

TO: CHAIR AND MEMBERS
COMMUNITY HERITAGE COMMISSION

DATE: 2018 January 25

FROM: DIRECTOR PLANNING AND BUILDING

FILE: 77000 05
*Reference: Heritage Revitalization
Agreement & Heritage
Designation*

SUBJECT: HERITAGE DESIGNATION BYLAW /
HERITAGE REVITALIZATION AGREEMENT
GEOFFREY & KATHLEEN BURNETT HOUSE
7037 CANADA WAY

PURPOSE: To seek Council authorization to prepare a Heritage Designation Bylaw and Heritage Revitalization Agreement to provide for the retention of the Geoffrey and Kathleen Burnett House.

RECOMMENDATIONS:

That the Community Heritage Commission receive this Heritage Designation Bylaw and Heritage Revitalization Agreement proposal and forward this report to Council with the following recommendations:

1. **THAT** Council authorize the preparation of a Heritage Revitalization Agreement Bylaw to provide for the retention and protection of the historic Geoffrey and Kathleen Burnett House at 7037 Canada Way, as outlined in this report.
2. **THAT** a Heritage Designation Bylaw be prepared concurrent with the Heritage Revitalization Agreement for this site.
3. **THAT** the Heritage Revitalization Agreement Bylaw and Heritage Designation Bylaw be forwarded to a public hearing at a future date.
4. **THAT** Council approve the listing of the Geoffrey and Kathleen Burnett House on the Burnaby Community Heritage Register as a Protected Heritage property.

REPORT

1.0 BACKGROUND

The Planning and Building Department received an enquiry from the property owner of 7037 Canada Way regarding the development options for this existing R5 Residential District property. At present, the property is occupied by the Geoffrey and Kathleen Burnett House (the “Burnett House”), a heritage building identified on the City’s heritage inventory. Under the current zoning, the existing lot has two-family dwelling development potential and also meets the R5 zoning regulations to permit subdivision to create two new single family lots, but the house would need to be demolished

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in order to achieve the development potential. However, in consideration of the City's Heritage Program and the long-time owners' desire to retain and protect this historic and architecturally significant house as a designated City heritage site, staff have worked with the owners to develop a suitable proposal for the property utilizing a Heritage Revitalization Agreement (see *Attachment #1*). This proposal would allow for the creation of two separate lots: Lot 1 which could be developed with a new single-family dwelling based on the development guidelines approved under the HRA, and Lot 2 would provide for the retention, conservation and designation by bylaw of the existing Burnett House as a City heritage site.

2.0 HERITAGE DESIGNATION

2.1 Local Government Act – Heritage Designation Bylaw Process

Under the terms of the Local Government Act, provision is made for the designation by bylaw of property that "... has heritage value or character..." (Section 611). The intention of the designation bylaw is to retain the heritage asset and to ensure that any future design changes to a heritage building and site would require a Heritage Alteration Permit that would be subject to review of the Community Heritage Commission and consideration of Council.

Section 612 of the Local Government Act specifies the formal procedures to be followed as part of the designation process which includes a Public Hearing, notification to the owners; a report outlining the heritage value of the property; the relationship to community or Official Community Plan objectives; the effect of the designation upon the use; the condition and viability of the property; and the possibility of the need for financial support.

Specifically the Act requires:

- that a Public Hearing be held.
- that 10 days prior to the Public Hearing, notice must be served on all owners and occupiers of the property.
- that newspaper notices be published in two consecutive issues of a newspaper with the last publication to be at least three days prior but not more than 10 days prior to the Public Hearing.
- that a report be prepared which includes the information in this report which is to be available to the public.
- that a completed bylaw be filed in the Land Title Office with the Province and with the owners.

2.1.1 Heritage Character Statement

Built in 1914 for Geoffrey Kirby Burnett (1890-1987) and his wife, Kathleen Wallen (1888-1978), this British Arts and Crafts style house was designed by New Westminster architect R.W. Coventry Dick & Son. Mr. Burnett was a local surveyor and civil engineer and was responsible for many of the original land surveys of Burnaby. The house features a steeply-gabled roof over the side entry porch, with square timber columns, and includes other decorative details such as half timbering in the gables, first storey casement windows with leaded transom lights and decorative window hoods on the side elevation (see *Attachment #2*).

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2.1.2 Compatibility of Conservation with Community Plan

The planning for the conservation of heritage resources is outlined in Burnaby's Official Community Plan. Burnaby has established a goal "To provide opportunities for increased awareness and the conservation of the City's unique natural, cultural, archaeological and built heritage."

2.1.3 Compatibility of Conservation with Uses of the Property and Adjoining Land

The conservation of this heritage house is considered compatible within its well-developed neighbourhood context of predominantly single and two-family dwellings. The retention, conservation and designation of this house through bylaw will add another significant heritage building to the City's list of protected heritage resources. The Burnett House is an important landmark in the historic Edmonds neighborhood and its preservation provides another opportunity to retain and interpret the early history and heritage of Burnaby.

2.1.4 Condition and Economic Viability of the Property

The Burnett House remains in good condition and has been well maintained by the current owners who have lived there for the past 23 years. The economic viability of the property is considered secure given that the Heritage Revitalization Agreement would provide the current or future owner the option to subdivide and create a new lot and its development for a single family dwelling, and would provide sufficient incentive to retain and maintain the existing heritage house.

2.1.5 Possible Need for Financial Support to Enable Conservation

The building will continue to be owned as a private dwelling and maintained accordingly. The adoption of the HRA by Council will allow for the future subdivision of the lot and the creation of an additional single family lot utilizing a panhandle following the City's guidelines within the boundary of the existing property. The provision of an additional lot will provide the required financial incentives to retain the existing heritage building under the proposed HRA. There are no additional economic incentives that would be required to ensure its continued protection and conservation. Staff would continue to work in cooperation with the current and future owners of the property to ensure that the heritage character of this City heritage site is protected and conserved.

3.0 HERITAGE REVITALIZATION AGREEMENT (HRA)

3.1 Local Government Act – Heritage Revitalization Agreement Process

A Heritage Revitalization Agreement is a written agreement between a local government and a property owner and provides the authority under the Local Government Act to vary or supplement provisions of a bylaw which concerns land use designation and subdivision. A local government must hold a Public Hearing on the matter before entering into a Heritage Revitalization Agreement if it would permit a change to the use or density of use that is not otherwise authorized by the existing zoning of the property.

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The purpose of this Heritage Revitalization Agreement (HRA) is to provide for the long-term protection and conservation of the Burnett House, a significant Burnaby heritage building located at 7037 Canada Way. The current long-time owner of the property wishes to ensure that its character-defining features are protected by the City of Burnaby and any subsequent owners into the future. The City's Official Community Plan statement concerning the conservation of heritage has specifically outlined the need to establish incentives to encourage the conservation and facilitate the retention of significant privately-owned heritage buildings. It is proposed that the City enter into a HRA to ensure retention of the house and provide necessary zoning variances to allow for the future panhandle subdivision and development of the existing R5 Residential District property. As the proposed HRA for the Burnett House will provide a variance to the property's R5 zoning to accommodate the creation of an additional lot, a Public Hearing is required.

3.2 Proposed Heritage Revitalization Agreement

In consideration of the City's Heritage Program, it has been deemed desirable to retain and protect the historic and architecturally significant Burnett House as a designated City heritage site. In order to retain the house, staff have worked with the current owner of the property to provide a future applicant or anyone who has reached an agreement to purchase the property with a development proposal for the two lots. The subdivision would be based on the layout as shown in *Attachment #3* and generally meets the requirements of the R5 zone, however, require some variances as set out in the development proposal, described below. At the time of subdivision, all other Zoning Bylaw, Building Code and other City regulations and requirements would continue to apply.

4.0 DEVELOPMENT PROPOSAL

The HRA will set out the following requirements to guide the subdivision, retention of the heritage house, and development of the proposed new lot.

4.1 Proposed Lot 1 (New Lot)

The following requirements must be met in order to develop a single family house on Lot 1:

- (i) The required setbacks for the single family dwelling are proposed as follows:
 - Front Yard: 5.0 m
 - Rear Yard: 6.0 m
 - Side Yard – West: 4.57 m (for vehicle access easement purposes)
 - Side Yard – East: 1.5 m
- (ii) The maximum allowable lot coverage is 40% of the lot area, and the maximum achievable as restricted by the required front, rear and side yard setbacks is approximately 28% which will allow for a building envelope of 210 sq.m. (2,260.42 sq.ft.). The maximum gross floor area (GFA) permitted can be achieved through the inclusion of a basement. Please note that an up-to-date survey must be submitted to the Planning Department at the time of formal application.
- (iii) The incorporation of a garage/carport into the envelope of the proposed dwelling or a parking pad within Lot 1, provided it is outside the provided easement area that provides lane access for Lot 2. The garage/carport cannot exceed 42 sq. m. (452.1 sq. ft.).

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- (iv) Vehicular access will be restricted to a private access easement located at the north side of the property as shown in the attached sketch (*Attachment #3*). A Section 219 restrictive covenant and access easement agreement will be required to ensure this area is retained for access purposes. The City is to be a third party to this agreement.
- (v) The panhandle portion of the proposed lot is to be 4.57 m (15.0 ft.) wide.
- (vi) The proposed dwelling must not exceed a height of 9.0 m (29.5 ft.).
- (vii) Spatial separation requirements, as outlined in the BC Building Code, must be met.
- (viii) The existing structure on proposed Lot 1 was constructed without permits and must be removed prior to final approval of the subdivision.

4.2 Proposed Lot 2 (Existing Heritage House)

With regard to the existing house to be retained under the HRA:

- (i) The owner must agree to a Heritage Designation Bylaw which protects the Burnett House as a City heritage site.
- (ii) The maximum GFA to be permitted is 290.70 sq. m. (3,129.09 sq. ft.) which is based on a survey of the existing heritage house dated 2017 June 12 and conducted by 360 Land Surveying Ltd. Similarly, the maximum Above Grade Floor Area (AGFA) to be permitted is 238.40 sq. m. (2,566.14 sq. ft.) based on existing construction which exceeds what is allowable under the R5 Residential District zoning.
- (iii) A reduced rear yard setback of 5.5 m shall be provided (3.0 m to the deck).
- (iv) Any future alterations to the existing house, including potential future reconstruction of the original north verandah, must be approved by the Planning Department. Provisions in the proposed HRA would allow for future reconstruction of the verandah, subject to final design approval, under a Heritage Alteration Permit.
- (v) An off-street parking area must be provided within the property line and outside the provided easement area of the proposed Lot 2.
- (vi) Vehicular access will be restricted to the proposed easement to the west of the property that will be accessed via Lot 1. A Section 219 restrictive covenant will be required to ensure the area will be used for vehicle access.

It will be incumbent upon an applicant to obtain all the necessary approvals from the City, including Building Permits, Heritage Alteration Permit or any other necessary approval as required.

5.0 POLICY SECTION

The heritage designation of the Geoffrey and Kathleen Burnett House and the proposed Heritage Revitalization for its retention and protection, as outlined in this report, is aligned with the City of Burnaby's Corporate Strategic Plan by supporting the following 3 goals and 3 sub-goals of the plan:

A Connected Community

- Partnership – Work collaboratively with businesses, educational institutions, associations, other communities and governments

A Healthy Community

- Community involvement – Encourage residents and businesses to give back to and invest in the community

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A Dynamic Community

- Community development – Manage change by balancing economic development with environmental protection and maintaining a sense of belonging

To learn more about the City of Burnaby's Corporate Strategic Plan, please visit www.burnaby.ca/CSP.

6.0 CONCLUSION

The protection of the Burnett House through a Heritage Designation Bylaw and a Heritage Revitalization Agreement offers the City of Burnaby an opportunity to protect and revitalize a significant heritage building and an important City heritage resource in the Edmonds neighborhood. Burnaby's Heritage Program has increasingly used more creative means to provide for the economic revitalization and protection of the City's remaining stock of heritage resources. The current proposal to retain the Burnett House through a Heritage Revitalization Designation Bylaw and Heritage Revitalization Agreement will ensure the long-term protection of this heritage residence. The Heritage Revitalization Agreement presented in this report provides a suitable plan for public review and consideration at this time. With Council approval of the recommendations of this report, the subject bylaws would be prepared and advanced to public hearing at a future date.



Lou Pelletier, Director
PLANNING AND BUILDING

HL:sa:sla

Attachments

Copied to: City Manager
City Solicitor
Chief Building Inspector
City Clerk



PLANNING & BUILDING DEPARTMENT



Date:
JAN 23 2018

scale:
1:1,110

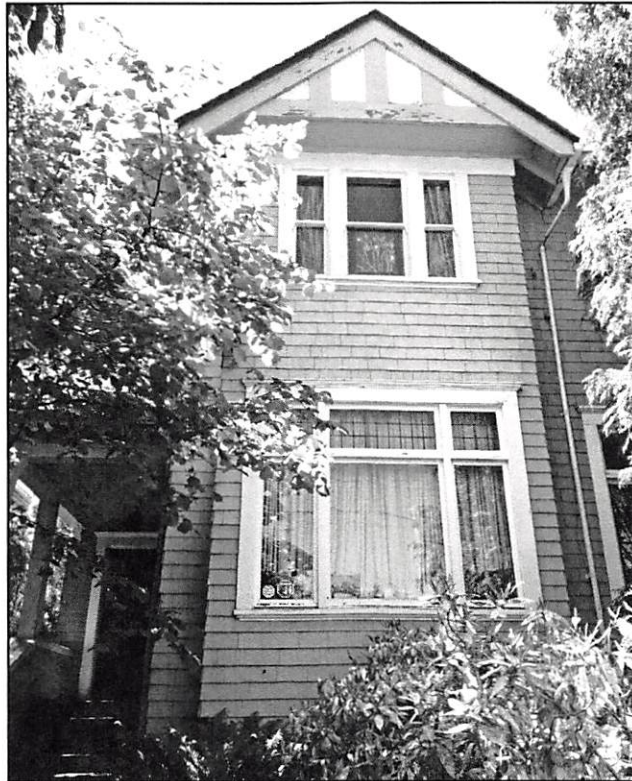
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Geoffrey and Kathleen Burnett House
7037 Canada Way

 Subject Site

Geoffrey and Kathleen Burnett House
7037 Canada Way

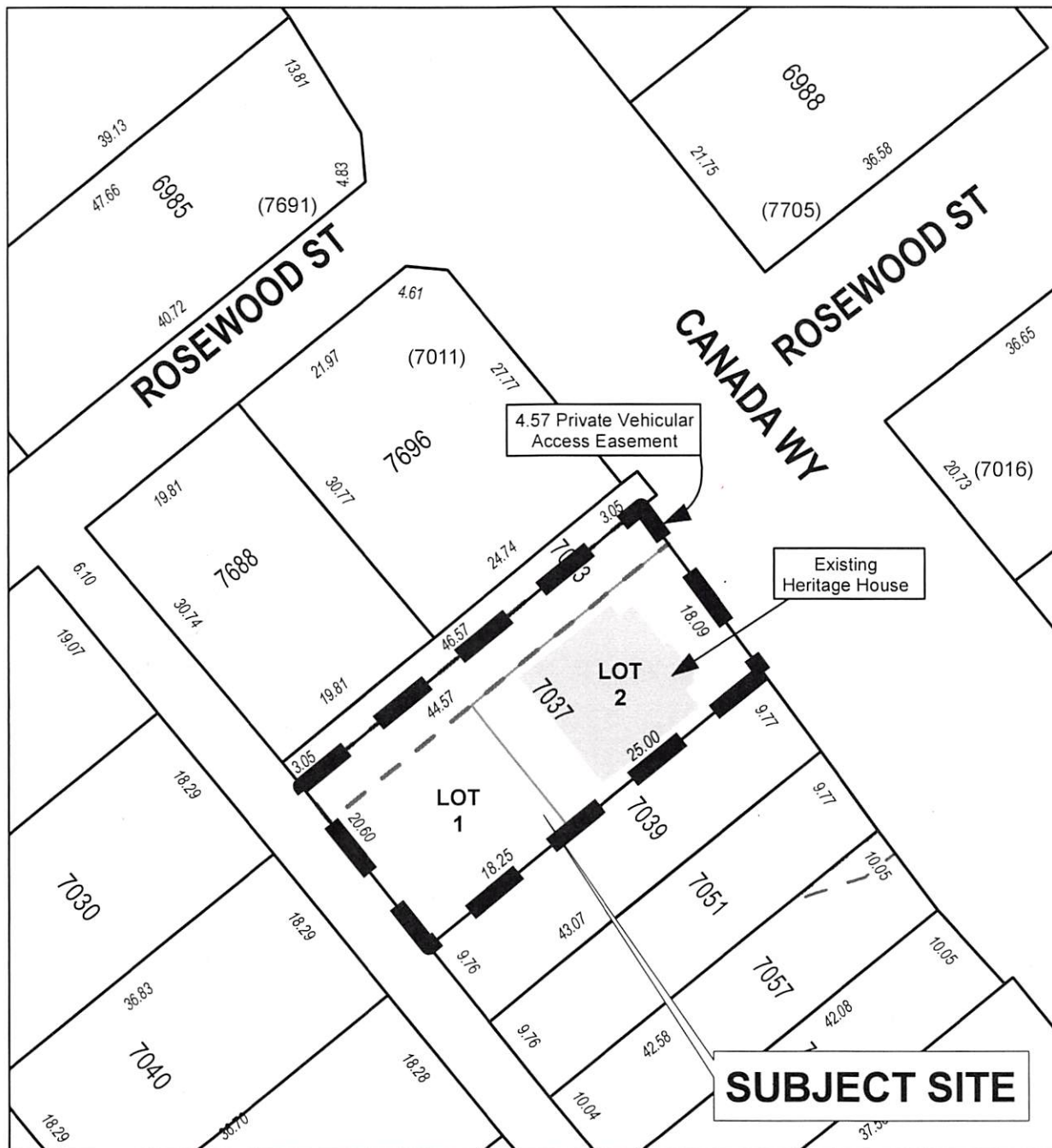
Attachment #2



Front elevation



Side elevation



PLANNING & BUILDING DEPARTMENT



Date:

JAN 23 2018

scale:

1:650

Drawn By:

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PROPOSED SUBDIVISION GUIDE PLAN
7037 CANADA WAY



Subject Site