



Committee of the Whole Report

For the Meeting of October 5, 2017

To: Committee of the Whole **Date:** September 22, 2017

From: Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject: Development Permit with Variances No. 00034 for 515 and 533 Chatham Street

RECOMMENDATION

That subject to receipt of revised plans from the applicant addressing technical inconsistencies as required to the satisfaction of the Director of Planning and Sustainability, 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 Variances Application No. 00034 for 515 and 533 Chatham Street in accordance with:

1. Plans date stamped September 21, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Part 6.7.1 (e) – Relaxation to allow residential use on the ground floor
 - ii. Part 6.7.6 (1) – Increase the height from 15m to 19.52m
 - iii. General Regulations Part 19 - Relaxation to allow more than one building on a lot.
3. Confirmation of cladding details and metal panel layout to the satisfaction of the Director of Planning and Sustainability.
4. Reconciliation of existing easements, as required to the satisfaction of the City Solicitor.
5. Council authorizing anchor-pinning into the City right-of-way provided that the applicant enters into an Encroachment Agreement in a form satisfactory to the City Solicitor and the Director of Engineering and Public Works.
6. Council authorizing the street level projecting canopies over the City right-of-way on Chatham Street and Store Street provided that the applicant enters into an Encroachment Agreement in a form satisfactory to the City Solicitor and the Director of Engineering and Public Works.
7. Final plans to be in accordance with the plans identified above to the satisfaction of City staff.
8. 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 for the properties located at 515 and 533 Chatham Street. The proposal is to construct a five-storey, mixed-use building containing ground floor commercial uses with approximately 159 residential units above. Variances associated with the Application are related to height, number of buildings on a lot and the location of residential use on the ground floor.

The following points were considered in assessing this Application:

- The proposal is generally consistent with the *Downtown Core Area Plan* (DCAP).
- The proposal is generally consistent with the *Old Town Design Guidelines* (2006).
- The proposal is consistent with the *Official Community Plan* (2012) policies, which support and encourage the provision of mixed-use buildings.
- The proposed increase in building height is considered to be appropriate since measures have been taken to incorporate lower building forms on the south side of the property providing a more sensitive fit to adjoining properties. Additionally, the height variance is mostly applicable to the stair access to the roof.
- The variance to allow residential uses on the ground floor is supportable since the majority of the ground floor will be dedicated to retail uses.
- The variance related to number of buildings on a lot is to facilitate the retention of the existing office building during the construction phasing.

BACKGROUND

Description of Proposal

The proposal is for a mixed-use residential development containing a five-storey, mixed-use building containing ground floor commercial uses with approximately 159 residential units above. Although technically counted as one building (joined by the parking structure) the proposal has been designed to appear as four separate buildings with varying heights from three to five storeys. Specific details include:

- 159 residential units
- two commercial units along Chatham Street (a total of 354m²)
- two levels of parking provided at-grade and underground for 165 vehicles
- secure bicycle parking on the main floor, accessed via the residential lobby and parkade
- publicly accessible bicycle parking for 18 bicycles, located on Chatham and Store Streets
- rooftop amenity space for residents.

Exterior building materials include:

- “variable coloured” metal panels as a primary treatment with pre-weathered corten steel as an accent element to “book-end” the building
- fiber-reinforced cementitious “Oko Skin” as a secondary material to express vertical elements, the building base and the cornice
- steel trim columns at the ground level
- pre-finished metal cladding
- punched windows with iron surrounds and a combination of glass and iron guard rails for residential units
- storefront glazing with black aluminium mullions for the ground floor retail and residential units
- solid steel canopies at the ground level.

Landscaping elements include:

- five new municipal street trees along Chatham Street
- a central courtyard with residential-oriented pedestrian access
- a mixture of unit pavers in grey and rust tones and sandblasted concrete for the courtyard paving
- furniture and lighting elements in corten weathering steel, including structural columns on the corner of Chatham and Store Streets
- planting as detailed on the landscape plan.

The proposed variances relate to requests to:

- increase the building height from 15m to 19.52m
- allow residential use on the ground floor
- allow more than one building on a lot.

Sustainability Features

As indicated in the applicant's letter dated September 6, 2017, stormwater management practices are incorporated into the landscape proposal in addition to an overall net gain of five boulevard trees along the sidewalk and 18 on private property.

Active Transportation Impacts

The Application proposes the following features which support active transportation:

- secure bicycle parking for 165 residential units and two commercial units located in storage rooms accessed off Chatham Street
- publicly accessible bike racks for 18 bikes.

Public Realm Improvements

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

Accessibility Impact Statement

The British Columbia Building Code regulates accessibility as it pertains to buildings.

Existing Site Development and Development Potential

The site has an area of 3,381m² and is presently occupied by a surface parking lot with one office building located on the western portion of 533 Chatham Street. The current Central Area General Commercial District (CA-3) Zone permits a variety of uses including offices, retail, restaurants and residential at a density of 3:1 Floor Space Ratio (FSR). The maximum height permitted under the current zone is 15m.

Data Table

The following data table compares the proposal with the existing CA-3C Zone. An asterisk is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposal	Zone Standard CA-3
Site area (m ²) – minimum	3,381.10	N/A
Residential use location	Ground Floor*	Second storey +
Total floor area (m ²) – maximum	9,420.00	10,143.00
Density (Floor Space Ratio) – maximum	2.98:1	3:1
Height (m) – maximum	16.39* (top of roof) 19.52* (top of stair access)	15.00
Storeys – maximum	6.00	N/A
Setbacks (m) – minimum:		
Front (Chatham Street)	0.22 (building wall) 0.00 (balcony)	0.00
Rear (south)	0.13	0.00
Side (east)	0.00	0.00
Side (Store Street)	0.23 (building wall) 0.00 (balcony)	0.00
Parking – minimum	165	0
Visitor parking – minimum	0	0
Bicycle storage (Class 1 secure) – minimum	167	166
Bicycle rack (Class 2 visitor) – minimum	18*	19

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on June 14, 2017 the Application was referred for a 30-day comment period to the Downtown Residents Association CALUC. At the time of writing this report, a letter from the CALUC 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

Design Revisions and Advisory Design Panel Review

The Application was presented to the Advisory Design Panel (ADP) at a meeting on July 26, 2017 and the applicant's detailed response to the Panel's recommendations (dated September 5, 2017) is attached to this report. The following recommendation was made by the Panel:

"...that the Advisory Design Panel recommend to Council Development Permit with Variances Application No. 00034 for 515 and 533 Chatham Street be approved with the following recommendations:

- *Breaking up the perceived scale and massing of the proposal to provide a better fit with the fine-grain and small lot characteristic of Old Town through materials, colour, texture, and depth.*
- *Providing a greater level of architectural detailing on the exposed blank walls.*
- *Improving pedestrian flow and streetscape experience, visibility and access to the courtyard from Chatham and Herald Streets.*
- *Improving pedestrian streetscape experience specific to the current parking entrance location on Store Street.*
- *Review of the potential pedestrian connections along the east property line to improve long-term connectivity through the block.*
- *Review of the residential amenity space on the roof with more programming and landscaping details to improve liveability."*

The applicant has responded to ADP's recommendations as follows:

- refining the use of the corten weathered steel and metal panelling to provide a finer grain texture more sensitive to the Old Town context
- increasing the portion of corten weathered steel as a "book-end" to help break up the scale of the north elevation
- introducing a colour variant in the metal panelling
- refining the stair access to Chatham Street and introducing a bike room accessed at grade off Chatham Street
- increasing the central recess bay between Building B and D from approximately 0.6m to 1m along Chatham Street
- introducing a sloped pedestrian pathway along the east of the property line, linking Herald Street with Chatham Street (although no formal access is being granted)
- including additional detail for the weathered corten steel fencing, gates and accent panels at the vehicle access entrance and pedestrian pathway along the east property line
- Relocating the "Lady Justice" mural to provide visual interest on the blank south property line
- Including additional detail for the design of the roof amenity space.

On balance, staff are satisfied that the comments from ADP and staff have been adequately addressed. Further analysis is provided in the following sections related to the applicable Guidelines.

Development Permit Area and Design Guidelines

The *Official Community Plan* (OCP) identifies this property within DPA 1 (HC), Historic Core. The objectives of this designation are to conserve and enhance the heritage value of Downtown and encourage revitalization of the area through infill with high-quality architecture, landscape and urban design through sensitive and innovative interventions. Design Guidelines that apply to DPA 1 (HC) are discussed in the subsequent sections.

Downtown Core Area Plan (2011)

The subject property is within the Historic Commercial District as identified in the *Downtown Core Area Plan* (DCAP). The objectives of this district are to ensure sensitive integration of new infill development, retain the low-scale and small-lot character of the area and support an increase in the local population base through residential uses on upper storeys. The proposal responds to the relevant Guidelines as follows:

- the proposal would replace existing surface parking lots with a more intensive mixed-use development that supports the economic function of the Downtown Core Area
- a positive pedestrian environment would be created with the retail units on the ground floor for the south portion of Chatham Street
- weather protection would be provided through steel canopies above the commercial entrances
- parking would be provided behind the retail units on the ground floor.

The DCAP identifies the subject properties in the Historic Commercial District, which are characterized by a “saw-tooth” streetscape that generally rises and falls in height between one and five storeys. The proposed configuration of the development, designed to appear to be separate buildings clustered around a central courtyard, does go some way to responding to the Guidelines, and the three storeys proposed for buildings C and E create some variety in height across the site. However, a building height variance is being requested, which is discussed in more detail later in this report.

Overall, the Application is considered to be in compliance with the applicable Design Guidelines within the DCAP. However, as the subject site is in a prominent location within a Heritage Conservation Area, special care and attention should be given to the architectural quality and finishes of the building. The applicant has submitted a material sample board that demonstrates a relatively robust cladding that includes a variation in colour throughout the panels. The proportion of corten weathered steel has been increased through the review process and includes appropriate drainage mechanisms to reduce the potential for leachate. In addition, the rationalisation in the panelling to a smaller tile with a more random appearance does provide a more sensitive response to the rich texture of existing buildings in Old Town.

Old Town: New Buildings and Additions to Non-Heritage Buildings (2006)

The *Old Town Design Guidelines* encourage a sensitive response to the special urban character of Old Town, which includes a fine-grain urban fabric comprised of small scale and small lot characteristics. The subject property is located within the Chinatown District which includes buildings with varied heights ranging from three to five storeys. The Guidelines also state that

new proposals should add to the character of Old Town and stand shoulder-to-shoulder with the historic buildings and the streetscape. Although the Old Town Guidelines acknowledge designs that can assert themselves and have their own presence, there is still a need to be sensitive to the context and the fine historic buildings and streetscapes of Old Town.

The Applicant has attempted to address staff concerns regarding the massing by incorporating a central break in the elevation along Chatham Street through a change in colour, materials and a 1.04m recess. The corten weathered steel and metal paneling has also been refined to create the appearance of a random pattern with a smaller scale tile size. Although staff would still prefer to see a physical separation between Buildings B and D to provide a more sensitive response to the small lot character of Old Town, the design interventions included are on the whole considered to be acceptable in addressing staff concerns.

The Guidelines reference a specific characteristic of Chinatown being the off-grid path network and intimate scale of alleyways and courtyards within clusters of buildings. The proposal includes a central courtyard that is accessed via a sloped ramp and stairs connecting Chatham and Herald Streets on the east of the property line. However, it should be noted that no formal public access is proposed over these connections and that security gates are included within the courtyard, located at the stair access to Chatham Street. It is also the applicant's intent to include gates at either end of the public walkway on the east of the property line although these are not currently shown on the plans.

In summary, the proposal complies with the Guidelines as follows:

- including shop frontages and flexible (as per use) residential units at street level
- utilizing the entire lot width for the proposed building, creating a continuous building frontage
- providing rich architectural detail for the Chinatown context, including cladding patterns, balconies, signage, lighting and landscaping details
- maintaining a building height consistent with the predominantly four to five-storey context.

Advisory Design Guidelines for Buildings, Signs and Awnings (1981)

These Guidelines state that an acceptable Application will include consideration of an attractive streetscape and that the architecture and landscaping of the immediate area be identified and acknowledged. New construction will complement neighbouring heritage buildings in areas where they predominate. There are several designated and registered heritage properties in the immediate vicinity of the proposed development. These properties include 1802 Government Street on the southeast corner of Government and Chatham, the Nationally Designated sites of 532 and 536 Herald Street, the registered properties at 542 Herald Street, 1830 Store Street (Capital Iron) as well as 1824 Store Street. The proposal does incorporate a richly detailed building façade using contemporary materials, which complements the scale and texture of those used throughout Old Town, Chinatown and in the nearby Heritage buildings. In evaluating the proposal, staff recommend for Council's consideration that due to the revisions incorporated by the applicant, overall the Application is in keeping with the Guidelines and provides an appropriate response to the immediate context.

Guidelines for Fences, Gates and Shutters (2010)

The objective of these Guidelines is to ensure that where fences, gates and shutters are required, they are designed well and complement their surroundings. The Application is

consistent with these Guidelines and proposes appropriate fencing in weathered corten steel along the walkway to the east of Building D, with similar security fencing at the stairs along Chatham Street and within the central courtyard. Ensuring a cohesive design that integrates with the building is encouraged within the Guidelines.

Tree Preservation Bylaw and Urban Forest Master Plan

There are no Tree Preservation Bylaw impacts with this Application.

Regulatory Considerations and Plan Consistency

A number of technical inconsistencies have been identified in the review of the recently submitted plans that relate to height, setback and floor area calculations. As these may marginally affect the height variance being requested, staff recommend for Council's consideration that these are corrected prior to the Application advancing to an opportunity for public comment. In addition, the applicant intends to correct the omission of one publicly accessible bike rack for commercial use and include details of all proposed security gates. The staff recommendation provided for Council's consideration includes the necessary wording. If changes to the variances are proposed, an updated report from staff will be provided to Council prior to advancing the Application.

Proposed Variances

Three variances from the *Zoning Regulation Bylaw* are proposed as part of this Application.

Building Height

An increase in the height from 15m to 19.49m is being requested. The applicant has indicated in their letter that this height request is due to the ceiling height requirement for the commercial tenants on the ground floor. Additionally, the height variance largely relates to the stair access to the roof, and the highest part of the flat roof is 16.39m, approximately 1.3m above the maximum allowable height in the zone. It is worth noting that as part of the Draft Downtown Zoning Bylaw, stair access would not be counted towards height or number of storeys. Although not formally approved by Council, the subject property would be covered by the new interpretation, which would reduce the height variance being requested to 16.39m.

The proposed building height does not exceed the height of the tallest heritage designated property at 532 Chatham Street, which is also zoned CA-3 (Central Area General Commercial District). The stepping down of the building height to three storeys for parts of the development identified as Building C and E in the south also provides a sensitive response to the context. For these reasons staff recommend that Council support the proposed height variance.

Location of Residential Use

Under the existing CA-3 (Central Area General Commercial District) zone, residential uses are restricted to the second storey and above. The intent of this regulation is to provide active uses at the street level and to create a welcoming pedestrian environment through commercial frontages in the Downtown Core. The Application proposes two commercial units at the street level at the intersection of Chatham and Store Streets with five ground level residential units situated along the remainder of Chatham Street. The street frontage of these units has been designed with flexibility in mind by introducing large retail style glazing, which will allow for other

uses permitted in the zone to occur (such as artisan studios). For this reason, staff recommend that Council support the proposed variance.

Number of Buildings on a Lot

The applicant wishes to pursue a phased construction approach. Although it is the applicant's intent that the project would proceed sequentially, there is the possibility that Phase 2 (Building D) would not be built immediately after the first phase or potentially at all. Development Permit Plans have been prepared with this unlikely eventuality in mind, ensuring that an interim condition is maintained. Additional information is included in the Application package to highlight the potential design implications if this scenario occurred. Additionally, in the event that Phase 2 did not occur, and/or the applicant consolidated all lots as part of Phase 1 with the construction timing for Phase 2 occurring on a later schedule, a variance under the General Regulations of the *Zoning Regulation Bylaw* for the number of buildings on a lot would be required as the existing building at 533 Chatham Street would remain. Appropriate wording has been included in the recommendation for Council's consideration and staff recommend that Council support the proposed variance.

Easements and Encroachment Agreements

A number of easements exist on the adjacent lots. These primarily relate to access for adjacent buildings and access to underground utilities. The applicant has indicated that these agreements will not be affected by the proposed development. However, for greater certainty staff recommend including appropriate wording which would allow for the reconciliation of these easements as necessary.

A number of street level canopies are also proposed along Chatham and Store Streets, 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 Application would allow for a mixed-used development ranging from three to five storeys on a vacant site within Old Town. The proposal is in keeping with the immediate context in terms appropriate detailing and improvements have been made to the quality and application of the exterior finishes and materials. While the continuous building along Chatham Street is large in scale, on the whole staff conclude that adequate architectural interventions have been incorporated to help break up this elevation. Staff recommend Council consider supporting the Development Permit with Variances.

ALTERNATE MOTION

That Council decline Development Permit Application with Variances No. 00034 for the property located at 515 and 533 Chatham Street.

Respectfully submitted,

C. R. Wain

Charlotte Wain
Senior Planner – Urban Design
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A. Reynolds

A. Reynolds
for

Jonathan Tinney, Director
Sustainable Planning and Community
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Report accepted and recommended by the City Manager

Jocelyn Jenkins

Date:

Sept. 26, 2017

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Letter from applicant to Mayor and Council dated September 21, 2017
- Attachment D: Letter from applicant in response to Advisory Design Panel, date stamped September 6, 2017
- Attachment E: Staff report to Advisory Design Panel dated July 12, 2017 and associated plans dated July 14, 2017
- Attachment F: Plans date stamped September 21, 2017.