



Committee of the Whole Report

For the Meeting of September 6, 2018

To: Committee of the Whole **Date:** August 15, 2018

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

Subject: **Development Permit with Variance Application Permit No. 00085 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. 00085 for 515 Chatham Street, in accordance with:

1. Plans date stamped July 16, 2018.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
 - i. increase the height from 15m to 16.43m.
3. That Council authorize 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. Final plans to be in accordance with the plans date stamped July 16, 2018, to the satisfaction of City staff.
5. The Development Permit lapsing two years from the date of this resolution."

Should the above resolution be endorsed, that Council consider the following motion:

"The previously approved Development Permit No. 00034 for 515 Chatham Street, approved May 24, 2018, be rescinded."

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 includes a request to increase the permitted building height from 15m to 16.43m.

Council considered, and approved, a Development Permit with Variance for this property on May 24, 2018. The applicant has since decided to revise the proposal; the main changes from the previously approved plans to the current proposal include:

- greater differentiation between Buildings A and B to distinguish each building with its own architectural identity
- amended windows and balconies on Building A to be more responsive to the Old Town character in terms of window to wall ratios
- revised expression of the base, the middle, and top of Building B, to further break up its mass in accord with Old Town Building characteristics.

The following points were considered in assessing the current application:

- the proposal is consistent with the *Downtown Core Area Plan* (DCAP)
- the proposal is 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 and landscaped amenity space for residents.

Exterior building materials include:

Building A

- predominantly flat weathering metal panels (Cor-ten), rusted in colour

- clear glazing with black pre-finished metal trim
- storefront glazing with black aluminium mullions for the ground-floor retail units
- painted steel and glass canopies at the ground level.

Building B

- predominantly light grey metal panel cladding
- built up light grey steel cornice element
- translucent glass balcony guards with painted black metal posts and rails.

Landscaping elements include:

- two 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 113 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	2,028.70	N/A
Density (Floor Space Ratio) – maximum	2.95	2.98	3.0:1
Height (m) – maximum	16.43*	16.43*	15.00
Storeys – maximum	5	5	N/A
Setbacks			
Front (Chatham Street)	nil	nil	N/A
Rear (South)	0.10	nil	N/A
Side (East)	nil	nil	N/A
Side (West) (Store)	nil	nil	N/A
Vehicle Parking			
Minimum number of stalls	90	90	N/A
Bicycle Parking			
Class 1 (secure stalls)	113	102	89
Class 2 (visitor stalls)	12	12	7

Relevant History

As noted previously, this is a new application for this site, and will replace the previously approved Development Permit with Variance No.00034, if approved by Council.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC), Procedures for Processing Rezoning and Variances Applications*, on July 25, 2018, the application was referred for a 30-day comment period to the Downtown Residents Association CALUC. A letter was not received at the time of writing 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 the 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 consistent with these objectives by helping to revitalize this area and in providing a development that has the potential to offer a building with a strong street presence that is compatible with the characteristics of the area.

Downtown Core Area Plan (DCAP)

The subject properties are within the Historic Commercial District of the DCAP. An objective of this district is to ensure sensitive integration of new infill development and public realm improvements into the historic environment. 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, windows, balconies and material application corresponds well with that found in the area.

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 consistent with the *Standards and Guidelines*.

Differentiation between Building A and Building B and fit within Context

The revisions associated with this application, as compared to the previously approved application, are aimed at creating a more cohesive architectural expression for each building, and further increasing the consistency with the design guidelines insofar, as responding to the character of Old Town. To achieve this, the applicant has increased the differentiation between the buildings; better reflected the ratio of windows to wall-space, consistent with buildings in Old Town; and more clearly defined the divisions of Building B into three segments, further reflecting the proportions of buildings in the area.

The differentiation between buildings was an item the previous application addressed in response to the heritage advisory panel comments. Presently, the differentiation has been further resolved to present two clearly different architectural expressions. Cladding materials have been further differentiated in colour and type, yet still remain complementary to one another and Old Town in general. The weathering steel cladding on Building A reflects the industrial nature of the area and is similar in feel to the red brick that is a predominant feature of Old Town. The grey metal panels on Building B help to create a transitional building that both responds to the character of Old Town and that of the industrial area, including the neighbouring building to the east, which has corrugated steel cladding. Similar colouring is evident in the base stone cladding on the Capital Iron Building, light painted brick on the Swans Hotel, and the Power House Building and further aids in the differentiation between buildings.

The change in Building A, in terms of the wall to window ratio, provides improved consistency with the design guidelines for Old Town. The window openings are more in line with what is commonly seen in Old Town, where traditional building technologies limited the span of windows, opting instead to provide narrow and tall openings to permit light.

Heritage Advisory Panel and Advisory Design Panel Review

Given the extent of the changes made to the application from that approved in May, 2018, the application has not been referred back to either advisory panel. Staff recommend that changes to the application have improved the consistency with the design guidelines and the overall responsiveness and fit with Old Town. An Alternate Motion is provided should Council wish to refer this application to the panels for review.

Height Variance

The height variance is identical to that previously approved. Staff recommend 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.

Housing Agreement

As part of the approval process for the previous application, Council requested 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. This agreement is in place, and no further action is required on this item.

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. Changes from the previously approved permit further differentiate the buildings by creating two distinct architectural expressions, and enhance the overall fit within Old Town by emulating traditional building proportions and ratios. On this basis, Staff recommend Council consider supporting the Development Permit with Variance Application.

ALTERNATE MOTIONS

Option One: (Refer to Panels)

That Council refer Development Permit with Variance Application No. 00085 for the property located at 515 Chatham Street to the Advisory Design Panel and the Heritage Advisory Panel for further review.

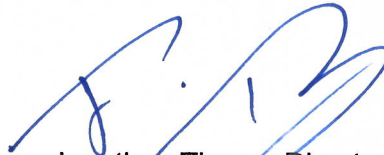
Option Two: (Decline)

That Council decline Development Permit with Variance Application No. 00085 for the property located at 515 Chatham Street.

Respectfully submitted,



Miko Betanzo
Senior Planner - Urban Design
Development Services

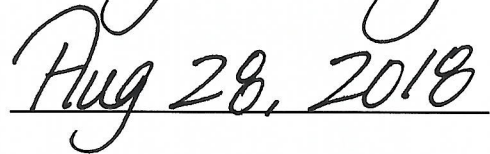


Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager



Date:



Aug 28, 2018

List of Attachments:

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans dated/date stamped July 16, 2018
- Attachment D: Letter from applicant to Mayor and Council dated July 10, 2018