



Committee of the Whole Report

For the Meeting of June 1, 2023

To: Committee of the Whole **Date:** April 27, 2023

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

Subject: **Update Report for Rezoning Application No. 00710 for 1905 Lee Avenue and Associated Development Permit with Variances Application No. 00563**

RECOMMENDATION

Rezoning Application

That Council instruct the Director of Sustainable Planning and Community Development to prepare the necessary Zoning Regulation Bylaw amendment that would authorize the proposed development outlined in the staff report dated April 27, 2023, for Rezoning Application No. 00710 for 1905 Lee Avenue and associated Development Permit with Variances Application No. 00563.

1. That first and second reading of the Zoning Regulation Bylaw amendment be considered by Council and a public hearing date be set once the applicant refines the plans to remove the walkway across the City Boulevard, to the satisfaction of the Director of Parks, Recreation and Facilities; and Director of Engineering and Public Works.
2. That the above recommendations be adopted on the condition that they create no legal rights for the applicant or any other person, or obligation on the part of the City or its officials, and any expenditure of funds is at the risk of the person making the expenditure.

Development Permit with Variances Application

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. 00710, if it is approved, consider the following motion:

- "1. That subject to the adoption of the necessary Zoning Regulation Bylaw amendment, Council authorize the issuance of Development Permit with Variances No. 00563 for 1905 Lee Avenue, to facilitate the small lot subdivision and in accordance with plans submitted to the Planning department and date stamped **September 14, 2022**, subject to:
- a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - Existing House
 - i. reduce the rear yard setback from 6.0m to 2.01m;

- ii. reduce the side yard setback (north) for a habitable window from 2.40m to 1.65m.

Proposed House

- i. reduce the rear yard setback from 6.0m to 2.40m;
- ii. reduce the front yard setback from 6.0m to 2.49m.

2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution.”

EXECUTIVE SUMMARY

The purpose of this report is to present Council with an update regarding a Rezoning and Development Permit with Variances application for the property at 1905 Lee Avenue. The proposal is to rezone the property and subdivide it into two small lots, retain the existing dwelling on one lot and construct a new single-family dwelling on the new lot. The lot with the existing house would be rezoned to the R1-S2, Restricted Small Lot (Two Storey) Single Family Dwelling, and the lot with the proposed house would be rezoned to a site-specific small lot zone due to the lot size being below the minimum lot size requirement of the standard small lot zone (234.75 m² compared to 260 m²).

The applicant has fulfilled the conditions established by Council, with the exception of stepping back the second storey and providing a shadow study. The applicant has provided a response in their letter to Council attached to this report.

BACKGROUND

On November 18, 2021, the application was presented to Committee of the Whole, and on December 2, 2021, Council ratified a motion that the applicant collaborate with staff to address concerns raised by Council, staff and neighbours:

That the application be referred to staff to work with the applicant to try to meet Development Permit Option 1 motion:

Development Permit with Variances Application No. 000563 for 1905 Lee Avenue

That the applicant works with staff to revise the design and provide more information and return to Committee of the Whole:

1. *Provide a shadow study for the proposed house in context with neighbouring properties.*
2. *Revisions to the plans to address the following, to the satisfaction of the Director of Sustainable Planning and Community Development:*

Proposed new house:

1. *Step back the second storey on the north elevation*
2. *Reduce potential privacy impacts from bedroom windows*
3. *Provide landscaping around the above grade deck*
4. *Identify materials of pathway to house*
5. *Show basement window wells on plans, and revise landscape plan to reflect this change*
6. *Make the entry more prominent by having an overhang*
7. *Show the proposed location of the utility pole, and that the pole relocation has been approved. Proposed location must comply with the Highway Access Bylaw and not*

impact existing trees or impede future planting of boulevard trees.

Existing House

- 1. Provide a usable outdoor space for the existing house*

Once design revisions are made, discuss plans and re-petition immediate neighbours as per the Small Lot Policy.

UPDATES

The applicant has met some of the conditions outlined in Council's motion and have not met others.

Step Back of Second Storey

Council requested that the applicant recess the second storey of the rear elevation to reduce the impact and potential shadows on the neighbouring property to the north. Instead, the applicant chose to reduce the height of the building by 0.17m. While not verified by a shadow study, this would reduce the degree of shading resulting from the new home; however, the exact degree of change is unknown.

Shadow Study

As noted above, Council requested a shadow study to show the impacts on the neighbouring properties, particularly to the north. The applicant acknowledges in their letter to Council dated April 5, 2023, that there will be a shadow impact from the house to the neighbour's house and rear yard, but also notes there are trees on the site which would also create shade. The owner indicated that they are not able to complete a shadow study due to having a limited budget for the project.

Utility Pole, Trees and Parking

Council requested that the applicant explore changes to the location of the existing utility pole and anchor, as there was a conflict in relation to the parking stall, existing trees, and the potential for planting a boulevard tree. After the applicant consulted with BC Hydro, they found the pole and anchor are in BC Hydro's preferred location. Therefore, the applicant is proposing to remove the tree closest to the driveway, a 70cm diameter Douglas fir, allowing the driveway to be positioned further from the utility pole. The applicant proposes instead to retain the tree to the north, a 50cm diameter Douglas fir, which was proposed for removal in the previous plan. The Tree Management Plan has been revised to reflect this change and is attached to this report.

Alternative driveway locations were also explored early in the project, such as locating the driveway on the west side of the proposed property, however, it meant revisions to the design and site plan and is not the applicant's preferred location.

Other Revisions

There have been several other revisions to the plans in response to Council's motion:

- The bedroom windows have been relocated to the side elevations which reduces the potential for overlook for the neighbour to the north.
- Landscaping has been added around the above grade deck to help integrate it into the site visually.
- The pathway materials are labelled and include permeable pavers.

- The basement window wells are shown on the site and landscape plans.
- An overhang was added over the entry for rain protection and to create a more prominent front entrance feature.
- A usable outdoor space for the existing house was added to the front yard facing Lee Street.

Small Lot Petition

Council's motion asked the applicant to discuss the revised plans and re-petition immediate neighbours as per the *Small Lot Rezoning Policy*. In accordance with Council's motion, the applicant polled the immediate neighbours and reports that 60% support the application. The previous petition received 50% of neighbours who responded in support. Under this policy, "satisfactory support" is considered support in writing for the project by 75% of the neighbours. The Small Lot House Rezoning Petitions, Summary and illustrative map provided by the applicant are attached to this report.

Required Revisions

Plan revisions are required to remove the pedestrian path across the boulevard. It is the City's practice to discourage pathways across City boulevards for safety and maintenance. The appropriate wording has been provided in the recommended motion.

Data Table

The following data table compares the proposal with the R1-S2 Zone. An asterisk is used to identify where the proposal does not meet the standard zone. Two asterisks are used to identify where the existing condition is legal non-conforming.

Zoning Criteria	Lot A Existing Dwelling	Lot B New Dwelling	Zone Standard R1-S2
Site area (m ²) – minimum	262.13	234.75*	
Density (Floor Space Ratio) – maximum	0.29:1	0.55:1	0.6:1
Total floor area (m ²) – maximum	75.07	129.85	190.00
Lot frontage (m) – minimum	13.59 (Lee Ave)	17.28 (Bourchier St)	10.00
Height (m) – maximum	4.87	7.29 (changed from 7.46)	7.50
Storeys – maximum	1	2	2
Basement	Yes	Yes	Permitted
Site coverage (%) – maximum	30.78	36.90	40.00

Zoning Criteria	Lot A Existing Dwelling	Lot B New Dwelling	Zone Standard R1-S2
Setbacks (m) – minimum			
Front	9.03 (Lee Ave)	2.49* (Bourchier St)	6.00
Rear	2.01*	2.40*	6.00
Side	1.65* (north; habitable)	2.57 (east to deck stairs) 6.09 (east; non-habitable)	1.50 (non-habitable) 2.40 (habitable)
Side	n/a	2.43 (west; habitable)	1.50 (non-habitable) 2.40 (habitable)
Side on flanking street	2.16** (Bourchier St)	n/a	2.40
Parking – minimum	1** (below minimum height)	1	1

CONCLUSIONS

Although the applicant has not provided a shadow study and has reduced the height instead of stepping back the rear elevation, they have generally responded to the conditions set by Council in 2021. However, minor revisions to the plans to remove a proposed pedestrian path across the boulevard are required. The recommended motion has been updated accordingly and contains the appropriate language to advance these applications through the Council consideration process.

ALTERNATE MOTION

That Council decline Rezoning Application No. 00710 for the property located at 1905 Lee Avenue.

Respectfully submitted,

Chelsea Medd
Planner
Development Services Division

Karen Hoesel, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A: Committee of the Whole Report for November 18, 2021
- Attachment B: Council Motion of December 2, 2021
- Attachment C: Plans date stamped September 14, 2022
- Attachment D: Letter from applicant to Mayor and Council dated April 5, 2023
- Attachment E: Tree Management Plan (revised) dated August 29, 2022
- Attachment F: Small Lot Petition, Summary (re-petition) and illustrated map dated August 2022