



## Committee of the Whole Report For the Meeting of December 13, 2018

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**To:** Committee of the Whole **Date:** November 29, 2018  
**From:** Andrea Hudson, Acting Director, Sustainable Planning and Community Development  
**Subject:** Heritage Alteration Permit Application with Variances No. 00007 for 224 Superior Street

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### RECOMMENDATION

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 building at 224 Superior Street, subject to all chimneys being reconstructed to match existing photographs and drawings, to the satisfaction of the Director of Sustainable Planning and Community Development, and in accordance with:

1. Plans, date stamped August 8, 2018
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - a. Reduce side yard setback from 3.65m to 1.20m
  - b. Reduce rear yard setback from 4.0m to 1.36m
  - c. Reduce parking from six stalls to four stalls
  - d. Relaxation to allow parking in the front yard
  - e. Increase the site coverage from 30.0% to 35.09%
3. Heritage Alteration Permit lapsing two years from the date of this resolution."

### LEGISLATIVE AUTHORITY

In accordance with Sections 617 and 618 of the *Local Government Act*, Council may issue a Heritage Alteration Permit which may be subject to terms consistent with the purpose of the heritage protection of the property, including: (i) conditions respecting the sequencing and timing of construction, (ii) conditions respecting the character of the alteration or action to be authorized, including landscaping and the siting, form, exterior design and finish of buildings and structures and (iii) security. Council may refuse to issue a Heritage Alteration Permit for an action that, in the opinion of Council, would not be consistent with the purpose of the heritage protection of the property.

## EXECUTIVE SUMMARY

The purpose of this report is to provide Council with information, analysis and recommendations for a revised Heritage Alteration Permit Application with Variances for the property located at 224 Superior Street. The proposal is to undertake minor exterior alterations to the existing heritage-designated eight room bed and breakfast to facilitate its conversion to four self-contained strata units. The application is concurrent with Rezoning and Development Permit Applications to subdivide the property for the creation of a small lot on the west portion of the property. Variances for the existing house would be required to facilitate the rezoning.

After the application was declined by Council at a Public Hearing on July 12, 2018, Council passed a motion, on July 26, 2018, to reconsider the Rezoning and Development Permit Applications as well as the Heritage Alteration Permit with Variances, pending changes outlined in the applicant's letter, dated July 24, 2018, as well as detailed in letters from the residents of 216 and 218 Superior Street (attached). The applicant has now made a number of changes to the proposal in response to this direction.

Variances associated with the proposal are as follows:

- reducing the side yard setback from 3.65m to 1.20m
- reducing the rear yard setback from 4.0m to 1.36m
- increasing site coverage from 30% to 35.9%
- reducing the required parking from six to four stalls
- relaxing parking location to allow parking in the front yard.

The exterior alterations to facilitate the conversion to four strata units include the removal and replacement of non-original materials, and the installation of one set of new stairs and one door that do not impact the original fabric or character-defining elements of the heritage-designated building.

The following points were considered in assessing this application:

- The proposal is consistent with relevant goals and objectives of the *Official Community Plan* and Development Permit Area 16: Form and Character for conserving heritage property and adapting existing building stock for diverse housing types.
- The proposal is consistent with the *James Bay Neighbourhood Plan* as it conserves the heritage-designated structure and encourages new economic use.
- The proposal is consistent with the *Standards and Guidelines for the Conservation of Historic Places in Canada* as the conversion is retained within the existing footprint and does not dramatically alter the exterior form.

The application is generally consistent with City policy. The rear yard setback variance relates to an existing stair, and the side yard setback variance relates to the introduction of a new property line to subdivide the lot to create a small lot on the west portion of the existing parcel. The location of the parking in the front is also recommended as supportable as the location of the stalls has a minimal impact on the significant aspects of the heritage house and is partially screened from the street by a hedge. The reduction in the required number of parking stalls from six to four is the result of a change to the Zoning Bylaw (ZBL) requirements which occurred after Council's reconsideration motion was passed; however, as there is little room on site to accommodate different parking layouts and the original site layout was established prior to the new bylaw coming into effect, staff recommend to Council that it is supportable.

## **BACKGROUND**

### **Description of Proposal**

This Heritage Alteration Permit Application with Variances is concurrent with a Rezoning Application to subdivide the property to create a small lot on the west portion of the site, leaving the existing heritage-designated house for a conversion from an eight room bed and breakfast to four individual strata units.

Variances associated with the concurrent Rezoning Application and the conversion to four strata units involve a reduction in the side yard setback from 3.65m to 1.20m; a reduction in the rear yard setback from 4.0m to 1.36m; an increase in site coverage from 30% to 35.9%; and a relaxation to allow parking in the front yard. The exterior alterations to facilitate the conversion to four strata units include the following:

- removal of non-original stairs
- addition of one set of new stairs and one door
- replacement of a non-original window with a window in keeping with the existing original windows
- replacement of a non-original door with a window
- replacement of a non-original window with a door.

The proposed exterior alterations were reviewed by staff and determined to be consistent with the *Standards and Guidelines for the Conservation of Historic Places in Canada*, and would normally be approved through the Delegated Heritage Alteration Permit process.

### **Affordable Housing Impacts**

The applicant proposes to convert an existing bed and breakfast to four new strata residential units, therefore increasing the overall supply of residential units in the area. The applicant also agrees to a Housing Agreement, which would ensure that future strata bylaws could not prohibit the rental of units.

### **Active Transportation Impacts**

The applicant is proposing five Class 1 (long term) and three Class 2 (short term) bicycle parking spaces for four strata units located within the heritage-designated property, which is in excess of the requirements set out in the ZBL.

### **Sustainability Features**

The applicant has not identified any sustainability features associated with this proposal.

### **Relevant History**

The history of the application is as follows:

- The proposal was presented to the Committee of the Whole on December 14, 2017. Council motioned to prepare the zoning bylaw amendments subject to receipt of an executed statutory right-of-way (SRW) of 2.41m on Superior Street, correction of minor plan inconsistencies, and the applicant exploring alternate parking layouts with staff to reduce the impact on the streetscape.

- On May 31, 2018, it was brought to the attention of the City that three chimneys on the heritage-designated house were dismantled without required permits and a stop work order was immediately placed on the property and Council was apprised of the situation.
- A staff report on June 28, 2018 updated Council that the SRW was executed, plan inconsistencies were revised, and an update on parking was provided. Council gave first and second readings of the Zoning Regulation Bylaw, Amendment Bylaw on June 28, 2018.
- A Public Hearing was held on July 12, 2018 and the proposal was declined by Council.
- A Council report and motion was brought forward on July 26, 2018 (attached) to reconsider the application, with revisions based on the applicant's letter dated July 24, 2018. Council passed the motion with an amendment to the main motion directing staff to work with the applicant to secure changes outlined in the applicant's letter (Attachment D) and the letters from residents of 216 and 218 Superior Street and that the revised proposal return to the Committee of the Whole.

### Data Table

The following data table compares the proposed changes to the existing house with the existing T-15 Zone. An asterisk is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposal (existing house)	Existing Zone Standard T-15
Site area (m <sup>2</sup> ) - minimum	953.76	1330.00
Density (Floor Space Ratio) - maximum	0.49	0.50
Total floor area (m <sup>2</sup> ) - maximum	470.1	n/a
Height (m) - maximum	7.60*	7.50
Storeys - maximum	2	2
Site coverage (%) - maximum	<b>35.09*</b>	30.00
<b>Setbacks - minimum</b>		
Front (Superior St.)	11.19	7.50
Rear (N)	<b>1.36*</b> (stair)	4.00
Side (E)	7.65	3.00
Side (W)	<b>1.20*</b> (stair)	3.65
Vehicle parking - minimum	4	9 for bed & breakfast 6 for conversion
Parking location	<b>Front yard*</b>	Rear, side yard
<b>Bicycle parking stalls - minimum</b>		
Class 1	5	n/a
Class 2	3	n/a

## **Community Consultation**

Since the application was last considered by Council, the applicant has engaged with the neighbours at 216 and 218 Superior Street (authors of letters referenced in Council's motion), who now appear to be in support of the proposal.

As per the Small Lot Rezoning Policy, the applicant must poll all the immediate neighbours. In the original poll of immediate neighbours, the applicant reported 90% in support of the application. With the revisions, the applicants now report 100% of the immediate neighbours polled are in support.

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted the James Bay CALUC at a Community Meeting held on March 8, 2017. Letters dated March 13, 2017 and November 10, 2017 are attached to the Committee of the Whole report from December 14, 2017.

## **ANALYSIS**

The following sections provide a summary of the application's consistency with the relevant City policies.

### **Official Community Plan**

The proposal is consistent with the relevant City policies within the *Official Community Plan (OCP)* because it is in accordance with the goal of protecting and celebrating Victoria's cultural and natural heritage resources, the objective of conserving heritage property as a resource with value for present and future generations, and the strategic neighbourhood directions that include maintaining a diversity of housing types and the adaptation and renewal of existing building stock.

### **Local Area Plans**

The proposed conversion from an eight room bed and breakfast to four self-contained strata units is consistent with the goals, objectives, and policies of the *James Bay Neighbourhood Plan*, as it conserves the heritage-designated building and promotes continued economic life of heritage structures through creative parking provision solutions.

### **Standards and Guidelines for the Conservation of Historic Places in Canada**

The *Standards and Guidelines for the Conservation of Historic Places in Canada* recommends accommodating new functions and services in non-character-defining interior spaces as an alternative to constructing a new addition, and selecting a new use that suits the existing building form. The proposal is consistent with these recommendations as the conversion is contained within the existing footprint of the heritage-designated house, and the new use does not dramatically alter the exterior form.

### **Schedule C - Off-Street Parking**

The proposal requires 1.45 parking spaces per dwelling unit greater than 70m<sup>2</sup> in floor area. This equates to a parking requirement of six parking spaces, which are to be located behind the front wall of the building. Previously, this variance did not exist as the old (pre July 26, 2018) parking regulations only required four stalls. The new bylaw recognizes that larger units often present a higher parking demand.

Locating the parking in front of the house also represents a variance from Schedule C. Staff explored alternate parking layouts with the applicant to reduce the impact on the streetscape and determined the proposed parking layout was the appropriate solution to minimize impact on both the streetscape and the heritage-designated building viewed when the parking area is full.

### Heritage Advisory Panel

The Delegated Heritage Alteration Permit for the reconstruction of the three chimneys was presented to the Heritage Advisory Panel on October 9, 2018 for review and comment, and thereafter approved by staff to ensure reinstatement of the three chimneys could proceed.

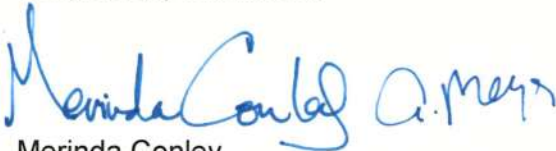
### CONCLUSIONS

The application is generally consistent with City policy and the *Standards and Guidelines for the Conservation of Historic Places in Canada*. The rear yard setback variance relates to an existing stair, the side yard setback variances relates to the concurrent Rezoning Application to subdivide for the creation of a small lot on the west portion of the existing parcel, and the front yard parking variance is supported as a solution with minimal impact on the heritage-designated property. It is recommended for Council's consideration that the application be approved.

### ALTERNATE MOTION

That Council decline Heritage Alteration Permit Application with Variances No. 00007 for the property located at 224 Superior Street.

Respectfully submitted,

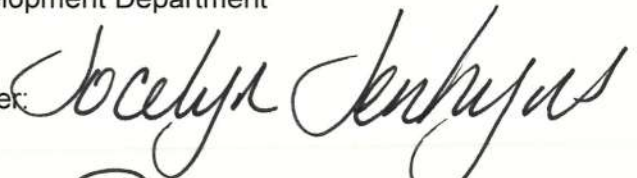


Merinda Conley  
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Report accepted and recommended by the City Manager:



Date: Dec 6, 2018

### List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans, dated August 8, 2018
- Attachment D: Letter from applicant to Mayor and Council, date stamped November 21, 2018
- Attachment E: Petitions from 216 and 218 Superior Street date stamped October 9, 2018
- Attachment F: Original petition summary, map and petitions date stamped August 18, 2017

- Attachment G: Staff Report for the Committee of the Whole Meeting of December 14, 2017
- Attachment H: Staff Report for the Council Meeting of June 28, 2018
- Attachment I: Staff Update Report for the Council Meeting of July 12, 2018
- Attachment J: Council Reconsideration Report for Council Meeting of July 26, 2018
- Attachment K: Council Motion from July 26, 2018.