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ADMINISTRATIVE REPORT

Report Date: April 29, 2009
Contact: Marco D'Agostini
Contact No.: 604.873.7172
RTS No.: 07878
VanRIMS No.: 08-2000-20
Meeting Date: May 19, 2009

TO: Vancouver City Council

FROM: Director of Planning

SUBJECT: 5825 and 5847 Carnarvon Street - Amendment to Heritage Revitalization Agreement approved by By-law No. 9356

RECOMMENDATION

THAT Council authorize the City to amend the existing Heritage Revitalization Agreement (the "HRA") for the designated heritage building at 5825 Carnarvon Street and for the adjacent property located at 5847 Carnarvon Street, generally in accordance with Appendix A;

AND THAT Council instruct the Director of Legal Services to bring forward for enactment a by-law to authorize such amendment of the HRA;

FURTHER THAT Council authorize the Director of Legal Services to execute and deliver on behalf of the City all legal documents required;

AND THAT, no legal rights or obligations will be created by Council's adoption of Recommendation A until such legal documents are executed and delivered by the Director of Legal Services.

GENERAL MANAGER'S COMMENTS

The General Manager of Community Services recommends approval of the foregoing.

COUNCIL POLICY

Heritage Policies and Guidelines

SUMMARY AND PURPOSE

The purpose of this report is to seek approval to amend the HRA for the properties at 5825 and 5847 Carnarvon Street to reflect revisions to the proposed scope of work in the current development application DE 411457 in respect of a residence to be built at 5847 Carnarvon Street.

Section 592(4) of the *Vancouver Charter* provides that an HRA may only be amended by by-law and with the consent of the owner of the subject property. Notice of this HRA was filed in the Land Title Office on title to both 5825 and 5847 Carnarvon Street as required by the *Vancouver Charter*, and the owner of each such property has consented to the proposed amendments.

This matter does not require a Public Hearing as the amendments to the HRA do not propose any change to the use or density of use on the site.

BACKGROUND

On September 12, 2006, by By-law No. 9356, Council approved the HRA for 5825 Carnarvon Street to secure the long term protection of the heritage building at that address known as the "Simpson House", and to vary the RS-5 Zoning District Schedule to allow variances to permit a new house to be constructed on a newly subdivided lot. The new lot was given the street address of 5847 Carnarvon Street. Variances to the District Schedule for the newly created lot included front yard set back, rear yard depth, site coverage and impermeable coverage.

A recent development application for an infill dwelling on the new lot attempted to work within the HRA's approved prescriptive form of development guidelines, but concluded that it could not be accomplished without substantial removal of mature trees, the removal of which is not in the best interests of the neighbourhood. The site configuration is also affected by a lane dedication. Accordingly, the applicants are proposing design changes to the location and footprint of the house and driveway contemplated in the current development permit application requiring amendment of the HRA.

DISCUSSION

In the approved HRA, the parking location was to be in a detached garage at the rear of the site. Instead, parking is proposed to be located in the basement of the new house. It will still be accessed from the 10' wide lane dedication/driveway. Moving the parking to the basement results in a greater open landscaped area in the rear yard; retention of mature trees and landscaping along the west property line; and less paved area on the site with a shorter driveway.

As a result, front and rear yard setbacks need to be amended to allow the driveway excavation to maintain a suitable distance from a large tree near the southwest corner of the house. The proposed building footprint is an L-shape, notched at the southwest corner to allow driveway access to the basement and to avoid the tree. The Director of Planning supports the revised design.

The amendments to the HRA propose more modest dimensions for the front and rear yards while maintaining the overall size of dwelling previously approved. Table 1 below illustrates the proposed changes.

Table 1. Comparison of Approved and Proposed Regulations

Regulation	Approved in 2006 HRA	Proposed Amendments
front yard	3.2 metres (10.5 feet)	1.49 metres (4.88 feet)
rear yard	10.4 metres (34.1 feet)	8.2 metres (27.0 feet)

The impact of the proposed changes in siting will be minimal, and staff believe the relocation of the parking under the house, landscape retention, and an increase to the amount of open landscaped area are positive measures that enhance the proposed development and contribute to its neighbourliness.

The owner of the property at each of 5825 and 5847 Carnarvon Street has agreed to the above described amendments to the HRA which has been prepared by Legal Services in consultation with the Planning Department.

FINANCIAL IMPLICATIONS

There are no financial implications.

CONCLUSION

The owner of 5847 Carnarvon Street has applied to amend the HRA for that address and 5825 Carnarvon Street. The proposal has been reviewed and is supported on the basis that it will result in an improved form of development. Therefore, it is recommended Council approve the proposed amendments to the HRA.

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DRAFT HRA AMENDMENTS
5825 and 5847 Carnarvon Street

1. Section G.2.(b)(i)

"The front yard shall have a minimum depth of ~~3.2~~ 1.49 metres."

2. Section G.2.(b)(ii)

"A rear yard with a minimum depth of ~~10.4~~ 8.2 metres shall be provided, measured from the rear property line."