



REPORT

Report Date: November 4, 2022
Contact: Jason Olinek
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RTS No.: 15481
VanRIMS No.: 08-2000-25
Meeting Date: March 7, 2023

[Submit comments to Council](#)

TO: Vancouver City Council

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

SUBJECT: 995 Bute Street, Rand House – Heritage Revitalization Agreement (HRA) Amendment

RECOMMENDATION

- A. THAT Council instruct the Director of Legal Services to bring forward for enactment, pursuant to Section 592 of the *Vancouver Charter*, a by-law to amend the Heritage Revitalization Agreement (“HRA”) entered into and pursuant to Heritage Revitalization Agreement By-law No. 8907, enacted on 22 July 2004, in respect of the municipally designated heritage building known as the Rand House (the “Heritage Building”) that is located at 995 Bute Street (PIDs: 026-838-591, 026-838-605, 026-838-613, 026-838-621, Strata Lots 1-4 District Lot 185 Group 1 New Westminster District Strata Plan BCS2060, together with The Common Property of the Owners, Strata Plan BCS2060) (the “Lands”), to permit the conversion of the Heritage Building from a 4-unit multiple conversion dwelling to a 3-unit multiple conversion dwelling, as contemplated within development permit application DP-2022-00377, and which is otherwise consistent with the benefit of by-law variances as provided for in the HRA, generally in accordance with Appendix A;
- B. That the amendment to the HRA shall be prepared and notice of which shall be filed on title to the Lands, to the satisfaction of the Director of Legal Services, in consultation with the Director of Planning;
- C. 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, 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's approval for enactment of a by-law to amend the Heritage Revitalization Agreement ("HRA"), notice of which is currently registered on title to the Lands as described in Recommendation A, located at 995 Bute Street. The proposed amendment to the HRA is limited to Owner-initiated changes to the number of dwelling units within the Heritage Building, from four dwelling units to three dwelling units. There are no other proposed amendments related to variances of the RM-5B District Schedule of the City's Zoning and Development By-law contained within the HRA, which was enacted in 2004.

Council's approval of this HRA amendment is required prior to the issuance of a development permit under the current development permit application DP-2022-00377.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

On July 22, 2004, Council enacted By-law No. 8907, a by-law to authorize Council entering into a Heritage Revitalization Agreement with the owner of the Lands located at 995 Bute Street and containing the Heritage Building known as the Rand House, which building is listed on the Vancouver Heritage Register in the B evaluation category.

Pursuant to Section 592(4) of the *Vancouver Charter*, an HRA may only be amended by by-law and with the consent of the owner of the subject property. Notice of this HRA was filed in the Land Title Office on title to the Lands as required by the *Vancouver Charter*, and the owner of the Lands has consented to the proposed amendment. Therefore Council may consider the amendments to the HRA as proposed.

Pursuant to Section 592(8) of the *Vancouver Charter*, this matter requires a Public Hearing because the HRA amendment proposes change to the permitted density of use on the Lands.

CITY MANAGER'S/GENERAL MANAGER'S COMMENTS

The City Manager recommends approval of the foregoing.

REPORT

Strategic Analysis

Site and Context - The site is located at 995 Bute Street in the West End neighbourhood, in an area zoned RM-5B (see Figure 1). The Heritage Building is at the northwest corner of Bute and Nelson Streets.

The owner has applied for a development permit (DP-2022-00377) to combine two units on the main and second floor levels of the Heritage Building into one unit, including the removal of a

redundant internal staircase. There are no contemplated alterations to the exterior character-defining elements of the Heritage Building, which are protected under municipal designation. The change in the number of dwelling units requires amendment to the Heritage Revitalization Agreement.

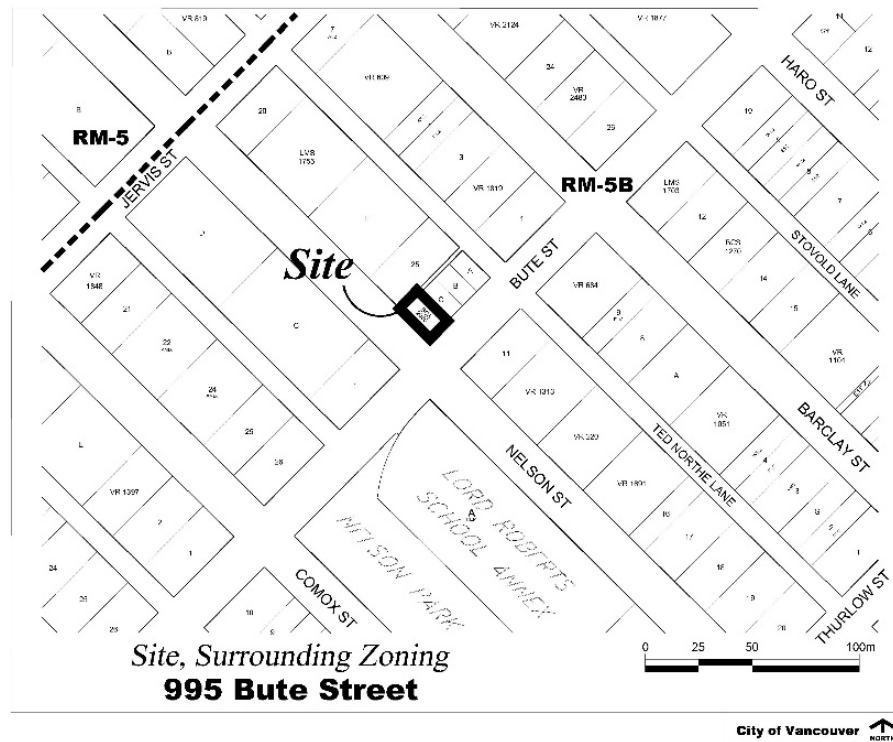


Figure 1: Site and surrounding zoning.

Condition of the Heritage Building and Conservation Approach

The overall historic form, scale and massing of the Heritage Building remains intact. The work contemplated within the current development application (DP-2021-00377) is limited to interior alterations only, and does not diminish the historic character of the Heritage Building.

Staff conclude that the contemplated interior alterations that would facilitate continued residential use of the Heritage Building are in general conformance with the national *Standards & Guidelines for the Conservation of Historic Places in Canada*.

Financial Analysis

There are no financial implications arising from this proposal.

Legal

The owner of the Lands has agreed to the aforementioned amendment to the HRA, which has been prepared by Legal Services in consultation with the Director of Planning.

CONCLUSION

The owner of the Lands has applied to amend the HRA to allow for the conversion of the Heritage Building from a 4 unit multiple conversion dwelling to a 3 unit multiple conversion dwelling. The enactment of a by-law to amend the Heritage Revitalization Agreement is required as a condition prior to approval of the interior alterations as contemplated within the current development permit application (DP-2022-00377) under review. No other changes to the HRA provisions applicable to the Lands are contemplated. Therefore, it is recommended that Council approve the proposed amendment to the HRA.

* * * * *

995 Bute Street
(Rand House)

**DRAFT By-law to authorize the amendment of a
Heritage Revitalization Agreement Authorized by By-law No. 8907
for 995 Bute Street (Rand House)**

Note: A By-law will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.

PREAMBLE

WHEREAS

Council has authority under the *Vancouver Charter* to amend an existing Heritage Revitalization Agreement with the consent of the owner of heritage property.

AND WHEREAS

Pursuant to By-law No. 8907, the City of Vancouver (the "City") has entered into a Heritage Revitalization Agreement with the owner of certain property with a civic address of 995 Bute Street (the "Heritage Revitalization Agreement").

AND WHEREAS

The owner now wishes to amend the Heritage Revitalization Agreement and the owner's proposed amendments are acceptable to the City.

NOW THEREFORE THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

- 1. Council authorizes amendment of the Heritage Revitalization Agreement with the owner, in substantially the form and substance of the Heritage Revitalization Amendment Agreement attached as Schedule A to this by-law, and also authorizes the Director of Legal Services to execute the agreement on behalf of the City, and to deliver it to the owner on such terms and conditions as the Director of Legal Services deems fit.
- 2. This by-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this day of , 2023

Mayor

City Clerk

**MODIFICATION OF HERITAGE REVITALIZATION AGREEMENT
995 Bute Street**

THIS AGREEMENT dated for reference the ____ day of _____, 202__, is

BETWEEN:

RANDY VERNON JOSEPH SMALLWOOD
995 Bute Street, Vancouver, BC V6E 1Y7

(the "Strata Lots Owner")

AND:

THE OWNERS, STRATA PLAN BCS2060
995 Bute Street, Vancouver, BC V6E 1Y7

(the "Strata Corporation")

(together, the Strata Lots Owner and the Strata Corporation comprise the
"Owner")

AND:

CITY OF VANCOUVER
453 West 12th Avenue, Vancouver, BC V5Y 1V4

(the "City")

WHEREAS:

- A. The Strata Lots Owner is the legal and beneficial owner of the lands and premises in the City of Vancouver having a civic addresses of 995 Bute Street, Vancouver, British Columbia, legally described as follows:

PID: 026-838-591
Strata Lot 1 District Lot 185 Group 1 New Westminster District
Strata Plan BCS2060
Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V

PID: 026-838-605
Strata Lot 2 District Lot 185 Group 1 New Westminster District
Strata Plan BCS2060
Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V

PID: 026-838-613
Strata Lot 3 District Lot 185 Group 1 New Westminster District
Strata Plan BCS2060

Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V

PID: 026-838-621

Strata Lot 4 District Lot 185 Group 1 New Westminster District

Strata Plan BCS2060

Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V

(together, the “Strata Lots”);

- B. The Strata Corporation is a corporation subsisting under the *Strata Property Act* on behalf of the strata lot owner of Strata Plan BCS2060 and is the owner of those lands situate in the City of Vancouver, in the Province of British Columbia, known and described as:

NO PID, The Common Property of the Owners, Strata Plan BCS2060

(the “Common Property”);

- C. Together, the Strata Lots and the Common Property comprise the “Lands”;
- D. As part of a proposed development of the Lands under Development Permit Application No. DE108214, the previous owners of the Lands and the City entered into a heritage revitalization agreement in respect of the Lands, notice of which was registered on title to the Lands in the Land Title Office on December 17, 2004 under No. BW568753 (the “HRA”), which agreement is binding on the current Owner; and
- E. The City and the Owner have agreed to modify the HRA on the terms and conditions set out herein, subject to enactment of a by-law authorizing this Agreement pursuant to Section 592(4) of the *Vancouver Charter*.

NOW THEREFORE in consideration of the matters referred to in the foregoing recitals, covenants and agreements herein contained and other good and valuable consideration (the receipt and sufficiency of which is hereby acknowledged and agreed to by the Owner and the City), the Owner and the City hereby covenant and agree as follows:

1. **Interpretation.** All capitalized terms in this Agreement, unless otherwise defined in this Agreement, have the meanings ascribed thereto in the HRA.
2. **Modification of HRA.** The HRA is hereby modified as of the date that notice of this Agreement is registered in the Land Title Office as follows:
 - (a) Recital D is deleted and replaced with the following:

“D. The Owner proposes to reposition, rehabilitate, convert and renovate the Heritage House into a multiple conversion dwelling containing three dwelling units.”;
 - (b) Recital E is deleted and replaced with the following:

- “E. Because without this agreement a multiple conversion dwelling on the Lands is only permitted if the floor space ratio does not exceed 1.0 and because of the obligation herein to restore and replicate the Heritage House following damage or destruction, it is imperative that such conversion, renovation, restoration, replication and use of three dwelling units be permitted unconditionally as provided in paragraph 1 hereof.”;
- (c) The opening paragraph of section 1 is deleted and replaced with the following:
- “1. The Owner shall convert, renovate and upgrade the Heritage House into a multiple conversion dwelling containing three dwelling units as contemplated in development permit application DP-2022-00377 (which is a minor amendment to the original development permit application #DE408214) and the development permit issued therefrom, and to allow such work unconditionally and so that the Owner shall have the unconditional right to restore and replicate the Heritage House as a multiple conversion dwelling containing three dwelling units, it is agreed that:”; and
- (d) Section 2 is modified by deleting the phrase “Heritage Development” and replacing it with the phrase “Heritage House”.
3. **HRA Ratified and Confirmed.** Except as hereby expressly modified, the HRA is hereby ratified and confirmed by the City and the Owner to the effect and with the intent that the HRA and this Agreement will be read and construed as one document.
 4. **Conflict.** In the event of any conflict between the terms and conditions of the HRA and this Agreement, the terms and conditions of this Agreement will prevail.
 5. **Further Assurances.** The City and the Owner will do and cause to be done all things and execute and cause to be executed all documents which may be necessary to give proper effect to the intention of this Agreement.
 6. **Binding Effect.** This Agreement will enure to the benefit of and be binding upon the City and the Owner and their respective successors and permitted assigns.
 7. **Amendment.** No alteration or amendment of the Agreement or this Agreement shall have effect unless the same is in writing and duly executed by all the parties.
 8. **City’s Other Rights.** Nothing contained or implied in this Agreement will derogate from the obligations of the Owner under any other agreement with the City or, if the City so elects, prejudice or affect the City’s rights, powers, duties or obligations in the exercise of its functions pursuant to the *Vancouver Charter* and the rights, powers, duties and obligations of the City under all public and private statutes, by-laws, orders and regulations, which may be, if the City so elects, as fully and effectively exercised in relation to the Lands as if this Agreement had not been executed and delivered by the Owner and the City.


9. Time. Time shall be of the essence of this Agreement.

IN WITNESS WHEREOF the parties hereto have executed this Agreement as of the day and year first written above.

CITY OF VANCOUVER

Per:

Authorized Signatory


SIGNED, SEALED AND DELIVERED)
in the presence of:)
)
Witness BILLIE LAWRENCE)
3500-1021 WEST HASTINGS ST.)
Address)
MANAGER, ADMIN)
Occupation)



RANDY VERNON JOSEPH SMALLWOOD

THE OWNERS, STRATA PLAN BCS2060

Per:

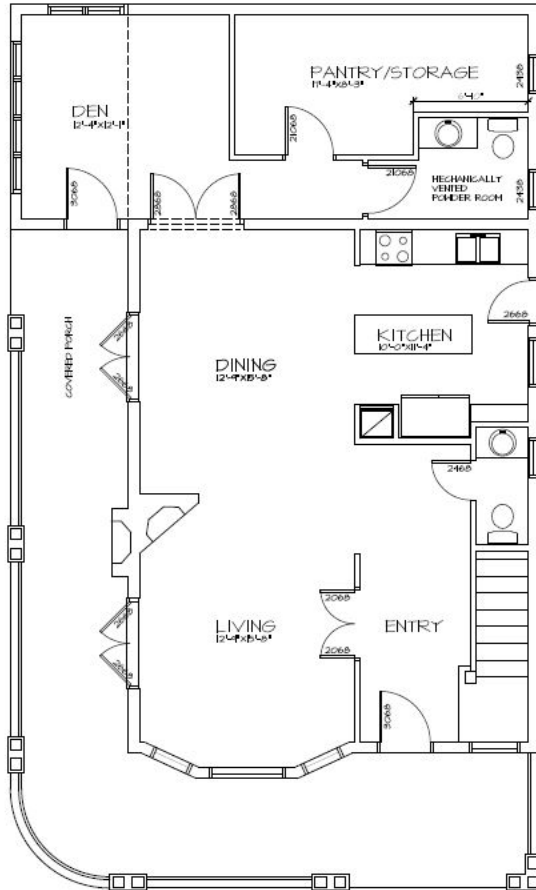


Authorized Signatory
Randy Smallwood

Architectural Drawings (DP-2021-00970)

STRATA LOT UNIT 4 (207) NELSON TO BE ACCESSED FROM AND COMBINED WITH STRATA LOT 3 (915 BUTE)

RELOCATE POWDER ROOM TO CORNER HALL, REALLOCATE SPACE TO HOUSE PANTRY AND STORAGE AREA, ADD FRENCH DOOR AND FRENCH DOOR AREA BETWEEN DINING AND DEN AREAS.



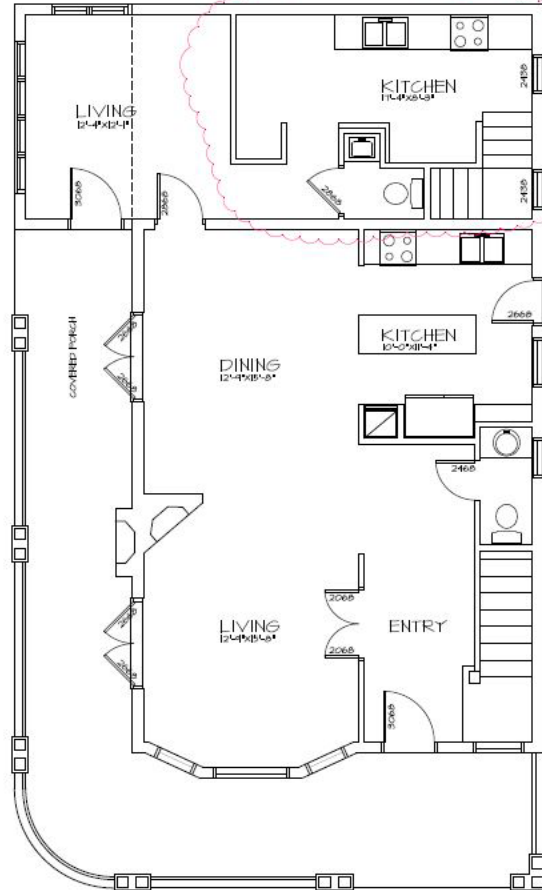
PROPOSED FIRST FLOOR PLAN

SCALE 1/4" = 1'-0"

ALL PROPOSED RENOVATIONS ARE INTERNAL, NO CHANGES OR ALTERATIONS ARE PROPOSED FOR THE EXTERIOR OR HERITAGE PROTECTED ITEMS OF THE RARE HOUSE BUILDING.

STRATA LOT UNIT 4 (207) NELSON TO BE ACCESSED FROM AND COMBINED WITH STRATA LOT 3 (915 BUTE)

REMOVE EXISTING KITCHEN STAIRWAY, ADD POWDER ROOM IN NORTHWEST QUADRANT OF FIRST FLOOR.



EXISTING FIRST FLOOR PLAN

SCALE 1/4" = 1'-0"

ALL PROPOSED RENOVATIONS ARE INTERNAL, NO CHANGES OR ALTERATIONS ARE PROPOSED FOR THE EXTERIOR OR HERITAGE PROTECTED ITEMS OF THE RARE HOUSE BUILDING.

SCOPE OF WORK :

ALL PROPOSED RENOVATIONS ARE INTERNAL, NO CHANGES OR ALTERATIONS ARE PROPOSED FOR THE EXTERIOR OR HERITAGE PROTECTED ITEMS OF THE RARE HOUSE BUILDING.

FIRST LEVEL (MAIN FLOOR)

REMOVE THE EXISTING KITCHEN STAIR ACCESS TO SECOND LEVEL, AND POWDER ROOM IN THE NORTHWEST QUADRANT OF THE BUILDING.
RELOCATE POWDER ROOM ADJACENT TO THE PERIMETER HALL, CREATE NEW PANTRY/STORAGE ROOM, ADD FRENCH DOORS BETWEEN DINING ROOM AND DEN.

SECOND LEVEL

ADD AREA SAVED FROM STAIRCASE REMOVAL TO BEDROOM.
MOVE BATHROOM ACCESS FROM HALLWAY TO BEDROOM TO CREATE ENSUITE.
RE-ALIGN CLOSETS AND ENTRY DOORS TO BEDROOMS AND B2.

NO CHANGES OR ALTERATIONS PROPOSED FOR THE GROUND, THIRD, OR ROOF LEVELS.

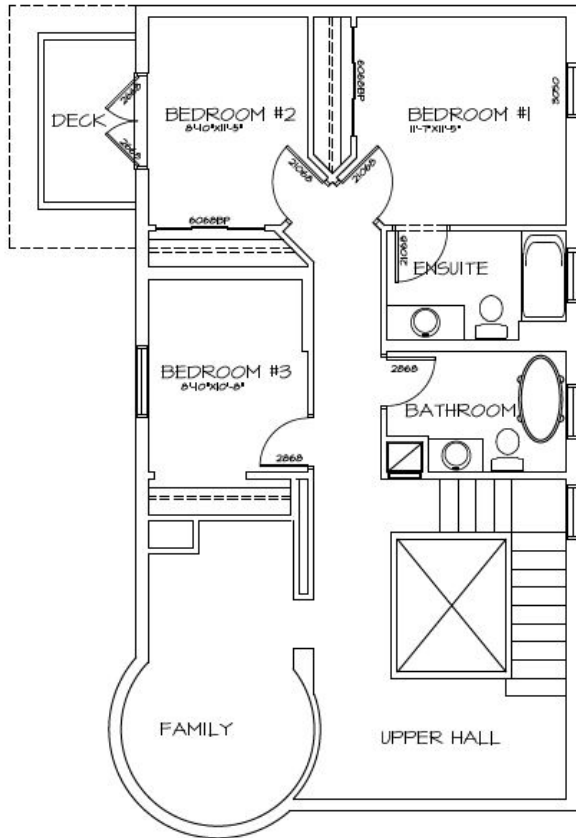
STRATA LOT UNIT 4 (207) NELSON TO BE ACCESSED FROM AND COMBINED WITH STRATA LOT 3 (915 BUTE)

ALL PROPOSED ALTERATIONS/REVISIONS ARE TO INTERIOR NON LOAD BEARING PARTITIONS.

RELOCATED/REVISED HALLS TO BE 2x4 @16"OC, CONSTRUCTION TO MATCH EXISTING PARTITIONS.
WHERE THE STAIRWAY IS BEING REMOVED THE FLOORS WILL BE REPAIRED TO MATCH EXISTING.

STRATA LOT UNIT 4 (1207 NELSON) TO BE ACCESSED FROM AND COMBINED WITH STRATA LOT 3 (945 BUTE)

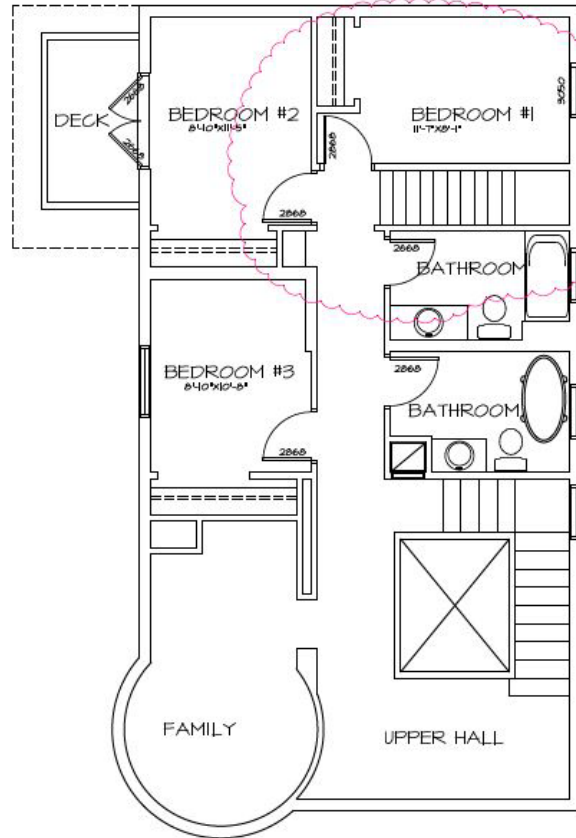
RELOCATE BATHROOM DOOR FROM HALLWAY TO ENSUITE BEDROOM #1
CHANGE CLOSET LAYOUTS AND DOOR ACCESS TO BEDROOM #1 AND #2



PROPOSED SECOND FLOOR PLAN
SCALE 1/4"=1'-0"

STRATA LOT UNIT 4 (1207 NELSON) TO BE ACCESSED FROM AND COMBINED WITH STRATA LOT 3 (945 BUTE)

REMOVE EXISTING STAIRWAY
IN NORTH WEST QUADRANT OF SECOND FLOOR



EXISTING SECOND FLOOR PLAN
SCALE 1/4"=1'-0"

SCOPE OF WORK :

ALL PROPOSED RENOVATIONS ARE INTERNAL, NO CHANGES OR ALTERATIONS ARE PROPOSED FOR THE EXTERIOR OR HERITAGE PROTECTED ITEMS OF THE RAND HOUSE BUILDING.

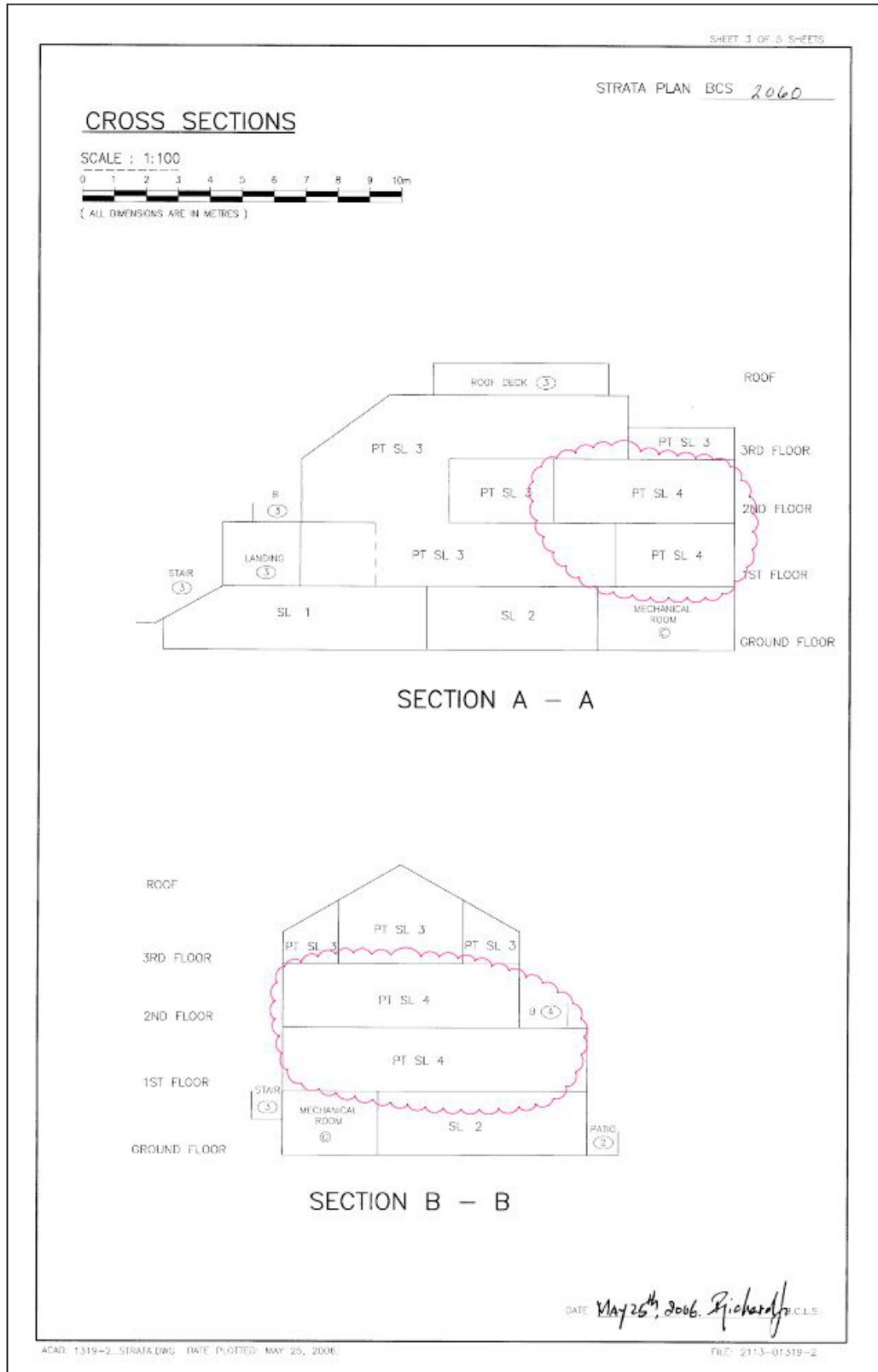
FIRST LEVEL (MAIN FLOOR):

REMOVE THE EXISTING KITCHEN STAIR ACCESS TO SECOND LEVEL AND POWDER ROOM IN THE NORTHWEST QUADRANT OF THE BUILDING.
RELOCATE POWDER ROOM ADJACENT TO THE PERIMETER HALL, CREATE MEN PANTRY/STORAGE ROOM.
ADD FRENCH DOOR(S) BETWEEN DINING ROOM AND DEN.

SECOND LEVEL:

ADD AREA GAINED FROM STAIRCASE REMOVAL TO BEDROOM #1.
MOVE BATHROOM ACCESS FROM HALLWAY TO ENSUITE.
RE-ALIGN CLOSETS AND ENTRY DOORS TO BEDROOM #1 AND #2.

NO CHANGES OR ALTERATIONS PROPOSED FOR THE GROUND, THIRD, OR ROOF LEVELS.
STRATA LOT UNIT 4 (1207 NELSON) TO BE ACCESSED FROM AND COMBINED WITH STRATA LOT 3 (945 BUTE)
ALL PROPOSED ALTERATIONS/REVISIONS ARE TO INTERIOR NON-LOAD BEARING PARTITIONS.
RELOCATED/REVISED HALLS TO BE 2X4 @16"O.C. CONSTRUCTION TO MATCH EXISTING PARTITIONS
WHERE THE STAIRWAY IS BEING REMOVED THE FLOORS WILL BE REPAIRED TO MATCH EXISTING.



EXISTING AND PROPOSED SECTIONS
 ALL PROPOSED RENOVATIONS ARE INTERNAL, NO CHANGES OR ALTERATIONS ARE PROPOSED FOR THE EXTERIOR OR HERITAGE PROTECTED ITEMS OF THE RANG HOUSE BUILDING.