

REPORTS OF THE COMMITTEES

2. Planning and Land Use Committee – May 14, 2015

2. Heritage Designation Application No. 000145, 000146 and 000147 for 521, 539 and 545 Superior Street

It was moved by Councillor Lucas, seconded by Councillor Loveday, that Council consider the designation of three Heritage-Registered houses (presently located at 521, 539 and 545 Superior Street) to be relocated to 580, 588 and 584 Michigan Street (in accordance with the applicant's relocation schedule dated April 23, 2015) pursuant to Section 967 of the *Local Government Act* as Municipal Heritage Sites, and in accordance with Council's September 11, 2014 motion:

1. That Council consider giving first and second reading of the *Heritage Designation Bylaws*; and
2. That Council consider delaying the advancement of the *Heritage Designation Bylaws* to a Public Hearing until the legal descriptions of the new receiver sites have been provided.

Carried Unanimously

3. CONSENT AGENDA

3.1 Heritage Designation Application No. 000145, 000146 and 000147 for 521, 539 and 545 Superior Street

Committee received a report regarding an owner initiated application to designate three Heritage-Registered houses as Municipal Heritage Sites.

Action: It was moved by Councillor Coleman, seconded by Councillor Alto, that Committee recommends:

That Council consider the designation of three Heritage-Registered houses (presently located at 521, 539 and 545 Superior Street) to be relocated to 580, 588 and 584 Michigan Street (in accordance with the applicant's relocation schedule dated April 23, 2015) pursuant to Section 967 of the *Local Government Act*, as Municipal Heritage Sites, and in accordance with Council's September 11, 2014 motion:

1. That Council consider giving first and second reading of the *Heritage Designation Bylaws*; and
2. That Council consider delaying the advancement of the *Heritage Designation Bylaws* to a Public Hearing until the legal descriptions of the new receiver sites have been provided

CARRIED UNANIMOUSLY 15/PLUC126



Planning and Land Use Committee Report

For the Meeting of May 14, 2015

To: Planning and Land Use Committee **Date:** April 23, 2015

From: Murray G. Miller, Senior Heritage Planner, Community Planning

Subject: Heritage Designation Application Nos. 000145, 000146, and 000147 for 521, 539 and 545 Superior Street (the Jameson, John and Black Residences)

RECOMMENDATION

That Council consider the designation of three Heritage-Registered houses (presently located at 521, 539 and 545 Superior Street) to be relocated to 580, 588 and 584 Michigan Street (in accordance with the applicant's relocation schedule dated April 23, 2015) pursuant to Section 967 of the *Local Government Act* as Municipal Heritage Sites, and in accordance with Council's September 11, 2014 motion:

1. That Council consider giving first and second reading of the Heritage Designation Bylaws; and
2. That Council consider delaying the advancement of the Heritage Designation Bylaws to a Public Hearing until the legal descriptions of the new receiver sites have been provided.

LEGISLATIVE AUTHORITY

In accordance with section 967 of the *Local Government Act*, Council may, by bylaw, on terms and conditions it considers appropriate, designate real property in whole or in part as protected if Council considers that the property has heritage value or heritage character or that the designation of the property is necessary or desirable for the conservation of a protected heritage property.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations regarding an owner request to designate three Heritage-Registered houses (presently located at 521, 539 and 545 Superior Street) to be relocated to 580, 588 and 584 Michigan Street.

The following points were considered in assessing this application:

- general consistency with the *Official Community Plan* (OCP)
- Statement of Significance including Victoria's Heritage Thematic Framework.

The subdivision of the lands and the relocation of the houses to their new lots have not occurred yet. As a result, new legal descriptions for the parcels that will receive the relocated houses are not available for inclusion in the designation bylaw at this time. The draft Heritage Designation Bylaws therefore include the existing legal description, which will be amended prior to Council giving third reading of the bylaws.

Staff recommend that Council consider the designation of the three Heritage-Registered houses by giving first and second reading to the bylaws, but delaying the advancement of the Heritage Designation Bylaws to a Public Hearing until the legal descriptions of the new receiver sites have been provided.

This report fulfils the requirements of Section 968(5) of the *Local Government Act*.

BACKGROUND

At its meeting on September 11, 2014, Council moved the following:

1. That Council consider authorizing the issuance of Heritage Alteration Permits #00184, #00187 and #00185, for 521, 539 and 545 Superior Street, for the relocation of the Jameson, John and Black Residences, respectively, subject to the following conditions being met prior to the issuance of Building Permits authorizing their relocation:
 - a. That the owner of the Heritage-Registered Jameson, John and Black Residences provide the City with a letter irrevocably agreeing to the designation of the houses as protected heritage property pursuant to Section 967 of the *Local Government Act* and releasing the City from any obligation to compensate the said owners in any form for any reduction in the market value of the lands (including the receiving sites) or the designated property that may result from the designation, to the satisfaction of the City Solicitor.
2. That staff be instructed to prepare the Heritage Designation Bylaw that would designate the Jameson, John and Black Residences upon receipt of owner consent to the designations.
3. That Council consider giving first and second reading of the Heritage Designation Bylaw after the bylaw has been drafted.
4. That Council consider advancing the Heritage Designation Bylaw to a Public Hearing pursuant to Section 968 of the *Local Government Act*.
5. That Council consider giving third reading of the Heritage Designation Bylaw after the Public Hearing.
6. That Council consider adoption of the Heritage Designation Bylaw after the subdivision of the lands and the relocation of the houses to their new lots and that notice of the heritage designation be registered in the Victoria Land Title Office.

Heritage Advisory Panel

Applications to designate the three properties located at 521, 539 and 545 Superior Street were reviewed by the Heritage Advisory Panel at its April 14, 2015 meeting and the applications for designation were recommended for approval.

Description of Proposal

Applications to designate the three houses presently located at 521, 539 and 545 Superior Street, to be relocated to 580, 588 and 584 Michigan Street as Municipal Heritage Sites were received from Jawl Properties Ltd. on April 8, 2015. The owner has also provided an irrevocable letter of consent to the designations (attached to this report), waiving all right to compensation as a result of any loss in property value arising from the designation.

In relation to the proposed relocation, the applicant has provided a schedule (attached to this report) that identifies the various timelines for the removal of non-heritage buildings on the site. In order to avoid the loss of trees arising from the transportation of the heritage buildings along city streets, the applicant has elected to relocate the three Superior Street heritage houses within the boundaries of the existing land parcel. This approach will be coordinated with the demolition of non-heritage buildings on the site and will require that 521 Superior Street be relocated to a temporary location to facilitate the commencement of phase one. Once the non-heritage structures located at 544 Michigan Street is removed, 521 Superior Street will be shifted to its final destination. Similarly, once the non-heritage structure located at 541 Superior Street is demolished, the two heritage houses located at 539 and 545 Superior Street will be shifted to their final destinations.

After the subdivision occurs and new legal descriptions are available, staff will report back to Council recommending that the bylaws that are attached to this report be amended accordingly.

Zoning/Land Use

The proposed designations are consistent with that outlined in the Zoning Regulation Bylaw Amendment adopted by Council on March 12, 2015, which consists of a mixed-use development. In addition, the designations are consistent with the R-2: Two Family Dwelling District, the C1-CR-G: Government Street Commercial Residential District, and predominant surrounding land uses at the proposed new locations.

Condition/Economic Viability

The exterior of the buildings, while in sound condition, require exterior maintenance. The three houses will be relocated to the southeast corner of the South Block and will undergo rehabilitation in preparation for their new uses.

ANALYSIS

The following sections provide a summary of the consistency of the three applications with the relevant City policies and guidelines.

Official Community Plan

The applications are consistent with the OCP because they contribute to the goal of protecting and celebrating Victoria's cultural and natural heritage resources. In addition, a key strategic direction of James Bay would be met by the designation of these properties as Municipal Heritage Sites because it would strengthen an existing cluster of heritage properties.

Statement of Significance

Three Statements of Significance describing the historic places, outlining their heritage value and identifying their character-defining elements are attached to this report.

Resource Impacts

The applicant intends to rehabilitate the exterior appearances of the three houses; as a result, there may be a request in the future for a grant from the Victoria Heritage Foundation.

CONCLUSIONS

The designation of the three Heritage-Registered houses presently located at 521, 539 and 545 Superior Street, to be relocated to 580, 588 and 584 Michigan Street, will strengthen an existing cluster of heritage properties located along Government Street. The applications for the designation of the three houses as Municipal Heritage Sites are consistent with relevant City policies and a key strategic direction for the James Bay Neighbourhood.

The schedule for relocating the heritage houses has been provided by the applicant, which will eliminate the need for any loss of trees because the buildings will be relocated from within the existing property boundaries. To achieve this, the relocation of individual heritage houses will be coordinated with the schedule for the demolition of non-heritage structures and phase one of the new construction. This will require that 521 Superior Street will be relocated temporarily until the structure at 544 Michigan Street is demolished. This will also delay any adoption of the designation bylaws until after the subdivision of the existing land parcel has been completed.

Staff therefore recommend that Council consider the designation of the three Heritage-Registered houses by giving first and second reading to the bylaws, but delaying the advancement of the Heritage Designation Bylaws to a Public Hearing until the legal descriptions of the new receiver sites have been provided.

ALTERNATE MOTION

That Council decline Heritage Designation Application Nos. 000145, 000146 and 000147 for the properties presently located at 521, 539 and 545 Superior Street, to be relocated to 580, 588 and 584 Michigan Street, respectively, as Municipal Heritage Sites.

Respectfully submitted,



Murray G. Miller
Senior Heritage Planner
Community Planning

MGM/ljm



Andrea Hudson
Assistant Director, Community Planning
Sustainable Planning and Community Development

S:\TEMPEST_ATTACHMENTS\PROSPERO\PL\HD\HD000145\521 SUPERIOR ST HAPL HD REPORT.DOC

Report accepted and recommended by the City Manager:



Jason Johnson

Date:

May 6, 2015

List of Attachments

- Subject map
- Aerial map
- Existing Site Plan
- Preliminary Conceptual Site Plan
- Preliminary Site Plan for Three Heritage Houses
- Photographs
- Statements of Significance
- Letter from the owner, date stamped March 16, 2015
- Heritage Designation Bylaws for 521, 539 and 545 Superior Street.
- Relocation Schedule.

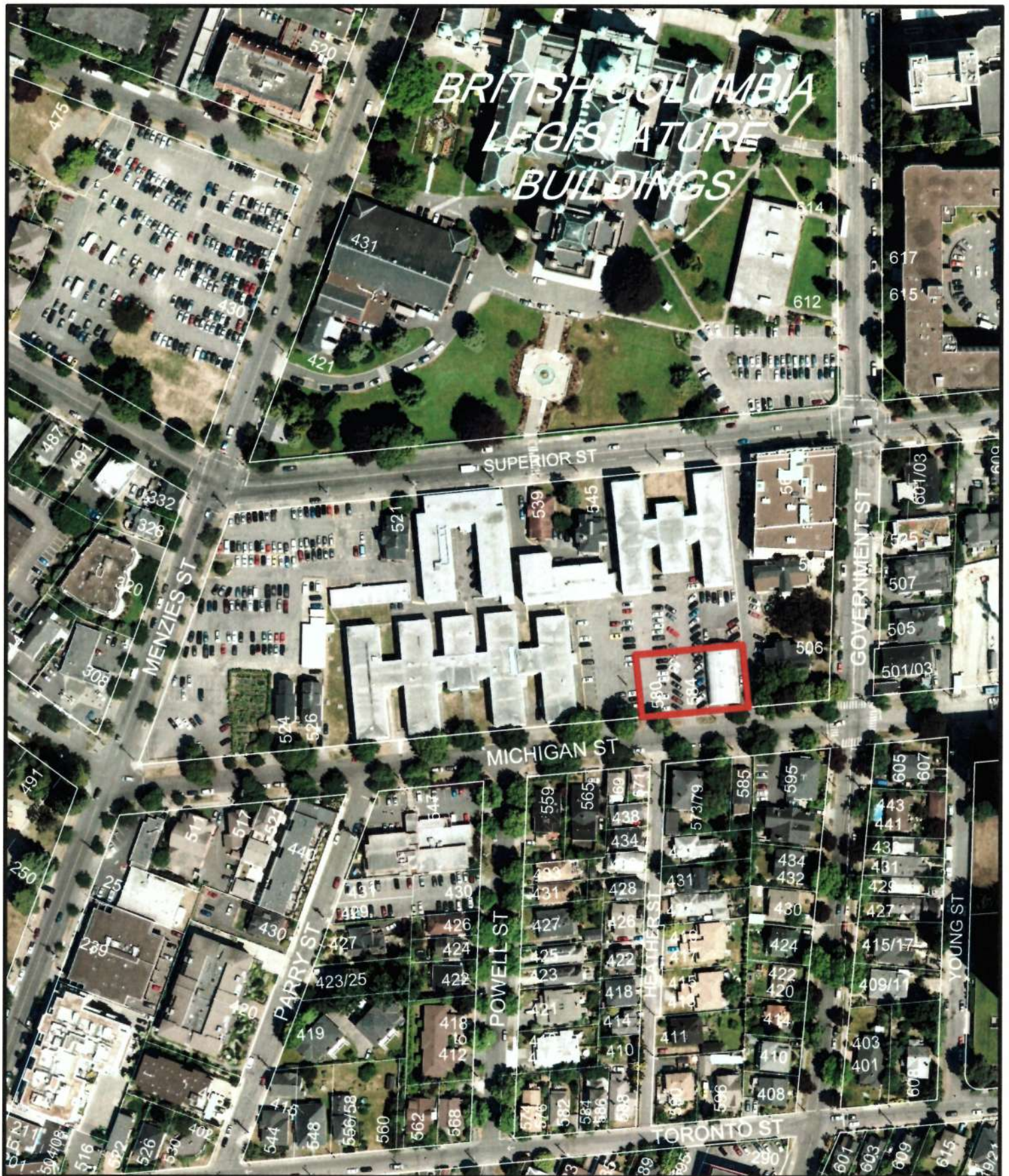
[illegible]

Registered properties



Heritage Alteration Permits #00198, 00199 & 00200
Heritage Designation Permits #00000145, 00146 & 00147





521, 539 and 545 Superior Street
(Will be 580, 584 & 588 Michigan Street)

Heritage Alteration Permits #00198, 00199 & 00200
Heritage Designation Permits #00000145, 00146 & 00147





524-526 Michigan St.



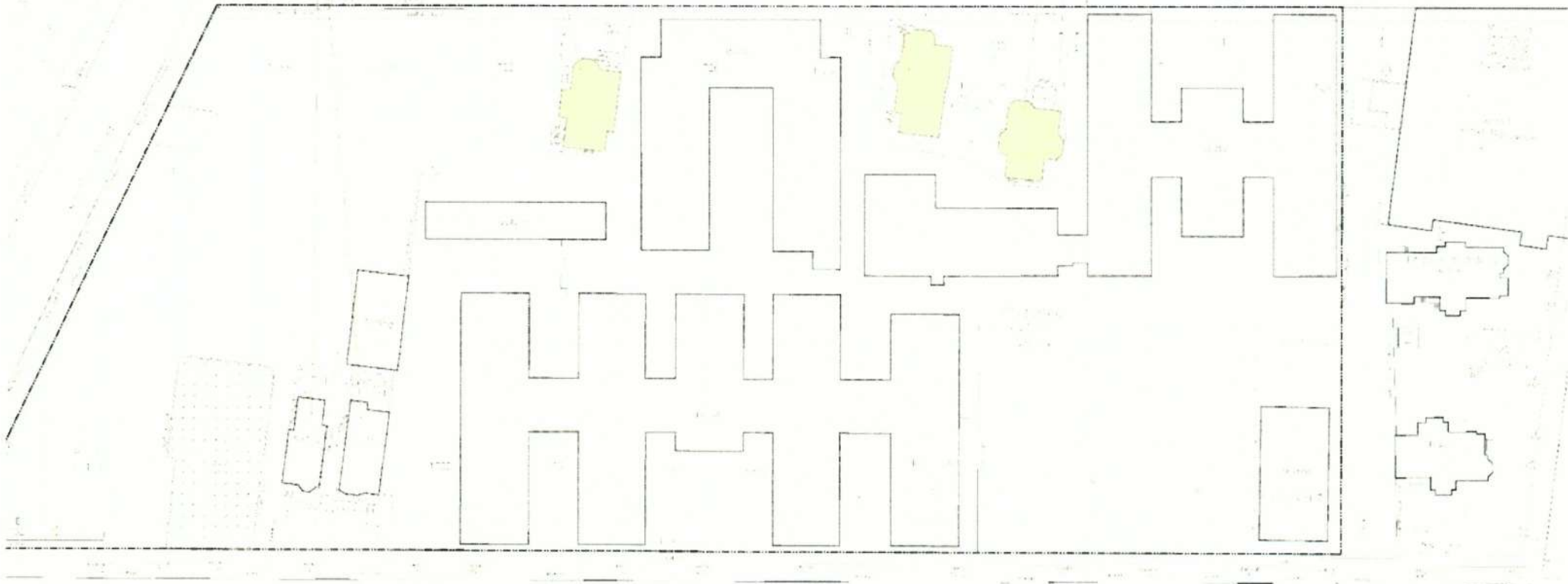
521 Superior St.

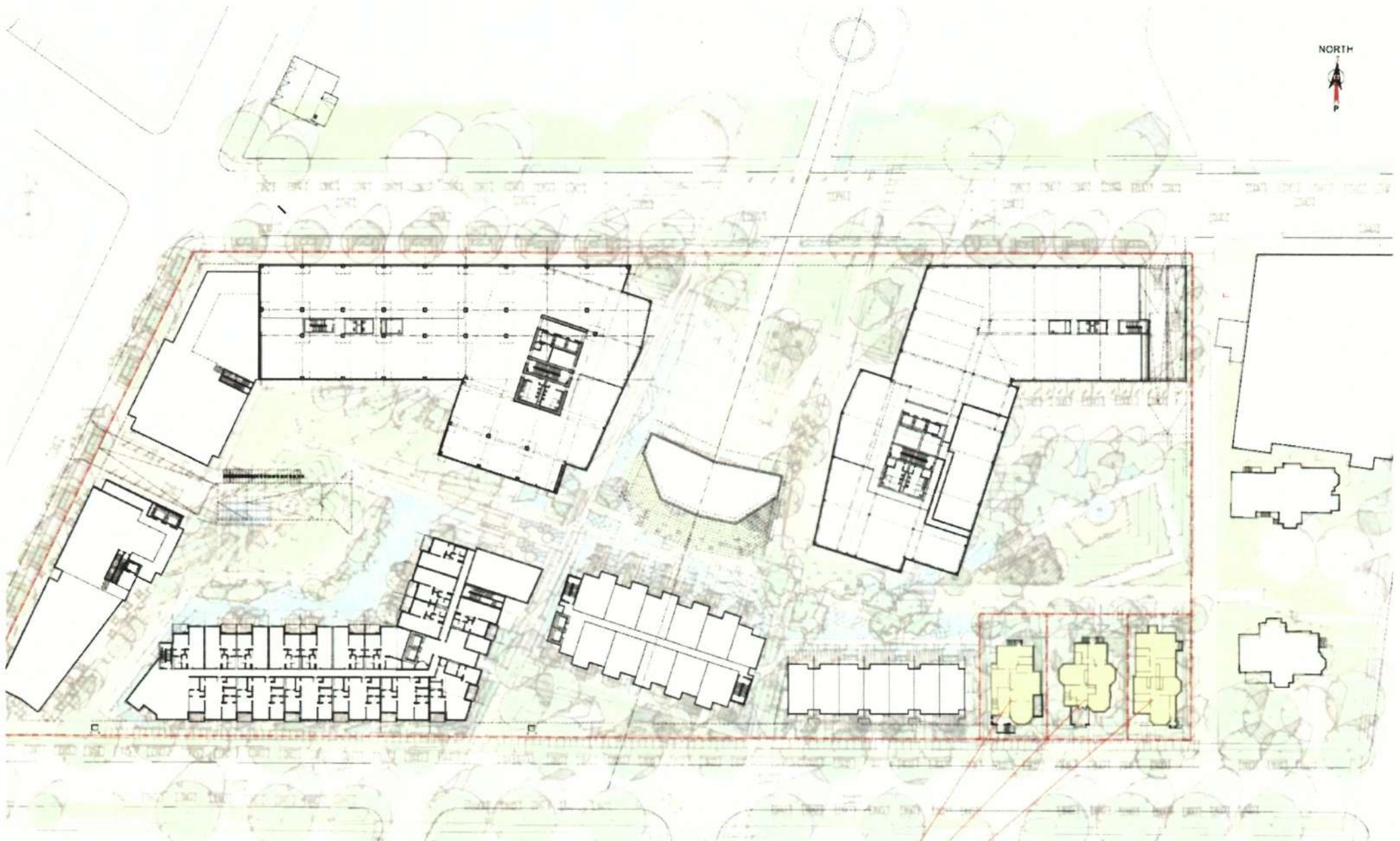


539 Superior St.



545 Superior St.



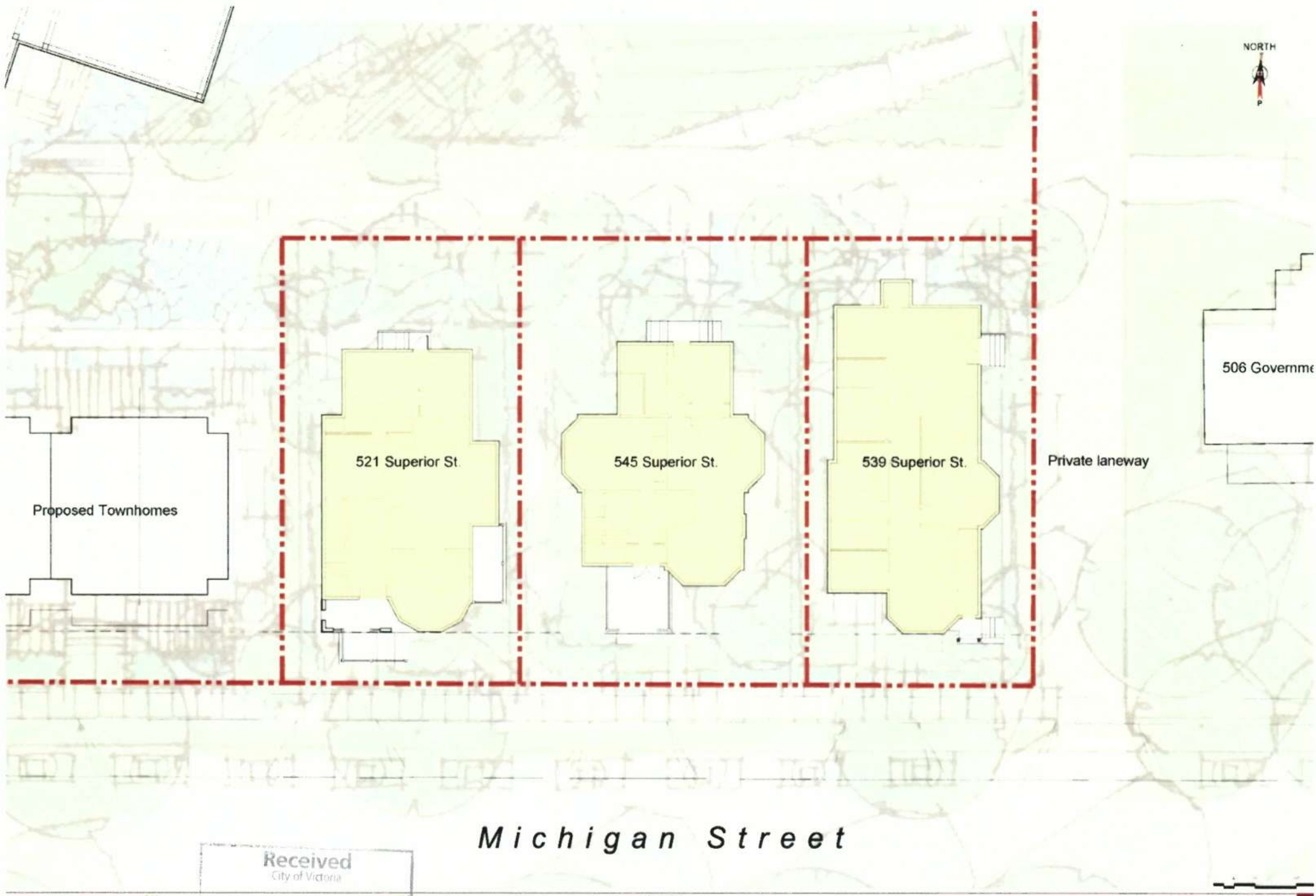


521 Superior St.
545 Superior St.
539 Superior St.

Received
City of Victoria

JUN 18 2014

Planning & Development Department
Development Services Division



Michigan Street

Received
City of Victoria
JUN 18 2014
Planning & Development Department
Development Services Division

521 SUPERIOR STREET (TO BE RELOCATED TO 580 MICHIGAN STREET)



521 SUPERIOR STREET (TO BE RELOCATED TO 580 MICHIGAN STREET)



521 SUPERIOR STREET (TO BE RELOCATED TO 580 MICHIGAN STREET)



539 SUPERIOR STREET (TO BE RELOCATED TO 588 MICHIGAN STREET)



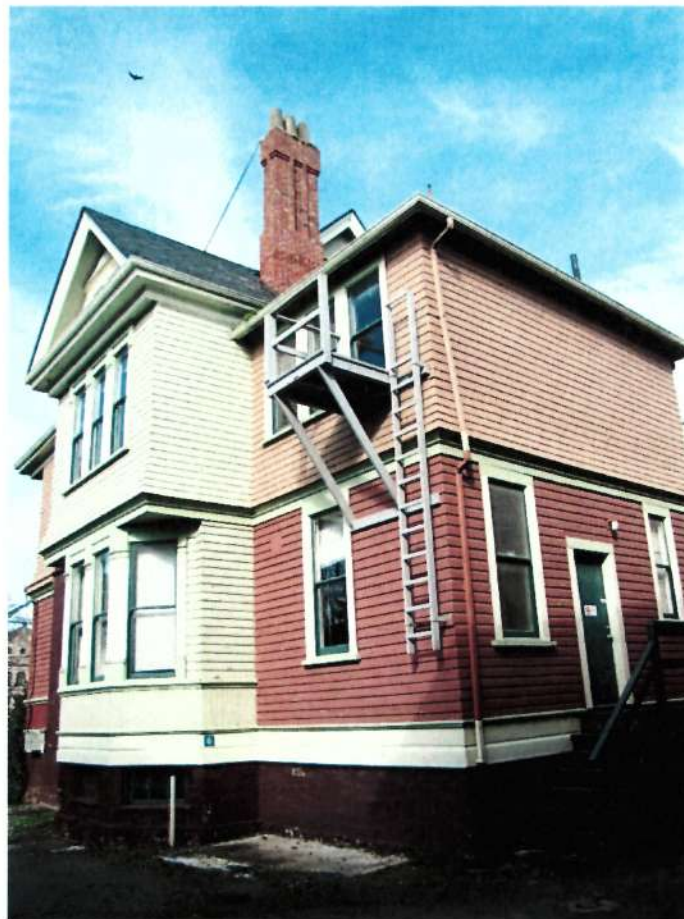
539 SUPERIOR STREET (TO BE RELOCATED TO 588 MICHIGAN STREET)



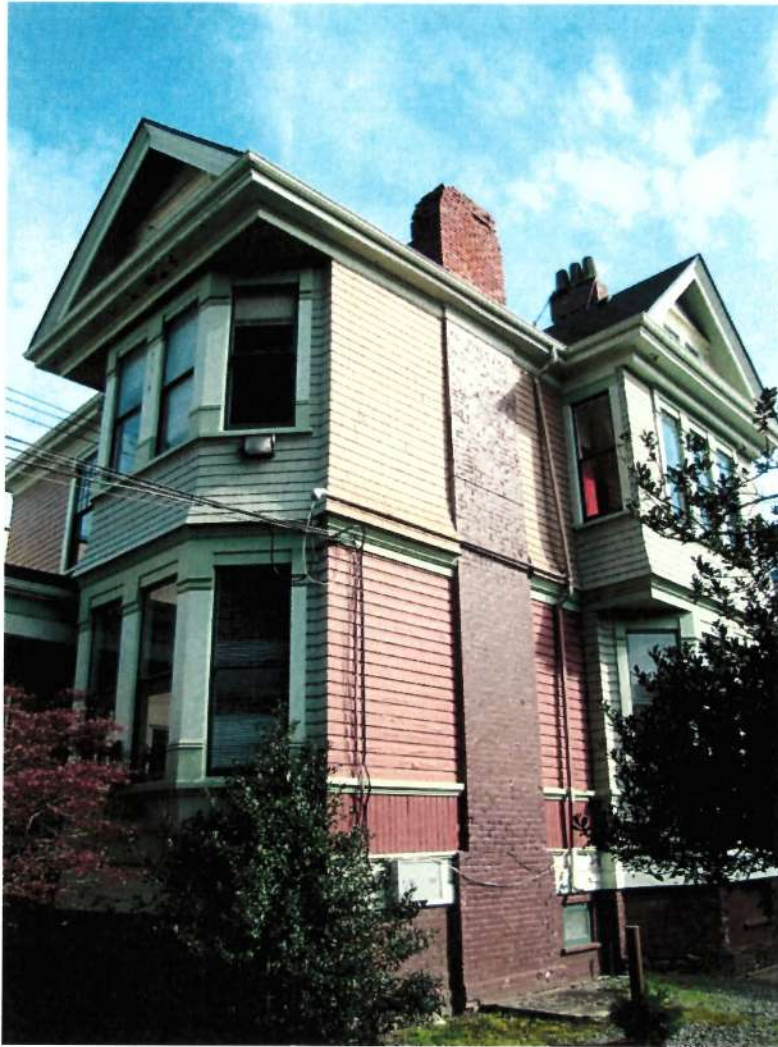
545 SUPERIOR STREET (TO BE RELOCATED TO 584 MICHIGAN STREET)



545 SUPERIOR STREET (TO BE RELOCATED TO 584 MICHIGAN STREET)



545 SUPERIOR STREET (TO BE RELOCATED TO 584 MICHIGAN STREET)



3. STATEMENT OF SIGNIFICANCE



Construction Date: 1892; relocated in 1910

Architect: Cornelius John Soule

Original Owner: Robert H. and Mary Jameson

Later Owner: Charles Napier Cameron

Original Address: 522 Superior Street

Description of Historic Place

The Jameson Residence is a large, two and one-half storey, wood-frame Queen Anne Revival style dwelling situated on the south side of Superior Street in the Legislative Precinct of the historic James Bay neighbourhood of Victoria. This historic resource is notable for its asymmetrical massing with multi-gabled rooflines, patterned shingle siding, tall red brick chimneys, recessed front porch, boxy columns and carpenter ornamentation.

Heritage Value of Historic Place

Constructed in 1892, the Jameson Residence represents an important phase of growth in Victorian-era development in the city of Victoria as well as the neighbourhood of James Bay. Hudson's Bay Company Chief Factor James Douglas established James Bay, a peninsula of fertile land, as Beckley farm in 1846. The early subdivision and sale of Beckley Farm into small lots occurred just after gold was discovered on the Fraser River in 1858. The year 1858 also marked Douglas's reservation of public parkland (Beacon Hill) and the initial construction of colonial administrative buildings in James Bay on the Government Reserve. These administrative buildings, referred to as the "Birdcages," formed the city's legislative centre and were an early catalyst for residential development in James Bay. The neighbourhood subsequently developed into a centre for industry and shipping, which facilitated transportation links and supporting infrastructure.

The Jameson Residence is valued as an example of James Bay's eclectic architectural expression and as a superior example of the Queen Anne Revival style, as designed by architect Cornelius J. Soule (1851-1939). Design features include picturesque asymmetrical massing, a richly-articulated façade that features patterned shingles, pronounced brackets and a recessed porch. Soule was born and trained in London, England, and after practising in England and the United States, moved to Ontario. He relocated to Victoria in 1890, where he subsequently established a successful practice, designing the Lange Block on Douglas Street and many residences for wealthy city businessmen. Soule's most prestigious commission was the Willows Agricultural Exhibit Hall, 1891.

STATEMENT OF SIGNIFICANCE

The Jameson Residence holds additional value for its ties to Robert and Mary Jameson, prominent local business owners. Originally from Scotland, Robert Jameson travelled to New York in 1863 and subsequently to Florida, before arriving in Canada in the late 1860s. He first settled in Whitby, Ontario where he met and married Mary in 1869. In 1888, after a visit to Victoria, the Jamesons moved here and opened and operated a grocery business. This evolved into a successful coffee and spice company, known as the W.A. Jameson Coffee Co, which was named after the couple's son, William Alexander. In addition to his business endeavors, Robert was a member of the Canadian Legion, the Campaigner's Association, the IOOF, and the Burns Club. The Jamesons occupied the house from its completion in 1892 until 1908, when sealer and master mariner, Captain Melville Fixott Cutler purchased the house. One year later, the Provincial Government purchased the site in anticipation of the construction of the new Legislative Library. Eleanor and Charles Cameron purchased the house from the government in April of 1910 during an auction held on the front steps. The couple moved the house across the street to its present location, to the lot where they had been living in a smaller cottage since 1884; upon purchase of the larger residence, the Camerons moved their original home to nearby 543 Michigan Street (demolished in 1967) and resided in the 'new' 521 Superior Street. The Camerons remained in the house until 1931, when the government again acquired it.

The Jameson Residence continues to express the community value of the James Bay neighbourhood, the city's oldest Garden City suburb that encompasses a mix of residential, commercial and bureaucratic uses. It also demonstrates the ongoing expansion of the B.C. Parliament from the time of its early establishment in the Birdcages.

Character-Defining Elements

Key elements that define the heritage character of the Jameson Residence include its:

- location in the historic James Bay neighbourhood;
- residential form, scale and massing as expressed by its: two and one-half storey height; picturesque roofline with steeply-pitched, front-gabled roof with projecting side gables; recessed corner porch with inset entry and three-sided bay; and double height corner porch on west elevation;
- construction materials including: wood-frame structure; wooden drop siding with cornerboards; patterned wooden shingles, including distinctive wavy pattern; and red brick foundation and chimneys;
- Queen Anne Revival style details such as: picturesque asymmetrical massing; richly textured surface articulation including patterned diagonal and vertical siding on the front façade; arched brackets at entry; balustrades with inset panels with bulls-eyes; carved cut-away brackets; sunburst design in gable peaks; panelled detailing on front façade; and half-timbering in side and rear gable peaks;
- original window assemblies including: 1-over-1 double-hung wooden sash windows with horns; multi-paned casement windows; stained glass window in entry hall; and 4-over-1 and 2-over-2 double-hung wooden sash windows;
- panelled double wooden front door with glazed insets and etched-glass transom above, and panelled balcony doors with multi-paned glazed insets and transoms; and
- tall internal corbelled red brick chimneys.

3. STATEMENT OF SIGNIFICANCE



Construction Date: 1891-92

Original Owners: Richard and Kate John

First Long-term Owners: John and Florence Smith

Builder: Richard John (assumed)

Description of Historic Place

The John Residence, located on the south side of Superior Street, is a one-storey, wood-frame Queen Anne Revival-style cottage. This historic resource is identifiable by its front-gabled roof, projecting front-gabled porch with triangular pediment, inset semi-octagonal bay, hip-roofed side addition, projecting semi-octagonal gable-roofed bay on the east elevation., and Queen Anne Revival detailing.

Heritage Value of Historic Place

Built 1891-1892, the John Residence is emblematic of James Bay's evolution from a pioneer farm to the first Garden City suburb in Victoria. Hudson's Bay Company Chief Factor James Douglas established James Bay, a peninsula of fertile land, as Beckley farm in 1846. The early subdivision and sale of Beckley Farm into small lots occurred just after gold was discovered on the Fraser River in 1858. The year 1858 also marked Douglas's reservation of public parkland (Beacon Hill) and the initial construction of colonial administrative buildings in James Bay on the Government Reserve. These administrative buildings, referred to as the "Birdcages," formed the city's legislative centre and were an early catalyst for residential development in James Bay. The neighbourhood subsequently developed into a centre for industry and shipping, which facilitated transportation links and supporting infrastructure.

The John Residence is also valued as a representation of the Queen Anne Revival style of architecture, typical of the late Victorian era. Despite its small scale, this cottage is elaborated through the use of carpenter ornamentation that demonstrated the introduction of new technology at a time when steam-driven band saws, drills and lathes had become readily available. The complex, irregular form, picturesque roofline with two-part front gabled extension, and its wooden details including decorative cutaway brackets, wooden columns, fishscale shingles and rooftop finials are typical of the Queen Anne style. The original owners of the house, Richard and Kate John, built this

STATEMENT OF SIGNIFICANCE

house following the subdivision of the property in 1891. The couple only occupied the house between 1892 and 1893 at which time John and Florence Smith assumed ownership of the residence; at an early point the front and side bay roofs were extended and the entry porch was added. The British Columbia government purchased the property in the early 1930s.

The John Residence continues to express the community value of the James Bay neighbourhood, the city's oldest Garden City suburb that encompasses a mix of residential, commercial and bureaucratic uses.

Character-Defining Elements

Key elements that define the heritage character of the John Residence include its:

- location in the historic James Bay neighbourhood;
- residential form scale and massing, as expressed by its one-storey height, front-gabled roof, projecting front-gabled porch with triangular pediment, inset semi-octagonal bay at front, hip-roofed side addition, and projecting semi-octagonal gable-roofed bay on the east elevation.
- wood-frame construction with double-bevelled siding, cornerboards, extensive carpenter ornamentation, and red brick foundation;
- Queen Anne Revival-style detailing, such as: fishscale shingles in front gable peak; corner entry porch supported by chamfered columns; projecting bays with scroll-cut cutaway brackets; gable finials; and window crown mouldings;
- windows, such as: one-over-one double-hung wooden-sash windows with horns, in single and double assembly; and stained glass transoms in the front bay; and
- original wood panelled front door with glazed inset and transom.

3. STATEMENT OF SIGNIFICANCE



Construction Date: 1891

Original Owner: Alexander Black

Architect: Thomas Hooper

Description of Historic Place

The Black Residence is a large, two and one-half storey plus basement, Queen Anne Revival-style dwelling that displays asymmetrical massing and a picturesque roofline. Distinguishing features include a front-gabled projecting entrance porch, three double-height projecting bays, and elaborate carpenter ornamentation such as scroll-cut brackets, lathe-turned columns, decorative pediments, and patterned shingles. It is situated on the south side of Superior Street, within the Legislative Precinct, in the historic James Bay neighbourhood of Victoria.

Heritage Value of Historic Place

Constructed in 1891, the Black Residence is emblematic of James Bay's evolution from a pioneer farm to the first Garden City suburb in Victoria. Hudson's Bay Company Chief Factor James Douglas established James Bay, a peninsula of fertile land, as Beckley farm in 1846. The early subdivision and sale of Beckley Farm into small lots occurred just after gold was discovered on the Fraser River in 1858. The year 1858 also marked Douglas's reservation of public parkland (Beacon Hill) and the initial construction of colonial administrative buildings in James Bay on the Government Reserve. These administrative buildings, referred to as the "Birdcages," formed the city's legislative centre and were an early catalyst for residential development in James Bay. The neighbourhood subsequently developed into a centre for industry and shipping, which facilitated transportation links and supporting infrastructure.

The Black Residence is additionally valued for its Queen Anne Revival-style architecture, designed by prominent B.C. architect, Thomas Hooper (1857-1935). Hooper had one of the province's longest running and most prolific architectural careers, designing hundreds of commercial and residential buildings in the Lower Mainland and on Vancouver Island. Typical of the Queen Anne Revival style, the Black Residence is characterized by its asymmetrical massing, picturesque roofline, tall red brick corbelled chimneys and carpenter ornamentation. The scroll-cut detailing also demonstrates the introduction of new construction technology, at a time when steam-driven band saws, drills and lathes had become readily available, facilitating the use of ornate detailing. The embellishment of late Victorian-era houses, with a variety of surface textures and carved and applied details, was a public display of pride as well as a sign of social status.

STATEMENT OF SIGNIFICANCE

Alexander Black, a railway conductor, remained in the house only briefly; John Alfred and Annie Lawrence bought the property in 1894. In the early 1930s, the home was purchased by the Province of British Columbia, necessitated by the expansion of the provincial bureaucracy. The Black Residence, with its complex design and fine craftsmanship, makes a significant contribution to the rich and varied streetscapes of the James Bay neighbourhood, which continues today with a mix of residential, commercial and bureaucratic uses.

Character-Defining Elements

Key elements that define the heritage character of the Black Residence include its:

- location in the historic James Bay neighbourhood;
- residential form, scale and massing as expressed by its: two and one-half storey height; full basement; central front-gabled roof with hipped returns; three double-height front-gabled bay windows; and front-gabled entrance porch, supported by paired lathe-turned columns;
- wood-frame construction with bellcast cedar shingles on the second storey level; wooden drop siding on the main floor level; and vertical v-joint siding on the foundation level;
- masonry elements such as brick foundation, and internal and external red-brick chimneys;
- elements of the Queen Anne Revival style such as: asymmetrical massing; picturesque roofline; variety of cladding and textures; applied scroll-cut ornamentation in gable peaks; coffered gable ends; decorative pediment above front entry; and carpenter ornamentation including scroll-cut brackets, lathe-turned columns, and moulded window hoods and crowns;
- fenestration such as: 1-over-1 double-hung wooden sash windows with horns; 16-over-1 double hung wooden sash window at second floor front; and stained glass; and
- double-leaf panelled wooden front doors with glazed insets, transom and original hardware.

South Block Development Corporation

3350 Douglas St. - Suite 100
Victoria, BC V8Z 3L1
Phone: 250 475-0338
Fax: 250 475-0339



August 13, 2014

City of Victoria
1 Centennial Square
Victoria, BC V8W 1P6

Attention: Mayor and Council

**Re: Heritage Designation for 521, 539 and 545 Superior and 524 and 526
Michigan Street**

As part of the purchase of the lands known as "South Block" from the Province, South Block (Concert) Ltd. and Jawl Precinct Lands Corporation (collectively the 'Developer') acquired five heritage registered houses: 521 Superior Street, 539 Superior Street, 545 Superior Street, 524 Michigan Street and 526 Michigan Street.

The conceptual redevelopment plan for South Block provides for the retention and relocation of the three houses currently located on Superior Street to the South Eastern Quadrant of Capital Park along Michigan Street. The Developer is proposing to relocate and transfer ownership of the two houses currently sited on Michigan Street off-site somewhere within the James Bay Neighbourhood.

Since the mid-1990s, South Block and a number of adjacent provincially owned land parcels (most notably Q-Lot) were subject to a land use and redevelopment strategy outlined in the existing CD-2 zone and the Victoria Accord. Immediately prior to the disposition of South Block by the Province to the Developer, the obligations set out in the Victoria Accord were updated to exclude those that had been satisfied and to allocate the remainder between the lands to be sold and the lands to be retained by the Province. The obligations assigned to each land parcel were secured by way of a Section 219 Covenant on title so as to confirm that the key provisions and objectives of the Victoria Accord would survive the land sale. The Section 219 Covenant deals with the heritage houses in Section 9 which reads as follows:

9.0 *Heritage Buildings*

- 9.1 *The Transferor must include the extent of restoration of the Heritage Houses in future development proposal guidelines.*
- 9.2 *Concurrently with the application for a development permit for the first office building to be constructed on the Lands, the Transferor must submit to the Transferee for its approval a plan for the restoration and relocation of the Heritage Houses, the relocations to be at locations within the Lands,*

or at alternative off-site locations, that are acceptable to the Transferee. The Transferor must restore the Heritage Houses (or in the event of relocation and restoration of one or more of the Heritage Houses at an off-site location, must ensure the restoration of the Heritage Houses on terms and conditions that are acceptable to the Transferee, acting reasonably) in the agreed upon locations in accordance with the approved phasing plan.

In June 2014 the Developer submitted to the City applications which included Conservation Plans for each of the five heritage houses and the proposed relocation plan of the Superior Street houses within the South Block parcel and the relocation criteria outlined in the respective Conservation Plans for the Michigan Street houses to address the requirement of the covenant.

The specific applications are identified as follows:

521 Superior Street –Heritage Alteration Permit Application #00184
539 Superior Street –Heritage Alteration Permit Application #00187
545 Superior Street –Heritage Alteration Permit Application #00185
524 Michigan Street –Heritage Alteration Permit Application #00188
524 Michigan Street –Heritage Alteration Permit Application #00189

The following work and interventions are anticipated to be made to each home:

- Relocation
- Rehabilitation of the façade as outlined in the Conservation Plan for each house.
- Sensitive façade intervention to facilitate the re-purposing of each structure, including but not limited to, exit stairs, fire suppression sprinkler systems, the addition, relocation or removal of windows and doors on the side and rear facades and other modifications as required. These interventions will comply with the intent outlined in the Conservation Plan for each home.
- Modifications required to meet the requirements of the British Columbia Building Code.
- Extensive interior renovations

At the request of the City, the Developer has consented to the heritage designation for all five heritage registered houses and waives all right to compensation associated with the designation.

A heritage designation application, pursuant to Part 27 of the Local Government Act for 521, 539 and 545 Superior Street will be submitted once these three houses have been relocated to Michigan Street and a subdivision plan to create a lot for each home has been registered.

A heritage designation application, pursuant to Part 27 of the Local Government Act for each of 524 and 526 Michigan Street will be submitted for each of these houses when they have been relocated to an identified receiver site.

Notwithstanding the designations it is understood that The City will allow and the Developer and future owners of the Michigan Street houses will complete, or cause to complete, the work to each of the heritage houses as outlined in the Conservation Plans.

Should the houses not be relocated as outlined above the Developer will have the option to apply for heritage designation for one or more of the houses on South Block. In that event, the designation would be structured in such a way as to permit the future relocation of the house and the transfer of the designation to the receiver site.

Sincerely,

South Block Development Corporation

Per:

A handwritten signature in blue ink, appearing to read "Karen Jawl", written over the printed name.

Karen Jawl

A BYLAW OF THE CITY OF VICTORIA

MAYOR

A BYLAW OF THE CITY OF VICTORIA

MAYOR

A BYLAW OF THE CITY OF VICTORIA

Under its statutory powers, including section 967 of the *Local Government Act*, the Municipal Council of The Corporation of the City of Victoria enacts the following provisions:

1. This Bylaw may be cited as the "HERITAGE DESIGNATION (545 SUPERIOR STREET) BYLAW".
2. The exterior of the building to be relocated to 545 Superior Street, legally described as Lot 2 of 1720-1743 Victoria City Plan EPP38872, is designated to be protected heritage property.

READ A SECOND TIME the _____ day of _____ 2015.

Public Hearing held on the _____ day of _____ 2015.

READ A THIRD TIME the _____ day of _____ 2015.

ADOPTED on the _____ day of _____ 2015.

MAYOR

APR 23 2015

Planning & Development Department
Development Services Division

(1)

-Demolition begins July, 2015.

(2)

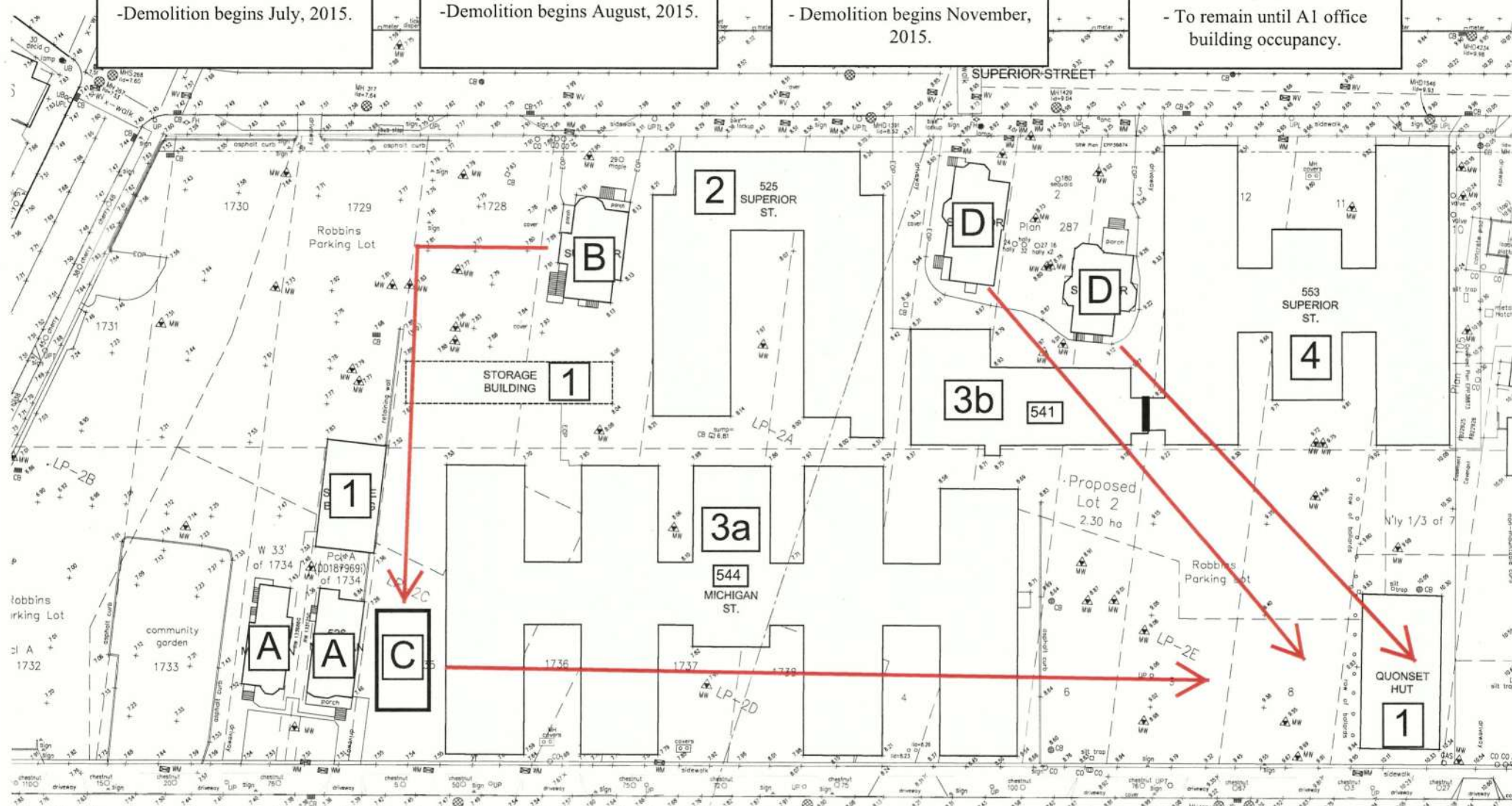
-Demolition begins August, 2015.

(3a/3b)

- Demolition begins November, 2015.

(4)

- To remain until A1 office building occupancy.



(A)

- To be relocated off-site and within James Bay (exact location TBD).

(B)

- First phase of relocation. 521 Superior Street relocation to location C.

(C)

-Second phase of relocation. Relocate and place at the southeast corner once demolition is complete of 544 Michigan (3a).

(D)

-Relocate and place at the southeast corner once demolition of 541 Superior (3b) is complete.