

THE CORPORATION OF THE CITY OF NEW WESTMINSTER

HERITAGE DESIGNATION (203 PEMBINA STREET) BYLAW NO. 8435, 2024

A bylaw of the Corporation of the City of New Westminster to designate the northern red oak tree located at 203 Pembina Street as protected heritage property.

WHEREAS the *Local Government Act*, RSBC 2015, c.1 provides Council with authority, by bylaw, to designate real property, in whole or in part, as protected heritage property, on terms and conditions it considers appropriate;

AND WHEREAS the registered owner of the land located at 203 Pembina Street has entered into a heritage revitalization agreement in relation to the northern red oak tree currently located on the land as authorized by Heritage Revitalization Agreement (203 Pembina Street) Bylaw No. 8425, 2024 (the "Heritage Revitalization Agreement"), has requested that Council designate that tree as protected heritage property, and has released the City from any obligation to compensate the registered owner for the effect of such designation;

AND WHEREAS Council considers that the northern red oak tree located at 203 Pembina Street has significant heritage value and character and is a prominent and valued heritage tree in the City;

AND WHEREAS Council considers that designation of the northern red oak tree located at 203 Pembina Street as protected heritage property under the provisions of the *Local Government Act* is necessary and desirable for its conservation and future maintenance;

NOW THEREFORE City Council of the Corporation of the City of New Westminster enacts as follows:

TITLE

1. This Bylaw may be cited for all purposes as "Heritage Designation Bylaw (203 Pembina Street) No. 8435, 2024."

INTERPRETATION

2. In this Bylaw, the terms "heritage value", "heritage character" and "alter" have the corresponding meanings given to them in the *Local Government Act*.

DESIGNATION

3. The northern red oak tree located on that parcel of land having a civic address of 203 Pembina Street, New Westminster, British Columbia, legally described as:

PID: 004-495-462

LOT 1 DISTRICT LOT 757 GROUP 1 PLAN 2586

shown outlined on the site plan attached hereto as Schedule "A" and labelled "Heritage Tree" (the "Heritage Tree"), is hereby designated in its entirety as protected heritage property under section 611 of the *Local Government Act* of British Columbia.

PROHIBITION

4. Except as expressly permitted by Section 5 or as authorized by a heritage alteration permit and tree permit issued by the City, no person shall undertake any of the following actions, nor cause or permit any of the following actions to be undertaken in relation to the Heritage Tree:
 - (a) make a structural change to the Heritage Tree including regular maintenance, such as but not limited to pruning and trimming;
 - (b) make a structural change to the Heritage Tree including but not limited to alteration to or removal of the Heritage Tree resulting in damage or degradation to the health of the Heritage Tree; or,
 - (c) alter, excavate, build, stockpile materials, compact soil by driving trucks or equipment on that portion of land within which the Critical Root Zone of the Heritage Tree is located.

EXEMPTIONS

5. Despite Section 4, the following actions may be undertaken in relation to the Heritage Tree without obtaining a heritage alteration permit and tree permit from the City:
 - (a) non-structural renovations or alteration to the interior of the buildings on the property that do not alter the exterior appearance or health of the Heritage Tree.
6. Despite Section 4, the following actions may be undertaken in relation to the Heritage Tree without obtaining a heritage alteration permit from the City:
 - (a) Regular maintenance, such as but not limited to pruning and trimming.

MAINTENANCE

7. The Heritage Tree shall be maintained in accordance with the Tree Protection and Maintenance Covenant, and the requirements set out in the City of New Westminster Tree Protection and Regulation Bylaw No. 7799, 2016, as amended or replaced from time to time, and, in the event that Bylaw No. 7799 is repealed and not replaced, the Owner shall continue to maintain the Heritage Tree to the standards that applied under Bylaw No. 7799 immediately prior to its repeal.

HERITAGE ALTERATION PERMITS

- 8. Where a heritage alteration permit is required under this Bylaw for a proposed action in relation to the Heritage Tree, the application shall be made to the City of New Westminster Climate Action, Planning and Development Department, Planning Division in the manner and on the form prescribed, and the applicant shall pay the fee imposed by the City for such permit, if any.
- 9. City Council, or its authorized delegate, is hereby authorized to:
 - (a) issue a heritage alteration permit for situations in which the proposed action would be consistent with the heritage protection provided for the Heritage Tree under this Bylaw and the Heritage Revitalization Agreement;
 - (b) withhold the issue of a heritage alteration permit for an action which would not be consistent with the heritage protection provided for the Heritage Tree under this Bylaw or the Heritage Revitalization Agreement;
 - (c) establish and impose terms, requirements and conditions on the issue of a heritage alteration permit that are considered to be consistent with the purpose of the heritage protection provided for the Heritage Tree under this Bylaw and the Heritage Revitalization Agreement; and
 - (d) determine whether the terms, requirements and conditions of a heritage alteration permit have been met.

RECONSIDERATION BY COUNCIL

- 10. An applicant or owner whose application for a heritage alteration permit or tree permit for alteration of the Heritage Tree has been considered by an authorized delegate may apply for a reconsideration of the matter by Council, and such reconsideration shall be without charge to the applicant or owner.

GIVEN FIRST READING this 5th day of February 2024.
 GIVEN SECOND READING this 5th day of February 2024.
 PUBLIC HEARING held this 26th day of February 2024.
 GIVEN THIRD READING this 26th day of February 2024.

ADOPTED and the Seal of the Corporation of the City of New Westminster affixed this

_____ day of _____ 2024.

MAYOR PATRICK JOHNSTONE

PETER DEJONG, CORPORATE OFFICER

SCHEDULE A

SITE PLAN

