



POLICY REPORT
DEVELOPMENT AND BUILDING

Report Date: November 5, 2015
Contact: Anita Molaro
Contact No.: 604.871.6479
RTS No.: 11130
VanRIMS No.: 08-2000-20
Meeting Date: November 24, 2015

TO: Vancouver City Council

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

SUBJECT: Heritage Designation - 3760 Quebec Street (McMillan House)

RECOMMENDATION

- A. THAT Council add the existing building at 3760 Quebec Street (PID: 015-258-068; Lot C (Reference Plan 239) of Lots 25 and 26, Block 3, District Lot 629, Plan 483 (the "site")), known as the McMillan House (the "heritage building") to 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 593 of the *Vancouver Charter*, a by-law to designate the exterior of the heritage building as protected heritage property.
- C. THAT, in connection with the proposed heritage designation and in conjunction with Development Permit Application Number DE418928 (the "DP Application") and any related permits, Council waive for the heritage building the requirement contained in paragraph 5.2 of the *Strata Title Policies for RS, RT and RM Zones* that as a condition of development permit issuance for a Multiple Conversion Dwelling on a site with an area less than 668 square metres (7,190 square feet) in an RS-7 Zone, the registered owner is to execute a covenant which must be registered against title to the site that prohibits subdivision by registration of a strata plan.
- 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 add the existing building at 3760 Quebec Street, known as the McMillan House, to the Vancouver Heritage Register in the 'C' evaluation category and to designate its exterior as protected heritage property. Under the current RS-7 zoning applicable to the site, the existing building could be demolished or significantly altered, and the site redeveloped with a One-Family Dwelling or a Two-Family Dwelling, (duplex) with a density of up to 0.75 floor space ratio (FSR). As incentive and compensation to the owner for the heritage designation, rehabilitation, and conservation of the heritage building, a waiver of the application of paragraph 5.2 of the *Strata Title Policies for RS, RT, and RM Zones* is proposed to allow the heritage building to be subdivided by registration of a strata plan to allow for the two Dwelling Units in the heritage building to be strata titled, as set forth in the DP Application, and as described in this report. Strata titling of Dwelling Units is permitted in RS-7 zones but typically only on larger sites. The Acting 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 582 of the *Vancouver Charter*, Council may establish, by resolution, a heritage register identifying real property that Council considers to be heritage property and, by resolution, to add such properties to the register from time to time.

Pursuant to Sections 593 and 594 of the *Vancouver Charter*, Council may, by by-law, designate real property, in whole or in part, as 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 protected heritage property for any reduction in market value of the property caused by the designation. Often this is achieved by way of discretionary relaxations of zoning by-laws so as to permit an otherwise impermissible development.

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

- *Heritage Policies and Guidelines (April, 1991)*
- *Strata Title Policies for RS, RT, and RM Zones (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

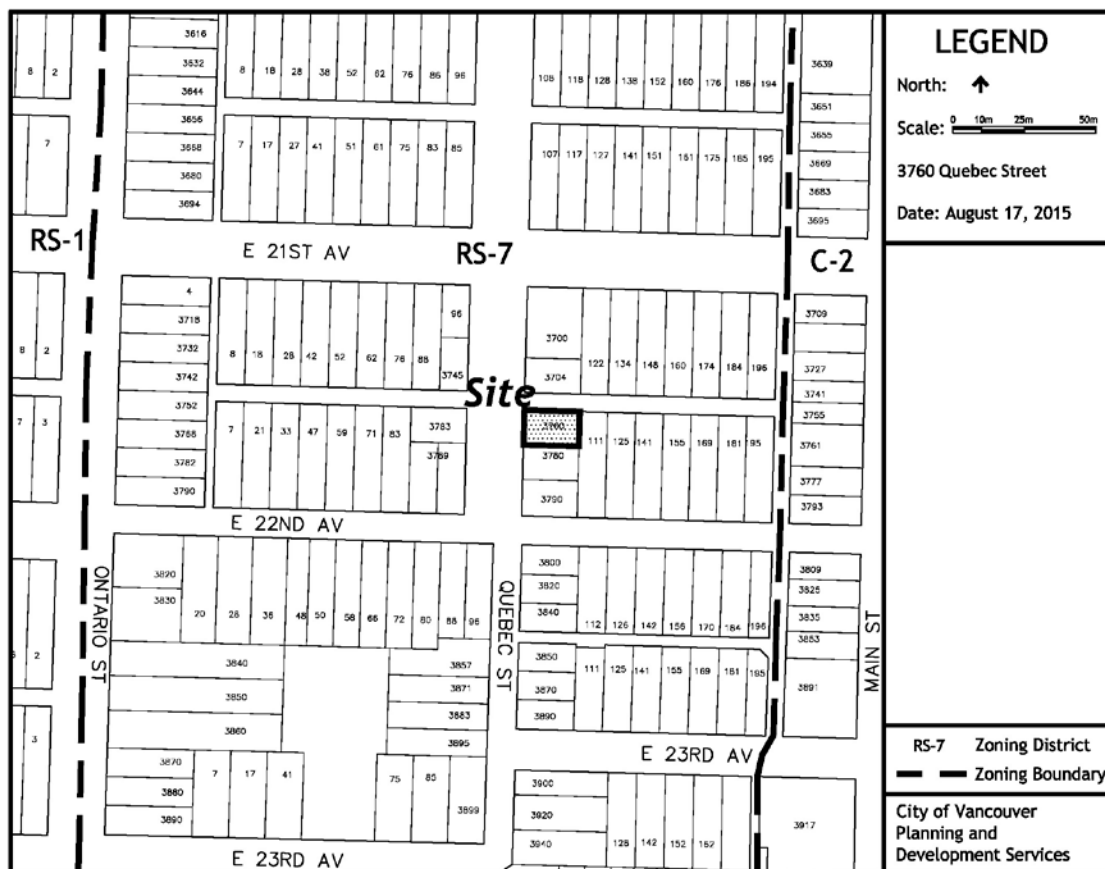
The Acting General Manager of Planning and Development Services RECOMMENDS approval of A, B, and C.

STRATEGIC ANALYSIS

Site and Context

The site which is the subject of the proposed project is located in the Riley Park South Cambie neighbourhood in an area zoned RS-7 (see Figure 1). The *RS-7 Zoning District Schedule* of the *Zoning & 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. In some cases where the site area is 668 square metres (7,190 square feet) or larger, strata titling of Dwelling Units is permitted. The area of the subject site is 238 square metres (2,560 square feet).

Figure 1: Site and surrounding zoning



Heritage Value

The McMillan House was built in 1910 and first occupied by Herbert McMillan, a salesman, in 1912. It is a good example of craftsman housing built during the Edwardian building boom which lasted from 1910 to 1913. It is one of three nearly identical houses built on the block, all of which survive. Although the building has been stuccoed and the full width front porch altered, the building retains many original features including leaded glass windows and wooden sashes (see Appendix A and Appendix B). It is proposed to add the McMillan House to the Vancouver Heritage Register in the 'C' 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 a proposed waiver of the application of paragraph 5.2 of the *Strata Title Policies for RS, RT, and RM Zones*, and other discretionary zoning relaxations, as set forth in the DP Application, and as described below. The zoning applicable to the site is RS-7. The DP Application proposes to retain and restore the heritage building and convert it to a Multiple Conversion Dwelling containing two Dwelling Units.

The *Strata Title Policies for RS, RT, and RM Zones* permits strata titling but only on sites which are 668 square metres (7,188 square feet) in area or larger. No additions are proposed for the heritage building or the site. A technical summary is provided below and in Appendix D.

Table 1: Zoning and Parking Summary

Item	Existing	Permitted or Required	Proposed
Multiple Conversion Dwelling Use	One-Family Dwelling	Multiple Conversion Dwelling is permitted on a site with a minimum site area of 334 m ²	Multiple Conversion Dwelling containing Two Dwelling Units*
Overall Floor Space Ratio (FSR)	1.2 FSR 282 m ² (3,038 sq. ft.)	Up to 0.75 FSR with retention 178 m ² (1,920 sq. ft.)	1.2 FSR 282 m ² (3,038 sq. ft.)
Off Street Parking Spaces	1	2 minimum (one per Dwelling Unit)	1

* Section 5.1 of the *RS-7 District Schedule* allows the Director of Planning to consider a Multiple Conversion Dwelling use on sites less than 334 m² for existing parcels on record in the Land Titles Office

The DP Application seeks relaxation of the minimum site area for strata titling for the two proposed Dwelling Units under the *Strata Title Policies for RS, RT, and RM Zones* (see Table 1). As well, the DP Application proposes to relax the minimum site area for Multiple Conversion Dwelling Use to allow the two Dwelling Units as proposed to be considered (See Appendix D). Section 5.1 of the *RS-7 District Schedule* allows for this relaxation, which is routinely granted for sites which resulted from older subdivisions. These relaxations provide the incentive to the owner to retain and rehabilitate and protect the heritage building.

The DP Application does not propose to vary the permitted density for the site. The existing density can be authorized by the Director of Planning under Section 568 of the Vancouver Charter provisions for existing non-conforming buildings. Alterations to existing buildings which are non-conforming with respect to density are routinely granted or considered using these provisions, provided the density is not increased). The DP Application proposes no increase in density for 3760 Quebec Street, and does not propose to vary the density provisions for the site. As a consequence, a Heritage Revitalization Agreement is not required.

Staff have considered the proposed incentive to allow strata titling on the site and the other relaxations proposed, 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 Acting 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 *RS-7 Zoning District Schedule* is to:

"... maintain the single-family residential character of the RS-7 District and, on typical smaller lots, to conditionally permit two-family dwellings and multiple conversion dwellings and, on larger lots, to conditionally permit multiple-family dwellings and infill. Neighbourhood amenity is enhanced through external design regulations."

The project is consistent with the intent of the *RS-7 Zoning District Schedule*. The application maintains the single family residential character of the area and generally complies with the external design regulations of the zoning.

Condition of the Heritage Building and Conservation Approach

The heritage building is in fair condition. The existing stucco and brick veneers at the porch are proposed to be removed and the house restored to its original character. A few alterations at the rear of the house, which are not compatible with the original building, are to be removed. Wood clapboard siding will be re-instituted and wooden sashes containing leaded glass retained. Retention of interior features will be retained and or be re-used in the building where viable (see Appendix A and Appendix E). The heritage building will be painted in original colours.

A comprehensive Conservation Plan has been provided and staff have concluded 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, twenty-seven surrounding properties were notified of the DP Application along with a nearly identical application for 3780 Quebec Street (DE418929). Seven responses were received. Three expressed support in principle (including the strata titling, noting that the property has been neglected over the years and used as a rooming house). No responses expressed opposition. However, all responses expressed concerns that the project will worsen the challenging parking demand on Quebec Street by only providing one parking space, and two responses expressed concerns related to privacy overlook and light access.

Parking on Quebec Street is challenging due to the historic subdivision pattern which resulted in many small parcels with no lane access (see Appendix B). Many of the properties facing Quebec Street in the 3600 to 3800 blocks of Quebec Street do not have lane access for this reason, and providing parking is not viable due to the small parcel sizes, unless access from a lane is possible. While the proposal may create parking impacts, these are commensurate with development which would likely occur in the area over time. East 21st and East 22nd Avenue east of Quebec Street have residential permit parking restriction. Residents along Quebec Street may contact the Traffic Management Branch to explore residential parking options for Quebec Street. Conditions of the DP Application will ensure that opportunities to minimize privacy overlook and shadowing are implemented in the final drawings.

Staff considered the results of notification and concluded that the application is supportable.

Comments from the Vancouver Heritage Commission

On September 14, 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 subject site is in the City-wide DCL District, where the rate for residential use developed at a density at or below 1.2 FSR is \$33.26/m² (\$3.09/square foot).

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.

DCLs are payable on new floor area only. As no increase in density is proposed, no DCLs would be payable for the project.

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. The cost to the applicant of the proposed on-site heritage conservation is estimated to be approximately \$200,000.

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 McMillan House valued at \$200,000.

The site is within the City-wide DCL District. As no increase in density is proposed, no DCL is anticipated from the project.

Proforma Evaluation

The *Heritage Proforma Review - Interim Policy Planning By-law Administration Bulletin* allows for an exemption of a financial proforma review for projects for which there are no variances of use or density proposed. The DP Application complies with this policy and therefore no proforma review is required.

Environmental

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

Legal

The owner's proposal to rehabilitate and conserve the heritage building in exchange for obtaining the discretionary zoning relaxations needed to get that improved 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* 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 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. By entering into the covenant noted above, the owner explicitly accepts the zoning relaxations to be provided and the resulting development advantages to be gained thereby, as full compensation for the heritage designation of the heritage building's exterior and the obligations to rehabilitate and conserve the heritage building. The covenant will be executed by the City and registered on title to the site before a development permit for the project is issued.

CONCLUSION

The approval of the addition to the Vancouver Heritage Register of the McMillan House at 3760 Quebec Street and designation of its exterior as protected heritage property 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 zoning relaxations as compensation for the designation, rehabilitation, and conservation of the heritage building. The Acting General Manager of Planning and Development Services is prepared to approve the DP Application subject to Council approval. Therefore, it is recommended that Council approve recommendations of this report.

* * * * *

3760 Quebec Street
PHOTOGRAPHS



Photos 1 and 2: Front (West) at Top and Rear (East) at Bottom (circa 2015)



Photo Collage 1: Interior Elements and Leaded Glass

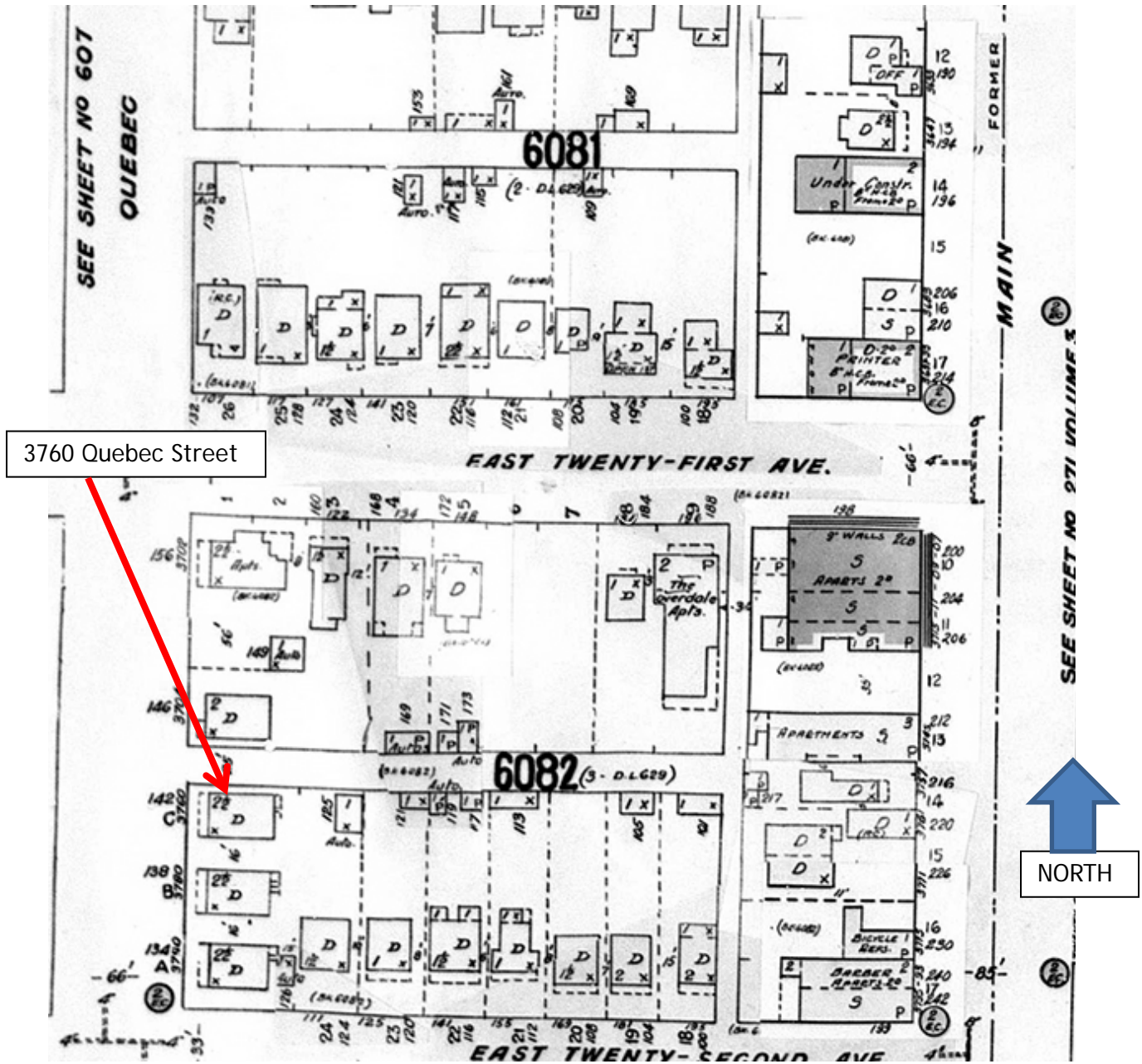
Interior elements will be re-used where viable, and the leaded sashes will be retained.



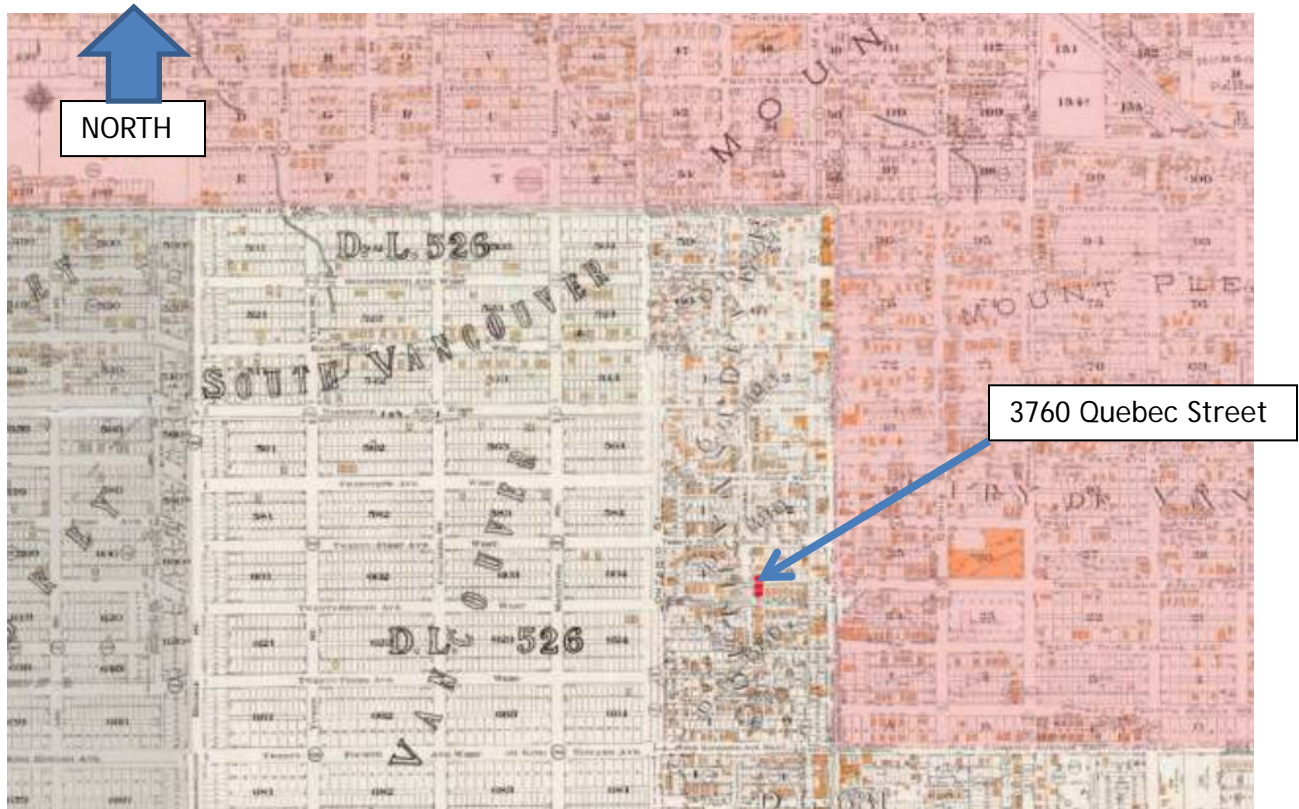
Photo 3: Brown Brothers Nursery at East 21st Avenue and Main Street circa 1907

This photo was taken from an area roughly corresponding to the McMillan House's site (the house would be built in 1910). Many houses and shops would be built in the area visible here within the next few years (1910 to 1913) when the Edwardian Building Boom reached its peak.

3760 Quebec Street
MAPS



Map 1: Fire Insurance Map circa 1926



Map 2: circa 1912

At the time, three municipalities had their boundaries meet in the area: Point Grey on the far left, South Vancouver in the middle and Mount Pleasant on the far right and top. Even today the blocks in these original precincts have a different character and subdivision patterns from each other. Parcel sizes range from very large and irregular to small parcels such as that which the McMillan House is built upon. On Quebec Street in particular many small parcels were created, many with no lane access. Some lanes, where they exist, are very narrow.

The areas to the west of Ontario Street (left on the map) were laid out by the Canadian Pacific Railway and are regular in size with services running down the lane. The areas east of Ontario Street were all subdivided over time by individual interests without any overall cohesive plan, resulting in unique and eclectic developments and streetscapes.

3760 Quebec Street
DRAWINGS

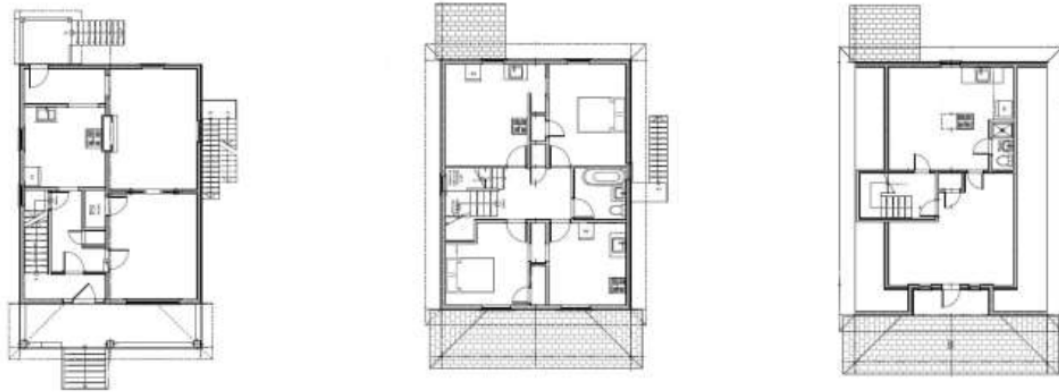


Figure 57: Quebec Street Elevation from 3704 Quebec to East 22nd Ave (Reine Photography & design)

3760 Quebec Street



Figure 100: Proposed ground floor Plans by Reine Photography & Design



Figure 101: Proposed main floor

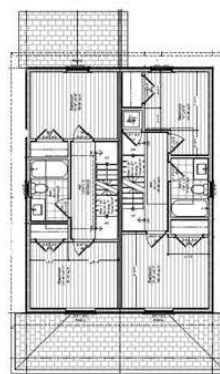


Figure 102: Proposed second floor

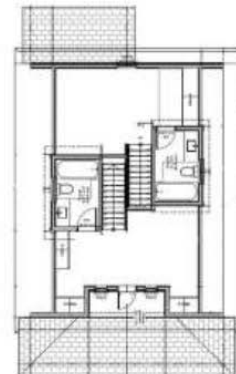


Figure 103: Proposed attic floor

Floor Plans and Streetscape Drawing



Figure 104: Existing front elevation(Reine Photography & Design)



Figure 105: Existing orth elevation(Reine Photography & Design)



Figure 106: Proposed front elevation(Reine Photography & Design)



Figure 107: Proposed north elevation(Reine Photography & Design)

Elevations

3760 Quebec Street
TECHNICAL ZONING AND PARKING SUMMARY

Table A: Zone RS-7

Item	Existing	Permitted or Required	Proposed
Multiple Conversion Dwelling Use Minimum Site Area	238 m ² (existing)	Minimum 334 m ² May be relaxed for any existing parcel registered in the Land Titles Office	238 m ² (existing)
Overall Floor Space Ratio (FSR)	1.2 FSR 282 m ² (3,038 sq. ft.)	Up to 0.75 FSR with retention 178 m ² (1,920 sq. ft.)	1.2 FSR 282 m ² (3,038 sq. ft.)
Height	(11.5 metres) 37.7 feet	(10.7 metres) 35.1 feet	(11.5 metres) 37.7 feet
Front Yard	8.1 feet	12.8 feet minimum	8.1 feet (existing)
Off Street Parking Spaces	1	2 minimum (one per Dwelling Unit)	1
Minimum Site Area for Strata Titling	-	Minimum 668 m ²	238 m ² (existing)

3760 Quebec Street
RESOLUTIONS OF THE VANCOUVER HERITAGE COMMISSION AND STAFF COMMENTS

MOVED by Commissioner Sandy
SECONDED by Commissioner Norfolk

THAT the Vancouver Heritage Commission support the development permit application to revitalize and subdivide/strata title the houses at 3760 and 3780 Quebec Street (McMillan House and Heise House respectively) as presented at its meeting on September 14, 2015, noting the following:

- the project should retain the original siding if at possible;
- spindles on balconies deck should reflect historic style;
- no vinyl windows or Hardie Shingle should be introduced.

FURTHER THAT the Commission request that the owner consider reinstalling cedar shingles for the roofs.

CARRIED UNANIMOUSLY

Staff Comments:

Use of original siding and spindles where viable will be required. Vinyl windows will not be permitted. Hardie shingles will only be used where required to meet Building By-law requirements where no other options are viable.

3760 Quebec Street
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-7	RS-7
FSR (site area = 238 m ² / 2,560 sq. ft.)	0.75	1.2
Buildable Floor Space (sq. ft.)	1,920 sq. ft.	3,038 sq. ft.
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)	0	0
	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		\$0	\$200,000

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 in the heritage building. As there is no new floor area, no DCLs would be payable.