

1978 OCTOBER 17

A Public Hearing was held in the Council Chamber, Municipal Hall, 4949 Canada Way, Burnaby, B.C. on Tuesday, 1978 October 17 at 19:30 h.

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 D.A. Lawson
Alderman W.A. Lewarne
Alderman D.M. Mercier

ABSENT: Alderman F.G. Randall

Staff: Mr. M.J. Shelley, Municipal Manager
Mr. James Hudson, Municipal Clerk
Mr. D.G. Stenson, Assistant Director - Current Planning
Mr. C.A. Turpin, Municipal Clerk's Assistant

The Public Hearing was called to order at 19:30 h.

1. Rezoning Reference #19/78

FROM: RESIDENTIAL DISTRICT FOUR (R4)
TO: MULTIPLE FAMILY RESIDENTIAL DISTRICT (RM3)

Lot 4, Block 89, District Lot 127, Plan 4953; Lot 1 Pt., Block 86, District Lot 127, Plan 4953, Portion of Springer Avenue

5191 and 5209 East Hastings Street - located on the north side of East Hastings Street, between Hythe and Howard Avenues.

The applicant has requested rezoning for the purpose of constructing a three-storey apartment building.

Mr. Alex Fisher, 5131 Capitol Drive, then addressed the members of Council and advised that he was very much opposed to the proposed development. He felt that there was a traffic problem in the area at present and the new proposed apartment would only create further hardship for those living in the immediate area. Mr. Fisher also felt that Springer Avenue is a necessary Street and would not like to see it closed. A new apartment in the immediate area that was completed approximately one year ago has parking facilities that are not being used. Many of the tenants in the building are parking on the streets in front of Mr. Fisher's home. Mr. Fisher presented to the Municipal Clerk a petition containing the names of 35 residents in the area opposed to this rezoning application. The text of the petition is contained hereunder:

"Due to the possibility of a mail strike within the next few days, we, the undersigned, by means of this Petition, wish to document our protest in connection with the proposed Zoning Public Hearing on Tuesday, October 17, 1978 at 19:30 h. In particular, we wish to protest the closure of Springer Avenue between Hastings Street and Capitol Drive for the purpose of constructing a three-storey apartment building on that area and on the adjoining lots. A delegation of property-owners will be present at the said hearing to present their specific objections. Those of the undersigned who are unable to attend the Hearing wish it to be known that the delegation has their full support and is speaking on their behalf as well as for those in attendance."

In response to questions from members of Council, Mr. Fisher advised that Springer Avenue is the best entrance to Hastings Street as opposed to the other streets in the immediate area which are also used to enter onto Hastings Street.

1978 October 17

Mr. Steve Nikleva, representing his Father-in-Law, Mr. Robert Kell, 370 Springer Avenue, then addressed the members of Council and advised that he wished to hear the details of the proposed development before commenting on the rezoning application.

Mr. Joe Yamauchi, Architect for the proposed development, then addressed the members of Council and advised that the proposed building will be a three-storey frame apartment containing 43 dwelling units. The finishes on the building will be stucco and cedar. Mr. Yamauchi advised that as a result of being involved with the apartment immediately adjacent to this proposed development which was completed within the past year, he is very aware of the problem regarding the view corridors. The plans are designed in such a way as to keep the structure as low as possible. If the home owner of the dwelling most effected by the proposed development, with respect to the view, were to stand in his livingroom, he would be able to look out over the top of the proposed apartment. A pedestrian walkway has been provided for in the plans that will enable residents living on Capitol Drive to have access to Hastings Street and thus, public transportation.

In response to a question from Council, Mr. Yamauchi indicated on the plans where the pedestrian walkway was to be situated and also advised that they intended to build over the existing easement that contains the combined Municipal storm and sanitary sewer and a gas main. The utility lines would have to be moved in this case.

Council requested that a proper site plan be provided when this item next comes up for discussion before Council, showing the legal boundaries of the lot site, the location of the structure, and the location of the easement and pedestrian walkway that are indicated in the report.

Mr. Antonio Acciarresi, 321 South Springer Avenue, then addressed members of Council and advised he was opposed to this rezoning application. Mr. Acciarresi was concerned that problems will be created for pedestrians wishing access to Capitol Drive from Hastings Street and feels that the apartment is not needed in this area.

Mrs. Jean Geiger, 341 South Springer Avenue, then addressed the members of Council and advised that her main concern is one of the traffic problem that will be created. Mrs. Geiger, at present, experiences considerable problems when attempting to pull out on to Capitol Drive from Springer Avenue. Tenants in the recently constructed apartment in the immediate area are using Capitol Drive and Springer Avenue as parking places for their vehicles. Mrs. Geiger also advised that she does not feel that her view will not be obstructed if this development is allowed to proceed. At present she can not see over the apartment recently constructed adjacent to the property on which this development is proposed to proceed.

Mrs. Hazel L'Estrange, 5125 Empire Drive, then addressed members of Council and advised that she was vehemently opposed to the closing of Springer Avenue. Mrs. L'Estrange advised that when she contacted the Planning Department she was given two reasons for the closing of Springer Avenue:

- a) The grade was too great.
- b) That it would reduce traffic congestion.

She felt that the closure of Springer Avenue would create a problem for the people in the area to have convenient access to the Brentwood Shopping Centre. In her opinion, a little more imagination should be used when considering new developments and perhaps some consideration should be given to placing the proposed structure over top of Springer Avenue on the third floor only with no first and second floor over the road and thus leaving the road passable.

Mr. Nikleva, representing Mr. Robert Kell, then addressed members of Council again and after asking several questions of the Assistant Director - Current Planning, read the following brief to the members of Council:

"Issues involved in rezoning application referenced to Planning Document #19/78

Rationale supporting proposal

3.1, 3.2 The 1969 Apartment Study designates area suitable for medium density residential development (RM3). Land under consideration one of the few remaining sites available for apartment development.

Negative aspects of proposal

3.3 Vehicular access to properties in the immediate area.

Access from Hastings Street to the residential area north of Capitol Drive.

Resultant liabilities arising from the steep grade of Springer Avenue

3.4 Pedestrian access

3.5 View Obstruction

The items listed above are discussed in the following presentation:

Rationale - 1969 Apartment Study Objectives

It has not been demonstrated that rezoning Springer Avenue will contribute to achieving the objectives of the 1969 Apartment Study to gradually introduce medium density residential development to the area. In fact, rezoning Springer Avenue is not required, since medium density development could take place on Lots 3 and 4 alone, without including Springer Avenue roadway.

As noted in the proposal, considerable development has taken place within Area B. The Apartment Study's recommendations have, therefore, already been achieved to a large degree.

Vehicular access to properties in the immediate area

Vehicular access to Springer Avenue north of Hastings Street is not completely satisfactory at the present time, since the street terminates one block north of Capitol Drive and then commences again at a point one block further north. Since the street comes to an abrupt dead end, this already poses problems for visitors, delivery vehicles etc., looking for addresses on Springer Avenue.

This problem, however, would be compounded many times over by an additional closure of Springer Avenue between Capitol Drive and Hastings Street. The block of Springer Avenue between Capitol Drive and Empire Drive would then be completely isolated from the remainder of Springer Avenue on both the north and south approaches. It would be a veritable maze and would lead to complete confusion for people trying to find an address on Springer Avenue north of Hastings Street.

We reject the Planning Department statement that access to properties in the immediate area will not be unduly impeded.

Access from Hastings Street to the residential area north of Capitol Drive

Access to the general area noted above is minimal at present and consists of Hythe Avenue, Springer Avenue, and Howard Avenue. Although as noted, Springer Avenue does not extend completely to the north, it does open onto Capitol Drive and Empire Drive and permits traffic flow through these areas. The portion of Springer Avenue under consideration is the northward extension of Springer Avenue that extends south of Hastings Street and services a large residential area.

1978 October 17

Traffic from this area would logically continue northward across Hastings Street, up Springer Avenue and then branch off onto the east-west roadways.

Closure of Springer Avenue would mean that there would be no access north of Hastings Street between Hythe Avenue and Howard Avenue - a distance of over 1/3 of a mile!

It is our understanding that long stretches of developed property along a community's main thoroughfare, without side access, is not desirable. The proposed closure would therefore also have a negative impact on the overall traffic flow.

Resultant liabilities arising from the steep grade of Springer Avenue

The grade on Springer Avenue between Hastings Street and Capitol Drive is less than the grade on Springer Avenue either to the north or the south. The grade on Springer Avenue north of Capitol Drive is extremely steep. It is obviously easier for a vehicle to negotiate this slope from a straight-on direction than from a right-angled turn which would be the situation if the lower portion of the road was eliminated. On this consideration alone we might expect an increased potential for liabilities arising from traffic accidents - rather than the decrease assumed by the Planning Department.

This applies to uphill traffic. However, consider downhill traffic. If this proposal were to go ahead, it would mean erecting an apartment square to, and at the base of, perhaps the steepest road in Burnaby! And yet the Planning Department would have us believe that liabilities would be decreased? We do not accept this. In fact, the converse would be the case.

Pedestrian access

Since the bus stop for this area is on Hastings Street, closure of the road will deprive residents of access to public transportation on municipally owned and maintained roads. After paying taxes for years, access on public roads is now to be replaced by a pathway through someones private property. Such a proposal is an outrage. Many of the residents in the area are elderly. Who will assume responsibility that walks are adequately cleared. Is the municipality going to leave it up to the residents to complain to the apartment caretaker? To my mind it is shocking that such an irresponsible course of action would be sent forward to Council. Again, there is a question of the municipality's liability under these circumstances.

View obstruction

As noted in the Planning Document, the residential properties to the north of the subject development site experience excellent views to the south. The proposal does not include measures to protect the views of adjacent properties. In fact, what can be done? If your home has a view of the landscape and a three-storey apartment building is erected directly between your home and the view, then your view is transformed into a close-up of a three-storey apartment block.

The value of the property would be further decreased, since access to the apartments would be from the north. This would result in increased traffic congestion and noise, making the property much less suitable as a family dwelling.

Mr. Kell's property has an exceptional view. It commands a panoramic vista across the lowlands to Central Park and the South Vancouver ridge. Fortunate. Well, consider that Mr. Kell purchased his lot and built his home 59 years ago. He is 93 years old and a pioneer resident of Burnaby. Mr. Kell enjoys and appreciates a view. That is the reason he was willing to put up with a lack of adequate transportation and other public services for years, as Burnaby was growing.

And Mr. Kell's view property didn't work only one way. He was proud of his home and kept a rockery and garden that was a pleasure for everyone to see that travelled along Hastings Street. His garden was a landmark.

We recognize change is inevitable. But to build an apartment block on a public street, and to force a financial loss on a long-term resident, in order that a recent purchaser can turn a quick profit on a rezoning speculation - Well, I hope our values have not dropped to the point where we consider such a proposal has merit.

And there will be a financial loss to the residents. The value of Mr. Kell's property, as he realized when he purchased the land years ago, was the view. Take it away and the value of the lot drops. Drastically. If this proposal were to go ahead, instead of one of the finest view lots in Burnaby, Mr. Kell would be left with a lot facing directly onto an apartment block.

However, the human element, and what is a responsible position from a community point of view, are not the only issues here. The facts as outlined in the planning document itself indicate that the proposal does not serve the interests of the community.

I appeal to the Mayor and members of Council to review this matter carefully. This is an ill-conceived plan that benefits only the architect and the owners of the development property.

This rezoning does not have to proceed in order to meet the Apartment Study objectives. They are being met already.

We have listed a number of the negative impacts associated with this proposal. Planning Department apparently dismisses the residents rights for access to public transportation on municipality owned and maintained property. Or their right for a roadway plan that does not cut-off and isolate their street. Or the preservation of their property values. As our elected representatives, we look to this body to put the matter into proper perspective.

We do not feel Council should approve erecting apartment blocks on public roads, when this would result in a lessening of service and create numerous difficulties for the residents in the area. And perhaps increased liabilities and legal complications to the municipality in the bargain.

We think there is no question. The rezoning should not be allowed."

Mrs. A. Fisher, 5131 Capitol Drive, then addressed the members of Council advising that she was in opposition to the closing of Springer Avenue and felt that a problem could be created by the lack of access to the area by emergency vehicles.

Mr. Hugo De Angelis, 5180 Empire Drive, then addressed members of Council and advised that he was in opposition to the proposed rezoning and felt that the value of the homes in the area would be considerably reduced should the project be allowed to go ahead.

Mrs. M. Dallos, 371 South Springer Avenue, then addressed the members of Council and advised that she would be most effected by the construction of the apartment with respect to view. She felt that her view would be substantially obstructed irregardless of what has been said tonight.

Mr. S. Guizzo, 5220 Capitol Drive, then addressed the members of Council and advised that he owned the building adjacent to the proposed development. He was questioning the proposed exits between the new building and his building as there is an existing retaining wall there that can not be removed.

1978 October 17

In response to this question, the Architect advised that the building could be shifted to accommodate the entrance/exit on the west side of the building rather than the east side.

The members of Council requested that reports be brought before them with respect to the accident record at the intersection of Hastings Street and Springer Avenue and in addition, a report on the entrance access to the proposed development. An additional report was requested regarding the removal of trees should it be decided that the building would have to be shifted.

In clarifying a statement made by Mr. Yamauchi, Mayor Constable stated that if it isn't practical to build the pedestrian walkway on the east side of the building, then the whole project can be moved over and the walkway cable built on the west side. The vehicular driveway and the pedestrian walkway will be located on the same side of the development.

The Assistant Director - Current Planning advised Council that the proposed width of the walkway, being 3 feet, would not be suitable and that the Planning Department will be recommending to the developer that the walkway and the vehicular driveway be separated and landscaped suitably.

A letter was received from Mrs. Pansy E. Geiger, 350 South Springer Avenue, and text of this letter is contained hereunder:

"I am writing this letter since I will be out of town on October 17th and therefore, unable to attend the meeting re closing off a portion of Springer Avenue.

This would be most upsetting for several reasons.

1. Many people use this street to catch the bus.
2. We, in this area, would be quite closed in and inaccessible for deliveries, ambulances, fire trucks, etc.
3. There is much confusion for anyone trying to find addresses in this neighbourhood now and this would worsen the condition considerably.
4. Personally, I would feel it greatly, both regards to catching buses and carrying home groceries and being picked up by friends, whom this would greatly inconvenience."

There were no further submissions received in connection with this rezoning application.

2. Rezoning Reference #20/78

FROM: RESIDENTIAL DISTRICT FIVE (R5)
TO: LIGHT INDUSTRIAL DISTRICT (M5)

Portion of Lot C exc. Expl. Plan 10599 and Expl. Plan 26541, Block 2, S.D. 1 & 2, District Lot 73, Plan 4326

4591 Canada Way - located on the north east quadrant of Canada Way and Beta Avenue, north of the B.C.I.T. complex.

The applicant wishes to rezone the southerly portion of the site (approximately 2.99 acres) from R5 to M5 in order to construct two, 4-storey office buildings and a parking structure. The balance of the property would be developed for a number of office/warehouse/distribution buildings under the present M1 Zoning.

Mr. P.W. Skynner, Vice-President, Industrial Commercial Property Division of the Imperial Group, then addressed members of Council and advised that he would be prepared to answer any questions that the Council members may have with respect to the presentation that was provided to them prior to the commencement of the Hearing tonight.

No questions were forthcoming.

There were no further submissions received in connection with this Rezoning application.

3. Rezoning Reference #21/78

FROM: SERVICE COMMERCIAL DISTRICT (C4)
TO: DRIVE-IN RESTAURANT DISTRICT (C7)

Parcel A Expl. Plan 11436, Blocks 2 and 9, District Lot 97
Plans 10161 and 824

5970 Kingsway - located at the south west corner of Kingsway and
Waltham Avenue.

*The applicant has requested rezoning in order to establish a drive-in
restaurant.*

Mr. R.J. Orr of Bull, Housser and Tupper, the applicant of record, then
addressed members of Council advising that he wished to provide the members
with some background regarding this application. The owner of the property
at the moment is Shell Oil of Canada Limited, and the developer is Torwest
Properties Development Limited. The proposed development for the property
is a Wendy's Restaurant which is not a drive-in restaurant but would better
be described as a drive-away restaurant. It is designed so that the people
can come and either eat at the facility or pick up their food and take it
with them. In addition, Mr. Orr provided the members of Council with the
position of the developer in respect to the conditions as set forth by the
Planning Department regarding this development.

There were no further submissions received in connection with this rezoning
application.

MOVED BY ALDERMAN AST:

SECONDED BY ALDERMAN DRUMMOND:

"THAT this Public Hearing be now terminated."

CARRIED UNANIMOUSLY

The Public Hearing was terminated at 20:55 h.

Confirmed:


MAYOR

Certified Correct:


MUNICIPAL CLERK'S ASSISTANT