

## **6.8 Development Variance Permit Application No. 000385 for 759 Yates Street**

Committee received a report dated December 4, 2014 from Sustainable Planning and Community Development regarding Development Variance Permit Application No. 000385 for 759 Yates Street which recommends that a Public Hearing be held for a proposed parking variance to facilitate the conversion of the existing hotel to market rental housing.

**Action:** It was moved by Councillor Thornton-Joe, and seconded by Councillor Alto, that Committee recommends that Council convene a Hearing for the proposed variance associated with Development Variance Permit Application No. 000385 for 759 Yates Street, and following the Hearing, that Council consider the following motion:

That Council authorizes the issuance of Development Variance Permit Application No. 000385 for 759 Yates Street, subject to the registration of a legal agreement securing 49 Class 1 bicycle parking spaces in the building to the satisfaction of the Assistant Director, Development Services Division, Sustainable Planning and Community Development Department and the City Solicitor and in accordance with:

1. Plans date stamped November 21, 2014.
2. Development meeting all *Zoning Regulation Bylaw* regulations, except for the following variances:
  - i. Part 6.8, Section 6(ii): Relaxation from 0.7 parking spaces per residential unit (18 parking spaces) to 0 parking spaces per residential unit (0 parking spaces);
  - ii. 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 Department.

Committee discussed the following:

- Concerns regarding the lack of parking and how the bike parking will be accommodated.
- Concerns regarding the amenities provided for the living units with respect to them qualifying as residential.
- The zoning which allows residential and hotel use.

**Motion to Refer:** It was moved by Councillor Isitt, seconded by Councillor Madoff, that Committee refer this application to the next Planning and Land Use Committee to provide for additional onsite bicycle parking.

Committee discussed the motion to refer:

- Options for providing bicycle parking in the building and on the property.
- The timing of this application and options for moving it forward to Public Hearing with additional bicycle parking requirements.

CARRIED 14/GPC619

**For:** Councillors Coleman, Isitt, Lucas, Loveday, Madoff and Young  
**Against:** Mayor Helps, Councillors Alto, and Thornton-Joe



## Governance and Priorities Committee Report

For the Meeting of December 18, 2014

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**To:** Governance and Priorities Committee **Date:** December 4, 2014  
**From:** Leanne Taylor, Planner, Development Services Divisions  
**Subject:** Development Variance Permit Application #000385 for 759 Yates Street

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### RECOMMENDATION

Staff recommend that Committee forward this report Council and that Council convene a Hearing for the proposed variance associated with Development Variance Permit Application #000385 for 759 Yates Street, and following the Hearing, that Council consider the following motion:

"That Council authorize the issuance of Development Variance Permit Application #000385 for 759 Yates Street, subject to the registration of a legal agreement securing 49 Class 1 bicycle parking spaces in the building to the satisfaction of the Assistant Director, Development Services Division, Sustainable Planning and Community Development Department and the City Solicitor and in accordance with:

1. Plans date stamped November 21, 2014.
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  - i. Part 6.8, Section 6(ii): Relaxation from 0.7 parking spaces per residential unit (18 parking spaces) to 0 parking spaces per residential unit (0 parking spaces);
  - ii. 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 Department."

### EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Variance Permit Application for the property located at 759 Yates Street (Dalton Hotel). The proposal is for a parking variance in order to facilitate the conversion of the existing hotel to market rental housing.

The following points were considered in assessing this Application:

- The proposal is consistent with the *Official Community Plan 2012* (OCP) and the *Downtown Core Area Plan* (DCAP).
- Under the current zone, the building would require 68 parking spaces (0.7 spaces per residential unit); however, given the legal non-conformity, the building would only be

required to have 18 parking spaces for the residential use. The variance is to reduce the required number of parking spaces from 18 to nil.

- To help offset the parking shortfall, the applicant would provide 49 Class 1 bicycle parking spaces in the building.

## **BACKGROUND**

### **Description of Proposal**

The proposal is for a parking variance in order to facilitate the conversion of the existing hotel to market rental housing. Specific details include:

- The existing hotel contains 100 rooms. The parking requirement in the CA-4 Zone, Central Area Commercial Office District, for transient accommodation is 0.5 parking spaces per unit. A total of 50 parking spaces would be required for the hotel, however, no parking was provided for the hotel when it was constructed in the early 1900s, and therefore, the parking shortfall is legally non-conforming.
- The applicant proposes a total of 97 residential suites with private bathrooms and one communal kitchen on the second floor.
- Under the current Zone, the building would require 68 parking spaces (0.7 spaces per residential unit); however, given the building's legal non-conforming status, the building would only be required to have 18 parking spaces for the residential use. The variance is to reduce the required number of parking spaces from 18 to nil.
- The existing commercial uses on the ground floor would be retained. There is no parking requirement for commercial uses in the CA-4 Zone.
- A total of 73 bicycle parking spaces would be provided. The applicant would provide 49 Class 1 bicycle parking spaces in enclosed storage areas and within individual suites and install U-racks and V-racks in the sidewalk on Yates Street to accommodate 24 bicycles.

### **Sustainability Features**

The applicant has not identified any new sustainability features associated with this proposal. However, converting the building from hotel to market rental housing is an example of building retention and reuse.

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

The site is presently operated as a hotel (Dalton Hotel) with commercial uses on the ground floor. The building was constructed between 1890 and 1913 with no underground or surface parking on-site to serve the hotel. The existing building is set back approximately 1.4 metres from the eastern property line. There are a total of 16 rooms located on the second, third and fourth floors of the building, with windows overlooking the adjacent property to the east (769 Yates Street). Currently, a single-storey restaurant (Foo) and storage enclosures are located on the adjacent property (zoned CA-4) and attached to the existing hotel; however these buildings and structures would be removed if the adjacent parcel redevelops. Parking is not required for commercial uses in the CA-4 Zone. Future development of 769 Yates Street may affect the livability of the eastern units of the subject property; however Building Code requirements can still be achieved.



## Data Table

The following data table compares the proposal with the existing C4-A Zone. An asterisk is used to identify where the proposal is less stringent than the existing Zone. Two asterisks are used to identify the existing non-conformities.

Zoning Criteria	Proposal	Zone Standard CA-4
Density (Floor Space Ratio) - maximum	3.82:1**	3:1
Height (m) - maximum	19.25**	10 at the street 43
Setbacks (m) - minimum		
Front (Douglas Street)	0	0
Rear(south)	0	0
Side (east)	1.4**	4.5
Side (west)	0**	4.5
Parking – minimum (existing use)	0**	50
Parking – minimum (proposed use)	0*	68

## Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on September 10, 2014, the Application was referred for a 30-day comment period to the Downtown Resident's Association. At the time of writing this report, a letter from the CALUC had not been received.

This Application proposes variances, therefore, in accordance with the City's *Land Use Procedures Bylaw*, it requires notice, sign posting and a Hearing.

## ANALYSIS

### Official Community Plan

The OCP identifies this property within DPA 2 (HC) – Core Business. The OCP supports the reduction in parking requirements where geographic location, residential and employment density, housing type, land-use mix and transit accessibility support alternate modes of transportation. The OCP further supports the provision of Transportation Demand Management (TDM) measures, such as short-term and long-term bicycle parking facilities, car-share and transit passes.

The City's *Bicycle Parking Strategy* (2011) identifies the Downtown as having the highest concentration of employment, shopping and services, which attracts new residents to the Downtown and generates a higher than average demand for bicycle parking. Schedule C - Off-Street Parking of the *Zoning Regulation Bylaw* and the "Cycling Network Policies and Actions" in the DCAP refer to new construction. However, there is an opportunity in the existing hotel to accommodate Class 1 bicycle parking. The applicant is proposing 49 Class 1 (secure and enclosed) bicycle parking spaces for 97 residential suites. Four bike rooms would be provided in various locations within the building accommodating a total of 28 bikes and 21 residential suites would have wall mounted in-suite bicycle racks. Additionally, eight Class 2 bicycle racks would also be installed in the sidewalk on Yates Street.

Staff recommend for Council's consideration that Council require a legal agreement to be registered on the subject property in order to secure the 49 Class 1 bicycle parking spaces in the building and as shown on the plans (attached).

### Resource Impacts

The applicant is proposing to install two V-racks and six U-racks in City's sidewalk on Yates Street. The applicant would cover the costs to install the racks; however, the City would be responsible for maintaining them.

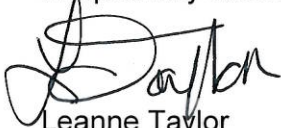
### CONCLUSIONS

The OCP encourages the development of incentives to support the rehabilitation and conversion of "Heritage-Designated Commercial" buildings to residential or residential mixed uses and the reduction of parking requirements in the Downtown Core if TDM measures are provided. The existing hotel is not a "Heritage-Designated Commercial" building; however it is a "Heritage-Registered Commercial" building, and therefore, formerly recognized by Council for its heritage values. The *Downtown Core Area Plan* also supports a reduction in the number of required vehicle parking stalls for uses located adjacent to major transit stops. Given this policy direction, staff recommend that Council advance the Application to a Hearing.

### ALTERNATE MOTION

That Council decline Development Variance Permit Application #000385 for the property located at 759 Yates Street.

Respectfully submitted,



Leanne Taylor  
Planner  
Development Services



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

Report accepted and recommended by the City Manager: \_\_\_\_\_



Jason Johnson

Date: \_\_\_\_\_

December 12, 2014

LT:aw

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### List of Attachments

- Aerial map
- Subject map
- Letter dated November 21, 2014
- Final Plans dated November 21, 2014.

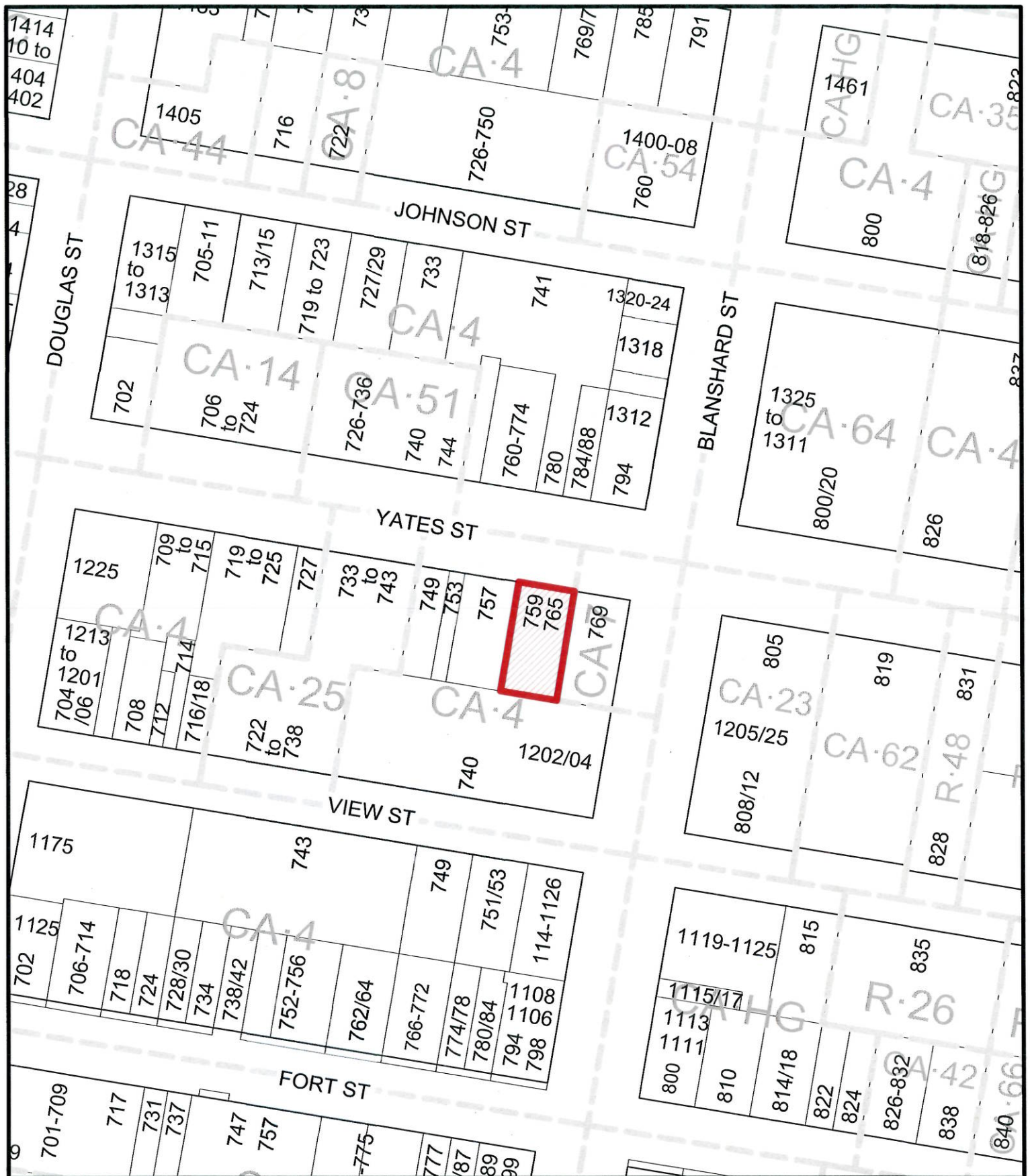




759 Yates Street  
Development Variance Permit #000385







759 Yates Street  
Development Variance Permit #000385





21 November 2014

**Re: Dalton Hotel & Suites  
Development Permit with Variance - Bicycle Parking**

Dear Mayor and Council

**PARTNERS**

**Jim Aalders**  
Arch. AIBC, MRAIC, LEED AP,  
NCARB

**Nick Bevanda**  
Arch. AIBC, MRAIC, NCARB, AIA

**Mark Hentze**  
Arch. AIBC, NLAA, MRAIC, NCARB,  
IAKS

**William Locking**  
Arch. AIBC, AAA, FRAIC

**Troy Ransdell**  
Arch. AIBC, MBA

**John Scott**  
Arch. AIBC, AAA, MRAIC, NCARB,  
AIA

**Rod Windjack**  
Arch. AIBC, MRAIC, LEED AP

**PARTNER EMERITUS**

**Richard Bolus**  
Arch. AIBC, MRAIC, Assoc. AIA,  
LEED AP

The Dominion Hotel sited at 759 Yates Street was originally constructed in phases between 1890-1913. At it's completion, the building consisted of 200 rooms with 100 baths on the upper floors and commercial on the main. During the 1960's or 70's the building was converted from a 200 room hotel with 100 baths to a 100 room hotel with in-suite washrooms. This is the current configuration of the hotel.

The current zoning is CA-4 which has a parking requirement of .5 stalls per room for hotel use. Given this, there is an implied variance that exists of 50 stalls. The proposed change to residential use consists of 97 units utilizing the existing hotel room configuration. The parking requirements for residential in CA-4 is .7 stalls per room, or 68 stalls. In light of the historical 50 stall variance there is a shortfall of 18 stalls.

While existing heritage building is build-out to the property lines and has no ability to accommodate on-site parking, we have been able to provide  $\pm 73$  bike stalls for the project. This is comprised of 28 Class-1 Bike stalls within the building in secure bike rooms and 21 Class-1 Bike racks within suites. An additional 24 bikes are accommodated on the sidewalk as the owner proposes an additional six new u-shaped bike racks in front of the building on Yates and two v-shaped racks on the corner bulb at Yates and Blanshard.

A recent proposal to council from staff which was approved on July 17th, included provisions to develop policy that would eliminate parking requirements for heritage designated and or registered buildings. This building would fall under that new policy.

Thank you for your consideration of this application which we believe will assist to create a vibrant residential population in the downtown core.

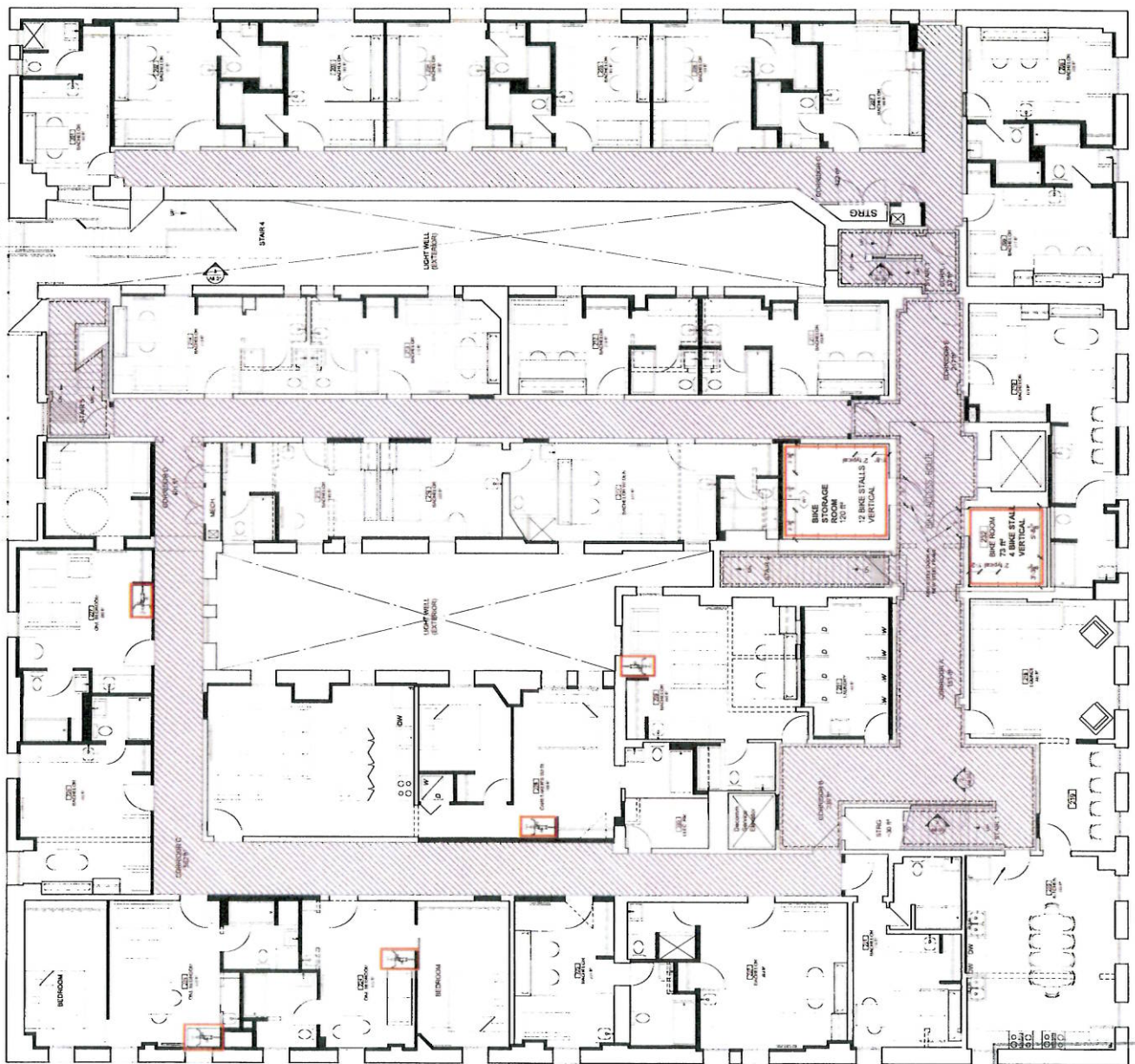
Yours very truly,  
CEI Architecture Planning Interiors

Jim Aalders Architect AIBC MRAIC LEED AP

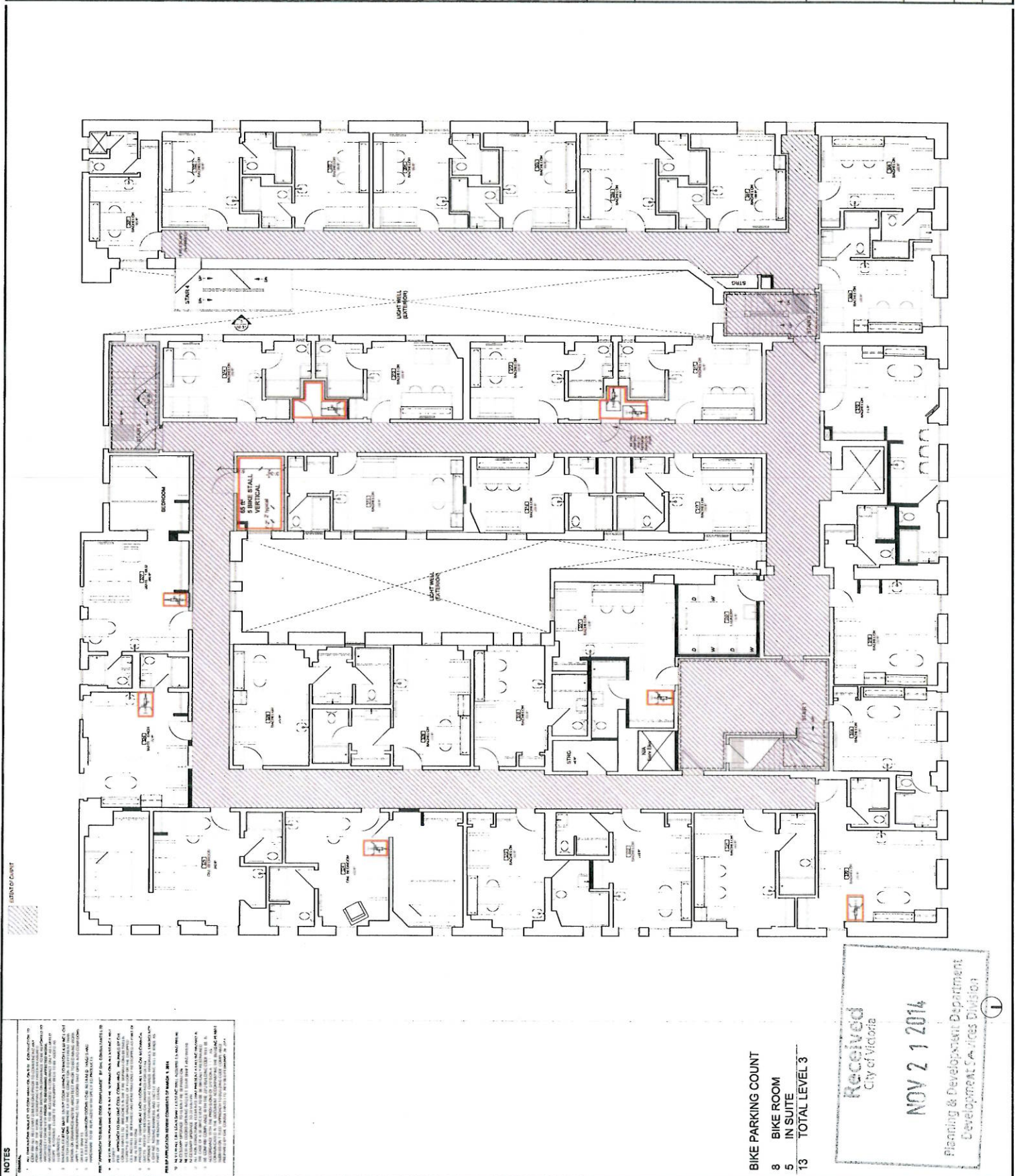












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**BIKE PARKING COUNT**

8 BIKE ROOM  
 5 IN SUITE  
 13 TOTAL LEVEL 3

Received  
 City of Victoria

NOV 21 2014

Planning & Development Department  
 Development Services Division





Received  
City of Victoria  
NOV 21 2014  
Planning & Development Department  
Development & Access Division



