

## REPORTS OF THE COMMITTEE

### **2. Planning and Land Use Committee – January 28, 2016**

*Councillor Lucas withdrew from the meeting at 8:36 p.m. due to a potential pecuniary conflict of interest with the following item, as the subject property and the Hotel Rialto are owned by her employer.*

### **3. Rezoning Application No. 00497 for 755 – 795 Market Street and 766 – 770 Hillside Avenue**

It was moved by Councillor Thornton-Joe, seconded by Councillor Alto, that Council:

- instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment and Land Use Contract Discharge Bylaws that would authorize the proposed development outlined in Rezoning Application No. 00497 for 755-795 Market Street and 766-770 Hillside Avenue;
- consider giving first and second reading of the Zoning Regulation Bylaw Amendment and Land Use Contract Discharge Bylaws;
- set a Public Hearing date once a Housing Agreement has been registered on title for the life of the building to secure the rental tenure of apartments used for permanent residents when not used as transient accommodation.

**Carried Unanimously**

*Councillor Lucas returned to the meeting at 8:37 p.m.*

## **10.2 Rezoning Application No. 00497 for 755-795 Market Street and 766-770 Hillside Avenue**

*Councillor Lucas withdrew from the meeting at 9:15 a.m. due to a potential pecuniary conflict of interest with the following item, as the subject property and the Hotel Rialto are owned by her employer.*

Committee received a report dated January 14, 2016, regarding an application to authorize rezoning of the property to remove a land use contract and replace it with a site specific zone.

- Action:** It was moved by Councillor Young, seconded by Councillor Coleman, that Council:
- instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment and Land Use Contract Discharge Bylaws that would authorize the proposed development outlined in Rezoning Application No. 00497 for 755-795 Market Street and 766-770 Hillside Avenue;
  - consider giving first and second reading of the Zoning Regulation Bylaw Amendment and Land Use Contract Discharge Bylaws;
  - set a Public Hearing date once a Housing Agreement has been registered on title for the life of the building to secure the rental tenure of apartments used for permanent residents when not used as transient accommodation.

CARRIED UNANIMOUSLY 16/PLUC046

*Councillor Lucas returned to the meeting at 9:17 a.m.*



## **Planning and Land Use Committee Report**

### **For the Meeting of January 28, 2016**

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**To:** Planning and Land Use Committee **Date:** January 14, 2016

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

**Subject:** Rezoning Application No. 00497 for 755-795 Market Street and 766-770 Hillside Avenue

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### **RECOMMENDATION**

That Council:

- instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment and Land Use Contract Discharge Bylaws that would authorize the proposed development outlined in Rezoning Application No. 00497 for 755-795 Market Street and 766-770 Hillside Avenue;
- consider giving first and second reading of the Zoning Regulation Bylaw Amendment and Land Use Contract Discharge Bylaws;
- set a Public Hearing date once a Housing Agreement has been registered on title for the life of the building to secure the rental tenure of apartments used for permanent residents when not used as transient accommodation.

### **LEGISLATIVE AUTHORITY**

In accordance with Sections 479-481 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.

In accordance with Section 482 of the *Local Government Act*, a zoning bylaw may establish different density regulations for a zone, one generally applicable for the zone and the others to apply if certain conditions are met.

In accordance with Section 483 of the *Local Government Act*, Council may enter into a Housing Agreement which may include terms agreed to by the owner regarding the occupancy of the housing units and provided such agreement does not vary the use of the density of the land from that permitted under the zoning bylaw.

In accordance with Section 546 of the *Local Government Act*, Council may discharge a Land Use Contract by bylaw with the agreement of the owner.



## EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations regarding a Rezoning Application for the property located at 755-795 Market Street and 766-770 Hillside Avenue. The proposal is to rezone the property from the R1-B Zone, Single Family Dwelling District, and the R3-2 Zone, Multiple Dwelling District, to a new zone and to discharge an existing Land Use Contract. The new zone would accommodate the existing mixed commercial/residential development, which includes a small amount of additional floor space added in 1994. No additions are proposed, however, interior renovations are underway to accommodate new office tenants.

The following points were considered in assessing this Application:

- the proposal is consistent with the Large Urban Village Urban Place Designation in the *Official Community Plan, 2012* and the Major Commercial designation in the *Burnside Neighbourhood Plan, Revised 2012*
- a Housing Agreement to require that 87 apartments in the building remain rental for the life of the building is proposed and is a positive feature of this Application when not used for transient accommodation
- with the phasing out of Land Use Contracts by the Province, the proposal to discharge the Land Use Contract and rezone the building now will be of benefit as this will be required of the City by 2022

A site specific zone with a Housing Agreement ensuring the existing apartments remain rental for the life of the building when not used as transient accommodation is preferable to the existing Land Use Contract, which will have to be discharged in six years' time. Therefore, staff recommend for Committee's consideration that the Application advance to Public Hearing.

## BACKGROUND

### Description of Proposal

The proposal is to rezone the property from the R1-B Zone, Single Family Dwelling District, and the R3-2 Zone, Multiple Dwelling District, to a new zone and to discharge an existing Land Use Contract. The new zone would accommodate the existing mixed commercial/residential development, which includes a small amount of additional floor space added in 1994. No additions are proposed, however, interior renovations are underway to accommodate new office tenants.

Specific details include:

- the four-storey building is currently comprised of 1503m<sup>2</sup> of ground floor commercial space, 87 rental apartments on the upper floors and underground parking is provided for 162 vehicles
- the building was built under a Land Use Contract approved by Council in 1976 with an amendment in 1986 to permit transient accommodation.

The following differences from the C1-N Zone, Neighbourhood Commercial District, which is a common zone in this area, are being proposed and would be accommodated in the new zone:

- floor space ratio of 1.47:1 rather than 1.4:1
- transient accommodation added to permitted uses.

### **Affordable Housing Impacts**

A Housing Agreement is proposed which would ensure that the apartment units remain rental for the life of the building when not used as transient accommodation.

### **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 Rezoning Application.

### **Land Use Context**

The building is on the northwest corner of the busy Blanshard Street and Hillside Avenue intersection. The area is characterized by a mix of commercial and residential uses.

Immediately adjacent land uses include:

- North (across Market St.) – The Wellesley Seniors Residence
- South (across Hillside Ave.) – commercial uses including a restaurant and a liquor store
- East (across Blanshard St.) – S.J. Willis school grounds
- West (across Nanaimo St.) – retail music store.

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

The site covers the whole block, which is split zoned with the R3-2 Zone, Multiple Dwelling District, on the south and the R1-B Zone, Single Family Dwelling District, on the north. The Land Use Contract supersedes the regulations in these zones. The Land Use Contract permits the existing mixed commercial/residential development comprised of 87 apartment units with 1296m<sup>2</sup> of ground floor commercial space and 162 underground parking stalls. At the request of the owner, the Land Use Contract was amended by Council on March 27, 1986, to permit transient accommodation. However, transient accommodation has not been undertaken.

Note: The existing Land Use Contract is in effect for a period of 50 years, concluding in 2026. However, under recent Provincial legislation, all Land Use Contracts will be automatically terminated by June 2024 with municipalities required to adopt zoning bylaws for properties subject to Land Use Contracts by June 30, 2022.



## Data Table

The following data table compares the proposal with the C1-N Zone, Neighbourhood Shopping District. An asterisk is used to identify where the proposal is less stringent than the C1-N Zone.

Zoning Criteria	Proposal	Zone Standard C1-N Zone
Site area (m <sup>2</sup> ) - minimum	5800	N/A
Additional Uses	Transient accommodation*	Not permitted
Density (Floor Space Ratio) - maximum	1.47*	1.4
Total floor area (m <sup>2</sup> ) - maximum	8542.00*	8120.00
Height (m) - maximum	13.22	21.50
Storeys - maximum	4	N/A
Site coverage % - maximum	98.50 (due to parkade)	N/A
Open site space % - minimum	51.4	N/A
Setbacks (m) - minimum		
Front (Hillside Ave.)	3.97	3.00
Rear (Market St.)	4.03 to bldg./1.50* to parkade	3.00
Side (Nanaimo St)	6.06 to bldg./0.10* to parkade	3.00
Side (Blanshard St)	1.40*	3.00
Parking - minimum	162	147
Visitor parking (minimum) included in the overall units	13	13
Bicycle parking stalls (minimum)	4	N/A (for existing building)

## Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted with the Burnside Gorge Community Association. Due to the nature of this Application, the CALUC advised staff in an email dated November 15, 2015 (attached) that it had waived the requirement for a Community Meeting.

## ANALYSIS

The proposal is consistent with the Large Urban Village Urban Place Designation in the *Official Community Plan, 2012* as well as the Major Commercial Land Use designation in the *Burnside Neighbourhood Plan, Revised 2012*.

The existing building is generally in keeping with the regulations of the C1-N Zone, Neighbourhood Shopping District, which is a common zone in the area, however, a site-specific zone will be required for a slightly higher floor space ratio and the addition of transient accommodation use.

No further additions are proposed and the applicant indicates there is no intention to strata-title the existing apartments or change the occupancy to transient accommodation. A Housing Agreement is proposed which would ensure that the apartments remain rental for the life of the building when not used as transient accommodation.

Rezoning the existing development and discharging the Land Use Contract will be of benefit as this will be required of the City by 2022, with the phasing out of Land Use Contracts by the Province.

## CONCLUSIONS


The proposal is consistent with the City's land use policies and the existing building is in keeping with the C1-N Zone, Neighbourhood Commercial District, in this area. A site-specific zone with a slight increase in density and the inclusion of transient accommodation (currently permitted under the Land Use Contract) along with a Housing Agreement ensuring the existing apartments remain rental for the life of the building when not used as transient accommodation is preferable to the existing Land Use Contract. Therefore, staff recommend for Committee's consideration that the Application advance to Public Hearing.

## ALTERNATIVE MOTION


That Council decline Rezoning Application No. 00497 for the property located at 755-795 Market Street and 766-770 Hillside Avenue.

Respectfully submitted,

  
Brian Sikstrom  
Senior Planner  
Development Services Division

  
Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department

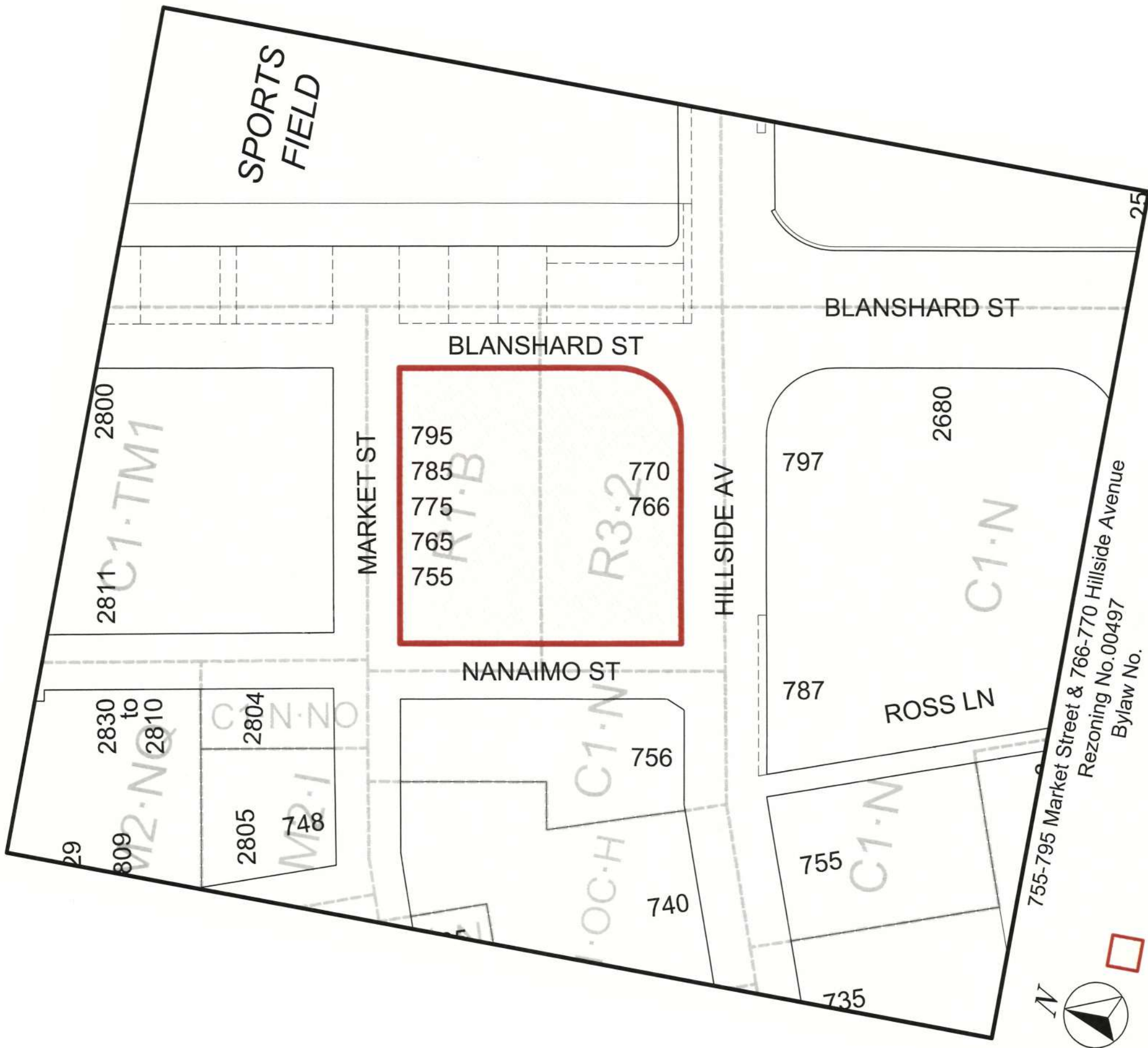
Report accepted and recommended by the City Manager:

  
Date: Jan. 17, 2016

## List of Attachments

- Zoning map
- Aerial photo
- Letter from the applicant dated November 6, 2015
- Email from the Burnside Gorge CALUC dated November 15, 2015
- Plans for Rezoning Application No. 00497





755-795 Market Street & 766-770 Hillside Avenue  
Rezoning No.00497  
Bylaw No.





755-795 Market Street & 766-770 Hillside Avenue  
Rezoning No.00497  
Bylaw No.



## Anita Walper

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**From:** Brian Sikstrom  
**Sent:** Friday, Dec 4, 2015 2:03 PM  
**To:** Anita Walper  
**Subject:** FW: 765 Market Street

Here it is.

**From:** Carolyn Gisborne [mailto:landuse@burnsidegorge.ca]  
**Sent:** Sunday, November 15, 2015 8:29 PM  
**To:** John Keay  
**Cc:** Eric Donald; Brian Sikstrom  
**Subject:** Re: 765 Market Street

Hi John,

Thanks for providing the attached letter and drawings. I am writing to confirm that, as per section 3 (a) of the Land Use Procedures Bylaw,

3. A Community Meeting in relation to an application is not required if the requirement for it has been waived by

a) the Community Association Land Use Committee in the area in which the proposed development is located;

As discussed at the November 9 Land Use Committee meeting, we find it appropriate to waive the community meeting for 765 Market Street, given that this is an existing building and that no substantive changes to the building or its use are contemplated.

Please let me know if you require further information or documentation from the Burnside Gorge Land Use Committee.

Best regards,  
Carolyn Gisborne

On Sat, Nov 14, 2015 at 11:59 AM, John Keay <[john@kcarchitecture.ca](mailto:john@kcarchitecture.ca)> wrote:

Hi Carolyn,

I enclose a letter outlining the proposed rezoning, and a set of drawings in pdf format. Give me a call if you have any questions.

thanks

John



From: Carolyn Gisborne landuse@burnsidegorge.ca  
Subject: Re: 765 Market Street  
Date: November 15, 2015 at 8:29 PM  
To: John Keay john@kcarchitecture.ca  
Cc: Eric Donald ericdonald@telus.net, Brian Sikstrom bsikstrom@victoria.ca

Hi John,

Thanks for providing the attached letter and drawings. I am writing to confirm that, as per section 3 (a) of the Land Use Bylaw,

3. A Community Meeting in relation to an application is not required if the requirement for it has been waived by

a) the Community Association Land Use Committee in the area in which the proposed development is located;

As discussed at the November 9 Land Use Committee meeting, we find it appropriate to waive the community meeting for 765 Market Street, given that this is an existing building and that no substantive changes to the building or its use are contemplated.

Please let me know if you require further information or documentation from the Burnside Gorge Land Use Committee.

Best regards,  
Carolyn Gisborne

On Sat, Nov 14, 2015 at 11:59 AM, John Keay <john@kcarchitecture.ca> wrote:

Hi Carolyn,

I enclose a letter outlining the proposed rezoning, and a set of drawings in pdf format. Give me a call if you have any questions.

thanks

John

On Nov 10, 2015, at 6:12 PM, Carolyn Gisborne <landuse@burnsidegorge.ca> wrote:

> Hi John,

>

> Nice to meet you last night - thanks for the overview of both properties. I just wanted to follow up on 765 Market Street. If you can send me the pertinent details in a letter, I will confirm whether a community meeting can be waived.

>

> Cheers,

> Carolyn

# KEAY CECCO ARCHITECTURE LT

1124 FORT STREET, VICTORIA, V8V 3K8  
Tel: 250 382 3523  
email: info@keaycecco.ca

## COMMENTS

NO.	DESCRIPTION	DATE	BY
1	ISSUED FOR REZONING		
2	PARKING AND CURBVIEW	DEC 11/15	

## GENERAL NOTES

Use of these drawings is limited to that identified  
in the accompanying permits.  
Do not construct from these drawings unless  
marked "Issued for construction".



## 765 Market St.

### Project Data

#### Civic Address

765 Market St., Victoria, BC

#### Legal Description

LOT 1, SECTION 4, VICTORIA, PLAN 30215

#### Zoning

R3-2, Multiple Dwelling District

#### Site Area

5,800 sq.m (62,436 sq. ft.)

#### Site Coverage

(2757 / 5,800) \*100 = 47.5%

#### Parking (per existing)

162 spaces

#### Total Floor Area

Original: 8,335 sq.m (89,717 sq. ft.)

Additions: 207 sq.m (2,228 sq.ft.)

Total: 8,542 sq.m (91,913 sq. ft.)

#### FSR Calculation

Lower Level Original area: 1915.5 sq.m (20,618sq2)

Lower Level Additions area: 207.0 sq.m (2,228sq2)

Level 1 area: 1844.5 sq.m (20,531sq2)

Level 2 area: 2169.5 sq.m (23,352sq2)

Level 3 area: 2305.5 sq.m (24,784sq2)

Total: 8,542 sq.m.

Lot Area: 5,800

8,542 / 5,800

FSR: 1.47:1

#### Number of Storeys

4

1 CONTEXT PLAN  
NTS



Received  
City of Victoria

DEC 04 2015

Planning & Development Department  
Development Services Division

## PROJECT

### REZONING

765 MARKET STREET  
VICTORIA, B.C.

## SHEET TITLE

TITLE SHEET/  
PROJECT DATA

## SCALE

AS SHOWN

DATE PLOTTED

DECEMBER 2, 2015

DRAWN BY

DZJK

## SHEET NO.

1124 - 1523

A-1.0



# KEYE CECCO ARCHITECTURE LT

1124 FORT STREET, VICTORIA, V8V 3K5  
Tel: 250 382 3823  
email: info@keyceccoarchitecture.ca

## COMMENTS

No.	Comments	Date
1	ISSUED FOR REPAIRS	February 11
2	PARKING AND SURVEY	March 14

## GENERAL NOTES

Use of these drawings is limited to their intended purpose.  
Do not construct from these drawings unless marked "Issued for Construction".

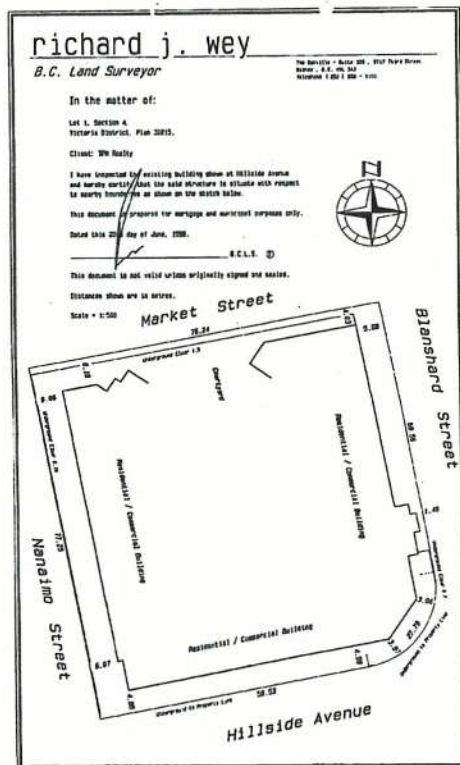
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765 MARKET STREET  
VICTORIA, B.C.

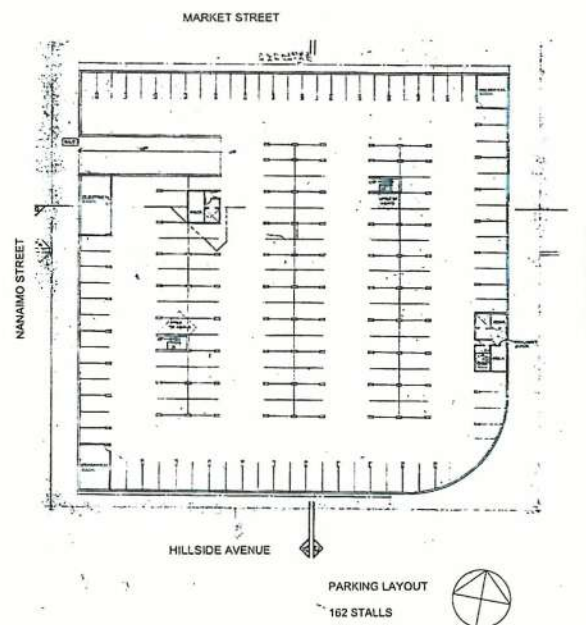
## SHEET TITLE

PARKING LAYOUT  
AND SURVEY

SCALE	SHEET NO.
AS SHOWN	1124 - 1523
DRAWN BY	A1.1
CHECKED BY	



SURVEY



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City of Victoria

DEC 04 2015

Planning & Development Department  
Development Services Division

KEYE CECCE  
ARCHITECTURE LTD.

1124 FORT STREET, VICTORIA, V8V 3K8  
Tel: 250 382 3823  
Email: info@keyceccetexture.ca

REVISIONS

NO.	REVISION	DATE	BY
1	ISSUED FOR PERMITTING		

GENERAL NOTES

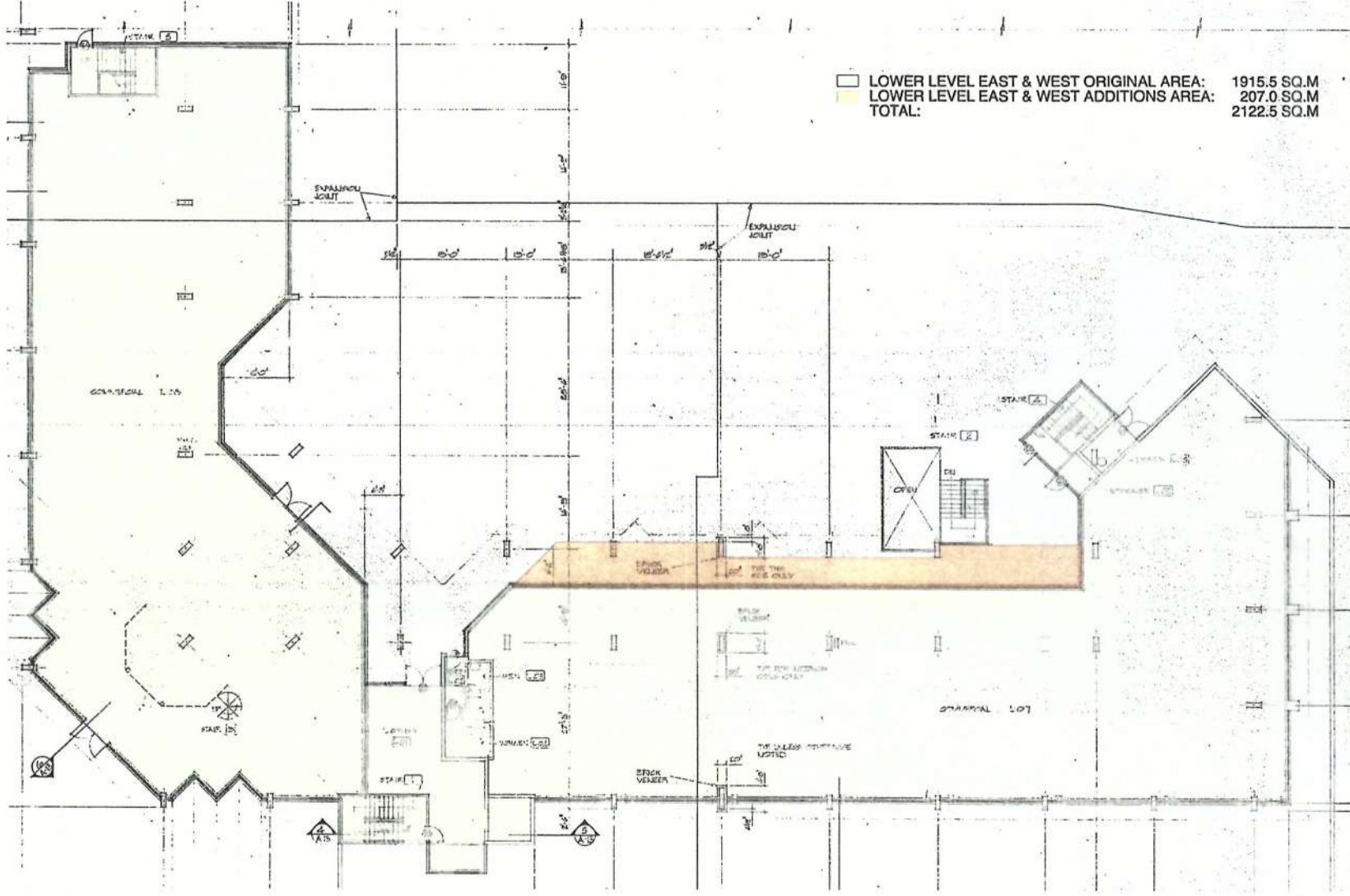
Use of these drawings is limited to that identified in the Resolution of Council.  
Do not construct from these drawings unless marked "Issued for construction".

PROJECT  
**REZONING**  
765 MARKET STREET  
VICTORIA, B.C.

PROJECT TITLE  
**LOWER LEVEL EAST**

SCALE AS SHOWN	DATE 1124 - 1523
DATE PREPARED NOVEMBER 05, 2015	PROJECT NO. A-3.0
DRAWN BY DE	

□ LOWER LEVEL EAST & WEST ORIGINAL AREA: 1915.5 SQ.M  
■ LOWER LEVEL EAST & WEST ADDITIONS AREA: 207.0 SQ.M  
TOTAL: 2122.5 SQ.M



1 LOWER LEVEL EAST  
Scale: 1/8" = 1'-0"

Received  
City of Victoria

DEC 04 2015

Planning & Development Department  
Development Services Division



**KEYAY CECOCO  
ARCHITECTURE LTD.**

1124 FORT STREET, VICTORIA, V8W 3K8  
tel: 250 382 3823  
email: info@keyaycecco.ca

**GENERAL NOTES**

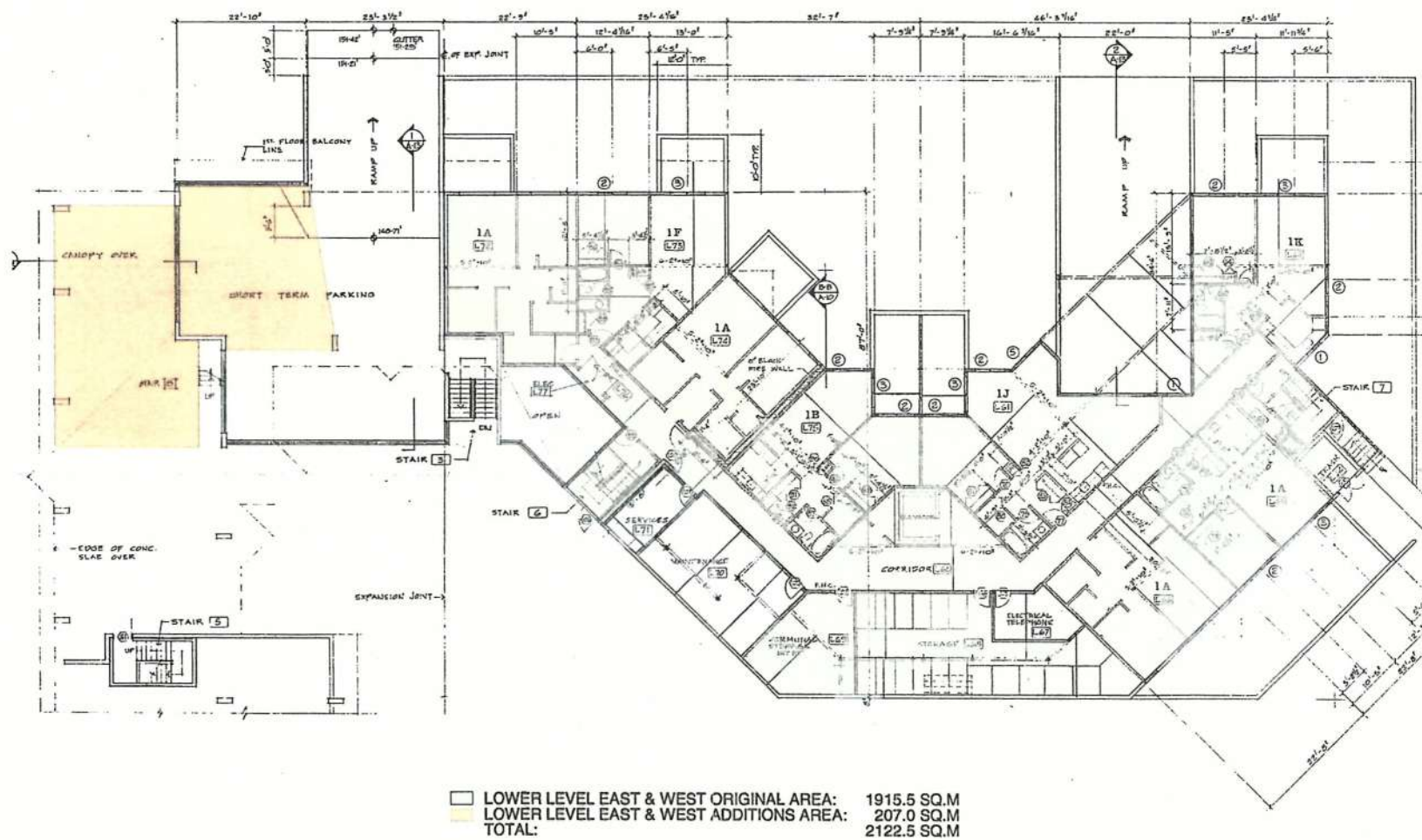
NO.	DESCRIPTION	DATE	BY
1	ISSUED FOR PERMITTING	NOV 14	KEYAY

Use of these drawings is limited to that identified in the permit application. Do not construct from these drawings unless marked "Issued for construction".

**REZONING**  
765 MARKET STREET  
VICTORIA, B.C.

**LOWER LEVEL WEST**

SCALE AS SHOWN	FIGURE 1124 - 1523
DATE PLOTTED NOVEMBER 08, 2015	A-3.1
PROJECT DE	



□ LOWER LEVEL EAST & WEST ORIGINAL AREA: 1915.5 SQ.M  
 ■ LOWER LEVEL EAST & WEST ADDITIONS AREA: 207.0 SQ.M  
 TOTAL: 2122.5 SQ.M

1 LOWER LEVEL WEST  
Scale: 1/8" = 1'-0"

Received  
City of Victoria  
DEC 04 2015  
Planning & Development Department  
Development Services Division

**KEY CECCO  
ARCHITECTURE LTD.**

1124 FORT STREET, VICTORIA, V8V 3K8  
Tel: 250 382 3823  
email: info@keycecco.com

**COMMENTS**

NO.	DESCRIPTION	DATE
1	REVISED FOR REZONING	NOV 2015

**GENERAL NOTES**

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**REZONING**  
765 MARKET STREET  
VICTORIA, B.C.

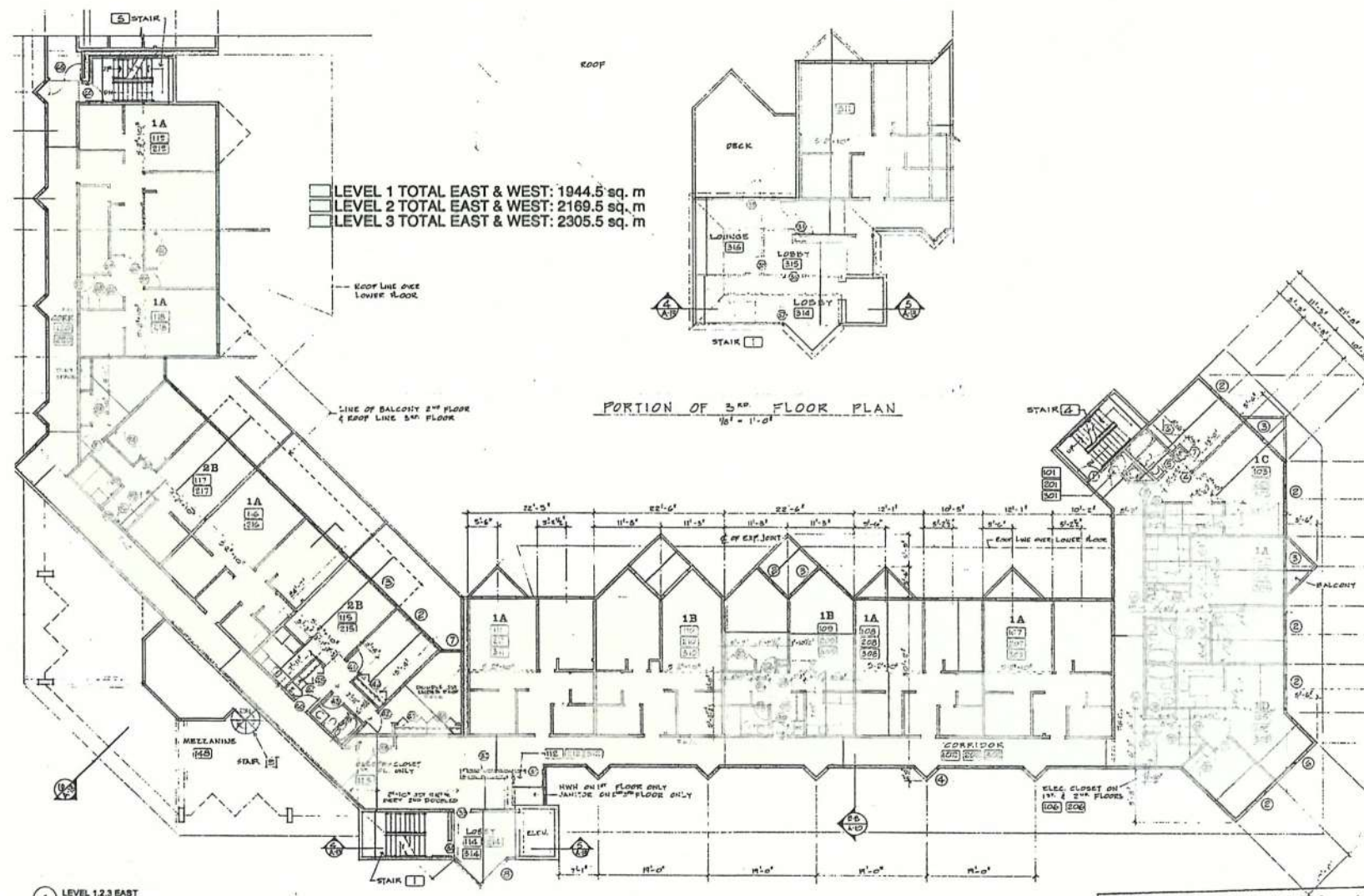
**LEVEL 1,2,3 EAST**

SCALE AS SHOWN	DATE NOVEMBER 01, 2015	PROJECT A-3.2
DATE NOVEMBER 01, 2015	PROJECT A-3.2	

**Received**  
City of Victoria

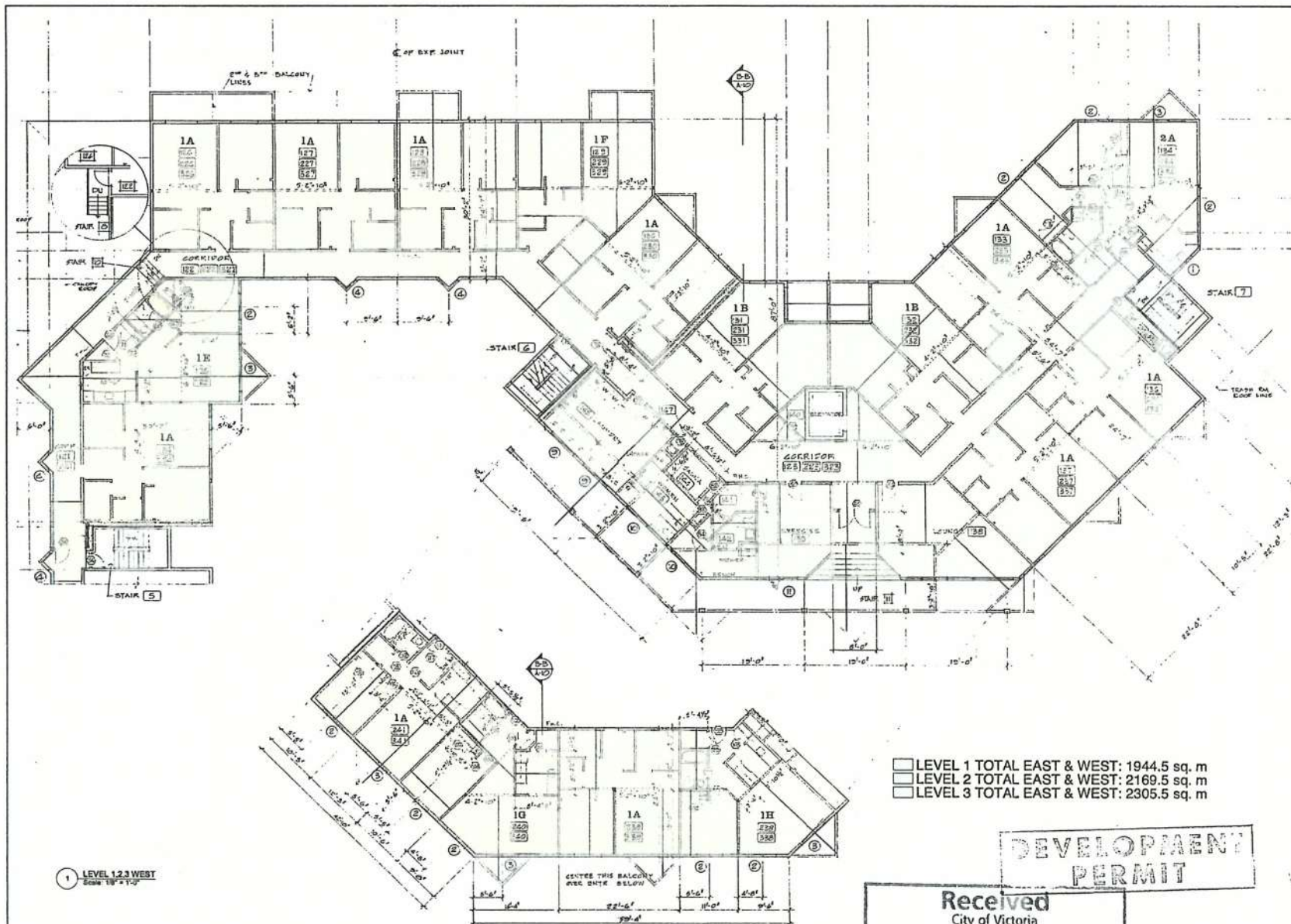
**DEC 04 2015**

Planning & Development Department  
Development Services Division



1 LEVEL 1,2,3 EAST  
Scale: 1/8" = 1'-0"





KEAY CECOCO  
ARCHITECTURE LTD.

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Tel: 250 353 3823  
email: info@kcoarchitecture.ca

REVISIONS

NO.	DESCRIPTION	DATE	BY
1	REVISED FOR PERMITTING		

GENERAL NOTES

Use of these drawings is limited to that intended in the representation herein.  
Do not construct from these drawings unless marked "Issued for construction".

REZONING  
765 MARKET STREET  
VICTORIA, B.C.

LEVEL 1,2,3 WEST

SCALE  
AS SHOWN  
DATE PREPARED  
NOVEMBER 04, 2015  
DRAWN BY  
DE

TITLE  
1124 - 1523  
A-3.3

DEVELOPMENT  
PERMIT

Received  
City of Victoria

DEC 04 2015

Planning & Development Department  
Development Services Division