

REPORTS OF COMMITTEES

2. Committee of the Whole – December 14, 2017

13. Rezoning Application No. 00582, Development Permit Application No. 00582 & Heritage Alteration Permit Application with Variances No. 00007 for 224 Superior Street

Motion:

It was moved by Councillor Loveday, seconded by Councillor Lucas:

Rezoning Application No. 00582

That Council instruct staff to prepare the necessary Zoning Regulation bylaw amendments that would authorize the proposed development outlined in Rezoning Application No. 00582 for 224 Superior Street, that first and second reading of the Zoning Regulation bylaw amendments be considered by Council and a Public Hearing date be set, subject to receipt of an executed Statutory Right-of-Way (SRW) of 2.41m on Superior Street.

Development Permit Application No. 00582

That Council after giving notice and allowing for an Opportunity for Public Comment at a meeting of Council and after a Public Hearing for Rezoning Application No. 00582, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 00582 for 224 Superior Street, in accordance with:

1. Plans date stamped November 9, 2017
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
 - i. reduce the side yard (west) setback from 2.40m to 1.50m to allow for two habitable rooms with windows
3. The Development Permit lapsing two years from the date of this resolution."

Heritage Alteration Permit Application with Variances No. 00007

That subject to the correction of minor plan inconsistencies and the applicant exploring alternate parking layouts with staff to reduce the impact on the streetscape to the satisfaction of the Director of Sustainable Planning and Community Development, that Council, after giving notice, and allowing an Opportunity for Public Comment at a meeting of Council, and after a Public Hearing for Rezoning Application No. 00582, if it is approved, consider the following motion:

"That Council authorize the issuance of Heritage Alteration Permit Application with Variances No. 00007 for the existing Heritage-Designated house at 224 Superior Street, in accordance with:

1. Plans, date stamped November 9, 2017
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. Reduce side yard setback from 3.65m to 1.20m
 - b. Reduce rear yard setback from 4.0m to 1.36m
 - c. Relaxation to allow parking in the front yard
 - d. Increase the site coverage from 30.0% to 35.09%
3. Final plans as amended in accordance with this motion to be generally in accordance with the plans identified above to the satisfaction of the Director, Sustainable Planning and Community Development
4. Heritage Alteration Permit lapsing two years from the date of this resolution."

Carried

<u>For:</u>	Mayor Helps, Councillors Alto, Coleman, Isitt, Loveday, Lucas, Thornton-Joe, and Young
<u>Opposed:</u>	Councillor Madoff

5. LAND USE MATTERS

5.7 Rezoning Application No. 00582, Development Permit Application No. 00582 & Heritage Alteration Permit Application with Variances No. 00007 for 224 Superior Street

Committee received reports dated November 30, 2017, from the Director of Sustainable Planning and Community Development regarding an application to subdivide the subject lot to create one small lot, while maintaining the existing heritage designated house and converting it into four strata units.

Motion: It was moved by Councillor Lucas, seconded by Councillor Coleman:

Rezoning Application No. 00582

That Council instruct staff to prepare the necessary Zoning Regulation bylaw amendments that would authorize the proposed development outlined in Rezoning Application No. 00582 for 224 Superior Street, that first and second reading of the Zoning Regulation bylaw amendments be considered by Council and a Public Hearing date be set, subject to receipt of an executed Statutory Right-of-Way (SRW) of 2.41m on Superior Street.

Development Permit Application No. 00582

That Council after giving notice and allowing for an Opportunity for Public Comment at a meeting of Council and after a Public Hearing for Rezoning Application No. 00582, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 00582 for 224 Superior Street, in accordance with:

1. Plans date stamped November 9, 2017
2. Development meeting all Zoning Regulation Bylaw requirements
3. The Development Permit lapsing two years from the date of this resolution."

Heritage Alteration Permit Application with Variances No. 00007

That subject to the correction of minor plan inconsistencies and the applicant exploring alternate parking layouts with staff to reduce the impact on the streetscape to the satisfaction of the Director of Sustainable Planning and Community Development, that Council, after giving notice, and allowing an Opportunity for Public Comment at a meeting of Council, and after a Public Hearing for Rezoning Application No. 00582, if it is approved, consider the following motion:

"That Council authorize the issuance of Heritage Alteration Permit Application with Variances No. 00007 for the existing Heritage-Designated house at 224 Superior Street, in accordance with:

1. Plans, date stamped November 9, 2017
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. Reduce side yard setback from 3.65m to 1.20m
 - b. Reduce rear yard setback from 4.0m to 1.36m
 - c. Relaxation to allow parking in the front yard
 - d. Increase the site coverage from 30.0% to 35.09%
3. Final plans as amended in accordance with this motion to be generally in accordance with the plans identified above to the satisfaction of the Director, Sustainable Planning and Community Development
4. Heritage Alteration Permit lapsing two years from the date of this resolution."

Motion: It was moved by Mayor Helps, seconded by Councillor Madoff, that the meeting be extended to 4:00 p.m.

CARRIED UNANIMOUSLY 17/COTW

Committee discussed:

- The architecture, siting of the R1S2 house, and the heritage significance of the building.

CARRIED 17/COTW

For: Mayor Helps, Councillors Alto, Coleman, Isitt, Loveday, Lucas, Thornton-Joe, and Young

Against: Councillor Madoff



Committee of the Whole Report

For the Meeting of December 14, 2017

To: Committee of the Whole **Date:** November 30, 2017

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

Subject: Development Permit Application No. 00582 for 224 Superior Street

RECOMMENDATION

That Council after giving notice and allowing for an Opportunity for Public Comment at a meeting of Council and after a Public Hearing for Rezoning Application No. 00582, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 00582 for 224 Superior Street, in accordance with:

1. Plans date stamped November 9, 2017
2. Development meeting all Zoning Regulation Bylaw requirements
3. The Development Permit lapsing two years from the date of this resolution."

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 *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 a proposed small lot house for the property located at 224 Superior Street. The proposal is to subdivide and create one small lot, while retaining the existing house on another lot. The existing house is heritage designated; variances to facilitate this development will be discussed in the concurrent Heritage Alteration Permit with Variances application.

The following points were considered in assessing this application:

- the proposal is consistent with the Traditional Residential Urban Place Designation and objectives in the *Official Community Plan 2012 (OCP)*, including supporting sensitive infill development, renewal of existing housing stock, and maintaining a diversity of housing types
- the proposal is consistent with the policies and design guidelines specified in the *Small Lot House Rezoning Policy, 2002*, and the applicant would be retaining the existing heritage designated house
- there are no variances associated with the proposed small lot house.

BACKGROUND

Description of Proposal

The proposal is to subdivide the subject property and create one small lot while retaining the existing house on another lot. Changes to the existing house are further detailed in the concurrent Heritage Alteration Permit with Variances application.

The details for the proposed small lot house include:

- two-storey building
- design elements that are sensitive to the neighbourhood character and the adjacent heritage designated house
- roof pitch and gables are similar to neighbouring properties
- inclusion of traditional design elements such as gables, wood, and stained glass
- front porch and veranda emphasize the entrance
- landscaping includes perennial garden and permeable paving.

ANALYSIS

Official Community Plan and Design Guidelines

The *Official Community Plan (OCP)* identifies this property within Development Permit Area 15A: Intensive Residential - Small Lot. The proposed design of the new small lot house is generally consistent with the *Small Lot House Design Guidelines*.

The proposed small lot house has been sited in a sensitive manner in relation to the adjacent heritage house and duplex. Rather than meeting the minimum front yard setback of 6 metres, it is sited 8.71 metres from the property line, which is approximately mid-point between the duplex to the west and the existing heritage house to the east.

There is a varying lot line between the proposed small lot house and the heritage house to increase the lot area of the small lot and to meet the setback for habitable windows. New and existing fences border the small lot on all sides except the front.

Windows on the side elevations of the small lot house that are considered habitable windows have been designed with stained glass or are piano windows, which helps to mitigate potential privacy concerns. The kitchen window of the proposed house faces the adjacent duplex's living/dining room window. This has been identified by Staff as a potential privacy concern; however, the applicant believes this window will not affect the neighbour as the existing fence is six feet in height and would partially block the direct view.

The materials proposed are reminiscent of the neighbourhood character while using modern materials including Hardie Plank lap siding, Hardie Shingles, and natural wood features. The colour palette was chosen to complement the Heritage-Designated house.

The front entrance has been accentuated with a detailed door design, sidelight windows, and covered porch area. Additionally, there is a small deck above the front entry that also helps to animate this part of the building.

The applicant has proposed a mix of hard and soft landscaping in the front and rear yard. Mature landscaping on the boulevard is being retained, and the driveway has been designed to reduce the impact on the boulevard trees along the street frontage of the proposed small lot. Various permeable paving materials will be used for the walkways and driveway.

A shadow study was completed with focus on the duplex at 218 Superior Street. The shadow study found the new house would have shading impacts on the neighbour; the applicant has tried to reduce these impacts by not including a dormer on the west side of the building and by using a pitched roof.

CONCLUSIONS

The proposal to construct a new small lot house is consistent with Development Permit Area 15A: Intensive Residential – Small Lot. The small lot house is a form of infill development that is sensitive to the character of the neighbourhood including the existing heritage house. Staff recommend that Council consider supporting this application.

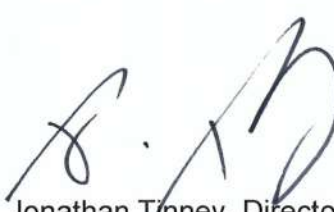
ALTERNATE MOTION

That Council decline Development Permit Application No. 00582 for the property located at 224 Superior Street.

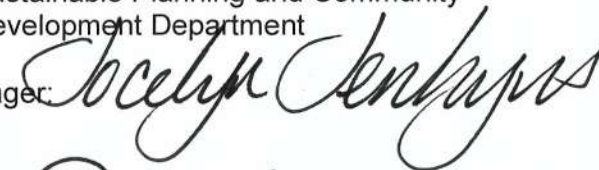
Respectfully submitted,

Chelsea Medd
Planner
Development Services Division


Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:


Date: Dec 7, 2017

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped November 9, 2017
- Attachment D: Letter and Package from applicant to Mayor and Council dated November 9, 2017
- Attachment E: James Bay Community Association Land Use Committee Comments dated March 13, 2017 and November 10, 2017
- Attachment F: Small Lot House Rezoning Petition
- Attachment G: Parking Variance Petition
- Attachment H: Arborist Report dated August 18, 2017
- Attachment I: Correspondence (letters received from residents).