

DISTRICT OF WEST VANCOUVER
750 17TH STREET, WEST VANCOUVER BC V7V 3T3

COUNCIL REPORT

Attachments for item 4.
provided under separate cover 4.

Date:	September 26, 2017
From:	Lisa Berg, Senior Community Planner
Subject:	Heritage Revitalization Agreement and Designation for Rush House
File:	1010-20-17-048

RECOMMENDATION

THAT

1. 1195 12th Street (Rush House) be added to the West Vancouver Community Heritage Register, pursuant to section 598 of the *Local Government Act*;
2. Proposed "Heritage Revitalization Agreement Bylaw No. 4951, 2017" be read a first time;
3. Proposed "Heritage Designation Bylaw No. 4952, 2017" be read a first time;
4. Proposed "Heritage Revitalization Agreement Bylaw No. 4951, 2017" and proposed "Heritage Designation Bylaw No. 4952, 2017" be presented at a Public Hearing scheduled for November 20, 2017 at 6:00 p.m. in the Municipal Hall Council Chamber, and that statutory notice be given of the scheduled Public Hearing.

1.0 Purpose

To present to Council a proposed Heritage Revitalization Agreement (HRA) for 1195 12th Street (**Appendix A**) along with implementing bylaws. The proposal would see the Rush House added to the Community Heritage Register.

The proposed HRA would enable the property owner to:

- retain the Rush House as a municipally designated heritage building on the lot;
- create a garden suite in the basement of the Rush House; and
- build two detached dwelling units and accessory garages on the lot.

The application is not a rezoning. The proposed HRA and implementing bylaws are the tools which would enable the development of the land and legally protect the Rush House, and are subject to a public hearing.

2.0 Executive Summary

Major Rush House Developments Ltd. (the Geller Group) has applied for a Heritage Revitalization Agreement (HRA) for 1195 12th Street (the Rush House). The intent of the proposal is to add the Rush House to the Community Heritage Register and then through the HRA, designate and legally protect it in exchange for additional development on the property.

The Rush House has heritage value for its association with the early development of West Vancouver's historic Ambleside neighbourhood; for its representation of the early residential properties of West Vancouver, first owned by the Rush family; and for its Craftsman style architecture.

The HRA would enable the development of four units on the site, retention and protection of the Rush House with a garden suite added to the basement level, and two detached single dwelling units referred to as the "Garden Cottage" and the "Laneway Cottage." The HRA would provide for Zoning Bylaw variances, including density, with a Floor Area Ratio (FAR) of 0.67 for the whole site. While the application is not a rezoning and the underlying RS5 zoning would remain intact, the HRA and implementing bylaws are subject to a public hearing.

The Design Review Committee (DRC) considered the proposal at its July 20, 2017 meeting where it passed a motion of support, subject to refinements to be reviewed by staff. The applicant modified the proposal and staff considers the revisions to be consistent with the recommendations of the DRC.

The proposed HRA would place development controls to ensure that the infill units preserve neighbourhood character and complement the historical significance of the Rush House. It would also contribute to housing diversity by offering smaller infill units within an existing neighbourhood.

Should Council support the recommendations outlined in this report, the bylaws would receive first reading and a public hearing would be scheduled. Prior to the public hearing, the applicant would be required to host an information meeting to allow the neighbours an opportunity to learn about the HRA and ask questions of the applicant.

3.0 Legislation/Bylaw/Policy

3.1 Legislation

Municipal conservation tools and incentives are enabled under Part 15 of the *Local Government Act*. Continuing protection tools are described in Division 5 of Part 15, under sections 610 through 616, and include: heritage revitalization agreements, heritage designation, and heritage site maintenance standards (see **Appendix C**).

3.2 Policy

OCP Policy HE 3 is to “support designation of selected buildings and sites as heritage resources, where warranted, to ensure the long-term protection of valuable heritage assets.” While a listing on the Community Heritage Register does not constitute heritage ‘designation’, it does provide official recognition of heritage value, and establishes eligibility for conservation incentives. It is expected that heritage properties benefiting from municipal conservation incentives will be protected through a heritage designation bylaw.

Consideration of this application is guided by Official Community Plan (OCP) Policy HE 1: “to encourage the preservation, retention and maintenance of buildings, sites and landscapes listed in the municipal heritage inventories.”

3.3 Zoning Bylaw

The site is zoned RS5 (Single Family Dwelling Zone 5).

4.0 Background

4.1 Previous Decisions

At the November 26, 2007 Council meeting Council passed the following motion:

“THAT the District of West Vancouver Community Heritage Register be established, pursuant to section 954 (now s. 598) of the *Local Government Act*.”

At the June 15, 2009 Council meeting Council passed the following motion:

“THAT staff utilize the following guidelines in the application of heritage conservation tools and incentives, which are enabled under the *Local Government Act* and *Community Charter*.

- (a) Properties that are formally recognized for their heritage value via listing on West Vancouver’s Community Heritage Register are considered eligible for municipal conservation incentives.
- (b) ‘Non-monetary’ and other ‘supportive’ incentives may be made available for conservation of privately-owned heritage properties.
- (c) Heritage Revitalization Agreements (HRAs) will be used as the legal framework for drafting conservation agreements between the District and the owner of a heritage property, including the application of incentive tools.
- (d) Heritage designation bylaws will be used in tandem with HRAs to provide for ongoing legal protection of heritage resources.”

4.2 History

Eligibility for Addition to the West Vancouver Community Heritage Register

Selection criteria for heritage resources to be added to the West Vancouver Community Heritage Register were developed by the Heritage Strategic Plan Implementation Working Group in 2008, with the assistance of a professional heritage consultant. Eligible types of resources include: buildings, structures, landscape features, cultural landscapes, and historical archaeological sites.

The Working Group developed a list of 171 resources for nomination to the Register, largely drawn from the buildings identified in the "West Vancouver Heritage Inventory" (1988), the "West Vancouver Survey of Significant Architecture: 1945 – 1945" (1994), the "West Vancouver Heritage Landscape Inventory" (1988), and individual nominations from the public.

The Rush House was nominated to the register at that time, but it has not been added since.

5.0 Analysis

5.1 Discussion

Addition of the Rush House to the Heritage Register

The Rush House was built in 1923, and is one of the oldest buildings in Ambleside. It is unique as it is associated with the early development of West Vancouver's historic Ambleside neighbourhood and for its Craftsman style architecture that is remarkably intact.

Heritage Value

The property is nominated to the Heritage Inventory as a building of importance, and is described as being valued for its early expression of residential property in West Vancouver and for its Craftsman style of architecture. The house once formed a part of a farm, reminiscent of early settler ambitions to "tame" the forested land.

This property is one of the original 171 resources nominated to the register in 2008 and meets all of the eligibility requirements, including:

- eligibility for listing under Provincial legislation;
- has a direct association to West Vancouver's heritage that is easy to understand;
- is at least 20 years old;
- has been nominated;
- has a written statement of value such as a "Statement of Significance;" and
- is in good condition that respects the integrity of the resource with clearly defined boundaries.

The current owner has applied for a Heritage Revitalization Agreement (HRA) to add infill units as incentive for the conservation and legal protection of the Rush House on the property.

Context

The Rush House is located at 1195 12th Street in Ambleside, and is situated to the northwestern portion of the lot (see Figure 1). The lot is 1,102.5 square metres (11,867 square feet) in area and is bound by Jefferson Avenue to the north, a lane to the south, 12th Street to the east and a single family dwelling to the west.



Figure 1: Rush House, Spring 2016

The Rush House was built in 1923 for WWI veteran Frederick Rush, and his wife Janet (see Figure 2). Originally a part of a working farm, the land was later subdivided as the surrounding neighbourhood was built. The house is a well-preserved and excellent example of the Craftsman style of architecture.

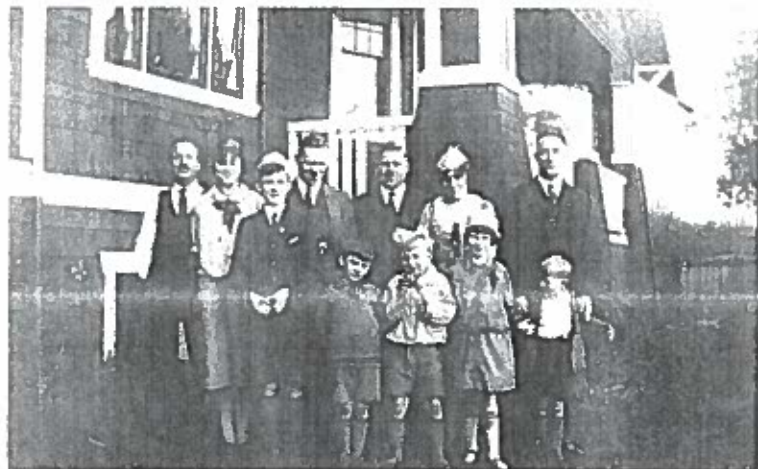


Figure 2: the Rush and Macdonald families at the house, Christmas 1925

In addition to the house, the property includes a detached garage at the lane. The remainder of the lot consists of garden and lawn areas, including a heritage rhododendron and a significant cedar at the southeast corner of the municipal boulevard. The existing Floor Area Ratio (FAR) of the property is 0.24.

RS5 Zoning

The minimum lot area for the RS5 zone is 558 square metres (6,000 square feet) and under the existing zoning, the site could be redeveloped with a new house of approximately 386 square metres (4,155 square feet), not including an in-ground basement or other exempted floor area. The lot is just under the minimum amount of area 13.5 square metres (145 square feet) to qualify for a conventional two-lot subdivision.

The Heritage Revitalization Agreement (HRA)

The proposed Heritage Revitalization Agreement would enable redevelopment of the property (see Figure 3) with four units as an incentive for ongoing legal protection (Heritage Designation) for the Rush House to be retained on the lot.

The proposal includes:

- moving the Rush House 9.1 metres (30 feet) to the east;
- adding a 98 square metre (1,055 square feet) strata suite in the basement level of the 214 square metre (2,300 square feet) Rush House, in accordance with a conservation plan;
- the construction of two detached dwelling units, the Garden Cottage and Laneway Cottage of 183 square metres (1,970 square feet) each, plus basements;
- a 45 square metre (483 square feet) double-car garage accessed from Jefferson Avenue for the Rush House and strata suite, connected to the Rush House with a deck; and
- two garages attached to each of the detached dwelling units of 22.7 square metres (244 square feet) each.

See **Appendix B** for the project profile.

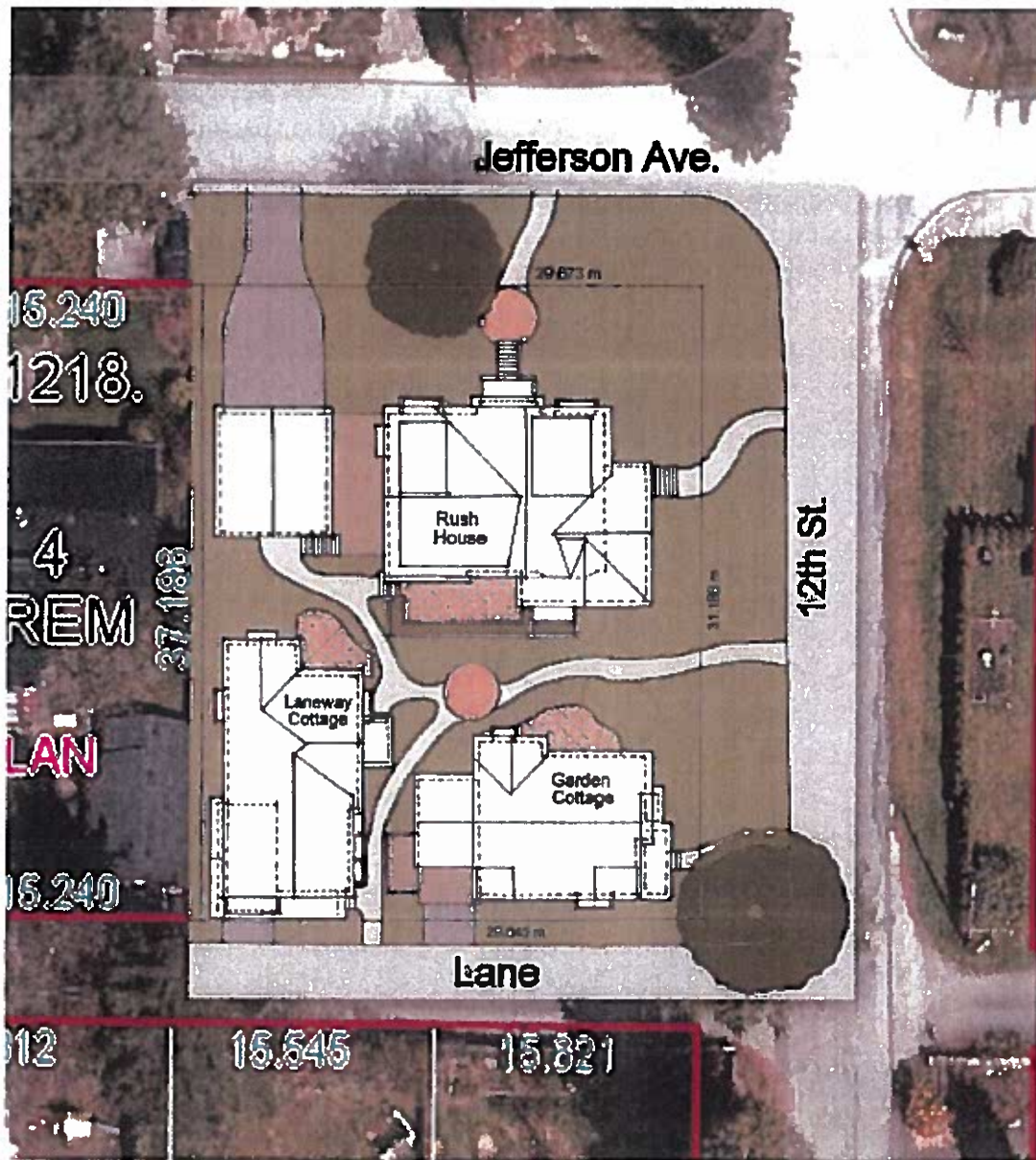


Figure 3: Proposed Site Plan

The original appearance of the Rush House will be conserved and restored to the extent possible in accordance with a conservation plan (see **Appendix E**). The design of the infill units is done to be complementary to the main house by incorporating traditional details (see Figure 4). Moving the Rush House on the lot (to accommodate a new garage) will retain the front yard setback and make it consistent with the properties along 12th Street. Moving the house will also increase the distance to the neighbouring property to the west. Moving the Rush House away and adding a garage will increase privacy for the western neighbour.

The intent of the proposed landscape plan is to recreate an Edwardian garden, with a lawn area and extensive use of deciduous shrubs and perennials. The plans call for relocation of the large heritage rhododendron (and possibly some of the other plants) to the northwest corner of the property. A very large cedar tree at the southwest corner of the property (near the entrance to the lane) is to be retained. Efforts are being made to maximize the amount of landscaping along the lane, while providing space for functionality such as vehicular movements, garbage and recycling collection, and pedestrian access.

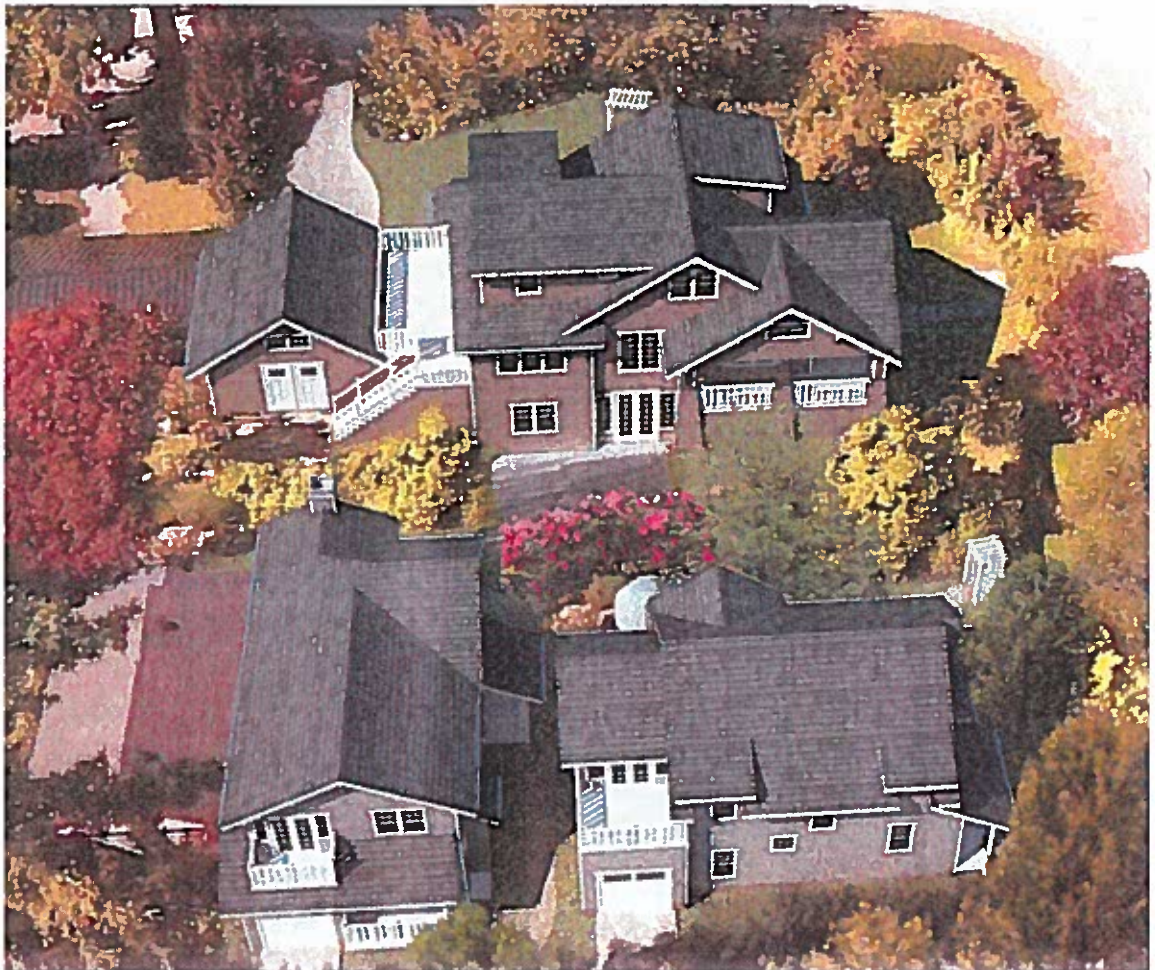


Figure 4: Proposed Development (birdseye view)

Policy

Current OCP policies support the proposal. Retention and preservation of the Rush House would fulfill community objectives by creating a tangible link to the past, which forms a part of West Vancouver's identity. Further, the OCP recognizes that history and built legacies promote the preservation of buildings and landscapes. HRAs are a viable way to encourage heritage conservation while preserving neighbourhood character.

Housing Diversity

The Community Dialogue on Neighbourhood Character and Housing identified a strong desire for greater housing diversity. The Dialogue revealed that West Vancouver has evolved from a community of traditional family households (parents and children) to “empty nesters,” seniors, smaller households (fewer or no children), and conversely, households embracing extended families and multiple generations.

The Dialogue identified fundamental planning challenges, including:

- How to provide for improved housing choices;
- How to achieve more affordable housing in close proximity to existing community services and amenities;
- How to meet the changing needs of residents by providing new housing opportunities within their own neighbourhoods, while maintaining the character of those neighbourhoods; and
- How to “design with nature” in an environmentally sensitive way while balancing the rural and natural character of West Vancouver within dramatically different areas of the community that have different character attributes.

The 2008 Community Dialogue survey revealed that 84% of respondents believe that a greater variety of housing types is needed. While the notation of a detached house is still highly valued in the community, residents want to see more variations to the traditional housing form, such as smaller units, more manageable gardens, opportunities for one-level living, and flexible designs to accommodate changing household needs.

The proposed development aligns with these objectives as it would fill a housing gap by providing smaller single family units (1,055 to 2,300 square feet), as opposed to the construction of a single 4,000 square foot house that could be built under the existing zoning. The site presents a unique opportunity to preserve and protect an important heritage resource while adding smaller units that respect the surrounding neighbourhood and does not detract from the historical Rush House.

While the proposal calls for an increase in density (i.e. from a FAR of 0.35 to 0.67), the proposed housing forms would be compatible with the surrounding built form context.

Required Bylaws

Implementation of the proposal, as described in this report, is subject to Council approval; specifically the adoption of two proposed bylaws:

- “Heritage Revitalization Agreement Bylaw No. 4951, 2017” (**Appendix E**); and
- “Heritage Designation Bylaw No. 4952, 2017” (**Appendix F**).

A public hearing on the bylaws is required under the LGA.

Design Review Committee

The Design Review Committee considered the proposal at its July 20, 2017 meeting and the Committee passed the following motion:

THAT the Design Review Committee has reviewed the Rush House, HRA Infill Development (4 strata units) and recommends SUPPORT of the project SUBJECT TO further review by staff of the following items:

- Stronger distinction between the heritage house and the garage;
- A more gradual terraced entry to garden suite off Jefferson Avenue; and
- Explore richer colour palette and explore alternates to the Hardi board siding.

The applicant responded to the items and put forward revisions for staff review, including:

1. The north elevation of the house (along Jefferson Avenue) was revised to create a distinct break between the Rush House and the new proposed garage. This was achieved by setting the deck back approximately 4.3 metres (14 feet) from the front façade, and replacing the siding below the deck with lattice work. A new porch was also added, similar to what was found in the original house plans, giving the two structures a separate appearance.
2. The entry to the Garden Suite was revised as recommended by the Committee. The result is a more gradual and terraced curvilinear entry, as shown in the updated landscape plan.
3. The applicant is developing a richer colour palette, in consultation with the neighbours. The cottages will have different but harmonious colours (rather than being the same). Originally, the Rush House was dark brown, but this has not been desirable as expressed by the neighbours. A darker warm grey is proposed, and is under consideration by the Heritage Consultant.

Further to this point, wood shingle siding, rather than Hardi shingles is being explored, subject to resolving building code issues that could prohibit the use of natural cedar. Consideration is also being given to a modified shingle pattern to respect, but not mimic, the original double shingle pattern of the Rush House.

Staff considers the revisions to the project to be consistent with the recommendations from the DRC. Excerpts from the DRC meeting are attached as **Appendix D**.

5.2 Sustainability

Heritage conservation supports the vision of a sustainable community and overlaps with all three components of sustainability – i.e. economic, environmental and social.

- Retention of existing buildings and landscapes through heritage conservation tools and incentives:

- makes conservation an economically-viable alternative to demolition and replacement; and
- provides opportunities to preserve and enhance existing neighbourhood character.
- Older buildings tend to be constructed of less energy-intensive materials including wood and brick. When a building is rehabilitated and reused, as opposed to demolished and replaced, there is also a reduction in GHGs due to reduced energy use, raw material use, and waste.

5.3 Public Engagement and Outreach

Preliminary Public Consultation

Prior to submitting an application, the applicant consulted with the surrounding neighbours on four occasions. As a result of these discussions, the applicant revised the initial proposal to improve the interface between the Rush House and the immediate neighbour to the west. The proposed massing, window arrangement, and landscaping were reviewed to appropriately respond to context and privacy for this adjacent property. The applicant also addressed concerns with the neighbours regarding managing construction waste and debris.

Public Notification

As per the *Local Government Act*, the proposed Heritage Revitalization Agreement and Heritage Designation Bylaws will be subject to a public hearing. In accordance with District procedures, notification will be given of the public hearing.

Proposed Development Information Meeting

The applicant will be required to organize, publicize and facilitate an information meeting after first reading but before the public hearing so that residents have the opportunity to learn about the proposed bylaws in advance.

5.4 Other Communication, Consultation, and Research

Planning staff has consulted with District staff from various departments including: engineering (transportation and utilities); development engineering; and permits and inspections. The applicant responded accordingly to each department's noted comments and is satisfied with the proposal, subject to further detail review during the building permit phase.

6.0 Options

6.1 Recommended Option

Council add the Rush House to the Community Heritage Register, give first reading to the proposed bylaws and set the date for a public hearing.

This would formally recognize the heritage importance of the Rush House and would allow it to be eligible for consideration of municipal conservation tools and incentives. As the proposed HRA complies with the Council-approved guidelines for the application of these tools and incentives, staff recommends that the bylaws be given first reading and a public hearing be scheduled.

6.2 Considered Options

- a) add the Rush House to the Community Heritage Register and give first reading to the proposed bylaws and set an alternative date (to be specified) for a public hearing; or
- b) defer consideration of adding the Rush House to the Community Heritage Register and first readings of the bylaws pending the receipt of additional information (to be specified) be provided to assist in consideration of the application; or
- c) not add the Rush House to the Community Heritage Register and reject the proposal.

7.0 Conclusion

While the replacement of older housing stock is part of a neighbourhood's evolution, the loss of recognized heritage houses can disconnect a community from its past. West Vancouver's recognized heritage buildings are vulnerable to loss through demolition. At present, only seven properties that are municipally-designated – i.e. legally protected. The proposed HRA for the Rush House presents a unique opportunity to preserving one more of West Vancouver's heritage buildings, and presents a viable alternative to demolition and replacement.

The proposed HRA would allow for housing diversity within an existing neighbourhood that responds to neighbourhood context and is sensitive to preserving the integrity of the heritage resource. It would bring smaller units rather than traditional development, which would see the loss of the heritage house and construction of a larger home.

Subject to public input, staff recommends that the Rush House be formally added to the Community Heritage Register and the proposed HRA, along with the required implementing bylaws, be given first reading and scheduled for a public hearing.

Author:



Lisa Berg, Senior Community Planner

Concurrence

Matthew Roddis, Manager of Urban Design and Current Planning

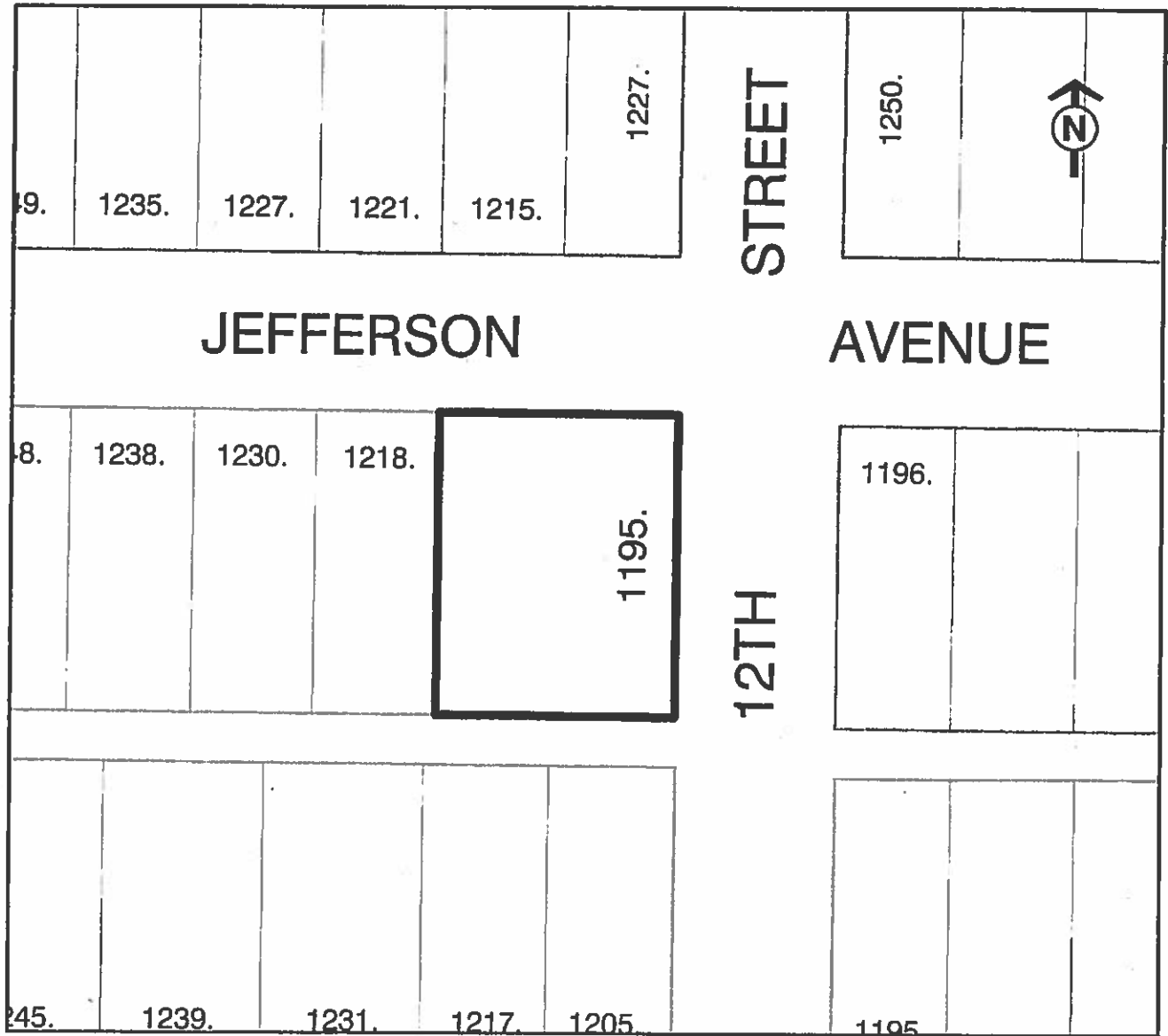
Appendices:

- A. Context Map
- B. Project Profile
- C. Continuing Protection Tools (enabled under Part 15 of the LGA)
- D. DRC Minutes (July 20, 2017 excerpt)
- E. Proposed "Heritage Revitalization Agreement Bylaw No. 4951, 2017"
(includes Appendix A: Conservation Plan for the Rush House and
Appendix B: Proposed Architectural Drawings as Schedule A to the bylaw)
- F. Proposed "Heritage Designation Bylaw No. 4952, 2017"

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APPENDIX A – CONTEXT MAP



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APPENDIX B – PROJECT PROFILE

at September 26, 2017

Project:	Rush House HRA
Application:	HRA No. 17-048
Applicant:	Major Rush House Developments Ltd. (Michael Geller)
Architect:	Formwerks Architectural Inc.
Address:	1195 12 th Street
Legal Description:	PLAN 7234 DISTRICT LOT 1065 LOT 4 OF A EXCEPT WEST 50'
PID:	010-686-622
OCP Policy:	HE1 & HE3: Encourages the protection & preservation of historical places
Zoning:	RS5
Community Heritage Register	Nominated May 2008
Summary:	Proposed Heritage Revitalization Agreement (HRA) to enable infill development of the property (total 4 strata units) as an incentive for ongoing legal protection (Heritage Designation) for the "Rush House" to be retained on the lot. Proposed works include relocating the rush house approximately 30 feet to the east and alterations and additions to the existing heritage building (adding a garden suite) in accordance with a conservation plan; and constructing a Laneway Cottage and Garden Cottage, with garages accessed.

ZONING SUMMARY:

	BYLAW	EXISTING	RUSH HOUSE & GARDEN SUITE	LANEWAY COTTAGE	GARDEN COTTAGE	COMMENTS
Site Area	558 m ²	1102.5 m ²				
Site Width	15.2 m	30 m				
Floor Area		265.42 m ²	311.12 m ²	183.06 m ²	183.18 m ²	Plus exemptions & covered porches
Floor Area Ratio	0.35	0.24		0.67		
Units	1 + suite	1	2	1	1	Total Proposed: 4
Site Coverage	30%	less than 30%		37%		
Setbacks						
Front Yard (North) (Jefferson)	7.6 m	7.16 m	7 m	21.3 m	27 m	All dimensions to closest structure (i.e. building face, garage or covered porch).
Rear Yard (South) (Lane)	9.1 m	20.15 m	20.1 m	0 m	0.9 m	
Side Yard (12 th St) (East)	1.52 m	14.42 m	3.0 m	20.4 m	1.8 m	
Side Yard (West)	1.52 m	1.01 m	11 m	0.9 m	12.8 m	
Combined Side:	25%	15.43 m		3.9 m		
Building Height	7.62 m	8.5 m	8.7 m	7.2 m	7.6 m	
Highest Bldg Face	6.72 m	7.9 m	7.9 m	6.5 m	6.6 m	
No. of Storeys	2 + bsmt	2 + bsmt	2 + bsmt	2 + bsmt	2 + bsmt	
Garages:						
R.H./G.S. Garage			44.9 m ²			Double detached
Lwy Garage				26.65 m ²		Single attached
Gdn Garage					22.75 m ²	Single detached
Total Garage Area				90.31 m ²		Totals 0.08 FAR

R.H. = Rush House
 G.S. = Garden Suite
 Lwy = Laneway Cottage
 Gdn = Garden Cottage

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APPENDIX C CONTINUING PROTECTION TOOLS

Listing the Rush House on the West Vancouver Community Heritage Register will make it eligible for municipal conservation tools and incentives enabled under Part 15 (Heritage Conservation) of the *Local Government Act*. Per Council-approved guidelines for the application of such incentives, an HRA would be used as the legal framework for drafting the conservation agreement between the property owner and the District, and municipal heritage designation is to provide ongoing legal protection for the Rush House.

An HRA is the principal planning and administrative tool for facilitating heritage conservation proposals (and is typically supported by a Conservation Plan, including a Statement of Significance). It is a formal voluntary written agreement negotiated by a local government and an owner of heritage property that outlines the duties, obligations, and benefits negotiated by both parties to the agreement. An HRA may:

- Detail the timing of the agreement terms;
- Vary or supplement the provisions of a zoning bylaw including use, density, siting, and lot size;
- Vary or supplement the provision of a bylaw concerning land use designation;
- Vary or supplement a permit under Part 14 of the *Local Government Act* (Planning and Land Use Management);
- Vary or supplement a bylaw or heritage alteration permit under Part 15 of the *Local Government Act* (Heritage Conservation); and/or
- Include other terms agreed to by the local government and the property owner.

The final agreement is included as a schedule to an enabling bylaw. An HRA bylaw is typically considered in tandem with a heritage designation bylaw, which provides for ongoing legal protection of the heritage resource. In the absence of a municipal tree protection bylaw, and with limited powers to protect trees outside of riparian areas, an HRA or Section 219 Covenant can be used to protect significant landscape resources on individual sites – if these are deemed to have heritage value, or are character-defining elements of a heritage resource or property. As a result of an approved HRA, any proposed future alterations or additions to the buildings or changes to the landscape would be subject to a Heritage Alteration Permit.

A Conservation Plan, including a Statement of Significance (SOS) for the Rush House was prepared by Don Luxton and Associates (April 2017) (see Figure 5) and is included as **Appendix B**. The SOS describes the heritage resource, includes a statement of heritage value, and outlines the “character defining” elements of the house and the site.



Figure 5:
Rush House Conservation Plan

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APPENDIX D DESIGN REVIEW COMMITTEE

Excerpts from the July 20, 2017 meeting.

RUSH HOUSE, HERITAGE REVITALIZATION AGREEMENT INFILL DEVELOPMENT (4 STRATA UNITS)

Background:

Senior Community Planner, Lisa Berg advised that application is for Heritage Revitalization Agreement (HRA). The proposal would legally protect the Rush House and designate it a heritage resource. She reviewed the neighbourhood context, existing site details, and outlined the HRA regulations. The proposal includes alterations to the Rush House through the inclusion of strata suite in the basement level in accordance with the Conservation Plan. Also proposed is the construction of two detached laneway houses for a total of four strata units and garages. The applicant proposes to move the Rush House eastward to allow the construction of a new garage for the Rush House and its suite. The existing garage is replaced with new laneway cottage with an attached garage. Lastly, a garden cottage with attached garage is proposed at the lane. Proposal is to retain a large on site cedar tree.

Project Presentation:

Addressing a series of presentation boards, Architect/Owner Michael Geller presented highlights of the proposal. He spoke on the intent of the HRA and how it, and his other heritage development, the Vinson House, work to retain the character of the heritage homes and will diversify housing choices that fit in with existing neighbourhoods. The corner site presents opportunity and the development will be an attractive addition to the community. He noted that Heritage Consultant Donald Luxton is in support of the treatment of the new infill dwellings in relation to the historic home. The intent of the design is to have the houses appear as built around the same time, but that the main house was conserved while the new houses appear as renovated over time. The Rush house will be moved and will have minor renovations to bring back to original state, including the addition of a porch. The setback from Jefferson Avenue will stay the same. Although the Rush House is moving east toward 12th Street, the setback will align with the setbacks of the properties to the north and south. Consulted with neighbours who have indicated support of the approach. The neighbours requested that the heritage rhododendron be retained. The proposal will see it transplanted. Proposing to keep the buildings in the same colour palette, but with heritage house in a darker, more distinctive shade. For materials, the proposal is to retain the shingles on the Rush House and apply Hardi board shingles, or a combination shingle and siding, for the infill houses. Landscape concept is to create a shared Edwardian garden, including a pagoda, in the middle and common spaces.

Heritage Planner from Donald Luxton Associates spoke on the conservation plan and reviewed the recommendations outlined in the plan. The intent is to make sure the historic place continue to show its heritage value while at same time having a relationship the with new infill buildings. The purpose is to preserve the Rush house while allowing minimal intervention to the exterior character, retain the integrity of the historic place, and allow it to continue to be used for residential use.

Landscape Architect from Formwerks went over the Edwardian-style garden concept. The plans are to retain and transplant mature shrubs, integrate evergreen shrubs, and introduce seasonal plantings in shared patio space. Proposing heritage style cobblestone pavers for pathway.

APPENDIX D

DESIGN REVIEW COMMITTEE

Committee Questions:

The Committee went on to question the presenters, with the applicants' response in *italics*:

- Will moving or making modifications to the Rush House diminish its heritage value?
Since not relocating to a different site, feel it does not diminish heritage value and in fact allows people to see the house as it will be more apparent from the street. How does adding the connected garage and the basement suite add to the heritage value? Originally, a secondary structure was located in front of the house and our concept stems from that idea - garage linked by a deck and by enclosing lower portion of deck would create architectural interest. Although the house did not originally have a basement, it does modify the character but it allows the building to be reused and not demolished. The Heritage Revitalization Agreement reviews are based on standards and guidelines, and one of the ways to do conservation is by revitalization. A big portion of this project allows contemporary use, the basement suite allows alternative solution to housing with minimal intervention and we are satisfied that the historic integrity is retained.
- Where is the rhododendron being relocated to? *The north east corner, prior to relocation of the house. How big is it? 15 feet in diameter.*
- House is moved to the east but not to the north, seems continuity between the house, garage and deck will affect elevation? *Aesthetically connection between garage and house setback so not all on one plane.*
- Will the garage be sunk below grade? *Garage at existing grade in respect to the neighbours. The house will be raised three feet to give it more street prominence. Is the neighbour to west concerned with views? They will benefit slightly as the Rush House is currently much closer. The proposal will see it moved thirty feet further away and the garage has less visual impact. The laneway houses are to south.*
- How does this proposal align with zoning regulations? *Zoning will remain intact and the HRA will authorize the development under the Local Government Act.*
- The Conservation Plan exempts the windows from energy efficiency – are they being maintained? *Yes intent is to preserve the windows and will do all possible to improve insulation.*
- Did you bring material board? *No. Did you consider locating all the garages to rear and all houses to have street access? Felt having all garages along the lane would not create character trying to achieve there. If there was no garage access from Jefferson Avenue, may have investigated an alternative solution.*
- Is there a section that shows the relationship between the ground plane, the heritage house and the sunken patios? *Landscape plan and architectural plan has sections showing relationship with sunken courtyard and the grade.*
- Is there any consideration to include a water feature? *Yes.*

Committee Comments:

Comments from the Committee included:

- Good way to add gentle densification and engaging with neighbourhood. The scale works together fairly well and think the way distributed garages is good so that a collection of garage doors is avoided. Would not vary materiality too much as quietness is good and like the heritage identity to be darker but not too

APPENDIX D

DESIGN REVIEW COMMITTEE

rambunctious. Nice to see wood siding rather than Hardi plank as would have deeper character and play off existing house.

- Appreciate the effort to keep this house, know this property and admired house. If retaining the giant cedar tree south east corner, consider spirally pruning it to allow more light into the site.
- Generally very supportive of the application. The montage page would be more effective if all the drawings had been together so can see how clusters fits in a bird's eye perspective. Northerly elevation has to have a stronger separation or distinction between continuity of that wall between garage and main house, need a section to read better. Never fan of contrast between new and old thus appreciate the general thrust and respectful approach.
- Agree with keeping the same vocabulary and having an integrated landscape with architecture, as opposed to traditional with modern homes and different landscape treatments. Not a fan of English gardens but this one well executed. The layering inside will create both private space and a communal garden feel, nice elements. Disagree in terms of colours like to see heritage colours, even if accent colours, feel will break up buildings and make look less light a complex and more like individual homes, also from inside looking out. If serious about saving rhododendron need to consult arborist for timing to cut roots and move it as this could be difficult and at that age, it may not survive.
- Appreciate presentation, believe wonderful adaptation of building and marries together with new units complimentary to heritage home and neighbours. Echo the positives in work you have done in landscape in centre between the houses. It unites the units and makes a community in its own right. Hope in landscape some recognition to remind is a heritage home. The decking and connection to garage becomes a very long face to that building and consider breaking up more so there is more definition.
- Support the densification, it is right thing to do and the vocabulary seems appropriate. Share comment on connection of deck and heritage house to garage, however do not support the deck in that location as it muddies definition of heritage house. Supportive of more of a reduction to side yard setback for possibility of laneway house and garage flipping so all houses have an address off street The sunken entry for heritage house off Jefferson needs more work so it feels less like a basement suite and more gracious and welcoming, extending patio area, or stepping down slowly from street. Presentation could be enhance more with three dimensional views of development to allow to see more in context rather than one view. Completely support interior romantic English garden gazebo approach to the development as will be highly successful.

It was Moved and Seconded:

THAT the Design Review Committee has reviewed the Rush House, HRA Infill Development (4 strata units) and recommends SUPPORT of the project SUBJECT TO further review by staff of the following items:

- stronger distinction between heritage house and garage;
- a more gradual terraced entry to garden suite off Jefferson Avenue; and
- explore richer colour palette and explore alternates to the hardi board siding.

CARRIED

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District of West Vancouver

**Heritage Revitalization Agreement Bylaw No. 4951, 2017
(1195 12th Street)**

Effective Date:

Heritage Revitalization Agreement Bylaw No. 4951, 2017 (1195 12th Street)

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District of West Vancouver

Heritage Revitalization Agreement Bylaw No. 4951, 2017

A bylaw to enter into a Heritage Revitalization Agreement (1195 12th Street).

WHEREAS the property at 1195 12th Street known as the Rush House is recorded in the District's Community Heritage Register and has heritage value; and

WHEREAS the District of West Vancouver and the Owner of property at 1195 12th Street wish to enter into a Heritage Revitalization Agreement in respect of the property to ensure conservation of the property;

NOW THEREFORE, the Council of The Corporation of the District of West Vancouver enacts as follows:

Part 1 Citation

- 1.1 This bylaw may be cited as "Heritage Revitalization Agreement Bylaw No. 4951, 2017."

Part 2 Severability

- 2.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

Part 3 Heritage Revitalization Agreement

- 3.1 The Mayor and Municipal Clerk are authorized to sign and seal on behalf of the District the Heritage Revitalization Agreement attached to this bylaw as Schedule A.

Schedules

Schedule A – Heritage Revitalization Agreement for 1195 12th Street (Rush House)

READ A FIRST TIME on

PUBLICATION OF NOTICE OF PUBLIC HEARING on

PUBLIC HEARING HELD on

READ A SECOND TIME on

READ A THIRD TIME on

ADOPTED by the Council on

Mayor

Municipal Clerk

Schedule A
to Bylaw No. 4951, 2017

**HERITAGE REVITALIZATION AGREEMENT FOR 1195 12TH STREET
(RUSH HOUSE)**

THIS AGREEMENT dated as the day _____ of _____, 2017.

BETWEEN:

THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER, a municipal corporation having offices at 750 – 17th Street, West Vancouver, British Columbia V7V 3T3

(the "District")

AND

MAJOR RUSH HOUSE DEVELOPMENTS LTD., at 3366 Deering Island Place, Vancouver, British Columbia V6N 4H9

(the "Owner")

WHEREAS:

- A. The District may, by bylaw, enter into a Heritage Revitalization Agreement with the Owner of property identified as having heritage value, pursuant to section 610 of the *Local Government Act*, and
- B. The Owner owns certain real property on the northwest portion of which is situated a building of heritage value known as the Rush House, listed on West Vancouver's Community Heritage Register, which property and building are located at 1195 12th Street, West Vancouver, British Columbia and legally described as LOT 4, EXCEPT THE WEST 50 FEET, OF LOT A SOUTH EAST ¼ OF DISTRICT LOT 1065 PLAN 7234 (the "Heritage Lands"); and
- C. The Owner has presented to the District a proposal for the use, development and conservation of the Heritage Lands that would change the density of use of the Heritage Lands, and has voluntarily and without any requirement by the District, entered into this Agreement pursuant to section 610 of the *Local Government Act*, and
- D. The District must hold a Public Hearing before entering into, or amending, a Heritage Revitalization Agreement if the Agreement or amendment would permit a change to the use or density of use of the Heritage Lands that is not

otherwise authorized by the applicable zoning, and the District has held a Public Hearing on this Agreement; and

- E. The Council of the District has, concurrently with the adoption of the bylaw authorizing the execution of this Agreement, adopted a bylaw pursuant to section 611 of the *Local Government Act* designating the Rush House as protected heritage property (the "Heritage Designation Bylaw"); and
- F. The Council of the District authorizes the subdivision of the Heritage Lands pursuant to the *Strata Property Act*, in accordance with the proposed architectural and landscape plans attached as **Appendix B**.

NOW THEREFORE in consideration of the mutual promises contained in this Agreement and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1.0 Conservation of the Heritage Lands

- 1.1 The Owner agrees to conserve, protect and maintain the Heritage Lands in accordance with this Agreement, including the Conservation Plan in **Appendix A** to this Agreement, and in accordance with Heritage Maintenance Bylaw No. 4187, 1999 as amended or replaced from time to time, and in the event of any inconsistency this Agreement shall prevail.
- 1.2 Without limiting the generality of section 1.1, the Owner agrees not to do any of the following without the prior written approval of the District in the form of a Heritage Alteration Permit:
 - (a) make any exterior alterations to the Rush House;
 - (b) alter or replace the exterior features of the house, typical of the Craftsman style, which include the triangular eave brackets, flared window surrounds and battered porch piers and open wooden balustrade along the verandah;
 - (c) alter or replace the wood-frame construction, typical of the Craftsman style, clad in original cedar shingles;
 - (d) alter or replace the overall form, scale and massing of the Rush House; or
 - (e) make any exterior alterations to the Garden Cottage, Laneway Cottage or accessory garages, except for minor alterations that in the opinion of the District are in keeping with the character of the Heritage Lands.
- 1.3 The Owner acknowledges that the District may refuse to issue a Heritage Alteration Permit required by section 1.2 if, in its sole

discretion action reasonably, the District considers that the alteration that the permit would authorize is inconsistent with this Agreement or the Heritage Designation Bylaw, and without limiting the generality of the foregoing the District may refuse to authorize the alteration of any of the character-defining elements set out within the conservation plan.

- 1.4 If the Owner fails within the time specified in the notice to conserve, protect or maintain the Heritage Lands in accordance with this Agreement after having been given notice in writing to do so, which notice must specify the work that the Owner is required to undertake, the Owner agrees that the District may enter on the Heritage Lands to carry out the work, and may recover the cost of doing so from the Owner in the same manner and with the same remedies as taxes in arrears.
- 1.5 In the event of any dispute between the Owner and the District as to the necessity for any work required by the District pursuant to section 1.4, the parties agree that the dispute will be resolved by a member of the Architectural Institute of British Columbia with training and experience in heritage conservation who has been chosen by the parties or, failing agreement between the parties, by the Architectural Institute of British Columbia, and that the fees of the architect shall be borne by the Owner if the dispute is resolved in the District's favour and by the District if the dispute is resolved in the Owner's favour.
- 1.6 The Heritage Lands may provide, notwithstanding the provisions of the RS5 Single Family Dwelling Zone 5 within the District of West Vancouver's Zoning Bylaw No. 4662, 2010, as amended or replaced from time to time, and in accordance with the further provisions of this Agreement:
 - (a) the Rush House is permitted to be relocated from its original location on the Lot to the new location on the Lot as set out in the drawings attached as **Appendix B** to this Agreement;
 - (b) in addition to the Rush House, the Lands may be developed with three additional dwelling units identified as the Garden Suite, Garden Cottage and Laneway Cottage plus accessory garages (attached and detached) and landscaped as set out in the drawings attached as **Appendix B** to this Agreement; and
 - (c) the Lands may be subdivided pursuant to the *Strata Property Act* in accordance with the architectural and landscape plans attached as **Appendix B** to this Agreement.
- 1.7 The parties agree that the Owner may apply for and the District may in its sole discretion issue a building permit that includes minor variances from **Appendix B**, provided that any do not alter the

character-defining elements or interfere with the overall appearance, or increase the floor area of the Rush House as described in **Appendix B** to this Agreement, or increase the total floor area of the Garden Cottage, Laneway Cottage or the garages (attached or detached).

- 1.8 The Owner agrees that the District may withhold any building permit or occupancy permit or final building permit approval as the case may be, in respect to the Rush House if the alteration of the Rush House is not in accordance with **Appendix B** to this Agreement, notwithstanding that the construction may be in compliance with the British Columbia Building Code, the Zoning Bylaw, and any applicable permit or guidelines.
- 1.9 The parties agree that, except as varied or supplemented by the provisions of this Agreement, all bylaws and regulations of the District and all laws of any authority having jurisdiction shall continue to apply to the Heritage Lands, the Rush House, the Garden Cottage, the Laneway Cottage and the accessory buildings.
- 1.10 The Owner agrees that the Zoning Bylaw variances provided under this Agreement fully compensate the Owner for any reduction in the market value of the Heritage Lands that may result from the adoption of the Heritage Revitalization Agreement Bylaw, and waives absolutely all claims for compensation that the Owner is otherwise entitled to make under section 613 of the *Local Government Act* in respect of the adoption of the Heritage Revitalization Agreement Bylaw.

2.0 Zoning Bylaw Variances

- 2.1 The following variances to Zoning Bylaw No. 4662, 2010 are granted through this Agreement to enable the development of the Heritage Lands including the relocation of the Rush House and construction of the Garden Cottage, Laneway Cottage and the garages in accordance with **Appendix B** attached to this Agreement, and for those purposes only:
 - (a) Section 120.04 (One Principal Building Per Site) is varied to allow up to a maximum of four principal buildings on the Lands;
 - (b) Section 205.05 (Site Coverage) is increased from 30% to 37%;
 - (c) Section 205.06 (Floor Area Ratio) is increased from 0.35 to 0.67;
 - (d) Section 205.07 (Front Yard), Section 205.08 (Rear Yard) and Section 205.09 (Side Yard and Combined Side Yard) are varied to allow for the minimum yard setbacks shown in **Appendix B**;

- (e) Section 205.10 (Building Height) and Section 205.12 (Highest Building Face) are varied to allow for the maximum roof elevations shown in **Appendix B**; and
- (f) Section 205.13 (Off-Street Parking) is varied to allow for parking to be accessed other from the lane shown in **Appendix B**.

3.0 Damage or Destruction

- 3.1 In the event that the Rush House, the Garden Cottage and/or the Laneway Cottage are damaged by fire, earthquake, or any other cause, such that in the written opinion of a member of the Architectural Institute of British Columbia with training and experience in heritage conservation engaged and instructed by the District it is not possible or appropriate from a heritage conservation perspective to repair it, the Owner must construct on the Lands at the Owner's cost a replica of the Rush House and rebuild the Garden Cottage and Laneway Cottage in accordance with the original plans and specifications for the building and subject only to such variations from the original plans and specifications as are required to comply with the current British Columbia Building Code. Thereafter the provisions of this Agreement pertaining to the conservation, protection and maintenance of the Rush House, including this provision, shall apply to the replica of the Rush House.
- 3.2 As an alternative to constructing a replica of the Rush House and rebuilding the Garden Cottage and Laneway Cottage in the event of such damage, the Owner may develop on the Lands in accordance with the then current zoning regulations, provided that no residential dwelling constructed on the lot shall have a Floor Area Ratio (FAR) not exceeding 0.24.
- 3.3 In the event that the Rush House is damaged, the Owner must repair the Rush House, within 24 months of the date of damage, after having obtained a Heritage Alteration Permit and building permit, and must carry out all repairs in accordance with **Appendix A** attached to this Agreement. Section 1.4 shall apply in the event of any failure of the Owner to repair the Rush House in accordance with this section.

4.0 Amendment

- 4.1 The parties acknowledge and agree that this Agreement may only be amended by bylaw with the consent of the Owner, provided that a Public Hearing shall be held if an amendment would permit a change to the use or density of the Heritage Lands.

5.0 Representations

- 5.1 It is mutually understood and agreed upon between the parties that the District has made no representations, covenants, warranties,

promises or agreements expressed or implied, other than those expressly contained in this Agreement.

6.0 Statutory Functions

- 6.1 Except as varied or supplemented herein, this Agreement shall not prejudice or affect the rights and powers of the District or its approving officer in the exercise of their statutory functions and responsibilities and their rights and powers under any enactments, bylaws, order or regulations, including but not limited to the *Local Government Act*, the *Land Titles Act* and the *Strata Property Act*, all of which, except as varied or supplemented herein, are applicable to the Heritage Lands, the Rush House and the Garden Cottage and Laneway Cottage.
- 6.2 The Owner acknowledges that the subdivision of the Heritage Lands is subject to the District's approving authority, that the construction of or alteration of a building on any portion of the Heritage Lands requires a Heritage Alternation Permit, and that the District may impose off-site works and service requirements and development cost charges in respect of subdivision and the development of the Heritage Lands.

7.0 Enurement

- 7.1 This Agreement enures to the benefit of and is binding upon the parties hereto and their respective heirs, executors, administrators, successors and assigns.
- 7.2 The District shall file a notice within the Land Titles Office, as provided for in section 594 of the *Local Government Act*, and upon registration of such notice, this Agreement and any amendment to it shall be binding on all persons who acquire an interest in the land affected by this Agreement.

8.0 Other Documents

- 8.1 The Owner agrees at the request of the District, to execute and deliver or cause to be executed and delivered all such further agreements, documents and instruments and to do and perform or cause to be done and performed all such acts and things as may be required in the opinion of the District to give full effect to the intent of this Agreement.

9.0 Notices

- 9.1 Any notice required to be given pursuant to this Agreement shall be in writing and shall be delivered by registered mail as follows:

a) To the District:

**THE CORPORATION OF THE DISTRICT OF WEST
VANCOUVER**

750 – 17th STREET
WEST VANCOUVER, BC V7V 3T3

b) To the Owner:

MAJOR RUSH HOUSE DEVELOPMENTS LTD.

3366 DEERING ISLAND PLACE
VANCOUVER, BC V6N 4H9

10.0 No Partnership or Agency

10.1 The parties agree that nothing contained in this Agreement creates a relationship between the parties of partnership, joint venture, or agency.

APPENDICIES:

- A. Conservation Plan for the Rush House prepared by Donald Luxton & Associates Inc., April 2016.
- B. Architectural Drawings for proposed infill units by Formwerks Architectural Inc. dated September 2017 and Landscaping Plans prepared by Formwerks Landscape Architecture dated September 2017.

MAJOR RUSH HOUSE DEVELOPMENTS LTD.

By its authorized signatory

CORPORATION OF THE DISTRICT OF WEST VANCOUVER

By its authorized signatory

Mayor

Municipal Clerk



District of West Vancouver

APPENDIX 'F'

**Heritage Designation Bylaw No. 4952, 2017
(1195 12th Street)**

Effective Date:

Heritage Designation Bylaw No. 4952, 2017

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District of West Vancouver

Heritage Designation Bylaw No. 4952, 2017

A bylaw to designate 1195 12th Street as protected heritage property.

WHEREAS the Council of The Corporation of the District of West Vancouver considers that the Rush House located at 1195 12th Street has heritage value and heritage character, and that the designation of the property is desirable for its conservation; and

WHEREAS the owner of the Property has requested that this bylaw be adopted; and

WHEREAS the owner of the Property has entered into a Heritage Revitalization Agreement with the District of pursuant to section 610 of the *Local Government Act* in which, in return for certain variances of District bylaws that would otherwise prohibit the development in accordance with the owners plans for the Property, the owner has waived any entitlement to compensation to which the owner would be entitled to by section 613 of the *Local Government Act* should the designation effected by this bylaw reduce the market value of the Property;

NOW THEREFORE, the Council of The Corporation of the District of West Vancouver enacts as follows:

Part 1 Citation

1.1 This bylaw may be cited as "Heritage Designation Bylaw No. 4952, 2017."

Part 2 Severability

2.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

Part 3 Definitions

3.1 In this bylaw:

"Normal Repair" means the replacement of elements of the structure or finishing materials of a building with components that are equivalent to those being replaced in material composition, dimensions and quality, except where the element being replaced is not original to the building in which case a Heritage Alteration Permit is required.

"Property" means that parcel of land in West Vancouver, British Columbia having a civic address at 1195 12th Street and a legal description of LOT 4, EXCEPT THE WEST 50 FEET, OF LOT A SOUTH EAST ¼ OF DISTRICT LOT 1065 PLAN 7234 and Parcel Identifier: 010-686-622.

"DBH" means Diameter Breast Height measured 1.4 metres from the ground;

"Rush House Statement of Significance" means the document having that name prepared by Donald Luxton and Associates Inc., and dated April 2016, a copy of which is attached to this bylaw as **Schedule A**.

Part 4 Heritage Designation

- 4.1 The property having a civic address of 1195 12th Street and a legal description of LOT 4, EXCEPT THE WEST 50 FEET, OF LOT A SOUTH EAST ¼ OF DISTRICT LOT 1065 PLAN 7234 and Parcel Identifier: 010-686-622 is designated as protected heritage property under section 611 of the *Local Government Act*.
- 4.2 The designation applies to the following:
- 4.2.1 All aspects of the exterior of the Rush House including without limitation the exterior aspects that are specifically listed as Character Defining Elements of the building in the Rush House Statement of Significance;
 - 4.2.2 Those aspects of the interior of the Rush House that are specifically listed as Character Defining Elements of the building in the Rush House Statement of Significance;
 - 4.2.3 All native trees on the Property and adjacent municipal boulevards having a DBH greater than 100 centimetres; and

- 4.2.4 All other landscape features identified as Character Defining Elements of the Property in the Rush House Statement of Significance.

Part 5 Heritage Alteration Permit

- 5.1 All alterations to the elements and features of the Property referred to in section 4.2 require a Heritage Alteration Permit, except:
- 5.1.1 Normal repair and maintenance of the Rush House carried out in accordance with Heritage Maintenance Bylaw No. 4187, 1999;
- 5.1.2 The removal or pruning of a native tree which, due to its location, condition, health or any other circumstances, as determined in writing by an Arborist certified by the International Society of Arboriculture, or by the Municipal Arborist, presents an imminent danger of falling and causing injury to a person or damage to property, provided that:
- (a) the District is notified of the removal or pruning within two business days and that the tree or portion thereof is left on the Property for the District's inspection and instructions as to disposal; and
 - (b) within 24 hours of the date of removal, or in the case of removal which takes place on a weekend or holiday, on the next business day after the date of removal, apply for a Heritage Alteration Permit for such removal and take all action necessary to obtain issuance of such permit and shall abide by any terms and conditions of the permit, including a requirement to plant replacement trees.

Part 6 Delegation

- 6.1 The Council delegates to the Director of Planning and Development Services the authority to issue heritage alteration permits to authorize alterations not otherwise permitted by this bylaw or by Heritage Maintenance Bylaw No. 4187, 1999, provide that the alterations are in the opinion of the Director appropriate to the general period and style of the Rush House and the Property, and do not remove, replace or substantially alter its intact or repairable character defining elements, as identified in the Statement of Significance attached as **Schedule A** to this bylaw.

Schedules

Schedule A – Statement of Significance for Rush House (1195 12th Street)

READ A FIRST TIME on

PUBLICATION OF NOTICE OF PUBLIC HEARING on

PUBLIC HEARING HELD on

READ A SECOND TIME on

READ A THIRD TIME on

ADOPTED by the Council on

Mayor

Municipal Clerk