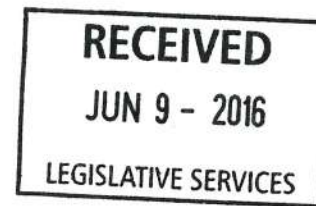


June 6, 2016

To: Victoria City Council

RE: Waddington Alley - Food Trailer



This letter is on behalf of a number of concerned owners of the Morley Soda Factory located at 1315 Waddington Alley. Our building is one of the many heritage restoration projects that have been undertaken over the past few years in the Old Town area of Victoria. Our owners have invested in their units, not only financially but also have invested in the preservation, renewal and future of this historical part of the city. We are proud of our building and have worked closely with near-by residences, businesses, the City of Victoria and other stakeholders in the alley to clean-up and discourage undesirable activities, improve safety and security and promote a positive image of this special area, all in keeping with its heritage designation.

The City has developed stringent guidelines and standards for the preservation and restoration of heritage buildings and sites and based on our past experience, reviews and enforces these rigourously. It is difficult to understand how the food trailer that is currently parked in Waddington Alley, next to Willie's Bakery, meets any heritage criteria or promotes the cultural and historical character of Old Town. This shouldn't be viewed simply as a "not in my back yard" reaction and we respectfully request that Council give serious and thoughtful consideration to our concerns and the negative impact this inappropriate structure has on an area that we have all worked so hard to preserve. Specific concerns and comments with respect to the trailer that have been raised by owners include:

- Not in harmony with historic surroundings;
- Does not protect or promote the historic integrity of Waddington Alley;
- Physical presence erodes the profound cultural importance of Old Town;
- Food truck building material and colour do not adhere to heritage character;
- Food truck is not contextual, visually interesting or uplifting to the historic value of the alley;
- Disproportionate size to any structure in the alley;
- The exposed and unsecured propane tanks on the back of the truck present a safety and fire risk (a number of individuals have been observed sitting on the rear bumper smoking cigarettes);
- Obstructs view of Morley heritage brick and architecture;
- Negatively impacts neighboring properties;
- Alley is residential as well as commercial - the rights of residents must be respected;
- Does not conform with the restored historic buildings and alley;

While it is recognized that the zoning may support the operation of a food trailer as a permitted use and being parked in its current location in a non-functioning state does not constitute a violation, we are opposed to both its presence and its potential operation as either a food outlet or an auxiliary kitchen to Willie's Bakery. The owner has erected fixed structures around the trailer, none of which are consistent with the surrounding historic buildings, and appears to be running electric cables, drain lines, etc. (without permits) in preparation for operation. In fact, it appears to be currently in use. In addition to the negative visual and heritage impacts, we are concerned about smells and odours (the exhaust vents are immediately adjacent to our building), safety, the hours of operation, noise, garbage and general nuisance caused by loitering, etc.

We understand that Bylaw & Licensing Services is aware of the trailer and is monitoring the situation. We also understand that the owner and their architect have been advised by the City's Heritage Planner that the trailer does not comply with the City's regulatory framework and that a Heritage Alteration Permit is required. This also applies to other recent alterations that have been made to the Willie's Bakery building.

We may not be in full possession of all the facts surrounding this issue but to our knowledge, there has been no consultation or notification with respect to the application for operational approval, change of use or heritage alteration as has been the case with other commercial establishments in close proximity to our building.

In order to become better informed, we have been in contact with the owner's architect, Alan Lowe, who has provided some background information on the application for the Heritage Alteration Permit along with a copy of the Heritage Advisory Panel Report dated April 29, 2016. Although the background information on Mr Hou as an economic immigrant is interesting and compelling, it really has no bearing on the Heritage Alteration Permit. It is noted that the application encompasses both the alterations that were done without permit to enclose the patio area and the trailer to be utilized as an auxiliary kitchen to the bakery. These are two separate issues. The report from the heritage planner indicates that the wood windows and trim in the patio need to be painted to be compatible with the historic building but no reference is made to the bright red trailer that is not even remotely compatible with anything in the area and certainly has no heritage characteristics. To quote the report:

#### **"Development Permit Area**

The property is located within Development Permit Area 1 (Core Historic), which is identified in the OCP and whose objectives include:

4. (a) To conserve the heritage value, special character and the significant historic buildings, features and characteristics of this area.



## **Downtown Core Area Plan**

The proposed development is consistent with the goals and objectives of the *Downtown Core Area Plan* in relation to Heritage which states:

7.3 Conserve heritage values of the Downtown Core Area and its character-defining elements such as individual buildings, collections of buildings, streetscapes, structures and features.

7.18 Support new development that conserves and enhances the form, character and features of heritage property and areas, where controlled and regulated in the *Downtown Core Area Plan*.

## **Standards and Guidelines for the Conservation of Historic Places in Canada**

The *Standards and Guidelines for the Conservation of Historic Places in Canada* includes the following standards applicable to this application:

11. Conserve the *heritage value* and *character-defining elements* when creating any new additions to an *historic place* or any related new construction. Make the new work physically and visually compatible with, subordinate to and distinguishable from the historic place.”

The report also states “*care will need to be exercised to minimize any negative impacts of the kitchen operation on neighbouring properties*” without any specific recommendations or requirements. In addition, Alan Lowe’s letter does not outline any specific measures other than some non-committal references to a possible brick wall, the flower pots that have already been installed and the potential relocation of the exposed propane tanks.

In summary, we are not in agreement with the analysis and conclusions of the HAPL report and are requesting that Council take the following action:

1. Approve Heritage Alteration Permit Application No.00220 with the following amendments:
  - (a) authorize the alterations which were carried out without the required permits to enclose the covered patio located on the adjacent lot to 537 Johnson Street subject to the wood trim, doors and windows being painted to be compatible with the historic building;
  - (b) Deny the issuance of a Heritage Alteration Permit and/or a permit for the operation of the trailer (as either a standalone food outlet or an auxiliary kitchen to the bakery). And

- (i) Issue an order for removal of the trailer along with any associated fixtures and structures based on its non-compliance with the City's regulatory framework; and
- (ii) Restore the area currently occupied by the trailer to a condition that is consistent and/or compliant with the heritage standards and requirements that apply to all other structures and buildings in Waddington Alley.

**Or**

- (c) Deny the issuance of a Heritage Alteration Permit and/or a permit for the operation of the trailer (as either a standalone food outlet or an auxiliary kitchen to the bakery) until such time as appropriate consultation has taken place along with development and presentation of a comprehensive plan to incorporate the trailer into the heritage area and ensure that all code and safety concerns are fully addressed.

It is our understanding that this issue was discussed by Council at a closed meeting on June 2<sup>nd</sup> and will be on the agenda at the public Council meeting scheduled for June 9<sup>th</sup>. We request that this letter be provided as part of the agenda. We will be submitting a Request to Address Council for a representative (Christian Barnard) to attend and speak on our behalf.

Thank you for your consideration.

Respectfully,

Patty Koniczek

Rudi Koniczek

Bruce Kerr,

Christian Barnard

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