

1982 SEPTEMBER 20

A Public Hearing was held in the Council Chamber, Municipal Hall, 4949 Canada Way, Burnaby, B.C. on Monday, 1982 September 20 at 18:45 h.

PRESENT: Mayor W.A. Lewarne (In the Chair)  
Alderman D.N. Brown  
Alderman T.W. Constable (18:51 h)  
Alderman D.P. Drummond (18:49 h)  
Alderman A.H. Emmott  
Alderman G.H.F. McLean  
Alderman E. Nikolai  
Alderman V.V. Stusiak (18:55 h)

ABSENT: Alderman D.A. Lawson

STAFF: Mr. M.J. Shelley, Municipal Manager  
Mr. J.E. Fleming, Director Administrative & Community Services  
Mr. E.E. Olson, Director Engineering  
Mr. A.L. Parr, Director Planning & Building Inspection  
Mr. J.G. Plesha, Administrative Assistant to Manager  
Mr. James Hudson, Municipal Clerk  
Mr. C.A. Turpin, Deputy Municipal Clerk

The Public Hearing was called to order at 18:48 h.

1. FROM RESIDENTIAL DISTRICT (R2) TO PARK AND PUBLIC USE DISTRICT (P3)

Rezoning Reference #10/78A

Lot 1 exc. W. 80 feet, Block 23, D.L. 6, Plan 6691

9637 Cameron Street - located on the north side of Cameron Street between Noel Drive and North Road.

The intent of the proposed bylaw is to rezone the land in order to include the subject property within the first phase site of a library and recreation complex to serve the residents of the northeastern sector of the municipality.

ALDERMAN DRUMMOND ENTERED THE COUNCIL CHAMBER AND TOOK HIS PLACE AT THE COUNCIL TABLE AT 18:49 h.

ALDERMAN CONSTABLE ENTERED THE COUNCIL CHAMBER AND TOOK HIS PLACE AT THE COUNCIL TABLE AT 18:51 h.

Mr. Kenneth G. Cox, 2495 Norcrest Court, then addressed the members of Council and advised that he had a number of questions that he wished answered at tonight's Hearing. Mr. Cox indicated that the purpose of the questions would be to allow him to determine if the subject rezoning was necessary and also obtain information regarding future plans for the area. A list of the speaker's questions is contained hereunder:

1. Is Burnaby legally in a position to rezone the subject property?
2. Has the expropriation been concluded and a monetary settlement been accepted by the municipality and Mrs. Mann?
3. Does the proposed rezoning fit in with the community plan for this area?
4. What uses are being planned for this lot?
5. Is the acquisition and rezoning of the Mann property essential in order to complete the expansion plans?
6. Are future expropriations and rezonings required to carry out the planned expansions?
7. If the expansion was to go ahead as planned, what kind of time frame would we be looking at for the completion of Phases 1 and 2?

8. What costs would be involved and what amenities and public facilities could we be looking forward to having in this area?
9. It was stated in a newspaper that Mrs. Mann put forward an alternative proposal for the area. Her proposal was to put the Beaverbrook extension behind the recreation centre. If this was done, would her property still be necessary in order to complete the development plans?
10. Could the parking be better planned elsewhere than the Mann property, and if her property is considered necessary, could it be better utilized?
11. In order to picture the purpose of rezoning the Mann property in its full light, could Municipal Council or the Planning Department tell me what is planned for Cameron Street besides the Community Centre? In particular, the properties directly adjacent to Mrs. Mann's.
12. In your agreement with Mrs. Mann, was there a specified length of time she could be allowed to stay on the subject property?
13. Would such an agreement mean that the proposed expansion plans for the Centre would go ahead as scheduled, or would there be a delay in those plans?
14. Would the delay in the rezoning of the property also result in the delay of the construction plans?
15. Once construction does commence, how long will it be before parking is available, and how many stalls could we expect?
16. What is the projected total cost of providing this additional parking and what would that work out to on a per stall basis?
17. Do the plans for this lot take into account the proposed widening of Cameron Street?
18. Does Council have a time frame as to when the widening of Cameron Street will occur.
19. Has Council given any consideration to an overpass spanning Cameron Street abutting from the Mann property over to the Mall side?
20. If such studies show that an overpass from the Mann property to the Mall is not feasible, then would a crosswalk in that area be appropriate?
21. If a parking lot is to be built on this property, can we expect to see parking restrictions implemented on Cameron Street?
22. Would these restrictions come before or after the parking lot is ready?
23. With respect to the property as it stands today, I understand that the Planning Department intends to construct a road along the east side of the property, which would result in Hydro, sewer and water connections having to be disconnected and reconnected at considerable expense to the municipality. Is there any reason why the road could not go up the west side of the property to avoid this extra expense?

ALDERMAN STUSIAK ENTERED THE COUNCIL CHAMBER AND TOOK HIS PLACE AT THE COUNCIL TABLE AT 18:55 h.

Mr. A.L. Parr, Director Planning & Building Inspection, then provided answers to a number of Mr. Cox's questions.

His Worship, Mayor Lewarne, invited Mr. Cox to contact his office, or the Burnaby Municipal Planning Department, in order to obtain further answers to his questions.

In response to a question from Council, Mr. Cox advised that he was presently unbiased as to whether or not he was in favour of this rezoning application.

Mrs. Margaret H. Schaug, 9355 Cameron Street, then addressed the members of Council and advised that she was concerned with the plans for the future road widening of Cameron Street. Mrs. Schaug stated that the plans called for ten feet to be removed from Mrs. Mann's property in order to allow for the widening of Cameron Street, which means that the street will be swung through Stoney Creek, and in doing so, two existing houses will be required for the road pattern. The speaker advised that she had heard a number of times that two houses will be required for the development of the road pattern in the area, but she was unsure which houses will be affected. Mrs. Schaug advised that they have been concerned with this problem for fourteen years and she would like an answer to her question regarding the future road pattern, and the properties that may have to be acquired in order to construct the planned roads.

His Worship, Mayor Lewarne, advised Mrs. Schaug that although her concerns were not the subject of tonight's Public Hearing, she could certainly be provided with a plan showing the proposed road alignment for the area. Mayor Lewarne also advised Mrs. Schaug that she would be welcome to appear before Council at any time as a delegation in order to express her concerns to Council regarding her property and proposed road alignments for the area.

His Worship, Mayor Lewarne, requested that a plan showing the proposed road alignment for the area be mailed to Mrs. Schaug.

In response to a question from Council, Mr. Schaug advised that she was opposed to this rezoning application.

Mr. John Mann, 9637 Cameron Street, then addressed the members of Council and advised that he wished to present a petition to Council at tonight's Hearing. Mr. Mann then read the text of the petition as contained hereunder:

"We, the undersigned residents of the Cameron Street area of Burnaby, oppose the proposed Zoning Reference #10/78A, 9637 Cameron Street, on the basis that to develop another parking lot on this land will bring even more traffic on to our already overloaded street.

This road would come on to Cameron Street directly opposite the highly congested road into the Loughheed Plaza shopping complex and approximately 100 feet from Erickson Drive, which services the massive highrise complex, and this is a most dangerous situation as it is.

We would respectfully suggest that a much safer and far more economical parking lot can be developed on the municipally owned land currently lying vacant directly behind the library."

Mr. Mann then presented a petition containing the signatures of sixty-two (62) area residents to the Municipal Clerk.

Mrs. Lillian E. Mann, 9637 Cameron Street, then addressed the members of Council and advised that upon entering the Municipal Hall for tonight's Hearing, the Commissionaire on duty directed her to her own address for this Hearing. Mrs. Mann further advised that she understood that several other people were directed by the Commissionaire to 9637 Cameron Street for this Hearing. Mrs. Mann indicated that she felt that this was a very grave error on the part of the Commissionaire, and she was very disturbed by this action.

The following is the substance of Mrs. Mann's presentation to Council at tonight's Hearing:

"Mr. Mayor and members of Council, my name is Lillian Mann and I am representing myself, my son John, and my daughter Melanie. Our address is 9637 Cameron Street. Our strong objection to this proposed rezoning is

very basic. It will mean the destruction of our home, the home that we have enjoyed for 27 years, the home which represents a benefit that was earned by my late husband as a result of his extensive and very destructive war service. I feel that before this Council can truly make a considered decision to spot zone our property, they should be able to answer for themselves a few questions. Maybe a few more questions. Does this Council really have all the information it should have to make such a sweeping decision? Does this Council really know how the taxpayers feel about spending this kind of money in this period of restraint, especially when the taxpayers twice voted down the expenditure of funds to build this complex? Does this Council know the exact cost of each of these twenty parking spots that are slated for my property? At the true value of my land, I project that each one of these parking spots would cost \$16,448.00, or at the expropriated price they would cost \$6,750.00 each, that is without the additional construction costs, that is just basic land values. Does this Council know what the impact of bringing another roadway onto Cameron Street means? Encouraging more traffic even yet onto our overcrowded roadway. Can this Council be certain just who this parking lot is going to service? Is it going to be more of a service to the commercial complex adjacent to this area, or indeed how many library patrons will be using the parking lot? Does this Council really know that the extension of Beaverbrook Drive to the Reese alignment, as has been endorsed by the neighbourhood, do they really know that this is going to open up acres of undeveloped municipally owned land, which is closer to the library and will make a far better parking lot? Does this Council know where and when the Urban Transit will be coming, and what impact that will have on our neighbourhood? What about the Provincial Government? Does this Council know whether or not the Provincial Government is prepared to grant any funds for any future expansion of this facility, remembering that the Provincial Government were the ones who granted money for this initial construction? What does the new Minister of Municipal Affairs think of my strategically located land being used for a mere parking lot? What does Mr. Woodward, the Inspector of Municipalities think? What does he think about his report of 1981 May 19 being generally disregarded? Has this Council considered what the Union of British Columbia Municipalities, meeting this week in Vancouver, think of expropriation for a parking lot? How many of your fellow Aldermen and Mayors in the province have expropriated land for such a purpose? Does this Council really know how many people in our area are fearsome for their homes because of the expropriation process and rezoning as taking place here tonight? Do you really know how many are fearful of the same thing? Does this Council know how the library staff feel? They look out daily on a littered mess behind that building. It is vacant land that is lying in scrub, it is being used for illicit purposes, it has become a hangout for undesirables. The land directly behind that library could accommodate far more parking spots than on my land. Has any member of this Council ever personally considered how they would feel at having their homes taken and rezoned for a parking lot?

Although I have outlined a few things this Council may not have given too much consideration to at this time, I am sure that there are many things that they have thought about at this time and have considered. For example, this Council knows that the taking and rezoning of my land is a good cost benefit to the municipality. This was stressed to Council in a report in 1980 January. It is such a good cost benefit, in fact, it is being taken for approximately one-third of its true value. My land was appraised in November of 1979 at \$328,950.00. Really then I am being forced to donate almost two-thirds of my total assets to the people of Burnaby. Would anyone on this Council be prepared to do the same thing. This Council also knows that the planned driveway on the east side of my property, which will be 85 feet away from the library, will destroy my essential services. It will render my home unlivable. At the same time it will destroy one of British Columbia's largest dogwood trees, as well as mature oak trees, crimson beech, holly trees and any number of flowering shrubs. This Council, I am sure, knows there exists six metres of land adjacent to the library, right beside a fire hydrant, which could be used as a fire lane. Indeed, when the undesirable groups behind the library did light a fire in the scrub brush, the fire engine had no problems in using the existing lane to look after that fire. The fire was deliberately set and not caused by anything in the one storey building. There is, I am

sure, another very significant fact known to this Council, that is they broke their own Building Bylaws in proceeding with the construction of this facility two years before they had the right to even consider even taking my land. I do not now feel that I should be made the scapecoat because this complex was misplaced on the municipally owned land. In spite of the broken Building Code and Building Bylaws, this complex has been in constant use for over two and a half years without any incident. Why rush now to rezone my land? This Council also know that the previous Minister of Municipal Affairs was actively involved in attempting to have this expropriation abandoned in favour of a better solution. Also, any acceptance on my part of any compensation would have precluded any such hopeful possibility. I have received approximately 200 letters, some enclosing money for legal fees, and I have had support of veterans' groups, church organizations, civil rights groups, our previous Mayor, and many other prominent British Columbians, and they all seem to ask the same question. Why? In this time of saving land, and I point out the Oakalla lands, and the George Derby Lands, is this rezoning in taking of my land really in the public interest. Cannot Building Bylaws be amended? Cannot good cost benefits be found elsewhere.

I respectfully ask this Council to rescind this bylaw and take another look at their priorities. Thank you."

His Worship, Mayor Lewarne, requested that Mrs. Mann provide the municipality of a copy of the appraisal of her property that she referred to tonight in her presentation.

Mr. Frank Helden, 3622 Haida Drive, Vancouver, B.C., then addressed the members of Council. Mr. Helden advised that he had appeared before Council before in support of Mrs. Mann and was again here tonight for the same purpose. Mr. Helden stated that though he resides in Vancouver he often travels along Cameron to the Lougheed Mall and he is appalled at the amount of traffic currently on that road. Mr. Helden advised that he was in opposition to this rezoning application and requested that Council permit Mrs. Mann to reside in her home in accordance with the conditions as set out in the Woodward report.

His Worship, Mayor Lewarne, stated that it has been said by this Council that it would meet all the items contained in the Woodward report. Arrangements to this effect could be made if Mrs. Mann consented to meet with the Municipal Manager.

The Advisory Planning Commission wish to advise Council that following their consideration of this rezoning application, a decision was reached to support the rezoning of the property at 9637 Cameron Street from Residential District (R2) to Park and Public Use District (P3).

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

MOVED BY ALDERMAN STUSIAK:  
SECONDED BY ALDERMAN CONSTABLE:

"THAT this Public Hearing relating to Rezoning Reference #10/78A be now terminated."

CARRIED

OPPOSED: ALDERMAN BROWN

All petitions, letters and prepared texts submitted in connection with the rezoning application appearing on the agenda to tonight's Hearing are on file in the office of the Municipal Clerk.

Copies of the Director Planning & Building Inspection's reports and related information respecting the subject rezoning applications were available for public examination at the offices of the Planning & Building Inspection Department in the Burnaby Municipal Hall.


1982 September 20

The Public Hearing terminated at 19:31 h.

Confirmed:

  
MAYOR

Certified Correct:

  
DEPUTY MUNICIPAL CLERK

THE CORPORATION OF THE DISTRICT OF BURNABY  
ZONING BYLAW AMENDMENT  
PUBLIC HEARING

The Council of The Corporation of the District of Burnaby hereby gives notice that it will hold a Public Hearing on

MONDAY, 1982 SEPTEMBER 20 at 18:45 h

in the Municipal Hall, 4949 Canada Way, Burnaby, B.C. V5G 1M2 to receive representation in connection with the following proposed amendment to "Burnaby Zoning Bylaw 1965":

1. FROM RESIDENTIAL DISTRICT (R2) TO PARK AND PUBLIC USE DISTRICT (P3)

"BURNABY ZONING BYLAW 1965, AMENDMENT  
BYLAW NO. 48, 1982" - BYLAW NO. 7952

Rezoning Reference #10/78A

Lot 1 exc. W. 80 feet, Block 23, D.L. 6, Plan 6691

9637 Cameron Street - located on the north side of Cameron Street between Noel Drive and North Road.

The intent of the proposed bylaw is to rezone the land in order to include the subject property within the first phase site of a library and recreation complex to serve the residents of the northeastern sector of the municipality.

All persons who deem their interest in property affected by the proposed bylaw and who wish to register an opinion may appear in person, by attorney or by petition at the said Hearing.

Copies of the Director Planning and Building Inspection's reports and related information respecting the subject rezoning application are available for public examination at the offices of the Planning and Building Inspection Department in the Burnaby Municipal Hall.

A copy of the proposed bylaw may be inspected in the office of the Municipal Clerk at 4949 Canada Way, Burnaby, B.C. during regular business hours from Friday, 1982 September 03 at 12:00 h up to 16:30 h on Monday, 1982 September 20.

James Hudson  
MUNICIPAL CLERK