



## **Committee of the Whole Report**

### **For the Meeting of October 3, 2019**

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**To:** Committee of the Whole

**Date:** September 19, 2019

**From:** Andrea Hudson, Acting Director, Sustainable Planning and Community Development

**Subject:** Heritage Alteration Permit No. 00019 for 120 Douglas Street

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### **RECOMMENDATION**

That Council consider the following motion:

"That Council authorize the issuance of Heritage Alteration Permit Application No.00019 for 120 Douglas Street, in accordance with:

1. Plans date stamped July 5, 2019.
2. Council consent to changes to the Beacon Hill School Land Use Contract Bylaw No. 78-12 as per the plans identified above.
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 present Council with information, analysis and recommendations for a Heritage Alteration Permit for the property located at 120 Douglas Street. Proposed is the construction of a bicycle storage shed adjacent to a heritage-designated building. The property is subject to a Land Use Contract (LUC), which requires that any new structure built on the property receive Council approval.

The proposed shed is located at the rear of the side (north) elevation and is screened from the street by a one-storey brick extension of the existing building. Staff have assessed the proposal and reached the following conclusions:

- the proposal is consistent with the *Official Community Plan* (OCP, 2012), which supports new development that conserves heritage property
- the proposal is consistent with the *James Bay Neighbourhood Plan* (1993), which encourages improvements to heritage properties, which in this case is the storage of bicycles and garbage and recycling bins
- the proposal is consistent with the *Standards and Guidelines for the Conservation of Historic Places in Canada* since it does not negatively impact the heritage value or character-defining elements of the heritage building
- secure bicycle storage promotes active transportation without impacting the heritage-designated building.

Staff recommend that Council approve the application.

## **BACKGROUND**

### **Description of Proposal**

The application proposes construction of a 2.49m wide by 6.22m long wood bicycle storage shed with a sloped roof, which would be located at the northwest corner of the heritage-designated building at 120 Douglas Street. The shed would stand 2.74m tall and would provide secure, ground-level bicycle parking for the building residents.

This building was constructed as Beacon Hill School in 1914 and was converted to residential suites in 1978. When the City approved the conversion, it negotiated an LUC to be registered on the title of the site for 50 years. The LUC supersedes the *Zoning Regulation Bylaw* and makes alterations to the building's interior, exterior and to the property itself subject to City approval. The proposed shed would be screened by an existing one-storey brick extension on the north elevation so it would not be visible from Douglas Street. It would be visible from the lane at the rear of the property. The existing area is currently used for storing garbage bins. The bike shed would be built from wood siding with clear PVC roof panels. The door would be made of chain link fencing to ensure adequate ventilation and visibility in and out of the shed.

The Heritage Advisory Panel reviewed the application at its August 20, 2019 meeting and recommended approval subject to the applicant considering revisions to the design that would improve ventilation and security by altering the materials of the door or the front elevation. The plans have been amended in accordance with these suggestions.

### **Sustainability Features**

As indicated in the applicant's letter dated June 26, 2019, bicycle storage for the strata owners will encourage cycling as a sustainable transportation mode.

### **Active Transportation Impacts**

The application proposes covered, secure bicycle storage, which supports active transportation.

## Public Realm Improvements

No public realm improvements are proposed in association with this Heritage Alteration Permit.

## Relevant History

The Beacon Hill School, a heritage-designated building at 120 Douglas Street, was converted to strata condominiums in 1978 under the terms of an LUC. Any exterior alterations require the approval of City Council by way of a Heritage Alteration Permit. The proposal is consistent with the *Zoning Regulation Bylaw* and would not bring the property further into non-compliance if the zoning applied when the LUC expires.

## Data Table

Zoning Criteria	Proposal	Land Use Contract Standard
Site area (m <sup>2</sup> ) - minimum	1198	n/a
Density (Floor Space Ratio) - maximum	0.66 with shed	n/a
Total floor area (m <sup>2</sup> ) - maximum	782 (existing) + 15 (bike shed)	n/a
Height (m) - maximum	2.74	n/a
Storeys - maximum	1	n/a
Site coverage (%) - maximum	23	n/a
Open site space (%) - minimum	54	n/a
<b>Setbacks</b> - minimum		
Front (Douglas Street)	12.7	
Rear (west) (Thetis Lane)	7.9	
Side (north)	2.59	
Side (south)	5.98	
Vehicle parking - minimum	8	n/a
Visitor vehicle parking - minimum		n/a
<b>Bicycle parking stalls</b> - minimum		n/a
Class 1		
Class 2		

## **Relevant History**

Since its conversion from an institutional to a residential use in 1978, the site has been regulated by an LUC. LUCs were allowed in B.C. between 1971 and 1978 as a substitute for zoning in the form of a contractual arrangement between local governments and landowners. The intent was to allow more flexibility than traditional zoning. When the LUC legislation was repealed in 1978, the existing contracts remained in place; however, no new contracts could be created. In 2014, the *Local Government Act* (LGA) was changed to terminate all LUCs by June 30, 2024, giving local governments time to ensure that zoning and other bylaws are in place when the LUCs terminate. In this legislation, municipalities were also given the ability to terminate the LUCs prior to that date. Council has directed City staff to initiate the process of early termination of LUCs throughout Victoria (approximately 42 in total, of which the 13 LUCs containing commercial uses have been terminated). This specific LUC was set to expire on February 27, 2028.

## **ANALYSIS**

### **Official Community Plan and Neighbourhood Plan**

The proposal is consistent with the policies of the *Official Community Plan* (2012). The bike shed provides an important amenity for residents without physically impacting the heritage building.

The proposal is consistent with the Heritage Preservation section of the *James Bay Neighbourhood Plan* (1993). The bike shed has no negative consequences for the ongoing conservation of the heritage building. It does not physically impact the building and does not visually compete for attention. The small size, location and predominance of wood in the construction makes the bike shed discrete and compatible. It would be built at the back of the property over a gravel surface, in a corner formed by a one-storey extension of the building and the east side wall of the building. The bike shed would enhance the site by providing storage space for garbage and recycling bins under its projecting roof and covering over an unpaved gravel area.

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

The proposal is consistent with the *Standards and Guidelines for the Conservation of Historic Places in Canada*. The proposal has no impacts to the heritage value or character-defining elements of the building since there are no physical changes proposed and no important features of the building that the bike shed will block from view.

### **Tree Preservation Bylaw and Urban Forest Master Plan**

There are no Tree Preservation Bylaw impacts with this application.

### **Approval Process under the LUC**

The bicycle shed is a free-standing structure, which does not physically alter the heritage building. Free-standing buildings and structures are addressed under clause 2 of the LUC. Clause 2 states that no building or structure shall be erected on the lands without prior written consent of the City.

As part of the approval process, staff referred the application to the Heritage Advisory Panel, which Council appoints to advise it on alterations to heritage properties. This application fits its mandate. Clause 6 of the LUC states that a Building Permit resulting in an alteration to the building should first receive approval from the Advisory Design Panel (ADP). Because the bicycle shed is a free-standing structure that does not alter the historic building, staff did not refer the application to the ADP. However, staff have included an alternate recommendation to refer the application to the ADP if Council deems it beneficial.

### Heritage Advisory Panel

The Heritage Advisory Panel reviewed the application at its August 20, 2019 meeting and recommended approval subject to the applicant considering revisions to the design that would improve ventilation and security by altering the materials of the door or the front elevation.

### CONCLUSIONS

The application is consistent with the policies of the OCP and the *James Bay Neighbourhood Plan* (1993). The proposed shed would be located at the rear of the side (north) elevation and is screened from the street by a low one-storey brick extension of the existing building. The provision of enclosed bicycle parking supports the City's objectives of sustainable transportation. The application is consistent with the *Standards and Guidelines for the Conservation of Historic Places in Canada*. Staff recommend that Council consider approving the Heritage Alteration Permit Application.

### ALTERNATE MOTION

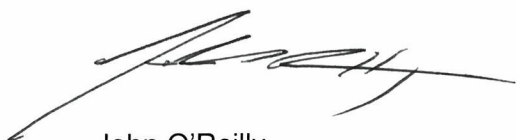
#### Option 1 (Refer to ADP)

That Council direct staff to refer Heritage Alteration Permit Application No. 00019 for the property located at 120 Douglas Street to the Advisory Design Panel and report back with recommendations.

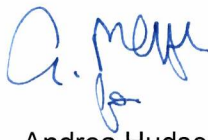
#### Option 2 (Decline)

That Council decline Heritage Alteration Permit Application No. 00019 for the property located at 120 Douglas Street.

Respectfully submitted,

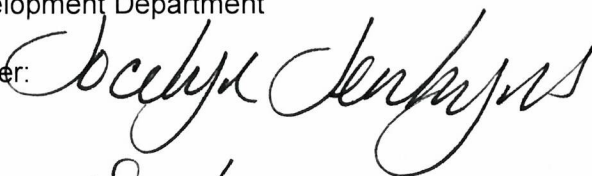


John O'Reilly  
Senior Planner - Heritage  
Development Services Division



Andrea Hudson, Acting Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



Date: Sept. 24, 2019

## **List of Attachments**

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Photos
- Attachment D: Heritage Designation Bylaw No. 85-100
- Attachment E: Plans, date stamped July 5, 2019
- Attachment F: Applicant's letter, date stamped June 26, 2019
- Attachment G: Heritage Advisory Panel Minutes, dated August 20, 2019
- Attachment H: Land Use Contract, dated February 27, 1978.