

**TO:** CITY MANAGER **DATE:** 2005 August 10  
**FROM:** DIRECTOR PLANNING AND BUILDING  
**SUBJECT:** SUBDIVISION REFERENCE #04-56  
4156 Rumble Street  
HERITAGE REVITALIZATION AGREEMENT  
"Roy & Catherine Cummins House"

**PURPOSE:** To seek Council authorization to enter into a Heritage Revitalization Agreement.

RECOMMENDATIONS:

1. **THAT** the following be established as prerequisites to the completion of the Heritage Revitalization Agreement.
  - a) The submission of a suitable plan of development.
  - b) The satisfaction of all necessary subdivision requirements.
  - c) The addition of the property to the Community Heritage Register and the adoption of a Heritage Designation Bylaw.
2. **THAT** a copy of this report be sent to the Community Heritage Commission for their information.

**REPORT**

**1.0 HERITAGE REVITALIZATION AGREEMENT PURPOSE**

The purpose of the proposed Heritage Revitalization Agreement (H.R.A.) is to accomplish the long-term protection and conservation of a significant Burnaby heritage building known as the "Roy and Catherine Cummins House." The City of Burnaby Official Community Plan statement concerning the conservation of heritage has specifically outlined the need to establish incentives to encourage the conservation and facilitate the retention of significant privately-owned heritage buildings. It is proposed that the city enter into a H.R.A. to ensure specific design controls over the subdivision and development of the existing R2 Residential District property in order to retain and protect the landmark "Cummins House" as a City heritage site.

**2.0 BACKGROUND INFORMATION:**

2.1 The Planning and Building Department has received inquiries from the property owner regarding the development options for this property which includes an architecturally significant and historic 1911 log residence which is identified on the City's heritage inventory and proposed to be listed on the Burnaby Community Heritage Register (see **Attachment #1**). The subject property is located in the R2 Residential District which permits single-family residential development. The Burnaby Zoning Bylaw states that each new lot created in the R2 residential district shall have an area of not less than 668.88m<sup>2</sup> (7,200 sq. ft.) and a width of not less than 18.28 m (60 ft).

The subdivision guide plan for the area outlines a preferred subdivision pattern involving consolidation for the 4100 block of Rumble Street and 4100 block of Southwood Street. The subject property is located on the western edge of the guide plan area and has lane access from Patterson Avenue (see **Attachment #3**). The proposed development of this property will not preclude the future implementation of the subdivision guide plan for the area or provide precedent for adjacent properties which do not have lane access.

In consideration of the City's Heritage Program, it is desirable to retain and protect the historic and architecturally significant Cummins House as a designated City heritage site. The Planning Department has worked with the owner to prepare a suitable plan of subdivision and development utilizing a panhandled lot. The Subdivision Approving Officer has provided Tentative Approval of the proposed subdivision of the property subject to meeting a number of conditions including Council adoption of a Heritage Revitalization Agreement which would include the owner's consent to the completion of a Heritage Designation Bylaw.

This development plan will allow for the creation of two separate lots (see **Attachment #4**). The proposed Lot 1 will provide for a new single-family dwelling which will meet all requirements of the R2 Residential District and be subject to design review and development under a Heritage Revitalization Agreement. The proposed Lot 2 will provide for the retention and designation by bylaw of the existing Cummins House as a City heritage site. The applicant has now submitted a plan of development suitable for approval of a Heritage Revitalization Agreement.

**2.2 Heritage Revitalization Agreement**

A Heritage Revitalization Agreement is a written agreement between a local government and a property owner and provides the authority under the Local Government Act to vary or supplement provisions of a bylaw which concerns 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 the use or density of use that is not otherwise authorized by the existing zoning of the property.

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It is proposed that a Heritage Revitalization Agreement (H.R.A.) be entered into with the owner of the subject property that will allow for the construction of a new single family dwelling under the existing R2 Residential District. The subdivision of this site utilizing a panhandle pattern would not normally be considered for approval under the existing policy for subdivision approval in Burnaby. However, in consideration of conserving this significant heritage building and the ability to utilize the existing lane to limit this development's impact to adjacent properties, the use of a Heritage Revitalization Agreement is recommended. As the subdivision and development of the site is in full accordance with the prevailing zoning of the property, with no variances being requested, no Public Hearing of the H.R.A. is required.

The H.R.A. will allow the Planning Department to review the design of the new dwelling and covenant the property to ensure that the City will retain the right to review any future design changes to the dwelling. The owner has agreed to designate the Cummins House as a City heritage site which will provide Council with the authority to protect the building and its site in perpetuity. The subsequent completion of the Heritage Designation Bylaw will require a public hearing prior to its adoption and will be the subject of a future separate report to Council.

The H.R.A. will be registered on the titles of both new lots which will always provide the ability for the City to review the design changes respecting the properties in the future. In terms of the heritage building, the City has the legal power of approval over any exterior changes through the established legislated process for Heritage Alteration Permits. The City has over 30 years of experience working with property owners of designated heritage sites to ensure that the needs of private owners of historic buildings are balanced with the requirement to protect their heritage character. In the case of the new dwelling, built as a result of the H.R.A., the future owners of this property will also be legally required to maintain the building to the design standard established and appended to the H.R.A. Any future proposed changes to the building will also require a Heritage Alteration Permit to ensure that the structure on this site will always respect the heritage character and values of the Cummins House.

### 2.3 Heritage Value of Cummins House

The Cummins House is one of Burnaby's landmark Edwardian residential heritage buildings that has been identified on both the existing Heritage Inventory and proposed Community Heritage Register. It was constructed and occupied in 1911 by early Burnaby residents Roy and Catherine Cummins. The Arts and Crafts design of this bungalow residence is unusual as its walls are constructed from logs that were harvested from the forest which once covered this site. Other significant exterior features include its chimney and verandah columns constructed from field stones and log verandah rails and eave purlins. The high-quality design of the log home is evident in the fine interior Arts and Crafts features found in the front hall, living and dining rooms.

The house remains in good overall condition and its original form and most of its significant exterior design details remain intact. Some alterations to the building have

occurred in the past. These include a small west addition that includes a basement garage, a log carport on the east elevation, sun room, rear deck, a modern-era front door and some modern window sashes. However, these design changes do not unduly compromise the heritage integrity of the structure and are not proposed to be altered or removed at this time.

2.4 Civic Benefits

The designation and conservation of this historic residence will add another significant heritage building to the City’s Community Heritage Register of protected heritage properties. This residence is one of the few historic buildings remaining in this neighborhood and constitutes an important landmark. Preserving this historic and architecturally important building provides another opportunity to retain the City’s unique character and to interpret the early history and heritage of Burnaby.

2.5 Neighbourhood Character

The subject property is located on Rumble Street, east of Patterson Avenue (see **Attachment #2**). Immediately to the west of the property are three smaller lots occupied by older residences with lane access from Patterson Avenue. To the east of the property are other large lots of an identical size with older residences without lane access. Across to the south on Rumble Street is a mix of modern and older residences.

**3.0 GENERAL DISCUSSION**

- 3.1 The Neighbourhood Parkland Acquisition Charge of \$6,521.00 is applicable to the new lot.
- 3.2 The GVS&DD Sewerage Development Cost Charge of \$1,731.00 and the new School Site Acquisition Charge of \$1,000.00 is applicable to the new lot. These are standard fees applicable to all development.
- 3.3 The City’s landscape inspector has determined that none of the existing trees on the subject property are to be protected with a Section 219 Covenant. The removal and replacement of trees located on private property is also controlled by the Burnaby Tree Bylaw, which will require tree cutting permits for the Building Department, for any trees required to be removed.
- 3.4 A 3.0 m cut/fill statutory right-of-way will be granted to the City over both proposed Lot 1 and proposed Lot 2 for the future construction of Rumble Street and a 4.5 m statutory right-of-way will be required over proposed Lot 1 to provide sanitary and storm connections to proposed Lot 2.

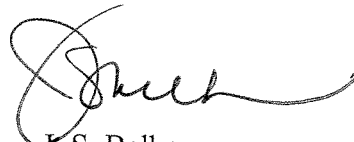
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#### 4.0 DEVELOPMENT PROPOSAL

- 4.1 The proposed single family dwelling on Lot 1 has been designed as a modern residence but does incorporate some design elements of the Arts and Crafts Style. The building has been planned following the basic Standards and Guidelines for the Conservation of Historic Places in Canada. It is intended that the new dwelling stand apart from and not mimic the design of the heritage building. The new residence will be finished in stucco and stone and painted in a dark tan colour with light trim and black sash.
- 4.2 The new residence will be located to the rear of the heritage building and its driveway and attached garage will be accessed using the lane from Patterson Avenue. The panhandle of the lot fronting on Rumble Street will provide a street front gate and pedestrian access to the residence. No vehicular access will be allowed to be constructed from Rumble Street and a covenant will be registered under Section 219 of the Land Title Act. The historic residence will retain its driveway access from Rumble Street.

#### 5.0 CONCLUSION

The protection of the Cummins House, through a Heritage Designation Bylaw and a Heritage Revitalization Agreement, offers an opportunity to protect a significant heritage building for the City of Burnaby. Burnaby's heritage program has increasingly demanded utilizing more creative means to provide for the economic revitalization and protection of the City's remaining stock of heritage resources. This Heritage Revitalization Agreement presented in this report provides a suitable plan for Council's review and consideration at this time.



J. S. Belhouse  
Director Planning and Building

JW:gk:hr  
Attachments

cc: Director Engineering  
Chief Building Inspector  
City Solicitor



Attachment 1

**4156 Rumble Street**  
Roy & Catherine Cummins House



- Site Units
- Skytrain Stations
- ▲ Skytrain Lines
- Address
- Easement
- Lot
- Right of Way
- Street Intersections
- Traffic Signal
- Speed Humps
- Speed Bumps
- Zoning
- Neighbourhoods
- Roads
- Local
- Collector
- Arterial
- Freeway
- Hydrology
- Agricultural Land Reserve
- Colour Z004
- Parks
- Prohibited to be Acquired
- Retained
- Boundary

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Map Scale  
1 : 500

Attachment 2

**4156 Rumble Street**  
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