



Committee of the Whole Report For the Meeting of September 29, 2022

To: Committee of the Whole **Date:** September 15, 2022

From: Karen Hoesle, Director, Sustainable Planning and Community Development

Subject: Heritage Alteration Permit Application No. 00248 for 579 - 589 Johnson Street

RECOMMENDATION

That Council refer Application No. 00248 for the property located at 579-589 Johnson Street back to staff to work with the applicant to:

1. Provide a minimum 5m rear yard setback.
2. Provide a minimum 1.2m east side-yard setback or remove the windows on the east elevation.
3. Increase the ground floor height of the proposed new building to a minimum of 4.5m.
4. Revise the ground floor frontage facing Johnson Street to be more consistent with the *Old Town Design Guidelines (2019)*.
5. Explore options to create a larger rear-yard courtyard behind the Cameron building at 579 Johnson Street by redistributing the building massing to create a setback sixth storey on 589 Johnson.

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 present Council with information, analysis and recommendations for a Heritage Alteration Permit for the property located at 579-589 Johnson Street. This proposal is to construct a five-storey mixed use, rental residential building and includes the demolition of the existing, one-storey heritage registered Shotbolt Chemist building and the heritage

designation of, and cosmetic upgrades to, the existing heritage registered W.G. Cameron Building. The heritage designation of the W.G. Cameron Building is discussed in a separate report.

The following points were considered in assessing this application:

- The proposal is not consistent with the rear and side yard setbacks recommended in the *Downtown Core Area Plan, 2011* (DCAP) and the side yard setbacks as required under the BC Building Code. The DCAP recommends an 8m rear setback and the proposal is for zero metres. A side yard setback of 1.2m is required where openings are proposed.
- The massing and scale of the proposed building as well as the proportions, composition and spatial organization of the façade are generally consistent with the *Old Town Design Guidelines, (2019)* objective to emulate adjacent historic facades with vertically proportioned windows and openings and a formal façade composition. However, the proposed ground floor height is not consistent with the design guidelines. Additional detailing such as a continuation of the structural bay rhythm, recessed entries or decorative features would improve its consistency with the design guidelines.
- High quality materials such as brick, steel and glass are proposed, consistent with design guideline objectives.

BACKGROUND

The application proposes the construction of a new five-storey, multi-unit, rental residential building, with ground floor commercial uses. The proposal sits on two adjacent properties at 579 and 589 Johnson Street, which would be required to be consolidated to make the proposal possible. A two-storey heritage registered building, built in 1888, called the W.G. Cameron building, is located at 579 Johnson Street and heritage designation is proposed for this building. The heavily altered, one-storey remnant of a building constructed in 1876 called the Shotbolt Chemist building is located at 589 Johnson Street. The application proposes to demolish this building, which is where the bulk of the new building is proposed to be located; this is considered supportable given the extensive alterations and lack of sufficient character to justify its conservation or designation. The proposed building demolition was also supported by Heritage Advisory Panel as reflected in the July 12, 2022 meeting minutes (see Attachment G).

Key aspects of the proposal include:

- a five-storey, L-shaped, mixed use building measuring four-storeys at the Johnson Street frontage and five-storeys at the rear of the property, where it extends behind 589 Johnson Street and would frame a proposed courtyard
- a contemporary front façade design composed of glass columns and a steel frame, behind which are inset balconies, and a curtain wall glazing system
- an aluminium ground floor glazing assembly framed with an aluminium surround and inset approximately 1.5m with the conserved cast iron columns from the former Shotbolt Chemist building arranged centrally
- an alleyway between the new building and the W.G. Cameron building, surfaced with concrete permeable pavers and terminating in a courtyard surrounded by four retail units
- a masonry west elevation facing the alley, which is constructed from salvaged bricks
- a system of exterior corridors at the rear of the building to enable building residents to access their units, with railings for the exterior courtyard that have a decorative treatment consisting of closely spaced aluminium balusters in a wave pattern
- consolidation of the two properties into a single property with a connection between the two new building masses so it is considered one building.

This application is compliant with the Old Town District-1 Zone (OTD-1) Zone and does not require variances.

Housing

The application would add approximately 25 new residential rental units, which would increase the overall supply of housing in the area and contribute to the targets set out in the *Victoria Housing Strategy*. The applicant has voluntarily offered to secure the residential units as rental for the longer of 60 years or the life of the building and appropriate wording is provided in the alternate recommendation should council wish to approve this application as presented.

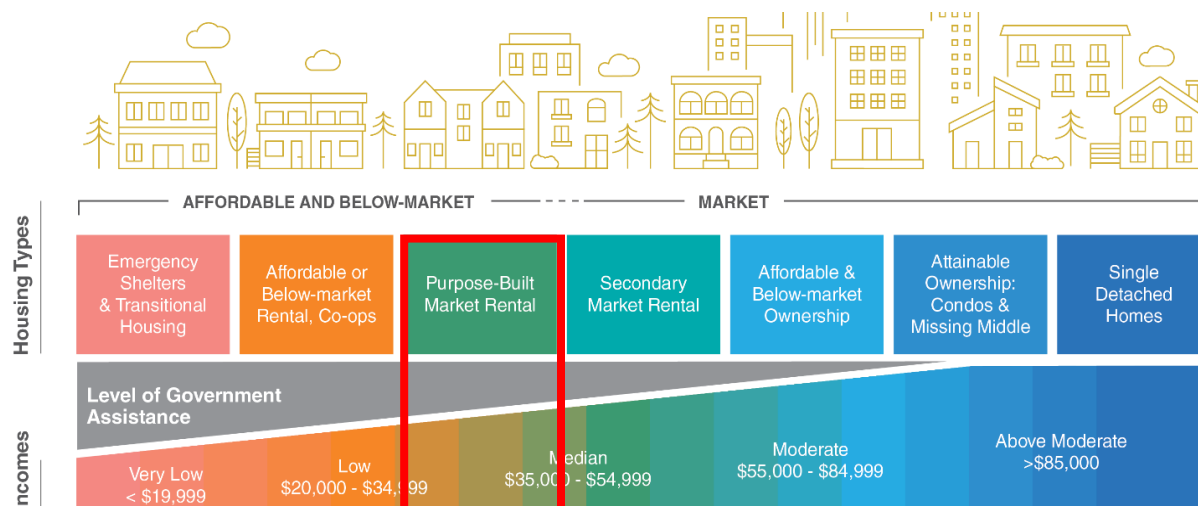


Figure 1. Housing Continuum

Housing Mix

At present there is no policy that provides targets regarding housing mix and unit type is not regulated or secured. However, the OCP identifies a mix of units as an objective and identifies the need for a diverse range of housing units including family housing. As submitted, all of the dwelling units being proposed are one-bedroom units.

Existing Tenants

There are no existing residential tenants in either building and no tenants will be displaced as part of this proposal.

Sustainability

The applicant has not identified any sustainability features associated with this proposal beyond those required by the *British Columbia Building Code*.

Active Transportation

The applicant has not identified any active transportation impacts associated with this application; however, they are proposing to provide both short and long-term bicycle parking in excess of the Zoning Bylaw requirements.

Public Realm

No public realm improvements beyond City standard requirements are proposed in association with this application.

Accessibility

No accessibility improvements are proposed beyond what is required through the *British Columbia Building Code*.

Description of the Historic Place

The W.G. Cameron Building

The W.G. Cameron Building is proposed to be retained, heritage designated, and cosmetically upgraded. The following is a description of the W.G. Cameron Building from the statement of significance:

“Constructed in 1888 by architects Fisher and Wilson, this commercial building is valued for its retention of elements which made it one of the most modern and functional buildings in the City at the time of its construction: an attractive street presence, and well lit interior spaces. Situated next to an alleyway and with a Klondike-era courtyard at rear, it is of value to the commercial core of Victoria’s downtown because it helps to retain and define the infrastructure that supported the period of significant development and growth which occurred during the latter years of the nineteenth century as the city became the economic hub of British Columbia. The practical and appealing design of this building is a valuable reflection on the enterprising success of its first owner, Californian W. G. Cameron, who operated his “Mechanic’s Cash Clothing Store” here until 1911, and went on to become a City alderman, Land Commissioner, and a local MP.”

Character-defining elements include its location on an alleyway allowing for windows on the east façade; the contribution of the exterior brick walls to the Klondike-era courtyard at the rear; the modest scale, its sense of cohesiveness with the other buildings of lower Johnson Street, its intact storefront and cast-iron columns and detailing, its façade, wood windows and interior spaces that support the character of its 1888 design.

The Shotbolt Chemist Building

The Shotbolt Chemist Building is proposed to be demolished. The one-storey remnant of the former two-storey Shotbolt Chemist building does not have a statement of significance. It was designed by architect John Teague and constructed in 1876. It is named after Thomas Shotbolt, Victoria’s first dispensing chemist. The building housed his pharmacy from 1876 until its closure in 1957. The façade was extensively remodelled in 1887/1889 and in the decades after 1957 when the pharmacy closed, the upper storey was completely removed, and the wood storefront assembly replaced. Portions of the masonry sidewall survive, but most of the original character of the building has vanished.

At the rear of the building is a two-storey fireproof warehouse with cast iron rolling shutters. The warehouse was used for storing pharmaceutical supplies. The City added the property to the heritage register in 1990 based on the findings of a 1989 study called the *City of Victoria Downtown Heritage Management Plan*. The study inventoried unrecognized heritage properties in the downtown and categorized them into a high-value A-list and lower-value B-list. The Shotbolt Chemist building was on the B-list, which the report described as consisting of buildings “that

have heritage significance but have suffered alterations”. These properties were not recommended for inclusion on the registry, but the report noted that restoration was a remote possibility, subject to a case-by-case negotiation with the owner based on structural condition and extent of surviving material. Therefore, as the City does not have any other mechanism for recognizing heritage significance, the B-list properties were added to the register.

If the Shotbolt Chemist Building were nominated for heritage designation in its current condition, it would not have sufficient character to justify conservation and designation would not be recommended. In the opinion of staff, a restoration is also not realistic given the minimal surviving historic material and development potential that would be sacrificed to achieve it.

Lower Johnson Street

The subject properties are part of Lower Johnson Street, one of the most intact historic streetscapes in the City. Every building located between Store Street and Government Street has heritage status and 13 buildings survive from the late 1800s. In contrast to the plainly designed historic warehouses of Wharf Street, buildings on Lower Johnson Street have extravagant detailing and colourful facades. Five were originally built as hotels. They form a continuous pattern of architectural detail, including a rich variety of punched windows embellished with hood moulds, arches, keystones and other accents. On the south side of the street, 589 Johnson Street (Shotbolt Building) is the only gap in the pattern.

Data Table

The following data table compares the proposal with the OTD -1 Zone, Old Town District. As noted above the application is consistent with the *Zoning Regulation Bylaw*.

Zoning Criteria	Proposal	Old Town District 1 Zone	Downtown Core Area Plan (2022)
Density (Floor Space Ratio) – maximum	2.27:1	3:1	3:1
Total floor area (m ²) – maximum	2482.21	2736	n/a
Height (m) – maximum	14.67	15	15
Storeys – maximum	5	n/a	5
Setbacks (m) – minimum			
Front	0	n/a	0
Rear	0	n/a	8
Side (east)	0.43	n/a	0
Side (west)	0	n/a	0
Parking – minimum	0	nil	n/a

Zoning Criteria	Proposal	Old Town District 1 Zone	Downtown Core Area Plan (2022)
Bicycle parking stalls – minimum			
Long Term	38	31	n/a
Short Term	11	9	

Community Consultation

Consistent with Council's *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, since this is a Heritage Alteration Permit without any variances, there is no requirement to refer the application for consultation.

ANALYSIS

Official Community Plan: Design Guidelines

The *Official Community Plan, 2012* (OCP) identifies this property within DPA 1, Core Historic (Heritage Conservation). The objectives of this designation are generally to conserve and enhance the heritage value, special character and the significant historic buildings, features and characteristics of this area. To achieve these objectives, proposals are subject to review against the following design guidelines:

- *Downtown Core Area Plan, 2011* (DCAP)
- *Old Town Design Guidelines for New Buildings and Additions to Existing Buildings (2019)* (The "Old Town Design Guidelines")
- *Standards and Guidelines for the Conservation of Historic Places in Canada*.

The proposed conservation and heritage designation of the W.G. Cameron building is consistent with the OCP objectives and policies to ensure heritage buildings are conserved for present and future generations.

The replacement of the Shotbolt Chemist Building is supportable for the reasons outlined above and because more than 50% of the original building has already been demolished, making it an unsuitable candidate for designation.

Downtown Core Area Plan (DCAP 2022)

The existing OTD-1 Zone allows buildings to be built right to the property line, however, the DCAP recommends an 8m rear-yard setback. Additionally, the British Columbia Building Code requires a 1.2m side yard setback where windows or openings are proposed. This application proposes a zero metre rear-yard setback and a 0.43m east side-yard setback with window openings.

The required setbacks are intended to enhance privacy, open views between buildings, permit access to sunlight and provide liveability. Rear yard setbacks are also intended to ensure that one development does not adversely affect the ability for rear-facing neighbours to develop their property. The rear yard DCAP setbacks are furthermore intended to ensure a fair and equitable

development pattern that provides a general level of liveability, regardless of building tenure. With a zero rear-yard setback, future redevelopment of the property to the south is impacted and could result in residents of the subject site losing access to light or even a view of the sky if the neighbour redevelops in a similar fashion. In light of these considerations, the provision of a minimum 5m rear yard setback is strongly recommended to address the issues raised above.

As outlined above, in addition to the requirement for a rear yard setback, a 1.2m side yard setback is required where windows or openings are proposed. The application currently has bedroom windows facing its east property line at a 0.43m setback. While fire-rated windows, sprinklers or shutters could satisfy building code fire separation requirements, based on past experience, the City of Victoria has required no-build covenants on adjacent properties to ensure that liveability objectives are adhered to. However, it is strongly recommended that in this case, either the proposed windows are removed or the building is set back a minimum of 1.2m from the east property line.

The above concerns are covered in the staff recommendation to refer the application back to staff to work with the applicant to address these minimum liveability requirements.

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

The application is consistent with certain aspects of the *Old Town Design Guidelines, (2019)* and this has been achieved through:

- creating a distinct base, body and top to the building, both proportionally and through the use of materials
- reflecting the established proportions, composition and spatial organization of adjacent historic facades with vertically proportioned windows and openings, a formal façade composition and storey divisions at similar heights to adjacent buildings
- defining a distinct roofline and building terminus with a classically inspired, modern cornice and parapet detail
- using vertically proportioned windows and bays
- employing high quality materials such as brick, steel and glass.

Notwithstanding the above, there are elements of the project design that are not consistent with the guidelines and require further consideration and design revisions.

Johnson Street Ground Floor

The *Old Town Design Guidelines, (2019)* call for context sensitive designs that fit with the prevailing scale of buildings and emulate the street rhythm and façade composition of the heritage district. Furthermore, the guidelines emphasize the importance of design detail at the ground floor as this is where pedestrians primarily experience the building.

The proposal utilizes large format commercial windows and proposes to reinstate the heritage columns from the demolished Shotbolt building. However, the structural bay rhythm from the floors above is not continued through to the ground floor, nor does the design achieve the level of design detail or propose recessed entryways called for in the design guidelines, as is reflected in other buildings on Johnson Street. The height of the ground floor is also less than the minimum of 4.5m outlined in the guidelines, with the application proposing heights of 3.8m and 4.2m. Wording has been included in the staff recommendation to direct the applicant toward improving this consistency with the guidelines.

Rear Courtyard and East and West Building Elevations

The rear portion of the building, surrounding the courtyard may also benefit from revisions. The materials and articulation do not have a vertical emphasis nor a structural bay rhythm consistent with the guidelines. In addition, the exterior hallways and railings do not integrate with the overall building design and create a mix of architectural styles that diminish the overall composition.

From a usability perspective, the design of the rear courtyard may also benefit from further reconsideration. The height of the rear portion of the building framing the courtyard will cast deep shadows on the space, virtually year-round, and courtyard size is minimal due to the proposed L-shaped building footprint. It is worth noting that this area is not secured as public space nor is there policy direction to achieve public space in this area.

Alternative massing approaches that place the density of the proposed building behind the courtyard into a setback sixth floor are achievable, but would result in a height variance. This alternative layout would result in an improved courtyard that better aligns with policies for heritage preservation and context sensitive design. Wording has been provided in the motion should council wish to ask the applicant to pursue this redistribution of massing to improve the rear courtyard and the proposal's overall consistency with the design guidelines.

Standards and Guidelines for the Conservation of Historic Places in Canada

The proposed conservation strategy for the W.G. Cameron building is consistent with all relevant sections of the *Standards and Guidelines for the Conservation of Historic Places in Canada*.

Section 4.1.5 - Visual Relationships contains some guidelines for interventions to cultural landscapes, including historic districts. The proposed new building is generally consistent with guideline 15, which recommends designing a new feature that *"respects the historic visual relationships in the cultural landscape. This can include matching established proportions and densities, such as maintaining the overall ratio of open space to building mass in an urban heritage district when designing an infill building."* The massing and density of the project conform to this guideline.

Heritage Advisory Panel

The application was reviewed by the Heritage Advisory Panel on December 14, 2021. At that meeting the following motion was passed:

"That the Heritage Advisory Panel recommend to Council that Heritage Alteration Permit Application No. 00248 and Development Permit Application No. 000608 for 579-589 Johnson Street does not sufficiently meet the applicable design guidelines and polices and should be declined. Key areas to be revised include:

- Form and massing is seen as supportable.*
- Design approach to front façade is not seen as supportable and is contrary to significant elements of the design of the Old Town Design Guidelines.*
- The roofline of the building is not distinctly terminated.*
- Design new buildings to reflect the established proportions, composition, and spatial organization of adjacent facades.*
- The location of the Johnson Street entries should be reconsidered.*
- The majority of the glazing assembly should be flush with the property line, with columns integrated into the assembly and inset doors.*

- *The façade does not have a clear delineation into base/middle/top, and the façade lacks solidity.*
- *Re-examine the size proportion and rhythm of proposed windows.*
- *The panel questions the appropriateness of the balconies and the screen treatment along Johnson Street and suggests there could be more appropriate solutions that better meet the guidelines.*
- *The façade does not incorporate recessed entryways with unique designs and finishes like transom windows, trim details or attractive finishing materials on entryway flooring.*
- *The exterior materials of the front façade and rear portion of the building do not reflect local heritage palettes.”*

Since the December 14, 2021, meeting, the applicant has made changes which are detailed throughout this report and summarized below. There is no requirement for the applicant to present these changes back to the Heritage Advisory Panel, however, at the panel’s meeting to consider the heritage designation of the W.G. Cameron Building on July 12, 2022, the panel expressed an interest in reviewing the changes. Council may, at their discretion, refer the application back to the Panel.

The Panel also considered the proposed demolition of the Shotbolt Building on July 12, 2022 and expressed support for the proposal (see Attachment G).

Advisory Design Panel Review

The application was reviewed by the Advisory Design Panel on December 15, 2021. At that meeting, the following motion was passed:

“That Heritage Alteration Permit Application No. 00248 and Development Permit Application No. 000608 for 579- 589 Johnson Street does not sufficiently meet the applicable design guidelines and polices and should be declined (and that the key areas that should be revised include:)

- *Roofline along Johnson Street should be more distinct through further consideration of the building having a base middle and top.*
- *Reconsideration of the integration of existing columns and more distinct entries to the CRUs*
- *Further resolution of the openings of the façade to better meet the rhythm of the street in a more structured application*
- *Consider other forms of outdoor access along Johnson Street, other than cantilevered balconies*
- *Reconsideration of the appropriateness of the screen element. Ensuring high quality materials for the project including the rear part of the building accessed from the laneway*
- *Consider improvements to the north elevation accessing natural light”*

In response to both the ADP and HAP motions, the applicant has re-designed the front façade. Previously, a faux-wood screen was proposed with irregular apertures in a wave like pattern. This has been removed and replaced with the arranged, contemporary interpretation of a structural bay layout. The new frontage includes cast glass columns intended to help tell the story and pay homage to the Shotbolt building’s past as one of the first pharmacies and chemists during the Gold Rush era.

While the proposed frontage changes are generally more consistent with the design guidelines, the aforementioned lack of rear-yard setback and other inconsistencies with design guidelines

referenced in this report have motivated the staff recommendation to refer the application to staff to seek further design revisions.

Tree Preservation Bylaw and Urban Forest Master Plan

There are no existing trees impacted by the project. The proposal triggers the requirement to meet the five tree minimum on the site as outlined in the *Tree Protection Bylaw 21-035*. Due to the heritage status, construction logistics and site constraints, a cash-in-lieu compensation for the tree deficit is recommended as reasonable. There are no municipal trees being removed or planted.

It will be a condition of the Building Permit to apply and acquire a Tree Permit to meet the tree minimum before the end of construction. The cost is \$2000 per tree for each tree that cannot be accommodated, to be placed in the Tree Reserve, therefore, the total cash-in-lieu value is anticipated to be \$10,000.

Encroachment Agreement

Existing decorative features on the W.G. Cameron Building and the street-level canopy on the proposed new building project above the City Right-of-Way on Johnson Street. Canopies are encouraged in the applicable design guidelines to provide pedestrian weather protection and welcoming streetscapes. The preservation of existing historic building features is also promoted within City policies. In order to facilitate these canopies and to rectify the existing historic encroachments, the applicant is required to enter into an Encroachment Agreement with the City. Appropriate wording is included in the alternative recommendation, should Council wish to approve this application.

CONCLUSIONS

There are aspects of the proposal that advance City objectives for market rental housing and that are consistent with the design guidelines. However, minimum and required setbacks are not achieved with the proposal. These setbacks are intended to ensure a fair and equitable development pattern and to provide a general level of liveability, regardless of building tenure. Additionally, revisions to the design are recommended to improve the applications consistency with the applicable design guidelines. This includes changes to the ground floor height and level of detail, changes to the rear courtyard composition and the courtyard facing elevations. The staff recommendation is therefore to refer the application back to staff to work with the applicant to seek design revisions that address the issues raised.

ALTERNATE MOTIONS

Option One – Decline

That Council decline Heritage Alteration Permit Application No. 000248 for the property located at 579-589 Johnson Street.

Option Two – Advance Application

1. That Council authorize removal of 589 Johnson Street (Shotbolt Building) from the Heritage Registry

2. That, subject to consolidation of 579 and 589 Johnson Street into a single property, plan revisions providing a minimum 5m rear yard setback, removal of east windows in the east elevation or provision of a 1.2m setback, confirmation of an easement over PID: 001-760-611, Lot 172 Victoria City Plan 184 in favour of 589 Johnson to grant exiting access to the satisfaction of the City Solicitor, and heritage designation of the W.G. Cameron Building at 579 Johnson Street, that Council authorize the issuance of the Heritage Alteration Permit Application No. 00248 for 579-589 Johnson Street generally in accordance with:
 - i. Plans date stamped April 27, 2022
 - ii. Development meeting all *Zoning Regulation Bylaw* requirements
 - iii. Registration of a Housing Agreement to secure the proposed residential units as rental for the longer of 60 years or the life of the building to the satisfaction of the City Solicitor
 - iv. That the Heritage Alteration Permit, if issued, lapses in two years from the date of this resolution.
3. That Council authorize the projecting encroachments over the City Right-of-Way on Johnson Street, generally as shown on the plans submitted to the City and date stamped April 27, 2022, provided that the applicant enters into an encroachment agreement with form and contents satisfactory to the Director of Engineering and Public Works and the City Solicitor.

Respectfully submitted,

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Senior Heritage Planner
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Karen Hoes, Director
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Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped April 27, 2022 (Deemed March 9, 2022)
- Attachment D: Letter from applicant to Mayor and Council dated August 31, 2022
- Attachment E: Heritage Advisory Panel minutes, dated December 14, 2021
- Attachment F: Advisory Design Panel minutes, dated December 15, 2021
- Attachment G: Heritage Advisory Panel minutes, dated July 12, 2022.