

## REPORTS OF COMMITTEES

1. Committee of the Whole – December 7, 2017

3. Rezoning Application No. 00573 and Development Permit with Variances Application No. 000504 for 2816 Shelbourne Street (Oaklands)

**Motion:**

It was moved by Councillor Alto, seconded by Councillor Loveday:

**Rezoning Application**

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00573 for 2816 Shelbourne Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once:

1. Staff are provided with a legal agreement securing the provision of one electric vehicle charging station per unit and one electric-assisted bicycle per initial purchaser for each of the five units as offered by the applicant to the satisfaction of the City Solicitor.
2. Staff receive proof of registration at the Land Title Survey Authority of an executed Statutory Right-of-Way (SRW) of 7.0m on Shelbourne Street.
3. The applicant works with Staff to mitigate the impact of the requested variance for the rear (west) setback.

**Development Permit with Variances Application**

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. 00573, if it is approved, consider the following motion: "That Council authorize the issuance of Development Permit with Variances Application No. 000504 for 2816 Shelbourne Street in accordance with:

1. Plans date stamped August 22, 2017.
2. Development meeting all Zoning Regulation Bylaw requirements except for the following variances:
  - i. Reduce the front setback from 10.7m to 8.38m;
  - ii. Reduce the rear setback from 4.0m to 2.25m;
  - iii. Reduce the north side yard setback from 4.0m to 3.77m;
  - iv. Reduce the south side yard setback from 4.0m to 3.35m;
  - v. Reduce the parking from 8 stalls with one visitor stall to 5 stalls with no visitor stalls.
3. The Development Permit lapsing two years from the date of this resolution."

**Carried Unanimously**

**3.7 Development Permit with Variances Application No. 000504 for 2816 Shelbourne Street (Oaklands)**

Committee received a report dated November 23, 2017, from the Director of Sustainable Planning and Community Development regarding recommendations for the variances related to the rezoning of the property located at 2816 Shelbourne Street.

- Motion:** It was moved by Councillor Alto, seconded by Councillor Lucas, 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. 00573, if it is approved, consider the following motion:
- "That Council authorize the issuance of Development Permit with Variances Application No. 000504 for 2816 Shelbourne Street in accordance with:
1. Plans date stamped August 22, 2017.
  2. Development meeting all Zoning Regulation Bylaw requirements except for the following variances:
    - i. Reduce the front setback from 10.7m to 8.38m;
    - ii. Reduce the rear setback from 4.0m to 2.25m;
    - iii. Reduce the north side yard setback from 4.0m to 3.77m;
    - iv. Reduce the south side yard setback from 4.0m to 3.35m;
    - v. Reduce the parking from 8 stalls with one visitor stall to 5 stalls with no visitor stalls.
  3. The Development Permit lapsing two years from the date of this resolution."

CARRIED UNANIMOUSLY 17/COTW



## Committee of the Whole Report For the Meeting of December 7, 2017

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**To:** Committee of the Whole **Date:** November 23, 2017  
**From:** Jonathan Tinney, Director, Sustainable Planning and Community Development  
**Subject:** Development Permit with Variances Application No. 000504 for 2816 Shelbourne Street

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### RECOMMENDATION

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. 00573, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 000504 for 2816 Shelbourne Street in accordance with:

1. Plans date stamped August 22, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements except for the following variances:
  - i. Reduce the front setback from 10.7m to 8.38m
  - ii. Reduce the rear setback from 4.0m to 2.25m
  - iii. Reduce the north side yard setback from 4.0m to 3.77m
  - iv. Reduce the south side yard setback from 4.0m to 3.35m
  - v. Reduce the parking from 8 stalls with one visitor stall to 5 stalls with no visitor stalls.
3. The Development Permit lapsing two years from the date of this resolution."

### LEGISLATIVE AUTHORITY

In accordance with Section 489 of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Official Community Plan*. 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.

### 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 2816 Shelbourne Street. The proposal is to permit the construction of a five unit townhouse development.

The following points were considered in assessing this application:

- the proposal is generally consistent with the *Advisory Design Guidelines for Buildings, Signs and Awnings*, 1981
- the proposal is consistent with the design guidelines found in the *Oaklands Neighbourhood Plan*
- while the proposal is for a site specific zone, there are five variances that will be required. The variances are mostly supportable due to the minimal nature and measures taken to mitigate the effects; however, Staff have some concerns regarding the rear yard setback.

## **BACKGROUND**

### **Description of Proposal**

The proposal is for a five unit townhouse development. Specific details include:

- a contemporary design with a varying flat roof
- a prominent main entrance to the unit that fronts the street
- materials include painted cement board panels, wood siding, cedar fencing, as well as permeable pavers for the driveway
- new trees along the south side yard to mitigate privacy concerns with the adjacent property.

### **Sustainability Features**

As indicated in the applicant's letters dated March 22, 2017, and November 6, 2017, the following sustainability features are associated with this application:

- one electric assisted bicycle per initial purchaser of each unit
- one electric vehicle charging station per unit
- use of sustainable construction materials and techniques
- water conservation including low flow faucets and hot water recirculation
- improved indoor air quality and ventilation.

### **Active Transportation Impacts**

The application proposes the following features which support active transportation:

- a six stall bicycle rack at the entrance to the property
- ten secure vertical bicycle racks (two per unit)
- provision of one electric assisted bicycle per initial purchaser of each unit.

### **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 is presently a one-storey single-family dwelling. Under the current R1-B Zone, Single

Family Dwelling District, the property could be developed as a two-storey single-family dwelling with either a secondary suite or a garden suite.

**Data Table**

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

Zoning Criteria	Proposal – Site Specific	Existing R1-B Zone, Single Family Dwelling District	Zone Standard RT Zone, Traditional Residential District
Site area (m <sup>2</sup> ) - minimum	<b>741.05m<sup>2</sup>*</b>	460m <sup>2</sup>	920m <sup>2</sup>
Site area per unit (m <sup>2</sup> ) - minimum	>100m	n/a	100m <sup>2</sup>
Density (Floor Space Ratio) - maximum	0.93	n/a	1.0:1
Total floor area (m <sup>2</sup> ) - maximum	691.50m <sup>2</sup>	420m <sup>2</sup>	741.05m <sup>2</sup>
Lot width (m) - minimum	<b>19.71m*</b>	15m	20.0m
Height (m) - maximum	9.70m	7.6m	10.5m
Storeys - maximum	3.0	2.0	3.0
Site coverage % - maximum	43.22%	40%	50%
Open site space % - minimum	35.68%	n/a	30%
Number of dwellings units in an attached dwelling	<b>5*</b>	n/a	4
<b>Setbacks (m) – minimum:</b>			
Front	<b>8.38m*</b>	7.5m	10.7m
Rear	<b>2.25m*</b>	7.5m or 25% lot depth	4.0m
Side (north)	<b>3.77m (balcony)* 4.38m (wall)</b>	1.5m or 10% lot width	4.0m
Side (south)	<b>3.35m*</b>	3.0 for one side yard	4.0m
Combined side yards	n/a	4.5m	n/a
Parking - minimum	<b>5*</b>	1	8
Visitor parking (minimum) included in the overall units	<b>0*</b>	n/a	1
Class 1 – Bicycle Storage	10	n/a	5

Zoning Criteria	Proposal – Site Specific	Existing R1-B Zone, Single Family Dwelling District	Zone Standard RT Zone, Traditional Residential District
Class 2- Bicycle Racks	6 space rack	n/a	6 space rack

## ANALYSIS

### Development Permit Area and Design Guidelines

The *Official Community Plan (OCP)* identifies this property with in 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 contemporary approach. This contrast is mitigated from being too stark through the materials, including horizontal wood siding and cement board panels that reflect the style found on other buildings in the area.

The height and massing of the building are generally consistent with other townhouse developments in the area. The front façade is broken up through its varying fenestration that provides eyes on the street. The eastern, street fronting unit has a covered and prominent main entrance with a direct pedestrian connection to the sidewalk, thus creating a positive street relationship.

In addition to a perimeter cedar fence, a small landscape buffer will be provided between the drive aisle and the property to the north. The drive aisle itself will be constructed with permeable paving. New trees will be planted on the south edge of the property that will help mitigate potential overlook and privacy concerns.

### 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. As previously noted, the height and massing is similar to other townhouses in the area. The building is slightly taller than its southern neighbour, but this creates a transition from the slightly taller pitched roof townhouses to the north of the subject property. 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 on all sides. In addition, the change of materials and the window placement helps break up the façades, which avoids 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) will 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

Staff recommend Council make a condition of rezoning the provision of a 7.0m Statutory Right-of-Way (SRW) on Shelbourne Street. This is a standard recommendation for rezoning on Shelbourne Street. Appendix 3 of the *Oaklands Neighbourhood Plan* notes that on October 14, 1993 Council approved a motion to permit for a future highway widening of 7 metres. This can constrain the development potential of sites, and as such, Staff take this into account when reviewing proposals.

A site-specific zone is required due to the lot area not meeting the minimum requirements as set out in the RT Zone, Traditional Residential District. The RT Zone notes that an attached dwelling may not be located on a lot with a lot area less than 920.0m<sup>2</sup>. The lot width of 19.71m would also be accommodated in the site-specific zone.

In addition, there would be five variances. The side yard setback variances are from 4.0m to 3.35m (south) and 3.77m (north). The south side yard setback is minimal in nature and privacy concerns are to be minimized through the use of tree plantings. The north side yard setback variance is due to the balcony, which protrudes 0.5m from the main wall. The building itself meets the standard side yard setback for the RT Zone. The front yard setback variance of 8.38m down from 10.7m is calculated to the main entrance canopy. The setback from the building measure 9.04m and is consistent with the adjacent property to the south.

Staff have concerns with the rear yard setback. The RT Zone rear yard setback is 4.0m and the proposal is for 2.25m. While the third floor windows are small and will provide light to the stairwell and bathroom, the second floor windows are larger and are in well-used areas of the unit, which have the potential to create privacy concerns for the western neighbour. Staff recommend working with the applicant prior to Public Hearing to mitigate these concerns by exploring options such as increasing this sideyard, utilizing frosted glass, and/or reconsidering the size and placement of the windows.

Finally, a variance would be required for a reduction in vehicle parking stalls from eight stalls to five. To mitigate the difference between what is provided and the RT Zone, the applicant proposes to provide an electric-assisted bicycle for each unit. In addition, Shelbourne Street is a frequent bus corridor and there is a Modo Car located 500m from the property on Haultain Street.

## CONCLUSIONS

The proposal to construct a new five unit townhouse is generally consistent with the *Advisory Design Guidelines for Buildings, Signs and Awnings*, 1981 in Development Permit Area 7A: Corridors. The proposal is similar in height and massing to other townhouse developments in the neighbourhood and provides for a positive street relationship. The *Oaklands Neighbourhood Plan* does support a slight reduction in parking due to the location of the property along a frequent transit route. Staff, therefore, recommend Council consider supporting this application.

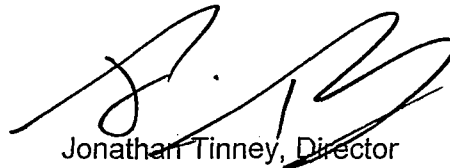
**ALTERNATE MOTION**

That Council decline Development Permit with Variances Application No. 000504 for the property located at 2816 Shelbourne Street.

Respectfully submitted,

 *a.mey*

Michael Angrove  
Planner  
Development Services



Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



Date:

December 1, 2017