

## SUPPLEMENTAL REPORT

<b>Prepared For:</b>	Planning Advisory Committee
<b>Submitted by:</b>	Jason Fox, Director of Planning & Development
<b>Date:</b>	October 24, 2018
<b>Subject:</b>	Development Agreement Application by Brentwood Developments Limited to permit three 50-unit residential buildings at 185 Kaulback Street.

### Recommendation

**That Council approve Brentwood Developments Limited's application for a development agreement to permit a multiple unit residential development on lands at 185 Kaulback Street consisting of three 50 unit residential buildings.**

### Background

On June 7, 2018, Brentwood Developments Limited applied for a development agreement to permit a multiple unit residential development on lands at 185 Kaulback Street. The proposed development will consist of three 50 unit four-storey residential buildings with underground and surface parking. This application was considered by the Town's Planning Advisory Committee (PAC) at three previous meetings, the most recent being held on September 24<sup>th</sup>. At that meeting, Planning Staff presented a staff report and recommendation for consideration by PAC. The Chair also opened up the meeting to the public and a number of individuals addressed the Committee. One individual, speaking on behalf of a neighbouring property owner, addressed PAC and presented a detailed list of concerns regarding Planning Staff's analysis and conclusions. This individual had conducted their own evaluation of the proposal based on their interpretation of the Town's Planning Policies. For the most part, there was nothing arising from this evaluation that would compel Planning Staff to reconsider its analysis and the conclusions reached in its September 21<sup>st</sup>, 2018 Staff Report. Staff do, however, agree with the submission that its evaluation of Policy R-38 is flawed. For that reason alone, Staff requested that PAC table a decision on the development agreement application until such time as Staff have had a chance to reassess the proposal based on its conformance with Municipal Planning Strategy Policy R-38. PAC agreed and the matter was tabled until the its October 29<sup>th</sup> meeting.

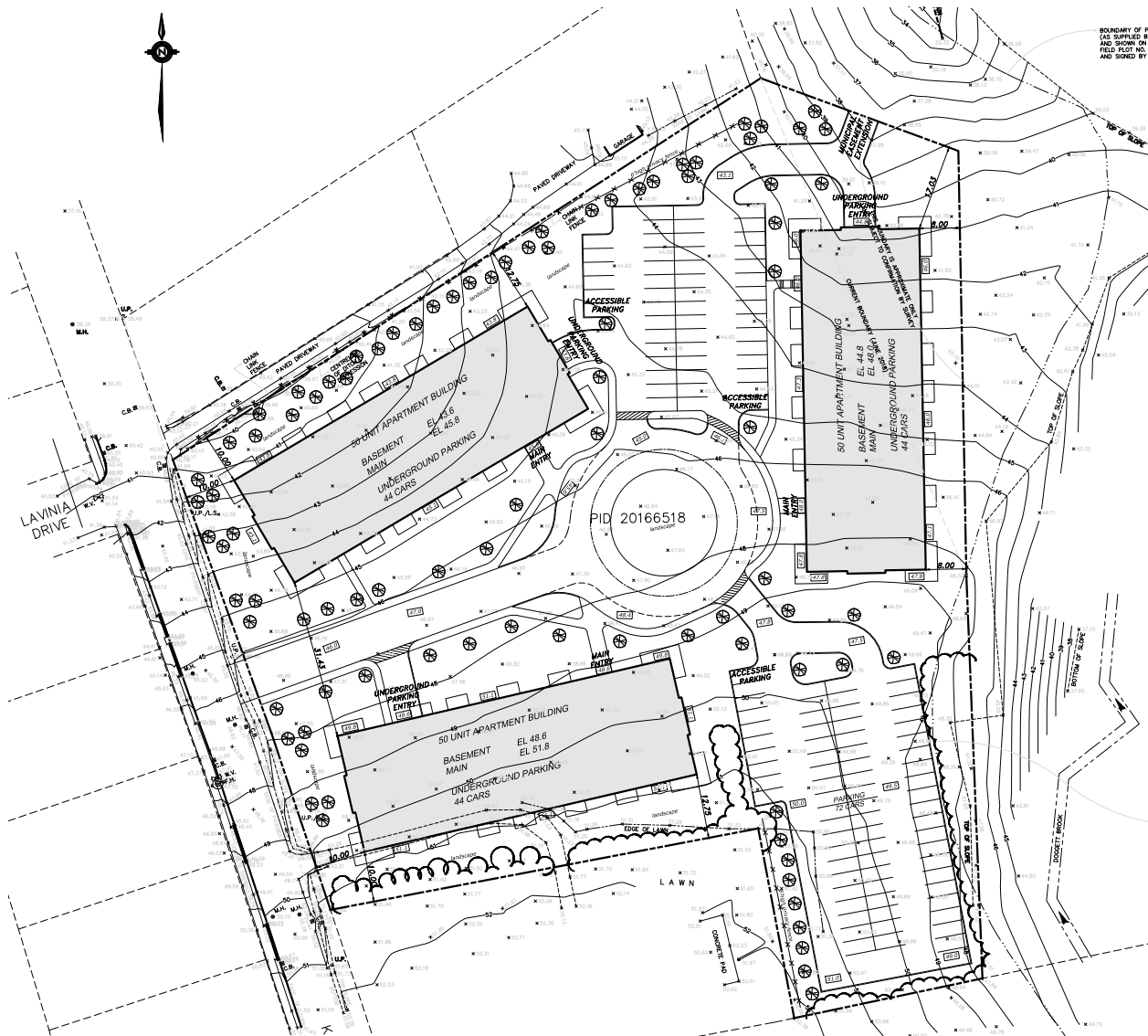
Planning Staff have since completed the necessary reassessment of the applicant's September 12<sup>th</sup> proposal and concluded that it does not satisfy Policy R-38. This policy requires that the proposal be compatible with adjacent structures in terms of height, bulk, scale, and lot coverage. Compatibility of the proposed 4-5 storey buildings with the neighbouring structures is an issue and the proposed 10 metre (32.8 foot) setback is insufficient to fully address the visual impact and loss of privacy that will be directly attributable to the height and proximity of the proposed development. The applicant was informed that their proposal did not satisfy Policy R-38 and Planning Staff could not support the application. In an effort to address this issue, the applicant has offered to increase the side yard setbacks where the proposal abuts neighbouring single unit dwellings at 171 and 201 Kaulback. Also, in response to concerns regarding privacy and vehicle headlights, the applicant has added some fencing where the development abuts these properties. A revised site plan showing these changes was submitted on October 19<sup>th</sup>.

The revised site plan does not significantly alter the overall layout of the development. The bulk of the analysis and evaluation of the proposal found in the September 21<sup>st</sup> Staff Report is still applicable and relevant to PAC's deliberations. This supplemental report is intended to address the proposed revisions to the site plan and update Staff's evaluation of the proposal in light of these changes.

## Revised Development Proposal

On October 19<sup>th</sup>, Brentwood Developments submitted a revised site plan. The proposal still consists of three, 4 to 5 storey, 50-unit residential buildings situated in a “U” configuration with a common central driveway and central green space. The most significant change between this site plan and the September submission is the placement of the north and south buildings and the configuration of the central driveway. The north and south buildings are situated in the same general location but are now angled slightly to increase side yard setbacks where the buildings are closest to neighbouring dwellings at 171 and 201 Kaulback.

The repositioning of the north and south buildings has resulted in changes to the configuration of the driveway and the shape of the central green space. The driveway now ends in a turning circle and, as a result, the central green space is also circular in shape. The central green space is smaller than earlier plans but this loss in green space is offset by the larger landscaped areas created by the increased side yard setbacks. The revised site plan includes approximately 8500 m<sup>2</sup> (91,493 ft<sup>2</sup>) of landscaped areas at grade and the balconies provide a further 1800 m<sup>2</sup> (19,375 ft<sup>2</sup>) of outdoor amenity space. The Land Use By-law amenity space requirement for this development is 3480 m<sup>2</sup> (37,458 ft<sup>2</sup>) while the total amount of outdoor amenity space provided on site is approximately 10,300 m<sup>2</sup> (110,868 ft<sup>2</sup>). The changes to the site plan have also resulted in seven additional parking spaces in the parking lot on the north side of the site. The proposal now includes parking for 255 vehicles, including 123 at grade spaces and an additional 44 spaces on the lower level of each building. The Land Use By-law requires 222 spaces for this development.



Revised Site Plan Submitted by Brentwood Developments Limited

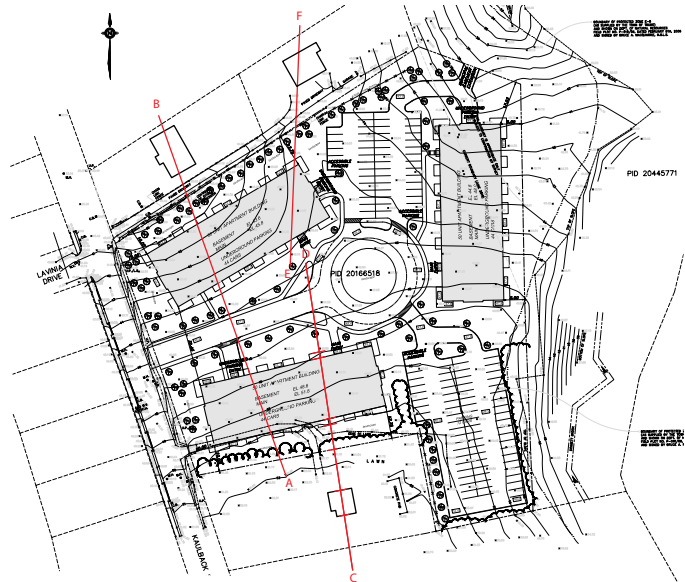


Revised Site Plan Submitted by Brentwood Developments Limited Superimposed Over Aerial Photograph dated Spring 2018

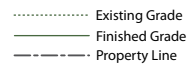
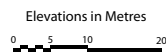
As mentioned above, the applicant has repositioned the north and south buildings and angled them slightly so that the side yards abutting 171 and 201 Kaulback Street increase as the distance from the street increases. The sideyard setback increases from 10.0 metres (32.8 feet) at the front of each building to 12.75 metres (41.8 feet) at the rear. This effectively increases the sideyard setbacks where the proposed buildings are situated closest to neighbouring dwellings at 171 and 201 Kaulback. The main wall of the proposed north building is now 12.75 metres (41.8 feet) from the property line and 30.0 metres (98.5 feet) from the dwelling at 171 Kaulback. Balconies encroach within this setback and are situated 26.75 metres (87.8 feet) from the dwelling at 171 Kaulback. For 201 Kaulback, the main wall of the proposed south building is now 11.7 metres (38.4 feet) from the property line and 27.7 metres (90.8 feet) from the dwelling at 171 Kaulback. Balconies encroach within this setback and are situated 25.2 metres (82.8 feet) from the dwelling. Cross sections showing the relative location of the proposed structures and neighbouring dwellings are shown on the following page.

At the September PAC meeting the applicant was questioned about the timeline for construction. The applicant has indicated that they intend on developing the site in three phases. Phase 1 is to be complete in 4 years and will consist of the driveway, south building, and parking area to the rear. Phase 2 is to be complete in 7 years and consist of the north building and parking area to the rear. Phase 3 is to be complete in 10 years and consist of the east building.

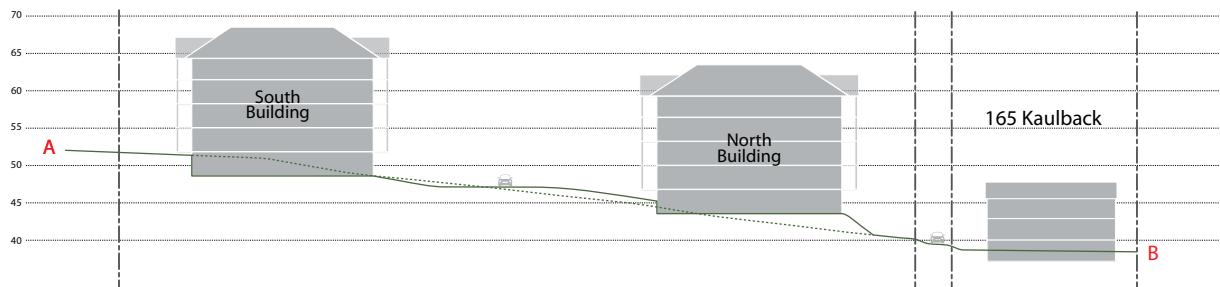
Revised Cross Sections of the Proposed Development



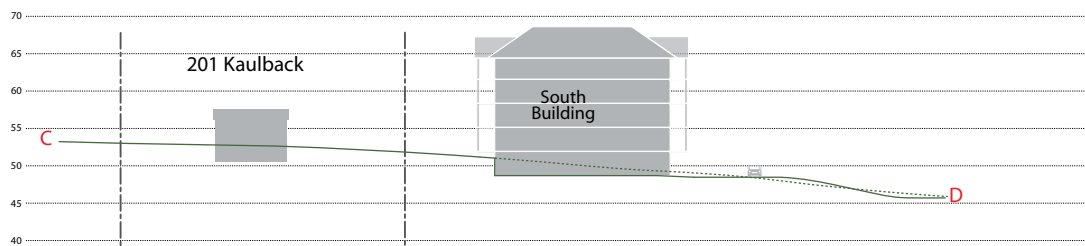
**CROSS SECTIONS**  
 185 Kaulback Street



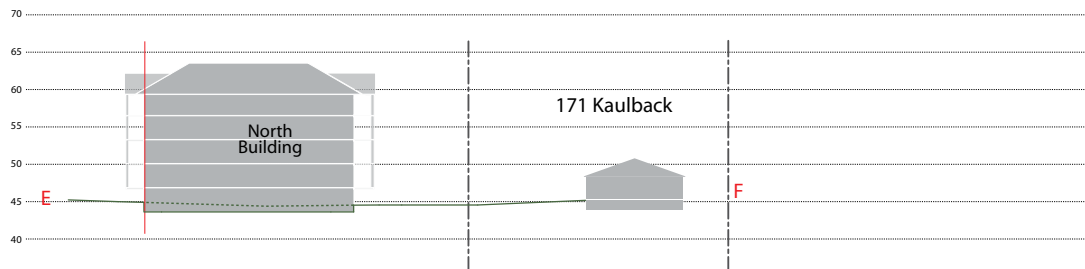
**CROSS SECTION A-B**



**CROSS SECTION C-D**



**CROSS SECTION E-F**



## Analysis

At their September meeting, PAC tabled a decision on Brentwood's application to allow Staff time to reassess the proposal based on its conformance with Municipal Planning Strategy Policy R-38. Staff have determined that their initial interpretation of Policy R-38 was flawed and, consequently, so too were the conclusions reached in the September 21<sup>st</sup>, 2018 Staff Report. Upon review, Staff concluded that due to their proximity to neighbouring dwellings, the proposed 4-5 storey buildings could not be considered to be compatible with adjacent structures in terms of their height, bulk, scale and lot coverage. The applicant has, however, since made revisions to the site plan and they have increased side yard setbacks in an effort to address compatibility issues with neighbouring dwellings. Staff must now reevaluate the development, taking into consideration the proposed changes to the site plan.

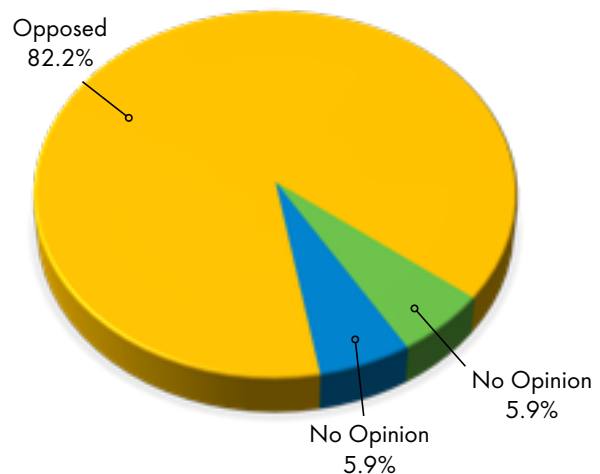
Aside from increased side yard setbacks where the proposal abuts the dwellings at 171 and 201 Kaulback Street, the proposed changes do not significantly alter the overall appearance and layout of the development. Much of the analysis and conclusions in the September 21<sup>st</sup>, 2018 Staff Report are, therefore, still applicable. This report is not intended to be a full reevaluation of the proposal but will instead focus on addressing whether or not the proposed changes address the issues of compatibility related to Policy R-38.

Policy R-38 states that it shall be a policy of Council to require that the proposal be compatible with adjacent structures in terms of height, bulk, scale, and lot coverage. The proposed buildings are clearly higher, larger, and cover more of the lot than other development in the surrounding neighbourhood. This does not in itself mean that the proposal is incompatible with adjacent structures. To be "compatible" the proposed buildings do not have to be the same size and height, but they should not be so large as to have a negative impact on adjacent homes or, if they are large, potential compatibility issues have been addressed through proper design.

In its evaluation of the September 12<sup>th</sup> proposal, Staff noted that, with respect to 171 and 201 Kaulback, a 10 metre (32.8 foot) setback for a 4-5 storey building would not be sufficient to fully address concerns related to visual impact and loss of privacy. In the revised proposal, setbacks have been increased and the buildings are now set back a distance that is equal to or greater than half the height of the buildings. Where the proposed buildings will have the greatest impact on the dwellings at 171 and 201 Kaulback, setbacks have been increased so that even the balconies are set back more than 10.0 metres (32.8 feet) from the property boundary. The applicant has also agreed to provide privacy fencing where the proposed parking areas abut 171 and 201 Kaulback. The site plan submitted by the applicant also shows several trees situated along the periphery of the property although there are no details regarding the type of trees or vegetation being proposed. Staff are recommending that the applicant be required to provide a detailed landscaping plan that includes the planting of trees that will, when mature, provide an effective visual barrier between the subject lands and adjacent dwellings at 171 and 201 Kaulback. It is recommended that the landscaping plan be subject to approval by the Town's Development Officer in consultation with the Town's Urban Forestry Technician. The proposed combination of increased setbacks, fencing, and landscaping is deemed to be sufficient to address compatibility issues between the proposed development and neighbouring structures.

## Public Participation

The on-line survey regarding this application remains open and will be until this application goes to a public hearing. Since the last meeting there have been a few more responses to the on-line survey. At the time this report was written, there were 17 valid on-line survey responses. Of those 17 responses, 15 or 82.2% were opposed, 1 or 5.9% was in favour and 1 or 5.9% had no opinion. The graph to the right shows the survey results.



## Conclusion

Planning Staff have determined that its evaluation of Brentwood Developments Limited's September 12<sup>th</sup>, 2018 submission was flawed and that the proposed development did not satisfy the Town's Municipal Planning Strategy and specifically Policy R-38. The applicant has since revised their development proposal and Staff conclude that the proposed revisions address the compatibility issues identified in relation to Policy R-38. The proposed development now complies with the Town's Municipal Planning Strategy.