

From: David Borrowman [mailto:jdborrowman@uniserve.com]
Sent: Thursday, February 17, 2011 3:18 PM
To: Christine Torgrimson; George Ehring
Cc: Leah Hartley; Susan Palmer; Mac Fraser; Patrick Beattie
Subject: Merchants' Mews Zoning

Item 5.2

Dear Trustees,

By unanimous resolution at their AGM today, the Owners of Merchants' Mews directed that the following letter concerning zoning of the property be directed to the Local Trust Committee. We hope that our views will be given favourable consideration during your review of the Land Use Bylaw. I insert and attach the letter.

Sincerely,

David Borrowman
Vice Chairman
Strata Council VIS 4561

Merchants' Mews Strata Council

PO Box 315 Ganges
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February 17, 2011

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Salt Spring Island Local Trust Committee

Dear Trustees,

The owners of Strata V1S 4561 (Merchants' Mews) approved the following letter concerning the zoning of the property, at their Annual General Meeting on February 17, 2011. Merchants' Mews is a light industrial strata development of 23 units, at 315 Upper Ganges Road. The property is one of two on the island which are zoned C6 . The other is at the corner of Rainbow and Atkins.

We understand that provisions for industrial properties under the Salt Spring Island Land Use Bylaw are currently under review by the local Trust Committee, and that revisions to the bylaw may be forthcoming. Our purpose in writing at this time is to present our views on the optimal zoning of the Merchants' Mews property. To this end, members of Strata Council have met with you and your staff over the past year, and we have made representations to the Industrial Land Use Task Force.

Current zoning

Merchants' Mews was originally conceived as a light industrial area, designed to attract trades and some accessory low volume retail uses. The developers of the property modeled the land use on an industrial park located in Whistler, which they also owned. The prototypical business was expected to be a plumber or electrician or other tradesman who would have a workshop with materials storage, facilities for fabricating parts, and office, and miscellaneous retail sales as an accessory use.

A number of additional factors were recognized at the time of zoning:

- The property is served by a single well;
- The original developer maximized site coverage to 75%, limiting capability for septic treatment;
- Parking is similarly constrained;
- Neighbours opposed intensive or disruptive land uses;
- The adjacent downstream property is in the ALR, and required runoff protection.

Land Use Bylaw 355 was adopted in May of 2001. It provided C6 zoning for low impact, light industry and low volume commercial enterprises such as appliance sales and car rental. It also provided for businesses with low water usage and septic load.

Experience with the Original Zoning

Since about 1998, this 23 unit development has evolved from being wholly owned by a single Vancouver development company, to ownership by 16 local people. Two units remain in the hands of the development company, which is actively marketing them. The development is managed by owners through an elected council, as provided under the Strata Act.

Experience suggests that the light industrial zoning has not met local needs as envisaged. While the trades have used Merchants' Mews from time to time, their tenancy has been rare and none is current. One construction company has located at Merchants' Mews. However, their premises are a business office, and they do no fabrication or warehousing on site. The apparent explanation for the absence of trades is that plumbers, electricians, roofers, and others prefer to operate from home workshops and garages.

Additional factors have caused a shift away from light industrial use and toward lower impact or white collar uses. The developers constructed the units in a “faux village” architectural style, whereas the model in Whistler consists of large, slab sided warehouses. Physically, the units are small, and the property itself is compact and steeply sloped. Large delivery vehicles find the space problematic. In sum, light industrial uses have been discouraged by architecture and space. Where they have occurred, they have sometimes had negative impacts on neighbouring units.

On the other hand, Merchants’ Mews has attracted lower impact businesses and white collar enterprises. There are currently four artists’ studios, one photographer’s studio and a set-makers workshop. There are frequent inquiries for office space. The financial office of a major investment firm now operates at Merchants’ Mews, under a TUP. (We regard this use, which involves investment services and no retail banking, as successful, and we would support their application for renewal of the TUP when it comes due).

The anticipated limitations on water supply, septic capacity, and parking have all been realized, and these remain limiting factors on the property.

Proposals

The following proposals reflect our desire to retain low-impact uses which respect limitations on water, septic, and parking and which would not increase neighbourhood impact above levels anticipated under the current bylaw. The proposals would remove some higher impact uses and add some lower impact uses. We believe this would reflect actual demand from local businesses, as we have experienced it.

One class of proposals affects artists’ studios and galleries. In addition to clarifying this use under the bylaw, our proposals would encourage this use, to reflect the demonstrated suitability of the property for a concentration of artists.

We would also hope that any revisions to the bylaw would simplify and clarify uses. We have experienced difficulties interpreting the bylaw, and it is our view that it has been applied unevenly by Trust staff.

The numerous categories seem capable of simplification, for example into “offices” and “artisans’ workshops”. On the attached table, we have taken the existing C6 permitted uses and have proposed some simplifications and changes, which we hope will be a constructive contribution to the LUB revision process.

Thank you for your consideration,

Yours truly,

David Borrowman, on behalf of Merchants’ Mews Strata Council

Table adapted from LUB 355:— permitted and proposed uses for Merchants’ Mews (C6)

Currently Permitted Uses	Observations
Offices for use by building construction professionals and trades.	Retain. Broaden to include other white collar offices which do not have a retail component and which can meet the limits on water septic and parking. (see proposed uses, below.)

Automobile rentals with a maximum of five vehicles stored onsite.	Delete. This was an historic use which is not required. The property is too remote from Ganges to be useful for this purpose, and the demands on parking and water for car washing are excessive.
Funeral Homes.	Retain. The incumbent funeral home provides a needed service, within the capability of the property. No embalming or high water or chemical uses are employed.
Retail Sales of building supplies, appliances and furniture.	Retain. The small size of the units and lack of outdoor storage already constrain this use. Strata rules can be used to limit impacts.
Light industry excluding uses that consume more than 1600 liters of water per day.	Retain. Specify that these must be entirely indoors, and capable of confining noise, dust, and odours to the unit. Reduce water usage to 800 liters., Strata rules can also be used to manage impacts.
Wholesale Sales.	Retain. While these can create trucking issues, wholesalers are able to manage the impacts successfully.
Storage of goods and vehicles, with the exception of outdoor storage of derelict vehicles or equipment, or waste materials.	Retain. Some units with garage doors are suitable for the storage of vehicles.
Boat building, servicing and repairs.	Delete. There is no unit large enough for this use. Trailering and storage would compromise parking and lead to congestion. Craft building of small boats can be accommodated by provisions for artisans, below.
Service, repairs and sales of vehicles and equipment.	Retain. Regulations for control of emissions and petroleum products already preclude automotive repair. Small scale repairs can be managed by strata rules.
Collection of recyclable materials excluding outdoor sorting and storage.	Delete. Public visits and traffic could negatively affect parking.
Public service uses.	Obligatory.

cont.

Table (cont.)

Ambiguous Uses	Observations
Indoor Production of food and drink items, clothing, crafts, artwork, jewelry and similar items for retail or wholesale sales, provided there is a retail outlet on the premises and provided water consumption does not exceed	Apparently excluded under current bylaw, but a ruling from the Trust has permitted a food business in this category. These uses should be retained or added, with provision that water consumption and/or septic load cannot exceed 800 litres per day.

1600 l/day.	
<i>Proposed Uses</i>	<i>Observations</i>
Business Offices	This use is currently successful at Merchants' Mews and compatible with the property and its limitations. We regard the TUP for RBC Financial as successful.
Artists, photographers, and artisans studios.	This use is ambiguous under Bylaw 355. Several artists have used the Mews successfully. Public traffic is small, and often occurs outside normal business hours.
Storage	This is a passive and low impact use which should be permitted.
Radio Stations	CFSI currently operates successfully from Merchants' Mews
<i>Currently Permitted Accessory Uses</i>	<i>Observations</i>
Indoor Retail Sales accessory to another permitted use	Retain. This is now permitted and should be continued.
Dwelling units accessory to a permitted use.	Retain. This is now permitted and should be continued.
<i>Proposed Accessory Uses</i>	<i>Observations</i>
Outdoor display and public assembly between 5 and 10PM, where no electronically amplified sound is produced.	This would permit collections of artists and artisans to hold "gallery walks" which is now a successful practice in Ganges. Any such activity would also be governed by strata rules concerning use of common property.
Meeting rooms for use after 5 PM.	Some units are suitable for this purpose, especially in evening hours when parking is not an issue.

