

JUNE 22, 1976

A Public Hearing was held in the Council Chamber, Municipal Hall, 4949 Canada Way, Burnaby, B.C. on Tuesday, June 22, 1976, at 7:30 P.M.

PRESENT:

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

ABSENT:

Alderman A.H. Emmott
 Alderman V.V. Stusiak

STAFF:

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

PROPOSED REZONINGS:

(1) FROM HEAVY INDUSTRIAL DISTRICT (M3) TO PARKING DISTRICT (P8)

Reference RZ #14/76

BURNABY ZONING BY-LAW 1965, AMENDMENT
 NO. 25, 1976, BY-LAW NO. 6880.

Lot 6, Block 33, D.L. 117 E 1/2, Plan 1222

4054 First Avenue - The subject site is located on the south side of First Avenue between McDonald Avenue and Gilmore Avenue.

The applicant wishes to redevelop the subject site as a parking lot in association with a new industrial building.

There were no submissions received in connection with the foregoing rezoning proposal.

(2) FROM MANUFACTURING DISTRICT (M1) AND HEAVY INDUSTRIAL DISTRICT (M3) TO MARINE DISTRICT 2 (M7a)

Reference RZ #15/76

BURNABY ZONING BY-LAW 1965, AMENDMENT
 NO. 26, 1976, BY-LAW NO. 6881

D.L. 26 & 31 W pt., Plan 23362; D.L. 31 N, Block B, Plan 3859;
 D.L. 31 N, Rem. of Block D, Plan 3859; D.L. 31 N, Block H, Ex.
 Plan 13823, ex. pt. on R/W Plan 12829 & ex. pt. Plan 21334, Plan 3859.

631, 431 North Road and 9951, 9950 Barnet Road - The subject site is located at the far northeast portion of the Municipality adjacent to the intersection of Barnet Road and North Road undeveloped road allowance.

The applicant requests the subject rezoning to provide for further refinement and implementation of the Burnaby Mountain Conservation Area in order to ensure that while the existing use of the subject site for the general storage of petroleum products and ancillary uses may be maintained, additional industrial uses will not be introduced which would tend to create a further detrimental effect on the preservation concept for the area.

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Mr. N.M. Ornstein, Port Counsel, Port of Vancouver, submitted a letter covering both this rezoning proposal and Rezoning Reference #17/76 which is reported on later in these Minutes. The following is the text of Mr. Ornstein's letter:

"We have received both your letters dated June 7, 1976, copies of which are attached.

Would you please make certain that all National Harbours Board properties are specifically exempted from the proposed rezoning. Subsection 1A of Section 91 of the British North America Act gives Parliament exclusive legislative authority over Federal Crown property, and accordingly the Federal Government is immune from Provincial zoning laws with respect to its own property. By virtue of Section 3(2) of the National Harbours Board Act, the National Harbours Board is an agent of Her Majesty in right of Canada and under Section 11(2) of the Act all property acquired or held by the National Harbours Board is vested in Her Majesty in right of Canada.

It may be of some interest for you to know, for instance, that the Ontario High Court has held that a contractor constructing a building for the Federal Government on Federal Crown land was not required to apply for a Municipal building permit or to abide by local building restrictions: Ottawa v. Shore & Horowitz Construction Co. (1960), 22 D.L.R. (2d) 247.

We would be pleased to give you the legal descriptions of those properties referred to in your letters that are held by the National Harbours Board."

Mr. Burns then addressed Council and advised that he was appearing on behalf of Gulf Oil Canada Ltd. Mr. Burns advised that the Public Hearing Notices had been forwarded to a Post Office Box number in Calgary and had only been returned to the Vancouver office today. Because the Company had not had an opportunity to review the rezoning proposal in detail, Mr. Burns requested that Council consider deferring this proposal to the next scheduled Public Hearing in order that Gulf Oil Canada Ltd. can clarify its position in this respect.

There were no other submissions received in connection with the foregoing rezoning proposal.

MOVED BY ALDERMAN MCLEAN:
SECONDED BY ALDERMAN LAWSON:

"THAT further consideration of Rezoning Reference #15/76 be deferred until the next scheduled Public Hearing."

CARRIED UNANIMOUSLY

(3) FROM HEAVY INDUSTRIAL DISTRICT (M3) TO MARINE DISTRICT 2 (M7a)

Reference RZ #16/76

BURNABY ZONING BY-LAW 1965, AMENDMENT
NO. 27, 1976, BY-LAW NO. 6882

Lot "C", D.L. 141/142/143/144, Plan 17387

8099 Shellmont Street - The subject site is located on the southwest portion of Burnaby Mountain bounded by Shellmont Street on the south, Gaglardi Way on the north and east, and the Arden Avenue right-of-way on the west.

The applicant requests the subject rezoning to provide for further refinement and implementation of the Burnaby Mountain Conservation Area in order to ensure that while the existing use of the subject site for the general storage of petroleum products and ancilliary uses may be maintained, additional industrial uses will not be introduced which would tend to create a further detrimental effect on the preservation concept for the area.

Mr. and Mrs. R.V. Poole, 14/811. Saunders Road, Richmond, B.C. submitted a letter stating that they highly approved of the proposed rezoning.

There were no other submissions received in connection with the foregoing rezoning proposal.

- (4) FROM HEAVY INDUSTRIAL DISTRICT (M3) AND PARKS AND PUBLIC USE (P3) TO PARKS AND PUBLIC USE (P3), MARINE DISTRICT ONE (P9), MARINE DISTRICT TWO (M7a) AND LIGHT INDUSTRIAL DISTRICT (M5)

Reference RZ #17/76

BURNABY ZONING BY-LAW 1965, AMENDMENT NO. 28, 1976, BY-LAW NO. 6883

D.L. 31/114/212/213/214/215

Burrard Inlet Foreshore Eastern Segment - The subject-area is located in the northeast portion of the Municipality between Barnet Road and the Burrard Inlet.

The applicant requests the subject rezoning in order to implement the development and continuing preservation of the land use pattern recommended for the area.

Mr. N.M. Ornstein, Port Counsel, Port of Vancouver, submitted a letter covering both this rezoning proposal and Rezoning Reference #15/76. The text of Mr. Ornstein's letter is reproduced earlier in these Minutes under Item 2, concerning Rezoning Reference #15/76.

There were no other submissions received in connection with the foregoing rezoning proposal.

- (5) FROM SERVICE COMMERCIAL (C4) TO COMPREHENSIVE DEVELOPMENT (CD)

Reference RZ #18/76

BURNABY ZONING BY-LAW 1965, AMENDMENT NO. 29, 1976, BY-LAW NO. 6884

D.L. 29, Block 26, Lot 5, Parcel "D", Plans 9524 and 3035

7590 Kingsway - The properties are located at the north corner of the intersection of 14th Avenue and Kingsway.

The applicant requests the subject rezoning in order to preserve the apartment development potential of the subject properties for future development in conjunction with adjoining properties.

Mr. Anderson, owner of the subject property, advised Council that he was definitely opposed to the proposed rezoning of his property. He had appeared before Council on November 18, 1975, in connection with another rezoning in the immediate area (Rezoning Reference #35/75) and at that time had expressed the opinion that the lots on Kingsway between 14th and 15th Avenue should be rezoned for commercial purposes. Mr. Anderson reviewed in detail his negotiations with the Planning Department in his efforts to gain approval for the expansion of the existing commercial use of the subject property. In November, 1975, Mr. Anderson was informed that since the property was zoned for commercial purposes he had the right to apply for the required permits to extend the premises on that property but that he had been frustrated by the Planning Department in this regard. On those grounds, Mr. Anderson was opposed to this rezoning proposal.

The Director of Planning explained that this situation goes back to a proposal based on the apartment study to rezone the block bounded by 14th and 15th Avenues, Kingsway and Humphries Avenue, into a medium low density development. The applicant was able to consolidate only a portion of the site. A Community Plan was prepared covering the whole block of which the subject property is a part and at the time it was pointed out that the current zoning of the subject property would permit expansion. It was agreed at that time that if an application for expansion of the subject property was received it would be placed before Council for consideration. This was done and Council essentially agreed that the block should be preserved for apartment use rather than to allow the expansion of the existing muffler shop.

The Director of Planning indicated that it was the opinion of his Department that the existing development, if not permitted to expand, could possibly be phased out within the next two to three years at which time the whole block could be consolidated for apartment development. The proposed CD zoning of this property would, in effect, legalize the existing use and whereas it does not create a non-conforming situation, it would preclude expansion.

Mr. A.J. Legal, explained that he had purchased the muffler business on this property on June 1st, 1976. In view of his investment he could not foresee the business being phased out in a two to three year period as envisaged by the Planning Department.

In reply to a question by Mr. Legal as to whether or not he would be permitted to replace the existing building under the proposed CD zoning if it was destroyed by fire, the Director of Planning stated that he thought that the reconstruction of the building could be accomplished legally but that it might not be a practical proposal.

There were no other submissions received in connection with the foregoing rezoning proposal.

TEXT AMENDMENTS:

(6) RESIDENTIAL CONVERSIONS

BURNABY ZONING BY-LAW 1965, AMENDMENT
NO. 19, 1976, BY-LAW NO. 6655

The Council has approved for further consideration a number of Zoning By-law Text Amendments which would allow for a reduction in the lot size standards that presently govern two-family occupancy in the R4

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and R5 Residential Districts in cases involving the conversion of a single family dwelling to two-family use. These proposed amendments are as follows:

The lot area and width requirements in R4 and R5 Districts may be reduced to permit the structural modification, alteration or remodelling of an existing single family dwelling to create two dwelling units, in accordance with the following conditions:

- (a) Where a lot was occupied by a single family dwelling on or before January 1, 1971.
- (b) Where the existing dwelling is located on a lot in an R4 District with an area of not less than 7,200 square feet and a width of not less than 60 feet.
- (c) Where the existing dwelling is located on a lot in an R5 District with an area of not less than 5,400 square feet and a width of not less than 45 feet.
- (d) Subject to the provisions of Section 6.5 (Conversion of Buildings) and Section 6.9 (Living Accommodation in Basements) of this By-law.

The passing of this By-law would mean that an owner of a single family dwelling situated in an R4 or R5 District could, if able to comply with the foregoing regulations make the necessary alterations to establish a second dwelling unit within the existing structure. It should be noted, however, that these proposed amendments will not alter the existing requirements for new duplex dwellings.

Mr. and Mrs. W.J. Hilton, 7726 Arthur Avenue, submitted a letter indicating that they were in favour of the proposed text amendments concerning Residential Conversions.

Mr. and Mrs. P. Nairn McConnachie, 1135 Eastlawn Drive, submitted a letter indicating that they were opposed to the proposed Zoning By-law amendments concerning residential conversions. They were of the opinion that lowering standards to provide accommodation for those who cannot afford to pay for what is now available is a very regressive step and one which should be avoided. There is much more that Council can do to solve the cost problem than to destroy present values.

Mrs. Inez J. Ervin, 1451 Sherlock Avenue, wrote to advise that it was her opinion that the regulations for the R4 District should be relaxed to the same extent as that proposed for the R5 District.

Mr. and Mrs. J. Miller, 1441 Whitsell Avenue, submitted a petition signed by themselves and 18 other residents of their community expressing opposition to the proposed Text Amendments on Residential Conversions.

His Worship, Mayor Constable, then requested the Director of Planning to provide background information on the reasons for the proposed Text Amendment regarding residential conversions.

Mr. A. Foufoulas, 6362 Royal Oak Avenue, then addressed Council and requested why, in view of the apparent intent of the suggested amendments to provide more living accommodation, a qualifying date of January 1, 1971, had been established.

The Director of Planning advised that the main objective was to permit the conversion of older more established areas. The Director of Planning conceded that the January 1, 1971, date is somewhat arbitrary but it is related to separating quite new developments from the older areas.

Mr. E.F. Senger, 6345 Charles Street, advised that he was opposed to the proposed amendments. Mr. Senger advised that when he had constructed his home some 11 years ago he was aware that he was in a duplex area but was confident that the width and area requirements for the district would provide him with sufficient protection against unwanted densities. The proposed amendments would change this and Mr. Senger was concerned that he might possibly be placed in a position that could not be foreseen when he was planning his home.

Mr. Senger noted that although a converted single family dwelling would provide accommodation for two families if the proposed amendments were adopted, Municipal taxes would not increase accordingly. This, in effect, would increase the tax burden on established single family residences while allowing owners of converted dwelling to make a profit on the conversion of such dwellings.

Mr. Senger suggested a modified procedure. If the Municipality considered that a specific area was suited for the type of development proposed in the text amendments, the residents of that area should be polled to determine if they are in favour of such development. If the people concerned do not offer any objections to the proposal then it could proceed. Mr. Senger considered that such a proposal was far more practical than applying the proposed amendments on a blanket basis to all of the R4 and R5 Districts.

Mrs. Audrey Henderson, 3723 Trinity Street, pointed out that the suggested amendments are already included in the Burnaby Zoning By-law insofar as the R5 Districts are concerned. Mrs. Henderson was in favour of the proposed text amendments.

Mr. J. Chu, 1535 Blaine Avenue, then addressed Council and spoke in favour of the proposed text amendments. Mr. Chu was of the opinion that the need to supply additional housing for Burnaby residents should be the prime consideration when considering these text amendments. He pointed out that the few tenants who may let a rental premises deteriorate into an eyesore represent a very small minority of the renters, the majority of whom are excellent citizens who are not in a position to purchase their own home.

Mr. Archie Brownjohn, 2987 Bainbridge Avenue, spoke in favour of the proposed text amendments.

Mrs. Inez J. Ervin, 1451 Sherlock Avenue, reiterated the remarks she had made in the letter submitted to Council in this respect. Mrs. Ervin considered that people living in the R4 District should have the same opportunity to convert a single family dwelling as those living in an R5 District.

Mr. Orest Moysiuk, 7931 Rosewood Avenue, then addressed Council and stated that he realized that there was a great need for housing in the Municipality and that he was not opposed to the proposed text amendments. However, Mr. Moysiuk was concerned with the ever increasing densities of population on the Lower Mainland of British Columbia caused by the movement of people to British Columbia from other parts of Canada and abroad. Mr. Moysiuk was of the opinion that it was a mistake to attempt to provide accommodation for this vast influx of people.

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Mr. Foufoulas went on to say that in his opinion a large number of the homes constructed prior to January 1, 1971 could not qualify for conversion due to an inability to meet other Municipal requirements. Mr. Foufoulas concluded by stating that while he was in favour of the proposed amendments, they did not go far enough to accomplish the purpose for which they were intended; namely, the creation of additional living accommodation.

Mrs. F. McIntyre, 6779 Bryant Street, advised Council that she was aware of the need for additional living accommodation in the Municipality. Mrs. McIntyre requested assurance that a survey had been made on the additional services that would be required by the increased density created such as hospitals, schools, fire protection, pavements, traffic problems, etc.

The Director of Planning advised that fairly exhaustive studies had been carried out when this proposal was being formulated. It was concluded that if the text amendments were approved it would not necessarily achieve a fantastic increase in the existing densities. Under the restrictions established for the conversion of existing single family dwellings to two-family dwelling use, a problem will not be encountered in that there will be only a limited number of conversions taking place.

Mrs. P.J. Fitzgerald, 7490 Curtis Street, then addressed Council. Mrs. Fitzgerald requested information on how the proposed text amendments would affect her property.

His Worship, Mayor Constable, advised that the proposed amendments would not affect Mrs. Fitzgerald's property in any way at this time and suggested that this Public Hearing was not the proper forum for discussing anything else but the subject at hand.

Mr. E.L. Burnham, 7988 Kaymar Drive, then spoke in opposition to the proposed text amendments on residential conversions. Mr. Burnham was of the opinion that the amendments were rather poorly thought out. Some of the R4 and R5 areas in the Municipality would be reduced in living quality. The effect of the proposed amendments would be to create a lot of substandard streets in certain areas. Mr. Burnham was of the opinion that the pressure on rental accommodation was easing and that the proposed amendments were largely unnecessary.

Mr. R.D. Strong, 6525 Brantford Avenue, stated that he was generally in favour of the proposed amendments. Mr. Strong noted that provision already existed under the Burnaby Zoning By-law for the conversion of single family dwellings in the R5 Districts constructed prior to June 7, 1965 under the same conditions now proposed for dwellings constructed before January 1, 1971. Mr. Strong did not feel that the impact of the proposed amendments would be large enough to create concern.

Mr. James Ross, 4390 Gravelly Street, stated that he was vehemently opposed to the proposed amendments. Mr. Ross was of the opinion that the proposed amendments would have horrendous effects on large established areas of the Municipality. The proposed amendments would be instrumental in turning large areas of the Municipality into slums in a very short period of time. This type of accommodation would attract low income families from other areas. Mr. Ross noted that as new rental units coming on the market, such accommodation would not be subject to rent controls.

Mr. Ron Preston, 7580 18th Avenue, spoke in favour of the proposed text amendments. Mr. Preston suggested however, that a further condition of conversion of a single family dwelling to two family use be that one suite must be owner occupied. He considered that this requirement would overcome a lot of the objections that had been heard tonight.

Mrs. Dorothy Sweet, 3790 Georgia Street, inquired as to the reasons she could not subdivide her land and create an extra dwelling unit on the subdivided lot.

His Worship, Mayor Constable, noted that the question of subdividing property was not a proper subject for discussion at this Public Hearing.

Mr. Roland Drouin, 3775 Albert Street, requested a firm definition of the word "conversion". Mr. Drouin stated that in his opinion the "conversion" of a single family dwelling would permit him to add a second storey to his home but that he had been refused permission to do so by the appropriate Municipal officials.

The Director of Planning advised that the concept of the amendments would require any alterations required to construct an additional suite in an existing single family dwelling to be accomplished within the present structure. Following conversion of the single family dwelling there should be no change in the external appearance of the structure.

There were no other submissions received in connection with the proposed text amendments to the Burnaby Zoning By-law.

(7) FRONT YARD PARKING IN RESIDENTIAL AREAS

BURNABY ZONING BY-LAW 1965, AMENDMENT
NO. 30, 1976 - BY-LAW NO. 6885

The Council has approved for further consideration the following text amendment to the Burnaby Zoning By-law 1965 which would permit front yard parking in residential areas subject to the following prescribed conditions:

1. On a lot in a Residential District where secondary lane or street access is not available and the width of the side yard is less than 8 1/2 feet, a parking space may be developed within the required front yard to accommodate automobiles for each dwelling unit on the lot, provided however, that no parking space shall exceed an area of 400 square feet, nor be located closer than four feet to any property line. This regulation shall apply only to those lots which were developed prior to June 7, 1965.

Mr. and Mrs. P. Nairn McConnachie submitted a letter dated June 12, 1976, wherein they advised they are opposed to the proposal to permit automobile parking in front yards for the following reasons:

- (a) We consider that this will lower property values by permitting unsightly conditions to prevail. A motor vehicle cannot compare in beauty with a well manicured lawn.

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- (b) The Burnaby By-law does not appear to define what an automobile is. Our dictionary says it is "a road vehicle driven by mechanical power." This then could be trucks, tractors, etc. What about boats and trailers, once you permit parking of cars how do you police the ensuing problem?
- (c) The proposed amendments do not appear to be limited to single family residences. Is it the intent to permit parking in front of duplexes and apartments as well and is it the intent to permit front-yard parking to be included in the tabulation of required off-street parking - if so this could be used by some as a means of increasing the density.

Mr. W.S. McRae, 7659 Sussex Avenue, requested information as to whether the 400 square foot limitation referred to in the proposed text amendment applied to the total parking area allowed or to the space allowed for an individual vehicle.

The Director of Planning advised that the 400 square foot limitation would apply to the total parking area.

Mrs. F. McIntyre, 6779 Bryant Street, asked if the proposed text amendment applied to area only and requested information if garages, carports, or other structures would be permitted in front yards.

The Director of Planning confirmed that the proposed text amendment would apply to parking areas only and that no structures would be permitted in front yards.

There were no other comments received in connection with the subject proposed text amendment.

MOVED BY ALDERMAN MCLEAN:
SECONDED BY ALDERMAN AST:


"THAT this Public Hearing be now terminated."


CARRIED UNANIMOUSLY

The Public Hearing terminated at 9:25 P.M.

Confirmed

Certified Correct


Mayor


Municipal Clerk's Assistant