



Committee of the Whole Report For the Meeting of May 9, 2019

To: Committee of the Whole **Date:** April 25, 2019

From: Andrea Hudson, Acting Director, Sustainable Planning and Community Development

Subject: **Development Permit with Variance Application No. 00095 for 952 Johnson Street and 1400 Vancouver Street (McCall's)**

RECOMMENDATION

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. 00666, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variance Application No. 00095 for 952 Johnson Street and 1400 Vancouver Street in accordance with:

1. Plans date stamped March 27, 2019
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
 - i. increase the building height to 49.8m
3. 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.

Pursuant to Section 491 of the *Local Government Act*, where the purpose of the designation is the establishment of objectives for the form and character of intensive residential development, 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 Variance Application for the property located at 952 Johnson Street and 1400 Vancouver Street. The proposal is for the construction of a sixteen-storey mixed-use building consisting of ground floor commercial with residential units above, and the retention of the chapel of the McCall Brother's Funeral Home for commercial use. The proposal is concurrent with Rezoning Application No. 00666 and Heritage Designation Application No. 000184. There is a variance requested to increase the building height.

The following points were considered in assessing this application:

- the proposal is generally consistent with design guidelines in the *Downtown Core Area Plan* (DCAP, 2011), *Advisory Design Guidelines for Buildings, Signs and Awnings* (2006), and *Guidelines for Fences, Gates and Shutters* (2010)
- the subject property is designated Residential Mixed-Use District in the DCAP which encourages multi-residential development
- the requested variance to increase the building height to 49.8m is higher than the maximum building height of 45m described in the DCAP for this site; however, the proposal provides a significant contribution to heritage conservation and the requested increase in height is less than 5m
- the Advisory Design Panel recommend to Council that the Development Permit with Variance Application be approved subject to further consideration of how the proposed building relates to the chapel through podium massing as it wraps around Johnson Street, and resolution of the façade articulation and materials to speak to the original mid-century ethos of the chapel and to mitigate the appearance of bulk. The applicant has made changes to the design to address the Panel's comments
- the Heritage Advisory Panel recommend that Council approve the designation of the chapel as a Municipal Heritage Site.

BACKGROUND

Description of Proposal

The proposal is for the construction of a sixteen-storey, mixed-use building with ground-floor commercial and market rental residential apartments above. Additionally, the single-storey chapel of the McCall's Funeral Home, designed by recognized local architect John Di Castri in a West Coast Modernism-style, would be retained and integrated into the development for commercial use.

Specific details include:

- approximately 93 residential units secured as rental in perpetuity
- street-level retail-commercial units with entrances along Johnson Street
- main residential lobby entrance on Johnson Street
- three levels of underground parking
- a total of 145 bicycle parking spaces comprised of:
 - 130 long-term bicycle parking spaces on the main floor
 - 15 short-term bicycle parking spaces located outside the main building entrances
- indoor and outdoor amenity space at level three, including a communal living area, a co-working space and child play area
- landscaped amenity space at ground-level surrounding the chapel

- exterior building materials consisting of light green and light grey window glass and spandrel glass, white and grey metal panel on tower exterior wall and balconies, frit glass in light green for balconies, white stucco, brick red tile and grey metal panel on the podium, and faux wood finish composite for the canopy and fascia at podium level.

The proposed variance is related to an increase in building height.

Affordable Housing Impacts

The applicant proposes the creation of approximately ninety-three new market rental residential units which would increase the overall supply of housing in the area. The applicant has agreed to enter into a Housing Agreement to secure rental tenure of the residential units in perpetuity.

Tenant Assistance Policy

A Tenant Assistance Plan is not required as there are no existing residential tenants on the subject property.

Sustainability Features

As indicated in the applicant's letter dated April 20, 2019, the following sustainability features are associated with this application:

- roof designed to accommodate a solar panel system
- provision for neighbourhood energy system connection
- green building design noted in the Green Building Indicator list achieved through passive strategies of daylighting, natural ventilation and "double skin" building envelope where possible, and active strategies including efficiency of heat pumps, radiant panels and electric lights.

Active Transportation Impacts

The application proposes the following features which support active transportation:

- implementation of the Vancouver Street Bikeway fronting the development
- 130 long-term and 15 short-term bicycle parking spaces on-site. The provision of long-term bike parking stalls exceeds the requirement by 10 stalls.

Public Realm Improvements

Proposed public realm improvements are discussed in association with the concurrent Rezoning Application associated with this property.

Accessibility Impact Statement

The applicant has identified that the proposed building will meet and exceed current accessibility standards included in the *British Columbia Building Code* and will follow the latest edition of the *Building Access Handbook*. The new building will feature:

- enhanced access in all public zones providing full access throughout all common areas with accessible controls
- all accessible stalls are in close proximity to building entries serviced by elevator with path of travel not exceeding 2% slope in any direction
- wider corridors, doorways, bathrooms and kitchens, including at least one bathroom with

- 30"x48" designated free space and 36" path of travel throughout each dwelling unit
- easy-to-reach electrical outlets and switches or easy-to-use door and faucet handles
- automated door openers in various public locations including all main entries
- selected adaptable units (installed blocking for future grab bars, 1/2" bevelled low profile thresholds, 36" path of travel).

Existing Site Development and Development Potential

The site is presently occupied by the McCall's Funeral Home consisting of a series of one-storey connected pavilions. Under the current S-2 Zone, Special District, the only use permitted is that of funeral undertakers' establishment.

Heritage Context

The site is located in Development Permit Area 3 (HC): Core Mixed-Use Residential. The area is a heritage conservation area of the Harris Green neighbourhood which was historically the developing, commercial border of the city in the postwar years, and linked with the development of the downtown business district. After 1900, Harris Green grew as an extension of the downtown core. By the 1930s, Harris Green had become home to commercial enterprises, including several automobile dealers. The neighbourhood is also home to a number of churches, including the Metropolitan United Church on Pandora and Quadra Streets and North Park's "Church Row" nearby. This proximity to the downtown and several churches made this site a convenient location for a funeral home. The OCP reinforces the heritage conservation designation of this area through acknowledgement of the area's heritage value for its role as a church precinct, and its form and character that evolved in response to the clustering of churches in the area.

Data Table

The following data table compares the proposal with the existing CA-43 Zone, Pandora Harris Green District, as the zone governed by the most restrictive regulations nearest to the site as referenced in the S-2 Zone, Special District. An asterisk is used to identify where the proposal is less stringent than the existing zone and a double asterisk is used to identify an existing condition. Key policies from the OCP and DCAP are also provided for comparison.

| Zoning Criteria | Proposal | Existing Zone S-2 / CA-43 | OCP | DCAP |
|--|----------------|---------------------------|---------|---------|
| Site area (m ²) – minimum | 2151.7 | n/a | - | - |
| Density (Floor Space Ratio) – maximum | 4.4* | 2 | 3 - 5.5 | 3 - 5.5 |
| Total floor area (m ²) – maximum | 9468.8* | 4303.4 | - | - |
| Lot width (m) – minimum | 36.57 | n/a | - | - |
| Height (m) – maximum | 49.71* | 15.5 | - | 45 |
| Storeys – maximum | 16 | n/a | 20 | - |

| Zoning Criteria | Proposal | Existing Zone S-2 / CA-43 | OCP | DCAP |
|---|--|---------------------------|-----|------------------------------------|
| Site coverage % – maximum | 78 | n/a | - | - |
| Setbacks (m) – minimum | | | | |
| Front (east) – Vancouver Street | 0.00** chapel 12.94 building | 3 | - | 0 |
| Rear (west) | 0.11* | 0 – 3 | - | see Building Separation Guidelines |
| Side (north) | 0.21* | 0 - 3 | - | see Building Separation Guidelines |
| Side (south) – Johnson Street | 0.20* deck 0.61* building | 3 | - | 0 |
| Vehicle parking – residential – minimum | 78 | 76 | | |
| Vehicle parking – visitor – minimum | 9 | 9 | | |
| Vehicle parking – commercial – minimum | 11 | 11 | | |
| Bicycle parking – long term – minimum | 130 | 120 | | |
| Bicycle parking – short term – minimum | 15 | 15 | | |

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the Downtown Residents Association CALUC at a Community Meeting held on July 5, 2018. A letter dated August 18, 2018 is attached to this report.

This application proposes a variance; 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

Official Community Plan

Development Permit Area and Design Guidelines

The *Official Community Plan* identifies this property in Development Permit Area 3 (HC): Core Mixed-Use Residential. The key objectives of this designation are:

- to transform the function, form and character of the Core Residential area through mid-to-high-rise residential mixed-use and commercial buildings
- to conserve and enhance the heritage value and special character and significant historic buildings, features and characteristics of this area
- to enhance the area through high quality architecture, landscape and urban design.

The proposal is generally consistent with the objectives of DPA 3 (HC) for the construction of a multi-unit and commercial building that responds to the surrounding context of mid and high-rise buildings and integrating the existing mid-century modern chapel on the site for heritage conservation. The chapel building is proposed for heritage designation as part of the concurrent Rezoning Application.

The proposal is generally consistent with the placemaking policies for buildings and sites including consideration of new infill that responds to context, encouraging human scale in tall buildings with particular attention to street level, and maximizing shop windows and entrances at ground level to support active land uses and for pedestrian interest. The exception is along Vancouver Street where the existing chapel's side wall has no street-level windows. However, a fenced private amenity space interfaces with Vancouver Street on the north side of the chapel as a planted landscape space. Staff encouraged the applicant to explore designing this area as a publically-accessible open space that connects with the chapel and the streetscape; however, the area is proposed as gated for reasons including security and amenity for residents and for landscape maintenance. The provision of a landscaped amenity space at grade-level is consistent with the natural features and landscaping placemaking policy which encourages private landscaped gardens to contribute to Victoria's identity as a city of gardens.

The architecture of the new building is generally consistent with the following design guidelines for Development Permit Area 3 (HC) which are applicable to this proposal:

- *Downtown Core Area Plan* (2011)
- *Guidelines for Fences, Gates and Shutters* (2010)
- *Advisory Design Guidelines for Buildings, Signs and Awnings* (2006).

Downtown Core Area Plan

The *Downtown Core Area Plan* identifies this site within the Residential Mixed-Use District, which encourages multi-residential development appropriate to the neighbourhood up to 45m in height and to include active street-level businesses, where appropriate, to provide commercial services and contribute to increased pedestrian activity. Detailed Urban Design Guidelines for the Downtown Core Area address the importance of sensitive built forms through building height, scale, massing, setbacks, floor plate restrictions and street wall design.

The proposed increase in building height from 45m to 49.8m is approximately 5m higher than the DCAP policy. The applicant is requesting the additional height as a part of the design approach with a large building setback from Vancouver Street to enable the development to retain and integrate the existing chapel in-situ with open space surrounding it. Given that the requested increase in height is less than 5m, staff feel that it will not have a significant or negative impact.

The proposed tall building includes a cantilevered portion over the chapel, with building floor plates increasing in size at the higher levels. To review the impacts of this approach, staff applied the DCAP built form policy to reduce building bulk of upper storeys which is to minimize the effects of shading and wind vortices, to maintain views to the open sky, and to avoid the presence of bulky upper building mass. Potential impacts of the proposed built form massing were reviewed as follows:

- the new building has been sited to create open space around the one-storey chapel to be retained in-situ as a heritage building; the design approach responds to this unique condition
- the cantilevered elevation of the new building is set back substantially from Vancouver Street and therefore will not impact the streetscape
- an appropriately-scaled podium is provided along Johnson Street to distinguish the base of the building from upper storeys along the street
- a pedestrian-level wind study provided by the applicant concludes that wind conditions over pedestrian sensitive grade-level locations within and surrounding the site will be acceptable for the intended uses throughout the year
- a shadow study provided by the applicant demonstrates sun and daylight access with a normal amount of shadowing anticipated for a high-rise urban development
- floor plates are generally consistent with the maximum 650m² floor plate size limitations for residential floors greater than 30m high
- the relationship between the proposed new building and existing chapel was reviewed by heritage planning, including considerations of scale, materials, and angled geometry. For example, the new building:
 - employs characteristic Di Castri geometry in the angled east façade that creates breathing room at the base for the chapel; its gradual angled rise upward produces a dynamic tension in recognition of the one-storey chapel
 - incorporates elongated window proportions that reference the window openings within the sawtooth façades of the chapel
 - utilizes transparency of glass to create a “hyphenated” circulation link between the new building and the chapel
 - provides manipulated, irregular and orthogonal geometry at the podium along Johnson Street; the rhythm of the two-storey buttressed white stucco street wall elements echo the chapel’s angled and buttressed façade
 - integrates white stucco and faux wood finishes that reference the primary exterior materials of the mid-century modern chapel
 - extends horizontal planes through the faux wood finished canopy and fascia, the expression of the 2nd and 3rd floor slabs and the roof treatment of the hyphenated breezeway
 - terminates with folded roof planes, characteristic of Di Castri’s signature
- the applicant has responded to Advisory Design Panel comments to mitigate the perceived building mass of the tall building by changing the treatment of balconies.

The façade of the new building along Johnson Street has a three-storey street wall incorporating retail-commercial frontage and a main entrance to the residential lobby for an active interface with the street. The south west corner of the proposed building is stepped back and designed to sensitively respond to the residential units in the adjacent five-storey multi-unit building. The proposed building siting and massing generally conforms to the street interface guidelines for Johnson Street, except:

- level 8 to 15 balconies and decks are located approximately 5.5m from the property line which is 0.5m closer to the street than the minimum 6m horizontal setback from the property line to any portion of the building facing the street and greater than 25m high
- level 15 balconies protrude 0.2m into the 1:5 building setback ratio.

This results in a minor intrusion into the setback guidelines which staff recommend as being negligible to the public's experience.

The proposal is also consistent with the residential building separation distance guidelines except that the level 2 decks associated with residential units on the north side of the building are located approximately 0.21m from the north side property line instead of the minimum clearance of 3.5m for balconies. The potential for residential privacy and overlook issues between these four decks and a future redevelopment to the north was considered by staff. If the residential decks overlook a future outdoor amenity space, as may be proposed, they would be considered a positive interface for occasional surveillance. A simple design solution to meet the minimum 3.5m clearance guideline for balconies could be to move the railing back several metres from the property line. However, this would reduce useable outdoor roof space and staff do not feel like it is a significant concern to warrant this revision.

Overall, staff feel the proposal generally meets the DCAP design guidelines with a development that responds to the local context and with a positive interface with the public realm and adjacent buildings.

Buildings, Signs and Awnings Advisory Design Guidelines

The proposal is consistent with the *Advisory Design Guidelines for Buildings, Signs and Awnings* which promotes design that is compatible with the characteristics of the neighbourhood, as follows:

- site planning integrates open space, architecture and streetscapes with a design that provides convenience, quality and security for pedestrians and cyclists
- the massing of the tall building has been considered in relation to adjacent properties and the public realm
- the street-level walkway and amenity space within the site frame the chapel building as a pedestrian-scaled focal point at the intersection
- the podium along Johnson Street is scaled in proportion to the street width and the adjacent chapel, with design elements to create a relationship between the old and new buildings
- the canopy at podium level provides pedestrian weather protection
- the light colour of the architecture responds to the mid-century modern chapel
- the pattern of fenestration provides a vertical expression for the tall building
- vehicle circulation, parking, loading and servicing are located underground to maintain an appropriate relationship at grade to surrounding properties, sidewalks and streets
- signage design is integrated into the architecture
- architectural lighting is integrated into the design of exterior spaces at grade
- the landscape plan includes planting and amenities that consider microclimate and other contextual considerations.

Guidelines for Fences, Gates and Shutters

The *Guidelines for Fences, Gates and Shutters* provide a framework for considering the proposed installation of fences and gates in the development to ensure they are well designed and complement their surroundings. The proposed fence and gate design meets the design guidelines to complement the character of the street, to integrate with building design, finishes and materials, be subordinate to the building façade, be constructed of high quality and durable materials, and to be incorporated into the landscape design with consideration of crime prevention through environmental design (CPTED) principles.

Tree Preservation Bylaw and Urban Forest Master Plan

There are no Tree Preservation Bylaw impacts with this application as there are no trees on the subject site. The urban forest net gain with this application is twelve additional trees.

- The proposal includes five Columnar Beech trees to be planted within the site.
- Two existing public trees on Vancouver Street are proposed for removal in order to construct an improved and expanded public realm area and new AAA bike lanes. The two public trees proposed for removal are a 24cm Diameter at Breast Height (DBH) Honey Locust and a small 6cm DBH Red Maple, both in fair health condition. These trees would also be negatively impacted by construction for the proposed underground parking.
- Working with the City, the applicant has proposed nine new boulevard trees along Vancouver Street and Johnson Street which will be specified as species adaptable to climate change and urban conditions.
- A rain garden is included within the Vancouver Street boulevard to implement green infrastructure for rainwater management, enhancement of greenways, air and water pollution reduction and climate change mitigation and adaptation.

Advisory Design Panel Review

The application was reviewed by the Advisory Design Panel at its February 27, 2019 meeting and the Panel recommended approval of the development permit proposal subject to:

- further consideration of how the proposed building relates to the chapel through the podium massing as it wraps around Johnson Street
- resolution of the façade articulation and materials of the tower to speak to the original mid-century modern ethos of the chapel and to mitigate the appearance of bulk.

Full meeting minutes are attached to this report. Staff feel that the applicant has adequately addressed the Advisory Design Panel's concerns through the following design revisions as described by the architect:

- the white metal panel balcony guardrails were replaced with a frit glass material on the east, south and west elevations of the tower to mitigate the visual bulk of building mass (while still maintaining screening of objects within the balconies as viewed from below)
- on the podium exterior wall at retail level, the tile was replaced with an applied sand white stucco to unite the new building and existing chapel at grade through colour and material
- the canopy and fascia of the podium is proposed with a faux wood finish composite material to echo the wood canopy of the chapel
- on the east elevation, the fence detail was adjusted and the fence material and colour were changed to a faux corten metal in bronze to reinforce the character of the mid-century modern architectural style of the existing chapel.

Heritage Advisory Panel Review

The application for heritage designation was reviewed by the Heritage Advisory Panel at its April 9, 2019 meeting, and the Panel recommended that Council approve the designation of the chapel, pursuant to Section 611 of the *Local Government Act*, as a Municipal Heritage Site.

CONCLUSIONS

The proposal to construct a sixteen-storey, mixed-use commercial and residential apartment building is generally consistent with the *Downtown Core Area Plan, Guidelines for Fences, Gates and Shutters, and Advisory Design Guidelines for Buildings, Signs and Awnings* which are applicable to this proposal. Although the requested variance for an increase in building height slightly exceeds the maximum height for this site anticipated in the DCAP, staff feel that, in this instance, the variance is supportable given that the development provides a significant contribution to heritage conservation in the City through retention of the one-storey mid-century modern chapel and the additional height is less than 5m. The proposal was reviewed by the Advisory Design Panel which recommended approval of the Development Permit Application subject to further design resolution and considerations that have been responded to by the applicant.

ALTERNATE MOTION

That Council decline Development Permit with Variance Application No. 00095 for 952 Johnson Street and 1400 Vancouver Street.

Respectfully submitted,



Moira Wilson
Senior Planner – Urban Design
Development Services Division

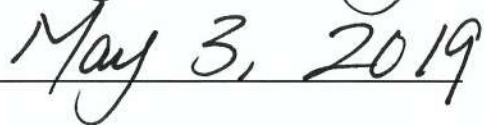


Andrea Hudson, Acting Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date:



List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped March 27, 2019
- Attachment D: Letter from applicant to Mayor and Council dated April 20, 2019
- Attachment E: Community Association Land Use Committee Comments dated August 18, 2018
- Attachment F: Land Lift Analysis prepared by Rollo & Associates dated March 11, 2019
- Attachment G: Pedestrian Level Wind Study prepared by Gradient Wind Engineers & Scientists dated November 26, 2018
- Attachment H: Minutes from February 27, 2019 Advisory Design Panel Meeting
- Attachment I: Minutes from April 9, 2019 Heritage Advisory Panel Meeting.