

TO: CITY MANAGER **DATE:** 2020 September 17

FROM: DIRECTOR PLANNING AND BUILDING **FILE:** 77000 05

SUBJECT: **HERITAGE REVITALIZATION AGREEMENT BYLAW
LONSDALE GUARDHOUSE RESIDENCE – 6985 CANADA WAY**

PURPOSE: To seek Council authorization to prepare a Heritage Revitalization Agreement Bylaw to amend the Heritage Revitalization Agreement for the Lonsdale Guardhouse Residence.

RECOMMENDATIONS:

1. **THAT** Council authorize the preparation of a Heritage Revitalization Agreement Bylaw to amend the Heritage Revitalization Agreement for the Lonsdale Guardhouse Residence, as outlined in *Section 3.0* of this report, for advancement to a future public hearing.
2. **THAT** a copy of this report be forwarded to the Community Heritage Commission.

REPORT**1.0 BACKGROUND**

At its 2018 September 17 meeting, Council authorized the preparation of a Heritage Revitalization Agreement (HRA) for retention and protection of the Lonsdale Guardhouse Residence at 6985 Canada Way (see *Attachment #1*). An HRA was subsequently entered into between the City and the owners of the property (the “Original HRA”), and the residence is now protected through a Heritage Designation Bylaw.

A review of the applicant’s Building Permit and heritage conservation plan submissions identified additional details related to the project’s density, building height, lot coverage, and building depth that require consideration in order to meet the requirements of the *Burnaby Zoning Bylaw* and the guidelines and variances provided in the HRA.

In consideration of the City’s Heritage Program and the owner’s desire to retain and protect a historic Burnaby house with considerable heritage value, staff are supportive of the amendments to the HRA for the Lonsdale Guardhouse Residence outlined in *Section 3.0* of this report. The report recommends authorization to prepare a Heritage Revitalization Agreement Bylaw to amend the HRA, for advancement to a future public hearing. It is noted that the CHC Chair and Commissioners were briefed on the issue at the 10 September 2020 meeting, and informed that this report was being prepared and would be advanced directly to Council.

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From: Director Planning and Building
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Lonsdale Guardhouse Residence – 6985 Canada Way
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2.0 POLICY CONTEXT

This report aligns with the following goals and sub-goals of the *Corporate Strategic Plan*:

- ***A Healthy Community***
 - Community involvement – Encourage residents and businesses to give back to and invest in the community.
- ***A Dynamic Community***
 - Community development – Manage change by balancing economic development with environmental protection and maintaining a sense of belonging.

3.0 PROPOSED AMENDMENTS

Under the *Local Government Act*, a local government may enter into a written agreement called a Heritage Revitalization Agreement with a private owner of heritage property to vary or supplement provisions of a bylaw which concerns land use designation and subdivision. Bylaw 13948 authorizing a Heritage Revitalization Agreement for the Lonsdale Guardhouse Residence at 6985 Canada Way was adopted by Council on 2019 February 11. The resulting HRA provides necessary zoning variances to allow for the subdivision and development of the existing R5 Residential District property in order to retain and protect the Lonsdale Guardhouse Residence as a City heritage site. The agreement permits construction of a full basement, and of a garage or carport not to exceed 42 m² (452.1 sq.ft.), while requiring retention of the heritage house on Lot 1. It also permits construction of a new dwelling on Lot 2.

3.1 Amendments to Provide Additional Variances

Several amendments to the HRA are being proposed to provide additional variances to the *Zoning Bylaw* to permit development of the property as originally intended by the owner and the City, and to accommodate amendments to the *Zoning Bylaw* which were made in March 2019, subsequent to the HRA. Amendments to vary maximum Above Grade Floor Area, building depth, and building height are required to enable the applicant to retain the heritage house and construct a garage and basement, as was the intent of the original HRA. An amendment to the HRA to align its calculation of floor area with the updated *Zoning Bylaw* for Lot 2 is also included.

The following variances to the *Zoning Bylaw* are requested for inclusion in an HRA amendment, and pertain to Lot 1 of the proposed development (the existing heritage house) and to Lot 2 (the new residence):

- (i) That a maximum Above Grade Floor Area (AGFA) be permitted for the heritage house that is equal to the maximum Gross Floor Area (GFA) permitted by the HRA. The original HRA did not include the floor area of the basement in the calculation of maximum AGFA, while the *Zoning Bylaw* includes the floor area of basements in the calculation of AGFA. The amendment would permit a maximum of 345 m² (3,713.5 sq.ft.) of AGFA for the Lot 1 development. This amendment does not increase the maximum total gross floor area permitted for the development on Lot 1, which remains the same as what was agreed to in the original HRA.

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- (ii) That the maximum height permitted for the principal building on Lot 1 be varied to allow a three-storey principal building. The *Zoning Bylaw* permits a maximum height of 2½ storeys for a principal building, while the original HRA allows construction of a full basement under 2-storey heritage building. The proposed amendment clarifies that the completed development will be a 3-storey building.
- (iii) That a building depth of 19.0 m (62.3 ft.) be permitted on Lot 1, to include the heritage house and an attached garage. The original HRA permitted retention of the original heritage house and addition of a garage, but did not include a variance to permit the necessary increase in building depth. The maximum building depth permitted under the *Zoning Bylaw* for the Lot 1 principal building is 11.8 m (38.72 ft.). The proposed building depth can be achieved within the required yard setbacks agreed to in the original HRA, and will enable retention of the heritage house with the addition of an attached garage.
- (iv) That a maximum Above Grade Floor Area (AGFA) of 237.6 m² (2,557.5 sq.ft.) be permitted for the principal building on Lot 2 (the new residence). The original HRA permitted 237.6 m² (2,557.5 sq.ft.) of Gross Floor Area (GFA) for Lot 2. The amendment would align the floor area calculations in the HRA with updates to the *Zoning Bylaw* made in March 2019 that removed maximum GFA requirements for the R5 Residential District in favour of maximum AGFA requirements. This variance in AGFA would permit an additional 28.3m² (305 sq.ft.) beyond what is permitted by the *Zoning Bylaw*. The amendment would remove the variance to GFA provided by the original HRA, and replace it with a variance to maximum AGFA.

3.2 Amendments Requested by Owner

Several amendments to the HRA have been requested by the owner, to ensure that the project meets all regulations for City approval. The following variances to the *Zoning Bylaw* are requested for inclusion in an HRA amendment, and pertain to Lot 1 of the proposed development (the existing heritage house) and to Lot 2 (the new lot to be created through subdivision):

- (i) That a maximum height of 9.9 m (32.5 ft.) be permitted for the principal building on Lot 1 (the heritage house). The original HRA agreement permitted a maximum height of 9.6 m (31.5 ft.), which exceeded the height of a building permitted under the *Zoning Bylaw* by 0.61 m (2 ft.). The proposed amendment would permit an additional 0.30 m (1 ft.) of height over what was agreed to in the original HRA to accommodate relocation of the house and construction of a new foundation and basement living area, as requested by the owner at the time of application for an HRA.
- (ii) That a variance in lot coverage be permitted for Lot 1 (the heritage house) to allow maximum lot coverage of 185 m² (1,991.3 sq.ft.) for Lot 1, which exceeds the maximum lot coverage of 173 m² (1,862.6 sq.ft.) permitted under the *Zoning Bylaw* by 12 m² (129.2 sq.ft.). A variance for lot coverage was not included in the original HRA.

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The variance would enable the owner to retain the heritage house and construct a garage, as outlined in his original HRA application.

- (iii) That a variance in building depth be permitted for Lot 2 (the new lot) to permit a maximum building depth of 9.54 m (31.3 ft.). A maximum building depth of 8.84 m (29 ft.) is permitted under the *Zoning Bylaw*. This variance can be achieved within the setbacks established in the original HRA. While setbacks to allow a building depth of 9.54 m (31.3 feet) were included in the original HRA, the corresponding variance to building depth was not.

4.0 RECOMMENDATIONS

It is recommended that Council authorize preparation of a Heritage Revitalization Agreement Bylaw to amend the Heritage Revitalization Agreement for the Lonsdale Guardhouse Residence, as outlined in *Section 3.0* of this report, for advancement to a future public hearing.

With Council’s approval of the recommendations of this report, the subject bylaw amendment will be prepared and advanced to Public Hearing at a future date and a copy of this report will be forwarded to the Community Heritage Commission.



E.W. Kozak, Director
PLANNING AND BUILDING

LC:sa
Attachment

Copied to: Chief Building Inspector
City Solicitor
Acting City Clerk



Meeting 2018 Sep 17
COUNCIL REPORT

COMMUNITY HERITAGE COMMISSION

*HIS WORSHIP, THE MAYOR
AND COUNCILLORS*

**SUBJECT: HERITAGE DESIGNATION BYLAW /
HERITAGE REVITALIZATION AGREEMENT
LONSDALE GUARDHOUSE RESIDENCE
6985 CANADA WAY**

RECOMMENDATIONS:

1. THAT Council authorize the preparation of a Heritage Revitalization Agreement Bylaw to provide for the retention and protection of the Lonsdale Guardhouse Residence.
2. THAT a Heritage Designation Bylaw be prepared to designate the Lonsdale Guardhouse Residence as a protected heritage site.
3. THAT the Heritage Revitalization Agreement and Heritage Designation Bylaw be forwarded to a public hearing at a future date.
4. THAT Council approve the listing of the Lonsdale Guardhouse Residence on the Burnaby Community Heritage Register as a protected heritage property.

REPORT

The Community Heritage Commission, at its meeting held on 2018 September 06, received and adopted the *attached* report seeking Council authorization to prepare a Heritage Designation Bylaw and a Heritage Revitalization Agreement to provide for the retention and protection of the Lonsdale Guardhouse Residence at 6985 Canada Way.

Respectfully submitted,

Councillor C. Jordan
Chair

Councillor S. Dhaliwal
Vice Chair

Copied to:	City Manager Director Planning & Building City Solicitor Chief Building Inspector
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TO: CHAIR AND MEMBERS
COMMUNITY HERITAGE COMMISSION

DATE: 2018 September 04

FROM: DIRECTOR PLANNING AND BUILDING

FILE: 77000 05
Reference: HRA and HDB

SUBJECT: HERITAGE DESIGNATION BYLAW /
HERITAGE REVITALIZATION AGREEMENT
LONSDALE GUARDHOUSE RESIDENCE
6985 CANADA WAY

PURPOSE: To seek Council authorization to prepare a Heritage Designation Bylaw and Heritage Revitalization Agreement to provide for the retention of the Lonsdale Guardhouse Residence.

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 Lonsdale Guardhouse Residence.
2. **THAT** a Heritage Designation Bylaw be prepared to designate the Lonsdale Guardhouse Residence as a protected heritage site.
3. **THAT** the Heritage Revitalization Agreement and Heritage Designation Bylaw be forwarded to a public hearing at a future date.
4. **THAT** Council approve the listing of the Lonsdale Guardhouse Residence 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 owner of 6985 Canada Way regarding development options for this existing R5 Residential District property. At present, the property is occupied by the Lonsdale Guardhouse Residence (the "Guardhouse" Residence), a heritage building identified on the City's heritage inventory. Under the current

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zoning, the owner can demolish the existing house and construct a new single family dwelling on the property in accordance with the prevailing R5 zoning regulations (see *Attachment #1*).

In consideration of the City's Heritage Program and the owner's desire to retain and protect this historic and architecturally significant house as a designated City heritage site, the Planning Department has worked with the owner to develop a suitable proposal for the property utilizing a Heritage Revitalization Agreement. The proposal would allow for the creation of two lots: Lot 1 would provide for the retention, conservation and designation by bylaw of the existing Guardhouse Residence fronting Canada Way; and Lot 2 would provide for a new single-family dwelling fronting Rosewood Street which would be subject to design review and development guidelines.

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 protect this heritage building and site.

Section 612 of the *Local Government Act* specifies the formal procedures of the designation process which are as follows:

- that a Public Hearing be held;
- that 10 days prior to the Public Hearing, notice must be served to all owners and occupants 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 and made available to the public, and which includes:
 - the heritage value or heritage character of the property;
 - the compatibility of conservation with the official community plan and any other community planning objectives in the area in which the property is located;
 - the compatibility of conservation with lawful uses of the property and adjoining lands;
 - the condition and economic viability of the property;
 - the possible need for financial or other support to enable appropriate compensation;
- that notice of the completed bylaw be given in the Land Title Office and to the owners.

2.1.1 Heritage Character Statement

The Lonsdale Guardhouse Residence is one of Burnaby's landmark heritage homes in the historic neighborhood of Edmonds. As the residence retains significant heritage value to the

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City, it is listed on the City's heritage inventory and qualifies for inclusion on the Burnaby Heritage Register.

This two-and-one-half storey residence was constructed in 1914 by Lonsdale L. Guardhouse. Similar to many houses at the time, the Guardhouse Residence was built from Craftsman-style pattern book designs, which were readily available in magazines and brochures. This residence is notable for its unusual sloped roofline, which features gently curved eaves, lapped and shingled siding and rustic brick (see *Attachment #2*).

2.1.2 Compatibility of Conservation with Community Plan and Adjoining Land Use

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.*" 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 Lonsdale Guardhouse Residence is an important landmark in the historic Edmonds neighborhood and its preservation provides a good opportunity to retain and interpret the early history and heritage of Burnaby.

2.1.3 Condition and Economic Viability of the Property

The Lonsdale Guardhouse Residence has been well-maintained by previous owners and remains in excellent condition. Changes made to the house over the years include the front verandah, which has been altered through the removal of its floor structure, and a rear addition to the main house constructed in 1985. These alterations will be removed and the original design of the building restored by the proposed agreement. The economic viability of the property is considered secure given that the Heritage Revitalization Agreement provides the owner the opportunity to create a new single family lot and would provide sufficient financial incentive to retain and restore the existing heritage house.

2.1.4 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 Heritage Revitalization Agreement by Council will allow for subdivision utilizing the provisions of the R5 District to create two lots with some minor variances to the zoning bylaw. The provision of an additional lot would assist the property owner with additional revenue in order to relocate and restore the heritage building. 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.

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3.0 HERITAGE REVITALIZATION AGREEMENT

3.1 Local Government Act – Heritage Revitalization Agreement Process

A Heritage Revitalization Agreement (HRA) is a written agreement between a local government and private 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.

The purpose of this Heritage Revitalization Agreement is to provide for the long-term protection and conservation of the Lonsdale Guardhouse Residence, a significant Burnaby heritage building located in the Edmonds neighborhood. The current owner of the property wishes to ensure that this heritage house is protected by the City of Burnaby as a City heritage site. 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 specific design controls and provide necessary zoning variances to allow for the subdivision and development of the existing R5 Residential District property in order to retain and protect the landmark Lonsdale Guardhouse Residence as a City heritage site. As the proposed HRA for the Guardhouse Residence will provide for variances to the property's R5 zoning to accommodate the creation of an additional lot, a Public Hearing is required (see *Attachment #3*).

3.2 Proposed Heritage Revitalization Agreement

The subject property is zoned R5 Residential District which provides guidelines for the development of small lots. The Burnaby Zoning Bylaw states that each new lot created in the R5 zoning for Single Family Dwelling – Small, where 30 percent or more of the existing lots in the block front have a width of 13.72 m (45.0 ft.) or less, shall have an area of not less than 334.40 m² (3,600 sq. ft.) and a width of not less than 9.15 m (30.0 ft.). While these conditions do not exist within the block front of the subject lot, the adjacent lots have been redeveloped with duplex residences and small lots exist on the block south of the subject site. Therefore, the proposed provisions would be compatible with the duplex strata lots and with the character of the neighbourhood.

In consideration of the City's Heritage Program, it has been deemed desirable to retain and protect the historic and architecturally significant Lonsdale Guardhouse Residence as a designated City heritage site. The applicant has prepared a plan and guidelines for the retention of the Guardhouse Residence. The proposal is for the creation of two small single-family lots based on the provisions of the existing R5 District, and the use of a Heritage Revitalization

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Agreement to vary provisions of the Burnaby Zoning Bylaw with regards to lot area, height, setbacks and floor area. The subdivision would be based on the layout as shown in *Attachment #3*, and all other Zoning Bylaw, BC Building Code and other City regulations and requirements would continue to apply.

4.0 DEVELOPMENT PROPOSAL

4.1 Proposed Lot 1 (Existing Heritage House)

The existing heritage house is to be retained under the HRA and designated as a City heritage site with the following design guidelines and variances to the Burnaby Zoning Bylaw:

- (i) A lot created under the HRA would vary the Zoning Bylaw and meet the minimum lot width and lot area under the R5 single family dwelling – small, with a total lot area of 414.85 m² (4,650.5 sq. ft.).
- (ii) The heritage house will be protected by a Heritage Designation Bylaw as a City heritage site.
- (iii) The heritage house will be relocated on the site to accommodate its preservation and sited to the eastern portion of the property, adjacent to Canada Way. It is noted that the proposal will include the demolition of the existing modern rear addition built in 1985.
- (iv) The exterior of the heritage house will be restored following the submitted Heritage Conservation Plan that shall include restoration of the exterior design of the dwelling, including the repair of the rear elevation following the removal of the modern addition and reconstruction of the original front verandah.
- (v) The proposed Gross Floor Area (GFA) is 345 m² (3,713.5 sq. ft.) and Above Grade Floor Area (AFGA) is 194 m² (2,084.97 sq. ft.). The maximum GFA for the existing house will exceed the permitted GFA by approximately 86 m². (923 sq. ft.), which will accommodate development of a full basement for the relocated dwelling.
- (vi) The proposed height of the principal building shall not exceed 9.6 m (31.5 ft.). The maximum permitted height of 9.0 m (29.5 ft.) will be exceeded by approximately two feet to provide for the relocation of the house and provide for the design of the new foundation and basement living area.
- (vii) The proposed front yard setback is 6.0 m (19.7 ft.), which meets the Zoning Bylaw provision of not less than 6.0 m (19.7 ft.). The proposal will be exempt from the application of front yard average provisions of the Zoning Bylaw. Additionally, it is further noted that the front verandah will encroach into the front yard setback area by approximately 1.52 m (5 ft.). This would exceed the 1.2 m (3.94 ft.) exemption by .32 m (1 ft.).
- (viii) A reduced rear yard setback of 6.4 m (21 ft.) is proposed. The minimum rear yard of 7.5 m (24.6 ft.) will be reduced by 1.1 m (3.6 ft.).
- (ix) A carport or garage not exceeding 42 m² (452.1 sq. ft.) is proposed. This accessory building will be exempt from all other provisions of the Zoning Bylaw in respect to siting and setbacks.

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From: *Director Planning and Building*
Re: *Heritage Designation Bylaw/Heritage Revitalization Agreement*
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- (x) A Section 219 restrictive covenant will be registered on the property's land title outlining the provisions of the Heritage Revitalization Agreement.
- (xi) The design of the restoration of the residence will be subject to the submission of a suitable conservation plan for review and approval.

Note: Calculations and measurements are subject to an up-to-date survey plan.

4.2 Proposed Lot 2 (New Residence)

A new residence will be constructed under the HRA with the following design guidelines and variances to the Burnaby Zoning Bylaw:

- (i) A lot created under the HRA would vary the Zoning Bylaw to meet the minimum lot width and lot area under the R5 Single Family Dwelling – Small, with a total proposed lot area of 396.03 m² (4,262.83 sq. ft.).
- (ii) The required setbacks for the new single family dwelling are proposed as follows:
 - Front Yard: 4.5 m (14.7 ft.)* [* Exempt from front yard averaging]
 - Rear Yard: 3.65 m (11.97 ft.)
 - Side Yard – West: 1.5 m (4.9 ft.)
 - Side Yard – East: 6.0 m (19.6 ft.)
- (iii) A maximum lot coverage of 158.41 m² (1,705.1 sq. ft.) of the lot area and total GFA of 237.6 m² (2,557.5 sq. ft.) as restricted by the required front, rear and side yard setbacks.
- (iv) The incorporation of a garage/carport not to exceed 42 m² (452.1 sq. ft.) into the envelope of the proposed new dwelling.
- (v) A Section 219 restrictive covenant will be registered on this property outlining the terms of the Heritage Revitalization Agreement.
- (vi) The design of the dwelling will be subject to review and approval.

Note: Calculations and measurements are subject to an up-to-date survey plan.

5.0 POLICY SECTION

The designation of the Lonsdale Guardhouse Residence as a protected heritage resource, along with the proposed Heritage Revitalization Agreement which will ensure its retention and protection, as outlined in this report, is aligned with the City of Burnaby's Corporate Strategic Plan by supporting the following three goals and three sub-goals of the plan:

A Connected Community

- Partnership

A Healthy Community

- Community Involvement

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A Dynamic Community

- Community Development

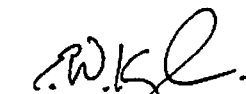
To learn more about the City of Burnaby's Corporate Strategic Plan, please visit www.burnaby.ca/CSP.

6.0 CONCLUSION

The proposed Heritage Revitalization Agreement conforms with the use and development of the R5 zone for small single family lots with variances to the floor area, height and rear yard setback for the heritage house on Lot 1, and to the floor area, front yard and rear yard setbacks for the new house on Lot 2.

The protection of the Lonsdale Guardhouse Residence through a Heritage Designation Bylaw and Heritage Revitalization Agreement offers the City of Burnaby an opportunity to protect and revitalize a significant heritage building in the Edmonds neighborhood and an important City heritage resource. Utilizing the opportunity presented by the current proposal to achieve heritage designation of the Guardhouse Residence through an HRA will ensure the long-term protection of this heritage house.

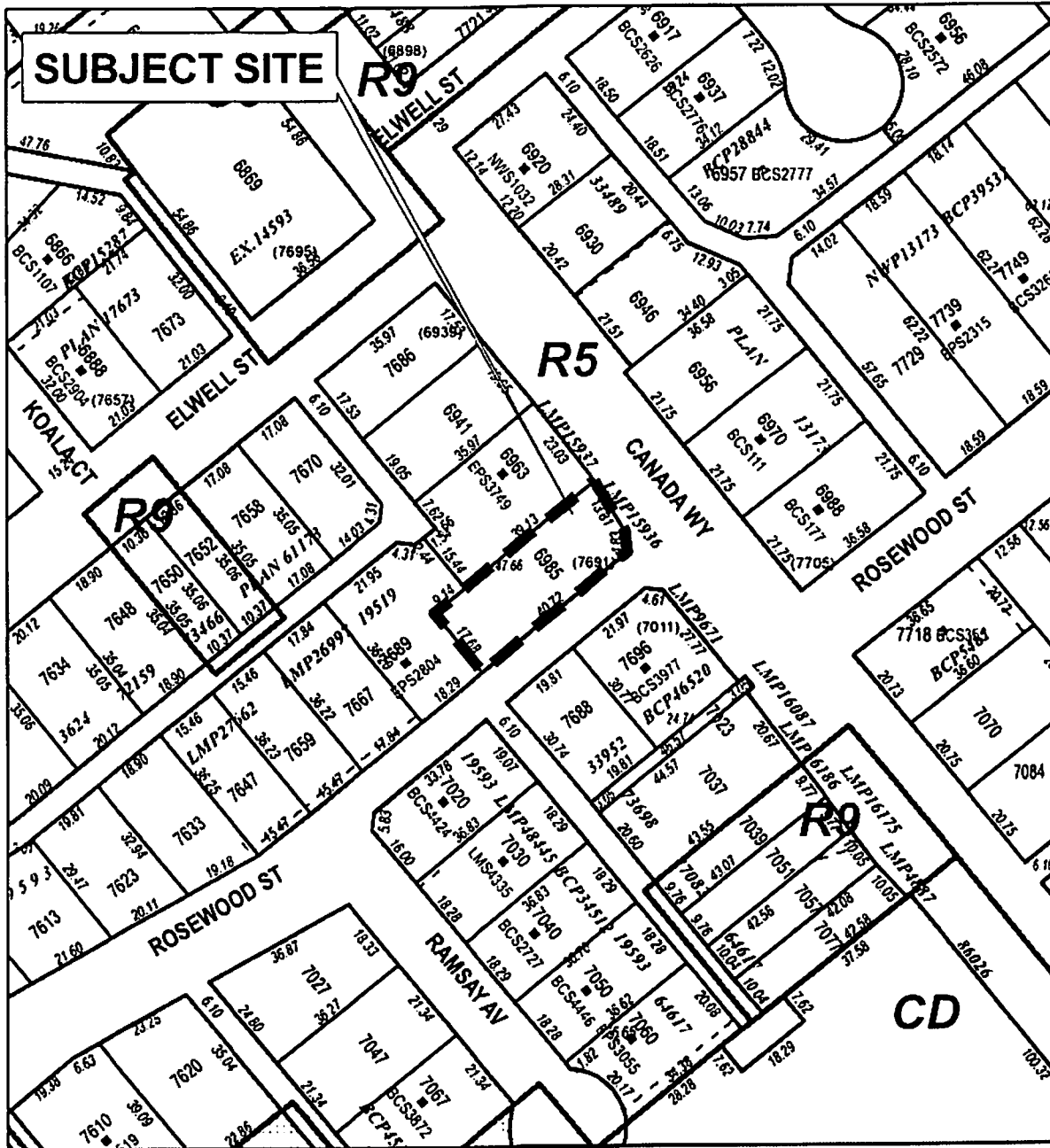
This project is guided by the Official Community Plan objective to protect the City's significant cultural heritage resources. The Heritage Revitalization Agreement presented in this report provides a suitable plan for public review and consideration at this time. With Council approval of the recommendations 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/JW:sa/sla

Attachments

cc: City Manager
Chief Building Inspector
City Solicitor
City Clerk



 <p>City of Burnaby</p>	<p>PLANNING & BUILDING DEPARTMENT</p>
<p>DATE:</p> <p style="text-align: center;">AUG 29 2018</p>	<p>6985 CANADA WAY</p>  Subject Site
<p>SCALE:</p> <p style="text-align: center;">1:1,500</p>	
<p>DRAWN BY:</p> <p style="text-align: center;">AY</p>	

Lonsdale L. Guardhouse Residence
6985 Canada Way



