



City of Surrey

SPECIAL Surrey Heritage Advisory Commission Minutes

Executive Boardroom
City Hall
14245 - 56 Avenue
Surrey, B.C.
MONDAY, MARCH 11, 2008
Time: 9:04 a.m.

Present:

Chair - Councillor Higginbotham
W. Farrand
J. Foulkes
R. Fuller
H. Lindenbach
J. Monk
M. Stibbs
W. Tracey

Absent:

S. Sidhu
J. O'Donnell, Parks, Recreation and Culture

Guests:

Edward Warzel, By-Law Enforcement & Licensing Section
John Sherstone, By-Law Enforcement & Licensing Section
Ronald Cross, Fire Department
Gordon Anderson, Fire Department
Sgt. Roger Morrow, RCMP
Tim Blair, Planning & Development

Staff Present:

A. Kopystynski, Planning & Development
S. Fillion, Finance & Technology
N. Dyrbye, Legislative Services

A. COMPENSATION POLICY

This item was dealt with after item C.

The Commission is to discuss matters concerning the current Compensation Policy.

The following information is provided as backup materials for the issues being discussed:

1. City Policy re: Compensation for the Loss in Heritage Value and Fund Allocation.
2. Verbal report about information from Legal Services.

The Senior Planner (Heritage) made the following comments:

- The draft policy for the compensation of the loss in heritage value was brought forward at the request of the Commission to refresh their memory and to consider allocating the \$100,000 donation from Polygon.
- This policy has two sections: The collection and the allocation of compensation.
- The compensation approach depends on whether or not a heritage building or property is being protected as part of a development. Where it is not part of development, the compensation policy would be included in a Heritage Revitalization Agreement or a Heritage Restrictive Covenant.
- If a heritage building or property is being protected as part of development, then the property would be subject to a no build covenant. The terms of compensation would be determined through negotiations to discharge the restrictive covenant. The Heritage Revitalization Agreement or Heritage Restrictive Covenant would specify how a damaged or destroyed heritage building would be rebuilt.

- At present, the Polygon funds are in a capital works account awaiting deposit into a Statutory Reserve Fund once it is set up by Council. Moneys in a reserve fund can only be used for the purposes for which it was set up. A legal opinion was not available for this meeting.

Comments from the Commission were as follows:

- Question regarding the current status of the proposed Compensation Policy was made.
- In review of the letter from Polygon, it was noted some suggestions on spending part of the money was provided.
- The money could be considered to be granted to the Sullivan Hall once the property is designated.

Comments from Finance were as follows:

- The Statutory Reserve Fund must be established by Council. Legislation says that any donations given to a Municipal Government must be unrestricted.

Comments in response to the Commission were as follows:

- The Compensation Policy is in the process of being finalized with Legal Services and will be brought to Council by way of a Corporate Report.
- The agent for the application to protect Sullivan Hall has been requested to provide a status report. A grant cannot be considered under the policy until the Hall becomes protected.
- The Commission had a previous resolution to forward the Compensation Policy to Council for consideration after legal review.

It was

Moved by Commissioner Monk
Seconded by Commissioner Tracey
That the SHAC receive the Draft

Compensation Policy and that once the legal issues have been resolved, the Policy should be forwarded to Council for consideration.

Carried

B. \$100,000 POLYGON FUNDS

This item was dealt with after item C.

The Commission is to discuss options for use of the \$100,000 and whether to invest with the Surrey Foundation.

1. Answers to follow-up questions for Surrey Foundation following their delegation are attached.
2. The Senior Planner (Heritage) provided a report regarding Heritage Foundations.

The Commission made the following comments:

- The question being brought back is what the Commission wants to do with the \$100,000 Polygon funds and whether to go through Surrey Foundation or not.
- Putting the money into the arts and funding the Fire Hall would create matching funding from the BC Arts Renaissance. If the money could be multiplied then it seems like a good option. However, the Fire Hall is not deemed to have heritage value.
- It is a good idea to partner with the Surrey Foundation even if the \$100,000 from Polygon is not given to them to take care of. The Surrey Foundation is a good resource to use to raise funds for heritage and it does not have to be through the arts.

Tim Blair, Planning & Development arrived at the meeting at 10:37 a.m.

- The aim has been trying to use the money for protected sites like Sullivan Hall, but if they do not proceed with protection, they would not be eligible for any funding. The City needs to have some assurance of longer-term preservation for buildings with a public investment.
- The City of Surrey will give funding to the community for acquisition of equipment but cannot provide money for ongoing operating costs. The City has to be careful how money is given to organizations in the community.
- We have had the money for two years and it is losing value the longer it sits doing nothing. Suggestion was made to spend the money right away over the next six months to one year on whatever heritage issues or properties are in need of funding.
- Suggestion to have a sub-committee created to deal further funding and working with the foundation was made.
- The general idea is to use the money now and not have it go to Surrey Foundation but to still partner with the Foundation for other means.
- Request was made to have this item return to the Agenda to further discuss what areas of funding may be available to SHAC.
- Suggestion was made regarding the benefit in community involvement with regard to heritage funding and that the City is in a position to give tax-deductible donation receipts.

It was

Moved by Commissioner Foulkes

Seconded by Commissioner Monk

That the SHAC requests that the General

Manager, Finance & Technology direct staff to return to a future SHAC meeting with research on the current and potential future funding options for heritage.

Carried

S. Fillion left the meeting at 11:05 a.m.

C. PROTECTION OF HERITAGE PROPERTIES

This item was dealt with first on the Agenda.

The Commission is to discuss options of how to ensure protection of heritage houses from damage or vandalization during the restoration process.

The following information is provided as backup materials for the issues being discussed:

1. Corporate Report dated June 15, 1998 regarding the Bourassa Farm.
2. Relocation of Loyal Orange Lodge Feasibility Report dated February 4, 2004.
3. Condition Report of the George E. Lawrence House dated February, 2008.

The Chair made the following comments:

- The challenge the SHAC has been having is with heritage properties and buildings that are protected but not yet restored and occupied and therefore subject to damage from vandalization, fire etc. There needs to be some better ways to tackle these issues and to protect heritage in the process.

J. Sherstone made the following comments:

- The largest impact with regard to these issues has been with Fire Services. The current situation seems to be that they are constantly working to have abandoned properties boarded up.
- With the Bourassa Farm, the issue was that a berm was constructed around the property to prevent dumping on the site. However, when the house caught fire, this worked to the disadvantage of Fire Services because the fire trucks could not access the house to save it from the fire.
- The problem with Rolls Carpentry is that it is part of a strata development and if it catches fire, there is a huge risk that the entire development will also be damaged.
- At the initial onset of development, the property must be protected with proper fencing such as chain link to prevent people from getting in and causing harm.
- Fire Services has the biggest clout when it comes to taking action with buildings that have been deemed unsafe. They have the authority to order a building boarded up immediately and if the owner contacted does not do it within a certain timeframe, then a contractor is sent by the City to do it at the owner's expense.

The Senior Planner (Heritage) made the following comments:

- The Commission has been struggling for a number of years with how to ensure that heritage properties are secured during the restoration process. Members of the RCMP, Fire Services and By-law Enforcement were invited to participate and to brainstorm ideas that may be useful in implementing measures to help alleviate this problem.
- The protection agreement could become a vehicle to assist these departments and agencies in the conduct of their enforcement work. Similarly, their powers could be cited in the agreement in the event the owners fail in their obligations to restore or maintain their heritage building. A list of contact information for the owners of

various properties could be shared with Fire and the RCMP in case of a situation where they would need to be contacted immediately.

- The Fire Services has the power to have unsafe buildings boarded up immediately. A process for the Commission to recommend the same to Council is available, however action is not immediate.

Gordon Anderson made the following comments:

- The *Fire Protection Services Act* gives authority to Fire Services to take action immediately when a house is deemed a hazard. Since May of 2007, there have been 36 fires in abandoned houses throughout the City, both in heritage and non-heritage properties.
- Their number one priority is public safety and as soon as a property is deemed unsafe, they are able to take action and they do not need to go through City Council to do so.
- The first step is to contact the owner of the property and advise that it is their responsibility to control and maintain their property as they are the owner and if they do not, then Fire Services will step in to do it at the owner's expense.
- The Rolls Carpentry building has had four different fires in it and continues to be a hazard especially since it will be part of a Strata development and therefore the responsibility of not just one, but many owners.
- It is evident from the many issues concerning these types of matters that a collaborative effort needs to happen to ensure the safety of these properties and the public and addition of some necessary clauses to the agreement with the City needs to be looked at.

S. Fillion arrived at the meeting at 9:26 a.m.

J. Sherstone made the following comments:

- Question was made as to what the onus on the Rolls Carpentry building owner is. If the building is not going to be or cannot be restored, then a lot of money is being spent on City services to continue to secure the property.
- If the property is going to be part of a Strata Complex, then it will be a bigger issue because it is not just one owner. Once the complex is completed, it will then be the Strata's responsibility and not the City's.

The Senior Planner (Heritage) made the following comments:

- Rolls Carpentry is subject to a Heritage Revitalization Agreement between the developer and the City, to adapt that building into a common building for the townhouse development. This is to be completed in the first phase of the development. When the townhouse project is completed, the Strata Corporation will be required to maintain the building.

R. Morrow made the following comments:

- The problem seems to be that people will continue to get into properties if they are abandoned. There is no differentiation made between heritage homes or other vacant abandoned properties.
- It is difficult for the RCMP to know whether individuals are supposed to be in a property or not if they cannot confirm with the owner. It is important to have the contact information for the owners of these properties available, no matter what state they are in so in certain situations, people who are trespassing can be removed from potentially causing damage to properties.
- The other issue is that the people that take over these vacant properties are importing undesirable traits to the neighbourhoods they are in such as drugs, theft, vandalism and other crimes that the RCMP is constantly trying to combat.

The Commission made the following comments:

- Suggestion was made that as a general rule, developers must have to complete certain safety measures and restorations before they are able to move forward.
- The agreements made between the developers and the City need to be enforced and incentive given to the developer to ensure the building is secured – such as not being able to sell until obligations are completed. Insurance should also be required for the buildings so that they will not be left vacant, abandoned and vulnerable to damage.
- Suggestion was made that monitored alarm systems be installed if buildings are to be vacated.
- Part of the problem may be that there is no means with which to identify these are heritage buildings that have been approved to be retained and restored. They look just look like any old abandoned house and perhaps signs should be posted on these heritage properties along with boarding them up to identify them as heritage. This may work to heighten awareness about the significance of the building, keep people out and prevent vandalization.
- Contact information for the owner and/or the City should also be posted on the signs affixed to the heritage houses under restoration so that if a problem arises, there will be someone who can be contacted to take further safety measures.
- Suggestion was made to set up a sub-committee to bring the existing contract forward for RCMP, Fire, By-Laws and Staff to further discuss and incorporate additional clauses.

It was

Moved by Commissioner Foulkes
Seconded by Commissioner Monk
That the SHAC recommend that a temporary

Sub-Committee be formed including RCMP, Fire, By-Laws and staff support to discuss the existing contract between the City and developers and work to incorporate additional clauses that will ensure the protection of heritage houses.

Carried

Comments in response to the Commission were as follows:

- In many cases, the power and gas are disconnected from these properties until the safety measures and restorations are complete, so it would be impossible to have an alarm installed.

There being no further business to discuss, the guests from Fire Services, By-Law Enforcement and RCMP left the meeting at 10:02 a.m.

D. OTHER COMPETENT BUSINESS – PLANNING & DEVELOPMENT

2. The Senior Planner (Heritage) provided a report regarding the Letter Referred from the Heritage Advisory Commission regarding Hall's Prairie Elementary School.

The Senior Planner (Heritage) made the following comments:

- A letter has been sent to the Commission to consider designating the school as a heritage site. The Hall's Prairie Elementary School is currently on the Heritage Register.
- There are two options available to the Commission if this is pursued:
 - 1) The City could work with the School Board to have a Heritage Revitalization Agreement and Restrictive Covenant introduced; or
 - 2) Council can pass a Heritage Designation By-law, which can be without the owner's consent.
- Council does not often pass a designation by-law because owners have the ability to seek compensation from the City in some circumstances.
- The School Board is in a position where they do not wish to have their properties encumbered and that they do not have a heritage conservation mandate. It is a struggle to keep them on the Register and to have them protected. Council would rather have consent from an owner than unilaterally making a decision.

It was

Moved by Commissioner Stibbs
Seconded by Commissioner Lindenbach
That the SHAC receive the letter from the

Hall's Prairie Elementary School.

Carried

It was

Moved by Commissioner Foulkes
Seconded by Commissioner Farrand
That the SHAC recommend that staff send a

letter acknowledging the Hall's Prairie Farmers' Institute and provide them with an explanation of where the situation stands and the requirements to have their property designated as heritage.

Carried

The Commission made the following comments:

- Comment was made that schools today do not have the funding from the Province for heritage-related capital costs. If the requirements are not within their capacity, it will be very difficult to convince them to sign any agreement.

It was

Moved by Commissioner Lindenbach

Seconded by Commissioner Farrand

That the SHAC request from Council that the SHAC be involved in the community consultation process for the re-use of the Kensington Prairie School.

Carried

**3. The Manager, Area Planning and Development – South Division provided a report regarding the Proposed 8-Lot Subdivision Adjacent to Semiahmoo Trail at 14665, 14719 and 14735 – 28th Avenue
File No.: 7906-0092-00**

T. Blair, Planning & Development presented a site plan of the proposed development for the Commission to review.

The Senior Planner (Heritage) made the following comments:

- This matter has been brought to the Commission because it deals with the Semiahmoo Trail. A development is proposed on 28th Avenue which touches Semiahmoo Trail, however, the heritage issue is very minimal. The site borders a triangular corner of land which is subject to a Restrictive Covenant. The request is to have a minor extension of the buffer area along the Trail.
- The main impact would be for any future development proposal that comes forward for this triangular parcel of land. The City would like to request that the owners work together to develop in unison.
- The heritage issue with this development is ensuring that there is continuity along the buffer of the Trail and so far, this has been achieved.

The Commission made the following comments:

- The Tree Sub-Committee has been discussing this matter the last couple of days. The issue is to ensure that the setback is protected and to make sure that the development is in accordance with what is required along the Trail.
- Request was made to see a plan of the trees that are being saved and removed and the relationship of the trees to the building envelope.

Comments in response to the Commission were as follows:

- This site is very heavily treed. Council has a policy that the retention of trees can be increased by looking at the variances or setbacks, but it has not yet been determined to what extent this has been done.
- The developer was unable to provide a map before this meeting specifically detailing how they plan to deal with the buffer, trees and final grade issues.

It was Moved by Commissioner Monk
Seconded by Commissioner Farrand
That the SHAC recommends to the General
Manager, Planning and Development that:

- 1) Staff request that the developer supply more detailed plans with respect to the area that abuts the Semiahmoo Trail in terms of compliance with the guidelines including tree retention and removal, grade and building location; and
- 2) Given that the Commission has interest in the cultural landscape of this site, the Commission would like more details on the developer's efforts to retain as many trees as possible on the site and details of which trees will be removed and where variances may be necessary to accommodate the maximum retention of trees on this site.

Carried

T. Blair made the following comments:

- The plan provided is not the same plan that was put forward to Council at the March 10, 2008 meeting. The site is approximately 2,200 and this plan only shows the trees to be removed, not the ones to be retained.

The Senior Planner (Heritage) made the following comments:

- The stop up and closure for vehicle access to the Semiahmoo Trail cannot take place until the triangular portion of land adjacent to the proposed development is developed with alternative access. Staff would appreciate any comments or suggestions from the Commission with respect to this.

The Commission made the further following comments:

- The drawings show the possibility of the triangular section of land having two lots on it with services from 28th Avenue.
- Comment was made that services cannot come from 28th Avenue, only access would be from there.
- Comments regarding the newly constructed fence along the buffer between the subject site and the owner of 2865 Semiahmoo Trail were mentioned and that the fence does not comply with the requirements along Semiahmoo Trail.

It was Moved by Commissioner Monk
 Seconded by Commissioner Farrand
 That the SHAC recommends to the General
 Manager, Planning & Development that staff bring forward suggestions,
 alternatives and solutions that are acceptable in dealing with the remnant
 triangular lot adjacent to the subject lot at 14665, 14719 and 14735 – 28th Avenue.
Carried

It was Moved by Commissioner Foulkes
 Seconded by Commissioner Monk
 Whereas the SHAC brought to staff's
 attention that the newly constructed chain link fence between the subject property
 at 14665, 14719 and 14735 – 28th Avenue and the property at 2865 Semiahmoo
 Trail is not permitted in the Zoning By-law within 10 meters of the property line
 abutting Semiahmoo Trail and recommends to the General Manager, Planning &
 Development that:

- 1) Staff ensure the fence is immediately removed; and
- 2) Staff provide the Commission with a status report and progress regarding
 obtaining compliance with the approval requirements in the original
 Development Application.

Carried

3. Tree at 96th Avenue and 184th Street

- Request was made by the Commission to bring forward the information that
 has been forwarded to Council regarding this tree to the Commission for
 review.

It was Moved by Commissioner Monk
 Seconded by Commissioner Foulkes
 That the SHAC request that the General
 Manager, Planning & Development instruct staff to access the information and
 Corporate Report going forward to Council concerning the guidelines for safety to
 be put in place concerning the tree located at 96th Avenue and 184th Street and that
 this matter be referred to the Heritage Foundation Priorities & Strategies Sub-
 Committee for review.

Carried

E. NEXT MEETING

The next meeting of the Heritage Advisory Commission is scheduled for March 26, 2008
 at the Collishaw Farm House at 16520 – 40th Avenue, Surrey, BC – 9:00 a.m. for a tour
 and then continuing at the Pondsides Café at Surrey City Hall at 10:00 a.m.

F. ADJOURNMENT

It was

Moved by Commissioner Stibbs
Seconded by Commissioner Foulkes
That the Special Surrey Heritage Advisory

Commission meeting do now adjourn.

Carried

The Surrey Heritage Advisory Commission adjourned at 11:57 a.m.

Margaret Jones, City Clerk

Councillor Higginbotham, Chairperson
Surrey Heritage Advisory Commission