

REPORT

Climate Action, Planning and Development

To: Mayor Cote and Members of Council **Date:** January 10, 2022

From: Emilie K. Adin, MCIP **File:** HER00810
Director, Climate Action, Planning and HER00811
Development

Item #: 2022-4

Subject: **Heritage Revitalization Agreement (323 Regina Street) Bylaw No. 8304, 2022 and Heritage Designation (323 Regina Street) Bylaw No. 8305, 2022 Bylaws for First and Second Readings**

RECOMMENDATION

THAT Council consider Heritage Revitalization Agreement (323 Regina Street) Bylaw No. 8304, 2022 and Heritage Designation (323 Regina Street) Bylaw No. 8305, 2022 for First and Second Readings, and forward the Bylaws to a Public Hearing.

THAT Council add 323 Regina Street to the City's Heritage Register following the adoption of Heritage Designation (323 Regina Street) Bylaw No. 8305, 2022.

PURPOSE

For Council to consider bylaws which would allow the construction of an infill house on a Queen's Park property in exchange for heritage protection and conservation of a heritage house.

EXECUTIVE SUMMARY

A Heritage Revitalization Agreement (HRA) application has been received for 323 Regina Street. Proposed through the HRA (Attachment 1) is a 132 sq. m. (1,420 sq. ft.) rental infill house, and retention and protection of the existing 1928 house with a Heritage Designation Bylaw (Attachment 2). This is one of two remaining in-stream applications in the Queen's Park neighbourhood which were not covered by the pause placed on new HRA applications in June, 2021.

The infill house is proposed to be larger than permitted in the laneway program; however the overall lot density including both buildings is consistent with the density allowed by the Zoning Bylaw and lower than the Conservation Area's incentive program. Two minor zoning setback relaxations would also be required, one for each house.

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 Policy for the Use of Heritage Revitalization Agreements (2011). Applicant-led public consultation was undertaken and the applicant responded to community feedback in three areas: rental tenure, reduced building bulk, and heritage conservation. The proposal was also presented to and supported by the Community Heritage Commission (CHC). Given this, staff recommend that Council consider First and Second Readings, and forward the Bylaws to a Public Hearing.

BACKGROUND

Previous Land Use and Planning Committee Feedback

In July 2021 the proposal was reviewed by the Land Use and Planning Committee (LUPC), which provided feedback on stratification, infill house size, and heritage merit. LUPC directed staff to work with the applicant to resolve the identified issues, which the applicant has done to staff's satisfaction. Minutes from this meeting is attached to this report as Attachment 6.

Policy and Regulations

The site is located in the Queen's Park Heritage Conservation Area, though is not a protected property; protection was removed through the Special Limited Study. The application is consistent with the Conservation Area's goals of protecting heritage buildings while allowing sensitive and appropriate new construction.

The proposal meets the property's Official Community Plan (OCP) land use designation of "Residential Detached and Semi-Detached Housing". Laneway houses are permitted in the property's RS-4 zone, though the proposed infill house is not consistent with those regulations so a rezoning or Heritage Revitalization Agreement (HRA) is required to allow it. An HRA is considered the appropriate tool, as it provides the opportunity to protect the heritage house.

This is one of two remaining in-stream HRA applications in the Queen's Park neighbourhood which were not covered by the pause placed on such applications in June, 2021. The proposal was evaluated against the current Policy for the Use of Heritage Revitalization Agreements (2011). The design of both houses was evaluated against both the Conservation Area's design guidelines as well as the *Standards and Guidelines for the Conservation of Historic Places in Canada*. Further information on the policy and regulatory context of this application is available in Attachment 3.

Site Characteristics and Context

The subject property is 749 sq. m. (8,057 sq. ft.) in size. It is located in the Queen's Park neighbourhood, an area of single-detached dwellings. The property is a corner lot with frontages on Regina Street, Fourth Street, and Sydney Street. All streets are classified as local roads, though Sydney Street is narrow, similar in width to a lane. A site context map and aerial image is provided in Figure 1 below:

Figure 1: Site Context and Aerial Map showing 323 Regina Street highlighted in blue



Information on proximity to transit service and other sustainable transportation options is provided in Attachment 4.

PROJECT PROPOSAL

Overview

An HRA has been proposed for this site which would allow the construction of a 132 sq. m. (1,420 sq. ft.) rental infill house fronting Fourth Street. The existing 1928 house would remain in its current location and would not be enlarged. Both houses would be family friendly, and no secondary suites are proposed. Private outdoor space and vehicle parking requirements would be met for both houses. Project drawings are included in the HRA Bylaw (Attachment 1), and project statistics are available in Attachment 5 and summarized in the following section.

Project Statistics and Relaxations

The density of the existing heritage house is nearly 40% smaller than the maximum density permitted for protected houses in the Conservation Area and roughly 15% smaller than permitted for non-protected houses. The infill house is proposed to exceed

the allowable density under the laneway program. Overall, the total site density would be consistent with the property's zoning entitlement and lower than other similar HRAs (average at 0.65 FSR). A comparison table is below:

Table 1: Comparison of project statistics to regulations

Zoning		QP Incentives	HRA Proposal
Heritage House			
Density (FSR)	0.5	0.68	0.43
Floor Area	374.3 sq. m. (4,029 sq. ft.)	509 sq. m. (5,479 sq. ft.)	320 sq. m. (3,443 sq. ft.)
Infill House			
Density (FSR)	0.1	0.12	0.18
Floor Area	74.9 sq. m. (806 sq. ft.)	89.8 sq. m. (967 sq. ft.)	132 sq. m. (1,420 sq. ft.)
Site Total			
Density	0.6	0.8	0.604
Floor Area	449.1 sq. m. (4,834.5 sq. ft.)	598.8 sq. m. (6,445.5 sq. ft.)	452 sq. m. (4,863 sq. ft.)

Two Zoning Bylaw relaxations related to siting would also be required:

1. Existing (east) side yard setback from the heritage house to the neighbour (smaller by 0.9 m. / 2.9 ft.)
2. Reduced setback from Sydney Street for the infill house (by 0.6 m. / 2 ft.) to lane setback regulations

DISCUSSION

Overall Evaluation

When Council considers entering into a Heritage Revitalization Agreement (HRA) with a property owner, one of the objectives is to balance the benefits to the property owner with the benefits to the public. Additionally, Zoning Bylaw relaxations should be suited to the context of the site and consistent with the City's policies. Three Zoning Bylaw relaxations are proposed to facilitate this project: (1) re-allocation of existing site density; (2) regularize an existing side yard setback (heritage house) and, (3) reduce a side yard setback (infill house) to Sydney Street, to be consistent with the setback requirement for a lane.

Staff considers the relaxations to be minor and that the project is consistent with the City's policy on HRAs and other housing related policies, and to represent a balance of development benefits with community benefits. Given this, the proposal is considered reasonable. Further discussion of the proposed relaxations needed for this project is included below.

Density

Infill House

Through the review process, the density of the infill house was reduced from 0.22 FSR to 0.18 FSR. Although still be larger than permitted, it is consistent with similar past HRA applications. The infill house would be 0.08 FSR (57.1 sq. m. / 614 sq. ft.) larger than a laneway house permitted on this site, and 0.06 FSR (42.1 sq. m. / 453 sq. ft.) larger than the Conservation Area's incentives program would allow. The basement would account for 0.05 FSR (34.4 sq. m. / 370 sq. ft.) which would reduce building bulk from the streetscape. Without the basement, the infill house would be 0.13 FSR (97.5 sq. m. / 1,050 sq. ft.), which is 0.01 FSR (7.5 sq. m. / 81 sq. ft.) above the Conservation Area's incentives program allowance.

Overall Site

Additional density would not be required to facilitate the project. Rather, the unused density from the principal heritage house is proposed to be reallocated to the new infill house. The total combined site density would be 0.604 FSR which is: 1) consistent with the total density allowed by the Zoning Bylaw; 2) lower than the Conservation Area's incentive program; and 3) lower than other similar HRAs (average at 0.65 FSR).

The larger size of the infill building, which does not require additional site density, is considered reasonable in exchange for the Heritage Designation of the principal house. The provision of a ground-oriented, two bedroom unit with recreational spaces and yard space, also fulfills the intentions of the City's goals to develop more ground-oriented family-friendly housing in low density neighbourhoods. Given this, the relaxations proposed are considered reasonable.

Side Yard Setbacks

Relaxations are required for the side yard setback for the heritage house, from 1.5 m. (5 ft.) to 0.6 m. (2.1 ft.), and the setback to Sydney Street for the infill house, from 1.5 m. (5 ft.) to 0.9 m. (3 ft.). The setback relaxation for the heritage house will allow it to remain in its current location, regularizing an existing non-conformity. The setback relaxation for the infill house is against Sydney Street, at the intersection with Fourth Street. Sydney Street has a width of 6.04 m. (19.8 ft.) and functions like a lane, although it is named and considered a street, which results in a larger setback requirement. The proposed relaxation would be consistent with requirements for a lane. Given the above the setback relaxations are considered reasonable.

Heritage Considerations

Heritage Value and Protection

As part of the Queen's Park Heritage Conservation Area's Special Limited Study (see Attachment 3), Council removed protection from this property due to its lack of social-cultural value, i.e. the house is not associated with a significant person, event, tradition, or practice. However, recent historic research by the applicant found a newspaper article which showcased the building and provided details on the various contractors and craftsman, many well-known in the community. With this new information, the Edgar House has been evaluated to have historic, aesthetic, and cultural value. The Heritage Conservation Plan describes its heritage value and includes photographs (Attachment 1, in Appendix 2 of the HRA Bylaw).

At their October 5, 2021 meeting, the Community Heritage Commission (CHC) endorsed the historic values of the house, and its addition to the City's Heritage Register (minutes in Attachment 7).

Heritage Conservation

Updating and restoration work has already been completed on the house (2020). As a non-protected property, this work was not required at that time to be reviewed against the neighbourhood's design guidelines, and a Heritage Alteration Permit was not required. Staff have since reviewed the changes and consider them to be consistent with the Conservation Area's design guidelines. The work has also been evaluated by the project's Heritage Professional who determined that it met *The Standards and Guidelines for the Conservation of Historic Places in Canada*. The Heritage Conservation Plan describes this work (Attachment 1, in Appendix 2 of the HRA Bylaw). The CHC also reviewed the work at their meeting on October 5, 2021 (minutes in Attachment 7).

Applicant Response to Feedback

In response to consultation feedback, the applicant has made changes to their proposal in the following key areas which are considered to address feedback received:

- changed the proposed tenure for the infill house from stratified to rental;
- had previously completed work evaluated by a Heritage Professional confirming its consistency with the Standards and Guidelines for the Conservation of Historic Places in Canada; and
- reduced infill building density (0.22 to 0.18 FSR) and height, upper floor size, and size of the front entry landing which eliminated a relaxation request.

Although greenspace reduction was identified during consultation, the site coverage of the infill house is consistent with the laneway and carriage house development permit guidelines so no relaxations to site coverage are proposed, and there are no protected trees on site.

CONSULTATION

Community Heritage Commission

The project proposal was reviewed by the Community Heritage Commission (CHC) at their meeting on October 6, 2021 (minutes in Attachment 7). In addition to the Conservation Plan, the CHC was also provided with an assessment of conservation work completed in 2019-2020 prior to an HRA application being submitted, against *The Standards and Guidelines for the Conservation of Historic Places in Canada*. Although, there were some concerns identified, the application, heritage designation and registration were supported by the CHC.

Applicant-led Community Consultation

The applicants conducted public consultation, which included a survey that indicated over half the respondents supported the overall project (near 70%). The following issues were cited: too much density for the site; heritage conservation work completed prior to the HRA process; previous removal of Conservation Area protection; and reduction in green space. A summary of the applicant-led consultation, including timeline, notifications, and events and feedback responses are included in Attachment 8. Further information on how these items were addressed are included in the Applicant Response and Revisions section above.

REVIEW PROCESS

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

Table 2: Application Review Stages

#	Stage	Date
1	Formal Application	March 2021
2	Preliminary report to Land Use and Planning Committee	July 12, 2021
3	Preliminary report to Council	August 30, 2021
4	Applicant-led Public Consultation including dissemination of information through the local Residents Association	September 28, 2021 to October 27, 2021
5	Review by the Community Heritage Commission	October 6, 2021
6	Applicant-led online open house	October 13, 2021
8	Council consideration of First and Second Reading of Bylaws (we are here)	January 10, 2022
9	Public Hearing and Council consideration of Third Reading and Adoption of Bylaws	Winter 2022

As there are fewer than five units proposed for the 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. 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, permits issued by the Director of Climate Action, Planning and Development (Heritage Alteration Permit, Building Permit, and Tree Permit) would be required prior to construction.

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 (323 Regina Street) Bylaw No. 8304, 2022 and Heritage Designation (323 Regina Street) Bylaw No. 8305, 2022 for First and Second Readings, and forward the Bylaws to a Public Hearing.
2. That Council add 323 Regina Street to the City's Heritage Register following the adoption of Heritage Designation (323 Regina Street) Bylaw No. 8305, 2022.
3. That Council provide staff with alternative direction.

Staff recommend option 1 and 2.

ATTACHMENTS

- Attachment 1: Heritage Revitalization Agreement (323 Regina Street) Bylaw No. 8304, 2022
- Attachment 2: Heritage Designation (323 Regina Street) Bylaw No. 8305, 2022
- Attachment 3: Policies and Regulations Summary
- Attachment 4: Proximity to Transit Service and Other Sustainable Transportation Options
- Attachment 5: Proposed Project Statistics and Relaxations
- Attachment 6: Extract of July 12, 2021 Land Use and Planning Committee (LUPC) Meeting Minutes
- Attachment 7: Extract of Oct 6, 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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