

2002 JULY 23

A Public Hearing (Zoning) was held in the Council Chamber, City Hall, 4949 Canada Way, Burnaby, B.C. on Tuesday, 2002 July 23 at 7:30 p.m.

PRESENT: Acting Mayor, Councillor N. M. Volkow (In the Chair)
Councillor G.R. Begin
Councillor B.K. Der
Councillor D.G. Evans
Councillor N. C. Harris
Councillor C.M.H. Redman (Arrived at 7:35 pm)

ABSENT: His Worship, Mayor D.P. Drummond
Councillor D.R. Corrigan
Councillor D.N. Johnston

STAFF: Mr. Jack Belhouse, Director Planning & Building
Mrs. M. Manuel, Deputy City Clerk
Ms. G. McCaskie, Administrative Officer I

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

The Advisory Planning Commission did not meet on 2002 July 11th to consider the rezoning applications on this agenda. The Commission was unable to achieve a quorum.

1. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 13, 2002" - BYLAW NO. 11380

Text Amendment

The purpose of the proposed zoning bylaw amendment is to introduce cyber centre uses into the Burnaby Zoning Bylaw.

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

MOVED BY COUNCILLOR EVANS
SECONDED BY COUNCILLOR BEGIN

"THAT this Public Hearing relating to the Text Amendment, Bylaw No. 11380 be now terminated."

CARRIED UNANIMOUSLY

2. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 22, 2002" - BYLAW NO. 11392

Rez. #02-12

Ptn. of 8884/ 8896/8910/20/36/52/64 15th Avenue & 7643 Cariboo Road

Ptn. of Parcel "A", D.L. 13, Grp. 1, NWD 84064; Lot "A", Blk. 30, D.L. 13, Grp. 1, NWD 3046; Parcel "A" (630053E) of Lot 13, Blk. 30, D.L. 13, Grp. 1, NWD 3046; Parcel "C" (BY27691E) Lot 13, Blk. 30, D.L. 13, Grp. 1, NWD 3046; Lot 14, Blk. 30, D.L. 13, Grp. 1, NWD 3046; Lot 15 except the east 45 feet, Blk. 30, D.L. 13, Grp. 1, NWD 3046; Parcel "A" (J65340E) Lot 15 except: Part dedicated road on Plan 37088, Blk. 30, D.L. 13, Grp. 1, NWD 3046; Lot 16, Blk. 30, D.L. 13, Grp. 1, NWD 3046

From: R2 Residential District

To: R9 Residential District

The purpose of the proposed zoning bylaw amendment is to respond to accommodate a zoning boundary adjustment for an area comprising eight lots with the R2 zoning designation to the R9 District.

A memorandum dated 2002 July 17 was received from the Director Planning and Building advising that: "A request for a zoning boundary adjustment for an area comprising eight lots located between 8884-8964 of 15th Avenue (south side) and 7643 Cariboo Road, (Sketch 1 attached, Sketch 2 attached) was the subject of a Public Hearing held on June 25, 2002 that was adjourned until July 23, 2002."

At the 2002 June 25 Public Hearing, the owners of 8964 15th Avenue (Jeffery and Roberta Reynolds) expressed their concern that the residents affected by the proposed zoning boundary adjustment had been pressured by the consultant acting on behalf of the proponent to respond to the questionnaire in a positive manner, and were too intimidated to speak out against the proposal.

After hearing the submissions, Council directed staff to contact the property owners affected by the proposed zoning boundary adjustment to ensure that their responses to the questionnaire truly reflected their opinion and that they were not, in any way, coerced into responding in a certain manner. This memorandum provides a response to Council's request.

The Planning and Building Department staff contacted six of the eight property owners regarding allegations of undue pressure in responding to the questionnaire. Despite repeated attempts, one property owner did not respond to phone calls from staff. This property owner had also not responded to the questionnaires distributed by the Planning and Building Department. The consultant, Mr. Joseph Contafio, acting on behalf of the eighth property owner being the initiator of the original petition, was made aware of the contact to the other owners, but was not asked for a response.

Six property owners were asked the following questions:

- 1) *Do you recall receiving the brochure and questionnaire regarding the proposed area rezoning process?*
- 2) *Was your response to the questionnaire affected or influenced by pressure exerted by anyone else?*
- 3) *Would you say that your response to the questionnaire (any response-including a decision to not respond) truly reflect your opinion or views?*

All property owners were fully aware of the zoning boundary adjustment process. Five of the six respondents emphatically responded no to the second question and yes to the third question, meaning that their response to the questionnaire truly represented their opinions. None of the five property owners felt, in any way, pressured by the consultant for the proponent who initiated the area rezoning. Of these five owners, four property owners added that they realized that there has been discussion about the proposal and that the proponent did make himself available to answer questions, but in no way were they influenced to respond in a certain way.

The sixth property owner was the delegation who raised the concern about undo pressure at the Public Hearing. Staff contacted Mrs. Reynolds (8964 15th Avenue) to inform her of the questions being asked the affected property owners and to request her opinion. Mrs. Reynolds expressed her views that Planning and Building Department staff would not be getting truthful responses through the telephone survey as the owners were afraid of reprisals from the proponents. She also requested that staff contact each property owner in the consultation area as well to ensure that they were not pressured to respond. She asked that her comments be included in the staff comments forwarded to Council.

In response to the concern raised about language, staff were prepared to offer translation services through the City's language bank if needed. However, each property owner clearly understood the questions being asked, so translation was not necessary.

In conclusion, staff found that no property owner contacted felt that their response was the result of pressure from the consultant acting on behalf of the initiator of the zoning boundary adjustment process. However, it is acknowledged that the delegation who raised the issue at the Public Hearing continues to believe that pressure was applied to residents to respond in a certain manner.

Councillor Redman arrived at the Public Hearing at 7:35 p.m.

Roberta Reynolds, 8964 15th Avenue, Burnaby appeared before Council members expressing her concern regarding the recent telephone poll undertaken by Burnaby City staff to neighbourhood residents. The speaker suggested this process would not produce reliable results. The speaker suggested that staff should visit each residence in person and that a broader survey be undertaken in order to get a true consensus, as the eight residences staff contacted by telephone are not as affected by the proposed division of the Cariboo property.

In concluding, the speaker advised that she is in support of one house on the subject property but not two houses as it would produce a negative impact in terms of safety and property values.

Mr. Joseph Cantafio, Consultant, 4230 Canteberry Crescent, North Vancouver, appeared before Council members advising that this was the first time he knew that he was the one being accused of coercing the neighbours. The speaker advised that he has maintained a professional practice for 27 years and it has never been his intention to intimidate people.

Mr. Cantafio advised that, in a comprehensive brief that he prepared dated 2001 June, all options were presented and noted that of the eight properties involved, six of the properties are R9 zoning which entails no real change to any of the properties. The two properties affected by the rezoning are the Stanberg property and the subject corner lot. Mr. Cantafio advised that he had personally approached all the neighbours showing them the proposal for the subject property and providing clarification on any questions. The speaker advised that he had received support with the exception of the Reynolds' residence who were against any subdivision of the subject corner lot.

Mr. Cantafio referred to a letter he had written dated 2002 June 28 which included a status report of the neighbours which were positive enough to gain the necessary support to go forward with the project. Mr. Cantafio addressed the same letter to Mr. and Mrs. Reynolds in the hope of responding to what he thought were their concerns. The letter outlined Mrs. Reynold's concerns regarding the tenant rental of the subject property and the possible damage from two tall trees at the corner of the property. In his letter, Mr. Cantafio advised that it is difficult to predict or control the behavior of tenants and, as for the trees, it was his understanding that should the trees fall and damage either the Reynold's property, city property or the subject property, all damage would be covered by Mr. Zimmer's insurance policy. The letter further advised that the change from R2 to R9 would allow greater freedom to modify their home because of reduced yard setbacks.

In concluding, the speaker advised that if the rezoning is approved, the subject property would be subdivided into two lots which would mean two new property owners and the removal of the two trees that are a concern at the present time. If the initiative is not approved, the subject property would remain as a rental unit. To date there has been a relatively positive response from the neighbours and it was Mr. Cantafio's wish that it would result in a win/win situation for everyone in the neighbourhood.

In response to an inquiry from Council as to whether access to the two lots in question would be down Cariboo Road, Armstrong, and along the back alley, Mr. Cantafio indicated that the preferable access point would be from 15th Avenue, so that both properties would have an address on 15th Avenue.

Roberta Reynolds, 8964 15th Avenue, Burnaby appeared again before Council members advising that for clarification, it was not Mr. Cantafio that was being accused of intimidation, it was someone else in the neighbourhood. However, last year Mr. Cantafio was quite persuasive and nasty in his mannerisms therefore, the reason why the speaker did not respond to Mr. Cantafio's letter.

In concluding, the speaker advised that Mr. Zimmer purchased the subject property as is currently situated, with 15th Avenue closed and with the overpass encroaching onto his property.

Jeffrey Reynolds, 8964 15th Avenue, Burnaby appeared before Council members advising that he is opposed to the numerous problems over the last seven years with the tenants of the house. The speaker stated that he is opposed to the subject rezoning due to safety issues for the neighbourhood. To further enhance safety for all, it was suggested that the laneway be blocked off to vehicle traffic with access from Cariboo Road. The speaker stated that he is not opposed to one house on the property but expressed his opposition to two houses situated on the property.

Mr. Reynolds expressed a number of concerns regarding Burnaby staff conducting the neighbourhood survey by telephone and further, requested that Council members do another survey by contacting the neighbours in person.

In concluding, the speaker also expressed concerns about Mr. Cantafio entering their property and taking photos of the outside area of their home.

Council members advised that a staff report will come forward addressing the issues raised.

Maria Spangberg, 8936 15th Avenue, Burnaby appeared before Council members and advised that she has lived in the area for 30 years. The neighbourhood has changed over time and she is in full support of the rezoning proposal. In concluding, the speaker expressed her support for the R9 rezoning, so all the lots are conforming in size.

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

MOVED BY COUNCILLOR EVANS
SECONDED BY COUNCILLOR BEGIN

"THAT this Public Hearing relating to rezoning #02-12, Bylaw No. 11392 be now terminated."

CARRIED UNANIMOUSLY

3. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 23, 2002" - BYLAW NO. 11399

Rez. #02-16

7355 Canada Way

Lot A, Except Part in Plan LMP19140, D.L. 30, Grp. 1, NWD NWP87763

From: P3 Park and Public Use District

To: CD Comprehensive Development District (based on P2 Administration and Assembly District and P3 Park and Public Use District guidelines and in accordance with the development plan entitled "Temporary No. 2 Fire Station" prepared by the City of Burnaby)

The purpose of the proposed zoning bylaw amendment is to permit the site to be used as a temporary No. 2 Fire Station site.

A letter dated 2002 July 23 was submitted by Ingo Winkler, 7365 Canada Way, advising of concerns about the negative impacts of a temporary Fire Station on a CD-zoned property located next to his property. The writer has provided several recommendations for Council's consideration. The writer requested that staff respond in writing to his letter.

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

MOVED BY COUNCILLOR EVANS
SECONDED BY COUNCILLOR BEGIN

"THAT this Public Hearing relating to Rezoning #02-16, Bylaw No. 11399 be now terminated."

CARRIED UNANIMOUSLY

4. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 24, 2002" - BYLAW NO. 11400

Rez. #02-18

Ptn. of 5115 North Fraser Way

Ptn. of Lot 2 Except: Part Subdivided by Plan LMP 46623, D.L.'s 162, 163 & 165, Grp. 1, NWD LMP 40993

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

To: Amended CD Comprehensive Development District (based on P8 Parking District and Glenlyon Concept Plan guidelines and in accordance with the development plan entitled "Future Shop Parking" prepared by Christopher Bozyk Architects Ltd.)

The purpose of the proposed zoning bylaw amendment is to permit an interim surface parking use to meet the overflow parking requirements of the Best Buy (Future Shop) office headquarters located at 8800 Glenlyon Parkway.

There were no submissions received in connection with this rezoning.

MOVED BY COUNCILLOR EVANS
SECONDED BY COUNCILLOR BEGIN

"THAT this Public Hearing relating to rezoning #02-18, Bylaw No. 11400 be now terminated."

CARRIED UNANIMOUSLY

5. "BURNABY ZONING BYLAW 1965. AMENDMENT
BYLAW NO. 25, 2002" - BYLAW NO. 11402

Rez. #02-08

7488 Southwynde Avenue

Lot 5, D.L. 171, Grp. 1, NWD LMP30202

From: CD Comprehensive Development District (based on RM2 Multiple Family Residential District)

To: Amended CD Comprehensive Development District (based on RM2 Multiple Family Residential District and Edmonds Town Centre Plan as guidelines and in accordance with the Development Plan Entitled "Ledgestone", prepared by Integra Architecture Inc.)

The purpose of the proposed zoning bylaw amendment is to permit the development of a stacked townhouse project with underground parking.

Norm Couttie, Adera Equities Inc., applicant for the rezoning, 1111 Melville Street, Vancouver appeared before Council members to respond to any questions that Council may have. The speaker highlighted that the development is the fourth stacked townhouse development Adera Equities Inc. has built in Burnaby which, from past record, have been exceptionally well received in the community. The speaker outlined a number of amenities to be included in the area development, including a new school and park along with enhanced greenways development. Mr. Couttie advised that in the development stages of this project, an underground tank will be installed to buffer the worst effects of severe rain storms in order to mitigate storm water runoff.

The speaker concluded by seeking Council's support in the redevelopment of the Southpoint neighbourhood by approving the Ledgestone project.

There were no submissions received in connection with this rezoning.

MOVED BY COUNCILLOR EVANS
SECONDED BY COUNCILLOR BEGIN

"THAT this Public Hearing relating to Rezoning #02-08, Bylaw No. 11402 be now terminated."

CARRIED UNANIMOUSLY

ADJOURNMENT

MOVED BY COUNCILLOR EVANS
SECONDED BY COUNCILLOR DER

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

CARRIED UNANIMOUSLY

The Public Hearing (Zoning) adjourned at 8:36 p.m.

Confirmed:

Certified Correct:



MAYOR



ADMINISTRATIVE OFFICER I