



POLICY REPORT  
DEVELOPMENT AND BUILDING

Report Date: April 6, 2010  
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Meeting Date: April 22, 2010

TO: Standing Committee on Planning and Environment  
FROM: Director of Planning  
SUBJECT: Heritage Incentives Policy for Landscape Resources

**RECOMMENDATION**

THAT historic landscape resources in the City are important and worthy of retention and protection however, Council affirms that bonus incentives are not supported for landscape resources that cannot be substantially protected through legal designation.

**GENERAL MANAGER'S COMMENTS**

The General Manager of Community Services RECOMMENDS approval of the foregoing.

**COUNCIL POLICY**

*Heritage Policies and Guidelines:*

- *"That the buildings, landscape resources, streetscapes and archaeological sites identified in the Vancouver Heritage Register, dated August 1986, have heritage significance;"*
- *"The City's long-term goal is to protect through voluntary designation as many resources on the Vancouver Heritage Register, as possible; and"*
- *"Legal designation will be a prerequisite to accepting certain bonuses and incentives."*

The Vancouver Charter states, in part, that if heritage designation causes a reduction in the market value of the designated property, Council must compensate the owner of the designated property.

## PURPOSE AND SUMMARY

The purpose of this report is to seek Council's direction on whether heritage incentives should be applied to landscape resources that can not be wholly protected through designation.

## BACKGROUND

Council's Heritage Policies and Guidelines established in 1986, support incentives in exchange for the designation of landscape resources deemed to have historic value. In accordance with the Vancouver Charter, if designation causes a reduction in market value, Council must compensate the owner for their financial loss. Compensation typically comes in the form of incentives described under Council's Heritage Policies and Guidelines.

Vancouver Heritage Register- There are 99 landscape resources on the Vancouver Heritage Register. The list ranges from specimen trees and landscape features such as granite walls, to parks and bridges. There are 8 sites where landscape features have been protected as part of the property's heritage designation. Two of these sites have large trees which were designated in exchange for incentive packages. An example is the site at 5872 Wales Street, where three significant specimen trees and an "A" listed heritage house were designated in exchange for the subdivision of the site and accompanying approval to vary the RS-1 zoning to permit duplex dwelling units.

In considering the merits of designating landscape resources, staff refer to the following list of criteria:

- the landscape feature must be an integral part of the historic value of a site;
- if a living feature, it should be a unique specimen, in good health with a long life expectancy, all confirmed by an Arborist's report; and
- all activity in the vicinity of the landscape feature which is critical to the long term health of the landscape feature can be controlled through designation.

To date, all past projects involving designation of landscape resources have had the assurance that the resource was substantially located on the subject site and designation applies to the resource in its entirety.

## DISCUSSION

Council's heritage policies affirm the ability to consider incentives for the protection of historic landscape resources, however, they do not offer guidance for projects that cannot designate the critical areas of the resource. The granting of bonus incentives for the preservation of historic resources, must always seek a balance between the impact of incentives on a surrounding community and the value of the preserved resource. In cases where compensating density is intended, staff seek to find a balance between the preserved resource, and the additional massing. With living heritage resources, assurances on the

longevity of the resource is tantamount before considering incentives, otherwise, should the landscape resource not survive in the long term, a neighbourhood could be left with a development that benefited from bonus density, without the off-setting public benefit and amenity of the landscape resource.

The question has come to light because of a development permit application and accompanying Heritage Revitalization Agreement that is seeking (in part) compensating density for the designation of a substantial tulip tree. The concern is that approximately 40% of a critical area of the root bulb is located on an adjacent site, where the owner is not willing to designate their portion of the root bulb. (See Site Plan- Appendix A). An arborist's report was submitted which confirms that should damage occur to the root bulb on the adjacent site, it would impact the life span of the tree. Given this, the longevity of the tulip tree is not guaranteed, even though a substantial portion of the tree would be designated. Further, the development application is proposing a new tower for the site that would utilize the bonus density and increase the height of the tower by approximately 6 storeys. Should the tree sustain damage, and not survive, the surrounding neighborhood would be left with a substantially larger tower without the off-setting benefit of the preserved tulip tree which afforded the additional density.

Staff met with the owner of the adjacent site and confirmed they are not prepared to designate their portion of the root bulb or the associated overhanging portions of the tree at this time. While staff considers it unlikely that this owner would intentionally disturb the root bulb, as the preservation of their portion of the tree would be an asset to them in the eventual redevelopment of their site, the future of the neighbouring site is uncertain, therefore the long term protection of the tree cannot be guaranteed.

Council's Heritage Policies and Guidelines do not address the complexities of this issue and staff have been unable to find a comparable precedent. Staff's read on the intent of the policy is to secure the long term protection of historic resources, while finding a balance between the urban design objectives for a site and compensation that comes from the cost to preserve and secure the historic resource. When the long term protection is uncertain, it throws the intent of the policy out of balance and calls into question the public benefit of securing landscape resources.

Therefore, staff are recommending that incentives only be considered for landscape resources that can be substantially protected. In this way, a community can be reasonably assured that the incentive offered as compensation for the preservation of the landscape resource, is off set by a reasonable guarantee of the ongoing existence of the resource itself.

If the recommendation is approved, the implication is that the application for the site with the tulip tree would change, as the proposal could no longer seek compensation for the designation of the tulip tree. The retention of the tree would be at the owner's discretion. Should the owner wish to proceed with a redevelopment proposal, there would be some likelihood that the owner would remove the tree as part of their application, given the cost to retain the tree.

## **FINANCIAL IMPLICATIONS**

There are no financial implications.

## CONCLUSION

The City's Heritage Policies and Guidelines and the Vancouver Charter permits incentives in exchange for the retention and designation of a landscape resource. Compensation for landscape resources can be expensive and necessitate the granting of significant incentives. Council's current policy does not fully address the issue of landscape resources that are located on more than one lot and where the owners of the resource may not be in agreement as to the legal protection of the landscape feature. Staff recommends that incentives in exchange for designation be limited to sites where the landscape resource can be substantially protected through designation.

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