



REPORT

To: Mayor Cote and Members of Council **Date:** November 1, 2021

From: Emilie K. Adin, MCIP
Director of Climate Action, Planning and
Development

File: HER00729
HER00732

Item #: 2021-475

Subject: Heritage Revitalization Agreement (208 Fifth Avenue) Bylaw No. 8271, 2021 and Heritage Designation (208 Fifth Avenue) Bylaw No. 8272, 2021: Bylaws for First and Second Readings

RECOMMENDATION

THAT Council consider Heritage Revitalization Agreement (208 Fifth Avenue) Bylaw No. 8271, 2021 and Heritage Designation (208 Fifth Avenue) Bylaw No. 8272, 2021 for First and Second Readings, and forward the Bylaws to a Public Hearing.

THAT Council add 208 Fifth Avenue to the City's Heritage Register following the adoption of Heritage Designation (208 Fifth Avenue) Bylaw No. 8272, 2021.

PURPOSE

For Council to consider bylaws which would allow the subdivision of a Queen's Park property in exchange for heritage protection and restoration of a heritage house.

EXECUTIVE SUMMARY

An application has been received for a Heritage Revitalization Agreement (HRA) at 208 Fifth Avenue in Queen's Park. This application was received prior to the temporary pause placed on such applications in June 2021. The proposal is consistent with the Official Community Plan (OCP) land use designation for the site, the Queen's Park Conservation Area's goals of heritage retention and sensitively designed infill, and the current 2011 Policy for the Use of HRAs.

Through the proposed HRA (Attachment 1), the property would be subdivided into two lots: approximately 4,000 sq. ft. (372 sq. m.) and 4,710 sq. ft. (438 sq. m.) in size, which is consistent with the City's small lot zones. The existing 1910 house would be moved forward onto the north lot fronting Fifth Avenue and would be restored and protected with a Heritage Designation Bylaw (Attachment 2). A new house would be built on the south lot fronting Elgin Street to meet the area's design guidelines.

The 1910 house would be expanded to 0.7 floor space ratio (FSR) which is the maximum density permitted in the Conservation Area. Relaxations would be required on this lot for a parking space, and a reduced rear setback and eave projections. The new house on the new lot would be 28% larger than permitted at a density of 0.64 FSR. A relaxation would be required to increase the allowable width of its front bay window. The relaxations proposed through the HRA are in line with past practice and are considered reasonable in exchange for restoration of the heritage house.

Applicant-led public consultation has been undertaken for the project including development of a project website, online survey, online open house and circulation of project information to the local Residents Association. The applicant responded to community issues cited in three key areas: building bulk, greenspace, and heritage conservation. The proposal was also presented to and supported by the Community Heritage Commission. As such, staff recommend that Council consider First and Second Readings, and forward the Bylaws to a Public Hearing.

BACKGROUND

Policy and Regulations

The site is located in the Queen's Park Heritage Conservation Area and the application is consistent with both the area's heritage goals and the property's Official Community Plan (OCP) land use designation of "Residential Detached and Semi-Detached Housing". The application is not consistent with the property's RS-4 zone, so a rezoning or Heritage Revitalization Agreement (HRA) is required.

The proposal is consistent with the City's Policy for the Use of HRAs. Both houses would need to be consistent with the Conservation Area's design guidelines.

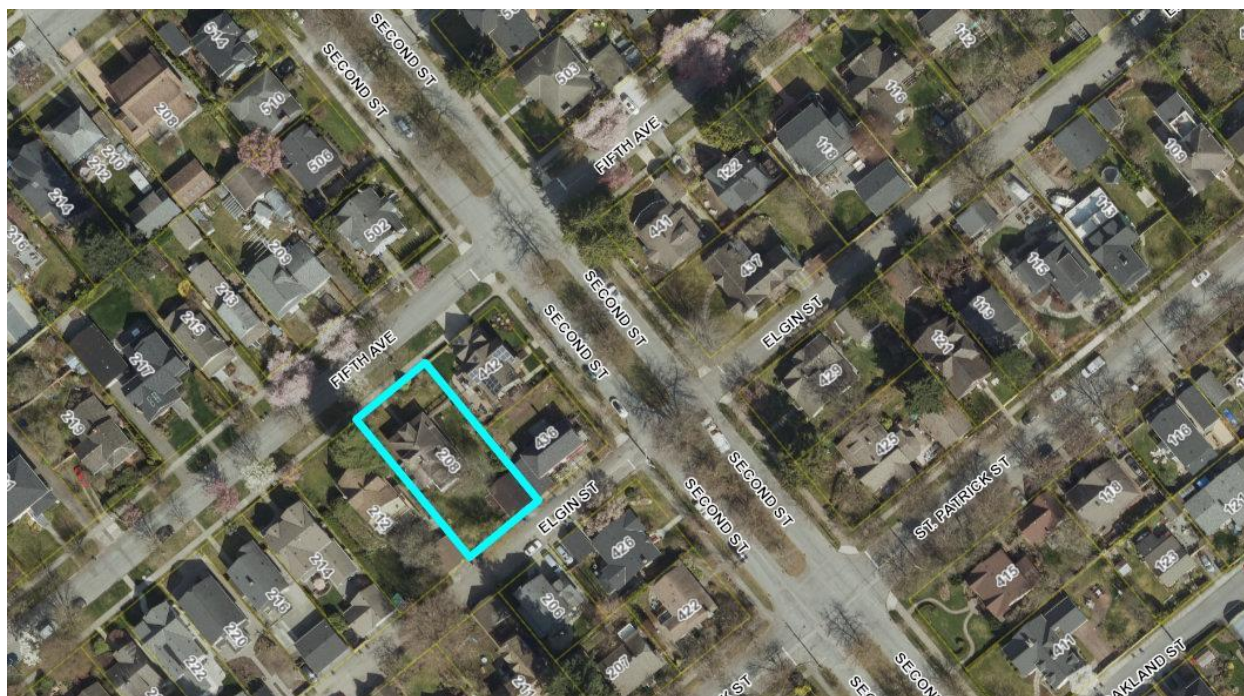
The proposed bylaws would provide stronger development and design controls than the Conservation Area. Further information on the policy and regulatory context of this application is available in Attachment 3.

Site Characteristics and Context

The subject property is 8,712 sq. ft. (809 sq. m.). It is located in the northeast corner of the Queen's Park neighbourhood, an area of single-detached dwellings. The property is located mid-block and double fronting: on Fifth Avenue to the north and Elgin Street to the south. Both streets are classified as local roads, though Fifth Avenue is standard

width and Elgin Street is narrow (with a similar width to a lane). The property is two blocks south from Herbert Spencer Elementary School, four blocks east of the Sixth Street commercial area, and one block west of Queen's Park (playground, sports field, arena etc.). A site context map and aerial image is provided on page 3 of this report.

Figure 1: Site Context and Aerial Map showing 208 Fifth Avenue highlighted in blue



Proximity to Transit Service and Other Sustainable Transportation Options

The site has a sidewalk on Fifth Avenue but not on Elgin Street, though the installation of one would be a requirement of subdivision. Nearby Second Street forms part of the bikeway/greenway network.

Table 1: Adjacent Transit Service to 208 Fifth Avenue

Transit Facility	Frequency	Distance
Bus Service #105	Approximately 30 minutes	35 m. (115 ft.) to the bus stop located at Second Street
Bus Service #106, N19	Approximately 8 minutes	0.5 km (0.3 miles) to the bus stop located at Sixth Street frequent transit network (FTN)
Skytrain Station	2-5 minutes	1.2 km (0.7 miles) to Columbia Station

Heritage Value

Built in 1910 by local builder Robert Lane, the Calbicks House has been evaluated to have historical, cultural and aesthetic value. Historical and cultural significance is seen in this house as it is a modest home for working-class individuals: the first resident

Charles Calbick, an electrician, lived in the house from 1910 to 1955 and his son Garth Calbick, a janitor, lived in the house from 1956 to 1965. The house's historical significance is also in its association with New Westminster's Edwardian-era building boom which followed the city's recovery after the 1898 fire. Its aesthetic value is an Edwardian-era wood-frame cottage which has high integrity due to its original windows, intact architectural details, and unique mid-century bevelled and combed cedar siding that is not often seen today. The Heritage Conservation Plan, which describes the restoration work proposed for this project and its heritage value, is Appendix 2 of the HRA Bylaw (Attachment 1). At their July 7, 2021 meeting, the Community Heritage Commission endorsed the historic value and addition of the building to the City's Heritage Register (minutes in Attachment 7).

Land Use and Planning Committee (LUPC) Review

In January 2020, the proposal was reviewed by the Land Use and Planning Committee (LUPC), who provided feedback on tree protection and the proposed zoning relaxations related to density and massing. LUPC directed staff to work with the applicant to resolve the identified issues, which were addressed by the applicant prior to moving to community consultation.

Following community consultation in the summer, a revised proposal was reviewed by the LUPC in August 2021. LUPC provided feedback on the building bulk for both buildings and the inclusion of key life safety features to accommodate a potential future secondary suite in the heritage house. LUPC directed staff to work with the applicant to reduce the building bulk for both buildings, which has since been addressed. Additionally, the applicant has revised their plans to include a secondary suite in the heritage house, resulting in a request for a parking relaxation of one parking space. This was discussed at LUPC but not formally requested of the applicant.

Minutes from these meetings are attached to this report as Attachment 6.

PROJECT PROPOSAL

Project Description

An HRA (Attachment 1) has been proposed for this site which would allow subdivision of the existing residential lot into two lots: approximately 4,000 sq. ft. (372 sq. m.) and 4,710 sq. ft. (438 sq. m.) in size, which would be consistent with the City's small lot zones. The existing heritage house would be moved forward onto the smaller lot fronting Fifth Avenue and a new house would be built on the larger lot fronting Elgin Street. Outdoor space is provided for all units, in the rear yard for both houses as well as the side yard of the heritage house. Project drawings are included in the HRA Bylaw (Attachment 1 to this report). Detailed project statistics are available in Attachment 4.

Both houses are family friendly with the heritage house proposed to contain a three bedroom principal unit and a two bedroom secondary suite, and the new house proposed to contain three bedrooms. A secondary suite is not proposed for the new house. At a proposed density of 0.7 FSR, the heritage house would be approximately 260 sq. m. (2,800 sq. ft.), which meets the Zoning Bylaw for protected houses in the Conservation Area. The new house is proposed to have a density of 0.64 FSR and be approximately 281 sq. m. (3,021 sq. ft.), exceeding its allowable density by 0.14 FSR. An increase in density for the new house is consistent with other similar HRAs in the neighbourhood and elsewhere in the city. Zoning Bylaw relaxations on each lot would be required to permit the proposal:

Heritage House:

1. small lot size
2. reduced rear yard setback (by 0.8 m. / 2.7 ft.)
3. increased rear eave projections (by 1.2 m. / 3.7 ft.)
4. one less parking space

New House:

1. small lot size
2. 28% increased density
3. wider front window bay (at 3.2 m. / 10.6 ft.)

DISCUSSION

Overall Evaluation

This application was received in 2019, prior to the temporary pause placed on HRA applications in the Conservation Area last June. Given this, staff considers that the application is reasonable as the proposal is consistent with:

- the Official Community Plan land use designation for the site;
- the Conservation Area's goals of heritage retention and sensitively designed new construction; and
- the current Policy for the Use of HRAs.

The applicant has also substantially responded to community issues cited in three key areas (building bulk, greenspace, and heritage conservation) with revisions to their proposal. The resulting density, form and massing is generally consistent with the neighbourhood's context. Additionally, the Zoning Bylaw relaxations requested are few and are suited to the context of the site.

Benefits of the project include:

- heritage restoration, which the Conservation Area cannot require;
- two family-friendly sized houses (where otherwise only one is permitted);
- creation of a two-bedroom rental suite;
- protection of a specimen sized evergreen tree; and
- regulation of all exterior elements of both buildings, indefinitely into the future.

Further discussion of the proposed relaxations needed for this project is included below.

Small Lot Subdivision

The existing property is 8,712 sq. ft. (809 sq. m.). The subdivision would result in the lots being smaller than permitted in the current zone: the heritage house lot would be roughly 30% smaller at 372 sq. m. (4,000 sq. ft.); and the new house lot would be roughly 20% smaller at 438 sq. m. (4,710 sq. ft.). Both would be consistent with the City's Small Lot zones such as RS-5.

Consideration of small lot subdivisions is consistent with the City's current Policy for the Use of HRAs. Under the heritage program, small lot subdivisions are generally considered appropriate in exchange for restoration of a heritage asset and in order to allow change to a site without undue impact to heritage fabric. Both lots would meet livability and outdoor space requirements with the inclusion of private garden and green space for each residential unit in addition to the open front yard of the heritage house. In consideration of the conservation work proposed, and policy and past practice on similar HRAs, these lot size reductions are considered reasonable.

Infill House Density and Design

Increased Density

The new house is proposed to have an FSR of 0.64, a 28% increase above the current allowable maximum. The increased density for the new house is in line with previous similar HRAs. Through the process, the density has been reduced from what was initially proposed (0.76 FSR). The provision of a ground-oriented, three bedroom unit with recreational spaces and yard space also fulfills the intentions of the City's policies to develop more family-friendly housing. Staff considers the density reasonable.

Bay Window Width

Although the width of the front bay window is 70% wider than permitted, staff considers this relaxation reasonable as it is relatively minor. Also, the feature contributes to the traditional character of the infill house's design, which is encouraged by the Conservation Area's design guidelines.

Heritage House Siting

Relaxations are required for the rear yard projection and setback for the heritage house, as shown in Table 2 below. These relaxations are considered reasonable as the heritage house has been located closer to the north and east property lines in order to minimize impacts to the protected tree on the west property line, and to keep the house more in line with other houses on the street, as requested in community consultation. The proposed front yard setback for the heritage house would meet the Zoning Bylaw for the size of the lot. Privacy in the backyard is being addressed with fencing, landscaping and window placement on the rear elevation of the heritage house. Outdoor space is also be provided in the (right) side yard for the principal unit.

Table 2: Summary of Proposed Setback Relaxations (Heritage House)

Attributes	Zoning	Proposed	Relaxation
Minimum Rear Setback	3.7 m. (12.1 ft.)	2.9 m. (9.4 ft.)	0.8 m. (2.7 ft.)
Minimum Rear Yard Projection Setback (Eaves)	2.5 m. (8.1 ft.)	1.3 m. (4.4 ft.)	1.2 m. (3.7 ft.)

Secondary Suite Parking

A parking relaxation from two parking spaces to one would be required in order to include a secondary suite in the heritage house. As the inclusion of a secondary suite will increase the stock of rental housing in the neighbourhood, staff considers this relaxation to be reasonable. The proposal was evaluated to have limited impact to surrounding transportation networks and minimal on-site transportation related design issues. Although not required, bicycle parking would be provided in the storage space under the side deck, accessed from the backyard.

PUBLIC CONSULTATION

Community Heritage Commission

The project proposal was reviewed by the Community Heritage Commission (CHC) at their meeting on May 5, 2021 (minutes in Attachment 7). On June 16, 2021 five CHC members also conducted a site visit. Initially, CHC expressed concerns related to:

- the identified house style;
- removal and relocation of original windows;
- streetscape changes due to the relocation of the house;
- addition of a carport to the heritage house; and
- overall project density.

The applicant addressed all the above items, except the front setback of the house, which works to retain a protected tree as well as facilitate the infill house and meets the Zoning Bylaw requirement. The revised application, heritage designation and registration were reviewed and supported by the CHC at their meeting on July 7, 2021 (minutes in Attachment 7).

Applicant-led Consultation

Overview

The applicant-led consultation utilized a digital engagement platform. Notification of consultation opportunities was sent to properties within 100 metres of the project site as well as the Queen's Park Residents Association. The project website (<https://robertlanehouse.ca>) included project details and the methods available to provide feedback: directly through the website to either the applicant or City staff.

An online survey, hosted on the website, was open between April 15 and May 13, 2021 and an online Open House was held on May 8, 2021 through Zoom. A total of 68 responses were received to the survey and approximately 15 people attended and provided feedback at the Open House.

Feedback Received

Survey feedback indicated over half the respondents supported the overall project (64%). However, the following issues were cited:

- potential tree removal and loss of green space;
- increased traffic/addition of a driveway across a sidewalk;
- relocation of the heritage house;
- perceived low level of heritage conservation work;
- infill house design, number and type of required relaxations, uneven lot size.

The feedback responses are included as Attachment 8. Further information on how these items were addressed as per the Applicant Response and Revisions section below.

City-led Consultation

Council may waive a project's Public Hearing based on consideration of the results of online City-led consultation, should the project be a rezoning or a zoning text amendment. As Public Hearings cannot be waived for Heritage Designation Bylaws, City-led consultation is not conducted on HRA projects in favour of moving the Bylaws through Public Hearing together.

Regardless, the project was listed on Be Heard New West, the City's online community engagement platform, with a description of the project, review stages and timelines, as well as project drawings and links to various staff and committee reports. Information about the applicant-led consultation was also posted on Be Heard New West. These tools were used to gather community feedback, which staff reviewed with the applicant and has been taken into consideration as part of the project.

Applicant Response and Revisions

In response to feedback received from the community, CHC, and LUPC, the applicant has made the following changes to their proposal:

Building Bulk

- reduced the density and size of both houses;
- reduced the building bulk of both houses, with smaller dormers and rooflines;
- removed the proposed attached garages/carports in favour of a detached garage (new house) and a parking pad (heritage house);

Greenspace

- reconfigured the site plan to provide private garden and green space for each residential unit in addition to the open front yard of the heritage house, which contributes to the Fifth Avenue streetscape;
- reconfigured the site plan to retain a specimen sized evergreen tree;
- completed further investigative work to ensure that the stability and vitality of the evergreen tree; and
- will continue to work on the new driveway crossing design to retain all boulevard trees on Fifth Avenue through the Tree Permit process.

Heritage Elements

- revised the design of the infill house to be more consistent with the Queen's Park design guidelines;
- amended the Heritage Conservation Plan to retain all original windows in the heritage house; and
- updated the heritage house's Statement of Significance to recognize the original owners (Calbicks) in the building name, as well as the era of the house.

The above changes in these three key areas are considered to address the community feedback received. They were integrated into the project proposal following community consultation and are reflected in the enabling project's bylaws which are attached for Council's consideration (Attachments 1 and 2).

REVIEW PROCESS

The steps in this project's review were as follows, with the current step highlighted in grey:

Table 3: Application Review Stages

#	Stage	Date
1	Formal Application	September 17, 2019
2	Preliminary report to Land Use and Planning Committee	January 27, 2020
3	Preliminary report to Council	May 3, 2021
4	Review by the Community Heritage Commission	May 5, 2021
5	Applicant-led Public Consultation including dissemination of information through the local Residents Association	April 15, 2021 to May 13, 2021
6	Applicant-led online open house	May 8, 2021
7	Review by the Community Heritage Commission	July 7, 2021
8	Update report to Land Use and Planning Committee	August 30, 2021
9	Council consideration of First and Second Reading of Bylaws (we are here)	November 1, 2021
10	Public Hearing and Council consideration of Third Reading and Adoption of Bylaws	Fall 2021

As there are fewer than five units proposed for each lot, and the form of development is consistent with the Official Community Plan, the application was not forwarded to the New Westminster Design Panel nor the Advisory Planning Committee for review and comment.

NEXT STEPS

Staff is recommending Council forward the HRA Bylaw (Attachment 1) and Heritage Designation Bylaw (Attachment 2) to Public Hearing at which time the community will have an opportunity to provide their comments directly to Council. A notification sign for the application would be installed on the property and notifications for the Public Hearing would occur in accordance with the City's procedures.

Following the Public Hearing, should the Bylaws be adopted, a subdivision application would be reviewed by the Engineering Department. Further permits, issued by the Director of Climate Action, Planning and Development (Heritage Alteration Permit, Building Permit, and Tree Permit), would also be required prior to construction and following approval of the subdivision..

Servicing, off-site works, and arboricultural requirements have been provided to the applicant. The attached Engineering Services Memo (Attachment 9) outlines the improvements that would be required to facilitate the proposed development. Such improvements would need to be provided in accordance with City standards, as determined by the Director of Engineering Services.

INTERDEPARTMENTAL LIAISON

The City has a project-based team approach for reviewing development applications. A staff-led project team was assigned for reviewing this project consisting of staff from Engineering (Servicing and Transportation), Fire, Electrical, Parks and Recreation, and Climate Action, Planning and Development (Building, Planning, Trees, and Heritage) Departments who provided comments throughout the development review process.

OPTIONS

The following options are available for Council's consideration:

1. That Council consider Heritage Revitalization Agreement (208 Fifth Avenue) Bylaw No. 8271, 2021 and Heritage Designation (208 Fifth Avenue) Bylaw No. 8272, 2021 for First and Second Readings, and forward the Bylaws to a Public Hearing.
2. That Council add 208 Fifth Avenue to the City's Heritage Register following the adoption of Heritage Designation (208 Fifth Avenue) Bylaw No. 8272, 2021.
3. That Council provide staff with alternative direction.

Staff recommend option 1 and 2.

ATTACHMENTS

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| Attachment 1: | Heritage Revitalization Agreement (208 Fifth Avenue) Bylaw No. 8271, 2021 |
| Attachment 2: | Heritage Designation (208 Fifth Avenue) Bylaw No. 8272, 2021 |
| Attachment 3: | Policies and Regulations Summary |
| Attachment 4: | Proposed Project Statistics and Relaxations |
| Attachment 5: | Statement of Significance |
| Attachment 6: | Extract of January 27, 2020 and August 30, 2021 Land Use and Planning Committee (LUPC) Meeting Minutes |
| Attachment 7: | Extract of May 5, 2021 and July 7, 2021 Community Heritage Commission (CHC) Meeting Minutes |
| Attachment 8: | Applicant-led Consultation Feedback and Correspondence Received |
| Attachment 9: | Engineering Servicing Memo |

APPROVALS

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