

2004 December 14

A Public Hearing (Zoning) was held in the Council Chamber, City Hall, 4949 Canada Way, Burnaby, B.C. on Tuesday, 2004 December 14 at 7:30 p.m.

PRESENT: Mayor D.R. Corrigan
Councillor P. Calendino (*Arrived 7:47 p.m.*)
Councillor S. Dhaliwal
Councillor D.N. Johnston
Councillor L. Rankin
Councillor C.M.H. Redman
Councillor N. M. Volkow

ABSENT: Councillor D. Evans
Councillor C. Jordan

STAFF: Mr. Jack Belhouse, Director Planning and Building
Mrs. Ann Lorentsen, Administrative Officer Operations

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

1. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 79, 2004" - BYLAW NO. 11853

Rez. #04-16

7353 Royal Oak Avenue - located on the northwest corner of Royal Oak Avenue and Watling Street three blocks south of the Royal Oak Skytrain Station

Lot 43, D.L.98, Group 1, NWD Plan 573

From: R5 Residential District

To: CD Comprehensive Development District (based on RM2 Multiple Family Residential District and Royal Oak Community Plan as Guidelines, and in accordance with the development plan entitled "Stacked Townhomes Royal Oak" prepared by Douglas R. Johnson Architect Ltd.)

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

A memorandum from the Advisory Planning Commission advised Council it supports the subject application.

A letter dated 2004 December 04 was received from Alfred Schleifer, 5156 Sidley Street providing Council with a page of comments regarding the size calculations pertaining to the property and a petition signed by owners of properties adversely affected by the proposed change in zoning.

The petition containing the signatures of five property owners reads as follows:

“Petition to reject rezoning from R5 Residential District to RM2 District. The above listed property owners believe that their interest in property is affected by the proposed bylaw and that the dimensions shown on Sketch #2 are in error.”

An addendum, dated 2004 December 07, was received to the December 4th letter from Mr. Alfred Schleifer providing reference to correspondence between the City and the writer from 1964 to 1967 regarding status of the lane and providing comments regarding ownership of the lane.

A letter was received from Euphemia Reagh, 5168 Sidley Street, Burnaby expressing concern about the impact any increase in elevation of the subject site may have on drainage to her adjacent property. The writer also notes that should the lane be closed the rights to the property should be divided amongst all adjacent owners.

A letter dated 2004 December 14 was received from John Butterworth, 4108 Winnifred Street, Burnaby advising he is opposed to the subject rezoning application. The writer notes the application is not in keeping with the Royal Oak Community Plan agreed to by the community and suggests it is not fair to the community to amend the plan nor ask that they put up with increased traffic and noise as a result of the subject development. The writer also questions why the report does not note City ownership of other transition property in the area and why the developer is required to purchase the properties to the north of Sidley prior to approval of the project. Mr. Butterworth also makes note of traffic safety issues related to pedestrians crossing Royal Oak at Watling, Sidley and Victory Avenues.

Alfred Schleifer, 5156 Sidley Street, appeared before Council to inform them of his opposition to the subject application. Reading from a brochure that had been distributed to the neighbourhood during the public process for development of the 1999 Royal Oak Community Plan, Mr. Schleifer quoted “Sub Area 3 - retention and protection of the area as continuing R5 Residential zoned neighbourhood is indicated. This sub-area is considered a candidate for R12 area rezoning applications in the portions of the area served by rear lanes.” Mr. Schleifer stressed that, at the Royal Oak Community Plan meeting, it was agreed that multi-family housing was to be located east of Royal Oak Avenue and there was no suggestion of multi-family housing for this area. The speaker advised he was shocked at the number of units proposed for this project and he feels they will look ugly in a single family residential area and urged Council to reject the application. Mr. Schleifer also noted concern about the potential for flooding of 5168 Sidley Street.

Mr. Schleifer expressed some confusion about a lane easement that is proposed to be included in the subject site – the speaker informed Council that the right-of-way shown on Sketch #2 was never granted as an easement to the City and the dimensions of the subject site are not correct. In conclusion, the speaker advised he has documentation regarding ownership of this lane.

** Councillor Calendino arrived at the Public Hearing at 7:47 p.m. and took his place at the Council table.

Dave Harris, 5131 Watling Street, Burnaby appeared before Council to express his opposition to the subject application. This would be the first such development on the west side of Royal Oak Avenue, noted Mr. Harris, and with high density zoning already taking place on the east side, he suggests it would be better to create a boundary with high density development on the west of Royal Oak while maintaining R5 residential on the west. Mr. Harris suggested Council reconsider its boundaries of the Royal Oak Community Plan and consider what impact each future development will have on neighbouring residents. The proposed development would directly affect Watling Street by decreased property value, decreased privacy, increased traffic, increased street congestion, increased noise, increased strain on local schools, lack of open space (only a toddler play area is proposed for site) and size of the proposed development. The speaker asked Council to question what residents will gain from this development and what positive impact will this rezoning have on neighbouring properties.

In conclusion, Mr. Harris requested if Council approves the application, regardless of local resident opposition, they consider the following: reducing the density of the development; relocation of access to the property to Royal Oak; relocation of duplex unit next to 5143 Watling Street; location of access as close to Royal Oak as possible (if unable to achieve relocation to Royal Oak); large trees on property be kept or large trees planted to lessen impact on neighbours; all construction to be kept on Royal Oak Avenue. A copy of Mr. Harris' presentation is on file in the Office of the City Clerk.

Janet Pallotto, 7428 Royal Oak Avenue, Burnaby appeared before Council members to inform them of her opposition to the proposed zoning change and development of 38 stacked townhouse units that will be misfits in this area. The speaker noted that the proposed development is too dense – as if the developer was constructing a village on less than an acre of land. The speaker questioned what will happen to those homeowners who have just recently built new homes in this area or those who are not interested in selling out to developers - their properties will be devalued, their views obstructed and there will be a decrease in privacy. Overall, concluded Ms. Pallotto this development will negatively impact her property.

Gordon Wong, 5143 Watling Street, Burnaby appeared before Council members advising that he represents 16 other residents who have also signed a petition in opposition to the subject application. Mr. Wong noted that he had just recently purchased his home in this area and is shocked at the proposed changes which will negatively impact his property. The speaker noted that, currently, all multi-family housing is located east of Royal Oak and it should stay that way because multi-family housing will not mix well with this mainly single family neighbourhood. The speaker expressed concern about safety issues related to the lane and young children in the neighbourhood and he noted the possibility of having the garbage access next his home is unacceptable.

Lastly, Mr. Wong requested that the existing trees on the subject property be kept as a buffer between his house and the development. Mr. Wong presented a petition containing 17 signatures which is on file in the Office of the City Clerk. The text of the petition is as follows:

“The families around and on Watling Street near Royal Oak oppose the comprehensive development proposed for 7353 Royal Oak Avenue. We did not get a notice regarding the development and as the lane will be on Watling Street, we are not in favour of the development as there will be too much traffic and no light there for school children to go to school.”

His Worship, Mayor Corrigan clarified that the lane shown adjacent Mr. Wong’s property is not proposed to be developed now - it is being protected for future use, once further development has taken place and the proposed point of access to the subject development will be closer to Royal Oak.

Mindy Hui and Siew Chin Chang, 5026 Watling Street, Burnaby appeared before Council members asking if there is a future plan for the area and questioned why all the multi-family could not be located on the east side of Royal Oak Avenue and the single family on the west. The speaker expressed concern about the impact more vehicles will have on their street and the safety of the many young children who live there.

In response to the speakers’ inquiry about a Community Plan, His Worship Mayor Corrigan advised that the Royal Oak Community Plan was developed by a citizen committee from the Royal Oak community with a process which allowed for significant public input.

Mrs. Lynn, 5111 Watling Street, Burnaby appeared before members of Council to express her opposition to this application. The speaker noted there is already a lot of traffic on Royal Oak and questioned how people are going to cross Royal Oak with the increased traffic created by this development. Mrs. Lynn expressed concern about the safety of young children walking on Watling Street and also noted that because of the church, located at Watling and Royal Oak, parking in the area can be a problem.

Alfred Schleifer, 5156 Sidley Street again appeared before Council advising that the Royal Oak Community Plan called for the retention and protection of the area as “..continuing R5 with the exception of those sites that could be accessed by a rear lane which had potential for R12 zoning.” The speaker stressed that there had been no agreement for multi-family housing west of Royal Oak Avenue and this application is contrary to what was discussed in 1999.

Randy Reagh, 5168 Watling Street, Burnaby appeared before members of Council advising that his mother owns this property. In referring to the letter submitted by his mother, Mr. Reagh advised that, although they are concerned about potential drainage onto their property, he has no problem with the development itself. Mr. Reagh informed Council that he plans on continuing to live at this location but understands it will eventually be at a much higher density.

In response to a query from Council, Mr. J. Belhouse, Director Planning and Building clarified that an easement for a north-south lane is protected on the subject site. This proposed lane will not be developed at this time, rather it is expected that some time in the future, when properties on Sidley Street are developed, the lane will be opened north to Victory Street. With regard to the lane on the northern portion of the property, Mr. Belhouse advised that this lane was never really dedicated as lane, does not appear on title but is owned by 7353 Royal Oak Avenue and that has been verified by survey – staff will, however, verify this matter before proceeding further with the application.

In response to Mr. Reagh's concern about flooding of his mother's property, Mr. Belhouse advise that sediment control and water runoff plans will be implemented to the approval of the Director Engineering.

Doug Johnson, 318 - 28th Street, North Vancouver, architect for the project, appeared before Council to describing the proposed development that has been designed in accordance with Burnaby's Official Community Plan by providing transition from single family, to duplex to multi-family housing to lessen the impact on neighbouring properties. Mr. Johnson noted that the lane Mr. Wong was concerned about is only a provision for a future lane, once further development take place in the neighbourhood. At the present the area where the lane will be will be landscaped and maintained.

The speaker concluded that considerable time and effort has been put in working with the planning department to make sure the development will fit and integrate into the existing community.

Ting Ting Liu, 5166 Watling Street, Burnaby accompanied by an interpreter appeared before Council advising that she has just recently moved into this area because she thought it would be very quiet and have little traffic. The speaker believes the density of the proposed development to be too high and because, Watling Street is a narrow, traffic is already congested and parking, especially near the church, can be very difficult. The speaker concluded she does not understand why the City would approve putting townhouses in this location.

Mindy Hui, 5026 Watling Street, Burnaby again appeared before Council advising that there are approximately 10 young children in the neighbourhood who walk to school and she is concerned their safety will be compromised because of increased traffic on a narrow street.

Gordon Wong, 5143 Watling Street, Burnaby again appeared before members of Council advising that he had no knowledge of the Community Plan for this side of Royal Oak. Mr. Wong also noted that the applicant had approached residents about the development, telling them that the site would be rezoned regardless of what neighbours thought.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR VOLKOW:

“THAT this Public Hearing relating to Rez. #04-16, Bylaw #11853 be now terminated.”

CARRIED UNANIMOUSLY

2. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 80, 2004" - BYLAW NO. 11854

Rez. #04-60

Portion of 2779 Lake City Way (Unit #3) - located on Lake City Way, north of Venture Street, south of Broadway and south-west of Express Street

Ptn. of Lot 41, D.L. 59, Group 1, NWD Plan 30453

From: M3 Heavy Industrial District

To: M3 “r” Heavy Industrial District

The purpose of the proposed zoning bylaw amendment is to permit a restaurant oriented to the surrounding industrial area.

A memorandum from the Advisory Planning Commission advised Council it supports the subject application.

Soo Il Lee, 1327 E. Keith Road, North Vancouver, the applicant for the subject application appeared before Council in support of his application.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR CALENDINO:

“THAT this Public Hearing relating to Rez. #04-60, Bylaw #11854 be now terminated.”

CARRIED UNANIMOUSLY

3. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 81, 2004" - BYLAW NO. 11855

Rez. #04-67

Ptn. of 2040 Alpha Avenue - located on the east side of Alpha Avenue between Lougheed Highway and Dawson Street

Ptn. of Lot 6, D.L. 124, Group 1, NWD Plan 3343

From: M1 Manufacturing District

To: CD Comprehensive Development District (based on C2 Community Commercial District, M1 Manufacturing District and in accordance with the development plan entitled "St. John Ambulance First Aid Training" prepared by Elizabeth MacKenzie Architect)

The purpose of the proposed zoning bylaw amendment is to permit a commercial school within a portion of the existing industrial building.

A memorandum from the Advisory Planning Commission advised Council it supports the subject application.

MOVED BY COUNCILLOR DHALIWAL:
SECONDED BY COUNCILLOR JOHNSTON:

"THAT this Public Hearing relating to Rez. #04-67, Bylaw #11855 be now terminated."

CARRIED UNANIMOUSLY

4. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 82, 2004" - BYLAW NO. 11856

Rez. #04-66

Ptn. of 4867 Sperling Avenue, Ptn. of 4949 Sperling Avenue and Ptn. of 5030 Canada Way - located on the west side of Sperling Avenue, north of Canada Way

Ptn. of Lot B, DL 79, Grp 1, NWD Plan 3574, Ptn. of Parcel G (RP 6025), Blk 17, DL's 79 & 85, Grp 1, NWD Plan 536, Ptn. of Lot A, DL 79, Grp 1, NWD Plan 3574

From: A2 Small Holdings District

To: P2 Assembly and Administration District

The purpose of the proposed zoning bylaw amendment is to permit an enlargement and reconfiguration of the Fire Hall No. 1 Site.

A memorandum from the Advisory Planning Commission advised Council it supports the subject application.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR DHALIWAL:

“THAT this Public Hearing relating to Rez. #04-66, Bylaw #11856 be now terminated.”

CARRIED UNANIMOUSLY

5. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 83, 2004" - BYLAW NO. 11857

Rez. #04-63

4321 Still Creek Drive - located on the north side of Still Creek Drive between Gilmore and Willingdon Avenues

Lot A, D.L.'s 69 & 70, Group 1, NWD Plan LMP 48450

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

To: Amended CD Comprehensive Development District (based on M5 Light Industrial District and in accordance with the development plan entitled "e-bay skysign" prepared by the Dynapro Group)

The purpose of the proposed zoning bylaw amendment is to permit construction of a new skysign.

A memorandum from the Advisory Planning Commission advised Council it supports the subject application.

Fiona Marsh, Dynapro Group, 1390 - 128A Street, Surrey, the rezoning applicant, appeared before members of Council advising she was available to answer any questions Council may have with regard to the application.

In response to a query from Council as to whether the sign was to be mounted on the side of the building or above, Ms. Marsh advised the sign will be on the building side.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR DHALIWAL:

"THAT this Public Hearing relating to Rez. #04-63, Bylaw #11857 be now terminated."

CARRIED UNANIMOUSLY

6. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 84, 2004" - BYLAW NO. 11858

Rez. #04-61

Ptn. of 1200 Gaglardi Way - located east of University Drive and west of an unconstructed portion of North Road

Ptn. of Lot 145, D.L.'s 31, 101, 102, Plan 27774

From: P3 Park and Public Use District

To: P2 Administration and Assembly District

The purpose of the proposed zoning bylaw amendment is to permit the installation of an antennae on an existing B.C. Hydro tower.

A memorandum from the Advisory Planning Commission advised Council it supports the subject application.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR DHALIWAL:

"THAT this Public Hearing relating to Rez. #04-61, Bylaw #1185 be now terminated."

CARRIED UNANIMOUSLY

ADJOURNMENT

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR DHALIWAL:

"THAT this Public Hearing do now adjourn."

CARRIED UNANIMOUSLY

2004 December 14

The Public Hearing adjourned at 8:45 p.m.

Confirmed:

Certified Correct:


MAYOR


ADMINISTRATIVE OFFICER OPERATIONS