



Committee of the Whole Report

For the Meeting of August 5, 2021

To: Committee of the Whole **Date:** July 22, 2021

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

Subject: Rezoning Application No. 00749 for 645 & 655 Tyee Road

RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00749 for 645 and 655 Tyee Road, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once staff have received a Development Permit Application to add permanent outdoor seating to the northwest plaza at 645 Tyee Road.

That Council, after the Public Hearing for Rezoning Application No. 00749, if it is approved, authorize the Mayor and City Clerk to execute legal instrument, in a form satisfactory to the City Solicitor, to discharge covenant number EV35208 from the properties located at 645 Tyee Road and 655 Tyee Road.

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 properties located at 645 and 655 Tyee Road to remove the restrictions on maximum total floor area for office use and retail uses in order for the property owner to be able to fill long-term vacancies within the existing four- and five-storey buildings. The properties are currently regulated by two zones, the SBP-5 Zone, Tyee Business District regulates 645 Tyee Road and the SBP-6 Zone, Tyee Business District regulates 655 Tyee Road. The rezoning would consolidate the two zones into a single site-specific zone that removes the restrictions on maximum total floor area for office use and retail uses and would limit retail to the ground floor. Staff also recommend including in the zone a minimum floor area of 120m² for more active uses, such as retail, restaurant or personal services.

A covenant that restricts office and retail uses is currently registered against the properties and would need to be discharged should the rezoning be approved by Council. No physical changes to the building are proposed at this time.

The following points were considered in assessing this application:

- The proposal is generally consistent with the Large Urban Village designation in the *Official Community Plan* and the *Victoria West Neighbourhood Plan*, which envisions commercial uses.
- The proposal would consolidate two complicated zones into one simplified and cohesive zone.

BACKGROUND

Description of Proposal

This Rezoning Application is to rezone from the SBP-5 Zone, Tyee Business District and the SBP-6 Zone, Tyee Business District to a single site-specific zone to remove the restrictions on maximum total floor area permitted for office and retail uses, and to limit retail uses to the ground floor. Staff believe some space should be reserved for more active uses. As such, the proposed zone would require 120m² on the ground floor be maintained for what would be considered more active uses such as retail or personal services. This is the size of a café that was previously located in the building.

The proposed new zone would allow the property owner greater flexibility to fill vacancies within the existing buildings. For instance, the ground floor of 655 Tyee Road, which formerly was occupied by a fitness facility, has now been vacant since November 2019 due to the restrictions on uses in the zoning. The proposed consolidated zone would also be simplified to remove confusing wording and references to other zones.

Finally, a covenant that similarly restricts the total floor area of office and retail uses is registered against the properties and would need to be discharged should the rezoning be approved by Council.

Sustainability

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

Active Transportation

There were no bicycle facilities required when the two buildings were originally constructed. Since completion, a total of 56 long term bicycle stalls and 24 short term bicycle stalls have been added across the two properties.

Public Realm

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

Accessibility

No accessibility improvements are proposed beyond what is required through the *British Columbia Building Code*.

Land Use Context

The area is characterized by a variety of commercial and residential uses, more specifically the Railyards is located to the north, Westside Village to the west and Dockside Green to the south. The upper harbour and the Galloping Goose Regional Trail are to the east.

Existing Site Development and Development Potential

There is currently one four-storey office building at 645 Tyee Road and one five-storey office building at 655 Tyee Road. Under the current SBP-5 Zone, Tyee Business District and the SBP-6 Zone, Tyee Business District, the properties could be developed in a similar manner to what exists at present.

The current zoning on each property is complicated and at times confusing. For instance, the permitted uses at 655 Tyee Road are regulated under the SBP-6 Zone, which references the SBP-5 Zone, which references the SBP-3 Zone, which references the S-BP-1 Zone. In addition, both zones restrict the total floor area of office and retail uses, which in effect prevents offices from being located on the ground floor. The intent of this rezoning is to simplify the SBP-5 Zone and the SBP-6 Zone while removing the maximum floor area limitations on office and limiting retail to the ground floor.

Data Table

The following data table compares the proposal with the existing SBP-5 Zone and the SBP-6 Zone. An asterisk is used to identify where the proposal does not meet the requirements of the existing Zone. Two asterisks are used to identify where the proposal is legally non-conforming.

Zoning Criteria	Proposal 645 Tyee	Existing SBP-5 Zone	Proposal 655 Tyee	Existing SBP-6 Zone
Site area (m ²) – minimum	2510.40	1000	4990	1000
Density (Floor Space Ratio) – maximum	1.87	1.87	1.87	1.87
Total floor area (m ²) – maximum	4692	4694.45	9322	9322
Total office floor area (m ²) - maximum	4572	3800	9322	4258.5
Total retail floor area (m ²) - maximum	1200 (approximate)	2980	1800	1797.9
Storeys – maximum	4	5	5	5
Parking – minimum	68 **	114	200	199
Loading stall – minimum	0 **	1	1	1

Zoning Criteria	Proposal 645 Tyee	Existing SBP-5 Zone	Proposal 655 Tyee	Existing SBP-6 Zone
Short term bicycle parking stalls – minimum	5	0	19	0
Long term bicycle parking stalls – minimum	23	0	33	0

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant had preliminary conversations with the Victoria West CALUC. The Victoria West CALUC concluded that a community meeting was not required for this proposal (Attachment E).

ANALYSIS

Official Community Plan

The subject properties are generally consistent with the Large Urban Village designation in the *Official Community Plan* (OCP), which envisions commercial uses including offices.

Victoria West Neighbourhood Plan

The *Victoria West Neighbourhood Plan* identifies the subject properties as within the Large Urban Village designation, which envisions active commercial uses on the ground floor. Generally, offices are not considered to be “active” commercial uses.

Site Condition and Context

The site-specific conditions, such as grade changes between the public sidewalk and ground floor commercial units, as well as an inward-facing building with parkade entrance (Westside Village) across the street, have led to lengthy vacancies on the ground floor which has exacerbated a sense of inactivity around the building. Therefore, permitting office uses on the ground floor has the potential to increase street level and the proposed relaxation of restrictions on office use would not prevent retail and/or restaurant uses from re-establishing on the ground level at a later date.

The applicant is willing to reserve 120m² of floor area for active uses (e.g., retail, personal services, medical offices) on the ground floor of 645 Tyee Road. In addition, the applicant has agreed to add permanent seating in the plaza in front of 645 Tyee Road, which would increase pedestrian activity as it could be used by a future retail or restaurant use, as well as by the office workers in the building. This would be considered a landscaping change and in Development Permit Area 5 – Large Urban Villages, landscaping changes are delegated to staff. Staff recommend the applicant submit this prior to Public Hearing and have included this condition in the recommended Council motion.

CONCLUSIONS

The proposal is generally consistent with the OCP as it relates to commercial development within Large Urban Village areas. The proposal is also generally consistent with the *Victoria West Neighbourhood Plan*, as office uses and permanent seating in the plaza would bring additional activity to the ground floor. Staff therefore recommend that Council consider moving the application forward to a Public Hearing.

ALTERNATE MOTION

That Council decline Rezoning Application No. 00749 for the property located at 645 and 655 Tyee Road.

Respectfully submitted,

Mike Angrove
Senior Planner
Development Services Division

Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped March 10, 2021
- Attachment D: Letter from applicant to Mayor and Council dated August 11, 2020
- Attachment E: Community Association Land Use Letter dated July 7, 2020.