

**Proposal:** Development Variance Permit to vary the 80% requirement of the RF-12 and RF-G Zones. Amend registered Building Scheme based on the proposed variance.

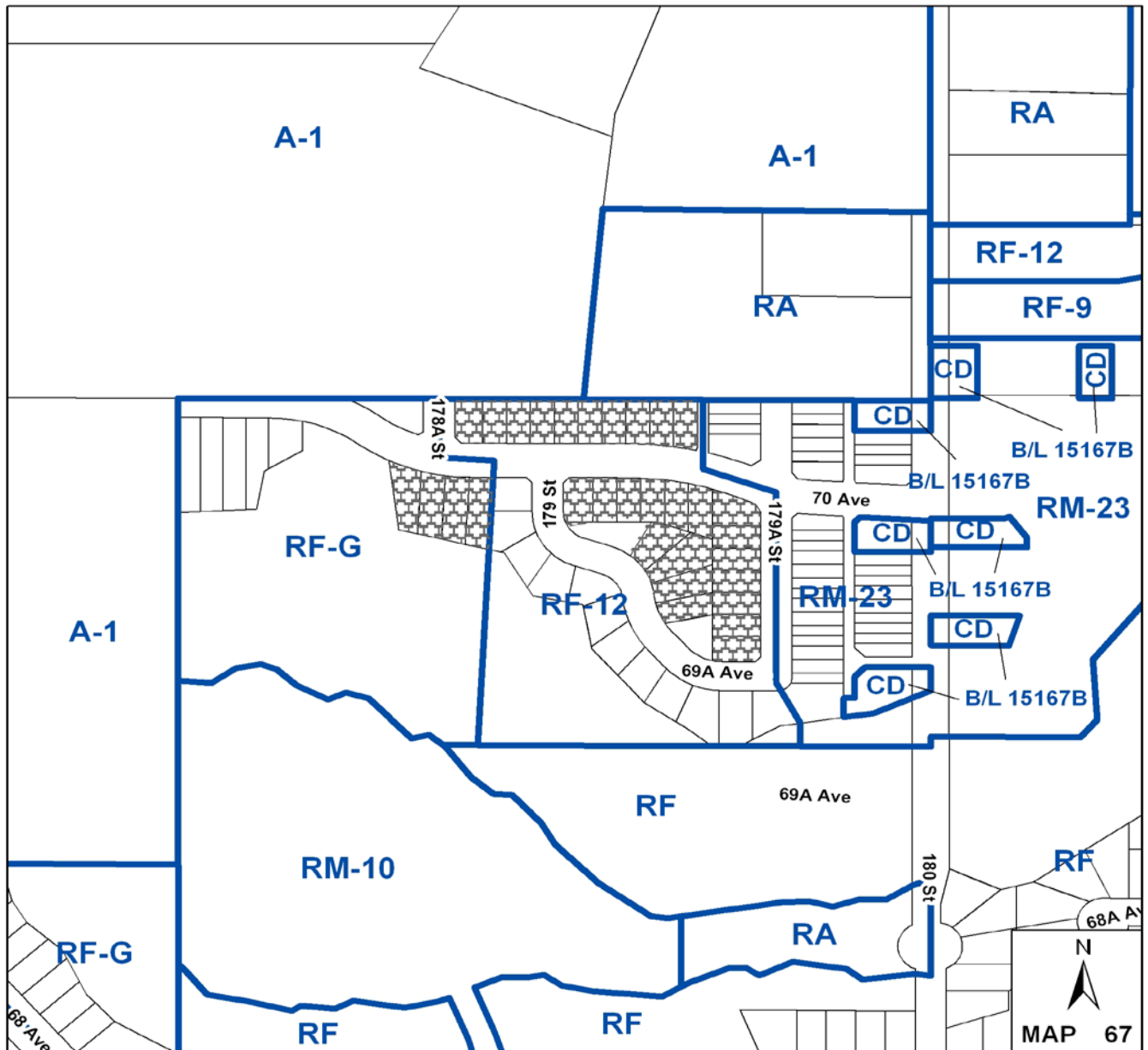
**Recommendation:** Approval to Proceed

**Location:** Various Addresses      **Zoning:** RF-G and RF-12

**OCP Designation:** Urban

**NCP Designation:** Small Lots

**Owner:** Vesta Properties (Provincetown) Ltd.



## PROJECT TIMELINE

Original Completed Application Submission Date: October 27, 2005  
Application Revision & Re-submission Date: December 5, 2005  
Planning Report Date: December 12, 2005

## PROPOSAL

The applicant is proposing:

- a Development Variance Permit to:
  - allow the second storey of the principal building to exceed 80% of the floor area of the first storey, including the attached garage in the RF-12 and RF-G Zones; and
- an amendment to the registered Section 219 Restrictive Covenant securing the Building Scheme to implement the requested variance

in order to permit the construction of single family homes in North Cloverdale West.

## RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7905-0342-00 (Appendix III), varying the following, to proceed to Public Notification:
  - (a) to allow the maximum permitted floor area of a second-storey for a principal building to exceed 80% of the floor area of the first storey, including the attached garage of the RF-G and RF-12 Zones on specifically identified lots (Appendix IV).
2. Council approve the applicant's request to amend the registered Section 219 Restrictive Covenant securing the Building Scheme to the subject subdivision.

## SITE CHARACTERISTICS

- **Existing Land Use** Newly-created RF-G zoned and RF-12 zoned single family lots, some of which are under construction.
- **East:** Newly created row housing lots, zoned RM-23 and manor house lots zoned CD (By-law No. 15167B).
- **South/West:** Newly created single family lots and park, zoned RF-12 and RF-G.
- **West:** Portions of newly-dedicated park, zoned RF-G.
- **North:** Acreage parcels, zoned RA and A-1, designated single family in the NCP.

## DEVELOPMENT CONSIDERATIONS

### Background

- The subject site, consisting of 31 newly-created single family lots, forms part of the original 53-acre "Provinceton" development application (7902-0358-00) involving the following:
  - an amendment of the North Cloverdale West NCP (from Single Family Residential and Townhouse (10-12 upa) to Single Family Cluster, Small Lots and Townhouse (15 upa);
  - a rezoning from RA and A-1 to RH-G, RF, RF-G, RF-12, RM-23, RF-9, CD and RM-15 Zones to allow subdivision into 203 single family lots; and
  - Development Permit to allow construction of 67 rowhousing units, 32 manor houses and 114 townhouse units (Appendix V).
- The originally proposed development includes the creation of narrow and deep lots (for a total of 67 lots) under the newly established RM-23 Zone, which are expected to accommodate row housing on fee simple lots. This scheme allows zero lot lines on internal units, with driveway access off the lane. An associated Development Permit is in place to regulate form and character.
- In further response to the original applicants' (Park Lane Ventures) intent of creating a variety of housing choices, the manor house was introduced under the CD Zone. As proposed, a 4-plex structure will be built on a fee simple lot and will be regulated by a Development Permit. A total of 8 manor houses were proposed to accommodate an equivalent of 32 dwelling units.
- On November 1, 2004, Council gave Final Adoption to the associated By-law Nos. 15167A and 15167B for this initial application.
- At subdivision stage, the Approving Officer agreed to the applicants' request to pursue a phased subdivision based on the following:
  - Phase 1: a detailed subdivision (Appendix VI) on all the subject lands east of 176 Street and west of 180 Street creating a total of 116 lots (and the required open space areas) based on the approved by-laws, which have been registered at Land Title Office and described in the following table:

<b>Zone</b>	<b>Number of Lots</b>
RH-G	13
RF	1
RF-G	20
RF-12	41
RM-23	38
CD (Manor House)	3 (4 units each)

- A block subdivision involving all the subject lands east of 180 Street (Appendix VI), is currently under an in-stream subdivision application (7902-0358-00) to create the following:
  - Lot 115 for parks purposes, to be conveyed to the City;

- Lot 116 for future RF-12, RF-9, RM-23, CD lots, and the required open spaces; and
  - Lot 117 for future townhouse units under the RM-15 Zone.
- Approval of the block subdivision is currently on hold, pending registration of the required right-of-way and submission of a Restrictive Covenant securing a buffer area along Fraser Highway.
  - Phase 2 subdivision involving the proposed Lot 116 is being pursued under a separate application, 7905-0178-00. The proposed subdivision will subsequently create approximately 100 lots based on RM-23, RF-12, RF-9, and CD Zones. A Development Permit application is also being processed in conjunction with the proposed subdivision to secure form and character of the proposed buildings under the RM-23 and CD Zones.
- In conjunction with the original rezoning application, a separate Development Variance Permit No. 7902-0358-00 (approved on November 17, 2003) is in place for specific RF-G and RF-12 lots, allowing the following:
    - zero side yard setback for the garage;
    - a 2-car garage on lots that are less than 13.4 metres (44 ft.) in width;
    - a 2.0-metre (6.5-ft.) front yard setback for the principal building;
    - a 6.0-metre (20-ft.) rear yard setback for the principal building;
    - a 4.5-metre (15-ft.) rear yard setback for the garage portion of the principal building.
  - The DVP was approved on the basis of the applicant's objective of establishing a unique neighbourhood with pedestrian-friendly streetscapes.

### Current Application

- Most recently, Park Lane Ventures (Provincetown) Ltd. sold the lands to Vesta Properties Ltd. The new owners advised staff of their intent to build homes based on a house design similar to the Colonial style.
- In addition, Vesta wanted to create lots with a minimum lot width of 13.4 metres (44 ft.) on those lots shown on Appendix VII, with the intent of eliminating the zero side yard setback for the garage. This request required a new subdivision approval (lot line adjustment) involving those lots shown on Appendix VII.
- Consequently, the proposed lot line adjustment (File No. 7905-0115-00) was approved via a new subdivision plan on October 13, 2005. The plan and the associated Section 219 Restrictive Covenant securing the required 1.2-metre (4.0-ft) wide side yard setback for the garage (effectively eliminating the zero lot line and allowing the 2-car garage) are now registered at the Land Title Office.
- The current owners are applying for a Development Variance Permit on 27 RF-12 lots (Lots 1-23 and 25-28) and 4 RF-G lots (Lots 92-95), seeking a variance to the by-law provision of requiring the upper storey to be at most 80% of the floor area of the first storey. The DVP application also involves an amendment of the registered Building Scheme to allow the applicants to build homes based on a design that varies the 80% rule of both the RF-12 and RF-G Zones.

## BY-LAW VARIANCE AND JUSTIFICATION

### (a) Requested Variance:

- To allow the maximum permitted floor area of a second storey for a principal building to exceed 80% of the floor area of the first storey, including the attached garage in the RF-G and RF-12 Zones.

### Applicant's Reasons:

- It has been observed that over the last 5 years, most of the houses constructed in the newly-built single family subdivisions reflect neo-traditional and neo-heritage styles. While the designs conform to the 80% rule under the RF-G and RF-12 Zones, this has left a quite limited design options for the ever-growing market.
- The proposed house design calls for a simple floor over floor construction technique (box style), consistent with the early American tradition of house construction (which tried to emulate the English style). However, where the early 1800 variety was quite plain and lacked the elegance of the English architecture, the proposed house design will have elaborate details such as wood shutters and crown trims around windows and gable ends (Appendix VIII).
- The proposal is to create a readily identifiable and attractive character area that stands out as an interesting and unique enclave within the larger Cloverdale area. The overall design objectives are indicated in a Building Guidelines Summary, which will form part of the revised Building Scheme (Appendix IX).
- Future lot buyers will be provided a minimum of 6 different varieties of the box style designs to choose from. There will be no repetition of the same design on contiguous lots to achieve a good mix and variety, as well as to comply with the Zoning By-law requirement for house design variety. Specifically, under the General Provisions of the Zoning By-law, house construction requires the exterior design of a single family dwelling to not be identical to that of an adjacent dwelling within four lots (if zoned RF-G) and within 5 lots (if zoned RF-12).
- The proposed box style will be limited to 31 lots, with the adjacent lots to be built based on the standard Heritage and Traditional styles (secured under the registered Building Scheme) as shown on Appendix X. Large corner lots (Lots 24 and 29), as well as the wide and shallow lots (Lots 80-91, south of 179 Street), will accommodate the Heritage design and will conform to the 80% rule.
- To facilitate the incorporation of the proposed house designs in the Building Scheme, the registered Section 219 Restrictive Covenant securing the original Building Scheme will be discharged and replaced with an expanded document that includes the following:
  - the newly proposed house styles (that will only apply on the 31 lots that are subject of the DVP); and

- the original Heritage and Traditional styles (that will apply on the rest of the single family lots that are not subject of the DVP).

Staff Comments:

*Background History of the 80% Rule*

- In April 1994, the then Council gave Final Adoption to By-law No. 12101, which, among other things, amended Section D. Density of the RF and RF-G Zones, inserting the additional text that reads as follows:
  - "ii. The maximum permitted floor area of a second storey for a *principal building* shall not exceed 80% of the floor area of the first storey including attached garage, but not including any portion of the *structure* located within 7.5 metres [25 ft.] of the *front lot line*. The reduced floor area of the second storey shall be accomplished by an offset at the second storey level from the wall at the main floor level from either the front or side walls at the main floor level or a combination thereof."
- The reduced floor area of the 2<sup>nd</sup> storey was intended to avoid the boxy-looking design of the 1980s which, coupled with the allowable maximum floor area of 330 sq. m. (3,550 sq. ft.) under the RF Zone, have generated mega homes, boxy-looking homes and repetition of design, all of which were a major concern among various neighbourhoods and which served as the catalyst for the Zoning By-law text amendment.
- The subsequent text amendment was also augmented by the adoption of the Model Building Scheme, which provided control in terms of design repetition, basement-entry, building materials, colours, landscaping, location of balconies, etc.
- The "80% rule" has since been incorporated in the RF-12, RF-12C and RF-O Zones.

*Impact of the 80% Rule*

- The subsequent construction activities in newly-created single family lots over the last 10 years have resulted in the following:
  - Houses are primarily based on similar house styles (Neo-traditional, Heritage, Rural Heritage) that incorporate the required reduced floor area on the 2<sup>nd</sup> storey;
  - With the 20% maximum allowed in every subdivision, a much reduced number of basement-entry homes (prevalent prior to the implementation of the 80% rule); and
  - Significantly reduced number of boxy-looking and mega homes on RF and RF-G lots.
- With the subsequent growth in the development industry, Council further supported the industry's request to allow the creation of small lots, which eventually triggered the inclusion of RF-12 and RF-12C Zones, both of which incorporated the 80% rule.
- Council's approval of additional single family residential zones (including RF-9 and RF-9C) allowing small lots has led to a much further increase in the number of houses that were built in the City (a cumulative volume of approximately 6,050 units between January 2003 and

November 2005 – representing an increase of approximately 1,826 units or 30% from the previous 3 years – 2000 to 2002).

- With the substantial increase in new construction of single family homes, particularly under the RF, RF-12 and RF-12C Zones, the common house styles (Neo-traditional, Heritage, Rural Heritage) have become widespread and common place.

#### *General Impact of the Proposed DVP*

- The proposed DVP, if supported will certainly add some variety to the existing house styles. It will add to an interesting streetscape, provided that significant detailing (shutters, decorative woodworks and similar features) is incorporated in the design.
- However, the approved DVP can be precedent setting. If the elimination of the 80% rule becomes a trend, it will defeat the original intent of avoiding box-like structures.
- If approved, the elimination of the 80% rule should only apply on specific lots, on a very limited scale. Designs that contravene the 80% rule should be mixed with the designs that conform to this requirement.
- The proposed design eliminating the 80% rule should be incorporated in an amended Building Scheme. In the case of the subject application, the applicants will be required to amend the registered Section 219 Restrictive Covenant securing the Building Scheme to incorporate the proposed design, which will only be applicable on the lots covered by the proposed variance.
- The proposed design eliminating the 80% rule will incorporate warm colours (e.g. red, yellow and blue) to emulate the bold colours that are used in "period homes". This colour scheme will form part of the proposed Building Scheme.
- In summary, staff agree with the applicant's rationale and support the proposed DVP, based on the following criteria:
  - House designs to have elaborate woodwork details;
  - The use of warm colours (e.g., red, blue and yellow);
  - A minimum of 6 house designs to achieve variety; and
  - Inclusion of the new designs in the Building Scheme.

#### INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners and Action Summary
Appendix II.	Contour Map
Appendix III.	Development Variance Permit No. 7905-0342-00
Appendix IV.	Lots that are subject of the Proposed Development Variance Permit
Appendix V.	The Subject Site in the Context of the Previously Approved Project
Appendix VI.	Phased Subdivision

- Appendix VII. Approved Subdivision - Lot Line Adjustment
- Appendix VIII. Proposed House Elevations
- Appendix IX. Building Guidelines Summary
- Appendix X. House Elevations Forming Part of the Registered Building Scheme

Murray Dinwoodie  
General Manager  
Planning and Development

JDM/kms

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- (h) Civic Address: 17921 – 70 Avenue  
 Owner: Vesta Properties (Provinceton) Ltd.  
 PID: 026-489-988  
 Lot 7 Section 17 Township 8 New Westminster District Plan BCP20518
- (i) Civic Address: 17929 – 70 Avenue  
 Owner: Vesta Properties (Provinceton) Ltd.  
 PID: 026-489-996  
 Lot 8 Section 17 Township 8 New Westminster District Plan BCP20518
- (j) Civic Address: 17933 – 70 Avenue  
 Owner: Vesta Properties (Provinceton) Ltd.  
 PID: 026-490-005  
 Lot 9 Section 17 Township 8 New Westminster District Plan BCP20518
- (k) Civic Address: 17941 – 70 Avenue  
 Owner: Vesta Properties (Provinceton) Ltd.  
 PID: 026-490-013  
 Lot 10 Section 17 Township 8 New Westminster District Plan BCP20518
- (l) Civic Address: 6996 – 179 Street  
 Owner: Vesta Properties (Provinceton) Ltd.  
 PID: 026-490-021  
 Lot 11 Section 17 Township 8 New Westminster District Plan BCP20518
- (m) Civic Address: 17916 – 70 Avenue  
 Owner: Vesta Properties (Provinceton) Ltd.  
 PID: 026-490-030  
 Lot 12 Section 17 Township 8 New Westminster District Plan BCP20518
- (n) Civic Address: 17922 – 70 Avenue  
 Owner: Vesta Properties (Provinceton) Ltd.  
 PID: 026-490-048  
 Lot 13 Section 17 Township 8 New Westminster District Plan BCP20518
- (o) Civic Address: 17930 – 70 Avenue  
 Owner: Vesta Properties (Provinceton) Ltd.  
 PID: 026-490-056  
 Lot 14 Section 17 Township 8 New Westminster District Plan BCP20518
- (p) Civic Address: 17938 – 70 Avenue  
 Owner: Vesta Properties (Provinceton) Ltd.  
 PID: 026-490-064  
 Lot 15 Section 17 Township 8 New Westminster District Plan BCP20518
- (q) Civic Address: 17942 – 70 Avenue  
 Owner: Vesta Properties (Provinceton) Ltd.  
 PID: 026-490-072  
 Lot 16 Section 17 Township 8 New Westminster District Plan BCP20518

- (r) Civic Address: 17948 – 70 Avenue  
 Owner: Vesta Properties (Provinceton) Ltd.  
 PID: 026-490-081  
 Lot 17 Section 17 Township 8 New Westminster District Plan BCP20518
- (s) Civic Address: 6983 – 179A Street  
 Owner: Vesta Properties (Provinceton) Ltd.  
 PID: 026-490-099  
 Lot 18 Section 17 Township 8 New Westminster District Plan BCP20518
- (t) Civic Address: 6979 – 179A Street  
 Owner: Vesta Properties (Provinceton) Ltd.  
 PID: 026-490-102  
 Lot 19 Section 17 Township 8 New Westminster District Plan BCP20518
- (u) Civic Address: 6967 – 179A Street  
 Owner: Vesta Properties (Provinceton) Ltd.  
 PID: 026-490-111  
 Lot 20 Section 17 Township 8 New Westminster District Plan BCP20518
- (v) Civic Address: 6951 – 179A Street  
 Owner: Vesta Properties (Provinceton) Ltd.  
 PID: 026-490-129  
 Lot 21 Section 17 Township 8 New Westminster District Plan BCP20518
- (w) Civic Address: 6943 – 179A Street  
 Owner: Vesta Properties (Provinceton) Ltd.  
 PID: 026-490-137  
 Lot 22 Section 17 Township 8 New Westminster District Plan BCP20518
- (s) Civic Address: 6928 – 179 Street  
 Owner: Vesta Properties (Provinceton) Ltd.  
 PID: 026-490-145  
 Lot 23 Section 17 Township 8 New Westminster District Plan BCP20518
- (y) Civic Address: 6948 – 179 Street  
 Owner: Vesta Properties (Provinceton) Ltd.  
 PID: 026-490-170  
 Lot 25 Section 17 Township 8 New Westminster District Plan BCP20518
- (z) Civic Address: 6960 – 179 Street  
 Owner: Vesta Properties (Provinceton) Ltd.  
 PID: 026-490-188  
 Lot 26 Section 17 Township 8 New Westminster District Plan BCP20518
- (aa) Civic Address: 6966 – 179 Street  
 Owner: Vesta Properties (Provinceton) Ltd.  
 PID: 026-490-196  
 Lot 27 Section 17 Township 8 New Westminster District Plan BCP20518

- (bb) Civic Address: 6978 – 179 Street  
 Owner: Vesta Properties (Provinceton) Ltd.  
 PID: 026-160-102  
 Lot 28 Section 17 Township 8 New Westminster District Plan BCP14927
- (cc) Civic Address: 17828 – 70 Avenue  
 Owner: Vesta Properties (Provinceton) Ltd.  
 PID: 026-160-765  
 Lot 92 Section 17 Township 8 New Westminster District Plan BCP14927
- (dd) Civic Address: 17820 – 70 Avenue  
 Owner: Vesta Properties (Provinceton) Ltd.  
 PID: 026-160-773  
 Lot 93 Section 17 Township 8 New Westminster District Plan BCP14927
- (ee) Civic Address: 17812 – 70 Avenue  
 Owner: Vesta Properties (Provinceton) Ltd.  
 PID: 026-160-781  
 Lot 94 Section 17 Township 8 New Westminster District Plan BCP14927
- (ff) Civic Address: 17808 – 70 Avenue  
 Owner: Vesta Properties (Provinceton) Ltd.  
 PID: 026-160-790  
 Lot 95 Section 17 Township 8 New Westminster District Plan BCP14927

### 3. Summary of Actions for City Clerk's Office

- (a) Proceed with Public Notification for Development Variance Permit No. 7905-0342-00.

CONTOUR MAP FOR SUBJECT SITE

