



Committee of the Whole Report

For the Meeting of June 20, 2019

To: Committee of the Whole **Date:** June 6, 2019

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

Subject: Development Permit with Variances Application No. 00084 for 515 Foul Bay Road

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. 00675, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variance Application No. 00084 for 515 Foul Bay Road, in accordance with:

1. Plans date stamped May 9, 2019.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Lot A (existing building):
 - a. Reduce the front setback from 7.5m to 0.0m
 - b. Reduce the rear setback from 7.5m to 5.28m (to a wall with windows to habitable rooms) and from 4.0m to 3.23m
 - c. Reduce the north side setback from 7.5m to 0.0m
 - d. Reduce the required parking from 7 to 6 stalls.
 - ii. Lot B (new building):
 - a. Increase the maximum height from 5.00m to 7.58m
 - b. Increase the maximum number of storeys from 1 to 2
 - c. Reduce the front setback from 7.5m to 4.27m (to a wall with windows to habitable rooms) and from 4.0m to 2.50m.
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 515 Foul Bay Road. The proposal is to subdivide the lot into two panhandle lots and construct a new single family dwelling on one lot while retaining the existing five-unit house conversion on the other lot. The variances are related to increased height of the new single family dwelling, reduced parking for the existing five-unit house conversion, as well as reduced setbacks to property lines for both buildings.

The following points were considered in assessing this application:

- the proposal is consistent with the Design Guidelines for Development Permit Area 15B: Intensive Residential – Panhandle Lot contained in the *Official Community Plan* (OCP, 2012), which encourages new panhandle lot development that is compatible with the immediate neighbours, surrounding neighbourhood character and streetscape. In addition, achieving a high-quality of architecture, landscape and urban design to mitigate potential negative impacts of panhandle lots
- the proposal is inconsistent with the *Gonzales Neighbourhood Community Plan*, 2002, which recommends against panhandle lot subdivision in the Queen Anne Heights/Foul Bay/Gonzales Hill portion of the neighbourhood
- the proposed landscape plan includes the retention of all the existing trees and the use of permeable pavers in critical root zone areas
- the requested setback variances are supportable as the majority of them are internal to the site and sufficient distance and privacy is maintained from the adjacent neighbours and from the existing house
- the requested height and number of storey variances are supportable as they minimize the blasting requirements and sufficient distance from adjacent neighbours is provided to mitigate potential privacy and shading issues
- the requested one stall parking variance for Lot A is considered supportable as an additional parking stall located on the common property area would be provided for residents of the existing building on Lot A.

BACKGROUND

Description of Proposal

The proposal is to subdivide the existing panhandle lot (4896m²) into two large strata lots and construct one new single-family dwelling while retaining the existing house as a five-unit house conversion on the other lot. Approximately 930m² of the site would remain common property providing vehicle access and services to the two strata lots. An additional parking stall is also proposed on the common property to meet the parking requirements for the existing five unit house conversion.

Specific details include:

- site planning to retain all of the existing trees
- contemporary architectural design of the new building which is complimentary to the character of the heritage building
- high-quality exterior finishes for the new building including white stucco, vertical wood siding, wood framed windows and doors, metal fascia and terra cotta roof tiles
- natural areas with rocky outcroppings and mature trees that would be protected by a no build/tree protection covenant, cleared of invasive species and planted with native species that add to the Garry Oak ecology of the site.

The proposed variances are related to:

- Lot A (existing building)
 - i. Reduce the front setback from 7.5m to 0.0m
 - ii. Reduce the rear setback from 7.5m to 5.28m (to a wall with windows to habitable rooms) and from 4.0m to 3.23m
 - iii. Reduce the north side setback from 7.5m to 0.0m
 - iv. Reduce the required parking from 7 to 6 stalls.
- Lot B (new building)
 - v. Increase the maximum height from 5.00m to 7.58m
 - vi. Increase the maximum number of storeys from 1 to 2
 - vii. Reduce the front setback from 7.5m to 4.27m (to a wall with windows to habitable rooms) and from 4.0m to 2.50m.

Sustainability Features

As indicated in the applicant's letter dated February 12, 2019 the following sustainability features are associated with this application:

- preservation of the existing heritage building and the five rental units
- the siting, footprint and construction of the new building respect the site's topography and allows for retention of the mature trees on and near the site
- to minimize energy use, the new single-family dwelling is designed to maximize southern exposure for passive solar heat gains, while the building envelope and glazing will have higher performing thermal values
- extensive use of permeable pavers allows for rainwater penetration to replenish ground water and reduces the amount of storm water run-off from the site
- use of native drought-tolerant species for site landscaping does not require ongoing landscape irrigation.

ANALYSIS

Development Permit Area and Design Guidelines

The *Official Community Plan* (OCP, 2012) identifies this property within Development Permit Area 15B: Intensive Residential – Panhandle Lot. The objectives that justify this designation include:

- to preserve Traditional Residential character by ensuring that integration of panhandle lots and associated development are compatible with immediate neighbours, surrounding neighbourhood character and streetscapes
- To achieve a high-quality of architecture, landscape and urban design to mitigate negative impacts of panhandle lots.

The proposed design for the new single-family dwellings is considered in relation to the *Advisory Design Guidelines for Buildings, Signs and Awnings*, 1981 and the *Small Lot House Design Guidelines*, 2002. Staff assessment of the proposed design in relation to the Guidelines is summarized below:

- siting of the single-family dwelling would have no impact on the view of the existing house from Foul Bay Road
- the form, massing and contemporary design of the single-family dwelling is subordinate and complimentary to the existing building
- the variances for height and number of storeys are recommended to be supportable

because the trade-off of not constructing a basement reduces the need for blasting and allows for foundation construction techniques that minimize the impact on the trees

- the variances on setbacks are supportable because the new building is sited to work with the existing topography and retain the trees on site while still providing sufficient breathing room for the existing house
- the existing and proposed landscaping and fences, as well as, the window placement, location of entries and setback distances for the proposed single-family dwelling will minimize overlook and privacy impacts on adjacent properties
- the proposed Landscape Plan includes the retention of trees, removal of invasive species, new native species plantings and the use of permeable driveway materials in critical root zone areas to support the Garry Oak ecology of the site and surrounding area.

Gonzales Neighbourhood Community Plan

One of the recommendations of the *Gonzales Neighbourhood Community Plan*, 2002, is to “adopt a policy of excluding panhandle lot subdivisions ... from the Queen Anne Heights/Foul Bay/Gonzales Hill area of the neighbourhood to preserve the large lot character of Queen Anne Heights” (emphasis added). The proposed subdivision of the existing panhandle lot into two bare land strata lots is inconsistent with this recommendation; however, the proposal is supportable given that the property is an existing panhandle lot, the new house is not visible from Foul Bay Road (thus the street relationship of the existing house is maintained) and the no build/tree protection areas with new native planting would retain and enhance the green character of the neighbourhood.


CONCLUSIONS

The proposed site plan, architectural and landscape design are well-considered with respect to form, massing and character, and minimize the potential impact of new development on the mature landscape character. Staff recommend that Council consider supporting this application.

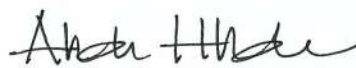
ALTERNATE MOTION

That Council decline Development Permit with Variances Application No. 00084 for the property located at 515 Foul Bay Road.

Respectfully submitted,



Alec Johnston
Senior Planner
Development Services Division

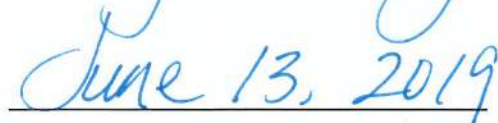


Andrea Hudson, Acting Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date:



List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped May 9, 2019
- Attachment D: Letter from applicant to Mayor and Council dated February 2, 2019
- Attachment E: Community Association Land Use Committee Comments dated November 8, 2018
- Attachment F: Arborist Report dated May 3, 2019