



Corporate NO: R171

Report COUNCIL DATE: July 17, 2000

REGULAR COUNCIL

TO: Mayor & Council **DATE: July 13, 2000**

FROM: General Manager, Planning & Development **FILE: 0023-9011**
0525-001

SUBJECT: Moving of Heritage Buildings

RECOMMENDATION

It is recommended that Council:

1. Approve an amendment to the requirements for the Moving of a Building as contained in Section 23 of Surrey Building By-law, 1987, No. 9011, as amended, to exempt from these requirements any heritage building that is subject to a Heritage Revitalization Agreement (Appendix A);
2. Approve as a policy the process for public consultation prior to relocation of a heritage building as described in Appendix B; and
3. Instruct the City Clerk to introduce the necessary amendment by-law.

BACKGROUND

When a property which includes a heritage building is subject to redevelopment, consideration must be given to all the options for the building. In many cases, a creative approach to the development will allow a heritage building to be retained on site in co-operation with the developer. Under certain circumstances, relocation of a heritage building to another property may be the only alternative to demolition. However, two issues arise when relocation of a heritage building is considered:

1. The Building By-law prohibits relocation of heritage buildings; and
2. Surrounding property owners may object to the relocation of a heritage building to their neighbourhood.

To address the first issue, the Building By-law needs to be amended. To address the second issue, a Heritage Revitalization Agreement may be entered into between the property owner and the City to ensure that the heritage building will be suitably restored and properly maintained. As a condition of approving the Heritage Revitalization Agreement, a public consultation process similar to that for a development variance permit can be in place to gauge neighbourhood acceptance.

DISCUSSION

Building By-law, 1987, No. 9011

Section 23 of the Building By-law contains provisions to ensure that buildings which are relocated into a neighbourhood are in keeping with the standards of the adjacent homes.

In particular, Section 23(5) of the By-law specifies that:

- a) The building to be relocated is not older than the majority of the buildings situated on lots within one hundred and fifty-five (155) metres [500 ft.] of the lot to which it is proposed to be moved; and
- b) The building to be relocated conforms to the structural and architectural standards of the majority of the buildings situated within one hundred and fifty-five (155) metres [500 ft.] of the lot to which it is proposed to be moved.

Section 23(6) of the By-law specifies that a building may not be moved unless the lot to which it is to be relocated is within one hundred and fifty-five (155) metres [500 ft.] of a lot which is occupied by a building, and in no case may a building be moved to any lot within a registered subdivision of more than two lots if no buildings exist on any of the lots.

Section 23(8)(a) allows a building that does not meet the requirements of Section 23(5) to be moved provided that the owner submits plans showing the changes required to make the building conform to the majority of the existing surrounding housing stock located within one hundred and fifty-five (155) metres [500 ft.] of the lot to which it is proposed to be moved.

The intent of these provisions is to protect the integrity of the existing neighbourhood and the character of future subdivisions in such a way that an older building or one of poorer design and construction quality is not allowed to be moved into an existing neighbourhood or a new subdivision.

However, a building which has heritage significance in most cases will not meet the requirements under Section 23 of the Building By-law and the only alternative may be demolition. To address this restriction, it is recommended that the Building By-law be amended to allow relocation of a heritage building to occur subject to Council approval of a Heritage Revitalization Agreement (Appendix A). This amendment has been reviewed by the City Solicitor.

Heritage Revitalization Agreement

A Heritage Revitalization Agreement is a form of long-term protection established by by-law under Section 966 of the Municipal Act. The owner of the property enters into the Heritage Revitalization Agreement with the City, which is binding on all those who acquire the property in the future.

A Heritage Revitalization Agreement may vary or supplement provisions of zoning, subdivision, development cost charges, development permits or development variance permits. An Agreement includes a detailed Conservation Plan which outlines all the conditions of restoration, maintenance and new construction. This is similar to the terms contained in design guidelines that apply to new single family residential lots.

In the case of a heritage building relocation, a Heritage Revitalization Agreement applies to the property to which the move is proposed to occur. The terms of such an Agreement may be drafted to ensure that the building will be well maintained and not impact the surrounding properties. The Heritage Advisory Commission is also provided the opportunity to comment on the terms of a Heritage Revitalization Agreement.

Public Consultation Process

In all cases, a Public Hearing must be held if a Heritage Revitalization Agreement proposes to vary use or density, or if it is part of a rezoning application presented to Council. However, if this is not the case, the Municipal Act only requires that a Heritage Revitalization Agreement be adopted by Council by a By-law, without public consultation. However, in the situation of moving a heritage building it is appropriate to put in place a public process to inform the surrounding property owners of a proposal to move a heritage building into their neighbourhood as part of a Heritage Revitalization Agreement.

The recommended public process for the relocation of a heritage building is outlined in Appendix B. Council is requested to approve this process as a Council Policy.

The process would require that a Heritage Revitalization Agreement By-law be drafted with input from the Heritage Advisory Commission and presented to Council. Staff would be required to mail notices to all property owners within a 100-metre (300 ft.) radius of the property to which the building is proposed to be moved. Provided there are no conditions on this property restricting the building move, such as a Restrictive Covenant or a building scheme (except where consent to the Building Scheme amendment is obtained from all the property owners affected by the Building Scheme), and provided that no objections are received from surrounding property owners through either a Public Hearing or public notification, the Heritage Revitalization Agreement by-law may be considered by Council for final adoption. The heritage building could then be relocated subject to any terms specified in the Heritage Revitalization Agreement.

SUMMARY

The Building By-law contains several provisions which restrict a building move to occur unless stringent conditions are met. In many cases, these conditions would restrict a heritage building from being relocated as an alternative to demolition. It is therefore recommended that the Building By-law be amended to allow relocation of heritage buildings subject to Council approval of a Heritage Revitalization Agreement. A public consultation process is also recommended before a Heritage Revitalization Agreement may be approved by Council.

Murray Dinwoodie
General Manager
Planning & Development

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Appendix A - Proposed Building By-law Revision

Appendix B - Process for Public Consultation for Relocation of Heritage Building

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