

At the regular HAC meeting on November 24, 2004, the HAC considered and approved a draft OCP amendment by-law (i.e., Heritage Conservation Area designation) for the subject section of 182 Street and recommended that Council adopt the by-law. If the by-law were adopted, alterations to buildings within the Heritage Conservation Area would require a Heritage Alteration Permit. The process for approving a Heritage Alteration Permit is addressed in more detail in a later section of this report.

DISCUSSION

Proposed Heritage Conservation Area

The area proposed for protection under the by-law is slightly revised from that identified in the Heritage Management Plan. The segment of 182 Street from 58 Avenue to 58A Avenue, has been constructed to an urban street standard (i.e., curb and gutter, ornamental street lighting and concrete sidewalks, etc.) to recognize its status as a collector road in this section. Therefore, even though this section was identified as potentially part of the Heritage Conservation Area in the Heritage Management Plan, it is no longer practical to include it in the Heritage Conservation Area. Similarly, some lots that do not front 182 Street on the east side, have not been included in the revised boundary. The properties that are recommended to be included in the Heritage Conservation Area are illustrated in Schedule "A" contained in Appendix I.

The proposed OCP amendment by-law, that will act to establish the Heritage Conservation Area, includes the following:

- Provides for general housekeeping amendments to Part 6 - Section 6.4 Heritage Conservation Areas and Guidelines in the OCP, made necessary to establish proper reference to this first Heritage Conservation Area in the City;
- Designates the Heritage Conservation Area along 182 Street, shown as Schedule "A" to Appendix I, and lists the subject properties in Schedule "B" to Appendix I;
- Stipulates the justification for the designation, the heritage objectives, the guidelines for maintaining the heritage character of 182 Street and the form and character of the houses and landscaping in the area and the subdivision requirements;
- Establishes that a Heritage Alteration Permit and related process will be the vehicle by which to vary or supplement zoning and works and services provisions to achieve the heritage road standard; and
- Includes a section that describes instances when a Heritage Alteration Permit is not required as follows:
 - Allows for additions and routine maintenance or renovations that do not affect the façade of buildings facing any street;
 - Allows the Currie House, which is located at 5731 – 182 Street and has heritage significance, to be moved once, as long as long-term protection is secured using a Restrictive Covenant. This Restrictive Covenant will contain a conservation plan stating character-defining elements and will provide for additions and renovations that are consistent with the heritage character of the house. In the future, the Restrictive Covenant can be amended if changes are required, subject to agreement between the City and the property owner; and
 - Allows building permits to be issued on lots within the Heritage Conservation Area that are already subject to Building Schemes, provided that the Building Scheme provisions comply with the Heritage Conservation Area guidelines. Building Schemes may be amended if changes are required, provided all property owners that are party to the Building Scheme agree to the change. When a Building Scheme expires, changes would be subject to Heritage Alteration Permits.

By-law Consideration Process and Consequences

Under Section 963(1) of the **Local Government Act**, R.S.B.C. 1996, c. 323, as amended, if an OCP amendment by-law to designate a Heritage Conservation Area is given first reading, such action has the affect of bringing the

by-law into effect for a 120 day period, during which time a Heritage Alteration Permit must be issued by Council to authorize subdivision, building construction or alteration on properties in the Heritage Conservation Area covered by the by-law. This provision provides for 120 days of temporary protection for properties covered by the by-law, before the by-law is adopted. The intent of this is two fold:

1. To give Council time to seek public input on the by-law as well as to hold a Public Hearing and consider adoption; and
2. To give the City the ability to continue to work with property owners in the area, related to building permit applications and development proposals that may affect heritage buildings and features in the area, toward achieving the heritage objectives for the area.

Given that no Public Information Meeting has been held regarding the proposed Heritage Conservation Area along 182 Street, it is recommended that after the OCP amendment by-law has been given first and second readings, but before the Public Hearing related to the by-law, that staff hold a Public Information Meeting to present information to the affected property owners and the general public about the proposed Heritage Conservation Area and related implications to the properties in the area. Subsequent to the Public Information Meeting, staff will prepare a further report to Council on the results of the meeting, any other recommendations that may be appropriate as a result of the public input and recommending a date for the Public Hearing.

Development applications and/or building permit applications within the subject area will continue to be processed based on the draft by-law and will not be held up pending the adoption of the by-law.

Potential Incentives for Owners of Heritage Properties

There are a number of possible incentives that can be explored in relation to assisting the owners of properties within a Heritage Conservation Area to renovate and/or maintain their properties. It is recommended that staff be directed to work with the HAC to explore possible incentives to encourage the maintenance and renovation of heritage properties within a Heritage Conservation Area and to provide a report back to Council on this matter, complete with recommendations, in due course.

CONCLUSION

In order to protect the unique heritage character of the 182 Street corridor, between Highway No. 10 and 58 Avenue, the Heritage Management Plan recommends that the area be designated a Heritage Conservation Area. Based on the Heritage Management Plan and on the information documented in this report, it is recommended that Council:

- Instruct the City Clerk to bring forward for first and second readings, a by-law to amend the OCP, as documented in Appendix I of this report, to designate 182 Street and abutting properties between Highway No. 10 and 58 Avenue, as a Heritage Conservation Area;
- Instruct staff to hold a Public Information Meeting to present information about the Heritage Conservation Area to the public and to gather comments from the public and, subsequently, to provide a further report to Council on the matter, prior to Council setting a date for the Public Hearing related to the OCP amendment by-law; and
- Direct staff, in consultation with the HAC, to identify incentives available to assist property owners with the renovation and preservation of properties within the Heritage Conservation Area and to report back to Council with this information and related recommendations.

Murray Dinwoodie
General Manager
Planning and Development

CITY OF SURREY

BY-LAW NO. _____

A by-law to amend Surrey Official Community Plan
By-law, 1996, No. 12900, as amended

.....

NOW, THEREFORE, the City Council of the City of Surrey, in open meeting assembled, ENACTS AS FOLLOWS:

1. This by-law shall be known and cited for all purposes as "Surrey Official Community Plan By-law, 1996, No. 12900, Text No. _____ Amendment By-law, 2004, No. _____."
2. Surrey Official Community Plan By-law, 1996, No. 12900, as amended, being the Official Community Plan of the City of Surrey, is hereby further amended as follows:
 - (a) by deleting from Part 6 - Permits and Procedures (Division A), Section 6.4 Heritage Conservation Areas and Guidelines the third paragraph that reads as follows: "Unless stated otherwise in the Guidelines, circumstances may be specified under which a Heritage Alteration Permit is not required. This section will be amended at a later date to establish these circumstances.";
 - (b) by adding to Part 6 - Permits and Procedures (Division A), Section 6.4 Heritage Conservation Areas and Guidelines the following paragraph at the end of this section: "Each Heritage Conservation Area may describe the circumstances under which regulations may be varied or supplemented by a Heritage Alteration Permit and the circumstances under which a Heritage Alteration Permit is not required in a Heritage Conservation Area";
 - (c) by deleting from Part 6 - Permits and Procedures (Division A), Section 6.4 Heritage Conservation Areas and Guidelines the note in the margin "Exemptions from a Heritage Alteration Permit" and replacing it with "Provisions to be Varied or Supplements and Exemptions from a Heritage Alteration Permit";
 - (d) by deleting from Schedule D (Division A) the following text: "Areas with heritage values may be designated as Heritage Conservation Areas as part of the Official Community Plan.";
 - (e) by adding the following text and figures to Schedule D (Division A):

"Introduction

Heritage Conservation Areas are established to define special heritage values or qualities found in a distinctive area of the City and to manage these heritage values or qualities through long-term protection.

Each Heritage Conservation Area included in this Schedule identifies what is subject to protection within the designated area. This may include: all or some of the properties, or all or some of the buildings or building

faces, or portions of properties, all or portions of land or yards, or natural or other features. Each area designated must include a description about the special features or characteristics that justify the creation of the Heritage Conservation Area and the guidelines as to how the objectives will be achieved.

Unless otherwise exempted by this By-law, a Heritage Alteration Permit must to be issued before applications for development or for building permits are approved and for such actions as: subdivision, building additions, relocation of buildings, building demolition, building construction or alterations to existing properties and/or buildings within a Heritage Conservation Area. The requirements may be different for different types of buildings or properties, or for different Heritage Conservation Areas. If provided for in a Heritage Conservation Area, a Heritage Alteration Permit may provide for zoning, other development regulations, development cost recovery and subdivision and development requirements to be varied or supplemented.

Heritage Alteration Permits are issued by Council, unless delegated to a designated City employee by Council.

Heritage Conservation Areas

The following areas are the designated Heritage Conservation Areas:

Heritage Conservation Area #1 – 182 Street (Thomas Road) Corridor

1. Designation

The area shown outlined in the heavy black line on Figure SD-1, attached to and forming part of this By-law is designated as a Heritage Conservation Area.

2. Description and Background

The Surrey Heritage Management Plan, approved by Council on January 20, 2003, identified the 182 Street (Thomas Road) Corridor as becoming a Heritage Conservation Area due to the rural-like character of 182 Street and the concentration of heritage properties along this section of street. Residents expressed support for the Heritage Conservation Area being established to retain the character of the area.

The area is associated with the development of the "Village of Cloverdale". The southeast quarter of Section 8, Township 8, dates back to 1890, when Isaac Birch Fisher originally owned it. As shown in the Figure 1 below, Plan 863, dated from 1903, subdivided the 160-acre quarter section into 16 long and narrow 10-acre lots, extending back from the three existing roads of McLellen in the north, Halls Prairie in the east and Langley in the south. The future alignment of 182 Street is indicated on Figure 1.



Figure 1

In about 1915, Surrey acquired a 33-foot strip of land along the western ends of the lots fronting Halls Prairie Road (what today is 182 Street) to either build a road or to accommodate an exiting one for access to the rear portions of the lots fronting on Halls Prairie Road. It was not until the subdivision of Lot 13 in 1939 that the road was widened to 66 feet. However, the travelled portion of the road was not realigned and has historically remained offset on the east side of the 66 foot wide right-of-way. Thus the houses on the east side are very close and more related to the street, one set back as little as 6.7 metres or 13.7 metres from the centreline of the pavement. Houses on the west side appear to have deeper front yards and more openness, ranging between 17 and 32 metres from the pavement centreline.

Early subdivision plans indicate that the original name for 182 Street was "Thomas Road", named after the family that once owned Lot 11. Apart from minor widening and stabilizing of a bank, there have been no changes to the street in the portion between Highway No. 10 and 58 Avenue. North of 58 Avenue, 182 Street is designated as a limited collector road, with wide pavement, curb, gutters, sidewalks and lighting.

Figure 2 illustrates the location of houses identified as having heritage value along 182 Street. These include:

- Robert D. MacKenzie House (5634 - 182 Street);
- Neville Curtis House (5658 - 182 Street);
- Sidney Partlo House (5672 - 182 Street);
- Haines House (5678 - 182 Street);
- Floyd Partlo House (5720 - 182 Street);
- Cecil Heppell House (5818 - 182 Street);
- Martha Currie House (5731 - 182 Street); and
- the house at 5646 - 182 Street.



Figure 2

3. Justification for Designation

The justification for designating the 182 Street Area as a Heritage Conservation Area are the following:

- Historical association with the "Village of Cloverdale" and being known as "Lawyer's Row";
- One of the last remaining streets and a complete block of exceptionally preserved traditional street in Cloverdale;
- Rural-like character and narrow geometry of the street;
- Concentration of heritage houses, both on the Heritage Inventory and Heritage Register; and
- Mature landscaping contributing to the heritage character of the street corridor.

4. Objectives

The objectives of the designation of the 182 Street Area as a Heritage Conservation Area are to:

- Maintain a traditional and rural-like character of the street and the heritage character of houses along 182 Street;
- Encourage new house designs to be compatible with existing houses and, specifically, those on the Heritage Register;
- Retain the spatial relationship between houses and the street;
- Retain mature trees and open lawns;
- Selectively maintain view corridors to the agricultural areas and to the Cloverdale Town Centre from the street;
- Allow for necessary variances to accommodate or allow additions or changes so that houses can be retained or moved on a site rather than being torn down; and
- Maintain and/or renovate existing houses on 182 Street so as to retain their heritage character.

5. Heritage Conservation Area Guidelines

Analysis And Principles

The 182 Street Area (Thomas Road Corridor) gives an impression of a contained, complete and unique neighbourhood of "bungalows" or "cottages", with small building forms in a setting of significant mature trees. The landscaping and buildings are well maintained, illustrative of community spirit and pride.

The east and west sides of the street have different characters, mainly related to setback variations due to the offset pavement, lot depths, as well as slope:

- East side: Due to the offset road pavement, the existing houses, particularly near 56 Avenue, are closer to the street than their counterparts on the west side of the street. As the dwellings are small in scale, well maintained and built of quality materials with appealing detailing, there is a pleasant and interesting streetscape.
- West side: The lots along the west side of 182 Street are deeper, with significantly larger front yard setbacks. The large, open front lawns feature open, grown mature trees that dwarf the smaller homes. Some lower additions have been constructed in the front yard zone, which does not impact the overall effect. These sites also have large rear yards, many with excellent views over Cloverdale, due to the slopes along the west property line.

The existing homes have a variety of styles, but all are generally between one and one and a half storeys in height, with highly articulated massing (i.e. additions vs. large, monolithic massing). On the west side, the higher building elements have a greater setback, with narrower one storey massing elements extended closer to the street.

Roof pitches tend to be steep, and roof forms are simple (i.e. 9:12 gable roofs with limited subordinate

dormers). Some chamfered gables have been used, but generally simple gable roofs have been used, with the ridge perpendicular to the street.

Materials are traditional, and include stucco, wood siding and trims, with some limited use of masonry.

Guidelines

For the 182 Street Heritage Conservation Area, each Heritage Alteration Permit is subject to the following guidelines:

A. Guidelines to Maintain the Existing Rural and Heritage Ambience of 182 Street (Thomas Road Corridor):

- Maintain the current offset and irregular alignment of the street;
- Retain the existing road grade, elevation and geometry;
- Maintain the existing narrow road width;
- Provide for only asphalt road surfacing;
- Retain the existing interface between the road and abutting lawns by not installing curbs or gutters, except for low profile asphalt curbs if necessary to redirect surface drainage where absolutely necessary;
- Use only timber utility poles and existing lighting;
- Avoid using ornamental lighting;
- Generally, do not install sidewalks. Where sidewalks are absolutely necessary, use only asphalt sidewalks. Encourage existing sidewalks to be converted to an asphalt material.
- Due to safety and resident concerns, the 182 Street connection to Highway No. 10 will be either restricted to right-in/right-out only or cut off with a turnaround designed to be consistent with the rural and heritage character of the area.

B. Guidelines for Form and Character:

- Avoid boxy two story dwellings;
- Use articulated rather than monolithic massing;
- Avoid monolithic hipped roofs;
- Avoid exposed foundations visible from the street;
- Design simple building forms, with fine textured, small-scale and additive components that reflect a series of building additions;
- Design simple gabled roofs;
- Use steep roof pitches (e.g. a minimum of 8:12);
- Provide for defined front entrances;
- Ensure secondary gables are subordinate to larger gables;
- Incorporate wood trim around windows and doors;
- Incorporate other wood details such as brackets, shingles and decorative fretwork;
- Match finishing materials for new houses to those used for other heritage dwellings;
- Preference is to be given to cedar shingle roofing;
- High profile asphalt shingles and ridge caps in a natural, weathered earth tone may be acceptable in some circumstances.

C. Guidelines for Landscaping and Fences:

- Retain (where possible) existing mature trees, and plant shrubberies in surrounding island beds;
- Where trees are hazardous and need to be replaced, plant trees of a similar type to counterbalance building massing;
- Landscaping along the west side of the street should consist largely of lawns extending to the edge of the street pavement;
- The front yards along the east side of the street can be more defined with planting to provide additional privacy due to the proximity of the houses to the street;
- Ensure no fences, walls or like visual barriers are provided in front yards;
- Have "gardenesque" landscaping extending between side yards of adjacent lots;
- Side yard fences are not to exceed 1.2 metres in height or be located closer than 5 metres from a front lot line and be of wooden, semi transparent construction with craftsman detailing tied into the architectural design of the building on the lot; and
- Allow for low landscaping to demark front yard.

D. Guidelines for Subdivision:

- Have deep lots fronting the west side of the street;
- Increase the minimum front setback for two storey building elements to 10 metres (32 feet) for lots on the west side of the street;
- Build inconspicuous asphalt driveways, with a narrow entry point from the street, that may widen within the lot, provided the paved area is screened from view from the street by extensive landscaping; and
- Locate garages to be visually unobtrusive, facing away from the street and subordinate to the house.

6. Zoning, Development Regulations, Development Cost Recovery, Subdivision and Development Requirements being Varied or Supplemented

Council may, by issuance of a Heritage Alteration Permit, vary or supplement provisions of the Surrey Zoning By-law and the works and services as specified in the Surrey Subdivision and Development By-law, specifically for the following:

- Establish variances with respect to the design, alignment, geometry and standards as are necessary to maintain the heritage character of 182 Street as provided in "A. Guidelines to Maintain the Existing Rural and Heritage Ambience of 182 Street (Thomas Road Corridor)"; and
- Supplement the setback requirement for lots on the west side of 182 Street to achieve a minimum front yard setback of 10 metres.

7. Exemption from Heritage Alteration Requirements

A Heritage Alteration Permit will not be required for minor renovations and/or maintenance that does not alter the exterior appearance of a building.

A Heritage Alteration Permit will not be required for renovations that do not effect the appearance of an exterior façade visible from 182 Street, renovations to the sides or rear of a building, or additions in the rear yard that are not visible from 182 Street.

A Heritage Alteration Permit will not be required to move the Martha Currie House to a new location, as identified on Schedule B, provided that the following conditions are satisfied:

- the move must be done with due care and attention to the long term preservation of the Martha Currie House;
- additions to the Martha Currie House may be removed and replaced with additions that better reflect the architectural appearance of the original house, as determined by the General Manager of Planning and Development;
- the Martha Currie House may only be moved once and the move shall be completed within 6 months of the adoption date of this By-law; and
- the lot to which the Martha Currie House is moved is subject to a Restrictive Covenant containing provisions and a Conservation Plan that complies with the guidelines respecting Form and Character, Landscaping and Fences, and Subdivision, as documented in this By law and as approved by the Heritage Advisory Commission and City Council.

A Heritage Alteration Permit will not be required for construction of houses on lots that front on 182 Street that are subject to a Building Scheme that comply with the guidelines respecting Form and Character, Landscaping and Fences, and Subdivision as contained in this By-law."

- (e) adding Figure SD-1 immediately following the above text in Schedule D (Division A) which is attached to this By-law as Schedule A;
- (f) adding Figure SD-2 immediately following Figure SD-1 in Schedule D (Division A) which is attached to this By-law as Schedule B.

READ A FIRST AND SECOND TIME on the _____ day of _____, 20 .

PUBLIC HEARING HELD thereon on the _____ day of _____, 20 .

READ A THIRD TIME ON THE _____ day of _____, 20 .

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the _____ day of _____, 20 .

MAYOR

CLERK

Schedule A



**Figure SD-1 to Official Community Plan By-law No. 12900
Heritage Conservation Area Boundary
182 Street (Thomas Road Corridor) Heritage Conservation Area**

Schedule B

**Figure SD-2 to Official Community Plan By-law No. 12900
List of Protected Heritage Properties
182 Street (Thomas Road Corridor) Heritage Conservation Area**

Civic Address	Legal Description	Designated Features
182 Street from 58 Avenue to Highway No. 10		The travelled portion of the road, land between the pavement and lot lines, trees, other landscaping and sloping shoulder in the northern portion
18217 Highway No. 10	Parcel Identifier: 011-038-527 Lot 4 Section 8 Township 8 New Westminster District Plan 3893	House and the relationship of the land to 182 Street
5622 - 182 Street	Parcel Identifier: 024-799-254 Lot 1 Section 8 Township 8 New Westminster District Plan LMP46224	House and the relationship of the land to 182 Street
5634 - 182 Street	Parcel Identifier: 011-038-519 Lot 2 Section 8 Township 8 New Westminster District Plan 3893	Robert D. MacKenzie House and the relationship of the land to 182 Street
5646 - 182 Street	Parcel Identifier: 002-129-302 Lot 338 Section 8 Township 8 New Westminster District Plan 67366	House and the relationship of the land to 182 Street
5658 - 182 Street	Parcel Identifier: 011-931-060 Parcel "A" (H53318E) Lot 11 Section 8 Township 8 New Westminster District Plan 863	Neville Curtis House and the relationship of the land to 182 Street
5672 - 182 Street	Parcel Identifier: 011-105-411 Lot 3 Section 8 Township 8 New Westminster District Plan 4968	Sidney Partlo House and the relationship of the land to 182 Street
5674 - 182 Street	Parcel Identifier: 011-136-839 Lot 2 Section 8 Township 8 New Westminster District Plan 5454	The relationship of the panhandle portion of this lot to 182 Street
5678 - 182 Street	Parcel Identifier: 023-502-452 Lot 1 Section 8 Township 8 New Westminster District Plan LMP29205	Haines House and the relationship of the land to 182 Street
5688 - 182 Street	Parcel Identifier: 023-502-461 Lot 2 Section 8 Township 8 New Westminster District Plan LMP29205	House and the relationship of the land to 182 Street
5702 - 182 Street	Parcel Identifier: 023-502-479 Lot 3 Section 8	House and the relationship of the

	Township 8 New Westminster District Plan LMP29205	land to 182 Street
5710 - 182 Street	Parcel Identifier: 002-219-727 Parcel "B" Except: Part Subdivided by Plan 64958 Section 8 Township 8 New Westminster District Plan 14325	House and the relationship of the land to 182 Street
5720 - 182 Street	Parcel Identifier: 002-521-393 Lot 181 Except: Part Subdivided by Plan 64958 Section 8 Township 8 New Westminster District Plan 54529	Floyd Partlo House and the relationship of the land to 182 Street
18217 - 57A Avenue	Parcel Identifier: 003-039-617 Lot 16 Section 8 Township 8 New Westminster District Plan 62266	House and the relationship of the land to 182 Street
5780 - 182 Street	Parcel Identifier: 011-928-816 West Half Lot 9 Except: West 33 Feet Section 8 Township 8 New Westminster District Plan 863	The relationship of this City park land to 182 Street
5791 - 182 Street	Parcel Identifier: 005-035-945 Parcel "B" Section 8 Township 8 New Westminster District Reference Plan 52541	House and the relationship of the land to 182 Street, the corner treatment with 58 venue and including the sloping interface with the road
5775 - 182 Street	Parcel Identifier: 011-180-714 South 75 feet Lot 9 Section 8 Township 8 New Westminster District Plan 6274 having a frontage of 75 feet on the East boundary of said Lot and extending the full width of said Lot and adjoining the North boundary of Lot 8	House and the relationship of the land to 182 Street, including the sloping interface with the road
5763 - 182 Street	Parcel Identifier: 011-180-684 Parcel "One" (Explanatory Plan 12802) of Parcel "A" (Explanatory Plan 9082) Lot 8 Section 8 Township 8 New Westminster District Plan 6274	House and the relationship of the land to 182 Street
5753 - 182 Street	Parcel Identifier: 011-180-706 Parcel "A" (Explanatory Plan 9082) Except: Parcel "One" (Explanatory Plan 12802)	House and the relationship of the land to 182 Street

	Lot 8 Section 8 Township 8 New Westminster District Plan 6274	
5731 - 182 Street	Parcel Identifier: 004-759-192 Lot 7 Section 8 Township 8 New Westminster District Plan 6274	Martha Currie House and the relationship to 182 Street
5715 - 182 Street	Parcel Identifier: 009-742-689 Lot "C" Except: Parcel "D" (Explanatory Plan 23501) Section 8 Township 8 New Westminster District Plan 12823	House and the relationship of the land to 182 Street
5703 - 182 Street	Parcel Identifier: 009-742-701 Parcel "D" (Explanatory Plan 23501) Lots "B" and "C" Section 8 Township 8 New Westminster District Plan 12823	House and the relationship of the land to 182 Street
5687 - 182 Street	Parcel Identifier: 009-100-695 Lot "E" Section 8 Township 8 New Westminster District Plan 17840	House and the relationship of the land to 182 Street
5671 - 182 Street	Parcel Identifier: 011-180-633 North Half Lot 4 Section 8 Township 8 New Westminster District Plan 6274	House and the relationship of the land to 182 Street
5661 - 182 Street	Parcel Identifier: 011-180-650 South Half Lot 4 Section 8 Township 8 New Westminster District Plan 6274	House and the relationship of the land to 182 Street
5649 - 182 Street	Parcel Identifier: 011-180-617 North Half Lot 3 Section 8 Township 8 New Westminster District Plan 6274	House and the relationship of the land to 182 Street
5633 - 182 Street	Parcel Identifier: 001-759-116 The South Half of Lot 3 Section 8 Township 8 New Westminster District Plan 6274	House and the relationship of the land to 182 Street
5621 - 182 Street	Parcel Identifier: 009-102-698 Lot 2 Section 8 Township 8 New Westminster District Plan 6274	House and the relationship of the land to 182 Street



Corporate Report

NO: R272

COUNCIL DATE: Nov. 1/04

REGULAR COUNCIL

TO: Mayor & Council DATE: December 8,
2004

FROM: General Manager,
Planning and
Development FILE: 6800-01

SUBJECT: Temporary Protection for Martha Currie House at
5731 – 182 Street

RECOMMENDATION

It is recommended that Council:

1. Receive this report as information;
2. Adopt a resolution under Section 962 of the *Local Government Act*, R.S.B.C. 1996, c. 323, as amended, (the "Act") ordering that the property located at 5731 182 Street (the "Property") and the Martha Currie House (the "Currie House") located on the said Property is subject to temporary protection for a period of 60 days, commencing from October 25, 2004, the date of application for a building permit to demolish the House;
3. Adopt a resolution under Section 965 of the *Act*, ordering that during the 60 day protection period referenced in 2 above, with respect to the Property and the Currie House located on the Property, that the following actions are prohibited:
 - alteration of the exterior of the Currie House;
 - structural changes to the Currie House;
 - moving the Currie House;
 - any damage of any fixture or features on the Currie House or Property; and
 - alterations, excavations or building on the Property; and
4. Direct staff to bring forward for Council's consideration, prior to the termination of the 60 day protection period referenced in 2 above, a by-law to amend the Official Community Plan (the "OCP") to designate the lands fronting 182 Street from Highway No. 10 to 58A Avenue (as illustrated on the map attached as Appendix "A") as a Heritage Conservation Area.

INTENT

The purpose of this report is to obtain a Council order that will provide 60 days of temporary protection for the Currie House located on the Property, which will allow staff the opportunity to complete the heritage assessment of the Currie House, to work with the owner toward providing permanent heritage protection for the Currie House, to bring forward a further report to Council on the results of that assessment and the further dialogue with the owner and to

prepare and forward for Council's consideration, an OCP amendment that will act to designate the 182 Street corridor as a Heritage Conservation Area.

BACKGROUND

In January 2003, Council considered Corporate Report No. C003, regarding the Surrey Heritage Management Plan (the "HMP"). One of the implementation actions associated with the HMP included a public consultation process related to establishing a Heritage Conservation Area along 182 Street, between Highway No. 10 and 58A Avenue and, subsequent to the public consultation program, to bring forward for Council's consideration, the details of such a designation area as part of the 2005 OCP annual review. The HMP also includes, in its implementation plan, the on-going review of properties in the City that could be added to the Surrey Heritage Register.

The Heritage Advisory Commission (the "HAC"), during this year, retained a heritage consultant to undertake the Phase 3 Heritage Register Review focussed on assessing a list of candidate properties for addition to the Heritage Register. The Currie House was one of among approximately 50 properties that the consultant determined has significant heritage value and heritage character. The map attached as Appendix "A", illustrates the location of the Currie House and photographs of the Currie House are attached as Appendix "B".

As part of the public consultation process related to the Phase 3 Heritage Register work, the City received about two dozen pieces of correspondence from residents in the area, urging that the Currie House be added to the Heritage Register. An open house was held on October 20, 2004, as part of the Phase 3 Heritage Register Review public consultation process, to allow the owners of properties being reviewed for addition to the Heritage Register, as well as other interested members of the public, to receive information about the 50 properties and about the ramifications of a property being added to the Heritage Register.

While the Phase 3 Heritage Register Review was in process, an inquiry was received by the Planning and Development Department about the potential development a two-lot site at 5753 and 5731 - 182 Street, owned by two separate owners, with the latter being recently purchased by a new owner and containing the Currie House. The individual making the inquiry was advised about the proposed establishment of the Heritage Conservation Area along 182 Street, including the subject sites and the need to preserve the Currie House.

On July 27, 2004, an application was submitted to the City for an eight lot subdivision which would allow the Currie House to be retained.

The application was supported by the HAC at its meeting on September 29, 2004, subject to a Restrictive Covenant being registered on title prohibiting the house from being demolished or renovated until a suitable heritage protection tool was approved by Council and that the design of houses on lots facing 182 Street have a complementary character. It was anticipated that this would allow the interior of the Currie House to be refurbished and modernized, while the applicant would be completing the other requirements related to approval of the subdivision and addressing heritage protection (e.g. a Heritage Conservation Plan forming part of a Restrictive Covenant or Heritage Revitalization Agreement) separately.

This process was consistent with the Phase 3 Heritage Register Review, related to adding the Currie House to the Heritage Register and designating the 182 Street area as a Heritage Conservation Area.

DISCUSSION

Consideration of Temporary Protection

A number of meetings were held with the agent and new owners of the Currie House after the development application for the Property was submitted. Options advanced by them included interior renovations, removal of a later addition, expanding the Currie House forward while retaining the same façade appearance and constructing a detached garage with space for a home business. The decision of the owners was to remodel a portion of the interior so that they could move in while the subdivision application was processed and pursue approval of any exterior changes to the Currie House at a later, unspecified time.

In a recent meeting with staff, the owners advised that they no longer are interested in having the Currie House added to the Heritage Register, citing unanticipated additional costs to remove hazardous insulation and wiring. They advised that they intend to either move or demolish the Currie House.

On October 25, 2004, the owners applied for a demolition permit for the Currie House and submitted an environmental consultant's report which included an analysis of the suspect building materials contained within the Currie House. A copy of the report is attached as Appendix "C".

Older Houses Pose Challenges Respecting Renovations and Code Issues

A preliminary review by the City Architect and discussions with staff at the Lower Mainland Office of the Heritage Branch, indicate that the problems with building materials being encountered by the owners of the Currie House are not unique and have been overcome at modest cost by other homeowners for homes built in the same period as the Currie House, whether or not they are considered to be heritage buildings.

The Building Code offers some relaxations for recognized heritage buildings. As a result, the owners may benefit from having the Currie House placed on the Heritage Register, in addressing some of the construction issues and related costs associated with refurbishing the Currie House and that may have influenced their decision to pursue demolition. Financial assistance is available through the HAC if heritage protection (i.e., by way of a Heritage Designation By-law or Restrictive Covenant) is requested by the owners and approved by Council.

As noted earlier, the City, through the HAC has been reviewing, since the Spring of 2004, with the assistance of a consultant, properties to add to the Heritage Register. The HAC has accepted the consultant's findings and recommended in its minutes of July 21, 2004 (received by Council on July 26, 2004) that the Currie House be reviewed and added to the Heritage Register.

The new owners of the Currie House were invited to and attended the Heritage Register Open House held on October 20, 2004.

Architecturally, the Currie House is a very well maintained and charming, period revival, home, built for the Currie family. The land upon which the Currie House stands was subdivided in conjunction with the Cloverdale town site in 1903 and acquired by the Currie family in 1918. With respect to the Currie family, Martha Currie was known in Cloverdale for her community involvement. Her husband Abraham was municipal assessor for Surrey in the 1910s and 1920s. The Curries and their children played a role in local agriculture, including Hugh Currie, who became the owner of the house in 1940 and operated "The Flying Feather" egg farm through the 1950s.

On the advice of the HAC, Council approved the strategy of the HMP that the property along 182 Street (i.e., between Highway No. 10 and 58A Avenue), as illustrated in Appendix "A", be considered for designation as a Heritage Conservation Area. This designation proposal was based on the following factors:

- The high concentration of existing heritage houses on the Heritage Register or proposed to be added to it in this corridor; and
- At the time the HMP was prepared, 60 % of the residents supported the concept to designate the area and to protect and enhance the heritage character. The recent interest/correspondence expressed about the Currie House, suggests that support for a Heritage Conservation Area remains strong.

Temporary Protection

The *Act* allows Council to issue a 60-day temporary protection order on one or both of the following grounds provided in Section 962 (1):

- A property is or may have sufficient heritage value or heritage character to justify its conservation; or
- Protection of a property may be necessary or desirable for the conservation of other property that may have heritage value.

Given that these grounds apply in this circumstance, Council may consider adopting a 60 day Temporary Protection Order to provide the City with the opportunity to complete the heritage assessment of the Currie House, related to its addition to the Heritage Register, to introduce an OCP amendment by-law to establish a Heritage Conservation Area and to investigate and discuss possible remedial options in relation to the construction concerns the owners have encountered in the Currie House. A senior staff person of the Lower Mainland Office of the Heritage Branch has offered to meet with the new owners of the Currie House to lend his assistance on more technical matters, related to

interior renovations.

During the period of the Temporary Protection Order, staff will continue to work with the owners, with a view to encouraging voluntary heritage conservation of the Currie House.

Process and Effect of Temporary Protection Order

Section 962 of the *Act* gives Council the authority to order that real property can be subject to temporary heritage protection. A temporary protection order is given effect by Council resolution. Except for those works as may be authorized by Council in a heritage alteration permit, the order would specify the following with respect to the Currie House:

- Identifying the Property and the Currie House;
- Specifying the 60-day period (from the application date of the demolition permit being October 25, 2004);
- Prohibiting the alteration of the exterior of the Currie House;
- Prohibiting structural changes to the Currie House;
- Prohibiting moving the Currie House;
- Prohibiting any damage of any fixture or features of the Currie House; and
- Prohibiting alterations, excavations or building on the Property.

The legislation allows Council to specify types of alterations to the Property, allowed without obtaining a heritage alteration permit and establish policies regarding the issuance of a heritage alteration permit. However, as there is some urgency to proceed quickly to protect the Currie House, any application for a heritage alteration permit during this 60-day period can be reviewed on its own merits and forwarded to Council accordingly.

Legal Services has advised that the City should not incur legal liability as a result of an order made pursuant to Section 962 of the *Act*. By way of an order, Council can ensure a demolition permit not be issued until it has sufficient information to consider whether or not to pass a resolution to add the Currie House to the Heritage Register and to take other action to protect the Currie House. If, during the 60 day period of temporary protection permitted by Section 962 of the *Act*, Council decides not to pass a resolution to add the Currie House to the Heritage Register, the City should not be liable for any damages resulting from the related delay in the issuance of a demolition permit.

If Council introduces an OCP amendment by-law, to designate the 182 Street corridor as a Heritage Conservation Area, Section 963 (1) of the *Act* initiates a new 120-day temporary protection period beginning on the date of first reading of the by-law. This will allow for public consultation into the objectives, guidelines and procedures respecting the conservation of the heritage properties in the 182 Street corridor, including time for notification about and conducting a public hearing and for adoption of the Heritage Conservation Area designation by-law.

According to Legal Services, Council is entitled to consider having a Heritage Conservation Area implemented in any area of the City considered to have heritage significance. While the amendment process is underway, it is in the public interest for the City not to issue a demolition permit. If at the end of the process of consideration, the decision is not to adopt a Heritage Conservation Area, the *Act* does not specify that a property owner is entitled to compensation for any damages resulting from any delays experienced due to the additional 120-day temporary protection period.

It should be noted that the subdivision application for the Property is at a preliminary stage. A Preliminary Layout Approval has not yet been issued by the Approving Officer. The actual lot layout, building scheme for building design and character and the engineering servicing requirements are still under discussion. A development sign is not yet displayed on the site nor have pre-notification letters been mailed to the owners of neighbouring properties, as is the normal practice of the Planning and Development Department. The periods of temporary protection will not prevent the applicant, owners or their agents from pursuing the subdivision in the normal fashion, or for the City to continue processing the application.

CONCLUSION

Based on the above discussion, it is recommended that Council:

- Adopt a resolution under Section 962 of the *Act* ordering that the property located at 5731 182 Street and the

Currie House located on the said Property is subject to temporary protection for a period of 60 days, commencing from October 25, 2004, the date of application for a building permit to demolish the Currie House;

- Adopt a resolution under Section 965 of the *Act*, ordering that during the 60 day protection period referenced in 2 above, with respect to the Property and the Currie House located on the Property, that the following actions are prohibited:
 - o alteration of the exterior of the Currie House;
 - o structural changes to the Currie House;
 - o moving the Currie House;
 - o any damage of any fixture or features on the Currie House or Property; and
 - o alterations, excavations or building on the Property; and
- Direct staff to bring forward for Council's consideration, prior to the termination of the 60 day protection period referenced above, a by-law to amend the OCP to designate the lands fronting 182 Street from Highway No. 10 to 58A Avenue (as illustrated on the map attached as Appendix "A") as a Heritage Conservation Area.

Original signed by

Murray Dinwoodie
General Manager
Planning and Development

AK:saw

Attachments:

Appendix "A" Map Showing Location of Currie House and 182 Street Corridor

Appendix "B" Photographs of the Currie House

Appendix "C" Environmental Consultant's Report

v:\wp-docs\admin & policy\04data\11291325.ak.doc
KMS 12/13/04 8:58 AM

Appendix "A"



Appendix "B"



Appendix "C"















