



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Report Date: October 2, 2006
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RTS No.: 6283
VanRIMS No.: 11-3500-10
Meeting Date: October 17, 2006

TO: Vancouver City Council
FROM: Director of Current Planning
SUBJECT: Amendment To The Section 219 Covenant: 1188 West 54th Avenue

RECOMMENDATION

THAT the Section 219 Covenant registered at the Vancouver Land Title Office under Charge No. G89947 (and amended under Charge No. N98585 and BK13793) for 1188 West 54th Avenue be amended to allow a maximum Floor Space Ratio (FSR) of 0.60 and an increase to the height by 3.85 ft., to the satisfaction of the Director of Planning and the Director of Legal Services at no cost to the City.

GENERAL MANAGER'S COMMENTS

The General Manager of Community Services RECOMMENDS approval of the foregoing.

COUNCIL POLICY

There is no applicable Council policy for this matter.

PURPOSE

This report seeks a Council Resolution to amend the Section 219 Covenant respecting floor space ratio and height provisions for the lands located at 1188 West 54th Avenue (Lot 18, Block 17A, District Lot 526, Plan 17919). Since Council approved the terms of the original covenants, any substantive alteration to the text requires a Council Resolution.

SITE DESCRIPTION AND BACKGROUND

The site is located on the south side of West 54th Avenue. The block is bounded by Selkirk Street to the west and Oak Street to the east. The site and surrounding zoning are shown on the attached Appendix 'A'.

The site is zoned RS-1 One-Family Dwelling District and developed with a single-family dwelling approved under Development Permit Number DE91461, issued August 14, 1981. The site and development on it are subject to the terms of Section 219 Covenants registered on title.

The covenants, volunteered by the property owner at the time of subdivision, were entered into to provide a degree of view protection to and from the nearby one-family dwellings, and to preserve the large, estate-like amenities characteristic of the immediate neighbouring properties.

The covenant restricting Lot 18 now provides for the following:

- (a) Lot 18 to be developed with only a single-family dwelling requiring design approval by the Director of Planning;
- (b) the Floor Space Ratio not to exceed 0.30;
- (c) the height not to exceed the lesser of one storey or 5.000 m (16.40 ft.); and
- (d) a west side yard of 5.140 ft. in perpendicular width of Lot 18, not to be used, built on or developed with any building structure.

DISCUSSION

The present owner of the site wishes to construct an addition to the existing one-family dwelling to provide two bedrooms with ensuite and a sitting room. This would be accomplished by filling in an existing double height portion in the central part of the house with approximately 62.0 square metres (677 square feet) of floor area. Additional headroom of 1.17 metres (3.85 feet) is required for the proposed floor and would be created by lifting the roof over this portion of the house. The resulting development would continue to comply with the view corridor restrictions of the covenant (Item [d] above) as there would not be an expansion of the existing building footprint.

The increased height required to provide the necessary headroom (3.85 ft.) would result in the building exceeding the limitation of building height (Item [c] in the existing covenant measured from the building grade at West 54th Avenue), however, the Director of Planning is satisfied that this slight increase would not adversely affect the intent of the covenant as the resulting building would still be well below the maximum height permitted under the RS-1 District Schedule. Special approvals by the Director of Planning with respect to the height envelope, and the east side yard setback would be required for the proposed addition, but these do not adversely affect the intent of the covenant and are a result of the original building being moved as far east as possible to ensure the westerly view corridor is maintained.

Subsequent to approval of the original residence, Council amended the RS-1 By-law to impose an above-grade floor space restriction and a requirement that double height portions be counted as floor area. Due to this amendment the existing house exceeds this requirement and is considered existing non-conforming. The filling-in of the double volume area does not change the calculated floor area but does provide an additional 667 square feet of useable interior area. The total resulting floor space ratio is calculated to be 0.40.

The site immediately to the west on Lot 17 is also restricted by similar covenants. In accordance with Council resolutions of September 10, 1985, and November 7, 1995, its allowable floor space ratio has been increased to the current RS-1 maximum of 0.60.

Simplified plans, including a site plan and elevations of the proposal, have been included in Appendix "B".

The neighbouring property owners deemed to be the most affected by the proposed development and beneficiaries of the current covenants (see Appendix "A" map) have submitted written support for the proposal and the specified amendments of the covenant.

FINANCIAL IMPLICATIONS

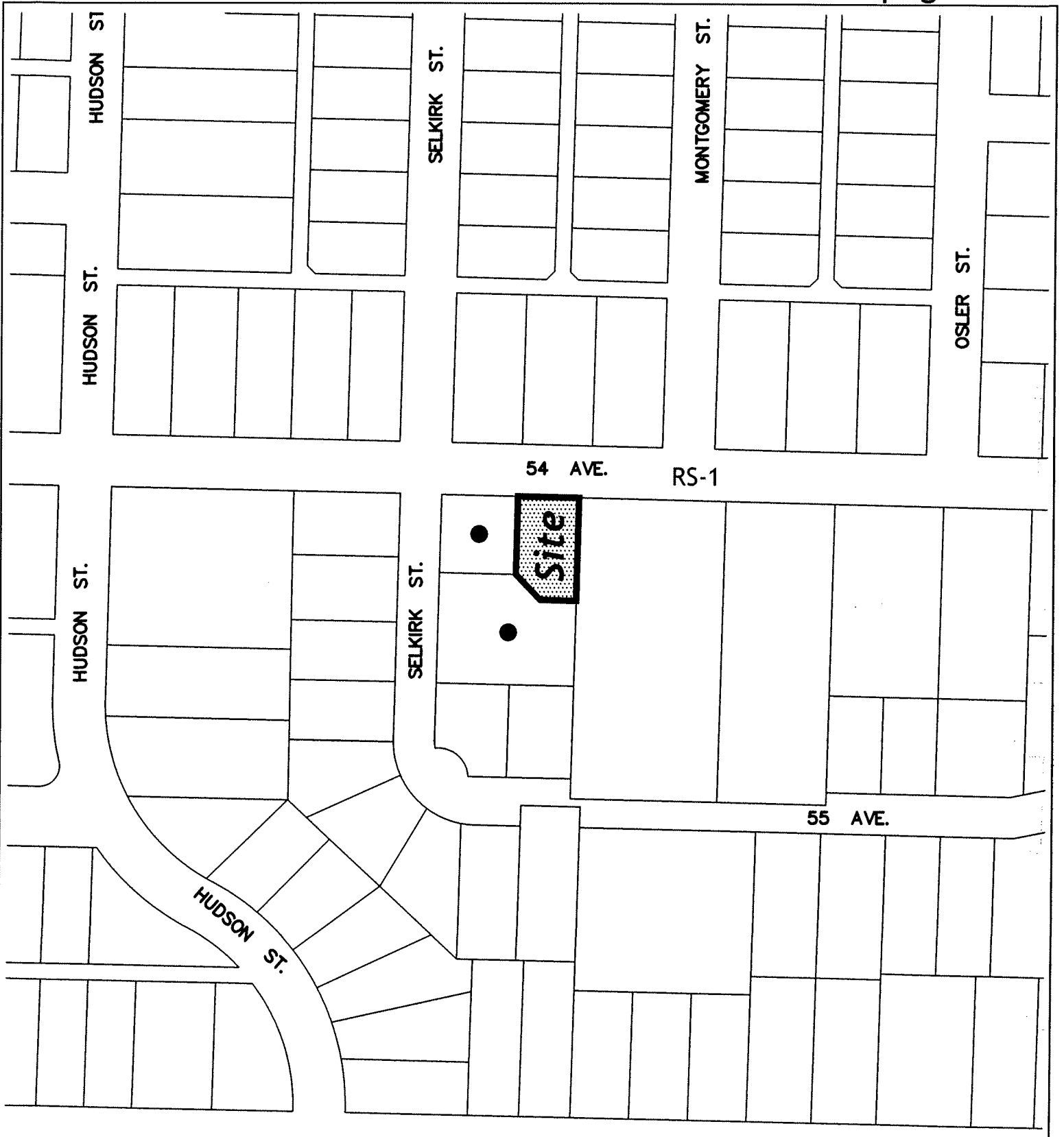
There are no financial implications.

CONCLUSION

The proposed development would continue to meet the view protection intent prescribed by the covenants. Further, the proposed development is well under the current By-law permitted total height and total floor space ratio limits, and the neighbouring property owners do not object to the new form of development proposed for this site.

The Director of Planning believes the design of the proposal is acceptable and meets the intent of the original covenants and is therefore prepared to support the amendment to the height and floor space ratio restrictions contained therein.

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● Note: Neighbouring property owners contacted



Site: 1188 West 54 Avenue
City of Vancouver Planning Department

Date: 2006 March 02
Drawn: TM
Scale: 1:2000

