

# *PUBLIC HEARING*

2005 April 19

A Public Hearing (Zoning) was held in the Council Chamber, City Hall, 4949 Canada Way, Burnaby, B.C. on Tuesday, 2005 April 19 at 7:30 p.m.

PRESENT: Mayor D.R. Corrigan  
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, Director Planning and Building  
Ms. Gloria McCaskie, Acting Administrative Officer Operations

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

The Administrative Officer Operations advised that due to a lack of a quorum, the Advisory Planning Commission would not be reporting at this time.

1. "BURNABY ZONING BYLAW 1965, AMENDMENT  
BYLAW NO. 26, 2005" - BYLAW NO. 11907

Rez. #04-50

5389 & 5577 Byrne Road – located on the northwest side of Byrne Road and south of Marine Way

Lot 7, D.L. 162, Plan 7195 and Lot 58, D.L. 162, Group 1, NWD, Plan 59085

From: M3 Heavy Industrial District

To: CD Comprehensive Development District (based on M5 Light Industrial District guidelines, Marine Way and Byrne Road Commercial Precinct Development Plan as guidelines, and in accordance with the development plan entitled "Proposed Flex Building" prepared by Hollifield Architect Inc.)

The purpose of the proposed zoning bylaw amendment is to permit the development of a multi-tenant, strata-titled light industrial/office complex.

A letter was received from Mr. Avtar Thandi expressing his opposition to the development. Mr. Thandi advised that he has lost his property and film studio and has been forced to sell his property. The writer advised that he is still responsible for obtaining a certificate of compliance from the Ministry of Environment.

Mr. Thandi advised that it appears that the preloading from the other development, which he had opposed, without any response from the City, might be polluting the ground water flow onto his property. In concluding, the writer advised that the situation cannot be ignored as in the past.

**A letter** was received from Mr. John Butterworth, 4108 Winnifred Street, Burnaby inquiring if the City could include a dog-legged cul-de-sac road that comes in off Byrne Road at the proposed intersection and would head to the north. If it is not a legal City owned road it will not be considered a legal 4-way full flow intersection. A legal road would also give the lot to the north (5605 Byrne) a better chance at having a usable access road to their property in the future and be able to operate a viable business. The writer noted that the city should purchase the previously proposed reserve land that was to be held in reserve for future development of the property at 5605 Byrne Road.

Darren Chung, Architect, and Norm Cottie, representing Adera Equities Inc., 1055 Dunsmuir Street, Vancouver, applicant for this rezoning, appeared before Council members to respond to questions from Council with respect to the rezoning application.

Shawn Wade, 6010 10<sup>th</sup> Avenue, Burnaby appeared before Council members to advise that the Burnaby Flatlands/Big Bend Neighbourhood Preservation 'Association' is opposed to the proposal. The speaker advised that the increased traffic will place a burden on the already crowded Byrne Road and Marine Way intersection. Across the road, another shopping centre is in the process of being developed which will increase the traffic flow in area. The traffic study commissioned by the City of Burnaby outlined that even with the projected improvements to Byrne Road and Marine Way by the commercial precinct, the intersection would not be adequate; to date no scientific explanation has been provided by the consultants. In concluding, the speaker requested that further consideration and study be undertaken before traffic is increased in the area.

Mr. Wade also noted that there is the potential for the location of a hotel on the site. In addressing this issue, the speaker noted that the Association does not see the rationale for situating a hotel/motel in this area due to the heavy traffic and the soil contamination issues. The speaker reiterated that there has to be an assurance that there will be no problems in the future relating to these issues. In concluding, the speaker requested that Council reconsider the subject hotel/motel site in the proposal and how a hotel/motel would increase traffic flow in the area.

Mr. Belhouse, Director Planning and Building, responded that a traffic study was undertaken for the quadrant about 18 months ago and it has shown that the improvements being undertaken by the City of Burnaby and TransLink in concept with the adjacent redevelopment of the properties allows the laytimes at the intersection at Byrne Road and Marine Way to actually improve at the projected period 2012. As far as the hotel site is concerned, Mr. Belhouse advised that the hotel/motel site is a small type of local service facility for the businesses in the area and also offers the opportunity for office development within the site. Director Planning and Building referred to comments regarding soil contamination, and noted that the developer is required, as part of the site rezoning, to undertake a site profile and process the necessary approvals with the Ministry and the City of Burnaby.

In response to an inquiry from a Council member, Mr. Wade advised that even though the hotel is not part of the development site, the Association is opposed to a business selling liquor in this area, along with the fact, that a business of this nature will bring an increase in traffic. Mr. Wade advised that it would be more acceptable if the hotel/motel had no liquor licence.

In response to an inquiry from a Council member, Mr. Belhouse advised that there will be a six lane configuration at the intersection; allowing for left turns at a future intersection into the shopping area across the street. Mr. Belhouse advised that as part of the requirement for this rezoning, the area will be preducted for future lights at the access road, which will lead into the shopping centre.

There were no further submissions received regarding Rez. #04-50, Bylaw No. 11907.

MOVED BY COUNCILLOR EVANS:  
SECONDED BY COUNCILLOR VOLKOW:

“THAT this Public Hearing relating to Rez. #04-50, Bylaw No. 11907 be now terminated.”

CARRIED UNANIMOUSLY

2. "BURNABY ZONING BYLAW 1965, AMENDMENT  
BYLAW NO. 27, 2005" - BYLAW NO. 11908

Rez. #05-04

4105/20/22/24/28/30/38/40/48 Edinburgh Street; 4153/57/65 Lane Access; 4147/51/64/72/82 Yale Street; 4160/66/72 Trinity Street; 401 N. Carleton Avenue; 4165/72 and 4232/36/48/64/80 McGill Street; 4304/12/20/28/36/44/52/60/68/76/84/92 and 4400/12/16/24/26/32/36/38/40/44/48/52/54/60/64/68/72 Eton Street – located immediately south of the Chevron Tank Farm Site in North Burnaby on Edinburgh, Yale, Trinity, McGill and Eton Streets

Lot 44, DL 187, Grp 1, NWD Plan 49045, Lots 5, 6, 7, 8, 9, 10, 11, 22 & 24 all of Blk 33, DL 187, Grp 1, NWD Plan 1282; Lot 12 Except: part subdivided by Plan 49045, Lot 13 Except: part subdivided by Plan 49045, Lot 14 Except: part subdivided by Plan 49045, Lot 15 Except: part subdivided by Plan 49045 all of Blk 33, DL 187, Grp 1, NWD Plan 1282; Lots 16, 17 & 18 all of Blk 31, DL 187, Grp 1, NWD Plan 1282; Lots 16, 17, 18, 19 & 20 all of Blk 30, DL 187, Grp 1, NWD Plan 1282; Lot 21, Blk 30, DL 187, Grp 1, NWD Plan 1282; Lot 18, Blk 25, DL 187, Grp 1, NWD Plan 1282; Lot 10, Blk 26, DL 187, Grp 1, NWD Plan 1282; Lot ‘C’, DL 187, Grp 1, NWD Plan 10832; Lot 41, DL 187, Grp 1, NWD Plan 41769, Lot ‘A’ Except: the west 16 feet, DL 187, Grp 1, NWD Plan 10540; East half Lot ‘B’, DL 187, Grp 1, NWD Plan 10540; Lots ‘A’, ‘B’, ‘C’, ‘D’, ‘E’, ‘F’, ‘G’, ‘H’, ‘J’, ‘K’, ‘L’, ‘M’ all of DL 187, Grp 1, NWD Plan 9135; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 & 18 all of Blk 21, DL 187, Grp 1, NWD Plan 1282

From: R5 Residential District, M3 Heavy Industrial District and M5 Light Industrial District

To: P3 Park and Public Use District

The purpose of the proposed zoning bylaw amendment is to permit rezoning of City-owned lots in the Chevron Buffer Zone for its intended park and public use.

A letter was received from Joshua Powers, 4297 Eton Street, Burnaby expressing concerns regarding traffic violations. The speaker advised that he is very annoyed with the daily drag-racing that takes place along Eton Street. The speaker addressed safety concerns for the children who live along Eton Street. Mr. Powers advised that cars are traveling to the grassed park area on the north side of the 4300 block of Eton leaving tire marks on the grass field. The speaker in concluding requested that Council consider the introduction of a Highway Closure Bylaw for the 4300 block of Eton Street.

MOVED BY COUNCILLOR VOLKOW:  
SECONDED BY COUNCILLOR EVANS:

“THAT the letter from Mr. Powers be REFERRED to the Traffic Safety Committee and the Transportation Committee for review and response.”

CARRIED UNANIMOUSLY

John Durrieu, 4267 Eton Street, Burnaby appeared before the Council members expressing his support for creating more park space. Mr. Durrieu’s main concern is for the ongoing maintenance and landscaping of the park area. The speaker advised that in the 3000 block of Eton Street many vehicles use the park for joy-riding. Mr. Durrieu suggested that large rocks be placed at the edge of the park to keep people from driving cars onto the parkland. In concluding, Mr. Durrieu noted that safety of residents, due to the speed of vehicles in the area, is a concern for all residents in the area.

Mr. Belhouse, Director Planning and Building, advised that a letter was forwarded to residents adjacent to the area of the rezoning for park development and there was a commitment from the Parks Department that the citizens in the area could have input into the design of the park.

Cathy Berggren-Clive, 4148 Yale Street, Burnaby appeared before the Public Hearing advising of her concerns regarding the ongoing maintenance of McGill Park, in particular at the corner of Yale Street and Carleton Avenue bordering McGill Park. The speaker advised that the maintenance for the park needs to be undertaken on a regular basis as twice a year is not sufficient for this park. The speaker advised that in previous years the grass cuttings have not been removed. The speaker also suggested that increased lighting be addressed for McGill Park, from Carleton Avenue down to Yale Street and across the street from where the speaker resides.

MOVED BY COUNCILLOR JOHNSTON:  
SECONDED BY COUNCILLOR VOLKOW:

“THAT the concerns expressed by Cathy Berggren-Clive be REFERRED to the Parks, Recreation and Culture Commission for review and response”.

CARRIED UNANIMOUSLY

There were no further submissions received regarding Rez. #05-04, Bylaw No. 11908.

MOVED BY COUNCILLOR EVANS:  
SECONDED BY COUNCILLOR JOHNSTON:

“THAT this Public Hearing relating to Rez. #05-04, Bylaw No. 11908 be now terminated.”

CARRIED UNANIMOUSLY

3. "BURNABY ZONING BYLAW 1965, AMENDMENT  
BYLAW NO. 28, 2005" - BYLAW NO. 11909

Rez. #05-06

1094 Cliff Avenue – located on the east side of Cliff Avenue between Curtis Street and Aubrey Street

Lot 23, D.L. 135, Group 1, NWD Plan 76887

From: R9 Residential District

To: R4 Residential District

The purpose of the proposed zoning bylaw amendment is to bring the zoning of the property into conformance with the prevailing R4 District zoning of the area.

There were no further submissions received regarding Rez. #05-06, Bylaw No. 11909.

MOVED BY COUNCILLOR EVANS:  
SECONDED BY COUNCILLOR JOHNSTON:

“THAT this Public Hearing relating to the Rez. #05-06, Bylaw No. 11909 be now terminated.”

CARRIED UNANIMOUSLY

4. "BURNABY ZONING BYLAW 1965, AMENDMENT  
BYLAW NO. 29, 2005" - BYLAW NO. 11910

Rez. #04-76

Portion of 7480 Curtis Street – located on the south side of Curtis Street between Burnwood Drive and Ayshire Drive

Portion of Lot 3, D.L. 138, Group 1, NWD, Plan 58917

From: R2 Residential District

To: R2a Residential District

The purpose of the proposed zoning bylaw amendment is to permit the retention of an existing single-family dwelling which has a gross floor area greater than that permitted under the R2 District zoning in connection with the proposed subdivision of the property.

A letter was received from Mr. Boroevich of 1031 Ayshire Drive, Burnaby advising of his opposition to the rezoning if the retention of the existing single-family dwelling is allowed. The writer noted that the existing dwelling is in non-conformity in both gross floor area and, more importantly, building height. The height of the home is 5.5 feet taller than allowed under the R2 and R2a zoning. The writer questioned the basis on which this house has been accepted in the community since 1984. Allowing the existing dwelling to remain and allowing the subdivision of the lot will permanently restrict the writer's enjoyment of the view. The writer suggested that rather than retaining the existing non-conforming premise, that if the owners wish to subdivide the property, that the existing building be demolished and two zoning-conforming premises be built.

Mr. Belhouse, Director Planning and Building, advised that there were changes to the various categories throughout the zoning bylaw in the early 1990's. The subject house was conforming at the time it was built, but it is now legally non-conforming with respect to the height and density allowed on the site. The R2a zoning will bring the subject house into conformity with the area but not the height, which does not change.

David Boroevich, 1031 Ayshire Drive, Burnaby appeared before Council members to advise of his opposition to the proposal and that he is the neighbour of the property in question. Mr. Boroevich advised that he is happy if the existing building is removed and the property is subdivided into two separate lots and two conforming homes are built. What is being proposed is to retain the existing dwelling and subdivide and build a second dwelling, which will perpetuate the non-conformity of the existing dwelling. In concluding, the speaker advised of his opposition to the existing proposal as presented.

In response to an inquiry from Council, Mr. Boroevich advised that he was not aware when he purchased his house in 1991 that the house in question was non-conforming.

In response to an inquiry from Council, Mr. Belhouse, Director Planning and Building, advised that the subject lot is sufficient in size for subdivision.

Vicki Hsieh, 7511 Curtis Street, Burnaby appeared before the Council members to express her opposition to the bylaw because of the height of the house on the subject property is higher than the allowed height. The speaker advised that the neighbourhood has very expensive homes and is a lovely place to live. The speaker expressed concerns that if the subdivision proceeds, there will be an increase in vehicles parking along the street.

In response to an inquiry from Council, Mr. Belhouse, Director Planning and Building, responded that the height of the new house would not be the same height as the existing house. The house would have to conform to today's bylaw requirements, which would be 29 ½ feet, which is six feet lower than the house that is currently situated on the property.

Robert Sulikan, Sulikan Architecture Inc., 404 – 873 Beatty Street, Vancouver appeared before the Council members to advise that he was available to answer questions.

In response to an inquiry from Council, Mr. Sulikan advised that regarding the preliminary design for the new house, work has been undertaken with the Planning Department to ensure that the property in question will conform with the new zoning bylaws. The subject house is on the lower part of the lot and will mostly affect the existing house on the east side of the lot. The lot slopes down towards the west so in combination with the lower part of the lot and lower height limit, the house will be largely screened by the existing house; the two car garage would be in the basement due to the sloping lot and the driveway would be on Curtis Street.

In response to a question from Council, Mr. Sulikan responded that the existing dwelling is located on the east side. The speaker advised that the new property line is a 25.3 foot side yard to the west of the property and a further to 4.9 foot set back to the next house. Total separation would be approximately 30.2 feet between the two houses.

David Boroevich, 1061 Ayshire Road, Burnaby appeared again before Council members advising that if the driveway access is going to be from Curtis Street then the driveway will be very close to Burnwood Drive noting traffic access could be a factor around the driveway. The speaker advised that there are many accidents at Curtis Street close to Burnwood Drive; this location around Curtis Street is very busy and the stop sign is ignored by 90% of the drivers.

Jan Nijjar, 7527 Curtis Street, Burnaby appeared before the Council members to advise that he had originally purchased his lot from Simon Fraser and built his house on the lot. Mr. Nijjar advised that a considerable amount of money had been spent designing the house for the view to the south and west of the property and was surprised to hear that the present owners are trying to maintain the house even though it does not meet the height restriction. Mr. Nijjar noted that when he met with City Hall staff to arrange for approval to have a garage under the house, the speaker noted that he was not allowed to raise the house 6 inches, the floor in the garage had to be raised, not the house. Mr. Nijjar advised that when purchasing the property, he was not aware that the house next door did not meet the height restrictions. Mr. Nijjar expressed concerns that the southwest view will be blocked if the proposal goes forward. In concluding, the speaker advised that he has no objection to the subdivision of the property but objects to the existing dwelling remaining on the property.

In response to an inquiry from Council, Mr. Belhouse, Director Planning and Building responded to an inquiry noting that even if the property is rezoned to R2a, and if in fact, the building is replaced, it would still have to meet the height requirements of the existing bylaws. Mr. Belhouse further responded that the existing house is legally non-conforming and if the house was destroyed by fire, it would have to be rebuilt to the bylaw standards. If the house was destroyed less than 75% it could be built to the legally non-conforming standard.

Jan Nijjar advised that there are retaining walls and tennis courts on the property where the subject house is situated, therefore not reflecting the true grade of the land.

In response to an inquiry from a Council member, Mr. Nijjar responded that he had purchased his property ten years ago and he did not have an issue with the subject property at that time.

In response to an inquiry regarding grade elevations on the subject site, Mr. Belhouse, Director Planning and Building, responded that the retaining walls would be part of the natural grade at this point in time.

Robert Sulikan, 404 – 873 Beatty Street, Vancouver advised that Ken Cable and Associates had been hired as the surveyors. The retaining walls will be removed and the house will be set back from the front of the lot. The new lot will have a 41 foot landscaped set back.

David Boroevich, 1031 Ayshire Street, appeared again before Council members to advise that if the southern portion of lot is subdivided it will totally block the speaker’s view.

Robert Sulikan, 404 – 873 Beatty Street, Vancouver, appeared again before Council members to advise that the new house will be set back from Curtis Street by 31 feet, the existing setback is 21 feet. The architect advised that the uphill views will not be affected and that he is willing to work with the neighbours to clarify some of the concerns.

There were no further submissions received regarding Rez. #04-76, Bylaw No. 11910.

MOVED BY COUNCILLOR EVANS:  
SECONDED BY COUNCILLOR JOHNSTON:

“THAT this Public Hearing relating to the Rez. #04-76, Bylaw No. 11910 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 8:53 p.m.

Confirmed:

Certified Correct:

*Dark Couyari*  
MAYOR

*GmcPaskie*  
ACTING ADMINISTRATIVE OFFICER  
OPERATIONS