



Committee of the Whole Report

For the Meeting of November 28, 2019

To: Committee of the Whole **Date:** November 14, 2019

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

Subject: Development Permit with Variances Application No. 000546 for 1302 Finlayson Street

RECOMMENDATION

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. 00687, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 000546 for 1302 Finlayson Street, in accordance with:

1. Plans date stamped May 3, 2019.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the front yard setback from 6.0m to 2.0m (Lot A)
 - ii. reduce the rear yard setback from 6.0m to 4.63m to the building and to 3.43m to the steps (Lot A)
 - iii. reduce the side yard setback on Finlayson Street from 6.0m to 0.51m (Lot B)
 - iv. increase the site coverage from 40% to 47.99% (Lot B).
3. Revised plans, to the satisfaction of the Director of Sustainable Planning and Community Development, that address the asymmetry of the second floor north façade windows and the width of the exterior railing supports.
4. 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 Variances Application for the property located at 1302 Finlayson Street. The proposal is to subdivide the property into two new small lots, maintain the existing mixed-use building on the southern lot and construct a new small lot house on the northern lot. The variances are related to front and rear yard setbacks on Lot A (new building) and floor area, site coverage, and a side yard setback on Lot B (existing building).

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 applicant would retain the existing mixed-use building
- reducing the front yard setback on Lot A (new building) is supportable as it is a greater setback than Lot B and creates a staggered transition to the Highview Park
- reducing the rear yard setback on Lot A is supportable as it lines up with the existing building on Lot B
- increasing the site coverage on Lot B is supportable as this is a result of retaining the existing building and there is still adequate amenity space on-site
- reducing the side yard (Finlayson Street) setback on Lot B is supportable as this is an existing condition that is being made worse through the City-required land dedication.

BACKGROUND

Description of Proposal

The proposal is to subdivide the property into two new small lots, maintain the existing mixed-use building on the southern lot and construct a new small lot house on the northern lot. Specific details for the proposed building include:

- two-storey building with a side yard parking pad
- traditional style architecture with exterior materials such as Hardieshingle and Hardieplank siding, and asphalt shingles that are reflective of other buildings in the area
- wrap-around balcony that provides eyes on the street and on the park to the north.

A variance to reduce the front yard setback from 6.0m to 2.0m and the rear yard setback from 6.0m to 4.63m (3.43m to the steps) is required for the proposed house. For the existing house, variances are required to reduce the side yard setback on Finlayson Street from 6.0m to 0.51m and increase the site coverage from 40% to 47.99%.

Affordable Housing Impacts

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

Tenant Assistance Policy

The proposal is to retain an existing building and redevelop the rear yard, which would not result in the loss of existing residential units.

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 with Variances Application.

Accessibility Impact Statement

The British Columbia Building Code regulates accessibility as it pertains to buildings.

Existing Site Development and Development Potential

The site presently houses a mixed-use building with a commercial unit on the ground floor and a residential unit on the second storey. 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 existing R1-B Zone, Single Family Dwelling District. An asterisk is used to identify where the proposal is less stringent than the existing zone. Two asterisks identify a legal non-conforming component.

Zoning Criteria	Proposal - Lot A (new building)	Proposal - Lot B (existing building)	Zone Standard R1-S2, Restricted Small Lot (Two Storey)
Site area (m ²) – minimum	260.50	283.40	260.0
Density (Floor Space Ratio) – maximum	0.60	0.75 *	0.60
Total floor area (m ²) – maximum	157.13	211.26 **	190.0
Site coverage (%) – maximum	38.41	47.99 *	40
Lot width (m) – minimum	16.99	18.70	10.0
Height (m) – maximum	7.50	7.38	7.50
Storeys – maximum	2	2	2

Zoning Criteria	Proposal - Lot A (new building)	Proposal - Lot B (existing building)	Zone Standard R1-S2, Restricted Small Lot (Two Storey)
Setbacks (m) – minimum			
Front (west - Highview Street)	2.0 *	0.43 **	6.0
Rear (east)	3.43 * (steps) 4.63 * (building)	2.72 ** (steps) 4.61 ** (building)	6.0
Side (north)	2.40	3.01	1.50 (non-habitable) 2.40 (habitable)
Side (south)	3.0	N/A	1.50 (non-habitable) 2.40 (habitable)
Side on flanking street (Finlayson Street)	N/A	0.51 *	2.40
Parking (residential) – minimum	1	1	1
Parking (commercial) – minimum	N/A	0 **	2 (as per Schedule C)

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the Hillside-Quadra CALUC at a Community Meeting held on November 28, 2018. A letter dated January 6, 2019 is attached to this 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 immediate area primarily consists of traditional architectural styles. The proposed dwelling maintains the overall massing and gabled roofline that is found on many other houses in the area. The wrap-around deck would provide for eyes on both the street and Highview Park. The proposed setbacks are similar to the existing dwelling and provide a step back towards the park.

The house on the southern lot is existing and there are no changes proposed, so the building has not been assessed against the *Small Lot Design Guidelines*.

Tree Preservation Bylaw and Urban Forest Master Plan

There are four existing European ash trees growing along the Highview Street side of the proposed new lot. These trees are proposed for removal to construct a new public sidewalk which will be separated from the street by a grass boulevard. The trees measure 19cm, 22cm and 22cm in DBH (diameter at breast height) with the multi-stemmed tree having a calculated DBH of 25cm. One of these ash trees has a wound at the base with internal decay and the multi-stemmed ash has poor structure. Two new street trees are proposed for the newly created boulevard space which replaces a gravel road shoulder used for parking. The tree species will be determined at building permit stage. No new trees are presently proposed on private property.

Two City owned Garry oak trees are growing adjacent to the proposed new lot. A mature 71cm diameter at breast height (DBH) protected Garry oak tree located in Highview Park, nine metres from the subject property boundary, is not expected to be negatively impacted by the proposed application. On the opposite side of Highview Street there is a multi-stemmed Garry oak with trunks measuring 73, 80 and 88cm DBH. The proposed location of the water service connection to the water main will be located to reduce any impacts to this tree.

The work to remove the additional trees identified for removal in the Arborist Report has already taken place.

Regulatory Considerations

There are four variances related to this application. The first variance is to reduce the front yard setback on Lot A (new building). This setback represents a greater setback than Lot B and creates a staggered transition to the park. The second variance is to reduce the rear yard setback on Lot A. This setback is in line with the building on Lot B while still providing adequate amenity space for the future residents. The second storey windows on the east façade will be obscured glass in an effort to mitigate overlook concerns with the adjacent property. The third variance is to increase the site coverage on Lot B, which is a result of retaining the existing building, which through legal non-conformity has a total floor area that exceeds the maximum allowed, while providing the minimum site area to accommodate a small lot subdivision (Lot A). Finally, a variance is required to reduce the side yard setback on Lot B on Finlayson Street. This is an existing legal non-conforming condition that is being made worse through the City-required land dedication and therefore no perceptible change is occurring.

CONCLUSIONS

The proposal to construct a new small lot house along with four variances is consistent with Development Permit Area 15A: Intensive Residential - Small Lot. The small lot house is a form of sensitive infill development and generally fits in with the existing neighbourhood. In this instance, the proposed variances are recommended as being supportable as the front yard setback of the proposed dwelling is an increase over the existing building to the south, the rear yard setback of the proposed dwelling is consistent with the existing building, the site coverage allows the existing house to be retained, and the side yard setback on the existing house is an existing condition that is triggered by a land dedication to the City. Therefore, staff recommend Council consider supporting this application.

ALTERNATE MOTION

That Council decline Development Permit with Variances Application No. 000546 for the property located at 1302 Finlayson Street.

Respectfully submitted,



Mike Angrove
Planner
Development Services Division



Andrea Hudson, Acting Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date:

Nov 20, 2019

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped May 3, 2019
- Attachment D: Letter from applicant to Mayor and Council dated May 3, 2019
- Attachment E: Community Association Land Use Committee Comments dated January 6, 2019
- Attachment F: Statement of Significance
- Attachment G: Arborist Report
- Attachment H: Small Lot Petition.