

APRIL 29, 1975

An Adjourned Public Hearing was held in the Council Chamber, Municipal Hall, 4949 Canada Way, Burnaby, B.C. on Tuesday, April 29, 1975 at 7:30 P.M.

**PRESENT:**

- Mayor T. W. Constable, in the Chair
- Alderman G. D. Ast
- Alderman A. H. Emmott
- Alderman B. M. Gunn
- Alderman D. A. Lawson (7:32 P.M.)
- Alderman W. A. Lewarne
- Alderman G. H. F. McLean
- Alderman V. V. Stusiak

**ABSENT:** Alderman J. L. Mercier

**STAFF:**

- Mr. M. J. Shelley, Municipal Manager
- Mr. A. L. Parr, Director of Planning
- Mr. James Hudson, Municipal Clerk
- Mr. R. W. Watson, Deputy Municipal Clerk

The Adjourned Public Hearing was held to receive representations in connection with the following rezoning proposal:

**(1) FROM RESIDENTIAL DISTRICT (R1)  
TO RESIDENTIAL DISTRICT (R8)**

Reference RZ #10/75

Lot 185, D.L. 85, Plan 46306, Portion of Pcl. A, Ref. Pl. 9998,  
Blk. 4, D.L. 85, Plan 3322

(5380 and 5460 Sperling Avenue - Located on the East side of  
Sperling between Buckingham Avenue and Haszard Street)

*This proposal is for the purpose of developing a 24-unit condominium project consisting of detached dwelling units on a 6.15-acre net site according to the R8 Group Housing District.*

Mayor Constable advised that all persons interested in property affected by the proposed rezoning and wishing to register an opinion would be given the opportunity to do so. It was noted that in a public hearing Council was there for the express purpose of listening to the submissions rather than engaging in public discussion. It was suggested that Council Members may from time to time ask questions of the public or of the Municipal staff present.

**(1) Deer Lake Residents Submission**

A. Carol Jones, 6131 Buckingham Avenue, appeared before the Hearing to introduce a brief prepared on behalf of approximately 150 Deer Lake residents who attended a meeting last Monday, April 21, 1975. She also advised that three of the speakers would follow to present the remainder of the brief and a copy will be left with the Council Members at the conclusion of the presentation. Mrs. Jones advised that opposition to the rezoning had picked up strength and momentum and did not represent any emotional spin off. It was noted that at the recently held meeting on Monday, April 21, two Municipal Planners had presented their views and answered questions as well as H. A. Roberts representatives presenting their proposal by way of written material. It was indicated that

there was an unanimous vote to oppose the rezoning. It was stated that public opinion was equally as important as that of developers and city planners. They were encouraged with this view of "public opinion" as there were indications that the public information "Burnaby Now" Booklet stated aims and goals of the Planning Department went in harmony with their own views.

In opposing "R8" zoning it was their opinion that development under "R1" zoning, if it was pursued again could be carried out in this area. It appeared that development under the present R1 zoning would be compatible with the Municipality's own philosophy as a developer. It was suggested that "R1" zoning could preserve the creek ways and trees and provide walks. It was stated they had no objection to a profit by a developer providing that profit was not made at the expense of the residents in the surrounding areas.

#### The Proposed Development

It was suggested that possibly the social effects of the self-contained community would be undesirable. A community which was isolated from its neighbours simply by design.

B. Edward A. Parker, 5450 Rugby Street, District of Burnaby, advised that he was seconded to speak following with the approval of the Deer Lake Residents Committee. Several of the possible drawbacks to the development were indicated as follows:

- (a) The road allowance would be 24 feet in width rather than the normal 66 feet allowance and would not be dedicated to the Municipality. It was suggested that the unit density et cetera would be greatly changed if the 66 feet street allowance were dedicated. It was also noted that as the streets were not dedicated the Municipality would not have any method of ensuring the maintenance of the streets to the Municipal standard.
- (b) It was stated that the proposed dedication of land for parks purposes would transfer substantial future cost and liability to the community. It was suggested that the average unit in the area at present is closer to 2,900 square feet instead of the proposed 1,900 and furthermore that the average price indicated in the Planner's Report of \$100,000.00 to \$120,000.00 was in 1971. It was suggested that the proposed project is well below the average value of the housing presently in the area.
- (c) It was indicated that Lot A does not belong to the developer at the present time. Material was submitted as follows indicating the owner did not wish to have the lot rezoned under the present circumstances.

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5460 Sperling Ave.  
Burnaby, B.C.  
April 29, 1975.

To the Mayor and Council of the District of Burnaby:

This is to certify:

- 1) That we are the owners of Parcel A Ref. Plan 9998 of Lot 4 of D.L. 85 Group 1, Plan 3322 NWD ("the lands are premises").
- 2) That we do not wish the property to be rezoned from R1 to R8.
- 3) That we are not prepared to sell our property if it is rezoned to R8 however, we would sell it at an appropriate price if it continued to be zoned R1.

Yours truly,

E. J. Byron  
Norma C. Byron

It was suggested the proposed development could not be carried out without the use of Parcel A.

- (d) It was stated that if the applicant cannot obtain Parcel A or for any other reasons, the development would not proceed with the present plan. The approval of the rezoning would have very serious legal and practical implications. It was suggested that once the rezoning had occurred the developer would be able to develop his property to the greatest extent allowed by the "R8" zoning without any control by the Municipality on the type of building and the method of development. It was stated that this legal situation should be of great concern to the Council.

Effect on Value of the Adjacent Lands

It was respectfully suggested that Council in considering the conservation of property values could not in good conscience allow the applicant the opportunity of increasing profits due to increased density at the expense of the adjacent owners. It was indicated in opinions obtained from various persons involved in property acquisition and development that even the development as planned would substantially reduce the value of each of the adjacent properties, and have a far reaching devaluation effect on all properties within a half mile radius. It was suggested the Municipality's Senior Appraiser conduct a full investigation into this area of concern and the Council be prepared to give a firm commitment as to future intended policy relating to this type of spot rezoning.

- C. Cal Rosen, 5533 Buckingham Avenue, advised of the concern of the residents for the preservation of the creeks, indicating they were resigned to the fact that the extension of Hazzard Street would require covering of Irene Creek with a bridge or culvert. It was

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indicated MacKenzie Creek was the main point of their concern. Mr. Rosen introduced a copy of a letter received from the Water Brights Branch indicating certain corrections needing to be made on the property and requesting application for certain approvals. Mr. Rosen suggested that Council's Policy of open creeks was in keeping with the policy of provincial authorities. It was suggested regardless of the zoning "R1" or "R8" the creeks through the property would remain intact. It was suggested that the preservation of the creeks should not be considered a factor in favour of rezoning.

The Deer Lake Residents Committee then summarized their position on the rejection of the application for rezoning on the following grounds:

- 1) The proposed development is not suitable to the area nor can it be developed as presently planned.
- 2) Rezoning could result in a complete loss of Municipal control of the property.
- 3) The contemplated development or any other high density development of this property will seriously affect the value of adjacent properties.
- 4) The proposed development is not necessary to preserve the waterways.
- 5) The proposed development is sociologically questionable.
- 6) Any decision should be deferred in order to give consideration to acquiring the property either in part or in full, as a municipal park.

For the reasons stated above we think that if the property is to be developed it should be single family development as contemplated by R1 zoning which will maintain the character of the neighbourhood, preserve the waterways and trees and maintain control over the development.

- (2) Mr. L. W. Beamish, 7456 Burris Street, advised that his family purchased property on Buckingham Avenue in the year 1933 and suggested that the following comments for the most part were of a subjective nature. It was stated that after establishing his practice as a dentist in New Westminster, he looked around the lower mainland area for a place to locate his family and decided on the Burris Avenue location. He stated that when they moved in 1950 he was looking for a quality of life which included sufficient property, in order to follow pursuits such as gardening and general recreation. He suggested that the residents in the area established a quality of life over the years that could not be replaced and stated they were most concerned that one company suggested the way of living could be improved by establishing a higher density development in the area. Mr. Beamish noted the already existing problems of traffic and parking created in the area of Deer Lake in the summer time and suggested that there would be further problems in the area relating to schools and possibly even further higher density projects in the way of high rises if this type of project was allowed to proceed. Mr. Beamish suggested, in review, that the character, style and quality of life presently enjoyed by the residents could continue to be enjoyed if the area in question was left as an "R1" single family area.

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- (3) Mr. Bill Street. Mr. Street advised that he was representing a client in the area in question and advised he would keep his comments specifically to the legal questions involved in the rezoning. Mr. Street stated that in fact if the Council did rezone, in the normal state of affairs once the "R8" zoning existed, that the developer could decide to proceed to develop in the manner contained within the schedule of the "R8" zoning in the By-Law. Under the circumstances it was suggested that there was no legal assurance to the people in the area that in fact the plans of the developer would result. The ownership of the land could change or other situations could change, resulting in a different development. Mr. Street suggested that an instrument such as a land use contract could possibly be used to provide real security, to see that in fact the buildings being considered would in fact be built in the manner presented and generally the proposal done in the manner being proposed.
- (4) Mr. Richard Hulbert, Architect for the proposed development then addressed the meeting and advised that he was an architect practising in North Vancouver. He stated he had extensive experience in the design of projects from 1 acre to 7,000 acres in size and advised that his comments would be of an architectural nature and relating to the previous comments on architectural quality and character. Mr. Hulbert suggested that the proposal was a significantly superior living environment in comparison to the traditional single family residential characteristics. Mr. Hulbert then reviewed the planning of the units. He noted that the square footage of space not used for everyday living was kept to a minimum. It was noted that some units had a tiered effect to better blend in with the existing topography. It was suggested that there would be a variety of houses to match the variety of topographic conditions existing in the area. Mr. Hulbert then advised that they were following the "R1" zoning guidelines for the project and indicated the following statistics. It was noted the guidelines allow 30% site coverage for structures. It was indicated that the proposal used 12.4%. In terms of the required usable open space, 125,000 square feet or more than 10 times the minimum of 12,000 sq. ft. was proposed. It was also suggested that the 24-25 ft. wide streets being proposed were adequate for the traffic generated internally and the balance of the property was in fact being put into more open space.

At 8.25 P.M. Mayor Constable retired from the Council Chamber. Acting-Mayor McLean replaced Mayor Constable in the Chair.

In regard to the parking area shown Mr. Hulbert advised that they were providing two cars per dwelling, under cover, as well as an allocation of two cars outside on the driveway area. It was noted that there were in fact 4.5 car spaces allocation per unit. This comprised the above plus a sharing of 12 guest parking spaces for the project. It was suggested that the site plan at eye level was a substantial improvement over the 9,600 square foot conventional subdivision. It was suggested that it was a substantial improvement as a person driving down the internal streets would have open space on one side and units on the other in each case. It was also suggested it would be an improvement as an owner walking out his front door would not be confronted with someone else's garage across the street but rather an improved green space. It was also suggested that it would be an improvement to have a creek running through the centre of such a planned project. It was noted they did not have control over the creek as the jurisdiction was with others.

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At approximately 8:35 P.M. Alderman Emmott retired from the Council Chamber.

- (5) Mr. Jack Philips, Landscape Architect, North Vancouver, addressed the meeting and advised that he was a landscape architect for the proposed project. Mr. Philips reviewed the main points of the landscape project related to this proposal. He suggested they would assist in maintaining and developing the setting by
- (a) cleaning up MacKenzie Creek,
  - (b) protecting the existing vegetation,
  - (c) putting a type of housing on the sloped land that would be compatible,
  - (d) using nursery grown plant materials such as Douglas Fir, Cedar and Hemlock where necessary and in some cases removing the existing Alder and Poplar that were diseased and susceptible to blow over.
  - (e) In areas such as in between the dwelling units, compatible materials will be used such as rhododendron, laurel, et cetera and trees such as Oak and Pine.

It was stated that all the areas damaged by construction would be replanted with native compatible materials and where necessary certain areas will be fenced during construction to retain native plants and trees.

- (6) Mr. Frank Sojonky, Executive Vice-President of H.A. Roberts group then addressed the meeting. He advised that the design of the project was not a new concept. There were many examples in California where people had got together with common pursuits such as recreation and landscaping. Mr. Sojonky advised that in relation to the property owned by Mr. Byron under question previously, that the H. A. Roberts group did have signed agreements in their possession. He also advised that on the question of reduction of value of adjacent properties that this had not been the case in their experience. He also suggested that on the question of higher density and deterioration in the way of living of the local residents that in high quality projects their experience had been as follows:

That the mix in the project was, one-third adults over age 45 who had no children, one-third young professional adults with no children and one-third adults with children.

It was suggested that this would in fact reduce the ratio of children to adults in the area.

Alderman Lewarne

On a question of Alderman Lewarne, Mr. Sojonky advised that they felt that a group of homes from 8 to 30 would be ideal for this type of development. When further questioned by Alderman Lewarne, Mr. Sojonky advised that they did have a 15-unit townhouse development at Lions Bay. In closing, Mr. Sojonky advised that the concern expressed by Mr. Street was a valid one and they would be willing to enter into a land use contract in order that both the siting and design of units

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was controlled. On a further question of Alderman Lewarne relating to what the H. A. Roberts group would do if their rezoning did not go ahead, Mr. Sojonky advised that they would have to review the situation as to whether to sell the property or proceed under "R1". Alderman Ast noted that the Landscape Architect had referred to the cleaning up of MacKenzie Creek and asked whether this would include the lining of the creek. Mr. Sojonky advised they would consider it if it was a request of the Council and a recommendation of their consultants.

- (7) Mr. P. R. Atkinson, 5737 Buckingham Avenue, advised that he had intended to address the meeting, however, the representations made by the group of residents had outlined his concerns in this matter. It was suggested that the well planned project presented this evening could be just as well developed under the "R1" zoning as the "R8" zoning. It was also suggested that Council members who had actually physically visited the site and examined it closely and examined the existing structures would have difficulty suggesting that what was being proposed was better than the existing community in the area. It was stated that Council did not have a method to ensure performance if the rezoning went ahead and suggested that this was the case due to the fact the land use contract form was not used by the Municipality. It was suggested that no legal method existed at the present time to ensure what they had seen to night would be in fact what was eventually constructed and developed.

No one else appeared in connection with this rezoning proposal.

Acting-Mayor McLean advised that the By-Law would be brought forward to the next regular meeting of Council on Monday night for consideration for first two readings.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN LEWARNE:

"That this Public Hearing be now terminated."

CARRIED UNANIMOUSLY

The meeting was terminated at 8:50 P.M.

CONFIRMED:

CERTIFIED CORRECT:

  
MAYOR

  
DEPUTY MUNICIPAL CLERK.

RWW/lc

