



## Committee of the Whole Report For the Meeting of February 22, 2018

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**To:** Committee of the Whole **Date:** February 7, 2018  
**From:** Jonathan Tinney, Director, Sustainable Planning and Community Development  
**Subject:** Development Permit with Variance Application No. 00045 for 777 Herald Street

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### RECOMMENDATION

That 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. 00045 for 777 Herald Street, in accordance with:

1. Plans date stamped January 24, 2018
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - i. increase the height from 72 metres to 75 metres
  - ii. reduce the massing step back from 13.2m to 2.1m, measured at the upper most storey of the building
  - iii. reduce the minimum site area from 4480m<sup>2</sup> to 2100m<sup>2</sup>
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*, 2012. 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.

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 777 Herald Street. The proposal is to construct a twenty-six storey, mixed-use building containing approximately 176 residential units and one ground-floor commercial unit. The variances are related to increasing the height and reducing the building massing step back.

The following points were considered in assessing this application:

- general consistency with *The Bay Site Design Guidelines (2006)* in terms of form and character, podium level landscaping and animation, and the continuation of the mid-block carriageway
- consistency with the *Downtown Core Area Plan* with regard to building heights, views, and the urban amphitheatre concept
- a height variance related to the access for the roof top mechanical units, elevator machine room, and roof top decks is recommended for Council's consideration as supportable as the additional height would not be seen from any at-grade location
- the variance to reduce the massing step back is recommended as being supportable as the proposed step back improves the building separation and improves unit liveability by increasing the distance between units in adjacent buildings. This also results in an increased area for the third level roof-top deck which provides an outdoor amenity area for residents
- the variance to reduce the minimum site area is related to an earlier subdivision of the property. The subdivision and variance has no effect on the application, nor does it have any effect on the applicant's ability to fulfill the Development contemplated in the MDA. On this basis, Staff recommend for council's consideration that this variance is supportable.

## BACKGROUND

### Description of Proposal

The proposal is for a twenty-six storey, mixed-use building containing approximately 176 residential units and one ground-floor commercial unit. Specific details include:

- podium level design expression, traditionally proportioned and complementary to The Hudson Building
- third floor outdoor rooftop deck and resident amenity area comprising of a patio, children's play area, dining area, dog run, seating, and an effective building separation which provides a green outlook from adjacent tall buildings
- varied deck planting throughout the tower portion of the building
- brick veneer and composite wood slats at podium level, painted architectural concrete with clear and tinted glazing throughout the building body, and a distinctive building top defined by glazing and a roof top feature
- six levels of underground parking
- continuation of a cohesive mid-block carriageway
- publicly accessible bicycle parking, located at the corner of the internal carriageway and Herald Street
- residential bike parking located on the main level and accessed through a bike lobby connecting to the carriageway
- the associated Master Development Agreement (MDA) secures public realm improvements as they relate to the internal mid-block walkway and the provision of public art.

The proposed variances are related to:

- increasing the building height from 72m to 75m
- allowing building massing within the 1:5 step back plane, resulting in a reduction of the building massing step back from 13.2m to 2.1m, measured at the upper most storey
- reducing the minimum site area from 4480m<sup>2</sup> to 2100m<sup>2</sup>.



## Sustainability Features

As indicated in the applicant's letter dated January 23, 2018, the applicant has provided a LEED (NC) scorecard which they intend to adhere to; however, LEED certification is not being sought.

## Active Transportation Impacts

The applicant has not identified any active transportation impacts associated with this application.

## Public Realm Improvements

No public realm improvements are proposed in association with this Development Permit with Variances application.

## 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.

## Existing Site Development and Development Potential

The site is presently vacant. The existing CA-59 Zone, Hudson Bay District, references the CA-4 Zone, Central Area Commercial Office District for permitted uses, which includes offices, residences, transient accommodation and hospitals. Permitted building heights range from 43m to 72m, depending on the provision of amenities, densities range from 5.1:1 to 7.47:1 under the same provisions.

## Data Table

The following data table compares the proposal with the existing CA-59 Zone, Hudson Bay District. An asterisk is used to identify where the proposal is less stringent than the existing Zone.

Zoning Criteria	Proposal	CA-59 Zone Hudson Bay District
Site area (m <sup>2</sup> ) - minimum	2111.69 *	4480
Density (Floor Space Ratio) - maximum	7.46	7.47
Total floor area (m <sup>2</sup> ) - maximum	15746	N/A
Height (m) - maximum	75.0 *	72.0
Storeys - maximum	26	N/A
Site coverage (%) - maximum	N/A	N/A
<b>Setbacks (m) – minimum</b>		
Front (Herald Street)	0	0

<b>Zoning Criteria</b>	<b>Proposal</b>	<b>CA-59 Zone Hudson Bay District</b>
Front (Herald Street) Step Back Ratio 1:5 (measured at the upper most storey)	2.1 *	13.2
Rear (south)	0.0	0
Side (east)	5.17	0
Side (west)	6.23	0
Parking - minimum	259	123
Visitor parking (minimum) included in the overall units	26	26
<b>Bicycle parking stalls – minimum</b>		
Class 1 (secure stalls)	182	176
Class 2 (visitor stalls)	6	6

### **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.

### **Relevant History**

The subject property is within the city block which was rezoned on March 1, 2007 to create the CA-59 Zone, Hudson Bay District. Following the original rezoning process, development applications for Phase 1 and 2 were approved by Council. This included a Heritage Alteration Permit for rehabilitation of the Hudson's Bay Company department store building and the mixed-use residential building along Fiskard Street. At that time, the rezoning envisioned a predominantly residential focus to the district with a strong commercial presence at ground level. This is somewhat counter to the updated *Official Community Plan* (2012) which envisions this area as primarily business-oriented. Despite being inconsistent with the OCP, the application is consistent with the use and density in the Zoning Bylaw. 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.

### **ANALYSIS**

The *Official Community Plan*, 2012 (OCP) identifies this property as being within 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, and massing and character of buildings.

Design guidelines that apply to Development Permit Area 2 are the *Downtown Core Area Plan*, 2012 (DCAP), *Bay Site Design Guidelines* (2006), *Advisory Design Guidelines for Buildings, Signs and Awnings* (2006), and *Guidelines for Fences, Gates and Shutters* (2010).



## Design Guidelines

Building setbacks are specified within the *Bay Site Design Guidelines* (2006) and are mainly intended to reduce building massing at street level. Variances to this requirement are anticipated within the guidelines, specifically when considering buildings that intergrade with the podium, such as with this application. Design features within the proposal, such as recessed balconies, articulated building massing, strong cornice reveals and covered entries, adequately address this guideline and staff recommend that the intent of the guideline has been achieved. The Advisory Design Panel supports this evaluation as noted in the attached ADP minutes dated October 25, 2017.

Being within the Hudson District, the Guidelines promote a complementary use of cladding materials, and scale and massing to the historical Hudson building. A variety of cladding materials and architectural elements have been employed, which staff believe effectively achieves the intent of these guidelines.

The *Downtown Core Area Plan* (DCAP) identifies the subject property in the Central Business District. Policy relevant to this application focuses on creating a well-designed, active public realm. The proposal includes a water feature at the main residential entrance on the carriageway, as well as, a small commercial unit at the corner of Herald Street and the carriageway. The continuity of the carriageway is well maintained, designed, and activated with the proposal; staff recommend for Council's consideration that the public realm meets the intent of the guidelines.

The DCAP further provides policy in support of creating distinctive building elements: base, body and top. Two strategies for building tops are supported: making the building top subordinate to the body, or providing a distinctive top element. The proposal includes a distinctive top element, which staff consider to be complementary to the overall district concept, the city skyline, and in keeping with the intent of the guidelines. The ADP similarly assessed this element and were in accord with staff's assessment.

## Regulations

The Zoning Bylaw specifies a 1:5 building step back ratio, starting at 10m from average grade. Plan A4.02 of the applicant's submission illustrates this setback line in red. The DCAP also provides policy for a building step back ratio that is less stringent than that in the zone, starting at 15m from grade. The proposal is inconsistent with the zoning and the design guidelines for the building step back ratio. The rationale provided by the applicant for this variance relates to the effect on livability, as conforming to this bylaw and policy would narrow the separation distances between adjacent buildings, and larger floor plates would be needed to realize the density permitted on site. The purpose of the building step back ratio is to reduce the impact large buildings have at the street level and to permit light access through sufficient building separation. Staff's assessment of this criteria was noted against the design guidelines and, together with the ADP comments, recommend that the intent of the Guidelines is achieved, and the impact of this variance is minimal considering the benefits gained from improved livability throughout the units.

## Height Variance

The height variance relates to accesses to the mechanical units, elevator machine room and roof top decks. All habitable units are below the maximum permitted height. The Urban Amphitheatre concept within the DCAP provides guidance around an evaluation of height. The relevant Urban Amphitheater policy looks to build on the pattern of historical development in the Downtown Core Area, and reflect and emphasize the natural topography. Additional applicable Skyline Policies relate to evaluating the impact and influence of new development within the



skyline, and consider the massing, orientation and expression of the base, body and top of the building.

Staff recommend that the proposed height variance maintains the intent of the Guidelines as is evidenced in the view studies provided within the application. The ADP supported this interpretation.

### **Master Development Agreement**

The applicant has requested that the phasing be amended from what was proposed in the Master Development Agreement (MDA). To permit the reordering of phases, the MDA sets out a provision that the applicant submit advance written notice of this request. This has been received, a letter dated September 29, 2017 is attached to this report. Staff are satisfied that the proposed alterations to the phasing will not affect meeting the requirements or development intent set out in the MDA.

### **Advisory Design Panel Review**

At the Advisory Design Panel (ADP) meeting of October 25, 2017, the panel reviewed this application; minutes and the proposed motion from the panel are attached. The panel recommended that the application be supported as presented.

### **CONCLUSIONS**

The proposal will result in the tallest building within the Central Business District and represents a significant addition of residential accommodation and well-designed public realm to the City. Through both Staff and the Advisory Design Panel, the key considerations around height, 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 presents a broader consideration of design outcomes. 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. 00045 for the property located at 777 Herald Street.

Respectfully submitted,



Miko Betanzo, Senior Planner – Urban Design  
Sustainable Planning and Community  
Development Department



Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



Date:

Feb 15, 2018

## **List of Attachments**

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans dated/date stamped January 24, 2018
- Attachment D: Letter from applicant to Mayor and Council dated January 23, 2018
- Attachment E: Letter from the applicant regarding phasing dated September 29, 2017
- Attachment F: Advisory Design Panel Minutes dated October 25, 2017
- Attachment G: Correspondence.