

# **REPORT**

## ***Climate Action, Planning and Development***

**To:** Mayor Johnstone and Members of Council  
**Date:** July 10, 2023

**From:** Jackie Teed, Acting Director, Climate Action, Planning and Development  
**File:** HER00898  
HER00900  
HER00901

**Item #:** 2023-464

**Subject:** **Heritage Revitalization Agreement: 203 Pembina Street – Preliminary Report**

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### **RECOMMENDATION**

**That** Council direct staff to work with the applicant to prepare a plan of development for the subject property suitable for consideration of First and Second Readings, as outlined in the “Application Review Process” section of this report.

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### **PURPOSE**

To seek Council’s approval to process the Heritage Revitalization Agreement application for a 6-unit townhouse development and preservation and long-term protection of a heritage tree in Queensborough.

### **EXECUTIVE SUMMARY**

An application has been received for a Heritage Revitalization Agreement (HRA) at 203 Pembina Street in Queensborough. The development would retain an existing specimen-sized Northern red oak tree as the project’s heritage component, given its historic, cultural, and aesthetic value. Six family-friendly, stratified townhouse units are also proposed. Drawings indicate an overall density of 0.73 Floor Space Ratio (FSR).

Through the HRA, the Oak tree would be legally protected through a Heritage Designation Bylaw and listed on the City’s Heritage Register. In exchange, townhouse development would be permitted. Staff considers the proposal reasonable in the context of the heritage value of the Oak tree and increasing infill housing and choice. This HRA is the first in New Westminister to contemplate long-term protection and designation of a heritage tree.

## **BACKGROUND**

### **Policy and Regulations**

#### *Zoning and Queensborough Community Plan Land Use Designation*

The property's existing zoning (RQ-1) allows for a single-detached house. As townhouses are proposed, a rezoning or HRA is required. Through use of an HRA, the project would be consistent with the site's (RL) Residential – Low Density designation. As the project proposes retention and protection of a heritage resource, an HRA is an appropriate tool to enable the development. An HRA would serve the same purpose as rezoning the site to a Comprehensive Development zone, while providing greater ability to enforce heritage provisions secured through the development review process. A summary of these and other related City policies are included in Attachment 1.

#### *Heritage Revitalization Agreement*

Retention of the Oak tree through an HRA would be a very unique situation. Only one tree in New Westminster is currently listed on the Heritage Register, and therefore has formal recognition as an individual heritage resource. Should the Oak tree be recognized as a heritage resource and protected through heritage designation, there would be measures to ensure its long-term preservation, including a Tree Management Plan for pre- and post-construction care.

#### *The Standards and Guidelines for the Conservation of Historic Places in Canada*

In 2008, Council endorsed The Standards and Guidelines for the Conservation of Historic Places in Canada as a basis for assessing heritage projects in the city. The guidelines indicate that it is appropriate to consider ecological features and vegetation as having heritage value, and they provide general recommendations for the conservation of vegetation in a cultural landscape. The proposal to retain the Oak tree is generally consistent with these guidelines.

### **Preliminary Application Review**

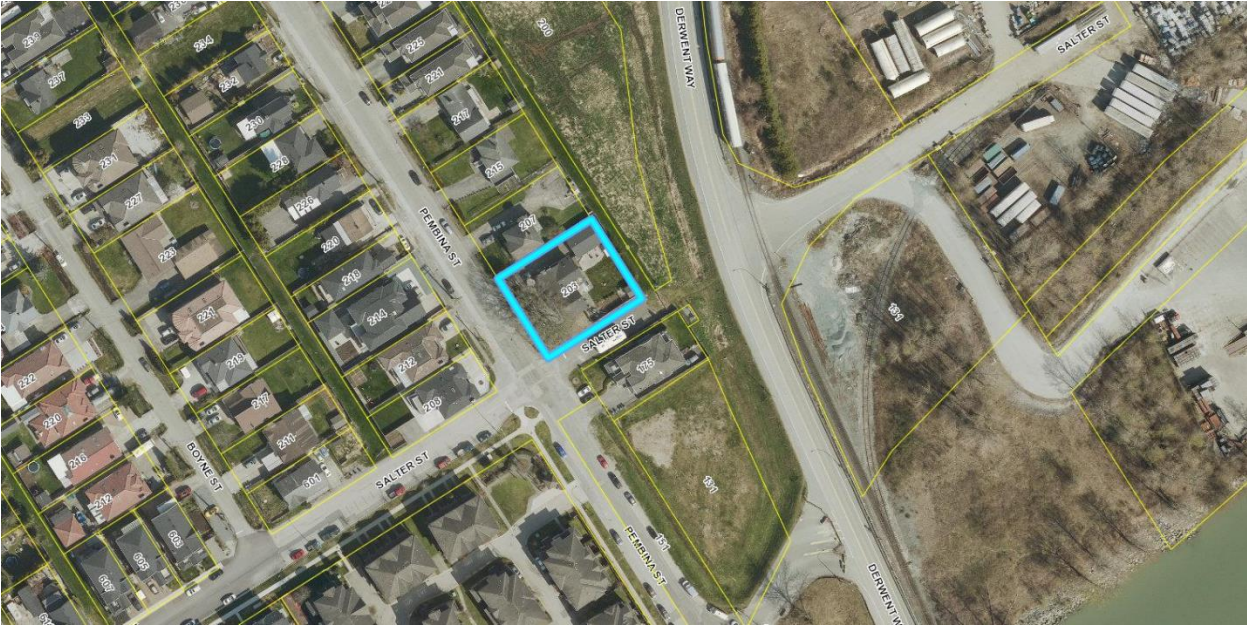
A Preliminary Application Review (PAR) for this project was submitted on December 7, 2021. Staff presented the PAR to the Community Heritage Commission on April 6, 2022 and July 6, 2022 and to the Land Use Planning Committee (LUPC) on September 26, 2022. The LUPC advised the applicant to consider an HRA to protect the Oak tree. The minutes for this meeting are available on the City's website:

[https://www.newwestcity.ca/database/files/library/LUPC\\_2022\\_Sep\\_26\\_Minutes.pdf](https://www.newwestcity.ca/database/files/library/LUPC_2022_Sep_26_Minutes.pdf)

**Site Characteristics and Context**

The subject site has an area of 1,073.3 sq. m. (11,552.9 sq. ft.) and is located in Queensborough. North of Salter Street are single-detached houses, while south of Salter Street and west of Pembina Street are townhouse developments. East of the site, across Derwent Way are industrial properties. One 1966 house and a specimen-sized Northern red oak tree is located on the site, fronting Pembina Street. Additional site context information is provided in Attachment 1.

*Figure 1: Site Context Map with 203 Pembina Street in blue*



**Heritage Value of the Existing Tree**

Information on the history and heritage of the Oak tree was provided as part of this application. The Oak tree is estimated to be over 60 years of age, and approximately 18.2 m. (60 ft.) tall. As a highly visible local landmark, it possesses aesthetic heritage value for its significance to the landscape, and the only oak tree of such age, size, and prominence in Queensborough. It may also possess historical value, given its association with the former firehall, located south of the property. Based on an interview with the former property owner, firefighters would sit under the tree’s canopy and participated in its maintenance. Further review of the Oak tree’s heritage value would be conducted by staff throughout the application process.

**PROJECT PROPOSAL**

The proposed development consists of six stratified, family-friendly townhouse units, with one unit fronting Pembina Street and five units sited at the rear of the property in a separate building. The units would be configured to support retention of the Oak tree, which is characterized as a protected specimen tree due to its diameter. A shared amenity space would surround the tree at the south corner of the property.

Drawings indicate a proposed density of 0.73 FSR and buildings would be approximately 10.2 m. (33.5 ft.) to 10.4 m. (34.1 ft.) in height. The built form consists of ground level garage parking (tandem and side-by-side) with two habitable floors above. A total of 12 off-street resident parking spaces and 12 long-term bike parking spaces are proposed. Select project drawings are included in Attachment 2 and project statistics and relaxations in Attachment 1.

**DISCUSSION**

**Overall Evaluation**

When Council considers entering into an HRA with a property owner, one of the objectives is to balance the benefits to the community with benefits to the property owner. The proposed HRA would facilitate preservation of the Oak tree, as well as its long-term protection, pre- and post-construction care, and long-term maintenance. The project would also provide additional family-friendly townhouse units. Given the proposed community benefits, staff considers this project to strike such a balance.

To facilitate the proposal, the HRA would act akin to a rezoning for the townhouses, which would be evaluated in light of the Queensborough Townhouse Districts (RT-3A) zone and Development Permit Area (DPA) QB3 East Queensborough design guidelines. The proposed density and building heights are consistent with these policies. Relaxations are being sought to enable minor siting variances, tandem parking (42%), and to eliminate the visitor parking requirement. A discussion of these relaxations is provided below.

**Building Siting and Open Space**

The Oak tree has a significant critical root zone, and buildings must be sited beyond this area to facilitate its long-term retention. The applicant notes that the proposed siting of the townhouse buildings would enable the long-term retention of the Oak tree, while providing shared common space and private, at-grade patios for each unit. To enable this configuration, minor relaxations to the required side and rear setbacks are proposed, as well as to the minimum building separation. The proposed building siting would be further reviewed by staff through the application review process.

**Vehicle Access**

The project proposes two vehicle access points: one from Pembina Street, and one from the rear lane, which would be developed through this proposal. Multiple vehicle access points to a single lot are prohibited by the *Street and Traffic Bylaw No. 7664, 2015*. Similarly, vehicle access from a residential lot to a Collector Road, such as Pembina Street, is prohibited unless access cannot be obtained from a lane or local road. Further review of the proposed vehicle access would be completed through the application review process.

**Off-Street Parking**

Per the Zoning Bylaw, this development is required to provide nine resident parking spaces and two visitor spaces (0.2 space per unit). The project would exceed Zoning Bylaw requirements for number of resident spaces, however relaxations are proposed to the number of visitor spaces (reduced from two to zero) and to parking access requirements, to enable tandem parking. Further review of the proposed parking relaxations would be completed through the application review process.

**APPLICATION REVIEW PROCESS**

Below is an overall outline of the development review process for this project.

- 1. Preliminary Report to Council (July 10, 2023) **(WE ARE HERE)**;
- 2. Interdepartmental staff review towards a suitable plan of development (ongoing);
- 3. Creation of a Be Heard New West webpage;
- 4. Council consideration of First and Second Readings of the Heritage Revitalization Agreement and Heritage Designation Bylaws;
- 5. A Public Hearing followed by Council’s consideration of Third Reading of the Bylaws;
- 6. Council consideration of Adoption of the Bylaws; and,
- 7. Issuance of the Heritage Alteration Permit by the Director of Climate Action, Planning and Development.

As fewer than 6 storeys are proposed, and the form of development is consistent with the Official Community Plan, the application would not be forwarded to the New Westminster Design Panel or the Advisory Planning Committee for review or comment.

**INTERDEPARTMENTAL LIAISON**

The City has a project-based team approach for reviewing development applications, which facilitates interdepartmental review, providing comments to the applicant throughout the development review process. This project-based team includes staff from Engineering; Climate Action, Planning and Development; Parks and Recreation, Electrical and Fire Departments.

**FINANCIAL IMPLICATIONS**

Financial considerations will be evaluated as part of the application review process and any relevant details will be included in the Comprehensive Report.

## **OPTIONS**

The following options are available for Council's consideration:

1. **That** Council direct staff to work with the applicant to prepare a plan of development for the subject property suitable for consideration of First and Second Readings, as outlined in the "Application Review Process" section of this report.
2. That Council provide staff with alternative direction.

Staff recommends Option 1.

## **ATTACHMENTS**

Attachment 1: Background Information

Attachment 2: Preliminary Application Materials (Select)

## **APPROVALS**

This report was prepared by:

Wendee Lang, Development Planner

This report was reviewed by:

Mike Watson, Acting Manager of Development Planning; and

Demian Reuter, Acting Senior Manager of Climate Action, Planning and Development

This report was approved by:

Jackie Teed, Acting Director of Climate Action, Planning and Development; and

Lisa Spitale, Chief Administrative Officer