



POLICY REPORT
DEVELOPMENT AND BUILDING

Report Date: April 9, 2015
Contact: Anita Molaro
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RTS No.: 10707
VanRIMS No.: 08-2000-20
Meeting Date: April 28, 2015

TO: Vancouver City Council

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

SUBJECT: 1836 West 12th Avenue - Fox House - Heritage Designation and Heritage Revitalization Agreement

RECOMMENDATION

- A. 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 as a protected heritage property the exterior of the house at 1836 West 12th Avenue (PID: 014-177-901; Lot 7, Block 407, District Lot 526, Plan 1949 (the "site")), known as the Fox House (the "heritage building"), which is listed on the Vancouver Heritage Register in the 'C' evaluation category.
- B. 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 heritage building to:
 - (i) secure its rehabilitation and long-term preservation; and
 - (ii) vary the *Zoning and Development By-law* in respect of the site to permit the rehabilitation and conversion of the heritage building to a Multiple Conversion Dwelling containing three Dwelling Units and the construction of a new Infill One-Family Dwelling thereon as proposed under Development Permit Application No. DE417986 (the "DP Application") and as more particularly described in this report.
- C. THAT the Heritage Revitalization Agreement shall be prepared, completed and registered, and given priority on title, to the satisfaction of the Director of Legal Services and the Director of Planning.

- D. THAT Recommendations A to C 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 designate the exterior of the Fox House at 1836 West 12th Avenue, which is listed on the Vancouver Heritage Register in the 'C' evaluation category, as a protected heritage property, and to approve a Heritage Revitalization Agreement (HRA) for the site to ensure its rehabilitation and long-term protection. Under the current RT-8 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, the HRA will vary the *Zoning and Development By-law* to permit the development as set forth in the DP Application and as described in this report. The General Manager of Planning and Development Services is prepared to approve the DP Application should Council approve the recommendations of this report.

COUNCIL AUTHORITY

Pursuant to section 592 of the *Vancouver Charter*, Council, by by-law, may enter into Heritage Revitalization Agreements 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*.

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

Pursuant to section 595 of the *Vancouver Charter*, 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 an otherwise impermissible development.

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

The following Council policies are applicable to the project:

- *Heritage Policies and Guidelines (April, 1991)*
- *Green Buildings Policy for Rezonings (July, 2010).*

The *Heritage Action Plan*, which was approved in December 2013, responds to citizen and Council desire to encourage and support heritage conservation in the City. A number of actions were approved including maximizing the use of available tools to conserve the City's heritage resources.

GENERAL MANAGER'S COMMENTS

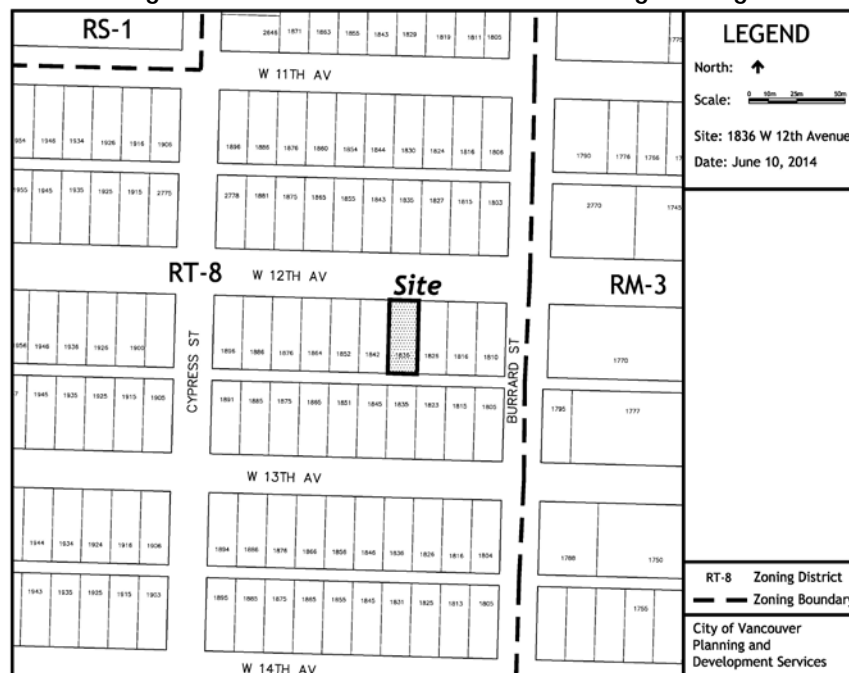
The General Manager of Planning and Development Services RECOMMENDS approval of A, B, C, and D.

STRATEGIC ANALYSIS

Site and Context

The site is located in the Kitsilano neighbourhood in an area zoned RT-8 (see Figure 1). The *RT-8 District Schedule of the Zoning and Development By-law* permits One- and Two-Family Dwellings, the conversion of existing buildings into suites, and in some cases new apartment buildings, townhouses, and infill buildings. The total area of the subject site is 580 square metres (6,250 square feet). A six metre (twenty-foot) wide paved lane exists at the rear of the site.

Figure 1: The site and the surrounding zoning



Heritage Value

The heritage building at 1836 West 12th Avenue was built in 1913 and is a good example of craftsman influenced design popular at the height of the Edwardian building boom, which lasted from 1910 to 1913. Notable features include its full width porch with brackets and trims, granite foundations, narrow lapped siding and “diamond-cut” shingles, pointed bargeboards, triangular roof brackets, large cross gable roof, and original wood sash windows. The Fox House was also home to Pollough Pogue, a once well-known local newspaper editor and early promoter of outdoor activities on the North Shore Mountains and the Hollyburn ski area. The Fox House is listed in the ‘C’ evaluation category on the Vancouver Heritage Register.

Development Application and Proposed Incentives

If approved, the incentives and compensation to be provided to the owner for the heritage designation and the rehabilitation and conservation obligations in the proposed HRA will be in the form of variances to the *Zoning and Development By-law* made by the HRA, including a density variance, as set forth in the DP Application and as described below. The application proposes to restore the heritage building and change its use from a Multiple Conversion Dwelling (MCD) containing one Dwelling Unit and four Housekeeping Units to an MCD containing three strata Dwelling Units, and to construct a new strata Infill One-Family Dwelling building at the rear of the site (see Appendix C). Infill use is permitted in the current zoning, and the maximum permitted density which may be granted without Council approval is 0.75 FSR. The originally proposed density was 0.89 FSR. Staff reviewed the application, including the owner’s proforma (see Proforma Evaluation), and concluded that a maximum density of 0.86 FSR is supportable (see Table 1).

Table 1: Zoning Density Summary

Item	Existing	Permitted or Required	Proposed
FSR	391 m ² (4207 sq. ft.) 0.67 FSR	436 m ² (4,688 sq. ft.) 0.75 FSR maximum	500 m ² (5,375 sq. ft.) 0.86 FSR
Number of Dwelling units	1	4 maximum	4

Staff have considered the potential impact of the proposed development, the results of notification (see the Results of Neighbourhood Notification section), the conservation approach, and the compatibility of the development with the zoning (see the discussion below), and conclude that the application is supportable as an HRA. The General Manager of Planning and Development Services is prepared to approve the DP Application subject to Council approval of the recommendations of this report.

Compatibility with Existing Zoning and Land Use Regulations

The Intent of the *RT-8 Zoning District Schedule* is to:

"... encourage the retention and renovation of existing buildings which maintain an architectural style and building form consistent with the historical character of the area. Redevelopment will be encouraged on sites where existing buildings are smaller, or do not contribute to this character. For renovations and additions, emphasis is placed on maintaining existing external architectural character; for new development, on compatibility in external character. In all cases, neighbourly building scale and placement is emphasized."

The application is consistent with the intent of the *RT-8 District Schedule*. The retention of the heritage building contributes to the historic architectural character of the area and the additions are compatible with the existing architectural character of the heritage building. The proposal responds well to its neighbours in terms of scale, massing, privacy impact, and placement.

Condition of the Heritage Building and Conservation Approach

The Fox House is in good condition. The Conservation Plan proposes to retain and rehabilitate existing original feature where possible, and to replicate lost features such as windows where newer replacements exist. Staff support the Conservation Plan proposed for the Fox House and conclude that the rehabilitation scheme is consistent with the federally adopted Standards and *Guidelines for the Conservation of Historic Places in Canada*.

Results of Neighbourhood Notification

Sixty-one surrounding property owners were notified of the application, and a site sign was installed. No responses were received.

Comments from the Vancouver Heritage Commission

On June 16, 2014, the Vancouver Heritage Commission reviewed the development permit application and supported it (see Appendix D).

Public Benefits

Development Cost Levies (DCLs): DCLs collected from development help pay for facilities made necessary by growth, including parks, childcare facilities, replacement housing (social/non-profit housing) and various engineering infrastructure. The site is subject to the City-wide DCL rate which is currently \$32.18/m² (\$2.99/sq. ft.). On this basis, a DCL of approximately \$3,700 is anticipated.

DCLs are payable at building permit issuance and are subject to an annual inflationary adjustment which takes place on September 30 of each year. When a DCL By-law with higher rates is introduced, a number of rezoning, development permit and building permit applications may be at various stages of the approval process. An application may qualify as an in-stream application and therefore may be exempt from DCL rate increases for a period of 12-months from the date of the *DCL Bylaw* rate amendment provided that it has been submitted prior to the adoption of annual *DCL By-law* rate adjustments.

If a related building permit application is not issued within the 12-month period, the rate protection expires and the new DCL rate will apply.

Heritage: The owner has offered to conserve and rehabilitate the Fox House and to accept its designation as a protected heritage property, which is a highly valued community feature. If approved, the designation will be secured with a Heritage Designation By-law and the owner has executed and returned an HRA to secure the conservation and rehabilitation of the property as further set out in Appendix F. The cost to the owner of the proposed on-site heritage rehabilitation and conservation work is estimated to be approximately \$200,000 which will include restoration of the brackets and trims, replacement of newer non-character windows with replications of historic windows, painting to match the original colour scheme, and repairs and replication of original materials and details.

See Appendix F for a summary of the public benefits that would be achieved should this application be approved.

Financial Implications

As noted in the section on Public Benefits, the applicant has offered the on-site conservation and rehabilitation of the Fox House valued at \$200,000. The site is within the City-wide DCL District and it is anticipated that the applicant will pay approximately \$3,700 in DCLs should the application be approved and the project proceed.

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 by-law variances proposed, including the revised density of 0.86 FSR, will offset the costs of the rehabilitation and conservation of the heritage building and will not result in any undue profit.

Environmental

The City's *Green Buildings Policy for Rezonings* applies to the application. 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 the property. 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, if sought, Council must 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 heritage building 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 heritage designation of the Fox House at 1836 West 12th Avenue, which is listed in the 'C' evaluation category on the Vancouver Heritage Register, and the proposed HRA, will ensure that the heritage building is rehabilitated, conserved, and protected from demolition and from exterior alterations which might affect its heritage value. The proposed HRA will vary *the Zoning and Development By-law* to allow for the development as proposed, and the owner has agreed to accept the proposed variances as compensation for the designation of the heritage building as a protected heritage property and for its rehabilitation and conservation under the proposed HRA. The General Manager of Planning and Development Services is prepared to approve the DP Application for the project should Council approve the recommendations of this report. Therefore, it is recommended that Council approve the heritage designation of the Fox House at 1836 West 12th Avenue, and the proposed HRA.

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1836 West 12th Avenue
PHOTOGRAPHS



Photo1: The Fox house circa 2014 (Looking South)



Photos 2 and 3: Details of the Fox House circa 2014



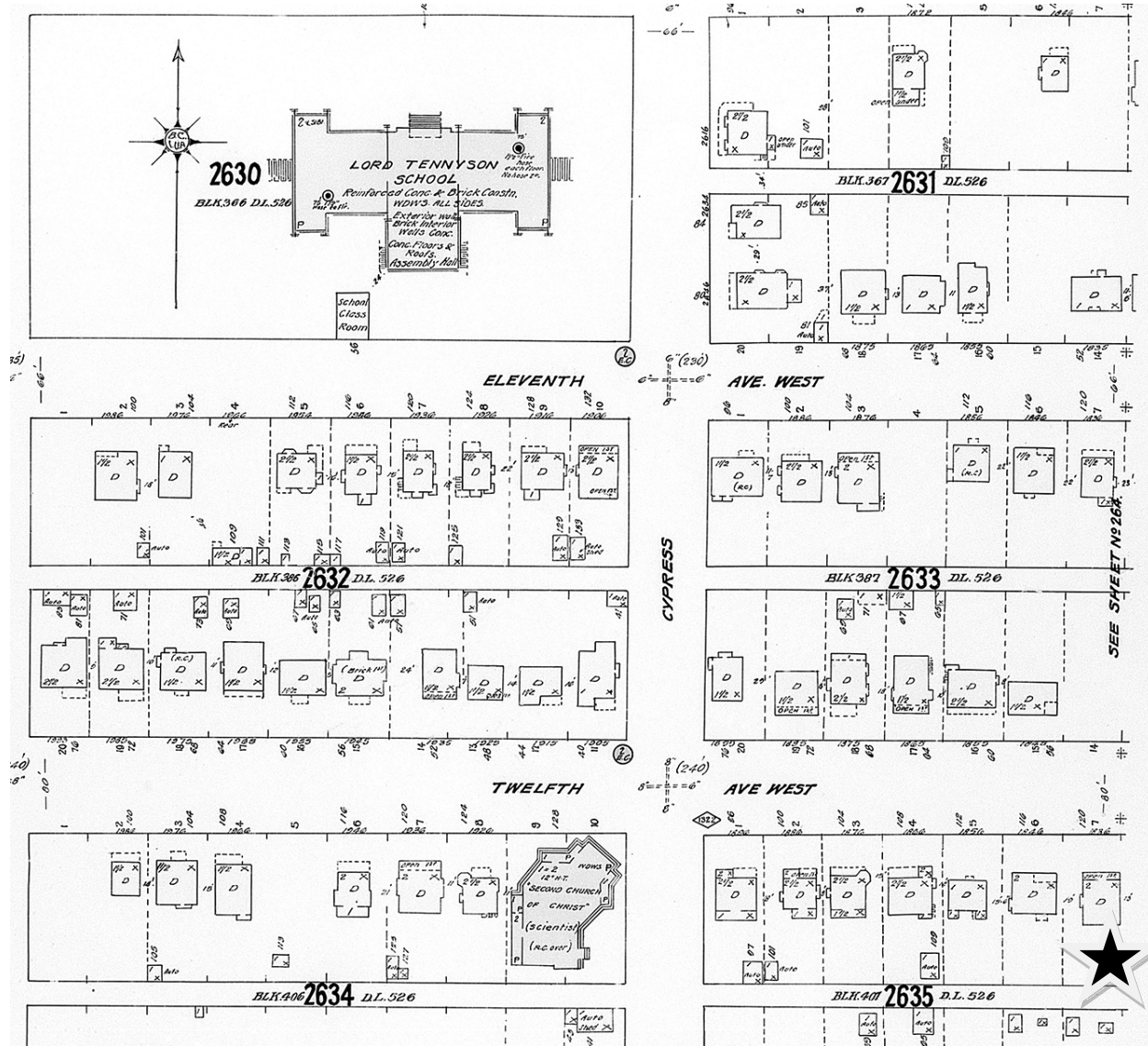
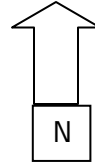
Photo 4: The Fox House circa 1970s - 1980s



Photo 5: Pollough Pogue - Former Resident of the Fox House

Mr. Pogue was a well-known local newspaper editor and early promoter of outdoor activities on the North Shore Mountains and the Hollyburn ski area.

1836 West 12th Avenue
MAPS



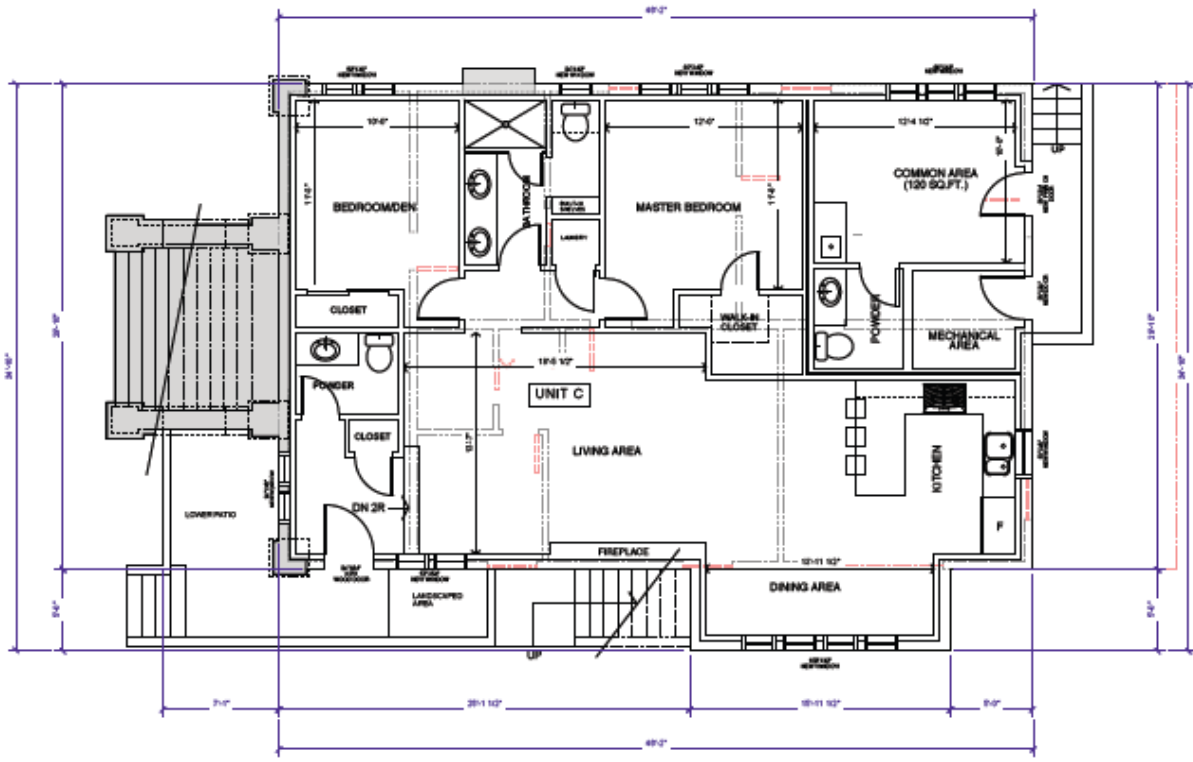
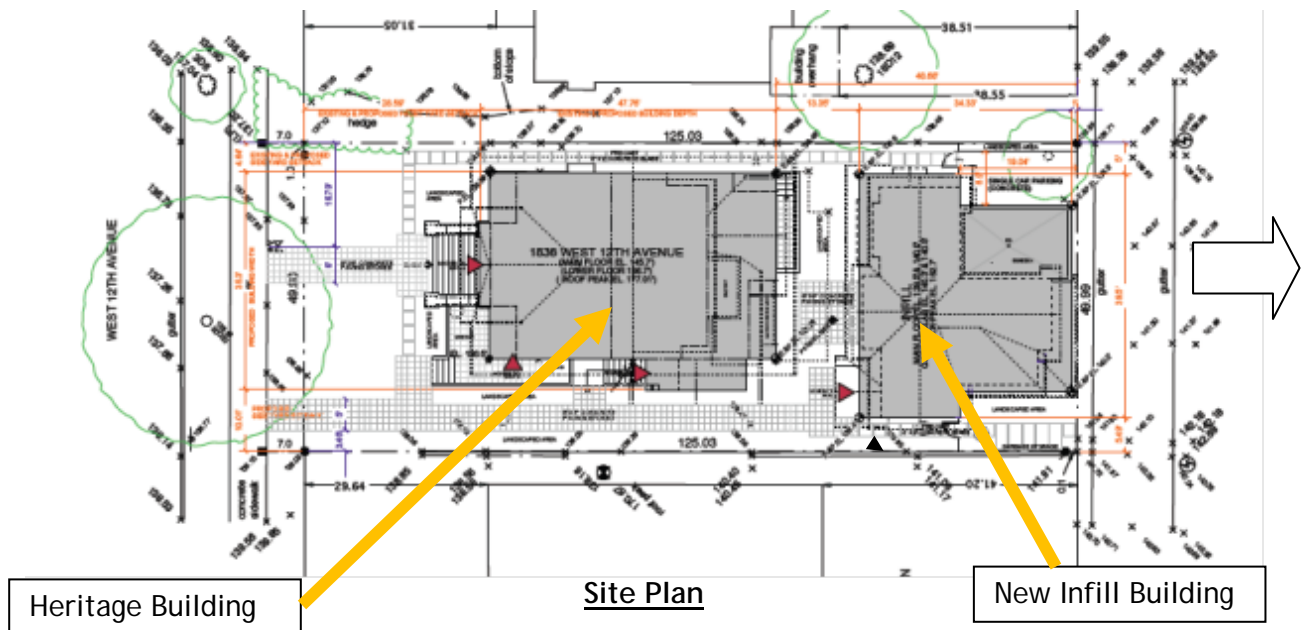
Map 1: Fire Insurance Map circa 1955

1836 West 12th Avenue is indicated by the star.

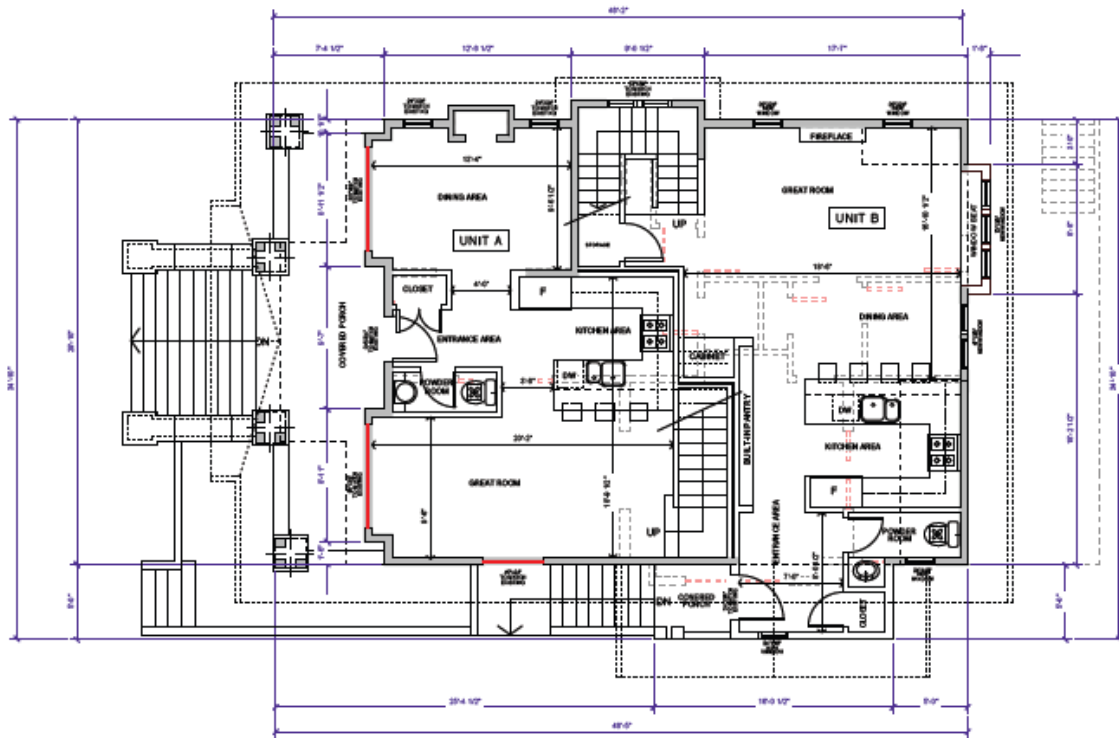
2546 West 3rd Avenue
DRAWINGS



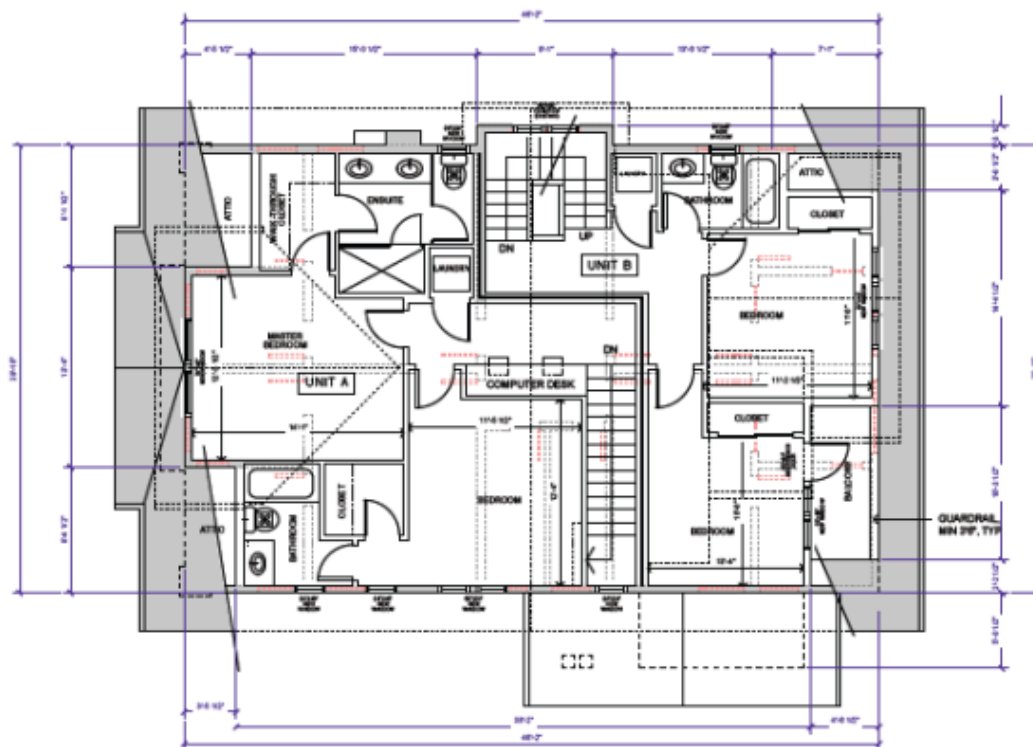
Context Drawings



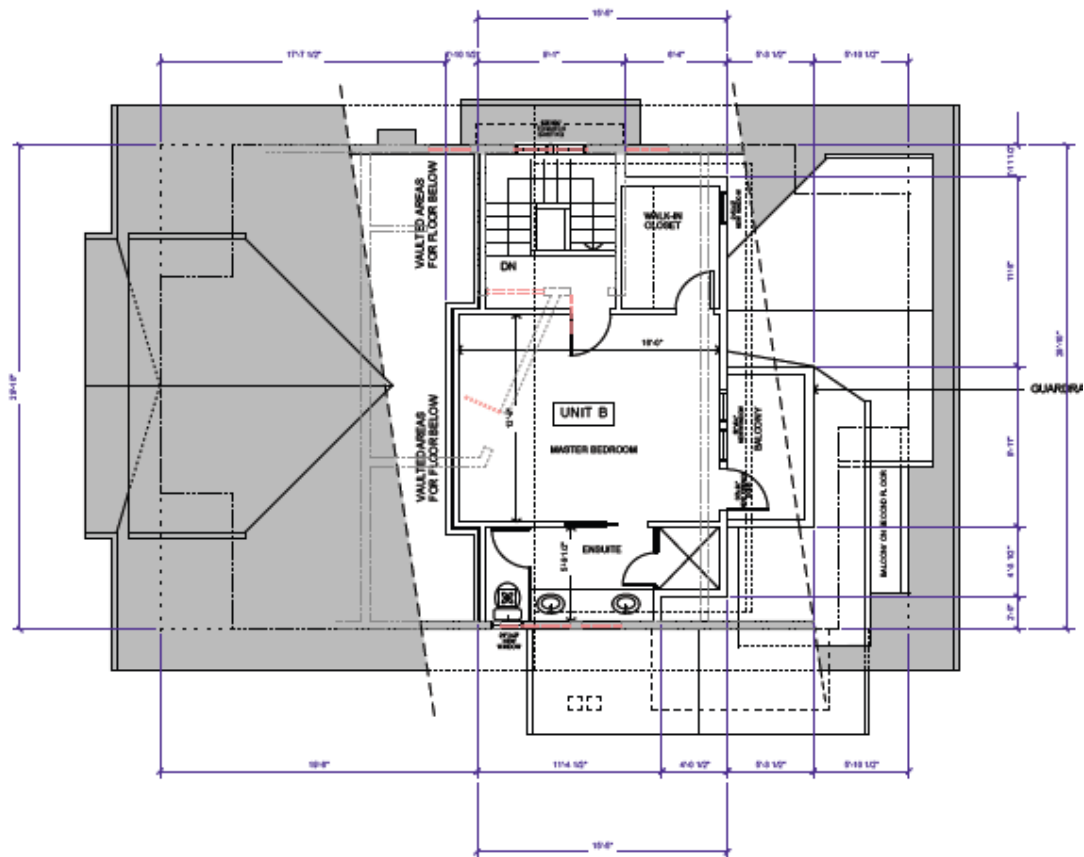
Heritage Building - Basement Floor Plan



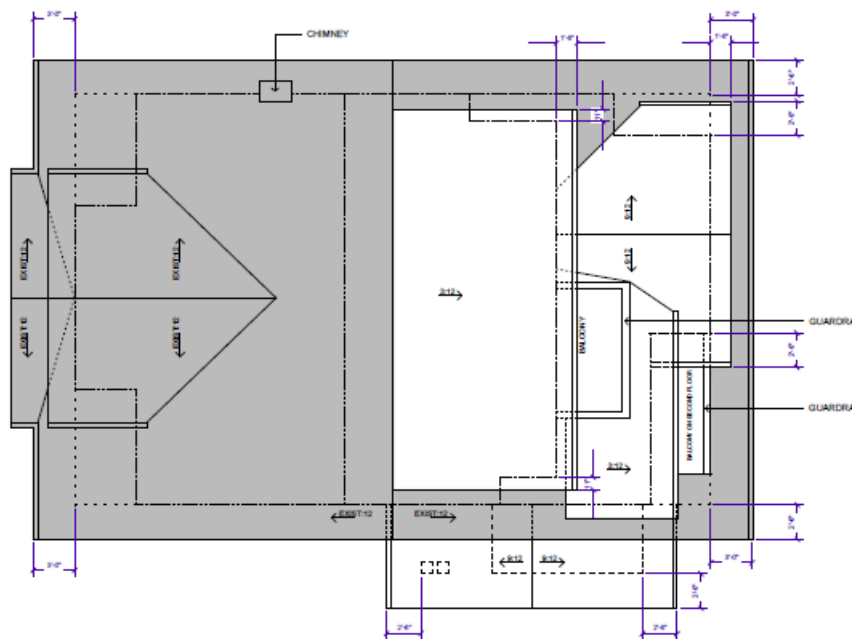
Heritage Building - Main Floor Plan



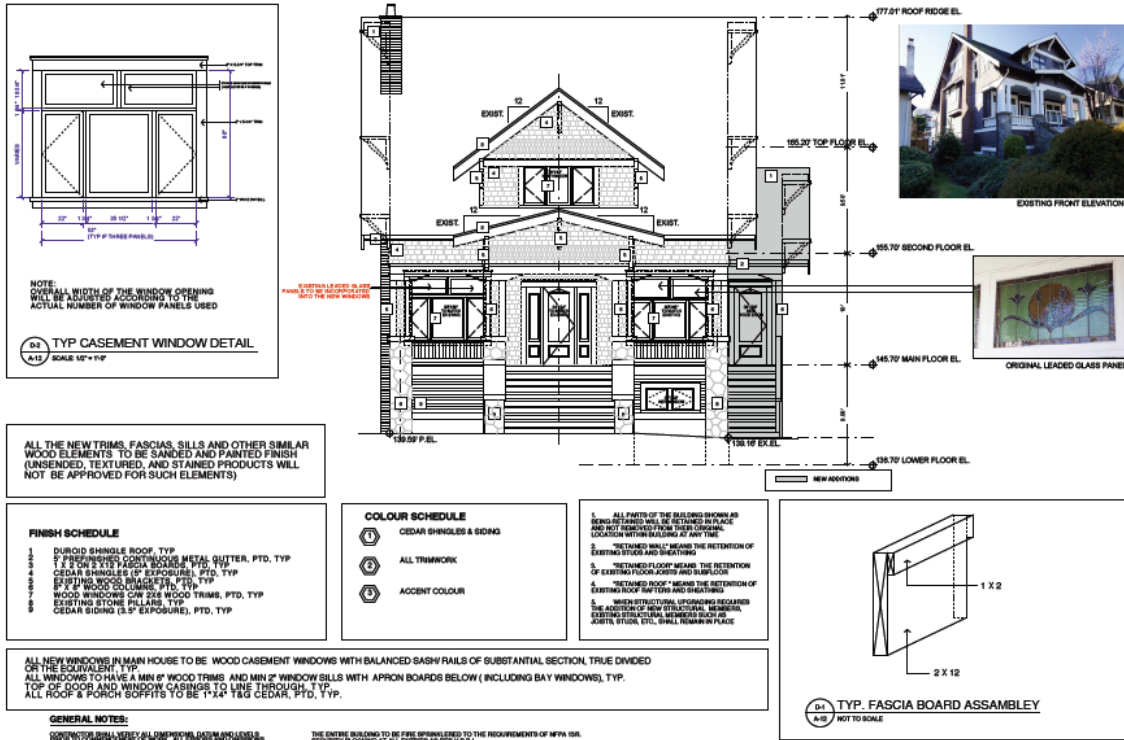
Heritage Building - Upper Floor Plan



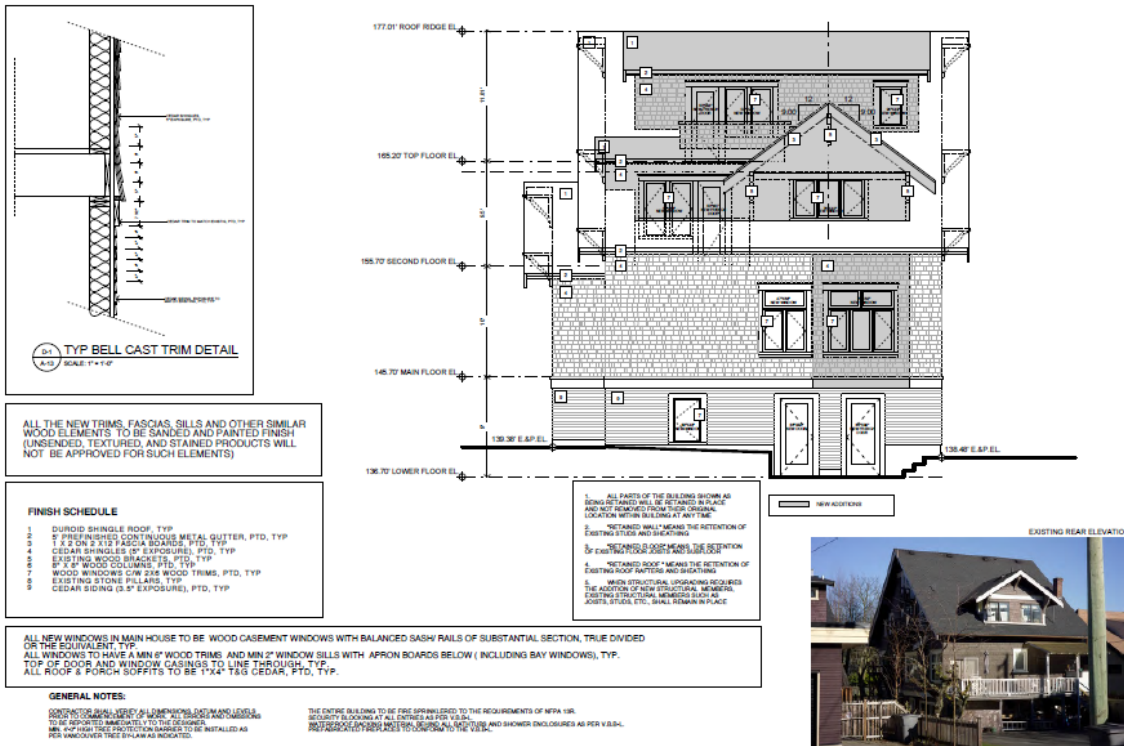
Heritage Building - Loft Floor Plan



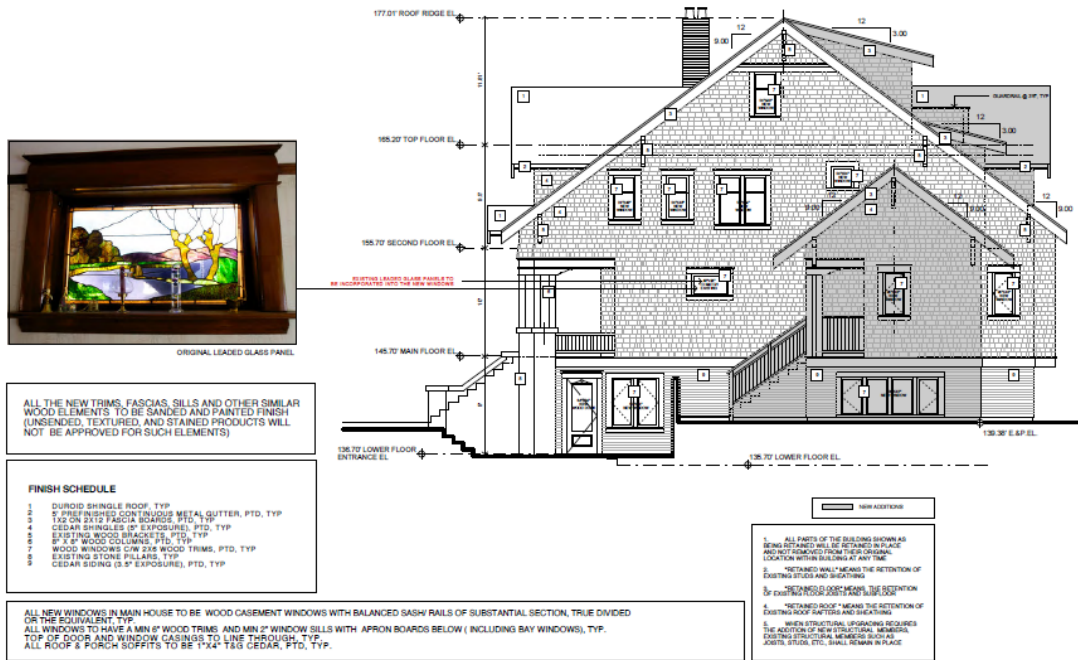
Heritage Building - Roof Plan



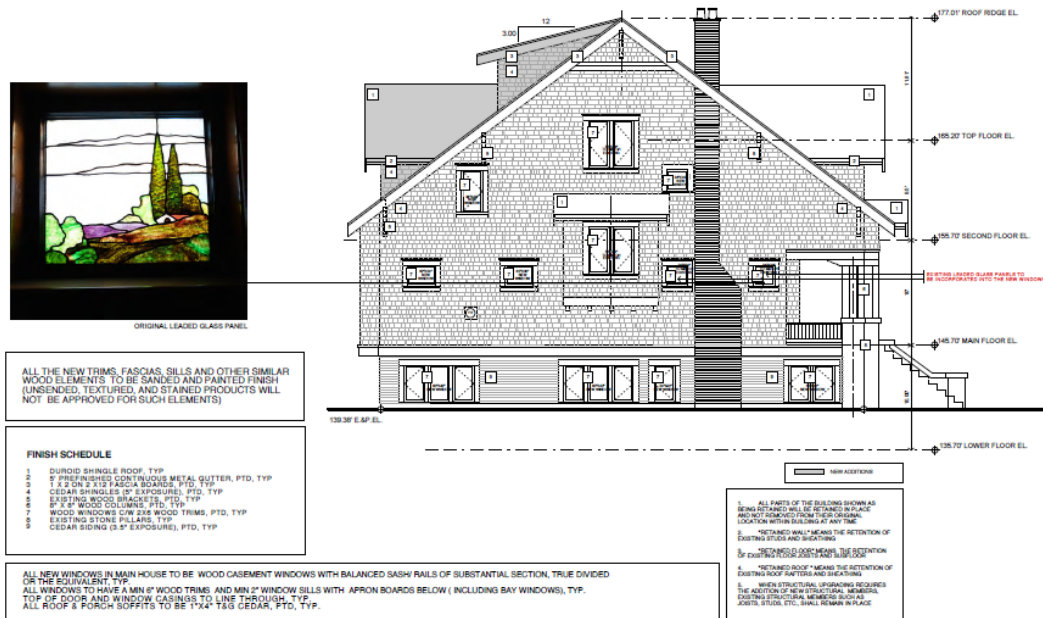
Heritage Building - Front Elevation



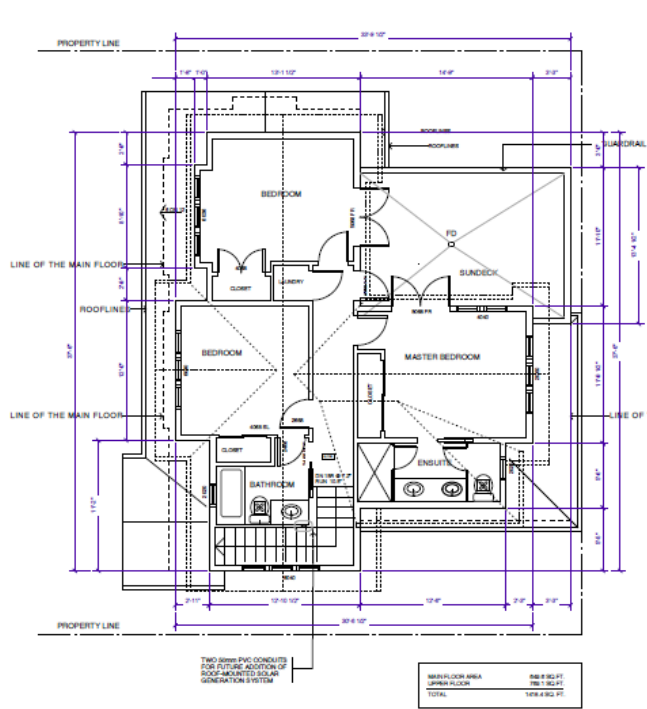
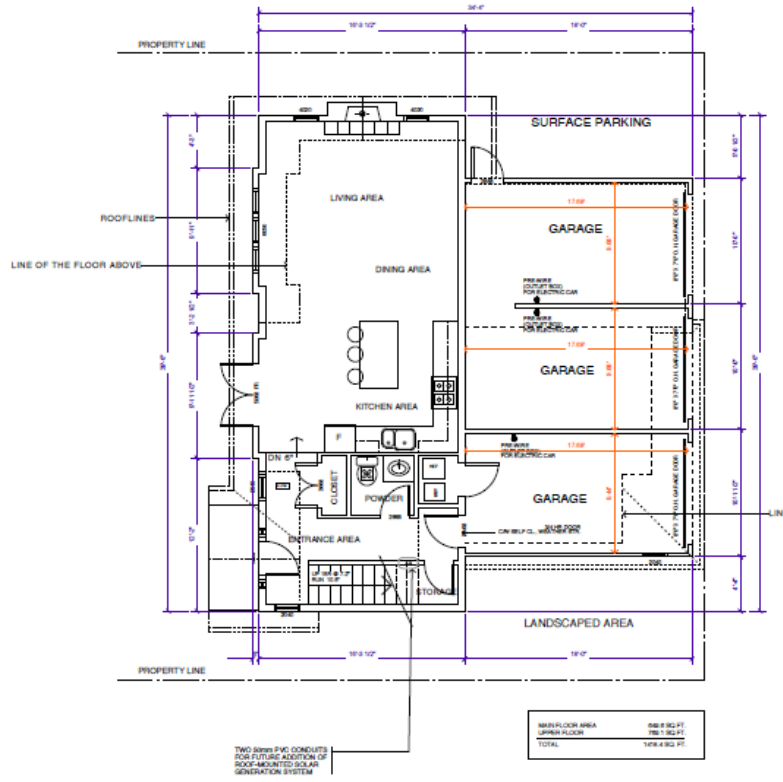
Heritage Building - Rear Elevation



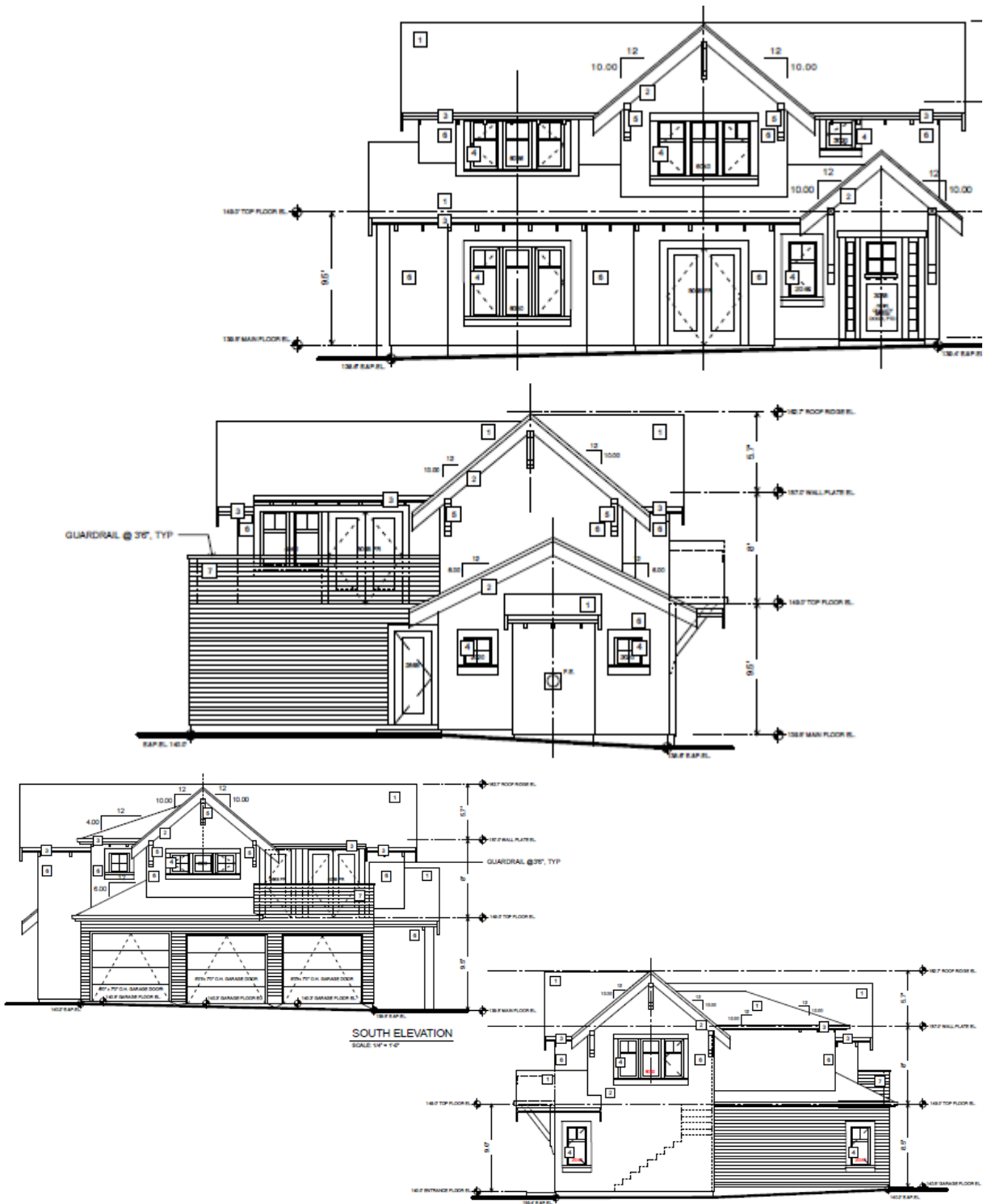
Heritage Building - East Elevation



Heritage Building - West Elevation



New Infill Building - Plans



New Infill Building - Elevations

1836 West 12th Avenue
RESOLUTIONS OF THE VANCOUVER HERITAGE COMMISSION AND STAFF COMMENTS

At its meeting on June 16, 2014, the Vancouver Heritage Commission resolved the following:

THAT the Vancouver Heritage Commission supports the application to rehabilitate 1836 West 12th Avenue, the Fox House, as presented at its meeting on June 16, 2014, noting the following:

- THAT the Commission requests that cedar shingles be used on the roof of the heritage house;
- THAT further consideration be given to the retention of interior heritage features where possible and that consideration be given to preserving and donating any interior elements that cannot be retained in the rehabilitated house;
- THAT further design consideration be given to reducing the size and scale of the infill building; and
- THAT staff, if possible, facilitate the approval to rehabilitate the original windows instead of replication.

CARRIED UNANIMOUSLY

Staff Comments:

The use of cedar shingles on the roof will be included as a consideration for the owner as part of the development permit application approval. Salvage of materials which cannot be retained on site forms a part of the conservation strategy. Staff and the applicant will explore options to retain interior elements. Existing windows will be retained where viable. Staff reviewed the design and mass of the infill building and concluded that the infill building is supportable as proposed.

1836 West 12th Avenue
TECHNICAL ZONING AND PARKING SUMMARY

Table A

Item	Existing	Permitted or Required	Proposed
FSR	391 m ² (4207 sq. ft.) 0.67 FSR	436 m ² (4,688 sq. ft.) 0.75 FSR maximum	500 m ² (5,375 sq. ft.) 0.86 FSR
Height of the Heritage Building	11.6 metres (38 feet)	10.7 metres (35.1 feet) maximum	11.6 metres (38 feet)
Height of the New Infill Building	-	7.9 metres (26 feet) maximum	7.1 metres (23.2 feet)
Side yard requirement for infill development	3.1 metres (10 feet) East side	3.7 metres (12 feet) minimum required on at least one side of an existing heritage building	3.1 metres (10 feet) East side
Number of Dwelling units	1	4 maximum	4
Off Street Parking Spaces	2	4 minimum (1 per dwelling unit)	4

1836 West 12th Avenue
PUBLIC BENEFITS SUMMARY

Project Summary:

Rehabilitation and conservation of a heritage building and construction of a new Infill One-Family Dwelling at the rear of the property

Public Benefit Summary:

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

	Current Zoning	Proposed
Zoning District	RT-8	HRA
FSR (site area = 6,250 sq. ft./ 580 m ²)	0.75	0.86
Buildable Floor Space (sq. ft.)	4,688	5,375
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)	1,400	3,700
	DCL (Area Specific)		
	Public Art		
	20% Social Housing		
Offered (Community Amenity Contribution)	Childcare Facilities		
	Cultural Facilities		
	Green Transportation/Public Realm		
	Heritage		200,000
	Housing (e.g. supportive, seniors)		
	Parks and Public Spaces		
	Social/Community Facilities		
	Unallocated		
	Other		
TOTAL VALUE OF PUBLIC BENEFITS		\$1,400	\$203,700

Other Benefits (non-market and/or STIR components):

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 in the heritage building.