

AGENDA ITEM NO: 11.4.2

MEETING DATE: April 4, 2023

STAFF REPORT – COVER SHEET

SUBJECT: Graeme Elliot
Development Variance Permit / 5865
Vedder Road DATE: March 23, 2023

DEPARTMENT: Planning
DVP01307 & DP001631 PREPARED BY: Joty Rai / sw

1. SUMMARY OF ISSUE:

The applicant is seeking to reduce the minimum front lot line (FLL) setback from 10m to 0.8m within the C5 (Liquor Primary) Zone to facilitate the construction of an addition to enclose the patio of the existing commercial building, and accommodate the 5m supplementary setback required for future road widening along Vedder Road. As a result, the total proposed setback reduction will be from 15m (10m FLL setback + 5m supplementary setback) to 5.8m (0.8m FLL setback + 5m supplementary setback).

The applicant is also seeking to approve the 'form and character' of the proposed patio enclosure addition. As the property is located within Development Permit Area No. 5 (Urban Corridor), a Development Permit is required.


2. RECOMMENDATION:

Recommendation that, subject to public representation, Council approve the issuance of Development Variance Permit DVP01307 with respect to property located at 5865 Vedder Road, subject to the recommendations as stipulated within the draft Development Variance Permit.

Recommendation that Council approve the issuance of Development Permit DP001631 with respect to property located at 5865 Vedder Road, subject to the recommendations of the Design Review Advisory Committee and the conditions as stipulated within the draft Development Permit.

3. CHIEF ADMINISTRATIVE OFFICER'S RECOMMENDATION/COMMENTS:

Supports recommendation.


Gillian Villeneuve
Director of Planning


Chris Crosman
Chief Administrative Officer

**STAFF REPORT ON DEVELOPMENT VARIANCE PERMIT DVP01307 &
DEVELOPMENT PERMIT DP001631**

PREPARED BY: Joty Rai DATE: March 23, 2023
POSITION: Planner I DEPARTMENT: Planning Department

1. DEFINITION OF ISSUE:

The applicant is seeking to reduce the minimum front lot line (FLL) setback from 10m to 0.8m within the C5 (Liquor Primary) Zone to facilitate the construction of an addition to enclose the patio of the existing commercial building, and accommodate the 5m supplementary setback required for future road widening along Vedder Road. As a result, the total proposed setback reduction will be from 15m (10m FLL setback + 5m supplementary setback) to 5.8m (0.8m FLL setback + 5m supplementary setback).

The applicant is also seeking to approve the 'form and character' of the proposed patio enclosure addition. As the property is located within Development Permit Area No. 5 (Urban Corridor), a Development Permit is required.

2. PROPOSAL:

In summary the proposal includes:

- A 150m² addition to enclose the existing patio area of the *Jolly Miller Pub*; and,
- Materials including tempered glass panels with a wood frame and aluminum rafters.

A concurrent Development Variance Permit (DVP01307) application has been submitted to be reviewed with the proposed Development Permit application as detailed below.

3. DISCUSSION REGARDING PROPOSED VARIANCE:

The applicant has requested a reduction to the minimum front lot line setback in order to accommodate the proposed addition. As the existing patio area, which will be enclosed by the addition, is located adjacent to Vedder Road within the front lot line setback area, a variance is necessary to maintain the current siting. The addition is minor in scale and the requested variance is not anticipated to impact the surrounding properties. Moreover, as the existing patio has projected into the required FLL setback to the same extent for a number of years, an enclosure is not anticipated to create further impacts.

4. DEVELOPMENT PERMIT CONSIDERATIONS

Overall, the proposed development is a high-quality addition to the area. The design of the addition is visually appealing and is well integrated into the existing building.

As the addition is located within a portion of a previously developed site, a development area has been created surrounding the addition and associated parking areas to limit Zoning Bylaw requirements to the affected portion of the property. As the development area is limited in size, no additional landscaping or trees are required. Also, the existing off-street parking provided on site is sufficient to meet the parking requirement for both the existing building and proposed addition.

As demonstrated by the attached checklist evaluation for DPA 5, the proposed addition substantially complies with the Urban Corridor Design Guidelines. A summary of these guidelines can be found in the checklist table below. A copy of the proposed site plan (with development area), renderings, and colour elevations are attached within the draft Development Permit for information.

Summary and CPTED Review

In support of the application, the applicant has also submitted a CPTED (Crime Prevention Through Environmental Design) report prepared by *Lumon Canada Inc.* A summary of the CPTED assessment is shown in the table below:

CPTED Elements	Summary	
	✓ included in the design	✗ not included in the design
Natural Access Control	<ul style="list-style-type: none"> ✓ Retractable glass panel system is lockable and designed to be opened and closed only from the inside. No handles are located on the outside. ✓ Guardrail system around the perimeter of the patio. ✓ Entrance to the patio is through the pub, limiting outside access. 	
Natural Surveillance	<ul style="list-style-type: none"> ✓ Frameless glazing system and railing provides an unobstructed view of the surroundings. ✓ Glass structure will be clear with no frosting or tinting to obstruct view. ✓ Proposed orientation provides view of the parking lot as well as the street (Vedder Road). 	
Territoriality	<ul style="list-style-type: none"> ✓ The proposal provides additional gathering space by extending the seating capacity of the pub. 	
Maintenance	<ul style="list-style-type: none"> ✓ Thick tempered safety glass is proposed to mitigate the threat of damage and vandalism. ✓ Proposed structure will be maintained through a warranty program from Lumon Canada Inc. 	

5. DESIGN REVIEW ADVISORY COMMITTEE (DRAC):

The Design Review Advisory Committee (DRAC) reviewed the subject Development Permit application and associated variance on March 14, 2023 and made the following recommendation:

That the Design Review Advisory Committee supports DP001631 and recommend Council approve the application subject to the following conditions:

- *A lighting plan be provided at the time of Building Permit to ensure site security is met;*
- *The existing landscaping within the development area, including 3 trees, be retained or replanted; and,*
- *Colour coordinated wayfinding signage to be provided to indicate the entrance to the existing establishment.*

The applicant was present at the meeting and agreeable to the conditions.

6. FACTORS:

6.1 2040 Official Community Plan (OCP) / Land Use

OCP: "General Commercial" as designated within the 2040 Official Community Plan. The proposal is in keeping with the intent of this designation.

Land Use: Liquor Store and the *Jolly Miller* Neighbourhood Pub & Restaurant.

6.2 Neighbourhood Character

The subject property is located within the Vedder Neighbourhood and is surrounded by properties within commercial and residential zones such as:

North: Commercial shopping mall within the C2 (Local Commercial) Zone and apartments within the R5 (Low Rise Apartment) Zone.

South: Parking lot utilized by the subject property within the CS1 (Service Commercial) Zone and townhomes within the R5 (Low Rise Apartment) Zone.

East: Mobile Home Park within the RMH (Manufactured Home Park) Zone.

West: Multifamily residential developments within the R4 (Low Density Multi-Unit Residential) Zone and R5 (Low Rise Apartment) Zone.

6.3 Technical Issues

Floodplain:	The subject property is not located within the floodplain.
Watercourses:	There are no known watercourses within, or in the immediate vicinity of, the subject property.
Geotechnical:	The property is not subject to any known geotechnical hazards or earthquake related risks.

6.4 Conditions of Issuance

Staff support the requested variance as proposed by the applicant and recommend approval of the draft DVP and DP, subject to the recommendations of the Design Review Advisory Committee and the conditions as stipulated within the draft Development Variance Permit and Development Permit.

7. RECOMMENDATION & SUBSTANTIATION:

Recommendation:

Recommendation that, subject to public representation, Council approve the issuance of Development Variance Permit DVP01307 with respect to property located at 5865 Vedder Road, subject to the recommendations as stipulated within the draft Development Variance Permit.

Recommendation that Council approve the issuance of Development Permit DP001631 with respect to property located at 5865 Vedder Road, subject to the recommendations of the Design Review Advisory Committee and the conditions as stipulated within the draft Development Permit.

Substantiation:

The requested variance is supportable as the proposed patio enclosure addition is minor in scale. Additionally, as the existing patio has projected into the required FLL setback to the same extent for a number of years, an enclosure is not anticipated to create any further impact.

The proposed addition is consistent with the existing building and meets the intent of the Design Guidelines for Development Permit Area No. 5. Therefore, the proposal is expected to be compatible with the surrounding neighbourhood.

8. DEVELOPMENT PERMIT AREA NO. 5 DESIGN GUIDELINE CHECKLIST

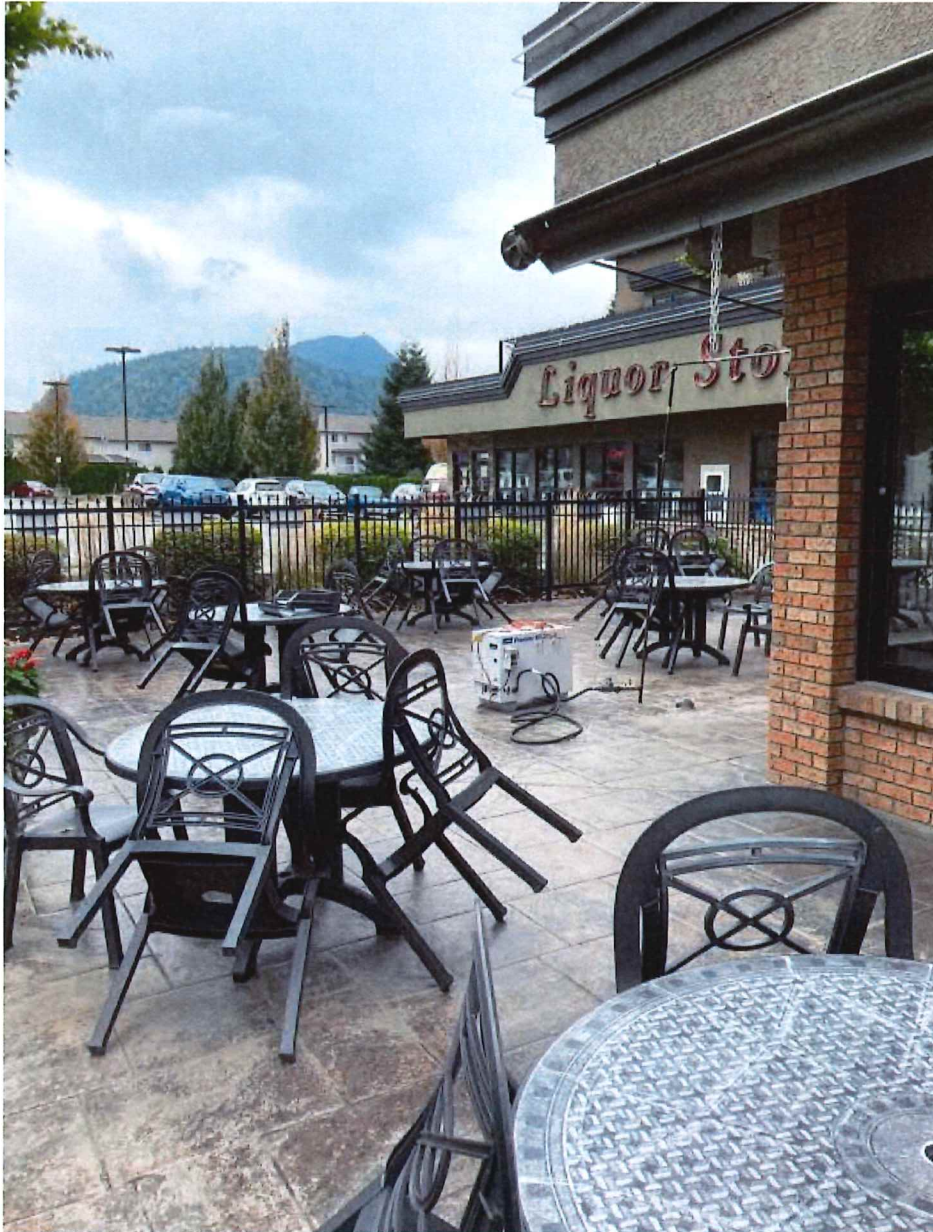
Design Guidelines		Yes/No	Comments
Character of Buildings			
1.	Buildings, structures architecturally coordinated; compatible in design with surrounding properties & streets	Yes	<ul style="list-style-type: none"> The proposed addition is well integrated into the existing building with a modern design, attractive materials, and a compatible colour scheme. The addition will be complementary with the adjacent commercial uses on Vedder Road.
2.	Façade and Roof Articulation to soften massing	Yes	<ul style="list-style-type: none"> The addition features a peaked roof and the façade is broken up by the use of a variety of materials and signage.
3. & 4.	Exterior finish / materials are in keeping with the guidelines	Yes	<ul style="list-style-type: none"> The exterior finish of the proposed addition consists of attractive and high-quality materials and textures.
5.	Muted colours, compatible with surrounding development	Yes	<ul style="list-style-type: none"> The addition features a natural colour scheme in keeping with the existing building and surrounding developments.
Siting			
6.	Orientation of main façade to street; building sited near back of sidewalk	Partial	<ul style="list-style-type: none"> The main façade of the addition follows the existing building, which is not oriented towards the street. Additional emphasis has been placed on the front façade through the use of signage and roof articulation.
7.	Garbage receptacles in rear yard; screened from road.	N/A	
8.	Outdoor storage screened	N/A	
Parking & Access			
9.	At rear / side of building	Yes	<ul style="list-style-type: none"> The existing parking area is located beside the building. No changes are required or proposed to the existing parking.
10.	Design promotes safe & efficient vehicle movements	N/A	<ul style="list-style-type: none"> No changes are required or proposed to the existing parking.
Landscaping			
11.	Meets Zoning Bylaw standards	N/A	<ul style="list-style-type: none"> No additional landscaping is proposed or required based on the development area. A recommended condition has been included in the draft Development Permit to ensure the existing trees are retained or replanted.
12.	Retention & integration of existing mature plantings in landscape plan; internal sidewalk links to public sidewalk in landscaping area	Yes	<ul style="list-style-type: none"> The existing landscaping and internal sidewalk link are to be retained.

13.	Screening of parking areas visible from street	N/A	<ul style="list-style-type: none"> Additional screening is not required or proposed.
Signage			
14.	Architecturally coordinated with overall building design	Yes	<ul style="list-style-type: none"> The proposed placement is architecturally coordinated with the overall design and scale of the building and complements the existing and surrounding development.
15.	Meets Sign Bylaw standards; Fascia signs max of 2m ² per linear metre of building wall	Yes	<ul style="list-style-type: none"> An identifying fascia sign with the pub logo and name is proposed on the front façade of the addition. A recommended condition has been included in the draft Development Permit to ensure wayfinding signs are included to clearly indicate the entrance of the building.
External Lighting			
16.	Oriented to illuminate building form & parking areas	No	<ul style="list-style-type: none"> It is recommended that a lighting plan is submitted prior to the issuance of a Building Permit to ensure site security as well as customer and staff safety.

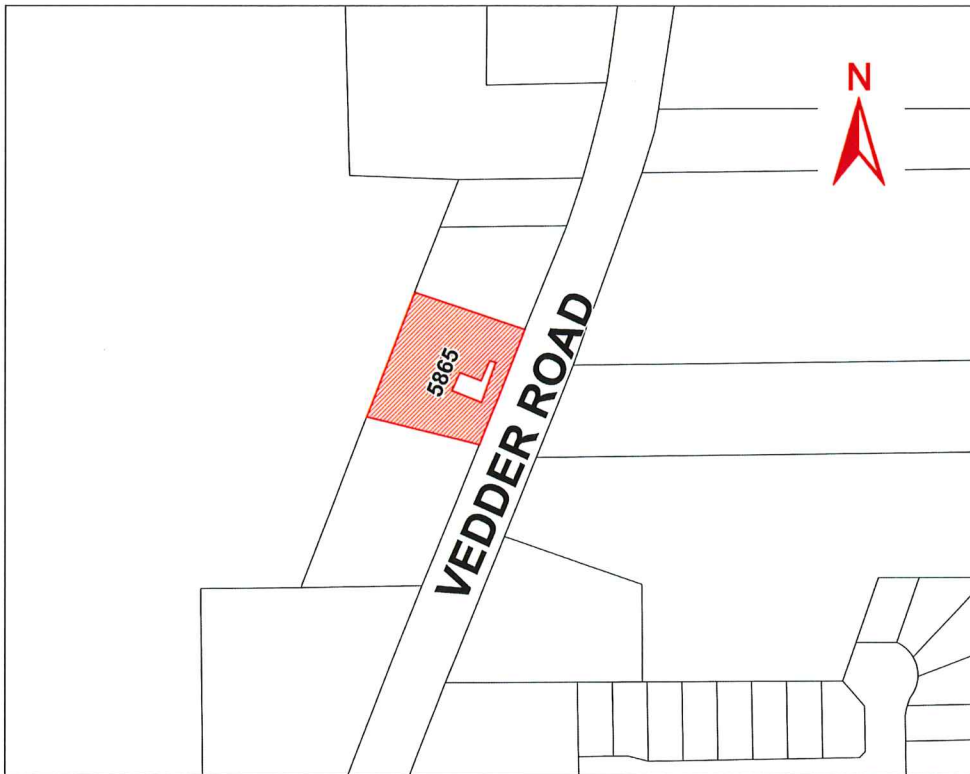
9. SOURCES OF INFORMATION:

- Development Permit Application (DP001631) – October 20, 2022
- Development Variance Application (DVP01307) – October 20, 2022
- Development Application Review Team (DART) Minutes – February 9, 2023
- CPTED Report prepared by *Lumon Canada Inc.* – October 31, 2022

Site Photo (existing patio)



Location Map



Orthophoto

