



Committee of the Whole Report

For the Meeting of September 20, 2018

To: Committee of the Whole **Date:** September 6, 2018

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

Subject: Development Permit with Variances Application No. 00075 for 1249 Finlayson Street

RECOMMENDATION

That Council send the Application back to staff to work with the applicant to revise the proposal in order to retain the Garry oak located in the northwest portion of Lot A.

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 with Variances Application for the property located at 1249 Finlayson Street. The proposal is to subdivide the property into two new small lots, retain and rotate the existing single-family dwelling on the northern lot and construct a new small lot house on the southern lot. The variances are related to front and rear yard setbacks on both lots.

The following points were considered in assessing this Application:

- the proposal is consistent with the design guidelines specified in the *Small Lot House Rezoning Policy, 2002*, and the current proposal retains the existing single-family dwelling
- the requested front and rear yard variances associated with the existing dwelling on Lot A are measured using Highview Street as the front lot line, whereas the dwelling fronts onto Finlayson Street. Therefore, the front and rear yards, as technically defined by the *Zoning Regulation Bylaw*, actually act as side yards and are consistent with the side yard setbacks of the R1-S2 Zone

- the requested front yard variance associated with the proposed dwelling on Lot B is consistent with the adjacent dwellings, which are set back close to the street. The rear yard setback is mitigated by the lack of windows on the second floor of the east façade and by the row of trees along the rear property line
- the Application is inconsistent with the *Tree Preservation Bylaw*, as a healthy Garry oak tree would be removed.

BACKGROUND

Description of Proposal

The proposal is to subdivide the property into two new small lots, retain the existing single family dwelling by rotating it on the northern lot and construct a new small lot house on the southern lot. Specific details of the proposed dwelling include:

- two-storey building with a prominent front entrance
- recessed one-car garage
- modern interpretation of the traditional pitched roof design
- exterior materials such as fibre cement lap siding, fibre cement panel, stone veneer, and asphalt shingles.

The proposed landscaping includes preserving the row of conifer trees on the eastern property line, a replacement Garry oak tree, and permeable stone driveways.

Variances are required for the existing house on Lot A to reduce the front yard setback from 6.0m to 2.91m and to reduce the rear yard setback from 6.0m to 2.44m. For the proposed new house, variances are required to reduce the front yard setback from 6.0m to 3.50m and to reduce the rear yard setback from 6.0m to 3.37m.

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

New curb, gutter, sidewalk and drainage along the Highview Street frontage would be secured as a condition of a separate Subdivision Application, in accordance with Section 506 of the *Local Government Act*.

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 as a single family dwelling with either a garden suite or a secondary suite.

Data Table

The following data table compares the proposal with the proposed R1-S2 Zone and the existing R1-B Zone. An asterisk is used to identify where the proposal is less stringent than the proposed Zone.

Zoning Criteria	Proposed Lot A (Existing)	Proposed Lot B (New)	Zone Standard R1-S2 Zone	Existing R1-B Zone
Site area (m ²) – minimum	351.00	300.00	260.00	460.00
Density (Floor Space Ratio) – maximum	0.27	0.49	0.60	N/A
Total floor area (m ²) – maximum	94.76	145.50	190.00	N/A
Lot width (m) – minimum	18.33	16.39	10.00	15.00
Height (m) – maximum	6.03	7.16	7.50	7.60
Storeys – maximum	2	2	2	2
Site coverage (%) – maximum	32.80	35.00	40.00	40.00
Setbacks (m) – minimum				
Front	2.91 *	3.50 *	6.00	7.50
Rear	2.44 *	3.37 *	6.00	7.50
Side (north)	N/A	2.40	1.50 (non-habitable) 2.40 (habitable)	1.83
Side (south)	4.21	2.40	1.50 (non-habitable) 2.40 (habitable)	3.00
Side on flanking street	5.07	N/A	2.40	3.50
Parking – minimum	1	1	1	1

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on March 27, 2018 the Application was referred for a 30-day comment period to the Hillside-Quadra CALUC. A letter dated February 7, 2018 is attached to the concurrent Rezoning Application 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* (OCP) identifies this property within Development Permit Area 15A, Intensive Residential - Small Lot. The proposal is generally consistent with the Design Guidelines specified in the *Small Lot Design Guidelines*. The architectural styles in the immediate area are predominantly traditional, with most single-family dwelling featuring pitched roof lines. The proposal maintains this style while adding a contemporary touch through the arched portion of the roofline. The shingle siding is complimentary to the existing house on Lot A. The entrance to the house is set back from the front façade, but the entry stairs extend further out than the garage, giving the pedestrian entry more prominence.

The landscaping maintains much of the existing plantings on the site, including a row of Douglas fir trees on the east property line. Permeable stone paving will be used for the driveway. A healthy Garry oak tree on Lot A is proposed for removal, with a new Garry oak proposed as a replacement.

Proposed landscaping includes preserving the row of conifer trees on the eastern property line, a replacement Garry oak tree, and permeable stone driveways.

The existing house on the northern lot is proposed to be retained at this time. The house will be rotated such that the front entrance faces onto Finlayson Street.

Tree Preservation Bylaw and Urban Forest Master Plan

At the request of staff, two separate ISA arborist assessments were conducted by Gye and Associates in June 2017 and July 2018. There were 15 trees inventoried on the subject site, of which three are protected. Eleven Douglas fir trees located on the property boundary are to be retained. One Garry oak (106cm DBH) on Lot A is proposed for removal due to its location, just inside the proposed building envelope. This mature Garry oak was assessed to be in fair to good condition and health with a low risk of structural failure. It adds a very large tree canopy to the area, adjacent to Summit Park. Three non-protected trees are also proposed for removal: one Deodar cedar, one Green ash and one cherry tree.

The proposed location of the existing home on Lot A requires the removal of a healthy bylaw-protected Garry oak. Staff believe the proposed building envelope could be revised to accommodate the retention of this tree. For instance, the house could be moved to Lot B, with the new house designed to preserve the Garry oak, or the location of the house on Lot A could be shifted to protect the tree.

At this time, the applicant has not shifted the existing building on Lot A to preserve the Garry oak. However, the applicant has suggested demolishing the existing house such that a new house could be designed to accommodate the Garry oak. This is inconsistent with the *Small Lot Rezoning Policy*, which notes that existing housing should not be demolished to make way for new housing. However, with Council's direction, staff can explore this option with the applicant.

Regulatory Considerations

There are four variances associated with this proposal; each proposed lot will require variances to the front and rear yards. The requested front and rear yard variances associated with the

existing dwelling on Lot A are measured using Highview Street as the front lot line, whereas in the proposal the dwelling would front onto Finlayson Street. Therefore, the front and rear yard setbacks off Highview Street in reality act as side yards, and these measurements are consistent with the side yard setbacks of the R1-S2 Zone. The actual front and rear yards are not consistent with the requirements of the R1-S2 Zone, but the rear yard is interior to the site and the front yard is impacted by a road dedication and Statutory Right-of-Way.

The requested front yard variance associated with the proposed dwelling on Lot B is consistent with the adjacent properties, whose dwellings are set back close to the street. The rear yard setback is mitigated by the lack of windows on the second floor of the east façade and the row of trees along the rear property line.

CONCLUSIONS

The overall design of the proposed house and the retention of the existing house is supportable by staff. However, the removal of a healthy Garry oak tree is inconsistent with the *Tree Preservation Bylaw*. Staff believe this tree could be retained with revised site planning. Therefore, staff recommend that Council consider sending this Application back to staff with direction to revise the plans to retain the Garry oak tree.

ALTERNATE MOTIONS

Option 1: Send Application as Proposed to an Opportunity for Public Comment

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. 00638, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 00075 for 1249 Finlayson Street, in accordance with:

1. Plans date stamped August 20, 2018.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the front yard setback on Lot A from 6.0m to 2.91m
 - ii. reduce the rear yard setback on Lot A from 6.0m to 2.44m
 - iii. reduce the front yard setback on Lot B from 6.0m to 3.50m
 - iv. reduce the rear yard setback on Lot B from 6.0m to 3.37m.
3. The Development Permit lapsing two years from the date of this resolution."

Option 2: Decline

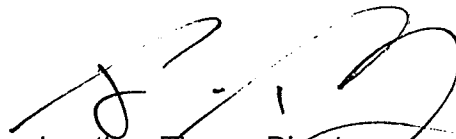
That Council decline Rezoning Application No. 00638 for the property located at 1249 Finlayson Street.

Respectfully submitted,



Michael Angrove
Planner
Development Services

JH.



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

Deborah Jenkins
Date: Sept. 13, 2018

List of Attachments:

- Attachment A: Arborist Reports dated July 2, 2017 and August 2, 2018.