



POLICY REPORT
DEVELOPMENT AND BUILDING

Report Date: May 29, 2015
Contact: Anita Molaro
Contact No.: 604.871.6479
RTS No.: 10929
VanRIMS No.: 08-2000-20
Meeting Date: June 25, 2015

TO: Vancouver City Council

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

SUBJECT: 3171 West 5th Avenue - Juno Miller House - Heritage Designation

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 the exterior of the heritage building at 3171 West 5th Avenue (PID: 010-578-421), Lot D of Lots 10 to 12, Block 30, District Lot 540, Plan 4976 (the "site")), known as the Juno Miller House, which is listed on the Vancouver Heritage Register in the 'C' evaluation category.
- B. THAT Recommendation A be adopted on the following conditions:
- (i) THAT the passage of the above resolution creates no legal rights for the applicant or any other person nor any 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 Juno Miller House at 3171 West 5th Avenue (the "heritage building"), which is listed on the Vancouver Heritage Register in the 'C' evaluation category, as protected heritage property. Under Development Permit Application Number DE418970 (the "DP Application"), heritage

designation of the Juno Miller House is required as a condition of approval. The General Manager of Planning and Development Services is prepared to approve the DP Application should Council approve the recommendations in this report.

COUNCIL AUTHORITY

Pursuant to Section 593 of the *Vancouver Charter*, Council, by resolution, 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*, 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, is achieved by way of discretionary approvals granted under the applicable District Schedule of the *City's Zoning and Development By-law No. 3575* (the "*Zoning and Development By-law*") where supportable under adopted policy.

The proposed heritage designation requires Council approval at public hearing and by-law enactment pursuant to Sections 593 and 594 of the *Vancouver Charter*.

The following Council policies are relevant for this report:

- *Heritage Policies and Guidelines (April, 1991)*
- *Green Buildings Policy for Rezoning (2009, last amended 2014)*
- *Heritage Proforma Review - Interim Policy Planning By-law Administration Bulletin (June, 2014)*

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 the use of available tools to conserve the City's heritage resources.

GENERAL MANAGER'S COMMENTS

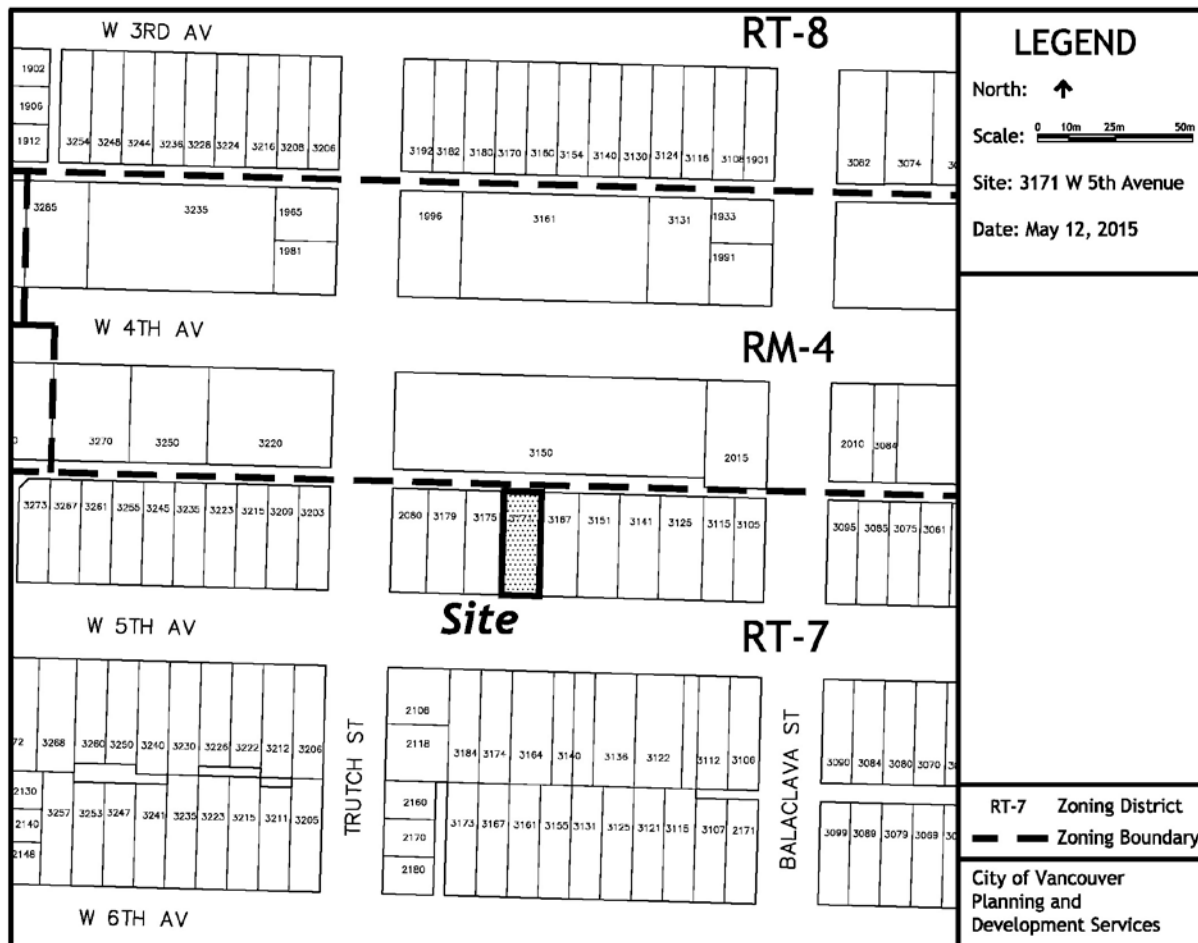
The General Manager of Planning and Development Services RECOMMENDS approval of A and B.

STRATEGIC ANALYSIS

Site and Context

The site is located in the Kitsilano neighbourhood in an area zoned RT-7 (see Figure 1). The *RT-7 District Schedule* of the *Zoning and Development By-law* permits One-Family Dwellings, with or without Secondary Suites, Two-Family Dwellings and Infill. Retention of older, existing character buildings is typically required in order to obtain discretionary density under the zoning. The total area of the site is 409 square metres (4,400 square feet). There is lane access at the rear.

Figure 1 - Site and Surrounding Zoning



Heritage Value

The heritage building was built in 1920 by local builder Fred Melton, part of a larger speculative venture along the 2900 to 3100 blocks of West 5th Avenue. The first owner was Juno Miller, owner of Millers Piano House on West Georgia Street. This part of Kitsilano features a large number of intact Craftsman Bungalow houses of varying design details with the common full-width porch and a low-profile front-gabled roofline. This house features clinker brick porch columns and chimney, a large front window with leaded glass transom, and decorative brackets and a shed roof set above an attic window in the gable (see Appendix A). The heritage building is on the Vancouver Heritage Register in the 'C' evaluation category.

Development Application and Proposed Incentives

The incentives and compensation to be provided to the owner for the heritage designation of the exterior of the heritage building together with the rehabilitation, and conservation of the heritage building will be in the form of relaxation of requirements in the *Zoning and Development By-law* as set forth in the DP Application which are within the discretion of the General Manager of Planning and Development Services and are further described below.

The zoning applicable to the site is RT-7. A two-storey addition to the house, along with its restoration, is proposed in the DP Application. The house will remain a One-Family Dwelling (see the drawings in Appendix B).

The maximum permitted density under the RT-7 zoning for the site is 0.60 FSR and the total density for the proposed development is 0.66 FSR (see the Technical Zoning Summary in Appendix C). Pursuant to section 3.2.5 of the *Zoning and Development By-law*, the General Manager of Planning and Development Services may relax requirements of the *Zoning and Development By-law* where Council has determined that the development would make a contribution to conserving protected heritage property. The *Heritage Policies and Guidelines* state that Council approval of proposed density in excess of 10% over the density permitted in the applicable zoning is required and such increase would be effected by a variance to the *Zoning and Development By-law* in a Heritage Revitalization Agreement (HRA) pursuant to Section 592 of the *Vancouver Charter*. In the case of the DP Application, which is the subject of this report, the proposed density is not more than 10% over the permitted density and therefore an HRA is not required. The relaxation provides incentive and compensation to the owner to retain, rehabilitate, and protect the heritage building.

As part of the DP Application review, staff considered the probable impact of the proposed development, including the results of notification (see the Results of Neighbourhood Notification and Staff Comments section), as well as the compatibility of the development, and concluded that the application is supportable.

Compatibility with Existing Zoning and Land Use Regulations

The intent of the *RT-7 District Schedule* of the *Zoning and Development By-law* 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. For renovations and additions, emphasis is placed on maintaining external architectural character. The conservation and long-term protection of the heritage building, retained as a One-Family Dwelling, meets this intent.

The addition is proposed to be placed at the rear of the site, concentrated on the main and lower levels, to minimize the potential impact on the heritage building. A nominal amount of living area is to be on the second floor, and setting it at the rear will minimize any view of this floor from the street. There is no anticipated impact of the addition on the original low-profile roofline.

Condition of the Heritage Building and Conservation Approach

The heritage building is in excellent condition, retaining its original character, including form, cladding, windows and entry. There are only minor upgrades and repairs required. All main floor siding, windows and doors will be retained except on the rear elevation where new construction is to be accommodated. The front elevation will have no changes, while minor changes to windows on the basement level are proposed. Staff have concluded 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 and Staff Comments

Fifteen surrounding properties were notified of the DP Application. Two responses were received. One response expressed concern for removal of three trees on the east side and possible changes in grade as a result of the addition. In response to this, the only trees to be removed are those that do not meet the criteria for retention under the City's *Protection of Trees By-law No. 9958*, for example those situated within the building envelope. No grade changes will occur. The other response was entirely positive regarding the enlargement of the house and heritage retention scheme.

Comments from the Vancouver Heritage Commission

On April 13, 2015 the Vancouver Heritage Commission reviewed the proposed heritage designation 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 of \$32.18/m² (\$2.99/sq.ft.). On this basis, a DCL of approximately \$1,444 is anticipated.

DCLs are payable at building permit issuance and are subject to an annual inflationary adjustment which takes place on September 30th 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 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 heritage building and to accept the designation of its exterior as 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 will enter into a legal agreement to secure the conservation and rehabilitation of the property as further set out in Appendix E. The cost to the applicant of the proposed on-site heritage conservation is estimated to be approximately \$25,000.

See Appendix E 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 Juno Miller House valued at \$25,000. The site is within the City-wide DCL District and it is anticipated that the applicant will pay approximately \$1,444 in DCLs should the DP Application be approved and the project proceed.

Proforma Evaluation

The *Heritage Proforma Review - Interim Policy Planning By-law Administration Bulletin* allows for an exemption of a financial proforma review for projects which propose no more than 10% bonus density beyond the maximum permitted density in the zoning applicable to a site. This proposal is for a density increase of exactly 10% which complies with the provisions of the bulletin and a proforma review is not required.

Environmental

The City's *Green Buildings Policy for Rezonings* does not apply to the project as a Heritage Revitalization Agreement is not proposed or required. However, the project will comply with all requirements under the *Vancouver Building By-law* with respect to energy and environmental provisions contained therein.

Legal

The discretionary increase in density proposed will provide an improved development potential for the site. The owner's proposal to rehabilitate and conserve the heritage building in exchange for the increased density to achieve that development potential will be appropriately secured as legal obligations contained in a heritage restoration covenant to be registered on title to the site as a covenant pursuant to Section 219 of the *Land Title Act* to enable the City to reinforce those obligations and ensure that they will be fulfilled at the owner's expense. City staff and the owner have substantially settled the covenant, 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 is to sign an agreement to be registered on title to the site explicitly accepting approval of the DP Application as full compensation for the heritage designation of the exterior of the heritage building. The agreement will be registered on title following Council's enactment of the by-law authorizing the Designation By-law and before a development permit for the project may be issued.

CONCLUSION

The approval of the heritage designation of the Juno Miller House at 3171 West 5th Avenue will ensure that the heritage building is rehabilitated and protected from exterior alterations which affect its heritage value, and from demolition. The owner has agreed to accept the proposed increase to the floor area under the DP Application as compensation for the heritage designation of the Juno Miller House. The General Manager of Planning and Development Services is prepared to approve the DP Application should Council approve the recommendations of this report. Therefore, it is recommended that Council approve the heritage designation of the Juno Miller House at 3171 West 5th Avenue.

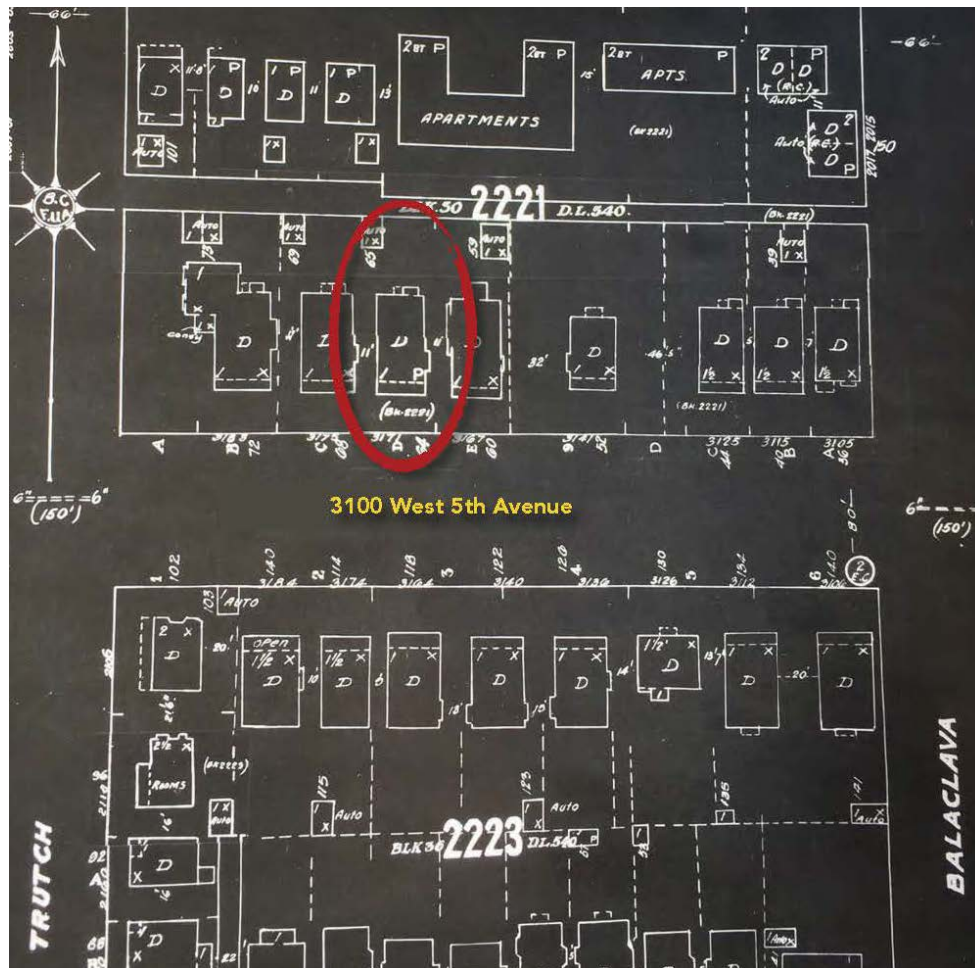
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3171 West 5th Avenue, Juno Miller House, in the context of its neighbour to the west

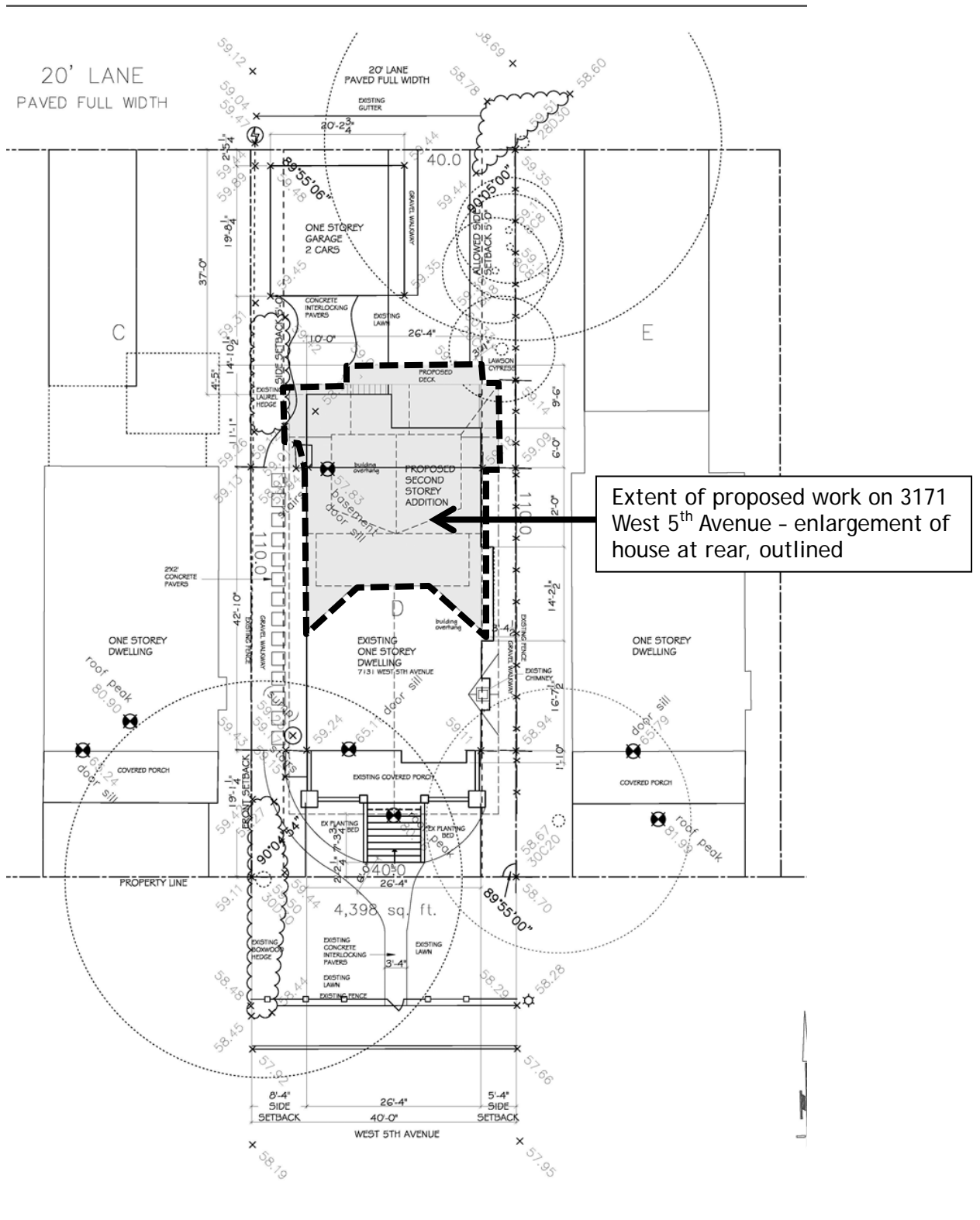


3171 West 5th Avenue - front porch column detail and clinker brick chimney (east side)



Goad's Fire Insurance Map, 1927 - Illustrating 3171 West 5th Avenue (circled) and its neighbours built in 1920 by Fred Melton

SITE PLAN
3171 WEST 5TH AVENUE



FRONT AND REAR ELEVATIONS - PROPOSED
3171 WEST 5TH AVENUE



Proposed Front Elevation

Proposed Rear Elevation

Streetscape

LEGEND

- EXISTING
- TO BE REMOVED
- PROPOSED WORK

NOTES:

1. EXISTING SOUTH ELEVATION PANELS SUBJECT TO EXISTING ARCHITECTURE SHALL BE MAINTAINED AS MUCH AS POSSIBLE. CHANGES SHALL BE MADE AT THE DISCRETION OF THE ARCHITECT.
2. EXISTING VERTICAL GLAZING TO BE MAINTAINED AT EXISTING HEIGHTS.
3. NEW EXTERIOR WALLS COLOURED TO COMPLY WITH HISTORIC AUTHORITY.
4. ALL EXISTING CLADDING TO REMAIN UNLESS OTHERWISE NOTED OR SPECIFIED.
5. ALL EXISTING WINDOWS TO REMAIN UNLESS OTHERWISE NOTED.
6. ALL NEW WINDOWS AND GLAZING ARE NEW UNLESS OTHERWISE NOTED.
7. ALL NEW BRICK AND STONE SHALL BE MATCHED TO EXISTING MATERIAL.

PROJECT: 3171 WEST 5TH AVE VANCOUVER, BC

CLIENT: MARK WERNER AND ANNA KANG

DESIGNER: PROPOSED NORTH & SOUTH ELEVATIONS

DATE: MARCH 31/2018

DRAWN BY: J. LEE

CHECKED BY: J. LEE

SCALE: 1/8" = 1'-0"

PROJECT NO.: D.R.

SHEET NO.: A7

Extent of additions to front and rear elevations outlined

3171 West 5th Avenue
TECHNICAL ZONING SUMMARY

Variances of the RT-7 Zoning District Schedule of the *Zoning and Development By-law*:

Regulations of the RT-7 District Schedule	Existing	Required or Permitted	Proposed
Section 4.7 - Floor Space Ratio	0.55 FSR (225 m ² / 2,420 sq.ft.)	0.6 FSR (245 m ² / 2,639 sq.ft.)	0.66 FSR (270 m ² / 2,903 sq.ft.)
Site Coverage *	39%	45%	41%
Number of Dwelling Units *	1	2	1
Off-street Parking Spaces *	2	1	2

* No variance required

3171 West 5th Avenue
RESOLUTION OF THE VANCOUVER HERITAGE COMMISSION AND STAFF COMMENTS

On April 13, 2015, the Vancouver Heritage Commission reviewed the proposed heritage designation of the building known as the Juno Miller House at 3171 West 5th Avenue and resolved the following:

THAT the Vancouver Heritage Commission supports the application by Kerr Construction for the proposal at 3171 West 5th Avenue (Juno Miller House), noting that consideration be given to design development to reconsider the form and character of the large dormer on the rear elevation.

Staff Comments:

Further discussion will take place between staff and the applicant regarding the option to design the large dormer on the rear as a shed dormer. Provided that a shed dormer does not affect interior layout and headroom, it will be recommended to the applicant in the form of prior-to conditions in the Development Permit.

3171 West 5th Avenue
PUBLIC BENEFITS SUMMARY

Project Summary:

Rehabilitation and conservation of a heritage building with modest addition at rear.

Public Benefit Summary:

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

	Current Zoning	Proposed
Zoning District	RT-7	RT-7
FSR (site area = 409 m ² (4,400 sq. ft.))	0.6	0.66
Buildable Floor Area	245 m ² (2,640 sq. ft.)	270 m ² (2,903 sq. ft.)
Land Use	Residential	Residential

Public Benefit Statistics		Value if built under Current Zoning (\$)	Value if built under Proposed DE (\$)
Required*	DCL (City-wide) (See Note 1)	7,894	1,444
	DCL (Area Specific)		
	Public Art		
	20% Social Housing		
Offered (Community Amenity Contribution)	Childcare Facilities		
	Cultural Facilities		
	Green Transportation/Public Realm		
	Heritage		25,000
	Housing (e.g. supportive, seniors)		
	Parks and Public Spaces		
	Social/Community Facilities		
	Unallocated		
	Other		
TOTAL VALUE OF PUBLIC BENEFITS		\$7,894	\$26,444

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: Value if Built Under Current Zoning is based on new dwelling built at 0.6 FSR (although under RT-7 demolition of a building on VHR would result in only Outright FSR of 0.4). DCLs do not apply to existing floor area which in this case is 225 m² (2,420 sq. ft.).