



## ADMINISTRATIVE REPORT

Report Date: September 30, 2014  
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Meeting Date: October 14, 2014

TO: Vancouver City Council

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

SUBJECT: 6475 and 6485 Balaclava Street - Heritage Revitalization Agreement Amendment

### RECOMMENDATION

- A. THAT Council instruct the Director of Legal Services to bring forward for enactment, pursuant to Section 592(4) of the *Vancouver Charter*, a by-law to enter into an agreement to amend the Heritage Revitalization Agreement (the "HRA") entered into pursuant to Heritage Revitalization Agreement By-law No. 9307 and noted on title to property having a civic address of 6475 Balaclava Street (PID: 026-760-967; Lot 1, Block O, District Lot 321, Group 1, New Westminster District Plan BCP25166 (the "North Parcel")) together with the adjacent property having a civic address of 6485 Balaclava Street (PID: 026-760-975; Lot 2, Block O, District Lot 321, Group 1, New Westminster District Plan BCP25166 (the "South Parcel")) in respect of the heritage building known as the Magee House located wholly within the North Parcel, in order to allow a new One-Family Dwelling to be built on the South Parcel while at the same time retaining the benefit of by-law variances as provided for in the HRA, generally in accordance with Appendix A.
- B. THAT the agreement to amend the HRA shall be prepared, completed, registered and given priority on title to the lands described above to the satisfaction of the Director of Legal Services and the Director of Planning.
- C. THAT Recommendations A and B 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's approval for a by-law to be brought forward for enactment by Council to amend the HRA registered on title to the North Parcel and the South Parcel as described in Recommendation A. This proposed HRA amendment is to correct a technical oversight when the HRA was prepared in 2006. It will enable development to proceed on the South Parcel as was envisaged at that time and is not a new provision that changes the original intent of that development.

The purpose of the proposed amendment to the HRA is to address the current Development Permit Application Number DE418214 (the "DP Application") for a One-Family Dwelling to be built on the South Parcel, by varying the maximum aggregate site coverage applicable to the South Parcel.

None of the HRA provisions applicable to the North Parcel is proposed to be amended.

### ***COUNCIL AUTHORITY/PREVIOUS DECISIONS***

Pursuant to Section 592(4) of the *Vancouver Charter*, an HRA may only be amended by by-law and with the consent of the owner of the subject property. Notice of the HRA was filed in the Land Title Office on title to the parent parcel of 6475 Balaclava Street and 6485 Balaclava Street as required by the *Vancouver Charter*, and the owner of each such property has consented to the proposed amendment. Therefore Council may consider the amendments to the HRA as proposed. This matter does not require a Public Hearing as the amendment to the HRA does not propose any change to the use or density on the site (s.592(8), *Vancouver Charter*).

### ***CITY MANAGER'S/GENERAL MANAGER'S COMMENTS***

The General Manager of Planning and Development Services RECOMMENDS approval of the foregoing recommendations.

### ***REPORT***

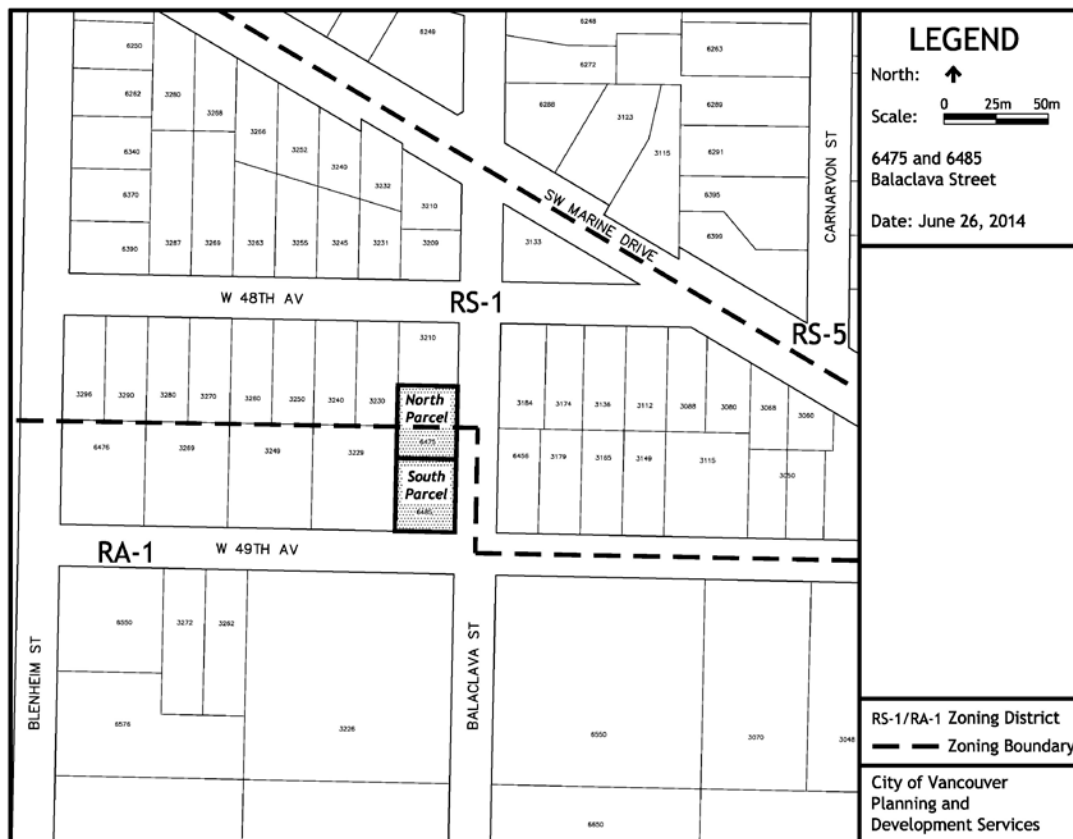
#### ***Background/Context***

In January 2006, Council approved the heritage designation for the structure and exterior envelope of the improvements and exterior building materials of the Magee House, a B-listing on the Heritage Register and the HRA to be registered against title to the parcel then-addressed as 6475 Balaclava Street. The purpose of the HRA was to allow the parcel, at that time split-zoned RS-1 and RA-1, to be subdivided into the North and South Parcels as an

incentive to rehabilitate and provide long-term protection to the Magee House. Variances to both the *Subdivision By-law* and *Zoning and Development By-law* were approved through the HRA.

The parcel was subsequently subdivided in accordance with the variances provided in the HRA. The Magee House is currently located wholly within the North Parcel. Although the RS-1/RA-1 zoning boundary divides this parcel, the HRA applies only the RS-1 District Schedule of the *Zoning and Development By-law* (see Figure 1 below). The South Parcel, 6485 Balaclava Street, remains undeveloped and is governed by the RA-1 District Schedule of the *Zoning and Development By-law*.

Figure 1 - 6475 and 6485 Balaclava Street



The DP Application for the South Parcel has been received, under which a One-Family Dwelling is proposed to be built under the "Outright" provisions of the RA-1 District Schedule. However, the provision regulating the placement of buildings on the lot, termed "aggregate site coverage" was not addressed through the HRA and cannot be relaxed by the Director of Planning.

### Strategic Analysis

Under the RA-1 District Schedule of the *Zoning and Development By-law*, Section 4.8.2 regulates "aggregate site coverage". This is the collective coverage of all buildings and hard surfaces such as driveways and patios. The purpose of this provision is to maximize green

space and passive use. A “typical” lot in Southlands is one acre or more, while the parcel at 6485 Balaclava Street created by the HRA is only one-quarter acre. As a result, when aggregate site coverage is applied to such a small parcel, it exceeds the limit of 50%. The proposed One-Family Dwelling would have an aggregate coverage of approximately 86%.

The proposed amendment to the HRA is to vary Section 4.8.2 of the RA-1 District Schedule of the *Zoning and Development By-law* so that the provision for maximum aggregate site coverage does not apply for the South Parcel. The Director of Planning will then have discretion to approve the most appropriate placement of buildings as part of this DP Application. Table 1 below summarizes the original HRA provision specific to the RA-1 District Schedule of the *Zoning and Development By-law* for the South Parcel and the proposed revision.

**Table 1: Comparison of Approved and Proposed Regulations - South Parcel**

Regulation	Approved under HRA in 2006	Proposed Amendment
4.1.1 Minimum Parcel Area	1009.7 m <sup>2</sup> (10,868 sq.ft/ 0.25 acre)	None
4.8.2 Aggregate Site Coverage	Not addressed	Aggregate site coverage shall not apply

There is no impact anticipated as a result of the proposed change. None of the HRA provisions applicable to the North Parcel is proposed to be amended. Staff have concluded that the amendment will enhance the development of the South Parcel for the applicant and be a positive measure in the context of the immediate neighbours.

### ***Financial Implications***

There are no financial implications.

### ***Legal***

The owners of the property at each of 6475 Balaclava Street and 6485 Balaclava Street have agreed to the above described amendment to the HRA which has been prepared by Legal Services in consultation with Planning and Development Services.

### ***CONCLUSION***

The owners of 6485 Balaclava Street have applied to amend the HRA for that address and the adjacent lot at 6475 Balaclava Street, whose owners have expressed support. The Development Permit Application has been reviewed and is supported by staff to allow residential development to take place under the “Outright” provisions of the RA-1 District Schedule of the *Zoning and Development By-law*. The proposed HRA amendment will specifically address aggregate site coverage to permit a One-Family Dwelling to be constructed on the South Parcel. Staff recommend that Council instruct the Director of Legal Services to bring forward for enactment a by-law to enter into an agreement to amend the HRA as set out in this report.

\* \* \* \* \*

**PROPOSED HRA AMENDMENT  
6475 and 6485 Balaclava Street**

1. New clause to be added in as Section 3 (c):

Section 4.8.2 of the RA-1 District Schedule of the Zoning and Development By-law is hereby wholly deleted and replaced with the following

"4.8.2            This section shall not apply."