



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

To: Committee of the Whole **Date:** February 22, 2018

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

Subject: Development Permit with Variances Application No. 000506 for 953 Balmoral Road

RECOMMENDATION

That Council decline Development Permit with Variance Application No. 000506 for the property located at 953 Balmoral Road.

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 with Variance 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.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit Application for the property located at 953 Balmoral Road. The proposal is to construct a four-storey multi-unit building consisting of approximately 11 rental units. The variances are related to parking, setbacks, site coverage and open site space.

The following points were considered in assessing this application:

- The subject property is within Development Permit Area 3 (HC): Core Mixed-Use Residential, which supports 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.”*
- The *Downtown Core Area Plan* designates the subject property as Residential Mixed-Use, which supports multi-residential development appropriate to the context and function of each neighbourhood. The neighbourhood has a mix of low density residential buildings mid-block on the south side of the street; and a mix of commercial, residential and institutional on the north side of the street. To realize the full development potential of the site and to achieve higher density multi-unit residential development as supported in the Plan, land consolidation is strongly encouraged.
- The design guidelines contained in the *Downtown Core Area Plan (DCAP)*, *Advisory Design Guidelines for Buildings, Signs and Awnings (1981)* and *Guidelines for Fences*,

Gates and Shutters (2010) apply to the proposed building. There are aspects of the proposed contemporary design that are consistent with the design guidelines such as a flat roof, choice of materials, and stepping back the third and fourth storeys; however, staff have concerns with the overall size, scale and massing; window placement; lack of soft landscaping and outdoor open space; the transition between the public and private realm; and the lack of prominent entryways and articulation along the building base.

- A vehicle parking variance is required to facilitate this development. The applicant is requesting to reduce the required number of parking spaces from 12 to 5. Under the new draft Schedule C, only eight parking spaces (seven residential and one visitor) would be required; therefore, the shortfall would only be three parking spaces.
- Given the proposed Transportation Demand Management (TDM), the parking variance is supportable. To offset the parking shortfall, the applicant is willing to:
 - purchase a MODO car share vehicle and memberships, and dedicate a MODO car share parking space onsite in case the dedicated parking space on the street is removed in the future
 - provide additional secured and enclosed bicycle parking and purchase one bicycle for each unit
 - provide transit passes for the residents.
- The existing building and parking layout does not allow for a minimum 0.6m landscape strip required under Schedule C. Providing a landscape strip is a bylaw requirement and it will add some soft landscaping and additional screening around the perimeter of the site.
- Should Council support this application, a new zone would likely be created and variances for setbacks, site coverage and open site space would be required rather than entrenching relaxed standards in the zone, which could be applied to future and different development schemes.

BACKGROUND

Description of Proposal

The proposal is for a four-storey multi-unit building. Specific details include:

- low-rise building form containing contemporary-style design features, including a flat roofline, larger windows on the third and fourth storeys, and modern finishes
- exterior materials include brick, wood siding, stucco and aluminium privacy screen
- third and fourth storeys stepped back 2m
- one ground floor unit with a front entrance facing the street
- recessed main entrance into the building
- gated entryway into the site and to access the parking in the rear yard
- permeable pavers for driveway and surface parking lot
- no soft landscaping
- a bike room for 16 Class 1 bicycle parking spaces, and a bicycle rack for six bikes near the front entrance.

The variances that would be required if the R3-1 Zone, Multiple Dwelling District, was adapted to allow a higher density are related to:

- reducing the required number of parking spaces from 12 to 5
- reducing the front yard setback from 10.50m to 2m
- reducing the side (west) yard setback from 6.10m to 3.64m
- reducing the side (east) yard setback from 6.10m to 1.52m
- increasing the site coverage from 30% to 43%

- reducing the open site space from 30% to 15.30%.

Sustainability Features

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

Active Transportation Impacts

The application proposes 16 Class 1 (secure and enclosed) and seven Class 2 (one bike rack) bicycle parking spaces to support active transportation.

Public Realm Improvements

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

Accessibility Impact Statement

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

Existing Site Development and Development Potential

The site is presently a vacant lot. Under the current R-2 Zone, the property could be developed as a duplex.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC), Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the North Park CALUC at a Community Meeting held on June 7, 2017. At this meeting, the applicant presented a proposal for a six-storey multi-unit residential building consisting of approximately 17 rental dwelling units. Minutes from the June 7, 2017 CALUC meeting are attached to this report. Following the CALUC meeting, the applicant submitted a rezoning application for a four-storey multi-unit residential building, which caused some confusion; therefore, a second community meeting was held on August 15, 2017 to present the four-storey option. Minutes from the second community meeting are attached to this report.

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

Development Permit Area and Design Guidelines

The *Official Community Plan (OCP)* identifies this property within Development Permit Area 3 (HC): Core Mixed Use Residential, which supports 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.*” The design guidelines contained in the *Downtown Core Area Plan (DCAP)*, *Advisory Design Guidelines for Buildings, Signs and Awnings (1981)*, and *Guidelines for Fences, Gates and Shutters (2010)*, apply to the proposed building.

There are aspects of the proposed contemporary design that are consistent with the design guidelines such as a flat roof, choice of materials and stepping back the upper storeys. Staff have concerns with the overall size, scale and massing, window placement, lack of soft landscaping and outdoor open space, the transition between the public and private realm, and the lack of prominent entryways and articulation along the building base.

The OCP contains design guidelines that speak to the overall massing of a building and its visual impact on the site and adjacent properties. The site being only 672m² cannot comfortably support a development of this size and scale. The building is long and presents a large volume with substantial glazing along the east and west elevations. The side yard setback along the east side is only 1.5m from the property line, which would impact future development, window placement, and access to sunlight on the adjacent property. There are windows on the west elevation of the existing building on the neighbouring property at 959 Balmoral Road, and there is no indication in the proposal if this was taken into consideration when designing window placement on the east elevation of the proposed building to mitigate any concerns of privacy and overlook onto the adjacent property.

The design guidelines encourage *“visually articulated designs and quality architectural materials and detailing in building bases to enhance visual interest for pedestrians.”* Staff have expressed concerns to the applicant about the lack of prominent entryways and articulation along the building base. Staff have encouraged the applicant to enhance the ground floor entryways and street relationship of the building by redesigning the building to have two dwelling units facing Balmoral Road with prominent residential entryways. To distinguish between the public and private realm, staff also encouraged the applicant to raise the building slightly to allow for one or two steps at the front entrances.

There is no soft landscaping being proposed onsite. The applicant is proposing hard surface treatment throughout the site with permeable pavers along the driveway and in the surface parking lot in the rear yard. Should Council support this application, staff recommend for Council's consideration that a landscaping strip be provided along the side and rear property lines to screen the parking, and that the applicant incorporate some high quality soft landscaping which may require a reduction in the building footprint to achieve these results.

Tree Preservation Bylaw and Urban Forest Master Plan

There are no impacts to public trees with this application; however, there is one Horse chestnut tree protected by a Tree Preservation Bylaw on the neighbouring property at 959 Balmoral Road. The applicant provided an arborist report (attached) prepared by Talbot Mackenzie & Associates, which includes tree assessment and tree impact mitigation measures. The report concluded that the tree may be impacted by the proposed construction; however, the impacts would be minor if floating pavement is installed where the proposed parking spaces overlap with the tree's critical root zone. Pruning would be required to lift the lower canopy above the nearest parking space at the property line, and may be required to provide clearance for building construction.

The applicant is not proposing to plant additional trees on the subject property.

Regulatory Considerations

Parking Variance

The applicant is requesting a reduction in the required number of parking spaces from 12 to 5. Under the new draft Schedule C, only eight parking spaces (seven residential and one visitor) would be required so the shortfall would only be three parking spaces. A parking study prepared by WATT Consulting Group confirms that the peak site parking demand is expected to be eight vehicles – seven resident vehicles and one visitor vehicle (three more than the proposed parking supply).

To offset this parking shortfall, the applicant is willing to purchase a MODO car-share vehicle and dedicate a MODO car-share parking space onsite; and to purchase car-share memberships for each unit (valued at \$500 each). The applicant is willing to commit funds to fully subsidize one monthly transit pass for each unit over a period of three years (396 monthly passes). According to the parking study, uptake of this type of transit program is typically in the range of 20%, therefore, there will likely be funds available for transit passes beyond the three year term committed by the applicant.

The applicant will also provide additional secured and enclosed bicycle parking and purchase one bicycle for each unit. According to the parking study, the Transportation Demand Management measures being proposed would reduce the resident parking demand by two vehicles (approximately 25%). Parking demand reduction values have not been assigned to the added bike parking, and free bicycles; however, the study states that these initiatives are expected to further encourage multi-modal travel and reduce parking demand. The subject property is also within walking distance to downtown and frequent transit service. Given the above parking justification, the parking variance is recommended as being supportable.

Setbacks, Site Coverage and Open Site Space

Should Council support this application, a new zone would likely be created and variances for setbacks, site coverage and open site space would be required rather than entrenching relaxed standards in the zone, which could be applied to a future and different development proposal.

The regulations in the new zone would be similar to the R3-1 Zone, Multiple Dwelling District, except for the density provisions. The following variances would be required:

- reduce the front yard setback from 10.50m to 2m
- reduce the side (east) yard setback from 6.10m to 1.52m
- reduce the side (west) yard setback from 6.10m to 3.64m
- increase site coverage from 30% to 43%
- reduce open site space from 30% to 15.30%.

Reducing the front yard setback is supportable as it would create a better building and street relationship. Reducing the east side yard setback would impact the future development, window placement, and access to sunlight on the adjacent property. A larger setback on the west side is a result of the proposed driveway and could allow for some breathing room between buildings if the property to the west is redeveloped in the future. The proposed site coverage of 43% and open space of 14.30% are not supportable and result in a lack of soft landscaping and private open space onsite.

CONCLUSIONS

The proposed four-storey multi-unit building at 953 Balmoral Road is consistent with some of the design guidelines pertaining to the roof, choice of materials and stepping back the upper storeys; however, Staff have concerns with the overall size, scale and massing; window placement; lack of soft landscaping and outdoor open space; the transition between the public and private realm; and the lack of prominent entryways and articulation along the building base. The parking variance is supportable given the TDM measures being proposed to offset the parking shortfall. The front and side yard (west) setbacks are supportable; however, staff have concerns with the proposed site coverage, minimal open site space and small side yard setback on the east property line. Staff recommend for Council's consideration that this application is declined.

ALTERNATE MOTION 1

That Council:

1. Direct staff to work with the applicant to revise the proposal to comply with the design guidelines and:
 - i. minimize the impact of the east side yard setback by reducing the requested variance and by introducing additional design interventions to mitigate potential concerns related to privacy and overlook
 - ii. reduce the site coverage and increase the open site space in order to provide private open space and high quality soft landscaping
 - iii. provide a landscaping strip along the side and rear property lines to screen the parking.
2. Refer the application to the Advisory Design Panel and report back to the Committee of the Whole following a review by the panel.

ALTERNATE MOTION 2 (SUPPORT APPLICATION AS PRESENTED)

That, subject to review by the Advisory Design Panel and report back to the Committee of the Whole, 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. 00598, if it is approved, consider the following motion:

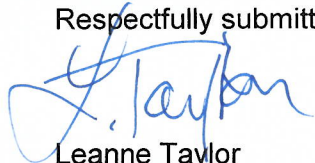
"That Council authorize the issuance of Development Permit with Variance Application No. 000506 for 953 Balmoral Road, in accordance with:

1. Plans date stamped January 18, 2018
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the required number of parking spaces from 12 to 5
 - ii. Part 3.3(10): reduce the front yard setback from 10.50m to 2.00m
 - iii. Part 3.3 (10): reduce the side (east) yard setback from 6.10m to 1.52m
 - iv. Part 3.3(10): reduce the side (west) yard setback from 6.10m to 3.64m
 - v. Part 3.3(4)(1): increase the site coverage from 30% to 43%
 - vi. Part 3.3(4)(6)(1): reduce the open site space from 30% to 15.30%
3. Registration of legal agreements on the property's title to secure the MODO Car Share Vehicle and parking space, car share memberships, one monthly transit pass for each unit over a period of three years (396 monthly passes), and one bicycle for

each unit to the satisfaction of City Staff.

4. Revise the landscape plan to indicate floating pavement where the proposed parking spaces overlap with the tree's critical root zone in accordance with the arborist report prepared by Talbot Mackenzie & Associates.
5. The Development Permit lapsing two years from the date of this resolution."

Respectfully submitted,

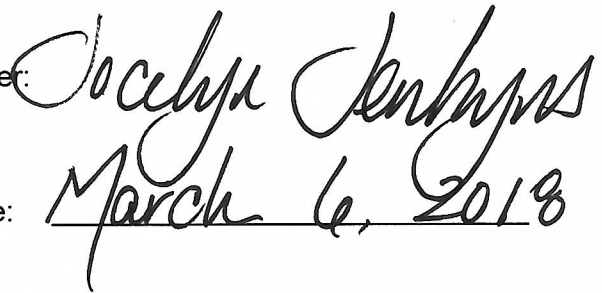


Leanne Taylor
Senior Planner
Development Services Division



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date:

March 6, 2018

List of Attachments:

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped January 18, 2018
- Attachment D: Package from applicant date stamped November 22, 2017 including Letter To Mayor And Council, Correspondence, and Parking Study dated October 27, 2017 prepared by Watt Consulting Group
- Attachment E: Community Association Land Use Committee comments dated June 7, 2017 and August 15, 2017
- Attachment F: Arborist Report prepared by Talbot Mackenzie & Associates.