

**REPORTS OF COMMITTEES**

**2. Committee of the Whole – March 22, 2018**

**4. Rezoning Application No. 00612 & Development Permit with Variances Application No. 00053 for 63 Boyd Street**

**Motion:**

It was moved by Councillor Thornton-Joe, seconded by Councillor Alto:

**Rezoning Application No. 00612**

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00612 for 63 Boyd Street, that first and second reading of the *Zoning Regulation Bylaw* Amendment be considered by Council and a Public Hearing date be set.

**Development Permit with Variances Application No. 00053**

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. 00053, if it is approved, consider the following motion:

“That Council authorize the issuance of Development Permit with Variances Application No. 00612 for 63 Boyd Street, in accordance with:

1. Plans date stamped February 28, 2018
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:

**Proposed Lot A**

- i. Reduce the side yard setback (south west) for an accessory building from 0.6m to 0.0m
- ii. Increase the maximum height of from 7.5m to 8.03m

**Proposed Lot B**

- i. Reduce the side yard setback (north east) for an accessory building from .06m to 0.0m.
  - ii. Increase the maximum height from 7.5m to 8.03m
3. The Development Permit lapsing two years from the date of this resolution.”

**Carried**

**For:** Mayor Helps, Councillors Alto, Coleman, Thornton-Joe, and Young  
**Opposed:** Councillor Madoff

## 6. LAND USE MATTERS

### 6.1 Rezoning Application No. 00612 & Development Permit with Variances Application No. 00053 for 63 Boyd Street

Committee received reports dated March 8, 2018, from the Director of Sustainable Planning and Community Development regarding an application to subdivide the property and construct two new small lot houses.

**Motion:** It was moved by Councillor Madoff:  
**Rezoning Application No. 00612**  
That Council decline Rezoning Application No. 00612 for the property located at 63 Boyd Street.  
**Development Permit with Variances Application No. 00053**  
That Council decline Development Permit with Variances Application No. 00053 for the property located at 63 Boyd Street.

MOTION FAILED DUE TO NO SECONDER

**Motion:** It was moved by Councillor Thornton-Joe, seconded by Councillor Young:  
**Rezoning Application No. 00612**  
That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00612 for 63 Boyd Street, that first and second reading of the *Zoning Regulation Bylaw* Amendment be considered by Council and a Public Hearing date be set.  
**Development Permit with Variances Application No. 00053**  
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. 00053, if it is approved, consider the following motion:  
"That Council authorize the issuance of Development Permit with Variances Application No. 00612 for 63 Boyd Street, in accordance with:  
1. Plans date stamped February 28, 2018  
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:  
Proposed Lot A  
i. Reduce the side yard setback (south west) for an accessory building from 0.6m to 0.0m  
ii. Increase the maximum height of from 7.5m to 8.03m  
Proposed Lot B  
i. Reduce the side yard setback (north east) for an accessory building from .06m to 0.0m.  
ii. Increase the maximum height from 7.5m to 8.03m  
3. The Development Permit lapsing two years from the date of this resolution."

*Councillor Loveday withdrew from the meeting at 9:59 a.m. and returned at 10:00 a.m.*

Committee discussed:

- Concerns relating to demolishing existing housing.
- Options for housing on the site and affordability.

CARRIED 18/COTW

For: Mayor Helps, Councillors Alto, Coleman, Loveday, Thornton-Joe, and Young  
Opposed: Councillor Madoff



## Committee of the Whole Report For the Meeting of March 22, 2018

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**To:** Committee of the Whole **Date:** March 8, 2019  
**From:** Jonathan Tinney, Director, Sustainable Planning and Community Development  
**Subject:** **Development Permit with Variances Application No. 00053 for 63 Boyd Street**

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### RECOMMENDATION

That Council decline Development Permit with Variances Application No. 00053 for the property located at 63 Boyd Street.

### 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, siting, form, and the exterior design and finish of buildings and other structures.

### EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit with Variances Application for the property located at 63 Boyd Street. The proposal is to subdivide the lot to create two small lot houses. This application proposes variances relating to height and side yard setbacks of the accessory buildings.

The following points were considered in assessing this application:

- the proposal is consistent with the objectives and guidelines for sensitive infill contained in Development Permit Area 15A: Intensive Residential - Small Lot, of the *Official Community Plan, 2012 (OCP)*
- the proposal is generally consistent with the Design Guidelines contained in the *Small Lot House Rezoning Policy 2004*; however, the policy does not support the demolition of existing dwelling units to enable small lot subdivision

- the proposal is consistent with the *James Bay Neighbourhood Plan 1993*, which encourages infill development in a form and scale that is in visual harmony with existing buildings
- the requested side yard setback variances for the accessory buildings on both Lot A and Lot B are supportable, given there will be a shared driveway and connected accessory buildings, which will reduce the amount of hard landscaping on site
- the request to increase the height of the proposed buildings from 7.5m to 8.03m is minor and is considered supportable, particularly given the height of the buildings in the immediate vicinity.

## BACKGROUND

### Description of Proposal

The Development Permit with Variances application is to subdivide the existing property and create two small houses. Specific details include:

- the small lot houses would be two-storeys in height with basements
- design elements of the Lot A house include a pitched roofline, covered entryway, and a front-facing balcony with a glass railing; exterior materials include brick, cement board panels and siding
- design elements of the Lot B house include a pitched roofline, covered entryway, a front-facing balcony with a glass railing; exterior materials include wood siding and stucco
- the proposed buildings have been designed to fit within the neighbourhood context
- a shared driveway between the proposed houses lead to a garage which straddles the interior lot line, and this requires a setback reduction to facilitate but results in better site planning with reduced hard surfacing treatment
- the driveways utilize permeable pavers, while the patio and walkways are broom finish concrete.

The proposed variances are related to:

- increasing the maximum height from 7.50m to 8.03m for both Lot A and B
- reducing the side yard setbacks for the accessory buildings from 0.6m to 0.0m for both Lot A and B.

## ANALYSIS

### Development Permit Area and Design Guidelines

The OCP identifies this property within Development Permit Area 15A: Intensive Residential - Small Lot. The proposed design of the two new small lot houses is generally consistent with the *Small Lot House Design Guidelines*, with the exception of demolition of the existing house to facilitate the development.

The proposed small lot houses would be generally consistent with the eclectic character of James Bay, and would generally be in similar scale and massing to other single-family dwellings in the neighbourhood. The neighbouring property to the south-west is a four-storey, multi-family dwelling.

The proposed houses would have pitched rooflines complementary to the adjacent single-family dwellings, and to the overall neighbourhood character. The proposed buildings incorporate traditional design features such as covered entryways and porches, horizontal siding, and

pitched rooflines. The materials include a mix of stucco, cement board panel and accents of brick, which are generally consistent with materials used in neighbouring houses.

The proposal includes front-facing patios with glass railings, which staff have identified as not fitting in with the neighbourhood and are non-traditional; however, staff acknowledge that more recently built houses on the block similarly incorporate patios with railings of either glass or aluminum at the front of the house. The applicant proposes the use of glass due to the potential ocean views that each house may have.

Windows are maximized on the front and rear elevations, and windows on the side elevations are smaller and carefully located to respect the privacy of adjacent neighbours. The majority of the windows on the side elevations are non-habitable rooms, and windows to habitable rooms have been located between the two small lots, with increased setbacks provided along those sections of the elevation.

Vehicle parking is located at the rear of the property in a split shared garage straddling the lot line, and is accessed by a shared driveway of permeable pavers. The proposed site plan deemphasizes the garage for a better streetscape, and results in a reduced amount of paved surface for each lot.

Landscaping will be a mix of flower beds, trees, shrubs and grass in the front yard. At the rear, there would be a patio, additional landscaping and trees, raised planter beds, and a new six foot high fence along the sides and rear lot lines.

The *Small Lot Rezoning Policy* has consideration for shadowing and privacy to neighbouring properties. A shadow study has been provided by the applicant and is provided in the attachments of this report.

The demolition of the existing dwelling unit to enable a small lot subdivision is inconsistent with the *Small Lot House Rezoning Policy*, unless there are exceptional circumstances. The applicant believes that two small lot single-family dwellings are preferable to a two-family dwelling, which the property is zoned for currently. As the policy does not support demolition to facilitate small lot rezoning applications, staff have provided a “decline” recommendation for Council’s consideration; however, as noted in the Rezoning application report, given that the application is consistent with many other aspects of the policy, Council may wish to consider the alternate motion.

### **James Bay Neighbourhood Plan**

The *James Bay Neighbourhood Plan* encourages infill development for single-family and duplex units where appropriate, in a form and scale that is in visual harmony with existing buildings. It also encourages a high-standard of design for new residential buildings. The proposal is generally in keeping with the visual character and scale of the neighbourhood.

### **Tree Preservation Bylaw and Urban Forest Master Plan**

There are no bylaw protected trees on the subject property. The owner’s intention is to retain the city boulevard Hawthorn tree which is within close proximity to the proposed driveway, with the advisement and supervision of the city arborist at building permit stage. If it cannot be retained, the owner will pay for and provide a new replacement tree on the boulevard once construction of the project is complete.

## Regulatory Considerations

The application proposes the following variances from the *Zoning Regulations Bylaw*:

- increase the maximum height allowed on Lot A from 7.50m to 8.03m
- increase the maximum height allowed on Lot B from 7.50m to 8.03m
- reduce the side yard setback on the south west side of the accessory building on Lot A from 0.6m to 0.0m
- reduce the side yard setback on the north east side of the accessory building on Lot B from 0.6m to 0.0m.

### Maximum Height Variances

The proposed height variances are a result of height calculations for roofs that are partially flat. There is a peaked roof at the front of the house; however, there is a flat portion in the middle of the roof resulting in the height being calculated at that point (8.03m). If the roof were pitched, the calculation would be from the mid-point between the highest ridge and the highest eave. The additional height would not impact the neighbouring properties and is in keeping with the scale of the surrounding buildings and staff recommend that Council consider supporting these variances if Council advances the alternate motion.

### Accessory Building Setback Variances

The proposed accessory building setback variances are a result of having attached garages which go to the property line. This reduces the visual presence of the garages, and having a shared driveway reduces the amount of paving. Staff also recommend that Council consider supporting these variances if the alternate motion is advanced.

## CONCLUSIONS

The proposal to construct two new small lot houses is generally consistent with the *Small Lot House Design Guidelines*; however, the *Small Lot Rezoning Policy* does not support demolition of existing houses to facilitate development of small lot houses. Therefore, staff are recommending that Council consider declining the Rezoning and Development Permit with Variances applications. The proposed variances for increasing maximum height and decreasing the minimum side yard setback for the accessory buildings are supportable. Should Council consider approving this application, an alternative motion has been provided.

## ALTERNATE MOTION

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. 00053, if it is approved, consider the following motion:

“That Council authorize the issuance of Development Permit with Variances Application No. 00612 for 63 Boyd Street, in accordance with:

1. Plans date stamped February 28, 2018
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:

Proposed Lot A

- i. reduce the side yard setback (south west) for an accessory building from 0.6m to 0.0m
- ii. increase the maximum height of from 7.5m to 8.03m.

Proposed Lot B

- i. reduce the side yard setback (north east) for an accessory building from 0.6m to 0.0m.
- ii. increase the maximum height from 7.5m to 8.03m

3. The Development Permit lapsing two years from the date of this resolution.”

Respectfully submitted,



Chelsea Medd  
Planner  
Development Services Division



Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



Date:

March 13, 2018

**List of Attachments:**

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped February 28, 2018
- Attachment D: Letter from applicant to Mayor and Council dated February 2, 2018
- Attachment E: Community Association Land Use Committee Comments dated September 25, 2017
- Attachment F: Correspondence