors are involved in permit generated inspections.

CONCLUSION

Urban Form and Corporate Strategic Development recommends that City Council APPROVE this application.

APPENDICES

- 1 Context Map
- 2 Application Summary

CONTEXT PLAN MAP



MAP 9
Sub Areas

APPLICATION SUMMARY

INFORMATION

Application Type:	Rezoning
Bylaw(s):	18182
Location:	North of 106 Avenue NW and west of 97 Street NW
Address(es):	10608 – 97 Street NW
Legal Description(s):	Lot 3A, Block 12, Plan 9825188
Site Area:	0.03 ha
Neighbourhood:	McCauley
Ward - Councillor:	6 – Scott McKeen
Notified Community Organization(s):	Boyle Street McCauley Community League, Chinatown and Area Business Revitalization Zone
Applicant:	Jacquelyn Skeffington

PLANNING FRAMEWORK

Current Zone(s) and Overlay(s):	(CB2) General Business Zone Pedestrian Commercial Shopping Street Overlay
Proposed Zone(s) and Overlay(s):	(DC2) Site Specific Development Control Provision
Plan(s) in Effect:	Boyle Street McCauley Area Redevelopment Plan
Historic Status:	None

Written By:
Approved By:
Department:
Section:

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