

ITEM	SUPPLEMENTARY	12
MANAGER'S REPORT NO.		62
COUNCIL MEETING	1980 10	06

RE: ROYAL OAK FUNERAL CHAPEL, 5152 KINGSWAY

Following is the report of the Planning Director regarding the above.

This report has not been reviewed by the Municipal Engineer, nor has it been studied in depth by the Municipal Manager. It is, however, being forwarded to the Municipal Council and the Engineer at this time in order to expedite it's consideration. We will have the Engineer's response for the Council meeting.

RECOMMENDATION:

1. THAT the recommendations of the Planning Director be adopted.

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TO: MUNICIPAL MANAGER 1980 SEPTEMBER 23  
FROM: DIRECTOR OF PLANNING  
RE: ROYAL OAK FUNERAL CHAPEL, 5152 KINGSWAY

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RECOMMENDATION:

It is recommended that the recommendation contained in Manager's Report No. 56, Item 11 be adopted. That is,

- 1) THAT Council advise Wales McLelland Development Company Limited that:

- a) It is the intention of Council to preserve the Royal Oak Funeral Home, the major trees and portions of the surrounding wall,
  - b) Council is prepared to support a rezoning of the site to Comprehensive Development as detailed in Section 3.3 of this report (Manager's Report No. 56, Item 11) and
  - c) Council will proceed with a bylaw to designate the house and certain portions of the site if an application is received for a demolition permit.
- 2) THAT a copy of this report be sent to the Century Park Museum Association.

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## R E P O R T

### SUMMARY

This report is in response to a request from Council for further information about the Royal Oak Funeral Chapel site. We are not recommending Municipal acquisition of the site; we are recommending the retention of the house, wall on Kingsway and trees as integrated components of a redevelopment utilizing Comprehensive Development zoning based upon C3. Heritage Designation is only recommended if a demolition permit is actually applied for because the C.D. approach has greater design flexibility. If the site were to be used for open space purposes, the Metrotown Open Space Levy could be utilized to aid in its acquisition. We do not recommend this option. The building could be moved. The cost would be in the order of \$40,000 for a move of a few blocks. The building is generally in good condition. The roof needs repair or replacement and some sewer work and tree root pruning may be required. Maintenance costs this year were \$2,900.00. The cost of maintaining the grounds is \$3,500.00 per annum. To accommodate a use change and meet the Building Code alterations to exiting, possible fire separations, additional plumbing, increased electrical service size and additional beams may be required depending upon the uses and floor plan proposed. The widening of Royal Oak and Kingsway will cause removal of the wall and outbuilding on Royal Oak, but the wall on Kingsway will be retained. These changes will not be detrimental. Whether or not the proposed density compensation would meet the requirements of the Heritage Conservation Act would ultimately have to be determined by a Court. The Solicitor has pointed out some potential concerns with this form of compensation. The Heritage Conservation Branch, Ministry of Provincial Secretary and Government Service is of the opinion that the proposal compensation would meet the requirements. If this compensation were challenged, then it would be up to a Court to decide. Factors to consider in determining whether a building has heritage value are outlined. In our view this building qualifies. A sketch of a compatible development will be commissioned if Council so directs. In conclusion the building portion of the wall and trees should be retained as integrated components of a redevelopment.

### 1.0 BACKGROUND

Council on 1980 September 08 heard a delegation from Mr. Stanley Wales of Wales-McLelland and received a report from the Planning Department related to the Royal Oak Funeral Chapel. The matter was referred back to staff for further information. This report is in response to this direction for additional information.

## 2.0 GENERAL COMMENT

By way of general introduction it should be made clear that we are not recommending Municipal acquisition of the Royal Oak Funeral Chapel and site. As noted in our previous report, the property is a commercial site which should be developed by the private sector. We are proposing rezoning (density) incentives and compensation which we believe make retention of the building, portions of the wall and three major Sequoia Gigantea trees an economically attractive development option. We do not favor a "mothballs" approach to the retention of the house; rather the house should be a usable integrated portion of a comprehensive development scheme. While this approach may not be desirable to the Company which currently holds an option on the property we believe there are developers and architects who would respond favorably to this approach. Because of this view our recommendation was and continues to be that the Council indicate an intention to preserve the house, wall and trees and support a rezoning of the site to Comprehensive Development based upon such a scheme. Heritage designation under the Heritage Conservation Act is only recommended if a demolition permit is actually applied for because it would be more advantageous for all parties to have the greater design flexibility of C.D. zoning rather than fixing the heritage designation area prior to the preparation of a redevelopment design.

## 3.0 RESPONSE TO COUNCIL QUESTIONS

3.1 What are the possible uses for the site if it was to be acquired by the Municipality? Could the Metrotown Open Space Levy be used for its acquisition?

- As noted above, we do not recommend Municipal acquisition. If the site were acquired we would recommend that it be marketed on a proposal call basis to permit development of a Comprehensive Development based upon C3 District guidelines. Such development would be in accord with the Metrotown Plan as outlined in Burnaby Metrotown - a development plan. If the site were acquired for public open space purposes then the Metrotown Public Open Space Levy could be utilized to aid in its acquisition. Again, we do not recommend this option.

3.2 Could the building be moved from its present site and what would be the estimated cost?

- We do not recommend relocating the building. The house has landmark significance in its local context. The setting is important to the value of the building. The building would be best recycled as an active, useful component of a redevelopment scheme, not as a museum or old building in a park. Notwithstanding this view, we contacted Apex Industrial Movers Ltd. to obtain an answer to the question. Apex has moved similar heritage buildings in Vancouver. Apex, while recognizing that the building has a stone foundation, indicated that it is very likely structurally feasible to move the building. To move the building a few blocks would cost in the order of \$40,000.00. To move it

further than this, say to Heritage Village, would not generally be feasible because, due to the building's size, it would have to be cut into sections or miles of utility poles would have to be temporarily relocated to accommodate the move. To move the building on site would be somewhat less costly than moving it a few blocks.

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3.3 What is the general condition of the building?

- The president of the company which owns the building was contacted to gain information about the condition of the building. The building has been generally well maintained over the years and is therefore in generally good condition. The roof has been leaking off and on for the past ten years and maintenance has been done to repair leaks. The owner is of the opinion that major roof work will soon be required which may include replacement of the roof or portions of it. Tile roofing typically costs \$140/100 sq. ft., installed according to the roofing company contacted. If the entire roof had to be redone, the costs could be in the order of \$4,000.00 plus the cost of removing the old tile. The owner indicated that roots from one of the Sequoia Gigantea trees on the site have caused some sewer damage in the past. Therefore, some sewer work and root pruning may be required.

3.4 What are the annual maintenance and heating costs for the structure and grounds?

- Maintenance costs for the building, as for all buildings, varies substantially from year to year. According to the president of the company which owns the building \$2,900.00 was spent this year on the roof, drains and painting. The cost of maintaining the grounds is \$3,500.00 per year.

3.5 What would be required to have the building meet current Building Code requirements if it was converted to different uses such as restaurant, office or retail?

- The Building Department provided the following information in response to this question. Without examining working drawings of a proposed alternate use, this question is difficult to answer because requirements can vary depending upon the combinations of uses proposed, floor layouts proposed, and the occupancy loads. However, some general comments can be made which will vary in detail depending upon the factors noted above.
- Two exits would likely be required from the upper floor to accommodate any use. These could be at the rear of the building where they would have a minimal impact on the appearance provided they are as far apart as possible.
- The central staircase will likely require upgrading to meet fire related code requirements. A possible solution to be looked into would be the provision of a sprinkler curtain around the opening.
- A fire separation is required between floors and the required rating will depend upon the uses of the floor areas. The existing construction would appear to be acceptable for between a 45-60 min. fire resistance rating. Penetrations of the floor assembly by features such as heating ducts would require the provision of rated fire dampers.

- Additional beams may be required to support increased floor loads (live) although the existing structure may well be adequate because many houses of this age were over-designed and utilized larger dimensioned lumber than is common today.
- If most of the floor area was used for a restaurant, more toilets would likely be needed.
- Depending upon the use, it may be necessary to increase the size of the electrical service to meet the demand.
- Door swings would require changing to open in the direction of exit.

The above-noted requirements are quite typical for the conversion of a house to non-residential use.

3.6 What will be the impact of the widening of Royal Oak and Kingsway on the wall and the image of the building?

- The future road widening of Kingsway and Royal Oak will require the removal of the wall and outbuilding on Royal Oak but the wall on Kingsway will not be affected. In our view the removal of the outbuilding and wall on Royal Oak is not of concern. The building has little architectural or historic merit. It was proposed to the developer that a new commercial building could be built to the future property line along Royal Oak. This building is schematically shown on the attached sketch. The wall on Kingsway is exposed to more people and the main building and grounds are best viewed from Kingsway. The attached sketch illustrates how the wall could be retained along Kingsway with a sidewalk behind the wall. This proposed walkway position would be most advantageous because the wall will separate pedestrians from vehicles and pedestrians can be encouraged, through landscape design and site planning, to walk in and around the proposed development to experience the old building and utilize the new shops, services and offices. The proposed future widening of Kingsway will not destroy the impression of the building as viewed from Kingsway. Even with the widening the building would be viewed in a landscaped setting from Kingsway.

3.7 Would the compensation provided to the developer by allowing increased density constitute full and fair compensation under the Heritage Conservation Act?

The Solicitor has indicated that this question amounts to "what meaning a Court would assign to the word "compensation" in Part 3 of the Heritage Conservation Act". There is some argument that compensation means direct monetary benefit and there is some question as to whether or not a density increase is a direct monetary benefit. Ultimately this would be for a Court to decide. The Solicitor and the Heritage Conservation Branch are not aware of any court case which relates to compensation. It is the view of the Heritage Conservation Branch, Ministry of Provincial Secretary and Government Service that density compensation proposed would meet the requirements of the Act. It is acknowledged that this opinion is not a legal or judicial opinion, however. It may be that a Court would find that subsection 11(5) of the Heritage Conservation Act cures any deficiency in compensation. Subsection 11(5) reads: "Compensation provided under subsection (4) shall be deemed to be full and fair compensation for loss or damage suffered by the owner through the designation".

The compensation proposed is a density increase to a floor area ratio of 2.0. The current zoning permits a floor area ratio of 1.0. It is stated in Burnaby Metrotown - a Development Plan, on page 61, the section which discusses the area in which this site is located, that "Significant mixing of uses will be promoted as well as a wide range of possible densities and development intensities depending upon specified locations. Densities may range up to a maximum 2.5 Floor Area Ratio." Densities supported in the past in this area on the south side of Kingsway away from high-rise development are F.A.R. = 0.88 for Kingsway Plaza 5000 including the recent addition and F.A.R. = 1.34 for Rezoning Reference #38/80, a development at the south east corner of Marlborough and Kingsway. Similar densities would typically be supported on the subject site. Thus rezoning to support a density in the order of F.A.R. = 2.0 is a specific response to the unique situation of this site in keeping with the goals of the Metrotown Plan and the provision of compensation for retention of the existing building.

3.8 What are the criteria used in determining whether or not a building or property is heritage?

- Heritage is defined in the Heritage Conservation Act as "of historic, architectural, archaeological, palaeontological or scenic significance to the Province or a municipality, as the case may be". To qualify as a heritage building or site, evidence must be provided which is sufficient to convince Council of its heritage significance to the Municipality.

The following factors should be considered in determining whether or not a building has heritage value:

- (a) Architectural merit - uniqueness
  - style
  - age
  - period
  - originality
  - construction
  - craftsmanship
- (b) Architectural contrast in the area
- (c) Associations with past events or distinguished individual or group.
- (d) Association with a way of life
- (e) Sentimental value
- (f) Acknowledged landmark

These factors must be considered relative to the community in which the building is located. If the community was broadly defined as all of Canada, then the Royal Oak Funeral Chapel would not rank highly as a heritage building. But in the context of Burnaby and, more particularly, Metrotown the building has significance as described in some detail in the appendix to our last report on this subject. The building in this context has heritage value as demonstrated by its uniqueness, age, craftsmanship, eclectic style, contrast in the area, associations with a way of life (large old home) and landmark significance on Kingsway.

On this basis we are recommending its retention as an integrated component of a redevelopment scheme.

3.9 Sketch of a Compatible Development.

- We are confident that a compatible development can be designed which retains the house, wall on Kingsway and the trees. The new building elements could continue aspects of the existing building's style and forms, provide mirrored facades which reflect the house or create a neutral steel and glass background for the house. The option holder has acknowledged that a visually appealing development could be produced. His concern is not with this aspect but rather with the economics of such a proposal. We have not produced a sketch of a compatible design because such a sketch could be misrepresentative unless it was supported with proper functional analysis and programming of the proposed building and designed and rendered by an architect who has a particular expertise in dealing with historic buildings. We are aware of architects who have this expertise and are prepared to contact them to obtain a price for such a commission if Council wishes this to be pursued further.

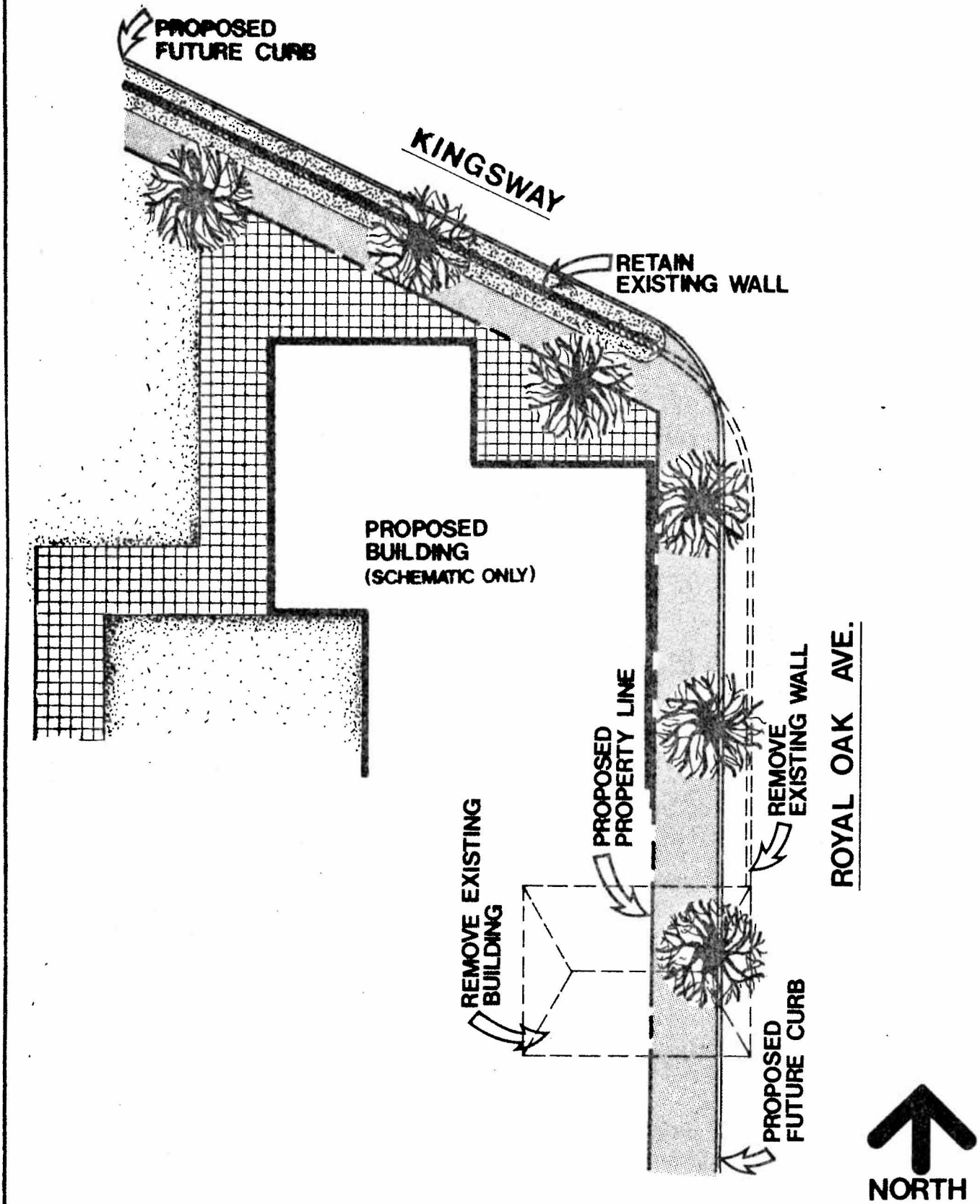
### 3.10 CONCLUSION

In conclusion, it is our view that the Royal Oak Funeral Chapel, wall along Kingsway and three Sequoia Gigantea trees should be retained and incorporated in a redevelopment; that the most desirable way to achieve this redevelopment is through a Comprehensive Development rezoning and that, if a demolition permit is applied for, a Bylaw to designate the building and portion of the site as a municipal heritage site and building should be advanced.

  
A.L. Parr  
DIRECTOR OF PLANNING

CBR/gl

c.c. Municipal Solicitor



Date

OCT. 1980

Scale

1 : 250

Drawn By



Burnaby Planning Department

# ROYAL OAK FUNERAL CHAPEL SITE Impact Of Proposed Future Road Widening