

# **REPORT**

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

**To:** Mayor Cote and Members of Council      **Date:** October 18, 2021

**From:** Emilie K. Adin, MCIP      **File:** HER00803  
Director, Climate Action, Planning and  
Development

**Item #:** 2021-439

**Subject:** Heritage Revitalization Agreement: 328 Second Street – Preliminary Report

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### **RECOMMENDATION**

**THAT** Council direct staff to proceed with processing the proposed Heritage Revitalization Agreement at 328 Second Street, as outlined in the “Consultation and Review Process” Section of this report.

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### **PURPOSE**

To seek Council’s approval to proceed with processing the proposed Heritage Revitalization Agreement at 328 Second Street.

### **EXECUTIVE SUMMARY**

An application has been received for a Heritage Revitalization Agreement (HRA) at 328 Second Street in Queen’s Park. The HRA would protect and restore the existing 1889 house while allowing subdivision and construction of a new 208 sq.m. (2,243 sq.ft.) house on the new. This application was received prior to June 2021, and as such is not subject to the temporary hold Council has placed on processing these types of applications.

The proposed lots would be approximately 341 sq.m. (3,678 sq.ft.) for the heritage house and 416 sq.m. (4,487 sq.ft.) for the new infill house. The heritage site would front Second Street and the infill site would be located behind with a panhandle, which would be used as a shared driveway. The density of the infill house would be consistent with the Zoning Bylaw. The heritage house, which would include a secondary suite, would have a higher density than otherwise permitted at 0.79 floor space ratio. Some

additional relaxations would be needed related to setbacks, lot width and shared vehicle parking/access, arising from the unique subdivision pattern. Both houses would be family-friendly, would have sufficient private outdoor space, and would meet required parking.

The proposed relaxations are considered reasonable under City’s HRA policy, and in the context of the heritage value of the 1889 house and the proposed restoration of this house. Therefore, staff is seeking endorsement for the HRA application to proceed with community and committee consultation.

**BACKGROUND**

**Site Characteristics and Context**

The subject property is located at 328 Second Street in the Queen’s Park neighbourhood, an area of single detached dwellings. The site is 759 sq. m. (8,168 sq. ft.). The existing 248 sq.m. (2,669 sq.ft.) house is two storeys high with an in-ground basement. The property is one block west of Queen’s Park (playground, sports field, arena etc.) and 40 m. (131 ft.) from Sullivan Park, a small neighbourhood playground. Many properties in this neighbourhood have a rear lane, though that is not the case for this block of Second Street. A site context map and aerial image is provided in Figure 1 below:

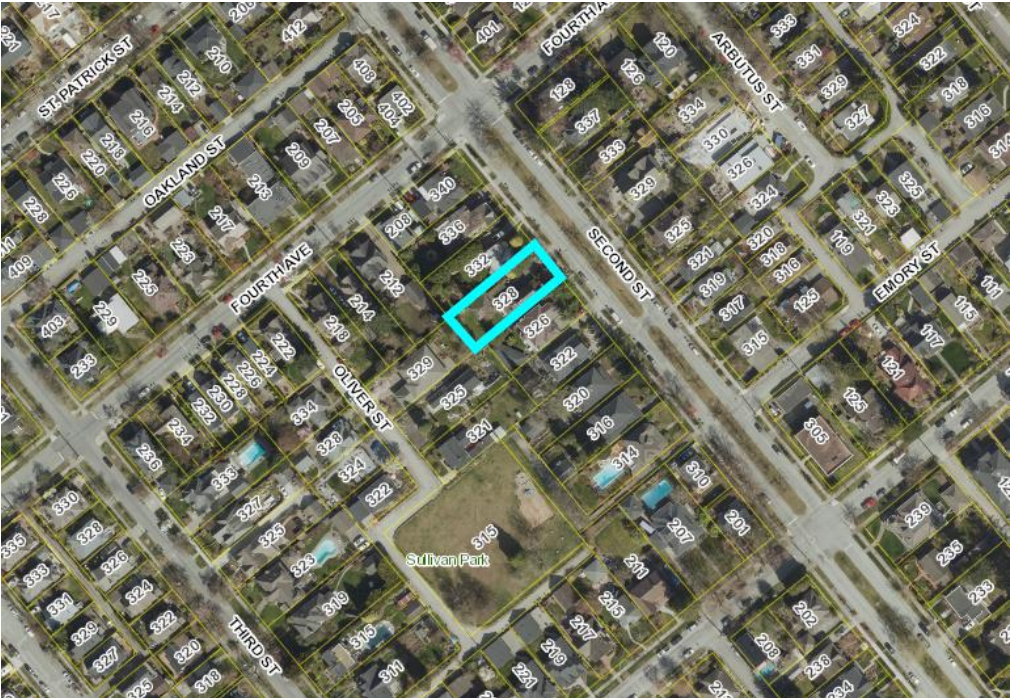


Figure 1: Site Context Map, with 328 Second Street highlighted in blue

Proximity to Transit Service and Other Sustainable Transportation Options

Both Fourth Avenue and Second Street are classified as local roads, while Seventh Avenue, which is 660 m. / 0.66 km. from the subject site, serves as part of the Crosstown Greenway. The site is also within 35 m. (114 ft.) of a bus stop, and within 600 m. (0.6 km.) of the frequent transit network (FTN) on Sixth Street. The sidewalk network surrounding the site is complete, including an accessible curb letdown at the intersection. Transit service is proximate, as shown on the table below:

Table 1: Site Proximity to Transit Service

Bus Service	Frequency	Approx. Distance
#105	Approx. 30 minutes	35 m. (114 ft.) to Second Street and Fourth Avenue

**Policy and Regulations**

The site is located in the Queen’s Park Heritage Conservation Area. 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”. Both houses would also be evaluated against the Heritage Conservation Area Design Guidelines. However, the proposal is not consistent with the property’s single-detached residential (RS-4) zoning, and so a rezoning or Heritage Revitalization Agreement (HRA) is required.

As the proposal includes restoration of a heritage asset, an HRA is the appropriate tool to use for this application. In exchange for Heritage Designation of the site, relaxation of the minimum lot size and density restrictions can be considered, per the City’s *Policy for the Use of HRAs*. As the HRA application was received prior to June 2021, it is not subject to the temporary hold Council has placed on processing these types of applications.

Through the Conservation Area Policy, changes to or demolition of the existing house would require a Heritage Alteration Permit (HAP). Should the house be required to be retained, the HAP could regulate material and design of any additions, but could not regulate the size or density (which are governed by the Zoning Bylaw and can only be amended through a zoning amendment or an HRA). Rather than rezoning the building to accommodate a large addition, which is not a heritage best practice, the remaining site density can be allocated to a separate building through an HRA. An HRA can also require restoration of the heritage house (not otherwise required by inclusion in the Heritage Conservation Area). The protection on the site is also increased beyond what is afforded by the Conservation Area through adoption of a Heritage Designation Bylaw.

Further information on the policy and regulatory context is available in **Attachment 1**.

**Previous Applications**

In March 2016, prior to the implementation of the Heritage Conservation Area policy, a demolition permit application was received for this house. Due to the age of the house, the Community Heritage Commission (CHC) reviewed the demolition on April 6, 2016. At that time, the CHC did not oppose the demolition noting extensive restoration would be required to the house.

In September 2016, an application was received for a new house with a two-car garage and an asphalt driveway/parking area. As the Queen’s Park Temporary Control Period was in place, the design of a new house required a Heritage Alteration Permit (HAP), and review by the CHC and the Control Period’s Technical Review Panel. In March 2017, the HAP application was denied by Council, citing concerns with the detached garage and driveway. By 2019, the demolition permit had not been acted upon and was cancelled.

**Heritage Value**

The Statement of Significance for the 1889 H. H. & Jane Mackenzie House indicates social, cultural, and aesthetic value (see **Attachment 2**). It is valued for its historical connection to two pioneer British Columbia families; its design which reflects the expressiveness of the Victorian era; and its tall, rectangular two-storey height, which reflects its Victorian character. It is also valued for the contribution it makes to the historical Queen’s Park neighbourhood: its form, siting and architectural details provide an illustration of a typical, vernacular working-class family home. See figure 2 below for images of the building in its current condition.



*Figure 2: Current photographs of the house, provided by the project’s heritage consultant*

Further review of the heritage value of the house and any conservation work proposed would be conducted by the Community Heritage Commission (CHC) should the application proceed in the development review process. The conservation work

proposed would be evaluated against the *Standards and Guidelines for the Conservation of Historic Places in Canada* as well as the Heritage Conservation Area’s design guidelines.

**PROJECT DESCRIPTION**

**Project Overview**

Subdivision

An application has been received for a Heritage Revitalization Agreement (HRA) to enable subdivision into two lots approximately 341 sq.m. (3,678 sq.ft.) and 416 sq.m. (4,487 sq.ft.). The existing heritage house would sit on the smaller lot fronting Second Street. A new house would be built on the larger lot at the rear, which would have a panhandle (i.e. a narrow strip of land) connecting it to Second Street, which would provide access to both properties. All required parking would be provided; however, the spaces would be located on or accessed by the infill site, which generates the need for relaxations to Zoning requirements.

A site plan showing the proposed new lots is figure 3 below, and further drawings including the applicant’s design rationale are in **Attachment 3**.

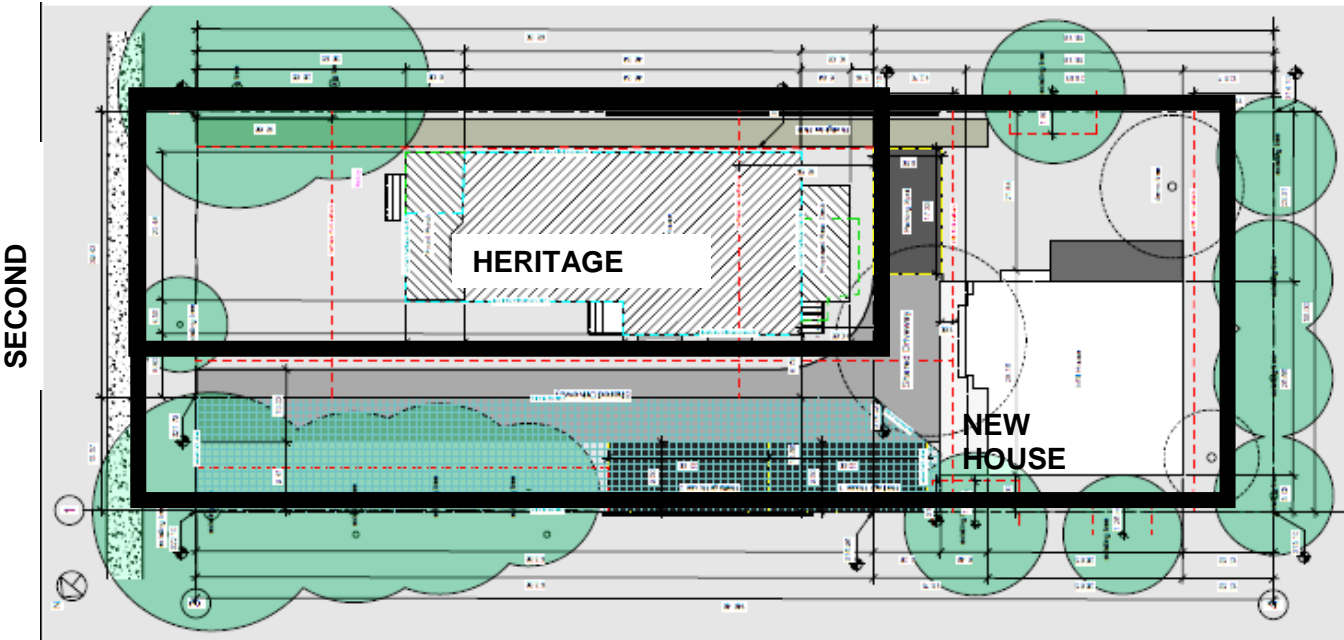


Figure 3: Site Plan



Heritage House

Through the HRA, the existing 1889 house would be restored and more strongly protected through adoption of a Heritage Designation Bylaw. Three changes are proposed: (1) a one-bedroom rental suite in the basement (2) a rear addition, and (3) expanded side dormers. The resulting three bedroom house would be 269 sq.m. / 2,902 sq.ft. (an addition of 23 sq.m. / 247 sq.ft.) and have a density of 0.79 floor space ratio (FSR) which is 0.09 FSR (13%) higher than permitted. The siting would remain unchanged. Zoning Bylaw relaxations to the rear setback and rear encroachment of the porch would be required to facilitate the siting of the heritage house in relation to the newly proposed property lines.

New House

The new house would be 1.5 storeys plus a basement, with no suite proposed. The new three bedroom house would be smaller than the heritage house at 210 sq.m. (2,250 sq.ft.) and a density of 0.5 FSR. The design would be craftsman style with a cross-gable and wide front porch, which is generally consistent with the Queen’s Park Design Guidelines for new construction. See figure 4 below which is a rendering of the proposal, as viewed from Second Street.



*Figure 4: Proposed rendering provided by the project team, heritage house left and new house right*

**DISCUSSION**

**Overall Evaluation**

As a pre-1900 house which requires a lot of conservation or restoration work, this house was previously at risk of demolition. The HRA would increase the heritage protection on the site. Furthermore, an HRA can require restoration of the heritage house, which inclusion in a Heritage Conservation Area cannot. On balance, the Zoning Bylaw relaxations requested are considered appropriate within the context of the OCP’s infill housing policies and goals. Per the OCP, an infill development can be considered at this location provided it meets livability and character design criteria and delivers community benefits.

In total, eight Zoning Bylaw relaxations would be considered over both lots. The more significant relaxations would be to the lot size and heritage house density. The remainder are minor siting or site design aspects related to the unusual layout. These minor siting or site design relaxation are proposed in order to meet the heritage best practice of keeping the heritage house in-situ in its current location. The shared areas over both lots would be secured through the HRA and necessary legal agreements on title.

The proposed relaxations are considered reasonable under City’s HRA policy, and in the context of the heritage value of the 1889 house and the proposed restoration. Therefore, staff is seeking endorsement for the HRA application to proceed with community and committee consultation.

**Small Lot Subdivision**

The applicant has proposed a subdivision of the existing 758 sq. m. / 8,166 sq. ft. lot, which is larger than the minimum lot site area for its zone. In this case, subdivision is consistent with heritage conservation best practices as stratification of the house would generate Strata Act warranty requirements which can hinder conservation treatments on the heritage house (e.g. upgrading the building envelope and loss of original materials).

The subdivision would result in two lots:

- (1) the heritage site – at 342 sq. m. / 3,678 sq. ft. would be 61% of the minimum size permitted by this zone, and would be consistent with the City’s Small Lot zoning districts (such as RT-2D); and,
- (2) the infill site – at 417 sq. m. / 4,487 sq. ft. would be 74% of minimum size, and consistent with the City’s Compact Lot zoning districts (such as NR-5 and RS-5).

A summary of the proposed statistics is available in **Attachment 4**.

Consideration of compact-lot subdivisions is consistent with the City's *Policy for the Use of HRAs*. Under the heritage program, compact-lot subdivisions are generally considered reasonable in exchange for the protection and restoration of a heritage asset.

### **Panhandle Lot**

The applicant has proposed a panhandle lot which is essentially a parcel that requires a narrow strip of land in an L-shape, or panhandle, to provide principal access for a rear lot to the street. In order for this style of subdivision to take place, a relaxation to the minimum lot width would be needed: the proposal is less than the required 10% of the perimeter of the lot. The proposed lot width is 3.8% (4.78 m. / 15.7 ft.).

The City does not have policy in place specific to the evaluation of panhandle lot proposals, but reviews them on a case by case basis. Engineering and Planning staff would work with the applicant through the application review process to mitigate potential issues, such as impacts (such as privacy, shadowing, noise, etc.) to the adjacent neighbours or issues related to fire access (i.e. drive aisle width). A preliminary review from an inter-departmental staff team has identified that the issues associated with panhandle lots can adequately be addressed in the processing of this development application.

### **Heritage House Density and Relaxations**

The density of the heritage house is proposed at 0.79 floor space ratio (FSR) which is 13% above what is permitted in the Queen's Park Heritage Conservation Area incentives program (0.7 FSR). As the house would remain in its existing location, and due to the small lot size, a rear yard setback relaxation from 5.7 m. (18 ft.) to 3 m. (10 ft.) and a setback relaxation of about 0.3 m. (1 ft.) to the rear porch projection would be required.

The density and setback relaxations are considered reasonable as: the enlarged house would be similar to the size of neighbouring houses; the property would continue to provide sufficient open space for both the main dwelling unit (296 sq.m. / 2,902 sq.ft.) and the secondary suite (55 sq.m. / 593 sq.ft.); the proposed lots would meet on-site parking requirements; and, approval of the proposal would facilitate the retention of a pre-1900 house.

### **Vehicle Parking Location**

As the required amount of parking is being provided, and the relaxations for access and location of parking are minor, they are considered reasonable. The configuration of the proposed parking is currently being reviewed to ensure there is adequate room for the vehicles to manoeuvre as well limiting any vehicle/pedestrian conflict.



**Tree Retention**

Through this application, a total of fourteen trees including specimen trees would be protected. Two fruit trees are proposed to be removed to accommodate the infill, which would be replaced per the Tree Regulation and Protection Bylaw. Tree protection and removal is being reviewed through a Tree Permit concurrently with the HRA application.

**CONSULTATION AND REVIEW PROCESS**

As per the City’s development review process, the anticipated review steps for this application are:

- 1. Preliminary report to Council (**we are here**);
- 2. Applicant-led public consultation, including dissemination of information through the local Residents Association;
- 3. Review of the proposal’s heritage elements by the Community Heritage Commission;
- 4. Council consideration of First and Second Readings of the project’s Bylaws;
- 5. A Public Hearing followed by Council’s consideration of Third Reading and Adoption of the project’s Bylaws.

As there are fewer than five units 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 nor the Advisory Planning Committee for review and comment.

**INTERDEPARTMENTAL LIAISON**

The City has a project-based team approach for reviewing development applications. This application has been reviewed by Engineering (Servicing and Transportation), Fire, Electrical, Parks and Recreation, and Climate Action, Planning and Development (Building, Planning, Trees, Heritage) staff who provide comments to the applicant throughout the development review process.

**OPTIONS**

The following options are available for Council’s consideration:

- 1. That Council direct staff to proceed with processing the proposed Heritage Revitalization Agreement at 328 Second Street, as outlined in the “Consultation and Review Process” section of this report; or
- 2. That Council provide staff with alternative direction.

Staff recommend option 1.

## **ATTACHMENTS**

- Attachment 1 - Policy and Regulations Summary
- Attachment 2 - Statement of Significance
- Attachment 3 - Drawing Package/Design Rationale
- Attachment 4 - Project Statistics and Proposed Relaxations

## **APPROVALS**

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