

1998 MARCH 24

A Public Hearing was held in the Council Chamber, City Hall, 4949 Canada Way, Burnaby, B.C. on Tuesday, 1998 March 24 at 7:30 p.m.

PRESENT: Mayor D.P. Drummond (In the Chair)  
Councillor D.R. Corrigan (Arrived 7:55 p.m.)  
Councillor D.G. Evans  
Councillor D.N. Johnston  
Councillor D.A. Lawson  
Councillor C. Redman  
Councillor N. M. Volkow  
Councillor J. Young

ABSENT: Councillor L.A. Rankin

STAFF: Mr. D. G. Stenson, Director Planning and Building  
Mrs. A.L. Lorentsen, Administrative Officer I

The Public Hearing was called to order at 7:30 p.m.

1. "BURNABY ZONING BYLAW 1965. AMENDMENT  
BYLAW NO. 2, 1998" - BYLAW NO. 10708

TEXT AMENDMENT

The purpose of the proposed Text Amendment is to effectively regulate and control the presence of slot machines in licensed casinos.

A letter dated 1998 March 20 was received from Convenor of the Board of Directors, The Canadian Alliance for Social Justice and Family Values Association requesting that Council consider the inclusion of video lottery terminals and player operated sale terminals in the proposed bylaw amendment and, further, urges a more comprehensive amendment to the bylaw in question.

A letter dated 1998 March 23 was received from Parvin Chami, Chair, Friends of Discovery Park Citizens Advisory Committee expressing support for the adoption of a bylaw which would prohibit the introduction of slot machines in Burnaby charity casinos or any other location.

John Cheung, 7208 Queenston Court, Burnaby appeared before Council regarding the proposed bylaw amendment. The speaker supports the intent of the bylaw, however, he suggests that all electronic gaming devices, such as VLTs be included in the proposed bylaw.

In response to Council's request for clarification regarding this aspect of the bylaw, Mr.

D.G. Stenson, Director Planning and Building, advised that the City Solicitor has informed Council that the definition of "slot machines" in the Criminal Code of Canada includes any form of electronic gaming device. Mr. Stenson advised that because this definition is so broad that it is the Solicitor's opinion that VLT's would be included in the proposed bylaw.

Barbara Der, 7491 Sapperton Avenue, Burnaby appeared before members of Council seeking clarification of the terms of the bylaw and how it will prohibit the use of slot machines.

At the request of Council, Mr. D.G. Stenson, Director Planning & Building provided an overview of the proposed bylaw and how, because the City is not permitted to actually ban the use of slot machines, this bylaw will allow Burnaby Council to make choices through zoning as to if, where and how many slot machines may be permitted in the City.

In response to the speaker inquiry as to why the bylaw had to be written in such a way, Mr. Stenson, informed Council that the Municipal Act does not permit the City to implement a bylaw to ban the use of slot machines.

In conclusion, the speaker reiterated her opposition to any expansion of gambling in Burnaby and reminded Council that the majority of Burnaby residents do not support the introduction of slot machines in Burnaby's casinos.

\*\* Councillor Corrigan arrived at the meeting at 7:55 p.m. and took his place at the Council table.

Parvin Chami, 3710 Kalyk Avenue, appeared before Council members of Council to express support for any bylaw that will reflect the opinion of Burnaby's residents by not allowing slot machines in the City. The speaker advised she too is unclear as to how this bylaw will work

In response to the speaker's queries Council provided additional clarification as to the purpose of the subject bylaw.

Nancy Harris, 1038 Ridley Drive, Burnaby appeared before Council with several inquiries regarding the proposed bylaw. The speaker advised she is aware of the difficulty experienced by Council in creating this bylaw and is appreciative of that fact that it has come to this point. Ms. Harris then inquired as to when the bylaw would again come before Council for consideration and, also, how the public would be made aware of any application for rezoning to the new "slot machine" zone if the bylaw is adopted.

In response to the speaker's inquiry the Administrative Officer provided a brief overview of the process followed in advancing a rezoning application to a Public Hearing.

At Council's request the Director, Planning and Building, provided an update as to the current status of Council's approvals of casinos within Burnaby as well as those casino applications in Burnaby made to the Provincial government.

Richard Lee, 4473 E. Georgia Street, Burnaby appeared before Council to express his concern about the rezoning process that the casino operators will have to go through in order to be permitted to have the slots. Mr. Lee is concerned about sufficient notification to and participation by affected neighbourhoods.

\*\* Councillor Redman retired from the Council Chamber at 8:15 p.m.

The speaker suggested that the only real way to test the City's legal authority to ban slot machines would be to implement a bylaw and then allow it to be challenged.

Charlie Probutis, 4353 Halifax Street, Burnaby appeared before Council expressing concern about the impact the proposed bylaw will have on charities who rely on gaming for funding. The speaker suggested that by allowing some casinos to have slot machines and not others would create an unfair advantage to those charities who receive revenue from casinos with slots. Mr. Probutis is concerned that this situation could lead to charitable organizations squabbling over fund raising locations.

Parvin Chami, 3710 Kalyk Avenue, Burnaby appeared again before Council to express concern that casinos not be allowed in proximity to any school. The speaker suggested that Council consider requiring casinos be located a minimum distance from a school as a prerequisite to the rezoning.

Chris Van Ihinger, 4231 Oxford Street, appeared before members of Council to suggest that if the City is not permitted to ban slot machines then it would appear that changes need to be made to the Municipal Act to allow them the authority to implement such a bylaw. The speaker encouraged Council to follow this route in order to truly reflect the wishes of Burnaby residents. Mr. Van Ihinger advised that he only supports this proposed bylaw if it is the only way to keep slot machines out of Burnaby. The speaker also inquired whether, if the Municipal Act is changed and the City is permitted, at a later date, to ban slot machines, would the City be able to require a casino that has put in slot machines to then take them out.

Johnny Lo, 4231 Graveley Street, Burnaby appeared before the members of Council to advise he was in favour of any bylaw that will control slot machines. The speaker suggested that Council put in place zoning guidelines for casinos (with or without slot machines), such as proximity to schools, etc.

T.J. Patton, Edmonds Street, Burnaby, appeared before members of Council advising he was in favour of slot machines in Burnaby casinos.

Antonio Lee, 6415 Kitchener Street, Burnaby appeared before members of Council advising he was opposed to any slot machines being permitted in Burnaby as they are proven to be harmful to a person's health. Mr. Lee does not understand the need to have two zones for casinos and does not believe zoning will prevent the installation of slot machines in approved casinos.

Sonia Zimmerman, 2131 Tait Court, Richmond appeared before Council members advising she was in favour of choice. The speaker suggested that all Burnaby residents should have a choice as to what kind of entertainment they wish to pursue. With regard to previous speakers' comments regarding children using slot machines, Ms. Zimmerman does not believe this should be an issue because children are not legally allowed in casinos and casino operators would not allow them access to the premises.

Paul Ho, 3738 Linwood Street, Burnaby appeared before Council to express appreciation for all the work undertaken in bringing this bylaw forward. Mr. Ho reminded Council that, despite his support for the proposed bylaw, it is his and the majority of other Burnaby residents' preference to not have any expanded gaming in Burnaby, particularly slot machines.

Johnny Lo, 4231 Graveley Street, Burnaby appeared again before Council to reiterate comments by other speakers that children are of vital concern to Burnaby residents and is one reason to not support slot machines in Burnaby. The speaker advised that parents do not want their children to have any opportunity to gain access to slot machines and the best way to accomplish that goal would be to not have any machines in Burnaby.

Rosa Bianca Godi-Starr, 7522 Burris Street, Burnaby appeared before Council advising that she is opposed to slot machines in Burnaby, however she understands why the proposed bylaw is Council's only option to control the devices. The speaker encouraged Council to remember that Burnaby residents do not support slot machines and further encouraged Council to request the Provincial government to make changes to the Municipal Act that will allow cities to ban gaming devices.

Richard Lee, 4413 E. Georgia Street, again appeared before Council to request clarification as to the questions asked in the poll taken of Burnaby residents regarding gaming.

- \*\* Councillor Volkow retired from the Council Chamber at 8:58 p.m.
- \*\* Councillor Volkow returned to the Public Hearing at 8:59 p.m. and took his place at the Council table.

The Advisory Planning Commission wish to advise Council that following its consideration of this rezoning application, a decision was reached to NOT SUPPORT the Text Amendment, Bylaw No. 10708.

Arising from its consideration of Bylaw No. 10708 the Commission adopted the following motion:

"THAT the Advisory Planning Commission does not support Bylaw No. 10708 because the social cost does not justify the increased revenue generated by use of slot machines."

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

MOVED BY COUNCILLOR LAWSON  
SECONDED BY COUNCILLOR EVANS

"THAT this Public Hearing relating to the Text Amendment, Bylaw No. 10708 be now terminated."

CARRIED UNANIMOUSLY

2. "BURNABY ZONING BYLAW 1965. AMENDMENT  
BYLAW NO. 17, 1998" - BYLAW NO. 10730

Rezoning Reference #69/97

3900 Lougheed Highway - located at the southwest corner of Lougheed Highway and Gilmore Avenue

Lot C, D.L. 118, Grp. 1, NWD, Plan LMP2973

From: CD Comprehensive Development District (based on M5 Light Industrial District and Bridge Business Park Development guidelines)

To: Amended CD Comprehensive Development District (based on M5 Light Industrial District and the Bridge Business Park guidelines and in accordance with the Development Plan entitled "Bridge Business Park: Lot C" prepared by John Hollifield Architect Inc.)

The purpose of the proposed zoning bylaw amendment is to permit the development of a four building, multi-tenant, office/industrial complex.

Norm Couttie, 1111 Melville Street, Vancouver appeared before Council advising he was the applicant for the subject rezoning and was available to answer questions from Council.

- \*\* Councillor Redman retired from the Council Chamber at 9:00 p.m.
- \*\* Councillor Redman returned to the Public Hearing at 9:04 p.m. and took her place at the Council table.

The Advisory Planning Commission wish to advise Council that following its consideration of this rezoning application, a decision was reached to SUPPORT Rezoning Reference #69/97, Bylaw No. 10730.

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

MOVED BY COUNCILLOR LAWSON  
SECONDED BY COUNCILLOR JOHNSTON

"THAT this Public Hearing relating to Rezoning Reference #69/97, Bylaw No. 10730 be now terminated."

CARRIED UNANIMOUSLY

3. "BURNABY ZONING BYLAW 1965. AMENDMENT  
BYLAW NO. 19, 1998" - BYLAW NO. 10734

Rezoning Reference #98-4

3674 Kensington Avenue; Ptn. 3711 Kensington Avenue; 6406 Darnley Street; Ptns. of 6414/22/28/36/42 Darnley Street; 3286/3332/62/88/3425/30/70/87 Ardingley Avenue; Ptns. 6288/6527/35/41/49/55 Laurel Street; 6310/30/50/6433/36/41/42/50/55/56/64/69/70/77/78/85/86/93/94/6505/06/13/14/21/22/28/36 Laurel Street; Ptn. 6289 Fulwell Street; 6309/6420/35/41/49/55/63/69/77/85/93/96/6505/13/21/27/35 Fulwell Street; 6421/22/27/28/35/36/42/50/56/64/70/78/86 Hyde Street; Ptns. 6441/49/55/63/69/77/94/6506/14/22/28 Hyde Street; 6421/27/35/41 Lane Allowance; Ptn. 3550 Norland Avenue; Ptns. of Ardingley Avenue, and Hyde/Laurel/Fulwell Streets - located just north of the Eight Rinks property southeast of Norland Avenue industrial area

Lots 161/162, D.L. 77, Plan 28118; Lots ½/3/4/5/6/51/52/53/54/111/112/113/95/114/94/93/116/92/117/91/118/90/119/89/120/88/121/87/122/86/85/84/152/151/150/149/148/147/146/145/144/143/142/141/140/139/50/49/48/47/46/59/45/60/44/61/43/62/42/63/64/65/66/67/68/69/"G", Blk. 3, D.L. 77, Plan 3051; Lots "C"/"D", D.L. 77, Plan 13354; Lots 12/8/9/10/11/17/16, Blk. 1, D.L. 76, Plan 1885; Pcl. "1" (Exp. Plan 14346), Lot "A", D.L. 77, Plan 5509;

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Lot "B" D.L. 77, Plan 11986; Lot "A", D.L. 76, Plan 8501; Lots "E"/"F", D.L. 77, Plan 13680; Lot "A" Exc.: Firstly: Pcl. "One" and lane shown on Exp. Plan 14346 and Secondly: East 59 ft., D.L. 77, Plan 5509; The East 59 ft. Lot "A" Exc.: Part shown on Exp. Plan 14346, D.L. 77, Plan 5509; Lot 115 Exc.: South 6 ft. 6 Inches, Blk. 3, D.L. 77, Plan 3051; Lot 2, Blk. 6, D.L.'s 76/77, Plan LMP22653; Lots 9/10/11/12/13/14/15/16/17/18, Blk. 4, D.L. 77, Plan 3051; Lots 35/36/37/38/39/40/41/42/43/44 exc.: part subdivided by Plan 42281, D.L. 77, Plan 3051; South 6.5 ft. Lots 55/56/57/58, Blk. 3, D.L. 77, Plan 3051; Lots 55/56/57/58 Exc. South 6.5 ft., Blk. 3, D.L. 77, Plan 3051; Lot 3, Blk.'s 6/7, D.L. 76, Plan LMP22853; all of Grp. 1, NWD

From: M2 General Industrial District and R5 Residential District

To: P3 Park and Public Use District

The purpose of the proposed zoning bylaw amendment is to change the zoning of this land from Industrial (M2) and Residential (R5) to park and Public Use (P3) in order to accommodate the development of three artificial play fields and two grass play fields and related service buildings in the area west of Kensington Avenue being developed by the City.

Councillor Lawson advised that she had received an inquiry from a Burnaby resident regarding this application and requested that the following be noted for the record: has a complete environmental impact study been done on this site as the red tail hawk uses this land to rest and feed; when construction is to take place on the site it is suggested it be after nesting season, at the end of June; it is requested that a shelter belt of trees be placed along the road to break of sound and maintain habitat for birds and that some brush be kept around the natural playing fields.

The Advisory Planning Commission wish to advise Council that following its consideration of this rezoning application, a decision was reached to SUPPORT Rezoning 98-4, Bylaw No. 10734.

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

MOVED BY COUNCILLOR LAWSON  
SECONDED BY COUNCILLOR EVANS

"THAT this Public Hearing relating to Rezoning 98-4, Bylaw No. 10734 be now terminated."

CARRIED UNANIMOUSLY

4. "BURNABY ZONING BYLAW 1965. AMENDMENT  
BYLAW NO. 18, 1998" - BYLAW NO. 10732

TEXT AMENDMENT

The purpose of the proposed Text Amendment is to amend the zoning bylaw respecting definitions and lot area requirements for certain schools.

The Advisory Planning Commission wish to advise Council that following its consideration of this rezoning application, a decision was reached to SUPPORT the Text Amendment, Bylaw No. 10732.

No one appeared in connection with this Text Amendment.

MOVED BY COUNCILLOR LAWSON  
SECONDED BY COUNCILLOR YOUNG

"THAT this Public Hearing relating to the Text Amendment, Bylaw No. 10732 be now terminated."

CARRIED UNANIMOUSLY

ADJOURNMENT

MOVED BY COUNCILLOR CORRIGAN  
SECONDED BY COUNCILLOR JOHNSTON

"THAT this Public Hearing (Zoning) do now adjourn."

CARRIED UNANIMOUSLY

The Public Hearing (Zoning) adjourned at 9:15 p.m.

Confirmed:

Certified Correct:



MAYOR



ADMINISTRATIVE OFFICER I