

RR-1(a)



POLICY REPORT DEVELOPMENT AND BUILDING

Report Date: May 30, 2014
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Meeting Date: June 10, 2014

TO: Vancouver City Council

FROM: General Manager of Planning and Development Services

SUBJECT: Heritage Action Plan: Steps to Enhance Protection of First Shaughnessy and Pre-1940s Character Houses

RECOMMENDATION

- A. THAT Council approve a Heritage Control Period for Temporary Protection in First Shaughnessy for a period of one year.
- FURTHER THAT the Director of Legal Services be directed to bring forward the By-Law generally as set out in Appendix A.
- B. THAT Council approve the "Potential Heritage or Character Buildings - Interim Procedure" as set out in Appendix C.
- C. THAT Council approve the "Heritage Proforma Review for Retention Projects - Interim Procedure" as set out in Appendix D.

REPORT SUMMARY

This report provides an update on the Heritage Action Plan (HAP) approved by Council on December 4, 2013 and recommends temporary and interim measures to be implemented while the HAP is completed by consultants. The HAP directs staff, with the assistance of consultants, to undertake a comprehensive review to update the Heritage Conservation Program to be completed over the next 18 months. The HAP responded to Council's request for information on existing heritage retention programs, the use of deconstruction to preserve heritage features and divert waste from the landfill, and potential improvements to these programs. A specific area of increased public interest is the loss of character houses.

The work to be completed under the HAP will result in an updated comprehensive Heritage Conservation Program that is to be completed by the end of 2015. Staff will report back in phases as various components of the work are completed by the consultants. In the interim, additional actions are recommended as follows:

- enactment of a by-law for a heritage control period for one year in First Shaughnessy
- approval of interim procedures to identify and encourage retention of pre-1940 character houses
- an interim policy to exempt the submission of development proformas for heritage retention projects where up to an additional 10% FSR is proposed as an additional incentive to encourage retention of houses with heritage or character value
- a companion report on a Construction and Demolition Waste Diversion Strategy recommends actions to increase the recycling and reuse of materials from deconstruction with an initial focus on pre-1940s houses.

The by-law for Heritage Control Period for Temporary Protection in First Shaughnessy would, if enacted, apply to all properties located in the First Shaughnessy District. The *Vancouver Charter* (and the *Local Government Act* for other municipalities in the province) enables temporary protection while heritage area planning work is being completed. The by-law would allow for the retention and renovation of pre-1940 buildings in the FSD and could prohibit their demolition during a one-year heritage control period while a comprehensive review of the First Shaughnessy Official Development Plan (FS ODP) is completed.

The purpose of the heritage control period is to allow time for the City to consider what steps Council can take to better conserve heritage property in the First Shaughnessy District, including designating it as a Heritage Conservation Area. The area of the First Shaughnessy District is shown on the map attached to the proposed By-law which is Appendix A to this report.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

The Heritage Action Plan, which was approved by Council in December 2013, responds to public and Council desire to encourage and support heritage conservation in the City. In summary, the HAP directs staff to retain a consultant to undertake the work and includes regulatory changes, process improvements, and an update to the Vancouver Heritage Register. It also includes amendments to existing zoning district schedules, updates to incentive programs and changes to conservation tools. The specific actions are as follows:

1. Clarify Direction on Conditional and Discretionary Zoning
2. Simplify/streamline approval processes for retention projects
3. Increase demolition fees for pre-1940 houses
4. Solicit senior government support for rehabilitation tax incentives
5. Update the Vancouver Heritage Register
6. Amend RS districts using RT 3/6/8 district schedules to encourage retention
7. Review and Update First Shaughnessy ODP
8. Extend existing incentive programs in the Downtown Eastside
9. Examine incentive programs for applicability
10. Develop enhanced deconstruction strategy
11. Improve public awareness of Vancouver Building By-law to facilitate heritage conservation

12. Develop an energy retrofit program for existing buildings
13. Identify cultural facilities in heritage buildings
14. Trees and landscapes

The Vancouver Charter:

- Pursuant to Section 590 of the Vancouver Charter, Council, by by-law, may declare a heritage control period for an area for up to a period of one year from the date of adoption of the by-law.
- Section 591 of the Vancouver Charter prohibits alterations to a building or site on a property subject to such temporary protection unless it is authorized by a heritage alteration permit (See Appendix B for relevant sections of the Vancouver Charter).

CITY MANAGER'S/GENERAL MANAGER'S COMMENTS

The General Manager of Planning and Development Services RECOMMENDS approval of the foregoing.

REPORT

Background/Context

First Shaughnessy

The intent of the First Shaughnessy Official Development Plan (FS ODP) is as follows: "The objective of this Plan is to protect and preserve Shaughnessy's unique pre-1940 character." The Heritage Goals of the Plan are:

Heritage

- To strengthen a unique architectural and historical area.
- To promote conservation and restoration of meritorious pre-1940 homes and maintenance of the estate-like image of development in accordance with design guidelines adopted by Council.
- To preserve and enhance the cultural, social, economic, architectural and historical elements of First Shaughnessy.
- To promote excellence in architectural design and construction that is compatible with the character and quality of most pre-1940 houses in the area.
- To enhance the aesthetic character, diversity and interest of the city.
- To preserve and improve the public and private streetscape.
- To build upon the heritage conservation efforts of the City as embodied in the Official Development Plan by pursuing other complementary actions.

There are 595 properties in First Shaughnessy, of which 329 were constructed before 1940. Eighty of the properties are listed on the Vancouver Heritage Register (28 in the 'A' evaluation category; 42 in the 'B' evaluation category, and 10 in the 'C' evaluation category). Of the 80, only 11 are protected from demolition through heritage designation and/or a Heritage Revitalization Agreement.

Pre-1940 Character Houses

Many of Vancouver's residential neighbourhoods were developed prior to World War II during the first half century after the 1886 fire. Approximately 25% (17,500 of 68,400) of houses remaining in single family zones throughout the city were built before 1940. In some neighbourhoods such as Arbutus, Dunbar and Kerrisdale the proportion of remaining pre-1940 houses is closer to 50%. Some of these buildings are listed on the Vancouver Heritage Register but most are not as the Register captures a sample of buildings from various periods in the city's history. Many remaining pre-1940 houses are considered to have "character" as they have a number of surviving architectural features such as roof form, massing, front porch, exterior wall materials, window openings and frames, and detailing in addition to mature landscaping features.

A review of demolitions over the past five years (2009-2013) indicates that of all the single family homes demolished, 40% are pre-1940 houses (See Table 1 in Appendix E). There are a number of factors which can lead to the demolition of character houses. Typically pre-1940 houses are smaller than what is permitted in the existing zoning. As well some of these houses do not have the amenities that purchasers have come to expect compared to new homes. Increasing land values often become higher when new homes are constructed, resulting in further pressure on character buildings. As noted above, a number of the actions in the HAP responding to the character house issue in a comprehensive manner will be completed over the next year and a half. In the interim a number of measures are proposed in this report to encourage retention of character houses.

Strategic Analysis

Heritage Action Plan Update

Since the HAP was approved in December, the following items have been completed:

1. The Request for Proposals (RFP) for a consultant to undertake the work has been issued and the consultant team will be hired over the summer.
2. The Terms of Reference for an advisory panel to provide advice to staff and the consultant have been completed.
3. Letters to senior governments seeking support for rehabilitation tax incentives have been sent. In April 2014, Council approved the Urban Forest Strategy including enhanced tree protection requirements.
4. Through the Greenest City Scholar Program a graduate student is completing a study on integrating heritage conservation with building upgrades for improved energy performance.

First Shaughnessy

Action 7 of the HAP directed staff to review and update the First Shaughnessy Official Development Plan (FS ODP). Since the adoption of the FS ODP in 1982, 47 development permit applications involving the demolition of pre-1940 houses have been approved over the 30 year period up to September 2012 (0.4% per year). However, in the last 18 months the number of inquiries proposing to demolish pre-1940 buildings has risen dramatically. There are 19 active inquiries in the area, 16 of which are proposing demolition (5% per year). Staff developed an administrative bulletin in 2012 to clarify the review process for new house proposals on

properties with pre-1940 houses in First Shaughnessy. The bulletin includes specific information related to the merit evaluation process to consider the heritage value of a property through the preparation of a Statement of Significance to identify heritage values and indicates that the Director of Planning may recommend designation of a property deemed to have heritage value.

While the bulletin and merit evaluation process have succeeded in raising awareness about the retention objectives as noted in the Intent and Goals of the FS ODP, there is a concern with the number of demolition inquiries which would be considered during the next 12 months which coincides with the review of the FS ODP as directed by Council. Staff are working with inquirers to ensure retention opportunities are fully explored, and in some cases retention may be achieved. However, if all of these demolition inquiries were to proceed, it would result in a significant loss in the pre-1940 building stock in the First Shaughnessy District in the next year. Therefore, staff propose a one-year Heritage Control Period for temporary protection in First Shaughnessy as authorized by the Vancouver Charter.

The key principles for the proposed Heritage Control Period for temporary protection by-law for Shaughnessy are as follows:

- Applies to all properties located in the area zoned First Shaughnessy Official Development Plan.
- Encourages the retention and rehabilitation of pre-1940 buildings in First Shaughnessy while the work on the review of the First Shaughnessy District (as directed by City Council) is underway.
- As per the authority in the Charter, is in place for one year from the date the by-law is enacted by City Council.
- Demolishing pre-1940 buildings may not be permitted during the heritage control period if the building is deemed to be of heritage value . Permitting projects proposing retention and renovation of pre-1940 buildings (including interior fixtures and features) and landscape features identified as heritage property subject to the issuance of Heritage Alteration Permit (HAP) by the Director of Planning, who will consult with the First Shaughnessy Advisory Design Panel and the Vancouver Heritage Commission as necessary.

Properties with buildings constructed after 1940 would not be subject to the temporary protection by-law. During the Heritage Control Period, staff, with the assistance of consultants, will be completing a review of the FS ODP as directed by Council including consideration of designating the area as a Heritage Conservation Area. This work will involve consultation with stakeholders and any proposed amendments to the First Shaughnessy ODP would require approval by Council.

A number of incentives to encourage retention of pre-1940 houses are available in the current FS ODP such as permission to construct new infill dwellings, conversion of existing buildings to include up to four units, and relaxations to building envelope regulations such as setbacks. Further incentives such as increases to floor area and the number of units permitted could also be considered through a Heritage Revitalization Agreement which allows for variances and relaxations to heritage properties when they are retained and rehabilitated. Additional measures to further enhance retention opportunities of pre-1940 houses will be more fully explored as part of the HAP.

Pre-1940 Character House Assessment across the rest of the City

Action 6 of the HAP directed staff to amend the RS (single family) District Schedules (zoning regulations) using the RT District Schedules as a model to encourage retention. Pending the completion of the HAP, staff have established an interim procedure for considering development applications involving pre-1940 houses. Staff are now seeking further information from inquirers proposing to demolish a building of potential heritage or character value. The first step in the process now includes a determination of whether the existing building is of character merit.

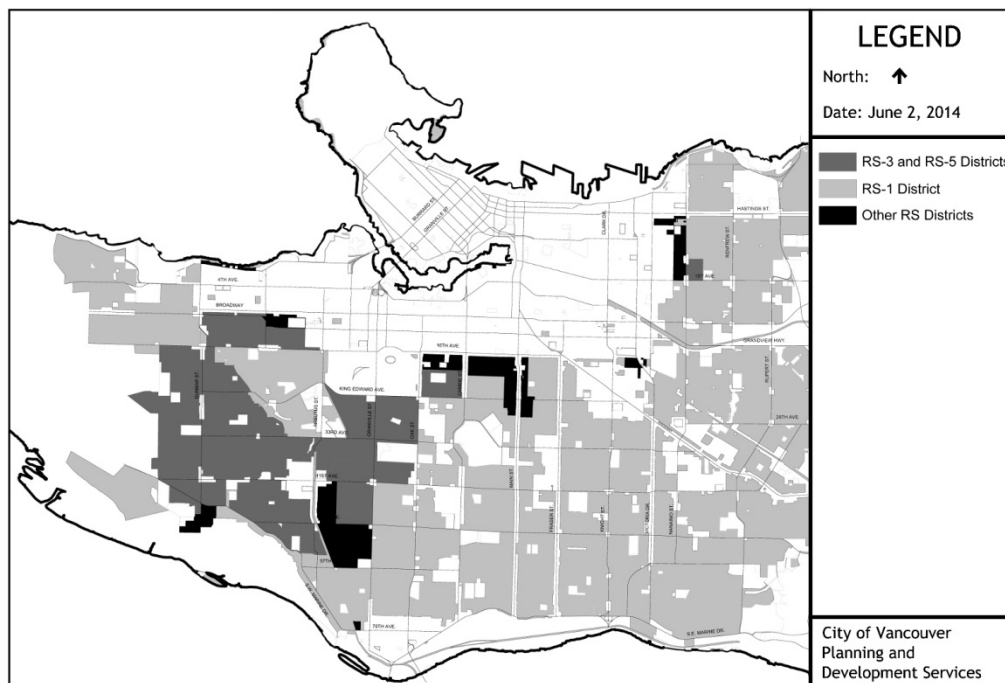
Staff have prepared a bulletin outlining the interim character assessment procedure (Appendix C). The procedure utilizes a date (pre-1940) threshold as an initial criterion. Then staff will review a number of surviving, prescribed character features such as:

- the authentic or period massing
- roof form
- front porch
- exterior wall materials
- window openings and frames and details.

These character criteria are currently utilized in a number of zoning districts (RT-3, RT-7/8, RT-10, RM-1 and RT-11).

This interim approach is now being applied in zoning districts where the character criteria does not currently exist (i.e. RS-3, RS-5, etc.), and where conditional zoning provisions can be used to incentivize character preservation such as increased density, or height, or changes to setbacks. These conditional zoning areas represent approximately 23% of the one and two family zoning areas in the city (see Map 1) located generally in Arbutus, Dunbar and Kerrisdale.

Figure 1. Map of single family zoning districts



This interim strategy does not apply to outright zones (e.g. RS-1), which represents approximately 77% of the one and two family zoning areas across the city, or for development applications utilizing the outright provisions of the applicable district schedule. As set out in the HAP, this approach will be studied further by the consultants to determine its applicability to all single family zones.

For a pre-1940s building deemed to have character merit or listed on the Vancouver Heritage Register, an owner could choose to either retain the building and seek relaxations to facilitate the building's conservation, or if they choose to demolish the character or heritage building, the owners will be advised that the Director of Planning may not consider the conditional provisions of the applicable zoning by-laws and that the outright provisions of the zoning may apply. Where buildings do not have character merit, the building may be demolished and the conditional aspects of the development application may be considered. There may be some limited circumstances when the demolition of a character merit building will be considered by the Director of Planning. For example, if a property is underutilized (a small building on a large site) which could result in large additions that would impact the character value of the original building; or if the building is structurally unsound (confirmed by a registered structural engineer).

The HAP will review zoning provisions and incentives to encourage retention of character houses including the consideration of strata titling. Presently, strata titling is permitted in some RS (single family) zones. For example, in RS-2 and RS-4 it can be done for infill dwellings and two-family dwellings, and in RS-6 and RS-7 for infill dwellings which are uses that can be permitted on a conditional basis. In addition, sites subject to a Heritage Revitalization Agreement (HRA) can also include strata titling as part of the incentive to encourage building retention and rehabilitation. As part of the HAP work to be completed, consideration will be given to expanding the ability to allow strata titling of properties in other RS zones when character houses are being retained. Furthermore, additional incentives such as increases to floor area (for existing building and or laneway house), extra units and relaxation of other regulations to encourage retention will be considered.

Heritage Proforma Review Requirements

Action 2 of the HAP directed staff to simplify and streamline approval processes for heritage retention projects. While the more comprehensive review will be undertaken by the consultant, staff are recommending an interim step to exempt heritage proformas for heritage retention projects in RS and RT zones where the bonus density requested is less than or equal to 10% over the density permitted in the zoning for a heritage resource which is to be designated (i.e. protected by a Designation By-law). Generally, this would apply only to retention projects that do not include other variances or relaxations (see Appendix D). Projects seeking additional variances/relaxations or rezonings would still be entertained and would require a proforma review as per current practice.

This interim procedure is particularly geared to assist smaller scale retention projects by removing one of the important, but time consuming, steps in the application review process. Applications will still need to meet urban design considerations such as compatibility and neighbourliness. During the interim period, staff will monitor applications and collect information to inform the longer term work on streamlining and simplifying approvals processes.

Other HAP Actions

Staff will be reporting back to Council throughout 2015 as the medium and longer term items in the HAP are completed and new tools to improve heritage conservation in the city are developed.

CONCLUSION

This report provides an update to the HAP approved by Council last December and recommends temporary and interim measures be approved while the more comprehensive actions in the HAP are completed. This report recommends initiatives to support retention by expediting development application processing by exempting heritage proforma requirements for projects seeking a density bonus up to 10% over the permitted density. Additional recommendations include the approval of an interim procedure to identify and encourage retention of pre-1940 character houses and enactment of a by-law to implement a Heritage Control Period for temporary protection of heritage property in the First Shaughnessy District for a period of one year. The purpose of the control period is to ensure that no pre-1940 building are demolished, unless authorized by a Heritage Alteration Permit, while planning work to review the First Shaughnessy Official Development Plan is underway. Renovations could still proceed. The HAP and the recommendations in this report support other city objectives including the diversion of construction and demolition waste (Greenest City 2020 Action Plan) and affordable housing policies encouraging a range of housing types and tenures throughout the city.

* * * * *

BY-LAW NO. _____

**A By-law to declare a Heritage Control Period
with respect to part of Vancouver**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

Name of By-law

1. The name of this By-law, for citation, is the "Heritage Control Period (First Shaughnessy) By-law".

Definitions

2. In this By-law:

"Area" means that certain area of the City of Vancouver enclosed by the broken line on the Map attached to this By-law as Appendix "A";

"Building" means any building located in the Area;

"Fixture or Feature" includes any fireplace, interior door, wall finishing, paneling, staircase, and tiling;

"Heritage Control Period" means the period of time stated in section 4.

"Heritage Alteration Permit" means a permit authorized under Part XXVIII, Division (5) of the *Vancouver Charter*;

"Landscape Feature" includes any fence, retaining wall, fountain, patio, terrace, statuary or other similar structure that is located outside the exterior walls of a building, as well as any hedge, shrub or tree that grows within two meters of the structure; and

"Property" means a legal parcel or lot in the Area.

Heritage Control Period

3. In order to allow for heritage conservation planning for the Area, Council declares a Heritage Control Period in the Area.

4. The Heritage Control Period commences on the date this By-law is enacted, and continues for a period of one year.

Heritage Alteration Permit

5. During the Heritage Control Period, an owner of Property may not cause, permit or allow:

- a. alteration of the exterior of a Building on the Property;
- b. a structural change to a Building on the Property;
- c. a Building to be moved onto or off of the Property;
- d. alteration, movement of or taking any other action that would damage a Landscape Feature on the Property;
- e. alteration, movement of or taking any other action that would damage a Fixture or Feature on the Property; or
- f. other alteration, excavation or construction on the Property;

unless a Heritage Alteration Permit is first obtained authorizing such work, but no Heritage Alteration Permit is required for routine maintenance, including pruning and trimming of flora.

6. Notwithstanding section 5, an owner of Property may take any action otherwise prohibited by section 5 of this By-law or section 591 of the *Vancouver Charter*, without acquiring a Heritage Alteration Permit, if the Property does not contain a Building that was erected, in whole or in part, prior to 1940.

7. During the Heritage Control Period, the Director of Planning is hereby delegated the authority to identify Property in the Area as heritage property and issue or refuse Heritage Alteration Permits for Property in the Area. When making a determination of whether a Property is heritage property, the Director of Planning may consider the:

- a. age;
- b. historic associations;
- c. builder or architect;
- d. architectural style; and
- e. construction methods;

of a Building on a Property.

8. If the Director of Planning determines that a Property is heritage property, he may issue a Heritage Alteration Permit that would allow for the renovation of the heritage property, and may impose terms, requirements and conditions on the Heritage Alteration Permit in accordance with sections 597 and 598 of the *Vancouver Charter*.

9. Notwithstanding section 5, an owner of Property may take any action otherwise prohibited by section 5 of this By-law or section 591 of the *Vancouver Charter*, without acquiring a Heritage Alteration Permit, if the Director of Planning determines that the Property is not heritage property.

10. This By-law does not affect a Property that is subject to a heritage revitalization agreement entered into before or during the Heritage Control Period, to the extent that this By-law conflicts with the heritage revitalization agreement.

11. During the Heritage Control Period, the Director of Planning may withhold the issuance of a development permit that would result in alteration to a Building on a Property until a Heritage Alteration Permit that would authorize the work is issued, or it is determined that no Heritage Alteration Permit is needed.

12. During the Heritage Control Period, the Director of Planning may order a heritage inspection of a Property that contains a Building built in whole or in part prior to 1940, in order to assist in the determination of whether the Property is heritage property.

Reconsideration

13. If the Director of Planning issues or refuses a Heritage Alteration Permit under this By-law or determines that a property is heritage property under this By-law, then the owner of the Property may seek to have Council reconsider the decision by requesting a reconsideration in writing, by delivering that request to the Director of Planning within 14 days of the decision.

14. Council must reconsider the decision within a reasonable time, and may uphold or vary the decision.

Severability

15. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

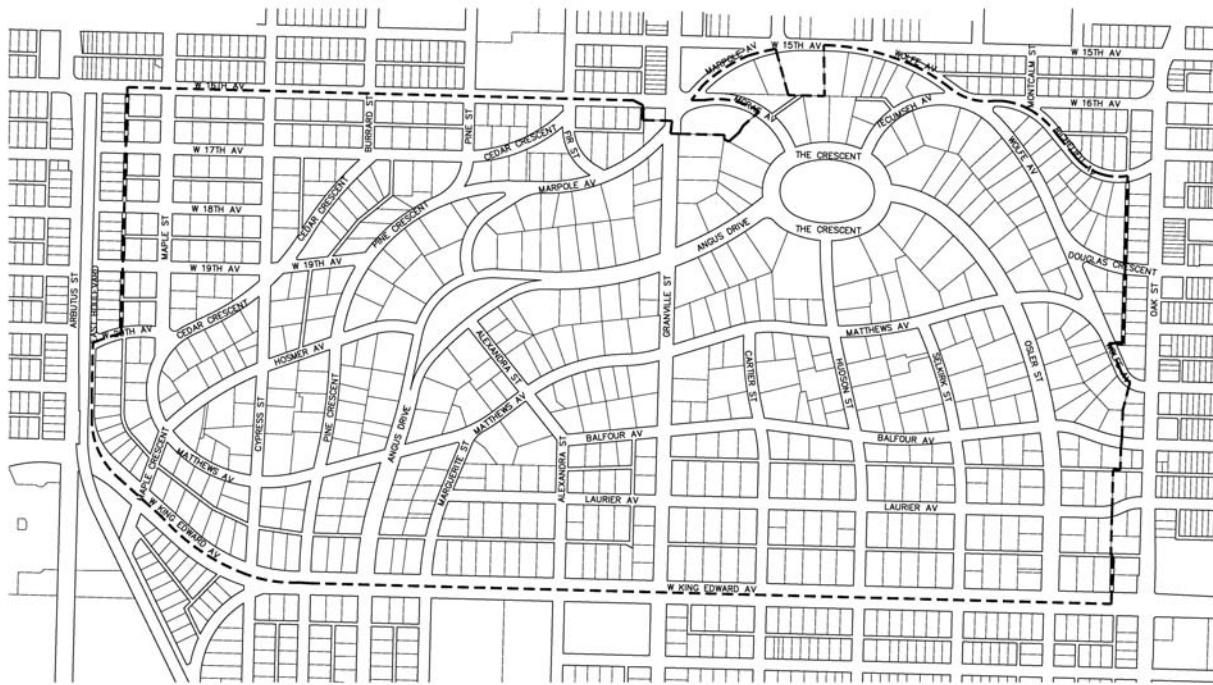
Force and effect

16. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this day of , 2014

Mayor

City Clerk



LEGEND
--- FIRST SHAUGHNESSY DISTRICT

North: ↑
Scale: 1:25,000
Date: April 22, 2014

City of Vancouver
Planning and
Development Services

Excerpt from Vancouver Charter

Heritage control periods for temporary protection

590. (1) For the purposes of heritage conservation planning for an area identified in the by-law, the Council may, by by-law, declare a heritage control period with respect to the area.

(2) A by-law under subsection (1) must specify the length of the heritage control period, which may not be longer than one year from the date of adoption of the by-law.

(3) A by-law under subsection (1) may do one or more of the following:

(a) identify types of landscape features that are included in the protection under this section;

(b) specify types of alterations to property that are allowed without obtaining a heritage alteration permit;

(c) establish policies regarding the issuance of a heritage alteration permit in relation to property within the area covered by the by-law.

(4) During a heritage control period under subsection (1), property within the area covered by the by-law is subject to temporary protection in accordance with section 591.

(5) A heritage control period under this section may be declared once only during any 10 year period for an area or portion of an area.

Temporary protection

591. (1) While property is subject to temporary protection in accordance with this Division, except as authorized by a heritage alteration permit or as referred to in subsection (2), a person must not do any of the following to the property:

(a) alter the exterior of a building;

(b) make a structural change to a building;

(c) move a building;

(d) alter, move or take an action that would damage a fixture or feature identified in the authorizing resolution, order or by-law for the temporary protection;

(e) alter, excavate or build on the property.

(2) The prohibition under subsection (1) does not apply to alterations that are allowed by the authorizing resolution, by-law or order for the temporary protection to be made without a heritage alteration permit.

POTENTIAL HERITAGE OR CHARACTER BUILDINGS REVIEW - Interim Procedure - DRAFT

On December 4, 2013, City Council endorsed the Heritage Action Plan which included a number of immediate and longer term actions to save Vancouver's heritage. The plan included directions to support heritage conservation across the City, including:

Action #1

Council directed, with respect to development proposals that the Director of Planning and/or the Development Permit Board considers, the City is under no obligation to approve any application that seeks development approval under the conditional provisions of the applicable zoning by-laws. In other words, unless preservation of a heritage resource is proposed, staff will consider the outright provisions of the application zoning in the review of applications and proposals.

Action #6

Council directed staff to identify distinct areas of heritage value, particularly areas with high numbers of demolitions of pre-1940s heritage and character homes, and recommend to Council amendments to existing RS zoning to address the loss of this neighbourhood heritage character.

Interim Procedure and Determination of Heritage and Character Buildings:

Pending the completion of these and other action items in the report, Planning staff have established an interim procedure for handling development applications involving pre-1940s houses. Staff are now seeking further information from inquirers proposing to demolish a building of potential heritage or character value. The first step in the process now includes a determination of whether the existing building is of character merit.

Character buildings can be defined by a number of criteria: for example, some of the existing zoning and guidelines (i.e. RT-3, RT-7/8, RT-10, RM-1 and RT-11) use a "date" threshold as an initial criterion. In addition, these and other zones also have evaluation criteria to determine whether the building has character merit. Any building constructed before 1940 is considered to be a character building if it also has a number of surviving, prescribed character features such as the authentic or period massing, roof form, front porch, exterior wall materials, window openings and frames and details.

As an interim measure until the Heritage consultant completes the Heritage Inventory updates and associated recommendations for protecting Vancouver's heritage, staff have adopted this same evaluation approach, including the threshold date of pre-1940, into those zoning districts where this criteria does not currently exist (i.e. RS-3, RS-5, etc.) and where conditional zoning provisions can apply, such as increased density, height etc. These conditional zoning areas represent approximately 23% of the one and two family zoning areas in the city, located generally in Arbutus, Dunbar and Kerrisdale.

This interim strategy does not apply to outright zones (i.e. RS-1), which represents approximately 77% of the one and two family zoning areas in the city, or for development applications utilizing the outright provision of the applicable district schedule. The Heritage Action Plan work program will propose a more robust strategy to retain character homes across all the zones in the city.

Based on the information available for a given site within these conditional zones, if a building is deemed to have character merit or the site is listed on the Vancouver Heritage Register, staff may advise the owner as follows:

Where a site involves a building determined to have character merit/heritage value, which could include character homes not on the Heritage register, owners are encouraged to consider retention. Innovative proposals for retention which might include extra density or other relaxations that involve discretion in applying guidelines, policies and regulations may be considered. Staff are encouraged to consider alternative approaches that avoid the loss of potential heritage/character buildings wherever possible. This could include additional floor area in the existing building and/or laneway house, additional dwelling units, and relaxation of other regulations that would encourage retention.

- a. Where a building is determined to have character merit/heritage value and is proposed for demolition, owners are advised that the Director of Planning is under no obligation to approve any rebuild application that requires development approval under the conditional provisions of the applicable zoning by-laws. Staff will consider the outright provisions of the zoning in any application for rebuild.

Where buildings do not have character merit, the building may be demolished and the conditional aspects of the development application may be considered. There may be some limited circumstances when the demolition of a character merit building will be considered by the Director of Planning. For example, if a property is underutilized (a small building on a large site) which could result in large additions that would impact the character value of the original building; or if the building is structurally unsound (confirmed by a registered structural engineer).

HERITAGE PROFORMA REVIEW - Interim policy - DRAFT

Intent

On December 4th, 2013, Vancouver City Council approved the *Heritage Action Plan*, which responds to citizen and Council's desire to encourage and support heritage conservation in the City. The report, entitled Action Plan to Update the Heritage Conservation Program, may be found at: <http://former.vancouver.ca/ctyclerk/cclerk/20131204/documents/ptec8.pdf>

The report recommends a number of actions to update and strengthen the City's Heritage Conservation Program in a strategic and comprehensive manner. This update will include a number of "quick starts" as well as several medium- to longer-term actions which will be brought back to Council over time. The report also states that staff are presently reviewing the requirement for development proformas with a view to potentially removing this requirement for applications under a certain size, as part of the "quick-starts" noted above.

The interim policy statement described below addresses the proforma exemption initiative and is meant to augment the current *Heritage Policies and Guidelines* up until such time as these policies are amended.

Application

Financial analysis of projects receiving heritage incentives and/ or involving heritage designation (approval of a Designation By-law) currently require review of the owner's proforma, which may include hard and soft costs related to a project, and in some cases, projected revenues. The analysis of the proforma can take time. For smaller residential sites and projects, this processing time can be a concern for owners. In the RS and RT zones (which encompass most residential zones where heritage or character houses occur), proforma reviews typically yield a bonus of on-site density of approximately 10% in excess of the permitted density in return for the encumbrance of heritage designation, and as compensation for heritage costs related to rehabilitation. The Heritage Policies and Guidelines permit the Director of Planning to approve up to 10% over the permitted density without Council approval (using provisions in Section 3 of the *Zoning and Development By-law*). In respect of this, where bonus density requested is less than or equal to 10% over the density permitted in the zoning for a heritage resource which is to be designated (i.e. protected by a Designation By-law), a proforma review will not be required subject to the following:

1. The bonus density sought is to be used on the development site (i.e. not transferred);
2. A variance of use is not proposed;
3. A *Subdivision By-law* variance is not proposed;
4. A variance of a Development Cost Levy (DCL) is not proposed;
5. If strata titling is proposed, it is permitted under the current zoning applicable to the site, including any relevant guidelines and policies regarding strata titling (and/or residential rental units; and
6. The owner agrees that they have been adequately compensated for the encumbrance of heritage designation on land value, and any heritage costs sought as part of the application, to the satisfaction of the Director of Legal Services and the Director of Planning.

7. The site is in an RS or RT zone (although the Director of Planning may consider sites in other zones for which development similar to what might occur in RS and RT zones is proposed).
8. If located in a zone where infill development is permitted, and for an application involving infill development, a variance of any guidelines or regulations providing for infill development is NOT proposed (i.e. in RT zones the minimum required side yard for infill development is met).
9. The designation is considered by the Director of Planning and the Director of Real Estate Services to be "voluntary"- i.e. no HRA or CD-1 By-law is proposed and the only non-conformities with respect to use and/or density legally exist at the time the application for designation is approved.

Regarding (6) above, this is usually accomplished by way of an agreement (Section 219 Covenant), registered on title to the development site, which is to be signed, completed, and registered on title prior to issuance of the development permit application. This may also be accomplished by a Heritage Revitalization Agreement (HRA) in some cases, depending on the variances being proposed. However, an HRA is required to be signed by an owner in advance of proceeding to a public hearing for the designation and for the HRA By-law.

Variances of dwelling unit density and parking/ loading relaxations, as well as heights and yards and similar provisions, are not included in the limitations noted above. The Director of Planning may support and/ or grant these variances and/ or relaxations provided the Director of Planning concludes that these variances or relaxations are supportable with respect to view and privacy impact, shadowing, and livability.

For purposes of determining what the permitted density is for calculating the 10% limit, tables are provided below (FSR = floor space ratio). The tables only refer to the overall permitted density. In RS zones where "above grade" floor area is restricted, with the exception of the RS-3 and RS-3A zones, the "above grade" provisions may be varied provided the 10% density limit for the overall density is not exceeded and provided the Director of Planning is satisfied with the allocation of density on the site and the proposed heritage conservation.

Note: the Zoning By-law is amended from time to time. Applicants and owners should always check the zoning applicable to the site in question regarding any changes from those values noted in this document.

Table 1: RS Zoned Sites

Zone	Maximum Permitted Density* (FSR)	Maximum Density With 10% Bonus Density But Not a Laneway House (FSR)	Maximum Density With 10% Bonus Density and a Laneway House (FSR)**
RS-1	0.70 to 0.75*	0.77 to 0.83*	0.93 to 0.99*
RS-3, RS-3A	0.20 + 130m ²	0.22 + 143m ²	(0.22 + 143m ²) + 0.16 FSR
All other RS	0.70 to 0.75*	0.77 to 0.83*	0.93 to 0.99*

* Based on site size and/or other zoning provisions

** Laneway Housing does not have a prescribed density. The values listed are approximate and only noted for general reference. The size of a Laneway House on a site may vary based on site size or other site constraints.

Table 2: RT Zoned Sites

Zone	Maximum Permitted Density* (FSR)	Maximum Density With 10% Bonus (FSR)
RT-1, RT-4, RT-7	0.60	0.66
RT-2	0.60 to 0.75*	0.66 to 0.83
RT-3	0.75 to 0.95*	0.83 to 1.05
RT-5, RT-6, RT-8, RT-9	0.75	0.83
RT-10	0.60 to 0.83*	0.66 to 0.91
RT-11	0.60 to 0.90*	0.66 to 0.99

* Based on site size and/or other zoning provisions

Table 1. Number of single family homes demolished by year (2009-2013)

	2013	%	2012	%	2011	%	2010	%	2009	%
1900-1939	356	41%	436	43%	402	42%	325	39%	212	41%
1940-1999	510	59%	578	57%	558	58%	508	61%	306	59%
Total	866		1,014		960		833		518	