

2004 May 18

A Public Hearing (Zoning) was held in the Council Chamber, City Hall, 4949 Canada Way, Burnaby, B.C. on Tuesday, 2004 May 18 at 7:30 p.m.

PRESENT: Acting Mayor N. M. Volkow, In the Chair
Councillor P. Calendino (*Arrived @ 7:42 p.m.*)
Councillor S. Dhaliwal
Councillor D. Evans
Councillor D.N. Johnston
Councillor C. Jordan
Councillor L. Rankin
Councillor C.M.H. Redman

ABSENT: Mayor D.R. Corrigan

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

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

1. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 33, 2004" - BYLAW NO. 11737

Rez. #03-22

5450 Byrne Road, 5550 Byrne Road & 5700/68 Marine Way - located on the south side of Marine Way.

Lot 2 Except: East 99 feet, DL 155 "B", Group 1, NWD Plan 1248; East 99 feet of Lot 2, DL 155 "B", Group 1, NWD Plan 1248; Lot 3 except: part dedicated road on Plan LMP34982, DL 155B, Group 1, NWD Plan 1248; Lot 4 except part Highway Plan 68848, DL 155B, Group 1, NWD Plan 1248; and Lot 1 (BV128979), DL 155B, Group 1, NWD Plan 85194

From: M2 General Industrial District, M3 Heavy Industrial District and A1 Agricultural District

To: CD Comprehensive Development District (based on the C2 Community Commercial District, C7 Drive-in Restaurant District, and P8 Parking District, M3 Heavy Industrial District and in accordance with the development plan entitled "Byrne Road and Marine Way Shopping Centre" prepared by Kasian Kennedy Architects)

The purpose of the proposed zoning bylaw amendment is to permit the development of a commercial shopping centre in accordance with the adopted Byrne Road and Marine Way Commercial Precinct Development Plan.

The Advisory Planning Commission advised Council that following its consideration of this rezoning application, a decision was reached to **SUPPORT** Rez #03-22, Bylaw 11737.

A letter, dated May 7, 2004, was received from Bill Seeley, Area Manager, Real Estate Marketing, Canadian Pacific Railway, advising that as the subject properties are immediately adjacent CPR's operating corridor they wishes to state concerns regarding the following: Noise, Vibration, Drainage, Construction Adjacency; Utilities; Entrances/Encroachments onto Railway Lands and Fencing. The writer requests that Council consideration be given to making the noted requirements a condition to the bylaw amendment.

A letter dated May 10, 2004 was received from Tony Fabian, 5288 Hardwick Street, Burnaby advising of his concern that Burnaby is deviating from its five town centre concept for shopping centres. The writer considers the shopping malls already located in Burnaby's town centres to be sufficient for Burnaby's residents and that building a new shopping centre in this area will take business away from the existing town centres.

A letter, dated May 12, 2004, was received from Joanne Stich, Kaisian Kennedy Architecture, applicants for the subject rezoning, responding to the concerns identified in the letter from Canadian Pacific Railway. Regarding the general issues of noise, vibration and visual site lines, the owner and proposed tenants do not have any concerns regarding the potential impact of the rail corridor and believe the development is compatible with the adjacent rail operation in terms of health, safety, comfort, and welfare of the proposed tenants and customers. The writer notes that only a small rear portion of the proposed food store building located near the rail right-of-way and it has a setback of 30 feet from the rail line. The owner of the subject property will undertake to ensure that the proposed development and related construction activity does not impact or trespass on the adjacent rail right-of-way.

A letter dated May 17, 2004 was received from Katie Rodgers & David Gibbs, 4063 Yale Street, Burnaby expressing strong objection to any land being excluded from the Agricultural Land Reserve for redevelopment, especially for an application to construct a shopping centre that caters to automobile traffic. The writers consider it unacceptable to take our ever diminishing supply of agricultural land and hand it over to shopping centre developers.

A letter dated May 18, 2004 was received from Diana Hall, 4115 Yale Street, Burnaby expressing concern about the subject rezoning application especially in regard to the lack of access to the site by public transit and the issues of protection of farmland and retention of industrial land supply. The writer concludes we are not well served by a Council that allows our distinct neighbourhoods and pedestrian oriented commercial areas to decline in favour of large retail chains and automobile focussed development and urges Council to vote against the proposal.

A letter dated May 17, 2004 was received from Karen Flynn & Bob Jonas, 8095 Willard Street, Burnaby advising of their opposition to the subject bylaw. The writers point out the comments made in the staff report regarding the over capacity of the Byrne Road and Marine Drive intersection despite proposed improvements and also note their concern about the impact increased noise and pollution created by increased traffic will have on area residents.

A letter dated May 17, 2004 was received from Avtar Singh Thandi, Thandi Group Holdings Ltd., 127 West Balmoral Road, North Vancouver, owners of 5300 Byrne Road, outlining a number of concerns with the proposed rezoning. The writer notes a number of items that have been undertaken as condition of rezoning of their property which were to be coordinated to redevelopment of Byrne Road and installation of a City sewer system. The proposed development of adjacent properties will prolong implementation of these items as well as the noise of vibration of construction rendering their property unusable for years. The writer concludes they are opposed to the current proposal for redevelopment unless it takes into account some compensation by the City of Burnaby.

A letter dated May 18, 2004 was received from Bryan Williams, President, Terra Copia Estates Ltd., Richmond, owner of properties in the Big Bend area advising of his support for Burnaby's efforts to expand the commercial base in this area which will provide much needed services to accommodate the business community in the area.

John Dudych, 7544 Bevan Street, Burnaby appeared before members of Council advising that because he lives across from the proposed development and he is an amateur astronomer and telescope maker he is concerned about the increased amount of light it will bring into the area. As a member of the International Dark Sky Association, a group interested in preserving night sky darkness for everyone's enjoyment, he would suggest that if this development were to proceed it should use full cut-off lighting. Full cut-off lighting has been used on the top portion of Southpoint Drive Mr. Dudych pointed out. For Council's benefit, the speaker circulated a photograph of a mall in the USA that does use full cut-off lighting.

** Councillor Calendino arrived at the Public Hearing at 7:42 p.m. and took his place at the Council table.

John Butterworth, 4108 Winnifred Street, Burnaby appeared before the members of Council to express his opposition to the subject application. The speaker noted he has several areas of concern: the removal of land from the Agricultural Land Reserve; the possible stranding of the Meadowland Peat site and traffic implications of the new intersection at Marine Way.

Mr. Butterworth suggested the City should replace lands removed from the ALR or from agricultural designation by purchasing property, either on the other side of Marine Way, New Haven or the Meadowland Peat site, and designating these new sites for market or allotment gardens. The Meadowland Peat property should also be purchased and included in this development suggested Mr. Butterworth.

The speaker also questioned whether there would be signalization of the new road at Marine Way and whether it is intended to allow traffic to cross Marine Way to the new road proposed for the opposite site. If it is not intended that the traffic go across, then the two roads should be offset or staggered; thereby preventing their future signalization. If another traffic signal is required along Marine Way, it should be located at Nelson Avenue, suggested Mr. Butterworth, as that would better suit the community and would greatly relieve the stress on the Marine Way/Byrne Road intersection.

In conclusion, Mr. Butterworth advised he was opposed to the subject application to rezone property from Agricultural use.

In response to queries from Council, Mr. J. Belhouse, Director Planning and Building noted that regarding the Meadowland Peat site, the property will not be stranded as an access easement will be maintained and the owners of the property are aware that should they be willing to sell the City was interested in purchasing the property. There will be a traffic signal proposed where the new road meets Marine Way, noted Mr. Belhouse, however it is not intended to allow traffic to cross over Marine Way and meet up with the road on the other site. Mr. Belhouse also advised that there will be some improvement to the Byrne Road/Marine Way intersection related to this application.

Joan Carne, 6392 Neville Street, Burnaby appeared before members of Council advising she was concerned about building more vehicle destination shopping centres which is in conflict with the more pedestrian oriented shopping being proposed in the Highgate development and with the Liveable Region Strategy. This development goes against the concept of having people shop in their neighbourhood and will turn a large portion of bog into a parking lot, noted the speaker. The land being removed from the ALR was long ago compromised, noted Ms. Carne, however, she would like to see other land, such as the community allotment garden next to Curtis Lumber, designated agricultural in its place. She is pleased that, if this development goes ahead, a good storm water management plan is proposed for the site; however she questioned whether the roads proposed for the site will also have a high quality stormwater plan.

Ms. Carne also expressed concern about increased traffic generated by shoppers and the impact this will have on the Byrne Road/Marine Way intersection. Shopping facilities, noted the speaker, should be located closer to people and where they live.

Shawn M. Wade, 6010 10th Avenue, Burnaby appeared before Council to express opposition to the subject application. The last thing Burnaby needs is more urban sprawl noted Mr. Wade and a vehicular-oriented development such as this is not optimal for or required in this area. A big box mall demands lots and lots of traffic to make it viable, suggested Mr. Wade, and the impact these vehicles will have on the Byrne Road/Marine Drive intersection will be significant. The traffic statistics noted in the staff report do not include the vehicles that will be added when New Haven is developed, pointed out the speaker, and thousands of cars per day will come to this area – this concept is not in keeping with the neighbourhood.

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The community has had no input into the planning process for this development and the development does not add to the local community – it would be better located closer to the market it is intended to serve stressed the speaker. Mr. Wade urged Council to preserve agricultural uses in the area; however if this development goes ahead he would like to see a traffic management study for the project and requested that sound barrier be included in the plan. Mr. Wade concluded that neither he nor his community association support this application.

In response to queries from Council, Mr. Wade advised that he belong to the Burnaby Flatlands/Big Bend Neighbourhood Association. Mr. Wade also noted that greenhouses could be an option for agriculturally designated lands that are not suitable for growing.

Gary Lanyon, 4825 Clinton Street, Burnaby appeared Council advising he was concerned about the destruction of natural lands which will occur as a result of approving the subject application. The speaker noted that the initial development for this site will set the trend for future development in the area and it is important to set the standard high with good landscaping, setbacks, site coverage and the treatment of stormwater run-off prior to its going into the Fraser River. In conclusion, the speaker, advised he does not want Burnaby to start looking like south Vancouver.

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.#03-22, Bylaw No. 11737 be now terminated."

CARRIED UNANIMOUSLY

2. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 34, 2004" - BYLAW NO. 11738

Rez. #04-14

7000 21st Avenue - located east of Griffiths Drive between 21st Avenue and Edmonds Street

Lot 1, D.L. 95, Group 1, NWD Plan BCP10064

From: CD Comprehensive Development District (based on RM3 Multiple Family Residential District)

To: Amended CD Comprehensive Development District (based on RM3 Multiple Family Residential District, Edmonds Town Centre Plan Guidelines and in accordance with the development plan entitled "Villetta" prepared by Creekside Architects)

The purpose of the proposed zoning bylaw amendment is to obtain a community amenity density bonus to permit a 3.8 % increase in density for the stacked townhouse development being constructed on the subject site.

The Advisory Planning Commission advised Council that following its consideration of this rezoning application, a decision was reached to **SUPPORT** Rez #04-14, Bylaw 11738.

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.#04-14, Bylaw No. 11738 be now terminated."

CARRIED UNANIMOUSLY

3. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 35, 2004" - BYLAW NO. 11739

Rez. #04-08

4488 Halifax Street - located one lot west of Willingdon Avenue on the south side of Halifax Street

Lot A, D.L. 119, Group 1, NWD Plan LMP29810

From: CD Comprehensive Development District (based on C3 General Commercial District)

To: Amended CD Comprehensive Development District (based on C3 General Commercial District and Brentwood Town Centre Plan guidelines and in accordance with the development plan entitled "New Office Building 4488 Halifax Street, Burnaby" prepared by the Abbarch Partnership Architects)

The purpose of the proposed zoning bylaw amendment is to permit a mid-rise office tower with grade level retail and restaurant uses.

The Advisory Planning Commission advised Council that following its consideration of this rezoning application, a decision was reached to **SUPPORT** Rez #04-08 Bylaw 11739.

A memorandum was received from the Director Planning & Building advising of a minor density increase for the subject application. The staff report adopted by Council on 2004 May 03, recommending advancement to Public Hearing indicated a Floor Area Ratio (FAR) for the overall project as being 4.02.

Subsequent to the report's approval by Council, the applicant advised that this figure does not include the floor space associated with internal staircases and elevator shafts, which are normally counted towards a project's FAR. The addition of these components would increase the subject development's FAR by 0.12, bringing the new FAR figures to 4.14. The new FAR continues to remain well below the theoretical maximum 6.0 FAR for the site for commercial uses utilizing the C3 District as guidelines.

Six additional parking spaces have also been added to the project to account for the proposed minor density adjustment (from 192 spaces to 198 spaces).

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.#04-08, Bylaw No. 11739 be now terminated."

CARRIED UNANIMOUSLY

4. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 36, 2004" - BYLAW NO. 11740

Rez. #03-64

7428 Southwynde Avenue - located on the northeast side of Southwynde Avenue between Southpoint and Byrnepark Drives

Lot 4, D.L. 171, Group 1, NWD Plan LMP30200

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 the Edmonds Town Centre Plan as guidelines and in accordance with the development plan entitled "Ledgestone II", 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.

The Advisory Planning Commission advised Council that following its consideration of this rezoning application, a decision was reached to **SUPPORT** Rez #03-64, Bylaw 11740

John Dudych, 7544 Bevan Street, Burnaby appeared before Council seeking clarification of the location of the subject property

Darren Chung, Adera Equities, 1055 Dunsmuir Street, Vancouver, the applicant for the subject rezoning, appeared before members of Council advising that he and other consultants for the project were available to answer questions from Council. Mr. Chung noted that an information meeting had been held on May 11th for area residents to provide them with an opportunity to ask questions regarding the proposed development,

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.#03-64, Bylaw No. 11740 be now terminated."

CARRIED UNANIMOUSLY

ADJOURNMENT

MOVED BY COUNCILLOR EVANS:
SECONDED BY COUNCILLOR CALENDINO:

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


CARRIED UNANIMOUSLY

The Public Hearing (Zoning) adjourned at 8:25 p.m.

Confirmed:

Certified Correct:


MAYOR


ADMINISTRATIVE OFFICER
OPERATIONS