

PUBLIC HEARING

2005 December 13

A Public Hearing (Zoning) was held in the Council Chamber, City Hall, 4949 Canada Way, Burnaby, B.C. on Tuesday, 2005 December 13 at 7:30 p.m.

PRESENT: Mayor D.R. Corrigan
Councillor S. Dhaliwal
Councillor G. Evans
Councillor D.N. Johnston
Councillor C. Jordan (*arrived at 7:59 p.m.*)
Councillor L. Rankin
Councillor N.M. Volkow

ABSENT: Councillor G. Begin
Councillor P. Calendino

STAFF: Mr. Jack Belhouse, Deputy Director Planning & Building
Mr. Sid Cleave, Administrative Officer I

The Mayor called the Public Hearing to order at 7:32 p.m.

The Advisory Planning Commission did not issue a report due to the lack of a quorum at their meeting held on 2005 December 01.

1. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 54, 2005" - BYLAW NO. 12019

Rez. #05-13

7038/60/76/94/7114/34/50 Walker Avenue; 7301 Kingsway; 7321 Edmonds Street

Lots 1 - 7, D.L. 95, Plan 4277, Parcel 1, D.L. 95, Plan LMP37222 and Lot "A", D.L. 95, Group 1, NWD Plan 7101

From: R5 Residential District, C3 General Commercial District and RM3 Multiple Family Residential District

To: CD Comprehensive Development District (based on RM5 Multiple Family Residential District, C3 General Commercial District, P2 Administration and Assembly District and Edmonds Town Centre Plan as guidelines, and in accordance with the development plan entitled "Kingsway & Edmonds St. Mixed Use Development" prepared by Lawrence Doyle Architect Inc.)

The purpose of the proposed zoning bylaw amendment is to permit a mixed-use commercial/high-rise residential development on Lot 1a, and a high-rise residential development on Lot 2 and to establish development guidelines for a public library and ancillary uses on Lot 1b.

An undated letter was received from Shirley Nicholls, 103-7052 Linden Avenue, Burnaby, B.C. expressing concern regarding plans to demolish the four existing houses on the site as well as the trees.

A letter dated 2005 December 12 was received from Dennis Ng, owner of 7177 & 7179 Linden Avenue, Burnaby, B.C. expressing concern regarding the proposed road running off Arcola Street which continues to the lane off Linden Avenue. Mr. Ng requested that the proposed road be blocked from the lane altogether.

Mr. Ng further expressed concern regarding the significant portion of his property which is required for road dedication. Mr. Ng concluded by requesting that consideration be given to rezoning his property to RM4 to compensate for his loss of land and land use and higher development costs.

Mr. Larry Doyle, 200 – 1450 Creekside Drive, the project architect, appeared before members of Council to answer any questions Council may have.

There were no further submissions received regarding Rez. #05-13, Bylaw No. 12019.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR DHALIWAL:

“THAT this Public Hearing relating to Rez. #05-13, Bylaw No. 12019 be now terminated.”

CARRIED UNANIMOUSLY

2. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 55, 2005" - BYLAW NO. 12020

Rez. #04-44

6515 Bonsor Avenue

Lot 3, D.L. 152, Group 1, NWD Plan 80573

From: CD Comprehensive Development District (based on C3 General Commercial District)

To: Amended CD Comprehensive Development (based C3 General Commercial District guidelines and in accordance with the development plan entitled “Proposed Patio for Firefighters’ Social and Athletic Club” prepared by CD Robinson Engineering)

The purpose of the proposed zoning bylaw amendment is to permit an outside patio for the Firefighters’ Social and Athletic Club.

Mr. Jack Steele, Secretary/Treasurer, Firefighters’ No. 314 Holding Society, 1821 Dublin Street, New Westminster, B.C., the rezoning applicant, appeared before members of Council to answer any questions Council may have.

There were no further submissions received regarding Rez. #04-44, Bylaw No. 12020.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR DHALIWAL:

“THAT this Public Hearing relating to Rez. #04-44, Bylaw No. 12020 be now terminated.”

CARRIED UNANIMOUSLY

3. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 56, 2005" - BYLAW NO. 12021

Rez. #04-47

3871 Pandora Street

Lot 1, D.L. 186, Group 1, NWD Plan LMP30660

From: R5 Residential District, CD Comprehensive Development District (based on P1 Neighbourhood Institutional District)

To: CD Comprehensive Development District (based on P5 Community Institutional District and in accordance with the development plan entitled “St. Helen’s Elementary 3871 Pandora Street, Burnaby” prepared by Killick Metz Bowen Rose Architects and Planners Inc.)

The purpose of the proposed zoning bylaw amendment is to permit the construction of a new rectory and elementary school for a maximum of 300 students to replace the existing school and an older church building on the site.

A letter dated 2005 December 05 was received from Waldemar Sambor, Principal, St. Helen’s School, 3894 Triumph Street, Burnaby, B.C. providing letters from 85 students supporting this rezoning proposal.

Copies of letters from each of the 85 students are on file in the City Clerk’s Office.

Ms. Christina Marghetti, KMBR Architects Planners Inc., 1788 West 8th Avenue, Vancouver, B.C., the rezoning applicant, appeared before members of Council to answer any questions Council may have.

Ms. Joanne Gee, 3890 Pandora Street, Burnaby, B.C. appeared before members of Council inquiring if there will be a main or side entrance to the proposed new school right across the street from her house.

In response to the issue raised by the speaker, the Director Planning & Building advised of plans for a drop off zone across the street from Ms. Gee’s home.

The Director Planning & Building further advised that a traffic management strategy will be required to blend and coordinate school and church movements.

There were no further submissions received regarding Rez. #04-47, Bylaw No. 12021.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR DHALIWAL:

“THAT this Public Hearing relating to Rez. #04-47, Bylaw No. 12021 be now terminated.”

CARRIED UNANIMOUSLY

4. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 53, 2005" - BYLAW NO. 12009

Rez. #05-52

7238/46/50/58/66/88, 7322/36/50/62/68/80, 7406/28/42/54/64/72/84, 7520 First Street; 8216 17th Avenue; 8215 18th Avenue; 8214 19th Avenue; 8206 Wedgewood Street

Lot 16, Blk 28, DL 27, Grp 1, NWD Plan 1049; Lot 15, Blk 28, DL 27, Grp 1, NWD Plan 1049; Lot 14, Blk 28, DL 27, Grp 1, NWD Plan 1049; Lot 13, Blk 28, DL 27, Grp 1, NWD Plan 1049; Lot "A", DL 27, Grp 1, NWD Plan 13410; Lot "B", DL 27, Grp 1, NWD Plan 13410; Lot 16, Blk 27, DL 27, Grp 1, NWD Plan 1049; Lot "A", DL 27, Grp 1, NWD Plan 12150; Lot 13, Blk 27, DL 27, Grp 1, NWD Plan 1049; Lot 1, DL 27, Grp 1, NWD Plan 79492; Lot 2, DL 27, Grp 1, NWD Plan 79492; Lot 10, Blk 27, DL 27, Grp 1, NWD Plan 1049; Lot "A", DL 27, Grp 1, NWD Plan 12230; Lot "B", DL 27, Grp 1, NWD Plan 12230; Lot "C", DL 27, Grp 1, NWD Plan 13589; Lot "D", DL 27, Grp 1, NWD Plan 13589; Lot 11, Blk 22, DL 27, Grp 1, NWD Plan 1049; Lot 10, Blk 22, D.L. 27, Grp 1, NWD Plan 1049; Lot 9 except: the southerly 6.5 feet having a frontage of 6.5 feet on First Street and 6.5 feet on a lane and adjoining 17th Avenue (formerly 3rd Avenue); Blk 22, DL 27, Grp 1, NWD Plan 1049; Lot 6, Blk 2, DL 25 and 27, Grp 1, NWD Plan 14537; Lot 5, Blk 21, DL 27, Grp 1, NWD Plan 14537; Lot 9, Blk 27, DL 27, Grp 1, NWD Plan 1049; Lot 17, Blk 27, DL 27, Grp 1, NWD Plan 1049; Lot "C", Blk 28, DL 27, Grp 1, NWD Plan 14486

From: R3 and R9 Residential Districts

To: R5 Residential District

The purpose of the proposed zoning bylaw amendment is to rezone the subject properties to permit subdivision and development in accordance with the R5 Residential District.

Mr. Siegner, 7245 1st Street, Burnaby, B.C. appeared before members of Council inquiring regarding the development potential should the proposed rezoning be approved.

In response to the speaker's inquiry, the Director Planning & Building noted that if the rezoning proposal is approved then a net increase of six dwelling units would be permitted.

Mr. Peter Noel, 7266 1st Street, Burnaby, B.C. appeared before members of Council supporting the rezoning application. Mr. Noel noted that this rezoning proposal would allow larger lots to be developed in a smaller format consistent with the established pattern in the neighbourhood.

There were no further submissions received regarding Rez. #05-52, Bylaw No. 12009.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR DHALIWAL:

“THAT this Public Hearing relating to Rez. #05-52, Bylaw No. 12009 be now terminated.”

CARRIED UNANIMOUSLY

5. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 49, 2005" - BYLAW NO. 11985

Rez. #05-46

7244 Arcola Street

Parcel “D”, D.L. 95, Group 1, NWD Plan 58881

From: CD Comprehensive Development District (based on C3 General Commercial District)

To: Amended CD Comprehensive Development District (based on C3 General Commercial District, P1 Neighbourhood Institutional District and Edmonds Town Centre Development Plan guidelines and in accordance with the development plan entitled “7244 Arcola Street” prepared by Erica Yu)

The purpose of the proposed zoning bylaw amendment is to permit a child care facility in one of the existing buildings on the site with associated outdoor play areas.

This rezoning proposal was adjourned at the Public Hearing held on 2005 October 25.

Prior to adjourning the public hearing for this rezoning application, Council requested that staff prepare a report responding to the issue of a cheque distribution centre located next to the proposed child care facility.

The staff report which is included in tonight’s public hearing agenda has been available for public viewing in the City Clerk’s Office and Planning Department since noon, Tuesday, November 29, 2005.

The report dated 2005 November 28 from the Director Planning & Building advised that the non-profit society operating the retail thrift store at 7262 Arcola Street was also operating a cheque distribution office for clients of the Ministry of Employment and Income Assistance.

The report further noted that both the cheque distribution office and the retail thrift store have since vacated 7262 Arcola Street and the cheque distribution office has moved to a different location in the Edmonds community.

The Director Planning & Building recommended:

1. THAT this report be received for the information of Council.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR VOLKOW:

“That the recommendation of the Director Planning & Building be adopted.”

CARRIED UNANIMOUSLY

There were no further submissions received regarding Rez. #05-46, Bylaw No. 11985.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR DHALIWAL:

“THAT this Public Hearing relating to Rez. #05-46, Bylaw No. 11985 be now terminated.”

CARRIED UNANIMOUSLY

6. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 57, 2005" - BYLAW NO. 12022

Rez. #05-57

9191 University Crescent

Lot 11, D.L. 211, Group 1, NWD Plan BCP3161

From: CD Comprehensive Development District (based on RM4 Multiple Family Residential District)

To: Amended CD Comprehensive Development District (based on RM4 Multiple Family Residential District and SFU Community Plan guidelines and in accordance with the development plan entitled “Verdant” prepared by Gomberoff Bell Lyon Architects Group Inc.)

The purpose of the proposed zoning bylaw amendment is to permit amendment of the plan of development to include a child care facility.

A letter dated 2005 December 13 was received from Thomas Frauenberger, Van City Enterprises, 510 – 815 West Hastings Street, Burnaby, B.C. supporting this rezoning application.

Mr. Chris Hartman, S.F.U. Community Trust, 150-8960 University High Street, Burnaby, B.C., the rezoning applicant, appeared before members of Council to answer any questions Council may have.

There were no further submissions received regarding Rez. #05-57, Bylaw No. 12022.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR DHALIWAL:

“THAT this Public Hearing relating to Rez. #05-57, Bylaw No. 12022 be now terminated.”

CARRIED UNANIMOUSLY

7. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 58, 2005" - BYLAW NO. 12023

Rez. #05-36

4400 Dominion Street

Lot 42, D.L. 70, Group 1, NWD Plan 52864

From: CD Comprehensive Development District (based on P2 Administration and Assembly District, C1 Neighbourhood Commercial District and P6 Regional Institutional District)

To: Amended CD Comprehensive Development District (based on M5 Light Industrial District, C1 Neighbourhood Commercial District and P5 Community Institutional District and in accordance with the development plan entitled “Office Building Willingdon Avenue” prepared by H. Pimiskern and revised by the plan entitled “4400 Dominion Street” prepared by Sharp and Diamond)

The purpose of the proposed zoning bylaw amendment is firstly to permit a child care facility on a portion of the ground floor of the existing office building and to bring the current office use into conformity with the Burnaby Zoning Bylaw.

There were no further submissions received regarding Rez. #05-36, Bylaw No. 12023.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR DHALIWAL:

“THAT this Public Hearing relating to Rez. #05-36, Bylaw No. 12023 be now terminated.”

CARRIED UNANIMOUSLY

8. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 59, 2005" - BYLAW NO. 12024

Rez. #05-44

8035 Glenwood Drive and Portion of 8545 North Fraser Way

Lot 2, District Lot 155, Group 1, NWD Plan BCP4738, and portion of Parcel A Except: Firstly: Part Subdivided by Plan BCP 4738; Secondly: Part Subdivided by Plan BCP8172; District Lot 155, Group 1, NWD Plan BCP4737

From: CD Comprehensive Development District (based on M5 Light Industrial District and Glenwood Industrial Estates Concept Plan)

To: Amended CD Comprehensive Development District (based on M5 Light Industrial District and Glenwood Industrial Estates Concept Plan, and in accordance with the development plan entitled “Proposed CMPP Film Studio” prepared by H.R. Hatch Architect Ltd.)

The purpose of the proposed zoning bylaw amendment is to permit the development of a film production studio with associated office and workshop space.

Mr. Wolf Isachsen, Coldwell Banker Westburn, 5489 Kingsway, Burnaby, B.C., the rezoning applicant, appeared before members of Council to answer any questions Council may have.

There were no further submissions received regarding Rez. #05-44, Bylaw No. 12024.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR DHALIWAL:

“THAT this Public Hearing relating to Rez. #05-44, Bylaw No. 12024 be now terminated.”

CARRIED UNANIMOUSLY

9. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 60, 2005" - BYLAW NO. 12025

Rez. #05-43

7955 North Fraser Way

Lot 5, D.L.'s 166 and 167, Group 1, NWD Plan BCP8603

From: CD Comprehensive Development District (based on M2 General Industrial District, M5 Light Industrial District and Burnaby Business Park Concept Plan)

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

The purpose of the proposed zoning bylaw amendment is to permit the development of a glove manufacturing and warehouse facility with related office and accessory display and sales.

There were no further submissions received regarding Rez. #05-43, Bylaw No. 12025.

Councillor Jordan arrived at the hearing at 7:59 p.m. and took her seat at the Council table.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR DHALIWAL:

“THAT this Public Hearing relating to Rez. #05-43, Bylaw No. 12025 be now terminated.”

CARRIED UNANIMOUSLY

10. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 61, 2005" - BYLAW NO. 12026

Rez. #05-16

7985 North Fraser Way

Lot 6, D.L.'s 166 & 167, Group 1, NWD Plan BCP8603

From: CD Comprehensive Development District (based on M2 General Industrial District, M5 Light Industrial District and Burnaby Business Park Concept Plan)

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

The purpose of the proposed zoning bylaw amendment is to permit the development of a dairy food processing and warehouse facility with related office and a small related deli style restaurant component.

There were no further submissions received regarding Rez. #05-16, Bylaw No. 12026.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR DHALIWAL:

“THAT this Public Hearing relating to Rez. #05-16, Bylaw No. 12026 be now terminated.”

CARRIED UNANIMOUSLY

11. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 62, 2005" - BYLAW NO. 12027

Rez. #05-35

8105 North Fraser Way

Lot 3, D.L. 167, Group 1, NWD Plan BCP15933

From: CD Comprehensive Development District (based on M2 General Industrial District, M5 Light Industrial District and Burnaby Business Park Concept Plan)

To: Amended CD Comprehensive Development District (based on M2 General Industrial District, and M5 Light Industrial District Use and Density and the Burnaby Business Park Concept Plan, and in accordance with the development plan entitled “CWC Industrial Building” prepared by CTA Design Group)

The purpose of the proposed zoning bylaw amendment is to permit the development of a multi-tenant light industrial manufacturing and warehouse building with related office space.

There were no further submissions received regarding Rez. #05-35, Bylaw No. 12027.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR DHALIWAL:

“THAT this Public Hearing relating to Rez. #05-35, Bylaw No. 12027 be now terminated.”

CARRIED UNANIMOUSLY

12. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 63, 2005" - BYLAW NO. 12028

Rez. #05-59

Ptn. of 7342 Winston Street

Ptn. of Lot 118, D.L. 44, Group 1, NWD Plan 44849

From: M2 General Industrial District

To: M5 Light Industrial District

The purpose of the proposed zoning bylaw amendment is to permit business and professional offices on the subject portion of the site.

Mr. Andy Hoi, 3679 Lynndale Crescent, Burnaby, B.C. appeared before members of Council opposing this rezoning application. Mr. Hoi noted that Bosa Development Corporation is currently in violation of the zoning bylaw on the subject M2 zoned portion of 7342 Winston Street and he urged the City to expeditiously enforce this zoning bylaw.

Mr. Hoi advised that rezoning the subject portion of 7342 Winston Street from M2 to M5 would increase the number of potential tenants. Mr. Hoi further advised that undesirable tenants and businesses are disruptive to the neighbourhood and cause more traffic and parking problems.

The speaker noted that the inclusion of a sidewalk in this rezoning application is an insignificant public benefit.

Mr. Hoi further noted that the proposed bylaw amendment, if approved, would have the following consequences:

1. “Bosa” benefits and is rewarded for its violation of the zoning bylaw.
2. “Bosa”, as a professional property manager, is not accountable for this violation of this bylaw.
3. “Bosa” circumvents the zoning bylaw, which will have no integrity.
4. The City does not enforce this zoning bylaw, which “it discovers” has been violated.
5. The City is not impartial by allowing “Bosa” to proceed with its rezoning application under the above circumstances.
6. “Bosa’s” interests override our interests.
7. The City and Mayor and Council condone the circumvention of this zoning bylaw by a violator of this bylaw.”

Mr. Hoi concluded by stating that this proposed rezoning is potentially harmful to the neighbourhood.

A copy of Mr. Hoi’s presentation is on file in the City Clerk’s Office.

Mr. Hoi also submitted a petition dated 2005 December 12 containing the following comments from adjacent neighbours:

- Mr. Lorenzo Pettenon, 3675 Lynndale Crescent, Burnaby, B.C. opposed the rezoning application.
- Ms. Shiela Pierce, 3655 Lynndale Crescent, Burnaby, B.C. expressed concern regarding noise and parking on Winston Street. Ms. Pierce preferred the current zoning to remain.
- Silviu Hinta, 3659 Lynndale Crescent, Burnaby, B.C. opposed this rezoning application.
- Mr. Bill Tong, 3663 Lynndale Crescent, Burnaby, B.C. opposed this rezoning application.

- Mr. Tom Sciarretta, 3638 Lynndale Crescent, Burnaby, B.C. expressed concerns regarding noise, density and parking. Mr. Sciarretta further noted that the present tenant appears to operate a business that does not impact noise, safety or parking and suggested that the M2 zoning remain and that a bylaw relaxation be allowed only while the current tenant occupies the subject space.

A copy of the petition is on file in the City Clerk's Office

Mr. Jim Tessaro, Bosa Development Corporation, 500 -1901 Rosser Avenue, Burnaby, B.C., the rezoning applicant, appeared before members of Council advising that the proposed rezoning will allow the Adoptive Families Association of BC to continue to occupy the subject space.

Mr. Andy Hoi, 3679 Lynndale Crescent, Burnaby, B.C. appeared again before members of Council further inquiring regarding the benefit of the proposed rezoning to residents in the neighbourhood.

The Director Planning & Building noted that the proposed rezoning would restrict the range of uses for the subject space.

There were no further submissions received regarding Rez. #05-59, Bylaw No. 12028.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR DHALIWAL:

“THAT this Public Hearing relating to Rez. #05-59, Bylaw No. 12028 be now terminated.”

CARRIED UNANIMOUSLY

13. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 64, 2005" - BYLAW NO. 12029

Text Amendment

The purpose of the proposed zoning bylaw amendment is to amend the rezoning application fees in the Burnaby Zoning Bylaw.

There were no further submissions received regarding Text Amendment, Bylaw No. 12029.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR VOLKOW:

“THAT this Public Hearing relating to Text Amendment, Bylaw No. 12029 be now terminated.”

CARRIED UNANIMOUSLY

ADJOURNMENT

MOVED BY COUNCILLOR JOHNSTON;
SECONDED BY COUNCILLOR VOLKOW:

"THAT this Public Hearing do now adjourn."

CARRIED UNANIMOUSLY

The Public Hearing adjourned at 8:22 p.m.

Confirmed:



MAYOR

Certified Correct:



ADMINISTRATIVE OFFICER I