



Committee of the Whole Report

For the Meeting of March 26, 2020

To: Committee of the Whole **Date:** March 12, 2020

From: Karen Hoesle, Director, Sustainable Planning and Community Development

Subject: Heritage Alteration Permit with Variance Application No. 00020 for 582 St. Charles Street

RECOMMENDATION

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Heritage Alteration Permit with Variance Application No. 00020 for 582 St. Charles Street, in accordance with:

1. Plans, date stamped January 28, 2020.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
 - to permit a roof deck.
3. Final plans 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."

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 Heritage Alteration Permit with Variance Application for the property located at 582 St. Charles Street. The proposal is to retroactively approve a variance for a decades-old third-floor balcony on the existing heritage-designated house, which is considered a roof deck according to the *Zoning Regulation Bylaw*. Also proposed is an exterior fire escape for the third-floor apartment.

The Tudor Revival style house at 582 St. Charles Street was built in 1903 and designed by Francis Rattenbury, one of Victoria's most famous architects. It was renovated in 1983 to contain five apartment suites. A fire escape for the third-floor unit was included on building permit plans at the time of the renovation; however, it was either never constructed or removed between 1983 and today. In 2019, the owner of the property received a notice from the Fire Department requiring that they reinstate an exterior fire escape.

The application is consistent with policies in the *Official Community Plan* (OCP, 2012) under Chapter 8: Placemaking - Urban Design and Heritage; the objectives of Development Permit Area DPA 15C, Intensive Residential - Rockland; the *Rockland Neighbourhood Plan* (1987) and the *Standards and Guidelines for the Conservation of Historic Places in Canada*.

The application was reviewed by the Heritage Advisory Panel at its February 11, 2020 meeting and was recommended for approval.

BACKGROUND

Description of Proposal

Proposed is the retroactive approval of a third-storey balcony measuring 2.17m deep by 3.6m wide on the west side of the roof of the existing heritage-designated three-storey house. Also proposed is a new fire escape stair providing egress for the third-storey rental unit from the balcony to the roof of a projecting one-storey extension of the house, where there is an area of refuge. The fire exit stair is required for fire safety regulations.

The following data table compares the proposal with the existing R1-A Zone, Rockland Single Family Dwelling District. An asterisk is used to identify where the proposal does not meet the *Zoning Regulation Bylaw* requirement. A double asterisk is used to identify legal non-conformities.

Zoning Criteria	Proposal	Zone Standard
Site area (m ²) - minimum	1567.5	740
Density (Floor Space Ratio) - maximum	Existing	N/A
Total floor area (m ²) - maximum	Existing	130
Height (m) - maximum	Existing	7.6
Storeys - maximum	3**	2.5
Site coverage (%) - maximum	Existing	40
Open site space (%) - minimum	>30	30
Setbacks - minimum		
Front (St. Charles Street)	Existing	10.5
Rear (West)	17.5	13.87
Side (North)	5.3	3
Side (South)	3+	3

Zoning Criteria	Proposal	Zone Standard
Vehicle parking - minimum	4**	7
Parking Location	Side and Rear Yard	Not front yard
Roof Deck	Yes*	Not Permitted

Description of Historic Place

The Statement of Significance includes the following description of the house:

"The house was built in 1903 as a wedding gift for Elizabeth Harvey, the granddaughter of Robert Dunsmuir, a wealthy Vancouver Island businessman who built the well-known landmark, Craigdarroch Castle. The house at 582 St. Charles was designed by Francis Rattenbury, one of Victoria's most famous architects who was also responsible for the BC Legislature (1894) and the Empress Hotel (1907-1913)."

"The house is a good example of a Tudor Revival style home with the typical wood half-timbering on the second storey and stucco finishes on the balance of the house. It also features extensive leaded glass wood windows and a central projecting front gable over the front entry. This style of house was typical of the mansions built in the Rockland neighbourhood for the wealthy business class in Victoria at the beginning of the twentieth century."

Character-defining Elements

- exterior finishes of stucco and wood half-timbering
- leaded glass wood windows
- tall brick chimneys on the rear elevation
- large open porch on the front elevation
- "bell cast" roof form
- mature landscaping surrounding the house.

The front stair is a reconstruction and not original. An original coach house survives on the property.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the application was referred for a 30-day comment period to the Rockland CALUC. At the time of writing this report, a letter from the CALUC had not been received.

This application proposes a variance; therefore, in accordance with the City's *Land Use Procedures Bylaw*, it requires notice, sign posting and a meeting of Council to consider the variance.

ANALYSIS

Consistency with Policies and Design Guidelines

Official Community Plan

The proposed alterations outlined in the application are consistent with the OCP and advance the following policies:

- 8.6 Conserve and enhance the heritage value, character and special features of areas, districts, streetscapes, cultural landscapes and individual properties throughout the city.
- 8.49 Continue to support new additions that conserve and enhance heritage property, as consistent with the National Standards and Guidelines for the Conservation of Historic Places in Canada.

The proposed fire exit stair is made of wood, which is a key characteristic of the Tudor Revival style. The detailing of the staircase, including the spacing of pickets and the rail design, is intended to replicate the detailing of the existing balcony and blend seamlessly into the house.

Rockland Neighbourhood Plan

The proposed alterations outlined in the application are consistent with the *Rockland Neighbourhood Plan* and advance the following policies.

- 2.3.1 Properties of heritage character and merit should be conserved.
- 2.3.2 Exterior changes and additions to buildings of heritage merit should be in keeping with their heritage character.

The proposal conserves the heritage property and makes the rental unit on the third storey safer and more livable by adding an essential life safety feature. The balcony has existed for decades and is invisible from both the street and the principal entrance approach from the southeast. It is screened from neighbouring properties by mature landscaping, which prevents any privacy impacts.

Standards and Guidelines for the Conservation of Historic Places in Canada

The proposal is consistent with the following relevant standards and guidelines:

- 3. Conserve *heritage value* by adopting an approach calling for *minimal intervention*.
- 11. Conserve the *heritage value* and *character-defining elements* when creating any new additions to an *historic place* or any related new construction. Make the new work physically and visually compatible with, subordinate to and distinguishable from the historic place.

4.3.1 Exterior Form - Additional Guidelines for Rehabilitation Projects

	Recommended	Not Recommended
16	Adding new features to meet health, safety or security requirements, such as an exterior stairway or a security vestibule in a manner that respects the exterior form and minimizes impact on heritage value.	Constructing a new addition to accommodate code required stairs or elevators on a highly visible, character-defining elevation, or in a location that obscures, damages or destroys character-defining elements.
17	Working with code specialists to determine the most appropriate solution to health, safety and security requirements with the least impact on the character-defining elements and overall heritage value of the historic building.	Making changes to the exterior form without first exploring equivalent health, safety and security systems, methods or devices that may be less damaging to the character-defining elements and overall heritage value of the historic building.

The proposed fire exit stair has been reduced in scale and extent from the original proposal. The balusters of the stair, which previously extended down to the roof level of the one-storey extension of the house, have been shortened to the minimum length required for a stair. This is consistent with a minimal intervention approach advocated by Standard 3. The balcony predates the heritage designation of the property and is shown in photos from around the time of designation. While not original to the house, it was designed in a compatible style, using wood construction with simple, wood balusters. It is distinguishable from the original house through its simplicity of design, while remaining compatible in style through the use of wood.

The balcony and exit stair respect the heritage value of the house by being located discretely on the east elevation of the house, inset from the main front wall, so that they are not visible from the main approach to the house from the southeast.

Regulatory Considerations

The proposed variance would authorize a balcony that has been part of the house since before it was designated in 2002. The balcony faces west towards the sloped topography of the Government House property. Buildings on the Government House property are well set back from the applicant's property and are not impacted by the proposal. The adjacent houses to the north and south are aligned with the heritage-designated house, which means that their sidewalls screen any views from the balcony towards their rear yards. The property is lined with mature trees and vegetation, further enhancing privacy. In staff's view, the variance is minor in nature and results in no adverse impacts to adjacent properties.

Heritage Advisory Panel

The application was reviewed by the Heritage Advisory Panel at its February 11, 2020 meeting and was recommended for approval.

CONCLUSIONS

In staff's opinion, the proposal to retroactively approve a variance for a decades-old third-floor balcony and an exterior fire escape is supportable. The application is consistent with policies in the *Official Community Plan* (OCP, 2012) under Chapter 8: Placemaking - Urban Design and Heritage; the objectives of Development Permit Area DPA 15C, Intensive Residential - Rockland; the *Rockland Neighbourhood Plan* (1987) and the *Standards and Guidelines for the Conservation of Historic Places in Canada*. Staff recommend that City Council consider approving the application.

ALTERNATE MOTION

That Council decline Heritage Alteration Permit with Variance Application No. 00020 for the property located at 582 St. Charles Street

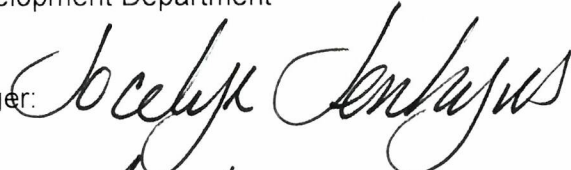
Respectfully submitted,


John O'Reilly
Senior Heritage Planner
Development Services

JH


Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:


Date: March 19, 2020

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plan, date stamped January 28, 2020
- Attachment D: Applicant's letter, date stamped January 28, 2020
- Attachment E: Heritage Designation Bylaw No. 02-112
- Attachment F: Statement of Significance
- Attachment G: Minutes of the Heritage Advisory Panel, dated February 11, 2020.