



Committee of the Whole Report

For the Meeting of December 10, 2020

To: Committee of the Whole **Date:** December 3, 2020

From: Karen Hoese, Director, Sustainable Planning and Community Development

Subject: **Heritage Alteration Permit with Variances Application No. 00023 for 1244 Wharf Street**

RECOMMENDATION

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Heritage Alteration Permit with Variances Application No. 00023 for 1244 Wharf Street, in accordance with:

1. Plans, date stamped November 20, 2020.
2. The Conservation Plan for the Yates Block at 1244 Wharf Street by Donald Luxton and Associates Inc., dated September 2020
3. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
 - increase the parapet projection from 1m to 4.5m (for cornice and pediment only)
4. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.
5. Revisions to the existing Statement of Significance to include restored heritage features as character-defining elements to the satisfaction of the Director of Sustainable Planning and Community Development.
6. Revisions to elevation details of the proposed restored pediment and cornice, including molding profiles, to the satisfaction of the Director of Sustainable Planning and Community Development
7. Minor plan amendments to illustrate frontage improvements to the satisfaction of the Director of Engineering.
8. Preparation and execution of a legal agreement to secure frontage improvements, to the satisfaction of the Director of Engineering
9. Council authorizing the restoration of historic features, including a pediment, roof level cornice and balcony, which will project over the City Right-of-Way, provided that the applicant enters into an Encroachment Agreement in a form satisfactory to the City Solicitor and the Director of Engineering and Public Works.
10. Heritage Alteration Permit with a 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 provide Council with information, analysis and recommendations for a Heritage Alteration Permit with a Variance Application for the property located at 1244 Wharf Street. The property contains the heritage designated masonry building known as the Yates Block. It is situated on a sloped site and presents as a three storey building at the street and a five storey building at the rear. Proposed is the comprehensive rehabilitation of the Yates Block, including the restoration of significant heritage features. The proposal conserves and enhances the entire heritage building with minor alterations and without removing any character-defining elements. The applicant also proposes to reinstate the historic cornice and pediment above the main entrance of the building, which requires one technical variance from the Zoning Bylaw.

City Council recently advanced a related rezoning application (REZ00739) to a public hearing, which has not been scheduled at this time. The purpose of the rezoning application is to add hotel use and allow residential uses below the ground floor.

The following points were considered in assessing this application:

- The proposal is consistent with the objectives of the *Official Community Plan* (2012), which promotes the conservation and enhancement of heritage buildings throughout the City
- The small number of proposed alterations are all minor when compared to the full building and achieve a level of compatibility that is consistent with the *Standards and Guidelines for the Conservation of Historic Places in Canada* (the "Standards and Guidelines")
- The proposed rehabilitation of the entire building, including upgrades to building systems, a seismic upgrade and the restoration of key architectural features, supports objectives under Development Permit and Heritage Conservation Area 9 (HC) Inner Harbour to revitalize key waterfront lands, conserve the heritage value and special character of significant historic buildings and to enhance the Inner Harbour through high quality architecture that reflects the area's functions as a marine entry
- The remediation of the stucco assembly on the north wall will address ongoing water penetration and reverse the deterioration of the heritage building's most visible elevation, contributing to its longevity.

The application was reviewed by the Heritage Advisory Panel ("HAPL") at its November 10, 2020 meeting and was recommended for approval subject to revisions which staff recommend have been adequately addressed.

The matters for Council's consideration is the application's consistency with heritage standards

and guidelines as well as the appropriateness of the height variance associated with reinstating the pediment which is part of the original cornice features.

BACKGROUND

Description of Proposal

The proposal is to rehabilitate the Yates Block in order to revitalize it. The project includes the following major design components:

East (front) Elevation

- restoration of the original 1882 configuration of the north half of the ground floor with two entrances accessed by twinned doors. The doors have a glass pane set in a corten steel frame with a tall bottom rail, similar to the historic doors on the main entrance. They are set behind wood trim and have a wood transom above restoration of a missing sheet metal pediment and cornice along the roof of the building
- new architectural lighting installed highlight architectural features like pilasters and stonework
- re-painting in historically appropriate colours and removal of paint from all of the stone architectural components.

South (side) Elevation

- five new punched window openings matching the proportions of existing historic windows, but with modern detailing and a corten steel surround
- re-painting in historically appropriate colours.

West (rear) Elevation

- restoration of four non-original windows at the top storey with new wood windows to match existing
- construction of a glass and metal frame suspended patio structure at the west (rear) elevation of the building and creation of two new door openings aligned with the upper storey windows
- repairs to downspouts and gutters to address ongoing leaks and water damage to the mortar joints
- re-painting in historically appropriate colours.

North (side) Elevation

- restoration of one window opening currently covered by the Wyland mural, with a historically accurate wood window
- five new projecting windows, four of which match the proportions of the existing historic windows and one designed as a long, horizontal viewing window.
- remediation of the deteriorating stucco assembly to address water penetration and make necessary repairs. Although the exact construction methodology is not yet determined, the repairs will necessitate the removal of the mural: either by covering it over or removing and replacing with new exterior finishes. The mural is discussed further below.
- re-painting in historically appropriate colours.

Sustainability

The applicant has not identified any sustainability features associated with this proposal.

Active Transportation

The applicant has not identified any active transportation impacts associated with this application.

Public Realm

The applicant has voluntarily agreed to construct a new street corner bump-out at the southwest corner of Wharf Street and Yates Street, adjacent to their building. Corner bump outs are encouraged under policy 3.3.1 of the Downtown Public Realm Plan to increase room for waiting and circulation, improve a sense of pedestrian safety, reduce the length of crosswalks and improve connectivity throughout the downtown more generally. The recommendation includes language to secure the enhanced public realm with a legal agreement.

Data Table

The following data table compares the proposal with the existing IHMc Zone. An asterisk is used to identify where the proposal does not meet the requirements of the existing Zone. A double asterisk is used to indicate an existing non-conforming condition.

Zoning Criteria	Proposal	Existing IHMc Zone- Inner Harbour Mcquades District	OCP
Density (Floor Space Ratio) – maximum	2.69**	2.00	4
Total floor area (m ²) – maximum	1327.5**	1325	n/a
Height (m) – maximum	16.82	8.00	15
Projections into Height	4.5m*	1m*	n/a
Setbacks (m) – minimum			
Front	0	nil	n/a
Rear	3.20	nil	n/a
Side (north)	0.30	nil	n/a
Side (south)	0.60	nil	n/a
Parking – minimum	0	N/A	n/a

Zoning Criteria	Proposal	Existing IHMc Zone- Inner Harbour Mcquades District	OCP
Bicycle parking stalls – Long term	28	Nil.	n/a
Bicycle parking stalls – Short term	10	Nil.	n/a

Description of Historic Place

The Yates Block is a freestanding brick commercial building located at the foot of Yates Street in Victoria's Inner Harbour Precinct. It sits on a sloping bank between Wharf Street and the Inner Harbour, and has three storeys at street level and five storeys on its western facade facing the water.

Originally constructed for local businessman James Yates and designed by architect John Teague, it was enlarged between 1882 and 1896 with additions that increased the height and scale of the building and introduced new architectural detailing. Its asymmetrical composition attests to the variety of tenants who occupied and adapted this building throughout its history: Turner, Beeton & Company Ltd., a pioneer dry goods supplier; W.H. Malkin, grocers and McQuade's Ship Chandlers, one of the earliest marine suppliers in Victoria. Because it was constructed as a harbour front warehouse, the Yates Block property originally included a wharf to receive ships carrying goods that were then stored in the two basement levels of the building. The construction of the Regent Hotel immediate behind the Yates Block interrupted its historic connection to the waterfront.

Presently, the north side of the building features a faded mural of orca whales occupying the entire wall above the lower stone foundation. It is not formally protected under the heritage designation bylaw or listed as a character-defining element in the statement of significance. The mural is discussed further below.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures* during the COVID-19 pandemic, for processing rezoning and variance applications, Zoning Bylaw Amendment Application No. 00739 was posted on the Development Tracker in July, 2020 with the requisite notification sent to the Downtown Residents Association CALUC as well as to owners and occupiers of property within 100 metres of the subject site. Initially, the Downtown CALUC waived the requirement for a CALUC meeting prior to this application being submitted while the City established alternate community consultation procedures for the COVID 19 pandemic. The thirty-day online comment period expired, and no comments were received. Staff have also notified the CALUC of the Heritage Alteration Permit with a Variance application, which was submitted to the City on October 2, 2020. Staff have not received any comments on the proposed variance or heritage alteration permit.

Because the application proposes variances, in accordance with the City's *Land Use Procedures Bylaw*, it requires notice, sign posting and a meeting of Council to consider the variances.

ANALYSIS

Official Community Plan

The proposal is consistent with the objectives and policies under Section 8: Placemaking- Urban Design and Heritage. By rehabilitating a mostly vacant heritage property, completing a seismic upgrade and investing in the building's key systems including its mechanical and electrical systems, the applicant is helping to ensure it is conserved for present and future generations. This is consistent with objective 8(j). The project conserves the whole building, including all of its facades consistent with policy 8.50 and it reintroduces missing features from its original construction.

Development Permit Area (Heritage Conservation Area) and Design Guidelines

The *Official Community Plan* (OCP) identifies this property within Development Permit Area and Heritage Conservation Area DPA 9 (HC). The objectives of the designation are:

- a) To sustain the Working Harbour as defined and described in this plan through the revitalization of key waterfront and adjacent lands, including but not limited to Ship Point and locations along Wharf Street.
- b) To conserve the heritage value, special character and the significant historic buildings, features and characteristics in the Inner Harbour area.
- c) To enhance the Inner Harbour through high quality of architecture, landscape and urban design that reflects the area's functions as a marine entry, Working Harbour and community amenity in scale, massing and character while responding to its historic context including heritage landmark buildings identified on Map 8 in this plan

The project achieves all three of the above objectives. The comprehensive rehabilitation of the building will prepare the building for full occupancy and facilitate the revitalization of an underutilized waterfront site, consistent with objective 4(a). The project conserves a significant inner harbour building in its entirety with few alterations, consistent with objective 4(b). The proposal dramatically enhances the building by refreshing the paint scheme, removing paint from the stone arches on the front facade and restoring a historic cornice and pediment, which were the climactic features of the building's original design. The above measures and the architectural lighting of the facade will create a new visual landmark at the foot of Yates Street, consistent with objective 4(c), which promotes excellence in architecture and urban design. The rehabilitation of the north elevation of the building, including repainting and new windows contributes to objective 4(c) by re-establishing the building as a cohesive work of architecture featuring windows and architectural features on all four walls.

Downtown Core Area Plan (2011)

The proposal fulfils the objectives and policies of the Downtown Core Area Plan, Chapter 7- Heritage. The rehabilitation retains, protects and improves the property, consistent with objective 1. The restoration of the cornice and pediment at the front of the building and the restoration of windows at the rear of the building improves the heritage property, consistent with policy 7.18. Conserving and upgrading the whole building meets policy 7.22, which discourages demolition of one or more facades.

Victoria Harbour Plan (2001)

The Yates Block appears on a map of significant marine heritage sites in the Victoria Harbour Plan. The restoration and rehabilitation of the Yates Block meets objective 1 of the Victoria Harbour Plan, which is to protect and enhance marine heritage sites along the harbour. The applicant is planning to apply for City incentive programs like the Tax Incentive Program and Building Incentive Program in order to offset some of the costs of rehabilitation. This is consistent with strategy #2 for heritage sites- use financial assistance and incentive programs to promote the rehabilitation of heritage buildings.

Standards and Guidelines for the Conservation of Historic Places in Canada (the Standards and Guidelines)

The Standards and Guidelines is a national framework for assessing alterations to historic places. It defines three main conservation treatments, a set of standards or conservation principles for all projects to follow and a set of specific guidelines for conserving different types of historic features. According to the *Official Community Plan* and the *Heritage Property Protection Bylaw No. 95-62*, alterations to protected heritage property are required to adhere to the Standards and Guidelines.

The conservation treatment proposed for the remaining heritage features at 1244 Wharf Street is *rehabilitation*, defined as the sensitive adaptation of a historic place for a continuing or compatible contemporary use, while protecting heritage value.

The proposed restoration of the cornice and pediment are based on photographic evidence of the building's appearance in 1896. This is consistent with standard 13 of the Standards and Guidelines, which requires that restoration be based on sufficient evidence.

The proposal would introduce a pair of entrances to the middle of the four northern bays at the ground floor of the building. One entry would access the residential lobby of the building and the other would access a new proposed restaurant. The location of the two entrances would correspond to the building's original two entrances in John Teague's 1882 design. These entrances were converted into windows in the 1896 renovation of the building, which enlarged it to its current scale. The new doors are designed using modern materials to make them distinguishable as modern interventions that were not present in 1896. In staff's opinion, the proposed new entrances meets standard 11 of the Standards and Guidelines, which requires that new work be physically and visually compatible with, subordinate to and distinguishable from the historic place.

Similar to the entrances, staff believe that the new openings in the north side elevation of the building are consistent with standard 11. Their dimensions are taken from other window openings, with the exception of the long, horizontal window at level 3 (street level). The side elevations of the building were designed as featureless party walls, so the introduction of one modern feature window in the north sidewall has limited impact. The applicant has also subdivided this window into multiple panes, with structural columns sitting behind the glass, so that it is more in character with other windows on the building.

The light-gauge steel rear balcony structure does not obscure any important features of the building and is designed to be mostly transparent and so in staff's opinion is a compatible alteration.

The Wyland Mural

In 1987, artist Robert Wyland painted a mural of orca whales on the north elevation of the building. Wyland had completed similar artworks across the Pacific Coast of Canada and the United States. The murals were designed to raise awareness about whale conservation efforts worldwide. The estimated lifespan of the Wyland Mural was 10 years, provided that annual maintenance was performed. It has been in place for 33 years and has not been maintained. It has lost its original vibrancy. The mural is not part of the City's public art inventory and is not referenced in the Create Victoria Master Plan.

City Council authorized the mural through a resolution on March 27, 1986. The proposal had been referred to the Heritage Advisory Panel, who recommended that Council decline the proposal. Because the mural was installed after the building was heritage designated in 1975, it is not protected under the designation bylaw. The 2011 statement of significance does not identify it as part of the heritage value of the building or a character-defining element.

HAPL considered the heritage value of the mural at its November 10, 2020 meeting and concurred that the mural is not significant to the building and actually detracts from it both visually and physically. Staff note that the scale of the mural is inconsistent with other murals in Old Town. The City has limited the scale of new murals so that they are subordinate to the wall they are painted on. In most instances, the wall creates a "frame" for the mural so that the mural does not dominate the building.

The applicant retained a building envelope engineer to inspect the condition of the stucco layer underneath the mural. The engineer found evidence of significant deterioration. When the stucco was applied in 1987, the tradespeople applied it directly to the masonry. They did not include joints for expansion and contraction, so cracks developed over the whole surface. The paint coating has failed and water is penetrating beyond the stucco layer. According to the engineer, the stucco has little resistance to seismic forces and a catastrophic failure could occur during an earthquake. In order to address the widespread, structural issues with the stucco coating, the engineer has recommended removing the mural or overlaying an external bracing system and recladding with a rain screen.

Although there is public interest in the mural, under the *Local Government Act*, the City is only able to refuse to issue a Heritage Alteration Permit for an action that is inconsistent with the purpose of the heritage protection of the property. The purpose of heritage protection of the property is to protect the building. Preservation of the mural conflicts with this objective.

Regulatory Considerations

The restoration of the missing pediment feature triggers a technical variance to permit an increased parapet projection of 4.5 metres, whereas the Zoning Bylaw permits a one metre projection. The restoration of the pediment is a positive measure that enhances the character of the building. The pediment is decorative and does not add to the bulk or mass of the building. There are no adverse impacts resulting from the additional height and staff are supportive of the variance.

Encroachment Agreement

The applicant is proposing to restore a historic pediment and cornice to the building. They are also working on plans to restore a historic balcony feature over the main entrance. Each of these features would project over the City Right-of-Way. In order to facilitate the proposed and

future restoration, the applicant is required to enter into an Encroachment Agreement with the City. If the design of the balcony is completed prior to the issuance of the Heritage Alteration Permit, it is proposed that Council delegate staff the authority to include the historic balcony feature in the encroachment agreement authorizing the pediment and cornice. Restoration of these features is encouraged under the Standards and Guidelines. Appropriate wording is included in the recommendation for Council's consideration.

Heritage Advisory Panel

The application was reviewed by the Heritage Advisory Panel at its November 10, 2020 meeting (draft minutes attached). HAPL recommended to Council that Heritage Alteration Permit with a Variance Application No. 00023 for 1244 Wharf Street be approved with the following changes:

- revisit the window treatment on north and south elevation with punched window openings.
- reconsider use of the detailing of the new entrances with regards to the corten steel on the sides of the brick.
- reconsideration of the large horizontal window on the north elevation.
- mural is deleterious to the masonry wall and precludes the opening of new windows. Not a contributing element to the building or a character defining element in the statement of significance.
- more details regarding the pediments at a larger scale.

In response to HAPI's comments the applicant has made the following revisions:

- All of the window openings on the south elevation have been revised to be recessed windows, with inset corten steel sleeves. This emphasizes the "mass" of the building wall, consistent with HAPL's suggestion.
- Two of the window openings on the north elevation of the building have been revised. The opening closest to Wharf Street will be restored to its historic appearance with a wood, divided light window.
- The glazed panel in the large horizontal opening has been pulled back and centred in the wall and the projection of corten steel beyond the wall has been reduced. This large horizontal opening has also been divided into smaller, vertically oriented glass panels with silicone joints. Steel columns sit behind the joints and roughly correspond to the historic proportions of openings. These measures mitigate the visual impact of the window, while preserving a key element of the building revitalization.
- On the front elevation the applicant has inset the proposed new entrances further into the façade and framed them with a wood molding. The applicant is also now proposing a wood transom window above each pair of doors at the same height as the transoms above adjacent windows.
- The design for the new paired doors has been revised to eliminate the horizontal muntins in the glass. This reduces the amount of corten steel and is consistent with the doors in the 1896 main entrance

The applicant has not removed the corten steel that lines the rehabilitated front entrances because HAPL was not unanimously opposed to this feature. In the applicant's opinion, the material is consistent with the character of the building, which was built in stages and includes a variety of styles in harmony with each other. The applicant has reduced the height of the corten liner in the entrances and provided a wood liner and wood transom windows to better integrate the entrances with the rest of the façade.

CONCLUSIONS

The proposed alterations to the Yates Block are guided by the applicant's appreciation of the building's architecture, the urban design of the area, and a desire to contribute to the maturing visual landscape of the waterfront. The alterations attempt to establish new visual relationships between the building and Reeson Park, the Harbour Path, Wharf Street and Yates Street. For instance, the architectural lighting, new paint, and restored pediment will make the building a landmark at the foot of Yates Street.

Viewed from Reeson Park, the remediation of the north elevation and new windows will refocus attention on the architectural qualities of the building and the activity visible through the long horizontal window. From inside the building, the horizontal window re-establishes a visual connection to the water with a framed view of the harbour path and the Johnson Street Bridge, both important symbols of Victoria's evolving waterfront.

Staff consider the rehabilitation of the Yates Block to be an important heritage conservation project that has the potential to activate a quiet area of the waterfront and significantly enhance an important heritage building. The proposed alterations conform closely to Official Community Plan policies and the Standards and Guidelines and Staff recommend that Council consider supporting the project.

ALTERNATE MOTIONS

That Council decline Heritage Alteration Permit with a Variance Application No. 00023 for the property located at 1244 Wharf Street.

Respectfully submitted,

John O'Reilly
Senior Heritage Planner
Sustainable Planning and Community
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Karen Hoese, Director
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Report accepted and recommended by the City Manager

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Photos
- Attachment D: Plans date stamped November 20, 2020
- Attachment E: Conservation Plan for the Yates Block at 1244 Wharf Street by Donald Luxton and Associates Inc., dated September 2020
- Attachment F: Applicant's letter dated November 18, 2020
- Attachment G: Statement of Significance
- Attachment H: Designation Bylaw