

THE CORPORATION OF THE
CITY OF WHITE ROCK
CORPORATE REPORT



DATE: February 22, 2021

TO: Mayor and Council

FROM: Carl Isaak, Director, Planning and Development Services

SUBJECT: Early Review of Zoning Amendment Application - Mezzanine Space in Floor Area Calculations (3 Dogs Brewery)

RECOMMENDATIONS

THAT Council direct staff to advance the zoning amendment proposed by 3 Dogs Brewing to enable mezzanine space to be utilized in their new location at Miramar Village, by:

- a) Directing the proponent to proceed to the next stage of the application process (i.e. a Public Information Meeting); or
 - b) Directing staff to bring forward a text amendment to the Zoning Bylaw that would apply more broadly across all zones in the City to enable commercial mezzanine spaces to be excluded from floor area calculations if they would not cause an undersupply of parking.
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EXECUTIVE SUMMARY

The City has received an initial Application for an amendment to the Zoning Bylaw which, if approved, is intended to permit the construction of mezzanine space for patrons of 3 Dogs Brewing in their new location in the shops at the recently completed Phase 2 of Miramar Village (15181 Thrift Avenue). The current method of calculating maximum floor area (density) does not provide any exemptions for mezzanine space, and the building they are moving into is already built at the maximum floor area. 3 Dogs Brewing intends to open a brewery and lounge in the new location in May 2021, and will be completing tenant improvements prior to opening, including installing the mezzanine space, if it is approved, to be excluded from floor area calculations. If approved, the earliest possible public hearing date under the circumstances would likely be May/June 2022, following a circulation for interdepartmental comments, followed by a report to the Land Use and Planning Committee.

In accordance with the amendments to the Planning Procedures Bylaw, 2017, No. 2234 approved in September 2020, all rezoning applications are brought forward to Council for early input and direction on whether the application can proceed to the next stage in the application process or should be denied at this stage, if there are fundamental reasons they would not be supported by Council.

Alternately, Council may also consider whether this request could be more broadly applied throughout the Zoning Bylaw in the form of a text amendment that enables an amount of mezzanine space in all commercial zones to be excluded from the maximum floor area. As this

would be a relatively simple amendment to the Zoning Bylaw, if directed by Council, staff could bring forward an amendment bylaw for readings and the scheduling of a public hearing instead of the Applicant proceeding with a public information meeting which would add substantially to the timeframe to complete an amendment. The earliest scheduled public hearing date under these circumstances would be April 19, 2021.

PREVIOUS COUNCIL DIRECTION

Not applicable.

INTRODUCTION/BACKGROUND

3 Dogs Brewing, a licensed manufacturer which currently operates a brewery and lounge at 1513 Johnston Road, is opening a new location in the recently completed commercial space at Miramar Village. As part of fitting out the commercial space for the new location, the business has inquired about including mezzanine space in their over-height commercial space to add room for more patrons. Due to the site already being at the maximum floor area allowed in the zoning bylaw, this request for mezzanine space, which is currently included in floor area calculations, would require an amendment to the Zoning Bylaw, despite there being no visible impact to the exterior massing of the building.

Mezzanine spaces are permitted within the BC Building Code and are not counted toward the number of storeys in the building for Building Code purposes, provided the space meets specific requirements. The Applicant has indicated that their proposed mezzanine would meet those Building Code requirements; however, the City's Zoning Bylaw does not currently exempt mezzanines from being considered as storeys (which count toward the maximum gross floor area of the building).

The proposed floor area of the mezzanine space is 89 square metres (963 square feet), which would accommodate approximately 46 seats. The parking requirements for this mezzanine space would be six (6) spaces, and the total number of commercial/civic spaces at Miramar Village is in excess of the minimum required by the Zoning Bylaw (there are 291 total spaces for commercial and community centre uses, whereas only 226 are required in the CD-16 zone). Further, it is noted that the Town Centre area is well-served by transit routes and taxi operators, and the applicant notes that many of their customers live within walking distance of the Town Centre and do not require parking. Further, peak parking demands for a licensed establishment are more likely to occur in the evenings after other retail businesses and services close.

Staff consider that the parking capacity for the commercial uses at Miramar Village, given the context and other modes of transportation available, is sufficient to provide adequate parking for the business including the mezzanine space.

Council may consider whether this request could be more broadly applied throughout the Zoning Bylaw in the form of a text amendment that enables an amount of mezzanine space in all commercial zones to be excluded from the maximum floor area, such as amending the definition of "storey" currently in the Zoning Bylaw to the following revised definition (new section emphasized in bold):

"storey" means that portion of a building which is situated between the surface of any floor and the surface of the floor next above it and, if there is no floor above it, that portion between the surface of such floor and the ceiling surface above it. A storey shall not include a *basement*, cellar, or crawl space, except for those portions of a *basement* which contain *residential floor area*, *institutional floor area* or *commercial floor area*. **A storey**

shall exclude mezzanine spaces used for commercial purposes, provided the mezzanine complies with the requirements of mezzanine spaces under the BC Building Code and the use of mezzanines in the building would not result in minimum off-street parking spaces in the zone exceeding the number of spaces provided.

This accommodation for commercial uses would provide flexibility for other businesses that may wish to expand in an over-height commercial space, while providing a reasonable limit to prevent over-use that impacts parking supply. If the use of a mezzanine is only for storage or employee-only purposes, this would not impact parking requirements but may help a business use their space more efficiently without increasing the overall height or bulk of the building. As this would be a relatively simple amendment to the Zoning Bylaw, if directed by Council, staff could bring forward an amendment bylaw for readings and the scheduling of a public hearing instead of the Applicant proceeding with a public information meeting which would add substantially to the timeframe to completing an amendment.

This Application has also received a letter of support for their proposal from the White Rock BIA, which is attached to this corporate report as Appendix A. Drawings of the proposed mezzanine space are attached as Appendix B.

FINANCIAL IMPLICATIONS

If Council directs staff to bring forward a text amendment to the Zoning Bylaw, that would apply to more than the Applicant's location, there would be a partial (30%) refund of the \$4,100 zoning amendment application fee.

LEGAL IMPLICATIONS

Not applicable.

COMMUNICATION AND COMMUNITY ENGAGEMENT IMPLICATIONS

Public information meetings (PIMS) are required for private property zoning amendment applicants under the Planning Procedures Bylaw, but are not obligatory for City-led amendments to the Zoning Bylaw.

In either case (private or City-led), a future public hearing would provide an opportunity for interested community members to share their input on this topic and amendment bylaw with Council before a decision is made.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS

Not applicable.

CLIMATE CHANGE IMPLICATIONS

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES

This topic is not directly aligned with Council's Strategic Priorities, though the ability to incorporate modest mezzanine spaces in commercial space does offer an opportunity to improve the prosperity of local businesses, in alignment with the "Our Economy" goal to "support the prosperity and diversification of the City's economic base."

OPTIONS / RISKS / ALTERNATIVES

The following alternate options are available for Council's consideration:

1. Deny the application if there are fundamental reasons it could not be supported by Council.

CONCLUSION

Council has adopted amendments to the Planning Procedures Bylaw which enable an early review of rezoning applications. This corporate report presents a proposal from 3 Dogs Brewing to allow proposed mezzanine space to be excluded from the calculation of floor area, and staff are seeking Council's direction on proceeding with this topic. In addition to the options of proceeding with the applicant's proposal to the next stage in the process or denying the Application, staff have identified that Council may direct staff to take the lead on this topic to allow similar commercial mezzanine spaces across the zones, by bringing forward a simple amendment to the Zoning Bylaw as described in this report which would apply broadly across the City.

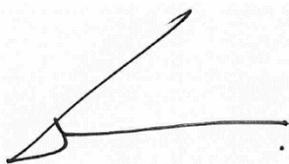
Respectfully submitted,



Carl Isaak, MCIP, RPP
Director, Planning and Development Services

Comments from the Chief Administrative Officer

I concur with the recommendation of this corporate report.



Guillermo Ferrero
Chief Administrative Officer

Appendix A: Letter of Support from White Rock BIA for Proposal
Appendix B: Architectural Drawings of Proposed Mezzanine Area