

2004 January 27

A Public Hearing (Zoning) was held in the Council Chamber, City Hall, 4949 Canada Way, Burnaby, B.C. on Tuesday, 2004 January 27 at 7:30 p.m.

PRESENT: Mayor Derek 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
Councillor N. M. Volkow

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. 1, 2004" - BYLAW NO. 11675

Rez. #03-49

7671 Griffiths Lane & 6870 Rumble Street

Lot 4 Except: Firstly: Part Subdivided by Plan 22426, Secondly: Part on Statutory Right-of-Way Plan 67388, Blk 2, D.L. 169, Group 1, NWD Plan 992; and Lot A, D.L. 160, Plan LMP 303

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 "Canyonwood Townhouse Development" prepared by Tomizo Yamamoto Architect Inc.)

The purpose of the proposed zoning bylaw amendment is to permit the construction of a 25-unit stacked 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.#03-49, Bylaw No. 11675.

A letter dated January 15, 2004 was received from S.J Stefan, #110 - 6860 Rumble Street, Burnaby advising Council about concerns regarding traffic and access to the proposed site and questioning whether traffic lights are proposed for Rumble Street.

A letter dated January 26, 2004 was received from David Daghgren, Lang Michener, Barristers and Solicitors writing on behalf of the Owners Strata Plan LMS 345 which is the strata complex located at 6820 and 6860 Rumble Street adjacent the subject site. The writer noted a number of concerns regarding the proposed zoning change related to access, safety, soil erosion and instability, density, noise and privacy. The letter concludes that the writer's client is opposed to the proposed application and asks that should the application be approved it be subject to a number of conditions outlined in the letter.

A petition dated January 26, 2004 and containing the signatures of 63 owners of 6820 and 6860 Rumble Street was received. The text of the petition reads as follows:

"As owners of 6820 and 6860 Rumble Street we would like to express our concerns re. The use of easement between Noort Homes and the City of Burnaby that will negatively impact our complex. We are very concerned that our private road will be shared by residents of another strata who have no legal liability with respect to our road.

"Potential problems that would include, but not be limited to legal liability, are:

- Loss of Privacy - negative impact on property values,
- Impact of additional traffic on our roadway could lead to increased crime in an area that has already experienced an alarming incidence of burglary in the past five years.
- Added traffic resulting from the planned additional 47 parking spots will lead to a deterioration of the physical roadway and also increase the danger of accidents,
- The planned 7 visitor parking spots are inadequate for the size of this new development and we fear that their visitors will utilize our visitor parking garage.
- With the introduction of construction vehicles we anticipate the possibility of children being injured, damage to the rest area in front of the gazebo and restricting our access to the parking garages particularly to the 6860 Rumble garage which will share the same cul-de-sac as the planned easement.

Please consider the impact to an established community that has developed over the last twelve years in considering this petition."

A letter dated January 27, 2004 was received from Jeffrey Gogol, 407 - 6820 Rumble Street, Burnaby advising that as a resident he is very concerned with the proposed development as specified by Noort Homes. The writer outlines concerns regarding access, safety and density. In conclusion Mr. Gogol suggests that if the proposed amendment is approved that conditions be placed upon such approval.

Suzanne Groleau, 6860 Rumble Street, Burnaby appeared before the members of Council advising that while she is a member of the Strata Council of her complex she is appearing on her own behalf as an owner of a property impacted by the subject application. Ms. Groleau referred to a series of photographs that had been distributed to Council members earlier to illustrate her concerns regarding aspects of the rezoning proposal.

Photograph #1, showing the northwest side of the complex, indicates an area that could be a possible alternate access to the subject site. Photo #2 shows the entrance to her complex which is the access currently being proposed - the road is very narrow and will pose problems for larger vehicles such as delivery trucks. Also shown in the photo, noted the speaker, is the real estate signage for her complex and she questioned where such signage would be located for the new development. The length of the narrow road and the extensive landscaping were pointed out in photo #3 and #4 shows the 90° angle this narrow road takes. The angle of the road is of particular concern to residents because, during the construction phase, large trucks will be utilizing the road. Photos #5 and #6 show the, almost hidden, driveway to the visitor parking garage, the landscaping that is maintained along the roadway and the cul-se-sac where the new complex will join theirs. Additional traffic, passing this hidden driveway is a safety concern noted the speaker. Photos #7 and #8 show the proposed access point to the proposed new parking garage, the proximity to their visitor parking and the fence, retaining wall and handicapped rail that will need to be removed for construction of the new development. Photos #9 to #11 illustrate how densely populated this area already is.

In addition to the comments related to the photographs, Ms. Groleau asked that Council give consideration to the impact the development will have on soil conditions in the area. There already appears to be slippage of soil to the south of 6860 Rumble Street, noted the speaker, and this raises concerns about what impact additional weight of another development higher up the slope will have. This area is in a watershed and water runoff may cause further soil problems for both sites during and after construction, concluded Ms. Groleau. Lastly, the speaker requested all necessary studies be undertaken to ensure the safety and integrity of both developments before making a decision on this application.

In response to a request from Council, Mr. J. Belhouse, Director Planning and Building provided a brief history of the development proposal. This property was originally proposed for development by Polygon who wanted to develop all three sites together; however, at the time, they were unable to acquire this third site. The two currently developed sites were built on the condition that an access easement be left to allow future access to the third site. The existing house on the site has a private access road agreement with the railway with the agreement ending when the house is removed.

In response to queries from Council, Ms. Groleau noted the following: the easement access is approximately 32 feet in width and no stopping or parking is permitted on it; there appears to be differing opinions between planning staff and the developer with regard to construction access to the site; the developer has advised the fence will be replaced with stairs connecting the properties and the handicapped rail shortened; and there are only three street parking spaces available off the property.

For the clarification of Council, Mr. Belhouse advised, following recent discussions with the applicant, construction access and egress will be from the Griffiths Lane side of the property, under the Skytrain guideway, for the first half of construction and, during the second half, truck access would be from Rumble Street and the easement lane but they would leave through the Griffiths Lane.

In response to Council's inquiry if she is opposed to the development of the neighbouring property, Ms. Groleau advised that she realizes the property will be developed but objects to the way in which this project has been proposed – if there is no other way to have these objections resolved then she must take the position of being opposed to the entire development. The speaker also advised that neither she nor any of the other owners she has spoken to were aware of the agreement regarding the use of the lane easement for access to the other site. Further, Ms. Groleau noted it has not been made clear as to how they would be compensated for landscaping maintenance, snow removal or how vehicle speed in the lane will be monitored by the new Strata Board. It would appear that the new development is reaping the benefit of having the lane but not contributing to it.

Jon Stewart, 112 - 6820 Rumble Street, appeared before Council to express his concern about safety, particularly regarding the use of the lane easement for construction access. The driveway pavement is only 20 feet wide and he is concerned that even after the construction phase, large vehicles such as garbage and sanitation trucks, delivery vehicles and emergency vehicles will also be using the easement access and parking where? As the parent of a young child, Mr. Stewart advised traffic safety is his primary area of concern because of the proposed increase in the amount of traffic running through their complex.

With regard to parking, the speaker noted that there are approximately 30 visitor spaces in his part of the complex and there are others in the other part; these spaces are well used and he is concerned the Strata may be forced to add a security gate to keep visitors to the new development out of their parking areas.

Mr. Stewart also questioned where the identifying signage for the new development will be located. He is concerned this could create traffic problems because drivers will pass by the entrance, see the name sign and then have to double back to access the complex. This situation will add to an already stressed traffic situation at the Rumble and Griffiths intersection.

Jocelyn Maylor, 6820 Rumble Street, Burnaby appeared before Council members advising that she understands from media reports there is a development boom happening in Burnaby and, while she acknowledges the fact the neighbouring site will be developed, she would like the issue of the access easement looked at by Council. The speaker noted that while the easement issue may have looked good on paper 12 years ago, there is now a community built up where all this additional traffic is supposed to go. Ms. Maylor informed Council she shares the concerns expressed by previous speakers and concluded by requesting Council take another look at options to access the new development.

In response to a query by Council whether she supports something being built on the adjacent site, Ms. Maylor noted that she sees nothing that will prevent it and she understands that growth must take place.

In response to a query from Council, Mr. Belhouse advised that the existing access to the subject property is via a private crossing agreement with Southern Rail and is protected by a covenant which upon removal of the existing house will be dissolved. Mr. Belhouse confirmed it is possible to pursue a similar agreement.

Jon Stewart, 112 - 6820 Rumble Street, Burnaby again appeared to respond to queries from Council regarding the status of the BC Hydro railway crossing, advising that the tracks are not used and urged Council explore this avenue to obtain access to the proposed development site. Mr. Stewart stressed to Council that property values and livability of the neighbouring properties will be impacted if the matter of access is not addressed.

Glen Noort, 21522 46B Avenue, Langley of Noort Homes Ltd., the applicant for the proposed development, appeared before Council members to address some of the issues raised by speakers. Mr. Noort advised that it is proposed to bind the new Strata Board into entering into a cost-sharing agreement with the neighbouring Strata for road maintenance and liability insurance. With regard to access to the proposed development site, Mr. Noort advised he had originally hoped to access the property from Giffiths Lane and exist via the Right-of-way lane; however they now will access the property during the first phase via Griffiths Lane and exit Griffiths Lane and during the second phase enter via the Right-of-way lane and the cul-de-sac and exit via Griffiths Lane.

In response to queries from Council, Mr. Noort confirmed the following: the cost-sharing agreement will have to be between the Strata Council of the newly developed site and the Strata Council of the neighbouring complex; its is their intention not to have any loaded trucks go down the easement (right-of-way) lane; Noort Homes will be responsible for any damage they may do to neighbouring property during construction; the Griffiths Lane access/egress cannot be used for the whole construction period because of difficulties related to the differences in height in elevation between the railway and the subject site and would require a ramp and similarly, both the alternate permanent access options would have extreme elevation differences from the road into the underground parking and the Rumble Street option is only 13 feet wide.

Suzanne Groleau, 6860 Rumble Street, Burnaby appeared again to suggest that the railway access could be used if the development were re-designed and additional funds allocated to build a ramp.

Karen Peterson, 6860 Rumble Street, Burnaby appeared before members of Council advising that as an original purchaser in this development she was always aware the subject site would eventually be developed. She does not have a problem with development of the site but is opposed to the access as proposed. The speaker noted she owns the property right by the driveway and is very concerned the impact additional traffic will have on her and her property.

In response to a query from Council as to whether she was aware of the access easement agreement, the speaker advised she had not been made aware of the agreement when she purchased her unit, only that the site would be developed in the future.

Christine Lamb, 6860 Rumble Street, Burnaby appeared before Council advising she echoes the comments made by previous speakers and inquired about what is considered when earth is moved on a development site.

Mr. J. Belhouse, Director Planning and Building advised that stormwater and sediment control plans must be submitted and approved by Planning as part of the rezoning process and these are monitored during the construction phase.

Scott Webber, 6860 Rumble Street, Burnaby appeared before members of Council to suggest that there is already a problem with soil stability in this area and inquired whether studies, including looking at soil conditions further down the slope, will be undertaken.

Mr. Belhouse noted that the site will be fully engineered and monitored and should a concern be identified it will be looked at by City staff.

Mr. Webber concluded by advising he agrees with the concerns expressed by previous speakers, particularly with regard to use of the easement lane access. The speaker suggested the fact the easement agreement is in place is being taken advantage of but it may not be the best option for all involved. In response to a query from Council, Mr. Webber clarified that he believes the soil south of 6860 Rumble Street is moving down towards the ravine.

- ** Councillor Rankin retired from the Public Hearing at 8:40 p.m.
- ** Councillor Rankin returned to the Public Hearing at 8:42 p.m.

The speaker also clarified that he understands it is inevitable that the adjacent site will be developed but he objects to the point of access and is concerned about soil conditions.

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.#03-49, Bylaw No. 11675 be now terminated."

CARRIED UNANIMOUSLY

2. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 2, 2004" - BYLAW NO. 11676

Rez. #46/97

5698 Hastings Street

Lot 64 Except: Part Road on Plan LMP27187, D.L. 127, Group 1, NWD Plan 29087

From: C2 Community Commercial District

To: CD Comprehensive Development District (based on RM4 Multiple Family Residential District, C2 Community Commercial District and Apartment Study Area "B" as guidelines with a maximum density of 1.9 FAR, and in accordance with the development plan entitled "5698 E. Hastings Street prepared by Stephen Cheung Architect Inc.)

The purpose of the proposed zoning bylaw amendment is to permit the construction of a mixed-use residential/commercial 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.#46/97, Bylaw No. 11676.

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.#46/97, Bylaw No. 11676 be now terminated."

CARRIED UNANIMOUSLY

3. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 3, 2004" - BYLAW NO. 11677

Rez. #03-45

6700 Southridge Drive

Lot A, D.L. 171, Group 1, NWD Plan LMP 45547

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

To: Amended CD Comprehensive Development District (based on M2 General Industrial District, M5 Light Industrial District and in accordance with the development plan entitled "Bombardier Transportation Inc." prepared by Christopher Bozyk Architects)

The purpose of the proposed zoning bylaw amendment is to permit general office uses in the existing office area of the existing Centre for Advanced Transit Systems.

The Advisory Planning Commission advised Council that following its consideration of this rezoning application, a decision was reached to SUPPORT Rez.#03-45, Bylaw No. 11677.

Jim Milligan, 2719 Nelson Avenue, Vancouver appeared before members of Council advising he is opposed to the subject rezoning proposal because the building was built as a world-class manufacturing facility and it would be a better use of the property to maintain it for manufacturing.

Phil Christie, Partnership Department, Ministry of Transportation and Highway, 940 Blanchard Street, Victoria appeared before members of Council advising that, according to the information they have, use of this facility to build SkyTrain or any other rapid transit vehicles in the future, is extremely unlikely and, therefore, they are looking to sell the building. The building has been on the market for quite some time and since considerable money is being spent to finance and maintain it they would like to sell it as soon as possible. Mr. Christie acknowledged the building is a beautiful facility; however since there have been no offers to purchase it for manufacturing use they feel the proposed change to allow office use is the best option.

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.#03-45, Bylaw No. 11677 be now terminated."

CARRIED UNANIMOUSLY

4. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 4, 2004" - BYLAW NO. 11678

Rez. #03-42

Ptn. of 8398 North Fraser Way

Ptn. of Lot 5, D.L. 155C, 166 & 167, NWD Plan LMP59018

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

To: Amended CD Comprehensive Development District (based on M2 General Industrial District, M5 Light Industrial District Use and Density and Burnaby Business Park Concept Plan, and in accordance with the development plan entitled "Stylus" prepared by The Beedie Group)

The purpose of the proposed zoning bylaw amendment is to permit the development of a furniture manufacturing facility.

The Advisory Planning Commission advised Council that following its consideration of this rezoning application, a decision was reached to SUPPORT Rez. #03-42, Bylaw No. 11678.

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.#03-42, Bylaw No. 11678 be now terminated."

CARRIED UNANIMOUSLY

5. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 5, 2004" - BYLAW NO. 11679

Rez. #03-37

8355 Riverbend Court

Lot 3, D.L. 155, Group 1, NWD Plan BCP 5813

From: CD Comprehensive Development District (based on M2 General Industrial District, M3 Heavy Industrial District and M5 Light Industrial District)

To: Amended CD Comprehensive Development District (based on M2 General Industrial District, M3 Heavy Industrial District and in accordance with the development plan entitled "New Building for Weatherhaven" prepared by CTA Design Group)

The purpose of the proposed zoning bylaw amendment is to permit the development of a multi-tenant manufacturing/warehouse facility.

The Advisory Planning Commission advised Council that following its consideration of this rezoning application, a decision was reached to SUPPORT Rez.#03-37, Bylaw No. 11679.

John Kristianson, CTA Design, 925 W. 8th Avenue, Vancouver appeared before members of Council advising he was available to answer questions Council may have with regard to the 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.#03-37, Bylaw No. 11679 be now terminated."

CARRIED UNANIMOUSLY

6. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 6, 2004" - BYLAW NO. 11680

Text Amendment

The purpose of the proposed zoning bylaw text amendment is to amend the M4 Special Industrial District to delete single and two family dwelling uses except for those lots currently being lawfully used for residential purposes.

The Advisory Planning Commission advised Council that following its consideration of this text amendment a decision was reached to SUPPORT the Bylaw No. 11680.

There were no further submissions received in connection with this proposed text amendment.

MOVED BY COUNCILLOR EVANS:

SECONDED BY COUNCILLOR JOHNSTON:

"THAT this Public Hearing relating to the Text Amendment, Bylaw No. 11680 be now terminated."

CARRIED UNANIMOUSLY

ADJOURNMENT

MOVED BY COUNCILLOR EVANS:
SECONDED BY COUNCILLOR JOHNSTON:

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


CARRIED UNANIMOUSLY

The Public Hearing (Zoning) adjourned at 9:00 p.m.

Confirmed:

Certified Correct:


MAYOR


ADMINISTRATIVE OFFICER
OPERATIONS