



Committee of the Whole Report For the Meeting of September 5, 2019

To: Committee of the Whole **Date:** August 22, 2019

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

Subject: Development Permit with Variances Application No. 00040 for 2251 Lydia Street

RECOMMENDATION

That subject to the applicant making revisions to Development Permit with Variances Application No. 00040 for 2251 Lydia Street to the satisfaction of the Director of Sustainable Planning and Community Development to:

- a. revise the design of Lot 2 (Lydia Street) to improve the street relationship and to change the size and/or glazing of windows on the south elevation; and
- b. revise the design of Lot 3 to create more consistency with the *Small Lot House Design Guidelines*.

Then 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. 00040 for 2251 Lydia Street, in accordance with:

1. Plans date stamped May 14, 2019.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the minimum rear yard setback on Lot 2 from 6.00m to 5.25m
 - ii. reduce the minimum (south) side yard setback on Lot 2 from 2.40m to 1.50m
 - iii. reduce the minimum (north) side yard setback on Lot 2 from 2.40m to 1.64m
 - iv. reduce the minimum rear yard setback on Lot 3 from 6.00m to 4.80m
 - v. reduce the minimum (east) side yard setback on Lot 3 from 2.40m to 1.50m.
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 *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 2251 Lydia Street in the Fernwood neighbourhood. The application is to approve the design and construction of two new small lot single family dwellings in the R1-S2 Zone, Restricted Small Lot (Two Storey) District. The existing house is subject to a separate Heritage Alteration with Variance Permit Application (see accompanying report). Setback variances are requested on all lots.

The following points were considered in assessing this application:

- the design of the proposed dwellings were reviewed for consistency with the *Small Lot House Design Guidelines*. The design of the proposed dwellings would benefit from revisions for consistency with the *Small Lot House Design Guidelines*. The changes requested would result in infill dwellings that are more sensitive to the immediate area and larger context.
- there are a number of variances for siting (setbacks) associated with this application. The variances were reviewed in response to potential privacy and visual impacts on adjacent properties.

BACKGROUND

Description of Proposal

The proposal is to construct two new small lot houses and retain the existing heritage-designated house. Specific details include:

- each of the new houses is two storeys with three bedrooms and a basement
- the traditional design of each new house features a front porch and gables
- materials include board and batten panels, cedar shingles and Hardie panel wood siding
- parking for the Denman Street property is surface parking, with a separate entrance to a bicycle room and a home office on the basement level
- the Lydia Street property incorporates a single car garage
- landscaping consists of a concrete patio in the rear yard of each house, lawn area and two new trees and retention of a number of existing trees and some fencing to match the existing fences.

The applicant is requesting several setback variances from the R1-S2 Zone. The proposed variances are related to:

- Proposed Lot 2 (Lydia Street) – both side yard setbacks due to the placement of a habitable window and a rear yard setback due to the exterior stair location
- Proposed Lot 3 (Denman Street) – a side yard setback due to the placement of habitable windows and a rear yard setback due to the exterior stair location.

These variances are further discussed in the Analysis section of this report.

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 in association with this application.

Public Realm Improvements

No public realm improvements are proposed in association with this application.

Existing Site Development and Development Potential

Under the current R1-S2 Zone, Restricted Small Lot (Two Storey) District, the property could be developed at a density of 0.6:1 Floor Space Ratio (FSR) for a single family dwelling. This zone does not permit secondary suites or garden suites.

Land Use Context

There are two small lot houses in the immediate area directly across Denman Street to the north. The adjacent single family dwelling to the east is set back from Denman Street and is two storeys in height. There are also single family dwellings to the south and west. In general, the area is composed of predominantly single family dwellings of various styles, sizes and designs.

Relevant History

In April 2007, Council approved Rezoning Application No. 00014 to rezone the subject lands from the R1-B Zone, Single Family Dwelling District, to the R1-S2 Zone to permit the land to be subdivided for three small lot single family dwellings. The subdivision into the three small lots has not been finalized, and can be concluded dependent on the direction from Council on the Heritage Alteration Permit with Variance Application.

Data Table

The following data table compares the proposal with the 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 (variances requested). A double asterisk indicates an existing situation.

Zoning Criteria	Lot 2 Lydia Street	Lot 3 Denman Street	Zone Standard R1-S2
Site area (m ²) - minimum	260	324	260
Density (Floor Space Ratio) - maximum	0.46:1	0.51:1	0.6:1
Total floor area (m ²) - maximum	135.7	162.1	190 (1 st and 2 nd floor, excluding floor space under a ceiling less than 1.8m above grade)
Lot width (m) - minimum	10.02	15.24	10
Height (m) - maximum	7.24	7.36	7.5
Basement ceiling height from grade (m) - maximum	0.79	1.2	1.2
Roof deck	No	No	Not permitted
Storeys - maximum	2	2	2 Any floor area 1.2m above grade is a first storey
Basement	Yes	Yes	Permitted
Site coverage % - maximum	35.50	35.50	40
Front (Street) (m) - minimum	6.0 (Lydia)	6.02 (Denman)	6.0
Projections (m) stairs - maximum	n/a	1.5	2.5 (1.7 m max height)
Projections (m) porch roof - maximum	n/a	n/a	maximum
Rear (m) - minimum	5.25* (east) stairs (letter states 5.4m)	4.8* (south) stairs (letter states 5m)	6.0
Side (m) - minimum	1.50* (south) habitable	1.50* (east) habitable	1.5 non-habitable 2.4 habitable (rec room)
Side (m) - minimum	1.60* (north) habitable	3.04 (west) habitable	1.5 non-habitable 2.4 habitable

Zoning Criteria	Lot 2 Lydia Street	Lot 3 Denman Street	Zone Standard R1-S2
Side on flanking street (m) - minimum	n/a	n/a	2.4
Parking - minimum	1	1	1

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the application and revisions were referred to the Fernwood Community Association four times for the 30-day comment periods. At the time of writing this report, a letter from the CALUC had not been received on this application.

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 and Variances

The *Official Community Plan (OCP)* identifies this property within Development Permit Area 15A: Intensive Residential Small Lot. The proposal is subject to the *Small Lot House Design Guidelines*; the purpose of these guidelines is to encourage a sensitive fit and infill that enhances an established streetscape. There are inconsistencies with the design guidelines, which compromise key principles related to privacy and the streetscape. As the design and variances are closely intertwined, the variances will be analyzed in this section.

Lot 2: Proposed House - Lydia Street

a) Street Relationship

The *Small Lot House Design Guidelines* encourage lessening of the visual impact of garage doors so it is not a dominant design element. Detailing such as recessing the garage doorway to create deep shadows, providing plant shelf recesses flanking the door or setting the garage façade back from the rest of the house would lessen its visual impact.

Stairs to the principal entry should be wide and interesting from the street. They may include planters, intermediate landings, sidewalls, banisters and walkway lighting.

Staff have recommended that the garage be recessed further into the façade of the house and that the main entry be brought closer to the street in order to lessen the visual impact of the garage and to create a more positive street relationship. The applicant has responded by creating a larger porch, but has not recessed the garage further into the façade. Staff do not believe this change is sufficient to address the Guidelines.

b) Side Yard Setback Variances for Habitable Room Windows

The applicant is seeking variances to reduce the side yard setbacks (north and south) from 2.4m to 1.5m to accommodate habitable room windows. On the north side, the setback variance is required for the family room (lower level). Potential for overlook and privacy concerns are minimal on these windows due to their size and placement and additional light into the basement level would improve liveability.

On the south side, the setback variance is required for the family room (lower level) and dining/living area on the main floor. With respect to the windows on the main floor (south side), it is recommended that they be redesigned or have obscured glass to mitigate privacy issues with respect to 2235 Lydia Street. The applicant has provided a photo showing the location of these windows illustrating the extent of the overlook. Staff are suggesting the changes noted and recommend the variance to the south side setback is supportable subject to the recommended revisions.

c) Rear Yard Setback Variance

In order to accommodate a set of stairs to the rear yard, the applicant requires a rear yard setback variance from 6.0m to 5.25m. As the building façade meets the setback requirement, and as this is not an area of concern regarding privacy, staff recommend that Council support this variance.

Lot 3: Proposed House - Denman Street

The *Small Lot House Design Guidelines* state the following:

- massing and building proportion of established housing should be reflected in the new development
- the proportion, size and detailing of windows should relate to that of neighbouring houses.

a) Street Relationship

Generally, the proposal does not form a positive relationship with the street nor is there a relationship to local context. This is reflective of the building massing, roof form and pitch, fenestration, lack of articulation, competing architectural elements, materials and colours and inclusion of a below-grade bike storage area.

It is the opinion of staff that further design refinement is needed to create a more positive street relationship, specifically that the following be considered:

- reduce the area of the upper storey
- redesign the barn style roof and/or redesign dormers that are more integral to the roof structure
- simplify the fenestration of the front façade to achieve a more cohesive design and to be more in keeping with neighbouring properties
- simplify the materials to form a more cohesive design
- change the bicycle storage access from the front of the house to the side or rear, and reduce the width of the ramp/grade change and reduce the amount of additional pavement as the width is excessive for bike access.

b) Side Yard Setback Variance for Habitable Room Windows

A variance is requested for the east elevation for two upper storey bedroom windows. Staff recommend support for this variance as the neighbouring property line and placement of the dwelling unit at 1711 Denman Street (adjacent house) is stepped back from the street which minimizes potential overlook and privacy concerns.

c) Rear Yard Setback Variance

In order to accommodate a set of stairs to the rear yard, the applicant requires a rear yard setback variance from 6.0m to 4.8m. As the building façade meets the setback requirement, and as this is not an area of concern regarding privacy (stairs face a garage), staff recommend that this variance is supportable.

Local Area Plan

Although the subject lands are considered part of the Fernwood neighbourhood, the policies for this area are contained in the *Jubilee Neighbourhood Plan*. This Plan recommends that small lot house subdivisions and construction be considered and that applications comply with the *Small Lot House Design Guidelines*, as well as the standards set out in the R1-S2 Zone, Restricted Small Lot (Two Storey) District. The current proposal requires several variances from the standards set out in the R1-S2 Zone, Restricted Small Lot (Two Storey) District, as previously described.

Tree Preservation and Urban Forest Masterplan

There are nine existing trees on the subject site, none of which are bylaw protected. A protected Horse Chestnut tree was removed several years ago with permits as it was diseased, and two replacement trees will be planted on Lots 1 and 3 as required by the Tree Preservation Bylaw as part of the final landscaping. Another Horse Chestnut tree (not protected) is proposed for removal as it would be too heavily impacted by Lot 3 adjacent home construction.

There are two existing public trees on Denman Street: a Flowering Plum and a Hawthorne. They will be retained and protected during construction. Two new boulevard trees are proposed with this development's frontage improvements along Lydia Street. Their species will be determined at Building Permit stage by Parks staff.

Regulatory Considerations

The proposed variances from the *Zoning Regulations Bylaw* which were discussed in the Analysis section of this report can be summarized as:

- reduce the minimum rear yard setback on Lot 2 from 6.00m to 5.25m (supportable)
- reduce the minimum (south) side yard setback on Lot 2 from 2.40m to 1.50m (supportable subject to revisions)
- reduce the minimum (north) side yard setback on Lot 2 from 2.40m to 1.60m (supportable)
- reduce the minimum rear yard setback on Lot 3 from 6.00m to 4.80m (supportable)
- reduce the minimum (east) side yard setback on Lot 3 from 2.40m to 1.50m (supportable).

CONCLUSIONS

The proposed dwellings were reviewed for consistency with the *Small Lot House Design Guidelines*. It is the opinion of staff that the design of the proposed dwellings would benefit from further revisions for consistency with the *Small Lot House Design Guidelines*. Changes requested to the proposed house on Lot 2 (Lydia Street) would decrease the prominence of the garage and create a more welcoming and positive street frontage. The changes requested to the proposed house on Lot 3 (Denman Street) are more substantial in nature in order to provide for a better fit of the proposed dwelling in the immediate and larger context.

The requested side yard variances for proposed Lot 2 (Lydia Street) to accommodate habitable room windows is not supportable due to the impact on the privacy and overlook of the neighbouring dwelling; however, the recommended changes by staff are relatively minor (change to size of windows or glazing), and with these changes this variance would be supportable.

The rear yard variances for proposed Lots 2 and 3 for the placement of stairs and landings are supportable and do not present privacy or overlook issues.

ALTERNATE MOTIONS

Option 1: Approve as presented

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 Application No. 00040 for 2251 Lydia Street, in accordance with:

1. Plans date stamped May 14, 2019.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the minimum rear yard setback on Lot 2 from 6.00m to 5.25m
 - ii. reduce the minimum (south) side yard setback on Lot 2 from 2.40m to 1.50m
 - iii. reduce the minimum (north) side yard setback on Lot 2 from 2.40m to 1.64m
 - iv. reduce the minimum rear yard setback on Lot 3 from 6.00m to 4.80m
 - v. reduce the minimum (east) side yard setback on Lot 3 from 2.40m to 1.50m.
3. The Development Permit lapsing two years from the date of this resolution."

Option 2: Decline

That Council decline Development Permit with Variances Application No. 00040 for the property located at 2251 Lydia Street.

Respectfully submitted,



Lucina Baryluk
Senior Planner
Development Services Division



Andrea Hudson, Director (Acting)
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

Joelyn Enslin
Date: Aug 27, 2019

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans, dated/date stamped May 14, 2019
- Attachment D: Letter from applicant to Mayor and Council, dated June 22, 2019 and public survey.