



POLICY REPORT  
DEVELOPMENT AND BUILDING

Report Date: June 1, 2011  
Contact: Kent Munro/ James Boldt  
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RTS No.: 9235  
VanRIMS No.: 08-2000-20  
Meeting Date: June 16, 2011

TO: Vancouver City Council  
FROM: Director of Planning in consultation with the Director of Legal Services  
SUBJECT: Heritage Designation - 1090 Nicola Street - 'The Darling Residence'

**RECOMMENDATIONS**

- A. THAT the building at 1090 Nicola Street, known as 'The Darling Residence' and listed in the 'B' evaluation category on the Vancouver Heritage Register, be designated under Section 593 of the *Vancouver Charter* as a protected heritage property.
- B. THAT Council instruct the Director of Legal Services to bring forward for enactment a by-law under Section 593 of the *Vancouver Charter* to designate the building located at 1090 Nicola Street, known as 'The Darling Residence' and listed in the 'B' evaluation category on the Vancouver Heritage Register, as a protected heritage property.

**GENERAL MANAGER'S COMMENTS**

The General Manager of Community Services RECOMMENDS approval of A and B

**COUNCIL POLICY**

- *Heritage Policies and Guidelines (April 18, 1991)*

**PURPOSE AND SUMMARY**

The purpose of this report is to seek Council approval to designate 'The Darling Residence' at 1090 Nicola Street which is listed in the 'B' evaluation category on the Vancouver Heritage Register, as protected heritage property, which will protect the building from inappropriate exterior alterations and demolition. As an incentive to, and compensation for, the designation and rehabilitation of the heritage building, a number of yard and envelope variances of the RM-5 Zoning District Schedule are proposed as set forth in Development Application Number

DE414500 (see the Zoning Summary in Appendix 'D'). A variance of density is not proposed. Under the terms of the site's existing zoning, the proposal for five units within the heritage house as well as eight infill townhouse units is permitted. The Director of Planning is authorized under the Zoning and Development By-law to grant the proposed variances and is prepared to do so and to approve the development application provided that Council approves the designation of the heritage building. The Director of Planning will also require, as a condition to the Development Permit, that the owner is to agree, by way of a covenant to be registered on title to the lands, to restore the heritage building.

### ***BACKGROUND***

The site is located in the West End neighbourhood in an area zoned RM-5 (see Map 1 in Appendix 'A'). The site is 65.5 feet wide by 132 feet deep and is 8,646 square feet in area. A thirty-three foot wide lane runs adjacent to the property on the south-west side. The properties immediately to the north-east of the site abut the site by way of their rear yards or side yards (see the diagram on page 1 of Appendix 'F').

### ***DISCUSSION***

#### **Heritage Value**

The house at 1090 Nicola Street was built in 1905 by Francis and Frances Darling at a time when the West End was being developed with single family dwellings. Francis Darling is known for his association with Darling Brothers Ltd, an engineering equipment firm originally based in Montreal. The building is a good example of the type of housing which appealed to upper-middle class immigrants of British ancestry prior to the First World War. The building has been occupied by the Darling family until very recently. The heritage building is valued for this and for its surviving Arts and Crafts features, including unique five-over-one double hung wood windows, shingle cladding, cross-gabled roof, arched open front verandah, and decorative trims. An addition was built in 1947 on the north-east corner of the building, replacing an existing structure. Otherwise the house, both on the interior and exterior, has changed little in over one hundred years.

#### **Development Permit Application and Proposed Incentive**

In early reviews the applicant and staff concluded that retention of the heritage building in its current location would not be viable if the site were to be developed. Relocation of the building to the south-west corner of the site and the building's rehabilitation is proposed. The balance of the site is to be developed with three townhouse buildings (Multiple Dwellings). Thirteen dwelling units are proposed in total, including five units in the heritage building and eight new townhouse units. The proposed density is 1.49 FSR (floor space ratio), or 12,883 square feet, which is less than the maximum overall permitted density of 1.50 FSR. The maximum proposed height of 44 feet is 16 feet less than the outright permitted height of 60 feet (see the Technical Summary in Appendix 'D' and the plans in Appendix 'F'). A number of yard variances are proposed as well as a height envelope variance. The variances are required to accommodate the existing heritage building in the proposed location and to allow for the placement of the townhouse buildings on the site. The Director of Planning has reviewed the application, including the results of notification, and all applicable policies and guidelines, and is prepared to grant the requested variances subject to Council approval of the heritage designation of the building.

## Compatibility with Existing Zoning and Land Use Regulations

The Intent of the RM-5 zoning district schedule is to:

*"...permit a variety of residential developments and some compatible retail, office, service and institutional uses. Emphasis is placed on achieving development which is compatible with neighbouring development with respect to streetscape character, open spaces, view retention, sunlight access and privacy. The RM-5A, RM-5B and RM-5C Districts permit greater densities than RM-5. The additional intent of the RM-5 District is to require developments suited to families with children."*

The proposal contributes to the variety of residential developments in the area. The retention of the heritage building and the scale and expression of the new buildings contribute to the character of the area. The proposal integrates an appropriate amount of open space and the landscaping is of high quality. Sunlight and view impacts have been addressed in the application. Conditions of the development application approval require that improvements be made regarding light, view, and privacy impacts where possible. The townhouse units are appropriate for families with children. Staff have concluded that the proposal is compatible with the RM-5 zoning and, subject to Council's designation of 'The Darling Residence' as protected heritage property, the Director of Planning is prepared to approve the development permit application with conditions to further improve the design where viable.

## Condition of the Property and Conservation Approach

The existing building is in good condition and much original material and details survive on both the interior and exterior. In part this survival is due to the fact that the building has been occupied by one family for nearly a century. The removal of the 1947 addition, which is out of character with the original building, is proposed. Elements of the 1947 addition will be re-used where viable. The square butt shingles in the 1905 portion, including the bell-cast details, are in good condition generally. The shingles in the 1947 portion are in poor condition due to the limited overhangs at the addition, but selected shingles will be re-used where viable, as well as those from the original garage (which is to be demolished) for repairs to the retained portions. Exterior woodwork to be retained where possible includes moulded fascia boards, corner moulds with brackets, and smaller eave moulds, as well as original crowns and trims at the windows. The bay windows are supported by cantilevered wood brackets and will be retained.

The front porch features original tongue and groove plank soffits and flooring, low shingled balustrades, as well as distinctive shingled arches. The porch will need to be waterproofed so the floor boards are to be removed and replaced over a membrane. The soffits will be retained and repaired. The main entrance door and porch light fixture are likely original and will be retained if possible. A new door is currently proposed in the window set at the original living room area to provide access to the unit proposed there. Although of a similar configuration, the existing front stair is not original. The front stair will be rebuilt to resemble the original as much as possible (see the Photo 1 in Appendix 'B'). Discrete guard and handrail components will be added to meet Building By-law requirements.

The existing five-over-one windows will be retained where viable, including those from the 1947 portion (which date to 1905 and were likely salvaged from the walls in the area of the

addition and re-used). The bay window on the north-east side may not be original (it does not appear on the 1947 plans) but will be retained along with the other original bays.

The Home Owner Protection Act was recently changed to allow exemptions for heritage buildings with regard to home protection warranty requirements. While the change assists in heritage retention, many challenges exist with respect to the environmental separation requirements of the Vancouver Building By-law (primarily "rain-screen" provisions). The applicant will be required to explore options for maximum retention of exterior finishes and elements in this regard and to discuss options with Building By-law staff regarding alternatives or equivalencies which are to be employed if viable.

Staff support the conservation approach and conclude that it is consistent with the federally adopted Standards and Guidelines For The Conservation Of Historic Places In Canada.

### **Results of Neighbourhood Notification and Review of the Application**

Two hundred and fifty-six addresses were notified of the application and nine individual responses from residents were received, as well as a petition containing forty-two signatures. Concerns include the amount of density proposed, impact on sunlight, views, and privacy, concern over increased parking and traffic impact, loss of affordable dwelling units, loss of open space and mature trees, and the loss of the character of the site (see Appendix 'E' for a detailed discussion of neighbourhood feedback and staff responses). The West End Neighbours community group generally support the application (see the April 2011 monthly archive at [www.westendneighbours.ca](http://www.westendneighbours.ca)).

The proposed density does not exceed the maximum permitted density under the existing RM-5 zoning regulations. Opportunities to improve impacts on privacy, daylight access, and views will be addressed as conditions of the development application approval. Tree retention on the site will be maximized and street trees are proposed to be retained. The landscaping is of high quality and achieves an appropriate amount of open space. Parking variances are not requested. Staff and the Vancouver Heritage Commission have reviewed the proposal and concluded that the essential heritage value of the site is retained and support the proposal. The Director of Planning has reviewed the application, including the responses to notification, and is prepared to grant the requested variances subject to Council approval of the designation of the heritage building, noting that it is practice to balance the impacts of development with the benefits of heritage conservation, within the context of a property's existing zoning entitlements .

Although the project does not involve a Heritage Revitalization Agreement or rezoning application, staff will update The West End Mayor's Advisory Committee (WEMAC) on the status of the application at the Committee's June 2<sup>nd</sup>, 2011 meeting, as currently scheduled, and any comments received will be reported to Council at the Public Hearing.

### **Comments from the Vancouver Heritage Commission**

On March 21<sup>st</sup>, 2011, the Vancouver Heritage Commission reviewed the development application and unanimously supported the proposal (see Appendix 'C' for the complete resolution of the Commission).

### **Financial Proforma Evaluation**

Real Estate Services staff reviewed the applicant's proforma evaluation in accordance with Council's approved policies. The Director of Real Estate Services advises that the proposed variances requested by the applicant as compensation for the heritage encumbrance on land value are supportable and provide no undue profit.

### **Greener Buildings Policy**

The City's "Rezoning Policy for Greener Buildings" does not apply to the application as a Heritage Revitalization Agreement and/or rezoning is not required. However, staff encourage owners involved in applications such as this to seek registration and certification with BuiltGreen BC™ and to achieve BuiltGreen BC™ Gold with a score of EnerGuide 82, or an equivalent achievement in green design. It should be noted that changes to the Vancouver Building By-law to improve environmental performance will still be applicable to the project.

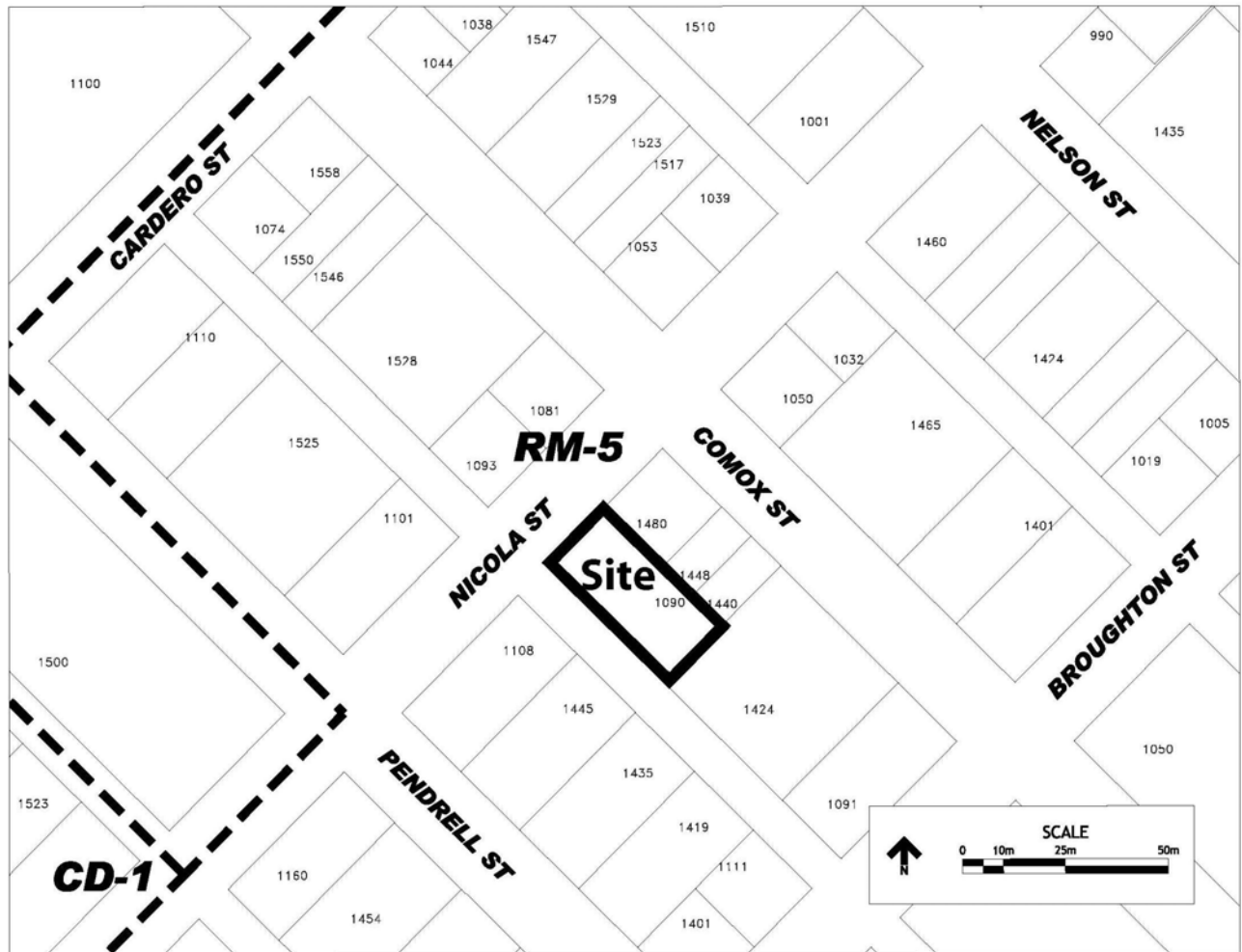
### ***FINANCIAL IMPLICATIONS***

The approval of the report recommendations will have no financial implications with respect to the City's operating expenditures, fees, or staffing.

### ***CONCLUSION***

This report recommends approval of the heritage designation of 'The Darling Residence' at 1090 Nicola Street which will ensure the long term protection of the heritage building from non-heritage exterior alterations and demolition. The owner has agreed to accept the proposed variances as full compensation for the designation of the heritage building. Should Council approve the heritage designation, the Director of Planning is prepared to approve the development permit application subject to conditions to improve the design where viable. Therefore, it is recommended that Council approve the designation of the 'The Darling Residence' at 1090 Nicola Street.

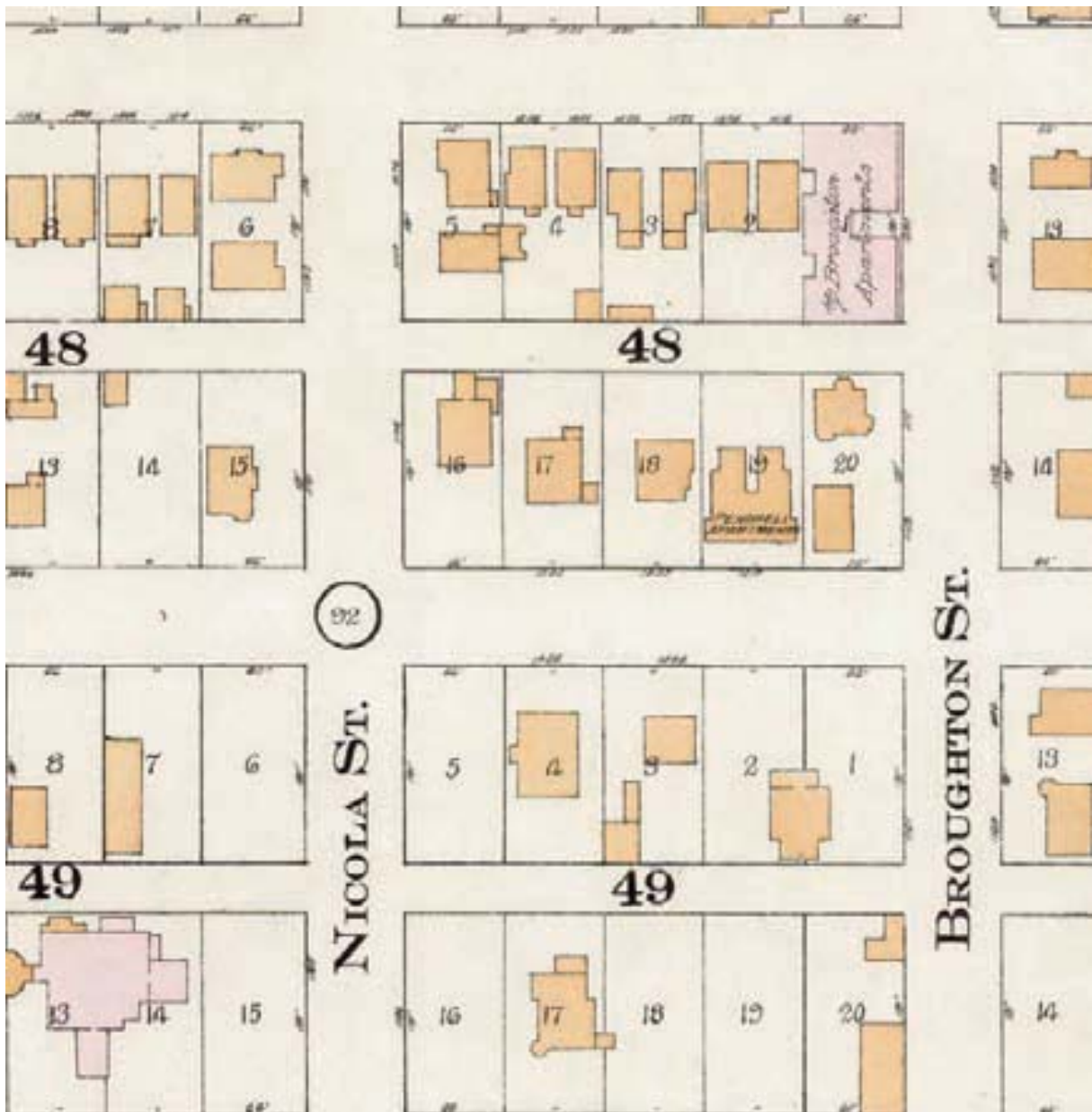
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Site, Surrounding Zoning  
1090 NICOLA ST.

City of Vancouver

Map 1: 1090 Nicola Street - Site Location and Context



Map 2: "Fire Insurance" map from 1912. 'The Darling Residence' is visible on Lots 4 and 5 in Block 48. The parcels have since been reconfigured as per Map 1 on the previous page.





Photo 1: 'The Darling Residence' at 1090 Nicola Street as it appeared in 1912 (view from Nicola Street looking north-east). The house to the north no longer exists.



Photos 2 and 3: Francis and Frances Darling. Extensive correspondence between the two mentions the house and its construction. Unfortunately, the architect is never identified by name.

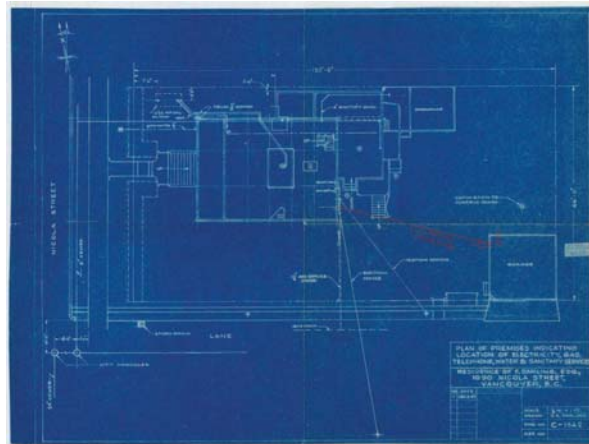




Photo 4: 'The Darling Residence' at 1090 Nicola Street today (view from Nicola Street looking north-east)



Photo 5: 'The Darling Residence' at 1090 Nicola Street looking north. The rear addition was constructed in 1947.



Plan from 1946 showing the addition which was constructed in 1947. The solarium at the rear appears never to have been built. The garage, constructed in 1905, still exists.



Photo 6: View of the front porch, looking north east. Everything is original except the front stairs. The building at 1480 Comox Street is visible in the background.

Comments of the Vancouver Heritage Commission

On March 21<sup>st</sup>, 2011, the Vancouver Heritage Commission reviewed the application and resolved the following:

THAT the Vancouver Heritage Commission supports the Statement of Significance and Conservation Plan for 1090 Nicola Street, The Darling Residence, as presented at the March 21, 2011, meeting.

FURTHER THAT the Commission requests that Designation be a requirement of the project's approval.

FURTHER THAT the Commission requests that there be an upgrade to the materials of the infill building to double glazed wood frame windows and a cedar shingled roof and an upgrade to the roofing materials to the heritage house to cedar shingle.

APPROVED UNANIMOUSLY

Staff Comments: Designation is required as a condition of the development application approval. Staff concluded that a requirement for wood windows in the new infill buildings is not economically viable to the developer and is not required under the zoning or with respect to the heritage value of the site. While the original building had a shingle roof, it is common practice to not require wood replacement shingle roofs for *standard* shingle applications for heritage buildings in all cases, in part because cedar shingles today generally do not have the durability of the original old-growth shingles employed at the time the house was constructed. In the case of 'The Darling Residence', the original roofing has been replaced by asphalt shingles. The primary values associated with the roof are its form and other associated wood details such as trims and brackets. A high quality asphalt shingle roof is proposed for the heritage building in lieu of wood shingles which is supported by staff in this case.

Technical Zoning Summary- RM-5 Zoning District Schedule

Table 1: Technical Zoning Summary for 1090 Nicola Street

Use or Regulation	Permitted or Required	Existing	Proposed
Uses	One and Two-Family Dwellings, Infill, Rooming Houses, Multiple Conversion Dwellings, Multiple Dwellings including townhouses	One-Family Dwelling (Heritage Building)	Multiple Conversion Dwelling (Heritage Building) and three new Multiple Dwelling Buildings (townhouses)
Overall Height	60.0 feet up to a maximum of 190.2 feet conditionally	34.2 feet (Heritage Building)	44 feet (maximum for new townhouses)*
Building Envelope (Height)	Height to comply with building envelope (4.3.1)- may be varied by the Director of Planning	Not assessed	Some roof portions project outside the envelope- see the drawings in Appendix 'F'
Front Yard	Minimum 12.2 feet, which may be relaxed to 6.0 feet for porches and lobbies which are no wider than 20 feet	20.1 feet (Heritage Building)	Minimum yard of 6.32 feet to the front of the Heritage Building, which is 32.1 feet wide
North Side Yard	Minimum 6.9 feet	1.0 feet (Heritage Building on north-east side)	2.5 feet to 6.9 feet for Townhouse Building #3
South Side Yard	Minimum 6.9 feet	24.2 feet (Heritage Building)	3.16 feet (Heritage Building)
Rear Yard	Minimum 6.9 feet	50.9 feet (Heritage Building)	2 inches main floor of New Building #1; 6.7 feet upper floors of New Building #1
Floor Space Ratio (FSR)	1.00 FSR (8,646 sq. ft.) to a maximum of 1.50 FSR (12,969 sq. ft.)	Not provided	1.49 FSR (12,883 sq. ft. which is approximately 99% of the maximum permitted density)
Number of Dwelling Units	Not regulated	1	13 ( 8 townhouse units, and 5 apartment units in the Heritage Building)
Parking Spaces	Minimum 9 required	2	9

\* the originally proposed height was 43 feet. 44 feet is currently proposed to deal with issues associated with the underground parking ramp. The revised maximum proposed height is sixteen feet less than the outright permitted height of 60.0 feet.

**Surrounding Development Densities:**

The RM-5 Zoning permits an outright density of 1.00 FSR. The Director of Planning may increase the density to 1.50 FSR having regard to the design of the proposal, the impacts it creates, the results of notification, and all applicable policies and guidelines, as provided for in Section 4.7 of the RM-5, RM-5A, RM-5B, and RM-5C District Schedule. Below is a table which shows approved densities of surrounding sites which have been developed in the last twenty-five years (since 1985 inclusive):

**Table 2: Densities of Nearby RM-5 Sites Developed since 1985**

Address	FSR	Notes
1032 Nicola Street	1.50	
1050 Nicola Street	2.15	HRA*/ Rezoning
1053 Nicola Street	1.47	
1081 Nicola Street	1.07	
1401 Pendrell Street	2.20	HRA*/ Rezoning
1533 Pendrell Street	1.50	

*\* HRA means Heritage Revitalization Agreement. For these rezoning/ HRA projects, Council approved density in excess of the maximum permitted density.*

Of the sites listed above, the average density approved is 1.65 FSR. The application proposes a density of 1.49 FSR which is less than the average and slightly less than the maximum permitted density of 1.5 FSR.



## Results of Neighbourhood Notification and Staff Comments

Two hundred and Fifty-six addresses were notified of the application and nine individual responses were received, as well as a petition containing forty-two signatures. All but one letter expressed concerns or opposition to the application. The issues are described below with staff comments:

- 1. The density is too great for the site and stretches the limit of what should be permitted in the zoning, and the development should be restricted to reduce the impacts on neighbours in such a negative way. Increased density will impact the quality of life of neighbours. The density should be held to the outright limit of 1.0 FSR.*

Staff Comments: The proposed density of 1.49 FSR (12,883 square feet) is within the maximum permitted density of 1.50 FSR (12,969 square feet). Densities of up to 1.50 FSR are commonly approved in the RM-5 districts for new development which meets the intent of the zoning and the provisions of the RM-5 District Schedule and the RM-5 Guidelines. The application meets these requirements. The proposed density is consistent with other development application approvals over the years (see Table 2 on page 2 of Appendix 'D' for a summary of density approved in the neighbourhood).

- 2. The buildings are too close to surrounding sites and compromise privacy and sunlight access and will create a tunnel effect.*

Staff Comments: Limited variances of yards are proposed to allow for the relocation of the heritage building (see the Technical Zoning Summary on page 1 of Appendix 'D' and the plans in Appendix 'F'). Opportunities to improve sunlight and privacy impacts are required as conditions of the development application approval, in particular along the north-east property line. The project responds well with respect to sunlight and privacy impacts, noting that the proposed heights of the buildings are considerably lower than the outright permitted height in the zoning.

- 3. The envelope variance will compromise views (primarily for the building at 1108 Nicola Street). The new townhouses should not project outside of the envelope. The Director of Planning cannot vary the envelope prescribed in Section 4.3.1 of the RM-5 District Schedule.*

Staff Comments: It is practice to balance the impacts created by variances with the benefit of heritage conservation. In this case the projection of the existing main roof gable-end of the heritage building outside of the envelope is modest and limited to a small portion of the roof (see the diagram on page 4 of Appendix 'F'). The proposed new buildings comply with the envelope height provisions on the north-east side (the angled portions of the envelope do not apply on the north-east and south-east property lines as they do not adjoin streets or lanes). To offset the envelope variance for the heritage buildings, all the buildings are proposed to be well under the outright permitted height limit of 60 feet. Opportunities to reduce or eliminate envelope projections on the lane side are required as a condition of the development application approval. The Director of Planning has the authority to relax the height envelope as part of the relaxation provisions of Section 4.3.2 of the RM-5 District Schedule.

4. *The application should consider the unique and distinctive character of the area. Social sustainability is as important as environmental sustainability.*

Staff Comments: The proposal meets the intent of the zoning and all applicable policies and guidelines and contributes to the local character by conserving a historic building while providing several varieties of housing options, including those which are suitable for families (the townhouses). The proposal contributes to the unique character of the area.

5. *There is an unacceptable loss of trees and mature landscaping, as well as open space. The side yard variances will compromise outdoor space.*

Staff Comments: Development often results in unavoidable loss of trees, landscaping, and open space. Trees at the rear of the site cannot be retained. Opportunities to retain the Dogwood on the western corner of the site will be assessed. Street trees are proposed to be maintained. The landscaping proposed is of high quality and the amount of open space provided is considered to be appropriate.

6. *The relocation of the heritage building and development of the site reduces the heritage qualities of the site. The house is fine as it is and should be left that way.*

Staff Comments: While relocation of the building will change the historic relationship of the building to the site, retention of the building in its current location is not viable in order to develop the site. The relocation of the building to the proposed location is preferred in order to maximize the heritage qualities of the building and its prominence on the site. The Vancouver Heritage Commission supports the relocation of the building and its conservation. Staff conclude that the proposed relocation of the heritage building in this case is consistent with the federally adopted Standards and Guidelines For The Conservation of Historic Places In Canada.

7. *There was not enough notification time and the site sign was not located in an appropriate location. There was no material available on the web-site on the application and the drawings submitted with the letters were too small to read.*

Staff Comments: The notification processes and site sign installation were conducted in a manner consistent with the City's policies, practices, and requirements. Full size drawings have been available for viewing at City Hall, as noted in the notification letter of March 15<sup>th</sup>, 2011, for those wishing to see more detail.

8. *The proposal will create negative parking and traffic impacts and the lane is already too crowded. There should be more parking spaces on the site.*

Staff Comments: New development often brings changes in traffic and parking patterns. The impacts created by the proposal are commensurate with the incremental increase in density anticipated in the zoning and the Parking By-law, noting that no parking variances are proposed. While it may not be possible to directly address wider vehicular impacts in the area through development applications, concerned residents may contact the Traffic Management Branch at 604-873-7000 regarding traffic calming or parking initiatives.

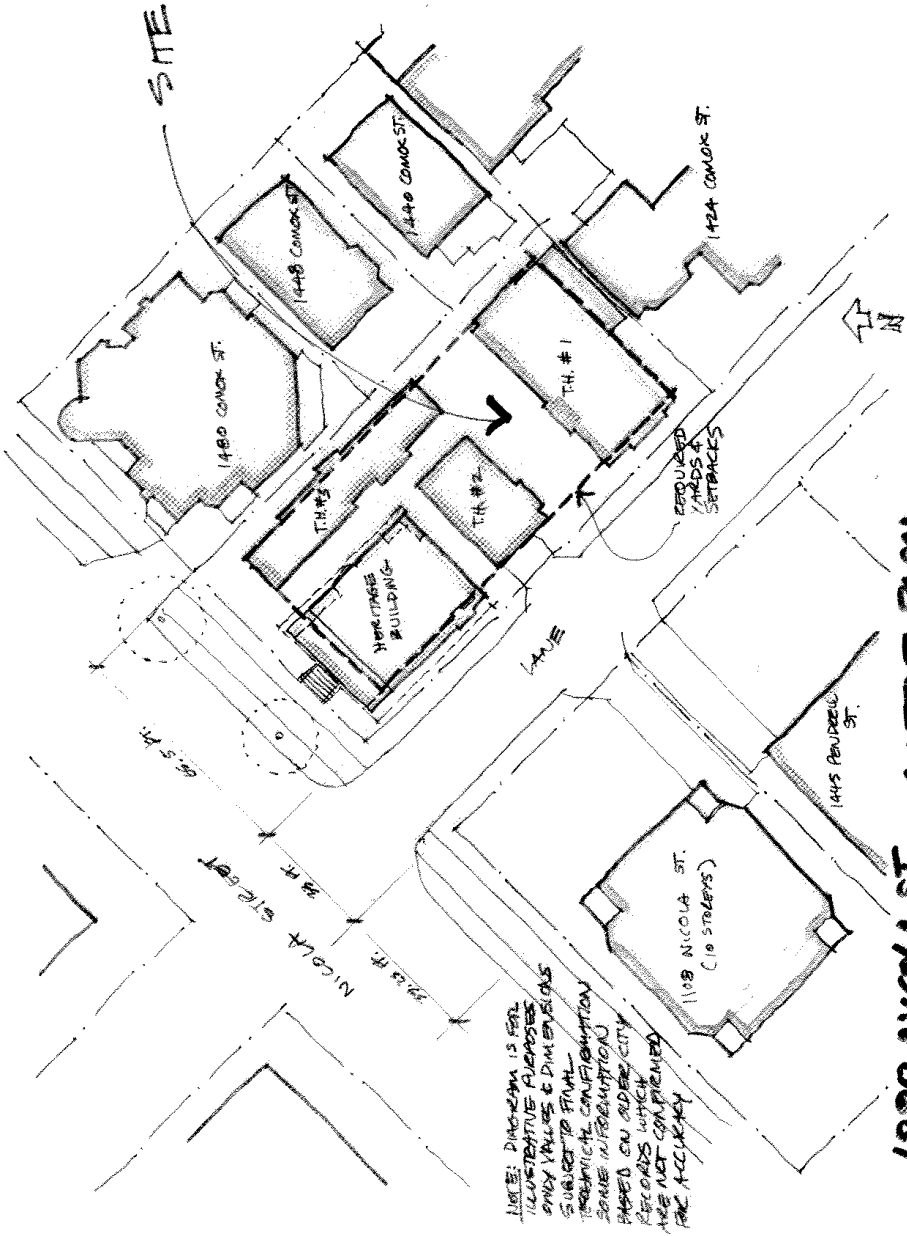


9. *The proposal will result in the loss of affordable rental units. Tearing down three-to-four-storey apartments for new development will make the West End less affordable. The West End needs to be assessed and studied so it can retain its community while allowing for considered growth.*

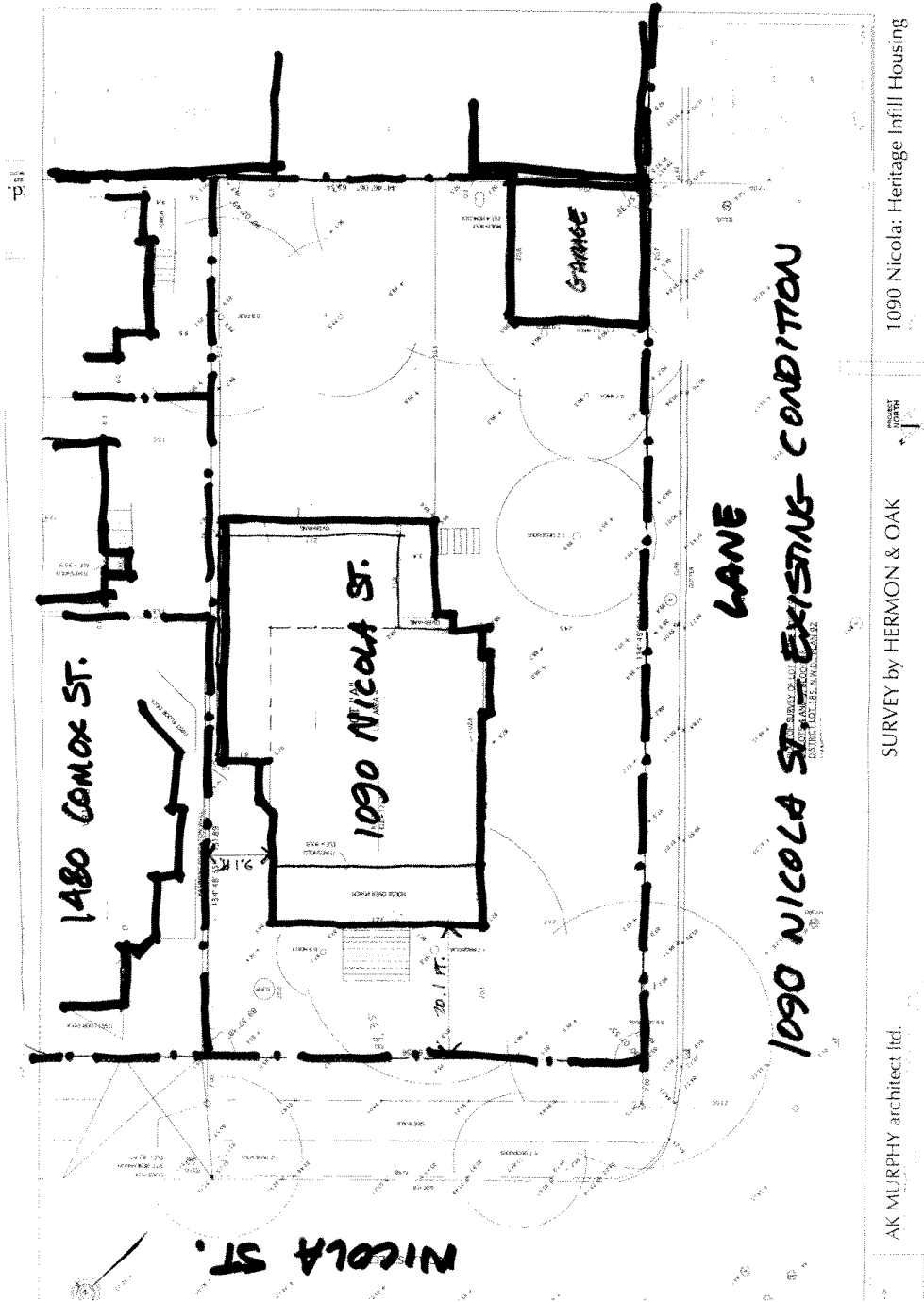
Staff Comments: The existing house is currently a One-Family Dwelling and has been occupied by the same family until recent times. As no rental units are being lost or converted to strata (and no rezoning or Heritage Revitalization Agreement are proposed), the Rate of Change Guidelines For Certain RM, FM, and CD-1 Districts and the Rental Housing Stock ODP do not apply in this case and no rental accommodation need be provided for. Staff encourage the provision of rental units by owners, but note that additional density to offset rental costs on the site would create additional impacts and would likely not be viable. The proposed thirteen new townhouse and apartment units will contribute to a diversity of dwelling unit types and housing options in the West End.

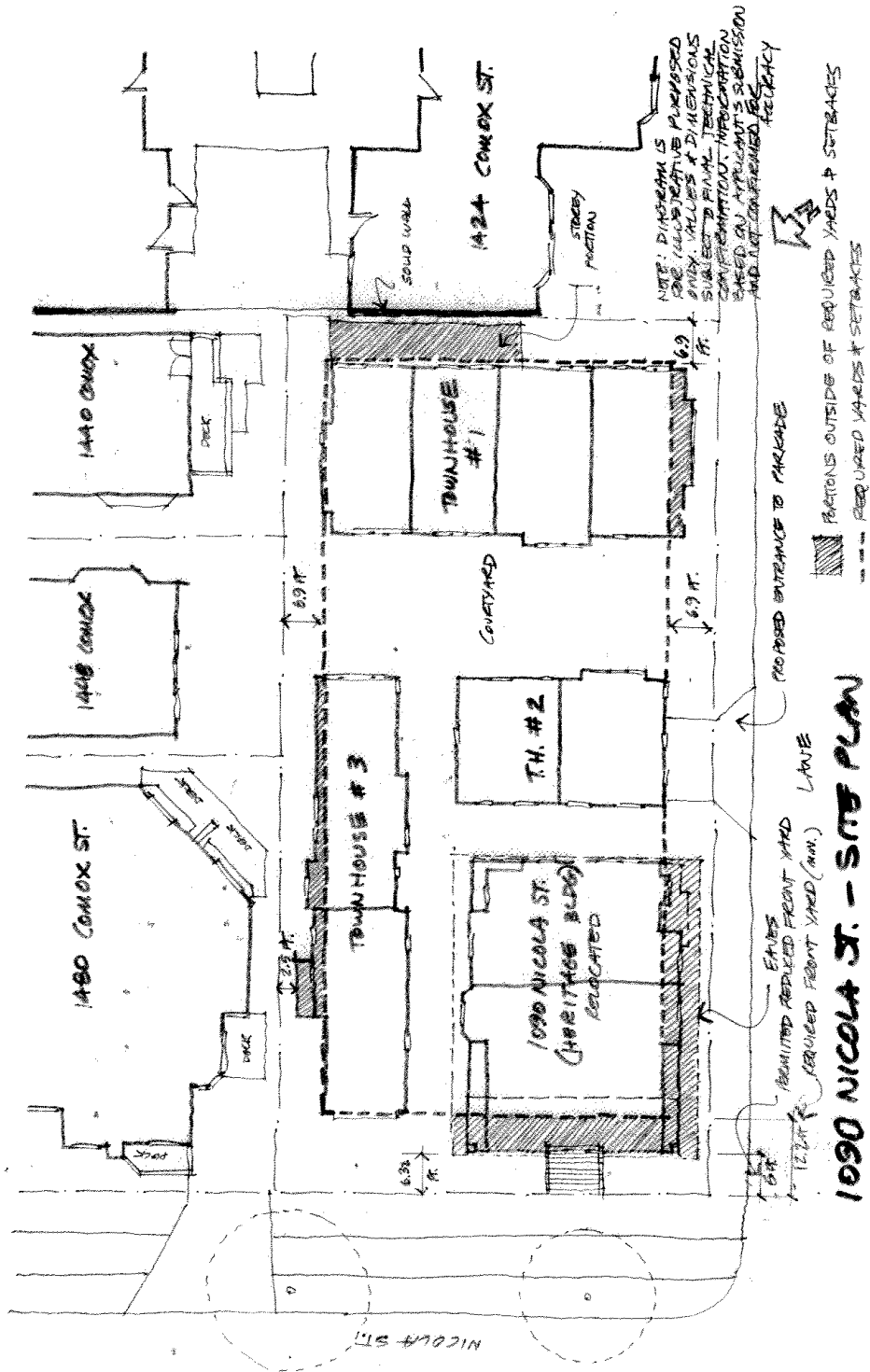
10. *This project just contributes to the stress neighbours are feeling regarding new development and rezoning applications in the area.*

Staff Comments: The West End has seen considerable development over the years. Development creates change and impacts before, during, and after construction. While the proposal at 1090 Nicola Street will impact the immediate area, these impacts are commensurate with those which would occur if the heritage building was demolished and the site redeveloped under current by-laws. Staff will ensure, as conditions of the development application approval, that impacts on surrounding properties be addressed as much as possible in the final design development of the proposal.



**1920 NICOLA ST. - CONTEXT PLAN**





1090 NICOLA ST. - SITE PLAN

