



AMENDED AGENDA - VICTORIA CITY COUNCIL
MEETING OF THURSDAY, NOVEMBER 17, 2016,
Immediately following the Committee of the Whole Meeting
Council Chambers, City Hall, 1 Centennial Square
Located on the traditional territory of the Esquimalt and Songhees People

A. APPROVAL OF AGENDA

B. READING OF MINUTES

C. UNFINISHED BUSINESS

D. REPORTS OF THE COMMITTEE

E. BYLAWS

1. First Reading

- a. Heritage Revitalization Agreement (1612-1614 Store Street) Bylaw No. 16-092
Addenda
1. *A report recommending first, second, and third reading to Bylaw No. 16-092*
 2. *A bylaw to authorize an amendment to the Heritage Revitalization Agreement for the heritage property at 1612-1614 Store Street (the Janion)*

Late Item: Report and Bylaw

2. Second Reading

- a. Heritage Revitalization Agreement (1612-1614 Store Street) Bylaw No. 16-092

3. Third Reading

- a. Heritage Revitalization Agreement (1612-1614 Store Street) Bylaw No. 16-092

4. Adoption

F. CORRESPONDENCE

G. NEW BUSINESS

H. QUESTION PERIOD

I.

MOTION TO CLOSE THE NOVEMBER 17, 2016 SPECIAL COUNCIL MEETING TO THE PUBLIC

That Council convene a closed meeting that excludes the public under Section 90 of the Community Charter for the reason that the following agenda items deal with matters specified in Sections 90(1) and/or (2) of the Community Charter, namely:

- *Section 90(1)(e)the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;*
- *Section 90(1)(i)the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.*

J. APPROVAL OF CLOSED AGENDA

K. UNFINISHED BUSINESS

L. REPORTS OF THE COMMITTEE

1. Report from closed meeting of November 10, 2016 COTW Meeting

M. NEW BUSINESS

1. Land
--P. Rantucci, Manager of Strategic Real Estate

N. CONSIDERATION TO RISE & REPORT

O. ADJOURNMENT



Council Report

For the Meeting of November 17, 2016

To: Council **Date:** November 16, 2016

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

Subject: Janion - 1610 Store Street - Amendment to Heritage Revitalization Agreement Request

RECOMMENDATION

That Council authorize an amendment to the Heritage Revitalization Agreement for the Janion building located at 1610 Store Street, on land also known as 1612-1614 Store Street, and give three readings to the required amendment Bylaw at the Special Council Meeting on November 17, 2016.

EXECUTIVE SUMMARY

The purpose of this report is to provide Council with information and recommendations for an amendment to the Heritage Revitalization Agreement for the Janion property located at 1610 Store Street, also known as 1612-1614 Store Street. The request is to permit the amendment of the Heritage Revitalization Agreement of January 16, 2014 to account for a 0.12 metre (4.7 inches) unpredicted variance increase in the existing built conditions of the building. The request is supportable due to the 0.12 metre height increase having no visual impact on the surrounding context, and no impact on any other conditions of the HRA. Staff recommend that Council approve the amendment.

PURPOSE

The purpose of this request is to obtain Council approval to amend the Heritage Revitalization Agreement for the Janion building at 1610 Store Street, also known as 1612-1614 Store Street.

BACKGROUND

This request arose out of the November 8, 2016 submission of documentation required by the City to obtain an Occupancy Permit for the Janion property located at 1610 Store Street. Part of the submission included a Survey Building Height Certificate that recorded a building height dimension of 18.12m, which exceeds the allowable dimension of 18.00m stated in Heritage Revitalization Agreement. The actual variance dimension of 18.12m is the result of the original building height calculations not accommodating for the thickness of the roof membrane, primarily the roof insulation and related waterproofing treatment. The 0.12m (4.7 inches) increase in building height corresponds to the roof plane located behind the allowable roof

parapet, is not visually apparent from ground elevation, and has no visual impact to the overall façade or structure.

ISSUES & ANALYSIS

Heritage Revitalization Agreement

The increase in building height from 18.00m to 18.12m is currently in contravention with Section 23.2 of the Heritage Revitalization Agreement, which was in effect as of January 16, 2014 pursuant to what was then section 966 of the Local Government Act, and which is now section 610 in the most recent amended January 1, 2016 Act.

An amendment to the current Heritage Revitalization Agreement is necessary to ensure it is consistent with the 0.12m height variance that exists in the built conditions of the building.

Bylaw No. 13-065

Heritage Revitalization Agreement (1612-1614 Store Street) Bylaw No. 13-065 was created to authorize the City's Corporate Administrator to execute the Heritage Revitalization Agreement.

CONCLUSION

Staff recommend for Council's consideration that an amendment to the Heritage Revitalization Agreement be approved to ensure consistency between the Agreement and the increased 18.2m building height of the current built condition of the Janion located at 1610 Store Street, on property also known as 1612 – 1614 Store Street.

ALTERNATE MOTION

That Council decline the amendment of the Heritage Revitalization Agreement for the property located at 1610 Store Street, on land known as 1612-1614 Store Street.

Respectfully submitted,



Merinda Conley
Senior Planner - Heritage
Development Services



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date: November 17, 2016

List of Attachments

- Letter from Reliance Properties.



November 16th, 2016

City of Victoria

Sustainable Planning and Community Development Department

1 Centennial Square

Victoria, BC V8W 1P6

Att: Merinda Conley

Senior Planner - Heritage

Sustainable Planning and Community Development Department

Phone: 250 361 0300

mconley@victoria.ca

Re: **Janion – 1610 Store Street – Amendment to Heritage Revitalization Agreement Request**

As part of the documentation package required by City of Victoria in relation to the Occupancy Permit for the Janion, 1610 Store Street, a Survey Building Height certificate was submitted on November 8th, 2016 to the Building Inspections department. This document recorded a building height of 18.12m in exceedance to the allowed dimension of 18.00m stated on the Registered Heritage Revitalization Agreement FB476567 from January 16th, 2014 in place for outlined property.

We would like to request City of Victoria's Mayor and Council that an Amendment to the Heritage Revitalization Agreement be considered to account for this variance which outlines built conditions of the building.

We consider actual condition to be an imperceptible discrepancy in the permitted height as it corresponds to a physical point that sits behind an allowable building roof parapet with no visual impact. The actual variance dimension relates to extra necessary space to accommodate envelope requirements of the roof plane, mainly insulation and related roof waterproofing treatment, non-spatially allowed on original height calculations. Therefore, we request by way of an amendment to the HRA the building height be revised to 18.12m to achieve compliance of as built conditions.

We appreciate your anticipated input and further actions in order to advance corresponding process.

Please contact me should you require further clarification.

Sincerely,

Jon Stovell

President

Reliance Properties Ltd.

**HERITAGE REVITALIZATION AGREEMENT AMENDMENT
(1612-1614 STORE STREET) BYLAW**

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to authorize an amendment to the Heritage Revitalization Agreement for the land known as 1612-1614 Store Street to increase the allowed height from 18 metres to 18.12 metres.

Under its statutory powers, including section 610 of the *Local Government Act*, the Council of The Corporation of the City of Victoria, in an open meeting assembled, enacts the following provisions:

Title

1. This Bylaw may be cited as the "HERITAGE REVITALIZATION AGREEMENT (1612-1614 STORE STREET) AMENDMENT BYLAW".

Amendment Agreement authorized

2. The Mayor and the City Clerk are authorized to execute a Heritage Revitalization Amendment Agreement, in the form attached to this Bylaw as Schedule A, to amend the Heritage Revitalization Agreement authorized pursuant to Bylaw No. 13-065, the Heritage Revitalization Agreement (1612-1614 Store Street) Bylaw, regarding certain lands and premises legally described as:

PID: 029-208-831 Lot 1 of Lot 129 Victoria City and part of the bed of the Victoria Harbour, Victoria District Plan EPP35103

READ A FIRST TIME the day of 2016.

READ A SECOND TIME the _____ day of _____ 2016.

READ A THIRD TIME the _____ day of _____ 2016.

ADOPTED on the _____ day of _____, 2016.

CITY CLERK

MAYOR

SCHEDULE A

HERITAGE REVITALIZATION AGREEMENT AMENDMENT

(Pursuant to section 610 of the *Local Government Act*)

THIS AMENDMENT made the __ day of November, 2016

BETWEEN:

THE CORPORATION OF THE CITY OF VICTORIA
#1 Centennial Square Victoria, BC V8W 1P6

(the "**City**")

AND:

CROSSTOWN PROPERTIES (STORE STREET) LTD.
305-111 Water Street, Vancouver, BC V6B 1A7

(the "**Owner**")

W HEREAS:

- A. The Owner is the registered owner of those lands and premises located in the City of Victoria, British Columbia, legally described as follows (the "**Owner Lands**")

PID: 029-208-831 Lot 1 of Lot 129 Victoria City and part of the bed of the
Victoria Harbour, Victoria District Plan EPP35103

- B. The Owner and the City entered into a Heritage Revitalization Agreement dated October 10, 2013 (the "**Heritage Revitalization Agreement**") pursuant to Section 966 of the *Local Government Act* (now section 610), which sets out the terms and conditions under which the Heritage Building (as therein defined) situated on the Owner Lands would be preserved and maintained.
- C. Notice of the Heritage Revitalization Agreement was registered against the title to the Owner Lands in the Victoria Land Title Office on January 16, 2014 under number FB476567.
- D. The Owner has requested, and the City has agreed, to amend the Heritage Revitalization Agreement on the terms specified herein.

NOW THEREFORE for good and valuable consideration (the receipt and sufficiency of which both parties acknowledge), the Owner and the City each covenant with the other pursuant to section 610 of the *Local Government Act* as follows:

1. Section 23.2 of the Heritage Revitalization Agreement is deleted, and the following is substituted therefor:

"23.2 For the purpose of clarity, the variance described in subsection 23.1 (a) above does not permit the height of the building to exceed 18.12 metres, and does not permit the floor space ratio to exceed 2.75 to 1."

2. Except as expressly amended herein, the Heritage Revitalization Agreement remains in full force and effect.

IN WITNESS WHEREOF the parties have executed this Agreement.

THE CORPORATION OF THE
CITY OF VICTORIA

CROSSTOWN PROPERTIES
(STORE STREET) LTD.

By: _____
Mayor

By: _____

By: _____
City Clerk