

1978 AUGUST 15

A Public Hearing was held in the Council Chamber, Municipal Hall, 4949 Canada Way, Burnaby, B.C., on Tuesday, 1978 August 15 at 19:30 h.

Present: Acting Mayor A.H. Emmott, In the Chair
 Alderman G.D. Ast
 Alderman D.P. Drummond
 Alderman B.M. Gunn
 Alderman D.A. Lawson
 Alderman W.A. Lewarne
 Alderman F.G. Randall

Absent: Mayor T.W. Constable
 Alderman D.M. Mercier

Staff: Mr. James Hudson, Municipal Clerk
 Mr. D.G. Stenson, Assistant Director - Current Planning
 Mr. C.A. Turpin, Municipal Clerk's Assistant
 Mr. P.D. Sanderson, Zoning Technician

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

1. Rezoning Reference #39/76A

FROM: COMPREHENSIVE DEVELOPMENT DISTRICT (CD)
TO: AMENDED COMPREHENSIVE DEVELOPMENT DISTRICT (AMENDED CD)

Lot 163, District Lot 77, Plan 42281

6501 Sprott Street - located on the north side of Sprott Street between Ardingley Avenue and Auckland Avenue.

The applicant has requested rezoning in order to enlarge the existing licensed liquor facility located within the recreation complex.

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

2. Rezoning Reference #21/77

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

Westerly portion of Lot "A", Plan 11227, Lots 1 West ½ and East ½, 2, 3, 9, 10, 11, 12 (also road allowances), Block 19, District Lot 69, Plan 1321

4008/18/48/68 Regent Street; 4007/25/41/57 Grandview Highway - located on the north side of Grandview between McDonald Avenue and Gilmore Avenue.

The applicant has requested rezoning for the purposes of constructing a light industrial warehouse.

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

3. Rezoning Reference #12/78

FROM: MULTIPLE FAMILY RESIDENTIAL DISTRICT (RM2)
TO: COMPREHENSIVE DEVELOPMENT (CD)

Parcel "B" except Explanatory Plan 29119, Block 2, District Lot 207, Plan 4032

7174 Barnet Road - located on the southeast corner of Pandora Street and Barnet Road.

The applicant requests rezoning in order to establish a Neighbourhood Public House.

Mrs. Barbara Kaburda, 7278 Ridge Drive, then addressed the Members of Council and presented the Municipal Clerk with a petition containing the signatures of seventy residents of the area that are in opposition to the proposed rezoning. Mrs. Kaburda was concerned over the fact that a public meeting was called during the summer months when many people are away on vacation. She felt that such an important issue should be discussed at a time when most of the residents are at home. Mrs. Kaburda read from a prepared brief, and contained below are the major concerns which were expressed in this brief:

- (a) Many of the residents of the area are not opposed to the idea of a small pub being located in their neighborhood but object strongly to the location that has been selected. Anyone that is familiar with the area is aware of the lack of surrounding street parking. Those residents of the area that reside in the apartment buildings adjacent to the site are at present occupying all of the available street parking in the surrounding area.
- (b) The survey conducted by Mrs. Kaburda indicated, contrary to statements made by the proposed developers, that most of the clientele of the proposed establishment will not be of the walk-in variety.
- (c) The intersection at which Barnett, Ridge and Duthie Streets converge is a network of six points for a total of ten possible traffic lanes. There are only two stop signs at that intersection at present which help to control normal local traffic. Furthermore, the upper sections of Braeside, Ridge and Pandora are no exit streets, and vehicle as well as pedestrian traffic has no alternative but to feed into the hub and pass very near the site in question.
- (d) The crime analysis department with the Burnaby R.C.M.P. Detachment do not have statistics at present on complaints or problems resulting from the one existing neighborhood pub. It would take an estimated month to compile such statistics as no one has bothered to request them before plunging ahead with another neighborhood pub. The R.C.M.P. did indicate that the residents could expect a definite increase in traffic and a very definite increase in noise in the surrounding area of a neighborhood pub.
- (e) Children of the area will become exposed to the antics of adults under the influence of alcohol. These children of the area will be deprived of normal activities associated with the growing up period in their lives. The proposed site is 0.2 miles from Duthie Elementary School, less than 0.4 miles from Westridge Elementary School and 0.1 parts of a mile from a Provincial Highway. These are facts that even the Planning Department failed to research, claiming that Council had over-ruled their objections for the development on the proposed site. The applicants plan on a heavy business lunch trade, descending by car from Hastings Street, and that is the time of day that the five and six-year olds are returning from kindergarten. We all know the facts of slowed reflexes, impaired vision, and sub-normal judgement by the driver who has consumed alcohol.

In closing, I have no hope in combating what goes into commercial-zoned and developed areas, but I do feel that I and my neighbors have a strong and very definite say in what will be allowed within short walking distance of our homes within this suburban municipality. On behalf of myself and the names contained on the petition submitted, I hereby request that Council abort and terminate this rezoning proposal, Reference No. 12/78.

In response to a question from Alderman Ast, Mrs. Kaburda indicated that they were not opposed to a pub in general, but rather to the location as proposed. Most of the neighbors indicated that they would visit a neighborhood pub should it be constructed at a more reasonable location. Most of the neighbors questioned indicated that they would prefer to see it located on the property that formerly belonged to the operators of a Gulf Service Station on Hastings Street.

Alderman Lewarne advised Mrs. Kaburda as to why the Public Hearing was scheduled at this particular time. Alderman Lewarne also advised Mrs. Kaburda that should this proposal be allowed to go ahead, a survey would be required to be taken by an independent professional group and that survey would cover a one-half mile radius from the proposed site.

Mr. Robert O. Lamb, 270 Duthie Avenue, then addressed the Members of Council and spoke in opposition to the application. Mr. Lamb advised Members of Council that he mainly objected to the spot zoning, but is also concerned with the parking problem that will be created. He would like to see the proposed location as part of an overall development such as has taken place in the Loughheed Mall area.

Mrs. Irma DiTosto, 7005 Maureen Crescent, then addressed the Members of Council and spoke in opposition to the application. Mrs. DiTosto agreed with Mrs. Kaburda that there will be a major parking problem in the area. She stated that many of the neighbors are on holidays and do not know of the proposed plans for this area, and she is concerned as to what will happen with the remaining land that is not used for this development. Mrs. DiTosto also felt that the applicants, in carrying out their survey, obtained only the signatures of those people renting in the adjacent apartments and not home owners.

In response to a question from Alderman Lawson, Mrs. DiTosto advised that she was not against a pub in the area, but rather opposed to the location of this particular proposed neighborhood pub.

At this time Acting Mayor Emmott requested the Assistant Director-Current Planning to provide the Members of Council and those in the Gallery as to the criteria that must be met by proposed developers of neighborhood pubs in order to receive approval from the Provincial Government. Mr. Phil Sanderson, Zoning Technician, then advised all those in attendance at the Hearing of the requirements that must be met before final approval is received from the Provincial Government.

Mr. Gordon C. Lewis, 7230 Braeside Drive, then addressed the Members of Council and spoke in opposition to the application. Mr. Lewis advised the Members of Council that he agrees entirely with the first speaker, Mrs. Kaburda, and in addition, the two major concerns that he has at the moment are the devaluation of his property if this development is allowed to go ahead, and also the traffic problem that will be created.

Mr. Monty Thomas, 250 Duthie Avenue, then addressed the Members of Council and advised that he was in opposition to the application. Mr. Thomas was here in support of Mrs. Kaburda as he is the parent of two little girls who are at the age now where they can go on their own to a park near their home. In order to do this they are faced with some traffic problems now, but this will surely increase if the proposal is allowed to go ahead. He does not want his children to be brought up across the street from a bar. Mr. Thomas also felt that the survey conducted by the applicants would now be invalid as many of the people who indicated at first that they were in favour of the proposed neighborhood pub, are now very much against it.

Mr. Arnold Day, Part owner in the apartment located at 7175 Pandora Street, then addressed Members of Council and spoke in opposition to the application. Mr. Day advised that approximately one-half of his suites faced the proposed site, and that it would have a detrimental effect on his ability to rent those suites should the neighborhood pub be allowed to go ahead. He also advised that many of the tenants owned two cars, and as he is only able to provide a parking space for one car per family, a parking problem has been created as these excess cars are parked on the street.

Alderman Gunn advised Mr. Day that the survey that Council Members had received from the applicants indicated that between 90% and 95% of the tenants in all apartments in the surrounding area were in favour of the neighborhood pub. This was in direct contradiction to Mr. Day's contention that the tenants in his apartment do not wish to live in close proximity to a neighborhood pub.

Mr. John Bell, 290 Duthie Avenue, then addressed Members of Council and advised that approximately eleven years ago he came to the same Council Chamber in order to attempt to have a proposed apartment development discontinued. Subsequently the plans for the apartment building were not proceeded with. Mr. Bell advised that he kept his home and property in excellent condition but that some of the homes in the area have deteriorated as a result of absentee landlords. He advised that his wife had indicated to the applicants, when they were conducting their survey, that she did not disapprove of the proposed pub based on the fact that the present site is an eyesore and any development on there would be an improvement. However, after listening to the previous speaker tonight, Mr. Bell felt that he could not support this application, and therefore he and his wife would be in opposition to the proposed rezoning.

Mr. Greg Mork, 7300 Pandora Street, then addressed the Members of Council and spoke in opposition to the application. Mr. Mork's main concern was that of the safety of his children, but was also concerned with the possible expansion of the size of the proposed pub one or two years hence.

Mr. Jack MacDonald, 7051 Malibu Drive, then addressed the Members of Council. Mr. MacDonald stated that he was in favour of the proposed rezoning provided that the parking problem can be solved. He has been a resident of the neighborhood for eighteen years and does not feel a neighborhood pub would detract from the quality of the area.

Mr. Mike Kaburda, 7278 Ridge Drive, then addressed the Members of Council and spoke in opposition to the application. Mr. Kaburda stated that he would like to be in a better position to judge the proposal and wished to hear from the applicants prior to him making his presentation. Acting Mayor Emmott indicated to Mr. Kaburda that he could return to the microphone after the applicants presented their proposal.

As a result of a request from Alderman Lewarne, the Municipal Clerk, Mr. Hudson, displayed a map showing those properties that were notified of the Public Hearing by letter and, in addition, also displayed the newspaper ads that ran in two consecutive editions of the Vancouver Sun, the Vancouver Province and the Columbian.

Mr. Ken W. Russell, 9303 177th Street, Surrey, B.C., one of the applicants, then addressed the Members of Council. Mr. Russell advised that the survey he and his partner had taken involved the calling on of 390 homes where they found people at home at 286 homes, and of these homes, 228 indicated "yes" they would be in favour of a pub, forty indicated that "no" they would not be in favour, and eighteen homes indicated they were indifferent. Mr. Russell continued to advise Council that there would be no draft beer for sale at the pub, and all patrons would be required to wear proper attire, or the doorman

would not permit them to enter the building. He indicated that under the Zoning By-law, he was only required to have one parking space for each five seats in the pub; therefore a total of twelve parking stalls are required. He has, in effect, made provision for twenty parking spaces.

Mr. Doug Wong, of D. M. Sarter & Company, #504X - 100 South Park Royal, West Vancouver, the architect for the proposed development, then addressed the Members of Council. Mr. Wong advised Members of Council that the parking would be located one level below the common grade or mean grade of the site. There is a proposed brick wall that will intervene between the property line and the parking lot which will be seven feet high. This will prevent the radiation of sound latterly from the parking to the neighbors in the area. The design of the building will be residential in character, with the ground floor approximately 2400 sq. ft., and with the upper storey having approximately 550 sq. ft. The approximate cost of the building will be \$300,000. It is intended to be of pre-gothic design, with a totally dark finish on the cedar. The roof will also have a cedar finish.

In response to a question from Alderman Gunn regarding the provisions made for noise, Mr. Wong advised that there will be no windows on the common boundary. He also advised that he had not consulted any noise professionals, but would be prepared to do so if it was necessary.

In response to a question from Alderman Lewarne, Mr. Wong advised that the entrance to the parking area will be from Pandora Street.

In response to further questions from Alderman Gunn, Mr. Russell advised that the pub would seat sixty people, with room for fifteen standing. The hours of opening would be from 11:00 h in the morning until 23:00 h in the evening. Mr. Russell indicated that a doorman would go a long way to discouraging the squealing of tires and the noise problems that could be created, by screening the types of patrons allowed in and observing those leaving. Mr. Russell advised that he did not feel it was necessary to get a professional opinion regarding the noise level.

In response to questions from Alderman Drummond, Mr. Russell advised that his partner, Lloyd Dedemus, has resided in the North Burnaby area for approximately 35 years, and at present resides on Malibu Drive. Mr. Russell also advised that he has been to several neighborhood pubs and wishes to fashion their pub after the Jolly Coachman in Pitt Meadows. The parking cannot be increased as the actual building has already been adjusted to fit in additional parking spaces.

In response to a question from Alderman Randall, Mr. Russell advised that this was the first location for which he had applied for approval from the Provincial Government to carry on the business of a neighborhood pub in Burnaby.

Mr. Peter Zanetti, 6880 Hastings Street, then addressed the Members of Council advising that he was in favour of the proposed rezoning. Mr. Zanetti has four children, and when they reach the age where they can partake in alcoholic beverages, he would rather have them two or three blocks from home than attending some of the other drinking establishments in Burnaby. He felt that the parking should be left up to the Planning Department.

Mr. Peter Newton, #4 - 7120 Pandora Street, then addressed the Members of Council and advised that he was in favour of the proposed rezoning. Mr. Newton originally lived in England where several of his children grew up and he now resides in Burnaby with two younger children and cannot see that this pub would cause any problems. He could not see what objection there would be to living close to a pub. Mr. Newton also advised that his wife is Manager of the apartment block in which they reside and that in speaking to most of the tenants, approximately 90% of them are in favour of the neighborhood pub being constructed at the proposed site.

Mrs. Rena Penatta, 7130 E. Hastings Street, then addressed the Members of Council and advised them that she agreed with Mrs. Kaburda and that she was definitely opposed to this application. She was mainly concerned with the fact that undesirable people would be driving and walking through the area under the influence of alcohol.

Mr. Ken Grogon, 260 Duthie Avenue, then addressed the Members of Council and advised that he was in opposition to the application. Mr. Grogon advised that he was not opposed to a neighborhood pub as such, but opposed to the location. He felt that consideration must be given to the fact that these owners may not continue business in this location forever, and that the new owners may not be as sympathetic to the community as these ones appear to be. Mr. Grogon felt that this situation can be likened to that of an apartment where the condition of the building very seldom increases, but most often decreases.

Mr. Mike Kaburda, who previously addressed the Members of Council, but at that time requested permission to return to the microphone after hearing the proposals of the developers, now again addressed the Members of Council. Mr. Kaburda stated that this would not be a typical English pub. He wished to make three points and they were as follows:

1. The walk-in residents will not be able to support the pub financially.
2. The food service will not be adequate.
3. There will be greater incentive on the owner to sell liquor because of the problems that will be caused as a result of the financial burdens that will be placed upon them.

Mr. Kaburda remains strongly opposed to this application.

Mr. Lloyd Dedemus, 7063 Malibu Drive, the other applicant that had not as yet been heard from, then addressed the Members of Council. Mr. Dedemus advised that they will have a full kitchen serving full lunches. Regarding the financing, Mr. Dedemus and his partner intend to place a substantial amount of their own funds into this development, along with the financing they obtain from a bank.

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

4. TEXT AMENDMENT

In-Law Suites

Proposed Amendments:

Section 3 - "Definitions" - of the Burnaby Zoning By-law is amended by deleting paragraphs (d), (e), (g), (h), and (i) of Clause 3 of the definition of "Accessory Use" and substituting new paragraphs for the ones deleted. These cover:

- (a) Provision for obtaining a building permit from the Building Department and meeting the requirements of all applicable by-laws, the Fire Marshal Act and the Health Act;
- (b) Provision for obtaining an in-law suite licence from the Building Department and the submitting of a sworn statutory declaration that the in-law suite will be occupied only by his or her parents, grandparents, sons or daughters (including their spouses and dependent children) and the payment of a fee of \$25.00 for the said licence;
- (c) Provision for renewal of the licence annually by the owner and the payment of a \$10.00 renewal fee;

- (d) Provision for the owner to submit a declaration confirming that the provisions of this section continue to apply at the time of renewal of the in-law suite licence;
- (e) Provision for each owner of an in-law suite to enter into a covenant with The Corporation of the District of Burnaby to remove the in-law suite, including all facilities contained therein, whenever the said in-law suite and the use thereof shall not comply in every particular with the provisions of the Zoning By-law.

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

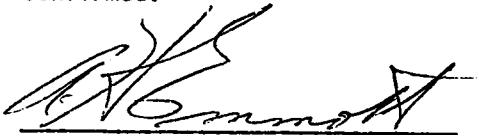
MOVED BY ALDERMAN AST:
SECONDED BY ALDERMAN DRUMMOND:

"THAT this Public Hearing be now terminated."


CARRIED UNANIMOUSLY

The Public Hearing terminated at 21:15 h.

Confirmed:


ACTING-MAYOR

Certified Correct:


MUNICIPAL CLERK'S ASSISTANT

CAT:vap