

**THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER
HERITAGE ADVISORY COMMITTEE
RAVEN ROOM
THURSDAY, JANUARY 10, 2019**

Members Present: Paula Grossman, Paul Hundal, John Mawson, Michael Geller, Brenda Clark, Dana Parr, Nick Milkovich, Liane McKenna

Members Absent: Laura Anderson

Council Liaison: Nora Gambioli

Staff Present: Michelle McGuire (Manager of Current Planning & Urban Design)
Lisa Berg (Senior Community Planner)
Stephen Mikicich (Manager of Economic Development)

1. CALL TO ORDER

The meeting was called to order at 4:05 p.m.

2. APPROVAL OF AGENDA

A proposal to change the agenda to hear public comments for specific agenda items prior to deliberation was tabled. Members discussed the proposal and some members suggested that this question could be raised at a future meeting for further discussion. A vote was called for approval of the agenda as circulated.

It was Moved and Seconded:

THAT the January 10, 2019 Heritage Advisory Committee meeting agenda be approved as circulated. **CARRIED**

3. ADOPTION OF MINUTES

It was Moved and Seconded:

THAT the December 6, 2018 Heritage Advisory Committee Meeting minutes be adopted as circulated. **CARRIED**

4. APPLICATIONS FOR CONSIDERATION

4.1 660 Clyde Avenue and 657 & 675 Marine Drive (Executive Group, Woyatt-Bowie Building)

Staff Presentation:

L. Berg (Senior Community Planner) introduced the proposal and described:

- the site's location;
- the proposed development as it relates to the heritage building; and
- existing Official Community Plan (OCP) policy that allows for the transfer of density (on site) in exchange for designation of the heritage building.

Applicant Presentation:

J. Atkin (Heritage Consultant) and G. Santa (Applicant) provided a presentation, including:

- overview and history of the Woyatt-Bowie Building;
- current state of the building, including items that require rehabilitation (the building is largely intact);
- opportunities to restore historical elements lost over time, including the water feature; and
- the proposed use of the building as office space (consistent with the historic use).

Committee Questions:

The committee directed questions to the presenters, with the applicants' and staff responses in *italics*:

- There appears to be a minimal role of the landscape plans as part of the package. *Restoration will be considered and the applicant agreed that the landscape is a key piece.*
- The architecture for the new part of the development, how does it relate to the heritage building? *The heritage building faces Clyde Avenue and the proposed development takes design cues from the heritage building (applicant reviewed building architecture).*
- How will the building be restored? *Through a Heritage Designation By-law and in accordance with a Heritage Conservation Plan.*
- Who will own the building? *Intent is the Executive Group will retain ownership of it through a strata lot.*
- What is the timing of the rehabilitation and how will the building be protected during construction? *Movable items would be taken off site prior to construction for protection. Intent is to complete the "underground" work first and then as work begins on the superstructure, restoration work will begin on the heritage building. Proper and secure construction methods will make sure that the heritage building is hoarded off from the main construction site and most construction materials and access will be from 6th Street.*
- Do you carry insurance for a replica of the building? *Requirement to replace the building with a replica is standard heritage provision.*
- Explain the setting of the heritage building in its context? *If the parkade is redeveloped in the future there could be potential for integrated landscaping, but for now the applicant plans to screen the wall with plantings and trees that will grow up over time.*
- Is there opportunity for public services/access rather than private offices? *As an office building, the public will have access to it during regular business hours. Could be opportunity to have public tours or have it as part of the organized annual Modern home tour.*
- What happened to the Japanese garden? *Over time aspects of the original landscape design have been altered, looking at opportunity to restore them as part of the proposal.*
- How much access to light do the courtyard spaces receive? *The applicant described the terraced form of the proposed residential development that maximizes sun access while still accommodating an 8-storey building along Marine Drive. Shadow studies were described.*
- In terms of the work the building needs, how much of it is replacement versus restoration? *There are things that need to be fixed, including the roof and drainage spouts that were installed at a later date. The wall caps are replacements as they are rotten. Damaged features will be replaced but overall it is mainly restoration.*
- Do you think the issues raised by the Design Review Committee have been responded to? *The DRC listed some items to be further reviewed by staff. Provision of public access through the site is a new feature provided in response to DRC and staff comments.*

Committee Comments:

- The spirit of the heritage building has been included in the proposed development. You could take more advantage of the lighting at the ground plane and replica some of those ideas throughout the site. Talk to Larco about the wall, they could be open to screening or painting opportunities. It was recommended that a separate air space parcel be created (rather than a strata unit) for the Woyatt-Bowie Building so that the heritage building does not encumber the strata and to simplify/streamline insurance and maintenance obligations.

- This is a precious building. It's a special oasis and its attitude should be reflected throughout the landscape. There is a lot of information about the development and the heritage building, but little emphasis on the landscaping. More detail is needed, use historical photos to see what was there and use it throughout the rest of the proposal to enhance and celebrate this important aspect of the heritage conservation approach.
- The walkway is somewhat narrow. Design development should consider how to "welcome" the public to the area.
- Supportive of the project overall. The public is not "giving up much" in exchange for the heritage protection (i.e. only minor density increase).
- The building on the inside is an absolute gem and an oasis. Looking forward to seeing the project completed. It is hidden away from public view, it would be good to somehow signal its presence from Marine Drive and consider public access.
- Consideration should be given for how to draw people from Marine Drive into the site including the courtyard.
- Lovely project. Level of detailed design is needed for the site planning and landscape plans to announce the heritage building's presence. Consideration for using the plaza at Taylor and Marine to announce the heritage building. The sign for the building at 660 Clyde Avenue is original, show details in the plans of what is happening to evoke the Japanese garden. The landscape plans are very schematic. Development of detailed landscape and lighting plans are key. The adjacent parkade wall needs to be screened softened in the interim.
- The public realm needs a robust landscape plan and details. The community needs to know what is planned. The front entrance has to be appealing and interesting.
- Consider the use of the building so that the public could access it.

Having reviewed the application and heard the presentation provided by the applicant:

It was Moved and Seconded:

THAT the Heritage Advisory Committee SUPPORT the application subject to further review of the following items:

- Further design development of the landscape plans for the overall site to celebrate the heritage building site including the parkette and interior and exterior aspects of the heritage building;
- Consider public access as part of the proposal i.e. such as inclusion of public tours, etc.; and
- Attempt to announce the presence of the building i.e. such as installation of a heritage plaque on site.

AND commends the applicant for the quality of the proposal.

CARRIED

4.2 2968 Mathers Avenue (BC Binning House)

Staff Presentation:

L. Berg (Senior Community Planner) introduced the proposal and described:

- the site's location;
- the existing heritage designation and maintenance by-laws that apply to the site;
- the proposed Heritage Revitalization Agreement; and
- questions for the committee to consider.

Project Presentation:

D. Luxton (Heritage Consultant) and J. Choo (Designer) provided a presentation, including:

- overview of the Conservation Plan;
- history and overview of the Binning House

- the proposed heritage revitalization agreement, including:
 - the proposed 2-lot subdivision,
 - how the current proposal was updated to respond to comments made by the Design Review Committee,
 - the site plan and proposed infill house, and
- conservation of the Binning House including preservation, rehabilitation and restoration objectives.

Committee Questions:

The committee directed questions to the presenters, with the applicants' and staff responses in *italics*:

- How does the National designation of the site influence the proposal? *It is honorific, there is no specific requirements with National designation, but are following best practices.*
- The proposed subdivision will create two smaller lots. How does this relate to the existing neighbourhood? *It is the smallest lot in the neighbourhood and would create even two smaller lots. The existing Heritage Designation By-law limits development to what is there now and the proposal requires variances to District bylaws.*
- Has the District enforced the existing Heritage Designation and Maintenance By-law? *A list of items that required attention was sent to the owner and a number of repair items have been completed. There are a number of items that are not yet completed depending on the outcome of the proposal.*
- How will the house be used? *Proposal is that it is a private dwelling that could have public access. Issues related to public access (e.g. insurance, the fragility of the building) would need to be worked out. Also, would need to determine what is private versus public. The applicant has proposed 6 days per calendar year for public access. Not determined yet how that would be managed.*
- There is uncertainty around the use of the house as a gallery. Can it just be sold? *If approved the Heritage Designation By-law would run with the land, binding any owner to the agreed upon obligations. The building is privately owned, and the proposed subdivided lot could be sold separately. The proposed Heritage Revitalization Agreement (HRA) would include protective mechanisms that are not currently set out in the District's existing Heritage Designation and Maintenance By-laws. The Conservation Plan would become binding and public access would be included as part of the HRA with protection and maintenance provisions detailed. Moveable artifacts cannot be designated but the applicant indicated that the intent was to display them.*
- Is there an inventory of the artifacts that are currently in the house? *Valuable works of Binning's art that were in the house were sold. There are some smaller pieces, personal items, decorative knickknacks, their furniture, and other personal items. The character of the house is there.*
- Has a geotechnical study been completed? *Not yet at this stage of the application process. If the proposal advances, geotechnical work would be required before construction began. The intent is that the house would not be put at risk. The applicant would have the right to subdivide but would also be required to deliver an outcome. The estimated cost of rehabilitating the Binning House is approximately \$500,000.*
- Why is the property proposed to be subdivided? *The applicant indicated that it is preferable to have a subdivision compared with strata ownership as strata puts more code requirements on the Binning House. The subdivision is what is being requested through the HRA application.*
- Clarify access to the infill house, the lot line placements and the access path. *The applicant team clarified where the proposed lot lines are proposed, how the site is accessed and where the access path would be.*
- Who owns the cantilevered planter? *It would have an easement on it for maintenance.*

- The landscape plan shows a lot of trees to be removed from this forested site, the trees are a part of the 'West Coast' site character. How many trees are proposed to be removed? *The applicant indicated that the site is not 'forested' and that what is seen is a lot of unmaintained vegetation that have grown up over time that were not a part of an intended landscape design. The proposal is to respect the original design intent and the application proposes planting more trees than there are there now. No trees have been removed from the site since the current owner took possession of the property.*
- Did the applicant pay for trees to be removed on the parcel to the south? *The applicant confirmed paying for cutting some trees.*
- Further question was raised about the size of the parcels to be created with a comment that the subdivision would create lots that would be smaller than everything else in the neighbourhood. *Staff noted that HRA proposals are not precedent setting and are evaluated on a case-by-case basis. If the subdivision was approved as part of the proposed HRA it would be a site-specific agreement for the purposes of heritage conservation and to provide the incentive and investment into the Binning House for enhanced protection.*
- Clarification was requested regarding the Binning artifacts in the house and their significance to what is already publicly available elsewhere. It was suggested that an inventory be created.
- Further clarification was requested about the proposed public access, not just number of days, but the actual public benefit. *Staff indicated that there are examples of other HRAs in the region that protect heritage interiors, but they do not include objects. In a particular case, public access was secured through a statutory right-of-way in favour of the municipality.*
- Has there been neighbourhood consultation on this proposal yet? *Council has recently passed a policy that encourages applicants to undertake consultation with the neighbourhood prior to making an application. This application was made prior to that policy, however, the applicant would be encouraged to have a public meeting before the proposal was considered Council.*

Committee Comments:

- This is a unique situation where there is essentially an HRA already in place but that doesn't address landscaping, public access or the bathroom and kitchen. So, there is an ask in exchange for the proposal, but many things are already protected. There is a significant shift between the original proposal and the revised plan. The original proposal was disrespectful and determination of non-support is influenced by that. Still unclear if it's a gallery or a dwelling that is proposed. There could be benefits to subdividing, but keeping the lot intact adds protection. Consideration needs to be given in order of events: 1) restore the Binning House prior to the subdivision, or 2) restore to the Conservation Plan before new construction. Would like to see a gallery, but it is in private ownership. Cannot support proposal as currently presented.
- The proposal seems to be attempting to solve a heritage protection and restoration problem with real estate speculation. To quote Oscar Wilde, "we know the price of everything and the value of nothing." What is the value of this national historic site? Is this how we save the site – by carving half of it away? This is fundamentally very troublesome.
- Find it troubling to limit the value of the Binning House site to just the house and not the overall site. It is municipally designated and a nationally recognized historic site. Subdivision does not support it architecturally as the infill house programming is located so close to the Binning House and would create an even smaller lot. Not getting sufficient benefit for the subdivision. Maintenance needs to be enforced to bring the house up to the current requirements for protection.
- Concerned with precedent. Asking to sell off a portion of the site for a one-time restoration. Assessments show that owner bought the property for a discount because of the heritage encumbrance and if the restoration works are estimated at \$500,000 then an owner should pay less. Obtaining the property at a lower price because investment is required with the

heritage encumbrance is the proper way to fund restoration. A similar situation is agricultural land that protected by the Agricultural Land Reserve (ALR). In that case you can't subdivide the property that is worth less than other land in order to pay for farm upkeep. Speculators could see rundown heritage properties as an opportunity to get value out of these properties. Heritage properties should be maintained and it is the wrong incentive to accept this proposal, not in support.

- Agree with other comments, however, appreciate the effort to blend the infill house with the overall proposal, but cannot separate it out.
- The subdivision compromises the Binning House and its setting on the site. It is unusual in that it is already designated and encumbered. The proposal is not a good deal for the District.
- Thanked the applicant for the presentation; commendable effort to maintain, restore house. There are three concepts to understand/consider:
 - 1) The significance of the property as a whole. This HRA Application focuses on maintenance and restoration of the Binning House and generating the funds to do that by subdividing the property and building an infill dwelling. This is a National Historic Site and much of the literature related to its significance speaks to the integration of the house with the steeply-sloped site; this was articulated by Historic Sites and Monuments Board of Canada in 1997 and by Parks Canada when the house and site were designated in 1998, and it is important to recognize that Parks Canada specifically state, "the official recognition refers to the house and its lot at the time of designation". Others have spoken to this more recently, including: Adele Weder both in her Thesis and in the Open Letter tabled; by Soules in his book about the house and property; by the West Coast Modern League in its Statement about the property; and by the North Shore Heritage Preservation Society who make reference to the 2012 "Statement of Significance". To conclude much if not most of the significance of the property is in the integration of the building and the lot as a single whole.
 - 2) Jessie Binning's intent when it was designated in 1999. Acknowledge that this is difficult to pin down and subject to different interpretations; have tried - as one who did not know the Binnings - to ascertain this from publicly-available material. The 1997 National Historic Site Designation referring to the "house and its lot", as touched on above, was voluntary, as was the local legal Designation in 1999 where the language used was "the owner....has requested". The local West Van Bylaws to support the legal designation go on, "...has requested the designation of the property" as distinct from simply the House. In her Will, Jessie Binning speaks to "the land and buildings...used as our residence (the "Residence")" and goes on to state "it is my hope that the Residence will be preserved for historical purposes." Based on these references the conclusion is that it was Jessie Binning's intent that the whole be preserved.
 - 3) The reopening of a designation. The Applicant, the current owner, knew full well that he was purchasing a legally-encumbered property, the maintenance of which was his responsibility. The Heritage Designation and Maintenance By-laws (read together) specify work that potentially could be done if a Heritage Alteration Permit were obtained; subdivision is not included. So this HRA application is essentially a request to reopen the legal designation and in so doing, both re-interpret the heritage significance of the property and set aside Jessie Binning's intent. Such a re-opening if it were allowed to occur, would lead to an even bigger issue that must be considered, that being the message we would be sending to those who might be considering designating a property now or in the future. Agree with the Binning Scholar that such a re-opening would call into question the integrity of the Municipality and its ability to honour and manage the gifts that West Vancouver residents are entrusting to them. Further agree with the West Coast Modern

League that this could set up a scenario whereby "all designated heritage sites could be contested in order to unlock development potential". Ultimately such a move would call into question the Municipality's commitment to Heritage protection and would undermine its' ability to enforce current and future protections. Are these the messages we want to be sending to our residents? In conclusion: reopening the Heritage designation of this property would be inappropriate of itself, and in a wider context, counterproductive to West Vancouver's efforts to recognize, learn from and preserve its' community's heritage.

Whether it is based on the national significance of the integrated, whole site; the intentions of Jessie Binning that we have been entrusted with; or the potential impact of reopening a designation on our Heritage stock now and in the future; cannot support this application.

- What is the value of the Binning House? It was the first. It opened the door to everything else. The response is the house, the landscape. It is a true heritage building.

Having reviewed the application and heard the presentation provided by the applicant:

It was Moved and Seconded:

THAT the Heritage Advisory Committee DOES NOT SUPPORT the application as presented due to the following concerns:

1. The subdivision of the property compromises the National historic status and municipal bylaws;
2. The site has existing heritage protection that should be enforced;
3. The offer in exchange for the proposed subdivision is insufficient;
4. The proposal compromises the intrinsic value of the BC Binning house and property.

CARRIED

5. PUBLIC QUESTIONS

The Committee listened to comments and responded to questions from the public.

6. NEXT MEETING

The next meeting of the Heritage Advisory Committee is scheduled for March 5, 2019.

7. ADJOURNMENT

It was Moved and Seconded:

THAT the January 10, 2019 Heritage Advisory Committee meeting be adjourned.

CARRIED

The meeting adjourned at 7:30 p.m.


Paula Grossman, CHAIR


Michelle McGuire, STAFF LIAISON