



Committee of the Whole Report For the Meeting of June 14, 2018

To: Committee of the Whole **Date:** May 31, 2018

From: Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject: Development Permit with Variances and Development Variance Permit Application for 1418 Lang Street

RECOMMENDATION

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00630, if it is approved, consider the following motions:

- 1) "That Council authorize the issuance of a Development Permit with Variances Application for the north portion of 1418 Lang Street (new house), in accordance with:
 - a) Plans date stamped April 23, 2018.
 - b) Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the front yard setback from 6.0m to 1.98m
 - ii. reduce the rear yard setback from 6.0m to 2.07m
 - iii. permit a roof deck
 - c) The Development Permit lapsing two years from the date of this resolution."
- 2) "That Council authorize the issuance of a Development Variance Permit Application for the south portion of 1418 Lang Street (existing house), in accordance with:
 - a) Plans date stamped April 23, 2018.
 - b) Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the rear yard setback from 6.0m to 2.51m
 - c) The Development Permit lapsing two years from the date of this resolution."

LEGISLATIVE AUTHORITY

In accordance with Section 489 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 491 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, and the siting, form, exterior design and finish of buildings and other structures.

In accordance with Section 498 of the *Local Government Act*, council may issue a Development Variance Permit that varies a *Zoning Regulation Bylaw* provided the permit does not vary the use or density of land from that specified in the *Zoning Regulation Bylaw*.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit with Variances Application related to a new small lot house and a Development Variance Permit Application for the property located at 1418 Lang Street. The proposal is to subdivide the property into two new small lots, maintain the existing single-family dwelling on the southern lot and construct a new small lot house on the northern lot. The variances are related to front and rear yard setbacks as well as permitting a roof deck.

The following points were considered in assessing this application:

- the proposal is consistent with the design guidelines specified in the *Small Lot House Rezoning Policy, 2002*, and the applicant would retain the existing single-family dwelling
- the requested rear yard variances associated with the both dwellings are interior to the site and adequate amenity space is provided through the roof deck of the proposed dwelling and the side yard deck of the existing dwelling
- the requested front yard variance associated with the proposed dwelling is accentuated by the irregular lot shape, and the setback from the lot frontage is consistent with the varying setbacks found along Tovoio Lane
- the sightline analysis indicates that the requested roof deck variance for the proposed dwelling minimizes privacy concerns by setting the deck back from the edges of the building and using opaque glass for the rail assembly.

BACKGROUND

Description of Proposal

The proposal is to subdivide the property into two new small lots, maintain the existing single family dwelling on the southern lot and construct a new small lot house on the northern lot. Specific details include:

- two-storey building with a one-car garage
- contemporary flat roof design
- prominent front entrance with a cantilevered entry cover
- a roof deck stepped back from the edges to reduce the visual impact to and from the street
- exterior materials such as horizontal wood siding, cement board panels, glazed metal guard rails, and permeable pavers for the driveway.

Proposed landscaping includes preserving a mature Garry Oak tree as well as planting one new Garry Oak tree and one new Dogwood tree.

A variance to reduce the rear yard setback from 6.0m to 2.07m is required for the existing house. For the proposed new house, variances are required to reduce the front yard setback

from 6.0m to 1.98m, reduce the rear yard setback from 6.0m to 2.07m, and to permit a roof deck.

Sustainability Features

The applicant has not identified any sustainability features associated with this proposal.

Active Transportation Impacts

The applicant has not identified any active transportation impacts associated with this proposal.

Public Realm Improvements

Proposed public realm improvements are discussed in association with the concurrent Rezoning Application associated with this property.

Accessibility Impact Statement

The British Columbia Building Code regulates accessibility as it pertains to buildings.

Existing Site Development and Development Potential

The site presently consists of a two-storey single-family dwelling. Under the current R1-B Zone, Single Family Dwelling District, the property could be developed as a single-family dwelling up to a height of 7.5m with either a secondary suite or a garden suite and a total floor area of 280m².

Data Table

The following data table compares the proposal with the R1-B Zone, Single Family Dwelling District. An asterisk is used to identify where the proposal is less stringent than the R1-S2 Zone, Restricted Small Lot (Two Storey) District. Two asterisks are used to identify existing legal non-conforming conditions.

Zoning Criteria	Proposed Lot 1 (existing building)	Proposed Lot 2 (new building)	Zone Standard R1-S2
Site area (m ²) - minimum	406.70	285.24	260.0
Density (Floor Space Ratio) - maximum	0.48	0.59	0.60
Total floor area (m ²) - maximum	193.78**	169.12	190.0
Lot frontage (m) - minimum	20.65	17.60	10.0
Height (m) - maximum	< 7.50	7.30	7.50
Storeys - maximum	2	2	2
Site coverage % - maximum	30.0	33.90	40.0
Roof Deck	No	Yes*	Not permitted

Zoning Criteria	Proposed Lot 1 (existing building)	Proposed Lot 2 (new building)	Zone Standard R1-S2
Setbacks (m) – minimum:			
Front	6.79	1.98*	6.0
Rear	2.51*	2.07*	6.0
Side (east)	1.23**	1.50	1.50 (non-habitable) 2.40 (habitable)
Side (west)	2.41	6.0	1.50 (non-habitable) 2.40 (habitable)
Parking - minimum	1	1	1

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on February 7, 2018 the application was referred for a 30-day comment period to the Oaklands CALUC. At the time of writing this report, a letter from the CALUC had not been received.

This application proposes variances, therefore, in accordance with the City's *Land Use Procedures Bylaw*, it requires notice, sign posting and a meeting of Council to consider the variances.

ANALYSIS

Development Permit Area and Design Guidelines

The *Official Community Plan (OCP)* identifies this property within Development Permit Area 15A, Intensive Residential - Small Lot. The proposal is generally consistent with the design guidelines specified in the *Small Lot Design Guidelines*. There are varying architectural styles in the immediate area, including a dwelling across Tovid Lane that also features flat roofs. The varying rooflines of the proposed dwelling help break up the overall massing. While not ideal, the use of the driveway to also connect with the main entrance is consistent with the other dwellings in the immediate vicinity, and the cantilevered canopy provides prominence to the main entry.

The landscaping maintains much of the greenery along Tovid Lane, as the proposed dwelling has been situated to retain a mature Garry Oak tree and two new trees, a Dogwood and a Garry Oak are proposed for the front yard.

The house on the southern lot is existing so has not been assessed against the Small Lot Design Guidelines; however, any future exterior renovations would require consideration of the consistency with these guidelines.

Tree Preservation Bylaw and Urban Forest Master Plan

Proposed preservation and impacts to trees are discussed in association with the concurrent Rezoning Application associated with this property.

Regulatory Considerations

There are four variances requested to the R1-S2 Zone associated with this application. The first variance is to reduce the front yard setback of the proposed dwelling from 6.0m to 1.98m. This variance is due to the irregular lot shape, in which a portion of the property line along Tovid Lane is angled. The distance from the building to the horizontal frontage is 3.46m, which would still require a variance; however, this variance is more in line with other buildings along Tovid Lane, particularly the dwellings to the east that have structures approximately 4.4m from the Tovid Lane property line.

The second and third variances relate to the rear yard setbacks of the existing and proposed dwellings. The rear yard setback of the existing dwelling would be reduced from 6.0m to 2.51m and the rear yard setback of the proposed dwelling would be reduced from 6.0m to 2.07m. These variances are interior to the site and the loss of amenity space is made up by the roof deck on the proposed new dwelling and the deck in the east side yard of the existing dwelling. In addition, the reduced rear yard setbacks will aid in obscuring the lower portion of the proposed dwelling, thus reducing the visual impact of the proposed dwelling's south façade from Lang Street.

Finally, there is a requested variance for a roof deck on the proposed new house. The roof deck is set back from the edges of the roof in order to minimize privacy concerns. The applicant has provided a sightline analysis to demonstrate potential overlook, as well as the roof deck's visibility from the street. In addition, the sloping nature of the property provides minimal at-grade amenity space. Staff do have concerns regarding the exterior access stairs, which are located on the south façade; however, the applicant noted that the interior configuration was infeasible when the design included the stairs inside the dwelling. An alternate motion that would see the interior reconfigured to include the roof deck access stairs has been provided for Council's consideration.

CONCLUSIONS

The proposal to construct a new small lot house along with four variances is consistent with Development Permit Area 15A: Intensive Residential - Small Lot. The small lot house is a form of sensitive infill development and generally fits in with the existing neighbourhood. In this instance, the proposed variances are recommended as being supportable as the front yard setback of the proposed dwelling is minimal and consistent with other buildings on Tovid Lane, the sightline analysis displays minimal impact of the roof deck on the proposed dwelling, and the rear yard variances are internal to the development and the amenity space is accommodated elsewhere on site. Therefore, Staff recommend Council consider supporting this application.

ALTERNATE MOTIONS

Option 1 (decline)

That Council decline the Development Permit with Variances and Development Variance Permit Application for the property located at 1418 Lang Street.

Option 2 (internalize roof access staircase)

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00630, if it is approved, consider the following motions:

1. "That Council authorize the issuance of a Development Permit with Variances Application for the north portion of 1418 Lang Street (new house), in accordance with:
 - a) Revised plans that reconfigure the exterior stairs to provide access to the roof deck from the interior of the dwelling, to the satisfaction of the Director of Sustainable Planning and Community Development.
 - b) Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the front yard setback from 6.0m to 1.98m
 - ii. reduce the rear yard setback from 6.0m to 2.07m
 - iii. permit a roof deck
 - c) Reconfiguration of roof deck access stairs to the interior of the dwelling.
 - d) The Development Permit lapsing two years from the date of this resolution."
2. "That Council authorize the issuance of a Development Variance Permit Application for the south portion of 1418 Lang Street (existing house), in accordance with:
 - a) Revised plans that reconfigure the exterior stairs to provide access to the roof deck from the interior of the proposed dwelling, to the satisfaction of the Director of Sustainable Planning and Community Development.
 - b) Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the rear yard setback from 6.0m to 2.51m
 - c) The Development Permit lapsing two years from the date of this resolution."

Respectfully submitted,



Michael Angrove
Planner
Development Services



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date: June 8, 2018