



## Committee of the Whole Report For the Meeting of December 2, 2021

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**To:** Committee of the Whole **Date:** November 18, 2021  
**From:** Karen Hoese, Director, Sustainable Planning and Community Development  
**Subject:** Development Permit Application No. 00634 for 224 Robertson Street

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### RECOMMENDATION

That Council authorize the issuance of Development Permit Application No. 00634 for 224 Robertson Street, subject to the applicant reducing the size of the lower windows on the south elevation and further enhancements to the rear yard landscaping to mitigate potential privacy impacts on neighbours, to the satisfaction of the Director of Sustainable Planning and Community Development, in accordance with:

1. Plans date stamped October 6, 2021, as amended.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
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 Application for the property located at 224 Robertson Street. The proposal is to allow construction of a garden suite in the rear yard of an existing single-family dwelling. The garden suite generally meets the applicable *Garden Suite Policy and Guidelines*, however, the amount of glazing on the south elevation is not consistent with the Guidelines and may pose privacy concerns. The applicant wishes to retain the amount of glazing for light and solar gain and is applying to Council for approval.

The following points were considered in assessing this application:

- The proposal is generally consistent with the policies and design specifications outlined in the *Garden Suite Policy and Guidelines*; however, the amount of glazing on the south elevation conflicts with the intent of the Guidelines which strongly discourage windows and doors facing towards neighbouring properties to maintain levels of privacy. However, it is noted that the windows are located approximately 9.5m from the south property line.
- The Guidelines further encourage windows to be oriented toward the interior of the site, so that the impacts of a garden suite are absorbed on the subject site with impacts to neighbours minimized.

## **BACKGROUND**

### **Description of Proposal**

The proposal is for a garden suite in the rear yard of the subject property. Specific details include:

- This is a 'plus' size lot, allowing for a larger garden suite (up to 56m<sup>2</sup> floor area). The proposed building would have a floor area of 55.6m<sup>2</sup> with an open concept floor plan.
- The garden suite would be located in the north-west corner of the rear yard to minimize conflict with existing trees.
- The garden suite is one storey in height and includes a shed roof that slopes towards the north (side) lot line.
- The main cladding material is cedar siding (panelling).
- The private outdoor space faces south and will include cedar decking.
- Landscaping in the rear yard includes retention of the existing fences, retention of bylaw protected trees and new plant material (shrubs and vines and one replacement tree, noting the other replacement tree is in the front yard).

### **Sustainability**

As indicated in the applicant's letter dated September 23, 2021, (attached) the proposed south facing windows will allow for passive heat gain, thus reducing energy consumption.

### **Active Transportation**

The applicant has not identified any active transportation impacts associated with this application.

### **Public Realm**

No public realm improvements are associated with this proposal.

### **Accessibility**

No accessibility improvements are proposed beyond what is required through the *British Columbia Building Code*.

### **Existing Site Development and Development Potential**

The site presently contains a single-family dwelling. Under the current R1-G Zone, Gonzales Single Family Dwelling District, the property could be developed with a single-family dwelling with a secondary suite or garden suite.

## Data Table

The following data table compares the proposal with Schedule M – Garden Suites. No variances from the *Zoning Regulation Bylaw* are required to facilitate this proposal.

Garden Suite	Proposal	Schedule M 'Plus Site'
Site area (m <sup>2</sup> ) – minimum	823	460
Floor area (m <sup>2</sup> ) – maximum	55.6	56.00
Height (m) – maximum	4.18	4.20
Storeys	1	1.50
Rear yard site coverage (%) – maximum	20.2	25.00
Separation space from single family dwelling (m) – minimum (east)	7.45	2.40
<b>Setbacks</b> (m) – minimum		
Rear (north)	1.2	0.60
Side (west)	1.2	0.60
Side (south)	9.5	0.60

## Community Consultation

In accordance with the City's *Land Use Procedures Bylaw*, Development Permits do not require public consultation, notice or sign posting; however, as per staff's normal practice, the applicant was encouraged to communicate with their neighbours. The applicant has provided a letter signed by residents who would be most impacted by the south facing window and doors (attached). Although they have indicated that they do not object to the proposal, it should be noted that the intent of the design guidelines is to minimize potential conflicts both over the short and long term, recognizing that neighbours and neighbourhood feelings can change over time.

## ANALYSIS

### Development Permit Area and Design Guidelines

The *Official Community Plan* identifies this property within Development Permit Area 15E: Intensive Residential - Garden Suites.

The *Garden Suite Policy and Guidelines* strongly discourage windows oriented toward neighbouring properties to maintain a level of privacy for adjacent neighbours. In addition, the

Guidelines state that windows should be oriented toward the interior of the site (towards the principal dwelling). The proposal seeks to maximize the number of windows on the south and east elevations (facing the principal dwelling). The entrance to the suite is also on the east elevation and is visible from the street. There are limited privacy concerns on the north and west elevations as the windows are minimal in size and are proposed to be opaque glass.

The garden suite is sited approximately 9.5m from the south property line. The adjacent property to the south (220 Robertson Street) has a garage situated approximately 12m from the common lot line, with established garden space in the rear yard of this dwelling between the side property line and the garage.

The applicant has reduced the width of the principal window on the south elevation (this is reflected in the attached plans) and the upper storey windows are clerestory windows and do not pose any overlook potential. Staff recommend that the glazing on the south elevation be further reduced in scale and that landscaping could be further enhanced to mitigate any potential impacts on the adjacent neighbour. For example the main living room window extends almost from floor to ceiling (over 4m in height) and could be reduced to a much more modest scale or redesigned as a clerestory window.

Even though the existing fence would be retained and the existing landscaping on the subject property would be enhanced, landscaping and fencing can become temporary measures if not maintained. There are opportunities to further enhance this landscaping to mitigate the direct sight lines into the adjacent property, such as installing a privacy screen and/or other enhanced landscaping along the southern edge of the small private outdoor space associated with the garden suite which is located between the south face of the proposed building and the property boundary.

Should Council wish to proceed with approving the application in accordance with the preferred option of the applicant, which is to leave the window size unchanged but adding more rear yard landscaping, then an alternate motion to achieve this is provided.

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

One tree has been removed on the site under a Tree Permit and two replacement trees are required. The two bylaw-protected trees in the rear yard (apple and a maple) will be retained. The application proposed one new tree in the rear yard and one in the front yard.

### **CONCLUSIONS**

The proposal for a garden suite is generally consistent with the OCP objectives and guidelines for sensitive infill; however, the design is inconsistent with *the Garden Suite Policy and Guidelines*, specifically in relation to the placement of windows on elevations facing neighbouring properties. Staff recommend that the proposal be modified to reduce the scale of windows and glazing on the southern elevation of the proposed building to ensure the potential for future privacy impacts are minimized and further recommend additional landscaping to mitigate privacy concern. However, if Council wishes to accept the design as proposed Alternate Motion 1 would be appropriate. If Council wishes to accept the design as proposed with the requirement for enhanced landscaping, then Alternate Motion 2 would be appropriate.

## **ALTERNATE MOTIONS**

### Alternate Motion 1 – Accept proposal as presented

That Council authorize the issuance of Development Permit Application No. 00634 for 224 Robertson Street in accordance with:

1. Plans date stamped October 6, 2021.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. The Development Permit lapsing two years from the date of this resolution.

### Alternate Motion 2 – Accept proposal with additional landscaping

That Council authorize the issuance of Development Permit Application No. 00634 for 224 Robertson Street, subject to further enhancements to the rear yard landscaping to mitigate potential impacts on neighbour privacy, to the satisfaction of the Director of Sustainable Planning and Community Development, in accordance with:

1. Plans date stamped October 6, 2021, as amended.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. The Development Permit lapsing two years from the date of this resolution.

Respectfully submitted,

Lucina Baryluk  
Senior Planner  
Development Services

Karen Hoese, Director  
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 dated/date stamped October 6, 2021
- Attachment D: Letter from applicant to Mayor and Council dated September 23, 2021 and Landscape Design Letter dated August 9, 2021
- Attachment E: Correspondence (Letter received from adjacent neighbour).