



Committee of the Whole Report

For the Meeting of July 12, 2018

To: Committee of the Whole **Date:** June 29, 2018

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

Subject: **Update Report: Development Permit with Variances Application No. 00003 for 944 Heywood Avenue**

RECOMMENDATION

That Council consider declining Development Permit with Variances Application No. 00003 for the property located at 944 Heywood Avenue.

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 revised Development Permit with Variances Application for the property located at 944 Heywood Avenue.

On September 21, 2017, Council passed a motion (attached) directing staff to work with the applicant to revise the cladding and other exterior details of the buildings, and retain the trees on the Pendergast Street frontage of the property.

In response to this motion, the applicant has revised their proposal in the following ways:

- Lot A (Corner Lot): replaced metal siding and fascia with stucco, adjusted the massing and articulation which reduced the floor area, and changed the sloped roof to a flat roof which reduced the height. The applicant is also now proposing to retain one additional existing tree along Pendergast Street near the entrance of the proposed house.
- Lot B (Interior Lot): Replaced metal finish on fascia with a painted wood fascia. The existing tree located along Pendergast Street on Lot B is still proposed to be removed.

As with the previous proposal, the revised proposal is to demolish the existing single-family house, create two lots, and construct two new small lot houses. The property is in the R-J Zone, Low Density Attached Dwelling District, which permits small lot houses, therefore rezoning is not required; however, both properties would be subject to Development Permit Area 15A: Intensive Residential – Small Lot. The variances being requested to facilitate a two-lot subdivision are related to front, rear, and side setbacks and parking location.

The following points were considered in assessing this application:

- the applicant has made some changes in response to the previous Council motion; however, the changes do not retain all of the trees on the Pendergast Street frontage of the property, as directed in the motion
- as with the previous proposal, the revised proposal is still not 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)
- as with the previous proposal, the requested variances associated with the proposed house on the corner lot (Lot A) are to reduce the front and rear setbacks and permit parking in the front yard. The proposed front setback has been reduced from 3.50m to 3.20m due to a small projection adjacent to the entry
- as with the previous proposal, the requested variances associated with the proposed house on the interior lot (Lot B) are to reduce the front, rear, and side setbacks.

BACKGROUND

Description of Proposal

As with the previous proposal, the revised proposal is to construct two new small lot houses.

Proposed Lot A (Corner Lot)

Specific details include:

- a two-storey building with an unfinished basement
- design elements such as a contemporary flat roofline, distinctive front entryway, covered porch (on flanking street), and contemporary style windows
- the exterior materials include stucco siding and fascia
- proposed parking stall surfaced with concrete and permeable paving insets
- new hard and soft landscaping would be introduced, including a concrete path, trees, shrubs and ground cover.

Proposed Lot B (Interior Lot)

Specific details include:

- a two-storey building with an unfinished basement
- design elements such as a contemporary flat roofline, covered front entryway, and contemporary style windows
- the exterior materials include stucco siding, Hardi shingle siding and painted wood fascia and trim
- proposed parking stall surfaced with concrete and permeable paving insets
- new hard and soft landscaping would be introduced, including a concrete path, shrubs and ground cover.

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 Development Permit 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 house. The current R-J Zone, Low Density Attached Dwelling District, permits all the uses in the R1-S2 Zone, Restricted Small Lot (Two Storey) District, and the R-2 Zone, Two Family Dwelling District. Therefore, the property could be redeveloped as two small lot houses or one duplex, subject to the regulations applicable in these zones. Variances would likely be required to accommodate a duplex on this lot.

Data Table

The following data table compares the proposal with the existing R1-S2 Zone, Restricted Small Lot (Two Storey) District. An asterisk is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposed Lot A (Corner Lot)	Proposed Lot B (Interior Lot)	Zone Standard R1-S2
Site area (m ²) - minimum	284.30	284.30	260.00
Density (Floor Space Ratio) - maximum	0.49 to 1.0	0.51 to 1.0	0.6 to 1.0
Total floor area (m ²) - maximum	139.37	146.34	190.00
Lot width (m) - minimum	15.55	15.55	10.00
Height (m) - maximum	7.31	7.41	7.50
Storeys - maximum	2	2	2
Site coverage % - maximum	32.20	31.00	40.00

Setbacks (m) - minimum			
Front (Pendergast Street)	3.20 *	3.25 *	6.00
Rear (north)	1.61 *	4.63 *	6.00
Side (east)	6.00	1.50 *	2.4
Side (west)	N/A	3.07	1.5
Side (Heywood Avenue)	3.55	N/A	2.4
Parking - minimum	1	1	1
Parking - location	Front yard *	Side yard	Not permitted in front yard

Relevant History

On September 21, 2017, Council passed the following motion (see attached staff report for the September 14, 2017 Committee of Whole meeting):

"That Council direct staff to work with the applicant to address the following:

- 1. Revise the cladding and other exterior details of the buildings;*
- 2. Retain the trees on the Pendergast Street frontage of the property."*

In response to this motion, the applicant has revised the proposal as follows:

- Proposed Lot A (Corner Lot): Revisions to the cladding and other exterior details of the building
 - replaced metal siding and fascia with stucco
 - massing and articulation somewhat modified reducing the total floor area from 147.33 square meters to 139.37 square meters
 - sloped roof changed to flat roof reducing the building height from 7.45m to 7.31m.
- Proposed Lot B (Interior Lot): Revisions to the cladding and other exterior details of the building
 - Replaced metal finish on fascia with a painted wood fascia.
- Tree Retention on Pendergast Street Frontage
 - one additional existing tree would be retained located along Pendergast Street near the entrance to the proposed house on Lot A. The existing tree located along Pendergast Street on Lot B is still proposed to be removed.

ANALYSIS

Development Permit Area and Design Guidelines

The *Official Community Plan* (OCP) identifies this property as being within Development Permit Area 15A: Intensive Residential – Small Lot. As with the previous proposal, the proposed development does not reinforce existing patterns, rhythms, and massing respecting proportions and details of adjacent existing houses, and therefore does not meet the *Small Lot House Design Guidelines* (see attached staff report for the September 14, 2017 Committee of Whole meeting for analysis related to the design guidelines).

Tree Preservation Bylaw and Urban Forest Master Plan

The Arborist Report has been updated and is attached to this report. As with the previous proposal, there were thirteen trees inventoried on the subject property by the project arborist. Removal of one privately owned Bylaw protected maple tree is proposed. This is a multi-stemmed tree located along the east property line, less than one metre from the proposed

building footprint. Two medium sized canopy trees will be planted as replacements. The small publicly owned tree on the Heywood Avenue boulevard will be retained, as well as two privately owned Hawthorne trees in the northeast corner of the lot. Eight non-bylaw protected trees are proposed for removal.

The previous proposal showed the removal of two non-bylaw protected trees along the Pendergast Street frontage (a 0.75m deciduous tree on Lot A, and a 0.5m deciduous tree on Lot B). In response to the Council motion, the proposal has been revised to now retain the tree on Lot A, but still remove the tree on Lot B. The arborist has determined that impacts to the tree on Lot B will be too significant given the location of the proposed building footprint.

Regulatory Considerations

The applicant is proposing minor changes to the variances requested. For Lot A, the front yard setback requested has decreased from 3.5m to 3.2m (6m is required). This is due to a small projection adjacent to the entry. For Lot B, the rear yard setback requested has increased from 4.12m to 4.63m (6m is required). This is due to a measurement error and not the result of a change to the building. See attached staff report for the September 14, 2017 Committee of Whole meeting for analysis of the variances, which remains the same due to the minor nature of the changes.

CONCLUSIONS

The proposal to construct two new houses is still not consistent with Development Permit Area 15A: Intensive Residential – Small Lot. Overall, the proposed development does not reinforce existing patterns, rhythms, and massing respecting proportions and details of adjacent existing houses. The applicant has revised the proposal in response to the Council motion to revise the cladding and other exterior details of the buildings and retain the trees on the Pendergast Street frontage of the property; however, the changes do not retain all of the trees on the Pendergast Street frontage of the property as directed in the motion. However, the variances are supportable because the impacts are not substantial and the proposed development includes mitigation measures to reduce potential privacy concerns. Staff recommend for Council's consideration that this Development Permit with Variances Application be declined.

If Council wishes to move this application forward to an opportunity for public comment, staff recommend for Council's consideration that the applicant be required to revise the plans to address minor errors and inconsistencies in the submission to the satisfaction of the Director of Sustainable Community Planning and Development Department. An alternate motion has been included with this report accordingly.

ALTERNATE MOTIONS

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00003 for 944 Heywood Avenue, in accordance with:

1. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:

Proposed Lot A

- i. Reduce the front yard setback from 6.00m to 3.20m
- ii. Reduce the rear yard setback from 6.00m to 1.61m
- iii. Permit parking to be located between the building and the front lot line.

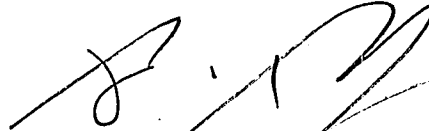
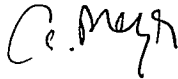
Proposed Lot B

- i. Reduce the front yard setback from 6.00m to 3.25m
 - ii. Reduce the rear yard setback from 6.00m to 4.63m.
2. Revisions to the plans date stamped November 2, 2017 to address errors and inconsistencies to the satisfaction of the Director of the Sustainable Community Planning and Development Department.
 3. The Development Permit lapsing two years from the date of this resolution."

Respectfully submitted,



Rob Bateman
Senior Process Planner
Development Services Division

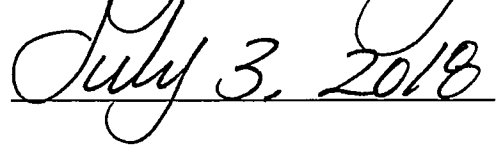


Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date:



July 3, 2018

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped November 2, 2017
- Attachment D: Letter from applicant to Mayor and Council dated October 30, 2017
- Attachment E: Arborist Report date stamped May 7, 2018
- Attachment F: September 14, 2017 Committee of the Whole Report