



## Committee of the Whole Report

### For the Meeting of January 28, 2021

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**To:** Committee of the Whole **Date:** January 14, 2020

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

**Subject:** Development Permit with Variances Application No. 00736 for 430 Powell Street

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### RECOMMENDATION

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after Public Hearing for Rezoning Application No.00736, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00736 in accordance with:

1. Plans date stamped November 3, 2020.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - i. reduce the rear yard setback from 6.00m to 2.92m to the stairs and 4.75m to the building for Lot 1;
  - ii. reduce the north side yard setback from 2.40m to 2.0m for elevations with windows into habitable rooms for Lot 1;
  - iii. reduce the south side yard setback from 2.40m to 1.2m m for elevations with windows into habitable rooms for Lot 1;
  - iv. reduce the rear yard setback from 6.00m to 3.39m to the stairs and 4.53m to the building for Lot 2;
  - v. reduce the north side yard setback from 2.40m to 1.2m for elevations with windows into habitable rooms for Lot 2; and
  - vi. reduce the south side yard setback from 2.40m to 2.0m m for elevations with windows into habitable rooms for Lot 2.
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 with Variances 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 430 Powell Street. The proposal is to subdivide the property in order to create two small lots and construct two single-family dwellings. The site would be rezoned to a site-specific zone based on the R1-S2 Zone, Restricted Small Lot (Two Storey) District, to reflect the smaller than normal site area and both properties would be subject to Development Permit Areas 15A: Intensive Residential – Small Lot.

The following differences from the standard two-storey small lot zone are being proposed and would be incorporated as variances from the site-specific zone:

- reduce the rear yard setback from 6.00m to 2.92m to the stairs and 4.75m to the building on Lot 1
- reduce the rear yard setback from 6.00m to 3.39m to the stairs and 4.53m to the building on Lot 2
- reduce the side yard setbacks for proposed Lot 1 from 2.4m for elevations with windows into habitable floor areas to 2.0m on the north side and 1.2m on the south side
- reduce the side yard setbacks for proposed Lot 2 from 2.4m to 1.2m on the north side and to 2.0m on the south side.

The following points were considered in assessing this application:

- the proposal is consistent with the *Design Guidelines for Small Lot Houses* (2002) in terms of visual character and massing
- the reduced setbacks as compared to the standard small zone are generally consistent with existing setback conditions of neighbouring properties and would have minimal impacts on neighbouring properties.

## BACKGROUND

### Description of Proposal

The proposal is to subdivide an existing lot and construct two new small lot houses. Specific details include:

- modern designs with unique architectural detailing and materials to differentiate the two houses
- primary material at the street-facing façade, of both buildings, is Western Red Cedar siding, and for the house at Lot 2, the second storey would be stained a lighter colour to create visual interest
- primary materials on the sides and rear of the Lot 1 are a mix of fibre cement board and stucco
- primary materials at the sides and rear of lot 2 are fibre cement board and stained cedar siding
- new soft landscaping, and a new driveway and parking stalls surfaced with permeable

- pavers
- privacy impacts are reduced by utilizing clerestory windows for habitable rooms.

The following differences from the standard two-storey small lot zone are being proposed and would be incorporated into the site-specific zone:

- reduced the minimum lot size from 260.00 metres to 240.70m for Lot 1 and 241.80m for Lot 2
- reduce the lot width from 10.00m to 8.60m for both lots
- reduce the front yard setbacks on both lots from 6.00m to 4.00m metres.

The following differences from the standard two-storey small lot zone are being proposed and will be incorporated as variances from the site-specific zone:

- reduce the rear yard setbacks from 6.00m to 2.92m (stairs) and 4.75m to the building on Lot 1 and 3.39m (stairs) and 4.53m to the building on Lot 2
- reduce the side yard setbacks for proposed Lot 1 from 2.4m for elevations with windows into habitable floor areas to 2.0m on the north side and 1.2m on the south side
- reduce the side yard setbacks for proposed Lot 2 from 2.4m to 1.2m on the north side and to 2.0m on the south side.

### Existing Site Development and Development Potential

The site is presently used as a non-conforming parking lot. Under the current R-2 Zone, Two Family Dwelling District, the property could be developed as a duplex or 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 comparable R1-S2 Zone, Restricted Small Lot (Two Storey) District. An asterisk is used to identify where the proposal does not meet the standard.

Zoning Criteria	Proposal - Lot 1	Proposal - Lot 2	Zone Standard R1-S2, Restricted Small Lot (Two Storey)
Site area (m <sup>2</sup> ) – minimum	<b>240.7 *</b>	<b>241.8 *</b>	260.0
Density (Floor Space Ratio) – maximum	0.59	0.58	0.60
Total floor area (m <sup>2</sup> ) – maximum	141.0	140.0	190.0
Site coverage (%) – maximum	39.88	39.90	40
Lot width (m) – minimum	<b>8.6 *</b>	<b>8.6 *</b>	10.0

Zoning Criteria	Proposal - Lot 1	Proposal - Lot 2	Zone Standard R1-S2, Restricted Small Lot (Two Storey)
Height (m) – maximum	7.43	7.45	7.50
Storeys – maximum	2	2	2
<b>Setbacks</b> (m) – minimum			
Front (west – Highview Street)	<b>4.0 *</b>	<b>4.0 *</b>	6.0
Rear (east)	<b>2.92 * (steps)</b> <b>4.75 * (building)</b>	<b>3.39 * (steps)</b> <b>4.53 * (building)</b>	6.0
Side (north)	<b>2.0 * (habitable)</b>	<b>1.20 * (habitable)</b>	1.50 (non-habitable) 2.40 (habitable)
Side (south)	<b>1.2 *</b>	<b>2.0 *</b>	1.50 (non-habitable) 2.40 (habitable)
Parking (residential) – minimum	1	1	1

## Community Consultation

The applicant had scheduled a community meeting with the *Community Association Land Use Committee (CALUC)*, for March 30, 2020. Due to the implementation of COVID-19 protocols, this meeting was cancelled. The James Bay CALUC pursued an alternate process by hosting an online meeting in August 2020 and informed 62 neighbours within 100m by posting a notice to their mailbox. The James Bay CALUC considers this approach to satisfy the CALUC community consultation requirements. A letter dated August 20, 2020 is attached to this report.

In accordance with the City's *Small Lot House Rezoning Policy*, the applicant has polled the immediate neighbours and reports that there was 100% support from respondents for the application. Under this policy, "satisfactory support" is considered to be support in writing for the project by 75% of the neighbours. The required Small Lot House Rezoning Petitions Summary is attached to this report.

## ANALYSIS

### Development Permit Area and Design Guidelines

The *Official Community Plan, 2012 (OCP)* identifies this property within DPA 15-A: Intensive Residential – Small Lot. In this area, the *Design Guidelines for Small Lot Houses* apply. The objective of these guidelines is to allow for sensitive infill development that increases the housing supply and to provide a range of housing types; this proposal generally meets these objectives. While the guidelines encourage the visual character of the streetscape to be respected, they also specify that the proposals should not be restricted to traditional designs. The proposed buildings have a modern design, while most of the houses on the street are older

character homes. The proposed houses incorporate elements of the nearby character homes with similar peaked roof designs and with cedar siding at the front façade, which reflects the wood siding common on nearby houses.

The proposed houses require reduced setbacks on all four sides, as compared to the standard R1-S2 Zone Restricted Small Lot (Two Storey) District. The R1-S2 Zone requires larger side yard setbacks where there are windows into habitable rooms (habitable rooms include living rooms, dining rooms and bedrooms). The intention of this is to minimize privacy impacts on neighbouring properties. The application proposes reduced setbacks where there are habitable rooms with windows; however, they have minimized privacy impacts by utilizing clerestory windows and offsetting window placement as compared to neighbouring properties. The narrow lots mean that the proposal has a long, narrow layout, which contributes to the reason for the reduced front and rear yard setbacks. However, there is still useable outdoor space in the rear yards, though it is somewhat smaller.

The Design Guidelines for Small Lot Houses emphasises the importance of designing and considering new small lot houses within the larger streetscape context. In this case, the smaller lot size and reduced setbacks of the proposed lots and houses fit the pattern of the existing streetscape. The design further harmonizes with the existing character by incorporating a more traditional roof shape and wood siding at the front façade.

Because the site area for both lots are nearly identical and the lot widths and front yard setbacks are the same for both lots, and are similar to conditions found along the street, these can be accommodated in the site-specific zone. The rear yard and side yard setbacks differ slightly between the two lots and are better addressed as variances to the zone. This approach offers the additional benefit of being able to assess the side and rear yard conditions again, in the event this proposal is not built and a different proposal comes forward at a future date.

### **James Bay Neighbourhood Plan**

The *James Bay Neighbourhood Plan* supports infill development, such as small lot single-family dwellings, provided there is visual harmony in form and scale between the new buildings and the adjacent properties. The proposal is generally consistent with the neighbourhood plan.

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

The goals of the *Urban Forest Master Plan* include protecting, enhancing, and expanding Victoria's urban forest and optimizing community benefits from the urban forest in all neighbourhoods.

This permit application was received after October 24, 2019, so it falls under *Tree Preservation Bylaw No. 05-106* consolidated November 22, 2019. The tree inventory for the proposal, outlined in the attached arborist report, includes three trees in proximity to the proposed development area:

- one offsite bylaw-protected elm, north of the front yard, on the property of 440 Powell Street (James Bay Community Project); and
- two trees on the municipal frontage: a tulip tree and young magnolia.

The three trees are proposed for retention. Preservation of the municipal tulip tree and offsite elm will require careful coordination of site servicing with Parks and Engineering and mitigation

measures including arborist supervision, modified excavation techniques, tree protection fencing, and recommendations described in the Arborist Report.

## **CONCLUSIONS**

The proposal to subdivide the existing lot and construct two small lot houses is generally consistent with the *Small Lot House Design Guidelines*. The proposed houses respect the existing scale and character of the streetscape through form and materials. The reduced setbacks as compared to the standard small zone are generally consistent with existing setback conditions along the street and would have minimal impacts on neighbouring properties. Staff recommend Council consider supporting this application.

## **ALTERNATE MOTION**

That Council decline Development Permit with Variances Application No. 00736 for the property located at 430 Powell Street.

Respectfully submitted,

Chloe Tunis, Planner  
Sustainable Planning and Community  
Development Department

Karen Hoese  
Sustainable Planning and Community  
Development Department

**Report accepted and recommended by the City Manager.**

## **List of Attachments**

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped November 3, 2020
- Attachment D: Letter from applicant to Mayor and Council dated June 30, 2020
- Attachment E: Community Association Land Use Committee Comments dated August 21, 2020
- Attachment F: Small Lot Petition
- Attachment G: Arborist Report
- Attachment H: Correspondence.