



Committee of the Whole Report

For the Meeting of May 24, 2018

To: Committee of the Whole **Date:** May 10, 2018

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

Subject: Rezoning Application No. 00627 for 3031 Jackson Street

RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00627 for 3031 Jackson Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Preparation of a Housing Agreement to ensure that future Strata Bylaws cannot prohibit the rental of units, executed by the applicant to the satisfaction of City Staff.
2. Proof of an agreement with Modo, to the satisfaction of the Director of Sustainable Planning and Community Development, ensuring eight lifetime car share memberships that run with the individual units are provided.

LEGISLATIVE AUTHORITY

In accordance with Section 479 of the *Local Government Act*, Council may regulate within a zone the use of land, buildings and other structures, the density of the use of the land, building and other structures, the siting, size and dimensions of buildings and other structures as well as the uses that are permitted on the land and the location of uses on the land and within buildings and other structures.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning Application for the property located at 3031 Jackson Street. The proposal is to rezone from the R1-B Zone, Single Family Dwelling District, to a site-specific zone based on the R-J Zone, Low Density Attached Dwelling District, in order to permit the construction of eight, two-storey townhouse units within three buildings. The proposed units incorporate single-car garages with five visitor parking stalls provided in three locations on the site. The units are situated to retain the majority of Garry Oak trees and trees of other species that are located across the site. A number of variances are requested for site width and building separation spaces.

The following points were considered in assessing this Application:

- the property is within the Traditional Residential Urban Place Designation in the *Official Community Plan, 2012*, in which ground-oriented residential development in the form of attached dwellings can be considered
- the proposed building height and density of the townhouses is in keeping with the adjacent townhouses and single-family dwellings
- the siting of the townhouses, drive aisle and parking mitigates the loss of Garry Oak trees and other trees on the property.

BACKGROUND

Description of Proposal

This Rezoning Application is to replace an existing house on a large lot (2910m²) with eight two-storey townhouses. The proposed units incorporate single-car garages with five visitor parking stalls provided in three locations on the site. The units are situated to retain the majority of Garry Oak trees and trees of other species on the site. Specific details include:

- a total floor area of 988.80m² with a density of 0.34:1 floor space ratio (FSR)
- two and three unit clusters of townhouses accessed by an "L"-shaped driveway
- all units are family-oriented with three upper floor bedrooms
- retention of large Garry Oaks and open space, notably along the edges of the property
- private open space in the form of a patio or deck for each unit.

The proposal is to rezone to a site-specific zone based on the R-J Zone, Low Density Attached Dwelling District. In addition, the following differences from the standard R-J Zone, Low Density Attached Dwelling District, are being proposed and will be treated as variances. These variances will be discussed in the concurrent Development Permit with Variances Application report and are related to:

- reducing the site width
- reducing the building separation space between buildings measured from windows
- reducing the building distance between buildings measured from walls.

The design aspects of this proposal are also reviewed in the concurrent Development Permit with Variances Application report.

Affordable Housing Impacts

The applicant proposes the creation of seven new residential units which would increase the overall supply of housing in the area.

Sustainability Features

As indicated in the applicant's letter, dated December 8, 2017, the buildings will be built to EnerGuide 80 standards to ensure energy is used efficiently.

Active Transportation Impacts

The applicant has proposed one six-stall bicycle rack located to the south of unit three.

Land Use Context

The area is characterized by single-family dwellings and conversions, as well as the 38-unit Wilderness Co-op townhouse/garden apartments immediately adjacent to the north, east and south of the subject site.

Existing Site Development and Development Potential

The large lot (2910.7m²) is occupied by a single-family dwelling. The existing house was built in 1942 and is in fair condition. It is not identified on the Heritage Register.

Under the current R1-B Zone, Single Family Dwelling District, the property could be subdivided for a number of single-family dwelling lots with single-family dwellings of up to 300m² and two-storeys in height. Based on the lot area, up to five lots (including panhandle lots) may be possible.

Data Table

The following data table compares the proposal with the existing R1-B Zone, Single Family Dwelling District, and the zone standard R-J Zone, Low Density Attached Dwelling District. An asterisk is used to identify where the proposal is less stringent than the R-J Zone.

Zoning Criteria	Proposal	Zone Standard R-J Zone	Existing R1-B Zone
Site area (m ²) - minimum	2910.40	2220.0	460
Site area per unit (m ²) - minimum	363.80	277.50	N/A
Density (Number of units on a lot) - maximum	8 (1 per 363.8m ²)	10 (1 per 277.5m ²)	N/A
Density (Floor Space Ratio) - maximum	0.34	N/A	0.6
Total floor area (m ²) - maximum	988.80	N/A	280
Lot width (m) - minimum	53.17*	60.0	15.0
Height (m) - maximum			7.6
Block 1	5.56	8.5	-
Block 2	7.89	8.5	-
Block 3	6.32	8.5	-
Storeys - maximum	2	N/A	2
Site coverage % - maximum	22.0	40.0	40.0
Open site space % - minimum	53.20	45.0	N/A

Zoning Criteria	Proposal	Zone Standard R-J Zone	Existing R1-B Zone
Separation space (m) - minimum	4.90 (units 1&2 and units 3&4)* 7.30 (units 3&4 and units 5,6,7&8)*	7.5	N/A
Distance between (m) - minimum	4.90 (units 1&2 and units 3&4)* 6.68 (units 3&4 and units 5,6,7&8)*	10.0	N/A
Setbacks (m) - minimum:			
Front	7.5	7.5	7.5
Rear	7.5	7.5	7.5
Side (north)	7.78	7.5	3.0/1.5
Side (south)	8.67	7.5	3.0/1.5
Parking (existing Schedule C) - minimum	13 (8 residential & 5 visitor)	12	1
Parking (proposed Schedule C) - minimum	13 (8 residential & 5 visitor)	9 (8 residential & 1 visitor)	1
Bicycle parking stalls (minimum)	8 Class 1 6 Class 2	8 Class 1 6 Class 2	N/A

Relevant History

On September 7, 2017, Council declined an application for 10 units on the subject site.

Community Consultation

As per the attached letter, the Hillside-Quadra CALUC has waived the requirement to hold a Community Meeting due to the applicant having met individually with neighbours as well as the Application addressing most of the previous concerns expressed by neighbours. The applicant had previously attended a Community Meeting for a separate but similar application on April 25, 2016.

ANALYSIS

Official Community Plan

The property is within the Traditional Residential Urban Place Designation in the *Official Community Plan, 2012*, in which ground-oriented residential development in the form of attached dwellings can be considered.

Local Area Plans

The property is not identified in the *Hillside Quadra Neighbourhood Plan, 1996* as an area of potential change from the current R1-B Zone, Single Family Dwelling District; however, the policy also notes that gradual change through new development may be acceptable in some

locations. In this instance, the subject property is unusually large and located next to a multi-unit residential development. The proposal is further in keeping with other housing policies which give preference to family-oriented townhouses over apartments, and which are designed to "fit comfortably" into the neighbourhood. The site planning objective of minimizing tree loss is in line with the objective of reducing the loss of mature trees, namely Garry Oak trees, on both public and private property.

Tree Preservation Bylaw and Urban Forest Master Plan

There are a total of 72 trees on the subject property, of which 61 trees are protected by the Tree Preservation Bylaw. The protected trees are made up of 59 Garry Oak trees. The proposal will require the removal of 21 protected Garry Oak trees due to their locations in which they will be impacted and unable to be retained. The Arborist Report (Attachment F) outlines the health and condition of the trees to be removed and provides a retention and tree replacement plan for the remaining trees on-site. The Application proposes planting 22 replacement Garry Oak trees, which creates a net gain of 1 Garry Oak tree. The Applicant will give a one time fee to the City for the replacement trees that cannot be planted on the subject site due to a shortage of space. This is a requirement of the *Tree Preservation Bylaw* to replace trees at a 2:1 ratio.

There are no public trees affected by this Application.

CONCLUSIONS

The large site area, varied topography and large number of Garry Oaks and other tree species on the property make a clustered, townhouse approach to the development of this property preferable to subdivision for single-family dwellings. The location next to existing townhouses and apartments also suggests townhouses are an appropriate form of land use.

The two-storey building height and density of the proposed townhouses is in keeping with the adjacent townhouses and single-family dwellings. The proposed siting of the townhouses mitigates the loss of Garry Oaks and other trees on the property while maintaining a street presence on Jackson Street. Staff recommend that Council consider supporting the Application.

ALTERNATE MOTION

That Council decline Rezoning Application No. 00627 for the property located at 3031 Jackson Street.

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:

Joseph Embryns
May 17, 2018

List of Attachments

- Attachment A – Subject Map
- Attachment B – Aerial Map
- Attachment C – Plans dated/date stamped March 29, 2018
- Attachment D – Letter from applicant to Mayor and Council, dated December 8, 2017
- Attachment E – Community Association Land Use Committee letter, dated December 26, 2017
- Attachment F – Construction Impact Assessment & Tree Preservation Plan, dated April 24, 2018
- Attachment G – Minutes from September 7, 2017 Public Hearing



Committee of the Whole Report

For the Meeting of May 24, 2018

To: Committee of the Whole **Date:** May 10, 2018

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

Subject: Development Permit with Variances Application No. 00063 for 3031 Jackson Street

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. 00627, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00063 for 3031 Jackson Street, in accordance with:

1. Plans date stamped March 29, 2018.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the lot width from 60.0m to 53.17m
 - ii. reduce the separation space between the building with units 1 & 2 and the building with units 3 & 4 from 7.50m to 4.90m
 - iii. reduce the separation space between the building with units 3 & 4 and the building with units 5, 6, 7 & 8 from 7.50m to 7.30m
 - iv. reduce the distance between the building with units 1 & 2 and the building with units 3 & 4 from 10.0m to 4.90m
 - v. reduce the distance between the building with units 3 & 4 and the building with units 5, 6, 7 & 8 from 10.0m to 6.68m.
3. Revised plans, to the satisfaction of the Director of Sustainable Planning and Community Development, that state the 7.0m distance behind visitor parking stalls 3, 12 & 13 does not exceed an 8% grade.
4. 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.

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 3031 Jackson Street. The proposal is to replace an existing house on a large lot (2910m²) with eight two-storey townhouses. The proposed units incorporate single-car garages and five visitor parking stalls are provided in three locations on the site. The units are situated to retain the majority of Garry Oak trees and trees of other species that are located across the site.

The variances are related to a reduced lot width and reduced separation spaces between townhouse buildings.

The following points were considered in assessing this Application:

- the Development Permit Application with Variances No. 00063 is generally consistent with the *Design Guidelines for Multi-Unit Residential, Commercial and Industrial Development (2012)* prescribed within Development Permit Area 16
- the separation space variances are supportable as the variances are internal to the site and sufficient distance and privacy is maintained amongst the units within the development
- the variance related to site width is supportable as the lot depth of 66.4m is significantly greater than that of a standard lot allowing buildings to be located further back on the lot, which ensures the street frontage does not become overwhelmed with structures.

BACKGROUND

Description of Proposal

The proposal is for the replacement of an existing house on a large lot (2910m²) with eight two-storey townhouses located across three buildings. The proposed units incorporate single-car garages and five visitor parking stalls are provided in three locations on the site. The units are situated to retain the majority of Garry Oak trees and trees of other species that occupy the site. A number of variances are requested for building separation spaces and site width.

Specific details include:

- traditional architectural building design with pitched roofs and gables
- two and three unit clusters of townhouses accessed by an "L"-shaped driveway
- a front yard orientation and single-family dwelling appearance to the townhouse unit closest to the street
- retention of large Garry Oaks and open space on the northern edges of the property, including along Jackson Street
- private open space in the form of a patio or deck for each unit.

Building materials include:

- HardiePlank siding
- cedar shingle siding
- cultured stone
- fibreglass laminated shingles
- concrete.

Landscaping elements include:

- concrete unit pavers
- perimeter fencing
- privacy screens
- replacement trees for trees that are removed
- lawn, planted areas and naturalized areas.

The proposed variances are related to:

- reduced site width based on width required per dwelling unit
- reduced building separation spaces.

Sustainability Features

As indicated in the applicant's letter, dated December 8, 2017, the buildings will be built to EnerGuide 80 standards to ensure energy is used efficiently.

Active Transportation Impacts

The applicant has proposed providing eight lifetime car share memberships with Modo that will be attached to each unit by covenant. In addition, one six-stall bicycle rack is located to the south of unit 3.

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 large lot (2910.7m²) is currently occupied by a single-family dwelling. The existing house was built in 1942 and is in fair condition. It is not identified on the Heritage Register.

Under the current R1-B Zone, Single Family Dwelling District, the property could be subdivided for a number of single-family dwelling lots with single-family dwellings of up to 300m² in floor area and two-storeys in height. Based on the lot area, up to five lots (including panhandle lots) may be possible.

Data Table

The following data table compares the proposal with the existing R1-B Zone, Single Family Dwelling District and the zone standard R-J Zone, Low Density Attached Dwelling District. An asterisk is used to identify where the proposal is less stringent than the R-J Zone.

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Community Consultation

As per the attached letter, the Hillside-Quadra CALUC has waived the requirement to hold a Community Meeting due to the applicant having met individually with neighbours as well as the Application addressing most of the previous concerns expressed by neighbours. The applicant had previously attended a Community Meeting for a separate but similar application on April 25, 2016.

ANALYSIS

Development Permit Area and Design Guidelines

The *Official Community Plan* (OCP) includes these properties in Development Permit Area (DPA) 16, General Form and Character. The objectives of this DPA include:

- *To integrate commercial, industrial and multi-unit residential buildings in a manner that is complementary to established place character in a neighbourhood or other area, including heritage character.*
- *To enhance the place character of established areas and their streetscapes through high quality of architecture, landscape and urban design that responds to each distinctive setting through sensitive and innovative interventions.*
- *To achieve more livable environments through considerations for human-scaled design, quality of open spaces, privacy impacts, safety and accessibility.*

With respect to the *Design Guidelines for Multi-Unit Residential, Commercial and Industrial Development* (2012), the siting of the townhouses mitigates the loss of Garry Oaks and other trees on the property and preserves existing vegetation where possible. The form and character of the two-storey townhouses with pitched roof and gables is in keeping with the existing character of the neighbourhood. The proposed materials including HardiePlank, cedar shingles and cultured stone are high quality and appropriate for the site with its numerous trees, rock outcroppings and varied topography. The townhouse unit closest to Jackson Street has an entrance and orientation to the street reflective of a single-family dwelling in order to complement the existing street context.

Regulatory Considerations

There are a number of variances associated with this proposal. The variance to the lot width is offset by the significant lot depth. This allows buildings to be located further back in the property and not occupy as much space along the street frontage.

Variances are also required for both the separation space and distance between buildings. Separation space refers to the minimum distance between the windows of two attached dwelling buildings, whereas distance between buildings refers to the minimum distance between two walls of attached dwelling buildings. In both cases, despite there being a variance, staff believe sufficient distance is achieved and privacy is maintained. In addition, these variances are internal to the site and therefore would not affect neighbouring properties.

Finally, there are very small portions of the 7.0m distance behind visitor stalls 3, 12 and 13 that exceed 8% grade, which would normally require a variance. However, staff have confirmed with the applicant that this can be corrected to not exceed 8% grade and avoid an unnecessary variance. The main motion addresses this future revision.

CONCLUSIONS

The Application is generally consistent with the *Design Guidelines for Multi-Unit Residential, Commercial and Industrial Development (2012)* prescribed within Development Permit Area 16. In addition, the variances are generally internal to the subject site or minimal in nature. Staff recommend that Council consider supporting this Application.

ALTERNATE MOTION

That Council decline Development Permit with Variances Application No. 00063 for the property located at 3031 Jackson Street.

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: May 17, 2018