



## Committee of the Whole Report For the Meeting of September 21, 2017

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**To:** Committee of the Whole **Date:** September 7, 2017  
**From:** Jonathan Tinney, Director, Sustainable Planning and Community Development  
**Subject:** Development Permit with Variances Application No. 00589 for 229 Government Street

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### RECOMMENDATION

That Council decline Development Permit with Variances Application No. 00589 for the property located at 229 Government Street.

### 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 229 Government Street. The proposal is to construct a garden suite above a garage. The variances with this Application are related to increasing the height and number of storeys. Staff recommend for consideration that Council decline this Application.

The following points were considered in assessing this Application:

- the design is inconsistent with the *Garden Suite Design Guidelines* in that it is not sensitive to neighbouring properties in regards to overlook and shadow concerns
- requested variances to increase the height and number of storeys are not supported, as the siting and design present potential privacy concerns, and the structure is not sensitive to the neighbourhood character.

## BACKGROUND

### Description of Proposal

The proposal is to construct a two-car garage with a garden suite above. Specific details include:

- existing land use is a duplex
- low sloped gable roofline
- garden suite entrance off the rear of a deck on the second floor
- ground level semi-private outdoor space associated with the garden suite.

The proposed variances are related to increasing the maximum number of storeys from 1.5 to 2 and increasing the maximum height.

## ANALYSIS

### Official Community Plan

The OCP envisions high-quality garden suite design that enhance neighbourhoods and minimize conflicts with immediate neighbours. This proposal is for a two-storey garage with living space above, which may pose privacy and shading impacts for neighbouring properties.

### Garden Suite Policy and Guidelines

The *Garden Suite Policy and Guidelines* provides considerations for rezoning and development permit applications for Garden Suites. This Application does not meet the *Policy* requirements, partially due to the height and massing of the proposed building.

The *Policy* envisions ground-oriented units with entrances that are clear and oriented toward the street to reinforce the entry. The proposal is for the suite to be located above a two car garage, accessed from a second floor deck with stairs oriented toward the rear. The entry proposed would not be visible from the street, nor would it have a ground floor entry. While *Policy* does not address second-story decks specifically, it does speak to prohibiting rooftop patios due to overlook concerns. Similar logic can be made for a second-story deck which would also present potential privacy concerns.

The *Policy* considers shading of adjacent private open space while maximizing open space on site. The proposed two-storey structure is located 1.5m from the northern lot line, which exceeds the minimum setback requirement; however, the proposed building is not sensitive to the neighbouring duplex at 605/607 Marifield. Shading may also affect the adjacent properties. A sun study for 605/607 Marifield Avenue has been completed by the Applicant and is attached to this report. The sun study indicates that the structure would cast a shadow on the neighbouring property's yard ranging from zero to 4 hours throughout the year: January 1<sup>st</sup> for 4.5 hours, April 1<sup>st</sup> for 3.25 hours, July 1<sup>st</sup> for zero hours, and October 1<sup>st</sup> for 4 hours. This degree of shading may be reduced with a building of a lower height and different roofline.

The *Policy* discourages windows on elevations facing directly to adjacent properties. The proposal has windows on the north and east elevations located towards neighbouring properties; however, the windows are set higher on the wall which may help mitigate overlook concerns.

The *Policy* also envisions semi-private outdoor space associated with the garden suite. The Application does include a semi-private ground floor outdoor space delineated with a hedge and

permeable pavers, which is consistent with policy. However, overall, the application is inconsistent with the *Garden Suite Policy and Design Guidelines*.

### Regulatory Considerations

There are two variances associated with this Application: maximum height and number of stories. The proposal is for a garden suite above a garage. The maximum height of a garden suite on a 'plus lot' is 5.5m; however the proposal is for 6.0m in height. The height is to allow for a full second-storey above the garage. The Applicant has indicated the garage would be below grade to reduce the height of the building; however, plans showing the relationship between the grade, driveway and entrances requires further detail. Staff recommend for Council's consideration that this variance is not supportable due to the design and size of the building.

### CONCLUSIONS

This proposal to rezone the subject property to a site specific zone to construct a garden suite above a garage on a two-family dwelling unit lot. The proposal does not meet the *Garden Suite Design Guidelines*, in that it is not sensitive to the adjacent properties in massing and design, and does not reflect the neighbourhood character.

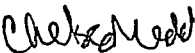
### ALTERNATE MOTION

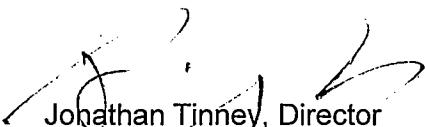
That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00589, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 000589 for 229 Government Street accordance with:

1. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - a. increase the floor area to 99.90m<sup>2</sup>
  - b. increase the maximum height of a garden suite from 5.5m to 6.0m
  - c. increase the number of stories from 1.5 to 2.
2. Plan revisions to the satisfaction of the Director of Sustainable Planning and Community Development, to:
  - a. identify materials on elevation drawings
  - b. correct inconsistencies between site plan and landscape plan
  - c. clarify and reconcile relationship between the site grade, building entrances and landscaping.
3. The Development Permit lapsing two years from the date of this resolution.


Respectfully submitted,

  
Chelsea Medd, Planner  
Sustainable Planning and Community  
Development Department

  
Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:

Date:

  
Sept. 14. 2017

**List of Attachments:**

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans dated/date stamped July 13, 2017
- Attachment D: Letter from applicant to Mayor and Council dated May 24, 2017
- Attachment E: Community Association Land Use Committee Comments date May 31, 2017
- Attachment F: Sun Study