



Heritage Revitalization Agreements General Guide

Corporation of the City of New Westminster

Development Services Department

New Westminster, founded in the late 1850's to serve the Klondike Goldrush, is one of the oldest communities on the west coast. In 1860, New Westminster was the first city to incorporate west of the Great Lakes in what is now Canada. Colonel Richard Moody and the Royal Engineers were directed to choose a site for the colony and draw up a survey plan for the new capital.

As a result of this early survey, a number of anomalies in lot sizes and the siting of buildings exist throughout New Westminster. According to the City's Zoning Bylaw, a property owner cannot make structural alterations or put on an addition to buildings that are non-conforming. To address this situation, in 1994 the provincial government introduced legislation which gives municipalities expanded powers to encourage owners to preserve and restore heritage buildings. One of these tools is called a heritage revitalization agreement.

What is a heritage revitalization agreement?

- a voluntary written agreement negotiated between a property owner and a municipality outlining the duties, obligations and responsibilities of both parties with respect to the development of a property considered to have heritage merit
- a powerful and flexible tool similar to a land use contract written to suit unique properties and situations requiring creative solutions (e.g. where improvements to a building would be considered non-conforming and would require relaxations of zoning regulations, such as unusual siting of a building on a lot or unique lot configuration)
- a way for local governments to encourage property owners to revitalize or restore property of potential heritage value

What does a heritage revitalization agreement do?

- varies or supplements provisions of:
 - zoning bylaw including use, density and siting
 - a bylaw regulating land use designation, subdivision and development requirements
 - a development permit or development variance permit
 - a heritage alteration permit
 - other terms or conditions agreed on by the owner and the municipality
- provides details on the timing or phasing of improvements to a specific property
- sets out the level of conservation to be undertaken by the owner
- includes other conditions of negotiation such as minimum maintenance standards during construction or conservation phases
- outlines the owners' responsibilities if the building is lost due to natural causes

What form does a heritage revitalization agreement take?

A heritage revitalization agreement is written in the form of a bylaw. Details of the agreement between the property owner and the City, including sketches, photos or drawings, are attached to and form part of the bylaw.

What buildings are eligible for a heritage revitalization agreement?

Buildings considered for heritage revitalization agreements would be listed on the City's Heritage Resource Inventory, Heritage Register or, if they were older than 50 years, could be considered eligible after review by the Director of Development Services.

Buildings considered for a heritage revitalization agreement may have been altered over the years, but they must be able to be returned to their original architectural style. If photographs of the building are available prior to modifications, they must be used to guide the revitalization of the structure towards its original appearance.

What professional services would an applicant need to retain to complete a heritage revitalization agreement?

Depending on the nature of the restoration work, an architect may be retained to provide sketches and drawings of the proposed exterior and to identify building code concerns. A lawyer or notary public may be required to review and notarize the agreement. If a property is being subdivided, a certified British Columbia land surveyor will be required to prepare a site plan.



Note: This guide does not replace legal documents and the City disclaims any liability from using it.

Pre-application

Before submitting the formal heritage revitalization agreement, the proposal needs to be well prepared. At the pre-application stage the City encourages applicants to discuss your proposed project with the Development Services Department, and make revisions according to the City's and community's expectations. This informal stage can be very beneficial, enhancing the chances for the heritage revitalization agreement's approval, and saving time in the formal process (e.g., reduce risk of application being tabled or rejected).

The applicant should initiate discussions with staff to discuss the heritage merit and unique circumstances of a specific property.

The applicant and staff review the heritage potential of the property and identify whether the negotiation of a heritage revitalization agreement is the appropriate tool to achieve the goals of both the owner and the City.

The applicant is informed about ways to protect the heritage resource and the advantages of designating the property (i.e. building code relaxations). If subdivision of the property is proposed, the applicant is encouraged to obtain preliminary subdivision approval from the City Engineer prior to negotiating a heritage revitalization agreement.

Submit the Application

Once the informal stage is completed and you have determined that your heritage revitalization agreement proposal is feasible, a formal heritage revitalization agreement application should be submitted.

The application for a Heritage Revitalization Agreement should include the following information:

- name and address of the applicant
- address and legal description of the property
- proof of ownership of the subject property
- covering letter briefly explaining the nature of the proposed restoration accompanied by photographs and drawings showing the proposed alterations, building materials and colour scheme for the exterior
- proof of payment of the application fee

Note: An updated schedule of fees may be obtained from the Development Services Department.

In addition to the completion of a heritage revitalization agreement application, the owner is requested to consult with neighbours within 100 feet of the subject property and provide them with a brief overview, complete with site plan, photographs and drawings if available to get a preliminary indication of support for the proposal. Any letters from affected neighbours or a petition will be considered by Council.

Application Review

Upon receipt of the Heritage Revitalization Agreement application, Development Services will coordinate the application review.

The completed application form, a letter, neighbours' comment forms, photographs of the existing property and drawings of the proposed alterations are submitted to the City's Community Heritage Commission for preliminary review and comment.

The application is reviewed and a recommendation from the Commission is submitted to City Council on the proposed heritage revitalization agreement.

City Council receives the recommendations, requests additional information and either authorizes staff to proceed with negotiation of the agreement or chooses not to proceed.

Preliminary Approval

If authorization to proceed is granted by City Council, Development Services staff, in consultation with Engineering Department staff and the City Solicitor, drafts an agreement. One staff member would be assigned to co-ordinate the process.

- Staff would meet with the property owner and conduct a site visit. Potential opportunities, challenges and areas of building code concern would be identified.
- Terms of the agreement would be negotiated between the property owner and municipal staff. Terms of the agreement might include:
 - allowing subdivision of the property by registering a covenant outlining design guidelines or preparing a conservation plan
 - the preparation of a conservation plan, prepared by an architect and

reviewed by a lawyer, which would outline the terms and conditions of :

- the nature and extent of building restoration
- timing and phasing of restoration
- conservation principles and guidelines
- statements pertaining to ongoing maintenance of the property.

Bylaw Preparation and Public Hearing

After the heritage revitalization agreement has been negotiated to the satisfaction of both parties, the City would draft a bylaw. Council would receive the bylaw and give it First, Second and Third Reading.

Note: If the Heritage Revitalization Agreement involves a change of use and/or density, the Municipal Act requires a public hearing.

If a public hearing is required, the City Clerk will notify surrounding property owners and place an advertisement in the newspaper. The applicant would need to comply with City requirements before Council gives the bylaw final consideration and adoption.

Finalization and Adoption

Within 30 days of adoption, the City will file a notice of agreement on title in the Land Title Office and notifies the minister responsible for administration of the Heritage Conservation Act, 1994.

Planning Department staff may schedule semi-annual meetings with the property owner to review the progress of the restoration and discuss the work plan.

Upon completion of the restoration, the owner would apply to the City for heritage designation of the property, as outlined in the terms of the heritage revitalization agreement.

Once agreed upon, a heritage revitalization agreement may not be altered without the consent of the property owner and the City. If an owner intended to alter a property that is subject to a heritage revitalization agreement in the future, the owners would be required to apply to the City for a heritage alteration permit.

For more specific information related to individual applications, please contact:

Development Services Department
City of New Westminster
511 Royal Avenue
New Westminster, B.C. V3L 1H9

Telephone: 527-4532

Fax: 527-4511

E-mail: plnpost@city.new-westminster.bc.ca

Web Site: www.city.new-westminster.bc.ca