

A Public Hearing (Zoning) was held in the Council Chamber, City Hall, 4949 Canada Way, Burnaby, B.C. on Tuesday, 2004 September 28 at 7:30 p.m.

PRESENT: Mayor D.R. Corrigan. (*Arrived 7:50 p.m.*)
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

ABSENT: Councillor P. Calendino

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

The Public Hearing was called to order at 7:30 p.m. with Acting Mayor D.N. Johnston in the Chair.

1. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 63, 2004" - BYLAW NO. 11788

Rez. #03-51

2654 & 2548 Eastbrook Parkway; 4510, 4536, 4642, 4470, 4343, 4373, 4443 & 4855 Still Creek Avenue; 2561, 2539 & 2517 Willingdon Avenue; 2549 & 2650 Beta Avenue; 2871 Westminster Avenue; together with additional unaddressed B.C. Hydro and City properties - generally located in the Eastbrook Executive Park area, east of Willingdon Ave., along Still Creek Ave. and Eastbrook Parkway

Lots 139 & 140, DL 70 and 124, Grp. 1, NWD Plan 56682; Lots 43 & 44, DL 70, Grp. 1, NWD Plan 55092; Lot 133, DL 70 and 73, Grp. 1, NWD Plan 51872; Blk 14, DL 119, Grp. 1, NWD Plan 2855; Blk 15, Except: West 116 ft., DL 119, Grp. 1 NWD Plan 2855; The West 116 ft. of Blk 15, DL 119, Grp. 1, NWD Plan 2855; Lot 3 Except: Firstly: Part on Ref. Plan 7199, Secondly: Parcel "A" (Ref. Plan 33001), DL 119, Grp. 1, NWD Plan 3818; Lots 1 & 2, DL 119, Grp. 1, NWD Plan 3813; Lot 1, DL 70 & 73, Grp. 1, NWD Plan 13400; Parcel "B" (Ref. Pl. 4406), D.L. 124, Grp.1 Except: Part subdivided by Plan 42351) NWD; Lot A, Blk 1 Except: Part subdivided by Plan 42037, D.L. 73, Grp. 1, NWD Plan 4326; Ptn. of Parcel "A" (Ref. Pl. 3319), D.L. 124, Grp. 1, Except: Parcel "H" (Exp. Pl. 13414), NWD; Lot C, Blk 1, DL 73, Grp. 1, NWD Plan 4326; East half Lot 9 Except: Part Subdivided by Plan 13400, Blk 1, DL 70, Grp. 1, NWD Plan 1407; Lot 10 Except: Firstly: Part Subdivided by Plan 13400, Secondly: Parcel "C" (Bylaw Plan 60760), Blk 1, DL 70, Grp. 1, NWD Plan 1407; Parcel "F" (Reference Plan 6763), DL 124, Grp.1, NWD; That part marked Vancouver Fraser Valley and Southern Railway, DL

73, Grp. 1, NWD Plan 3060 Except: Firstly: Parcel B (Bylaw Plan 60760), Secondly: Part on Statutory ROW Plan 26541; Parcel 'C' (Bylaw Plan 60760), Lot 10, Blk 1, DL 70, Grp. 1, NWD Plan 1407; Parcel 'B' (Bylaw Plan 60760), part DL 73 Grp. 1 shown marked Vancouver Fraser Valley and Southern Railway on Plan 3060 NWD; Parcel 'A' (Bylaw Plan 60760) Lot 11, Blk 1, DL 70, Grp. 1, NWD Plan 1407

From: M1 Manufacturing District, M2 General Industrial District, CD Comprehensive Development District (based on M2 General Industrial District), CD Comprehensive Development District (based on M5 Light Industrial District, P2 Administration and Assembly District and C2 Community Commercial District), CD Comprehensive Development District (based on M2 General Industrial District and M3a Heavy Industrial District)

To: Amended CD Comprehensive Development District (based on M1 Manufacturing District, M5 Light Industrial District, C2 Community Commercial District and C6a Gasoline Service Station District guidelines and in accordance with the development plan entitled "Costco Wholesale" prepared by Mitchell C. Smith) and P3 Park and Public Use District

The purpose of the proposed zoning bylaw amendment is: to permit warehouse wholesale/retail, gas bar and office development on Lot 1; to establish community plan guidelines for future restaurant development on Lot 2, subject to amendment rezoning based on a specific plan of development; to establish community plan guidelines for future auto-mall development on Lots 3 and 4 specifically to accommodate the relocation of existing new car dealerships in the Brentwood Town Centre, subject to amendment rezoning(s) based on specific plans of development; to accommodate the City works yard on Lot 5; to protect Lot 6 as a conservation area.

The Clerk noted for the record that, at its meeting of 2004 September 27, Burnaby City Council received two reports from the Director Planning & Building with regard to the subject bylaw.

The first report discussed an option for the provision of full service refueling "on request" for the gas bar proposed in relation to the Costco application.

Following consideration of this report, Council defeated the recommendation for the alternative provision of full-service refuelling. A recommendation that the report be forwarded to the September 28 Public Hearing was adopted.

The Director Planning & Building has advised that Costco has now confirmed that they will provide at least one dual-side, full serve pump, in accordance with the Burnaby Zoning Bylaw.

The other report discusses the development viability for the sites (3 and 4) located west of Willingdon Avenue and the following recommendations were adopted by Council:

- “1. **THAT** prerequisite “aa” for Rezoning Reference #03-51 be amended to the following, to apply to Lot 3 only:
 - “aa. Registration of a Section 219 Covenant over Lot 3 restricting car dealership developments to existing new car dealers relocating from locations within the Brentwood Town Centre.”
2. **THAT** the development guidelines for Lot 4 be amended to permit the following potential uses:
 - i. flagship Harley Davidson motorcycle dealership with museum
 - ii. new car dealerships
 - iii. M5 type business centre uses
3. **THAT** this report be submitted to the Public Hearing for the subject rezoning on 2004 September 28.”

A letter dated September 21 was received from H.B. Nowak, Secretary, Standard Building Supplies, 4925 Still Creek Avenue advising that they support the subject rezoning application and agree that the proposed development is an appropriate land use for the subject area. The writer notes that, while the report indicates the developer is responsible for construction of a new alignment of Still Creek Drive, west of Willingdon Avenue to Beta, the company is concerned there is no commitment from the City of Burnaby to complete the link from Douglas Road to Willingdon. Included with this letter were copies of previous correspondence that indicate local interest in having this road extension completed in a timely manner.

The Advisory Planning Commission advised Council that following its consideration of this rezoning application, a decision was reached to SUPPORT Rez.#03-51, Bylaw No. 11788.

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.#03-51, Bylaw No. 11788 be now terminated."

CARRIED UNANIMOUSLY

2. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 64, 2004" - BYLAW NO. 11789

Rez. #03-73

7007/19/31/43/55/67/79 - 17th Avenue, 7060 18th Avenue - located to the northeast of Griffiths Drive between 17th and 18th Avenue

Lots 20 to 26, D.L.95, Group 1, NWD Plan 1643; Lot 229, D.L. 95, Group 1, NWD Plan 67368

From: R5 Residential District

To: CD Comprehensive Development District (based on RM4 Multiple Family Residential District with an Amenity Bonus and the Edmonds Town Centre Plan as Guidelines, and in accordance with the development plan entitled "Residential Development on Lot 7007/19/31/43/55/67/79-17th Avenue 7060 18th Avenue" prepared by Howard Bingham Hill Architects)

The purpose of the proposed zoning bylaw amendment is to permit the construction of a high-rise apartment building with street-fronting townhouse units and underground parking which is consistent with the Council adopted Edmonds Town Centre Plan.

The Advisory Planning Commission advised Council that following its consideration of this rezoning application, a decision was reached to SUPPORT Rez.#03-73, Bylaw No. 11789.

David Myles, 7106 18th Avenue appeared before Council advising that he resides in the historic Patterson House, located on the grounds of the Winston Gate development, in close proximity to the subject site. The speaker noted he had only recently become aware of this development plan and had not been able to fully investigate the consequences of such a large development being built so close to his home. Mr. Myles is extremely concerned about the impact the height of this building will have on his property, especially with regard to loss of sunlight. The speaker commented that he has already been experiencing problems with dust/dirt, noise and traffic from construction that is taking place in the neighbourhood and, if approved, this development will make the situation worse. Mr. Myles questioned whether the development will require access to his property when it comes to installing water and sewer lines as he understands the lines end on his property.

The speaker suggested the density, as proposed in this application, is too high for the neighbourhood, which is comprised mostly of single family and townhouse development. Lastly, Mr. Myles questioned what impact a development of this size will have on environmentally, sensitive Byrne Creek and the ravine which are in close proximity to the subject property.

Kevin Cudihee, 7179 - 18th Avenue appeared before members of Council to express his concern about the density and height of the proposed development. Mr. Cudihee noted that the height of the proposed building will cut light to his property and negatively impact the view. The speaker is also concerned about environmental issues related to development of this site which will require the cutting of mature trees and impact water run-off and drainage. Mr. Cudihee noted that there are already six condominium developments under construction in this neighbourhood and he does not believe the current infrastructure will be able to handle such an increase in density, especially when you consider the amount of traffic that will be generated.

In conclusion, Mr. Cudihee observed the height of the proposed building is not in keeping with existing development in the area since the majority of multi-family residences do not exceed 10 stories in height.

** His Worship, Mayor Derek R. Corrigan arrived at the Public Hearing at 7:50 p.m. and assumed the Chair. Councillor Johnston took his place at the Council table.

Debbie Driver, 7582 - 15th Street and Chanella Lapierre, 7290 Stride Avenue, both local school students, appeared before members of Council to express their opposition to the subject development. The speakers expressed concern about the loss of this forested area and the impact that will have on wildlife, the water table and Byrne Creek. This small, but peaceful area, is widely used by local residents for walking, biking and generally for enjoying nature, the speakers concluded.

Jason Zurba, 7255 - 17th Avenue appeared before members of Council reading a letter from his wife which expressed her concern about the negative impact this development will have on the environment, including the potential loss of trees and damage to the ravine and creek. There is no great need for another high-rise in Burnaby; however, it is essential to protect our environment, Mr. Zurba concluded on behalf of his wife. In adding his own comments, Mr. Zurba noted the irony of the potential for damage to the ravine coming from a site located next to Patterson House, the former home of a Burnaby resident who worked so hard to convince the City to preserve its ravines for parkland. Mr. Zurba also noted that he had not seen any indication of what environmental studies, particularly a limnological study, had been undertaken in relation to this proposal.

Joan Carne, 6392 Neville Street appeared before Council members advising that, as a member of the Byrne Creek Streamkeepers, she is very concerned about the loss of natural habitat in the Edmonds Area because, once valuable habitat is lost, we won't be able to replace the water and air services offered by this last forested area. Ms. Carne suggested that Burnaby needs to review its Plan for the Edmonds Area and re-evaluate where to increase density, including looking at previously developed areas like Kingsway for re-development. The speaker pointed out the depth of the proposed underground parking structure as an area of concern because of its potential to impact the Byrne Creek water table.

Susan Shairp, 7337 - 18th Street, also a member of the Byrne Creek Streamkeepers, appeared before Council to express her concern about the proposed development and the fact that there is no stormwater management plan to review. The speaker noted that creek erosion and stormwater will negatively affect properties downstream from this site. Ms. Shairp also noted that the height of the proposed building is a concern because it would be the only building in the area to be constructed to such a height (most are 11 stories maximum) and the shadow of the building will negatively affect neighbouring properties.

His Worship, Mayor Corrigan directed the speaker to Section 3.15 of the staff report which notes that an on-site stormwater management system is a requirement of the application, along with suitable funding and a covenant to guarantee its effectiveness and continuation.

Kevin Cudihee, 7179 - 18th Avenue again appeared before Council to inquire whether any shadow studies were conducted for the proposed building.

J.S. Belhouse, Director Planning and Building advised that shadow studies were conducted in the spring and fall.

Jason Zurba, 7255 - 17th Avenue again appeared before Council to inquire whether any limnological studies were conducted of Byrne Creek in relation to the application.

Mr. Belhouse advised that the application was reviewed by the Environmental Review Committee, which includes representatives of the Fisheries Dept., and it received approval subject to the implementation of an appropriate stormwater management plan. Mr. Belhouse also pointed that considerable effort has been made to protect the two large forested areas which are located on two sides of the lot which will be protected by a covenant.

In response to the speaker's inquiry regarding alteration of foliage in the protected area, Mr. Belhouse noted that invasive species will be removed from those areas and replaced with native plant species and that any trees that are deemed to be hazard will be permitted to be removed.

David Myles, 7106 - 18th Avenue, again appeared before Council to encourage Council to consider the legacy of Mr. Patterson for protecting ravines and streams in Burnaby.

Louise Towell, 7290 Stride Avenue appeared before members of Council expressing support for the comments made by previous speakers regarding the loss of this green space. Ms. Towell noted that this area is so beautiful and, as the last of the forested area in this neighbourhood, and it would be a shame to lose it. In conclusion, the speaker asked Council to reconsider the Edmonds Area Plan and the proposed high-rise development planned for this site.

Tanis Sawtell, 7179 - 18th Avenue appeared before Council members to express her opposition to the development proposal. The speaker noted that this proposal is a pocket of high-rise development surrounded by low-rise multi-family and single family residences, while high-rise towers are usually situated in clusters; making this development appear out-of-place in this neighbourhood. The speaker advised she understands the site will be developed but she would prefer to see a low-rise development and not as high a density. Ms. Sawtell also expressed concern about the impact such increased density would have on the traffic situation in this area.

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.#03-73, Bylaw No. 11789 be now terminated."

CARRIED UNANIMOUSLY

3. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 65, 2004" - BYLAW NO. 11790

Rez. #03-74

This item was **WITHDRAWN** from the agenda prior to the Public Hearing.

4. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 66, 2004" - BYLAW NO. 11791

Text Amendment

The purpose of the proposed zoning bylaw amendment is to permit electronic personal play bingo, etabs and escratches within gaming facilities.

The Advisory Planning Commission advised Council that following its consideration of this text application, a decision was reached to SUPPORT Bylaw No. 11791.

The Clerk noted for the record that Council, at its meeting held 2004 September 13, AMENDED the report from the Director Planning and Building regarding electronic personal play bingo to read as follows:

‘THAT Council authorize the preparation of a text amendment to the Burnaby Zoning Bylaw to permit gaming facilities to offer electronic personal play bingo, et-tabs and e-scratches.’

These changes were reflected in the purpose of the bylaw in the official public notices.

Lynne Perkin, 2719 Ontario Street, Vancouver appeared before Council advising that she is the President of the Lower Mainland Charities Association which represents the many charities who benefit from funds generated by Boardwalk Bingo (formerly Bingo Country) located in Burnaby. Lower Mainland Charities support the proposed change that will allow their bingo hall to implement the popular electronic games, thereby making the facility more competitive and generating greater revenue. The charitable portion of these funds benefit many organizations, such as the one she represents, Yaletown House a care facility for seniors in Vancouver, and a number of local groups such as the Burnaby Barracuda's, Burnaby Neighbourhood House, Burnaby Firefighters Charitable Society and Metrotown Rotary. Ms. Perkin urged Council to adopt the proposed bylaw amendment.

Dorothy Grout, 1220 Madison Avenue appeared before members of Council, advising that, as Vice President of the Lower Mainland Charities Association and a representative of a recipient charity, Hadassah WIZO, she supports the subject amendment. The speaker informed Council that in an informal survey, recently conducted by Burnaby Now, residents were asked if they would support the use of electronic games in Burnaby's bingo facility, and 84% of the respondents indicated yes. The improvement of Burnaby's bingo facility with electronic games will allow them to compete with other similar facilities the Lower Mainland and will result in the charities receiving the benefit of continued funding for their important programs, concluded the speaker.

Scott McRitchie, President, Local 2952 of United Steel Workers of America, 7820 Edmonds Street appeared before members of Council advising he represents the 33 people currently employed at Bingo Country in Burnaby. Mr. McRitchie informed Council that Bingo Country is a good employer; paying good wages and benefits in a very competitive industry. Many of these workers live in Burnaby and with secure employment are stable members of the community, Mr. McRitchie concluded, as he urged Council to approve the proposed bylaw.

Jim Peever, Treasurer, Burnaby Firefighter's Charitable Society, 6515 Bonsor Avenue, appeared before members of Council in support of the subject bylaw. The speaker noted that last year the Society distributed \$50,000 from this revenue source to families in need in Burnaby. Bingo Country (Boardwalk) have made a serious investment in Burnaby and approving electronic games will mean they will remain viable. Having worked as a volunteer at this facility, Mr. Peever advised he knows patrons really enjoy the games and an updated facility will encourage new customers as well as the regular patrons.

** Councillor Dhaliwal retired from the meeting at 8:24 p.m. and did not return.

Jane Johnston, representing North Shore Alano Club, appeared before Council to express her organization's support for the proposed change. The funds raised from Bingo Country that go to charity are well used and make a contribution to the community. The speaker noted that patrons are well behaved, no alcohol is served and few problems have been experienced by the facility, making it a safe and stable environment for people to relax and enjoy their games. It will be a win-win situation for both bingo patrons and the charities who benefit from a thriving business.

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 the Text Amendment, Bylaw No. 11791 be now terminated."

CARRIED UNANIMOUSLY

5. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 67, 2004" - BYLAW NO. 11792

Rez. #04-45

8960 University High Street - located at the east end of the University's main axis, within the area of the East Neighbourhood in the adopted SFU OCP

Lot 2, Except: Portion on Air Space Plan BCP12692, D.L. 211, Group 1, NWD Plan BCP6258

From: CD Comprehensive Development District (based on C3 and C3f General Commercial District, RM4 Multiple Family Residential District)

To: Amended CD Comprehensive Development District (based on C3 and C3f General Commercial District and RM4 Multiple Family Residential District use and density, and SFU Community Plan guidelines and in accordance with the development plan entitled "Cornerstone Development" prepared by NSDA Architects, and the comprehensive sign plan entitled "Cornerstone Development Signage" prepared by NSDA Architects)

The purpose of the proposed zoning bylaw amendment is to include a Comprehensive Sign Plan in the Comprehensive Development Plan for the subject site.

The Advisory Planning Commission advised Council that following its consideration of this rezoning application, a decision was reached to SUPPORT Rez.#04-45, Bylaw No. 11792.

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.#04-45, Bylaw No. 11792 be now terminated."

CARRIED UNANIMOUSLY

ADJOURNMENT

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR EVANS:

"THAT this Public Hearing do now adjourn."

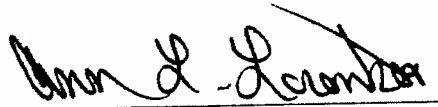
CARRIED UNANIMOUSLY

The Public Hearing adjourned at 8:30 p.m.

Confirmed:

Certified Correct:


MAYOR


ADMINISTRATIVE OFFICER
OPERATIONS