



Council Report
For the Meeting of June 28, 2018

To: Council **Date:** June 14, 2018
From: Jonathan Tinney, Director, Sustainable Planning and Community Development
Subject: **Update Report for Rezoning, Development Permit with Variance No. 00582 and Heritage Alteration Permit with Variances No. 00007 for 224 Superior Street**

RECOMMENDATION

Rezoning Application No. 00582

That Council give first and second reading of Zoning Regulation Bylaw, Amendment Bylaw (No. 1141) No. 18-019 for Rezoning Application No. 00582 for 224 Superior Street.

Development Permit with Variance Application No. 00582

That Council, after giving notice and allowing for an Opportunity for Public Comment and a Public Hearing at a meeting of Council for Rezoning Application No. 00582, consider this updated motion:

"That Council authorize the issuance of Development Permit with Variance Application No. 00582 for 224 Superior Street, in accordance with:

1. Plans date stamped April 23, 2018.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
 - i. Reduce the side yard (west) setback from 2.40m to 1.50m to allow for two habitable rooms with windows.
3. That prior to issuance of the Development Permit with Variance, the City receive confirmation of registration of a Statutory Right-of-Way (SRW) of 2.41m on Superior Street, to the satisfaction of the Director of Sustainable Planning and Community Development.
4. The Development Permit lapsing two years from the date of this resolution."

Heritage Alteration Permit with Variances Application No. 00007

That Council, after giving notice and allowing for an Opportunity for Public Comment and a Public Hearing at a meeting of Council for Rezoning Application No. 00582, consider this updated motion:

"That Council authorize the issuance of Heritage Alteration Permit Application with Variances

No. 00007 for the existing Heritage Designated house at 224 Superior Street, in accordance with:

1. Plans date stamped April 23, 2018.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Reduce the side yard setback from 3.65m to 1.20m
 - ii. Reduce the rear yard setback from 4.0m to 1.36m
 - iii. Allow parking in the front yard
 - iv. Increase the site coverage from 30.0% to 35.09%.
3. That prior to issuance of the Heritage Alteration Permit with Variances, the City receive confirmation of registration of a Statutory Right-of-Way (SRW) of 2.41m on Superior Street, to the satisfaction of the Director of Sustainable Planning and Community Development.
4. Heritage Alteration Permit lapsing two years from the date of this resolution.”

EXECUTIVE SUMMARY

The purpose of this report is to update Council on the Rezoning, Development Permit with Variance and Heritage Alteration Permit with Variances applications for 224 Superior Street. The conditions set by Council on December 14, 2017 have been met. The Statutory Right-of-Way has been executed by the applicant, the Bylaws have been drafted, and the applicant has met with staff to explore alternate parking layouts and have corrected minor plan inconsistencies.

BACKGROUND

The proposal is to subdivide the property at 224 Superior Street, retain the existing Heritage Designated house and rezone the new lot to the R1-S2 Zone, Restricted Small Lot (Two Storey) District. The existing house would be rezoned to a site-specific zone to allow four self-contained units. This application also requires a Development Permit with Variance for the small lot house and a Heritage Alteration Permit with Variances for the existing house.

Parking

At Committee of the Whole on December 14, 2018, Council motioned that Staff explore the parking layout further to help reduce the impact of the front yard parking on the streetscape. Staff looked at alternative parking configurations with the applicant; however, the layout proposed at Committee of the Whole most closely met the *Zoning Regulations Bylaw*, *Highway Access Bylaw* and other bylaws, and retained the existing publicly owned boulevard trees.

Parking is proposed to be in front of the Heritage Designated house in an ‘L’ shape configuration. This would allow the driveway crossing to be as far from the existing boulevard tree as possible, while also providing space for vehicles to back up. While two vehicles would park directly in front of the house, the location does not obstruct views of the upper levels of the house which have more heritage significance than the lower level. Additionally, there is an existing mature hedge which would help reduce the visibility of the vehicles from the street.

Parking on the east side-yard or rear-yard would be challenging, and was not seen as an ideal option. Locating parking on the east side with parallel parking would impact the mature plum trees on site, and would require more paving and hard surface.

Note: the landscaping on site is not designated heritage, and the trees are not bylaw protected.

Plan Revision

Minor revisions to the plans were required for consistency between the drawings and the detail on the materials proposed. The plans have been revised and are included in the attachments. The motion for Council's consideration has been updated to reflect this.

Statutory Right-of-Way

A Statutory Right-of-Way of 2.41m on Superior Street has been executed; however, at the time of writing this report the agreement has not been registered with the Land Titles Office by the applicant. The motion for Council's consideration has been updated to reflect this.

CONCLUSIONS

As per Council's motion on December 14, 2017, the applicant has explored alternative parking layouts, revised the plans to fix minor inconsistencies, and executed a Statutory Right-of-Way. As the applicant has carried out the recommendations set forth by Council, Staff recommend that the application advance to a Public Hearing for further consideration.

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: June 21, 2018

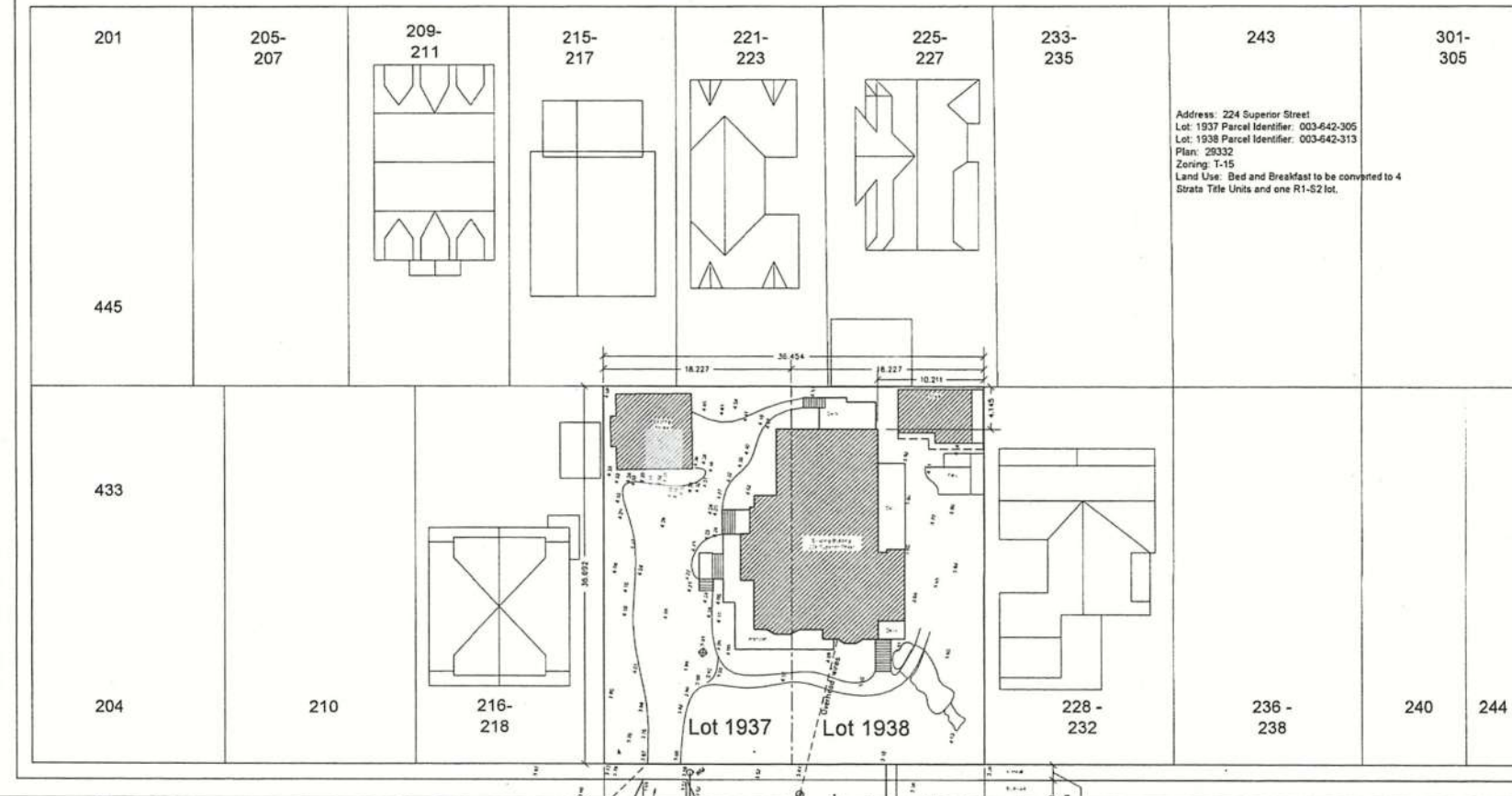
List of Attachments:

- Attachment A: Revised Plans date stamped April 13, 2018
- Attachment B: Council Motion from December 14, 2017.



Kingston Street

Montreal Street



Address: 224 Superior Street
 Lot: 1937 Parcel Identifier: 003-642-305
 Lot: 1938 Parcel Identifier: 003-642-313
 Plan: 29332
 Zoning: T-15
 Land Use: Bed and Breakfast to be converted to 4 Strata Title Units and one R1-S2 lot.

Superior Street

321

209

215

219

221

225

233-235

Revisions
 Received Date:
 April 13, 2018

Merlin DESIGN
 250 885 2207

224 Superior Street

Plan of Existing Site

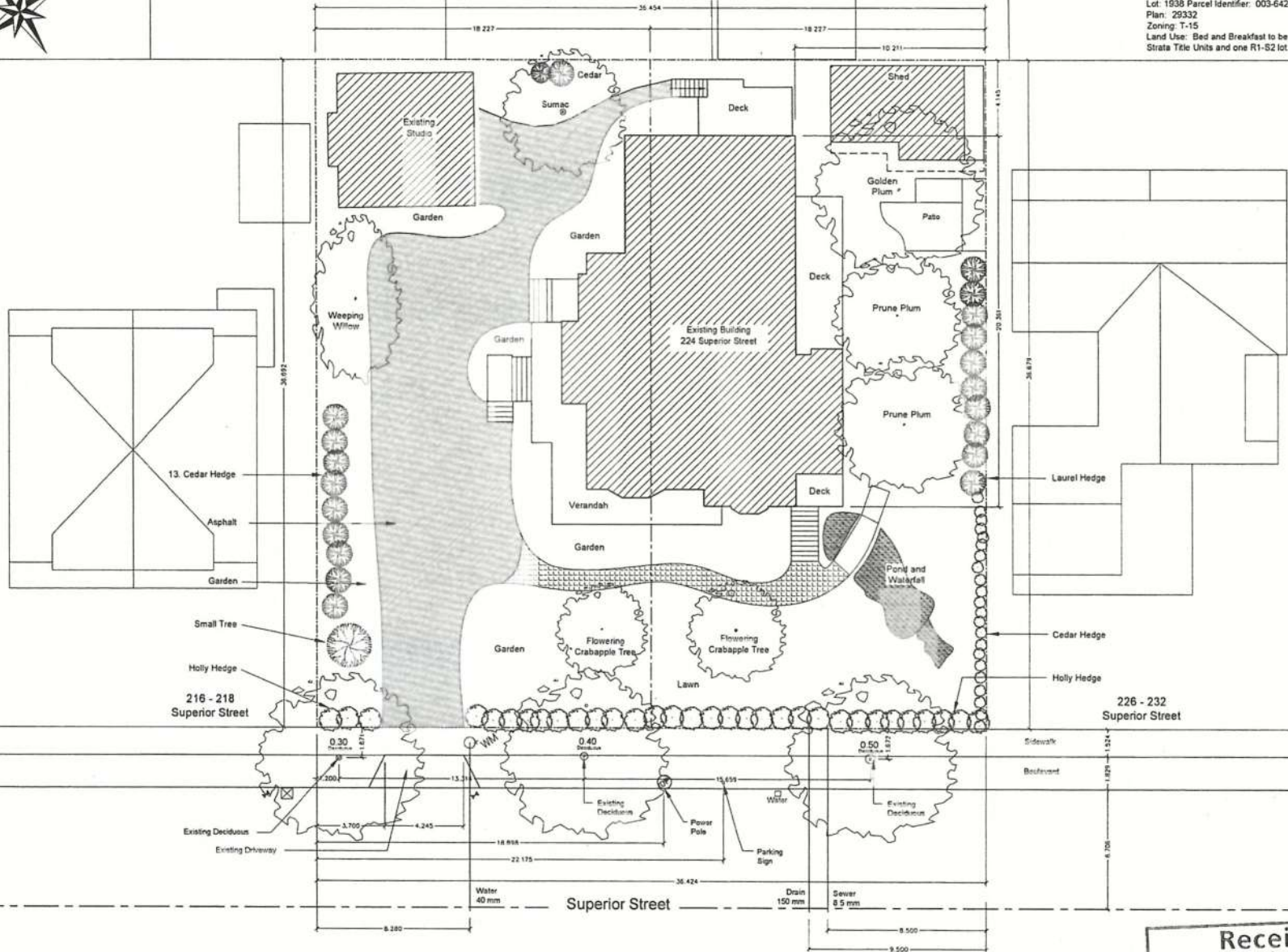
Drawing Detail

Project
 Drawn by
 D. Halton
 Date
 Dec 20, 2016
 Scale
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 Page

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Address: 224 Superior Street
 Lot: 1937 Parcel Identifier: 003-642-305
 Lot: 1938 Parcel Identifier: 003-642-313
 Plan: 29332
 Zoning: T-15
 Land Use: Bed and Breakfast to be converted to 4
 Strata Title Units and one R1-S2 lot.



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224 Superior Street

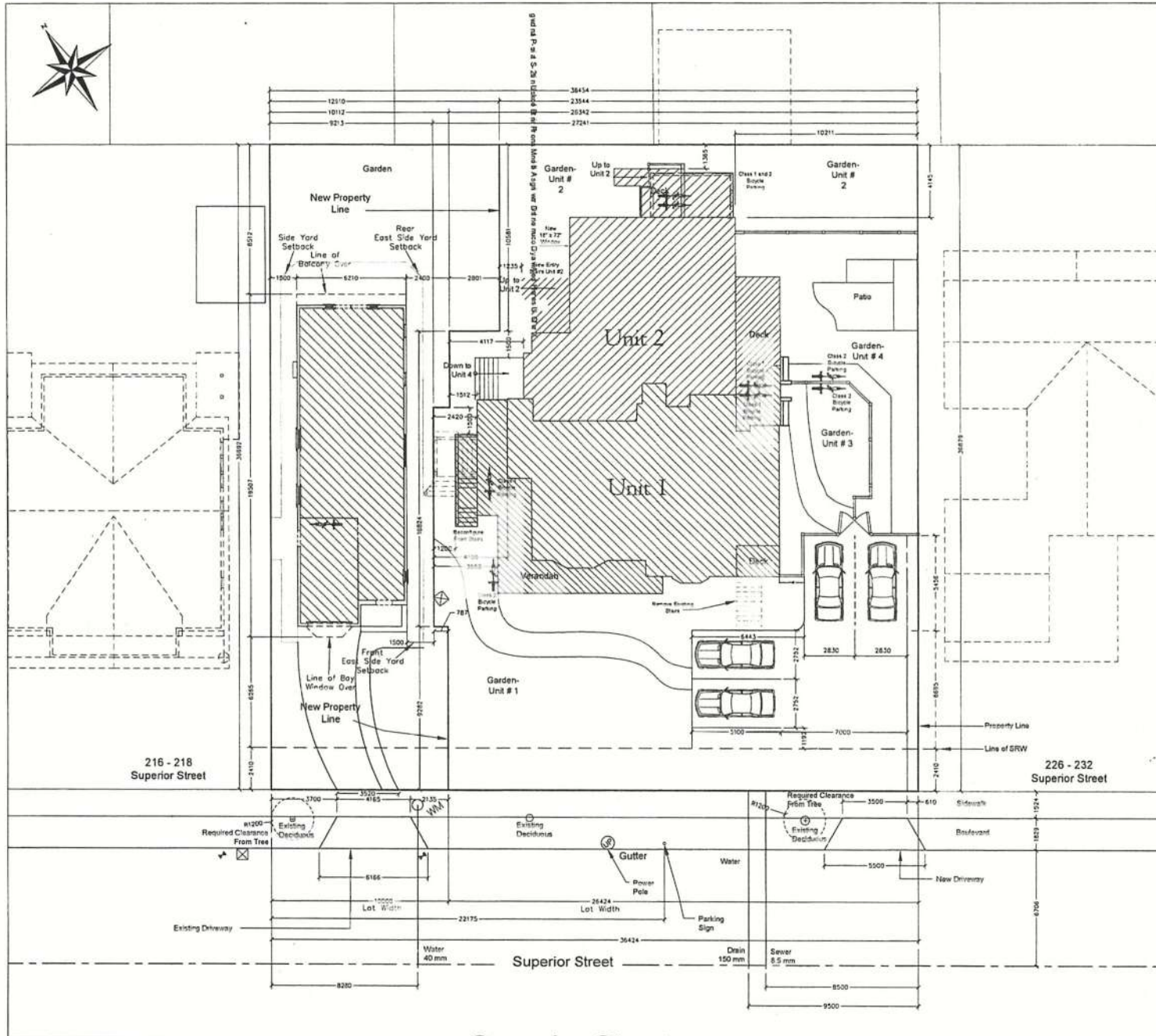
Existing Landscape Plan

Drawing Detail

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 APR 13 2018
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 Development Services Division



Address: 224 Superior Street
 Lot: 1937 Parcel Identifier: 003-642-305
 Lot: 1938 Parcel Identifier: 003-642-313
 Plan: 22532
 Zoning: T-15
 Land Use: Bed and Breakfast to be converted to 4 Strata Title Units and one R1-S2 lot

PROJECT INFORMATION TABLE
 Parcel/Existing Parcel Number: 224 Superior Street

Zone (existing)	T-15
Site area (sq. meters) including DRW	953.76
Area of SRW	87.78
Site Area without SRW	865.98
Total floor area (sq. meters)	470.50
Commercial floor area	none
Floor space ratio	0.51:1
Site coverage %	34.89%
Open site space %	49.31%
Height of building (meters)	5.588
Number of storeys	2
Parking stalls (number) on site	4
Number of stalls (coverage and rank) in each unit	
Building setbacks (m)	
a. Front yard	12.174
b. Rear yard	1.365
c. Side yard (small)	4.254
d. Side yard (large)	7.681
e. Combined side yards	11.895
Residential Use Details	
a. Total number of units	4
b. Unit type	2 bed-room
c. Ground orientated units	4
d. Minimum unit floor area (m ²)	116.11
e. Total residential floor area (m ²)	480.30

PROJECT INFORMATION TABLE
 222 Superior Street

Zone	Zoning Standard for the		Calculate
	Small Lot	Small Lot	
Site area (sq. meters)	81.52	81.52	none
Site coverage %	33.02	33.02	none
Total floor area (sq. meters)	30.146	40.0%	none
Floor space ratio	392.09	350	none
Height of building (meters)	0.47:1	0.6:1	none
Number of storeys	2	2	none
Building setbacks (m)			
Front yard	6.265	6	none
Rear yard	8.412	6	none
Side yard (small)	1.5	1.5	none
Side yard (large)	1.5-1.4	1.5	none
Open site space %	61.28%		none
Parking area (sq. meters) on site	1	0	none
Bicycle parking number			none

Driveway Slope Calculation

222 Driveway

Height at the Sidewalk	3.67
Height at the House	3.86
Difference	0.19
Length of Driveway	9.28
Slope	2.047%

224 East

Height at the Sidewalk	3.33
Height at the House	3.65
Difference	0.32
Length of Driveway	12.19
Slope	2.624%

Permitted August 4, 2017

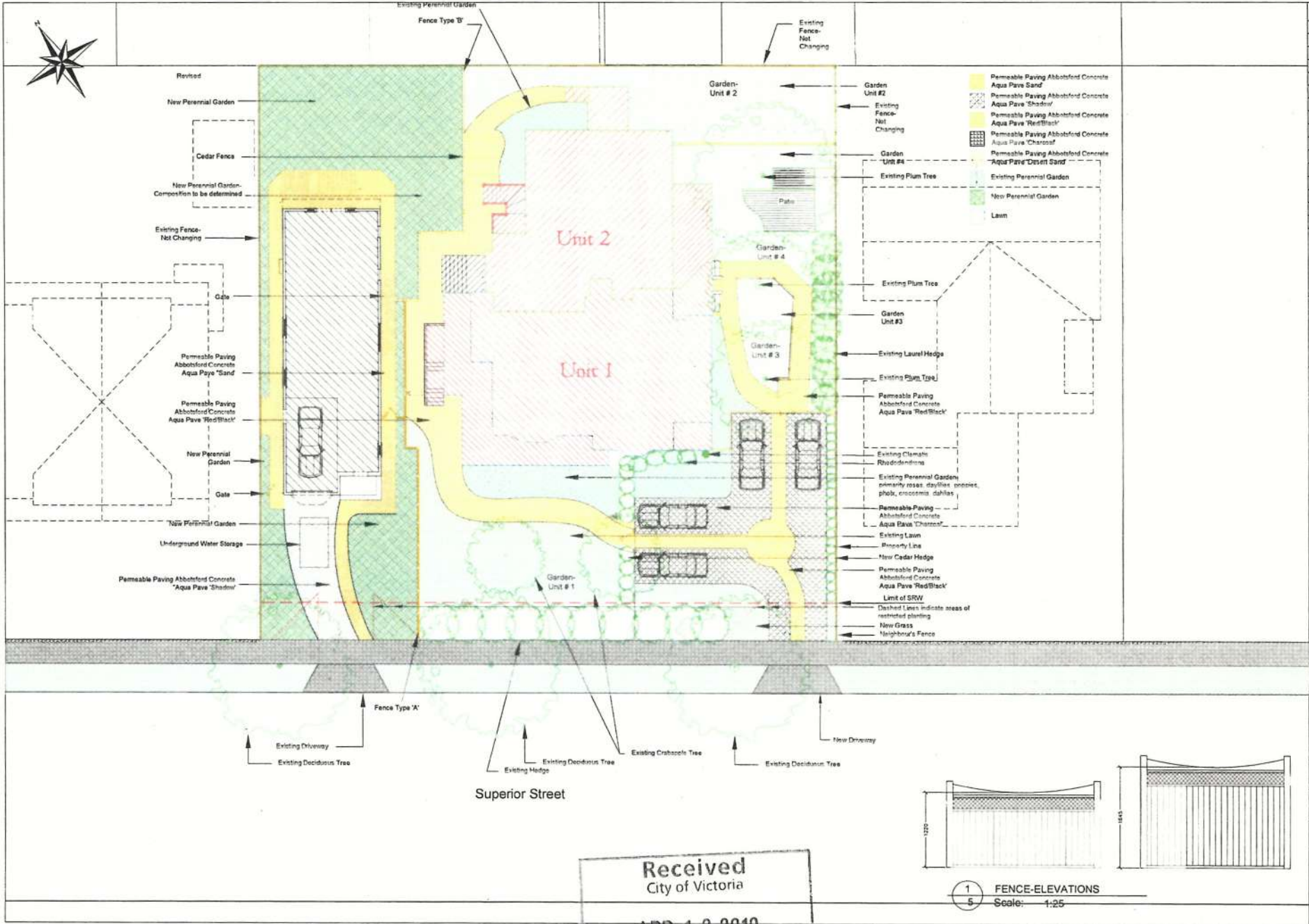
No.	Description
1	Dimensions Added
2	Dimensions Added
3	House Moved Back
4	Dimensions Changed
5	Dimensions Changed
6	Dimensions Changed
7	Property Line Reestablished
8	Dimensions Changed
9	Driveway Slope Added
10	Driveway Slope Added
11	Building Configuration Changed
12	Figure Updated
13	Figure Updated
14	Calculation Added
15	Figure Revised

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Project: 224 Superior Street
 Drawing Detail: Proposed Site Plan (with Upper Floor of Strata)

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Revisions August 4, 2017
No Description
1 Legend Added
2 Location of New House
3 Storage Room
4 New Driveway layout

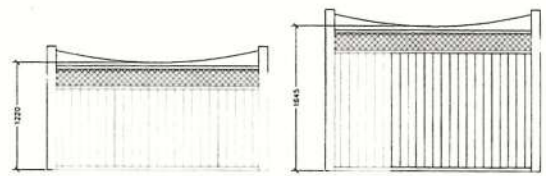


Project
224 Superior Street
 Drawing Detail
 Proposed Site Plan

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D. Halton
 Date
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 Scale
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1
 5 FENCE-ELEVATIONS
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Revisions: July 20, 2017

No	Description
1	Outline Showing Total Floor Area Dimmed
2	Total Floor Area Added
3	Storage Removed

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224 Superior Street

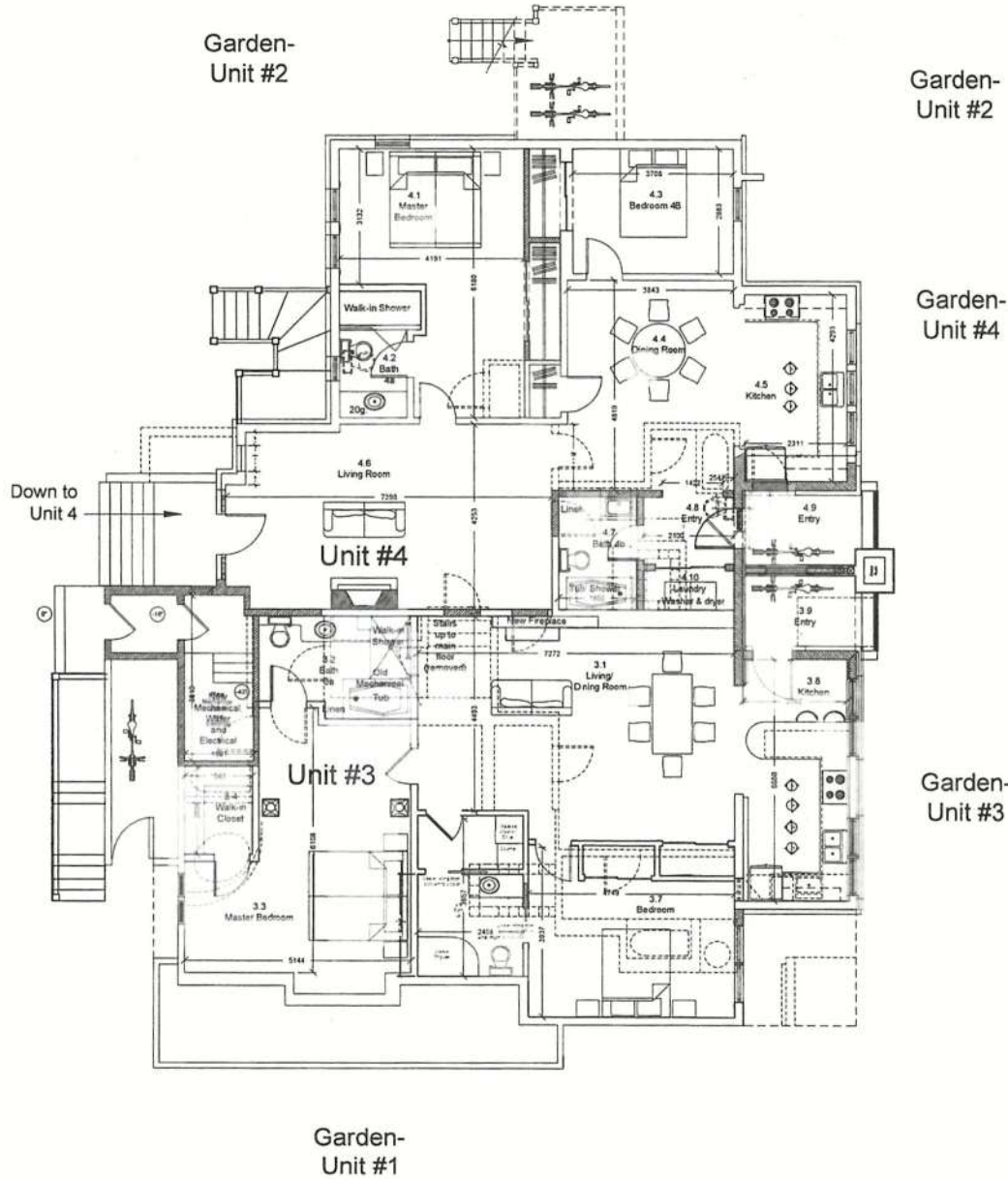
Elevations

Drawing Detail

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 Date
Dec. 20, 2016
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Address: 224 Superior Street
 Lot: 1937 Parcel Identifier: 003-642-305
 Lot: 1938 Parcel Identifier: 003-642-313
 Plan: 29332
 Zoning: T-15
 Land Use: Bed and Breakfast to be converted to 4 Strata Title Units and one R1-S2 lot.

Key to Symbols
 — HEAVY LINE indicates a wall that needs refinishing or repair.
 ▨ HEAVY LINE with HATCHING indicates a new wall.
 - - - DASHED LINE indicates a wall or element that is to be removed.

Total Square Footage
 Lower Floor: 242.25 sq. M.

Revisions	August 4, 2017
No.	Description
1	Complete Footage Area Demolished
2	Complete Footage Calculations
3	Mechanical Room Relocated
4	Area Reconfirmed
5	Room Extension Removed
6	Storage Room added

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224 Superior Street

Plan- Lower Floor of Strata

Project

Drawn by
 D. Halton

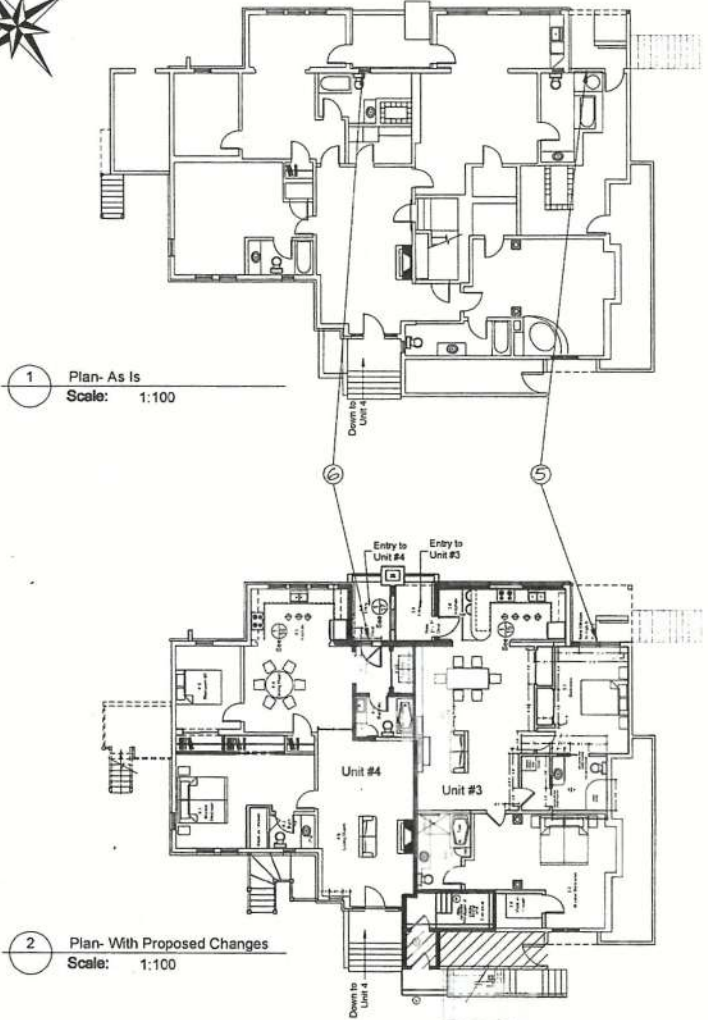
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1 Plan- As Is
Scale: 1:100

2 Plan- With Proposed Changes
Scale: 1:100



3 East Elevation- As Is
Scale: 1:100



4 East Elevation- With Proposed Changes
Scale: 1:100

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All of these changes are on the East Side of the house and would not impact on the Heritage qualities of the house in any meaningful way.

5. The existing door in the recess under the upper deck will be replaced with a window. This window is for the bedroom in Unit #3.

6. This window is recessed under the deck above. Replace the existing window with a new door as entry to Unit #4.

Revisions	August 4, 2017
No.	Description
1	New Window Removed
2	Location of Window Changed
3	Facade Reconfigured

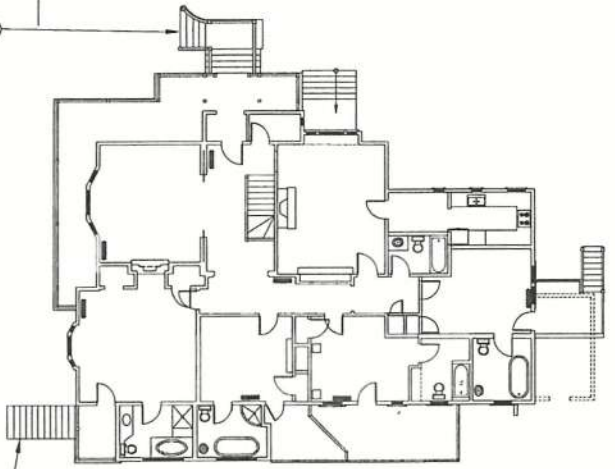
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Project: 224 Superior Street
 Drawing Detail: Proposed Changes to the Exterior- East Elevation

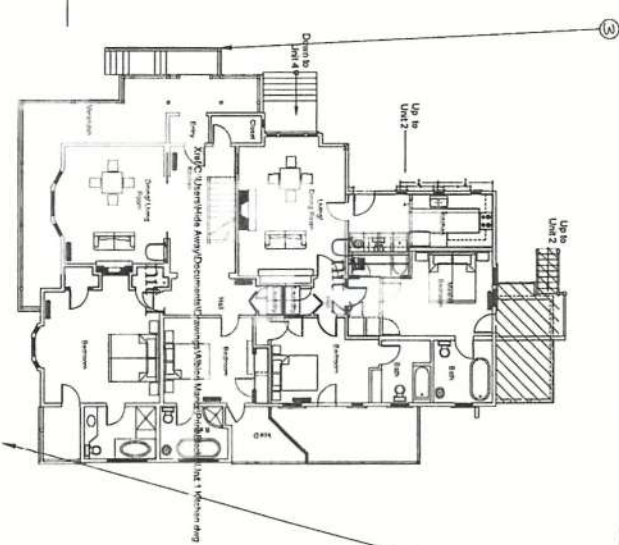
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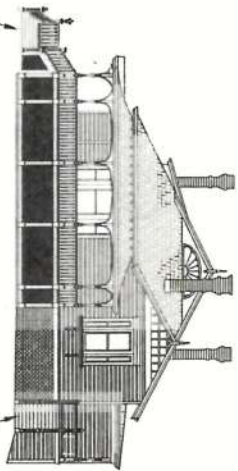
1 Plan- As Is
Scale: 1:100



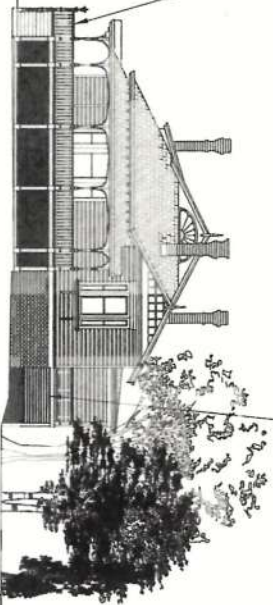
2 Plan- Proposed
Scale: 1:100



3 South Elevation- As Is
Scale: 1:100



4 South Elevation- Proposed
Scale: 1:100



3. Reconfigure the existing entry stairs. This will be the entrance to Unit #1. The configuration as they exist now is not original to the house but was changed in the 1990 renovation. The entry at the bottom was added in 2012. The new stairs would maintain the original design but would be configured as shown in Drawing 4. With the new interior configuration, these stairs would give access from Unit 1 to the garden of Unit #3. Therefore, these stairs would be removed.

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Project: 141-24-2017
South Elevation
1 - New Page Added

Revisions: August 4, 2017

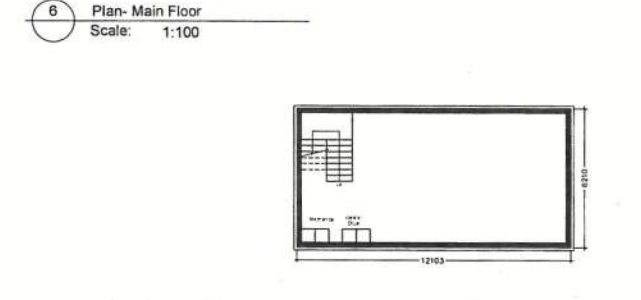
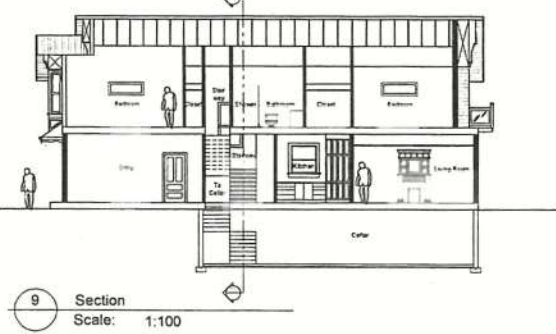
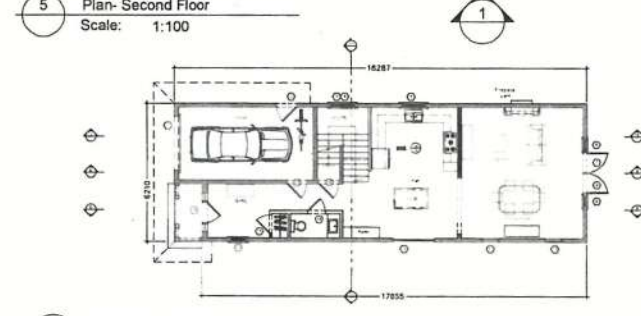
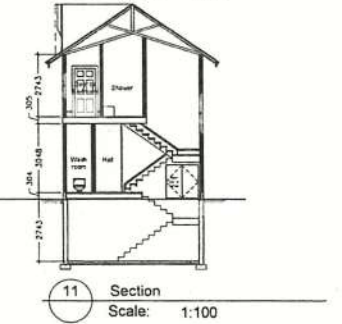
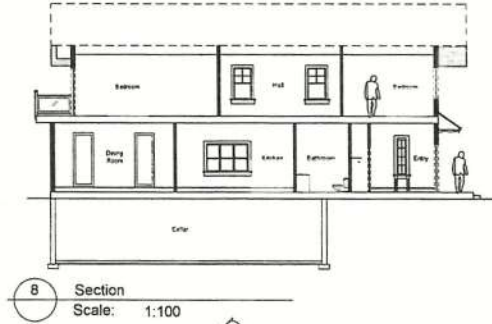
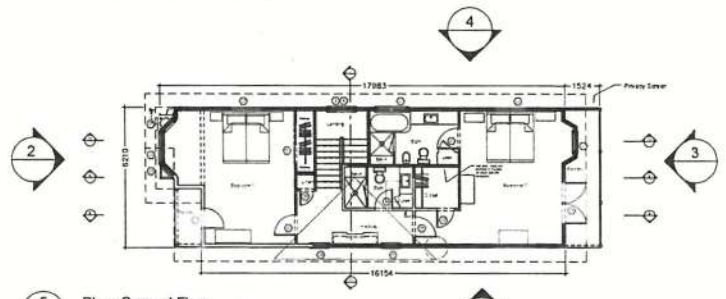
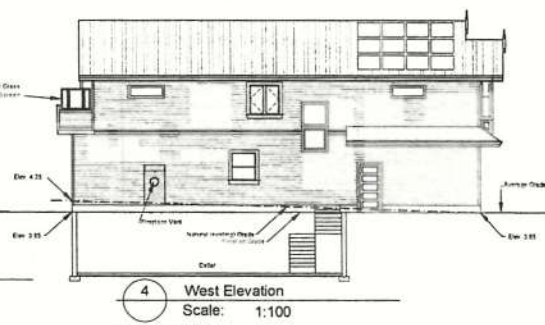
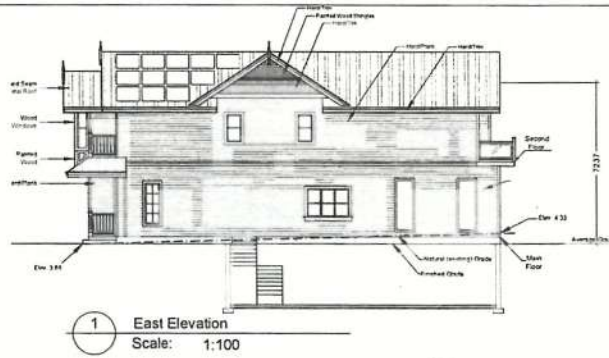
No.	Description
1	Height Re-calculated
2	Access Crawl Added
3	Style of Entry Door Changed
4	Style of Garage Door Changed
5	Description Added
6	Description Added
7	Description Added
8	Kitchen Re-arranged
9	Stained Glass Replaced with Clear Glass
10	Garage Re-arranged

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222 Superior Street
Elevations, Plans and Sections
Drawing Detail

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A1



Special Separation- Fully Sprinklered Building

Building Area	Area of Building	Existing Occupancy	Proposed Occupancy	Percentage of Occupancy	Percentage of Building
Area	(sq. m)	(sq. m)	(sq. m)	(%)	(%)
Garage	31.15	1.17	1.17	3.73	1.21
Living Room	22.38	22.38	0.00	0.00	0.00
Garage	31.15	31.15	0.00	0.00	0.00

ROOM DESCRIPTION	WIDTH	HEIGHT
1 Garage Level	2840	480
2 Living Room	3115	2810
3 Kitchen	3115	2810
4 Dining Room	3115	2810
5 Bedroom	3115	2810
6 Bathroom	3115	2810
7 Hallway	3115	2810
8 Staircase	3115	2810
9 Staircase	3115	2810
10 Staircase	3115	2810
11 Staircase	3115	2810
12 Staircase	3115	2810
13 Staircase	3115	2810
14 Staircase	3115	2810
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34 Staircase	3115	2810
35 Staircase	3115	2810
36 Staircase	3115	2810
37 Staircase	3115	2810
38 Staircase	3115	2810
39 Staircase	3115	2810
40 Staircase	3115	2810

Received
City of Victoria
APR 13 2018
Planning & Development Department
Development Services Division

224 Superior Street**Rezoning, Development Permit with Variance and Heritage Alteration Permit with Variances****Council Motion - December 14, 2017:****Rezoning Application No. 00582**

That Council instruct staff to prepare the necessary Zoning Regulation bylaw amendments that would authorize the proposed development outlined in Rezoning Application No. 00582 for 224 Superior Street, that first and second reading of the Zoning Regulation bylaw amendments be considered by Council and a Public Hearing date be set, subject to receipt of an executed Statutory Right-of-Way (SRW) of 2.41m on Superior Street.

Development Permit Application No. 00582

That Council after giving notice and allowing for an Opportunity for Public Comment at a meeting of Council and after a Public Hearing for Rezoning Application No. 00582, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 00582 for 224 Superior Street, in accordance with:

1. Plans date stamped November 9, 2017
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
 - i. reduce the side yard (west) setback from 2.40m to 1.50m to allow for two habitable rooms with windows
3. The Development Permit lapsing two years from the date of this resolution."

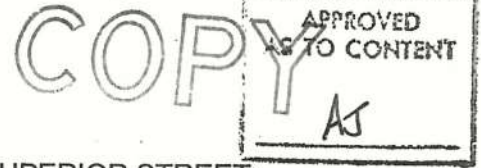
Heritage Alteration Permit Application with Variances No. 00007

That subject to the correction of minor plan inconsistencies and the applicant exploring alternate parking layouts with staff to reduce the impact on the streetscape to the satisfaction of the Director of Sustainable Planning and Community Development, that Council, after giving notice, and allowing an Opportunity for Public Comment at a meeting of Council, and after a Public Hearing for Rezoning Application No. 00582, if it is approved, consider the following motion:

"That Council authorize the issuance of Heritage Alteration Permit Application with Variances No. 00007 for the existing Heritage-Designated house at 224 Superior Street, in accordance with:

1. Plans, date stamped November 9, 2017
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. Reduce side yard setback from 3.65m to 1.20m
 - ii. Reduce rear yard setback from 4.0m to 1.36m

- iii. Relaxation to allow parking in the front yard
 - iv. Increase the site coverage from 30.0% to 35.09%
3. Final plans as amended in accordance with this motion to be generally in accordance with the plans identified above to the satisfaction of the Director, Sustainable Planning and Community Development
 4. Heritage Alteration Permit lapsing two years from the date of this resolution."



NOTICE OF PUBLIC HEARING

APPLICATION FOR REZONING OF PROPERTY KNOWN AS 224 SUPERIOR STREET:

ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 1141) - No. 18-019:

The purposes of this Bylaw are to rezone the property with the civic address of 224 Superior Street so that:

- the western portion of the property is rezoned to the R1-S2 Zone, Restricted Small Lot (Two Storey) District, in order to permit the land being used for a small lot house; and
- the eastern portion of the property is rezoned to the R2-56 Zone, Superior Street Conversion District, in order to permit the land being used for a four-unit multiple dwelling.

New Zones: R1-S2 Zone, Restricted Small Lot (Two Storey) District; and
R2-56 Zone, Superior Street Conversion District

Legal descriptions: Lot 1937, Victoria City; and
Lot 1938, Victoria City

Existing Zone: T-15 Zone, Superior Street Transient Accommodation District

The Bylaw will also repeal the bylaw (90-81) that created the T-15 Zone, Superior Street Transient Accommodation District.

DEVELOPMENT PERMIT WITH VARIANCE APPLICATION

The Council of the City of Victoria will also consider issuing a Development Permit with a variance for a portion of the land known as 224 Superior Street (in Development Permit Area 15A: Intensive Residential – Small Lot) for the purposes of reducing the side yard (west) setback from 2.40m to 1.50m to allow for two habitable rooms with windows, and approving the exterior design and finishes for the proposed small lot house, as well as, landscaping.

HERITAGE ALTERATION PERMIT WITH VARIANCES APPLICATION

The Council of the City of Victoria will also consider issuing a Heritage Alteration Permit with variances for the land known as 224 Superior Street, for the purposes of approving the exterior alterations to the existing heritage designated building. Variances on the R2-56 Zone, Superior Street Conversion District, are required as follows:

- Reduce west side yard setback from 3.65m to 1.20m
- Reduce rear yard setback from 4.0m to 1.36m
- Allow parking in the front yard
- Increase the site coverage from 30.0% to 35.09%.

Members of the public interested in this matter will be given an opportunity to be heard by City Council at a Public Hearing to be held in the Council Chamber, City Hall, #1 Centennial Square, Victoria, B.C., V8W 1P6, on Thursday, _____, 2018, at 6:30 p.m.

Correspondence can be submitted for inclusion in the meeting agenda via mail to the address noted above, or by email at: publichearings@victoria.ca. Correspondence should be received by 11:00 a.m. the day before the Council meeting.

Copies of the proposed Bylaw and other relevant documents and information may be inspected at City Hall, #1 Centennial Square, Victoria, B.C. from the date of this Notice to and including the date of the Public Hearing, from 8:00 a.m. to 4:30 p.m., from Monday to Friday both inclusive, excluding public holidays.

Please note that all correspondence submitted to the City of Victoria in response to this Notice will form part of the public record and will be published in a meeting agenda when this matter is before the Council or a Committee of Council. The City considers the author's address relevant to Council's consideration of this matter and will disclose this personal information. The author's phone number and email address is not relevant and should not be included in the correspondence if the author does not wish this personal information disclosed.

READ A FIRST TIME the day of 2018

READ A SECOND TIME the day of 2018

Public hearing held on the day of 2018

READ A THIRD TIME the day of 2018

ADOPTED on the day of 2018

CITY CLERK

MAYOR

PART 2.147 – R2-56 ZONE, SUPERIOR STREET CONVERSION DISTRICT**2.147.1 Permitted Uses in this Zone**

The following uses are the only uses permitted in this Zone:

- a. Uses permitted in the R-2 Zone, Two Family Dwelling District, subject to the regulations set out in Part 2.1 of the Zoning Regulation Bylaw
- b. Multiple dwelling created through a house conversion of a building constructed prior to 1900, with no more than four self-contained dwelling units
- c. Home occupation subject to the regulations in Schedule "D"

2.147.2 Lot Area

- | | |
|------------------------------|-------------------|
| a. <u>Lot area</u> (minimum) | 945m ² |
|------------------------------|-------------------|

2.147.3 Floor Space Ratio

- | | |
|---------------------------------------|-------|
| a. <u>Floor space ratio</u> (maximum) | 0.5:1 |
|---------------------------------------|-------|

2.147.4 Height, Storeys

- | | |
|---|------|
| a. Principal <u>building height</u> (maximum) | 7.6m |
| b. <u>Storeys</u> (maximum) | 2 |

2.147.5 Setbacks, Projections

- | | |
|--|-------|
| a. <u>Front yard setback</u> (minimum) | 11m |
| Except for the following maximum projections into the setback: | |
| • Steps less than 1.7m in <u>height</u> | 2.5m |
| • porch | 2.5m |
| b. <u>Rear yard setback</u> (minimum) | 4.0m |
| c. <u>Side yard setback - west</u> (minimum) | 3.65m |
| d. <u>Side yard setback - east</u> (minimum) | 3.00m |

2.147.6 Site Coverage, Open Site Space

- | | |
|-----------------------------------|-----|
| a. <u>Site Coverage</u> (maximum) | 30% |
|-----------------------------------|-----|

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2.147.7 Vehicle and Bicycle Parking

- | | |
|---|--|
| a. <u>Vehicle and bicycle parking</u> (minimum) | Subject to the regulations in Schedule "C" except as otherwise specified by regulations in this Part |
| b. <u>Multiple dwelling</u> (vehicle parking - minimum) | 1 per unit |

