



Committee of the Whole Report For the Meeting of November 25, 2021

To: Committee of the Whole **Date:** November 12, 2021
From: Karen Hoese, Director, Sustainable Planning and Community Development
Subject: Request to Study a Portion of Lewis Street as a Potential Heritage Conservation Area

RECOMMENDATIONS

1. That Council direct staff to study and evaluate the portion of Lewis 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 draft design guidelines for new buildings and alterations to existing buildings on Lewis Street, and 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 Lewis Street as a Heritage Conservation Area (“HCA”). The area contains a concentration of century-old houses that measure one-and-a-half and two-storeys in height. Lewis Street features homes in a variety of styles including Colonial Bungalow, 1920’s bungalow, Edwardian Vernacular, Arts and Crafts and the Minimal Traditional style. Four of the houses are currently heritage designated.

Preliminary research indicates that the properties have recognizable heritage character embodied in their composition, rooflines, and architectural details, like dormer windows and wood cladding which are shared among the buildings constructed in different styles. According to the nomination documents, the street has heritage value for its associations with the *Gladys Villa* estate of 1876, which comprised the north half of Lewis Street, and with the southerly estate of Captain Herbert George Lewis. Lewis was the shipping master of the port of Victoria and the last of the pioneer shipmasters of the Hudson’s Bay service (1874) and the street is named after him. Lewis Street may also have heritage value as a uniquely intact pre-WW2 streetscape, with ten houses constructed before 1911.

A survey of 14 potentially affected homeowners returned 10 responses, of whom seven were supportive of designating a portion of Lewis Street as a Heritage Conservation Area. Two were opposed and one was undecided.

BACKGROUND

Description of Proposal

The proposed Lewis Street HCA is in the James Bay neighbourhood (see Attachments A & B: Proposed Lewis Street HCA - Study Area Boundary). The proposed HCA includes a collection of 14 one-and-a-half and two-storey houses (see Attachment C: Photographs). The nomination describes the street, and its value as follows (see Attachment D: HCA Nomination):

“Lewis Street is one block long and runs north from Dallas Road. There is no vehicle exit from the north end. The street is narrow and without sidewalks. The lots are narrow, and the houses are situated near the street. Most of the houses were built before the Second World War with many dating from the turn of the century to the outbreak of the First War. The variety of architectural styles include Victorian Vernacular, Edwardian Vernacular Arts and Crafts, Colonial Bungalow, California Bungalow and English Arts and Crafts Bungalow. The tight grouping of the houses and the compact nature of this unusually intact historic streetscape offers a window into what a typical James Bay Street might have looked like prior to the Second World War.”

The nomination connects Lewis Street to Beckley Farm, an 1855 farm estate that Hudson Bay Company chief factor James Douglas established to supply food to HBC personnel at Fort Victoria. However, according to the document “Lewis Street - A Historic James Bay Street” (Attachment E) the lots on the street were not the first subdivision of Beckley Farm. Lewis Street represents the second phase in the development of the Beckley Farm following the creation of the *Gladys Villa* estate in 1876, which fronted onto Menzies Street, and Captain Lewis’ estate in 1878, which faced Dallas Road. The subdivision and development of Lewis’ estate occurred first, then a pair of brothers named John and George Playfair working with their cousin George Cramer, purchased the *Gladys Villa* property in 1911 and subdivided it into 12 lots. This extended Lewis Street further north and the end of the street was connected to Menzies Street by a footpath.

The houses are positioned close to the street and have virtually identical front yard setbacks. Despite a mix of architectural styles, there are common elements. These include:

- elevated entrances and porches
- pitched roofs with dormer windows
- decorative wood siding (shingles, lap siding or both)
- sash windows
- fenced, compact landscaped front yards.

The typical composition of houses on Lewis Street consists of a semi-basement, an elevated ground-storey with a porch and well-defined entrance, and a gabled or hipped roof punctuated with dormers for extra living space.

Regulatory Considerations

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

- a. Subdivision of land within the area
- b. Construction of a building, structure, or addition to an existing building or structure within the area
- c. Alteration of a building or structure or land within the area
- d. Alteration of 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 Lewis Street HCA:

- a. Interior renovations
- b. Exterior painting
- c. Roof replacement using similar materials
- d. Rear deck construction
- e. Removal of chimneys on contributing houses built after 1939
- f. On lots with a single street frontage in traditional residential areas, 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
- g. Proposals for one garden suite or infill building located in the rear yard (Note: A garden suite would still require a delegated development permit and be subject to review under the design guidelines for DPA 15E: Intensive Residential – Garden Suites)
- h. Landscaping alterations
- i. Replacement of eaves troughs, downspouts, and exterior lighting
- j. Building envelope remediation
- k. In-kind replacements of missing, worn or damaged exterior materials
- l. Sustainability upgrades that do not affect the appearance of buildings from the street
- m. Interior insulation
- n. Envelope air sealing (e.g., weather-stripping)
- o. 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.

ISSUES & ANALYSIS

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

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 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.

In considering the *Victoria Heritage Thematic Framework*, the nomination connects the lot pattern of the street with the subdivision of Beckley Farm (Sub-theme 1.3- Pioneer Farms to First Suburbs) and its appeal for tourists from the Ogden Point cruise ship terminal (Theme 2- Gateway Economy, Sub-theme 2.4 Global Tourism Destination). Staff note that the street includes high quality surviving examples of the Arts and Crafts and Colonial Bungalow styles, which are representative of Theme 5: Cultural Exchange, Sub-theme 5.1- Architectural Expression. If the nomination proceeds, staff will undertake a more thorough assessment of the area against the heritage thematic framework.

James Bay Neighbourhood Plan, 1993

The proposed study of this area is consistent with the *James Bay Neighbourhood Plan, 1993*, which in the section entitled, "Heritage Preservation" states:

1. *Encourage the conservation and rehabilitation of buildings, lands and structures of heritage significance which contribute to the neighborhood's attractive character*
3. *Encourage retention of clusters of heritage houses, including streetscapes*

Relevant policies and recommendations for heritage properties include:

1. *Recognize areas where there are existing heritage and character buildings. Any redevelopment in the above areas should be encouraged to enhance existing heritage/character with regard to scale, form, quality and materials*
7. *Establish design guidelines for heritage Development Permit Areas*

Heritage Conservation Area - Assessment Criteria

City Council adopted a new *Citizen-led Heritage Conservation Areas Policy* on January 31, 2019 (the "Policy"). 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 Lewis Street. Preliminary research indicates that houses on the street share common heritage value in their

association with the Beckley Farm. A majority have some physical elements in common. If Council authorizes staff to study Lewis Street further, staff will complete an assessment of the historical integrity of each property using historic plans and photographs (See Attachment E- Historic Photographs). The Policy does not require a minimum threshold of support to advance an HCA. In 2019, residents on the street applied for, and received a grant from the City to install historic plaques on each of the 17 houses. Each plaque includes historic details about the house and its first residents.

Proposed Study Area Boundaries

The nominator selected the boundaries to encompass a set of houses on Lewis Street with consistent massing, setback and some shared style characteristics.

Four of the properties are currently heritage designated (39, 43, 50 and 53 Lewis Street). The study area boundaries exclude unrelated areas reflecting very different development patterns, such as the mid-rise apartment buildings facing Dallas Road.

Engagement with Affected Owners

The HCA nominator consulted with many of their neighbours before submitting the package to the City. Subsequently, City staff mailed all owners an invitation to a consultation meeting scheduled for June 25, 2020. The meeting occurred in Lewis Park, where staff delivered a comprehensive overview of the proposed HCA and process, including the preliminary rationale and the potential implications of an HCA bylaw for homeowners. In August 2020, staff mailed a survey to all 14 affected homeowners. Ten homeowners responded, of whom seven were supportive, two were opposed and one was undecided. Several support letters are attached (See Attachment F- Support Letters).

Next Steps

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.

OPTIONS AND IMPACTS

Option 1 (Recommended)

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

This option would support *Official Community Plan* and *James Bay Neighbourhood Plan, 1993* objectives to consider retaining clusters of heritage houses, including streetscapes.

Option 2

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

This option is not recommended. The nominator has delivered a well-researched and compelling nomination with a strong rationale for the further study of the street to confirm the heritage values and character features identified. The Official Community Plan supports the further study of the area.

Accessibility Impact Statement

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

2019-2022 Strategic Plan

There are no specific actions prioritizing the designation of Heritage Conservation Areas in the Strategic Plan, however, it is part of ongoing City operations and heritage designation is identified as an “operational priority” on page 11 of the 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, Lewis Street contains very few properties, so impacts to staffing resources would be minimal. Further, staff are contemplating 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 Lewis Street as a potential HCA is consistent with heritage-related directions in the *Official Community Plan* under Section 8: “Placemaking- Urban Design and Heritage”.

CONCLUSIONS

The submitted nomination for the study of a portion of Lewis Street as a potential HCA presents some 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,

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Report accepted and recommended by the City Manager:

Date: _____

List of Attachments

- Attachment A: Subject Map - Proposed Lewis Street HCA - Study Area Boundary
- Attachment B: Aerial Map - Proposed Lewis Street HCA - Study Area Boundary
- Attachment C: Photographs
- Attachment D: HCA Nomination
- Attachment E: Lewis Street- A Historic James Bay Street
- Attachment F: Historic Photographs
- Attachment G: Support Letters