



## Committee of the Whole Report

### For the Meeting of July 5, 2018

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**To:** Committee of the Whole

**Date:** June 21, 2018

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

**Subject:** Development Permit Application Amendment (DDP No. 00143B) for 1245 Oxford Street

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### RECOMMENDATION

That Council decline Development Permit Application Amendment (DDP No. 00143B) for the property located at 1245 Oxford 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, 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 Application for the property located at 1245 Oxford Street. The proposal is to allow the construction of a garden suite in the rear yard. The garden suite generally meets the *Garden Suite Policy and Guidelines*, however, one window on the east elevation may pose privacy concerns and does not meet the *Guidelines*. An application that is consistent with the *Garden Suite Policy and Guidelines* has been approved by staff through a Delegated Development Permit; however, the applicant does not feel that this is the ideal design. The applicant has applied for an amendment to the application through Council for an alternate design with a bedroom window facing the property at 250 Howe Street.

The following points were considered in assessing this application:

- The proposal is generally consistent with the policies and design specifications of the *Garden Suite Policy and Guidelines, 2011*; however, a bedroom window on the east elevation faces a neighbouring property, inconsistent with the intent of the design guidelines related to privacy and minimizing impact to neighbouring properties.

- Other aspects of the design and siting of the garden suite are consistent with the *Garden Suite Policy and Guidelines*.
- A design which is consistent with the *Garden Suite Policy and Guidelines* has been approved through a Delegated Development Permit so that applying for Building Permits may commence; however, the applicant is requesting an amendment to this application to approve a bedroom window on the east elevation.
- There are no variances associated with this application.

## BACKGROUND

### Description of Proposal

The proposal is for a garden suite in the rear yard of the subject property. Specific details include:

- horizontal cement board siding
- one-storey with loft (crawl space)
- pitched roofline
- semi-private outdoor space with permeable pavers.

### 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

No public realm improvements are proposed in association with this application.

### 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 a single family dwelling. Under the current R1-B Zone, Single Family Dwelling District, the property could be developed to a single family dwelling with a secondary suite or garden suite.

### Data Table

The following data table compares the proposal with the R1-B Zone, Single Family Dwelling District, and Schedule M – Garden Suites. An asterisk is used to identify where the proposal is less stringent than the Zone, and represents a legal non-conforming condition.

Zoning Criteria	Proposal	Zone Standard R1-B

<b>Zoning Criteria</b>	<b>Proposal</b>	<b>Zone Standard R1-B</b>
Site area (m <sup>2</sup> ) - minimum	589.46	460.0
Lot width (m) - minimum	13.72*	15
Parking - minimum	1	1
Parking location	Front yard*	Schedule C
Site coverage (%) - maximum	30.60	40.00
<b>Garden Suite</b>	<b>Proposal</b>	<b>Schedule M 'Plus Site'</b>
Combined floor area (m <sup>2</sup> ) - maximum	49.80	56.00
Height (m) - maximum	5.36	5.50
Storeys	1.00	1.50
Rear yard site coverage (%) - maximum	24.98	25.00
Setbacks (m) – minimum:		
Separation space from single family dwelling (m)	12.60	2.40
Rear Setback (m)	1.52	0.60
Side (m) - east	1.98	0.60
Side (m) - west	2.29	0.60

### Relevant History

There is an existing accessory building located in the side yard of the single family dwelling, which was constructed with permits in 1994. There is no plan to remove this structure at this time.

### Community Consultation

In accordance with the City's *Land Use Procedures Bylaw*, Development Permits do not require public consultation, notice or sign posting; however, as per staff's normal practice, the applicant was encouraged to communicate with their neighbours. The applicant has provided a letter signed by residents who would be most impacted by the east facing window (attached). Although they signed that they do not object to the proposal, it should be noted that the intent of the design guidelines is to minimize potential conflicts both over the short and long term, recognizing that neighbours and neighbourhood feelings can change over time. The applicant has also provided a petition of no objection signed by some of the neighbours (attached).

### ANALYSIS

#### Development Permit Area and Design Guidelines

The *Official Community Plan* identifies this property within Development Permit Area 15E: Intensive Residential - Garden Suites.

The *Garden Suite Policy and Guidelines* strongly discourage windows oriented toward neighbouring properties to maintain a level of privacy for adjacent neighbours. In addition, windows should be oriented toward the interior of the site. The proposal is to have a bedroom window with obscured glass located on the east side of the garden suite, 1.98m from the property line.

The rear setback of the neighbour's dwelling is 1.2m, and their outdoor space is a small side yard, which the proposed window would face. The applicant has also proposed a new six foot high fence along this section of the property line. Even though there would be a fence and existing landscaping on the neighbouring property, the *Garden Suite Policy and Guidelines* strongly discourages windows oriented toward neighbouring properties to maintain levels of privacy. There may be exceptions for windows facing neighbouring properties if design features are provided and if other design solutions are not possible. The use of obscured glass may be supportable in instances where there is a small bathroom window, as this would be a room that is not used often and does not generally generate noise. The use of obscure glass goes some distance to mitigating privacy and overlook considerations; however, in habitable rooms (e.g. bedrooms and living rooms) where an opening window is required under the BC Building Code, there are additional considerations related to noise transference and potential overlook when windows are in the open position.

In this situation, there are design solutions available which do not involve orienting a window towards the side yard setback. The applicant has provided plans which meet the *Design Guidelines*, where the bedroom is located on the west side of the garden suite. However, the applicant does not feel this is the most ideal design, and is requesting an amendment to this application to approve a bedroom window with obscured glass on the east elevation.

As noted above, staff recommend that in this instance the garden suite can be configured to meet the design guidelines, with the bedroom located in an area of the building where an operable window can be situated to face a setback interior to the subject site. This would help achieve the aim of the guidelines, which is to minimize the potential for conflict while facilitating a positive neighbourhood "fit" over the short and long term. Should Council wish to proceed with approving the application in accordance with the preferred option of the applicant, an alternate motion to achieve this is provided.

## **Local Area Plans**

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

There are no Tree Preservation Bylaw impacts with this application.

## **CONCLUSIONS**

This proposal for a garden suite is generally consistent with the *Official Community Plan* objectives and guidelines for sensitive infill; however, the design is inconsistent with the *Garden Suite Policy and Guidelines* related to placement of windows on the elevations facing neighbouring properties. Staff recommend that Council decline the placement of the bedroom window on the east elevation. A design which meets the *Design Guidelines* has been provided by the applicant, and was approved through a Delegated Development Permit. Should Council

wish to consider approving the window on the east elevation, an alternate motion has been provided.

### ALTERNATE MOTION

That Council authorize the issuance of a Development Permit Application for 1245 Oxford Street (DDP No.00143B), in accordance with:

1. Plans date stamped June 13, 2018.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
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:



### List of Attachments:

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped June 13, 2018 (for Council)
- Attachment D: Letter from the applicant to Mayor and Council dated June 13, 2018
- Attachment E: Neighbourhood petition date stamped June 21, 2018
- Attachment F: Letter from the applicant and signed by the neighbours, date stamped April 5, 2018.