



## CITY OF VANCOUVER

### ADMINISTRATIVE REPORT

Report Date: January 11, 2006  
Author: H. McLean/  
R. Jenkins  
Phone No.: 604.873.7056/7082  
RTS No.: 5128  
CC File No.: 08-2000-51  
Meeting Date: January 24, 2006

TO: Vancouver City Council

FROM: Director of Current Planning and the Subdivision Approving Officer

SUBJECT: Heritage Designation and Heritage Revitalization Agreement - 6475  
Balaclava Street

#### RECOMMENDATION

- A. THAT Council authorize the City to enter into a Heritage Revitalization Agreement for the site at 6475 Balaclava Street to:
- secure the restoration and conservation of the Magee House;
  - apply the RS-1 provisions of the Zoning and Development By-law to the proposed north parcel with the exception of:
    - vary height from 2½ to 3 storeys for the Magee House;
    - limit the permitted floor area, including the proposed detached garage to 612 m<sup>2</sup>; and,
    - vary the yard provisions to permit the Magee House to remain where it is currently sited and to permit parking in the front yard in the form of a detached garage, as described in this report and as indicated in Development Application DE409053, Condition 1.1.
  - vary the RA-1 District Schedule of the Zoning and Development By-law for minimum site area from 9 100 m<sup>2</sup> to 1 009.7 m<sup>2</sup> for the proposed south parcel;
  - vary the RA-1 provisions of the Subdivision By-law for minimum parcel width and minimum parcel area as they apply to the proposed north and south parcels;
- B. THAT the house at 6475 Balaclava Street, the Magee House, listed in the "B" category on the Vancouver Heritage Register, be designated as Protected Heritage Property.

- C. THAT, subject to approval of the Heritage Revitalization Agreement at a Public Hearing, authorization be given for the property owner to apply to the Agricultural Land Commission (ALC), as required under the Agricultural Land Commission Act, to subdivide the site at 6475 Balaclava Street; and
- D. FURTHER THAT, prior to enactment of the Heritage Revitalization Agreement By-law, the Director of Current Planning be in receipt of a decision by the Agricultural Land Commission that supports the property owner's application.
- E. THAT Council instruct the Director of Legal Services, to bring forward for enactment, once 'C' above is satisfied, a by-law to authorize the Heritage Revitalization Agreement and a by-law to designate the heritage building as Protected Heritage Property.
- F. THAT Council instruct the Director of Legal Services to prepare a side agreement to ensure the timely restoration of the heritage building. The nature of this agreement is to be to the satisfaction of the Director of Legal Services in consultation with the Director of Current Planning.

#### **GENERAL MANAGER'S COMMENTS**

The General Manager of Community Services RECOMMENDS approval of Recommendations A, B, C, D and E.

#### **COUNCIL POLICY**

Heritage Policies and Guidelines state, in part, that the City's long-term goal is to protect through voluntary designation as many resources on the Vancouver Heritage Register as possible.

#### **PURPOSE**

This report seeks Council approval to designate and enter into a Heritage Revitalization Agreement (HRA) with the owners to secure the conservation and protection of the Magee House at 6475 Balaclava Street. This report also seeks Council's authorization to seek approval from the Agricultural Land Commission in accordance with Section 25(3) of the Agricultural Land Commission Act.

#### **BACKGROUND AND SUMMARY**

The site, located in Southlands, is a single parcel, split-zoned RS-1 and RA-1 (see Site Map, Appendix A). The intention is to retain the one-family heritage house on the north portion of the site, to subdivide the property into two equal portions, and provide opportunity for future construction of a new one-family dwelling on the newly created south parcel.

Subdivision would not be possible without a Heritage Revitalization Agreement to vary the Subdivision By-law for the south parcel width and parcel area. The proposed subdivision will result in the south parcel being located entirely within the RA-1 zoning district. The north parcel will have a portion in RA-1 with the majority in the RS-1 zoning district (Plans and Elevations, Appendix B).

In addition, because the southern, RA-1 zoned part of the site is located within the Agricultural Land Reserve, referral of the subdivision to the Agricultural Land Commission is necessary under the Agricultural Land Commission Act. Enactment of the Heritage Revitalization Agreement By-law is contingent upon support for the subdivision by the ALC.

The owners have submitted Development Application DE409053 that will require variances to the RS-1 and RA-1 District Schedules of the Zoning and Development By-law to rehabilitate and make a modest addition to the house, and to construct a detached two-car garage. The house rehabilitation will correct some minor alterations to windows and doors at the rear and a built-in garage at the front. In exchange for protection of the house by heritage designation, and to make the rehabilitation viable, the owners are seeking variances to the Subdivision, and Zoning and Development By-laws.

## DISCUSSION

**Heritage Value:** The Magee House at 6475 Balaclava Street, built circa 1914, is one of the earliest houses in this area and is associated with early pioneer farming of Southlands (Photographs, Appendix C). It is an early Craftsman style, with a side gable form and a centrally placed front porch. There is a full width porch on the south side and a sleeping porch above, which in early days would have looked out over the low farmland towards the Fraser River. The double hung windows all have a leaded multi-pane upper sash and the shingles on the main body of the house are flared out to form a subtle overhang above the windows. The exterior maintains much of its integrity - only minor changes have been made to the house that do not detract from the heritage character.

The house was built for James Magee - he is noted in early City Directories as both a farmer and a "timber cruiser". He and his wife Edith lived on the property until his death in 1934.

**Revitalization Program:** The proposal is for modest changes to the exterior of the heritage house. These include addition of a shed dormer at the rear to enlarge the attic, restoration of the front stairs, restoration of windows which had been altered from the original, and rehabilitation of the basement façade with removal of one of the newer garage doors (Plans and Elevations, Appendix B).

The heritage house will remain in its present location: the proposed north parcel will remain split-zoned RA-1 and RS-1, and the zoning line, which runs through the heritage house, will remain in place. The footprint of the house will not increase. Its floor area enlargement will be limited to the modest shed dormer in the attic at the rear.

The HRA will vary the zoning to treat the proposed north parcel as if it is all zoned RS-1, noting a significant portion is in the RS-1 District. Exceptions to this include: floor area comprising the house and detached garage will be limited to 612 m<sup>2</sup> (6,588 sq. ft.) (RS-1

would permit 605.71 m<sup>2</sup> or 6,520 sq. ft.), while site coverage will reflect the existing 227 m<sup>2</sup> (RS-1 would permit 404 m<sup>2</sup>). The height of the heritage house, while not increasing as a result of the proposal, will be measured as 3 storeys (existing is 2 ½ storeys) in order to accommodate the proposed dormer addition.

Since there would be no secondary access to the northern parcel and a limited rear yard, the location for a detached garage must be either in the front or side yards. In order to retain the mature trees on the property, and to minimize any impact on the neighbour to the north, the most appropriate location for the garage is in the front yard, on the south side of the site. This is addressed in the HRA and the development application conditions.

In order to permit the house to remain in its present location, the HRA will also address rear yard and building depth. The variances and limitations imposed by the HRA are presented in the tables below.

### Proposed Zoning Variances

	EXISTING	PERMITTED UNDER EXISTING ZONING	PROPOSED		
			NORTH LOT <sup>1</sup>	SOUTH LOT <sup>1</sup>	TOTAL
NO. OF PARCELS/ DWELLING UNITS	1	1	1	1	2
PARCEL AREA (sq. ft.)	21,733.8	21,733.8 <sup>2</sup>	10,866.9	10,866.9 <sup>1</sup>	21,733.8
FLOOR AREA (sq. ft.)	5,875	7,263 <sup>3</sup>	6,588	3,595	10,183
SITE COVERAGE (sq. ft.)	1,825	5,050.5	2,227.8	2,605.0	4,832.8
HEIGHT (ft.)	37.9 <sup>4</sup>	35	37.9 <sup>4</sup>	35	N/A
HEIGHT (storeys)	2½	2½	3 <sup>4</sup>	2½	N/A
SETBACKS AND BUILDING DEPTH <sup>5</sup>					

<sup>1</sup> On the proposed north parcel, RS-1 zoning provisions would apply with the exception of floor area, height, setbacks and building depth as noted. On the proposed south parcel RA-1 zoning provisions, other than minimum site area, would be in accordance with the RA-1 zoning schedule. Minimum site area in RA-1 is 9 100 m<sup>2</sup> (97,954.79 sq. ft.).

<sup>2</sup> As an existing parcel, the RS-1 portion of the site meets RS-1 minimum area provisions, while the RA-1 portion is non-conforming.

<sup>3</sup> Existing dwelling unit maximum floor area permitted on this split-zoned site is based on a standard 'blended' formula calculation. In addition to this maximum dwelling unit floor area, the site could also include a detached garage which could be up to 48 m<sup>2</sup> (517 sq. ft.) in floor area.

<sup>4</sup> Existing height in ft. of heritage house is 37.9 (2.9 ft. above maximum permitted - this non-conformity will be maintained). As a result of the dormer addition, the height in storeys will technically increase from 2½ to 3 storeys.

<sup>5</sup> Setbacks and Building Depth - on the north parcel setbacks and building depth will be regulated to accommodate the house in its existing location and to allow the new garage to be located in the front yard setback.

### Proposed South Parcel Subdivision Variances

The application also proposes subdivision, which could not otherwise be permitted due to the small size of the RA-1 portion of the site. However, subdivision could be considered by the Approving Officer if Council was to suitably vary the Subdivision By-law via a Heritage Revitalization Agreement.

Variances to Table 1 of Schedule A of the Subdivision By-law, for proposed south RA-1 parcel:

	By-Law Requirement	Proposed
Minimum Parcel Width	30.48 m (100 ft.)	28.8 m (94.5 ft.)
Minimum Parcel Area	0.91 ha (2.25 acres)	0.1 ha (0.25 acres)

In addition, the minimum width and area standards will also need to be varied for the RA-1 portion of the proposed north parcel.

**Compatibility with Community Planning Objectives:** The intent of the RS-1 District Schedule is to retain the one-family dwelling residential character, while the intent of the RA-1 District Schedule is to maintain and encourage the semi-rural nature of the area, to permit one-family dwellings and in specific circumstances permit infill one-family dwellings.

The proposed north parcel site area and width are greater than the minimum permitted in the adjacent RS-1 area. The floor area and site coverage are less than permitted in RS-1. Yard and building depth relaxations are required to accommodate the heritage house in its present location.

Regarding the proposed south RA-1 parcel, the proposed site area is considerably less than the minimum required (0.25 acres versus 2.25 acres). However, considered in context, there are a number of existing smaller 'non-conforming to size' parcels in RA-1 together with infill and caretaker's units on larger RA-1 sites. Otherwise, future development on the proposed south parcel would be subject to all RA-1 zoning provisions including floor area, site coverage and height.

Considering aggregate floor area for dwellings, currently 7,263 sq. ft. is permitted on the entire site (or 7,780 sq. ft. including a detached garage). The proposed HRA would limit floor area for the two dwellings to 10,183 sq. ft. or 2,403 sq. ft. more than currently permitted. This increase in floor area is approximately equal to the floor area that exists in the basement and attic of the heritage house, which means the above grade mass of structures, would be comparable between the maximum permitted in the existing zoning and the HRA proposal.

Staff conclude that the net increase in floor area is manageable from an urban design perspective and is more than off-set by the benefits of the rehabilitated heritage house, protected by designation.

**Economic Viability:** To make the subdivision possible and to address non-conformities, both existing and proposed, the owners are prepared to enter into a Heritage Revitalization Agreement. They have agreed that the variances to the Zoning and Development and

Subdivision By-laws represent fair and complete compensation in exchange for the legal protection of the property and have waived their rights to further compensation.

The Manager of Real Estate Services analysed the project economics and determined that the proposed subdivision and additional floor area do not provide the owners with undue profit, noting the scope of heritage rehabilitation planned.

**Notification:** As part of the standard Development Application review process, 64 property owners and the Southlands Ratepayers Association were notified. There were four responses received from individual property owners and a response from the Association. The neighbour to the north supported the proposal but expressed a concern regarding the placement of the proposed detached garage at the north end of the site, immediately adjacent to their property. Staff agree with this concern and as a result, the garage is proposed to be located on the south side of the north parcel. Three of the respondents opposed the proposal, citing the increased density and proposed subdivision.

The Southlands Ratepayers Association did not support the proposal. Their comments are attached as Appendix D.

On October 27, 2005, staff met with the directors of the Association to further understand their concerns and explain the heritage rationale for the proposal. The directors worry that creation of a new RA-1 parcel at 0.25 acres would set a negative precedent for subdivision in the RA-1 area where a larger lot pattern exists. It was noted by staff that with the proposed Heritage Revitalization Agreement, only the subject site would be subject to this lesser RA-1 subdivision standard and this would not constitute a precedent for other properties in the community. There are over 90 properties in the RA-1 District. Three have houses on the City's Heritage Register. One is the subject site and one is already designated, meaning that this proposal might be relevant to the HRA and subdivision potential of only one other property (out of over ninety properties) in the area.

HRAs have been used successfully throughout the City for heritage restoration and designation purposes. The HRA is a unique tool used on a very limited basis and it does not change the zoning or subdivision potential of nearby lands.

**Comments of the Vancouver Heritage Commission:** On September 12, 2005 the Commission reviewed this development application and zoning variances. It supports the proposal in principle to retain and restore the house and subdivide the site into two equal parcels, together with the requested variances.

## FINANCIAL IMPLICATIONS

There are no financial implications.

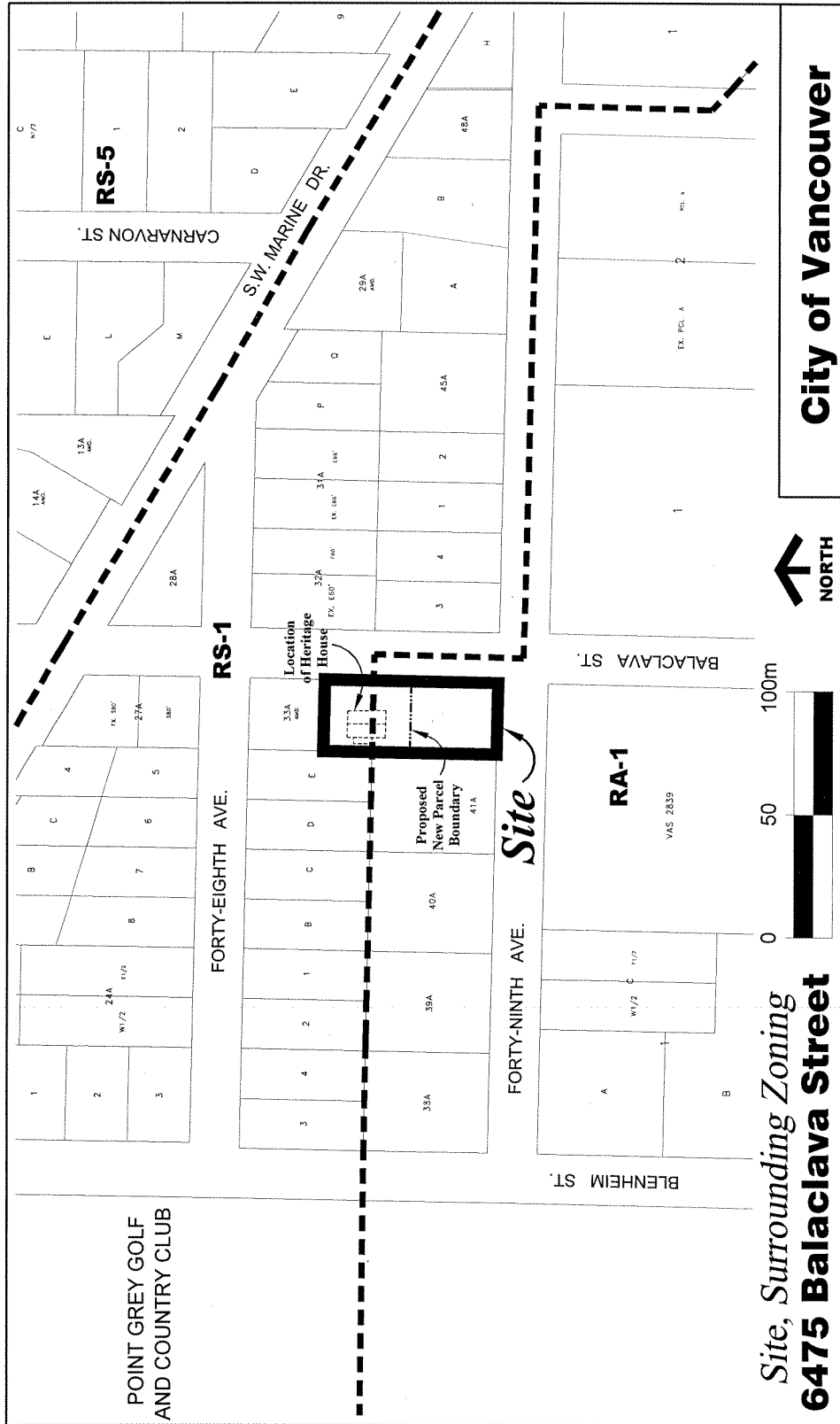
## ENVIRONMENTAL IMPLICATIONS

There were no environmental implications identified. There will be a modest increase in floor area and one more dwelling unit on the site. However, the amount of new construction will likely be less than under existing zoning (i.e., one new smaller house and restoration of the existing heritage house compared to demolition of the heritage house and construction of a large new house). With regard to the agricultural land implications, this site has not been used for agricultural purposes, including equestrian uses. The Agricultural Land Commission will review the agricultural implications before providing its advice.

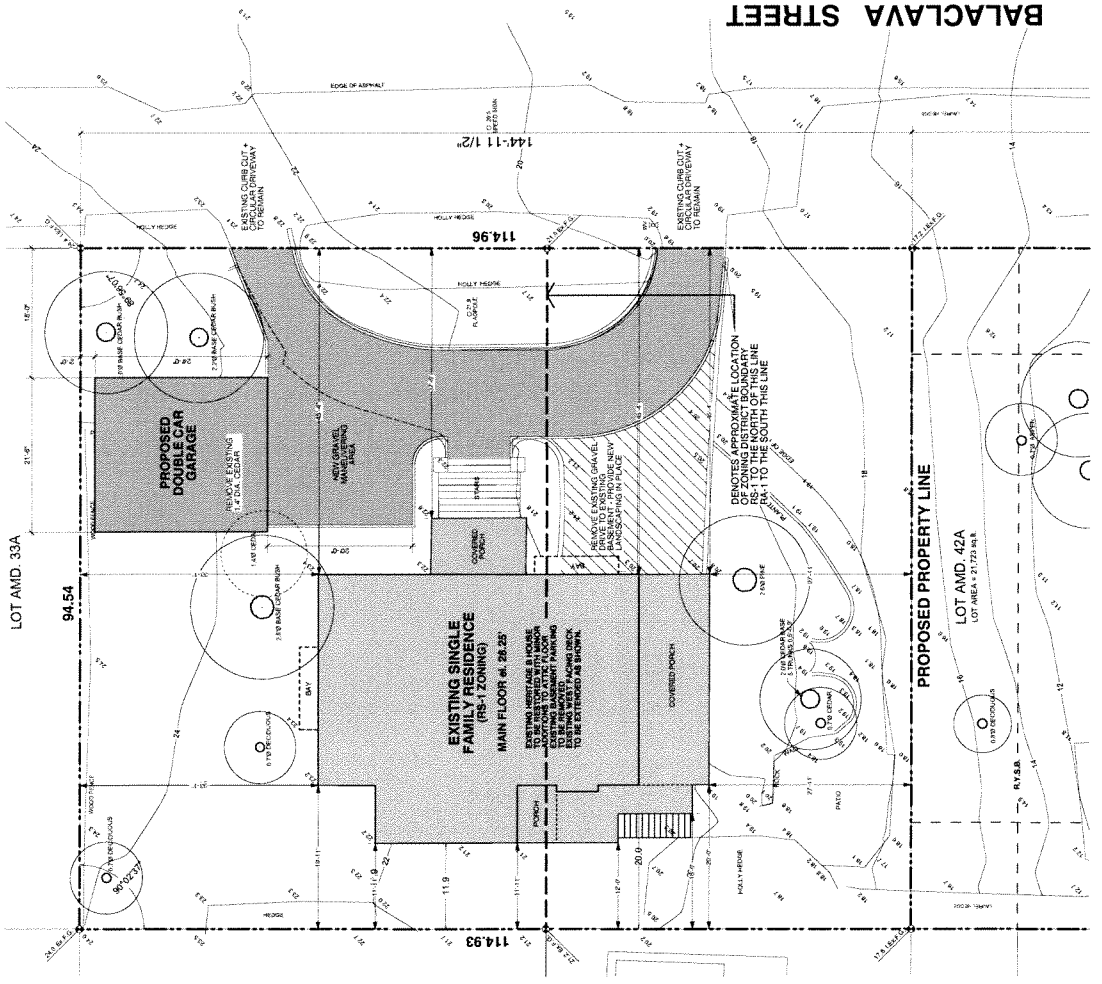
## CONCLUSION

This report recommends the conservation and protection through heritage designation of the 'B' listed Magee House at 6475 Balaclava Street. This would be achieved by entering into a Heritage Revitalization Agreement with the owners. This agreement will vary applicable subdivision and zoning provisions in exchange for restoration and preservation of the heritage house. Staff also recommend the proposal be forwarded to the Agricultural Land Commission for their consideration.

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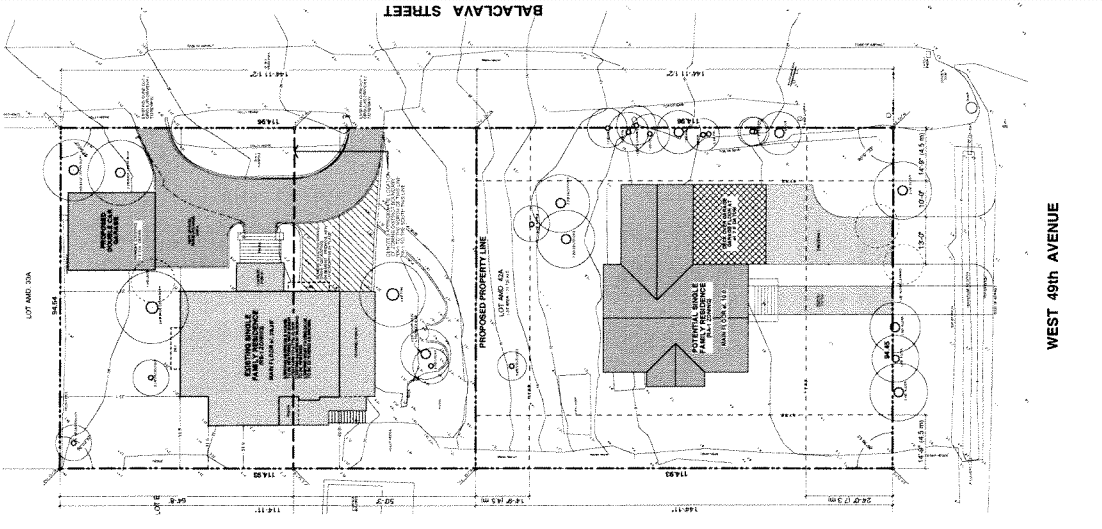




**APPENDIX B**  
Page 1 of 6

REFER TO DRAWING A100 FOR AL

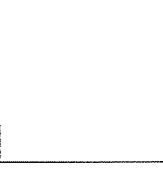
**SITE PLAN - HERITAGE HOUSE**  
1/8" = 1'-0"



**SITE PLAN - KEY PLAN**  
1/16" = 1'-0"

STUART HOWARD ARCHITECTS INC.  
401-1041 Burrard St. Vancouver B.C. V6Z 2P9  
T: 604.681.5350 F: 604.681.5466

Project No.	2011-001
Client	Heritage House
Address	8475 Balalava Street, Vancouver, B.C.
Date	2011-11-12
Scale	1/8" = 1'-0"
Author	[Name]
Checker	[Name]
Designer	[Name]
Reviewer	[Name]
Approver	[Name]



**Heritage Renovation**  
8475 Balalava  
Vancouver, B.C.  
Proposed  
1/8" Site Plan w/  
1/16" Key Plan

Sheet Title	A101
Scale	1/8" = 1'-0"
Date	2011-11-12
Author	[Name]
Checker	[Name]
Designer	[Name]
Reviewer	[Name]
Approver	[Name]

STUART HOWARD ARCHITECTS INC.  
ARCHITECTS  
1000 WEST 49TH AVENUE  
VANCOUVER, BC V6L 2G6  
TEL: 604-273-1111  
WWW.SHA.A102

A. 01.10.00 PROPOSED NORTH LINE  
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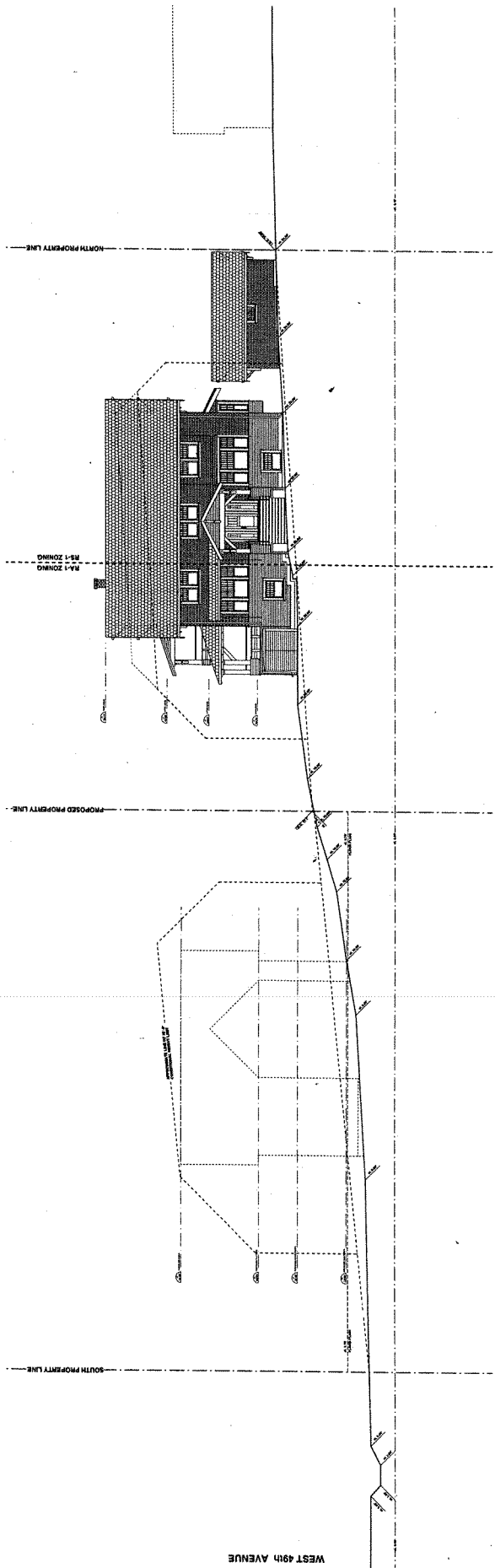
STUART HOWARD ARCHITECTS INC.  
ARCHITECTS  
1000 WEST 49TH AVENUE  
VANCOUVER, BC V6L 2G6  
TEL: 604-273-1111  
WWW.SHA.A102

Heritage  
Renovation

6475 Balaclava  
Vancouver, BC

Site Section

A102



PROJECT TITLE: Heritage Renovation  
 ADDRESS: 6475 Balaclava Vancouver, B.C.  
 DRAWING TITLE: Proposed East Elevation  
 SHEET NUMBER: A301

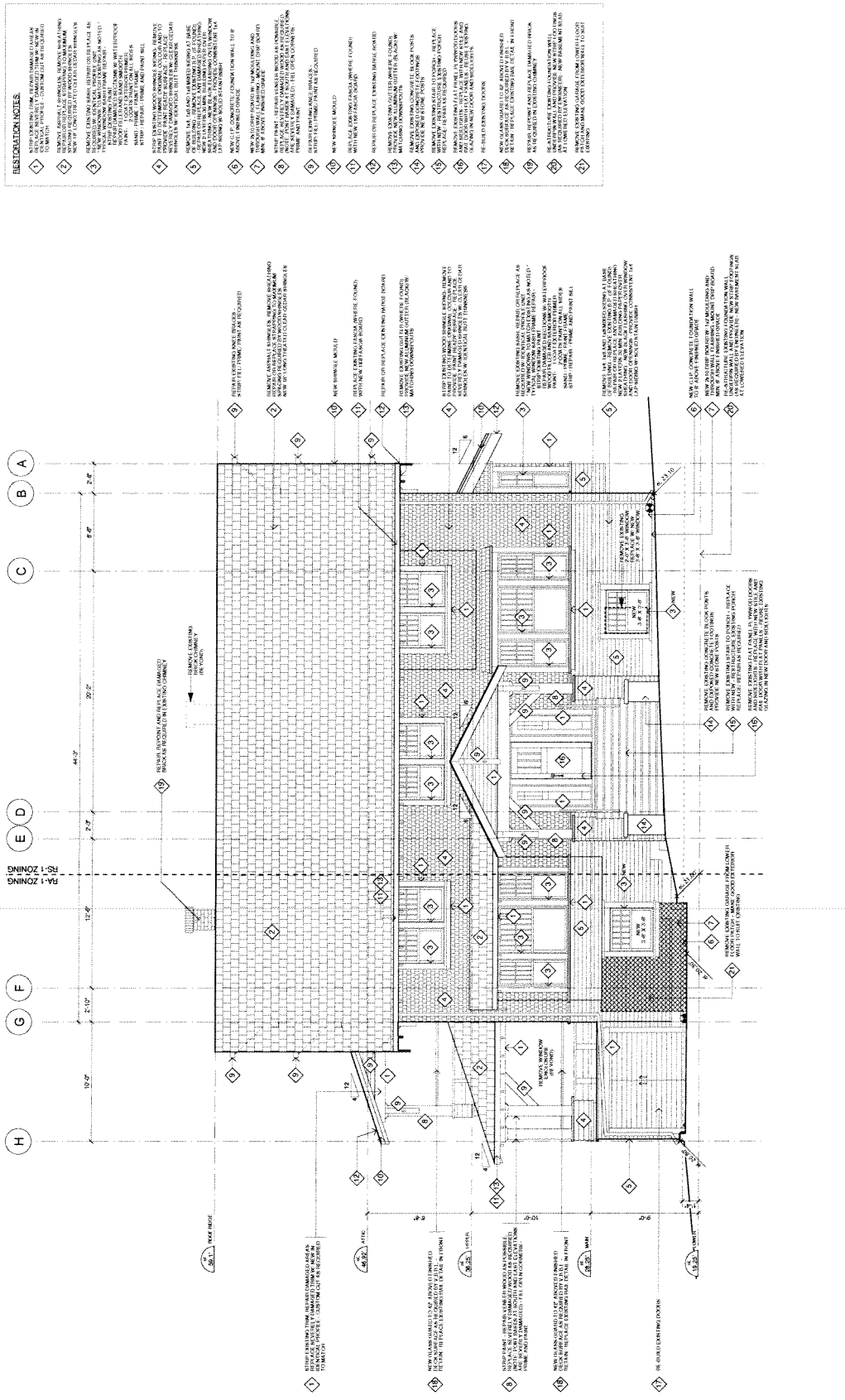
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 CHECKED BY: [Name]  
 PROJECT NO: [Number]

STUART HOWARD ARCHITECTS INC.  
 407 JAMES STREET VANCOUVER, B.C. V6C 2M4  
 TEL: 604.683.3885 FAX: 604.683.3886  
 WWW.SHAUTARCHITECTS.COM

NO.	DESCRIPTION	DATE
1	REVISED FOR PERMITS	2018.11.11
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# APPENDIX B

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### RESTRICTION NOTES

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PROPOSED EAST ELEVATION

STUART HOWARD ARCHITECTS INC.  
 4011 104th Street, Suite 100, Vancouver, BC V5P 1K9  
 TEL: 604.688.5552 FAX: 604.688.5486  
 WWW.SHA-ARCHITECTS.COM

- RESTORATION NOTES:**
1. REPAIR AND REFINISH EXISTING BRICKWORK TO MATCH ORIGINAL CONDITION.
  2. REPAIR AND REFINISH EXISTING STONEWORK TO MATCH ORIGINAL CONDITION.
  3. REPAIR AND REFINISH EXISTING WOODWORK TO MATCH ORIGINAL CONDITION.
  4. REPAIR AND REFINISH EXISTING METALWORK TO MATCH ORIGINAL CONDITION.
  5. REPAIR AND REFINISH EXISTING GLASSWORK TO MATCH ORIGINAL CONDITION.
  6. REPAIR AND REFINISH EXISTING PAINTWORK TO MATCH ORIGINAL CONDITION.
  7. REPAIR AND REFINISH EXISTING ROOFING TO MATCH ORIGINAL CONDITION.
  8. REPAIR AND REFINISH EXISTING PLASTER TO MATCH ORIGINAL CONDITION.
  9. REPAIR AND REFINISH EXISTING MASONRY TO MATCH ORIGINAL CONDITION.
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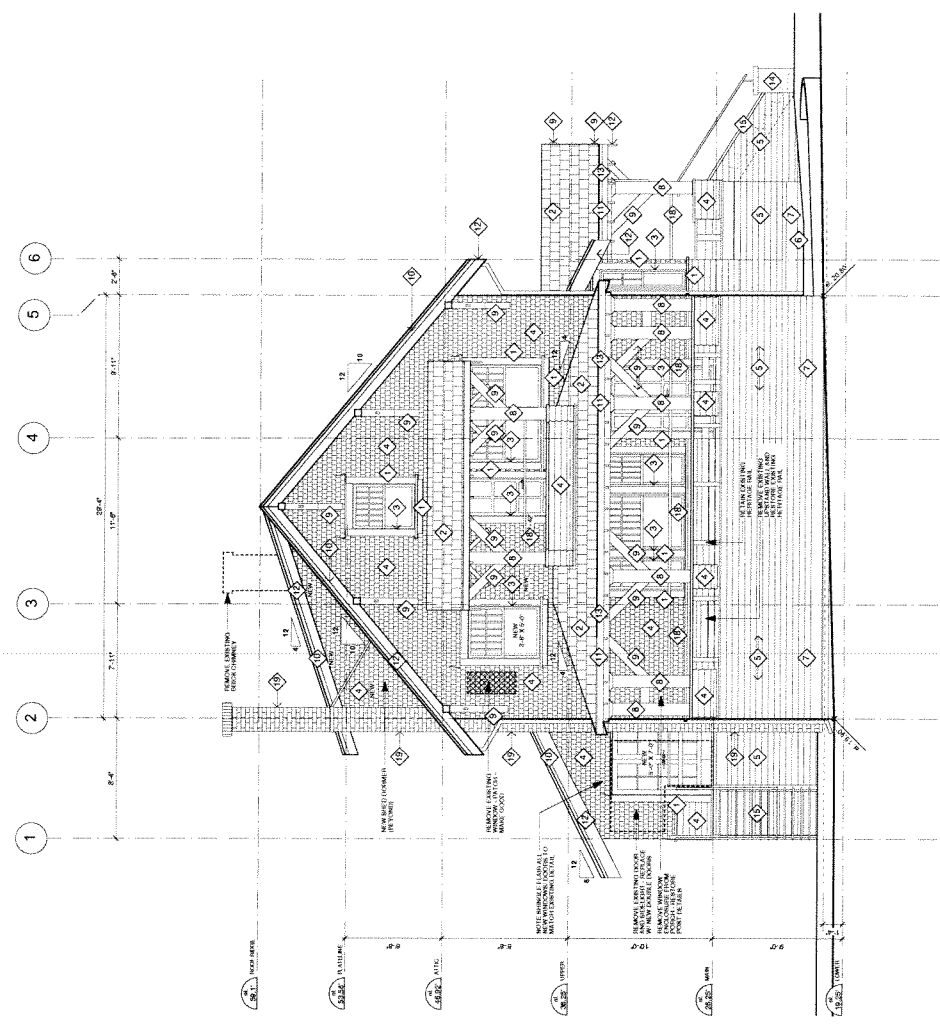
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Z	07-11-05	REVISED FOR PERMITS

**STUART HOWARD ARCHITECTS INC.**  
 4011 104th Street, Suite 100, Vancouver, BC V5P 1K9  
 TEL: 604.688.5552 FAX: 604.688.5486  
 WWW.SHA-ARCHITECTS.COM

**Heritage Renovation**  
 6475 Balclava  
 Vancouver, B.C.

**Proposed South Elevation**

**A302**



**PROPOSED SOUTH ELEVATION**



STUART HOWARD ARCHITECTS INC.  
 4711 - 104th Street, S.W. Vancouver, B.C. V5R 2P9  
 T: 604.685.5352 F: 604.685.5346  
 WWW.SHA-ARCHITECTS.COM

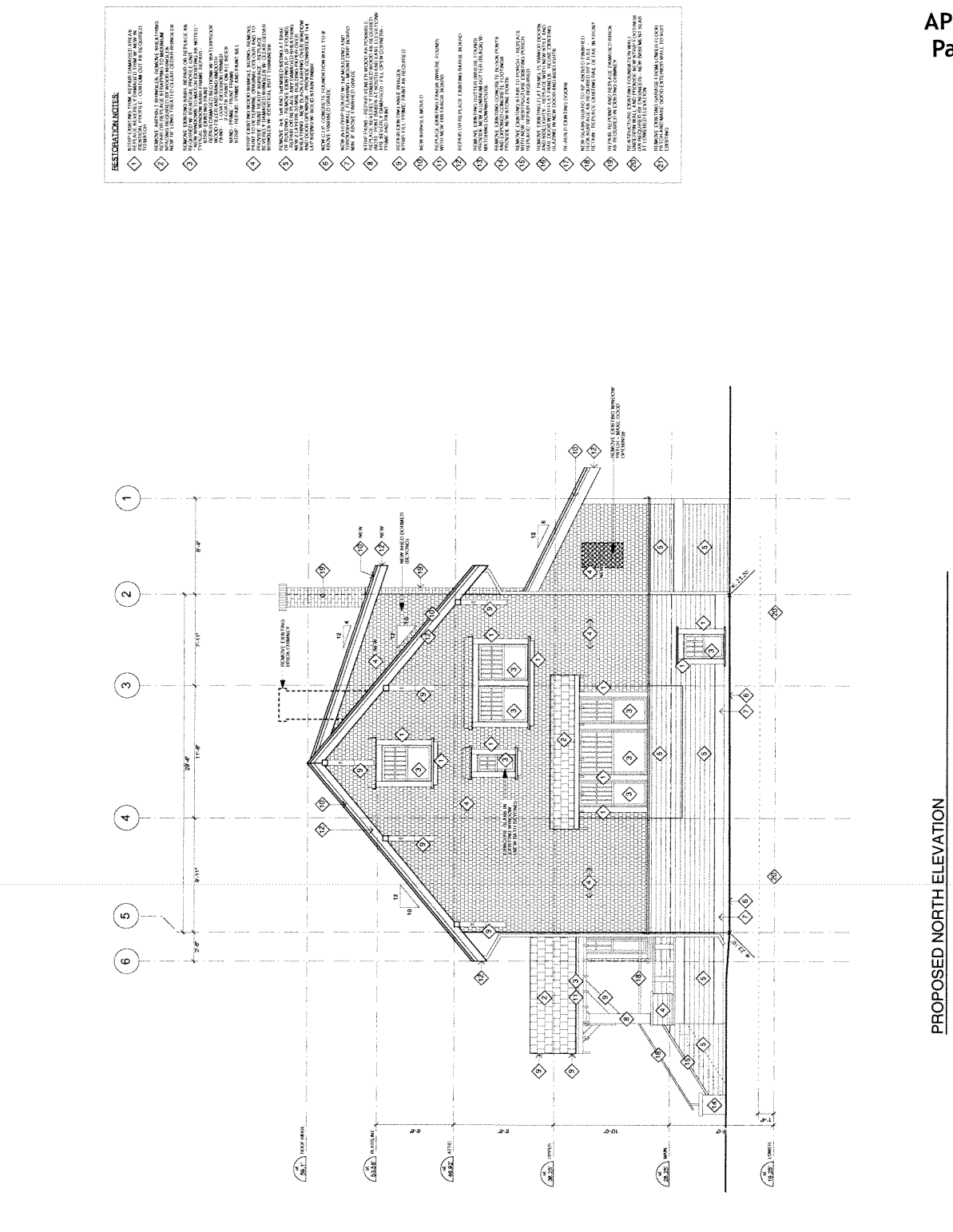
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STUART HOWARD ARCHITECTS INC.  
 4711 - 104th Street, S.W. Vancouver, B.C. V5R 2P9  
 T: 604.685.5352 F: 604.685.5346  
 WWW.SHA-ARCHITECTS.COM

PROJECT: Heritage Renovation  
 ADDRESS: 6475 Balclava Vancouver, B.C.  
 SHEET: Proposed North Elevation

DATE: 07/15/05  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 PROJECT NO.: [Number]  
 SHEET NO.: 20411

APPENDIX B  
 Page 6 of 6



**PROPOSED NORTH ELEVATION**

- REVISION NOTES:**
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View of front (east side) of Magee House as seen from driveway entry



Covered porch on south side, built in garages on front of Magee House

# Southlands Ratepayers Association

APPENDIX D  
Page 1 of 2



3488 Celtic Avenue, Vancouver, B.C. V6N 4J5  
(phone:266-3477 fax:266-3489)

September, 15, 2005

City of Vancouver  
Community Services  
Development Services  
453 West 12<sup>th</sup> Ave.  
Vancouver, B.C.  
V5Y 1V4

Attention: David Lee  
Project Coordinator

By fax: 604-873-7050

Re: 6475 Balaclava Street  
Development Application Number DE409053

Dear Mr. Lee:

This is to advise you that directors of this Association are opposed to the subdivision of the lot (Lot 42 AMD, Plan 2242) as contemplated with this application. We calculate the area of the existing (split-zoned) lot to be 21,735 sq. ft. / .0499 ac. or, 2019.18 sq. m. Our reasons are as follows:

---The resultant new RA-1 zoned lot would be approx. 15,498 sq. ft. / .0356 ac. or, 1439.76 sq. m. The minimum lot size from subdivision permitted in the RA-1 zone is 97,923 sq. ft. / 2.25 ac. or, 9100 sq. m. As we have previously advised Council, there is support in this neighbourhood for a new minimum lot size of 43,560 sq. ft. / 1 ac. or, 4047 sq. m. However, there is absolutely none for a new lot of the size proposed.

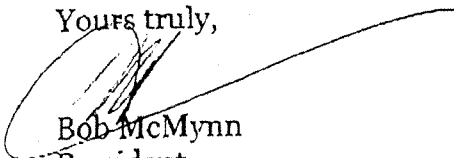


2.

---The residual RS-1 lot would be approx. 6237 sq. ft./ .0143 ac. or, 579.44 sq. m. which similarly, appears to be smaller than would be permitted from subdivision in this particular RS-1 subdivision area.

---The area of the existing (split-zoned) lot at .499 ac. is identical to each of the 4 westerly RA-1 zoned lots along the 49<sup>th</sup> Ave. block face. For this additional reason further subdivision of the subject lot should not be permitted.

Yours truly,



Bob McMynn  
President