

1998 JUNE 23

A Public Hearing was held in the Council Chamber, City Hall, 4949 Canada Way, Burnaby, B.C. on Tuesday, 1998 June 23 at 7:30 p.m.

PRESENT: Mayor D.P. Drummond (In the Chair)
Councillor D.R. Corrigan
Councillor D.G. Evans
Councillor D.N. Johnston
Councillor D.A. Lawson
Councillor C.M.H. Redman (Arrived 7:40 p.m.)
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 7:34 p.m.

1. "BURNABY ZONING BYLAW 1965. AMENDMENT
BYLAW NO. 29, 1998" - BYLAW NO. 10765

Rezoning Reference #41/96

4343 North Fraser Way - located on the north side of North Fraser Way between Glenlyon Parkway and Sussex Avenue

Lot A Exc: Part Subdivided by Plan LMP28168, D.L. 164, Grp. 1, NWD, Plan LMP22899

From: CD Comprehensive Development District (based on the M2 General Industrial and M5 Light Industrial Districts)

To: Amended CD Comprehensive Development District (based on the M2 General Industrial and M5 Light Industrial Districts use and density and Glenlyon Concept Plan guidelines and in accordance with the Development Plan entitled "Ballard II" prepared by Christopher Bozyk Architects)

The purpose of the proposed zoning bylaw amendment is to provide for the establishment of an industrial and office facility for Ballard Generation Systems Inc.

No one appeared in connection with this rezoning application.

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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 Rezoning Reference #41/96, Bylaw No. 10765.

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 #41/96, Bylaw No. 10765 be now terminated."

CARRIED UNANIMOUSLY

2. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 30, 1998" - BYLAW NO. 10766

Rez. 98-10

Ptn. of 7492 Fraser Park Drive and Ptn. of Hugh Drive - located on the northeast side of Lowland Drive between Byrne Road and Tillicum Street

Ptn. of Lot 1, D.L. 166A, Grp. 1, NWD, Plan LMP36023

From: CD Comprehensive Development District

To: Amended CD Comprehensive Development District (based on M2 General Industrial District and M5 Light Industrial District guidelines and in accordance with the Development Plan entitled "Ken Dor Textiles Ltd." prepared by Beedie Construction Co. Ltd.)

The purpose of the proposed zoning bylaw amendment is the development of a warehouse building.

No one appeared in connection with this rezoning application.

The Advisory Planning Commission wish to advise Council that following its consideration of this rezoning application, a decision was reached to SUPPORT Rez. 98-10, Bylaw No. 10766.

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 Rez. 98-10, Bylaw No. 10766 be now terminated."

CARRIED UNANIMOUSLY

3. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 31, 1998" - BYLAW NO. 10767

Rez. 98-12

4330 Sanderson Way - located south of Sanderson Way at its intersection with Gilmore Way in Discovery Place (B.C.I.T.) Site

Lot 16 Exc: Pcl. A. Ref. Plan LMP 34110, D.L.'s 71 & 72, Grp. 1, NWD, Plan 60616

From: CD Comprehensive Development District (based on M8 Advanced Technology Research District and Discovery Place Community Plan)

To: Amended CD Comprehensive Development District (based on M8 Advanced Technology Research District and Discovery Place Community Plan)

The purpose of the proposed zoning bylaw amendment is to permit two skysigns at the top of the existing building (currently under construction).

A letter dated 1998 June 23 was received from Dennis Danielson, 4086 Spruce Street, Burnaby advising that he has no objection to the proposed skysign; however he has some concern about the manner in which the details of proposed skysign rezoning has been communicated to the neighbourhood.

A letter dated 1998 June 22 was received from Parvin Chami, Chair, Friends of Discovery Park Citizens Advisory Committee, 3710 Kalyk Avenue, Burnaby advising she does not support placement of skysigns on any building within Discovery Place. The writer suggests large signage on buildings within the development is not in keeping with the "campus like" development as described in the Discovery Place Community Plan and would have a negative impact on the surrounding residential neighbourhood.

A letter dated 1998 June 23 was received from Doug Porter, 3782 Thurston Street, Burnaby, expressing opposition to the presence of skysigns in Discovery Park.

Mr. Bill Jones, 3678 W. 48th Avenue, Vancouver appeared before Council on behalf of Electronic Arts, applicant for the subject rezoning, along with Mr. David McQuiggen of Musson, Cattell, MacKey, architect for the project. Mr. Jones, utilizing sketches and site plans of proposed Electronic Arts building indicated the location and appearance of the proposed skysigns in relation to the building structure. The speaker advised that the signs consist of the company name in letters, located on the north face of the building and the company logo, located on the north face of the elevator shaft structure at the top of building. Both signs face north or northeast in order that they not impact on the residential properties located to the south and west of the Electronic Arts building.

Mr. Jones informed Council that it is Electronic Arts' intention to initiate a further application to Council requesting that the letter sign, featuring the company name, be larger in dimension than that in the current proposal. The speaker advised that City staff have informed him a new application must be submitted and a public hearing process undertaken to accomplish this, however, they are still proceeding with the current proposal before Council this evening.

Parvin Chami, 3710 Kalyk Avenue, Burnaby appeared before members of Council to express her opposition to the proposed skysigns. The speaker informed Council that she has been involved in extensive talks with this applicant with regard to its building on this site but this is the first she has ever heard about the intention to utilize this type of signage.

Ms. Chami advised she does not believe that signs, of the type proposed, have any place in a development like Discovery Place which, when initiated, was described as a high-tech, research and development facility with a "campus-like" appearance. The speaker advised that Electronic Arts chose to locate in this development because of its park-like setting and natural beauty, but are now proposing commercial-type signs which are at odds with that image. Skysigns, such as those proposed, are better suited to a commercial area such as the Kingsway corridor and if Electronic Arts want that type of facility they should have located in an appropriate commercial area suggested Ms. Chami. Ms. Chami informed Council that other businesses in Discovery Place utilize signage that is appropriate for the location and submitted that Electronic Arts should be no different.

In conclusion, Ms. Chami advised that any commercialization of Discovery Place will have a negative impact on the surrounding residential neighbourhood and, further, allowing skysigns on one business will establish a precedent for other businesses in the Discovery Place development.

Blanche Snowdon, 4096 Spruce Street, Burnaby appeared before Council members advising she is opposed to any type of large scale signage that will detract from the "campus-like" appearance of the Discovery Place development.

Ruth Jack, 4090 Spruce Street, Burnaby appeared before members of Council advising she is opposed to the subject application. The speaker informed Council that the signage used by other businesses within Discovery Place is low-key and blends into the natural setting of the site, but skysigns, such as those proposed in this application, would detract from the setting and are not appropriate for the development.

Bill Jones, representing Electronic Arts, applicant for the subject rezoning, again came before Council to clarify that the original application for rezoning for this site by Electronic Arts had made mention of signage but not in specific details. The speaker also ensured Council that the proposed signage will not rise about the top of the buildings, but will be attached to the face of the building, so neighbours will never look at the back of signs.

Parvin Chami, 3710 Kalyk Avenue, Burnaby again appeared before Council seeking clarification as to what was discussed regarding signage for this site during the original rezoning process.

Mr. D.G. Stenson, Director Planning & Building advised that conceptual representations of signage were discussed during the initial rezoning but no actual design proposal was put forward.

Ms. Chami reiterated her previous comment that skysigns, as outlined in the present application, were never discussed during the initial rezoning for the Electronic Arts building.

Blanche Snowdon, 4096 Spruce Street, Burnaby again appeared before members of Council again seeking clarification of the location of the proposed skysigns. The speaker also wanted to know what the purpose is of having these signs and who are they intended to be looked at by?

Bill Jones, representative for Electronic Arts, the applicant, came before Council to respond to the query of the previous speaker. Mr. Jones advised that the purpose of the skysign is to establish themselves in the community as the headquarters for Electronic Arts in Canada and to promote the Electronic Arts business. The speaker informed Council that all Electronic Arts' buildings throughout the world utilize prominent signage and they would like their Canadian headquarters to be in keeping with the rest of the Electronic Arts world.

** Councillor Corrigan retired from the Council Chamber at 8:10 p.m.

Ruth Jack, 4090 Spruce Street, Burnaby came before Council again to suggest that any signage is inappropriate for the proposed building and further that Electronic Arts first responsibility must be to the neighbourhood in which they are located. Lastly, the speaker advised that large, garish signs which were a prominent sight a number of years ago have now become a thing of the past and she would not like to see a return of communities littered with signs.

** Councillor Corrigan returned to the Council Chamber at 8:12 p.m. and took his place at the Council table.

Parvin Chami, 3710 Kalyk Avenue, Burnaby again came before Council to conclude her comments regarding the subject application. The speaker informed Council that she is opposed to this proposal because it will add nothing to the community, will detract from the natural beauty of the neighbourhood and questioned the ultimate importance of the proposed signage to a big corporation that is already well-known and prominent in the community.

The Advisory Planning Commission wish to advise Council that following its consideration of this rezoning application, a decision was reached to SUPPORT Rez. 98-12, Bylaw No. 10767.

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

MOVED BY COUNCILLOR LAWSON
SECONDED BY COUNCILLOR YOUNG

"THAT this Public Hearing relating to Rez. 98-12, Bylaw No. 10767 be now terminated."

CARRIED UNANIMOUSLY

** Councillor Evans retired from the Council Chamber at 8:20 p.m.

4. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 32, 1998" - BYLAW NO. 10768

Rez. 98-14

3400 Gilmore Way - located at the southeast corner of Canada Way and Gilmore Way in Discovery Place

Lot 1, D.L. 71, Plan LMP 31089

From: CD Comprehensive Development District (based on M8a Advanced Technology Research District and Discovery Place Community Plan)

To: Amended CD Comprehensive Development District (based on M8a Advanced Technology Research District and Discovery Place Community Plan)

The purpose of the proposed zoning bylaw amendment is to permit a skysign at the top of the existing building (currently under construction).

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A letter dated 1998 June 23 was received from Doug Porter, 3782 Thurston Street, Burnaby, expressing opposition to the presence of skysigns in Discovery Park.

A letter dated 1998 June 22 was received from Parvin Chami, Chair, Friends of Discovery Park Citizens Advisory Committee, 3710 Kalyk Avenue, Burnaby advising she does not support placement of skysigns on any building within Discovery Place. The writer suggests large signage on buildings within the development is not in keeping with the "campus like" development as described in the Discovery Place Community Plan and would have a negative impact on the surrounding residential neighbourhood.

Parvin Chami, 3710 Kalyk Avenue, Burnaby appeared before Council members to advise of her opposition to the proposed skysigns. The signs are not appropriate for the site advised the speaker; nor, she added, should they be allowed anywhere else in Burnaby because they are destroying the appearance of the whole city.

Ruth Jack, 4090 Spruce Street, Burnaby appeared before Council to advise she is opposed to the rezoning application. The speaker informed Council that skysigns are not appropriate in the subject location.

Blanche Snowdon, 4096 Spruce Street, Burnaby appeared before members of Council to express her opposition to the subject rezoning. Ms. Snowdon advised that skysigns would detract from the natural environment of the development and wants the campus-like setting preserved.

Tom Bunting, 2929 W. 4th Avenue, Vancouver, rezoning applicant, appeared before Council in support of the proposed skysigns. Mr. Bunting displayed a site plan and sketches of the proposed building showing the location of the proposed building and the proposed signage. Mr. Bunting advised that the sign consisting of the name "Blue Cross" and the logo will be attached to the penthouse on the north side of the building, facing Canada Way. Mr. Bunting suggested that current zoning of the site does allow for a commercial component and therefore, such signage is appropriate for the site.

Parvin Chami, 3710 Kalyk Avenue, Burnaby, again appeared before Council members to advise of her opposition to the subject rezoning. The speaker advised that the proposed building will be the largest in Discovery Place and will be quite visible from the road, and therefore, she does not see the need to add skysigns to make it recognizable.

** Councillor Evans returned to the Council Chamber at 8:31 p.m. and took his place at the Council table.

Ms. Chami reiterated her previous comments that Burnaby's appearance is being destroyed by a proliferation of skysigns with no benefit to Burnaby and suggested that if skysigns are really necessary they be confined to certain highly commercial areas of the city such as the Kingsway corridor.

The Advisory Planning Commission wish to advise Council that following its consideration of this rezoning application, a decision was reached to SUPPORT Rez. 98-14, Bylaw No. 10768.

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 Rez. 98-14, Bylaw No. 10768 be now terminated."

CARRIED UNANIMOUSLY

5. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 33, 1998" - BYLAW NO. 10769

Rez. 98-15

5262/64 Oakmount Crescent - located on Oakmount Crescent within the Oaklands area.

Strata Lot 68, D.L.'s 84 & 94, Grp. 1, NWD, Strata Plan LMS 1699

From: CD Comprehensive Development District (based on C1 Neighbourhood Commercial District use and density and in accordance with the Development Plan entitled "Millenium\The Oaklands" prepared by Gomberoff-Policzer Architects)

To: Amended CD Comprehensive Development District (based on C1 Neighbourhood Commercial District use and density and C2 Community Commercial District for dance school use only within the existing commercial building and in accordance with the Development Plan entitled "Millenium\The Oaklands" prepared by Gomberoff-Policzer Architects)

The purpose of the proposed zoning bylaw amendment is to allow a dance school use within the existing commercial building.

A letter dated 1998 June 22 was received from Jean and George Roberts, 404 - 5280 Oakmount Crescent, Burnaby protesting the subject rezoning bylaw. The writers are concerned about the negative impact the proposed use would have on noise, parking and the atmosphere in the existing residential development.

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A petition, containing 34 signatures of owners of 5270/80 Oakmount Crescent, was received expressing opposition to the rezoning proposal. The text of the petition is as follows:

“We, the undersigned owners of 5270 and 5280 Oakmount Crescent (The Belvedere), are opposed to the above rezoning proposal which would change the existing commercial use of 5262/64 Oakmount Crescent to include a dance school/studio.

We note that the developer, Millenium Estate Holdings Ltd. has had difficulty in finding commercial occupants for the building, but do not consider that a dance school/studio in this location is appropriate. We are primarily concerned about noise and car parking issues.

Noise created by loud music (stereos, pianos, etc.) will carry down between the 2 residences immediately adjacent to the subject premises, and this would infringe on the residential quietude that homeowners expect in an area adjacent to Deer Lake Park, while many moved into this area on the expectation of a quiet neighbourhood. In addition to the music noise, we anticipate that there would be additional street noise from patrons leaving the premises at the end of the dance sessions. In the City’s report Section 2.2, reference is made to the hours of operation between 6 am and 12 midnight, and noise of this nature is guaranteed to disturb sleep hours, and cause unnecessary stress and upset, particularly to our senior owners. We are also offended that this would likely be a 7-day a week business, with no respite on Sundays.

We do not consider that the allocation of 10 parking spaces (as referenced in the Report, Section 2.1) will be adequate or that patrons will necessarily make use of underground parking - we anticipate more on-street parking, adding further to our noise concerns, but also potentially contributing to safety problems, where the Royal Oakland Park cuts directly across Oakmount Crescent.

We are also concerned that if this change of use is granted, that other related commercial uses may be permitted - private dance parties, wedding receptions, with possible liquor-related problems.”

A letter dated 1998 June 23 was received from the Strata Council, Strata Plan 1699, St. Andrews at Deer lake, advising that the Council has concerns about the uses permitted under the C2 zoning and the dance school specifically and therefore do not approve the proposed zoning change from C1 to C2.

An undated letter was received from Ray Dang, 5262 Oakmount Crescent, Burnaby in opposition to the proposed zoning change. The writer is concerned the proposed use as a dance school will destroy the quiet environment and could cause traffic and crime problems.

The speaker is concerned that, despite the assurances given by the owners concerning the nature of the school, once the site is rezoned hours of operation, the number of students, level of noise, type of dance and age of students can all change and will be within the permitted use of the zone. Mr. Mullins advised that his mother lives across the road from the vacant commercial unit and he is very concerned she will suffer a loss of quiet and privacy and he does not believe the developer has the right to change the fundamental nature of this neighbourhood just because he is unable to lease space at the current rate.

In conclusion, Mr. Mullins advised that he also believes that the value of the residential properties will be adversely affected by the proposed zone change.

Ivan Wang, 34 - 5240 Oakmount Crescent, Burnaby appeared before members of Council to express on behalf of his family, the prospective tenants, their support for the rezoning application. Mr. Wang informed Council that his family propose to operate a dance school for children with the following conditions: little parking is required; music will not be loud; hours of operation will be between 10 a.m. to 4 p.m.; studio closed during the month of August. Mr. Wang suggests that area residents may see an increase in property values because a children's dance studio will be an asset that will attract families to the residential complex.

Susan Card, 515 - 5262 Oakmount Crescent, Burnaby appeared before Council members advising of her opposition to the rezoning application. The speaker informed Council that she already has a neighbour who teaches classical piano and voice and does not want any further disturbances of that nature in the neighbourhood. Ms. Card, who lives in close proximity to the commercial unit, advises she does not want children congregating around her home and does not consider a residential complex as an appropriate place for a dance studio.

** Councillor Corrigan retired from the Council Chamber at 9:15 p.m.

George Roberts, 404 - 5280 Oakmount Crescent, Burnaby appeared before Council to express opposition to the proposed zoning change. Mr. Roberts informed Council that one of the reasons they chose to purchase a home in this residential complex was because of its peace and quiet and they want to keep what they paid for. The speaker suggested that once the proposed zone change takes place, there is no control over what could happen if the proposed tenant fails or moves.

Sharim Malek, Millenium Estate Holdings, rezoning applicant, appeared again before Council advising that many of the commercial uses permitted under the existing zoning could be far more disruptive to the neighbourhood than the proposed dance studio.

** Councillor Corrigan returned to the Council Chamber at 9:19 p.m. and took his place at the Council table.

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David Dalby, 5280 Oakmount Crescent, appeared before Council members advising that he represents owners of The Belvedere, a complex adjoining the subject site, and informing Council they are opposed to the rezoning application. The speaker advised they are concerned about what the definition of a dance school could include and contend that no businesses should be allowed that were not permitted prior to the sale of the residential units. Mr. Dalby suggests that if the owner of the commercial units is having trouble renting space to permitted tenants then perhaps he should either look longer or consider reducing the rental rate, but that it should not become of the problem of area residents.

In conclusion, Mr. Dalby contends that the Strata Councils have bylaws that govern noise and disturbances by residents and that permitting a business use, which by its very nature, violates those bylaws could negate the existence of the bylaws.

Sharim Malek, appeared before Council on behalf of Millennium Estate Holdings, 198 W. Hastings Street, the rezoning applicant, in support of the subject application. Mr. Malek advised that the proposed dance studio is a very clean use and should not have a detrimental impact on surrounding residents. With regard to the issue of noise the speaker made the following points: the dance studio will be oriented to children; maximum of 10 students at any one time; classical music will be used and; double-glazed windows should confine the noise. It is anticipated that the children will be dropped off and picked up by their parents so children will be not be milling around the complex.

In response to queries from Council, Mr. Malek advised that the studio will not operate any later than 8 p.m., nor will it be open on Sundays.

Caryn Barlow, 609 - 5262 Oakmount Crescent, appeared before Council to express her opposition to the rezoning proposal. Ms. Barlow advised that she has had experience with a dance studio located in a residential neighbourhood and she does not want one in hers. The speaker suggested noise and traffic will be problem for area residents.

Robert McDougall, 108 - 5162 Oakmount Crescent, appeared before Council members in opposition to the subject rezoning application. Mr. McDougall informed Council that his residential area has a lovely, relaxing environment, however, he has already been experiencing disturbances from children playing in the park located below his unit and he does not support any business that will bring more children into the neighbourhood.

Gary Mullins, 2767 W. 29th Avenue, Vancouver appeared before members of Council on behalf of his mother, who resides at 5270 Oakmount Crescent, and indicated their opposition to the proposed rezoning. Mr. Mullins advised that the intent of providing commercial space in the residential complex was to provide services for area residents, which is clearly not for the purpose of a dance studio.

The speaker is concerned that, despite the assurances given by the owners concerning the

David Dalby, 5280 Oakmount Crescent, again came before Council to express concern about the subject application. Mr. Dalby advised that the issue of concern here is, not about the prospective tenant, but rather what other tenants would be allowed if the zone change is permitted. The speaker did not feel that the decision to change the zone should be based on who the prospective tenant is at the moment but rather will the use of the land have a detrimental impact on the surrounding residential neighbourhood.

** Councillor Redman retired from the Council Chamber at 9:20 p.m.

In conclusion, Mr. Dalby made the following points: that any group of people will make noise and a dance school use, whether for children or adults, is not appropriate for this site and; both residential and the adjoining commercial property values could be reduced by such a use.

The Advisory Planning Commission wish to advise Council that following its consideration of this rezoning application, a decision was reached to SUPPORT Rez. 98-15, Bylaw No. 10769.

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

MOVED BY COUNCILLOR LAWSON
SECONDED BY COUNCILLOR YOUNG

"THAT this Public Hearing relating to Rez. 98-15, Bylaw No. 10769 be now terminated."

CARRIED UNANIMOUSLY

ADJOURNMENT

MOVED BY COUNCILLOR JOHNSTON
SECONDED BY COUNCILLOR CORRIGAN


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

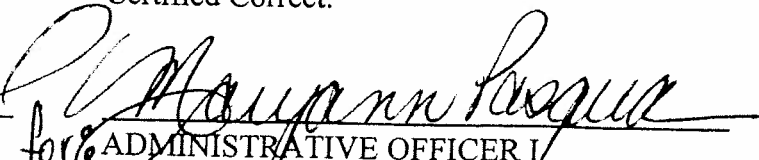
CARRIED UNANIMOUSLY

The Public Hearing (Zoning) adjourned at 9:23 p.m.

Confirmed:

Certified Correct:


MAYOR


for ADMINISTRATIVE OFFICER I