



Committee of the Whole Report For the Meeting of April 18, 2019

To: Committee of the Whole **Date:** April 4, 2019
From: Andrea Hudson, Acting Director, Sustainable Planning and Community Development
Subject: Request to Study a Portion of Robert Street as a Potential Heritage Conservation Area

RECOMMENDATIONS

1. That Council direct staff to study and evaluate the portion of Robert Street shown on Attachment A for its potential as a Heritage Conservation Area in accordance with the Council adopted *Citizen-led Heritage Conservation Areas Policy*.
2. If staff conclude that a Heritage Conservation Area designation is justified, report back to City Council with a draft Official Community Plan Amendment Bylaw that outlines the justification, objectives and guidelines in accordance with section 614 of the *Local Government Act*.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with preliminary information, analysis and recommendations regarding a citizen request to designate a portion of Robert Street (see Attachment B: Proposed Robert Street HCA - Study Area Boundary (Aerial)) as a Heritage Conservation Area ("HCA") (see Attachment C: HCA Nomination). The area contains a concentration of 1 and 1.5 storey bungalow style residential homes constructed during two different time periods: the turn-of-the-century (1888-1911) and the wartime period (1939-1945) (see Attachment D: Photographs of existing buildings on the street).

Preliminary research indicates that the properties have recognizable heritage character embodied by the consistent form, scale and massing of buildings, similar rooflines and the consistent architectural details shared among the buildings constructed within each time period. Preliminary research indicates a relationship between the original turn-of-the-century estates and the Muirhead Family, who co-owned and operated the Muirhead and Mann Company, otherwise known as the Victoria Planing Mills, one of the largest employers in late 19th century Victoria.

The nominator of the proposed HCA consulted with their neighbours in advance of submittal through direct conversations and the circulation of a petition (see Attachment C: HCA Nomination). Since that time, staff consulted with and gained the support of the Victoria West Community Association Land Use Committee for the nomination and proposed boundaries. Staff and the nominator organized a walking tour of the street for affected residents in August 2018, which was

well attended. A follow-up meeting took place in September where staff delivered a more comprehensive overview of the proposed HCA, including the preliminary rationale and the potential implications of an HCA bylaw for homeowners. On December 3rd, staff sent out a survey to all affected homeowners. Survey results showed that 75% of respondents were in support of an HCA. The nomination also included a petition supporting the proposed Robert Street HCA with over 30 signatories from residents on the street and surrounding area.

BACKGROUND

Description of Proposal

The proposed Robert Street HCA is an area located in the Victoria West Neighbourhood (see Attachment A: Proposed Robert Street HCA - Study Area Boundary). The proposed HCA includes a collection of 14 one and one and a half storey houses, of which four were constructed around the turn-of-the-century (1888-1911) in the Queen Anne and Colonial Bungalow styles. Most of the remaining houses are from the wartime era (1939-1943) and designed in the English or French storybook style. The nomination describes the area as having heritage value for its association with the Muirhead family estate and heritage character for the cohesiveness of form, scale and massing, setbacks and consistent landscaping of front yards. In considering the *Victoria Heritage Thematic Framework*, the nomination cites the historical presence of the Rainbow Sea Cadets/James Bay Athletic Association building in Rainbow Park (Theme 3: Capital City, 3.2 Military Activity) and the Muirhead family homestead. The Muirhead family established the Victoria Planing Mill, a significant late 19th century employer and manufacturer (Theme 2: Gateway Economy, 2.2 - Resource Base). The nomination also cites the Songhees Coffin Island and Colville Island burial grounds as evidence of a link between the street and Theme 1 - Coastal Settlement, 1.1 First Nations Presence. Staff have not included Coffin Island and Colville Island in the study area. In staff's opinion, it would be more appropriate to study these islands for individual significance after receiving permission from the Songhees and Esquimalt Nations and proceeding in close consultation with them.

If an HCA study is authorized for this area, staff would evaluate the research completed and undertake additional research assessing the integrity and condition of individual properties within the proposed HCA to determine if the proposed area has sufficient heritage value and heritage character to justify its conservation under the *Local Government Act*. If staff determine that the area merits designation as an HCA, staff will prepare a draft bylaw to amend the *Official Community Plan*, which will contain a description of the special features justifying the designation, objectives of the designation and guidelines for achieving the objectives.

An HCA establishes a heritage alteration permit process for land subdivision, new construction and alterations to existing properties.

Regulatory Considerations

If the proposed group of properties is designated as the Robert Street HCA, the following actions would require municipal authorization through a heritage alteration permit:

- a. Subdivide land within the area;
- b. Start the construction of a building or structure or an addition to an existing building or structure within the area;
- c. Alter a building or structure or land within the area;
- d. Alter a feature that is protected heritage property.

However, the *Local Government Act* allows the City to specify exemptions from permit requirements. The following actions would likely be proposed for exemption from municipal authorization in the Robert Street HCA:

- a. Interior renovations;
- b. Exterior painting of single detached homes, unless specifically identified as a character-defining element;
- c. Roof replacement using similar materials;
- d. Rear deck construction;
- e. On lots with a single street frontage, additions to the rear elevation of a building, which are under 100 square metres (1077 square feet) in size, less than the width of the rear elevation, and equal to or less than the height of the lowest portion of the roof;
- f. On lots with a single street frontage, garden suites or tiny homes located in the rear yard;
- g. Landscaping alterations to features not identified as character-defining elements;
- h. Replacement of eaves troughs, downspouts and exterior lighting;
- i. Building envelope remediation, so long as there are no changes to appearance or design when the remediation is completed, and the only change to materials is in-kind replacements;
- j. In-kind replacements of missing, worn or damaged exterior materials, so long as there are no changes to appearance or design when the replacements are completed;
- k. Sustainability upgrades that do not affect the appearance of buildings from the street;
- l. Interior insulation;
- m. Envelope air sealing (e.g. weather-stripping);
- n. Mechanical system upgrades (including those with exterior equipment such as heat pumps and air conditioning units).

Under the draft HCA bylaw, property alterations would be reviewed against the *Standards and Guidelines for the Conservation of Historic Places in Canada*. The demolition of existing character buildings would be discouraged and require authorization by City Council. The HCA bylaw would establish design guidelines for the construction of new buildings on properties that do not already have a building that contributes to the heritage character of the HCA.

ANALYSIS

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

1. Official Community Plan

The proposed study of this area is consistent with the *Official Community Plan* (2012). Section 8 entitled, "Placemaking (Urban Design and Heritage)", directs the City to identify, celebrate and retain heritage and cultural values, to continue conserving and enhancing the heritage value, character and special features of historic areas through designation of new Heritage Conservation Areas and use the heritage thematic framework for evaluation.

Victoria 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. Staff will complete a detailed heritage value assessment of the area as part of the HCA study. On a preliminary basis, the association between the turn-of-the-century buildings on the street and the original Muirhead family estate, and the wartime houses and the Rainbow Sea Cadets suggest that the buildings on the street have heritage value.

2. Victoria West Neighbourhood Plan

The proposed study of this area is consistent with the *Victoria West Neighbourhood Plan*, which in the section entitled, "Neighbourhood Plan Goals" states:

1. Protect the historic character of significant buildings and important sites
2. Celebrate and interpret the heritage of the neighbourhood.

Section 10.2. "Heritage Conservation Areas" states:

- 10.2.1. Consider future citizen-initiated proposals for designation of Heritage Conservation Areas where heritage merit exists.

Study of the Robert Street HCA contributes to fulfilling two long-term actions (2028+) under the plan:

- Complete a reconnaissance survey of the neighbourhood to identify buildings of heritage merit (see Policy 10.1.2.)
- Consider citizen-initiated Heritage Conservation Areas, if proposed (see Policy 10.2.1.).

3. Heritage Conservation Area - Assessment Criteria

City Council adopted a new *Citizen-led Heritage Conservation Areas Policy* on January 31, 2019. The policy establishes four main criteria for evaluating a potential HCA:

1. A proposed Heritage Conservation Area should consist of multiple contiguous properties, preferably including properties on both sides of a public street.
2. A majority of properties in a proposed Heritage Conservation Area should have a shared heritage value or set of heritage values.
3. A majority of properties within a proposed Heritage Conservation Area should have cohesive heritage character, embodied in a set of shared traits or features that give the area a distinctive quality or appearance. The heritage character of a proposed Heritage Conservation Area should be obvious to the untrained eye.
4. Boundaries of the area should be based on shared cultural heritage values, heritage character and natural geography and not include unrelated areas.

The proposed new HCA includes multiple contiguous properties on both sides of Robert Street. Preliminary research indicates that houses on the street share common heritage value in their association with the original Muirhead estate. A majority have a cohesive heritage character, embodied in the consistent setbacks, low-scale massing, asymmetrical façade composition and sloped rooflines. These traits are especially distinctive and recognizable amidst the surrounding context of higher density multi-unit buildings. The proposed boundaries of the HCA study area omit areas that are clearly unrelated.

4. Proposed Study Area Boundaries

The nominator selected the boundaries to encompass a set of houses on Robert Street with consistent massing, setback and style characteristics (see Attachment D: Photographs of existing buildings on the street). The properties were created through a subdivision plan in the 1800s. Between 1881 and 1900, James Muirhead Sr. acquired six lots on Robert Street, and in 1903 constructed a house at the southeast corner of Esquimalt Road and Robert Street (527 Esquimalt Road). Members of the family eventually built two other houses on the street, only one of which survives at 223 Robert Street. The Muirheads maintained the lands in between 527 Esquimalt Road and 223 Robert Street as an apple orchard planted with King Apple trees, a variety that is close to extinct in Victoria. The nominator states that there are surviving specimens on the street.

Of the fourteen properties included in the study area, four of the detached homes date from the turn-of-the-century period and were individually designated through city bylaws in the 1970s (see Attachment D: Photographs of existing buildings on the street). Of these, 223, 230 and 242 Robert Street were designed in the Queen Anne style, and 614 Seaworth Street was designed in the Colonial Bungalow style. The designated houses are elaborately detailed, with horizontal wood siding, front porches, dormer windows, decorative brackets and columns. The remainder of the houses in the study area are not currently protected and were constructed between 1939 and 1945, with the exception of two houses constructed in 1955. In contrast to the turn-of-the-century houses, the remaining houses on the street are simpler. They are typically clad with stucco, have asymmetrical rooflines and have large front windows divided into three parts. All houses on the street have pitched roofs, relatively consistent front and side yard setbacks and are built to a consistent scale of one to one and a half storeys.

The study area includes Rainbow Park. The nominator included it because it is an important feature of the street and is associated with the wartime era. The park was named after the Rainbow Sea Cadets Corps (now the Royal Canadian Sea Cadet Corps Rainbow), an organization formed to recruit and train boys interested in navy service. During the Second World War, the sea cadets operated in a building located in Rainbow Park. The building was originally constructed in 1938 by the James Bay Athletic Association (see Attachment F: Historic Photographs). It has since been demolished; however, the footings of the building survive.

5. Engagement with the Local Community Association Land Use Committee (CALUC)

The nominator has communicated with the Victoria West CALUC about a potential Robert Street HCA since the Victoria West neighbourhood planning exercise was underway in 2018. Staff presented the new *Citizen-led Heritage Conservation Areas Policy* to the Victoria West CALUC on September 25, 2018 using the potential Robert Street HCA as an example and completed a follow-up presentation in February 2019. The Vic West CALUC has submitted a letter of support for the designation of Robert Street as an HCA (see Attachment G: Vic West CALUC Support Letter).

6. Engagement with Affected Owners

Staff and the nominator organized a walking tour of the street on Wednesday, August 8, 2018 at 5:30 pm for all property owners in the potential HCA. Over ten residents attended and the tour finished with a lawn chair discussion in the front yard of a heritage property on the street. Staff provided information about HCAs in the meeting and none of the attendees expressed opposition. Staff convened a follow-up "front yard meeting" on Sunday, September 23, 2018 at 3:00 pm where staff delivered a more comprehensive overview of the proposed HCA, including the preliminary rationale and the potential implications of an HCA bylaw for homeowners. The Robert Street HCA

nomination that the applicant submitted includes a petition with over 30 signatories from within the potential HCA and surrounding area.

7. Survey Results

On December 3, 2018 staff sent out a survey to all affected homeowners asking them whether they would support the designation of Robert Street as an HCA. The survey included information on the implications of an HCA designation. Of the sixteen surveys mailed out, twelve were returned. Nine of the respondents were in favour of a potential HCA and three were opposed, for an overall rate of 75% support among survey respondents. These supporters comprise 56% of all property owners on the street. Four property owners did not respond to the survey.

8. Heritage Advisory Panel

The Heritage Advisory Panel reviewed the nomination at its March 12, 2019 meeting and made the following motion concerning the nomination (see Attachment E: Heritage Advisory Panel Minutes):

- That the Heritage Advisory Panel recommend to Council that staff be authorized to study Robert Street as a potential Heritage Conservation Area.

OPTIONS AND IMPACTS

Accessibility Impact Statement

The study of Robert Street as a potential HCA has no accessibility impacts.

2019-2022 Strategic Plan

Study of Robert Street as a potential HCA supports the operational priority of heritage conservation and heritage designation in the Strategic Plan.

Impacts to Financial Plan

This initiative will have no impact on the Financial Plan as the study of potential heritage conservation areas is an operational duty for heritage staff. Establishing additional heritage conservation areas in the City will result in additional heritage alteration permits for staff to process should property owners propose changes to their properties. However, this particular area along Robert Street is a relatively small area, so impacts to staffing resources would be minimal. Further, staff are contemplating minor application exemptions to both lessen the permit process impacts to property owners and the volume of applications received.

Official Community Plan Consistency Statement

The proposed study of Robert Street as a potential HCA is consistent with heritage related directions in the *Official Community Plan* under Section 8: "Placemaking- Urban Design and Heritage".

Option 1 (Recommended)

That Council direct staff to study the portion of Robert Street shown on Attachment A: Proposed Robert Street HCA - Study Area Boundary as a potential HCA.

This option would support *Official Community Plan* and *Victoria West Neighbourhood Plan* objectives related to considering citizen requests for designation of Heritage Conservation Areas where heritage merit exists.

Option 2

That Council decline the study of the area shown on Attachment A: Proposed Robert Street HCA - Study Area Boundary as a potential HCA.

This option is not recommended given initial indications from homeowners show that 75% support examining this.

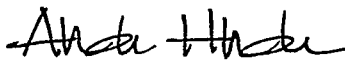
CONCLUSIONS

This application for the study of a portion of Robert Street as a potential HCA is consistent with *Official Community Plan* objectives for the continued identification and recognition of historic areas in the city. It is consistent with *Victoria West Neighbourhood Plan* policy to consider citizen-initiated Heritage Conservation Areas where heritage merit exists. The submitted nomination presents credible evidence for the heritage value and heritage character of the area, as well as the area's relationship to the *Victoria Heritage Thematic Framework*. Staff therefore recommend that Council authorize the study of the area shown on Attachment A.

Respectfully submitted,



John O'Reilly
Heritage Planner
Community Planning



Andrea Hudson, Acting Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager



Date: April 10, 2019

List of Attachments

- Attachment A: Proposed Robert Street HCA - Study Area Boundary
- Attachment B: Proposed Robert Street HCA - Study Area Boundary (Aerial)
- Attachment C: HCA Nomination
- Attachment D: Photographs of existing buildings on the street
- Attachment E: Heritage Advisory Panel Minutes
- Attachment F: Historic Photographs
- Attachment G: Vic West CALUC Support Letter.