

REPORT

Climate Action, Planning and Development

To: Mayor Johnstone and Members of Council
Date: February 5, 2024

From: Jackie Teed, Director, Climate Action, Planning and Development
File: EDMS #2425557
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DP001041

Item #: 2024-46

Subject: **Heritage Revitalization Agreement and Heritage Designation:
203 Pembina Street – Bylaws for First and Second Readings**

RECOMMENDATION

THAT Council consider Heritage Revitalization Agreement Bylaw (203 Pembina Street) No. 8425, 2024 and Heritage Designation Bylaw (203 Pembina Street) No. 8435, 2024 for First and Second Readings, and forward the Bylaws to a Public Hearing.

THAT Council add the heritage tree located at 203 Pembina Street to the City's Heritage Register following adoption of the Heritage Designation Bylaw No. 8435, 2024.

PURPOSE

To request that Council consider the bylaws to permit six townhouse units and protection and conservation of a heritage tree in Queensborough.

EXECUTIVE SUMMARY

An application has been received for a Heritage Revitalization Agreement at 203 Pembina Street in Queensborough. Six new family-friendly, stratified townhouse units are proposed to be constructed fronting Pembina Street. The existing specimen-sized northern red oak tree would be retained, legally protected through a Heritage Designation Bylaw and listed on the City's Heritage Register. Relaxations are required to permit the townhouse form, density and height, as well as minor siting, parking and access variances.

Staff considers the project reasonable given the heritage value of the oak tree and proposed infill housing. City-led public consultation has been undertaken for the project and the applicant has responded to staff and community feedback. Staff recommend that Council consider First and Second Readings and forward the bylaws to a Public Hearing.

BACKGROUND

Policy and Regulations

The application is consistent with the property's Official Community Plan land use designation of (RL) Residential – Low Density, which permits townhouse development through an HRA. As retention and protection of a heritage resource is proposed, an HRA is appropriate to enable the project. Similar to a rezoning, the HRA would permit townhouse development 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 3.

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 the LUPC meeting are available on the City's website:

https://www.newwestcity.ca/database/files/library/LUPC_2022_Sep_26_Minutes.pdf

Site Characteristics and Context

The subject site has an area of 1,068.8 sq. m. (11,504.5 sq. ft.) and is located in Queensborough. North of Salter Street are single-detached houses, and south of Salter Street are townhouse developments. To the east, across Derwent Way, are industrial properties. One 1966 house and a specimen-sized northern red oak tree are located on the site, fronting Pembina Street. Additional site context information is provided in Attachment 3.

Heritage Value

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 has aesthetic significance for its importance to the landscape and its rarity as the only oak tree of such age, size, and prominence in Queensborough. It also has cultural significance for its use as an informal community gathering place for those at the former fire hall and others in the neighbourhood. A heritage conservation plan (HCP) and statement of significance (SOS), prepared by a registered heritage professional, was provided as part of this application. These materials provide additional information on the history and heritage value of the oak tree and are included in Attachment 1.

PROJECT PROPOSAL

The proposed development consists of six stratified, family-friendly townhouse units, with one unit (Building A) fronting Pembina Street and five units sited at the rear of the property (Building B), along with retention of the heritage tree. The proposed unit configuration would support retention of the oak tree, which is characterized as a specimen tree due to its diameter. Drawings indicate a density of 0.68 Floor Space Ratio (FSR). The built form consists of attached garages (tandem and side-by-side) with two habitable floors above, in compliance with Flood Construction Level requirements. In excess of Zoning Bylaw requirements, 12 off-street resident parking spaces and 12 long-term bicycle parking spaces are proposed. Relaxations are proposed to the number of visitor parking stalls (reduced from two to zero) and short-term bicycle parking stalls (reduced from two to zero). Architectural and landscape drawings are included in Attachment 1.

DISCUSSION

Overall Evaluation

One of the objectives of the City's *Heritage Policy for the Use of HRAs* is to balance community benefits with benefits to the property owner. Through this application, the following community benefits would be achieved:

- Preservation of the oak tree, as well as its long-term protection, pre- and post-construction care, and long-term maintenance; and,
- Construction of six family-friendly infill townhouse units.

To facilitate the proposed development, relaxations are required to enable the townhouse form, density, and height. Minor building siting, parking, and vehicle access variances are also proposed. Staff considers this project to be consistent with City policies and goals, and to provide an appropriate balance of benefits.

Proposed Relaxations

The project's primary Zoning Bylaw relaxations are discussed below. A complete description of proposed relaxations is included in Attachment 3.

Building Form, Density and Siting

To facilitate the proposed form of development, the HRA would act akin to a rezoning, and the project has been reviewed in light of the Queensborough Townhouse Districts (RT-3A) zone and Development Permit Area QB3 East Queensborough design guidelines. While the proposed building form, density, and height differs from or exceeds the site's existing zoning, it is within the limits of the RT-3A zone.

Minor relaxations are proposed to the RT-3A zone side and rear setbacks, as well as minimum building separation. These are required to accommodate the oak tree's significant critical root zone, the preservation of which is necessary to the tree's long-term survival. The proposed site plan, which has been reviewed by City and project arborists, would support the tree's retention while also providing common and private outdoor space for residents.

Off-Street Parking

Per the Zoning Bylaw, the 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 the number of resident spaces, however a relaxation is proposed to the number of visitor spaces (reduced from two to zero). This is considered reasonable given the additional resident parking. The project would also exceed Zoning Bylaw requirements for the number of long-term bicycle storage spaces, however a relaxation is proposed to the number of short-term bicycle parking spaces (reduced from two to zero). This is considered reasonable given the additional long-term bicycle parking, and availability of attached garages for bicycle storage.

A relaxation is also required to permit 42% of parking spaces in a tandem, rather than side-by-side configuration. This relaxation is considered reasonable given the proportion of tandem spaces is less than 50%, which is the maximum staff considers supportable in Queensborough, and the limited available site area due to the oak tree's critical root zone.

PUBLIC CONSULTATION

City-Led Consultation

City-led consultation included a project website and online survey, published on Be Heard New West. Residents within 100 m. of the project were notified of the survey. Four responses were received and of these, three respondents felt the project would fit well into the neighbourhood. Feedback focused on support for additional housing options, while one respondent felt that the townhouse development was inconsistent with the existing single detached streetscape. All feedback received by the City is included in Attachment 4.

Applicant Response and Revisions

Prior to consultation, staff worked with the applicant to relocate a driveway access originally proposed from Pembina Street, to the rear lane. This change allows the development to better integrate into the streetscape and maintain the existing rhythm of Pembina Street. The applicant's response to feedback is included in Attachment 4.

APPLICATION REVIEW PROCESS

The development application review process for this application is as follows:

1. Preliminary report to Council (July 10, 2023);
2. City-led public consultation, including creation of a Be Heard New West webpage and survey (October to November 2023);
3. Council consideration of First and Second Readings of the Heritage Revitalization Agreement and Heritage Designation Bylaws **(WE ARE HERE)**;

Anticipated next steps:

4. A Public Hearing followed by Council's consideration of Third Reading of the Heritage Revitalization Agreement and Heritage Designation Bylaws;
5. Completion of adoption requirements;
6. Council consideration of adoption of the Heritage Revitalization Agreement and Heritage Designation Bylaws;
7. Issuance of the Development 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 was not forwarded to the New Westminster Design Panel or Advisory Planning Commission for review or comment.

The Preliminary Application Review (PAR) for this project was presented to the Community Heritage Commission (CHC) on April 6, 2022 and July 6, 2022. Given that the heritage aspects of the project at the PAR stage was substantially similar to the current proposal, re-presentation to CHC was not required.

FINAL ADOPTION REQUIREMENTS

The following items will need to be addressed to the satisfaction of staff prior to adoption of the proposed Heritage Revitalization Agreement and Heritage Designation Bylaws:

- Registration of a Section 219 Restrictive Covenant (Heritage Tree Maintenance);
- Payment of a Voluntary Amenity Contribution of \$6,000;
- Preliminary Civil Drawing Review and initiation of work with Engineering on a Works and Services Agreement (Attachment 5); and
- Submission of a landscape security.

FINANCIAL CONSIDERATIONS

As a condition of adoption, this project would contribute a Voluntary Amenity Contribution in the sum of \$6,000. Development Cost Charges would be calculated and collected prior to Building Permit issuance. The project is also required to contribute a number of off-site infrastructure upgrades, which are described in Attachment 5. The full scope of upgrades would be determined prior to Building Permit issuance.

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 offered for Council's consideration:

1. That Council consider Heritage Revitalization Agreement Bylaw (203 Pembina Street) No. 8425, 2024 and Heritage Designation Bylaw (203 Pembina Street) No. 8435, 2024 for First and Second Readings, and forward the bylaws to a Public Hearing.
2. That Council add the heritage tree located at 203 Pembina Street to the City's Heritage Register following adoption of Heritage Designation Bylaw No. 8435, 2024.
3. That Council provide staff with alternative direction.

Staff recommends Options 1 and 2.

ATTACHMENTS

Attachment 1: Heritage Revitalization Agreement Bylaw No. 8425, 2024

Attachment 2: Heritage Designation Bylaw No. 8435, 2024

Attachment 3: Background Information

Attachment 4: City-Led Consultation Summary and Response

Attachment 5: Engineering Servicing Memo

APPROVALS

This report was prepared by:

Wendee Lang, Development Planner

This report was reviewed by:

Mike Watson, Acting Manager, Development Planning

Demian Rueter, Acting Senior Manager, Planning

This report was approved by:

Jackie Teed, Director of Climate Action, Planning and Development

Lisa Spitale, Chief Administrative Officer