



Committee of the Whole Report

For the Meeting of September 14, 2017

To: Committee of the Whole **Date:** August 31, 2017

From: Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject: Development Permit with Variances Application No. 00544 for 1539 Pearl Street

RECOMMENDATION

That Council decline Development Permit with Variances Application No. 00544 for the property located at 1539 Pearl 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 with Variance Application for the property located at 1539 Pearl Street. The proposal is to subdivide the lot to create two small lot houses with secondary suites. This Application proposes variances relating to height and side yard setbacks.

The following points were considered in assessing this Application:

- the proposal is consistent with the objectives and guidelines for sensitive infill contained in Development Permit Area 15A: Intensive Residential - Small Lot, of the *Official Community Plan 2012* (OCP)
- the proposal is generally consistent with the Design Guidelines contained in the *Small Lot House Rezoning Policy 2004*; however, the policy does not support the inclusion of a secondary suite within a small lot house

- the demolition of existing dwelling units to enable small lot subdivision is inconsistent with the *Small Lot House Rezoning Policy*. In this case, the applicant has submitted a letter from a Professional Engineer, which states that renovation of the existing building to current minimum standards of occupancy was determined to not be economically feasible
- the proposal to subdivide the current property would create lots consistent in size to neighbouring properties situated along the south side of Pearl Street, which are zoned R1-B, Single Family Dwelling District
- the requested side yard setback variances are supportable, and the development would have minimal impact on neighbouring properties
- the requested height variance is minor in nature and is considered supportable.

BACKGROUND

Description of Proposal

The Development Permit with Variances Application is to subdivide the existing property and create two small houses. Specific details include:

- the small lot houses would be two storeys in height with basements to accommodate secondary suites
- design elements of the houses include pitched roofline, bay window, covered entryway, and single car garage; and exterior materials include board and batten siding, hardi-lap siding, stucco, with accents of cedar shingles and cultured stone
- the proposed buildings have been designed to fit within the neighbourhood context
- an existing rock wall and large Garry Oak along the Pearl Street frontage would be retained
- all hard surface materials on site are permeable.

The Application proposes the following variances from the *Zoning Regulation Bylaw*:

- relaxing the maximum building heights
- reducing the side yard setbacks (internal to the proposed buildings).

ANALYSIS

Development Permit Area and Design Guidelines

The OCP identifies this property within Development Permit Area 15A: Intensive Residential - Small Lot. The proposed design of the two new small lot houses is generally consistent with the *Small Lot House Design Guidelines*, with the exception of including secondary suites.

The two small lots would be generally consistent with the established lot pattern on the street, and would be a sensitive infill that keeps with the scale and massing of the neighbourhood. The proposed two-storey small lot houses have pitched rooflines complementary to the adjacent single family dwellings to the east, and to the overall neighbourhood character. The proposed buildings incorporate traditional design features, such as covered entryways, horizontal siding, and cedar accents. Windows are maximized on the front and rear elevations and windows on the side elevations are smaller and carefully located to respect the privacy of adjacent neighbours.

The applicant has differentiated the small lot houses from one another, and from the houses directly to the east, by introducing different materials and window treatments. The front

entryways have been accentuated and covered, softening the appearance of the proposed garage entrances.

The applicant has proposed a mix of hard and soft landscaping in the front and rear yards of the lots. Any trees removed will be replanted, and mature landscaping elements will be retained.

Regulatory Considerations

The Application proposed the following variances from the *Zoning Regulation Bylaw*:

- increase the maximum height allowed on Lot A from 7.50m to 7.57m
- increase the maximum height allowed on Lot B from 7.50m to 7.58m
- reduce the side yard setback for on the east side of Lot A from 2.40m to 1.50m
- reduce the side yard setback for on the west side of Lot B from 2.40m to 1.50m.

Maximum Height Variances

The proposed height variances are minor in nature (i.e. 7cm on Lot A and 8cm on Lot B) and partially result from the grade change across the site. The additional height would not impact the neighbouring properties and staff recommend that Council consider supporting this variance.

Setback Variances

The R1-S2, Restricted Small Lot (Two Storey) District, requires a side yard setback of 2.4m where windows to habitable rooms are proposed on the side elevation of a building. In this case, the applicant proposes side yard setbacks of 1.5m adjacent to the property line between the two new buildings. Windows to habitable rooms are proposed on the side facing elevations; however, the majority of these windows are located on the first floor and basement levels, and would be at different elevations because of the grade change between the two proposed lots. Additionally, a fence between the two properties is also proposed to help mitigate overlook concerns. The window placement would not adversely impact the properties, and staff recommend that Council consider supporting this variance.

CONCLUSIONS

The proposal to construct two new small lot houses is generally consistent with the *Small Lot House Design Guidelines*. Further, the proposed variances to building height and side yard setback are supportable. However, the *Small Lot Rezoning Policy* does not support secondary suites within small lot homes. Therefore, staff are recommending that Council consider declining the concurrent Rezoning Application and this Development Permit with Variances Application. Should Council consider approving these Applications, an alternative motion has been provided.

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. 00544 if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 00544 for 1539 Pearl Moss Street, in accordance with:

1. Plans date stamped July 21, 2017
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Part 1.23.4(a): increase the maximum height of Lot A from 7.50m to 7.57m;
 - ii. Part 1.23.4(a): increase the maximum height of Lot A from 7.50m to 7.58m;
 - iii. Part 1.23.8(c): reduce the side yard (east) setback of Lot A from 2.40m to 1.50m to allow for a habitable room with a window;
 - iv. Part 1.23.8(c): reduce the side yard (west) setback of Lot B from 2.40m to 1.50m to allow for a habitable room with a window.
3. The Development Permit lapsing two years from the date of this resolution.

Respectfully submitted,



Chelsea Medd, Planner
Development Services Division



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date: Sept 7, 2017

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped July 21, 2017
- Attachment D: Letter from Applicant to Mayor and Council dated August 22, 2017
- Attachment E: Community Association Land Use Committee comments dated October 25, 2017
- Attachment F: Letter from Engineer dated December 1, 2016
- Attachment G: Arborist review dated January 30, 2017
- Attachment H: Small Lot Petition.