

TO: CITY MANAGER

1996 November 20

FROM: DIRECTOR OF PLANNING AND BUILDING

SUBJECT: **8039 TEXACO DRIVE**
Request From a Property Owner To Enter Into a
Heritage Revitalization Agreement

PURPOSE: To seek authority from Council to prepare a Heritage Revitalization Agreement which will allow a property owner to add a new garage/workshop to the site of a legally non-conforming heritage house.

RECOMMENDATIONS:

1. **THAT** the City Solicitor be authorized to bring forward a Heritage Revitalization agreement under section 1021 of the Municipal Act and that the agreement be advanced to First Reading on 1997 January 06, and to a Public Hearing on 1997 January 21 at 7:30 p.m.
2. **THAT** this matter be referred to the Community Heritage Commission for review and comment.

REPORT

1.0 Background:

The property at 8039 Texaco Drive contains an older home which is on the list of Preliminary Heritage Buildings in Burnaby. The property is also in the Barnet Marine Park Parkland Acquisition program area. The property is located west of the existing developed park and is situated above the railway tracks. The house is one of two remaining buildings which date from the old Barnet Mill townsite. This house was reputed to be the mill manager's house. (Refer attached location sketch). The lot is zoned M5 (Light Industrial) and the residential use of the property is legally non-conforming.

The property was purchased this summer by a private individual who wishes to repair and upgrade the home for residential use. The new owner has also, as an alternative, offered the property for sale to the City. However, the City Solicitor does not recommend purchase, based on the price being sought by the present owner.

The property is composed of a .39 acre lot and a 1920's period house which is in need of significant work. The owner has raised the house slightly and has constructed a new foundation under the dwelling and is in the process of applying for a permit for the completion of the work, which involves the addition of two dormers, the completion of the basement and the construction of a new garage/workshop.

2.0 Current Situation:

The fact that the house is legally non-conforming means that the owner could redevelop the lot in conformity with the M5 Industrial zoning but can only maintain the existing house basically as is. The owner, however, wishes to complete the basement, add two dormers to the second floor and generally repair/restore the home for his use. He is pursuing the Board of Variance approval for the structural alterations to the foundation and for the two new dormers. He also wishes to construct a large new garage/workshop on the lot which is larger and taller that would be permitted under the M5 or any of the typical residential zones.

Recent amendments to the **Municipal Act** provide a legal mechanism to vary normal Zoning Bylaw requirements when the owner of a heritage building provides in exchange a firm commitment to restore and maintain a heritage building basically in perpetuity. This device is called a Heritage Revitalization Agreement and is outlined in Section 1021 of the Act. The owner has, in a letter dated 1996 November 14, requested that the City enter into a Heritage Revitalization Agreement to allow the construction of a new garage to take place. This agreement would run with the land even if it were to be sold in the future.

The Act requires that a Public Hearing be held prior to a bylaw being approved for a Heritage Revitalization Agreement to provide for those who may be affected by this type of alteration to the Zoning Bylaw to be heard. The Ministry of Transportation and Highways approval is also required in this location. The agreement is filed in the Land Title Office and with the Provincial Ministry responsible for the **Heritage Conservation Act**.

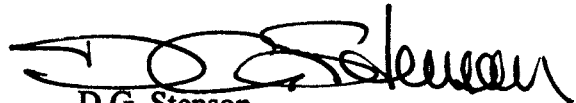
3.0 General Comments:

Staff have met with the owner to discuss the various alternative courses of action which the City and the owner could pursue with regard to this property. As purchase or expropriation of the property do not appear viable options, staff has considered the possible use of a Heritage Revitalization Agreement which basically is a negotiated agreement between the City and the owner. This type of agreement provides benefits to the City by assisting in the retention of one of the last buildings on what was once the Barnet Mill townsite which is a significant historic site in the City. For the owner, the agreement allows for the construction of a large new garage and workshop which would be

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designed to be in keeping with the existing house and would not otherwise be permitted due to the non-conformity of the residential use. The changes requested to the Board of Variance do not, in the opinion of staff, detract from the heritage value of the house. In the long term the property is intended to be acquired by the City for the expansion of the park.

The use of an agreement is supported by staff and it is suggested that the views of the Community Heritage Commission be obtained for input to Council and that the Solicitor be authorized to draw up a Heritage Revitalization agreement and that it be forwarded to a Public Hearing on 1997 January 21.



D.G. Stenson
Director Planning and Building

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Att.

cc: City Solicitor
City Clerk
Acting Director Recreation & Cultural Services

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