

OCTOBER 20, 1970

A Public Hearing was held in the Council Chambers of the Municipal Hall, 4949 Canada Way, Burnaby 2, B. C., on Tuesday, October 20, 1970, 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, Drummond,
Herd and Mercier;

ABSENT: Aldermen Dailly, Ladner and McLean;

HIS WORSHIP, THE MAYOR, first explained the purpose of the Public Hearing, and the procedure which Council was required to follow in connection with rezonings. He also suggested the desired method for the public to express its views in regard to the proposed amendments.

PROPOSED REZONINGS

(1) FROM RESIDENTIAL DISTRICT ONE (R1) TO MULTIPLE FAMILY
RESIDENTIAL DISTRICT ONE (RMI)

Reference RZ #42/70

- (a) Parcel "A", Ref. Plan 4157, part South on Plan 4829 except Parcel 1, Expl. Plan 12354, Blocks 6 and 7, D.L. 4, Plan 845
- (b) Parcel 1, Ref. Plan 11653, Parcel "B", Block 6, D.L. 4, Plan 845

(3687 and 3809 Keswick Avenue -- Located at the South-West corner of Keswick Avenue and Loughheed Highway having an area of 3.47 acres)

Mr. C. E. Brazier, Solicitor, expressed opposition to the proposed rezoning on behalf of Mr. R. W. Cantryn of 3853 Keswick Avenue, and submitted that his client considered the development, as envisaged, premature.

After reviewing the use of the general area, he contended that development should be systematic and not carried out in a patchwork fashion. In this respect he expressed the view that the area East of Keswick Avenue should be completed before proceeding with the development of land on the West side of the Avenue.

Opposition was also expressed to the proposed alignment of Horne Street, and Mr. Brazier considered that the street should continue in an East - West direction, North ^{of} and parallel to his client's property instead of angling South and cutting through it.

Mr. Brazier then advised that if the subject property is developed as envisaged, a commitment would be sought from the Municipality, that in the event the property to the South of that owned by his client being developed in a like fashion, the property and interests of his client would be protected.

Mr. Brazier also indicated that when his client purchased the property last year, he had not been aware that the area had been designated for Multiple Family Development by the Municipality.

He was advised that any written submission on the opposition offered to the rezoning, should be submitted to the Municipal Clerk by Friday noon, October 23rd, and would be considered when the By-law Amendment on the proposal was dealt with at the next meeting of Council.

(2) FROM RESIDENTIAL DISTRICT FOUR (R4) TO MULTIPLE FAMILY RESIDENTIAL DISTRICT THREE (RM3)

Reference RZ #38/70

Lot 16, Block 77, D.L. 127, Plan 4953

(351 Holdom Avenue -- Located on the West side of Holdom Avenue from a point approximately 264 feet North of Hastings Street Northward a distance of 66 feet)

No one appeared in connection with this application.

(3) FROM RESIDENTIAL DISTRICT FOUR (R4) TO ADMINISTRATION AND ASSEMBLY DISTRICT (P2)

Reference RZ #40/70

- (a) Lot 15, Block 12, D.L. 79, Plan 2298
- (b) Lot 16, Block 12, D.L. 79, Plan 2298

(4218 and 4276 Norland Avenue -- Located on the East side of Norland Avenue from a point approximately 229 feet North of Canada Way Northward a distance of 264 feet)

Mr. C. E. Carlson, Architect, representing the applicant, then spoke and explained that the development proposed for the site was the headquarters building for the Electrical Workers Union, and was in accord with the general plan of development for the area. He then advised that whilst firm plans had not yet evolved, the building envisaged would be set well back on the site, many of the trees on the front portion of the property would be retained, and a parklike setting would be provided.

A rough site plan was displayed. He further explained that the building would likely be one storey with parking underneath, and an assembly hall. To a question raised relative to similar development on nearby property, Mr. Carlson contended that a duplication of facilities was not being carried out and the hall proposed was much smaller than the auditorium being built by the Operating Engineers Union, and it would also be put to a different use. He also indicated that space was being left that would allow for further development.

Mr. W. Hartley, 4308 Norland Avenue, an adjoining owner to the South, expressed opposition to the proposed rezoning and pointed out that it was likely that property to the South of his was to be developed in a like manner, and he would be squeezed out. He admitted that he had been approached to sell his holdings but no agreement had been reached.

The Planning Director indicated that the locked-in lot policy of Council would apply in the development of the properties that were of concern to Mr. Hartley.

(4) FROM RESIDENTIAL DISTRICT FOUR (R4) TO COMPREHENSIVE DEVELOPMENT DISTRICT (CD)

Reference RZ #6/70

Lots 7 and 8, Blocks 12 and 13N, D.L. 79S, Plan 2298

(3826 and 3876 Norland Avenue -- Located on the South-East corner of Norland Avenue and Spratt Street)

Mr. W. Dunn, on behalf of the developers, Lecan Holdings Ltd., spoke and expressed support to the proposal.

(5) FROM RESIDENTIAL DISTRICT FIVE (R5) AND RESIDENTIAL DISTRICT THREE (R3) TO COMPREHENSIVE DEVELOPMENT DISTRICT (CD)

Reference RZ #36/70

Lot "B", Block 30, D.L. 186, Plan 5371

(401 North Esmond Avenue -- Located West of Esmond Avenue between Trinity and McGill Streets, Westward a distance of 300 feet)

A memorandum on the proposed rezoning was received from the Planning Director, indicating that the Department was prepared to recommend acceptance of the proposal, and submitted the following details:

- (1) The plans basically reflect the proposal as put forth in a report of the Planning Department dated August 19, 1970 (i.e. removing the existing one storey school structure and replacing it with the proposed tower).

- (b) The new proposal would provide for a total of 372 senior citizens, a site coverage of approximately 18.8% and a maximum floor area ratio of 1.40 which would be in line with the RM4 regulations.
- (c) The new proposal would utilize the existing mansion for staff accommodation and recreational facilities for the senior citizens. The fire regulations will not allow the mansion to be used for senior citizen accommodation.
- (d) The existing gymnasium will be used as a recreational hall and social centre as proposed in the original plan submitted.
- (e) More detail is required regarding such aspects as landscaping, screening, finish materials, dimensions, general site development and finished grades and elevations. These details, which will not materially alter the basic proposal, can be worked out between the architect and the Planning Department.

Mr. W. J. Morrison, 515 North Esmond Avenue, then spoke and advised that he was present as the Chairman of the Vancouver Heights Home Owners Association. He indicated that at a recent meeting the Association had approved in principle the use of the site for senior citizen use.

Mr. Morrison then raised a number of questions relative to the proposed development, and they are dealt with in question and answer form as follows:

- (a) Q. What is Comprehensive Development zoning?
 - A. The Planner explained that this category of zoning allowed for a variety of development, and required that the detailed plan of development become part of the By-law and must be adhered to.
- (b) Q. In the event the applicant is unable to proceed could there be a change of use?
 - A. A change of use could be made, but any deviation from the original plan or concept would be required to be processed again and necessitate a further Public Hearing.
- (c) Q. Is it possible to attach a rider to the By-law to the effect that the property would revert to its original zoning in the event the development is not proceeded with?
 - A. It was felt the answer to the previous question would satisfy this request.
- (d) Q. The Planner's reports deal exclusively with the development of the property under application. Will the proposal affect the future use of the area in which it is situate?
 - A. There is no consideration to changing the area from its existing Residential use.

- (e) Q. What regulations are applicable to high-rise use?
- A. The Planner indicated that whilst the area of concern did not come within the framework of the Apartment Study, the controls and standards therein would be applied.
- (f) Q. If the high-rise tower envisaged is allowed, will this set a precedent and bring about a change of policy for the use of the area
- A. The Planning Director asserted that any change proposed from the present Residential use would not be supported by the Department.
- (g) Q. What consideration did the Planning Department give to the abutting owners when suggesting that the building be sited on the Westerly location indicated on the plans, rather than the Easterly position originally considered?
- A. As the existing school buildings were to be removed and not integrated as part of the project, the alternative position provided a more advantageous and suitable site. The Planning Director submitted that the Westerly position of the building would leave more open space for the residents of the project, and not spoil the natural garden settings of the property. In considering the abutting owners he indicated that it was felt that the natural growth and trees on the site would provide a barrier.
- (h) Q. It was considered that a parking problem already existed in the area, and it was asked why parking for the project could not be provided on park property on the East side of Esmond Avenue, directly opposite the subject property. It was contended that such parking would serve a dual use, in that those using the recreational facilities could also park their vehicles off the street, and the relocation of the parking area would allow more amenities on the site for the senior citizens.
- A. The Planning Director advised that on the basis of experience, a great deal of parking was not required for senior citizens developments, and a ratio of one space for every ten residents was considered adequate. He advised that a request to use the parking space across the street had in fact been made, and he could see no objection to the proposal.
- (i) Q. What consideration has been given to the servicing of the project such as sewage, garbage pickup, and other such requirements
- A. It was considered that there was not the same demand on services by senior citizens, and no problems in this respect could be foreseen.

Mr. H. LeBlond, Architect for the project, also explained the special arrangements considered for the storage and removal of garbage, which would be collected once weekly. He also spoke of a gas-fired incinerator that would be used to dispose of material that could be burned.

(j) Q. What is the highest tower in Burnaby?

A. It was advised that the building on McMurray Avenue near Kingsway was the highest, but the senior citizen development under construction on the old Municipal Hall site would be the tallest with 19 stories.

(k) Q. Is the proposal economically feasible?

A. Mr. LeBlond assured the speaker that it was, and that it had been checked thoroughly by the Central Mortgage and Housing Corporation.

Mr. Morrison concluded by reiterating the approval of the Association relative to the use of the site for senior citizens, and that Council would be advised by letter of the Association's further views on the proposal.

The Mayor advised that the By-law Amendment relative to this application would be brought to Council for two readings on Monday, October 26, 1970.

Mr. E. Cafferky, of the Action Line Housing Society, the developers, was present in support of the project, and offered to meet with those present after the Hearing to show the plans and answer any further questions that may be raised.

Mr. H. Bishop, 3726 Trinity Street, whose property abutted that under application, expressed opposition to the proposed development.

He maintained that traffic generated by the Project would create a noise nuisance, aggravated further with parking proposed immediately East of his property and across the lane to the South. He further expressed concern as to the use the existing gymnasium may be put to.

Mr. Bishop also submitted that the proposed tower would block the sunlight from his property, and considered the original location to the East of the property would ease this particular concern.

Mr. Bishop was advised that a six foot fence was proposed as a separation between his property and the site under review, and between the fence and the small parking lot proposed there would be a landscaped area approximately 15 feet wide.

Mr. Cafferky then spoke and advised that the use of the gymnasium for other than senior citizen use had not been considered, and he also noted that very little activity would be evident on the site after suppertime.

Relative to the siting of the tower, the representative for Action Line Housing Society, indicated that they would have no objections to locating the tower anywhere on the site, but agreed that the present position would allow for the best use of the site. It was also noted that the tower would likely be moved several

feet further to the East.

Miss E. Galbraith, 3740 McGill Street, then spoke and indicated that whilst she approved of the Senior Citizen use of the site, she objected to the development of a modern high-rise apartment-type building there. She submitted that the development of the site should be in accord with the style and charm of the existing mansion building and coach house, and compatible with existing residential development in the area.

Miss Galbraith also expressed the view that if the development is proceeded with, the tower should be sited on the South-East corner of the property with parking provided on park property opposite.

Mr. G. W. Monger, 414 North Boundary Road, advised that whilst he was not against the use of the site for senior citizen accommodation, he would rather the property was subdivided for single family use. He also expressed a preference that the tower be sited on the South-East corner of the site. Relative to a question as to traffic flow, he was advised that main access and egress to the development would not be through the lane.

When asked if the completed development could be sold after a short period of time, and put to a different use, Mr. Cafferky advised that this could not be done as very strict controls were attached to the mortgage being obtained under Section 16(a) of the National Housing Act.

Mr. B. Benedet, 3731 McGill Street, also expressed opposition to the proposed location of the high-rise building, as it would be too close to his property. He noted that he was not against the proposed use of the site.

(6) FROM SMALL HOLDINGS DISTRICT (A2) TO ADMINISTRATION AND ASSEMBLY DISTRICT (P2)

Reference RZ #43/70

Lot 26, D.L. 79, Plan 31328

(Vacant -- Located on the South side of Roberts Street from a point 255 feet East of Ledger Avenue Eastward a distance of 397 feet with an average depth of 313 feet, being that area East of the Y.M.C.A. property and North of that occupied by the Burnaby Winter Club)

Mr. W. G. Kidd, Agent for the applicants, spoke in support of the proposed development, and advised that he was prepared to answer questions should any be raised.

Mr. J. Young, President of the Burnaby Winter Club, also spoke in support of the application.

B. TEXT AMENDMENT: - Drive-In Restaurants

(I) Definitions

- (i) The addition of "drive-in restaurants as one of the excluded uses in the definition of "drive-in business".
The amended definition would read as follows:

"Drive-In Business" means an establishment with facilities for attracting and servicing prospective customers travelling in motor vehicles which are driven on to the site where such business is carried on and where normally the customer remains in the vehicle for service, but shall not include car washing establishments, drive-in restaurants, drive-in theatres or gasoline service stations.

- (ii) That a new definition be included in the By-law for drive-in restaurants, as follows:

"Drive-in Restaurant" means an eating establishment with facilities for attracting and servicing prospective customers travelling in motor vehicle which are driven

onto the site where such establishment is located and where the customer is permitted or encouraged, either by the design of the restaurant facilities or by service and/or packaging procedures, to:

- (a) remain in his vehicle for service and for consuming the food which is purchased, or
- (b) leave his vehicle to purchase food and is given the choice of either consuming the food in his vehicle or within the drive-in restaurant building.

- (iii) That the following definition for "restaurant" be added to the By-law:

"Restaurant" means an eating establishment where food is sold to the public for immediate consumption within the premises, but where no provision is made for the consuming of food in motor vehicles which are parked on the site.

- (2) The addition of the Drive-In Restaurant District to the schedules listed under Section 5.1 of the Zoning By-law (Designation of Districts):

III	COMMERCIAL	C
	Neighbourhood Commercial	C1
	Community Commercial	C2
	General Commercial	C3
	Service Commercial	C4
	Tourist Commercial	C5
	Gasoline Service Station	C6
	Drive-in Restaurant	C7

- (3) A new zoning category for drive-in restaurants, with the following requirements:

307 DRIVE IN RESTAURANT DISTRICT (C7)

This District provides for the regulation and location of drive-in restaurants in proper relationship to surrounding development.

307.1 Uses permitted:

- (1) Drive-in restaurants
- (2) Accessory buildings and uses

307.2 Conditions of Use:

- (1) A lot occupied by a drive-in restaurant shall be separated from an adjoining street by a fully and suitably landscaped and properly maintained strip of not less than six feet in width.
- (2) Screening of not less than six feet in height shall be provided and properly maintained where a drive-in restaurant abuts a lot in an A, R or RM District, or is separated therefrom by a lane.
- (3) The entire customer service area shall be paved with a permanent surface of asphalt or concrete.

307.3 Height of Buildings:

The height of a building shall not exceed thirty feet nor two stories

307.4 Lot Area and Width:

Each lot shall have an area of not less than 10,000 square feet and a width of not less than 100 feet.

307.5 Lot Coverage:

The maximum coverage shall be twenty percent of the lot area.

307.6 Front Yard:

A front yard shall be provided or not less than twenty feet in depth.

307.7 Side Yards:

A side yard shall be provided on each side of the building of not less than twenty feet in width.

307.8 Rear Yard:

A rear yard shall be provided of not less than twenty feet in depth.

307.9 Off-Street Parking:

Off-street parking shall be provided and maintained in accordance with Schedule VIII of this By-law.

307.10 Off-Street Loading:

Off-street loading shall be provided and maintained in accordance with Schedule IX of this By-law.

Oct/20/1970
P.H.

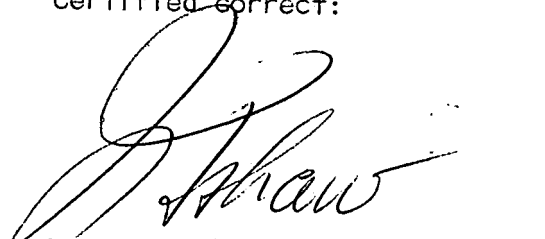
McCan Franchises Ltd., 8467 Lougheed Highway, submitted a letter expressing strong opposition to the proposed text amendments relative to drive-in restaurants. A copy of the letter is attached to and forms part of these minutes.

The Hearing adjourned at 8:50 p.m.

Confirmed:

Certified correct:


MAYOR


CLERK

GM/hb



October 19, 1970

The Mayor & Members of Council
Municipality of Burnaby
4949 Canada Way
Burnaby, B.C.

Gentlemen:

We hereby register our dissatisfaction with your proposed zoning amendments to classify drive-in restaurants under a special zoning by-law and category.

Over the years, in some Western Canadian cities and municipalities, the political thing to do seems to be to outlaw service stations and drive-in restaurants. As much as some dislike the idea, there are auto-oriented retail establishments; they are a fact of life and it is to this end, I think, that energies should be channelled - to develop better facilities and maintain high quality of operations and adequate maintenance. The proposal now planned is to make a special use category (C-7 Zone) for drive-in restaurants. We cannot agree with special use zones for any type of commercial developments. We personally feel they are completely unnecessary and discriminatory.

Special use classifications make it easy for civic administration personnel to move away from their decision-making role and relinquish their authority in favor of the elected politicians, a most unsatisfactory arrangement. Council's responsibility should be for policy decisions relative to the parameters of zoning procedure. Civic personnel should be responsible for administering the requisites of Council.

Once the zoning parameters are established, and I believe they have been in the existing zoning by-laws, then it is a matter of enforcement of zoning regulation when the facility is operating. When you start special use zoning, where do you stop? Today it is drive-in restaurants, but for example, why not special zones for barber shops, grocery stores, shoe stores, and on and on? The powers of operational control should be in the licensing act and the implementation of strict definitive laid down council policy should be enforced.

We, as users of commercially zoned land, are not afraid of good legislation, no matter how constructively stringent it may be. We are, however, opposed to discriminatory legislation of any form.

We all know that good planning is a prime requisite in the development of any municipality. Apparently what is little known by some cities and municipalities is that comprehensive all encompassing planning is done by most auto-oriented retail marketers. Marketing plans and market penetration studies are completed and an effective market development strategy implemented.

. . . . 2

McCan Franchises Ltd. 8467 LOUGHEED HIGHWAY • BURNABY 2, B. C. • (604) 936-2141

It is of prime importance to our company to maximize market penetration with a minimal number of outlets. Zoning by-laws existing in your municipality allow us to develop in a planned and organized manner. As a result, the number of outlets we have in Burnaby (two) does not indicate we are over-building.

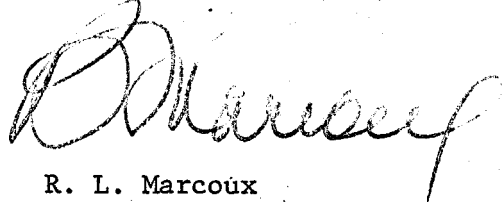
At the present time, we are constructing and operating McDonald's Restaurants in Vancouver, Victoria, Nanaimo, Kamloops, Calgary, Regina, Saskatoon, Winnipeg, Ottawa and Hull, Quebec. None of these cities have special zones for drive-in restaurants. In many instances, their existing legislation is tough, but tough legislation is not a problem to sincere developers.

For example, our development requirements now are much more stringent and encompassing than those of your Municipality. Our standards of operation are high without being legislated into it and the maintenance of our facilities is up among the best in the industry.

It is with these thoughts that I would request the proposed C-7 Zone for Drive-In Restaurants not be approved.

Yours truly,

McCan Franchises Ltd.



R. L. Marcoux
Vice President, Real Estate

RLM/m