



Council Report

For the Meeting of September 6, 2018

To: Council **Date:** August 23, 2018
From: Jonathan Tinney, Director, Sustainable Planning and Community Development
Subject: **Update Report for Rezoning Application No. 00599 and Development Permit with Variances Application No. DP 000507 for 2910 Shelbourne Street**

RECOMMENDATIONS

That the following bylaw be given first and second readings:

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1158) No. 18-067.

That the following bylaw be given first, second, and third readings:

1. Housing Agreement (2910 Shelbourne Street) Bylaw (2018) No. 18-101.

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 **July 3, 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 **7 vehicle stalls including 1 visitor stall to 7 stalls with no visitor stalls**.
3. The Development Permit lapsing two years from the date of this resolution."

EXECUTIVE SUMMARY

The purpose of this report is to provide for Council's consideration a Housing Agreement and an updated motion related to the Development Permit with Variances Application for the property located at 2910 Shelbourne Street. On April 19, 2018, Council considered this matter. Since that time, the applicant has offered to provide a Housing Agreement that would ensure that future

Strata Bylaws cannot prohibit the rental of the units. The Housing Agreement Bylaw is attached to this report.

In addition, the applicant has revised the plans to provide an on-site car share parking stall, which has been secured as such through a Statutory Right-of-Way, Section 219 Covenant and Car Share Agreement. The new Schedule 'C' also reduces the vehicle parking requirements from 9 vehicle parking stalls to 6 stalls with 1 additional visitor stall (7 total). As such, a revised motion to correct the variance is required.

The revised plans have two changes in addition to the parking. The height has been increased from 9.92m to 10.45m, which is still below the RT Zone standard of 10.50m, so no additional variance is required. The second change is the floor area and Floor Space Ratio (FSR), which have been changed to reflect the correct floor area exemption for parking stalls. In both cases, this results in a decrease and no additional variances are required; the floor area has decreased from 755.23m² to 744.94m² and the FSR has decreased from 0.76:1 to 0.75:1.

Finally, the Statutory Right-of-Way for 7.0m on Shelbourne Street, the Car Share Agreement and the Statutory Right-of-Way securing one on-site parking stall for a car share vehicle have all been executed, thus fulfilling the conditions from the Council motion on April 26, 2018.


The revised plans date stamped July 3, 2018 and the Committee of the Whole Report dated March 29, 2018 are attached for Council's reference.

Respectfully submitted,



Michael Angrove
Planner
Development Services

JH



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date: Aug 31, 2018

List of Attachments:

- Attachment A – Housing Agreement Bylaw No. 18-101
- Attachment B – Plans date stamped July 3, 2018
- Attachment C – Committee of the Whole Report dated March 29, 2018
- Attachment D – Minutes from the April 26, 2018 Council Meeting.

Under its statutory powers, including section 483 of the *Local Government Act*, the Council of The Corporation of the City of Victoria enacts the following provisions:

1 This Bylaw may be cited as the "HOUSING AGREEMENT (2910 SHELBOURNE STREET) BYLAW".

2 The Mayor and the City Clerk are authorized to execute the Housing Agreement

(a) substantially in the form attached to this Bylaw as Schedule A;

(b) between the City and 1096478 B.C. Ltd., Inc.No. BC1096478 or other registered owners from time to time of the lands described in subsection (c); and

(c) that applies to the lands known as 2910 Shelbourne Street, Victoria, BC legally described as:

PID 005-277-264
Lot 3, Section 8A, Victoria District, Plan 10564

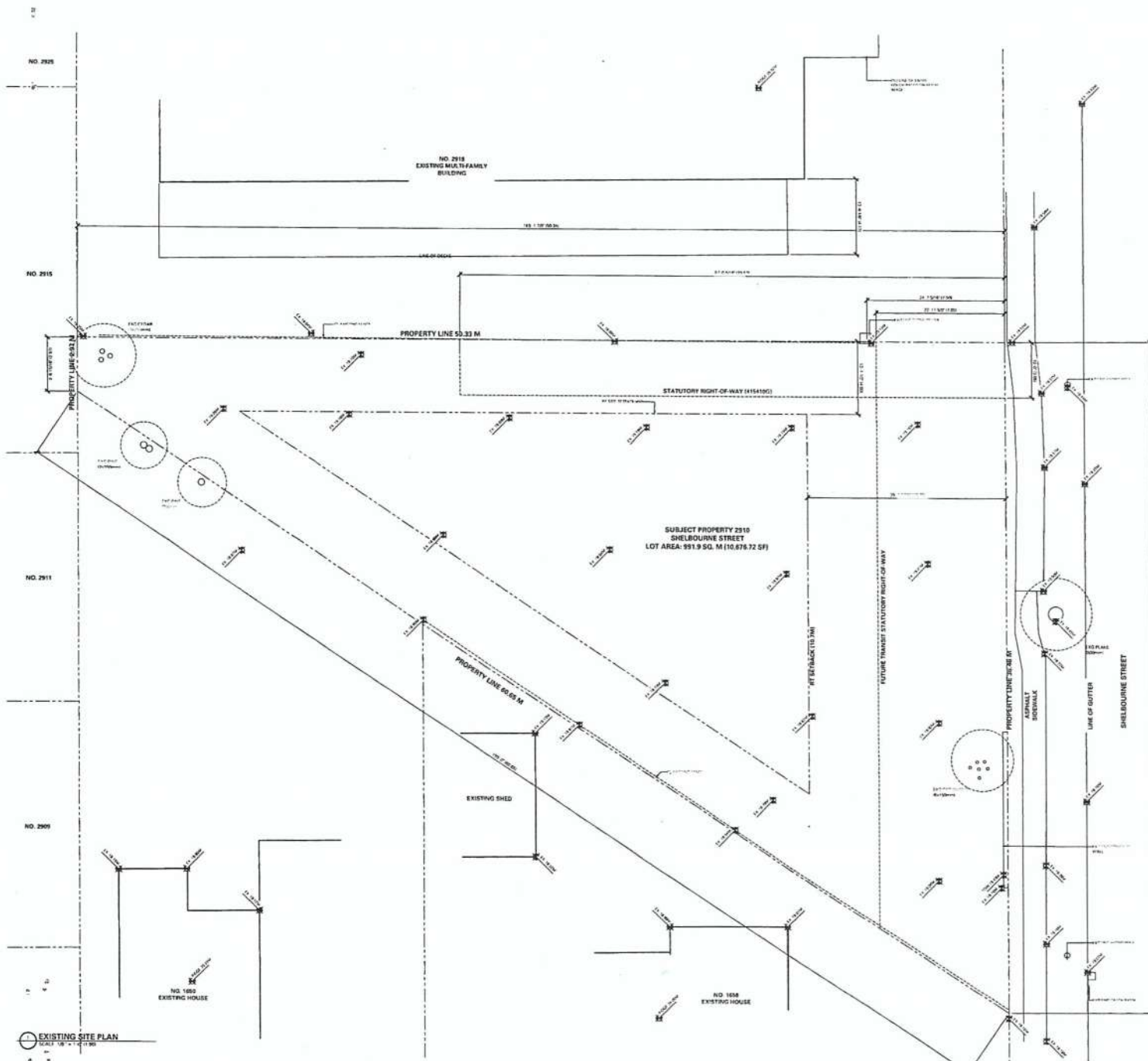
ADOPTED on the _____ day of _____ 2018

MAYOR

[illegible][illegible]

A0.0

SITE PLAN



Received
City of Victoria

JUL 03 2018

Planning & Development Department
Development Services Division

D'ARCY JONES ARCHITECTURE INC.

301-17th Avenue East
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Fax: 250-363-1112
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SCALE

1" = 1' 0" (1:12)

DATE

10/10/17

DRAWN

REVISED

ISSUE

CONSULTANT

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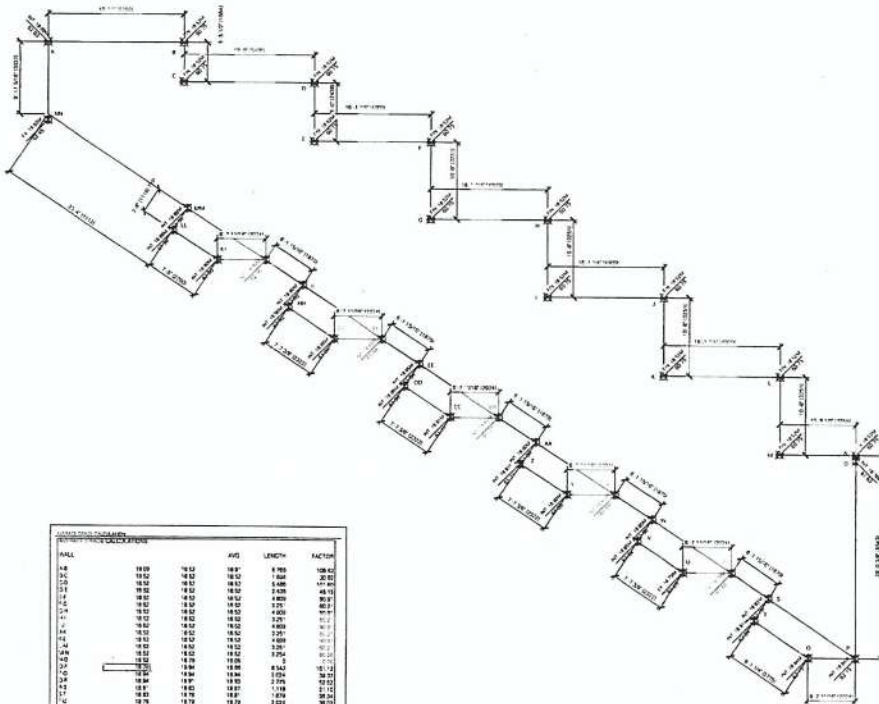
Revisions or corrections on this drawing shall be noted on a separate sheet and shall be incorporated into the drawing and notation.

ARYZE
2910 SHELBOURNE STREET
VICTORIA BC

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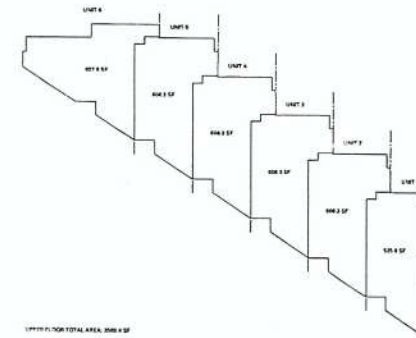
EXISTING SITE PLAN

NO.	DESCRIPTION	DATE
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4	REVISED	10/01/17
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6	REVISED	10/01/17
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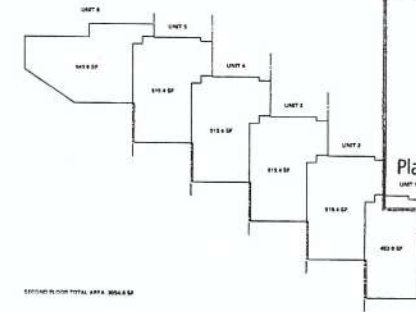


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3	10.00	10.00	10.00	10.00	10.00	10.00
4	10.00	10.00	10.00	10.00	10.00	10.00
5	10.00	10.00	10.00	10.00	10.00	10.00
6	10.00	10.00	10.00	10.00	10.00	10.00
7	10.00	10.00	10.00	10.00	10.00	10.00
8	10.00	10.00	10.00	10.00	10.00	10.00
9	10.00	10.00	10.00	10.00	10.00	10.00
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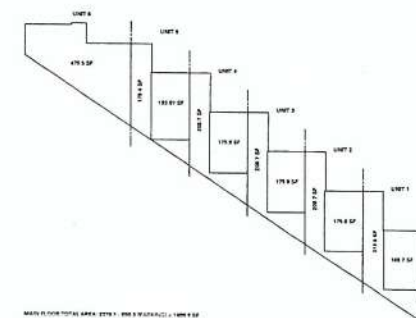
AVERAGE GRADE
SCALE 1" = 10' 0"



FIRST FLOOR TOTAL AREA: 1000.00 SF



SECOND FLOOR TOTAL AREA: 1000.00 SF



MAIN FLOOR TOTAL AREA: 1000.00 SF

AREA PLANS
SCALE 1" = 10' 0"

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City of Victoria

JUL 03 2018

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D'ARCY JONES ARCHITECTURE INC.

2018-10-01
10/01/17

SCALE

DATE

REVISION

CHECKED

DESIGNED

PROJECT

CONSULTANT

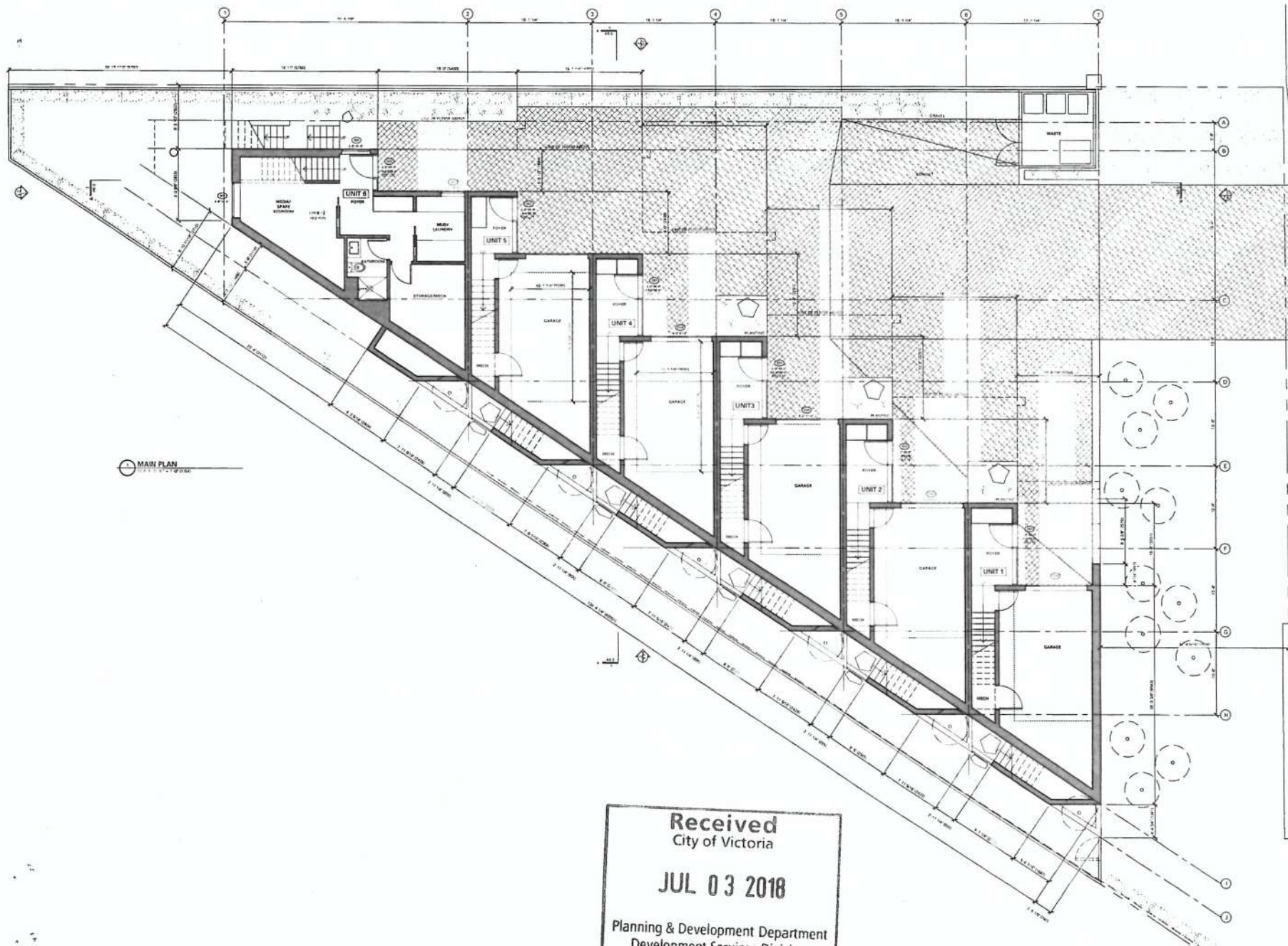
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All dimensions to be verified by the client before construction. Any dimensions shown on this drawing are for information only and are not to be used for construction.

2018-10-01
10/01/17

A0.3

AREA PLANS & AVG. GRADE



MAIN PLAN
1:100 (1:100)

Received
City of Victoria

JUL 03 2018

Planning & Development Department
Development Services Division

ISSUES

1	APPROVAL	2018.07.03
2	REVISION	2018.07.03
3	REVISION	2018.07.03
4	REVISION	2018.07.03
5	REVISION	2018.07.03
6	REVISION	2018.07.03

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SCALE
1/4" = 1'-0"

DATE
2018-07-03

DRAWN
D'ARCY JONES

CHECKED
D'ARCY JONES

REVISION
D'ARCY JONES

REVIEW
D'ARCY JONES

ESTIMATED COST
\$100,000.00

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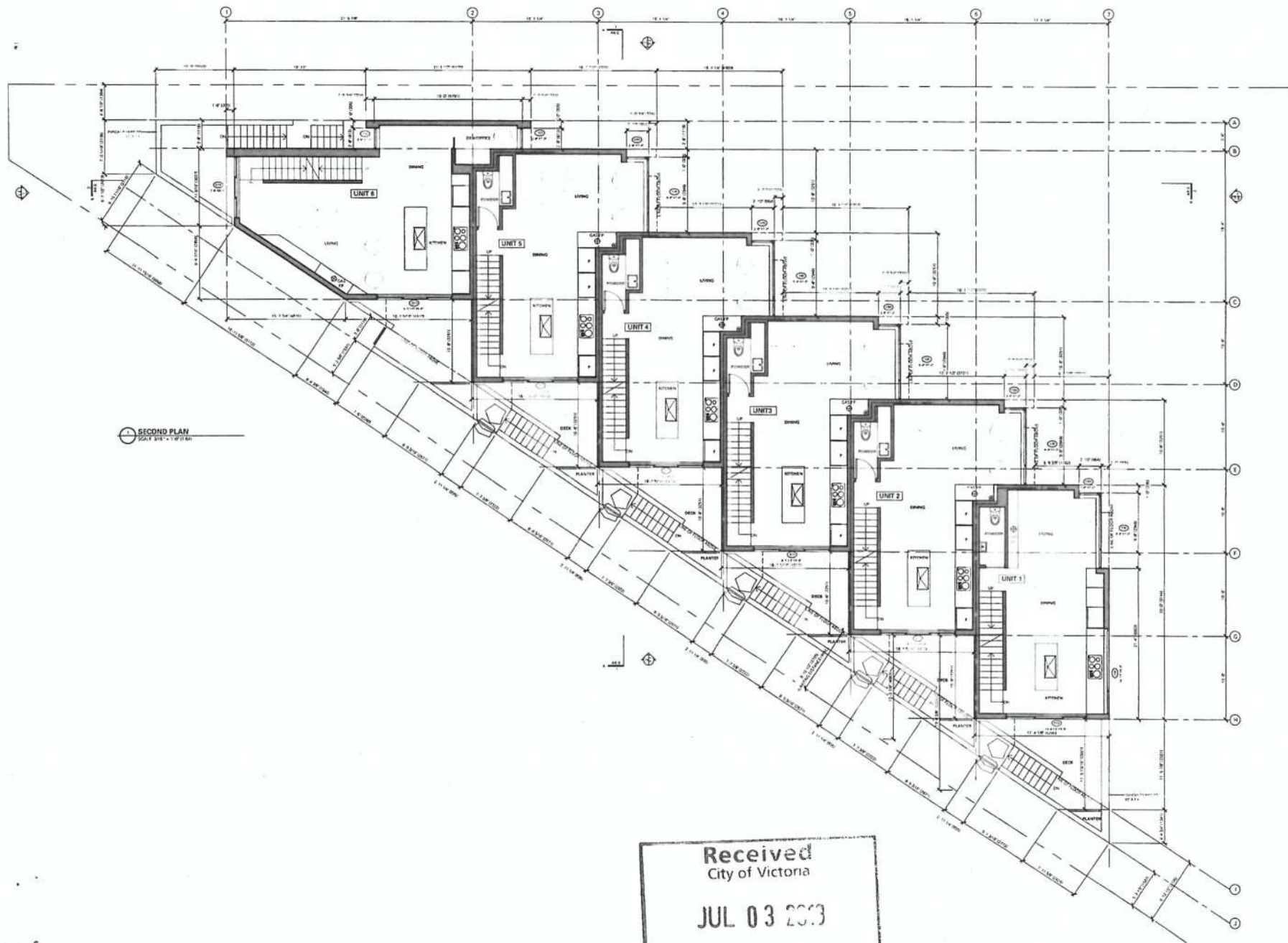
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All dimensions to the centerline of the building unless otherwise noted.

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2310 SHELBOURNE STREET
VICTORIA BC

A2.0
MAIN PLAN



SECOND PLAN
SCALE 1/8" = 1'-0"

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JUL 03 2003

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NOTES
1. ALL DIMENSIONS ARE IN METERS
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED
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D'ARCY JONES ARCHITECTURE INC

204 J.W. Ross Street, East
Vancouver BC V6T 1A2

204 J.W. Ross Street, East
Vancouver BC V6T 1A2

SCALE
1/8" = 1'-0"

DATE
03/03/03

DESIGNED BY
D'ARCY JONES

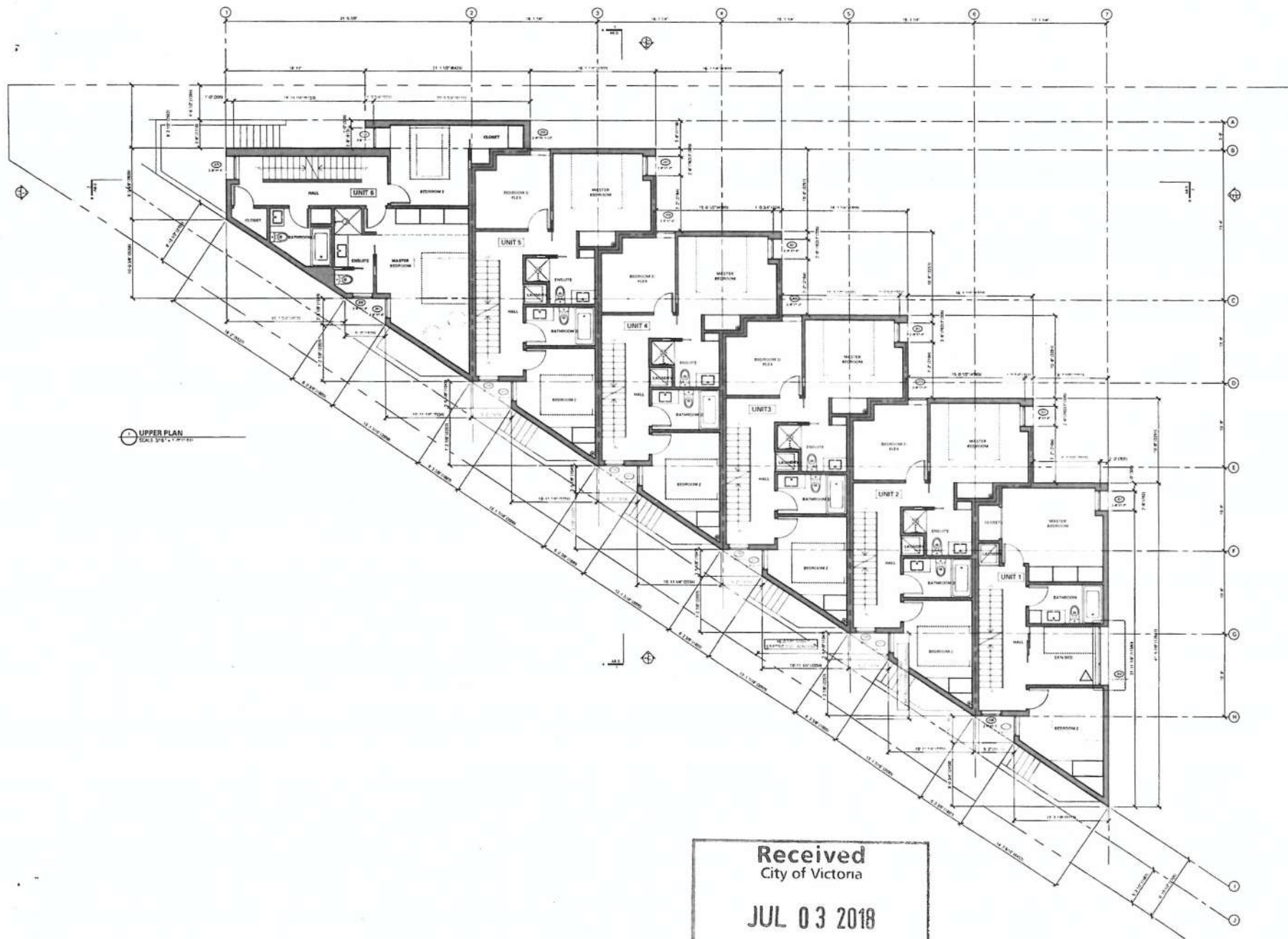
REVISIONS
NONE

PROJECT NAME
2910 SHELBOURNE STREET

2910 SHELBOURNE STREET
VICTORIA BC

A2.1

SECOND PLAN



ISSUES

A	ISSUE 1: APPROVED FOR PERMIT	22.02.2017
B	ISSUE 2: APPROVED FOR PERMIT	23.04.2017
C	ISSUE 3: APPROVED FOR PERMIT	23.04.2017
D	ISSUE 4: APPROVED FOR PERMIT	23.04.2017
E	ISSUE 5: APPROVED FOR PERMIT	23.04.2017
F	ISSUE 6: APPROVED FOR PERMIT	23.04.2017

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 304-1111 Richards Road
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SCALE
 1/8" = 1'-0"

DATE
 11.01.2018

DRAWN
 JRM

CHECKED
 JRM

REVISION

TITLE

CONSULTANT

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No structural steelwork is shown. Any structural steelwork shall be verified by the structural engineer.

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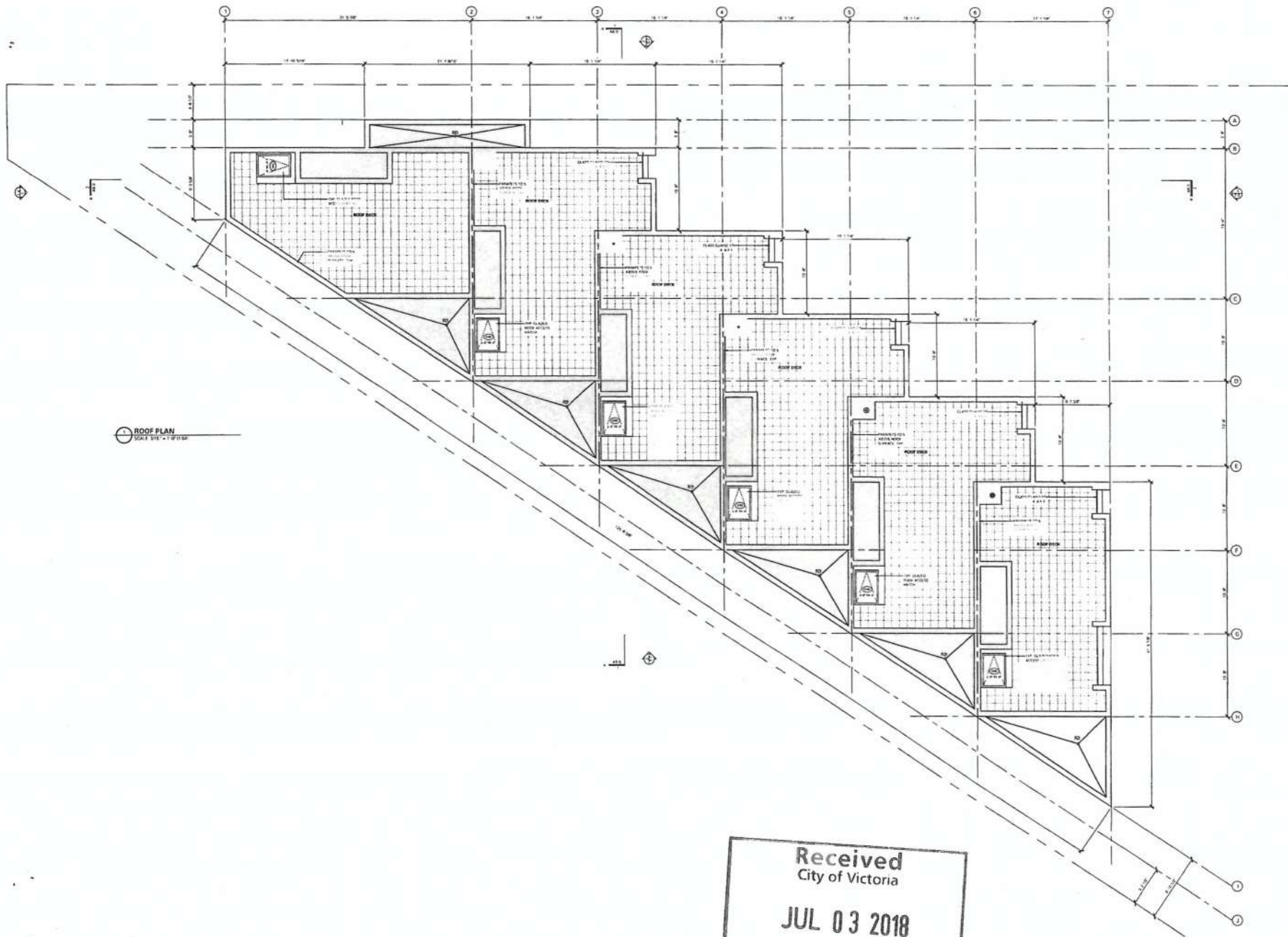
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A2.2

UPPER PLAN



ROOF PLAN
SCALE: 1/8" = 1'-0"

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REV	DATE	BY	CHKD	DESCRIPTION
1	2017.07.03	ARYZE	ARYZE	ISSUED FOR PERMIT
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3	2017.07.03	ARYZE	ARYZE	ISSUED FOR PERMIT
4	2017.07.03	ARYZE	ARYZE	ISSUED FOR PERMIT
5	2017.07.03	ARYZE	ARYZE	ISSUED FOR PERMIT

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SCALE
 1/8" = 1'-0"

DATE
 2017.07.03

DRAWN
 ARYZE

CHECKED
 ARYZE

REVISION

ISSUE

PROJECT NAME

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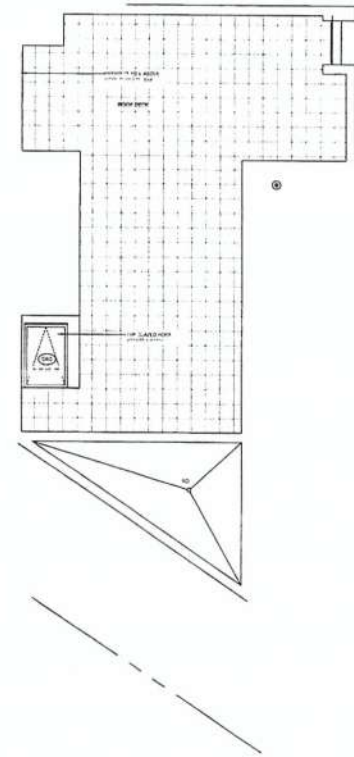
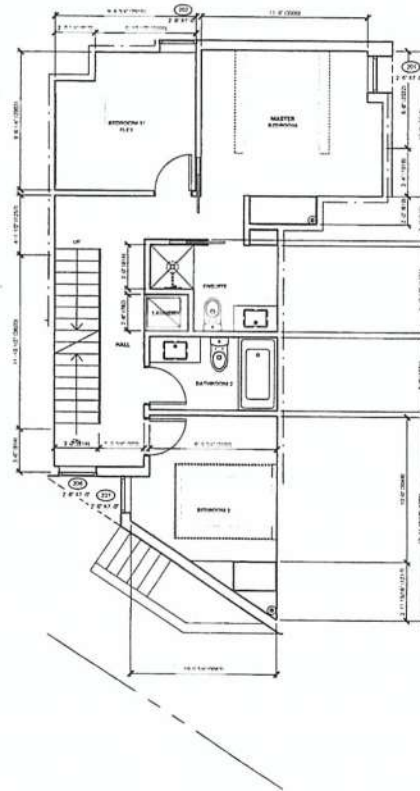
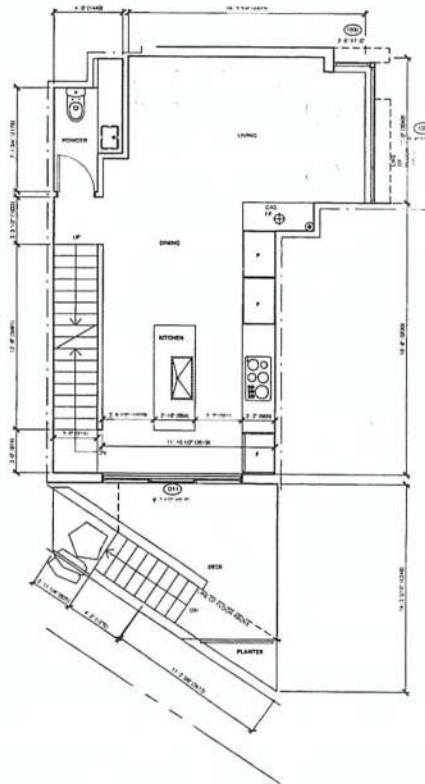
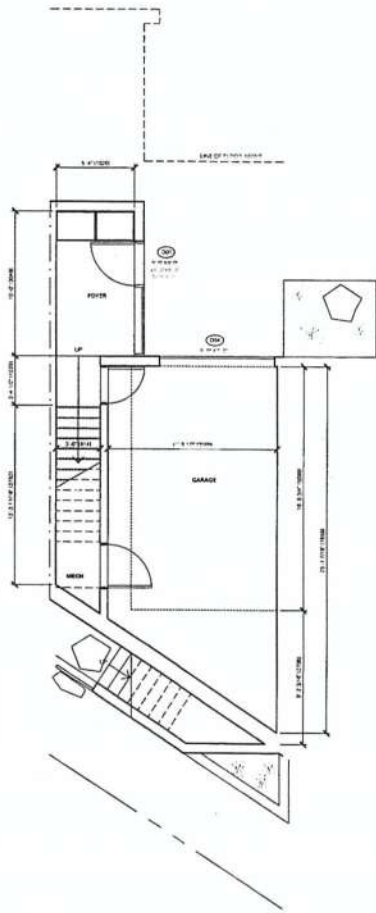
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ARYZE
 2910 SHELBOURNE STREET
 VICTORIA BC

A2.3
 ROOF PLAN

REVISED	DATE	BY
A	10/10/2000	ARJ
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D'ARCY JONES ARCHITECTURE INC.

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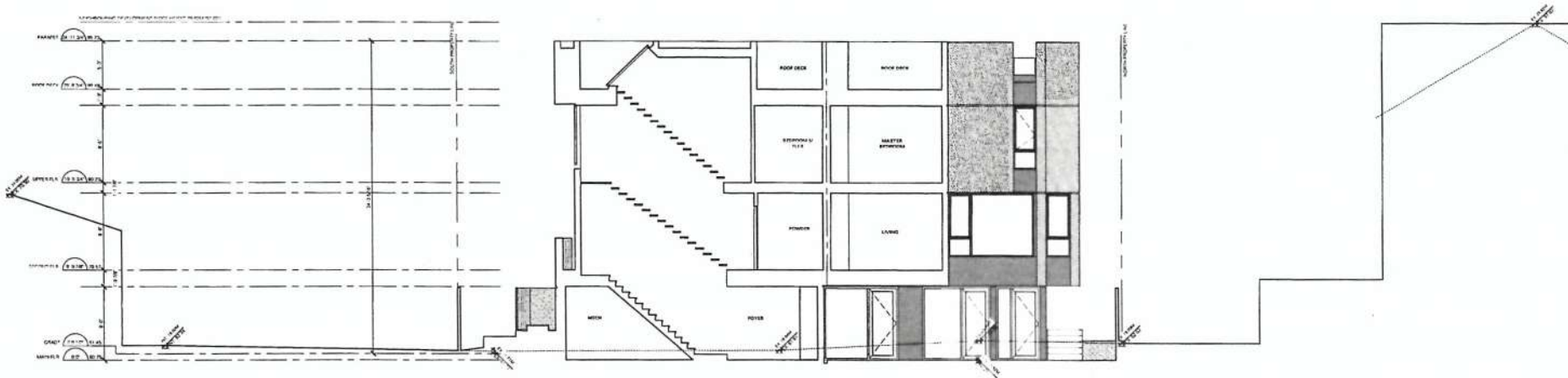
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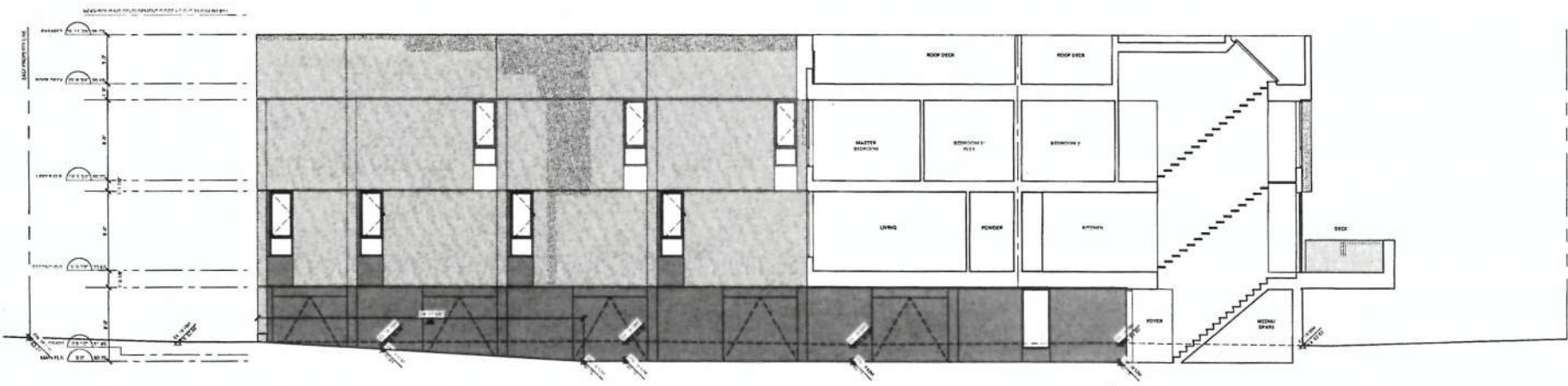
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TYP. UNIT PLAN

Sheet	Scale	Notes
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C	1/8" = 1'-0"	Overall Section
D	1/8" = 1'-0"	Overall Section
E	1/8" = 1'-0"	Overall Section
F	1/8" = 1'-0"	Overall Section



④ SITE SECTION (UNIT 4)
SCALE 3/16" = 1'-0"



⑤ SCHEMATIC SECTIONS (UNIT 5/6)
SCALE 3/16" = 1'-0"

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1111 11th Avenue E and
Hastings Street, Victoria BC V8W 2E2
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SCALE
1/8" = 1'-0"

DATE
10/10/18

DRAWN
JK

CHECKED
DJ

REVISIONS
NONE

CONSULTANT

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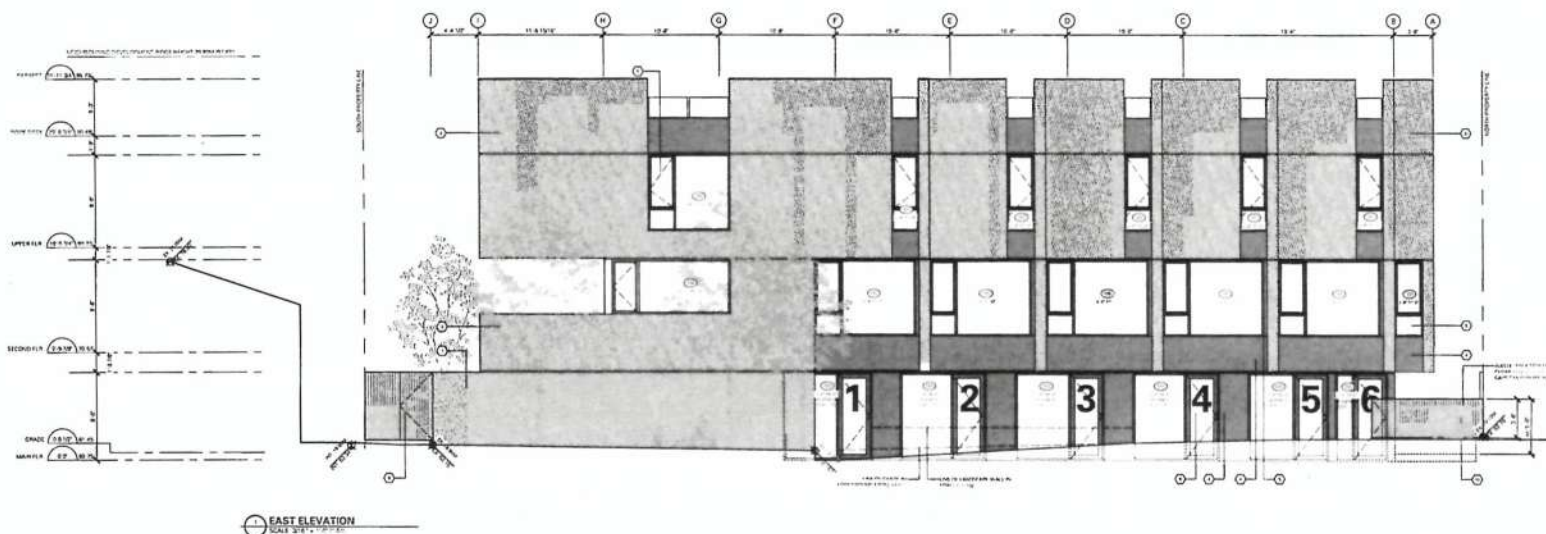
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VICTORIA BC

Received
City of Victoria
JUL 03 2018
Planning & Development Department
Development Services Division

A6.0
BUILDING SECTIONS

ISSUES		DATE
A	ISSUES	2018.07.03
B	ISSUES	2018.07.03
C	ISSUES	2018.07.03
D	ISSUES	2018.07.03
E	ISSUES	2018.07.03



- MATERIALS**
- 1. EXTERIOR WALLS: CONCRETE
 - 2. EXTERIOR WALLS: CONCRETE
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SCALE

1/8" = 1'-0"

DATE

2018.07.03

PROJECT

2018

CHECKED

10

REVISION

REVISION

CONSULTANT

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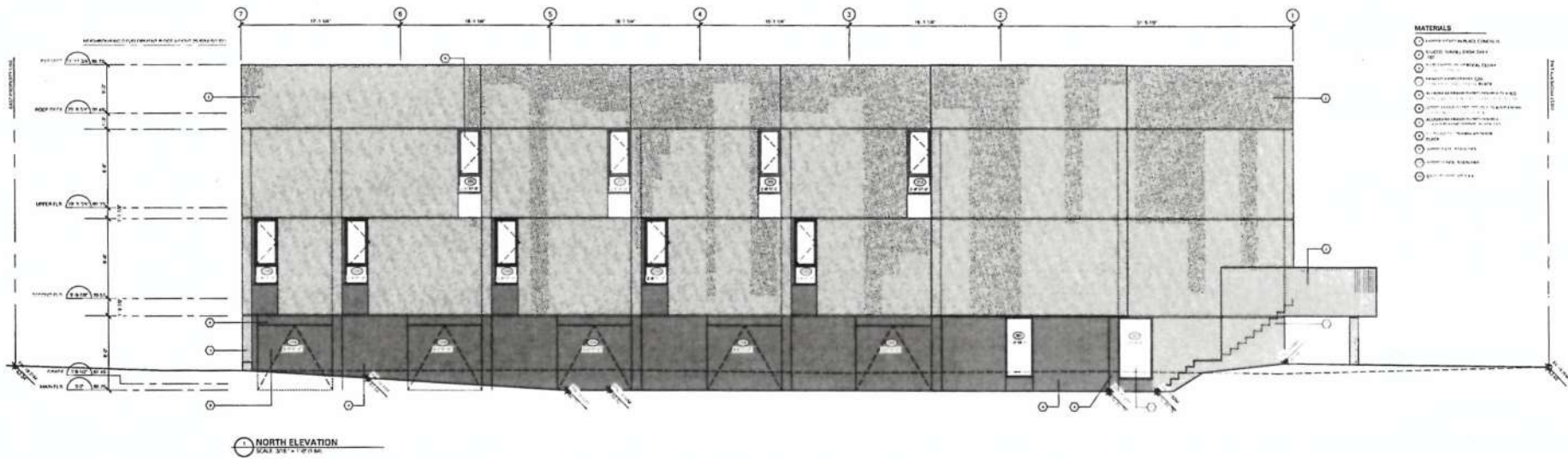
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Received
City of Victoria
JUL 03 2018
Planning & Development Department
Development Services Division

A7.0
EAST ELEVATION

ISSUES	DATE
A. APPROVALS	10/01/2018
B. REVISIONS	10/01/2018
C. REVISIONS	10/01/2018
D. REVISIONS	10/01/2018
E. REVISIONS	10/01/2018



- MATERIALS**
- 1. LIGHT GRAY CONCRETE
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 - 99. LIGHT GRAY CONCRETE
 - 100. DARK GRAY CONCRETE

D'ARCY JONES ARCHITECTURE INC
 201 - 11th Street, Suite 100
 Victoria, BC V8T 1C2
 Tel: 250.688.1111
 Fax: 250.688.1112
 Email: info@djai.com

SCALE
 1/8" = 1'-0"

DATE
 10/01/2018

DRAWN
 DJ

CHECKED
 DJ

REVISION

NOTE

CONSULTANT

Received
 City of Victoria

JUL 03 2018

Planning & Development Department
 Development Services Division

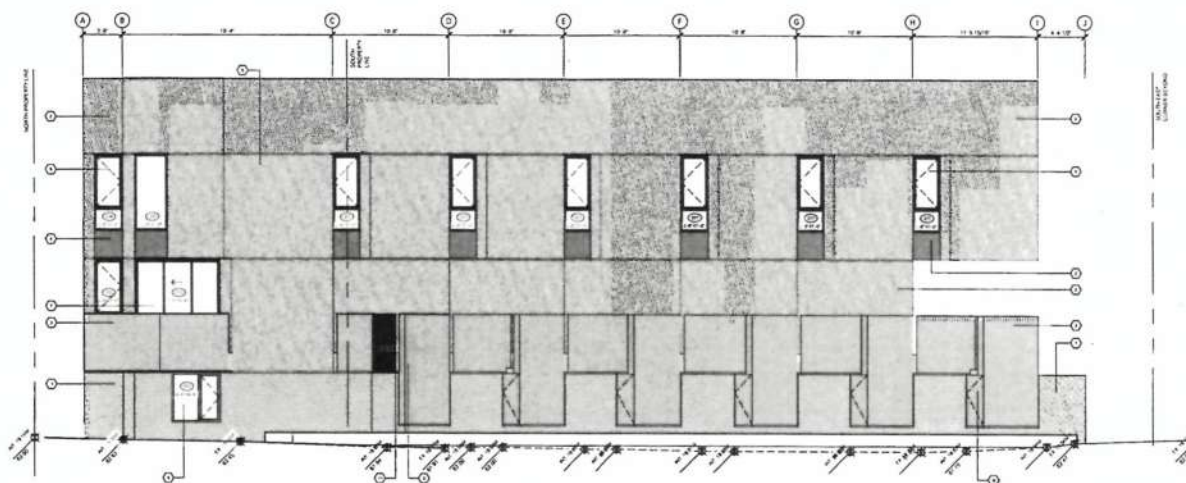
ARYZE
 2910 SHELBOURNE STREET
 VICTORIA BC

A7.1
 NORTH ELEVATION

REVISION	DATE	BY
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2	2018.07.03	ARYZE
3	2018.07.03	ARYZE
4	2018.07.03	ARYZE
5	2018.07.03	ARYZE
6	2018.07.03	ARYZE
7	2018.07.03	ARYZE
8	2018.07.03	ARYZE
9	2018.07.03	ARYZE
10	2018.07.03	ARYZE



WEST ELEVATION
 SCALE 1/8" = 1'-0"



- MATERIALS**
- 1. EXTERIOR WALLS: CONCRETE
 - 2. EXTERIOR WALLS: CONCRETE
 - 3. EXTERIOR WALLS: CONCRETE
 - 4. EXTERIOR WALLS: CONCRETE
 - 5. EXTERIOR WALLS: CONCRETE
 - 6. EXTERIOR WALLS: CONCRETE
 - 7. EXTERIOR WALLS: CONCRETE
 - 8. EXTERIOR WALLS: CONCRETE
 - 9. EXTERIOR WALLS: CONCRETE
 - 10. EXTERIOR WALLS: CONCRETE

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 2001 14th Avenue East
 Vancouver, BC V5L 1C8
 TEL: 604.271.1111
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SCALE
 1/8" = 1'-0"
 DATE
 2018.07.03
 DRAWN
 ARYZE
 CHECKED
 ARYZE
 REVISION
 NONE
 ISSUE
 1
 PROJECT NAME
 2018.07.03

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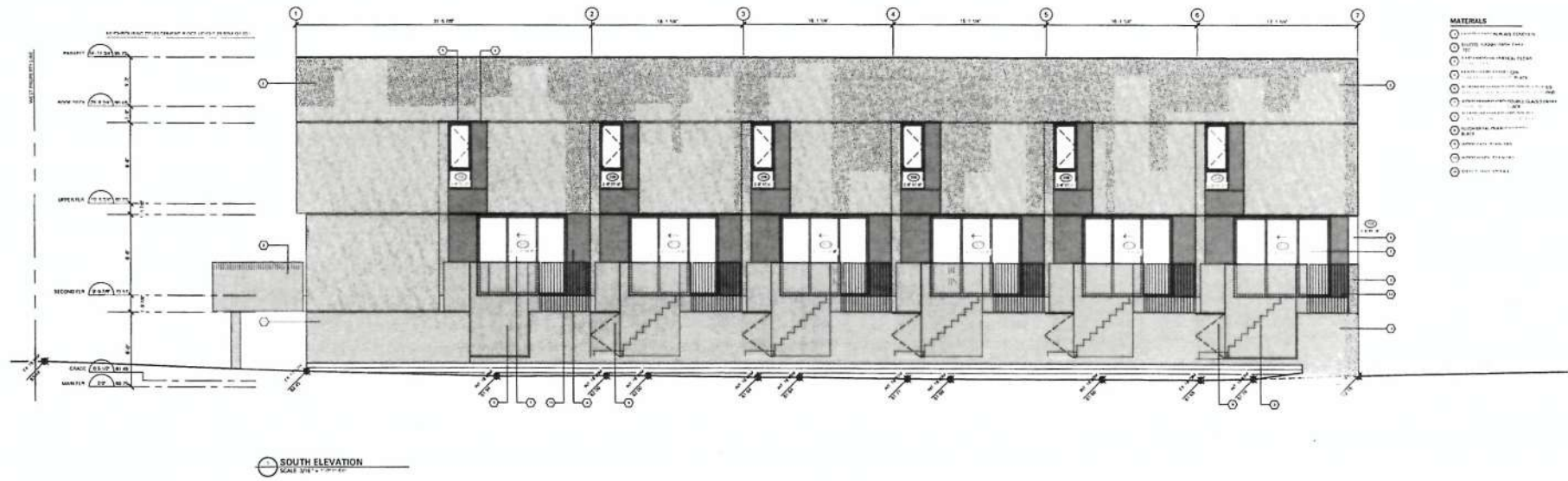
ARYZE
 2010 SHELBOURNE STREET
 VICTORIA BC

A7.2

WEST ELEVATION



ISSUES		DATE
A	PROPOSED SIGNAGE	19.06.2017
B	REVISION	19.06.2017
C	REVISION	19.06.2017
D	REVISION	19.06.2017
E	REVISION	19.06.2017



- MATERIALS**
- 1. CONCRETE
 - 2. BRICK
 - 3. GLASS
 - 4. METAL
 - 5. WOOD
 - 6. STONE
 - 7. TERRAZZO
 - 8. CERAMIC
 - 9. FABRIC
 - 10. PAINT
 - 11. PLASTER
 - 12. GROUT
 - 13. SEALANT
 - 14. INSULATION
 - 15. ROOFING
 - 16. FLOORING
 - 17. WALLPAPER
 - 18. LIGHTING
 - 19. FURNITURE
 - 20. ACCESSORIES

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 354 17th Avenue East
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SCALE
 1/4\"/>

Received
 City of Victoria
JUL 03 2018
 Planning & Development Department
 Development Services Division

ARYZE
 2910 SHELBOURNE STREET
 VICTORIA BC

A7.3
 SOUTH ELEVATION

Bianca Bodley
250.589.8244
bianca@biophilialcollective.ca

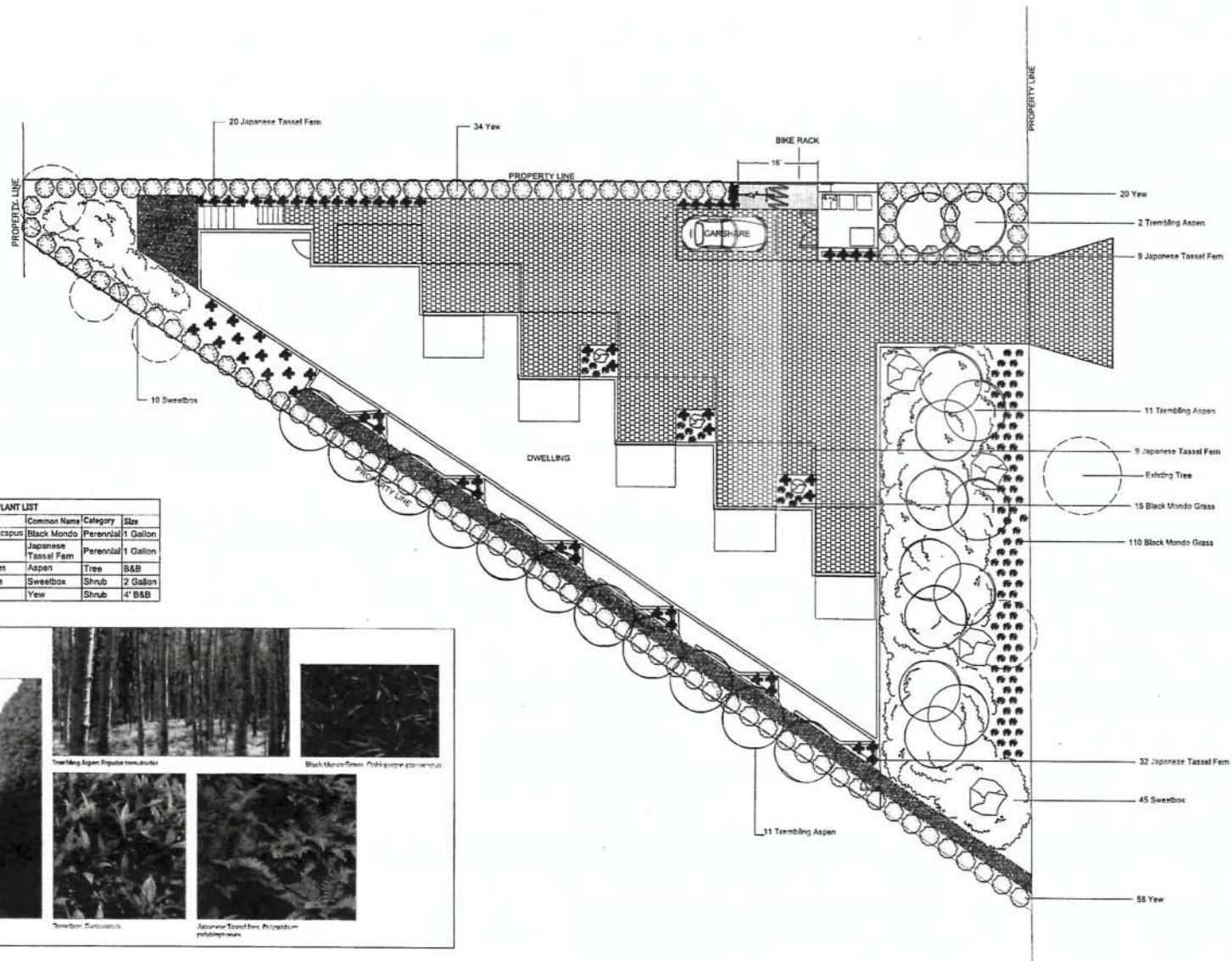
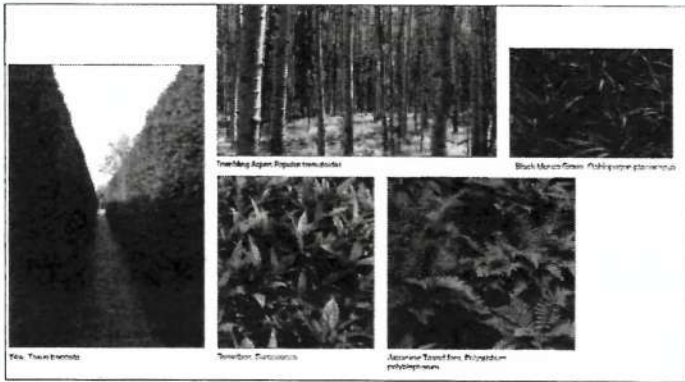
CLIENT NAME
ARYZE developments

PROJECT
Landscape Plan

ADDRESS
2910 Shelbourne St.

DESIGNED BY
Bianca Bodley

PLANT LIST					
ID	Quantity	Latin Name	Common Name	Category	Size
Op	130	<i>Ophiopogon planiscapus</i>	Black Mondo	Perennial	1 Gallon
Pp	64	<i>Polystichum polyblepharum</i>	Japanese Tassel Fern	Perennial	1 Gallon
Pl	25	<i>Populus tremuloides</i>	Aspen	Tree	B&B
Sh	55	<i>Sarcococca humilis</i>	Sweetbox	Shrub	2 Gallon
Tb	112	<i>Taxus baccata</i>	Yew	Shrub	4" B&B



CITY OF VICTORIA
RECEIVED
AUG 15 2018
DEEMED
JUL 03 2018



Scale: 1/8"=1'

L1 Planting Plan

DATE
June 2018

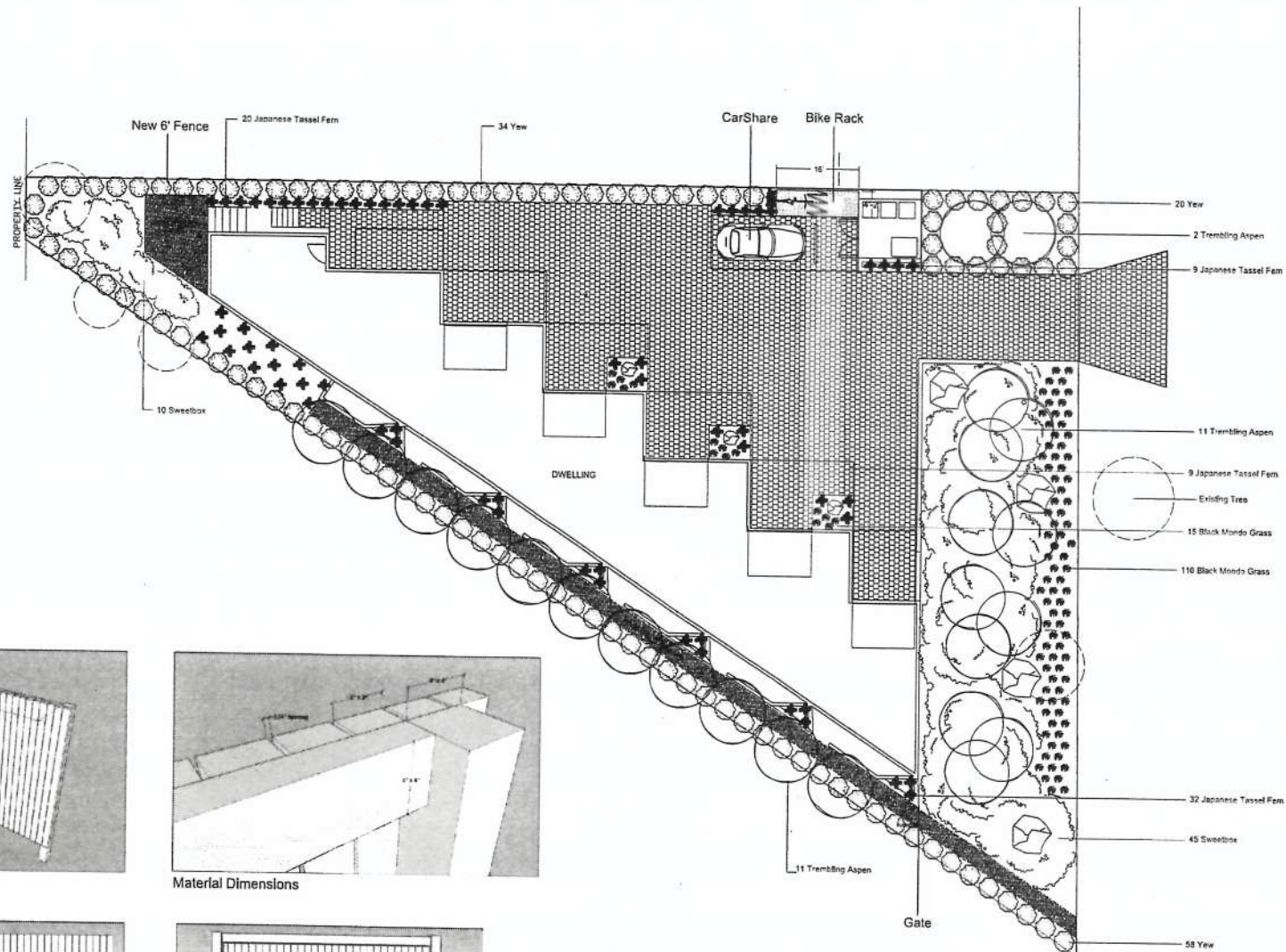
Blanca Bodley
250.589.8244
blanca@biophilacollective.ca

CLIENT NAME
ARYZE developments

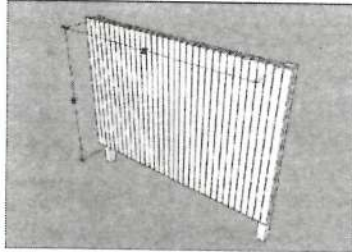
PROJECT
Landscape Plan

ADDRESS
2910 Shelbourne St.

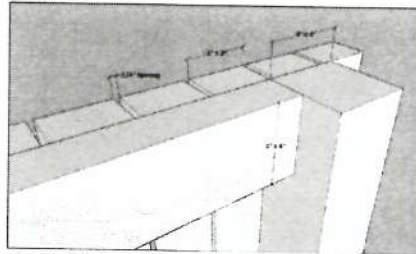
DESIGNED BY
Blanca Bodley



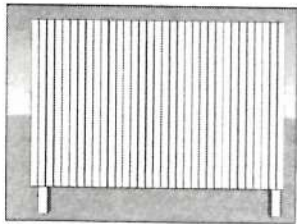
FENCE DETAILS



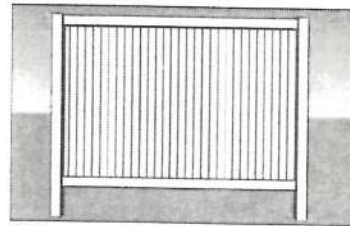
Fence Panel Dimension



Material Dimensions



Front



Back

CITY OF VICTORIA
RECEIVED
AUG 15 2018
DEEMED
JUL 03 2018



Scale: 1/8"=1'

L2 Fence Detail

DATE
June 2018



Committee of the Whole Report

For the Meeting of April 12, 2018

To: Committee of the Whole **Date:** March 29, 2018

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

Subject: Rezoning Application No. 00599 for 2910 Shelbourne Street

RECOMMENDATION

That Council decline Rezoning Application No. 00599 for the property located at 2910 Shelbourne Street.

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 2910 Shelbourne Street. The proposal is to rezone from the R1-B Zone, Single Family Dwelling District, to the RT Zone, Traditional Residential Attached Dwelling District, in order to permit the construction of a six-unit townhouse.

The following points were considered in assessing this Application:

- the proposal is consistent with the "Traditional Residential" designation in the *Official Community Plan* (OCP), which envisions ground-oriented attached dwellings
- the proposal is inconsistent with the General Development Guidance section of the OCP, which encourages the logical assembly of land
- the proposal is inconsistent with the "Townhouses up to 18 Units per Acre - 2.5 Storey Limit" designation in the *Oaklands Neighbourhood Plan*.

BACKGROUND

Description of Proposal

This Rezoning Application is to permit the construction of a six-unit townhouse development.

The following differences from the standard RT Zone, Traditional Residential District, are being proposed and will be discussed in relation to the concurrent Development Permit with Variances Application report:

- 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.

Affordable Housing Impacts

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

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 Rezoning Application.

Accessibility Impact Statement

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

Land Use Context

The area is characterized by ground oriented residential land uses, ranging from single family dwellings to townhouses.

Existing Site Development and Development Potential

The site is presently a vacant lot. Under the current R1-B Zone, Single Family Dwelling District, the property could be developed as a single family dwelling with the inclusion of either a secondary suite or a garden suite.

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 this report.

ANALYSIS

Official Community Plan

The OCP designates the property within the Traditional Residential urban place designation. Within this designation multi-unit buildings up to three storeys, including attached dwellings, are envisioned along arterial and secondary arterial roads. Shelbourne Street is classified as a secondary arterial road. The envisioned floor space ratio is up to approximately 1 to 1 compared to the proposed floor space ratio which is 0.76 to 1.

However, the proposal is inconsistent with General Development Guidance Objective 6.8, which encourages the logical assembly of development sites that enable the best realization of permitted development potential for the area. In this instance, the logical assembly of land would include the two sites located to the south of the subject property (1650 and 1658 Pearl Street) as this would form a rectangular site and provide for more opportunity to design a more traditional building form. The applicant previously indicated to staff that the owners of these properties were unwilling to sell at this time.

Local Area Plans

The *Oaklands Neighbourhood Plan* Residential Development Potential map identifies this property for townhouses generally up to 18 units per acre with a 2.5 storey limit. This proposal is for 24.5 units per acre and three storeys, which is inconsistent with the plan. The plan also notes that slight reductions in parking requirements can be considered in light of the location on existing major bus routes. Finally, the plan notes that building setbacks for new townhouses be at least 10.7 metres from Shelbourne Street.

Regulatory Considerations

Should Council consider approving the Rezoning Application, staff recommend that a 7.0m Statutory Right-of-Way (SRW) on Shelbourne Street be secured. This is a standard recommendation for rezonings on the western side of Shelbourne Street. Appendix 3 of the *Oaklands Neighbourhood Plan* notes that on October 14, 1993, Council approved a motion to permit 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. This Application proposes a variance from the 10.7m front yard setback to 7.53m, which could negatively affect the interface between the public and private realms when the road is widened.

CONCLUSIONS

The OCP and the *Oaklands Neighbourhood Plan* both envision townhouses on this property. While the *Oaklands Neighbourhood Plan* recommends a lower number of units as a general principle, the proposal is below the OCP's contemplated density of 1 to 1 floor space ratio. The proposal has a number of differences from the standard RT Zone, Traditional Residential District, including a variance to the 10.7m setback from Shelbourne Street, which could negatively affect the development's street relationship if road improvements are completed in the future. In addition, the logical assembly of land would include the two parcels of land to the south. Staff therefore recommend Council consider declining this Application.

ALTERNATE MOTIONS

Option 1 (revised plans)

That Council refer Rezoning Application No. 00599 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 the 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 instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00599 for 2910 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 the following conditions are met:

1. Receipt of an executed 7.0m Statutory Right-of-Way off Shelbourne Street to the satisfaction of the City Solicitor.
2. Receipt of a letter from Modo indicating willingness to partner with the Applicant in providing a car share vehicle and car share memberships for each unit.
3. Receipt of a car share agreement that includes the purchase of one car share vehicle and car share memberships for all units (six in total) to the satisfaction of the Director of Engineering and Public Works.

Respectfully submitted,



Michael Angrove
Planner
Development Services


SH



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 – Subject Map
- Attachment B – Aerial Map
- Attachment C – Plans dated/date stamped February 23, 2018
- Attachment D – Letter from applicant to Mayor and Council dated October 27, 2017
- Attachment E – Community Association Land Use Committee Minutes dated March 20, 2017.



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

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:

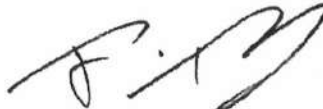
1. Plans date stamped February 23, 2018.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the lot width from 20.0m to 19.72m
 - ii. increase the number of units in an attached dwelling from 4 to 6
 - iii. allow a roof deck
 - iv. reduce 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,



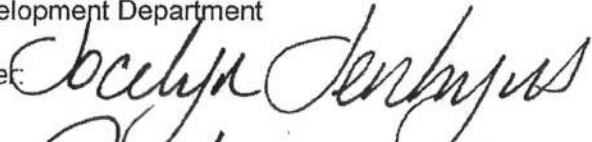
Michael Angrove
Planner
Development Services

JH.



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.

Moved By Councillor Thornton-Joe
Seconded By Councillor Alto

Rezoning Application No. 00598

That Council direct staff to work with the applicant to refine the proposal to encourage a better fit with the current neighbourhood context and to minimize potential negative impacts associated with a piecemeal approach to development in this area.

Development Permit with Variances Application No. 000506

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.
 - iv. address Council's issue of the lack of affordability in this application and revisit discussions of entering into a housing agreement.
2. Refer the application to the Advisory Design Panel and report back to the Committee of the Whole following a review by the panel.

FOR (5): Councillor Alto, Councillor Coleman, Councillor Loveday, Councillor Lucas, and Councillor Thornton-Joe

OPPOSED (4): Mayor Helps, Councillor Isitt, Councillor Madoff, and Councillor Young

CARRIED (5 to 4)

4. 2910 Shelbourne Street - Rezoning Application No. 00599 & Development Permit with Variances Application No. 000507 (Oaklands)

An application to allow the construction of a six-unit townhouse.

Moved By Councillor Alto
Seconded By Mayor Helps

Rezoning Application No. 00599

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00599 for 2910 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 the following conditions are met:

1. Receipt of an executed 7.0m Statutory Right-of-Way off Shelbourne Street to the satisfaction of the City Solicitor.
2. Receipt of a letter from Modo indicating willingness to partner with the Applicant in providing a car share vehicle and car share memberships for each unit.
3. Receipt of a car share agreement that includes the purchase of one car share vehicle and car share memberships for all units (six in total) to the satisfaction of the Director of Engineering and Public Works.

Development Permit with Variances Application No. 000507

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: 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.
3. The Development Permit lapsing two years from the date of this resolution."

CARRIED UNANIMOUSLY

5. **930 Fort Street - Rezoning Application No. 00593 & Development Permit with Variances Application No. 00502 (Downtown)**
An application to allow the construction of a 13-storey, mixed-use building containing 62 residential units and two ground-floor commercial units.

Moved By Councillor Thornton-Joe

Seconded By Councillor Coleman

Rezoning Application No. 00593

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendments that would authorize the proposed development outlined in Rezoning Application No. 00593 for 930 Fort Street, that first and second reading of the Zoning Regulation Bylaw Amendments be considered by Council, and a Public Hearing date be set once the following conditions are met:

1. Registration of legal agreements to the satisfaction of the Director of the Sustainable Planning and Community Development, securing an amenity contribution in the amount of \$270,675.74 toward the Local