



POLICY REPORT
DEVELOPMENT AND BUILDING

Report Date: June 11, 2014
Contact: Anita Molaro
Contact No.: 604.871.6479
RTS No.: 10502
VanRIMS No.: 08-2000-20
Meeting Date: July 15, 2014

TO: Vancouver City Council

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

SUBJECT: 6306 Prince Albert Street - S.B. Bennett House - Heritage Revitalization Agreement and Heritage Designation

RECOMMENDATIONS

- A. THAT Council instruct the Director of Legal Services to bring forward for enactment, pursuant to Section 593 of the *Vancouver Charter*, a by-law to designate the S. B. Bennett House (the "heritage building"), which is listed in the 'A' evaluation category on the Vancouver Heritage Register, at 6306 Prince Albert Street (PID: 014-256-461; Lot 1, Block 3, District Lot 662, Plan 1900; and PID: 014-256-509; Lot 2, Block 3, District Lot 662, Plan 1900 (the "site")) as a protected heritage property.
- B. THAT Council instruct the Director of Legal Services to bring forward for enactment, pursuant to Section 592 of the *Vancouver Charter*, a by-law authorizing the City to enter into a Heritage Revitalization Agreement in respect of the site to:
 - i. secure the rehabilitation and long-term preservation of the heritage building; and
 - ii. if required, vary the *Subdivision By-law* to allow for the creation of two new parcels for the site, one which will be irregularly shaped so that it contains the whole of the heritage building, together with a new Infill One-Family Dwelling (the "South Parcel"), and one which is to contain a new One-Family Dwelling with Secondary Suite at the front of the property, and an Infill One-Family Dwelling at the rear of the property (the "North Parcel"), and
 - iii. to vary the *Zoning and Development By-law* in respect of the site to permit the rehabilitation of the heritage building and the construction of the new buildings, as proposed under Development Permit Application Nos. DE417529

and DE417530 (the "DP Applications") and as more particularly described in this report.

- C. THAT the Heritage Revitalization Agreement shall be prepared, completed and registered, and given priority on title to the site, to the satisfaction of the Director of Legal Services and the Director of Planning.
- D. THAT, in connection with the proposed heritage designation and Heritage Revitalization Agreement discussed herein, as an alternative to subdivision of the site under the *Land Title Act* in accordance with the *Subdivision By-law*, varied as noted in Recommendation B (ii), Council supports the bare land subdivision of the site under the *Strata Property Act* to allow for the creation of at most two bare land strata lots, and waives for the site the requirement that covenants be registered against titles to the site restricting strata titling in this respect, as provided for in the *Strata Title Policies for RS, RT and RM Zones*, subject to the conditions contained within the proposed Heritage Revitalization Agreement.
- E. THAT Recommendations A to D be adopted on the following conditions:
 - i. THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or 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 City and all its officials shall not in any way be limited or restricted in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

REPORT SUMMARY

The purpose of this report is to seek Council approval to designate the S.B. Bennett House at 6306 Prince Albert Street as a protected heritage property, and to approve a Heritage Revitalization Agreement ("HRA") for the site. Under the current RS-1 zoning applicable to the subject site, the existing heritage building could be demolished and the site redeveloped with a One-Family Dwelling and a Laneway House on each of two existing parcels comprising the site, with a density of up to 0.86 floor space ratio (FSR) without Council approval.

After hearing recent public concern about the possible demolition of the heritage building, City staff met with the owners and the applicant architect to explore options for retention. An application was subsequently received which seeks an increase in permitted density and other variances as set forth in DP Applications, and as described in this report, as incentive and compensation to the owners for the heritage designation, rehabilitation, and conservation of the heritage building. The General Manager of Planning and Development Services is prepared to approve the DP Applications should Council approve the recommendations of this report.

COUNCIL AUTHORITY

Pursuant to section 592 of the *Vancouver Charter*, Council, by by-law, may enter into HRAs with the owners of heritage properties which may vary or supplement certain by-laws and permits, including the *Zoning and Development By-law* and the *Subdivision By-law*.

Pursuant to Section 593 of the *Vancouver Charter*, Council may, by resolution, designate heritage buildings and other heritage resources within the City of Vancouver as being protected heritage properties.

Pursuant to section 595 of the *Vancouver Charter*, if sought, Council is required to compensate an owner of property being designated as a protected heritage property for any reduction in market value caused by the designation. Often this, along with additional compensation to offset rehabilitation costs incurred under an HRA, is achieved by way of by-law variations contained in the HRA so as to permit an otherwise impermissible development.

The proposed heritage designation and HRA for the S.B. Bennett House require Council approval at a public hearing and by-law enactment pursuant to Sections 592, 593 and 594 of the *Vancouver Charter*.

The following Council policies are relevant for this application:

- *Heritage Policies and Guidelines (April, 1991)*
- *Green Buildings Rezoning Policy (February, 2010)*
- *Strata Title Policies for RS, RT and RM Zones.*

The Heritage Action Plan which was approved in December 2013 responds to citizens' and Council's desire to encourage and support heritage conservation in Vancouver. A number of actions were approved including specific direction to use available tools to conserve the city's key heritage resources.

GENERAL MANAGER'S COMMENTS

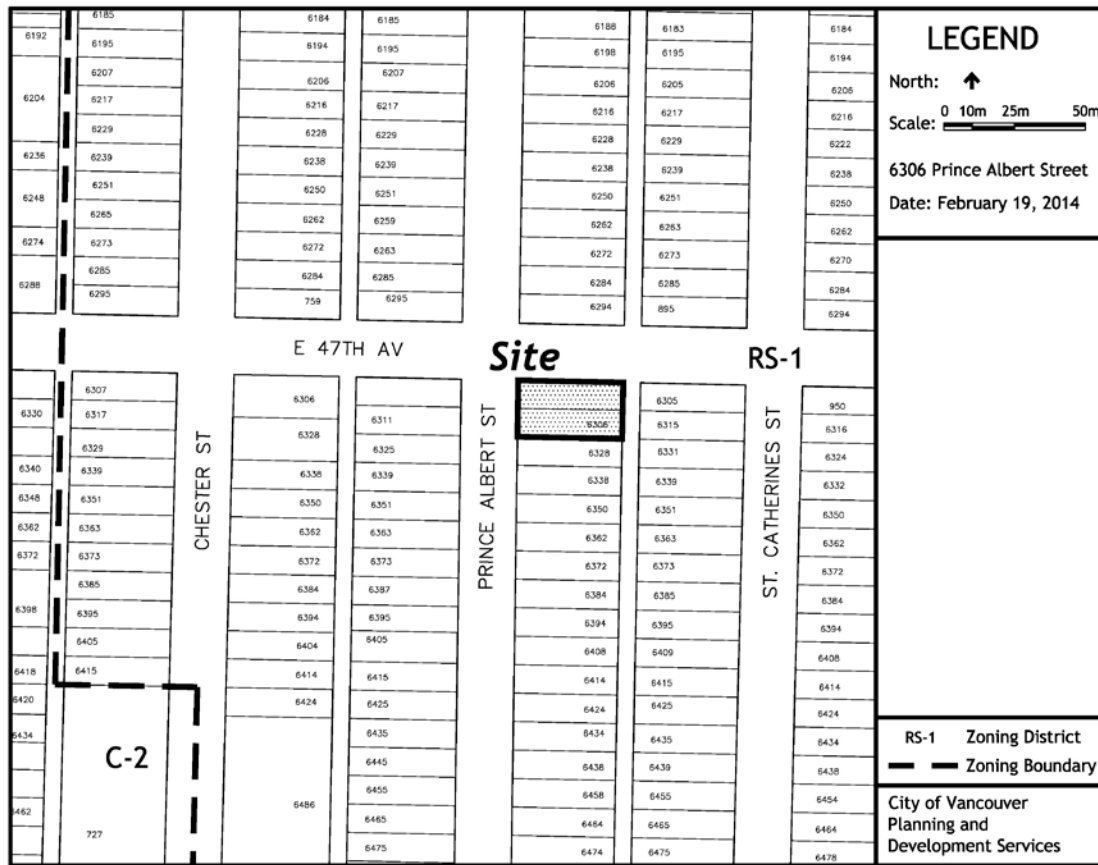
The General Manager of Planning and Development Services RECOMMENDS approval of A, B, C, D, and E.

STRATEGIC ANALYSIS

Site and Context

The site is located in the Sunset neighbourhood in an area zoned RS-1 (see Figure 1). The *RS-1 Zoning District Schedule* of the *Zoning and Development By-law* permits One-Family Dwellings, Secondary Suites, and Laneway Houses. Retention of older, existing character buildings and heritage buildings is not required. The subject site is located at the south-east corner of the intersection of Prince Albert Street and East 47th Avenue and is comprised of two legal parcels straddled by the heritage building (see Appendix C). The total site area is 743 square metres (8,000 square feet). A six metre (twenty foot) wide lane exists on the block.

Figure 1: Site and surrounding zoning



Heritage Value

The S. B. Bennett House was built in 1910 by Ennis Pope but occupied shortly thereafter by Samuel B. Bennett, an Engineer with the Municipality of South Vancouver. The house is a prominent Edwardian residence in the neighbourhood, retaining most of its original features on the exterior and interior (see Appendix A). Most notable is the heritage house’s octagonal entrance porch with turned columns accessing an angled front entrance. The site has changed little over the last century. The house is listed on the VHR in the ‘A’ evaluation category.

Development Application and Proposed Incentives

If approved, the incentives and compensation to be provided to the owners for the heritage designation, rehabilitation, and conservation of the heritage building will be in the form of proposed variances to the *Zoning and Development By-law* and the *Subdivision By-law* as set forth in the DP Applications, and as described below.

The zoning applicable to the site is RS-1. The heritage building currently straddles two legal parcels (see Appendix C) and could be demolished and the site redeveloped with new One-

Family Dwellings with Secondary Suites and Laneway houses with a density of up to 0.86 FSR. After hearing public concern about the possible demolition of the heritage building when the site recently sold, City staff met with the new owners and the applicant architect, who were originally looking at redeveloping the site, to explore options for retention. The DP Applications which propose retaining the heritage building were subsequently submitted.

The DP Applications propose to move the heritage building to the South Parcel, primarily to allow for the retention of the existing octagonal porch, and to construct an Infill One-Family Dwelling behind it (New Building 'C' as shown in Appendix C), as well as to construct a One-Family Dwelling with a Secondary Suite on the North Parcel (New Building 'A'), and an Infill One-Family Dwelling behind it at the lane (New Building 'B'). The heritage building is also proposed to have a Secondary Suite in the basement. The HRA provides for certain variances to City by-laws to allow the subdivision of the site under the *Land Title Act* to create the North and South Parcels, including a *Subdivision By-law* variance to "wrap" the property line between the North and South Parcels around the existing porch of the heritage building as shown in Appendix C. A density summary is provided in Table 1 (see Appendix D for more detailed zoning information).

Table 1: Density Summary

Regulations of the RS-1 district schedule	Required or Permitted	Proposed, with Variances
Section 4.7.1 - Overall Floor Space Ratio (FSR)	0.86 FSR 638 m ² (6,863 sq. ft.) maximum	1.01 FSR 750 m ² (8,065 sq. ft.)

As an alternative to subdivision of the site into the North and South Parcels under the *Land Title Act*, the HRA will allow, if required, for owners to subdivide the site under the *Strata Property Act* to create up to two bare land strata lots instead (see Appendix C), with no further stratification of those two strata lots or the buildings therein permitted. This is proposed where there might be prohibitive cost and timing issues related to executing the subdivision of the site under the *Land Title Act*, which might be prohibitive to the owners. The HRA allows for either option (subdivision of the site into two parcels under the *Land Title Act* or two bare land strata lots under the *Strata Property Act*), but not both in conjunction with each other. In either option, there would be at most two parcels which are separately owned, which would be the case with the current site if the heritage building was demolished and the two existing parcels redeveloped.

As part of the DP Application review, staff considered the potential impact of the proposed development, the results of notification (see the Results of Neighbourhood Notification and Staff Comments section), the compatibility of the development with the current zoning, and the financial analysis required for the application (see the Proforma Evaluation section), and concluded that the applications are supportable as an HRA. The General Manager of Planning and Development Services is prepared to approve the DP Applications subject to Council approval of the recommendations of this report.

Compatibility with Existing Zoning and Land Use Regulations

The Intent of the *RS-1 Zoning District Schedule* is to:

"... maintain the single-family residential character of the RS-1 District, but also to permit conditionally one-family dwellings with secondary suites and laneway houses. Emphasis is placed on encouraging neighbourly development by preserving outdoor space and views. Neighbourhood amenity is enhanced through the maintenance of healthy trees and planting which reflects the established streetscape."

The applications are consistent with the intent of the *RS-1 District Schedule*. The development proposed is single-family in character. Outdoor area and views are maximized in the proposal and mature trees are to be maintained where possible.

Condition of the Heritage Building and Conservation Approach

The S.B. Bennett House is in excellent condition. Most of its original features are intact and are to be retained (see photographs in Appendix A and the drawings in Appendix C). The proposed move will involve construction of new foundations for the heritage building, which will also mean reconstruction of the exterior stairs, but the porch and other details will be maintained and refurbished. Staff conclude that the rehabilitation scheme is consistent with the federally adopted *Standards and Guidelines for the Conservation of Historic Places in Canada* and is supported.

Results of Neighbourhood Notification and Staff Comments

Forty-two surrounding properties were notified of the DP Applications for the site. Three responses were received, one which was neutral but included concerns, one which expressed opposition with concerns, and one expressing support but with some concerns. Several letters and e-mails advocating support for retention of the heritage building were also received prior to City notification of the applications. Concerns include the lack of the heritage building being "show cased" by the proposal to move it to the interior of the site (as opposed to the corner), the number of buildings proposed, loss of green space, and traffic and parking impacts (see Appendix F for more detailed discussions).

Moving the heritage building to the corner would have created significant challenges with respect to keeping the front porch of the heritage building, which would have encroached onto the boulevard. New Building 'A' is set back to allow greater visibility of the heritage building (see Appendix C). The heritage building could be demolished and the two parcels redeveloped with up to four new buildings (two principal buildings and two Laneway Houses in total), which is the same as the number of buildings proposed. Landscaping and open green space will be maximized on the site. The development will likely create some additional traffic and parking impacts in the area but these will be commensurate with development of sites over time as permitted under the current zoning in the neighbourhood.

Staff considered the results of neighbourhood notification and concluded that the proposal for the S.B. Bennett House is supportable.

Comments from the Vancouver Heritage Commission

On April 7, 2014 the Vancouver Heritage Commission reviewed the application and supported the proposal (see Appendix E).

Financial Implications

The value of the work which will facilitate the conservation of the heritage building is valued at approximately \$147,000. The site is within the City-wide Development Cost Levies (DCL) District and it is anticipated that the DP Applications will generate approximately \$17,000 in DCLs.

Proforma Evaluation

Real Estate Services staff reviewed the applicant's pro forma evaluation in accordance with Council's approved policies. The Director of Real Estate Services advises that the by-law variances proposed will offset the costs of the rehabilitation and conservation of the heritage building and will not result in any undue profit.

Environmental

The City's Green Buildings Policy for Rezoning applies to the application and requires developments of this scale to achieve BuiltGreen BC™ Gold with a score of EnerGuide 82, or an equivalent achievement in green design. The policy allows for exemptions for heritage components provided reasonable design efforts are made to improve green performance where appropriate, while respecting heritage aspirations and promoting heritage retention.

Legal

The by-law variations proposed will provide an improved development potential on the site. The owners' proposal to rehabilitate and conserve the heritage building in exchange for obtaining the by-law variations needed to receive that improved development potential will be appropriately secured as legal obligations contained in the HRA to be registered on title to the site so as to enable the City to enforce those obligations and ensure that they will be fulfilled at the owners' expense. City staff and the owners have negotiated and completed the HRA, which includes rehabilitation and conservation obligations on the part of the owners and enforcement provisions for the City.

Section 595 of the *Vancouver Charter* requires that Council compensate an owner for any reduction in the market value caused by a heritage designation. The owners have signed the HRA and in doing so has explicitly accepted the by-law variances to be provided, and the resulting development advantages to be gained thereby, as full compensation for the heritage designation of the S.B. Bennett House and the obligations to rehabilitate and conserve the heritage building. The HRA will be executed by the City and registered on title to the site following Council's enactment of the by-law authorizing the City to enter into the HRA and before development permits for the project may be issued.

CONCLUSION

The S.B. Bennett House, which is listed on the Vancouver Heritage Register in the 'A' evaluation category, is at significant risk of being demolished. After hearing concerns about

the possible loss of the house from the community, the owner, applicant, and staff worked together to develop a scheme to save the building. The proposed heritage designation and HRA will ensure that the heritage building is rehabilitated, conserved, and protected from exterior alterations which affect its heritage value, and from demolition. The owners have agreed to accept the proposed variances 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 applications should Council approve the recommendations of this report. Therefore, it is recommended that Council approve the heritage designation and the HRA for the S.B. Bennett House.

* * * * *

6306 Prince Albert Street
PHOTOGRAPHS



Photo 1: The S.B. Bennett House, circa 1916



Photo 2: S.B. Bennett House, circa 2013

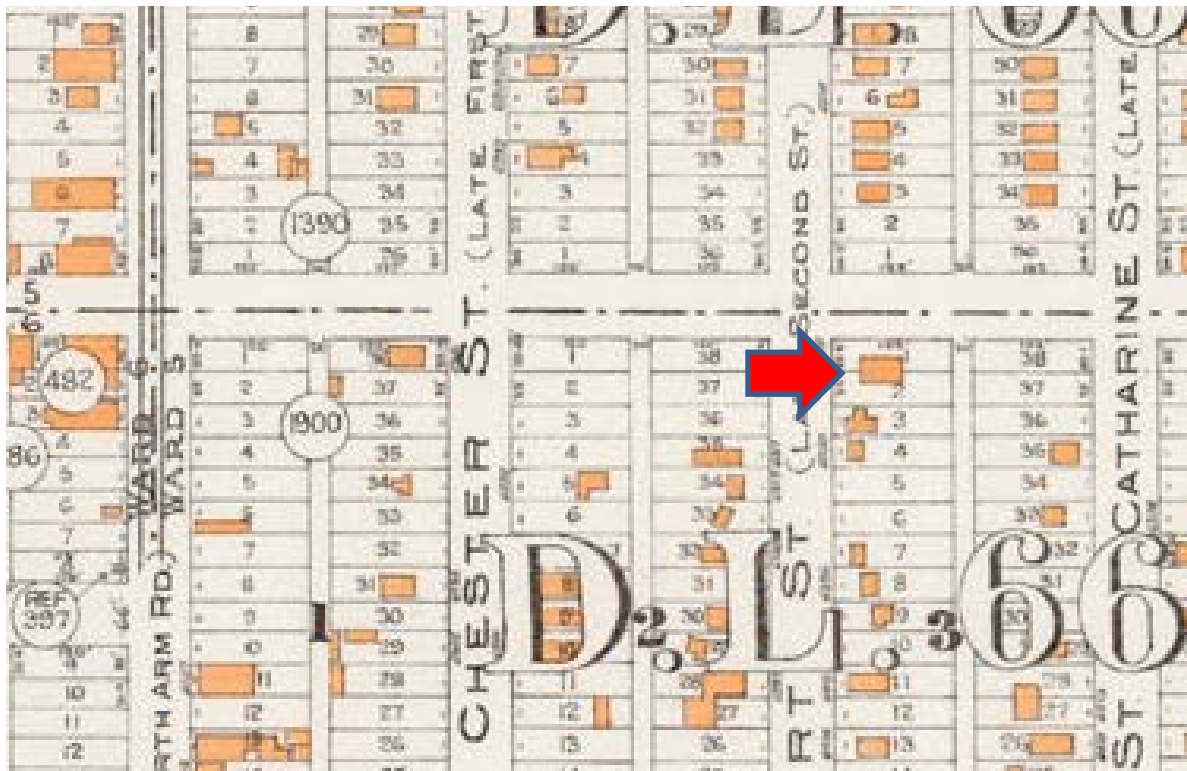


Photo Montage 1: Details of the S.B. Bennett house



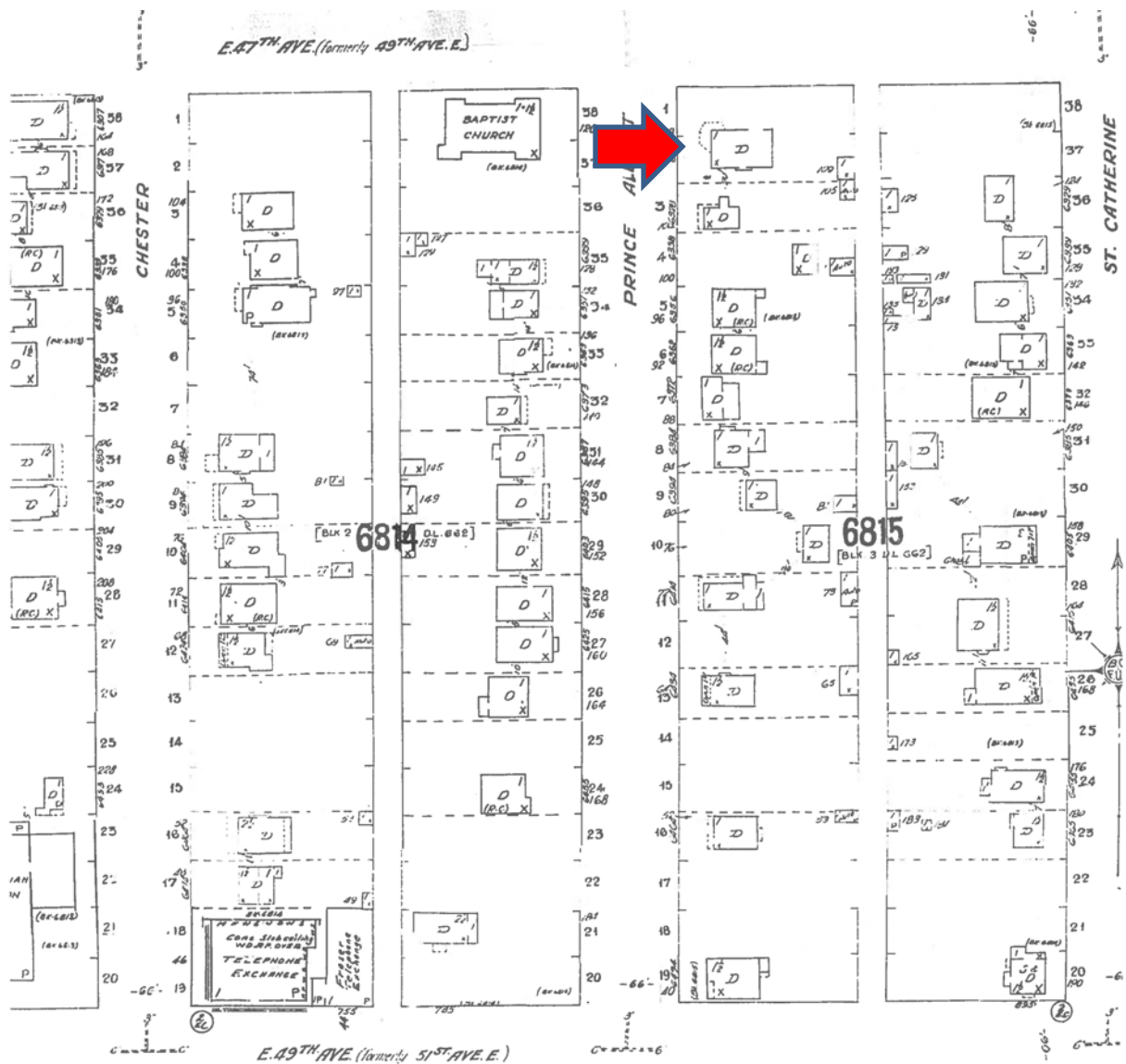
Photo 4: Samuel B. Bennett, Municipal Engineer, circa 1916

6306 Prince Albert Street
MAPS



Map 1: 1912 Fire Insurance Map

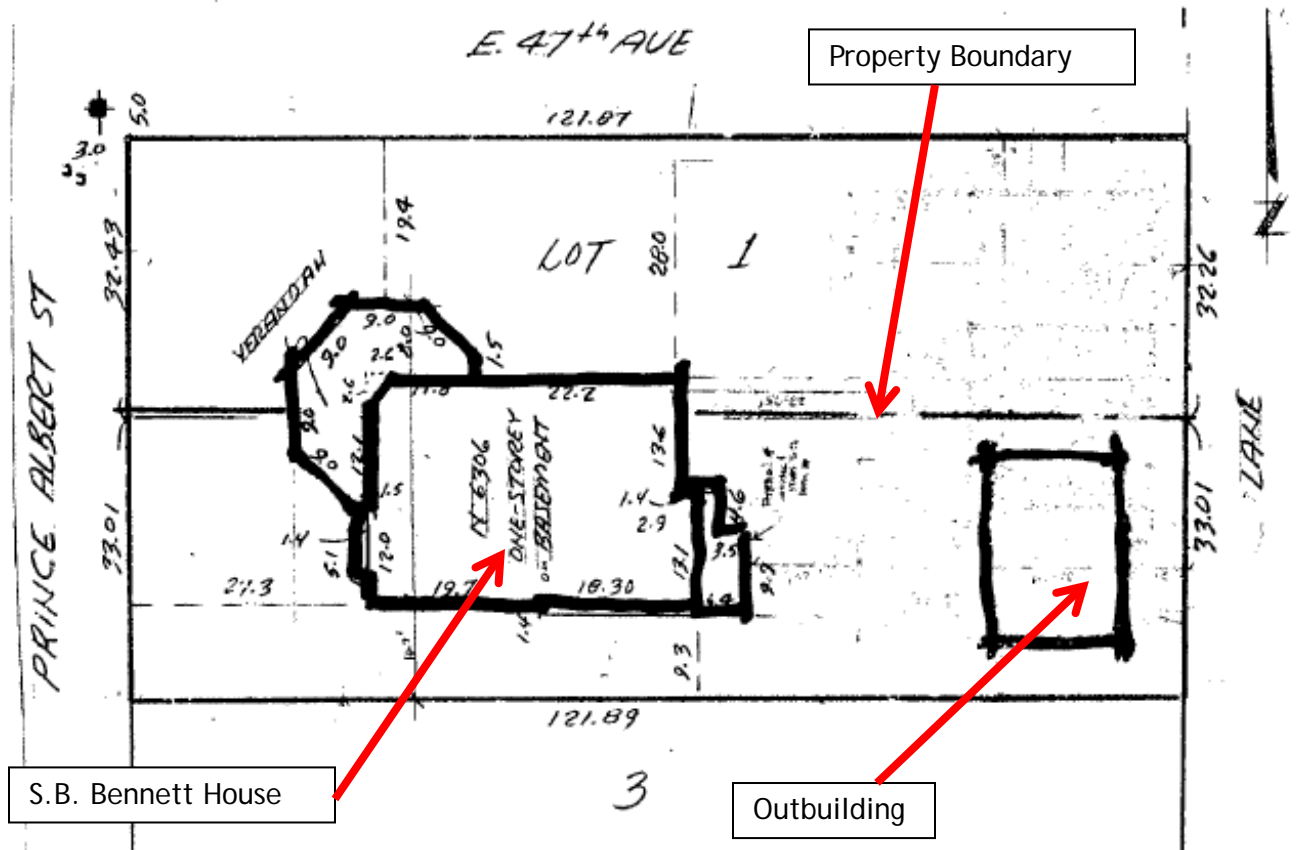
The S.B. Bennett House is shown by the arrow. The corner turret existed, but is not shown on the map (the 1912 maps are less detailed than later maps). The S.B. Bennett House was two years old at this time.



Maps 2: 1926 Fire Insurance Map

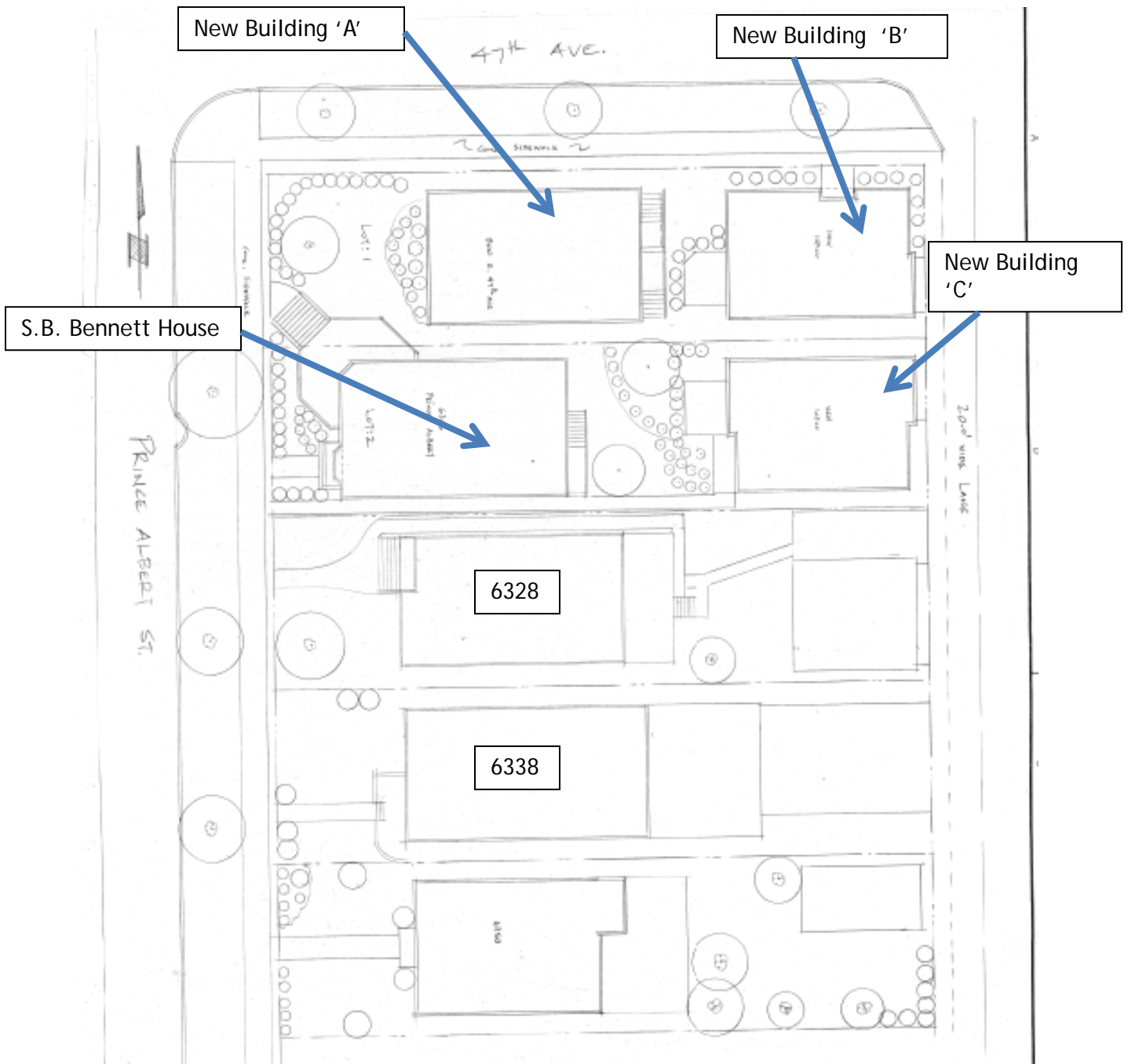
The S.B. Bennett House is shown by the arrow. The octagonal porch is shown on this map. An outbuilding constructed by Mr. Bennett is visible at the rear of the site. It still exists. The Baptist Church across the street still exists as do a number of older houses in the area.

6306 Prince Albert Street
DRAWINGS

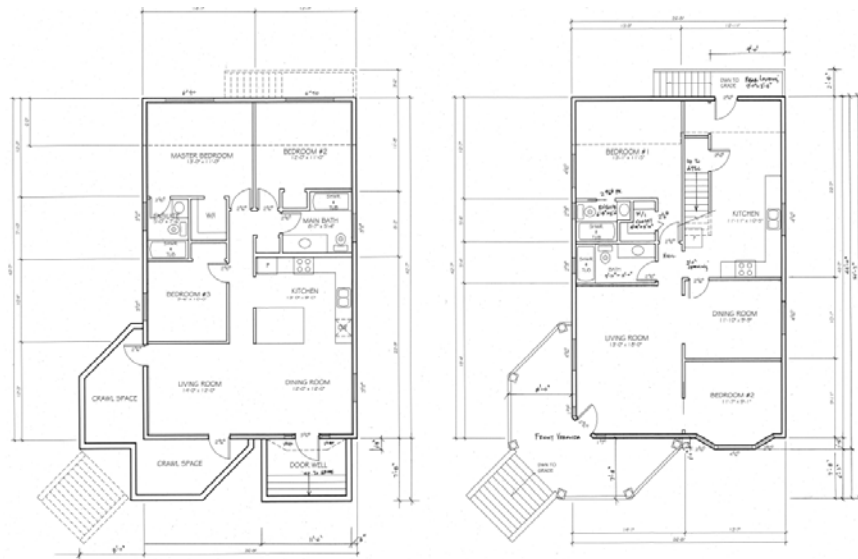


Site Plan - Existing

The S.B. Bennett House straddles two existing parcels comprising the site. The heritage building could be demolished and the site redeveloped with two new One-Family Dwellings with Secondary Suites and two Laneway Houses and a permitted density of up to 0.86 FSR. An early scheme relocating the heritage building to the north-west corner was not viable as the existing octagonal porch would have projected onto the boulevard. The current proposal indicates the heritage building being moved to the south portion of the site (see the Site Plan on the page 2 of this Appendix).



Context Diagram



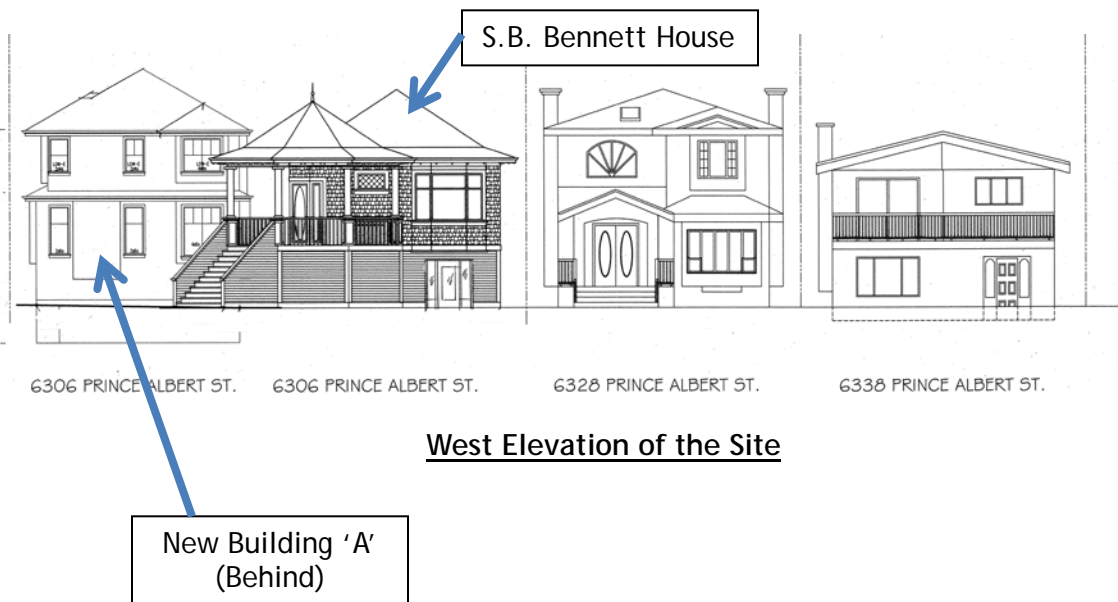
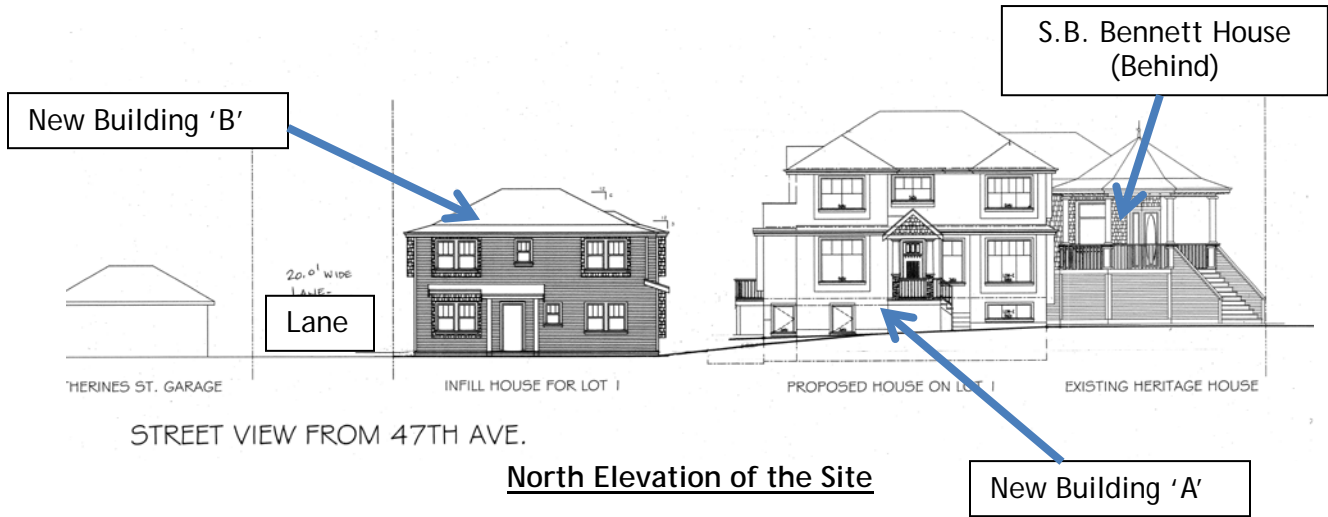
Proposed
BASEMENT PLAN

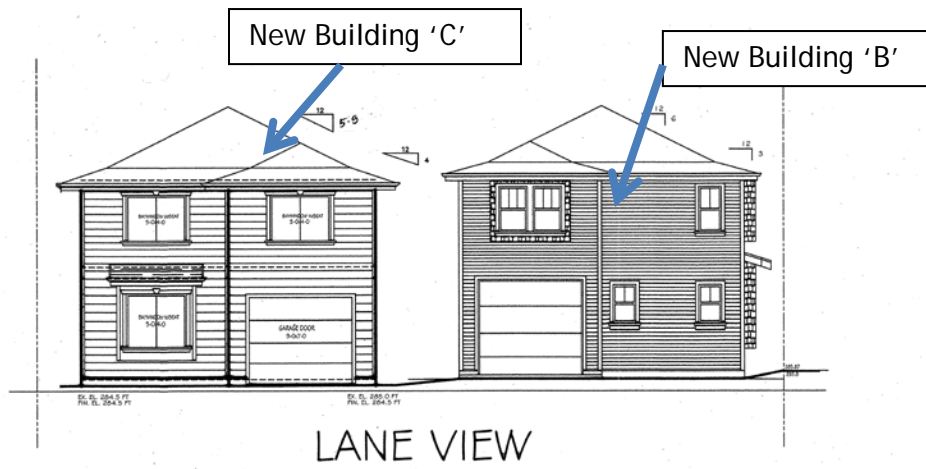
Proposed
FIRST FLOOR PLAN

Plans of the Heritage Building



Elevations of the Heritage Building





East Elevation of the Site (Lane)

6306 Prince Albert Street
TECHNICAL ZONING AND SUBDIVISION SUMMARY

Note: The RS-1 Zoning District Schedule permits up to 0.75 FSR on a site with an existing building, or up to 0.70 FSR on a site where a new building is proposed. The RS-1 zoning permits additional floor area for a Laneway House which is equivalent to additional density of 0.16 FSR. Therefore the maximum floor area achievable ranges between 0.86 FSR and 0.91 FSR.

Subdivision Variance:

Table 1: Subdivision Variance

Parcel	Permitted Parcel Width	Proposed Parcel Area
New Development Parcel	7.3 metres (24 feet) minimum	A minimum parcel width of 4.5 metres (15 feet) is permitted*

**This is proposed to allow a property boundary to be "wrapped" around the octagonal porch of the heritage building (see drawings in Appendix C).*

Variances of the RS-1 Zoning District Schedule:

Table 2: Zoning Variances

Regulations of the RS-1 district schedule	Required or Permitted	Proposed
3.2.1.DW - Dwelling Uses	An infill building is only permitted if it is for a caretaker, subject to a number of provisions	Infill use is permitted
Section 4.1.1 - Site Width	7.3 metres (24 feet) minimum	4.5 metres (15 feet)
Section 4.4.1 - Front Yard	20 percent of the depth of the site minimum	1.49 metres (4.9 feet) minimum, measured to the front of the existing porch.
Section 4.6.1 - Rear Yard	45% minimum	Not required
Section 4.7.1 - Overall Floor Space Ratio (FSR)	0.86 FSR 638 m ² (6,863 sq. ft.) maximum	1.01 FSR 750 m ² (8,065 sq. ft.)*
Number of Dwelling Units	Up to 6 Dwelling Units (two principal suites, two Secondary Suites, and two Laneway House) on two separate parcels	6 maximum in total
Off-Street Parking Spaces	One per unit, except that a Secondary Suite in an existing building does not require a space (i.e. 5 in total)	2

** 2,810 sq. ft. for New Building 'A', 1,410 sq. ft. for New Building 'B', 2,400 square feet in the heritage building and 1,445 sq. ft. in New Building 'C'.*

Variances of Section 10 of the Zoning and Development By-law:

Table 4: Variances of Section 10 of the Zoning and Development By-law For Both Parcels

Regulations of Section 10 of the Zoning and Development By-law	Required or Permitted	Proposed, with Variances
Section 10.1 - Number of Principal Buildings	A maximum of one principal building is permitted on a site	Section 10.1 shall not apply
Section 10.7.1(a)	Steps are not permitted in required side yard except in an exterior side yard	The Director of Planning may permit steps in any side yard.
Section 10.7.1(b)	Eaves, gutters, sills and chimneys etc. may not project more than 21 inches into a required yard	The Director of Planning may permit eaves, gutters, sills, chimneys, and other similar projections to project into a required or permitted yard, regardless of their projected depth.

6306 Prince Albert Street
RESOLUTIONS OF THE VANCOUVER HERITAGE COMMISSION AND STAFF COMMENTS

At its meeting on Monday, April 7, 2014, the Vancouver Heritage Commission resolved the following:

THAT the Vancouver Heritage Commission supports, in principle, the development application for 6306 Prince Albert Street, the S.B. Bennett House, as presented at its meeting on April 7, 2014, noting the Commission's request that design development be required for the proposed three infill one family dwellings and that staff secure further assurances that the restoration of the heritage house will follow best practices before awarding any additional density;

FURTHER THAT the Commission supports the relocation of the S.B. Bennett House noting that it may enhance the visibility of character defining elements, and recommends design development be required to further increase this visibility.

CARRIED

Staff Comments:

The design of the new buildings will be further addressed with conditions of the development permit application, and further details on the S.B. Bennett House will be required. Visibility of the house will be maximized through open landscaping and by minimizing projections of the new house on the corner parcel.

6306 Prince Albert Street
RESULTS OF NEIGHBOURHOOD NOTIFICATION AND STAFF COMMENTS

As a response to notification, several concerns from surrounding neighbours were received. These are noted below with staff comments.

Concerns include the following:

1. If it needs to be moved, heritage building should be moved to the corner to better showcase it. The proposed density is not warranted if the house is relocated to the interior of the site.
2. The number of buildings is too great, and there is a notable loss of green space and landscaping. The heritage building should be left where it is and the lane developed with two infill buildings or two Laneway Houses.
3. The additional density will create traffic and parking impacts in the neighbourhood.

Staff have the following comments:

1. Moving the house to the corner creates significant challenges with respect to retaining the front porch of the heritage building, which would have encroached onto the boulevard. Placing the house on the interior and moving the new house at the front of the corner parcel back towards the rear of the site allows for retention of the porch and visibility of the heritage house from the street (see Appendix C).
2. The heritage building could be demolished and the two parcels redeveloped with up to four new buildings (two principal buildings and two Laneway Houses in total). The number of buildings proposed does not exceed that which would be permitted for the site under the current zoning. The owners and staff concluded that leaving the heritage building in its current location, straddling the two existing parcels, was not viable to allow for reasonable development on the site. Landscaping and open green space will be maximized on the site. A landscape plan has been submitted (landscape plans are not generally required in RS-1 for development under the zoning).
3. The development will likely create some additional traffic and parking impacts in the area but these are commensurate with redevelopment over time in the neighbourhood.

Staff considered the results of neighbourhood notification and concluded that the proposal for the S.B. Bennett House is supportable.

6306 Prince Albert Street
PUBLIC BENEFITS SUMMARY

Project Summary:

Rehabilitation, conservation, and designation of a heritage building and construction of three new houses

Public Benefit Summary:

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

	Current Zoning	Proposed
Zoning District	RS-1	HRA
FSR (site area = 743 m ² / 8,000 sq. ft.)	0.86	1.01
Buildable Floor Space (sq. ft.)	6,863	8,065
Land Use	Residential	Residential

Public Benefit Statistics		Value if built under Current Zoning (\$)	Value if built under Proposed HRA (\$)
Required*	DCL (City-wide) (See Note 1)	17,000	17,000
	DCL (Area Specific)		
	Public Art		
	20% Social Housing		
Offered (Community Amenity Contribution)	Childcare Facilities		
	Cultural Facilities		
	Green Transportation/Public Realm		
	Heritage		147,000
	Housing (e.g. supportive, seniors)		
	Parks and Public Spaces		
	Social/Community Facilities		
	Unallocated		
	Other		
TOTAL VALUE OF PUBLIC BENEFITS		\$17,000	\$164,000

Other Benefits (non-market and/or STIR)

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 do not apply to existing floor area in the heritage building.