

OCTOBER 16, 1969

A Public Hearing was held in the Council Chambers of the Municipal Hall, 4949 Canada Way, Burnaby 2, B. C., on Thursday, October 16, 1969 at 7:00 p.m. to receive representations in connection with the following proposed text amendments to "Burnaby Zoning By-law 1965":

PRESENT: Mayor Prittie in the Chair;
Aldermen Blair, Clark, Dailly,
Drummond, Herd, Ladner, McLean
and Mercier;

HIS WORSHIP, THE MAYOR, opened the proceedings and indicated that the text amendments before the Hearing would be dealt with in the order in which they appeared on the Agenda. He also advised of the desired method for those present to comment on the proposed amendments should they wish to do so.

TEXT AMENDMENTS

It is proposed that the following sections of the Burnaby Zoning By-law be amended to read as follows:

(1) Section 7.3(2) - Preliminary Plan Approval)

The addition of the following:

"(f) In the case of apartment development proposals, the submission of either, at the choice of the applicant, a true to scale perspective or model, together with a detailed plan of landscaping and usable open space."

Mr. A. Macdonald, speaking for the Burnaby Chamber of Commerce, advised that they were concerned regarding the requirement for a true-to-scale perspective, submitting that by definition a perspective is not true-to-scale. He suggested that the proposed amendment be reworded to read "a perspective or true-to-scale model".

Mrs. C. G. Harper, 3874 Moscrop Street, also spoke and concurred in the remarks made by the previous speaker.

(2) Section 201.4 - Usable Open Space: (R41 District)

"Usable open space shall be provided on the lot for each unit contained in an apartment building, based on the following ratio.

- (1) 500 square feet for each 3 - bedroom unit.
- (2) 300 square feet for each 2 - bedroom unit.
- (3) 200 square feet for each 1 - bedroom unit.
- (4) 100 square feet for each bachelor unit.

No one commented on this proposed amendment.

(3) Section 202.4 - Usable Open Space: (RM2 District)

"Usable open space shall be provided on the lot for each unit contained in an apartment building, based on the following ratio:

- (1) 500 square feet for each 3 - bedroom unit
- (2) 300 square feet for each 2 - bedroom unit
- (3) 200 square feet for each 1 - bedroom unit
- (4) 100 square feet for each bachelor unit.

No one commented on this proposed amendment.

(4) Section 202.6 - Front Yard: (RM2 District)

"A front yard shall be provided of not less than 25 feet in depth."

Mr. Macdonald also spoke to this proposed amendment and pointed out that the present front yard setback requirement of 20 feet, together with the normal road allowance of 66 feet, provided 106 feet of open space between buildings, and considered this to be adequate. He then expressed the view that the optimum width for apartment buildings was 60 feet, and to satisfy the proposed setback requirement would result in a square box-type structure in order to achieve the desired floor area ratio. He submitted that the additional five feet would allow some variation in the siting and design of the building.

Mr. N. B. Kelsey, 4229 Burke Street, concurred in the statements made by the representative of the Chamber of Commerce, and expressed the view that the proposed amendment was not consistent with Council's desire to improve the design and character of apartment buildings. He considered that the adoption of the restrictive setback requirement would squeeze the buildings, and that the extra five feet now permitted left more options open to the Architect and enhanced the probability for better architectural designs.

(5) Section 203.3 - Lot Area and Width: (RM3 District)

"(1) "Each lot for a building of 2 storeys or less in height shall have an area of not less than 12,000 square feet and a width of not less than 100 feet."

(2) "Each lot for a building of 3 storeys shall have an area of not less than 18,000 square feet and a width of not less than 120 feet."

Speaking again for the Chamber of Commerce, Mr. Macdonald indicated that whilst the Chamber approved of the new lot sizes, he reminded Council of their locked-in site policy and that there existed a number of properties that would not satisfy the new requirements for size and width of site for apartment development in the RM3 category. He advised that the Chamber was concerned respecting the status of such property, and submitted that in all fairness, the owners of such holdings should be permitted to build up to the current standards.

(6) Section - 203.4 - Usable Open Space: (RM3 District)

"Usable open space shall be provided on the lot for each unit contained in an apartment building, based on the following ratio:

- (1) 500 square feet for each 3 - bedroom unit.
- (2) 300 square feet for each 2 - bedroom unit.
- (3) 200 square feet for each 1 - bedroom unit.
- (4) 100 square feet for each bachelor unit.

There were no comments offered in connection with this proposed amendment.

(7) Section 203.6 Front Yard: (RM3 District)

"A front yard shall be provided of not less than 25 feet in depth."

Mr. Macdonald again spoke and indicated that the remarks offered to Item (4), applied equally to this proposed amendment.

(8) Section 203.7 Side Yards: (RM3 District)

"(1) For a building of 2 storeys or less in height a side yard shall be provided on each side of the building of not less than 15 feet in width.

- (2) For a building of 3 storeys a side yard shall be provided on each side of the building or not less than 20 feet in width."

No comments were offered to this proposed amendment.

(9) Section 203.8 - Rear Yard: (RM3 District)

"A rear yard shall be provided of not less than 35 feet in depth."

Mr. W. R. Lort, of Lort and Lort Architects, handed to the Clerk a brief prepared relative to several of the previously dealt with proposed amendments.

(SECRETARY'S NOTE)-A copy of the submission made is attached to and forms part of these Minutes.

(10) Section 204.2 - Conditions of Use: (RM4 District)

"The building or buildings on a lot shall be designed and sited in a manner which does not unnecessarily obstruct view from the surrounding residential areas."

Mr. E. M. Williams, of 7125 Hastings Street, sought clarification as to the intent and application of the regulation. The Planning Director submitted that tall buildings always provided some view obstruction, and that the intent of the section was to allow the municipality some control over the siting of a building should the proposed location of the structure unnecessarily obstruct the view from the surrounding residential area.

It was pointed out that this regulation already existed in the By-law and it was directed that it be removed from the Public Hearing.

(11) Section 204.4 - Lot Area and Width: (RM4 District)

"Each lot shall have an area of not less than 18,000 square feet and a width of not less than 120 feet."

There were no comments to this proposed amendment.

(12) Section 204.5 - Lot Coverage: (RM4 District)

"That maximum coverage shall be 25 percent of the lot area."

There were no comments to this proposed amendment.

(13) Section 204.6 - Usable Open Space: (RM4 District)

"Usable open space shall be provided on the lot for each unit contained in an apartment building, based on the following ration:

- (1) 500 square feet for each 3 - bedroom unit.
- (2) 300 square feet for each 2 - bedroom unit.
- (3) 200 square feet for each 1 - bedroom unit.
- (4) 100 square feet for each bachelor unit.

Mr. Macdonald, the representative of the Chamber of Commerce, speaking to this proposed amendment, suggested that the RM4 zoning category also receive the same usable open space allowance for roof areas as benefits buildings constructed within the R15 category.

The Planning Director was requested to submit a report to Council on this aspect.

(14) Section 204.7 - Floor Area Ratio: (RM4 District)

"The maximum floor area ratio shall be 1.20, except that:

- (1) Where the coverage of the lot is less than 25 percent but not less than 20 percent, an amount may be added to the floor area ratio equal to 0.10; and where the coverage of the lot is less than 20 percent, an amount may be added to the floor area ratio equal to 0.20.

- (2) Where parking spaces are provided in or beneath a principal building (excluding an accessory building which has become a part of the principal building by reason of its attachment to the principal building) or underground (where the roof of the underground parking area is not more than 2½ feet above the adjacent finished grade) an amount may be added to the floor area ratio equal to 0.30 multiplied by the ratio of such parking spaces to the total required parking spaces, but in no case shall this amount exceed 0.30."

The Planning Director noted that the proposed change represented bonus allowances, creating an extra amenity by providing additional open space. He also pointed out that the underground parking bonus referred to had not previously been included in the Zoning By-law.

Mr. Macdonald advised that the Chamber had discussed this proposed amendment at some length, but wished to reserve comment on the matter until the parking report, under preparation, could be considered.

(15) Section 204.8 Front Yard: (RM4 District)

"Front yards shall be provided in accordance with the following table:

<u>Width of Building as % of Lot Width</u>	<u>Required Front Yard Depth</u>
50	0.45 x height of building
40	0.40 x height of building
30	0.35 x height of building
20	0.30 x height of building

In no case shall the front yard be less than 25 feet in depth. For the purpose of this calculation, the width of a building shall include any portion of a building which is closer to the front line of the lot than 0.45 multiplied by the height of the building."

No one spoke on this proposed amendment.

(16) Section 204.9 Side Yards: (RM4 District)

"A side yard shall be provided on each side of the building equal to 0.5 multiplied by the height of the building. In no case shall the width of each side yard be less than 25 feet, nor shall the total of both side yards be less than 50 percent of the lot width."

No comment was offered to this proposed change.

Oct/16/1969

(17) Section 205.7 - Floor Area Ratio: (RM5 District)

"The maximum floor area ratio shall be 1.50, except that:

- (1) Where the area of the lot exceeds 18,000 square feet, an amount may be added equal to 0.001 multiplied by each 100 square feet of lot area in excess of 18,000 square feet, but in no case shall this amount exceed 0.30.
- (2) Where parking spaces are provided in or beneath a principal building (excluding an accessory building which has become a part of the principal building by reason of its attachment to the principal building), or underground (where the roof of the underground parking area is not more than 2½ feet above the adjacent finished grade) an amount may be added to the floor area ratio equal to 0.40 multiplied by the ratio of such parking spaces to the total required parking spaces, but in no case shall this amount exceed 0.40."

There was no comment to this proposed amendment.

(18) Section 205.9 - Side Yards (RM5 District)

"A side yard shall be provided on each side of the building equal to 0.40 multiplied by the height of the building. In no case shall the width of each side yard be less than 25 feet, nor shall the total of both side yards be less than 40 percent of the lot width."

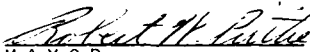
No comment was offered to this proposed amendment.

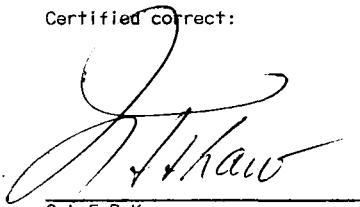
(SECRETARY'S NOTE) - Written detail of the comments offered by the representative of the Burnaby Chamber of Commerce are attached to and form a part of these Minutes.

The Hearing adjourned at 7:33 P.M.

Confirmed:

Certified correct:


MAYOR


CLERK

GM/hb

October 15, 1969

The Mayor & Council,
Corporation of the
District of Burnaby,
4949 Canada Way,
BURNABY 2, B.C.

Dear Sirs:

Re: Apartment Study 1969

The Municipal Clerk has kindly forwarded to us an extract of the proposed changes to the Burnaby Zoning By-law 1965 and advised us of the Public Hearing to be held October 16. We are, therefore, submitting the attached observations and comments which we trust may be of some assistance to you in your deliberations.

With the exception of two policy matters regarding the proposed Design Panel and submission of models, etc., our comments are confined to changes in the RM 3 Zone.

We wish to thank the members of Council for this opportunity.

Yours very truly,



W.R. Lort
Lort & Lort

APARTMENT STUDY '69Text Amendments(1) Section 7.3(2) - (Preliminary Plan Approval)

We do not agree that the submission of a perspective or model should be made mandatory. It is sometimes useful to have such additional information to clarify or support an application but in most cases it is not necessary and properly prepared drawings should be more than adequate. These will also be more accurate and give a far more honest representation of the building. Further, it must surely be evident that if the staff members are sufficiently competent to check a submission for By-Law approval, they should then be beyond the intellectual level of having to resort to such visual aids as pretty pictures.

C. Proposals for the District of BurnabyDesign Panel

We agree in principle with the proposal to create the Design Panel. We feel very strongly that such a panel must be given broad terms of reference and deal with general amenities only, otherwise it may very readily become bogged down in unnecessary detail. We agree also with the general composition of the proposed panel and with the intention that all clerical work should be handled by the Planning Department. This is essential as it provides a definite link between the developer and the Planner, thereby avoiding undue delays in the processing of an application. We trust that the Planner will be given discretionary powers to process revised applications and that it will not be necessary to make repeated applications to the Design Panel.

BURNABY CHAMBER OF COMMERCE

COMMENTS TO BE MADE AT A PUBLIC HEARING, BEING HELD
ON THURSDAY, OCTOBER 16, 1969, AT 7:00 P.M., IN THE
MUNICIPAL HALL, WITH RESPECT TO TEXT AMENDMENTS TO
"BURNABY ZONING BY-LAW 1965"

(1) Section 7.3 (2) - (Preliminary Plan Approval)

We note that you require a true to scale perspective. While it is possible to make a true to scale model, a perspective is by definition not "true to scale". We would, therefore, suggest that this be reworded, ".....a perspective or true to scale model.....".

(4) Section 202.6 - Front Yard: (RM2 District)

This section of the bylaw now calls for a 20' front yard. As we previously said, we believe the current 20' front yard requirement is adequate to preserve our amenities. There will be a minimum of 106' between buildings on the street which gives a feeling of considerable space, particularly if some method is found to control all day parking at the curb. A 25' set-back at the front yard will not materially alter floor area ratio as the optimum width of an RM3 building is 60', both in parking and division into suites. The extra 5' placed at the front will allow the architect more latitude in the siting of the building and will also provide more usable open space in the rear yard.

(5) Section 203.3 - Lot Area and Width: (RM3 District)

We concur with the new minimum lot sizes where this is presently possible. We would, however, remind Council that, for the past several years they have been requiring that no apartment building "lock in" a site of less than the minimum area required for the building of an apartment. In the Maywood area alone there are at least fourteen sites that are less than 12,000 square feet, the proposed minimum for two-storey construction. However, these vary between 7200 square feet and 11,880 square feet and some would not qualify even at the RM2 regulations at 80' frontage and 9600 square feet.

It is manifestly unfair to the owners of these properties that they not be allowed to build to current standards. We also believe that it is in the best interests of the municipality to "fill in" these areas rather than leave isolated islands of single family housing in the midst of a sea of apartments. It should be possible for these owners to build at a density similar to all surrounding buildings.

(6) Section 203.4 - Usable Open Space: (RM3 District)

We would reiterate our comments made under section 202.6 and urge that the 20' set-back front yard requirement be retained. RM3 housing may only be built to a height of 40' above street level, so that even with apartments on both sides of the street there is at least two and one-half times the height between buildings.

In conjunction with the changes proposed to section 203.7 and 203.8, this will materially alter floor area ratios obtainable even on 18,000 square foot lots. To obtain the maximum floor area ratio of 1.1 the building must occupy every available square foot of the lot. This again leaves architects with no option but to build the square buildings which have been described as "shoe boxes". They are thus not free to make use of ground features and the architectural niceties that will enhance the value of the building and thus the community.

C. Proposals for the District of Burnaby - (cont'd)

Standards for b.

We object most strongly to the proposal that a booklet be prepared by the Panel of the typical designs submitted during the year. Council is perhaps unaware that under the Articles of the By-Laws of the Architectural Institute of British Columbia all drawings, etc., prepared by the Architect remain his property, the copyright of same being reserved by him and, therefore, cannot be reproduced without his permission. Further, no Architect would be willing to have his work reproduced and cited as a bad example of architectural design nor, on the other hand, would he be willing to provide a handbook of good design for use by other architects or clients.

(6) Section - 203.4 - Usable Open Space: (RM3 District)

The proposed increase in usable open space while being highly desirable is certainly not necessary or practical. A site development of this type is far more suitable for a large comprehensive development of family type units in a garden park setting than it is on a standard apartment lot presently being carried out. The usable open spaces developed in existing buildings are not being used by the tenants, not because they are inadequate or poorly developed but simply because the people have no need or use for them. Tenants in bachelor and one-bedroom suites much prefer to use their own balcony and patio areas.

(7) Section 203.6 Front Yard: (RM3 District)

We do not agree with the proposed increase in the front yard to 25' and recommend that the existing 20' dimension be retained. The 10' separation between facing buildings on opposite sides of the street would be negligible and where in some areas the properties are very shallow the additional 5' would exert an undue hardship. Conversely, in the case of very deep lots, we have found it more desirable to deliberately set the building farther back from the front property line than the minimum requirement both to ensure a greater measure of privacy for the tenants in the front suites and also to produce a variation in the streetscape in a line of buildings. Further, we recommend that the front yard be included in the usable open space area: this is particularly desirable for a south-facing property where the building might be set back 30' to 40' and a swimming pool included in the front portion in order to take advantage of the relation to the angles of the sun.

C. Proposals for the District of Burnaby - (cont'd)

(8) Section 203.7 Side Yards: (RM3 District)

We do not agree with the proposed increases in the required side yards as we do not feel these are at all necessary. The size of the building is very stringently controlled by the floor area ratio and we have found that with very rare exception it has been impossible to fully develop the building on the site to the yard restrictions. If the side yard requirements are kept to a minimum it would allow for greater flexibility in locating the building on the site in relation to other buildings, existing trees, etc.

In general we do not agree with the proposed double standard imposed for two and three storey buildings and the proposed changes to the minimum lot area and width. It must be clearly evident that for obvious economic reasons developers are constantly seeking larger tracts of land for development and that no one is deliberately setting out to erect a building on a minimum lot. The small lots which are being developed are only those which have been isolated for one reason or another by neighboring development and, for this reason in addition to producing a certain measure of continuity on the street, these properties should not be penalized and regarded as second class developments.

We wish to thank Council for permitting us to make this presentation.

Respectfully submitted,



W. R. Lort
Lort & Lort

WRL/ea