



Committee of the Whole Report For the Meeting of May 9, 2019

To: Committee of the Whole **Date:** April 26, 2019

From: Andrea Hudson, Acting Director, Sustainable Planning and Community Development

Subject: Development Permit with Variance Application No. 00110 for 1068 Chamberlain Street

RECOMMENDATION

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 Variance Application No. 00110 for 1068 Chamberlain Street, in accordance with:

1. Plans date stamped March 28, 2019.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
 - i. reduce the rear yard setback from 12.7m to 10.26m.
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 with Variance Application for the property located at 1068 Chamberlain Street. The proposal is to build a duplex with a secondary suite, using new construction for the entire building instead of renovating the pre-existing single family dwelling and adding an addition as per the Council-approved Development Permit with Variances (No. 000488). The building was

demolished during construction without proper permits in place. This Development Permit with Variance Application would authorize a change from renovation to new construction. Other changes to the approved Development Permit with Variances include altering the roofline as well as changes to materials and windows. The variance for this application is related to reducing the rear yard setback.

The following points were considered in assessing this application:

- The proposal is generally consistent with the design approved by Council on December 6, 2017. The original proposal was to raise and renovate the existing single family dwelling and add an addition; however, the building was demolished during construction. This proposal is to revise the Council approved Development Permit in order to permit the entire building to be new construction and to authorize changes to the materials and the roofline.
- The proposal is generally consistent with the *Neighbourliness Guidelines for Duplexes* and fits in with the existing neighbourhood scale and massing.
- The proposal is also generally consistent with many of the goals in the *Gonzales Neighbourhood Community Plan (2002)*. The Plan encourages retaining existing housing and additions that fit with the scale of the neighbourhood, which in part led to staff's recommendation of support for the original proposal.
- The variance is to reduce the rear yard setback from 12.7m to 10.26m for a deck. A variance to allow parking in the front yard, approved as part of the Development Permit with Variances Application (No. 000488), is no longer necessary with the change in Schedule C: Off-Street Parking Regulations approved by Council in July 2018. The increase in floor area for the first and second storey was addressed in the site-specific R2-55 Zone, Duplex with Secondary Suite (Chamberlain) District.

BACKGROUND

Description of Proposal

The proposal is for a duplex with a secondary suite. This application is to amend the existing Development Permit with Variance (DPV). The design of the building is nearly the same as that of the earlier application which was approved by Council; however, the building that was to be retained was dismantled, therefore this application proposes new construction as well as changes to the proposed roofline and windows.

The proposed variance is to reduce the rear yard setback from 12.7m to 10.26m.

History

On December 6, 2017, Council approved Rezoning Application No. 00541 and Development Permit with Variances Application No. 000488 to permit the construction of an addition to create a duplex with a secondary suite.

After the applicant submitted a building permit, they submitted a development permit application for proposed changes to the Council-approved Development Permit. The changes included altering the roof type from a hip roof to a gable roof, altering the accessory building setbacks and windows, altering the window sizes and changing the fence height. Those changes fell within the scope of authority delegated to the Director. The Development Permit and Building Permit plans submitted by the applicant were consistent with the Council-approved Development Permit plans, which showed that the existing house would be "raised, moved and renovated with a finished basement."

On November 23, 2018, staff became aware that the existing building had been demolished without permits. This was inconsistent with the Building Permit and Development Permit, which stated that the building was to be raised and renovated. The applicant has indicated in their letter dated March 28, 2019, that there were structural deficiencies that were revealed after stripping the existing house which according to the applicant made the retention of the house not feasible. A stop work order was placed on the property on January 8, 2019, and at that time, construction was allowed to progress solely for the purpose of installing a vapor barrier that would mitigate weather damage. On April 2, 2019, the applicant requested that the stop work order be partially lifted to allow completion of the exterior roof assembly installation to further protect from moisture and prevent mould and material damage caused by condensation. On April 5, 2019, the City confirmed that these aspects could be completed.

The *Land Use Procedures Bylaw* authorizes the Director to approve minor amendments to plans attached to or referenced in existing permits when the proposed amendments are substantially in accordance with terms and conditions of the original permit. The change from renovation to new construction is not in accordance with plans approved by Council; therefore, it requires Council approval through a development permit with variance application. The Delegated Development Permit Application been has been retired, and all the proposed changes are included for Council's consideration in the Development Permit with Variance Application.

The attached letter to Mayor and Council dated March 28, 2019 describes the proposal and history.

Affordable Housing Impacts

The applicant proposes the creation of two new residential units, which would increase the overall supply of housing in the area.

Sustainability Features

The applicant has identified several sustainability features in their letter dated March 28, 2019, including following Passive House design principles with the goal of achieving certification.

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 with Variance 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 partially constructed building. Under the current R2-55 Zone, Duplex with Secondary Suite (Chamberlain) District, the property could be developed as a single family dwelling with secondary suite or garden suite, or a duplex with secondary suite, at a density of 0.5 to 1 Floor Space Ratio (FSR).

Data Table

The following data table compares the proposal with the R2-55 Zone, Duplex with Secondary Suite (Chamberlain) District. An asterisk is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposal	Existing R2-55 Zone
Site area (m ²) – minimum	709.00	709.39
Site area per unit (m ²) – minimum	236.46	236.00
Floor Space Ratio – maximum	0.36	0.50
Combined floor area (m ²) – maximum	359.80	380.00
Floor area, first and second storey (m ²) – maximum	359.80	360.00
Lot width (m) – minimum	19.44	15.00
Height (m) – maximum	6.88	7.60
Storeys – maximum	2	2
Site coverage (%) – maximum	36.00	40.00
Open site space (%) – minimum	60.00	30.00
Setbacks (m)		
Front – minimum	8.09	7.50
Steps and Porch – maximum	2.24	3.50
Rear – minimum	10.26 *	12.70
Side (north) – minimum	2.58	1.94
Side (south) – minimum	3.29	3.00
Combined side yards – minimum	5.23	4.50
Parking – minimum	2	2
Accessory Building		
Location	Rear Yard	Rear Yard
Combined floor area (m ²) – maximum	21.07	37.00
Height (m) – maximum	2.16	3.50

Zoning Criteria	Proposal	Existing R2-55 Zone
Rear setback (m) – minimum	0.66	0.60
Side setback (m) – minimum	0.65	0.60
Separation space from main building – minimum	5.93	2.40
Rear yard site coverage (%) – maximum	15.00	25.00
Rear Open Site Space (%) – minimum	85.00	33.00

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, on February 6, 2019 the application was referred for a 30-day comment period to the Fairfield and Gonzales CALUC. At the time of writing this report, a letter from the CALUC had not been received.

This application proposes a variance; therefore, in accordance with the City's *Land Use Procedures Bylaw*, it requires notice, sign posting and a meeting of Council to consider the variance.

ANALYSIS

Official Community Plan

The Official Community Plan has objectives for the retention and re-use of buildings, as well as passive building systems and energy efficient design. The building is no longer proposed to be renovated and will be new construction; however, the applicant has stated that building materials will be reused where possible. The applicant has indicated in their letter dated March 28, 2019 that the building will be constructed to Passive House design standards, with the aim of achieving certification. While this is the stated goal of the applicant, there is no legally binding commitment in the absence of a covenant, therefore, compliance with any specific design standard is not guaranteed.

Development Permit Area and Design Guidelines

The proposal is generally consistent with the design guidelines in the *Neighbourliness Guidelines for Duplexes*; however, it is not consistent with the allowed uses as it includes a secondary suite. The property was rezoned to a site-specific zone in 2017, which allowed a duplex and secondary suite as permitted uses.

The design of the building in this application is essentially the same as the approved Development Permit; however, the building that was to be retained is proposed to be new construction, and there are changes to the proposed roofline and windows.

The roofline is proposed to be changed from a hipped roof to a gable roof, which is consistent with other buildings in the immediate neighbourhood. The change in roof type would increase the height of the building slightly, from 6.83m to 6.88m. A gable roof may increase the overall massing slightly; however, the change is marginal and the building massing would be similar to other buildings in the neighbourhood, including the multiple dwelling to the north of the property.

Gonzales Neighbourhood Community Plan

The property is located within the Residential designation in the *Gonzales Neighbourhood Plan* (2002). The plan encourages retention of existing housing stock and additions that are sensitive to the neighbourhood. It also encourages minimizing the impacts of new houses on existing houses, density and green character of the neighbourhood. The proposal is to build a new building on the original footprint of the original single family dwelling, with an addition.

Tree Preservation Bylaw and Urban Forest Master Plan

Since excavation and construction activity occurred near a large Garry oak on the neighbour's property to the south without protection measures, an impact assessment was undertaken by Talbot Mackenzie & Associates. In the Arborist Report dated March 28, 2019, the Project Arborist states the following: "we do not feel that any significant impacts have occurred to either the health or stability of the tree." Tree protection recommendations in the report are required to continue work on the site.

Regulatory Considerations

The proposed variance for this application is to reduce the minimum rear yard setback from 12.7m to 10.26m.

The previous Development Permit with Variances Application No. 000488 approved by Council had the following variances to:

- i. allow parking in the front yard
- ii. reduce the minimum rear yard setback 12.7m to 10.26m.

The minimum rear yard setback is requested to be reduced from 12.7m to 10.26m. The reduced setback is measured from a new raised deck for one side of the duplex (Suite 1). The main structure does not intrude in the setback, and staff therefore consider this variance supportable.

The variance for parking location is not required in this application due to the changes to Schedule C: Off-Street Parking Regulations adopted in July 2018, which allow parking in the front yard for two-family dwellings. The driveway would be screened from neighbours by landscaping as well as a perimeter fence on each side.

CONCLUSIONS

This application is to change the existing Development Permit for a duplex with secondary suite, and to utilize new construction instead of renovating the existing house. The existing house was demolished without proper permits in place. The applicant states that there were challenges with adapting and reusing the building and these challenges were realized after construction began. When the City became aware that it was not in accordance to the approved Development Permit or Building Permit plans, a stop work order was placed on the property. Minor amendments to Council-approved plans attached to a Development Permit can be approved by the Director, if in accordance to the terms of the original permit. However, the change from renovation of the

existing building to new construction is not in accordance to the plans approved by Council; therefore, this proposal would replace the existing approved plans. This proposal utilizes a similar design as previously approved, with a change in the roof type, windows, materials, and a change from a renovation to new construction. Staff recommend Council consider supporting this application.

ALTERNATE MOTION

That Council decline Development Permit with Variance No. 00110 for the property located at 1068 Chamberlain Street.

Respectfully submitted,



Chelsea Medd, Planner
Development Services Division



Andrea Hudson, Acting Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager



Date: May 3, 2019

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped March 28, 2019
- Attachment D: Letter from applicant to Mayor and Council dated March 28, 2019
- Attachment E: Arborist report dated March 28, 2019
- Attachment F: Committee of the Whole Rezoning and Development Permit with Variances reports for the meeting on August 3, 2017
- Attachment G: Council report for the meeting on October 26, 2017.