



CITY OF VANCOUVER

## CITY OF VANCOUVER

### ADMINISTRATIVE REPORT

Report Date: May 27<sup>th</sup> / 2008  
Author: James Boldt  
Phone No.: 604.873.7449  
RTS No.: 07290  
VanRIMS No.: 11-2800-11  
Meeting Date: June 10, 2008

TO: Vancouver City Council

FROM: Director of Planning, in consultation with the Director of Legal Services

SUBJECT: Heritage Revitalization Agreement and Designation- 3979 West Broadway-  
'The Lea Residence'

#### RECOMMENDATIONS

- A. THAT Council authorize the Director of Legal Services to prepare and sign on the City's behalf a Heritage Revitalization Agreement for 'The Lea Residence' located at 3979 West Broadway, to:
- secure the rehabilitation, protection, and on-going maintenance of this 'C' category Vancouver Heritage Register building;
  - vary the Subdivision By-law to permit subdivision of the lands at 3979 W. Broadway to create two new parcels, one of which would contain the heritage building, and the other which would be used for the construction of a new house; and
  - vary the RS-1 District Schedule of the Zoning and Development By-law to permit densities for the heritage building and the new house in excess of what is permitted and other variances.
- B. THAT 'The Lea Residence', currently listed in the 'C' evaluation category on the Vancouver Heritage Register at 3979 West Broadway, be designated as protected heritage property.
- C. THAT the Director of Legal Services bring forward for enactment a by-law to authorize the Heritage Revitalization Agreement and a by-law to designate the building as protected heritage property.

- D. THAT the Vancouver Heritage Register listing for the heritage resource at 3979 West Broadway be changed from the 'C' to the 'B' evaluation group.

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

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

### **COUNCIL POLICY**

Council's Heritage Policies and Guidelines state that the buildings "identified on the Vancouver Heritage Register have heritage significance" and that "the City's long term goal is to protect through voluntary designation as many resources on the Vancouver Heritage Register as possible."

### **PURPOSE AND SUMMARY**

The purpose of this report is to seek Council approval for a Heritage Revitalization Agreement (HRA) and heritage designation to secure the rehabilitation and preservation of the heritage building located at 3979 West Broadway, currently listed in the 'C' evaluation category on the Vancouver Heritage Register. The proposed HRA will result in variances to the Zoning and Development By-law and the Subdivision By-law to permit subdivision of the lands upon which the heritage building is located so that the heritage house will be contained within a new, smaller parcel and a new house will be built on the other new parcel, all as set forth in Development Applications DE411767 and DE411785.

The recommended Heritage Revitalization Agreement and designation will provide incentive to the property owner to rehabilitate and preserve the heritage building by permitting subdivision of the site and construction of a new house thereon.

### **BACKGROUND**

The site is located at the intersection of West Broadway and West 8<sup>th</sup> Avenue (see the site map in Appendix 'A') in an RS-1 zoned district. The existing parcel, which is approximately 9,516 sq. ft. in area, is irregular in shape. The existing heritage building sits on the east side of the property. Staff note that the existing heritage building is significantly undersized compared to what could be built on the site without the heritage building, and conclude that large scale additions would destroy the defining heritage characteristics of the building. As density transfer is not a viable option for this site, construction of a new building on the site, either as an infill building or as a house on a separate parcel, is considered the only viable option in order to compensate the owner for heritage costs and designation. Staff also conclude subdivision is preferred in order to allow the two buildings to be located on separate parcels, as this reduces the Building By-law upgrades which would be required for the heritage building if the new house was to be located on the same site as the heritage building. Subdivision therefore allows for improved preservation of the heritage building while also reducing heritage costs.

## DISCUSSION

### Heritage Value

The heritage building located at 3979 West Broadway is currently listed in the 'C' evaluation category on the Vancouver Heritage Register. Based on the Statement of Significance provided by the heritage consultant and an assessment of the heritage building's value, staff have confirmed that it should be listed in the 'B' evaluation category on the Register. The proposed Recommendations include changing the listing from the 'C' to the 'B' evaluation group.

The building is valued for its expressive "Storybook" style of architecture and its association with the notable architect Ross Lort. It was constructed in 1942 for the the Lea family. Brenton T. Lea was a contractor who is known to have built two other similar "Storybook" houses, including an identical 'B' listed building at 587 King Edward Street. The Lea Residence is a rare and exuberant example of the romantic revivalist styles rooted in the Arts and Crafts movement popular between the two World Wars.

Distinctive features of the house include its expressive Cotswold roof (meant to mimic thatched roofing), rubble stone foundations, rustic masonry elements, casement windows with original diamond leaded glass, the original front door and its strap hinges and leaded pane, expressed lintels and half timbering, and the red brick chimneys.

### Proposed Subdivision

The subdivision variance is proposed to provide additional revenue to compensate the owner for the costs associated with rehabilitation of the heritage building and to secure legal protection through designation. Currently the proposed subdivision cannot be approved by the Approving Officer because the resulting two sites would be less than the minimum area permitted for this block. Variance of Section 9.1 of the Subdivision By-law is required to permit the reduced parcel areas as noted in Table 1 below:

Table 1 Parcel Sizes

Proposed Parcel	By-law Minimum Area	Proposed
3979 West Broadway St.	5,400 sq. ft.	4,501 sq. ft.
3995 West Broadway St.	5,400 sq. ft.	5,015 sq. ft.

The proposal is consistent with heritage policy and practice and subdivision is frequently employed as a means of supporting heritage retention.

### Compatibility with Existing Zoning and Land Use Regulations

The Intent of the RS-1 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. 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".*

Both buildings exemplify good quality single family residential development, including outdoor space (see Appendix 'B' for drawings). Impact on views has been minimized and open space maximized. The site is highly irregular in shape. Development on such sites typically requires relaxations of yards, setbacks, and occasionally density. For the proposal, the variances being proposed through the HRA are included in Appendix 'D'. Heights for both the heritage building and the proposed new building comply with the RS-1 zoning.

Densities in excess of that permitted in the zoning are proposed to compensate the developer for costs associated with the retention, rehabilitation, and designation of the heritage building. An addition to the heritage building is proposed to improve the marketability of the house and offset heritage costs.

Appendix 'E' shows the densities of the heritage house, including the proposed addition, and the proposed new house compared with development (based on similar, approved development) which could occur on the site if it remained un-subdivided and the heritage building was demolished (see Appendix 'C' for related drawings). While the densities of the new house and the heritage building exceed that which would likely be constructed in a new house on the un-subdivided site, the heritage building has no second floor and the proposed new building's upper floor is notably less in area than what likely would be constructed in a new building on the un-subdivided site, as shown below:

Table 2

Floor	Heritage Building	Proposed New Building	New Building on un-subdivided site without heritage
Second Floor density sq. ft.	none	1,075	1,651
Main Floor density sq. ft.	1,667	1,533	1,651
Overall density sq. ft.	3,391	4,088	5,709

Appendix 'C', pages 1 and 2, shows that views from the second floors of the properties across the street would exist above the proposed new building's second floor level roof, and that main floor massing of the heritage building and the proposed new building would not impact these views.

Appendix 'C', pages 3 and 4, illustrates the footprints and South Elevations of the proposed massing with that of development on an un-subdivided site. The proposal compares favourably on balance with non- heritage development with respect to height, massing and resultant view blockage.

Staff conclude therefore that the proposal is compatible in massing and scale, despite the increased densities, with surrounding development, and that the proposal meets the intent of the zoning in terms of maximizing the preservation of views.

## Condition of the Property

The exterior walls, structure, foundations, front door, existing windows, stonework, and brick are all in fair to good condition, although the stucco needs repairs. The original Cotswold roof is in poor condition and will be replaced and replicated. An addition to the east side of the heritage building (to add a master bedroom) will make the heritage house more functional, and increase marketability, thereby offsetting heritage costs. The addition is to match the materials and character of the original building. An extensive and detailed conservation plan prepared by the heritage consultant addresses all these issues.

The proposed subdivision and increased densities will ensure that the rehabilitation and preservation of the heritage building, including designation, is economically viable.

## Financial Pro forma 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 proposed subdivision and bonus densities requested by the applicant as compensation for the heritage encumbrance on land value is supportable and provide no undue profit.

## Notification and Neighbourhood Feedback

Nineteen surrounding property owners were notified and six responses were received. Of these, all expressed concerns or objections regarding the proposal, although half of the letters placed value on retention of the heritage building in principle. The main concerns are noted below, with staff responses:

*(1) impact on views (primarily regarding the new house) with respect to the properties directly to the south of the site.*

Response: As a result of notification, the applicant was asked to explore a further reduction in the height of the new building compared to what was originally submitted, even though it complied with the permitted overall height limit, in order to further minimize view impacts (this will be included as a condition of the development permit). The drawings in the Appendices reflect a new building which is approximately four feet lower than the original submission.

Appendix 'C' shows that views from the second floors of the properties across the street would exist above the proposed new building's second floor roof level, and that the main floor massing of the heritage building and the proposed new building would not impact these views. With regard to views from the main floors of properties across the street, the second floor of the proposed new building will impact these main floor level views. However, staff note that the protection of main floor views is not usually pursued in the approval of conditional development.

The drawings in Appendix 'C' show that the proposed new building is to be located on the site west of where new development on the un-subdivided lot might be located. With respect to any difference in *specific* views impacted, staff note that it is practice to look

at “reasonableness” in terms of view impacts when considering the benefits of heritage retention. View impacts, in general, have been minimized as much as possible, compared to what could be built on site, and as such staff have concluded that the proposed massing and densities are supportable.

*(2) the form and character of the new house is not appropriate to the area;*

Response: The RS-1 district zoning does not require or prohibit any architectural style. Design variety is understood to be a positive feature, and character is not restricted by the notion of style. The form chosen, which is based on examples of the “modern” style in the area, also maximizes views around the structure by minimizing projections such as eaves and pitched roofs associated with more traditional roofs. The design of the new building is also intended to juxtapose the architecture of the heritage building and enhance its Arts and Crafts style. The Vancouver Heritage Commission also supports the design of the new building for similar reasons.

*(3) the heritage house should be kept as- is without the subdivision and the addition, and that the additional square footage is not warranted.*

Response: The Vancouver Charter requires that the City compensate an owner for the costs associated with the conservation and rehabilitation of a heritage building where designation is being sought. Staff conclude that retention of the building as is it currently exists is not viable financially. As noted above, the Director of Real Estate Services advises that the proposed subdivision and bonus densities requested by the applicant as compensation for the heritage encumbrance on land value are supportable and provide no undue profit.

*(4) the subdivided parcels are out of keeping with the neighbourhood.*

Response: while the proposed parcels are smaller than those permitted in the Subdivision By-law for this area, they are not significantly so (see Table 1 above). The proposed heritage parcel is about 17% less than permitted and the other parcel, upon which the new house would be constructed, is about 7% less than permitted. The size and scale of the new building and the heritage building are, in general, compatible with surrounding development.

A few other concerns were mentioned including the anticipated height of new trees which will be planted, and issues of site drainage around the addition on the heritage building. Landscape staff will ensure the plant species selected and approved will not grow to excessive heights. As well, any building permits issued will require the owner to meet all Vancouver Building By-law requirements with respect to drainage and other construction impacts.

West 8<sup>th</sup> Avenue is also a bike route at this location. Engineering Services staff have discussed the application with staff from the Neighborhood Transportation Branch, who advise that while driveways on 8<sup>th</sup> Avenue are not preferred, it appears that there are no other access options, and as a consequence new driveways should be minimized in width and designed to maximize visibility.

### Comments from the Vancouver Heritage Commission

On February 4<sup>th</sup>, 2008, The Vancouver Heritage Commission reviewed the current development applications for the heritage house and the new house and resolved the following:

THAT, regarding the project at 3979 West Broadway, the Vancouver Heritage Commission (VHC) supports the project as presented at the February 4<sup>th</sup>, 2008 meeting, specifically noting the following:

- statement of Significance
- new addition on the east side, in the style of the original, but that it include a review of the faux timbering on the northeast corner;
- replication of the Cotswold roof
- pro- forma as reviewed by staff should take into account the extraordinary construction costs of the replication of the Cotswold roof
- commitment of the maintenance of the roof and exterior of the house to be written into the Heritage Revitalization Agreement; and
- the design approach for the proposed new house to the west of 3979 West Broadway.

CARRIED UNANIMOUSLY

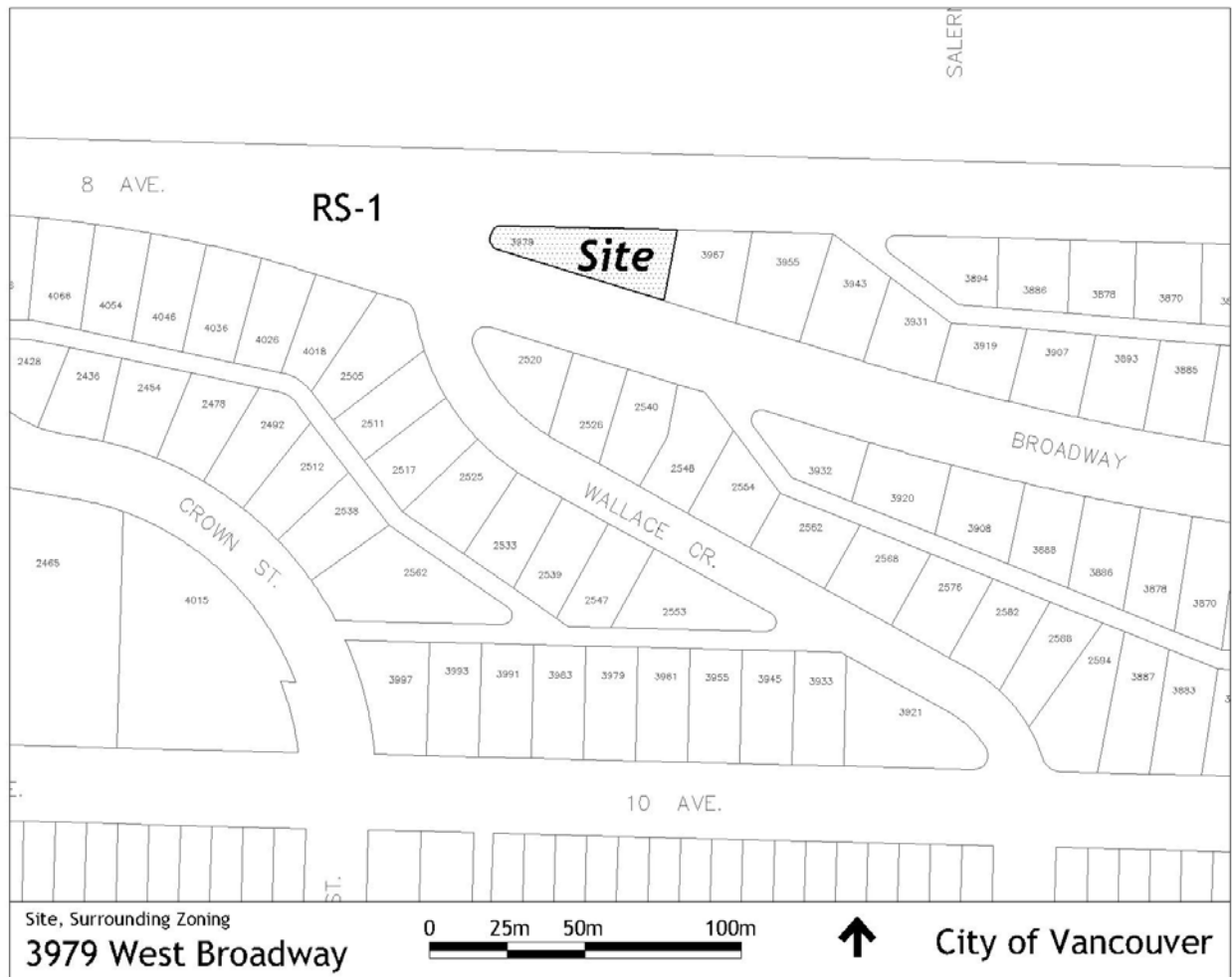
### FINANCIAL IMPLICATIONS

The approval of the report recommendations will have no financial implications with respect to the City's operating expenditures, fees, or staffing.

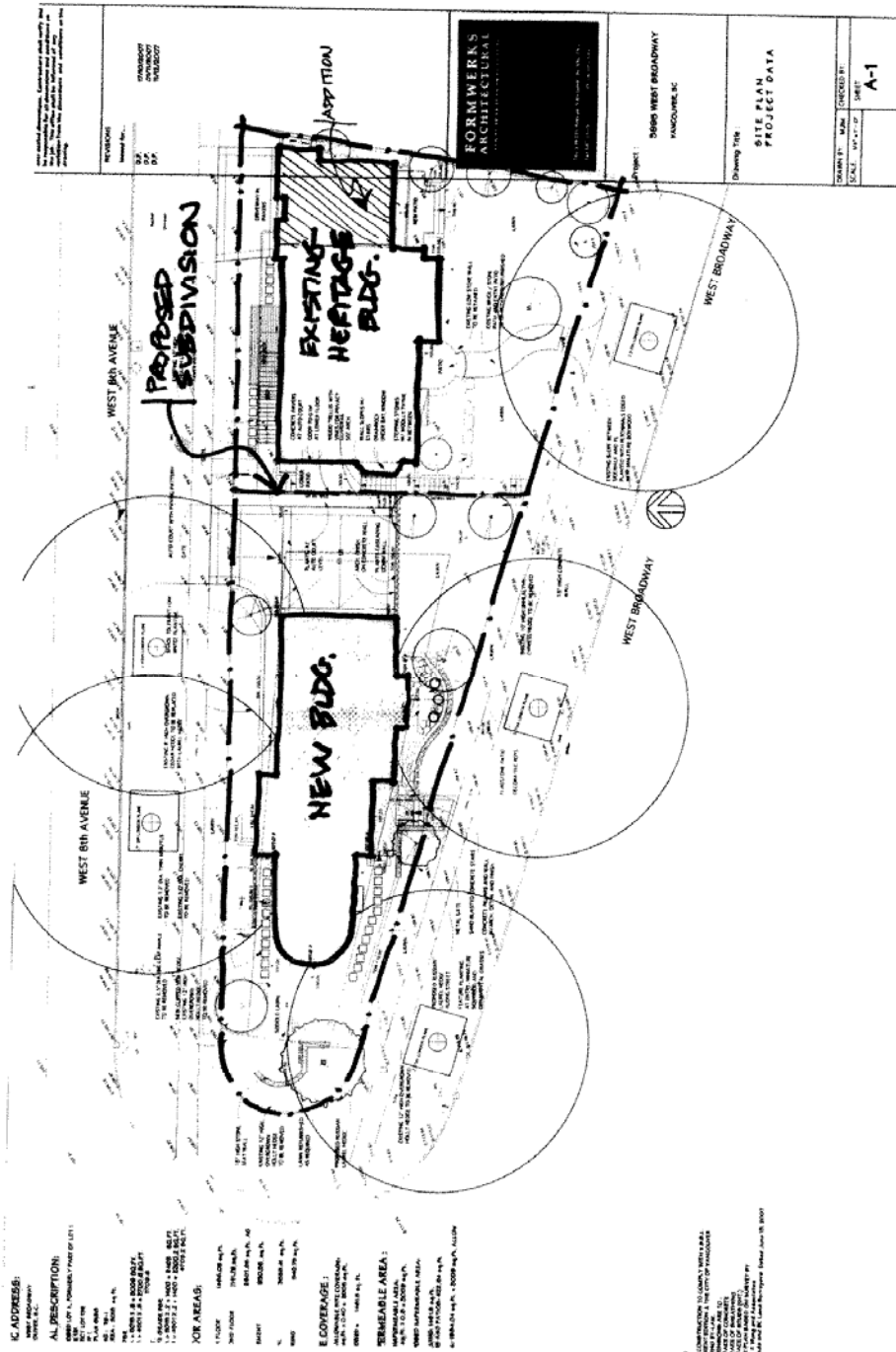
### CONCLUSION

The recommended Heritage Revitalization Agreement and designation will enable the subdivision of the site and construction of a new house on a separate parcel, and will secure the rehabilitation, long-term protection, and preservation of 'The Lea Residence', located at 3979 West Broadway, which is currently listed on the Vancouver Heritage Register in the 'C' evaluation category. The subdivision and additional densities for the new building and the heritage building provide incentives which make this conservation scheme viable. It is also recommended that Council approve changing the listing for the building in the Vancouver Heritage Register from the 'C' to the 'B' evaluation group. The owners have agreed to the heritage designation of 3979 West Broadway and are prepared to waive future demands for compensation. Therefore it is recommended that Council approve the Heritage Revitalization Agreement and the designation of 3979 West Broadway, 'The Lea Residence'.

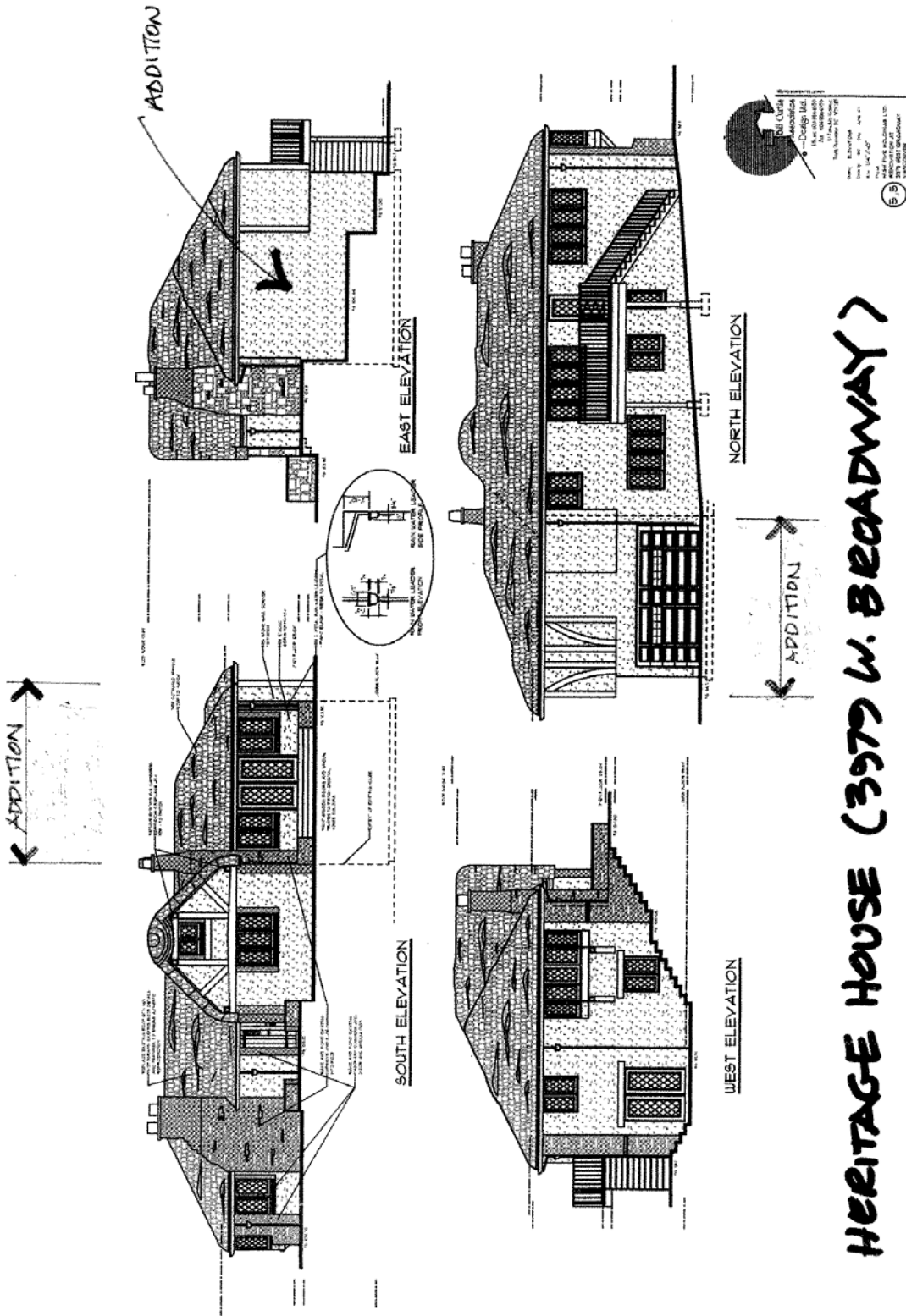
\* \* \* \* \*



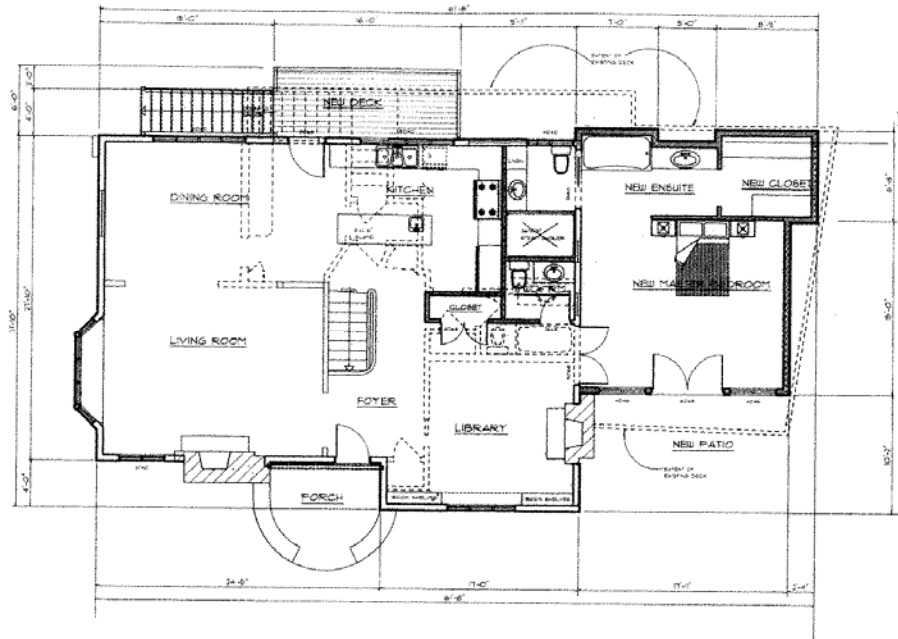




# SITE PLAN



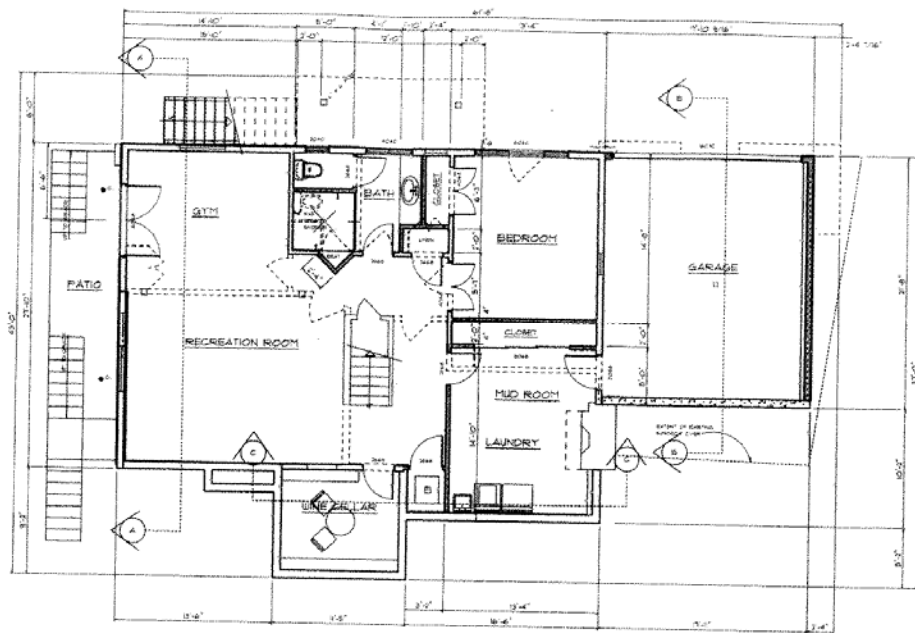
BU Circle  
Association  
1000 14th St. NW  
N.W. Building 200  
Washington, D.C. 20004  
Tel: 202/462-7000  
Fax: 202/462-7001  
www.bucircle.org



MAIN FLOOR PLAN

1226 S ST. - 4412 SF ADDITION - 1/20/17 SH

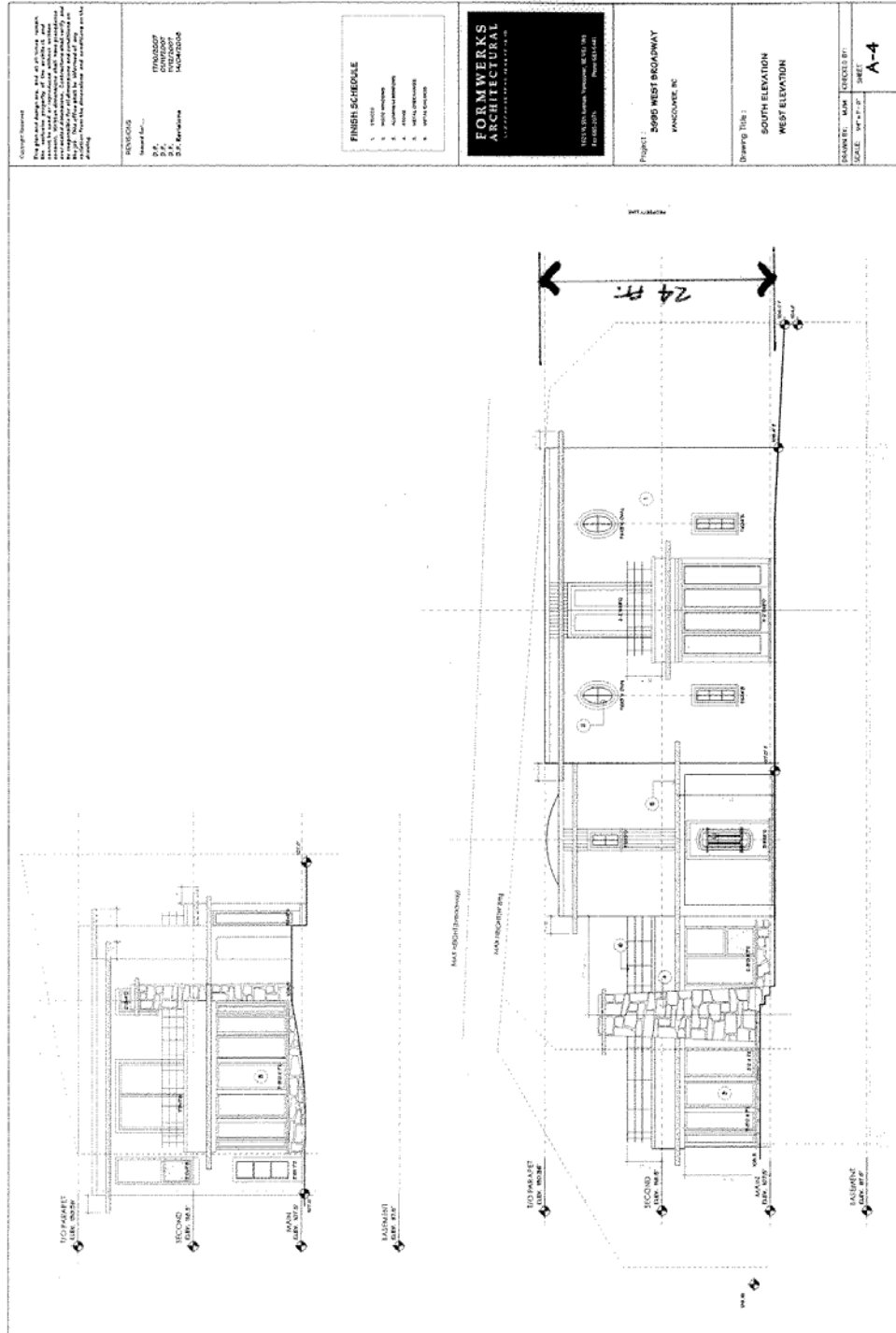
# HERITAGE BUILDING - FLOOR PLANS



LOWER FLOOR PLAN

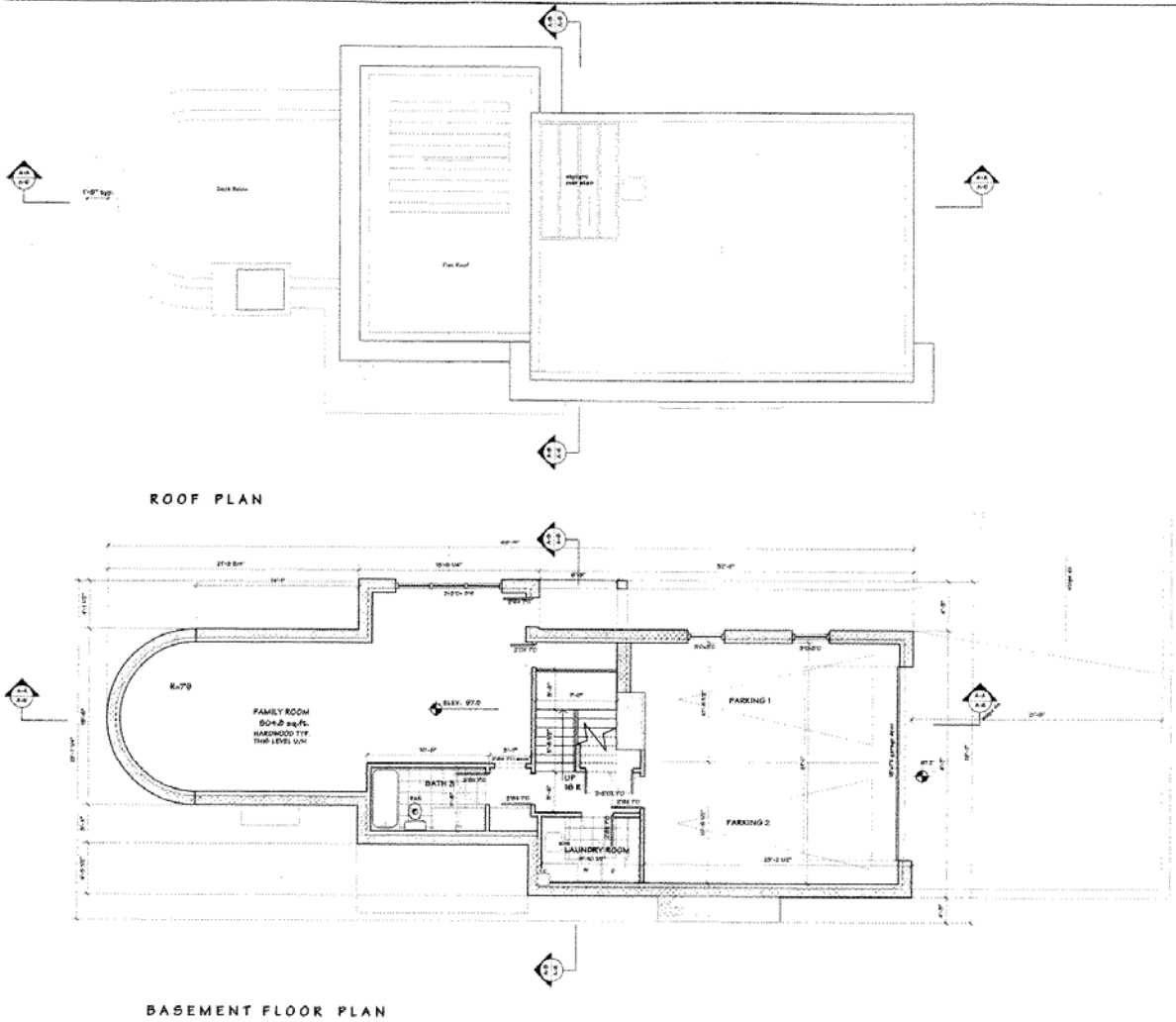
35'-0" x 57'-0" = 350 SQ. FT. OF GARAGE  
= 1713.00 SQUARE FEET

# HERITAGE BUILDING - FLOOR PLANS

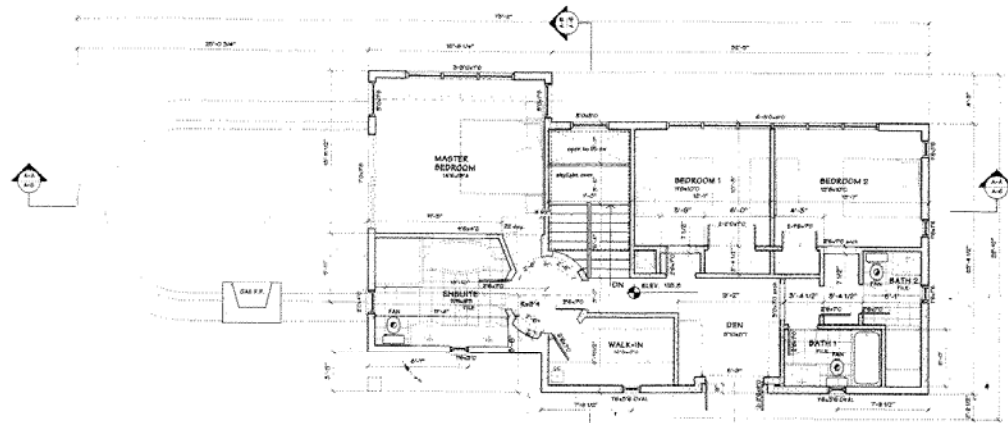


**REVISED NEW HOUSE**

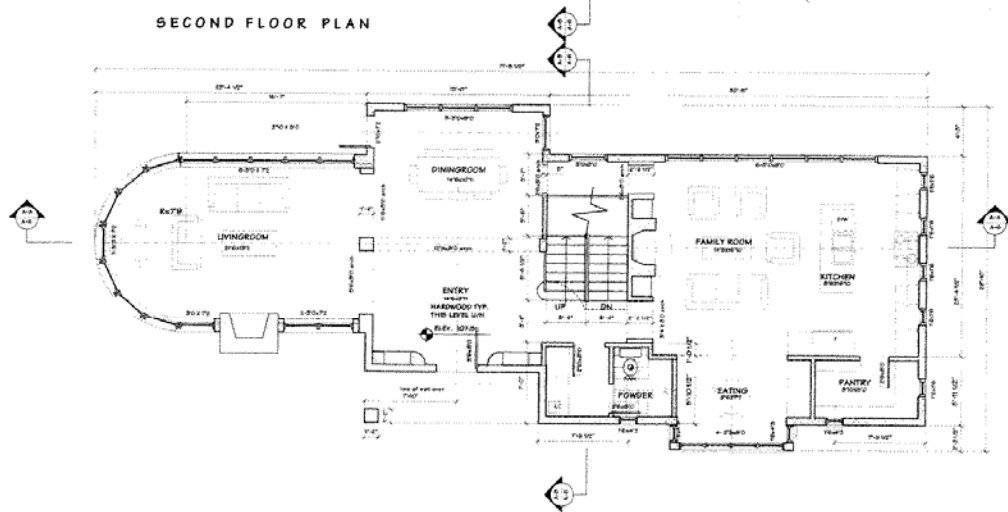




**PROPOSED NEW BUILDING - FLOOR PLANS**



SECOND FLOOR PLAN



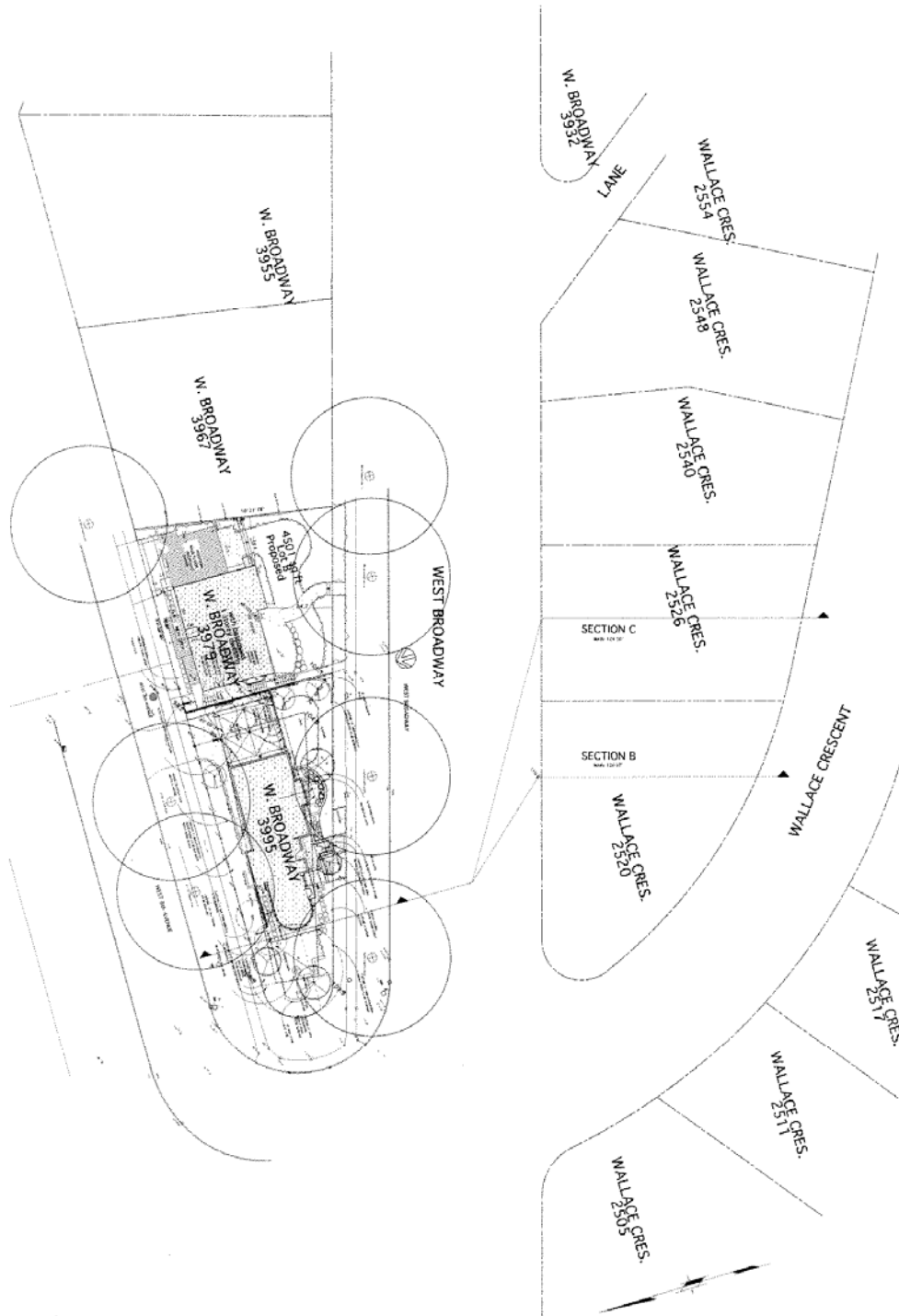
MAIN FLOOR PLAN

**PROPOSED NEW BUILDING - FLOOR PLANS**

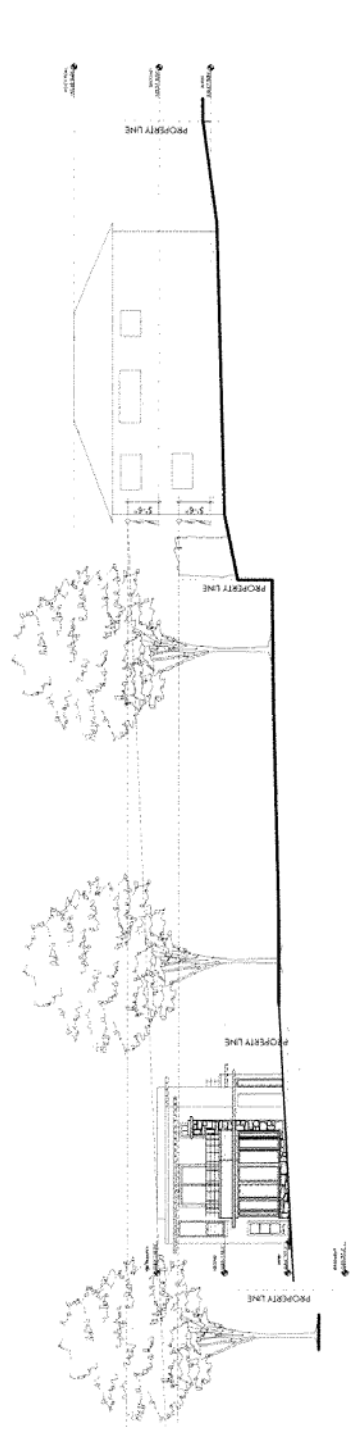




# STREETSCAPE



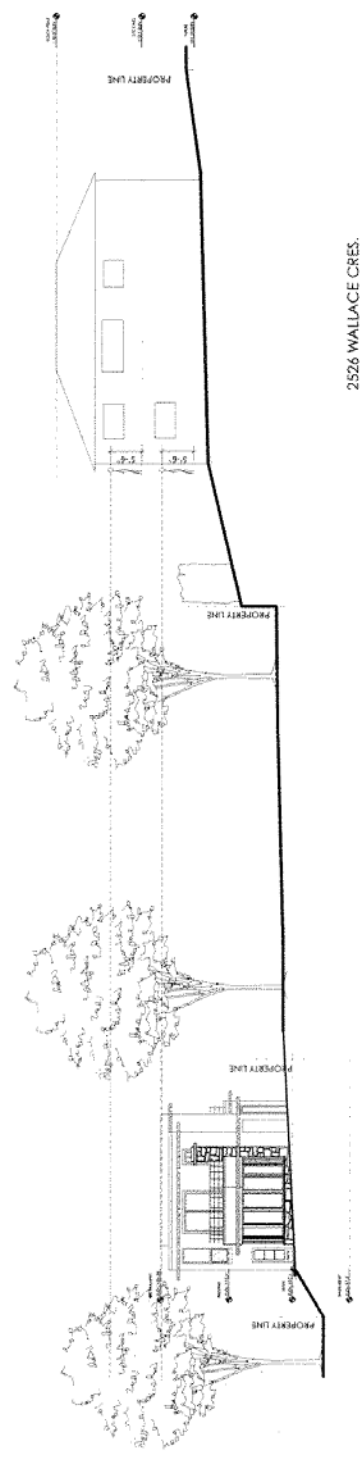
**VIEW ANALYSIS - CONTEXT PLAN**



2520 WALLACE CRES.

SECTION B

PROPOSED SITE

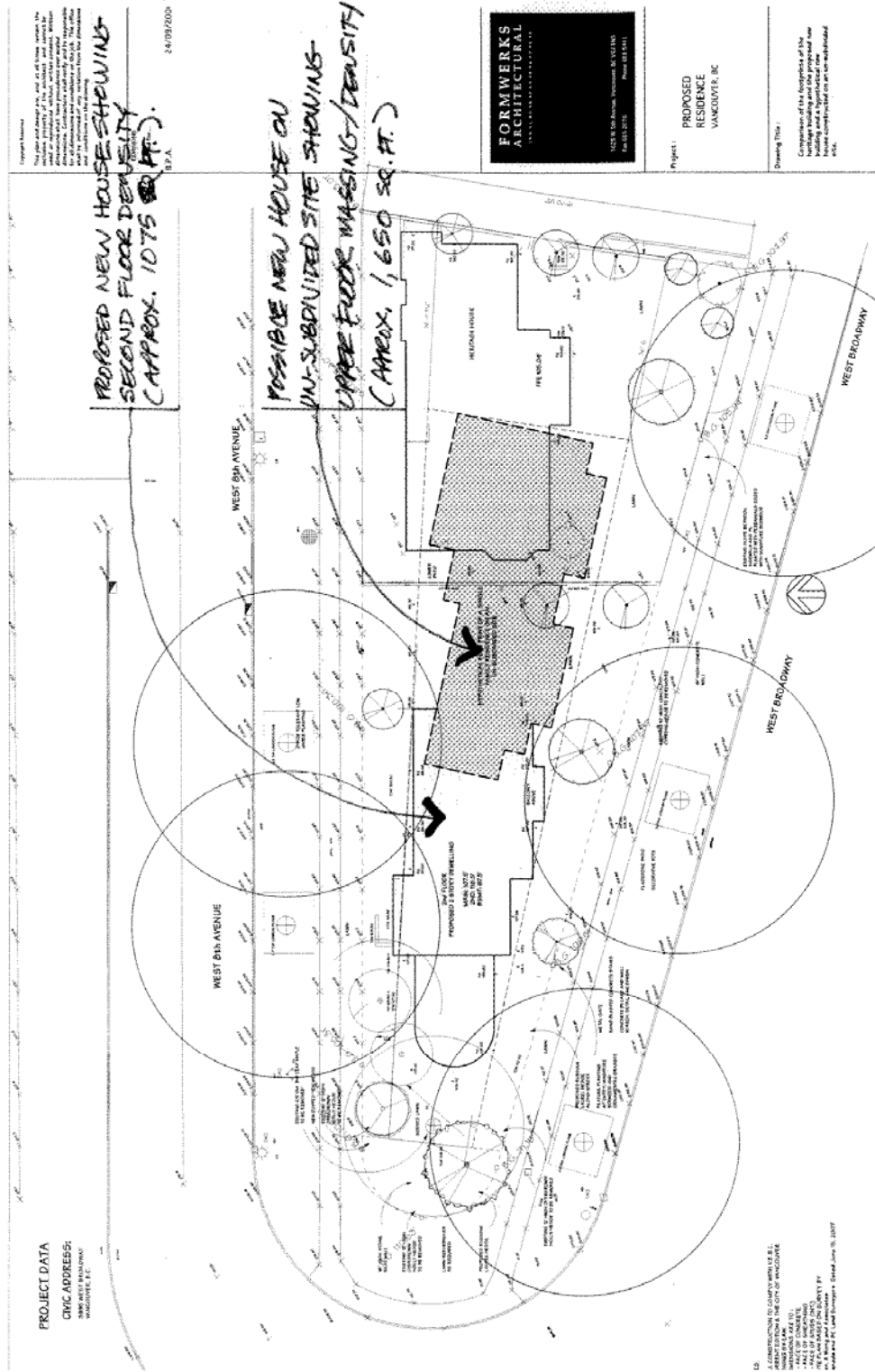


2526 WALLACE CRES.

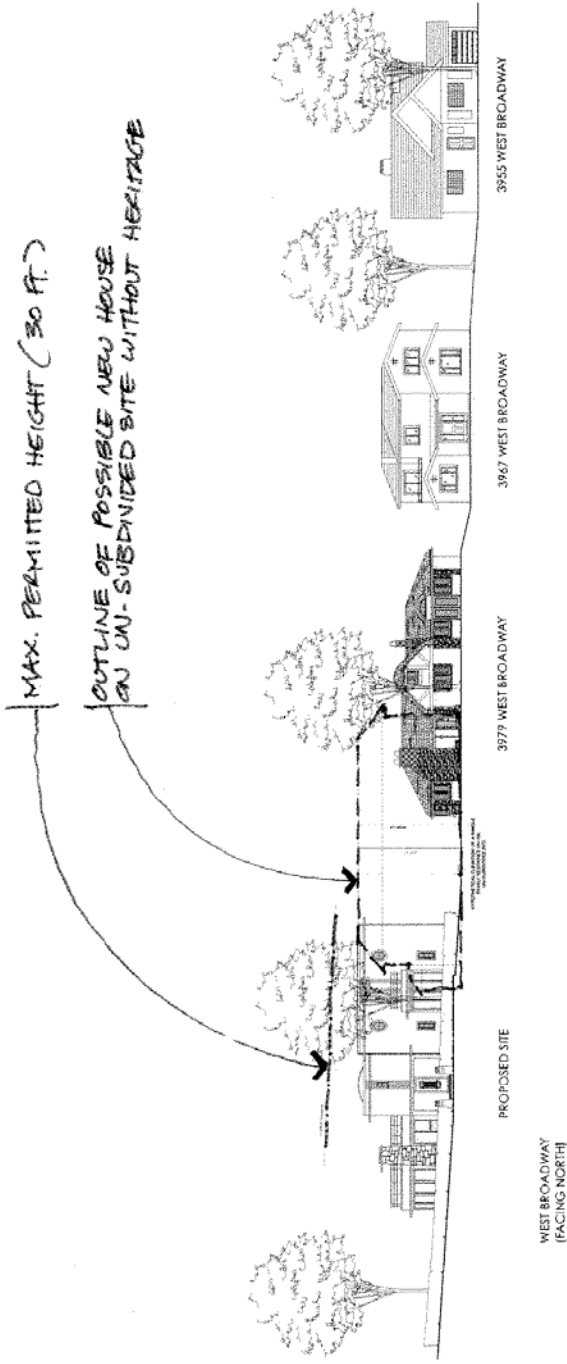
SECTION C

PROPOSED SITE

**VIEW ANALYSIS**



**SECOND FLOOR MASSING/DENSITY IMPACT**



# STREETSCAPE

**ARTICLE 3  
BY-LAW VARIATIONS**

3.1 Pursuant to Section 592 of the *Charter*:

- (a) the RS-1 District Schedule to and Section 10 of the City's Zoning and Development By-Law No. 3575 is hereby varied in respect of the Heritage Lands to permit the following:

Item	Permitted Measurements/Dimensions/features/characteristics
Front Yard Depth	2.5 feet
West Side Yard Depth	4.0 feet
East Side Yard Depth	2.5 feet
Overall Floor Space Square Footage	3,391 sq. ft.
Site Coverage	1,813 sq. ft.
Front Entrances	exemption
West Side Entrance	exemption
Steps in a required side yard	exemption
Eaves projecting into a required side yard	exemption

- (b) the RS-1 District Schedule to and Section 10 of the City's Zoning and Development By-Law No. 3575 is hereby varied in respect of the Non- Heritage Lands to permit the following:

Item	Permitted Measurements/Dimensions/features/characteristics
Front Yard Depth (West 8 <sup>th</sup> Ave.)	6.0 feet
Front Yard Depth (West Broadway)	8.0 feet
Overall Floor Space Square Footage	4,088 sq. ft.

Above Grade Floor Space Square Footage	2,608 sq. ft.
East Side Entrance	exemption
West Side Entrance	exemption
Eaves projecting into a required side yard	exemption

- (c) and Section 9.1 of the City's Subdivision Bylaw is hereby varied in respect of the Lands so as permit the creation of two parcels therefrom covering areas of less than 5,400 sq. ft. each as follows:

Parcel	Permitted Minimum Parcel Size
Heritage Lands (3979 West Broadway)	4,501 sq. ft.
Non-Heritage Lands (3995 West Broadway)	5,015 sq. ft.

3.2 The by-law variations effected by and the other benefits granted to the Owner in relation to this agreement are full and fair compensation for the obligations and restrictions placed upon the Owner by this agreement and any heritage designation made in respect of the Heritage Building pursuant to the provisions of the *Charter*, and the Owner hereby waives and renounces all claims for further or other compensation by reason of this agreement.

**ARTICLE 4  
STATUTORY RIGHT OF WAY**

4.1 Pursuant to Section 218 of the *Land Title Act*, the Owner hereby grants to the City a statutory right of way to enter and be upon the Lands and to install upon the exterior of the Heritage Building a commemorative plaque regarding the Heritage Building's historical significance and, in the event that the Owner is in default of any of its obligations under this Agreement to rehabilitate the Heritage Building, to undertake and diligently prosecute to conclusion the rehabilitation of and to preserve, protect, maintain, repair and/or replace the Heritage Building, if the City should at any time choose to do so.

4.2 Notwithstanding the foregoing, nothing herein in any way obligates the City to carry out in whole or in part any rehabilitation of the Heritage Building or to preserve, protect, maintain, repair and/or replace the Heritage Building.

**COMPARISON OF A NEW HOUSE ON AN UN-SUBDIVIDED SITE WITHOUT HERITAGE WITH THE PROPOSED NEW BUILDING AND THE HERITAGE BUILDING.**

Table 2a: New House on the un-subdivided site at 3979 West Broadway, without the heritage building

Floors	Max. density permitted (sq. ft.)	Density likely approved (sq. ft.)
Second	-	1,651
Main	-	1,651
TOTAL above grade (main + second floor)	3,302 (outright)*	3,302
Basement incl. parking	-	2,407
TOTAL overall	5,709 (0.60 FSR**)	5,709 (0.60 FSR)

\* the RS-1 zoning conditionally permits higher above grade densities on sites greater than 5,380 sq. ft. in area. However, the lower outright limit is being used here:  
\*\* FSR = "floor space ratio"

Table 2b: Proposed Heritage Building (with addition) based on a site area of 4, 501 sq. ft.

Floors	Max. density permitted (sq. ft.)	Density proposed (sq. ft.)
Second	-	none
Main	-	1,667
TOTAL above grade (main + second floor)	2,300	1,667
Basement incl. parking	-	1,724
TOTAL overall	2,700 (0.60 FSR)	3,391 (0.75 FSR)

Table 2c: Proposed New Building based on a site area of 5,015 sq. ft.

Floors	Max. density permitted (sq. ft.)	Density proposed (sq. ft.)
Second	-	1,075
Main	-	1,533
TOTAL above grade (main + second floor)	2,403	2,603
Basement incl. parking	-	1,485
TOTAL overall	3,009 (0.60 FSR)	4,088 (0.81 FSR)