

PUBLIC HEARING

2005 June 21

A Public Hearing (Zoning) was held in the Council Chamber, City Hall, 4949 Canada Way, Burnaby, B.C. on Tuesday, 2005 June 21 at 7:30 p.m.

PRESENT: Mayor D.R. Corrigan
Councillor P. Calendino
Councillor S. Dhaliwal
Councillor D. Evans
Councillor D.N. Johnston (arrived at 8:00 p.m.)
Councillor C. Jordan
Councillor L. Rankin
Councillor C.M.H. Redman
Councillor N.M. Volkow

STAFF: Mr. Basil Luksun, Deputy Director Planning and Building
Mr. Lou Pelletier, Long Range Planner
Ms. Gloria McCaskie, Acting Administrative Officer Operations

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

1. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 31, 2005" - BYLAW NO. 11926

Rez. #05-18

Ptn. of 4429 Kingsway (Unit #16) – located at the northwest corner of the Old Orchard shopping centre within Metrotown, located along Willingdon Avenue between Kingsway and Grange Street

Ptn. of Lot A, D.L. 153, Group 1, NWD Plan 19895

From: C3a General Commercial District

To: C3h General Commercial District

The purpose of the proposed zoning bylaw amendment is to permit the establishment of a private liquor store.

The Advisory Planning Commission advises that they are in support of this rezoning application.

An email dated 2005 May 29 was received from Ken Pett, 402 – 6152 Kathleen Avenue, Burnaby advising that the writer is disappointed that Burnaby is considering an application to privatize the government liquor store at Old Orchard Shopping Centre leaving the Metrotown community with no government liquor store presence. If anything, the community deserves a larger high profile government store, with more selection with better accessibility. The writer

is counting on Council to reject this application and pressure the government to properly service the area with a new government liquor store.

An email dated 2005 June 19 was received from Ken Pett, 402 – 6152 Kathleen Avenue, Burnaby advising of his opposition to the rezoning. The writer advises that privatization of the Old Orchard Liquor store will leave the Metrotown community with no government liquor store. Metrotown is the second largest shopping area in Western Canada and represents over 21,500 households. The privatization of the Royal Oak Liquor store has only brought significantly higher prices, poorer selection and poor depth of inventory. In concluding, the speaker requested that Council reject the rezoning for the privatization of the Old Orchard store and assure continued government liquor store representation to serve Burnaby residents.

An email dated 2005 June 17 was received from Don Devine, 202 – 4225 Grange Street, Burnaby in opposition to the rezoning. The writer expressed concerns that a huge profiteering enterprise from Alberta only wants to steal work and pride from workers, along with profits and wages. In concluding, the writer urged Council to support our workers.

An email dated 2005 June 20 was received from M. Ryan (no address) expressing opposition to the rezoning. The writer questioned what will happen to the Shoppers Drug Mart that is open 24 hours a day; will it cause more late night robberies? Many employees will be displaced along with causing an increase in late night traffic and drunk drivers on the road. The writer has observed other private liquor stores where people drink in the parking lot then get in the car and drive away. In concluding, the writer requested that Burnaby keep the liquor stores government run and closed on Sundays.

An email dated 2005 June 21 was received from Dr. Gillian Crowther, 4667 Fernglen Place, Burnaby in opposition to the rezoning. The writer advised that the proposed new liquor store could not be an improvement on the existing liquor store. The small B.C liquor store has an excellent selection with relatively good prices, and knowledgeable staff who have served the local community extremely well for the last 28 years. The liquor store at Royal Oak which replaced the B.C. Liquor Store in December, has very little selection, prices are higher and staff lack knowledge and appear to be far too young to help restrict sales of alcohol. In concluding, the writer requested that Council vote no in order to keep this little B.C. liquor store, instead of catering to the needs of some corporate citizens of Alberta.

An email dated 2005 June 21 was received from Heather MacKay, 4667 Fernglen Place, Burnaby requesting that Council vote no to the rezoning. The proposed new liquor store could not be an improvement on the existing liquor store. For a small liquor store it has a very good selection with the benefits of Liquor Distribution Branch (LDB) pricing, and a knowledgeable security minded staff. The writer advises that he has shopped at a few of the new privately operated liquor stores in Burnaby and find that stores have a very basic selection, prices are higher, staff appear to be barely old enough to drink, let alone serve alcohol and do not have considerable product knowledge. The writer does not believe that the workers are diligent about not serving minors. In concluding, the writer urged Council to vote no in order to keep this little store within the LDB system, and think of the ordinary citizens of Burnaby; keep our jobs and profits in B.C.

An email dated 2005 June 13 was received from Beverly Weber, 114-5932 Patterson Avenue, Burnaby in opposition to the rezoning. The writer advised that she is a long term resident in the Patterson Avenue area. There has been an increase in crime and strangers in the neighbourhood. From Edmonds to Boundary the ratio of private to public liquor stores is four to two. The writer's husband is a public health inspector for the tri cities area and has seen the detrimental community problem in that area due to an increase in private liquor stores.

Robert Wilson, 4856 Smith Avenue, Burnaby appeared before the members of Council in opposition to the rezoning. The speaker has lived in the Burnaby area for 28 years and noted that the present liquor store has served the community well. The speaker questioned why Burnaby is moving into private hands and private profit with owners based in Alberta. The present liquor store supports its employees at that location along with supporting people working in the mall.

Nicholas Hughes, Lawyer, McCarthy Tetrault, 1300 – 777 Dunsmuir Street, Vancouver, appeared before Council members representing the Liquor Barn Management B.C. Ltd. Mr. Hughes advised that his client is in favour of the proposed amendment. Mr. Hughes proceeded to provide background information pertaining to the application. The speaker advised that his client was interested in this project in the Spring of 2004, as at that time the B.C. Liquor Control Board announced it was going to be downsizing and divesting the number of liquor stores. In July 2004 the speaker advised that his client approached Burnaby planning staff and was advised that the zoning would meet the requirements for the operation of a private liquor store. In September 2004 his client met with Burnaby City staff and explained that he was very close to signing leases and his client wanted assurances from the city that there wouldn't be any zoning or business licences issued in respect to a private liquor store in what is now an existing Liquor Control Board branch. His client was firm on a lease with Old Orchard in the summer of 2004. In 2005 January 07, his client applied for a business license with the city and shortly thereafter, the city, at Council's request, wanted an analysis of whether there should be a general amendment to the zoning bylaws distinguishing public and private liquor stores.

**** Councillor Johnston arrived at the Public Hearing at 8:00 p.m. and took his place at the table. ****

A bylaw was adopted on 2005 April 11 and at that time his client undertook to rezone both the Kensington and the Old Orchard locations. On April 19 the application was made for the Old Orchard location. Essentially, as Council is aware the zoning change is from C3a to C3h to allow the existing liquor store use to continue to be used as a private liquor store use.

The speaker advised that the liquor store is closing as of July 2005; whether this rezoning proceeds or not. Mr. Hughes advised that his client is supportive of staff guidelines; under those guidelines the gross floor area is 4,500 sq. ft. The current building is in excess of that amount by 20% and advised that there is not much his client can do about it; he will utilize the excess as warehouse space. His client has 25 liquor stores in Alberta and two in B.C. There is a liquor store in Kelowna and one on Cambie Street, both of them are around 6,000 sq. ft. range.

In response to some of the emails read out this evening, Mr. Hughes advised that relating to poor liquor selection, his client on average has 2,000 separate product lines and will be providing products that the Liquor Distribution Branch did not supply. Regarding the

guidelines, there are some that are not perfectly met; such as distance from schools should be 500m, the current school is 120m to the north. The operating hours were outlined as follows: 9:30 a.m.– 8:00 p.m. Monday to Thursday, 9:30 a.m. - 9:00 p.m., Friday and Saturday, 11:00 a.m. – 6:00 p.m. Sunday – only after the first year of operation would an extension be requested. Staff working would usually be three – his client does not want less staff working namely for security reasons. In concluding, Mr. Hughes advised that his client's operation is a reputable operation and his client is in support of this application.

In response to an inquiry from Council regarding the liquor licence obtained from Mr. Sport Hotel, Mr. Hughes responded that when the existing regulations were relaxed it essentially gave those that had existing licences the ability to expand their licence capabilities to operate private liquor stores. The licences were assignable and that is how his client obtained the licence to operate Old Orchard.

Fred Hamel, 400 Poplar Point, Kelowna, B.C. appeared before the Council members advising that he is 50% owner of Liquor Barn Management B.C. and has been a life time resident of B.C. Liquor Barn Management is renting the licence for five years with three, five year renewable options with Mr. Sport Hotel. Mr. Hamel advised that the first five years are prepaid.

In response to an inquiry from a Council member Mr. Hamel advised that older mature staff such as former RCMP officers are hired. There are 28 cameras providing high security along with undercover people who are sent in to oversee if staff are selling liquor to minors.

In response to an inquiry from Council, Mr. Hamel advised that they would have the ability under the current arrangement to assign the lease with approval of the landlord and Mr. Sport.

In response to an inquiry from Council, Mr. Hamel advised that the lease is a signed lease.

In response to an inquiry from Council, Mr. Hamel advised that the government announced the closure of 12 liquor stores and the 18th and Cambie store was one of those announcements; the Kamloops store was the purchase of an existing store.

Darryl Walker, 1228 Maple Street, White Rock, B.C., Vice President BCGEU appeared before Council members representing the many liquor store workers and advising that he would be speaking against the rezoning. The government chose to change the rules. Burnaby's policies are fair and effective in view of the potential proliferation of liquor stores in the community. The speaker advised that to his knowledge the Old Orchard liquor store is not on the list for closure. Drug abuse is a serious problem in society and it is sometimes forgotten that the drug that is most abused is alcohol. Alcohol has a huge impact on the communities; the more liquor stores we have in our communities the more problems are possible for such things as violence, and driving under the influence of alcohol. There are 120 new private liquor stores in B.C. with a total of 551 private liquor stores in B.C.

The speaker advised that the application does not meet the guidelines. The Liquor Distribution Branch will continue to operate at that location. There are distinct advantages to the consumers and the community in retaining the public liquor store in this location. For consumers public liquor stores traditionally offer lower prices and greater selection. A study by the Consumer's Association of Canada puts the price difference between B.C. public stores and the Alberta

private system at between 10 and 20%. Current sales at the Old Orchard location are approximately \$7 million annually. The staff are well trained and experienced and refuse sales to minors.

In concluding, the speaker advised that for more than 75 years, British Columbians have relied on the Liquor Distribution Branch. It is a profitable socially responsible, proven retail network owned and operated by the people of B.C. The speaker urged Council to vote against this application so that the public liquor store can continue to serve the citizens of Burnaby at the Old Orchard shopping centre.

In response to an inquiry from Council, Mr. Walker noted that to his knowledge there is not a list that is identified for closure and no information has been received about closures.

In concluding, the speaker advised that for the existing merchants at the Old Orchard shopping centre, the public liquor store, tends to draw more customers than the private liquor store.

Soren Beck, Coordinator at BCGEU, 23088-16th Avenue, Langley, B.C. advised that the Joint/Union Management Committee was given a list of liquor stores intended to be closed over the next year. The Royal Oak and Rumble Store were on that list and is being consolidated with the Middlegate store in order to have a large signature store at Highgate; no other Burnaby liquor stores were on the list. The speaker advised that he was told that the Liquor Control Board has no intention of abandoning the Metrotown market.

In response to an inquiry from Council, Mr. Beck advised that there is a profit sharing arrangement and that the lease has been a month to month lease since 2001. Since the Campbell Government took power and made it known that it was closing the LDB stores, the first department to close was the real estate department. There was basically no one to negotiate leases and purchase property. A list was provided outlining the stores (to October 2005) that were intended to close during the course of the year. Old Orchard Liquor store and Kensington were not on the list to be downsized.

In response to an inquiry from Council, Mr. Soren advised that they have not heard about staff replacement and there has been no process commenced at this point.

In response to an inquiry from Council Mr. Soren advised that a minimum of 190 liquor stores will remain open which is down from about 220 stores. The Liquor Branch Business Model intends to consolidate the smaller stores with the larger signature stores.

David Knowles, Secretary-Treasurer, Retail Stores and Warehouse Component 5, Chair, Local 503, 11916 Gilmore Crescent, North Delta, B.C. appeared before Council members to advise of his opposition to the rezoning. The Provincial Liquor Policy is in a very difficult position. Council has the responsibility of Burnaby residents and if Council deviates from the policy now, it will mean future problems such as the 4,500 sq. ft guideline– the building in question is 6,400 sq. ft. The liquor store should be 500m from Chaffey Burke school but it is only 120m to the north. Guidelines are 500m from a senior citizen housing development and care faculties and the Willingdon Park Centre is 30m to the north. Private liquor stores have higher prices with less selection. Private liquor stores last year made \$1 billion The speaker advised that Burnaby could deviate from policy, until there is no policy. The Liquor Distribution Branch

has not made any movement to vacate and no notice has been announced regarding the shutdown. In concluding, the speaker requested that Council honour the intent of the policy.

In response to an inquiry from Council, 30 days notice of termination of employment should be given to employees of the liquor store. In response to an inquiry from Council members, staff responded that in relation to grandfathering with existing conditions now in place and the enforcement of those guidelines, the application should comply with the new guidelines.

Han Beng Gunn, Vice President Commercial Properties, International Reality Inc., 1177 West Hastings Street appeared before Council members to advise that he is the property landlord and that the liquor store will be closing 2005 July 31. The speaker advised that the applicant has a 10 year lease with a 10 year option with first option of renewal. There are four liquor stores in the real estate portfolio.

In response to an inquiry from Council members, Mr. Gunn responded that there is no fixed commencement date applicable in leases.

Jenna McKenna, 24107 – 102B Avenue, Maple Ridge, B.C. appeared before Council members advising that she is employed at the Kensington Liquor Store. There will be eleven store closures and Kensington was not one of them but the private retailer procured the lease and is closing the store. The Liquor Distribution Branch is still there and they have a commitment. Old Orchard and Kingsway employees depend on City Council to do what they can in order to allow the employees to continue to work. The employees want to be there unless they are forced out.

Sherry Dance, 308 Richmond Street, New Westminster, B.C. appeared before Council members to advise that she is an auxiliary employee at the Old Orchard liquor store and is opposed to the rezoning. The speaker advised that there has been no indication that the Liquor Distribution Branch is going to exit the store and the employees certainly do not plan to exit. The Royal Oak employees had a fair amount of notice and were advised by the employer that that store was closing.

**** Councillor Volkow retired from the Public Hearing at 9:24 p.m. ****

The speaker advised that she had been assigned the task of collecting signatures for a petition; 1743 names were obtained. The speaker presented the Petition to the Clerk.

The Mayor read the Petition as follows: “We are patrons of the B.C. Liquor Store in the Old Orchard shopping centre. We oppose closing a publicly-owned store that helps pay for vital public services. We respectfully ask you to reject the application for rezoning that would allow a private Alberta-based liquor store chain to take over this space.”

**** Councillor Volkow returned to the Public Hearing at 9:27 p.m. and took his place at the table. ****

Gerald Kay, 4657 Hazel Street, Burnaby appeared before Council members to advise that he has worked at this liquor store for the last 20 years as an auxiliary and as employees at the LDB we do not agree with the closure of the government liquor store. The long term auxiliary staff are losing more and more hours and now have to work seven, five hour shifts to make up a

week's hours. To replace this Provincial liquor store with a privately owned store is sure to compound the problem of existing juvenile sources to alcohol. To create a private outlet this close to a school is a direct reversal of long standing sensible regulations. The speaker advised that it is Council's responsibility, to uphold these rules and oppose this application. Apart from changing the existing well regulated Government outlet, the private alternate would hire part time help to avoid paying any benefits. The experience level of this type, is far too low to be able to regulate the required responsible sale and dispensing of alcohol. In addition, a private outlet would drop many now stocked brands, raise the prices and would probably become a problem with late night patrons coming to a now well regulated shopping area. The speaker concluded by asking Council to reject this rezoning.

John Tregilges, 1st Vice Chair, Local 503, 5750 Charles Street, Burnaby appeared before Council members in opposition to the rezoning. Mr. Tregilges advised he was attending as a resident of Burnaby, a representative of his union, a worker within the liquor distribution branch system and a voter in the upcoming election. The speaker advised that there is already a liquor store which has been there for 30 years which supplies liquor at a reasonable cost and provides good service to customers and staff. The speaker compared the differences between private and government run liquor stores. Under the private liquor stores he commented on some of the differences, such as higher prices, low numbers of staff working which encourages shoplifting, hiring of job entry people at minimum wage \$8 – \$9 per hour and paying a fraction of the benefits. Government liquor stores in contract have knowledgeable staff whose skills are continuously upgraded.

In choosing private liquor stores instead of government liquor stores, the public is being under serviced and the workers' wages are at poverty levels.

In concluding, the speaker urged Council to stop the Liquor Barn from eroding away the assets of B.C. citizens and to vote against the rezoning.

Greg McKay, 5241 Spruce Street, Burnaby, B.C. appeared before Council members in opposition to the rezoning and urged Council to defeat the rezoning.

Sherry Dance, 308 Richmond St. New Westminster again appeared before Council members to affirm that the Petition containing 1743 signatures has been handed in to the Clerk and that they are not in favour of private land use.

Mr. Bains, 5649 Pioneer Avenue, Burnaby appeared before Council members to advise that he is a nine year patron of the Old Orchard Liquor store. The liquor store is a very well run store with very knowledgeable staff. The speaker directed that Council contact the liquor store staff to see if it is going to be shut down or will there be an option to shut down.

There were no further submissions received regarding Rez. #05-18, Bylaw No. 11926.

MOVED BY COUNCILLOR EVANS:
SECONDED BY COUNCILLOR JOHNSTON:

“THAT this Public Hearing relating to Rez. #05-18, Bylaw No. 11926 be now terminated.”

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR CALENDINO:
SECONDED BY COUNCILLOR JORDAN:

“THAT the Public Hearing do now recess.”

CARRIED UNANIMOUSLY

The Public Hearing recessed at 9:57 p.m.

MOVED BY COUNCILLOR EVANS:
SECONDED BY COUNCILLOR JOHNSTON:

“THAT the Public Hearing do now reconvene.”

CARRIED UNANIMOUSLY

The Public Hearing reconvened at 10:02 p.m.

2. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 32, 2005" - BYLAW NO. 11927

Rez. #04-40

4250 Marine Drive – located within the Big Bend area of Burnaby west of Riverway Sports Complex, north of Marine Way, south of Marine Drive and east of the Patterson Avenue right-of-way

Parcel “A” (Reference Plan 7878), D.L. 164, Group 1, NWD and Lot 24, D.L. 164, Group 1, NWD Plan 29518

From: CD Comprehensive Development District (based on M5 Light Industrial District, B1 Suburban Office District, RM1 Multiple Family Residential District, C1 Neighbourhood Commercial District and P3 Park and Public Use District and New Haven Land Use Framework Plan as guidelines)

To: Amended CD Comprehensive Development District (based on M5 Light Industrial District, B1 Suburban Office District, RM1 Multiple Family Residential District, C1 Neighbourhood Commercial District and P3 Park and Public Use District, and the New Haven Land Use Framework Plan as guidelines, and in accordance with the “New Haven Conceptual Development Plan” prepared by Christopher Bozyk Architects Ltd.)

The purpose of the proposed zoning bylaw amendment is to establish a detailed New Haven Conceptual Development Plan with specific zoning guidelines to guide future development of the subject property in accordance with Council's adopted New Haven Land Use Framework Plan.

A letter dated 2005 June 21 was received from Mr. John Butterworth, 4108 Winnifred Street, Burnaby regarding numerous issues as noted below:

- Bus stops should be located on both sides of Marine Drive east of Patterson – and just east of McKay
- No parking permitted on the south side of old Marine Drive from Roseberry to Royal Oak
- Traffic count on old Marine Drive and on Patterson in late Sept. or October.
- More security on the New Haven property.
- Developer should pay to improve the playground at Riverway Park-school
- The developer could pay to improve the trail along the railway line at Glenlyon.
- Burnaby should purchase some or all of the flatland southern portion of the New Haven site.

In concluding, Mr. Butterworth suggested that Council delay issuing a filling permit for the southern property until the above noted possibilities have been explored.

A letter dated 2005 June 21 was received from Bryan Hollingsworth, Holly Enterprises 4225/4249 Marine Drive, Burnaby expressing concerns of traffic volume access from the north east cul-de-sac. The most recent plan shows access to/from all condominiums off this spur and no access from the intersection of Marine Drive and Patterson or alternatively the lane way off Roseberry. If this was to be considered, then likely no crossing would be required over the central tributary feeding from the artisan spring in the writer's yard. Access from both ends would reduce the traffic at the north eastern spur. Secondly, a recreational centre adjacent to the heritage precinct would be compatible with all surrounding zoning concerned and more practical below site C next to the soccer fields.

Richard Wittstock, Vice President Development, Amacon ,300 – 911 Homer Street Vancouver, B.C., proponent of the New Haven Development Conceptual Plan, appeared before Council members to answer any questions Council may have.

John Butterworth, 4108 Winnifred Street, Burnaby appeared before Council members advising that the use of the McGregor House is now going to be converted to condominiums. It should be required that the developer give a density bonus in return for a revenue situation. Mr. Butterworth urged Council to read his letter as submitted this evening wherein many of the writer's suggestions are outlined.

Patricia Charnell, International Consciousness Society, 5462 to 5580 (10 acres of property) S.E. Marine Drive, Burnaby advising that Marine Drive is very congested. There has been no change over the years as promised; lighting is poor, sidewalks are hazardous, streets are narrow, liquor store trucks park along the road making it very narrow along Byrne Road. There are five churches along Byrne Road and some people call the area the 'holy lands'. What is the city going to do about Marine Drive?

Mr. Pelletier, Long Range Planner noted that improvements to Marine Drive would be undertaken through the development plan and a Local Improvement Plan.

Mr. Pelletier noted that the area in question has never been in the Agricultural Land Reserve.

There were no further submissions received regarding Rez. #04-40, Bylaw No. 11927.

MOVED BY COUNCILLOR EVANS:

SECONDED BY COUNCILLOR JOHNSTON:

“THAT this Public Hearing relating to Rez. #04-40, Bylaw No. 11927 be now terminated.”

CARRIED UNANIMOUSLY

3. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 33, 2005" - BYLAW NO. 11928

Rez. #05-10

5575 Jersey Avenue – located between Thurston Street and to the west along Sandell Street and Jersey Avenue to the east

Lot “A”, D.L. 34, Group 1, NWD Plan 2038

From: R5 Residential District

To: CD Comprehensive Development District (based on RM3 Multiple Family Residential District and Metrotown Development Plan guidelines and in accordance with the development plan entitled “5575 Jersey Avenue, Burnaby, BC” prepared by Ron Allen Architect Inc.)

The purpose of the proposed zoning bylaw amendment is to permit the construction of a four-storey apartment building and the retention of an existing home of heritage significance on the site.

A letter dated 2005 June 07 was received from Pat Markby, Council Vice President, Amble Green Strata Council #308 – 5565 Inman Avenue, Burnaby, relating to Bylaw 11928, 11930 and 11931 advising of concerns regarding the maintenance of a small park on land bounded by Patterson, Bond and Inman. The writer on behalf of the Strata Council is not opposed to the park space but does not want the park to become a liability to the area.

The Strata Council is requesting that Burnaby Council ensure that City staff take into account existing crime problems and draw up appropriate plans to discourage anti-social behaviour. Good lighting, open lines of sight and an increase in police resources are essential to making the new Inman-Green Park a positive addition to the community.

An email dated 2005 June 17 was received from Ian and Carol Urquhart, 5715 Jersey Avenue, Burnaby in opposition to the rezoning. The writers advise that they live on the third floor

facing north. If a four storey building is approved it will completely block their view and the view of many other people residing in the building.

Ron Allen, Project Architect, #306 – 4464 West 10th Avenue, Vancouver appeared before the Council members to answer any questions that Council may have.

Terry Foster, 3908 Thurston Street, Burnaby appeared before Council members in opposition to the proposed development. The speaker advised that his house will be directly behind the project. The speaker feels that this type and size of building is inconsistent with the existing neighbourhood, which is primarily single family homes. The speaker advised that his home was built eight years ago and are now faced with changes to the zoning from R5 to CD to allow for a four storey apartment building. The speaker questioned why not leave the R5 and build the appropriate type of housing consistent with the existing zoning and the neighbourhood. The speaker referred to a staff report noting that the rezoning does not meet the original intentions of the plan and should not be approved on this basis alone. The speaker advised that this site could be used for building duplexes or a smaller scale townhouse complex, which is the predominant type of building that is being built in this area.

The speaker also confirmed that seven nearby property owners in the neighbourhood do not support this application in general. With the development allowing for 52 vehicles, this will significantly increase the vehicle traffic and will only add to the current traffic problem in this area. The speaker did not understand why approval was given to build his home if there is going to be major rezonings taking place in this area over time. It was suggested that whatever public input was given when the Plan was originally developed needs to be reviewed again and updated. This development will abut and overlook his backyard and block out the sunshine.

**** Councillor Calendino retired from the Public Hearing at 10:30 p.m. and did not return. ****

In concluding, the speaker advised that he is not opposed to the development site, but is opposed to the rezoning of the site contrary to the recommended land assembly required, and basically force fitting an apartment building into the space. If a proposal were made to build something that is consistent with the area and makes common sense, he would support the application.

**** Councillor Rankin retired from the Public Hearing at 10:47 p.m. ****

Mr. Mehta, 3926 Thurston Street, Burnaby appeared before Council members to advise that he has been living in the area since 1974. If this development goes ahead he will be looking directly into the bedrooms and backyard of his neighbours. The speaker questioned, what can planning do about his privacy? When leaving his property he will have access/egress problems as the entrance to the proposed development is right where his driveway is located.

**** Councillor Rankin returned to the Public Hearing at 10:50 p.m. and took his place at the Council table. ****

**** Councillor Redman retired from the Public Hearing at 10:52 p.m. ****

Paul Larm, 3893 Sandell Street, Burnaby appeared before Council members to advise that this project is too close to his home. Mr. Larm provided a petition with three signatures, which

reads as follows: "This is confirm that the undersigned are opposed to the Application for Rezoning – Rez 05-10 for 5575 Jersey Avenue."

**** Councillor Redman returned to the Public Hearing at 10:55 p.m. and took her place at the Council table. ****

The speaker advised that this project is inconsistent with the neighbourhood. There is a shortage of parking that exists already in the neighbourhood. The speaker advised that he will suffer a financial loss on his property. In concluding, the speaker advised that no communication from City Hall was received in the neighbourhood concerning this upcoming development.

Susan Foster, 3908 Thurston Avenue, Burnaby appeared before Council advising that their home is worth \$700,000 and to have this development near their home is wrong. The area has a problem with prostitution along with being near the SkyTrain route.

Claus Goody, 192 West 23rd Avenue, Vancouver appeared before Council members advising that an impact study for sun blockage was undertaken and noted that from March to September, between 10:00 a.m. and 2:00 p.m., shadowing did not take place.

In response to trees that are blocking the view, the speaker advised that on the third floor suite you can see the horizon with no blocking of the view.

Ron Allen, Architect, 306 – 4464 West 10th Avenue, Vancouver, B.C. appeared before Council members to advise that Sandell dead ends on the western end of the project. Access is available to underground parking only from Sandell.

In response to an inquiry from Council, Mr. Allen responded that right now at 3892 and 3893 Smith the road is a dead-end and these property owners only have access to their properties from Smith but eventually the dead-end will become a turnaround.

There were no further submissions received regarding Rez. #05-10, Bylaw No. 11928.

MOVED BY COUNCILLOR EVANS:

SECONDED BY COUNCILLOR JOHNSTON:

"THAT this Public Hearing relating to Rez. #05-10, Bylaw No. 11928 be now terminated."

CARRIED UNANIMOUSLY

4. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 34, 2005" - BYLAW NO. 11929

Rez. #04-34

6586 & 6564 Royal Oak Avenue – located on the western edge of the Royal Oak Community Plan, Sub-Area 8, facing the eastern edge of Metrotown

Lot 10, Except: Parcel A (Ref. Pl. 895), D.L. 94, Group 1, NWD Plan 720, Lot 11, Except: Firstly: Parcel A (Ref. Pl. 895, Secondly: the West 33 ft., D.L. 94, Group 1, NWD Plan 720, Pcl "A" (Ref. Pl. 895) of Lots 10 & 11, D.L. 94, Group 1, NWD Plan 720

From: C4 Service Commercial District

To: CD Comprehensive Development District (based on C9a Urban Village Commercial District and Royal Oak Avenue Community Plan as guidelines and in accordance with the development plan entitled "Residential/Commercial Building, 6564 Royal Oak Avenue and Grimmer Street" prepared by P.J. Lovick Architect Ltd.)

The purpose of the proposed zoning bylaw amendment is to permit the construction of a four-storey mixed-use project consisting of commercial uses at grade and three-levels of apartments above.

The Advisory Planning Commission advises that they are in support of this rezoning application.

A letter dated 2005 June 13 was received from the President of the Royal Canadian Legion, Branch No. 83, 5289 Grimmer Street, Burnaby in support of the rezoning. The writer advised that the Royal Canadian Legion is looking at redevelopment for its present site. An effort will be made to coordinate the construction of both new projects. The writer expressed the hope that the objectives for both developments will be met and that there will be a mutual agreement between all parties to work in concert to the benefit of the neighbourhood revitalization.

There were no further submissions received regarding Rez. #04-34, Bylaw No. 11929.

MOVED BY COUNCILLOR EVANS:

SECONDED BY COUNCILLOR JOHNSTON:

"THAT this Public Hearing relating to Rez. #04-34, Bylaw No. 11929 be now terminated."

CARRIED UNANIMOUSLY

5. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 35, 2005" - BYLAW NO. 11933

Rez. #05-25

Portion of 6511 Hastings Street – located south of Burrard Inlet, between Cliff Avenue, Fell Avenue, Hammarskjold Drive and Hastings Street

Ptn. of Blk V Except: Firstly: Part on Plan with Bylaw filed A35693, Secondly: Part Subdivided by Plan LMP16091, Thirdly: Part Dedicated Road on Plan LMP 27961, D.L.'s 205, 206, 217, 128, Group 1, NWD Plan 28422

From: M1 Manufacturing District and M3 Heavy Industrial District

To: M7a Marine District

The purpose of the proposed zoning bylaw amendment is to reflect the current petroleum storage use of the site.

The Advisory Planning Commission wishes to advise that they are in support of this rezoning application.

A letter dated 2005 June 21 was received from Jennifer Parkhurst of 128 S. Fell Avenue, Burnaby advising that the subject property is directly behind her house and affords a lovely view of trees with coyotes, deer and cougars. The writer's concern is the 50m x 50m section remaining in the M3 district. The writer referred to a picture advising that the storage tank is empty (no petroleum products have been stored in this container since 1993). Therefore the writer would like to see this area included in the M7a rezoning.

Katie Chan, 705 Curtis Street, appeared before Council members to advise that she does not want to see anything happen to the trees and animals as she enjoys the nature in the area.

Jeff Morgan, 7035 Ridge Drive, Burnaby appeared before Council members inquiring if there are plans in place to provide access to the area and will there be a future residential component?

In response Mr. Luksun advised that under the existing official community plan for the city, there is a long term residential use for the site. The site has been used as an industrial site for a number of years and that site remediation is a large issue.

There were no further submissions received regarding Rez. #05-25, Bylaw No. 11933.

MOVED BY COUNCILLOR EVANS:

SECONDED BY COUNCILLOR JOHNSTON:

“THAT this Public Hearing relating to Rez. #05-25, Bylaw No. 11933 be now terminated.”

CARRIED UNANIMOUSLY

ADJOURNMENT

MOVED BY COUNCILLOR DHALIWAL:
SECONDED BY COUNCILLOR JORDAN:

"THAT this Public Hearing do now adjourn."

CARRIED UNANIMOUSLY

The Public Hearing adjourned at 11:15 p.m.

Confirmed:

Certified Correct:



MAYOR



ACTING ADMINISTRATIVE OFFICER
OPERATIONS

PUBLIC HEARING
Heritage Designation/Revitalization Agreements

2005 June 21

A Public Hearing (Heritage Designation/Revitalization) was held in the Council Chamber, City Hall, 4949 Canada Way, Burnaby, B.C. on Tuesday, 2005 June 21 at 7:30 p.m.

PRESENT: Mayor D.R. Corrigan
Councillor P. Calendino
Councillor S. Dhaliwal
Councillor D. Evans
Councillor D.N. Johnston (arrived at 8:00 p.m.)
Councillor C. Jordan
Councillor L. Rankin
Councillor C.M.H. Redman
Councillor N.M. Volkow

STAFF: Mr. Basil Luksun, Deputy Director Planning and Building
Mr. Lou Pelletier, Long Range Planner
Ms. Gloria McCaskie, Acting Administrative Officer Operations

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

Due to the large public attendance, it was suggested that Council bring forward the Heritage Designation and Heritage Revitalization Agreement Bylaws at this time.

MOVED BY COUNCILLOR JORDAN:
SECONDED BY COUNCILLOR EVANS:

"THAT Item (1) Bylaw #11930, Item (2) Bylaw #11931 and Item (3) Bylaw #11935 of the Heritage Designation/Heritage Revitalization Agreement Bylaws be brought forward at this time."

CARRIED UNANIMOUSLY

1. HERITAGE DESIGNATION BYLAW NO. 1, 2005
BYLAW NO. 11930

5575 Jersey Avenue – located between Thurston Street and to the west along Sandell Street and Jersey Avenue to the east

Lot A, D.L. 34, Plan 2038

The purpose of the Bylaw is to designate, under the Local Government Act, the historic Joseph Clarke House as a Heritage Building.

A letter dated 2005 June 07 was received from Pat Markby, Council Vice President, Amble Green Strata Council #308 – 5565 Inman Avenue, Burnaby, relating to Bylaw 11928, 11930 and 11931 advising of concerns regarding the maintenance of a small park on land bounded by

Patterson, Bond and Inman. The writer on behalf of the Strata Council is not opposed to the park space but does not want the park to become a liability to the area.

The Strata Council is requesting that Burnaby Council ensure that City staff take into account existing crime problems and draw up appropriate plans to discourage anti-social behaviour. Good lighting, open lines of sight and an increase in police resources are essential to making the new Inman-Green Park a positive addition to the community.

There were no further submissions received relating to Bylaw No. 11930.

MOVED BY COUNCILLOR EVANS:

SECONDED BY COUNCILLOR VOLKOW:

“THAT this Public Hearing relating to the Heritage Designation Bylaw No. 1, 2005, Bylaw No. 11930 be now terminated.”

CARRIED UNANIMOUSLY

2. HERITAGE REVITALIZATION AGREEMENT
BYLAW NO. 1, 2005, BYLAW NO. 11931

5575 Jersey Avenue – located between Thurston Street and to the west along Sandell Street and Jersey Avenue to the east

Lot A, D.L. 34, Plan 2038

The purpose of the Agreement is to relocate, conserve and restore the existing house on the property and to vary the setbacks, density and other requirements of the Burnaby Zoning Bylaw in conjunction with the construction of an apartment building on the site.

A letter dated 2005 June 07 was received from Pat Markby, Council Vice President, Amble Green Strata Council #308 – 5565 Inman Avenue, Burnaby, relating to Bylaw 11928, 11930 and 11931 advising of concerns regarding the maintenance of a small park on land bounded by Patterson, Bond and Inman. The writer on behalf of the Strata Council is not opposed to the park space but does not want the park to become a liability to the area.

The Strata Council is requesting that Burnaby Council ensure that City staff take into account existing crime problems and draw up appropriate plans to discourage anti-social behaviour. Good lighting, open lines of sight and an increase in police resources are essential to making the new Inman-Green Park a positive addition to the community.

There were no further submissions received relating to Bylaw No. 11931.

MOVED BY COUNCILLOR EVANS:
SECONDED BY COUNCILLOR DHALIWAL:

“THAT this Public Hearing relating to the Heritage Revitalization Agreement Bylaw No. 1, 2005, Bylaw No. 11931 be now terminated.”

CARRIED UNANIMOUSLY

3. HERITAGE REVITALIZATION AGREEMENT
BYLAW NO. 2, 2005, BYLAW NO. 11935

6325 Sperling Avenue – located east of Empress Avenue and south of Stanley Street

Lot 2, D.L. 92, Plan 20349

The purpose of the Agreement is to accomplish the long term protection and conservation of a significant Burnaby heritage building known as the “Wysong House”.

Coro Strandberg, 6325 Sperling Avenue, Burnaby appeared before the Council members advising that she has lived in the area for 42 years; her father and mother lived in the Wysong house and raised three children. Ms. Strandberg is very proud to now own the Wysong house.

The speaker advised that in order to enter into an agreement with the City to free up capital is the only option that would allow a process to economically preserve and protect the heritage building.

In concluding, the speaker advised that this revitalization agreement will ensure the building is dedicated to the Heritage stock in perpetuity. The speaker advised that she has heard of some concerns, that this agreement could set a precedent for smaller lots in the neighbourhood.

Dania Kovwehhoven, 6707 Stanley Street, Burnaby appeared before Council members with only one concern and that is, does changing the second lot to protect the heritage property, set a precedent in that area to 34 foot lots due to other properties along Sperling having 68 foot lots.

Mr. Luksun, Assistant Director Planning and Building responded that under the Local Government Act, the property is site specific and does not affect the R5 zoning in the area.

The speaker questioned whether the house to be built on the second lot would be a type of coach house to match the heritage house or would the property be sold with no restrictions on home design.

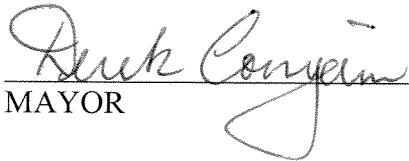
Mr. Luksun, Assistant Director Planning and Building responded that the character is very similar to the Wysong House; and the plans are part of the agreement.

There were no further submissions received relating to Bylaw No. 11935.

MOVED BY COUNCILLOR EVANS:
SECONDED BY COUNCILLOR VOLKOW:

“THAT this Public Hearing relating to the Heritage Revitalization Agreement Bylaw No. 2, 2005, Bylaw No. 11935 be now terminated.”

CARRIED UNANIMOUSLY



MAYOR



ACTING ADMINISTRATIVE
OFFICER OPERATIONS