



## **Committee of the Whole Report**

### **For the Meeting of June 25, 2020**

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**To:** Committee of the Whole

**Date:** June 11, 2020

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

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

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### **RECOMMENDATION**

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

### **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 updated information, analysis and recommendations for a revised Development Permit with Variances Application for the property located at 1010 Fort Street. The current proposal is to construct a 13-storey, mixed-use building with ground-floor retail and residential above. The variances are related to the building's street frontage and parking. A Rezoning Application is required, and is discussed in an accompanying report.

This application was previously presented to Committee of the Whole on October 4, 2018 (see attached staff reports). At that meeting, Council directed staff to work with the applicant to revise the proposal to be more consistent with the design guidelines, and bring the application back to Committee of the Whole after design revisions have been made and the application has been reviewed by the Advisory Design Panel.

The following points were considered in assessing this application:

- The applicant has revised the proposal to decrease the density, increase the height, increase the setbacks to the tower, add windows and balconies to the sides of the tower, change the building materials and colours, increase setbacks to portions of the front of the building, reduce the podium height, add parking stalls with an access driveway, and reduce the amount of street frontage windows.
- The revised proposal is still 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:
  - The upper portions of the tower setbacks do not meet the minimum requirements for building separation. This would have impacts on shading and views to the open sky, create a visual presence of a bulky upper building mass, and impact the livability of adjacent developments.
  - The street wall does not relate well to the street and sidewalk. It does not ground the building and provide a defined street frontage that is in keeping with the context, a substantial portion of the street frontage is dedicated to a pad-mounted transformer and parking access, and it has limited landscaping.
  - The proposed driveway crossing on the narrow lot is contrary to the guidelines, and does not enhance the experience for pedestrians and cyclists.
  - The proposal does not respond to its historic context or conserve the special characteristics and heritage value of the area.
  - The proposal does not achieve a cohesive design or enhance the appearance along an arterial road through high quality architecture, landscape and urban design responsive to its historic context through sensitive and innovative interventions.
- The proposal would require two variances related to the building's street frontage: increasing the frontage dedicated to access and decreasing the frontage dedicated to retail uses. These variances have increased in magnitude since the last proposal and would have negative impacts on the street frontage and are therefore not supported.
- The proposal would require a variance to reduce the total number of parking stalls from 38 to 7 (the previous proposal included no vehicle parking). The proposal exceeds the *Zoning Regulation Bylaw* requirement for bicycle parking stalls, is located on a bike route, a transit route, and is close to various services, but it does not include other Transportation Demand Management (TDM) programs to help reduce potential impacts. The parking variance is not supportable due to the lack of proposed TDM mitigation programs.
- The inclusion of the driveway crossing has negative consequences to the street frontage and adjacent All Ages and Abilities (AAA) two-way protected bike lane and is not supportable by staff.

## BACKGROUND

### Description of Proposal

The proposal is to construct a 13-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 (72m<sup>2</sup>) 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 3m (levels 5 through 7) and 6m (levels 8 through 12) from the street
- communal amenity space on level 10, including a rooftop deck with hard and soft landscaping
- landscaping on Fort Street is limited to climbing vines and planters
- secure bicycle parking for 90 bicycles, located at the rear of the building on the main floor and on the mezzanine floor
- publicly accessible bicycle parking for 7 bicycles.

The proposed variances are related to:

- increasing the maximum percentage of frontage dedicated to access from 25% to 59%
- decreasing the minimum percentage of frontage dedicated to retail uses from 75% to 41%
- decreasing the minimum number of vehicle parking spaces for residential uses from 30 to 3
- decreasing the minimum number of vehicle parking spaces for visitors from 6 to 2.

## **Sustainability**

As indicated in the applicant's letter dated June 4, 2020, the following sustainability features are associated with this application:

- low flow fixtures that help to reduce water consumption
- Energy Star rated appliances to reduce electricity consumption
- LED lighting in all common areas and units
- individually metered water and hydro to encourage sustainable habits by tenants
- overhangs for shading to reduce solar gain
- efficient use of durable and long-lasting building products
- contemporary heating and cooling systems
- high-performance envelope and glazing design.

## **Active Transportation**

The application proposes short-term bike storage (7 bikes) and long-term bike storage (90 bikes), which support active transportation. The number of long-term bike stalls exceeds the *Zoning Regulation Bylaw* requirements.

## **Public Realm**

No public realm improvements beyond the City's standard requirements are proposed in association with this Development Permit Application.

## **Accessibility**

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 show room for a different development. Under the current CA-42 Zone, the property could be developed as a commercial or commercial/residential building up to 4 storeys (15.5m) in height with a floor space ratio (FSR) of 2.5:1.

The applicant has indicated that if the current proposal is not advanced, they will pursue a market residential proposal under the existing zoning regulations. Staff are of the opinion that this would be a more favourable proposal as it would potentially address concerns regarding massing, architectural cohesion, street frontage and pedestrian experience, parking and access, as discussed later in this report.

## Data Table

The following data table compares the proposal with the CA-42 Zone, Harris Green Commercial District. An asterisk is used to identify where the proposal does not meet the existing Zone.

Zoning Criteria	Proposal	Zone Standard CA-42 Zone	DCAP
Site area (m <sup>2</sup> ) – minimum	628.30	N/A	N/A
Lot width (m) – minimum	18.41	N/A	N/A
Density (Floor Space Ratio) – maximum	<b>5.37:1 *</b>	2.50:1	5.5:1
Total floor area (m <sup>2</sup> ) – maximum	3371.39	N/A	3455.65
Height (m) – maximum	<b>39.29 *</b>	15.50	45
Storeys – maximum	<b>13 *</b> (including mezzanine)	4	Approx. 15 (residential)
Building street frontage dedicated to access (%) – maximum	<b>59.00 *</b>	25.00	N/A
Building street frontage dedicated to retail uses (%) – minimum	<b>41.00 *</b>	75.00	N/A
<b>Setbacks</b> (m) – minimum			
Front Lot Line (south)	<b>0.00 *</b>	3.00	0 – 3
Rear (north)	0.00	N/A	<b>See Building Separation Guidelines *</b>
Side (east)	0.36	N/A	<b>See Building Separation Guidelines *</b>
Side (west)	0.00	N/A	<b>See Building Separation Guidelines *</b>
Parking (CA-42 Zone) – minimum	7	0	N/A

Zoning Criteria	Proposal	Zone Standard CA-42 Zone	DCAP
<b>Parking (Schedule C) – minimum</b>			N/A
Residential	3 *	30	
Visitor	2 *	6	
Commercial	2	2	
<b>Bicycle parking stalls – minimum</b>			N/A
Long term	90	62	
Short term	7	7	

### Relevant History

On October 4, 2018 Council passed the following motion at the Committee of the Whole meeting (see attached staff reports):

*“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.”*

A number of design changes were incorporated into the proposal and presented to the Advisory Design Panel (ADP) at the meeting of October 23, 2019 (minutes attached) including:

- decrease in density from 5.70:1 to 5.37:1 FSR
- increase in height from 9 stories to 13 storeys (34.85m to 39.29m) including the mezzanine
- increased setbacks to the tower
- addition of windows and balconies on the sides of the tower and an increase in the proportion of glazing on the rear elevation
- changes to the buildings materials and colours
- increased setbacks to portions of the front of the podium and tower
- reduction in podium height
- addition of 7 parking stalls (previously 0 were proposed)
- changes to the street level frontage including addition of a parking access and a reduction in windows.

The Panel recommended that the proposal did not meet the overall goals and objectives of the applicable guidelines and should be declined. The current proposal presented to Committee of the Whole remains largely unchanged since the ADP meeting, with the exception of the

following minor revisions:

- reassignment of the seven proposed parking stalls (the total number is unaltered)
- accurate representation of the recently constructed bike lane along Fort Street.

## **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. Due to changes that the applicant made to the proposal, a second Community Meeting was required, which was held on July 16, 2019. Letters dated September 30, 2019 and April 26, 2018 are 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. Although the revised proposal has increased the tower setbacks, decreased the podium height, and improved the uniformity of the side elevations, it is still not consistent with the Design Guidelines associated with this Development Permit Area overall. Staff have concerns that the tower would have impacts on shading and privacy, that the street wall would not relate well to the public street and sidewalk, and the building lacks cohesion and does not provide a sensitive response to the Heritage Corridor.

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. Assembly would help 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. The applicant has indicated that land assembly with adjacent parcels is not possible.

### **Building Separation Distances**

To address privacy issues and open-up views between buildings, the street wall guidelines in the DCAP require a 3m side and rear yard setback to the exterior wall for portions of the building up to 30m in height (excluding the podium), and a 6m side yard setback for portions of the building above 30m (levels 10 – 12). For balconies, the setback should be 3.5m up to 30m and 5.5m above 30m. The guidelines also state that additional clearances for windows are encouraged to enhance livability for residential uses where feasible.

Although the revised proposal has increased setbacks to the tower, it still does not fully meet the requirements.

- Side Setbacks: Levels 10-12 are 3m below the recommended side yard setbacks and the balconies on levels 6-12 are approximately 1m below the recommended guidelines.
- Rear Setbacks: Although the proposal meets the minimum setback requirements to the exterior wall at the rear of the lot (levels 2-4 are 4m, levels 5-12 are 6m), levels 3-4 and

levels 10-12 do not meet the setback requirement for balconies which are proposed to be approximately 3m and 5m, respectively, approximately 0.5m below the recommended guidelines. For example, the existing building to the rear (Jukebox at 1029 View Street) is located approximately 8m from the property line at the lower levels and steps back to approximately 12m at the upper levels.

Although the applicant has attempted to address the upper storey setback requirements in the guidelines, the multiple staggered setbacks from Fort Street and large slab cut-outs on the south-west corner has resulted in a “wedding cake” appearance that lacks overall design cohesion. Staff have concerns that the limited setbacks at rear and sides to the tower would have impacts on shading along Vancouver Street, limit views to the open sky, and create a visual presence of a bulky upper building mass. The increased proportion of glazing, windows and balconies on the sides of the building may also increase privacy and livability issues when the adjacent lots are developed in the future.

### Street Wall Height and Massing

The Downtown Core Area Plan (DCAP, 2011) includes design criteria which apply to new buildings that are located along public streets to frame the streetscape and reinforce a human scale. The design has been revised to incorporate a lower podium height and the building setback for portions of the building above 25m in height has been increased from 4.81m to 6m. However, as mentioned previously, the multiple and varied setbacks has resulted in an overall massing composition that is disproportionate to both the size of the lot and the neighbourhood context.

### Relationship to the Street

As outlined in the design guidelines, new buildings should be designed to relate well to public streets and sidewalks. They should also have quality architectural materials and detailing in building bases and street walls.

Staff have concerns that the proposal does not respond well to the design guidelines, as follows:

- The design guidelines encourage building designs that incorporate massing, setbacks and building elements to reflect the building base, body and top. The lower storeys of the proposed building do not adequately ground the building with a solid base and do not create a defined and active street wall that is in keeping with the Fort Street context.
- The design guidelines encourage podium height and massing that result in a street wall that is appropriate for the context of this street. The proposed podium height does not relate well to the existing low-rise buildings to the east.
- The design guidelines encourage articulation of building facades and rich detailing in order to provide a high degree of public interest along streets. A substantial portion of the frontage is dedicated to a pad-mounted transformer (PMT) and a parking garage access, which will detract from the experience at street level. Furthermore, the proposal provides limited landscaping at street-level to help mitigate these impacts.

### Cohesion with the 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. Staff have concerns that

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 proposal 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

An objective of the design guidelines is to avoid uniformity in building design. The proposal has been revised to reduce the large areas of uniform materials and colours (predominantly stucco cladding) that were previously proposed for the sides of the building and replaced these with metal cladding in white and grey. However, the application of the materials and fenestration pattern has resulted in an overall busy appearance that lacks unity.

### **Regulatory Considerations**

The following variances, related to building frontage and number of parking stalls, are requested in association with this application. They are included as variances (instead of being included in the new zone) to allow Council to reconsider these aspects should a different development be proposed on the site in the future.

### Building Frontage

The revised proposal would increase the maximum percentage of building frontage dedicated to access from 25% to 59% (previously this was 36%), and decrease the minimum retail uses permitted along the building street frontage from 75% to 41% (previously this was 53%). The change is primarily due to the addition of a vehicle access and on-site parking.

The increase in the magnitude of the variance is a further indication that the proposal would likely have negative impacts on the street frontage.

### Number of Parking Stalls

The revised proposal has increased the number of vehicle parking stalls from zero to seven. Although the current CA-42 Zone for this sized lot does not require any parking, due to the scale of the development, Schedule C, is recommended to be applied to the concurrent Rezoning Application and would require 30 spaces for the residential dwelling units, six spaces for visitors and two spaces for the commercial use (a total of 38 vehicle parking spaces).

The proposal is located on a bike route, a transit route, and is also close to various services which would help mitigate potential impacts resulting from this variance. The applicant is also proposing 90 long term bicycle parking stalls, which exceeds the *Zoning Regulation Bylaw* requirement of 62 stalls.

To further help mitigate the anticipated parking shortfall, staff recommend that Transportation Demand Management (TDM) programs be incorporated into the development. This would include features such as car share memberships and vehicles, usage credits, bus passes, showers, lockers, enhanced bike parking and bike repair areas. The applicant, however, has requested staff advance their application to Council without offering the full suite of recommended TDM programs. Due to the absence of TDM programs offered by the applicant, the requested parking variance is not supported by staff. The anticipated parking shortfall associated with the proposed development will impact parking availability for residents and businesses in the area.



The inclusion of the driveway crossing, necessitated by adding on-site parking, has negative consequences to the street frontage and adjacent All Ages and Abilities (AAA) two-way protected bike lane and is not supportable by staff. The approval of driveway crossings on small sites could set a precedent that would potentially result in more crossings in the future, and the cumulative effect of multiple driveway crossings would have a detrimental impact to the continuous street frontages along the Fort Street corridor. A proposal with no on-site parking (and no driveway crossing) may be supported by staff if significant TDM programs are offered by the applicant. This approach could improve conditions for people on the sidewalk and bike lane, enhance the tree canopy, and provide additional on-street parking.

The applicant has expressed a willingness to alter the ground floor of the current proposal, which would remove the parking and driveway crossing, and would potentially be paired with car share memberships for all units. However, further TDM measures are required to support the magnitude of the parking variance.

An alternate solution the applicant has suggested would be a new proposal for market residential compliant with the current zoning regulations. Since this would eliminate the parking variance and potentially improve the pedestrian experience with increased active commercial space, as well as address the urban form issues discussed above, staff are of the opinion that this is a more favourable solution for this site. This option would no longer trigger a parking variance and the potential impacts to on-street parking demand would likely be less since there would be fewer residential units.

## CONCLUSIONS

The revised proposal to construct a 13-storey, mixed use building with ground-floor retail fronting Fort Street with residential units above is still not consistent with Development Permit Area 7B (HC): Corridors Heritage. The tower would have impacts on shading and privacy, the street wall would not relate well to the public street and sidewalk, and the building would lack cohesion with the Heritage Corridor as well as detracting from the pedestrian and cycling experience. Staff have concerns that these deficiencies would impact the public space and adjacent properties. The parking variance is not supportable as the proposed mitigation measures would not adequately address the negative impacts; further, the addition of a driveway crossing negatively impacts the existing bike lane. A new proposal that meets the current zoning regulations would potentially address staff concerns related to massing, architectural cohesion, retention of street trees, pedestrian experience, parking and access; therefore, staff recommend that Council consider declining the current application.

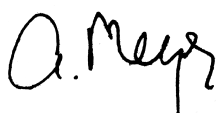
## ALTERNATE MOTION

That Council direct the applicant to prepare a revised submission removing the driveway crossing, on-site parking and provide Transportation Demand Management programs and that staff bring forward the necessary motion with updated variances.

Respectfully submitted,



Charlotte Wain  
Senior Planner – Urban Design  
Development Services Division



Karen Hoese, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



Date: June 18, 2020

#### **List of Attachments**

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped March 23, 2020
- Attachment D: Letter from applicant to Mayor and Council dated June 4, 2020
- Attachment E: Community Association Land Use Committee Comments dated September 30, 2019 and April 26, 2018
- Attachment F: Advisory Design Panel staff report, dated October 11, 2019
- Attachment G: Advisory Design Panel Minutes from the meeting of October 23, 2019
- Attachment H: Staff Reports for Committee of the Whole on October 4, 2018
- Attachment I: Committee of the Whole meeting minutes, dated October 11, 2018
- Attachment J: Correspondence received since October 11, 2018.