



Committee of the Whole Report For the Meeting of March 28, 2019

To: Committee of the Whole **Date:** March 15, 2019
From: Andrea Hudson, Acting Director, Sustainable Planning and Community Development
Subject: Development Permit Application No. 000533 for 1888 Gonzales Avenue

RECOMMENDATION

1. That, subject to item 2 below, Council authorize the issuance of Development Permit Application No. 000533 for 1888 Gonzales Avenue, in accordance with the following terms:
 - a. Plans date stamped February 20, 2019.
 - b. Development meeting all *Zoning Regulation Bylaw* requirements.
 - c. The Development Permit lapsing two years from the date of this resolution.
2. That no development permit be issued until and unless the following agreements, in the form satisfactory to the City Solicitor, are registered against the title of the properties at 1888 Gonzales Avenue:
 - a. An easement to provide access to proposed Lot 1 and Lot 3 through proposed Lot 2 on the terms acceptable to the Director of Engineering and Public Works and a covenant preventing discharge of this easement without the City's consent; and
 - b. A restrictive covenant, on the terms acceptable to the Director of Parks, Recreation and Facilities, to establish a 3.0 metre wide no build area adjacent to Pemberton Park.

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 1888 Gonzales Avenue. The proposal is to subdivide the existing 2089.7m² lot into three lots, with two lots fronting Gonzales Avenue and a separate 984m² panhandle lot with access from Gonzales Avenue. The creation and development of the panhandle lot requires Council approval.

The following points were considered in assessing this Application:

- the proposed subdivision is consistent with the land use policies of the *Official Community Plan* (OCP) for sites designated as Traditional Residential
- the proposal is generally consistent with the Design Guidelines for Development Permit Area 15B: Intensive Residential – Panhandle Lot
- the proposed development is consistent with the *Gonzales Neighbourhood Community Plan*, which recommends a continuation of land use policies and zoning that maintains the single detached dwelling character of the neighbourhood
- the proposal includes a 3.0m wide no build area adjacent to Pemberton Park to provide a buffer area that would be planted with native species to enhance the natural area and walking path located in the Park adjacent to the subject site, consistent with the *Gonzales Neighbourhood Community Plan's* recommendation to maintain the green character of the area
- the proposed lot area and lot width for the panhandle lot exceeds the minimum regulations in Schedule H – Panhandle Lot Regulations of the *Zoning Regulation Bylaw*
- there are several bylaw-protected trees on or adjacent to the property which will be retained with this Application
- to minimize impact to the boulevard and sidewalk along Gonzales Avenue, vehicle access for Lot 3 would be via the panhandle driveway.

BACKGROUND

Description of Proposal

The proposal is to subdivide the existing 2089.7m² lot into three lots, with two lots fronting Gonzales Avenue and a separate 984m² panhandle lot with access from Gonzales Avenue. The creation and development of the panhandle lot requires Council approval. Specific details for the panhandle lot development include:

- combined floor area of 192.1m² on one level
- contemporary building design with a butterfly roof
- building design and vehicle access sited to minimize impact on bylaw-protected trees
- extensive perimeter landscaping and permeable surfacing to enhance the green character of the property, provide privacy screening and support the critical root zones of retained trees
- a 3m wide no build area adjacent to Pemberton Park to provide a native plant buffer
- cladding materials include stained vertical cedar siding, corrugated metal siding, smooth metal panels and metal fascia.

Affordable Housing Impacts

The applicant proposes the creation of three new residential lots which would increase the overall supply of housing in the area.

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 in the R1-G Zone, Gonzales Single Family Dwelling District. It is currently a 2089.7m² lot with frontage on Gonzales Avenue and adjacent to Pemberton Park on the west side of the property. The site is currently vacant but was previously occupied by a single family dwelling. The R1-G Zone permits single family dwellings, with either a secondary suite or a garden suite as an accessory use, at a maximum density of 0.5:1 floor space ratio (FSR) and maximum height of 7.6m and two storeys. The property could be subdivided into two standard R1-G zoned lots without Council approval and developed with two single family dwellings with secondary suites or garden suites.

Data Table

The following data table compares the proposed panhandle lot (Lot 2) with the Schedule H – Panhandle Lot Regulations for R1-G zoned properties. No variances are required to facilitate this proposal.

Zoning Criteria	Panhandle Lot	Schedule H
Site area (m ²) – minimum	984.0 (with panhandle access) 833.92 (without panhandle access)	600.0 (not including panhandle access)
Floor space ratio – maximum	N/A	N/A
Combined floor area (m ²) – maximum	192.1	280.0
Lot width (m) – minimum	24.24	18.0
Height (m) – maximum	3.61	5.0
Storeys – maximum	1	1

Zoning Criteria	Panhandle Lot	Schedule H
Site coverage (%) – maximum	22.4	25.0
Setbacks (m) – minimum		
Front	7.5	7.5
Rear	4.12	4.0
Side (west)	4.0	4.0
Side (east)	7.82	7.5
Parking – minimum	1	1

Community Consultation

The Application does not propose any variances, and therefore, has not been referred to the Fairfield Gonzales Community Association Land Use Committee (CALUC). This is consistent with the CALUC *Procedures for Processing Rezoning and Variance Applications*.

ANALYSIS

Development Permit Area and Design Guidelines

In the *Official Community Plan* (OCP, 2012), panhandle lot developments are included in DPA 15B, Intensive Residential – Panhandle Lot. The applicable design guidelines are the *Advisory Design Guidelines for Buildings, Signs and Awnings* (1981), as well as the *Small Lot House Design Guidelines* (2002).

The proposed house is consistent with the design guidelines and meets the more stringent height, setback and site coverage standards for a panhandle lot. The one-storey height and setbacks from the neighbouring properties, as well as the location of habitable rooms, minimizes the impacts on the privacy and overshadowing of yards while the siting of the house and location of the driveway ensures the building will be at least partially visible from Gonzales Avenue.

Extensive landscaping and new tree planting also provide a sensitive transition with adjacent properties. In addition, a three meter wide planted buffer is proposed along the subject property's west property boundary adjacent to Pemberton Park, and would be secured through a Section 219 covenant as a "no build" area. Native plants are proposed for this area to augment the existing planted natural area in the park and to provide a linear green space between the homes and the park.

Local Area Plans

The *Gonzales Neighbourhood Plan* (2002) encourages new housing that minimizes the impact on existing houses, and the density and green character of the neighbourhood. While the proposal would result in the development of a portion of the lot which is currently open site

space, it would provide a no build buffer area along the boundary with Pemberton Park, and would also retain all of the bylaw-protected trees and add new trees and plantings to contribute to the green character of the neighbourhood.

The Plan also recommends a continuation of land use policies and zoning that maintains the single detached dwelling character of the neighbourhood. The proposed panhandle lot subdivision is consistent with this policy.

Tree Preservation Bylaw and Urban Forest Master Plan

An arborist report was conducted for the entire property's tree inventory as a requirement of the development permit and subdivision applications. The subject site has four bylaw-protected trees. None are proposed for removal to facilitate development of the panhandle lot; however, a multi-stem, 90cm diameter at breast height (DBH) Cypress tree would likely require removal during construction on Lot 3 due to its close proximity to the building foundation. Two replacement trees would be planted on the subject site should this tree require removal.

The other three bylaw-protected trees are Garry oak #450 (97cm DBH), Bigleaf maple #448 (99cm DBH), and Deodar cedar #449 (97cm DBH). A second arborist report was conducted February 2019 to ascertain the locations of the protected roots of Garry oak #450, which is located on the proposed panhandle lot. The applicant re-designed the proposed building to accommodate this tree and to provide separation between its trunk and the building wall. The proposed patio would be built of permeable paving and floated above the root zones of Garry oak #450 and Garry oak #NT9.

Bigleaf maple #448 and Deodar cedar #449 are in close proximity to an existing driveway on the property. Driveway access to Lot 1 would be determined at the Building Permit stage and would be sited and designed to minimize the impact on the trees, boulevard and pedestrian experience along Gonzales Avenue. If the proposed driveway generally follows the existing driveway location, which is within the critical root zones of the trees, the arborist report recommends construction techniques and permeable materials for the driveway surface to mitigate the impact on these trees. Shared access via the panhandle driveway may be required if it is discovered that the trees cannot be sustained with a separate driveway to Lot 1.

Four public trees on Gonzales Avenue were also inventoried by the project arborist. Three would be removed due to poor health condition and to accommodate the new sidewalk alignment. These trees would be replaced with three new street trees within a new grass boulevard. One 53cm DBH Garry oak would also be retained on the Gonzales Avenue boulevard.

The project arborist inventoried three trees in Pemberton Park – two Bigleaf maples measuring 130cm DBH and 33cm DBH, and a 56cm DBH Garry oak, all located approximately 2-3 meters from the property line within the natural area of the Park near the public trail. The proposed site plan considered placement of the homes and retention of these trees. Fourteen trees were inventoried on the three neighbouring private properties adjacent to the subject site. Nine are bylaw-protected Garry oaks in fair to good health. All these trees would be retained and protected during construction. The project arborist would be on site to supervise all construction activities within or near the root zones of protected trees.

CONCLUSIONS

The proposed development is consistent with the land use policies of the *Official Community Plan* (2012), and is designed to meet the design guidelines for DPA 15B: Intensive Residential – Panhandle Lot, the panhandle lot regulations in the *Zoning Regulation Bylaw* and minimize privacy overshadowing impacts on neighbouring properties including Pemberton Park. Staff recommend that Council consider supporting the Application.

ALTERNATE MOTION

That Council decline Development Permit Application No. 000533 for the property located at 1888 Gonzales Avenue.

Respectfully submitted,

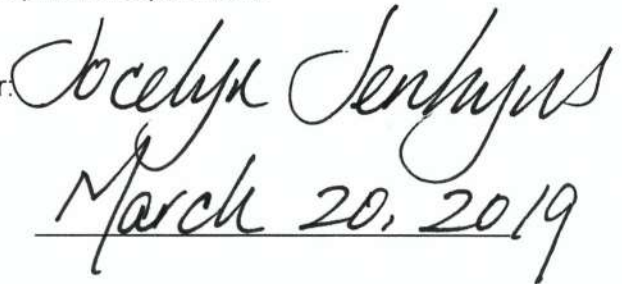


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Andrea Hudson, Acting Director
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Report accepted and recommended by the City Manager:



Date:

March 20, 2019

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped February 20, 2019
- Attachment D: Letter from applicant to Mayor and Council dated December 10, 2018
- Attachment E: Arborist Reports dated February 12, 2019 and December 19, 2018
- Attachment F: Correspondence.