

1995 APRIL 25

A Public Hearing was held in the Council Chamber, City Hall, 4949 Canada Way, Burnaby, B.C. on Tuesday, 1995 April 25 at 7:30 p.m.

PRESENT: Mayor W.J. Copeland (In the Chair)  
Councillor D.R. Corrigan  
Councillor D.P. Drummond  
Councillor D.A. Lawson  
Councillor D.N. Johnston  
Councillor L.A. Rankin  
Councillor C. Redman

ABSENT: Councillor D.G. Evans  
Councillor J. Young

STAFF: Mr. D. G. Stenson, Director Planning and Building  
M. Pasqua, Deputy City Clerk

The Public Hearing was called to order at 7:39 p.m.

1. "BURNABY ZONING BYLAW 1965, AMENDMENT  
BYLAW NO. 7, 1995" - BYLAW NO. 10192

TEXT AMENDMENT

The purpose of the proposed Text Amendment is to amend the R10 and R11 Residential Districts concerning the regulations on the above grade floor area and the required side yards in consideration of lots without lane access and small lots.

No one appeared in connection with this rezoning application.

The Advisory Planning Commission wish to advise Council that following its consideration of this Text Amendment, a decision was reached to SUPPORT the amendment to R10 and R11 Residential Districts concerning the regulations on the above grade floor area and the required side yards in consideration of lots without lane access and small lots.

There were no further submissions received in connection with this Text Amendment.

MOVED BY COUNCILLOR DRUMMOND  
SECONDED BY COUNCILLOR LAWSON

"THAT this Public Hearing relating to the Text Amendment, Bylaw No. 10192 be now terminated."

CARRIED UNANIMOUSLY

2. "BURNABY ZONING BYLAW 1965, AMENDMENT  
BYLAW NO. 12, 1995" - BYLAW NO. 10197

TEXT AMENDMENT

The purpose of the proposed Text Amendment is to amend the minimum lot area in the A3 zoning district and that certain lands be included in the Agricultural Land Reserve.

No one appeared in connection with this Text Amendment.

The Advisory Planning Commission wish to advise Council that following its consideration of this Text Amendment, a decision was reached to SUPPORT the amendment to the minimum lot area in the A3 zoning district and that certain lands be included in the Agricultural Land Reserve.

MOVED BY COUNCILLOR DRUMMOND  
SECONDED BY COUNCILLOR CORRIGAN

"THAT this Public Hearing relating to the Text Amendment, Bylaw No. 10197 be now terminated."

CARRIED UNANIMOUSLY

3. "BURNABY ZONING BYLAW 1965, AMENDMENT  
BYLAW NO. 8, 1995 - BYLAW NO. 10193

Rezoning Reference #82/89

9151 Saturna Drive - located within the cluster housing project located east of Gaglardi Way and north of Centaurus Circle

Strata Lot 90, D.L. 15, 56 and 148, Grp. 1, NWD, Plan NW962 together with an interest in the common property in proportion to the unit entitlement of the Strata Lot

From: CD Comprehensive Development District (based on RM1 Multiple Family Residential District guidelines)

To: "Amended" CD Comprehensive Development District (based on RM1 Multiple Family Residential District guidelines and in accordance with the Development Plan entitled "Strata Plan NW962 Mountainwood Daycare Building - Proposed Improvements" prepared by K. Costello).

The purpose of the proposed zoning bylaw amendment is to permit use of common space for recreational/social purposes.

No one appeared in connection with this rezoning proposal.

The Advisory Planning Commission wish to advise Council that following its consideration of this rezoning application, a decision was reached to SUPPORT the rezoning of the property at 9151 Saturna Drive from CD Comprehensive Development District (based on RM1 Multiple Family Residential District guidelines) to "Amended" CD Comprehensive Development District (based on RM1 Multiple Family Residential District guidelines and in accordance with the Development Plan entitled "Strata Plan NW962 Mountainwood Daycare Building - Proposed Improvements" prepared by K. Costello).

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

MOVED BY COUNCILLOR DRUMMOND  
SECONDED BY COUNCILLOR JOHNSTON

"THAT this Public Hearing relating to Rezoning Reference #82/89, Bylaw No. 10193 be now terminated."

CARRIED UNANIMOUSLY

4. "BURNABY ZONING BYLAW 1965, AMENDMENT  
BYLAW NO. 9, 1995 - BYLAW NO. 10194

Rezoning Reference #73/94

3765, 3775, 3785 and 3791 Albert Street - located on the northwest corner of Albert Street and Esmond Avenue, half a block east of Boundary Road in the Hastings Area Plan

Lots 11, 12, 13 and 14, Blk. 1, D.L. 116, Grp. 1, NWD, Plan 1236

From: R5 Residential District

To: CD Comprehensive Development District (based on RM7 Hastings Village Multiple Family Residential District use and density and the Hastings Street Area Plan as guidelines, and in accordance with the Development Plan entitled "26 Condominiums, 3700 Block Albert Street" prepared by Ron Allen Architect)

The purpose of the proposed zoning bylaw amendment is to permit development of a low-rise stacked townhouse project and retention of a Heritage House.

Armand Petronio, 3756 Pandora Street, Burnaby addressed Council, also representing his neighbour at 3776 Pandora, Street in support of the proposed rezoning and retention of the heritage house. Mr. Petronio advised it was his preference to see the heritage house retained in its current location and further, that all of the vegetation and green space also be retained on the heritage site. In concluding, the speaker alluded to the tree survey conducted and questioned why only one tree was being spared.

Arising from Mr. Petronio's presentation, Councillor Drummond was given leave by Council to introduce the following resolution:

MOVED BY COUNCILLOR DRUMMOND  
SECONDED BY COUNCILLOR CORRIGAN

"THAT staff report on the results of the tree survey and if any additional vegetation could be retained."

CARRIED UNANIMOUSLY

Ron Allen, Project Architect, #403 - 134 Abbott Street, Vancouver addressed Council providing an overview of the development proposal. The project has been worked on since September 1994 and, because of the steep slope down to the southwest of the site, it has been a difficult site to work with. Mr. Allen further advised that his company had retained the services of an arborist to survey the subject site and Burnaby's arborist also conducted a tree survey. It is proposed that the heritage house will be relocation two lots east of the existing site and parking access for the development will be from Albert Street.

Eugenio Zanutto, 3838 Pandora Street, Burnaby appeared before Council on behalf of his father who resides at 3808 Pandora Street. Mr. Zanutto's concern was with the noise and disruption created by the transporting of industrial bins used to collect garbage from the multi-family developments. Mr. Zanutto acknowledged that it was not the City's responsibility but requested that the management of the buildings be approached to try and resolve the problem.

Claudia Campana, #102 - 4011 Hastings Street, Burnaby addressed Council on behalf of the Heights Merchants' Association in support of the rezoning application and retention of the heritage house. Ms. Campana advised that the project falls within the guidelines of the Hastings Village Community Plan and is sensitive to the site in terms of the flora and fona and the heritage features.

Pauline Mudrakoff, #201 - 3961 Albert Street, Burnaby addressed Council on behalf of the Burnaby Heights Residents Association and expressed support for the development proposal and the retention of the heritage house.

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The Advisory Planning Commission wish to advise Council that following its consideration of this rezoning application, a decision was reached to SUPPORT the rezoning of the properties at 3765, 3775, 3785 and 3791 Albert Street from R5 Residential District to CD Comprehensive Development District (based on RM7 Hastings Village Multiple Family Residential District use and density and the Hastings Street Area Plan as guidelines, and in accordance with the Development Plan entitled "26 Condominiums, 3700 Block Albert Street" prepared by Ron Allen Architect).

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

MOVED BY COUNCILLOR LAWSON  
SECONDED BY COUNCILLOR DRUMMOND

"THAT this Public Hearing relating to Rezoning Reference #73/94, Bylaw No. 10194 be now terminated."

CARRIED UNANIMOUSLY

5. "BURNABY ZONING BYLAW 1965, AMENDMENT  
BYLAW NO.10, 1995 - BYLAW NO. 10195

Rezoning Reference #4/95

Portion of 4890 Marine Drive - located on the south side of Marine Drive between Mandeville Avenue and Royal Oak Avenue

Ptn. of Pcl. "A" (BY161171E) Exc. Part on Plan 40589 of Lot 1, D.L. 162, Grp. 1, NWD, Plan 450

From: R2 Residential District

To: A3 Truck Gardening District

The purpose of the proposed zoning bylaw amendment is to provide for creation of a single family residential lot under existing R2 Residential District zoning and to rezone the balance of the R2 Lands to A3 Truck Gardening District.

A letter dated 1995 April 24 was received from Doug Porter, 3782 Thurston Street, Burnaby expressing support for the rezoning proposal.

The Advisory Planning Commission wish to advise Council that following its consideration of this rezoning application, a decision was reached to SUPPORT the rezoning of the property at 4890 Marine Drive from R2 Residential District to A3 Truck Gardening District.

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

MOVED BY COUNCILLOR DRUMMOND  
SECONDED BY COUNCILLOR JOHNSTON

"THAT this Public Hearing relating to Rezoning Reference #4/95, Bylaw No. 10195 be now terminated."

CARRIED UNANIMOUSLY

Councillor Redman retired from the Council Chamber at 8:04 p.m.

6. "BURNABY ZONING BYLAW 1965, AMENDMENT  
BYLAW NO.11, 1995 - BYLAW NO. 10196

Rezoning Reference #7/95

6515 Bonsor Avenue - located on the west side of Bonsor Avenue south of Central Boulevard adjacent to Metrotown Mall

Lot 3, D.L. 152, Grp. 1, NWD, Plan 80573

From: CD Comprehensive Development District

To: "Amended" CD Comprehensive Development District (based on C3 General Commercial District use and density)

The purpose of the proposed zoning bylaw amendment is to permit seasonal relocation of 30 seats from the interior to a new abutting patio.

A letter dated 1995 April 20 was received from Lila Louie, 6521 Bonsor Avenue, Burnaby in opposition to the rezoning proposal.

J.N. Sanders, #1202 - 4830 Bennett Street, Burnaby addressed Council and presented a petition containing 62 signatures of the residents of his residential complex who are opposed to the rezoning application. The content of the petition is as follows:

"An application for the rezoning to allow the Fire Fighters Club to have open area seating has passed at first reading.

The Public Hearing is scheduled for April 25, 1995 @ 7:30 p.m. within the Burnaby City Hall Council Chambers located on the second floor, 4949 Canada Way. Please Attend.

This petition will confirm the neighbours stand against this rezoning."

Mr. Sanders suggested that the proximity of the outdoor seating area to Bonsor Recreation Complex and the bus stop is not appropriate and that there would be no way that the noise emanating from the establishment could be controlled. In concluding, Mr. Sanders also advised that parking in the area is already a serious problem.

Robert Hamilton, 200 - 6521 Bonsor Avenue, Burnaby addressed Council in opposition to the rezoning. Mr. Hamilton posed the following questions in relation to the proposal:

- how close to the sidewalk will the outdoor patio extend
- the application is for seasonal outdoor seating; will other aspects of the Club be able to change without the benefit of another Public Hearing
- will there be direct entry from the patio to the street
- who will police closing times and the noise
- what recourse do residents have against the noise

Alan Tummon, #903 - 6521 Bonsor Avenue, Burnaby addressed Council and submitted a petition signed by 34 residents of his residential building. The content of the petition reads as follows:

"The Firefighters Club -- next door to us -- wants to accommodate thirty (30) seats along the sidewalk for the purpose of serving alcohol and food. This will result in a lot of noise and disturbance to the residents particularly in Symphony I -- this means us!

We object to this. Please sign your name to this petition, or attend a meeting at 7:30 p.m. Tuesday, April 25, 1995 at Council chambers, Burnaby City Hall at 4949 Canada Way.

Your attendance will be appreciated."

In response to a request from Council for answers to questions asked by Mr. Robert Hamilton, a previous speaker, Mr. Don Stenson, Director Planning and Building advised that the proposed outdoor patio will be screened from the sidewalk by six foot high fencing and cedar trees which would create a setback from the sidewalk of approximately six to eight feet. The Liquor Control Branch polices the seating, hours of operation and the serving of alcohol. Any noise problems would be followed up by the Burnaby Environmental Health Department.

Council requested staff prepare a report, prior to second reading of the subject bylaw, addressing the operations of existing outdoor patio seating at other locations in Burnaby and if it has had an affect on the surrounding neighbourhood.

Mr. Taylor, #303 - 4830 Bennett Street, Burnaby addressed Council in opposition to the rezoning proposal. Mr. Taylor suggested he could no longer tolerate the existing noise and disruption emanating from the streets and parking lots in the neighbourhood. Mr. Taylor also advised that the Firefighters Club has its own parking on the third level of the parking arcade and yet patrons insist upon either using the street or Bonsor Recreation Centre parking lot. In concluding, the speaker acknowledged that alcohol would not be served on the patio after 10:00 p.m. but questioned if the patrons could remain on the patio until closing time.

Ken Straker, Secretary Treasurer, Burnaby Firefighters Club, addressed Council as the applicant for rezoning and advised that the intention of the proposal is not to increase the total seating capacity of 200. All efforts have been made to minimize the visual impact of the outdoor patio by introducing six foot fencing, ornamental trees and shrubs. The outdoor patio will be cleared at 10:00 p.m. Monday to Saturday and 5:00 p.m. on Sundays and there has always been strict control over the conduct of members and their guests while on premise. Mr. Straker suggested there may be more noise emanating from the sports fields at Bonsor Recreation Complex than from the Firefighters Club.

In referring to the parking situation, Mr. Straker indicated that patrons are strongly encouraged to park in the area provided by the Firefighters Club and patrons have been advised that if they park at Bonsor Recreation Complex, their vehicles will be towed. Further, the only access to the establishment is via the doorman at the front entrance.

J.N. Sanders, #1202 - 4830 Bennett Street, Burnaby again addressed Council to advise that the residents are not bothered by any noise emanating from the sports fields at Bonsor Recreation Centre.

Lila Louie, 6521 Bonsor Avenue, Burnaby addressed Council and advised she resides immediately adjacent to the subject site and does not support the rezoning application. Ms. Lui did not want to see the fabric of the neighbourhood change to a more commercial status and reminded Council that all other commercial businesses operate within their buildings. The speaker suggested that noise levels will increase, the proposal is not suitable when children live in the immediate area and parking problems will escalate.

Bobby Singh, Manager of the Firefighters Club addressed Council stressing that the outdoor patio area is not a "beer garden". The patio will be tastefully decorated and clearly separated from the public sidewalk and roadway. Mr. Singh advised that in his two years of managing the private club, he has come to realize that it is a unique institution which serves firefighters, police officers, ambulance drivers and a diverse group of professionals. Club management and its patrons respect the neighbourhood and management operate the facility to the best of their ability.

J.N. Sanders, #1202 - 4830 Bennett Street, Burnaby again addressed Council with concerns regarding the noise and disruption which results as the patrons leave the premises at closing time.



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The Advisory Planning Commission wish to advise Council that following its consideration of this rezoning application, a decision was reached to SUPPORT the rezoning of the property at 6515 Bonsor Avenue from CD Comprehensive Development District to "Amended" CD Comprehensive Development District (based on C3 General Commercial District use and density).

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

MOVED BY COUNCILLOR RANKIN  
SECONDED BY COUNCILLOR LAWSON

"THAT this Public Hearing relating to Rezoning Reference #7/95, Bylaw No. 10196 be now terminated."

CARRIED UNANIMOUSLY

ADJOURNMENT

MOVED BY COUNCILLOR DRUMMOND  
SECONDED BY COUNCILLOR JOHNSTON

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

CARRIED UNANIMOUSLY

The Public Hearing (Zoning) adjourned at 8:34 p.m.

Confirmed:

Certified Correct:

  
MAYOR

  
DEPUTY CITY CLERK

CITY OF BURNABY  
ZONING BYLAW AMENDMENTS  
PUBLIC HEARING

The Council of the City of Burnaby hereby gives notice that it will hold a Public Hearing

TUESDAY, 1995 APRIL 25 AT 7:30 P.M.

in the Council Chamber, Burnaby City Hall, 4949 Canada Way, Burnaby, B.C., V5G 1M2, to receive representations in connection with the following proposed amendments to "Burnaby Zoning Bylaw 1965":

1. "BURNABY ZONING BYLAW 1965, AMENDMENT  
BYLAW NO. 7, 1995" - BYLAW NO. 10192

TEXT AMENDMENT

The purpose of the proposed Text Amendment is to amend the R10 and R11 Residential Districts concerning the regulations on the above grade floor area and the required side yards in consideration of lots without lane access and small lots.

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4. "BURNABY ZONING BYLAW 1965, AMENDMENT  
BYLAW NO. 9, 1995 - BYLAW NO. 10194

Rezoning Reference #73/94

3765, 3775, 3785 and 3791 Albert Street - located on the northwest corner of Albert Street and Esmond Avenue, half a block east of Boundary Road in the Hastings Area Plan

Lots 11, 12, 13 and 14, Blk. 1, D.L. 116, Grp. 1, NWD, Plan 1236

From: R5 Residential District

To: CD Comprehensive Development District (based on RM7 Hastings Village Multiple Family Residential District use and density and the Hastings Street Area Plan as guidelines, and in accordance with the Development Plan entitled "26 Condominiums, 3700 Block Albert Street" prepared by Ron Allen Architect)

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From: R2 Residential District

To: A3 Truck Gardening District

The purpose of the proposed zoning bylaw amendment is to provide for creation of a single family residential lot under existing R2 Residential District zoning and to rezone the balance of the R2 Lands to A3 Truck Gardening District.

6. "BURNABY ZONING BYLAW 1965, AMENDMENT  
BYLAW NO.11, 1995 - BYLAW NO. 10196

Rezoning Reference #7/95

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Lot 3, D.L. 152, Grp. 1, NWD, Plan 80573

From: CD Comprehensive Development District

To: "Amended" CD Comprehensive Development District (based on C3 General Commercial District use and density)

The purpose of the proposed zoning bylaw amendment is to permit seasonal relocation of 30 seats from the interior to a new abutting patio.

All persons who believe that their interest in property is affected by a proposed bylaw shall be afforded a reasonable opportunity to be heard or to present written submissions respecting matters contained in the bylaw.

The Director Planning and Building's reports and related information respecting the subject rezoning applications are available for public examination at the offices of the Planning Division, 3rd floor, in Burnaby City Hall.

Copies of the proposed bylaws may be inspected at the office of the City Clerk at 4949 Canada Way, Burnaby, B.C. from 8:00 a.m. to 4:45 p.m. weekdays from Tuesday, 1995 April 04 to Tuesday, 1995 April 25.

**NO PRESENTATION WILL BE RECEIVED BY COUNCIL  
AFTER THE CONCLUSION OF THE PUBLIC HEARING**

D.R. Comis  
CITY CLERK