



Committee of the Whole Report

For the Meeting of October 3, 2019

To: Committee of the Whole **Date:** September 19, 2019

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

Subject: **Development Permit with Variances Application No. 00104 for 1309 & 1315 Cook Street, 1100-1120 Yates Street and 1109-1115 Johnson Street**

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. 00681, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00104 for 1309 & 1315 Cook Street, 1100-1120 Yates Street and 1109-1115 Johnson Street, in accordance with:

1. Plans date stamped September 12, 2019.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. increase the height of the building on Parcel A from 40m to 42.76m for a rooftop structural wall projection
 - ii. reduce the long-term commercial bicycle parking spaces from 5 to 0.
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 *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.

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 1309 & 1315 Cook Street, 1100-1120 Yates Street and 1109-1115 Johnson Street. The proposal is to construct a thirteen-storey, mixed-use building consisting of commercial and residential uses and a six-storey, multi-unit residential building.

The following points were considered in assessing this application:

- The subject properties are within Development Permit Area (DPA) 16: General Form and Character. This DPA supports new commercial and multi-unit residential developments that provide a sensitive transition to adjacent and nearby areas and that are complementary to the established place character of a neighbourhood. A high quality of architecture, landscape and urban design are strongly encouraged. The DPA also encourages liveable environments that are designed for the human-scale and incorporate quality open spaces, adequate privacy, safety and accessibility. The proposal is consistent with these objectives.
- To create a sense of community on-site, the applicant is proposing a large courtyard in the middle of the site for residents and visitors, which would include substantial tree planting, outdoor seating, a children's play area, dog relief area and raised planters for gardening.
- This proposal significantly enhances the frontages by introducing human-scale architectural elements, including ground-oriented dwelling units with individual front entryways along Johnson Street frontage, substantial glazing to increase the interactions between pedestrian and the interior space along the Cook Street and Yates Street frontages, and decorative surface treatments.
- There is only one driveway into the site and all off-street parking would be located underground. As a result, the site primarily features building frontage accompanied by substantial landscaping.
- The variance to increase the height of the building from 40m to 42.76m in order to accommodate a rooftop structural wall is supportable as it will be screened and not visible from the street.
- The bicycle parking variance for long-term commercial parking is technical in nature as a result of the proposed subdivision layout and design and location of the underground parkade. Both buildings will have access to the required number of bicycle parking spaces for employees.

BACKGROUND

Description of Proposal

The proposal is for a thirteen-storey, mixed-use building consisting of commercial and residential uses and a six-storey, multi-unit residential building. Specific details include:

13-storey, mixed-use building

- high-rise building form consisting of contemporary architectural features including a two-level podium, curtain wall glazing, and horizontal and vertical metal and glass frames
- building stepped back at the third and thirteenth storey
- exterior materials include brick, glass, glass spandrel panel, concrete, brick, cementitious and metal panels
- main residential entrance off of Yates Street
- flexible ground floor commercial space to accommodate one larger tenant or several smaller retail tenants
- south-facing patio at the corner of Cook Street and Yates Street suitable for a restaurant
- second storey daycare and associated play space accessed off of the interior mews on the north side of the building
- ground level garbage and recycling room for commercial uses.

Six-storey, multi-unit residential building

- mid-rise building form consisting of contemporary architectural features including a flat roofline and contemporary-style windows and materials
- exterior materials include brick, glass, wood and metal panels
- mid-block main residential entryway off of Johnson Street
- ground-oriented units with individual stepped entryways and large outdoor patios
- projecting balconies for each dwelling unit.

Landscaping, vehicle and bicycle parking, loading and access

- gated courtyard and mews shared by residents, the day care, commercial patrons and visitors
- courtyard amenities include recycled rubber surfacing, playful seating structures, embankment slide and climbing slope, terrace seating, dog relief area, benches and substantial soft landscaping
- coloured saw cut concrete surface treatment throughout the site
- seven garden plots on the west side of the six-storey, multi-unit residential building
- accessible pathway to the mews and courtyard area from the six-storey building
- driveway access on the east side of the existing five-storey commercial building for loading and garbage/recycling pick up
- three levels of underground parking
- driveway access to three levels of underground parking off of Yates Street
- commercial loading space off of Yates Street
- a total of 272 long-term and 51 short-term bicycle parking spaces.

The proposed variances are related to building height and bicycle parking.

Affordable Housing Impacts

Affordable housing impacts are discussed in the concurrent Rezoning COTW report.

Sustainability Features

The following sustainability features are associated with this application:

- Step 1 of the BC Energy Step Code
- high performance building envelopes
- energy and air tightness testing throughout the project
- energy-efficient lighting and electrical systems, including motion sensor lighting and LED lighting
- low-flow and high-efficiency plumbing fixtures
- high efficiency heat pumps for heating and cooling
- patio shading on south elevations
- car share memberships and car share vehicles on-site.

Active Transportation Impacts

The application proposes to install 241 long-term and 31 short-term residential bicycle parking spaces and 29 long-term and 18 short-term commercial bicycle parking spaces with this development. The applicant is also adding end-of-trip facilities (showers and lockers) adjacent

to the long-term commercial bicycle storage room in the medical office building to be utilized by all employees on-site, which supports active transportation.

Public Realm Improvements

The following public realm improvements are proposed in association with this Rezoning Application:

- a new bus shelter on Johnson Street
- a traffic bulb on the corner of Cook and Yates Street
- undergrounding BC Hydro services along the Yates Street frontage. BC Hydro offers beautification grants where the cost of undergrounding services is split between BC Hydro, the City and the developer. The City currently has no funding allocated for these types of projects and therefore, the developer is willing to pay for the City's share of the costs.

These would be secured with a Section 219 Covenant, registered on the property's title, prior to Council giving final consideration of the proposed Zoning Regulation Bylaw Amendment.

Accessibility Impact Statement

The British Columbia Building Code regulates accessibility as it pertains to buildings. The proposed courtyard and the pathways surrounding the proposed buildings are designed to be accessible.

Existing Site Development and Development Potential

The site is presently occupied by a single-storey commercial building along Cook Street and a five-storey commercial building on Yates Street. The remainder of the site is a surface parking lot.

Under the current C-1 Zone, the properties located at 1309 & 1315 Cook Street, 1109 Johnson Street and a portion of 1120 Yates Street could be developed as a four-storey, mixed-use building consisting of ground floor commercial and residential uses above. Under the R3-1 Zone, a portion of the property at 1120 Yates Street within this zone could be developed as a six-storey, multi-unit residential building provided that all of the parking is accommodated underground.

Data Table

The following data table compares the proposal with the existing C-1 and R3-1 Zones. An asterisk is used to identify where the proposal is less stringent than the existing zones. Two asterisks are used for existing non-conformities.

Zoning Criteria	Proposal - Parcel A (13-storey building)	Proposal - Parcel B (6-storey building)	Proposal - Parcel C (existing 5-storey building)	Proposal - Overall	Zone Standard C-1 Zone	Zone Standard R3-1 Zone
Site area (m ²) - minimum	1589.47	2614.56	2126.87	6330.9	n/a	920

Zoning Criteria	Proposal - Parcel A (13-storey building)	Proposal - Parcel B (6-storey building)	Proposal - Parcel C (existing 5-storey building)	Proposal - Overall	Zone Standard C-1 Zone	Zone Standard R3-1 Zone
Density (Floor Space Ratio) - maximum	5.5:1*	2.55:1*	1.73:1*	3.01:1*	1.4:1	1.6:1
Total floor area (m ²) - maximum	8743.36*	6655.25*	3683.93*	19,082.54*	Parcel A: 2225.26 Parcel B: 3662.38 Parcel C: 2977.62	Parcel A: 2543.15 Parcel B: 4183.30 Parcel C: 3402.99
Height (m) - maximum	42.76*	22.51*	23.18*	n/a	12	18.50
Storeys - maximum	13	6	6	n/a	n/a	n/a
Site coverage % - maximum	76.70*	65.60*	50.30*	63.20*	n/a	30
Open site space % - minimum	25.20*	35.90*	55.30*	39.70*	n/a	60
Setbacks (m) - minimum				n/a		
Front	0.40* (Cook Street - building)	2.45* (Johnson Street - parkade projection)/ 3.02* (balcony)/ 3.31* (building)	4.42** (Yates St - canopy)/ 6.26** (building)		6	13.50
Rear	4.67* (east - building)	0.17* (south - building)	8.96* (north - canopy)/ 11.09* (building)		Parcel A: 21.38 Parcel B: 11.26 Parcel C: 11.59	
Side	0.04* (north - building)	0.42* (east - parkade)/ 4.28* (balcony)/ 4.76* (building)	8.87** (east)		Parcel A: 21.38 Parcel B: 11.26 Parcel C: 11.59	
Side	n/a	9.10* (west - building)/ 9.56* (building)	8.30* (west)		Parcel A: 21.38 Parcel B: 11.26 Parcel C: 11.59	

Zoning Criteria	Proposal - Parcel A (13-storey building)	Proposal - Parcel B (6-storey building)	Proposal - Parcel C (existing 5-storey building)	Proposal - Overall	Zone Standard C-1 Zone	Zone Standard R3-1 Zone
Side on flanking street	0.68* (Yates Street - building)	n/a	n/a		2.40	n/a
Parking - minimum				129		
Residential	73*	55*	1		Parcel A: 92 Parcel B: 102 Parcel C: n/a	
Commercial	0*	107	0*	107	Parcel A: 18 Parcel B: n/a Parcel C: 120	
Visitor parking included in the overall units - minimum	6*	3*	0	9	Parcel A: 11 Parcel B: 10 Parcel C: 0	
Bicycle parking stalls - minimum				241		
Long-term (residential)	126	115	n/a		Parcel A: 126 Parcel B: 115 Parcel C: n/a	
Short-term (residential)	11	10	n/a	21	Parcel A: 11 Parcel B: 10 Parcel C: n/a	
Long-term (commercial)	0*	n/a	29	29	Parcel A: 5 Parcel B: n/a Parcel C: 24	
Short-term (commercial)	10	n/a	18	28	Parcel A: 10 Parcel B: n/a Parcel C: 18	

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, on January 4, 2019 the Application was referred for a 30-day comment period to the Fernwood CALUC. A letter dated September 15, 2019 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 the subject properties within Development Permit Area (DPA) 16: General Form and Character. This DPA supports new commercial and multi-unit residential developments that provide a sensitive transition to adjacent and nearby areas and that are complementary to the established place character of a neighbourhood. A high quality of architecture, landscape and urban design are strongly encouraged. The DPA also encourages liveable environments that are designed for the human-scale and incorporate quality open spaces, adequate privacy, safety and accessibility.

To create a sense of community on-site, the applicant is proposing a large courtyard in the middle of the site for residents and visitors. It is framed by the buildings; however, there is easy access from the street. This usable, attractive and well-integrated space would include substantial tree planting, outdoor seating, a children's play area, dog relief area and raised planters for gardening. For CPTED (Crime Prevention Through Environmental Design) reasons, the courtyard will be gated after business hours. All of the units will have some form of private open space, such as balconies or patios.

To visually break-up the massing of both buildings, the applicant has introduced a variety of architectural features in accordance with the design guidelines. For the thirteen-storey building, the applicant is proposing a two-level podium to foster a pedestrian scale at the street level, curtain wall glazing to accentuate the ground-level commercial space and vertical fins. The building is also stepped back at the third and thirteenth storey. For the six-storey building, the applicant is proposing ground-oriented dwelling units with individual front entryways along the Johnson Street frontage, an articulated main residential entryway that breaks up the massing and upper-storey balconies with decorative wood screening. On both buildings, the applicant is proposing rich and varied architectural materials, such as brick, metal and glass, in order to enhance and articulate the street frontages.

In mixed-use buildings, the design guidelines encourage separate residential and commercial entries. For the thirteen-storey, mixed-use building, the applicant is proposing distinct commercial entryways fronting Cook and Yates Street and a main residential entryway fronting Yates Street. The daycare entryway would be accessed from the interior courtyard. The main entryway for the six-storey residential building is fronting Johnson Street.

Local Area Plans

The *Fernwood Neighbourhood Plan* (1994) supports the retention of commercial uses at 1100-1108 Yates Street, 1109-1115 Johnson Street and a portion of 1120 Yates Street and supports residential development up to three or four storeys at 1120 Yates Street, which does not align with the OCP.

Tree Preservation Bylaw and Urban Forest Master Plan

This section on tree preservation and the urban forest is discussed in the concurrent Rezoning COTW report.

Regulatory Considerations

Bicycle Parking Variance

The applicant is proposing to reduce the required number of long-term commercial bicycle parking from five to zero for Parcel A. All the long-term commercial bicycle parking for the development will be provided in a new bicycle room in the lower level of the medical office building on Parcel C. The applicant felt that it was more practical to locate the secure bicycle parking for employees adjacent to the end-of-trip facilities to encourage people to bike to work. Staff supports the bicycle parking variance.

Height Variance

The maximum height in the new zone would be 40m. The proposed building height is 42.76m as a result of a projecting rooftop structural wall and this additional height will be treated as a variance. The variance is supportable given that the structural element will be screened and not visible from the street.

Other Considerations

The Advisory Design Panel (ADP) reviewed the Development Permit with Variances Application at their meeting on June 26, 2019 and provided the following recommendation for Council's consideration:

"That the Advisory Design Panel recommend to Council that Development Permit with Variances Application No. 00104 for 1309 and 1315 Cook Street, 1100-1120 Yates Street and 1109-1115 Johnson Street be approved subject to:

- further consideration and refinement of the architectural expression, colours and materials of both buildings, in consideration of the prime location of the site, with particular attention to the north and west elevations of the six-storey building
- the completion of a CPTED review of the proposed site plan, with particular consideration given to the location of the gates."

In response to ADP's recommendation above, the applicant made the following changes:

- added windows to the west elevation of the six-storey building
- added wood decorative screens to the balconies on the north and south elevations of the six-storey building
- incorporated lighter colour materials on the six-storey building
- modified a west facing wall at the main entrance of the six-storey building by adding a framing element and a linear panel cladding system
- increased the roof parapet to enhance the roofline of the six-storey building
- added gates to the entry points into the courtyard
- added a trellis with climbing vines above the parkade entrance
- added outdoor seating on the west side of the medical office building
- relocated the PMT further into the site and screened from the street

The applicant also completed a comprehensive CPTED analysis and made the following modifications to the proposal:

- gates relocated closer to the street edges to minimize entrapment spots
- modified the outdoor seating area above the parking entrance to be more visible from the courtyard
- glazed doors, additional lighting and surveillance strategies have also been reviewed.

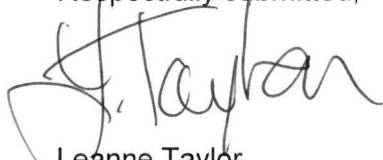
CONCLUSIONS

The proposal to construct a thirteen-storey, mixed-use building and six-storey, multi-unit residential building is generally consistent with the design guidelines. The applicant has also made some refinements to the proposal in response to the feedback provided at ADP. The parking variance is supportable given the TDM measures being proposed and the provision for a shared-parking arrangement. The commercial long-term bicycle parking variance is supportable given that the applicant is exceeding the required number of bicycle parking spaces on-site and the long-term bicycle parking spaces are easily accessible and located next to the end-of-trip facilities. The variance to increase building height on Parcel A (thirteen-storey building) is also supportable given that the height of the habitable storeys will not exceed approximately 40m and the additional height is to accommodate a structural wall on the roof. Staff recommend for Council's consideration that the application proceed concurrently with the Rezoning Application.

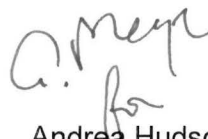
ALTERNATE MOTION

That Council decline Development Permit with Variance Application No. 00104 for the properties located at 1309 & 1315 Cook Street, 1100-1120 Yates Street and 1109-1115 Johnson Street.

Respectfully submitted,

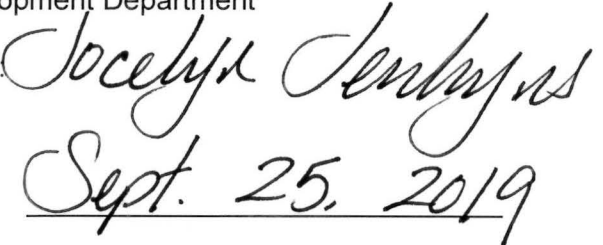


Leanne Taylor
Senior Planner
Development Services Division



Andrea Hudson, Acting Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.



Date:

Sept. 25, 2019

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans, dated/date stamped September 13, 2019
- Attachment D: Letter from applicant to Mayor and Council, dated September 16, 2019
- Attachment E: Letter from architect to Mayor and Council, dated July 29, 2019
- Attachment F: CPTED Analysis, dated July 29, 2019

- Attachment G: Community Association Land Use Committee Comments, dated September 15, 2019
- Attachment H: Land Lift Analysis, dated September 10, 2019
- Attachment I: Parking Study, dated September 12, 2019
- Attachment J: Transportation Impact Assessment, dated December 12, 2018
- Attachment K: Letter from BC Housing, dated September 10, 2019
- Attachment L: Letter from MODO, dated September 13, 2019
- Attachment M: Tree Assessment, dated November 28, 2018 and updated September 12, 2019
- Attachment N: Advisory Design Panel report, dated June 19, 2019
- Attachment O: Advisory Design Panel minutes, dated June 26, 2019
- Attachment P: Letter from architect regarding the recommendations from the Advisory Design Panel, dated July 29, 2019
- Attachment Q: Correspondence (Letters received from residents).