



Committee of the Whole Report For the Meeting of January 23, 2020

To: Committee of the Whole **Date:** January 9, 2020

From: Karen Hoese, Director, Sustainable Planning and Community Development

Subject: Development Permit with Variances Application No. 00106 for 1700 Blanshard Street

RECOMMENDATION

That Council, subject to the preparation and execution of legal agreements to the satisfaction of the City Staff, and 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.000106 for 1700 Blanshard Street, in accordance with:

1. Plans date stamped November 7, 2019.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the building setback above 10m from 12.35 to 4.8 metres, measured at the highest building elevation on Blanshard Street
 - ii. reduce the building setback above 10m from 2.26 to 0.5 metres, measured at the highest building elevation on Fisgard Street
 - iii. reduce the number of on-site short term bicycle stalls from thirty-one to sixteen.
3. Registration of a Statutory Right-of-Way on Blanshard Street to secure passage over the fronting sidewalk.
4. Registration of an Encroachment agreement for building canopies.
5. 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.

In accordance with Section 498 of the *Local Government Act*, Council may issue a Development Variance Permit that varies a *Zoning Regulation Bylaw* provided the permit does not vary the use or density of land from that specified in the *Zoning Regulation 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 1700 Blanshard Street. The proposal is to construct a twenty-three storey, mixed-use building containing approximately 245 residential units above ground-floor commercial units. The variances are related to reducing the building massing setback plane and reducing the on-site short term bicycle parking requirements.

The following points were considered in assessing this application:

- consistency with the Official Community Plan in terms of providing rental housing to achieve a greater range of housing options in the City
- general consistency with *The Bay Site Design Guidelines* (2006) in terms of form and character, podium level landscaping and animation
- consistency with the *Downtown Core Area Plan* with regard to building heights, views, and the urban amphitheatre concept
- consistency with the associated Master Development Agreement (MDA)
- the variance to reduce the massing setback is recommended as being supportable as the proposed setback improves the building separation and improves unit liveability by increasing the distance between units in adjacent buildings and results in a minimal impact to the public realm
- the variance to reduce the on-site short terms bicycle parking is supportable given that the applicant is proposing additional short term bicycle parking in suitable locations on City property.

BACKGROUND

Description of Proposal

The proposal is to construct a twenty-three storey, mixed use building containing 245 residential units with ground floor commercial. Variances associated with the application are related to offsite short term bicycle parking and encroachments into the 1:5 massing setback on two street frontages.

Specific details include:

- a four- and six-level podium, at the north and south elevations respectively, separated by the building's main entrance off Blanshard Street
- a nineteen-storey tower above the four level podium with a top floor amenity area
- a single loaded perimeter six-storey podium at the south east corner, surrounding a second storey amenity courtyard
- a mid-block service connection road between Fisgard and Herald Streets for loading, recycling and garbage collection
- rooftop amenity areas, including a dog run and a playground feature
- a green roof with multi-coloured plantings on the six-storey podium roof
- five levels of underground parking.

The proposed variances are related to:

- building mass encroaching into the 1:5 setback plane above 10m on Blanshard Street (the maximum projection into setback plane is 7.42m)
- building mass encroaching within the 1:5 setback plane above 10m on Fisgard Street (the maximum projection into setback plane is 2.3m)
- reducing the short term bicycle parking requirements on-site from thirty-one to sixteen.

Affordable Housing Impacts

The applicant proposes the creation of 245 new residential units which would increase the overall supply of housing in the area. Under the existing zoning and because this Application is for a Development Permit only, the Applicant could propose strata-titled condominiums. However, all 245 units are proposed as rental. The applicant has indicated that they do not wish to secure the units as rental via a housing agreement with the City because this is not a requirement nor consideration with a Development Permit application nor required through the Master Development Agreement (MDA). The applicant is working with the Canadian Mortgage and Housing Corporation (CMHC) to secure the project as Market Rental with CMHC Conditions, which secure a percentage of suites below market rates for sixteen years, after which the units will return to market rental rates. Staff understand that a total of forty-nine units (20%) will be provided at a rental rate discounted 10% from a market rate as part of the agreement with CMHC.

Sustainability Features

The applicant has not identified any sustainability features associated with this proposal beyond those required under existing City policy. However, a number of sustainability provisions are required in the MDA, including electric vehicle charging stations, car share memberships, efficient appliances and water use reduction measures.

Active Transportation

The applicant has not incorporated any active transportation features with this application beyond those required by City policy and regulations.

Public Realm Improvements

Public realm improvements are consistent with the MDA and City policy and the Applicant has offered to provide a statutory right of way (SRW) over a portion of sidewalk on Blanshard Street that falls within the Applicant's site. Appropriate wording has been provided in the motion to secure this SRW.

Accessibility Impact Statement

The British Columbia Building Code regulates accessibility as it pertains to buildings. The associated MDA specifies a number of adaptable housing requirements which the proposal has achieved. Thirty-six adaptable units are proposed, which exceeds the requirement for twenty-five as specified in the MDA.

Existing Site Development and Development Potential

The site is presently vacant. The existing CBD-2 Zone, Central Business District, permits uses such as offices, residences, drinking establishments and retail with building heights up to 72.0 metres. Permitted densities range from 5.1:1 to 7.47:1 floor space ratio (FSR).

Data Table

The following data table compares the proposal with the existing CBD-2 Zone, Central Business District. An asterisk is used to identify where the proposal differs from the existing zone.

Zoning Criteria	Proposal	Zone Standard CBD-2 Zone, Central Business District
Density (Floor Space Ratio) – maximum	7.46:1	7.47:1
Height (m) – maximum	72.00	72.0
Storeys – minimum	23	n/a
Setbacks (m) – minimum		
1:5 setback from Blanshard Street	4.8 *	0
1:5 setback from Fisgard Street	0.5 *	0
Parking – minimum	283	168
Visitor parking– minimum	25	25
Bicycle parking stalls – minimum		
Long Term	288	288
Short Term	16 *	31

Relevant History

Prior to the adoption of the current OCP, the subject property was rezoned on March 1, 2007 to create the CA-59 Zone, Hudson Bay District. This new zone envisioned three phases of residential mixed-use buildings at this location which have subsequently been developed with the exception of the final half of the third phase associated with the current Application. Following the 2007 rezoning for the site, the City's *Official Community Plan* (OCP, 2012) was updated which shifted the vision for this area to be primarily business-oriented. Despite being inconsistent with the OCP, the application is consistent with the use and density in the Zoning Bylaw. As such, the form and character of the building, as well as the appropriateness of the variances, are the focus of Council's consideration with this application.

Community Consultation

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. Notification to the Downtown Residents Association (DRA) was sent on January 14, 2019, and subsequent minor plan revisions resulted in additional notifications to the DRA in May and July of 2019. At the time of writing this report, a response has not been provided by the CALUC.

ANALYSIS

The *Official Community Plan* (OCP) identifies this property in Development Permit Area 2 (HC): Core Business. The objectives of this designation are to revitalize the central business district through high-rise commercial buildings and low to medium-rise residential, mixed-use buildings. Additional objectives aim to enhance the area with high-quality architecture, landscape and urban design that reflect the function of a central business district in scale, massing and character. Design guidelines that apply to Development Permit Area 2 are the *Downtown Core Area Plan* (DCAP, 2012), *Bay Site Design Guidelines* (2006), *Advisory Design Guidelines for Buildings, Signs and Awnings* (2006) and *Guidelines for Fences, Gates and Shutters* (2010).

Design Guidelines

The form and character aspects of the proposal are consistent with the key policies within the relevant Design Guidelines. This namely relates to building height and massing, creating a distinctive base body and top, activity at grade level, building orientation, minimum building separation distances, high quality materials and an overall urban design approach that has a positive impact on the public realm.

Setback Plane

The proposal is inconsistent with the zoning and the design guidelines for the building setback plane. The Zoning Bylaw specifies a 1:5 building setback plane, starting at 10m from average grade. Plans A310 and A311 of the applicant's submission illustrate this inconsistency (see Figure 1 below). The proposed building infringes on this setback by 7.42m at the twenty third storey on Blanshard Street and by 2.3m on Fisgard Street, at the 6th Storey.

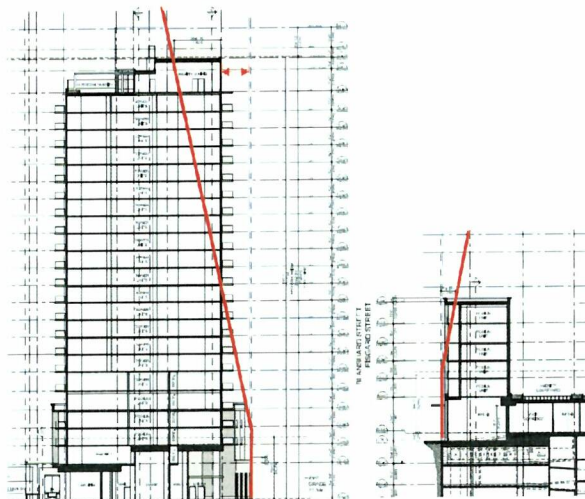


Figure 1: Blanshard Street Fisgard Street
Development Permit with variances Application No. 00100 for 1700 Blanshard Street

The intent of the building setback above ten metres is to ensure light access to the pedestrian realm, to reduce the impact large buildings have at street level and to mitigate downdrafts. Variances to this requirement are considered in the design guidelines when an application can demonstrate that the intent of the guidelines is achieved. Design features within the proposal, such as building setbacks, articulation and a definitive and distinctive podium level, are intended to address this criteria. Similarly, shadowing studies provided by the applicant and the increased building separation to the Hudson Place One tower (18m instead of 12m) improve livability over and above what adhering to the building setback above ten metres would achieve. A supporting wind study provided by the applicant also confirms that appropriate wind conditions are expected along the surrounding sidewalks, which together with the aforementioned design aspects provides a sufficient rationale to support this proposed variance.

Overall Massing (Floor Plate Sizes and Building Separation)

The proposal includes floor plate sizes that exceed the maximum of 650m² recommended in the Design Guidelines by 343 square feet (32 m²) above the tenth storey. The intent of floor plate limitations is to reduce the bulkiness of taller buildings and to contribute to a more graceful skyline. Architectural features and the building composition have been designed to meet this intent. The tower portion of the building is divided into two distinct masses, one lower than the other with a contrasting cladding. The two tower elements are further articulated with a vertical setback between each tower, again to reduce the overall sense of scale. This approach helps to reduce the apparent mass of the building and its perceived bulkiness. Additionally, the increased building separation to the Hudson Place One tower and the relatively minor floor plate exceedance both lend to a rationale to support this inconsistency with the design guidelines.

Master Development Agreement

A Master Development Agreement (MDA) is associated with this application which specifies criteria that have been met. This includes a public art contribution, 10% adaptable units per phase, 3 spaces for electric vehicles and the purchase of two car shares with preferred parking spaces. Confirmation of the details regarding the public art is required at the building permit stage and security in the form of a certified cheque is required prior to the release of a building permit. The public art installation must be completed prior to the issuance of a final occupancy certificate.

Advisory Design Panel Review

At the Advisory Design Panel (ADP) meeting of April 24, 2019, the Panel reviewed this application; minutes and the proposed motion from the panel are attached. In response to the motion at the ADP meeting, the applicant reduced the balcony sizes, removed an alternating balcony pattern and privacy screens from corner balconies, amended the cladding approach to be more consistent, deleted the open frame roof top feature, reduced the overall height of the building by one storey and reduced the overall floor plate sizes. In staff's opinion, the changes adequately respond to the ADP's commentary and motion.

Tree Preservation Bylaw and Urban Forest Master Plan

There are no Tree Preservation Bylaw impacts with this application.

Encroachment Agreement

With any project of this scale that has little to no setbacks, and requires significant excavation, construction methods often require a form of underpinning which can result in material being left in the Public Right-of-Way. The resulting material (typically rock anchors) presents no concerns to the public interest and does not impact any underground infrastructure; however, an Encroachment Agreement between the City and the developer is required. The staff recommendation provided for Council's consideration includes direction to allow staff to enter into such an agreement, if the application is approved by Council, and it is deemed necessary to facilitate the construction of the project.

A number of street-level canopies are also proposed along the street frontages, which project above the City Right-of-Way. These are encouraged in the Guidelines to provide pedestrian weather protection and welcoming streetscapes. In order to facilitate these canopies, the applicant is required to enter into an Encroachment Agreement with the City. Appropriate wording is included in the recommendation for Council's consideration.

CONCLUSIONS

The proposal is for the last phase of the Hudson District area and completes the revitalization of the former Hudson's Bay Company department store and parking structure. A significant number of rental residential units are being provided in addition to the initial rezoning requirements for the revitalization of the Historic Hudson's Bay store and amenities as set out in the MDA. Through both staff and the Advisory Design Panel, the key considerations around massing, form and character, and context within the Hudson District have been evaluated. The application largely adheres to the design guidelines and, where it differs, offers either improvements or acceptable alternative approaches to meet guideline objectives. On this basis, staff recommend for Council's consideration that the application be supported.

ALTERNATE MOTION

That Council decline Development Permit with Variance Application No. 00106 for 1700 Blanshard Street.

Respectfully submitted,

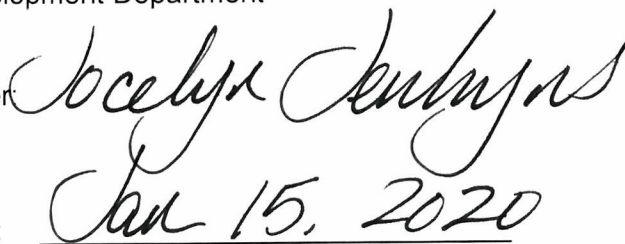


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Report accepted and recommended by the City Manager



Date:

Jan 15, 2020

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped November 7, 2019
- Attachment D: Letter from applicant to Mayor and Council dated January 7, 2020
- Attachment E: Wind study dated April 5, 2019
- Attachment F: Advisory Design Panel Minutes dated April 24, 2019.