

TO: CHAIR AND MEMBERS
COMMUNITY HERITAGE COMMISSION

DATE: 2023 January 19

FROM: GENERAL MANAGER
PLANNING AND DEVELOPMENT

FILE: 77000 05

SUBJECT: HERITAGE REVITALIZATION AGREEMENT/HERITAGE
DESIGNATION BYLAW, ALICE AND ROBERT TRAVERS RESIDENCE,
7828 STANLEY STREET

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

RECOMMENDATION:

1. **THAT** the Community Heritage Commission receive this report and forward it to Council with the following recommendations:
 - a. **THAT** Council authorize the preparation of a Heritage Revitalization Agreement Bylaw to provide for the retention and protection of the Alice and Robert Travers Residence.
 - b. **THAT** Council authorize the preparation of a Heritage Designation Bylaw to designate the Alice and Robert Travers Residence as a protected heritage site.
 - c. **THAT** Council authorize that the Heritage Revitalization Agreement and Heritage Designation Bylaw be forwarded to a public hearing at a future date.
 - d. **THAT** Council approve the listing of the Alice and Robert Travers Residence on the Burnaby Community Heritage Register as a protected heritage property.

REPORT**1.0 BACKGROUND**

The Planning and Development Department received an enquiry from the owner of 7828 Stanley Street regarding development options for this existing R2 Residential District property. At present, the property is occupied by a residence identified on the City's heritage inventory. Under the current zoning, the owner can demolish the existing house and construct a new single family dwelling on the property in accordance with the prevailing R2 zoning regulations (see *Attachment #1*).

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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 and Development 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 B would provide for the retention, conservation and designation by bylaw of the existing Alice and Robert Travers Residence fronting Stanley Street; Lot A would provide for a new single-family dwelling, also fronting Stanley Street.

2.0 POLICY CONTEXT

The proposal to protect and designate the Alice and Robert Travers Residence aligns with the following Council-adopted policies, plans, and strategies: *Corporate Strategic Plan (2022)*, and *Burnaby's Official Community Plan (1998)*, specifically Heritage Policy 12.4.4.

3.0 HERITAGE DESIGNATION

3.1 Local Government – 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 purpose of the proposed designation bylaw is to protect the heritage values of the Alice and Robert Travers residence.

Section 612 of the *Local Government Act* specifies the formal procedures of the designation process, which includes a public hearing, notification of occupants and all persons with a registered interest in the property, publication of newspaper notices, and preparation of a report. The report is to be made available to the public, and is to address: the heritage character of the property; the compatibility of conservation with the official community plan and other community planning objectives; the compatibility of conservation with lawful uses of the property and adjoining lands; the condition and economic viability of the property; and, the possible need for financial or other support to enable conservation. The City is required to give notice of the completed bylaw to the Land Title Office and to the owners.

3.1.1 Heritage Character Statement

The landmark heritage home located at 7828 Stanley Street in the Burnaby Lake historic neighbourhood was identified as the "Arthur Long Residence" on Burnaby's heritage inventory when it was published in 2007. Arthur Long was the first registered owner of 7828 Stanley Street, but the residence was constructed for later owners Alice and Robert Travers who lived in the house from 1914 to circa 1940.

This two-storey, wood frame building with a cellar was designed by architect Robert Mackay Fripp, and is one of a handful of extant and confirmed Fripp-designed buildings in the City of Burnaby. Other Burnaby buildings confirmed to have been designed by Fripp include the 1912 Ramsay Residence at 7864 Stanley Street (two houses down from 7828 Stanley Street) and the Fairacres buildings at 6344 Deer Lake Avenue that include the Mansion (now Burnaby Art Gallery), as well as the Chauffeur's Cottage, the Garage & Stables, the Root House, and the Steam Plant.

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Fripp was an exceptional architect who followed the British Arts & Crafts movement. The house reflects the Arts & Crafts architectural style with its use of local materials (such as cedar), horizontal clapboard siding with roughcast stucco in the gable ends and on upper bump-outs, and deep overhanging eaves with wooden triangular support brackets. A copy of the Heritage Conservation Plan prepared for the site is included as *Attachment #2*.

3.1.2 Compatibility of Conservation with Community Plan and Adjoining Land Use

The conservation of this heritage house is considered compatible within its well-developed neighbourhood context of predominantly single 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 Alice and Robert Travers Residence is a significant landmark in the historic Burnaby Lake neighborhood and its preservation provides a good opportunity to retain and interpret the early history and heritage of Burnaby.

3.1.3 Condition and Economic Viability of the Property

The Alice and Robert Travers Residence has been well-maintained and remains in good condition. Very few changes have been made to the house over the years, and many of the original features remain intact.

The revitalization project will include retaining the house in its current location and constructing a front porch to reflect the original porch that was removed from the house sometime after 1921. As part of the Heritage Revitalization Agreement, variances to the *Zoning Bylaw* will be provided to permit future development of the existing cellar to a full height basement, and construction of two small additions to the rear of the house and a single-vehicle garage in the side yard setback on the north-east side of the lot.

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.

3.1.4 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 R2 District to create two lots through variances to the *Zoning Bylaw*. The provision of an additional lot would assist the property owner with additional revenue in order to preserve 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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4.0 HERITAGE REVITALIZATION AGREEMENT

4.1 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 concerning 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 use or density that is not otherwise authorized by the existing zoning of the property.

The purpose of this HRA is to provide for the long-term protection and conservation of the Alice and Robert Travers Residence. 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 retention of significant privately-owned heritage buildings.

It is proposed that the City enter into a HRA to provide necessary zoning variances to allow for the subdivision and development of the existing R2 Residential District property in order to retain and protect the landmark Alice and Robert Travers Residence as a City heritage site. As the proposed HRA for the property will provide for variances to its R2 zoning to accommodate the creation of an additional lot and increase the density for the heritage house above the maximum Above Ground Floor Area permitted under the Zoning Bylaw, a Public Hearing is required (see *Attachment #3*).

4.2 Proposed Heritage Revitalization Agreement

The proposed HRA would allow for the creation of two lots: Lot B would provide for the retention, conservation and designation by bylaw of the existing Alice and Robert Travers Residence fronting Stanley Street; Lot A would provide for a new single-family dwelling, also fronting Stanley Street. As noted above, the subject property is zoned R2 Residential District. The *Zoning Bylaw* states that each new lot created in the R2 Zoning District shall have an area of not less than 668.88 m² (7,200 sq. ft.) and a width of not less than 18.28 m (60.0 ft.). This proposal would require a variance to the *Zoning Bylaw* to permit a reduced lot width of 12.09 m (39.67 ft.) and a reduced lot area of 406.15 m² (4,371.77 sq. ft.) for Lot A. It also proposes a variance of 0.5m (1.64 ft) to the minimum front yard setback for Lot A. These variances would permit a residence with up to 211.23m² (2,273.66 sq. ft.) of Above Ground Floor Area to be achieved on proposed Lot A. The resulting development would be compatible with nearby lots and with the character of the neighbourhood.

The specific plan of development for both lots will also require a number of *Zoning Bylaw* variances. These variances are outlined in *Section 5.0* below.

The Alice and Robert Travers Residence is in excellent condition with much of its original character elements in place. It has retained much of its original form, scale, and massing, most of its original windows, and its original cladding and trim. Despite the removal of its original front porch sometime after 1921, the front façade of the house has retained much of its original character and is a highly visible landmark on Stanley Street.

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The proposed HRA will require retention of the home's exterior elements as outlined in the Heritage Conservation Plan (*Attachment #2*). The owners will undertake work to replicate the original porch and add a new porch roof to reflect the original design. As there are no photographic or architectural plans that record the complete design of the porch, the design will draw on other examples of Fripp's work and take cues from the existing house to create a porch that is sympathetic to the architecture of the house.

In order to achieve a new lot on the south-west side of the property of sufficient size to permit construction of a home compatible with the neighbourhood character, alterations will be required to the heritage house to remove up to two original windows from the west face. The removal of the windows is needed to comply with BC Building Code requirements for spatial separation between buildings, specifically walls with facing windows. While this reduction of glazing on the west building face removes an original heritage element, it is necessary to achieve the required spatial separation to achieve a reasonable sized new lot. The west face of the building has a relatively low level of visibility which will be reduced further with construction of a new residence on proposed Lot A.

In consideration of the City's Heritage Program, it has been deemed desirable to retain and protect the Alice and Robert Travers Residence as a designated City heritage site. The proposal is for the creation of two single-family lots based on the provisions of the existing R2 District, and the use of an HRA to vary provisions of the *Zoning Bylaw* with regards to lot area, lot width, height, setbacks, density, and siting, as outlined in *Section 5.0* below. 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.

5.0 DEVELOPMENT PROPOSAL

5.1 Proposed Lot B (Existing Heritage House)

The applicant proposes that the existing heritage house be retained on Lot B, and designated as a City heritage site through adoption of a Heritage Designation Bylaw. The exterior of the heritage house will be restored as outlined in the *attached* Heritage Conservation Plan and shall include re-instatement of a covered front porch.

The proposed Lot B meets the lot area and lot width requirements of the *Zoning Bylaw*; however, the proposed development would require the following variances, which would be granted through the HRA:

- (i) The proposed maximum Above Grade Floor Area (AGFA) permitted for the heritage house is 440 m² (4,736.12 sq ft), which exceeds the maximum AGFA permitted under the *Zoning Bylaw* by 138.84 m² (1,494.46 sq ft). This variance permits the retention of the existing floorplan of the home with the addition of up to 100 m² for future development of a full height basement to replace the existing cellar, and to add two small additions totaling a maximum of 15.0m² (161.46 sq. ft.) to the rear of the house to include an addition to the existing kitchen.
- (ii) The proposed height of the heritage house on Proposed Lot B is 3 storeys and 9.75 m (32 ft.), which provides for the house to be raised over a new foundation in the future to accommodate a full height basement. The proposed height exceeds the maximum height permitted under the *Zoning Bylaw* by 0.75 m (2.46 ft).

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- (iii) The heritage house currently has a front yard setback of 9.42m (30.9 ft.), which is 0.37m (1.21 ft.) smaller than the minimum required under the *Zoning Bylaw*, based on front yard averaging. The non-conforming front yard setback of 9.42m would be retained through a variance included in the proposed HRA.
- (iv) The front verandah would be permitted to encroach into the front yard setback by approximately 2.06 m (6.76 ft.). This would exceed the 1.2 m (3.94 ft.) maximum encroachment permitted under the *Zoning Bylaw* by 0.86 m (2.82 ft.).
- (v) The proposed lot coverage is 216 m² (2,325 sq. ft.), which exceeds what is permitted under the *Zoning Bylaw* by 85.16 m² (916.65 sq. ft.). The increased lot coverage is largely a result of the proposed subdivision, and includes the existing footprint of the heritage house with the addition of two small additions totaling 14.9 m² (160.38 sq. ft.), the 28.5 m² (306.77 sq. ft.) covered porch, and the 24.4 m² (262.64 sq. ft.) single car garage.
- (vi) Enabling future construction of a single car garage requires variances to the *Zoning Bylaw* permitting the siting of a garage in the side yard setback on the north east side of the property. The proposed garage would be sited a minimum of 0.67 m (2.20 ft.) from the property line and 1.22 m (4 ft.) from the heritage house.

A Section 219 restrictive covenant will be registered on the property's land title outlining the provisions of the Heritage Revitalization Agreement.

5.2 Proposed Lot A (New Residence)

The applicant proposes development of a new lot on the south-west side of the property to be created under the HRA through variances to lot size and lot area. The proposed building footprint could accommodate a residence with an AGFA of up to 211.23m² (2,273.66 sq. ft.) of Above Grade Floor Area with a 127.13m² (1,368.42 sq. ft) cellar that could accommodate a secondary suite and garage space sufficient to provide two independent parking stalls. Specific variances required include:

- (i) Lot A would require a variance to permit a reduced lot width of 12.09 m (39.67 ft.), which is 6.19 m (20.31 ft.) less than the minimum permitted in the R2 Zoning District.
- (ii) Lot A would require a variance to permit a lot area of 406.15m² (4,371.22 sq. ft.), which is 262.73 m² (2,828 sq. ft.) less than what is permitted in the R2 Zoning District.
- (iii) Lot A would be permitted a front yard setback of 9.8m (32.15 ft.).. This setback is 0.5m (1.64 ft) less than the minimum setback of 10.3m that would be required under the *Zoning Bylaw* based on an average of the existing front yard setbacks of abutting properties.

As with Lot B, a Section 219 restrictive covenant will be registered on this property outlining the terms of the Heritage Revitalization Agreement.

6.0 CONCLUSION

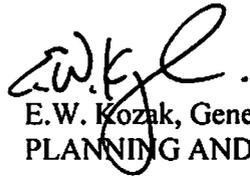
The protection of the Alice and Robert Travers Residence through a Heritage Designation Bylaw and Heritage Revitalization Agreement offers the City of Burnaby an opportunity to protect and revitalize a significant heritage building in the Burnaby Lake neighborhood and an important City heritage resource.

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The proposed Heritage Revitalization Agreement conforms with the use and development of the R2 zone with variances to lot area, lot width, height, setbacks, density, and siting for the heritage house on Lot B, and to the lot width and lot area for the proposed new Lot A.

Utilizing the opportunity presented by the current proposal to achieve heritage designation of the Alice and Robert Travers 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.



E.W. Kozak, General Manager
PLANNING AND DEVELOPMENT

LC:sa
Attachments

Copied to: Chief Administrative Officer
Deputy Chief Administrative Officer and Chief Financial Officer
Chief Building Inspector
City Solicitor
Sr. Manager Legislative Services