



Committee of the Whole Report For the Meeting of July 22, 2021

To: Committee of the Whole **Date:** June 30, 2021
From: Karen Hoese, Director, Sustainable Planning and Community Development
Subject: Heritage Alteration Permit Application No. 00246 for 440-450 Swift Street

RECOMMENDATION

That Council authorize the issuance of the Heritage Alteration Permit Application No. 00246 for 440-450 Swift Street in accordance with:

1. Plans, date stamped June 30, 2021.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.
4. Heritage Alteration Permit 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 Application for the heritage-designated property located at 440-450 Swift Street (the City Electric Light Station). The proposal is to construct a covered, wood timber structure on the west side of the building and upgrade the ground level patio with new seating areas and bocce courts. The existing building is occupied by Canoe Club and is adjacent to the Harbour and the Victoria Harbour Path.

The application is consistent with heritage policies under Chapter 8: "Placemaking - Urban Design and Heritage" of the *Official Community Plan*, which supports new additions that

conserve and enhance heritage property. The reversibility and design of the new addition makes it consistent with the *Standards and Guidelines for the Conservation of Historic Places in Canada*. The application is also consistent with the *Downtown Core Area Plan (2011)* (the “DCAP”), which promotes active, social spaces and weather protection elements to promote multi-seasonal use of outdoor amenities.

BACKGROUND

Description of Proposal

Proposed is the construction of an elevated, partially enclosed patio addition to the west side of the City Electric Light Station. Also included, is the enlargement of an existing one-storey addition at the northwest corner of the building, which will function as storage and a bar. The outdoor patio adjacent to the Victoria Harbour Path will be reconfigured and re-landscaped.

The proposal includes the following major design components:

- construction of an elevated wood timber patio structure with retractable, clear vinyl windows to enable multi-seasonal use
- enlargement of a one-storey addition at the northwest corner (See image 04 on A404 of plans)
- conversion of two window openings into doorways to facilitate seamless movement between the interior of the restaurant and outdoor patio
- installation of two vertically folding windows into the enlarged openings and removal of the multi paned windows installed in the mid-1990’s
- repainting all existing windows (frames and muntin bars) in black
- installation of new signage
- installation of three new metal doors
- removal of a flight of stairs and a partial wall at the southwest corner of the building to create barrier-free access to the ground floor
- installation of new bike racks and picnic table seating
- construction of “bocce courts” at the north end of the patio
- expansion of the hard-surfaced areas of the patio to the west and north, with new plantings proposed to buffer the patio from a planned expansion of the harbour path.

The application was reviewed by the Heritage Advisory Panel (“HAPL”) at its May 11, 2021 meeting, who recommended that the application be declined. However, HAPL recommended a list of possible changes for the applicant to consider, many of which the applicant has since implemented.

Description of Historic Place

The City Electric Light Station was constructed on 450 Swift Street in 1899 as an electric generating station for city street lighting. It was later converted into a waste transfer facility. As mentioned in the original 1996 staff reports concerning the heritage designation (attached as Schedule G), important heritage features include the brickwork; the gabled, corrugated iron roof with large skylights; the windows with semi-elliptical brick voussoirs, lug sills and multi-light transoms; the cupola; pilasters; and the corbelled fascia.

In the late 1990’s, the building was extensively rehabilitated as a brewpub and many window openings were enlarged to create the current façade configuration (See below).



Sustainability

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

Active Transportation

The application proposes additional bike racks on the property to facilitate active transportation.

Public Realm / Relevant History

This HAP is proceeding in parallel with a separate project seeking to replace and extend an adjacent section of the David Foster Harbour Pathway. The scope of that project includes replacement of the wooden boardwalk, installing a new viewing platform and staircase to Herald Street and securing Statutory-Right-of-Ways for the long-term use of the David Foster Harbour Pathway.

Data Table

The following data table compares the proposal with the existing Old Town District-1 (OTD-1). An asterisk is used to identify where the proposal is less stringent than the existing Zone. Two asterisks identify an existing condition.

Zoning Criteria	Proposal	OTD-1 Zone Standard
Site area (m ²) - minimum	2382m ² (Combined Lot Area)	N/A
Density (Floor Space Ratio) - maximum	Below	3:1
Total floor area (m ²) - maximum	640m ²	7,134m ²
Height (m) - maximum	Unknown	15m
Storeys - maximum	2	5
Setbacks - minimum		

Zoning Criteria	Proposal	OTD-1 Zone Standard
Swift Street	Existing- no change	N/A
Herald Street	Existing- no change	N/A
East	Existing- no change	N/A
West	15.19m	N/A
Vehicle parking - minimum	5	N/A
Bicycle Parking		
Long Term (min)	6	2
Short Term (min)	14	2

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on April 23, 2021, the application was referred for a 30-day comment period to the Downtown Resident’s Association (the “DRA”). A letter dated June 25, 2021 is attached to this report (See Attachment F - Correspondence).

ANALYSIS

Official Community Plan

The proposed development is consistent with objectives for the Inner Harbour Development Permit and Heritage Conservation Area, given that it will sustain the vitality of a key waterfront site (Objective 4a) during a difficult time for downtown food services. It conserves the heritage building with minimal permanent alterations (Objective 4b) and demonstrates good quality urban and landscape design (Objective 4c), whose purpose is to maintain the economic viability of a popular restaurant destination on Victoria’s waterfront. It is also generally consistent with the following goals:

- conserve and enhance heritage value, character and special features of areas, districts, streetscapes and individual properties throughout the city
- encourage design that enhances the Harbour as a marine gateway
- continue to support new additions that conserve and enhance heritage property, as consistent with the national *Standards and Guidelines for the Conservation of Historic Places in Canada*
- introduce new landmarks to enhance the visual identity and appearance of Victoria
- encourage urban design that is responsive to Victoria’s geographic context and existing pattern of development, achieves excellence and creates memorable places
- promote sensitive and innovative responses to existing form and character.

Downtown Core Area Plan

The development conserves the physical features of the heritage-designated building with minimal alterations to two openings. The patio addition is relatively transparent and its wood timber design creates continuity with the interior timber structure of the City Electric Light Station. The overall design reflects the Downtown Core Area's vision of a balance between sensitive new development and heritage conservation.

The DCAP includes the following relevant objectives for heritage conservation in the downtown:

1. Retain, protect and improve real property with aesthetic, historic, scientific, cultural, social or spiritual value and heritage character as a benefit to the public.
2. Development and heritage conservation are balanced through sensitive new infill and property additions that respond to the heritage value and character of Downtown Core Area Districts.

The DCAP contains the following relevant policies for the conservation of heritage properties and districts in the downtown:

- 7.18. Support new development that conserves and enhances the form, character and features of heritage property and areas, where controlled and regulated in the Downtown Core Area.

The proposal conserves the form and character of the City Electric Light Station and expands the capacity of the restaurant venue without resulting in any irreversible alterations.

Old Town Design Guidelines for New Buildings and Additions to Existing Buildings (2019)

The proposal is generally consistent with applicable guidelines in the Old Town Design Guidelines. The structural columns of the patio are aligned with the brick bays of the City Electric Light Station and are positioned at the midpoint between windows, consistent with the guidelines recommending that new additions "reflect established proportions, composition and spatial organization or adjacent historic facades" (guideline 5.1.2). The addition creates a complementary foreground to Old Town by reinforcing its existing scale, pattern, articulation and architectural expression. The patio structure will be unenclosed throughout most of the summer, exposing views of the masonry wall of the heritage-designated building, consistent with guideline 5.1.11, which states that new buildings on the waterfront should maximize views of the district's heritage buildings. However, the retractable clear vinyl that would enclose the structure during spring and fall months would reflect light unevenly and look opaque at many times of the year; however, by its nature, it is not a permanent change to the structure.

The proposal includes some new signage for the building on the patio and over the main entrance. The quantity and intensity of signage has decreased compared to the original submission and is consistent with guidelines 5.4.13 and 5.4.14, which recommend a restrained sign strategy and avoidance of visual clutter.

The use of wood for the patio structure and the roof is consistent with guidelines under section 5.5- Materials and Finishes, which recommend high-quality, durable materials.

Standards and Guidelines for the Conservation of Historic Places in Canada

The development is a rehabilitation project according to the Standards and Guidelines. Rehabilitation is defined as the sensitive adaptation of an historic place for a contemporary use, while protecting its heritage value.

- 1. Conserve the heritage value of a 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.**
- 5. Find a use for an historic place that requires minimal or no change to its character-defining elements.**

The impact of the patio structure on the heritage building is mostly visual, not physical. Two window openings will be enlarged, removing sections of brickwork below the sill. The existing multi-paned windows installed in the late 1990's are proposed to be removed and replaced with vertically folding, divided light windows. In staff's opinion, the lowering of the windowsills is not a "substantial alteration", and the installation of new multi-paned glass helps preserve the continuity of the window pattern across the façade. The new windows reflect the building's style, era and character, which is recommended under guideline 19 of section 4.3.5 - Windows, Doors and Storefronts.

- 11. Conserve the heritage value and character-defining elements when creating any new additions to an historic place or any related new construction. Make the new work physically and visually compatible with, subordinate to and distinguishable from the historic place.**
- 12. Create any new additions or related new construction so that the essential form and integrity of a historic place will not be impaired if the new work is removed in the future.**

The patio structure is visually compatible with the historic place since it is free standing and requires minimal physical change to the façade to become a functional extension of the interior. The free-standing nature of the patio makes it a reversible alteration that could be dismantled and removed in future while maintaining the integrity of the historic place.

The clear vinyl used to enclose the patio structure during the colder seasons of the year is not completely transparent and would unevenly reflect light and create a visual distraction from the façade. However, the retractable clear vinyl is preferred to a glass enclosure that would be in place year-round. The visual impact of vinyl siding on a heritage building in Vancouver is shown below:

Craft Beer Market, False Creek, Vancouver



Vinyl siding retracted



Vinyl siding deployed

Tree Preservation Bylaw and Urban Forest Master Plan

This permit application was received after October 24, 2019, therefore it falls under Tree Preservation Bylaw No. 05-106 consolidated November 22, 2019.

The project arborist has inventoried 18 trees for the application, including two bylaw protected trees and five municipal trees. Two trees proposed for removal are not protected under the Tree Preservation Bylaw. All other trees shall be retained and isolated from construction. In addition, the applicant is proposing to plant four new trees on the subject lot.

Tree Type	Total	To be REMOVED	To be PLANTED	Net Change
On site trees, bylaw protected	2	0	0	0
On site trees, non-bylaw protected	9	2	4	2
Municipal trees	5	0	0	0
Neighbouring trees, bylaw protected	0	0	0	0
Neighbouring trees, non-bylaw protected	0	0	0	0
Total	18	2	4	+2

Heritage Advisory Panel

The application was reviewed by HAPL at its May 11, 2021 meeting, who recommended that Council decline the application:

That the Heritage Advisory Panel recommend to Council that Heritage Alteration Permit with Variances Application No. 00030 for 450 Swift Street does not sufficiently meet the applicable design guidelines and polices and should be declined. The key areas that should be revised include:

List of Considerations:

- 1. Retain multi-light windows overlooking covered patio.*
- 2. Reconsider approach to covered patio more consistent with heritage building that is lighter and more transparent*
- 3. Reconsideration of size and number of signs*
- 4. Ground storey should not be painted and reconsideration of closed end of the canopy at the north end of the patio*
- 5. Any change in exterior lighting should be in compliance with Guidelines to the satisfaction of the Senior Heritage Planner.*
- 6. Confirmation of the materials of doors and window replacement*

The applicant has implemented the following changes in response:

- The undivided, vertically folding “clamshell-style” windows proposed for the enlarged openings have been revised to feature glazing bars with the same pattern of divisions as other windows on the façade.
- The patio structure design was revised from black painted steel columns and beams to wood columns and beams, which softens the overall appearance and is more consistent with the wood structure of the building’s interior.
- The railings of the structure were changed from metal mesh to glass in order to increase visual transparency.
- The quantity of signs has been reduced from five to three and the largest and most prominent sign on the roof of the building has been removed.
- The applicant has confirmed that all replacement doors and windows will be metal rather than wood.

CONCLUSIONS

The proposal to construct a new outdoor patio structure adjoining the west elevation of the former City Electric Light Station is consistent with OCP and DCAP objectives encouraging enhancements to key waterfront sites. The structure will be highly transparent during the summer, when the vinyl screens are retracted, and on spring and fall evenings after sunset, when reflections are minimized. The wood beams and columns of the structure make it visually compatible with, distinguishable from and subordinate to the heritage building. The proposed alterations to two existing window openings and replacement of some existing doors with similar looking new doors are minor alterations that conserve the heritage character of the building. The remainder of improvements to the patio, including new soft landscaping, new seating and a bocce court would further enhance the liveliness of this section of the City’s waterfront. Staff therefore recommend that Council consider approving the proposal.

ALTERNATE MOTION

That Council decline Heritage Alteration Permit Application No. 00246 for the property located at 440-450 Swift Street.

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.

List of Attachments

- Attachment A - Subject Map
- Attachment B - Aerial Map
- Attachment C - Plans date stamped June 30, 2021
- Attachment D - Applicant’s letter dated March 17, 2021
- Attachment E - Heritage Advisory Panel Minutes - May 11, 2021
- Attachment F – Correspondence
- Attachment G- Original Heritage Designation Reports- August 1996

cc: Ms. Meghan Bannon, Fort Architecture, Keith Barbon, the Truffles Group