

2004 October 26

A Public Hearing (Zoning) was held in the Council Chamber, City Hall, 4949 Canada Way, Burnaby, B.C. on Tuesday, 2004 October 26 at 7:30 p.m.

PRESENT: Acting Mayor, Councillor C. Jordan, In the Chair
Councillor P. Calendino, (*Arrived 7:55 p.m.*)
Councillor S. Dhaliwal
Councillor D. Evans
Councillor D.N. Johnston
Councillor L. Rankin, (*Arrived 7:54 p.m.*)
Councillor C.M.H. Redman

ABSENT: Mayor D.R. Corrigan
Councillor N. M. Volkow

STAFF: Mr. Jack Belhouse, Director Planning & Building
Mrs. D. R. Comis, City Clerk
Ms. Anne R. Skipsey, Deputy City Clerk

The Public Hearing was called to order at 7:30 p.m. with Acting Mayor, Councillor C. Jordan in the Chair.

1. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 68, 2004" - BYLAW NO. 11812

Rez. #04-19

2150 Beta Avenue - located within the Brentwood Town Centre Development Plan area on the south side of Sumas Street between Delta and Beta Avenues

Lot 123, D.L. 124 Group 1, NWD Plan 36610

From: M2 General Industrial District

To: CD Comprehensive Development District (based on RM2, RM3 and RM5 Multiple Family Residential District, P3 Park and Public Use District and Brentwood Town Centre Development Plan as guidelines and in accordance with the development plan entitled "Brentwood - Trailmobile Site" prepared by Ramsay Worden Architects)

The purpose of the proposed zoning bylaw amendment is to permit the development of three low-rise apartment buildings, one high-rise apartment tower and a community use facility.

The Advisory Planning Commission advised Council that following its consideration of this rezoning application, a decision was reached to SUPPORT Rez.#04-19, Bylaw No. 11812.

A letter dated 2004 October 18 was received from Farris, Vaughan, Wills & Murphy advising they are the Solicitors for Woodland Investments Ltd. the owner of lands comprising approximately 24 acres to the north, east and south of 2150 Beta Avenue. The writer is requesting that the public hearing be adjourned until Mr. Albert Givton of Woodland Investments, returns to Burnaby during the first week in November as no other person has the authority nor background knowledge to attend the public hearing on his behalf.

A letter dated 2004 October 12 was received from Farris, Vaughan, Wills & Murphy requesting that the public hearing for RZ #04-19 be adjourned, to address the concerns of their client with respect to the proposed rezoning.

A letter dated 2004 October 20 was received from Polygon Homes Ltd. providing comment on the request by Farris, Vaughan, Wills & Murphy, on behalf of their client, Woodland Investments Ltd. to adjourn the public hearing for RZ #04-19. Given the value of the land and related time-dependent business decisions Polygon urges Council to proceed with the Public Hearing without an adjournment on the basis of the request by Woodland.

At the Open Council meeting on 2004 October 25, Council received presentations from both Woodland Investments and Polygon with respect to Rezoning #04-19. The complete transcript of these presentations will be available in the Minutes of the Council meeting.

Tom Faraone, 2235 Orchard Drive, Abbotsford B.C. advised that he is the owner of 4738 Lougheed Highway which is leased to CH Auto Sales Center. Mr. Faraone advised that the Brentwood Town Center Plan would result in a significant part of this property being taken away for a walkway and his tenant would like to know how long he can stay on the site. The speaker also asked whether the City would provide a new access to his property from the proposed new Sumas Street. The speaker also questioned the value established by the City Solicitor for the land that will be utilized for the walkway.

Mr. Jack Belhouse, Director Planning and Building advised that 4738 Lougheed is not part of the rezoning application presently before the Public Hearing. He noted that the length of time the tenant could stay on the property would be at the call of the property owner and whether or not the owner chooses to further develop or sell the subject property.

Ken Antoniuk, Terminal Manager, Sokil Express, 2350 Beta Avenue appeared before the Public Hearing to address what he perceives as the negative situation they have been put into by the City. Mr. Anotinuk advised he is in receipt of a letter from the City of Burnaby advising two of their buildings are encroaching on City property and must be removed. The speaker stated they have occupied the property since 1977 and were not aware they were encroaching on City land. He advised he is aware of the City's plan to allow development on the old Trailmobile property but he was not aware of any time line for the development. The speaker contends the changes should be undertaken in a fair and timely manner, but that is not happening.

*** Councillor Rankin entered the Council Chambers at 7:54 p.m. and took his place at the Council table. ***

Mr. Antoniuk noted that Sokil Express has always been a good corporate citizen and what they have taken from the Community they have also given back. The Company has donated trailers to

the 24 hour relay, have provided assistance to the Engineering Department by putting sand on neighbourhood roadways during foul weather, and allowed the use of their scale for weighing new City gravel trucks at no charge. It is his belief the City should respect the rights and needs of all citizens and it is a lack of respect by the City to local businesses to require them to move so quickly. He is asking for adequate time to relocate the two structures. He advised this is the busiest and wettest time of the year and they do not have adequate warehouse space to accommodate the move and would ask the City grant a minimum of one year to allow them to plan their move.

****Councillor Calendino entered the Council Chambers at 7:55 p.m. and took his place at the Council Table.****

Mr. Antoniuk concluded by asking that the January 31st, 2005 deadline be extended to allow them time to adjust to the move.

Mr. Jack Belhouse advised that the concerns expressed by the speaker are outside of the rezoning application but that he will meet with the speaker to discuss the timing of the move.

Francois Naudi, owner, United Scaffolding, 2350 Beta Avenue advised that he is in the exact same situation as the previous speaker. His Company needs extra time to relocate his facility from the present site. He feels he is caught in the middle because his buildings have been up for 2 ½ years, and he was granted a building permit by the City. He is not opposed to the move, but is looking for compensation and more time.

Mr. Jack Belhouse advised the building was originally constructed without permit and the permit issued was done so on a temporary basis. The concerns about timing are outside of the rezoning application and will be dealt with separately with the speaker.

Ann Bancroft-Jones, Senior Vice President, Polygon Homes Ltd., 900 - 1333 West Broadway, Vancouver, B.C. appeared before the Public Hearing advising Polygon is willing to work with staff and affected businesses to try to resolve their concerns, but these issues are not relevant to the rezoning application and requested Council terminate the public hearing so that the development may progress.

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

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR EVANS:

"THAT this Public Hearing relating to Rez.#04-19, Bylaw No. 11812 be adjourned to the Council Chamber, Burnaby City Hall, 4949 Canada Way, Burnaby, B.C. at 7:30 p.m. on Tuesday, 2004 November 23."

CARRIED

OPPOSED: Councillors Dhaliwal and Rankin

2. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 69, 2004" - BYLAW NO. 11813

Rez. #04-43

4250 Dawson Street - located within the Brentwood Town Centre Development Plan area on the south side of Dawson Street between Madison and Gilmore Avenues

Lot 75, D.L. 119, Section 37, NWD Plan 58623

From: CD Comprehensive Development District (based on M2 General Industrial District and M5 Light Industrial District)

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

****Councillor Dhaliwal retired from the Council Chambers at 8:07 p.m.****

The purpose of the proposed zoning bylaw amendment is to permit a mixed-use project consisting of grade-level retail with two storeys of apartments above fronting Dawson Street, and townhouses and a high-rise apartment tower on the interior portion of the site.

The Advisory Planning Commission advised Council that following its consideration of this rezoning application, a decision was reached to SUPPORT Rez.#04-43, Bylaw No. 11813.

****Councillor Dhaliwal returned to the Council Chambers at 8:08 p.m. and took his place at the Council table.****

Larry Doyle, Lawrence Doyle Architects, 200 - 1450 Creekside Drive, Vancouver, B.C., appeared before the Public Hearing to respond to any questions from Council with respect to the 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.#04-43, Bylaw No. 11813 be now terminated."

CARRIED UNANIMOUSLY

3. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 70, 2004" - BYLAW NO. 11814

Rez. #04-26

4270 Dawson Street - located within the Brentwood Town Centre Development Plan area, south of Dawson Street between Madison and Gilmore Avenues

Lot 76, D.L. 119 Group 1, NWD Plan 58623

From: M2 General Industrial District

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

The purpose of the proposed zoning bylaw amendment is to permit a mixed-use project consisting of grade-level retail with two storeys of apartments above fronting Dawson Street, and townhouses and a high-rise apartment tower on the interior portion of the site.

The Advisory Planning Commission advised Council that following its consideration of this rezoning application, a decision was reached to SUPPORT Rez.#04-26, Bylaw No. 11814.

Larry Doyle, Lawrence Doyle Architects, 200 - 1450 Creekside Drive, Vancouver, B.C., appeared before the Public Hearing to respond to any questions from Council with respect to the 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.#04-26, Bylaw No. 11814 be now terminated."

CARRIED UNANIMOUSLY

4. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 71, 2004" - BYLAW NO. 11815

Rez. #04-36

7138 & 7144 Eighteenth Avenue - located within the Edmonds Town Centre Plan on the northeast corner of Eighteenth Avenue and Leaside Street

Lot 52, Except: South Easterly 10 ft. measured at right angles to the South East Boundary, Lot 53, D.L. 95, Group 1, NWD Plan 1152

From: R5 Residential District

To: CD Comprehensive Development (based on RM2 Multiple Family Residential District and the Edmonds Town Centre Development Plan as guidelines, and in accordance with the development plan entitled "Proposed Townhouse Development" prepared by Hywel Jones Architect)

The purpose of the proposed zoning bylaw amendment is to permit the construction of a 17-unit townhouse development with underground parking.

The Advisory Planning Commission advised Council that following its consideration of this rezoning application, a decision was reached to SUPPORT Rez. #04-36, Bylaw No. 11815.

Joseph Loo, 7146 18th Avenue, Burnaby, B.C., owner of the property adjacent to the development, appeared before the Public Hearing to oppose the proposed development because it will put the 4 remaining houses on 18th Avenue into a valley as it will be built one storey above their property. The speaker noted 18th Avenue is a winding street and traffic is already heavy. This development will increase traffic even more. The speaker advised he spoke at the public hearing for the townhouse development across the street from his residence and at that time he was promised the City would require the developer to install a speed hump at the entrance to the complex, but that this has never happened.

Mohammed Taivab, 7150 18th Avenue, Burnaby, B.C. appeared before the Public Hearing to opposed the development because they are almost completely surrounded by townhomes and it feels like living in a jail. He noted that along with the townhouse developments in the neighbourhood there has been increased traffic and crime. There are only four single family dwellings left on 18th Avenue and the developer should have purchased all of them and built townhomes in the whole neighbourhood. The speaker noted this was his dream house and now there is so much stress he doesn't know what to do.

John Ritchie, Springbank Development Corporation, 105 - 1869 Spyglass Place, Vancouver, B.C., appeared before the Public Hearing advising the townhouse development site is made up of two 66 foot frontage lots with 40 year old houses on them. The four remaining houses on 18th Avenue are each on 33 foot frontage lots and are only 16 years old. He did not make an offer to purchase them because he knew they would be too expensive. In his view they are the highest and best use of the land for those lots. There are also dwellings on 17th Avenue backing onto the proposed development and the 4 single family dwellings on 18th Avenue. These houses are also too expensive to be redeveloped as a townhouse development. He advised that the houses on 17th Avenue will be in a better position to be redeveloped in the future and at that time the four houses on 18th Avenue will be in a much better negotiating position as they will be the last remaining properties in the neighbourhood. Mr. Ritchie advised he is trying to mitigate the height impact of the townhouse on the 18th Avenue properties. He is proposing 2 and 3 storey townhomes with a stepped back gable effect on the roof line. The parkade will be on a stepped

slab providing two levels of parking. Road improvements planned for the area include a wider turning radius on 18th Avenue at Leaside and the developer is providing a road dedication for this purpose.

****Councillor Rankin retired from the Public Hearing at 8:30 p.m. and did not return to the meeting.****

Joseph Loo, 7146 18th Avenue addressed the Public Hearing advising he is not opposed to development in general and would look more favourably on the proposed development if it were a four-plex instead of a townhouse.

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. #04-36, Bylaw No. 11815 be now terminated."

CARRIED UNANIMOUSLY

5. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 72, 2004" - BYLAW NO. 11816

Rez. #03-63

3898 Albert Street - located within the Hastings Street Area Plan on the south side of Albert Street at Ingleton Avenue

Lot 10, Blk 7, D.L. 116, Group 1, NWD Plan 1236

From: R5 Residential District

To: CD Comprehensive Development District (based on RM6 Hastings Village Multiple Family Residential District and Hastings Street Area Plan guidelines, and in accordance with the development plan entitled "3898 Albert Street" prepared by Lung Designs Group Ltd.)

The purpose of the proposed zoning bylaw amendment is to permit the construction of a 4-unit townhouse development with carport parking.

The Advisory Planning Commission advised Council that following its consideration of this rezoning application, a decision was reached to SUPPORT Rez.#03-63, Bylaw No. 11816.

Ed Hyashi, 5766 Rhodes Street, Vancouver, B.C., appeared before the Public Hearing to respond to any questions from Council with respect to the 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.#03-63, Bylaw No. 11816 be now terminated."

CARRIED UNANIMOUSLY

6. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 73, 2004" - BYLAW NO. 11817

Rez. #04-57

8745 Government Street, Strata #1, #2, #3, #4 - 8745 Government Street - located on the north side of Government Street just east of the Gaglardi Way overpass

Lot 1 except part in phase 1 Strata Plan LMS4660, DL 10, Group 1, NWD Plan LMP46893, Strata Lots 1, 2, 3, 4, DL 10, Group 1, NWD Strata Plan LMS4660, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V

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 Lougheed Town Centre Plan guidelines and in accordance with the development plan entitled "Proposed Multi-Family Development for Habitat For Humanity" prepared by Wayne Stephen Bisskey Architecture Inc.)

The purpose of the proposed zoning bylaw amendment is to permit additional living space within the lower level of the remaining townhouses to be constructed on the site and minor adjustments to the exterior design.

The Advisory Planning Commission advised Council that following its consideration of this rezoning application, a decision was reached to SUPPORT Rez.#04-57, Bylaw No. 11817.

Wayne Bisskey, 21412 River Road, Maple Ridge, B.C., applicant, appeared before the Public Hearing to respond to any questions from Council. Mr. Bisskey advised Habitat for Humanity originally obtained zoning for the site in 1999. The organization usually renovates single family dwellings and this multi-family development was a new project for them. The current application is to increase utilization of available space by allowing the cellar area to be converted to either a family room, play room or extra bedroom. There will be no change in the height of the building. The rezoning will make the development more cost effective and allow a better utilization of available space.

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.#04-57, Bylaw No. 11817 be now terminated."

CARRIED UNANIMOUSLY

7. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 74, 2004" - BYLAW NO. 11818

Rez. #04-46

Ptn. of 4500 Kingsway - located on the second floor within the Crystal mixed-use development at the southeast corner of Kingsway and Willingdon Avenue but the subject skysign is located on the sixth floor parapet

The Clerk noted a typographical error in the staff report. The correct LMS reference number appears in the legal description set out below.

Strata Lot 169, D.L. 153, Group 1, NWD Plan LMS 3863, together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form 1

From: CD Comprehensive Development District (based on RM3 Multiple Family Residential District, C3 General Commercial District, P2 Administration and Assembly District)

To: Amended CD Comprehensive Development District (based on RM3 Multiple Family Residential District, C3 General Commercial District, P2 Administration and Assembly District and in accordance with the development plan entitled "HSBC Crystal - Roof Top Tender Package" prepared by HSBC Bank Canada)

The purpose of the proposed zoning bylaw amendment is to permit modification of an existing skysign.

The Advisory Planning Commission advised Council that following its consideration of this rezoning application, a decision was reached to SUPPORT Rez.#04-46, Bylaw No. 11818.

A letter dated 2004 October 20 was received from AA Property Management Ltd. advising that the City of Burnaby erected two signs for rezoning within the Crystal Mall/Office/Hotel complex and approved the provision of a cooler in a strata lot in The Crystal Mall *without* the prior notification and consultation to the Strata Corp./owners of the complex. The writer requested that a formal notice be forwarded to them advising when the signs will be removed.

Relating to the issue and concerns for approval of building a cooler in strata lot #37 in the Crystal Mall the writer advised that it is important that the owner obtain proper approval from the Strata Council.

A letter dated 2004 October 26 was received from AA Property Management requesting the City require the applicant to obtain approval from the Strata Corporation and to reserve space for future restaurant signage.

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

MOVED BY COUNCILLOR EVANS:
SECONDED BY COUNCILLOR DHALIWAL:

"THAT this Public Hearing relating to Rez.#04-46, Bylaw No. 11818 be now terminated."

CARRIED UNANIMOUSLY

ADJOURNMENT

MOVED BY COUNCILLOR EVANS:
SECONDED BY COUNCILLOR CALENDINO:

"THAT this Public Hearing do now adjourn."

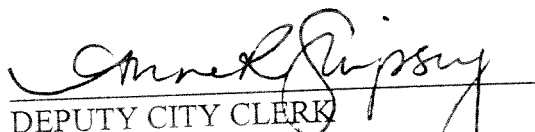
CARRIED UNANIMOUSLY

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

Confirmed:

Certified Correct:


ACTING MAYOR


DEPUTY CITY CLERK