

# Policy

## Heritage Policies

*Approved by Council March 10, 2020*

# Table of Contents

Background and Context..... 3

Intent..... 3

Definitions..... 3

Policies ..... 4

- 1 Identification of Heritage Property ..... 4
- 2 Protection..... 4
- 3 Conservation of Heritage Property ..... 5
- 4 Rezoning of Heritage Property ..... 6
- 5 Transfer of Density ..... 6
- 6 Demolition of Heritage Property ..... 6
- 7 Incentives for Heritage Retention and Conservation ..... 7
- 8 Proforma Analysis and Calculation of Density Bonus ..... 7

## Background and Context

City Council recognizes that Vancouver’s heritage is highly valued by Vancouver residents and that heritage sites require appropriate ongoing maintenance and long term protection. The City’s *Heritage Conservation Program* has provided a framework for both heritage planning and heritage conservation since its formal adoption in 1986. In 2020, Council approved a new vision, goals and directions for the *Vancouver Heritage Program (VHP)* to align with priorities set on Reconciliation with Musqueam, Squamish, and Tseil-Waututh Nations, and Urban Indigenous People, cultural redress of systemically excluded ethnocultural communities, and an expanded understanding of heritage that includes both tangible and intangible assets and values. The *VHP* embraces the principles of diversity, inclusivity and equity in identifying and protecting heritage values and places for the benefit of all Vancouver’s communities.

## Intent

The purpose of this document is to lay out key policies applicable to heritage planning and resource management. The *Heritage Policies* are integrated with and implemented through the *Vancouver Heritage Program* and are based on the *Vancouver Charter*.

In addition to these policies, other regulations may also be applicable:

- The Heritage Procedure By-law, Heritage Property Standards of Maintenance By-law, Parking By-law, Subdivision By-law, Zoning and Development By-law, Transfer of Density Policy and Procedure offer additional information, define requirements and enable opportunities related to heritage planning and conservation.

For more information on heritage, including heritage incentives, visit the City of Vancouver’s Vancouver Heritage Program webpage.

## Definitions

“**Heritage Alteration Permit**” means a permit authorized under the *Heritage By-law* or *Heritage Procedure By-law*;

“**Heritage Character**” means the overall effect produced by traits or features which give property or an area a distinctive quality or appearance;

“**Heritage Conservation Area**” means an area designated as a heritage conservation area by an official development plan;

“**Heritage Premium Cost**” means costs directly related to the heritage conservation project, not including costs related to other improvements, maintenance or new additions to the heritage property;

“**Heritage Property**” means property that:

- a) has sufficient heritage value or heritage character to justify its conservation (may or may not be listed on the *VHR*); or
- b) is protected heritage property;

“**Heritage Value**” means aesthetic, cultural, educational, historical or scientific worth or usefulness of property or an area;

“**Proforma**” means a financial analysis based on market assumptions for revenues, costs and land values;

“**Protected Heritage Property**” means “protected heritage property” as defined in the *Vancouver Charter*.

## **Policies**

### **1 Identification of Heritage Property**

To be eligible for consideration for addition to the *Vancouver Heritage Register*, a property needs to be at least 20 years old, and meet the evaluation criteria. A nomination must be supported by the Vancouver Heritage Commission and approved by Council.

### **2 Protection**

A property that has heritage value or heritage character can be protected from demolition or unsympathetic alteration in several ways.

#### **2.1 Heritage Designation By-law**

A heritage designation by-law approved by Council after a Public Hearing legally protects heritage property from unauthorized demolition or alteration. The City’s policy on heritage designation is as follows:

- (a) Legal protection through voluntary designation of properties listed on the *VHR* has been identified as one of the major goals of the *Vancouver Heritage Program*.
- (b) Legal protection is a prerequisite to accepting certain incentives for heritage conservation.
- (c) The City may initiate designation of properties of extraordinary heritage value which may or may not be listed on the *VHR*.
- (d) Prior to proceeding with heritage designation, the City will consider the compensation to be provided to the owner, as per the *Vancouver Charter*.
- (e) A heritage designation by-law is accompanied by a section 219 covenant (*Restoration Covenant*) and registered on title.
- (f) Heritage designation by-law should be considered only if a high level of heritage retention, including structural, and conservation with high level of authenticity and integrity is achieved, except in cases of voluntary designation which may or may not have conservation work proposed but the subject heritage property exhibits high level of authenticity and integrity of its heritage values.

#### **2.2 Heritage Revitalization Agreement (HRA)**

HRAs are agreements created by by-law, between Council and an owner of a heritage property. An HRA can vary or supplement a number of by-laws, including the *Zoning and Development By-law* and the *Subdivision By-law*, in return for the retention, conservation and legal protection of heritage property. An HRA requires *Council* approval and may require a public hearing. An HRA should only be used if:

- (a) the application of the *Zoning and Development By-law* and its heritage relaxation provisions are insufficient to secure the desired or required levels of retention and heritage conservation, and
- (b) it results in a high level of retention and heritage conservation achieved on site, and when additional development would not adversely affect the retained heritage property.

An HRA is primarily a heritage conservation tool and it should not be considered a redevelopment tool or a substitute for a rezoning process, or when resulting in limited physical retention of the heritage property (e.g. façade-only retention). An HRA is typically accompanied by a section 219 covenant (*Restoration Covenant*) registered on title and may require an economic analysis (proforma).

### 2.3 Covenant Under Section 219 of the Land Title Act

An owner of a heritage property and the City may enter into this type of agreement (also known as *Restoration Covenant*) to conserve heritage property. A *Restoration Covenant* may be required as a condition of approval of *Zoning and Development By-law* variances, relaxations, incentives or other benefits sought by the owner. Similar to an HRA, a *Restoration Covenant* is registered on title and obligates future owners over time. A *Restoration Covenant* does not require a by-law or Council approval.

## 3 Conservation of Heritage Property

### 3.1 Requirements

- (a) A development proposal that includes a heritage property should be generally consistent with the *Standards and Guidelines for the Conservation of Historic Places in Canada*, applicable Zoning District Schedule and Design Guidelines.
- (b) A Development Permit application involving heritage property listed on the *VHR* should include a *Statement of Significance* and *Conservation Plan*. The content of the *Conservation Plan* should be cross-referenced in development permit documentation.
- (c) A Development Permit application involving protected heritage property and/or receiving heritage incentives, including consideration of *Zoning and Development By-law* relaxations and/or variances, must ensure implementation of the Conservation Plan by engaging a qualified heritage professional to supervise heritage conservation work, and must submit a heritage conservation *Completion Status Report* or *Statement* as a condition of the *Occupancy Permit*.
- (d) Façade-only retention is generally not considered to be an appropriate heritage conservation procedure. A proposal based on this approach may not be supportable and will not typically be eligible for heritage incentives. However, in a case where a significant portion of a heritage building was lost due to an unforeseen event like fire or earthquake, façade-only conservation may be supportable.
- (e) A compatible one-storey or, in some cases, two-storey setback rooftop addition may be considered if the additional height or floor area (density) meet the applicable zoning requirements. Generally, heritage buildings up to three storeys may be considered for a one-storey setback rooftop addition. Buildings with four or more storeys may be considered for up to a two-storey setback rooftop addition, subject to meeting other architectural, urban

design and planning requirements (e.g. height and density limits, design guidelines), as well as the building's structural capacity to carry the additional load. Setback requirements vary and are assessed on a site-specific basis.

- (f) Where a proposed rooftop addition would result in the removal of a building's primary structure (vertical and/or horizontal components) or if the addition of a significant new structural enforcement would adversely affect retention of existing heritage fabric and/or heritage value of the heritage property, the rooftop addition may not be supported.
- (g) An addition to the side or rear of a heritage property may be considered, on a site-specific basis, subject to:
  - (i) the availability of land on the development site to accommodate the addition,
  - (ii) the impact on the existing heritage property, and architectural and urban design considerations.

This condition also applies to rezoning applications involving heritage property.

- (h) Construction costs related to new additions are not eligible for consideration for heritage grants through the City's heritage conservation programs.

## 4 Rezoning of Heritage Property

Rezoning should not result in the demolition or severe alteration of any building on the *VHR*.

A site occupied by a protected heritage property (protected by a heritage designation by-law or a schedule of protected heritage properties in the *Heritage Conservation Area Official Development Plan*) should not be considered for a rezoning if the proposal would result in demolition, severe alteration, replacement of original building structure, removal of character-defining elements or loss of heritage value, and/or with the façade-only retention of a protected heritage property.

To be considered favourably for rezoning, the heritage property on a rezoning site must be preserved, a high level of retention and conservation proposed, and it must be seismically upgraded. Legal protection of the heritage resource is required.

## 5 Transfer of Density

Transfers of density from an eligible heritage donor site (the *Density Bank*) to an eligible rezoning site not involving a heritage property, of up to 10% over the base zoning on the rezoning site may be considered (for market residential rezoning).

A 10% transfer of density may also be available to new developments in certain zoning districts subject to Development Permit Board approval.

If there is no density available in the *Density Bank*, a *Heritage Amenity Shares* purchase could be considered instead.

## 6 Demolition of Heritage Property

### 6.1 Demolition of Heritage Property

Except as set out in the *Zoning and Development By-law* where development necessitates the demolition (building damaged or destroyed by fire, deemed by the Chief Building Official to be beyond re-use or rehabilitation, or presents hazard to public health or safety), no development permit

shall be issued for the demolition of a building listed on the *VHR* or in the *Heritage Conservation Area* under the *Official Development Plan* unless the Director of Planning is satisfied that all applicable policies and guidelines adopted by Council have been met, and until a development permit for the new development has been issued.

The development permit for the new development shall not be issued unless and until all building permits for the new development and a building permit for the demolition are issuable.

## **6.2 Demolition of an “A” Listed VHR Building**

Council has instructed that, prior to consideration of a proposal for the demolition of an “A” listed building on the *VHR*, a formal independent consultant’s report on the physical/structural condition and economic viability of retaining and conserving the building, including a calculation of a density bonus, should be submitted to and reviewed by the Director of Planning. The consultant’s report is to be paid for by the applicant. The report should provide an unbiased assessment of retention and conservation options.

## **7 Incentives for Heritage Retention and Conservation**

Variances, relaxations, and other discretionary approvals for development, including bonus density, are the most common form of incentives provided to owners of heritage property in exchange for its protection and conservation. In some cases, grants may also be available.

### **7.1 Zoning And Development By-law Variance / Relaxation**

The *Zoning and Development By-law*, including District Schedules, Official Development Plans, and Comprehensive Districts (CD-1) By-laws, contain provisions to encourage heritage retention and conservation. The Director of Planning and the Development Permit Board are to give special attention to heritage property when considering conditional uses, or other discretionary approvals or variances, so that heritage property is retained and conserved whenever possible. Other policies and guidelines, including Community Plans, may also give direction on heritage retention and heritage related considerations.

In general, if a District Schedule, an Official Development Plan or a Community Plan require retention or conservation of heritage property in order to warrant some increased benefit for the site, such as additional density or approval of a conditional use, then further incentives for the retention and conservation of that heritage property should not be applied, except in circumstances of a new heritage designation being proposed, subject to an economic analysis (proforma) and approval by the Director of Planning.

## **8 Proforma Analysis and Calculation of Density Bonus**

### **8.1 Proforma Requirement**

Where relaxations, variances, bonus density or other conditional approvals are sought, a proforma analysis may be required in a form acceptable to the Director of Planning in consultation with the Director of Real Estate and Facility Management or successor authority, who will determine the method to calculate the bonus density and the review of the proforma.

Heritage incentives are only available to compensate for costs related to heritage conservation (heritage premium cost) and protection. Under a rezoning application which involves heritage property, heritage premium costs are also eligible for consideration and may be factored into the

proforma analysis. However, if the value of proposed additional density (FSR) on a rezoning site is greater than the commensurate heritage bonus density considered under this policy (heritage premium cost), a further Community Amenity Contribution may be warranted.

The existing floor area of a heritage building that is being conserved is generally exempt from the payment of *Development Cost Levies (DCLs)*.

## **8.2 Proforma Exemption**

An application for increased density up to 10% beyond the maximum permitted density for the development proposed for a site containing a heritage property is exempt from a proforma review, provided that the Director of Planning, who may seek the advice of the Director of Real Estate and Facility Management or successor authority, is of the opinion that the variances, relaxations, or discretionary approvals sought by an application do not provide an undue benefit to the site.

In the calculation of the 10% bonus, the Director of Planning may limit the site area which is eligible for the 10% density increase to the parcel or parcels upon which the heritage resource is currently sited.