



Committee of the Whole Report

For the Meeting of June 14, 2018

To: Committee of the Whole **Date:** May 24, 2018
From: Jonathan Tinney, Director, Sustainable Planning and Community Development
Subject: Development Permit with Variances No. 00068 for 1622-1628 Store Street

RECOMMENDATION

That, subject to the preparation and execution of legal agreements to the satisfaction of the Director of Sustainable Planning and Community Development, 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 Application No. 00068 for 1622-1628 Store Street in accordance with:

1. Plans date stamped March 29, 2018.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. increase the height from 15m to 18.00m
 - ii. increase the interior floor area access length from 4.5m to 6.5m
 - iii. allow residential uses below the second storey.
3. Registration of legal agreements on the property's title to secure a Statutory Right-of-Way over the Harbour Pathway, to the satisfaction of the Director of Sustainable Planning and Community Development.
4. 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 *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, and 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 with Variances Application for the property located at 1622-1628 Store Street. The proposal is to construct a seven-storey residential building with ground floor commercial. The variances are related to height, building frontage devoted to interior access, and the location of residential uses within the building.

The following points were considered in assessing this application:

- consistency with the *Official Community Plan*, 2012 (OCP) in terms of proposing to complete a portion of the a Harbour Pathway
- consistency with the *Downtown Core Area Plan* (DCAP) in terms of providing a dual frontage building, high-quality architecture, and landscaping and a contextual design approach
- consistency with the *Old Town Design Guidelines* (2006) respecting the traditional character of the area
- consistency with the *Victoria Harbour Plan* (2001) in terms of proposing residential uses at this location and completing a portion of the Harbour Pathway
- the proposal to increase the permitted height is supportable based on the sensitive infill approach, and the reduced impact to adjacent buildings from the proposed massing of the building, side yard setbacks, and Harbour Pathway setback
- the proposal to permit residential uses below the ground floor is supportable based on the general layout and flexibility of the ground floor, and adjacent exterior landscaping to serve either commercial or residential uses
- the proposal to increase the frontage area devoted to interior accesses is appropriate based on creating a vibrant street frontage.

BACKGROUND

Description of Proposal

The proposal is for a seven-storey residential building with ground-floor commercial. Specific details include:

- a sloping site with five storeys at Store Street, with a step back between the fourth and fifth storey, and eight storeys at the harbour edge
- three levels of underground parking at Store Street and one level of underground parking at the harbour edge
- a full-width street frontage with a zero lot line setback
- a narrow main building body with 6.8m to 8.6m setbacks to the adjacent property lines
- a saw-toothed unit floor plan layout to direct views predominantly west, towards the harbour.

Exterior building materials include:

- predominantly stack bond brick at podium level (brown/earth tone mix) with clear glazing
- alternating and articulated mixture of diamond shingle metal and stack bond brick (same as podium) on the Store Street frontage above the first storey
- aluminium composite panel cladding (champagne) on the north and south building body elevations
- predominantly diamond shingle metal cladding on the harbour (west) elevation with aluminium composite panel cladding (champagne) and a central diffuse white glazing element.

Landscaping elements include:

- two boulevard trees (Karpick Red Maple) on Store Street
- ground floor unit planting beds with shade-loving native and adaptive shrubs on the north and south elevations
- metal arbour with twining vines over the residential sidewalk on the south elevation
- sloped planting beds adjacent to the Harbour Pathway among landscaped boulders with native shrubs and ferns (including Shore Pine, Alaska fern, sweet box and sea oats), as well as, an incorporated public bench along the harbour pathway
- flexible unit entrances at the Harbour Pathway, differentiated by unit pavers
- Harbour Pathway to City of Victoria standard.

The proposed variances are related to:

- increasing the building height from 15m to 18m
- allowing residential uses below the second storey
- increasing the amount of frontage devoted to interior access from 4.5m to 6.0m.

Sustainability Features

As indicated in the applicant's letter dated January 23, 2018 the following sustainability features are associated with this application:

- service rough-in for electric vehicle charging stations in all parking levels
- energy modelled to improve energy use efficiency
- Energy Star rated appliances and motion controlled lighting
- low-flow plumbing fixtures
- on-site treated storm-water, diverted from city utilities
- native and adaptive planting.

Active Transportation Impacts

The applicant has not identified any active transportation impacts associated with this Application.

Public Realm Improvements

The following public realm improvements are being offered by the applicant in association with this Development Permit Application and would be secured with a Section 219 Covenant:

- construction of the Harbour Pathway, linking the pathway between the Mermaid Wharf building and the Janion building at the north and south respectively with a 5m wide pathway built to City of Victoria standards
- provision of a public seating amenity area at the northern end of the harbour frontage.

Accessibility Impact Statement

The British Columbia Building Code regulates accessibility as it pertains to buildings. The proposed section of the Harbour Pathway included in this application proposes only ramped surfaces (no stairs) at a grade no steeper than 5.8%.

Existing Site Development and Development Potential

The site is presently occupied with a parking lot.

Under the current CA-3C Zone, Old Town District, the property could be developed at a density

of 3:1 Floor Space Ratio (FSR) and with the uses proposed; however, it could also be developed/accommodate office use at a density of 1:1 FSR or transient accommodation at a 3:1 FSR.

Data Table

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

Zoning Criteria	Proposal	Zone Standard CA-3C
Density (Floor Space Ratio) - maximum	3:1	3:1
Total floor area (m ²) - maximum	10,017.00	10,061.40
Height (m) - maximum	18.0 *	15.0
Site coverage (%) - maximum	N/A	N/A
Residential use on the ground floor	Yes *	Not Permitted
Interior floor area access (m)	6.5*	4.5
Vehicle parking – minimum	132	0
Bicycle parking – minimum		
Class 1	166	133
Class 2	14	6

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on February 7, 2018 the application was referred for a 30-day comment period to the Downtown Neighbourhood CALUC. 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 meeting of Council to consider the variance.

ANALYSIS

The *Official Community Plan*, 2012, identifies this property in Development Permit Area 9 (HC): Inner Harbour. The key objectives of this designation are to enhance the Inner Harbour through high-quality architecture, landscape and urban design that reflects the area's functions as a marine entry, working harbour, and community amenity in scale, massing and character while responding to its historic context.

Design guidelines that apply to Development Permit Area 9 are the *Downtown Core Area Plan*, 2012 (DCAP), *Old Town Design Guidelines* (2006), *Victoria Harbour Plan* (2001), *Advisory Design Guidelines for Buildings, Signs and Awnings* (2006) and *Guidelines for Fences, Gates and Shutters* (2010).

Downtown Core Area Plan

The DCAP seeks to ensure that new developments complement and respond to the surrounding context as defined by the topography, building spacing, form, height, roofline, massing, setbacks, orientation, façade rhythm, building materials and landscaping.

The application is consistent with the guidelines in the DCAP in terms of its general form and character, particularly in terms of its approach to sensitive infill. More specifically, the area context has been considered insofar as the complementary proportion of street wall, cornice lines, articulation rhythm and scale to its adjacent neighbors. Additionally, the application includes completing portions of the Harbour Pathway which achieve the guideline objectives around improving waterfront access, pathway connectivity and waterfront public outlooks. High-quality materials are proposed, and the design is contemporary while complementary to the traditional urban context, consistent with the guidelines on both counts.

Height Variance

The overall height of the building is measured as seven storeys because of the sloping nature of the site and the definition of storeys in the regulations; however, the building is perceived as eight storeys at the waterfront, and as four storeys with a step back to the fifth storey along the Store Street frontage. The proposal includes increasing the maximum allowable height from 15m to 18m. At the Store Street property line, the proposed building height is 14.26m. The building then steps back from the property line by 8.7m before the fifth storey, at a height of 18m. In terms of the height variance, the DCAP provides a number of policies to assess height variances, including street interface guidelines. Store Street is classified as a commercial street; under this designation, street walls ranging from three to five storeys (10m to 20m) are suggested. The DCAP also recommends maintaining lower-scale building forms adjacent to Store Street and supporting new development with form and character that enhances the heritage value of the Historic Commercial District. The proposed step back between the fourth and fifth storey on Store Street is consistent with the guidelines in terms of height and achieves the desired, low traditional building scale at this frontage.

Location Residential Use Variance

The intent of the *Zoning Regulation Bylaw* with regard to excluding residential uses on the ground floor is to ensure that the commercial streets within this area retain their commercial focus, supporting the vibrancy and activity of downtown. The request to permit residential uses on the ground floor is only related to the Harbour Pathway frontage. The Store Street frontage is divided between commercial and residential lobby functions and the variance does not apply. The relative feasibility of a commercial use along an incomplete Harbour Pathway was cited by the applicant as the rationale for this variance request. For this reason, the proposal includes a flexible design at this location to accommodate either commercial or residential use through the optional addition of landscaping elements.

The key policies related to assessing this variance come from the *Downtown Core Area Plan* (DCAP). It recommends that residential dwellings within the Historic Commercial District are to be located on upper-storeys to retain and accommodate more active commercial uses at the street level. Residential uses are envisioned at street level; however, only in instances when

they are located directly adjacent to, and have direct access to a lane, alley or through-block pathway.

The DCAP recommends more active commercial uses at the street level to encourage increased pedestrian activity and complement the public realm, particularly in relation to tourism and entertainment-related uses, as might be the case along the future Harbour Pathway. Given the unfinished status of the Harbour Pathway, and the design measures to accommodate a future commercial frontage on the harbour side of the building, the proposal satisfactorily meets the guidelines. Additionally, the conditions that would permit residential uses at the ground level in the guidelines (being located next to a lane or through-block) are also relevant, suggesting the proposed flexible use is in accord with what the DCAP envisioned.

Old Town Design Guidelines

The Old Town Design Guidelines encourage new development to reflect the contemporary values at the time they were conceived, while also being responsive to the special characteristics of the heritage area where they are located. The subject property is within the "Waterfront" area in the Old Town Design Guidelines. Old Town is further characterized by a "saw-tooth" streetscape that generally rises and falls between one and five storeys in height with articulated brick and stone facades, buildings located up to the public sidewalk and continuous, street-level storefronts.

The application responds to the special characteristics of this area, namely with regard to achieving industrial aesthetic, high-quality materials, and a dual-aspect building, with attractive front and rear facades. This dual-aspect guideline is also repeated in the DCAP and the proposal is consistent for the same reasons. The proposed rhythm of articulation on the Store Street façade respects the character of the area, provides a continuous street wall and is five storeys in height. On this basis, the general form and character of the building is considered to be consistent with the guidelines.

Height Variance

The *Old Town Design Guidelines* outline a general expectation that buildings will range from one to five storeys at their street frontages. Other guidelines to assess variances relate to:

- inspiring creative developments that contribute to the character or the area
- creating a cohesiveness of buildings and spaces that are neighbourly yet dense.

The applicant's rationale for the height variance is based on creating a narrow building form to provide "breathing room" between the proposal and the adjacent buildings while still achieving the permitted density. This approach is consistent with the Guidelines, as it achieves a four and five storey relationship to the street by distributing the density to the portions of the building that have less impact on adjoining properties. Given that the regulations would permit no side yard setbacks, the proposed approach to redistribute the density is an improved option and is consistent with the guidelines around promoting neighbourly development.

Victoria Harbour Plan (2001)

The Victoria Harbour Plan largely focuses on mitigating conflicts between the variety of uses that occupy the harbour while taking advantage of the myriad of opportunities the harbour presents. The subject property is located within the "Upper Harbour" area in the Plan which specifically references this site as having potential for residential uses and extending the texture of Old Town. The completion of the Harbour Pathway is also a key objective within the Plan,

sections of which are proposed to be completed with this application, linking to the path north and south of the subject property.

The application is consistent with the Design Guidelines within the Plan that promote limiting buildings to five storeys at the Store Street frontage. Additionally, it is consistent with the objectives to provide discrete parking that does not dominate the street frontage. Where the application is inconsistent with the Plan relates to the provision of a mid-block access between Store Street and the Harbour, as well as, responding to the topography with a stepped building to maximize harbour views. Instead, the application follows the design approach of the two adjacent buildings whereby a consistent roofline stretches from Store Street to the harbour, resulting in a taller building at the harbour frontage as compared to the Store Street frontage. This approach is consistent with the immediate context and in reviewing the shadowing studies, results in a negligible impact to adjacent properties. Additionally, the application proposes angled windows for all units to face the harbour, which both better respects neighbouring property harbour views and provides more views of the harbour for the building's occupants.

With respect to the mid-block access from Store Street to the waterfront, the existing pathway connection which was completed in conjunction with the recent revitalization of the Janion building, was not anticipated in the Victoria Harbour Plan. With this connection, spacing between harbour accesses on Store Street is 90m, which is sufficient to meet the intent of the guideline, thus negating the need for an additional pathway on the subject property.

On balance, the consistent harbour frontage as viewed from across the harbour, as well as the approach to maximize and protect harbour views, are perceived as beneficial to the overall contextual response. Access to the waterfront from Store Street is also adequately provided to the level anticipated in the Plan, and on this basis, staff recommend for Council's consideration that the intent of these guidelines are achieved.

Response to Context

The proposal's form and character respects the historic visual relationship of the streetscape and is compatible with the context of the area specific to the proportion of street wall, cornice lines, articulation rhythm and scale to its adjacent neighbors. The application does not negatively impact the district's heritage value and is consistent with the *Standards and Guidelines for the Conservation of Historic Places in Canada*.

Interior Access Variance

The variance to the regulation limiting the amount of frontage devoted to interior access is supportable based on the OCP objectives around promoting active street frontages. The proposed entrances on Store Street are not excessive and relate well to the adjacent context and frequency of neighbouring property entrances.

Advisory Design Panel

The Advisory Design Panel reviewed the application at the meeting of April 25, 2018 (minutes attached). The application was favorably received and a motion to "accept as presented" was carried unanimously.

Heritage Advisory Panel

The Heritage advisory Panel reviewed the application at the meeting of May 8, 2018 (minutes attached). The application was favorably received and a motion to "accept as presented" was carried unanimously.

CONCLUSIONS

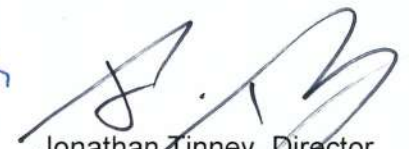
The application is consistent with the guidelines in terms of form and character, and the variances do not contradict the intentions of the relevant policy or guidelines. The proposal also provides a significant benefit to the City with the proposed completion of a portion of the Harbour Pathway and additional seating amenity area on the waterfront. On this basis, Staff recommend for Council's consideration that the application be supported.

ALTERNATE MOTION

That Council decline DPV Application No. 00068 for the property located at 1622-1628 Store Street.

Respectfully submitted,


Miko Betanzo, Senior Planner – Urban Design
Sustainable Planning and Community
Development Department


Jonathan Tinney, Director
Sustainable Planning and Community
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Report accepted and recommended by the City Manager.

Date:


June 8, 2018

List of Attachments:

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans dated/date stamped March 29, 2018
- Attachment D: Letter from applicant to Mayor and Council dated January 22, 2018 and March 29, 2018
- Attachment E: Correspondence (Letters/ emails received from residents)
- Attachment F: Draft Advisory Design and Heritage Advisory Panel minutes