



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

COUNCIL POLICY

TITLE: Heritage Policy Update

NO. HER - 05

POLICY:

**ESQUIMALT
HERITAGE POLICY UPDATE
2012**

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HERITAGE POLICY UPDATE

TOWNSHIP OF ESQUIMALT



JULY 2012

PREPARED BY

DONALD LUXTON & ASSOCIATES inc.

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EXECUTIVE SUMMARY: ESQUIMALT HERITAGE POLICY

Heritage is both the starting point that we come from, and the link to the future that we construct. It is tied to culture, identity, cultural perspectives, collective consciousness and our sense of place. In Esquimalt, heritage translates into a distinct mix of cultures, traditions, military history, ideas, values and the built resources that represent them. This facet of our identity provides us with variety in neighbourhood design and architecture, expresses various social values, and provides an invaluable heritage legacy that is distinctly our own. Through an extensive consultation process, consensus was reached on the following policy framework for the Esquimalt Heritage Policy:

VISION

Esquimalt values its built, natural and cultural heritage resources, and is committed to recognizing and protecting them through the Official Community Plan, implementation of a comprehensive heritage plan, the provision of community education, and the consideration of incentives to help protect heritage property.

GOALS

In recognition of the many public benefits of heritage conservation, the Township of Esquimalt Heritage Policy will:

1. *Inspire Council, residents and visitors to appreciate, learn about and support Esquimalt's heritage programs.*
2. *Celebrate the Township's rich and diverse history by continuing to add sites to the Esquimalt Heritage Register while broadening the definition of heritage.*
3. *Increase the effectiveness of heritage planning in the identification, management, conservation, protection and celebration of Esquimalt's heritage resources.*
4. *Foster economic development and viability through long-term investment in heritage resources by building community partnerships such as military, First Nations and heritage building owners.*

STRATEGIES

The Township of Esquimalt Heritage Policy is based on the following five strategies:

STRATEGY 1: A BROADER RECOGNITION OF HERITAGE

Preserve, protect and celebrate significant historical resources that illustrate the broad range of Esquimalt's heritage values.

STRATEGY 2: MUNICIPAL HERITAGE STEWARDSHIP

Provide leadership in heritage conservation through a policy of Township heritage stewardship.

STRATEGY 3: ENHANCED HERITAGE PROGRAM

Continue to develop an enhanced Township Heritage Program and policy framework that links to broader civic goals of economic development, sustainability and neighbourhood planning.

STRATEGY 4: INTERPRET ESQUIMALT'S HISTORY AND HERITAGE

Interpret key aspects of Esquimalt's history through the conservation of heritage resources, and heritage education and awareness initiatives.

STRATEGY 5: ESQUIMALT HERITAGE FOUNDATION

Explore options for the establishment of an Esquimalt Heritage Foundation that would provide financial incentives for the restoration of heritage sites and help promote heritage within the community.

1. THE HISTORY OF ESQUIMALT

Esquimalt has a long and significant history resulting in a legacy of heritage buildings, sites, structures and cultural landscapes. Before the arrival of European settlers there was a First Nations presence, with people of the Coast Salish linguistic group inhabiting the area for approximately 4,000 years. There has long been a village site near Ashe Head on the eastern shore of Esquimalt Harbour and this is where the Esquimalt Band makes its home today. Esquimalt, pronounced Ess-KWY-malt, is an anglicized version of the First Nation's word "es-wohy-malth," meaning "the place of gradually shoaling water."

In 1790, the Spanish ship *Princesa Real* entered Esquimalt Harbour under the command of Lt. Don Manuel Quimper, who named the harbour *Puerto de Cordova*. In 1843, Hudson's Bay Company (HBC) Chief Factor James Douglas (later Governor of the Crown Colonies of Vancouver Island and British Columbia) visited Esquimalt Harbour with other HBC officials aboard the schooner *Cadboro*, looking for a suitable location for a new Fort north of the 49th parallel. Although Douglas established the new fort on the shore of Victoria Harbour, he recognized the agricultural potential of the land that is now Esquimalt. When he returned in 1848, Douglas negotiated Land Treaties with local First Nations that allowed the HBC subsidiary, the Puget Sound Agricultural Company, to establish three farms in the Esquimalt area: Viewfield Farm in 1850; and Constance Cove and Craigflower in 1853.

Esquimalt possesses one of the finest, natural harbours on the west coast, and this fact was not lost on the Royal Navy, intent on establishing their Pacific Headquarters there. With the outbreak of the Crimean War in 1854, attention focused on the mostly undefended supply lines in the Pacific, and Douglas was asked by the Admiralty to build three wooden hospital huts on Admiralty property on Duntz Head to handle casualties if necessary. In 1865, Esquimalt replaced Valparaiso, Chile as the Royal Navy Headquarters in the Pacific.

British Columbia's entry into Confederation was almost inevitable, given its strategic location, abundant natural resources and the shifting balance of power on the Pacific. In 1867, the British Parliament passed the British North America Act, which contained provisions for British Columbia's entry into the new Dominion. The two most significant conditions for joining Confederation were the construction of a transcontinental railway to the coast, and relief of the colonial debt. Other conditions included maintaining the Naval station in Esquimalt Harbour and provision for the Militia, the latter a foremost concern for the Crown because of the Fenian threats and Britain's engagement in the Anglo-Russian conflict.

It was also a time of transition from sail to steam power, and Russian warships steaming off the mouth of the Juan de Fuca created fears about the vulnerability of Victoria and Esquimalt; effective coastal defences were subsequently initiated by the Militia. The future of the new province was of great concern to British capitalists, who had extensive investments in many different local enterprises. From London there were calls for the construction of a drydock at Esquimalt that would support coastal trade and defence. These were all key initiatives that would not only benefit and enhance Britain's world-wide interests in trade and Empire but also demonstrate a strong commitment towards this fledgling Canadian province.



First Graving Dock, Naden, Esquimalt, 1887 [Young Collection, Esquimalt Archives 995.24]

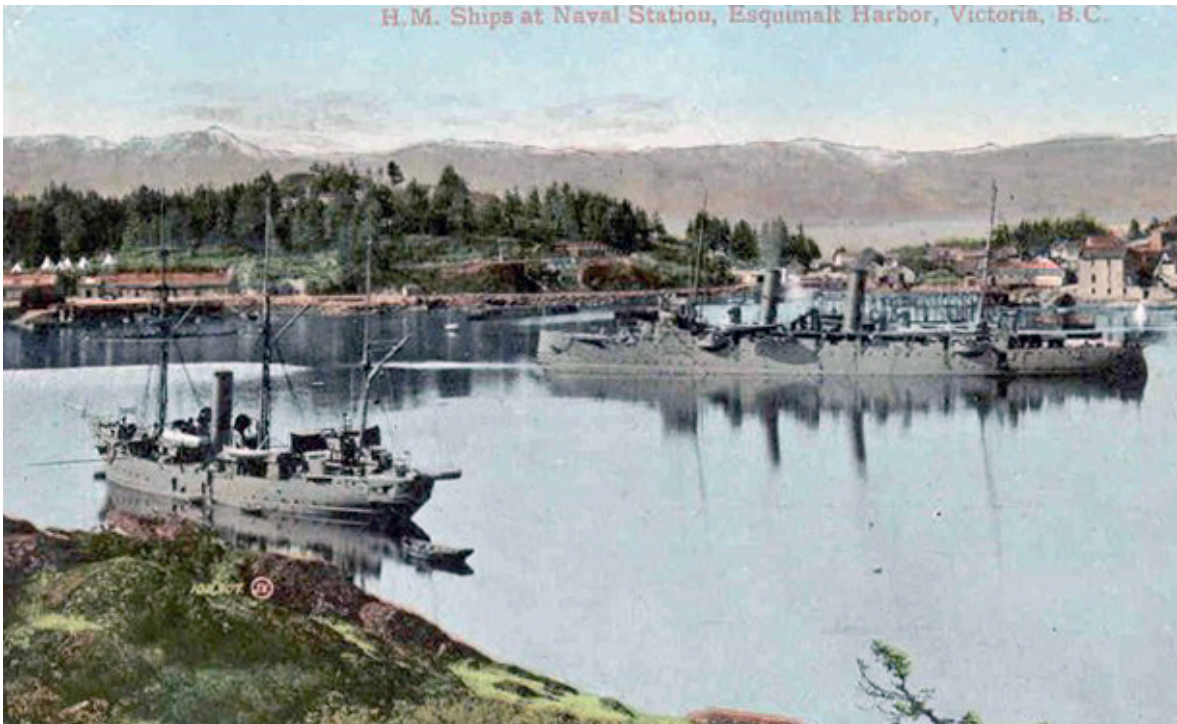


Work Point Barracks [Esquimalt Archives]



Work Point, looking west over the construction of the "Works Office" at Work Point Barracks circa 1893. In the background are the Royal Marine Artillery with their muzzle-loader carriage guns in the Parade Square and the Enlisted Men's Barracks to the far right. [Young Collection, Esquimalt Archives 994.4.7]

The 1880s brought major changes to the region. In 1886, the Esquimalt & Nanaimo Railway was constructed through the centre of Esquimalt. The following year, a military base was established at Work Point Barracks near the Victoria city boundary. It was the garrison headquarters for the first Permanent Force unit "C" Battery, Canadian Artillery for coastal defence, and played an essential role in protecting and guaranteeing Canada's sovereignty. Operation of a number of gun emplacements such as Macaulay Point, Finlayson Point and Brothers Island were necessary to protect both Victoria and Esquimalt harbours, and larger portions of Esquimalt lands were taken over by the crown for military operations. In 1887, the naval dockyard was completed, giving the Royal Navy a state-of-the-art ship repair and refitting site on Canadian soil. As the area's population grew, the presence of the Navy and the Army dominated social life both in Victoria and Esquimalt. Wealthy businessmen built large homes in Esquimalt along the shoreline, the banks of the Gorge and the rocky hillsides near Old Esquimalt Road, while more modest residential development took place in the southern part of the Township. In 1893, the gunners of the Royal Marine Artillery at Work Point built the province's first golf links on the Macaulay Plains.



“H.M. Ships at Naval Station, Esquimalt Harbour” [Esquimalt Archives A-00025]



Esquimalt Old Village, pre-1904 [Esquimalt Archives 992.23.6]

The last British Army garrison in Canada left Victoria and Esquimalt in 1906, leaving the Government of Canada in charge of Military District #11 (BC) Headquarters at Work Point, with Canadian Artillery Gunners responsible for Coastal Defence. Although the Royal Navy abandoned the naval base in 1905, it was revived in 1910 as the West Coast base for the newly-created Naval Service of Canada [renamed the Royal Canadian Navy in 1911] and continued to play an important role – along with the Military – in the life of the community.

In 1912, the Esquimalt Village was a bustling commercial centre with hotels, general stores, Chinese laundries and machine shops surrounded by houses. In the District, Hudson's Bay Company property was subdivided and sold, with new houses appearing throughout the area. The District of Esquimalt was defined in the letters patent signed August 15, 1912 and incorporated September 1, 1912, with the municipality to be called the Corporation of the Township of Esquimalt. Charles H. Lugin was acclaimed as the first Reeve. One of the first items tackled by the new Council was the installation of a modern sewerage system.



Esquimalt Municipal Hall, 1930s [Esquimalt Archives 989.36.1].



Military Parade, Esquimalt Road, 1938 [Esquimalt Archives 991.43.13 N.557 B1/6/12].

Shipbuilding and repair, the major industry since 1893, continued its role as a major employer throughout the First World War, with major expansion taking place during the Second World War when Yarrow's Shipyard built new ships for the Royal Canadian Navy and the Canadian Merchant Marine Service. Esquimalt became a focal point of activity during the Second World War, with Pacific Command Headquarters set up at Work Point Barracks. At one point, these staging grounds held 10,000 troops and officers training before deployment. The Old Esquimalt Village was expropriated in 1941 as well as property in the Naden area when more space was needed to enlarge the military barracks. In the post war era a light industrial zone was established in the eastern part of the municipality where access to the railway was established through spur-lines. Recreational facilities, new schools, shopping plazas and commercial development expanded throughout the 1950s to 1970s. Many large homes were lost when their property was sub-divided to build apartment complexes, and single-family residential development took place throughout the Township.

Esquimalt today has a healthy mix of commercial, residential and industrial development. The almost 17,000 residents of Esquimalt enjoy a variety of amenities including schools, recreational facilities, library, archives, parks both active and passive, a golf course, beaches and green spaces. This rich legacy of settlement and development has defined a unique community heritage identity that is preserved, protected and celebrated through the Township's Heritage Policy.

2. THE HERITAGE RESOURCES OF ESQUIMALT

Esquimalt possesses a rich variety of heritage sites, some of which have been formally identified or protected. Other sites have been informally identified, or have heritage potential that is yet to be recognized. Our understanding of what constitutes a heritage resource may also be broadened beyond the recognition of buildings and structures.

2.1 HERITAGE INVENTORY

This heritage inventory document was the first systematic survey of Esquimalt's heritage resources. Written and researched by Dorothy Field in 1984, it identified 94 buildings of heritage significance. Selection criteria considered the inclusion of all extant buildings of historical or stylistic interest, dating from the earliest settlement in the 1800s to the present. The inventory is composed of four sections identifying the level of significance for each category: primary, secondary, third or tertiary and fourth or lesser significance for buildings of interest. This document was never officially adopted, and many of the buildings identified on the Inventory have been demolished. It provides, however, a baseline of information for further consideration.

2.2 HERITAGE REGISTER

The Esquimalt Heritage Register is the official list, passed by Council resolution, of sites considered to be of heritage significance (see **Section 5.2**). At present, this list contains one site.

2.3 DESIGNATED HERITAGE SITES

The Township of Esquimalt has protected twelve properties through municipal heritage designation (see **Appendix A**). These sites have not yet been added to the Heritage Register.

2.4 FEDERAL HERITAGE SITES

The Federal Government has recognized the rich history of Esquimalt through the identification of many military sites on the Federal Heritage Building Inventory. In addition to the sites included as part of the Dockyard/Naden complex, this includes sites at the Esquimalt Graving Dock, Work Point and Signal Hill. Although this recognition does not provide legal protection, it is an important commemoration of their heritage value and there is a federal review process in place. These sites are documented with Statements of Significance and are included on the Canadian Register of Historic Places. In addition, St. Paul's Anglican Church, 1379 Esquimalt Road, is under consideration as a National Historic Site.

The significant concentration of military heritage sites in Esquimalt was recognized by the Historic Sites and Monuments Board of Canada in 1995 with the designation of a complex of military sites as the Esquimalt Naval Sites National Historic Site of Canada. This includes the following four components as well as a number of individual buildings, structures and features:

- Cole Island
- Former Royal Naval Hospital
- HMC Dockyard
- Veteran's Cemetery



Aerial view of Esquimalt Naval Sites, ringing Esquimalt harbour, 2001.

2.5 OTHER HISTORIC RESOURCES

There are many other community heritage resources, other than buildings and structures that have potential heritage value and contribute to the historic character of Esquimalt. These include:

- Significant Trees
- Historic Cemeteries
- Historic Streets and Street Names
- Archaeological Sites
- Cultural and natural landscape features
- Memorials and plaques

The Esquimalt Archives is the most significant local collection of historic research material and is an invaluable community asset (See **Section 5.12**).



"Rosemead", the T.H. Slater Residence, Samuel Maclure architect, 1909.
Now the English Inn, 429 Lampson Street, Esquimalt [Esquimalt Archives]

3. COMMUNITY BENEFITS OF HERITAGE CONSERVATION

Heritage conservation has many potential cultural, social and economic benefits. Conserving and celebrating a community's heritage allows it to retain and convey a sense of its history, and provides aesthetic enrichment as well as educational opportunities. Heritage resources help us understand where we have come from so that we can appreciate the continuity in our community from past to present to future. Historic sites become physical landmarks and touchstones, and many other intangible heritage features - such as traditions, events and personal histories - add to the Township's vibrancy and character. This broad range of heritage resources represents a legacy that weaves a rich and unique community tapestry.

Cultural and heritage-based tourism, such as visits to historic sites, is now the fastest growing segment of the burgeoning tourism industry. Other benefits of strong heritage policies include maintaining distinctive neighbourhoods, conserving cultural heritage, providing community identity and promoting civic pride. Heritage conservation is also inherently sustainable, and supports initiatives such as reduction of landfill, conservation of embodied energy, reinvestment in existing infrastructure and avoidance of environmental impacts through reduced GHG emissions. These are all important considerations in the long-term management of our built environment.

The benefits of a well-managed heritage conservation program include:

- encouraging retention of the community's unique physical heritage
- celebrations of historical events and traditions
- identifying ways that partnership opportunities can be fostered with senior levels of government
- engagement of the broader community including the private and volunteer sectors
- conservation of a broad range of historical sites that supports other public objectives such as tourism development and education
- flexible heritage planning that assists private owners in retaining historic resources
- investment in heritage sites through community partnerships
- support for sustainability initiatives
- generation of employment opportunities and other economic benefits

Heritage initiatives provide many tangible and intangible benefits, and have a strong positive impact on the development of a complete community and the emergence of a vibrant culture of creativity and innovation. In general, heritage incentives leverage many times their original value in owner investment, construction and job creation. In addition to being a sound community investment, they would also be sound financial investment for the Township.

For further information about community benefits, refer to **Appendix B**.

4. ENABLING FRAMEWORK

The following senior governments acts and policies provide the structure within which Esquimalt can develop a municipal heritage policy. This provides the overall framework, within which the Township can enact specific bylaws as well as develop policies that can promote heritage conservation.

4.1 PROVINCIAL ENABLING LEGISLATION

Prior to 1994, there were two provincial Acts that most directly enabled municipal heritage conservation initiatives: the *Heritage Conservation Act* and the *Municipal Act*. These two Acts, and a number of others, were amended by the *Heritage Conservation Statutes Amendment Act* 1994. In addition to existing procedures, the 1994 changes to the *Municipal Act* (now the *Local Government Act*) enabled municipalities to better integrate heritage conservation activities into the mainstream of development and community planning. The Act defined new procedures for more powerful regulations (Heritage Conservation Areas, Community Heritage Commissions, heritage site maintenance standards, tree protection, etc.) and heritage incentives (tax exemptions, an expanded legal protection toolkit, consolidated approvals for heritage rehabilitation work, etc.). Heritage tools are referenced in a number of other provincial acts, such as the *Land Titles Act* (which enables covenants to be registered on land titles), but the majority of the tools the Township is likely to use in the conservation of heritage resources are now enabled under the revised *Local Government Act*. Other provincial acts and policies now include specific exemptions or equivalencies that enable improved heritage conservation, including the *Energy Efficiency Act*, the *Homeowner Protection Act* and the *BC Building Code*, all of which now specifically reference heritage buildings (See **Section 5.7.2**).

4.1.1 LOCAL GOVERNMENT ACT

Under the Local Government Act (LGA), a legal framework is provided for the establishment and continuation of local governments to represent the interests and respond to the needs of their communities. Local governments are enabled with the powers, duties and functions necessary for fulfilling their purposes, including stewardship of public assets, and the flexibility to respond to the different needs and changing circumstances of their communities. The Township of Esquimalt is empowered to regulate land development through zoning, subdivision control, building by-laws, maintenance and occupancy by-laws, and a number of other regulatory mechanisms, based on an Official Community Plan (OCP). Most of the tools that the Township could use to provide incentives and regulations for the heritage program are enabled under the LGA.

One of the tools commonly used as the basis of a municipal heritage program is a Community Heritage Register, an official listing of properties having heritage value, passed by resolution of local government; Esquimalt has already established this tool (see **Section 5.2**). The Township can also legally protect heritage sites through heritage designation (as has been undertaken for twelve sites) or through a Heritage Revitalization Agreement (HRA), a voluntary negotiated agreement that may vary through a combination of bylaws and permits (the Township has undertaken one HRA). The Esquimalt Heritage Advisory Committee has been established to advise Council on heritage matters (See **Section 5.3**).

4.1.2 HERITAGE CONSERVATION ACT

The purpose of this Act is to encourage and facilitate the protection and conservation of heritage property in British Columbia. This Act is most relevant when dealing with archaeological issues, the management of which remains a provincial jurisdiction. The province may enter into a formal agreement with a First Nation, with respect to the conservation and protection of heritage sites and heritage objects that represent the cultural heritage of the aboriginal people who are represented by that First Nation. Owners of identified archaeological sites are required to conform to provincial requirements.

4.1.3 COMMUNITY CHARTER

The Community Charter came into effect in 2004, and provides municipalities with a framework for local activities and services. This legislation applies to all municipalities whose core powers were previously found in the Local Government Act, and replaces the tradition of prescriptive legislation with enabling legislation that allows municipalities to be innovative in meeting the needs of their communities. The Charter gives municipalities broad powers, including permissive tax exemptions, to regulate activities within their communities. The Permissive Exemptions provisions in the Community Charter that can be used for facade improvement and heritage conservation projects are listed below:

- **Section 225:** Permissive tax exemptions can be offered to “eligible property”, as defined by heritage protection. A rebate on municipal and provincial taxes can be provided. There is no specified time limit to the exemption that can be negotiated. These provisions require a 2/3 supporting vote of Council for enactment.
- **Section 226:** Permissive tax exemptions can be offered to revitalization projects. A rebate can only be provided on municipal taxes, and can be offered to any property. There is a 10-year time limit to this exemption, however it requires only a simple majority vote of Council for enactment.

4.2 NATIONAL STANDARDS AND GUIDELINES

In 2003, Parks Canada – as part of its Historic Places Initiative – first introduced a set of heritage principles that defined heritage conservation best practices at a national level, the *Standards and Guidelines for the Conservation of Historic Places in Canada*. Since that time, the *Standards and Guidelines* have been adopted by many jurisdictions across the country, including the Province of British Columbia, as the basis for heritage review. The updated second edition of the *Standards and Guidelines* was released in 2010.

There are heritage guidelines in place for the review of applications for additions to the Heritage Register, but Esquimalt has not yet adopted a set of conservation principles, conservation standards and development guidelines for the assessment of heritage permit applications. The Township should adopt the *Standards and Guidelines for the Conservation of Historic Places in Canada* as the basis of the heritage review process.

ACTIONS:

- ***Adopt the Standards and Guidelines for the Conservation of Historic Places in Canada as the basis of heritage review.***
- ***Provide heritage training and education to Township Staff and the Esquimalt Heritage Advisory Committee.***

5. ADMINISTRATIVE POLICIES AND PROCEDURES

Over the last twenty years, Esquimalt has established a planning framework for the conservation of significant heritage resources. This Heritage Policy provides a renewed framework for the Township of Esquimalt's Heritage Program and a focus for the Esquimalt Heritage Advisory Committee, in order to enable more effective planning for the conservation, interpretation and celebration of Esquimalt's heritage. This provides an effective, sustainable, and realistic heritage policy framework for the Township of Esquimalt that will proactively encourage the preservation and long-term viability of heritage resources. Through an extensive consultation process, consensus was reached on the following policy framework for the Esquimalt Heritage Policy:

VISION

Esquimalt values its' built, natural and cultural heritage resources, and is committed to recognizing and protecting them through the Official Community Plan, implementation of a comprehensive heritage plan, the provision of community education, and the consideration of incentives to help protect heritage property.

GOALS

In recognition of the many public benefits of heritage conservation, the Township of Esquimalt Heritage Policy will:

1. *Inspire Council, residents and visitors to appreciate, learn about and support Esquimalt's heritage programs.*
2. *Celebrate the Township's rich and diverse history by continuing to add sites to the Esquimalt Heritage Register while broadening the definition of heritage.*
3. *Increase the effectiveness of heritage planning in the identification, management, conservation, protection and celebration of Esquimalt's heritage resources.*
4. *Foster economic development and viability through long-term investment in heritage resources by building community partnerships such as military, First Nations and heritage building owners.*

STRATEGIES

The Township of Esquimalt Heritage Policy is based on the following five strategies:

STRATEGY 1: A BROADER RECOGNITION OF HERITAGE

Preserve, protect and celebrate significant historical resources that illustrate the broad range of Esquimalt's heritage values.

STRATEGY 2: MUNICIPAL HERITAGE STEWARDSHIP

Provide leadership in heritage conservation through a policy of Township heritage stewardship.

STRATEGY 3: ENHANCED HERITAGE PROGRAM

Continue to develop an enhanced Township Heritage Program and policy framework that links to broader civic goals of economic development, sustainability and neighbourhood planning.

STRATEGY 4: INTERPRET ESQUIMALT'S HISTORY AND HERITAGE

Interpret key aspects of Esquimalt's history through the conservation of heritage resources, and heritage education and awareness initiatives.

STRATEGY 5: ESQUIMALT HERITAGE FOUNDATION

Explore options for the establishment of an Esquimalt Heritage Foundation that would provide financial incentives for the restoration of heritage sites and help promote heritage within the community.

5.1 ESQUIMALT OFFICIAL COMMUNITY PLAN

The Official Community Plan, 2007 (OCP) makes specific reference to Heritage in Section 3.2. The following statements are made regarding the heritage program:

- The Township encourages the recognition and the adaptive re-use of heritage structures, provided that the essential character of the building or site can be maintained.
- The Township strongly encourages the preservation and adaptive reuse of heritage resources located on the DND property.
- The preservation and adaptive reuse of historic sites, including military heritage sites, building features, trees, natural areas and viewpoints, is considered to be an amenity to the community and, as a result, the municipality may consider the use of a density bonus zoning, bylaw variances and tax credits to encourage the retention of such amenities.
- When developing heritage sites or buildings, the owners are encouraged to do so in a manner that is respectful of the character and the significance of the site.
- This plan encourages the municipality to work with the development community and owners of heritage structures to find innovative solutions that will permit change to occur while minimizing its impacts upon sites' heritage value.
- The Township will assist with the development of the heritage signage strategy.
- The Township will update the 1996 Heritage Management Plan, including provisions for a Heritage Registry and a commitment to maintain a heritage inventory. The updated Heritage Management Plan will provide guidance to Esquimalt's decision makers respecting heritage conservation and preservation.

ACTION:

- *In any future updates of the Official Community Plan, further strengthen policies regarding the reservation, protection and celebration of significant historical resources that illustrate the broad range of Esquimalt's heritage values.*
- *Plan for the sustainable development of healthy neighbourhoods, based on their historic identity and character.*

5.2 ESQUIMALT HERITAGE REGISTER

One of the tools commonly used as the basis of a municipal heritage program is a Community Heritage Register, an official listing of properties having heritage value, passed by resolution of local government. The Heritage Register is not a form of legal protection. There are potential implications when the owner is considering redevelopment. For a Register-listed site, a building or demolition permit may be delayed or withheld while an impact or heritage assessment is prepared. In addition to the tracking and regulatory powers implied by a Register listing, there are also incentives that can be offered to assist owners with conservation. Properties on a Register are eligible for special provisions, including equivalencies under the *BC Building Code* and exemptions for alternative compliance under the *Energy Efficiency Act* (Energy Efficiency Standards Regulation) and exemptions from the *Homeowner Protection Act* (see **Section 5.7.2**)

The township of Esquimalt has established a Heritage Register, which to date consists of one site (330 Kinver Street). An owner can request that their site be added to the Register, for consideration by Council. The Esquimalt Heritage Advisory Committee (EHAC) is creating Statements of Significance for sites that are recommended for inclusion on the Heritage Register. The Township of Esquimalt has also protected twelve properties through heritage designation (see **Appendix A**). Despite this legal protection, these sites have not yet been added to the Heritage Register.

ACTIONS:

- *Continue to identify sites for addition to the Community Heritage Register and prepare Statements of Significance for each site.*
- *The twelve designated sites should be added to the Community Heritage Register.*
- *Statements of Significance will be prepared for each designated site as resources allow.*

5.3 ESQUIMALT HERITAGE ADVISORY COMMITTEE

The Terms of Reference for the Esquimalt Heritage Advisory Committee (EHAC) are as follows:

PURPOSE

The purpose of the Esquimalt Heritage Advisory Committee is to:

- Advise Council, recommend policies and actively support and promote leadership in community heritage matters including services, facilities, preservation and specific community interests.
- Advise and assist Council to accomplish its goals and objectives as outlined in Council’s Strategic Plan.

MANDATE

The Heritage Advisory Committee will, consistent with the purpose described above, undertake the following:

- Develop and recommend policies to Council and respond to Council requests for advice and information on heritage issues.
- Provide a community perspective on services, programs, events, and facilities related to heritage promotion, education and awareness.
- Foster public awareness, recognition and support for heritage and archival preservation.
- Identify sources of funding and grants to support heritage related activities.
- Provide leadership in, and actively promote heritage initiatives.

In its advisory role, the Committee will provide organizational context to discussions and ensure that:

- Any form of communication from the Committee [which includes correspondence, logos, branding, graphics] represents the Corporation of the Township of Esquimalt;
- Any action proposed to be taken [which includes supporting or participating in an endeavor] has first received Council endorsement.

The Heritage Advisory Committee will submit to Council an annual work plan at the beginning of each year describing its plans for the year. The Committee will submit to Council a final report at the end of each year describing its activities and accomplishments of the previous year.

MEMBERSHIP

The Committee will consist of up to ten (10) full voting members and Two (2) non voting members including:

- Two (2) members of Council as appointed by the Mayor.
- Up to Seven (7) community representatives appointed by the Council, representing the broad interests of the community.
- A Youth representative- appointed by Council per Council’s policy “ADMIN-60, Role of Youth Representative Appointed to Council Committees”.

Non Voting Members

- A liaison representative from the Department of National Defence
- A staff liaison position- appointed to act as a resource to the Committee as outlined in the Council’s Policy “ADMIN-61, Role of Staff Liaison Appointment to Council Committees”.
- A recording secretary-assigned to the Committee to prepare agendas, take the minutes, and prepare any other correspondence as required.

QUORUM

- The calculation of quorum to conduct business is 50% +1 of full voting members show below:
If: 7 full voting members - quorum is 4
8 full voting members - quorum is 5
9 full voting members - quorum is 5
10 full voting members - quorum is 6

TERMS

Members will be appointed by Council for a two-year term with term end dates split between alternating years to ensure continuity of committee membership. On application, members may be re-appointed for up to three consecutive terms.

All appointees sit at the pleasure of Council and may be removed at Council’s discretion. Council may disqualify an appointee from holding that appointment if the person is absent from committee meetings for a period of 3 consecutive regularly scheduled committee meetings, unless the absence is because of illness or injury or is with the leave of Council.

MEETINGS

The Committee will meet a minimum of four times per year in accordance with its regular schedule of meetings established annually at the first meeting of the year. No meetings are held during the summer and winter breaks (July, August and December). Special meetings may be held at the call of the Chair. At the first meeting of each calendar year the Committee will elect a Chair and Vice-Chair from amongst its members. If council deems it necessary, Council may appoint the Chair for the Committee.

The meeting rules and procedures will be in accordance with the Council Procedure Bylaw.

ORIENTATION/TRAINING

The Committee members appointed by Council will be provided an orientation/education.

5.4 BUILDING AND DEMOLITION PERMITS

Before a building or structure can be altered, demolished, or relocated, a building permit must first be obtained. Current practice states that Development Services will monitor all buildings on the Heritage Inventory list and notify the Esquimalt Municipal Archives of applications to demolish a building. Buildings with heritage merit listed on the inventory and flagged in the Development Services files will be monitored when application for building modifications are made and the EHAC will be notified.

In the case of designated heritage structures, a Heritage Alteration Permit is required before a building permit can be issued. Heritage Alteration Permit applications are processed by the Development Services Department and forwarded to the EHAC for comment prior to consideration by Council. In the case of non-designated heritage buildings or structures, minor exterior alterations that do not impact on the heritage character or significance may be approved by the Development Services Department. More significant alterations that may impact on the heritage character or significance are forwarded to the Heritage Advisory Committee for review and possible a report to Council. The Local Government Act permits Council by a resolution to withhold a permit for up to 60 days in order to consider heritage significance. Where a bylaw is introduced to designate a building or structure as a municipal heritage site, Council has an additional 60 days in which to make a final decision. Where significant changes are proposed to non-designated buildings, the Manager of Corporate Services is advised immediately in order that Council can consider a resolution to withhold the permit pending review of the heritage considerations.

POLICIES:

- Require that the Development Services Department forward building permit applications related to protected buildings, structures, or sites for consideration by the EHAC and a Heritage Alteration Permit issued by Council.
- Require that the Chief Building Official forward building permit applications related to non-protected heritage buildings, structures or sites for approval of minor changes for consideration by the EHAC.
- Where changes to non-protected heritage buildings, structures, or sites have the potential to impact on the heritage significance or character, require the Development Services Department to refer the building permit application to the Manager of Corporate Services for consideration by Council of a resolution under Sections 960-965 of the *Local Government Act* to withhold the building permit before forwarding the application to the EHAC.
- Where a building permit is issued to demolish a heritage building or structure, the owner should be encouraged to:
 - (a) Provide the Esquimalt Archives with a photographic record of the building or structure including the interior details prior to demolition; and
 - (b) Salvage materials, windows, and features of architectural or historical significance.

5.5 SUBDIVISION AND REZONING APPLICATIONS

5.5.1 Subdivision

All applications for subdivision are reviewed by the Approving Officer, who takes into consideration comments from municipal departments including Development Services, Finance, Parks and Recreation, and Fire.

For subdivision applications, where specific conditions are deemed to be necessary in order to protect the integrity of a heritage resource, they will be listed in the Preliminary Layout Assessment [PLA] so that they can be addressed before the plan of subdivision is approved.

5.5.2 Rezoning

Where an application for rezoning includes heritage considerations, the application will be referred to the Heritage Advisory Committee for comment prior to any approvals being granted. Where specific considerations are necessary to protect the integrity of the heritage resource, they will be included in the staff report to the Committee of the Whole, which will also contain any recommendations from the Advisory Planning Commission.

In order to minimize delays in the zoning process, applicants should be encouraged to discuss heritage considerations with the Development Services Department at an early stage in the process. If necessary, additional input can be sought from the Heritage Advisory Committee without unduly delaying the circulation process and communicate any concerns to the applicant for consideration prior to final design submission. Once final designs are available they should be formally reviewed by the Heritage Advisory Committee.

POLICIES:

- Encourage developers to discuss heritage considerations with the Development Services Department prior to submitting a subdivision, rezoning, development permit, or development variance permit application.
- Consider incentives such as density bonuses at the time of application as a means to encourage preservation of heritage resources.
- Request the Development Services Department to continue to refer applications for subdivisions or rezoning involving heritage resources to the EHAC for comment.
- When rezoning applications for properties with recognized heritage value are being considered, they should be referred to the EHAC for comment prior to the application being considered by Council.
- When subdivision of any property adjacent to one with heritage value is proposed, consideration should be given to potential impacts to the neighbouring property's heritage value.

5.6 LEGAL AND CONTINUING PROTECTION

The municipality is empowered to protect heritage property through legal protection. This can extend to buildings, structure or land in whole or in part. Council approval is then required for demolition or exterior alterations. The following are the ways in which legal and/or continuing protection can be afforded to heritage sites:

Municipal Heritage Designation

Municipal designation (Local Government Act s.967, s.968, s.969) is the strongest form of protection currently available for heritage sites and structures and implies a long-term commitment to preserve the heritage significance. Designation bylaws require that no person shall demolish or alter the exterior of a designated structure or build upon a designated heritage site without prior approval by resolution of Council. In designating residential properties, Council's practice has been to designate the structure only, unless the owner specifically requests that the site should also be designated.

Homeowners have initiated most heritage designations after consulting with the Esquimalt Heritage Advisory Committee. Appropriate application forms are available from the office of the Township. Completed applications are forwarded to the EHAC, which formulates a recommendation for

Council's consideration. Designated sites are commemorated with bronze plaques provided by the Township. To date, the Township has designated twelve sites (see **Appendix A**). Only these sites may be considered legally protected; the other Heritage Register or Inventory sites have no legal protection.



If a preservation strategy has been adopted that balances heritage interests with land use needs and economic realities, then designations should remain reasonably fixed. However, circumstances in a community change over time and on occasion, it may be necessary to review and reconsider past decisions. Local government has the power to repeal a heritage designation bylaw using a reverse process to the one used to designate a building or structure. De-designation should only be considered, however, as a last resort after all reasonable land use options to sustain the heritage resource have been thoroughly investigated and dismissed.

In order to consider this course of last resort, Council should request documentation that all means of preserving the site are exhausted, and evidence that existing use is not economically viable. Where Council agrees to rescind a heritage designation bylaw, the owner may be requested to provide: documentation of the interior and exterior of the building, significant architectural details, and the context of the site in relation to the surrounding neighbourhood; provide a site plan, floor plans, and elevations of the building; consult with the Municipal Archivist about retaining or salvaging significant furnishings, hardware, or building materials; and return the heritage identification plaque to the Manager of Corporate Services.

Heritage Revitalization Agreements

A Heritage Revitalization Agreement (HRA) is a tool enabled under the *Local Government Act* s.966. This formal written agreement can be negotiated by a local government and an owner to protect a heritage property, and may be used to set out the conditions that apply to a particular property. A Heritage Revitalization Agreement is a contractual agreement between a property owner and a local government or heritage organization. The terms of the agreement supersede local government zoning regulations, and may vary use, density, and siting regulations. Through an HRA, heritage projects can be designed with special conditions that promote financial viability for projects that could not otherwise proceed. This is potentially a very useful conservation tool, and has been used widely by other municipalities. An HRA allows for a voluntary negotiated agreement, which may vary bylaw and permit conditions and provides continuing protection for the site. If use and density are not varied, a Public Hearing is not required.

Such agreements may:

- detail the timing of the agreement terms;
- vary or supplement the provisions of a by-law which concern land use designation, development cost recovery, subdivision, and development requirements;
- vary or supplement a permit;
- vary or supplement a by-law or heritage alteration permit; and/or
- include other terms agreed to by the local government and the property owner.

Heritage Conservation Areas

Under the Local Government Act the municipality can define special areas in the Official Community Plan (OCP) to provide long-term protection to distinct heritage areas. A Heritage Conservation Area may protect some or all of the properties, depending on the way the bylaw and the schedule are written. A Heritage Alteration Permit is the tool by which changes are then allowed to individual properties.

Restrictive Covenants

Restrictive covenants (Land Title Act s. 217; Local Government Act s.302, s. 305, s.306) allow for the negotiation of a contractual agreement with the owner, which is then registered on the Land Title. These covenants may not vary siting, use or density.

In all cases of legal and continuing protection, it should be explicitly stated what portions of, and structures on, each site are significant and therefore protected. Legal protection should be a prerequisite for the offering of incentives to private owners.

Legal protection should be sought over time for any buildings listed on the Heritage Register. This protection should be voluntary when possible; in cases of voluntary protection, the owner waives any future claim to compensation under the *Local Government Act*. Legal protection should also be required, as a guarantee of long-term preservation, when incentives are given to a building owner. The municipality may be able to fulfill any compensation requirements for designation by offering density bonuses or other incentives.

It is recommended that a policy for legal protection of heritage buildings be developed, employing the following guidelines:

- Any publicly-owned buildings on the Heritage Register should receive legal protection. The municipality can set the example by proceeding with heritage designation of its own heritage buildings. Other public authorities should then be encouraged to follow suit.
- The question of compensation should be addressed at the time of negotiation of any protective measures. This may include offering bonus density, relaxations and/or municipal tax incentives as part of the protection package.
- Where potential Heritage Register resources are threatened with demolition, (i.e. when heritage incentives have failed) the municipality may consider designating the resource, and incurring the possible costs of designation, if any. This would be a measure of last resort only in extreme cases.
- Future designation bylaws will need to include information regarding the heritage value or heritage character of the property and associated features, and may specify interior features.

POLICIES:

- Consider protection for heritage sites, having regard for the heritage merit, the condition and structural stability, the development potential of the site, and the stability of the neighbourhood.
- Request that the Manager of Corporate Services forward recommendations for heritage protection to the Development Services Department for comment prior to consideration by Council.
- Continue to advise the owners of heritage buildings and structures, not already protected, about the significance of the resource and the opportunities for, and implications of, heritage protection.
- Ensure that protected sites are registered on their respective Land Titles.
- Continue to provide a heritage identification plaque to the owners of designated heritage structures.

ACTION:

- ***Pursue legal protection for additional features of heritage value (outbuildings, rock walls, associated landscape features, significant interior features, etc.) not identified in existing designations. Identify and assess these additional features when considering new legal protection.***

5.7 HERITAGE INCENTIVES

A considerable amount of building activity has occurred in Esquimalt over the past few years, and without a strong program of heritage conservation incentives, it could be difficult to achieve conservation of significant resources. This will increase the risk of continued erosion of the remaining authentic aspects of Esquimalt, which include buildings, structures, historic sites, and cultural and natural landscapes. The provision of heritage conservation incentives, which can include property tax exemptions, building code equivalencies, zoning and subdivision relaxations and technical assistance, should be reviewed to determine if they are effectively encouraging heritage property owners to work with the Township to conserve heritage resources. The rigorous application of the *Standards and Guidelines for the Conservation of Historic Places in Canada* should be a prerequisite for conservation so that each resource maintains its heritage integrity.

It is important to remember that incentives should ensure the long-term financial viability of each heritage conservation project and that the application of incentives is subject to the following conditions:

- All properties on the Heritage Register, or eligible for the Register, should be considered for financial incentives, but legal or continuing protection, in the form of heritage designation or a covenant, should be a pre-requisite before any municipal heritage incentive is granted.
- The amount of incentives offered should be directly related to the level of conservation, and should reflect a good conservation outcome. The heritage character-defining elements of the site are to be maintained.
- The proposed work on the site would be compatible with, and sympathetic to, the character and context of the heritage site, according to the *Standards and Guidelines for the Conservation of Historic Places in Canada*.

5.7.1 FINANCIAL INCENTIVES

Township Financial Incentives

There are a number of financial incentives that the Township can offer to encourage conservation. Generally these can be considered to be of four types, including (1) direct grants (“out-of-pocket”), from either the Township or a Heritage Foundation, (2) tax incentives (“tax holiday”), (3) interest-free / low-interest loans and/or (4) reduced permit fees. Senior levels of government also provide conservation incentives in limited cases, that should be explored whenever possible.

(1) Direct Grants

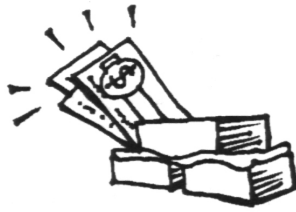
One of the most motivating incentives, especially for homeowners, can be direct financial assistance. Modest financial grants are sometimes extremely effective in promoting conservation, especially in the residential context. These are often only seed money or a show of support, rather than reflecting a large share of restoration costs. Grants sometimes “top up” a project so that the specific heritage character-defining elements (e.g., porches) can be restored. Sometimes relatively small projects can have a dramatic impact on the appearance of a heritage building exterior (e.g., opening of an enclosed verandah, heritage paint colours, or re-installation of wood windows and doors). The Township of Esquimalt could consider allocating a budget amount for heritage restoration grants that could be directed towards the conservation of properties, similar to what occurs in the Township of Surrey and the Township of Langley. The Township of Kelowna offers a grant program that is administered by an outside agency (the Central Okanagan Heritage Society). Alternatively, funding could be provided through a municipal heritage foundation (see **Section 5.8**)



(2) Tax Incentives

Currently, if a property owner undertakes a rehabilitation of a heritage building, they usually encounter an increased property tax assessment due to an increase in market value. This, combined with the high cost of meeting building code requirements, can make the upgrade of heritage properties a marginal economic proposition. The assessment and taxation process is governed by provincial legislation and is very inflexible. Municipalities may also choose to forgive all or part of the municipal portion of the property tax on a heritage property as long as the property is municipally designated. In these cases, the tax relaxation may be calculated based on the extent and cost of the rehabilitation.

Municipal tax-based heritage grants have been proven to be successful in a number of cities including Vancouver and Victoria. The potential for tax-based heritage incentives will need to be explored further as to their applicability within the Esquimalt context.



(3) Interest-Free / Low-Interest Loans

Although not yet used in British Columbia, interest-free or low-interest loans have been used in other jurisdictions to promote conservation. An example is the Town of Markham, Ontario, which established a Heritage Loan Fund in 1981. The intent of this fund is to offer low-interest loans (5 points below prime, minimum of 5%), but in this current environment of low interest rates, even 5% may not be attractive. American jurisdictions have also explored the idea of similar revolving funds that can be repaid over time.

(4) Reduced Permit Fees

The Township should review its current permit application procedures to ensure that there are no financial disincentives to heritage conservation. In addition, permit fees could be reduced or waived for heritage projects; this would not be a large incentive but would send a message of administrative support. Heritage Revitalization Agreements can also be a cost effective alternative to rezonings.

Provincial Financial Incentives

Under its Heritage Conservation Program, The Heritage Legacy Fund provides financial contributions of up to \$25,000 for projects involving the preservation, rehabilitation and/or restoration of a built community heritage resource. Eligible applicants include the Township, registered non-profit societies and registered federal charities.

Federal Financial Incentives

The Residential Rehabilitation Assistance Program (RRAP), offered through the Canada Mortgage and Housing Corporation, helps low-income Canadians, people with disabilities and First Nations people live in decent, affordable homes. These programs also support rental units to increase the availability of housing for those in need. Depending on the individual situation for each resource, one of the following programs may apply:

- **Homeowner RRAP:** Financial assistance to repair substandard housing to a minimum level of health and safety
- **Rental RRAP:** Assistance for landlords of affordable housing to pay for mandatory repairs to self-contained units occupied by low-income tenants
- **RRAP for Persons with Disabilities:** Assistance for homeowners and landlords to improve accessibility for persons with disabilities
- **RRAP for Conversions:** Assistance for converting non-residential buildings into affordable housing. It is recommended that there be further exploration of other available funding sources, especially for non-profit organizations. Additional funding assistance may be available from a wide variety of other government and private programs. Private foundations may also be willing to support local heritage conservation efforts.

5.7.2 NON-FINANCIAL INCENTIVES

Heritage conservation incentives may also be provided through non-monetary support. In addition to the measures listed below, the Township should examine the entire permit application and approval process, to ensure the removal of any disincentives to heritage conservation.



Heritage Revitalization Agreements

Heritage Revitalization Agreements provide a powerful and flexible tool that enable negotiated agreements to be specifically written to suit unique properties and situations. Refer to **Section 5.6** for further information.

Relaxations/Variances

When approving Development Permit applications, the Township has discretionary powers and may relax some requirements, especially when other amenities are being offered. In return for the conservation and rehabilitation of a heritage building, the Township may be able to relax requirements related to parking, setbacks and access. These requirements could be relaxed in order to prevent conservation principles and guidelines from being compromised.

Density Bonus and Transfer Procedures

One of the most effective incentives that can be offered is the redistribution of density or an increase in allowable density. Density refers to the ratio of floor area to the lot size. Sometimes there is an option to increase the allowable onsite density without compromising the context of the heritage building. In other cases, a heritage building may be located on a property that has much higher development potential than currently occupied by the building, meaning that there is residual density that is not being utilized. In this situation, the residual density can be transferred or sold to another property, negating the need to achieve the allowable density onsite. In other cases, a conservation incentive – usually used to offset the costs of rehabilitation – may be offered through the creation of an additional bonus density that can be sold to a receiver site, with the resulting financial benefits being considered part of the incentives (compensation) package. Each of these situations requires careful study of the potential impact on the heritage site, and an understanding of appropriate receiver sites for transferred density.

Building Code Equivalencies

Building Code upgrading is the most important aspect of heritage building rehabilitation, as it ensures life safety and long-term protection for the resource. It is essential to consider heritage buildings on a case-by-case basis, as blanket application of Code requirements do not recognize the individual requirements and inherent strengths of each building. Over the past few years, a number of Code equivalencies have been developed and adopted in the British Columbia Building Code (BCBC), which facilitate heritage building upgrades.

For example, the use of sprinklers in a heritage structure helps to satisfy fire separation and exiting requirements. Given that Code compliance is such a significant factor in the conservation of heritage buildings, the most important consideration is to provide viable economic methods of achieving building upgrades. In addition to the codes offered under the current Code, the Township can also accept the report of a Building Code Engineer as to acceptable levels of code performance. The Township should explore potential heritage building code equivalencies to provide consistent review and knowledgeable advice to building owners.

Under current codes, the equivalencies offered are for interior rehabilitation. There are no specific equivalencies in the BCBC that apply to exterior elements, which has serious implications in some situations, such as strata conversions unless Homeowner Protection requirements are waived; this issue has now been addressed in recent changes to the Energy Efficiency Act and the Homeowners Protection Act. The one exception is for windows; the wording of the BCBC requires “two sheets of glass” rather than double-glazing (as it is usually interpreted) and therefore code requirements can be met through the use of interior or exterior storm windows.

Energy Efficiency Act

The Energy Efficiency Act (Energy Efficiency Standards Regulation) was amended in 2009 to include the following definition:

"designated heritage building" means a building that is

- a) a Provincial heritage site within the meaning of the *Heritage Conservation Act* or otherwise included in the Provincial heritage register under that Act,
- b) protected through heritage designation or included in a community heritage register by a local government under the *Local Government Act*,
- c) protected through heritage designation or included in the heritage register by the Council under the *Vancouver Charter*, or
- d) protected through heritage designation or included in a community heritage register by the Trust Council or a local trust committee under the *Islands Trust Act*.

Under this new definition, Energy Efficiency standards do not apply to windows, glazing products, door slabs or products installed in heritage buildings. This means that the Township, as an incentive to being listed on a Heritage Register or as part of the negotiated agreement, can allow exemptions to energy upgrading measures that would destroy heritage character-defining elements such as original windows and doors.

These provisions do not preclude that heritage buildings must be made more energy efficient, but they do allow a more sensitive approach of alternate compliance to individual situations and a higher degree of retained integrity. Increased energy performance can be provided through non-intrusive methods such as attic insulation, improved mechanical systems, and storm windows. Please refer to *Standards & Guidelines for the Conservation of Historic Places in Canada* for further detail about “Energy Efficiency Considerations.”

Homeowner Protection Act

Amendments to the Homeowner Protection Act Regulation made in 2010 allow for exemptions for heritage sites from the need to fully conform to the BC Building Code under certain conditions, thus removing some of the barriers to compliance that previously conflicted with heritage conservation standards and guidelines. The changes comprised (1) an amendment to the Homeowner Protection Act Regulation, BC Reg. 29/99 that allows a warranty provider, in the case of a commercial to residential conversion, to exclude components of the building that have heritage value from the requirement for a warranty, and (2) clarification of the definition of ‘substantial reconstruction.’ The latter clarification explains that 75% of a home must be reconstructed for it to be considered a ‘new home’ under the Homeowner Protection Act, thus enabling, in many cases, single-family dwellings to be converted into multi-family and strata conversions without the Act now coming into play.



Administrative Support

Streamlining the development and building permit application processes for heritage properties is a very desirable objective (also known as a “Green Door” policy or “One-Stop Shopping”). Heritage property owners will object to a complicated procedure if they are already concerned about costs. Heritage projects are sometimes more complex and can require additional review. Time equals money, therefore it is recommended that the permit review procedure be simplified as much as possible, and that every consideration be given to expediting Township procedures.

Heritage Support Programs

The municipality can also provide support through:

- the provision of technical advice;
- complementary public works projects in defined heritage character areas (e.g., street improvements such as pedestrian lighting, paving, street furniture and way-finding signage); and/or
- referral to other agencies or organizations for further assistance.

ACTION:

- *Develop a program of effective financial and non-financial incentives appropriate to Esquimalt that will strategically encourage authentic conservation and rehabilitation, by encouraging owners to invest in their properties.*

5.8 ESQUIMALT HERITAGE FOUNDATION

There are currently six municipally-funded foundations in British Columbia that provide direct financial assistance to the owners of residential properties on their Heritage Registers. These include Vancouver, New Westminster, Oak Bay, Saanich and Victoria (separate foundations for residential and commercial properties).

The Township has signalled its intention of establishing a similar heritage foundation, which in addition to administering grant programs could also serve an education and awareness function. A Heritage Foundation would also be able to actively fundraise to fulfill its mandate and establish an identity distinct from the municipal government. Matching funding could be sought for potential grant programs through corporate sponsorship, private foundations and other sources.

Potential steps in the establishment of a Heritage Foundation could include:

- **Step One:** Confirm feasibility of a Township of Esquimalt Heritage Foundation that would provide financial incentives for the restoration of heritage homes.
- **Step Two:** Explore potential partnerships both within the community and with other organizations.
- **Step Three:** Formally establish the Foundation through a resolution of Council.
- **Step Four:** Through Council, appoint a Board of Directors and identify an annual budget.
- **Step Five:** Initiate a Fund Development Program that could include building an endowment, planned giving, patronage (Honourary and Active), "Friends of the Heritage Foundation," and Corporate Sponsors.

ACTION:

- *Explore options for the establishment of an Esquimalt Heritage Foundation that would provide financial incentives for the restoration of heritage sites and help promote heritage within the community.*

5.9 MUNICIPALLY-OWNED HERITAGE RESOURCES

It is important that Esquimalt establishes a stewardship role in the management of heritage resources. The Township should set the standard for other owners of heritage properties.

There is a need to promote heritage awareness within all municipal departments, so as to ensure that the value of municipally-owned heritage resources has been fully recognized. This involves developing comprehensive policies and administrative mechanisms for publicly-owned resources under direct municipal control.

The municipality also has direct control over a broad range of other heritage resources on municipal lands, such as landscape features and cemeteries. The conservation of heritage contributes to the quality of life and the environment, and is worthy of higher public profile and commitment. It is thus important that the municipality should adhere to recognized conservation principles in the treatment of its own resources, in order to best promote a shared stewardship of heritage resources. The municipality does not, however, have guidelines for the treatment of these sites; their care should be standardized through individual conservation plans.

Future initiatives could include the development of annual maintenance programs for these sites, and an internal monitoring process for heritage resources under direct municipal control. This should include an awareness of, and sensitization to, heritage issues for all municipal departments.

ACTIONS:

- ***Designate municipally-owned sites that are eligible for the Heritage Register.***
- ***Develop conservation plans and annual maintenance programs for each municipally-owned heritage site.***

5.10 MINIMUM MAINTENANCE AND ANTI-NEGLECT BYLAW

Esquimalt is enabled to pass a minimum maintenance and/or anti-neglect bylaw under the Local Government Act (See Local Government Act s.970 and s.979 [d], and Appendix C: Heritage Conservation Toolkit). Heritage Site Maintenance Standards establish the minimum requirements for the care and maintenance of sites that are designated or are located within a Heritage Conservation Area. This is a possible mechanism for preventing 'demolition by neglect'.

ACTION:

- ***Enact a Minimum Maintenance and Anti-Neglect Bylaw.***

5.11 HERITAGE TREES

The protection of significant trees and specimen landscape features is an integral part of the conservation of cultural landscapes. The importance of native and significant trees has been clearly identified as providing much of the beauty and heritage considered important in preserving the municipality's environment and quality of life. The Township's current policy states:

- Whereas certain trees are situated in the Municipality, which have heritage value due to age, size, rarity, uniqueness or other characteristic;
 - And whereas Esquimalt maintains a Heritage Tree List, which is a listing of trees identified and designated as being heritage trees;
 - And whereas the Heritage Conservation Act, Section 13, provides that a Council may acquire covenants;
 - And whereas Municipal Council desires to prevent such heritage trees from being damaged or destroyed;
1. The Municipality shall request an owner(s) of land on which there is tree(s) identified on the Heritage Tree List, as revised from time-to-time, to enter into a covenant under the Heritage Conservation Act preventing the cutting of such tree(s).
 2. Upon entering into a covenant with an owner(s), the Municipality shall register the covenant in the land Title Office against the land affected by the covenant. The covenant shall run with the land and be enforceable against the owner(s) or subsequent owner(s) of the land.
 3. The Municipality shall provide maintenance of a tree(s) whose owner(s) has entered into the afore-mentioned covenant.
 4. The afore-mentioned covenant may not be extinguished except by mutual consent of the owner(s) and the Municipality.

ACTIONS:

- *Undertake, with the assistance of the Esquimalt Parks & Recreation Department, further identification of significant trees, landscape features, views and vistas.*
- *Review current policy on Heritage Trees and define the Esquimalt Heritage Advisory Committee's role in the review of cultural and natural heritage landscape features.*

5.12 ESQUIMALT ARCHIVES

The Esquimalt Archives, established in 1984, is the most significant local collection of historic research material and is an invaluable community asset. The collection focuses on the development of Esquimalt; its holdings include both government and community records including photographs, manuscripts, ephemera and vertical files. In addition there are files on individual buildings identified in the inventory, organized by street address. This archival collection is an invaluable component of Esquimalt's heritage program. The Archives employs one Archivist, who is assisted by volunteers.



5.13 PUBLIC AWARENESS PROGRAMS

A campaign of 'heritage marketing' and public heritage awareness should be instituted, that would run parallel to other community initiatives. This could be coordinated by the municipality, the Esquimalt Heritage Advisory Committee, and/or other community groups and First Nations. The real estate community and various business groups could also contribute, taking advantage of the tourist and other economic benefits of heritage.

ACTIONS:

- *Develop a public relations program, including continuing articles about heritage concerns, and promotion of coverage of heritage events. The local media should be targeted at every given opportunity.*
- *Regularly update heritage information on the Township's website.*
- *Continue with the publication of interpretive pamphlets and brochures.*
- *Promote heritage education and increase heritage awareness through the Township.*
- *Support school programs, and the presentation of heritage within the broader spectrum of general education. The municipality and appropriate community groups should work with*

the School District in the development of teaching packages, beginning at the grade school level.

- *Continue to promote heritage tourism by utilizing the existing myesquimalt.ca website, developing and maintaining heritage walking tours, and forming alliances with Esquimalt tourism groups.*
- *Build community partnerships within Esquimalt with groups such as the Military, First Nations and heritage building owners to foster heritage sustainability and economic development.*

5.14 DOCUMENTATION POLICY

For buildings and structures identified on the Heritage Register that are threatened with demolition, alteration or neglect, it is recommended that adequate documentation be undertaken as quickly as possible. In cases of proposed demolition of Heritage Register resources, the developer should be requested to provide this documentation (the alternative is for the municipality to undertake this on a cost-recovery basis).

As a long-term goal, any resources listed on the Heritage Register should be documented, as time and resources permit. As noted above, the first priority should be those threatened by demolition, renovation, or neglect. This documentation should include, but not be limited to, as-found (measured) drawings and photographs, prepared to recognized professional standards. It could also be accomplished through photogrammetric recording, which could also assist individual owners wishing to undertake further work on their buildings by providing accurate base drawings. It could also assist in reconstruction in the event of an earthquake or other catastrophe. A budget should be established, and the work phased over a period of time, as funds allow.

ACTION

- *Establish a municipal heritage documentation project.*

5.15 SALVAGE POLICY

The municipality should work with the Esquimalt Archives to develop a policy for the salvage of architectural and other artifacts in cases where demolition cannot be prevented, or where a catastrophic event has occurred to a heritage site.

Salvage of significant artifacts could be negotiated as a condition of development. These features could then be recycled into new projects or become part of the archival collection. Further to the salvage of Register sites, the municipality may wish to make note of demolition permits of other older buildings and structures. This could be accomplished either by:

- A stamp on all demolition permit applications and new building plans to call the appropriate agency to arrange salvage before demolition. This is similar to the City of Vancouver, where plans are stamped with a note to call the Vancouver Museum before demolition.
- Make arrangements for appropriate staff to tour sites before demolition to identify artifacts that should be collected by the municipality.

ACTION

- *Establish a heritage salvage project.*

5.16 HERITAGE PROGRAM MAINTENANCE AND MONITORING

In order to remain effective, the municipality's Heritage Program will require commitment over time. This will require an ongoing allocation of resources to ensure continuity of programs and initiatives. The progress and effectiveness of the municipality's heritage program should be reviewed on a regular basis. Other municipalities update their Heritage Programs on a one, three or five year basis, depending on the needs of their community.



In order to ensure relevancy and effectiveness, Esquimalt should review its Heritage Policy every five years.

In addition, it is recommended that in order to best maintain its Heritage Program, Esquimalt should review its Heritage Register on an annual basis. This yearly update should include:

The addition of new Register resources identified through:

- Public nomination or ongoing research
- Local area heritage reviews
- Voluntary inclusion
- Inclusion in exchange for incentives

The deletion of Register resources due to:

- Demolition or inappropriate alterations

Over time, best practice in the evaluation of historic sites has evolved from the use of numerical systems to values-based assessment. International best practice includes the following evaluation tools:

1. Historic Context Statements;
2. Thematic Frameworks; and
3. Statements of Significance.

These tools are qualitative rather than quantitative. The Township and HAC should undertake the development of a new framework in which the heritage value of each property can be more fully reviewed. This assessment framework should be values-based, and should serve as a guideline for determining which heritage resources should be managed. Properties on the Heritage Register should then be re-evaluated using the new framework, which should include a thematic framework and a historic context statement.

A thematic framework organizes and defines historical themes that identify significant sites, persons and events. Historical themes provide a context within which heritage significance can be understood, assessed and compared. Themes help to explain why a site exists, how it has changed over time and how it relates to other sites linked by the theme. Historical themes can be comprehensively identified once a thematic history is prepared. This can also provide a framework for a more effective evaluation of which sites represent important themes, and the values that they represent.

As part of a thematic framework, a historic context statement is developed that provides a framework for understanding and evaluating historical resources. The significance of an individual site can be judged and explained by providing information about patterns and trends that define community history. Each site should be considered in the context of the underlying historical influences that have shaped and continue to shape settlement and development. Historic context may be organized by theme, geographic area, or chronology, and is associated with a defined area and an identified period of significance. In this way, common, ever-present and representative historic sites, as well as interesting, rare or exceptional examples, can be identified and placed in context.

Parks Canada has undertaken the development of a thematic framework, within the *National Historic Sites of Canada System Plan*, which provides a comprehensive way of looking at Canadian history and identifies sites of national significance. This overarching thematic framework can inform and support the development of a civic historic context and the development of a local thematic framework.

ACTION:

- ***Review the Heritage Policy every five years.***
- ***Review the Heritage Register on an annual basis.***
- ***Develop and maintain a new evaluation framework for heritage resources.***
- ***Evaluate new and existing heritage resources using the new evaluation framework.***

6. ACTION PLAN FOR IMPLEMENTATION

Based on the recommendation Actions of the Heritage Policy Update, the following framework has been developed for implementation. Each Action supports a Strategy that further helps achieve the Vision and Goal of the Heritage Policy. Over time, these Actions can be prioritized, and resources assigned to ensure that they can be achieved.

STRATEGY 1: A BROADER RECOGNITION OF HERITAGE

- Build community partnerships within Esquimalt with groups such as the Military, First Nations and heritage building owners to foster heritage sustainability and economic development.
- Continue to identify sites for addition to the Community Heritage Register and prepare Statements of Significance for each site.
- Undertake, with the assistance of the Esquimalt Parks & Recreation Department, further identification of significant trees, landscape features, views and vistas.
- Develop and maintain a new evaluation framework for heritage resources.
- Evaluate new and existing heritage resources using the new evaluation framework.

STRATEGY 2: MUNICIPAL HERITAGE STEWARDSHIP

- Designate municipally-owned sites that are eligible for the Heritage Register.
- Develop conservation plans and annual maintenance programs for each municipally-owned heritage site.
- Provide heritage training and education to Township Staff and the Esquimalt Heritage Advisory Committee.

STRATEGY 3: ENHANCED HERITAGE PROGRAM

- In any future updates of the Official Community Plan, further strengthen policies regarding the reservation, protection and celebration of significant historical resources that illustrate the broad range of Esquimalt's heritage values.
- Plan for the sustainable development of healthy neighbourhoods, based on their historic identity and character.
- Adopt the *Standards and Guidelines for the Conservation of Historic Places in Canada* as the basis of heritage review.
- The twelve designated sites should be added to the Community Heritage Register.
- Pursue legal protection for additional features of heritage value (outbuildings, rock walls, associated landscape features, significant interior features, etc.) not identified in existing designations. Identify and assess these additional features when considering new legal protection.
- Develop a program of effective financial and non-financial incentives appropriate to Esquimalt that will strategically encourage authentic conservation and rehabilitation, by encouraging owners to invest in their properties.

STRATEGY 3: ENHANCED HERITAGE PROGRAM (cont'd.)

- Enact a Minimum Maintenance and Anti-Neglect Bylaw.
- Review current policy on Heritage Trees and define the Esquimalt Heritage Advisory Committee's role in the review of cultural and natural heritage landscape features.
- Review the Heritage Policy every five years.
- Review the Heritage Register on an annual basis.

STRATEGY 4: INTERPRET ESQUIMALT'S HISTORY AND HERITAGE:

- Statements of Significance will be prepared for each designated site as resources allow.
- Establish a municipal heritage documentation project.
- Establish a heritage salvage project.
- Develop a public relations program, including continuing articles about heritage concerns, and promotion of coverage of heritage events. The local media should be targeted at every given opportunity.
- Regularly update heritage information on the Township's website.
- Continue with the publication of interpretive pamphlets and brochures.
- Promote heritage education and increase heritage awareness through the Township.
- Support school programs, and the presentation of heritage within the broader spectrum of general education. The municipality and appropriate community groups should work with the School District in the development of teaching packages, beginning at the grade school level.
- Continue to promote heritage tourism by utilizing the existing myesquimalt.ca website, developing and maintaining heritage walking tours, and forming alliances with Esquimalt tourism groups.

STRATEGY 5: ESQUIMALT HERITAGE FOUNDATION

- *Explore options for the establishment of an Esquimalt Heritage Foundation that would provide financial incentives for the restoration of heritage sites and help promote heritage within the community.*

APPENDIX A: DESIGNATED HERITAGE SITES

There are currently twelve properties in Esquimalt that have been designated as heritage buildings:

- 649 Admirals Road (Peter N. Cotton House)
- 1379 Esquimalt Road (St. Paul's Anglican Church)
- 1388 Esquimalt Road (*Devon Cottage*)
- 622 Head Street (*Trafalgar House*)
- 657 Lampson Street (*Windford*)
- 670 Lampson Street (Lampson Street School)
- 727 Lampson Street
- 1179 Munro Street (*Stonehenge Park*)
- 706 Warder Place/ 1182 Old Esquimalt Road (*Lyndhurst*)
- 851 Wollaston Street
- 901 Wollaston Street/572 Head Street (*Seascape*)
- 1221 Old Esquimalt Road

APPENDIX B: THE BENEFITS OF COMMUNITY HERITAGE CONSERVATION

There is a widely-held perception that protecting heritage property reduces property values or inhibits development. Studies have shown that this is not so; Professor Robert Shipley of the University of Waterloo looked at almost 3,000 properties in 24 communities across Ontario between 1998 and 2000. He found that heritage designation could not be shown to have a negative impact on property values.

In fact there appears to be a distinct and generally robust market in designated (protected) heritage properties. Generally, these properties perform well, with 74% of them maintaining their value at average or better than average market value. The rate of sale among designated properties is also as good, or better than, average market trends. Moreover, the values of heritage properties tend to be resistant to downturns in the general market.

The Vancouver Heritage Foundation undertook a research project that compared the assessed value of buildings on the Vancouver Heritage Register, by reviewing designated heritage and non-heritage properties in four Vancouver neighbourhoods (Strathcona, Kitsilano, Mount Pleasant & Hastings Sunrise). The study found that between 1999 and 2005, Heritage Register and designated heritage houses increased in value by 42%, while non-heritage houses increased in value by 39%.

The Victoria Heritage Foundation has also been tracking market values and assessments of 142 heritage houses designated prior to 1988. Between 1988 and 1999, the tax assessments for these houses increased 26% faster than the norm for the City, resulting in an increased tax return to the City.

Heritage conservation, in general, actually provides stability in the marketplace and helps protect property values. This is especially true when conservation incentives are offered, creating a category of prestige properties that are highly valued in the marketplace.

The experience of these two heritage foundations, and others in the Province, is that when incentives are available, the property values of heritage houses rise at a higher rate than normal building stock, therefore providing higher assessments and ultimately increased property taxes. This is a desirable outcome for the municipality, which reaps the downstream benefits of this investment in heritage conservation. The same is true for tax incentives, which can be used to stimulate investment in under-utilized properties that will ultimately pay higher property taxes.

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Esquimalt Heritage Advisory Committee 2011

- Liz Dill, Chair
- Vice-Chair David Sudbury
- Councillor Bruce McIldoon
- Councillor Lynda Hundleby
- Meagan Duncan
- Colin MacLock
- Jim MacMillan-Murphy
- Sherri Robinson
- Kara Ronse
- Kim Maddin, Recording Secretary

ILLUSTRATIONS

- Archival photographs courtesy the Esquimalt Archives
- Photograph of Esquimalt Naval Sites on page 9, courtesy Parks Canada
- Diagrams from *Heritage Conservation: A Community Guide* [Province of British Columbia, Heritage Branch, 1996]