

SUMMARY AND RECOMMENDATION

**3. HERITAGE DESIGNATION/HERITAGE REVITALIZATION AGREEMENT (HRA):
564 Beatty Street (The R.A. Welsh Building)**

Summary: To designate the existing heritage building as protected heritage property; approve a Heritage Revitalization Agreement which would permit density and height in excess of that permitted by the Downtown Official Development Plan; and approve Heritage Building Rehabilitation Program incentives and a Development Cost Levy exemption, in exchange for heritage protection and conservation.

Applicant: Jon Stovell, Rossmore Enterprises Ltd.

Recommended Approval: By the Director of Planning, subject to the following conditions as proposed for adoption by resolution of Council:

- A. THAT the heritage building at 564 Beatty Street, which is made up two parcels of land with the legal descriptions Lot 1 (PID: 016-535-286) and Lot 2 (PID: 016-535-294) both of Block 39, District Lot 541, Plan 23019 (the "Lands"), and listed in the "C" category of the Vancouver Heritage Register, be designated as protected heritage property pursuant to the provisions of section 593 of the *Vancouver Charter*;
- B. THAT Council instruct the Director of Legal Services to bring forward for enactment a by-law to designate the heritage building at 564 Beatty Street as a protected heritage property under section 593 of the *Vancouver Charter*;
- C. THAT Council authorize the City entering into pursuant to section 592 of the *Vancouver Charter*, on terms and conditions satisfactory to the Director of Legal Services and the Director of Planning, a Heritage Revitalization Agreement in respect of the heritage building at 564 Beatty Street to, among other things:
 - (a) secure the rehabilitation and long-term preservation of the heritage building at 564 Beatty Street;
 - (b) vary provisions of the Downtown District Official Development plan to permit an on-site total floor space ratio (FSR) increase from 5.00 FSR to 9.23 FSR, and a maximum building height increase from 70.00 feet to 125.06 feet; and
 - (c) vary the Vancouver Development Cost Levy By-law No. 9755 to waive requirement of payment of the development cost levy otherwise payable in connection with the project proposed under development permit application no. DE414716;
- D. THAT Council instruct the Director of Legal Services to bring forward for enactment under section 592 of the *Vancouver Charter* a by-law for the City to enter into a Heritage Revitalization Agreement as described above for the heritage building at 564 Beatty Street;

- E. THAT the Heritage Revitalization Agreement shall be prepared, completed, registered and given priority on the title of the Lands to the satisfaction of the Director of Legal Services and the Director of Planning;
- F. THAT, subject to the approval of Recommendations A and B and to terms, conditions and agreements satisfactory to the Director of Legal Services and to the Director of Planning, Council authorize three façade grants of up to \$50,000 each (\$150,000 in total) for the 564 Beatty Street heritage building, with funding to be provided from the 2009 Capital Budget;
- G. THAT, subject to approval of Recommendations A, B, C and D, and after the heritage building has been designated as a protected heritage building and a heritage revitalization agreement as described above has been duly entered into, and registered and noted on title to the Lands, and the heritage rehabilitation contemplated thereunder has been completed in accordance therewith, all to the satisfaction of the Director of Legal Services and the Director of Planning, Council instruct the Director of Legal Services to prepare and bring forward for enactment, pursuant to Section 396A of the *Vancouver Charter*, a Tax Exemption By-law for 564 Beatty Street to exempt it from real property taxation under Part XX (Real-Property Taxation) of the *Vancouver Charter* in an amount up to a maximum total cumulative exemption of \$3,019,986 or for a period of 10 years, whichever is reached first;
- H. THAT Recommendations A to G be adopted on the following conditions:
 - (a) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City; any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
 - (b) THAT any approval that may be granted following the public hearing shall not obligate the City to enact the proposed by-laws, and any costs incurred in fulfilling requirements imposed as a condition of the Heritage Revitalization Agreement are at the risk of the property owner; and
 - (c) THAT the City and all its officials shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

[HD/HRA - 564 Beatty Street (The R.A. Welsh Building)]