



**POLICY REPORT  
DEVELOPMENT AND BUILDING**

Report Date: August 31, 2016  
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VanRIMS No.: 08-2000-20  
Meeting Date: October 18, 2016

TO: Vancouver City Council

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

SUBJECT: Heritage Designation - 1610 Stephens Street (Mary McGregor Cottage)

**RECOMMENDATION**

- A. THAT Council add the Mary McGregor Cottage (the “heritage building”) at 1610 Stephens Street (PID: 011-552-468; Lot B of Lot 4, Block 3, District Lot 192, Plan 4455 (the “site”)) 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 and Section 594 of the *Vancouver Charter*, a by-law to designate as protected heritage property the exterior of the heritage building as protected heritage property.
- C. THAT Recommendations A to 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 Mary McGregor Cottage at 1610 Stephens Street to the Vancouver Heritage Register in the ‘C’ evaluation category and to designate the exterior of the heritage building as protected heritage property. Under the current RT-8 Zoning applicable to the subject site, the existing building could be demolished or significantly altered and the site redeveloped with a density of up to 0.75 floor space ratio (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 floor

area to 0.83 FSR and other zoning variances are proposed, as set forth in Development Permit Application Number DE418671 (the “DP Application”), and as described in this report. The General Manager of Planning, Urban Design, and Sustainability 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* 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 variations 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)*

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***

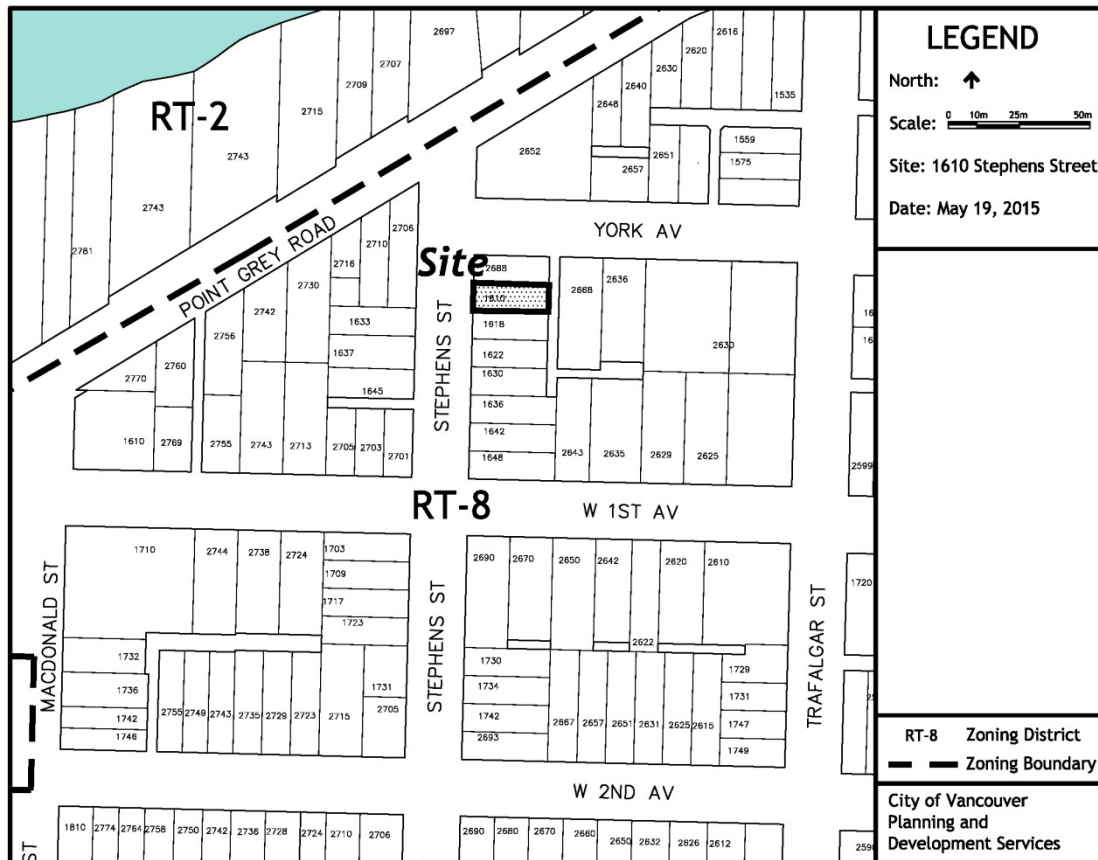
The General Manager of Planning, Urban Design, and Sustainability RECOMMENDS approval of A, B, and C.

### ***STRATEGIC ANALYSIS***

#### ***Site and Context***

The site is located in the Kitsilano neighbourhood in an area zoned RT-8 (see Figure 1). The *RT-8 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 construction of new apartment buildings, townhouses, and infill development. The total area of the site is 264 square metres (2,841 square feet). A three metre (ten-foot) wide unpaved lane exists at the rear of the site.

Figure 1: The site and the surrounding zoning



### Heritage Value

The McGregor family, consisting of Mary McGregor and her children, arrived in Vancouver from Winnipeg in 1897, settling first in the West End. In 1911 the family purchased a large lot encompassing the current site from Thomas H. White, one of the major landowners in the area. The family constructed a cottage at 1628 Stephens Street, followed by cottages at 1610 and 1618 Stephens Street (see Appendix A and Appendix B). The McGregor family most likely lived in the cottages until a larger house at 1628 Stephens Street was finished, which was a common development pattern at the time. After completion of this house the cottage at 1628 Stephens Street was demolished, but the other two surviving cottages were retained and rented out to a variety of local workers and their families over the years. Mary McGregor sold all the land in 1925. By 1955 a narrow dirt lane, which still exists, had been constructed from York Avenue south to the rear of 1628 Stephens Street (see Appendix B). At some point the subdivision of the land into four parcels occurred, and the lane was extended slightly to the south.

To this day, the two small cottages at 1610 and 1618 have survived as a rare representation of early cottages built on open lots in the area over a century ago (the much larger McGregor House at 1628 Stephens has not survived). While the Mary McGregor Cottage has been modified over the years, it retains its essential features including its overall small form. It is proposed to add the Mary McGregor Cottage to the Vancouver Heritage Commission in the 'C' evaluation category which is supported by the Vancouver Heritage Commission (see Appendix E).

### ***Development Application and Proposed Incentives***

If approved, the incentives and compensation to be provided to the owner for the heritage designation and the rehabilitation and conservation of the heritage building will be in the form of variances to the *Zoning and Development By-law*, including a density variance, as set forth in the DP Application and as described below. The application proposes to restore the heritage building and to construct a new Infill One-Family Dwelling building at the front of the site (see Appendix C). Front yard infill use is permitted in the current zoning, and the maximum permitted density which may be granted without Council approval is 0.75 FSR. The originally proposed density was 0.87 FSR. Staff concluded, upon review of the DP Application, that a maximum density of 0.83 FSR is supportable. The DP Application was revised accordingly (see Table 1).

On April 1, 2016, an Administrative Bulletin entitled *Infill and Conditional Density in RT Zones: Administration in RT-3, RT-4, RT-5, RT-6, RT-7, and RT-8* which contains clarifications and administrative provisions regarding infill use and bonus density in the listed zones. The review of the DP Application was completed prior to the issuance of this bulletin and therefore was not applied to the DP Application.

**Table 1: Density Summary**

Item	Existing	Permitted	Proposed
FSR	67 m <sup>2</sup> (722 sq. ft.) 0.25 FSR	199 m <sup>2</sup> (2,138 sq. ft.) 0.75 FSR maximum	219 m <sup>2</sup> (2,358 sq. ft.) 0.83 FSR (10% over the permitted)
Number of Dwelling Units	1	2 maximum	2

The revised application is consistent with the *Heritage Proforma Review - Interim Policy* and a proforma analysis and a Heritage Revitalization Agreement (HRA) are not required.

The narrow lane at the back of the property, which was constructed sometime after the mid 1920s, does not allow adequate vehicular access to the site and therefore a front yard drive way is to be constructed for the site, which is consistent and compatible with surrounding development.

Staff have considered the potential impact of the proposed development, the results of notification (see the Results of Neighbourhood Notification section), the conservation approach, and the compatibility of the development with the zoning (see the Compatibility with Existing Zoning and Land Use Regulations section), and conclude that the development proposed in the DP Application is supportable. The General Manager of Planning, Urban Design, and Sustainability is prepared to approve the DP Application subject to Council approval of the recommendations of this report.

### ***Compatibility with Existing Zoning and Land Use Regulations***

The intent of the *RT-8 Zoning District Schedule* is to:

*“... encourage the retention and renovation of existing buildings which maintain an architectural style and building form consistent with the historical character of the area. Redevelopment will be encouraged on sites where existing buildings are smaller, or do not contribute to this character. For renovations and additions, emphasis is placed on maintaining existing external architectural character; for new development, on*

*compatibility in external character. In all cases, neighbourly building scale and placement is emphasized.”*

The application is consistent with the intent of the *RT-8 District Schedule*. The retention of the heritage building contributes to the historic architectural character of the area and the additions are compatible with the existing architectural character of the heritage building. The proposal responds well to its neighbours in terms of scale, massing, privacy impact, and placement.

### ***Condition of the Heritage Building and Conservation Approach***

The Mary McGregor Cottage is in fair condition. A number of alterations and additions have been made in the past including the replacement of windows, and there has been some damage from water. New wood sash windows, replicating the original windows where these can be determined, will be installed to replace windows which are not compatible with the original character of the building. A small shed-like addition at the rear will be removed (it is not original). The cottage at 1618 Stephens Street is more intact and will be used to guide the rehabilitation scheme for 1610 Stephens Street where original features cannot be determined from on-site investigation. Staff support the Conservation Plan proposed for the heritage building and conclude that the rehabilitation scheme is consistent with the *Standards and Guidelines for the Conservation of Historic Places in Canada*.

### ***Results of Neighbourhood Notification***

A total of 167 surrounding properties were notified of the DP Application and a site sign was installed. Five responses were received. Concerns include:

- The house at 1610 Stephens Street has been significantly altered over time and therefore should not be granted heritage status. The Statement of Significance for the site prepared by the heritage consultant is weighted too heavily in favour of retention and contains errors.
- The heritage retention is being used to allow the development of another house in the front yard in contravention of the zoning; and
- The proposal creates undue impacts in terms of views with respect surrounding properties. The heritage building should be demolished and redevelopment should comply with the zoning without infill development.

The Mary McGregor Cottage at 1610 Stephens Street is part of the original collection of cottages in this area (see Heritage Value) and restoration to its original appearance on the exterior is accepted conservation practice. The Vancouver Heritage Commission supports the heritage building's addition to the Vancouver Heritage Register and the proposal, including the Statement of Significance, with some amendments (see Comments from the Vancouver Heritage Commission). Front yard infill is permitted in the zoning and the new house is compatible with surrounding development and the intent of the zoning (see Compatibility with Existing Zoning and Land Use Regulations).

On May 28, 2015, staff met with three neighbours to review concerns in more detail. It was concluded that setbacks could be improved on the south side. A condition of the DP Application approval requires that the applicant revise the drawings to provide greater setbacks where possible on the south side of the property.

Staff considered the results of neighbourhood notification and concluded that the application is supportable with the DP Application approval condition noted above.

### ***Comments from the Vancouver Heritage Commission***

On May 4, 2015, the Vancouver Heritage Commission reviewed the DP Application and supported it (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 City-wide DCL rate of 34.77/m<sup>2</sup> (\$3.23/square foot) is applicable to the project. On this basis, a DCL of approximately \$5,284 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 the 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 \$50,000.

See Appendix F for a summary of the public benefits that would be achieved should this application be approved.

### ***Proforma Evaluation***

The *Heritage Proforma Review - Interim Policy* approved in June, 2014, allows an application to be exempt from a proforma review subject to certain conditions, including that any bonus density granted to the site for heritage conservation does not exceed 10% beyond the maximum permitted density in the zoning. The DP Application complies with the policy and therefore a proforma analysis of the project is not required.

### ***Implications/Related Issues/Risk Financial***

As noted in the section on Public Benefits, the applicant has offered the on-site conservation and rehabilitation of the Mary McGregor Cottage valued at \$50,000.

The site is within the City-wide DCL District and it is anticipated that the applicant will pay approximately \$5,284 in DCLs should the DP Application be approved and the project proceed.

### ***Environmental***

The City's *Green Buildings Policy for Rezonings* does not apply to the project as an HRA is not proposed. However, the application will comply with all the environmental provisions embodied in the current Vancouver Building By-law.

### ***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 in exchange for obtaining the by-law variations needed to get that improved development potential will be appropriately secured as legal obligations in an agreement 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. City staff and the owner have negotiated an agreement, 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 of property caused by a heritage designation. The owner has signed the agreement noted above 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 the heritage building. The agreement will be executed by the City and registered on title to the site before a development permit for the project may be issued.

### ***CONCLUSION***

Approval of the recommendations of this report will ensure that the Mary McGregor Cottage at 1610 Stephens Street is rehabilitated, conserved, and protected from demolition and from exterior alterations which might affect its heritage value. The owner has agreed to accept the proposed variances as compensation for the designation of the heritage building's exterior as a protected heritage property and for its rehabilitation and conservation. The General Manager of Planning, Urban Design, and Sustainability is prepared to approve the DP Application for the project should Council approve the recommendations of this report. Therefore, it is recommended that Council approve the addition of the Mary McGregor Cottage to the Vancouver Heritage Register and its heritage designation.

\* \* \* \* \*

1610 Stephens Street  
PHOTOGRAPHS



Photo 1: 1610 Stephens Street - West Side (Front) 2014



Photo 2: 1610 Stephens Street - East Side (Rear) 2014





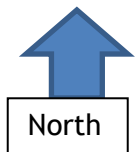
**Photo 3: 1610 Stephens St. (Foreground) and 1618 Stephens St. (Background)**



**Photo 4: 1618 Stephens Street**

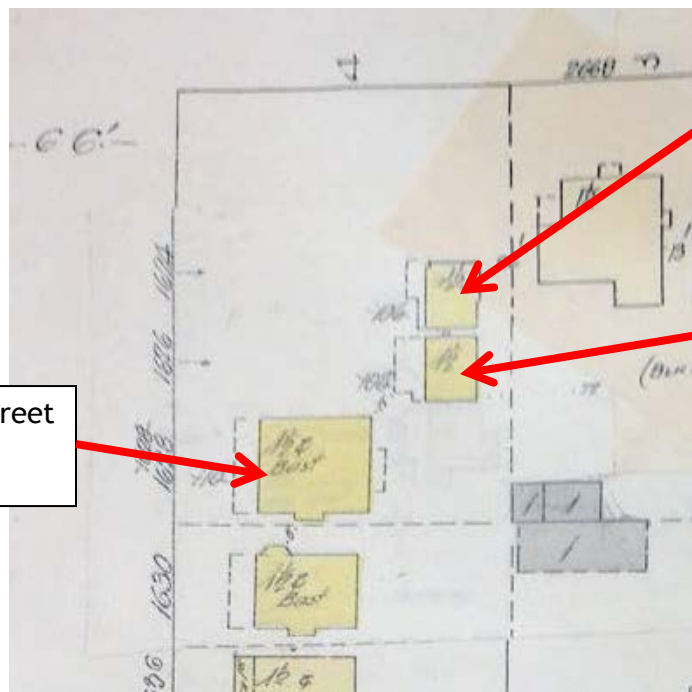
The cottage at 1618 Stephens Street, constructed at the same time as the Mary McGregor Cottage, possibly with the same plans, was also built and owned by The McGregor family. It will be used as a guide for the restoration of 1610 Stephens Street where original features cannot be determined. The narrow lane constructed sometime after 1924 behind the property is visible in the photos.

1610 Stephens Street  
MAPS



Original Lot (Lot 4) showing a small cottage at the rear

Map 1: Fire Insurance Map (1912)



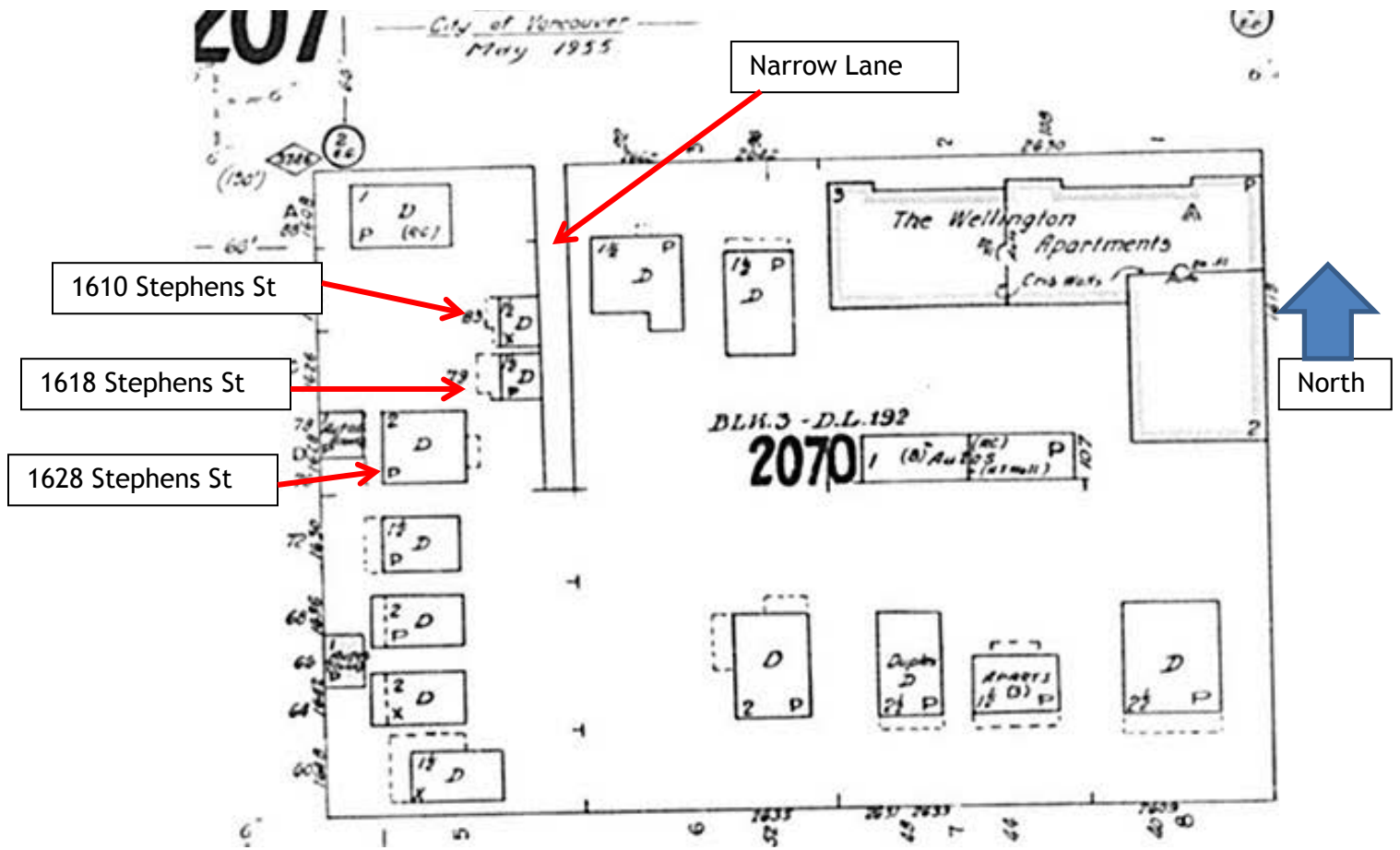
1628 Stephens Street (House) - Demolished

1610 Stephens Street (Cottage)

1618 Stephens Street (Cottage)

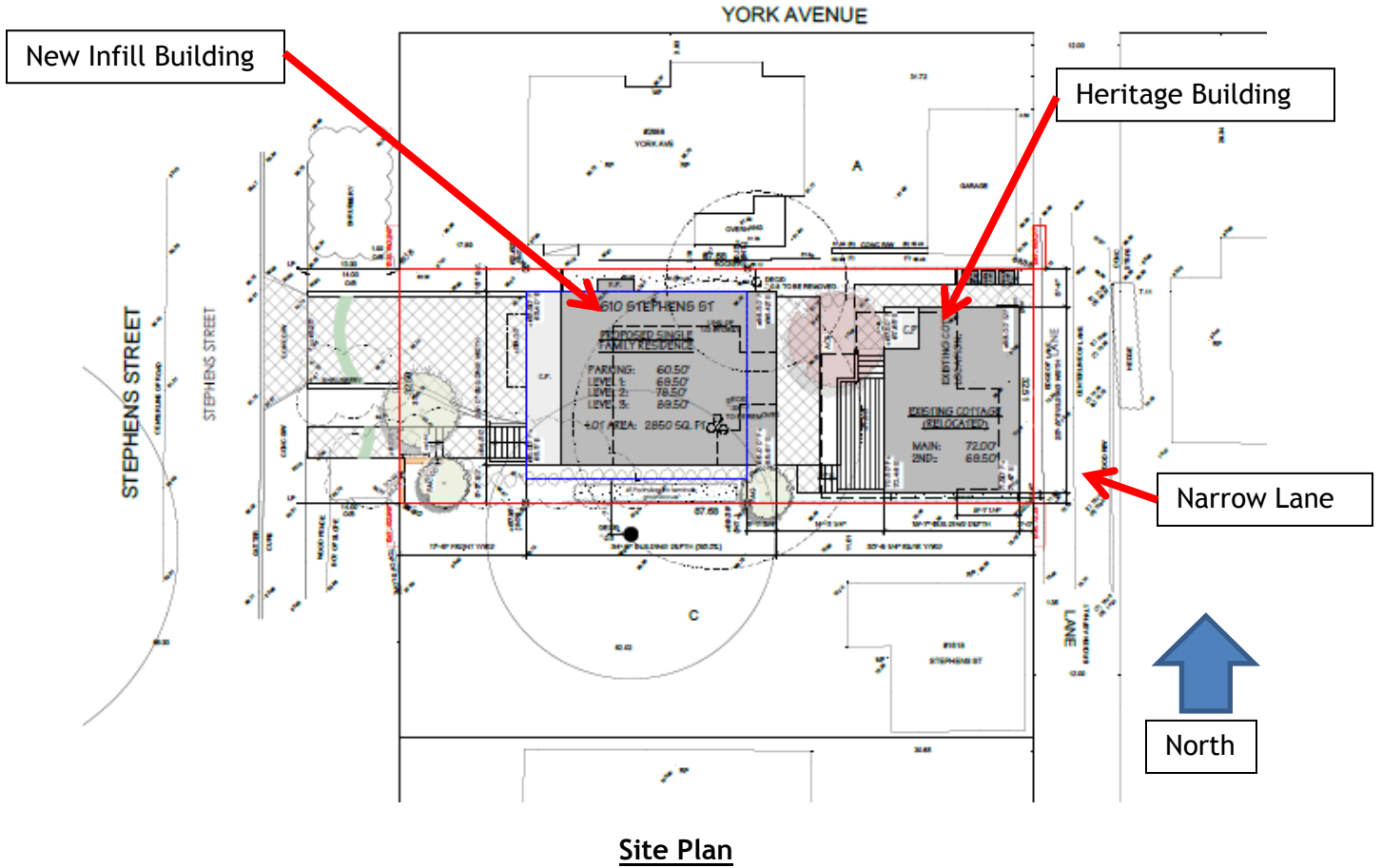
Map 2: Fire Insurance Map (1924)

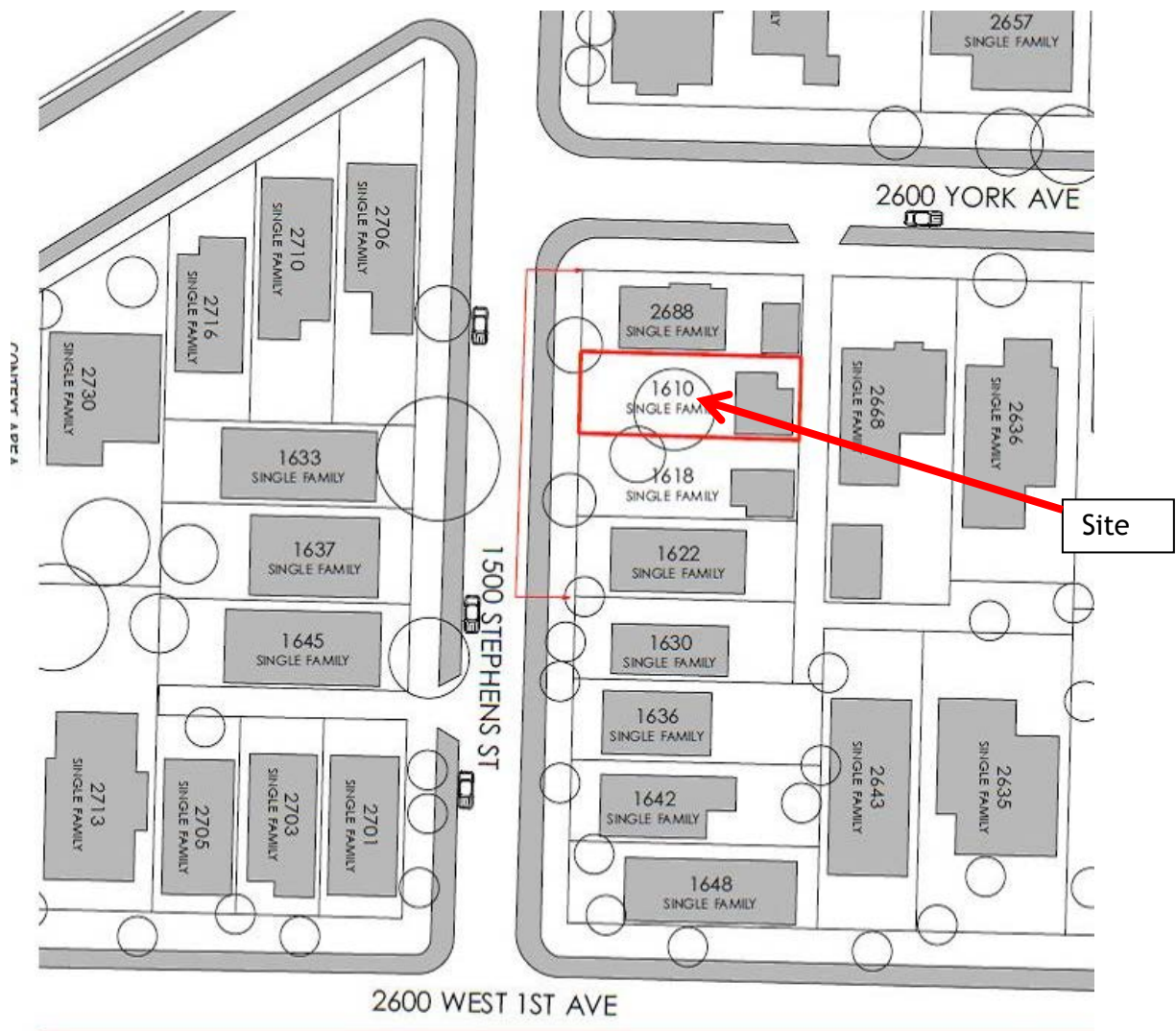
The small cottage at 1628 Stephens Street (Map 1) was replaced by the larger McGregor house (Map 2), now demolished, but the other two cottages (1618 and 1610 Stephens Street) survive to this day (note the outline of the porches and the photographs in Appendix A).



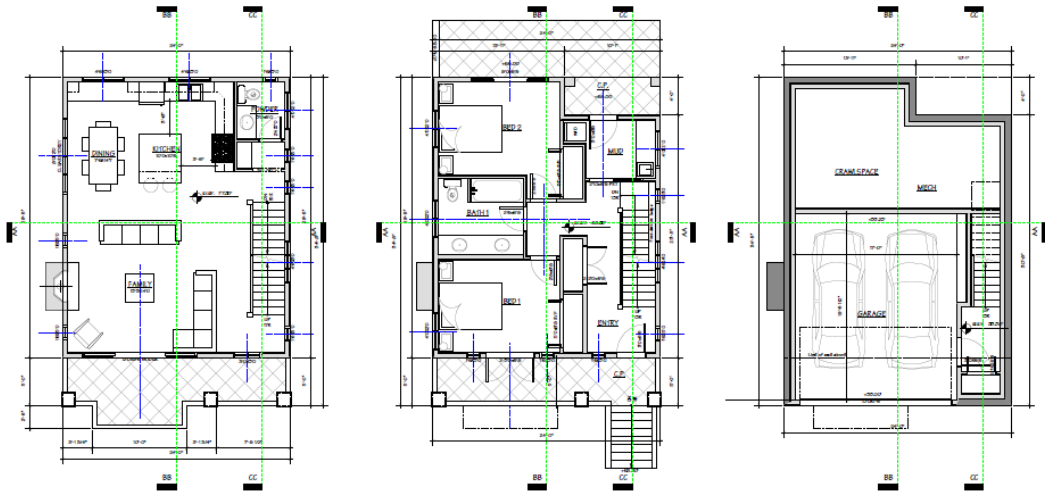
Map 3: Fire Insurance Map (1955)

1610 Stephens Street  
DRAWINGS





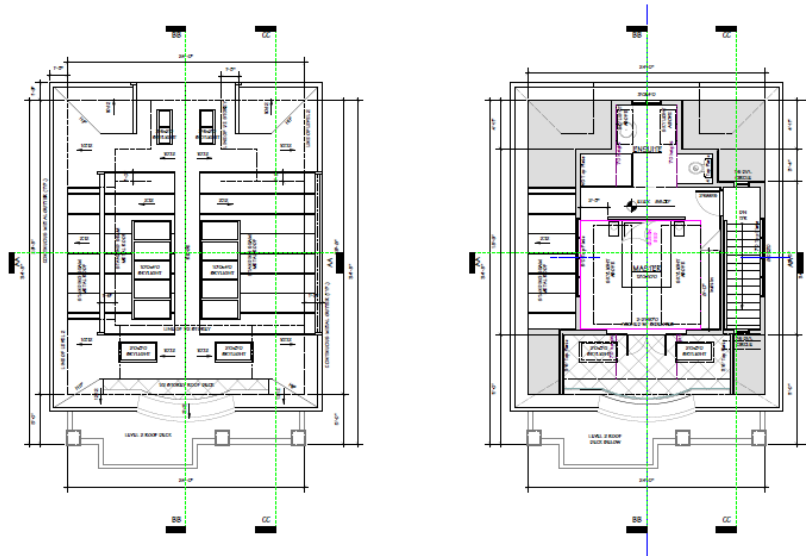
Context Plan



LEVEL 2

LEVEL 1

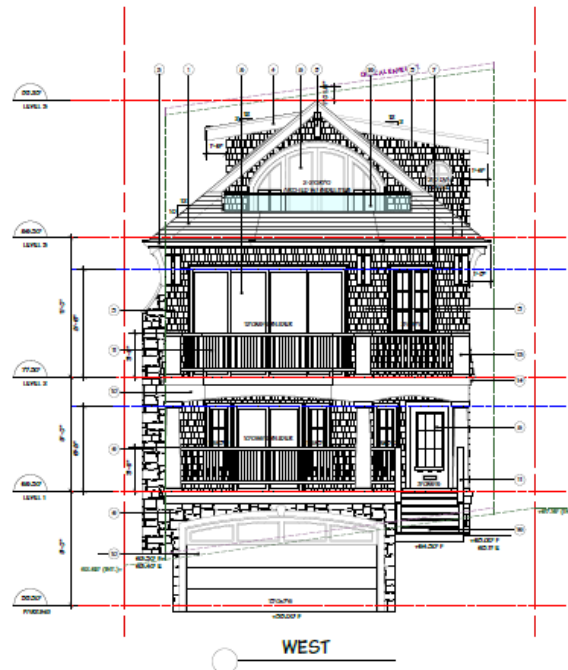
PARKING



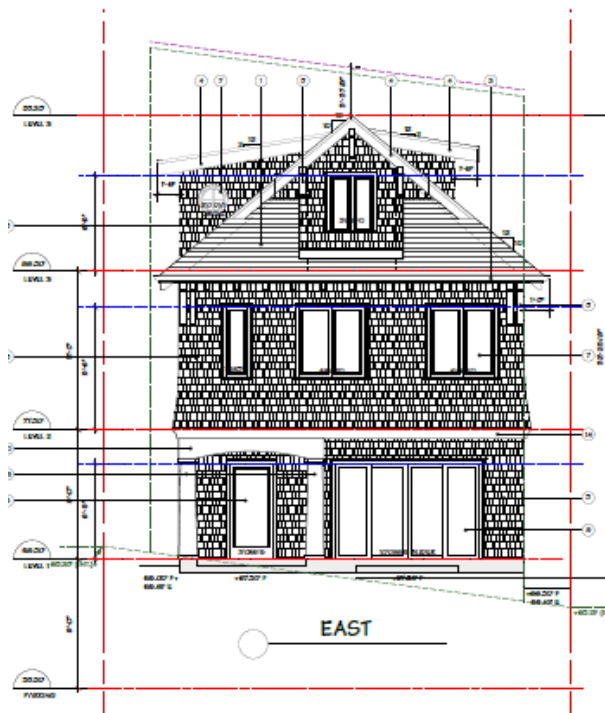
ROOF PLAN

1/2 STOREY

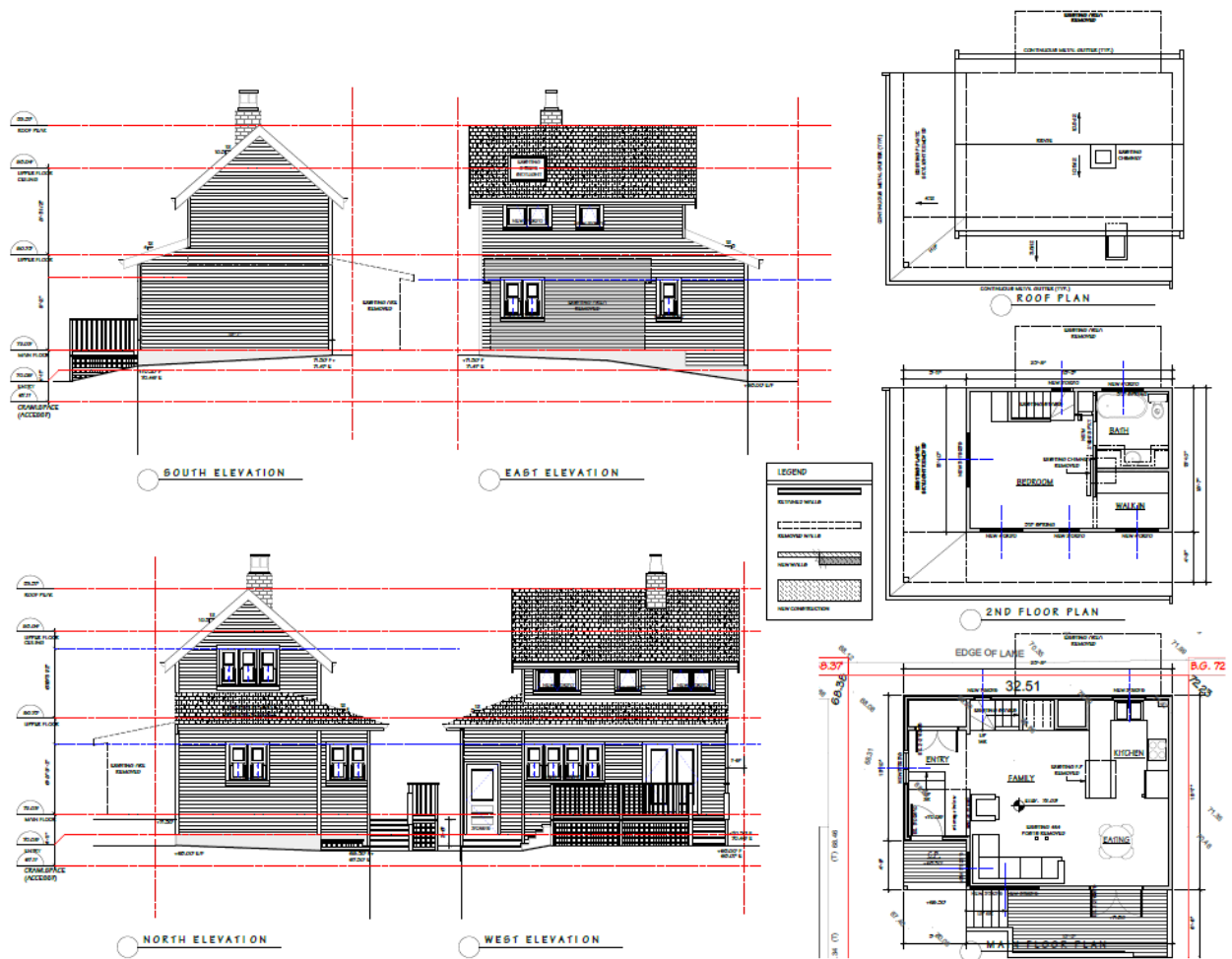
**Plans of the New Front Yard Infill Building**



**Front Elevation (West Side) of New Infill Building**



**Rear Elevation (East Side) of New Infill Building**



Plans and Elevations of the Heritage Building



1610 Stephen Street  
TECHNICAL ZONING AND PARKING SUMMARY

Item	Existing	Permitted or Required	Proposed
Use	One-Family Dwelling	Front Yard Infill Use Permitted	Infill One-Family Dwelling and Existing One-Family Dwelling
Front Yard	18.3 metres (60 feet) approximately	5.3 metres (17.5 feet) minimum	5.3 metres (17.5 feet)
Height	7.8 metres (25.5 feet) Heritage Building	10.7 metres (35.17 feet) maximum	7.8 metres (25.5 feet) Heritage Building; and 10.6 metres (35.0 feet) New Infill Building
FSR	219 m <sup>2</sup> (722 sq. ft.) 0.25 FSR	199 m <sup>2</sup> (2,138 sq. ft.) 0.75 FSR Max.	219 m <sup>2</sup> (2,358 sq. ft.) 0.83 FSR (10% over the permitted) Total*
Number of Dwelling Units	1	2 maximum	2
Off-Street Parking	0	2 minimum	2

\* 722 sq. ft. for the Heritage Building and 1,636 sq. ft. for the New Infill Building

**1610 Stephens Street  
RESOLUTIONS OF THE VANCOUVER HERITAGE COMMISSION**

On May 4, 2015, the Vancouver Heritage Commission reviewed the DP Application and resolved the following:

THAT the Vancouver Heritage Commission supports the heritage rehabilitation and conservation plan for 1610 Stephens Street, the Mary McGregor Cottage, in keeping with a heritage restoration on an adjacent site;

FURTHER THAT the Commission supports adding an infill one-family dwelling at the front of the property but recommends that the architect consider design modifications to make it more distinguishable.

CARRIED UNANIMOUSLY

Staff Comments:

Conditions of the DP Application will require that the applicant explore the design of the infill building with respect to making it more distinguishable from the heritage building as part of the development of the final drawings.

1610 Stephens 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	RT-8	HRA
FSR (site area = 264 m <sup>2</sup> 2,841 sq. ft.))	0.75	0.83
Buildable Floor Area	199 m <sup>2</sup> (2,138 sq. ft.)	219 m <sup>2</sup> (2,358 sq. ft.)
Land Use	Residential	Residential

Public Benefit Statistics		Value if built under Current Zoning (\$)	Value if built under Proposed HRA (\$)
<b>Required*</b>	DCL (City-wide) (See Note 1)	4,730	5,284
	DCL (Area Specific)		
	Public Art		
	20% Social Housing		
<b>Offered (Community Amenity Contribution)</b>	Childcare Facilities		
	Cultural Facilities		
	Green Transportation/Public Realm		
	Heritage		50,000
	Housing (e.g. supportive, seniors)		
	Parks and Public Spaces		
	Social/Community Facilities		
	Unallocated		
Other			
<b>TOTAL VALUE OF PUBLIC BENEFITS</b>		<b>\$4,730</b>	<b>\$55,284</b>

**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. The existing heritage building's floor area is 219 m<sup>2</sup> (722 sq. ft.)