



## Planning and Land Use Committee Report

### For the Meeting of October 15, 2015

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**To:** Planning and Land Use Committee                      **Date:** September 24 , 2015

**From:** Jonathan Tinney, Director, Sustainable Planning and Community Development

**Subject:** Development Permit Application No. 000436 for 543, 545 and 549 Herald Street

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#### RECOMMENDATION

Staff recommend that Committee forward this report to Council and that Council consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 000436 for 543, 545 and 549 Herald Street, in accordance with:

1. Plans date stamped September 23, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. The Development Permit lapsing two years from the date of this resolution."

#### LEGISLATIVE AUTHORITY

In accordance with Section 920(2) of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Official Community Plan, 2012*. 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.

Pursuant to Section 920(8) of the *Local Government Act*, where the purpose of the designation is the revitalization of an area in which a commercial use is permitted, a Development Permit may include requirements respecting the character of the development, including landscaping, siting, form, exterior design, finish of buildings and other structures.

#### EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit Application for the property located at 543, 545 and 549 Herald Street. The proposal is to make improvements that would bring the existing additions and stairs at the rear of an existing building into conformance with the *BC Building Code*. The additions were constructed without the benefit of a permit at an unknown date.

The following points were considered in assessing this Application:

- the additions and stairs were constructed many years ago and are not visible from the street
- the new proposed interior work will bring the additions and stairs into compliance with the *BC Building Code* and increase fire safety.

## **BACKGROUND**

### **Description of Proposal**

The proposal is to make interior improvements that will bring the existing additions and stairs at the rear of an existing building into conformance with the *BC Building Code*. The additions were constructed without the benefit of a permit at an unknown date.

Specific details include:

- updating fire-rated walls and ceilings
- removing interior walls and revising the rear fire exit
- changing a use from café to retail.

### **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.

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

The site is presently occupied by a two-storey commercial building with office/retail as well as upper floor apartment uses. The building is not identified as Heritage, however, it is linked to the Heritage Register building on a separate lot at 546 Fisgard Street by the additions that were constructed at an unknown date.

### **Community Consultation**

The Application does not propose any variances and, therefore, has not been referred to the Downtown Residents' Association Land Use Committee. This is consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Applications*.

## ANALYSIS

### Development Permit Area and Design Guidelines

The *Official Community Plan, 2012* (OCP) identifies this property within DPA1 (HC) Core Historic.

The Development Permit Area enables Council to review and approve the character of the development including landscaping, siting, form, exterior design, finish of buildings and other structures.

The additions have existed for many years and are not visible from the street. The proposal is in keeping with the objective of revitalizing this area for commercial use.

## CONCLUSIONS

Given that the existing additions and stairways are not visible from the street and that the proposed interior work would bring them into conformance with the *BC Building Code* and increase fire safety, staff recommend that the Planning and Land Use Committee forward this report to Council and that Council consider approval of this Development Permit Application.

## ALTERNATE MOTION

That Council decline Development Permit Application No. 000436 for the property located at 543, 545 and 549 Herald Street.

Respectfully submitted,



Brian Sikstrom, Senior Planner  
Development Services Division



Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



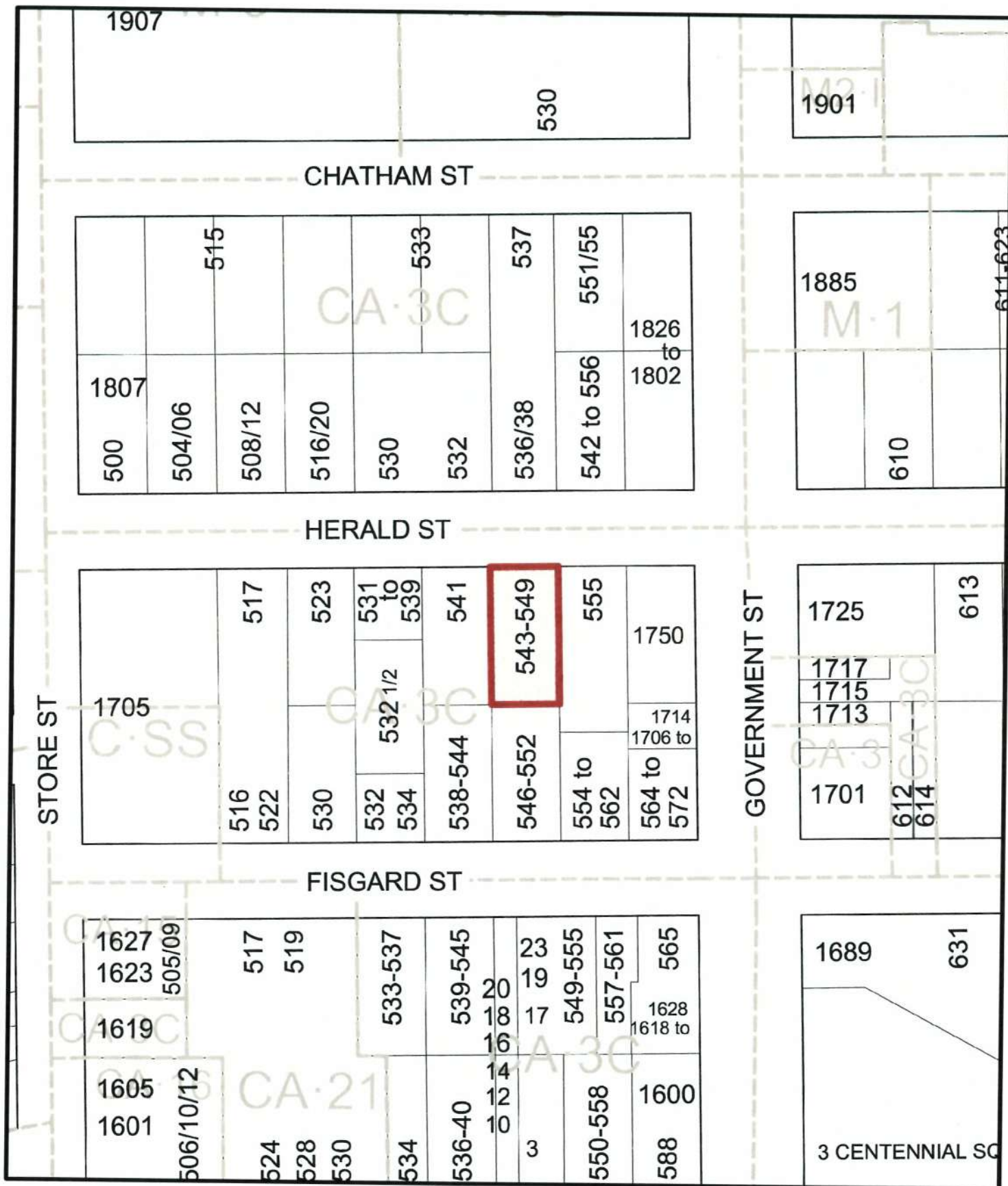
Date:

October 7, 2015

## List of Attachments

- Zoning map
- Aerial map
- Letter from the applicant dated July 13, 2015
- Plans received and date stamped September 24, 2015.





543-549 Herald Street  
Development Permit #000436







543-549 Herald Street  
Development Permit #000436





# KEAY CECCO, ARCHITECTURE LTD

JOHN KEAY, ARCHITECT, AIBC  
LARRY CECCO, IA, AIBC, MRAIC  
1124 FORT STREET,  
VICTORIA, V8V 3K8

July 13, 2015

Mayor and Council,  
City of Victoria  
1, Centennial Square.  
Victoria

Your Worship and Council,

re: Development Permit, 545 Herald Street

Please find enclosed a Development Permit application for the above address. The intent of the application is to provide compliance for additions to the rear of the existing building. These modest additions were constructed at an unknown date, and without a permitting procedure. From its appearance and construction it would appear that the time of construction of the more recent concrete block addition was at least 40 years ago. There is also a brick addition constructed prior to that, likely 70 to 80 years ago. The use is ancillary to the grocery store located on Fisgard Street

You will find enclosed a structural review of both additions, and code improvements are being undertaken to provide the required fire separations between the two addresses. An easement to provide exiting across the adjacent lot is being submitted under separate cover as part of this application.

Please contact me if you require further information.

Yours truly,

A handwritten signature in black ink, appearing to be 'J. Keay', written over a horizontal line.

John Keay, Architect



Tel: 250 382 3823  
Email: john@kcarchitecture.ca

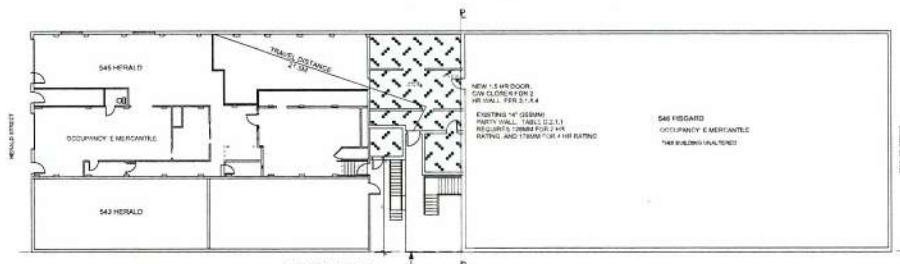


1 CONTEXT PHOTO  
Scale: NTS

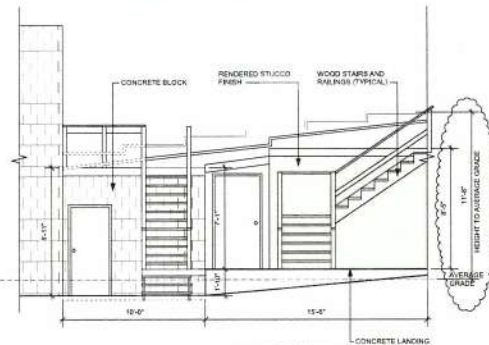
Site Address: 545 Herald Street  
Legal Description: Lot 462, Victoria City  
P.L.D.: 009-070-668



2 OVERALL SITE PLAN  
Scale: 1/16" = 1'-0"



2 OVERALL FLOOR PLAN/SITE PLAN  
Scale: 1/16" = 1'-0"

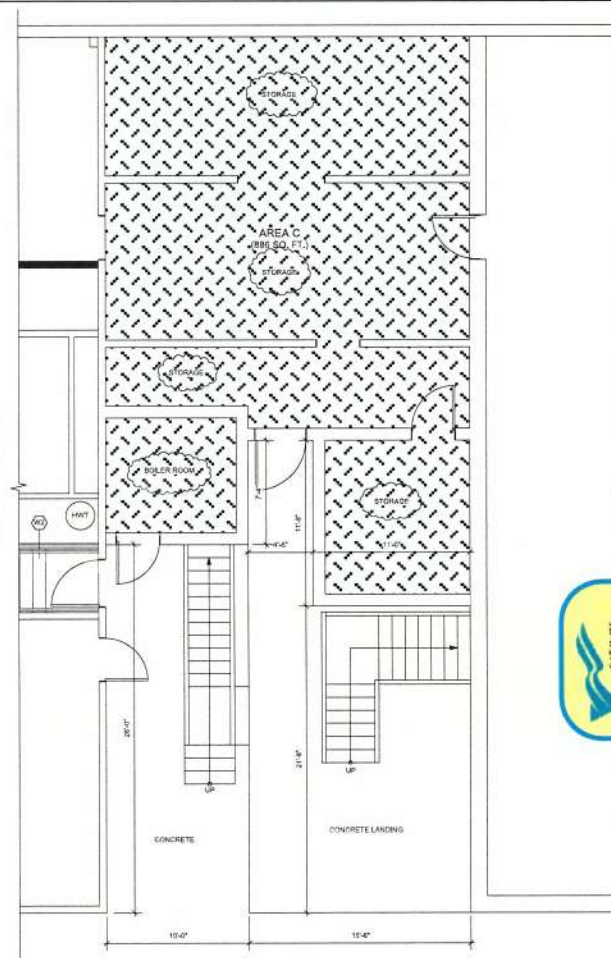


3 FLOOR PLAN - DETAIL  
Scale: 1/4" = 1'-0"

NOTE:  
1. NO NEW CONSTRUCTION, ALL BUILDING ELEMENTS EXISTING  
2. EXISTING UNIT MASONRY BUILDING CONSTRUCTION



TO HERALD STREET



4 FLOOR PLAN - DETAIL  
Scale: 1/4" = 1'-0"

TO FISGARD STREET

**KEAY/CECCO  
ARCHITECTURE LTD.**  
1124 West 11th Street, BC, Canada V6Y 3K4  
Office: 604-380-3822 Fax: 604-380-0013  
e-mail: john@keaycecco.com

NO.	DESCRIPTION	DATE	BY
1	ISSUED FOR DEVELOPMENT PERMIT 09/23/15		
2	REVISIONS FOR DP	09/23/15	

GENERAL NOTES

Use of these drawings is limited to that identified in the submittal letter.

**Revisions**  
Bubbled areas indicate revisions compared to the previously submitted plans

**Received Date:**  
**September 24, 2015**

PROJECT  
**545/549 HERALD STREET  
DEVELOPMENT  
PERMIT**

SHEET TITLE:  
**SITE PLAN, FLOOR PLANS,  
ELEVATIONS, PHOTOS,  
& ZONE DATA**

SCALE	AS SHOWN	JOB: 1124-1435
DATE PLOTTED:	SEPTEMBER 23, 2015	
DESIGNED BY:	JP/AL	
		<b>A-01</b>

**LEGEND**

ZONE: CA-3C: OLD TOWN DISTRICT  
SITE AREA: 7,168 SQ. FT.  
EXISTING FLOOR AREA: 11,229 SQ. FT.  
SINGLE BUILDING FLOOR AREA: 886 SQ. FT.  
F.S.R.: 0.5  
SITE COVERAGE: 91%  
OPEN SITE SPACE: 3%  
HEIGHT OF BUILDING: EXISTING 3.5M (ALLOWED 15M MAX.)  
NUMBER OF STOREYS: EXISTING 1 STOREY (ALLOWED 2 STOREYS)  
PARKING: NO OFF STREET PARKING REQUIRED  
SETBACKS: NO SETBACKS REQUIRED