CITY OF VICTORIA

# Committee of the Whole Report
**For the Meeting of April 12, 2018**

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| **To:** | Committee of the Whole | **Date:** | March 29, 2018 |
| **From:** | Jonathan Tinney, Director, Sustainable Planning and Community Development | | |
| **Subject:** | **Development Permit with Variances Application No. 000507 for 2910 Shelbourne Street** | | |

## RECOMMENDATION

That Council decline Development Permit with Variances Application No. 000507 for the property located at 2910 Shelbourne Street.

## 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*. 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 establishment of objectives for the form and character of multi-family residential development, 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 with Variances Application for the property located at 2910 Shelbourne Street. The proposal is to permit the construction of a six-unit townhouse.

The following points were considered in assessing this Application:

- the proposal is inconsistent with the *Advisory Design Guidelines for Buildings, Signs and Awnings*, 1981
- the proposal is inconsistent with the design guideline in the *Oaklands Neighbourhood Plan* that seeks to ensure new buildings relate to the existing buildings in terms of shape and massing
- there are seven variances that will be required. Staff have concerns regarding the south side yard and east front yard setbacks as well as the proposed number of units in an attached building.

## BACKGROUND

### Description of Proposal

The proposal is to permit the construction of a six-unit townhouse development. Specific details include:

- saw tooth building form in which all entrances face towards the street
- amenity space in the form of south facing balconies and roof decks
- individual garages for five units and one surface parking stall for the sixth unit
- exterior building materials consisting of concrete, stucco and cedar siding
- landscaping consisting of trembling aspens, yew shrubs, black mondo grass, Japanese tassel ferns, and sweetbox shrubs.

The proposed variances are related to:

- reduce the lot width from 20.0m to 19.72m
- increase the number of units in an attached dwelling from 4 to 6
- allow a roof deck
- reduce the setback to Shelbourne Street from 10.7m to 7.52m
- reduce the north side setback from 4.0m to 1.38m
- reduce the south side setback from 4.0m to 1.58m
- reduce the required parking from 9 vehicle stalls with 1 visitor stall to 6 stalls with no visitor stalls.

### Sustainability Features

The applicant has not identified any sustainability features associated with this proposal.

### Active Transportation Impacts

The Application proposes a six-stall bicycle rack located at the entrance to the development.

### 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.

### Data Table

The following data table compares the proposal with the R1-B Zone, Single Family Dwelling District. An asterisk is used to identify where the proposal is less stringent than the proposed zone.

| Zoning Criteria | Proposal | Zone Standard RT Zone, Traditional Residential District | Existing R1-B Zone, Single Family Dwelling District |
|---|---|---|---|
| Site area ($m^2$) - minimum | 991.90 | 920 | 460 |
| Site area per unit ($m^2$) - minimum | >100 | 100 | n/a |
| Density (Floor Space Ratio) - maximum | 0.76:1 | 1.0:1 | n/a |
| Total floor area ($m^2$) - maximum | 755.23 | 991.90 | 420 |
| Lot width (m) - minimum | **19.72*** | 20.0 | 15 |
| Height (m) - maximum | 9.92 | 10.5 | 7.6 |
| Storeys - maximum | 3.0 | 3.0 | 2.0 |
| Site coverage % - maximum | 40% | 50% | 40% |
| Open site space % - minimum | 40% | 30% | n/a |
| Number of dwellings units in an attached dwelling | **6*** | 4 | n/a |
| Roof Deck | **Yes*** | Not permitted | Not permitted |
| **Setbacks (m) - minimum:** | | | |
| Front | **7.52*** | 10.7 | 7.5 |
| Rear | 5.74 | 4.0 | 7.5 or 25% lot depth |
| Side (north) | **1.38*** | 4.0 | 1.5 or 10% lot width |
| Side (south) | **1.58*** | 4.0 | 3.0 for one side yard |
| Combined side yards | n/a | n/a | 4.5m |
| Parking - minimum | **6*** | 9 | 1 |
| Visitor parking (minimum) included in the overall parking | **0*** | 1 | n/a |
| Class 1 - Bicycle Storage | 6 | 6 | n/a |
| Class 2 - Bicycle Racks | 6 | 6 space rack | n/a |

**Community Consultation**

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted the Oaklands CALUC at a Community Meeting held on March 20, 2017. The minutes from this meeting are attached to the related Rezoning Application report.

## ANALYSIS

### Development Permit Area and Design Guidelines

The *Official Community Plan* (OCP) identifies this property within Development Permit Area 7A - Corridors. The *Advisory Design Guidelines for Buildings, Signs and Awnings*, 1981, are applicable to the Shelbourne corridor. The guidelines note the features of the immediate area should be identified and acknowledged. The architectural character of the immediate area is traditional in nature with most buildings having pitched roofs, while the proposal takes a much more contemporary approach. The concrete and stucco materials are also in contrast with the surrounding buildings, which tend to favour wood and hardie panel siding with shingled roofs. The guidelines do note that a stunning contrast can be acceptable provided the design is in sympathy with the area's environment.

The proposal features main entrances for all units facing the street. However, the overall site planning of the property has created a large area that is dedicated to the movement of vehicles, which ultimately detracts from the street relationship. In addition, the building is located 7.52m from the property line. Staff have requested a 7.0m Statutory Right-of-Way (SRW) for future road improvements such as widened boulevards. When the 7.0m SRW is utilized, the building will only be 0.52m from these road improvements, which would essentially remove the front yard and any associated landscaping.

The proposal is well landscaped, with trembling aspen trees in both the front and south setbacks. Yew shrubs would provide a buffer between the parking area of the proposal and the northern property line.

### Local Area Plans

The *Oaklands Neighbourhood Plan* has two design guidelines that are applicable for proposals along the Shelbourne Street corridor. The first is that scale and massing of buildings should relate to adjacent buildings and provide an easy transition. The proposed building height is similar to other townhouses in the area. The proposal is taller than its southern neighbour, but this creates a transition to the slightly taller pitched roof townhouses to the north of the subject property. However, the architectural style and massing of the proposal differs from the more traditional style found in Oaklands. The second guideline notes that the shape, siting, roof lines and exterior finishes of buildings should be sufficiently varied to avoid monotonous appearance. The roofline, while flat, is varied with cut-outs on the front. The saw tooth shape of the building further breaks up the massing when viewed from street level. Although punctuated by fenestration, the northern and eastern façades tend to feature large blank walls that contribute to a monotonous appearance.

### Tree Preservation Bylaw and Urban Forest Master Plan

There are no Tree Preservation Bylaw impacts with this Application. A City-owned mature boulevard tree (London Plane) may require protective fencing during construction. An arborist review may be required prior to Building Permit approval to comment on the construction impacts to the tree's critical root zone.

### Regulatory Considerations

In total, there are seven variances associated with this Application, and these will be discussed under separate subheadings.

Setbacks

The proposed side yard setback variances are reduced from 4.0m to 1.58m (south) and 1.38m (north). Due to the saw tooth shape of the building, the north setback variance only occurs at the northwest portion of the building, within which is a stairwell with no windows. This variance is supportable by staff.

The proposed south side yard setback occurs across the entire length of the building. The setback is calculated from the proposed stairs to the property line. The distance to the deck would be 2.7m. Although trembling aspen trees are proposed along this property line, staff have concerns about this variance with regard to privacy and overlook, notably at the southeast portion of the property due to its proximity to the neighbouring single family dwelling to the south.

The proposed front yard setback variance is 7.52m compared to the required 10.7m. Staff do not support this variance as there would be only 0.52m between the building face and any future road improvements when the SRW is utilized.

Number of units

The RT Zone only permits four units in an attached dwelling building, whereas the proposal is for six units in one building. While the front massing is broken up and all units front the street, reducing the variance to five units by removing the front unit would improve the front yard variance and decrease the amount of area dedicated to parking on the property.

Lot width

The variance to the lot width is supportable by staff as at 19.72m wide it is only 0.28m below the required 20.0m and overall, the property exceeds the minimum site area.

Roof decks

The roof decks have been designed with high parapets and set back from the south edge in an effort to minimize privacy and overlook concerns. In addition, these decks would provide additional amenity space for residents on a site constrained by a 7.0m SRW.

Vehicle parking

Finally, a variance would be required for a reduction in vehicle parking stalls from nine stalls to six. As a comparison, the emerging Schedule C would only require seven stalls. To mitigate the variance, the applicant proposes to purchase a Modo car with an on-street parking stall as well as six lifetime memberships which would run with the unit and not the owner.

Staff recommend for Council's consideration that Council require the applicant to provide these memberships and vehicle as a condition of rezoning should this Application be forwarded to a Public Hearing. In addition, to ensure that the car share vehicle is accessible to future residents, it is recommended that staff work with the applicant and Modo to confirm that a parking space can be provided, on-site or in close proximity to the site, in a location that is acceptable to Modo.

## Advisory Design Panel

The Advisory Design Panel (ADP) reviewed this Application on January 24, 2018. A copy of the minutes from this meeting are attached. The ADP was asked to comment on the overall design with particular attention to the street relationship, east and south setbacks, and the north façade.

In response to the ADP comments, the applicant made a number of changes:

- narrow vertical windows have been added to the north façade to soften and break up the massing
- pavers have been used in the parking area to create a courtyard-like ambiance
- parking was reduced from seven stalls to six, in order to increase visibility from the street to the front door of the rear unit.

The applicant explored options for weather protection and access for the roof decks, but the original roof deck design has not been altered in consideration of previous conversations with the immediate neighbours and community. The concerns discussed at the ADP meeting and shared by staff with regard to the east and south setback variances have not been addressed.

## CONCLUSIONS

The proposed six-unit townhouse is inconsistent with the *Advisory Design Guidelines for Buildings, Signs and Awnings*, due to its contemporary approach which is not consistent with the traditional style of buildings in the vicinity. In addition, a number of the variances are not supportable by staff. The front yard variance and variance to the number of units in an attached building would detract from the street relationship, and the south side yard variance would create privacy and overlook impacts. Therefore, staff recommend Council consider declining this Application.

## ALTERNATE MOTIONS

Option 1 (revised plans)

That Council refer Development Permit with Variances Application No. 000507 for 2910 Shelbourne Street back to staff to work with the applicant to address the following:

1. Increasing the south side yard and east front yard setbacks to provide for an improved street relationship
2. Revising the design to take cues from the existing traditional context of the neighbourhood.

That Council direct staff to bring the Application back to Committee of the Whole once these issues have been addressed to the satisfaction of the Director of Sustainable Planning and Community Development.

Option 2 (approve)

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00599, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 000507 for 2910 Shelbourne Street in accordance with:

1. Plans date stamped February 23, 2018.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
   i. reduce the lot width from 20.0m to 19.72m
   ii. increase the number of units in an attached dwelling from 4 to 6
   iii. allow a roof deck
   iv. reduce the setback to Shelbourne Street from 10.7m to 7.52m
   v. reduce the north side setback from 4.0m to 1.38m
   vi. reduce the south side setback from 4.0m to 1.58m
   vii. reduce the required parking from 9 vehicle stalls with 1 visitor stall to 6 stalls with no visitor stalls.
3. The Development Permit lapsing two years from the date of this resolution."

Respectfully submitted,

Michael Angrove
Planner
Development Services

Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

Date: April 3, 2018

**List of Attachments**

- Attachment A – Advisory Design Panel Minutes dated January 24, 2018.

# MINUTES OF THE ADVISORY DESIGN PANEL MEETING HELD WEDNESDAY JANUARY 24, 2018

## 1. THE CHAIR CALLED THE MEETING TO ORDER AT 12:05 PM

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| **Present:** | Jesse Garlick (Chair); Elizabeth Balderston; Sorin Birliga; Justin Gammon; Deborah LeFrank; Jason Niles; Carl-Jan Rupp; Stefan Schulson |
| **Absent:** | Paul Hammond |
| **Staff Present:** | Miko Betanzo – Senior Planner, Urban Design<br>Michael Angrove – Planner<br>Katie Lauriston – Secretary |

## 2. MINUTES

**Minutes from the Meeting held November 29, 2017**

**Motion:**

It was moved by Sorin Birliga, seconded by Elizabeth Balderston, that the Minutes of the Meeting of Advisory Design Panel held November 29, 2017 be adopted as presented.

**Carried Unanimously**

## 3. APPLICATIONS

### 3.1 Rezoning Application No. 00599 and Development Permit Application No. 000507 for 2910 Shelbourne Street

The City is considering a Rezoning and Development Permit Application to allow for the development of a six-unit townhouse within one building on a vacant triangular property.

Applicant meeting attendees:

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| LUKE MARI | ARYZE DEVELOPMENTS INC. |
| D'ARCY JONES | D'ARCY JONES ARCHITECTURE INC. |
| BIANCA BODLEY | BIOPHELIA DESIGN COLLECTIVE |

Mr. Angrove provided the Panel with a brief introduction of the application and the areas that Council is seeking advice on, including the following:

- street relationship
- east and south setbacks
- north façade.

D'Arcy Jones provided the Panel with a detailed presentation of the site and context of the proposal, and Bianca Bodley provided the Panel with details of the proposed landscape plan.

Questions of clarification were asked by the Panel on the following:

- is the parking area paving permeable?
  - both the parking and articulation of entry porches will be cobbled, and the tumbled pavers will add texture
- will there be extensive landscaping on the roof decks?
  - there will be planters to the south; but landscaping signs of life on roof decks will be personal
  - the townhouses will have individual front doors and outdoor space
- how will privacy be experienced between neighbours at the rooftop level?
  - 5ft parapet separating units
- what was the intent behind sinking the building?
  - overlook concerns for the neighbours to the south, and the sightlines from the townhouse kitchens towards neighbours
- What might the transit corridor look like?
  - likely multi-modal; an active pathway of some kind to preserve the trees
- what is the materiality of the walls?
  - cement stucco with fibreglass in an earthy-bleachy colour, with charcoal around the windows
- what materials are used for the soffit?
  - stucco on DensGlass
- was there any exploration into opportunities to add a covered deck or more detailing on the roof decks? Is there a height issue preventing this?
  - although the proposal is still lower than adjacent townhouses, the height is very close to the maximum allowed at 3 storeys
  - there is no intent to add extra height or interpretation; the roof decks can be thought of as yards on the roof
- is the entrance door for the western unit obstructed by vehicle parking?
  - Yes, the vehicle will park in the carport, between the unit wall and the wood fence to the right
- why is the exterior stair for the western unit placed differently than for the other units?
  - with so many other neighbouring houses, the deck would put too much architecture in the corner
- the proposed roof deck access is through a hatch; why not use a vertical door?
  - the proposal eliminates excess architecture and height
  - a piston-assisted lift on the door ensures it is quite light, and still manageable while holding a plate of food or a child's hand
  - lower elevation avoids neighbours seeing the presence of roof decks
- what is the intent behind having small windows?
  - windows should be quite small in a traditional residential neighbourhood, and the proposal has a balance of furnishable rooms
  - there are large windows facing Shelbourne, and the sightlines to the west let a lot of light in
  - the floor to ceiling bedroom windows are 3ft wide, but could be made larger
- were finishes other than stucco considered?

    - upkeep for shingles makes them impossible, and hardie shingles are not authentic enough
    - the applicant also considered masonry stucco, but wanted to keep to the taupe earthy tones
    - intent to fit into eclectic neighbourhood, where most houses are not too high-tech
- how well can vehicles get in and out with the proposed parking layout, particularly for the western unit?
    - a 180˚ turn is necessary for the western unit
    - the layout meets bylaws and is no tighter than in parking lots
- what is the surface material on the south property line?
    - densely planted garden with mulch
- had the applicant considered adding windows to the north elevation while using an opaque material or articulating mass without overlook?
    - film over the windows could be very successful; this could be offered as an option to owners
- was a higher, horizontal window considered on the north façade to break up the massing?
    - neighbours would be able to see into private zones
- is there access to the southern wedge of property?
    - everyone can claim their own yard space
    - a gate could be placed to the south facing Shelbourne for added security, but the design intent was to have few encumbrances on the pedestrian experience
- why not rezone the property?
    - Mr. Angrove noted that generally proposals aim to fit within existing zones when possible and apply for variances as needed
- are there primarily single family homes in area?
    - yes, although there is an RK-3 Zone directly to the north. The applicant initially met the setbacks but not the storeys for the RK-3 Zone
- is there a fall risk for children climbing onto parapet?
    - the parapets are designed to be very slippery and unclimbable
- how are the garage doors expressed?
    - they are as neutral as possible, with a wood accent on the doors
    - very discreet, a non-feature, in the same colour as the window panels
- what is the rationale for having six units?
    - the sixth unit lowers the average price of the units

Panel members discussed:

- the roof decks are an asset, providing infrastructure and added living space
- potential to provide weather protection with a pergola or canopy, which could bring an accent to the top
- structures could be added to the roof decks with no impact on the street view, and would be a significant improvement for residents
- the proposal does not meet the street in a typical way
- the proposal is an elegant solution in a challenging lot
- the plaza is an active space, not just a parking plaza
- the proposal could be more open with strong doorways
- appreciation for the change in paving texture

- the garbage area is a big concern for the streetscape; this behaviour could be brought out to the front instead of having blank fence
- the setback is considerable and provides a meaningful buffer
- neighbours must be considered
- the front (east setback) encroaches very close to the future transit right-of-way; all landscaping will be gone when transit right-of-way is implemented and there will no longer be space to soften the face
- the whole east setback may be needed to plant a tree, which could only be achieved by cutting out the entire first unit
- the desirability of having a building right up against the corridor on a transit-oriented streetscape, especially a blank wall without landscaping
- feasibility of the right-of-way, and whether surrounding buildings allow for the right-of-way
- the transit right-of-way is not a large concern at the moment, and future development would also have to respond to this as a starting point
- the need to plan responsibly for the future and take into account the transit right-of-way
- whether Shelbourne Street corridor is improved by this proposal
- the proposal encroaches quite a bit into the south setback and future development in those lots is difficult to foresee
- the north facade has considerable massing and may not be seen in person as it is presented in rendering
- the windows on the north façade are fairly narrow and the overlook is minimal
- difficulties with the materiality of stucco, as seen in other projects in Victoria; appreciation for the parapet flashing to prevent runoff
- concern that the parking design may be too difficult to achieve
- 5 residences instead of 6 could be more realistic
- western unit complicates vehicle circulation, which could be dangerous with small children in the courtyard; however, this may positively discourage car use
- appreciation for having six families living in such close proximity
- difficult parking may be better than no parking at all
- possibility of removing one parking space, acknowledging that at least one family will not have a vehicle.

**Motion:**

It was moved by Justin Gammon, seconded by Jason Niles, that the Advisory Design Panel recommend to Council that Rezoning Application No. 00599 and Development Permit Application No. 000507 for 2910 Shelbourne Street be approved with the following recommendations:

- Explore increased fenestration on the north elevation
- Explore opportunities for weather protection, shading and access for the rooftop patio
- Submit a vehicle movement report for further consideration of access to the west unit's parking stall
- That the transit corridor right-of-way be developed in consultation with the property owner.

**Carried**

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| For: | Jesse Garlick, Elizabeth Balderston, Sorin Birliga, Justin Gammon, and Jason Niles |
| Against: | Deborah LeFrank, Carl-Jan Rupp and Stefan Schulson |

## 4. ADJOURNMENT

The Advisory Design Panel meeting of January 24, 2018 was adjourned at 2:55 pm.

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Jesse Garlick, Chair