



POLICY REPORT
DEVELOPMENT AND BUILDING

Report Date: October 6, 2015
Contact: Anita Molaro
Contact No.: 604.871.6479
RTS No.: 11102
VanRIMS No.: 08-2000-20
Meeting Date: October 20, 2015

TO: Vancouver City Council

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

SUBJECT: Heritage Designation and Heritage Revitalization Agreement - 458 East 10th Avenue (Mason House)

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 existing building at 458 East 10th Avenue (PID: 015-101-959; Lot 7, Block 125, District Lot 264A, Plan 830 and 1771 (the "site")), known as the Mason House (the "heritage building") which is listed on the Vancouver Heritage Register in the 'C' evaluation category, as protected heritage property.
- 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 the rehabilitation and long-term preservation of the heritage building; and
 - ii. vary the *Zoning and Development By-law* in respect of the site to permit the construction of an infill building as proposed under Development Permit Application No. DE419109 (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 site, 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 Mason House at 458 East 10th Avenue as protected heritage property, and to approve a Heritage Revitalization Agreement (HRA) for the site. Under the current RT-5 zoning applicable to the site, the existing building could be demolished and the site redeveloped with a density of up to 0.75 (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 as well as other zoning variances, as set forth in the DP Application and as described in this report, are proposed. 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 an HRA with an owner of heritage property which may vary or supplement certain kinds of by-laws and permits, including the *Zoning and Development By-law* and the *Vancouver Development Cost Levy By-law*.

Pursuant to Section 593 of the *Vancouver Charter*, Council may, by by-law, designate real property, in whole or in part, within the City of Vancouver as protected heritage property.

Pursuant to Section 595 of the *Vancouver Charter*, if sought, Council must 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 heritage rehabilitation costs, is achieved by way of by-law variances 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 a public hearing and by-law enactment pursuant to Sections 592, 593 and 594 of the *Vancouver Charter*.

- *Heritage Policies and Guidelines (April, 1991)*
- *Green Buildings Policy For Rezoning (2009, last amended 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

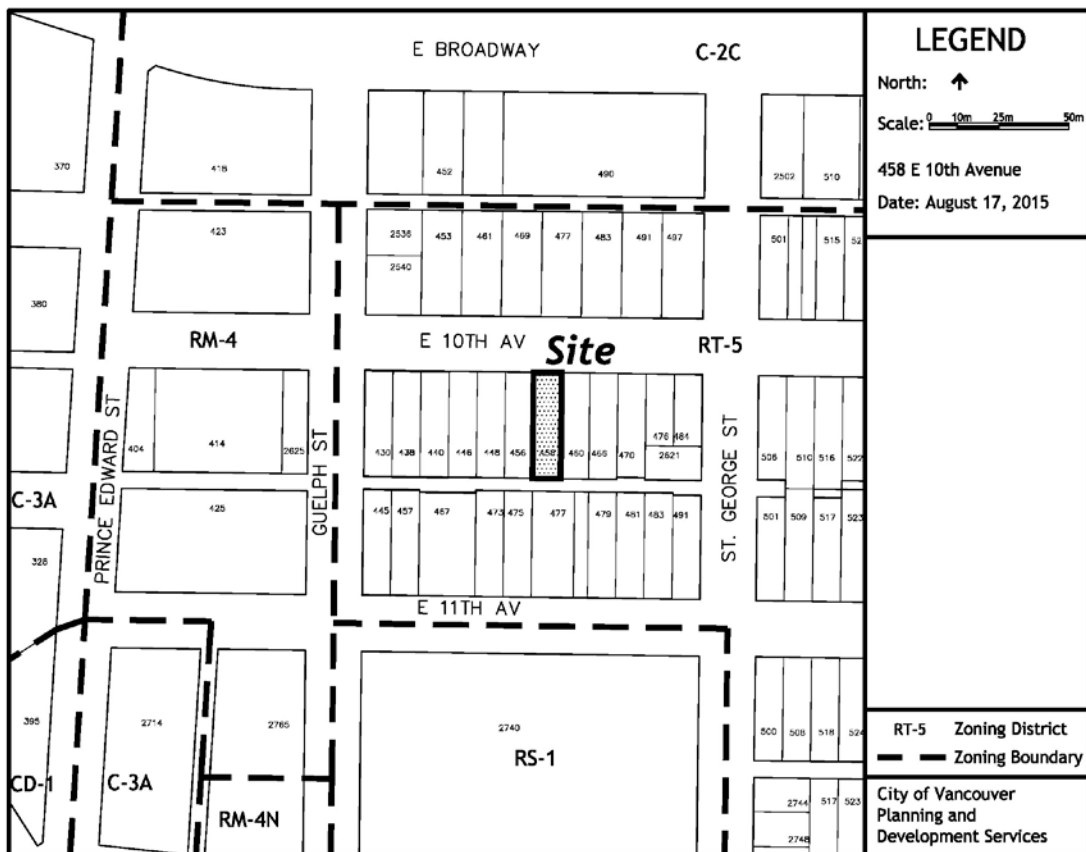
The General Manager of Planning and Development Services RECOMMENDS approval of A, B, C, and D.

STRATEGIC ANALYSIS

Site and Context

The site which is the subject of the proposed project is located in the Mount Pleasant neighbourhood in an area zoned RT-5 (see Figure 1). The RT-5 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 development. The total area of the site is 382 square metres (4,111 square feet). A six metre (twenty foot) wide paved lane exists at the rear of the site.

Figure 1: Site and Surrounding Zoning



Heritage Value

The Mason House was built in 1904 and is part of a streetscape of four nearly identical buildings located at 460 - 470 East 10th Avenue, constructed around the same time, and all listed on the Vancouver Heritage Register in the "C" evaluation category. Mount Pleasant is the oldest neighbourhood outside of the Downtown Eastside and the land on which the Mason House was built was owned as far back as 1890 or earlier by Israel Powell at a time when European settlers first began developing the area. Records are not clear but it was likely that Hamilton Mason built the house in 1904, although it was first occupied by a retiree by the name of Solomon Mutch who had constructed a house at 456 East 10th Avenue next door a year earlier.

The 400 block of East 10th Avenue is known for its collection of historic houses (on both side of the street) and is listed as one of sixteen Heritage Streetscapes on the Vancouver Heritage Register (see Appendix A)

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* as set forth in the DP Application, and as described below. The zoning applicable to the site is RT-5. The DP Application proposes to retain and restore the heritage building, convert it to contain two Dwelling Units, and to construct a new Infill One-Family Dwelling at the rear of the site (the "new infill building"). The maximum density permitted in the zoning is 0.75 FSR. The proposed density is 0.87 FSR (see Table 1 and Appendix D).

Table 1: Density and Height Summary

Item	Existing	Permitted or Required	Proposed
Overall Floor Space Ratio (FSR)	240 m ² (2,584 sq. ft.) 0.63 FSR	287 m ² (3,083 sq. ft.) 0.75 FSR maximum	333 m ² (3,584 sq. ft.) 0.87 FSR
Height of Infill Building	-	7.6 metres (24 feet) Maximum	7.6 metres (24 feet)

Staff have considered the probable impact of the proposed development, including the results of notification (see the Results of Neighbourhood Notification section), the conservation approach (see Condition of the Heritage Building and Conservation Approach section), and the compatibility of the development with the zoning, and conclude that the DP Application is supportable. The General Manager of Planning and Development Services is prepared to approve the DP Application should Council approve the recommendations of this report.

Compatibility with Existing Zoning and Land Use Regulations

The Intent of the RT-5 zoning district schedule is to:

"...encourage the retention of existing residential structures. In the RT-5 and RT-5N Districts emphasis is placed on the external design of all new buildings and additions being compatible with the historical character of the area, and on being neighbourly in scale and placement."

The retention of the heritage building contributes to the historic architectural character of the area and the new infill building meets the design guidelines for the area and responds well to its neighbours in terms of scale, massing, privacy impact, and placement. Staff conclude the proposal is consistent with the intent of the zoning.

Condition of the Heritage Building and Conservation Approach

The Mason House is in good condition. Uncharacteristic windows are to be replaced with replications of the originals. The porch is to be restored and the stairs rebuilt to match the original. The heritage building will be painted in historic colours. A comprehensive Conservation Plan has been provided and 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

As part of the DP Application review, thirty-seven surrounding properties were notified of the DP Application, and a site sign was installed. Three responses were received. One response expressed support. Two responses expressed support for the proposal in principle but had concerns regarding the new infill building as follows:

- The infill building is set too far into the site. The parking should be located in the infill building to allow a greater setback for the new building.
- The infill building is as high as the existing house and therefore should be lowered.
- Laneway Housing is only permissible in RS zones, and therefore the infill building is a variance of use.

Design conditions of the DP Application will require the infill building to be setback further to the lane and to the west to improve massing and shadowing impacts. The roof elevation of the infill building noted on the site plan in the drawings posted for notification is incorrect (the height is noted as the same as the heritage building, EL 168.44 ft.). The infill building complies with the guidelines for the zoning which stipulate a maximum height of 7.6 metres (24 feet) for an infill building (the Mason House is approximately 32 feet high). See Table 1 and Appendix D. The drawings in Appendix C show the correct height for the infill building. Infill use is permitted in the RT-5 zoning. Laneway Housing, which has different provisions, is not currently permitted in the RT-5 zoning. The proposed infill building is a permitted use in the zoning and therefore does not require a variance of use.

Staff considered the results of neighbourhood notification and concluded that the project is supportable as proposed with the design changes noted above.

Comments from the Vancouver Heritage Commission

On July 27, 2015, the Vancouver Heritage Commission reviewed the application and unanimously supported the proposal (see Appendix E).

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 DCLs payable are based on the City-wide DCL rate of \$33.26/m² (\$3.09/square foot). On this basis an amount of \$3,090 payable 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 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 its designation of its exterior as protected heritage property, which is a highly valued community feature. If approved, the designation will be effected by enactment of a Heritage Designation By-law and the owner will enter into an HRA which, among other things, will secure the conservation and rehabilitation of the heritage building. The cost to the applicant of the proposed on-site heritage conservation is estimated to be approximately \$150,000.

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 Mason House valued at \$150,000. The site is within the City-wide DCL District and it is anticipated that the applicant will pay approximately \$3,090 in DCLs should the applications be approved and the project proceed.

Proforma Evaluation

Real Estate Services staff reviewed the applicant's pro forma evaluation in accordance with Council's approved policies. The Director of Real Estate Services advises that the by-law variances proposed 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 site. The owner's proposal to rehabilitate and conserve the heritage building, and accept the designation of the heritage building's exterior as protected heritage property, 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.

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 it. The HRA will be executed by the City and registered on title 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 Mason House at 458 East 10th Avenue and authorization to enter into the proposed HRA will ensure that the heritage building is 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, rehabilitation, and conservation of the heritage building. 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 Mason House, and the proposed HRA.

* * * * *

458 East 10th Avenue
PHOTOGRAPHS



Photo 1: 400 Block East 10th Avenue (South Side) circa 2015

Left to right: 470 East 10th Avenue (now protected), 466 East 10th Avenue, 460 East 10th Avenue, and 458 East 10th Avenue, circa 2011. Although all are nearly identical, they were constructed by different builders. Many of these houses were rented once built, primarily to blue collar workers and their families, as opposed to being owner-occupied. In the late 1950s more owners began living in their houses in the Mount Pleasant area, often renting out suites, a trend which continues today.



Figure 58: 470 East 10th Avenue

Figure 59: 466 East 10th Avenue

Figure 60: 460 East 10th Avenue

Figure 61: 458 East 10th Avenue

Photo 2: 400 Block East 10th Avenue (Looking South) circa 2015



Photo 3: The Mason House at 458 East 10th Avenue

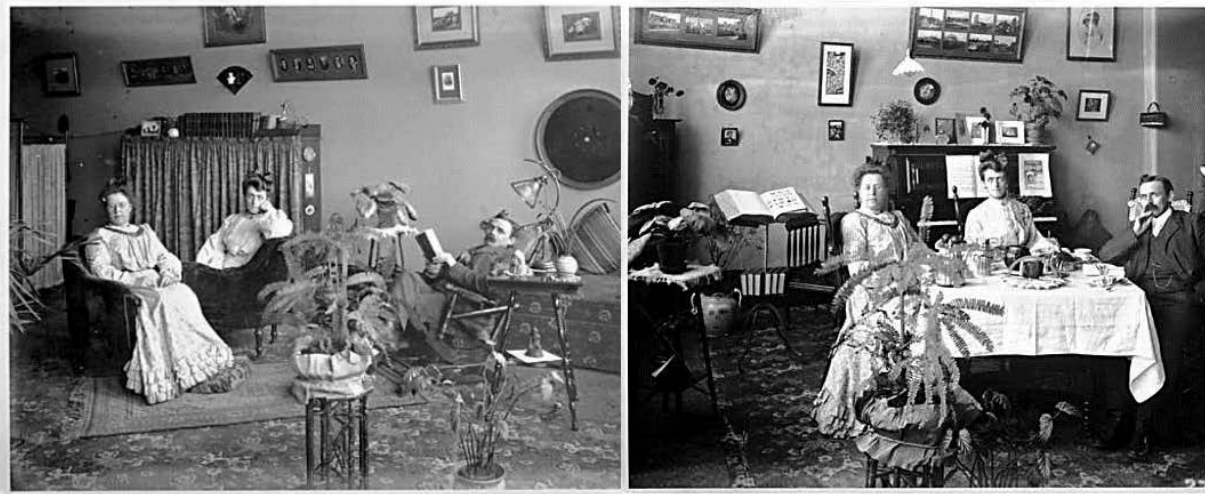


Photo 4: Typical Period Interior (Cragg House on East 13th Avenue).

Interior photographs from the early 1900s of houses are rare. The Mason House would likely have appeared, and been furnished, in a similar manner to this middle class house located a couple blocks away from the Mason House (photo 1910).



Photo 4: 400 Block East 10th Avenue

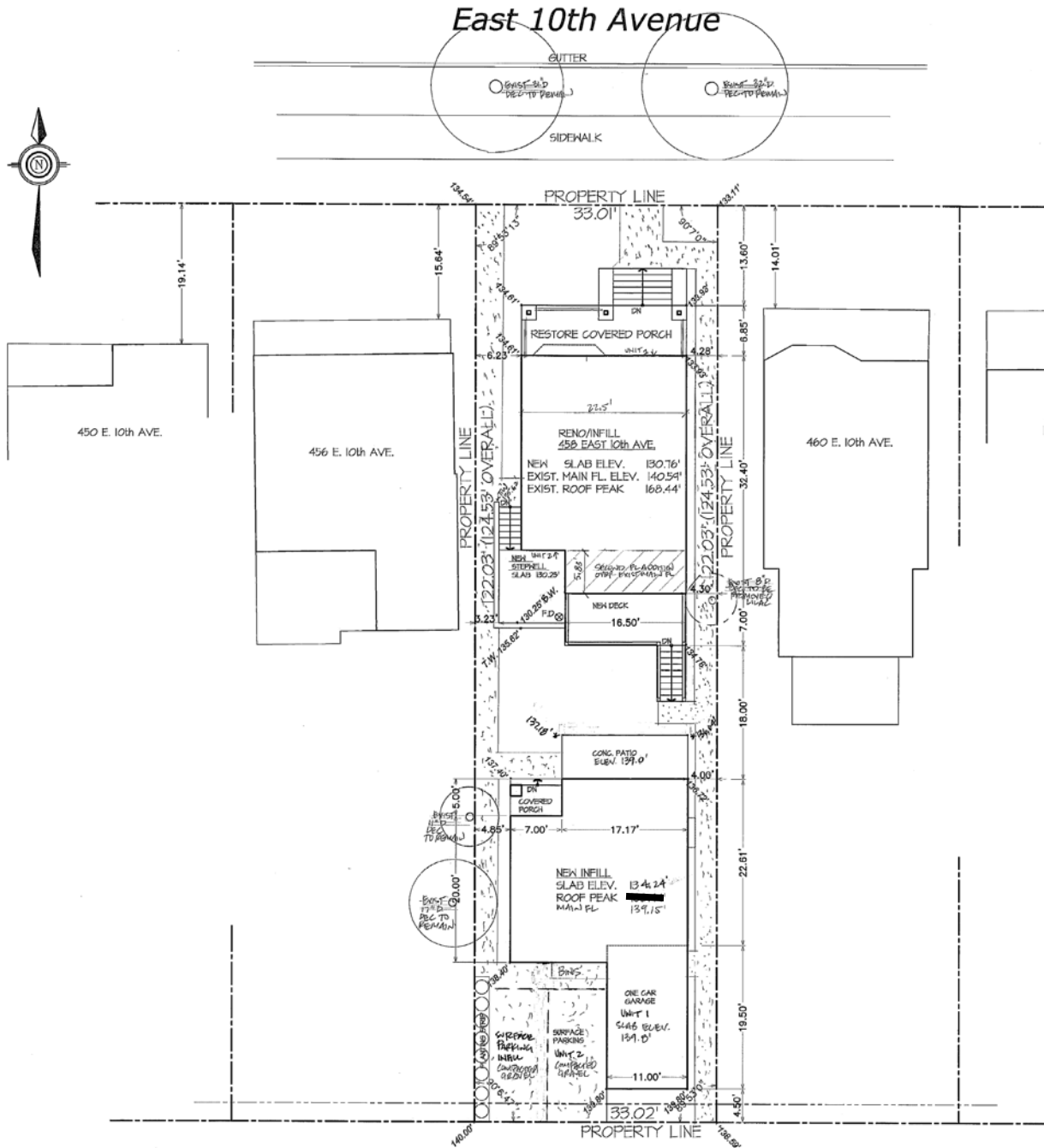
The 400 Block of East 10th Avenue is listed on the Vancouver Heritage Register as one of sixteen Heritage Streetscapes in the City.

458 East 10th Avenue
MAP



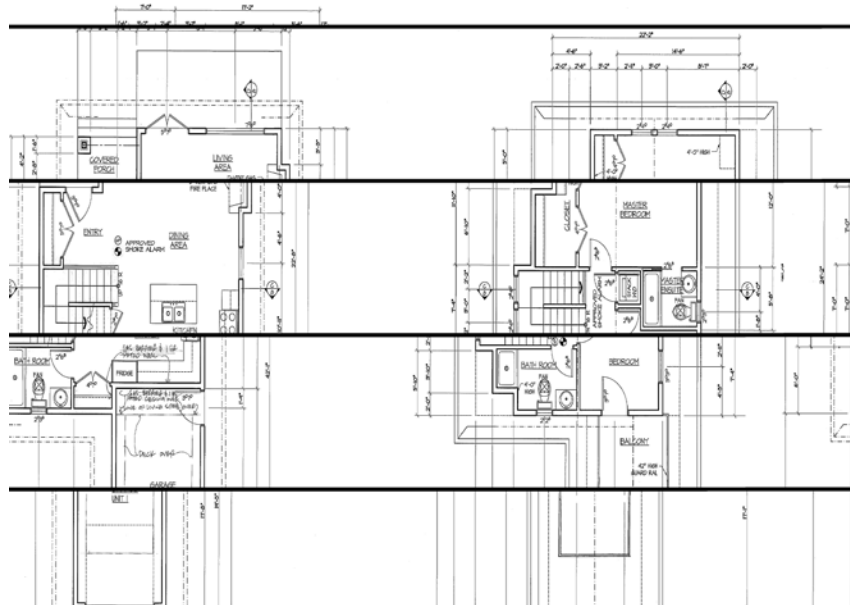
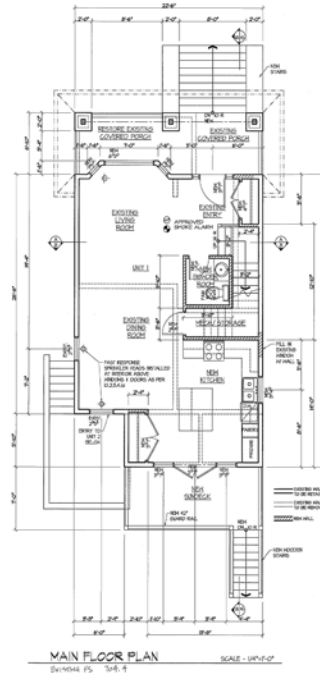
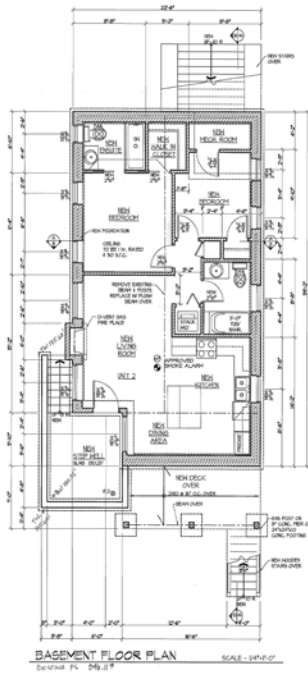
Map 1: Fire Insurance Map (1912)

458 East 10th Avenue
DRAWINGS

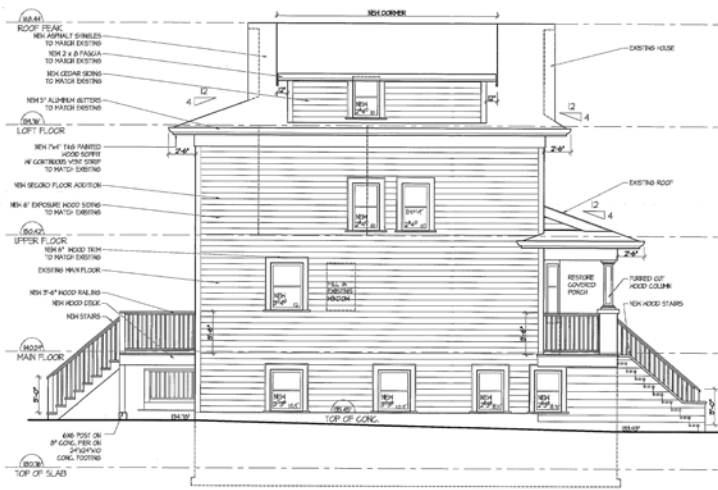


SITE PLAN

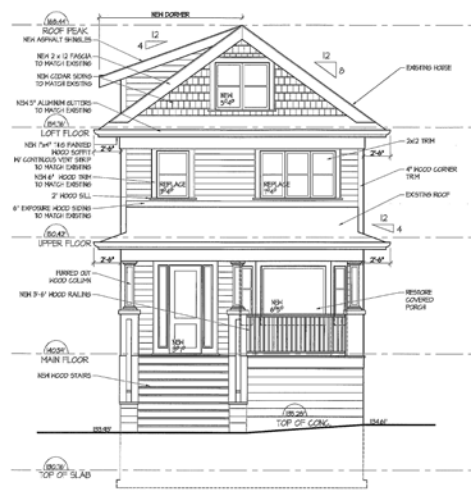
Site Plan



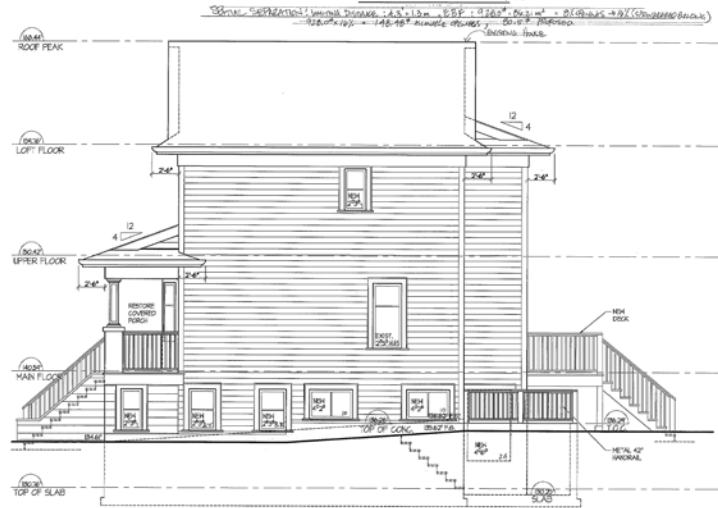
Floor Plans - Heritage Building



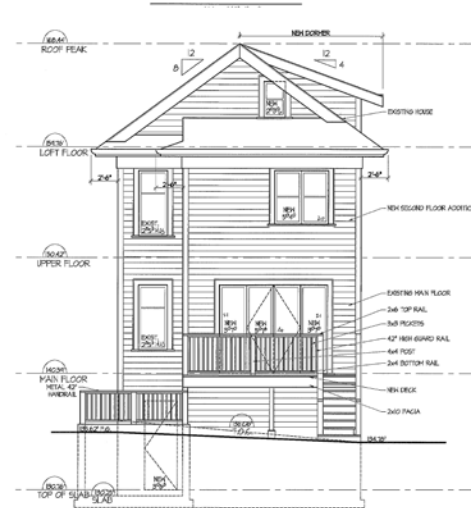
EAST ELEVATION



NORTH ELEVATION

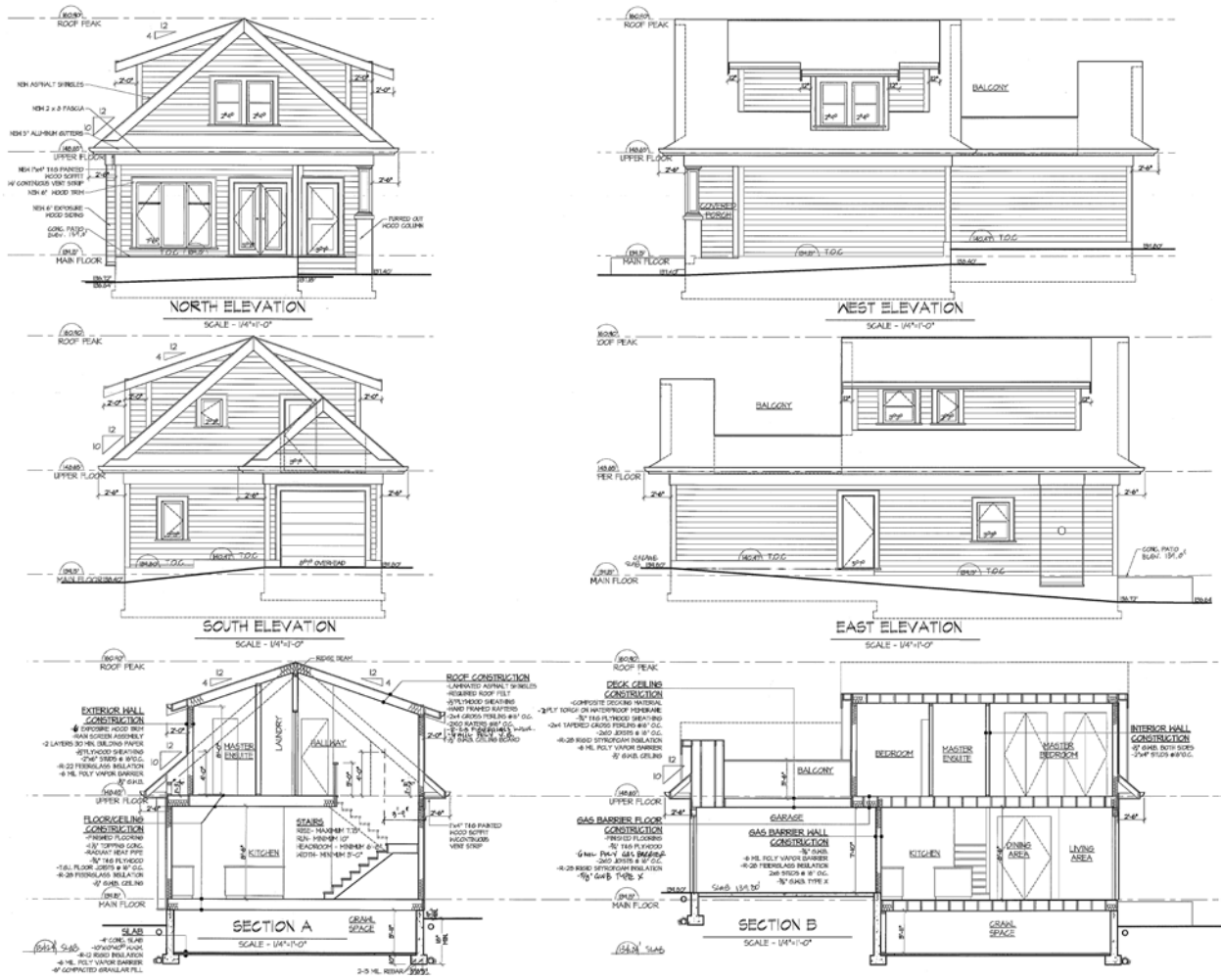


WEST ELEVATION



SOUTH ELEVATION

Elevations - Heritage Building



Elevations and Sections - New Infill Building

458 East 10th Avenue
TECHNICAL ZONING AND PARKING SUMMARY

Table A

Item	Existing	Permitted or Required	Proposed
Overall Floor Space Ratio (FSR)	240 m ² (2,584 sq. ft.) 0.63 FSR	287 m ² (3,083 sq. ft.) 0.75 FSR maximum	333 m ² (3,584 sq. ft.) 0.87 FSR
Height of Heritage Building	9.2 metres (32 feet)	10.7 metres (35.1) feet Maximum	9.2 metres (32 feet)
Height of Infill Building	-	7.6 metres (24 feet) Maximum	7.6 metres (24 feet)
Separation between buildings	-	4.5 metres (16 feet minimum)	5.5 metres (18 feet)
Off-Street Parking	2	3 Minimum	3
Site Coverage	33%	45% maximum	42%

458 East 10th Avenue
RESOLUTIONS OF THE VANCOUVER HERITAGE COMMISSION AND STAFF COMMENT

On September 14, 2015, the Vancouver Heritage Commission reviewed the proposal and resolved the following:

THAT the Vancouver Heritage Commission enthusiastically supports the proposal to renovate the existing building and construct a new infill at 458 East 10th Avenue as presented to Commission members on July 27, 2015, noting the following:

- the applicant consider wood shingles rather than duroid for the roof.

CARRIED UNANIMOUSLY

Staff Comments:

The owner has agreed to investigate the use of wood shingles as opposed to duroid or asphalt roof shingles.

458 East 10th Avenue
PUBLIC BENEFITS SUMMARY

Project Summary:

Rehabilitation, conservation, and designation of a heritage building, and construction of a new infill building.

Public Benefit Summary:

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

	Current Zoning	Proposed
Zoning District	RT-5	HRA
FSR (site area = 382 m ² / 4,111 sq. ft.)	0.75	0.87
Buildable Floor Space (sq. ft.)	3,083	3,584
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)	1,540	3,090
	DCL (Area Specific)		
	Public Art		
	20% Social Housing		
Offered (Community Amenity Contribution)	Childcare Facilities		
	Cultural Facilities		
	Green Transportation/Public Realm		
	Heritage		150,000
	Housing (e.g. supportive, seniors)		
	Parks and Public Spaces		
	Social/Community Facilities		
	Unallocated		
	Other		
TOTAL VALUE OF PUBLIC BENEFITS		\$1,540	\$153,090

Other Benefits (non-market and/or STIR components): None

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.