



## Committee of the Whole Report For the Meeting of January 23, 2020

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**To:** Committee of the Whole **Date:** January 9, 2020  
**From:** Karen Hoesel, Director, Sustainable Planning and Community Development  
**Subject:** Development Permit with Variance Application No. 00056 for 844 Johnson Street

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### RECOMMENDATION

That 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. 00056 for 844 Johnson Street, in accordance with:

1. Plans date stamped December 17, 2019.
2. Development meeting all *Fence Bylaw* requirements, except for the following variances:
  - i. Increase the permitted height of a fence located within a side yard from 1.83m to 2.85m.
3. The Development Permit lapsing two years from the date of this resolution."

### LEGISLATIVE AUTHORITY

In accordance with Section 489 of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *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 update Council with information, analysis and recommendations for a Development Permit with Variance Application for the property located at 844 Johnson Street. The proposal is to vary the *Fence Bylaw* to permit a 2.85m fence located between the front building line and the rear boundary and to approve the overall design of the fence.

On October 24, 2019, Council referred a previous iteration of this application back to staff to enact time limitations on the fence and that staff report back to Council by November 14, 2019. Staff had conversations with the applicant and on December 4, 2019 the applicant submitted revised plans with a lower fence along Pandora Avenue (1.2m) and a higher fence next to the building. Staff believe this revised proposal now meets the intent of the design guidelines.

## **BACKGROUND**

### **Description of Proposal**

The proposal is to permit a revised design and shorter version of the existing fence on Pandora Avenue and to vary the *Fence Bylaw* to increase the allowable height of the fence from 1.83m to 2.85m between a parcel's front building line and rear boundary. This proposal originally was presented to Committee of the Whole with the 2.40m fence located along the Pandora Avenue property line (Pandora Avenue). On October 24, 2019, Council passed the following motion:

That the item be referred to staff to engage the applicant on time limitations related to the fence and that staff report back to Council by November 14, including closed meeting advice if necessary.

Staff have since discussed the proposal with the applicant and the applicant has decided to submit revised plans. The new proposal is for a smaller bylaw compliant fence (1.2m) on the Pandora Avenue property line, with a larger 2.85m fence at the sides of the building. Staff believe this is an appropriate compromise that meets the intent of the guidelines and are therefore supporting the Application.

## **ANALYSIS**

### **Development Permit Area and Design Guidelines**

The *Official Community Plan* (OCP, 2012) identifies this property within Development Permit Area 2 (HC), Core Business. Design Guidelines that apply to DPA 2(HC) are the *Advisory Design Guidelines for Buildings, Signs and Awnings* (2006), and *Guidelines for Fences, Gates and Shutters* (2010).

The *Guidelines for Fences, Gates and Shutters* note that fences and gates must not contribute to a "fortress" appearance from the street. The revised proposal reduces the impact of the tall fence by locating it further back from the street and installing a lower fence at the street instead. This revision improves the public realm while addressing security concerns at 844 Johnson Street.

### **Local Area Plans**

The *Downtown Core Area Plan* identifies the subject property within the Central Business District, which primarily speaks to new developments. However, Appendix 5 - Building and Street Interface Guidelines identifies the Pandora Avenue frontage within the Avenue category. The Guidelines note that residential uses along Pandora Avenue should express the residential function through façade design elements such as individual entrances, residential landscaping and windows. The subject site, however, fronts onto Johnson Street and the Pandora Avenue façade acts as the back of the building. The change in fence height will be an improvement over the existing 2.85m fence on the property line, as it reduced the fortress-like appearance.

### **Tree Preservation Bylaw and Urban Forest Master Plan**

There are no Tree Preservation Bylaw impacts with this application.

## Regulatory Considerations

The proposal requires a variance to the *Fence Bylaw* to increase the height of the existing fence in between the parcel's front building line and rear boundary from 1.83m to 2.85m. As previously noted, moving the taller section of fence away from the Pandora Avenue property line is seen as a significant improvement over current conditions and an acceptable compromise.

## CONCLUSIONS

The 2.85m fence along the side of the building would have minimal impact on the public realm while providing safety and security to the residents and operators of 844 Johnson Street. Staff therefore recommend that Council consider supporting the application.

## ALTERNATE MOTION

That Council decline Development Permit with Variance Application No. 00056 for the property located at 844 Johnson Street.

Respectfully submitted,



Michael Angrove  
Senior Planner  
Development Services



Karen Hoes, 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 December 17, 2019
- Attachment D: Letter from applicant to Mayor and Council dated December 17, 2019
- Attachment E: Committee of the Whole report from the meeting of October 24, 2019.