

2004 June 22

A Public Hearing (Zoning) was held in the Council Chamber, City Hall, 4949 Canada Way, Burnaby, B.C. on Tuesday, 2004 June 22 at 7:30 p.m.

PRESENT: Mayor D.R. Corrigan  
Councillor P. Calendino  
Councillor S. Dhaliwal  
Councillor D. Evans  
Councillor D.N. Johnston  
Councillor C. Jordan  
Councillor L. Rankin  
Councillor C.M.H. Redman  
N. M. Volkow, In the Chair

STAFF: Mr. Basil Luksun, Deputy Director Planning & Building  
Mrs. Ann Lorentsen, Administrative Officer Operations

The Mayor called the Public Hearing to order at 7:35 p.m.

1. "BURNABY ZONING BYLAW 1965, AMENDMENT  
BYLAW NO. 37, 2004" - BYLAW NO. 11744

Rez. #04-03

6409 & 6429 Elgin Avenue - located at the southwest corner of Elgin Avenue and Irving Street, one block north of Kingsway.

Lots A and B, Blk 7, D.L. 94, Group 1, NWD Plan LMP44384

From: R5 Residential District

To: CD Comprehensive Development District (based on RM2 Multiple Family Residential District and the Royal Oak Community Plan as guidelines, and in accordance with the development plan entitled "Proposed Townhouse Development, 6409 & 6429 Elgin Avenue" prepared by Hywel Jones Architect Ltd.)

The purpose of the proposed zoning bylaw amendment is to permit the construction of a 12 unit townhouse project with underground parking.

A letter dated June 22, 2004 was received from John Butterworth, 4108 Winnifred Street, Burnaby expressing opposition to the subject application. The writer points out the lots in question were to be "transitional residential" in the Royal Oak Community Plan and to approve this application goes against that Plan. The writer also notes that there is no traffic control or flow for this area and concludes this type of multi-family unit should be located close to Skytrain.

Dylan Harrington, 6050 Elgin Avenue, Burnaby appeared before Council to express his concern and opposition to the subject application. Mr. Harrington noted they were already experiencing problems from increased density since the construction of a much larger multi-family development in the area and they don't want more density added to that. Increased traffic and the possibility of the proposed development becoming rental units were issues of significant concern to the speaker.

Jubir Hussain, 6389 Elgin Avenue, Burnaby appeared before members of Council advising that he lives across the street from the subject properties and he is already experiencing difficulty in getting out onto Irving Street and this development will add to the problem. The speaker advised he is opposed to the application because of the increased density and traffic that will be added to the neighbourhood. Mr. Hussain added he would not be opposed to duplexes being built on the site.

Kim Vu, 6430 Denbigh Avenue, Burnaby appeared before Council members and advised her family are opposed to the application. The speaker advised she lives next to the other large development built recently and their experience had not been good – damage had been done to their property during construction and no action was ever taken by the city, developer or construction company. The speaker concluded they do not support the proposal.

Mirko Fajfar, 6208 Denbigh Avenue, Burnaby appeared before Council members to advise he was opposed to the subject application. There has been a significant increase in traffic since the first multi-family development was constructed and more multi-family housing will only make the problem worse, noted the speaker. The Royal Oak Area Plan does not indicate this level of density, noted Mr. Fajfar, because the map shows only single and two family development should be built here and he is upset this proposal was allowed to come to this stage. Other area residents, who were unable to be there, do not support this application concluded Mr. Fajfar.

Basil Luksun, Deputy Director Planning and Building, provided a brief description of the Transitional/Residential designation of the subject property as referenced in the Royal Oak Study Area Plan. Mr. Luksun noted that the properties fronting on Irving and Dufferin Streets were designated for townhouse use.

Hywel Jones, Architect and rezoning applicant appeared before members of Council advising that, in keeping with the area plan, they are attempting to build a transitional/residential development that will be two stories to the fronting streets with the third storey stepped within the roofscape. All the units will be contained within two buildings and there will be sufficient visitor parking provided on-site, concluded the speaker

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.#04-03, Bylaw No. 11744 be now terminated."

CARRIED UNANIMOUSLY

2. "BURNABY ZONING BYLAW 1965, AMENDMENT  
BYLAW NO. 38, 2004" - BYLAW NO. 11745

Rez. #04-15

Ptn. of 3555 Douglas Road - located on the west side of Douglas Road between Hardwick Street and Laurel Street

Ptn. of Lot 3, D.L. 74, Group 1, NWD Plan LMP31290

From: R3 Residential District

To: R3a Residential District

The purpose of the proposed zoning bylaw amendment is to permit additional gross floor area on the site beyond that permitted by the prevailing zoning.

The Administrative Officer Operations noted, for the record, that Council, at its meeting held June 7, 2004, approved the issuance of a Heritage Alteration Permit for the Cunningham House at 3777 Douglas Road, the property which is the subject of this rezoning application. A copy of the report submitted for Council regarding the Heritage Alteration Permit were available.

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.#04-15, Bylaw No. 11745 be now terminated."

CARRIED UNANIMOUSLY

3. "BURNABY ZONING BYLAW 1965, AMENDMENT  
BYLAW NO. 39, 2004" - BYLAW NO. 11746

Rez. #04-13

8998 University High Street & Ptn. of 8888 University Way - located on the south side of University High Street at the east end of the University's main axis

Lot 2, D.L. 211, Group 1, NWD Plan BCP 6258 & Ptn. of Lot 1, D.L.'s 31, 101, 102, 141, 144, 147, 209, 210 & 211, Group 1, NWD Plan BCP 6258

From: CD Comprehensive Development District (based on C3 and C3f General Commercial District, RM4 Multiple Family Residential District) P6 Regional Institutional District and P11e SFU Neighbourhood District

To: CD Comprehensive Development District (based on C3 and C3f General Commercial District and RM4 Multiple Family Residential District use and density, P3 Park and Public Use District and SFU Community Plan guidelines and in accordance with the development plan entitled "Cornerstone Development" prepared by NSDA Architects and the development plan entitled "Town & Gown Square" prepared by PWL Partnership)

The purpose of the proposed zoning bylaw amendment is to permit expansion of the neighbourhood pub patio into the adjacent Town Square, and amend the current covenant wording governing pub operations and to include the Town Square in the Comprehensive Development zoning plans.

Dan Bannister, 81 S. Ranleigh Avenue, Burnaby appeared before Council advising that he is the union representative for workers employed at Highland Pub, another pub facility located on the SFU Campus. The speaker suggested approval of expansion of this new pub facility will place a hardship on the student employees at the existing student-run pub. The students are concerned this new facility will negatively impact the existing facility which could lead to a loss of jobs and many students depend on employment at this establishment, especially those out-of-country students whose employment is restricted to the campus.

Chris Hartman, SFU Community Trust, 8888 University Way, SFU appeared before Council members advising that, as requested by Council, they are ensuring all purchasers of residential units on the site are aware of the pub and patio and that all future renters and purchasers will also be made aware of nature of the business. With regard to the concerns expressed by the previous speaker, Mr. Hartman noted they will be encouraging the purchaser of the pub facility to also hire SFU students.

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.#04-13, Bylaw No. 11746 be now terminated."

CARRIED UNANIMOUSLY

4. "BURNABY ZONING BYLAW 1965, AMENDMENT  
BYLAW NO. 41, 2004" - BYLAW NO. 11748

Rez. #04-28

4970 Canada Way - located at the northeast corner of Canada Way and Ledger Avenue

Parcel 1, D.L. 79, Group 1, NWD Ref. Plan 73667A

From: P2 Administration and Assembly District

To: CD Comprehensive Development District (based on P2 Administration and Assembly District, P5 Community Institutional District, B1 Suburban Office District and the Deer Lake Business Centre Plan and in accordance with the development plan entitled "Proposal for 4970 Canada Way" prepared by the City of Burnaby)

The purpose of the proposed zoning bylaw amendment is to expand the permitted list of uses for the former YMCA building and site.

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

MOVED BY COUNCILLOR EVANS:  
SECONDED BY COUNCILLOR JOHNSTON:

"THAT this Public Hearing relating to Rez.#04-28, Bylaw No. 11748 be now terminated."

CARRIED UNANIMOUSLY

5. "BURNABY ZONING BYLAW 1965, AMENDMENT  
BYLAW NO. 42, 2004" - BYLAW NO. 11751

Rez. #03-65

5525 Halley Avenue - located on the west side of Halley Avenue north of Sardis Street

Parcel "A" (Exp. Pl 14121), Lots 9 and 10, Blk. 35, D.L. 34, Grp. 1, NWD 1355

From: R5 Residential District

To: CD Comprehensive Development District (based on RM2 Multiple Family Residential District and Metrotown Plan guidelines, and in accordance with the development plan entitled "Proposed Townhouse Development, 5525 Halley Avenue" prepared by Hywel Jones Architect Ltd.)

The purpose of the proposed zoning bylaw amendment is to permit a 12-unit townhouse project with underground parking.

A letter dated June 18, 2004 was received from John and Florence Kum, owners of 4277 and 4279 Sardis Street who advise they strongly oppose the subject application because it will affect their property value and block their view

A petition was received, containing 34 signatures from residents of Halley Avenue, the text of the petition is as follows:

"The following residents of Halley Avenue are strongly opposed to the proposed change in zoning at 5525 Halley Avenue, whereby R5 will be changed to CD RM1 allowing a 2-1/2 storied, 40 foot high, 12 unit development. There is already a large complex being built directly south of Sardis and any further encroachment due north will result in unacceptable congestion, both vehicle and personal. This has always been a single family area and higher density will reduce and diminish our quality of life. We strongly oppose this plan and feel it is ill-advised and wholly unsuited to the neighbourhood."

Brien Roy, 5240 Halley Avenue, Burnaby appeared before Council to urge them to take a second look at the subject application and constraint and restraint is needed in their consideration. The speaker pointed out this neighbourhood is on the border of Garden Village, a new duplex has also just been built across the street from the subject site and with another new multi-family development having been recently built in the area he is concerned about human and vehicular congestion. Mr. Roy, in reading from Section 700.2 of the Burnaby Zoning Bylaw which outlines the Conditions of Use for CD zoning, noted that the density for a proposed CD zone "shall be compatible with abutting land uses and provide a desirable and stable environment in harmony with that of the surrounding area." The proposed development does not meet with those conditions stated the speaker and no one in the neighbourhood is in favour of this ill conceived application.

Albina Isbister, 4237 Sardis Street, Burnaby appeared before members of Council advising that she is opposed to this application, as she has been to others, and urged Council not to approve any further development for this neighbourhood. With regard to this specific site, the development is far too large for such a small lot and neighbouring houses will overshadowed by the buildings, noted the speaker, and with one new large development already built there has been enough impact on the neighbourhood..

The speaker suggested Council needs to slow down development in this area because residents are feeling harassed and pushed out. Despite numerous attempts to purchase her property, Ms. Isbister is not interested in selling her property nor in having increased density in her neighbourhood.

Basil Luksun, Deputy Director Planning and Building, in response to a query from Council, advised that the Metrotown Community Plan which includes the subject area was adopted in the 1970's and the subject property is designated RM3 which is a higher density than what is being proposed in this application.

Mavis Venittelli, 4277 Bond Street, Burnaby appeared before Council to express concern about the subject application. The speaker indicated she wishes to continue living in this area and does not want to be pushed out by increasing development.

Nasa Schmit, 5430 Halley Avenue, Burnaby appeared before Council to express her opposition to the rezoning application. The speaker advised she would prefer a new single family home on this site, not a 12 unit development. The building will be too tall for the neighbourhood, noted Ms. Schmit, who also indicated that the CD zoned development just recently constructed in the neighbourhood was ugly.

John Venittelli, 4277 Bond Street, Burnaby appeared before Council advising that he was opposed to the subject rezoning application. The speaker suggested Council needed to slow down multi-family development in this neighbourhood. If Council approves this application it will result in increased traffic and further loss of trees in the neighbourhood. A duplex would be a more acceptable building option for this site, concluded Mr. Venittelli.

Richard Yuan, 5586 Halley Avenue, Burnaby appeared before Council to express his opposition to the application. The speaker noted he is concerned about increased noise, traffic congestion and density.

Gary Nahke, 5469 Halley Avenue, Burnaby appeared before members of Council advising that, as his property is the one most affected by this development, he opposed to the application. Mr. Nahke noted that given the grade of the site his home and other neighbouring houses will be dwarfed by the proposed structure. Due to unusual siting of his home, Mr. Nahke advised his house will be facing directly into the proposed development across the lane and he is concerned about the status of the lane which, until now, has been maintained by area residents rather than the City. The height of the proposed development is of serious concern to the speaker as his house is only 16 feet before the start of the roof and the proposed development will be 36 to 38 feet in height.

\*\* Councillor Calendino retired from the Public Hearing at 8:25 p.m.

The Metrotown Area Plan is outdated and should not be applied to new development in this neighbourhood, noted the speaker. The subject property was originally intended to be consolidated with abutting properties for development under the RM3 zone, however no serious attempts were ever made to purchase those properties, Mr. Nahke claimed. This attempt to develop just one lot out of the group that were to be consolidated allows the developer to avoid paying the cost of purchasing the neighbouring properties and results in the value of those properties being lowered. Considering the value of Metrotown properties, current economic conditions, the City should have consulted with the community before putting this proposal forward.

\*\* Councillor Calendino returned to the Public Hearing at 8:30 p.m.

Allowing this development will reduce the amount of square footage available for future site consolidations and two new duplexes have been allowed to be built in the area making the intended RM3 designation for this area uncertain. There was no consideration given to the impact this development would have on future development of the area, nor on existing residents; a total impact review should be conducted before any further development is approved for this area stressed Mr. Nahke. In addition, only two storey development should be considered for this area because of the impact on views and conformity with the existing single and two family neighbourhood. A traffic study needs to be undertaken, because commuters are using these streets to avoid traffic on Willingdon Avenue and parking in area should also be studied. Mr. Nahke also noted that other area residents have indicated they would sign the petition that was submitted to Council opposing the development.

\*\* Councillor Dhaliwal retired from the Public Hearing at 8:44 p.m.

Lastly, Mr. Nahke suggested Council needs to give consideration to the following: conservation of existing property values; height of the proposed development in relation to the rest of the neighbourhood, including grade; elevation of the subject lot because of previous fill on the site; side, rear and backyard setbacks in relation to the existing single and two family homes; lack of on-site parking; height of the parkade access and the overall compatibility of the development with the neighbourhood as set out in the Zoning Bylaw as a condition of use for CD zoning.

\*\* Councillor Dhaliwal returned to the Public Hearing at 8:50 p.m.

In response to queries from Council, Mr. Nahke advised that he would not support an application to zone to RM3 if it were consolidated with other lots because the existing Metrotown Development Plan is not a good plan and needs to be reviewed with input from the community.

John Ritchie, Springbank Corp., appeared before Council advising he is the developer of the subject property. Mr. Richie advised that when they were unable to purchase the abutting properties for consolidation they did not have enough square footage to conform with RM3 zoning and after working with the Planning Department they are putting forward this lower density proposal.



The proposed development will be in two small buildings, approximately 34 feet in height that will allow for 1,250 square foot townhomes. Parking requirements were reduced for the project because its proximity to Metrotown and Skytrain will mean fewer vehicles will be required for residents.

Gary Nahke, 5469 Halley Avenue, Burnaby appeared before Council advising that the plans he viewed in the Planning Department showed a higher height for the proposed buildings and noted that, despite the developers assurances enough parking will be provided, there is always a shortage of on-site parking and the plan should be increased.

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.#03-65, Bylaw No. 11751 be now terminated."

CARRIED UNANIMOUSLY

Council then held a Public Hearing with regard to a Heritage Designation Bylaw.

1. "BURNABY HERITAGE DESIGNATION  
BYLAW NO. 1, 2004 - BYLAW NO. 11756

The purpose of the proposed Heritage Designation bylaw amendment is to designate the "Stanley & Isabel Picken House - 'Aintree', located at 6825 Cariboo Road a protected heritage property.

There were no submissions received in connection with this heritage designation.

MOVED BY COUNCILLOR EVANS:  
SECONDED BY COUNCILLOR JOHNSTON:

"THAT this Public Hearing relating to Heritage Designation Bylaw No. 1, 2004, Bylaw 11756 be now terminated."

CARRIED UNANIMOUSLY

ADJOURNMENT

MOVED BY COUNCILLOR JOHNSTON:  
SECONDED BY COUNCILLOR EVANS:

"THAT this Public Hearing do now adjourn."

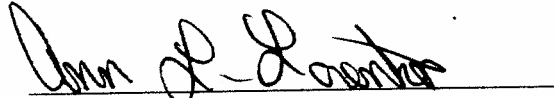
CARRIED UNANIMOUSLY

The Public Hearing adjourned at 9:05 p.m.

Confirmed:

Certified Correct:

  
MAYOR

  
ADMINISTRATIVE OFFICER  
OPERATIONS