



Committee of the Whole Report For the Meeting of November 9, 2023

To: Committee of the Whole **Date:** September 28, 2023
From: Karen Hoese, Director, Sustainable Planning and Community Development
Subject: Proposed Lewis Street Heritage Conservation Area and OCP Amendment

RECOMMENDATION

That Council:

1. Give first reading to the Official Community Plan Bylaw, Amendment Bylaw (No. 48) 23-021.
2. Consider the Official Community Plan Bylaw, Amendment Bylaw (No. 48) 23-021 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. 48) 23-021.
3. Give second reading to the Official Community Plan Bylaw, Amendment Bylaw (No. 48) 23-021.
4. Refer Official Community Plan Bylaw, Amendment Bylaw (No. 48) 23-021 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 Lewis 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. 48) 23-021 and the draft Lewis Street Heritage Conservation Area Guidelines, (February 2023) 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 Lewis Street Heritage Conservation Area with mailed copies of each of the guidelines (February 2023), 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. 48) 23-021 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. 48) 23-021 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 Lewis Street Heritage Conservation Area Guidelines (2023) and refer them to the meeting of Council at which the public hearing for Official Community Plan Bylaw, Amendment Bylaw (No. 48) 23-021 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. 48) 23-021 is approved following the public hearing:
 - a) Add the following properties listed as contributing properties shown in the Lewis Street Heritage Conservation Area Guidelines (2023) on page 10 to the City of Victoria Register of Heritage Properties:
 - i. 19 Lewis Street
 - ii. 20 Lewis Street
 - iii. 24/26 Lewis Street
 - iv. 35 Lewis Street
 - v. 38 Lewis Street
 - vi. 67 Lewis Street.

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 Lewis 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 Lewis Street Heritage Conservation Area Guidelines (See Attachment C: Draft Lewis 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 Lewis Street as an HCA is consistent with the *Citizen-led Heritage Conservation Areas Policy*, and it has sufficient shared 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 *James Bay Neighbourhood Plan, 1993* which encourages the designation of HCAs.

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 February 14, 2023 meeting and recommended that Council approve the guidelines and the HCA. Panel members suggested that staff include clear references to original materials in the Statement of Significance and ensure that the proposed permit exemptions are suitable for the area.

BACKGROUND

Description of Proposal

In 2019, a local resident nominated Lewis 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 December 9, 2021:

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 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 Lewis Street to determine its level of historical integrity and contribution to shared character and values on the street. Based on these assessments and the research, staff have concluded that the area is eligible to be designated as an HCA.

The proposed Lewis Street HCA is located in the James Bay Neighbourhood. It includes a collection of 15 one-storey to two-and-a-half-storey houses, the majority of which were constructed in the first three decades of the 20th century in popular styles of the time, including Queen Anne, Colonial Bungalow and Arts and Crafts.

The draft guidelines were sent to area residents for review in advance of an in-person meeting on April 15, 2023. Neighbourhood residents had no substantive comments on the draft and were largely in support of the proposal.

If an HCA is approved for Lewis 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 Lewis 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.

Infill Housing

The draft Lewis 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 and Urban Residential Urban Place designations. In fact, many of the existing "single-family homes" on the street already contain multiple households. For example, the heritage designated house at 39 Lewis Street includes seven rental rooms, and numerous other homes on the street have been converted into multiple units or contain secondary suites. The guidelines anticipate further intensification and highlight the potential for purpose-built multi-unit housing to be created on the street.

The majority of the proposed Lewis Street Heritage Conservation Area is also located in Development Permit Area 15F: Missing Middle Housing. The regulations for both the HCA and DPA would apply to those lots, and it is possible for Missing Middle development to occur within the HCA while complying with both sets of regulations and guidelines, either through the conversion of heritage properties or the replacement of non-heritage properties with houseplexes or townhomes.

The apartment parking lot located at the northwestern end of the proposed HCA has been included to ensure that any infill development on the lot is sensitive to the heritage context. Inclusion within this HCA does not limit the development potential of the lot.

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 Lewis Street HCA:

- a) Exterior alterations to non-contributing properties
- b) Demolition of non-contributing properties
- c) Interior renovations
- d) Exterior painting
- e) Roof replacement using similar materials
- f) Rear deck construction
- g) 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
- h) On lots with a single street frontage, garden suites 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)
- i) Landscaping alterations to features not identified as character-defining elements
- j) Replacement of eaves troughs, downspouts and exterior lighting
- k) 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
- l) 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
- m) Sustainability upgrades that do not affect the appearance of buildings from the street
- n) Interior insulation
- o) Envelope air sealing (e.g. weather-stripping)
- p) Mechanical system upgrades (including those with exterior equipment such as heat pumps and air conditioning units) that do not affect the appearance of buildings from the street.

Under the draft HCA bylaw (Attachment E: Official Community Plan Bylaw, Amendment Bylaw (No. 48) 23-021), 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 “contributing” buildings 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 Lewis Street is consistent with the *OCP*, Section 8 – Placemaking (Urban Design and Heritage). It directs the City to identify, celebrate and retain heritage and cultural values, and 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 HCAs 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 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, garden suites, duplexes and low-rise multi-family (multi-unit) buildings. Enabling these housing forms on Lewis Street helps the City to meet its housing objectives and ensure that the neighbourhood can evolve to meet a proportion of overall housing demand.

James Bay Neighbourhood Plan

The designation of Lewis Street as an HCA is consistent with the James Bay Neighbourhood Plan, which in the section entitled, “Heritage Preservation” states:

Goals & Objectives

1. Encourage the conservation and rehabilitation of buildings, lands and structures of heritage significance which contribute to the neighbourhood’s attractive character.
2. Encourage retention of clusters of heritage houses, including streetscapes.

Policies and Recommendations

3. Recognize areas where there are existing heritage and character buildings.

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 Lewis Street. Research indicates that houses on the street share common heritage value in their association with the subdivision and development of James Bay over time. A majority have a cohesive heritage character, embodied in the consistent setbacks, massing, asymmetrical façade composition and relationship with the street. 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 Lewis Street with consistent massing, setback and style characteristics (see Attachment D: Photographs of existing buildings on the street). The properties were created through two subdivision phases in the 1890s and 1911 of the Lewis estate and the Gladys Villa estate respectively, which had previously replaced the Hudson's Bay Company's Beckley Farm.

Of the fourteen properties with fifteen homes included in the proposed area, ten properties were constructed during the period of significance from 1890-1930 and retain a number of shared characteristics and are therefore heritage properties under the proposed HCA. Four of these ten are already designated and the remaining six will be added to the Heritage Register. Of the remaining five homes, three homes were constructed after the period of significance and a further two properties have been substantially altered so that few original features remain. .

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 9.

Engagement with Affected Owners

Staff and the nominator organized a meeting on June 25, 2020 for all property owners in the potential HCA. Staff provided information about HCAs in the meeting. Residents were mailed a survey about the proposed HCA in August 2020. Ten homeowners responded, of whom seven were supportive, two were opposed and one was undecided. The Lewis Street HCA nomination that the applicant submitted also included letters of support from residents on the street. The nominator spoke to owners in March 2023 and reported that the majority expressed support. In April 2023, staff posted a copy of the draft guidelines to the City website and mailed copies of the draft Lewis Street Heritage Conservation Area Plan to all property owners and invited them to a consultation meeting on Saturday, April 15, 2023. Approximately six residents attended the meeting. Residents were largely satisfied with the plan and none expressed significant concerns with the document.

Affected property owners were mailed a copy of the draft OCP Amendment Bylaw and asked to provide comments in early July 2023 with a deadline of August 4, 2023. Eight comments were received. Of those, seven were in support of the designation of Lewis Street as an HCA and one was opposed on the grounds they believe property owners should not be limited in what they can do with their property.

Heritage Advisory Panel

The Heritage Advisory Panel reviewed the nomination at its February 14, 2023 meeting and made the following motion (see Attachment F: Heritage Advisory Panel Minutes, February 14, 2023):

1. That Council approve the designation of the portion of Lewis Street shown in the draft Lewis 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 Lewis Street Heritage Conservation Area Guidelines as presented.

Panel members made the following additional suggestions:

- Make clear reference to original materials in the Statement of Significance, particularly wood windows.
- Ensure permit exemptions do not inadvertently cause damage to character-defining elements through lack of oversight.

In response, staff added wood windows specifically to the character-defining elements section of the Statement of Significance and reviewed the permit exemption section, clarifying language as necessary.

OPTIONS AND IMPACTS

Alternate Motion

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

Accessibility Impact Statement

The existing heritage houses on Lewis Street are one to two-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 infill development and the guidelines do not require new buildings to have elevated first storeys. New buildings on Lewis Street could be designed as adaptable or accessible units.

2023-2026 Strategic Plan

Designation of Lewis Street as an HCA supports the Council priorities of climate action and environmental stewardship, housing, and economic health and community vitality in the Strategic Plan.

Impacts to Financial Plan

Establishing Lewis 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 area along Lewis Street is relatively small, 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 Lewis 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 Lewis 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 *James Bay Neighbourhood Plan* policy to consider Heritage Conservation Areas where heritage merit exists. The draft Lewis 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
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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: Draft Lewis Street Heritage Conservation Area Guidelines
- Attachment D: Photographs of existing buildings on the street
- Attachment E: Official Community Plan Bylaw, Amendment Bylaw (No. 48) 23-021
- Attachment F: Heritage Advisory Panel Minutes, February 14, 2023
- Attachment G: Correspondence