

UNFINISHED BUSINESS

1. Update Report on Development Permit with Variances Application No. 00034 for 515 and 533 Chatham Street

Council received a report dated October 27, 2017 from the Director of Sustainable Planning and Community Development providing an updated motion on the application.

Motion:

It was moved by Councillor Young, seconded by Councillor Thornton-Joe, that 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.
9. Registration of the following legal agreements on the property's title, to the satisfaction of City Staff:
 - a. Housing Agreement to ensure that future strata bylaws cannot prohibit strata owners from renting residential strata units.
 - b. Statutory Right-of-Way of a minimum of 1.5m along the eastern property line to allow for the expansion of the through-block walkway;
10. Direct staff to undertake further discussions with the applicant regarding under-grounding electrical services on the Store Street and Chatham Street frontages of the property."

Carried Unanimously



Council Report

For the Meeting of November 9, 2017

To: Council **Date:** October 27, 2017
From: Jonathan Tinney, Director, Sustainable Planning and Community Development
Subject: **Update Report - Development Permit with Variances No. 00034 for 515 and 533 Chatham Street**

RECOMMENDATION

That Council replace the previous motion from October 5, 2017 with the following motion:

That 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
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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.
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8. The Development Permit lapsing two years from the date of this resolution.
9. Registration of the following legal agreements on the property's title, to the satisfaction of City Staff:

- a. Housing Agreement to ensure that future strata bylaws cannot prohibit strata owners from renting residential strata units.
 - b. Statutory Right-of-Way of a minimum of 1.5m along the eastern property line to allow for the expansion of the through-block walkway;
10. Direct staff to undertake further discussions with the applicant regarding under-grounding electrical services on the Store Street and Chatham Street frontages of the property."

EXECUTIVE SUMMARY

The proposal is for a mixed-use residential development containing a five-storey, mixed-use building with ground floor commercial uses and approximately 159 residential units above.

The purpose of this report is to provide an update on the motion moved by Committee of the Whole on October 5, 2017 (attached), and to convey the applicant's response to the requests outlined in the original motion.

With regard to the unresolved items noted in the recommendation, staff can confirm the following:

- discussions with the applicant regarding cladding details are ongoing and staff will review revised material prior to the issuance of the Development Permit
- a Housing Agreement to prevent strata councils from prohibiting rental units has been voluntarily offered by the applicant and is in progress. Revised wording is included in the recommendation to include the execution of a Housing Agreement as a condition to issuance of the Development Permit
- a legal agreement to secure public access for the walkway on the eastern edge of the property has been voluntarily offered by the applicant and is in progress. Revised wording is included in the recommendation to include the registration of a Statutory Right of-Way as a condition to issuance of the Development Permit
- discussions between the applicant, BC Hydro and staff are in progress with respect to the relocation of transformers, and the realignment or removal of over head power lines, where appropriate. It is anticipated these discussions will be ongoing, therefore this item remains in the recommendation
- incorporating larger balconies and windows has been considered by the applicant; however, no further design revisions are proposed. Rather, the applicant has noted that the provision of Juliet balconies and the scale of windows proposed is appropriate to the scale and livability of the suites. As a result, this item has been removed from the recommendation for Council's consideration.

CONCLUSIONS

The items noted in the motion of October 5, 2017 have been considered by the applicant and staff recommend for Council's consideration that the application can proceed to an opportunity for public comment.

Respectfully submitted,

C.R. Wain *A. May*

Charlotte Wain
Senior Planner – Urban Design
Development Services



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

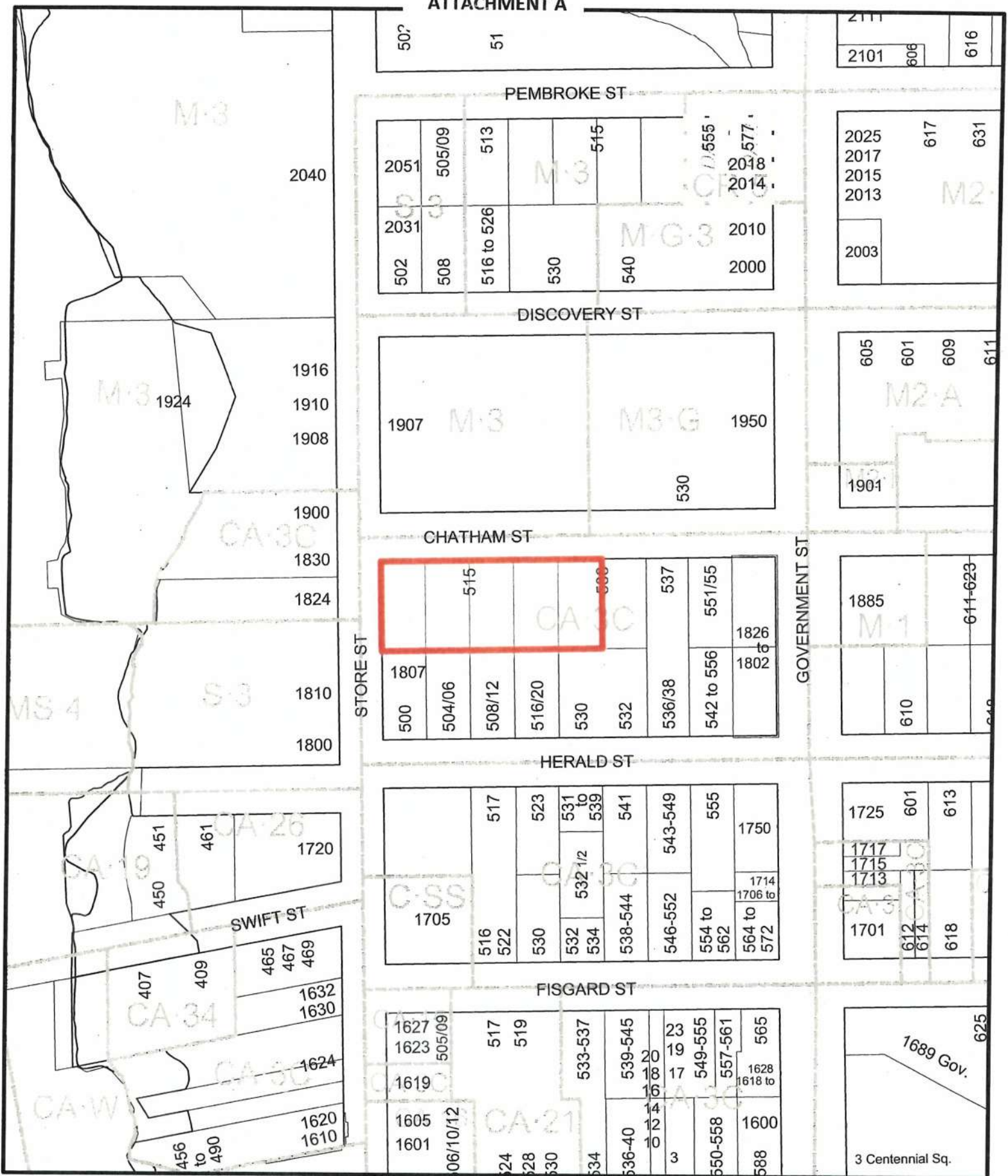


Date: Nov. 3, 2017

List of Attachments:

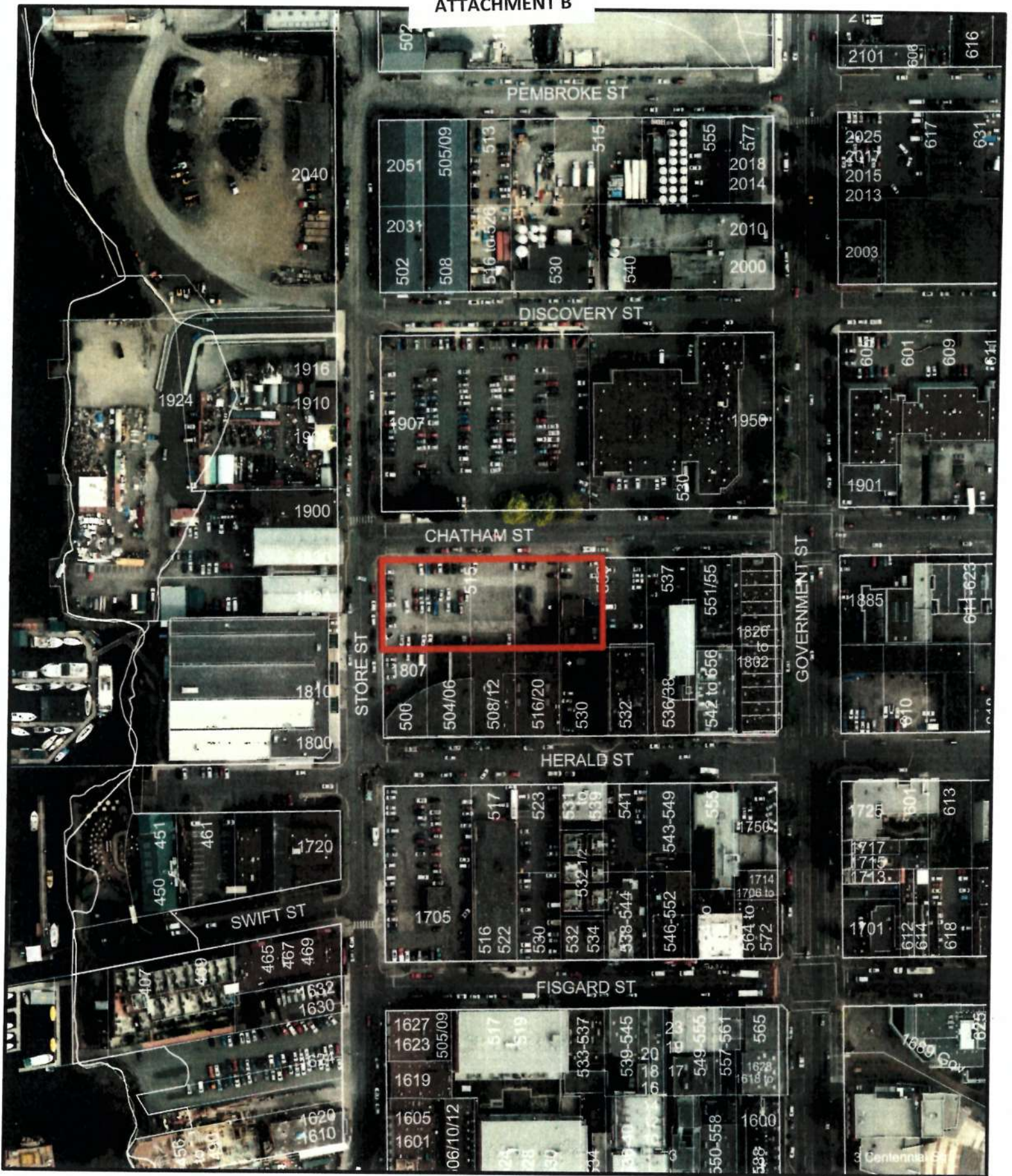
- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Minutes from Committee of the Whole meeting of October 5, 2017

ATTACHMENT A



515 and 533 Chatham Street
Development Permit with Variance #00034





515 and 533 Chatham Street
Development Permit with Variance #00034



5. LAND USE MATTERS

5.3 Development Permit with Variances No. 00034 for 515 & 533 Chatham Street (Downtown)

Committee received a report dated September 22, 2017, from the Director of Sustainable Planning and Community Development regarding the Development Permit with Variances application for the property located at 515 and 533 Chatham Street. The variances are in relation to height, number of buildings on a lot and the location of residential use on the ground floor.

Committee discussed:

- Whether the pathway could be secured by a legal mechanism or council direction.
- Whether the design should go through the CALUC process.
- The look of the building and whether balconies could be a consideration in the design of the building.
- The possibility of incorporating a housing agreement to secure the units as rentals.
- Whether the parkade would be visible from the street.

Councillor Loveday withdrew from the meeting at 9:44 am and returned at 9:46 am

Committee discussed:

- Concerns with the break and texture of the buildings and whether the buildings could be a varied height.
- Concerns with the powerlines being attached to the building and not being located in the ground.
- Concerns with two of the buildings not being accessible.
- The location of the gates and proximity to the building.

Motion: It was moved by Councillor Coleman, seconded by Councillor Lucas, 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."

Committee discussed:

- Ensuring that the rentals are secured for the property.

Amendment: It was moved by Mayor Helps, seconded by Councillor Isitt, that the motion be amended as follows:

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:
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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."

9. **Direct staff to ask the applicant to enter into a housing agreement to secure the units as rental for a period of 20 years.**

Amendment to the amendment:

It was moved by Councillor Isitt, seconded by Councillor Loveday, that the motion be further amended as follows:

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.
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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."
9. **Direct staff to ask the applicant to enter into a housing agreement to secure the units as rental for a period of 20 years or more.**

On the amendment to the amendment:
CARRIED UNANIMOUSLY 17/COTW

On the amendment:
CARRIED UNANIMOUSLY 17/COTW

Committee discussed:

- Concerns with the proposal only being "generally" consistent with the guidelines and not fully consistent.
- Concerns the look of the building being too institutionalized.

Amendment: It was moved by Councillor Thornton-Joe, seconded by Councillor Alto, that the motion be amended as follows:

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:

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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."
9. Direct staff to ask the applicant to enter into a housing agreement to secure the units as rental for a period of 20 years or more.
- 10. Consideration for balconies or larger windows to improve liveability.**

Committee discussed:

- Concerns with a cost being added to the units with the amendment.

On the amendment:
CARRIED 17/COTW

For: Mayor Helps, Councillor Alto, Coleman, Isitt, Loveday, Lucas, and Thornton-Joe
Opposed: Councillor Young

Amendment: It was moved by Councillor Thornton-Joe, that the motion be amended as follows:

That the motion be amended as follows:

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:

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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."
9. Direct staff to ask the applicant to enter into a housing agreement to secure the units as rental for a period of 20 years or more.
10. Consideration for balconies or larger windows to improve liveability.
- 11. Consideration for some units to be larger to provide possibly for families.**

Committee discussed:

- the unit size is not able to be discussed during a Development Permit application.

On the amendment:

Defeated

due to no seconder 17/COTW

The applicant noted an error in the Advisory Design Panel Minutes and advised that the units are for market are not rental units.

Amendment: It was moved by Councillor Isitt, seconded by Councillor Loveday, that the motion be amended as follows:

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:

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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."
9. Direct staff to ask the applicant to enter into a housing agreement to secure the units as rental for a period of 20 years or more.
10. Consideration for balconies or larger windows to improve liveability.
- 11. Direct staff to undertake further discussions with the applicant regarding securing a legal easement for the pathway on the eastern edge of the property, and report back to Council with clarification of Council's authority to make approval of the application conditional on securing a legal easement for the pathway.**

Committee request that the amendment be separated into Item No. 11 and Item No. 12 and to vote on them separately.

Amendment to the amendment:

It was moved by councillor Isitt, seconded by Councillor Loveday, that the motion be further amended as follows:

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:

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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."
9. Direct staff to ask the applicant to enter into a housing agreement to secure the units as rental for a period of 20 years or more.
10. Consideration for balconies or larger windows to improve liveability.
11. **Direct staff to undertake further discussions with the applicant regarding securing a legal easement for the pathway on the eastern edge of the property, and**
12. **Direct staff to report back to Council with clarification of Council's authority to make approval of the application conditional on securing a legal easement for the pathway.**

On the amendment to the amendment:
CARRIED UNANIMOUSLY 17/COTW

On the amendment, Item No. 11
CARRIED UNANIMOUSLY 17/COTW

On the amendment, Item No. 12
DEFEATED UNANIMOUSLY 17/COTW

Amendment: It was moved by Councillor Isitt, seconded by Councillor Loveday,
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:

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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."
9. Direct staff to ask the applicant to enter into a housing agreement to ~~secure the units as rental for a period of 20 years or more~~ to prevent future strata councils from prohibiting rentals.
10. Consideration for balconies or larger windows to improve liveability.
11. Direct staff to undertake further discussions with the applicant regarding securing a legal easement for the pathway on the eastern edge of the property.
12. **Direct staff to undertake further discussions with the applicant regarding under-grounding electrical services on the Store Street and Chatham Street frontages of the property.**

On the amendment:

CARRIED UNANIMOUSLY 17/COTW

Amendment: It was moved by Mayor Helps, seconded by Councillor Alto, that the motion be further amended as follows:

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:

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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."
9. Direct staff to ask the applicant to enter into a housing agreement to **secure the units as rental for a period of 20 years or more. to prevent future strata councils from prohibiting rentals.**
10. Consideration for balconies or larger windows to improve liveability.
11. Direct staff to undertake further discussions with the applicant regarding securing a legal easement for the pathway on the eastern edge of the property.
12. Direct staff to undertake further discussions with the applicant regarding under-grounding electrical services on the Store Street and Chatham Street frontages of the property.

Amendment to the amendment:

It was moved by Councillor Isitt, seconded by Councillor Loveday, that the motion be further amended as follows:
that the amendment becomes additional language

On the amendment to the amendment:

DEFEATED 17/COTW

For: Mayor Helps, Councillor Alto, Coleman, Lucas, Thornton-Joe, and Young
Opposed: Councillors Isitt and Loveday

On the amendment:
CARRIED 17/COTW

For: Mayor Helps, Councillor Alto, Coleman, Loveday, Lucas, Thornton-Joe, and Young
Opposed: Councillors Isitt

Main Motion as amended:

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:

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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."
9. Direct staff to ask the applicant to enter into a housing agreement to prevent future strata councils from prohibiting rentals.
10. Consideration for balconies or larger windows to improve liveability.
11. Direct staff to undertake further discussions with the applicant regarding securing a legal easement for the pathway on the eastern edge of the property.
12. Direct staff to undertake further discussions with the applicant regarding undergrounding electrical services on the Store Street and Chatham Street frontages of the property.

On the Main Motion as amended:
CARRIED UNANIMOUSLY 17/COTW