

ITEM 14

MANAGER'S REPORT NO. 19

COUNCIL MEETING Mar. 12/73

14. Re: Rest Home Development  
5090 Victory Street  
Rezoning Reference #2/72

Following is a report from the Director of Planning regarding  
Rezoning Reference #2/72.

RECOMMENDATION:

THAT occupancy of the subject Rest Home be limited to sixteen  
patients.

\* \* \* \* \*

PLANNING DEPARTMENT

MARCH 7, 1973

MR. M. J. SHELLEY,  
MUNICIPAL MANAGER.

Dear Sir:

RE: REST HOME DEVELOPMENT  
5090 VICTORY STREET  
R.Z. REFERENCE #2/72

BACKGROUND

The captioned property was subject to a rezoning in 1972 and was  
initially dealt with by Council on 20 March 1972. Council recom-  
mended that the application be approved for further consideration  
and that the following be established as prerequisites to the rezon-  
ing:

- 1) The submission of a suitable plan of development which, among  
other things, provides for the accommodation of not more than  
16 persons in the Rest Home intended to be developed on the  
property.
- 2) The consolidation of the two lots into one site.

A Public Hearing was held on 17 April 1972, whereby Mr. R.G. Hughes,  
speaking on behalf of the applicant, presented the following points  
in support of the rezoning application:

- a) The site is readily accessible to public transportation, churches,  
shopping etc.
- b) The proposed population of 16 people is no more than would be  
permitted under R5 zoning, should duplexes be built on this  
property.
- c) The present structure is an attractive and well built home.  
No major structural changes are contemplated to the existing  
home.
- d) The owners will continue to live on the property and will also  
operate the facility. Supervision will be provided on a 24-hour  
basis.

Municipal Manager  
March 7, 1973  
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- e) There is a great need for rest home facilities in this locality
- f) Off-street parking will be provided and maintained. It was contemplated that at least 15 off-street parking spaces will be available. The applicant had already dedicated a lane allowance on the East side of his property.
- g) Off-street loading facilities will be provided and maintained.
- h) It is anticipated that guests of the rest home could be from the South Burnaby Area which would preclude a major upset in the lives of the people concerned.
- i) The proposal would create no view obstruction or anything else detrimental to the neighbourhood as a whole.

As Council will recall, at the Public Hearing, three people spoke in opposition to the proposed rezoning; Mr. L. E. Longbottom, who also presented a petition signed by 23 residents of the area expressing opposition to the project; Mr. D. Fleck and Mr. R. G. Kirkpatrick. Only one person, Mr. W. A. Gilles, spoke in favour of the rezoning. The rezoning application received Two Readings on 24 April, 1972 and was adopted by Council on 16 August 1972.

#### CONSIDERATIONS

As Council will recall, Mr. D. A. Hogarth, on behalf of the applicant, submitted a brief (Attachment I) asking that the occupancy limit for the Rest Home be increased from 16 to 21 patients. The Planning Department submitted a report to Council on 5 February 1973 (Attachment II) which explained in detail the reasons for limiting the Rest Home to a maximum of 16 patients. Council adopted this report's recommendation that the upper maximum occupancy of 16 patients be reaffirmed.

Mr. D. A. Hogarth appeared before Council on 12 February to appeal Council's previous decision rendered on 5 February. At this time Council directed the Planning Department to contact those residents who appeared at the Public Hearing which was held on the rezoning to obtain their reaction to the request for an increase in the number of persons from 16 to 21. On 20 February 1973, letters were sent to residents who expressed their views at the Public Hearing. The Planning Department is in receipt of three letters (Attachment III) from residents in the area. Mr. W. Gilles' letter indicates his previous acceptance to the proposed rezoning. The letters from Mrs. M. Meiklejohn and Mr. and Mrs. L. Longbottom are in opposition to the proposed increase. Mr. and Mrs. L. Longbottom have also expressed some concern over present parking problems. As Council will recall, a report on Parking Requirements for Rest Homes was submitted to Council on 28 August 1972 (Attachment IV). At this time Council adopted the report's recommendation that no changes be made in the Zoning By-Law requirements for off-street parking in the case of Rest Homes.

#### RECOMMENDATION:

The rezoning of the property from R5 to P5 was recommended and adopted by Council on the condition that maximum occupancy be limited to 16 patients. Throughout this procedure opposition from adjacent residents continued to be expressed against rezoning to permit this use. The Planning Department would recommend:

THAT the upper maximum of 16 patients be reaffirmed and no increase be allowed the applicant.

Respectfully submitted,

A. L. PAPE,  
DIRECTOR OF PLANNING.

ORIGINAL COMMUNICATIONS (h)  
Regular Council Meeting  
February 5, 1973

ATTACHMENT I

*Re: Applicant  
Feb 5 '73*

Your Worship the Mayor and Members of the Council  
of The Corporation of the District of Burnaby:

Re: Applicant, Mrs. Elizabeth Ann Stebbe,  
Victory Rest Home, 5090 Victory Street,  
Addition to Existing Building

This is an application on behalf of Mrs. Elizabeth Ann Stebbe of 5090 Victory Street, in the Municipality of Burnaby, in the Province of British Columbia, to petition The Mayor and Council of the Corporation of the District of Burnaby to allow the Applicant to proceed with the addition to the existing building located at 5090 Victory Street, Burnaby, B.C. and approve the issuance of a permit for the same based on the plans already submitted, deleting therefrom the proviso, namely that, "(2) The maximum accommodation for the whole complex, both the existing building and the new wing, is not to exceed 16 boarders", and substitute therefor the proviso that the maximum accommodation for the whole complex, both the existing building and the new wing shall not exceed the number of guests stipulated by the relevant by-laws.

In support of this application to remove the above mentioned restriction, the Applicant tenders herewith a written brief which she trusts will receive your favourable consideration, and would respectfully ask leave for her Counsel to speak.

DATED at the City of New Westminster in the Province of British Columbia, this 1st day of February, A.D. 1973.

*P. H. [Signature]*  
[Faint text below signature]

ATTACHMENT TO ORIGINAL COMMUNICATION  
Regular Council Meeting - February 5, 1973

Your Worship the Mayor and Members of the Council  
of The Corporation of the District of Burnaby:

APPLICANT'S BRIEF

Re: Mrs. Elizabeth Ann Stobbe, Victory Rest Home,  
5090 Victory Street - Addition to Existing Building

Following a Public Hearing held in the Council Chambers on April 18, 1972, the subject property was re-zoned from Residential District Five (R-5) to Community Institutional District (P-5), subject to compliance with the following prerequisites:

1. The submission of a suitable plan of development providing for the accommodation of not more than sixteen persons, and
2. The consolidation of the subject property into one site.

Plans for the addition to the existing building have been submitted to the Planning Department of the Corporation of the District of Burnaby and a permit has been issued permitting construction of the same upon certain conditions, one of which stipulates "the maximum accommodation for the whole complex, both existing building and the new wing, is not to exceed sixteen boarders".

My remarks are directed to the above mentioned restriction limiting the number of guests to sixteen. It is my respectful submission that this restriction should be deleted in order to allow the addition to the existing building to accommodate the number of people permitted by the relevant by-laws and land use provisions.

Firstly, this proposal is not a substantial alteration to the original application made at the time of re-zoning, but

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is rather an extension of the same idea and really resolves itself to removal of the restriction placed upon the owner (applicant) and does not involve any radical alterations in the plans already submitted nor any additional or injurious affectation to the occupants of adjoining properties, the neighbourhood or the Community. I emphasize that in asking for the removal of this restriction we are not asking that the number of guests to be accommodated in the completed building shall at any time exceed the number permitted by the land use and relevant by-laws which may from time to time be in effect.

Secondly, there is the question of economics. The applicant has made application to the Industrial Development Bank in order to obtain additional financing required for the proposed addition to the existing premises. By letter dated January 31, 1973 addressed to the applicant, a copy of which is attached hereto, the Manager of the Industrial Development Bank states in effect that the loan is conditional upon the Rest Home being utilized to the maximum accommodation permitted under the present land use by-laws for the reasons set out therein.

In addition, from the owner-applicant's point of view, construction costs (labour and material) have increased since the original application for re-zoning was made, and the extra cost difference to build the addition at the present time amounts to approximately \$20,000.00.

Thirdly, the benefits inherent in approval of this application extend not only to the owner-applicant, but also to the guests in need of the services provided. In other words, from an economic point of view, in order to achieve the same

ATTACHMENT TO ORIGINAL CERTIFICATION  
Regular Council Meeting - February 9, 1973

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In addition, from the owner-applicant's point of view, construction costs (labour and material) have increased since the original application for re-zoning was made, and the extra cost difference to build the addition at the present time amounts to approximately \$20,000.00.

Thirdly, the benefits inherent in approval of this application extend not only to the owner-applicant, but also to the guests in need of the services provided. In other words, from an economic point of view, in order to achieve the same

ATTACHMENT TO ORIGINAL PETITION  
Regular Council Meeting - February 5, 1973

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revenue, the more guests that occupy the premises, the lower the charge to the individual guest.

Fourthly, the Applicant submits that in addition to operating the premises as a Rest Home producing a certain revenue, they are at the same time providing a much needed service in competition with others providing similar services, and they will be made to comply with all building codes and standards prevailing in this Municipality applicable to rest homes and will be taxed accordingly. The Applicant therefore feels that it is inequitable and unduly harsh to be restricted to sixteen guests only.

It is the respectful view of the Applicant that the additional persons contemplated by this Petition will not offend any of the by-laws and regulations pertaining to the health of the persons to be cared for on the premises as the same are structurally suitable for the additional persons.

In summary, the Applicant requests that the restriction be removed and that the Applicant be allowed to construct the addition and obtain approval of issuance of a permit to accommodate the number of guests permitted by the controlling land use by-laws.

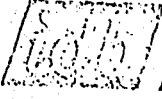
All of which is respectfully submitted.

Dated at the City of New Westminster, in the Province of British Columbia, this 1st day of February, A. D. 1973.

D. N. Stewart, Q.C.  
Solicitor for the Applicant,  
Elizabeth Ann Stebbe

ATTACHMENT TO ORIGINAL COMMUNICATION

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 INDUSTRIAL  
DEVELOPMENT BANK

765 - 6th STREET, NEW WESTMINSTER, B.C., Telephone 525-1011

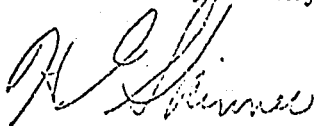
January 31st, 1973

Mrs. E.A. Stebbe,  
5090 Victory Street,  
Burnaby, B. C.

Dear Madam:

Our loan was authorized conditional upon your rest home being licenced as a 21 patient rest home. Based on the figures made available to us, the resthome would not generate sufficient revenues as a 16 patient rest home to provide adequate service for its tenants in addition to servicing term debt and providing a reasonable return.

Yours very truly,



H.G. Skinner,  
for Manager.



18. Re: Submission From Mr. D.A. Hogarth on Behalf of  
Mrs. Elizabeth Stebbe  
Rest Home Development  
5090 Victory Street

Appearing on the Agenda for the February 5, 1973, meeting of Council is a submission from Mr. D.A. Hogarth on behalf of Mrs. Elizabeth Stebbe regarding development of a Rest Home at 5090 Victory Street.

Following is a report on this matter from the Director of Planning.

RECOMMENDATION:

THAT occupancy of the subject Rest Home be limited to sixteen patients.

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ATTACHMENT II

PLANNING DEPARTMENT

FEBRUARY 2, 1973.

MR. M. J. SHELLEY,  
MUNICIPAL MANAGER.

Dear Sir:

RE: REST HOME DEVELOPMENT  
5090 VICTORY STREET

BACKGROUND

The captioned property was subject of a rezoning in 1972 and was last dealt with by Council on August 30, 1972 in connection with adequacy of off-street parking requirements. The project occupies a lot 130' wide by 139' deep comprising 17,940 square feet. The Rezoning changed the property's designation from R5 (Residential) to P5 (Community Institutional). The rezoning proposal which Council considered and approved called for an accommodation of 16 patients and attendant staff. Plans were submitted which were accepted as suitable, preliminary plan approval and building permits were issued subsequent to finalization of the rezoning.

DISCUSSION

The owner of the property, Mr. Stebbe, has recently contacted members of the Municipal staff asking that his occupancy limit be increased from 16 to 21. Under the terms of P5 zoning, the maximum number of occupants is determined by a ratio of the site area. Using this criteria, a maximum of 21 patients could be accommodated on the property. The approval by the Department was to accommodate 16 patients, consistent with the prerequisite to rezoning.

The stipulated maximum occupancy of 16 patients was a prerequisite to the rezoning of the property. This figure was generated by a calculation of the density which would have obtained had the site been used solely for residential purposes. In this way, it was hoped that objections of the surrounding residents to inclusion of the use in the neighbourhood could be overcome. At the time of public hearings and through the course of Council deliberations, opposition continued to be expressed against permitted expansion of this use.

The Planning Department would reiterate its concern that an increase in permitted density to the upper limits would be detrimental to the achievement of compatible land uses in the neighbourhood. Had the applicant indicated his intention to house 21 patients on this

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site during the course of the rezoning proceedings. Planning Department support for the project would have been withdrawn. No evidence has been given by the applicant or his agents that an increase in density would not infringe upon those considerations of the surrounding residents which initially led Council to attach an upper maximum of occupancy as one of the prerequisites to rezoning. These concerns are as relevant at this stage of Council's examination as they were when the rezoning was previously debated.

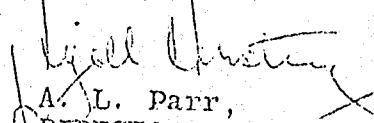
RECOMMENDATION

The Planning Department would recommend:

THAT the upper maximum occupancy of 16 patients be re-affirmed and no increase be allowed the applicant.

Would you please forward this report to Municipal Council for their action.

Respectfully submitted,

  
A. L. Parr,  
DIRECTOR OF PLANNING.

CDW:bp

February 22 1973 JH

ATTACHMENT III

A. L. Parr,  
Director of Planning,  
City Corporation of the District of Burnaby,  
4949 Canada Way,  
Burnaby 2 B.C.

Re: 5090 Victory Street  
Proposed Rest Home

Dear Sir;

In April of 1972 I attended a Council meeting regarding the establishment of a rest home at the above address. At that time it was my feeling that, having 16 patents in residence would not affect my property value nor my personal life. I did not believe that the proposed rest home would create a traffic problem as feared by some and indicated that there was more of a problem from the clouds at Victory and Nelson.

Having been experienced almost a year ~~ago~~ since the zoning was changed I would not now state that I have not altered my opinion. I have not in any way been inconvenienced by the home and have found the services to

the good people and excellent neighbors.  
At this time I would like to  
go on record as having no objections  
to an increase from 16 to 21 persons.  
I strongly feel that as a resident in  
Burnaby it is a civic responsibility  
to have accommodation for senior citizens  
and am fully in favor of having this  
home in my area.

Sincerely,

W. A. Gillies  
5105 Victory St.  
Burnaby B. C.

ATTACHED III TA

516 Victory Street,  
South Burnaby, B.C.  
Feb. 24/73.

The Corporation of the District of Burnaby,  
Planning Dept.,  
Burnaby, B.C.

Dear Sirs:

Re: 5090 Victory St.  
Proposed Rest Home.

Your letter of Feb. 20/73 received and noted.  
You stated that your records showed  
my views on the above property rezoning.  
They have not changed and will not likely  
change with further expansion.

I attended the meeting at the Hall last  
April, along with other home owners in  
this area. Also had a petition where many  
more signed their names to, who were against  
the rezoning. We could see it had all been  
settled before we presented our views. However,  
it is hard to understand how one person  
can ask for rezoning in a residential area  
for his own personal gain and no one  
has any say in it he matters. We have  
no assurance in how long Mr. Stette

02  
intends using this property as a Rest Home. He would sell it as far as we know any time to someone else who would have different ideas for future use.

Those are my views on the proposed Rest Home.

However, there is a matter of much concern to me at the present time. Mr. Stebbé has a very poor arrangement for the amount of garbage that comes from his home. He has several cans piled against my fence as well as open cartons. These cans are not covered tightly and the rats are in it. The rats are nesting under my garage which is inside the fence and a distance about 20 feet from my basement door. I would like something done about this at once or I will inform the Health Inspector.

Yours Truly  
Mrs. Mabel Meiklejohn

5070 victory st.  
south burnaby BC,

Feb, 22 1973 .

ATTACHMENT III

Dear Sir.

*In reference to your letter of Feb 20<sup>th</sup> 1973*

MR Longbottom and are very surprised you even bothered to inform us about the number of people that the applicant want to accommodate as our views have not changed at all.

Our expressed views then were the same then as now we have a very serious parking problem on this a street now and it is sure to be a lot worse  
Last Sunday they even parked across our driveway which in itself I believe is against the law .

WE just hate to see what was once a nice street go down hill.in appearance and value.

But as we almost had a hundred percent against it in the first block here and it did not seem to matter what the people wanted then it will likely not matter much now as none of us wanted it rezoned before

Thank you all the same for letting us know

*Mrs & Mr. L.E. Longbottom*

BURNABY, B.C.

20. Re: Parking Requirements for Rest Homes

Following is a report from the Director of Planning dated August 23, 1972 concerning parking requirements for rest homes.

RECOMMENDATION:

THAT one parking space for each six beds, plus one space for each three employees, be retained as a standard for establishing parking requirements for rest homes in Burnaby.

\* \* \* \* \*

Planning Department,  
August 23, 1972.

Our file #02.240/800.4  
RZ#2/72

RE: PARKING REQUIREMENTS FOR REST HOMES.

A. BACKGROUND

The Council, in considering the rezoning of a site at 5090 Victory Street (Lots 3 and 4, Blk. 49, D.L. 98, Plan 11632) for the development of a rest home (R.Z. #2/72) on April 24, 1972, questioned the adequacy of the off-street parking requirements for this type of use.

The Planning Department was requested to examine the existing regulations to determine whether the Zoning By-law should be amended to require the provision of more parking spaces than are currently prescribed.

B. EXISTING STANDARDS

In specifying the number of off-street parking spaces required, it is appropriate to employ a factor that bears a reasonably close relationship to a property's generation of parking demand. Thus, the requirement may be in terms of square feet of floor space in a business establishment or of seats in places of public assembly. Similarly, in the case of such uses as hospitals, nursing homes and rest homes the requirement should be related to the number of beds which are provided. It is also desirable to make an additional allowance for employee parking in institutions of this type.

The existing Zoning By-law requirements for rest homes in Burnaby call for the provision of one parking space for each six beds, plus one space for each three employees.



20. Re: Parking Requirements for Rest Homes.

A review of parking requirements in other Lower Mainland Area zoning by-laws indicates that similar standards prevail in most instances for this type of use. These generally range from one space for each 350 square feet of floor area used for sleeping units in Vancouver, one space for each four beds in North Vancouver City and North Vancouver District, and one space for each six beds in Richmond and Coquitlam. In none of these by-laws is specific provision made for separate employee parking.

C. REST HOME CHARACTERISTICS IN RELATION TO OFF-STREET PARKING

The age and physical condition of many of the residents of rest homes would suggest a very low rate of motor vehicle ownership compared with the general population or even with the occupants of senior citizen's housing projects. Experience has also shown that the number and frequency of visitors to rest homes and nursing homes is substantially less than for such similar uses as hospitals and senior citizen's housing developments.

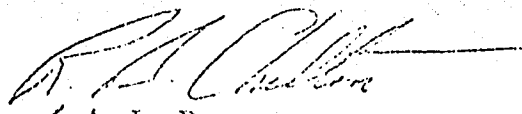
In the case of senior citizen's housing, the existing Zoning By-law standard of one parking space for each three units was found to be high, based on information obtained from existing developments in other municipalities. As a result, these requirements were reduced to a ratio of approximately one parking space for each eight units at the Kingsway - Edmonds site and one space for each five units at the Stratford Avenue project.

Another factor to be considered is that any increases in the amount of land devoted to parking will reduce the area available for outdoor leisure or recreational purposes, which is a desirable feature of the rest home type of accommodation.

D. RECOMMENDATION

In view of the foregoing considerations, it is recommended that no changes be made in the Zoning By-law requirements for off-street parking in the case of rest homes.

Respectfully submitted,

  
A. L. Parr,  
DIRECTOR OF PLANNING.

RBC:ew

c.c. Chief Building Inspector  
Municipal Clerk  
Senior Planner