



**POLICY REPORT
DEVELOPMENT AND BUILDING**

Report Date: June 18, 2013
Contact: Kent Munro
Contact No.: 604.873.7135
RTS No.: 10086
VanRIMS No.: 08-2000-20
Meeting Date: July 9, 2013

TO: Vancouver City Council

FROM: General Manager of Planning and Development Services in consultation
with the Director of Legal Services

SUBJECT: 3182 West 3rd Avenue, Birnie House - Heritage Designation

RECOMMENDATIONS

- A. THAT Council instruct the Director of Legal Services to bring forward for enactment pursuant to Sections 593 and 594 of the *Vancouver Charter* a by-law to designate as a protected heritage property the residential building at 3182 West 3rd Avenue (PID 015-417-174; East ½ of Lot 1, Block 26, District Lot 540, Plan 229) known as the “Birnie House”.
- B. FURTHER THAT Recommendation A be adopted on the following conditions:
- (i) THAT the passage of the above resolution creates no legal rights for the applicant or any other person nor any obligation on the part of the City and any expenditure of funds or incurring of costs in relation thereto is at the risk of the person making the expenditure or incurring the cost; and
 - (ii) THAT the passage of the above resolution does not and will not in any way limit or restrict the authority or discretion of Council, regardless of when they may be called upon to exercise such authority or discretion.

REPORT SUMMARY

This report seeks Council authorization for the designation of the Birnie House at 3182 West 3rd Avenue, listed on the Vancouver Heritage Register in the ‘C’ evaluation category, as protected heritage property pursuant to Section 593 of the *Vancouver Charter*, to ensure its rehabilitation and long-term protection. It is proposed that as incentive and compensation to the owner for the proposed heritage designation, and for the rehabilitation and conservation of the heritage building, the General Manager of Planning and Development Services is

prepared to grant a modest amount of additional density to permit the development of the property as contemplated in Development Permit application Number DE416388 (see plans in Appendix B and the Technical Zoning and Parking Summary in Appendix C) and as further described in this report, should Council approve the heritage designation.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

Pursuant to Section 593 of the *Vancouver Charter*, Council may, by by-law designate real property in whole or in part as protected heritage property on terms and conditions as it considers appropriate.

Pursuant to Section 595 of the *Vancouver Charter*, if sought, Council must compensate an owner of property designated as protected heritage property, for any reduction in market value of the property caused by the designation. This is often achieved by way of variations to provisions in the *Zoning and Development By-law* to assign a modest amount of density in exchange for heritage designation.

Section 3.2.5 of the *Zoning and Development By-law* provides that the Director of Planning may relax the provisions of the by-law where either literal enforcement would result in unnecessary hardship in carrying out restoration of a building on the Heritage Register or Council determines that the proposed development would make a contribution to conserving a building or site designated by Council as protected heritage property or a building or site on the Heritage Register.

In this case, the General Manager of Planning and Development Services is prepared to approve the Development Permit application in the event that Council determines that the proposed heritage designation is appropriate and authorizes it.

The proposed heritage designation for the Birnie House requires Council approval at Public Hearing and by-law enactment pursuant to Sections 593 and 594 of the *Vancouver Charter*.

Heritage Policies and Guidelines (April 1991) are applicable to this project.

GENERAL MANAGER'S COMMENTS

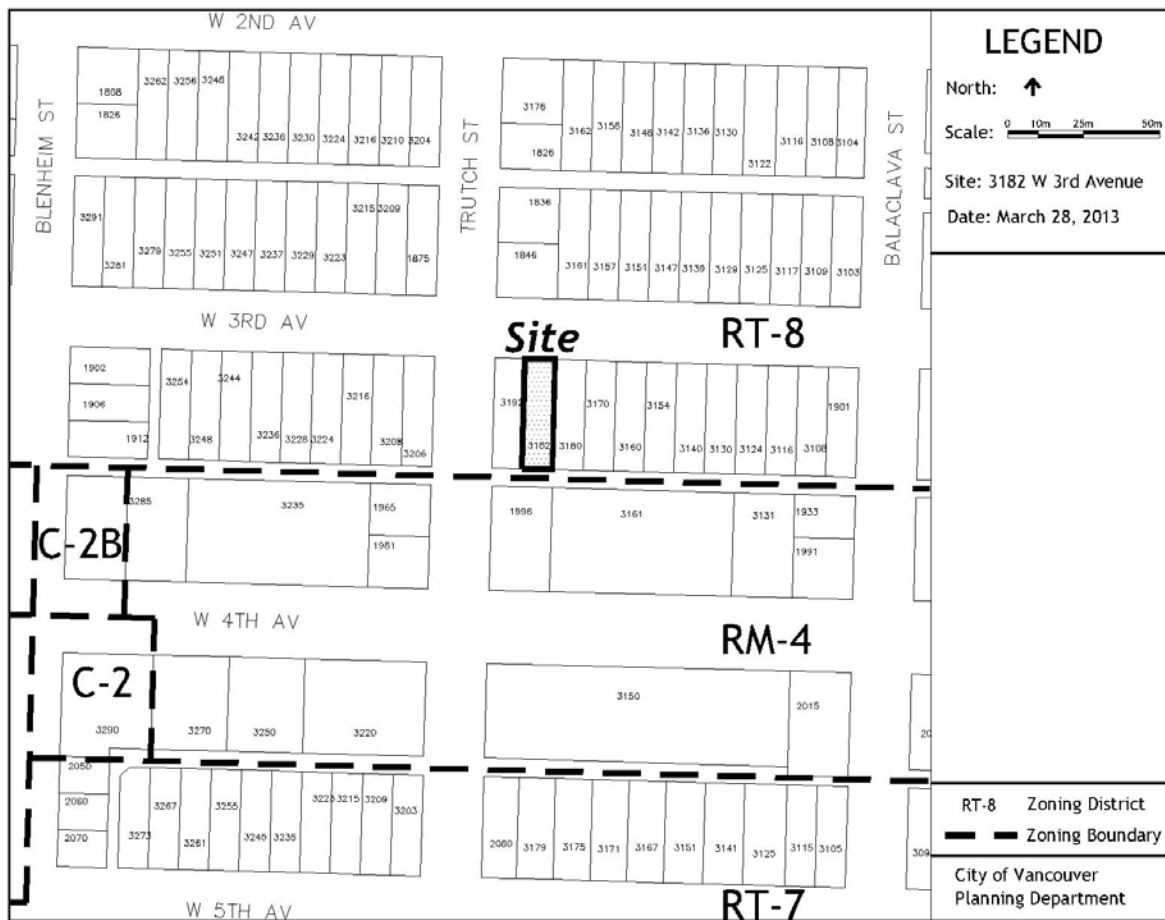
The General Manager of Planning and Development Services supports the recommendations of this report.

STRATEGIC ANALYSIS

Site and Context

The Birnie House is located in Kitsilano at the west end of the 3100-block of West 3rd Avenue, in an area zoned RT-8 (see Figure 1). The RT-8 District Schedule of the *Zoning and Development By-law* permits a maximum floor space ratio (FSR) of 0.75. The site is 367 m² (3,952 square feet) in area and a lane separates it from commercial property immediately to the south.

Figure 1: Birnie House Site and Surrounding Zoning



The site consists of the house and an accessory building at the rear, originally built as a garage but later converted, without permit, to living space.

Heritage Value

The Birnie House at 3182 West 3rd Avenue, a C-listed building on the Vancouver Heritage Register, was built in 1924 by local prolific contractors Charles A. Cook and M. J. Hawkins. Cook and Hawkins had been active in the city since at least 1913, and built six other houses on the same side of this block between 1924 and 1926; all but one of these remain (see map in Appendix A). The Birnie House and the neighbouring house to the west are the oldest of this group. The four to the east (by Cook and Hawkins) are on the Heritage Register. Collectively these contribute to neighbourhood character with typical Craftsman elements including their low profile, full-width porches, flared or squared posts and bay windows.

Development Application and Proposed Incentives

It is proposed that the incentive and compensation to be provided to the owner for the heritage designation and conservation of the Birnie House will be in the form of a relaxation to the permitted density in the RT-8 District Schedule of the *Zoning and Development By-law* as set forth in the Development Permit application and as described below.

The Development Permit application seeks to convert the house from its three suites back to a single family dwelling with a secondary suite. The house will have dormers added on the upper floor and there will be a modest addition at the rear (see plans in Appendix B). The full-width porch will be reinstated as part of its rehabilitation. The house will be enlarged from 255.6 m² (2,752 sq.ft.) to 300.2 m² (3,231 sq. ft.), which will result in an FSR of 0.82 (see Table A).

In the past, the garage was modified without permit to contain a dwelling unit. As part of this Development Permit application, it will be reduced in height and brought back to its original purpose and it will no longer contain living space.

Table A. Zoning Summary

Item	Existing *	Permitted Under RT-8 Zoning	Proposed Under DE Application
Floor Space Ratio (FSR)	0.7 FSR 255.6 m ² (2,752 sq.ft.)	0.75 FSR 275.3 m ² (2,964 sq.ft.)	0.82 FSR 300.2 m ² (3,231 sq.ft.)

* When the the floor area for the living unit in the former garage is included, the site's FSR is 0.88. The conversion of this building back to a garage will reduce overall floor space by 22.4 m² or 241 sq.ft.

Although the floor area of the house will increase due to the proposed additions, the overall floor area of the site, consisting of the house and accessory building, will be reduced by 22.4 m² (241 sq.ft.) as a result of the conversion of the living unit in the accessory building back to non-habitable space. The other minor non-conformities are summarized in the Technical Zoning and Parking Summary (Appendix C).

The proposed by-law relaxation, to density, is commensurate with the cost of conservation, including heritage designation and rehabilitation. In accordance with Section 3.2.5 of the *Zoning and Development By-law*, the General Manager of Planning and Development Services is prepared to approve the Development Permit application should Council approve the recommendations of this report.

Compatibility with Existing Zoning and Land Use Regulations

The Intent of the *RT-8 Zoning District Schedule* is to:

"... encourage the retention and renovation of existing buildings which maintain an architectural style and building form consistent with the historical character of the area. Redevelopment will be encouraged on sites where existing buildings are smaller, or do not contribute to this character. For renovations and additions, emphasis is placed on maintaining existing external architectural character; for new development, on compatibility in external character. In all cases, neighbourly building scale and placement is emphasized."

The retention of the heritage building contributes to the historic architectural character of the area and the additions are compatible with the heritage building's character. The

proposal responds well to its neighbours in terms of scale, massing, privacy impact and placement. Staff conclude the proposal is consistent with the intent of the zoning.

Condition of the Heritage Building and Conservation Approach

The Birnie House is in good condition overall, although its character has been compromised, primarily with the removal of the front porch (see photos in Appendix A). Much of the rest of the house, however, is intact including the cladding, the chimney and wood windows.

The proposal is to rehabilitate those remaining components and to replicate missing doors, windows and the front porch to their original appearance. The design of the five other houses on this block built by Cook & Hawkins is nearly identical to the Birnie House, and they provide excellent documentation by which to replicate those exterior elements.

Recognizing the current condition of the heritage building and associated challenges, staff support the proposal and conclude that the rehabilitation is consistent with the federally adopted *Standards and Guidelines for the Conservation of Historic Places in Canada*.

Results of Neighbourhood Notification

A total of 69 notification letters were sent out to surrounding property owners, and a site sign was installed. One response was received from the neighbour to the east who supported the rehabilitation, but expressed concern for the removal of a large tree near the garage and for the placement of the entry door to the secondary suite. In response, a condition of the Development Permit will be tree replacement and side yard fencing to screen the entry to the secondary suite.

Staff considered the results of notification and other reviews required for this application and concluded that the proposal is supportable with heritage designation and conditions of the Development Permit. Reasonable impacts on surrounding properties are often considered in return for the benefit of heritage conservation, and staff are prepared to support the approval of the Development Permit application should Council approve the recommendations of this report.

Comments from the Vancouver Heritage Commission

The application was presented to the Vancouver Heritage Commission on December 10, 2012. The Commission expressed support for the rehabilitation of the heritage building and the proposed modifications in exchange for heritage designation (see Appendix D).

Financial Implications

The value of the on-site density bonus, which will facilitate the preservation and rehabilitation of the heritage building known as the Birnie House, is approximately \$132,480. The site is within the City-wide Development Cost Levies (DCL) District, and it is anticipated that the applicant will pay \$1,394 in DCLs (see Appendix E) should the application be approved and the project proceed.

Proforma Evaluation

Real Estate Services staff analysed the project economics in accordance with Council's approved policies. The Director of Real Estate Services advises that the additional density proposed to offset the rehabilitation and conservation costs and compensate for any reduction in land value resulting from the designation of the heritage building will not result in any undue profit, noting the scope of heritage rehabilitation planned.

Legal

The proposed relaxation of the *Zoning and Development By-law* will improve the development potential for the site. The owner's proposal to rehabilitate and conserve the heritage building in exchange for that relaxation should be appropriately secured as legal obligations to be registered on title to the site to enable the City to enforce those obligations and ensure they will be fulfilled at the owner's expense.

Section 595 of the *Vancouver Charter* requires that, if sought, Council must compensate an owner for loss in property value if it can be shown that such loss was caused by a heritage designation. The owner has signed an agreement to be registered on title to the site, by which, among other things, the owner covenants to rehabilitate and conserve the heritage building and explicitly acknowledges that in the circumstances they will be fully compensated for the heritage designation and the rehabilitation and conservation obligations and have waived any right to claim any further compensation.

CONCLUSION

The Birnie House at 3182 West 3rd Avenue, a C-listed building on the Vancouver Heritage Register, has an association with early builders of Kitsilano and contributes to the heritage streetscape. The proposed heritage designation will ensure that the building is rehabilitated, conserved, and protected from demolition and from exterior alterations which may affect its heritage value. The owner has agreed to accept a proposed relaxation to density as compensation for the designation of the heritage building and for its rehabilitation and conservation. The General Manager of Planning and Development Services is prepared to approve the Development Permit application for the project should Council approve the recommendations of this report. Therefore, it is recommended that Council approve the heritage designation of the Birnie House.

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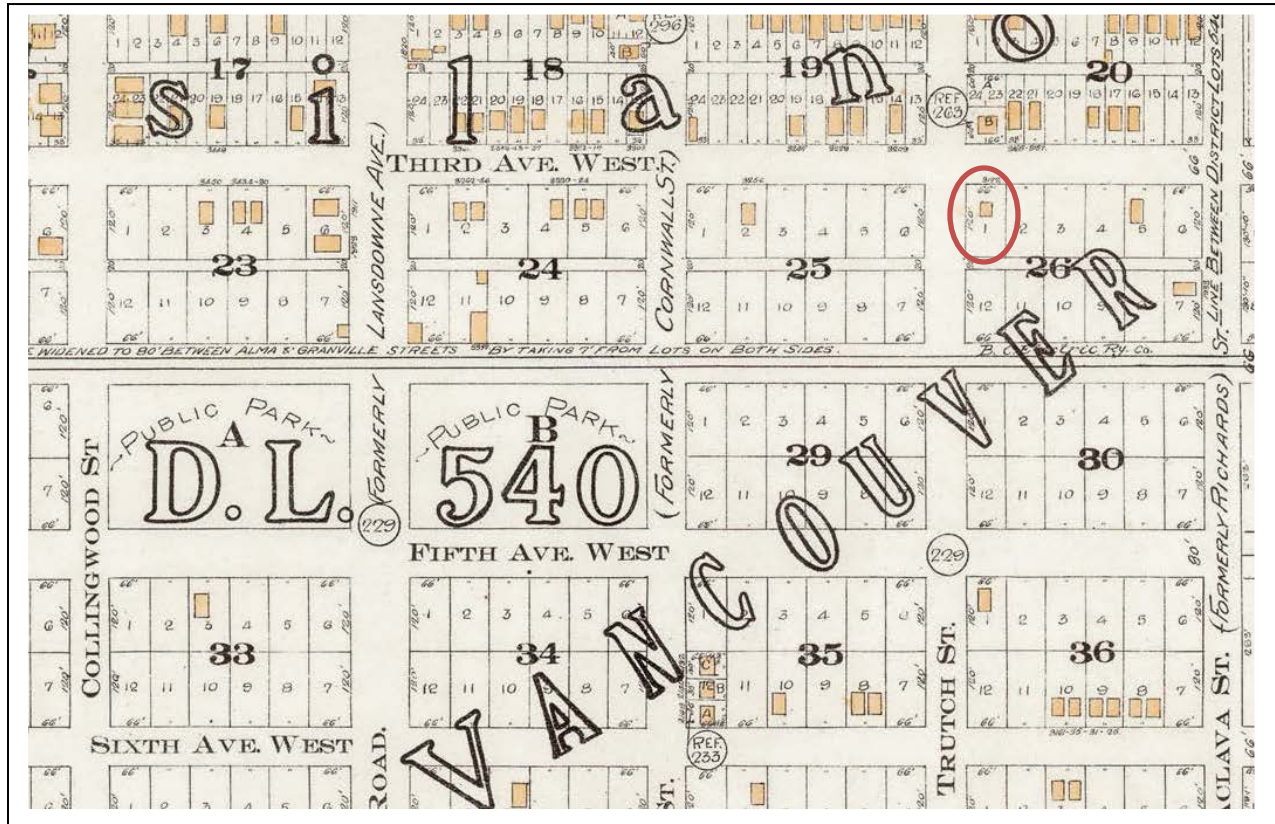
3182 West 3rd Avenue - Birnie House Photographs and Maps



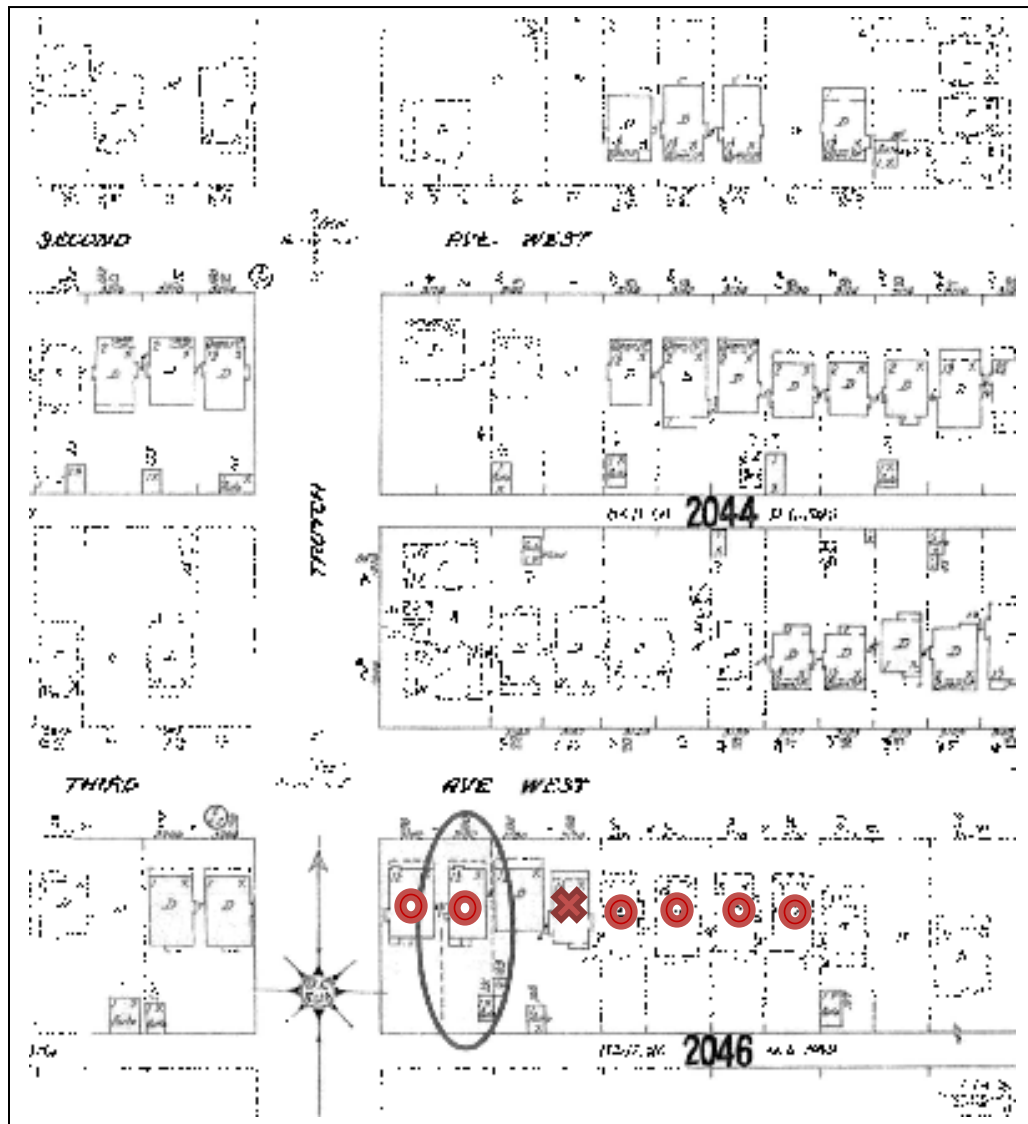
Front and West Side of Birnie House, 3182 West 3rd Avenue



Brick Detailing, Birnie House



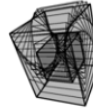
1912 Fire Insurance Map
Original building on the site of the Birnie House - a real estate sales office (circled)



1927 Fire Insurance Map
Houses on 3100 Block of West 3rd Avenue built by Cook & Hawkins.
The Birnie House property is outlined with oval, the others remaining are
marked by a circle, and the one demolished is marked with an "X"

3182 West 3rd Avenue - Front and Rear Elevations (Existing and Proposed)

- NOTES:**
1. ALL EXTERIOR SURFACES SHALL BE FINISHED WITH A FINISH CONSISTENT WITH THE EXISTING FINISH. UNLESS OTHERWISE NOTED, ALL EXTERIOR SURFACES SHALL BE FINISHED WITH A FINISH CONSISTENT WITH THE EXISTING FINISH.
 2. ALL WINDOWS TO HAVE BALANCED SASH, BE BOTH OPERABLE AND NON-OPERABLE, AND SHALL BE FINISHED WITH A FINISH CONSISTENT WITH THE EXISTING FINISH.
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- COLOUR SCHEME:**
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GRARON BARRON DESIGN INC.
 3182 WEST 3RD AVENUE, SUITE 100
 VANCOUVER, BC V6V 2P2
 TEL: 604-273-1111
 WWW.GRARONDESIGN.COM

FLUKER RESIDENCE
 HERITAGE RESTORATION
 & RENOVATION/ADDITION

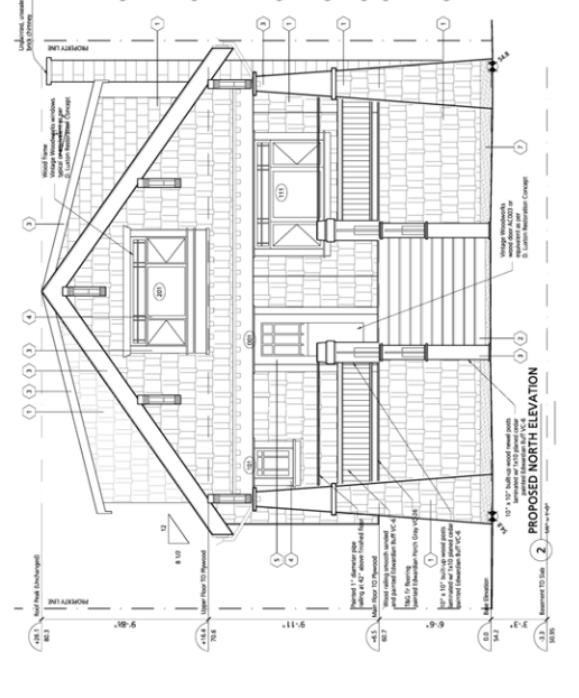
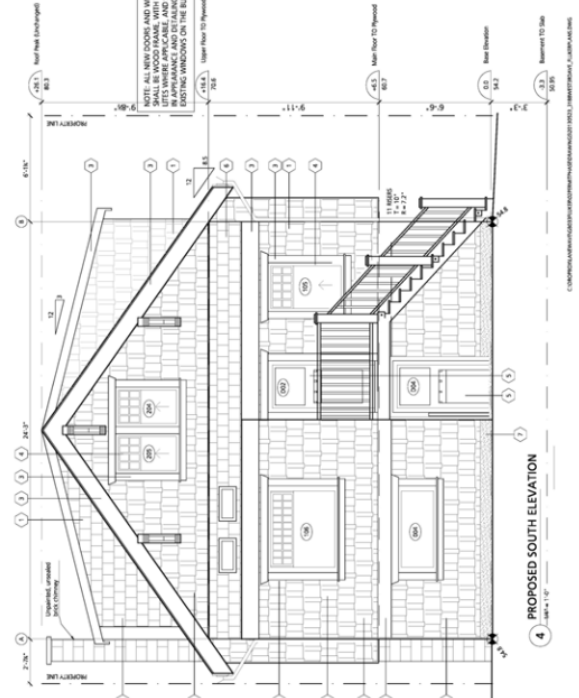
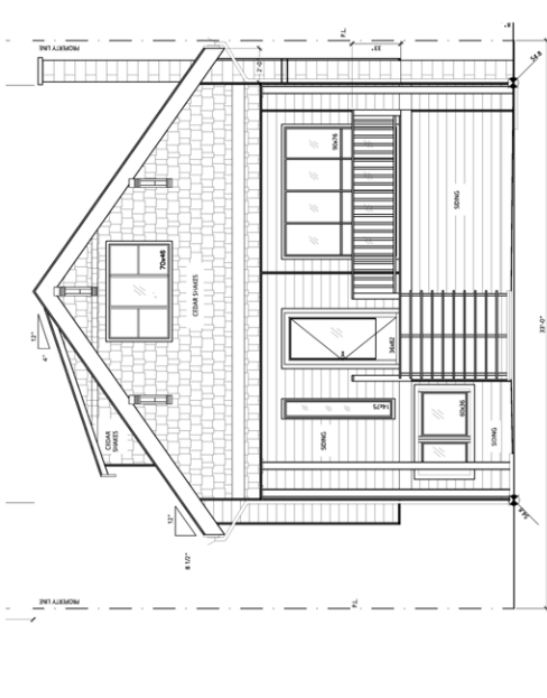
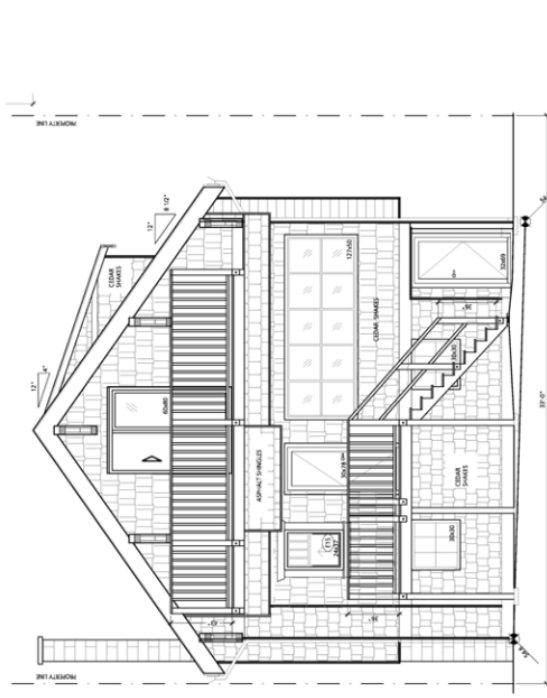
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 VANCOUVER, BC

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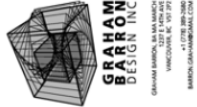
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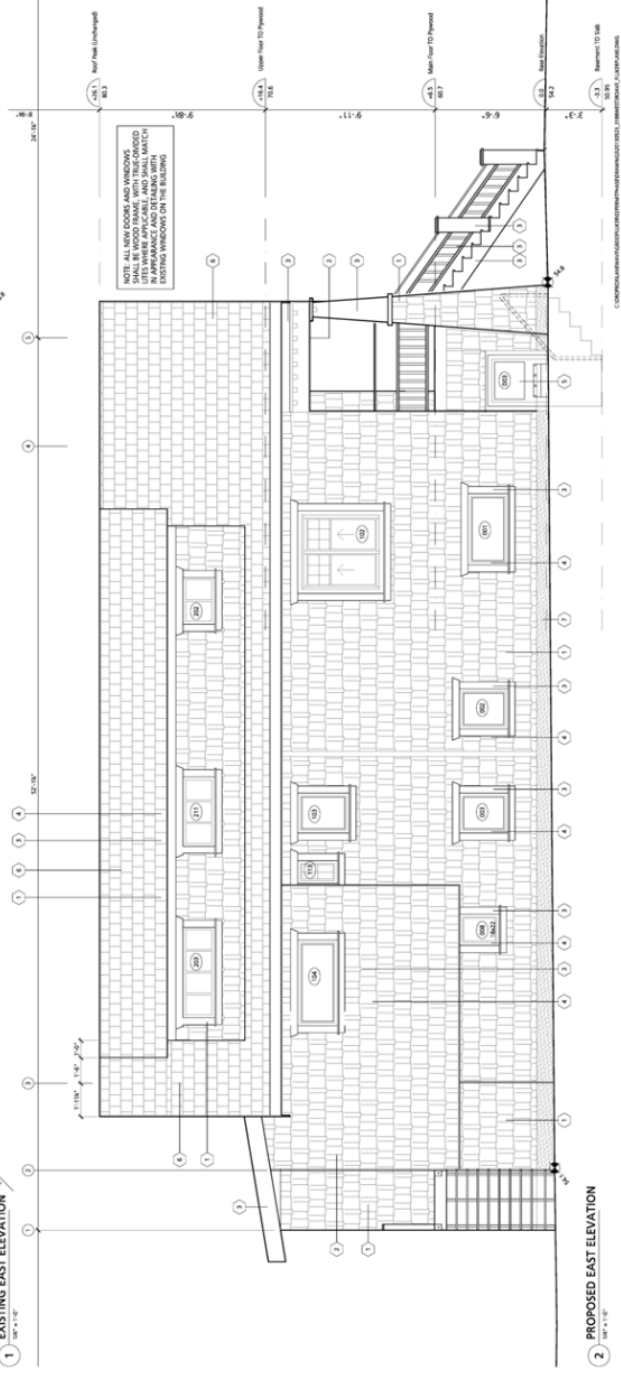
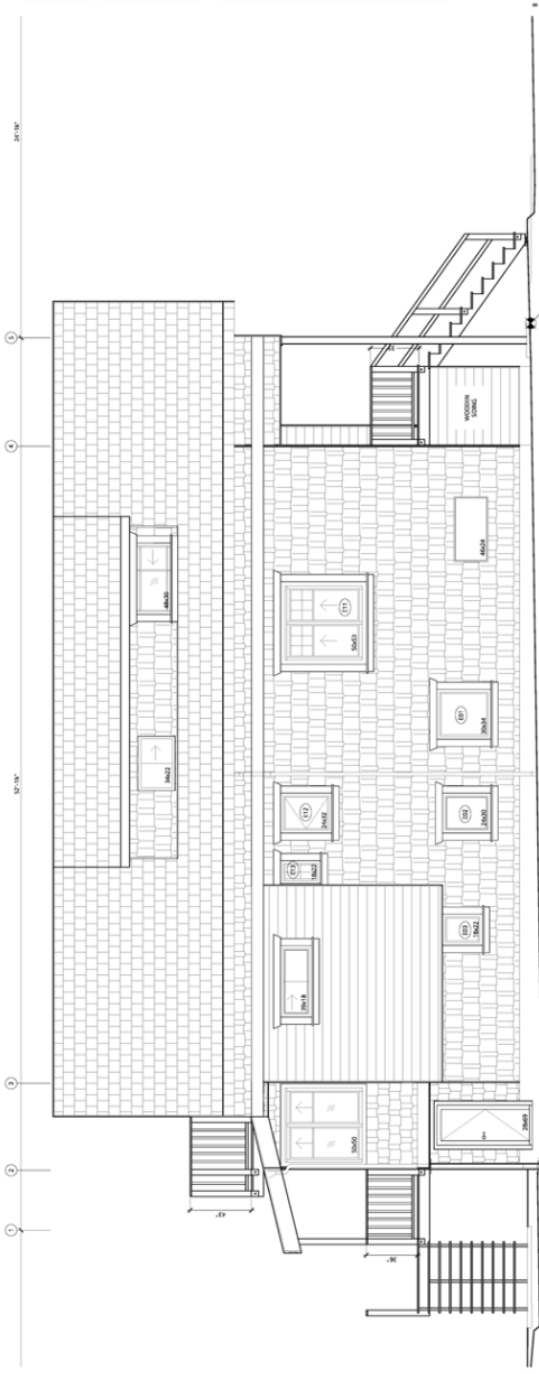
3182 West 3rd Avenue - East Elevation (Existing and Proposed)

- NOTE:** ALL EXTERIOR WOOD TRIM INCLUDING WINDOW TRIM AND SILL CASING, AND MATERIAL WITH PAINTED OR STAINED FINISH, SHALL BE MAINTAINED OR REPAIRED TO MATCH EXISTING. UNLESS OTHERWISE NOTED, ALL WOOD PRODUCTS ARE TO BE SPANISH OAK.
- NOTE:** WINDOWS ARE TO HAVE FRAMES OF SUBSTANTIAL SECTION. ALL WINDOWS TO HAVE BRANCHED SASH. WINDOWS TO HAVE SIGHTS OF THE SAME SUBRANGED WINDOW GROUPS AND PAIRED WITH VERTICAL FOLDY TRIM IN BETWEEN.
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**FLUKER RESIDENCE
& RENOVATION/ADDITION**

ADDRESS
3182 WEST 3RD AVENUE
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 SCALE
1/4" = 1'-0"
 DATE
01/18/23
 DRAWING
HERITAGE EAST ELEVATIONS
A2.04



NOTE: ALL WORK DONE AND WINDOW GROUPS TO BE MAINTAINED TO MATCH EXISTING. UNLESS OTHERWISE NOTED, ALL WOOD PRODUCTS ARE TO BE SPANISH OAK.

COURTESY ARCHITECTURE/INTERIOR DESIGN/CONSTRUCTION SERVICES/RENOVATION/ADDITION

3182 West 3rd Avenue - Technical Zoning and Parking Summary

Site Area: 367 m² (3,952 sq.ft.)

Item	Existing *	Permitted Under RT-8 Zoning	Proposed Under DE Application
Floor Space Ratio (FSR)	0.7 FSR 255.6 m ² (2,752 sq.ft.)	0.75 FSR 275.3 m ² (2,964 sq.ft.)	0.82 FSR 300.2 m ² (3,231 sq.ft.)
Side yard setback	West side yard 0.79 m (2'7") * East side yard 1.9 m (6'3") ***	1 m (3'3")	West side yard: 0.79 m (2'7") on main floor ** 1 m (3'3") for new dormer on west side East side yard: 1.9 m (6'3") ***
Off Street Parking spaces	0	2	2 ***

* When the the floor area for the living unit in the former garage is included, the site's FSR is 0.88. The conversion of this building back to a garage will reduce overall floor space by 22.4 m² or 241 sq.ft.

** While the west side yard setback of the main floor will remain non-conforming, the proposed dormer on that side will conform to by-law provisions for setback

*** Conforms, no relaxation required

3182 West 3rd Avenue - Resolutions of the Vancouver Heritage Commission

On December 10th, 2012, the Vancouver Heritage Commission reviewed the proposal and resolved the following:

THAT the Vancouver Heritage Commission (VHC) supports the application and conservation plan for 3182 West 3rd Avenue (Birnie House), including clarifying the degree of retention and approach to windows on the east and front elevation, and maintaining consistency with drawings; and

FURTHER THAT the VHC also supports the overall scheme and compatibility of the new portions with the heritage house and the proposed colour scheme; and

FURTHER THAT the VHC recommends consideration be given to the removal of the skylight over the kitchen porch due to visibility.

CARRIED UNANIMOUSLY

Staff Comments:

A condition of the Development Permit application approval requires that the applicant indicate which windows are to be removed, relocated replaced or replicated, and that consideration be given to the removal of the skylight over the kitchen.

3182 WEST 3RD AVENUE - PUBLIC BENEFITS SUMMARY

Project Summary:

Rehabilitation, conservation and enlargement of a heritage building.

Public Benefit Summary:

The project would result in the conservation and long-term protection of a heritage resource.

	Current Zoning	Proposed
Zoning District	RT-8	RT-8
FSR (site area = 367 m ² (3,952 sq.ft.))	0.75	0.82
Buildable Floor Space	275.3 m ² (2,964 sq.ft.)	300.2 m ² (3,231 sq.ft.)
Land Use	Residential	Residential

Public Benefit Statistics		Value if built under Current Zoning (\$)	Value if built under Proposed (\$)
Required*	DCL (City-wide) (See Note 1)	617	1,394
	DCL (Area Specific)	N/A	
	Public Art	N/A	
	20% Social Housing	N/A	
Offered (Community Amenity Contribution)	Childcare Facilities	N/A	
	Cultural Facilities		
	Green Transportation/Public Realm		
	Heritage (See Note 2)		132,480
	Housing (e.g. supportive, seniors)	N/A	
	Parks and Public Spaces		
	Social/Community Facilities		
	Unallocated		
	Other		
TOTAL VALUE OF PUBLIC BENEFITS		617	133,874

Other Benefits (non-market and/or STIR components): N/A

Note: DCLs, Public Art and Social Housing may have exemptions and/or minimum thresholds for qualification. For the City-wide DCL, revenues are allocated into the following public benefit categories: Parks (41%); Replacement Housing (32%); Transportation (22%); and Childcare (5%). Revenue allocations differ among Area Specific DCL Districts.

Note 1: DCLs based on recently approved rate of \$2.91 per square foot. The value for the proposal is based only on the net additional floor area of 44.5 m² (479 sq.ft.) - the remainder of floor space in the house (existing floor area) is exempt.

Note 2: Represents the value of on-site density bonus to facilitate heritage building rehabilitation, conservation and protection.