



## Committee of the Whole Report For the Meeting of January 16, 2025

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**To:** Committee of the Whole **Date:** January 2, 2025  
**From:** Karen Hoese, Director, Planning and Development  
**Subject:** Heritage Alteration Permit Application No. 00285 for 15 Bastion Square

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### RECOMMENDATION

That Council authorize the issuance of Heritage Alteration Permit No. 00285 for 15 Bastion Square.

### 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 for the property located at 15 Bastion Square (D'Arcy's Pub). The proposal is to permit the existing mural on the north wall to remain in place.

The following points were considered in assessing this application:

- The mural is considered consistent with the *Official Community Plan (OCP, 2012)*, specifically Development Permit Area (DPA) 1(HC) Core Historic and the objectives, policies and guidelines to be considered for this Heritage Conservation Area.
- On January 4, 2021, a Heritage Alteration Permit (HAP) was issued to provide retroactive permission for the mural, which was modified at the time in accordance with a signed Letter of Understanding, which also stated that the mural was to be removed and the wall repainted in its original colour on or before August 22, 2024, or at the conclusion of the D'Arcy's Pub lease, whichever came sooner.

- The mural was modified in accordance with the previous HAP, D’Arcy’s Pub continues to operate at this location, and the owner is now requesting to retain the mural without further alteration.

The mural at 15 Bastion Square in its current state is considered supportable and consistent with the goals and objectives of heritage conservation in Old Town. Therefore, it is recommended that Council approve the permit application.

## **BACKGROUND**

### **Description of Proposal**

The proposal is to retain an existing mural (see Figure 1), on the north facing exterior wall of 15 Bastion Square (Darcy’s Pub) indefinitely.



*Figure 1 Existing mural on north-facing wall of Darcy's Pub*

### **Relevant History**

On January 4, 2021, a Heritage Alteration Permit (HAP No. 00233) was issued to provide retroactive permission for a mural painted on the side of the building at 15 Bastion Square. At the time, the mural was also modified in accordance with a signed Letter of Understanding, dated August 22, 2019, to reduce the scale of the mural and remove branding and signage elements. In addition to modifying the mural to meet policy, the Letter of Understanding also stated that the mural was to be removed, and the wall repainted in its original colour on or before August 22, 2024.

In June of 2024, staff notified the owners of 15 Bastion Square, to remind them of the agreement and upcoming deadline to remove the mural, and the owner requested to keep the mural, and not paint over it as they have had positive feedback over the years and would prefer to extend its life. Although mural applications on heritage buildings are typically handled through a delegated approval

process, given Council provided direction on the initial Heritage Alteration Permit, this application to keep the mural indefinitely, also requires Council approval.

## **ANALYSIS**

### **Official Community Plan**

The OCP encourages streetscape improvements to include art in public spaces that reflects the culture and heritage of Victoria. The broad objectives in the Arts and Culture section of the plan clearly endorse Victoria as being a creative and vibrant city, and that the city's cultural diversity and cultural heritage should be celebrated. In this case the mural reflects the service industry culture and its history in Old Town.

### Development Permit Area 1: Core Historic

*The Standards and Guidelines for the Conservation of Historic Places in Canada*, are the standards that the City of Victoria use as best practices for Heritage Conservation. Standard 12, states that interventions that are made to heritage buildings should not be destructive, rather they should be reversible without causing damage to the character-defining elements. As standard practice, murals are only permitted on historic masonry walls that have already been painted. Given that the mural was painted on a wall that was already painted, the intervention is reversible and not destructive to the heritage fabric, it is considered consistent with the Standards and Guidelines.

The guidelines encourage murals that evoke the historic and commercial aspects of the building or area. Although the mural does not reflect the building's initial use as a warehouse for prominent businessman R.P. Rithet, it does recognize its commercial and entertainment use and its contribution to Old Town's service industry, as the building has been occupied and adaptively reused by nightclubs and restaurants since 1972. Further, the scaled back version of the mural no longer interferes with significant character-defining elements of the building nor detracts from the prominence of the architecture.

For these reasons, and since the applicant had made all the other changes to the mural to satisfy the sign bylaw and heritage related policies, and the mural is still in good condition, this application to retain the mural is considered supportable.

## **CONCLUSIONS**

The mural at 15 Bastion Square has been amended to be more in line with mural and heritage policies. Since the mural is still in good condition, and Darcy's Pub is still operating at this location, it is recommended that Council extend its lifespan by granting the mural permanent approval.

## **ALTERNATE MOTION**

That Council decline Heritage Alteration Permit Application No. 00285 for the property located at 15 Bastion Square. Declining the application would result in removal of the mural and repainting of the wall, at the earliest opportunity.

Respectfully submitted,

Kristal Stevenot  
Senior Heritage Planner  
Development Services Division

Karen Hoese, Director  
Planning and Development Department

**Report accepted and recommended by the City Manager.**

**List of Attachments**

- Attachment A - Letter to Council
- Attachment B - Mural Photos, August 2024
- Attachment C - Signed Agreement – Frontier Group
- Attachment D - Statement of Significance