

## PUBLIC HEARING

2006 October 17

A Public Hearing (Zoning) was held in the Council Chamber, City Hall, 4949 Canada Way, Burnaby, B.C. on Tuesday, 2006 October 17 at 7:30 p.m.

PRESENT: Mayor D.R. Corrigan  
Councillor G. Begin  
Councillor S. Dhaliwal  
Councillor G. Evans  
Councillor D.N. Johnston  
Councillor C. Jordan  
Councillor L.A. Rankin  
Councillor N.M. Volkow

ABSENT: Councillor P. Calendino

STAFF: Mr. Basil Luksun, Director Planning and Building  
Ms. Ann Lorentsen, Administrative Officer Operations  
Ms. Eva Prior, Office of the City Clerk

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

1. **"BURNABY ZONING BYLAW 1965, AMENDMENT  
BYLAW NO. 46, 2005" - BYLAW NO. 12166**

Rez. #05-56

3787 Canada Way

Lot 45, D.L. 69, Group 1, NWD Plan 51610

From: C2 Community Commercial District

To: CD Comprehensive Development District (based on RM3 Multiple Family Residential District, C2 Community Commercial District and Community Plan Eight as guidelines, and in accordance with the development plan entitled "Proposed Mixed-Use Project" prepared by Creekside Architects)

The purpose of the proposed zoning bylaw amendment is to permit a mixed-use development with low-rise apartments over ground level Canada Way fronting retail commercial and stacked townhouses facing Norfolk Street.

The Advisory Planning Commission advised it supports this rezoning application.

Jason Lee, 6470 Gladstone Street, Vancouver appeared before council advising that as a partner of a business, located at this site, he and patrons of their business were opposed to the subject rezoning application. Mr. Lee submitted a petition containing 373 signatures; the text of the petition is as follows:

“We, the undersigned, hereby object to the rezoning application for 3787 Canada Way, Burnaby BC V5G 1G5 and request that the application be rejected by City Council”

In response to queries from Council as to why he signed the petition, Mr. Lee advised there are few locations available for this type of entertainment, a billiard hall, in the Lower Mainland and they do not want to lose this location. Mr. Lee informed Council that, previously, there had been issues with police complaints about this business, however since he and his partners have taken over there have been no complaints.

Ken Falk, Creekside Architects, applicant for the subject rezoning, appeared before Council to advise that this proposal will contain approximately 13,000 square feet of commercial space and suggested the previous speaker may be interested in leasing space in the new facility.

There were no further submissions received regarding Rez. #05-56, Bylaw No. 12166

MOVED BY COUNCILLOR JOHNSTON :  
SECONDED BY COUNCILLOR DHALIWAL:

“THAT this Public Hearing relating to Rez. #05-56, Bylaw No. 12166 be now terminated.”

CARRIED UNANIMOUSLY

2. **"BURNABY ZONING BYLAW 1965, AMENDMENT  
BYLAW NO.47, 2005" - BYLAW NO. 12167**

Rez. #06-31

7473 Fourteenth Avenue

Parcel “A” (Exp. Pl. 9924), Blk 24, D.L. 29, Group 1, NWD Plan 3035

From: R5 Residential District

To: CD Comprehensive Development District (based on RM1 Multiple Family Residential District and Edmonds Town Centre Plan as guidelines and in accordance with the development plan entitled “7473 – 14th Avenue Edmonds Town Centre Burnaby B.C.” prepared by Matthew Cheng Architect Inc.)

The purpose of the proposed zoning bylaw amendment is to permit the development of a three unit infill townhouse project.

The Advisory Planning Commission advised it supports this rezoning application.

A letter dated 2006 October 10 was received from Lee and Joan Janson, 7489 14<sup>th</sup> Avenue, Burnaby, Burnaby expressing concern about loss of privacy; orientation of townhouses facing lane; impact on property values and insufficient required parking. The writer's feel this site is not appropriate for the proposed development and question why it was considered appropriate for a small scale infill development when the majority of the area is single family residential.

A letter dated 2006 October 13 was received from Janice and Greg Smelser, 7551 Davies Street, Burnaby advising they are opposed to the subject rezoning application and want to see the area remain as single family housing.

William Hardman, 7577 Mary Avenue, Burnaby appeared before Council members advising he is opposed to the proposed zoning amendment and construction of a three unit infill townhouse.

In noting that the subject application will adversely affect his property, Mr. Hardman pointed out construction of a multi-family structure on this small lot will be an infringement in the use and value of his property. The plan to face the townhouses onto the lane, adding paving and curbs, will effectively create a street along their back yard, with corresponding traffic, noise and dust. The speaker pointed out a number of safety issues related to development of the narrow lane: it is not possible for two cars to pass each other; there is an open ditch along one side of the lane; a vehicle exit proposed for one of the units is in direct conflict with the exit from his driveway; and children from the adjacent multiple family building ride their bicycles and tricycles in the lane.

The speaker also questioned the following: the ability to provide an adequately sized and appropriately-located garbage handling and recycling material space; whether the three parking spaces provided will be enough for most households; the replacement of trees around the site perimeter with smaller trees.

In conclusion, Mr. Hardman expressed concern about rapid changes that are occurring in the neighbourhood, bringing increased population and traffic without adequate infrastructure. There is a strong community spirit and we have pride in ownership, noted the speaker, and Burnaby must apply more thought to the Edmonds Town Centre Plan, giving due consideration to the single family residents who enhance the area. A copy of Mr. Hardman's presentation is on file in the Office of the City Clerk.

Mr. Hardman presented Council with a petition, signed by 20 area residents. The text of the petition is as follows:

"We, the undersigned, petition Burnaby City Council not to amend the above bylaw. The construction of a three unit infill townhouse at 7473 Fourteenth Avenue will have an adverse affect on the liveability of our neighbourhood.

The proposed use of the narrow back lane as the front street for two of the townhouse units would increase traffic noise and dust as well as creating hazardous conditions for residents of the houses across the lane, and for pedestrians, children and pets. It would also adversely impact the enjoyment and privacy of homeowners whose backyards border the lane.

The additional population in the proposed multiple-family building would increase the area's already severe parking problems. The proposed three parking spaces in the three unit townhouse are unrealistic.

The proposed destruction of a stand of mature trees would remove a valuable contribution to our neighbourhood's environment and ambience. These large trees serve as a wind break, a noise buffer from the traffic on Kingsway, and natural habitat for nesting birds. Replacement trees would not provide the same protection as these mature trees.

We believe that rapid changes, bringing increased population and traffic without adequate supporting infrastructure, are having an adverse effect on our neighbourhood. We are opposed to the proposed amendment to the zoning bylaw."

Matthew Cheng, Architect for the subject application, appeared before Council to confirm that the subject design is based on the Edmonds Town Centre Plan and follows the established guidelines for this area that has been designated for multi-family use. Mr. Cheng noted there is already a significant number of condominiums located in the area and the proposed development is an appropriate use which should have little impact on the neighbourhood. The proposed development will include landscaping in front of the unit which will enhance the appearance of the lane, concluded the speaker.

In response to a query from Council regarding the ditch referred to by the previous speaker, Mr. Cheng advised that the Engineering Department will be reviewing the matter and will advise the developer on what will be required. Mr. Cheng also clarified that parking for each unit will consist of an attached garage.

Charan Singh, 6590 Gilley Avenue, Burnaby, the rezoning applicant, appeared at Council in support of his application, advising the lane will be improved by being wider, with curbs and that the trees to be replaced are leaning and would be dangerous if they were to remain.

There were no further submissions received regarding Rez. #06-31, Bylaw No.12167.

MOVED BY COUNCILLOR JOHNSTON :

SECONDED BY COUNCILLOR DHALIWAL:

"THAT this Public Hearing relating to Rez. #06-31, Bylaw No. 12167 be now terminated."

CARRIED UNANIMOUSLY

3. **"BURNABY ZONING BYLAW 1965, AMENDMENT  
BYLAW NO. 48, 2006" - BYLAW NO. 12168**

Rez. #06-48

3456 Gardner Court

Lot 27, D.L. 73, Group 1, NWD Plan 44628

From: M1 Manufacturing District

To: CD Comprehensive Development District (based on M1 Manufacturing District and P6 Regional Institutional District and in accordance with the development plan entitled "Gardner Court Renovation – BCIT Building GC01" prepared by Ian Ronalds Architect)

The purpose of the proposed zoning bylaw amendment is to permit BCIT education institution use within a specific tenant space.

The Advisory Planning Commission advised it supports this rezoning application.

Howard Wong, President, Keefer Holdings Ltd., 1010-100 Park Royal, West Vancouver appeared before Council advising the Keefer Holdings is the owner of the site located at 4590 Canada which is occupied by Keefer Laundry. Mr. Wong noted that, in Burnaby, industrial sites with M1 zoning have become scarce and expensive, and those close to good transportation access, public transportation and employment base are even more difficult to find, making the proposed change from the current zoning designation a loss to the business community.

The speaker also advised there have been problems with students from BCIT parking on Gardner Court and walking through the business parking lot and loading area; resulting in installation of fencing around the parking lots. The addition of approximately 125 students enrolled in the program planned for the subject site will add to the existing problem and Mr. Wong questioned whether the number of parking spaces to be provided is sufficient and where will everyone park?

Traffic and parking in this area has become a serious problem noted Mr. Wong, especially the intersection of Gardner Court and Canada Way and speeding on Canada Way. Referring to the proposed access to parking at the rear of the building via 3653 Wayburne Drive, the speaker expressed concern about the possibility of others using Gardner Court as a shortcut to Wayburne Drive.

Mr. Wong also noted concern about setting a precedent of allowing a temporary zoning change to P6 and that the building will not be required to make improvements to bring it up to code for the proposed use. There should not be any special consideration given to the proposed tenant, suggested the speaker; questioning what would happen should BCIT eventually want to lease the entire building.

This type of patchwork zoning is undesirable for Burnaby and BCIT should be looking elsewhere for appropriately zoned land and not using up valuable M1 zoned land. A copy of Mr. Wong's presentation is on file in the Office of the City Clerk.

The Director Planning & Building, Mr. Basil Luksun clarified that the building will require PPA and Building Department approval prior to being occupied for the proposed use. Mr. Luksun also confirmed that the type of mixed-use CD zoning being proposed has been used successfully in other developments in Burnaby and the CD plan will only permit the P6 zoning use as set out the development plan which is specific to BCIT.

Arising from the presentation, Councillor Volkow was granted leave to bring forward the following motion:

MOVED BY COUNCILLOR VOLKOW:  
SECONDED BY COUNCILLOR JOHNSTON:

"THAT the traffic concerns outlined by Mr. Wong in his presentation and letter submitted to the Public Hearing be **REFERRED** to the Transportation Committee for review."

CARRIED UNANIMOUSLY

There were no further submissions received regarding Rez. #06-48, Bylaw No.12168.

MOVED BY COUNCILLOR JOHNSTON:  
SECONDED BY COUNCILLOR DHALIWAL:

"THAT this Public Hearing relating to Rez. #06-48, Bylaw No. 12168 be now terminated."

CARRIED UNANIMOUSLY

4. "BURNABY ZONING BYLAW 1965, AMENDMENT  
BYLAW NO. 49, 2006" - BYLAW NO. 12169

Rez. #99-61

7635 North Fraser Way (formerly 4715 Tillicum Street)

Lot E, D.L. 166, Group 1, NWD Plan LMP40691

From: M3a Heavy Industrial District

To: Amended CD Comprehensive Development District (based on M2 General Industrial District, M5 Light Industrial District and Big Bend Development Plan guidelines and in accordance with the development plan entitled "The Seanix Building Multi-Tenant Facility" prepared by CEI Architects)

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

The Advisory Planning Commission advised it supports this rezoning application.

There were no further submissions received regarding Rez. #99-61, Bylaw No. 12169.

MOVED BY COUNCILLOR JOHNSTON :  
SECONDED BY COUNCILLOR DHALIWAL:

“THAT this Public Hearing relating to Rez. #99-61, Bylaw No. 12169 be now terminated.”

CARRIED UNANIMOUSLY

5. "BURNABY ZONING BYLAW 1965, AMENDMENT  
BYLAW NO. 50, 2006" - BYLAW NO. 12170

Text Amendment

The purpose of the proposed zoning bylaw amendment is to lower the minimum above-ground height for building mounted antennas and to prohibit antenna installations in R-zoned districts.

The Advisory Planning Commission advised it supports the proposed text amendment.

There were no further submissions received regarding Text Amendment Bylaw No. 12170.

MOVED BY COUNCILLOR JOHNSTON :  
SECONDED BY COUNCILLOR DHALIWAL:

“THAT this Public Hearing relating to Text Amendment, Bylaw No. 12170, be now terminated.”

CARRIED UNANIMOUSLY

ADJOURNMENT

MOVED BY COUNCILLOR JOHNSTON :  
SECONDED BY COUNCILLOR JORDAN:

"THAT this Public Hearing do now adjourn."

CARRIED UNANIMOUSLY

The Public Hearing adjourned at 8:21 p.m.

Confirmed:

  
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MAYOR

Certified Correct:

  
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ADMINISTRATIVE OFFICER I