



POLICY REPORT
DEVELOPMENT AND BUILDING

Report Date: February 23rd, 2011
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Meeting Date: March 15, 2011

TO: Vancouver City Council

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

SUBJECT: Heritage Designation and Heritage Revitalization Agreement - 430 Princess Avenue - 'The Kemp House (1902)' and 601 East Pender Street - 'The Kemp House (1908)'

RECOMMENDATIONS

- A. THAT the buildings at 430 Princess Avenue and 601 East Pender Street be added to the Vancouver Heritage Register in the 'B' and 'C' evaluation categories respectively, and that pursuant to the provisions of the *Vancouver Charter* they be designated as protected heritage properties.
- B. THAT Council authorize the Director of Legal Services to prepare and sign on the City's behalf a Heritage Revitalization Agreement for the buildings located at 430 Princess Avenue and 601 East Pender Street to:
 - secure the rehabilitation and long-term preservation of the buildings; and
 - grant variances, in respect of the Lands, to the Zoning and Development By-law, the Parking By-law and the Subdivision By-law to permit modifications proposed for the buildings under development permit applications no.DE414032 and no. DE414437 and to permit a subdivision of the lands so as to enable the creation a separate parcel of land for each of the buildings.
- C. THAT Council instruct the Director of Legal Services to bring forward for enactment by-laws authorizing the Heritage Revitalization Agreement for and

designating as protected heritage properties the buildings located at 430 Princess Avenue and 601 East Pender Street.

- D. THAT the Heritage Revitalization Agreement shall be prepared, completed, registered on title to the Lands, and given priority on title, to the satisfaction of the Director of Legal Services and the Director of Planning.

GENERAL MANAGER'S COMMENTS

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

COUNCIL POLICY

- *Heritage Policies and Guidelines (April 18, 1991)*
- *Rezoning Policy for Greener Buildings (June 10, 2008)*

PURPOSE AND SUMMARY

The purpose of this report is to seek Council approval to add the existing buildings at 430 Princess Avenue and 601 East Pender Street to the Vancouver Heritage Register in the 'B' and 'C' evaluation categories respectively, to designate them as protected heritage properties, and to enter into a Heritage Revitalization Agreement (HRA) which will ensure their long term protection as heritage buildings. As an incentive for and compensation to the Owner for the designation and conservation of the buildings, increases in permitted density are proposed as well as other variances to the Zoning and Development By-law, the Parking By-law, and the Subdivision By-law, as set forth in Development Application Numbers DE414032 and DE414437 (see the Site Plans on page 2 of Appendix 'B' and the Technical Zoning and Subdivision Summary in Appendix 'D').

The existing site is composed of two parcels with portions of the two proposed heritage buildings located on each one. The application proposes to re-orient the subdivision to create two new parcels, each containing one of the proposed heritage buildings (see the Site Plans on page 2 of Appendix 'B'). Should the development proceed as proposed, one new parcel will be addressed as 601 East Pender Street and be situated at the north-east corner of East Pender Street and Princess Avenue, and the other new parcel will be addressed as 430 Princess Avenue. The maximum density permitted in the zoning district schedule for the site is 0.95 FSR (floor space ratio), which equals 5,976 square feet. The total density proposed is 1.0 FSR (6,128 square feet) over the two new parcels, which is 5% (152 sq. ft.) over the maximum permitted in the zoning (see Table 2 and Table 3 in Appendix 'D' for a technical summary of each new parcel). A relaxation of two off-street parking spaces is proposed for the 601 East Pender Street parcel. The Director of Planning is prepared to approve the development application should Council, under its discretion and authority, approve the addition of the buildings to the Vancouver Heritage Register, the designation of the buildings, and the proposed Heritage Revitalization Agreement.

BACKGROUND

The site which is the subject of the HRA is located in the Strathcona neighbourhood in an RT-3 zoned district (see the map in Appendix 'A'), which generally permits One-Family and Two-Family Dwellings, infill development, and Multiple Dwellings in some cases. The site is located

on the north-east corner of the intersection of East Pender Street and Princess Avenue and is comprised of two existing legal parcels, each 25 feet wide by 122 feet deep. The total area of the site is 6,101 square feet. A twenty foot wide lane exists at the rear of the site. The block north of the site is zoned DEOD (Downtown-Eastside/Oppenheimer District). Lord Strathcona Elementary School is located across East Pender Street to the south, and 'The Foursquare Church of Canada' is located across Princess Avenue to the west. 601 East Pender Street is currently approved as a One-Family Dwelling and is proposed to be converted to four dwelling units. 430 Princess Avenue will be retained as a One-Family Dwelling.

DISCUSSION

Heritage Value

The small, existing building at 430 Princess Avenue was likely constructed in 1902 by local builder John Kemp (the exact construction dates of the buildings are not able to be confirmed). Records indicate the 1902 building may have originally been located at the front of the site and may have been moved to the rear of the site in 1908 to make room for the larger house which was built around that time. In 1912, a permit approved the construction of a small, one storey addition which still exists on the north side of the 1902 house.

The two buildings are valued as examples of early Edwardian end-of-block development where two end parcels of a block were often developed with buildings facing onto the flanking street. The existing site and the buildings, including their contrasting size and styles, reflect the rapidly changing economic conditions of the period as well as the exuberance of the Edwardian building boom, which lasted until approximately 1913.

The small yet relatively tall, narrow, simple, gable-ended building at 430 Princess Avenue features both Victorian and Edwardian details including its bay window, front porch, wood channel siding with shingle pediment, simple window placement with original double hung windows, original casings and trims, and original interior stair balustrade and newel post. The building at 601 East Pender Street is a good example of the "classic box" style of Edwardian architecture popular during the period. Its features include its square, two-storey shape, bell-cast hipped roof and dormers, and full width front porch with turned classical columns, as well as some surviving leaded glass in the bay windows. The exterior was stuccoed in the past (probably during the 1940s). Staff and the Heritage Commission have concluded that both buildings have heritage value and support their addition to the Vancouver Heritage Register (see Appendix 'C' for the resolutions of the Vancouver Heritage Commission).

Development Applications and Proposed Incentives

The zoning applicable to the site is RT-3 (see the Technical Zoning Summary in Appendix 'D'). It is proposed that the incentives and compensation to be provided to the Owner for the heritage designations will be in the form of a number of Zoning and Development By-law and Subdivision By-law variances as set forth in Development Application Numbers DE414032 and DE414437. 'The Kemp House (1902)' at 430 Princess Avenue is proposed to be retained as a One-Family Dwelling at the rear of the property with some alterations. 'The Kemp House (1908)' at 601 East Pender Street is proposed to be converted to four dwelling units and to be added to on the rear of the building and on the east side (see the drawings in Appendix 'B'). The zoning permits conversion of existing buildings into suites and the site qualifies for infill development.

A variance of the Subdivision By-law with respect to parcel size is proposed to permit the existing parcels to be subdivided into two new parcels to allow the buildings to be located on separate sites, which assists in the retention of the building and the economic viability of the proposal by allowing separate ownership of the buildings. The minimum permitted parcel size is 2,798 sq. ft. and a minimum of 1,850 sq. ft. is proposed for 430 Princess Avenue, which requires a variance of the Subdivision By-law.

The permitted density for the existing site (6,101 sq. ft.) is 0.95 FSR (5,976 square feet). The total density proposed is 1.0 FSR (6,128 square feet) over the two new parcels, which is 5% over the maximum permitted in the zoning. For 601 East Pender Street, a parking relaxation from the Parking By-law requirement of four off-street parking spaces to two is proposed. Staff conclude that the variances and parking relaxation are commensurate with the conservation of the two buildings and are supported.

The HRA requires that the rehabilitation work on 430 Princess Avenue be completed within two years, but allows for the work on 601 East Pender Street to proceed at a later date provided that it is consistent with, and limited to, the work approved in Development Permit Number DE414437 and the HRA. The phasing of the work is requested by the Owner for economic reasons. Staff considered this request and concluded that, in this case, the phasing of the rehabilitation work for the two buildings as provided for in the HRA is supportable as the work for 430 Princess Avenue, which is more critical in terms of immediate maintenance concerns, will be completed within two years. 601 East Pender Street is in a state of adequate repair and can be maintained for a period of time before the work needs to be done. The HRA requires that 601 East Pender be kept in good repair until such time as the prescribed rehabilitation work for the building is completed.

Compatibility with Existing Zoning and Land Use Regulations

The Intent of the RT-3 zoning district schedule is to:

"... encourage the retention of neighbourhood and streetscape character, particularly through the retention, renovation and restoration of existing character buildings. Redevelopment is encouraged on sites with existing buildings of style and form which are inconsistent with the area's pre-1920 architecture. Emphasis is placed on the external design of additions to existing buildings and new buildings to encourage the preservation of the historic architectural character of the area. Floor area incentives are included to achieve the creation of affordable housing and the rehabilitation of original buildings which are important to the neighbourhood's character."

The rehabilitation of the proposed heritage buildings is consistent with the intent of the RT-3 zoning district schedule and the RT-3 Guidelines and contributes to the historic architectural character of the Strathcona Neighbourhood.

Condition of the Property and Conservation Approach

The building at 430 Princess Avenue is in fair condition but in need of some immediate repairs. Retaining the house as a One-Family Dwelling assists in the retention of many features. The original wood channel siding will be re-used and repaired where possible, although much of it is in poor condition and will have to be replaced with new siding matching the existing. The existing windows are in fair condition and will be retained or

replaced with replications if retention is not viable. Some windows feature original glass, which is rare, and such glass will be retained for re-use in any replicated windows where possible. The front porch is in poor condition and will be replaced with a new porch matching the existing. The foundations of the building are also in poor shape and necessary repairs are being undertaken to stabilize the house. The interior of the house features many original details, including the original stair, balustrades, and newel post. Although not proposed to be protected, much of the interior will be retained and refinished.

The building at 601 East Pender is in reasonable condition. The existing stucco is to be removed and existing wood siding salvaged where possible. The porch is in fair condition and the posts and soffit can be repaired and retained. The railings will have to be modified to meet current safety requirements. Original windows will be refurbished and reinstalled where viable. Wood window casings and trims will be retained and re-used where possible. As the building is proposed to be converted into suites, retention of interior features is not proposed, but retention of exterior windows and doors will be maximized and new elements in existing portions of the building kept to a minimum.

Staff support the conservation approach for both houses and conclude that the proposal is consistent with the federally adopted Standards and Guidelines for the Conservation of Historic Places in Canada.

Results of Neighbourhood Notification and Review of the Application

Eighty-three surrounding property owners were notified of the development application and a site sign was installed. No responses were received.

Comments from the Vancouver Heritage Commission

On February 8th, 2010, the Vancouver Heritage Commission reviewed the heritage assessments of the two buildings and supported the addition of both buildings to the Vancouver Heritage Register (See Appendix 'C' for the complete resolutions of the Vancouver Heritage Commission and staff comments).

On September 13th, 2010, the Vancouver Heritage Commission reviewed the development application and the proposed Conservation Plans for the rehabilitation of the two buildings and unanimously supported the proposal, but requested staff review the issue of rain screen requirements noting recent legislative changes regarding the Home Owner Protection Act which allows for warranty exemptions for designated heritage buildings. The Commission also asked staff to review the design of the entrance to the rear of 601 East Pender Street in more detail.

Alternatives to rain screen requirements may be possible on both buildings given the recent legislative changes noted above, particularly with respect to 430 Princess Avenue as it is being retained as a One-Family Dwelling. Building By-law alternatives and opportunities for maximized retention will be explored as a condition of the development applications. The design of the rear entrance to 601 East Pender Street will be reviewed as part of the final development application approval for that site.

Financial Proforma Evaluation

Real Estate Services staff reviewed the applicant's proforma evaluation in accordance with Council's approved policies. The Director of Real Estate Services advises that the proposed variances requested by the applicant as compensation for the heritage encumbrance on land value are supportable and provide no undue profit.

Greener Buildings Policy

The City's "Rezoning Policy for Greener Buildings" applies to the application and requires developments of this scale to achieve BuiltGreen BC™ Gold with a score of EnerGuide 82, 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™. Conditions of the development application approval will require that the drawings 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 project as well.

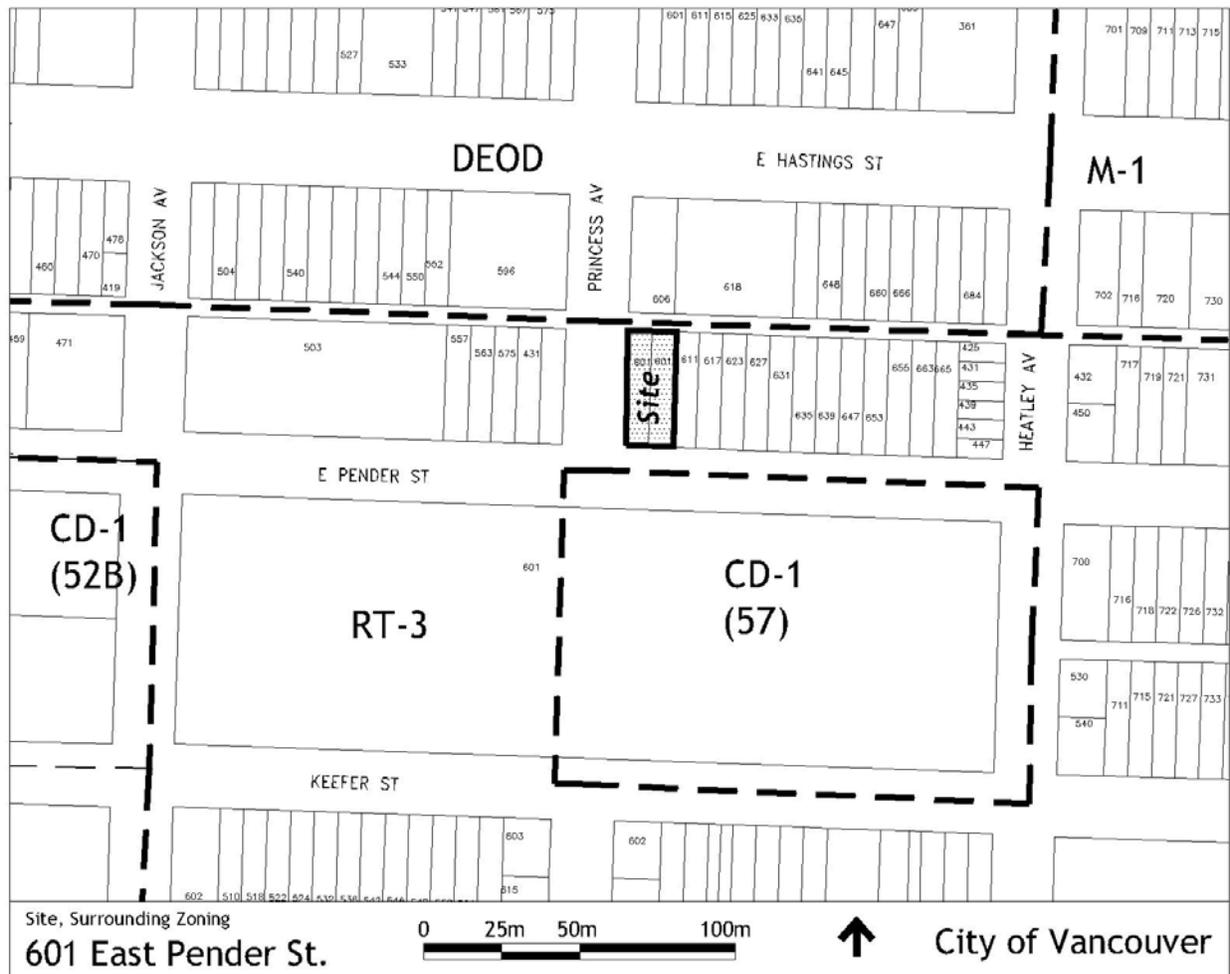
FINANCIAL IMPLICATIONS

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

CONCLUSION

The addition to the Vancouver Heritage Register and designation of and the proposed heritage revitalization agreement for the houses at 430 Princess Avenue and 601 East Pender Street will ensure the conservation of the buildings and their long term protection from inappropriate exterior alterations and demolition. The proposed Heritage Revitalization Agreement grants variances of the Subdivision By-law and the Zoning and Development By-law for the site as compensation to the owner for heritage conservation. The owner has agreed to accept the proposed variances as compensation for the conservation of the buildings. Therefore, it is recommended that Council approve the addition to the Register and designation of 430 Princess Avenue, 'The Kemp House (1902)', and 601 East Pender Street, 'The Kemp House (1908)', and the proposed Heritage Revitalization Agreement.

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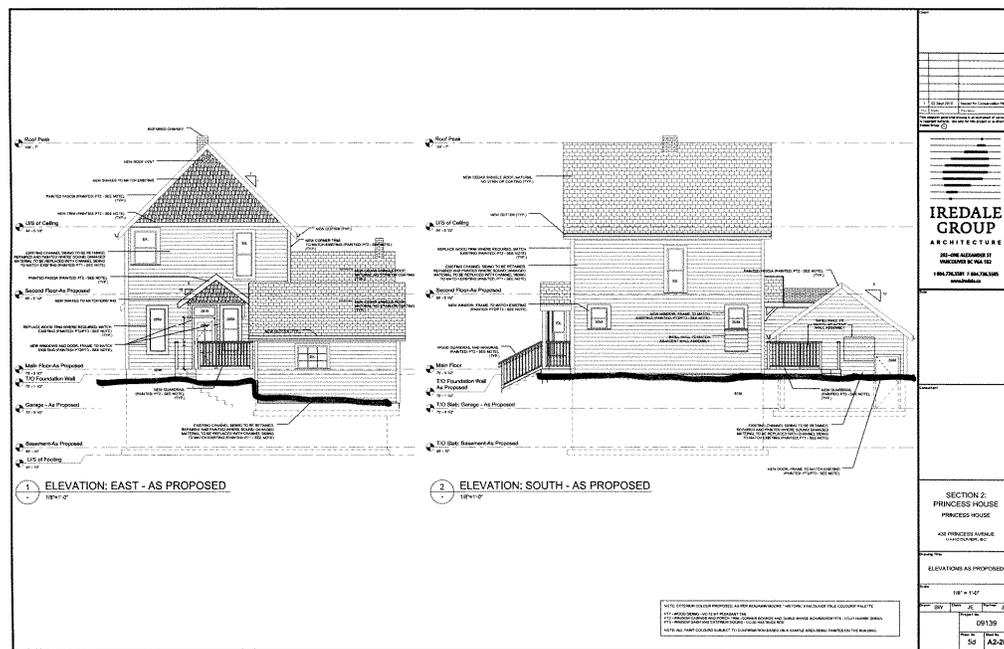
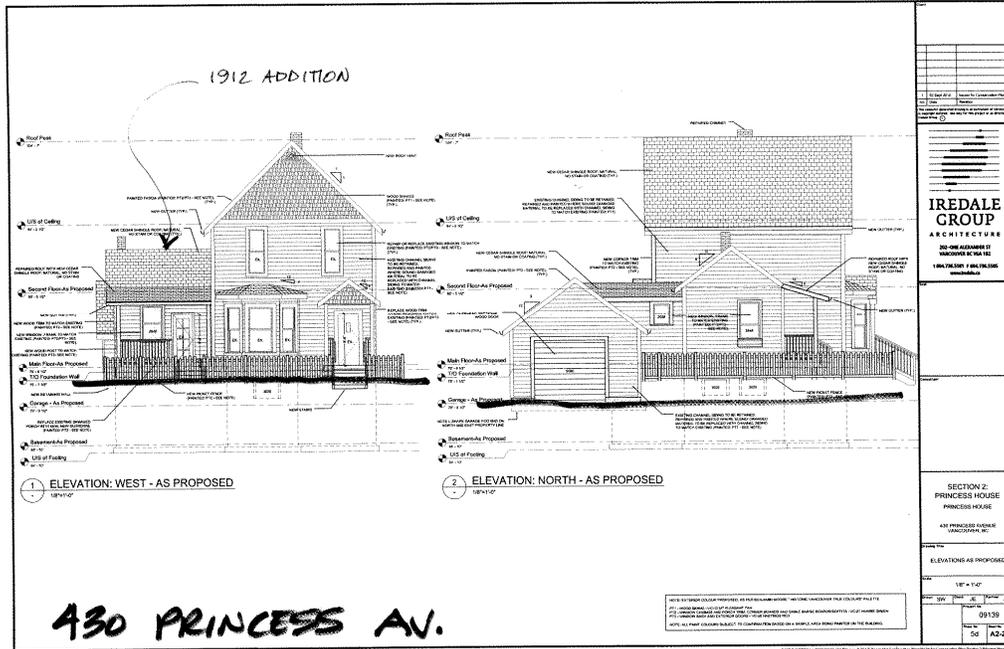
Site Map



Photo 1: 430 Princess Street, 'The Kemp House (1902)'
The small addition (visible to the left of the tree) was added in 1912.



Photo 2: 601 East Pender Street, 'The Kemp House (1908)'
The building was most likely stuccoed in the 1940s. The large, rear addition, which is visible in the photograph, appears to have been added in 1965 according to permit records.



Resolutions of the Vancouver Heritage Commission and Staff Comments:

On February the 8th, 2010, the Vancouver Heritage Commission reviewed the heritage assessments of the two houses at 601 East Pender Street and 430 Princess Avenue and resolved the following:

THAT the Vancouver Heritage Commission supports the addition of 430 Princess Avenue as a "B" and 601 East Pender Street as a "C" listing to the Vancouver Heritage Register; and

FURTHER THAT the Vancouver Heritage Commission supports the addition to the character defining elements section under "site" in the Statement of Significance, "of the difference in grade between the property and the street, plus the retaining walls."

CARRIED UNANIMOUSLY

Staff comments:

The Statement of Significance will be revised accordingly.

On September 13th, 2010, the Vancouver Heritage Commission reviewed the development application and resolved the following:

THAT the Vancouver Heritage Commission supports the overall proposal, the proposed rehabilitation and Conservation Plan at 601 East Pender Street and 430 Princess Avenue as presented at the September 13th, 2010 meeting, noting that the Commission requests staff review the amount of rain screening and window retention required in light of the recent Homeowner Protection Office ruling; and

FURTHER THAT the Commission requests there be a staff review of the design of the back door at 601 East Pender Street

CARRIED UNANIMOUSLY

Staff comments:

Alternatives to rain screen requirements may be possible on both buildings given the recent legislative changes. It is anticipated that 430 Princess Avenue will not require a rain screen based on past applications, noting that it will not be contained on a strata parcel. 601 East Pender Street presents more of a challenge as it will be a strata-titled building and will also have at least three units, which will mean the building will likely have to be brought up to full compliance with the Vancouver Building By-law. However, Building By-law alternatives and opportunities for maximized retention will be explored as a condition of the development applications. The design of the rear entrance to 601 East Pender Street will be reviewed as part of the final development application approval for that site.

Technical Zoning and Subdivision Summary

The RT-3 Zoning District Schedule applies to the site. The current site area is 6,101 square feet. The proposed site area for the parcel for 601 East Pender Street is 4,150 square feet and the proposed site area for the parcel for 430 Princess Avenue is 1,951 square feet. The HRA permits a minimum parcel size which is marginally smaller than what is proposed. This is to allow for flexibility in the final location of the new property boundary to accommodate minor adjustments to meet other requirements and by-laws such as the Vancouver Building By-law.

Table 1: Technical Summary of Aggregate Values for Comparative Purposes Including Both Buildings

Item	Existing*	Proposed*	Permitted/ Required*
Density	0.63 FSR (3,833 sq. ft.)	1.00 FSR (6,128 sq. ft.)	0.95 FSR (5,976 sq. ft.) maximum
Site Coverage	30%	50%	50% maximum**
Dwelling Unit Density	2	5	6 maximum
Parking Spaces	4	4	6 minimum

* based on the current, un-subdivided site area of 6,101 square feet.

** 50% site coverage is conditionally permitted in the zoning district schedule and is used here for comparative purposes.

Table 2: 430 Princess Avenue Technical Summary

Item	Existing (based on proposed parcel size)	Proposed	Permitted/ Required
Uses	One-Family Dwelling	One-Family Dwelling	permitted
Site Area	-	1,951 sq. ft.*	2,798 sq. ft. minimum
Density	0.99 FSR (1,933 sq. ft.)	1.04 FSR* (2,035 sq. ft.)	0.95 FSR** (1,852 sq. ft.) maximum
Height	32.96 feet/ 2 storeys + basement	32.96 feet/ 2 storeys + basement***	27.88 feet / 1.5 storeys + basement maximum***
Site Coverage	56%	56%*	45% maximum
Dwelling Unit Density	1	1	2 @ 108 units per hectare**
Parking Spaces	2	2	1 minimum

* variance of the RT-3 zoning district schedule required. For Site Area a minimum area of 1,850 sq. ft. is permitted in the HRA to allow for minor adjustments to the parcel width for 430 Princess Avenue to address other requirements if necessary.

** if the site was to remain un-subdivided, it would qualify for 0.95 FSR and 108 dwelling units per hectare (etc.) and therefore these values are used for comparative purposes.

*** typically the rear building on a site (either an infill building or a second principal building) would be limited to 27.88 feet in height and to 1.5 storeys, including a basement, as provided for in the District Schedule and the Guidelines. 430 Princess Avenue is technically not an infill building with the proposed subdivision, but these values are used for comparative purposes. The house complies in height as a principal building.

Table 3: 601 East Pender Street Technical Summary

Item	Existing (based on proposed parcel)	Proposed	Permitted/ Required
Uses	One-Family Dwelling	Multiple Conversion Dwelling	Multiple Conversion Dwelling permitted
Density	0.92 FSR (3,832 sq. ft.)	0.99 FSR** (4,093 sq. ft.)	0.95 FSR* (3,112 sq. ft.) maximum
Height	40.42 feet/ 3 storeys + basement	40.42 feet/ 3 storeys + basement**	35.10 feet / 2.5 storeys maximum
Site Coverage	47%	47%**	45% maximum
Dwelling Unit Density	1	4	4 @ 108 units per hectare*
Parking Spaces	2	2 (parking relaxation required)	4 minimum

* if the site was to remain un-subdivided, it would qualify for 0.95 FSR and 108 dwelling units per hectare, and 50% site coverage, which are permitted for infill development. These values are used for comparative purposes because the site would be eligible for the increased provisions if it was developed without the proposed subdivision.

** variance of the RT-3 zoning district schedule proposed.

Table 4: Subdivision By-law

Item	Existing	Proposed	Permitted/ Required
Site Area	6,101 square feet comprised of two legal parcels of approximately 3,050 square feet	<ul style="list-style-type: none"> 601 East Pender Street: 4,150 sq. ft. 430 Princess Avenue: 1,951 sq. ft. 	2,798 sq. ft. minimum (variance required for 430 Princess Avenue)
Site Width	50 feet comprised of two 25 foot wide parcels	<ul style="list-style-type: none"> 601 East Pender Street: 50 feet; 430 Princess Avenue: 39 feet. 	25 feet minimum (no variance required)
Site configuration	Corner site comprised of two regular parcels with lane access	Irregular subdivision pattern with no lane access for 601 E. Pender Street	Regular pattern with lane access*

* technically not a variance of the Subdivision By-law; however, the Approving Officer typically does not grant approvals where irregular subdivision patterns are created which remove lane access if lane access is possible. However, irregular subdivision patterns are usually approved in cases involving a site with a designated heritage building in order to assist in heritage conservation.