



Committee of the Whole Report For the Meeting of March 11, 2021

To: Committee of the Whole **Date:** February 26, 2021
From: Karen Hoese, Director, Sustainable Planning and Community Development
Subject: Request to Modify Covenants CA3641378 and CA3641382 for 506 and 514 Government Street

RECOMMENDATION

That Council authorize City Legal staff to modify Covenants CA3641378 and CA3641382 to remove clauses concerning the heritage restoration of 506 and 514 Government Street.

LEGISLATIVE AUTHORITY

In accordance with section 219 of the *Land Title Act*, a local government may enter into an agreement with a land owner respecting the subdivision, development or use of a property. A section 219 agreement may contain provisions respecting the conservation and enhancement of amenities such as historical assets on the property.

EXECUTIVE SUMMARY

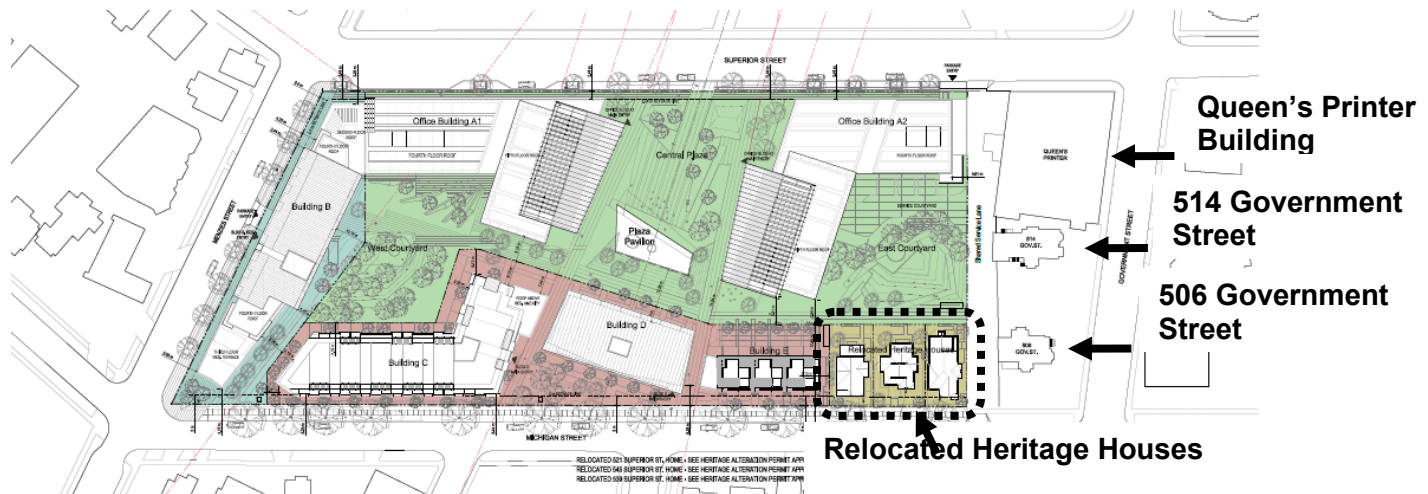
The purpose of this report is to provide Council with information regarding a Provincial Government request to modify Covenants CA3641378 and CA3641382, to remove clauses requiring restoration of a pair of two-storey heritage registered buildings located at 506 and 514 Government Street. The Province has restored the heritage buildings, consistent with Building Condition Assessments and a Restoration Plan by John Dam and Associates, which is on file with the City. Staff have inspected both buildings and confirmed that all of the required restoration work was completed. The restoration work was negotiated as a condition of the Capital Park Development occupying the majority of the block between Superior Street, Government Street, Michigan Street and Menzies Street.

BACKGROUND

In 2014, the Province of BC applied for a Zoning Bylaw Amendment, Official Community Plan Amendment, Development Permits and subdivision approval for the block located south of the Parliament Buildings at 521-557 Superior Street, 524-584 Michigan Street, 506 Government Street, 430 Menzies Street and 450 Superior Street (the "South Block"). The purpose of the applications was to amend the approved 1994 master planned framework for the area to subdivide the portion of the block shown below. The proposed redevelopment consisted of

46,320 m² of mixed-use buildings and 11,990 m² of commercial, daycare, library and general offices. The development is also known as the Capital Park Development. It is currently mostly constructed.

The subdivision created a separate, provincially-owned lot on the east part of the block, which includes the Queen's Printer Building and the Heritage registered houses at 514 and 506 Government Street.



Site Plan for Capital Park Development

In 2014, when the development of the site was re-envisioned, the City re-negotiated the province's legal obligations under the 1994 master development agreement. The obligation to restore 506 and 514 Government Street as a condition of occupancy was transferred away from the Capital Park lands and included in a section 219 agreement registered on title of the remaining parcel containing the Queen's Printer building, 506 Government Street and 514 Government Street.

Covenant CA3641378 applies to 514 Government Street. Clause 7.5 under Section 7.0-Amenities, states:

7.5 The Transferor shall not construct any buildings or structures on the lands until after the registered owner of the Queens Printer Lands has submitted for the Transferee's approval, and in accordance with the terms of the covenant registered against title to the Queens Printer Lands under section 219 of the Land Title Act on the same date as this Agreement was registered, a plan for the restoration of the heritage houses presently located on the Queens Printer lands, and having civic addresses of 506 Government Street and 514 Government Street (the "Restoration Plan"). The Transferor shall not occupy or permit the occupation of any buildings or structures constructed on the Lands following the Transferee's approval of the Restoration Plan until after the work outlined in the Restoration Plan is complete.

Covenant CA3641382 applies to 506 Government Street. Clause 8.1 under Section 8.0-Heritage Building, states:

8.1 Before constructing any additional buildings or structures on the Lands, the Transferor must submit for the Transferee's approval a plan for the restoration of the Heritage Houses. The Transferor must complete the restoration work outlined in the plan, as

submitted to and approved by the Transferee, before occupying or permitting the occupation of the additional buildings or structures to be constructed on the lands.

In 2017 and 2018, the Province retained a qualified heritage consultant, John Dam and Associates, to complete a Building Condition Assessment of both buildings, which included a plan for the restoration and upgrading of the buildings. In 2018, the Province applied for a Delegated Heritage Alteration Permit (DHP No. 00082) for the restoration of 506 Government Street, including reconstruction of a fire exit stair. DHP No. 00082 was reviewed by the Heritage Advisory Panel and was issued in August 2018. Staff inspected both houses in March 2020 and concluded that the Province had met its obligations under the Section 219 Agreements.

Description of Historic Places

506 Government Street

Designed by Samuel Cyris Burris, 506 Government Street was constructed for the Hon. John Robson, a BC MLA from 1871-75, and his wife Susan. It was built in the Italianate style with bracketed cornices, two-storey bay windows and pilastered corners. The Province bought the property in 1945.

514 Government Street

514 Government Street is a mirror image of 506 Government Street. John Robson, owner of 506 Government Street, commissioned the house for his daughter Frances Hunter and her husband Joseph. The Province bought the property in 1945 and used it for a variety of purposes including office space, which is its current use.

ISSUES AND ANALYSIS

Building Condition & Restoration Measures

506 Government Street

John Dam and Associates completed restoration plans for 506 Government Street focused on the reconstruction of a fire exit stair on the south side of the house and the reinstatement of missing balustrade and trim elements. The restoration plans were submitted for the City's review as part of Delegated Heritage Alteration Permit No. 00082. The Heritage Advisory Panel reviewed and supported the restoration plan at their August 14, 2020 meeting. The Province has completed the following exterior restoration measures, which staff verified during a March 2020 site visit:

- redesigned and reinstated the belt course flashing
- repainted exterior wall elevations, including siding, trim and soffits
- reinstated and repaired missing and deteriorated trim elements
- reconstructed portico balustrade
- new roof membrane installed to accommodate post base and flashing details
- new portico doors
- rebuild existing fire escape
- reconstructed upper roof balustrade
- install exterior storm windows.

514 Government Street

John Dam and Associates completed a Building Condition Assessment for 514 Government Street. The Province has completed the following exterior restoration measures, which staff verified during a March 2020 site visit:

- renewed the bitumen membranes and transition flashing on bay roofs
- repaired deteriorated wood siding and trim elements
- repainted the exterior wall elevations including siding, trim and soffits
- repaired broken window panes and renewed deteriorated glazing putty
- restored south doors with period-correct assemblies
- replaced the north and south stair structures with new exterior appropriate materials and details
- refastened the front plywood ramp.

CONCLUSIONS

Staff have confirmed that the Province has completed an extensive restoration of both 506 and 514 Government Street. The exterior character defining elements of both buildings are now in excellent condition, and staff confirm that the Province has fulfilled its obligations under Covenants CA3641378 and CA3641382. Therefore, staff recommend that Council consider approving modifications to the Covenants to remove clauses related to the restoration of the buildings.

ALTERNATE MOTION

That Council decline the application.

The section 219 covenants require the Province to restore 506 & 514 Government Street prior to occupancy of any buildings or structures constructed on the lands. Declining the Province's request to remove the obligations even after the restoration work has been completed would signal that the Province's obligations remain unfulfilled and could prevent occupancy of existing or future buildings and structures.

Respectfully submitted,

John O'Reilly
Senior Heritage Planner
Development Services Division

Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

Date: _____

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: 506 & 514 Government Street- Final Inspection, dated March 17, 2020
- Attachment D: Covenant No. CA3641378
- Attachment E: Covenant No. CA3641382