



Committee of the Whole Report

For the Meeting of July 8, 2021

To: Committee of the Whole **Date:** June 24, 2021

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

Subject: Heritage Alteration Permit with Variances Application No. 00025 for 1012 Richardson 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 Variances Application No. 00025 for 1012 Richardson Street, in accordance with:

1. Plans, date stamped June 10, 2021.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. increase building height from 7.6 metres to 9.2 metres;
 - ii. decrease the rear yard setback from 9.29 metres to 1.35 metres;
 - iii. decrease the east side yard setback from 1.5 metres to 1.27 metres;
 - iv. decrease the west side yard setback from 3 metres to 2.58 metres;
 - v. decrease the combined side yard setback from 4.5 metres to 3.9 metres.
3. Plan revisions to remove one of the proposed front yard parking spaces and to illustrate a driveway crossing that complies with the Highway Access Bylaw, to the satisfaction of the Director of Engineering.
4. Heritage Alteration Permit with Variances lapsing two years from the date of this resolution."

LEGISLATIVE AUTHORITY

In accordance with Sections 617 (2)(c) of the *Local Government Act*, a Heritage Alteration Permit may vary the Zoning Bylaw. In accordance with section 618, 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 present Council with information, analysis, and recommendations for a Heritage Alteration Permit with Variances Application for the heritage designated property located at 1012 Richardson Street. The property is occupied by a two-storey Italianate style residence constructed in 1892 and designed by John Teague, the architect of Victoria City Hall.

The application is consistent with heritage policies under Chapter 8: “Placemaking - Urban Design and Heritage” of the *Official Community Plan* (the “OCP”), which supports 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 “Standards and Guidelines”). The proposal is generally consistent with the *Fairfield Neighbourhood Plan (2019)*. It is also generally consistent with the Standards and Guidelines.

The variances proposed are minor in nature, however, the front yard parking spaces do not comply with Schedule C – Off Street Parking Regulations and Schedule G - House Conversion Regulations. In addition, while the front yard is not heritage-designated, it is the foreground for the house, and the additional parking detracts from the appearance of the heritage-designated property. It is recommended that Council approve the application subject to the applicant revising the plans to eliminate one of the proposed parking spaces and to allow one parking stall which is legal non-conforming to remain.

BACKGROUND

Description of Proposal

The application is to alter the heritage-designated, two-storey house located at 1012 Richardson Street. Proposed renovations include:

- construction of a porch and new entry on the east side of the house
- extension of a box bay window on the east side of the house to enlarge the dining room of the ground floor unit, with an additional window to be added
- construction of a new covered porch and patio at the northeast corner of the house facing the rear yard
- construction of a 21 square foot addition to square off the northwest corner of the house and create a more functional bedroom inside the house.

The following variances are required to facilitate this application:

- increase building height from 7.6 metres to 9.2 metres

- decrease the rear yard setback from 9.29 metres to 1.35 metres
- decrease the east side yard setback from 1.5 metres to 1.27 metres
- decrease the west side yard setback from 3 metres to 2.58 metres
- decrease the combined side yard setback from 4.5 metres to 3.9 metres.

The property enjoys legal non-conforming rights for one parking stall to be located in the front yard; however, at some point in the past, a second parking stall and wider drive-way crossing were installed without City permissions. The applicant is proposing to legalize the second parking stall; however, staff are recommending that the parking be limited to one stall. This topic is discussed in more detail in the Analysis section of this report.

Affordable Housing

The applicant proposes the creation of two new strata residential units which would increase the overall supply of housing in the area.

Tenant Assistant Policy

The proposal is to renovate an existing building which will convert the building from a single-family dwelling into a two-family dwelling. No existing rental units or tenants are impacted; therefore, staff did not request a Tenant Assistance Plan.

Sustainability

The applicant is proposing to use permeable pavers in the construction of a new sidewalk on the east side of the existing house, which staff requested to improve on-site stormwater management.

Active Transportation

The application proposes a bicycle storage room in the basement, accessed by a new sloped ramp constructed at the west side of the house.

Accessibility

No accessibility improvements are proposed beyond what is required through the *British Columbia Building Code*.

Data Table

The following data table compares the proposal with the existing R-K Zone, Medium Density Attached Dwelling District. An asterisk is used to identify where the proposal does not meet the existing Zone.

Zoning Criteria	Proposal	R-K Zone
Site area (m ²) – minimum	445	260
Density (Floor Space Ratio) – maximum	0.54	0.6:1

Zoning Criteria	Proposal	R-K Zone
Total floor area (m ²) – maximum	242.58	267
Height (m) – maximum	9.2m* (Height increase is technical in nature and due to the lowering of average grade for new bike ramp)	7.6m
Storeys – maximum	2	2.5
Site coverage (%) – maximum	27	40
Open site space (%) – minimum	>30	30
Setbacks – minimum		
Front (Richardson Street)	7.54m	7.5m
Rear (south)	1.35m*	9.29m
Side (east)	1.27m*	1.5m
Side (west)	2.58m*	3.0m
Combined side yards	3.85m*	4.5m
Vehicle parking - minimum	2* (Located in front yard)	1 (legal non-conforming - Schedule G does not permit any parking in the front yard of heritage designated houses)

Description of Historic Place

1012 Richardson is a 2.5-storey wood frame Italianate residence, which is part of a cluster of historic homes on Vancouver Street in Fairfield. The house was constructed in 1892. The property has heritage value for its association with foreign investment and speculative housing in the late 1800s, and with the architect John Teague. A full description of the building's heritage significance is attached. Character defining elements include:

- its Italianate features including deeply overhanging eaves, wooden arcaded porch, double storey box bay windows, prominent front entrance with wood stairs, decorative bargeboards, and bands of fish scale shingles
- eyebrow window in the peak of the gable
- form and pattern of fenestration
- relationship between the house and remainder of the cluster
- uniformity of setbacks, building height and mass throughout the cluster.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on March 18, 2021, the application was referred for a 30-day comment period to the Fairfield CALUC. At the time of writing this report, a letter from the CALUC had not been received.

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.

ANALYSIS

Official Community Plan

The proposal is generally consistent with the policies of the *Official Community Plan* (OCP, 2012), which promote the conservation of heritage property for current and future generations (Policy 8(j)) and supports new additions that conserve and enhance heritage property consistent with the Standards and Guidelines. The architect has designed the new porch addition to complement the existing house through close emulation of its architectural detailing. The changes are not significant alterations to the exterior form and will facilitate the use of the house for two residential units, supporting the long-term conservation of the building.



2009

2011

The approval of two front yard parking spaces would be somewhat inconsistent with policy 8.48 of the OCP, which states “integrate off-street vehicle parking in a way that does not dominate development or streetscapes”. Although the parking spaces take up less than half of the lot width, the second parking space occupies 13.77 square metres (148 square feet) of the front

yard, which could otherwise be landscaped. Additionally, it does have a visual impact compared to the previous configuration with one space. Images are provided above for a comparison.

Fairfield Neighbourhood Plan (2019)

The proposal is generally consistent with the first goal under Chapter 10 - Heritage, of the *Fairfield Neighbourhood Plan (2019)*, which states that applicants should conserve the historic character of significant buildings and streets in the neighbourhood. Under policy 10.4.5 and 10.4.6, the Neighbourhood Plan supports relaxed regulatory guidelines, including variances to setbacks and sensitive building additions, in order to facilitate the conversion of heritage houses into more than one unit.

Standards and Guidelines for the Conservation of Historic Places in Canada

The most significant alteration proposed is the addition of a porch to the east side of the house, which derives its detailing from other parts of the house. Standard 11 of the Standards and Guidelines states that new additions are to be both compatible with and distinguishable from the historic place:

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.

The Standards and Guidelines further explain that compatibility consists of using materials, assemblies and construction methods that are well suited to existing materials, with compatible service lives and durability. The proposed porch addition utilizes fir posts and fir brackets, aluminum guardrails and ornamental details cut into ¾" plywood. ¾" G1S plywood is proposed for the molding details. The ball and spindle posts in the porch spandrel under the roofline would be made from wood. The stair and deck would be concrete. The upper balustrade will be executed in aluminum, with aluminum finials. About distinguishability, the Standards and Guidelines states that a new addition should be "*visually compatible with, yet distinguishable from, the historic place. To accomplish this, an appropriate balance must be struck between mere imitation of the existing form and pointed contrast, thus complementing the historic place in a manner that respects its heritage value.*"

The new porch faithfully emulates the existing form and detailing of the house, which translates into a very close fit. The architect has stated his intention is to achieve distinguishability to the "trained eye" rather than the average viewer. In staff's interpretation, there are a spectrum of design approaches that can achieve distinguishability and the new porch achieves this through the modern materials like the aluminum guardrails. For example, instead of imitating the elaborate, flowery cresting from the two-storey box bay on the front of the house, the guardrail above the porch will use simple square pickets. The new porch addition is setback over two metres from the front façade, which further distinguishes it from the house.

The alterations to the box bay on the east elevation behind the new porch are concealed from the street and qualitatively minor. An additional double hung sash window would be added to the existing pair and the roofline of the box bay altered from its current hipped profile to a shed roof design. The box bay on the side elevation is insignificant to the overall composition of the building and in staff's opinion, the proposed alterations are consistent with the character of the house. It is noted that the panel molding details of the upper trim board are missing on the altered box bay.

Changes to the rear elevation of the building are also minor and include the enlargement of a rear patio, a corresponding widening of the roof overhead and a 21-square foot addition to the ground floor at the northwest corner of the house. The sloped roof would be extended overtop of this addition. An existing landing with a decorative balustrade would be removed. The rear landing is not identified as a character-defining element of the house and removal does not detract from the overall arrangement of features on the rear of the house. The addition at the northwest corner would be finished in the same cladding as the remainder of the house and extends an existing square bump out from the middle of the rear ground floor to the corner of the house, which squares off the floor plan.

Tree Preservation Bylaw

There are no impacts to bylaw protected trees as part of this application.

Regulatory Considerations

Setback Variances

Four of the proposed variances relate to reduced setbacks. The addition at the northwest corner of the building is flush with the existing west elevation, however a variance is required to allow it to achieve the same non-conforming 2.58m side yard setback as the remainder of the building instead of the standard requirement of 3.0m. This addition also triggers a technical rear yard setback variance because the side property line has a 90-degree jog at this location. The setback is measured to the jogged portion of the lot line, instead of to the further rear yard property line.

The applicant proposes to increase the depth of a bay window on the east side of the house by two feet, bringing it closer to the side lot line. This requires a variance requesting a reduction from 1.5m to 1.27m. However, a functional 1.2 metre side yard is still maintained along the length of the bay window and porch, meeting the general intent of the Zoning Bylaw.

A combined side yard variance is needed to reduce this requirement from 4.5m to 3.85m because the existing west side yard setback of 2.58m does not conform with the Zoning Bylaw standard of 3.0m and the bay window will decrease the east side yard setback to 1.27 metres.

Height Variance

There is also a technical variance related to height. The building height is not being altered, but the construction of a sloped ramp accessing the basement bicycle storage room “lowers” the grade from which the height is measured, resulting in a change to the measurement but not the actual perceived height.

Parking

The applicant is seeking retroactive approval for a second parking space in the front yard that was installed without a permit. In order to provide access to both parking spaces in the front yard, the driveway crossing would need to be widened to meet Zoning and Highway Access Bylaw requirements. Historically, the house had one front yard parking space and enjoys legal conforming-rights for one stall to be permitted in the front yard. A second unpermitted space was added in 2010. The current driveway crossing is too narrow to allow direct and unobstructed access to the west parking space in accordance with Zoning Bylaw aisle requirements in Schedule C. Backing out of the existing west parking space requires a diagonal

turning movement across the sidewalk, creating potential safety issues for pedestrians, and it appears that vehicles are driving over the grassed boulevard, resulting in compacted soil, which will impact the adjacent tree along with increasing ongoing maintenance of the boulevard. The existing driveway is also connected directly to the driveway crossing of the neighbouring property creating an existing 7m wide concrete letdown. Widening up to the maximum dimension of 4.5 metres (approximately a 1m widening), as permitted in the Highway Access Bylaw, would create a larger continuous concrete apron and could have impacts on the health of the adjacent boulevard tree, which is 2.2m from the existing driveway. The applicant has provided an arborist report, however, it does not evaluate potential impacts to the boulevard tree.

Under Schedule G - House Conversion Regulations, no front yard parking is permitted for heritage-designated properties. This regulation is in place to preserve the landscaped foreground of historic buildings. Because of this and to enhance on-site permeability, increased landscaping and to ensure pedestrian safety and the health of the boulevard tree, it is recommended that only one front yard parking space, which is a legal non-conforming condition, be permitted.

Highway Access Bylaw

If Council chooses to approve the proposal in its current form, the applicant would need to widen the driveway crossing to meet the design requirements of Schedule "B" of the Highway Access Bylaw. Schedule B of the Bylaw contains standard driveway crossing widths and flare depths at the roadway and permits a maximum driveway crossing width of 4.5 metres.

Heritage Advisory Panel

The application was reviewed by the Heritage Advisory Panel ("HAPL") at its April 13, 2021 meeting and Panel members made the following recommendation:

That the Heritage Advisory Panel recommend to Council that Heritage Alteration Permit with Variances Application No. 00025 for 1012 Richardson Street be approved with the following changes:

- *The retainment of the original railing on the backyard porch.*

The proposal includes the removal of a landing and a scroll cut railing at the rear of the house. HAPL recommended that the scroll cut railing be retained and reused. In response, the applicant revised the plans to show the balcony railing reintegrated into the new porch on the east side of the house. HAPL was not requested to review the variances, so did not provide commentary on the front yard parking.

CONCLUSIONS

The proposal to alter the existing heritage-designated house to facilitate its conversion to a duplex is generally consistent with the Official Community Plan and Fairfield Neighbourhood Plan. The associated variances to permit reduced setbacks and an increased building height are minor in nature. However, in staff's opinion, the extra front yard parking space detracts from the appearance of the heritage property from the street and increases the risk of pedestrian conflicts and damage to the boulevard. Approval would be inconsistent with the general intent and purpose of Schedule G - House Conversion Regulations. Staff therefore recommend that Council consider approving the proposal, subject to the applicant revising plans to eliminate one proposed front yard parking space and narrowing the driveway crossing to the minimum required.

ALTERNATE MOTIONS

Option 1 (With Two Parking Stalls)

That Council authorize the issuance of Heritage Alteration Permit Application No. 00025 for 1012 Richardson Street, in accordance with:

1. Plans, date stamped June 10, 2021.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. increase building height from 7.6 metres to 9.2 metres;
 - ii. decrease the rear yard setback from 9.29 metres to 1.35 metres;
 - iii. decrease the east side yard setback from 1.5 metres to 1.27 metres;
 - iv. decrease the west side yard setback from 3 metres to 2.58 metres;
 - v. decrease the combined side yard setback from 4.5 metres to 3.9 metres;
 - vi. increase the number of front yard parking spaces from 1 to 2;
 - vii. decrease the drive aisle dimension from 7.0 metres to 1.5 metres.
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. Minor plan amendments to illustrate a driveway crossing that complies with the Highway Access Bylaw, to the satisfaction of the Director of Engineering.
5. Heritage Alteration Permit with Variances lapsing two years from the date of this resolution.

Option 2 – Decline

That Council decline Heritage Alteration Permit Application No. 00025 for 1012 Richardson Street.

Respectfully submitted,

John O'Reilly
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Development Services Division

Karen Hoesel, Director
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Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped June 10, 2021
- Attachment D: Applicant's letter dated February 15, 2021
- Attachment E: Statement of Significance
- Attachment F: Heritage Advisory Panel Minutes - April 13, 2021.