



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Report Date: April 4, 2006
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RTS No.: 5771
CC File No.: 08-2000-51
Meeting Date: May 16, 2006

TO: Vancouver City Council

FROM: Director of Current Planning

SUBJECT: Heritage Designation and Heritage Revitalization Agreement - 73 - 91 East 27th Avenue

RECOMMENDATION

- A. THAT Council authorize the City to enter into a Heritage Revitalization Agreement for the site at 73 - 91 East 27th Avenue to:
- secure the rehabilitation of the five houses known as the Shirley Houses;
 - vary Section 11.1 and the RS-7 District Schedule of the Zoning and Development By-law in order make the existing non-conformities legal, including increasing the maximum permitted floor space ratio (FSR) from 0.75 to the existing FSR of 1.13, as described in detail in this report.
- B. THAT the five houses listed in the "C" category on the Vancouver Heritage Register at 73 - 91 East 27th Avenue be designated as Protected Heritage Property.
- C. THAT Council waive the Strata Title Policy for RS-7 Zones for the site at 73-91 East 27th Avenue which prohibits strata titling for sites less than 668 m² (7,200 sq.ft.).
- D. THAT Council instruct the Director of Legal Services to bring forward for enactment the by-law to authorize the Heritage Revitalization Agreement and by-law to designate the heritage buildings as Protected Heritage Property.

GENERAL MANAGER'S COMMENTS

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

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.

Policy for the RS-7 Zone states that Council will not entertain any applications to convert previously occupied dwellings to strata title ownership where the site is less than 668 m² (7,200 sq.ft.) in area.

PURPOSE

This report seeks the conservation and protection of the houses addressed 73, 77, 81, 87 and 91 East 27th Avenue through Council approval of heritage designation and the recommended Heritage Revitalization Agreement (HRA).

BACKGROUND AND SUMMARY

The site is located in Riley Park, zoned RS-7 (Site Map, Appendix A). These five modest vernacular houses on a single lot are on the Vancouver Heritage Register, each as C-listings. Zoning introduced subsequent to the construction of the houses results in them now being considered existing non-conforming with respect to a number of zoning regulations. These non-conformities prevent the structures from being strata titled.

The owners have applied to retain and restore the houses in exchange for the ability to strata title the units. The recommended HRA would vary the zoning to make the existing non-conformities legal so that strata titling can occur. The anticipated increase in value to the site resulting from strata titling makes conservation and protection economically viable.

DISCUSSION

Heritage Value: The Shirley Houses at 73 - 91 East 27th Avenue consist of five houses that were built on this site in 1913 (Photographs, Appendix B). These were built on speculation as rental houses during the pre-war boom by James Shirley for his mother, Isabella, a co-owner of the property at that time. The Shirley family retained ownership until 1962.

The design of the houses is simple vernacular, an early Craftsman style with modest front porches fronting the street. The significance is in their contribution to the collective streetscape. The form has been respected although the wood cladding has been covered by stucco and wood windows were replaced by aluminium sliders.

Revitalization Program: The proposal is to restore the exterior of the five houses. Work on the site had already started as part of an issued development-building permit. It was at this

point when the developer looked into strata conversion and discovered that strata titling was not possible in RS-7 on a site of this size. The applicant approached the City and offered to enter into an HRA to make the existing form of development conforming and requested strata titling in exchange for rehabilitation and long-term protection of the buildings.

The work includes removal of the stucco, repair or replacement of the wood cladding underneath, and new wood windows similar to the original (Site Plan and East 27th Elevation, Appendix C). The heritage houses will remain in their present location and will not be enlarged. No additional by-law variances are sought beyond the existing non-conformities. The only difference between the existing and proposed scenario is the ability to strata title: under current policy this is not permitted since the site is less than 668 m² (7,200 sq.ft.). Council approval is sought to waive this policy. With the ability to strata title (verses retaining the houses as rental) the additional funds generated would assist in the extra cost of exterior restoration. The subdivision into strata lots will be subject to the approval of the Approving Officer.

A new development-building permit application has been opened that would supersede the previously issued development-building permits for each of the houses. This will result in a higher level of conservation of the exterior. Through this proposal, the porches will be reconstructed and their foundations no longer encroach; only the eaves remain as encroaching. The applicant has submitted a request to the Engineering Department to replace the existing standard encroachment agreement with a volumetric easement in order for the proposed strata to be in compliance with the provisions of the Strata Property Act and the requirements of the Registrar of Land Titles. The General Manager of Engineering Services will prepare a report seeking Council authority to grant this easement to contain the encroaching elements of the buildings.

The variances to the RS-7 District Schedule of the Zoning and Development By-law addressed by way of the HRA are:

Zoning By-law	Required/Maximum	Proposed (Existing)
3.2.1.DW Conditional Approval Uses	Conditional approval for five one-family dwellings	Five one-family dwellings an outright approval use
4.1.1(b) Minimum Site Area	929 m ² (10,000 sq.ft.)	581.6 m ² (6,260.5 sq.ft.)
4.4 Front Yard	7.15 m (23.45 ft.)	1.78 m (5.83 ft.)
4.5.3 Side Yard - Exterior *	2.56 m (8.4 ft.)	0 m **
4.5.4. Eaves (South Side only)	0.7 m (2.3 ft.)	0 m
4.6.1 Rear Yard	10.67 m (35 ft.)	0.59 m (1.92 ft.)
4.7 Floor Space Ratio	0.75 436.2 m ² (4695.4 sq.ft.)	1.13 657.9 m ² (7081.6 sq.ft.) ***
4.8.1 Site Coverage	40%	43%
4.16.2 Building Depth	40% of lot depth 15.34 m (50.3 ft.)	94% 36.0 m (118.1 ft.)
4.17.3 External Design - Side Entrance (North Side)	No more than one side entrance facing a side yard	Two entrances on each house facing the north side yard
4.18 Dwelling Unit Density	62 units per hectare	86 units per hectare
4.19.1 Number of Buildings	More than one is conditional	Five

* Governed by Section 11.1 of Zoning & Development By-law - side yard for corner sites

** Interior (north) side yard of 14.92 ft. exceeds required minimum and therefore does not require a variance

*** Based upon permitted exclusion under 4.7.4(i)

The HRA will ensure that if any or all of the houses were destroyed the owners are obligated to rebuild to the same detail and with the same variances in place. This also satisfies the insurance requirements for each strata unit.

The historical placement of the houses meant that parking was never provided on site. As part of the previously issued development-building permit, the Director of Planning relaxed the requirement for five parking spaces (one per house). This is based on the rationale that the site cannot accommodate these spaces and that the rehabilitation of the houses will not generate any additional demand for parking.

Compatibility with Community Planning Objectives: The intent of the RS-7 District Schedule is to retain the single family residential character, while on larger lots to conditionally permit multiple family dwellings and infill. By restoring the heritage houses, the proposal meets the intent of the zoning.

Economic Viability: To facilitate strata titling and address non-conformities, the owner is prepared to enter into a Heritage Revitalization Agreement. The owner has agreed that the variances to the Zoning and Development By-law represent fair and complete compensation in exchange for the legal protection of the property and has waived the right to further compensation.

Staff analyzed the project and determined that the land lift from strata titling does not provide the owners with undue profit, noting the scope of heritage rehabilitation, as described in this report.

Notification: The permit necessary for the rehabilitation work on the houses is considered a minor amendment to a previously issued development-building permit. Therefore, formal neighbourhood notification of this application that is normally undertaken by the City as part of the development permit process was not deemed necessary.

However, as part of the rehabilitation of the houses, the owner had previously surveyed the immediate neighbours for their comments on the retention and improvements to the houses. All comments were positive and supportive. In addition, city staff have sent notification of the Public Hearing to the owners of the same immediate surrounding properties.

As part of the Public Hearing Process, as specified by the *Vancouver Charter*, the Director of Legal Services has prepared the necessary legal agreements and the notification requirements.

Comments of the Vancouver Heritage Commission: On November 14, 2005 the Commission reviewed this inquiry and was asked for its input on the proposed exterior rehabilitation. The Commission expressed its support for the conservation approach in light of the evolution of the houses.

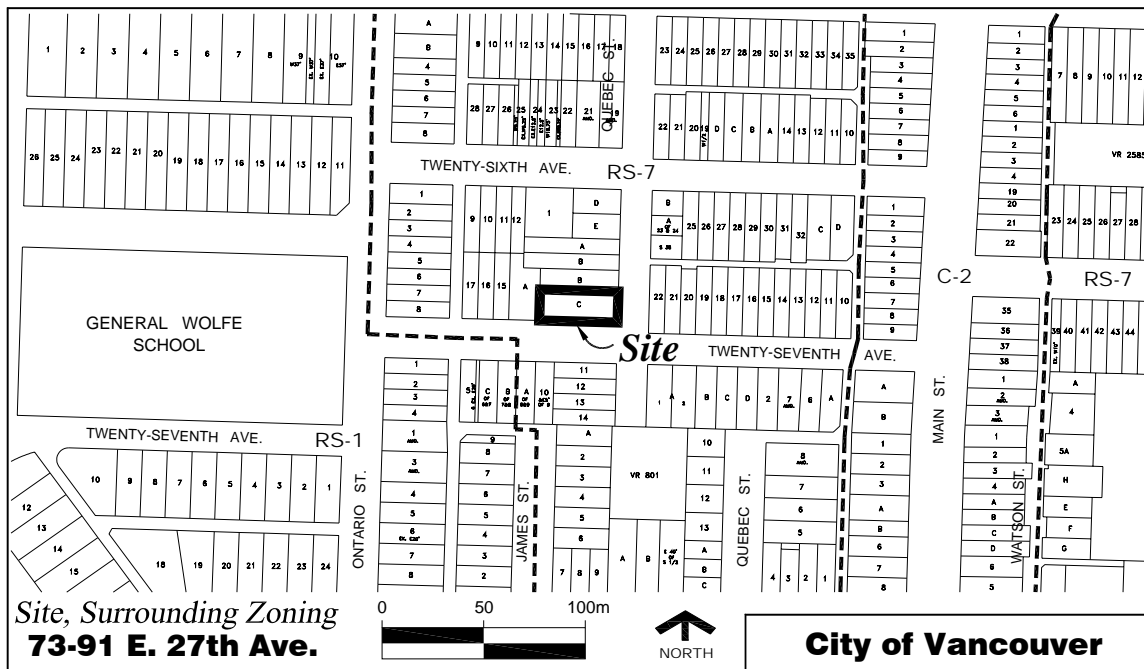
FINANCIAL IMPLICATIONS

There are no financial implications.

CONCLUSION

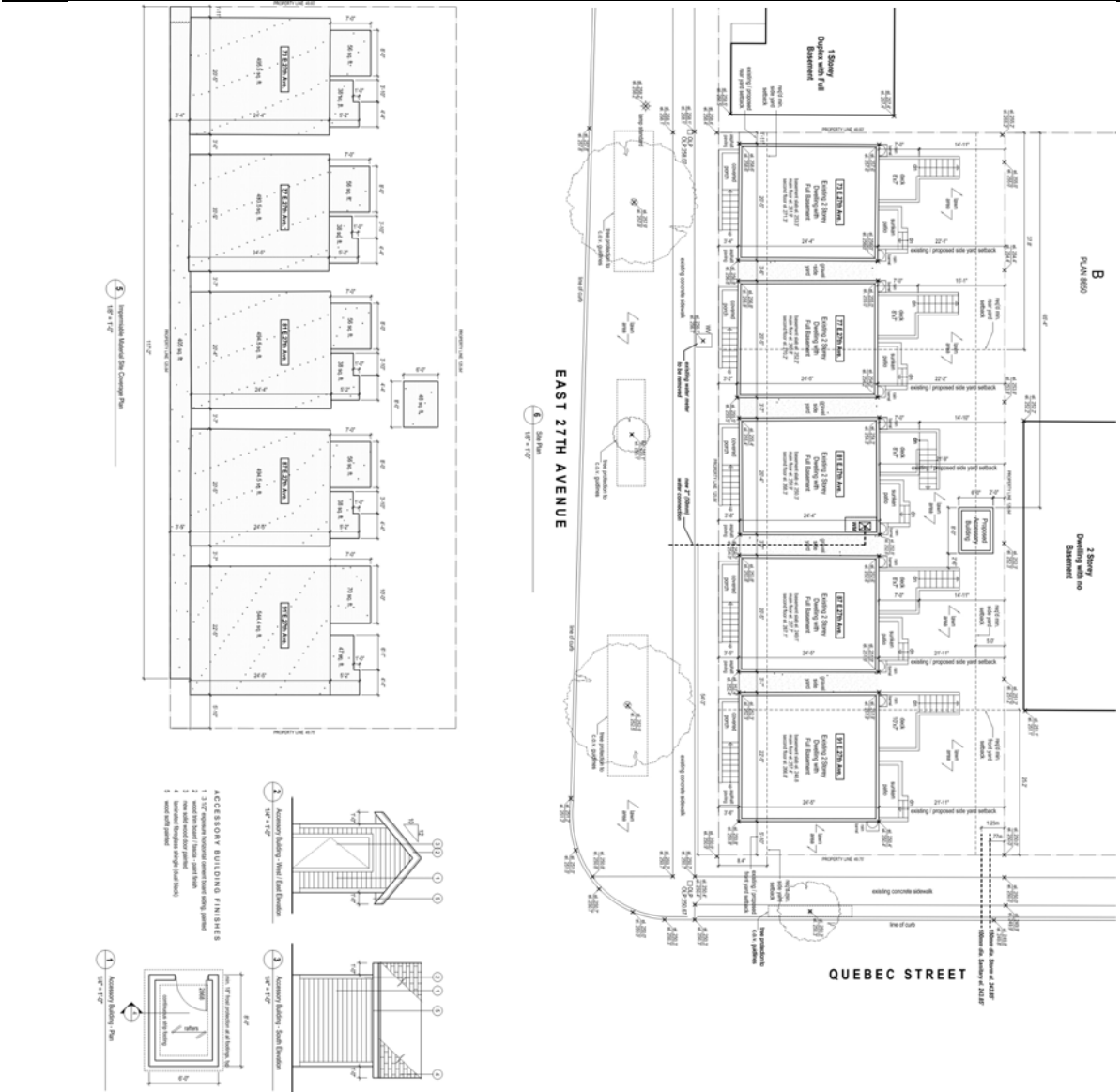
The five Shirley Houses at 73-91 East 27th Avenue are a good example of the early Craftsman style and rental housing common to the early development of working class neighbourhoods. The proposal to protect the property by way of heritage designation and a Heritage Revitalization Agreement reflects the intent of the Zoning and Development By-law and Council's heritage objectives. The only by-law variances sought are to address existing non-conformities. The HRA will facilitate strata titling in exchange for a higher level of heritage conservation and long-term protection of the houses. Therefore, staff recommend that Council support the requisite Heritage Revitalization Agreement and designate the five Shirley Houses at 73-91 East 27th Avenue as Protected Heritage Property.

* * * * *



Context Photographs of 73-91 East 27th Avenue





PROJECT DATA

Project Name: 73-91 East 27th Avenue, Vancouver, BC
 Client: [Redacted]
 Date: [Redacted]

FILED SPACE STATEMENT

Item	Area (sq. ft.)	Notes
1st Floor	1,234	Includes duplex and 2-story building.
2nd Floor	567	Includes 2-story building.
Basement	345	Includes duplex basement.
Roof Deck	123	Includes 2-story building.
Other	89	Includes various small structures.
Total	2,368	

Site Coverage Area Summary

Area	Area (sq. ft.)
Building Footprint	1,234
Parking	567
Driveway	345
Other	123
Total	2,368

73-91 East 27th Ave
 Site Plan
 Project Data
 Accessory Building
A0.0

Scale: 1/8" = 1'-0"
 Date: April 13, 2005

Prepared by: [Redacted]
 Checked by: [Redacted]
 Drawn by: [Redacted]



73-91 East 27th Ave
Scale: 3/8" = 1'-0" Date: Apr 13, 2005

Existing Streetscape
Proposed Streetscape

A1.0

DATE PLOTTED: 04/13/05
PLOT SCALE: 3/8" = 1'-0"
PLOT DATE: 04/13/05