



Committee of the Whole Report

For the Meeting of October 4, 2018

To: Committee of the Whole **Date:** September 20, 2018

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

Subject: Development Permit with Variances Application No. 00079 for 1010 Fort Street

RECOMMENDATION

That Council direct staff to:

1. Work with the applicant to revise the Application to be more consistent with the design guidelines including: increasing the tower setbacks, reducing the height of the podium, improving the relationship to the street and to the heritage corridor context, and reducing the uniform appearance of the side elevations.
2. Bring the revised proposal to a meeting of the Advisory Design Panel and report back to Council at a meeting of Committee of the Whole.

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 1010 Fort Street. The proposal is to construct a nine-storey, mixed-use building with ground-floor retail and residential above. The variances are related to the building's street frontage, front setback, and parking. A Rezoning Application would also be required, and is discussed in an accompanying report.

The following points were considered in assessing this Application:

- the proposal is not consistent with the objectives and guidelines contained in

Development Permit Area 7B (HC): Corridors Heritage of the *Official Community Plan* (OCP, 2012). In particular:

- i. the tower setbacks do not meet the minimum requirements for building separation. This would impact future development of adjacent properties, have impacts on shading and views to the open sky, and create a visual presence of a bulky upper building mass
 - ii. the building podium does not meet the height guidelines. It is too tall and the massing does not relate well to the existing context along Fort Street to the east
 - iii. the first floor does not relate well to the street. It has limited landscaping, a substantial portion is dedicated to a pad-mounted transformer, and the materials are inappropriate for the context
 - iv. the tower has a uniform appearance. The side elevations are repetitive with large areas of uniform materials and colours (predominantly stucco)
 - v. the proposal is not consistent with the recommendations of the *Standards and Guidelines for the Conservation of Historic Places in Canada*.
- the proposal would require two variances related to the building's street frontage; increasing the maximum percentage of access and decreasing the minimum percentage of retail uses. These variances would not have a substantial impact on the public street
 - the proposal would require variances to reduce the total number of parking stalls required from 45 to 0. The applicant is proposing 68 long-term bicycle parking stalls, which exceeds the *Zoning Regulation Bylaw* requirement of 58 stalls. The proposal is located on a bike route, a transit route, and is close to various services, but it does not include other mitigation measures such as car-share memberships to help reduce potential impacts. The parking variance is not supportable due to the potential impacts on future residents and the public street, and due to the lack of proposed mitigation measures.

BACKGROUND

Description of Proposal

The proposal is to construct a nine-storey, mixed-use building with ground-floor retail fronting Fort Street with residential units above. Specific details include:

- one commercial retail unit along Fort Street (94m²) with residential dwelling units above
- mid-rise building form with rectilinear lines
- exterior materials include metal cladding, brick cladding, stucco cladding, standing seam metal, glass guards, curtain wall glazing
- upper storeys set back 4.81m from the street
- communal amenity space on level 9, including a rooftop deck with hard and soft landscaping
- landscaping on Fort Street is limited to two small areas of wisteria vine
- secure bicycle parking for 68 bicycles, located on the main floor behind the garbage room
- publicly accessible bicycle parking for 6 bicycles, located on Fort Street.

The proposed variances are related to:

- increasing the maximum access permitted along the building's street frontage from 25% to 36%
- decreasing the minimum retail uses permitted along the building's street frontage from 75% to 53%
- decreasing the minimum number of vehicle parking spaces for residential uses from 38 to 0

- decreasing the minimum number of vehicle parking spaces for visitors from 5 to 0
- decreasing the minimum number of vehicle parking spaces for commercial uses from 2 to 0.

Sustainability Features

As indicated in the applicant's letter dated August 30, 2018, the following sustainability features are associated with this Application:

- overhangs for shading
- efficient use of durable and long-lasting building products
- contemporary heating and cooling systems
- high-performance envelope and glazing design.

Active Transportation Impacts

The Application proposes short term bicycle storage (6 bikes) and long term bicycle storage (68 bikes), which supports active transportation and exceeds the *Zoning Regulation Bylaw* requirements of 6 short term spaces and 58 long term spaces.

Public Realm Improvements

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

Accessibility Impact Statement

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

Existing Site Development and Development Potential

The site is presently a single-storey commercial building containing a showroom for a separate development. Under the current CA-42 Zone, Harris Green Commercial District, the property could be developed as a commercial or commercial/residential building up to four storeys (15.5m) in height, with a floor space ratio of 2.5:1.

Data Table

The following data table compares the proposal with the existing CA-42 Zone. An asterisk is used to identify where the proposal is less stringent than the existing zone. This proposal requires rezoning to a site-specific zone, which is discussed in the concurrent Rezoning Application report.

Zoning Criteria	Proposal	Zone Standard CA-42 Zone
Site area (m ²) – minimum	628.30	N/A
Lot width (m) – minimum	18.41	N/A

Zoning Criteria	Proposal	Zone Standard CA-42 Zone
Density (Floor Space Ratio) – maximum	5.70:1 *	2.50:1
Total floor area (m ²) – maximum	3581.61	N/A
Height (m) – maximum	34.85 *	15.50
Storeys – maximum	9 *	4
Building street frontage – building access (%) – maximum	36.00 *	25.00
Building street frontage – use occupation (%) – minimum	53.00 *	75.00
Setbacks (m) – minimum		
Front Lot Line (south)	0.00 *	3.00
Rear (north)	0.00	N/A
Side (east)	0.36	N/A
Side (west)	0.03	N/A
Parking (CA-42 Zone) – minimum	0	0
Parking (Schedule C) – minimum		
Residential	0 *	38
Visitor	0 *	5
Commercial	0 *	2
Bicycle parking stalls – minimum		
Long term	68	58
Short term	6	6

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted the Downtown Harris Green CALUC at a Community Meeting held on April 9, 2018. A letter dated April 26, 2018 is 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 variances.

ANALYSIS

Development Permit Area and Design Guidelines

The *Official Community Plan* (OCP, 2012) identifies this property within Development Permit Area 7B (HC): Corridors Heritage. The proposal is not consistent with the Design Guidelines associated with this Development Permit Area.

The OCP encourages the logical assembly of development sites to enable the best realization of development potential for the area. Given the existing context and development potential, land assembly with the adjacent properties is strongly encouraged for a building of this size. This approach would achieve a development more consistent with the policies in the OCP and Development Permit Area Design Guidelines, and would enable off-street parking to be more easily provided.

Building Separation Distances

To address privacy issues and open-up views between buildings, the street wall guidelines in the DCAP require a 3m setback for portions of the building up to 30m (excluding the podium), and a 6m side yard setback for portions of the building above 30m (levels 8 and 9). The guidelines also state that additional clearances for windows are encouraged to enhance livability for residential uses where feasible; the proposal does not meet these requirements. For storeys five to eight, the west setback is only 0.03m and the east setback is 0.36m. For storey nine, the west setback is approximately 2m, the east setback is 0.36m, and the rear setback is 3.64m. Although the proposal meets the minimum set back requirements at the rear of the building, it should be noted that there will be shading and privacy impacts on the adjacent building (1029 View Street), which is currently under construction. The building at 1029 View Street is set back approximately 8m from the property line.

The majority of the proposed building would be built very close to the side property lines. This would impact future development of adjacent properties, have impacts on shading and views to the open sky, and create a visual presence of a bulky upper building mass.

Street Wall Height and Massing

The DCAP includes design criteria which apply to new buildings that are located along public streets to frame the streetscape and reinforce a human scale. The primary street wall should be between 10-15m in height; a secondary street wall should be between 18-25m in height and set back 3m to 6m from the property line. A minimum 6m horizontal setback measured from the property line should be provided for any portion of a building that is greater than 25m in height and faces the street.

The proposed primary street wall is 0.85m above height requirements (at 15.85m). The building setback above 25m in height is only 4.81m, resulting in a setback shortfall of 1.19m. The proposal is close to meeting the 1:5 building setback ratio (established at a height of 15m), but the massing does not meet the guidelines. Furthermore, the podium does not relate well to nearby existing buildings. In particular, the podium would be much higher than the existing low-rise buildings to the east. Changes to the massing, such as reducing the height of the podium and increasing the side setbacks to the tower, would help transition to the lower-density context of the surrounding area.

The design guidelines encourage building designs that incorporate massing, setbacks and building elements to reflect the building base, body and top. Although the proposal does distinguish between these building parts, the proposal lacks coherence between its parts. The ground floor, podium, and the tower appear as three separate entities stacked on top of each other. Reducing the height of the podium (as noted above) would help balance the proportions of the building.

Relationship to the Street

New buildings must be designed to relate well to public streets and sidewalks. Building bases should have articulated designs and quality architectural materials and detailing to enhance visual interest for pedestrians.

The proposal does not respond well to the public street, as outlined below:

- it provides very limited landscaping at street-level, which would create a hard edge
- 4.35m of the 18.03m wide frontage is dedicated to a pad-mounted transformer (PMT) and an access corridor to a side entrance, which will detract from the experience at street level
- the brick cladding overhanging the glass curtain wall on the first storey on storeys two to four could appear top-heavy
- the black metal cladding is inappropriate for the context along Fort Street.

Heritage Corridor

An objective of DPA 7B (HC): Corridors Heritage, is to achieve a more cohesive design through high-quality architecture and urban design that is responsive to its historic context and conserves the special characteristics and heritage value of the area.

The proposed development alters the spatial organization of the streetscape between Vancouver and Cook Streets, and is incompatible in terms of size, scale and design. The proposed development does not use a variety of massing or transitions of scale to respond to the low-rise character of its adjacent context. The proposal does not meet the objectives of the Development Permit Area related to the heritage corridor as it does not consider form, proportion, detailing and texture, particularly at the street level and at the podium, in relation to the historic context.

Uniformity of the Tower

The proposal does not meet the objective of the design guidelines to avoid uniformity in building design. The front elevation has a variety of materials (predominantly brick, stucco, glass and standing seam metal) and inset balconies, which will help to visually break up the façade; however, the sides of the building have large areas of uniform materials and colours (predominantly stucco cladding). The rear has a variety of materials (predominantly brick, stucco, glass, and standing seam metal), but is repetitious and has a grid-like appearance.

Tree Preservation Bylaw and Urban Forest Master Plan

There are no Tree Preservation Bylaw impacts or impacts to public trees with this Application. Two existing trees on Fort Street (*Acer campestre* and *Magnolia kobus*) are to be retained in the public realm.

Regulatory Considerations

The following variances are requested with this Application. Approval of the concurrent Rezoning Application is also required to facilitate this development, and is discussed in a separate report.

Building Frontage

The proposal would increase the maximum access permitted along the building street frontage from 25% to 36%, and decrease the minimum retail uses permitted along the building street frontage from 75% to 53%. These variances would not have a substantial impact on the public street.

Number of Parking Stalls

The applicant proposes to reduce the required number of parking spaces from 45 (38 residential, 5 visitor, and 2 commercial) to 0. Although the current CA-42 Zone on this size lot does not require any parking, the recently adopted Schedule C, which is recommended to be applied with the concurrent Rezoning Application, requires 38 spaces for the residential dwelling units, 5 spaces for visitors and 2 spaces for the commercial use.

The proposal is located on a bike route, a transit route, and is also close to various services which would also help mitigate potential impacts resulting from this variance. The applicant is also proposing 68 long term bicycle parking stalls, which exceeds the *Zoning Regulation Bylaw* requirement of 58 stalls.

Staff requested that the applicant provide additional mitigation measures such as commitments for car-share participation and a bus pass program. The applicant has indicated that they are not proposing Transportation Demand Management programs with this proposal. The parking variance is not supportable due to the potential impacts on future residents, the public street, and a lack of proposed mitigation measures.

CONCLUSIONS

The proposal to construct a nine-storey, mixed use building with ground-floor retail fronting Fort Street with residential units above, is not consistent with Development Permit Area 7B (HC): Corridors Heritage; the tower setbacks are too small, the podium is too high and does not relate well to the existing adjacent development, the first floor does not relate well to the street, and the side elevations have a uniform appearance. These deficiencies would impact the public street and adjacent properties as well as the potential redevelopment of nearby properties. The parking variance is not supportable as the proposed mitigation measures would not adequately address the negative impacts. Staff recommend that Council consider directing staff to work with the applicant to revise the Application to be more consistent with the design guidelines.

ALTERNATE MOTIONS

Option 1 (Decline Current Proposal)

That Council decline Development Permit with Variances Application No. 00079 for the property located at 1010 Fort Street.

Option 2 (Approve Current Proposal)

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00502, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 00079 for 1010 Fort Street, in accordance with:

1. Plans date stamped August 30, 2018.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. increase the maximum access permitted along the building street frontage from 25% to 36%
 - ii. reduce the minimum retail uses permitted along the building street frontage from 75% to 53%
 - iii. reduce the minimum number of vehicle parking spaces for residential uses from 38 to 0
 - iv. reduce the minimum number of vehicle parking spaces for visitors from 5 to 0
 - v. reduce the minimum number of vehicle parking spaces for commercial uses from 2 to 0.
3. The Development Permit lapsing two years from the date of this resolution."

Respectfully submitted,



Rob Bateman
Senior Process Planner
Development Services Division



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department



Report accepted and recommended by the City Manager:



Date:

Sept. 28, 2018

List of Attachments:

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped September 20, 2018
- Attachment D: Letter from applicant to Mayor and Council dated September 20, 2018
- Attachment E: Community Association Land Use Committee Comments dated April 26, 2018
- Attachment F: Correspondence.