



## **Committee of the Whole Report**

### **For the Meeting of June 28, 2018**

---

**To:** Committee of the Whole **Date:** June 28<sup>th</sup>, 2018

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

**Subject:** Development Permit with Variances Application No. 00594 for 1663 Oakland Avenue

---

### **RECOMMENDATION**

That Council decline Development Permit with Variances Application No. 00594 for the property located at 1663 Oakland Avenue.

### **LEGISLATIVE AUTHORITY**

In accordance with Section 489 of the *Local Government Act*, Council may issue a Development Permit with Variances in accordance with the applicable guidelines specified in the *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.

### **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 1663 Oakland Avenue. The proposal is to create two small lots, retain the existing single-family dwelling and construct one new small lot house. As both the new lot and the lot for the existing house would be rezoned to the R1-S2 Zone, Restricted Small Lot (Two Storey) District, both properties would be subject to Development Permit Areas 15A: Intensive Residential – Small Lot. The variances being requested to facilitate the two-lot subdivision are related to front, rear and side yard setbacks.

The following points were considered in assessing this application:

- the proposal is not consistent with the *Design Guidelines for Small Lot Houses* (2002) in terms of visual character and massing
- the requested setback variances are minimal in nature and are generally consistent with

existing setback conditions of neighbouring properties. The requested variances would have minimal impacts on neighbouring properties.

## **BACKGROUND**

### **Description of Proposal**

The proposal is to alter an existing house and construct a new small lot house. Specific details include:

#### Existing Housing (Proposed Lot A)

Specific details include:

- an existing low-profile one-storey building with no basement
- existing exterior materials include wood siding, stucco siding and fibreglass shingle roofing
- new rear deck
- new soft landscaping, and a new driveway and parking stall surfacing of concrete.

#### New House (Proposed Lot B)

Specific details include:

- a two-storey building with no basement
- design elements such as a gabled roof, a columned portico entryway and a variety of window sizes
- exterior materials include cement board panel siding, shingle siding, cultured stone siding, wood trim and fascia and fiberglass shingle roofing
- new hard and soft landscaping would be introduced, as well as a driveway, parking stall and patio surfaced with concrete, and cedar fencing along the adjacent lots.

The proposed variances are related to:

#### For the existing house (proposed Lot A):

- reduce the rear yard setback from 6.00m to 3.05m.

#### For the new house (proposed Lot B):

- reduce the front yard setback along Shakespeare Street from 6.00m to 4.66m
- reduce the rear yard setback from 6.00m to 5.00m
- reduce the side yard setback along the laneway from 2.40m to 1.50m.

### **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 application.

## **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 is presently contains a single-family dwelling. Under the current R1-B Zone, the property could be developed as a two-storey single-family dwelling with a secondary suite or a garden suite. A data table comparing the proposal with the R1-S2 Zone is provided in the report for the concurrent Rezoning Application for this property.

## **Community Consultation**

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted the Oaklands CALUC at a Community Meeting held on *January 31, 2017*. At the time of writing this report, a letter from the CALUC had not been received.

In accordance with the City's *Small Lot House Rezoning Policy*, the applicant has polled the immediate neighbours and reports that 0% support the application. Under this policy, "satisfactory support" is considered to be support in writing for the project by 75% of the neighbours. The required Small Lot House Rezoning Petitions provided by the applicant are attached to this report.

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, 2012 (OCP)* identifies this property within DPA 15-A: Intensive Residential – Small Lot. In this area, the Design Guidelines for Small Lot Houses (2002) apply. The objective of these guidelines are to allow for sensitive infill development that increases the housing supply and to provide a range of housing types; this proposal meets these objectives in part. Retaining the existing building on Lot A while creating the second Lot B is supported by the small lot policy; however, the Guidelines emphasize the objectives of establishing infill that are sensitive to existing houses and neighbourhoods, and achieving a higher standard of design. While the roof pitch of the proposed house follows the pattern of neighbouring houses, the finish materials and details does not respect the pattern of building form and massing compared to nearby houses. The building emphasises strong vertical elements inconsistent with the strong horizontal elements of the surrounding streetscape, and lacks balance and rhythm along the façade. While the proposed lots have landscaping improvements generally in line with the Small Lot Guidelines, the proposed brushed concrete driveway leading from the front yard on existing Lot A is not consistent with the Guidelines, which recommend surface texturing such as exposed aggregate, or permeable paver borders.

The Guidelines also require applicant's to secure three quarters of the immediate neighbour's support through a neighbourhood support petition. Of the six adjacent neighbours, four responded and none were in support. Thus, the threshold for acceptable support has not been achieved.

## **Local Area Plans**

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

There are no protected trees on the subject property, however an arborists report may be required at the building permit stage in relation to the protected Willow tree located on the corner lot to the south of the laneway. The need for an arborist report would be determined by further staff review of detailed building permit plans.

Two new public trees would be planted along the boulevard at the subdivision stage. The species is to be determined by staff at the building permit stage.

## **Regulatory Considerations**

The requested variance associated with the existing house on proposed Lot A is to reduce the rear yard setback from 6.00m to 3.05m. This variance is the result of the proposed new rear lot line which would be created as a result of the subdivision. The relatively square shape of the lot, as well as the position of the house on the existing lot, also contribute to this variance. Given that the low profile house is existing, this variance would have a minimal impact on the neighbouring properties. The rear and side yards provide for private outdoor space, but this area is relatively limited.

The requested variances associated with the new house are to reduce the front setback from 6.00m to 4.66m, reduce the rear yard setback from 6.00m to 5.00m, and to reduce the side yard setback along the laneway from 2.40m to 1.50m. The front yard variance facing the Hillside Shopping Centre lot and the rear yard variance are due to the short depth of the lot. The shorter setbacks are not incongruous with the placement neighbouring houses. The side yard setback variance is adjacent to a relatively quiet laneway and would meet the side yard setback requirement if it were not on a flanking street. These variances would have a minimal impact on the neighbouring properties.

## **Other Considerations**

If this application were to proceed to public comment, there are several minor errors and clarifications required on the plans that would need to be addressed by the applicant prior to proceeding. These are related to the floor space ratio, floor area, setback labelling and landscaping notations. None of these elements will significantly change the information provided in the application and will not change the variances.

## **CONCLUSIONS**

The proposal to maintain the existing house and construct a new house, and the associated variances, are consistent with some aspects of the Small Lot House Design Guidelines. The variances are minor in nature and would have a limited impact on neighbouring properties; however, the proposal is inconsistent with the sensitive infill objective of these guidelines as the architectural massing and finishing does not respect the visual character of the surrounding

streetscapes. Further, the level of support from surrounding neighbors was 0% of the four properties that responded. On this basis, Staff recommend for Council's consideration that the application be declined. An alternate motion provides wording related to the Development Permit with Variances, should council wish to advance the application.

### 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.00594, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variance Application No. 00594 for 1663 Oaklands Avenue in accordance with:

1. Plans date stamped May 07, 2018, amended by the applicant to correct minor errors the data table and plans related to the zoning requirements.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:

Existing House (Proposed Lot A)

- i. Part 1.23.8 (b) – Reduce the rear yard setback of the existing house from 6.00m to 3.05m.

New House (Proposed Lot B)

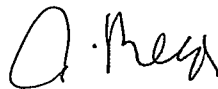
- ii. Part 1.23.8 (a) - Reduce the front yard setback from 6.00m to 4.66m
- iii. Part 1.23.8 (b) – Reduce the rear yard setback from 6.00m to 5.00m
- iv. Part 1.23.8 (d) – Reduce the side yard setback on a flanking street from 2.40m to 1.50m.

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

Respectfully submitted,

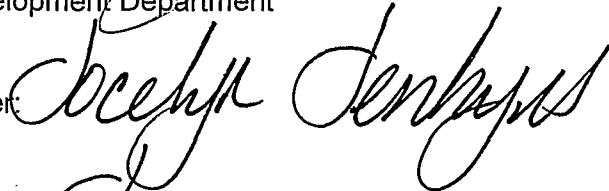


Chloe Tunis, Planning Analyst  
Sustainable Planning and Community  
Development Department



Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



Date:

June 20, 2018

### List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans dated/date stamped May 7, 2018
- Attachment D: Letter from applicant to Mayor and Council dated April 26<sup>th</sup>, 2018