



Committee of the Whole Report

For the Meeting of September 17, 2020

To: Committee of the Whole **Date:** September 3, 2020

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

Subject: Update Report for Rezoning Application No. 00701 and Heritage Alteration Permit with Variances Application No. 00236 for 1314 and 1318 Wharf Street (Northern Junk)

RECOMMENDATIONS

Rezoning Application No. 00701

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00701 for 1314 and 1318 Wharf Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

1. **Plan revisions to include frontage works and building access consistent with the City's Subdivision and Development Servicing Standards, revised long term bike parking spaces to meet the requirements set out in Schedule C of the *Zoning Regulation Bylaw*, revised Harbour Pathway width to 5m and minor plan corrections, to the satisfaction of the Director of Sustainable Planning and Community Development and Director of Engineering & Public Works.**
2. **Submission of revised plans showing a suitable location on private property for the required Pad Mounted Transformer (PMT) unit to the satisfaction of the Director of Sustainable Planning and Community Development and Director of Engineering & Public Works.**
3. Preparation of the following agreements, registered on title by the applicant, to the satisfaction of City staff:
 - a. Statutory right-of-way for public access over the area dedicated to the Harbour Pathway and the internal alley between the two heritage buildings, to the satisfaction of City staff;
 - b. Housing Agreement to secure 47 residential rental units as rental in perpetuity, to the satisfaction of the City Solicitor;
 - c. Section 219 Covenant to secure off-site tree replacement at a four to one ratio with a cash in lieu contribution with values set per the *Tree Preservation Bylaw* (Bylaw No. 05-106) for public realm improvements, and a cash in lieu contribution for off-site short term bicycle parking; and

- d. A legal agreement to ensure that building amendments would be made along the north property line to comply with building code requirements should a building be proposed for the property located at 1324 Wharf Street.
4. That Council authorize the Mayor and City Clerk to execute encroachment agreements, to be executed at the time of the building permit approval, if the other necessary approvals are granted, in a form satisfactory to the City Solicitor and the Director of Engineering and Public Works for:
 - a. building encroachments; and
 - b. anchor-pinning in the City right-of-way.

Heritage Alteration Permit with Variances No. 00236

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. 00701, if it is approved, consider the following motion:

“That Council authorize the issuance of Heritage Alteration Permit with Variances Application No. 00236 for 1314 and 1318 Wharf Street, in accordance with:

1. Plans date stamped August 10, 2020.
2. The Conservation Plan for the Caire and Grancini Warehouse at 1314 Wharf Street, date stamped October 22, 2019.
3. The Conservation Plan for the Fraser Warehouse at 1316-1318 Wharf Street, date stamped October 22, 2019.
4. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. Reduce the required short term bicycle parking spaces from 10 to 0; and
 - b. Increase the maximum permitted height from 8 metres to 21 metres.**
5. Final plans to be generally in accordance with the plans identified above, to the satisfaction of the Director of Sustainable Planning and Community Development.
6. The applicant provide details regarding their intended process for commissioning a story wall for the north elevation of the building, including an artist selection process, scope and content, and an explanation for how their project will consider the Indigenous cultural heritage of the waterfront public realm, to the satisfaction of the Director of Sustainable Planning and Community Development.
7. The applicant providing a lighting plan for the heritage buildings, to the satisfaction of the Director of Sustainable Planning and Community Development.
- 8. Submission of revised plans showing a suitable location on private property for the required Pad Mounted Transformer (PMT) unit to the satisfaction of the Director of Sustainable Planning and Community Development and Director of Engineering & Public Works.**
9. Heritage Alteration Permit lapsing two years from the date of this resolution.”

LEGISLATIVE AUTHORITY

In accordance with Section 479 of the *Local Government Act*, Council may regulate within a zone the use of land, buildings and other structures, the density of the use of the land, building and

other structures, the siting, size and dimensions of buildings and other structures as well as the uses that are permitted on the land and the location of uses on the land and within buildings and other structures.

In accordance with Section 482 of the *Local Government Act*, a zoning bylaw may establish different density regulations for a zone, one generally applicable for the zone and the others to apply if certain conditions are met.

In accordance with Section 483 of the *Local Government Act*, Council may enter into a Housing Agreement which may include terms agreed to by the owner regarding the occupancy of the housing units and provided such agreement does not vary the use of the density of the land from that permitted under the zoning bylaw.

In accordance with Sections 617 and 618 of the *Local Government Act*, Council may issue a Heritage Alteration Permit which may be subject to terms consistent with the purpose of the heritage protection of the property, including: (i) conditions respecting the sequencing and timing of construction, (ii) conditions respecting the character of the alteration or action to be authorized, including landscaping and the siting, form, exterior design and finish of buildings and structures and (iii) security. Council may refuse to issue a Heritage Alteration Permit for an action that, in the opinion of Council, would not be consistent with the purpose of the heritage protection of the property.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations in response to proposed revisions to the Rezoning and Heritage Alteration Permit Applications for the property located at 1314 and 1318 Wharf Street (the Northern Junk Property). The proposal is to rezone the Northern Junk Property from the IHH Zone, Inner Harbour Heritage District, to a new zone to increase the density for the redevelopment of the site with a six-storey building that retains and incorporates two Heritage Designated buildings. The applicant has made revisions in response to Council's motion at a Committee of the Whole (COTW) meeting on June 11th, 2020:

That Council refer the application back to staff with the direction that the application adhere more to the heritage and old town guidelines.

This report details revisions to the proposal made since the application was presented to COTW. The design revisions include:

- The glass enclosure around the Caire and Grancini warehouse (the "C + G Warehouse") has been removed to fully expose the rear of the heritage building from the water and from the waterfront pathway.
- The glazing of the commercial space is now angled towards the heritage building so that its southwest corner is more visible from the harbour path and from Reeson Park.
- The existing parapet detail will be rebuilt below the soffit of the addition with a reveal provided.
- The applicant has removed the Pad Mounted Transformer (PMT) unit from the plans and proposes to locate it off-site to better expose the south elevation of the C + G Warehouse. Staff do not support locating the PMT unit on public land and are recommending that plans be revised to show the PMT on private land in advance of the public hearing.
- The front (east) façade of the rooftop addition to the C + G Warehouse has been set back an additional 0.3 metres (1 foot) from the front façade of the heritage building to increase

the visual distinction between the two. The applicant has revised the dimensions and configuration of the inset balconies behind the façade.

- The waterfront walkway has been reconfigured and reduced in size to expose more of the natural shoreline along the proposed waterfront pathway.
- The west elevation of the addition above the C + G Warehouse has been pulled back 1.5 metres (5 feet) to the east. Recessed balconies have been converted to smaller projecting balconies in order to reduce the mass of the building and reduce the extent that the addition overhangs the heritage building.
- The applicant has introduced a common rooftop amenity space.
- The height of the building has technically increased because the applicant has added an elevator to access the rooftop amenity space. The elevator enclosure technically counts as an additional storey under the *Zoning Regulation Bylaw*, and so the height has increased from 5 storeys (19.25 metres) to 6 storeys (21 metres).
- The overall density has decreased from 3.39 FSR to 3.38 FSR, with a floor area reduction of 12m²
- The staircase allowing pedestrians to access the harbour path from Wharf Street now features open risers to facilitate visibility and daylight to the space behind the stairs. This feature is visible on page 46 of the applicant's submission package.

Design Revisions

Working with staff, the applicant has incorporated several changes to the proposal to address the intent of Council's motion. The changes make the application more consistent with the applicable heritage and old town guidelines and introduce additional modifications in response to the commentary Council provided.

The initial proposal included a glass enclosure around the entirety of the C + G Warehouse, the heritage building located on the south portion of the property. The glass enclosure has been removed, exposing the entire rear (west) face of the existing building. The change conserves the unobstructed views between the building and the water, and views of the rear façade from the harbour. According to the statement of significance, these are both character-defining elements of the warehouse and contribute to its heritage value. The improved conservation of these elements makes the proposal more consistent with Standards 1 and 3 of the *Standards and Guidelines for the Conservation of Historic Places in Canada* (the "Standards and Guidelines"), which state that projects should conserve heritage value, not remove or substantially alter character-defining elements and demonstrate a minimal intervention approach. The reconstructed and lowered parapet of the C + G Warehouse will also be more visible from the waterfront walkway and restaurant space.

The entire west façade of the addition above the C + G Warehouse has been shifted back approximately five feet (1.5 metres) and balconies now project from the façade instead of being inset. The increased setback reduces the mass overhanging the heritage building on the waterfront frontage, improving views to the building while retaining direct outdoor balcony access for future residents within the addition. This has resulted in a slight reduction in the overall density from 3.39 to 3.38 FSR.

To increase the level of distinguishability between the front elevation of the C + G Warehouse facing Wharf Street and the rooftop addition, the applicant has shifted the addition a further 0.3m back from the existing building face. This makes the proposal more consistent with Standard 11 of the Standards and Guidelines, which urges new construction to be visually compatible with, subordinate to and distinguishable from the historic place. Staff explored further setbacks,

however these undermined the design intent of harmoniously integrating the heritage building within a larger composition. The applicant has also adjusted the shapes and dimensions of the east balconies to optimize livability with the reduced addition footprint.

The revised proposal also includes amendments that were not part of Council's motion but were noted as areas that could be improved. These amendments include exposing more of the natural shoreline by narrowing and reconfiguring the harbour path. Whereas the harbour path was originally 5m in width and the patios were 4.8m in width, the harbour path has been reduced to 4.5m in width and the angular patio areas reduced to a minimum of 4m in width. Areas between the patios and the path have been redesigned with "shoreline planters" and vegetation. Drawings now indicate the historical high and low water lines to show the minimized impact of the revised walkway alignment. A minimum pathway width of 5m is required, and the motion includes language to amend this on the plans, should this application be forwarded to a public hearing.

The applicant has converted the proposed private rooftop terraces to a shared rooftop terrace open to all residents of the building and accessed through an elevator.

Pad Mounted Transformer (PMT) Location

To supply electrical service to the building, BC Hydro requires that the applicant accommodate a pad mounted transformer (PMT) unit in a location where BC Hydro personnel and trucks can access them from the public right-of-way. A PMT unit is a metal utility box containing electrical hardware mounted on a concrete pad. In previous versions of the project, the applicant positioned the PMT against the southeast corner of the C + G warehouse at the front of the building in an enclosure measuring 3.6m by 3.7m. The enclosure conceals a section of the exterior wall of the heritage building from public view.

In response to the June 11 Council motion, the applicant removed the PMT from the plans and proposed to locate it off-site on public land to improve views to the south wall of the C + G Warehouse. While this would provide better visual access to the heritage building, it would require the PMT to be located somewhere in Bridgehead Green, a public open space across the street. Some proposed locations in Bridgehead Green would impact the critical root zones of bylaw protected trees. Other proposed locations visually detract from the naturalistic ambiance of the space when viewed from Wharf Street.

The approach typically taken with development, is that any new private infrastructure, such as a PMT, not encumber public land except in rare cases where it is technically impossible for the applicant to do so on their own site. In this case, the applicant can accommodate the PMT on their own site, so staff are recommending that Council require the plans to be revised to show the PMT in a suitable location on private land, in advance of the public hearing.

CONCLUSIONS

The proposed revisions respond to the Council motion, bringing the project more in line with the applicable Design Guidelines & Heritage policies, subject to the plan revisions that are identified in the recommendation. Therefore, staff recommend that Council consider advancing the application to a public hearing.

ALTERNATE MOTION

That Council decline Rezoning Application No. 00701 and Heritage Alteration Permit with Variances Application No. 00236 for the property located at 1314 and 1318 Wharf Street.

Respectfully submitted,



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Report accepted and recommended by the City Manager:



Date: September 11, 2020

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped August 10, 2020
- Attachment D: Letter and Booklet from applicant to Mayor and Council dated August 10, 2020
- Attachment E: Staff reports and attachments for Rezoning Application No. 00701 and Heritage Alteration with Variances Application No. 00236 dated June 11, 2020.