Heritage Sensibilities

A Report on the Proposed Heritage Conservation Area in New Westminster’s Queen’s Park Neighbourhood
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HERITAGE SENSIBILITIES:
A REPORT ON THE PROPOSED HERITAGE CONSERVATION AREA IN NEW WESTMINSTER'S QUEEN'S PARK NEIGHBOURHOOD

By

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A PROJECT SUBMITTED IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE OF MASTER OF ARTS (PLANNING)
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THE UNIVERSITY OF BRITISH COLUMBIA AUGUST 2016 ©Britney L. Quail, 2016
GLOSSARY OF TERMS

Character Defining Elements
The materials, forms, location, spatial configurations, uses and cultural associations or meanings that contribute to the heritage value of an historic place, which must be retained to preserve its heritage value.¹

Community Heritage Commission
An advisory panel of Council-appointed citizens which meets every month to advise Council on development or land use issues with an identified heritage component.

(219/Conservation) Covenant
A formal legal agreement between a property owner and the municipal government in regards to the restriction or requirement of a use of property or a portion thereof.

Demolition by Neglect
The loss of a building or landscape with heritage value resulting from a lack of maintenance.

Design Guidelines
A set of regulatory standards on use, form or character to which properties in the identified area must comply.

Designation
The protection of an identified heritage property, especially its character defining elements, by municipal bylaw.

Heritage Conservation
The act or process of preventing decay or loss, especially of a building or its heritage value. Often called preservation.

Heritage Register
A list of properties identified by a municipality that are deemed to possess heritage value and as such merit preservation.

¹ As defined by the Standards and Guidelines for the Conservation of Historic Places in Canada, 2010.
Heritage Value
The worth, merit or importance of a property as conveyed by an architectural, spatial, spiritual or cultural element of the property or its past.

Land Title
Record of ownership of land that is registered at the Land Title and Survey Authority of British Columbia, including the legal description of the property and legal notations registered against it.

Official Community Plan
A document approved by Council which details public policy relating to land-use in that community. Community Plans are often comprehensive, covering a broad range of topics, and are long term in scope.

Queen’s Park Neighbourhood
A central, residential area of New Westminster situated above the hill from New Westminster City Hall and Tipperary Park, and to the West of Queen’s Park. The neighbourhood is bounded by First Street to the East, Sixth Street to the West, Sixth Ave to the North and Royal Avenue to the South. The neighbourhood includes approximately 700 residential properties.

Retention
The act of keeping an existing building rather than removing or replacing it.

Revitalization
The action or process of making possible a continued contemporary use of a heritage property while protecting the heritage values of the place.

Unsympathetic
An element which is considered not to relate to or appropriately reflect its surroundings, especially historical features; a lack of continuity in design.
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<td>CDD</td>
<td>Comprehensive Development District</td>
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<td>CHC</td>
<td>Community Heritage Commission</td>
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<td>Canadian Pacific Railway</td>
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<td>Floor Space Ratio</td>
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<td>HAP</td>
<td>Heritage Alteration Permit</td>
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<td>International Council on Monuments and Sites (under UNESCO)</td>
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<tr>
<td>UN</td>
<td>United Nations</td>
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LIST OF FIGURES

All figures included in this report are summary tables, created by the author, which compare and contrast elements of this report’s heritage conservation area (HCA) case studies, including the subject HCA, the Queen’s Park neighbourhood.

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The overarching goal of this report is to provide background on heritage conservation areas in practice, and the accompanying planning regulation required to support them. The report also seeks to bring this information into an analysis of local best practice in British Columbia. This report does not attempt to justify the historic characteristics of the Queen’s Park neighbourhood, and why it might be deserving of an HCA. Rather, this report stems from New Westminster City Council’s determination to explore an HCA, and resultantly, the focus of the report is policy development and implementation. Final recommendations on policy are as summarized on the following page.

The objectives of this report are as listed:

- Demonstrate the importance of heritage conservation, especially as related to neighbourhood identity,
- Provide a discussion of heritage conservation options legally available in British Columbia,
- Establish the City’s authority to implement planning regulation in order to support conservation, including a description of informing legislation and policy,
- Present an overview of heritage conservation area policy,
- Link heritage conservation to the context of change the Queen’s Park neighbourhood,
- Detail previous City action on heritage conservation in the Queen’s Park neighbourhood,
- Explore precedent setting case studies from the Lower Mainland and Vancouver Island,
- Evaluate practices in the above case studies, and
- Yield a set of recommendations for the City moving forward, as detailed below.
Through analysis demonstrated in the following report, the author recommends that the City of New Westminster implement a heritage conservation area in the Queen’s Park neighbourhood as it:

- will conserve a historically important neighbourhood,
- will protect historically significant homes,
- will address the community’s call for regulation,
- is within the City’s legal authority,
- is consistent with the City’s heritage policies,
- is consistent with Provincial and Federal policies, including international agreements,
- is in keeping with practice in similar neighbourhoods in the Lower Mainland,
- is in keeping with best practice, as demonstrated by the City of Victoria, and
- is reflective of contemporary thinking in the field of heritage conservation.

Furthermore, this report recommends the following, when implementing a heritage conservation area:

- Design Guidelines for Heritage Projects, which reference the *Standards and Guidelines for the Conservation of Historic Places in Canada*,
- Separate Design Guidelines for new construction and additions in the area, which do not reference conservation practice, but are crafted to ensure new development is in keeping with the heritage character of the neighbourhood,
- Standards of Maintenance Bylaws, which ensure that enforcement is not arbitrary and provides a framework for regulation and protects against demolition-by-neglect,
- Not to implement a tax-exemption program as it is not the practice in most other municipalities, and
- Take advantage of the heritage conservation area to reinvigorate heritage house maintenance and restoration grants, previously administered by the City.
In 2013, New Westminster City Council moved to begin a comprehensive analysis of heritage conservation options for the Queen’s Park neighbourhood. Residents had voiced concerns surrounding the loss of heritage homes and a number of, what are seen to be, unsympathetic houses erected in their stead. Queen’s Park is one of the oldest residential neighbourhoods in the Lower Mainland, and is known for having one of the highest concentrations of authentic heritage houses in the province of British Columbia. However, relatively few of the homes are legally protected from demolition or major change. Stemming from a two year study, the Queen’s Park Neighbourhood Heritage Study, Council was recommended to explore a heritage conservation area.

This report has been completed as an exercise in student learning, and is not directly associated with the City of New Westminster’s Development Services Department or Mayor and Council. However, the author wishes to acknowledge individuals within the Planning Division at the City, who supported the author’s interest in and research on this topic. The report has also fulfilled the requirements of PLAN 547C, for credit towards a Masters of Arts in Planning from the School of Community and Regional Planning at the University of British Columbia.

**Research Questions Addressed**

**Principle research question:**

- Could a heritage conservation area for the Queen’s Park neighbourhood be implemented in New Westminster? And what shape might the policy take?

**Secondary research questions:**

- Which other municipalities in the region have applied heritage conservation areas? And what might the City of New Westminster learn from the policies of those municipalities?
- How does the division of legal authority over heritage in Canada shape heritage management, especially tools like a heritage conservation area?
- How do heritage conservation areas function, as a planning tool?
- What is the academic theory which supports heritage conservation areas as a planning tool?
Rationale for Study

Communities in the Lower Mainland are growing and changing rapidly, and New Westminster is no exception. Though population and real estate prices have been on the rise for the past two decades, recently, the market has boomed. Resultantly, residents have voiced concerns surrounding the number of heritage homes recently demolished in the prestigious and historic Queen’s Park neighbourhood. Relatively, few of the homes are legally protected, and there has been a call from residents for greater heritage conservation in the area in order to protect the remaining heritage houses, which will work toward ensuring the character of the place is maintained for the future. Though a similar process, seeking the implementation of a heritage conservation area (HCA) was undertaken in the Queen’s Park neighbourhood in the 1990s, more recent development pressures have brought the need for conservation to the fore once again. Though a number of municipalities across the province have applied HCAs, few were seen in the greater Vancouver area. An HCA in the Queen’s Park neighbourhood would be New Westminster’s first.

Political Context

A heritage conservation area must be detailed in a City’s official community plan (OCP), including a list of properties (termed a schedule) to be included, as well as design guidelines and an administration policy. New Westminster’s OCP review is currently underway, with a deadline of spring 2017. As such these heritage conservation elements could be incorporated into a current process. Additionally, a temporary Heritage Control Period on the Queen’s Park neighbourhood extends only until June of 2017. Upon the expiry of the Heritage Control Period, Heritage Alteration Permits will not be required for work on properties not formally protected by the City. As such, those properties would be at risk.
METHODS

The information in the following report was gathered through:

- Literary analysis,
- An in-depth examination of each;
  - legal authority over heritage conservation in Canada, and
  - heritage planning tools available to municipalities in British Columbia,
- Research in City of New Westminster heritage policy, including Council reports and committee minutes, and
- Case studies, of municipalities within the region, which have implemented heritage conservation areas.

Heritage conservation areas (HCAs) in British Columbia are a relatively new tool, and little quantitative research has been completed post-implementation. Detailed formal data is extremely limited. Additionally, much of the research available on conservation areas/districts throughout Canada focus on aspects not discussed through this report; such as economic stimulus, the number of additional restoration projects, and tourism statistics. None of these elements of HCAs were deemed to be relevant to the current processes in the Queen’s Park neighbourhood, which does not require economic stimulus, is not facing many instances of demolition by neglect, and is not motivated by tourism. As such, the literary analysis conducted as part of this project, focused on a more theoretical approach to district or area conservation (as compared to single-property designations). Greater work has been conducted in the field on the perceptions of heritage as whole, in context, rather than as a collection of individual artefacts or houses. This lens was brought into the following report through Part II, as a justification for the preservation of a neighbourhood in its entirety, as would be accomplished by an HCA.

As HCAs are required by the Local Government Act to be part of a municipality’s official community plan (OCP), the case study data was amassed from OCPs, area plans, design guidelines, and additional policy pursuant to an HCA. Further rationale for the selection of each case study is presented in Part IV. However, overall the case studies were selected for the following reasons:

- Located in the province of British Columbia, and therefore are subject to the same legislative framework,
- Are proximate to Vancouver, and are therefore subject to radiating development pressures,
- Similarities in characteristics to Queen’s Park (i.e. size, zoning category, or political context), and
- In some instances, are representative of best practice in heritage conservation area policy in British Columbia.
Research Limitations

Literary Analysis

As detailed above in Methods, it was discovered throughout the research process that there is a lack of post-implementation literature on heritage conservation areas (HCAs) in British Columbia. Additional work to evaluate each HCA or a grouping thereof, which seeks to determine the policy’s efficacy at conserving the character defining elements identified in the policy, would be most valuable to the field. This type of data would have strengthened the support provided for an HCA in this report.

Case Studies

As the case studies relied almost exclusively upon textual analysis, there were few limitations to the research above and beyond time and resources. Ideally, this report would examine all the HCAs in British Columbia, of which there are almost 60. Two cases to include in further analysis of the Lower Mainland specifically would be Arthur Drive in Delta, and Clayburn Village in Abbotsford.

Scope of Work

This project does not attempt to justify the historic characteristics of the Queen’s Park neighbourhood and why it might be deserving of an HCA. Rather, this report stems from New Westminster City Council’s determination to explore an HCA, and resultantantly, the focus of the report is policy development and implementation.

All other elements of heritage conservation practice relating to the proposed HCA in the Queen’s Park neighbourhood are considered beyond the scope of this report including:

- Economic implications, especially real estate valuations
- Community consultation
- Tourism and the cultural economy
- Legacies of colonialism and the inclusivity of heritage conservation initiatives
- Historical analysis and valuation of the Queen’s Park neighbourhood

However, additional research on the topics listed above would be worth pursuing through further studies.
The remainder of this report has been divided into four Parts:

**Part II**  
**Heritage Conservation Practice in British Columbia**

The first theme presented is an overview of both literature on current thinking, and a thorough examination of legislation and regulation relating to, and governing, heritage conservation practice. This Part aims to demonstrate the importance of heritage conservation, especially as related to neighbourhood identity. It will furthermore provide a discussion of heritage conservation options legally available to New Westminster, and establish the City’s authority to implement planning regulation in order to support conservation efforts. Lastly, this Part will produce a foundational understanding of heritage conservation areas (HCAs) as a planning tool.

**Part III**  
**Considerations in New Westminster**

Part III seeks to link heritage conservation theory and regulation to the context the Queen’s Park neighbourhood. Additionally, through this Part, further detail will be provided on previous City action on heritage conservation in the area.

**Part IV**  
**Case Studies of Surrounding Municipalities**

This Part will explore the precedent case studies from the surrounding region, and evaluate those municipalities’ HCA practices. The evaluation will compare, contrast, and draw out themes which can be used to inform decisions on policy development and implementation in a potential Queen’s Park neighbourhood HCA.

**Part V**  
**Recommendations**

The final segment of this report will establish a complete set of recommendations for the City of New Westminster, if having completed community consultation, they move forward with implementation of an HCA. These recommendations would be equally relevant to other municipalities in British Columbia pursuing an HCA.
PART II
HERITAGE CONSERVATION PRACTICE IN BRITISH COLUMBIA
Conservation as Key to Cultural Identity

Neighbourhood is more than a collection of buildings or people, it is a connection to place, a sense of belonging, a way of doing things; a collective of social memory and culture. The parts of our surroundings which display the interaction between people and places through time, are recognized as integral to building and triggering (or reading) the social memory of a community.

Personal identity is intimately tied to memory. The work of author and scholar Dolores Hayden demonstrates that both our personal memories, and the collective memories of a society are interwoven with the stories of our communities. And, as contemporary author Caroline Adderson has coined, buildings are the repository of these stories. Furthermore, as Hayden’s writing advocates, the built environment, and therefore our social memories, should not be readable only in a museum experience or literally in text. Rather, in order to ensure social memory continues to thrive, and evolve, and inform the identity of a community, it needs to be readable, in its entirety, through the physical elements of a community. In essence, neighbourhoods are tangible social memories. In a community these memories play a significant part in our collective identities.

Dolores Hayden, a renowned scholar of architecture and urbanism in North America, argues that public experiences of spaces and places which are contextual and immersive, such as a heritage conservation area, “nurture a more profound, subtle and inclusive sense” of common identity, and therefore belonging.

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5 Hayden, The Power of Place, 9.
Hayden argues social memory is central to the stories of a place, and therefore our connection with, and sense of belonging to that place. In describing this phenomenon, scholar Michael Ross elegantly states: "We know it. We lived with it. It was part of our being. Without it, we feel a little less whole." Expanding for a moment beyond the realm of heritage buildings specifically, the work of Rina Benmayor and John Kuo Wei Tchen also defines a sense of “cultural citizenship” as integral to identity. They define cultural citizenship as “a personal identity that is formed not out of legal membership, but out of a sense of cultural connection and belonging”. Their work argues this sense of citizenship is integral to inclusion in and consequently one’s connection to a physical place or community, be it neighbourhood, city or nation. Places therefore, constitute a central element of how one sees oneself, or how one believes others see them. Without this sense of belonging or identity, people are emotionally lost.

The literature shows that meaningful bonds can be established with a symbolic or tangible object. The removal of a specific object, to which one is attached can negatively affect, in essence crack, personal identity. In the broader scope of study, sociological scholars assert that both personal existence and social order require such a sense of identity. If this physical or symbolic element is removed, identity loss occurs.

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6 Hayden, The Power of Place.
9 Ibid.
10 Weigert and Hastings, "Identity Loss", 1171.
11 Weigert and Hastings, "Identity Loss", 1172.
12 Ibid.
Ross argues that the unease resulting from both the pace of change and the nature of change in a neighbourhood, is tied directly to the personal distress caused by loss.\(^{13}\) The loss of one’s social structure and culture can cause a grief reaction, which, arguably, is manifesting itself in frustration and anxiety in the residents of many of the Lower Mainland’s single-family neighbourhoods.\(^{14}\) This loss of connection and fracturing of identity, results in feelings of social isolation and alienation, the resulting social, emotional, and even medical issues created is a field only beginning to be explored.\(^{15}\)

In response to a similar loss in Los Angeles, studied in Hayden’s early work, Hayden advocated for a more politically conscious approach to urban conservation. An approach which she felt must reach past traditional architectural conservation regulation, which touches only individual properties, to include and invoke a broader audience. We must go beyond homes as artefacts and reach for conservation techniques which emphasize public memory. A heritage conservation area can be used to slow the loss in a neighbourhood, therefore preserving its social memory.

\(^{13}\) Ross, *Planning and the Heritage*, 2.


\(^{15}\) Ross, *Planning and the Heritage*, 3.
Heritage conservation is a worldwide practice, in which Canada participates as a national body. Stemming from the constitution (see Constitutionality in this report), international agreements are the authority of the federal government and as such, provincial or municipal legislation cannot be in contravention of these policies.

Canada is a member-state of the United Nations, and of the United Nations’ Environmental, Social and Cultural Organization (UNESCO), and an active member of the International Council on Monuments and Sites (ICOMOS). ICOMOS Canada is a branch of the international body, which produces resolutions at the high policy level of the council, which are tailored specifically to the Canadian context. Canada has been at the forefront of heritage conservation, and continues to contribute to the global development of theory and practice.

ICOMOS Canada has produced the following policies:

- 2008 Quebec Declaration: for the Preservation of the Spirit of Place
- 1983 Appleton Charter: for the Protection and Enhancement of the Built Environment
- 1982 Deschambault Declaration: for the Preservation of Quebec's Heritage

UNESCO has passed over two dozen charters, to which Canada is signatory. These Charters cover many aspects of heritage from tourism, to underwater conservation practice, to interpretation, to safeguarding heritage structures during wartime. For a list of all UNESCO Charters, see Appendix B.
After the devastation wrought throughout Europe and Asia from the two major World Wars, heritage protection and restoration truly became established as an internationally relevant field. As a result of the conflict, many cultural artefacts were destroyed, damaged or lost. Looting and intentional cultural destruction aside, whole towns were devastated by bombing and gunfire. Streetscapes, public squares, and vernacular spaces disappeared. Loss was widespread; in some cases at a national scale. At the time, it was recognized that tangible elements of cultural heritage, be they art pieces or architecture, were integral to society and citizen identity.

One of the first international documents to come out of this time period was the *Athens Charter for the Restoration of Historic Monuments*. The *Athens Charter* was produced by the participants of the First International Congress of Architects and Technicians of Historic Monuments organized by the International Museums Office (a precursor to UNESCO and ICOMOS) in 1931. An integral element of the congress's manifesto was an international conversation around the custodial protection of historical sites, and their surroundings.

"It was unanimously approved, the general tendency which, in this connection, recognises a certain right of the community in regard to private ownership."

--*Athens Charter*, 1931

This phrase, crafted at the international level by most of those countries which today we deem ‘the Western World’, symbolized the acknowledgement of all involved, the right of a community to its heritage supersedes that of an individual property owner's.
**Constitutionality**

In Canada, the constitution is comprised of a number of documents as well as constitutional conventions. However, frequently cited as the foundations of constitutional law, are the *Constitution Act* of 1867 (also known as the *British North America Act*) and the *Constitution Act* of 1982, which includes the *Charter of Rights and Freedoms*. The original *Constitution Act* was written at confederation and the second, repatriation, when Canada formally separated from the British Parliament under Prime Minister P.E. Trudeau. The 1867 Act laid out the division of powers between the federal and provincial governments. Municipal governments are not given direct power from the constitution.

The division of powers in the *Constitution Act* of 1867, *sections 91* and *92*, do not specify "heritage"—likely as the country was first incorporating and, as perceived by the fathers of confederation, did not have a history.\(^{16}\) As such, authority over heritage resources is complex. Some aspects of heritage are governed federally and some provincially, though most of the conservation policy is written at the local level. As a result of heritage being a “leftover” power, unmentioned in the constitution, each level of authority has claimed jurisdiction over parcels of legislation and regulation. No single level of government is responsible for the management of conservation.

**Federal Authority**

Federal government regulations and international agreements (negotiated by the federal government) are complemented by those of the provinces and territories, which in most regions are delegated to local government. However, policies implemented by provincial and territorial governments may not contradict or supersede federal legislation. In most cases, federal regulation does not come into play. The Government of Canada only holds jurisdiction over heritage site management and conservation, if those sites are owned and operated by the federal government through Parks Canada.

\(^{16}\) Though, it is important to acknowledge that the land on which Canada was built had a long history, as documented through oral traditions, by the peoples who had been living there for thousands of years. However, at the time, this history was not acknowledged as the history of the Nation, as seen by the settler community.
Relevant Federal Policy Includes:

- UNESCO and ICOMOS Charters signed onto by Canada (see *International Agreements*)
- Conservation Plans for National Historic Sites (owned by the government)
- Conservation Plans for UNESCO World Heritage Sites
- *Standards and Guidelines for the Conservation of Historic Places in Canada*¹⁷
- National Building Code

¹⁷ Not legislation, but rather a nationally accredited, widely applied set of guidelines crafted by a panel of heritage conservation experts from across the Country, under the management of Parks Canada. The *Standards and Guidelines* were originally published in 2003. Though, a revised 2nd edition was published in 2010, with a more widely applicable framework, and stronger focus on values-based assessment.
Provincial Authority

Under the constitution, the provinces and territories are granted control over property rights within their boundaries, as well as land and natural resources. As such, in most cases, the authority over heritage matters is provincial. However, in British Columbia much of this authority has been delegated to municipal government through the *Heritage Conservation Act* (see below).

Relevant Provincial Policy Includes:
- *Heritage Conservation Act*
- British Columbia Building Code
- Conservation Plans for Provincial Heritage Sites (owned by the government)

Currently, in British Columbia, the *Heritage Conservation Act* only pertains to and regulates designated provincial heritage sites, which are owned by the Province. This is similar to federal authority over federally owned National Historic Sites. Yet, the regulation and practice of conservation of a provincial heritage site cannot be in contravention to federal legislation, whereas the National Historic Site does not have to be in keeping with provincial legislation (though often are).

*More about the Heritage Conservation Act*...

As of 1994, all management over heritage conservation, as it pertains to building, conservation science, land use, and legal protection from demolition (or unsympathetic alteration) is under the jurisdiction of local governments. However, this was not always the case. For a time, through the 1980s and 1990s, heritage conservation was controlled through the provincial government. As such, in the past 20 years, municipal governments are engaging with the tools available to them on an as-needed basis. The result is varied levels of control and heritage programming throughout the province.
The following timeline depicts the changes in authority over heritage conservation in British Columbia, since its inception post-war:

1940s-1970s: Legislative and regulatory authority rests with the provincial government, and the *Heritage Conservation Act*, though much conservation work was grassroots and supported by community organizations. Most conservation work was undertaken one property at a time.

1973: The *Municipal Act* (precursor to today's *Local Government Act*) was amended to delegate heritage conservation powers (at the time only single property designation) to local governments.

1977: Renewal of the *Heritage Conservation Act*, which returned heritage conservation powers to the provincial realm. Heritage provisions added to the *Municipal Act* in 1973 were repealed. Development permit areas (DPAs), a precursor to today's heritage conservation areas (HCAs), could now be enabled by the local government. As the legislation for DPAs was broad, they could be applied for the purposes of heritage conservation, economic development, or general character retention etc... Some municipalities (notably Victoria) began to employ DPAs for heritage conservation of multiple properties.

1980s-1990s: A lengthy period of consultation occurred regarding the provisions for heritage conservation in the province. New provisions for heritage conservation were drafted over the course of seven years.

1994: Through the *Heritage Conservation Statues Amendment Act*, heritage provisions were returned to local governments. This legislation provided local governments a comprehensive set of regulatory tools through which heritage conservation can be effectively pursued at the local level alone.

1997: HCAs were introduced to replace DPAs as a tool more specific to conservation objectives. Existing DPAs under the 1977-1993 system were rolled into HCAs, without the need for a public hearing.
Delegated Authority

Like many other disciplines in the planning and development sphere, the City's authority over heritage conservation is legally informed by the powers delegated to the municipal government from the Province through the *Local Government Act* (LGA). As local government authority is not determined in the constitution, their power to regulate land use is delegated from the provincial government. Therefore, local government action or legislation cannot contradict or supersede provincial level legislation and policy.

*More about the Local Government Act...*

Certain rights of a community, through the local government, in regards to infringing on the rights of private ownership, for the purposes of heritage retention are acknowledged and described in the LGA; Chapter 1, Part 15, Divisions 1-7. *Part 15* discusses powers, notices required, compensation, intrusion on private property, permitting, and temporary and continuing protection measures. *Part 15* is included in this report as Appendix A.
Planning Tools Available under the *Local Government Act*

*Part 15* of the *Local Government Act* (LGA), enables both temporary and continuing protection of properties deemed to have heritage value by a community and it’s Council. In the early years of heritage conservation practice, the focus of the field was on the protection and care of tangible (physical) cultural artefacts, including artwork, archaeological artefacts, library or museum collections, and significant works of architecture. In their treatment, all the items were thought of similarly; as artefacts, whether they be cathedral or portrait. Since the late 1980s, conservation practice has expanded beyond the tools of single property protections, which treat heritage buildings as artefacts, and has moved to acknowledge the intangible cultural associations and experiences of heritage in context and as a context. This new lens on heritage is reflected in conservation tools such as heritage conservation areas (HCAs).

The tools available through the LGA are listed in the following sections, and have been organized based on their conceptual framework: single-property protections and contextual preservation.

**Single Property Protection**

*Heritage as an Artefact*

The City of New Westminster has a strong register program, and houses are continuing to be designated, especially through new heritage revitalization agreements (HRA). However, the register and designation programs only protect one property at a time. These single property protections have been used widely throughout the province and the country and provide strong legal recourse for unsympathetic changes to heritage property. However, they support the view a neighbourhood is a collection of homes, when the literature points to a neighbourhood's value as being collective (see *Conservation as Key to Cultural Identity*).

Heritage Conservation in British Columbia was formalized in government processes only after the Second World War. Prior to this, much conservation work or protection of buildings was through community efforts. As per the sensibilities at the time however, the conservation efforts were focused almost exclusively on the best examples of architecture, beautiful buildings, or a place associated with a historical figure or event.
The following are tools came out of the province's first overhaul of the Heritage Conservation Act in the 1970s. However, they retain the earlier focus on best example, and do not capture neighbourhood context, nor allow it to evolve as easily.

**Heritage Register**
A community Heritage Register is intended to:

- Officially list the heritage resources
- Give notice to property owners, and potential buyers, of heritage factors (e.g. architectural, cultural and aesthetic) which may affect development options for a listed property; and
- Enable monitoring of proposed changes to properties through the local government heritage alteration and building permit process.

Inclusion of a property on the Heritage Register does not in itself constitute continuing heritage protection. The register may, however, be used to “flag” properties for possible future protection. Temporary protection measures allow Council, if it so chooses, the time to collect more information on a property, including a detailed inspection of the heritage features of the property. This would also provide an opportunity to discuss any options for long-term protection with the property owner.

**Designations**
Designation is a formal, legal protection, which acknowledges the heritage value of a site. Designation preserves a property and its character defining elements through a municipal bylaw, which is crafted specifically for that site. Ideally a municipality would like as many designations as possible to be achieved through voluntary compliance of the owner. However, if the City determines a property is of extraordinary merit and under extreme threat, Council may choose to designate without owner approval. These designations are quite rare.
In the case of a designation without approval, the City is required to grant appropriate compensation or purchase the property. A property owner can also apply for compensation against the cost of rehabilitation or a reduction in property value that would result from a non-approval designation. In such a case, the compensation can be monetary, but is most commonly granted through other incentives, such as bylaw relaxation.

Designation bylaws may apply to any of the following, or a combination thereof:

- A property in its entirety
- Specific elements or sections of a property
- The interior building features or fixtures
- Landscapes or landscape features associated with a property

Once a designation bylaw has been enacted on a property, no alterations may be made to it without obtaining a heritage alteration permit. Additionally, the bylaw may establish minimum standards for maintenance and conservation. Though properties subject to Heritage Designations are granted flexibility in the British Columbia Building Code generally, they cannot alter other existing planning regulation. Designations exist within the zoning framework and other land use regulations for the community in which they are located.

**Conservation Covenants**
A Heritage Conservation Covenant is another formal, legal protection. However, dissimilar to designation, which applies City specified regulation onto a property, Covenants are agreements entered into by two parties, where one party is held accountable to a certain action. Covenants can be negotiated between a property owner and the provincial or municipal government, or a non-profit heritage organization. As such, they are regulated by the *Land Titles Act* (section 219.5) Covenants differ from Designation as they are not planning regulation and do not require a bylaw to be passed through Council, unless the City is one of the negotiating parties. Yet, a property with a provincial covenant on title can be required to submit municipal Heritage Alteration Permits for substantial changes made to the property.
Covenants are similar to designations in that they cannot supersede existing zoning. However, they are more flexible than designations, and can be modified whenever both parties agree. A covenant can also be discharged by the holder, whereas a designation is long term. However, covenants are also registered on title and must be reported to the provincial Land Titles and Survey Authority. As such, the covenant negotiated with an owner continually governs a property even when a successor accepts or purchases title.

**Beyond Single Property Protection**

*Value in the Collective*

Historic neighbourhoods reflect greater heritage value than a single property, around which other properties have changed or developed. Though single property heritage designation can be conferred upon multiple properties, designations do not regulate the surroundings of a property and therefore cannot maintain the context of a property, which may be integral to understanding its stories and interpreting its heritage value.

Conservation scholars have acknowledged the field has limited itself by a focus on buildings as architectural artefacts. They acknowledge that the context of a place can give meaning to an object or building, beyond its previously recognized value. As a field of practice, conservationists are becoming more attuned to the unique complexities of places as cultural resources, be they built or natural, evolved or designed. The shift in thinking is evident in the language of today, such as discussion of places and spaces rather than buildings and structures.

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19 Hayden, “In Search of the American Cultural Landscape”, vii
Heritage Revitalization Agreements

A heritage revitalization agreement (HRA) is a formal, legally binding agreement, negotiated between the City and a private property owner. As such, HRAs could be thought of as a combination of the principles of designation and Conservation covenants: they offer strict protection to a heritage property through bylaw, though allow for both parties to negotiate on the terms of that protection; beyond the physical elements of an existing building. For example, an HRA may allow a property owner higher a floor space ratio (FSR) and an additional building on site, if the owner agrees to maintain or conserve the property’s heritage structure. Alternatively, the City may consent to a change in use of the property, if the owner agrees to legally designate the building.

A key difference in HRAs as legal protection is that the terms of an HRA supersede most other regulations, excluding those under the provincial Heritage Conservation Act. Therefore, an HRA may vary the property’s applicable zoning on density, siting, land use, or other previous legislation or regulation. The agreement allows local governments to supersede local zoning regulations, and to provide non-financial incentives which would make it viable for owners to conserve a historic property. HRAs are not limited to one legal property. HRAs are applicable to multiple properties and are far more flexible than single designation. Similar in some ways to heritage conservation areas, these agreements are site-specific, and written to suit unique properties and projects. Therefore, each HRA is different from the next. It is important to note that legally, HRAs do not create precedence.

Heritage Conservation Areas

Heritage Conservation Areas (HCAs) are neighbourhood umbrella protection policies. They are more encompassing than single-property designation, and heritage revitalization agreements. HCAs move past the view of architecture as an artefact, and acknowledge the importance of immersion and context. This policy is expansive and can include many properties, the streets and yards between them, as well as community space and landscapes. Additionally, HCAs can be designed to uniquely suit a neighbourhood. As such, an HCA can address the significant elements of design which are seen by community members as important determinants of social memory. The positive impact of this kind of broad, but flexible reaction to identity loss is also discussed by Hayden throughout her work (see Conservation as Key to Cultural Identity above). Hayden notes that “restoring significant shared meanings for neglected urban places first involves claiming the entire urban cultural landscape as an important part of history, not just its architectural monuments”.20

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20 Hayden, The Power of Place, 11.
Overview

For an area to be considered for a heritage conservation area (HCA), it must demonstrate distinct heritage value and character, as a whole. They can include regulations on, not only architectural style, and materials, but also pattern or orientation, setbacks, massing, landscaping, street width, parks, trees and other neighbourhood amenities. They provide long-term protection to an area in its entirety and context.

Through power granted to municipalities in the Local Government Act, HCAs can override other zoning bylaw. Therefore, either the official community plan (OCP), development permit area, or zoning bylaw, must specify guidelines or regulations for the HCA. These policies can require blanket conditions, or specify properties to which conditions apply, or do not apply. They can apply only to the special features identified throughout the neighbourhood, or to properties in their entirety.

Similar protection would conceivably be implemented through individual heritage designation bylaws for each and every property in question. However, this process would follow a normal bylaw procedure for each property (bylaw readings, public hearing, notification, registration on title, etc...) and is therefore time, labour, and resource heavy. Furthermore, designations do not include some of the features caught by HCAs.

Implementation

An HCA is either described and regulated in the area’s official community plan (OCP), or can be enacted by bylaw. Either the OCP or zoning bylaw, must specify guidelines or regulations (respectively) for the HCA. These regulations serve as the area’s conservation plan. These policies can require blanket conditions, or specify properties to which conditions apply, or do not apply. They can apply only to the special features identified throughout the neighbourhood, or to properties in their entirety. The OCP bylaw for an HCA must describe the special features or characteristic that justifies the HCA and must also clearly indicate the objectives for implementing it. Overall, HCAs can be flexible, limited, or all encompassing.
Powers

The purpose of an HCA is to manage change in an area that has been identified as having heritage resources. An HCA would essentially place a layer of heritage protection over all properties within the identified area, regardless of construction age. The heritage site minimum maintenance standards would apply to every property as well.

Under an HCA, all building permit applications (new builds, renovations, demolitions) and subdivision applications would require a Heritage Alteration Permit (HAP), although a list of exemptions could be identified (repairs, maintenance, etc...). The HCA may include a schedule that lists buildings, landscape features, etc. that would become “protected heritage property” as defined by the Local Government Act. The inclusion of property within an HCA (whether listed on the schedule or not) would not require the permission of the property owner and there is no requirement for compensation by the City to the property owner in the event that there is a reduction in the market value of their property. In addition to permits, properties within an HCA can be required to uphold minimum standards of maintenance and conservation for the purposes of heritage retention.
Requirements

According to the *Local Government Act*, heritage conservation area policy must:
- Identify the character defining elements of the area, including unique features that contribute to the heritage value.
- Describe the objectives or justification for the protection of these features.
- Include a list of properties, or features within the area to be protected.
- Provide guidelines or regulations for the properties or features listed.
- Include a list of properties which do not fall under the regulations or guidelines (if applicable).
- Detail the compatibility of the conservation of these features with community objectives and City plans or policies.
- Ensure the compatibility of the HCA with existing law and policies, including provincial level legislation.

Permitting

Alterations made to a property or feature identified as having heritage value require a Heritage Alteration Permit (HAP). Properties in an HCA require HAPs to authorize any of the following:
- Subdivision
- Demolition of an existing property
- Development/construction of a new building
- Substantial change through renovation, including additions
- Alterations to the landscape
- Alteration or removal of protected features
- Other changes as detailed in the OCP or HCA zoning bylaw

In accordance with the *Local Government Act*, an HAP is not required in conservation areas only under the following conditions:
- Building envelope remediation, so long as there are no change to the appearance or design of the envelope and the only change to materials is in-kind replacements.
- In kind replacements of missing, worn, or damaged exterior materials, so long as there are no changes to appearance or design when the replacement is complete.
PART III:
CONSIDERATIONS IN NEW WESTMINSTER
CITY POLICY

Any new bylaws, or permitting processes implemented within a local government should be consistent with currently existing policy. Additionally, new programs should support the objectives of the City overall. The following section presents the relevant City of New Westminster policy, pertaining to heritage conservation, and uses an overview of this policy to establish the municipal legislative framework in which a proposed heritage conservation area for the Queen’s Park neighbourhood must exist.

New Westminster Official Community Plan

The official community plan (OCP) is a policy document which sets out the City’s vision for future growth throughout New Westminster. The document integrates policies on land use, the economy, the environment, transportation, and arts and culture into an overarching strategy which is used to direct development.

The Queen’s Park neighbourhood is not discussed in the current OCP, adopted by Council in January of 2012, further than its status as a residential neighbourhood, where the desire of the community is to retain single detached dwellings as the primary form of development.

However, the establishment of a heritage conservation area in Queen’s Park would satisfy many of the existing city wide heritage policies, listed in the OCP, including:

- Continue to build upon the historic assets of the city,
- Manage change in a way that integrates heritage character into the planning of structures, areas, and events,
- Promote awareness of the city’s historic assets,
- Utilize a variety of tools to retain and enhance heritage resources,
- Provide overall coordination for the management of historic assets, and
- Introduce non-monetary incentives to promote heritage.
Our City 2041

The City is currently undergoing an OCP renewal process, in which a new overarching policy document is scheduled for its first draft release in the fall of 2016. The Local Government Act (LGA) requires that an HCA be written into an OCP or neighbourhood plan.

As such, the implementation of a heritage conservation area for the Queen’s Park Neighbourhood within the year aligns well with the timing of the OCP renewal process, which is scheduled to be complete and before Council for final reading by the spring of 2017.

Benefits to aligning the OCP review and HCA implementation:

- The HCA in Queen’s Park could be considered truly as part of the strategic direction for the City,
- No OCP amendment would be required to integrate the HCA, and
- Consultation processes are already underway city-wide, an additional process for the HCA would be less burdensome on staff time and resources.

New Westminster’s Heritage Management Plan

New Westminster adopted a Heritage Management Plan in August, 1997. The Plan sets out a number of policies, procedures and programs to guide decision-making for the ongoing management of the City’s historic assets. There is a need to ensure that heritage conservation programs continue to be integrated with day to day community planning. Implementation of the Plan is ongoing, with approximately half of its recommendations completed or in progress.

The Plan was developed to:

- Manage change in such a way that the unique historic character and essential functions of the community are retained,
- Encourage the use or reuse of buildings in order to retain their economic and future value,
- Emphasize the significance of the heritage resources in a broader context, which includes buildings, views, landscapes and infrastructure, and
- Develop the City’s potential as a unique and economic place by fully utilizing its historic, locational and physical attributes.
Pre-1900 Heritage Retention Policy

As of 2008, the City has held a policy in which permits for properties with a building built prior to 1900 are automatically reviewed by Staff in the Planning Division, and the Community Heritage Commission. In cases of homes built pre-1900, the Commission may request that Council consider a 60 day temporary control period in which demolition or alteration permits can be withheld while heritage retention options could be discussed with the owner. However, if the property is not subject to formal protection, the City cannot and will not withhold the permit.

Demolition Review Policy

In 2011, Council approved a revised Heritage Review Policy through which it became mandatory that prior to the issuance of any building or demolition permit on any heritage structure older than 50 years, a review by the Planning Division must be conducted. The review will ensure that the Heritage Planner is aware of demolitions, and can bring them to the attention of the Community Heritage Commission and Council if appropriate. Additionally, if, through review, the property is deemed to have heritage value, but has not been formally protected or listed on the Heritage Register, the Heritage Planner will discuss with the applicant or owner development possibilities which would retain the original structure. However, if the property is not subject to formal protection, the City cannot and will not withhold the permit.

Heritage Register

A Heritage Register is an official list of properties identified by the City as having heritage value or heritage character. Inclusion of a property on the Heritage Register allows Council to temporarily withhold a building permit or a demolition permit for up to 60 days but confers no continuing protection and the permit cannot be refused after the expiry of the temporary holding period.

Formal Heritage Protection

A property may be formally protected through a Heritage Designation or a Conservation Covenant. Any changes made to a formally protected property require a Heritage Alteration Permit, which can be denied if the changes, including demolition, are deemed unsympathetic to the heritage character of the property or are contravened by the conservation plan and or designation bylaw. This style of formal protection cannot vary zoning and applies to one property or feature alone.
Queen’s Park Historic District Residential Design Guidelines

Crafted in 1999, the intent of these voluntary guidelines is to help maintain the heritage character of single-detached-dwelling properties in the Queen’s Park neighbourhood. The guidelines can be utilized by residents and builders to assist in the design process and by planning department staff during the design and approval stage for renovations, additions and new house construction.

These guidelines discuss street character and context, making suggestions for elements such as:

- Overall Massing
- Building Height
- Setbacks and Yard Space
- Accessory Buildings
- Porches, Verandahs, Sleeping Porches, and Balconies
- Historic styles and building features

The current, voluntary Design Guidelines are attached to this report as Appendix C.
Regional Change

Communities in the Lower Mainland are growing and changing rapidly, and New Westminster is no exception. Metro Vancouver is projected to grow to 3,400,000 people in 2041 (an increase of 1,205,000 from 2006).\textsuperscript{21} A population of 102,000 people is anticipated in New Westminster by 2041, which equates to an increase of 1,186 people per year.\textsuperscript{22}

Though population and real estate prices have been on the rise for the past two decades, recently, the market has boomed. As a result, high demand, and even higher prices, are spreading from Vancouver’s core through the region. The boom in the market has advantages but it has also affected the city’s affordable housing stock and is disrupting neighbourhoods who, otherwise have seen little change. Land value has increased at such a rate that many owners are capitalizing on this, selling their property, which is then redeveloped and sold again. The result is higher rates of neighbourhood change than have been seen in over a generation.

Historic Value of the Queen’s Park Neighbourhood

Queen’s Park is one of the oldest residential neighbourhoods in the Lower Mainland, and is known for having one of the highest concentrations of authentic historic houses in the province. At the time of its development, it was a retreat up the hills away from the hustle, bustle, and smells of the city’s active industry and wharfs. The neighbourhood has value for its high level of original elaborate, stately, and elegant manors, which were historically home to many of the city’s elite and is still considered the most prestigious residential area in the city.

Queen’s Park is of also cultural value for its association with the city of New Westminster’s establishment and its role as the province’s original capital. The neighbourhood was designed by the Royal Engineers in their first survey, which is demonstrated by the vast parks, traditional house siting and grand boulevards. The area is further valued as the historical centre of governmental and military power: many of its residents still figure prominently in civic affairs.

\textsuperscript{21}Greater Vancouver Regional District Board, \textit{Metro Vancouver 2040: Regional Growth Strategy}, Bylaw No. 1136, 2010.  
\textsuperscript{22}Ibid.
Though the area has retained a high level of historic housing stock, the subdivision of those grand lots, and the variety of housing styles also found in Queen’s Park demonstrate waves of social change in the city of New Westminster throughout the twentieth century. The varying lots sizes, siting, landscaping and architecture show the shifts in neighbourhood residents, major socio-cultural events, and shifts in societal norms.

**Change in the Queen’s Park Neighbourhood**

Queen’s Park neighbourhood residents have expressed their concern to City Council regarding redevelopment. Queen’s Park is one of the New Westminster’s historic residential areas, which dates back to the incorporation of the City. The area is valued for its heritage homes and stately character.

Residents have voiced concerns surrounding the number of heritage homes recently demolished in the neighbourhood. Relatively, few of the homes are legally protected, and there has been a call from residents for greater heritage conservation to protect the remaining heritage houses. Retaining those home will work toward ensuring the character of the area is maintained for the future.

**Existing Policy Framework for the Queen’s Park Neighbourhood**

The Queen’s Park neighbourhood is widely recognized by the city and community as having heritage value. Currently, the area is recognized as a historic district, which conveys no legal protection. A number of the properties are either listed on the heritage register, which also provides little recourse besides a temporary, 60 day protection. Some homes are legally protected through designation. However, many of the oldest homes are not formally protected.

The area is regulated by three policies:

- 50 Year Demolition Review Policy
- Pre-1900 Heritage Retention Policy
- Queen’s Park Historic District Residential Design Guidelines
- RS-1 Residential Single Detached Dwellings Zone
**Previous Heritage Conservation Processes**

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
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<tr>
<td><strong>June 1995</strong></td>
<td>City Council directed the Planning Division to consult with the Queen’s Park neighbourhood regarding the opportunities to conserve and enhance the heritage and character of the neighbourhood. Council subsequently received a residents’ discussion paper outlining 16 recommendations and a neighbourhood working group was established; the result of which was a recommendation to create a heritage conservation area (HCA) for the Queen’s Park neighbourhood.</td>
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<td><strong>July 1997</strong></td>
<td>A workshop on this recommendation and was followed by a neighbourhood survey which sought to determine the level of control the residents were willing to accept. The results of consultation showed that, although there was significant support for a HCA, there was not enough neighbourhood support for this level of control at that time.</td>
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<td><strong>February 1999</strong></td>
<td>Staff submitted a report to Council recommending the creation of an historic district with voluntary design guidelines and the placement of entry signage.</td>
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<tr>
<td><strong>December 2000</strong></td>
<td>City Council endorsed a completed historic district and voluntary design guideline framework for the Queen’s Park neighbourhood.</td>
</tr>
<tr>
<td><strong>Spring 2013</strong></td>
<td>The Queen’s Park Residents’ Association and the New Westminster Heritage Preservation Society demonstrated renewed interest in heritage conservation options for the Queen’s Park neighbourhood.</td>
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Queen’s Park Neighbourhood Heritage Study

In response to neighbourhood concern regarding the loss of historic homes in the Queen's Park neighbourhood, City Council passed a motion that directed Staff to initiate a dialogue with the Queen’s Park Residents’ Association and the New Westminster Heritage Preservation Society regarding options to support heritage conservation in the Queen’s Park neighbourhood. This study is known as the Queen’s Park Neighbourhood Heritage Study (QPNHS).

The process for the Neighbourhood Heritage Study had five stages, all of which have been completed as of April 2016:

- Background work/ understand the existing situation and context,
- Identify and research heritage conservation issues,
- Identify and analyze innovations and solutions,
- Identify implementation strategies, and
- Provide Council with a document of priorities and implementation strategies.

Image courtesy of the City of New Westminster, Development Services Department, 2014.
November 4, 2013  
City Council endorsed the work program for the Neighbourhood Heritage Study.

January 13, 2014  
City Council endorsed the Purpose, Terms of Reference, and Membership of the Queen’s Park Neighbourhood Heritage Study Working Group.

May 12, 2014  
City Council appointed the Working Group members.

January 11, 2016  
City Council received the final report of the Working Group including recommendations for next steps and preferred options.

April 25, 2016  
City Council directed staff to proceed with the implementation phase of the Working Group’s recommendations including exploring a temporary Heritage Control Period.

June 16, 2016  
City Council passed a motion to implement a Control Period for the Queen’s Park neighbourhood. The Heritage Control Period will expire on June 17th, 2017.

Currently, as recommended by the Working Group, Staff is exploring the possibility of a heritage conservation area for the Queen’s Park neighbourhood, including conducting community consultation, preparing new design guidelines and crafting an HCA bylaw. This report has been conducted simultaneously, though not in conjunction with Staff work.
**Working Group**

At the direction of City Council, the Queen’s Park Neighbourhood Heritage Study had the following goals:

- Identify workable solutions to encourage the retention of heritage houses, the reduction of demolitions and the reduction of unsympathetic changes to heritage houses.
- Educate the neighbourhood in regard to the advantages of owning a heritage house, heritage retention options and heritage legislation.
- Share information and strategies with other New Westminster neighbourhoods.

The Working Group consists of:

- A sitting member of City Council, who will serve as the Chair of the Working Group.
- The Chair of the New Westminster Community Heritage Commission, who will serve as Vice Chair of the Working Group.
- Two members recommended by the Queen’s Park Residents’ Association
- Two members recommended by the New Westminster Heritage Preservation Society
- Eight residents from the Queen’s Park neighbourhood (appointed by City Council).

**Working Group Recommendations to Council**

The final recommendations of the Working Group were presented in spring of 2016. The Working Group, with support received from the community through a variety of consultation processes, proposed to Council that they direct Staff to proceed with a one year Heritage Control Period in order to further investigate the potential to implement a heritage conservation area (HCA) in the Queen’s Park neighbourhood. The Working Group feels that an HCA would provide Council with the tools to achieve the conservation objectives called for by neighbourhood residents. The final recommendations from the Working Group are attached to this report as Appendix D.
**Temporary Heritage Control Period**
On June 16, 2016 City Council passed a temporary Heritage Control Period bylaw for the Queen’s Park neighbourhood. The Control Period requires all single-family residential buildings within the boundaries laid out in the bylaw, that were constructed on or before December 31, 1966, to apply for a Heritage Alteration Permit in addition to any other permits for demolitions, renovations to the front or sides of the building’s exterior, or alterations to the roof. The Control Period will be in place in the Queen’s Park neighbourhood until June 2017, at which time Council will come to a decision on next steps for heritage conservation policy.

**Photographic Inventory (Summer 2016)**
Stemming from the Queen’s Park Neighbourhood Heritage Study, the City of New Westminster has conducted a Photographic Inventory of all the publicly visible buildings and landscapes in the Queen’s Park neighbourhood. These photographs will provide valuable documentation of Queen’s Park’s distinct character. The information gathered throughout this process will assist the City in updating the Queen’s Park Design Guidelines for new buildings.

**Next Steps**

**Crafting Design Guidelines**
An updated version of the Queen’s Park Historic District Residential Design Guidelines would be created based on the existing 1999 guidelines and on the photographic inventory of the neighbourhood buildings and landscapes. These guidelines would serve as those required in a heritage conservation area, if implemented.

**Heritage Conservation Area Bylaw**
The temporary Heritage Control Period will provide Staff with the time required to explore, research and craft the heritage conservation area policy and subsequently seek public input and comments on the bylaw.

**Community Consultation**
Throughout the temporary Heritage Control Period, Staff will consult with the community through several rounds of participatory workshops, and online surveys. Consultation will be held around the proposed design guidelines as well as the concept of a conservation area, including what might be regulated, and how the design of new builds and changes to existing structures would be legislated.
PART IV:
CASE STUDIES OF SURROUNDING MUNICIPALITIES
Heritage conservation areas are commonly used throughout the Western world. They are often called heritage conservation districts, heritage preservation areas, or protected heritage areas. They are used widely in:

- Canada (Ontario, Quebec and the Maritimes especially)
- Australia and New Zealand
- The United States
- The United Kingdom
- Throughout much of Europe

Tough other international cities may be more similar in population, geographic size or historical development to New Westminster, they would not share the same legal framework. All the places listed above are subject to different national and sub-national levels of authority and standards of practice. As such, the legislative context of British Columbia is specific, and differs from the tools available in other municipalities across the country, and across the world.

In British Columbia, heritage conservation areas are a relatively new tool; though they are becoming more common throughout the province. The following case studies were selected as they are first and foremost geographically proximate to New Westminster. These municipalities are therefore subject to similar development pressures, radiating out from the Vancouver and Lower Mainland area. Furthermore, all being within British Columbia, they govern with similar legislation – the Local Government Act and the Vancouver Charter.

The five HCAs chosen as case studies for analysis and comparison to New Westminster’s Queen’s Park neighbourhood are:

- Victoria Core Historic
- West Vancouver Lower Caulfeild
- Nanaimo Fitzwilliam Street
- Richmond Steveston Village
- Vancouver First Shaughnessy
Victoria (Core Historic)

Rationale for Case Study
Victoria’s Old Town neighbourhood is the earliest example of a heritage conservation area to be enacted in the region. Victoria is also cited as a leader in heritage preservation in the province, and their work in the field is considered to be best practice. Victoria’s HCAs are also unique as they remain integrated with development permit areas.

Conservation Area Description
Established in 1995, Development Permit Area (Heritage Conservation) 1: Core Historic includes Old Town (original downtown), the harbour front, and Victoria’s Chinatown. This permit area includes much of Victoria’s original downtown waterfront. The area surrounding Old Town and the core historic is primarily commercial though also includes the legislative complex. The zoning in Old Town allows commercial, industrial and multi-family residential development.

The nomenclature (DPA(HC):1) reflects the addition development permit areas (DPAs) and subdivision of subsequent heritage conservation areas in (HCAs) the City of Victoria’s OCP. The downtown development permit area was first introduced in 1990, prior to HCAs being an available tool for conservation. Intertwining the HCA with a DPA today, allows for the City to take action which encourages economic revitalization while also allowing regulation of form and character.

Image courtesy of the City of Victoria Archives, View Street 1915
**Heritage Value**

Old Town has heritage value for its continuous role as a commercial district throughout Victoria’s pre and post contact period. As many were, the fur trading post for the area was constructed in a high-traffic indigenous gathering place, which had been traditionally used for easy access through the harbour. Waterfront industry continues to play a significant role in shaping the buildings in the area.

In the 1860s Fort Victoria (located at today’s Bastion Square) was built, originally with wooden piles then later expanded and rebuilt with masonry. Though the fort is no longer present on the site, the area’s character is typical of the late 19th century commercial districts which developed as townships surrounding similar forts. This style of development is considered iconic to Canadian development and is present in similar significant locales such as Old Quebec City, now an internationally recognized (UNESCO designated) World Heritage Site.

Old Town’s character defining elements include:

- Dense streetscapes with narrow lot lines
- Royal Surveyor’s grid patterns
- Edwardian and Victorian architecture
- Skyline of varying heights from one to five storeys

**Political Background**

The summer of 1986 was a turning point for the City of Victoria’s conservation program. Cadillac-Fairview submitted a development proposal for a new indoor mall in Old Town. The proposal involved the demolition of all existing buildings in a two block span, ten buildings of which were listed on the heritage registry. Community opposition to the proposal was extremely strong. So much so that the City called the provincial Special Development Commissioner to moderate community concern and negotiate with the developer. The result was the City of Victoria’s 1990 Downtown Plan, which introduced some of the first standardized heritage conservation measures, and subsequent 1995 OCP, which took advantage of the, then new, HCA tool as an overlay which provided greater control on form than a DPA. This was the first HCA to be implemented in the province and is considered highly successful. Victoria now has 9 HCAs, the largest number in Western Canada.
West Vancouver (Lower Caulfeild)

Rationale for Case Study
Lower Caulfeild is another early example of a heritage conservation area and was the first in the Lower Mainland. Additionally, similar to New Westminster's Queen's Park neighbourhood, the conservation area consists of mostly residential properties.

Conservation Area Description
Established in 1996, Lower Caulfeild is located on the Pacific Coast, on a rocky point between Pilot Bay and Caulfeild Cove, just east of Lighthouse Park in West Vancouver. The houses in this neighbourhood are large, but are sited specifically to optimize the natural views and increase privacy. As such the neighbourhood pattern is unusual. Traditional English landscaping is common throughout. The area is zoned for residential only, though an Anglican Church operates under that zoning.

Heritage Value
Lower Caulfeild is valued for its historic neighbourhood design which combines an old world, European planning and design aesthetic with the natural features of the British Columbian coast. Additionally, Caulfeild is considered by some to be the oldest colonial settlement on the North Shore of the Burrard Inlet.

At the turn of the 20th century, Francis Caulfeild landed upon and purchased the land on the cove after a day trip out of Vancouver Harbour. He then crafted a village based on popular town planning principles of the era. Many of these original features remain in place, such as winding lanes and a village green, integrated with natural materials and landscapes.

Image courtesy of City of West Vancouver, no title circa 1910-1915
Lower Caulfeild’s character defining elements include:

- Rocky outcroppings
- Its placement along the coastline
- Irregular lot shapes and sensitively sited buildings
- Curving roads
- English style village common
- Arts and Crafts architecture

**Policy Background**

West Vancouver prides itself on their significant natural heritage and the city’s ability to balance and integrate development within it. In 1994, Council received the *West Vancouver Landscape Character Study*, which identified elements that both individually and collectively defined landscape character for 34 distinct neighbourhoods in West Vancouver. The report was targeted towards parks, public trees and public spaces. However, the author recommended to Council the use of the zoning bylaw to control the form and massing of new development, in order to protect the living landscapes and plantings, as well as the character of the landscapes. The author suggested the use of development permit areas (DPAs). Lower Caulfeild was identified as having unique qualities and exceptional landscape character merit. The value of the area was also quickly linked to the heritage of the site, upon which the City promptly took up the use of the newly available heritage conservation area tool, which was very much seen to be a DPA with greater control over character defining elements, which in this case included the natural world.  

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23 Map courtesy of City of West Vancouver Official Community Plan, 1996.
Nanaimo (Fitzwilliam St.)

Rationale for Case Study
Nanaimo is most similar in size to New Westminster’s Queen’s Park neighbourhood. Additionally, the city developed from an industrial waterfront, similar to New Westminster. The areas are also geographically proximate, and are currently facing similar development pressures.

Conservation Area Description
Fitzwilliam Street runs centrally through downtown Nanaimo to the waterfront. The street directly connects much of the residential areas of early Nanaimo to the harbour, which was the heart of the community at the time. The area includes the waterfront and the E&N Railway Station, which were historically equally important gateways to Nanaimo—both for goods and commerce as well as residents and visitors. The level of commercial activity in this part of the city, and the continued availability of residential units above store fronts, is reflective of the historic uses of the area. The area continues to be zoned for mixed-use: commercial and residential.

Heritage Value
Nanaimo’s downtown and Fitzwilliam Street Corridor have heritage value as they represent the population boom in British Columbia following the natural resource economy’s development in the 1850s through to First World War. Nanaimo is one of the oldest incorporated cities in the province, and was born from the coal mines and lumber camps strung along the waterfront. These industries, along with fishing and canning, brought people of all nationalities from across the world into British Columbia.

Also reflected in the street pattern is the arrival of the E&N Railway line which bolstered the Island’s commerce and centered it along the corridor. This area is also home to some of the province’s oldest hotels, again reflecting the seasonal natural resource cycles.

Image courtesy of City of Nanaimo, circa 1950
The Character Defining Elements of Nanaimo’s Downtown and the Fitzwilliam Street Corridor include:

- Radial street pattern and central crescent
- Unbroken facades along the high streets
- Continuous commercial use
- Early examples of brick and stone work
- False front and two storey facades
- Commercial storefronts with apartments above
- Relationship to the Harbour

**Political Background**

The municipality in Nanaimo is considered proactive in their heritage program. The city had some of the first design guidelines for heritage buildings, published in 1984. They also crafted a Heritage Gateways design process, as part of a downtown revitalization program in the mid to late 1980s. These acted as a precursor to those of the HCA, legislated more than ten years later. In 1994, Nanaimo sought to take advantage of the overhaul to provincial *Heritage Conservation Act*, which brought forward many new tools and incentives. In that same year they developed the city’s first Heritage Strategy, which streamlined the process for the establishment of their Community Heritage Commission (CHC) in 1996. Then, in 1998, stemming again from the Heritage Strategy the local government developed a Heritage Register as well as the Downtown/Fitzwilliam Street HCA. In 2001 the City of Nanaimo commissioned a Heritage Action Plan, which was adopted by Council and is still informing decisions to this day. Since that time, the City continues to be active, and has developed an award winning heritage conservation program.

Map courtesy of Nanaimo OCP, 2010.
Richmond (Steveston Village)

Rationale for Case Study
Steveston Village and New Westminster share a time period in history (and as such materials, building technique etc...), prior to the railway, where major development and business was centered on the Fraser River. The areas are geographically proximate, and are currently facing similar development pressures.

Conservation Area Description
Established in 2001, Steveston Village (also known as Steveston Townsite), is approximately 3 kilometers of waterfront property on the South West corner of Lulu Island in Richmond. Steveston was previously home to 15 fish canneries—only two of which remain, though inactive-- and a bustling harbour. Adjacent to the waterfront properties is the original commercial main street, and two secondary commercial streets. Also adjacent is a single detached dwelling residential neighbourhood, which is not included in the HCA. The zoning in Steveston allows commercial, light or maritime related industrial and multi-family residential development (including a largescale controversial CD mixed use project at Imperial Landing).

Image courtesy of City of Richmond Archives, Moncton Street 1908
**Heritage Value**

Steveston has heritage value as it reflects the region’s historical development and major industries: farming, canning and fishing. There is a strong cultural value associated with fishing especially, as the South Western corner of the island has been used by indigenous peoples for catching salmon since time immemorial. The waterfront remains active today as Canada’s largest freshwater commercial fishery.

The street pattern in the village was established in the mid-1800s by the Steves brothers, an original settler family, to suit the need for services and housing required to the major industries and accompanying work force. The layout, streetscapes and many of the buildings remain intact to the present day, including their original materials. The structures and their uses demonstrate how many people of different nationalities came together to take advantage of the century of booming industry and the resulting experiences of racial tension, boomtown living, and struggles.

Steveston Village’s character defining elements include:

- False fronts
- Narrow frontages relating to small lots
- Grid layout
- River views
- Utilitarian physical infrastructure
- Simple ornamentation of plain structures
- Industrial or maritime uses

Image Courtesy of City of Richmond Archives, *Moncton Street, 1953*
**Political Background**

The steep and steady decline of waterfront industry in the area began in the mid-1980s. Many of the major industries pulled away and many buildings were left empty. By 1989, the City of Richmond established a revitalization program for the area, which laid the foundation for a DPA. Similar to Victoria (see above), in Steveston an HCA followed this DPA. Similarly, the economic revitalization, which was sought for the waterfront was seen to be encroaching on the heritage character of the area, which was deeply valued by the community. An HCA was fully in place by the early 2000s. However, recently, there has been public outcry against the scale and massing of development allowed within the village boundaries. Many in the community feel the existing legislation is not strong enough, some even suggesting that the regulation is lacking enforcement and allows too many exemptions. As a result Council has approved funds for a full review of their heritage policy program for 2016-2018.
Vancouver (First Shaughnessy)

Rationale for Comparison
First Shaughnessy is the most recent heritage conservation area to be enacted in the region. Additionally, similar to New Westminster’s Queen’s Park neighbourhood, the First Shaughnessy heritage conservation area consists of mostly residential properties.

Conservation Area Description
Established most recently, in 2016, First Shaughnessy is an elite neighbourhood in the centre of Vancouver, located on the crest of a hill, and bordered by major streets. The neighbourhood is approximately 5 kilometers south of the downtown peninsula and 10 kilometers east of the westernmost tip of the city.

The neighbourhood was one of the first residential areas developed after the railway boom and was home to many of the era’s elite business people. First Shaughnessy today remains one of the most expensive real estate markets in the city. The area is zoned for residential use only.
**Heritage Value**

First Shaughnessy has heritage value as it reflects the arrival of the Canadian Pacific Railway (CPR), which signaled a massive shift in the social, economic and physical development of the region. The CPR purchased a large swath of land with a central location on the crest of a hill, which overlooked the industrial core of the Granville Townsite and the views beyond. The CPR heavily marketed the area to the province’s newly emerging elites, including businessmen and civic officials, who were drawn in from competing cities such as New Westminster and Victoria.

As such the homes are representative of high-quality masterworks, and many were designed by early Canada’s most prominent architects. The neighbourhood has value for its high level of original elaborate, stately, and elegant manors on large lots. Additionally, traditional English landscaping is found throughout, inclusive of sweeping boulevards and small common parks. A distinctive pattern of planned development and grandeur is evidence of the powerful families the neighbourhood brought to the city, which in turn influenced the growth and development of Vancouver as a whole.

First Shaughnessy’s character defining elements include:

- Location on the crest of the hill
- Curving roads
- Estate-like feel
- Large lots
- Private gardens
- Traditional English architectural styles

Image courtesy of City of Vancouver Archives, *Russel House 1919*
**Policy Background**

Stemming from residents’ concern, in December of 2013, Vancouver City Council adopted the Heritage Action Plan. The Plan was a comprehensive review of the City’s heritage program. As part of the review, Staff were directed to evaluate and propose an update to the Frist Shaughnessy Official Development Plan. The goal of the review was to address concerns regarding the loss of significant and/or older homes in the area. Residents had additionally expressed concerns regarding the massing and character of new development in their neighbourhood, which was seen to be unsympathetic.

As part of their direction, Council specifically asked Staff to consider the implications of an HCA for First Shaughnessy, as a replacement to the official development plan. A full review was completed and it was determined that an HCA would be best suited to supporting the preservation and protection of the character of First Shaughnessy. After a lengthy public hearing, Council voted unanimously to support the legislation. However, the HCA process has since been taken to court by three owners in the neighbourhood, the result of which is still pending.

Image Courtesy of the City of Vancouver Archives, *Hycroft Manor 1927*
The tables below relate to, and provide additional information on the case studies detailed in the previous section of this report. Each table highlights an element of heritage conservation areas (HCAs) which can be used to inform decisions on the proposed Queen’s Park neighbourhood HCA. The intent of this report stems from New Westminster City Council’s interest in exploring an HCA. Resultantly, this project does not attempt to justify the historic characteristics of the Queen’s Park neighbourhood, and why it might be deserving of the protection granted through an HCA. Rather, the analysis of HCAs, and their policy frameworks, provided herein brings meaningful background to the discussion of both policy development and implementation strategies.

As HCAs are required by the Local Government Act to be part of a municipality’s official community plan (OCP), the case study data was amassed from OCPs, area plans, design guidelines, and additional policy pursuant to an HCA. Further rationale for the selection of each case study is presented in the sections above. The descriptive elements of the HCAs in question, and their subsequent policy frameworks have been organized in this section into five categories, which provide a specific lens which can then be used to identify trends within the case studies.

The summary tables have been organized into the categories listed below:

**Figure 1: HCA Descriptions**
An overview of the case studies which provides preliminary background information on each case’s context.

**Figure 2: Development of the HCAs**
The chronological events leading up to the implementation of an HCA in each case.

**Figure 3: Protection Conferred**
Status of protection in each case, granted through both; planning tools other than HCAs, and as a result of the HCA.

**Figure 4: Policy Characteristic of the HCAs**
An overview of the case studies’ policy frameworks, which can be used to identify trends in policy development for HCAs.

**Figure 5: Available Incentives**
A summary of monetary and non-monetary incentives available to property owners within the HCA case studies.
Figure 1: HCA Descriptions

<table>
<thead>
<tr>
<th>HCA Name</th>
<th>Location</th>
<th>Size (#properties, approx.)</th>
<th>Land Use</th>
<th>Significant Historical Era</th>
<th>Additional Planning Tools in Area</th>
<th>Other HCAs in the Municipality</th>
</tr>
</thead>
<tbody>
<tr>
<td>Old Town</td>
<td>Victoria</td>
<td>1,000</td>
<td>Mixed Use</td>
<td>The Push West: 1840s-1860s</td>
<td>Development Permit Area</td>
<td>9</td>
</tr>
<tr>
<td>Lower Caulfeild</td>
<td>West Vancouver</td>
<td>50</td>
<td>Residential</td>
<td>British America: 1890s-1920s</td>
<td>None</td>
<td>0</td>
</tr>
<tr>
<td>Fitzwilliam St</td>
<td>Nanaimo</td>
<td>600</td>
<td>Mixed Use</td>
<td>Natural Resources Boom: 1840s-1890s</td>
<td>None</td>
<td>0</td>
</tr>
<tr>
<td>Stevenston Village</td>
<td>Richmond</td>
<td>300</td>
<td>Mixed Use</td>
<td>West Coast Industrialization: 1860s-1880s</td>
<td>None</td>
<td>0</td>
</tr>
<tr>
<td>First Shaughnessy</td>
<td>Vancouver</td>
<td>600</td>
<td>Residential</td>
<td>Canadian Pacific Railway Riches: 1880s-1910s</td>
<td>Official Development Plan</td>
<td>0</td>
</tr>
<tr>
<td>Queens Park</td>
<td>New Westminster</td>
<td>700</td>
<td>Residential</td>
<td>Roaring Economy: 1910-1930</td>
<td>Temporary Protection Order</td>
<td>0</td>
</tr>
</tbody>
</table>

The table above is a more concise overview of the case studies. The figure provides additional details which describe the characteristics of the districts bounded by Heritage Conservation Areas (HCAs). Overall, the purpose of this table is to provide background information, and a resultantly a greater understanding of each case’s context. Additionally, the descriptions provided can be used to compare and contrast the HCAs, and their subsequent policy frameworks. Notably, Victoria is the largest HCA, and Lower Caulfeild the smallest.

24 All mixed-use reference here: mixed use commercial-residential
25 Of which Old Town is the largest. The City of Victoria has very much adopted HCAs and DPAs into their everyday planning. There are 13 total in the city.
Heritage Conservation Areas (HCAs) have not always been an available planning tool in British Columbia. Rather, HCAs were introduced in 1994 with other sweeping changes to the *Heritage Conservation Act*. Previously, when looking to conserve larger districts, local government would recognize the area as a formal historic district, which offers no legal protection, and legislate a development permit area (DPA) to manage change, to the best of that tool’s ability. Design Guidelines were another way municipalities managed change in sensitive areas. This style of retention-focused Design Guidelines can still be seen today in Vancouver’s Kitsilano and Mount Pleasant.

Victoria was the first local government to implement an HCA. At the time, local governments were given the option to roll their DPAs directly into an HCA within the year, if appropriate standards (Design Guidelines) and a schedule (list of properties affected) were included. Steveton Village did not roll their DPA over.

This table demonstrates two important phenomena. First, that HCAs are regularly used throughout the region, in a variety of contexts. Second, is that they are implemented when change becomes overwhelming. Note that not all municipalities adopted HCAs when they first appeared in the planner’s toolbox. Instead, they have been applied when communities reach a threshold of change and/or are in need of revitalization.
Figure 3: Protection Conferred

<table>
<thead>
<tr>
<th>HCA Name</th>
<th>Size (#properties approx.)</th>
<th># Properties Otherwise Protected(^{26})</th>
<th>% of Protected Properties (approx.)(^{27})</th>
<th>Property Schedule(^{28})</th>
<th>Protection Granted Through Schedule</th>
<th>Exemptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Old Town</td>
<td>1,000</td>
<td>200+</td>
<td>20%</td>
<td>Yes</td>
<td>Only formally protected properties</td>
<td>No</td>
</tr>
<tr>
<td>Lower Caulfeild</td>
<td>50</td>
<td>4</td>
<td>10%</td>
<td>Yes</td>
<td>All properties</td>
<td>No</td>
</tr>
<tr>
<td>Fitzwilliam St</td>
<td>600</td>
<td>55</td>
<td>10%</td>
<td>Yes</td>
<td>Formally protected properties and non-protected properties evaluated to have historical significance</td>
<td>No</td>
</tr>
<tr>
<td>Stevenston Village</td>
<td>300</td>
<td>23</td>
<td>25%</td>
<td>Yes</td>
<td>Formally protected properties and non-properties noted as having significant value in the Area Plan</td>
<td>Negotiated</td>
</tr>
<tr>
<td>First Shaughnessy</td>
<td>600</td>
<td>81</td>
<td>8%</td>
<td>Yes</td>
<td>All pre 1940 homes (ability to apply for exception)</td>
<td>Yes</td>
</tr>
<tr>
<td>Queen's Park</td>
<td>700</td>
<td>42</td>
<td>5%</td>
<td>Yes</td>
<td>All pre-1965 homes (subject to review)</td>
<td>TBD</td>
</tr>
</tbody>
</table>

Heritage Conservation Areas confer protection to all the properties listed on the schedule. However, as discussed earlier in this report, protection can also be conferred onto an individual property with a variety of planning tools. As such, determining which properties are listed on the schedule, and the percentage of properties which are otherwise protected in an HCA, demonstrates the municipality’s commitment to conservation. For example, Victoria’s schedule listed properties are all protected with more rigid legislation, in addition to the Design Guidelines and other clauses stipulated in the HCA.

The residential HCAs are more conservation oriented, and less flexible than the mixed-used commercial HCAs which are often in a downtown-like setting. This is likely to encourage economic revitalization and growth in those areas, as well as accommodate higher densities, above what was historically seen. Of note in this table is that in the Queen’s Park neighbourhood, relatively few homes were otherwise protected, which provides a compelling argument to establish an overarching mechanism of protection, such as an HCA. Single property designation for the remaining 95% would be onerous.

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\(^{26}\) Properties Designated, subject to a Heritage Conservation Covenant, or listed on the Community Heritage Register, as of May 2016.

\(^{27}\) As a percentage of total properties in the HCA.

\(^{28}\) A schedule of properties to be affected by the HCA is required by the *Local Government Act*. 
Figure 4: Policy Characteristics of the HCAs

<table>
<thead>
<tr>
<th>HCA Name</th>
<th>HCA in OCP</th>
<th>Governing Plan</th>
<th>Design Guidelines</th>
<th>Separate Guidelines for New Builds</th>
<th>Heritage Guidelines are the S&amp;Gs</th>
<th>Standards of Maintenance Bylaw</th>
</tr>
</thead>
<tbody>
<tr>
<td>Old Town</td>
<td>Yes</td>
<td>City of Victoria Official Community Plan</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Lower Caulfeild</td>
<td>Yes</td>
<td>City of West Vancouver Official Community Plan</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Fitzwilliam St</td>
<td>Yes</td>
<td>City of Nanaimo Official Plan</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Stevenston Village</td>
<td>Yes</td>
<td>Steveston Village Area Plan</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>First Shaughnessy</td>
<td>No²⁹</td>
<td>First Shaughnessy Heritage Conservation Area Plan</td>
<td>Yes</td>
<td>TBD</td>
<td>Removed</td>
<td>Yes</td>
</tr>
<tr>
<td>Queen’s Park</td>
<td>Not Yet</td>
<td>Queen’s Park Neighbourhood Heritage Study</td>
<td>Yes</td>
<td>TBD</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Municipalities under the *Local Government Act* (LGA) are required to detail their heritage conservation area (HCA) in the official community plan (OCP). However, some municipalities, notably Steveston, also govern with additional, area specific plans. HCAs are required by the *Local Government Act* (LGA) to have Design Guidelines. The mixed-use HCAs often frequently have additional guidelines for new development, infill and non-protected properties. Most HCAs include the *Standards and Guidelines* as a reference for all conservation work, which is already the case in New Westminster who adopted the *Standards and Guidelines* in 2008 as a framework for all heritage projects. Standards of Maintenance are not required, but the power to implement is granted through the LGA. The City of New Westminster’s heritage protection standards of maintenance bylaw should be amended to include, at minimum properties listed on the schedule of the HCA. Amending the bylaw will ensures that enforcement of the protection granted through the HCA is not arbitrary and additionally provides a strong regulatory tool. Furthermore, a maintenance bylaw protects against demolition-by-neglect.

Overall, the HCAs studied are fairly similar in their policy characteristics; likely as the requirements and powers of an HCA are extensively laid out in *Part 15* of the LGA (see Appendix A).

²⁹ Vancouver is subject to the *Vancouver Charter*, and does not current have a city-wide plan, but rather operates under neighbourhood plans.
³⁰ After public outcry, at the first bylaw, within the month, the City of Vancouver reviewed and reissued the HCA bylaw, including removing all references to the *Standards and Guidelines*. 
Figure 5: Available Incentives

<table>
<thead>
<tr>
<th>HCA Name</th>
<th>Fee waived for an HAP</th>
<th>Tax Incentive Program</th>
<th>City Grant Program</th>
<th>Proposed Infill</th>
</tr>
</thead>
<tbody>
<tr>
<td>Old Town</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Lower Caulfeild</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Fitzwilliam St</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Stevenston Village</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>First Shaughnessy</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Queen's Park</td>
<td>Yes</td>
<td>TBD&lt;sup&gt;31&lt;/sup&gt;</td>
<td>TBD</td>
<td>Yes</td>
</tr>
</tbody>
</table>

A heritage conservation area (HCA) increases the required number of permits for changes to a property<sup>32</sup>, and as such frequently increases a project’s timeframe. As compensation for the time and attention paid to the historic qualities of the development, incentives can be provided in exchange. The incentives listed above are all provided for in the *Local Government Act* (LGA).

Victoria and Nanaimo are the most generous in their incentives, providing opportunities for infill, tax exemptions, and a City-operated grant program. Lower Caulfeild is the most conservative area, providing none of the identified incentives for development. Lower Caulfeild also has the greatest level of community engagement in their decision-making: all Heritage Alteration Permits (HAPs) are reviewed by a community advisory commission. First Shaughnessy has a similar community advisory commission, though it is focused on design specifically. Of note is that the well-established HCAs charge for HAPs to cover the costs of administration. The newer HCAs do not charge, likely so as not to discourage residents from the new program. Most of the case study HCAs do not allow for tax exemptions, however, most offer grant programs. It is interesting that the two municipalities which do not offer grants are home to the residential HCAs, and would therefore arguably require smaller grants than large, commercial downtown buildings.

The information provided through this table can be used to inform future decisions on potential HCA benefits in New Westminster, based on local common practice.

<sup>31</sup> To be determined, as a result of decisions stemming from this report.

<sup>32</sup> An HAP is required in addition to the standard project permits including Building and Development Permits.
RECOMMENDATIONS

The recommendations provided through this report are based on a comparison of the case studies detailed in Part IV, and draw upon most common practice amongst the other case study municipalities. The analysis in Part IV is strictly a comparison and an overarching survey of precedent. The followings recommendations do not reflect in-depth exploration into each element of an HCA and its potential impact on New Westminster. However, the information obtained can be used as a base for future exploration into policy decisions on an HCA for the Queen’s Park neighbourhood. Additionally, the survey and recommendations provided herein would be foundational for more exhaustive research into each policy element.

The intent of this report stems from New Westminster City Council’s interests in exploring an HCA. Therefore, the focus of this report was not a justification for the implementation of an HCA in the Queen’s Park neighbourhood. The determination to implement or not, rests with the community’s residents and their Council. The analysis of HCAs, and their policy frameworks, provided sought to bring meaningful background to the discussion of both policy development and implementation strategies, should an HCA be undertaken.

Though the recommendations provided in this Part of the report are directed towards the City of New Westminster, they would be equally relevant to other South Coast municipalities in British Columbia pursuing an HCA. Furthermore, the survey conducted will contribute to the record of heritage conservation management programs throughout the province.

IMPLEMENTATION OF AN HCA

Based upon the information and analysis presented above, New Westminster City Council is recommended to implement a HCA in the Queen’s Park neighbourhood as it:

- will conserve a historically important neighbourhood,
- will protect historically significant homes,
- will address the community’s call for regulation,
- is within the City’s legal authority,
- is consistent with the City’s heritage policies,
- is consistent with Provincial and Federal policies, including international agreements,
- is in keeping with practice in similar neighbourhoods in the Lower Mainland,
- is in keeping with best practice, as demonstrated by the City of Victoria, and
- is reflective of contemporary thinking in the field of heritage conservation.
CHARACTERISTICS OF THE HCA

Based upon the analysis presented herein, this report recommends the following in the City of New Westminster’s implementation of an HCA:

- **Design Guidelines for Heritage Projects**, which reference the *Standards and Guidelines*.

  Rationale: The *Standards and Guidelines* are accepted across Canada and at all levels of government. In 2008, the City of New Westminster adopted the *Standards and Guidelines* as reference for all heritage work completed through the City. Additionally, a third party document, to which projects can be held accountable makes for non-arbitrary and accountable administration and regulation of heritage projects.

- **Separate Design Guidelines for new construction** and additions in the area, which do not reference conservation practice.

  Rationale: Design Guidelines can be crafted to encourage new development but ensure that any new buildings are in keeping with the heritage character of the neighbourhood in more than form and massing, which are regulated through zoning. Design Guidelines for new builds can address issues which are pertinent to new design rather than heritage restoration work.

- **Standards of Maintenance Bylaws**

  Rationale: Standards of Maintenance are not required, but the power to implement is granted through the *Local Government Act*. The care of a home is an integral part of what many Queen’s Park neighbourhood residents love about their property. As such, Council should consider taking advantage of the opportunity amend their existing bylaw to include properties protected through the HCA. Additionally, a bylaw detailing the extent of maintenance required for all listed properties will ensure that enforcement is not arbitrary, provides as framework for regulation, and protects against demolition-by-neglect.

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33 As per the responses to the Queen’s Park Neighbourhood Heritage Study Working Group residents’ survey, dated January 2015. Available online through the New Westminster City webpage.
No tax-exemption program

Rationale: Most of the heritage conservation areas (HCAs) within the region, aside from the island, do not provide a tax-exemption for formally protected properties, including those within an HCA. Through the *Local Government Act*, the City does have the authority to provide exemptions. However, the alternative would be to provide restoration and or maintenance grants. Similar budget would be required, though, through grants it could be assured that the funds set aside for heritage conservation within the HCA were used for the purposes of conservation. Rather than a tax exemption, used by owners at their discretion.

Heritage house maintenance and **restoration grants**

Rationale: This style of program was previously in existence as a partnership with the City. The implementation of a HCA provides the political will and opportunity to invest in the community, and could be an incentive to own in a more development restricted area such as an HCA. Furthermore, owners may be interested in registering their property on the HCA schedule if a grant was available for listed homes. Additionally, as previously mentioned, spending on grants is assured to be used for conservation purposes and as such is a more focused and effective spending strategy.

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34 The City of Nanaimo is renowned for their award winning heritage house grant program through which they have provided more than $10 million since implementation of the HCA.

35 Further research into spending requirements to support this style of program would be required, dependent upon Council’s interest to pursue this option. Similarly, additional study on tax-exemption programs on Vancouver Island, and what elements New Westminster could model from those municipalities is required, prior to Council receiving this recommendation. However, financial and economic analysis was determined to be beyond the scope of this study.
Schedule of Properties

According to the *Local Government Act*, properties subject to the conservation area policy must be listed in the official community plan as a schedule. The following are options for consideration when determining which properties in the Queen's Park neighbourhood will be listed on the schedule:

- Everything within the heritage conservation area boundary, with an option to apply for exemption.
- All buildings within the boundary which were built before 1966 (the current 50 year review date).
- All buildings within the boundary which were built 50 years before the date of application for change.
- All buildings within the boundary which were built before 1900 (the current review date).
- All buildings within the boundary which were built 100 years before the date of application for change.
- Heritage Register listed properties only.

The principle of which properties should be subject to the HCA, and which should be listed on the schedule, is an element of the policy framework which must be decided by Council, through consultation with residents of the Queen's Park neighbourhood and surrounding community. The author recommends this be included in the community consultation phase of the implementation plan, scheduled for the winter of 2016 and spring of 2017.


**External Policies Referenced**


*Note:* All non-credited images in this report were taken by the author, through the City of New Westminster's Queen's Park Neighbourhood Heritage Study Photographic Inventory program, summer of 2016. Permission from the City has been granted for their use in this report.
Appendix A: Part 15, Local Government Act
LOCAL GOVERNMENT ACT
[RSBC 2015] CHAPTER 1

Part 15 — Heritage Conservation

Division 1 — General

Definitions in relation to this Part

586 (1) The definitions in section 455 [definitions in relation to Part 14] apply to this Part.

(2) In addition to the definitions made applicable by subsection (1), in this Part:

"alter" means to change in any manner and, without limiting this, includes

(a) the making of an improvement, as defined in the Builders Lien Act, and

(b) any action that detracts from the heritage value or heritage character of heritage property;

"approval" means a permit, licence or other authorization required under this or any other enactment administered by a local government or a delegate;

"community heritage register" means a register of heritage property under section 598;

"delegate" means, in relation to a power or duty, a person given authority under section 229 [delegation of board authority] of this Act or section 154 [delegation of council authority] of the Community Charter to exercise that power or duty;

"heritage alteration permit" means a permit under section 617;

"heritage conservation area" means an area designated under section 614 (1) in an official community plan;
"heritage designation bylaw" means a bylaw under section 611;

"heritage inspection" means the physical examination of property and the research necessary to assess the heritage value and the heritage character of the property or to determine the need for conservation of the property;

"heritage minister" means the minister responsible for the administration of the Heritage Conservation Act;

"heritage revitalization agreement" means an agreement under section 610;

"real property" includes buildings, structures and other improvements affixed to the land.

(3) A provision of this Part that applies to an officer or employee of a local government may apply to an officer or employee of another government with the approval of that government.

Regional district authority requires service

587 A regional district does not have authority under this Part, and its board is not a local government for the purposes of this Part, unless the regional district has adopted a bylaw to establish and operate a service related to heritage conservation.

Limits on use of this Part

588 (1) This Part must not be used to conserve natural landscapes or undeveloped land except

(a) to the extent that the exercise of power under this Part in respect of natural landscape or undeveloped land is, in the opinion of the local government, necessary for the conservation of adjacent or proximate real property that is protected heritage property,

(b) with respect to a site that has heritage value or heritage character related to human occupation or use, or
(c) with respect to individual landmarks and other natural features that have cultural or historical value.

(2) This Part must not be used to prevent a use of real property that is permitted under the applicable zoning bylaw for the property, or to prevent the development of land to the density allowed in respect of that permitted use under the applicable zoning bylaw, except with regard to property that

(a) is designated by a heritage designation bylaw, or

(b) is subject to temporary heritage protection under this Part.

(3) This Part must not be used to restrict a forest management activity on land that is private managed forest land under the *Private Managed Forest Land Act*.

(4) If there is a conflict between

(a) a provision of this Part, or a permit or order made under this Part, and

(b) the *Heritage Conservation Act*, or a permit or order made under that Act,

the *Heritage Conservation Act*, or the permit or order made under that Act, prevails.

**Limit on compensation**

589 Except as provided in sections 600 (7) [*damage caused by heritage inspection*] and 613[*compensation for heritage designation*], a person is not entitled to compensation for

(a) any loss or damage, or

(b) any reduction in the value of property

that results from the performance in good faith of any duty under this Part or the exercise in good faith of any power under this Part.
Bylaw and permit procedures

590 (1) A local government may, by bylaw, define procedures under which a person may apply for an amendment to a bylaw under this Part or for the issue of a permit under this Part.

(2) If a bylaw under subsection (1) establishes a time limit for reapplication, the time limit may be varied in relation to a specific reapplication by an affirmative vote of at least 2/3 of the votes cast.

(3) Every application for a heritage alteration permit or the amendment of a bylaw under this Part must be considered by the local government or, if applicable, its delegate.

(4) The applicant or owner of property subject to a decision made by a delegate is entitled to have the local government reconsider the matter.

Ombudsperson review of local government decisions

591 (1) The Ombudsperson appointed under the Ombudsperson Act may investigate complaints about decisions made by a local government under this Part or about procedures used by a local government under this Part.

(2) Subsection (1) does not authorize the Ombudsperson to investigate an issue involving compensation for reduction in the market value of real property caused by a designation under section 611 [heritage designation protection].

(3) The Ombudsperson Act, other than section 11 (1) (a) of that Act, applies to investigations under this section and, for that purpose, the local government is deemed to be an authority as defined in that Act.

(4) During an investigation under this section and for up to 6 months after the completion of the investigation, if the Ombudsperson considers the matter to be unresolved, the Ombudsperson may direct that the local government or the complainant, or both, must not take any action on matters specified by the Ombudsperson.
(5) If the Ombudsperson makes a recommendation under section 23 or 24 of the Ombudsperson Act regarding an investigation under this section and no action that the Ombudsperson considers adequate or appropriate is taken by the local government within a reasonable time, the Ombudsperson may make a report to the Lieutenant Governor in Council of the recommendation and such additional comments as the Ombudsperson considers appropriate.

(6) On receipt of a report from the Ombudsperson, the Lieutenant Governor in Council may make an order that the Lieutenant Governor in Council considers is in the public interest, and the order is binding on the local government.

(7) Nothing in this section diminishes the authority of the Ombudsperson under the Ombudsperson Act.

Division 2 — Notices under this Part

Giving notice to owners and occupiers

592 (1) Any notice required to be given to an owner or occupier under this Part must be given to the owner or occupier in accordance with this section.

(2) A notice to an owner is sufficiently given to the owner if

   (a) it is given by personal service on the owner,

   (b) it is sent by registered mail, or by a method of delivery that provides proof of delivery, to the person's actual or last known address,

   (c) in the circumstances described in subsection (4), it is published in accordance with that subsection, or

   (d) it is given as authorized by regulation under section 596.

(3) A notice to an occupier is sufficiently given to the occupier if

   (a) the notice is given individually to each occupier in accordance with subsection (2), or
(b) the notice is posted on or near the property in accordance with section 593.

(4) If a notice cannot be given by personal service on an owner or occupier and the person's actual or last known address cannot be determined after reasonable steps for the purpose have been taken, the notice may be given by publication in 2 issues, at least one week apart, of a newspaper having general circulation

(a) in the area where the owner or occupier to be given notice was last known to reside or carry on business according to the information available to the person giving the notice, or

(b) in the area where the land to which the notice relates is situated.

(5) A notice given in accordance with subsection (2) (b) is deemed to be received on the earlier of

(a) the date the person to whom it is sent actually receives the notice, and

(b) the end of 10 days after the date on which the notice was sent.

**Posting notice on protected heritage property**

593 (1) A local government may authorize a person to post one or more notices on or near

(a) protected heritage property, or

(b) real property subject to temporary heritage protection under any of the following:

(i) section 600 [heritage inspection];

(ii) section 603 [local government request for Provincial protection];

(iii) section 606 [order for temporary protection];

(iv) section 607 [introduction of continuing protection bylaw];
(v) section 608 [*heritage control period*].

(2) Before or when entering land to post a notice, the local government must make a reasonable effort to inform the owner or occupier of the land.

(3) Except as authorized by the local government, a person must not alter or remove a notice posted under the authority of this section.

**Notice on land titles**

594 (1) A local government must file a written notice in the land title office with respect to the following real property:

(a) property that is subject to a provision under section 393 [repayment requirement in relation to regional district heritage exemptions];

(b) property that is subject to a provision under section 225 [repayment requirements in relation to tax exemptions] of the Community Charter in relation to heritage property;

(c) property that is subject to a heritage revitalization agreement;

(d) property designated by a heritage designation bylaw.

(2) On receipt of a notice under subsection (1), the registrar of land titles must make a note of the filing on the title of the affected land.

(3) If a provision, agreement or bylaw referred to in subsection (1) no longer applies to property for which a notice was filed under this section, the local government must notify the land title office.

(4) On receipt of a notice under subsection (3), the registrar of land titles must cancel the note made under subsection (2).

(5) Notification to the land title office under subsection (1) or (3) must be made in a form satisfactory to the registrar of land titles.

(6) The protection of property under this Act is not affected by
(a) an inadvertent and minor error or omission in a notice given by a local government to the registrar of land titles in relation to a note on a land title,

(b) an error or omission in a note on a land title, or

(c) a failure by the registrar of land titles to make a note on a land title.

(7) In the event of any omission, mistake or misfeasance by the registrar of land titles or the staff of the registrar in relation to the making or cancelling of a note under this section,

(a) the registrar is not liable and neither the Provincial government nor the Land Title and Survey Authority of British Columbia is liable vicariously,

(b) the assurance fund or the Land Title and Survey Authority of British Columbia as a nominal defendant is not liable under Part 19.1 of the *Land Title Act*, and

(c) the assurance fund or the minister charged with the administration of the *Land Title Act* as a nominal defendant is not liable under Part 20 of the *Land Title Act*.

(8) The Lieutenant Governor in Council may prescribe fees for the filing of notices under this section, and section 386 of the *Land Title Act* applies in respect of those fees.

**Notice to heritage minister**

595  (1) A local government must notify the heritage minister with respect to the following real property:

(a) heritage property for which a tax exemption is provided under section 392[*regional district exemptions for heritage properties*];

(b) heritage property for which a tax exemption is provided under section 225[*municipal exemptions for heritage properties*] of the *Community Charter* by reason of it being heritage property;
(c) heritage property included under section 614 (3) (b) in a schedule to an official community plan;

(d) heritage property identified as heritage property in a community heritage register;

(e) heritage property that is subject to a heritage revitalization agreement;

(f) property designated by a heritage designation bylaw.

(2) If the provisions that require that notice must be given under subsection (1) no longer apply to any real property, the local government must notify the heritage minister.

(3) Notices to the heritage minister under subsections (1) and (2) or section 603 (2) must be made in a form satisfactory to that minister.

(4) The protection of property under this Act is not affected by an error or omission in a notice given under this section.

**Regulations regarding notices**

596 (1) The Lieutenant Governor in Council may make regulations respecting the form, content and means of giving notice

(a) under this Part,

(b) under section 392 (5) of this Act, or

(c) under section 225 of the Community Charter in relation to heritage property.

(2) Regulations under subsection (1) may be different for different types of notices and for different types of properties.
Division 3 — Heritage Review

Community heritage commissions

597 (1) In addition to the authority under section 263 (1) (f) [regional district commissions] of this Act or section 143 [municipal commissions] of the Community Charter, a local government may designate an existing organization to act as a community heritage commission.

(2) In relation to an organization designated under subsection (1),

(a) when the organization is acting as a community heritage commission, the organization is deemed to be a commission established under the applicable provision referred to in subsection (1), and

(b) when a member of the organization is acting as a member of a community heritage commission, the member is deemed to be a member of a commission established under the applicable provision referred to in subsection (1).

Community heritage register

598 (1) A local government may, by resolution, establish a community heritage register that identifies real property that is considered by the local government to be heritage property.

(2) A community heritage register

(a) must indicate the reasons why property included in the community heritage register is considered to have heritage value or heritage character, and

(b) may distinguish between heritage properties of differing degrees and kinds of heritage value or heritage character.

(3) Within 30 days after including property in a community heritage register or deleting property from a community heritage register, the local government must give notice of this
(a) to the owner of the heritage property in accordance with section 592, and

(b) to the heritage minister in accordance with section 595.

(4) The protection of heritage property is not affected by an error or omission in a community heritage register.

**Heritage recognition**

599  (1) A local government may recognize the heritage value or heritage character of a heritage property, an area or some other aspect of the community's heritage.

(2) The local government may have a plaque or other marker installed to indicate recognition under subsection (1), subject to the requirement that permission for this must be obtained from the owner of the property on which the marker is installed.

**Heritage inspection may be ordered**

600  (1) For the purposes of assessing the heritage value, the heritage character or the need for conservation of real property, a local government or its delegate may order a heritage inspection of the property in any of the following circumstances:

(a) the property is or may be protected heritage property;

(b) the property is identified as heritage property in a community heritage register;

(c) the property is or may be heritage property according to criteria that the local government may, by bylaw, establish for the purposes of this Part.

(2) An order under subsection (1)

(a) must state the purpose of the heritage inspection,

(b) must specify how long the order is to remain in effect,

(c) must require the heritage inspection to be carried out in an expeditious manner,
(d) may provide that the property covered by the order is subject to temporary protection until the applicable time under subsection (3) or section 601 (5) [entry warrant extending time period], and

(e) may include terms, conditions and specifications that the local government or delegate considers appropriate.

(3) Temporary protection under subsection (2) (d) applies until the earliest of the following, subject to an extension of this time under section 601 (5):

(a) the day after a report of the results of the heritage inspection is delivered to a regular meeting of the local government;

(b) the day the local government or its delegate informs the owner that the heritage inspection is completed or is no longer required;

(c) 30 days after the day on which the heritage inspection was ordered.

(4) A person must not interfere with the conducting of a heritage inspection.

(5) A person conducting a heritage inspection may perform tests and remove material samples that are necessary for the purposes of the heritage inspection, but must do this in such a manner that any alterations are as minor and inconspicuous as reasonably possible given the requirements of the heritage inspection.

(6) On completion of a heritage inspection, the local government must

(a) notify the owner of the property that a heritage inspection has been conducted, if the owner was not notified of the heritage inspection before the heritage inspection, and

(b) make a report to the owner of what was done if, as a part of a heritage inspection, an alteration is made or material is removed.
(7) A person whose property is damaged by a heritage inspection under subsection (1) is entitled to have the damage repaired at the expense of the local government or, if the damage cannot be repaired, to compensation from the local government.

**Entry authority for a heritage inspection**

601  (1) An order under section 600 (1) authorizes a person conducting the heritage inspection to enter land or premises identified in the order at any reasonable time for the purposes of the heritage inspection.

(2) Before or when entering land under subsection (1), the person conducting the heritage inspection or heritage investigation must make a reasonable attempt to notify the owner or occupier of the land and, if requested, present a copy of the order to the owner or occupier.

(3) Except as provided in subsection (4), nothing in this section or an order made under section 600 authorizes entry into a building without the permission of the owner or occupier.

(4) A justice may issue a warrant authorizing a person to enter land or a building to conduct a heritage inspection ordered under section 600 (1) if the justice is satisfied that

(a) there are reasonable grounds to believe that entry is required to achieve the purposes of the heritage inspection, and

(b) there are reasonable grounds to believe that

(i) an emergency exists,
(ii) the person conducting the heritage inspection or heritage investigation has been unable to notify the owner or occupier after making a reasonable attempt to do so,
(iii) admission has been refused or refusal is anticipated, or
(iv) notification may defeat the object of the entry.
(5) A warrant under subsection (4) may extend the time period for which the property is protected under section 600 (2) (d) [temporary protection pending heritage inspection] and continues in force until the purpose for which the entry is required has been satisfied.

(6) If a heritage inspection is conducted under a warrant under subsection (4), the person conducting the heritage inspection must be accompanied by a peace officer.

**Impact assessment may be required**

602 (1) If, in the opinion of the local government or its delegate, an approval may affect protected heritage property, the local government or delegate may require the applicant for the approval, before the approval is issued,

(a) to provide the local government or delegate, at the expense of the applicant, with information regarding the possible effects that the activity or action enabled by the approval may have on the heritage property, or

(b) to permit the local government or delegate to undertake, at the expense of the local government, studies regarding the matters referred to in paragraph (a) provided that those studies are undertaken promptly.

(2) A requirement under subsection (1) must be communicated to the applicant in writing and include specifications of the information to be provided and of the qualifications of any persons undertaking studies to produce the information.

(3) Specifications referred to in subsection (2) must not be changed by the local government or its delegate without the agreement of the applicant.

**Local government requests for Provincial protection**

603 (1) If, in the opinion of a local government, real property owned by the Provincial government has heritage value or heritage character, the
local government may, by resolution, request that Provincial protection be provided for the property.

(2) Within 5 days after a resolution under subsection (1) is adopted, the local government must convey the resolution to the heritage minister.

(3) Once a request has been made under subsection (1), the property for which the protection is requested is subject to temporary protection until the earlier of the following:

   (a) the end of 30 days after the resolution authorizing the request was adopted;

   (b) the heritage minister notifies the local government in writing that the temporary protection is ended.

(4) Despite section 14 (2) [government not bound by legislation in relation to use or development of land] of the Interpretation Act, subsection (3) of this section applies to the Provincial government.

(5) No more than one request may be made under subsection (1) with respect to any particular building, other structure or site during any one 10 year period.

Division 4 — Temporary Protection

Withholding of approvals

604 (1) A local government may, by bylaw, direct or authorize the officers or employees of the local government who issue approvals to withhold the issuance of any approval for an action that, in the opinion of the person responsible for issuing the approval, would alter or cause an alteration to any of the following:

   (a) protected heritage property;

   (b) property subject to temporary heritage protection under another section of this Part;

   (c) property identified as heritage property in a community heritage register.
(2) A bylaw under subsection (1) may establish restrictions, limits or conditions on the duty or power to withhold approvals.

(3) If an approval is withheld under subsection (1), the matter must be referred to the local government at its next regular meeting after the approval is withheld.

(4) If an approval is referred to the local government with regard to property referred to in subsection (1) (a) or (b), the local government may authorize that the approval continue to be withheld until an action referred to in subsection (5) occurs.

(5) An approval must not be withheld under this section if one or more of the following occurs:

(a) a heritage alteration permit is issued authorizing the alteration to which the approval applies;

(b) the applicant agrees to terms and conditions satisfactory to the local government or its delegate to prevent or mitigate circumstances that may detract from the heritage value or heritage character of the property;

(c) in the case of property subject to temporary heritage protection, the protection expires;

(d) in the case of property that the person responsible for issuing the approval considers is protected under the Heritage Conservation Act, the local government is notified by the heritage minister that the requirements of that Act have been met or do not apply.

(6) Except as provided in subsection (4), nothing in this section authorizes the withholding of an approval to which an applicant would otherwise be entitled beyond the time of the meeting at which the matter is referred to the local government under subsection (3).
Withholding of demolition permits until other approvals issued

605 (1) Without limiting section 604, a local government may, by bylaw, direct or authorize the officers or employees of the local government who issue permits for demolition to withhold approval for demolition in the following circumstances:

(a) in the case of protected heritage property, until a heritage alteration permit and any other necessary approvals have been issued with respect to alteration or redevelopment of the site;

(b) in the case of real property identified as heritage property in a community heritage register, until a building permit and any other necessary approvals have been issued with respect to the alteration or redevelopment of the site.

(2) A local government may establish restrictions, limits or conditions on a duty or power under subsection (1).

(3) Nothing in this section authorizes the withholding of any approvals other than permits for demolition of heritage property.

Orders for temporary protection

606 (1) A local government may order that real property is subject to temporary protection if the local government considers that

(a) the property is or may be heritage property, or

(b) protection of the property may be necessary or desirable for the conservation of other property that is heritage property.

(2) An order under subsection (1)

(a) must specify the time period during which the temporary protection applies, which time period may not be longer than 60 days unless the owner of the property agrees to a longer time period, and

(b) must not be made more than once in a 2 year period without the agreement of the owner of the property.
(3) An order under subsection (1) may do one or more of the following:

(a) identify landscape features that are subject to the order;

(b) specify types of alterations to property that are allowed without obtaining a heritage alteration permit;

(c) establish policies regarding the issuance of a heritage alteration permit in relation to the property.

**Temporary protection by introduction of a continuing protection bylaw**

607 (1) For a period of 120 days beginning on the date of first reading of a bylaw to adopt an official community plan that designates a heritage conservation area, section 615 (1) *[heritage conservation area — activities requiring permit]* applies to all properties in the area as if the bylaw had already been adopted.

(2) For a period of 60 days beginning on the date of the first reading of a heritage designation bylaw, section 611 (3) *[heritage designation — activities requiring permit]* applies as if the heritage designation bylaw had already been adopted.

(3) If the owner of property to which subsection (2) applies agrees, the local government may, by bylaw, extend the protection referred to in that subsection for a specified period longer than the 60 days referred to in that subsection.

(4) If the issue of compensation for designation is submitted to arbitration under section 613 before the heritage designation bylaw is adopted, the time period under subsection (2) of this section is extended by the time between the submission of the matter to arbitration and the delivery of the arbitration report to the local government.

(5) If a local government defeats or decides not to proceed with a bylaw, the protection under this section ends.
Heritage control periods for temporary protection

608 (1) For the purposes of heritage conservation planning for an area identified in the bylaw, a local government may, by bylaw, declare a heritage control period with respect to the area.

(2) A bylaw under subsection (1) must specify the length of the heritage control period, which period may not be longer than one year from the date of adoption of the bylaw.

(3) A bylaw under subsection (1) may do one or more of the following:

(a) identify types of landscape features that are included in the protection under this section;

(b) specify types of alterations to property that are allowed without obtaining a heritage alteration permit;

(c) establish policies regarding the issuance of a heritage alteration permit in relation to property within the area covered by the bylaw.

(4) During a heritage control period under subsection (1), property within the area covered by the bylaw is subject to temporary protection in accordance with section 609.

(5) A heritage control period under this section may be declared once only during any 10 year period for an area or portion of an area.

Temporary protection

609 (1) While property is subject to temporary protection in accordance with this Division, except as authorized by a heritage alteration permit or as referred to in subsection (2), a person must not do any of the following to the property:

(a) alter the exterior of a building or structure;

(b) make a structural change to a building or structure;

(c) move a building or structure;
(d) alter, move or take an action that would damage a fixture or feature identified in the authorizing resolution, order or bylaw for the temporary protection;

(e) alter, excavate or build on the property.

(2) The prohibition under subsection (1) does not apply to alterations that are, by the authorizing resolution, bylaw or order for the temporary protection, allowed to be made without a heritage alteration permit.

Division 5 — Continuing Protection

Heritage revitalization agreements

610 (1) A local government may, by bylaw, enter into a heritage revitalization agreement under this section with the owner of heritage property.

(2) A heritage revitalization agreement may do one or more of the following:

(a) include provisions regarding the phasing and timing of the commencement and completion of actions required by the agreement;

(b) vary or supplement provisions of one or more of the following:

(i) a bylaw or heritage alteration permit under this Part;

(ii) a land use permit under Part 14 [Planning and Land Use Management];

(iii) a land use regulation bylaw under Part 14;

(iv) a bylaw under Division 11 [Subdivision and Development: Requirements and Related Matters] of Part 14;

(v) a bylaw under Division 19 [Development Costs Recovery] of Part 14;
(c) include other terms and conditions that may be agreed on by the local government and the owner.

(3) A heritage revitalization agreement prevails over a bylaw or permit referred to in subsection (2) (b) to the extent of any conflict.

(4) A heritage revitalization agreement may be amended by bylaw only with the consent of the owner.

(5) A local government must not require an owner to enter into or consent to the amendment of a heritage revitalization agreement as a condition of issuing any permit, licence or other authorization that may be required to enable the heritage property to be used or developed in accordance with the applicable bylaws.

(6) A local government must not enter into or amend a heritage revitalization agreement unless the agreement or amendment is approved as follows:

(a) by the minister, if circumstances prescribed under subsection (7) apply;

(b) by the minister responsible for the administration of the Transportation Act, if the agreement or amendment covers land subject to section 52 (3) of that Act.

(7) The minister may, by regulation, prescribe circumstances in which approval under subsection (6) (a) is required.

(8) Before entering into or amending a heritage revitalization agreement, a local government must hold a public hearing on the matter if the agreement or amendment would permit a change to the use or density of use that is not otherwise authorized by the applicable zoning of the property and, for these purposes, Division 3 [Public Hearings on Planning and Land Use Bylaws] of Part 14 applies.

(9) Despite section 135 [requirements for passing bylaws] of the Community Charter, if a public hearing on the matter has been held under subsection (8) of this section, the local government may adopt the bylaw under this section at the same meeting at which the bylaw passed third reading.
Within 30 days after entering into or amending a heritage revitalization agreement, the local government must

(a) file a notice in the land title office in accordance with section 594, and

(b) give notice to the heritage minister in accordance with section 595.

If a notice is filed under subsection (10) (a), the heritage revitalization agreement and any amendment to it is binding on all persons who acquire an interest in the land affected by the agreement.

Heritage designation protection

(1) A local government may, by bylaw, on terms and conditions it considers appropriate, designate real property in whole or in part as protected under this section if the local government considers that

(a) the property has heritage value or heritage character, or

(b) designation of the property is necessary or desirable for the conservation of a protected heritage property.

(2) A heritage designation bylaw may do one or more of the following:

(a) apply to a single property or to part of a property;

(b) apply to more than one property, including properties owned by different persons;

(c) apply to affixed interior building features or fixtures identified in the bylaw;

(d) apply to landscape features identified in the bylaw;

(e) establish policies or procedures regarding the provision of financial or other support for the conservation of the heritage property;

(f) specify types of alterations to the property that are allowed without a heritage alteration permit;
(g) establish policies regarding the issuance of heritage alteration permits in relation to property covered by the bylaw.

(3) Except as authorized by a heritage alteration permit or allowed under subsection (2) (f), a person must not do any of the following:

(a) alter the exterior of a building or other structure protected under this section;

(b) make a structural change to a building or other structure protected under this section;

(c) move a building or other structure protected under this section;

(d) alter, remove or take an action that would damage an interior feature or fixture that is identified under subsection (2) (c);

(e) alter, remove or take an action that would damage a landscape feature that is identified under subsection (2) (d);

(f) alter, excavate or build on land protected under this section.

Heritage designation procedure

612  (1) Before a heritage designation bylaw is adopted, the local government must hold a public hearing on the proposed bylaw for the purpose of allowing affected parties and the general public to make representations respecting matters contained in the proposed bylaw.

(2) The following provisions of Part 14 [Planning and Land Use Management] apply with respect to the public hearing and enactment of the heritage designation bylaw:

(a) section 465 [public hearing procedures];

(b) section 469 [delegating the holding of public hearings];

(c) section 470 [procedure after public hearing];
(d) section 480 [adoption of municipal zoning bylaw].

(3) At least 10 days before the public hearing, a notice in the prescribed form must be given in accordance with section 592 [giving notice to owners and occupiers] to

(a) all persons who, according to the records of the land title office, have a registered interest in real property that would be designated, and

(b) all occupiers of real property that would be designated.

(4) A notice in the prescribed form must also be published in at least 2 consecutive issues of a newspaper, with the last publication to be at least 3 days but not more than 10 days before the public hearing.

(5) The local government must have a report prepared regarding the property to be designated that includes information respecting the following matters:

(a) the heritage value or heritage character of the property;

(b) the compatibility of conservation with the official community plan and any other community planning objectives in the area in which the property is located;

(c) the compatibility of conservation with lawful uses of the property and adjoining lands;

(d) the condition and economic viability of the property;

(e) the possible need for financial or other support to enable appropriate conservation.

(6) At least 10 days before the public hearing, the report under subsection (5) must be available for public inspection at the local government office during its regular office hours.

(7) No heritage designation bylaw is invalid for inadvertent and minor non-compliance with this section or Division 2 [Notices under this Part], or for an error or omission in the report required under subsection (5).
(8) Within 30 days after a local government adopts or defeats a heritage designation bylaw or determines not to proceed with the bylaw, the local government must give notice of this in the prescribed form to the owners entitled to notice under subsection (3) (a).

(9) Within 30 days after adopting a heritage designation bylaw, the local government must give notice of this

(a) to the land title office in accordance with section 594, and

(b) to the heritage minister in accordance with section 595.

Compensation for heritage designation

613 (1) If a designation by a heritage designation bylaw causes, or will cause at the time of designation, a reduction in the market value of the designated property, the local government must compensate an owner of the designated property who makes an application under subsection (2),

(a) in an amount or in a form the local government and the owner agree on, or

(b) failing an agreement, in an amount or in a form determined by binding arbitration under subsection (4).

(2) The owner of a designated property may apply to the local government for compensation for the reduction in the market value of the designated property.

(3) An application under subsection (2)

(a) must be made, in order for the owner to be entitled to compensation under this section, no later than one year after the heritage designation bylaw is adopted, and

(b) may be made before the heritage designation bylaw is adopted.

(4) If the local government and an owner are unable to agree

(a) that the owner is entitled to compensation, or
(b) on the amount or form of compensation,
then either the local government or the owner may require the matter
to be determined by binding arbitration under the *Arbitration Act*.

(5) An arbitration under this section must be by a single arbitrator
unless the local government and the owner agree to the appointment
of an arbitration panel.

(6) The arbitrator or arbitration panel, in determining whether the
owner is entitled to compensation and the amount or form of
compensation, must consider

(a) financial and other support available for conservation of
the designated property, and

(b) any other benefits that are available because of the
designation of the property.

(7) Compensation must not be paid, and an arbitration must not
continue, if the local government defeats or decides not to proceed
with the heritage designation bylaw.

(8) Nothing in this section authorizes the local government to give any
financial or other benefit to an owner except that which is
commensurate with the reduction in the market value of the
designated property caused by that designation.

(9) This section does not apply with respect to property that,
immediately before the adoption of the heritage designation bylaw, is
already designated under a heritage designation bylaw or under
section 9 of the *Heritage Conservation Act*.

**Designation of heritage conservation areas**

614 (1) For the purposes of heritage conservation, an official community
plan may designate an area as a heritage conservation area to which
section 615 (1) [*requirements for heritage alteration permit*] applies.

(2) If a heritage conservation area is designated under subsection (1),

(a) the official community plan must
(i) describe the special features or characteristics that justify the designation, and

(ii) state the objectives of the designation, and

(b) either the official community plan or a zoning bylaw must specify guidelines respecting the manner by which the objectives are to be achieved.

(3) If a heritage conservation area is designated under subsection (1), the official community plan may do one or more of the following:

(a) specify conditions under which section 615 (1) does not apply to property within the area, which may be different for different properties or classes of properties;

(b) include a schedule listing buildings, other structures, land or features within the area that are to be protected heritage property under this Act;

(c) for the purposes of section 615 (3), identify features or characteristics that contribute to the heritage value or heritage character of the area.

(4) At least 10 days before the public hearing on an official community plan that includes a schedule under subsection (3) (b), the local government must give notice in accordance with section 592 to the owner of each property that is to be included in the schedule, unless the property was already included in the schedule.

(5) Within 30 days after the adoption of a bylaw that includes a property in or deletes a property from a schedule under subsection (3) (b) to an official community plan, the local government must

(a) file a notice in the land title office in accordance with section 594, and

(b) give notice to the heritage minister in accordance with section 595.
**Permit requirements in relation to heritage conservation areas**

615 (1) If an official community plan designates a heritage conservation area, a person must not do any of the following unless a heritage alteration permit authorizing the action has been issued:

(a) subdivide land within the area;
(b) start the construction of a building or structure or an addition to an existing building or structure within the area;
(c) alter a building or structure or land within the area;
(d) alter a feature that is protected heritage property.

(2) Subsection (1) does not apply if conditions established under section 614 (3) (a) apply.

(3) If a heritage alteration permit is required by subsection (1), a delegate may act in relation to such a permit only if

(a) the property is protected heritage property, or
(b) the permit relates to a feature or characteristic identified under section 614 (3) (c).

**Heritage site maintenance standards**

616 (1) A local government may, by bylaw, establish minimum standards for the maintenance of real property that is

(a) designated as protected by a heritage designation bylaw, or
(b) within a heritage conservation area.

(2) Different standards may be established under subsection (1) for different areas or for different types or classes of property.
Division 6 — Heritage Alteration Permits

Heritage alteration permits

617  (1) A local government or its delegate may issue a heritage alteration permit authorizing alterations or other actions if the authorization is required by

(a) this Act or by a bylaw or order under this Act,

(b) a heritage revitalization agreement, or

(c) a covenant under section 219 of the Land Title Act.

(2) Subject to subsection (4), the heritage alteration permit may, in relation to protected heritage property or property within a heritage conservation area, vary or supplement provisions of one or more of the following:

(a) a bylaw or heritage alteration permit under this Part;

(b) a land use permit under Part 14 [Planning and Land Use Management];

(c) a land use regulation bylaw under Part 14;

(d) a bylaw under Division 11 [Subdivision and Development: Requirement and Other Related Matters] of Part 14;

(e) a bylaw under Division 19 [Development Costs Recovery] of Part 14.

(3) A permit issued under this section prevails over a bylaw or permit referred to in subsection (2) to the extent of any conflict.

(4) The following restrictions apply to subsection (2):

(a) the use or density of use may not be varied;

(b) a flood plain specification under section 524 (3) may not be varied;

(c) in relation to property within a heritage conservation area, the permit must be in accordance with the guidelines
established under section 614 (2) (b) for the heritage conservation area.

(5) A local government or its delegate may refuse to issue a heritage alteration permit for an action that, in the opinion of the local government or delegate, would not be consistent with the purpose of the heritage protection of the property.

(6) If the refusal to issue a heritage alteration permit prevents

(a) the use of land that is allowed under the applicable zoning bylaw, or

(b) the development of land to the density that is allowed under the applicable zoning bylaw in respect of that permitted use,

the local government or delegate must inform the applicant of the requirements or conditions under which a use or density proposed by the applicant in accordance with section 588 (2) would be allowed.

Terms, requirements and conditions in a heritage alteration permit

618 (1) A heritage alteration permit may be made subject to the terms, requirements and conditions that the local government or its delegate considers consistent with the purpose of the heritage protection of the property.

(2) Without limiting subsection (1), a heritage alteration permit may include one or more of the following:

(a) conditions respecting the sequence and timing of construction;

(b) conditions respecting the character of the alteration or action to be authorized, including landscaping and the siting, form, exterior design and finish of buildings and other structures;

(c) if the permit is required by this Part or a bylaw or order under this Part, a requirement that the applicant provide a
specified amount of security, in a form satisfactory to the local government, to guarantee the performance of the terms, requirements and conditions of the permit.

(3) Interest earned on security under subsection (2) (c) becomes part of the amount of the security.

(4) If a local government considers that the holder of a heritage alteration permit has contravened or failed to comply with a term, requirement or condition of the permit, the local government may undertake and complete the work required to satisfy the term, requirement or condition, or to ameliorate the effects of the contravention or noncompliance, at the cost of the holder of the permit.

(5) The local government may recover the cost of the work undertaken under subsection (4) and the cost of incidental expenses incurred by the local government by applying the security provided under subsection (2) (c) in payment for the cost of the work and incidental expenses, with any excess to be returned to the holder of the permit.

(6) If there is no security deposit or the amount of security is insufficient, the local government may add the cost of work undertaken and incidental expenses, or the remaining costs, to the taxes payable to the local government with respect to the property for the year in which the work is performed.

(7) When a permit lapses or the actions it authorizes are completed, the local government must, subject to subsection (5), return any security provided under subsection (2) (c) to the person who provided it.

(8) If a local government delegates the power to require security under subsection (2) (c), the delegation bylaw must include guidelines for the delegate as to how the amount of security is to be determined.
Division 7 — Remedies and Offences

Civil remedies in relation to heritage property

619  (1) A local government may apply to the Supreme Court for an order for compliance or restoration if a person does one or more of the following:

(a) without the authority of a heritage alteration permit, does anything for which a heritage alteration permit is required under this Act;

(b) fails to comply with the requirements and conditions of a heritage alteration permit;

(c) fails to comply with a direction of the Ombudsperson under section 591 (4) [direction prohibiting action on specified matters];

(d) fails to bring property up to the standards established under section 616 [heritage site maintenance standards].

(2) An order under subsection (1) may include one or more of the following:

(a) a requirement that, on terms and conditions the court specifies, the person restore the property to which the matter relates to its condition before the contravention;

(b) a requirement that the person undertake compensatory conservation work as the court considers appropriate on the property that was affected or on other property, or that conservation work be performed by others at the expense of that person;

(c) a requirement that the person comply with a direction under section 591 (4) or with the requirements and conditions of a heritage alteration permit;

(d) a requirement that the person carry out measures specified by the court to ameliorate the effects of the contravention or non-compliance;
(e) an authorization that the local government may, by its employees or others at the expense of the owner, perform work regarding a matter referred to in this subsection;

(f) any other requirement the court considers advisable.

(3) If an order is made under subsection (2) (e), the court may specify how and when the person will reimburse the local government for the cost of the work performed and the cost of incidental expenses accruing under the order.

(4) Without limiting subsection (3), the court may authorize the local government to add the cost of the work undertaken and the cost of incidental expenses under the order to the taxes payable to the local government with respect to the property for the year in which the work is performed.

(5) An order may be made under this section whether or not a person is charged with an offence under section 621 in relation to the matter.

Notice of contravention may be filed in land title office

620 (1) An officer or employee of a local government may recommend to the local government that a notice be filed in the land title office if the officer or employee discovers in the course of duties that any of the following have occurred:

(a) something for which a heritage alteration permit is required under this Act has been done without the authority of a heritage alteration permit;

(b) a person has failed to comply with the requirements and conditions of a heritage alteration permit;

(c) the terms and conditions of a heritage revitalization agreement have been contravened;

(d) a covenant registered by the local government under section 219 of the Land Title Act in relation to heritage property has been contravened.
(2) Sections 57 [note against land title that building regulations contravened] and 58[cancellation of note against land title] of the Community Charter apply for the purposes of this section as though the person making the recommendation under subsection (1) of this section were a building inspector making a recommendation under section 57 (1) of the Community Charter.

(3) The authority under subsection (1) is in addition to any other action the person or local government is authorized to take in relation to the matter.

Offences and penalties

621 (1) A person who does any of the following commits an offence:

(a) without the authority of a heritage alteration permit, does anything for which a heritage alteration permit is required under this Act;

(b) fails to comply with the requirements and conditions of a heritage alteration permit;

(c) alters property in contravention of a heritage revitalization agreement.

(2) A person convicted of an offence under subsection (1) is liable,

(a) if the person is an individual, to a fine of not more than $50 000 or to imprisonment for a term of not more than 2 years, or to both, or

(b) if the person is a corporation, to a fine of not more than $1 000 000.

(3) If a corporation commits an offence under subsection (1), an employee, officer, director or agent of the corporation who authorized, permitted or acquiesced in the offence also commits the offence and is liable to the penalty set out in subsection (2) (a) whether or not the corporation is convicted of the offence.
Appendix B: List of UNESCO Charters on Heritage Conservation
### List of UNESCO Charters on Heritage Conservation

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Appendix C: Queen’s Park Neighbourhood Design Guidelines
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*Queens's Park Historic District Design Guidelines*
Intent

The intent of these voluntary guidelines is to help maintain the heritage character of single family properties in the Queen’s Park Neighbourhood. The guidelines can be utilized by residents and builders to assist in the design process and by planning department staff during the design and approval stage for renovations, additions and new house construction.

Queen’s Park Neighbourhood

The Queen’s Park neighbourhood lies primarily between Royal Avenue and 6th Avenue, 1st Street and 6th Street in New Westminster. The neighbourhood contains approximately 660 houses, many of which are fine heritage examples, some with municipal heritage designation.

The Queen’s Park Heritage Planning Study was a year and a half long process that involved extensive community consultation and workshops to investigate heritage values and goals. In the fall of 1996, a number of options for heritage initiatives arose from the Planning Study.

One of the initiatives was to create the Queen’s Park Historic District - a unique Historic District that would include design guidelines to help retain the heritage character of the neighbourhood. The heritage theme of the Historic District could also be promoted through the use of appropriate signage at neighbourhood entries.
Queen's Park street character

Street Character

Brick paver driveway with grass strip
A. Site Planning Concepts

Street Character

Street character is very important in maintaining a quality neighbourhood.

- Massing, roof shapes, building heights, front setbacks and architectural components are some of the elements of Queen’s Park houses that add to the street character.

- New houses and additions should generally fit in contextually with the character of other houses in the neighbourhood.

- Height and yard setback variances may be required for a stronger contextual fit, many of the existing older houses do not strictly conform to current zoning regulations.

- Architectural components such as roofs, windows, entrances, porches, details, materials and colour should all respect those of the neighbouring houses.

- Sympathetic creativity, while offering interest and diversity, should be encouraged to reinterpret historic styles and building features.

Open Space and Landscaping

Formal lawns, planting beds and mature trees often occupy the front yards of houses.

- Historically, fences were only used symbolically and were low, under 4 feet. This provided a semi-public visual open space in the front yard.

- The rear yard was traditionally used for private open space though front yards are sometimes used due to the location of the house on the lot, better sun exposure, and improved privacy.

- Mature trees that contribute to the street character should remain; new houses, or when mature trees are lost, should have at least one new ‘specimen’ or high quality tree.

- Off-street parking should be maintained where possible, especially if a lane exists. In the case of narrow lots where a front garage is not desired, street parking may be more attractive.

- Vast driveways detract from neighbourhood character; driveways should be surfaced with patterned concrete or brick pavers; add a grass band down the middle or use spaced pavers with grass or moss inter-planting to reduce the apparent driveway width.
New corner lot house responding to both streetscapes

Second storey incorporated into roof form
Setbacks and Site Layout

The rhythm of houses along a street is greatly affected by the position of each house. Some variety in setbacks can be desirable, and in fact enhances the neighbourhood character. However, houses on a given block should appear to “fit” without abrupt changes in adjacent setbacks.

- Consistent front yard setbacks usually exist. New houses should respect the setbacks of the two adjacent houses on each side.

- Corner lot development should respond to both streetscapes; consideration should be given to the benefits of which street the front door should face.

- Off-street parking should be located so that vehicle access is from the back lane or side street.

- Where possible, a wider than minimum side yard should be provided to lend ‘breathing room’ between adjacent houses.

B. Architectural Character

Massing

Many heritage houses in Queen’s Park have a minimum of two storeys with the second storey incorporated in the roof form to help reduce the apparent bulk of the building. Larger houses with two full-height storeys usually have dramatic or interesting roof shapes and details to ‘relieve’ the bulk of the building.

- Floor levels of houses should be expressed through the use of building elements such as porches, bay windows, dormers, and through setting upper floors back from the main floor.

- Appropriate building proportions should be used to ensure a consistent and balanced overall scale is achieved.

- Avoid designs which result in large, bulky buildings without any variety and modulation in form.

- Avoid building new houses from a slab-on-grade; the main floor should be 3 to 5 feet above grade.
Dormer facing street breaks up large sloped roof

Roof details
Roofs

Often similar roof shapes were used on houses on a street creating a consistent rhythm of rooflines.

- Traditional roof forms, such as a steep gable, should be used for both primary and secondary roof elements. Hipped, mansard, shed and gambrel roofs can also be used.

- In most cases, main gable ends or large dormers should face the street instead of unrelieved sloped roofs.

- Roof pitches should generally be steep, minimum of 9 in 12 for new houses; however, lower pitches can be used for porches and dormers.

- Addition roofs should match the style and slope of the original house roof.

- Flat roofs should not be used except for porches or as decks.

- Incorporate interesting elements including dormers, secondary roofs, and detail features such as brackets, open soffits, finials, fascias, etc.

- Secondary roofs over porches, projecting rooms and bay windows help to vary roof form and add visual interest to the roof profile.

- Roofs on corner-lot houses should be designed to respond to both streets; often the street corner is acknowledged with a special roof such as a turret or angled bay.

- Houses look better with wide generous roofs; overhangs should be a minimum of 24" for main roofs.

- Soffits can be ‘open’ to expose the rafters or ‘closed’ with trimwork, they are an opportunity for interesting details; avoid using pre-finished metal or vinyl soffits.

- Chimneys should be clad in the same material as that on the main house such as brick, stone and cedar shingles.

- Metal chimneys should not be exposed, enclose in a wood-framed chimney and clad; hide metal chimney caps with decorative screens or painted metal shrouds.
Traditionally proportioned windows

Well detailed porch enhances entrance

Entry trellis
Windows

The size, proportion, shape, location and number of windows all have important effects on the character of a house, especially in an historic district.

- Limiting the amount of total window area gives houses a traditional, substantial appearance.

- Avoid the use of extensive areas of glass facing the street; use groups of smaller windows, separated by wide mullions (min. 4", preferably 6"").

- Vary window size according to function of room. (eg. larger window in living room, smaller window in bedrooms).

- Each face of the house should have windows which have simple, orderly, rectangular openings that are not necessarily symmetrical, but balanced; traditional windows are taller than they are wide.

- Small and/or unusual windows such as oval shaped, stained or bevelled glass can be effectively used to add visual interest to the house design.

- Windows should not appear flush with the exterior wall; recess the windows and use trims.

- Skylights are acceptable if only a few are used, their sizes small and they are not visible from the street; avoid ‘plexiglass’ raised bubble skylights.

- Glass block and wired glass are generally not suitable.

Entrances

The main entrance to a traditional house was often emphasized with the main floor raised above grade, a decorative front door, wide substantial stairs and integration with a generous front porch.

- The location of the main entrance should be at the front of the house with the entry door visible from the street; avoid garage doors overshadowing the entrance.

- If a front-facing entry is not possible, a gate or trellis can give a strong sense of entry to the property; and at the house, a porch or other design elements can ‘signal’ the location of the front door.

- Front doors should include either glazing in the door or sidelights next to the door to provide an opportunity for observation of visitors.
Front entry porch

New garage addition compliments house

New garage ties into character of heritage house
Porches

Porches are commonly found on neighbourhood houses. They are a key element in integrating a new house into the neighbourhood.

- Porches provide a semi-private outdoor space, sheltered from the weather, that encourages neighbourhood interaction and presents a friendly face to the street.
- Porches provide an opportunity for casual surveillance of street ‘life’.
- A porch should be the primary element of the front facade of a house.
- The ‘recessed space’ porches provide at the lower part of the front facade give a comfortable balance to the main roof and add a repetitive feature to the street.
- If porches are to be enclosed, enclose with closed glazing, not solid walls, to provide traditional looking ‘sun room’.
- Open up closed in porches to restore original facades.
- Porches present a good opportunity for wood detailing and adding interest to the overall design of the house.
- Front porches should be a minimum of 6 feet deep and be roofed.

Accessory Buildings / Additions

Accessory buildings such as garages, contribute to the variety of scale of the neighbourhood buildings. They should complement the style and character of the house they are associated with.

- Accessory buildings, decks and additions should have an architectural style, roof pitch, massing and finishes to match the main house so that the new work blends in.
- Garage options for lots with no back lane include; a garage in the basement of the house, a detached garage in the front yard (not permitted in the front yard setback) with the garage doors at 90 degrees to the street, and a detached garage in the back yard accessed by a driveway along the side of the house.
- Open carports should not be visible from the street and should have roofs to match the main house.
Detailing is characteristic of the neighbourhood houses.

Details and ornamentation add architectural interest.

Stucco used as infill material.

Stone used at the base of house.
• The effects of overshadowing and overlooking into a neighbour’s private open space should be considered when adding an addition, deck or accessory building.

• Large open decks from second floors are unsightly and usually create privacy problems with the neighbours.

Details

Detailing and ornamentation are characteristic of the neighbourhood houses and should be used on new houses and additions to the same level of care and thoroughness as with existing houses.

• Substantial detailing and ornamentation is important to scale down large houses and to add architectural interest.

• Wide bargeboards with secondary trims and brackets and ‘cut-outs’ should be used to enhance the character of the roof edge.

• Windows and doors should be trimmed with wide casings often with secondary crowns and trims.

• Porches should be detailed with oversize columns and well detailed railings and stairs (i.e. newel posts, turned balusters, fret work and lattice work).

• Building details should be considered an opportunity to extend the exterior colour scheme to smaller scaled elements.

• Details can also be overdone, avoid details not in keeping with the traditional style of the house.

Materials

New houses and additions should employ traditional and substantial materials. Materials should pass the ‘touch test’ whereby up close they look good and feel real.

• The most common exterior wall material is horizontal wood siding in 3 to 4in. widths. Wood shingle siding is also used; avoid vertical siding and vinyl or metal sidings.

• Stucco can be used as infill material between wood half timbering.

• If the entire house, or portions, are to be stucco, a traditional wet-dash or rough cast texture should be used.

Queens's Park Historic District Design Guidelines
Testing colour schemes on a renovation

Colour enhances the character and details of a house
• Wood is used for fascias, bargeboards, soffits, window and door trim; avoid metal or vinyl trim.

• Roofing should be asphalt or wood shingles (not shakes); avoid metal or tile roofing.

• Real stone and brick cladding is a very successful material to use, both for looks and durability.

• Metalwork such as railings, light fixtures, etc. should be traditionally finished in black, aged copper or brass. Avoid bright colours.

• Thin brick 'slices' are not acceptable but 'cultured' stone is, if used in a traditional manner and not of an overly 'fake' style not found in the neighbourhood.

• Juxtaposition of materials should be used to define the levels of a house. ie. stone base, siding for main levels and shingles for the upper floor and gable ends.

• Materials should not change at 'outside' corners, the look is more authentic if all sides are clad in a similar manner, or materials change at an 'inside' corner.

Colour

Colour was a critical aspect of traditional architecture. It was used to embellish and greatly enhance the character and details of a house. Working with colour schemes can be both rewarding and frustrating when “trying to get it right”. Remember, “it’s only paint”.

• Some paint manufacturers have traditional colour schemes based on recognised historic palettes.

• A colour scheme should have a minimum of three colours; walls (field), trims and window sashes.

• Muted field colours with bolder colours for trim, or darker colours at the base and lighter above, often work well.

• Stronger colours should be used carefully to not overpower the house

• Traditionally wood was painted not stained natural colours. If using stains, use solid colours not transparent.

• Asphalt roof shingles are part of the colour scheme and should be considered carefully, when in doubt choose basic charcoal or lightly coloured shingles.
ARCHITECTURAL STYLES

Queen Anne

- steep hipped roofs, tall decorative chimneys and bracketing
- varied roof forms with dominant front-facing gable
- numerous projecting features such as bay windows, turrets and porches
- basic horizontal wood cladding is often enhanced with panels or bands of decorative shingles or angled sidings, or stickwork

Italianate

- derived from Renaissance palazzos of Italy
- basic rectangular plan shape with tall and narrow proportions
- hipped roof with narrow overhangs, cornices and extensive decorative bracketing
- often round headed windows
- horizontal wood cladding, wide drop siding most common

Georgian or Classical Revival

- characterized by solid, horizontal and symmetrical proportions
- medium-pitched hipped or gable roofs parallel to the street, with inset chimneys at each end
- balanced facades with centre entry door with sidelights and rounded transom windows
- openings were rectangular and windows small-paned
- classic, columned porticos, pedimented doorways and Greco-Roman moulding patterns

Edwardian or Foursquare

- simple cubic or box-like form, 2 or 2 ½ storeys, symmetrical in massing and detail
- low pitch, hipped roof often with a bell-cast or shallower-pitched roof at the eave
- may have central entry (Foursquare) or off-centre entry ("Edwardian Builder" variation)
- small dormers if there is an attic floor
- frequently with large porch
- earlier versions are undecorated
- single storey cottage-like examples can also be found
Edwardian Arts and Crafts

• similar to the Tudor Revival and Craftsman styles but with more classical overtones
• 1 ½ or 2 ½ storey with the top level within the roof form in large side-facing dormers
• steep, front-facing gabled roof often with small ‘skirt’ roof connecting the side eaves and forming a large triangular or pediment facade
• recessed or projecting, front porch with classical-style columns and trim details
• cladding expressed as base, middle and top (gable end) usually with different cladding at each level

Craftsman

• 1, 1 ½ or 2 storey cottage-like or bungalow form
• low-pitched gabled or hipped roofs with wide overhangs
• profuse use of plain wood details: exposed rafters and beams, eave brackets and braces
• wood clapboard, cedar shingles or wet-dashed stucco cladding
• porch supports over-sized and often short with sloping sides
• utilized rustic materials: cedar shingles, masonry, ‘forged’ hardware and art-glass windows

Tudor Revival

• strong Arts and Crafts movement influence with steep roofs usually with many gabled ends
• extensive half-timbering with rough-cast stucco infill
• masonry foundations, porch piers and large chimneys
• wood shingle or clapboard cladding detailed with heavy simple wood elements

Dutch Colonial Revival

• 1 or 1 ½ storey with a side gambrel roof
• small front porch with a central entry door and classical details
• usually wide horizontal bevel siding painted white

Spanish Revival

• 1 or 2 storeys with low-pitched gable or flat roofs clad often in terra-cotta roof tiles
• solid-looking massing derived from the masonry of Spanish missions and haciendas
• ‘sculpted’ stucco cladding often with a pronounced textured finish and rounded corners
• detailed with heavy wood turnings and beam-ends (vegas), and often decorative metalwork
• flat roofs often have articulated raised parapets with elaborate metal rain scuppers

There are other residential styles in the neighbourhood; from the 1940's Moderne, the 1950's Ranch and Modern styles, to the 1960's stock plans and the West Coast style of the 1970's. Many houses defy categorising as any one particular style. As with contemporary houses, houses of the past often combined elements from more than one pure style.

Queens’s Park Historic District Design Guidelines
GLOSSARY

baluster - one of a row of vertical members supporting a handrail.

bargeboard - a plain or decorative board fixed beneath the eaves of a gable roof end.

belvedere - a small look-out tower or turret on a roof.

brackets - a projecting support from a wall, column or post, may be plain or elaborately scrolled.

cladding - exterior wall covering of one or more various materials.

clapboard - a thin board used to cover the exterior of framed buildings.

cornice - a projecting ornamental moulding along the top of a building, wall or arch.

dentiles - small projecting rectangles aligned in a row and spaced along a frieze board as part of a classical style cornice

dormer - a structure, usually containing windows, which projects from a sloping roof, has vertical sides, and a flat, shed, gable or other shape roof.

drop siding - horizontal boards with scoop or cove exposed along the top edge and tongue and groove or shiplap joints to adjacent boards

eave - the horizontal edge of a roof.

facade - the ‘face’ or side of a building.

fascia - a horizontal board which covers the rafter ends at the eaves of a roof.

finial - an ornamental feature placed on top of a pinnacle or roof peak.

frieze - a horizontal board at the top of an exterior wall at the intersection with the eave

gable roof - a peak formed with a single slope on either side of a ridge.

gambrel roof - a gable roof with two different slopes on either side of the ridge, ie. a ‘barn’ roof
hip - the angle formed by the intersection of two sloping roof surfaces.

hipped roof - a roof with surfaces sloping in four directions - can be pyramidal, ridged or have a flat portion on top.

mansard roof - a roof with very steep sides, often enclosing the upper floor area, and with either a flat or very shallow sloped main roof beyond.

moulding - a decorative finishing strip.

ewel - the principal supporting post for a handrail at the bottom or angles of a staircase.

parapet - a low wall around a roof or deck.

pediment - a low-pitched triangular end or gable above a portico, door or window.

shed roof - a roof consisting of a single slope, ie. half a gable.

soffit - the underside of a structural component such as the enclosed underside of an overhanging eave or bay window

stickwork - the pattern of horizontal, vertical or diagonal boards raised from a wall surface or hung under a gable.

watertable - projecting horizontal band of either masonry or wood to deflect water away from the finishes below.
Appendix D: Final Recommendations to Council from the QPNHS Working Group
Queen’s Park Neighbourhood Heritage Study

Principles, Strategies and Actions

Principles:

A. The heritage character of the Queen’s Park neighbourhood is highly valued by the neighbourhood, the City and the region.

B. Most of the existing buildings and landscape features contribute to the heritage character of the neighbourhood and should be retained insofar as it is practical to do so.

C. New construction or renovations that replace or alter existing buildings or causes change to the existing landscape should be conditional on its compatibility with the heritage character of the neighbourhood.

Strategies:

1. Identify and define the heritage character of the neighbourhood.

2. Provide a variety of financial and non-financial incentives to encourage the retention and restoration/renovation of existing buildings and landscape elements that contribute to the heritage character of the neighbourhood.

3. Develop mechanisms, including regulations and policies that reduce the demolition of existing buildings and landscape elements that contribute to the heritage character of the neighbourhood.

4. Encourage support for heritage conservation by providing easy-to-access information and enhanced communication for residents and other interested parties.
### Strategy #1: Identify and define the heritage character of the neighbourhood.

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| a. Develop an informal inventory of neighbourhood buildings and landscape features. | i. Engage university planning students to conduct a neighbourhood building and landscape features photographic survey and to identify year of construction and style for each building/landscape feature.  
ii. Publish final version on the City’s website and invite the public and heritage groups to view it. |
| b. Create a brief summary statement of the Queen’s Park Heritage context. | i. Incorporate information from the neighbourhood heritage definition.  
ii. Summarize the key messages from the revised Queen’s Park Heritage Context Statement. |
| c. Create a summary statement defining the heritage of the neighbourhood. | i. Incorporate suggestions from residents and other stakeholders obtained through the survey, open houses and other public engagement activities. |
| d. Update the Queen’s Park Heritage Context Statement every five years. | i. Include an update schedule in Heritage Planner’s long range work plan. |
| e. Quantify how the region values heritage. | i. Find information on specific ways that the region values the heritage of Queen’s Park: i.e. BC Film Commission. |

The heritage character of the neighbourhood includes cultural, social, natural, landscaped and built elements that have been identified by the neighbourhood. It is important to identify the features of the neighbourhood that contribute to its overall character in order to know what existing places and features are important to retain.
2. Provide a variety of financial and non-financial incentives to encourage the retention and restoration/renovation of existing buildings and landscape elements that contribute to the heritage character of the neighbourhood.

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<td>a. Revise the existing Queen’s Park Design Guidelines and make them Regulations for all renovations and new-builds.</td>
<td>i. Engage a consultant with specialty in heritage architecture to review the existing Queen’s Park Design Guidelines and update them.&lt;br&gt;ii. Determine if there would be a tiered system (i.e. minimum requirements and bonus level).&lt;br&gt;iii. Review with the Queen’s Park neighbourhood and the Community Heritage Commission.&lt;br&gt;iv. Establish a timeline for implementing them (possibly within a Heritage Conservation Area bylaw).</td>
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<td>b. Provide the opportunity for properties with a building older than 50 years to apply for increased densification in exchange for heritage protection of the existing building(s).</td>
<td>i. Collect and map data on properties regarding lot size, house size and construction date.&lt;br&gt;ii. Develop criteria for infill housing, stratification, or subdivision based on the data results and in conjunction with the current review of the Official Community Plan. Review with neighbourhood to determine which are acceptable.&lt;br&gt;iii. Investigate using a 2-tier system, where some proposals apply for infill through Heritage Revitalization Agreements and some through agreeing to Heritage Designation.</td>
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<td>c. Establish ways for review of the designs (renovations and new) of single family dwellings.</td>
<td>i. Investigate if the Community Heritage Commission mandate can be changed to include a design review component.&lt;br&gt;ii. Identify other options within the Heritage Conservation Area context.</td>
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<td>d. Make applying for renovations easier, quicker and less expensive.</td>
<td>i. Define “small renovation”.&lt;br&gt;ii. Reassess triggers for automatic servicing upgrades.&lt;br&gt;iii. Reconsider the requirement that a full set of architectural plans be provided for</td>
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e. Develop a system of fee rebates for work that retains existing buildings

   i. If there are minimum requirements for design regulations and these are met, applicants may apply for a 50% rebate on building and engineering fees.

   ii. If a registered architect or heritage professional is retained for the duration of a Heritage Revitalization Agreement proposal, the applicant may apply for a 50% rebate on the rezoning fees.

   Work must be completed before a rebate can be requested.

f. Lobby for official codes to acknowledge and respect heritage buildings.

   i. Continue to lobby the provincial and federal governments to provide relaxations in official codes for buildings identified as heritage (with the definition of ‘heritage’ being as broad as possible).

g. Support the BC Building Code Alternate Compliance Section.

   i. Continue to promote the BC Building Code Alternate Compliance Section for applications involving recognized heritage buildings.

   ii. Consult with architects and engineers with heritage expertise and collect examples of alternate compliance ideas to share with the Province.

h. Continue to utilize available heritage conservation tools.

   i. Promote the use of Heritage Revitalization Agreements and Heritage Designations.

   ii. Consider using other existing tools (such as heritage inspections) from Part 27 of the Local Government Act.

   iii. Identify and assess how other local governments promote and utilize heritage conservation tools.

i. Develop incentives for existing multi-family buildings.

   i. Identify and collect data on existing multi-family buildings.

   ii. Consider simple ways for allowing these buildings to be rebuilt with the same number of units in the event the buildings are destroyed. (The City could consider carrying out rezoning of these properties in consultation with the affected property owners.)

   iii. Consult with affected property owners.
j. Support the New Westminster Heritage Foundation.

i. Consider increasing and regularizing the City’s existing annual financial contribution.

ii. Identify and assess how other local governments provide financial incentives to identified heritage buildings.

### 3. Develop mechanisms, including regulations that prevent, or policies that deter the demolition of existing buildings and landscape elements that contribute to the heritage character of the neighbourhood.

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| a. Establish, for the entire neighbourhood, a Heritage Conservation Area. | i. Assess and compare the benefits and obstacles of a Heritage Conservation Area.  
  ii. Assess and compare the legal obligations.  
  iii. Consult with the neighbourhood. |
| b. Identify the reasons why demolitions occur. | i. Conduct an economic analysis of key drivers for demolition.  
  ii. Compare results with data developed in other strategies to identify which properties are most likely to seek demolition.  
  iii. Determine if there are mechanisms available that would directly influence and deter demolitions, where appropriate (acknowledging that not all demolitions need be deterred). |
| c. Establish mechanisms to deter demolitions. | i. Develop a policy that requires a high percentage of deconstruction. *(City already has this underway)*.  
  ii. Develop a policy that requires a higher level of recycling than currently identified in the MetroVancouver recycling program (ie: banisters, trim, frames, etc.)  
  iii. Consider establishing a “Heritage Demolition Fee” (e.g. $100 per square |

*In the event that incentives are not enough to retain an existing building or landscape feature, it is appropriate to have regulations in order to protect places and features of heritage value.*
foot of the building being demolished. This money is then used for heritage conservation.)
iv. Refer both policies to the City’s Environment Committee.

d. Protect trees on both public and private property.
i. Develop an Urban Forest Management Strategy (City already has this underway).

4. **Encourage support for heritage conservation by providing easy-to-access information and enhanced communication for residents and other interested parties:**

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| a. Promote the heritage brand of the City. | i. Include a concise statement about the value of the City’s history and heritage in formal communication material.  
ii. Include heritage conservation in the City’s strategic planning goals.  
iii. Include the consideration of heritage value in land use management decisions. |
| b. Provide innovative learning opportunities. | i. Expand the City’s practice of providing workshops by targeting specific groups such as the building industry and the real estate industry.  
ii. Organize large events with speakers and local experts on heritage conservation. |
| c. Develop informational material that is easy to access and follow. | i. Develop a ‘renovation road map’ and other material that provides information on making renovations easier, quicker and less expensive. Ensure that information is consistent throughout City Hall departments.  
ii. Provide contact information of companies who are experienced in working on old buildings.  
iii. Provide contact information of heritage-friendly insurance companies.  
v. Develop a brochure about heritage conservation for real estate agents to provide at their open houses.  
v. Make information on the City’s heritage conservation program more prominent on the website, with links to other resources. |
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<th>d. Develop a communication strategy for the implementation of recommendations a – c in Strategy #4.</th>
<th>i. Work with the Communications Division to develop the communication strategy and timing.</th>
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| and access to above hand-outs.  
vi. Identify and address common myths about heritage programs and tools.  
ii. Post the neighbourhood inventory on the City’s website.  
ii. Determine methods for reaching potential buyers before they purchase a property with an historic building on it and outline retention options and benefits. |