

1980 JUNE 23

A Public Hearing was held in the Council Chamber, Municipal Hall, 4949 Canada Way, Burnaby, B.C. on Monday, 1980 June 23 at 18:45 h.

PRESENT: Mayor D.M. Mercier, In the Chair
Alderman G.D. Ast
Alderman D.N. Brown - 18:53 h
Alderman D.P. Drummond - 18:51 h
Alderman A.H. Emmott
Alderman D.A. Lawson - 18:48 h
Alderman W.A. Lewarne
Alderman V.V. Stusiak

ABSENT: Alderman F.G. Randall

STAFF: Mr. M.J. Shelley, Municipal Manager
Mr. A.L. Parr, Director of Planning
Mr. James Hudson, Municipal Clerk
Mr. C.A. Turpin, Municipal Clerk's Assistant

The Public Hearing was called to order at 18:45 h.

PROPOSED TEXT AMENDMENTS TO BURNABY ZONING BY-LAW:

- (a) SECTION 7, ADMINISTRATION AND ENFORCEMENT
- (b) SECTION 700, COMPREHENSIVE DEVELOPMENT DISTRICTS (CD)

1. To amend Section 7.3 to provide for the issuing of development permits in development areas designated by Council, regulating and requiring all of the matters referred to in Section 717(2)(a) to (k) inclusive of the Municipal Act R.S.B.C. 1979, and to prescribe procedures therefor.
2. To enact Section 700.5 to provide that in a development permit area designated by Council a community plan adopted by Council shall be deemed to be a Comprehensive Development plan for the purpose of Comprehensive Development zoning.

Mr. William Goodacre, #703 Louis Riel House, Simon Fraser University, then addressed the members of Council and advised that he was President of the Student Society of Simon Fraser University. Mr. Goodacre stated that he felt the proposed Text Amendment tonight is in response to a number of objections that were raised by the Student Society of Simon Fraser University in connection with the rezoning proposal that, if successful, will permit the construction of the Discovery Parks Research Development, to be located on Burnaby Mountain. One of the concerns the Simon Fraser Student Society has is that the proposed Section 700.5, amendment to the Zoning By-Law, would forego the requirements as contained in Section 700.3 of the Burnaby Zoning By-Law. Mr. Goodacre advised that the legal counsel for the Student Society is of the opinion that the proposed Section 700.5 could in fact supercede Section 700.3 if Council deemed this necessary. Mr. Goodacre stated that the Student Council would like a legal opinion from the Municipal Solicitor as to whether in fact Section 700.5 could supercede Section 700.3. Mr. Goodacre also questioned as to when this Text Amendment will receive final adoption by Council.

His Worship, Mayor Mercier, requested that the Director of Planning note the request of Mr. Goodacre respecting the priority of Section 700.3 of the Burnaby Zoning By-Law versus the proposed Section 700.5 of the same By-Law.

Mr. Goodacre explained that the major concern is the wording as contained in the proposed Section 700.5 of the Burnaby Zoning By-Law, in that does this now free a developer from complying with Section 700.3 of the Burnaby Zoning By-Law? Mr. Goodacre questioned whether the inclusion of the proposed amendment, being Section 700.5 of the Burnaby Zoning By-Law, will allow the Discovery Parks Development to proceed even though it could not comply with Section 700.3 of the Zoning By-Law.

His Worship, Mayor Mercier, advised that the enactment of Section 700.5 was being considered in order to comply with the requirements of the Municipal Act and not being proposed for the purpose of allowing the Discovery Parks Development to proceed. Mayor Mercier explained that the Municipal Act had been changed several years ago but our By-Law was not amended to comply with the Act at that time. The change in the Municipal Act was made to allow Municipal Councils to allow developments to proceed under "Development Permit" procedures. Mayor Mercier explained to those in attendance the rights that have been granted Council through the enactment of the Development Permit procedure section within the Municipal Act. His Worship emphasized that under the Development Permit section of the Municipal Act, Council has far greater control on continuing phases of a development than it had without this procedure.

The Director of Planning, Mr. A.L. Parr, in response to a question as to whether a Public Hearing would be required for each development permit, advised that the Municipal Act does not direct Council to hold a Public Hearing when considering a development permit; however, those citizens who are known to have an interest in the proposed development should be contacted and advised of the date that the development permit will be before Council, for their consideration, at a regularly scheduled Council meeting.

Mr. Tom Brown, #313 Louis Riel House, Simon Fraser University, then addressed the members of Council and advised that he was very concerned that the people will not be informed when development permits are before Council for their consideration. Mr. Brown felt that without public notification many people who would be interested in the development would not receive notification as they would not be on the list that would have been compiled by the Municipality based on inquiries and prior Public Hearings.

Mr. Andrew J. Seary, 10 Boundary Road, then addressed the members of Council and advised he was concerned with the implications that this amendment to the Zoning By-Law will have on future development. Mr. Seary related his concerns to the recent rezoning and proposed developments for the Burnaby Heights area. Mr. Seary was concerned as to what effect this amendment will have on future developments along the Hastings Street corridor.

His Worship, Mayor Mercier, in response to the concerns expressed by Mr. Seary advised that in a phase development, where there is a common owner, with a site that has a potential to develop four or five separate buildings, presents a difficulty whereby a future Council, elected subsequent to the rezoning of such a property to the CD zoning classification, would have no control over further stages of development unless the development permit procedure is used. The development permit procedure simply allows the Municipal Council to have control over future stages of development respecting a long-term project.

Mr. Seary wished to register his objection to the proposed Text Amendment.

Mrs. Barbara Gudmundson, c/o 5803 Culloden Street, Vancouver, B.C., then addressed the members of Council on the subject of this Text Amendment and requested clarification on the procedure that will be used to notify the people who may be interested in any particular development that required

the issuance of a development permit. Mrs. Gudmundson felt that it was essential that all those people who spoke at the original Public Hearing respecting a certain development be contacted when a development permit was before Council for their consideration.

Mr. Ronald A. Sward, 3766 Oxford Street, then addressed the members of Council and expressed the concern that in permitting this Text Amendment to be incorporated into the By-Law will have the same effect as the citizens of Burnaby giving the Municipal Council a blank cheque. Mr. Sward felt that this type of By-Law amendment opens the doors to abuse.

His Worship, Mayor Mercier, in response to the concern expressed by Mr. Sward advised that the controls will be tighter, on stage/phase developments with the passage of this amendment, than they were previously. Mayor Mercier read the following section of the Municipal Act to those in attendance relating to development permits:

- 717.(4) A development permit shall not vary the permitted uses or densities of land use in the applicable zoning by-law.

Mr. Tom Walker, 204 Alpha Avenue, then addressed the members of Council and advised that he is very concerned that the decision-making process will be removed from the public forum and become more of an administrative matter. Mr. Walker referred to the Discovery Parks project and the uses that will be carried on that are not completely understood by the majority of the public. Mr. Walker was very concerned that the stringency not be removed from the political decision-making process, where Council has to hear a lot of public views, and placed into a much more routine and regulatory context. Mr. Walker indicated that he felt it would be an improvement to the process if the policy to inform the public was incorporated into the Text Amendment.

His Worship, Mayor Mercier, ensured those in attendance that it would be this Council's policy, and the Mayor advised that he could only speak for this Council, that at each successive stage of development occurring during the term of office of this Council, the public would be made aware, by way of advertisements or some form of circulation, that a development permit would be before Council for their consideration. Mayor Mercier indicated that a public meeting may be held at the site or the public would be invited to address Council.

MOVED BY ALDERMAN STUSIAK:
SECONDED BY ALDERMAN AST:

"THAT this Public Hearing relating to the proposed Text Amendments be now terminated."

CARRIED UNANIMOUSLY

The Public Hearing adjourned at 19:34 h.

Confirmed:



MAYOR

Certified Correct:



MUNICIPAL CLERK'S ASSISTANT

THE CORPORATION OF THE DISTRICT OF BURNABY

ZONING BY-LAW AMENDMENTS

PUBLIC HEARING

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

MONDAY, 1980 JUNE 23 at 18:45 h

in the Municipal Hall, 4949 Canada Way, Burnaby, B.C., V5G 1M2 to receive representations in connection with proposed amendments to "Burnaby Zoning By-law 1965":

PROPOSED TEXT AMENDMENTS TO BURNABY ZONING BY-LAW:

- (a) SECTION 7, ADMINISTRATION AND ENFORCEMENT
- (b) SECTION 700, COMPREHENSIVE DEVELOPMENT DISTRICTS (CD)

1. To amend Section 7.3 to provide for the issuing of development permits in development areas designated by Council, regulating and requiring all of the matters referred to in Section 717(2)(a) to (k) inclusive of the Municipal Act R.S.B.C. 1979, and to prescribe procedures therefor.
2. To enact Section 700.5 to provide that in a development permit area designated by Council a community plan adopted by Council shall be deemed to be a Comprehensive Development plan for the purpose of Comprehensive Development zoning.

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

A copy of the proposed by-law may be inspected at the office of the undersigned any time between 08:30 h and 16:30 h, Monday to Friday inclusive (excepting Public Holidays) up to 16:30 h on Monday 1980 June 23.

James Hudson
MUNICIPAL CLERK