



Committee of the Whole Report

For the Meeting of February 28, 2019

To: Committee of the Whole **Date:** February 14, 2019

From: Andrea Hudson, Acting Director, Sustainable Planning and Community Development

Subject: Development Permit with Variances Application No. 00078 for 945 Pembroke 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. 000642, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variance Application No. 00078 for 945 Pembroke Street, in accordance with:

1. Plans date stamped February 12, 2019.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Lot A - reduce the required number of residential parking spaces from six to five and the number of visitor parking spaces from one to nil
 - ii. Lot B - reduce the required number of residential parking spaces from six to five and number of visitor parking spaces from one to nil
 - iii. Reduce the continuous landscaping screen between a surface vehicle parking area and an adjacent lot primarily for residential uses from 1m to 0.60m
3. Enter into an Agreement with a car share provider and purchase 12 car share membership (one car share membership per dwelling unit).
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 945 Pembroke

Street. The proposal is to construct two, three-storey multi-unit residential buildings. The variances are related to reducing the required number of parking spaces and the width of a continuous landscaping screen between a surface vehicle parking area and a residential lot.

The following points were considered in assessing this application:

- the subject properties are 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 proposal complies with the objectives outlined in this DP area
- the design guidelines for *Downtown Core Area Plan* (2011), *Guidelines for Fences, Gates and Shutters* (2010), and *Advisory Design Guidelines for Buildings, Signs and Awnings* (2006) apply to the development proposal. Overall, the proposal is consistent with the design guidelines
- the applicant is proposing to reduce the required number of residential parking spaces from six to five and visitor parking spaces from one to nil for each multi-unit residential building. The anticipated overall parking shortfall for this development is four stalls. To help offset some of this anticipated shortfall, the applicant has offered car-share memberships and a usage credit of \$100 for each of the 12 dwelling units. Currently, the closest Modo car-share vehicles are located on the 900 block of North Park Street and 800 block of Queens Avenue. The subject property is also within walking distance to the urban core and near frequent transit service and bicycle infrastructure. For these reasons, staff support the proposed parking variances
- the applicant is also proposing to reduce the continuous landscaping screen between a surface vehicle parking area and an adjacent lot used primarily for residential purposes. Under the old Schedule C: Off-Street Parking, the minimum width requirement for a landscaping screen was 0.6m; however, it has been increased to 1m in the new Schedule C. The variance is supportable given that the applicant designed the parking lot in accordance with the requirements at the time of application submission, and adequate landscaping is still being provided for screening purposes.

BACKGROUND

Description of Proposal

The proposal is to construct two, three-storey multi-unit residential buildings. Specific details include:

- two, three-storey buildings consisting of traditional architectural features, including pitched and gabled rooflines, dormers and traditional-style bay windows and materials
- exterior building materials of Building A consisting of lap siding, hardi-panels, asphalt shingles, Tudor batons and painted wood casing
- exterior building materials of Building B consisting of horizontal hardi-siding, hardi-shingle cladding and asphalt shingles
- individual private patio spaces
- upper-storey residential entryways facing the street and rear yard
- side entryways for the basement level residential units
- permeable pavers in the parking area and permeable surface treatment for the shared driveway
- planting beds to break-up the hard surface treatment
- twelve long-term (Class 1) bicycle parking spaces for each building to be located in a bicycle storage area in the basement level, and six short-term (Class 2) bicycle parking spaces to be located in the front yard of each lot.

The proposed variances are related to reducing the required number of residential and visitor parking spaces and the width of a continuous landscaping screen between a surface vehicle parking area and a residential lot.

Sustainability Features

As indicated in the applicant's letter dated January 10, 2019, the applicant confirmed that the buildings would meet new municipal StepCode 1 requirements, contain energy efficient appliances and the trusses would be designed to accommodate solar panels in the future.

Active Transportation Impacts

The applicant is providing twelve long-term and six short-term bicycle parking spaces for each building, which complies with the bicycle parking requirements in Schedule C: Off-Street Parking Regulations.

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 single-family dwelling.

Under the current R-2 Zone, Two-Family Dwelling District, the property could be developed as a duplex or a single-family dwelling with a secondary suite or garden suite.

Data Table

The following data table compares the proposal with the existing R-2 Zone, Two Family Dwelling District. An asterisk is used to identify where the proposal is less stringent than the existing Zone.

Zoning Criteria	Proposal Lot A	Proposal Lot B	Existing Zone R-2
Site area (m ²) – minimum	533.29 *	528.41 *	555
Density (Floor Space Ratio) – maximum	0.86:1*	0.87:1*	0.50:1
Height (m) – maximum	9.71*	9.48*	7.60
Storeys – maximum	3*	3*	2
Site coverage (%) – maximum	35.40	35.80	40.00

Zoning Criteria	Proposal Lot A	Proposal Lot B	Existing Zone R-2
Open site space (%) – minimum	32.50	31.60	30.00
Setbacks (m) – minimum			
Front (Pembroke Street)	5.65* / 3.20* (entry steps)	5.76* / 3.13* (entry steps)	7.50 / 3.00 (projections)
Rear (S)	12.98	12.79	13.63
Side (E)	2.21 *	1.56 *	3.00
Side (W)	1.56	2.17	1.50
Vehicle parking – minimum	5 *	5 *	6
Visitor vehicle parking included in the overall units – minimum	0 *	0 *	1
Surface parking landscape screen	0.60 *	0.60 *	n/a
Bicycle parking stalls – minimum			
Class 1	12	12	n/a
Class 2	6	6	n/a

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, on April 16, 2018 the application was referred for a 30-day comment period to the North Park CALUC. Meeting minutes from the formal community meeting, dated March 26, 2018, 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, 2012 (OCP)* identifies the subject property within Development Permit Area 3 (HC): Core Mixed-Use Residential. This DPA identifies the Core Residential area as a major residential district on the edge of a regional commercial and employment district and anticipates residential growth in the form of intensified multi-unit, residential development. The applicant is proposing lower density residential infill development that fits with the existing

neighbourhood context and built form, which is predominantly single-family dwellings comprising of traditional-style architectural features.

Tudor architectural style and materials are being proposed for both buildings to complement the adjacent single-family dwellings, similarly to the existing single-family dwelling on the property. Each dwelling unit has a private entryway with direct exterior access. The applicant has provided a window overlay with neighbouring properties and between the two proposed buildings. Some of the windows on the east elevation of House A would line up with the existing side windows on the adjacent single-family dwelling. The windows on the west elevation of House B are off-set from the neighbouring windows. There would be some overlook between the proposed buildings, which would be mitigated by the proposed translucent rain glass for the bathroom windows.

With respect to landscaping, the applicant is proposing a permeable surface treatment for the parking area, patios and walkways and some planting beds to break up the hard surface. Five new trees would be planted in the rear yard adjacent to the parking spaces. Overall, this proposal is generally consistent with the policies and design guidelines outlined in the OCP.

Downtown Core Area Plan

The *Downtown Core Area Plan*, 2011 (DCAP) supports larger buildings at this location, and the design guidelines generally focus on multi-unit residential buildings greater than approximately four storeys; however, the proposal is consistent with several design guidelines pertaining to residential buildings, such as providing at-grade individual entrances with direct connections to a public sidewalk and landscaped front entryways, a shared driveway for residential uses and locating the parking in the rear yard, and private patio space for each dwelling unit.

Tree Preservation Bylaw and Urban Forest Master Plan

The applicant engaged Talbot Mackenzie & Associates to complete a Tree Preservation Plan. The arborist inventoried seven trees associated with this proposal and none of these trees are located on the subject property. The two public boulevard trees on Pembroke Street are to be retained, which include an American Sweetgum and Garry Oak tree. An exploratory dig was conducted by the arborist to evaluate the impacts of the proposed driveway and front yard patios on the public Sweetgum tree. The applicant has indicated on the site plan that the pathway and patio will be constructed in accordance with the recommendations in the Tree Preservation Plan with no excavation into the tree's roots.

Five non-bylaw protected trees located on adjacent properties to the west and south are to be retained. The arborist report states that the construction of the parking lot and patio for Unit B6 of the proposal may impact the neighbour's Sweetgum Tree NT3 (non-bylaw protected). The arborist recommends that the applicant construct a floating patio and parking lot to protect the roots of the tree, and the applicant has made a note on the landscape plan that these two elements would be constructed in accordance with the Tree Preservation Plan.

Regulatory Considerations

Parking Variance

The applicant is proposing to reduce the required number of residential parking spaces from six to five and visitor parking spaces from one to nil for each multi-unit residential building. At least one dwelling unit per building would not have a dedicated on-site parking space. Since there is no visitor parking on-site, this will result in visitors to the property seeking on-street parking in

the area, which will compete with neighbouring properties and public facilities such as the Crystal Pool, Royal Athletic Park and Memorial Arena. The anticipated overall parking shortfall for this development is four stalls. To help offset some of this anticipated shortfall, the applicant has offered car-share memberships and a usage credit of \$100 for each of the 12 dwelling units. Currently, the closest Modo car-share vehicles are located on the 900 block of North Park Street and the 800 block of Queens Avenue. A letter from MODO is attached to the report. The subject property is also within walking distance to the urban core and near frequent transit service and bicycle infrastructure. For these reasons, staff support the proposed parking variances.

Landscape Screen

The applicant is proposing to reduce the continuous landscaping screen between a surface vehicle parking area and an adjacent lot used primarily for residential purposes. Under the old Schedule C: Off-street Parking, the minimum width of a landscaping screen was 0.6m; however, it has been increased to 1m in new Schedule C. The variance is supportable given that the applicant designed the parking lot in accordance with the old Schedule C, which were the requirements at the time of application submission, and adequate landscaping is still being provided for screening purposes.

Advisory Design Panel Review

The Advisory Design Panel (ADP) reviewed the proposal at the meeting of November 28, 2018. The minutes from the meeting are attached for reference and the following motion was carried:

"It was moved that the Development Permit with Variances Application No. 00078 for 945 Pembroke Street does not sufficiently meet the applicable design guidelines and polices and should be declined, and that the key areas that should be revised include:

- *improvement of the overall livability of the proposal with particular attention to the interior and exterior site circulation and building separation distances*
- *reconsideration of the overall building expression to limit the replication of heritage façades."*

The applicant considered ADP's comments and wishes to move forward with no significant changes to the overall design of the buildings. The applicant prefers a lower density, ground-oriented residential development at this location that fits with the neighbourhood context from a site planning and architectural-perspective. The applicant has made some refinements to the proposal following the ADP meeting, which include improvements to the front yard circulation and landscaping, redesigning the bike room, reducing window overlap between buildings and removing the Juliet balconies on House A.

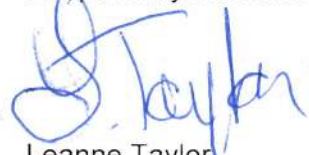
CONCLUSIONS

The proposal to construct two, three-storey multi-unit residential buildings is generally consistent with DPA 3(HC) and the applicable design guidelines. The parking variances are supportable given the car-share memberships and usage credits being offered by the applicant, and the site's close proximity to a frequent transit network and cycling infrastructure. The variance to reduce the landscape screen is also supportable as the applicant has demonstrated that a fence, shrubs and vines can be planted in the provided space. Staff recommend for Council's consideration that the application proceed to an Opportunity for Public Comment.

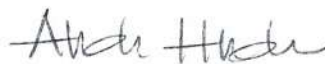
ALTERNATE MOTIONS

That Council decline Development Permit with Variance Application No. 000642 for the property located at 945 Pembroke Street.

Respectfully submitted,



Leanne Taylor
Senior Planner
Development Services Division



Andrea Hudson, Acting Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.



Date:

Feb 15, 2019

List of Attachments:

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans dated/date stamped February 12, 2019
- Attachment D: Letter from applicant to Mayor and Council dated February 13, 2019
- Attachment E: Letter from applicant to Mayor and Council dated February 13, 2019
- Attachment F: Community Association Land Use Committee Comments dated March 26, 2018
- Attachment G: Arborist Report dated January 8, 2019
- Attachment I: Letter of support from Modo dated February 5, 2019
- Attachment J: ADP Report dated August 10, 2018
- Attachment K: Minutes from the ADP meeting dated August 22, 2018.