



Committee of the Whole Report

For the Meeting of June 22, 2017

To: Committee of the Whole **Date:** June 8, 2017

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

Subject: Development Permit with Variances Application No. 00037 for 1025, 1029, 1035 and 1075 Tolmie 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 Application No. 00037 for 1025, 1029, 1035 and 1075 Tolmie Avenue, in accordance with:

1. Plans date stamped April 7, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Lot 2
 - a. reduce the front setback from 6.00m to 5.40m
 - ii. Lot 3
 - a. reduce the front setback from 6.00m to 5.54m
 - iii. Lot 5
 - a. permit required 7.0m drive aisle to project onto adjacent property (Lot 6)
 - iv. Lot 6
 - a. permit required 7.0m drive aisle to project onto adjacent property (Lot 5)
 - v. Lot 7
 - a. permit required 7.0m drive aisle to project onto adjacent property (Lot 8)
 - vi. Lot 8
 - a. reduce the side setback (south) from 7.50m to 5.31m
 - b. reduce the side setback (north) from 4.00m to 2.75m.
3. The Development Permit lapsing two years from the date of this resolution.
4. Prior to the issuance of a building permit the appropriate encroachment agreement be executed to the satisfaction of the Director of Sustainable Planning and Community Development."

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 Application for the property located at 1025, 1029, 1035 and 1075 Tolmie Avenue. The proposal is to subdivide the site into seven small lots and one panhandle lot and construct eight single-family dwellings. The variances are related to reduced setbacks and shared access for several of the proposed lots.

The following points were considered in assessing these applications:

- the proposal is generally consistent with the objectives for sensitive infill contained in Development Permit Area 15A: Intensive Residential - Small Lot and Development Permit Area 15B: Intensive Residential – Panhandle Lot, of the *Official Community Plan 2012* (OCP)
- the proposal is consistent with the housing policies of the *Hillside Quadra Neighbourhood Plan, 1996*, which encourages single-family dwellings on small lots that “fit comfortably” into the neighbourhood and are compatible in size and exterior design
- the proposal is generally consistent with the design guidelines contained in the *Small Lot House Rezoning Policy*
- the requested variances associated with reducing the front setbacks for Lots 2 and 3 are supportable, and are a result of widening Lots 5 and 6 to accommodate a shared driveway
- the requested side yard setback variances associated with the single-family dwelling on Lot 8 (panhandle lot) are supportable as the building would have minimal impact on privacy and overlook onto neighbouring properties, and the variances allow the building to be sited to minimize the potential impact on the neighbouring Sequoia tree
- the requested variances associated with the parking drive aisles for Lots 5, 6 and 7 are supportable as the number of driveway crossings onto Tolmie Avenue are reduced from five to three, and parking is provided at the rear of the lot which improves the street frontage and enhances the pedestrian and cyclist experience along Tolmie Avenue.

BACKGROUND

Description of Proposal

The proposal is to subdivide the site into seven small lots and one panhandle lot to construct eight single-family dwellings. Specific details include:

- each new small lot house would be two storeys without basements and the panhandle lot single-family dwelling would be one storey without a basement
- design elements of the houses are taken from the surrounding neighbourhood and

include pitched rooflines, traditional style windows, covered entryways and single-car garages

- design elements of the small lot house on Lot 1 include a gently pitched roofline, contemporary style windows, prominent entryways on both street frontages, wooden knee braces and windows oriented to the streets; the exterior materials include horizontal cement board siding, cement panel siding with aluminium reveals, wood doors and vinyl windows
- design elements of the small lot house on Lot 2 include a pitched roofline, contemporary style windows, front garage, a prominent entryway and windows oriented toward the street; the exterior materials include horizontal cement board siding, cement panel siding with aluminium reveals, wood doors and vinyl windows
- design elements of the small lot house on Lot 3 include gently pitched roofline, covered entryways, and a front garage; exterior materials include shingle siding, cement board siding, wooden front door and vinyl windows
- design elements of the small lot house on Lot 4 include a contemporary roofline, prominent front entryway, front garage and windows oriented to the front and rear yards; the exterior materials include horizontal cement board siding, cement panel siding with aluminium reveals, wooden front door and vinyl windows
- design elements of the small lot house on Lot 5 include a pitched roofline, flat roof elements above the front entryway, wooden knee braces, rear detached garage, and windows oriented to the front and rear yards; exterior materials include horizontal cement board siding, cement panel siding with aluminium reveals, wooden braces and front door, and vinyl windows
- design elements of the small lot house on Lot 6 include a pitched roofline, covered entryways, prominent front door, and rear detached garage; exterior materials include horizontal cement board siding, cement panel siding with aluminium reveals and vinyl windows
- design elements of the small lot house on Lot 7 include a pitched roofline, prominent entryway, articulated front façade, rear detached garage and windows oriented to the front and rear yards; exterior materials include horizontal cement board siding, cement panel siding with aluminium reveals, wooden doors and beams, and stone clad columns
- design elements of the single-family dwelling on Lot 8 include a gently pitched roofline, windows oriented towards the front and rear yards, and floating slab construction to minimize impact on the critical root zone of the neighbour's large Sequoia tree; exterior materials include horizontal cement board siding, cement panel siding, stone clad columns and vinyl windows
- all driveways are designed to be permeable
- new hard and soft landscaping would be introduced.

The proposed variances are related to:

- Lot 2: reduce the front setback from 6.00m to 5.40m
- Lot 3: reduce the front setback from 6.00m to 5.54m
- Lot 5: permit required 7.0m drive aisle to project onto adjacent property (Lot 6)
- Lot 6: permit required 7.0m drive aisle to project onto adjacent property (Lot 5)
- Lot 7: permit required 7.0m drive aisle to project onto adjacent property (Lot 8)
- Lot 8: reduce the side setback (south) from 7.50m to 5.31m; reduce the side setback (north) from 4.00m to 2.75m.

Sustainability Features

The applicant has not identified any sustainability features associated with this proposal.

Active Transportation Impacts

The applicant has not identified any active transportation impacts associated with this application.

Public Realm Improvements

No public realm improvements are proposed in association with this Development Permit Application.

Existing Site Development and Development Potential

The site is comprised of four separate lots. Three of the four lots are presently developed with single-family dwellings. Under the current R-J Zone, Low Density Attached Dwelling District, the property could be developed as 10 townhouse units.

Data Tables

The following data tables compare the proposed small lot houses with the R1-S2 Zone, and the proposed panhandle lot with the R1-B Zone panhandle regulations under Schedule H of the Zoning Bylaw. An asterisk is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposal							Zone Standard R1-S2
	Lot 1	Lot 2	Lot 3	Lot 4	Lot 5	Lot 6	Lot 7	
Site area (m ²) - minimum	348.82	276.50	276.40	326.13	347.13	345.67	322.87	260.00
Density (Floor Space Ratio) - maximum	0.45:1	0.52:1	0.52:1	0.47:1	0.48:1	0.49:1	0.48	0.60:1
Total floor area (m ²) - maximum	155.71	144.99	144.04	151.91	166.92	170.18	153.97	190.00
Lot width (m) - minimum	12.61	10.00	10.00	10.00	10.66	10.66	10.00	10.00
Height (m) - maximum	6.63	7.05	7.46	7.16	7.21	6.87	6.91	7.50
Storeys - maximum	2	2	2	2	2	2	2	2
Site coverage (%) - maximum	25.90	35.84	36.77	32.89	34.60	33.11	36.77	40.00
Setbacks (m) – minimum:								
Front	6.00	5.40*	5.54*	6.19	6.07	6.45	6.03	6.00
Rear	6.95	6.00	6.00	9.61	11.57	11.60	11.38	6.00

Side	3.49	1.59	1.50	1.59	2.25	1.50	1.59	1.50/2.40
Side	2.42	1.50	1.59	1.50	1.50	2.25	1.50	1.50/2.40 (1.50m to non-habitable windows. 2.40m to habitable windows)
Parking - minimum	1	1	1	1	1	1	1	1
Parking Clearance (m) - minimum	Yes	Yes	Yes	Yes	No*	No*	No*	3.00/7.00 (depends on parking angle)
Accessory Buildings								
Rear yard site coverage (%) - maximum	N/A	N/A	N/A	N/A	16.28	15.55	17.63	30
Floor Area (m2) - maximum	N/A	N/A	N/A	N/A	18.25	18.25	18.25	37
Height (m) – maximum	N/A	N/A	N/A	N/A	3.49	3.36	3.49	4.00
Setbacks (m) – minimum								
Front	N/A	N/A	N/A	N/A	28.20	27.96	27.93	18.00
Rear	N/A	N/A	N/A	N/A	0.75	0.75	0.75	0.6
Side	N/A	N/A	N/A	N/A	4.42	0.75	3.76	0.6
Side	N/A	N/A	N/A	N/A	0.75	4.42	0.75	0.6

Zoning Criteria	Proposal (Lot 8)	Zone Standard R1-B Panhandle
Site area (m ²) - minimum	610.69	600.00
Lot width (m) – minimum	18.44	18.00
Floor area of all floors combined (m2) - maximum	141.79	280.00
Height (m) - maximum	4.45	5.00
Storeys – maximum	1	1
Setbacks (m) - minimum		
Front	7.67	7.50 (to habitable window)

Zoning Criteria	Proposal (Lot 8)	Zone Standard R1-B Panhandle
Rear	7.50	7.50 (to habitable window)
Side	5.31 (south)*	7.50 (to habitable window)
Side	2.75 (north)*	4.00 (to non-habitable window)
Parking – minimum	1	1

Relevant History

In 2014, Council approved a rezoning application from the R1-B Zone to the R-J Zone to allow for construction of 10 townhouse units. The concurrent Development Permit was approved with variances related to the number of units in an attached dwelling, site width, and setbacks, including a relaxed setback from Fifth Street of 4.70m.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on May 2, 2017 the application was referred for a 30-day comment period to the Hillside-Quadra Neighbourhood Action Committee 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 OCP identifies this site within Development Permit Area 15A: Intensive Residential – Small Lot and Development Permit Area 15B: Intensive Residential – Panhandle Lot. The proposed design of the eight new single-family dwellings is generally consistent with the *Design Guidelines for Small Lot House (2002)*.

The proposed two-storey small lot houses, and the one-storey panhandle single-family dwelling have similar pitched rooflines, colour palette and exterior materials that are complementary to adjacent single-family dwellings and the overall neighbourhood character. The buildings blend contemporary style glazing, materials and design elements with traditional design features such as wooden knee braces, horizontal siding, and covered entryways. All the houses have windows that are maximized on the front and rear elevations, and the windows on the side elevations are smaller and carefully located to respect the privacy of adjacent neighbours.

The applicant is proposing a mix of hard and soft landscaping in the front and rear yards of all the lots and is also proposing to plant additional trees on site to replace the trees that would be removed with the proposal. The enhanced landscaping, as well as the extensive use of permeable pavers and shared driveways for Lots 5, 6, 7 and 8, minimizes the amount of hardscape and provides an opportunity to manage more storm water on-site.

Local Area Plan

The proposal is in keeping with the housing policies of the *Hillside-Quadra Neighbourhood Plan, 1996*, which give preference to family-oriented housing which are designed to “fit comfortably” into the neighbourhood. Creating seven small lots and one panhandle lot would fit in with the existing form and character of the neighbourhood and the established density for the area.

Regulatory Considerations

Front Setback Variances for Lots 2 and 3

The applicant is proposing to reduce the front setback for the small lot houses on Lots 2 and 3. A small reduction in the front setback to the front entrance is supportable given the setback is consistent with the setback of the houses to the south of the site along Fifth Street and the variance would not change the overall character of the streetscape. Staff recommend that Council consider supporting this variance.

Side Setback Variances for Lot 8

The applicant is proposing to reduce the north and south side yard setbacks for the single-family dwelling on Lot 8. The reduced north setback is a result of siting the building to minimize the impact on the critical root zone of the neighbour's large Sequoia tree. The applicant has provided an arborist report that provides further details on measures to mitigate the impact on the tree. The requested setback variance is supportable with sufficient distance and privacy maintained from the adjacent single-family dwellings. The reduced south side setback is supportable because the windows on the south elevation are minimal and the existing vegetation on the south property line provides sufficient screening to maintain privacy for the adjacent property.

Parking Clearance Variances for Lots 5, 6 and 7

Schedule C of the Zoning Bylaw requires a minimum clearance of 7.0m behind a parking stall in order to provide unobstructed access and egress from the parking stall. The applicant is proposing shared driveway access to the required parking for Lots 5, 6 and 7; therefore, a portion of the 7.0m clearance will project onto the adjacent property for these three lots. The variances are supportable as they allow for a reduction in the number of driveway crossings onto Tolmie Avenue and reduce the number of front garages, thus minimizing the impact on the streetscape character and reducing the potential for vehicle and pedestrian conflict.

CONCLUSIONS

The proposal to construct eight new single-family dwellings on seven small lots and one panhandle lot with the associated variances is consistent with Development Permit Area 15A: Intensive Residential – Small Lot and Development Permit Area 15B: Intensive Residential – Panhandle Lot. The small lot houses and the panhandle lot house are forms of sensitive infill development that fit in with the existing neighbourhood. Staff recommend that Council consider supporting this Application.


ALTERNATE MOTION

That Council decline Development Permit with Variances Application No. 00037 for the property located at 1025, 1029, 1035 and 1075 Tolmie Avenue.

Respectfully submitted,



Alec Johnston
Senior Planner
Development Services Division




Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

Date:


June 14, 2017

List of Attachments:

- Subject Map
- Aerial Map
- Plans date stamped April 7, 2017
- Letter from applicant to Mayor and Council dated September 26, 2016
- Arborist Report dated September 15, 2016