



Planning and Land Use Committee Report

For the Meeting of February 19, 2014

To: Planning and Land Use Committee **Date:** February 12, 2015
From: Charlotte Wain, Senior Planner - Urban Design, Development Services Division
Subject: Development Permit with Variances Application No. 000407 for 838 Fort Street

RECOMMENDATION

Staff recommend that Committee forward this report to Council and after giving notice and allowing an opportunity for public comment and after the Public Hearing for Rezoning Application #00475, if it is approved, that Council consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application #000407 for 838 Fort Street, in accordance with:

1. Plans dated February 12, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Section 6.55.2(1) - access to a building on the building street frontage is increased from 4.5m to 9.55m;
 - ii. Section 6.55.2(2) - retail uses on the building street frontage are reduced from 75% to 45.5%;
 - iii. Section 6.55.4 - front setback reduced from 3m to 1.18m
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director, Development Services Division, Sustainable Planning and Community Development."

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*. 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 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, the siting, form, exterior design and 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 with Variances for the property located at 838 Fort Street. The proposal is to retain and renovate an existing vacant building to allow a street level café and offices on the upper floors. Three variances are related to this Application:

- increasing the proportion of access to a building on the building street frontage from 4.5m to 9.95m
- reducing the proportion of retail uses on the building street frontage from 75% to 45.5%
- reducing the front setback from 3m to 1.18m

The following points were considered in assessing this Application:

- The proposed building is subject to regulation under Development Permit Area 2 (HC) and is consistent with the applicable Design Guidelines in the *Official Community Plan* (OCP) and the *Downtown Core Area Plan* (DCAP).

BACKGROUND

Description of Proposal

The proposal is for the retention and renovation of an existing vacant building to accommodate a 60m² street level café, offices on the upper floors and a roof top patio. The proposed site plan and architectural design include the following details:

- a portion of the ground floor is currently setback approximately 2m from the building edge and is enclosed by a black picket fence. The proposal would replace the fence with a glazed storefront with multiple doors opening onto a south facing seating area.
- new showers and bicycle storage would be provided in the basement.
- a roof top patio with glass and aluminum guardrails would be proposed above the third floor.
- a new block wall is proposed to enclose the stair access to the roof and would be painted red.

Three variances are associated with the proposal and are discussed in more detail later in this report.

Sustainability Features

The applicant has not identified any sustainability features associated with this proposal. However, the proposal does include the retention and renovation of an existing vacant building and the inclusion of new cycling facilities.

Existing Site Development and Development Potential

The site presently contains a vacant building. Under the current CA-42 Zone, the property could be developed up to 2.5:1 FSR with a maximum height of 15m. The range of uses permitted in the Zone includes but is not limited to restaurants, professional offices and retail sales.

Data Table

The following data table compares the proposal with the existing CA-42 Zone. An asterisk is used to identify where the proposal is less stringent than the existing zone. A double asterisk is used to indicate where the building is legally non-conforming.

Zoning Criteria	Existing Building	Proposal	Zone Standard CA-42
Site area (m ²) - minimum	652.65	652.65	N/A
Density (Floor Space Ratio) - maximum	2.76**	2.80:1*	2.50:1
Total floor area (m ²) - maximum	1726.00**	1754.00*	1564.12
Height (m) - maximum	11.86	15.11	15.5
Storeys - maximum	3	4	4
Setbacks (m) - minimum			
Front (Fort Street)	1.2**	1.2*	3
Rear	0	0	N/A
Side (east)	0	0	N/A
Side (west)	0	0	N/A
Parking - minimum	0	0	N/A

Community Consultation

The applicant has consulted with the Downtown Residents Association. The CALUC have agreed that due to the minor nature of the application, they are willing to waive the requirement for a formal CALUC meeting.

ANALYSIS

Development Permit Area and Design Guidelines

The *Official Community Plan 2012* (OCP) Urban Place Designation for the subject property is Core Business, which supports commercial (including office and retail) uses in buildings up to approximately 24 storeys. The OCP also identifies this property in Development Permit Area 2 (HC) Core Business. The objectives of this DPA are to revitalize the Central Business District (CBD) through high-rise commercial buildings and low-to-medium rise residential mixed-use buildings. Fort Street is not identified as a location for high-rise buildings. Ensuring high quality architecture, landscape and urban design is also an important objective of this DPA, as is the conservation and enhancement of the special features and characteristics of this area. The proposed development at 838 Fort Street is consistent with DPA 2 (HC) objectives for redevelopment.

Downtown Core Area Plan

With respect to local area plans, the *Downtown Core Area Plan, 2011* (DCAP) applies to the subject site. Within the DCAP, the subject property is identified in the CBD which encourages public and private streetscape enhancements through active commercial street-level uses along Fort Street to help increase pedestrian activity.

The DCAP provides both broad urban design objectives for the Downtown Core and more detailed design guidelines for specific districts. The DCAP also includes policies related to the design of buildings including built form and setbacks. Overall, the proposal is consistent with these policies. The proposal also helps to achieve the broad objectives related to community vitality by strengthening the employment base through suitable office space.

Advisory Design Guidelines for Buildings Signs and Awnings (1981)

These Guidelines state that an acceptable application will include consideration of an attractive streetscape and that the architecture and landscaping of the immediate area be identified and acknowledged. In evaluating a design, particular emphasis will be placed on the solution to these general aspects: comprehensive design approach, relevancy of expression, context, pedestrian access, massing, scale, roofline, detailing, street relationship, vistas, landscaping plan, colours and textures. The Application is consistent with these Guidelines.

Proposed Variances

Three variances are proposed as part of this application. The CA-42 Zone requires that the access to a building must not occupy more than 4.5m and that retail uses (including cafes) must occupy at least 75% of the street frontage. The intent of this is to create 'active' uses at the ground floor and enhance the pedestrian environment. The proposal would increase the access from 4.5m to 9.95m and reduce the retail use from 75% to 45.5%. These variances are largely as a result of the existing building configuration as the two vertical columns are not considered as part of the 'active' use. In addition, building code requirements has created the need for additional doors at the street level. Given that the proposal would improve the building to street interface through the removal of the fence and creation of additional glazing, staff recommend for Council's consideration that these variances be approved.

A third variance relates to the front setback, which is proposed to be reduced from 3m to 1.18m, since the new enclosed stair access to the roof, results in the building being classed as four storeys, which increases the setback requirements. The improvements at the street level are considered an appropriate response to the context and staff recommend for Council's consideration that Council approve the front setback variance.

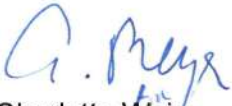
CONCLUSIONS

The proposed retention and renovation at 838 Fort Street would support the planning objectives for the Downtown, found in the OCP and the DCAP through the creation of an improved building frontage with active street level uses. The variances are considered supportable given the existing constraints of the building configuration.

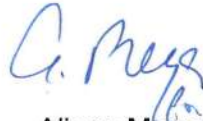
ALTERNATE MOTION

That Council decline Development Permit Application #000407 for the property located at 838 Fort Street.


Respectfully submitted,



Charlotte Wain
Senior Planner – Urban Design
Development Services Division



Alison Meyer, Assistant Director
Development Services Division
Sustainable Planning and
Community Development Department

Report accepted and recommended by the City Manager:  Jason Johnson

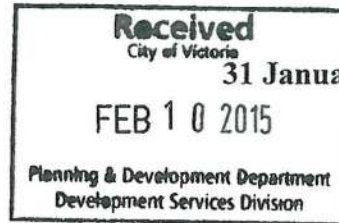
Date: Feb. 12/15

CW/ljm

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List of Attachments

- Zoning map
- Aerial photo
- Letter from applicant dated January 31, 2015
- Plans for Rezoning Application #00475 and Development Permit Application #000407.



Re: Rezoning Application at 838 Fort Street

Dear Mayor and Council,

We are pleased to submit this application for rezoning of the above-described property.

Project Description

The proposed development is located on the north side of Fort Street between Blanshard Street and Quadra Street. The property is currently zoned CA-42 and is in the Harris Green District. The property is improved with a three-storey building set back from the property line approximately 1.2 metres. A portion of the building (approximately 40%) is further setback from the property line creating a "dead space" which is presently enclosed with a black metal, picket-style fence. The building is currently 100% vacant. It is contemplated that the building will house a mix of retail and office on the main floor and office above.

The intention is to create a café at street level and a roof top patio. The above-described metal fence at street level would be replaced with a glazed storefront with multiple large doors opening onto a south-facing outdoor seating area. In addition to animating the building façade/street presence via the café and roof patio, showers and bike storage will be constructed in the basement. It is intended that the building will be a "technology hub" housing a number of Victoria's established and start-up tech companies.

Under the CA-42 zone, the maximum FSR is 2.5:1. The existing building is non-conforming at 2.74:1. The proposed work (i.e., replacing the metal fence with a glazed wall at street level and the roof patio) will increase the density to 2.80:1 and because the enclosed portion of the roof patio (i.e., landing at top of stairs) is considered to add a floor to the existing building, a front yard setback variance will be required. Further, the CA-42 zone requires retail uses to occupy a minimum of 75% of the building street frontage. Currently, 0% of the frontage is occupied by retail. The proposed café will occupy 45% of the frontage. The construction of the building (i.e., structural concrete columns at the west and east ends of the building and elevator lobby) preclude 75% of the frontage being occupied by retail use. The proposed 45% is the maximum retail frontage achievable. This application is being made in order to increase the density above that allowable, relax the front yard setback requirement triggered by the enclosed portion of the roof patio and to decrease the required retail frontage. The subject site is designated core business under the urban place designation.

Policy & Benefits

The project is consistent with the broad objectives of the land management and development policies of the official community plan. The project will revitalize an area, in part defined by vacant buildings. A vacant and neglected building will be transformed

into a vibrant and collaborative working space housing knowledge-based workers. The work force is made up predominantly of young well-educated (e.g., masters level computer engineering qualifications) urbanites who live, play and would like to work in the city core. Commuting will be predominantly by foot and bike. Given previous and existing uses, the project greatly improves the building and surrounding area without negatively affecting immediate neighbours.

Conclusion

Our plan to convert a vacant and uninviting building into an animated and welcoming modern collaborative working space will provide economic and social benefits to the City and neighbourhood. The project enhances the neighbourhood and the economic viability of the City of Victoria.

Included in this package are:

1. City of Victoria rezone application form.
2. Architectural drawings of proposed work (inc. survey and photograph of existing building).

Five sets of plans 64 x 91 cm (24" x 36")

Three sets of plans 22 x 28 cm (8.5" x 11")

One set of plans 28 x 44 cm (11" x 17")

3. Letter to Mayor and Council providing a rationale for the rezoning.
4. Current Certificate of Title.
5. Project information table.

Further information is available upon request.

Sincerely yours,

A handwritten signature in dark ink, appearing to read 'Daniel Robbins', enclosed within a circular scribble or stamp.

Daniel Robbins

BLANSHARD ST

1205/25		
808/12		
828	841-84	
860	849-53	
870/88	865	
1238-62		

VIEW ST

1119-1125	815	835	863	865	867	1126
1115/17						
1113	814/18	822	840	848/52	880-888	
1111		824				
800		826-832				
		838				

QUADRA ST

FORT ST

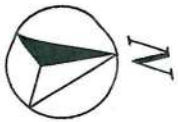
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1009/11									
1001		814/16	818		838	846	854	856	
804									
812									

BROUGHTON ST

MEARES ST

905

11



838 Fort Street
Rezoning #00475
Bylaw #





838 Fort Street
Rezoning #00475
Bylaw #



PROJECT DIRECTORY

ARCHITECT
de Hoog & Kienul architects
977 Fort Street
Victoria, BC V8V 3K3
tel: (250) 658-3367
fax: (250) 658-3397

OWNER
Sunstone Holdings Inc.
910-925 West Georgia Street
Vancouver, BC V6C 3L2

PROJECT INFORMATION

CIVIC ADDRESS

838 Fort Street, Victoria, BC

LEGAL DESCRIPTION

Lot 289, Victoria City, Except the Southernly
8 FT Thereof

EXISTING AND PROPOSED ZONING

CA-42 Nanis Green Commercial District

EXISTING AND PROPOSED USE

Commercial Office / Retail

SCOPE OF WORK

- Facade Refurbishment
- New Lobby & Storefront Glazing
- New Roof Top Access & Deck

CODE ANALYSIS

Building Area: 600 m²
Stores: Three (3) Stores plus Basement
Streets Facing: One (1)
BC Building Code: 2012 - Part 3
Occupancy: Group D
- Business & Personal Services

3.2.2.56: Group D up to 3 Stores Facing 1 Street
1600m² Max Area

45 min. rated Floor/Wall/Ceiling/Roof
NOTE: Existing Floor & Roof Assemblies and
Supporting Structure - No Fire Resistance Rating

Construction: Combustible and Non-combustible
Fire Protection: Non-Sprinklered Building

Number of Exits: Two (2) Exits provided
(interior stairs)

Separation of Exits: 1/2 diagonal floor area but not
less than 9 m (3.4.2.3.1)(b).

Floor area diagonal = 37.5m

Exit separation no less than 18.75m

Exit Separation = 30m

Travel Distance: 40m (3.4.2.5.1)(b) maximum:
26.7m actual

Level 1 Office:

Floor Area: 540 m²

Occupant Load: 540 / 9.3 = 58.06 = 59 people

(single tenancy)

Washrooms Req'd: 30 M = 2 w/c + 1 lav

(revol'd)

30 F = 2 w/c + 1 lav

(revol'd)

Universal Toilet Room provided on 2nd floor level.

Level 1 Cafe:

Floor Area: 60 m²

Occupant Load: 60 / 9.3 = 6.45 = 7 people

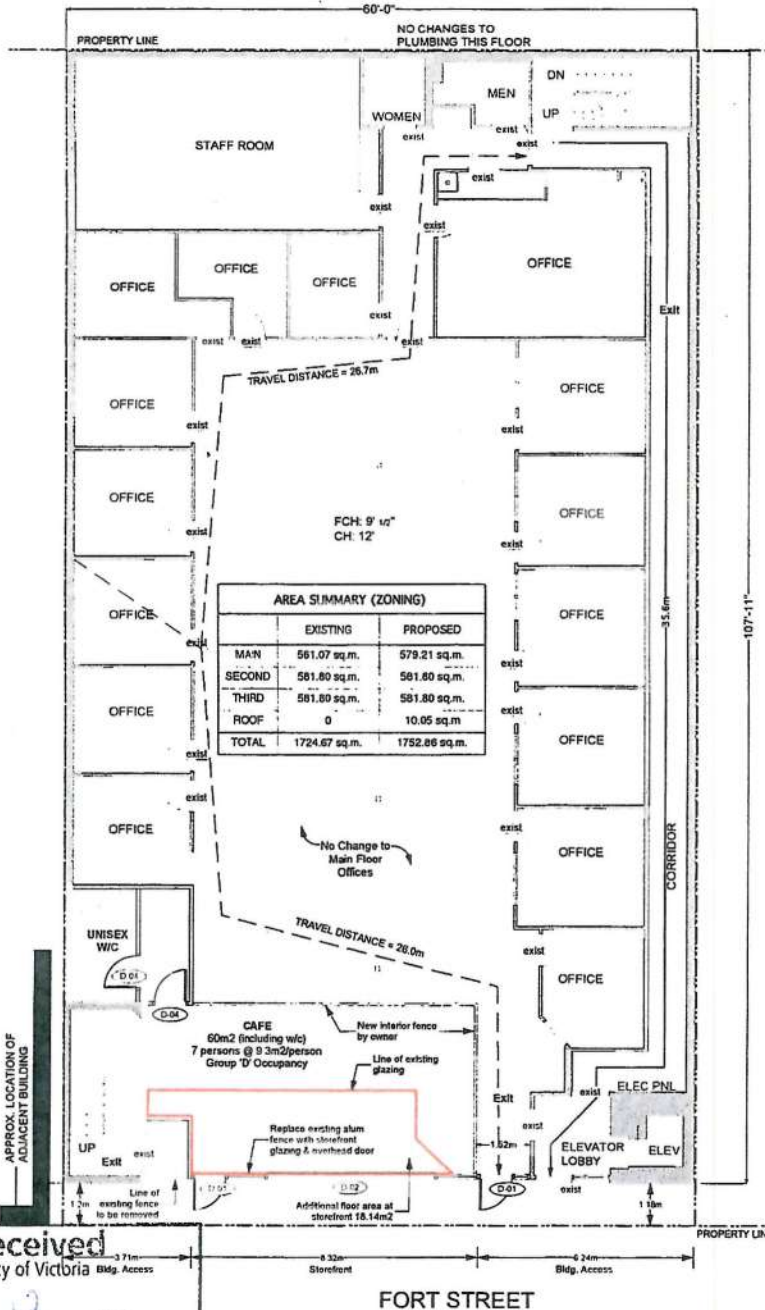
Washrooms Req'd: 1 unisex = 1 w/c + 1 lav

(provided - 3.7.2.2.4)

1
A1 Basement Floor Plan
Scale: 1:100

2
A1 Ground Floor Plan
Scale: 1:100

Received
City of Victoria
FEB 05 2016
Planning & Development Department
Development Services Division



LOCATION PLAN
(NTS)

Subject
Property

ZONING BYLAW SUMMARY - EXISTING BUILDING			
	ZONE STANDARD	PROPOSED	EXISTING (IF APPLICABLE)
Zoning	CA-42	CA-42	
Site area	n/a	625.7 sq.m	625.7 sq.m
Total floor area	n/a	1752.86 sq.m	1724.67 sq.m
Commercial floor area	n/a	1752.86 sq.m	1724.67 sq.m
Floor space ratio	2.5:1 max	2.80:1	2.78:1
Building Height	15.5m	15.5m	± 11.86m
Number of storeys	4 storeys	4 storeys	3 storeys
Street Frontage - Access	25% (4.57m)	9.95m	18.27m
Street Frontage - Storefront	75% (13.7m)	8.32m	0m
Parking Stalls	none req'd	none proposed	
Bicycle Parking	none req'd	4 exist.	4 existing
BUILDING SETBACK			
Front Yard (Street)	3.0m	1.18m	1.18m
Rear Yard	0.0m	n/a	0.0m
Side Yard (E)	0.0m	n/a	0.0m
Side Yard (W)	0.0m	n/a	0.0m
Residential Use Details	N/A		

DOOR SCHEDULE

- exist Existing Door to remain.
- D01 914mm glazed exterior door c/w panic hardware, closer & weatherstripping
- D02 4875mm (160") glazed aluminum overhead door
- D03 NOT USED
- D04 914mm SC wood door painted in wood frame.
- D05 914mm HC metal door c/w closer in metal frame. 45 min. rated.
- D06 762mm HC wood door painted in wood frame.

WALL LEGEND

- Existing wall to be removed
- Existing wall to remain
- New interior partition (Rating as noted)

Rev	Description	Date	By	Check
1	11 FEB 2015			
2	02 FEB 2015			
3	11 Feb 2015			
4	08 FEB 2015			
5	08 FEB 2015			
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NOTE: All dimensions are in feet and inches.

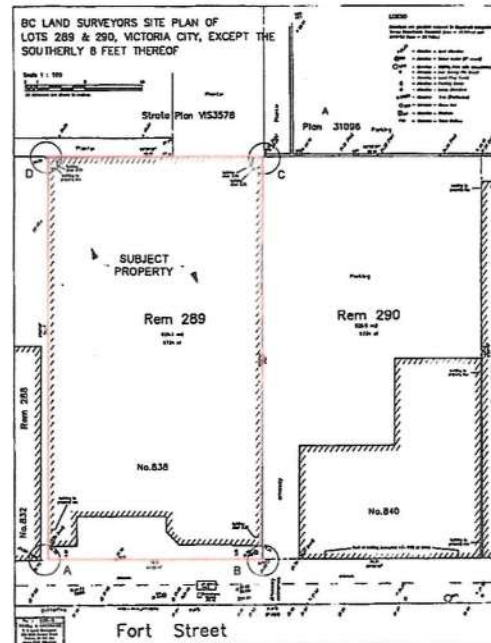
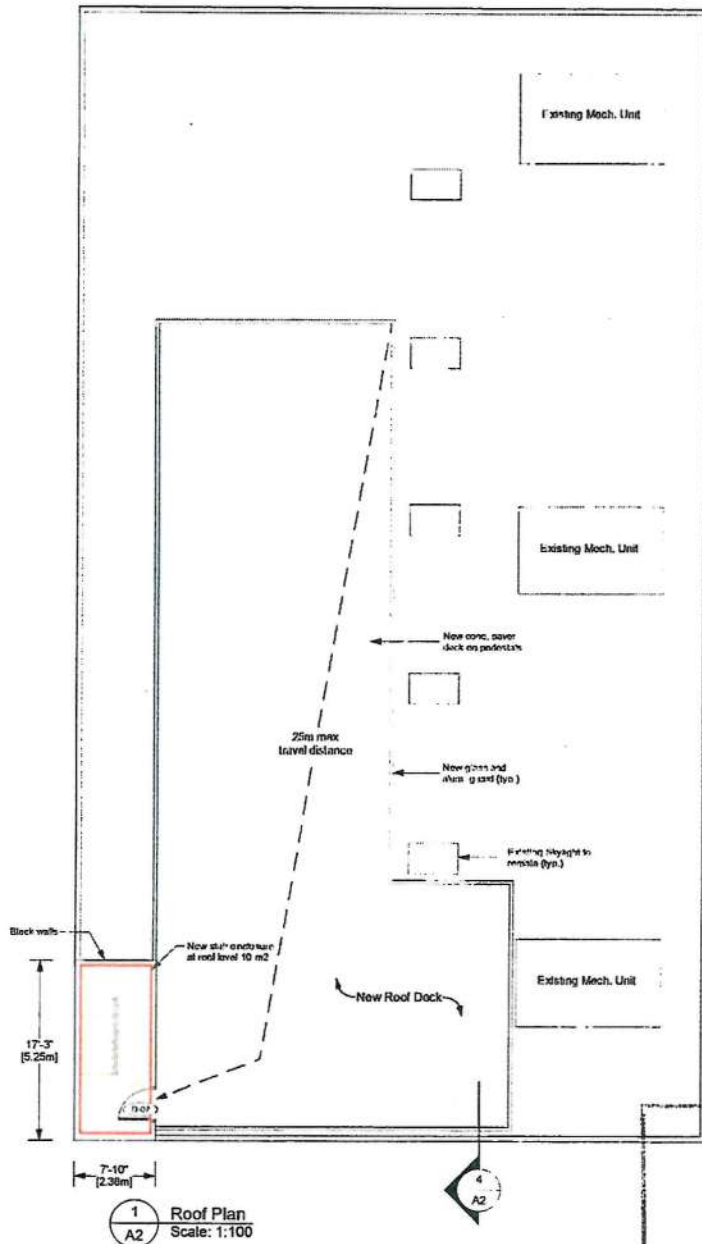
de Hoog & Kienul architects
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V8V 3K3

Tel: 250-658-3367
Fax: 250-658-3397

Tenant Improvements
838 Fort Street
Victoria BC

Basement & Ground Floor Plans

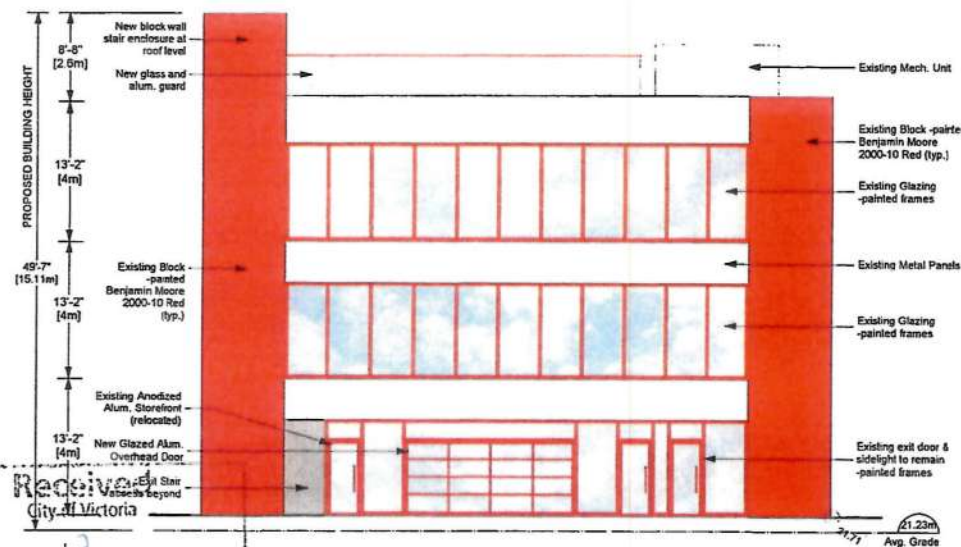
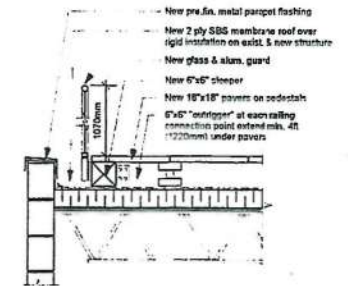
Sheet A1 1



AVERAGE GRADE CALCULATIONS			
SIDE	DISTANCE	GRADE	Dr(G/2) =
AB	18.31m	(21.78/21.71)	398.15m
BC	34.17m	(21.71/20.80)	727.58m
CD	18.31m	(20.80/20.55)	379.47m
DA	34.17m	(20.55/21.78)	723.21m
TOTAL	104.96m		2228.62m
AVERAGE	21.23m		



3
A2
Existing Streetview
showing security fence to be removed



DOOR SCHEDULE

NO.	DESCRIPTION	QUANTITY	UNIT	REMARKS
1	Existing Door to remain			
2	914mm HC metal door in metal frame, c/w closer & weatherstripping			

NOT: All dimensions are shown in feet and inches.

de Hoog & Klerf architects

877 Fort Street
Victoria BC
V8V 1A3

Tel: 250-689-3367
Fax: 250-689-3367

Tenant Improvements
838 Fort Street
Victoria BC

Roof Plan & Elevation

Scale: 1:100

Sheet: A2

1

NOTE: 2ND & 3RD FLOOR PLANS
NOT SHOWN AS NO CHANGES TO
ANY INTERIORS

FEB 05 2015

Planning & Development Department
Development Services Division