

2001 JUNE 26

A Public Hearing was held in the Council Chamber, City Hall, 4949 Canada Way, Burnaby, B.C. on Tuesday, 2001 June 26 at 7:30 p.m.

PRESENT: Mayor D.P. Drummond (In the Chair)
Councillor G. Begin
Councillor D.R. Corrigan
Councillor B. Der
Councillor D.G. Evans
Councillor N. Harris
Councillor D.N. Johnston
Councillor C.M.H. Redman (*Arrived 7:36 p.m.*)

ABSENT: Councillor N. M. Volkow

STAFF: Mr. Jack Belhouse, 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. 12, 2001" - BYLAW NO. 11225

Text Amendment

The purpose of the proposed zoning bylaw amendment is to update and clarify the Zoning Bylaw's terminology regarding religious institutions and permit minor text amendments to the P1, P2, and P5 Institutional Districts and the Off-Street Parking Schedule of the Burnaby Zoning Bylaw.

The Advisory Planning Commission advised Council that following its consideration of this text amendment, a decision was reached to SUPPORT, Bylaw No. 11225.

There were no further submissions received in connection with this proposed text amendment.

MOVED BY COUNCILLOR EVANS
SECONDED BY COUNCILLOR CORRIGAN

"THAT this Public Hearing relating to Text Amendment, Bylaw No. 11225 be now terminated."

CARRIED UNANIMOUSLY

2. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 14, 2001" - BYLAW NO. 11243

Rez. #99-33

Ptn. of 3131 Lake City Way - located on the north side of Lougheed Highway, west of Lake City Way.

Lot 2, D.L. 42 & 59, Grp. 1, NWD Plan LMP 33887

From: M3 Heavy Industrial District and R1 Residential District

To: CD Comprehensive Development District (based on P2 Administration and Assembly District and the prevailing zoning of portions of the site related to the M3 and R1 Districts, and in accordance with the development plan entitled "Lake City Station" prepared by Architectura with Walter Francl Architect)

The purpose of the proposed zoning bylaw amendment is to permit the development of the Lake City Way Skytrain Station and related facilities.

A letter dated 2001 June 21 was received from Daniel B. McIntyre, Pines McIntyre & Shrieves, Business Lawyers on behalf of the owner of 3131 Lake City Way providing general comments regarding the relationship between their client's private property and the plans for the proposed SkyTrain Station and specific comments related to the 'kiss and ride' component of the application. Lastly, the writer wishes to confirm that no rezoning will be enacted until such time as all appropriate arrangements and agreements have been finalized between RTPO and the Owner.

A letter dated 2001 June 26 was received from John Galbraith and other representatives of the Government Road Neighbourhood Working Group advising that the mandate of their Group is to develop options addressing neighbourhood concerns related to the subject SkyTrain Station and the group is not yet in a position to make its recommendations. In light of this and other concerns with the subject application the Group suggest public interest would be better served if Council were to refer the application back to staff for further consideration pending receipt of the recommendations of the Government Road Neighbourhood Working Group.

The Advisory Planning Commission advised Council that following its consideration of this rezoning application, a decision was reached to SUPPORT Rez. #99-33, Bylaw No. 11243.

At the request of the Mayor, Mr. Jack Belhouse, Director Planning & Building provided a brief review of the specifics of this application. The application for a SkyTrain Station, at the corner of Lougheed Highway and Lake City Way, is one of a series of stations planned for the Millennium SkyTrain route that commenced in 1999. The application deals with the specific mechanics and operational aspects of the station as it relates to the property on the north side and the requirements, laid out as prerequisites, for road improvements and other works in association with the functional aspects of the station.

** Councillor Redman entered the Public Hearing at 7:36 p.m.

John Galbraith, 3636 Lakedale Avenue, Burnaby appeared before Council advising, as co-author of the previously noted letter from the Government Road Advisory Group, he wished to highlight some of the points raised in their letter. The Government Road Working Group was created as a result of presentations made in March 2000 from area residents expressing concerns about the proposed SkyTrain Station and the impact it would have on the community. The Working Group, whose mandate is to address the concerns of area residents, has eight representatives of the community and to date they have had three meetings involving City of Burnaby staff, RCMP and the Burnaby School District. They are half way through the process to identify and address issues, particularly those related to the safety and security of the community.

Mr. Galbraith advised the Group does not understand why this application is going forward at this time when the Working Group's recommendations are not expected until September and those recommendations were to be considered in relation to any development permit or rezoning application for the Station. The question of timing has raised the issue of what is the purpose of the Working Group? The Group has made a commitment to the City and they expect that commitment to be honoured – they had expected the rezoning application would go forward only after consideration has been given to the recommendations the Working Group will submit to Council.

Mr. Galbraith pointed out that there are elements of this application that are inconsistent with the Group's recommendations to date. For example, plans for the proposed Station, which will primarily benefit the industrial area on the opposite side of Lougheed, include access into their residential community with little benefit to that community. This concept is unfair, stated the speaker; the residents are expected to deal with safety and security issues when the benefit of the station is being accrued by the businesses. Considering the distance between the station and the closest residences, which are few and more likely be quite adequately served by buses to Sperling and Production Way Stations, he can see no reason for the proposed application to include access to and from the Lake City Station to the Government Road neighbourhood.

In conclusion, Mr. Galbraith suggested that the Government Road Working Group should be allowed to complete its process, make its recommendations to Council and then Council may consider the rezoning application in light of those recommendations.

In response to a query from Council, Mr. Galbraith advised he is quite concerned about the process whereby residents have been invited to participate and then are not allowed to participate to fruition of their efforts. The speaker confirmed he would like to see the Public Hearing tabled at least until September when it is anticipated the Working Group will be reporting to Council with draft recommendations.

In response to a request from Council, Mr. J.S. Belhouse, Director Planning & Building explained that process being undertaken with neighbourhood residents is based on the assumption that the Station will be developed and the tendering, construction phase of the process must start on time to meet an operational date of January, 2004. While the Working Group is working on different options that will be applied to the existence of the Station, this application is dealing with location, siting and the access issues around that Station. With regard to the issue of the south sidewalk, Mr. Belhouse advised assurances have been given to the Working Group members and through to RTPO that no work is to be proceeded with until the whole public input process has concluded.

On the issue of timing, Mr. Belhouse advised the most recent information staff have is RTPO and TransLink are looking at the idea of advancing some of the base structural works and that an earlier completion date of the station (approximately 6 - 9 months) is being considered, but no final decision has been made at this time. The application is being advanced at this time in order to start the tendering process in order to meet the January 2004 completion date.

Mr. Galbraith questioned why the issue of providing access to the residential neighbourhood has been included in this specific proposal, especially when the neighbourhood does not want access to be provided ?

Mr. Belhouse clarified that provision of access has been included because the base funding formula for the station includes funding for access; however, once the recommendations of the Working Group have been presented to Council, and a decision is made not to provide access, then the access component may be removed.

Mr. Galbraith, reiterating what he understands Council and staff are saying, noted that the south sidewalk works will not be part of the initial construction process and although access is included as part of the funding formula it is not assured to be part of the final plan.

In response to a query from Council Mr. Galbraith confirmed that the time line established by Council for the Government Road Working Group is to have draft recommendations and an interim report to Council in September, followed by an Open House for area residents and a final report to Council in December of this year.

It was suggested that, at second reading of the bylaw, a caveat be placed on the issues of the south sidewalk and access allowing Council to deal with those issues following the recommendations of the Government Road Working Group.

His Worship, Mayor Drummond clarified for all Council members that if the Public Hearing was to be terminated tonight that the issues related to safety and security of the neighbourhood, access to the neighbourhood, sidewalks and all other issues related to the south side of Lougheed Highway will be the subject of continued investigation and report to Council by the Government Road Working Group.

Brian Bonney, 8306 Government Road, Burnaby appeared before Council advising he is concerned that if the matter of access from the site to the residential neighbourhood is not to be included as part of this application then it should have been removed as a component of the rezoning application prior to its coming the Public Hearing stage. Mr. Bonney urged Council to listen to residents and, since the station is not scheduled to open for another four years, show good faith by not allowing any further process or development of the station until after the Government Road Working Group has made its recommendations to Council. Mr. Bonney indicated he was surprised about the lack of notice given to area residents about this Public Hearing.

Area residents have been quite clear on the following issues, noted Mr. Bonney: they do not want access to or from the Lake City Station to the south side of Lougheed Highway; nor do they want sidewalks on that side of Lougheed Highway; they are concerned about the proposed traffic lights and t-intersection and they are concerned about proposed access to a heavily treed, little-used park, adjacent a school, which would promote loitering and lingering by strangers and pose a safety and security issue for their children. Speaking for himself, Mr. Bonney suggested the following: a see-through wall running down one side of Lougheed limiting access to the south side of Lougheed Highway; removal from the plans for traffic lights and a t-intersection at this location, as well as the sidewalks proposed for the south side of Lougheed.

In conclusion, Mr. Bonney urged Council to stop this rezoning application at this point, finish the process with area residents and then proceed.

Paul Binotto, 8290 Manson Drive, Burnaby appeared before members of Council to express concern regarding the safety and security of the community and also maintaining a fair balance between the needs of all of Burnaby and the needs of the residential community. The speaker noted there is not just one, but two, stations in this neighbourhood and beyond the issue of access, concerns related to the design of the stations, types of retail businesses permitted in stations, traffic (how the approaches to these stations will work) and the impact of traffic on the residential neighbourhood, need to be addressed. The Working Group is considering many issues and Mr. Binotto suggested their scope be expanded to include both the Lake City and Production Way Stations.

Mark Kaustinen, 7640 Kentwood Street, Burnaby appeared before Council members to express his opposition to rezoning this site at this time. The speaker questioned the timing of putting the application forward when the Working Group have not yet completed its task and why during the summer when area residents have little time to pay attention to this issue. Mr. Kaustinen suggested Council needs to taken time to listen to the community and plan its actions properly.

Frank Sargent, 3371 Lakedale Avenue, Burnaby appeared before Council members to express his concern about the sudden hurry to put this application forward. The speaker inquired whether there has been a change in the completion date for the project.

Director Planning and Building, J.S. Belhouse, advised that an access agreement has been signed by RTPO, TransLink and the City of Burnaby for a proposed completion date for the Lake City Station by January 1, 2004. This completion date is for a completely operational Station, including design, tendering, construction and testing. While there is no official change to this date there has been an indication that RTPO may want to move the date up by six months in order to avoid conflict with an operational SkyTrain line.

In conclusion, Mr. Sargent suggested that traffic be restricted to left turns in and out to access SkyTrain with no increased opportunity for vehicles to access the residential neighbourhood.

Brendon Prosche, 7581 Kraft Crescent, Burnaby appeared before members of Council advising that he is a recent resident in this neighbourhood and asked that Council take the time to listen to citizen's concerns. Mr. Prosche suggested there is no reason for access being provided into the residential neighbourhood. The speaker also suggested Council be careful in traffic planning, especially with regard to the traffic lights at Brighton and Lougheed .

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Harry Bloy, MLA Burquitlam, appeared before Council advising, as the Provincial representative for this area and a former area resident, he is opposed to the process taking place and is disappointed Council is not waiting for the recommendations of the Government Road Working Group which was established to deal with residents' concerns. Mr. Bloy suggested that if Council were to approve the rezoning at this stage it would leave the issue of access as the only issue the Working Group could make recommendations on. If Council truly wants to stop access to the south side of Lougheed Highway then they should delay the rezoning application. When the station is operational, Council will find many issues will arise such retail businesses which will attract children from the school across Lougheed.

In conclusion, Mr. Bloy urged Council to delay the rezoning application.

Alicja Pierzynska, 7721 Jensen Place, Burnaby appeared before the members of Council to inquire whether there is any question there will be a SkyTrain station at this location. The speaker wanted clarification whether Burnaby could turn this proposal down and not have a station at all?

Council clarified that Burnaby has signed an agreement that the Production Way SkyTrain Station will be operational in 2004. The Provincial government is under no obligation to actually rezone SkyTrain sites, however, at Burnaby's request, they have agreed to go through a rezoning process in order that Burnaby may have input into certain aspects related to the Stations.

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

MOVED BY COUNCILLOR CORRIGAN
SECONDED BY COUNCILLOR BEGIN

"THAT this Public Hearing relating to Rez. #99-33, Bylaw No. 11243 be now terminated."

His Worship, Mayor Drummond clarified that, at 2nd reading of this Bylaw, Council may ask staff to provide information related to any or all of the issues raised at the Public Hearing and the recommendations of the Government Road Working Group would be included into the final plan before the Bylaw is complete.

CARRIED UNANIMOUSLY

3. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 15, 2001" - BYLAW NO. 11244

Rez. #00-19

5059 Canada Way - located on the southeast corner of Canada Way and Sperling Avenue.

Lot 129 Except: Part Dedicated Road on Plan LMP 35146, D.L. 85, Grp. 1, NWD Plan 33880

From: C2 Community Commercial District

To: CD Comprehensive Development District (based on C6b Gasoline Service Station District and in accordance with the development plans entitled "Proposed New Retail Store, Canopy and Site Upgrading; 5059 Canada Way" by Beesley Engineering Ltd.)

The purpose of the proposed zoning bylaw amendment is to permit the development of a new split-serve gasoline service station with a retail store to replace and existing self-serve service station with a retail store.

The Advisory Planning Commission advised Council that following its consideration of this rezoning application, a decision was reached to SUPPORT Rez. #00-19, Bylaw No. 11244.

Patrick Gillan, 5290 Buckingham Drive, Burnaby appeared before members of Council to express concerns related to the proposed application. The speaker requested that clarification be provided as to what a split-serve station is and then advised of his concerns about traffic safety issues related to the proposed station. The traffic safety issues Mr. Gillan noted include increased traffic on Canada Way, using the gas station as a short cut and rat running through residential streets. Mr. Gillan also suggested that traffic controls such as a traffic island on Canada Way would assist in preventing traffic accidents.

In response to the speaker's inquiry regarding "split-serve", Mr. J.S. Belhouse, Director Planning and Building, advised that "split-serve" means half the station will provide both self-serve and full service bays.

The existing station is to be demolished and a new retail component built on the east end of the site with a shake roof and more compatible design and with four pumps provided.

In conclusion, Mr. Gillan questioned why the building was being demolished as he understood the building was only approximately six years old and he reiterated his concern that any enhancement of this site could worsen an already difficult traffic situation.

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

MOVED BY COUNCILLOR CORRIGAN
SECONDED BY COUNCILLOR BEGIN

"THAT this Public Hearing relating to Rez. #00-19, Bylaw No. 11244 be now terminated."

CARRIED UNANIMOUSLY

4. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 16, 2001" - BYLAW NO. 11245

Rez. #01-08

4560 Tillicum Street - located on the east side of Tillicum Street between Riverfront Gate and Fraser Park Drive.

Lot 3, D.L. 166, Grp. 1, NWD Plan LMP 42789

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

To: Amended CD Comprehensive Development District (based on M5 Light Industrial District and Riverfront Business Park Concept Plan guidelines and in accordance with the development plan entitled "Grand & Toy Vancouver Distribution Centre" prepared by Christopher Bozyk Architects Ltd.)

The purpose of the proposed zoning bylaw amendment is to permit the addition of floor area within the existing building.

The Advisory Planning Commission advised Council that following its consideration of this rezoning application, a decision was reached to SUPPORT Rez. #01-08, Bylaw No. 11245.

** Councillor Corrigan retired from the Public Hearing at 8:56 p.m.

Mike Williams, 4575 Tillicum Street, Burnaby appeared before Council advising that while he is not opposed to rezoning of the site he is concerned about continued development in this area when the appropriate traffic improvements has not yet been completed. Since January 1998, when they moved into their site, there has been constant construction in this area putting a huge strain on Byrne Road. In response to earlier correspondence to Mayor Drummond, Mr. Williams noted he had been advised by the Director Planning and Building that timing of road improvements is dependent on the location and pace of new development.

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Mr. Williams suggested that one improvement that could be implemented would be the completion of the ring road plan from Glenlyon Park through Mandeville to Marshland which would make the area more attractive to developers and business people. The speaker also enquired what is being done to ensure that the Glenlyon Parkway is connected to Byrne Road? A copy of Mr. Williams' presentation is on file in the Office of the City Clerk.

** Councillor Corrigan returned to the Public Hearing at 9:00 p.m.

** Councillor Harris retired from the Public Hearing at 9:00 p.m.

His Worship, Mayor Drummond directed that a copy of any report arising from this Public Hearing be forwarded to Mr. Williams.

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

MOVED BY COUNCILLOR EVANS
SECONDED BY COUNCILLOR JOHNSTON

"THAT this Public Hearing relating to Rez. #01-08, Bylaw No. 11245 be now terminated."

CARRIED UNANIMOUSLY

5. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 17, 2001" - BYLAW NO. 11246

Rez. #01-09

5221 Neville Street - located on the north side of Neville Street, east of Royal Oak Avenue, in the Royal Oak Community Plan.

Lot 17, Blk. 16, D.L. 168, Grp. 1, NWD Plan 1908

From: C2 Community Commercial District

To: P8 Parking District and R5 Residential District

The purpose of the proposed zoning bylaw amendment is to permit development of a parking lot on the western portion and a single-family dwelling on the eastern portion.

The Advisory Planning Commission advised Council that following its consideration of this rezoning application, a decision was reached to SUPPORT Rez. #01-09, Bylaw No. 11246.

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Hin Fong Yip, 605 - 207 W. Hastings Street, Vancouver, architect and rezoning applicant, appeared before Council members advising he was available to answer any questions Council may have with regard to this application.

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

MOVED BY COUNCILLOR EVANS
SECONDED BY COUNCILLOR CORRIGAN

"THAT this Public Hearing relating to Rez. #01-09, Bylaw No. 11246 be now terminated."

CARRIED UNANIMOUSLY

6. "BURNABY ZONING BYLAW 1965. AMENDMENT
BYLAW NO. 18, 2001" - BYLAW NO. 11247

Rez. #01-15

7366 Humphries Avenue; 7454/56/64/70/76/80/82/88/94,
7506/16/18/20/40/46/54/58/66 19th Avenue

Lot 1, Blk. 36, Plan 3036; Lots 1 & 2, Blk. 36, LMS828; Lots 1 & 2, NW2114; Lots 1 & 2, LMS4338; Lots A & B, Plan 72817; Lots 1 & 2, LMS2106; Lots 3 / 4 / 5 / 7 / 8, Blk. 36, Plan 3036; Lots 1 / 3 / 6, Blk. 33, Plan 3036; all of D.L. 30, Grp. 1, NWD

From: R5 and R9 Residential Districts

To: R12 Residential District

The purpose of the proposed zoning bylaw amendment is to permit subdivision of the lots for single or two-family residential development.

The Advisory Planning Commission advised Council that following its consideration of this rezoning application, a decision was reached to SUPPORT Rez. #01-15, Bylaw No. 11247.

Pat Fiddes, owner of 7366 Humphries Avenue, Burnaby appeared before members of Council to express her support for the application as it will allow these properties to come into conformance with the rest of the neighbourhood.

Danny Gill, 6694 - 134 Street, Surrey appeared before members of Council on behalf of his parents, owners of 7476 19th Avenue, Burnaby to express their support for the subject application. The speaker informed Council that many properties on both sides of the street already have 33 foot lots and allowing the R12 zone change will allow subdivision of the remaining lots.

Faouzich Charaf, 7482 19th Avenue, Burnaby appeared before Council members in support of the subject application which will allow upgrading of these lots.

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

MOVED BY COUNCILLOR CORRIGAN
SECONDED BY COUNCILLOR EVANS

"THAT this Public Hearing relating to Rez. #01-15, Bylaw No. 11247 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 9:12 p.m.

Confirmed:

Certified Correct:



MAYOR



ADMINISTRATIVE OFFICER I