

**H.5 Bylaw for 680 Montreal Street: Rezoning Application No. 00792**

**Moved By** Councillor Loveday

**Seconded By** Councillor Alto

That the following bylaw **be given first and second readings:**

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1285) No. 22-077

**CARRIED UNANIMOUSLY**



## Council Report

### For the Meeting of September 8, 2022

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**To:** Council **Date:** August 25, 2022  
**From:** Karen Hoesel, Director, Sustainable Planning and Community Development  
**Subject:** Update Report for Rezoning Application No. 00792 for 680 Montreal Street

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#### RECOMMENDATION

That Council give first and second reading to Zoning Bylaw Regulation Amendment (Bylaw No. 22-077).

#### BACKGROUND

The rezoning application for 680 Montreal Street (Laurel Point Inn) to allow the existing hotel use to continue and increase the density and site coverage was considered by Council at the Committee of the Whole meeting on June 16, 2022, and it came before Council on June 30, 2022, where the following resolution was approved:

*“That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00792 for 680 Montreal Street, that first and second readings of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once a legal agreement is executed by the applicant to secure an easement over the neighbouring lot at 225 Belleville Street to allow access for users of 680 Montreal Street to the vehicle parking stalls, with the form and contents to the satisfaction of the Director of Sustainable Planning and Community Development and the City Solicitor.”*

#### Shadow Study

Committee of the Whole on June 16, 2022 discussed the provision of a shadow study by the applicant to determine the impacts of the shadows of a potential future development on the public park to the north. Although this was not made a requirement, the applicant has provided a shadow study on their own accord. The attached shadow study demonstrates there would be minimal increased impact on the adjacent park.

#### Parking Easement

A legal agreement has been executed over the adjacent property to allow access for the subject property to 79 vehicle parking stalls within the existing parkade.

## **Setbacks**

Due to the irregular lot shape, the proposed zone would determine setbacks by the cardinal direction in which a yard faces. This removes the complications associated with irregular lot shapes and would not require the applicant to hire a surveyor to create a plan-specific setback map. As noted in the Committee of the Whole report, design guidelines would still regulate the acceptability of setbacks and the impact on the adjacent uses.

## **CONCLUSIONS**

The applicant has fulfilled the conditions from the Council motion on May 6, 2021. The recommendation provided for Council's consideration contains the appropriate language to advance this application to a Public Hearing.

Respectfully submitted,

Mike Angrove  
Senior Planner – Development Agreements  
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: Committee of the Whole Report dated June 2, 2022
- Attachment B: Minutes from Committee of the Whole Meeting dated June 16, 2022
- Attachment C: Shadow Study
- Attachment D: Correspondence
- Attachment E: Bylaw No. 22-077



## Committee of the Whole Report For the Meeting of June 16, 2022

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**To:** Committee of the Whole **Date:** June 2, 2022

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

**Subject:** Rezoning Application No. 00792 for 680 Montreal Street

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### RECOMMENDATION

#### Rezoning Application

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that authorize the proposed development outlined in Rezoning Application No. 00792 for 680 Montreal Street. That first and second readings of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once a legal agreement is executed by the applicant to secure an easement over the neighbouring lot at 225 Belleville Street to allow access for users of 680 Montreal Street to the vehicle parking stalls, with the form and contents to the satisfaction of the Director of Sustainable Planning and Community Development and the City Solicitor.

### LEGISLATIVE AUTHORITY

This report discusses a Rezoning Application. Relevant rezoning considerations include the proposal to increase the permitted density and include a new site coverage regulation in the zoning bylaw.

#### Enabling Legislation

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 680 Montreal Street. The proposal is to rezone from the C-4H Zone, Harbour Activity District, and the M-2 Zone, Light Industrial District, to a new zone in order to allow the existing hotel use to continue once the provincially-legislated

expiration of the Land Use Contract occurs on June 30, 2024. The applicant is also requesting an increase in density and site coverage over existing conditions, which would allow for a redevelopment of the north wing in the future.

The following points were considered in assessing the Rezoning application:

- The proposal is generally consistent with the Core Inner Harbour/Legislative Urban Place Designation in the *Official Community Plan*, which envisions visitor accommodation as a permitted use
- The proposal is consistent with the *James Bay Neighbourhood Plan*, which identifies the property within the Tourist District and envisions the area to be zoned for hotel uses as a tourist-oriented centre in the City
- The increase in density from the existing 1.27 to 1.60 floor space ratio (FSR) and the increase in site coverage from the existing 45.4% to 60% would allow for a future expansion of the hotel without requiring another rezoning
- The proposed increase in height from 21.5m to 25.25m would be consistent with the existing maximum height of the hotel
- The irregular shaped lot makes determining standard setbacks difficult. The applicant is proposing a site-specific zone that would identify setbacks using a plan, with most setbacks at a minimum of 7.5m but some as low as 0m. A setback would be introduced for heights above 6m and would require the building to step back an additional 30 degrees from the edge of the lower building face
- A Development Permit would be required to ensure compliance with the relevant design guidelines should the applicant proceed with the redevelopment of the north wing in the future
- The vehicle parking that is located on the adjacent property would be legitimized and secured through an easement.

## **BACKGROUND**

### **Description of Proposal**

The subject property located at 680 Montreal Street (Laurel Point Inn) and neighbouring property located at 225 Belleville Street are currently regulated by a Land Use Contract (LUC), which permits the current buildings and uses. On June 30, 2024, all Land Use Contracts in British Columbia will automatically expire. Upon expiration, the site will be subject to two zones, the C-4H Zone, Harbour Activity District, and the M-2 Zone, Light Industrial District, and at that time the hotel building and use would become legally non-conforming. The property owner has proactively applied to rezone the property to a single site-specific zone to ensure the uses and building will continue to be permitted within the *Zoning Regulation Bylaw* upon expiration of the LUC.

As part of the application, the applicant is requesting an increase in density, height and site coverage, as well as the creation of plan-specific setbacks. If the application is forwarded to a Public Hearing, a new site-specific zone would be created that permits the existing hotel use and hotel building. The new zone would also allow for a potential redevelopment of the north wing in the future; however, a Development Permit approved by Council would still be required to ensure compliance with the relevant design guidelines.

## Land Use Context

The area is primarily characterized by hotel and multi-unit residential uses. The Inner Harbour and David Foster Walkway surround the property on three sides.



## Existing Site Development and Development Potential

The site is presently occupied by the Laurel Point Inn Hotel and is regulated by a Land Use Contract.

The portion of the property under the C-4H Zone, Harbour Activity District, could be developed as a mixed use building up to 11m in height and 2.0 FSR. The portion of the property under the M-2 Zone, Light Industrial District, could be developed as a light industrial building with a height up to 15m and a 3.0 FSR. This Rezoning Application would remove unwanted uses and complexities that occur with the current split zone.

## Data Table

The following data table compares the proposal with the standard T-1 Zone, Limited Transient Accommodation District, and the proposed site-specific zone which would be based on the T-1 Zone. An asterisk is used to identify where the proposal does not meet the requirements of the existing T-1 Zone.

Zoning Criteria	Existing Conditions	Standard T-1 Zone	Proposed Zone based on Standard T-1 Zone
Site area (m <sup>2</sup> ) – minimum	11520	1850	11520
Density (Floor Space Ratio) – maximum	<b>1.27*</b>	1.2	1.60
Total floor area (m <sup>2</sup> ) – maximum	14683	N/A	18432
Height (m)	25.24	21.5	25.25
Site coverage (%) – maximum	<b>45.4*</b>	20	60
Open site space (%) – minimum	44.4	30	30
<b>Setbacks (m) – minimum</b>  Lot boundary for structures constructed prior to January 1, 2022  Lot boundary for new structures	0  N/A	7.5  7.5	0  0 to 7.5 (plan-specific) Additional 30° from edge of lower building face for portions of the building above 6m height
Parking – minimum	130	87 (Schedule C)	87 (Schedule C)
Parking location	<b>Front and Side Yard / Neighbouring Property*</b>	Not permitted on neighbouring property	Permitted on neighbouring property
Accessory Building Location	<b>Side Yard</b> (legal non-conforming condition)	Rear Yard	Side Yard

### 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 application.

## Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, prior to submission of the application, the proposal was posted on the Development Tracker along with an invitation to complete a comment form on May 21, 2021. Additionally, the applicant participated in a Zoom meeting with the James Bay CALUC on June 9, 2021. A letter dated June 12, 2021, is attached to this report. No feedback was received from the online 30-day comment period.

## ANALYSIS

### Rezoning Application

#### Official Community Plan

The property is designated as Core Inner Harbour/Legislative within the *Official Community Plan, 2012 (OCP)*, which envisions recreation and tourism-related uses. The OCP also envisions densities of approximately 1.0 FSR, with increased densities of up to 4.0 FSR in strategic locations when accompanied with the advancement of plan objectives. The subject property provides valuable transient accommodation, is a prominent Victoria landmark and is generally consistent with the uses and densities envisioned in the OCP. Furthermore, the proposed zone would require setbacks away from the water as the building increased in height, which would prevent an overbearing building adjacent the public walkway and waterfront.

#### James Bay Neighbourhood Plan

The property is located within the Tourist District within the *James Bay Neighbourhood Plan*. This district recognizes the importance tourism plays in the local economy and encourages the improvement of tourist amenities in the area. Furthermore, the Plan envisions the area zoned for hotel and motel uses. Therefore, this Rezoning Application is generally consistent with the goals and objectives of the *James Bay Neighbourhood Plan*.

#### Regulatory Considerations

##### *Parking*

The vehicle parking for the hotel use is split between the subject property (8 stalls) and the neighbouring property at 225 Belleville Street (122 stalls). As such, an easement is required to ensure the parking stalls on the neighbouring property remain accessible to the users of the hotel. The requirement to secure an easement has been included in the recommended motion for Council's consideration.

##### *Density and Site Coverage*

The proposal is seeking an increase in density from the existing 1.27 to 1.60 floor space ratio (FSR) and an increase in site coverage from the existing 45.4% to 60%, which would allow expansions to the hotel without the requirement for a rezoning. The increased density would permit for an additional 3749m<sup>2</sup> of floor area, of which approximately 1725m<sup>2</sup> could be accommodated at-grade given site coverage limitations. 1.60 FSR is still substantially lower than that of the surrounding buildings, and allowing the extra density encourages the ongoing support of local events such as graduations, weddings and conferences, and improvement of tourist serving accommodation by expanding the applicant's ability to renovate and add more rooms and guest serving facilities. The concept images below show the minimal impact a potential



redevelopment of the north wing would have on the neighbouring park. The images are illustrative of one potential option within the proposed zone and are not meant as a specific building design, which instead would be created and presented at a future Development Permit stage.



**Figure 1: Current Site Layout**



**Figure 2: Potential Future Site Layout**

## Height

The proposal is also seeking to legitimize the current height to eliminate legal non-conforming scenarios in the future and allow for a future expansion to be built to the same height. Therefore, the maximum height would be to increase from 21.5m in the T-1 Zone to 25.25m in the proposed zone, which is the existing height of the hotel. Staff support this increase in height as it is lower than many of the neighbouring buildings and the 30-degree stepback would sculpt the building height to mitigate an overbearing mass adjacent to the park. Again, if the applicant proceeds with an expansion in the future, a Development Permit approved by Council would be required to ensure compliance with the relevant design guidelines. The rendering below demonstrates the potential expansion to the same height of the existing hotel wing to the south.



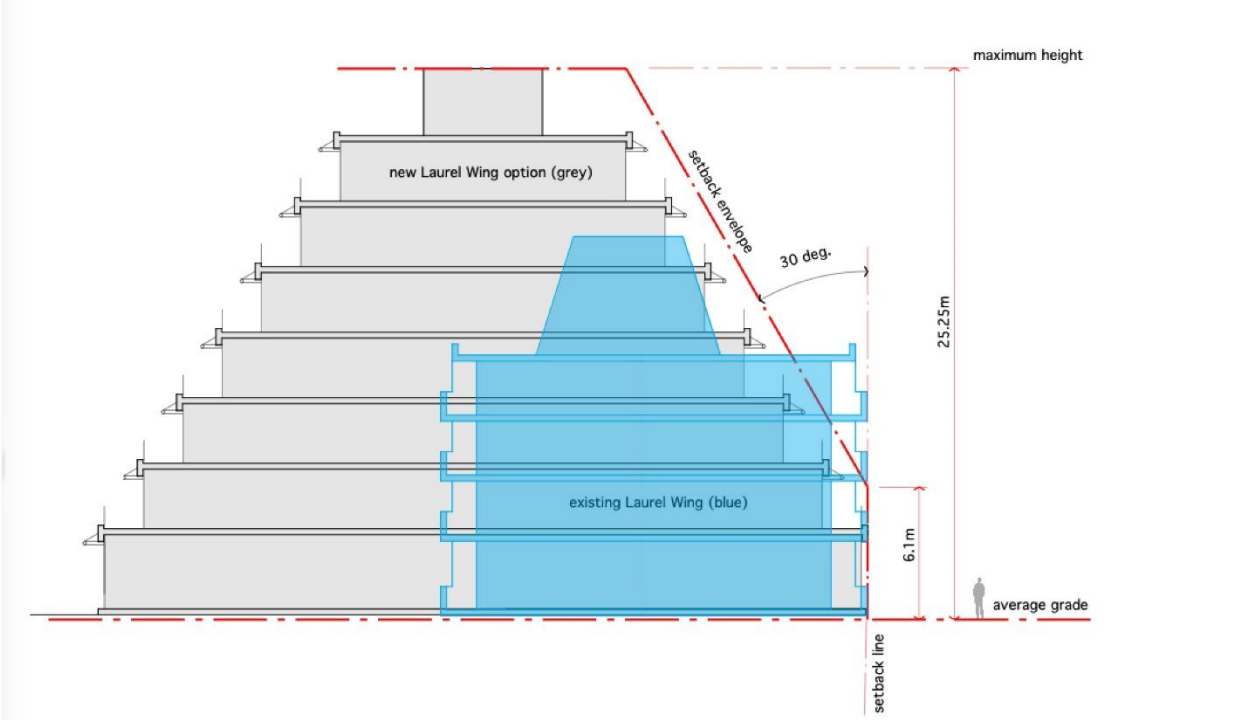
**Figure 3: Conceptual Rendering from the North**



**Figure 4: Conceptual Rendering from the East**

**Setbacks**

The shape of the lot is irregular, which makes determining setbacks difficult. While the *Zoning Regulation Bylaw* is able to determine setbacks on irregular lots, in this instance it would be easier and clearer to insert a plan into the site-specific zone to determine setbacks. For most of the lot, the setbacks would match the T-1 Zone of 7.5m. However, there are instances where the existing building is legally non-conforming with a 0m setback. A plan-specific setback would allow the setbacks of the existing building to be legitimized while still ensuring that the public park and pathway have enough space to receive light and not be overwhelmed by a potential future expansion. To further ensure the public realm remains unharmed, a stepback would occur at 6m that would require the building to increase the setbacks at a 30° angle from vertical.



**Figure 5: Demonstration of the Stepback at Upper Storeys**

**Sustainability**

As indicated in the applicant’s letter dated October 19, 2021, the existing hotel is British Columbia’s first carbon neutral hotel. This has been achieved through measures such as geothermal heating and cooling, internal programs to reduce energy consumption and recycle waste, purchasing carbon offsets, and providing bicycle rentals and EV charging.

**CONCLUSIONS**

The proposal to rezone the property at 680 Montreal Street is consistent with the goals in the OCP and the Tourism District in the *James Bay Neighbourhood Plan*. The location of the parking is an existing condition that is proposed to be formalized as part of this application. Finally, the increase in density, height and site coverage, and changes to setbacks would permit for a redevelopment of the north wing without requiring another rezoning process in the future. Stepbacks at upper storeys would help prevent overwhelming the public park to the north. In addition, an expansion would still be the subject of a Development Permit application to ensure adherence to the design guidelines contained in Development Permit Area 9 (HC): Inner Harbour. Therefore, staff recommend that Council consider supporting the application.

## **ALTERNATE MOTION**

That Council decline Rezoning Application No. 00792 for the property located at 680 Montreal Street.

Respectfully submitted,

Mike Angrove  
Senior Planner – Development Agreements  
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: Plans date stamped April 19, 2022
- Attachment C: Letter from applicant to Mayor and Council dated May 17, 2021, revised May 26, 2022
- Attachment D: Community Association Land Use Committee Comments dated June 12, 2021.

## **E.2 680 Montreal Street - Rezoning Application No. 00792 (James Bay)**

Council received a report dated June 2, 2022 from the Director of Sustainable Planning and Community Development presenting an application to permit the ongoing use of the hotel past the expiration of a Land Use Contract, and a request to increase density and site coverage to allow for a future redevelopment of the north wing of the building.

*Committee discussed the following:*

- *Potential shadowing on the adjacent public park*
- *Cost and labour involved with producing a shadow study*

**Moved By** Councillor Young

**Seconded By** Councillor Potts

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that authorize the proposed development outlined in Rezoning Application No. 00792 for 680 Montreal Street. That first and second readings of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once a legal agreement is executed by the applicant to secure an easement over the neighbouring lot at 225 Belleville Street to allow access for users of 680 Montreal Street to the vehicle parking stalls, with the form and contents to the satisfaction of the Director of Sustainable Planning and Community Development and the City Solicitor.

**Amendment:**

**Moved By** Councillor Isitt

**Seconded By** Councillor Loveday

**That Council request a shadow study from the applicant for Councils review at the time of first reading of the bylaws.**

FOR (3): Councillor Isitt, Councillor Loveday, and Councillor Potts

OPPOSED (4): Mayor Helps, Councillor Andrew, Councillor Thornton-Joe, and Councillor Young

**DEFEATED (3 to 4)**

**On the main motion:**

**CARRIED UNANIMOUSLY**

existing

future

10 am Mar 21 / Sep 21



existing

future

Noon Mar 21 / Sep 21



existing

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2 pm Mar 21 / Sep 21





existing

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existing

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existing

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10 am Dec 21



existing

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Noon Dec 21



existing

future

2 pm Dec 21





existing

future

4 pm Dec 21





## James Bay Neighbourhood Association

[jbna@jbna.org](mailto:jbna@jbna.org)

Victoria, B.C., Canada

[www.jbna.org](http://www.jbna.org)

June 9<sup>th</sup>, 2022

Mayor and Council,  
City of Victoria

Dear Mayor Helps and Councillors,

**Re: CALUC Community Discussion – 680 Montreal – Laurel Point Inn**

The 680 Montreal St rezoning proposal was considered at the June 9<sup>th</sup>, 2021, JBNA ZOOM Discussion Forum (see letter attached). In response to a request of the City, the proponent visited the JBNA for a second presentation on June 8, 2022. 39 people participated in the meeting.

John Graham, Architect, Graham Sherwin Studio, represented the Inn at Laurel Point. To demonstrate the impact of site specific zoning, with specified setbacks, he presented possible building structures of what could be done.

The concept of a remake of the “old” wing to mirror the step-backs as done in the Erickson wing showed a modern design with the reduced shadowing that could exist if the building were renovated in the years ahead.

No. concerns were raised by meeting participants.

For your consideration,

Marg Gardiner  
President, JBNA

Cc: JBNA Board  
Michael Angrove, CoV Planner,  
John Graham, Architect, Graham Sherwin Studio



## James Bay Neighbourhood Association

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[jbna@jbna.org](mailto:jbna@jbna.org)  
Victoria, B.C., Canada

[www.jbna.org](http://www.jbna.org)

June 12<sup>th</sup>, 2021

Mayor and Council,  
City of Victoria

Dear Mayor Helps and Councillors,

**Re: CALUC Community Discussion – 680 Montreal – Laurel Point Inn**

The 680 Montreal St rezoning proposal was considered at the June 9<sup>th</sup>, 2021, JBNA ZOOM Discussion Forum. 29 people participated.

Due to the nature of the rezoning, Marg Gardiner spoke with John Graham on April 7. On April 8, Tim VanAlstine and Marg Gardiner met with City Planner Michael Angrove, City Planner, to discuss the rezoning initiative with the Inn and other properties with similar issues.

No changes to the property or building are proposed. The current zoning is split between two industrial zones. This proposal is to change the zoning so that it conforms to the current hotel buildings and use when the existing Land Use Contract is terminated by the Province.

**Zoning (existing):** C-4H Harbour Activity District and M-2 Light Industrial District.

**Zoning (proposed):** Site specific.

John Graham, Architect, Graham Sherwin Studio, represented the Inn at Laurel Point. No concerns were raised by meeting participants. Prior to the meeting, nearby residents had called to discuss the rezoning, but did not express any problems or concerns with this initiative.

We believe that the CALUC community consultation obligations have now been met.

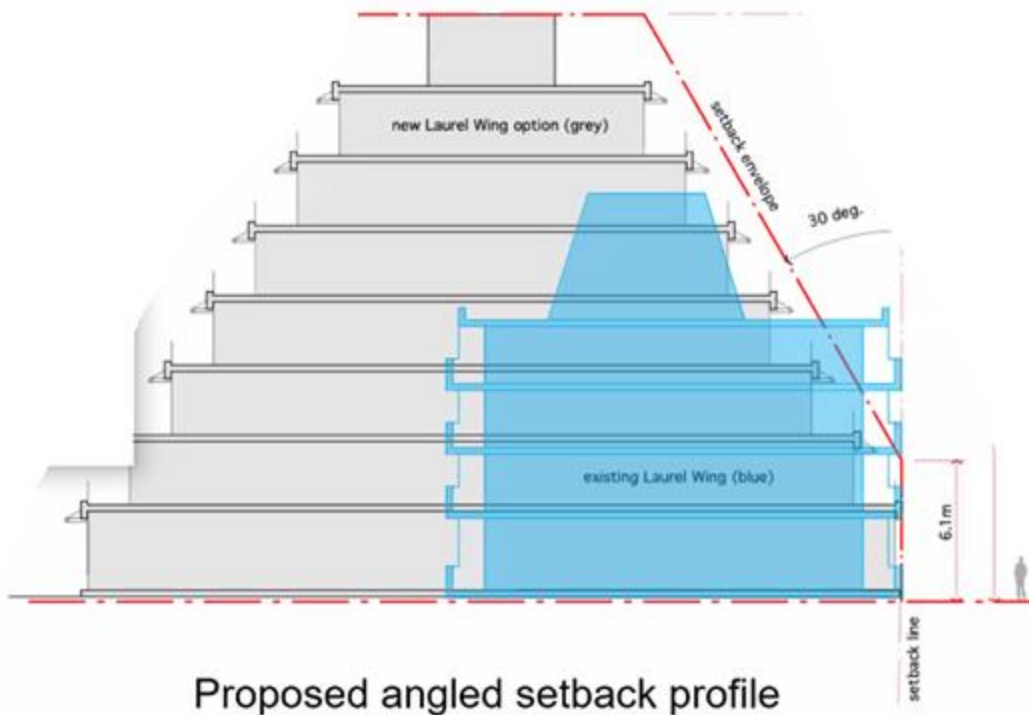
For your consideration,

Marg Gardiner  
President, JBNA

Cc: JBNA Board  
Michael Angrove, CoV Planner,  
John Graham, Architect, Graham Sherwin Studio

To all concerned,  
How unfortunate that the proposal is in the form of a concrete tower with concrete townhouses. This is a missed opportunity for something beautiful, responsive, environmentally sound and community appropriate to be built. John Graham Architect has been able to design a beautiful and fitting building at the Laurel Point Inn as follows:





Please request the proponent and its architect to **reconsider the massing and the facades of the proposal on Montreal**. Let's not miss this golden opportunity, as a developer, as a community and as city stewards to be forward thinking and to create an architectural piece that will be a gem in James Bay, for residents and tourists alike, and not a monolithic nod to designs of the past.

Edy Bradley BID  
#3-508 Pendray Street  
Victoria, BC V8V 0A9



Schedule 1  
**PART 5.26 – T-26 ZONE, LAUREL POINT DISTRICT**

**5.26.1 Permitted Uses in this Zone**

The following uses are the only uses permitted in this Zone:

- a. Transient accommodation;
- b. Transient accommodation accessory uses, including but not limited to tourist or travel agencies, beauty parlours and barber shops, restaurants, and other uses commonly associated with transient accommodation
- c. Accessory Buildings subject to the regulations in Schedule “F”.

**5.26.2 Lot Area**

- a. Lot area (minimum) 11520m<sup>2</sup>

**5.26.3 Floor Area, Floor Space Ratio**

- a. Total floor area (maximum) 18432m<sup>2</sup>
- b. Floor space ratio (maximum) 1.6:1

**5.26.4 Height**

- a. Building height (maximum) 25.25m

**5.26.5 Setbacks, Projections**

- a. Setback for buildings constructed prior to January 1, 2022 (minimum) 0m
- b. Notwithstanding section 27 of the General Regulations, setback for all other buildings (minimum)
  - North yard 0m
  - Northeast yard 0m
  - Southeast yard 7.5m
  - West yard 0m
  - South yard 7.5m
- c. Notwithstanding paragraphs a. and b., setback above 6.1m in height (minimum) An additional 30° from the setback of the building at grade, as illustrated in Schedule A

Schedule 1  
**PART 5.26 – T-26 ZONE, LAUREL POINT DISTRICT**

**5.26.6 Site Coverage, Open Site Space**

- |                                     |     |
|-------------------------------------|-----|
| a. <u>Site Coverage</u> (maximum)   | 60% |
| b. <u>Open site space</u> (minimum) | 30% |

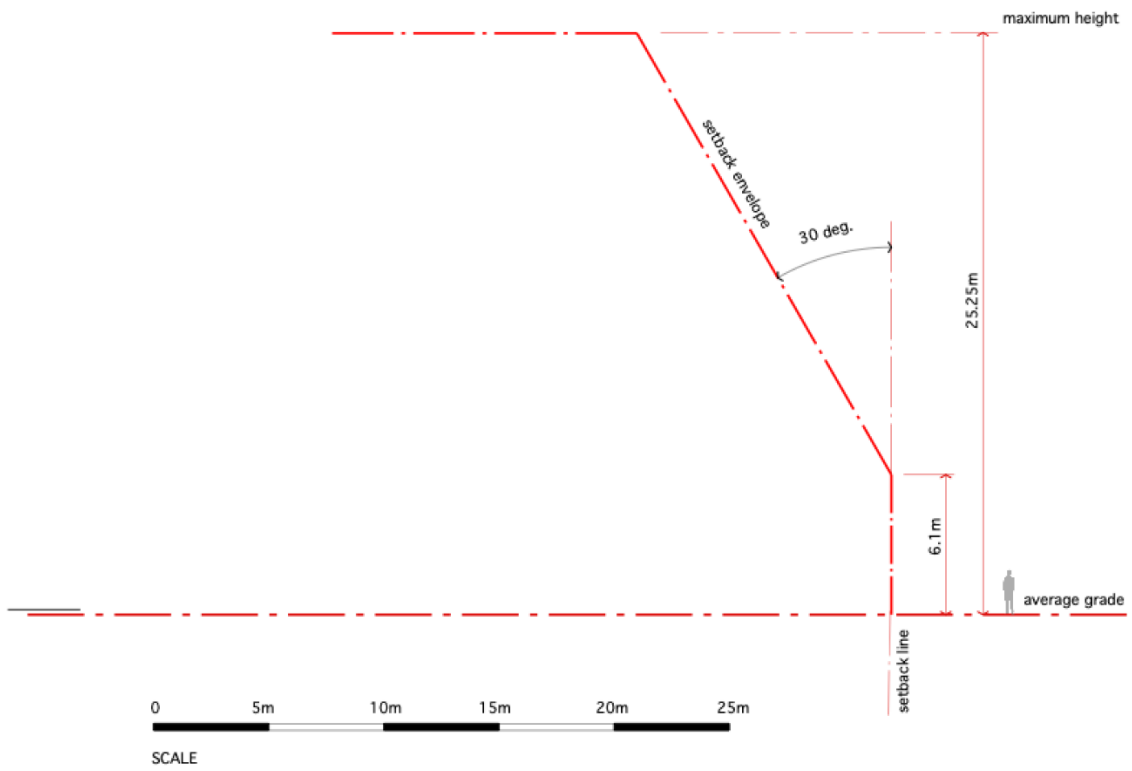
**5.26.7 Vehicle and Bicycle Parking**

- |   |  |
|---|--|
| a. Vehicle parking (minimum)  | Subject to the regulations in Schedule “C” except as otherwise specified by the regulations in this Part |
| b. Notwithstanding section 2.2.1 of Schedule “C”, a maximum of 79 parking spaces may be located on an adjacent <u>lot</u> |  |
| c. Bicycle parking (minimum)  | Subject to the regulations in Schedule “C”   |

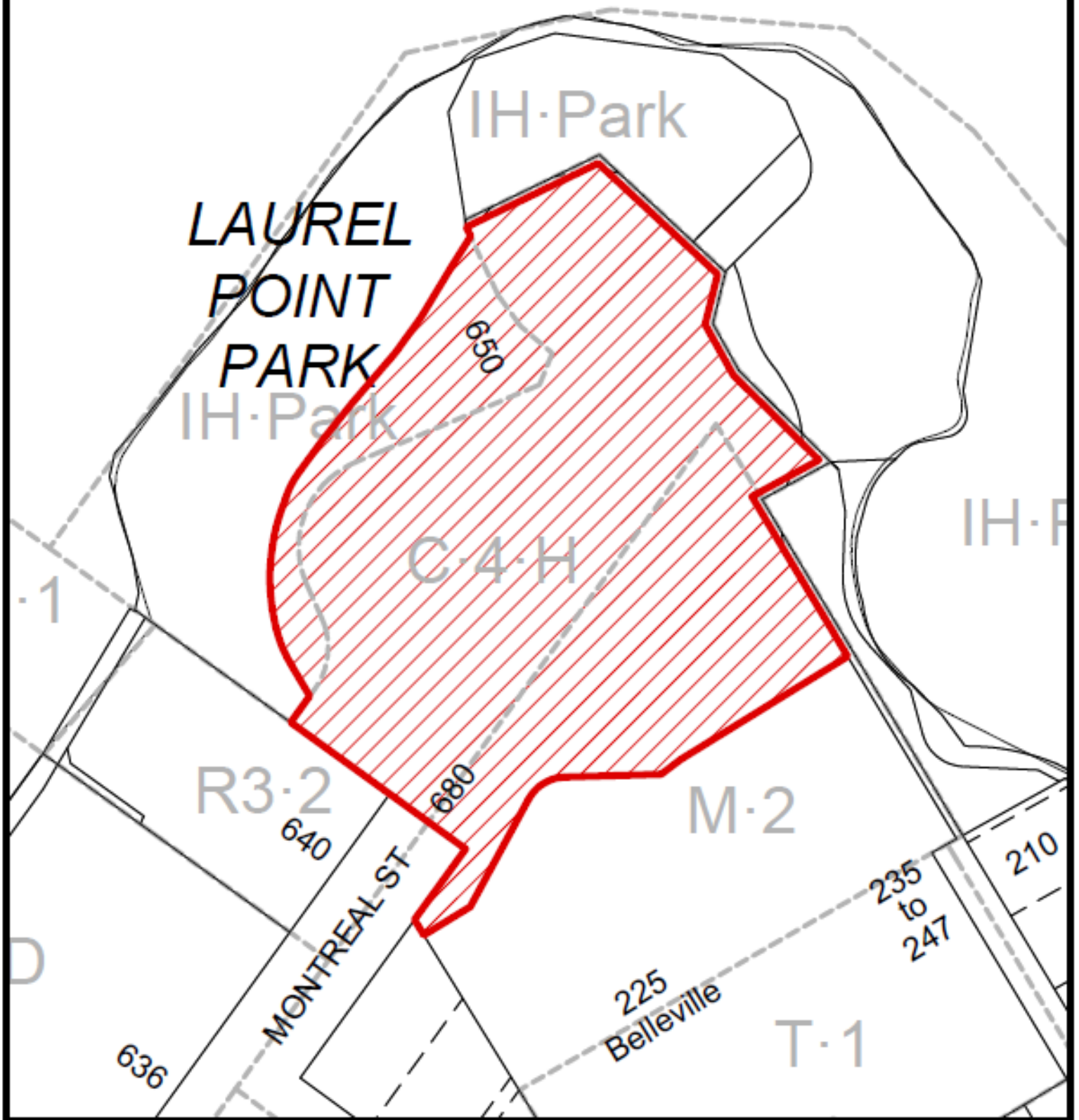


Schedule 1  
PART 5.26 – T-26 ZONE, LAUREL POINT DISTRICT

Schedule A



# LAUREL PT



680 Montreal Street  
Rezoning No.00792

