
COMMUNITY HERITAGE COMMISSION

*HIS WORSHIP, THE MAYOR
AND COUNCILLORS*

**SUBJECT: ANGUS AND MARGARET MACDONALD HOUSE
HERITAGE REVITALIZATION AGREEMENT**

RECOMMENDATIONS:

1. THAT a Heritage Revitalization Agreement Bylaw be prepared and advanced to First Reading on 2006 November 06 and to a Public Hearing on 2006 November 28 at 7:30 p.m.
2. THAT a Heritage Designation Bylaw be prepared and advanced to First Reading on 2006 November 06 and to a Public Hearing on 2006 November 28 at 7:30 p.m.
3. THAT Council add the Angus and Margaret MacDonald House to the Burnaby Community Heritage Register – Protected.

REPORT

The Community Heritage Commission, at its meeting held on 2006 November 02, received and adopted the *attached* report seeking Council authorization to forward this application to a Public Hearing on 2006 November 28.

The protection of the MacDonald House through a Heritage Designation Bylaw and a Heritage Revitalization Agreement offers the City of Burnaby an opportunity to protect and revitalize a significant heritage building that forms a landmark in the Heights neighbourhood and important City heritage resource. Utilizing the opportunity presented by the wish of the current owner to ensure its long-term protection is guided by the Official Community Plan that seeks to protect our significant cultural heritage resources.

Respectfully submitted,

Copied to:	City Manager Director Finance Director Engineering Chief Building Inspector City Solicitor Chief Licence Inspector Director Planning & Building
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Councillor C. Jordan
Chair

Councillor G. Begin
Vice Chair

COMMISSION REPORT

TO: COMMUNITY HERITAGE COMMISSION **DATE:** 2006 October 24

FROM: DIRECTOR OF PLANNING AND BUILDING

SUBJECT: **ANGUS AND MARGARET MACDONALD HOUSE**
HERITAGE REVITALIZATION AGREEMENT

ADDRESS: 3804 & 3814 Oxford Street

LEGAL: Lot 1 & 2, Block 15, District Lot 186, Group 1, New Westminster District,
Plan 1124

FROM: R5 Residential District

TO: R5 Residential District - Heritage Revitalization Agreement

OWNERS: Violet E. MacDonald
3814 Oxford Street, Burnaby, B.C., V5C 1C3

PURPOSE: To seek Council authorization to forward this application to a Public Hearing on
2006 November 28.

RECOMMENDATION:

That the Community Heritage Commission receive this Heritage Revitalization Agreement and forward this report to Council with the following recommendations:

1. **THAT** a Heritage Revitalization Agreement Bylaw be prepared and advanced to First Reading on 2006 November 06 and to a Public Hearing on 2006 November 28 at 7:30 p.m.
2. **THAT** a Heritage Designation Bylaw be prepared and advanced to First Reading on 2006 November 06 and to a Public Hearing on 2006 November 28 at 7:30 p.m.
3. **THAT** Council add the Angus and Margaret McDonald House to the Burnaby Community Heritage Register - Protected.

REPORT

2.0 BACKGROUND INFORMATION

The Community Heritage Commission at its Open Meeting held on 2006 September 07, received a letter from the property owner of 3804 & 3814 Oxford Street requesting to enter into a Heritage Revitalization Agreement (HRA) and Heritage Designation Bylaw (HDB) to protect the "Angus and Margaret MacDonald House" as a City heritage site. This single-family residence is situated on one of two legal parcels at a prominent location in the Heights neighbourhood and is listed as a significant heritage building on the City's proposed Heritage Register - Inventory of privately-owned structures. Arising from a staff report on the subject, the Commission adopted the following recommendation: "THAT staff be requested to prepare a report to designate the Angus and Margaret MacDonald House as a City Heritage Site."

Planning Department staff initiated discussions with the long-time property owner of 3804 & 3814 Oxford Street in order to achieve an agreement to protect and conserve the MacDonald House. The intention of the long-time owner of this property is to protect and preserve the heritage house and its heritage features located on the parcel at 3814 Oxford Street (Lot 2) in context with its setting and landscaping of the vacant and adjacent parcel at 3804 Oxford Street (Lot 1) and to prevent any future construction of a second residential dwelling on (Lot 1). The proposed HRA includes an agreement which would require the future consolidation of the two parcels of land into one lot.

Through these discussions, the applicant has elected to pursue some modest incentives offered by the Heritage Program under an HRA in exchange for her agreement to the long-term legal protection offered by the City's adoption of a HDB for the lands and heritage building known as "MacDonald House." A variance to provide for the future creation of a legal secondary suite has been requested to provide a sounder financial basis for any future owner to undertake any restoration projects and the ongoing maintenance work for this landmark heritage structure and to maintain the larger consolidated parcel. It also recognizes some financial recapture for the lost opportunity for the development of the currently vacant R5 lot to be designated under the HDB. Staff are of the opinion that, on balance, the variance requested in exchange for the permanent protection of this heritage resource is worthy of support.

2.0 HERITAGE DESIGNATION

2.1 Local Government Act – Heritage Designation Bylaw Process

Under the terms of the Local Government Act, provision is made for the designation by bylaw of property that "... has heritage value or character..." (Section 967). The intention of the designation bylaw is to ensure that any future design changes to the heritage building and site will require a heritage alteration permit that would be considered by Council and reviewed by the Community Heritage Commission.

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Section 968 of the Local Government 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 Official Community Plan 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 2.2 of this report which is to be available to the public.
- that a completed bylaw be filed in the Land Title Office with the Province and with the owners.

2.2 Required Heritage Information

2.2.1 Heritage Character Statement

History

The Angus and Margaret MacDonald House one of Burnaby's landmark residential heritage buildings and was built in 1909 as part of the exclusive subdivision known as "Vancouver Heights." The family came to Vancouver from Nova Scotia in 1891 and Angus MacDonald, an electrical contractor, served as a Councillor for the City of Vancouver from 1904-1908. Upon his retirement from the B.C. Electric Railway Company, he moved to Burnaby and was a prominent resident serving his North Burnaby 'Ward' as a Burnaby Councillor between 1911 and 1916. MacDonald Street in Burnaby was named in his honour. This house which cost \$7,000 to construct is reputed to have been the second house built in the Vancouver Heights subdivision.

After the death of Margaret MacDonald in 1939 and Angus MacDonald in 1941, the MacDonald family sold the house in 1944 to local grocer John R. and Anne Roane. In 1956, the property was purchased by the late Dr. John Alex MacDonald and his wife Violet E. MacDonald, who still retains ownership of the property.

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Architecture

The MacDonald House is one of Burnaby's most elaborate examples of the Queen Anne Revival style (see ***attachment*** 1). The most notable feature of the structure is the three-storey front turret which adds an unusual level of articulation to its overall form. The house also is unusual in that it was designed with a "wrap-around" verandah on three sides of the home supported by elaborate Ionic columns. The house has been maintained in good overall condition and in its' original form and the majority of significant exterior design details such as its original windows, scroll-cut eave brackets and arched gable window remain intact. However, some of the original siding has been covered with stucco and both a front and rear second storey porch has been enclosed with modern windows. These minor design changes have not compromised the overall character, integrity and heritage significance of this residence. The exterior of the house will be protected by the HDB.

Another unusual feature of the MacDonald House are its main floor rooms which still retain unique and original architectural elements. These include the main staircase, paneled dining room with fireplace and built-in cabinets, living room with parquet flooring and a rear den with an oak mantle and tiled hearth. These interior features will be protected by the HDB under the provision for the inclusion of interior features and fixtures.

The residence is surrounded by mature trees, lawns and gardens which add substantially to its character. The property also includes its original garage structure which once housed Angus MacDonald's Cadillac, one of the first known automobiles owned by a Burnaby resident. This structure has considerable historic and vernacular architectural merit as one of the few historic private residential automobile garages in existence within the city. The garage, which has a concrete foundation is in good to fair condition and has few alterations other than a modern garage door and an attached carport. This historic feature of the site will be protected by the HDB.

2.2.2 Compatibility of Conservation with Community Plan and Adjoining Land Use

The planning for the conservation of heritage resources is outlined in Burnaby's Official Community Plan. Burnaby has established a goal "To provide opportunities for the increased awareness and the conservation of the City's unique natural, cultural, archaeological and built heritage." The conservation of this landmark house is considered compatible within its well-developed neighbourhood context of predominantly single-family dwellings. The retention, conservation and designation of this house through bylaw will add another significant heritage building to the City's list of protected heritage properties. The MacDonald House is an important Heights neighbourhood landmark and its preservation also provides another opportunity to retain and interpret the early history and heritage of Burnaby.

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The subject property is located prominently at the south-east corner of Oxford Street and Esmond Avenue (see *attachment 3*). Surrounding the property is a mature established single and two-family neighbourhood that has seen the retention of many of its historic residences. This residence is one of many heritage buildings remaining in this neighborhood which includes the designated City heritage site known as the Peters Mansion “Overlynn”, built in 1910 and located at 3755 McGill Street. Immediately south of this property is another significant, though unprotected, primary heritage building, known as “The Pillars” at 3815 Dundas Street. This Colonial Revival styled structure built c.1911 compliments the scale and character of the adjacent MacDonald House.

2.2.3 Condition and Economic Viability of the Property

The MacDonald House remains in excellent condition as it has been well maintained by past owners. The economic viability of the property is considered secure given the building’s good physical condition, its suitability for its continued use as a single-family residence and the high market value of the property in the context of its highly desirable residential neighborhood.

2.2.4 Possible Need for Financial Support to Enable Conservation

The building will continue to be owned as a private dwelling and maintained accordingly. The adoption of the HRA by Council will allow for the future creation of a secondary suite in the basement of the residence. The provision of a secondary suite will assist any future owners of the property with additional revenue in order to ensure the good maintenance and care of the building. There are no additional economic incentives that would be required at this time to ensure its continued protection and conservation. Staff will continue to work in cooperation with the current and future owners of the property to ensure the heritage character of this city heritage site will be protected and conserved.

3.0 HERITAGE REVITALIZATION AGREEMENT (HRA)

3.1 Local Government Act - Heritage Revitalization Agreement Process

A Heritage Revitalization Agreement (HRA) 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 HRA 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.

The purpose of the proposed HRA is to accomplish the long-term protection and conservation of the Angus and Margaret MacDonald House. The current long-time owner of the property wishes to ensure that it’s character-defining features and gardens are

protected by the City of Burnaby and any subsequent owners into the future. 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. As the proposed HRA for the MacDonald House will provide a variance to the property's R5 zoning, to allow the future creation of a secondary suite, a Public Hearing is required.

3.2 Proposed Heritage Revitalization Agreement

3.2.1 Secondary suite

The proposed HRA will provide the opportunity for a future property owner to construct a secondary dwelling unit utilizing the basement floor area should they choose to exercise this development option. At the time of its design and construction the owner will be obligated to obtain all of the necessary permits and comply with all Building Code regulations regarding the development of a secondary suite. It is anticipated that the creation of the secondary suite will require the reconstruction of its existing rear entrance and the addition of several new ground level windows. These changes will be subject to their compatibility with the overall design of the heritage building and a Heritage Alteration Permit which would require future Council approval.

Under the R5 zoning regulations, one parking space is required for each dwelling unit. Currently the property has two off-street parking spaces provided by the historic garage and the attached carport which are accessed via the rear lane. It will be a provision under the HRA that at the time of the creation of a secondary suite, that one of these parking spaces would be designated to accommodate the vehicle of the tenant of the secondary suite.

3.2.2 Lot Consolidation

The proposed HRA will ensure that any future development of the existing Lot 1 at 3804 Oxford Street will not be permitted. Additionally, the Heritage Designation Bylaw will also include the lands as protected property adding further legal protection. The current owner has requested that the City undertake this action as part of the HRA. An application for the cancellation of interior lot lines to consolidate the lots will be processed through the B.C. Land Title Office. This process will remove the existing interior lot line between Lot 1 (3804 Oxford Street) and Lot 2 (3814 Oxford Street) and create one legal parcel. Upon completion and registration of this application by the Land Title Office, the HRA will specifically prohibit the future subdivision of the new lot in order to ensure that the heritage character of the property will be maintained. The timing and submission of the lot consolidation application will be undertaken by the City in cooperation with the current property-owner.

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4.0 CONCLUSION

The protection of the MacDonald House, through a Heritage Designation Bylaw and a Heritage Revitalization Agreement offers the City of Burnaby an opportunity to protect and revitalize a significant heritage building that forms a landmark in the Heights neighbourhood and important City heritage resource. 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. Utilizing the opportunity presented by the wish of the current owner to ensure its long-term protection is guided by the Official Community Plan that seeks to protect our significant cultural heritage resources. The Heritage Revitalization Agreement presented in this report provides a suitable plan for public review and consideration at this time. With Council approval of the recommendations of this report, the subject bylaws would be advanced to Public Hearing on 2006 November 28.



B. Luksun, Director
PLANNING AND BUILDING

JW:tn

Attachments

cc: City Manager
Director Finance
Director Engineering
Chief Building Inspector
City Solicitor
Chief Licence Inspector

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