

OCTOBER 17, 1961

A Public Hearing was held in the Council Chambers, Municipal Hall, 4545 East Grandview-Douglas Highway, Burnaby 2, B. C., on Tuesday, October 17, 1961 at 7:30 p.m.

PRESENT: His Worship Reeve Emmott in the Chair;
Councillors Clark, Drummond, MacSorley,
Jamieson, Hicks, Edwards and Prittie

ABSENT: Councillor Harper

(1) FROM RESIDENTIAL TWO-FAMILY TO LIGHT INDUSTRIAL.

17 acre portion of Lot "A", Block 3,
D. L. 73, Plan 17737
(Located at the Southwest corner of
Grandview-Douglas Highway and
Westminster Avenue).

Mr. Frank Olsen addressed the Hearing on behalf of the residents in the immediate area protesting the proposed development of a Drive-In Theatre on the property under application. Mr. Olsen presented a written Brief giving reasons for the concern of the people as:

- (a) The Theatre will create traffic congestion, increase traffic accidents and disturb the amenity of the surrounding residential area. Mr. Olsen drew examples from the operation of the Cascades and Loughheed Drive-In Theatres where several reported accidents had occurred. The flow of traffic along the Grandview-Douglas Highway is already disrupted by the Cascades Theatre operation and it was submitted that the addition of a second Theatre would aggravate this situation. It was submitted that the provision of a waiting area for car patrons was ineffective at other Theatres and that it was anticipated would be equally as ineffective at the new Theatre due to the reluctance of patrons to lose their position in a single line. Exits from the Theatre were denied by the Department of Highways onto the Grandview-Douglas Highway and therefore the residential streets east of the Drive-In Theatre where the opposing residents reside, would become throughways for the traffic entering and leaving the Theatre. Traffic noises and other noises from the Theatre would occur disturbing the amenity of the neighbourhood. The Brief drew attention to the unattractiveness of the Drive-In Theatre to the community generally and submitted that the existing Theatres were examples. The residents fear a depreciation would occur to their properties should the Drive-In Theatre be established due to the traffic congestion, additional noise and unattractive features. It was submitted that the decrease in values was estimated at 10% or approximately \$100,000.00. Tax revenue from the Theatre was suggested would amount to approximately \$2,000.00 for the use of 17 acres and this was felt to be small compared to the disadvantages created within the general area. The Theatre would provide few jobs and would not be an essential service to the residents of the area. The submission was accompanied by petitions containing signatures representing a total of 137 people.

Mrs. Mary Guthrie, 5008 Laurel Street, submitted that within the one block of Fulwell Street between Westminster Avenue and the Grandview-Douglas Highway there were over 50 children who would be playing outside and a hazard would occur to these children, particularly in the summertime.

R. McKenzie, 5049 Laurel Street, submitted that he had lived between two Drive-In Theatres prior to moving to Burnaby and that there was considerable noise emanated from the Theatre particularly when the film broke or the show was over and people began to use their car horns. Considerable traffic congestion occurred and there was speeding and "peeling" of the automobiles.

Mr. J. Saunders, 4929 Fulwell Street, distributed a series of photographs showing conditions of the interior and exterior of the Loughheed and Cascade Drive-In Theatres together with a picture of Laurel Street showing the residential character of this street.

H. Hamilton, 4950 Laurel Street, submitted that he was experienced in real estate matters and that he considered the 10% depreciation mentioned in the Brief as very conservative. His opinion was that the saleability of the land would definitely be affected, suggesting that lands adjacent to the Cascades Drive-In Theatre do not sell.

Mr. C. Nylander, Director, Central Burnaby Ratepayers and Citizens Association, read a Brief following a general meeting of the Association advising that a motion had been passed unanimously supporting the Brief of the affected residents as presented by Mr. Olsen to the meeting. The Association's Brief referred to Section 702 of the Municipal Act concerning the preservation of amenities of a particular area, the value of the land and the nature of its present and prospective use and the conservation of property values which it was submitted were all considerations the Council must heed in making decisions in matters of this kind. The economic factor was also stressed as an important factor both from the point of view of the Municipality generally and from the viewpoint of the affected residents. The Brief suggested that an upgrade in zoning appreciably increases the market value of property and that industry took advantage of this situation and purchased land of a lower zoning category only to have the zone changed and in this particular instance it was suggested this was a dangerous factor in that the Theatre was termed an interim use and if and when other industry became interested which would form the ultimate use of the land the values would have increased appreciably and could in all probability drive away the better industrial use. In the interim the tax revenue to the Municipality was not greatly appreciated and may, in fact, form a deficit considering the possible devaluation of the adjoining residential property.

The Brief then went on to query the formation of an Advisory Planning Commission by the Council.

In summary the Association submitted that there was no objection to the plan for a future north - south road crossing the property. There was objection to:

- (a) The use of the property for a Drive-In Theatre because of its built in nuisance factors;
- (b) The proposed rezoning because of the Drive-In Theatre proposal and because of the deterrent factor to Industry and high land costs.

Representatives of the Odeon Theatre Company were present and addressed the Council. These included Mr. Maitland, Solicitor for the Company, Messrs. Sutherland and Reynard.

Mr. Reynard spoke submitting that plans for the Theatre had been made on the understanding that the project would be an asset to the community and would not be detrimental to adjoining lands. The following points were made:

- (1) Representatives of the Company presented to the homeowners a plan which portrayed the proposal of the Company.
- (2) A plan was displayed at the Hearing showing the "mixed" area surrounding the Theatre property including the residential area to the east, the commercial area to the north, and the existence of a Government Institute and Works Yard to the west and a cemetery to the south. It was pointed out that a major road would be provided by the Company which would create a buffer area between the residential land and the Theatre proper creating a natural area for a zoning change. The quiet enjoyment of the neighbourhood would be preserved by the fact that 12 acres of the larger area would remain in a natural state, will screen the noise and unsightliness. Eventually it was proposed that this area would be an extension of the residential development to the east.
- (3) The Company was prepared to maintain a perimeter of trees around the project.
- (4) Access and egress to the project would be concentrated in one location and such facilities would be kept to a minimum.
- (5) In regard to the traffic filtering into the residential area it was submitted that special personnel would be employed to divert the traffic from the residential area.
- (6) The Theatre surface would be paved with asphalt. Designs of the building and other plans were in the hands of the Council at the present time.
- (7) It was submitted that the plan of the Theatre had been drawn to include traffic control facilities as recommended by Traffic Officers of the Municipality and the Provincial Government who were experts in this field.
- (8) In speaking to the question raised of danger to children in the area from traffic, it was submitted that the traffic filters into the Theatre over a two-hour period and was not expected to cause a heavy flow at one time and the discharge of patrons from the Theatre while creating a different situation should not prove hazardous to the children since the discharge hour is late in the evening.
- (9) The spokesman stated the tax burden of a Municipality was in need of a balance between residential and commercial and industrial and that in Burnaby at the present time there was an imbalance in that insufficient tax burden was being shared by commerce and industry and that there was a need for this type of development accordingly. The spokesman drew attention to the fact that the Paramount Theatre, owned by the Odeon Company, had recently changed hands and had resulted in a major industrial addition to the Municipality's economy.

- (10) The Planning Department had recommended the rezoning for consideration. Many of the fears and difficulties of the community would be overcome by the provision of a major road and subdivision of the land forming a buffer area.
- (11) It was considered this interim use was logical. In taking a poll in the area of 71 homes, 19 were visited where no-one was home; 18 were neutral, 15 were opposed and 19 homes were in favour of the development.

Mr. Mossop, Hardwick Street, requested information on whether civilians would be permitted to direct traffic off the roads and lanes. It was also submitted that traffic at the Cascades discharged in an unruly manner and was effective in stopping traffic travelling on Grandview Highway while the discharge was underway.

Mr. Sutherland, representative of Odeon Theatres, submitted that the Paramount Drive-In Theatre was the first operation of Odeon Theatres in B. C. and had been installed prior to the Lougheed Highway becoming a part of the Trans-Canada Highway system and as such was not in the condition that it is today. It was submitted that the road at that time was a gravel road and the property used by the Theatre was not considered to be valuable for industrial purposes. Later, as the Highway developed, the property became very valuable. It was submitted that Drive-In Theatres are considered an interim use of land, however, it was stressed that it was not the intention to portray the impression that this Theatre would be operated on a short term basis and it was planned that the Theatre would be in operation for from 10 to 20 years.

Mr. Saunders spoke again and asked if the major road was to be dead-ended at the south end of the Theatre property and if so, when would the road be completed.

The Director of Planning advised that construction of this road is in question at the present time. The applicants have made application to subdivide the land and have been advised of the servicing costs from the Grandview Highway to Woodsworth Street along the major road. Nothing was planned at this time for extension of the road further than Woodsworth Street.

Mr. Olsen pointed out that dedication of a road in this manner is not a particular advantage to the Municipality since construction of the road is not a requirement under the circumstances as it is under land subdivision procedures. It was submitted that the dedication of the road allowance itself at a value of several thousand dollars was considered to be a real benefit to the Municipality.

Mrs. Olsen requested information on whether or not the new road would be of benefit to other than the Drive-In Theatre and was advised that until plans for continuation of the road were complete the road would benefit only the Drive-In Theatre.

Art Guthrie, 5005 Laurel Street, spoke relative to the noise factor advising that he and a neighbour had patrolled the area in the vicinity of the Cascades Drive-In Theatre and were amazed at the noise created for a distance of two or three blocks. In speaking to adjoining property owners it was found that in wintertime the noise was not as bad when windows of the automobiles were closed and the Theatre was only half full. However, it was a different story during the summer season. It was submitted that the continuous dull muffled noise was a nuisance and in this day when the trend is to more outdoor living, this noise could be considered quite a

nuisance. Mr. Guthrie suggested that he resented the implications made earlier in the Hearing that the area was a mixed use area, implying a second-class community. Mr. Guthrie submitted that the residents were proud of the area and take a pride in keeping their properties in good condition.

A representative of the Odeon Company expressed apology if he had cast the impression through his remarks of a mixed area that the residential area was second-class and suggested that this was not his intent and, in fact, agreed that the residential area was of high calibre.

Mr. Maitland, Solicitor for Odeon Theatres, asked the Planner for his opinion on what the land use should be for the property under application.

The Director of Planning advised that in their opinion the property should be "Manufacturing" zoning.

It was submitted that because of the mixed nature of the surrounding area it was not suitable for residential development. Schools and shopping facilities would be located in the community to the north and would mean that children and pedestrians would have to cross and re-cross the highway in order to gain access to these facilities if the area to the south were enlarged to any degree for residential purposes.

Mr. Carpenter, 4942 Fulwell Street, submitted that the map showed the entrance and exit to the Outdoor Theatre from the major road. Mr. Carpenter questioned whether a road of this importance should have a Drive-In Theatre located thereon.

Mr. Carpenter also suggested that a screen being located close to the Grandview Highway would act as a diversion for automobile traffic along the Grandview-Douglas Highway, particularly travelling to the west.

Mr. Reynard of the Odeon Theatres advised that Department of Highway regulations provided that the screen must be entirely hidden from view of traffic on the Grandview-Douglas Highway.

Mr. Mossop submitted that the buffer zone of trees suggested earlier, would be ineffective in the wintertime unless the trees were of an evergreen variety.

Mr. Olsen again spoke submitting that the plan of the Director of Planning did not show two entrances to the Theatre. Furthermore, it was a fear of the people that traffic coming from the east will filter through the residential streets to gain access to the Theatre.

Mr. R. Simmons of the Bell-Irving Real Estate and Insurance firm, acting as agent of the owner of the land under application advised that the owner was paying heavy taxes on the land and should not be restricted in its use.

The Hearing recessed at 8:55 for ten minutes.

The Hearing reconvened at 9:05 with Councillors MacSorley and Harper absent.

(2) FROM LIGHT INDUSTRIAL TO RESIDENTIAL MULTIPLE FAMILY TYPE 1.

Lots 1, 2 and 3, S.D. "A", Block 45, D. L. 151/3, Plan 1598

(Located on the east side of Dow Avenue immediately south of the B. C. Electric Central Park right-of-way).

Mr. Stroh, 6636 Dow Avenue, appeared and submitted that there were fourteen apartments already situated on Dow Avenue and that in the interests of compatibility his property should be zoned likewise. Mr. Stroh referred to the requirement of a portion of his property for access to the new school to the east and suggested that this would work a hardship in that the provision of land for this walkway would mean the loss of a driveway and the removal of fences. It was felt that if this land were to be taken for this purpose that the owners should be compensated at the market value for the reduction in the property and the consequent reduction in the number of suites that could be accommodated on the site.

Mr. H. Karras, 6557 Dufferin Avenue, submitted that correspondence received did not mention the suggested dedication of an access-way to the school. Mr. Karras submitted that the effects of this dedication went beyond the removal of driveways, garages and fences. It was suggested that the market value was materially affected and this must be considered in case of resale, etc.

It was suggested that a walkway might be accommodated along the south side of the B. C. Electric right-of-way by way of an easement.

Mr. Courtice spoke in favour of the proposed rezoning.

(3) FROM LIGHT INDUSTRIAL TO RESIDENTIAL TWO-FAMILY.

Lots "A", "B", "C" and "D", S. D. 5, Block 1,
D. L. 205, Plan 16983, AND Lots 1 to 5 inclusive,
S. D. 20, Block 1, D. L. 205, Plan 10371
(Located on the east side of Fell Avenue
between Pandora Street and the lane north
of Hastings Street)

Mr. Stagliano, speaking on behalf of his parents at 230 South Fell Avenue.

Mr. Stagliano advised that sales for the property under Light Industrial zoning had not been successful to date. It was submitted that the properties to the south were in the main residentially occupied and it was felt that the land could be put to better use as a residential or multiple family zone.

Mr. Street, Solicitor for Mr. B. J. Wood, owner of Lots "B" and "C", referred to the report of the Director of Planning and suggested that there should not be a close mixing of industrial with residential. Specific reference was made to the last sentence in the Planner's report under Observations: "as the predominant land use in this enclave is residential and as the Scenic Drive allowance is a logical zone boundary, it is felt that rezoning would be appropriate."

Mr. Street agreed that there should be a graduation of zoning and submitted that Scenic Drive did not form a physical barrier and it was suggested that a graduation of zoning from Heavy Industrial to Light Industrial to the Residential zoning was more proper and provided a real transition.

It was submitted that the land in question had been zoned Light Industrial since 1946 and that the owner proposed to use the land for Light Industrial purposes, his plans being to establish an electronic industry on the property. The existence of the Oil Refining Plant nearby created fumes and noise and such conditions were not conducive to good residential use. It was suggested that homes already in the area would probably eventually be converted to Light Industrial use.

Lastly, it was submitted that Lots 1 to 5 to the south were developed residentially but were of insufficient area to accommodate residential two-family under the zoning regulations.

A petition was read signed by eight residents on Fell Avenue in the 100, 200 and 300 Blocks expressing favour to the rezoning for Multiple Family purposes of Lot "A", Block 5, Block 1, D. L. 205.

The Hearing then adjourned.

Confirmed:

Certified Correct.



REEVE



CLERK