



Committee of the Whole Report

For the Meeting of April 19, 2018

To: Committee of the Whole **Date:** April 5, 2018

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

Subject: **Development Permit with Variance Application Permit No. 00034 for 515 Chatham Street**

RECOMMENDATION

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Development Permit with Variance Application No. 00034 for 515 Chatham Street, in accordance with:

1. Plans date stamped March 13, 2018
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
 - i. increase the height from 15m to 16.43m to the top of roof, and 17.73m to the top of the parapet.
3. That Council authorizes the Mayor and City Clerk to execute encroachment agreements, to be executed at time of the building permit approval, in a form satisfactory to the City Solicitor and the Director of Engineering and Public Works for:
 - a. building encroachment(s) adjacent to Chatham Street and Store Street
 - b. anchor-pinning in the City Right-Of-Way.
4. Preparation and execution by the applicant of a Housing Agreement to ensure that a future strata corporation could not pass bylaws that would prohibit or restrict the rental of units to non-owners to the satisfaction of City Staff.
5. Final plans to be in accordance with the plans date stamped March 13, 2018 to the satisfaction of City staff.
6. The Development Permit lapsing two years from the date of this resolution."

LEGISLATIVE AUTHORITY

In accordance with Section 489 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 491 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, the siting, form, and 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 with Variance Application for the property located at 515 Chatham Street. The proposal is to construct a five-storey, mixed-use building containing ground-floor commercial uses with residential units above. The proposal requests an increase to the permitted building height from 15m to 16.43m (top of the roof), and 17.73m (top of the parapet). Council considered this Application on November 23, 2017, and in response to Council's motion "that the application be referred to staff to work with the applicant for consideration of design refinements, particularly on Chatham Street that respond to the character of Old Town", the proposal has been revised in the following ways:

- the number of lots being proposed for development has reduced from five to three, thereby reducing the scale and extent of the building along Chatham Street
- the variances related to locating residential units on the ground floor and allowing two buildings on one lot have been eliminated
- the height variance has been reduced
- balconies and bay features have been added
- the differentiation between buildings has been increased.

The following points were considered in assessing this Application:

- the proposal is generally consistent with the *Downtown Core Area Plan* (DCAP)
- the proposal is generally consistent with the *Old Town Design Guidelines* (2006)
- the proposal is consistent with the *Official Community Plan*, (2012) policies which support and encourage the provision of mixed-use buildings
- the proposed increase in building height is considered to be appropriate in order to balance the objectives of the Design Guidelines which encourage commercial ground-floor units with corresponding ceiling heights, and buildings up to five storeys in height. Additionally, the requested height variance does not impact adjacent properties, or the public realm beyond what would occur without a height variance.

BACKGROUND

The proposal is for a five-storey, mixed-use building containing ground-floor commercial uses and residential units above. Although technically counted as one building (joined by the parking structure), the proposal has been designed to appear as two separate buildings. The proposal includes the following major design components:

- commercial units along Chatham Street and Store street
- two levels of parking provided at-grade and underground
- secure bicycle parking on the main floor, accessed via the residential lobby and parkade
- publicly accessible bicycle parking for 12 bicycles, located on Chatham and Store Streets
- podium rooftop amenity space for residents.

Exterior building materials include:

- metal panels in three shades and rust tones as a primary treatment, using a darker mix on the Chatham Street building and a lighter mix on the Store Street building

- standing seam weathering steel cladding on the Store Street building
- weathering steel panels on the Chatham Street building
- punched windows with glass and metal guardrails on the balconies of residential units
- storefront glazing with black aluminium mullions for the ground-floor retail units
- painted steel and glass canopies at the ground level.

Landscaping elements include:

- four new municipal street trees along Chatham Street
- a central courtyard with residential-oriented pedestrian access on the podium's rooftop
- a mixture of unit pavers in grey and rust tones, and sandblasted concrete for the courtyard paving
- furniture and lighting elements in weathering steel.

Sustainability Features

As noted in the applicant's letter, storm water management practices are to be incorporated into the landscape design. No further green building features have been identified.

Active Transportation Impacts

The Application proposes 102 at-grade Class 1 bicycle parking stalls for residents, and 12 Class 2 bicycle parking stalls for visitors, which supports active transportation.

Public Realm Improvements

No public realm improvements are proposed in association with this Development Permit with Variance Application.

Accessibility Impact Statement

The British Columbia Building Code regulates accessibility as it pertains to buildings.

Existing Site Development and Development Potential

The site has a floor area of 2,028m² and is presently occupied by a surface parking lot. The current CA-3 Zone, Central Area General Commercial District, permits a variety of uses including offices, retail, restaurants and residential at a density of 3:1 Floor Space Ratio (FSR). The maximum height permitted under the current zone is 15m.

Data Table

The following data table compares the proposal with the CA-3C Zone and the previous proposal. An asterisk is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Current Proposal	Previous Proposal	Zone Standard CA-3C Zone
Site area (m ²) – minimum	2,028.70	3,381.10	N/A
Density (Floor Space Ratio) – maximum	2.98	2.79:1	3.0:1

Zoning Criteria	Current Proposal	Previous Proposal	Zone Standard CA-3C Zone
Height (m) – maximum	16.43* (roof) 17.73* (top of parapet)	16.39* (top of roof) 19.49* (top of stair access)	15.00
Storeys – maximum	5	6 (including 1 storey roof access)	N/A
Setbacks (m) – minimum			
Front (Chatham Street)	nil	0.22 (wall) 0.00 (balcony)	N/A
Rear (South)	nil	7.27	N/A
Side (East)	nil	nil	N/A
Side (West) (Store)	nil	nil	N/A
Parking – minimum	90	170	N/A
Bicycle parking – minimum			
Class 1 (secure stalls)	102	167	89
Class 2 (visitor stalls)	12	18	7

Relevant History

As noted previously, this revised Application is in response to Council's direction at its meeting of November 23, 2017, where the following motion was passed:

"That the application be referred to staff to work with the applicant for consideration of design refinements particularly on Chatham Street that respond to the character of Old Town."

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC), Procedures for Processing Rezoning and Variances Applications*, on February 6, 2018, the revised Application was referred for a 30-day comment period to the Downtown Residents Association CALUC. An email from the Downtown Residents Association, dated February 21, 2018, and staff reply are attached to this report.

This Application proposes variances; therefore, in accordance with the City's *Land Use Procedures Bylaw*, it requires notice, sign posting and a meeting of Council to consider the variance.

ANALYSIS

Consistency with Policy and Design Guidelines

The *Official Community Plan, 2012* (OCP) identifies this property in Development Permit Area 1 (HC): Core Historic. The objectives of this designation are to conserve and enhance the heritage value of Downtown and encourage revitalization of the area with high-quality architecture, landscape, and urban design through sensitive infill and innovative interventions. Design guidelines that apply to Development Permit Area 1 are the *Downtown Core Area Plan, 2012* (DCAP), *Old Town Design Guidelines: New Buildings and Additions to Non-Heritage Buildings* (2006), *Advisory Design Guidelines for Buildings, Signs and Awnings* (2006), *Guidelines for Fences, Gates and Shutters* (2010), and *Standards and Guidelines for the Conservation of Historic Places in Canada*. The following sections will provide a discussion related to some of these key policies.

Official Community Plan

The OCP envisions buildings in the Core Historic district up to approximately five-storeys with density ranging up to approximately 3:1 floor space ratio (FSR). The proposal is in keeping with these policies.

The proposal is also consistent with the built form and place-character features envisioned for the Core Historic district through the provision of buildings set close to the sidewalk with high site coverage, continuous commercial uses at grade, wide sidewalks and tree planting. It is also in keeping with the place-based land use management envisioned for the area through improving vitality and livability within Downtown through an attractive and functional public realm, and massing and scale that is comparable with historic building forms.

Development Permit Area

The subject properties are located within Development Permit Area 1 (Heritage Conservation): Core Historic in the OCP. The objectives of this area include:

- 4 (a) *To conserve and enhance the heritage value, special character and significant historic buildings, features and characteristics of this area.*
- (b) *To revitalize an area of commercial use through infill, building additions and heritage conservation including exterior alterations and interior improvements that could alter the exterior of the building.*
- (c) *To enhance the area through infill, building additions and open spaces with a high quality of architecture, landscape and urban design that responds to its historic setting through sensitive and innovative interventions.*

The proposal is largely consistent with these objectives by helping to revitalize this area and providing a development that has the potential to provide a building with a strong street presence.

Downtown Core Area Plan

The subject properties are within the Historic Commercial District of the DCAP. The purpose of the Historic Commercial District is to ensure the sensitive integration of new infill development and public realm improvements into the historic environment. Specific objectives also include locating active commercial uses at the street level to encourage increased pedestrian activity, to

complement the public realm, and to locate residential dwellings on upper storeys. These later two objectives are achieved with this proposal. In terms of integrating infill development within the local context, the proposal achieves this objective by including two distinct, but complementary, buildings of similar scale and massing to the historic context. Furthermore, the rhythm of building articulation and material application corresponds well with that found in the area. While full scale balconies are not a common element within the Historic Commercial District, the addition of these features meet the request from Council and are applied differently between building "B" and building "A".

Standards and Guidelines for the Conservation of Historic Places in Canada

The following are relevant sections of the *Standards and Guidelines for the Conservation of Historic Places in Canada*:

Section 4.1.4 entitled Spatial Organization notes that, *"In urban heritage districts land use, buildings, streets and topography often define or influence spatial organization. The building's siting, the open spaces between them and the circulation corridors are often identified as character-defining elements in urban heritage districts."*

Section 4.1.5, Visual Relationships notes that, *"visual relationships between elements of natural or designed landscapes or heritage districts can influence the user experience. For example, a tall building in a low-rise heritage district may be perceived as out of scale."*

General Standards for Preservation, Rehabilitation and Restoration include:

11. *Conserve the heritage value and character-defining elements when creating any new additions to a historic place or any related new construction. Make the new work physically and visually compatible with, subordinate to, and distinguishable from the historic place.*

With regard to Cultural Landscapes, the Standards and Guidelines include:

15. *Designing a new feature when required by a new use that respects the historic visual relationships in the cultural landscape. This can include matching established proportions and densities, such as maintaining the overall ratio of open space to building mass in an urban heritage district when designing an infill building.*

Again, it is the view of staff that the proposal is generally consistent with the *Standards and Guidelines*.

Heritage Advisory Panel and Advisory Design Panel Review

On February 13, 2018, the Heritage Advisory Panel (HAPI) reviewed the Application (full meeting minutes attached) and passed the following motion.

"That the Panel recommend to Council that Development Permit with Variance Application No. 00034 for 515 Chatham Street would benefit from the following revisions:

- a) *a greater degree of differentiation between building A and B*
- b) *increasing the roofline articulation, reconsidering the building's termination and the variance request for height not be approved for building A (Store Street)*
- c) *consideration of a corner entrance."*

On February 28, 2018 the Advisory Design Panel (ADP) reviewed the Application (full meeting minutes attached) and passed the following motion:

"It was moved by Paul Hammond, seconded by Jason Niles, that the Advisory Design Panel recommend to Council that Development Permit with Variance Application No. 00034 for 515 Chatham Street be approved as presented."

The following section provides further analysis of how the Application responds to key issues that were identified through the Advisory Design Panel and staff review process.

Response to Key Issues Raised through the Advisory Design Panel Review Process

Differentiation between Building A and Building B and fit within Context

The *Old Town Design Guidelines* encourage a sensitive response to the special urban character of Old Town which includes a fine-grain urban fabric comprised of small-scale and small-lot characteristics. In Chinatown specifically, this includes buildings with varied heights ranging from three to five-storeys. The Guidelines also state that new proposals should add to the character of Old Town and stand shoulder-to-shoulder with the historic buildings and the streetscape.

There are several designated and registered heritage properties in the immediate vicinity of the proposed development. These properties include 1802 Government Street on the southeast corner of Government and Chatham Streets, the nationally designated sites of 532 and 533 Herald Street, the registered properties at 542 Herald Street, 1830 Store Street (Capital Iron), and 1824 Store Street. This serves to highlight the importance of responding to the heritage context in a sensitive manner.

The DCAP identifies the subject properties in the Historic Commercial District, which are characterized by a "saw-tooth" streetscape that generally rises and falls in height between one and five-storeys with articulated brick and stone façades, buildings situated up to the public sidewalk, and continuous street-level storefronts. The Guidelines require the retention of the Historic Commercial District's current compact, diverse, low-scale and small-lot character.

The reduction in the scope of the project has largely addressed previous concerns related to the importance of maintaining the fine-grained character of this part of the City. Buildings "C, D, and E" have been removed from the proposal, significantly reducing the overall perceived length of a singular building along Chatham Street. Building "B" along Chatham is approximately 30m in length, equal to some of the heritage properties identified above. Further articulation of building "B" is reflected in the vertical segmentation of the building into five, six-metre segments reflecting the rhythm of heritage character buildings.

In response to comments concerning the differentiation between buildings, the proposal includes two distinct, but related buildings. Building "B" reads as a more literal interpretation of traditional building massing and rhythm but utilizes contemporary materials. Building "A" along Store Street presents as a more simplified and contemporary building while maintaining the massing and scale of the Historic Commercial District. Similar materials to building "B" are used on building "A"; however, these are distributed significantly different to building "B" and the predominant material on each building is unique. Building "A" is mostly clad in a light toned metal panel, while building "B" is defined by a formal alternating pattern of flat weathering steel and dark metal panel. Building "A" is further differentiated with a distinctive corner element that signifies the main commercial entrance which is clad in standing seam weathering steel.

Further differentiation occurs at the building's rooftop terminations. Building "B" proposes a contemporary interpretation of a traditional cornice element using weathering steel. Building "A" presents as a smaller scaled building with a contemporary flat roof, without a parapet or distinctive cornice element. This helps to differentiate the building, reduce the apparent scale and height, and is reflective of the more historic simple building forms found in the area, similar to the Powerhouse building at the end of Store Street.

Height Variance

The applicant is requesting that the permitted height of the building be increased from 15m to 17.73m. Of this increase, 1.3m can be attributed to the height of the parapet. The applicant has indicated in their letter to Council that this height request is due to the ceiling height requirement for the commercial tenants on the ground floor.

The recommendation of the HAPI to Council was to not grant the height variance for building "A" (building at the corner of Chatham and Store Streets), as a way to help ensure greater differentiation between the two buildings and to help achieve the "saw-tooth" streetscape that generally rises and falls in height from building to building. In response to this, the cornice detail and parapet has been removed from building "A" to better differentiate the two buildings and to reduce the apparent height.

Overall, the buildings are not out of scale with the surrounding context, noting that the building at 537 Chatham is six-storeys; 532 Herald is of similar height but with four-storeys; and 536 Chatham Street is four-storeys with additional ceiling height at the top floor and elevated above grade. These buildings, along with the shorter one and two-storey buildings found in the neighbourhood, help to add to the distinct "saw-toothed" feel of buildings in this area.

Staff note that the requested height increase is supportable in order to balance the objectives of the Design Guidelines which encourage commercial ground-floor uses with corresponding ceiling heights, and buildings up to five-storeys. Additionally, the requested height variance does not impact adjacent properties or the public realm beyond what would occur without a height variance, and does not detract from the existing "saw-tooth" character of the Historic Commercial District.

Tree Preservation Bylaw and Urban Forest Master Plan

There are no Tree Preservation Bylaw impacts with this Application.

Encroachment Agreements

A number of street-level canopies are also proposed along Chatham and Store Streets, which project above the City Right-of-Way. These are encouraged in the Guidelines to provide pedestrian weather protection and welcoming streetscapes. Additionally, under-pinning may be required during the construction phase. In order to facilitate these canopies and potential under-pinning, the applicant is required to enter into an Encroachment Agreement with the City. Appropriate wording is included in the recommendation for Council's consideration.

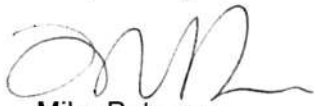
CONCLUSIONS

The Application would allow for a mixed-used development on a vacant site within Old Town. The proposal is in keeping with the immediate context in terms of scale, massing and street relationship and is consistent with the Design Guidelines for the area. Significant changes have been made to this Application from the one presented to Council in November, 2017, namely the reduction in the overall scope of the project. Additionally, changes have been incorporated in response to the Heritage Advisory Panel and Staff recommendations. On this basis, Staff recommend Council consider supporting the Development Permit with Variance Application.

ALTERNATE MOTION

That Council decline Development Permit with Variance Application No. 00034 for the property located at 515 Chatham Street.

Respectfully submitted,




Miko Betanzo
Senior Planner - Urban Design
Development Services

JH.



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.


Date: April 12, 2018

List of Attachments:

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans dated/date stamped March 13, 2018
- Attachment D: Letters from applicant to Mayor and Council dated January 29, 2018; and November 29, 2017
- Attachment E: Downtown Residents Association Email and Staff Reply, dated February 21, 2018
- Attachment F: Heritage Advisory Panel Minutes from February 13, 2018
- Attachment G: Advisory Design Panel Minutes from February 28, 2018