

Planning and Land Use Committee Report For the Meeting of October 1, 2015

To:

Planning and Land Use Committee

Date:

September 17, 2015

From:

Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject:

Development Permit with Variance Application Nos. 000431, 000432 and

000433 for 1032, 1038 and 1044 Harling Lane

RECOMMENDATION

Staff recommend that Committee forward this report to Council and, after giving notice and allowing an opportunity for public comment, that Council consider the following motion:

"That Council authorize the issuance of Development Permit Application Nos. 000431, 000432 and 000433 for 1032, 1038 and 1044 Harling Lane in accordance with:

- Plans date stamped June 17, 2015, with revisions to the fence to the satisfaction of staff.
- 2. Development meeting all Zoning Regulation Bylaw requirements.
- 3. The Development Permit lapsing two years from the date of this resolution."

LEGISLATIVE AUTHORITY

In accordance with Section 920(2) 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 920 (8) 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, 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 three Development Permit with Variance Applications for the properties located at 1032, 1038 and 1044 Harling Lane. The proposal is to construct three small lot houses. The variances are related to an increase in the height of the front yard fences from 1.22m to 1.83m.

The following points were considered in assessing these Applications:

- The proposal for three small lot houses are generally consistent with the Small Lot Design Guidelines.
- The proposed landscaping is not consistent with the *Guidelines for Fences Gates and Shutters*.
- The variances are related to the Fence Bylaw to increase in the height of the front yard fence from 1.22m to 1.83m. These variances are not considered appropriate as they do not comply with the relevant guidelines and create a detrimental impact on the character of Harling Lane.

BACKGROUND

Description of Proposal

The proposal is to construct three small lot houses. Specific details for each building include:

- a basement including a recreation, exercise room and bathroom, with access being gained from an external staircase
- living and family rooms located on the main floor, with three bedrooms located on the upper floor
- off-street parking provided within a garage
- landscaping consisting of permeable pavers and a mixture of planting including two large trees for each property, and various shrubs and flower bed plantings as indicated on the landscape plan
- private amenity space provided in the form of a lawn in the front yard and patio space at the rear, with wooden privacy fencing.

The proposed variances are related to requests to increase the front yard fence height from 1.22m to 1.83m.

Sustainability Features

As indicated in the applicant's letter dated June 16, 2015, the applicant is considering the use of micro-turbine technology to produce all heat and electricity through natural gas. No further details have been provided in the Application packages. In the event that this is considered to be unfeasible, the buildings will have a combination of on-demand hot water and in-floor radiant heating.

Active Transportation Impacts

The applicant has not identified any active transportation impacts associated with these Applications.

Public Realm Improvements

No public realm improvements are proposed in association with these Development Permit Applications.

Existing Site Development and Development Potential

The properties are currently vacant and are located in the R-K Zone, Medium Density Attached Dwelling District. This Zone permits all of the uses in the R1-S2 Zone, Restricted Small Lot (Two Storey) District, subject to the regulations in that Zone. A five-lot subdivision developed pursuant to this *Zoning Regulation Bylaw* provision was approved in 2012.

Data Table

The following data table compares the proposal with the R-K Zone, Medium Density Attached Dwelling District. No component of the proposal is less stringent than the Zone standards. An asterisk is used to identify where the proposal is less stringent than the *Fence Bylaw*.

Zoning Criteria	1032 Harling Lane	1038 Harling Lane	1044 Harling Lane	Zone Standard R1-S2
Site area (m²) - minimum	265.9	265.9	265.8	260
Density (Floor Space Ratio) - maximum	0.53:1	0.53:1	0.53:1	0.6:1
Total floor area (m²) - maximum	142.14	142.14	142.14	190
Lot width (m) - minimum	12.31	12.31	12.31	10
Height (m) - maximum	7.17	6.97	7.2	7.5
Storeys - maximum	2 + basement	2 + basement	2 + basement	2 + basement
Site coverage % - maximum	33.6	33.6	33.6	40
Setbacks (m) - minimum Front (Harling Lane) Rear Side (east) Side (west)	6 6.03 1.51 1.50	6 6.02 1.51 1.50	6 6.01 1.50 1.51	6 6 1.50 1.50

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on September 1, 2015, these Applications were referred for a 30-day comment period to the Fairfield Gonzales CALUC. At the time of writing this report, a letter from the CALUC had not been received.

These Applications, if they proceed as submitted, propose variances to the Fence Bylaw, therefore, in accordance with the City's *Land Use Procedures Bylaw*, they require notice, sign posting and a meeting of Council to consider the variances. If Council wishes to advance the

Applications without the variances (as per the staff recommendation) these additional notification measures are not required.

ANALYSIS

Official Community Plan

The proposed development is consistent with the relevant land use policies of the *Official Community Plan 2012 (OCP)*. The subject properties are designated as Urban Residential which envisions a full range of housing types.

As the lots are proposed to be developed as small lots pursuant to the R1-S2 Zone, a Development Permit is required to satisfy the requirements of the OCP. The proposal is subject to review under DPA 15A Intensive Residential - Small Lot. The most relevant design consideration of the proposal is with respect to streetscape (*Small Lot House Design Guidelines*, 2002) which is evaluated below.

In the immediate context, the houses create their own symmetry with a similar architectural expression and material treatment as the single-family properties directly to the rear along Pakington Street. In relation to the adjacent buildings on the east and west along Harling Lane, the flanking apartment buildings (built in the 1960s) are defined by the balconies, providing strong horizontal lines that are reflected in the design of the proposed homes. Similarly, the building to the south of the properties, across Harling Lane, includes similar architectural features and prominent balconies. This cluster of buildings is also characterized by flat rooflines.

In the broader context, the houses add to the variety of housing types and forms on the street, while not creating additional visual discord. In addition, the front setbacks of the proposed homes create a suitable transition between the flanking apartment buildings.

An important element of the design is not consistent with the guidelines it relates to entryways and landscaping. The tall front yard wooden fences do not create a welcoming entrance to the residences and do not enhance the overall streetscape along the lane. In addition, there is the potential to create Crime Prevention Through Environmental Design (CPTED) concerns since the tall fences obstruct the views from the buildings and prevent natural surveillance along the lane. As Harling Lane functions primarily as a rear access to immediately adjacent buildings, the need for natural surveillance on the lane is of particular importance. Staff recommend for Council's consideration that these Applications would benefit from a reduction in the height of the front yard fences 1.22m or less (in accordance with the *Fence Bylaw*) in order to improve this street relationship.

Fence Bylaw

A variance to the *Fence Bylaw* is being proposed to increase the height of the front yard fence for each property from 1.22m to 1.83m. For the reasons outlined above, staff recommend for Council's consideration that these variances are not appropriate. The applicant was advised of staff's concerns regarding the lack of consistency with the Fence Bylaw and the resulting impact on the streetscape as well as potential CPTED issues and chose to proceed with the requested variance.

CONCLUSIONS

The proposal for the three small lot houses at 1032, 1038 and 1044 Harling Lane is generally consistent with the Small Lot House Design Guidelines, 2002. The contemporary design is supportable and complementary to both the other existing single family homes and the multiple dwelling buildings on Harling Lane. However, the inconsistency with the streetscape and landscaping guidelines should be addressed, therefore, staff recommend for Council's consideration, approval of these Applications without the proposed variance to the Fence Bylaw.

ALTERNATIVE MOTION NO. 1

Staff recommend that Committee forward this report to Council and, that after giving notice and allowing an opportunity for public comment, that Council consider the following motion:

"That Council authorize the issuance of Development Permit Application with Variance Nos. 000431, 000432 and 000433 for 1032, 1038 and 1044 Harling Lane, in accordance with:

- 1. Plans date stamped June 17, 2015.
- 2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances to the Fence Bylaw:
 - Section 4.1.a(i) increase the height of a front yard fence from 1.22m to 1.83m.
- 3. The Development Permit lapsing two years from the date of this resolution."

ALTERNATIVE MOTION NO. 2

That Council decline Development Permit Application with Variance Nos. 000431, 000432 and 000433 for 1032, 1038 and 1044 Harling Lane.

Respectfully submitted,

C. R. Wain

Charlotte Wain

Senior Planner - Urban Design

Development Services Division

Jonathan Tinney, Director

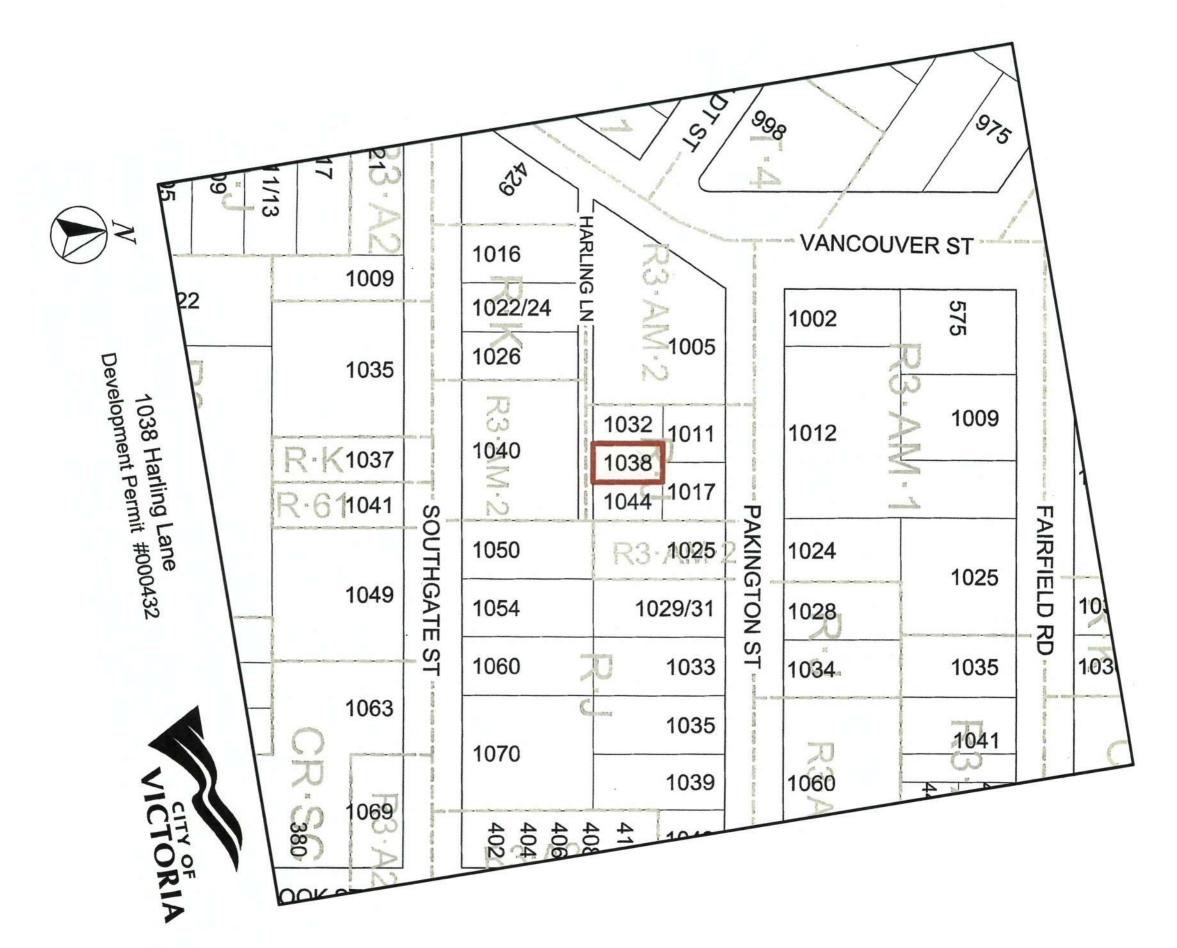
Sustainable Planning and Community

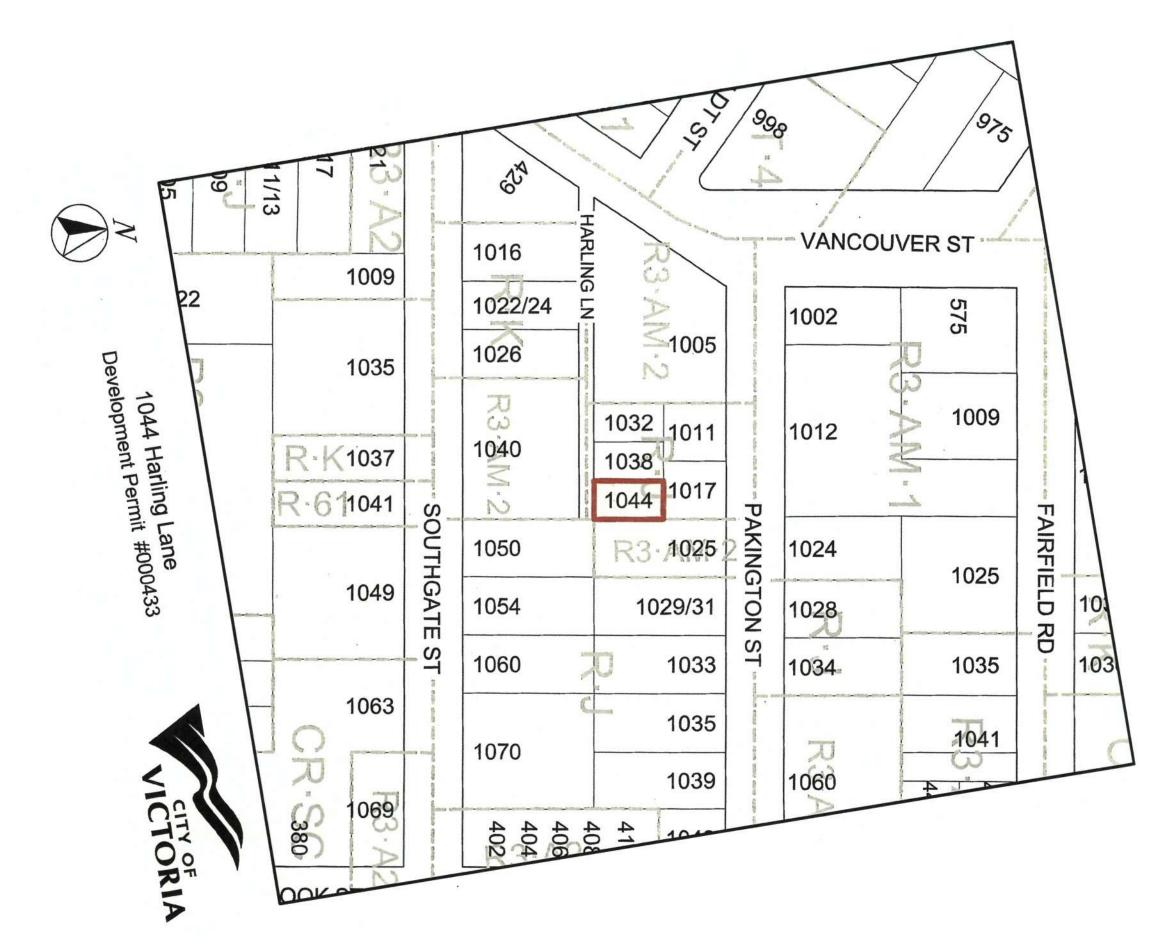
Development

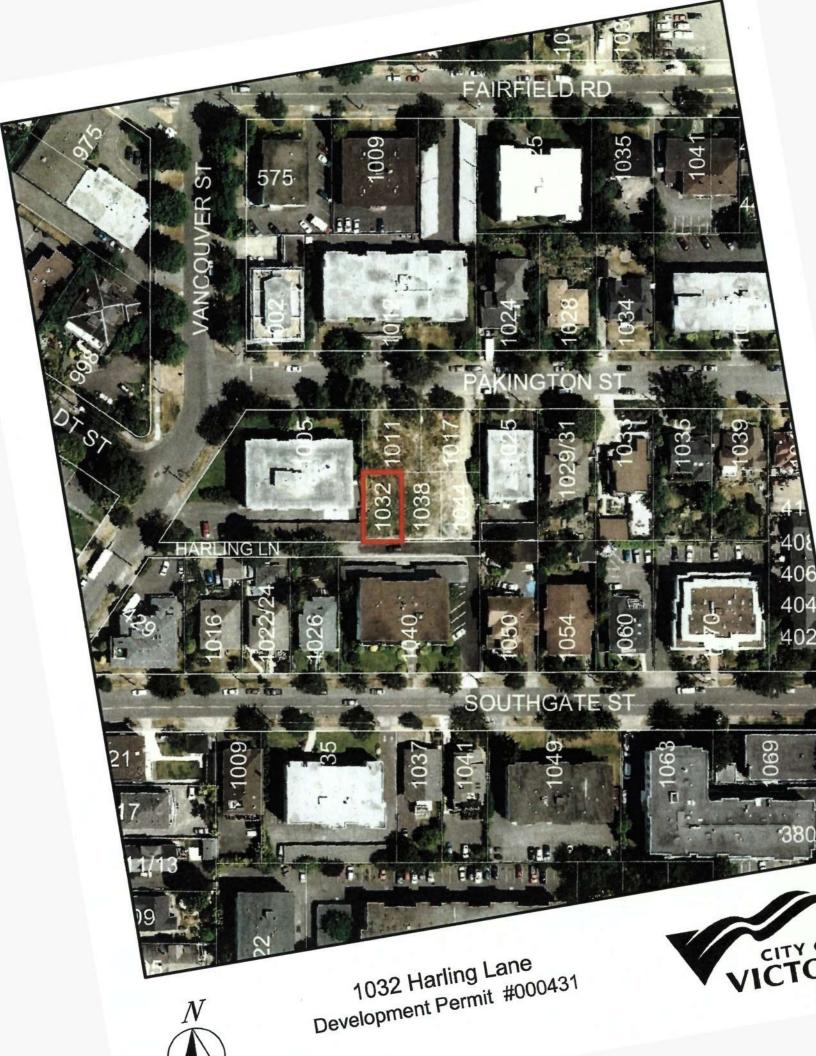
Report accepted and recommended by the City Manager:

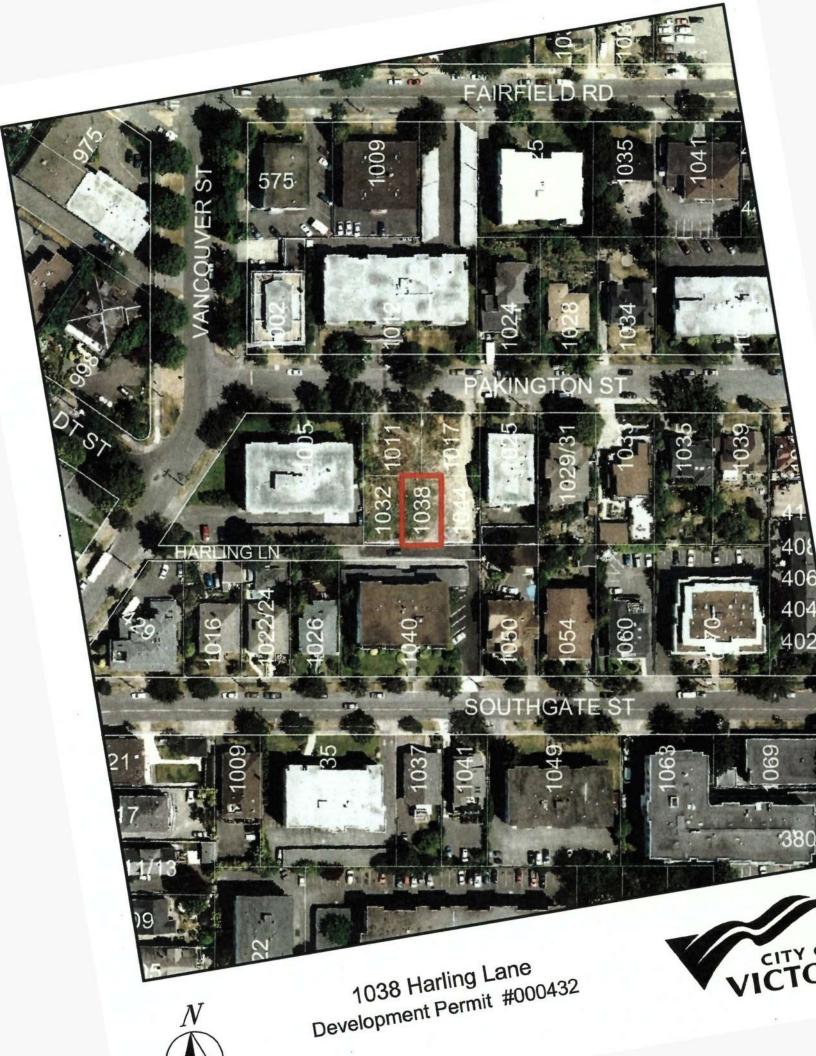
List of Attachments

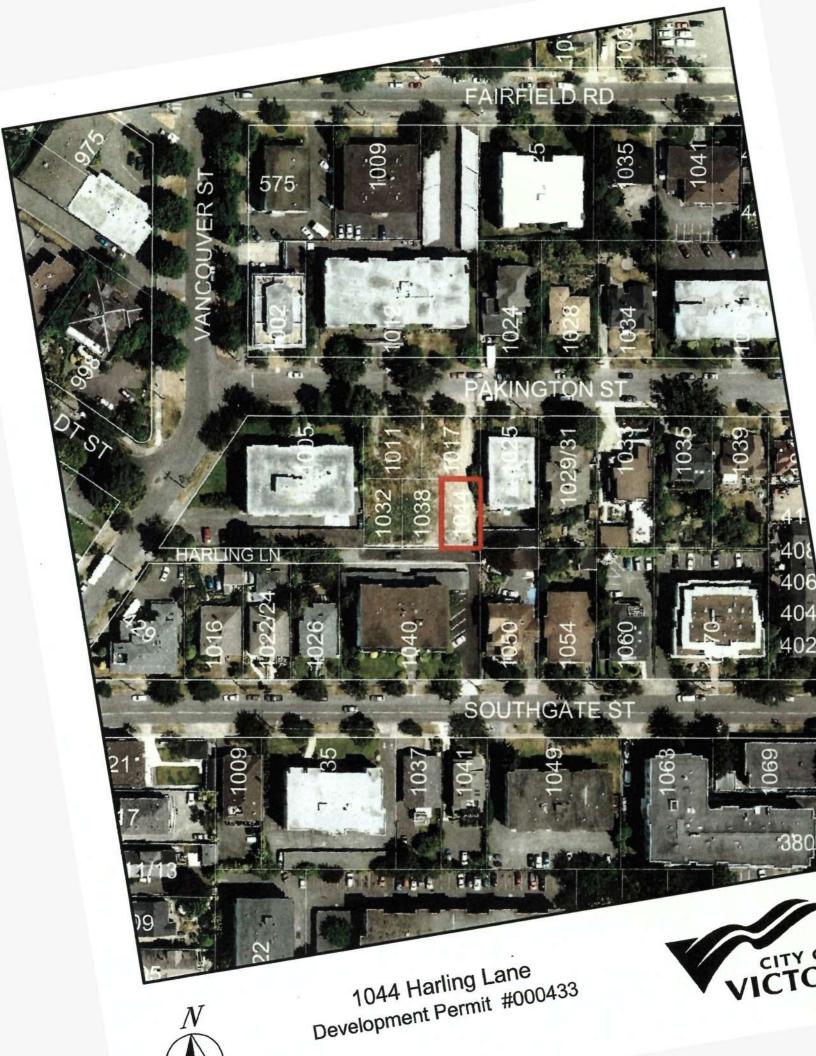
- Zoning maps
- Aerial maps
- Letter from applicant dated June 16, 2015
- Plans dated June 17, 2015.











June 16, 2015

Mayor and Council 1 Centennial Square Victoria, BC V8W 1P6



Re: Development Permit Applications: 1032, 1038 and 1044 Harling Lane

Mayor and Council,

The proposal to develop the above referenced vacant lots is zoning compliant without variance.

These lots complete a development that increased density from 2 single-family homes to 5 single-family homes within the same land footprint.

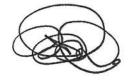
The need for development permits for these lots results from a citywide rezoning added to the OCP immediately prior to its implementation. While no public mention of a citywide DP rezoning was made in the 3 years the OCP was under public discussion and scrutiny, the citywide rezoning suddenly appeared a matter of a few weeks before implementation. DPA 15A, which captured the lots, is a form and character DP.

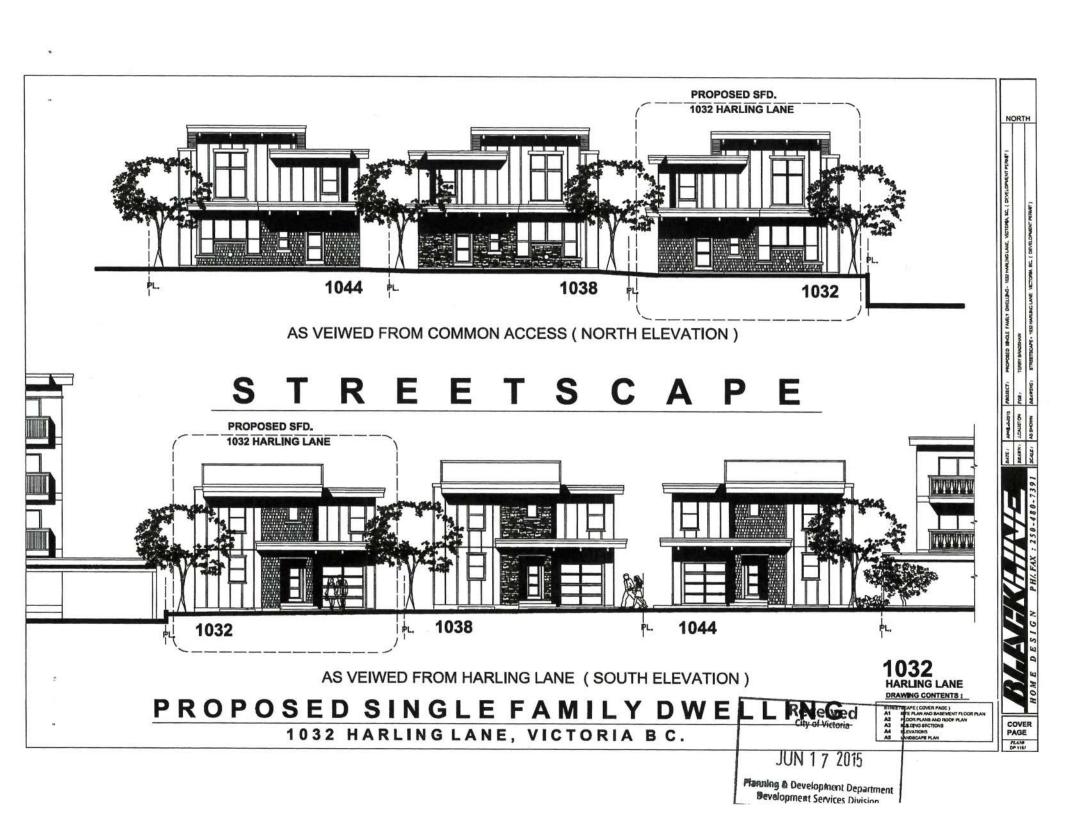
The house designs are complementary to the houses fronting Pakington that were built in 2014/15 under DPA 15A permits. The design is contemporary, shed roof styles with wood and hardi-panel exterior finishes, colors are complementary to the newly built front houses and the landscape and fencing matches the new DPA 15A approved homes on Pakington. The remaining surrounding properties on three sides are all flat roof multifamily apartments. There is no single-family form and character design influence standard to be met other than to the adjacent newly built DPA 15A approved Pakington houses.

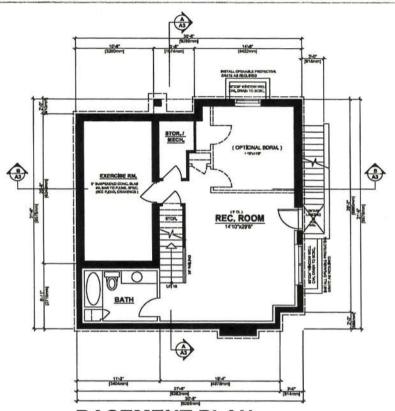
The houses are green built and energy efficient with the primary green/efficiency caused by gravity underground services through to Southgate via a registered easement over 1040 Southgate. City provided services in Pakington are shallow depth that would require pumping storm and sanitary water so the more green/efficient alternative was to acquire an easement. The easement and new services in Harling Lane add \$30k in green costs per house. New sanitary and storm services were built without any city funding.

New European micro turbine technology is being considered to produce all heat and electricity with the energy source being natural gas. A decision on that technology will be based on cost, projected savings and CSA compliance/approval. In the alternative, combination on demand hot water and in-floor radiant heat will be incorporated.

This completes the dual DPA requirements of a letter to council and an explanation of green building features.







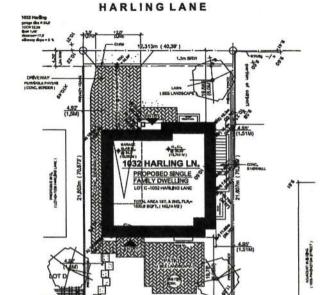
BASEMENT PLAN SCALE : 1/4" = 1'0"

839.0 SQFT.

1032 HARLING LANE

(SEE ELEVATIONS FOR ALL FINSHED GRADES)

1032 HARLING LANE



SITE PLAN

LOTA

ALL GEODETIC FLOOR ELEVATIONS SHOWN ARE TO TOP OF 1-1/2" LIGHT MEGHT CONC. TOPPING.

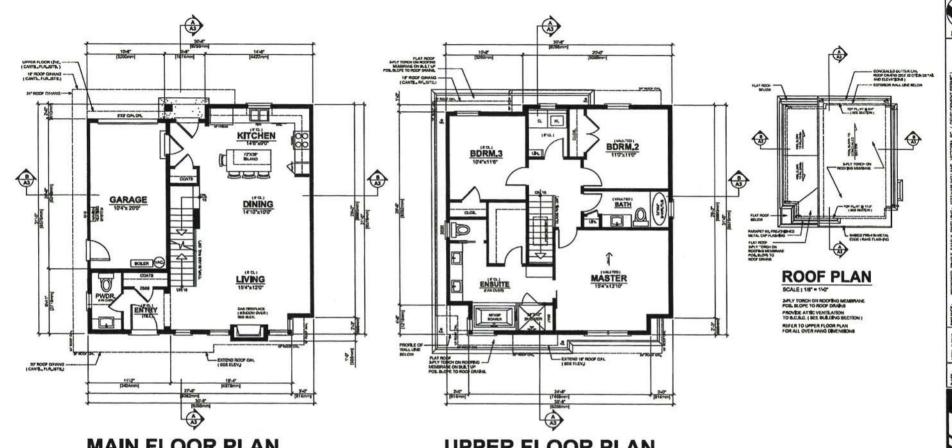
SITE DATA				
OWNER		TERRY BRACSHAW		
ACCREGE		LOT C - 1032 HARLING LANE, VICTORIA, BLC.		
TOHE		R1-82		
DETE AREA		2863,12 SQFT, (286,8 NZ)		
LEGAL DESCRIPTION		FARTFELD FARM ESTATE , VICTORIA CETY, PLAN 15		
PERMITTED : R	1-82			
MPL SITE APPEA		2798,62 BOFT.	(28G,0 M2)	
HTORN STE MOTH	1	32.5	(10.0 M)	
SITE COVERAGE		40%		
TOTAL PLALAREA	1	7045,0 9Q+1,	(190,0 M2)	
FLOOR SP, RATIO		40/1		
DETBACKS: FRONT (S.)	1	19,668	(BDM)	
REAR (4)		10,505	(ADM)	
187E (E)		4.92	(CSM)	
BADE (W.)		4,377	(COM)	
MAXINUM HIR GHT		DAR	(7.5 M)	
NO. OF STOREYS		TWO		
PARTIE		I STALL PER LINE	Vi	
PROPOSED SFE). (1	032 HARLING	3 LANE)	
AREA STIE	1	3862.12 SCFT.	(386,8 M2)	
SITE WIOTH		40,30	(12313W)	
BITE COVERNOE		33.8 % = 863.0 BOFT.		
TOTAL PLALAREA		1839-0 BOFT.	(142,14 60)	
LOOK SP, RATIO		33,4 %	350000000	
SETBACKS: FRONT (S.)		19.665	(ADM)	
REAR (4)		19,70	(4004)	
SENS (IL)		4,82	(WM)	
DEDE (NJ)		4.86"	(151M)	

Received
City of Victoria

Planning & Development Department Development Services Division

PROPOSED SINGLE FAMILY DWELLING

1032 HARLING LANE, VICTORIA BC.



MAIN FLOOR PLAN

662.0 SQFT.

(INCLUDES GARAGE AREAS IN EXCESS OF 200,0 SQFT,) (GARAGE = 207.0 SQFT.)

UPPER FLOOR PLAN

868.0 SQFT.

1032 HARLING LANE

Received

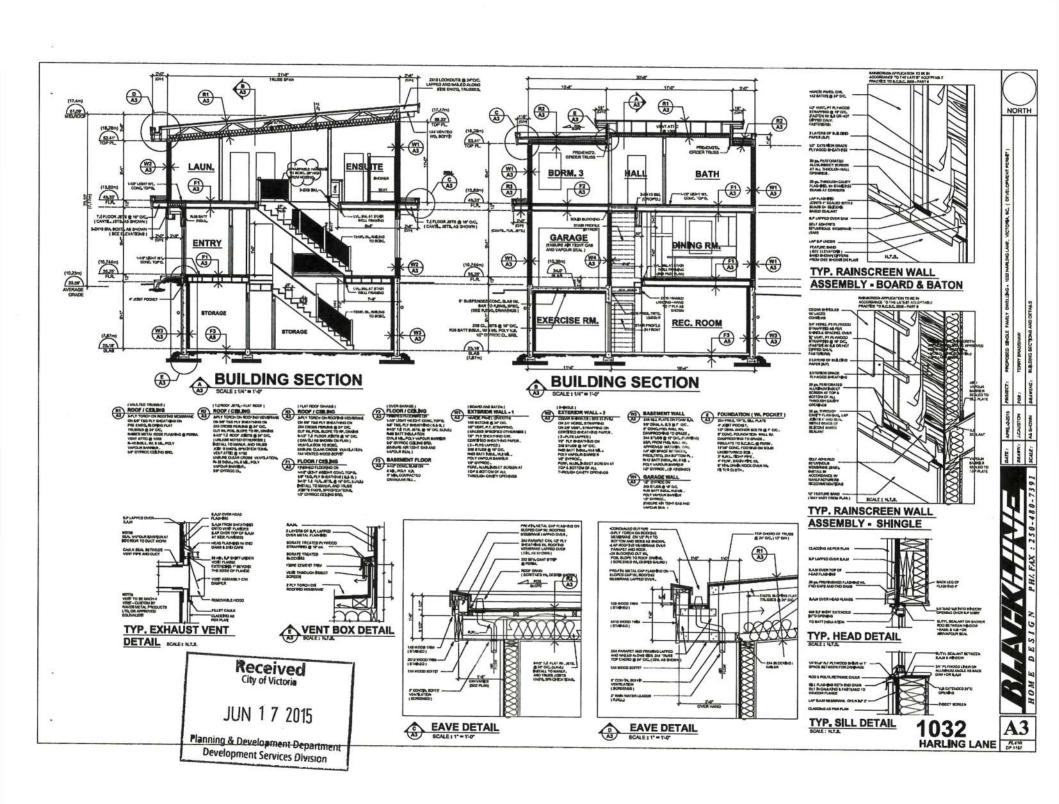
REVISIONS: CITY OF VICTORIA

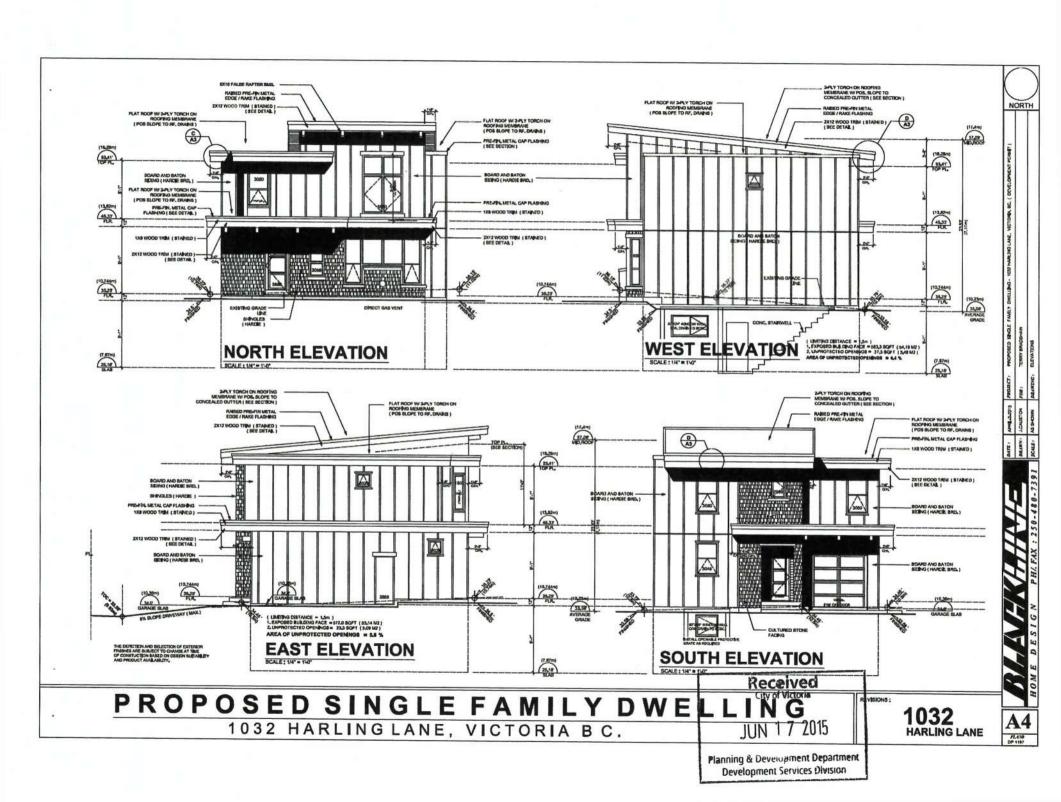
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Planning & Development Department **Development Services Division**

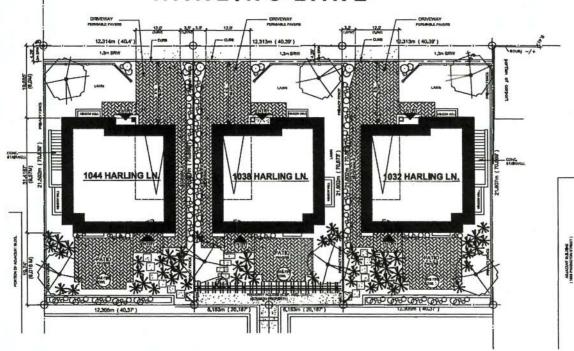
PROPOSED SINGLE FAMILY DWELLING

1032 HARLING LANE, VICTORIA B C.





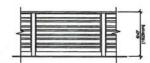






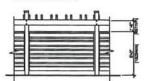
LANDSCAPE LEDGEND		
&	MEDIUM TO LARGE SIZE SHRUBS (SPECIES TO BE DETERMINED)	
ф	MOTED FLOWER BED PLANTING (SPECIES TO BE DETERMINED)	
*	LOW LYING GROUND COVER (SPECIES TO BE DETERMINED)	
A)	LARGE / MEDIUM SIZE DECIDIOUS TREE (SPECIES TO BE DETERMINED)	

ALL SPECIES, SPACING, SIZES AND QUANTITIES ARE TO BE DETERMINED BY LANDSCAPER / LANDSCAPE DESIGNER AND OWNER AT TIME OF LANDSCAPE



SCREENING ELEVATION SCALE : 1/4" = 140"

6X8 POSTS CW., SPACED 1X4 AND 1X8 FENCING (STAINED) 2X6 TOP RAIL (STAINED)



2 SCREENING ELEVATION

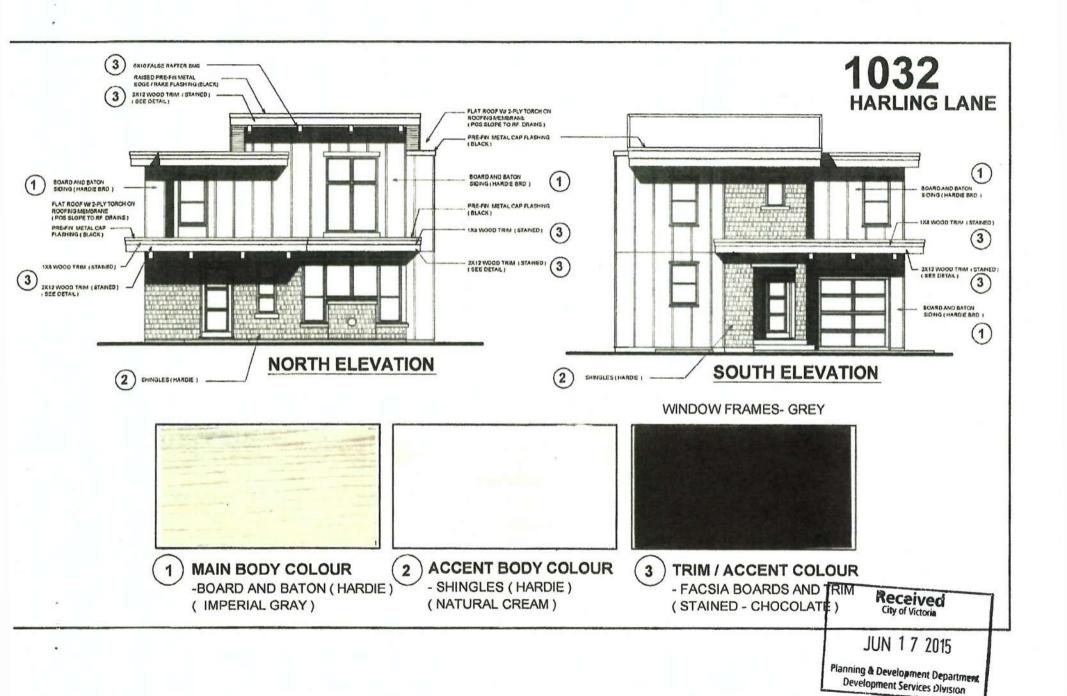
608 POSTS C.W. SPACED 1X4 AND 1X6 FENCING (STAINED) 2X5 TOP RAIL (STAINED) 2X6 TRELLIS ON LAPPED 2-2X10 (STAINED)

Received City of Victoria

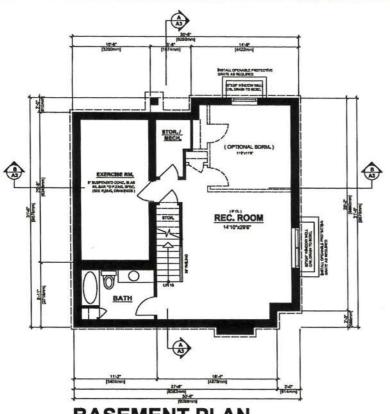
Planning & Development Department Development Services Division

PROPOSED SINGLE FAMILY DWELLING

1032,1038 AND 1044 HARLING LANE, VICTORIA BC.







BASEMENT PLAN

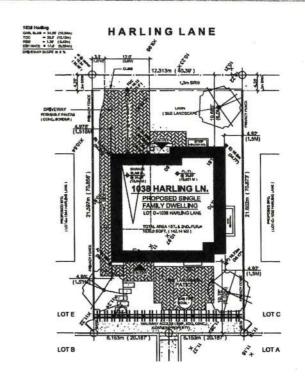
839.0 SQFT.

1038 HARLING LANE
EXIST'G FIN, GRADE POINTS;
COMMERCING FIN, GRADE POINTS;
COMMERCING SAFETY, INTERPOLATION, COMMERCING SAFETY, COMMERCING SAFETY,

FORTS ALE: (\$\(\)\left(10\)\right

4307,48 / 123,83 (PERM, OF BLDG,) = 34,78" (10,8 m)

1038 HARLING LANE





SITE PLAN

CALE = 1/8" = 1'-0"

EXISTING GRADE ELEVATIONS ARE BASED UPON GEODETIC DATUM AND ARE SHOWN AS THUS:

METRIC CONVERSION SHOWN IN SRACKETS

ALL GEODETIC FLOOR ELEVATIONS SHOWN ARE TO TOP OF \$1/2" LIGHT WIEGHT CONC, TOPPING,

AVERAGE EXISTING GRADE = 34.78*(10.6 M)

METE SERVICE NOTES:

-REFER TO CIVIL ENG, DRAWINGS FOR ALL
ASPECTS OF SITE SERVICING

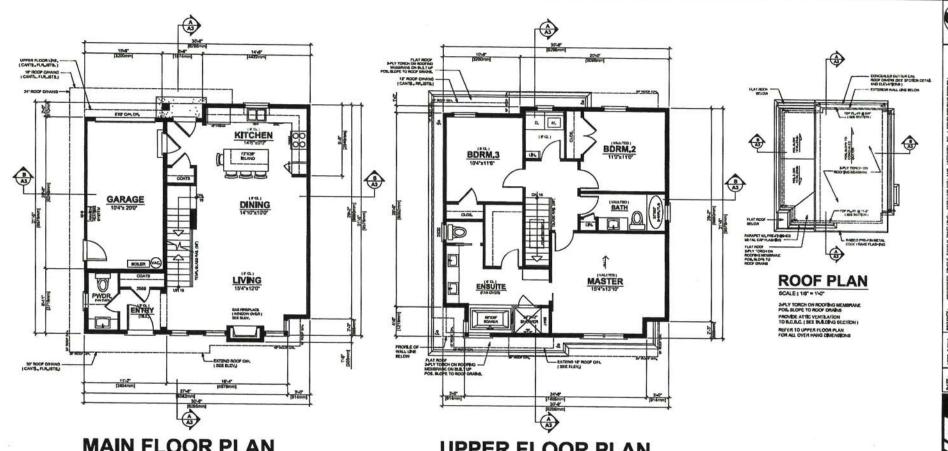
SITE DATA			
OWNER		TIRRY SRADOWA	
ADDRE 88	1		JAS LANE VICTORIA, BLC.
ZOME		R1402	
SITE AND A		2007,12 SCFT, (200,8 M2)	
LEGAL DESCRIPTION		FARE BLD FARM ESTATE, VICTORIA CITY, PLAN	
PERMITTED : R	1-82	!	
ASKA STED J. B.A.	_	279A.82 SQFT.	(200,0 M2)
MIL SITE WICTH		32,8	(100M)
SETE COVERAGE		40%	
TOTAL FLR, AREA		2046,0 DOFT.	(190.0 M2)
FLOOR BP. RATIO		00/1	302000
SETBACKS: FRONT (S.)		19,605	14011
BEDE (EJ		450	(65W)
sice (W.)		4.52	(1,5 M)
THOSE MARIAM		24.5	(7AN)
NO. OF STOREYS		TWD	(1,200)
PARISHO		I STALL PER UNE	t
PROPOSED SFE	2 (1	1038 HARLIN	G LANE)
SETE AREA		2862,12 SQFT.	(266.5 M2.)
SITE WICH		40,39	(12.313 W)
SETE COVERNGE		33.6 % = 963.0 B	
FLOOR SP. RATIO		1830,0 SQPT,	[143,14 MO]
SETBADUS: FRONT CALL		194005 T	902230
REAR INL		10,79	(6.5 W)
BECK (FL)		4.95	(L61M)
SIDE UNI		4.07	(154)
THOSE INDENDANCE		27.50	(637 W)
NO OF STORES		71,00	1.00

PROPOSED SINGLE FAMILY DWELLING

1038 HARLING LANE, VICTORIA B C.

Received

JUN 1 7 2015



MAIN FLOOR PLAN

SCALE : 1/4" = 1'-0"

662.0 SQFT.

(INCLUDES GARAGE AREAS IN EXCESS OF 200,0 SQFT,) (GARAGE = 207.0 SQFT.)

UPPER FLOOR PLAN

868.0 SQFT.

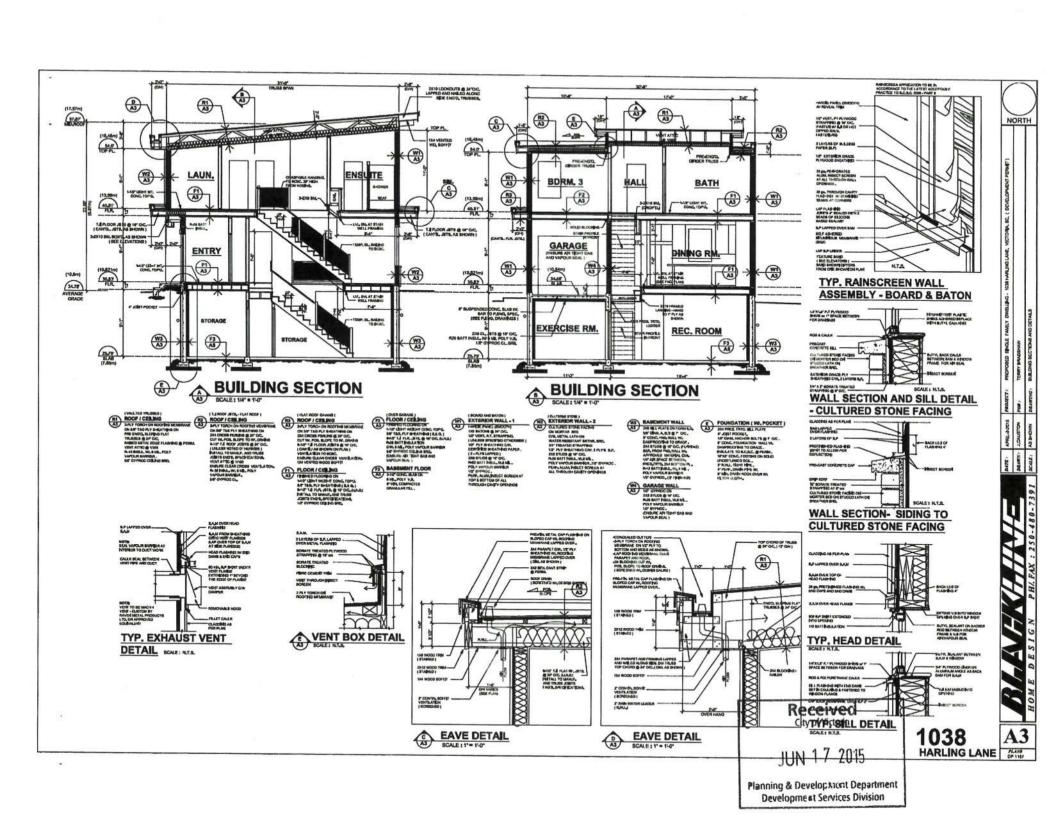
1038 **HARLING LANE**

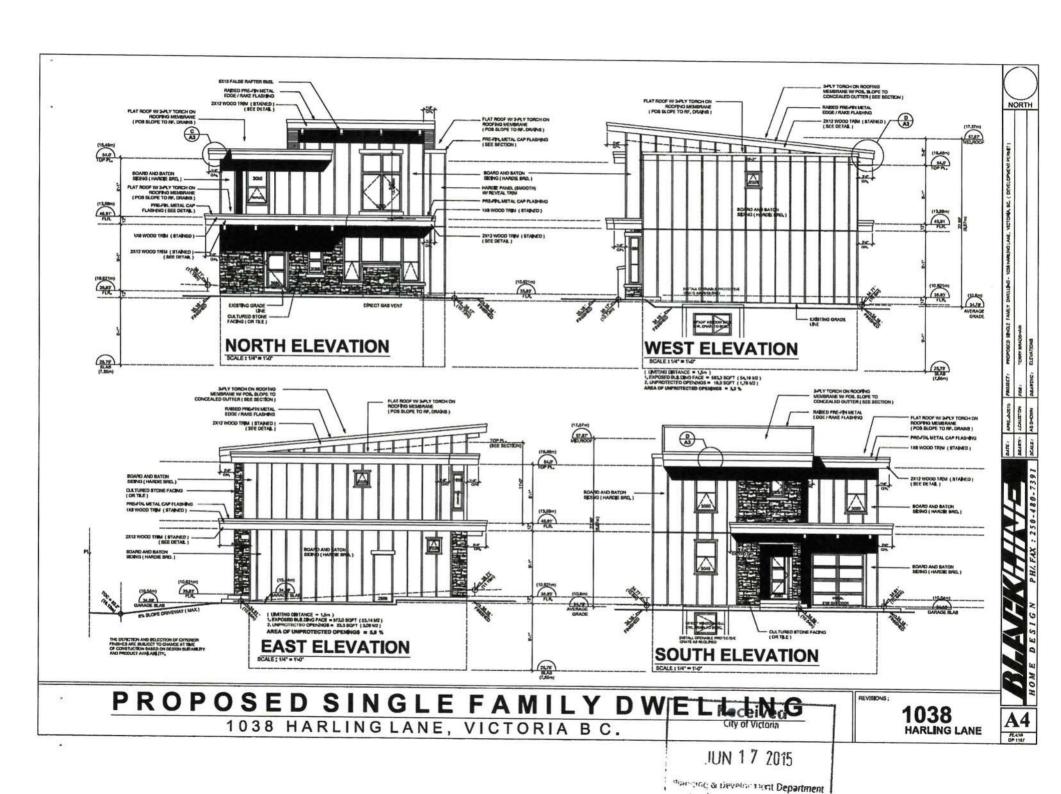
PROPOSED SINGLE FAMILY DWELLING

1038 HARLING LANE, VICTORIA BC.

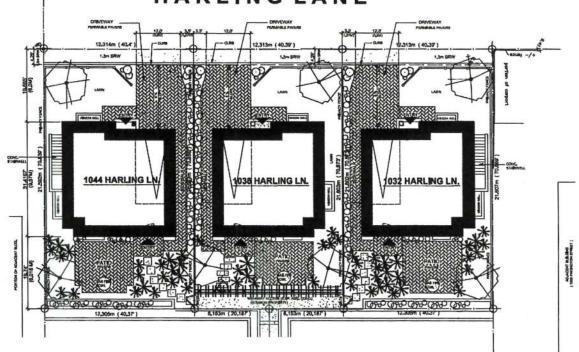
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JUN 17 2015

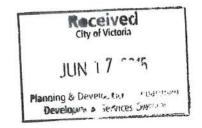


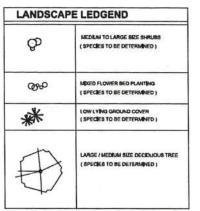




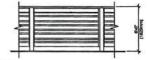








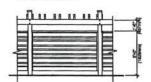
ALL SPECIES, SPACING, SIZES AND QUANTITIES ARE TO BE DETERMINED BY LANDSCAPER / LANDSCAPE DESIGNER AND OWNER AT TIME OF LANDSCAPE.



SCREENING ELEVATION

SCALE : 1/4" = 140"

6X6 POSTS CW. SPACED 1X4 AND 1X6 FENCING (STAINED) 2X6 TOP RAIL (STAINED)



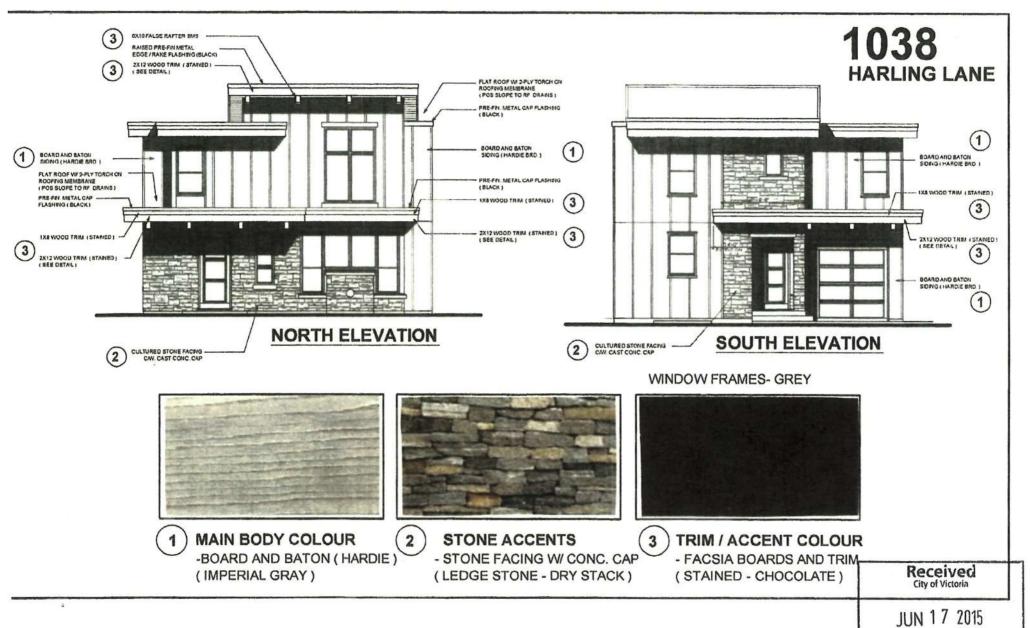
SCREENING ELEVATION

EXS POSTS C.W. SPACED 1X4 AND 1X6 FENCING (STAINED) 2X6 TOP RAIL (STAINED) 2X6 TRELLIS ON LAPPED 2-2X10 (STAINED)

REVISIONS:

PROPOSED SINGLE FAMILY DWELLING

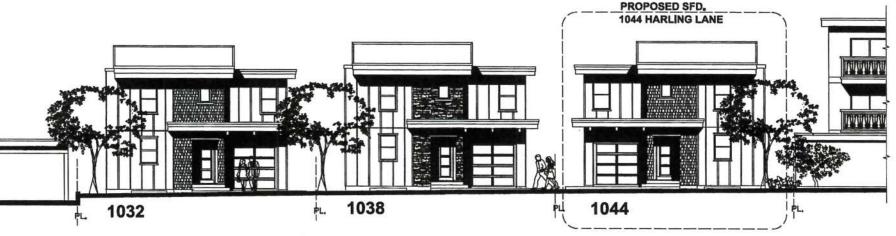
1032,1038 AND 1044 HARLING LANE, VICTORIA BC.



JUN 17 2013



AS VEIWED FROM COMMON ACCESS (NORTH ELEVATION)



AS VEIWED FROM HARLING LANE (SOUTH ELEVATION)

PROPOSED SINGLE FAMILY DWE PER NG

1044 HARLING LANE, VICTORIA B d.

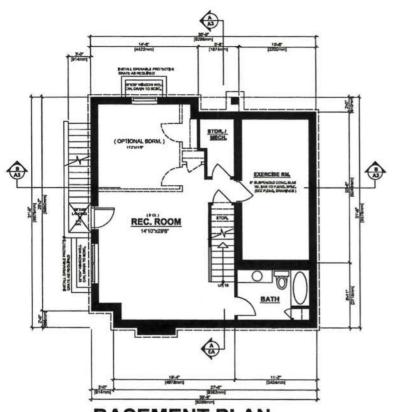
JUN 17 2015

Planning & Development Department **Development Services Division**

1044 HARLING LANE

DRAWING CONTENTS:

COVER PAGE

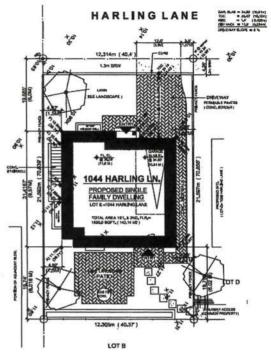


BASEMENT PLAN

839.0 SQFT.

1044 HARLING LANE EXIST'S / FIN. GRADE POINTS:

1044 HARLING LANE





SITE PLAN

ALL GEODETIC PLOOR ELEVATIONS SHOWN ARE TO TOP OF 1-1/2" LIGHT WEIGHT CONC. TOPPING.

AVERAGE EXISTING GRADE = 34.29*(10.45 M.)

SITE DATA				
CIVIDIA	:	TERRY BRADSHAW		
ADDRESS			LOT E . 1044 HAVEING LANE, VICTORIA, R.C.	
ZOME			RMD	
SITE AREA		2861_04 SOFT, (265_8 M2)		
LECIAL DESCRIPTION	•	FARSTELD FARM ESTATE, VICTORIA CITY PLANES		
PERMITTED : R	1-82	1		
MOL BITE AREA	1	27700,82 BOFT.	(260.5 M2)	
MINL BITTE WICHTH		32.8	(10,0 M)	
SÉLÉ COVERNOE		40%		
TOTAL FULLAMEA		2046,0 SQFT.	(190,0 MZ)	
FLOOR SP, RATIO		00/1		
ETBACKS; FRONT (N.)		19.655	[6.0 M]	
MEAR PL		18.74	(4.310 14)	
SIDE (E.)		4,00	(1211)	
MARKAN HECHT	•	4.92	(1511)	
NO. OF STOREYS		24.8	(734)	
PARKING	:	two		
PROPOSED SFI	÷,	1 STALL PER UNI		
	, (
SETE ANSA		2001,04 SQFT.	(200,8 M2)	
HTCMY STEE	:	40.6	(12.314 W)	
SETE COVERAGE		33.6 % = 963.0 SQFT,		
TOTAL PLR, AREA	:	1990,0 SQFT.	(142,14 60)	
FLOOR BP, RATEO		53.4 %		
BETBADES: FRONT (SJ		19,505	(6,54)	
MENT IN	1	19,74	(6,216 M)	
SDE (E.)		ASE	(1,511)	
aloe (Nu)		4,00	(1,31 W)	
MARKUM HEGHT	•	23.62	(7.2 U)	
NO, OF STOREYS		TWO		
PARKS#3		1 STALL		

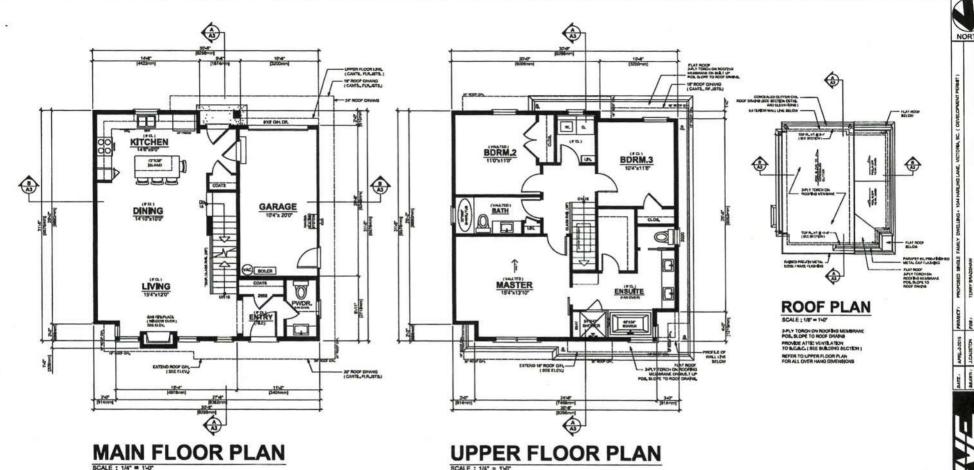
PROPOSED SINGLE FAMILY DWELLING

1044 HARLING LANE, VICTORIA BC.

Received

JUN 17 2015





662.0 SQFT.

(INCLUDES GARAGE AREAS IN EXCESS OF 200.0 SQFT.) (GARAGE = 207.0 SQFT.)

868.0 SQFT.

1044 **HARLING LANE**

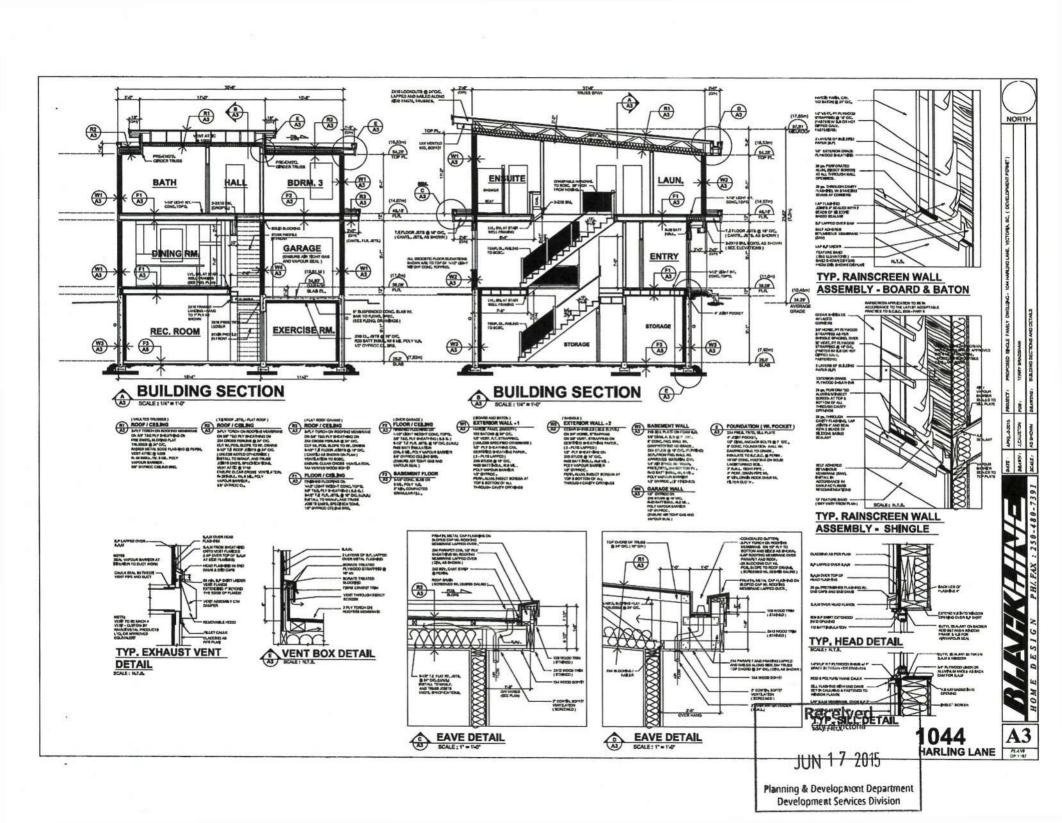
PROPOSED SINGLE FAMILY DWELLING

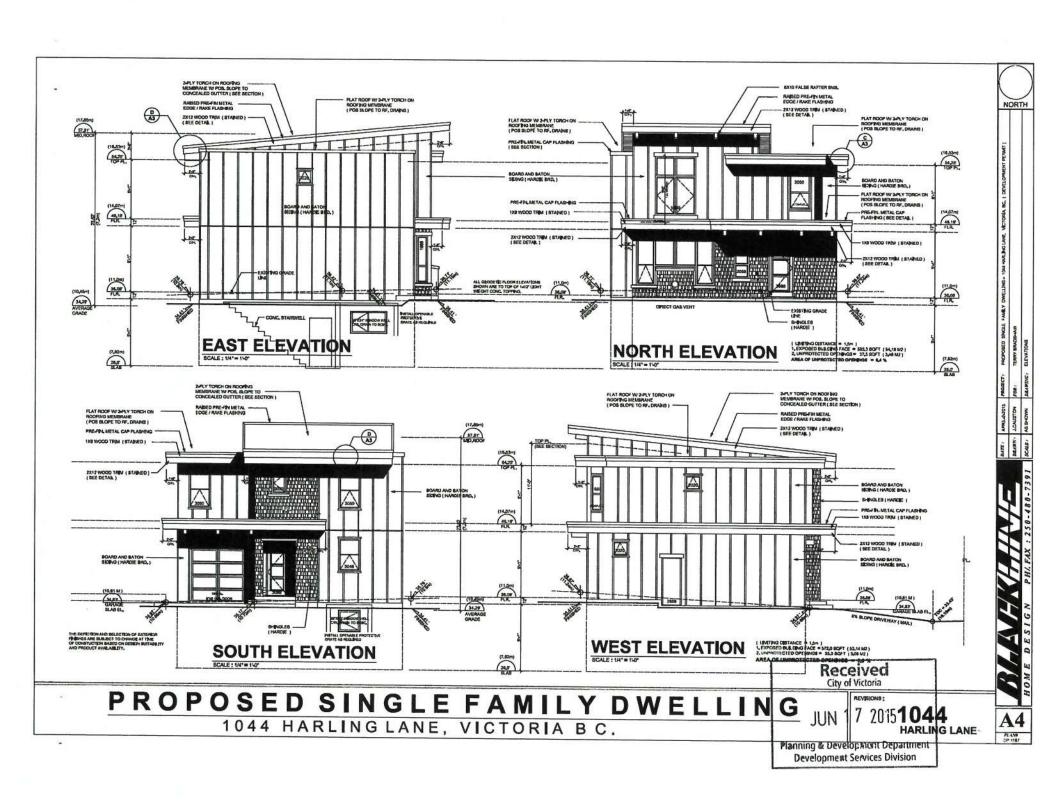
1044 HARLING LANE, VICTORIA BC.

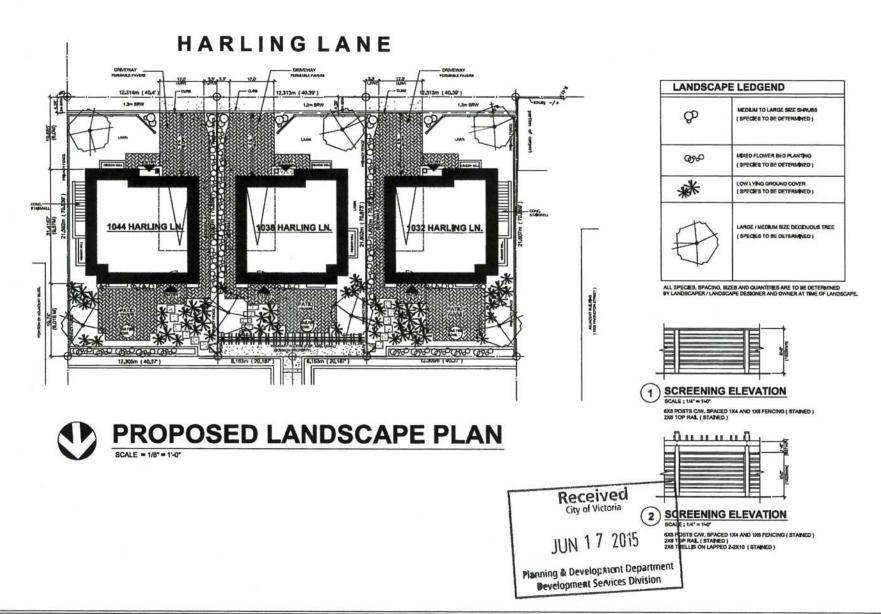
Received

City of Victoria

JUN 17 2015

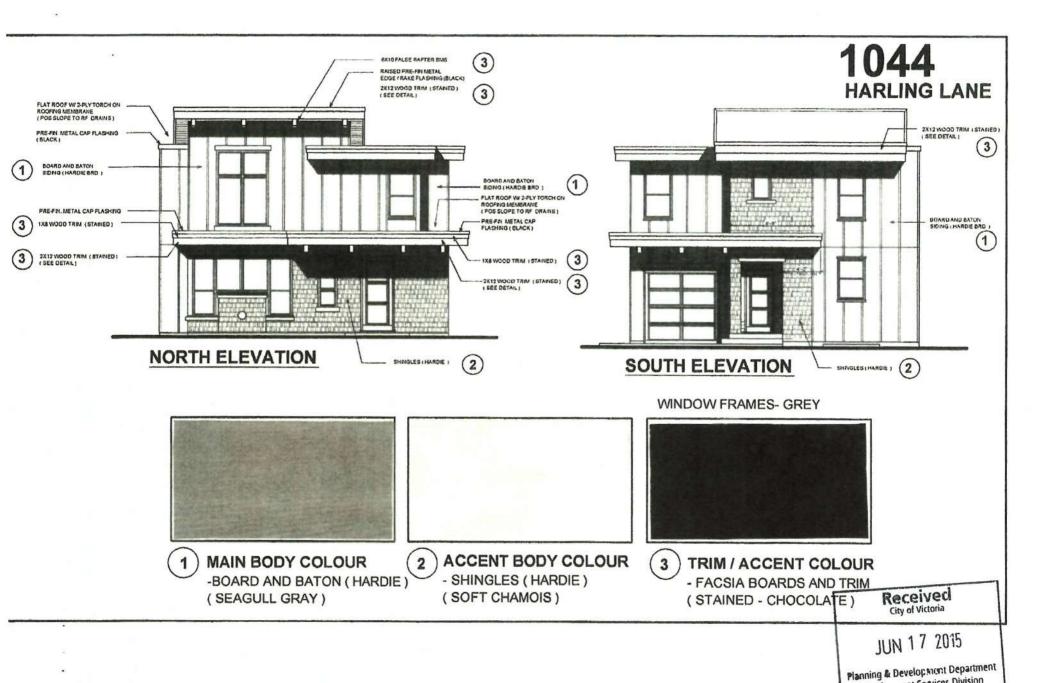






PROPOSED SINGLE FAMILY DWELLING

1032,1038 AND 1044 HARLING LANE, VICTORIA BC.



Bevelopment Services Division