

REPORT

Development Services

To: Mayor Côté and Members of Council **Date:** 8/29/2016

From: Beverly Grieve **File:** 13.2605.40
Director of Development Services

Item #: 285/2016

Subject: Consideration of Heritage Alteration Permit Applications during the Heritage Control Period in the Queen's Park Neighbourhood

RECOMMENDATION

THAT this report be received for information.

EXECUTIVE SUMMARY

Council has adopted a Heritage Control Period Bylaw for a period of one year for the Queen's Park neighbourhood in order to manage change and protect the heritage character assets in the neighbourhood. Council (or its delegate) has the option to either approve or deny any Heritage Alteration Permit applications that are submitted from the neighbourhood during this period. The assessment of these applications includes consideration of the principles of the Heritage Control Period, heritage value and the streetscape.

PURPOSE

The purpose of this report is to inform Council of the policy context and options for the consideration of Heritage Alteration Permits in the Queen's Park Neighbourhood during the Heritage Control Period. Moving forward, the intent is that this report will provide guidance to staff, Council and applicants in the consideration of Heritage Alteration Permits in the Queen's Park Neighbourhood until the Heritage Control Period ends in June 2017.

POLICY AND REGULATIONS

Background for Heritage Control Period

Adopted on June 15, 2016 by Council, the Heritage Control Period, requires that until June 16, 2017, all single detached dwellings within the Queen's Park neighbourhood that were constructed on or before December 31, 1966 must apply for a Heritage Alteration Permit in addition to any other permits if they want to demolish the building, do any renovations to the front or sides of the outside of the building, or if they want to change the design of the roof.

Trees and other landscape elements (walls, stairs, etc.) and general maintenance (e.g. roof repair) do not require a Heritage Alteration Permit. Trees are already subject to the Tree Protection and Regulation Bylaw.

Council has adopted a Heritage Control Period Bylaw (Control Period) for a period of one year for the Queen's Park neighbourhood in order to be able to protect heritage character assets in the neighbourhood while also ensuring property owners have the opportunity to make a case for their redevelopment needs. To that extent, the Control Period is not a moratorium on demolitions or renovations. Instead, it authorizes Council to reject such applications where otherwise the City would be required to review and issue them.

Heritage Control Periods are considered a method to achieve temporary protection under Section 609 1 (e) of the Local Government Act. As such, no person can alter (including demolition), excavate or build on the property (including a new building) unless authorized by a Heritage Alteration Permit.

Heritage Alteration Permits

A Heritage Alteration Permit (HAP), allowed through Sections 617 and 618 of the Local Government Act and through City of New Westminster Bylaw No. 7859, 2016, is a permit issued by either Council or its delegate that authorizes alterations or other actions for property that is protected heritage property, such as those under a Heritage Control Period. It may not vary density or flood plain specifications.

All HAPs are reviewed by the Community Heritage Commission (CHC). For the Heritage Control Period, a HAP for a demolition is also reviewed by Council and a HAP for a renovation is reviewed by Council's delegate, the Director of Development Services. New buildings are also subject to a HAP, which will be reviewed by the CHC with a recommendation made to Council. The decision to issue a HAP for a new building is made by Council.

Council or its delegate may refuse to issue a HAP for an action that would not be consistent with the purpose of the heritage protection of the property. However, the City must inform

the applicant of the requirements or conditions under which they could achieve their allowable density. Applicants have the right to ask Council to reconsider a decision made by a delegate

Issuing Notice

As part of Council's deliberations, Council has the option to issue notice of its intention to issue a HAP for demolition, renovation or construction of a new building. The process would be similar to a Development Variance Permit and would include an Opportunity to be Heard.

ANALYSIS

What is the Intention of the Heritage Control Period?

The Control Period was put in place to control (rather than stop) change in the neighbourhood for a one year period during which time staff is consulting with the neighbourhood about the possibility of establishing a Heritage Conservation Area (which would continue to control change into the future). The mechanism for implementing control is the Heritage Control Period bylaw which requires that anyone requesting a demolition of or certain types of renovation to a house must first obtain a HAP.

It is understood, however, that determining whether or not to allow either a demolition of or a renovation to a house during the Control Period is challenging given that the assessment of the heritage value of each house requires time and staff resources. Further, the assessment should take into account the neighbourhood heritage values that need to be protected. These values have not yet been confirmed and are part of the process currently underway with the neighbourhood.

Protection of heritage houses and better control over the design of new houses are the key reasons the neighbourhood has requested the City explore a Heritage Conservation Area. Currently, there are no updated design guidelines in place for new house designs and, as such, if a demolition were to be allowed, the City would need to rely on the Queens Park Neighbourhood Heritage Guidelines that were created in 1999 as a voluntary benchmark for architects/designers to use in the design of new houses. Additionally, the City would refer to the neighbourhood heritage value statement developed in 2008 by consultants and the summary of those values developed by the Queen's Park Neighbourhood Heritage Study Working Group.

As a procedural note, should the applicant be successful in obtaining a HAP for a demolition, they would require a second HAP for the construction of the new house, and this would allow input from staff and the CHC regarding the design and contextual appropriateness of the proposed new house.

How is a Heritage Alteration Permit Application Evaluated?

When a HAP is submitted, staff first carries out an evaluation for heritage value of the house and shares this evaluation with the CHC, and Council or its delegate for their consideration. The following aspects are used for the evaluation:

- Principles of the Heritage Control Period
- Heritage value
- Streetscape

Principles of the Heritage Control Period

As noted above, the Control Period was put in place to control (rather than stop) change in the neighbourhood for a one year period during which staff are consulting with the neighbourhood about the possibility of establishing a Heritage Conservation Area. Each HAP is assessed based on this principle.

Heritage Value

In order to accurately evaluate a house for its full heritage value, both the tangible and intangible values of it should be determined. Additionally, it is important to have a current neighbourhood heritage value statement against which to make the evaluations. Without one at this time, staff proposes carrying out a less intensive heritage evaluation during the Control Period and using the summary of the neighbourhood heritage value statement that was developed over the last two and a half years by the Queen's Park Neighbourhood Heritage Study Working Group (the Working Group).

The criteria used during the Control Period for determining heritage value would therefore consider the following:

- Age of house and how many other houses of that construction year still exist;
- Material (siding, roofing, etc.) and whether or not it is original;
- Design of house, plus any changes to it over time;
- Historic relationship of the house to the streetscape;
- Relationship of the house to the history of the neighbourhood;
- Previous/historic owners; and
- Known stories/events associated with the house or previous owners.

Streetscape

It has been identified through the Working Group and through community consultation to date that the historic streetscapes of the neighbourhood are as important as the individual buildings and features. During the Control Period, each HAP will be evaluated on how the

proposed changes fit in with the existing streetscape, considering such questions as: Would the loss of a house remove a key element of the streetscape and its historic story? Would a significant renovation create a house that overwhelms the others on that street?

What Happens if a HAP for a Demolition is denied?

If Council denies a HAP for a demolition, the City would have to work with the applicant's architect/designer to develop a design that retained the existing house and that provided a way that the applicant could achieve the allowable density for that site.

The voluntary guidelines, the neighbourhood heritage value statement and the summary developed by the Working Group could be the basis of the City's position in these discussions.

Once staff and the applicant were satisfied with the new design, a new HAP application would be submitted for review by the CHC and Council or its delegate.

What Happens if a HAP for a Demolition is Approved?

If Council approved a HAP for a demolition, the applicant would submit a new HAP with the proposed design of the new house.

How is the Design for a New House Evaluated?

As noted previously, new buildings in the Queen's Park neighbourhood would be required to apply for and be issued a HAP before applying for a building permit. This HAP would be evaluated on the following two aspects:

- Design
- Context

Design

In the absence of the guidelines that would be created through the potential Heritage Conservation Area, staff will use, as a benchmark for assessment of the designs, the following:

- The voluntary Queens Park Heritage Guidelines developed in 1999
- The neighbourhood heritage value statement created by consultants in 2008
- The summary of this work developed by the Working Group

Context

The proposed design of a new house would also be evaluated in terms of its appropriateness to the context of both the streetscape and the neighbourhood. For example, does the streetscape consist of mostly single storey ranchers and the proposed new house is tall and narrow? Or is the proposed design intending to use material that is not common to the neighbourhood?

What if the HAP for the Proposed New Design is Denied?

If Council concluded that the design of the new house was not consistent with the purpose of the Heritage Control Period, they could deny the HAP. In this case, the City will have to work with the applicant's architect/designer to develop a revised (or completely new) design that would be consistent. Again, the voluntary guidelines, the neighbourhood heritage value statement and the summary developed by the Working Group could be the basis of the City's position in these discussions.

What if the Applicant Disagrees with the Outcome of a Decision Regarding a HAP?

If an applicant disagrees with the decision of the Director of Development Services (Council's delegate for renovation HAPs), the applicant may appeal the decision to Council.

The applicant could also choose to wait until after the Control Period has ended and the Heritage Conservation Area is either implemented or denied and re-apply under the policy and regulations at that time.

OPTIONS

The following options are available for Council's consideration:

- 1) The Council receive this report for information; or
- 2) Provide alternative direction.

Staff recommends Option 1.

This report has been prepared by
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Approved for Presentation to Council



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