HERITAGE POLICY FOR THE USE OF HERITAGE REVITALIZATION AGREEMENTS

January 2011

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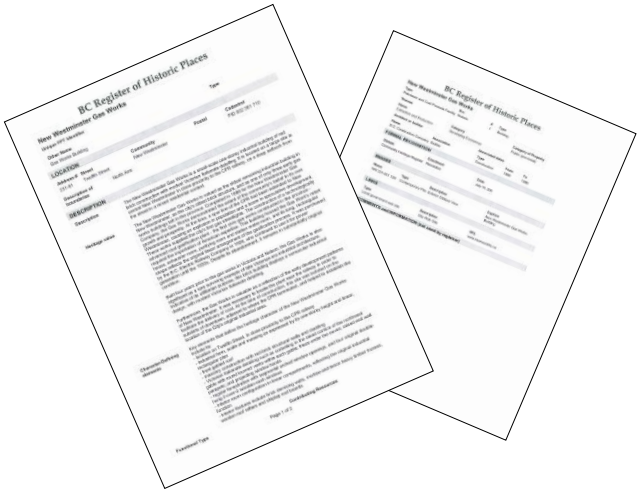
Heritage resources are the physical elements of the past that make each community distinctive. Historic buildings, sites and landscapes reflect the forces that shape a community and help people to understand the area's history and development.

Each heritage building, structure and landscape is unique and will have its own distinct set of character-defining elements. These will range from the tangible features (such as massing, materials, construction, decorative details, how and where it sits on the site, and its relation to its surroundings) to the intangible features (such as memories, stories, associated people or events, its sense of time and place).

Heritage conservation is about conserving heritage resources and achieves this goal in part through the management of change. It is a comprehensive and continuous activity that has its foundation in legislation and in community participation and support. Over the past decade, there has been a shift in heritage conservation philosophy throughout the country; work has evolved from a purely form-based approach to a values-based approach. No longer are heritage resources evaluated for their architectural and aesthetic values; now consideration is given to cultural, educational and spiritual values as well.

Legislation for heritage conservation in British Columbia was revised in 1994; triggering a number of changes in how heritage conservation is managed within the City's overall planning process. The Local Government Act provides local governments with a number of effective tools for heritage conservation programs.

One of the most flexible and complicated heritage tools available to Local Governments is the Heritage Revitalization Agreement (HRA) - a powerful bylaw that is negotiated between a property owner and the City. An HRA7 tries to balance private and public interests, heritage conservation and development, liveability and densification, philosophy and realism. The implementation of the HRA must have clear guidelines on where and when it is an appropriate tool to use, how it should be used, and how it relates to other important City policies.



Definitions

Following are heritage terms that are particularly relevant to this document:

Character-defining Elements
are the materials, forms, location, spatial configurations, uses and cultural associations or meanings that contribute to the heritage value of a historic place, which must be retained in order to preserve its heritage value.

Community Heritage Commission
is authorized under the *Local Government Act* for the purpose of advising a local government on heritage matters or undertaking other activities authorized by a local government.

Community Heritage Register
is a list established and maintained by a local government that identifies real property considered by a local government to be heritage property. The Register gives notice to prospective buyers that a property is important on a community level and it enables staff to monitor proposed changes to those properties through the permit application process and through licensing. In addition, properties listed on the Heritage Register are eligible for special provisions in the BC Building Code Alternate Compliance Methods section.

Conservation
includes any activity undertaken to protect, preserve, or enhance the heritage value or heritage character of heritage property or an area.

Heritage alteration permit
is a permit issued under the *Local Government Act*, to allow changes to be made to a protected heritage property.

Heritage character
means the overall effect produced by traits/features which give property/area a distinctive quality or appearance.

Heritage Conservation Plan
establishes the existing value and condition of a heritage resource, and the steps that will be taken for its conservation. The following components should be included in a Heritage Conservation Plan:

- Historic Brief
- Statement of Significance
- Existing Condition Assessment and Documentation, including plans and photographs
- Conservation Procedures

Heritage designation
means protection of land or an object under either Section 4 of the Heritage Conservation Act or under Part 27 of the Local Government Act.

Heritage property
is property that has sufficient heritage value or heritage character to justify conservation, or is protected heritage property.

Heritage value
means a historical, cultural, aesthetic, scientific or educational worth or usefulness of property or an area. The heritage value of a place is embodied in its character-defining materials, forms, location, spatial configurations, uses and cultural associations or meanings.

Preservation
is the action or process of protecting, maintaining and/or stabilizing the existing materials, form and integrity of the historic place, or of an individual component, while protecting heritage value.

Rehabilitation
is the action or process of making possible a continuing or compatible contemporary use for the historic place, or of an individual component, through repair, alterations and/or additions, while protecting its heritage value.

Restoration
is the action or process of accurately revealing, recovering or representing the state of the historic place, or of an individual component, as it appeared at a particular period in its history, while protecting its heritage value.


841 Royal Ave.

Statement of Significance
is a succinct written expression of heritage value and includes the following sections:
• a brief description of the historic place
• an identification of the key heritage values assigned to the historic place, and
• a list of its principal character-defining elements.

Guiding Principle and Objectives for the Use of Heritage Revitalization Agreements

Principle: Preserve and encourage the rehabilitation of valued heritage resources using a clear Heritage Revitalization Agreement policy.

Objectives:

1) Ensure that the HRA policy is integrated with other important City policies.

2) Ensure that HRAs are used appropriately, and that they balance both public and private benefits.

3) Create an application process that is clear.

4) Establish a follow-up procedure to ensure that heritage conservation work is completed as promised.

Compliance with the HRA Policy does not guarantee approval of an HRA.

446 Buchanan St.

400 Ewen St.

Trapp Building on Columbia St.

Melrose Wall on Sixth St.

1) Ensure that the HRA policy is integrated with other important City policies

Official Community Plan (1998)

The Official Community Plan (OCP) sets out the City's goals, objectives and policies for the form and character of existing and future land use and servicing requirements. It outlines the community's vision for future growth and specifies how this will be achieved.

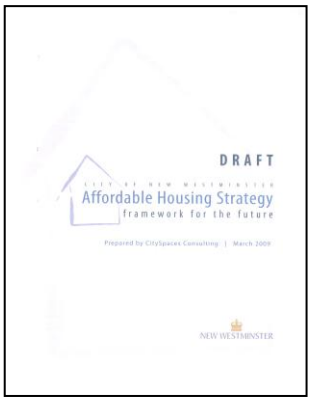
The HRA Policy is in line with the OCP heritage goals of:

- Preserving and enhancing historic assets.
- Promoting the conservation of historically and culturally significant buildings.
- Encouraging the renovation of heritage structures that are part of a heritage streetscape to be sympathetic to and complement the surrounding context.
- Identifying and supporting the understanding of heritage and promoting the value of heritage.

In addition, the HRA Guidelines address the more general OCP goals of:

- Maintaining and enhancing the City's identity and symbolic significance within the province.
- Maintaining and enhancing the unique physical character of the City and its neighbourhoods.
- Encouraging a liveable community through housing and heritage conservation.
- Providing a variety of housing choices.
- Balancing opportunities for development with historic preservation.

Affordable Housing Strategy (2009)



The proposed strategy addresses homeownership and rental housing, non-market and market housing using a variety of measures. Rental housing is of particular concern and takes top priority in the strategy. Alongside rental housing is a focus on housing choice in the homeownership market, particularly for low and moderate income households. The Affordable Housing Strategy provides a guiding vision and framework upon which specific policies and directions can be based.

These are:

1) Facilitate the development of affordable market and non-market housing.
2) Address the potential loss of existing affordable/rental housing.
3) Establish an environment that allows the private market to build affordably.
4) Increase housing choices for seniors and for residents with mobility limitations.
5) Ensure and enforce safety standards in the City's stock of market and non-market rental housing.
6) Effectively communicate information regarding housing initiatives and programs

The HRA Policy works with the Affordable Housing Strategy by facilitating affordable market and rental housing, and by giving incentive to the private market to build affordably. In addition, it has the potential of facilitating site-specific solutions that address the need for housing choices for seniors and residents with mobility challenges.

Liveable City Strategy: An Economic Development Plan for New Westminster (2008)

The Liveable City Strategy guides future economic growth in New Westminster and provides a planning process to establish a framework with which to proactively advance the local economy. The Liveable City Strategy was one of the 2006-2007 Priority Projects prepared within the framework of the City's Corporate Strategic Plan for New Westminster. The Strategic Plan, prepared in 2004, reinforces the Official Community Plan's complete community objectives by setting a vision for New Westminster to become:

- a modern, vibrant and sustainable economic hub for the lower mainland.
- a liveable city of safe, healthy balanced neighbourhoods.
- a city that is proud of its heritage and intimately connected to the riverfront.

The HRA Policy works with the Liveable City Strategy by encouraging and facilitating pride in heritage resources and by facilitating the continuation of balanced and liveable neighbourhoods.

2) Ensure that HRAs are used appropriately and that they balance both public and private benefits

The appropriate and balanced use of HRAs can be divided into four categories:

- Relocation of a Single Family House
- Increase in Floor Space
- Subdivision
- Façade Retention

Relocation of a Single Family House

One of the first principles of heritage conservation establishes that a heritage resource should remain on its original site (in situ) in order to preserve its historic context. However, there are situations when a heritage resource cannot remain in situ due to development or other pressures. Typically, this situation applies to single family houses, especially when the house is located on a lot that is allowed much greater density or that is zoned for a different use.

Sixth Ave house on the move to Saint Patrick St.

In situations when a house must be either relocated or demolished, it is preferable to relocate it, rather than see it demolished. Relocation also addresses the issue of material unnecessarily going to the landfill by ensuring that the majority of the structure is re-used.

Policy Parameters:

- All applications that involve relocation through the use of an HRA must be consistent with the Official Community Plan's "Heritage and Neighbourhood Character" goals, in particular as they pertain to streetscape and neighbourhood context.

- The project must satisfactorily meet the "*Standards and Guidelines for the Conservation of Historic Places in Canada*".

- The house to be relocated must respect its new neighbourhood's settlement pattern, setback and open space patterns once it is relocated on its new lot.

- It is recognized that homeowners may wish to construct additions to the relocated house. The ability to construct additions to the relocated house will depend on the size of the new lot, the level of heritage restoration being proposed, the location, size and design of the proposed addition. All additions must meet the "*Standards and Guidelines for the Conservation of Historic Places in Canada*"

Increase in Floor Space

Many HRA proposals request additional floor space in order to make the overall heritage project work, both in terms of use and in terms of financial viability. In these situations, the proposal is carefully evaluated for the potential impacts this extra floor space may have on the house and on the neighbourhood. The architectural design of the new addition is evaluated against the "*Standards and Guidelines for the Conservation of Historic Places in Canada"* for compatibility to the identified heritage values of the building.

For a building to be truly conserved, it must be used. An empty and abandoned building quickly deteriorates. At the same time, a new use may not be compatible with the layout and size of a heritage building and could potentially damage the historic integrity of the building. Retaining the same use for a heritage building is ideal and is a first principle in heritage conservation, as it ensures the long-term and stable context of the building.

New addition to 626 Tenth

At the same time, it is understood that old buildings must earn their keep and inevitably need some level of upgrade and/or alteration in order to adapt them to the needs of a new occupant and a new time. Environmental and sustainability concerns must be addressed, which often requires a change to plumbing and electrical systems, a response to heat loss/gain problems, and repairs to or replacement of failing materials. It is also reasonable for property owners to take the opportunity to add solar, wind and/or geothermal power sources.

Finally, for heritage conservation to be successful, it must meet a community standard of reasonableness. A heritage building owner should be given the opportunity to upgrade or add to the building, especially when the zoning allows it, and provided the proposed changes do not impair the identified character-defining elements of the building.

In the evaluation of each HRA proposal, the City follows the "*Standards and Guidelines for the Conservation of Historic Places in Canada",* and carefully establishes if the project:

- protects the heritage value of the place
- conserves the changes to the place over time, recognizing that the historic place is a physical record of its time, place and use
- ensures that physical interventions are appropriate
- creates minimal or no change to the character defining elements of the building

- ensures that the new construction is compatible with, respectful to and identifiable from the old
- balances any conflicting requirements of the community

The "*Standards and Guidelines for the Conservation of Historic Places in Canada*" recognizes that heritage buildings will have additions made to them and addresses these situations:

- Construct a new addition to retain as many of the historic materials as possible;
- Ensure the character-defining features are not obscured, damaged or destroyed;
- Ensure the heritage value is not undermined;
- Consider the addition in terms of its relationship to both the historic place and its surroundings;
- New work may be contemporary or may reference the historic place;
- New work should be compatible in terms of mass, materials, relationship of solids to voids, and colour;
- New work must be distinguishable from old;
- Place the new addition on a non-character-defining portion of the building and limit its size and scale.

Policy Parameters:

- It is recognized that homeowners may wish to construct additions to the building. The ability to construct additions to the relocated house will depend on the size of the new lot, the level of heritage restoration being proposed, the location, size and design of the proposed addition. Additions must meet the "*Standards and Guidelines for the Conservation of Historic Places in Canada*".

500 Fourth Ave.

- All applications that involve additions to the existing square footage of the building through the use of an HRA must be consistent with the Official Community Plan's "Heritage and Neighbourhood Character" goals, in particular as they pertain to streetscape and neighbourhood context and must not exceed the allowable fsr by more than a factor of .1 for the above grade portion of the building.

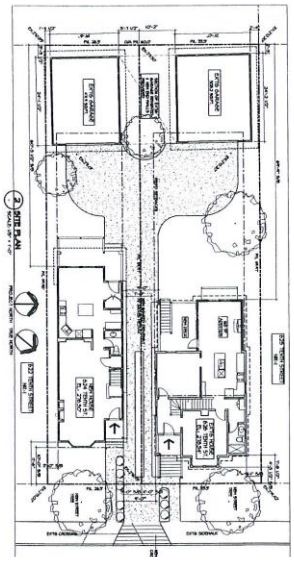
- The project must satisfactorily meet the "*Standards and Guidelines for the Conservation of Historic Places in Canada*".

Subdivision

There is widespread recognition in the community that there should be a variety of heritage incentive tools that assist and encourage property owners to conserve their heritage buildings. Subdivision is seen as an appropriate incentive that offers property owners a financial source that can be used for the heritage conservation of their historic property.

In certain cases, proposed HRA projects request lots that are smaller than the City's established subdivision regulations of 4,000 to 6,000 sq ft (depending on the neighbourhood). The City currently has one zone, Single Detached Dwelling Districts (Compact Lots) (RT-2D) that allows for lots to be smaller than 4,000 sq ft, against which the following principles were evaluated.

There are five possible scenarios where an HRA may be used to facilitate subdivision of a property:



1. One lot with two existing houses that is subdivided to allow each house to have its own lot.

2. One lot with one existing house that is subdivided into two lots so that a new house can be built on the new lot.

3. One lot with one existing house that is subdivided into two lots so that a heritage house can be relocated to it.

4. One empty lot that is subdivided into two lots to allow two relocated houses or one relocated house and one new house.

5. One lot with an existing house that is subdivided to allow for multi-family infill.

<u>Policy Parameters</u>:

The majority of HRA-related subdivision proposals involve residential lots. Therefore, the following policy parameters have been developed for residential zones:

- It is recognized that a new subdivided lot is a highly desired incentive for heritage retention.

- All subdivision applications must be consistent with the City's well established regulations for subdivision as they pertain to neighbourhood context, character and servicing requirements.

- The subdivision of property must reference streetscapes, open space, lot size, relative distances between houses and density considerations.

- The RT-2D zone regulations of 3,000 square foot lots has demonstrated that overall liveability standards can be achieved on small lots.

- HRA subdivision applications where the minimum lot size is below the neighbourhood's current minimum lot size regulation, must demonstrate higher heritage conservation retention.

From these parameters, a specific checklist has been established.
See Appendix A.

No-Sale Covenant/Security Deposit:

The City requires a guarantee from applicants that the heritage work will be carried out according to the Heritage Conservation Plan and in a timely manner. The first option is the placement of a 'no-sale' covenant on both sub-divided lots that is only discharged when the work has been substantially completed as per the Heritage Conservation Plan.

A second option is the collection of a security deposit that is held by the City until the work has been substantially completed as per the Heritage Conservation Plan. While feasible, this option has less strength than a 'no-sale' covenant.

A third option is for the City to hold approval of subdivision until the work has been substantially completed as per the Heritage Conservation Plan. This option is less desirable due to the requirements of lending institutions to have two legal lot descriptions as the basis for loans.

218 Burr St.

Façade Retention

Partial demolition with façade retention of key commercial buildings, when combined with the construction of a new building, has inspired community debate in the past. To this end, it is important to have a clear set of guidelines that balance the public and private benefits of this action.

Heritage conservation best practice requires that significant heritage buildings and structures be retained in their entirety on their original site and with enough original context to be readable as 'heritage'.

In some cases, however, the façade of a building may be the only element that is practical and reasonable to retain. If it is decided that keeping only the façade is a worthy option, then the portion of the building that will be demolished should be fully documented prior to and during the demolition process. In addition, a heritage professional should develop a heritage conservation plan to guide the entire process.

InterUrban Building on Columbia St.

<u>Policy Parameters</u>:

- The building must have a Statement of Significance and a Heritage Conservation Plan.
- The project must satisfactorily meet the "Standards and Guidelines for the Conservation of Historic Places in Canada".
- Façade retention and partial demolition may be allowed if it does not result in a significant loss of the building's historic value, i.e., when the building has only one important façade and is abutted by buildings on both sides.

Past Proposal for the Trapp Block on Columbia

- The proposed partial demolition should be limited to parts of the building that have little or no heritage significance as identified in the Statement of Significance.
- Partial demolition may occur on elements of the building that are beyond physical repair.
- If a new structure is built behind and/or above an historic façade, it should minimize the visual impact on the façade.
- The design of the new structure should be sympathetic to and respectful of the historic façade.

- At least a one-room or one-bay depth should be retained in order to allow an understanding of the relationship between the exterior and its original interior.

- A new interior space that is built directly behind the historic façade should be compatible with the façade in terms of scale, form and dimensions (including window openings).

- The floor levels in the new structure should match the historic floor levels. If this is not practical, then the new floors or ceilings should not be visible through the window openings of the historic façade.

Belltown, Washington, DC

Toronto, Ont

Bucharest

Vancouver, BC

Samples of façade retention from around the world.

3) Create an application process that is clear

Eligibility

Any property that is identified by the City as having heritage value may be considered for an HRA. If no heritage assessment has occurred on a property, the applicant is asked to complete the 'Historic Information Form' so that staff may conduct a preliminary heritage assessment.

A property that is listed on the City's Heritage Resource Inventory will be eligible provided it is placed on the Heritage Register and has a Statement of Significance. Any property listed on the City's Heritage Register is eligible for an HRA as it has already had its heritage value established.

In addition to a heritage evaluation, a property's eligibility for an HRA will be assessed against neighbourhood context and character, streetscape, and existing zoning. A further analysis of the public and private benefits will also take place.

Public benefit may take the form of:

- Long term protection of the property
- Restoration or rehabilitation of the resource
- Extended lifecycle of the resource
- Improved site condition/beautification of streetscape
- New historic information and documentation

Private benefit may take the form of:

- Subdivision
- An increase in square footage and density
- Change of use
- Zoning relaxations (parking, setbacks, etc.)

230 Third Ave.

In summary, the following will be considered in the assessment of a property's eligibility for an HRA:

- Heritage value of the resource
- Neighbourhood context
- Streetscape character
- Existing zoning, especially lot sizes and density
- Balance of public and private benefits
- Level of neighbourhood support

To ensure clarity, assessment criteria have been developed to assess proposed HRA projects. *See Appendix A.*

Encourage Professional Involvement

The City acknowledges that HRA projects range in size from large-scale commercial/residential to small-scale residential. Medium- and large-scale projects typically use the services of professional architects, heritage consultants, engineers, landscape architects, code consultants, etc.

In the case of an individual homeowner who is seeking an HRA, the cost of hiring professionals may seem onerous. Notwithstanding, the participation of professionals will make the HRA process smoother by:

- providing drawings that have all of the required information in a format that is accepted by the City
- assisting the homeowner with the application process
- making public meeting and Council presentations
- potentially reducing the application timeline significantly

600 Block Columbia St.

Pro-forma/Financial Study

A pro-forma is a financial analysis of the project that takes into account as many variables as possible. It is a forecast of the costs and profits involved in the project being proposed. Some of these cost considerations may include (and are not limited to) such items as:

General costs:

- Permits and application fees
- Professional fees (architect, engineer, heritage consultant, etc)
- Construction costs
- Legal fees
- New or repaired building foundation
- Interior upgrades
- Landscaping
- Works and Services Agreement costs
- On-site signage prior to Advisory Planning Commission public input

Costs associated with sub-division:

- School site acquisition fees
- Greater Vancouver Sewage and Drainage District Charges
- Development Cost Charges

- Undergrounding of electrical wires
- New fire hydrant
- Site servicing requirements (sewage, water, storm drainage)
- Road and/or sidewalk upgrading
- Transit study

Costs associated with the relocation of a building:

- Tree pruning along moving route
- Relocation of light standard(s) and/or telephone pole(s)
- Fees to remove and then re-attach electrical wires along moving route
- Relocation permit fees (for night-time moves and resulting noise)

The City strongly encourages every applicant to carry out a pro-forma as early in the application process as possible, particularly as it is not unusual for an HRA-facilitated subdivision and relocation project to cost from $200,000 to $300,000.

HRA on Land Title

Within thirty days of a Heritage Revitalization Agreement being adopted by Council, the HRA is registered on the property title. This way, even if the structure being protected is somehow destroyed, through natural disaster, neglect or wilful damage, the legal obligations still apply to the property. There are four main reasons for this:

1) An HRA on the land title gives the owner incentive to maintain the building and keep it safe from hazards.

2) An HRA often gives owners a special right or relaxation in exchange for the long-term protection of the site – e.g., subdivision. If the building were lost and the HRA only applied to the building, then the owner would no longer have the obligation of protecting and maintaining the building but would still have the advantage of the subdivision.

3) An HRA can include terms of action in the event of the damage or destruction of the building. For example, the HRA may set out the obligation that any new building must be in a heritage style acceptable to the City. Without this, the owner could design a new building that had no reference to what was there before it, thus losing all historic significance.

4) Finally, an HRA can protect landscape features, views and other potentially important heritage elements that do not include actual structures.

Step-by-Step Process – A Summary

1. Preliminary Inquiry
   This phase includes a determination of the eligibility of a property through a completed 'Historic Information Form' or the Heritage Register listing. Staff conducts an assessment, including a review of the neighbourhood historic context statement.

2. Application
   The application is made (including fee) and staff present an information report to Council.

3. Departmental Review
   The application package is submitted and is formally reviewed.

4. Community Consultation
   Community consultation includes the Heritage Commission, relevant Neighbourhood Associations, the Advisory Planning Commission, the New Westminster Design Panel and immediate neighbours.

5. Agreement and Bylaw Preparation and Readings
   The HRA, its Bylaw and the Heritage Designation Bylaw receive their required readings and adoption by Council.

6. Project Phase
   The project phase includes the submission of Building Permit drawings and a review of these drawings by City departments. The applicant applies for a Heritage Alteration Permit. Once the Building Permits have been issued, an update once every six months by either the property owner or the project's registered professional is submitted. City staff will periodically conduct site visits.

7. Project Completion Phase
   Once the project has been certified as complete by the project's registered professional, a site review takes place and Council's delegate will sign off on the project.

8. Follow-up and Enforcement
   This phase will entail managing situations when unapproved changes have occurred, and in situations where the required work under the HRA is not completed within the agreed-upon timeframe.

See Appendix C for a more detailed description of the process.

4) Establish a follow-up procedure to ensure that heritage conservation work is completed as promised

On occasion, the work anticipated during an HRA project differs from the plans or is delayed due to unforeseen circumstances. Both situations can result in community concerns for the outcome of the project.

The following procedures should address these concerns in a fair and equitable manner:

Heritage Designation Bylaw

At Council's direction, every HRA document contains the requirement for the property to receive a Heritage Designation Bylaw. The primary principle for this is to provide a clearer image to the public of the heritage program's progress, to allow these properties to be eligible for funding from the New Westminster Heritage Foundation, and to be eligible for exemption from the Homeowner Protection Act.

Mc & Mc Building 811 Columbia St. c. 1940

Given that a Heritage Designation Bylaw is not dependent on the issuance of a building permit and given the concern regarding the risk to the building that may occur between third reading and adoption of an HRA, the Heritage Designation Bylaw will be taken for adoption at the next Council meeting following third reading of both bylaws. This results in the property receiving formal heritage protection as early as possible in the HRA process and allows the City to better enforce proper care of that property if necessary.

Security Deposits

An existing procedure that the City may choose to utilize is the holding of security deposits for HRA projects. A Heritage Alteration Permit, which is required for all HRA projects, allows the City to hold a security deposit as a condition of the issuance of the permit to ensure that development is carried out in accordance with the terms and conditions specified in the permit.

Site Review

The City will conduct periodic site inspections to review progress and to take photos for documentation purposes. While every effort will be made to notify the property owner ahead of time, the HRA allows for site visits without notification. Other department inspections will also occur from time to time, and any variations

between the approved plans and the actual work will be noted. If necessary, work may be halted during this review period with a 'Stop Work Order'.

The property owner or the project's Registered Professional will be expected to provide a written or verbal update every six months to the City, as part of the review process.

Minor On-site Changes

Notwithstanding the permit requirements, there is an understanding that on-site challenges and surprises often occur during the construction phase of a project. In most cases, these result in minor changes to plans and do not impact the heritage character of the building. However, in some cases, these changes do affect the heritage character and must be reviewed and supported by the CHC and by Council prior to further work being carried out on that item(s).

To deal with the common situations of on-site construction challenges that do not impact the heritage character of a building, language within HRAs and Heritage Alteration Permits will provide flexibility to allow for small changes during construction. All changes will be reviewed and documented by the Planning and Building Divisions.

Applicants should review any changes with the Planning Division prior to any work being carried out, in order to determine if they fall within the range of allowable changes.

Enforcement

Embedded within a Heritage Revitalization Agreement and within a Heritage Alteration Permit are strict requirements regarding what may and may not be done to a protected property. For both legal documents, approved drawings must be attached and followed by the applicant. Any changes to these drawings must be authorized through a Heritage Alteration Permit or an amendment to an existing Heritage Alteration Permit.

An HRA is a strong legal document, for which there are enforcement options available to the City in the event that work promised under the HRA is not completed. These include:

1) Prosecution under s.981(1)(c) of the Local Government Act for "altering property in contravention of HRA"; however, it is not applicable to failures to alter property in compliance with HRA

2) Enforcing the HRA as a bylaw under s.260(1) of the *Community Charter*
   a) ticketing option for minor contraventions
   b) prosecution for failure to alter property in compliance with HRA

3) Cancellation or suspension of business licence of commercial party to HRA

A Heritage Alteration Permit is an authorization by local government that allows changes to be made to protected heritage property, and it can be enforced by civil injunction under Section 979(1) (b) Part 27 of the Local Government Act. If a person, without the authority of a Heritage Alteration Permit, does anything for which a Heritage Alteration Permit is required or if they fail to comply with the requirements and conditions of a Heritage Alteration Permit, the City may approach the Supreme Court and seek an order that requires the person to comply with the Heritage Alteration Permit or restore the property to its prior condition.

In all cases, and prior to any enforcement action taking place, the applicant will be contacted by the City and invited to discuss the situation. In most cases when work is carried out contrary to the HRA or Heritage Alteration Permit, it is unintentional and easily resolved. The enforcement options noted above would only be used in serious situations when a resolution cannot be reached.

Time Extensions

There is an understanding that conservation and construction work can take longer than expected due to unanticipated circumstances. In these situations, when it is clear that the applicant is working in good faith to the HRA, the City will discuss a time extension. The City Solicitors have drafted a template letter that may be used. *See Appendix C.*

APPENDIX A

Checklist for HRA Proposals

Compliance with and/or achievement of the minimum number of points in the following does not guarantee approval of an HRA.

Proposed new lot sizes will be assessed on a neighbourhood by neighbourhood basis.

The City reserves the right to consider other aspects for each project and is not limited to the items listed below. Minimum point requirements may be adjusted over time as necessary.

A.	Condition Met	General Requirements– Per Heritage House	Comments
Item #	✓		
1		Heritage merit	
2		Statement of Significance	
3		Heritage Conservation Plan	
4		Heritage Designation Bylaw – either pre-existing or concurrent with HRA	
5		Heritage Register – either pre-existing or concurrent with HRA	
6		FSR does not exceed that of the existing neighbourhood zoning by more than a factor of 0.1 in the above grade portion of the building	
7		Additions respect but are distinguishable from the heritage character of the house	
8		Additions are compatible in size, scale, colour, material to heritage	
9		Additions are located on non-character defining elevation(s) and do not negatively impact the identified heritage character defining elements	
10		Placement of relocated heritage house respects surrounding neighbourhood settlement pattern through the following: - typical design and characteristics of neighbourhood houses; - setback; - open space pattern; - orientation to the front street.	
11		New lot(s) conform to existing subdivision pattern of the neighbourhood: - slope of land; - street grid; - lot orientation.	
12		Neighbourhood support (majority) within 100 sq ft radius of property	

B	Choose One	Per Heritage House (In-situ or Relocated)	Comments
Item #			
1		New lot is over 4,000 sq ft	
2		New lot is 3,500 - <4,000 sq ft	
3		New lot is 2,800 - < 3,500 sq ft	
	Choose One	**Building Exterior**	*Assume 1 elevation = 25%*
4		≥ 75% of identified character-defining elements retained - damaged or lost elements repaired or replicated	
5		25 - 75% of identified character-defining elements retained - damaged elements repaired or replicated	
6	*Not likely supportable*	≤ 25% of identified character-defining elements retained	
	Choose One	**Paint Scheme**	
7		Colour palette original to house as determined by paint scrapings	
8		Colour palette from same historic era as house construction date	
9		Contemporary but compatible colour scheme	
	Choose One	**Wood Frame Windows**	
10		Retention and repair of ≥ 75% of original wood frame windows (original size and location retained)	
11		Retention/repair of 50 - 75% of original wood frame windows and installation of new wood-frame windows (original size and location retained) if removed windows are beyond repair	
12		All new wood frame windows to replace size and location of original windows if original windows are beyond repair	
13	*Clear evidence of necessity required*	Replacement of original windows with new windows that have appearance of wood	
14	*Not likely supportable*	New vinyl or aluminum frame windows - any percentage of total	
15	*Bonus if chosen*	Replacement of contemporary non-wood frame windows with refurbished or new wood frame windows (original size and location retained) that replicate original style & design	

B cont			Comments
	Choose One	**Roof Line**	
16		Historic roof line retained	
17		Historic roof line altered on non-character defining side of house and is not visible from street	
18		Historic roof line altered on non-character defining side of house and is visible from the street	
	Choose One	**Location on Lot**	
19		House remains in situ	
20		House relocated on property	
21		House raised 2 feet or less	
22	*Not likely supportable*	House raised more than 2 feet	
	Choose All That Apply	**Landscaping**	
23		New landscaping in keeping with overall building design.	
24		New landscaping respects street.	
25	*Bonus if chosen*	Historic landscape features & elements retained (grade variations, walls, etc)	
26		Existing mature tree[s] retained	
27		Existing mature tree[s] removed	
28		New plant material at scale that respects heritage building(s)	
29		Design of new landscape elements are from historic era of house(s), (fences, gates, planters, walls, etc.)	
30	*Bonus if chosen*	New plant material authentic type to the historic era of the house(s)	
	Choose One	**Parking**	
31		On-site parking provided as per Zoning Bylaw	
32		Partial on-site parking provided as per Zoning Bylaw	
33		No on-site parking provided	
34		No on-site parking is an historic pre-condition	

C.		Per New House within HRA Proposal	Comments
Item #	**Choose One**	**New Lot Size**	
1		New lot is over 4,000 sq ft	
2		New lot is 3,500 - <4,000 sq ft	
3		New lot is 2,800 - < 3,500 sq ft	
	Choose All That Apply	**Building Exterior**	
4		New house respects scale and massing of heritage house(s)	
5		New house contributes to the continuity or character of the streetscape	
	Choose One		
6		New house has contemporary design	
7		New house uses traditional design that relates to heritage house(s)	
	Choose All that Apply	**Finishes**	
8		Material and finishes are of high quality	
9		Natural materials are used for majority of exterior finishes (ex: wood). Stone, masonry and stucco ok if heritage house sets precedence	
10		Manufactured materials are used for majority of exterior finishes (ex: concrete, masonry, steel)	
	Choose One	**Windows**	
11		Wood-frame windows throughout	
12		Windows that have the appearance of wood frame throughout	
13	*Not likely supportable*	Vinyl- or aluminum-frame windows throughout	
14		Other	
	Choose All that Apply	**Landscaping**	
15		Landscaping in keeping with overall building design	
16		Landscaping respects and contributes to the character of the streetscape	
	Choose One		
17		Existing mature tree[s] retained	
18		Existing mature tree[s] removed	

	Choose One	Parking	
19		On-site parking provided as per Zoning Bylaw	
20		Partial on-site parking provided as per Zoning Bylaw	
21		No on-site parking provided	

APPENDIX B

Application Process

HRA Application Process

Step #1 – Preliminary Inquiry

Discussion:

- Pre-application discussion takes place between the applicant and the City to review the proposal and the HRA. Relaxations and variances to zoning are discussed. The merits of a Pro Forma are discussed.

- If the property is not listed on the Heritage Register, the applicant is given a "Historic Information" form to complete. This form will establish the basic historic value of the property.

- The City discusses the requirement for a Registered Professional and a Heritage Consultant to be involved in the project.

- Requirements for the application package are discussed, including due dates for community consultation meetings.

- Preliminary concept drawings are submitted.

Preliminary Staff Review:

- Application reviewed at Development Meeting to discuss eligibility of the application for an HRA. An initial zoning analysis is made if enough information is available at this time.

- Application is reviewed against the neighbourhood historic context statement.

- Application is reviewed informally with other City Departments.

- The property status is reviewed to ensure any required permits and/or licences are current and valid.

Step #2 – Application

The City and the applicant review the process and timeline requirements/ expectations.

An application form is submitted to the City, with payment of the appropriate fee.

A signed waiver for the Heritage Designation Bylaw is submitted.

A preliminary staff report is taken to Council for information.
If the property is not listed on the Heritage Register, this occurs concurrently.

In the case of a sub-division request, the applicant should consider approaching Engineering and Electrical at this stage.

If necessary, the applicant will be encouraged to approach the Homeowner Protection Office to discuss warranty details.

Step # 3 - Departmental Review

The application package is submitted (see following page for detailed list).

The application is formally reviewed at the interdepartmental level.

Step # 4 - Community Consultation

In order to proceed with this phase, all pertinent drawings and information noted in the application package list must be submitted by the due date.

Community Heritage Commission reviews the application and makes recommendations to Council.

Neighbourhood Residents' Association reviews and offers comments to Council.

Advisory Planning Commission (APC) assesses the proposed changes to land use and density and makes recommendations to Council. If the proposal meets the policies and guidelines of the Official Community Plan and other pertinent neighbourhood plans, the proposal does not attend this APC meeting, but proceeds directly to the APC meeting outlined below.

New Westminster Design Panel (NWDP) reviews and makes recommendations to Council regarding form and character of multi-family residential and commercial projects. This may require two visits.

Advisory Planning Commission holds a public input session and makes a recommendation to Council - notification sent out to neighbours and a rezoning sign is placed on the property by the applicant at least 2 weeks before the meeting. (See APC submission guidelines for specifics.)

Step # 5 – Heritage Revitalization Agreement and Bylaw Readings

The legal agreements and bylaws[1] are prepared by the City Solicitor and are reviewed by the applicant. The City recommends that the applicant have his/her own legal counsel review the documents.

[1] Legal agreements include Heritage Revitalization Agreement, Heritage Designation and in some cases a covenant.

The HRA, its Bylaw and the Heritage Designation Bylaw are taken to Council for First and Second Reading.

Third Reading and Public Hearing of the HRA, its Bylaw and the Heritage Designation Bylaw occur together a minimum of 3 weeks after receiving First and Second Reading.

The Heritage Designation Bylaw is adopted at the following Regular Council meeting. (The purpose of taking the heritage designation bylaw forward for adoption at this point in the process is to ensure that the building/site has formal protection as soon as possible and that maintenance and security issues may be addressed within a legal framework.)

An application is made for a Building Permit by the applicant/contractor. Building Permit drawings are submitted and are reviewed by the City to determine if all conditions are met.

Once all conditions for the Building Permit are met, the HRA Bylaw is forwarded to Council for adoption.

Within 30 days of the Bylaw being enacted, the City registers a notice in the Land Title Office and notifies the Minister responsible for the Heritage Conservation Act.

If necessary, School Site Acquisition Charges, Development Cost Charges, and/or Greater Vancouver Sewage and Drainage District Charges are assessed by Engineering.

Step # 6 - Project Phase

Prior to any work beginning, the applicant applies for a Heritage Alteration Permit, as required by the HRA.

A weather-resistant sign will be posted on the site by the applicant that notifies all workers and visitors to the site that it is protected heritage property and that all work being carried out is for the purpose of heritage conservation. (Sign size = min 2ft x 3ft)

The property owner or the project's Registered Professional agrees to provide a written or verbal update to the City at least every six months, preferably with photographs.

The City will conduct site inspections to review progress and to take photos for documentation purposes.

Step # 7 - Project Completion Phase

Upon completion, the owner or the project's Registered Professional will provide the City with written notification that the project is complete and that it has achieved all aspects of the HRA requirements.

Once this written notification is received, the City will conduct a final site review for heritage purposes and, if appropriate, will sign-off on the project. Other City inspections will also occur.

HRA Application Package:

The following list is not exclusive and may be altered from time to time.

- Application Form
- Application Fee
- Letter of Authorization from property owner, if applicable
- Land Title Certificate showing current ownership
- Contact information for all property mortgage holders and charges
- Site survey (certified) showing location of building, height of building, corners of site, plus other elements as required.
- Statement of Significance (by professional other than project architect)
- Heritage Conservation Plan detailing conservation work (this may be written by the project architect).
- Design rationale
- Fully dimensional architectural drawings of the proposed project, drawn to ¼" scale. Must include site plan, exterior elevations, cross sections, floor plans, geodetic elevations of all floors. Proposed materials should be indicated on the exterior elevations. Parking on site must show stall dimensions, drive and manoeuvring aisles, driveway slopes and turning radii.
- Plans must also include a statistical table of the proposal covering all of the conditions of use for the applicable zoning district, plus the variances being requested. The table must include required/permitted and proposed yards and setbacks, density, floor space ratio, site coverage, height, parking and loading requirements, balcony and open space dimensions and areas, housing unit types and areas, and areas set aside for common areas (if applicable) should also be noted. Any bylaw deficiencies should be noted as well.
- Current photos of building (all elevations), also of the site and surrounding properties
- Colour and material board
- Landscape plan to scale showing number, type and size of plant material proposed, plus the proposed treatment of other surfaces of the site, and the proposed treatment of the street boulevard and driveway crossing.

APPENDIX C

Template Letter for Time Extension

CITY OF NEW WESTMINSTER LETTERHEAD

Registered Owner
Address

Re: Heritage Revitalization Agreement (project address)

We write in regard to the Heritage Revitalization Agreement for (project address), authorized by City of New Westminster Bylaw No. ****, year.

Section 21 of the Agreement requires the owner to commence and complete the restoration, repair, repainting, landscaping and maintenance of the heritage house that was to be relocated to a new lot to be created by the subdivision of Lot ** Block ** NWD Group * Plan ****, within XX years of adoption of Bylaw No. ****. The land has been subdivided and the heritage house has been relocated to this new lot as contemplated by the Agreement, but to the City's knowledge no further work has been done on the building.

The City considers this breach of the Heritage Revitalization Agreement to be a serious matter, and intends to hold the owner to the terms of the Agreement. However, in the interests of seeing this important heritage initiative through to completion, the City is prepared to waive the owner's breach of Section 21 by allowing a further XX months for the completion of the work, such period of time to commence on the second anniversary of the adoption of Bylaw No. ***. Pursuant to Section 22 of the Agreement, the Owner is to provide a progress report on the work within two weeks of the date of this letter, and thereafter every three months until the work is complete. The progress reports must specifically address the various elements of the conservation plan contained in Schedule B to the Agreement, insofar as they pertain to the relocated heritage house and its lot.

The City does not, by waiving its right to insist on the owner's compliance with Section 21 of the Agreement, intend to waive its rights with respect to any other term of the agreement, or to waive any right with respect to compliance with Section 21 other than the timing issue specifically addressed in this letter.

If you have any questions regarding the contents of this letter, please direct them to *name*, Heritage Planner.

Yours truly,

Name,
Director of Development Services