



DISTRICT OF WEST VANCOUVER
750 17TH STREET, WEST VANCOUVER BC V7V 3T3

COUNCIL REPORT

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| Date: | August 1, 2024 |
| From: | Erika Syvokas, Community Planner |
| Subject: | 2nd Request: Temporary Protection of the “Nesbitt House” at 1281 Clyde Avenue |
| File: | 2585-03-04-2021 |

RECOMMENDATION

WHEREAS:

- a) The properties located at 1281 Clyde Avenue, and more particularly described as PID 012-867-110, Lot 33, Block 11, District Lot 237, Plan 3459 and PID 012-867-144, Lot 34, Block 11, District Lot 237, Plan 3459 (the “Property”), is considered to be heritage property; and
- b) Pursuant to s. 606 of the *Local Government Act*, a local government may order that real property be subject to temporary protection; and

THAT the Property is subject to temporary protection for a period of 60 days commencing on the date this Resolution is passed, and the prohibitions in s. 609 of the *Local Government Act* apply to the property without exception during the 60-day period; and

THAT Council approve an update to the Community Heritage Register to remove the Property from the list if a demolition permit is issued after the 60-day temporary protection period has elapsed.

1.0 Purpose

The purpose of this report is to request a 2nd order of temporary protection for the “Nesbitt House” located at 1281 Clyde Avenue.

2.0 Legislation/Bylaw/Policy

Section 606 of the *Local Government Act* allows Council to order temporary protection of a heritage property for up to 60 days. An order of temporary protection must not be made more than once in a 2-year period.

Section 21.7 of the District of West Vancouver’s Building Bylaw No. 4400, 2004 requires that, “*The Building Inspector shall not issue a demolition permit for a property listed on the District of West Vancouver Heritage Register until a building permit and any other necessary approvals have been issued with respect to the proposed alteration or redevelopment of the property*”.

3.0 Official Community Plan

A key action in the Official Community Plan is to encourage long-term protection of valued heritage properties. Section 2.1.9 encourages protection of buildings, structures and landscapes on the District’s Heritage Register.

4.0 Financial Implications

No financial implications.

5.0 Background

5.1 Previous Decisions

On January 24, 2022 Council issued a 60-day order of temporary protection against demolition of the Nesbitt House.

On October 27, 2008, Council added four historic places to the Community Heritage Register, including 1281 Clyde Avenue.

On June 9, 2008, Council received for information a list of 171 historic places nominated to the Community Heritage Register by the Heritage Working Group, including 1281 Clyde Avenue.

On November 26, 2007, Council established the West Vancouver Community Heritage Register.

5.2 History

The “Nesbitt House” (Figure 1) was constructed in 1926 and is listed on the Community Heritage Register. The house straddles the property boundary of two existing legal lots (Figure 2). The Property is located on Clyde Avenue between 12th Street and 13th Street in Ambleside.



Figure 1: Photo of the “Nesbitt House”



Figure 2: Aerial image showing the subject lots

According to information on file, John and Emily Nesbitt settled in Ambleside in 1912, and established a small dairy farm at 1271 Clyde Avenue. Their son Harry, one of West Vancouver’s early ‘Blue bus’ drivers, built the modest Craftsman bungalow next door at 1281 Clyde Avenue in 1926. The original “Nesbitt” house was a modest Craftsman style bungalow which was later enlarged with a 2-storey addition in 1982. The oldest part is still clad in the original unpainted cedar shingles. The significance of the house is related to its association with the pioneer Nesbitt family and the early development of the Ambleside neighbourhood.

5.3 Inclusion on the Community Heritage Register

The majority of resources on the Community Heritage Register were prioritized according to their heritage significance (i.e. primary, secondary or support) in one of the District’s three heritage inventories prior to inclusion on the Register and often have a Statement of Significance (SOS) describing the heritage value and character-defining elements of the historic place. In the case of the “Nesbitt House”, the resource was not identified in any of the District’s three heritage inventories, nor has a SOS has been prepared for the resource. However, the dwelling was recognized by the community as part of a heritage homes tour in 2005.

The Property was nominated by the public and was included on a list of historic places nominated to the Community Heritage Register by the Heritage Working Group in 2008. The resource was formally added to the Community Heritage Register on October 27, 2008.

6.0 Analysis

6.1 Discussion

The District initially received an application for demolition of the Nesbitt House and building permit applications for a new single-family dwelling on each of the two existing legal lots in 2021. An order of temporary

protection against demolition of the heritage resource was granted by Council on January 24, 2022. Staff provided the owner with information regarding the heritage value of the existing building and potential incentives available in exchange for heritage retention. However, the owner was not interested in pursuing retention of the heritage resource. The 60-day order of temporary protection expired and demolition and building permits were subsequently processed, but due to the applicant not submitting requested documentation to issue the permits within the required timeframe, the permits expired.

The Property has since transferred ownership and the new owner has resubmitted a demolition permit application and building permit applications for a new single-family dwelling on each of the two existing legal lots.

In alignment with the typical process, staff are requesting Council to consider once again delaying issuance of the demolition permit in order to allow more time to discuss retention options with the new owner. This requires an order from Council and allows the District to withhold issuance of the demolition permit for up to 60 days from the date of the resolution.

Should retention of the heritage resource not be successful, in accordance with the Building Bylaw No. 4400, 2004, the demolition permit will not be issued until building permits for new single-family dwellings are issued.

6.2 Climate Change & Sustainability

Heritage conservation is a key contributor to sustainable communities, connecting to each of the environmental, cultural, social and economic pillars of sustainable development. Heritage buildings and homes are valued for their contribution to neighbourhood character, connections to community histories, and opportunities for economic development. The District supports the conservation of privately-owned heritage properties through the application of conservation tools and incentives enabled under Part 15 of the *Local Government Act*.

Retaining, reusing and retrofitting existing buildings, including heritage buildings, also reduces deconstruction waste sent to landfills, avoids the need to create new energy-intensive materials, and instead, makes use of valuable, existing resources while lowering energy demands.

In addition to reducing emissions by retaining an existing building rather than building new, retrofits in heritage buildings can increase their climate resiliency by making it easier to sustain a safe and comfortable living environment.

Applicants are routinely encouraged to consider relocation or deconstruction as an alternative to demolition if retention of a heritage resource is not successfully negotiated.

6.3 Public Engagement and Outreach

If Council orders the temporary protection of the "Nesbitt House", staff will:

1. Withhold issuance of a demolition permit for a period of 60 days and
2. Contact the owner to inform them of the temporary protection order and discuss alternative development options¹ for the Property in exchange for legal protection of the "Nesbitt House".

6.4 Other Communication, Consultation, and Research

Not applicable.

7.0 Options

7.1 Recommended Option

That Council order temporary protection be enacted for the "Nesbitt House" at 1281 Clyde Avenue, to allow staff to contact the owner and discuss other development options for the Property in exchange for legal protection of the existing house; and

That Council direct staff to update the Community Heritage Register to remove the heritage resource if the owner is not interested in considering alternate development options and demolition of the heritage resource is completed.

7.2 Considered Options

If the proposed order of temporary protection is not supported by Council, a demolition permit for the existing house must be issued at the request of the owner, notwithstanding compliance with Section 21.7 of Building Bylaw No. 4400, 2004.

8.0 Conclusion

Staff recommend that Council order temporary protection of the "Nesbitt House" at 1281 Clyde Avenue, to delay issuance of a demolition permit for the existing house for 60 days.

Author:



Erika Syvokas, Community Planner

Concurrence:



Michelle McGuire, Senior Manager of Current Planning and Urban Design

¹ Any development application that may be submitted for the property is subject to Council consideration and public consultation.

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