



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: Proposed Robert Street Heritage Conservation Area and OCP Amendment

RECOMMENDATION

That Council:

1. Give first reading to the Official Community Plan Bylaw, Amendment Bylaw (No. 39) 21-108.
2. Refer Official Community Plan Bylaw, Amendment Bylaw (No. 39) 21-108 for consideration at a Public Hearing.
3. Consider the Official Community Plan Bylaw, Amendment Bylaw (No. 39) 21-108 in conjunction with the City of Victoria 2017-2021 Financial Plan, the Capital Regional District Liquid Waste Management Plan and the Capital Regional District Solid Waste Management Plan pursuant to section 477(3)(a) of the *Local Government Act*, and deem those Plans to be consistent with the Official Community Plan Bylaw, Amendment Bylaw (No. 39) 21-108.
4. Determine, pursuant to sections 475(1) and 2(a) of the *Local Government Act* that the affected persons, organizations and authorities are those property owners within the proposed Robert Street Heritage Conservation Area, that early and ongoing consultation is not required, and that the appropriate consultation measures include:
 - a. posting a copy of each of the Official Community Plan Bylaw, Amendment Bylaw (No. 39) 21-108 and the draft Robert Street Heritage Conservation Area Guidelines to the City website;
 - b. posting a notice to the City's website that invites affected persons to ask questions of staff and provide written comments by a specified date for Council's consideration, and identifies the staff who can answer questions and provide further information;
 - c. providing each property owner within the proposed Robert Street Heritage Conservation Area with mailed copies of each of the guidelines and bylaw described in 4(a), and of the notice described in 4(b); and
 - d. the presentation of a report enclosing the results of the consultation to Council at the time the Official Community Plan Bylaw, Amendment Bylaw (No. 39) 21-108 is presented to Council for second reading.

5. Determine pursuant to sections 475(1) and 475(2)(b) that no referrals of Official Community Plan Bylaw, Amendment Bylaw (No. 39) 21-108 are necessary to the Capital Regional District Board, Island Health, Songhees Nation, Esquimalt Nation, School District Board provincial or federal governments and their agencies, Township of Esquimalt, District of Saanich and the District of Oak Bay due to the nature of the amendment.
6. Approve in principle the Robert Street Heritage Conservation Area Guidelines (2021) and refer them to the meeting of Council at which the public hearing for Official Community Plan Bylaw, Amendment Bylaw (No. 39) 21-108 is held, for public comment and consideration of final approval.
7. Direct staff to undertake the following if Official Community Plan Bylaw, Amendment Bylaw (No. 39) 21-108 is approved following the public hearing:
 - a. Add the following properties listed as contributing properties shown in the Robert Street Heritage Conservation Area Guidelines on page 17 to the City of Victoria Register of Heritage Properties:
 - i. 206 Robert Street
 - ii. 224 Robert Street
 - iii. 233 Robert Street
 - iv. 255 Robert Street
 - v. 301 Robert Street
 - b. Direct staff to make text and map amendments the Victoria West Neighbourhood Plan (2018), including amendments to Map 18 therein, to recognize the new Robert Street Heritage Conservation Area.

LEGISLATIVE AUTHORITY

In accordance with Section 614 of the *Local Government Act*, an official community plan may designate an area as a heritage conservation area to which section 615 (1), requirements for heritage alteration permit, applies.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations regarding the designation of a portion of Robert Street as a Heritage Conservation Area (HCA) by amending the *Official Community Plan, 2012* (OCP) (see Attachment A: Subject Map and Attachment B: Aerial Map). The designation would establish a set of objectives for the area and a heritage alteration permit process for land subdivision, new construction and alterations to existing properties. Heritage alteration permits would be reviewed against the Robert Street Heritage Conservation Area Guidelines (See Attachment C: Draft Robert Street Heritage Conservation Area Guidelines) and the *Standards and Guidelines for the Conservation of Historic Places in Canada, 2010* (The Standards and Guidelines).

Staff have determined that the designation of a portion of Robert Street as an HCA is consistent with the *Citizen-led Heritage Conservation Areas Policy*, and it has sufficient heritage value and character to justify conservation in accordance with the *Local Government Act*. Designation is generally consistent with the OCP, which encourages the conservation of special character in historic areas through the designation of HCA's. The designation is also consistent with the *Victoria West Neighbourhood Plan, 2018* (The Neighbourhood Plan), which encourages the designation of citizen-initiated HCA's.

The draft guidelines permit the continued infilling and densification of the street through new housing, while establishing performance criteria regarding form, design and detailing.

The Heritage Advisory Panel reviewed the proposal at its October 12, 2021 meeting and recommended that Council approve the guidelines and the HCA. Panel members suggested that staff include examples of multi-family and more modest new housing in the document and staff responded by diversifying the images.

BACKGROUND

Description of Proposal

In 2018, a local resident nominated Robert Street as an HCA based on the City's Citizen-Led Heritage Conservation Areas Policy. The Heritage Advisory Panel and City Council supported the further study of the area later that year based on the contents of the nomination. Council approved the following motion on April 18, 2019:

- 1. That Council direct staff to study and evaluate the portion of Robert 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 a draft Official Community Plan Amendment Bylaw that outlines the justification, objectives and guidelines in accordance with section 614 of the Local Government Act.*

Staff completed historical research into the area and an evaluation of each house on Robert Street against the original approved building permit plans to determine its level of historical integrity. Based on these assessments and the research, staff have concluded that the area is eligible to be designated as an HCA.

The proposed Robert Street HCA is located in the Victoria West Neighbourhood. It includes a collection of 14 one-storey and one-and-a-half-storey houses, of which four were constructed during the Victorian and Edwardian era (1888-1911) in the Queen Anne and Colonial Bungalow styles (See Attachment D: Photographs of existing buildings on the street). Most of the remaining houses are from the wartime era (1939-1943) and designed in the Minimal Traditional style. Of the houses on the street, nine were found to be contributing to the heritage character of the street, and five were found not to contribute because they had been heavily altered or constructed outside the periods of significance. The street has historical and aesthetic value for its unique juxtaposition of elaborate Victorian style houses constructed by upper class owners in the late 1800's and early 1900's, and the economical minimal traditional houses constructed by middle income families between 1939-1945, incentivized by Canada's first national housing legislation.

The draft guidelines were sent to area residents for review in advance of an in-person meeting on May 30, 2021. Neighbourhood residents had no substantive comments on the draft.

If an HCA is approved for Robert Street, it will establish a heritage alteration permit system for alterations to existing buildings, new construction and subdivisions, as well as a number of exemptions.

Regulatory Considerations

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

- a. Subdivide land within the area;
- b. Start the construction of a building or structure or an addition to an existing building or structure within the area;
- c. Alter a building or structure or land within the area;
- d. Alter a feature that is protected heritage property.

Four of the nine heritage properties are protected through designation under bylaw. It is proposed that the remaining five be added to the Victoria Heritage Registry, if Official Community Plan Bylaw, Amendment Bylaw (No. 39) 21-108 (the “**OCP Amendment Bylaw**”) is adopted (see Attachment E: Official Community Plan Bylaw, Amendment Bylaw (No. 39) 21-108).

Infill Housing

The draft Robert Street Heritage Conservation Area guidelines address building form, detailing and design and do not prohibit any of the housing typologies permitted under the Traditional Residential Urban Place designation. In fact, many of the existing “single-family homes” on the street already contain multiple households. For example, the heritage designated houses at 614 Seaforth Place and 242 Robert Street each contain four rental or strata units. The guidelines anticipate further intensification and highlight emerging missing middle housing typologies that would respect and reinforce the cottage-like scale of the street. In particular, the east half of Robert Street features exceptionally deep lots with capacity for cottage-cluster style development in rear yards. Staff calculate that the guidelines would enable a minimum of 21 additional housing units to be constructed throughout the area in addition to the approximately 31 units permitted under current zoning. This represents a 40% increase over the current capacity.

Exemptions

The *Local Government Act* allows the City to specify exemptions from permit requirements. The following actions are proposed to be exempt from permitting in the Robert Street HCA:

- a. Exterior alterations to properties that are not listed on the City of Victoria Heritage Register or subject to a Heritage Designation Bylaw ;
- b. Interior renovations;
- c. Exterior painting;
- d. Roof replacement using similar materials;
- e. Rear deck construction;
- f. On lots with a single street frontage, 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. On lots with a single street frontage, a single garden suite 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 to features not identified as character-defining elements;
- i. Replacement of eaves troughs, downspouts and exterior lighting;
- j. Building envelope remediation, so long as there are no changes to appearance or design when the remediation is completed, and the only change to materials is in-kind replacements;

- k. In-kind replacements of missing, worn or damaged exterior materials, so long as there are no changes to appearance or design when the replacements are completed;
- 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 OCP Amendment Bylaw property alterations would be reviewed against the HCA Guidelines and the *Standards and Guidelines for the Conservation of Historic Places in Canada*. The demolition of existing heritage property would be discouraged and require authorization by City Council.

ANALYSIS

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

Official Community Plan

The proposed designation of Robert Street is consistent with the *OCP*, Section 8 – Placemaking (Urban Design and Heritage), which 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. It also directs staff to use the heritage thematic framework for evaluation.

Consistent with other HCA 1: Traditional Residential areas in the City, an objective of the proposed HCA is to “enhance the area through infill and building additions with a high quality of architecture, landscape and urban design that responds to the cottage-like scale and character of the historic setting through sensitive and innovative interventions.” The HCA has capacity for building additions and infill, including but not limited to, small-lot subdivisions, garden suites, duplexes and low-rise multi-family (multi-unit) buildings. Enabling these housing forms on Robert Street helps the City to meet its housing objectives and ensure that the neighbourhood can evolve to meet a proportion of overall housing demand.

Victoria West Neighbourhood Plan

The designation of Robert Street as an HCA is consistent with the Neighbourhood Plan, which in the section entitled, “Neighbourhood Plan Goals” states:

1. Protect the historic character of significant buildings and important sites
2. Celebrate and interpret the heritage of the neighbourhood.

Section 10.2. “Heritage Conservation Areas” states:

- 10.2.1. Consider future citizen-initiated proposals for designation of Heritage Conservation Areas where heritage merit exists.

Designation of Robert Street as an HCA contributes to fulfilling two long-term actions (2028+) under the plan:

- Consider citizen-initiated Heritage Conservation Areas, if proposed (see Policy 10.2.1.).

Heritage Conservation Area - Assessment Criteria

City Council adopted the *Citizen-led Heritage Conservation Areas Policy* on January 31, 2019. 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 Robert Street. Research indicates that houses on the street share common heritage value in their association with the original Muirhead estate. A majority have a cohesive heritage character, embodied in the consistent setbacks, low-scale massing, asymmetrical façade composition and sloped rooflines. These traits are especially distinctive and recognizable amidst the surrounding context of higher density multi-unit buildings. The proposed HCA omits areas that are clearly unrelated.

Proposed HCA Boundaries

The nominator selected the boundaries to encompass a set of houses on Robert Street with consistent massing, setback and style characteristics (see Attachment D: Photographs of existing buildings on the street). The properties were created through a subdivision plan in 1879. Between 1881 and 1900, James Muirhead Sr. acquired six lots on Robert Street, and in 1903 constructed a house at the southeast corner of Esquimalt Road and Robert Street (527 Esquimalt Road). Members of the family eventually built two other houses on the street, only one of which survives at 223 Robert Street. The Muirheads maintained the lands in between 527 Esquimalt Road and 223 Robert Street as an apple orchard.

Of the fourteen properties included in the study area, four of the detached homes date from the Victorian and Edwardian era and were individually designated through city bylaws in the 1970s. Of these, 223, 230 and 242 Robert Street were designed in the Queen Anne style, and 614 Seaworth Street was designed in the Colonial Bungalow style. The designated houses are elaborately detailed, with horizontal wood siding, front porches, dormer windows, decorative brackets and columns. The remainder of the houses in the study area are not currently protected and were constructed between 1939 and 1945, with the exception of two houses constructed in 1955. The wartime houses on Robert Street were designed in the economical minimal-traditional houses built by middle class families between 1939-1945 under federal housing legislation of the late depression era. The minimal traditional-style houses have two-tone colour schemes, smooth stucco walls, fluid entrance details and simple fenestration in contrast to the polychromatic, textured Victorian houses with their turrets, finials, broad porches with classical columns, carved brackets and other eccentric decorations.

The street is a tangible expression of Victoria West's urban development from a collection of large homes on expansive landscaped properties to an industrial employment centre edged with suburbs for working class families. The street displays the evolution of the single detached home from an exclusive high end commodity in the early 1900's, to the template for middle

class housing in the postwar era. This shift was enabled when the federal government intervened in the housing market through the *Dominion Housing Act* of 1935 and subsequent *National Housing Act* of 1938.

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* helps 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. The statement of significance embedded in the HCA Guidelines includes an assessment of the street under the thematic framework.

Statement of Significance

A Statement of Significance describing the historic place, outlining its heritage value and identifying its character-defining elements, is included in the guidelines on page 22.

Engagement with Affected Owners

Staff and the nominator organized a walking tour of the street on Wednesday, August 8, 2018 for all property owners in the potential HCA. Over ten residents attended, and the tour finished with a lawn chair discussion in the front yard of a heritage property on the street. Staff provided information about HCAs in the meeting and none of the attendees expressed opposition. Staff convened a follow-up “front yard meeting” on Sunday, September 23, 2018 where staff delivered a more comprehensive overview of the proposed HCA, including the preliminary rationale and the potential implications of an HCA bylaw for homeowners. The Robert Street HCA nomination that the applicant submitted includes a petition with over 30 signatories from within the potential HCA and surrounding area. In April 2021, staff posted a copy of the draft guidelines to the City website and mailed copies of the draft Robert Street Heritage Conservation Area Plan to all property owners and invited them to a consultation meeting on Sunday, May 30, 2021. Approximately 11 residents attended the meeting. Residents were largely happy with the plan and none expressed significant concerns with the document.

Consultation on OCP Amendment Bylaw

In accordance with the *Local Government Act*, when an amendment is proposed to the OCP, the local government (Council) must, in addition to the public hearing, provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected. Specifically, Council must:

- (a) Consider whether the opportunities for consultation with one or more of the persons, organizations and authorities should be early and ongoing; and
- (b) specifically consider whether consultation is required with the following:
 - i. the board of the regional district in which the area covered by the plan is located, in the case of a municipal official community plan;
 - ii. the board of any regional district that is adjacent to the area covered by the plan;
 - iii. the council of any municipality that is adjacent to the area covered by the plan;
 - iv. First Nations;
 - v. boards of education, greater boards and improvement district boards;

- vi. the Provincial and federal governments and their agencies.

Given that the HCA Designation and the Robert Street Heritage Conservation Area Guidelines (2021) will only apply to HCA 1: Traditional Residential – Robert Street, staff recommend that Council consider “persons affected” by the proposed OCP amendments to encompass only the property owners within the proposed Heritage Conservation Area. This approach is consistent with the *Citizen-Led Heritage Conservation Areas Policy*.

In consideration of section 475(2)(b) of the *Local Government Act*, Staff do not recommend referral to Songhees Nation or Esquimalt Nation because there are no identified locations of interest within the boundaries of the proposed Robert Street designation.

In consideration of section 475(2)(b) of the *Local Government Act*, staff do not recommend referral to the Capital Regional District Board, Island Health, School District Board provincial or federal governments and their agencies, Township of Esquimalt, District of Saanich and the District of Oak Bay because. The bylaw amendment introduces design guidelines for new and existing privately owned buildings and the above organizations have no known interests or properties on the street affected by the guidelines.

Based on the level of engagement with owners that occurred during assessment of the area and development of the proposed Robert Street Heritage Conservation Area Guidelines (2021), staff recommend that the consultation opportunity consist of posting the proposed Robert Street Heritage Conservation Area Guidelines (2021) and a copy of the proposed OCP Amendment Bylaw to the City of Victoria website for a period of two weeks, along with a notice inviting affected persons to ask questions of staff and provide written comments to Council for their consideration by a specified date. Staff also recommend that a copy of each of the proposed Robert Street Heritage Conservation Area Guidelines (2021), the proposed OCP Amendment Bylaw be mailed to property owners within the boundaries of the proposed HCA 1: Traditional Residential – Robert Street, and a notice inviting questions and comments by a specified date, and identifying a staff person who can provide further information, answer questions, and receive comments.

The City website will identify the appropriate staff person who can provide further information, answer questions, and receive comments from the community. A report on the results of this consultation, including any proposed changes to the proposed Robert Street Heritage Conservation Area Guidelines (2021) and the OCP Amendment Bylaw will be presented to Council at the time the OCP Amendment Bylaw is presented for second reading.

In addition to the section 475 consultation opportunity, the City website will also include the date of the public hearing of the OCP Amendment Bylaw, and invite the public to provide written or verbal comments to Council for its consideration at the public hearing.

Heritage Advisory Panel

The Heritage Advisory Panel reviewed the nomination at its October 12, 2021 meeting and made the following motion (see Attachment F: Heritage Advisory Panel Minutes, October 12, 2021):

1. That Council approve the designation of the portion of Robert Street shown in the draft Robert Street Heritage Conservation Area Guidelines Document as a Heritage Conservation Area, pursuant to Section 614 of the *Local Government Act*; and
2. That Council approve the draft Robert Street Heritage Conservation Area Guidelines as presented.

Panel members made the following additional suggestions:

- include images of multi-family houses that could fit with the district
- add more modest and less expensive looking examples of new housing.

In response, staff added an image of a duplex on page 25 and an image of inexpensive, 300 square foot cottage cluster style houses on page 26. The houses depicted were constructed in 2005 at an approximate cost of \$142 per square foot in today's dollars.

OPTIONS AND IMPACTS

Alternate Motion

That Council decline the proposed designation of Robert Street as a Heritage Conservation Area.

Accessibility Impact Statement

The existing heritage houses on Robert Street are one-and-a-half storeys tall with elevated first storeys. The upper floors of most houses are not wheelchair accessible, however the *Standards and Guidelines for the Conservation of Historic Places in Canada* encourages ramps and other retrofits to existing historic buildings. The HCA could also accommodate a significant amount of infill development and the guidelines do not require new buildings to have elevated first storeys. New buildings on Robert Street could be designed as adaptable or accessible units.

2019-2022 Strategic Plan

Designation of Robert Street as an HCA supports the operational priority of heritage conservation and heritage designation in the Strategic Plan.

Impacts to Financial Plan

Establishing Robert Street as an HCA will result in additional heritage alteration permits for staff to process should property owners propose changes to their properties. However, this particular area along Robert Street is a relatively small area, so impacts to staffing resources would be minimal. Further, the draft OCP Amendment Bylaw contains minor application exemptions to both lessen the permit process impacts to property owners and the volume of applications received.

Official Community Plan Consistency Statement

The designation of Robert Street as an HCA is consistent with heritage-related directions in the *Official Community Plan* under Section 8: "Placemaking – Urban Design and Heritage".

CONCLUSIONS

The designation of Robert Street as an HCA is consistent with *Official Community Plan* objectives for the continued identification and recognition of historic areas in the City. It is consistent with *Victoria West Neighbourhood Plan* policy to consider citizen-initiated Heritage Conservation Areas where heritage merit exists. The draft Robert Street Heritage Conservation Area guidelines permit the continued intensification and infilling of the street, while offering guidance for staff and owners on appropriate alterations to historic homes and managing the

form, character and design of new residential buildings to ensure a good fit. Staff therefore recommend that Council approve the designation of the street as a Heritage Conservation Area.

Respectfully submitted,

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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: Draft Robert Street Heritage Conservation Area Guidelines
- Attachment D: Photographs of existing buildings on the street
- Attachment E: Official Community Plan Bylaw, Amendment Bylaw (No. 39) 21-108
- Attachment F: Heritage Advisory Panel Minutes, October 12, 2021.