



Fernwood Community Association

The Saga of the FCA Building Renovation Problems

February 25, 2006

In 2000, the City of Victoria sponsored a charette -- a small planning workshop -- to hear the views of representatives of the Fernwood Community Association, Fernwood Community Centre, the School District, the City, and other stakeholders regarding the state of facilities in Fernwood. The recommendations from that event, as well as reports by City staff, led to the decision to proceed with a renovation of the FCA building at 1923 Fernwood Road. The agreed-upon renovation was to have covered a variety of safety and other modifications, including seismic work. The hall was to be expanded, bathrooms upgraded, and the office moved to the storefront closest to Gladstone Street. Other less complicated improvements, such as re-pointing the bricks, were also envisioned. The City employed D'Ambrosio Architects to draw up plans in 2002, and approved the plan and the expenditure in 2003, allocating \$108,000 towards the cost, estimated to total \$300,000.

In March 2005, the Province granted a request for gaming funds, completing the FCA's portion of the renovation fundraising effort (\$200,000) and triggering the release of the matching funds allocated by the City in 2003. The renovation was to have commenced in June 2005. The City was to act as contractor; a City employee applied for the building permit.

Unfortunately, at this point problems arose. After the usual time required to process the permit elapsed, the employee and department responsible for the project were told that the renovation could not proceed because it did not conform to the code requirements in place for a building used for offices and a meeting space. The FCA representatives working on the project knew nothing of this situation for weeks; we knew only that there was some problem with the building permit. We assumed it would work itself out.

After weeks of hearing little information about what was causing the delay, we finally had a meeting with City staff, the first of a long series of meetings that

have continued until now -- meetings with the City, meetings among ourselves, meetings with the architects, searching our records and those at the City archives, preparing documents and presentations, etc., all in an effort to pinpoint and address the problem.

Initially, we speculated that the small renovation completed in 1995 to convert the upstairs to office space was somehow improper, or even unauthorized. But as we peeled back the many layers of a long and complicated history, the problem seemed to boil down to one thing: when the building was purchased as part of the Community Centre facility in 1979 (the other half of the facility was the purpose-built FCC building on Gladstone), it was converted from commercial space downstairs with apartments upstairs to a Crafts Centre, and despite the documented changes of use that have occurred over the years, the building still appears in City records as a Crafts Centre. This is problematic because the crafts workshop has a so-called "single use" status, whereas the way the building has been used almost from the start requires a "multiple use" status. The renovation as planned was based on the assumption that the building's status had been changed many years ago. A given use (living quarters, offices, workshop, etc.) has certain code requirements attached to it, and according to City records the changes in use authorized over the years have never been duly processed and recorded.

At first it seemed like a straightforward problem, a clerical error -- someone at the City forgot to fill in a form -- so our hope was that the error could be corrected and the renovation process allowed to get underway. But as we probed further, we became increasingly concerned about the possibility that earlier FCA directors had been negligent in arranging the necessary approvals, paperwork, and inspections all those years ago. We started talking to some of them and hearing about the meetings with various members of City staff, including tours by building inspectors. We found the 1993 and 1995 Council minutes approving the conversion of the space to offices. In fact, the 1995 minutes were attached to the building permit. We also found documents regarding the first change that took place: the use of the upstairs as a group home run by Cool Aid for eight mentally ill residents. Our records contained a letter from the City dated 1980, which stated that council had approved leasing the upstairs to Cool Aid. We also found council minutes from 1983 approving the continuation of that use.

The picture that emerged was clear. Over the years, the FCA had done everything that it was asked to do to comply with various fire, electrical, plumbing, and other requirements, but there was no way to know about the lurking code and usage issues; the monitoring of such matters is a municipal responsibility. A City inter-departmental memo from 1992 outlined the issue and the need to upgrade the building, at an estimated cost of \$30,000. As happens in large institutions sometimes, this knowledge was ignored or just lost. Now, years later, no one knows for sure.

Over the years, awareness of the importance of seismic issues has increased, and

code requirements have become more stringent. A building approved for a particular use does not have to conform to the new code unless it undergoes renovation. As far as the FCA knew, the plans called for a seismic upgrade, but it turned out that the terms “seismic upgrade” and “seismic improvement” are not interchangeable. Even the architect admitted to being unclear about the distinction. The “improvements” included in the renovation were not considered adequate for a multiple use building (that is, a building with renters), which requires a more extensive, and thus more expensive, “upgrading.”

Because the multiple use office and meeting space designation was never finalized by the building inspector and City council, the way the building has been operating for 25 years is considered improper. Interestingly, if the building had been operated as “single use” -- essentially as a club for FCA members only -- the same offices and meeting space would be considered seismically adequate. In other words, if an earthquake occurs when the offices and hall are full of FCA members and they are buried in rubble, it’s not an issue, but if they are non-members, it is.

When the full complexity of this issue came to light over the course of the summer and early fall, 2005, we were perplexed and ultimately powerless. Staff and council accepted responsibility for what was unquestionably an internal City problem, and we all committed to moving forward rather than pointing fingers. Our only interest was that the building continue to function as it has -- as a community hall and meeting space used for a multitude of FCA and non-FCA purposes, as well as a source of revenue to support the FCA’s modest budget and activities, one of which is the stewardship of the heritage building itself. Council asked staff to develop options for resolving the problem. Staff brought forward three options:

1. Override the building inspector’s opinion
2. Revert to single use
3. Complete the more extensive upgrade that allows for continuation of the building’s current use

The FCA favoured option 1, which would have allowed it to proceed with the previously approved renovation plan. This option was rejected by the City to avoid setting a precedent that might have far-reaching consequences, and because of the realization that the seismic work in the original plan was less extensive than assumed. Council chose to approve in principle -- by a unanimous vote on November 3, 2005 -- to commit to the more extensive renovation called for in option 3.

An estimate submitted by cost consultants on July 15, 2005 cited \$720,000 as the total cost of the expanded renovation. Given the \$200,000 FCA portion, the City’s cost would have been \$520,000 -- \$412,000 above the amount allocated in 2003 (\$108,000). The figure grew to \$1.1 million by October (i.e., the FCA’s \$200,000 plus \$900,000 from the City). This was presented as a worst-case scenario, including extra to cover

contingencies. Having seen the extent of contingency built into all aspects of the project, we believe that the costs would be much closer to the first expanded estimate of \$720,000.

-FCA Executive