



Committee of the Whole Report

For the Meeting of November 26, 2020

To: Committee of the Whole **Date:** October 1, 2020

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

Subject: Development Variance Permit Application No. 00240 for 535 Yates Street

RECOMMENDATION

That Council decline issuance of Development Variance Permit application No. 00240 for 535 Yates Street for signage located higher than the lowest sill of the second storey of the building. as indicated on submitted plans (date stamped March 11, 2020).

LEGISLATIVE AUTHORITY

In accordance with Section 498 of the Local Government Act, Council may issue a Development Variance Permit that varies other land use regulation powers provided the permit does not vary the use or density of land from that specified in the Zoning Regulation Bylaw.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Variance Permit Application for the heritage-designated property located at 535 Yates Street. The proposal is to install a business identification fascia sign that is located below the lowest sill level of the fourth storey. The application is inconsistent with the Old Town Sign Zone of the *Sign Bylaw* which prohibits fascia signs above the lowest sill of the second storey of a building and requires that new signs not obscure architectural features of designated heritage buildings. The proposed sign also exceeds the total signage area permitted on the Yates Street frontage of the building. Staff do not support the requested variances and recommend that Council decline the proposal.

BACKGROUND

Description of Proposal

This application is to install a new building fascia sign below the lowest sill level of the fourth floor of the building at 535 Yates Street. The proposed fascia sign is 3.49m² in area and measures approximately 2.86m by 1.15m. Plans are included in Appendix A.

The building has existing signage, all of which is located below the second storey sill level,

including business signage associated with the proposed fourth floor signage.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the application was referred for a 30-day comment period to the CALUC. The DRA's letter is included as Appendix C.

This application proposes a variance, 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

535 Yates Street is located within the boundaries of the Old Town Sign Zone of the *Sign Bylaw*. This zone permits all sign types, except flashing signs, notice boards and readograph signs.

The intent of the Old Town Sign Zone is to reinforce the prevailing historic pattern of ground floor signage in the Old Town Heritage Conservation Area. To achieve this objective, the *Sign Bylaw* limits the height of fascia signs to not be located higher than the lowest sill of the second storey of the building on which it is displayed. The proposed fascia sign is located below the windowsill of the fourth storey, higher than permitted under the *Sign Bylaw*.

The *Sign Bylaw* also requires that proposed fascia signs not obscure architectural features of a designated heritage building or building on the City's heritage registry. This direction is also included in the *Sign and Awning Guidelines for Heritage-Designated Buildings*, which state that new signs should not conceal significant architectural features of the building. The proposed fascia sign will conceal previously uncovered brickwork at an upper storey level.

In the Old Town Sign Zone of the *Sign Bylaw*, there is a sign allowance ratio which establishes the total signage area permitted based on the building frontage. With a lot frontage of 13.6m, the total permitted signage area on the Yates Street elevation is 4.15m². Existing signage accounts for 0.8 m² and addition of the proposed fourth storey fascia sign at 3.49m² in area would result in a total of 4.29m² of signage on the Yates Street frontage, exceeding the maximum permitted.

Further, in varying these requirements, the proposal would not enhance the building or the area, as required by the *Buildings Signs and Awnings Advisory Design Guidelines*. Approval of the proposal would set an undesirable precedent for further sign proposals in Old Town and is not recommended.

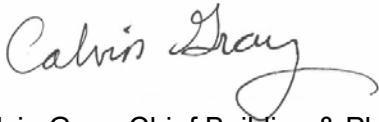
CONCLUSIONS

The proposed fascia sign, located below the windowsill of the fourth storey of this heritage-designated building in the Old Town Heritage Conservation Area, would not reinforce the prevailing historic pattern of ground floor signage in the Old Town Heritage Conservation Area and is inconsistent with the *Sign Bylaw*. The proposed signage is also inconsistent with the *Buildings Signs and Awnings Advisory Design Guidelines* and the *Sign and Awning Guidelines for Heritage-Designated Buildings*, which discourage signs that obscure historically uncovered architectural features. It is therefore recommended that Council decline this application.


ALTERNATE MOTIONS

That Council authorize the Development Variance Permit Application No. 00240 for the property located at 535 Yates Street.

Respectfully submitted,



Calvin Gray, Chief Building & Plumbing
Inspector
Sustainable Planning and Community
Development Department



Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

Date: _____

List of Attachments

- Appendix A: Plans date stamped March 11, 2020 and site plan
- Appendix B: Applicant Variance Request Letter dated September 18, 2020
- Appendix C: Victoria Downtown Residence Association letter dated October 23, 2020