

From: Dan Cox [REDACTED]
Sent: Monday, March 06, 2017 4:12 PM
To: Victoria Mayor and Council
Cc: Adrian Brett
Subject: 952/1400 Vancouver Street Heritage Registry
Attachments: 1400 Vancouver Street Heritage Designation.pdf

Dear Mayor and Council:

We also attach a previous letter we sent dated September 20th, 2016. Along with the attached letter we sent another letter to each councillor extending an invitation to view the property in question in person. We have also extended an invitation to City Staff to view the property.

The second letter received two responses. One was a form letter saying this matter would be attended to as soon as possible, and the other letter was a 'thanks, but no thanks' letter.

We are curious as to why City Council feels it has the ability to make a decision on this property without anyone having walked through it, or having anyone send a staff member to see it and report on it?

This property is a very, very valuable site for potential housing. We mentioned in the first letter the difficulties facing many seemingly available development sites because of clay deposits and other geo-tech problems in the downtown core. Doing anything to take such a site off out of the housing market should only be done for something of exceptional value. Trading off this potential for a building of little heritage value is not reasonable.

One reason why this is of questionable heritage value is Mid Century Modern styling is a non-indigenous architectural style that is beautiful in single family homes, but it is not so beautiful in commercial buildings. In California, from where it comes, many Mid Century classic homes are being restored. Almost no Mid Century commercial buildings are being restored. Most have been ploughed under.

The style does not work for modern commercial uses. This is mostly because Mid Century architecture has low-slung ceilings. There are a number of places in the Funeral Home one can touch the ceiling easily. The City's redevelopment guidelines strongly encourage high ceilings for ground floor commercial – as high as 15'. This is because the City recognizes low ceilings are nearly not rentable.

In addition, while this is an example of that style of architecture it misses the most salient feature of it - large windows. Mid-Century features plate glass windows, exposed beams, and lots of light. Because it was designed as a Funeral Home it lacks large windows, and lacks internal light. Its only real architectural feature is its roofline. Despite it being a certain style of architecture, in fact other than the roofline it has not much architectural value.

Some of the ideas being pursued, or have been pursued, for this site include:

1. A site for a major educational institution to build a downtown campus.
2. A site for a major performing arts centre, with an education component, and a housing development above.
3. A 300 unit rental building, (including the two sites directly adjacent on Pandora Ave).

We're mentioning these because these are the potential uses of the site. If any one of these uses could be realized does anyone here think preserving the building as it is, would be more a valuable option?

I strongly urge you to not place this property on a Heritage Registry. It is not a good enough example of its style to preserve. This site being developed adds far more to Victoria than does keeping it as a nearly unusable building.

Thank you for your consideration of this matter.

Sincerely

Steven and Daniel Cox

Daniel and Steven Cox
c/o #301 - 1025 Meares St.
Victoria, BC. V8V 3J7

City of Victoria

September 20th, 2016

Dear Mayor, and Council,

Please accept this letter with regards to the McCall Brothers Funeral Home heritage Designation, located at 1400 Vancouver Street.

We understand how important heritage is to a City such as Victoria. However, we would like to take exception to this particular building being designated as a heritage building for the following reasons:

First, while it is an example of Mid-Century modern architecture, by itself that is not significant – to Victoria. Mid-Century Modern is a style of architecture that came out of California and was popularized by a builder called Joseph Eichler. It is a beautiful style and continues on to this day. However, its principal value was for houses, not commercial buildings. This style of housing brought architectural design to the masses. It re-designed the bungalow. Many of Eichler's homes today have been preserved and still fetch very high prices. Yet very few of the commercial examples of this style are still being used; most have been torn down, and for good reasons.

Most significantly, this style is not indigenous to Victoria. It is beautiful, but it does not translate well to our 'wet' coast climate, with its flat wood roof features, with little or no insulation, and large panels of glass. It is California, not West Coast, or early Victoria. Taking extraordinary measures to save this property is like preserving a memorial to the Beach Boys in Victoria.

One of the characteristics of Mid Century Modern is to have very low ceilings. Ceilings are low and flat. Many Eichler homes have portions of the ceilings that are barely above door height. In a home usually you can work around this, but not in a commercial building. If you walk into the Funeral Home, in the lobby, there is a portion of the ceiling that can be reached and touched with one's hand. A tall person would likely feel the need to duck as he walked under. The main hallway leading to the various offices likewise has approximately a 7' ceiling height. In our current modern urban lifestyle retail spaces with very low ceiling heights are, more or less, not rentable. The modern, urban design demands height and openness, with exposed concrete, often with some sort of natural feature, especially wood, set as a counterpoint to concrete. The City of Victoria itself, when taking a project through the design process, is forcing developers to have high ceilings in the commercial spaces as it recognizes the importance of viable commercial space to keep downtown vibrant and busy.

The building itself, apart from its anachronistic features, has some shortcomings. It has been specifically designed to be a funeral home. In order for that to work there have to be many separate areas. This was done so the McCall Brothers could have more than one service being held with grieving families not having to pass by one another. Consequently, it is somewhat labyrinthine. We still find ourselves occasionally walking down the wrong hallway, or having trouble finding the staircase leading upstairs depending upon where we are in the building. It is very chopped up and has no obvious current commercial use.

It has many rooms with very little light, even ambient light, as they have no windows and are not even close to one. Typically this is not a feature of Mid-Century Modern, but this building for some unknown reason was built with few windows. Part if it is understandable. Things go on in a Funeral Home that are not made public. But, the bulk of this building is without windows or light. And, since the building is about 100' deep, opening access to light will be nearly impossible.

The floor in the main vestibule area was once a driveway. It rises and falls. It would need to be jack hammered out and lowered by a foot in order to make it work. That is not insurmountable, but until you do it, you can't be certain what you will be left with. Alternatively, one could raise the floor to level it, but then we again we would be faced with unusually low ceilings.

The land itself is very valuable for housing. Victoria has a lot of junky small buildings that could be torn down and re-developed. But, much of Victoria has geo-tech problems. Many of these sites will never be built on. This is one site with good geo-tech issues, and therefore has a solid basis to build a high-rise. If you wish to have a vibrant population living downtown taking one of the sites with the best geo-tech factors off the market might not be wise.

In order to save a building, there has to be a reasonable chance for it to still be used in some manner. We are searching for a use for this building but at this point we are not sure there is one. Should we find the right tenant, should we discover a use, it might make sense to keep it as it is, but even then we think housing rentals is more important than preserving an interesting building of questionable historical or useful value.

Our current plan is to build a rental building on this site, as rentals are our main focus. We think this is the highest and best use for the site.

This site is, in our opinion, much more valuable to the City of Victoria housing two hundred renters than it is being used as a preservation site for an unusable, non-indigenous style of architecture.

However, we understand why a City might want to preserve certain pieces of architecture. To this end we are offering the building to the City. You may take it from us. We will donate it to you – free of charge. You can purchase a piece of land somewhere and put the building on that site. Alternatively, if you own a piece of land somewhere where we could build rentals, we would trade you.

Thank you for your consideration of this matter.

Sincerely

A handwritten signature in black ink, appearing to read 'Steven Cox', with a stylized, cursive script.

Steven Cox

A handwritten signature in black ink, appearing to read 'Daniel Cox', with a stylized, cursive script.

Daniel Cox

March 02, 2017

Her Worship Mayor Lisa Helps and Councillors
Corporation of the City of Victoria
1 Centennial Square
Victoria, B.C. V8W 1P6

MAYOR'S OFFICE

MAR 06 2017

VICTORIA, B.C.

RE: 735 Queens – Proposed for Heritage Register

The property at 735 Queens is being considered by Council on March 09, 2017 for listing on the City's Register of Heritage Properties. This property has been identified for the list, but does not reside within a Heritage Conservation area. It is understood the Heritage Registry is a tool to manage the community's heritage assets but does not restrict the owner should they have future plans for their property.

The owner of 735 Queens does have immediate plans for this property. They have been working with the City, the community and local housing societies to come forward with a plan for Workforce housing on this site. In the midst of this planning, the owner of the adjacent commercial property (shown in blue), who also owns the parking lot at 736 Princess, has asked the owner of 735 Queens to consider a land swap – 735 Queens for 736 Princess.

The rationale being, if 'swapped', parking for the commercial tenants would be adjacent the building it serves and the Workforce housing would be in a more desirable location. Since both parcels are identical size/shape there is no impact to each owners' plan for their properties.



In consultation with the City's Planning department, they agree contiguous parking for a commercial building is better for the City's long term objectives and it creates more valuable, appropriate land use on that entire corner. Planning staff also believe 736 Princess is a better

site for Workforce housing. The building would have southern exposure and 'look' towards downtown creating a brighter more connected feeling for tenants. As well, Planning staff feel this new location would diversify housing types throughout the urban core.

In anticipation of a proposal for Workforce housing coming forward to Council, and knowing this building had been identified for Heritage Registry, the owner had approached Nickel Bros House Movers to see if they could salvage or sell the house. Their response is below:

Jim Connelly [REDACTED]

To [REDACTED]

To whomever it may concern,

We have been asked to access the building at 735 Oueens St, and have determined that the building simply does not have the value or condition for removal.

Thanks again for considering the option, and giving us the opportunity to review.

Best regards,

James Connelly,
General Manager, South Island, Nickelbrothers House Moving

The plan to bring forward a Workforce housing proposal at 735 Queens, and the consolidation of land use for the commercial building on Queens avenue, aligns with City Planning goals. As such, we respectfully ask Mayor and Council to *not* add this property to the Heritage Registry so the owners can proceed with these initiatives.

Sincerely,



Kim Colpman, Applicant for
Earl Large, Owner

March 5, 2017

Leonard E. Sielecki, RPP, MCIP
PO Box 8118
Victoria, BC V8W 3R9



Adrian Brett, RPP, MCIP
Heritage Planner
City of Victoria
1 Centennial Square
Victoria BC V8W 1P6

Dear Adrian Brett:

RE: Letter of Objection
Addition of 2411 Wark Street to the City of Victoria's Register of Heritage Properties

Thank you for your letter dated, February 16, 2017, regarding the addition of 2411 Wark Street to the City of Victoria's Register of Heritage Properties.

Please be advised I object to the addition of 2411 Wark Street to the City of Victoria's Register of Heritage Properties.

I believe this is the third time, in writing, that I have advised the City of Victoria that I object to the addition of 2411 Wark Street to the City of Victoria's Register of Heritage Properties. Please be advised that I object to any change in the status of 2411 Wark Street.

Please be advised I have reviewed the 3-page document produced by Donald Luxton & Associates in 2009 that I believe has been used to describe 2411 Wark Street to the City of Victoria Committee of the Whole. Through my research, I have found significant material shortcomings in the document that raise serious questions for me regarding the qualifications and competence of the document's author or authors. In addition, I believe the apparent lack of references, footnotes, citations and other materials to support and substantiate the statements made in the document should concern the Mayor and Council.

As a professional planner, I believe all professional planning staff of the City of Victoria have an ethical obligation to the Mayor and Council, municipal taxpayers and members of the public, to ensure any materials presented to the Mayor and Council are produced by qualified and competent individuals and that these materials are complete and accurate, and can withstand scrutiny.

Sincerely,

A handwritten signature in blue ink that reads "Leonard E. Sielecki". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Leonard E. Sielecki, RPP, MCIP

⇒ cc: Mayor Lisa Helps and City of Victoria Council



100-1019 Wharf Street, Victoria, BC V8W 2Y9

p: 250.383.8300 | tf: 1-800-883-7079

e: gvha@gvha.ca | w: gvha.ca

Mayor and Council
City of Victoria
1 Centennial Square
Victoria, BC
V8W 1P6

March 7, 2017

Via Email: mayorandcouncil@victoria.ca

Dear Mayor and Council,

RE: ADDITION OF OGDEN POINT BREAKWATER TO THE CITY OF VICTORIA'S REGISTER OF HERITAGE PROPERTIES

We are in receipt of a letter dated March 1, 2017 from Jonathan Tinney, Director, Sustainable Planning and Community Development recommending to Council a revision to the Statement of Significance (SOS) that only the Breakwater be added to the Heritage Register. While the Greater Victoria Harbour Authority (GVHA) appreciates the revision, our Board continues to have significant concerns with having the Breakwater added to the Heritage Register.

First, I would like to express disappointment with the lack of consultation regarding the overall process. At no time between 2009 until September of 2016 was GVHA consulted or engaged by the consultant or city staff regarding this process and that GVHA properties were being considered to be added to the Heritage Register.

Second, GVHA has not been provided with sufficient rationale to understand the connection between the city's criteria for heritage and the heritage nature of the Breakwater.

Third, GVHA is concerned that adding the Breakwater to the Heritage Register will significantly limit its ability to make changes to the Breakwater in the future. As cruise traffic continues to grow and as larger ships are being positioned in the Alaska region, there may come a time over the next 10-20 years where modifications may have to be considered to adjust the angle of the Breakwater to accommodate a larger ship on the south side of Pier A. Adding the association of "heritage" creates a perception in the public's mind that any change to the Breakwater should be opposed.

A 2012 economic assessment by Business Research and Economic Advisors (BREA) and corroborated by Oxford Economics estimated the value of the cruise industry to Greater Victoria to be \$100 million annually and supporting over 700 direct and indirect jobs. Needless to say, we need to be flexible in our terminal design to adapt to the changes in the cruise industry.



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It should also be pointed out that the property and the operations at Ogden Point and the Breakwater are regulated by the Federal Government under its authority over navigation and shipping and the Navigation Protection Act. GVHA is concerned about interference with its shipping and navigation operation caused by the Breakwater being on the Heritage Register. Any local government regulation that would have the effect of impairing a core part of the federal power over shipping and navigation could pose a real concern.

Therefore, GVHA objects to the inclusion of the Breakwater in the City of Victoria's Register for Heritage Properties.

Sincerely,

Ian Robertson
Chief Executive Officer



Seventh Floor
1175 Douglas Street
Victoria, British Columbia
CANADA V8W 2E1

Phone: 250-385-1411
Fax: 250-413-3300

RALSTON S. ALEXANDER, QC *
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* denotes Personal Law Corporation

Reply Attention Ralston S. Alexander, Q.C.
Our File 102054

Email: ralexander@cookroberts.bc.ca
Direct Line: 250-413-3316

March 8, 2017

BY EMAIL:
mayorandcouncil@victoria.ca

Mayor Helps and Council
c/o Legislative Services
City of Victoria
1 Centennial Square
Victoria, BC V8W 1P6

Dear Mayor and Council:

Re: 101 – 105 Menzies Street – Heritage Registry Consideration

We are solicitors to the executors of the estate of Mr. David Bowman. We are in receipt of your letter dated February 16, 2017 advising that Victoria City Council is once again considering the placement of the referenced property on the Heritage Registry. This is a repeat of an earlier initiative that was advanced in the early fall of 2016 to which we objected on the basis that the process was completely devoid of opportunities for consultation with professional advisors and feedback to affected stakeholders.

That process in 2016 was diverted, presumably to respond to the substantial negative feedback from affected owners, most of whom were seeking time to consult and respond.

Peculiarly, nothing has changed but the initiative is again before Council with the continuing absence of opportunity for consultation and response. This approach is deeply flawed and demonstrates an unfortunate lack of respect for the parties whose financial interests are dramatically affected by your unilateral actions.

At the time we wrote to you last September (dated September 18, 2016), we advised that we had not had an opportunity to consider the potential impact that such a listing might have on the property and mentioned that the executors had not received earlier correspondence that the City purportedly sent last May. We also understood the reason why the item was removed from Council's agenda last September was due to the concern was expressed by the affected property owners. We fully expected that staff would follow up on this matter.

Since then, we have received no communication from the City. You can, therefore, likely understand how perplexed we are to get a letter from the City with virtually no prior warning. The two-page information sheet that was attached to the notice of Council meeting can hardly be defined as meaningful consultation. The extremely short notice does not provide adequate time to engage our own experts and to share those views with the City.

Given the circumstance and the fiduciary duty owed to the estate by the executors, we respectfully request Council defer consideration for listing the property on the Heritage Register to allow time to properly study the question. We ask that you instruct staff to engage in meaningful dialogue with the property owners.

We confirm that we have reviewed the letter to the City from Kieran A.G. Bridge dated February 24, 2017. Mr. Bridge makes a more elegant argument against the process adopted by the City in these circumstances and we adopt and support each and every one of his objections as supportive of our overarching concern with the flawed process described herein.

We would like to be provided with background information that describes the heritage characteristics of the referenced property. In addition, it may be helpful to refer the matter back to the Heritage Advisory Committee and allow us the opportunity to review it with them.

We would be pleased to meet with the City's representatives at any mutually convenient time to discuss this matter further.

Thank you for your consideration.

Yours truly,

COOK ROBERTS LLP

Per:

Ralston S. Alexander, Q.C.

RSA/mh

PATTERSON ADAMS LLP

Barristers & Solicitors

March 6, 2017

By e-mail: mayorandcouncil@victoria.ca

City of Victoria

1 Centennial Square
Victoria, BC V8W 1P6

Attention: Mayor and Council

Dear Mayor and Council:

**Re: The addition of 607-621 John Street/2551 Rock Bay Avenue to
the City of Victoria, Register of Heritage Properties
Our File No. 25247.001**

Further to our letter of February 28, 2017, we acknowledge receipt of your email of March 3, 2017, and your invitation to review the link to the March 9 agenda.

We have reviewed the agenda and in particular the correspondence directed to you by Kieran Bridge.

We concur with his assessment of the "Errors, Omissions and Misstatements in the City's Recent Communications".

The misstatement found in item (a) on page 3 of Mr. Bridge's letter of February 24, 2017, is also a direct quote from Mr. Tinney's February 19, 2016, report to the Committee of the Whole. This report preceded the various meetings convened by the City "to allow owners an opportunity to discuss the implications of adding a property to the Register and to better understand the merits of the Register." The opportunity afforded the owners was flawed.

On behalf of our client we also adopt Mr. Bridge's conclusions and recommendations.

Yours truly,

PATTERSON ADAMS LLP

Per:

David B. Adams, Q.C.

*gb

cc. by e-mail: John Srebot
Peter Trzewik
Kieran Bridge

David Adams, Q.C. *
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March 7 2017

LIS FILE: 0390-Selkirk

Mayor and Council
Victoria City Hall
1 Centennial Square
Victoria, BC
V8W 1P6

Re: Addition of Selkirk Trestle to the City Register of Heritage Properties

The Ministry of Transportation & Infrastructure (the 'Ministry') wishes to provide the following information for Council's consideration as part of its proposed addition of the Selkirk Trestle to the City Register of Heritage properties.

Although we have been advised by City staff that registering this structure will not prevent us from modifying it in the future if we so require, there are several potential future projects that may be impacted by any real or perceived heritage protection to the structure.

The Selkirk Trestle is an integral part of the former CN Rail corridor now owned by the Ministry. As part of the Galloping Goose Regional Trail it moves thousands of visitors and commuters daily. In the short term, the Ministry anticipates investing approximately \$1 million in its rehabilitation over the next 1-2 years to ensure the safety of the travelling public. Part of this project will include investigating options to extend the life of the asset, which may include significant replacement of original structural elements that have been exposed to heavy corrosion.

The Ministry also intends to explore permanently leaving the Selkirk Trestle in the down position by submitting an application to Transport Canada. Currently, the structure is lifted approximately 1 to 2 times a year to permit sail vessels to travel the water way. This activity has compelled the Ministry to maintain elements of the Selkirk Trestle that are otherwise not needed for its use by pedestrians and cyclists. If permission is obtained from Transport Canada to no longer open the structure, these elements would likely be removed to eliminate the need for future maintenance.

Finally, former rail corridors are often transferred to this Ministry to hold in the event that they are needed for provincial transportation purposes. Although there are no active plans to use this portion of the Galloping Goose corridor for transportation purposes

beyond cycling & walking, it is possible that the Province may do so in the future and the Selkirk Trestle may be replaced in part or in total to complete that undertaking.

With this information in mind, and in the spirit of inter-governmental cooperation, the Ministry will not oppose the City of Victoria adding the Selkirk Trestle to the City Register of Heritage Properties. If the Ministry advances the aforementioned projects, and other Ministry initiatives within the City, in the future it will look forward to the same level of cooperation from the City at that time.

If you wish to discuss this matter further, please do not hesitate to contact me at (250)387-6048.

Yours truly,



Kevin House
Manager, Property Development & Marketing

Cc:

Merinda Conley – Senior Planner (CoV)

Curtis Vogt – Land & Property Administrator (MoTI)

Brett Hudson – Manager, Planning, Resource Management & Development (CRD)

RECEIVED

MAR 06 2017

February 22, 2017

File No: 8525 Grounds/01 General TB Park

By Email: mayorandcouncil@victoria.ca

Original letter by mail

Mayor and Council
City of Victoria
#1 Centennial Square
Victoria BC V8W 1P6



RE: Request to add Royal BC Museum Thunderbird Park and Mungo Martin to City of Victoria's Register of Heritage Properties

Dear Mayor and Council:

This is further to telephone conversations we have had with Mr. Adrian Brett, Heritage Planner, City of Victoria and our previous email correspondence sent to the City regarding the properties being listed on the Heritage Register.

We appreciate very much being asked about Thunderbird Park and Mungo Martin House, as we too, are supporters and advocates of not only the built heritage of Victoria, but the history of peoples and landscapes in the province of BC.

Thunderbird Park is a protected provincial heritage site and is through the Heritage Act and is on the provincial heritage register (http://www.bclaws.ca/civix/document/id/complete/statreg/96187_01#section3). Thunderbird Park includes: Mungo Martin House Wa'waditla, Helmcken House, and the Totem Park & surrounding grassy-treed area (including Garry Oak meadow). <http://www.royalbcmuseum.bc.ca/exhibits/tbird-park/main.htm?lang=eng>

Any activity within the boundaries of Thunderbird Park must be approved by the Province of BC - Heritage Branch, in accordance with its status as a protected provincial heritage property. The approval of the Province supersedes any City approval so it doesn't make sense to also designate this site at the municipal level.

Therefore, as previously noted in our letter of October 3, 2016, we respectfully decline the City of Victoria's request to include Thunderbird Park on the City of Victoria's Heritage Register as this site is already protected by the province and does not require further protection or administrative oversight by the City.

If you have any questions or would like more information about Thunderbird Park, please don't hesitate to give me a call or send an e-mail, my contact information is below.

Yours sincerely,



Angela Williams
Chief Operating Officer and Deputy Chief Executive Officer

675 Belleville Street, Victoria, BC Canada V8W 9W2

T 250 213-8007 | F 250 953-4336

AWilliams@royalbcmuseum.bc.ca | www.royalbcmuseum.bc.ca

cc: Ms. Pam Lowings, Head Property Management & Site Development
Mr. Adrian Brett, Heritage Planner, City of Victoria