

MAY 6, 1969

A Public Hearing was held in the Council Chambers, Municipal Hall, 4949 Canada Way, Burnaby 2, B. C. on Tuesday, May 6, 1969, at 7:30 p.m., to receive representations in connection with the following proposed amendments to "Burnaby Zoning By-law 1965":

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

ABSENT: Aldermen Drummond, Herd and McLean

HIS WORSHIP, THE MAYOR, first explained the procedure which Council was required to follow in connection with rezonings and also its policy insofar as advising the owners of property abutting the land under application. He also explained the purpose of the Public Hearing and suggested the desired method for the public to express its views in regard to the proposed amendments.

A. PROPOSED REZONINGS

(1) FROM SMALL HOLDING DISTRICT (A2) TO RESIDENTIAL DISTRICT (R2)

Reference RZ #4/69

The area bounded on the North by Montecito Drive, on the West by Duthie Avenue, on the South by Broadway, and on the East by the Municipal Golf Course, with the exception of the site occupied by No. 4 Fire Hall on Duthie Avenue that is zoned Administration and Assembly District (P2).

Mr. R. W. Racine, 2412 Duthie Avenue, submitted a letter expressing opposition to the rezoning proposal. His principle objection being the presence of Fire Hall No. 4 on Duthie Avenue and its location within what is proposed to be a good quality single family residential area. He expressed the view that the Fire Hall should be relocated to main a thoroughfare to allow for the rapid movement of fire equipment when required, instead of it having to pass over residential roads to reach its destination. Mr. Racine also complained of the noise pollution caused by the fire equipment, and expressed the opinion that the commercial type building of the Fire Hall itself was in architectural conflict with the modern residences in the area. He further claimed that its presence had a depreciating effect on properties in the immediate area and submitted that if the application is pursued the retention of the Fire Hall on its present site could not be considered good planning practice.

Mr. K. M. Brown, 7377 Broadway, then spoke and sought information as to the limitation of development allowed under Residential District (R2) zoning, and asked also what effect the rezoning would have on the taxes levied on the subject properties.

Mr. Brown was advised of the requirements of R2 zoning, but in respect to the matter of taxation it was indicated that no answer could be given at this time other than that the properties under application would reflect their market value when assessed.

As to why the proposed apartment area did not extend through to Broadway instead of ending at Montecito Drive, Mr. Brown was further advised that the development of the area was related to the schools, recreational facilities, and the commercial development considered for the area.

(2) FROM RESIDENTIAL DISTRICT THREE (R3) TO NEIGHBOURHOOD INSTITUTIONAL DISTRICT (PI)

Reference RZ #16/69

Lot 85, except the West 240 feet, D.L. 74, Plan 30139

(5146 Laurel Street - Located on the West side of Canada Way between Laurel Street and Fulwell Street, with a width of 231 feet and an average depth from Canada Way of 239 feet)

Aurora Realty Company Ltd., the applicant, submitted a letter indicating that they would expedite the matter of satisfying the prerequisites to rezoning as established by Council on this application.

(3) FROM RESIDENTIAL DISTRICT FIVE (R5) TO GENERAL COMMERCIAL DISTRICT (C3)

Reference RZ #5/69

Lot 15, Block 4, D.L. 153, Plan 1316

(5967 Pioneer Avenue - Located on the West side of Pioneer Avenue from a point approximately 123 feet North of Kingsway Northward a distance of 66 feet)

Mr. Edward MacLeod, Bonny's Taxi Limited, submitted a letter withdrawing the application and indicated that the Company were not in a position to satisfy the prerequisites to rezoning established by Council on this application.

(4) FROM RESIDENTIAL DISTRICT FIVE (R5) TO COMMUNITY INSTITUTIONAL DISTRICT (P5)

Reference RZ #8/69

Lot 1, Block "A", D.L. 35, Plan 5096

Lot "A", S.D. 2, Block "A", D.L. 35, Plan 6952

(5230 Boundary Road and 3738 Burke Street - Located at the South-East corner of Boundary Road and Burke Street, with a frontage on Boundary Road of 222 feet and a depth of 414 feet)

Mr. M. Coyman, 5340 Boundary Road, spoke and expressed concern that the map accompanying the report to abutting owners relative to the rezoning proposal, reflected a cul-de-sac on her property and she submitted that it was a waste of land.

The Planning Director explained that the proposed subdivision of the area as indicated was a plan of likely development of the area that had been drawn in to complement the proposed development of the site under application. He assured Mrs. Coymen that the subdivision of her property as indicated could not be effected unless she agreed to it.

Mrs. C. Bussani, 5260 Boundary Road, indicated that whilst she was not against the proposed rezoning she was concerned about the location of the lane between her property and that under application as a condition of rezoning. She submitted that the proposed lane would be only five feet from the side of her house and could not agree to its construction. Mrs. Bussani also asked where the sewer connection to the area would come from and thought perhaps the lane was being created merely for the purpose of constructing the sewer line.

The Planning Director advised that in view of the future importance and status of Boundary Road it was considered advisable to provide secondary access to the properties fronting onto Boundary Road, and the future lane pattern indicated would provide such access.

As to the provision of sewer services, the Planning Director indicated that this could be provided either by tying into the Vancouver system across Boundary Road, or into the nearby local lines. In respect to the latter alternative it was pointed out that difficulties were being experienced in obtaining easements in the area to extend the sewer facilities.

The desirability of allowing lane access onto Boundary Road was questioned, and it was felt that this aspect should be examined carefully in view of the practice of limiting access onto major traffic routes.

(5) FROM RESIDENTIAL DISTRICT FIVE (R5) TO PARKING DISTRICT (P8)

Reference RZ #18/69

Lots 17, 18, 19 and 20, Block 4, D.L. 153, Plan 1316

(5909, 5921, 5933 and 5945 Pioneer Avenue - Located on the West side of Pioneer Avenue South from Grange Street a distance of 264 feet and to a depth of 133 feet)

Mr. F. W. Foley, 4172 Boxer Street, submitted a letter expressing opposition to the proposed change of use and expressed the desire that the property remain zoned for residential purposes. It was pointed out that whilst Mr. Foley was the registered title owner of the property, it was the subject of an agreement of sale to another party.

(6) FROM MULTIPLE FAMILY RESIDENTIAL DISTRICT (RM3) TO SERVICE COMMERCIAL DISTRICT (C4)

Reference RZ #11/69

Lot 33, Block 7, D.L.'s 151/3, Plan 1895

(5827 Olive Avenue - Located on the West side of Olive Avenue from a point approximately 50 feet South of Kingsway Southward a distance of 184 feet)

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Mrs. John Moncrief of 5842 Barker Street, submitted a petition signed by herself and five others, expressing opposition to the rezoning application on the grounds that the commercial use proposed for the site would extend further the unsightly condition of the existing service station which is to be expanded.

The petitioners supported the view that the Council should pursue the adoption of a community plan to provide for high-rise development of this area.

Mr. Angus J. Macdonald, the applicant, submitted a letter supporting the rezoning proposal and also provided a brief from the Standard Oil Company of B.C. Limited, outlining their proposal for developing the site in conjunction with their property immediately to the North of that under application.

The brief indicated that it was proposed to construct a modern, attractive service station on the enlarged site, and that it permitted would greatly enhance the appearance of the total triangular site. Details of the site were given and it was also stated that the Company had enjoyed the present location since 1939.

It was also stated that studies had indicated that the market available to the site made its redevelopment an economically sound venture. The brief also submitted that it would be difficult to develop an adequate multiple family dwelling on the triangular site.

Mr. A. Macdonald, 7928 Nelson Avenue, then addressed the Hearing and advised he was acting on behalf of his parents who had owned the subject property for 40 years. He also added that the service station on the corner of Olive Avenue and Kingsway had served Burnaby for a like period. Mr. Macdonald submitted that whilst he agreed that the ultimate use for the area should be high density, present land use and values in the area made it too expensive at present to amass sites large enough on which to develop within the RM5 zoning category. He advised that the subject property had been placed in a sale position in 1965 but no firm offer other than that presently being considered had been made.

Mr. Macdonald expressed the opinion that service station use was transitory, and would not impede the higher development of the area which would likely not evolve for another ten to fifteen years.

Mr. D. B. McRae, Head Property Representative for the Standard Oil Company of B. C. Limited, then spoke and reiterated the points made in the brief submitted by the Company. He agreed that the objections put forward by the petitioners with respect to the unsightly conditions prevailing on the existing service station site were justified, but submitted that the proposal under consideration would upgrade and satisfy this complaint.

He added that adequate screening would be provided and an enclosure would be constructed to contain the garbage containers to be utilized by the proposed station and that there would be no excuse for untidiness on the site. Mr. McRae drew attention to a similar redevelopment undertaken by the Company last year at Hastings Street and Inlet Drive, and advised that many compliments had been received on the appearance of this new facility.

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(7) FROM COMMUNITY COMMERCIAL DISTRICT (C2) TO SERVICE COMMERCIAL DISTRICT (C4)

Reference RZ #19/69

Northerly portions of:

Lot "E", Sketch 3234, D.L. 85,  
Lot "G", Sketch 3248, .535 Ac., Block 1E, D.L. 85, Plan 2101  
Lot 1, Block 1, D.L. 85, Plan 2101

(5079, 5089 and 5115 Canada Way - Located on the South side of Canada Way from a point approximately 159 feet East of Sperling Avenue Eastward a distance of 291 feet and to a depth of 125 feet)

Mr. B. Palfreyman spoke on behalf of the applicants, Interfran Systems, and advised that the developers were a Vancouver based International Restaurant Service, and that they were prepared to invest approximately \$300,000.00 in the proposed development. He explained that a "MAGON HO" was proposed for the site that would be open for business from 11:00 a.m. to 11:00 p.m., providing a family sandwich centre and would not be set up to attract the teenage or the beer parlor custom. Mr. Palfreyman indicated that the site would be landscaped and adequately screened by high trees from the adjoining residential area, and that the Southern portion of the lots under application would be used for residential development.

He submitted that there would be no access problem to the site and expressed the view that no increase of traffic on local residential streets would be generated by the Restaurant. He also pointed out that there would be no lane access to the proposed development.

Mr. Palfreyman followed by comparing the uses permitted under the present zoning category with that sought for the site, and considered that the proposed development would better serve the community than what could presently be placed on the subject properties. He also pointed out that the current zoning permitted buildings to 40 feet in height, whereas that requested limited the height of structures to 30 feet only.

Mr. C. W. Maynard, 5170 Rubgy Street, sought information as to the path that would be followed by Westbound traffic along Canada Way bound for the restaurant, and submitted that it was unlikely that the Provincial Highways Department would permit left turns at this point, and the only alternative would be for them to utilize local residential streets. Mr. Maynard then pointed out that the present traffic problems being experienced in the area would be further aggravated by the traffic generated by the proposed restaurant use.

Mr. Palfreyman, in reply, maintained that such Westbound traffic along Canada Way bound for the restaurant could turn left along Sperling Avenue and readily obtain access to the site through the adjoining service station property.

Mr. P. MacCarthy, 7652 Clayton Court, on asking a question as to the proposed operation of the restaurant, was advised that inside eating was planned and no malt liquor would be served. He was also assured by Mr. Palfreyman that the operation of the restaurant would not be the same as similar facilities operating in the United States.

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Mr. W. A. Lindsay, 5776 Buckingham Avenue, then spoke and submitted that the proposed development was an intrusion into what was a good residential area, and wished to know why the restaurant could not be located in the depressed commercial area on the opposite side of Canada Way.

Mr. Palfreyman answered that the properties referred to could not be economically developed for the use proposed.

Mr. J. M. Fitzsimmons, 7474 Whelan Court, asked what assurance there would be that the hours of business stated, 11:00 a.m. to 11:00 p.m., would be maintained, and he was advised that if necessary a performance bond could be arranged in this respect.

Mr. C. W. Maynard then spoke on behalf of the residents of the Deer Lake Area and requested that Council deny the application.

He indicated that the people of the area concurred in the opinion of the Planning Director that the present C2 zoning should be maintained, and also with the Traffic Supervisor relative to the serious traffic situation that would be created by allowing the development. In this latter respect Mr. Maynard again reminded those present of the present problem being experienced on Buckingham Avenue and the immediate area.

Mr. Maynard submitted that to permit the proposed development to proceed would only attract other food franchises to the area, and that the area would be faced with a serious litter problem.

He also expressed the view that the type of service provided would attract the younger set, resulting in noise pollution and rowdiness for the area. Mr. Maynard also objected to the type of structure proposed for the site and the development in general, as the many lights used by the operation would be a nuisance to the residents of the area and the restaurant itself would obstruct the view presently enjoyed.

Mr. Maynard stated that the Deer Lake Area was of a high residential standard and expressed the opinion that the development of the "WAGON HO", as envisaged, would result in the depreciation of the surrounding residential area.

Petitions from the owners of 79 properties in the neighbourhood, objecting to the proposed rezoning, were then submitted by Mr. Maynard.

Mr. A. J. Trudel, 7139 Gibson Street, owner of one of the subject properties, expressed the opinion that the proposed development would be an asset to the community and could not understand the objections raised to it.

Mrs. Suals, 7345 Burris Street, expressed concern to the increase in litter that would be deposited in the area, and further expressed the view that the type of construction proposed would not enhance the neighbourhood.

Mr. McCarthy again spoke and noted that a similar situation had occurred some five to six years ago at which time the Planning Director had expressed the opinion that there was set aside sufficient areas to serve the commercial needs of the community, and that the property under application should be zoned for residential purposes. This proposal, he advised, had not been followed through and he requested that Council again consider the rezoning of the subject properties to a residential category.

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Mr. F. J. Hayes, 6336 Sperling Avenue, an abutting owner, indicated his opposition to the proposal.

B. TEXT AMENDMENT

IN-LAW SUITES IN RESIDENTIAL DISTRICTS

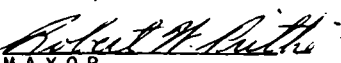
- (1) The amendment of the "Accessory Use" definition (Section 3) to allow for the addition of the following:
- "An accessory use in an R1, R2, R3, R4, or R5 District may include an in-law suite for the parents or grandparents of the occupiers of a dwelling, subject to the following conditions:
- (a) Such a lot shall meet the frontage and area requirements of the zoning district in which it is located:
  - (b) The in-law suite shall meet the requirements of the Burnaby Building By-law:
  - (c) Each applicant for an in-law suite shall provide evidence from a practicing physician that it is essential for medical and financial reasons that the parents or grandparents be accommodated in this manner:
  - (d) An annual licence shall be obtained from the Building Department to operate an in-law suite:
  - (e) The application for a licence to operate an in-law suite shall include a declaration confirming that the provisions of sub-clause (c) continue to be applicable:
  - (f) A covenant shall be entered into by the applicant, ensuring the removal of the in-law suite once the provisions of sub-clause (c) are no longer applicable, and the reversion of the lot to its original residential use, subject to the provisions of this By-law for the rezoning district in which such lot is located:
- (2) The addition of the following definition to Section 3 of the By-law:
- "IN-LAW SUITE" means one or more habitable rooms constituting a self-contained unit, and used for living and sleeping purposes by the parents or grandparents of the occupants of the dwelling, and containing a separate and properly ventilated kitchen with cooking facilities, and a bathroom with a water closet and wash basin.

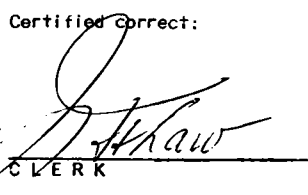
No one appeared in connection with this proposed amendment.

The Hearing adjourned at 8:50 p.m.

Confirmed:

Certified Correct:

  
MAYOR

  
CLERK

GM/hb