

January 20, 1976

A Public Hearing was held in the Council Chamber, Municipal Hall, 4949 Canada Way, Burnaby, B.C. on Tuesday, January 20, 1976, commencing at 7:30 P.M.

PRESENT:

Mayor T.W. Constable, in the Chair
Alderman G.D. Ast
Alderman D.P. Drummond
Alderman A.H. Emmott
Alderman B.M. Gunn
Alderman G.H.F. McLean
Alderman F.G. Randall
Alderman V.V. Stusiak

ABSENT:

Alderman D.A. Lawson

STAFF:

Mr. M.J. Shelley, Municipal Manager
Mr. A.L. Parr, Director of Planning
Mr. R.W. Watson, Deputy Municipal Clerk
Mr. B.D. Leche, Municipal Clerk's Assistant

The Public Hearing was held to receive representations in connection with the following proposed amendments to the Zoning By-law.

(1) FROM RESIDENTIAL DISTRICT (R1)
TO COMPREHENSIVE DEVELOPMENT DISTRICT (CD)

Reference RZ #54/75

- (a) Lot 185, D.L. 85, Plan 46306
- (b) Portion of Parcel "A", Reference Plan 9998, Block 4, D.L. 85, Plan 3322 (To become Lot 228, D.L. 85, Group 1, Unregistered Plan)

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

The applicant proposes a 21 unit condominium project consisting of detached single family dwelling units on a 6.15 acre net site.

Mr. Gerhard Sixta, Garhard Sixta and Associates, 1152 Mainland Street, Vancouver, B.C., Planning Consultants for the H.A. Roberts Group.

Mr. Sixta reviewed the several concerns raised at the previous public hearing for their project relating to Land Ownership, parking, density and architectural style.

Mr. Cal Rosen, 5533 Buckingham Avenue, Burnaby, B.C. Mr. Rosen spoke to the following written submission

#1. H.A. Roberts Group Ltd. Application

In the May, 1975 application, H.A. Roberts requested rezoning to R8 to build a twenty-four unit development. The reason for rezoning, as stated at the time was to preserve the creeks and trees on the property in their natural state. As it subsequently turned out, many of the trees to be saved had been cut down just prior to the application, and H.A. Roberts was under warning from the Provincial Water Rights Branch to desist from any further interference with the one creek on the property. There was also some evidence that H.A. Roberts only intended to rezone the property in order to sell it at a profit. For these, and several other reasons, the application was turned down.

The latest H.A. Roberts application is similar to the previous one except that the density has been reduced by three units to twenty-one, and the zoning requested is comprehensive development. H.A. Roberts feels that this will overcome the previous objections to the scheme, but, in my opinion, the major objections are still there.

The property in question has been examined and rejected by at least a half dozen developers. Their reasons for rejection are the steep slopes, the large amount of swamp on even the higher portions of the land, the noise-magnifying bowl shape of the property, and the extreme difficulty of access.

It is my opinion that under the present R1 zoning, it would be possible to build a maximum of fourteen units. In the H.A. Roberts brief to council, they have shown a proposed twenty-one lot R1 subdivision, and are attempting to mislead council into the belief that this has been worked out by including an exhibit of a plot plan which by some coincidence happens to be almost illegible. What they have neglected to mention is that five of the houses and one of the main roads are on sixty degree slopes, and two other houses are in the middle of a swamp.

Let us now look at the extra profit to be gained by H.A. Roberts if their application is approved:

7 extra lots at \$ 50,000 each	\$ 350,000
7 extra housing units at a profit of \$ 15,000 each	105,000
Saving by providing shorter, substandard roads and services	<u>45,000</u>
Value of rezoning to H.A. Roberts	<u>\$ 500,000</u>

It is obvious that H.A. Roberts have a great deal to gain from this rezoning.

2. The Applicant and Their Record to Date

Who is H.A. Roberts Group Ltd? According to ^{directors} the records, they are an extra provincial company with four ~~shareholders~~ from West Vancouver and another four mostly living on the prairies. The question that came to my mind at this point was "How far would they get in West Vancouver with a proposal such as this?" In any event, let us look at their record to date in regard to the property in question.

H.A. Roberts, in the process of developing this property has by itself or through its contractors and subcontractors:

1. Slashed down trees in an indiscriminate manner prior to having an approved development plan.
2. Interfered with McKenzie creek, altering its natural course and installing an inadequately sized culvert. This resulted in considerable silting and damage to the downstream section of the creek and flooding of adjacent properties. (See letter from Water Rights Branch, Appendix I.)
3. Failed to obtain blasting permits from the municipality or to warn the few abutting residents of impending blasting. Subsequently denied liability for the resulting substantial damages to the abutting properties.
4. Continually violated the Municipal Noise By-Laws. Because of the magnifying effect from the bowl shape of the property, the violations have been particularly annoying to the neighboring residents.

At this point, I would like to ask council if this is the type of people we want to entrust this kind of a development to.

3. What are the Main Issues in this Proposal?

In the discussion during the council meeting in which it was decided to bring this application to another public hearing, it was suggested by certain members of Council that:

1. The local residents are a privileged group who are attempting to exclude others who may not be as well off.

Since the houses will be selling in the \$ 150,000 Range, it would appear that the newcomers will at least be as well off, if not better off. It is obvious that the younger people who are badly in need of housing will not benefit from this project.

2. It was also suggested that the local residents oppose this development because of their fear of something they do not understand.

In my own case, it was some time before I decided whether I was for or against this proposal. I would like to suggest that the opposition is based on an informed knowledge of the issues rather than a lack of understanding.

4. What are Some of the Objections to this Development?

My reasons for opposing the application are:

- a) As an abutting land owner, I would prefer to deal with my neighbors on an individual rather than a collective basis. At present, I deal with a corporation for the problems I have had to date. I have found this to be a very unsatisfactory arrangement.

Under C.D. zoning, I would again be dealing with a strata title corporation rather than a neighbor. Instead of one family abutting my property, I will have twenty-one.

- b) Because of the bowl shape of this property, the noise factor must be recognized as a major consideration in this development. It is a factor which has been completely overlooked by the planning department and possibly also by the developer.

Two children at play on this property can sound like an army in battle. One can only appreciate this if they have experienced it. To allow a central swimming pool and cabana as proposed, would be a serious error.

- c) Acceptance of this proposal will mean a six acre site adjacent to Deer Lake Park and will no longer come under Municipal control for maintenance. What happens if the standards of maintenance are not kept up on this property?

- d) As evidenced by the petition, a large number of residents are opposed to this development. The opposition to this development is overwhelming and shows that the project is not wanted.

- e) The development will contain sub standard roads and services. The next step will be a demand by the development residents for assistance by the municipality to maintain their substandard facilities. Again, this could be another potentially costly problem to the taxpayer.

- f) The increased density which this development will allow, will place a strain on the existing roads, sewers, schools, and hospitals. The increased density will also have an environmental effect on the creeks and wildlife in the area.

- g) The proposed housing will be high cost and will not contribute in any way to the low cost housing shortage.

- h) Access to the property is very poor. The adjoining road system is not adequate to handle the present loads. The plan calls for access to fourteen units from Haszard Street which will require a substantial bridge over the neighboring creek. Haszard Street joins Buckingham at a blind offset corner which will become an extremely dangerous situation.

As council members are aware, Buckingham is used as an alternate route for Canada Way during rush hours, and as a direct route to Deer Lake during all hours.

With all these disadvantages, one would expect a large number of compensating advantages. There are advantages to the proposal. However, they are all of advantage to the developer, and do not seem to be of advantage to the municipality.

Aside from the fact that there could be problems which may revert to the taxpayer, aside from the fact that we would lining the pockets of our West Vancouver friends, and aside from the fact that the people in the area do not want the development, let us try to look at the project from a purely objective viewpoint.

What we are looking at, really, is a thinly disguised scheme to increase density. The question we must ask ourselves are: "Is increased density good or bad, and, if it is good, is it good for this particular area?"

Let us avoid the first part of the question and assume increased density is good. We must now concentrate on whether it is good for this area. Let us also assume that being good means of benefit to the municipality and particularly to the residents in the development.

Based on the fact that the area is a steep sloped, swampy, echo chamber with extremely poor access, I would have to conclude that increased density is not good for this area. Council would not be acting in the best interests of the future residents of the development by allowing increased density.

For this reason alone, aside from all the other reasons, council should reject this application."

Mrs. Timmy Marr, Mrs. Marr spoke on the first portion of a brief presented by Deer Lake Residents in regard to the proposed development.

"H. A. Roberts has spent sometime plying you with beautifully coordinated house designs and landscaping. Unfortunately, you are not here to decide on house designs and landscaping. Consequently, we will address ourselves to the reason you are here: to decide whether the proposed zone change is necessary and advantageous.

We must therefore examine the proposed advantages: but first some guide lines.

1. A Change in community design or structure is made to improve a given situation - to bring about advantages which existing or traditional methods cannot do.
2. The major aim of policies in the Burnaby Planning Department as stated in the Burnaby Now booklet on page 11 is "to recreate community identity."

We would like to bear these guide lines in mind while we now proceed to comment on the proposed advantages to be acquired by a zone change. We will consider the advantages as they appear to benefit:

- A. The Physical Environment
- B. The Future Residents
- C. The Existing Community
- D. The Municipality
- E. The Developer

A. Proposed Advantages to the Physical Environment

One of the developer's main points is that the use of Comprehensive Development assures the retention of natural site amenities (i.e. creeks, slopes, trees etc.). This in their minds indicates that the zoning must be changed in order to accomplish these ends. Is this really so? Such a proposal is incompatible with the municipality's own philosophy as a developer. The Municipality in developing, the upper Buckingham and Morley areas, has maintained the R1 zoning while preserving creek ways and trees and providing walkways. In short, the municipality, as a developer in the same general neighborhood, has "recreated community identity" as stated in their planning goals and did not choose the R3 method to develop the neighborhood. The municipality apparently set guide lines on homebuilders in this area regarding the removal of trees. If such guide lines could be incorporated in the development of these single family residences, could they not also be applied in this lot in question?

Further, regardless of zoning, R1 or CD, the creek through the property will remain open and intact since that is the stated policy of this council.

B. Proposed Advantages to Future Residents

Since the residents are non-existent, we feel that we would like to comment on their behalf. Some of the suggested advantages supposedly to be benefits for them seem to us to be more disadvantages.

1. The developers have described this development (on page 2 of their submission to the Planning Department) as "a planned Sub-Community". Why plan a "Sub-Community" of 21 people? It doesn't seem to make much sense. Why should the developers choose to arbitrarily segregate future residents from an already existing community? There is absolutely no need to plan a "Sub-Community" for future residents. New-comers to the area over the last few years are more than happy with their community. They seem to find the Deer Lake community as it is, very satisfying.
2. The developer has further assured us (on page 2 again) "The merits of an architecturally co-ordinated and landscaped community.....are not under dispute". Well, on behalf of the future residents of this "planned sub-community" we would like to argue this point. In this time of people "doing their own thing" and the promotion of "individuality" - just how much satisfaction is there in being co-ordinated in every detail of your house and in landscaping, with your neighbors immediately around you. This disadvantage is compounded when this "architecturally co-ordinated" plan is set in the middle of a community which over the years has developed individualized homes through variations in landscaping and exterior decor.
3. The site area is described as "a recessed bowl area, relatively isolated and not easily viewed from any of the surrounding public streets" (page 2 Planning Department's report of November 17, 1975) therefore making it suitable for Group Housing. Does this mean that an isolated area requires a planned sub-community which suggest something even more isolating by design. However, in the interests of community integration for future residents, it seems imperative that more attention should be placed on recreating community identity to compensate for these natural isolating features.

C. Proposed Advantages for the Existing Community

In their most recent submission to council, the developers have elaborated on efforts made to decrease the density and increase the floor areas and the prices of each unit in order to assure "a continuing homogeneous population and a continuing high social and economic standing

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of the newcomers". Further, the developers point out that rather than "endanger the coherent consistency of the community as it is now constituted" they took steps to ensure that the "new buyers have financial capabilities equal to or better than some of the existing community". These are all direct quotes from the developer's submission, prepared by an outside consultant. In our opinion, these are extraordinarily high handed and unacceptable. We would like to point out to council that these words are of the developers own choosing. At no time did we seek such assurances. Our previous brief was submitted to you and contains no reference to social or economic standings. We can only assume that the developers have come up with this idea on their own in an effort to suggest that we have ulterior motives in opposing this rezoning. We feel that this is a most irresponsible and improper tact to have taken.

"The developers also addressed themselves to the value of the surrounding property deciding that the proposed development would enhance the value. This, obviously, is a highly debatable point."

Mr. Paul Preston, then addressed Council and presented the balance of the brief in question:

"D. Proposed Advantage to the Municipality

1. The main appeal to the Municipality was the comprehensive development for the purpose of having control over creeks, landscaping and recreational area.

We have already touched on this suggesting that creeks and trees can be preserved under the existing zoning with directives given future homebuilders. Municipal supervision of a recreational area can surely be of little consequence when such an area would be little more than a backyard pool and cabana.

2. The planners seem to stress the importance of the dedication of approximately 11,500 sq. ft. along the northern boundary of the proposed development. We would like to point out that this gift should be examined closely - this portion of the property is useless to the developer and the dedication will require the municipality to maintain this area as a park, do any revetment and support work which may be required and will transfer to the municipality all legal liability in the event of a flood. It is the Committee's understanding that this particular creek is an important part of the municipality's storm sewer system. It is also pointed out that this strip of land of something less than 200 yards long and 20 feet wide leads to a dead end at private property and will have little value as part of the creek nature trail system.

3. A Strata Title Development suggests that the Municipality will be relieved of certain maintainance. Garbage has already been assumed by the city and it is our understanding that many are now of the opinion that roads within Strata Title Developments should also be serviced. We further understand that roads are not up to the Municipality's standards and therefore would increase the cost of such maintainance if it were assumed by the Municipality as in the case of garbage.

E. Advantages to the Developers

The literature does not mention any advantages to the developer so we will have to assume them. Also, there is no mention of the fact that this property is difficult and costly to develop. We have been able to discuss

this matter with people who investigated the possibility of buying and developing this property approximately 4 years ago but gave up the idea after realizing that their profit margin would be very slim if they pursued the existing intent of the property. They did not feel that it was fair to the community to pursue such a change in zoning. These people live in Burnaby which is not the case with the H. A. Roberts group.

Presumably the H. A. Roberts group anticipated the same problems but instead pursued the group housing as an alternative. The advantages of savings in time, effort and material are obvious. The advantage of setting a price on the proposed homes equal to some of the surrounding homes is obvious.

We can only assume that a healthy profit is expected when P.R. men are imported from California to tell Burnaby residents and city council what is good for us.

We feel that a developer should serve the community and receive a profit for his efforts but not at the expense of the surrounding residents and the future residents.

We can assume an advantage to the developer in not pursuing the original intent of the property. In mid 1974, H. A. Roberts abandoned their proposed R1 plan of 17-18 lots because it required council approval of the waterways. No reason was given for not pursuing the original intention of the property, but it seems likely that restrictions on the waterways would have decreased the desired number of lots.

In considering the change from R1 to CD group housing we have reviewed the developers proposed advantages to:

- A. The Physical Environment
- B. The Future Residents
- C. The Existing Community
- D. The Municipality

We have reviewed as well what we would assume to be advantages to:

- E. The Developer

We find that this proposed plan offers little of value to other than the developer.

We are not opposed to development of the property but we are opposed to development which:

1. does not recreate community identity as stated in the Planning Department goals but instead seeks to introduce a "Sub-Community".
2. places the major advantages in the hands of the developer.
3. does not bring about any apparent improvement in the existing community.
4. forces a strata-title corporation and a "planned sub-community" on future residents who may well wish to live in this area but who encounter a shortage in single family dwellings.
5. can be considered "spot-rezoning", and is not necessary because of the city's already existing plan to introduce group housing in appropriate areas of the city.

RECOMMENDATION

We recommend that council reject the proposed zone change from R1 to CD group housing and provide some criteria to the developer for the protection of slopes, trees, creeks etc. under the existing R1 zoning.

We further recommend that this piece of property be brought to the attention of the Parks Board so that they might have an opportunity to consider its possibilities either in part or in whole since its rise is so controversial.

It is our view that public opinion is equally as important as that of developers and city planners. Public opinion is community planning, determines a community's goals and a community's identity. We are encouraged that this view of public opinion has been sponsored by the Burnaby Council. In the public information "Burnaby Now" booklet, distributed from the Municipal Hall, the aims and goals of the planning department are set out and include the following statements from page 11

"The preparation of growth and development plans will have little meaning unless it is known what people want. Everyone has his own image of what he wants his community to be and he should be prepared to participate in planning its growth and change so that he has control over it."

"Change - rather than being opposed - will be used to improve the community because residents will know how the change fits into the overall pattern of their neighborhood."

These statements are very encouraging to us and we hope that the material that we have collected to these ends will assist in your decision making. However, since we are not in the business of land development, yet feel a responsibility to our community, we feel very tired and frustrated at this point having gone through this whole thing not long ago. We would like to ask council - how long this must go on? We feel that council should be aware that residents cannot keep up this pace forever against the organization of a company.

Thank you for your attention. Mr. Paul Preston then presented the hearing members with a petition opposing the rezoning consisting of 234 names."

- (2) FROM RESIDENTIAL DISTRICT (R4)
TO COMPREHENSIVE DEVELOPMENT DISTRICT (CD)

Reference RZ # 30/74

- (a) Lots 113 and 114, D.L. 135, Plan 4484
- (b) Parcel "A", Explanatory Plan 14061, D.L. 135, Plan 4484
- (c) Lot 115 Except Parcel "A" and Except Explanatory Plan 14061, D.L. 135 Part, Plan 4484
- (d) Lot 49, Except Plans 42113 and 42589, D.L. 135, Plan 3234

(1420, 1450, 1470, 1544, 1548 Augusta Avenue and 7321 Kitchener Street -- Located on the Southeast corner of Kitchener Street and Augusta Avenue)

The proposed development comprises 31-condominium townhouse units on a 2.59 acre site.

Mr. Alister Gordon. Mr. Gordon advised he was one of the principles of the Company developing the property in question. It was indicated that the rezoning was a resubmission of a previous project approved by Council some time ago, however, it had been found that the Municipal property to be incorporated into the project had turned out to be too boggy and they were not able to develop it. The plan was now being resubmitted to Council as amended.

It was indicated that the area in question was near the Montecito project and was in an area designated by Burnaby for development of this type. It was indicated that the area had been marginal for development purposes due to a layer of peat going to a depth of 9 feet at one corner of the property. It was stated that the peat material would be set as a park portion of the property. It was indicated that the Municipality proposed park development for the area to the north and south of the project.

It was indicated that the project would be bound on three sides by proposed park and the fourth side would be shopping centre.

Mr. Joseph Nemeth, Lester H. Keree and Mary C. Glassett of 1560, 1570 and 1590 Augusta Avenue. The following correspondence was received in regard to this rezoning application:

"We, the undersigned, herewith voice our objection to the above proposed rezoning. The Planning Department has shown a complete disregard for the existing homes and improvements by arbitrarily designating certain areas as parks, roadways, etc. without any regard for the existing improvements in this area.

The following are some of our objections and observations which should be considered in this rezoning application:

1. The future destruction of four quality homes with a replacement value of over \$550,000.00 for the creation of the proposed park seems an exorbitant waste.
2. If park land is required for this condominium development, it should be located in the undeveloped peat area part of which is now being considered for condominium use.
- 3.. The creation of a half acre area to be landscaped as a park and pedestrian walkway which will serve no useful purpose either as a park or walkway because of its size but will become another maintenance problem for the municipality paid for by the taxpayers is another example of a lack of foresight.

We would like to see a financial analysis of the proposed development indicating costs to the taxpayers of roads, sewer, water, fire protection etc. along with the losses in taxes and improvements that will occur if this development takes place."

Mary C. Glassett, 1560 Augusta Street, Burnaby

On a question of Mary Glassett, the developer of the property indicated that the park referred to was only on his own property.

A second question was raised as to what effect would there be on adjacent properties once the development area had fill placed on it. Would it increase the bogginess.

(3) FROM RESIDENTIAL DISTRICT (R5)
TO COMPREHENSIVE DEVELOPMENT DISTRICT (CD)

Reference RZ #29/75

- (a) Lots 1 and 2, Block 35, D.L. 151, Plan 1319
- (b) Lot "A", S.D.'s 1 and 2, Block 36, D.L. 151, Plan 4477
- (c) Lots "B" and "C", Block 36, D.L. 153, Plan 4477
- (d) Lots 3 & 4 Except North 7.9 feet; 5 Except West 60 feet; 6 Except West 60 feet Explanatory Plan 12268; 7; 8 Except Explanatory Plan 15398; 9, Block 36, D.L.'s 151/153, Plan 1263
- (e) Lot 130, D.L. 151, Plan 47736

(4145 and 4133 Maywood Street; 6475 Willingdon Avenue; 4179, 4191, 4167 and 4155 Maywood Street; 6459, 6441, 6425, 6407 and 6393 Willingdon Avenue and 4350 Mayberry Street -- Located West of Willingdon Avenue between Mayberry and Maywood Streets)

The applicant proposes a 2-tower 247 unit residential development composed of one condominium tower and one rental tower with a small ancillary convenience commercial facility.

Mr. Barry Carruthers, 4534 Heathwood appeared before Council representing the applicant for rezoning. It was indicated that the site was 2.54 acres and had two hi-rise towers. One with 120 condominium suites and the other with 127 rental suites. It was indicated that the proposal had been before Council in an amended version.

Mr. Carruthers advised that he was available to answer any questions on the project.

Mr. Carruthers reviewed the proposed amenities of the project and indicated construction for the summer of 1976 with the first rentals available in the fall of 1977.

**(4) FROM SMALL HOLDINGS DISTRICT (A2)
TO COMPREHENSIVE DEVELOPMENT DISTRICT (CD)**

Reference RZ #17/75

- (a) Lot Except Part on Plan 24399, Block 23, D.L. 1, Plan 4231
- (b) Lot 1 Except Parcel "A", Explanatory Plan 9829, D.L. 2, Plan 9518
- (c) Lot 3, Except Plan 48717, Block 23, D.L. 1, Plan 4231
- (d) Lot "C", Parcel 1 Explanatory Plan 10672, Blocks 2 and 3, D.L. 2, Plan 9518
- (e) Lots 1 and 2, S.D. "D", Blocks 2 and 3, D.L. 2, Plan 11564

(9740, 9887 and 9926 Rochester Road; 9868, 9888 and 9906 Loughheed Highway-- Located Near the Southwest Intersection of the Loughheed Highway and North Road just North of the 401 Freeway)

The applicant proposes a 106-unit condominium development composed of 70 townhouses, and 36 maisonette units on an 8.9 acre net site.

Mr. Barry McLeod, Architect for the proposed project appeared before Council and outlined very briefly the project in question.
previously

It was indicated that the project had/been before Council but there was now an additional property abutting the Loughheed Highway taken into the plan. It was indicated that the project consisted of 106 condominium units, 36 of which were two bedroom units. It was indicated that there were 35 mature trees on the site and due to the siting they were only going to lose one of them. It was indicated that the project had a 150 ft buffer strip between itself and the 401 Highway. It was indicated that the nearest unit was approximately 200 ft from the shoulder of the Highway.

As there were no further submissions in regard to the above noted zoning applications it was:

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN AST:


"That the Public Hearing be now terminated."

CARRIED UNANIMOUSLY

The Public Hearing terminated at 9:16 p.m.

Confirmed:

Certified Correct:


MAYOR


DEPUTY MUNICIPAL CLERK

RWW/sb