



Committee of the Whole Report For the Meeting of February 11, 2021

To: Committee of the Whole **Date:** January 28, 2021
From: Karen Hoese, Director, Sustainable Planning and Community Development
Subject: Development Permit with Variances Application No. 000555 for 349 Kipling Street and 1400 Fairfield Road

RECOMMENDATION

That Council decline Development Permit with Variance Application No. 000555 for the property located at 349 Kipling Street and 1400 Fairfield Road.

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 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 property located at 349 Kipling Street and 1400 Fairfield Road. The proposal is to consolidate two lots and construct a duplex and six townhouses plus two rental lock-off suites for a total of ten units. The duplex (plus one lock-off suite) would front onto Fairfield Road and the townhouses (plus one lock-off suite) would front onto Kipling Street and Thurlow Road.

The following points were considered in assessing this application:

- The proposal is not consistent with the Design Guidelines for Development Permit Area 15F: Intensive Residential – Attached Residential Development and would benefit from a reduction in height, massing and overall density, as well as a reconsideration of the architectural expression and materiality to better integrate with the surrounding context.

- The proposal is also considered inconsistent with the *Fairfield Neighbourhood Plan's* form and character objectives for Traditional Residential Areas; as it is not consistent with density, height and setback policies, resulting in challenges related to overall massing, diminished landscaping and loss of privacy.
- The parking variance to reduce the vehicle parking from 13 stalls to nine stalls is considered supportable given the transportation demand management measures proposed to mitigate the impact of reduced on-site parking.

BACKGROUND

Description of Proposal

The proposal is to consolidate two lots and construct a duplex and six townhouses plus two rental lock-off suites for a total of ten units. The duplex (plus one suite) would front onto Fairfield Road and the townhouses (plus one suite) would front onto Kipling Street and Thurlow Road. Specific details include:

- flat roofed buildings with a contemporary form and character which compliments some of the newer single-family dwellings and duplexes constructed in the area but is inconsistent with the predominant character of the surrounding context
- eight underbuilding parking stalls and one surface visitor stall with one-way driveway access via Thurlow Road exiting onto Kipling Street
- separate at-grade access for each unit
- two lock-off suites: one located in the basement of the east duplex unit with access from Fairfield Road and the other located in the basement of the townhouse building with access from Kipling Street
- private outdoor space in the form of rooftop decks or sunken patio
- common outdoor space located at the corner of Thurlow Road and Kipling Street
- exterior materials include: stucco, brick, cementitious panels, wood grain metal cladding, parged concrete, glass railings, and metal screens
- landscaping elements include: permeable pavers, perimeter landscaping, trellised vines and new boulevard improvements.

The proposed variances are related to:

- reducing the vehicle parking from 13 stalls to nine stalls
- increasing the building height from 8.3m to 9.46m
- increasing the number of storeys from 2.5 to 3
- reducing the flanking street setback from 3m to 1.5m
- reducing the rear yard setback (Fairfield Road) from 7.5m to 5.52m
- reducing the front yard setback (Thurlow Road) from 5m to 4.67m
- allowing for roof decks.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the Fairfield Gonzales CALUC at a Community Meeting held on May 3, 2019. A summary of the meeting 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

Official Community Plan

The *Official Community Plan*, 2012 (OCP) identifies this property within Development Permit Area 15F: Intensive Residential - Attached Residential Development. The objectives of Development Permit Area (DPA) 15F: Intensive Residential – Attached Residential Development are:

- *to accommodate 10% of Victoria's anticipated population growth and associated housing growth in Small Urban Villages, and residential areas, to encourage and support future and existing commercial and community services*
- *to integrate more intensive residential development in the form of ground-oriented attached residential development within Traditional Residential areas in a manner that respects the established character of the neighbourhoods*
- *to accommodate housing growth in Traditional Residential areas in a manner that is gradual, of a compatible scale and adaptive to the local contexts*
- *to achieve a high quality of architecture, landscape and urban design to enhance neighbourhoods*
- *to integrate infill development in Traditional Residential areas that is compatible with existing neighbourhoods through considerations for site planning and building designs that promote livability and provide sensitive transitions to adjacent developments.*

The applicable design guidelines are the *Design Guidelines for Attached Residential Development*. The purpose of these Guidelines is to encourage high quality design that enhances neighbourliness, social vitality and creates a good fit with the existing neighbourhood. The proposal is inconsistent with these Guidelines with respect to site planning and neighbourliness and fails to integrate with the existing context in a manner that respects the established neighbourhood character.

Site Planning

The Design Guidelines encourage site planning that maintains the pattern of landscaped front and rear yards, makes a positive contribution to the streetscape and minimizes the amount of area dedicated to vehicle parking and circulation. While the proposed development addresses all three street frontages, with unit entrances, front paths and space for front yard landscaping, the majority of the interior side yard and space between buildings is taken up by driveway and vehicle parking leaving only a limited space along the edge for minimal landscape screening. The proposed dwellings would not have landscaped backyards as envisioned in the Guidelines; instead, roof decks would provide the principal dwellings with useable outdoor space.

Neighbourliness / Compatibility

The Design Guidelines seek to ensure that new development responds to the established form and architectural characteristics of surrounding buildings to achieve new buildings which are compatible with their context and minimize impacts on neighbours. To achieve a good fit, the Guidelines encourage consideration of building articulation, scale and proportions, as well as similar or complementary roof forms, building details and fenestration patterns. Townhouses

are also encouraged to transition in scale next to existing residential buildings. In terms of privacy, new buildings should minimize overlook into adjacent private yards. Aside from incorporating stucco into the varied material palette, the proposed design does not relate to the predominant residential character of the area.

Overall, the proposal would benefit from a reduction in height, massing and overall density, as well as a reconsideration of the architectural expression and materiality to better integrate with the surrounding context.

Fairfield Neighbourhood Plan

The *Fairfield Neighbourhood Plan* provides specific form and character guidelines for Tradition Residential Areas to ensure new development is contextually appropriate. The guidelines relate to:

- units oriented to face the street with space for front and rear yards
- site planning that minimizes the amount of space dedicated to parking and automobile circulation to support soft landscaping and sensitive transitions with adjacent properties
- achieving street-fronting buildings which present a friendly face to the street with front entrances visible from public spaces
- sensitive transitions to adjacent lower-scale development, considering massing, access to sunlight, appearance of buildings and landscape, and privacy
- adequate separation between buildings and access to sunlight for living spaces and open spaces
- encouraging design and site planning which responds sensitively to topography
- encouraging building design which relates to the existing context, with special attention to streets with a strong pre-existing character
- to design each townhouse unit to be distinct but compatible with its neighbours, and to break up longer rows of townhouses
- encouraging the use of quality materials.

The proposal is generally consistent with some but not all of the aforementioned guidelines with consideration of the issues noted in the preceding section of this report.

Regulatory Considerations

Although a site-specific zone is sought, variances are recommended (instead of inclusion in the new zone) where the proposal is not consistent with the *Fairfield Neighbourhood Plan* and the Off-Street Parking Regulations (Schedule C) of the *Zoning Regulation Bylaw*. This ensures that if this proposal is not built, any potential future redevelopment would require Council's consideration and approval for these specific aspects.

Setbacks

The *Fairfield Neighbourhood Plan* encourages setbacks from street boundaries and rear property lines to accommodate space for landscaped yards that contribute to an enhanced streetscape and provide at-grade private amenity space, room for tree planting and separation from adjacent development. The Plan envisions front setbacks of 5m to 6m and rear yard setbacks of 7.5m to 10.7m. The proposed development has frontage on three streets and maintains setbacks on Fairfield Road and Thurlow Road that are close to the recommended 5m minimum and are generally consistent with the existing street context.

For corner lots, where units are fronting the flanking street, the Plan supports modest front setbacks to accommodate the provision of rear yards that provide useable amenity space. In this instance, five of the ten units would front onto Kipling Street with a proposed setback of 1.5m to the building face. The narrow setback provides some space for landscaping, steps and entry features; however the proposed design does not accommodate at-grade amenity space as the space behind the units and between the two buildings is primarily dedicated to vehicle circulation. Therefore, the variance is not considered supportable because the reduced flanking street setback is not achieving the intended goals of accommodating larger rear yards, which are identified in the neighbourhood plan as a key feature of Fairfield. The proposal includes roof decks for all the principal units to try and mitigate the lack of at-grade open space; however, the roof decks create additional impacts as outlined below.

Height

A variance is requested to increase the building height from 8.3m and 2.5 storeys to 9.46m and 3 storeys. The longer townhouse building facing Kipling Street varies in height stepping down approximately one metre from Fairfield Road to Thurlow Road. While this approach helps to minimize the height of the building at the Thurlow Road end of the site, the building would still be significantly taller than the adjacent buildings. Furthermore, the rooftop railings and access around the perimeter of the roof decks would extend up from the front face of the building, exacerbating the height of the building as viewed from Kipling Street and Thurlow Road. The roof decks would also extend to within approximately 1.7m of the rear face of the building and may create privacy and overlook issues into the rear yards of the adjacent properties despite the use of an opaque glass railing. Therefore, given the potential negative impacts on the streetscape and adjacent properties, the proposed variance is not considered supportable. At a minimum, the roof decks should be reduced in size and the railings stepped back from the building face to reduce the potential for overlook into adjacent properties and to reduce the impression of greater building height.

Number of Vehicle Parking Spaces

A variance is requested to reduce the required number of parking spaces from 13 (as per Schedule C of the *Zoning Regulation Bylaw*) to nine (see table below). The variance results from the proposal being assessed against the parking requirements for multiple dwellings rather than the requirements for duplexes and attached dwellings (i.e. townhouses).

	Proposal	Schedule C
Vehicle parking stalls - minimum		
Parking	9*	13
Visitor Parking	1	1
Bicycle parking stalls - minimum		
Long Term	18	9
Short Term	8	6

To mitigate potential impacts from this variance the applicant is proposing additional long-term and short-term bicycle parking. The parking variance is considered supportable given the additional bicycle parking and the fact that the proposal meets the parking requirements for duplex and townhouse development without suites.

Advisory Design Panel Review

The proposal was presented to the Advisory Design Panel (ADP) at a meeting on August 26, 2020. The minutes are attached to this report. The ADP motion recommended that the Development Permit with Variances Application be approved subject to:

- *addressing the Kipling Street elevation of the [duplex] and the Thurlow Street elevation of the [townhouses]*
- *considering improvements to privacy screening of the [duplex] at the rooftop level*
- *considering alternative narrower species of planting along the drive aisle*
- *evaluating increasing the access to light into lock off suites*
- *improving the transparency of landscaping on Thurlow Street.*

In response to these recommendations, the applicant made some revisions to the proposal, including additional windows on the Thurlow Street elevation, additional windows on the Kipling Street elevation of the duplex, material changes to the Thurlow Street elevation, revisions to the drive aisle width and hedge planting along the interior property line, revisions to the privacy screening of the rooftop decks, additional light wells for both lock-off suites and a private sunken patio for the suite within the duplex. Further information on the ADP response is provided from the applicant in the attached letter to Mayor and Council dated October 6, 2020.

CONCLUSIONS

The proposal to construct a duplex and six townhouses plus two rental lock-off suites is inconsistent with Development Permit Area 15F: Intensive Residential - Attached Residential Development. The buildings would not integrate new residential development within a Traditional Residential area in a manner that respects the established character of the area. The variances on height and setbacks are not considered supportable given the potential impacts on adjacent properties, and the inconsistency with the design guidelines. Staff recommend that Council consider declining this application.

ALTERNATE MOTIONS

Option 1 – Referral

That Council refer the application back to staff to work with the applicant to revise the application to address the following:

- reduce the size of the buildings to be consistent with the *Fairfield Neighbourhood Plan*
- reduce the amount of site area dedicated to vehicle circulation to provide more at-grade open site space
- increase the Kipling Street setback
- provide a more sensitive transition with adjacent properties
- ensure the form and character of the development is compatible with the predominant neighbourhood character, consistent with the Design Guidelines for Development Permit Area 15F: Intensive Residential – Attached Dwellings.

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. 00702, if it is approved, consider the following motion:

“That Council authorize the issuance of Development Permit with Variance Application No. 000555 for 349 Kipling Street and 1400 Fairfield Road, in accordance with:

1. Plans date stamped January 15, 2021.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce vehicle parking from 13 stalls to 9 stalls;
 - ii. increasing the building height from 8.3m to 9.46m;
 - iii. increasing the number of storeys from 2.5 to 3;
 - iv. reduce the flanking street setback from 3m to 1.5m;
 - v. reduce the rear yard setback (Fairfield Road) from 7.5m to 5.52m;
 - vi. reduce the front yard setback (Thurlow Road) from 5m to 4.67m;
 - vii. allow for roof decks.
3. The Development Permit lapsing two years from the date of this resolution.”

Respectfully submitted,

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Development Services Division

Karen Hoese, Director
Sustainable Planning and Community
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Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped January 15, 2021
- Attachment D: Letter from applicant to Mayor and Council dated October 6, 2020
- Attachment E: Community Association Land Use Committee Comments dated May 3, 2019
- Attachment F: Tenant Assistance Plan
- Attachment G: Arborist Report dated October 18, 2019
- Attachment H: Correspondence (Letters received from residents).