

2004 August 24

A Public Hearing (Zoning) was held in the Council Chamber, City Hall, 4949 Canada Way, Burnaby, B.C. on Tuesday, 2004 August 24 at 7:30 p.m.

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

ABSENT: Councillor C. Jordan

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

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

1. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 50, 2004" - BYLAW NO. 11770

Rez. #04-41

3807, 3815, 3821 & 3825 Hastings Street - located on the north side of Hastings Street, between Esmond and Ingleton Avenues

Lots 17 to 20, Blk 7, D.L. 116, Group 1, NWD Plan 1236

From: C8a Urban Village Commercial District (Hastings)

To: CD Comprehensive Development District (based on C8a Urban Village Commercial District (Hastings) and Hastings Street Area Plan guidelines, and in accordance with the development plan entitled "Burnaby Heights Condominiums 3807-27 Hastings Street" prepared by DBGK Architects)

The purpose of the proposed zoning bylaw amendment is to permit a mixed-use commercial/residential project, with an adjustment to the permitted maximum number of storeys due to extremely sloping terrain.

The Advisory Planning Commission advised Council that following its consideration of this rezoning application, a decision was reached to SUPPORT Rez.#04-41, Bylaw No. 11770.

2004 August 24

A letter dated August 16 was received from Jason Crawford and Nicole Fenwick, #4 - 3838 Albert Street advising of their opposition to the proposed zone change. The writer's are concerned about the impact the height of the proposed building will have on their southerly view and request that any proposal for this site be restricted to the four stories permitted under the existing C8 zoning.

A letter dated August 20 was received from Beverley Greene and Trish Anderson, owners of #8, 3838 Albert Street, expressing opposition to the subject application because of potential loss of view and negative impact on the village atmosphere of the neighbourhood. The writers support maintaining the current zoning of the site.

A letter dated August 23 was received from Corinne and David Wilander, #9 - 3838 Albert Street advising Council of their opposition to the subject application because the excessive height of the proposed building will completely block their view. The writers ask that Council restrict the height proposal for 3838 Hastings Street to four stories as per the existing zoning.

A letter dated August 24 was received from Laura Ward and Doug Oucharek, #6 - 3838 Albert Street advising they are opposed to the subject application. The writers note their opposition for the following reasons: the proposed bulk and height of the building will be obtrusive to neighbouring properties; the difference in opinion between the architect and planning department about maximum height permitted; allowing increased density in order to achieve greater profit from development the site and; finally, the use of averaging to determine the height of the permitted building.

A letter dated 2004 August 24 was received from Chang K. Choi, Tae Kwon Do Holdings Ltd., #111 - 3860 Albert Street advising that he and his tenants are opposed to the subject rezoning request. The writer notes the value of his building will be negatively affected if the south-west view is blocked and asked Council to turn down the proposed change from four to six stories.

A memorandum dated 2004 August 24 was received from the Director Planning and Building advising of the following:

“The report recommending advancement of the subject rezoning bylaw to a Public Hearing, approved by Council on July 19, indicated that commercial loading would be taken from the rear lane. It is noted that, through further design refinements, commercial loading is now being proposed to be taken directly off Esmond Avenue, within the underground parking garage.

This revised commercial loading arrangement is considered supportable and is indicated on the Public Hearing development plans.”

Jason Crawford, 4 - 3838 Albert Street appeared before Council to object to the height of the building proposed in the subject application. Mr. Crawford noted this application is of concern to all the owners of the newly constructed townhouse development located at 3838 Albert Street, immediately behind the subject building, especially because the views of their south facing balconies will be blocked.

When the owners of this development purchased their homes, they had checked into the permitted height of what could be constructed in front of them and had been assured nothing over four stories would be permitted and had purchased on that understanding, concluded Mr. Crawford.

Aurora Corea, owner of 314 and 306 Esmond Avenue addressed Council advising that, while she does not object to redevelopment of the subject site, she is concerned that it will block the view and consequently reduce the value of her properties. The speaker noted that, unless she is permitted to redevelop her property to a similar height, she is opposed to the application as proposed. The subject application to build to the proposed height will infringe on her property investment concluded the speaker.

Laura Ward, #6 - 3838 Albert Street, appeared before Council seeking clarification regarding the zoning change that allows this development to have commercial zoning at grade plus four stories or above, when this does not appear to be permitted within existing bylaws.

Jack Belhouse, Director Planning and Building provided a brief explanation of CD zoning and how Council can vary height and other aspects of specific zones when submitted in a comprehensive plan approved by Council. Mr. Belhouse also clarified that the height of the building is within the 52.5 feet permitted, however, by lowering the ceilings of each floor they have been able to add an additional floor while staying within the permitted height.

David Wilander, #9 - 3838 Albert Street, appeared before Council advising that when he purchased his home he had done his due diligence and understood the building height permitted for the subject property would not impact his view; this application to allow more height will negatively impact his property and its value. The additional density if this application is allowed will also negatively affect traffic and parking in the neighbourhood, concluded Mr. Wilander.

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.#04-41, Bylaw No. 11770 be now terminated."

CARRIED UNANIMOUSLY

2. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 51, 2004" - BYLAW NO. 11771

Rez. #03-40

4789, 4805 & 4841 Kingsway, 6250 & 6278 McMurray Avenue, 6225 & 6243 Miller Avenue, 4802 Hazel Street - located between Kingsway and Hazel street on the east and west sides of McMurray Avenue

Lot 160, D.L. 32, Plan 52187; Parcel "A", D.L. 32, Plan 81422; Lot 156, D.L. 32, Plan 49215; Lot 5, Blk 7, D.L. 32, Plan 1229; Lot 3 Except: Firstly Parcel "A" (Exp. Pl. 8250), Secondly: The West 10 ft., D.L. 32, Plan 2278; Parcel "A" (Exp. Pl. 8250) of Lot 3 Except: West 10 Ft., D.L. 32, Plan 2278; Lot 2, D.L. 32, Group 1, NWD Plan 81987, Lot 1, D.L. 32, Plan LMP6155

From: CD Comprehensive Development District (based on RM5 Multiple Family Residential District), P8 Parking District, C3 General Commercial District and R5 Residential District and CD Comprehensive Development District (based on C3 General Commercial District)

To: Amended CD Comprehensive Development District (based on RM5 Multiple Family Residential District, C3 General Commercial District and Metrotown Development Plan as guidelines and in accordance with development plan entitled "Rezoning Application - 4800 Kingsway Development" prepared by Busby & Associates Architects Ltd.)

The purpose of the proposed zoning bylaw amendment is to permit the construction of a mixed-use commercial/high-rise residential development on the two parcels on either side of McMurray Avenue north of Kingsway to be linked by a pedestrian overpass.

The Advisory Planning Commission advised Council that following its consideration of this rezoning application, a decision was reached to SUPPORT Rez.#03-40, Bylaw No. 11771.

A letter dated 2004 August 18 was received from Donna Siu, 1640 - 4825 Hazel Street advising of her opposition to the rezoning proposal. The writer is concerned the subject tower will obstruct views and negatively affect the value of surrounding properties.

Farhad Lahafdoози, 1601 Barclay Street, Vancouver appeared before Council advising he was acting as interpreter for Mr. Esmail Hanzaei who accompanied him. Mr. Hanzaei operates a business located at 4841 Kingsway, one of the properties subject to this rezoning application. Mr. Hanzaei, who has recently moved to this country, has invested everything into his business and wants to know if this proposal will impact his business and, if so what the time frame will be for the development.

Mr. J. Belhouse, Director Planning and Building advised that, should Council approve the proposed zoning change and the project goes ahead, the speaker's business will eventually have to move from the existing building. Mr. Belhouse suggested that applicant for the rezoning may be better able to provide information regarding their anticipated construction timing.

In response to a query as whether he is opposed to the application, Mr. Lahafdoози advised that Mr. Hanzaei is not opposed to the proposal but is very concerned about what will happen to his business.

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.#03-40, Bylaw No. 11771 be now terminated."

CARRIED UNANIMOUSLY

3. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 52, 2004" - BYLAW NO. 11772

Rez. #04-27

8555 Cumberland Place - located on the north side of Cumberland Place, east of Cumberland Street and to the north of the George Derby Hospital.

Lot 2, D.L. 11, Group 1, NWD Plan LMP35611

From: CD Comprehensive Development District (based on RM1 Multiple Family Residential District)

To: Amended CD Comprehensive Development District (based on RM1 Multiple Family Residential District and George Derby Development Plan and in accordance with the development plan entitled "Cumberland Place Townhouses" prepared by NSDA Architects)

The purpose of the proposed zoning bylaw amendment is to permit 56 townhouses and the designation of conservation area on the east end of the site.

The Advisory Planning Commission advised Council that following its consideration of this rezoning application, a decision was reached to SUPPORT Rez.#04-27, Bylaw No. 11772.

Paul Faibish, representing Ledingham, McAllister Communities, the rezoning applicants, appeared before Council to advise he and other representatives of the design team were available for questions from Council with regard to the application.

Graham Mervin, 8342 17th Avenue appeared before members of Council advising that he is in favour of redevelopment of the site; however he is concerned about the lack of planning or development of useable green space for school age children in the neighbourhood. The speaker suggested that Council consider using a portion of this site to develop some form of recreational space for area children. Mr. Mervin acknowledged there are wonderful facilities provided to children at Cariboo School, however that location requires children to cross 16th Avenue which is an extremely busy thoroughfare.

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.#04-27, Bylaw No. 11772 be now terminated."

CARRIED UNANIMOUSLY

4. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 53, 2004" - BYLAW NO. 11773

Rez. #04-18

9080, 9110, 9140, & 9180 Halston Court, 9215 - 9630 Sandlewood Crescent, 9085 - 9205
Gildwood Drive - located between Halston Court and Government Street just west of
Keswick Park.

Strata Lots 1 - 216, D.L.'s 2 & 12, Grp. 1, NWD NW580

From: CD Comprehensive Development District (based on RM1 Multiple Family
Residential District)

To: Amended CD Comprehensive Development District (based on RM2 Multiple
Family Residential District and Lougheed Town Centre Plan guidelines, and in
accordance with the development plan entitled "Glenrobin Residential
Development" prepared by Rositch Hemphill and Associates)

The purpose of the proposed zoning bylaw amendment is to permit the development of
new townhouses and three low-rise apartment buildings to replace an existing multiple-
family development.

The Advisory Planning Commission advised Council that following its consideration of
this rezoning application, a decision was reached to SUPPORT Rez.#04-18, Bylaw No.
11773.

Georgina Doerksen, 204 - 9330 Sandlewood Crescent appeared before members of
Council to advise that she does not support the proposed demolition of the buildings on
the subject site for redevelopment. The speaker noted that, since affordable housing is so
difficult to find, some other solution needs to be found to keep the current housing viable.
Ms. Doerksen suggested that co-housing should be pursued as an option because it is open
to economic and cultural diversity. There are ways of dealing with the effects of water
damage to these units, noted the speaker, and she concluded that tearing down the
existing housing would be short-sighted, given the increase in homelessness in our
community.

2004 August 24

Lil Cameron, 8866 Horne Street appeared before members of Council advising she is President, Halston Hills Housing Co-Op, located across the street from the subject properties, and Co-op members are glad to see the development proposal to replace what has become an eyesore in the community. The speaker advised, however, the Co-Op is concerned about increased traffic in the area especially since Horne Street is already experiencing high traffic volume and speeds. The speaker asked if there was some way the City could look at slowing down the traffic in the area.

His Worship, Mayor Corrigan noted that this issue would be best dealt with at the Traffic Safety Committee and suggested the speaker take these concerns to that Committee.

Ted Broekhuizen, an owner and Council member of Glenrobin Strata Council appeared before members of Council, speaking on behalf of the majority of owners and the Strata Council, advising they welcome this development as it the most economical way to deal with what has been an overwhelming problem. The proposal was voted on accepted by 90% of owners and now that the proposal has been legally approved the Strata Council want to move forward. These buildings, noted the speaker, require rehabilitation beyond what is financially viable and rebuilding is to only realistic way to go. Mr. Broekhuizen, while acknowledging the good that can be done with co-housing, noted that incidents of crime have risen significantly in recent years and co-housing would not be the best option for this area.

Merle Melanson, 1605 - 9390 Cardston Court, Chairperson of 115 Cooperative Housing Association, appeared before Council advising that the Co-op are in favour of the subject rezoning application. Ms. Melanson, in referring to Section 3.6 of the staff report regarding a private driveway from the subject site to the two adjacent towers, noted that because of the high density and traffic volumes in this area it is extremely important that there be no access from Cardston Court to the subject site in order to prevent people from trying to cut across the property to access Government Street.

Nick Charette, 9080 Cardston Court, appeared before members of Council to express concern about the loss of affordable housing especially for students attending SFU – many of which live in this complex. The speaker advised he is opposed to the rezoning application because the new replacement housing will be affordable for students.

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.#04-18, Bylaw No. 11773 be now terminated."

CARRIED UNANIMOUSLY

5. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 54, 2004" - BYLAW NO. 11774

Rez. #03-24

490 & 514 Grove Avenue - located on the east side of Grove Avenue between Hastings and Frances Streets

Lots 10 & 11, BLK 10, D.L. 206, Plan 1323

From: M4 Special Industrial District

To: CD Comprehensive Development District (based on RM2 Multiple Family Residential District and Apartment Study Area "C" as guidelines, and in accordance with the development plan entitled "514 Grove Avenue" prepared by Matthew Cheng Architect Inc.)

The purpose of the proposed zoning bylaw amendment is to permit the construction of a 6-unit townhouse development with in-unit parking.

The Advisory Planning Commission advised Council that following its consideration of this rezoning application, a decision was reached to SUPPORT Rez.#03-24, Bylaw No. 11774.

A letter was received from Eddie and Icream Lai, owners of 532 and 530 Grove Avenue expressing opposition to the rezoning to allow a six unit townhouse on the subject site. The writers are concerned about disruption to the existing neighbourhood, traffic, parking, impact on property values and increased crime. The writers conclude by requesting Council look at the safety issues the proposed change will bring to the neighbourhood.

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.#03-24, Bylaw No. 11774 be now terminated."

CARRIED UNANIMOUSLY

6. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 55, 2004" - BYLAW NO. 11775

Rez. #04-37

4320 Dominion Street - located on the east side of Sumner Avenue between Dominion and Norfolk Streets and across from the Radisson Hotel Burnaby.

Lot A Except: East 569.25 ft. and portions on Plan LMP32853, D.L. 70, Group 1, NWD Plan 9892

From: CD Comprehensive Development District (based on C3d General Commercial District)

To: Amended CD Comprehensive Development District (based on C3d and C3f General Commercial District and in accordance with the development plan entitled "Burnaby Casino Expansion" and prepared by W.D. Fisher Architect)

The purpose of the proposed zoning bylaw amendment is to permit alcohol beverage service within the existing and proposed temporary expanded casino.

The Advisory Planning Commission advised Council that following its consideration of this rezoning application, a decision was reached to SUPPORT Rez.#04-37, Bylaw No. 11775.

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.#04-37, Bylaw No. 11775 be now terminated."

CARRIED UNANIMOUSLY

7. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 56, 2004" - BYLAW NO. 11776

Rez. #03-52

7558 Government Road - located on the south side of Government Road, west of Lozells Avenue and north of Dorchester Drive

Lot 132, D.L. 43, Group 1, NWD, Plan 41916

From: R1 Residential District

To: R1a Residential District

The purpose of the proposed zoning bylaw amendment is to permit the construction of a single family dwelling with a floor area greater than that permitted under the prevailing residential zoning.

The Advisory Planning Commission advised Council that following its consideration of this rezoning application, a decision was reached to SUPPORT Rez.#03-52, Bylaw No. 11776.

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.#03-52, Bylaw No. 11776 be now terminated."

CARRIED UNANIMOUSLY

8. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 57, 2004" - BYLAW NO. 11777

Rez. #04-30

Portion of 3700 Second Avenue - located on the Terasen Gas site, just south of Second Avenue and east of Boundary Road.

Ptn. of Parcel One Except: Part in Plan LMP10017, D.L.'s 117 & 118, Grp. 1, NWD Plan 79213

From: M3 Heavy Industrial District

To: P2 Administration and Assembly District

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

The Advisory Planning Commission advised Council that following its consideration of this rezoning application, a decision was reached to SUPPORT Rez.#04-30, Bylaw No. 11777.

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.#04-30, Bylaw No. 11777 be now terminated."

CARRIED UNANIMOUSLY

9. "BURNABY ZONING BYLAW 1965. AMENDMENT
BYLAW NO. 58, 2004" - BYLAW NO. 11778

Rez. #04-32

Portion of Highway #1 Road Allowance - located between the Trans Canada Highway and the off ramp to Gaglardi Way

Portion of Highway #1 Road Allowance (Statutory Right-of-Way Pl 26009, D.L. 14)

From: A2 Small Holdings District

To: P2 Administration and Assembly District

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

The Advisory Planning Commission advised Council that following its consideration of this rezoning application, a decision was reached to SUPPORT Rez.#04-32, Bylaw No. 11778.

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.#04-32, Bylaw No. 11778 be now terminated."

CARRIED UNANIMOUSLY

10. "BURNABY ZONING BYLAW 1965. AMENDMENT
BYLAW NO. 59, 2004" - BYLAW NO. 11779

Rez. #04-29a

3435/47/55/96/97, 3520/50 Keswick Avenue - located on the north side of Lougheed Highway, east of Eastlake Drive

Lot 70, D.L. 4, Grp. 1, NWD Plan 31569; Lots 48 & 49, D.L. 4, Grp. 1, NWD Plan 29745; Lots 3, 4 & 5, Blk. 5, D.L. 4, Grp. 1, NWD Plan 2121; Lot 'G' except: South 60 feet (reference Plan 15766), D.L. 4, Grp. 1, NWD Plan 17481

From: R2, R4 & R5 Residential Districts

To: P3 Park and Public Use District

2004 August 24

The purpose of the proposed zoning bylaw amendment is to bring the zoning of the properties into conformance with their intended use.

The Advisory Planning Commission advised Council that following its consideration of this rezoning application, a decision was reached to SUPPORT Rez.#04-29a, Bylaw No. 11779.

Allison Cohee, 3520 Keswick Avenue appeared before members of Council to inquire whether there was a plan to develop this park.

Director Planning and Building Jack Belhouse advised that he is not aware of any immediate plan to develop the park at this time and Mayor Corrigan suggested the speaker may wish to contact the Parks Department to find out what the long term plan is for the park.

Catherine McDonald Glosli, 3462 Keswick Avenue addressed members of Council advising that she is opposed to the rezoning of the subject properties. The speaker noted that, unlike the 40s and 50s when the park was used immensely, it is now rarely used other than during baseball and soccer seasons. Development of these lots for further playing fields seems unreasonable given the present lack of use; the high school located three city block away; the difficult terrain; the presence of unoccupied lands already owned by Burnaby for parks development. The sale of these residential lots for homes could generate revenue for development of parks in other areas of community in more need of park facilities, pointed out Ms. Glosli. The speaker also noted concern about gangs of young people who are using the park at night and are loud, abusive and appear to be involved in drinking and/or drug use.

Ms. Glosli concluded by asking Council to take a second look at the area with an open mind, protect existing residents and provide for better use for these properties for the good of the whole community. A copy of Ms. Glosli's submission is on file in the Office of the City Clerk.

Peter Glosli, 3462 Keswick Avenue, appeared before Council advising he is opposed to the application which will expand Bell Park. The speaker questioned the viability of expanding the playing fields as there is no need for them and suggested if Council wanted to improve parks they should consider the large vacant area next to Cameron Recreation Centre which would be more suitable and could accommodate a swimming pool which would be a welcome addition to the area. Incurring development costs for expansion or improvement of Bell Park are not warranted, the speaker concluded..

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.#04-29a, Bylaw No. 11779 be now terminated."

CARRIED UNANIMOUSLY

11. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 60, 2004" - BYLAW NO. 11780

Rez. #04-29b

4670/90 Moscrop Street, 4650 Harken Drive, 4939/50 Sussex Avenue, 4952 Non Avenue, 4816/26/36 Price Street, 4815/16/25/26/35/36 Thyme Street, 4815/25/35/45/85 & 4961 Grassmere Street - located south of Moscrop Street and east of Willingdon Avenue

Lot 311, D.L. 33, Grp. 1, NWD Plan 64787; Lots 8 & 9 except: part subdivided by Plan 71254, all of D.L. 33, Grp. 1, NWD Plan 944; Lot 263 except: part subdivided by Plan 71254, D.L. 33, Grp. 1, NWD Plan 44203; North half Lots 'A' and 'B', all of Blk. 12, D.L. 82, Grp. 1, NWD Plan 1626; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, all of D.L. 82, Grp. 1, NWD Plan 2618; Lot 'B' except: the west 33 feet, Blk. 11, D.L. 82, Grp 1, NWD Plan 1626; Lots 'A' & 'B', Blk. 10, D.L. 82, Grp. 1, NWD Plan 1626

From: R2, R4 & R5 Residential Districts

To: P3 Park and Public Use District

The purpose of the proposed zoning bylaw amendment is to bring the zoning of the properties into conformance with their intended use.

The Advisory Planning Commission advised Council that following its consideration of this rezoning application, a decision was reached to SUPPORT Rez.#04-29b, Bylaw No. 11780.

Hugh Wooley, 7278 Patterson Avenue, Burnaby appeared before members of Council on behalf of his parents-in-law, S. & A. Brunoro, 4596 Harken Drive who wanted information about the proposed use of the park. Mr. Wooley noted that, because his family are already experiencing problems with parking and traffic, they would prefer to see these lots have homes built on them rather than developed for park. The speaker also advised his parents do not want any access to the park made available from Harken Drive.

Mr. J. Belhouse, Director Planning and Building advised that these particular lots are already dedicated as Park and that this zoning change only makes the zoning comply with the use they are dedicated to. Mr. Belhouse suggested that if area residents are concerned about what future development may take place in the park they should contact the Parks and Recreation Commission as park uses are decided on by them.

Walter Hamm, 4770 Grassmere Street, addressed Council advising he welcomes the proposed use of the land as park.

Linda Scott, 4262 Garden Grove Drive, appeared before members of Council to advise she is in favour of the proposed rezoning 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.#04-29b, Bylaw No. 11780 be now terminated."

CARRIED UNANIMOUSLY

12. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 61, 2004" - BYLAW NO. 11781

Rez. #04-29c

229 North Hythe Avenue - located along Hythe Avenue at Cambridge Street

Lot 3, D.L. 189, Grp. 1, NWD BCP10726

From: R2, R4 & R5 Residential Districts

To: P3 Park and Public Use District

The purpose of the proposed zoning bylaw amendment is to bring the zoning of the properties into conformance with their intended use.

The Advisory Planning Commission advised Council that following its consideration of this rezoning application, a decision was reached to SUPPORT Rez.#04-29c, Bylaw No. 11781.

A letter dated 2004 August was received from Rodger and Jane Aiers, 212 North Delta Avenue advising of their concern regarding use of the subject park lands. The writers note that, despite the efforts of the RCMP, they have experienced serious problems with noise and loss of privacy related to use of the park until the early hours of the morning. In conclusion, the writers suggest the City consult with area residents about the use of the subject properties and either sell the site for residential use or construct a sound barrier to reduce noise impact on neighbouring residences.

A letter dated 2004 August 23 was received from Frederic M. Tewfik, 395 N. Hythe Avenue advising Council that, while the support the proposed zone change to park use, they also wish to make known the problems experienced by residents with nightly gatherings of unruly individuals in the park often engaging in use of alcohol and drugs and leaving behind litter. The writer ask that measures be implemented to deter such behaviour and further suggest Council consider incorporating a playground or water park into this site to promote family and recreational use of the property.

A letter dated 2004 August 24 was received from Ray, Stella, Leslie and Justin Kan, 191 N. Hythe Avenue expressing disapproval of the proposed zoning change to P3 park use. The writers note that because of the proximity of the site to their property they will be negatively impacted by its year round use. The writers express concerns about inadequate access to the park; inadequate parking; existing nighttime noise conditions as well as loitering, rowdiness, littering by both daytime and nighttime users and the need to have a park at this location given the proximity of Confederation Park. The writers conclude the neighbouring residents want assurances they will not be unduly inconvenienced and their right to quite and enjoyment of their property compromised by traffic and noise associated with park use.

Dave King, 5151 Harbourview Road, appeared before Council to express his concern about adding more property to this park when nighttime activities in the park are totally out-of-hand. Mr. King noted that young people are using the park at night to conduct drug sales, drink and loiter and park their cars on the neighbouring streets all night. This is having a negative affect on all the neighbourhood noted Mr. King, especially since RCMP do not seem to be able to monitor the situation fully. It is a great park but needs enforcement, the speaker concluded.

Henry Wakabayashi, 280 N. Hythe Avenue appeared before Council to reiterate the comments of the previous speaker about problems with the existing park. Mr. Wakabayashi advised, at present, he is opposed to adding to the size of this park and suggested keeping the properties as residential may help solve the problem. The speaker noted there is an active drug trade in the park, however the RCMP do not have the manpower to stop it. It was a mistake to create a park at this site, concluded the speaker.

In response to a query from Council concerning use of the land prior to its formal creation as park, Mr. Wakabayashi noted it had been used by local residents as a view point; however they had not experienced these types of problems until after the official park was created.

Tony Turco, 283 N. Glynde Avenue, appeared before Council advising that his house is located just feet from the existing park and has called the RCMP on several occasions but, because the police cannot patrol regularly, the problem users keep coming back. Mr. Turco suggested these lots should be keep their existing zoning and be sold for residential use.

Richard Malik, 198 Delta Avenue, addressed members of Council to express his opposition to the zoning change. The speaker noted that since trees were cut down to create the park there has been a serious problem with excessive noise and rowdiness. The RCMP don't respond to calls when disturbances occur and, although installation of lights may be a deterrent, Mr Malik concluded the City should turn all the park property into residential lots and get rid of the park.

Arthur Quan, 301 Hythe Avenue, appeared before members of Council advising that, several years ago, he was one of the proponents to maintain the reservoir lands and create access to the viewing area as that is how the land had been used for years by local residents.

Mr. Quan agreed there are definitely problems now with crime, noise, etc. in the park and he suggested some resources may need to be spent to improve conditions such as lighting and policing. There are some good uses for the park and during the daytime hours and on fireworks display nights the park is well used by area residents so it would be shame to lose it, noted the speaker.

In response to query from Council whether he would prefer the lots being sold for residential use if the City cannot address the problems in the park, Mr. Quan confirmed that, as the lesser of two evils, he would prefer residential use.

Gary McPhee, 288 N. Hythe Avenue, appeared before Council providing photographs of the type of gatherings that take place outside resident's homes. The speaker noted that the removal of a bank of trees in the park was the start of the problem and the area has now become a magnet for these types of groups. Drug deals, sex in parked cars, fights, break-ins, swarmings are the types of activities going on and the police do not attend when called. Residents are worrying about what these people will do next and are fearful noted Mr. McPhee. The speaker suggested the construction of speed humps to reduce vehicular access and sprinklers being turned on at night might assist in making the area less attractive to these gangs

In response to query from Council about the general age of these groups of people and if these gatherings are seasonal, Mr. McPhee advised the groups are mostly young adults, probably 17 to 24 years old, and, although the summer months are busier, during winter and poor weather they simply move into their vehicles which are often left to idle throughout the night. In conclusion, Mr. McPhee informed Council that he would like to keep the park, but only if these problems can be resolved.

Tony Turco, 283 N. Glynde Avenue again came before Council to suggest that installing lights may not be the answer to the problems in the park but consultation with the RCMP as to how best discourage these types of activities should be undertaken.

Richard Malik, 198 Delta Avenue, again appeared before Council to provide comment on the suggestion of additional lighting – this needs to be carefully considered because of the impact lights would have on area residences – lights focused onto the ground would be preferable. Mr. Malik also suggested that a more thorough consultation with area residents should have occurred prior to creating a park in this neighbourhood.

Arthur Quan, 301 N. Hythe Avenue again appeared before Council advising that when he was Chairman of the NE Capitol Hill Neighbourhood Association who were seeking Council's approval for this park, residents in a four to five block radius around the proposed park site, were approached to sign a petition soliciting creation of the park.

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.#04-29c, Bylaw No. 11781 be now terminated."

CARRIED UNANIMOUSLY

13. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 62, 2004" - BYLAW NO. 11782

Rez. #04-29d

7408 Durham Street - located on the corner of Durham Street and Phillips Avenue

Lot 11, Blk. 7, D.L. 59, Grp. 1, NWD 3050

From: R2, R4 & R5 Residential Districts

To: P3 Park and Public Use District

The purpose of the proposed zoning bylaw amendment is to bring the zoning of the properties into conformance with their intended use.

The Advisory Planning Commission advised Council that following its consideration of this rezoning application, a decision was reached to SUPPORT Rez.#04-29d, Bylaw No. 11782.

Kim Mah, 7470 Lawrence Street appeared before Council advising he is in favour of the proposed zoning change and would like to see the whole block made into park. Mr. Mah noted that as the only green space in the neighbourhood this is a good location for use by young families and their children.

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.#04-29d, Bylaw No. 11782 be now terminated."

CARRIED UNANIMOUSLY

ADJOURNMENT

MOVED BY COUNCILLOR EVANS:
SECONDED BY COUNCILLOR JOHNSTON:

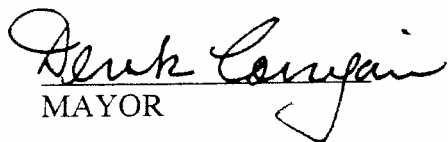
"THAT this Public Hearing do now adjourn."

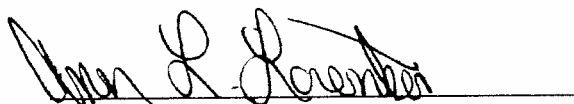
CARRIED UNANIMOUSLY

The Public Hearing adjourned at 9:20 p.m.

Confirmed:

Certified Correct:


MAYOR


ADMINISTRATIVE OFFICER
OPERATIONS