

TO: CITY MANAGER 1996 September 16

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: Proposed Designation of "The Frederick and Edna Cunningham House" as a Heritage Building Under the Terms of The Municipal Act
Subdivision Reference #68/95

PURPOSE: To request that Council initiate the preparation of a Heritage Designation bylaw.

RECOMMENDATIONS:

1. THAT Council initiate the process to designate the "Frederick and Edna Cunningham House" at 3555 Douglas Road as a heritage building.
2. THAT a heritage designation bylaw be prepared and advanced to First Reading on 1996 September 30 and to a Public Hearing on 1996 October 22.
3. THAT the owners, Piero Ferronato, Lisa Renzullo and 40112 B.C. Ltd. be sent a copy of this report.
4. THAT the Community Heritage Commission be sent a copy of this report.

REPORT

1.0 Background:

In 1923 Frederick Woodman Cunningham and Edna Elizabeth Cunningham purchased the parcel of land at 3555 Douglas Road and built their beautiful country home and developed a large garden and farm. The architect designed house was completed in the Arts and Crafts style with rough cast stucco, Tudor inspired gable decoration and large eave brackets. Fred Cunningham was the only son of James Cunningham who arrived in New Westminster in 1862 and served as the City's Mayor from 1872-1874. The Cunningham family amassed a considerable fortune through business activities as diverse as a hardware store and the City's gas works. At the time of his move to Burnaby Fred Cunningham was an agent with the Canada Life Insurance Company. The landmark 60 foot tall Victorian flagpole in the garden was moved to this site when Fred Cunningham's prestigious family home in New Westminster at Third Avenue and Seventh Street was demolished in 1938.

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The Cunningham's Burnaby home was extensively landscaped with rockeries, lawns, exotic shrubs, trees and perennial beds. Three majestic copper beech trees, which have survived over 60 years without pruning, are among the best specimens of their type to be found in Greater Vancouver. The Cunningham property is one of the last estate homes remaining on the old Douglas Road which was at one time notable for its beautiful estate setting within the rural charm of Burnaby's Central Valley. Its unique character remains largely intact as the house was owned by the family until the death of Edna Cunningham in 1982, Fred Cunningham having died in 1962. The house which has been maintained in its original condition is an excellent and unique example of one of Burnaby's best estate homes from the 1920s.

In 1995 an application to subdivide the property into three lots was made. The owners were advised that the house was included in the preliminary list of heritage buildings in "Windows to Burnaby's Past". As a result of discussions and adjustments to the lot plans an arrangement to preserve the house and two of the trees while creating two additional lots was reached with the cooperation of Ferronato and Renzullo families, the owners.

The owners have submitted a letter agreeing to retain the residence and release the City from any claim for financial compensation pursuant to Section 1024 of the "Municipal Act".

The owners intend to utilize the home as a private residence for their own use.

Two new homes will be built to the south of the existing house and two of the large copper beech trees near the side of the house are to be legally retained (refer attached sketch). One beech near Douglas Road is not legally protected due to the constraints of the site; however, the owners have indicated that every effort will be made to retain this third tree.

2.0 Designation Process:

Under the terms of the New *Heritage Conservation Statutes Amendment Act* that was proclaimed by the Province on 1994 October 13, the Municipal Act provides for the designation by bylaw of property that *".....has heritage value or character...."* (Section 1022).

This will have the effect that any future changes to the exterior of the building will require a heritage alteration permit that would be reviewed by the Community Heritage Commission and considered by Council.

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Section 1023 of the Act specifies the formal procedures to be followed as part of the designation process which includes a Public Hearing, notification of the owners, and a report outlining the heritage value of the property, the relationship to community or OCP 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 Section 3.0 of this report.
- that a completed bylaw be filed in the Land Title Office, the Province and with the owners.

3.0 Heritage Information (As per Section 1023 of the Act):

3.1 Heritage Value:

This house, constructed in 1923 by Frederick and Edna Cunningham and served as the family home for 60 years, represents one of the last remaining estate properties along Douglas Road. The Arts and Crafts style includes Tudor detailing and remains in very good original condition.

3.2 Compatibility of Conservation with Community Plan and Adjoining Land Uses:

The conservation of heritage resources is addressed in the section of Burnaby's official Community Plan which establishes the preservation and enhancement of the quality and livability of the physical environment as a goal.

The conservation of this two storey house is compatible with the existing character of the Douglas Road neighbourhood.

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3.3 Condition and Economic Viability of the Property:

The house is to be retained "in situ" and occupied as a single family home.

3.4 Possible Need for Financial Support to Enable Conservation:

The house is generally in very good condition and maintenance costs would be expected to be comparable with other houses of this type. The need for financial support is not anticipated as the economic viability of the property has been enhanced by permitting subdivision of the property.

4.0 Next Steps:

Upon completion of the Public Hearing and Council consideration of the bylaw, the approved bylaw would be filed in the Land Title Office and with the Ministry of Small Business, Tourism and Culture, and notice would be given to the owners in the prescribed form.



**D. G. Stenson
Director Planning and Building**

BR:hr

Att.

cc: City Clerk
City Solicitor
B.C. Assessment Authority

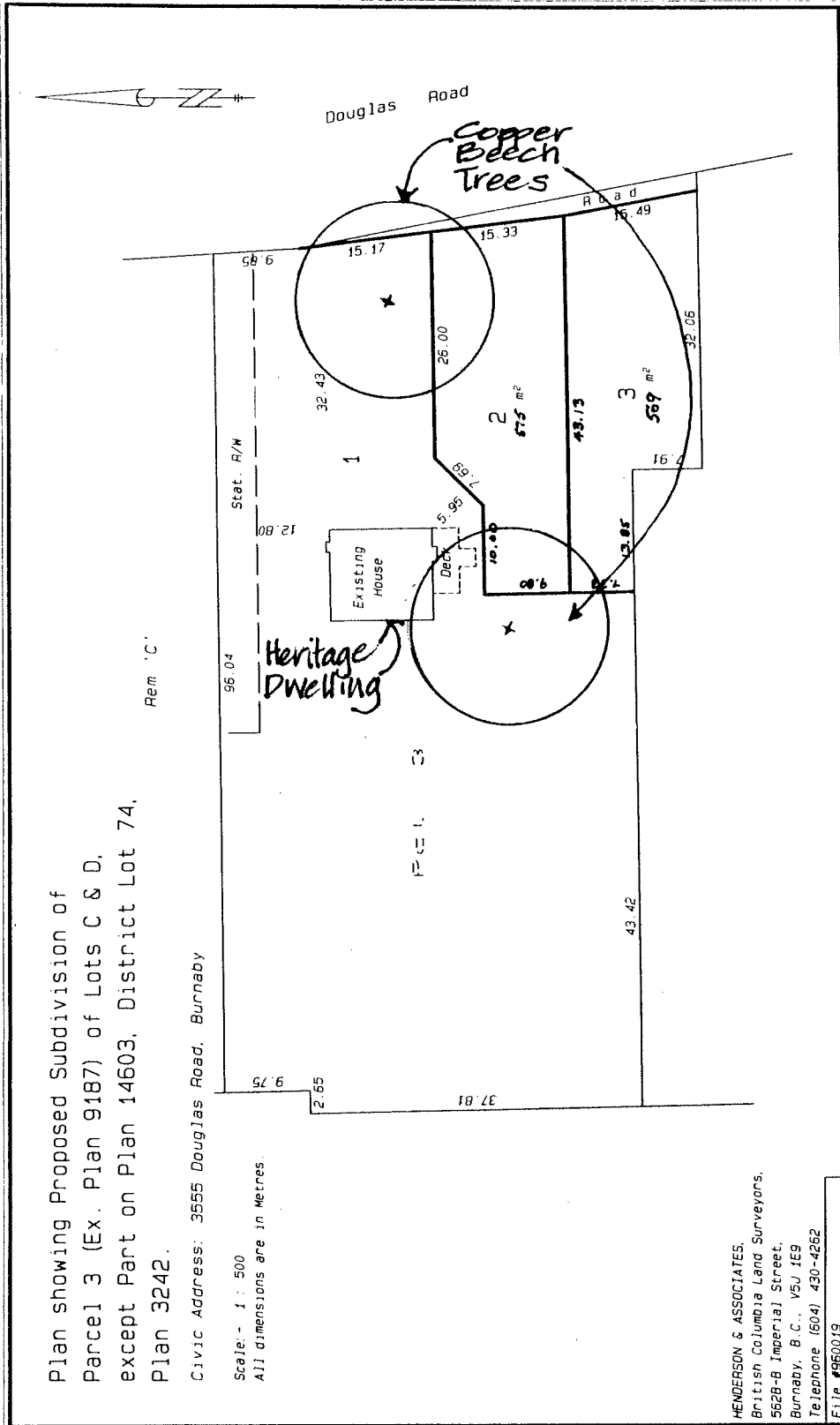
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Plan showing Proposed Subdivision of Parcel 3 (Ex. Plan 9187) of Lots C & D, except Part on Plan 14603, District Lot 74, Plan 3242.

Civic Address: 3555 Douglas Road, Burnaby

Scale: - 1 : 500

All dimensions are in Metres.



HENDERSON & ASSOCIATES,
British Columbia Land Surveyors,
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Burnaby, B.C., V5J 1E9
Telephone (604) 430-4262
File #960019

PLAN OF 3555 DOUGLAS ROAD SHOWING PROPOSED SUBDIVISION AND LOCATION OF EXISTING HERITAGE HOUSE AND TWO COPPER BEECH TREES PROTECTED BY COVENANT

