

2003 November 25

A Public Hearing (Zoning) was held in the Council Chamber, City Hall, 4949 Canada Way, Burnaby, B.C. on Tuesday, 2003 November 25 at 7:30 p.m.

PRESENT: Mayor Derek Corrigan (In the Chair)  
Councillor P. Calendino  
Councillor S. Dhaliwal  
Councillor D. Evans  
Councillor D.N. Johnston (arrived at 7:50 p.m)  
Councillor L. Rankin (arrived at 7:52 p.m.)  
Councillor C.M.H. Redman (arrived at 7:53 p.m)  
Councillor N. M. Volkow

ABSENT: Councillor C. Jordan

STAFF: Mr. Jack Belhouse, Director Planning & Building  
Ms. G. McCaskie, Administrative Officer I

The Public Hearing (Zoning) was called to order at 7:37 p.m.

Mayor Corrigan requested that Item 6, Bylaw No. 11652 Text Amendment be brought forward at this time.

MOVED BY COUNCILLOR DHALIWAL  
SECONDED BY COUNCILLOR VOLKOW

THAT Item 6, Burnaby Zoning Bylaw 1965, Amendment Bylaw No. 65, 2003, Bylaw No. 11652 be brought forward at this time.

CARRIED UNANIMOUSLY

6. "BURNABY ZONING BYLAW 1965, AMENDMENT  
BYLAW NO. 65, 2003" - BYLAW NO. 11652

Text Amendment

The purpose of the proposed text amendment is to permit animal training and daycare facilities in the M4 District and delete single and two-family dwellings as permitted uses in the M4 District.

The Advisory Planning Commission advised Council that following its consideration of this rezoning application, a decision was reached to SUPPORT the Text Amendment, Bylaw No. 11652.

A letter was received from J. Williams and Geraldine Williams of 5544 Lane Street, Burnaby in opposition to the location of animal training and daycare facilities in either residential or industrial zoning. The speaker feels that the City is using the animal care centre as a reason for removing the residential use from M4. The non-conforming change would also limit Mr. Williams insurance coverage on his home.

A letter was received from Eddie Wong and Icream Lai, 530 Grove Avenue expressing their opposition to the proposed amendment of the M4 district. The writers advise that they have spent their life savings to purchase a home in this area due to, at that time, the conveniences and flexibility of the uses in the M4 district. The deletion of single and two family dwellings from the use of the M4 land is totally changing the principle use of the land along with stripping the owners of their property, limiting future development use of the land as well as reducing property values.

A letter was received from Gurinder Singh Bhatti, 5249 Imperial Street, Burnaby advising that he was also representing Mr. Armstrong of 5263 Imperial Street, Mr. Hohendorf of 5263 Imperial Street and Mr. Williams of 5541 Imperial Street, all in opposition to the Text Amendment. The writer advises that they do not see the gain made by anyone when 83 residential homes are recategorized to accommodate an animal training facility. The writer advised that they are all carrying substantial mortgages and cannot afford to be evicted by the City and pay rent somewhere else.

At the request of the Mayor, Mr. Belhouse, Director Planning and Building provided an overview on the purpose of the Text Amendment. The speaker advised that Council has adopted over the years a series of new community plans within the City; examples of those are, Metrotown and Royal Oak Developments. The speaker advised that under the proposal, single or two family developments would be deleted as an outright permitted use. The existing residences would stay as what is known as legally non-conforming, and the only restriction would be that it would prohibit the development of a new single family dwelling on redevelopment. The property redevelopment would be in conformance to the guidelines that are in the new plan.

**\*\*Councillor Johnston arrived at the Public Hearing at 7:50 p.m.\*\***

**\*\*Councillor Rankin arrived at the Public Hearing at 7:52 p.m.\*\***

**\*\*Councillor Redman arrived at the Public Hearing at 7:53 p.m.\*\***

Mr. Ian McFarlane, 5979 Arbroath Street, Burnaby appeared before Council members advising that he is opposed to the changes proposed for the Text Amendment. Mr. McFarlane provided a history of M4 and his personal connection as a long time Burnaby resident.

The speaker advised that he has owned his home in the Royal Oak Community for over 15 years and his home is zoned M4. Mr. McFarlane provided information on his home insurance coverage advising that if his home is made legally non-conforming, he would no longer be able to rebuild his home on the same site. Under the amended zoning, the insurance company would no longer allow the owner to purchase replacement cost insurance, and in fact, if the speaker suffered a total loss, repayment would be based on the actual cash value of the building, together

2003 November 25

with a nominal sum that would be allowable as a result of a Bylaw change. The actual cash value is based on the BC assessed value, which is approximately \$5.00 per sq. ft. Needless to say, that a very small claim could exhaust this amount and the speaker would be homeless. Mr. McFarlane advised that the proposed change constitutes a major devaluation of his property.

Mr. McFarlane also advised that he purchased an adjoining property to meet the lot size requirement of 100 ft. frontage for industrial use. The speaker advised that many of the industrial buildings in the neighbourhood remain vacant or underutilized, while all the residential homes are fully occupied. In the speaker's opinion, it would seem that further industrial development in this area would be a non-profitable venture. Mr. McFarlane noted that the houses still outnumber the automotive shops which will also be non-conforming through the ROCP. There has been a steady increase in residential growth in the streets surrounding this area. Why is this small triangle excluded from that opportunity?

The speaker also advised that the future may hold increased pressure for more affordable housing and in light of this, the Royal Oak Community Plan again may be revisited to see M4 or M5 modified to include street by street RM zoning.

In concluding, the speaker requested that Council give consideration to the changes proposed, keeping in mind the substantial loss of property value imposed on the present homeowners. At the very best, please give consideration to not removing residential use from the M4 zone. A copy of Mr. McFarlane's presentation is on file in the Office of the City Clerk.

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

MOVED BY COUNCILLOR EVANS  
SECONDED BY COUNCILLOR JOHNSTON

"THAT this Public Hearing relating to the Text Amendment, Bylaw No. 11652 be now terminated."

CARRIED UNANIMOUSLY

The normal order of the Public Hearing agenda resumed.

1. "BURNABY ZONING BYLAW 1965, AMENDMENT  
BYLAW NO. 60, 2003" - BYLAW NO. 11647

Rez. #02-24

4140 Dawson Street

Lot A, D.L. 119, Group 1, NWD Plan 72376

From: M2 General Industrial District

To: CD Comprehensive Development District (based on C9 Urban Village Commercial District, RM3 Multiple Family Residential District, Brentwood Town Centre Development Plan guidelines and in line with the development plan entitled "Dawson and Gilmore" prepared by Lawrence Doyle Architect Inc.)

The purpose of the proposed zoning bylaw amendment is to permit the development of a mixed-use low-rise development along Dawson Street with two high-rise apartment towers and townhousing on the interior of the site.

The Advisory Planning Commission advised Council that following its consideration of this rezoning application, a decision was reached to SUPPORT Rez. #02-24, Bylaw No. 11647.

The Director Planning and Building requested that contents of a memorandum dated 2003 October 27, addressed to the Mayor and Council be read at the Public Hearing.

The memorandum advised that "The report makes reference to the residential units being voluntarily rental for a minimum of ten years and a prerequisite being established for the granting of a Section 219 Covenant regarding this rental provision. This is similar to the previous voluntary proposal outlined in the predecessor report for Rezoning Reference #02-24 advanced to Public Hearing on 2002 October 29. This department has just been advised in writing that the developer wishes to withdraw this voluntary ten year rental provision. The applicant has indicated that the site has extraordinarily poor soil conditions requiring much more expensive construction techniques than originally contemplated. As well, the prevailing rental rates in the area and rapidly rising construction costs necessitate withdrawal of this rental offer in order to ensure the economic feasibility of this project and to allow it to proceed.

Accordingly, the report for Rezoning Reference #02-24 has been revised and resubmitted to delete this ten year rental provision and provision for associated covenants. The developer is prepared to respond to any further questions regarding this matter at the Public Hearing proposed for 2003 November 25."

Larry Doyle, Lawrence Doyle Architects, appeared before Council members advising he was available to answer any questions Council may have with regard to the application.

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

MOVED BY COUNCILLOR EVANS  
SECONDED BY COUNCILLOR JOHNSTON

"THAT this Public Hearing relating to Rez.#02-24, Bylaw No. 11647 be now terminated."

CARRIED UNANIMOUSLY

2. "BURNABY ZONING BYLAW 1965, AMENDMENT  
BYLAW NO. 61, 2003" - BYLAW NO. 11648

Rez. #03-07

4180 Dawson Street

Lot 24, D.L. 119, Group 1, NWD Plan 28159

From: M2 General Industrial District

To: CD Comprehensive Development District (based on C9 Urban Village Commercial District, RM3 Multiple Family Residential District, Brentwood Town Centre Development Plan guidelines and in line with the development plan entitled "Mixed-Use Development" prepared by Lawrence Doyle Architect Inc.)

The purpose of the proposed zoning bylaw amendment is to permit the development of a mixed-use low-rise development along Dawson Street with one high-rise apartment tower and townhousing on the interior of the site.

The Advisory Planning Commission advised Council that following its consideration of this rezoning application, a decision was reached to SUPPORT Rez. #03-07, Bylaw No. 11648.

Larry Doyle, Lawrence Doyle Architects, appeared before Council members advising he was available to answer any questions Council may have with regard to the application.

In response to query from Council as to the poor soil conditions and how this has now changed the amount of underground parking, Mr. Doyle responded that discussions have taken place with contractors and the end result is that due to the poor soil conditions, sheet pilings would have to be used to anchor to the site, making construction extremely expensive and unfeasible.

In response to a question from Council, as to how far back are the condominium units in relation to the walkway, Mr. Doyle advised that along the southern portion of the site there is a crushed gravel path through the more landscaped green spaces where at one point the walkway will be approximately 50 feet from the towers; interconnecting pathways will serve as a link between the development and those to the west and southeast.

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

MOVED BY COUNCILLOR EVANS  
SECONDED BY COUNCILLOR JOHNSTON

"THAT this Public Hearing relating to Rez.#03-07, Bylaw No. 11648 be now terminated."

CARRIED UNANIMOUSLY

3. "BURNABY ZONING BYLAW 1965, AMENDMENT  
BYLAW NO. 62, 2003" - BYLAW NO. 11649

Rez. #02-38

2345 Madison Avenue

Parcel "One", D.L. 119, Group 1, NWD Plan 69751

From: M2 General Industrial District and M6 Truck Terminal District

To: CD Comprehensive Development District (based on RM3 Multiple Family Residential District and Brentwood Town Centre Development Plan guidelines and in accordance with the development plan entitled "Residential Development, Madison Avenue" prepared by Lawrence Doyle Architect Inc.)

The purpose of the proposed zoning bylaw amendment is to permit the development of two high-rise residential towers with townhouses.

The Advisory Planning Commission advised Council that following its consideration of this Text Amendment, a decision was reached to SUPPORT Rez.#02-38, Bylaw No. 11649.

A letter was received from Nazmudin Punjani of C.G. Punjani Investments, 2306 Madison Avenue, requesting information as to the effect the rezoning will have on property taxes of the neighbouring properties that are utilized for industrial purposes.

Larry Doyle, Lawrence Doyle Architects, appeared before Council members advising he was available to answer any questions Council may have with regard to the application.

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

MOVED BY COUNCILLOR EVANS  
SECONDED BY COUNCILLOR JOHNSTON

"THAT this Public Hearing relating to Rez.#02-38, Bylaw No. 11649 be now terminated."

CARRIED UNANIMOUSLY

4. "BURNABY ZONING BYLAW 1965, AMENDMENT  
BYLAW NO. 63, 2003" - BYLAW NO. 11650

Rez. #03-17

3786 Dominion Street & 3125 Smith Avenue

Parcel "A" (Exp. Pl. 12343) Lots 5 & 6, Blk 41, Lot 6 Except: Parcel "A" (Exp. Pl.12343), D.L. 69, Group 1, NWD Plan 1321

From: R5 Residential District

To: CD Comprehensive Development District (based on RM3 Multiple Family Residential District, Community Plan Eight guidelines, and in accordance with the development plan entitled "Dominion St. & Smith Avenue" prepared by Creekside Architects)

The purpose of the proposed zoning bylaw amendment is to permit the construction of a 10-unit townhouse project with in-unit garage parking.

The Advisory Planning Commission advised Council that following its consideration of this rezoning application, a decision was reached to SUPPORT Rez. #03-17, Bylaw No. 11650.

Ken Falk, Creekside Architects, 150-1450 Creekside Drive appeared before Council members advising he was available to answer any questions Council may have with regard to the application.

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

MOVED BY COUNCILLOR EVANS  
SECONDED BY COUNCILLOR JOHNSTON

"THAT this Public Hearing relating to Rez.#03-17, Bylaw No. 11650 be now terminated."

CARRIED UNANIMOUSLY

5. "BURNABY ZONING BYLAW 1965, AMENDMENT  
BYLAW NO. 64, 2003" - BYLAW NO. 11651

Rez. #03-04

5075 Capitol Drive

Lot A, D.L. 127, Group 1, NWD, Plan 20554

From: R2 Residential District

To: CD Comprehensive Development District (based on R2 Residential District and P1 Neighbourhood Commercial District and in accordance with the development plan entitled "Jabberwocky Daycare" prepared by Harry Hagar Landscape Architect and Hing Chan)

The purpose of the proposed zoning bylaw amendment is to permit a childcare facility in conjunction with the single-family residential dwelling use of the property.

The Advisory Planning Commission advised Council that following its consideration of this rezoning application, a decision was reached to SUPPORT Rez. #03-04, Bylaw No. 11651.

A letter was received from Eileen Boberg, 365 Glynde Avenue, Burnaby advising that she has no objection to the changes in the proposed zoning bylaw amendment but advises there is a deep inground swimming pool on the property. The writer advises that she finds this disturbing and suggests that adequate fencing be installed with locking devices; if this is not undertaken, it would cause a major concern as the pool is very close to her southern boundary fence.

A letter was received from Giovanni and Delia Cassatini, 376 South Hythe Avenue and residents in neighbourhood surrounding 5075 Capitol Drive expressing opposition to the rezoning bylaw amendment. The concerns outlined were an increase of noise level to the neighbourhood, increase in traffic and cars parking along the streets, air pollution and decrease in property values.



A Petition was received from twelve property owners in opposition to the child care facility. The content of the petition is as follows: Survey: Residents OPPOSED to permitting a childcare facility at address: 5075 Capitol Drive. Copy is available in the Clerk's Department.

A letter has been received from Mr. and Mrs. Joseph Fierro of 330 South Hythe, Burnaby expressing opposition to the proposed zoning bylaw amendment. The letter outlines several concerns as follows: noise levels of the children playing and of vehicles picking up and dropping off 20 children, increase in traffic, steep hill poses a concern for safety of the children, and the fear of the devaluation of property.

A letter was received from Peter and Angelica Pejkoivic of 368 Hythe Avenue, Burnaby expressing opposition to the rezoning change to allow a daycare on this particular site. The writers advise that they in the past have allowed variances to the mentioned property such as an addition of a 2<sup>nd</sup> floor. The writers advise that they built their home in an older area versus a newer subdivision as they liked the area and could clearly see the established lines between residential and commercial zones. The daycare will seriously affect the quietness that they presently enjoy. As a retired couple who enjoy the privilege of privacy they will no longer be able to do so if the daycare is built.

A letter was received from Dario Mavric of 414-371 Ellesmere Avenue, Burnaby in support of the daycare. Mr. Mavric advised that the Jabberwocky Daycare provides a vital service to the North Burnaby area. The writer advised that his daughter attends the daycare centre and has always had a wonderful learning experience at the daycare. In summary, the writer requested that Council approve the zoning amendment. The loss of the daycare especially in the North Burnaby area would prove to be a hardship for his family and other families in the area.

A letter was received from Michael Buzzelli, PhD. of #217.-1984 West Mall, Vancouver in support of the Jabberwocky daycare. The writer advises that his children have been attending the daycare for five months. The daycare is a fixture in the neighbourhood and is providing opportunity for his children to socialize and become part of the Burnaby community. At the same time, Jabberwocky Daycare allows us as parents to pursue our careers and contribute to the local and provincial economy of British Columbia. The daycare itself is a business in very good standing and makes a significant contribution to the community.

A letter was received from Kent Orrock, a concerned parent, no address provided, advising that his children have been attending the daycare now for over five years. As a Program Supervisor of counselling/social services type programs for the Open Learning Agency, he is pleased with the staff and curricula offered through Jabberwocky Daycare. In concluding, the writer requests that the City of Burnaby continue to support the daycare.

A letter was received from Donna and Jack Picknell, 14 Holdom Avenue, Burnaby in support of the rezoning. The writers advised that the quality of care, attention and teaching provided by the staff at Jabberwocky Daycare is excellent.

A letter was received from Marina Bergen, 4336 Georgia Street, Burnaby advising that she is in support of the daycare facility. The writer has a daughter attending the daycare who has some hardships and never once have the issues been dealt with in manner that was not professional, nurturing, and understanding.

A letter was received from Mike Blundell and Rui Blendell, 5240 Sunningdale Road, Burnaby advising that they are in support of the rezoning. The writers advise that their daughter has been attending Jabberwocky Daycare on a daily basis for the past year. They are extremely pleased with the quality of care they provide and look forward to using their services for the next several years. The daycare is very close to their residence which makes it very easy to drop off and pick up their child.

A letter was received from Daria Alexander, 20 S. Fell Avenue, Burnaby in support of the rezoning. The writer advises that she is a single mother raising three children and have attended the daycare for ten years. The writer advises that to lose this daycare would complicate the life for many hardworking people.

A letter was received from Tamara Marshall, 205-45100 Capitol Drive, Burnaby in support of the rezoning 5075 Capitol Drive and the redevelopment of Jabberwocky Daycare. The writer advises that quality daycare is very hard to find in North Burnaby especially along the Hastings corridor. There would not be an increase in traffic as the traffic situation already exists. The noise of the children playing is certainly not a factor as there are many families in this neighbourhood.

A letter was received from Bob Green, no address provided, in support of the rezoning. The writer advises that he has lived on Capital Hill for the last 12 years. During this time he has observed a clean, secure and interesting daycare. The writer has a nine year old daughter enrolled in Capital Hill School and needs a facility to supervise his four year old son. The daycare teaches and assists parents in bringing up their children.

A letter was received from Rowan Morrissey, no address provided, in support of the rezoning. The writer advises that the daycare is very convenient and has helped his son with independence and social skills.

Peter Pejkovic of 368 Hythe Avenue appeared before Council members to express his opposition to the rezoning. Mr. Pejkovic advised that his parents are retired and live at 368 Hythe Avenue. The speaker expressed concerns that if the windows of the daycare are open, there will be a significant noise level causing a disturbance to the neighbours. The daycare will be located directly behind his parents' home which is causing concern for the resale value of their home. The speaker indicated that businesses should not be allowed to operate in this neighbourhood.

In response to an query from Council, Mr. Pejkovic advised that the difference from the proposed site and the Church site is that the proposed site is located directly behind his house. Concerns were also expressed that the house has had many different owners which has caused problems for the neighbours over the years.

In response to an inquiry from Council, the Director Planning and Building advised that there is an indoor play area and an outdoor play area.

Laurie Nelson, Manager of the Jabberwocky Daycare, 214-11th Street, New Westminster, appeared before Council members advising that the daycare is programmed as a preschool and the children play outside two times a day for one half hour each time, then in the afternoon it is one hour which is after 3:30 to 4:00 p.m. The programs are run so that the children have respect for other people and being in the area for over nine years, the children have learned that there are other people in the area and that inappropriate play is not acceptable. The speaker advised that most of the parents are single parents who do not own cars. They live in the neighbourhood and walk to the daycare and take transit to their work site. Most of the parents who enrol their children often come back and register young siblings. Most parents drop off their children between 8 and 9 a.m. Those children being delivered by car represent a very small percentage. Parents start arriving to pick up their children around 5:00 p.m.

The speaker advised that the children will not be playing on the swimming pool side; the lot is fenced where the pool is located which is a gated, locked area. Licensing regulations are such that the daycare has to meet certain criteria for a playground.

In response to a query from Council, the speaker advised that the daycare is licensed for 20 children down from the enrollment of 25 children when located at the Church. The children are ages 2 ½ to 6 years old.

In response to a query from Council, the speaker advised that the playground is opposite of the driveway and the existing fencing is six feet. The daycare is open at 7:30 a.m.

Angelica Pejkoovic of 368 Hythe Avenue, Burnaby appeared before Council members advising of her concerns, namely: open windows at the daycare and the increase in the noise level that this will cause. The speaker also commented that there are no provisions for cars dropping off 20 children: this confusion will certainly disrupt the quiet neighbourhood. The speaker has already encountered a parent parking in front of her house for one hour while doing business at the daycare. The speaker, in concluding, remarked that she is very upset with having to pay such a large amount in taxes with the end result of her property being devalued.

The Director Planning and Building advised that there are four parking spaces provided on site, which will be primarily for staff. A new sidewalk and drop off area will be installed at the bottom of driveway.

Joseph Fierro of 330 South Hythe, Burnaby appeared before the Council members advising that he is opposed to having a child care facility on the mentioned site. Mr. Fierro advised that he has lived at this location for 25 years and does not want to live next door to a daycare. The speaker noted the hill fronting the daycare location is a danger for children and pedestrians.

Juno, 5961 Miller Avenue, Burnaby appeared before Council members stating that the City should look at what is the direction of the City? The speaker's main point was that the City should do something to encourage business owners.

Carl Vander, 340 North Hythe, Burnaby appeared before Council members to advise that he has lived in the Capitol Hill area for 23 years and is in favour of the relocation of the daycare. According to Mr. Vander there has been no problems associated with the location of the daycare in the neighbourhood.

A.Minchella, 355 Hythe Avenue, Burnaby appeared before the Council members advising that he owns 376 S. Hythe Avenue and his daughter lives at that location. The speaker advised that he enjoys children but to have a daycare right behind his property is unacceptable. A petition including 50 - 60 signatures was sent to Burnaby City Council a number of years ago complaining about the noise coming from the daycare in the Church. An Burnaby inspector attended the site and the problem was remedied. With the change in location the speaker advised that the children will be on the other side of his property, fence to fence with no lane in between which will cause a lot of noise and trouble between neighbours. The speaker said that he has been a resident in the neighbourhood for a very long time even before the daycare was located in the neighbourhood. The speaker pays very high taxes and feels that this treatment is unjustified. In concluding, the speaker stated that he very concerned about the amount of traffic that will be travelling along his street, especially stopping and starting in front of his house.

In response from an inquiry from Council, the Director Planning and Building advised that the property levels of the property located at 5075 Capitol Drive and 376 S. Hythe are about the same. The outdoor playground area is located at the front and west side; the indoor play area is located at the front and east side.

Peter Pajkovic 368 South Hythe, Burnaby appeared before Council members to express his concerns about the close proximity of the childcare centre to his home as he and his wife are retired and with only a fence between their residence and the daycare location, it all seems to be unreasonable for the neighbourhood. The speaker is also not in favour of allowing the increase in cars moving in and out from their residence all day long.

Mandy Webster, 461 West 16<sup>th</sup> Street, North Vancouver appeared before Council members advising that she is the daughter of the owner of the daycare. The speaker addressed the concerns regarding access to the swimming pool; the speaker confirmed that there is absolutely no access to the backyard, the only entrance to the backyard is through the house by way of the front yard.

In response to a query from Council, the speaker advised that one has to drive up the driveway to the house where the lot levels out to a flat area. The lower floor of the house is completely above ground.

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

MOVED BY COUNCILLOR JOHNSTON  
SECONDED BY COUNCILLOR EVANS

"THAT this Public Hearing relating to Rez.#03-04, Bylaw No. 11651 be now terminated."

CARRIED UNANIMOUSLY

ADJOURNMENT

MOVED BY COUNCILLOR JOHNSTON  
SECONDED BY COUNCILLOR EVANS


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

CARRIED UNANIMOUSLY

The Public Hearing (Zoning) adjourned at 9:20 p.m.

Confirmed:

Certified Correct:

  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
ADMINISTRATIVE OFFICER I