



POLICY REPORT
DEVELOPMENT AND BUILDING

Report Date: June 18, 2014
Contact: Anita Molaro
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RTS No.: 10504
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: 731 East 22nd Avenue - Emily Durie 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 Emily Durie House (the "heritage building") at 731 East 22nd Avenue (PID: 015-640-744; Lot 19, Blocks 30, District Lot 301, Plan 187 (the "site")), which is listed on the Vancouver Heritage Register in the 'B' evaluation category, as 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. vary the *Subdivision By-law* to allow for the subdivision of the site to create two new parcels, one which is to contain the heritage building, and one which is to contain a new Two-Family Dwelling (the "new duplex"), and 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 duplex, as proposed under Development Permit Application Nos. DE417636 and DE417637 (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, Council waive for the new duplex proposed under Development Permit Application No. DE417637 the requirement contained in Section 5.1 of the *Strata Title Policies for RS, RT and RM Zones* that it is to be a condition of development permit approval for the registered owner of the site to execute a covenant which must be registered against title to the site which prohibits strata titling.
- 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 Emily Durie House at 731 East 22nd Avenue 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 subdivided into two new parcels which could each be developed with a density of up to 0.86 floor space ratio (FSR) without Council approval. As incentive and compensation to the owner for the heritage designation, rehabilitation, and conservation of the heritage building, variances of the *Zoning and Development By-law* and the *Subdivision By-law*, and a waiver of City policy to allow the strata titling of the new duplex, as set forth in DP Applications, and as described in this report, are proposed. 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 582 and Section 593 of the *Vancouver Charter*, Council may, by resolution, add real property to the Vancouver Heritage Register and, by by-law, designate heritage buildings and other heritage resources within the City of Vancouver as being protected heritage properties.

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 kinds of by-laws and permits, including the *Zoning and Development By-law* and the *Subdivision By-law*.

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 Emily Durie 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)*.

The Heritage Action Plan, which was approved in December 2013, responds to citizen and Council desire to encourage and support heritage conservation in the City. A number of actions were approved including the use of available tools to conserve the City's heritage resources.

GENERAL MANAGER'S COMMENTS

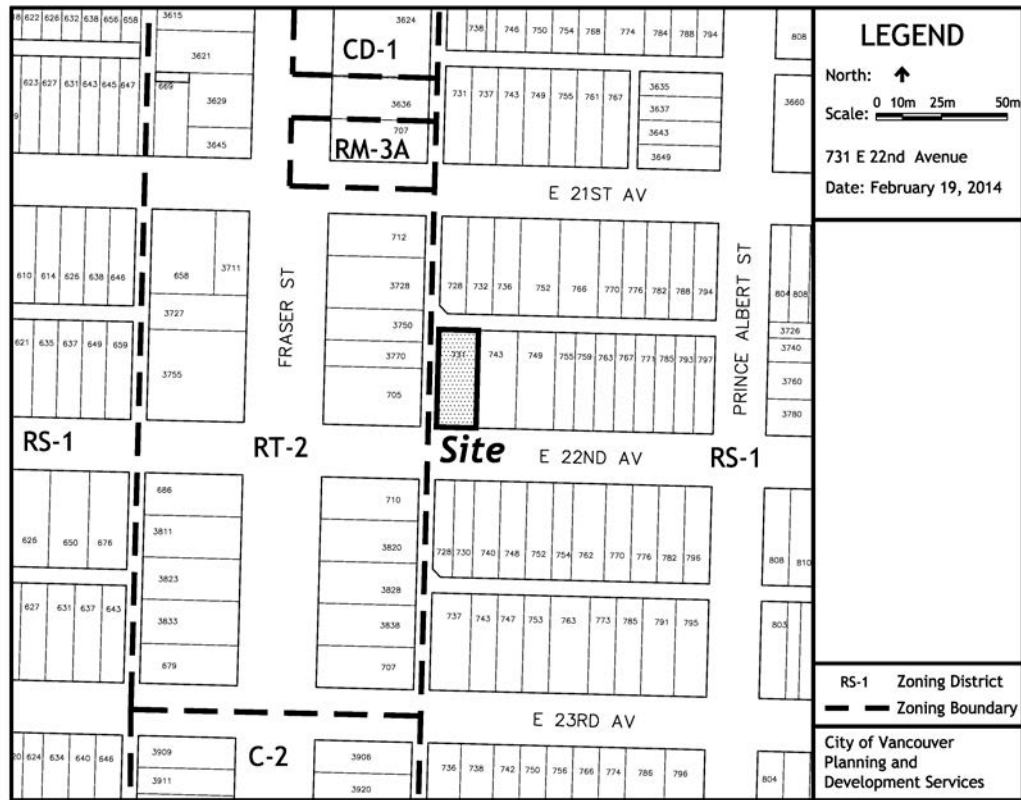
The General Manager of Planning and Development Services RECOMMENDS approval of A, B, C, D, and E.

STRATEGIC ANALYSIS

Site and Context

The site is located in the Kensington Cedar Cottage 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 total area of the subject site is 561 square metres (6,039 square feet). A six metre (twenty foot) wide lane exists at the rear of the site.

Figure 1: Site and surrounding zoning



Heritage Value

The Emily Durie House at 731 East 22nd Avenue was built sometime between 1895 and 1907 based on records (the exact date is not known). The water permit date is listed as 1911. However the house appears to be of a vernacular style which preceded the Edwardian building boom (1910 - 1913), and the first purchaser of the site, Emily Durie, who owned the property from 1895 until 1939, lived with her family on the site from at least 1907 to 1939 according to City directories. The house may have been built before 1911 and only hooked up to the water system later. It is likely one of the oldest surviving houses in the neighbourhood.

The house was altered considerably in the last couple of decades (see Appendix A). Several photographs from the 1980s show the house to have been much more intact at the time the site was added to the Vancouver Heritage Register in the 1980s, compared to its current condition. In the 1980s many original features, including windows and siding, are evident in these photographs. No older photographs have been found.

The two lots adjoining the site to the east were originally part of the property and were sold in 1929 and 1946, suggesting the site was once a small farm or pioneer homestead. The building's simple massing, full width front porch close to grade, narrow yet tall double hung windows, and a porch bay, are all features of early pioneer houses built around the turn of

the last century in the City. The Emily Durie house is listed in the 'B' evaluation category on the Vancouver Heritage Register.

Development Permit Applications and Proposed Incentives

If approved, the incentives and compensation to be provided to the owner 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 DP Applications propose to restore the heritage building in its current location, construct an addition on the west side, rehabilitate it in its existing location, and to construct the new duplex at the rear of the site. The heritage building would be retained as a One-Family Dwelling or a One-Family Dwelling with Secondary Suite. A variance of the *Subdivision By-law* is proposed to allow for subdivision of the site under the *Land Title Act* to create two irregular shaped parcels so that each building is located on a separate legal parcel (see Appendix C). The proposed *Subdivision By-law* variance will also allow for more flexible application of the *Vancouver Building By-law* provisions thereby allowing for greater retention of elements of the heritage building while still achieving appropriate life safety upgrades, and to provide an incentive to the owner to conserve the heritage building by creating a freehold parcel for it and for the new duplex.

The maximum permitted density under the existing RS-1 zoning for the site if it was to be subdivided and redeveloped without the heritage building is 0.86 FSR, without Council approval. The DP Applications, as submitted, proposed a density of 0.85 FSR. Upon completion of the proforma analysis required for the project, the total density proposed was revised to 0.79 FSR for the total site prior to subdivision with the proposed strata titling of the new duplex, which the owner supports (see the Proforma Evaluation Section and Appendix D for a detailed technical summary as well as a density breakdown for each proposed parcel). This report also seeks to have Council waive the requirements of the strata titling policy for RS zones (which prohibits strata titling in the RS-1 zone) to allow for the strata titling of the new duplex at the rear of the site. This adds a financial incentive to the owner to retain and rehabilitate the heritage building in the absence of being able to achieve the full development options and density permissible under the RS-1 zoning (see Table A). The floor area of the heritage building will be approximately 232 square metres (2,500 square feet) with the proposed addition, and the new duplex is proposed to be a total of approximately 204 square metres (2,300 square feet) in floor area.

Table A: Density And Parking Summary

	Existing	Site if developed "as is" under the current zoning, with the heritage building	Site if subdivided into two parcels north to south with new development under the current zoning, without the heritage building	HRA as proposed with "net" variances over the total site
Floor Space Ratio	0.40 FSR (2,412 sq. ft.)	Up to 0.91 FSR with a Laneway House 511 m ² (5,495 sq. ft.)	Up to 0.86 FSR for each parcel with Laneway Housing 483 m ² (5,193 sq. ft.)	0.79 FSR total (blended) 446 m ² (4,800 sq. ft.)
Number of Dwelling Units	1	Up to 3 non-strata permitted	Up to six non-strata permitted total	2 strata (new duplex) and up to 2 non-strata (heritage building)*
Number of parcels	1	1	2 maximum	2
Off-Street Parking Space	1	1 minimum	4 minimum	3 required and proposed

* A One-Family Dwelling with Secondary Suite.

The addition on the west side of the heritage building is proposed to create more useable area in the house, which is quite small. An off-street parking space is proposed at the rear of the heritage building, and two spaces are located in the new duplex.

As part of the 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 DP Applications (see the Proforma Evaluation section), and concluded that the DP 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 DP 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

When the Emily Durie House was added to the Vancouver Heritage Register in the 1980s, many of its original features still existed, but in the last couple of decades many of these features were lost or covered over (see the photographs in Appendix A). The DP Applications proposed to rehabilitate the heritage building and restore many of the lost features, including the upper floor windows and siding, as well as porch details. 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

Thirty-nine surrounding properties were notified of the DP Applications for the project, and a site sign was installed. Two responses in favour of the DP Applications were received. No responses expressing opposition were received.

Comments from the Vancouver Heritage Commission

On February 24, 2014, the Vancouver Heritage Commission reviewed the application and reserved support subject to a number of recommendations (see Appendix E). Staff reviewed these recommendations and concluded that they can be addressed through the final design development stages of the application.

Financial Implications

The value of the work which will facilitate the conservation of the heritage building is valued at approximately \$225,000. The site is within the City-wide Development Cost Levies (DCL) District and it is anticipated that the proposed development will generate approximately \$7,200 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 this site. The owner's proposal to rehabilitate and conserve the heritage building in exchange for obtaining the by-law variations needed to get 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 owner's expense. The HRA will also include a covenant restricting a separate sale or transfer of any portion of the site prior to completion of the rehabilitation of the heritage building. City staff and the owner have negotiated and completed the HRA, which includes rehabilitation and conservation obligations on the part of the owner and enforcement provisions for the City.

Section 595 of the *Vancouver Charter* requires that, if sought, Council compensate an owner for any reduction in the market value caused by a heritage designation. The owner has 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 heritage building and the obligations to rehabilitate and conserve it. 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 a development permit for the project may be issued.

CONCLUSION

The heritage designation and the proposed HRA for the Emily Durie House at 731 East 22nd Avenue will ensure that the heritage building is rehabilitated, conserved, and protected from exterior alterations which affect its heritage value, and from demolition. Without the heritage building, the site could be subdivided into two parcels on the north to south axis and redeveloped with a total permissible density in excess of that which is proposed. The owner has agreed to accept the proposed by-law variances as compensation for the designation of the heritage building as protected heritage property and for its rehabilitation and conservation. The General Manager of Planning and Development Services is prepared to approve the DP Applications should Council approve the recommendations of this report. Therefore, it is recommended that Council approve the heritage designation and the proposed HRA for the Emily Durie House at 731 East 22nd Avenue.

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731 East 22nd Avenue
PHOTOGRAPHS



Photo 1: The Emily Durie House (looking north) circa 2013

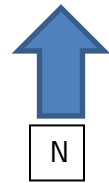
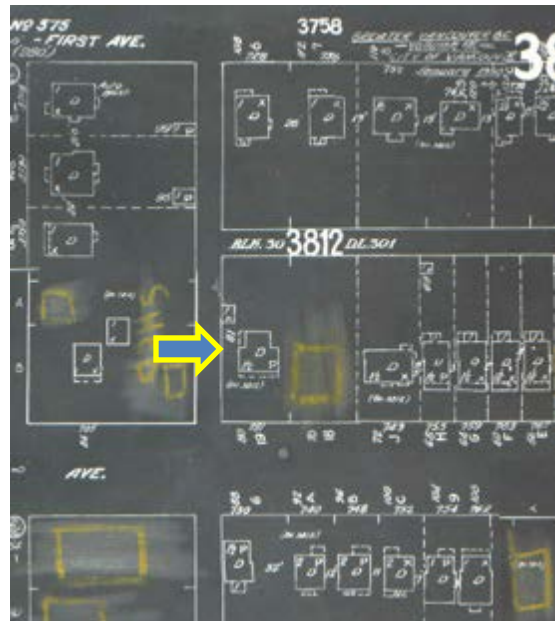
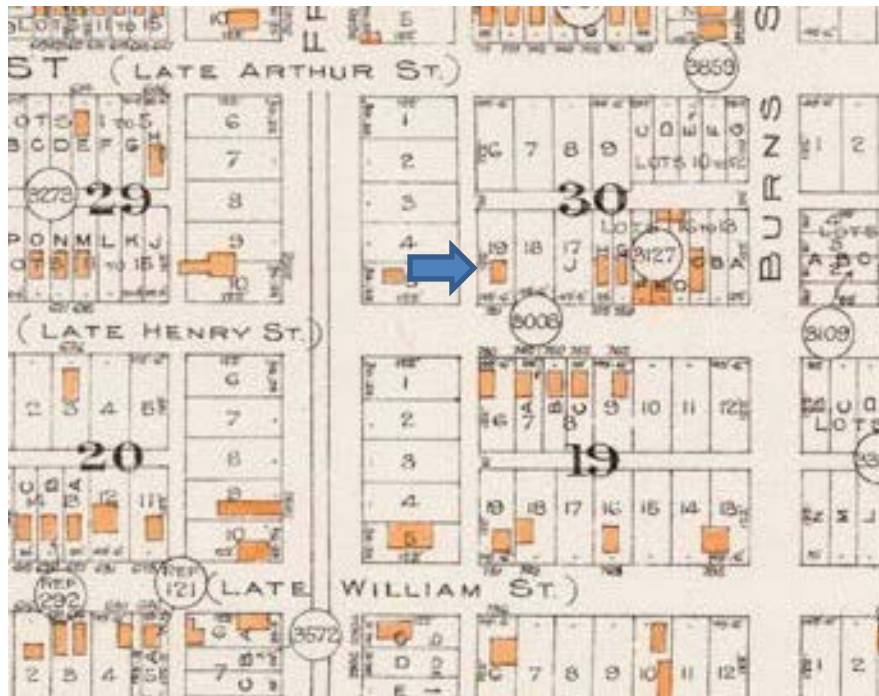


Photo 2: The Emily Durie House (looking north), 1970s or 1980s



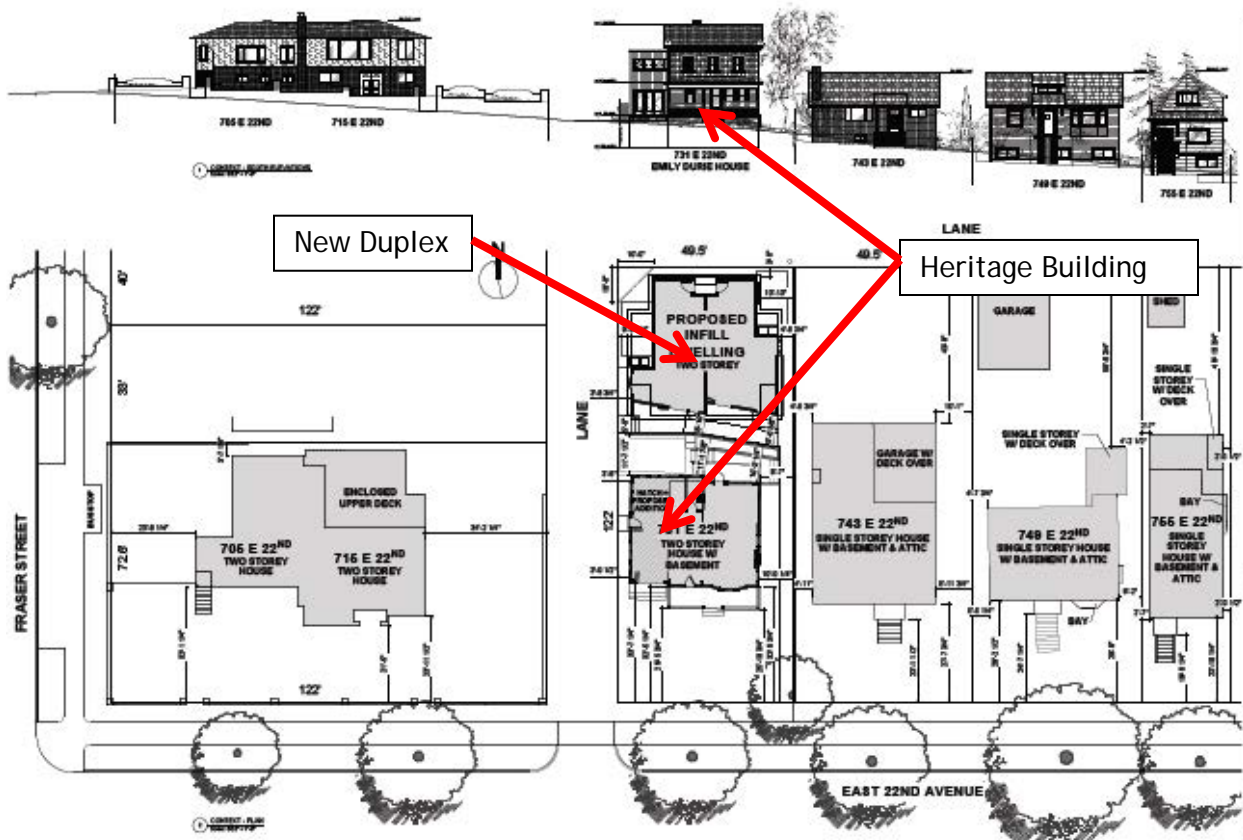
Photo 3: The Emily Durie House (looking north), 1970s or 1980s. At this time the house was still in nearly original condition. Note that the centre upper floor window had been removed.

731 East 22nd Avenue
MAPS

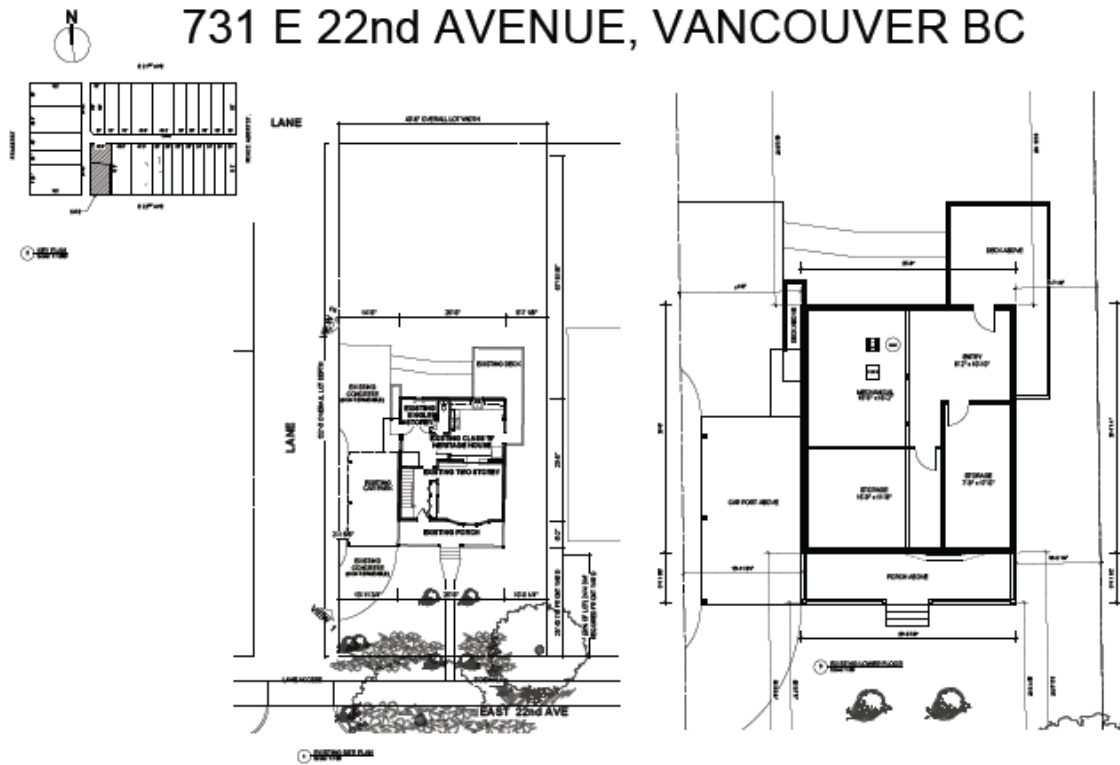


Maps 1 and 2: Fire Insurance Maps showing the site in 1912 (top) and 1930 (bottom), with the Emily Durie House noted by arrows. In 1912 lots 17 and 18 to the east of the site were part of the property. By 1930, Lot 17 had been sold and developed. Lot 18 would be sold in 1940.

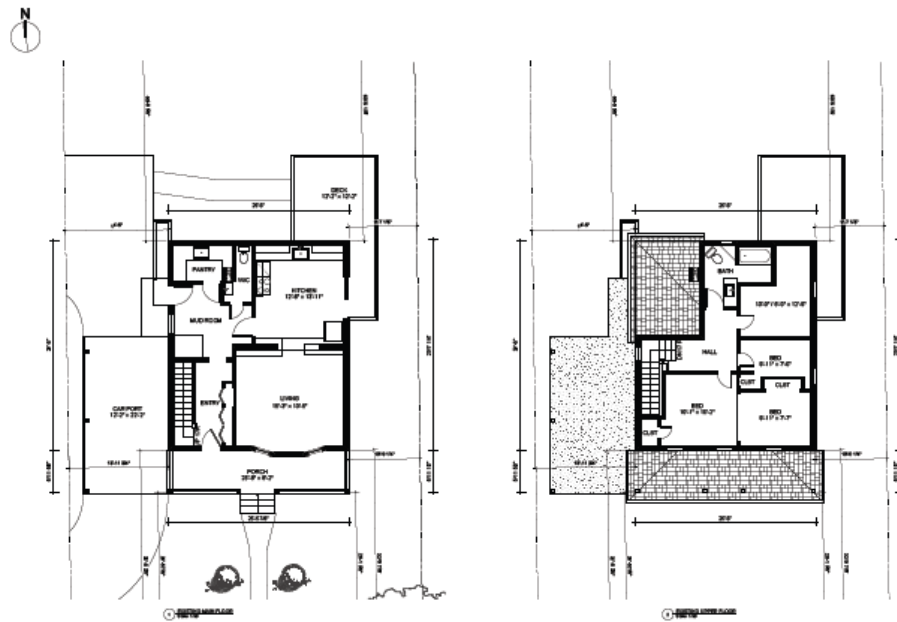
731 East 22nd Avenue
DRAWINGS



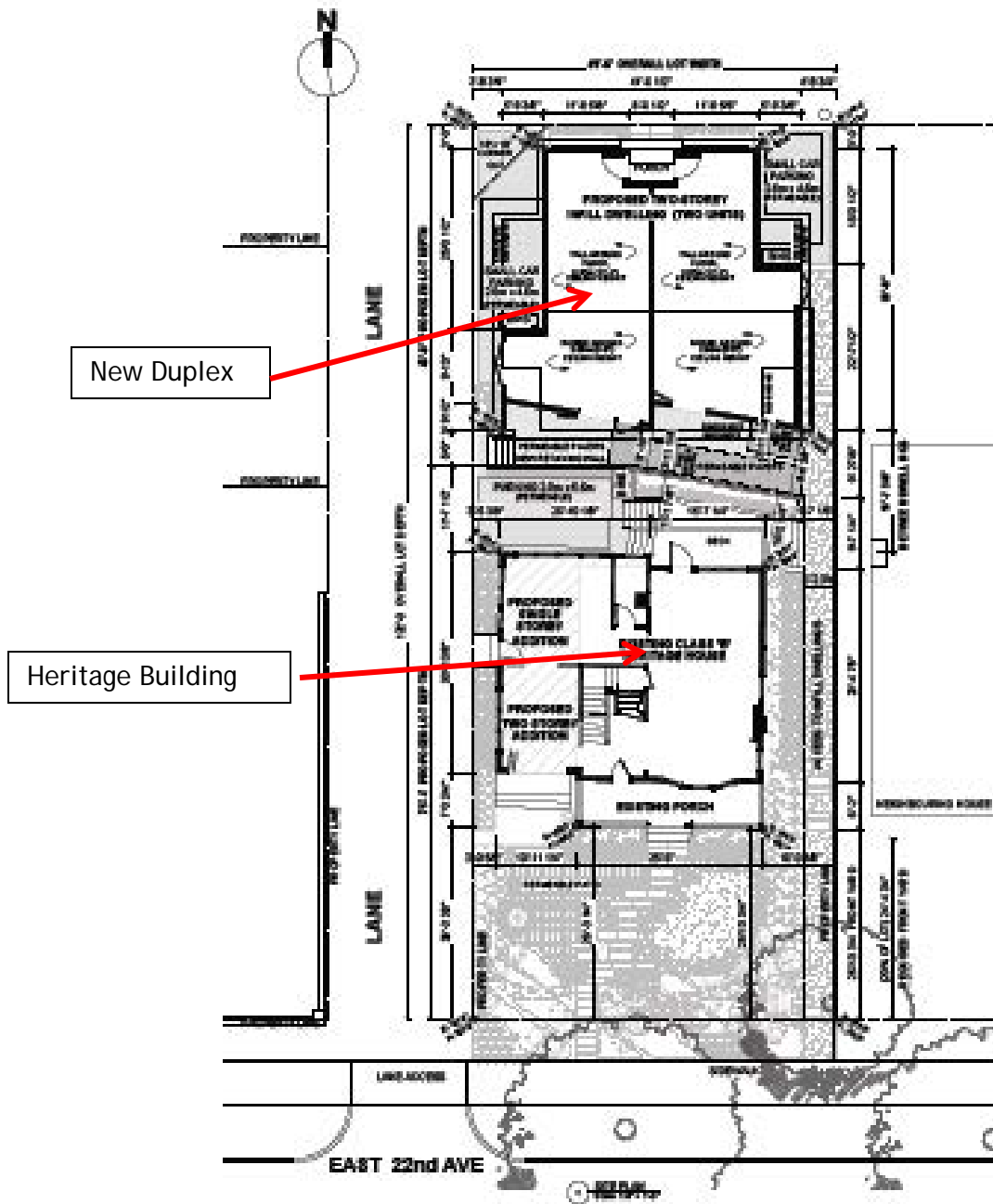
Site Plan (Proposed)



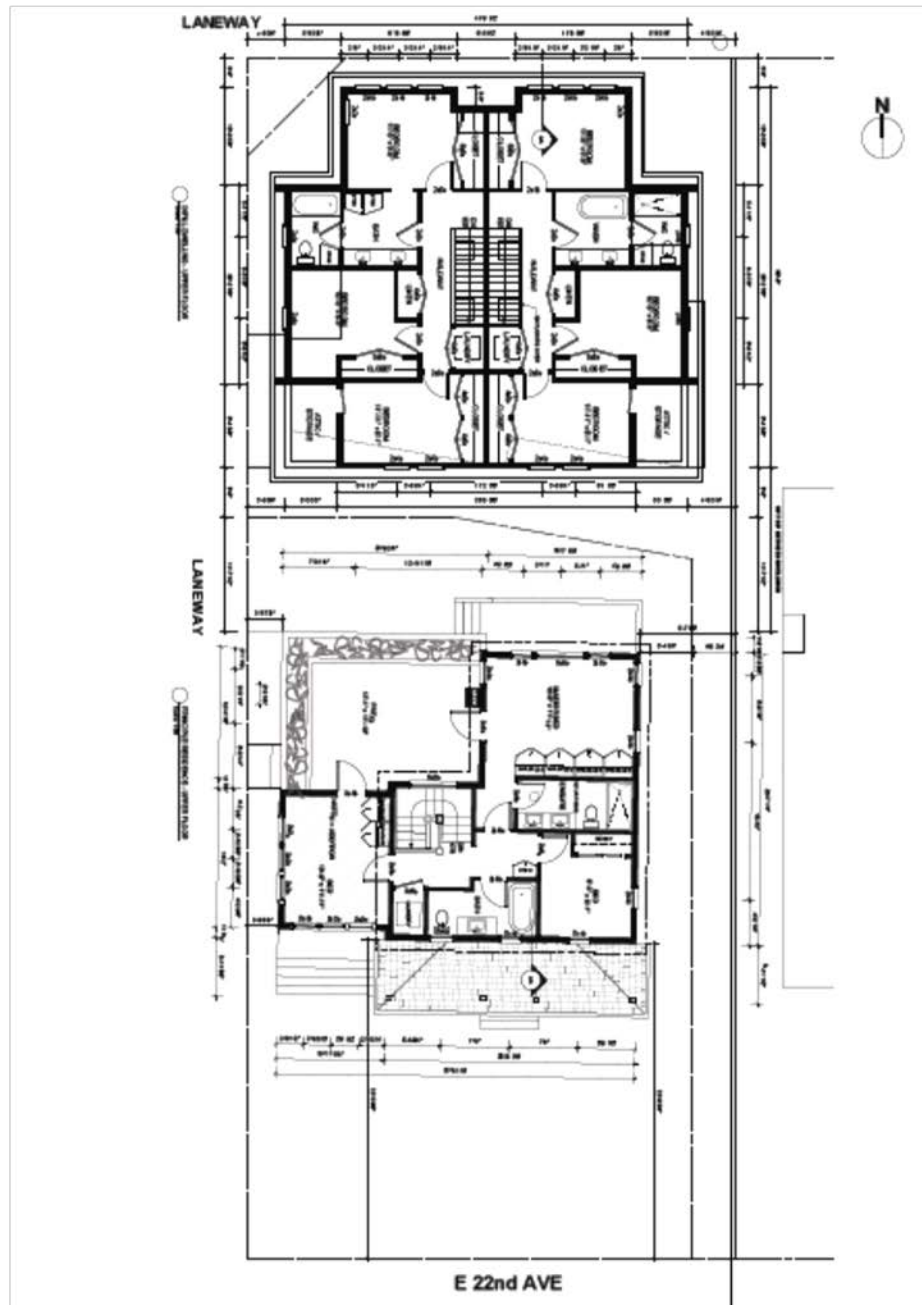
Site Plan and Basement Plan (Existing)



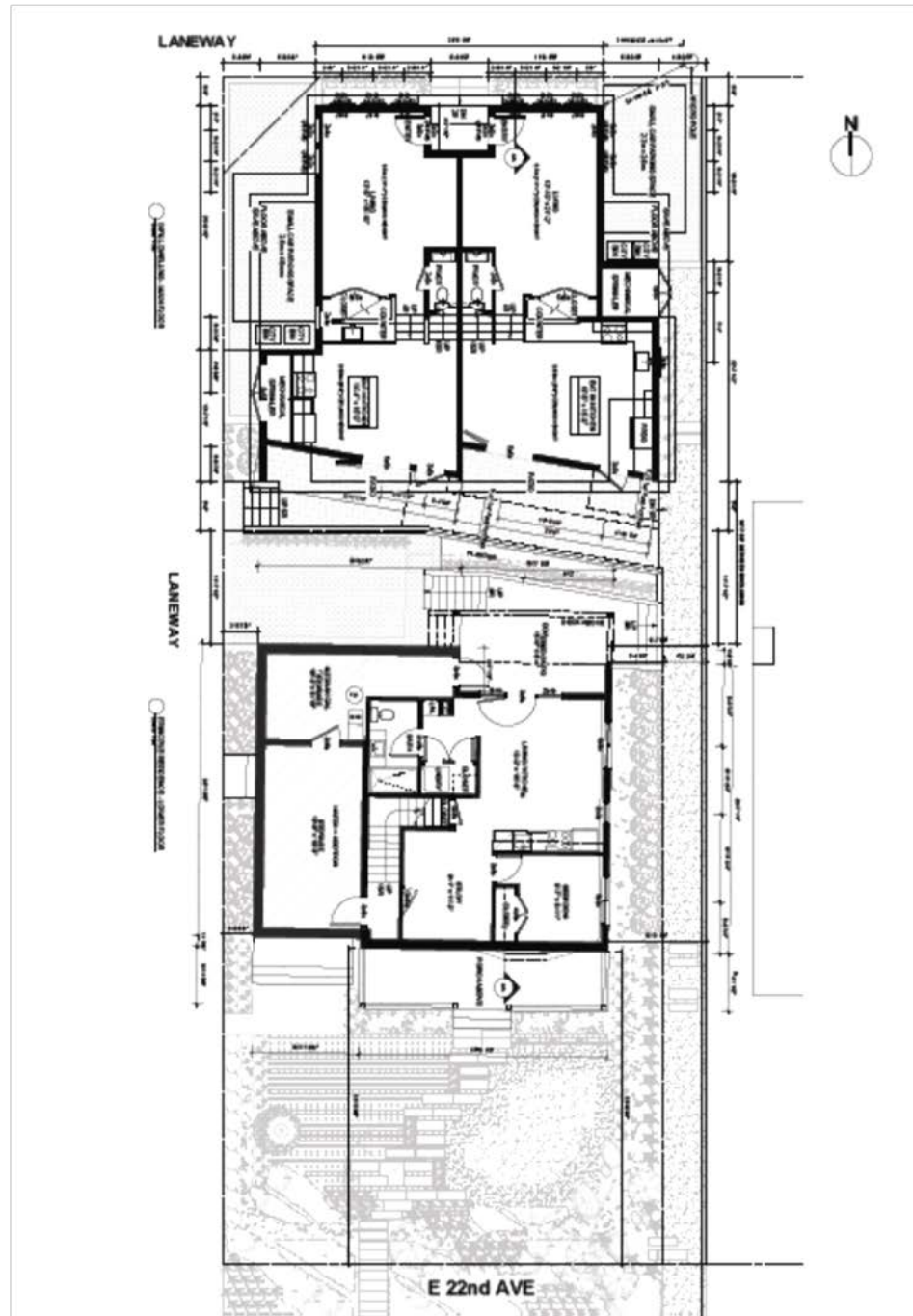
Main and Second Floor Plans (Existing)



Main Floor Plans (Proposed)



Second Floor Plans (Proposed)

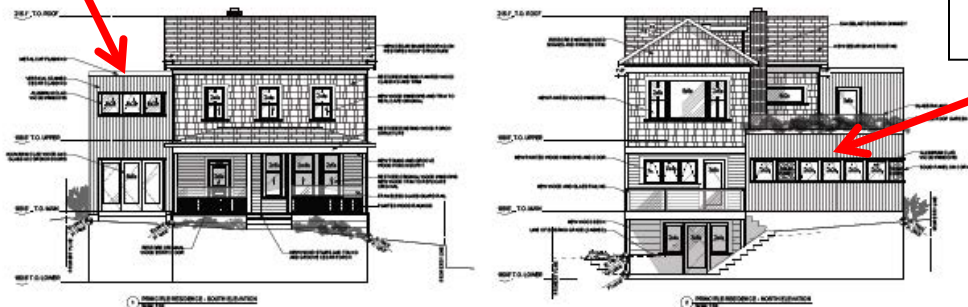


Basement Floor Plans (Proposed)

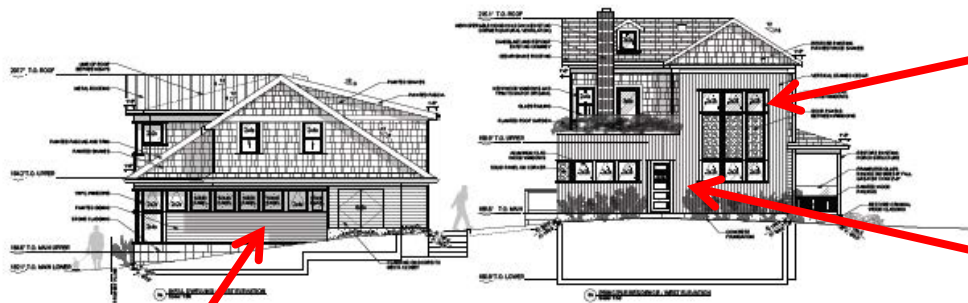


Proposed addition

Existing Elevations of the Heritage Building



Rear of Heritage Building



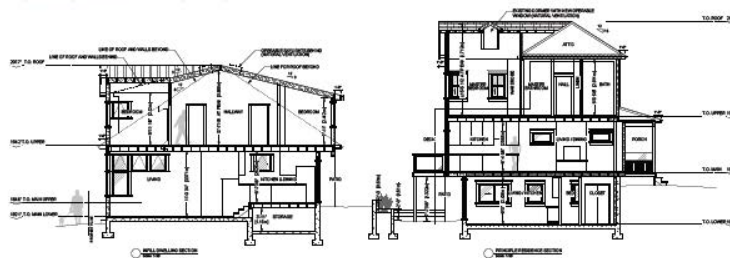
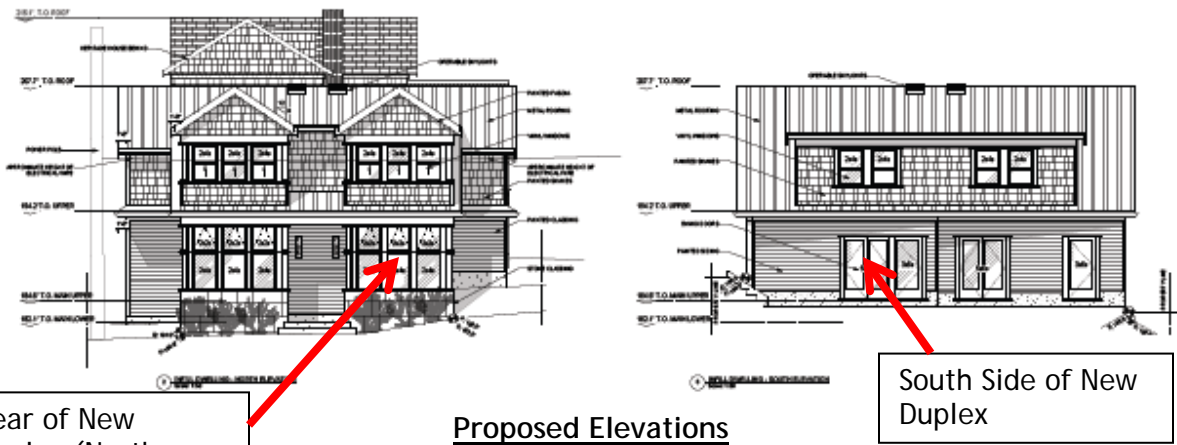
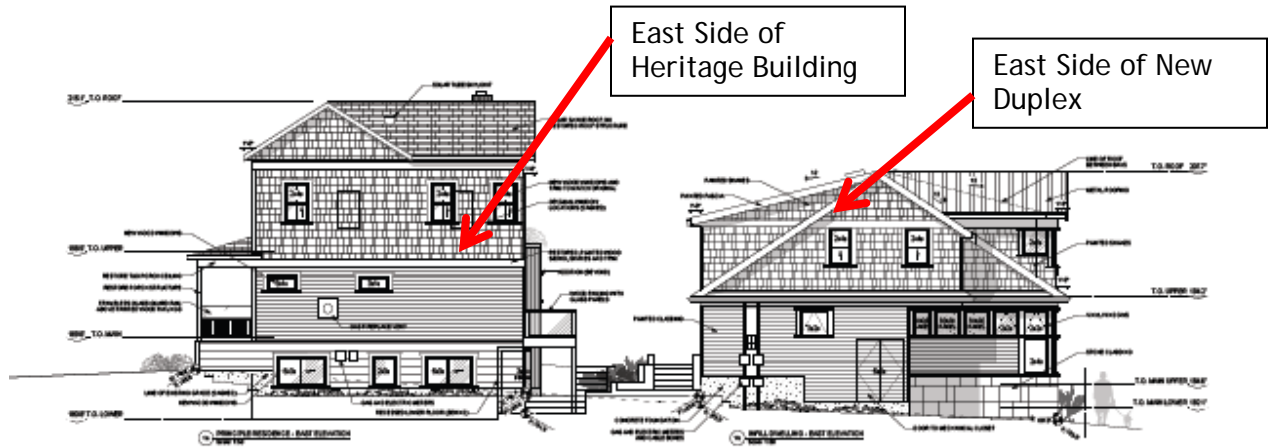
West Side of Heritage Building

Proposed addition

West Side of New Duplex

Proposed Elevations

Note: the design of the addition is to be revised to address comments of the Vancouver Heritage Commission. See Appendix E.



731 East 22nd Avenue
TECHNICAL ZONING AND SUBDIVISION SUMMARY

Subdivision By-law Variance:

Vary Section 9.1 and Section 9.7 of the Subdivision By-law such that the following parcels are permitted as proposed in the Development Permit Applications.

Table 1: Subdivision Variance

Parcel	Required or Permitted	Proposed, with Variances
New Duplex Parcel (735 East 22 nd Avenue)	334 m ² (3,594 sq. ft.) minimum and 7.3 metres (24 feet) in width minimum	A minimum parcel area of 313 m ² (3,361 sq. ft.) is permitted (site width complies)
Heritage Building Parcel (731 East 22 nd Avenue)	334 m ² (3,594 sq. ft.) minimum and 7.3 metres (24 feet) in width minimum	A minimum parcel area of 249 m ² (2,678 sq. ft.) and a minimum width of 1.2 metres (4 feet) is permitted

Variances of the RS-1 Zoning District Schedule to the Zoning and Development By-law:

Table 2: Variances for the Heritage Building Parcel (731 East 22nd Avenue)

Regulations of the RS-1 district schedule	Required or Permitted For the Proposed Parcel	Proposed, with Variances
Section 4.1.1 - Site Area	The minimum site area for a One-Family Dwelling, or a One-Family Dwelling with Secondary Suite, is 334 m ² (3,594 sq. ft.) and the permitted minimum site width is 7.3 metres (24 feet).	A minimum site area of 313 m ² (3,361 sq. ft.) is permitted (site width complies)
Section 4.4.1 (a) - Front Yard	8.5 metres (27.8 feet) minimum	7.9 metres (26 feet) minimum which is the existing
Section 4.5.1 - Side Yard	1.4 metres (4.53 feet) minimum	0.9 metres (3.0 feet) minimum
Section 4.6.1 - Rear Yard	9.8 metres (32.0 feet) minimum	1.4 metres (4.5 feet) minimum
Section 4.7.1 - Overall Floor Space Ratio (FSR)	234 m ² (2,520 sq. ft.) maximum (0.75 FSR) with retention of an existing building, based on the proposed parcel size, and not including a Laneway House	232 m ² (2,500 sq. ft.) is permitted, which is approximately 0.74 FSR
Section 4.7.1.(a) to (d) - Above Grade Floor Area	Various provisions	Section 4.7.1(a) to (d) shall not apply

4.7.2 - Front and Side Entrances	More than one front entrance is not permitted. Side entrances are only permitted if they face a street	Section 4.7.2 shall not apply.
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Table 3: Variances for the New Duplex Parcel (735 East 22nd Avenue)

Regulations of the RS-1 district schedule	Required or Permitted For the Proposed Parcel	Proposed, with Variances
Section 3.2.1.DW - Use	A One-Family Dwelling with a Secondary Suite is permitted (but not a Two-Family Dwelling)	A Two-Family Dwelling (duplex) is permitted.
Section 4.1.1 - Site Area	The minimum site area for a One-Family Dwelling, or a One-Family Dwelling with secondary suite, is 3,594 sq. ft. and the permitted minimum site width is 24 feet.	A minimum parcel area of 2,678 sq. ft. and a minimum site width of 1.2 metres (4 feet) is permitted
Section 4.4.1 (a) - Front Yard	27.8 feet minimum	A front yard is not required
Section 4.5.1 - Side Yard	4.95 feet minimum	A minimum side yard of 3.7 feet is permitted
Section 4.6.1 - Rear Yard	54.9 feet minimum	A rear yard of a minimum of 3 is permitted
Section 4.7.1 - Overall Floor Space Ratio (FSR)	1,607 sq. ft. maximum floor area (0.70 FSR) subject to a number of provisions and not including a Laneway House	A maximum floor area of 2,200 sq. ft. is permitted which is approximately 0.82 FSR
Section 4.7.1. (a) to (d) - Above Grade Floor Area	Various provisions	Section 4.7.1(a) to (d) shall not apply
Section 4.8.1 - Site Coverage	40% maximum	A maximum site coverage of 54% is permitted
Section 4.8.5 - Impermeability	60% maximum impervious surfaces	Section 4.8.5 shall not apply
4.17.2 - Front and Side Entrances	More than one front entrance is not permitted. Side entrances are only permitted if they face a street	Section 4.17.2 shall not apply.

Table 4: Comparison of Net

Item	Unencumbered site if developed as is under the current zoning	Unencumbered site if subdivided into two parcels with new development under the current zoning	HRA as proposed with "net" variances over the site
Floor Space Ratio	Up to 0.91 FSR with a Laneway House 511 m ² (5,495 sq. ft.)	Up to 0.86 FSR with Laneway Houses 483 m ² (5,193 sq. ft.)	0.79 FSR total (blended) 446 m ² (4,800 sq. ft.)
Number of Dwelling Units	Up to 3 non-strata	Up to six non-strata	2 strata (duplex) and 2 non-strata (heritage house)
Number of parcels	1	2	2

RESOLUTIONS OF THE VANCOUVER HERITAGE COMMISSION AND STAFF COMMENTS

On February 24, 2014, the Vancouver Heritage Commission reviewed the project for the Emily Durie House and resolved the following:

THAT the Vancouver Heritage Commission reserves its support for the conservation of 731 East 22nd Avenue, The Emily Durie House, noting the following:

- i. that the Commission requests the opportunity to review the revised Statement of Significance prior to approving an improved conservation plan and supporting the compatibility of the addition;
- ii. the Commission cautions against sand blasting the brick and asks that another method of restoration be proposed; and

FURTHER THAT the Commission recommends design development for the addition to make the massing subordinate yet more in keeping with the Heritage House.

CARRIED UNANIMOUSLY

Staff Comments:

The revised Statement of Significance will be brought back for review by the Commission. Staff concluded that the Conservation Plan was generally supportable and that re-review of the Conservation Plan by the Commission is not necessary. The Conservation Plan will be amended to preclude sand-blasting as an option for cleaning brick features. The addition to the heritage building will be redesigned as part of the final stages of the application review to make it more subordinate and compatible to the heritage building, including the use of a side shed or gable roof for the addition as suggested in comments at the meeting.

731 East 22nd Avenue
PUBLIC BENEFITS SUMMARY

Project Summary:

Rehabilitation, conservation, and designation of a heritage building, and construction of a new duplex at the rear of the site.

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 = 561 m ² /6,039 sq. ft.)	0.86	0.79
Buildable Floor Space (sq. ft.)	5,193	4,800
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)	15,500	7,200
	DCL (Area Specific)		
	Public Art		
	20% Social Housing		
Offered (Community Amenity Contribution)	Childcare Facilities		
	Cultural Facilities		
	Green Transportation/Public Realm		
	Heritage		225,000
	Housing (e.g. supportive, seniors)		
	Parks and Public Spaces		
	Social/Community Facilities		
	Unallocated		
	Other		
TOTAL VALUE OF PUBLIC BENEFITS		\$15,500	\$232,200

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, which in this case is 2,412 square feet.