

F.2 Bylaw for Official Community Plan Amendment: Robert Street Heritage Conservation Area

Moved By Councillor Andrew

Seconded By Councillor Loveday

That the following bylaw **be given first and second readings:**

1. Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 39) No. 22-026

CARRIED UNANIMOUSLY



Council Report

For the Meeting of March 10, 2022

To: Council
From: C. Kingsley, City Clerk
Date: February 25, 2022
Subject: Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 39) No. 22-026

RECOMMENDATION

That the following bylaw be given first and second readings:

1. Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 39) No. 22-026

BACKGROUND

Attached for Council's initial consideration is a copy of the proposed Bylaw No. 22-026.

The issue came before Council on March 3, 2022 where the following resolution was approved:

Robert Street HCA Update Report - OCP Amendment Consultation

That Council:

1. Give first reading to the Official Community Plan Bylaw, Amendment Bylaw (No. 39) 22-026.
2. Consider the Official Community Plan Bylaw, Amendment Bylaw (No. 39) 22-026 in conjunction with the City of Victoria 2021–2025 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) 22-026.
3. Give second reading to the Official Community Plan Bylaw, Amendment Bylaw (No. 39) 22-026.
4. Refer Official Community Plan Bylaw, Amendment Bylaw (No. 39) 22-026 for consideration at a Public Hearing.
5. 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 which have already been undertaken include:
 - a. posting a copy of each of the draft Official Community Plan Bylaw, Amendment Bylaw (No. 39) 21-108 and the draft Robert Street Heritage Conservation Area Guidelines, version date November 2021 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 (version date November 2021), and bylaw described in 4(a), and of the notice described in 4(b); and
 - d. the presentation of a report including the results of the consultation to Council at the time the Official Community Plan Bylaw, Amendment Bylaw (No. 39) 22-026 is presented to Council for first and second reading.
- 6. Determine pursuant to sections 475(1) and 475(2)(b) that no referrals of Official Community Plan Bylaw, Amendment Bylaw (No. 39) 22-026 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.
- 7. Approve in principle the revised Robert Street Heritage Conservation Area Guidelines (2022) and refer them to the meeting of Council at which the public hearing for Official Community Plan Bylaw, Amendment Bylaw (No. 39) 22-026 is held, for public comment and consideration of final approval.
- 8. Direct staff to undertake the following if Official Community Plan Bylaw, Amendment Bylaw (No. 39) 22-026 is approved following the public hearing:
 - a. Add the following properties listed as contributing properties shown in the Robert Street Heritage Conservation Area Guidelines (2022) 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
 - b. 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.

Respectfully submitted,

Curt Kingsley
City Clerk

Report accepted and recommended by the City Manager

List of Attachments:

- Bylaw No. 22-026

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the Official Community Plan to designate a portion of each of Robert Street and Seaforth Street as a Heritage Conservation Area.

Contents

- 1 Title
- 2 Definition
- 3-5 Amendments
- 6 Consequential Amendments to Land Use Procedures Bylaw
- 7 Commencement

Under its statutory powers including Part 14, Division 4 and Part 15, Division 4 of the *Local Government Act*, RSBC 2015 c 1, the Council of the Corporation of the City of Victoria, in an open meeting assembled, enacts as follows:

Title

- 1 This Bylaw may be cited as “OFFICIAL COMMUNITY PLAN BYLAW, 2012, AMENDMENT BYLAW (NO. 39)”.

Definitions

- 2 “OCP Bylaw” means the City’s Bylaw No. 12-013, the Official Community Plan Bylaw, 2012.

Official Community Plan Bylaw

- 3 The OCP Bylaw is amended in Schedule A, Table of Contents, under the heading “List of Maps” by:
 - a) Inserting the following text immediately after the text “Map 74: DPA 15F: Intensive Residential - Attached Residential Development (Fairfield).”:
“Map 75: HCA 2: Robert Street Heritage Conservation Area”;
- 4 The OCP Bylaw is amended in Schedule A, Appendix A: Development Permit Areas and Heritage Conservation Areas by repealing Map 32: Composite Map of Development Permit Areas and Heritage Conservation Areas and replacing it with a new Map 32: Composite Map of Development Permit Areas and Heritage Conservation Areas, attached to this Bylaw in Schedule 1.
- 5 The OCP Bylaw is amended in Schedule A, Appendix A: Development Permit Areas and Heritage Conservation Areas by adding the following immediately after DPA 16: General Form and Character:
 - a) A new Map 75: HCA 2: Robert Street Heritage Conservation Area, attached to this Bylaw in Schedule 2; and
 - b) The following new section entitled “HCA 2: Robert Street Heritage Conservation Area”:

“1. Pursuant to Section 614 of the *Local Government Act, 2015* the area that is shaded and circumscribed by solid lines on Map 75 is designated as HCA 2: Robert Street Heritage Conservation Area, for the purpose of heritage conservation.

2. Application and Exemptions

(a) A Heritage Alteration Permit is required in accordance with section 615(1) of the *Local Government Act, 2015* except for:

- (i) alterations to the exterior of a building that is not protected heritage property, which does not require a building permit application, and where no other exemptions listed below apply;
- (ii) a demolition permit for a building or structure not located on a protected heritage property;
- (iii) building envelope remediation, so long as there are no changes to materials, appearance or design when the remediation is completed;
- (iv) 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;
- (v) interior renovations;
- (vi) exterior painting of buildings;
- (vii) roof replacement using similar materials;
- (viii) rear deck construction;
- (ix) on lots with a single street frontage, additions to the rear elevation of a building, which are under 100 square metres 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;
- (x) on lots with a single street frontage, a single garden suite located in the rear yard;
- (xi) landscaping alterations to features not identified in section 3;
- (xii) replacement of eaves troughs, downspouts and exterior lighting;
- (xiii) sustainability upgrades that do not affect the appearance of a building from the street;
- (xiv) interior insulation;
- (xv) envelope air sealing like weather stripping; or
- (xvi) mechanical system upgrades, including but not limited to those with exterior equipment such as heat pumps and air conditioning units.

(b) The General Exemptions identified in the “Overview” section of this Appendix do not apply to HCA 2 Robert Street Heritage Conservation Area.

- (c) Where the exterior of a building that is not a protected heritage property is subject to a building permit application, the Robert Street Heritage Conservation Area Guidelines (2021) for new construction apply.
3. For the purposes of sections 614(2)(a) and 615(3) of the *Local Government Act, 2015*, the special features, characteristics and special conditions that justify the designation of a portion of Robert Street and a portion of Seaforth Street as a Heritage Conservation Area, and which contribute to the heritage character or heritage value of the area include:
- (a) residential buildings reflecting a range of income levels, including large Late Victorian and Edwardian era homes built between 1888 and 1911 and modest wartime homes in the minimal traditional style built between 1939 and 1945, which together reflect the social evolution of Victoria West from a wealthy, exclusive neighbourhood to one with a diverse mix of working-class residents;
 - (b) consistent pattern of pitched roofs including cross-gabled, hipped and pitched roofs, typically with at least one front-facing gable;
 - (c) horizontal massing of buildings on the street;
 - (d) high degree of livability achieved through generous side yard setbacks;
 - (e) relatively consistent lot widths;
 - (f) relatively consistent front yard setbacks; and
 - (g) the King apple tree located in the rear yard of 223 Robert Street.
4. The objectives of this designation include:
- (a) To conserve and enhance the special character of the protected heritage property, features and characteristics that contribute to the heritage value of the Robert Street Heritage Conservation Area;
 - (b) To ensure that new buildings in the Robert Street Heritage Conservation Area, are compatible, and complementary to the protected heritage property and special features and characteristics of the area; and
 - (c) To enhance the area through infill, building additions and open spaces with a high quality of architecture, landscape and urban design that responds to its historic setting through sensitive and innovative interventions.

5. Guidelines

These Guidelines are to be considered and applied for Heritage Alteration Permits:

- › Robert Street Heritage Conservation Area Guidelines (2022).
- › Standards and Guidelines for the Conservation of Historic Places in Canada.
- › City of Victoria Heritage Program Sign & Awning Guidelines (1981).
- › Policy 10.3 of the Victoria West Neighbourhood Plan (2018).

6. Schedule of Protected Heritage Property for HCA 2: Robert Street Heritage Conservation Area:

1. 206 Robert Street
2. 224 Robert Street
3. 223 Robert Street
4. 230 Robert Street
5. 233 Robert Street
6. 242 Robert Street
7. 255 Robert Street
8. 614 Seaforth Street

Consequential Amendments to Land Use Procedures Bylaw

- 6** Bylaw No. 16-028, the Land Use Procedures Bylaw is amended at Schedule D by adding the following words to each of Row numbers 11, 12, and 13 in Column B. DPAs and HCAs:

“HCA 2: Robert Street”.

- 7** This Bylaw comes into force on adoption.

READ A FIRST TIME the day of 2022

READ A SECOND TIME the _____ day of _____ 2022

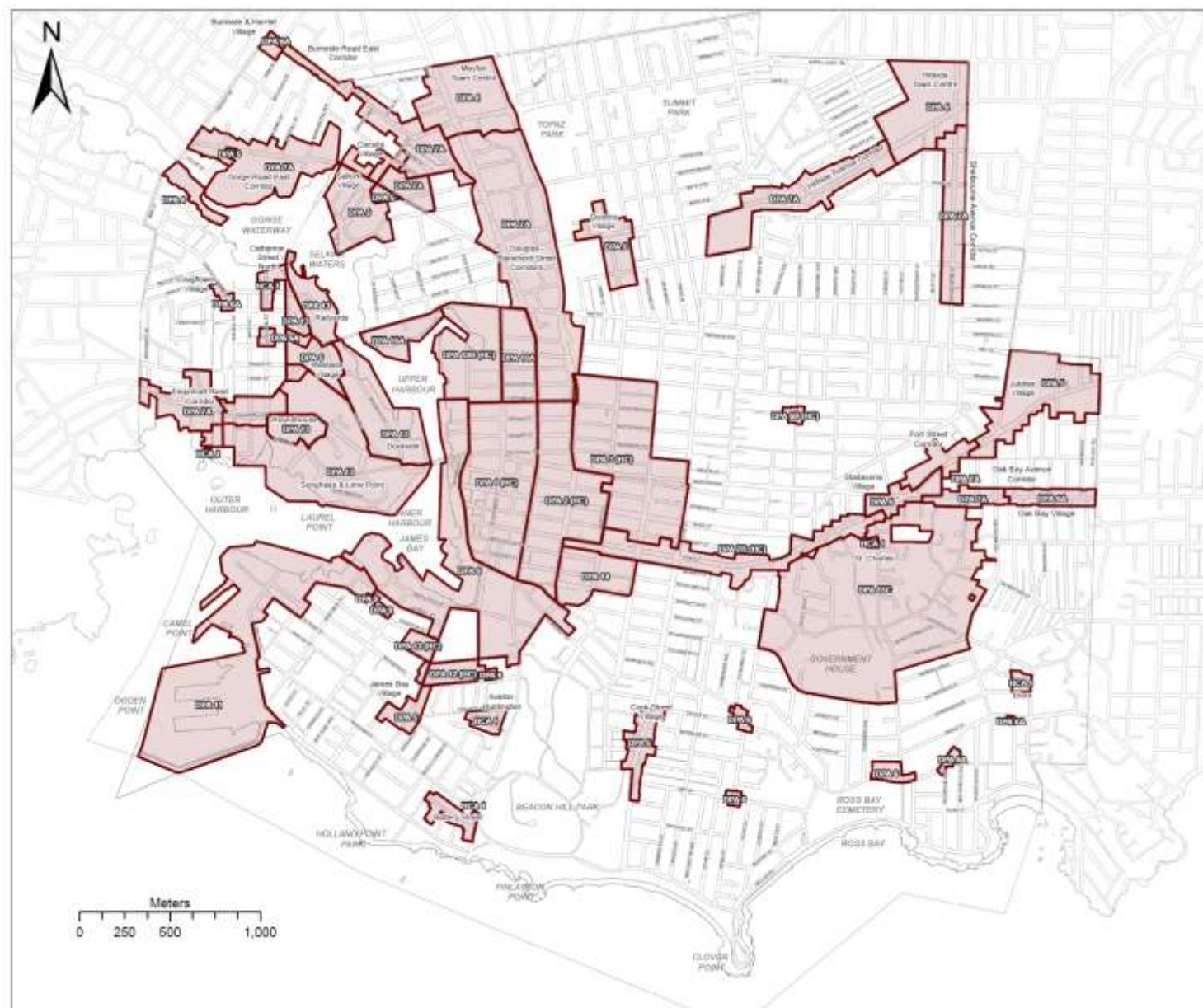
Public hearing held on the _____ day of _____ 2022

READ A THIRD TIME the _____ day of _____ 2022

ADOPTED on the _____ day of _____ 2022

CITY CLERK

MAYOR



MAP 32

COMPOSITE MAP OF DEVELOPMENT PERMIT AREAS AND HERITAGE CONSERVATION AREAS

- DPA 1 (HC): Core Historic
- DPA 2 (HC): Core Business
- DPA 3 (HC): Core Mixed-Use Residential
- DPA 4: Town Centres
- DPA 5: Large Urban Villages
- DPA 6A: Small Urban Villages
- DPA 6B (HC): Small Urban Villages Heritage
- DPA 7A: Corridors
- DPA 7B (HC): Corridors Heritage
- DPA 8: Victoria Arm Gorge Waterway
- DPA 9 (HC): Inner Harbour
- DPA 10A: Rock Bay
- DPA 10B (HC): Rock Bay Heritage
- DPA 11: James Bay and Outer Harbour
- DPA 12 (HC): Legislative Precinct
- DPA 13: Core Songhees
- DPA 14: Cathedral Hill Precinct
- HCA 1: Traditional Residential
- HCA 2: Robert Street Heritage Conservation Area
- DPA 15C: Intensive Residential Rockland

See Map 32A for the following Intensive Residential Development Permit Areas:

DPA 15F: Intensive Residential - Attached Residential Development

The following designations apply to all areas within the City of Victoria and are not shown on this map:

- DPA 15A: Intensive Residential Small Lot
- DPA 15B: Intensive Residential Panhandle Lot
- DPA 15D: Intensive Residential Duplex
- DPA 15E: Intensive Residential Garden Suites
- DPA 16: General Form and Character

This composite map is provided for reference only. Please see the map and provisions for each designated DPA and HCA for legal information.

Bylaw 22-026, Schedule 2 Map 75

