
TO: CITY MANAGER **DATE:** 2007 October 17

FROM: DIRECTOR PLANNING AND BUILDING **FILE:** 77000 20
Reference: SUB#07-15

SUBJECT: HERITAGE REVITALIZATION AGREEMENT
BYLAW NO.2, 2007, BYLAW NO. 12315
(SUBDIVISION REFERENCE #07-15)
4737 VICTORY STREET
RESPONSE TO PUBLIC HEARING ISSUES

PURPOSE: To respond to issues raised at the Public Hearing for the Heritage Revitalization Agreement (Subdivision Reference #07-15) for 4737 Victory Street.

RECOMMENDATION:

1. **THAT** a copy of this report be sent to the applicant and to area residents who spoke at, or submitted correspondence to the Public Hearing for 4737 Victory Street.

REPORT**1.0 BACKGROUND**

On 2007 September 18, a Public Hearing was held for the Heritage Revitalization Agreement (HRA) (Subdivision Reference #07-15) for 4737 Victory Street (see *attachment #1*).

At the Public Hearing, nine area residents spoke and/or provided written submissions raising concerns with regard to the HRA with respect to the: proposed density, design of the new dwelling, orientation of the new dwelling, relocation of the heritage house; proposed addition, rear deck, secondary suite, conservation plan, R5 District occupancy, parking and tree retention. At Public Hearing, Council requested that a staff report be submitted on the issues raised. This report responds to the issues raised.

2.0 ISSUES RAISEDIssue #1 – Proposed Density

Concerns were raised regarding the proposed density to be permitted on the subject site. In particular, concerns expressed indicated that the proposed density of the development was not in keeping with the prevailing R5 District. Currently the existing lot has two family development potential under the prevailing R5 Zoning District. In order to provide the economic incentive for the retention of the heritage building, terms for an HRA were negotiated with the property owner subject to Council approval.

To: City Manager
From: Director Planning and Building
Re: Subdivision Reference #07-15
Heritage Revitalization Agreement
4737 Victory Street

2007 October 17 Page 2

The creation of Lot 1, with a panhandle, will provide for the retention of the Naud farmhouse on a site that is proposed with an area of 707.26 m² (7,613.16 sq. ft.). The maximum Gross Floor Area (GFA) permitted is the lesser of 60% of the lot area or 370 m² (3,982.80 sq. ft.) plus 42 m² (452.1 sq. ft.) for garage or carport. The existing heritage house is 3,599.42 square feet. A rear deck structure of approximately 1,000 sq. ft. results in an existing floor area above the allowable GFA. A future renovation for the heritage house, to include demolition of the non-compliant rear addition and deck, will bring the existing heritage house into compliance with the maximum GFA permitted of 3,982.80.

The creation of Lot 2 will provide a site for the new residence on a lot that is proposed with an area of 391.40 m² (4,213.10 sq. ft.). The maximum GFA permitted is the lesser of 60% of the lot area or 370 m² (3,982.80 sq. ft.). The total GFA permitted for Lot 2 is 234.82 m² (2,527.86 sq. ft.) plus 42 m² (452.1 sq. ft.) for garage or carport, totaling 276.84 m² (2,979.96 sq. ft.). The proposed new residence has been designed with a lesser proposed GFA of 270 m² (2,910.00 sq. ft.). The Building Permit for the new dwelling will ensure that it meets the proposed lesser GFA.

In summary, the Gross Floor Area for proposed Lot 1, following future renovation, and Lot 2 (*see attachment #2*) is within the permitted density of the R5 district. As previously outlined, it should be noted that the reduction in front and rear yards have been made under the terms of the HRA and Local Government Act to accommodate the two houses.

Issue #2 – Design of New Dwelling

Concerns were raised regarding the design of the new dwelling with respect to it not being compatible with the historic design of the Naud House and that it obstructs views of the heritage building from Victory Street. This proposal has been designed following the Standards and Guidelines for the Conservation of Historic Places in Canada. It is intended that the new dwelling stand apart and not mimic the unique qualities of the heritage building in terms of its scale, features or finishes. As outlined in the Public Hearing report, the proposed single family dwelling on Lot 2 is a modern yet traditional suburban residence in character with most of the surrounding new residential development. This will allow the heritage character of the Naud House to remain visually apart from the surrounding residential development and be immediately recognized for its age and unique exterior design. Given the objective of the HRA to preserve the historic house and that the plan follows adopted Standard and Guidelines for the protection of heritage sites, on balance this proposal achieves the city's heritage conservation goals.

Issue #3 – Orientation of the New Dwelling

A suggestion was made that the massing of the new dwelling could be redesigned in order to narrow the building's width in order to improve future views from Victory Street to the Naud House. The proposed plan of the new residence seeks to minimize variances to set-back requirements while allowing for the permitted density. Alteration of the proposed width of the new residence would have a direct impact on the rear yard setbacks and require a further and substantial variation to set-back requirements of the R5 District zoning. This proposal would also impact on the diagonal views

To: City Manager
From: Director Planning and Building
Re: Subdivision Reference #07-15
Heritage Revitalization Agreement
4737 Victory Street

2007 October 17 Page 3

of the Naud House from the adjacent lane as the new dwelling would be closer to the front façade of the Naud House. Additionally, the proposed re-orientation of the house did not receive the support of the applicant as it is his view that the viability of HRA to preserve the Naud House would be impacted by a reduction in floor area and/or rear yard and privacy.

The applicant has agreed, however, that the City of Burnaby may install a Heritage Interpretive Sign on the property adjacent to the proposed panhandled entrance to the Naud House from Victory Street. At this location, a plaque funded by the Community Heritage Commission, will focus public interest at the proposed view point to the heritage house and serve to interpret the story of the Naud family and the history of the neighbourhood for the general public.

Issue #4 – Relocation of the Heritage House

A number of residents expressed their preference for the heritage house to be relocated south of its existing site in order to be a prominent feature on Victory Street and to provide for the location of a new residence at the rear of the property. This option has been explored by staff and the applicant with respect to both the impact to heritage conservation objectives and economic viability.

The City of Burnaby's Heritage Program has adopted the "Canadian Standards and Guidelines for the Conservation of Historic Places." The relocation of buildings is considered as a last resort option because of the damage that can be caused to the original fabric of the structure. In the case of the Naud House, one of its major character-defining heritage features is its cut granite block foundation. The relocation of the house would have to include the demolition of the existing block stone foundation which would subject the granite blocks to the potential of damage and loss. As such, to provide for the conservation of heritage values associated with the house, staff support maintaining the house in its established location.

With respect to the economic viability of the proposal to move the house, this option was considered by the applicant as part of the consideration of options for the property. It was determined, however, that this approach would be cost prohibitive under the Heritage Revitalization Agreement proposal, using the existing R5 District Zoning density. In other words, there would be insufficient economic value or incentive available to support relocation of the house, while conforming to the prevailing R5 density of the neighbourhood.

Issue #5 – Heritage House Renovation.

Concerns were raised regarding the process for design and construction of a proposed future rear renovation for the heritage house. Under the proposed Heritage Revitalization Agreement with the applicant, the Planning Department agreed with the owner's request not to establish a specific schedule for the second phase of conservation works associated with the heritage house. The second phase of conservation works is intended to be completed over the longer-term as restoration of the Naud House will require substantial capital investment.

To: City Manager
From: Director Planning and Building
Re: Subdivision Reference #07-15
Heritage Revitalization Agreement
4737 Victory Street

2007 October 17 Page 4

Currently, the house has a modern one-storey rear addition that the owner intends to remove at a future date and replaced with a new addition compatible with the design and character of the house. The Heritage Revitalization Agreement and Heritage Designation bylaws to be registered on title with the property will provide Council with the authority to approve all exterior design changes and Building Permits associated with the Naud House under the Local Government Act provision for granting Heritage Alteration Permits. As such, at that time all issues regarding the design and compliance with the GFA of the site will be addressed in a report to Council as part of the Heritage Alteration Permit process.

Given that Council would have the authority to ensure that any future Heritage Alteration Permits would comply with all relevant bylaws and would protect the heritage character of the Naud House, staff are of the opinion that a set time table for the completion of the rear renovation is not a critical issue that is required as part of the proposed HRA.

Issue # 6 – Heritage House Rear Deck

Concerns were raised about the non-compliance of the existing rear deck, which is located over the one-storey rear addition to the heritage house. The deck which was constructed without a Building Permit by previous owners exceeds the allowable size permitted under the Zoning Bylaw. Additionally, the deck and the one-storey structure are located approximately 5.79m (18.99 ft.) away from the rear (north) property line. The R5 District zoning provides a minimum rear-yard building distance of 7.5 m (24.6 ft). The Heritage Revitalization Agreement would require that at the time of the demolition and reconstruction of the existing rear addition that the property would be brought into conformance with the permitted deck size and rear yard set back.

Based on the concerns raised by adjacent residents, however, the applicant has agreed as part of the HRA and subdivision approval to reduce the overall size of the deck to comply with the rear yard bylaw setback of 7.5 m (24.6 ft) through its reduction by 6 feet from the north elevation of the existing one storey structure. The remainder deck structure and one storey addition would remain as a non-conforming structure until its demolition and replacement as part of the planned future rear renovation.

Issue #7 - Heritage House Secondary Suite

A concern was raised regarding the inclusion in the HRA of a secondary suite for the heritage house. As part of the negotiations with the applicant to establish an HRA, provision was made to establish a legal secondary suite as part of the proposal for the future renovation of the heritage house. This provision was provided to help ensure the long-term economic conservation and maintenance of the building.

As outlined in the proposed HRA, the construction and occupation of a secondary suite will be permitted, subject to the owner complying with all related Building Permit conditions that govern the design and construction of secondary suites. It is noted that the establishment and occupation of a

To: City Manager
From: Director Planning and Building
Re: Subdivision Reference #07-15
Heritage Revitalization Agreement
4737 Victory Street

2007 October 17 Page 5

secondary suite will not be permitted until the implementation of the second phase of conservation works associated with the heritage house are completed including the planned rear renovation.

Issue #8 – Heritage House Conservation Plan

The overall quality of the implementation of some elements of the first phase of conservation work was raised by one delegation at the Public Hearing. Prior to the development of the proposed HRA, the property owner approached the Planning Department about completing some necessary property improvements to secure the heritage house during the summer season. These works included the installation of a new roof and exterior painting. These works, which did not require Building Permits, were intended to reflect in part some of the first phase conservation works that were being proposed as part of the HRA. Upon Council approval of the HRA, staff will review the conservation plan with the property owner and undertake the necessary inspections to ensure that all of the conservation work complies with the intent of the HRA and any necessary Building Permit requirements. As such, the quality of these works will be assured, as they will be required to be completed to the City's satisfaction as part of the overall implementation and approval of the HRA provisions prior to subdivision approval.

Issue #9 – R5 District Occupancy

The issue of the number of persons permitted to occupy a residence in the R5 District was raised at the Public Hearing. Burnaby's Zoning Bylaw and the R5 District permits the use of any single-family residence to be occupied by a family and also permits the use of a boarding, lodging or rooming house. A family is defined in the bylaw as either "persons related by blood, marriage, adoption or foster care" or "a group of not more than three unrelated non-transient persons living together as a single non-profit group in a dwelling unit and using common cooking facilities." A family is permitted to have two borders. The proposed HRA for the property will specifically preclude the use of the property in the future for any boarding, lodging or rooming house.

The owners of the property have been advised of the current and proposed provisions for occupancy of the house.

Issue #10 – Parking

A concern was raised regarding the impact of the proposal on parking in the neighbourhood. The R5 District zoning requires one parking space for every single family residence. The proposed new residence on Lot 2 complies with this Zoning Bylaw requirement. In addition, it is proposed to increase the parking spaces provided for the heritage house from the required one space to two spaces in order to accommodate the secondary suite. Vehicular access and parking will be restricted to the rear and side yards abutting the lane. A Section 219 Covenant will be required to ensure these restrictions are registered on the property's land title.

To: City Manager
From: Director Planning and Building
Re: Subdivision Reference #07-15
Heritage Revitalization Agreement
4737 Victory Street

2007 October 17 Page 6


Issue #11 - Tree Retention

The preservation of the twin Cypress trees fronting Victory Street, which flanked the original walk to the heritage house, was a concern raised by a number of area residents. A tree survey was undertaken by the applicant and an inspection was undertaken by the City's Landscape Technician following existing practices and procedures for new subdivisions. It was determined that none of the existing trees on the subject site warranted retention through the establishment of protective covenants. Further it was noted that these trees would no longer flank the pedestrian entrance to the Heritage House on Lot 1 as it would be located to the west of the trees under the HRA proposal. The applicant has reviewed the potential to preserve and protect these trees with the new development proposal and has agreed to undertake steps to ensure that the trees are retained through the construction project.

3.0 RECOMMENDATIONS

This report responds to issues raised at the Public Hearing of 2007 September 18. In response to concerns expressed at the Public Hearing, the applicant will take steps to protect the two specific Cypress trees fronting Victory Street and to reduce the size and increase the setback of the existing non-conforming rear deck structure of the heritage house. In addition, the applicant has agreed to the location of a heritage interpretation sign at the view point of the Naud House on Victory Street. Staff would ensure that all other aspects of the Heritage Revitalization Agreement are adhered to should Council approve such and Agreement.

It is recommended that copies of this report be sent to the applicant and to area residents who spoke at, or submitted correspondence to the Public Hearing for 4737 Victory Street.


B. Luksun, Director
PLANNING AND BUILDING

JW:tn:sa

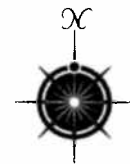
Attachments

cc: City Clerk
Chief Building Inspector

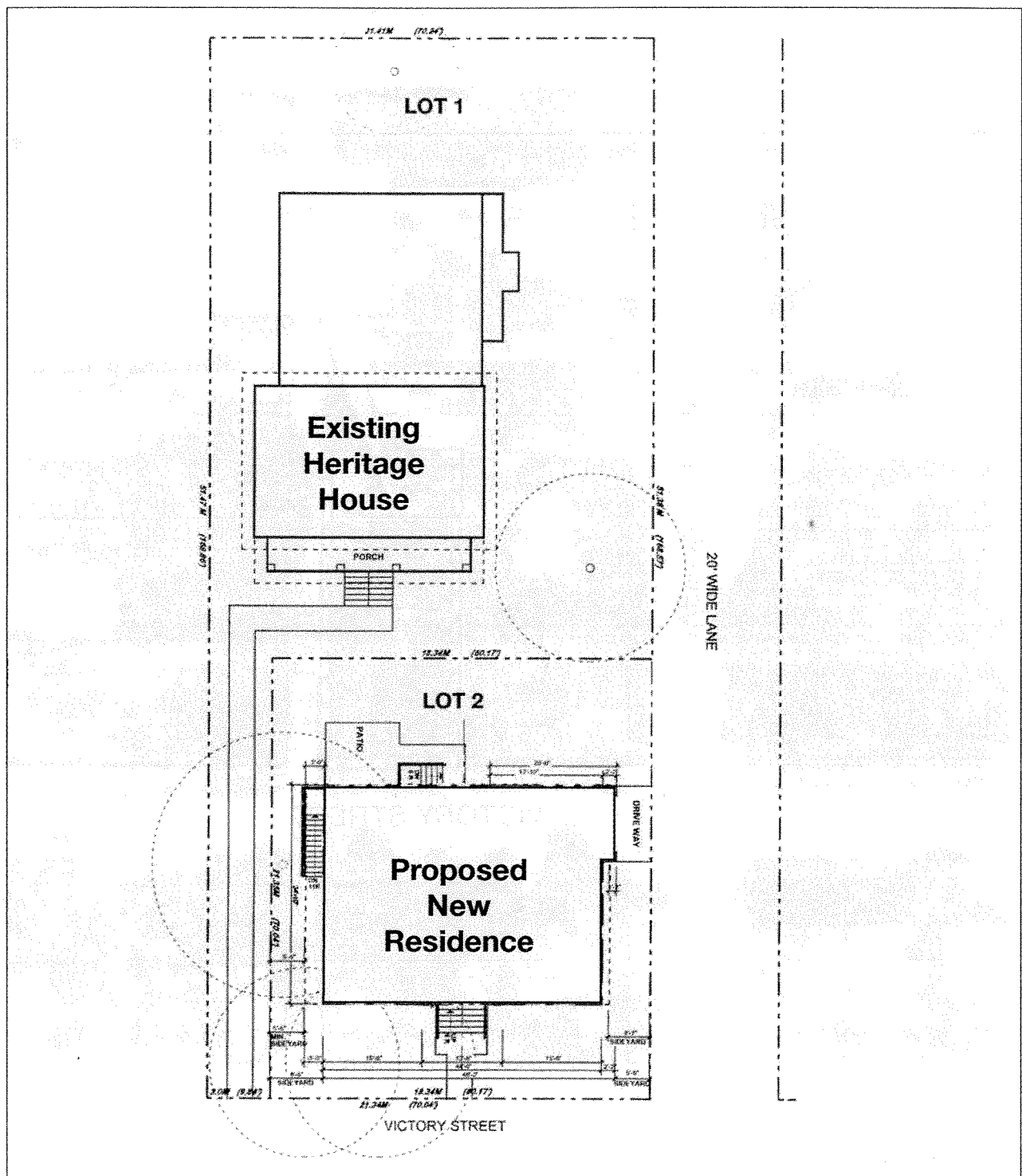


Attachment #1

O.G. Naud House
4737 Victory Street



Scale: 1:1000
2007 October 16



Attachment #2

O.G. Naud House
4737 Victory Street



Scale: 1:1000
2007 October 16