



Committee of the Whole Report

For the Meeting of February 22, 2018

To: Committee of the Whole **Date:** February 9, 2018

From: Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject: Development Permit with Variances Application No. 00069 for 1928 Oak Bay Avenue

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 Variances Application No. 00069 for 1928 Oak Bay Avenue, in accordance with:

1. Plans date stamped February 7, 2018.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the interior (east) setback from 2.40m to 0.00m;
 - ii. reduce the flanking street (west) setback from 2.40m to 0.87m;
 - iii. reduce the required number of parking stalls from 14 to 10.
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.

Pursuant to Section 491 of the *Local Government Act*, where the purpose of the designation is the revitalization of an area in which a commercial use is permitted, 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 1928 Oak Bay Avenue. The proposal is to renovate an existing single storey commercial building and

construct a two-storey addition to add seven dwelling units on top. The variances are related to setbacks and parking.

The following points were considered in assessing this application:

- the proposal is generally consistent with the objectives and guidelines for revitalization of a commercial area contained in Development Permit Area 6A: Small Urban Villages (Oak Bay Village) *Official Community Plan*, 2012 (OCP)
- the requested variances are to reduce the two side setbacks and reduce the required number of parking stalls. The setback variances are the result of the proposed addition of two upper storeys on an existing building and will not substantially impact the adjacent existing building or the public street.

BACKGROUND

Description of Proposal

The proposal is to renovate an existing commercial building and construct a two-storey addition to add seven dwelling units. Specific details include:

- a three-storey building with commercial uses on the main floor and seven multi-family dwelling units on the second and third stories
- design elements such as a flat roof, distinctive covered residential entryway, covered commercial entry and windows facing the street and residential units with balconies
- the exterior materials include stucco siding, corrugated metal siding, painted concrete block, cedar siding, metal flashing and fascias, aluminium balcony rails, aluminium doors and vinyl windows
- existing asphalt surface of the parking area is proposed to be retained
- existing soft and hard landscaping to be mostly retained
- two new deciduous trees are proposed along Oak Bay Avenue.

Sustainability Features

As indicated in the applicant's letter dated October 16, 2017, the sustainability features associated with this application include retaining portions of an existing building, energy and water efficiency and close proximity to amenities.

Active Transportation Impacts

The Application proposes short term and long term bicycle parking, which support active transportation.

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 one-storey commercial building. Under the current CR-3 Zone, Commercial Residential Apartment District, the site could be redeveloped as a single family dwelling, duplex, multiple dwellings, commercial-residential buildings, and commercial buildings. Examples of permitted non-residential uses include offices, professional businesses, retail stores, restaurants, theatres, bakeries, laundrettes, dry cleaning, high tech and call centres. The maximum floor space ratio is 1.0:1.

Data Table

The following data table compares the proposal with the existing CR-3 Zone. An asterisk is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposal	Existing CR-3 Zone
Site area (m ²) – minimum	620 (approx.)	N/A
Dwelling unit area (m ²) – minimum	41.00	33.00
Street right-of-way width (m) – minimum	17.00	15.00
Density (Floor Space Ratio) – maximum	1.0:1.0	1.0:1.0
Height (m) – maximum	10.50	10.70
Storeys – maximum	3	3
Setbacks (m) – minimum:		
Front (south) – first storey	3.00	3.00
Front (south) – upper storeys	6.40	6.00
Rear (north)	12.75	6.00
Side (east) – interior	0.00*	2.40
Side (west) – flanking street	0.87*	2.40
Parking – minimum	10*	14

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on February 5, 2018 the Application was referred for a 30-day comment period to the South Jubilee CALUC. At the time of writing this report, a letter from the CALUC had not been received.

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) identifies this property within Development Permit Area 6A: Small Urban Villages. Overall, the proposed development is consistent with the associated design guidelines.

Although the proposed building is somewhat uniformly rectangular, several design features help to provide visual interest and break up the massing. These include varied setbacks at the back of the building along Redfern Street, protruding balconies and overhangs and a variety of materials and colours. The two upper storeys of the elevation facing Oak Bay Avenue are set back from the street, providing a human scale at street level.

The building has windows and entrances oriented towards the street, which help transition between the interior commercial space and the public sidewalk and street. The entrance to the apartments on Redfern Street is distinguished from the commercial entrances on Oak Bay Avenue with horizontal cedar siding and a distinctive roof overhang.

The applicant is proposing to retain most of existing soft and hard landscaping including shrubs, trees, and the asphalt parking lot. The applicant is also proposing the addition of two trees along Oak Bay Avenue on either side of the commercial entrances.

Potential impacts on the adjacent single family house to the north would be reduced by the depth of parking lot and landscaping screening along the northern property boundary.

Tree Preservation Bylaw and Urban Forest Master Plan

There are no Tree Preservation Bylaw impacts and no impacts to public trees with this Application.

Regulatory Considerations

The applicant is requesting three variances. Overall, the variances are supportable because the impacts would not be substantial and some mitigation measures would be provided. The variances are the result of the applicant retaining and building on top of the existing building.

The proposed variances are related to:

- reducing the interior (east) setback from 2.40m to 0.00m;
- reducing the flanking street (west) setback from 2.40m to 0.87m;
- reducing the required number of parking stalls from 14 to 10.

Minimum Setbacks

The impact of the reduced setback on Redfern Street (west) will be mitigated through landscaping, providing a softer appearance, and windows and doors, providing transparency and visual interest.

The reduced setback on the east side will have some impact on views and shading of the existing adjacent building; however, the proposal will not impact privacy as it does not have many windows on this side.

Minimum Number of Parking Stalls

The applicant is proposing a variance to reduce the number of required parking stalls from 14 to 10. The data collected for the update to the Zoning Regulation Bylaw indicates there will be a shortfall of approximately 3 spaces for this development. The proposal, however, is located on a bus route and close to many services.

CONCLUSIONS

The proposal to renovate an existing single storey commercial building and construct a two storey addition with seven dwelling units on top is generally consistent with Development Permit Area 6A: Small Urban Villages (Oak Bay Village). The proposal would help to revitalize the Oak Bay Village through human-scale design of buildings while being compatible with adjacent residential neighbourhoods with a sensitive transition in building massing, siting and form. The variances are supportable because the impacts are not substantial. Staff recommend that Council consider supporting this Application.

ALTERNATE MOTION

That Council decline Development Permit with Variances Application No. 00069 for the property located at 1928 Oak Bay Avenue.

Respectfully submitted,

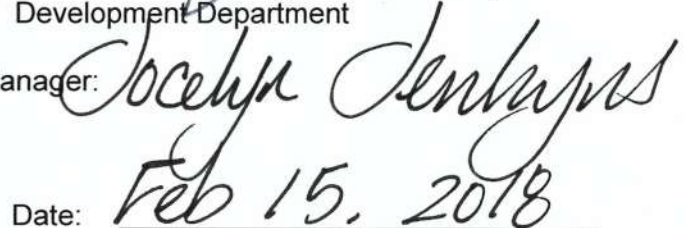


Rob Bateman
Senior Process Planner
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Jonathan Tinney, Director
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Report accepted and recommended by the City Manager:



Date: Feb 15, 2018

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped February 7, 2018
- Attachment D: Letter from applicant to Mayor and Council date stamped December 13, 2017.