



Committee of the Whole Report

For the Meeting of May 17, 2018

To: Committee of the Whole **Date:** April 26, 2018
From: Jonathan Tinney, Director, Sustainable Planning and Community Development
Subject: Development Permit with Variance Application No. 00067 for 566-570 Yates Street

RECOMMENDATION

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Development Permit with variance Application No. 00067 for 566-570 Yates Street in accordance with:

1. Plans date stamped January 11, 2018.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. permit residential uses on the ground floor.
3. The Development Permit lapsing two years from the date of this resolution."

LEGISLATIVE AUTHORITY

In accordance with Section 489 of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Community Plan*. A Development Permit may vary or supplement the *Zoning Regulation Bylaw* but may not vary the use or density of the land from that specified in the Bylaw.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit with Variance Application for the property located at 566-570 Yates Street. The proposal is to renovate the interior of an existing building to provide a residential unit at the ground floor. The variance is to allow a residential use on the ground floor.

The following points were considered in assessing this application:

- the proposal is generally consistent with the Downtown Core Area Plan in terms of maintaining an active street frontage
- the variance is to permit residential use at the ground floor, and is supportable based on the rear location of the proposed residential unit which does not affect the intent of the policies to maintain active street level uses.

BACKGROUND

Description of Proposal

The proposal is for an interior renovation to provide residential use in the rear, ground floor unit within an existing building. No exterior alterations are proposed in association with this proposal. The location of the residential use on the ground floor triggers the variance.

Sustainability Features

The applicant has not identified any sustainability features associated with this proposal.

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 Development Permit application.

Accessibility Impact Statement

The British Columbia Building Code regulates accessibility as it pertains to buildings.

Existing Site Development and Development Potential

The site is presently occupied by a three storey heritage designated building.

Data Table

The following data table compares the proposal with the existing CA-3C Zone, Old Town District. An asterisk is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposal	Existing CA-3C Zone, Old Town District
Density (Floor Space Ratio) - maximum	2.64	3.0
Use Location - residential	Ground floor*	Not permitted

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, on January 23, 2018 the application was referred for a 30-day comment period to the Downtown Residents Association CALUC. At the time of writing this report, a letter from the CALUC had not been received.

This application proposes variances; therefore, in accordance with the City's *Land Use Procedures Bylaw*, it requires notice, sign posting and a meeting of Council to consider the variances.

ANALYSIS

The subject property is located in Development Permit Area 1 (HC) Core Historic. The relative objectives of this DPA are to conserve and protect heritage value and to revitalize commercial uses through infill.

Design guidelines that apply to Development Permit Area 1 (HC) are the *Downtown Core Area Plan, 2012* (DCAP), *Old Town Design Guidelines* (2006), *Advisory Design Guidelines for Buildings, Signs and Awnings* (2006) and *Guidelines for Fences, Gates and Shutters* (2010), *Victoria Harbour Plan* (2001), *City of Victoria Heritage Program Sign & Awning Guidelines* (1981), and the *Standards and Guidelines for the Conservation of Historic Places in Canada*.

The key policies related to assessing this variance come from the *Downtown Core Area Plan* (DCAP). It recommends that residential dwellings within the Historic Commercial District are to be located on upper-storeys to retain and accommodate more active commercial uses at the street level.

The intent of these guidelines are not affected with this proposal given that the residential use is proposed at the rear of the building. A commercial use will remain at the building frontage adjacent to the street. Additionally, the proposed use may add to the street vibrancy by providing additional residential use and supports the retention of a heritage building within the Core Historic area by providing a variety of uses to maintain its viability.

Heritage

The subject property is heritage designated; however, the designation applies only to the exterior of the building. The proposed interior changes do not affect this designation.

CONCLUSIONS

The proposal to renovate the interior of an existing heritage designated building for a residential unit at the rear, ground level of the building does not affect the intent of the relevant guidelines. Additionally, it may benefit the retention of a heritage building and promotes street vibrancy. On this basis, Staff recommend for Council's consideration that this application be supported.


ALTERNATE MOTION

That Council decline Development Permit with Variances Application No. 00067 for the property located at 566-570 Yates Street.

Respectfully submitted,



Miko Betanzo, Senior Planner – Urban Design
Sustainable Planning and Community
Development Department Division



Jonathan Tinney, Director
Sustainable Planning and Community
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Report accepted and recommended by the City Manager:

Joseph J. Senfuss
Date: May 9, 2018

List of Attachments:

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans dated/date stamped January 11, 2018
- Attachment D: Letter from applicant to Mayor and Council dated January 2, 2018