



Committee of the Whole Report For the Meeting of June 6, 2019

To: Committee of the Whole **Date:** May 9, 2019
From: Andrea Hudson, Acting Director, Sustainable Planning and Community Development
Subject: Development Permit with Variances Application No. 00091 for 561 and 565 Toronto Street

RECOMMENDATION

That, subject to the preparation and execution of the related legal agreements, Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Development Permit with Variance Application No. 00091 for 561 and 565 Toronto Street, in accordance with:

1. Plans date stamped April 26, 2019.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the street boundary setback from 10.5m to 4.6m;
 - ii. reduce the rear yard setback from 6.99m to 3.9m;
 - iii. reduce the West side yard setback from 6.99m to 4.39m;
 - iv. reduce the East side yard setback from 6.99m to 0m;
 - v. reduce the distance from property line to centre line from 7.5m to 5.0m;
 - vi. increase the site coverage from 40% to 46%;
 - vii. reduce the open site space from 60% to 54%.
3. Registration of legal agreements on the property's title to secure:
 - a. a statutory right of way, to the satisfaction of the Director of Engineering;
 - b. a housing agreement to restrict Strata Bylaws from prohibiting rental units; and
 - c. the provision of electrical conduits to all parking stalls to allow for future electric vehicle changing infrastructure.
4. Council authorizing anchor-pinning into the City Right-of-Way, provided that the applicant enters into an Encroachment Agreement in a form satisfactory to the City Solicitor and the Director of Engineering and Public Works.
5. 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.

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 intensive 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 properties located at 561 and 565 Toronto Street. The proposal is to construct a four-storey residential building containing approximately 24 units. The variances are related to reducing the setbacks at the sides, rear and front yards, increasing the site coverage and decreasing the open site space.

The following points were considered in assessing this application:

- the application is consistent with Design Guidelines for *Multi-Unit Residential, Commercial and Industrial Development* (2012) with regard to providing sensitive infill, ground-oriented residential units
- the application is consistent with the vision of the *James Bay Neighbourhood Plan* (1993), which recommends that new developments respect the existing character of the neighborhood
- the variances for setbacks, open site space and site coverage are supportable as a contextual response to the existing site conditions and design guidelines
- the provision of the Statutory Right-of-Way along Toronto Street, which incorporates a new boulevard and sidewalk alignment, contributes to transportation and greenways priorities, adds two new street trees and improves the pedestrian and street parking experience.

BACKGROUND

Description of Proposal

The proposal is for a new four-storey residential building. Specific details include:

- low-rise four-storey building form utilizing contemporary design features
- three ground-oriented dwelling units accessible directly off Toronto Street
- a separate outdoor space for each unit in the form of either a patio or balcony as well as a common garden space
- one level of underground parking with 23 stalls accessed via Toronto Street
- a new Statutory Right-of-Way (SRW) along Toronto Street to accommodate a sidewalk realignment and to provide a new public boulevard with two new boulevard trees.

The proposed variances are to:

- reduce the street boundary setback from 10.5m to 4.6m
- reduce the rear yard setback from 6.99m to 3.9m
- reduce the West side yard setback from 6.99m to 4.39m
- reduce the East side yard setback from 6.99m to 4.06m
- reduce the distance from property line to centre line from 7.5m to 5m
- increase the site coverage from 40% to 46%
- reduce the open site space from 60% to 54%.

Affordable Housing Impacts

The applicant proposes the creation of 24 new residential units, which would increase the overall supply of housing in the area. A Housing Agreement is also being proposed, which would ensure that future Strata Bylaws could not prohibit the rental of units.

Tenant Assistance Policy

The proposal is to demolish two existing single family dwellings, which would result in a loss of two existing residential rental units. No tenants occupied either of the units at the time the applicant purchased the properties and the units have remained vacant.

Sustainability Features

As indicated in the applicant's letter dated April 23, 2019, the following sustainability features are associated with this application:

- energy-efficient design of the building envelope
- Heat Recovery Ventilation units to reduce energy usage for heating and cooling
- LED lighting
- window designs to maximize daylighting and reduce lighting requirements, including a day-lit exit stair
- low-flow water fixtures
- flow-through planters to reduce stormwater runoff
- electric conduits to each parking stall to allow for future installation of electric vehicle charging equipment.

The applicant has agreed to secure the installation of the electrical conduits at the parking stalls for future electric vehicle charging capability through a covenant.

Active Transportation Impacts

The application proposes bike racks and bike storage consistent with the off-street parking zoning requirements, which supports active transportation.

Public Realm Improvements

The applicant has agreed to provide a 2m Statutory Right-of-Way (SRW) along Toronto Street. Currently the right-of-way width along Toronto Street is only 10m. The standard right-of-way for a secondary arterial is 20m; however, future transportation related needs on the corridor can be met with a right-of-way of 14m. The existing condition does not leave room for a boulevard between the sidewalk and the street. The proposal incorporates the SRW into the site design, reconfiguring the sidewalk and adding a boulevard. Two new street trees would be planted on the new grass boulevard between the road and sidewalk. The SRW would be secured with a Section 219 Covenant.

Accessibility Impact Statement

The British Columbia Building Code regulates accessibility as it pertains to buildings. The subject property is located within Development Permit Area 16, which seeks to create more liveable environments through human-scaled design that considers accessibility, safety and thoughtful open spaces. The *Design Guidelines for Multi-Unit Residential, Commercial and Industrial Development*, which apply to the property, envision a high standard of accessibility for

site, landscape and building design. These guidelines further recommend that accessible access should be prominent and visible from the street and that ramps and related elements should be integrated thoughtfully into the design.

The main entry to the proposed building along Toronto Street is accessible by a ramp and there is a secondary exit on the west side of the building. The street-level units are accessible from Toronto Street by several stairs, but can also be reached by the main ramp-accessed entry. Due to the SRW, which pushes the height of the underground parkade above grade, the communal garden area and east side entrance require several stairs for access from the street; however, the west entrance to the garden area has no grade change and no stairs or ramp are required.

The provision of the SRW and realigned sidewalk area allows for a new boulevard, which creates space between the sidewalk and road traffic and allows space for public street infrastructure out of the way of the sidewalk.

Existing Site Development and Development Potential

The site is presently two single family dwelling lots. Under the current R3-2 Zone, Multiple Dwelling District, the properties could be developed as two single family dwellings with secondary suites or garden suites, college fraternities, or public buildings. With the two properties combined, it could be developed as a one duplex at a density of 0.5 to 1 Floor Space Ratio (FSR), or public building, or a multiple dwelling at a density of up to 1.6 to 1 FSR.

Land Use Context

The subject property is located in a transitional area: the Urban Residential urban place designation extends along the south side of Toronto Street and along the block further to the south. The properties on the north side of Toronto Street are in the Traditional Residential land use designation, which envisions a maximum of two storeys. The existing adjacent land uses are generally reflective of these designations. The proposed four-storey building is flanked on the south and west by surface parking lots, which service the two four-storey residential buildings on the adjacent lots to the south. Beyond the surface parking to the west is a relatively new three-storey townhouse development. Directly to the east of the proposed development is an approximately three and a half storey character conversion building, which is operating as a rooming house. The houses across the street generally have heritage or character value and are a mix of single family, duplex and multi-unit house conversions. The site is about 100m from the James Bay Urban Village.

Data Table

The following data table compares the proposal with the existing R3-2 Zone, Multiple Dwelling District Zone. An asterisk is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposal	Zone Standard R3-2 Zone
Site area (m ²) – minimum	999.00	920.00
Density (Floor Space Ratio) – maximum	1.49:1	1.6:1

Zoning Criteria	Proposal	Zone Standard R3-2 Zone
Minimum right of way from centre line	5.0 *	7.5
Total floor area (m ²) – maximum	1,483.6	1,598.4
Height (m) – maximum	13.93	18.50
Storeys – maximum	4	n/a
Unit Size (m ²) – minimum	42.9	33.0
Site coverage (%) – maximum	46.00 *	40.00
Open site space (%) – minimum	54.00 *	60.00
Setbacks (m) – minimum		
Front (Toronto Street)	4.62 * – to the balcony (5.79 to building face)	10.50
Rear (S)	3.93 * – to the balcony (4.90 to building face)	6.99
Side (E)	0 * – to the parkade wall (4.06 to the balcony; 5.04 to the building face)	6.99
Side (W)	4.39 * – to the building	6.99
Vehicle parking – minimum	23	23
Visitor vehicle parking – minimum	2	2
Bicycle parking stalls – minimum		
Long Term	28	28
Short Term	6	6

Community Consultation

While meeting with the *Community Association Land Use Committee (CALUC)* is not a requirement for Development Permit with Variance applications, the applicant chose to meet with the CALUC at a public meeting on October 10, 2018 and also met with the James Bay Neighbourhood Association “Development Review Committee” on September 18, 2018. A letter from the James Bay Neighbourhood Association dated November 21, 2018 is attached to this report.

This application proposes variances; therefore, in accordance with the City's *Land Use Procedures Bylaw*, it requires notice, sign posting and a meeting of Council to consider the variances.

ANALYSIS

Development Permit Area and Design Guidelines

The *Official Community Plan* (OCP, 2012) identifies this property within Development Permit Area (DPA) 16, General Form and Character. The key design guidelines that apply to DPA 16 are the Design Guidelines for *Multi-Unit Residential, Commercial and Industrial Development*, which encourage building design that is sensitive and innovative in response to context and that respects the character of established areas. Further, these guidelines suggest that the building should be designed to address the privacy considerations of abutting lower density properties. The guidelines also encourage building design that creates a strong relationship to the street.

The *James Bay Neighbourhood Plan* (1993) similarly envisions a "visual harmony of form and scale between new buildings and adjacent residential units." The plan also encourages new development that respects the existing streetscape character.

The subject property is within the Urban Residential urban place designation in the OCP. This designation envisions low- and mid-rise multi-unit buildings up to six storeys with floor space ratios up to 2:1 in this location. It further envisions variable setbacks with doors oriented to the street, front yard landscaping, boulevards and street trees. Off-street parking is envisioned in the rear yard or underground.

Massing and Interface with Nearby Properties

The proposal is consistent with the design guidelines in terms of providing unity and coherence relative to the existing place character and patterns of development. The building massing is similar in height to the multi-unit building to the south, and the applicant has effectively demonstrated that there is little shadowing impact on the buildings across the street to the north and, compared to a three storey building, minimal additional shadow impact on the house conversion to the west. While the Urban Residential designation envisions buildings up to six storeys in height, the four-storey height supports the transitional nature of the location given the lower density uses and OCP Traditional Residential designation of the properties across the street.

The proposed building supports a consistent streetscape rhythm along the south side of Toronto Street, although it would benefit from future development on the parking lot to the east to reinforce this street rhythm. While many of the nearby buildings have a more traditional style, the more contemporary building materials are reflective of the palette and materials utilized on many nearby properties, such as brick, stone, stucco and wood. In this way, the proposal complements, rather than mimics, the existing street character.

The inclusion of the Statutory Right-of-Way within the site design has moved the driveway further back into the lot and pushed the covered parkade further above grade. This has created an exposed concrete wall edge along a portion of the east property line. The maximum height of this wall and the fencing will be about 1.8m or 6 feet combined, which is in line with the Fence Bylaw. The exposed concrete wall will have a horizontal board form to match the fencing. This approach to the interface is generally consistent with the design guidelines to address privacy impacts and massing impacts on the property to the east.

Residential Entrances and Relationship to Street

The proposal provides pedestrian-oriented ground level entries for three dwelling units, with the remainder of the units being accessed via a third ground level access. The applicable design guidelines support the provision of strong entry features to encourage interaction with the street and promote street vitality and safety. The design guidelines also suggest the use of porches, steps, alcoves or other design features to make transitions from the public realm of the street and sidewalk to the private realm of residences. Staff recommend for Council's consideration that the proposal meets the intent of the guidelines and effectively continues the residential street frontage from the adjacent properties.

Tree Preservation Bylaw and Urban Forest Master Plan

There are no Tree Preservation Bylaw impacts with this application.

Two new public trees will be planted as a result of the Statutory Right-of-Way created through this application.

Regulatory Considerations

Statutory Right of Way

The standard right-of-way for a secondary collector street is 20.0m; however, current and future transportation and greenway-related needs on the corridor can be met with a right-of-way width of 14.0m. To achieve this minimum on this portion of Toronto Street, staff requested a 2.0m Statutory Right-of-Way (SRW). The applicant has agreed to provide the SRW and has incorporated the SRW into the site design, which adds a boulevard between the road and sidewalk where two new street trees would be planted.

Open Site Space and Site Coverage Variances

For this proposal, the portion of land excluded from open site space and included in site coverage is the footprint of the building as well as the portion of the underground parkade that rises above grade near the driveway entrance. The height of the entrance to the parkade is, in part, to accommodate the tighter driveway distance created as a result of the requested Statutory Right-of-Way. This parkade portion of the building takes away about 6% from the open site space and contributes the same amount to site coverage; however, it is covered in usable, landscaped common area and would function alongside the rest of the open site space. If the above-grade parkade area was included toward the open site space calculation and excluded in the site coverage calculation, these two elements would not require variances. Given these considerations, as well as the well-designed landscaped space proposed, this variance is considered to be supportable.

Setback and Centreline Distance Variances

A variance is required for the distance from the lot boundary at the street to the street centreline. This setback requirement speaks to the proportion of the building in relation to the street width. The requirement is for a distance from the property line to the right-of-way midpoint of 7.5m, and 5m would be provided. This setback is not to the building, but to the street line, and does not change based on building height or setbacks. The provision of the SRW effectively makes this setback feel like 6m, and if an SRW were secured across the street in the future, this setback

would feel closer to 7m. Given these mitigating factors and the positive relationship of the building to the street, this variance is considered to be supportable.

Variances are also required at all four building elevations: the front yard, rear yard and both side yards. At each of the building faces, with the exception of the west elevation, the setbacks are measured to the balconies and not the building face. Along the east elevation, the proposed setback is 0m; however, this is measured to the parkade wall, which is above grade for several metres along the property line, and the actual building is stepped back several metres from the property line. The irregular shape of the lot and the stepping of the building also means the setback measurements are to single points, such as the corner of a balcony, while most of the massing is further back into the lot.

The building placement is limited in part by the shape of the lot; however, the position of the building at the street is consistent with the objectives of the applicable design guidelines to create a sense of enclosure that promotes vitality and safety on the street. Additionally, all the setbacks are consistent with the established pattern of the buildings along the street. Given these considerations, the setback variances are considered to be supportable.

Encroachment Agreement

With any project of this scale that has little to no setbacks and requires significant excavation, construction methods often require a form of underpinning which can result in material being left in the public right-of-way. The resulting material (typically rock anchors) presents no concerns to the public interest and does not impact any underground infrastructure; however, an Encroachment Agreement between the City and the developer is required. The staff recommendation provided for Council's consideration includes direction to allow staff to enter into such an agreement if the Rezoning Application is approved by Council and if such an agreement is deemed necessary to facilitate the construction of the project.

Advisory Design Panel

The application was presented to the Advisory Design Panel on April 10, 2019. The ADP passed a motion to recommend to Council to approve the application as presented. The minutes from the meeting are attached for reference.

CONCLUSIONS

The application is generally consistent with the applicable design guidelines. The variances associated with the siting of the building are consistent with the design guidelines and achieve a consistent street frontage and setback pattern that also responds to the site conditions. The site coverage and open site space variances are minimal and allow for the provision of a Statutory Right-of-Way along Toronto Street. Staff recommend for Council's consideration that the application be supported.

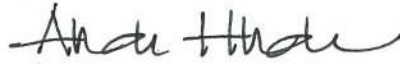
ALTERNATE MOTION

That Council decline the Development Permit with Variances Application No. 00091 for the property located at 561 and 565 Toronto Street.

Respectfully submitted,



Chloe Tunis
Planning Analyst
Development Services

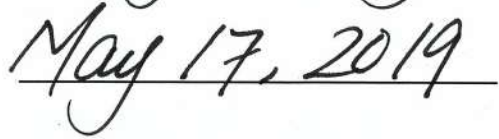


Andrea Hudson, Acting Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date:



List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans dated/date stamped April 26, 2019
- Attachment D: Letter from applicant to Mayor and Council dated April 23, 2019
- Attachment E: Community Association Land Use Committee Comments and November 21, 2019.
- Attachment F: Correspondence (Letters received from residents).