



POLICY REPORT
DEVELOPMENT AND BUILDING

Report Date: November 4, 2013
Contact: Kent Munro
Contact No.: 604.873.7135
RTS No.: 10226
VanRIMS No.: 08-2000-20
Meeting Date: December 17, 2013

TO: Vancouver City Council

FROM: General Manager of Planning and Development Services in consultation with the Director of Legal Services

SUBJECT: 304 East 28th Avenue - Walden House - Heritage Revitalization Agreement and Heritage Designation

RECOMMENDATIONS

- A. THAT Council add to the Vancouver Heritage Register in the 'B' evaluation category the residential building at 304 East 28th Avenue (PID: 014-713-527; Lot 32, Blocks 65 to 68, District Lot 632, Plan 1329 (the "site")), known as the Walden House (the "heritage building").
- B. THAT Council instruct the Director of Legal Services to bring forward for enactment, pursuant to Section 593 of the *Vancouver Charter*, a by-law to designate the Walden House as a protected heritage property.
- C. THAT Council instruct the Director of Legal Services to bring forward for enactment, pursuant to Section 592 of the *Vancouver Charter*, a by-law authorizing the City to enter into a Heritage Revitalization Agreement in respect of the site to:
 - i. secure its rehabilitation and long-term preservation; and
 - ii. vary the *Subdivision By-law* to allow for the creation of two new parcels for the site, one which is to contain the heritage building, and one which is to contain a new One-Family Dwelling with Secondary Suite (the "new building"), and to vary the *Zoning and Development By-law* in respect of the site to permit the rehabilitation of the heritage building and the construction of the new building, as proposed under Development Permit Application Nos. DE416945 and DE416946 and as more particularly described in this report.
- D. THAT the Heritage Revitalization Agreement shall be prepared, completed and registered, and given priority on title to the site, to the satisfaction of the Director of Legal Services and the Director of Planning.

- E. THAT Recommendations A to D be adopted on the following conditions:
- i. 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 and any expenditure of funds or incurring of costs in relation thereto is at the risk of the person making the expenditure or incurring the cost; and
 - ii. THAT the City and all its officials shall not in any way be limited or restricted in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

REPORT SUMMARY

The purpose of this report is to seek Council approval to add the existing building at 304 East 28th Avenue to the Vancouver Heritage Register, designate it as a protected heritage property, and to approve a Heritage Revitalization Agreement (HRA) for the site. Under the current RS-1 zoning applicable to the subject site, the existing building could be demolished or significantly altered and the site redeveloped with a density of up to 0.75 floor space ratio (FSR) without Council approval. As incentive and compensation to the owner for the heritage designation, rehabilitation, and conservation of the heritage building, an increase in permitted density and variances of the *Subdivision By-law*, as set forth in Development Permit Application Numbers DE416945 and DE416946, and as described in this report, are proposed. The General Manager of Planning and Development Services is prepared to approve the development permit applications should Council approve the recommendations of this report.

COUNCIL AUTHORITY

Pursuant to Section 582 and Section 593 of the *Vancouver Charter*, Council may, by resolution, add real property to the Vancouver Heritage Register and, by by-law, designate heritage buildings and other heritage resources within the City of Vancouver as being protected heritage properties.

Pursuant to section 592 of the *Vancouver Charter*, Council, by by-law, may enter into HRAs with the owners of heritage properties which may vary or supplement certain kinds of by-laws and permits, including the *Zoning and Development By-law* and the *Subdivision By-law*.

Pursuant to section 595 of the *Vancouver Charter*, if sought, Council is required to compensate an owner of property being designated as a protected heritage property for any reduction in market value caused by the designation. Often this, along with additional compensation to offset rehabilitation costs incurred under an HRA, is achieved by way of by-law variations contained in the HRA so as to permit a otherwise impermissible development.

The proposed heritage designation and HRA for the Walden House require Council approval at a public hearing and by-law enactment pursuant to Sections 592, 593 and 594 of the *Vancouver Charter*.

The following Council policies are relevant for this application:

- *Heritage Policies and Guidelines (April, 1991)*
- *Green Buildings Rezoning Policy (February, 2010)*.

GENERAL MANAGER'S COMMENTS

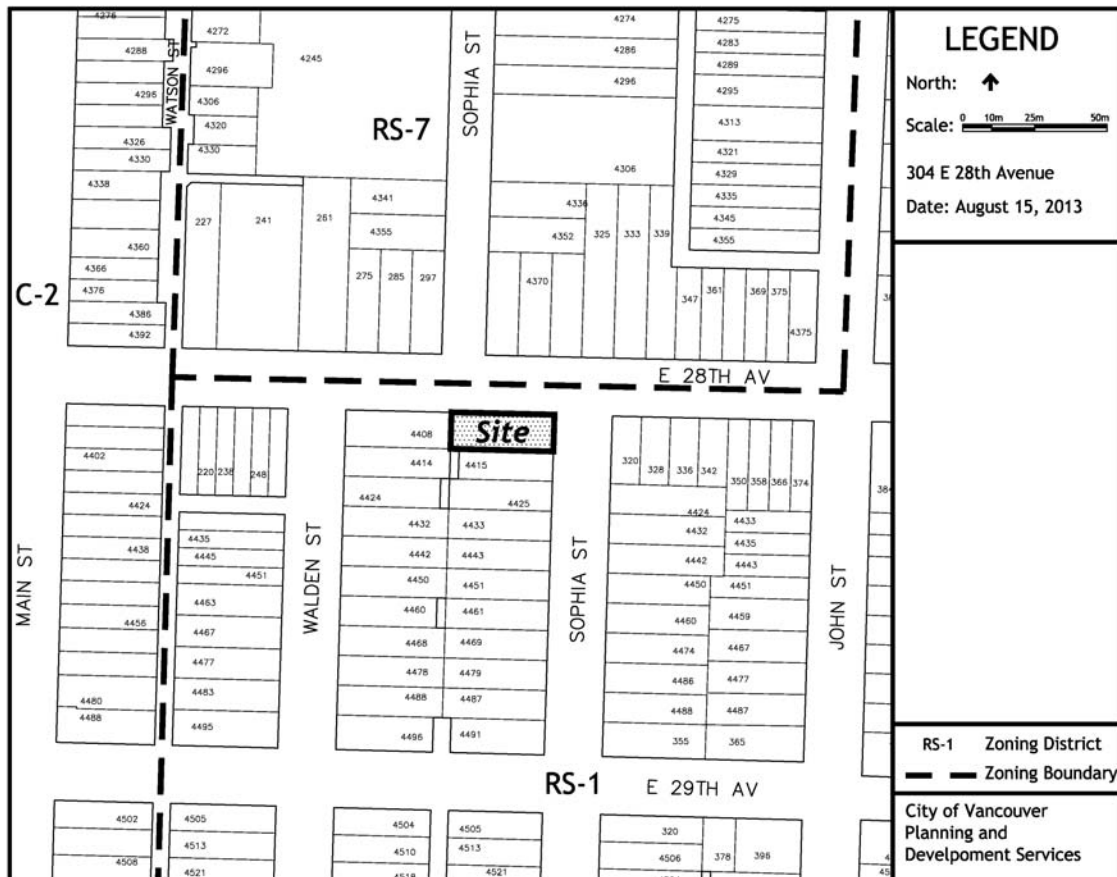
The General Manager of Planning and Development Services RECOMMENDS approval of A, B, C, D, and E.

STRATEGIC ANALYSIS

Site and Context

The site is located in the Riley Park neighbourhood in an area zoned RS-1 (see Figure 1). The *RS-1 Zoning District Schedule of the Zoning and Development By-law* permits One-Family Dwellings, Secondary Suites, and Laneway Houses. Retention of older, existing character buildings and heritage buildings is not required. The total area of the subject site is 454 square metres (4,884 square feet). No lane exists on the block. An old driveway curb-cut, which is in disuse, is located on the east side of the site on Sophia Street.

Figure 1: Site and surrounding zoning



Heritage Value

The Walden House was built in 1909 after the streetcar system was extended south of East 16th Avenue along Main Street in 1904. The house was constructed at the rear of the property on the far west side of the site either to take advantage of the views down Sophia Street or, more likely, to allow for future construction of a larger house at the front of the property, which never occurred. The house is one of the earliest houses in the neighbourhood, and the site has remained in its original condition for over a century.

Features of the house include wood lapped siding and cedar shingle cladding in the gable ends separated by trim boards, as well as wood corner boards, pointed bargeboards, a rectangular bay window and a narrow dormer with boxed-in soffits on the east side, and a full-width front verandah with square posts and closed balustrades. The house also has original wood window assemblies with projecting sills, including double-hung and casement varieties, as well as an early front door (probably from the 1920s or 1930s). The open area on the site is undeveloped and the property is partially surrounded by a short picket fence. It is proposed that the Walden House be added to the Vancouver Heritage Register in the 'B' evaluation category.

Development Application and Proposed Incentives

If approved, the incentives and compensation to be provided to the owner for the heritage designation, rehabilitation, and conservation of the heritage building will be in the form of proposed variances to the *Zoning and Development By-law* and the *Subdivision By-law* as set forth in Development Permit Application Numbers DE416495 and DE416496, and as described below.

The zoning applicable to the site is RS-1. The applications propose to restore the heritage building, retain it as a single family house, and to construct the new building comprised of a One-Family Dwelling with a Secondary Suite on the east side of the site on a newly created parcel. The maximum permitted density under the existing RS-1 zoning for the subject site is 0.75 floor space ratio (FSR), or up to 0.91 FSR with a Laneway House, without Council approval (see Appendix D). The total density proposed in these applications is 0.77 FSR (see Figure 2). As incentive and compensation to the owner to retain, rehabilitate, and protect the heritage building, the HRA proposes a subdivision variance which provides a financial incentive by creating two fee simple parcels, one for each building, as opposed to retaining the site under one owner or a strata-title arrangement (see Appendix C and Appendix D).

The Walden House is proposed to be retained in its existing location, and therefore a lane dedication will not be required (see Appendix F). In order to maintain the existing character of the site and the landscaping, a driveway is not proposed for the Walden House; a relaxation of two parking spaces for the project is proposed instead. The new building is to have driveway access from Sophia Street with a parking space located in the house.

Figure 2: Zoning and Parking Summary

Item	Existing	Permitted or Required	Proposed
Minimum Site Area	454 m ² (4,884 sq. ft.)	334 m ² (3,594 sq. ft.) minimum for a newly created parcel	174 m ² (1,873 sq. ft.) for the heritage building parcel and 279 m ² (3,011 sq. ft.) for the new house parcel
Overall Floor Space Ratio (FSR)	0.33 FSR 149 m ² (1,600 sq. ft.)	0.75 FSR maximum* 341 m ² (3,664 sq. ft.)	0.77 FSR 349 m ² (3,756 sq. ft.)
Off Street Parking Spaces	none	3 minimum (one per Dwelling Unit)	1 in the new house

* See Appendix D for a discussion on the maximum permitted FSR.

As part of the application review, staff considered the potential impact of the proposed development, the results of notification (see the Results of Neighbourhood Notification and Staff Comments section), the compatibility of the development with the current zoning, and the financial analysis required for the application (see the Proforma Evaluation section), and concluded that the applications are supportable as an HRA. The General Manager of Planning and Development Services is prepared to approve the development permit applications subject to Council approval of the recommendations of this report.

Compatibility with Existing Zoning and Land Use Regulations

The Intent of the *RS-1 Zoning 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 and laneway houses. 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."

The application is consistent with the intent of the *RS-1 District Schedule*. The development proposed is single-family in character. Outdoor area and views are maximized in the proposal and mature trees are to be maintained where possible.

Condition of the Heritage Building and Conservation Approach

The Walden House has been neglected over the years but is in fair condition. Retaining the heritage building as a One-Family Dwelling on a fee simple parcel will greatly assist the building's conservation by limiting Building By-law upgrades which might affect its heritage character, and by limiting the number of new openings and alterations necessary with strata or multi-unit conversions. The existing foundations are inadequate and the heritage building will be lifted and placed on new foundations at the building's original level above grade. Most of the rest of the rehabilitation work will consist of repairs and refurbishment of existing elements, or replacement in-kind where retention is not viable due to weather damage. Staff conclude that the rehabilitation scheme is consistent with the federally adopted Standards and Guidelines for the Conservation of Historic Places in Canada and is supported.

Results of Neighbourhood Notification and Staff Comments

On September 11, 2013, twenty-seven surrounding properties were notified of the development permit applications for the Walden House site. Three responses expressing support were received. One response was received which was neutral but included questions, and six responses were received which expressed opposition and concerns. Concerns include the heritage value of the site and the condition of the Walden House, the impact of the Walden House's location on future lane development, the impact of the development on surrounding trees, and the precedent the project might create with respect to the proposed subdivision. As well, concerns were raised regarding the impact of the proposed driveway on Sophia Street.

The Walden House is good example of the earliest development of the area. The Vancouver Heritage Commission and staff support the addition of the Walden House to the Vancouver Heritage Register in the 'B' evaluation category, and support the HRA and the Conservation Plan for the site (see Comments from the Vancouver Heritage Commission and Condition of the Heritage Building and Conservation Approach). Retaining the Walden House in its current location does not preclude future lane development for the block (see Appendix F). Conditions of the development application approval will address materials and details of the driveway on Sophia Street to minimize hard surfaces and visual impacts. An arborist report is required as a condition of the development applications approval for the project and recommendations of the report will be incorporated into the design to minimize impacts on trees on surrounding properties and the boulevard.

Staff considered the results of notification and concluded that the applications are supportable as an HRA.

Comments from the Vancouver Heritage Commission

On July 29, 2013, the Vancouver Heritage Commission reviewed the application and supported the proposal (see Appendix E).

Financial Implications

The value of the work which will facilitate the conservation of the heritage house is valued at approximately \$97,000. The site is within the City-wide Development Cost Levies (DCL) District and it is anticipated that the development permit applications will generate approximately \$5,700 in DCLs.

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 the by-law variances proposed to offset heritage costs and to compensate an owner for any reduction in market value resulting from the heritage designation, and the rehabilitation and conservation of the heritage building, will not result in any undue profit.

Environmental

The City's Green Buildings Policy for Rezoning 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.

Legal

The by-law variations proposed will provide an improved development potential on this site. The owner's proposal to rehabilitate and conserve the heritage building in exchange for obtaining the by-law variations needed to get that improved development potential will be appropriately secured as legal obligations contained in the HRA to be registered on title to the site so as to enable the City to enforce those obligations and ensure that they will be fulfilled at the owner's expense. City staff and the owner have negotiated and completed the HRA, which includes rehabilitation and conservation obligations on the part of the owner and enforcement provisions for the City.

Section 595 of the *Vancouver Charter* requires that Council compensate an owner for any reduction in the market value caused by a heritage designation. The owner has signed the HRA and in doing so has explicitly accepted the by-law variances to be provided, and the resulting development advantages to be gained thereby, as full compensation for the heritage designation of the Walden House and the obligations to rehabilitate and conserve the heritage building. The HRA will be executed by the City and registered on title to the site following Council's enactment of the by-law authorizing the City to enter into the HRA and before a development permit for the project may be issued.

CONCLUSION

The approval of the addition to the Vancouver Heritage Register of the Walden House at 304 East 28th Avenue in the 'B' evaluation category, its heritage designation, and the proposed HRA, will ensure that the heritage building is rehabilitated, conserved, and protected from exterior alterations which affect its heritage value, and from demolition. The owner has agreed to accept the proposed variances as compensation for the designation of the heritage building and for its rehabilitation and conservation. The General Manager of Planning and Development Services is prepared to approve the development permit applications should Council approve the recommendations of this report. Therefore, it is recommended that Council approve the addition of the Walden House at 304 East 28th Avenue to the Vancouver Heritage Register in the 'B' evaluation category, its heritage designation, and the proposed HRA.

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304 East 28th Avenue
PHOTOGRAPHS

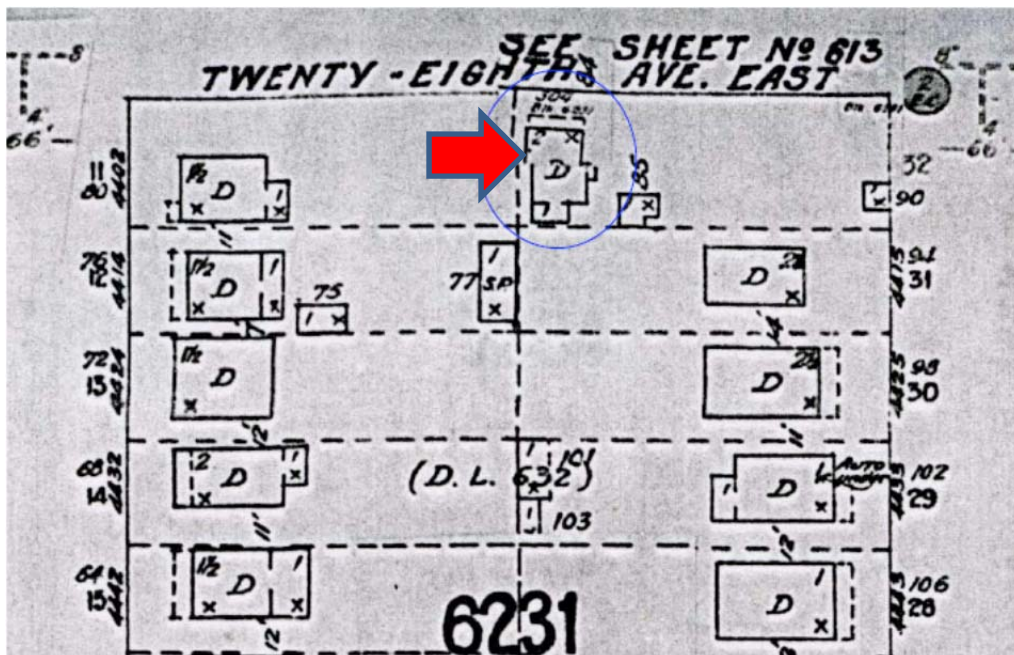
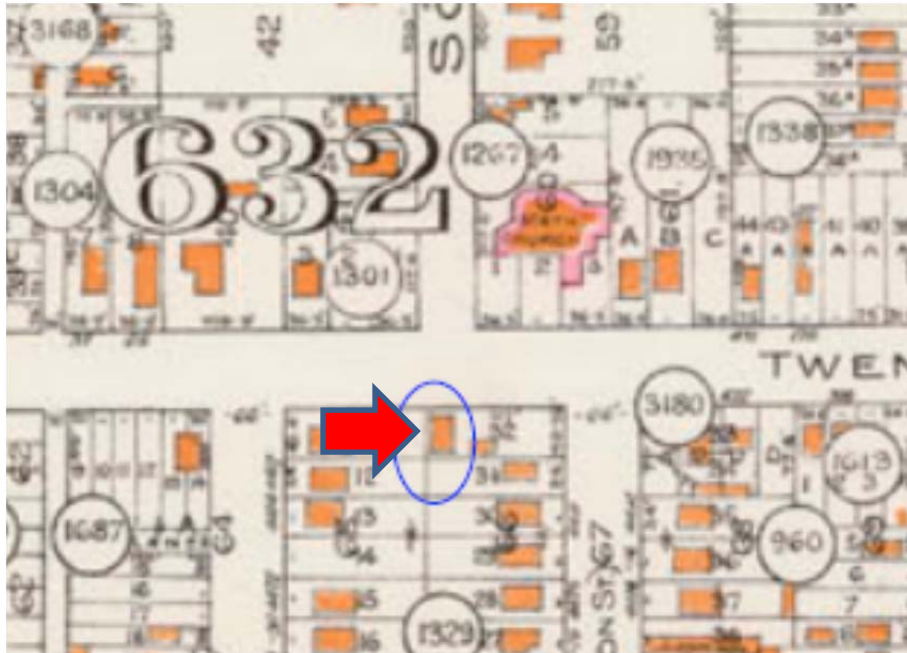


Photo 1: The Walden House (looking south) circa 2013



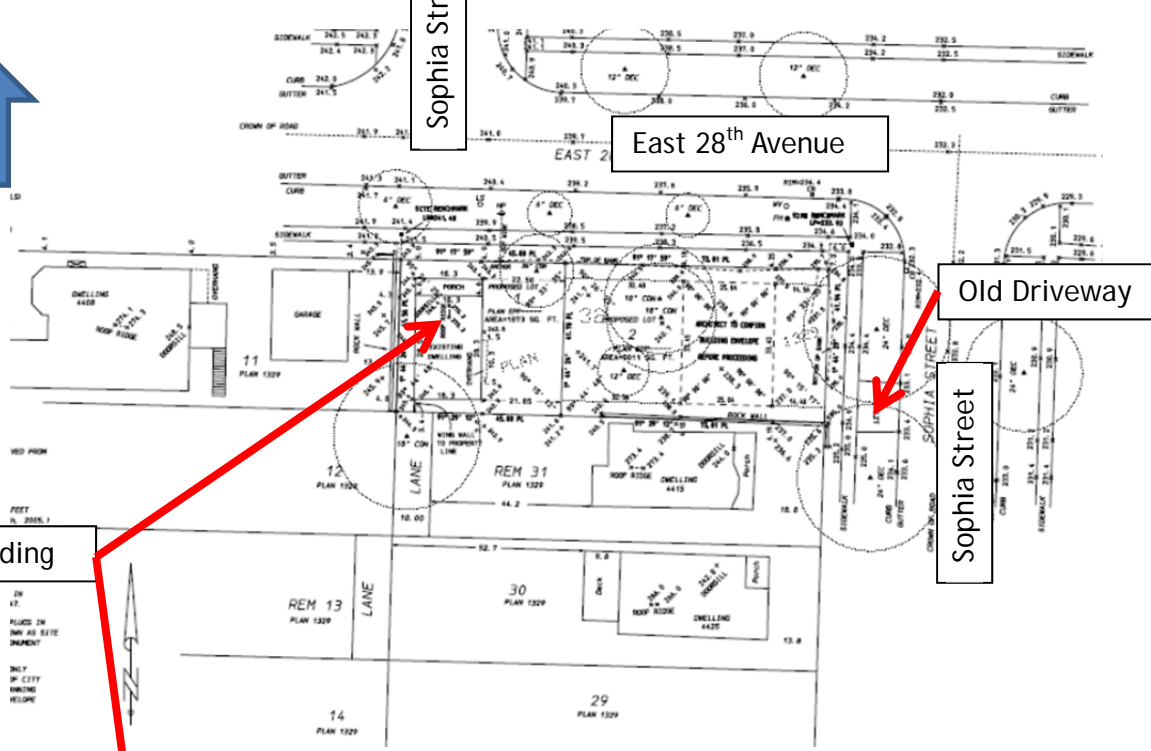
Photo 2: The Walden House (looking south-east) circa 2013

304 East 28th Avenue
MAPS



Maps 1 and 2: Fire Insurance Maps showing the site in 1912 (top) and 1927 (bottom)

304 East 28th Avenue
DRAWINGS



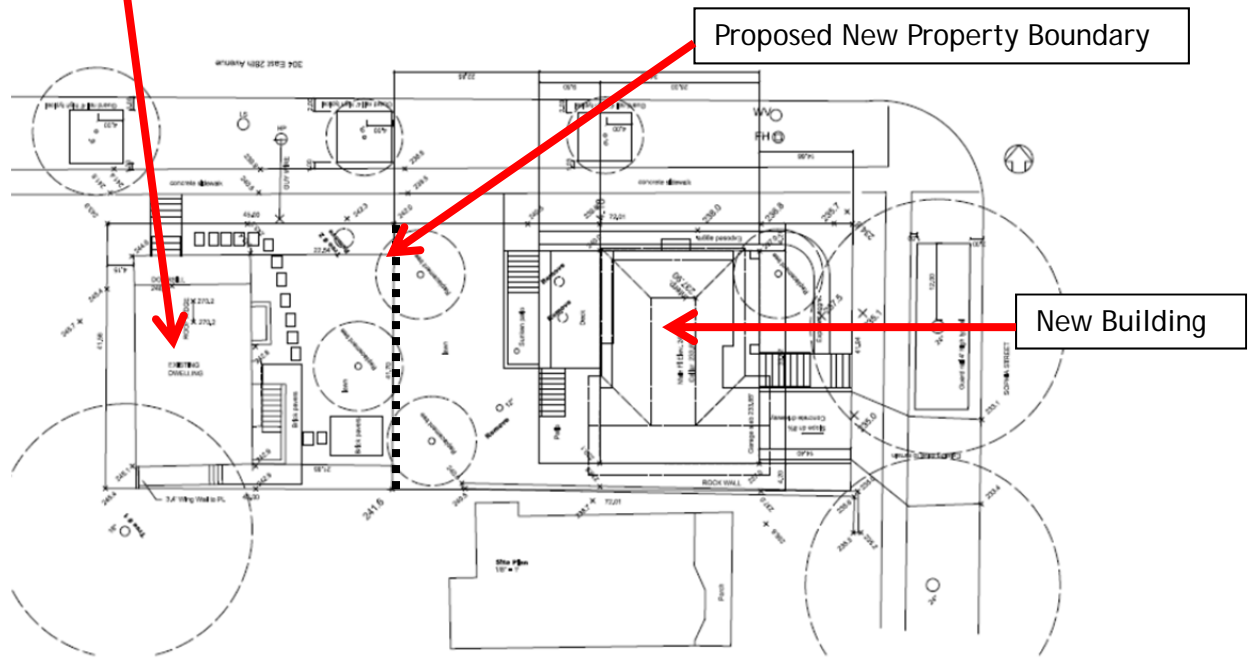
Heritage Building

East 28th Avenue

Old Driveway

Sophia Street

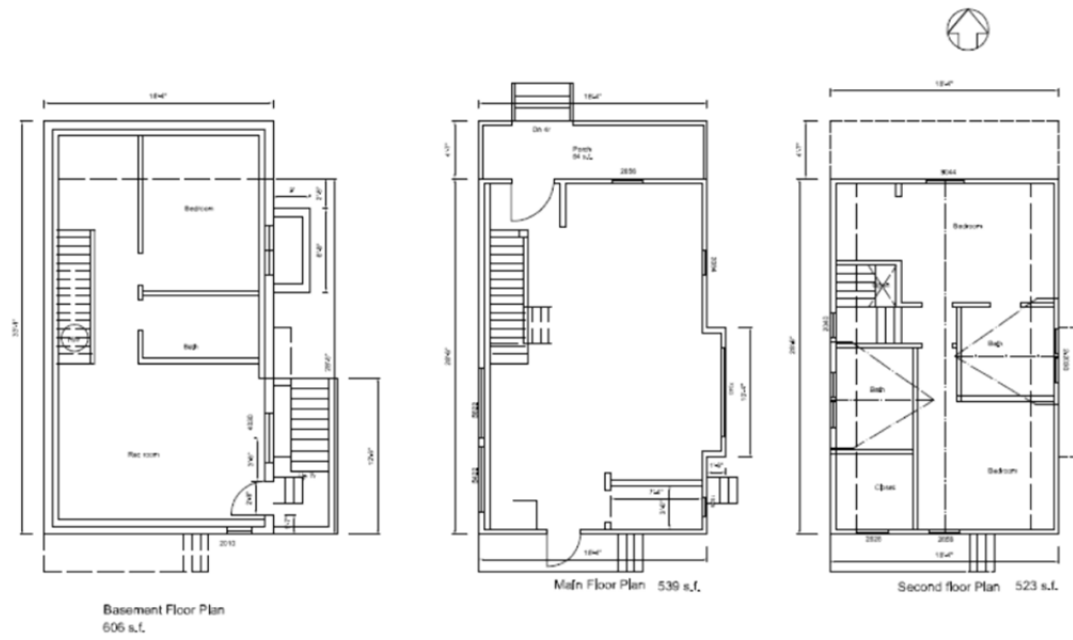
Survey



Proposed New Property Boundary

New Building

Site Plan



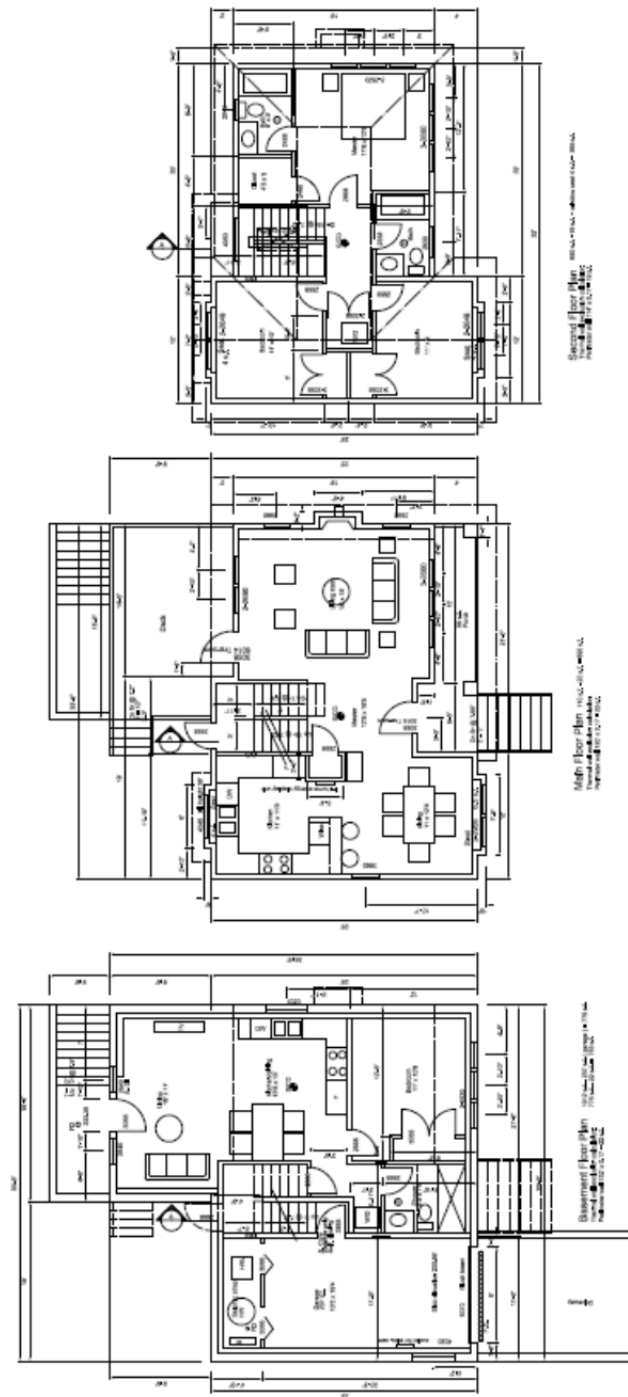
Plans of the Heritage Building



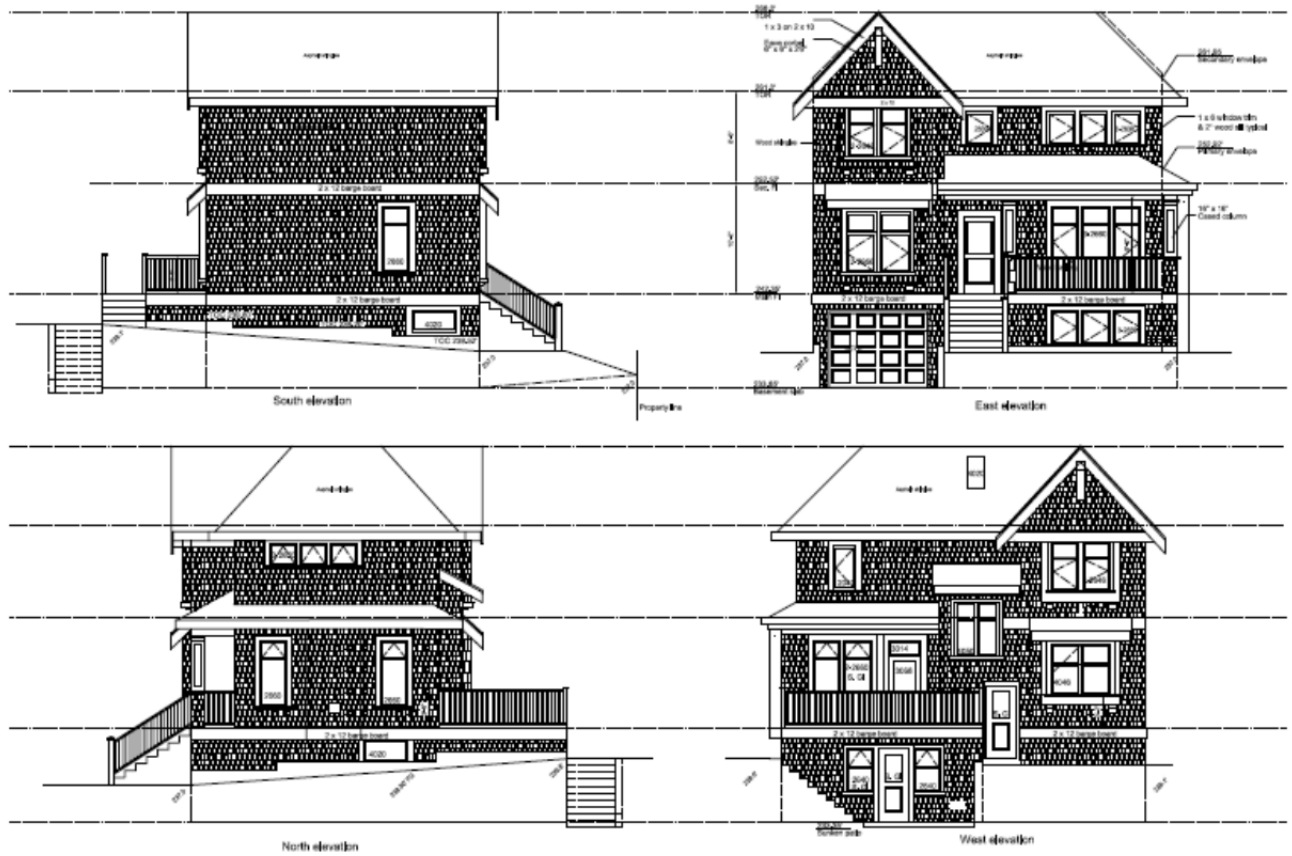
Elevations of the Heritage Building - Existing



Elevations of the Heritage Building - Proposed



Plans of the New Building



Elevations of the New Building

304 East 28th Avenue
TECHNICAL ZONING AND SUBDIVISION SUMMARY

Subdivision Summary:

Table 1: *Subdivision By-law Variances*

	Permitted	Proposed
New House Parcel (4405 Sophia Street)	334 m ² (3,594 sq. ft.) minimum	A minimum parcel area of 279 m ² (3,000 sq. ft.)
Heritage House Parcel (304 East 28 th Avenue)	334 m ² (3,594 sq. ft.) minimum	A minimum parcel area of 167 m ² (1,800 sq. ft.)

RS-1 Zoning District Schedule Summary:

Note: The RS-1 Zoning District Schedule permits up to 0.75 FSR on a site with an existing building, or up to 0.70 FSR on a site where a new building is proposed. The RS-1 zoning permits additional floor area for a Laneway House which is equivalent to additional density of 0.16 FSR. Therefore the maximum floor area achievable ranges between 0.86 FSR and 0.91 FSR. For purposes of the tables below, a maximum permitted density of 0.75 FSR is noted for the existing site. For the proposed new parcel which is to contain the heritage building, 0.75 FSR is noted, and a maximum density of 0.70 FSR is noted for the proposed new parcel which is to contain the new building.

Table 2: Overall Density Summary

Regulations of the RS-1 district schedule	Required or Permitted	Proposed
Section 4.7.1 - Overall Floor Space Ratio (FSR)	0.75 FSR maximum 341 m ² (3,664 sq. ft.)	0.77 FSR 349 m ² (3,756 sq. ft.)
Number of Dwelling Units	Up to 3 non-strata Dwelling Units (principal suite, Secondary Suite, and Laneway House) on one parcel	3 non-strata Dwelling Units on two fee simple parcels (One-Family Dwelling for the heritage building and a One-Family Dwelling with Secondary Suite for the new house)

Table 3: New House Parcel Summary (4405 Sophia Street)

Regulations of the RS-1 district schedule	Required or Permitted	Proposed
Section 4.1.1 - Site Area	The minimum site area for a one-family dwelling or one-family dwelling with secondary suite is 334 m ² (3,594 sq. ft.)	279 m ² (3,000 sq. ft.)
Section 4.7.1 - Overall Floor Space Ratio (FSR)	0.70 FSR maximum 195 m ² (2,101 sq. ft.)	0.70 FSR 195 m ² (2,101 sq. ft.) based on the proposed parcel

Table 4: Heritage House Parcel Summary (304 East 28th Avenue)

Regulations of the RS-1 district schedule	Required or Permitted	Proposed
Section 4.1.1 - Site Area	The minimum site area for a one-family dwelling or one-family dwelling with secondary suite is 334 m ² (3,594 sq. ft.)	167 m ² (1,800 sq. ft.)
Section 4.7.1 - Overall Floor Space Ratio (FSR)	0.75 FSR (for an existing building) maximum 125 m ² (1,348 sq. ft.)	0.88 FSR 153 m ² (1,648 sq. ft.) based on the proposed parcel

304 East 28th Avenue
RESOLUTIONS OF THE VANCOUVER HERITAGE COMMISSION AND STAFF COMMENTS

At its meeting on Monday, July 29, 2013, the Vancouver Heritage Commission resolved the following:

THAT the Vancouver Heritage Commission supports the conservation and infill application for 304 East 28th Avenue (The Walden House), as presented at its meeting on July 29, 2013, and recommends that the applicant consider reconfiguring the infill house windows to be more in keeping with the arts and craft style.

PASSED

Staff Comments:

The design of the new infill building's windows will be addressed through the development permit application approval.

304 East 28th Avenue FUTURE LANE DEVELOPMENT

Leaving Walden House in its historic location and the impact this would have on future lane development was a concern identified during the neighbourhood notification process. Currently, no developed lane exists for the block on which the Walden House is located as shown in Diagram 1.

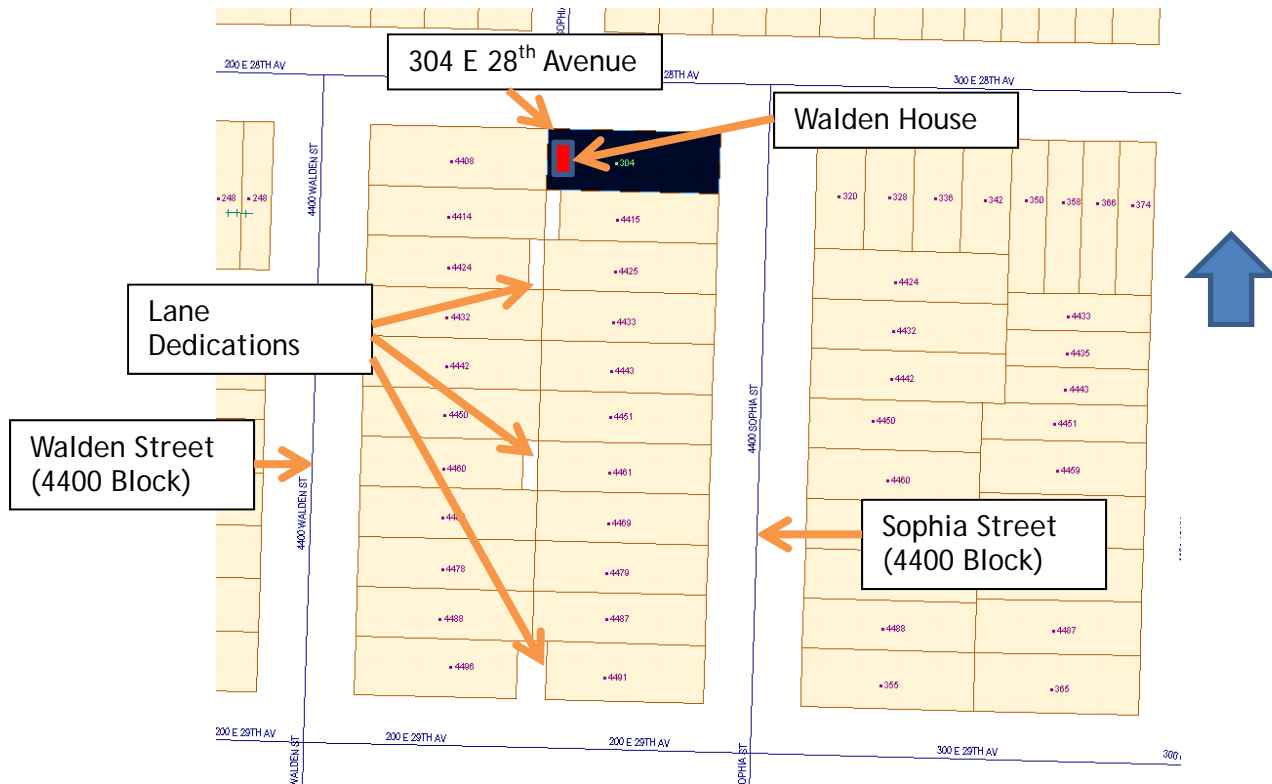


Diagram 1

The Walden House is located at the extreme rear (west side) of the site in an area where a future lane could be constructed. Several lane dedications have been executed in the past along the block (typically 3.1 metres (10 feet) per dedication). The siting of the Walden House has heritage value and it is proposed to retain the house in its existing location (see Appendix A and Appendix B). The General Manager of Engineering Services and the City Surveyor note that leaving the house in its current location may compromise future lane development by restricting lane access at East 28th Avenue, should the proposed HRA and heritage designation be approved. Heritage and Planning staff considered these issues and concluded the following:

1. Most development under the RS-1 zoning applicable to the area is outright and a lane dedication is not required as a condition of outright development permit approval. As a consequence, construction of a lane for this block may not occur unless the City expropriated all the remaining lands necessary to create the lane, or all the owners on

the block came forward with a proposal to give up the remaining lane dedications to allow for lane development; and

2. Approval of the HRA as proposed would not preclude lane development in the future in any event (see Photo 3 below), nor would it preclude Laneway Housing on any of the properties currently fronting Sophia Street or Walden Street in the 4400 block (except for the Walden House site).

Planning staff considered the impact of the proposed location of the Walden House on lane development and concluded that the retention of the house in its current location is supportable.

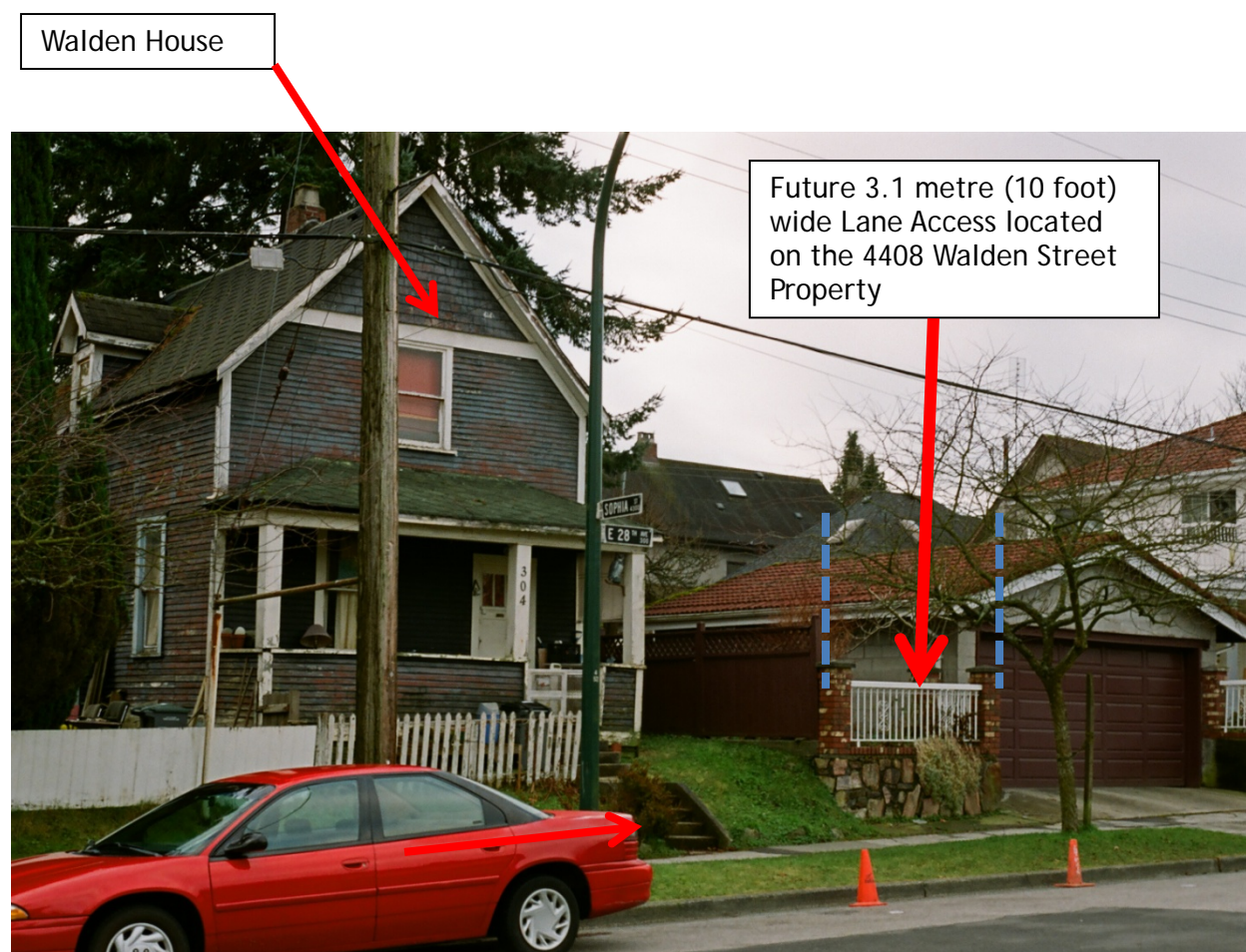


Photo 3: The Walden House is on the left and the garage of 4408 Walden Street is on the right (the view is from East 28th Avenue looking south). A future 3.1 metre (10 foot) wide lane access could be constructed at the lane dedication location shown (currently a part of the property at 4408 Walden Street) if all the dedication areas on the block were assembled to allow for development of a lane on the block.

304 East 28th Avenue
PUBLIC BENEFITS SUMMARY

Project Summary:

Rehabilitation, conservation, and designation of a heritage building.

Public Benefit Summary:

The project would result in the conservation and long-term protection of a heritage resource.

	Current Zoning	Proposed
Zoning District	RS-1	HRA
FSR (site area = 454 m ² / 4,884 sq. ft.)	0.75	0.77
Buildable Floor Space (sq. ft.)	3,664	3,756
Land Use	Residential	Residential

Public Benefit Statistics		Value if built under Current Zoning (\$)	Value if built under Proposed HRA (\$)
Required*	DCL (City-wide) (See Note 1)	5,450	5,700
	DCL (Area Specific)		
	Public Art		
	20% Social Housing		
Offered (Community Amenity Contribution)	Childcare Facilities		
	Cultural Facilities		
	Green Transportation/Public Realm		
	Heritage		97,000
	Housing (e.g. supportive, seniors)		
	Parks and Public Spaces		
	Social/Community Facilities		
	Unallocated		
	Other		
TOTAL VALUE OF PUBLIC BENEFITS		\$5,450	\$102,700

Other Benefits (non-market and/or STIR)

Note: DCLs, Public Art and Social Housing may have exemptions and/or minimum thresholds for qualification. For the City-wide DCL, revenues are allocated into the following public benefit categories: Parks (41%); Replacement Housing (32%); Transportation (22%); and Childcare (5%). Revenue allocations differ among Area Specific DCL Districts.

Note 1: DCLs do not apply to existing floor area which in this case is 1,600 sq. ft. in the heritage building.