

TO: MEMBERS OF COUNCIL **H** 2003 March 12

FROM: CHAIR, FINANCE AND CIVIC DEVELOPMENT COMMITTEE

SUBJECT: PUBLIC USE & LEASE: Eagles Estate, 5655 Sperling Avenue

PURPOSE: To provide information on the proposed public use and lease agreement for the Eagles Estate in Deer Lake Park with The Land Conservancy of British Columbia.

RECOMMENDATIONS:

THAT this report be received for information.

REPORT

1.0 BACKGROUND

Council at the 'Closed' meeting of 2003 March 10 adopted a report from the Finance and Civic Development Committee outlining a proposed new public use for the Eagles Estate at 5655 Sperling Avenue in Deer Lake Park and instructed staff to pursue a number of implementation actions including the lease of the property to The Land Conservancy of B.C.

The development of Deer Lake Park has been one of the City of Burnaby's long established goals and has included the acquisition and development of lakefront private properties for public use and enjoyment. In recent years substantial civic investments in land and the conservation of significant heritage resources on the south shore of Deer Lake Park have created the opportunity for establishing an enhanced civic presence and wider public uses. This report outlines the proposal and funding requirements for the conservation and public use of the Eagles Estate.

The Eagles Estate, constructed in 1929, is located on the southeast shore of Deer Lake at the corner of Sperling Avenue and Deer Lake Drive, adjacent to the developed park beach and boat rental area. The estate was purchased by the City in 1995 for inclusion into Deer Lake Park and as an interim use, the house and a portion of the property were leased as a private residence. Council has previously approved that staff take the necessary steps to protect both the house and garden as a civic heritage site.

The Deer Lake Park Master Plan has made provision for the Eagle House to be converted from its private residential use to a public use to become a significant historical and horticultural display and feature within the park. The Plan recognized that the Eagles Estate is among Burnaby's "most intact and significant Edwardian styled gardens" and identified its conservation as one of the primary priorities for implementation. The Master Plan identified the goal of preserving the garden's

character defining elements and restoring, to the fullest extent possible, the features of the original landscape. Through accomplishing these objectives the Eagles Estate is to be one of the primary features within Deer Lake Park available for public use and enjoyment.

Public pedestrian access through the estate was constructed as a limited extension of the proposed perimeter lake trail as a boardwalk with another 'garden loop' trail built along the estate's former driveway. A detailed design plan for the restoration of the garden was completed by Parks Department staff in 2000. The implementation of the garden plan was set aside as other funding priorities for protecting and improving natural areas within the park were pursued. In addition, the garden's conservation plan required that a public use of the house be found in order that the entire property be available for public access and enjoyment. In the interim, the Parks Department has maintained the garden's lawns, public paths and monitored the health of valuable specimen trees and shrubs.

The opportunity for implementing a public use for the Eagles House has been realized through the interest of the Land Conservancy of B.C. to relocate their B.C. Mainland head office from Vancouver to Burnaby. Through the direction of the Finance and Civic Development Committee, staff have pursued negotiations with this nonprofit organization to establish the terms of a lease arrangement to provide office space in return for managing the conservation and interpretation of this civic heritage site.

2.0 THE LEASE AND UPGRADE OF THE EAGLES ESTATE

2.1 LAND CONSERVANCY OF B.C. (TLC)

The Land Conservancy of British Columbia (TLC) is a nonprofit society that has an interest in Deer Lake Park as the location of their Vancouver headquarters, as it mirrors their goals and objectives relating to the conservation of natural and cultural heritage of the Province. This group, formed in the model of the National Trust of England, has extensive experience with the conservation and operation of the historic Abkhazi Garden in Victoria. Through the management of staff and volunteers, this valuable historic garden has been conserved and opened to the public.

The staff and directors of the TLC have expressed their desire to work in partnership with the City of Burnaby to provide public access to the Eagles House and Gardens in return for a rental lease. City staff has held meetings with the TLC with the goal of developing an agreement based on the direction received from the Finance and Civic Development Committee and Council.

2.2 LAND USE

2.2.1 Zoning

The Eagles Estate property is zoned P3 Park and Public Use as part of Deer Lake Park. This District provides for the location and development of public land to serve the educational, park and

recreational needs of the City. Uses permitted in this District that serve the intended proposal for the Eagles Estate and includes the provision for “botanical gardens”.

2.2.2 Heritage Designation

A city-funded assessment of the heritage value of the Eagles Estate determined that it is a highly significant heritage garden. As previously indicated, the municipal designation of the Eagles House and Garden as a heritage site has been authorized as a staff work item by Council. A designation bylaw will be prepared for 2003 which will provide special status for this property and acknowledge its importance to the community. In addition, the designation will serve to provide access to funding grants intended for protected heritage properties, such as the Canada-British Columbia Infrastructure Program.

2.2.3 Lease Area

The area of the lease will encompass the original boundaries of the historic estate property. Excluded from the lease area will be a small portion of the northwest corner of the property where the main park trail crosses the property boundaries utilizing a boardwalk through the riparian zone of the lake (see *Attachment #1*).

2.2.4 Public Access

The established ‘garden loop’ trail along the former driveway of the Eagles Estate will remain the primary public access route into the garden. The right of free public access and circulation utilizing this trail will be maintained as a component of the lease agreement.

The garden design plan prepared by the Parks Department envisioned a short connection to the beach area to avoid the steep staircase that connects the trail to Sperling Avenue. This route will also be protected within the lease as an option for future public access as the garden restoration progresses. In the future the city will fund a trail connection to this access, once the design for beach and boat launch area is completed and capital funding for this work is secured by the Parks, Recreation & Cultural Services Department.

There may be a need in the future to install gates at the garden path loop trail. This would provide the option of closing the garden at nightfall for protection of the public and the site’s heritage features. In addition, the gates may be closed during fund-raising or other events that would serve to raise revenue for the garden’s operation.

2.2.5 Parking

As there is not sufficient parking spaces available on this site to meet the needs of the proposed public use, the parking lots at the adjacent Deer Lake Beach area will be utilized. The driveway access to the Eagles House will serve as the access and designated parking area for the office staff.

There is the opportunity for on-street parking on the adjacent developed section of Deer Lake Avenue which borders the south side of the Eagles Estate. Parking on Deer Lake Avenue has not been permitted by the City at the request of area residents. Should the new use of the Eagles Estate require additional parking in this location, staff will consult with area residents to provide time limited parking that would be restricted to the operating hours of the site.

2.3 ADAPTIVE REUSE PLAN

2.3.1 Adaptive Reuse of Eagles House

The change of use of the Eagles House for office purposes will require some minor upgrade work to ensure the life safety of the occupants and compliance with all the Burnaby's code requirements. Storage space for tools and materials used by garden volunteers will be accommodated in the basement and accessed through the attached garage. In the future the garage will be transformed into an interpretive centre to present the history of the house and garden.

Public restroom facilities cannot be accommodated within the Eagles House as the building is not dedicated for public use and assembly. The main floor bathroom will be available for the use of the office staff and volunteers only. Public restrooms for park and garden visitors are available at the Deer Lake Park beach house located adjacent to the property. The lack of on-site public restrooms may limit use of the garden for special events without the consideration of providing portable washrooms.

Much of the building has been upgraded for its residential use and will not require further intervention as a result of its proposed use as an office. A review of the proposed adaptive reuse plan and condition of the house identified a number of minor upgrades. Permits for extending the electrical system for office purposes will be obtained from the Building Department as part of the process of changing the tenancy of the property.

Building upgrade work will be limited to:

1. Additional main floor electrical outlets for computer work stations
2. Fire Alarm systems upgrade.
3. Additional basement and garage lighting.
4. Installation of new locks.
5. Interior painting and minor repairs.
6. Installation of new temporary safety fencing on the garden staircase and retaining walls.

Estimated cost of this work: \$10,000

2.3.2 Adaptive Reuse of Eagles Garden

Although the upgrade and maintenance of the heritage garden will be the responsibility of the TLC, there are some substantial capital improvements which require civic investment to ensure the viability of the project. The future restoration of the garden and public access to the house site is limited at this time because of the poor condition of the retaining walls surrounding the north and east facades of the house and staircase which provides the primary connection between the house and garden.

Currently the stairs are fenced off from public access and form an unsightly ruin located prominently on the site. The condition of the walls and staircase have been assessed by a qualified architect/engineer and it was determined that they have failed structurally and will eventually require replacement to retain the earth terraces surrounding the house. Without the reconstruction of the retaining walls and stairs, the successful restoration of the garden and the public's access to the site will be compromised and delayed. This work would include providing new hard surface pathways surrounding the house to connect the staircase with the garden's proposed interpretive centre and the offices of the TLC. Given the city's intention to provide full public access to the estate, this project is seen as an essential element to achieve that goal.

Detailed estimates for the design and reconstruction of the retaining walls and staircase have been obtained by staff and is estimated that the total project cost to be in the order of \$225,000.

The project's scope is considerable in that the walls and stairs form a very large structural component that will require the application of current building code standards to ensure their long term structural stability and public safety. One of the major causes for the failure of this 60 year old structure was the poor preparation of the ground underlying the feature and the lack of modern drainage for the earth terraces. The walls and stairs form an important decorative feature of this historic garden and employ the extensive use of brick, stucco parging, electric lanterns and urns. These elements will require replication to ensure that the integrity of the heritage site is maintained. The location of the retaining walls and stairs on a steep slope with limited vehicular access further complicate the project's logistics and add substantially to the total project budget.

2.3.3 Financing Capital Works

Funding for adapting the Eagles Estate for public use would be beyond the scope of the operating budget.

Summary of the Capital Works:

Retaining Wall & Staircase.....	\$225,000
Eagles House Upgrade.....	\$10,000
Garden Refuse Removal.....	\$3,000

Total: **\$238,000**

Funding for the Eagles House upgrade and Garden refuse removal, estimated at \$13,000, will be accommodated within the current allocation for city heritage buildings provided for in the 2003-2007 Provisional Capital Program.

Partial funding for the proposed wall and staircase reconstruction project is to be drawn from Casino funds which have been designated to provide for capital improvements for heritage and environmental projects. Provision of funding through this source would not require repayment to the Capital Reserve, and as such, would not impact on the cap established for repayable items or on the tax draw.

As the scope of work to reconstruct the retaining wall and staircase form a significant capital investment, staff will pursue matching funds through the non local-government application provision of the Canada-British Columbia Infrastructure Program on behalf of the TLC to reduce Burnaby's civic contribution to one-third of the project's total value. The Eagles Estate Heritage Garden project applies to the program's key objectives of improving the quality of a community's infrastructure as it applies to designated heritage sites and providing access to tourism facilities. Eligible costs include all the capital costs of renovating a capital asset and site improvements include all professional fees and construction costs associated with a project.

An application to the Canada-B.C. Infrastructure Program will delay the wall & staircase project until the status of a grant is known. These program grants to local non-profit groups can take up to two years or more for final processing and approval. In the interim, on-site work to adapt the house for use by the TLC shall proceed and additional safety fencing and signage will be installed on the vulnerable areas of the wall and staircase to protect the public using the site. It should be recognized that during this interim period, garden restoration to the area immediately surrounding the walls and stairs will be limited.

Once the status of the TLC application to the Infrastructure Program is known, staff will report back to Council to outline the balance of funding required to undertake the project. When the project is approved it will be managed by the Major Civic Building Projects Committee.

2.4 MAINTENANCE

2.4.1 Maintenance of the Eagles House

The maintenance of this civic heritage building will remain the responsibility of the Engineering Department - Physical Plant Maintenance Division. This will encompass all building envelope and utility functions. As a designated heritage building, the lease will make provision for the protection of all interior and exterior heritage features of the Eagles House. Minor interior improvements may be undertaken by the TLC with civic staff consultation and approval. Significant capital improvement and conservation of the structure would remain the responsibility of the City. These projects are funded through the capital budget established for heritage buildings administered through the Planning Department.

2.4.2 Maintenance of Eagles Garden

The upgrade and maintenance of the garden will be responsibility of the TLC through their staff and a volunteer program and will form the core of the lease agreement. The lease will allow for full gardening opportunities within the framework of an approved conservation and design plan. This will include ongoing consultation with civic staff to ensure the goals of heritage conservation and public access are maintained. All public events on the site will be reviewed by staff to ensure the appropriate care and maintenance of public property. The lease will ensure that activities on the site will conform with applicable city bylaws and policies regarding civic park properties such as Integrated Pest Management.

Currently the Parks Department mows the existing lawns within the park area seasonally, monitors the health of specimen heritage trees and maintains trails. With the lease of this property, the TLC will assume the maintenance responsibility for the estate including the garden loop trail. City staff will continue to work in cooperation with the TLC to monitor tree health and ensure the safety of the public.

The city will be responsible for the ongoing cost of removing garbage and garden debris generated from the site. Initially the clearing of the garden will generate a large volume of garden waste during the first year of volunteer activity and it is estimated that this one time clearing cost would be \$3,000. In order to provide for this work, a one time capital allocation for the first year will be provided.

Annually the removal of garden waste gathered through the maintenance of the site is estimated at \$1,500. As this cost would not exceed the current expenditure of maintenance work on the site, it is proposed that the City's parks department provide this service as part of the civic commitment to the project.

2.5 OPERATIONS

2.5.1 Operating Schedule

The TLC proposes that the Eagles Estate Heritage Garden be operated on a seasonal basis similar to the Abkhazi Garden in Victoria. The actual operational dates for the public run from Easter (April) through Thanksgiving (October). It is recognized that because the "Eagles Estate Heritage Garden" is located within the boundaries of a public park, the garden will remain open year round. However, access to the interpretation centre and the volunteer program will be limited in the off season.

2.5.2 Volunteer Program

The TLC will be mandated through the lease to operate a Volunteer Program for the site's operation for the benefit of the conservation of the Eagles Estate and the citizens of Burnaby. The public's

participation in all areas of the garden's restoration will be encouraged and range from volunteer opportunities for fund-raising, gardening, interpretation and programming. This will provide a unique experience in Burnaby and the region for volunteers to participate in heritage garden conservation and it is anticipated that the site will benefit from a large pool of horticultural talent and expertise available. Burnaby-based heritage and horticultural groups will also be requested to play a key role in the volunteer program and will be engaged at the outset of the project by the TLC.

2.5.3 Interpretation & Programming

The TLC will be mandated to operate an interpretation centre for the Eagles Estate to be located in the former garage to provide shelter for viewing historic photographs and displays of the site during the garden's open hours. The garage's large sliding door can be opened to create a covered space to allow for public access. Exhibits will be minimal and require no substantial renovation to the garage.

Volunteers will serve the role as interpreters and guides for the estate for both groups and the general public. As part of this function, the TLC proposes that a number of programs will occur as part of the operations to bring activity to the site and engage park visitors to raise their public profile and needed revenues for conservation work.

2.5.4 Fund-raising

The garden will be open to the public without charge, however donations to the project will be accepted within the interpretation centre. The TLC may charge fees for the programs operated on the site as another means of raising revenues. The terms of the lease will also make provision for the rental of the garden for private functions that will directly benefit the site through rental fees. The rental of the garden will be limited because of the lack of on-site catering facilities and limited access to public washroom facilities, however, any revenue generation is seen to be an important component of the garden's long term sustain ability. In addition the lease will allow for the limited use of the site for fund-raising activities that will directly benefit the Land Conservancy of British Columbia to support their province wide programs and functions. The City of Burnaby will also reserve the right to use the garden without cost for any civic functions deemed appropriate to the site in cooperation with the TLC.

2.5.5 Liability and Insurance

The City of Burnaby will ensure that the TLC will provide for suitable insurance to protect itself and the City from any liability from the use of the property by their employees, volunteers and the general public.

2.6 LEASE TERMS

2.6.1 Lease Calculation

The TLC proposes to use the house as the office for their B.C. mainland headquarters and will fund-raise, conserve, interpret and program the “Eagles Estate Heritage Garden” on behalf of the City of Burnaby. The lease arrangement would require that the TLC contribute an equivalent value of service to the City of Burnaby in exchange for the established lease rate of the house as an office.

2.6.2 Annual Lease Review

The City will include a clause within the lease that will outline the process of an annual review that will include a progress report on the garden’s conservation and operations by the Planning Department’s heritage staff. This review of the lease will be in the form of an annual Council report received through the aegis of the Community Heritage Commission. If the TLC fails to contribute the required service level for the lease, Council may require adjustments to the lease. Also there will be a standard clause within the lease that shall provide the ability for Council to terminate the lease should the lessor fail to fulfill any lease requirements.

2.6.3 Term of Lease

Given the substantial commitment that the City of Burnaby is requesting from the TLC in respect to the operation of the “Eagles Estate Heritage Garden” it is proposed that the term of the lease for the property be five years with an option to renew at a renegotiated rental rate for an additional five years.

These terms would appear to be suitable given the large amount of work required to restore the garden during the first five years of operation. The operational costs of the garden should stabilize and allow for more precise operational planning by the TLC in order to negotiate rental rates for a further five years.

3.0 IMPLEMENTATION

In order to pursue the intended lease of the Eagles House as outlined in this report civic staff will implement a number of actions:

3.1 Capital Works

Staff will pursue the minor house upgrades required to accommodate the TLC and fund initial garden refuse removal. An application with the Canada-British Columbia Infrastructure Program will be completed by staff in cooperation with TLC. Once the status of the grant is known staff will report back to Council requesting approval of the required civic allocation for the garden wall and stair project.

3.2 Public Consultation

City staff will work with the TLC to implement a public process to inform Burnaby's citizens and area residents of the "Eagles Estate Heritage Garden" project and provide for public involvement and input.

4.0 CONCLUSION

Conservation of "Eagles Estate Heritage Garden" has long been a goal of the City's heritage program and Deer Lake Park Plan. This new use will expand volunteer opportunities for those interested in both heritage and horticulture and will provide an attraction for tourists as well as an amenity for residents. Given the substantial civic investment in the park properties and heritage resources on the south shore of Deer Lake Park, the time for establishing an enhanced civic presence and wider public opportunity appears timely. The opportunity to relocate the Land Conservancy of British Columbia to the Eagles Estate offers the City considerable scope for expanded public use of Deer Lake Park to benefit all citizens and visitors.

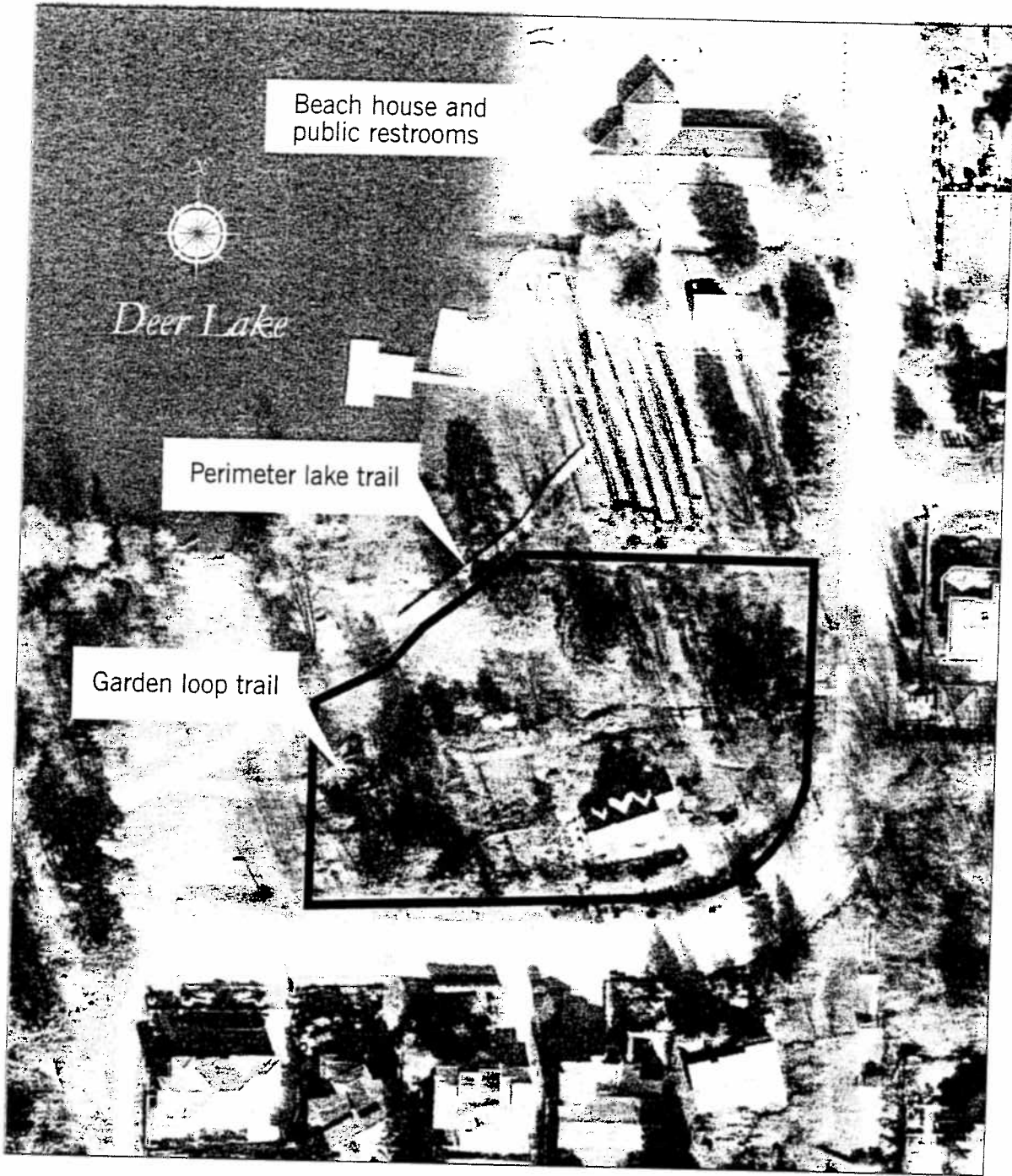


Derek R. Corrigan
MAYOR

JW:dbh\hr\tn
Attachment

- cc: City Manager
- Director Finance
- Director Planning and Building
- Director Engineering
- Director Parks, Recreation and Cultural Services
- City Solicitor
- City Clerk

P:\Jim\Eagles Estate Lease Public Rpt.wpd



Eagles Estate, 5655 Sperling Avenue
Deer Lake Park, Burnaby B.C.



PLANNING & BUILDING DEPT.

2003 February

Attachment 1

————— Area proposed for lease

