



## **REPORT**

### *Development Services*

**To:** Mayor Côté and Members of Council      **Date:** 8/30/2021

**From:** Emilie K Adin, MCIP      **File:** 13.2605.40  
 Director of Development Services

**Item #:** 300/2021

**Subject: Heritage Revitalization Agreement Refresh: Timeline and Work Plan**

#### **RECOMMENDATION**

*THAT Council direct staff to proceed with the proposed HRA Refresh project as outlined in this report.*

#### **EXECUTIVE SUMMARY**

On June 21, 2021 Council directed staff to prepare a work plan for an update to the 2011 policy for the use of Heritage Revitalization Agreements (HRAs). The update would align the policy with the 2017 Official Community Plan and Queen’s Park Heritage Conservation Area.

The project is proposed to focus on small-scale residential applications; whereas processes and policy for larger residential developments (six units and greater) or for other land uses (commercial, institutional etc.) will continue per the existing policy framework. This more narrow scope would allow the policy development phase of the project to be completed in approximately nine months and with existing resources. It also targets the project types most common in the Conservation Area and for which there are policy gaps that are of concern to some of the neighbourhood’s residents.

Though some limited community and stakeholder consultation is proposed for this winter, primarily this project would build on the existing policy and the City’s experiences in processing HRA applications: identifying similarities and successes from those earlier

projects, and using them to provide clarity to applicants and the community on both the requirements (heritage protection and restoration) and the benefits (development incentives) of the HRA program.

## **BACKGROUND**

See Attachment 1 for information on:

1. Heritage Revitalization Agreements (HRAs) and the City's policy around their use,
2. the Official Community Plan's new (2017) land use designations, and
3. the Queen's Park Heritage Conservation Area.

### **Previous Council Direction**

On June 21, 2021 Council directed staff to prepare a work plan for an update to the 2011 policy for the use of Heritage Revitalization Agreements (HRAs). The update would align the policy with the 2017 Official Community Plan and Queen's Park Heritage Conservation Area. Minutes of that meeting are Attachment 2.

## **PROPOSED WORK PLAN**

### **Project Scope**

The proposed project would refresh the City's existing HRA policy, and would provide clarity to applicants and the community on both the requirements (heritage protection and restoration) and the benefits (development incentives) of an HRA. In addition, the new policy would:

- refine and update the policy to today's standards while also maintaining the strong and long-standing policy framework that exists for the use of HRAs;
- build on lessons learned from near 40 small-scale HRAs completed in the past ten years, including identifying successes and patterns from those earlier projects; and
- address the project goals outlined below.

The focus of this policy work would be those areas and building forms designated "Detached and Semi-Detached" and "Ground Oriented Infill" in the Official Community Plan (OCP): houses, suites, laneway houses, duplexes, triplexes, cluster houses, and infill townhouses. These are the project types, across the city, for which there are the greatest City policy gaps. These types of projects are proposed on properties in the Queen's Park Heritage Conservation Area, but not exclusively so. These policy gaps are also the same ones that Phase Two of the Infill Housing program would address in relation to non-heritage development proposals. Therefore, the two policy projects need to be developed in a complementary way.

It is proposed that residential developments with six or more units or those which would see a change in land use (such as commercial or institutional) continue to follow the existing regulations, process, and guidelines set out in the 2011 policy for the use of Heritage Revitalization Agreements (HRAs). These projects, which are similar to other large-scale rezonings, are already well integrated into existing policies and practices.

## Goals

The policy work proposed includes the following three main goals, which would be expanded into program principles that would be developed this fall:

1. Increase clarity, certainty, and expectations for applicants and the community  
*Increased clarity regarding project parameters such as density, number of units, and ownership model, would ensure the community knows what to expect in their neighbourhood, and applicants know what type of development projects may be supported by the City.*
2. Provide equitable incentives and requirements city-wide  
*Incentives offered through the updated HRA policy would provide equitable opportunities throughout the city. To achieve this, the new policy would situate the incentives and protection offered through the Queen's Park Heritage Conservation Area within the larger, city-wide context of heritage protection policy.*
3. Integrate with current City programs, policies, and Council priorities  
*Other relevant City policies, such as increasing housing choice and improving energy efficiency of existing buildings, will shape the HRA policy to ensure alignment with Council priorities.*

## Milestones and Timeline

Key milestones in this work would be:

<b>Milestone</b>	<b>Timeframe</b>
Post-implementation Evaluation of the Queen's Park Heritage Conservation Area*	Fall 2021
Research and Principles Development	Fall 2021
Community Consultation <ul style="list-style-type: none"> <li>○ Stakeholders (e.g. previous applicants, Preservation Society)</li> <li>○ City committees and task forces</li> <li>○ General public (online)</li> </ul>	Winter 2021-2022
Policy Framework for Endorsement	Spring 2022

*\*This work is outstanding from a 2019 program (prior to the Covid-19 pandemic) and is partially complete, and would include finalization of the Incentives Program. An understanding of the impact of the Conservation Area and clarity on the incentives available through the Zoning Bylaw in Queen's Park will inform the integration of the Heritage Conservation Area into the city-wide HRA policy.*

When the policy is presented to Council for endorsement, staff would also present a proposed Implementation Program. The Program would be launched in the summer of 2022 and includes tasks such as:

- Refining the legal tools and processes
- Developing application procedures
- Internal, interdepartmental coordination of construction requirements
- Creation of public guides and resources, and educational outreach as required
- Updating of related documentation and policies

### **Resourcing Implications**

The proposed policy work would be accomplished by existing City heritage staff. The necessary resources would be made available by reallocating staff time from heritage-related development application review to heritage-related policy planning. This shift in resources will be achieved in part through the existing temporary suspension of the processing of HRA applications in the Heritage Conservation Area for the duration of this policy work. However, the proposed shift of development files to non-heritage development planning staff will result in longer timelines for the review of HRA projects elsewhere in the city.

### **FINANCIAL CONSIDERATIONS**

A budget of \$5,000 for the community consultation is proposed for this project. This includes costs for advertising and promotion, and community/stakeholder meetings. This cost would be covered by the Development Services Operating Budget.

### **OPTIONS**

The following options are presented for Council's consideration:

1. That Council direct staff to proceed with the proposed HRA Refresh project as outlined in this report.
2. That Council provide staff with alternative direction.

Staff recommends Option 1.

**ATTACHMENTS**

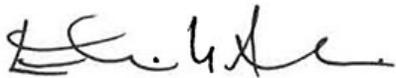
Attachment 1: Summary of Related Policy and Regulations

Attachment 2: Excerpt of Minutes of the June 21, 2021 Council Meeting

This report has been prepared by  
Britney Dack, Senior Heritage Planner

This report was reviewed by:  
Jackie Teed, Senior Manager of Development Services

Approved for Presentation to Council



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Emilie K Adin, MCIP  
Director of Development Services



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Lisa Spitale  
Chief Administrative Officer

## Attachment 1

### *Summary of Related Policy and Regulations*

## ATTACHMENT 1: SUMMARY OF POLICIES AND REGULATIONS

### **Official Community Plan: “Missing Middle” Residential Land Uses**

Adopted in 2017, the Official Community Plan (OCP) provides a vision, goals, and policies for New Westminster to the year 2041. Together, these elements connect the community’s aspirations with the tools needed to achieve them, including specific actions, development guidelines, and land use designations. The OCP is implemented by the City in various ways, including through policy initiatives, public programs, civic projects, and bylaws. Implementation also occurs privately through avenues such as development.

Providing more housing choice is a key focus of the OCP. Many of the OCP’s related goals and implementation projects look to encourage more ground oriented housing forms, especially those between single-detached houses and apartment units on the housing spectrum (which together make up the majority of the city’s housing stock). To date, supportive actions have included:

- Allowing **laneway and carriage houses** as an outright development option in all low density neighbourhoods (all properties designated “Detached and Semi-Detached Housing”);
- Creation of interim guidelines for rezonings to **duplexes** (available to properties designated “Detached and Semi-Detached Housing”);
- Providing opportunities for rezoning to **townhouses and rowhouses** in targeted areas (on properties designated for this form or generally for “Ground Oriented Infill Housing”); and
- Creation of interim guidelines for rezonings to allow **duplexes with suites, triplexes, and quadruplexes** (also available to properties designated for “Ground Oriented Infill Housing”).

Before the 2017 OCP, the housing forms above were rare and the policy frameworks did not exist to support their construction. Also, the OCP allows for more integration of these housing forms into established neighbourhoods than previous City policies.

### Properties with Heritage Assets

The OCP indicates that, through a Heritage Revitalization Agreement (HRA), a property designated for “Detached and Semi-Detached Housing” or “Ground Oriented Infill Housing” permit housing forms listed in higher designations as an incentive to conserve heritage assets.

## **Heritage Revitalization Agreements**

A Heritage Revitalization Agreement (HRA) is negotiated agreement between the City and a property owner, where the goal is to encourage heritage conservation or make it economically viable. In exchange for long term legal protection through a Heritage Designation Bylaw and exterior restoration, certain zoning relaxations are considered. In the City's *Policy for the Use of Heritage Revitalization Agreements*, lot size, density, and siting or massing elements may be considered for relaxation, and the Official Community Plan (OCP) land use designations permit consideration of higher housing forms.

When Council considers entering into an HRA with a property owner, one of the objectives is to balance the benefits to the property owner with the benefits to the public. Typically, the public benefit is considered to be the legal protection of a property through a Heritage Designation Bylaw

## Heritage Designation Bylaws

A Heritage Designation Bylaw is a form of land use regulation that places long-term legal protection on the land title of a property. It is the primary tool for restriction of demolition and can deny future development, even if otherwise allowable under the Zoning Bylaw. Any changes to a protected heritage property must first receive approval from City Council (or its delegate) through a Heritage Alteration Permit (HAP). Future development is no longer entitled to the property owner, but may be requested of Council. In New Westminster, properties which are subject to an HRA are required to be protected with a Designation Bylaw.

## **Queen's Park Heritage Conservation Area**

A Heritage Conservation Area is a distinct neighbourhood, characterized by its historic value, which is identified in a City's Official Community Plan (OCP) for heritage conservation purposes. The Queen's Park Heritage Conservation Area includes single-detached dwelling properties south of Sixth Avenue, north of Royal Avenue, west of Sixth Street and east of Queen's Park.

The Queen's Park Heritage Conservation Area is a lower level of heritage-related protection than individual property Heritage Designation Bylaws. Rather, the Heritage Conservation Area is an area management tool, which includes both heritage protection for the exterior of existing buildings, and design control for new construction. The goal of a Heritage Conservation Area is to allow change, but ensure the change is respectful of existing heritage character. Like Designation Bylaws, Heritage Alteration Permits (HAPs) are used for managing change.

## Development Entitlement

The Heritage Conservation Area provides a layer of regulation in addition to that of the OCP and the Zoning Bylaw, which apply to all properties in the Area. All properties, protected or not, continue to have the same density entitlement as other properties in the same zoning district. If a Heritage Alteration Permit is required for construction activity, that permit governs design of the construction, not the density, number of units, height, setbacks or other elements detailed in the Zoning Bylaw. Heritage Alteration Permits cannot vary zoning (this is only available through a rezoning or a Heritage Revitalization Agreement).

## Attachment 2

### *Excerpt of Minutes of the June 21, 2021 Council Meeting*

**31. Motion: Heritage Revitalization Agreement Applications in the Queen's Park Heritage Conservation Area**

Mayor Cote introduced the motion, noting this is in response to item 31(a) on the agenda. He advised he and Councillor Nakagawa had met with the Queen's Park Residents' Association regarding Heritage Revitalization Agreements (HRAs) in the neighbourhood, and noted there is a policy gap because the HRA guidelines were developed well before the Heritage Conservation Area (HCA).

In discussion, Council members noted:

- It was always intended that HRAs were going to be reviewed at the end of the HCA process;
- This needs to be a city-wide discussion as they have a place in all neighbourhoods;
- The perception in the neighbourhood is that there is no set practice because everything can be up for grabs under an HRA;
- Council needs to know how an HRA can be used in the HCA context, and what the differences are to other situations;
  - Putting an HRA on a building in the HCA does not have as much meaning, and provides considerably more value when it is used outside of the HCA;
- HRA Policy needs to be updated to reflect the new Official Community Plan (OCP) and the HCA;
- Staff should ensure in-process applications continue to move forwards;
- Queens Park does not allow for affordable housing, but Council has agreed that the houses there are a unique asset and should be preserved;
- There is a need to look at the restrictions of the HCA and create one smooth system for everyone in Queens Park;
- Concerns that this may take an extended period of time.

In response, Mayor Cote advised:

- The motion as presented does not stop any in-process applications;
- The intent is a fairly narrow scope, specifically how the HCA and OCP should be reflected in a new HRA policy; and,
- A lot of staff time goes into applications where there are policy gaps and doing this work will make the process much smoother.

In response to Council questions, Emilie Adin, Director of Development Services, and Britney Dack, Senior Heritage Planner, Development Services, provided the following information:

- Timing for a report back on a workplan will depend on Council's direction on depth of community consultation, whether it is a smaller update for Queens Park or a broader discussion of HRAs generally within the City; and,
- There are about half a dozen small scale applications in progress for Queens Park.

**Note:** Council agreed to separate the third component of the motion for the vote.

**MOVED and SECONDED**

*THAT Council support a temporary suspension in the processing of heritage revitalization agreement applications in the Queen's Park heritage conservation area as of June 21, 2021 and until a revised HRA policy is in place, excepting those applications or pre-application reviews received prior to that date;*

*THAT Council direct staff to report back on the number and status of heritage revitalization agreement applications and pre-application reviews in the Queen's Park heritage conservation area received on or before June 21, 2021, with the general expectation that they would continue to be processed;*

**CARRIED.**

(Councillors Johnstone and Trentadue opposed)

*THAT Council direct staff to finalize a work plan for an update to the 2011 policy for the use of heritage revitalization agreements, which would integrate the development of the 2017 Official Community Plan and the heritage conservation area, including a recommendation for a time limit on this work.*

**CARRIED.**

All members present voted in favour of the motion.

- a. **Queen's Park Residents Association email dated May 27, 2021 regarding Heritage Revitalization Agreement Applications in the Queen's Park Heritage Conservation Area**

**MOVED and SECONDED**

*THAT the email from the Queen's Park Residents' Association of May 27, 2021, regarding Heritage Revitalization Agreement Applications in the Queen's Park Heritage Conservation Area, be received.*

**CARRIED.**

All members present voted in favour of the motion.