



Committee of the Whole Report For the Meeting of August 6, 2020

To: Committee of the Whole **Date:** July 9, 2020
From: Karen Hoese, Director, Sustainable Planning and Community Development
Subject: **Heritage Alteration Permit with Variance Application No. 00021 for 202 Raynor Avenue**

RECOMMENDATION

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council and after the Public Hearing for Rezoning Application No. 00724, if it is approved, consider the following motion:

“That Council authorize the issuance of Heritage Alteration Permit with a Variance Application No. 00021 for 202 Raynor Avenue, in accordance with:

1. Plans, date stamped June 9, 2020.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
 - i. To reduce the required rear yard setback from 6 metres to 3 metres.
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.
4. Heritage Alteration Permit with Variance 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 with a Variance application for the property located at 202

Raynor Avenue. The proposal is to subdivide the rear portion of the heritage-designated property to create a new lot, alter the retaining wall along the Alston Street frontage to create a new parking space for the existing house and reduce the rear yard setback from the newly created rear lot line.

Concurrent with the application are:

- Rezoning Application No. 00724 that proposes to change the zoning for both lots from the R-2 Zone, Two Family Dwelling District, to the R1-S2 Zone, Restricted Small Lot (Two Storey) District.
- Development Permit with Variances Application No. 00137, which relates to the proposed new dwelling on the new lot.

The heritage-designated, 2-storey Queen Anne style house located at 202 Raynor Avenue was built in 1894. It is located at the south west corner of Raynor Avenue and Alston Street and elevated above both adjacent streets. As part of the proposal, the applicant prepared a statement of significance for the building and a concise building condition assessment (attached).

The following points were considered in assessing this application:

- the application is consistent with policies in the *Official Community Plan (OCP, 2012)* under Chapter 8: Placemaking - Urban Design and Heritage
- the proposal is generally consistent with the objectives of Development Permit Area (DPA) 15A: Intensive Residential- Small Lot Development
- the proposal is generally consistent the *Victoria West Neighbourhood Plan (2018)* and the *Standards and Guidelines for the Conservation of Historic Places in Canada*

The application was reviewed by the Heritage Advisory Panel at its May 12, 2020 meeting and was recommended for approval with the following changes:

- For further consideration be given to the compatibility of the design [of the new infill dwelling] with the historic nature of the heritage house and neighbourhood.

Staff have reviewed the compatibility of the design with the immediate context and concluded that it is sufficiently compatible with the heritage house and the Alston Street context.

BACKGROUND

Description of Proposal

The application proposes to subdivide the rear portion of the heritage designated property in order to create a new lot for a detached home. The HAV application relates only to the existing house and includes a variance for a reduced rear yard setback. Also proposed is the alteration of the retaining wall along Alston Street to create a new driveway access and parking space for the existing house. The existing house would not be physically altered in any way. An accessory building at the rear of the house, which does not have heritage significance, would be demolished.

The following data table compares the proposal with the existing R1-B, Single Family Dwelling District and the proposed R1-S2 Zone, Restricted Small Lot (Two Storey) District. An asterisk is used to identify where the proposal is less stringent than the existing Zone. A double asterisk indicates an existing condition.

Zoning Criteria	Proposal (existing house)	Proposal (small lot house)	Proposed Zone R1-S2	Existing Zone R1-B
Site area (m ²) - minimum	419.00	305.00	260.00	460.00
Lot width (m) - minimum	18.01 (Raynor Avenue)	17.05 (Alston Street)	10.00	15.00
Density (Floor Space Ratio) - maximum	0.45	0.42	0.60	n/a
Total floor area (m ²) - maximum	188.00	128.00	190.00	n/a
Height (m) - maximum	7.29	7.50	7.50	7.60
Storeys - maximum	2	2	2	2
Basement	yes	yes	Permitted	Permitted
Site coverage (%) - maximum	25.00	23.00	40.00	40.00
Setbacks (m) – minimum				
Front yard	4.14 ** (Raynor Avenue)	3.49 * (Alston Street)	6.00	7.50
Projections – stairs (max.)	1.22	n/a	2.50	2.50
Projections – porch roof (max.)	n/a	n/a	1.60	1.60
Side yard	2.54 (west)	3.85 (north)	2.40	1.50
Side yard	n/a	4.72 (south)	2.40	3.00
Side yard on flanking street	7.66 (Alston Street)	n/a	2.40	3.50 or 10%
Rear	3.07 * (south)	6.00 (west)	6.00	7.50
Parking – minimum	1	1	1	1

Description of Historic Place

The two-storey Queen Anne style house at 202 Raynor Street was built in 1894. Construction of the house followed a period of population growth and a series of investments in public buildings and regional infrastructure in the 1880's, including the Esquimalt and Nanaimo Railway. The original owner of the house was a plumber named Robert Nott. Character-defining elements include the following:

- form, scale and massing of the house
- patterned wood shingles
- decorative corner brackets on the ground floor bay window and porch
- hipped main roof and gables on all sides
- squared palladian windows in the upper bays and Queen Anne glass in all bays.

The rear yard landscaping, retaining wall and the size and shape of the lot do not have any particular significance according to the City's files or the Victoria Heritage Foundation records. The heritage designation by-law does not protect the land or any landscape features.

Building Condition

The building is in excellent condition according to the architect's building condition assessment. Staff confirmed this finding in a follow-up site inspection. The owner has completed maintenance to the house at regular intervals and prepared a maintenance history for a future owner.

ANALYSIS

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

Consistency with Policies and Design Guidelines

Official Community Plan

The proposal outlined in the application is consistent with the OCP and advances 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.
- 8.52 Continue to enable and support heritage conservation through incentives and allowances including, but not limited to: property tax reductions; grants; bonus density provision; and, zoning variances.
- 8.55 Continue to produce and update, as required, statements of significance for all property on the heritage register.

The urban place designation of the property is Traditional Residential, which generally supports modest infill in the form of new ground-oriented dwellings.

The proposal includes this property in Development Permit Area (DPA) 15A: Intensive Residential- Small Lot Development. Objectives of the designation include accommodating 10% of Victoria's expected population growth and housing growth in Small Urban Villages and residential areas, accommodating gradual, small scale housing growth in Traditional Residential

areas, integrating more intensive residential development on small lots, achieving high quality architecture, landscape and urban design and integrating compatible infill development into Traditional Residential areas.

The subdivision of the lot for a new dwelling meets the Development Permit Area's objectives of modest intensification and both houses demonstrating compatibility with the surrounding area in their adherence to the majority of zoning standards under the proposed R1-S2 Zone, Restricted Small Lot (Two Storey) District. The high level of conformity with the standards indicates that the proposed subdivision and new house are an appropriate form of intensification under the OCP and *Zoning Regulation Bylaw*. The existing lot is of a sufficient size that despite the subdivision, both the new house and the existing house exceed the majority of setback requirements, and are under the maximum allowed floor space ratio of 0.45, which is well below the zoning standard of 0.6. The height of the new dwelling also complies with the height limit in the Zoning Bylaw.

Small Lot House Rezoning Policy

The proposal also complies with the *Small Lot House Rezoning Policy*, which states that a small lot rezoning is not intended to facilitate the demolition of an existing house and that care should be taken to conserve heritage features of the property. The proposal retains all features of significance on the property.

Victoria West Neighbourhood Plan (2018)

The proposed subdivision of the lot, retention of the existing heritage house and construction of a new small lot house on the subdivided parcel is consistent with the *Victoria West Neighbourhood Plan (2018)*, which encourages a mix of housing sizes, costs, tenures and types in Traditional Residential Areas. Under the plan, the property is located in the North Catherine Street Sub-Area. Housing types envisioned in the area include "Small Lot Houses" such as the proposed.

The proposal is consistent with Section 6.8- Heritage Considerations, which states that redevelopment should retain existing buildings of heritage merit. The redevelopment of the lot without any physical impact to the existing house is also consistent with Section 10-Heritage.

Standards and Guidelines for the Conservation of Historic Places in Canada

Because there are no physical alterations to any character defining elements of the property, it is staff's opinion that the proposal is consistent with the *Standards and Guidelines for the Conservation of Historic Places in Canada*. Staff consider the subdivision to be supportable, because none of the property's landscape features are identified as character-defining elements in the City's file, the applicant's statement of significance or Victoria Heritage Foundation records.

Regulatory Considerations

Rear Yard Setback Variance

The proposal includes a variance to permit a reduced rear yard setback from 6 metres to 3 metres. The proposed rear yard setback reduction of 3 metres still leaves a functional, rear yard buffer between the back wall of the heritage house and the new lot line, and the east side yard setback of over 7 metres ensures that future residents still have a generously sized yard facing

Alston Street. The new proposed small lot house includes a 3.8 metre side yard setback to the newly created property line for a combined 6.8 metre distance between the houses. In staff's opinion, the rear yard setback variance is minor in nature and considered supportable.

ISSUES AND ANALYSIS

Statement of Significance

The applicant's architect prepared the attached statement of significance for the site based on information from the City's files and Victoria Heritage Foundation records. Staff reviewed it for consistency with the provincial guidelines for statements of significance.

Heritage Advisory Panel

The application was reviewed by the Heritage Advisory Panel at its May 12, 2020 meeting and was recommended for approval with the following changes:

- for further consideration be given to the compatibility of the design [of the infill dwelling] with the historic nature of the heritage house and neighbourhood.

Staff completed a review of the design and concluded that the design of the infill dwelling is sufficiently compatible with the heritage house and the streetscape. Being a corner property, the heritage designated house has two frontages on two different streetscapes- Raynor Avenue and Alston Street. The front of the heritage house faces Raynor Avenue, which includes multiple heritage designated properties on both sides of the street forming a cohesive group with shared characteristics. However, much of the side elevation of the heritage house facing Alston Street is screened from view by existing vegetation and is not clearly visible along its whole length. Alston Street is eclectic and has new and renovated houses on the west side of the street and plain, industrial and commercial buildings on the east side of the street. The design of the infill house, which faces Alston Street reflects the diversity of building forms, while including wood trim around the windows, a pitched roof and wood trim at the gable end. These features are also found on the heritage house and the house immediately south of the new proposed lot.

In assessing whether fundamental changes to the infill house's design were necessary, staff also considered its purposeful design, intended to achieve the passive house standard. For example, the asymmetric roofline of the house, which has a longer slope and larger surface area facing south will maximize the number of photovoltaic panels that can be oriented towards the sun. The long, projecting eaves passively shade the large south facing windows from direct sunlight. While these features are not found elsewhere on the street, the sustainability goals they will achieve are supported in the OCP.

The *Standards and Guidelines for the Conservation of Historic Places in Canada* urges new construction on a heritage property to achieve a balance between mere imitation of the existing form and pointed contrast. While the design of the infill house contrasts with the heritage house, staff do not believe it represents a pointed contrast. The pitched roof form, wood window trim and wood trim at the gable end of the infill house soften its appearance, while the absence of heritage character on Alston Street and the sustainability objectives of the project help justify a more contemporary design approach.

CONCLUSIONS

The proposal to subdivide the rear portion of the heritage designated property in order to create a new small lot for a detached home is consistent with the applicable City policies and

guidelines, and allows for a modest form of infill to be constructed on the newly created lot. The proposal has no physical impacts to the heritage designated building. Staff therefore recommend that Council consider supporting the proposal.

ALTERNATE MOTION

That Council decline Heritage Alteration Permit with a Variance Application No. 00021 for the property located at 202 Raynor Avenue.

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: July 27, 2020

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped June 9, 2020
- Attachment D: Letter from applicant to Mayor and Council dated June 9, 2020
- Attachment E: Design Summary from Waymark Architecture dated June 9, 2020
- Attachment F: Small Lot House Rezoning Petition Map, Summary and Petitions
- Attachment G: Tree Protection Plan dated February 28, 2020
- Attachment H: Arborist Inventory dated February 13, 2020
- Attachment I: Heritage Advisory Panel Minutes from May 12, 2020
- Attachment J: Statement of Significance
- Attachment K: Conservation Plan for 202 Raynor Avenue by Waymark Architecture Inc.
- Attachment L: Correspondence (Letters received from residents)