



Committee of the Whole Report For the Meeting of November 2, 2023

To: Committee of the Whole **Date:** October 19, 2023

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

Subject: **Development Permit with Variances Application No. 00253 for 965 Cowichan Street**

RECOMMENDATION

1. That Council direct the applicant to revise the site plan to bring the design into compliance with the Garden Suite Policy and Guidelines by directly orienting the proposed garden suite onto Redfern Street, to the satisfaction of the Director of Sustainable Planning and Community Development,
2. That Council waive the standard practice of holding an Opportunity for Public Comment for this application but direct staff to continue other standard practices related to sign posting and public notification, including a request for written commentary to come back to Council for consideration prior to issuing the Development Permit with Variances
3. That Council considers authorizing the issuance of Development Permit with Variances Application No. 00253 for 965 Cowichan Street, in accordance with plans submitted to the satisfaction of the Director of Sustainable Planning and Community Development, subject to:
 - a. Receipt of a revised arborist report and tree management plan to the satisfaction of the Director of Parks, Recreation and Facilities
 - b. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. increasing the site coverage requirement from 30% to 43%
 - ii. increasing the rear yard site coverage requirement from 25% to 37%.
4. That the Development Permit with Variances, if issued, lapses 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 965 Cowichan Street. The proposal is to allow construction of a garden suite in the rear yard of a lot with an existing single-family dwelling. The garden suite is generally consistent with the applicable *Garden Suite Policy and Guidelines*; however, the lot fronts on Cowichan Street and Redfern Street and the proposed siting of the garden suite is not consistent with the Guideline regarding double-fronting lots, which recommends the garden suit entrance face the adjacent street (i.e., Redfern Street).

Staff have worked with the applicant to try to bring the design into compliance with the guidelines; however, the applicant wishes to retain the siting of the garden suite because it's intended for a family member so is oriented toward the primary residence rather than oriented onto Redfern Street and to retain space in the rear yard between the garden suit and Redfern Street for vehicle parking. A fence is also proposed along Redfern Street that would further limit the connection between the garden suite and the street.

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 proposed location of the garden suite is not directly oriented to Redfern Street which is inconsistent with the intent of the Guidelines which encourages garden suites on double-fronting lots to be directly oriented to the adjacent public right of way with entrances and windows facing the street.
- The applicant has included a pathway from Redfern Street to the garden suite entrance which is encouraged in the guidelines but does not address the issue of building orientation to address the street. The application also requires variances to the site coverage and to the rear lot site coverage requirements, both are supportable as they would appear to have minimal impact on surrounding properties.

BACKGROUND

Description of Proposal

The proposal is for a garden suite in the rear yard of the subject property which is considered a plus site as the lot has two street frontages and the lot area is greater than 557m². Details include:

- The garden suite would be located in the rear yard.
- The proposed building would have a floor area of 55.65m² which is just under the 56m² maximum floor area permitted for a "plus" size lot.
- The garden suite is one storey with a metal roof. The private outdoor space associated with the proposed garden suite faces south and will be separated by landscaping.

Land Use Context

The immediate area is characterized by single-family dwellings and several lots on surrounding properties have garden suites.



965 Cowichan Street
Delegated Development Permit No.00784



Existing Site Development and Development Potential

The site has an existing single-family dwelling. Under the current R1-G Zone, 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 the R1-G Zone and Schedule M – Garden Suites regulations. Variances from the *Zoning Regulation Bylaw* are indicated with an *.

Zoning Criteria	Proposal	Zone standard
Site area (m ²) – minimum	590.9	557.00 (plus site)
Lot width (m) - minimum	15.61	15
Site coverage (%) maximum	43 *	30
Open site space (%) minimum	51.5	50
Floor area (m ²) – maximum	55.65	56.00
Height (m) – maximum	3.71	4.20
Storeys	1	1.50
Rear yard site coverage (%) – maximum	37 *	25.00
Separation space from single-family dwelling (m) – minimum (east)	2.93	2.40
Setbacks (m) – minimum		
Rear (East)	0.79	0.60
Side (North)	0.97	0.60

Active Transportation

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

Public Realm

No public realm improvements beyond City standard requirements are proposed in association with this application.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, since this is a Development Permit with

Variations Application, it was referred to the Fairfield Gonzales CALUC for a 30-day comment period. At the time of writing this report, a letter from the CALUC had not been received.

Pursuant to section 31 of the City's *Land Use Procedures Bylaw*, Council may provide an opportunity for public comment before considering a development permit with variations application. If Council chooses not to provide an opportunity for public comment, notice of the application must still be sent to all owners and occupiers of the subject property and adjacent properties. In addition, the recommendation is to continue to post notification signage on the subject property. The notice would invite recipients to provide written comments prior to Council's consideration of the application. Should Council wish to hold an opportunity for public comment, an alternate motion has been provided at the end of this report.

ANALYSIS

Development Permit Area and Design Guidelines

The *Official Community Plan* identifies this property within Development Permit Area 15E: Intensive Residential - Garden Suites. The subject lot has frontage onto Cowichan Street to the west and Redfern Street to the east. The design guidelines for garden suites state that:

In the case of double-fronting lots, Garden Suites should be directly oriented to the adjacent public right-of-way. This means including front doors that are directly oriented to the street or laneway windows directed towards the street or laneway and landscape that reinforces the location of the entry.

The proposed garden suite is not directly oriented to Redfern Street. There is a carport proposed in between the garden suite and Redfern Street and a fence along the lot line; therefore, there is no orientation or connection to Redfern Street. The applicant has revised the site plan to include a gate and path connecting Redfern Street. The revision in the view of the applicant meets the intent of the guidelines to have some orientation to Redfern Street.

It should be noted that there are several garden suites on similar double fronting lots between Cowichan Street and Redfern Street adjacent to and near the subject lot and several of these garden suites are directly oriented onto Redfern Street.

In summary, in order to bring the proposed garden suite into compliance with the design guidelines it is recommended that the applicant revise the site plans to directly orient the garden suite to Redfern Street. Should Council wish to proceed with approving the application as proposed by the applicant, an alternate motion is provided.

Variations

The application, regardless of how the garden suite is sited, requires the consideration of two variations:

1. increase of the maximum site coverage of the lot from 30% to 43%
2. increase of the maximum rear yard site coverage from 25% to 37%.

The subject lot is considered a plus size lot due to its lot size of 590.9m² and because it's a double fronting lot; this permits a larger garden suite to be constructed on the lot. However, the subject lot doesn't greatly exceed the plus size lot requirements, making it more challenging to construct a larger garden suite while still meeting the site coverage requirements. As the proposed variations would appear to not negatively impact the surrounding properties, these

variance requests are supported. It is worth noting that the adjacent lot to the south required a variance to the site coverage requirement to be permitted to build the existing garden suite.

Accessibility

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

Sustainability

No sustainability features are proposed.

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 application was received after July 1, 2021, so Tree Protection Bylaw No. 21-035 applies.

A total of four trees have been inventoried. Of these, two are located on the subject lot, both of which are bylaw protected. There are two existing municipal trees, one on the Cowichan Street frontage and one on the Redfern Street frontage. Bylaw protected trees No.3 (70 cm diameter Garry Oak) and No.5 (45/21 cm diameter multiple-stemmed Walnut) as well as municipal tree No. 1 (28 cm diameter Mountain Ash) and municipal tree No. 2 (70 cm Horse chestnut) can be retained following the mitigation measures outlined in the arborist report.

There are no new trees proposed with this application.

Tree Impact Summary Table

Tree Status	Total # of Trees	To be REMOVED	To be PLANTED	NET CHANGE
On-site trees, bylaw protected	2	0	0	0
On-site trees, not bylaw protected	0	0	0	0
Municipal trees	2	0	0	0
Neighbouring trees, bylaw protected	0	0	0	0
Neighbouring trees, not bylaw protected	0	0	0	0
Total	4	0	0	0

The recommendation for Council's consideration includes a requirement for the applicant to revise the tree management plan and arborist report prior to issuance of the Development Permit with Variances.

CONCLUSION

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 siting of the garden suite and its orientation to Redfern

Street. It is recommended that the proposal be modified so the siting of the garden suite is directly oriented to Redfern Street. However, if Council wishes to accept the design as proposed, then the Alternate Motion Option 1, would be appropriate.

It is recommended that Council supports the variance requests to exceed the site coverage and rear yard site coverage requirements.

ALTERNATE MOTIONS

Option 1 - Accept proposal as submitted

1. That Council waive the standard practice of holding an Opportunity for Public Comment for this application but direct staff to continue other standard practices related to sign posting and public notification, including a request for written commentary to come back to Council for consideration prior to issuing the Development Permit with Variances.
2. That Council considers authorizing the issuance of Development Permit with Variances Application No. 00253 for 965 Cowichan Street, in accordance with plans submitted and date stamped September 25, 2023, subject to:
 - a. Receipt of a revised arborist report and tree management plan to the satisfaction of the Director of Parks, Recreation and Facilities
 - b. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - i. increasing the site coverage requirement from 30% to 43%
 - ii. increasing the rear yard site coverage requirement from 25% to 37%.
3. The Development Permit with Variances lapsing two years from the date of this resolution.

Option 2 – Decline

That Council decline Development Permit with Variances Application No. 00253 for the property located at 965 Cowichan Street.

Respectfully submitted,

Gerry Hamblin
Senior Planner
Development Services Division

Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A: Plans date stamped September 25, 2023
- Attachment B: Letter to Mayor and Council dated September 25, 2023