



## Committee of the Whole Report For the Meeting of October 1, 2020

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**To:** Committee of the Whole **Date:** September 17, 2020

**From:** Karen Hoese, Director, Sustainable Planning and Community Development

**Subject:** Rezoning Application No. 00739 for 1244 Wharf Street

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### RECOMMENDATION

That Council instruct staff to prepare the necessary *Zoning Regulation Bylaw* amendments that would authorize the proposed development outlined in Rezoning Application No.00739 for 1244 Wharf Street, that first and second reading of the *Zoning Regulation Bylaw* amendments be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Council authorizing the existing street-level projecting building ornamentation over the City right-of-way, provided that the applicant enters into an Encroachment Agreement in a form satisfactory to the City Solicitor and the Director of Engineering and Public Works.

### LEGISLATIVE AUTHORITY

In accordance with Section 479 of the *Local Government Act*, Council may regulate within a zone the use of land, buildings and other structures, the density of the use of the land, building and other structures, the siting, size and dimensions of buildings and other structures as well as the uses that are permitted on the land and the location of uses on the land and within buildings and other structures.

### EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis, and recommendations for a rezoning application for the property located at 1244 Wharf Street. The proposal is to rezone from the Inner Harbour McQuades District (IHMc) Zone to a new zone to add "hotel" as a permitted use and to permit residential uses below the street grade, at a "walk-out" level to the harbour.

The following points were considered in assessing this application:

- the proposal is consistent with the land uses envisioned in the Core Inner Harbour Legislative Urban Place Designation in the *Official Community Plan*, 2012 (OCP)
- the proposal maintains and enhances active frontages at street level as envisioned in the OCP
- the proposal advances heritage objectives in the OCP and the *Downtown Core Area Plan* by adding flexibility to an existing heritage designated building.

## **Description of Proposal**

This Rezoning Application is to add “hotel” as a permitted use and to permit residential uses below the street grade. A Heritage Alteration Permit Application to renovate this heritage-designated building has been submitted and will be the focus of a subsequent report.

The following changes from the current zone are being proposed and would be accommodated in the new zone:

- permitting residential uses below the street grade in an existing building that currently permits residential uses
- adding “hotel” use as a permitted use.

## **Tenant Assistance Policy**

The proposal is to add an additional use and to reduce current restrictions on residential uses in an existing building. No loss of existing residential rental units is anticipated.

## **Sustainability**

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

## **Active Transportation**

The applicant has not identified any active transportation impacts associated with this application.

## **Public Realm**

No public realm improvements beyond City standard requirements are proposed in association with this Rezoning Application.

## **Accessibility**

No physical changes are proposed as part of this rezoning.

## **Land Use Context**

The area is characterized by a mixture of retail, commercial, restaurant, tourism and hotel use, and the subject property is immediately adjacent to Reeson Park. The existing sloping site on the harbour results in buildings with fewer storeys on Wharf Street compared to their harbour elevations.

## **Existing Site Development and Development Potential**

The site is presently occupied by a three-storey, designated heritage building that contains ground floor restaurant uses with office and educational facility uses on the floors above.

Under the current IHMc Zone, Inner Harbour McQuades District, the property could be developed as a mixed-use building with ground floor commercial uses and residential or office uses above, a recreation facility, a club, or craft and artisan trades.

## Data Table

The following data table compares the proposal with the IHMc Zone and the relative policies in the Official Community Plan (OCP). There are several aspects of the existing building which are inconsistent with the existing zone; however, these are considered legal non-conforming. A double asterisk has been used to identify the legal non-conforming aspects of the building.

Zoning Criteria	Proposal	Existing Zone	OCP
Density (Floor Space Ratio) – maximum	<b>2.69**</b>	2.00	4
Total floor area (m <sup>2</sup> ) – maximum	<b>1779**</b>	1325	n/a
Height (m) – maximum	<b>15.20**</b>	8.00	15
Setbacks (m) – minimum			
Front	0	nil	n/a
Rear	5.73	nil	n/a
Side (north)	0.30	nil	n/a
Side (south)	0.60	nil	n/a
Parking – minimum	0	N/A	
Bicycle parking stalls – minimum	0	N/A	

## Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures* during the COVID-19 pandemic, for processing rezoning and variance applications, the application has been posted on the Development Tracker with the requisite notification sent to the Downtown Residents Association CALUC as well as to owners and occupiers of property within 100 metres of the subject site. Initially, the Downtown CALUC waived the requirement for a CALUC meeting prior to this application being submitted while the City established alternate community consultation procedures for the COVID 19 pandemic. The thirty-day online comment period has now expired, and no comments were received.

## ANALYSIS

The following City policies were used to assess the Rezoning Application:

- *Official Community Plan* (2012)
- *Downtown Core Area Plan* (2011)
- *Victoria Harbour Plan* (2001).

## **Official Community Plan**

The subject property is located within the Core Inner Harbour Legislative Urban Place Designation in the OCP. This designation envisions densities up to 4:1 floor space ratio (FSR) and building heights up to five storeys. No additional density or construction is being proposed and the addition of “hotel” as a permitted use is consistent with the land uses envisioned for this downtown area.

Residential uses are currently permitted within the existing zone; however, this use is limited to portions of the building above the ground floor. This limitation is intended to maintain an active street frontage along Wharf Street. The proposal to permit residential uses below the ground floor is consistent with this intent because residential uses will still be limited to portions of the building that do not front Wharf Street. The proposed increase to where residential uses are permitted in the building would allow the applicant to utilize lower levels of the building, below Wharf Street, that function as “walk-out” space due to the sloping site. This proposed change to where residential uses are permitted would help to advance economic vitality and social vibrancy by adding activity and uses to portions of the building typically difficult to activate.

The proposed additional use and changes to where residential uses are permitted also helps to advance heritage conservation goals in the OCP. By increasing the range and arrangement of uses within this existing heritage designated building, its ongoing occupation, maintenance and contribution to the downtown architectural fabric and commercial vibrancy is supported.

## **The Downtown Core Area Plan (DCAP)**

Strengthening tourism and economic development are broad aims outlined in DCAP, which the proposed changes help to advance. DCAP also seeks to promote the revitalization of heritage buildings which, through adding greater flexibility of use, is also supported. While no physical changes are proposed in this rezoning, the applicant has indicated that, if this rezoning is successful, a hotel operator can be attracted to the site with greater certainty. Similarly, any future development would occur through a heritage alteration permit application process that will utilize the Standards and Guidelines for the Conservation of Historic Places as a guide to meaningfully rehabilitate and/or restore the character defining elements of the building.

## **Development Permit Area 9 (HC): Core Inner Harbour**

The subject property is located within Development Permit Area 9 (Heritage Conservation): Core Inner Harbour. The related objectives for this DPA are to revitalize key waterfront areas, conserve heritage buildings and to enhance the inner harbour through high quality architecture. Again, the proposed uses help to advance this objective.

## **Density Bonus Policy**

The subject property is located outside of the prescribed “Density Bonus” areas of the City and is not proposing additional floor area. As such, neither the *Inclusionary Housing and Community Amenity Contribution Policy* (2019) nor the DCAP Density Bonus system provisions apply.

## **Encroachment Agreement**

Cornices and some decorative features of the existing building currently encroach into the City right-of-way. To facilitate and legalize this existing condition, the applicant is required to enter into an Encroachment Agreement with the City. Appropriate wording is included in the recommendation for Council's consideration.

## CONCLUSIONS

The proposed additional “hotel” use and relaxation to the location of residential uses within the current zone advance vitality and heritage conservation objectives in the OCP. This property holds significant value as a historic element which contributes to the rich sense of place in the Inner Harbour and the downtown core, and adding flexibility to the uses permitted can help to secure this resource by enabling both a renewal and upgrade of the building in a subsequent Heritage Alteration Permit. On that basis, staff recommend advancing the application to a Public Hearing.

## ALTERNATE MOTION

That Council decline Application No. 00739 for the property located at 1244 Wharf Street.

Respectfully submitted,



Miko Betanzo  
Senior Planner – Urban Design  
Development Services Division



Karen Hoese, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



Date: September 22, 2020

## List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: As-built plans dated/date stamped June 9, 2020
- Attachment D: Letter from applicant to Mayor and Council dated May 26, 2020.