

10.4 NOTICE OF MOTION: Councillor Joshua Topelberg – Interpretation of application of Policy No. 7.4.8 – Development Guidelines for Multiple Dwellings

That Council REQUIRES Administration to apply the provisions of Policy No. 7.4.8 – Development Guidelines for Multiple Dwellings in relation to rear setbacks to any new development where multiple dwellings are the predominant land use by floor area.

REASON:

Large scale development in Vincent can be generally categorised as being either wholly commercial, mixed use (residential and commercial) or residential (generally apartments). The City has local planning policies in place to provide guidance for how these buildings should look and function.

The rear setbacks required by Policy No. 7.5.12 – Development Guidelines for Commercial and Mixed Use Developments are less than those stated under Policy No. 7.4.8 – Development Guidelines for Multiple Dwellings. Administration's practice has been to apply the (lesser) setbacks of Policy No. 7.5.12 to any mixed use development instead of those prescribed by Policy No. 7.4.8. This is considered problematic because:

- Neither of these two Policies specifically addresses which setback should prevail in the event of this inconsistency;
- Mixed use developments that propose even a small amount of commercial floor space enjoy the reduced rear setbacks of Policy No. 7.5.12;
- Reduced rear setbacks are being approved on the basis of proposed commercial floor space, but the use of that floor space can change over time, thus removing the basis for the reduced setback being applied in the first instance;
- The rear setback of any multi-storey development should be determined by the impact of that development on surrounding properties, not by a proposed commercial land use in that development which could change in the future.

In lieu of making changes to the current policies to make rear setback requirements consistent notwithstanding the use, this resolution will provide guidance to Administration on which setbacks apply when dealing with mixed use applications.

ADMINISTRATION COMMENTS:

Administration's practice has been to apply Policy No. 7.5.12 – Development Guidelines for Commercial and Mixed Use Developments to any building with a residential and commercial component, regardless of the size of the proposed commercial floor space. This is consistent with the interpretation of the Residential Design Codes.

Administration is currently undertaking a broad review of the City's town planning framework, which includes a review of all major planning policies. The issue of inconsistent setback requirements for mixed use, commercial and residential buildings will be addressed and resolved through these planned policy reforms.

A resolution of Council, as proposed, will provide clear instruction and interpretation when assessing rear setbacks for mixed use developments. This resolution recognizes the fact that both policies arguably apply to mixed use developments and also takes advantage of the fact that both policies are silent on which rear setbacks prevail when dealing with mixed use developments.

Administration supports the proposed motion.