

H. REPORTS OF COMMITTEES

H.1 Committee of the Whole

H.1.c Report from the July 12, 2018 COTW Meeting

H.1.c.c 502 Discovery Street - Rezoning Application No. 00646, Heritage Alteration Permit Application No. 00228 and Heritage Designation Application No. 00173 (Burnside)

Moved By Councillor Madoff

Seconded By Councillor Young

Rezoning Application No. 00646

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00646 for 502 Discovery Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

Heritage Alteration Permit Application No. 00228

That Council, after giving notice and after the Public Hearing for Rezoning Application No.00646, if it is approved, consider the following motion:

"That Council authorize the issuance of the Heritage Alteration Permit Application No. 00228 for 502 Discovery Street, in accordance with:

1. Plans date stamped May 25, 2018.
2. Development meeting all *Zoning Regulation Bylaw* requirements
3. Heritage Alteration Permit lapsing two years from the date of this resolution."

Heritage Designation Application No. 000173

That Council consider the following motion:

1. That Council instruct staff to prepare the necessary Heritage Designation Bylaw that would approve the designation of the Heritage-Registered property located at 502 Discovery Street, pursuant to Section 611 of the *Local Government Act*, as a Municipal Heritage Site, and that first and second reading of the Heritage Designation Bylaw be considered by Council and a Public Hearing date be set once the following condition is met:
 - a. Subject to the approval of the Heritage Designation Bylaw for 502 Discovery Street, that Council authorize staff to discharge Heritage Conservation Restrictive Covenant CTK6914 dated March 10, 1983.

CARRIED UNANIMOUSLY

E. LAND USE MATTERS

E.1 502 Discovery Street - Rezoning Application No. 00646, Heritage Alteration Permit Application No. 00228 and Heritage Designation Application No. 00173 (Burnside)

Committee received reports from the Director of Sustainable Planning and Community Development regarding proposals for the property located at 502 discovery to allow for the construction of additional floor area for office uses in the existing building, use of the upper storey attic of the existing building for office space, requiring the addition of a breezeway, a number of skylights, and minor alterations to two existing entrances, and to designate the exterior of the building as heritage.

Councillor Isitt joined the meeting at 9:02 a.m.

Moved By Councillor Madoff
Seconded By Councillor Thornton-Joe

Rezoning Application No. 00646

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00646 for 502 Discovery Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

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 - a) Subject to the approval of the Heritage Designation Bylaw for 502 Discovery Street, that Council authorize staff to discharge Heritage Conservation Restrictive Covenant CTK6914 dated March 10, 1983.

Committee discussed:

- *The importance of the building in the downtown*

CARRIED UNANIMOUSLY



Committee of the Whole Report For the Meeting of July 12, 2018

To: Committee of the Whole **Date:** June 21, 2018
From: Jonathan Tinney, Director, Sustainable Planning and Community Development
Subject: Heritage Designation Application No. 000173 for 502 Discovery Street

RECOMMENDATION

That Council consider the following motion:

1. That Council instruct staff to prepare the necessary Heritage Designation Bylaw that would approve the designation of the Heritage-Registered property located at 502 Discovery Street, pursuant to Section 611 of the *Local Government Act*, as a Municipal Heritage Site, and that first and second reading of the Heritage Designation Bylaw be considered by Council and a Public Hearing date be set once the following condition is met:
 - a. Subject to the approval of the Heritage Designation Bylaw for 502 Discovery Street, that Council authorize staff to discharge Heritage Conservation Restrictive Covenant CTK6914 dated March 10, 1983.

LEGISLATIVE AUTHORITY

In accordance with Section 611 of the *Local Government Act*, Council may designate real property, in whole or in part, as protected property.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations regarding an owner request to designate the exterior of the Heritage-Registered property located at 502 Discovery Street. The industrial building was built in 1901-1907 and contributes to the historic character of the Downtown Core Area, as well as the Burnside Neighbourhood and the Rock Bay District. The existing building is currently protected under a Section 219 Heritage Conservation Covenant registered on title; however the applicant is proposing to Heritage-Designate the building and carry out exterior alterations consistent with the *Standards and Guidelines for the Conservation of Historic Places in Canada*. Heritage Designation offers the same degree of protection through a more transparent and better understood process.

The Application is consistent with with Section 8: "Placemaking (Urban Design and Heritage)" of the *Official Community Plan* (2012); Section 7, "Heritage" of the *Downtown Core Area Plan* (2011); and the *Victoria Heritage Thematic Framework*.

The application was reviewed by the Heritage Advisory Panel at its June 12, 2018 meeting and recommended that Council consider approving the designation of this property.

BACKGROUND

Description of Proposal

The property located at 502 Discovery Street, also referred to as the BC Electric Railway (B.C.E.R.) Company Depot, is valued as an important part of Victoria's and British Columbia's industrial and transportation history. The building is a large 1901-1907 shed-type industrial building located at the northern end of Victoria's downtown and the southern tip of the Burnside Neighbourhood. Designed by architect Francis Mawson Rattenbury in 1901, with an addition in 1907, its long two bay form extends between Discovery and Pembroke Streets, with pitched gables at the Pembroke Street elevation, and hipped gables at the Discovery Street elevation. The exterior façade of 502 Discovery Street has maintained much of its original appearance and its character-defining elements that reflect its early industrial use, elements of design, and its juxtaposition with the collection of industrial buildings in the Rock Bay Complex across Pembroke Street. The building's utilitarian form, large size, open interior spaces with exposed heavy timber construction, and its proximity to the street reflect the building's intended use as a car shed for the electric street cars, which ran in the City in the first half of the twentieth century. The building also illustrates the continuum of the company that started as the National Electric Tramway & Lighting Company in 1890, and became the BC Hydro and Power Authority in 1961.

Zoning / Land Use

The proposed designation is consistent with the S-3 Zone, Modified Limited Service District.

Condition/Economic Viability

The building is in very good condition; however, it requires seismic upgrading and other exterior rehabilitation improvements. The applicant will be applying to the City's Building Incentive Program and the Heritage Tax Incentive Program administered by the Victoria Civic Heritage Trust.

ANALYSIS

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

Official Community Plan

The designation of this building is consistent with the *Official Community Plan* (2012), which in the section entitled, "Placemaking (Urban Design and Heritage)", states:

Goals

8 (B) *Victoria's cultural and natural heritage resources are protected and celebrated.*

Broad Objectives

8 (j) *That heritage property is conserved as resources with value for present and future generations.*

8 (l) *That heritage and cultural values are identified, celebrated, and retained through community engagement.*

City Form

- 8.6 *Conserve and enhance the heritage value, character and special features of areas, districts, streetscapes, cultural landscapes and individual properties throughout the city.*
- 8.11 *Determine the heritage value of areas, districts, streetscapes, cultural landscape and individual properties using the Victoria Heritage Thematic Framework as identified in Figure 12.*

Buildings and Sites

- 8.51 *Continue to give consideration to tools available under legislation to protect or conserve heritage property including, but not limited to: heritage designation bylaws; listing on the heritage register; temporary protection; heritage alteration permits; heritage revitalization agreements; design guidelines; and, the protection of views of heritage landmark buildings from public vantage points as identified in Map 8, and to be determined in future local area plans.*
- 8.54 *Continue to work with senior government, community and business partners to identify, protect and conserve property of heritage value.*

Burnside Gorge Neighbourhood Plan

The proposal is consistent with the *Burnside Gorge Neighbourhood Plan (2017)*, which encourages the protection of heritage resources through designation of properties listed on the City's Register of Heritage Properties.

Victoria's Heritage Thematic Framework

A key policy of the OCP includes the determination of heritage value using a values-based approach. In this regard, a city-wide thematic framework (OCP Fig. 12) was developed and incorporated into the OCP to identify the key civic historic themes. The *Victoria Heritage Thematic Framework* functions as a means to organize and define historical events, to identify representative historic places, and to place sites, persons and events in an overall context. The thematic framework recognizes a broad range of values under which city-wide themes can be articulated. A Heritage Value assessment with consideration of the *Victoria Heritage Thematic Framework* is incorporated into the Statement of Significance.

Statement of Significance

A Statement of Significance describing the historic place, its attributes, and history is attached to this report.

Heritage Advisory Panel

The Application was reviewed by the Heritage Advisory Panel at its June 12, 2018 meeting and was recommended for approval.

CONCLUSIONS

This Application for the heritage designation of the property located at 502 Discovery Street as a Municipal Heritage Site is for a building that is an important part of Victoria's and British Columbia's industrial and transportation history from the first half of the twentieth century. Staff therefore recommend that Council consider for approval the Heritage Designation Application No. 000173 for 502 Discovery Street.

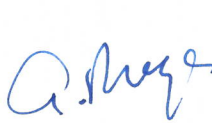
ALTERNATE MOTION

That Council decline Heritage Designation Application No. 000173 for the property located at 502 Discovery Street.

Respectfully submitted,




Merinda Conley
Senior Heritage Planner
Development Services Division



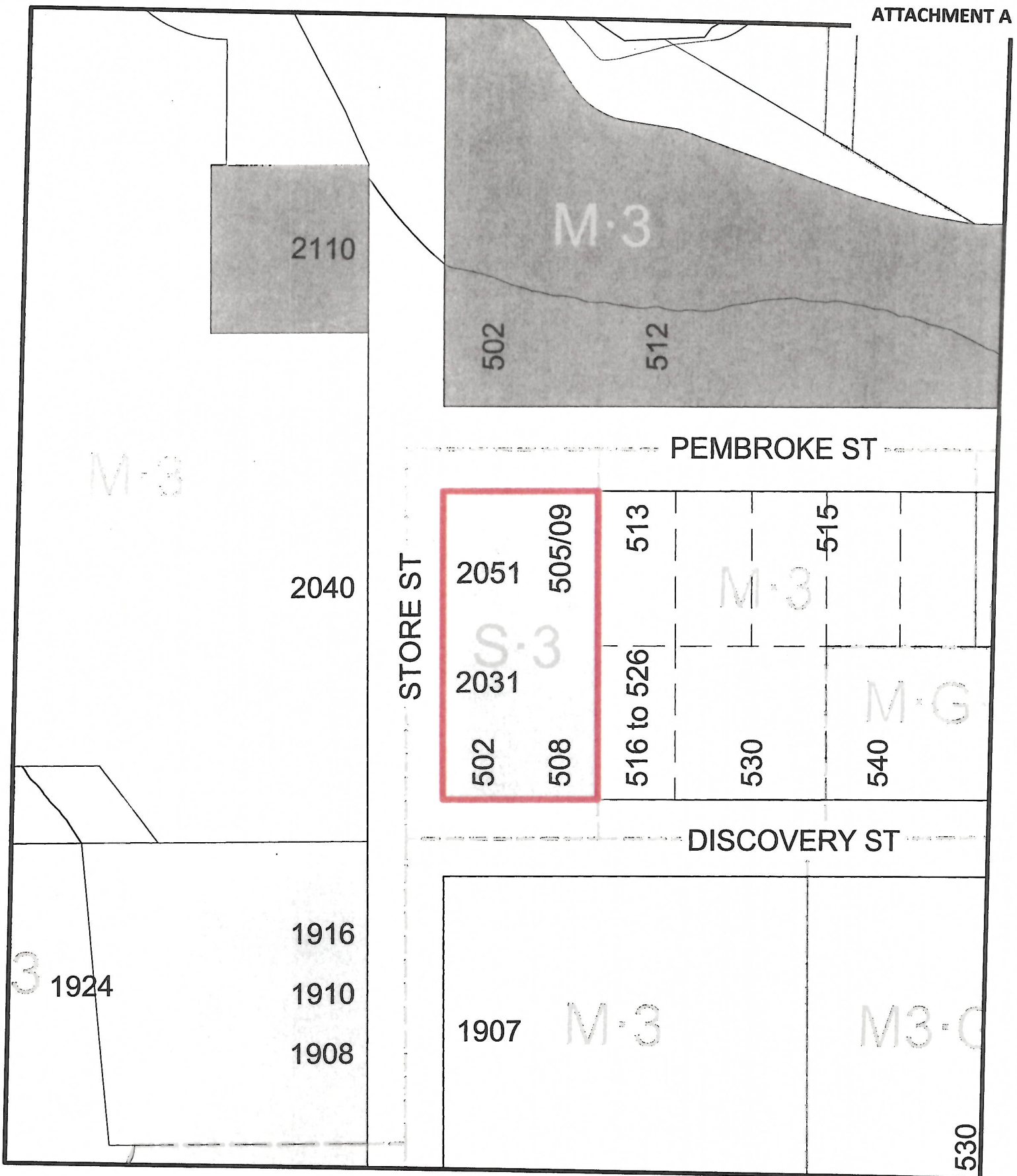
Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:


Date: July 3, 2018

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Photographs
- Attachment D: Statement of Significance
- Attachment E: Letter from the applicant, date stamped April 19, 2018
- Attachment F: Restrictive Covenant CTK6914, dated March 10, 1983
- Attachment G: Draft Heritage Advisory Panel Minutes from June 12, 2018 Meeting.



502 - 508 Discovery Street 505 - 509 Pembroke Street
2031 - 2051 Store Street



Designated



Registered



CITY OF
VICTORIA



502 - 508 Discovery Street 505 - 509 Pembroke Street
2031 - 2051 Store Street



Designated



Registered



502-508 DISCOVERY STREET, 505-509 PEMBROKE STREET & 2031-2015 STORE STREET



South Facades of Both Bays



Northwest View

502-508 DISCOVERY STREET, 505-509 PEMBROKE STREET & 2031-2015 STORE STREET



Northeast View



Portion of West Facade

502-508 DISCOVERY STREET, 505-509 PEMBROKE STREET & 2031-2015 STORE STREET



Portion of West Facade



Portion of West Facade

502-508 DISCOVERY STREET, 505-509 PEMBROKE STREET & 2031-2015 STORE STREET



North Facades of Both Bays – Southeast View



North Facades of Both Bays – Southwest View

502-508 DISCOVERY STREET, 505-509 PEMBROKE STREET & 2031-2015 STORE STREET



South Façade Windows on West Bay



South Façade Windows on West Bay

502-508 DISCOVERY STREET, 505-509 PEMBROKE STREET & 2031-2015 STORE STREET



South Façade Windows on East Bay



South Façade Windows on East Bay

502-508 DISCOVERY STREET, 505-509 PEMBROKE STREET & 2031-2015 STORE STREET



West Façade Windows



West Façade Windows and Sill and Lintel Treatment

502-508 DISCOVERY STREET, 505-509 PEMBROKE STREET & 2031-2015 STORE STREET



West Façade Windows



Entry and Upper Transom on West Façade at North End

**502-508 Discovery Street
BC Electric Railway Company Depot
Other Names**



Statement of Significance

Description of Historic Place

The B.C. Electric Railway Company Depot is a large shed-type industrial building located at the northern end of Victoria's downtown. It has two bays that extend between Discovery and Pembroke Streets, with pitched gables at the Pembroke Street elevation, and hipped gables at Discovery Street.

Heritage Value

The B.C. Electric Railway (B.C.E.R.) Company Depot is valued because it is an important part of Victoria's and British Columbia's industrial and transportation history. It is an important illustration of a significant phase in the continuum of the company that started as the National Electric Tramway & Lighting Company in 1890, and became the B.C. Hydro and Power Authority in 1961.

Designed by architect Francis Mawson Rattenbury in 1901 with an addition in 1907, its utilitarian form, large size, open interior spaces, and proximity to the street are important because they reflect the building's intended use as a car shed for the electric streetcars which ran in the City in the first half of the twentieth century.

The juxtaposition of the B.C.E.R depot with other nearby industrial buildings located in the Rock Bay Complex across Pembroke Street is significant aspect of its heritage value as it evokes the history of Victoria's early infrastructure, which, for reasons of convenience and accessibility included industrial service buildings as part of the City's commercial downtown.

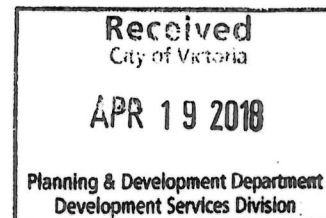
Character-Defining Elements

The character-defining elements of the B.C. Electric Railway Company Depot include:

- Its double form, with two matching long bays.
- Surviving elements which reflect its early industrial use, including large, open interior spaces, and the long Store Street elevation which spans the whole block.
- Elements relevant to its design by architect Rattenbury, including window and door openings, wooden windows and doors, light fixtures, and wrought-iron elements.
- Its juxtaposition with the collection of industrial buildings in the Rock Bay Complex across Pembroke Street.

April 19th, 2018

City of Victoria
#1, Centennial Square
Victoria, B.C.
V8W 1P6



Re: 502 Discovery / 509 Pembroke Street Application for Heritage Designation

Dear Mayor and Council

I am writing to request a heritage designation for 502 Discovery – 509 Pembroke Street. The North half of this Rattenbury designed building was constructed in 1901 and the Southern addition was made in 1907. It was originally designed to be the train shed for the BC electric railway and is the last remaining streetcar barn in BC. It is also a reminder of the industrial past of the Rock Bay area.

By designating this building, it will allow it to be preserved and revitalized, remaining a part of the Rock Bay street scape.

I hope you can consider this request favourably,

Sincerely,

A handwritten signature in black ink, appearing to be "Matt Phillips", written over a horizontal line.

Matt Phillips

Status: Registered

Doc #: M30606

RCVD: 1983-03-18 RQST: 2017-12-13
14/24.21

LAND TITLE ACT

Form 17
(Sections 151, 152 (1), 220)
APPLICATION

NATURE OF INTEREST (1) Fee-simple <input type="checkbox"/>	Market Value \$
(2) Charge <input checked="" type="checkbox"/>	Type Value \$ nominal
Restrictive Covenant (Nature of charge)	
(3) Cancellation of charge <input type="checkbox"/>	

Mortgage fee of \$ 10.00

As to (1) and (2) Agent's of person entitled to be registered as owner, if

in 72-ent then shown in instrument

As to (3) Full name of person entitled to be registered as owner, if

benefit the application is made

& Notices To

Legal description

Application

Box 1537, Victoria, B.C.

V8W 2X7

Full name, address, telephone number of person presenting application

George Ann Durand

Assistant City Solicitor

CITY SOLICITOR'S OFFICE, 1 CENTENNIAL SQUARE

VICTORIA, B.C. V8W 2P6 TEL. 383-9711 Local 212

Signature of applicant, or solicitor or authorized agent

File No. 83-17

THIS INDENTURE made the 10th day of MARCH, 1983

BETWEEN:

MELVIN DOUGLAS DYE, Businessman
6403 Rodolph Road
Victoria, British Columbia V8Z 5W2

and

DONALD RYAN BIRMINGHAM, Businessman
2777 Dewdney
Victoria, British Columbia V8R 3M3

(called the "Grantors")

AND:

THE CORPORATION OF THE CITY OF VICTORIA
1 Centennial Square
Victoria, British Columbia V8W 1P6

(called the "Grantee")

AND:

THE BANK OF BRITISH COLUMBIA
752 Fort Street
Victoria, British Columbia V8W 1H2

(called the "Mortgagee")

WITNESSES THAT WHEREAS:

- A. The Grantors are the registered owners in fee simple of land in the City of Victoria and Province of British Columbia described as:

Lots 509, 510, 526 and 527, Victoria City
(referred to as "the land");

referred to DNE
see pg 910 PM vol 2
re-endorsement

FORM 1 (Section 26)
MEMORANDUM OF REGISTRATION
Registered on application received on
the day and time within herein
R. E. PROPER, Registrar of the
Victoria Land Title Office BT

- 2 -

- B. The Grantee is a municipality;
- C. Part 3 of the Heritage Conservation Act, R.S.B.C. 1979, c. 165 provides that a council may by bylaw designate a building, structure or land in whole or in part as a municipal heritage site;
- D. Part 3 of the Heritage Conservation Act further provides that no person shall
- (a) demolish a building or structure;
 - (b) alter the facade or exterior of a building or structure; or
 - (c) build on land so designated without the prior approval, by resolution of the council;
- E. Part 3 further provides that for that part a council may acquire covenants, and Section 27 of the Heritage Conservation Act provides that an easement or covenant acquired under that Act by a Council may be registered in the Land Title Office against the land affected by the easement or covenant;
- F. There is on the land buildings known as the "Attica Buildings", having heritage value;
- G. The Council of the Grantee does not wish the buildings to be demolished or their facade or exterior to be altered without the approval of the Council, and for that limited purpose wishes to acquire a covenant;
- H. The Grantors have agreed to grant such covenant for the limited purposes stated herein, and so as to avoid the enactment of a bylaw pursuant to Section 11 of the Heritage Conservation Act;
- I. The Mortgagee desires to consent to this restrictive covenant, and that the said restrictive covenant stands in priority to its mortgage.

- 3 -

NOW THEREFORE the Grantors covenant with the Grantee as follows:

1. The Grantors shall not alter the facade or exterior of the buildings known as the Attica Buildings, and presently on the land, nor shall the Grantors demolish the roof or outside walls or any part of the roof or outside walls of these buildings without the prior written consent of the Grantee, as evidenced by a resolution of its Council.
2. The covenants contained in this grant shall bind the Grantors and their successors in title to the land in perpetuity.
3. The Mortgagee agrees and consents to this restrictive covenant being registered against the aforesaid land in priority to and ahead of its mortgage, namely Mortgage No. L 22929, registered against the land, such priority to take effect irrespective of the dates and times of execution of any documents or charges against the land.

IN WITNESS WHEREOF the Grantors have set their hands and seals, and the Mortgagee has affixed its corporate seal, duly authenticated by its proper officers in that behalf, all as of the day and year first above written.

SIGNED, SEALED AND DELIVERED
in the presence of:

M. Stakelgren
Witness

3988 Blenheim Rd.
Victoria, B.C. V8P3R1
Address

clerk
Occupation

(as to both signatures)

Melvin Douglas Dye
MELVIN DOUGLAS DYE

Donald Ryan Birmingham
DONALD RYAN BIRMINGHAM

~~THE BANK OF BRITISH COLUMBIA~~

SIGNED IN THE PRESENCE OF:

Joan Petrie
(JOAN PETRIE)

12th FLOOR, 505 BURNARD ST.
VANCOUVER, B.C. V7X 1M5

CLERK
AS TO BOTH SIGNATURES

BANK OF BRITISH COLUMBIA
BY ITS LAWFUL ATTORNEYS:

E. R. Parker
MANAGER, CREDIT
Donald R. Birmingham
MANAGER, CREDIT

Status: Registered

Doc #: M30606

RCVD: 1983-03-18 RQST: 2017-12-13
14:24:21

FORM NO. LTA 2

LAND TITLE ACT
Form 2
Sections 43(a) and 44(a)
AFFIDAVIT OF WITNESS

I, **WALTER WAKELYN**, of **Victoria**
in British Columbia, make oath and say:

1. I was present and saw this instrument duly signed and executed by **MELVIN DOUGLAS DYE and DONALD RYAN BIRMINGHAM** the party(ies) to it, for the purposes named in it.
2. The instrument was executed at **Victoria, British Columbia**
3. I know the party(ies) who is(are) 19 years old or more.
4. I am the subscribing witness to the instrument and am 16 years old or more.

Sworn before me at **Victoria**

in British Columbia, this **15th**

day of **March**, 19 **83**.

[Signature]

[Signature]
Walter Wakelyn ✓

A Commissioner for taking affidavits
within British Columbia

*Write name and qualifications under section 48, c.g., A Commissioner for Taking Affidavits for British Columbia.

5
LAND TITLE ACT
SECTION 45 (1) (a) & (b)

FORM 1551(7-80)

30006
STATUTORY DECLARATION WHERE ATTORNEY IS NOT A CORPORATION
and CERTIFICATE OF ACKNOWLEDGMENT OF TRANSFEROR

We, **CHARLES RICHARD TRICKER** and
TIMOTHY THOMAS McCOLL, both of Vancouver,
British Columbia, DO SOLEMNLY DECLARE that:

1. We are the attorneys for BANK OF BRITISH COLUMBIA under a power of attorney filed under the Land Title Act.
2. We are the persons who subscribed the name of BANK OF BRITISH COLUMBIA and our names in the instrument as transferor.
3. At the time of execution of the instrument the power of attorney had not been revoked by or on behalf of BANK OF BRITISH COLUMBIA, that BANK OF BRITISH COLUMBIA is legally entitled to hold and dispose of land in British Columbia, and we had not received any notice or information of the bankruptcy or dissolution of BANK OF BRITISH COLUMBIA.
4. We know the contents of the instrument and subscribed the name of BANK OF BRITISH COLUMBIA to it voluntarily as the free act of the transferor.

And we make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath.

SEVERALLY DECLARED before me today at)
Vancouver, in the Province of British)
Columbia, AND I CERTIFY that today at)
Vancouver, in the Province of British)
Columbia, the above-named attorneys)
who are personally known to me,)
appeared before me and acknowledged)
to me that they are the persons)
mentioned in the instrument as)
attorneys of a transferor, that their)
names are subscribed to it, that they)
know the contents of the instrument)
and executed it voluntarily, and are)
of the age of 19 years or more.)

C. R. Tricker
Title **MANAGER, CREDIT**
Timothy Thomas McColl
Title **MANAGER, CREDIT**

In testimony of which I set my hand at)
Vancouver, British Columbia this 11th)
day of MARCH, 1983.)

Terrence E. King
A Commissioner for taking
Affidavits for British Columbia

TERRENCE E. KING

(To be completed by solicitor documents signed at Pacific Division
or Head - 1200, 750 WEST PENDER ST.
VANCOUVER, B.C. V6C 2B8)

4. **502-508 Discovery Street / 505-509 Pembroke Street / 2031-2051 Store Street**
Heritage Alteration Permit Application No. 00228
Heritage Designation Application No. 000173

Attendees: Matthew Phillips, 502 Discovery Holdings; Michael Moody, MJM Architect Inc.

Merinda Conley provided a brief summary of the application.

Panel Questions and Comments

- Regarding the roof structure, will the original roof rafters be retained as part of the post and beam for the interior working space? Matt Phillips: Yes, except for the modification of one rafter beneath the trapezoidal structure.
- Can you look up into the trusses? Matt Phillips: The trusses will be visible from the ground floor through the stairwell opening of the new floor.
- What materials will be used for the ceiling? Matt Phillips: Drywall.
- Will the wood timber trusses require more supports? Matt: The trusses will need to be strengthened in the northeast corner to increase the bearing capacity.
- The glass roof in the centre is a nice feature. Has an opening in the second floor been considered to bring light through to the ground floor? Mike Moody: A pyramidal skylight will bring light into the lobby off of Store Street.
- Reference was made to the Salt Building in Vancouver in which the trusses are visible from the ground floor. Could a similar design be considered for this building?
- The brick needs work. Will a conservation plan be prepared? Matt Phillips: Repointing is part of the project.
- It is commendable that the entire building rather than only the façade will be retained; however, conservation and maintenance plans are recommended.

Moved

Seconded

That the Heritage Advisory Panel recommend to Council that Heritage Alteration Permit Application No. 00228 for 502-508 Discovery Street / 505-509 Pembroke Street / 2031-2051 Store Street be approved as presented.

Carried (unanimous)

Moved

Seconded

That the Heritage Advisory Panel recommend that Council approve the designation of the heritage-registered property located at 502-508 Discovery Street / 505-509 Pembroke Street / 2031-2051 Store Street, pursuant to Section 611 of the *Local Government Act*, as a Municipal Heritage Site.

Carried (unanimous)