



CITY OF VANCOUVER

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ADMINISTRATIVE REPORT

Report Date: Sept. 30th, 2008
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RTS No.: 07657
VanRIMS No.: 08-2000-20
Meeting Date: October 28, 2008

TO: Vancouver City Council

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

SUBJECT: Heritage Revitalization Agreement and Designation- 212 East 38th Avenue
'The Lawson/ Logie 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 Lawson/ Logie Residence' located at 212 East 38th Avenue, 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 212 East 38th Avenue to create two new parcels, one of which would contain the heritage building, and the other which would be used for the construction of two new two- family dwellings ("duplexes"); and
 - vary the RT-2 District Schedule of the Zoning and Development By-law to permit densities for the heritage building and the new buildings in excess of what is permitted and other variances.
- B. THAT 'The Lawson/ Logie Residence', currently listed in the 'C' evaluation category on the Vancouver Heritage Register at 212 East 38th Avenue, 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.

GENERAL MANAGER'S COMMENTS

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

COUNCIL POLICY

- *Heritage Policies and Guidelines*
- *Ecodensity Policies*

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 212 East 38th Avenue, 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 parcel and the new duplexes will be built on the other new parcel, all as set forth in Development Applications DE412306 and DE412307. The recommended HRA 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 the new duplexes thereon.

BACKGROUND

The site is located at the intersection of Main Street and East 38th Avenue (see the site map in Appendix 'A') and is zoned RT-2. The existing site is composed of two parcels which total 7,253 square feet in area. The existing heritage building sits at the rear, north-east corner of the northernmost parcel and encroaches by a few inches onto the existing lane, which is only 15 feet wide. The front of the site (i.e. Main Street) is currently occupied by two commercial buildings which are vestiges of a small commercial strip at the corner of Main Street and East 38th Avenue. Commercial uses are not permitted in the RT-2 zoning and the commercial buildings on the site, which have not been identified as having heritage value, will be demolished to allow for the construction of the two new duplexes.

DISCUSSION

Heritage Value

The heritage building located at 212 East 38th Avenue is currently listed in the 'C' evaluation category on the Vancouver Heritage Register. It was built sometime in the late 1890's or early 1900's (the exact date cannot be determined) by the builder/designer George Lazenby Greenlay in a "farm-house" vernacular style. An addition was completed in 1912, shortly

before the first owner, Charlotte Lawson Logie, passed away in 1915. The Lawson / Gillespie family retained ownership of the building for many years as a rental residence. The building is valued as a rare surviving example of early pioneer development in the Riley-Park, Little Mountain area (See photos in Appendix 'B').

Defining characteristics include its lane location (not uncommon in early pioneer development, but certainly unusual in later single family residential development) and its minimal setback from the East 38th property boundary, as well its simple but expressive 'L' shape configuration and massing including gable roofs and a covered hipped entry porch. Much of the building exists unaltered since the 1912 addition, including wood lapped siding, wood corner boards, down-turned barge boards, and wood trims. Most of the wood double-hung windows survive. Other features include the rear entry porch with a tongue and grooved wood ceiling. The original brick chimney also survives.

Development Applications and Proposed Subdivision

The development applications propose retention of the heritage building on a small new parcel at the rear of the site and the construction of two new Two- Family Dwellings (or duplexes) on the remaining portion of the site. Subdivision variances are proposed to assist with the costs of the rehabilitation of the heritage building and to minimize building by-law upgrades which would likely be triggered if it was located on a site with other buildings or dwelling units. Subdivision therefore allows for improved preservation of the heritage building while also reducing heritage costs (see drawings in Appendix 'B'). Currently the proposed subdivision cannot be approved by the Approving Officer because the resulting heritage parcel would be less than the minimum area and width permitted for this block. Variances of Section 9.1 and Section 9.3 of the Subdivision By-law are required to permit the reduced parcel as noted in Table 1 below:

Table 1: 212 East 38th Avenue (Heritage Building)- Parcel Size

	Permitted Minimum	Proposed Minimum
Parcel Area	3,000 sq. ft.	1,087 sq. ft.
Parcel Width	40 feet	31 feet

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

The existing location of the heritage building has been identified as one of defining characteristics of the heritage building. The application indicates retention of the heritage building in its existing location. Currently, the lane on the north end of the block is only 15 feet wide. A 20 foot lane is proposed and has already been partially dedicated and constructed to the south. While Engineering Services regularly permits encroachments of heritage buildings onto streets and lanes in the interest of heritage preservation, in review of this application, the Deputy City Engineer and the City Surveyor expressed concern regarding the retention of the building in its existing location in this case and require the house to be relocated. Staff will continue to review the issue with the applicant and Engineering Services staff in order to conclude on the final location prior to issuance of the development permit. If the heritage building is to be moved, it would be relocated as close as possible to its original relationship to the street and lane. The applicant has confirmed that the heritage house is structurally sound in this regard and that the relocation of the building would not jeopardize the preservation of the building.

As the final location of the heritage building has not been established, the proposed subdivision variances are “minimums” and the size of the proposed parcel can be adjusted, which will not alter the overall proposed densities. Subdivision staff have reviewed this approach and find it acceptable. Therefore staff conclude the proposed subdivision variances are supportable.

Compatibility with Existing Zoning and Land Use Regulations

The Intent of the RT-2 district schedule is to:

“...permit two-family dwellings and to conditionally permit, in some instances, low density multiple-family housing”.

The two new duplexes and the heritage building are good quality residential developments appropriate for the neighbourhood and exceed the design and landscaping requirements of the zoning. The new duplexes and the heritage building will require variances of density and yards on both parcels (see Appendix ‘C’ for a complete list of the variances). The two new duplexes are located on a single parcel so that parking may be shared between the duplexes on the site. A relaxation of one parking space (for the heritage building) is indicated in the submission, which staff support. Modest density in excess of that permitted in the zoning for one and two family dwellings are proposed to compensate the developer for costs associated with the retention, rehabilitation, and designation of the heritage building. The proposed density and number of dwelling units are noted below in Table 2 along with a comparison of the site if redeveloped without the heritage building.

Table 2: Proposed and Permitted Densities and Number of Dwelling Units

	Heritage Building	Proposed New Duplexes	Total proposed	Max. permitted (multiple dwelling use)
Overall density	971 sq. ft.* (0.13 FSR)**	4,626 sq. ft.* (0.64 FSR)**	5,597 sq. ft.* (0.77 FSR)**	5,440 sq. ft. (0.75 fsr)
Number of dwelling units	1	4***	5	4

* includes porches which cannot be excluded in RT-2, unlike most other RT or RS zones. The covered porches total 165 sq. ft. on all buildings and if excluded, the proposed FSR would be 0.75 FSR, equal to the permitted FSR.

** based on the total site area of 7,285 sq. ft.

*** i.e. 2 units in each duplex

Staff conclude that the overall development and variances requested are in keeping with the intent of the zoning and do not create undue impact on surrounding properties. Therefore staff support the proposed variances, including the proposed overall density.

Condition of the Property

The building is in good condition overall, due in part to the quality of the original materials used. Existing material including the siding can be repaired and refinished. While the windows are in poor repair, the wood sashes are of excellent quality and are in good condition and can be rehabilitated in most cases. Other elements such as trims and the porches are in good condition. No additions are proposed to the building and only minimal exterior changes.

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 density requested by the applicant as compensation for the heritage encumbrance on land value is supportable and provide no undue profit.

Notification and Neighbourhood Feedback

Thirty four surrounding property owners were notified and three responses were received. Two of these support the proposal, although one writer felt the application lacked clarity on whether the heritage building is proposed to be an accessory building associated with the duplexes, and on what uses the heritage building could be converted to in the future (including the number of dwelling units). The heritage building is proposed to be maintained as a One- Family Dwelling. However, the use of the heritage building is not restricted and a future application to convert the building to two dwelling units, or any other permitted use, could be considered by the Director of Planning. The heritage building could not be converted to an ancillary use, such as storage or parking, as it will be located on a separate parcel and therefore could not be considered accessory to the duplexes. One of the letters expressed concern that the proposed duplexes might shade a nearby property. Staff conclude that the proposed duplexes, which are within the permitted height, will not create any undue shadowing impacts on surrounding properties.

Comments from the Vancouver Heritage Commission

The Vancouver Heritage Commission reviewed the application on September 29th, 2008 and resolved the following:

THAT, regarding the project at 212 East 38th Street, the Vancouver Heritage Commission (VHC) supports the project as presented at its meeting on September 29, 2008, specifically noting the following:

- i) support of retention of the house;
- ii) support of the Statement of Significance to include reference to siting for the house as an important character-defining element;
- iii) support of the Conservation Plan to include reference to new foundations just inside the present property line; and
- iv) the City of Vancouver to draft a Heritage Revitalization Agreement and Subdivision Plan to grant the Applicant a variance allowing the building to remain within the 5' setback.

CARRIED UNANIMOUSLY

Ecodensity Policy

Ecodensity policy A-1 “Rezoning Policy for Greener Buildings” applies to this application and requires developments of this scale to achieve BuiltGreen BC™ Gold with a score of EnerGuide 80, 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. Staff encourage owners for applications such as this to seek registration and certification with BuiltGreen BC™. The owners are committed to meeting the requirements of the policy and conditions of the development application approval will require that the drawings for the new building incorporate the proposed sustainable features, noting as well that the “Green Homes Program” changes to the Vancouver Building By-law, adopted on September 5th, 2008, will be applicable to the two new duplexes.

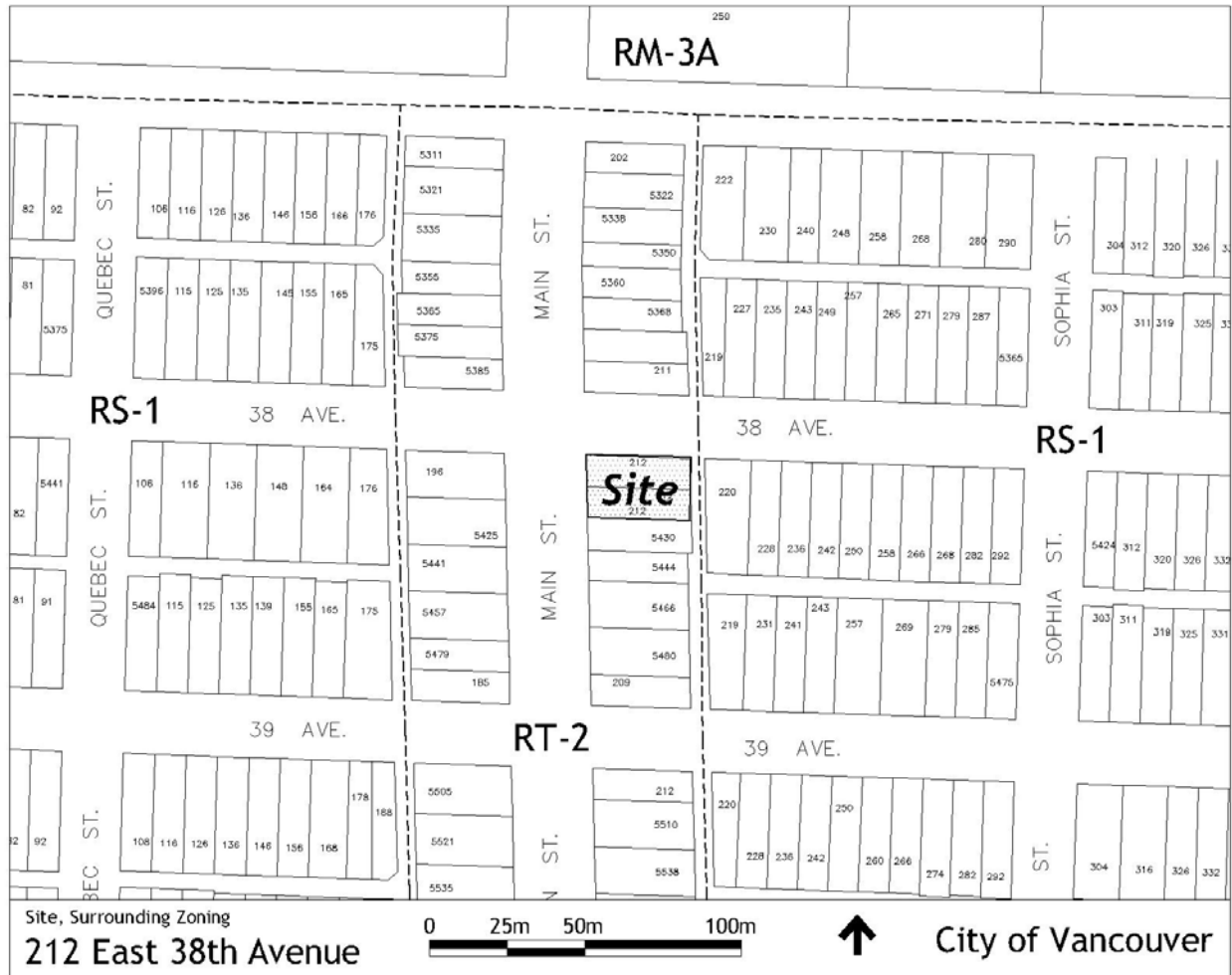
FINANCIAL IMPLICATIONS

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 two new duplexes on a separate parcel, and will secure the rehabilitation, long-term protection, and preservation of ‘The Lawson/ Logie Residence’, located at 212 East 38th Avenue, which is listed on the Vancouver Heritage Register in the ‘C’ evaluation category. The proposed variances provide incentives which make this conservation scheme viable. The owners have agreed to the heritage designation of 212 East 38th Avenue and are prepared to waive future demands for compensation. Therefore, it is recommended that Council approve the Heritage Revitalization Agreement and the designation of 212 East 38th Avenue, ‘The Lawson/ Logie Residence’.

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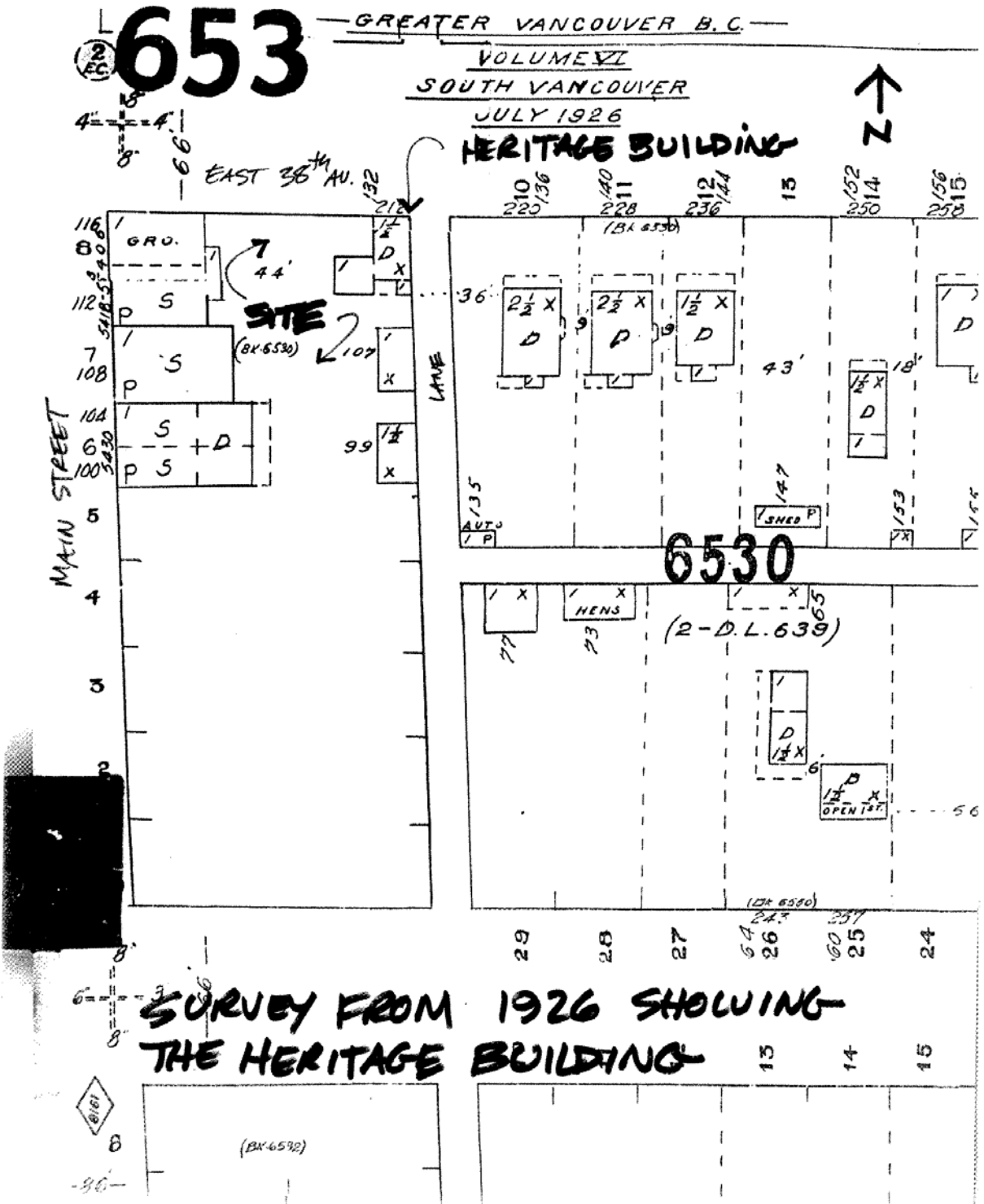
212 East 38th Avenue - Heritage House from East 38th Avenue

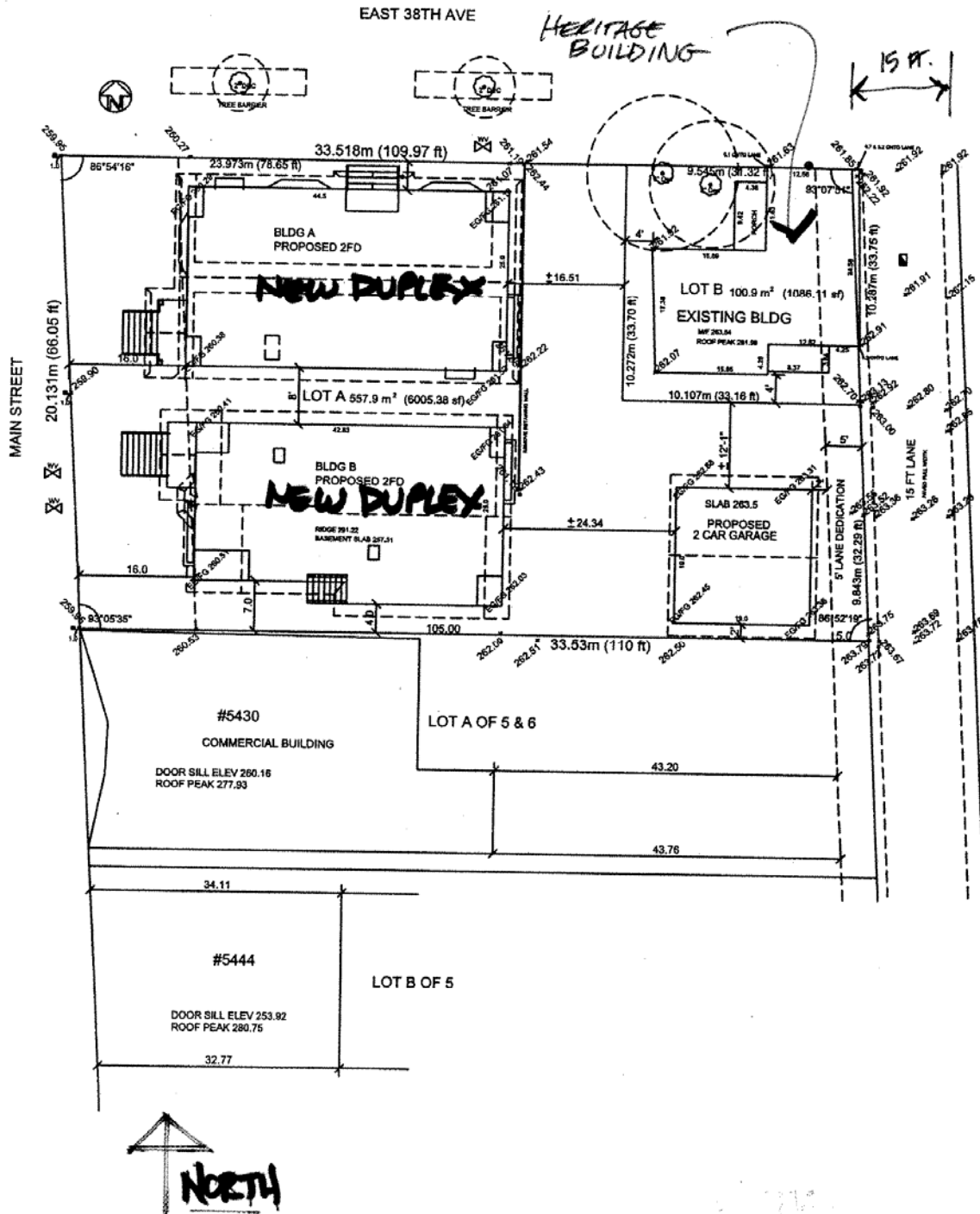


212 East 38th Avenue- Rear of the Heritage Building along the Lane



212 East 38th Avenue- West Side of the Heritage Building





SITE PLAN - AS SUBMITTED SHOWING THE HERITAGE BUILDING IN ITS EXISTING LOCATION.

**HERITAGE BUILDING -
ELEVATIONS & SECTIONS**

SECTION A - A

SECTION B - B

WEST ELEVATION

EAST ELEVATION

NORTH ELEVATION

SOUTH ELEVATION

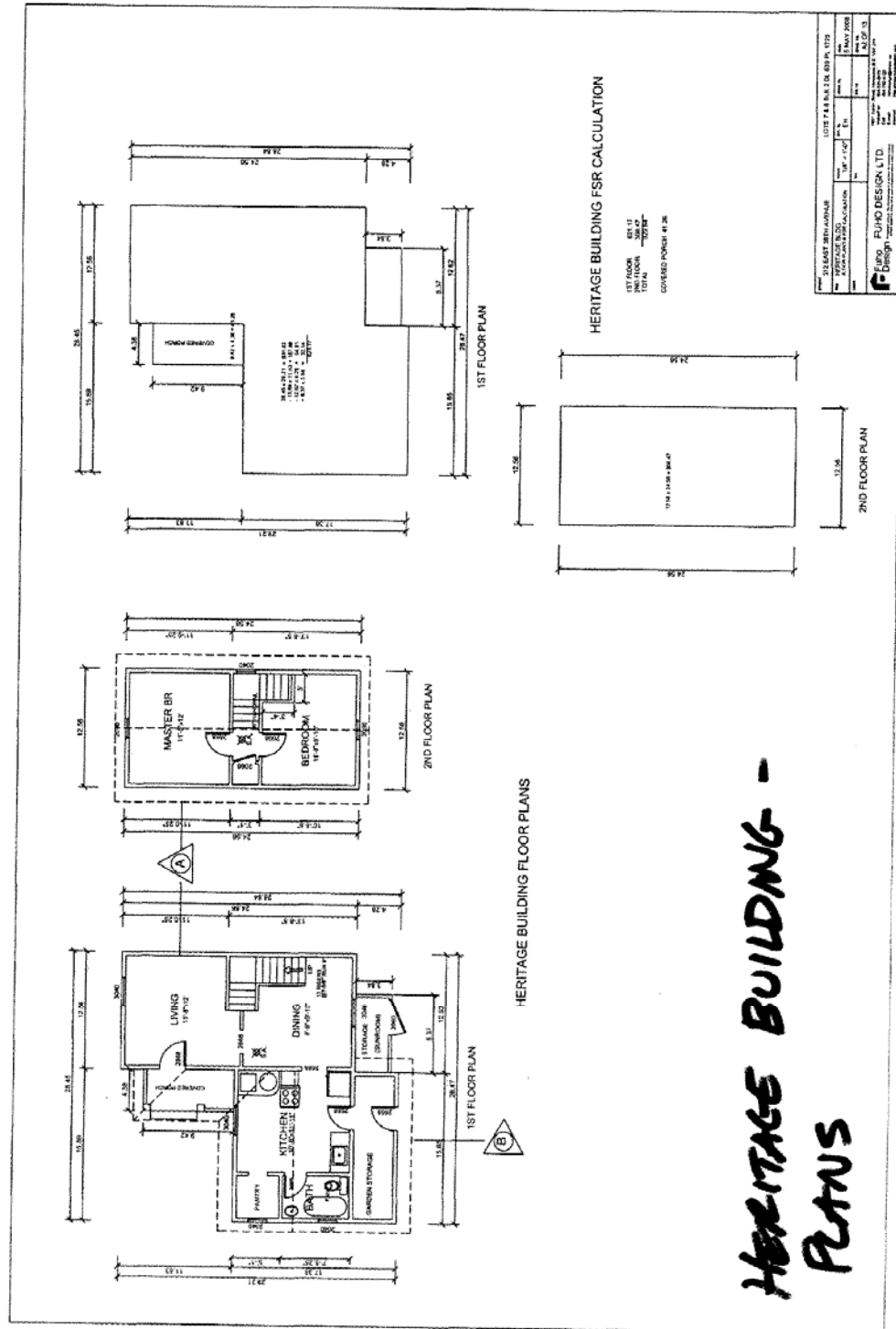
LEGEND

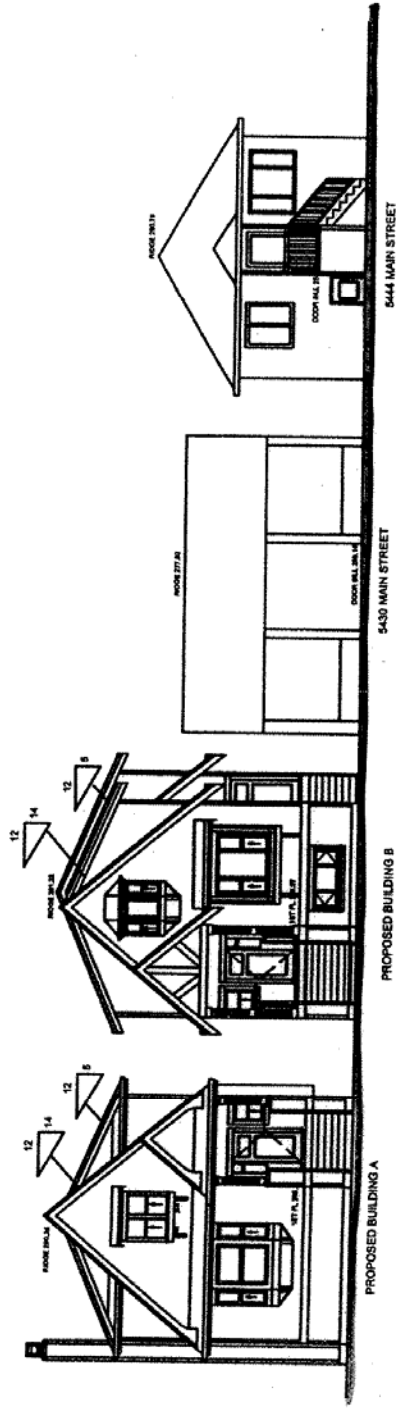
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2. EXTERIOR WALLS
3. EXTERIOR ROOFING
4. EXTERIOR STAIRS
5. EXTERIOR FLOORING
6. EXTERIOR WALLS
7. EXTERIOR ROOFING
8. EXTERIOR STAIRS

TITLE BLOCK

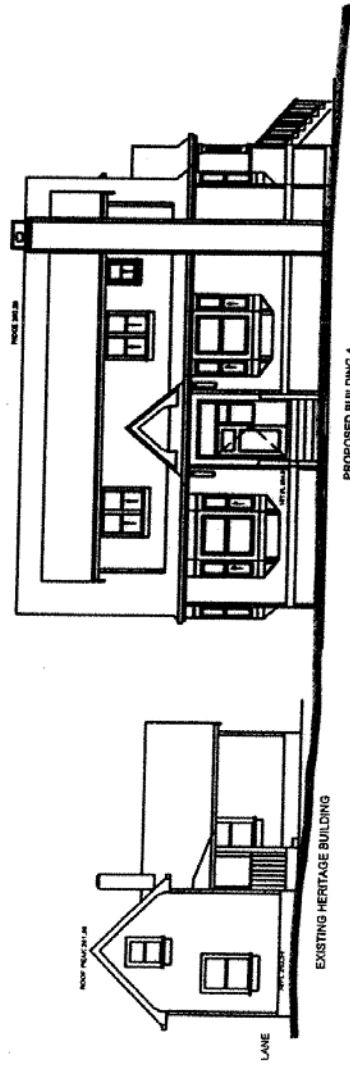
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CLIENT	HERITAGE BLOCK	SCALE	1:100
DESIGNER	FUHO DESIGN LTD.	DATE	1/20/20
PROJECT NO.	10000000000000000000	SCALE	1:100
PROJECT NO.	10000000000000000000	SCALE	1:100

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MAIN STREET



EAST 38TH AVENUE

RUNNING STREETSCAPE

(A) Variances to the Subdivision BY-law:

Variance of Section 9.1 and Section 9.3 of the Subdivision By-law is required to allow for the creation of the smaller parcels:

Table 2: Subdivision variance for the Heritage Building at 212 East 38th Avenue

Item	By-law Minimum	Approximate Proposed
Width	40 feet	Minimum of approximately 31 feet
Area	3,000 sq. ft.	Minimum of approximately 1,087 sq. ft.

(B) Variances to the RT-2 district schedule and Section 10 of the Zoning and Development By-law:

(1) Regarding the existing heritage house located at 212 East 38th Av:

Table 3: proposed variances for heritage building based on proposed subdivision

Item	Regulation	variance
Front Yard	Section 4.4 of the RT-2 District Schedule	exemption
Side Yards	Section 4.5 of the RT-2 District Schedule	exemption
Rear Yard	Section 4.6 of the RT-2 District Schedule	exemption
Overall square footage	Section 4.7 of the RT-2 District Schedule	exemption
Site Coverage	Section 4.8 of the RT-2 District Schedule	exemption
Projections into yards	Section 10.7.1 of the Zoning and Development By-law	exemption

(2) Regarding the two new Two Family Dwellings proposed at 5400 Main Street

Table 4: proposed variances for the non- heritage lands based on proposed subdivision

Item	Regulation	Proposed*
Number of storeys with a basement	Section 4.3.1 of the RT-2 District Schedule	Permit two storeys plus a basement
Front Yard	Section 4.4 of the RT-2 District Schedule	12 feet (to front of porches)
Side Yard	Section 4.5 of the RT-2 District Schedule	4 feet
Rear Yard	Section 4.6 of the RT-2 District Schedule	exemption
Overall square footage	Section 4.7 of the RT-2 District Schedule	4,626 sq. ft. (including covered porches)
Projections into yards	Section 10.7.1 of the Zoning and Development By-law	exemption
Number of Principal Buildings on Site	Section 10.1 of the Zoning and Development By-law	2