



## **Committee of the Whole Report**

**For the Meeting of December 14, 2017**

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**To:** Committee of the Whole **Date:** November 30, 2017

**From:** Jonathan Tinney, 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 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:
  - a. Reduce side yard setback from 3.65m to 1.20m
  - b. Reduce rear yard setback from 4.0m to 1.36m
  - c. Relaxation to allow parking in the front yard
  - d. 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."

### **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 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 a rezoning application 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.

Variances associated with the proposal are:

- 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%
- 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 new stairs that do not impact the original fabric or character-defining elements of the Heritage-Designated house.

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 proposal is consistent with *Schedule G - House Conversion Regulations* for the removal of the southeast corner stair that is not original to the house.
- The proposal is not consistent with *Schedule C - Off-Street Parking* as the parking is located in front of the front wall of the building.

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 concurrent rezoning application to subdivide for the creation of a small lot on the west portion of the existing parcel. The proposed parking location is not consistent with City parking regulations; therefore, staff recommend for Council's consideration that the applicant work with staff to reconfigure the parking to reduce the overall impact that the current parking layout and over-supply of stalls has on the streetscape and public view of the Heritage-Designated house.

## BACKGROUND

### Description of Proposal

This Heritage Alteration Permit Application 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 new stairs
- replacement of a non-original window with a window in keeping with 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 have normally been approved through the "Delegated" Heritage Alteration Permit process.

### **Community Consultation**

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 this report.

### **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.

#### **Development Permit Area**

The *Official Community Plan* (OCP) identifies this property within DPA 16: General Form and Character whose objectives are to integrate multi-unit residential buildings that complement the established heritage character of neighbourhoods with sensitive interventions. The conversion of the bed and breakfast to a multi-unit strata building achieves this.

#### **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 is a conversion to multiple dwelling for a strata building, which requires a 0.8 parking space per dwelling unit for any building containing more than three dwelling units. This equates to a parking requirement of a minimum of 3.2 parking spaces which is rounded down to a requirement for three stalls, which are to be located behind the front wall of the building. The proposed parking location varies from this regulation, locating the parking in the front of the house. Staff are concerned that the location and over-supply of parking is detrimental to the streetscape as well as how the Heritage-Designated building will be viewed when the parking area is full. Therefore, the recommendation has been drafted to afford the opportunity to refine the layout and/or reduce the number of stalls to minimize its potential impact.

### Heritage Advisory Panel

The Application was not reviewed by the Heritage Advisory Panel as the alterations do not include additional floor area and are consistent with the *Standards and Guidelines for the Conservation of Historic Places in Canada*, thus the alterations would normally be approved through the "Delegated" Heritage Alteration Permit application process.

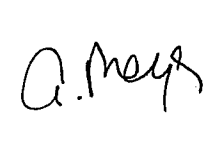
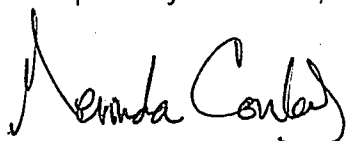
### CONCLUSIONS

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, and the side yard setback variance relates to the concurrent rezoning application to subdivide for the creation of a small lot on the west portion of the existing parcel. It is recommended for Council's consideration that the Application be approved, with the condition that the applicant work with staff to reconfigure the parking.

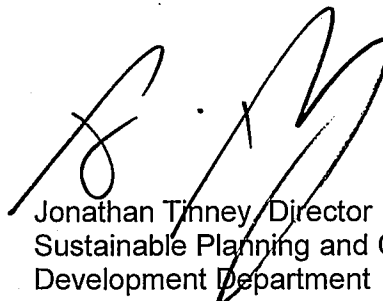
### ALTERNATE MOTION

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

Respectfully submitted,



Merinda Conley  
Senior Heritage Planner  
Development Services Division



Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:

*Jocelyn Senbyrs*

Date:

*Dec 7, 2017*

**List of Attachments**

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans, dated November 9, 2017
- Attachment D: Letter and Package from applicant to Mayor and Council date stamped November 9, 2017
- Attachment E: James Bay Community Association Land Use Committee Comments dated March 13, 2017 and November 10, 2017
- Attachment F: Correspondence (letters from residents).