



Committee of the Whole Report

For the Meeting of February 27, 2020

To: Committee of the Whole **Date:** February 13, 2020

From: Karen Hoese, Director, Sustainable Planning and Community Development

Subject: **Development Permit with Variances Application No. 00073 for 1913 and 1915 Fernwood Road**

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. 00626, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00073 for 1913 and 1915 Fernwood Road, in accordance with:

1. Plans date stamped October 31, 2019.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the required number of parking spaces from 5 to 4;
 - ii. reduce the continuous landscaping screen between a surface vehicle parking area and an adjacent lot primarily for residential uses from 1m to 0.60m;
 - iii. reduce the side yard setback for an accessory building from 0.60m to 0.17m.
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 present Council with information, analysis and recommendations for a Development Permit with Variance Application for the property located at 1913 and 1915 Fernwood Road. The proposal is to convert an existing duplex into a multi-unit residential building consisting of four ground-oriented dwelling units. The variances are related to reducing the required number of parking spaces, the width of a landscaping screen adjacent to the proposed parking spaces and the side yard setback of an accessory building.

The following points were considered in assessing this application:

- The subject properties are within Development Permit Area 16 (DPA 16): General Form and Character, which supports the enhancement of the place character features of established areas and their streetscapes through high quality of architecture, landscape and urban design. DPA 16 also encourages a sensitive transition to neighbouring low-rise built form. The proposal complies with the objectives outlined in this DP area.
- The *Design Guidelines for Multi-Unit Residential, Commercial and Industrial Development* (2012, revised 2019), *Guidelines for Fences, Gates and Shutters* (2010), and *Advisory Design Guidelines for Buildings, Signs and Awnings* (2006) apply to the development proposal. The proposal is consistent with the design guidelines.
- The proposal requires a reduction in the required number of residential parking spaces, from five to four. Additional long-term bicycle parking is being proposed and the subject property is within walking distance to a small urban village, located on a bus route and in close proximity to bicycle infrastructure.
- 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. A fence and adequate soft landscaping can still be accommodated in the space for screening purposes.
- The applicant is proposing to reduce the side yard setback for an accessory building from 0.60m to 0.17m. The small accessory building (8m² in floor area) would not significantly impact an existing Cherry tree situated on the neighbouring property to the south according to the Tree Preservation Plan prepared by Talbot Mackenzie & Associates dated August 13, 2019.

BACKGROUND

Description of Proposal

The proposal is for a ground-oriented, multi-unit residential building. Specific details include:

- a traditional-style building consisting of a pitched and gabled roofline, dormers and traditional-style bay windows and materials
- exterior building materials consisting of horizontal hardi-panel and hardi-shingle cladding and asphalt shingles
- individual private patio spaces
- permeable surface treatment for the driveway
- continuous landscaping screens and planting beds to break-up the hard surface treatment
- eight long-term (secure and enclosed) bicycle parking spaces within an accessory building
- four parking spaces in the rear yard.

The proposed variances are related to reducing the required number of residential parking spaces, the width of a continuous landscaping screen between a surface vehicle parking area and a residential lot and the side yard setback for an accessory building.

Sustainability Features

The applicant is proposing to re-use and retrofit an existing building rather than demolishing it and constructing a new building.

Public Realm Improvements

Beyond meeting the standard City requirements, 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. Challenges with the existing building and the excavation required to facilitate this development has resulted in stair access to all the dwelling units. The parking area in the rear yard would be accessible.

Existing Site Development and Development Potential

The site is presently a duplex. Under the current R1-B Zone, the property could be developed as a single-family dwelling with a secondary suite or garden suite. Under the current Schedule G: House Conversion Regulations, the existing single-family dwelling could be converted to approximately three self-contained dwelling units.

Data Table

The following data table compares the proposal with the R1-B Zone and Schedule G – House Conversion Regulations. An asterisk is used to identify where the proposal does not meet the requirement of the existing Zone.

Zoning Criteria	Proposal	Existing R1-B Zone	Schedule G – House Conversion Regulations
Site area (m ²) – minimum	447.20	230	300
Unit floor area (m ²) – minimum	53.93 to 96.98	n/a	33
Density (Floor Space Ratio) – maximum	0.69:1	n/a	n/a
Total floor area (m ²) – maximum	305.22	n/a	n/a
Lot width (m) – minimum	14.97	7.50	n/n
Height (m) – maximum	9.38 *	7.60	n/a
Storeys – maximum	2.50 *	2	n/a
Site coverage (%) – maximum	27.60	40	n/a
Open site space (%) – minimum	31.17	n/a	30
Landscaping – rear yard (%) – minimum	17.50 *	n/a	33

Zoning Criteria	Proposal	Existing R1-B Zone	Schedule G – House Conversion Regulations
Setbacks (m) – minimum			
Front	4.29 * (building) 1.68 * (stairs)	7.50	n/a
Rear	14.71 (building) 10.19 (deck)	7.50	
Side (north)	1.50	1.50	
Side (south)	3.20	3	
Combined side yards	4.70	4.50	
Parking – minimum	4 *	5	n/a
Rear yard landscape strip width and height (m) – minimum	0.60 (width) 1.50 * (height)	1 (width) n/a (height)	1.50 (width) 1.80 (height)
Bicycle parking stalls – minimum			
Long-term	8	5	n/a
Short-term	6	6	n/a

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the Fernwood CALUC at a Community Meeting held on August 2, 2017. A letter from the CALUC, dated March 23, 2018, is attached. The rezoning application was submitted more than six months after the Community Meeting was held; however, the CALUC waived the requirement for a second meeting (correspondence attached to the 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 the subject property within Development Permit Area 16: General Form and Character, which supports the enhancement of the place character features of established areas and their streetscapes through high quality of architecture, landscape and urban design. The applicant is proposing to raise the existing

building by approximately 0.61m in order to enhance the livability of the two lower level dwelling units and shift the building closer to the street by 1.27m in order to provide four parking spaces in the rear yard. The new height of the existing building is still in line with adjacent buildings and continues to preserve the streetscape appearance.

The applicant is proposing to retain many of the existing traditional architectural features such as the pitched and gabled roofline, dormers and traditional-style bay windows. Each dwelling unit has a private entryway with direct exterior access. The applicant has provided an existing and proposed window overlay with neighbouring buildings. There are no new windows proposed on the main and upper floors on the side elevations. By shifting the building closer to Fernwood Road by approximately 1.27m, the overlook between the neighbouring properties is reduced. The applicant is also changing the full size windows on the main floor of the north elevation to windows that are smaller and positioned higher, which further reduces overlook between the existing houses.

With respect to landscaping, the applicant is proposing a permeable surface treatment for the driveway and some planting beds to break up the hard surface. One new tree would be planted on site in the rear yard adjacent to the accessory building. Thirty percent (30%) of the soft landscaping in the common areas are native, edible or pollinating plant species in accordance with the design guidelines.

Local Area Plans

The *Fernwood Neighbourhood Plan* (1994) supports the retention of the single-family zoning in order to preserve the character of the neighbourhood. The existing duplex is in need of repair. The applicant's proposal to retain and renovate the existing house demonstrates the applicant's willingness to preserve the character of the neighbourhood as well as add new residential dwelling units in a sensitive manner.

Tree Preservation Bylaw and Urban Forest Master Plan

The goals of the Urban Forest Master Plan include protecting, enhancing, and expanding Victoria's urban forest and optimizing community benefits from the urban forest in all neighbourhoods.

Since the rezoning application was received prior to October 24, 2019, the proposal falls under the *Tree Preservation Bylaw No. 05-106* consolidated June 1, 2015. The tree inventory for the proposal identifies four trees (one on-site and three off-site trees) that would be impacted by the proposal, as outlined in the arborist report dated August 13, 2019.

Excavation for the house foundation will require the removal of an on-site, non-bylaw protected Norway maple with a 72 cm diameter at breast height. For the three off-site trees to be retained, mitigation measures such as arborist supervision, tree protection fencing, ground protection, and low-impact excavation have been recommended. To minimize the impacts to two of the off-site trees, a Cherry and Norway maple tree at 1909 Fernwood Road, the project arborist has recommended that a "floating" driveway be constructed to minimize the depth of excavation and associated root loss, which is noted on the proposed landscape plan.

The municipal sidewalk would be realigned to create a new boulevard area and provide space for a new tree to be planted (species to be determined by Parks at the building permit stage).

On the subject property, a sweet gum tree is proposed to be planted in a small planting area near the south property line in the rear yard.

Regulatory Considerations

Parking Variance

The applicant is proposing to reduce the required number of residential parking spaces from five to four. The anticipated overall parking shortfall for this development is one stall. Each dwelling unit would have one parking space. To help offset some of this anticipated shortfall, the applicant is providing an additional three long-term bicycle parking spaces. The subject property is adjacent to a small urban village and located on a transit route. For these reasons, staff support the proposed parking variance.

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. The applicant could possibly shift the house slightly closer to Fernwood Road to allow for a wider landscaping screen; however, this would result in a loss of hard and soft landscaping in the front yard and the house would be situated further forward than the adjacent buildings, which would disrupt the streetscape appearance.

Accessory Building

Providing long-term bicycle parking that is secure, enclosed and easily accessible within the existing building has proven to be challenging, so the applicant is proposing an accessory building for bicycle storage purposes. To accommodate an accessory building on-site, a reduced side yard setback is required from 0.60m to 0.17m. The proposed accessory building has a building height of 2.8m and a floor area of 8m². For comparison, the maximum building height and floor area permitted in *Schedule F: Accessory Building Regulations* is 3.50m and 37m², respectively. Given the size of the accessory building, the setback variance is supportable. A letter from the immediate neighbour is attached to the report.

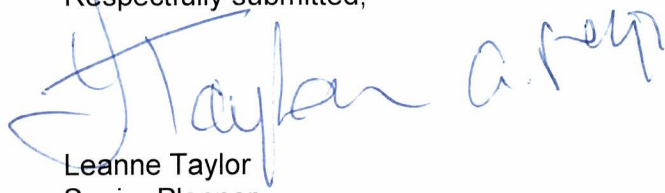

CONCLUSIONS

The proposal to convert an existing duplex into a multi-unit residential building is consistent with DPA 16 and the applicable design guidelines and preserves the character of the neighbourhood. The parking variance is supportable given the additional long-term bicycle parking being proposed and the site's location in the heart of Fernwood. The applicant has demonstrated that there is adequate space to install a fence and soft landscaping in front of the parking spaces and the location of the accessory building would have minimal impacts. Staff recommend for Council's consideration that the application proceed for consideration concurrent with the association rezoning application.

ALTERNATE MOTION

That Council decline Development Permit with Variance Application No. 00073 for the property located at 1913 and 1915 Fernwood Road.


Respectfully submitted,

Leanne Taylor
Senior Planner
Development Services Division

Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:


Date: Feb 21, 2020

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped October 31, 2019
- Attachment D: Letter from applicant to Mayor and Council dated January 31, 2020
- Attachment E: Tree Preservation Plan prepared by Talbot Mackenzie & Associates dated August 13, 2019
- Attachment F: Tenant Assistance Plan
- Attachment G: Correspondence from the Community Association Land Use Committee dated March 12, 2018 and March 23, 2018
- Attachment H: Correspondence.