



**Committee of the Whole Report**  
**For the Meeting of September 14, 2017**

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**To:** Committee of the Whole **Date:** August 31, 2017

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

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

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**RECOMMENDATION**

That Council direct staff to work with the applicant to address the proposal's inconsistencies with the *Small Lot House Design Guidelines* as follows:

1. Revise the design to reinforce existing patterns, rhythms, and massing respecting proportions and details of adjacent houses.
2. Revise the design to provide a higher level of detail on the rear and sides of the buildings to improve visual interest as seen from the street.
3. Revise the massing and building proportions to better reflect the nearby established houses.

**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, 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 944 Heywood Avenue. The proposal is to create two lots, demolish the existing single-family house 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 proposal is 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)*. 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*. Although the design of the house on the corner (Lot A) is suitable for the context beside the park and across from an apartment building, the design of the house on the interior lot (Lot B) is not supportable because it does not fit with the traditional style of the adjacent existing houses.
- 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. These variances are the result of the proposed house being sited in relation to the side lot line instead of the front lot line (as defined in the *Zoning Regulation Bylaw*). The size of the setback variances would be reduced if Heywood Avenue was considered to be the front lot line. The reduced setbacks do not have a substantial impact on the adjacent lot and usable outdoor space is provided in the side yard.
- the requested variances associated with the proposed house on the interior lot (Lot B) are to reduce the front, rear, and side setbacks. These variances are due to the short depth of the proposed small lot. The rear setback variance is measured to the stairs at the rear of the house. The wall of the house would be six metres back from the rear lot line which is consistent with the rear setback requirement. The front setback variance would line the building up approximately with the proposed and existing houses on either side.

## **BACKGROUND**

### **Description of Proposal**

The 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 low slope roofline, distinctive front entryway, covered porch (on flanking street), and contemporary style windows
- the exterior materials include stucco siding, corrugated metal siding, and prefinished metal 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, prefinished metal fascia and painted wood 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 those 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 <sup>2</sup> ) - minimum	284.30	284.30	260.00
Density (Floor Space Ratio) - maximum	0.52 to 1.0	0.51 to 1.0	0.6 to 1.0
Total floor area (m <sup>2</sup> ) - maximum	147.33	146.34	190.00
Lot width (m) - minimum	18.29	18.29	10.00
Height (m) - maximum	7.45	7.41	7.50
Storeys - maximum	2	2	2
Site coverage % - maximum	31.90	31.00	40.00

Zoning Criteria	Proposed Lot A (Corner Lot)	Proposed Lot B (Interior Lot)	Zone Standard R1-S2
Setbacks (m) - minimum			
Front (Pendergast Street)	3.50 *	3.25 *	6.00
Rear (north)	1.61 *	4.12 *	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

At the July 28, 2016 Council meeting, after allowing an opportunity for public comment, Council passed a motion (attached) to refer the Application back to staff to work with the applicant, with a view towards greater mitigation of concerns raised by neighbours. The subject of this report is a revised proposal from the applicant. The previous report is attached to this report.

As directed by Council, staff have worked with the applicant and encouraged the applicant to work with the neighbours directly to help mitigate their concerns. Letters received from neighbours have been attached to this report for Council's consideration.

The applicant has revised the Application, however, the current proposal does not meet the *Small Lot House Design Guidelines* (see below). The applicant has indicated to staff that they would like to proceed to Committee of the Whole with the current Application that is the subject of this report.

### Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on June 8, 2016 the Application was referred for a 30-day comment period to the Fairfield Gonzales CALUC. In addition to this, the applicant consulted with the Fairfield Gonzales CALUC at a Community Meeting held on January 19, 2016. The revised plans have also been referred to the CALUC. A letter from the CALUC dated August 9, 2017 is attached to this report, along with other correspondence 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 as being within 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, and therefore does not meet the *Small Lot House Design Guidelines*, particularly along Pendergast Street where the proposed building style has changed from a traditional-style to a contemporary design.

This proposal is located in an area that has buildings with a wide variety of visual character, scale and massing. Although the contemporary-style of the two buildings relate to the visual character of the flat-roofed apartment buildings located further down this block on Heywood Avenue and directly across Pendergast Street, they do not fit the immediate context of the traditional-style houses to which they are adjacent (including a Heritage Designated house at 940 Heywood Avenue).

The design of the proposed houses provide visual interest (as described below); however, the rear and sides do not have the same level of detail as the front elevations and would be visible from the street. In addition, the proposal would remove existing trees along Pendergast Street that currently help screen existing houses from view.

Overall, the contemporary design of the proposal does not have the same level of ornamentation as the adjacent traditional houses; they are more in keeping with the nearby apartments. They do not incorporate roof character elements, such as dormers, and eaves brackets, but they do have secondary roof elements dividing the storeys which helps to break up the massing of the house.

#### Proposed Lot A (Corner Lot)

The proposal is for a two-storey dwelling unit with a basement. The design of the small lot house incorporates architectural elements such as a contemporary low slope roofline, distinctive front entryway, covered porch (on flanking street), and contemporary style windows.

The proposed house provides visual interest by emphasizing the principal entry with cover, sidelights, transom window, stairs, and windows, through window divisions, size and placement, and with a variety of siding materials (including stucco and corrugated metal). Different materials are used to help express the building's articulation. The materials also wrap around the corners of the buildings to help visually break up the massing.

There are a wide variety of finishes and materials in this part of Fairfield. Some of the materials, such as stucco, relate to the nearby apartment buildings. Other materials, including metal, do not fit with the adjacent traditional building materials that include wood clapboard siding and shingles.

Although this house has a contemporary design, the massing and building proportion more closely reflect the established nearby housing than the proposed house on Lot B. This is due to the smaller width of the floor plate and its location on the corner of Heywood Avenue and Pendergast Street.

This house is located on the edge of the neighbourhood adjacent to a large park, which helps the contemporary design fit in.

#### Proposed Lot B (Interior Lot)

The proposal is for a two-storey dwelling unit with a basement. The design of this small lot house incorporates architectural elements such as a contemporary flat roofline, covered front entryway and contemporary style windows.

The proposed interior house materials include stucco for the upper floor and Hardi shingle for the lower floor, which relates in style to the adjacent traditional houses. Different materials are used to define the different levels of the house.

The existing adjacent house (940 Heywood Avenue) is set back from the street and therefore has a large front yard and small back yard. It also means that the existing building at 940 Heywood Avenue would be adjacent to the rear elevation of the proposed house on the interior lot (Lot B), and not the proposed house on the corner lot (Lot A). The proposed house will impact privacy, shading, and views of the existing house at 940 Heywood Avenue, as well as the houses at 410/412 Vancouver Street and 406 Vancouver Street. The privacy impacts will be mitigated by a 1.8m high wood fence, hedges, and trees. Additionally, the windows are maximized on the front elevation. The proposed rear and side elevations have smaller windows. This would help with privacy for the adjacent houses but detracts from visual interest, especially because the sides and backs would be visible from Heywood Avenue and Pendergast Street. The larger amount of windows on the front will provide light inside but may also cause privacy issues for future residents of the proposed house because of the reduced front yard setback.

The massing and building proportion of established nearby housing is not reflected in the new house. The building is essentially one large rectangular shape. The overall size and shape is not sufficiently broken up into smaller parts, which makes the building appear bulky and does not fit with the adjacent existing houses. The flat roof (as opposed to pitched roofline) also makes the building appear taller and more abrupt in the existing streetscape pattern. The width of the house is nearly maximized on the lot. This results in a further reduction in the width between the two proposed buildings, resulting in reduced views and increased shade for the existing house at 940 Heywood Avenue.

The proposed house does not provide a transition from the contemporary corner design to the adjacent traditional-style houses. Particularly, the form and character is quite different from the adjacent house to the east (406 Vancouver St.).

## **Regulatory Considerations**

### Proposed Lot A (Corner Lot) Variances

The applicant is requesting variances for Lot A as follows:

- reducing the front yard setback from 6.00m to 3.5m
- reducing the rear yard setback from 6.00m to 1.61m
- permitting the proposed parking stall to be located in the front yard.

These variances are the result of the proposed house being sited in relation to the side lot line (Heywood Avenue) instead of the front lot line (Pendergast Street is defined as the front in accordance with the *Zoning Regulation Bylaw*). The size of the setback variances would be reduced if Heywood Avenue was considered to be the front lot line. The setbacks do not have a substantial impact on the adjacent lot and usable outdoor space is provided in the side yard.

The parking stall is located partially in the side yard and partially in the front yard and has some landscape screening to reduce the visual impact from the street.

### Proposed Lot B (Interior Lot) Setback Variances

The applicant is requesting variances for Lot B as follows:

- reducing the front yard setback from 6.00m to 3.25m
- reducing the rear yard setback from 6.00m to 4.12m
- reducing the side (east) yard setback from 2.4m to 1.5m.

These variances are due to the short depth of the proposed small lot. It should be noted that the rear yard setback is measured to the rear stairs; the wall of the house would be approximately 6.00m away from the property line. The proposed front setback variance would place the house approximately in line with the proposed corner lot house and the existing adjacent house to the east. The variances would not have a substantial impact on the privacy of the adjacent lots.

### **Tree Preservation and Urban Forest Management**

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. Nine non-bylaw protected trees are proposed for removal, the largest being 72cm in diameter.

### **CONCLUSIONS**

The proposal to construct two new houses is 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. Although the design of the house on the corner (Lot A) is suitable for the context beside the park and across from an apartment building, the design of the house on the interior lot (Lot B) is not supportable because it does not fit with the traditional-style of the adjacent existing houses. The variances, however, are supportable because the impacts are not substantial and the proposed development includes mitigation measures to reduce potential privacy concerns. Staff recommend that Council direct staff to work with the applicant to address the discrepancies from the Design Guidelines as outlined in this report.

### **ALTERNATE MOTIONS**

#### Option 1 – Decline Current Proposal

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

#### Option 2 – Approve Current Proposal

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. Plans date stamped July 25, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:

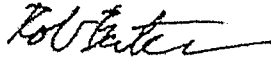
#### Proposed Lot A

- i. Part 1.23 (8)(a): Reduce the front yard setback from 6.00m to 3.50m
- ii. Part 1.23 (8)(b): Reduce the rear yard setback from 6.00m to 1.61m
- iii. Schedule “C” (3): Permit parking to be located between the building and the front lot line.

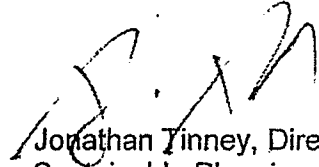
Proposed Lot B

- i. Part 1.23 (8)(a): Reduce the front yard setback from 6.00m to 3.25m
  - ii. Part 1.23 (8)(b): Reduce the rear yard setback from 6.00m to 4.12m.
3. The Development Permit lapsing two years from the date of this resolution."

Respectfully submitted,

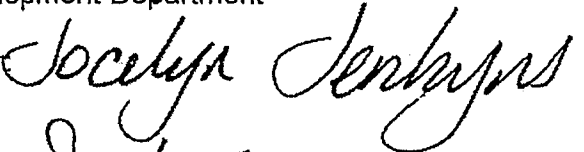


Rob Bateman  
Senior Process Planner  
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Jonathan Tinney, Director  
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Report accepted and recommended by the City Manager



Date:

Sept 7, 2017

**List of Attachments**

- Attachment A: Zoning map
- Attachment B: Aerial map
- Attachment C: Applicant's letter to Mayor and Council dated July 26, 2017
- Attachment D: Letter from Fairfield Gonzales CALUC dated August 9, 2017
- Attachment E: Arborist report dated June 15, 2017
- Attachment F: Staff report and attachments for previous proposal (June 23, 2016 Committee of the Whole Meeting)
- Attachment G: Council meeting minutes (July 28, 2016)
- Attachment H: Plans dated July 25, 2017
- Attachment I: Correspondence dated August 8, 2017.