



Committee of the Whole Report

For the Meeting of November 26, 2020

To: Committee of the Whole **Date:** November 12, 2020

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

Subject: **Development Permit with Variances Application No. 00130 for 1150 Cook Street**

RECOMMENDATION

That, subject to plan revisions to address the following:

- a. Further consideration for the location of the gas meter on Cook Street and provision of additional detail for the design of the metal fence enclosure, to the satisfaction of the Director of Planning.
- b. Clarification of the proposed architectural and landscape materials as it relates to the creation of a positive pedestrian experience, to the satisfaction of the Director of Planning.
- c. Further consideration for access to the BC Hydro specifications and further consideration of future BC Hydro underground infrastructure to ensure that it does not negatively impact the street trees, to the satisfaction of the Director of Engineering and Public Works and Director of Parks, Recreation and Culture.
- d. Corrections to satisfy Parks requirements and to resolve inconsistencies with the site plan, landscape plan and building cross sections as they relate to landscaping and street trees, to the satisfaction of the Director of Parks, Recreation and Culture.
- e. Design revisions to reduce the impacts on the street trees along Cook Street, including reducing the pruning within the canopy and within the critical root zone to ensure the successful retention of these trees, to the satisfaction of the Director of Parks, Recreation and Culture.

And, subject to the preparation and execution of the following legal agreements in a form satisfactory to the City Solicitor to secure:

- a. A future strata cannot restrict the rental of units, to the satisfaction of the Director of Sustainable Planning and Community Development.
- b. Public realm streetscape improvements consistent with the Downtown Public Realm Plan and Streetscape Standard (DPRP) specifications, to the satisfaction of the Director of Engineering and Public Works.
- c. Provision of a minimum of four electric vehicle charging stations to the satisfaction of the Director of Sustainable Planning and Community Development.

And that subject to receipt of a letter from the Ministry of Environment confirming that the landowner has met the requirements of Section 557(2) of the *Local Government Act* with respect to contaminated sites, Council, 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. 00130 for 1150 Cook Street in accordance with:

1. Plans date stamped September 30, 2020.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Increase the height from 30m to 47.57m;
 - ii. increase the number of storeys from 10 storeys to 16 storeys.
3. Final plans to be generally in accordance with plans date stamped September 30, 2020.
4. 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.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit Application with Variances for the property located at 1150 Cook Street. The proposal is to construct a 16-storey, mixed-use building with ground-floor retail and residential above, including approximately 129 dwelling units. The overall proposed density is 7.78:1 floor space ratio (FSR). Variances related to height, number of storeys and short-term bicycle parking are also proposed as part of the Development Permit Application. The matters under consideration for Council are the supportability of the variances and the consistency with the relevant design guidelines.

The following points were considered in assessing this application.

- The proposed building is subject to regulation under Development Permit Area 3 (HC) and is generally consistent with the applicable Design Guidelines in the *Official Community Plan, 2012* (OCP) and the *Downtown Core Area Plan* (DCAP).
- The application was reviewed by the Advisory Design Panel with specific reference to building separation distances, relationship to the street, building setback and street trees and overall architectural expression.
- The proposed increase in building height and number of storeys is considered to be appropriate as the maximum floor area permitted under the R-48 Zone (Harris Green District) is not being exceeded and the proposal is consistent with the height limits of the DCAP. In addition, the location of the proposed tower would be offset from other recently approved developments within the same neighbourhood block.

BACKGROUND

Description of Proposal

The proposal is to construct a high-rise mixed-use building at approximately 16 storeys with one commercial unit on the ground floor and approximately 129 residential units above. The proposed height is 47.57m.

Major design components include:

- commercial unit at the corner of View Street and Cook Street
- outdoor shared residential amenity space located on level four
- main residential building lobby entrance on View Street
- publicly accessible short-term bike parking located near the residential entrance on View Street
- secure long-term bike parking located on the main floor, with an exit door facing Cook Street
- vehicle parking and servicing located within the building
- public realm streetscape improvements on View and Cook Streets.
- removal of one existing street tree and planting of three new street trees on View Street and retention of two existing street trees on Cook Street.
- exterior building materials consisting of:
 - a mixture of composite metal cladding in black, white and silver and phenolic wood textured panels for the podium level
 - metal windows
 - glass guardrails
 - custom designed metal gate for the gas meter enclosure along Cook Street.

The proposed variances are related to:

- an increase in the building height from 30m to 47.57m
- an increase in the number of storeys from 10 to 16.

Affordable Housing

The applicant proposes the creation of 129 new residential units which would increase the overall supply of housing in the area. A Housing Agreement is being proposed, which would ensure that future Strata Bylaws could not prohibit the rental of units. The applicant has indicated their commitment to providing this agreement.

The proposed unit breakdown includes a total of four studio + den, 98 one-bedroom and 27 two-bedroom apartments.

Tenant Assistance Policy

The proposal is to demolish an existing commercial building and therefore the Tenant Assistance Policy does not apply to this proposal.

Sustainability

As noted in the applicants letter dated November 6, 2020 the proposal intends to align with green design principles and will include the following features:

- building position to maximise winter solar gain
- juliet balcony surrounds to reduce summer solar gain

- building envelope design with high performance materials to decrease overall energy consumption and heat loss
- energy efficient lighting and electrical systems
- low flow flush toilets and high efficiency plumbing fixtures
- high efficiency heat pump system for heating and cooling
- waste management during construction.

Active Transportation

The proposal will meet the minimum short-term bicycle standards and will exceed the minimum long-term bicycle standards by one stall (for a total of 144 stalls). In addition, the proposal includes a bicycle repair and maintenance station in the long-term bicycle storage area, which will support active transportation. In addition, the proposal will include a minimum of four electric vehicle charging stations, which will be secured through a legal agreement. The installation of the new traffic signal at the intersection of Cook Street and View Street will provide additional safe crossing opportunities for pedestrians and cyclists, which the applicant will be responsible for as a condition of building permit. The applicant has indicated a willingness to contribute to the installation of this signal.

Public Realm

The proposal includes frontage improvements above and beyond the Subdivision and Development Servicing Bylaw Standards, to be consistent with the 'New Town District' Downtown Public Realm Plan and Streetscape Standard (DPRP) specifications and layout, including trees, furnishings, materials sidewalk treatment and pedestrian lights along the Cook Street and View Street frontages. The applicant has committed to working with the City to achieve these improvements, which will be secured through a legal agreement.

Accessibility

The British Columbia Building Code regulates accessibility as it pertains to buildings. The main floor entrance, lobby and commercial retail unit are at grade and the upper floor amenity areas are accessible via elevators.

Existing Site Development and Development Potential

The site is presently a vacant commercial unit, formerly occupied by a restaurant use.

Under the current R-48 Zone (Harris Green District), the property could be developed at a height of ten storeys to accommodate a range of uses, including but not limited to retail, office, restaurant, theatres or daycares. The current zone does not prescribe a maximum density or floor area, but when these numbers are calculated based on the maximum floor area that could be achieved given the required setbacks and maximum number of storeys, the prescribed density would be 9.68:1 FSR or a maximum floor area of 9,769m². The OCP anticipates buildings up to 20 storeys in this location and the DCAP envisions buildings up to 15 storeys.

Data Table

The following data table compares the proposal with the existing R-48 Zone, Harris Green District. An asterisk is used to identify where the proposal varies from the existing zone. Additionally, the key City policy that pertains to the area has been included in this table.

Zoning Criteria	Proposal	Zone Standard R-48	OCP Policy	DCAP
Site area (m ²) – minimum	1009.20	N/A	-	-
Density (Floor Space Ratio) – maximum	7.78:1	N/A	-	5.5:1
Total floor area (m ²) – maximum	7602.56	N/A	-	-
Height (m) – maximum	47.57*	30	-	45
Storeys – maximum	16*	10	20	15 (residential) 11 (commercial)
Site coverage (%) – maximum	86	N/A	-	-
Open site space (%) – minimum	14	N/A	-	-
Setbacks (m) – minimum				
Front (Cook Street)	0.5	0.5	-	-
Rear	0.0	0.0		See Building Separation Guidelines
Side (S)	0.0	0.0		See Building Separation Guidelines
Side (N)	0.0	0.0		-
Vehicle parking – minimum	41	0	-	-
Visitor vehicle parking - minimum	0	0	-	-
Bicycle parking stalls – minimum				
Short term	14	14	-	-
Long term	144	143	-	-

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on November 14, 2019, the application was referred for a 30-day comment period to the Downtown Residents Association CALUC (subsequent plan revisions were also referred to the CALUC). At the time of writing this report a letter had not been received.

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

The property is situated in Development Permit Area 3 (HC): Core Mixed-Use Residential and the following documents were considered in assessing this application:

- *Official Community Plan, 2012 (OCP)*
- *Downtown Core Area Plan (2011)*
- *Advisory Design Guidelines for Buildings, Signs and Awnings (2006)*
- *Guidelines for Fences, Gates and Shutters (2010).*

The matters under consideration are the supportability of the variances and the consistency with the relevant design guidelines.

Proposed Variances

Two variances to the *Zoning Regulation Bylaw* are being proposed as part of this application.

An increase in the height from 30m to 47.57m and an increase in the number of storeys from 10 to 16 is being requested. The R-48 Zone does not prescribe a maximum density through a FSR calculation. In the case of a height variance in this Zone, standard practice is to determine the “theoretical” FSR based on the height and setback regulations as they relate to the subject property. This determines the building envelope that can be achieved. The theoretical maximum density for the subject property is 9.68:1 FSR and the proposal is for a building within this limit at 7.78:1 FSR.

As the building complies with the recommended height guidelines in the DCAP (excluding the mechanical roof access) and appropriate measures have been taken to set the building back from Cook Street, staff recommend for Council's consideration that the height variance is supported.

Official Community Plan

The subject site is designated Core Residential in the *Official Community Plan, 2012 (OCP)*, which envisions multi-unit residential, commercial and mixed-use buildings from three storeys up to approximately 20 storeys. In terms of place character features, the OCP envisions three- to five-storey building façades that define the street wall, with upper storeys set back above.

The main objectives of the Development Permit Area 3 (HC): Core Mixed-Use Residential that are relevant to this proposal are:

- to transform the function, form and character of the Core Residential area through mid-

to-high rise residential mixed-use and commercial buildings, with greatest heights along Yates and Blanshard Street

- to conserve heritage value, special character and the significant historic buildings, features and characteristics of this area
- to enhance the area through a high quality of architecture, landscape and urban design that reflects the function of a major residential centre on the edge of a central business district in scale, massing and character while responding to its context of a skyline with prominent heritage landmark buildings.

Staff consider that the proposal is generally consistent with the use, density and height envisioned in the OCP.

Development Permit Area and Design Guidelines

Downtown Core Area Plan

The subject site is designated Residential Mixed-Use District in the *Downtown Core Area Plan* (DCAP, 2011), which envisions multi-residential development up to a height of 45m. The base density for a mixed-use development is a floor space ratio of 3:1 and a maximum of 5.5:1. The proposed height is 47.57m and the density is 7.78:1 FSR.

With respect to local area plans, the *Downtown Core Area Plan, 2011* (DCAP) applies to the subject site. Within the DCAP, the Residential Mixed District (RMD) includes the 1100-block of Cook Street, which is noted as a transitional zone from high-to-medium density, in the “Cross Town Concept”. In this location height transitions from high-rise to mid-rise buildings in the “Urban Amphitheatre Concept” with the concentration of tall buildings along Yates Street, east of Douglas Street. Yates Street is identified as the preferred location for taller buildings, and the maximum height identified for Cook Street is 45m. The application does exceed this maximum height by 2.57m, although this only relates to the roof top mechanical room.

Multi-unit residential development is encouraged in the RMD with higher density focussed along Yates Street. The RMD encourages multi-residential development appropriate to the context, respecting the allowable building heights in the neighbourhood. Active commercial street-level uses are encouraged to help increase pedestrian activity. The current proposal is generally consistent with these objectives as it contributes new street-level commercial space in the RMD, which is further supported by residential uses above.

The DCAP provides both broad urban design objectives for the Downtown Core and more detailed design guidelines for specific districts. The DCAP also includes policies related to the design of buildings. Overall, staff consider that the proposal is generally consistent with these policies, however, some discrepancies with the design policies are discussed below.

Built Form and Massing

The DCAP includes a number of design guidelines related to built form which include reducing the building bulk of upper storeys 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. Cook Street also has views to the Olympic Mountains to the south, which the guidelines seek to protect. Minor deviations to the guidelines are proposed. The proposed secondary street wall (tower) along Cook Street is 2.8m (0.2m below the recommended 3m) from the property line. In addition, the upper storeys on levels 11-15 encroach into the 1:5 building setback ratio along Cook Street and View Street. The applicant has provided a view analysis demonstrating the

impacts of this encroachment onto the views of the Olympic Mountains. The massing permitted under current zoning would allow for a much bulkier building, set closer to the property line, so although the upper portions of the proposed tower do encroach into the 1:5 setback, the visual impact is deemed less as this does not directly affect the views of the Olympic Mountains.

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 11 – 15). 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. The proposal does not fully meet the requirements because for levels 11-15 on the west side (rear) the setbacks for exterior walls and balconies are approximately 1.2m below recommended standard.

The applicant notes that the primary reason for this is that there are no habitable windows from the adjacent ten storey building facing the subject site (1039 View Street). While staff would have preferred to see the minimum setbacks being met, the adjacent building to the west is located approximately 7m from the property line with a drive aisle separating the building from the proposed development. This results in a total separation distance of approximately 12m between the existing building and the tower portion of the proposed development. Given these site conditions, this deviation from the guidelines is considered acceptable.

Relationship to the Street

New buildings should be designed to relate well to public streets and sidewalks and have quality architectural materials and detailing in building bases and street walls. Staff have noted the limited and inconsistent detail provided on the architectural elevations, renders and material sheet, and recommend that these items be corrected prior to the application being considered for an Opportunity for Public Comment. In particular, the site plan indicates a gas meter that occupies a prominent location on the Cook Street frontage, with “decorative metal gates” but insufficient detail has been included on the elevations to fully review this aspect of the design. Staff recommend the location of the gas meter be reevaluated to ensure a positive street relationship along Cook Street.

Staff have concerns that the proposed access to the BC Hydro Pad Mounted Transformer (PMT) may not be compliant with current specifications, and if revisions are required this could potentially affect the building design and would likely exacerbate the negative impacts on the Cook Street frontage. In addition, the future underground ducting requirements for BC hydro may impact the successful retention of the mature trees along Cook Street. Appropriate wording is included in the recommendation to clarify these details.

Advisory Design Panel

The application was referred to the Advisory Design Panel (ADP) on July 22, 2020 (minutes attached) where the following motion was carried:

It was moved ... that the Development Permit with Variances Application No. 00130 for 1150 Cook Street be approved with the following changes:

- *give further consideration and refinement to the detailing of the parapet railing, overall brightness and better integration to the overall building design*

- *consideration for safety of ground floor and design of bike rooms*
- *reconsideration of amenity space and locating it to help animate the Cook street frontage*
- *consider the addition of trees in planters on the amenity room patio*
- *consider revisions to paving to help enhance entrance*
- *the applicant to ensure the accuracy of the street trees to ensure their successful retention*
- *further review and relaxation of setbacks to the south to improve livability of the south facing units to give them a balcony or an oblique view*
- *additional consideration for mechanical room to be integrated into overall building design and materiality*
- *regulate or standardize the size and pattern and colour of the metal panels*

The applicant has submitted revised plans that incorporate the design changes requested by the panel, and with the exception of the issues previously mentioned in this report, staff are satisfied that these recommendations have been addressed. A brief summary of the changes that have been made include:

- simplification of the roof termination by inseting the railings from the building edge and removing the illumination
- adding a bicycle repair station in the ground floor bike room
- relocating the amenity space from the rear of the building on level two, to the front of the building facing Cook Street on level four (above the podium)
- revisions to the façade to standardize and simplify the size and colour of metal panels.

Other revisions that have been made that are not directly in response to ADP comments include:

- provision of a custom metal garage door on View Street
- increasing the south setback distance on levels 11-15 by approximately 0.1m.

A letter from the architect dated September 28, 2020 provides further detail on the design changes.

Tree Preservation Bylaw and Urban Forest Master Plan

The goals of the *Urban Forest Master Plan* include protecting, enhancing, and expanding Victoria's urban forest and optimizing community benefits from the urban forest in all neighbourhoods. In 2019, Council increased funding to expedite the implementation of the *Urban Forest Master Plan* (UFMP). The goals of the UFMP include maximizing community benefits from the urban forest in all neighbourhoods, including a focus on protecting large, healthy trees on public and private property. Based on 2013 LiDAR data, Harris Green is an area of low canopy cover at 16%. The City-wide canopy cover average is 26%.

This application was received after October 24, 2019, so Tree Preservation Bylaw No. 05-106 (consolidated November 22, 2019) applies, protecting trees larger than 30cm diameter at breast height (DBH).

There are two mature horse chestnuts on the Cook Street boulevard proposed for retention. The proposal, as currently shown, would require substantial pruning to the canopy of one large (70cm DBH) healthy horse chestnut tree growing on the Cook Street boulevard to construct the proposed building. The above-ground portion of the building is planned to have a setback of

60cm from the property line with an underground parkade extending to the property line. Cook Street has historically been lined with horse chestnut trees from Dallas Road to Pandora Avenue. Planted in approximately 1960, this significant tree has grown rapidly and now measures 70cm DBH, with a crown spread of 17m. The centre of the tree has been pruned for utility clearance (BC Hydro) but has good vitality and provides valuable ecosystem benefits to the community; such as shading and cooling for the block, windspeed reduction, mitigation of stormwater runoff, increased air quality, as well as health benefits for residents.

Given the recent success with protecting other mature trees on the Cook Street boulevard, such as next to the new development at Johnson Street, as well as the approved development at the corner of Cook/Yates, staff are hopeful that a design solution can be found to preserve this tree canopy. The developer has been asked to explore opportunities to limit the amount pruning to this important public tree as part of the overall project. The recommendation includes the appropriate language to ensure this further exploration takes place, including the accurate depiction of the location and critical root zone of the mature horse chestnut trees. The proposed works within the critical root zones of the trees will require arborist supervision to mitigate potential impacts. The arborist report outlines specific activities when this will be required.

Cook Street is identified as a commercial street in the DCAP. The general design criteria for these streets encourages a single row of trees on both sides of the right-of-way to enhance the pedestrian realm. The canopy from the continuous row of mature horse chestnut trees along Cook Street is seen as a valuable asset to the overall pedestrian experience. Staff have concerns that insufficient building and balcony setbacks have been provided along Cook Street with decks and balconies for levels 2-4 approximately 0.5m from the property line. Although these setbacks are technically within the DCAP guidelines, the proposal may impact the future growth of the trees.

Staff also have concerns regarding unconfirmed BC Hydro requirements including underground infrastructure that could have significant negative health impacts on the Cook Street horse chestnuts, possibly resulting in their removal; however, the decision of the location of the servicing, at times, appears to be non-negotiable with limited opportunity for City influence. Staff are working on establishing protocols with BC Hydro separately in order to overcome these challenges.

Tree Impact Summary

One 44cm DBH municipal flowering plum tree on the View Street boulevard and one 47cm DBH elm tree protected by the *Tree Preservation Bylaw* are proposed for removal. Removal of the plum is required to accommodate the proposed driveway entrance and the elm is located within the proposed building footprint.

The applicant is proposing to plant three municipal trees in grates (consistent with standard practice) on the View Street frontage and one new tree on Cook Street boulevard. The new boulevard tree has not been shown on the drawings but has been included in the Tree Impact Summary table below.

At the required 2:1 replacement ratio for bylaw-protected trees, 2 replacement trees are required. The proposed development is built to property lines and will not accommodate new tree plantings; \$4,000 cash-in-lieu towards the City's Tree Reserve Fund would be required (\$2,000 x 2 trees).

Tree Status	Total # of Trees	Trees to be REMOVED	NEW Trees	NET CHANGE (new trees minus total to be removed)
Subject property trees, protected	1	1	0	-1
Subject property trees, unprotected	0	0	0	0
City trees	3	1	4	+3
Neighbouring trees, protected	0	0	0	0
Neighbouring trees, unprotected	0	0	0	0
Total	4	2	4	+2

Increased Inventory	Annual Maintenance Cost
Street Trees – 3 net new	\$180
Irrigation System	\$400

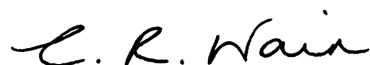
CONCLUSIONS

The proposed high-rise mixed-use development at 1150 Cook Street would support the planning objectives for the Downtown found in the OCP and the DCAP. The proposal is generally consistent with the design guidelines contained within the DCAP and includes high-quality building materials and landscape finishes. The proposed increase in height and number of storeys is recommended as supportable given the general consistency with guidelines and the design measures that have been taken to integrate the building into the surrounding context. However, the application would benefit from further clarification in the treatment of the ground floor to achieve a positive pedestrian experience and further design revisions to ensure the retention of the mature street trees on Cook Street.

ALTERNATE MOTION

That Council decline Development Permit with Variances Application No. 00130 for the property located at 1150 Cook Street.


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: November 19, 2020

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans dated/date stamped September 30, 2020
- Attachment D: Letter from applicant to Mayor and Council dated November 6, 2020
- Attachment E: Letter from applicant in response to ADP dated September 28, 2020
- Attachment F: ADP staff report dated July 8, 2020
- Attachment G: ADP minutes from the meeting of July 22, 2020
- Attachment H: Arborist Report dated May 12, 2020
- Attachment I: Transportation Impact Assessment dated February 19, 2020
- Attachment J: Transportation Impact Assessment Memorandum, dated April 22, 2020
- Attachment K: Correspondence (Letters received from residents).