



Committee of the Whole Report

For the Meeting of August 8, 2019

To: Committee of the Whole **Date:** August 1, 2019

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

Subject: Heritage Alteration Permit Application No. 00237 for 1002 Vancouver Street

RECOMMENDATION

That Council approve Heritage Alteration Permit Application No. 00237 for 1002 Vancouver Street with the following change:

- a) That the applicant revise the plans to indicate that the third floor vinyl windows be replaced with wood windows that replicate the form, materials and detailing of the original protected windows to the satisfaction of the Director of Sustainable Planning and Community Development.

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 1002 Vancouver Street.

Proposed is the retroactive approval of an alteration that has already occurred. During recent renovations, the applicant removed the original wood windows at the third storey of a heritage-designated building known as the "Mount Edwards Apartments" and replaced them with vinyl replicas. The third storey windows were character-defining elements of the building protected under Heritage Designation Bylaw No 17-088. The applicant had agreed to maintain the third storey windows during the renovation as a condition of their 2017 Rezoning Application to convert the building to 78 supportive housing units and 15 affordable rental units for seniors over the age of 50. Also proposed is the replacement of the non-original first and second storey

windows with vinyl windows. The replacements have already been manufactured and are in the process of being installed.

The application is inconsistent with the relevant urban design and heritage policies of the *Official Community Plan* (2012) which encourage the conservation of heritage property consistent with the *Standards and Guidelines for the Conservation of Historic Places in Canada* (the “Standards and Guidelines”). The Standards and Guidelines state that intact or repairable character-defining elements, like the original wood windows of the Mount Edwards Apartments, should not be removed or replaced (Standard 1).

The Heritage Advisory Panel reviewed the application at its July 16, 2019 meeting and recommended that Council decline the application.

Staff recommend that Council approve Heritage Alteration Permit Application No. 00237 for 1002 Vancouver Street provided they revise the plans to indicate that the third floor vinyl windows will be replaced with wood windows that replicate the form, materials and detailing of the original protected windows. However, given the critical importance of the affordable housing under construction, two alternate motions are provided for Council's consideration, which would not require the replacement of the vinyl windows.

BACKGROUND

Description of Proposal

During recent renovations, the applicant removed the original wood windows at the third storey of the Mount Edwards Apartments at 1002 Vancouver Street (see Attachments A: Subject Map and B: Aerial Map) and replaced them with vinyl windows (see Attachment C: Photographs). The third storey windows were character-defining elements of the building protected under Heritage Designation Bylaw No 17-088 (see Attachment D: Statement of Significance). The applicant had agreed to maintain the third storey windows during the renovation as a condition of their 2017 Rezoning Application to convert the building to 78 supportive housing units and 15 affordable rental units for seniors over the age of 50. Also proposed is the replacement of the non-original first and second storey windows with vinyl windows (see Attachment E: Plans, date stamped June 28, 2019). The replacements have already been manufactured and are in the process of being installed.

The proposal includes the following major design components:

- replacement of the third storey wood windows of the building with vinyl replicas
- replacement of the first and second storey windows, which are not original, with vinyl windows matching the general form and design of the windows that used to be in these openings.

The Heritage Advisory Panel reviewed the application at its July 16, 2019 meeting and recommended that Council decline the application.

Sustainability Features

Vinyl windows have shorter lifespans than wood windows, require significantly more initial energy to manufacture and cannot be repaired once seals have failed. The original windows for the Mount Edwards Apartments had lasted for one hundred and eight years prior to being replaced. In contrast, the insulated seals for many modern vinyl windows are only warrantied for about five years. As an alternative to replacement, the applicant could have retrofitted the

third storey windows with an interior or exterior window panel and insulating cellular shades. A study by the National Trust for Historic Preservation Green Lab in the United States found that these two retrofits come very close to the energy performance of high-performance replacement windows at a fraction of the cost (see Attachment H: Saving Windows, Saving Money: Evaluating the Energy Performance of Window Retrofit and Replacement).

Relevant History

The Mount Edwards Court Apartments were originally built as market residential units in 1911; however, the building was operated as a care facility for more than 30 years until the fall of 2014. During its time as a care facility, the building contained 83 independent residential rooms and ancillary facilities.

In 2016, the Province acquired the subject property in response to the “tent city” that was established in the area. The Victoria Cool Aid Society was chosen by BC Housing to operate the building, and on February 23, 2016, the Province exercised their senior government authority to override the *Zoning Regulation Bylaw* to reopen the first floor of Mount Edwards to provide 38 residents with transitional housing. The property was formally rezoned in 2017 to permit 78 supportive housing units and 15 affordable rental housing units. Currently, the property is owned by the Provincial Rental Housing Corporation and operated by the BC Cool Aid Society.

ANALYSIS

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

Official Community Plan

The replacement of the heritage protected third storey windows of the Mount Edwards Apartments is inconsistent with objectives and policies under Section 8: Placemaking - Urban Design and Heritage. A relevant objective of this section is that heritage property is conserved as resources with value for present and future generations (8j). A relevant policy directs the City to work with senior government, community and business partners to identify, protect and conserve property of heritage value (policy 8.54). In this case, the City worked with BC Housing during the 2017 rezoning of the property to designate the property. The City secured the restoration of the third floor double hung four-over-one fixed wood windows as an approval condition of the rezoning. BC Housing has stated that the team who negotiated the Rezoning Application was not involved in the renovations, and that the renovation team was unaware of the approval condition. Regardless, the replacement of repairable or intact building components with copies built with different materials, assembly methods and detailing contradicts the approval condition and does not meet the definition of conservation, defined as any action or process aimed at safeguarding the character-defining elements of an historic place. The existing first and second storey windows are not original to the building so the applicant was not required to conserve them or restore them under the terms of their rezoning; however, a Heritage Alteration Permit is required to facilitate this change.

Cathedral Hill Precinct Plan (2003)

Replacement of the heritage protected third storey windows with vinyl windows is inconsistent with objective 3 of the Heritage section of the Precinct Plan. Objective 3 directs the City to support the retention and conservation of heritage buildings in the Precinct. Undertaking the

work without a permit is inconsistent with policy 16 of the Urban Design Guidelines section of the Plan, which states that exterior alterations to heritage buildings require a Heritage Alteration Permit.

Standards and Guidelines for the Conservation of Historic Places in Canada

Replacing the protected third storey wood windows with vinyl windows was inconsistent with key standards and guidelines. The wood windows were specifically identified as character-defining elements of the Mount Edwards Apartments. According to the Standards and Guidelines, character-defining elements are defined as the materials, forms, location, spatial configurations, uses and cultural associations or meanings that contribute to the heritage value of an historic place. Permanent removal of character-defining elements is inconsistent with the following standards:

1. Conserve the heritage value of an historic place. Do not remove, replace or substantially alter its intact or repairable character- defining elements. Do not move a part of an historic place if its current location is a character-defining element.
7. Evaluate the existing condition of character-defining elements to determine the appropriate intervention needed. Use the gentlest means possible for any intervention. Respect heritage value when undertaking an intervention.
8. Maintain character-defining elements on an ongoing basis. Repair character-defining elements by reinforcing their materials using recognized conservation methods. Replace in kind any extensively deteriorated or missing parts of character-defining elements, where there are surviving prototypes.
10. Repair rather than replace character-defining elements. Where character-defining elements are too severely deteriorated to repair, and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements. Where there is insufficient physical evidence, make the form, material and detailing of the new elements compatible with the character of the historic place.
14. Replace missing features from the restoration period with new features whose forms, materials and detailing are based on sufficient physical, documentary and/or oral evidence.

The original third storey windows of the Mount Edwards Apartments looked different from their vinyl replacements. The differences will be noticeable to both residents of the building and careful observers on the street. The original design for the Mount Edwards Apartments featured two main window types. Double hung sash windows were used for the first two storeys. These windows were simple, and consisted of two equally sized panes of glass. The bottom pane could be raised for ventilation. The third storey windows were more elaborate and together with the dentilated metal cornice created a visual terminus for the building. Like the first and second storey windows, they were divided into an upper and lower part. The upper part consisted of four individual rectangular panes of glass divided vertically by contoured muntin bars. The bottom part of the window consisted of a single pane of glass. The muntin bars were raised above the surface of the glass and had a decorative carved profile.

In contrast, the muntins in the new windows are thin, square, non-functional and adhered to a single pane of glass instead of dividing and holding in place four separate panes of glass.

These differences in construction and design undermine the integrity of the historic building and give it a more superficial appearance.

The existing first and second storey windows are made of aluminum and are horizontally proportioned. Originally, these openings contained vertically proportioned wooden sash windows. The applicant did not consult the City during or after the rezoning about replacing the aluminum windows with vinyl windows. Staff are not recommending against these windows because the applicant was not required to restore the windows or install wood windows as a condition of their rezoning and the new windows more closely resemble the original historic windows than the current aluminum windows.

Regulatory Considerations

Under the City's Heritage Property Protection Bylaw No. 95-62, the Director of Sustainable Planning and Community Development must not issue an approval for any action that would alter a designated heritage property in a manner that is inconsistent with the *Standards and Guidelines for the Conservation of Historic Places in Canada*.

ISSUES AND ANALYSIS

The following section identifies and provides a brief analysis of:

- the suitability of the replacement vinyl windows at the third storey
- the suitability of vinyl replacement windows at the first and second storeys.

Conservation of Original Windows, Restoration and Rehabilitation

The replacement of the third storey wood windows with vinyl windows was contrary to multiple standards in the Standards and Guidelines that direct property owners to retain character-defining elements. The removal of these windows was also contrary to an approval condition of the original rezoning. The windows were disposed of and cannot be salvaged and reinstated.

The existing first and second storey windows are not character-defining elements of the building and are not original to the building. The applicant did not commit to restore replica wood windows to these openings as part of their rezoning.

Heritage Advisory Panel

The Heritage Advisory Panel reviewed the application at its July 16, 2019 meeting and recommended that Council decline the application.

Other Considerations - Building Occupancy

The applicant has applied for a Building Permit so that the renovated supportive housing units within the building can be fully occupied. The city is processing the Building Permit Application for occupancy separately, which means that the units can be occupied regardless of a final decision on this Heritage Alteration Permit.

CONCLUSIONS

The replacement of the heritage protected wood windows at the third storey of the Mount Edwards Apartments with vinyl windows was contrary to one of the applicant's approval conditions from their 2017 rezoning. It is also inconsistent with *Official Community Plan*

policies, policies in the *Cathedral Hill Precinct Plan* and the *Standards and Guidelines for the Conservation of Historic Places in Canada*. Staff therefore recommend that Council approve Heritage Alteration Permit Application No. 00237 for 1002 Vancouver Street contingent on the applicant revising the plans to indicate that the third floor vinyl windows will be replaced with wood windows that replicate the form, materials and detailing of the original protected windows. However, given the importance of the affordable housing under construction to meet a critical need in the community, two alternate motions are provided for Council's consideration.

ALTERNATE MOTIONS

Option One (approve as is)

That Council approve Heritage Alteration Permit Application No. 00237 for 1002 Vancouver Street as presented.

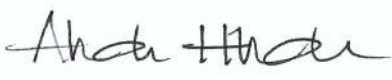
Option Two (approve as is and express disappointment)

1. That Council approve Heritage Alteration Permit Application No. 00237 for 1002 Vancouver Street as presented; and
2. That the City send a letter to BC Housing expressing disappointment in the removal of character-defining elements from the heritage-designated Mount Edwards apartment building without a permit, and stating the City's expectation that this situation does not recur.


Respectfully submitted,


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Development Services




Andrea Hudson, Acting Director
Sustainable Planning and Community
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Report accepted and recommended by the City Manager:


Date: July 31, 2019

ATTACHMENTS

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Photographs
- Attachment D: Statement of Significance
- Attachment E: Plans, date stamped June 28, 2019
- Attachment F: Applicant's letter, dated June 28, 2019.
- Attachment G: Saving Windows, Saving Money: Evaluating the Energy Performance of Window Retrofit and Replacement.