



## Committee of the Whole Report

### For the Meeting of March 26, 2020

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**To:** Committee of the Whole **Date:** March 12, 2020

**From:** Karen Hoesle, Director, Sustainable Planning and Community Development

**Subject:** Development Variance Permit No. 00234 for 429 Parry Street and  
Development Variance Permit No. 00235 for 431 Parry Street

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### RECOMMENDATION

That, subject to the preparation and execution of legal agreements to secure a Statutory Right-of-Way, to the satisfaction of the Director of Engineering, 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 Variance Permit Applications No.00234 for 429 Parry Street and No.00235 for 431 Parry Street in accordance with:

1. Plans date stamped December 19, 2019 (429 Parry Street) and December 23, 2019 (431 Parry Street)
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:  
For Development Variance Permit No. 00234 at 429 Parry Street:
  - i. reduce the front yard setback from 7.5m to 3.79m;
  - ii. reduce the rear yard setback from 8.28m to 4.71m for the rear stairs and 5.61m for the building;
  - iii. reduce the north side yard setback from 1.5m to 1.2m;
  - iv. reduce the south side yard setback from 3m to 2m; and
  - v. reduce the combined side yard setback from 4.5m to 3.2m.For Development Variance Permit No. 00235 at 431 Parry Street:
  - i. reduce the front yard setback from 7.5m to 4.41m;
  - ii. reduce the rear yard setback from 8.28m to 4.42m for the rear stairs and 4.95m for the building;
  - iii. reduce the north side yard setback from 1.5m to 1.2m;
  - iv. reduce the south side yard setback from 3m to 2m; and
  - v. reduce the combined side yard setback from 4.5m to 3.2m.
3. Registration of legal agreements on both property titles to secure a Statutory Right-of-Way, to the satisfaction of the Director of Engineering.
4. The Development Permits lapsing two years from the date of this resolution.

## LEGISLATIVE AUTHORITY

In accordance with Section 498 of the *Local Government Act*, Council may issue a Development Variance Permit that varies a *Zoning Regulation Bylaw* provided the permit does not vary the use or density of land from that specified in the *Zoning Regulation Bylaw*.

## EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for the Development Variance Permit Applications for the properties located at 429 and 431 Parry Street. The proposal is to construct two new single-family dwellings with secondary suites on two lots that are currently being used as surface parking lots. The variances are related to front, side and rear yard setbacks.

The following points were considered in assessing these applications:

- the proposal is generally consistent with the *James Bay Neighbourhood Plan*
- the existing non-conforming surface parking lot is not consistent with the zoning or the Traditional Residential designation in the *Official Community Plan* and the proposal for a total of four new residential units is a more appropriate use on the primarily residential street
- the proposed variances related to the building setbacks are relatively minor given the constraints of the site
- the provision of the Statutory Right-of-Way along Parry Street, which incorporates a new boulevard and sidewalk alignment, contributes to transportation and priorities and improves the pedestrian experience.

## BACKGROUND

### Description of Proposal

The proposals are for two new single-family dwellings with secondary suites. While the lot sizes are smaller than typical, they are within the minimum lot size established in the applicable R1-B Zone – Single Family Dwelling District.

The applications propose variances to reduce the front, rear and side yard building setbacks.

### Affordable Housing

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

### Sustainability

The applicant has not identified any sustainability features associated with this proposal.

### Active Transportation

The applicant has not identified any active transportation impacts associated with these applications.

## Public Realm

The applicant has agreed to provide a 1.08m Statutory Right-of-Way (SRW) along Parry Street. The proposal incorporates the SRW into the site design, reconfiguring the sidewalk and adding a boulevard. The SRW would be secured with a section 219 covenant prior to the issuance of the Development Variance Permit.

The provision of the SRW and realigned sidewalk allows for a new boulevard, which creates space between the sidewalk and road traffic and allows space for public street infrastructure out of the way of the sidewalk.

## Accessibility

The *British Columbia Building Code* regulates accessibility as it pertains to buildings. All of the units require stairs to access.

## Existing Site Development and Development Potential

The sites are presently part of a larger non-conforming commercial surface parking lot. Under the current R1-B Zone, Single Family Dwelling District, the properties could be developed as two single-family dwellings with secondary suites or garden suites or as public buildings. While a new subdivision of a lot within the R1-B Zone, Single Family Dwelling District would require a minimum of 460m<sup>2</sup>, the two subject properties meet the 230m<sup>2</sup> minimum lot size for existing sites.

## Data Table

The following data table compares the proposal with the existing R1-B Zone, Single Family Dwelling District as well as the R1-S2 Zone, Two Storey Small Lot District. While the R1-S2 zone does not technically apply, it does provide a useful comparison given that this is the zone used for small lot rezonings. An asterisk is used to identify where the proposal varies from the existing Zone.

Zoning Criteria	Proposal – 429 Parry Street	Proposal – 431 Parry Street	Existing R1-B Zone	R1-S2 Zone (for comparison)
Site area (m <sup>2</sup> ) – minimum	273.2	249.4	230	260
Density (Floor Space Ratio) – maximum	0.56:1	0.51:1	N/A	0.6:1
Total floor area (m <sup>2</sup> ) – maximum	231.5	174.4	300	N/A
Total floor area (m <sup>2</sup> ) – excluding basement maximum	154.30	127	N/A	429 Parry: 163.92 431 Parry: 149.64

<b>Zoning Criteria</b>	<b>Proposal – 429 Parry Street</b>	<b>Proposal – 431 Parry Street</b>	<b>Existing R1-B Zone</b>	<b>R1-S2 Zone (for comparison)</b>
Lot width (m) – minimum	8.23	8.25	7.50	10
Height (m) – maximum	7.57	7.55	7.60	7.50
Storeys – maximum	2 plus basement	2 plus basement	2 plus basement	2 plus basement
Site coverage (%) – maximum	38.30	35.00	40	40
<b>Setbacks</b> (m) – minimum				
Front	3.79 *	4.14 *	7.50	6
Rear	4.71 * (stairs) (5.61 to building)	4.42 * (stairs) (4.95 to building)	8.28	6
Side	1.20 * (north)	1.20 * (south)	1.50	1.50 or 2.40 with windows into habitable areas
Side	2 * (south)	2 * (north)	3	1.50 or 2.40 with windows into habitable areas
Combined side yards	3.20 *	3.20 *	4.50	N/A
Parking – minimum	1	1	1	1

## Community Consultation

While not required, the applicant arranged a meeting with the Community Association Land Use Committee (CALUC) to present the proposal. A letter from the CALUC dated December 16, 2019 is attached to this report.

These applications propose variances; therefore, in accordance with the City's *Land Use Procedures Bylaw*, they require notice, sign posting and a meeting of Council to consider the variances.

## **ANALYSIS**

### **Development Permit Area and Design Guidelines**

The proposal is consistent with the *Official Community Plan* (OCP, 2012), and the single-family dwellings with secondary suite use addresses several OCP objectives and policies relating to infill development and increasing the supply of rental housing.

### **James Bay Neighbourhood Plan**

The proposal is consistent with the *James Bay Neighbourhood Plan* (1993), to encourage infill development. The subject properties are in a transitional area in terms of both form and use. The building designs adapt to this through form and materials, which supports the neighbourhood plan objective of a “visual harmony of form and scale between new buildings and adjacent residential units”.

### **Tree Preservation Bylaw and Urban Forest Master Plan**

There are no Tree Preservation Bylaw impacts with these applications and no public trees are impacted.

### **Variances**

For both applications, variances are required to reduce the minimum setback requirements at the front, rear and side yards. The R1-B Zone was designed for lots 460m<sup>2</sup> and greater, while the subject properties are 273.2m<sup>2</sup> for 429 Parry Street and 249.4m<sup>2</sup> for 431 Parry Street. Because of this, there is little buildable area left within the minimum setbacks.

The reductions to the side yard setbacks are relatively minor and are designed to reduce the impacts to adjacent neighbours. While there will be some shading impacts on the adjacent public building and outdoor daycare play area, the building design at 431 Parry Street is stepped back at the second level, which will help to reduce this somewhat.

While the setback reductions for the front and rear yard are significant, the position of the buildings generally reflects the street context of smaller setbacks at the front and rear of nearby buildings.

On the whole, the setback variances are supportable given the narrow lot widths, smaller lot sizes and the siting choices made to minimize the impacts on the neighbouring properties.

## **CONCLUSIONS**

The proposal to construct two new single-family dwellings with secondary suites is consistent with City policies. The new houses fit within the existing street context and the variances will not have a substantial impact on the privacy of the adjacent lots. The two single-family dwellings with secondary suites are consistent with the OCP strategic objectives for additional housing and are a higher and better use than the existing non-conforming commercial surface parking lot use. Staff recommend the Council consider supporting these applications.

## **ALTERNATE MOTION**

That Council decline Development Variance Permit Applications No. 00234 and No.00235 for the properties located at 429 Parry Street and 431 Parry Street.

Respectfully submitted,



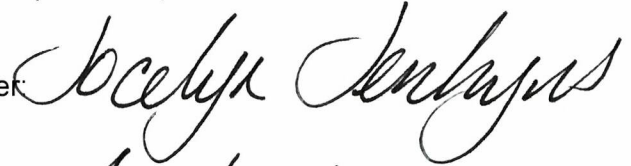
Chloe Tunis  
Planner  
Development Services

JH



Karen Hoese, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



Date:

March 19, 2020

#### List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped December 19, 2019 (429 Parry Street) and December 23, 2019 (431 Parry Street)
- Attachment D: Letter from applicant to Mayor and Council date stamped December 19, 2019 (429 Parry Street) and December 23, 2019 (431 Parry Street)
- Attachment E: Community Association Land Use Committee comments dated December 16, 2019