



## Council Report For the Meeting of July 11, 2024

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**To:** Council **Date:** July 3, 2024  
**From:** C. Kingsley, City Clerk  
**Subject:** 515 Foul Bay Road: Heritage Designation Application No. 00163

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### RECOMMENDATION

That the following bylaw be given first and second readings:

1. Heritage Designation (515 Foul Bay Road) Bylaw, No. 24-039

### BACKGROUND

Attached for Council's initial consideration is a copy of the proposed Bylaw No. 24-039.

The issue came before Council on May 9, 2024 where the following resolution was approved:

**515 Foul Bay Road: Rezoning Application No. 00807, Development Permit with Variances Application No. 00255 and Heritage Designation Application No. 00163 (Fairfield)**

#### ***Rezoning Application***

1. *That Council instruct the Director of Sustainable Planning and Community Development to prepare the necessary Zoning Regulation Bylaw amendment that would authorize the proposed development outlined in the staff reports dated October 10, 2023 and April 3, 2024 for 515 Foul Bay Road.*
2. *That, after publication of notification in accordance with section 467 of the Local Government Act, first, second and third reading of the zoning regulation bylaw amendment be considered by Council.*
3. *That following the third reading of the zoning amendment bylaw, the applicant prepare and execute legal agreements securing the following, with form satisfactory to the City Solicitor prior to adoption of the bylaw:*
  - a. *provision of a 1.6m wide statutory right-of-way for highway purposes along the Foul Bay Road frontage, with terms to the satisfaction of the Director of Engineering and Public Works*
  - b. *provision of a detailed design, supply and installation of a new Rectangular Rapid Flashing Beacon (RRFB) pedestrian crossing of Foul Bay Road at its intersection with Chandler Avenue, including a curb extension at the west side of Foul Bay Road, wheelchair ramps, tactile indicators and all associated infrastructure, to the satisfaction of the Director of Engineering and Public Works*

- c. *protection, restoration and maintenance of the existing greenspace with a site area of approximately 1,468 m<sup>2</sup> in accordance with the plans date stamped by Planning on February 26, 2024, which includes provision of a bee colony in the conservation area for a period of at least two years and ensuring that design and construction in the area follows the recommendations in the February 23, 2024 arborist report from Gye & Associates to minimize impacts to trees, to the satisfaction of the Director of Parks, Recreation and Facilities*
  - d. *a minimum of five units in the existing multiple dwelling as rental units for the life of the building as outlined in the report dated April 3, 2024, with contents satisfactory to the Director of Sustainable Planning and Community Development*
  - e. *provision of no less than one adaptable unit, in accordance with the standards in the British Columbia Building Code and BC's Building Accessibility Handbook, to the satisfaction of the Director of Sustainable Planning and Community Development; and*
  - f. *provision of transportation demand management measures, to the satisfaction of the Director of Engineering and Public Works, including:*
    - i. *two over-sized long-term bicycle parking spaces;*
    - ii. *50% of required long-term bicycle parking with access to an electrical outlet;*
    - iii. *bicycle wash and maintenance facility.*
4. *That adoption of the zoning bylaw amendment will not take place until:*
- a. *third reading of an associated heritage designation bylaw to designate the property known as 515 Foul Bay Road, as described in the Statement of Significance attached as Attachment F, pursuant to Section 611 of the Local Government Act, to the satisfaction of the Director of Sustainable Planning and Community Development,*
  - b. *all of the required legal agreements that are registrable in the Land Title Office have been so registered to the satisfaction of the City Solicitor.*
5. *That the above Recommendations be adopted on the condition that they create no legal rights for the applicant or any other person, or obligation on the part of the City or its officials, and any expenditure of funds is at the risk of the person making the expenditure.*

### **Development Permit with Variances Application**

*That Council, after giving notice, consider the following motion:*

- 1. *That subject to the adoption of the necessary Zoning Regulation Bylaw amendment, Council authorize the issuance of Development Permit with Variances No. 00255 for 515 Foul Bay Road, by plans submitted to the Planning department and date stamped by Planning on February 26, 2024, in accordance with the following:*
  - a. *Subject to submission of revised plans to align architectural site plans and landscape plans, to the satisfaction of the Director of Sustainable Planning and Community Development.*
  - b. *Subject to the proposed development meeting all City zoning and subdivision and development servicing bylaw requirements, except for the following variances:*
    - i. *reduce minimum front yard setback from 6.00m to 0.41m*
    - ii. *reduce minimum side yard setback (north) from 4.00m to 3.08m*
    - iii. *increase maximum eave projection from 0.75m to 0.79m*
    - iv. *permit vehicle parking in the front yard*
    - v. *reduce short-term bicycle storage from 18 spaces to 10 spaces*
    - vi. *increase maximum drive aisle slope from 8.00% to 11.36%*

- vii. *reduce minimum two-way drive aisle width from 6.00m to 4.00m*
    - viii. *increase maximum accessory building height from 3.50m to 4.00m*
    - ix. *permit above-ground electrical, telecommunication and cable television services.*
  - c. *That pursuant to section 512(2) of the Local Government Act, Council exempts the existing property at 515 Foul Bay Road as well as the new proposed lot to be created by subdivision, as generally shown in the plans submitted to the Planning department and date stamped by Planning on February 26, 2024 from the minimum frontage requirements of section 512(1) at the time of subdivision.*
2. *That the Development Permit with Variances, if issued, expires two years from the date of this resolution.*

**Heritage Designation Application No. 000163**

*That Council:*

1. *Instruct staff to prepare a heritage designation bylaw to designate the property at 515 Foul Bay Road, that first and second reading of the bylaw be considered by Council and that a Public Hearing date be set.*
2. *Approve the Statement of Significance for 515 Foul Bay Road attached as Attachment F to this report recognizing the building exterior as the historic features of the property.*

Respectfully submitted,

Curt Kingsley  
City Clerk

**Report accepted and recommended by the City Manager**

**List of Attachments:**

- Bylaw No. 24-039

## HERITAGE DESIGNATION (515 FOUL BAY ROAD) BYLAW

### A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to designate the exterior of the building at 515 Foul Bay Road as protected heritage property.

#### Contents

- 1 Title
- 2 Definitions
- 3 Designation
- 4 Commencement

Whereas the owner of 515 Foul Bay Road has consented to heritage designate the exterior of the heritage building on the property and has waived their right to compensation for such heritage designation.

Now therefore under its statutory powers, including section 611 of the *Local Government Act*, the Council of the Corporation of the City of Victoria in an open meeting assembled enacts the following provisions:

#### Title

- 1 This Bylaw may be cited as the “Heritage Designation (515 Foul Bay Road) Bylaw”.

#### Definitions

- 2 In this Bylaw:
  - (a) “**Building**” means the heritage structure located on the Lands on the date that this Bylaw is adopted, and as shown on Schedule A attached hereto;
  - (b) “**Lands**” means the parcel of land situate in Victoria with the civic address 515 Foul Bay Road and as legally described as PID 030-899-630, LOT 1 SECTION 68 VICTORIA DISTRICT PLAN EPP75653, and includes any parcel into which such land is consolidated or further subdivided (including a subdivision pursuant to the *Land Title Act* and a subdivision pursuant to the *Strata Property Act*).

#### Designation

- 3 The exterior of the Building, as described in the Statement of Significance on file with the City from 2017 and attached to this Bylaw at Schedule A, is designated protected heritage real property.

#### Commencement

- 4 This Bylaw comes into force on adoption.

READ A FIRST TIME the	day of	2024
READ A SECOND TIME the	day of	2024
PUBLIC HEARING on the	day of	2024
READ A THIRD TIME the	day of	2024
ADOPTED on the	day of	2024

CITY CLERK

MAYOR

# Statement of Significance

## 515 Foul Bay Road

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### Description of Historic Place

515 Foul Bay Road, built in 1910, is a 2.5 storey house located in the Gonzales neighbourhood of Victoria. Designed by the notable local architect Samuel Maclure, in the British Arts and Crafts Style, it features numerous box bays, a hipped roof, fieldstone cladding on the foundation.

### Heritage Value

The heritage value of 515 Foul Bay Rd., lies with its connection to Samuel Maclure who was one of the preeminent architects in British Columbia during the late 18<sup>th</sup> and early 19<sup>th</sup> centuries. Maclure began working as an architect in 1887 in New Westminster and with his partner, Charles Henry Clow, he designed the Royal Columbian Hospital as well as several residences. In 1892 he moved to Victoria and established a solo practice where he designed the Temple Building, the residence named Ruhebuhne and the BMO Manager's residence in Vernon, BC. He worked with F.M. Rattenbury on the Lieutenant-Governor's home and his greatest achievement came in 1907, when he received the commission to build Hatley Park for James and Laura Dunsmuir. Built in 1910, 515 Foul Bay marks a transition from Maclure's earlier use of the Prairie and Queen Anne Styles in residential architecture to his use of the British Arts and Crafts Style. With a new partner, Cecil Fox, Maclure emerged as the foremost architect in the province, and from 1905-15 his Vancouver office alone recorded over 60 major commissions. Maclure continued to design splendid buildings and residences until his death in 1929, and his practice closed shortly after due in part to the Great Depression.

515 Foul Bay was built for Edwin M. and Bertha Tracksell who resided there until 1916 or 1917. From 1919 to 1923, the Hon. John Wallace DeBeque Farris and his family lived there. Farris moved to the West Coast to become a city prosecutor and later, a Liberal MLA for Vancouver from 1916-24, the BC Attorney-General and Minister of Labour from 1918-21. In his political career he served as Senator and President of the Canadian Bar Association. Farris' wife, Evelyn, founded the University Women's Club of Vancouver in 1907 and was a member of the senate and board of governors at the University of BC for 30 years. Other past residents included a Minister of Public Works and Railways and a Lieutenant Colonel of the Canadian military.

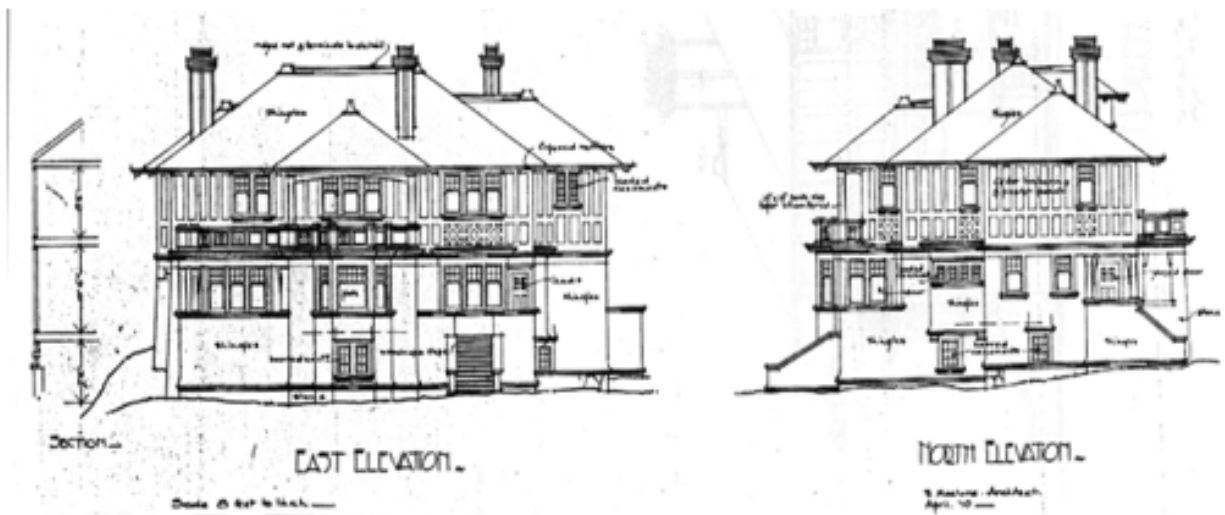
## Heritage Character Defining Elements

Key elements that express the heritage value of 515 Foul Bay Rd. include:

- designed by notable local architect Samuel Maclure
- location on original grounds in the Gonzales neighbourhood of Victoria
- form, scale and massing

Key elements that define the heritage character of the building's exterior include:

- projected half-timbered upper storey over stone-clad lower storey
- hipped roof
- open eaves with exposed rafter tails
- rubble fieldstone cladding with irregular granite quoins
- two-storey angled bay superimposed on a box bay on the south façade
- two lower level box bays on the south façade
- multi-level balustraded porches
- hipped dormer on north façade
- cantilevered box bay on the north façade
- 6-over-1 double hung sash windows



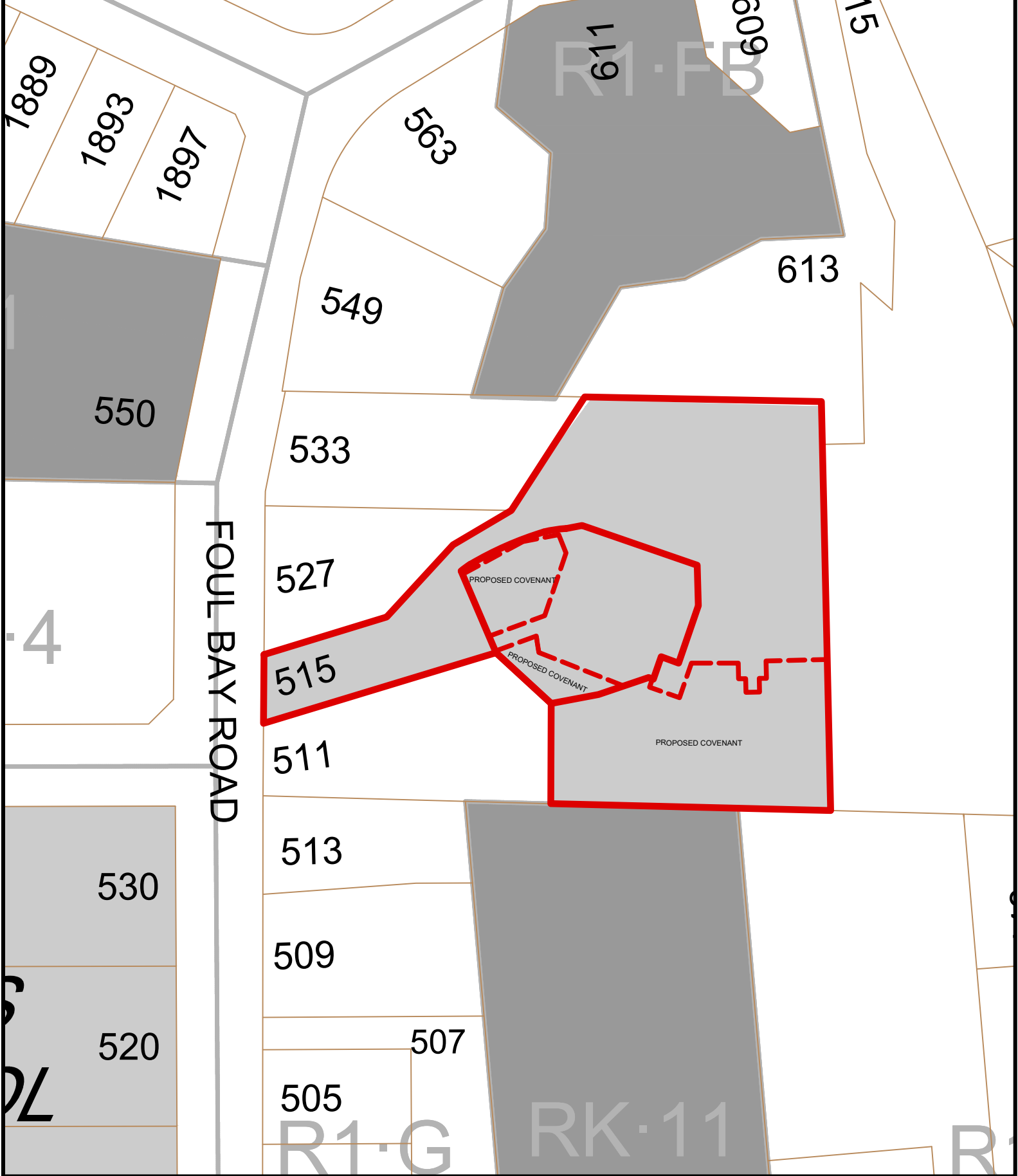
515 FOUL BAY ROAD



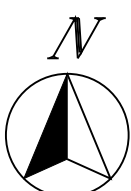


515 FOUL BAY ROAD





515 Foul Bay road  
 Rezoning #00807



Designated
  Registered



**F.1 Bylaw for 515 Foul Bay Road: Heritage Designation Application No. 00163**

Moved and Seconded:

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

1. Heritage Designation (515 Foul Bay Road) Bylaw No. 24-039

**CARRIED UNANIMOUSLY**

DRAFT