



POLICY REPORT
DEVELOPMENT AND BUILDING

Report Date: January 30, 2017
Contact: Anita Molaro
Contact No.: 604.871.6479
RTS No.: 11690
VanRIMS No.: 08-2000-20
Meeting Date: February 21, 2017

TO: Vancouver City Council

FROM: General Manager of Planning, Urban Design, and Sustainability in
consultation with the Director of Legal Services

SUBJECT: Heritage Designation - 1150 Comox Street (Gilmour House)

RECOMMENDATION

- A. THAT Council add the existing building at 1150 Comox Street (PID: 015-750-469, the West ½ of Lot 6, Block 23, District Lot 185, Plan 92 (the "site")), known as the Gilmour House (the "heritage building"), to the Vancouver Heritage Register in the 'A' evaluation category.
- B. THAT Council instruct the Director of Legal Services to bring forward for enactment pursuant to Sections 593 and 594 of the *Vancouver Charter* a by-law to designate the exterior of the heritage building as protected heritage property.
- 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 approval to add the existing heritage building at 1150 Comox Street, known as the Gilmour House, to the Vancouver Heritage Register in the 'A' evaluation category, and to designate the exterior of the heritage building as protected heritage property. Under Development Permit Application Number DE419153 (the "DP Application"), the heritage designation of the Gilmour House is required as a condition of approval. The General Manager of Planning, Urban Design, and Sustainability is prepared to approve the DP Application should Council approve the recommendations in this report.

COUNCIL AUTHORITY

Pursuant to Section 582 of the *Vancouver Charter* authorizes Council to 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 Section 593 and 594 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 real property being designated as protected heritage property for any reduction in market value caused by the designation. Often this is achieved by way of by-law relaxations so as to permit an otherwise impermissible development.

The proposed heritage designation for the heritage building and its exterior 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 application:

- *Heritage Policies and Guidelines (April, 1991)*
- *Heritage Proforma Review - Interim Policy Planning By-law Administration Bulletin (June, 2014)*
- *West End Community Plan (November, 2013)*

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

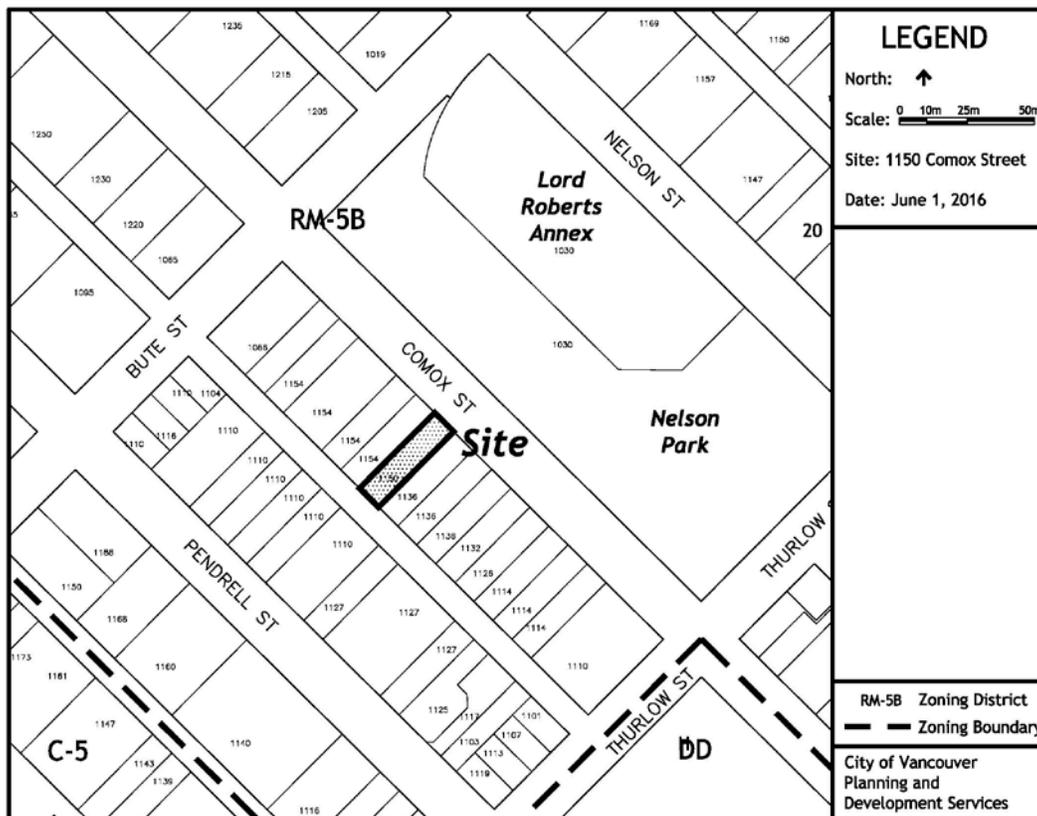
The General Manager of Planning, Urban Design, and Sustainability RECOMMENDS approval of A, B, and C.

STRATEGIC ANALYSIS

Site and Context

The site is located in the West End neighbourhood in an area zoned RM-5B (see Figure 1). The *RM-5, RM-5A, RM-5B, RM-5C and RM-5D Districts Schedule of the Zoning and Development By-law* which applies to the site permits the conversion of existing buildings into suites, as well as construction of apartment buildings, townhouses, and infill development. The total area of the site is 402 square metres (4,323 square feet). A ten metre (33 foot) wide lane exists at the rear of the property. The 1100 Block of Comox is part of Mole Hill (see Heritage Value).

Figure 1 - Site and surrounding zoning



Heritage Value

The Gilmour House is associated with the earliest development by European settlers in the West End, which was once crossed by trails used by Coastal Salish peoples, and which had previously been logged in the 1860s. The site is located in Mole Hill, the City's most prominent block of intact Victorian Housing. The heritage building was constructed at some point between 1901 and 1904 and was designed by local contractor John Phillip Matheson, whose son Robert became a partner in the historically important architectural firm Townley & Matheson (architects of City Hall and the Marine Building).

The heritage building is also associated with two Vancouver families - the MacGowans and the Gilmours. The first residents of the house were Roy MacGowan and his wife Emma Georgina. Roy MacGowan was the son of prominent businessman and MLA, Alexander MacGowan, and worked for his father's company, MacGowan & Company, one of the largest shipping, commission, and insurance enterprises in the City. He was also a Captain in the British Columbia Regiment (Duke of Connaught's Own) and served in the First World War (see Appendix A). The house is also associated with the long-term residence of Pauline and David Gilmour whose efforts (and refusal to sell in the 1980s) helped preserve Mole Hill (see Appendix B). It is for this reason the house is proposed to be named the Gilmour House.

The Gilmour House represents a relatively rare example of a Queen Anne Cottage which was popularized during the late 1800s by British architect Richard Norman Shaw and other designers, and which reflects the picturesque romanticism and ornamented carpentry of the Victorian era. The heritage building features many surviving Queen Anne details. The fact that it has remained a single family dwelling, rare in the West End, has assisted in the retention of these features. It is proposed that the heritage building be added to the Vancouver Heritage Register in the 'A' evaluation category.

DP Application and Proposed Designation

The zoning applicable to the site is RM-5B. The DP Application proposes to relocate the Gilmour House and add to the rear of the building, restore it, convert it to a Multiple Conversion Dwelling containing four Dwelling Units and construct a new Infill Two-Family Dwelling at the rear of the site (see Appendix C). Infill use is permitted in the zoning. A total of six Dwelling Units are proposed and an increase in permitted density (see Table 1 and Appendix D). The site could be developed up to 1.5 FSR without Council approval or heritage designation. The proposed density is 1.65 FSR, which is 10% over the maximum permitted density. The proposed density does not require a Heritage Revitalization Agreement or a rezoning application.

Table 1: Density Summary

Item	Existing	Permitted or Required	Proposed
Floor space ratio (FSR)	0.63 253 m ² (2,723 sq. ft.)	1.50* 600 m ² (6,485 sq. ft.) maximum	1.65 663m ² (7,133 sq. ft.) 10% over permitted
Residential Units	1	Not limited	6 total (4 in the heritage building and 2 in the new infill building)

** For larger sites or sites on corners the maximum permitted density is 2.0 to 2.75 FSR*

The original DP Application was not supported by the Vancouver Heritage Commission due to massing concerns and the large additions proposed for the heritage building, as well as the design of the new infill building. The DP Application was revised and unanimously supported by the Commission (see Comments from the Vancouver Heritage Commission and Appendix E).

If approved, the incentives and compensation to be provided to the owner for the heritage designation of the heritage building's exterior, and its rehabilitation and conservation, are proposed to be in the form of the additional density proposed.

As part of the 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 with the zoning, and concluded that the proposal is supportable.

Compatibility with Community Planning Objectives and Existing Zoning and Land Use Regulations

The *West End Community Plan* (the "Plan") states that: "Celebrating and protecting the West End's heritage features will contribute to the cohesion and continued sense of place of the community" and that the City should "... encourage the use of existing tools and incentives available through citywide heritage policies to protect and recognize heritage resources within the West End". The Plan also states that "... the retention of houses in the Neighbourhoods through existing tools and incentives available, as well as by allowing strata-titled infill laneway housing..." is encouraged. The proposal is consistent with the Plan.

The Intent of the *RM-5, RM-5A, RM-5B, RM-5C and RM-5D Districts Schedule* is to:

"... permit a variety of residential developments and some compatible retail, office, service and institutional uses. Emphasis is placed on achieving development which is compatible with neighbouring development with respect to streetscape character, open spaces, view retention and sunlight access."

The project is consistent with the intent of the *RM-5, RM-5A, RM-5B, RM-5C and RM-5D District Schedules*. The proposed infill building complies with the guidelines applicable to the site and is compatible with surrounding development, and conservation of the heritage building enhances streetscape character.

The *West End RM-5, RM-5A, RM-5B, RM-5C and RM 5D Guidelines* state that "... when developing a site with heritage building, options that will allow its retention should be explored. Other character buildings, although not listed in the Register, should also be considered for retention."

The proposal for the Gilmour House is compatible with community planning objectives and existing zoning and land use regulations.

In June, 2016, Council directed staff to review the implications of designating Mole Hill and Historic Conservation Area. Staff are reviewing this and will be reporting back to Council on the matter prior to June 2017.

Condition of the Heritage Building and Conservation Approach

The heritage building has recently been repaired, including replacing damaged siding, windows, and painting the building in historic colors. Additional rehabilitation work is proposed in the DP Application such as replacing newer windows with finished wood windows

matching the original profiles. Staff have concluded that the rehabilitation scheme as proposed is consistent with the best conservation practices.

Results of Neighbourhood Notification

1,183 neighbouring residents were notified of the DP Application. Forty-two responses were received (4%), all in opposition to the development proposed and expressing concerns, although a number of responses also supported the protection of the heritage building in principle (see Appendix F). Most concerns relate to the design of the infill building and concerns that the proposal will set a precedent for other Mole Hill properties in allowing more development.

Infill use is permitted in the RM-5B zoning which is applicable to the Mole Hill blocks. The design of the current revised infill building is supported by the Vancouver Heritage Commission who commended its contemporary but compatible design features as compared to the earlier version. The proposal is consistent with community planning objectives and existing zoning and land use regulations (see *Compatibility with Community Planning Objectives and Existing Zoning and Land Use Regulations*). The DP Application has been assessed on its own merits under the current zoning and policy provisions and will not set a precedent for development on the block.

Staff considered the results of notification and concluded that the revised DP Application is supportable.

Comments from the Vancouver Heritage Commission

On January 11, 2016, the Vancouver Heritage Commission reviewed the DP Application and did not support it, primarily with respect to additions proposed for the heritage building and the impact this would have on the character of the building (see Appendix E), as well as the design of the infill building. On February 22, 2016 the Commission reviewed the revised scheme which better allocated the floor area on the site and unanimously supported the revised DP Application, including the revised design of the new infill building.

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 \$149.67/m² (\$13.91/sq. ft.). On this basis, a DCL of approximately \$61,343 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 buildings and to accept the designation of the heritage building's 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 a Heritage Restoration Covenant 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 \$220,000.

See Appendix G 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 heritage building valued at \$220,000. The site is within the City-wide DCL District. It is anticipated that the applicant will pay approximately \$61,343 in DCLs should the 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. The proposal 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 rezoning or Heritage Revitalization Agreement is not proposed or required. However, the project will comply with all requirements under the Vancouver Building By-law related to green building initiatives.

Legal

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 a Heritage Restoration Covenant to be registered on title to the site explicitly accepting approval of the DP Application for the project as full compensation for the heritage designation of the exterior of the heritage building. The agreement will be completed and registered on title to the site following Council's enactment of the Heritage Designation By-law and before a development permit for the project may be issued.

CONCLUSION

The approval of the proposed addition to the Vancouver Heritage Register of the Gilmour House at 1150 Comox Street in the 'A' category and the heritage designation of its exterior 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 approval of the DP Application as compensation for the proposed heritage designation. The General Manager of Planning, Urban Design, and Sustainability is prepared to approve the DP Application should Council approve the recommendations of this report. Therefore, it is recommended that Council approve the addition of the Gilmour House at 1150 Comox Street to the Vancouver Heritage Register in the 'A' evaluation category and the proposed heritage designation.

* * * * *

1150 Comox Street
PHOTOGRAPHS



Photo 1: The Gilmour House (Front- Looking South) circa 2014



Photo 2: Colourized Postcard, circa 1912, Looking South-East

Comox Street is the street in the centre of the photograph, with Mole Hill houses to the right and St. Paul's Hospital in the background. 1150 Comox Street is noted.



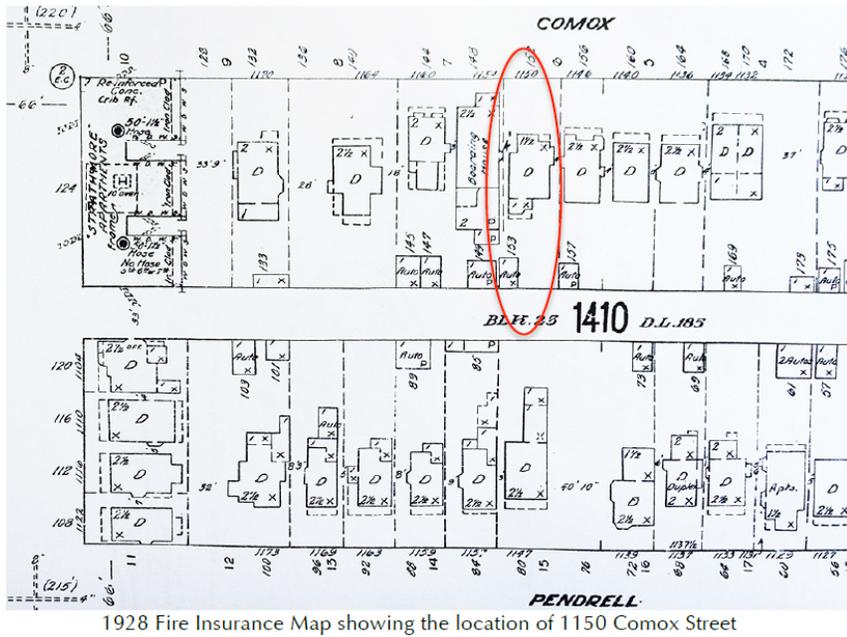
Photo 5 and 6: Captain Roy MacGowan in 1915, left, and Robert Matheson, right.



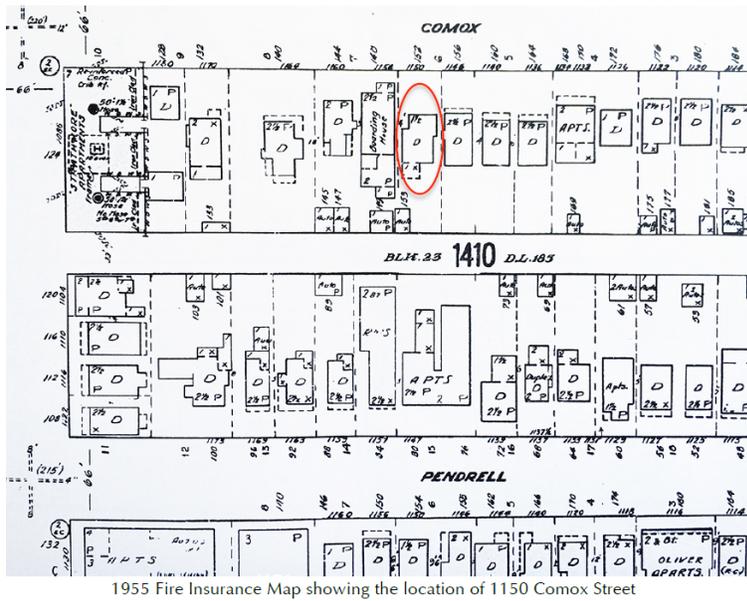
Photo 7: the MacGowan Company Offices, 226 Cambie Street, circa 1898

Roy MacGowan is in the background and his father is in the foreground. Roy moved into the Gilmour House approximately six years after this photograph was taken.

1150 Comox Street MAPS AND RECORDS



Map 1: 1928 Fire Insurance Map



Map 2: 1955 Fire Insurance Map

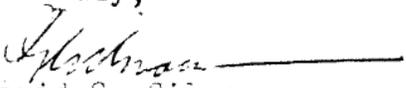
Dear Sirs,

1150 COMOX STREET.

In response to your Vancouver Heritage Resource Inventory I am pleased to draw your attention to 1150 Comox Street. From a historical point of view, old newspapers in our attic describe the story 'San Francisco laid ~~low~~ low by earthquake and fire' from the year 1906. It may be that construction took place in that year. Architectually the building is sound and is one of the last few single family dwellings in the entire West end of Vancouver. Our family has resided here for over 25 years and consider it a 'Better Building', otherwise we would have moved !

The houses in the entire 1100 block of Comox are in a similar 'Heritage' (?) state and should be considered in your inventory.

Yours truly,

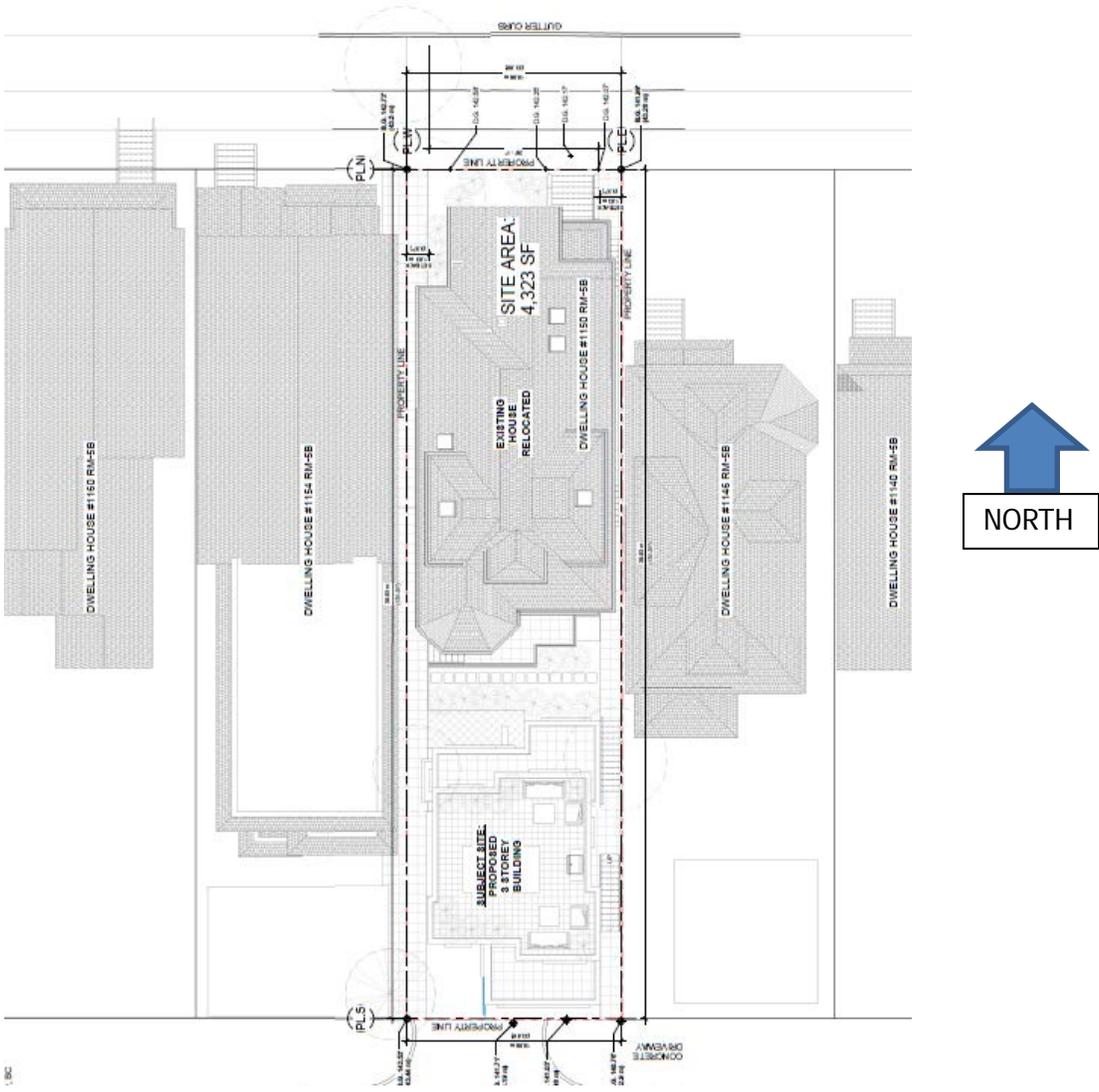

David G. Gilmour

Excerpt - Letter by David Gilmour to the City circa 1984

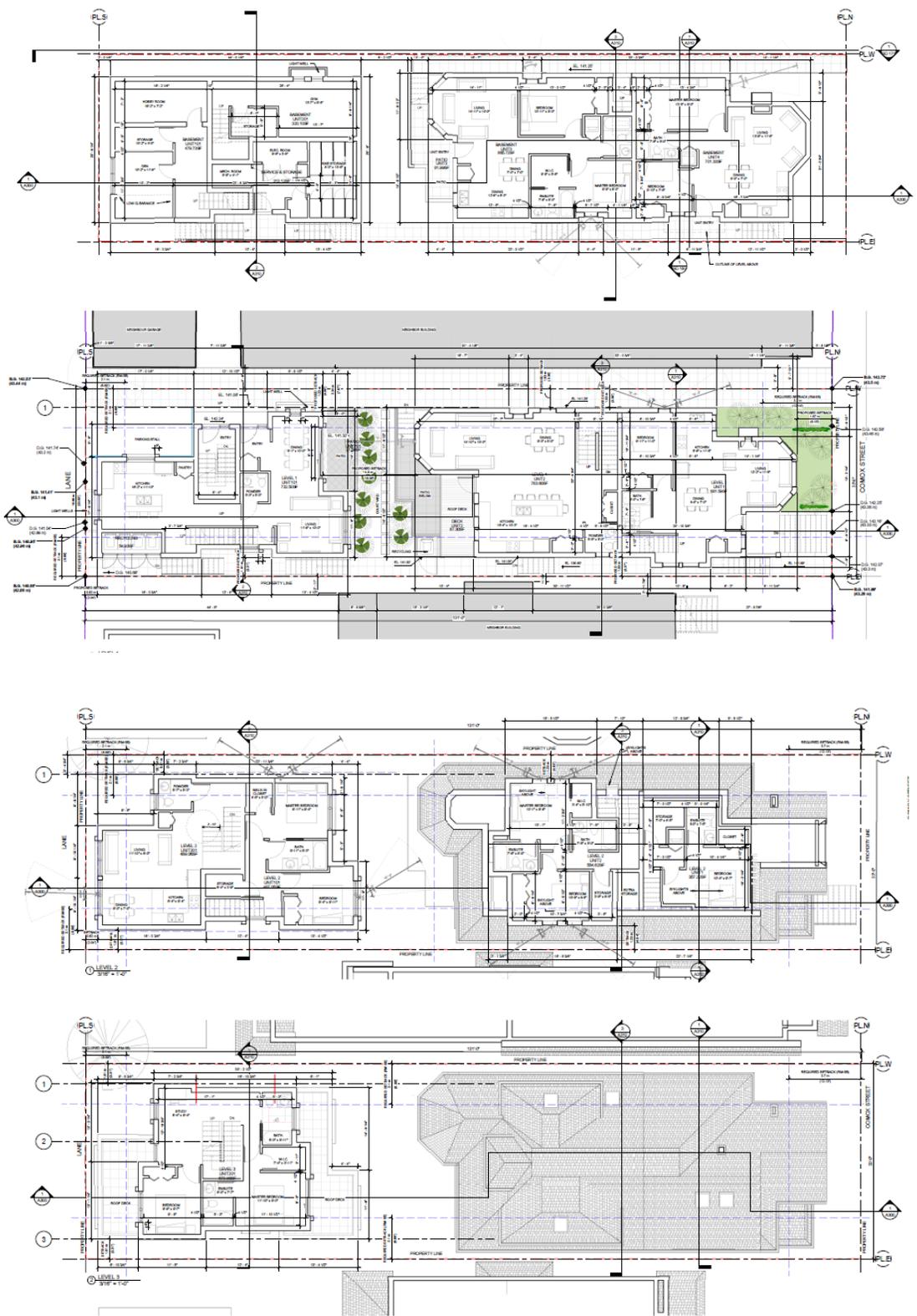
1150 Comox Street
DRAWINGS



Site Diagram and Context



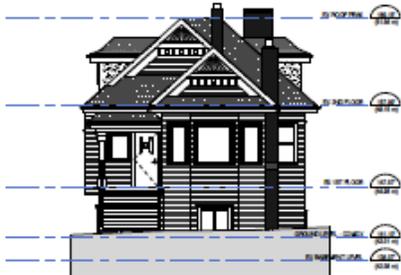
Site Plan



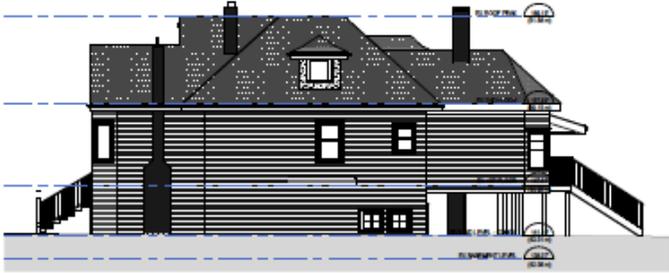
Floor Plans



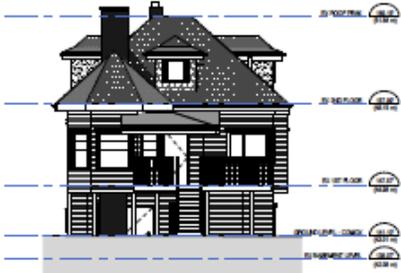
EXISTING - EAST ELEVATION
1/8" = 1'-0"



EXISTING - NORTH ELEVATION
1/8" = 1'-0"



EXISTING - WEST ELEVATION
1/8" = 1'-0"



EXISTING - SOUTH ELEVATION
1/8" = 1'-0"

Existing Elevations



Existing Front of 1150 Comox Street



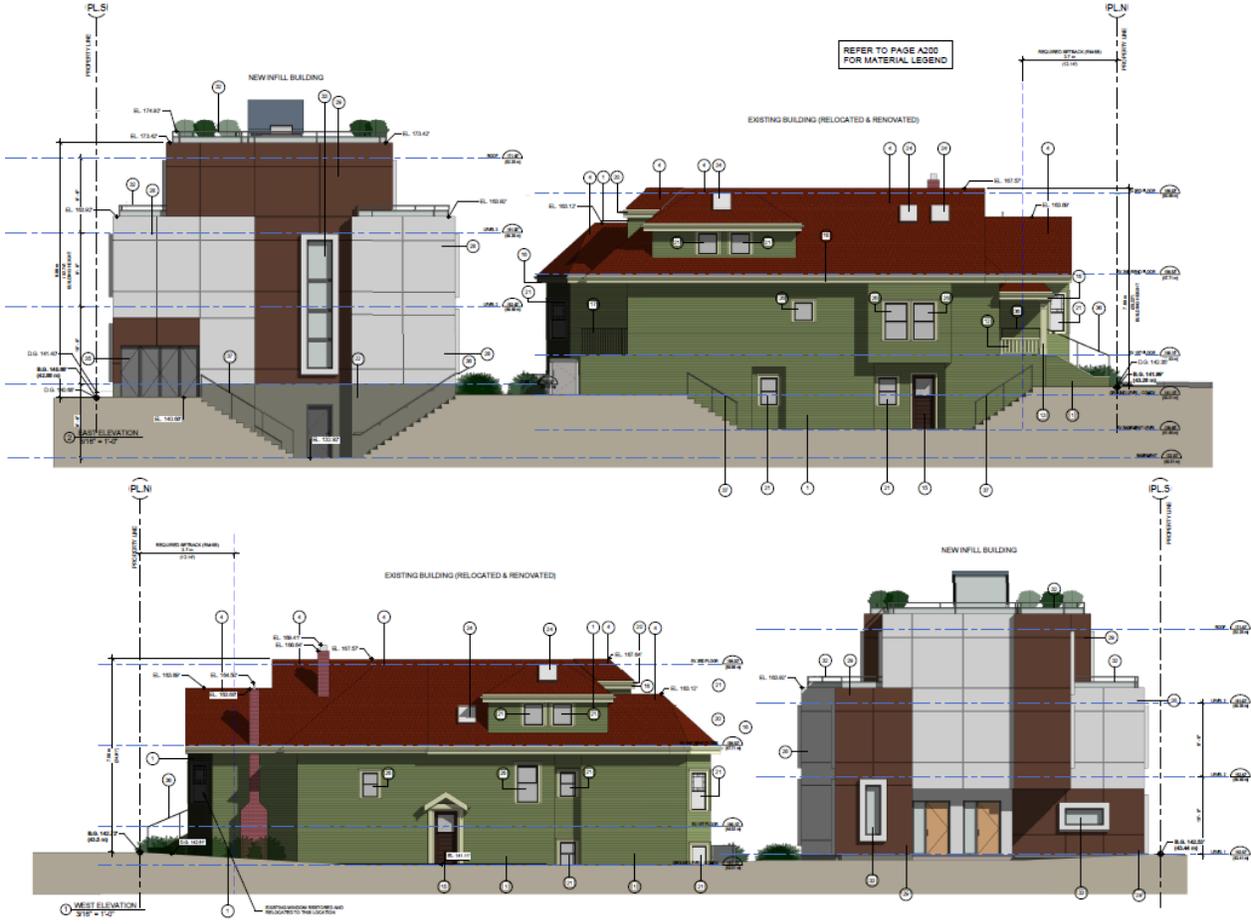
Proposed Front of 1150 Comox Street (Current Revised Scheme)



① LANDSCAPE EXISTING
05 - 1-2



Existing Lane (South) Elevation (top) and Proposed (Revised) Lane Elevation (bottom)



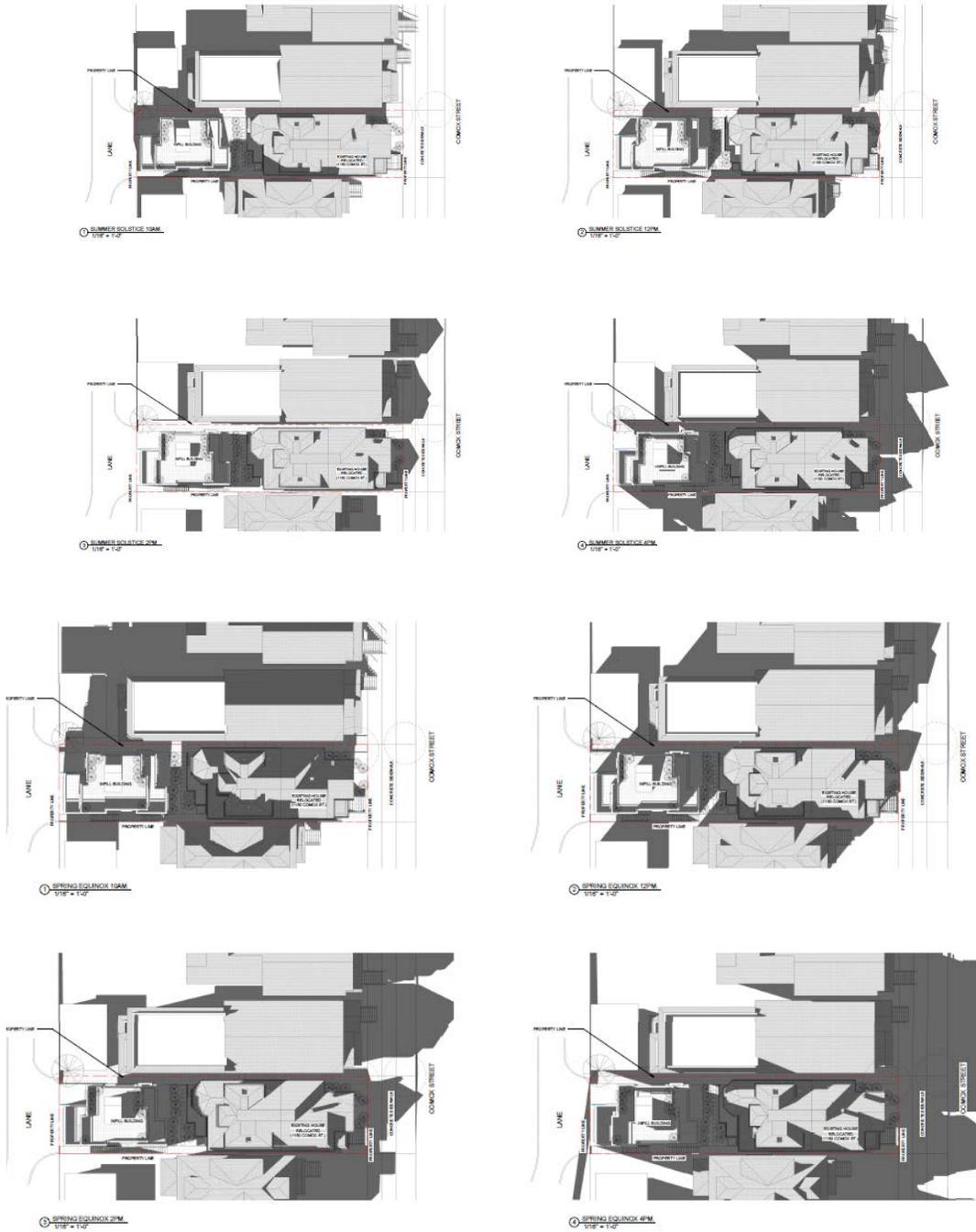
Side Elevations - Proposed (Current Revised Scheme)



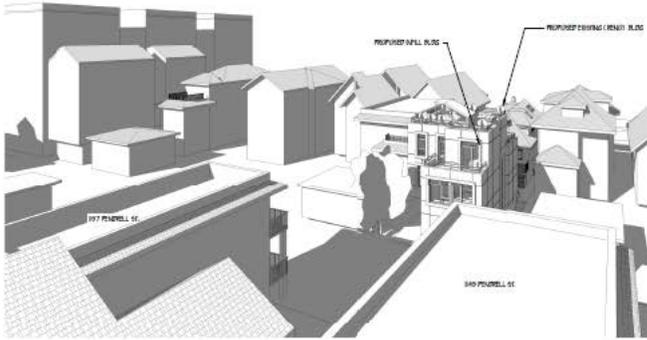
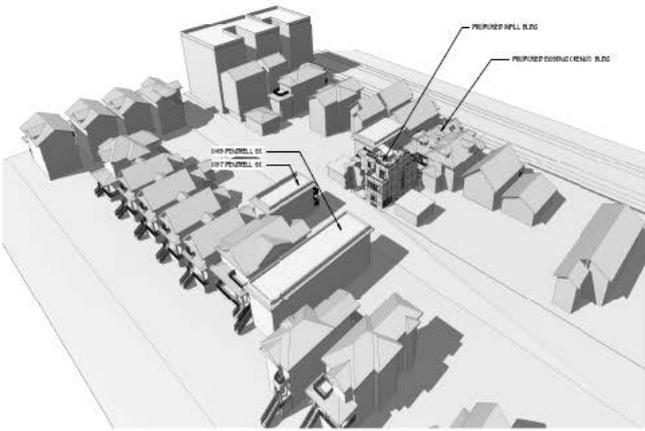
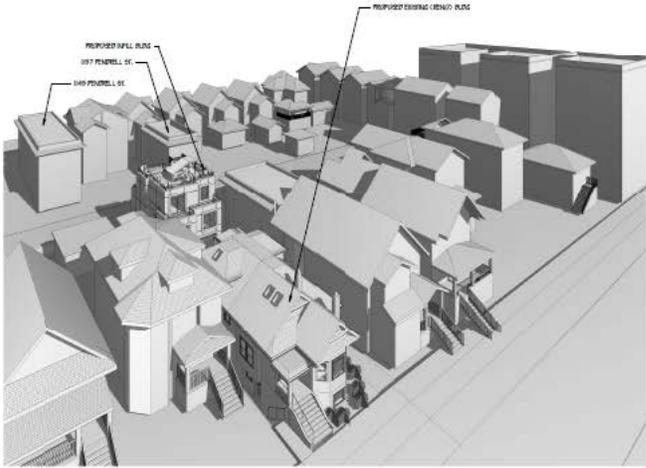
Rendering of Current Revised Design of the New Infill Building



Rendering of Original Design of the New Infill Building (Not Supported)



Excerpts of Shadow Analysis From the DP Application



Renderings

1150 Comox Street
TECHNICAL ZONING AND PARKING SUMMARY

Table A

Item	Existing	Permitted or Required	Proposed
Uses	One-Family Dwelling	Multiple Conversion Dwelling and Infill Uses Permitted	Multiple Conversion Dwelling and Infill Two-Family Dwelling
Front Yard	8.6 metres (28.3 feet)	3.7 metres (12.1 feet) minimum	3.0 metres (10.0 feet)
Rear Yard	12.7 metres (41.6 feet)	0.6 metres (2 feet) minimum	1.8 metres (6.01 feet)
Height	7.7 metres (25.4 feet)	18.3 metres (60 feet), relaxable to 58.0 metres (190 feet) for a Principal Building, and 12.2 metres (40 feet) for an Infill Building maximum	8.1 metres (26.7 feet) for the Heritage Building and 11.4 metres (37.4 feet) for the Infill Building
Floor space ratio (FSR)	0.63 253 m ² (2,723 sq. ft.)	1.50* 600 m ² (6,485 sq. ft.) maximum	1.65 663m ² (7,133 sq. ft.) 10% over permitted
Residential Units	1	Not limited	6 total (4 in the Heritage Building and 2 in the New Infill Building)
Off street parking	2	5 minimum	1

* For larger sites or sites on corners the maximum permitted density is 2.0 to 2.75 FSR

1150 Comox Street
RESOLUTIONS OF THE VANCOUVER HERITAGE COMMISSION

On January 11, 2016, the Vancouver Heritage Commission reviewed the DP Application and resolved the following:

THAT the Vancouver Heritage Commission does not support the proposal for 1150 Comox Street, the Gilmour House, as presented on January 11, 2016, including the proposed addition to the existing building, noting the Commission believes that preservation of the heritage house should take precedence to minimizing development at the lane;

FURTHER THAT the Commission believes one of the most significant character defining elements of this house is its cottage style and nature; and

FURTHER THAT the Commission would support the Conservation Plan with the addition of density in the form of an application to build an infill building at the lane in which the massing is focused to the mid-point of the site, simple in expression, separate and distinguishable from the heritage house.

CARRIED

On February 22, 2016, the Vancouver Heritage Commission reviewed a revised application which responded to the Commissions comments, and resolved the following:

THAT the Vancouver Heritage Commission supports the revised application for 1150 Comox Street as presented at its meeting on February 22, 2016, noting the following:

THAT the revised application now respects the character defining elements of the heritage building, including an infill proposal that has a nicely balanced window-to-wall proportional design that compliments the heritage building while maintaining a contemporary expression that is distinguishable.

CARRIED UNANIMOUSLY

1150 Comox Street
RESPONSE TO NEIGHBOURHOOD NOTIFICATION AND STAFF COMMENTS

1,183 neighbouring residents were notified of the DP Application. Forty-two responses were received (4%), all in opposition to the development proposed and expressing concerns, although a number of responses also supported the protection of the heritage building in principle. Most concerns relate to the infill building as follows:

1. The infill building is out of character for the Mole Hill neighbourhood and too large. The project should be more compliant with the zoning in order to preserve the existing lane-scape;
2. The design of the infill building is not appropriate (too modern);
3. The revised scheme supported by the heritage commission was not made available to the public for commentary and review; and
4. The heritage building should just be protected as is with very modest additions. Approval of the application will set a precedent for the rest of the Mole Hill Houses.

Infill use is permitted in the RM-5B zoning which is applicable to the Mole Hill blocks. The zoning does not specify a maximum height, footprint, or floor area for infill use. While the lane-scape is unique and is an important consideration, the front of the site and its public visibility from the street, as is the case with all the Mole Hill houses, is also an important consideration. The Vancouver Heritage Commission supports the current revised scheme which places density at the rear of the site instead of on top of the heritage building, as compared to what was originally proposed. The revised scheme is also supportable because it better conserves the heritage building's character and street presence (See Appendix C). A balance between the character of the front of the site and its context, and the lane, has been achieved in the current revised scheme.

The design of the revised infill building is also supported by the Heritage Commission who commended its contemporary but compatible design features as compared to the earlier version. Staff concluded that re-notification was not required as the changes proposed are related to addressing neighbourhood concerns, where possible, which were received from notification. The revised scheme is posted on the City web-site and if the DP Application is approved neighbours who wrote into the City as part of the DP Application review will be notified of the approval, which is standard practice. The existing building is less than a half of the maximum permitted density under the zoning (see Table 1 and Appendix D). Protecting the Gilmour House as it currently exists without any additional density on the site would, under the Vancouver Charter, likely require significant compensation to the owner for the encumbrance on land value created by heritage designation (see the Legal section).

The proposal is consistent with community planning objectives and existing zoning and land use regulations (see *Compatibility with Community Planning Objectives and Existing Zoning and Land Use Regulations*). The DP Application has been assessed on its own merits under the current zoning and policy provisions and will not set a precedent for development on the block.

Staff considered the results of notification and concluded that the revised DP Application is supportable.

1150 Comox Street
PUBLIC BENEFITS SUMMARY

Project Summary:

Rehabilitation and conservation 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	RM-5B	RM-5B
FSR (Site Area = 402 m ² (4,323 sq. ft.))	1.5	1.65
Buildable Floor Area	603 m ² (6,485 sq. ft.)	663 m ² (7,133 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)	52,329	61,343
	DCL (Area Specific)		
	Public Art		
	20% Social Housing		
Offered (Community Amenity Contribution)	Childcare Facilities		
	Cultural Facilities		
	Green Transportation/Public Realm		
	Heritage		220,000
	Housing (e.g. supportive, seniors)		
	Parks and Public Spaces		
	Social/Community Facilities		
	Unallocated		
Other			
TOTAL VALUE OF PUBLIC BENEFITS		\$52,329	\$281,343

Other Benefits: 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. As the RM-5B zoning generally requires retention, the value for the 'Current Zoning' column does not include the existing floor area.