



Committee of the Whole Report

For the Meeting of May 7, 2020

To: Committee of the Whole **Date:** May 1, 2020

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

Subject: **Heritage Alteration Permit with Variances Application No. 00012 for 601 Trutch Street**

RECOMMENDATION

That Council decline the issuance of Heritage Alteration Permit with Variances Application No. 00012 for 601 Trutch Street.

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 proposal is to rezone an existing heritage-designated property at 601 Trutch Street from the R1-B, Single Family Dwelling Zone, to a site specific zone to allow for additional units within the heritage building and three additional rental units on the property. The heritage designated house is positioned at the rear of the lot over 25 metres from Trutch Street. A new two-storey duplex building (Building B) is proposed beside the house to the north, adjacent to a rear laneway. Also proposed is the renovation and enlargement of an existing 270 square foot building (Building A) to the south of the existing house into a residential rental unit. This building is also adjacent to the back lane. Although there are no physical changes proposed to the heritage designated house, a Heritage Alteration Permit is required because Heritage Designation Bylaw No. 82-1 requires Council approval for any new buildings on the lot.

The following points were considered in assessing this application:

- the application is generally consistent with heritage policies in the *Official Community Plan*, and some of the housing policies in the *Fairfield Neighbourhood Plan*
- the proposal would not result in any alterations to the heritage designated house

- the design of the new duplex and converted accessory building do not comply with the *Design Guidelines for Attached Residential Development: Fairfield Neighbourhood nor the The Garden Suites Policy and Guidelines (2017)*.
- there are a number of variances associated with this application. Although some are minor, the proposed parking variance may displace parking for tenants to the larger neighbourhood, the proposed height creates larger shadow impacts than a building that complied with the height limit, the roof deck results in some privacy loss for the neighbour and the decreased separation distance between Building B and the main house impedes access from the lane to the entrance of the units.

The application was reviewed by the Heritage Advisory Panel at its November 12, 2019 meeting and was recommended for approval.

BACKGROUND

The proposal is to rezone the existing heritage-designated house at 601 Trutch Street from the existing R1-B, Single Family Dwelling Zone, to a site specific zone in order to legalize three existing rental units in the main building and allow for three additional rental units on the property in a new two-storey duplex, and a renovated accessory building facing the laneway.

Variances are required to permit a parking deficiency, the side yard siting of the buildings, reduced setbacks, and reduced separation space, an increased number of storeys, a roof deck associated with the laneway buildings and an increased number of buildings on a lot.

The following data table compares the proposal with the existing R1-B Zone, Single Family Dwelling District, Schedule G – House Conversion Regulations and Schedule M – Garden Suites. An asterisk is used to identify where the proposal is less stringent than the existing zoning regulations. A double asterisk indicates an existing non-conforming condition.

Zoning Criteria - All Buildings	Proposed	Zone Standard R1-B
Site area (m ²) - minimum	1523.00	460.00
Density (Floor Space Ratio) – maximum	0.28:1	n/a
Total floor area (m ²) - maximum	325** (existing house) 27 (Building A – one unit) 72 (Building B – two units) 424* (total)	300
Height (m) – maximum	Existing	7.6
Storeys – maximum	2	2
Site coverage (%) - maximum	24.00	40.00
Vehicle parking - minimum	3*	10
Visitor vehicle parking included in the overall units - minimum	1	1

Bicycle parking stalls - minimum		
Long Term	0	0
Short Term	4	0
Zoning Criteria – Main Building (House Conversion)	Proposed sw	Zone Standard Schedule G – House Conversion Regulations
Number of dwelling units based on floor area	7*	3
Setbacks		
Front (Trutch Street)	25.90	7.5
Rear (south)	0.1**	12.49 (25% of lot depth)
Side (north)	6.1	3.5
Side (south)	5.8	3.5
Zoning Criteria - Building A (Existing building)	Proposed Zone	Zone Standard Schedule M – Garden Suites
Principle Building Use	Multiple Dwelling*	Single Family Dwelling
Location	Side*	Rear
Combined Floor Area	27	56
Height	2.9	5.5
Storeys	1	1.5
Rear Setback	0.6	0.6
Side Setback	0.46** 0.57* (addition)	0.6
Separation space	3.51	2.4
Rear yard site coverage	n/a	25
Zoning Criteria - Building B (New two-unit laneway building)	Proposed Zone	Zone Standard Schedule M – Garden Suites
Principle Building Use	duplex	Single Family dwelling
Location	Side*	Rear
Combined Floor Area	72*	56
Height	5.06	5.5

Storeys	2*	1.5
Rear Setback	0.6	0.6
Side Setback	0.6	0.6
Separation space	1.8*	2.4
Roof deck	Yes*	No

Sustainability Features

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

ANALYSIS

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

Official Community Plan

The proposal conserves the existing heritage designated house and does not physically alter it, which aligns with heritage conservation objectives under Section 8: Placemaking- Urban Design and Heritage. The design of the new laneway housing and modifications to the existing accessory building are complementary to the main house, and meet the intent of policies for Buildings and Sites under Section 8 that require new infill buildings to respond to their context through sensitive design. Both the proposed and existing buildings feature pitched roofs and shingle style cladding similar to the main house. Windows include wood trim surrounds, which is another feature of the main house. Granting variances to enable heritage conservation is consistent with policy 8.52, however the applicant is not proposing any enhancements to the designated house.

Design Guidelines for Attached Residential Development: Fairfield Neighbourhood

The property is subject to Development Permit Area DPA 15D: Intensive Residential – Duplex which includes the *Design Guidelines for Attached Residential Development: Fairfield Neighbourhood*. Section 6 of the Design Guidelines provides guidance for housing units adjacent to laneways (laneway housing). The setbacks of the units from the lane and presence of some windows facing the lane are consistent with two of the guidelines in the document, however the proposal has a greater number of inconsistencies, including the following:

- the proposal orients the main entries to the new units away from the lane toward the interior of the lot and there are no paths to the lane, whereas the guidelines state that laneway housing should create a welcoming frontage by orienting entries, gates or paths to the lane
- the windows and the roof deck (balcony) on Building B face away from the lane and towards the neighbor's property, which creates the potential for some overlook whereas the guidelines state that windows porches and decks should limit overlook and shadowing of adjacent backyards
- legible, accessible paths are not provided to the entrances to either unit whereas the guidelines state that sites with laneway housing should provide legible, accessible paths to the front of the units

Fairfield Neighbourhood Plan

The *Fairfield Neighbourhood Plan* (2019) supports ground-oriented housing at this location and supports alternate forms of housing and additional density beyond the 0.275 FSR permitted under the R1-B zoning, if owners offer additional protection and rehabilitation of houses with heritage merit as part of the application. The subject property and existing house are already heritage designated and the applicant has not offered any additional commitment to heritage conservation that would justify consideration of additional density or infill laneway housing. While laneway housing is contemplated in the Neighbourhood Plan, the proposed dwellings (Building A and B) do not address the rear lane, enhance the pedestrian environment or provide sufficient space for new tree planting, which is strongly encouraged in the Plan.

The Garden Suite Policy and Guidelines (2017)

The *Garden Suite Policy and Guidelines* (2017) offer a number of policies that are useful in assessing this application.

Under the guidelines, only properties with a single family detached dwelling and no existing secondary suites are eligible for a garden suite. The subject property has seven existing rental units and is not eligible for one or more garden suites. The intent of the Garden Suite Policy and Guidelines is to integrate garden suites into existing traditional residential areas in a manner compatible with and respectful of the established character of neighbourhoods and to minimize conflicts with immediate neighbours.

The proposal is inconsistent with the following guidelines:

- the guidelines recommend a minimum separation distance of 2.4 metres, whereas the corner of Building B is located 1.8 metres from the main house
- the guidelines recommend that garden suites be located in the rear yard only, whereas the proposed new garden suite and renovated shed are located in the side yard due to the unique position of the heritage designated house at the rear of the lot,
- the guidelines recommend a maximum total floor area of 37 square metres (400 square feet), whereas the combined floor area of both garden suites is 98.7 square metres (1062 square feet)
- the guidelines recommend that an unobstructed pathway be constructed and maintained between the public street and the garden suite entrance, with a minimum width of 1 m for private and emergency access, whereas neither suite has an unobstructed pathway from the street or lane to the entrances, whereas
- the front doors and windows should be directly oriented towards the laneway and the landscape should reinforce the location of the entry, whereas the suites have front doors and windows oriented away from the adjacent public laneway, whereas the guidelines recommend that on double fronted lots

The proposal complies with design guidelines respecting character, which recommends that the Garden Suite relate to the principal building on site in terms of materials, roof form and general architectural expression.

Standards and Guidelines for the Conservation of Historic Places in Canada

The proposal is generally consistent with the objectives of the *Standards and Guidelines for the Conservation of Historic Places in Canada*. There are no proposed alterations to the heritage designated house, and the garden suites are located to the side and rear of the main house,

which is elevated on a hill above Trutch Street and features abundant landscaping within the 25 metre deep front yard. Both the converted shed and the new garden suite are also compatible and distinguishable from the main house since they do not imitate its Italianate villa style detailing.

Regulatory Considerations

The following variances are associated with this application:

- reduce the vehicle parking requirement from 10 stalls to 3 stalls
- permit laneway housing in the side yards rather than the rear yard of the main building
- increase the number of storeys from 1.5 to 2 for Building B
- permit a roof deck on the west side of Building B
- reduce the separation distance between a laneway house and the main building from 2.4 metres to 1.2 metres
- reduce the side yard setback for Building B from 0.6 metres to 0.59 metres
- reduce the side yard setback for a new addition to Building A from 0.6 metres to 0.57 metres
- allow more than one building on a lot.

Parking

The applicant has not provided data or an appropriate rationale to support the requested variance. The anticipated parking shortfall for the property is significant and will likely displace tenant parking to the neighbourhood, negatively impacting on-street parking availability in the area. Several transportation demand management (TDM) measures are proposed to help off-set the parking demand, however, the applicant has not offered to secure the TDM measures with a covenant on title, therefore there is no guarantee that these measures would be implemented or maintained. The potential measures noted by the applicant include:

- one electric vehicle charging station
- two modo plus memberships
- five bicycle lockers
- four visitor bicycle parking stalls.

Staff do not consider these TDM measures sufficient to off-set the anticipated parking demand associated with this proposal. For example, a common bicycle room (as opposed to individual lockers) would better meet the intent of the bylaw by discouraging general storage in bicycle parking areas. A common bike parking area may also provide residents/families with more than one bicycle space to park a second or third bicycle. Staff do not recommend support for the parking variance

Side Yard Siting

The location of the additional proposed units are technically in the side yard of the existing heritage designated house due to its unique configuration with a large wing of the house projecting to the rear of the lot. However, both suites are located further back on the lot than the main rear wall of the house, which meets the spirit and intent of this zoning provision.

Height

The proposed height of two storeys for the new laneway building (Building B) is inconsistent with the zoning standards related to garden suites and results in larger shadow impacts than a one-storey unit would produce.

Roof Deck

The balcony (roof deck) for the second storey unit, approximately 1.2 metres from the neighbour's property line has privacy implications for the immediate neighbour.

Separation Distance

Staff do not consider the proposed reduction in separation distance between Building B and the main house to be supportable because of the cluttered arrangement of buildings, decks and parking in the vicinity which prevents the applicant from providing an unobstructed, accessible path between the laneway and the front entrance to the suite as recommended in the design guidelines.

Side Yard Setback

The proposed decrease in the required side yard setback is 3 centimeters for Building A and 1 centimeter for Building B. These differences are very minor in nature and staff consider them supportable.

Number of Buildings on a Lot

In some cases exceeding the general regulation limiting the number of buildings on a lot is of little consequence. In this instance, because the principle building is located at the rear of the lot, adding two additional buildings for expanded residential uses creates on site congestion and insufficient space for paths and circulation. The historically significant landscaping in front of the heritage designated house means that there are no good alternative locations for these buildings.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the Fairfield Gonzales CALUC at a Community Meeting held on September 13, 2018. A summary of the meeting is attached to this report.

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

Tree Preservation Bylaw and Urban Forest Master Plan

Please refer to the Rezoning Application report for an assessment of Tree Preservation Bylaw impacts.

Heritage Advisory Panel

The application was reviewed by the Heritage Advisory Panel at its November 12, 2019 meeting and was recommended for approval.

CONCLUSIONS

The proposal to construct a new two-storey duplex in the north side yard of the existing heritage designated house and renovate an accessory building on the property to contain an additional suite is consistent with some housing objectives of the Official Community Plan. While it does not alter the heritage house, it does not propose any enhancements, repairs or benefits. The proposal includes numerous inconsistencies with the applicable guidelines and a large number of variances that may create avoidable nuisance impacts for immediate neighbours. It is staff's opinion that the inconsistencies are significant enough that the objectives of the Development Permit Area are not met and the overall intent of City policies is not respected. Staff therefore recommend that City Council consider declining the proposal.

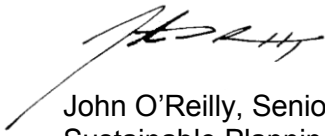
ALTERNATE MOTION

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

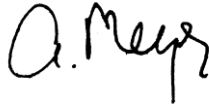
“That Council authorize the issuance of Heritage Alteration Permit with Variances Application No. 00012 for 601 Trutch Street, in accordance with:

1. Plans, date stamped November 29, 2019
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. reduce the vehicle parking requirement from 10 stalls to 3 stalls
 - b. permit laneway housing in the side yards rather than the rear yard of the main building
 - c. increase the number of storeys from 1.5 to 2 for Building B
 - d. permit a roof deck on the west side of Building B
 - e. reduce the separation distance between Building B and the main building from 2.4 metres to 1.2 metres
 - f. reduce the side yard setback for Building B from 0.6 metres to 0.59 metres
 - g. reduce the side yard setback for a new addition to Building A from 0.6 metres to 0.57 metres
 - h. increase the number of buildings permitted on a lot from one to three
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director, Development Services Division, Sustainable Planning and Community Development.
4. Heritage Alteration Permit lapsing two years from the date of this resolution.”

Respectfully submitted,



John O'Reilly, Senior Heritage Planner
Sustainable Planning and Community
Development Department



Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date: _____

List of Attachments

- Attachment 1: Subject Map
- Attachment 2: Aerial Map
- Attachment 3: Photographs
- Attachment 4: Plans, date stamped November 23, 2019
- Attachment 5: Applicant's letter, dated December 5, 2018.
- Attachment 6: Statement of Significance
- Attachment 7: Minutes of the Heritage Advisory Panel, November 12, 2019