

## PUBLIC HEARING

2006 November 28

A Public Hearing (Zoning) was held in the Council Chamber, City Hall, 4949 Canada Way, Burnaby, B.C. on Tuesday, 2006 November 28 at 7:30 p.m.

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

ABSENT: Councillor S. Dhaliwal

STAFF: Mr. Lou Pelletier, Assistant Director – Long Range Planning  
Ms. Ann Lorentsen, Administrative Officer Operations

The Public Hearing was called to order at 7:35 p.m.

1. "BURNABY ZONING BYLAW 1965, AMENDMENT  
BYLAW NO. 51, 2006" - BYLAW NO. 12177

Rez. #05-64

7311 Kingsway

Lot 3, D.L. 95, Group 1, NWD Plan BCP25652 (new)

From: CD Comprehensive Development District (based on P2 Administration and Assembly District)

To: Amended CD Comprehensive Development District (based on P2 Administration and Assembly District and Edmonds Town Centre Plan as guidelines and in accordance with the development plan entitled "Edmonds Town Centre Library" prepared by Diamond and Schmitt Architects Incorporated and CEI Architecture Planning Interiors)

The purpose of the proposed zoning bylaw amendment is to permit the construction of a public library.

There were no submissions received regarding Rez. #05-64, Bylaw No. 12177

MOVED BY COUNCILLOR JOHNSTON:  
SECONDED BY COUNCILLOR VOLKOW:

"THAT this Public Hearing relating to Rez. #05-64, Bylaw No.12177 be now terminated."

CARRIED UNANIMOUSLY

2. "BURNABY ZONING BYLAW 1965, AMENDMENT  
BYLAW NO. 52, 2006" - BYLAW NO. 12178

Rez. #05-50

4250 Marine Drive, 8600 Roseberry Avenue and unaddressed City Lot at Sussex and Marine Drive

Portion of Parcel "A" (Ref. Plan 7878), DL 164, Group 1, NWD; Lot 2, DL 161, Group 1, NWD Plan 69078; and Parcel "One" (Reference Plan 6910) of Parcel "A" (Reference Plan 941) DL 164, Group 1, NWD

From: CD Comprehensive Development District (based on M5 Light Industrial District, B1 Suburban Office District, RM1 Multiple Family District, C1 Neighbourhood Commercial District, and P3 Park and Public Use District), and R2 Residential District, M3 Heavy Industrial District, and M5 Light Industrial District.

To: Amended CD Comprehensive Development District (based on RM1 Multiple Family Residential District and the New Haven Conceptual Development Plan and in accordance with the development plan entitled "New Haven – Residential and Heritage" prepared by Ron Allen Architect Inc.), and the P3 Park and Public Use District.

The purpose of the proposed zoning bylaw amendment is to permit the development of Lot 4 as the designated residential townhouse and heritage precinct component of the New Haven property consistent with the adopted New Haven Conceptual Development Plan, and to bring the zoning of the designated park lands (Lot 5 and closed road rights-of-way) into conformance with their intended conservation and passive park use.

A letter was received from Donald B. Hill, executor for property located at 4420 SE Marine Drive, Burnaby expressing opposition to the road closure associated with the subject application. The writer advises the proposed road closure will adversely impact development of the lower portion of their property.

Ron Allen, project architect appeared before Council, advising he was in attendance along with Brian Beresford, landscape architect and representatives of the owners, Amacon Construction, to answer any questions Council may have regarding the subject application.

John Butterworth, 4108 Winnifred Street, Burnaby appeared before Council to express some concern about particular elements of the application. Mr. Butterworth noted the plan to finish Marine Drive from Patterson to Sussex with curbs and sidewalks and suggested a more natural setting should be maintained to allow for natural water runoff and a source of water for existing trees. Mr. Butterworth encouraged Council to seek an arborist's opinion on whether installing curbs would negatively impact the root structure of the trees.

The speaker, in referring to the heritage description for the site, noted that the original Marine Drive overpass was built and was to be maintained as an ornamental park drive and, suggested Mr. Butterworth, this is how the road should be kept. More beneficial to area residents than curbs and sidewalks, noted the speaker, would be an enhanced bus stop with a shelter on Marine Drive at Patterson Avenue.

Mr. Butterworth also questioned why there was no east-west trail planned from mid-point of the Patterson easement and further, inquired whether the traffic signal proposed for Marine Drive and New Haven Close will be proper pedestrian signal.

In response to the delegation's inquiries, Assistant Director Long Range Planning, Lou Pelletier advised that the curbs and gutters planned for Marine Drive are a standard road finish and staff have no expectation they will adversely impact the ground water source for the existing trees. At present, there is no plan for an east-west trail from the mid-Patterson right-of-way, Mr. Pelletier acknowledged; and such a proposal would need to consider the impact a trail would have on the business site, located to the south, and the creek. With regard to the traffic signal planned for New Haven Close, it will be a full pedestrian activated crossing, clarified Mr. Pelletier.

In conclusion, Mr. Butterworth reiterated his preference to see a more natural road finish for Marine Drive.

Jack Sekhon, 4287 Marine Drive, Burnaby appeared before Council advising he does not support the proposed residential component of the subject application. Mr. Sekhon noted that he was under the impression the heritage precinct would serve as a buffer between the townhouse component of the site and the existing homes located on the north side of Marine Drive and he was shocked to discover the heritage buildings will also include residential development. Trees have already been stripped from site, without city permits, pointed out the speaker; resulting in degradation of his view and property value. The development as proposed will result in no buffer to his property, loss of privacy and more noise in the neighbourhood concluded the speaker.

In response to a query from Council, Mr. Sekhon clarified that this was not what he had envisioned for the site; he understood most construction would take place in the northwest corner of the property and he feels residents were manipulated into accepting the proposal on that understanding.

Norman Schmidt, 2187 Rietta Court, Burnaby appeared before Council, accompanied by his son Owen, advising he grew up in this neighbourhood and had hoped that the heritage buildings on the site would be used for community use instead of private use by the property owner. Mr. Schmidt asked that more consideration be given to requiring the property owner to use the heritage site for the good of all the community.

In response to a request from Council, Mr. Pelletier, Assistant Director Long Range Planning, provided a brief outline of the significant heritage and environmental protection initiatives that have been achieved by working with the property owner in development of the site.

Jack Sekhon, 4287 Marine Drive, Burnaby again appeared before Council to reiterate his concerns about the location of the townhouse and condominium units proposed directly south of his property and pointed out that residents of those units on the lower portion of the site will have a much lower quality of life due to their proximity to the business component. The proposed mixed zoning of the site is not appropriate concluded the speaker.

In response to a query from Council regarding a view corridor study, Mr. Pelletier noted that the roof lines of the proposed buildings are no higher than the elevation of the existing heritage buildings and given the sloping terrain, views should not be impacted for residents to the north of the subject site.

There were no further submissions received regarding Rez. #05-50, Bylaw No. 12178

MOVED BY COUNCILLOR JOHNSTON:  
SECONDED BY COUNCILLOR JORDAN:

“THAT this Public Hearing relating to Rez. #05-50, Bylaw No.12178 be now terminated.”

CARRIED UNANIMOUSLY

3. "BURNABY ZONING BYLAW 1965, AMENDMENT  
BYLAW NO. 53, 2006" - BYLAW NO. 12179

Rez. #06-41

6990 & 7022 Broadway and 7039 Mawhinney Close

Parcel “B” (Expl. Pl. 7673, Blk 12 of Blk 2 Except: Firstly Parcel “One” (Ref. Pl 9692), Secondly: Part Dedicated Road on Plan 67628, D.L.’s 78, 131 & 136, Group 1, NWD Plan 3049; Lot 1 Except: Part Dedicated Road on Pl 67628, D.L.’s 78 & 136, Group 1, NWD Plan 11017; Lot 1, D.L. 136, Group 1, NWD Plan BCP12874

From: A2 Small Holdings District, R2 Residential District

To: R9 Residential District

The purpose of the proposed zoning bylaw amendment is to permit a small lot residential subdivision.

John Stark, 6945 Mario Court, Burnaby appeared before Council members to express concerns related to the subject rezoning application. Mr. Stark informed Council that the many trails and pathways along waterways and forested areas are welcomed; however the City is missing an opportunity with this application to include a pedestrian pathway from Mario Court through to Broadway for access to public transit, schools etc.

Lou Pelletier, Assistant Director Long Range Planning, advised staff have not specifically looked at the matter of including a pedestrian connection in the subject development; however any trail would require consideration by DFO for protection of the riparian area and it is questionable how access across a private property would be achieved.

Mr. Stark also noted concerns with regard to the increased number of vehicles that would be traveling through Mario Court once it was extended to allow access to the proposed lots. The speaker inquired whether any traffic calming measures were being considered in relation to the extension, especially in consideration of the many children and seniors who currently live on Mario Court.

Mr. Pelletier informed the speaker that it is not normal process to consider traffic calming prior to a development being built, however, should traffic concerns become an issue there was a process in place to deal with such matters.

The speaker noted that while he appreciates the single family character of the neighbourhood being preserved he is concerned about the size of the houses that would be built on the lots, especially if the conservation area was to be included in the lot size.

Mr. Pelletier advised that any house could only be built to the maximum permitted under the R9 zoning which, if permitted, would be 2,852 square feet

Lastly, the speaker informed Council of an existing problem with a stream of water running from the subject site into Mario Court and questioned how this would be addressed. Mr. Stark also questioned how construction vehicles would be accessing the site, especially with regard to safety for children and seniors in the neighbourhood and suggested staff should consider using Ellerslie Avenue as there are no homes on the north side.

Mr. Pelletier advised that site access had not yet been determined; however the speaker's concerns will be relayed to the Engineering and Building Department when issuing permits.

Matt Distasio, 2636 Ellerslie Avenue, appeared before Council to present a petition on the behalf of residents who were opposed to the extension of Mario Court for access to the subject development.

The petition, containing nine signatures, is on file in the Office of the City Clerk and the text is as follows:

We, the home-owners of Mario Court, Burnaby, B.C. are against the extension of our cul-de-sac. We can guarantee that 99% of the owners on Mario Court bought their homes because of this feature. It is a lovely quiet street that we all value very highly.

We all have small children that play outside and ride their bikes not having to worry about speeding drivers. If you extend our street the traffic will become quite heavy and our children will lose their freedom. They will not be able to play street hockey, bike riding and all the other fun things they enjoy.

We believe it is totally unfair and unreasonable to the current residents of this quiet block, who have lived here and paid their taxes for many years to have our cul-de-sac taken away (and thus lowering our quality of life) only to make way for new cul-de-sacs for other residents. It would be in the best interest of the neighbourhood for the new entrance to the subdivision to be from Ellerslie or off Broadway. We strongly oppose the destruction of our lifestyle and serenity of our cul-de-sac.

Please find below the names and address with signatures of the Mario Court residents who are against the extension of our block”.

Diana Duncan, 6965 Mario Court, Burnaby appeared before Council to express concern about the subject development, especially in consideration of the existing problem of significant amounts of water running from Polywog Creek down to Mario Court. The speaker suggested that something has interfered with drainage from the creek and questioned what would happen should this development interfere even more with the conservation area.

His Worship, Mayor Corrigan advised that staff will immediately look into the issue of drainage and the pooling of water related to the nearby creek.

Jack Duncan, 6965 Mario Court, Burnaby appeared before Council, adding to his wife's comments regarding water running from the subject property, advising that he believes there is an underground stream running from Polywog Creek that has meandered off course and is now draining onto their property and then into Mario Court. Mr. Duncan informed Council this matter had been reported to the City a number of times and, to date, there has been no action taken to prevent the stream from flowing onto their property and the street – a problem that has been worsening.

In response to a query from Council as to whether the city could require geo-technical studies related to the ground condition, Lou Pelletier, Assistant Director Long Range Planning, advised such a requirement would depend on the ground conditions; however in this case servicing of the site would require drainage. If the City were to investigate the drainage issue prior to site development they would need permission for access to the property from the property owner.

John Stark, 6945 Mario Court, appeared again before members of Council, in support of comments of the previous speaker, advising he has called numerous times to the City of the past three months regarding the drainage issues and he does not want the matter to wait another three to five months for development to take place on the subject site before the matter is resolved.

Diana Duncan, 6965 Mario Court, again appeared before Council to stress that although residents do want to have the current water issue addressed, Council need to look at the bigger picture of the impact and disruption to the conservation area by this application. The speaker pointed out that there has already been some kind of disruption to the site to create the current water condition and question what impact further disruption will have.

Erik Aderneck, representing the rezoning applicant, appeared before Council

There were no further submissions received regarding Rez. #06-41, Bylaw No. 12179

MOVED BY COUNCILLOR JOHNSTON:

SECONDED BY COUNCILLOR CALENDINO:

“THAT this Public Hearing relating to Rez. #06-41, Bylaw No.12179 be now terminated.”

CARRIED UNANIMOUSLY

4. "BURNABY ZONING BYLAW 1965, AMENDMENT  
BYLAW NO. 54, 2006" - BYLAW NO. 12180

Rez. #04-08

4488 Halifax Street

Lot A, D.L. 119, Group 1, NWD Plan LMP29810

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

To: Amended CD Comprehensive Development District (based on C3 General Commercial District and Brentwood Town Centre Plan guidelines and in accordance with the development plan entitled “New Office Building 4488 Halifax Street, Burnaby” prepared by the Abbarch Partnership Architects)

The purpose of the proposed zoning bylaw amendment is to permit a high-rise office building with grade level commercial uses.

Arash Farbahi, representing Abbarch Partnership, the rezoning applicant appeared before Council advising he was available to answer questions from Council.

There were no further submissions received regarding Rez. #04-08, Bylaw No. 12180

MOVED BY COUNCILLOR JOHNSTON:  
SECONDED BY COUNCILLOR CALENDINO:

“THAT this Public Hearing relating to Rez. #04-08, Bylaw No.12180 be now terminated.”

CARRIED UNANIMOUSLY

5. "BURNABY ZONING BYLAW 1965, AMENDMENT  
BYLAW NO. 55, 2006" - BYLAW NO. 12181

Rez. 98-45

4300 North Fraser Way

Lot 3, D.L. 164 and 165, Group 1, NWD Plan LMP40993

From: CD Comprehensive Development District (based on M2 General Industrial District and M5 Light Industrial District)

To: Amended CD Comprehensive Development District (based on M5 Light Industrial District and Glenlyon Concept Plan guidelines and in accordance with the development plan entitled “Glenlyon Business Park Lot 3 Burnaby, B.C.” prepared by Musson Cattell Mackey Partnership)

The purpose of the proposed zoning bylaw amendment is to permit the development of a multi-tenant office building.

There were no submissions received regarding Rez. #98-45, Bylaw No. 12181

MOVED BY COUNCILLOR JOHNSTON:  
SECONDED BY COUNCILLOR VOLKOW:

“THAT this Public Hearing relating to Rez. #98-45, Bylaw No. 12181 be now terminated.”

CARRIED UNANIMOUSLY

6. "BURNABY ZONING BYLAW 1965, AMENDMENT  
BYLAW NO. 56, 2006" - BYLAW NO. 12182

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 submissions received regarding Text Amendment, Bylaw No. 12181



MOVED BY COUNCILLOR JOHNSTON:  
SECONDED BY COUNCILLOR JORDAN:

“THAT this Public Hearing relating to Text Amendment, Bylaw No. 12181 be now terminated.”

CARRIED UNANIMOUSLY

**ADJOURNMENT**

MOVED BY COUNCILLOR VOLKOW:  
SECONDED BY COUNCILLOR JORDAN:

"THAT this Public Hearing do now adjourn."

CARRIED UNANIMOUSLY

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

Confirmed:

  
MAYOR

Certified Correct:

  
ADMINISTRATIVE OFFICER I

# PUBLIC HEARING

2006 November 28

A Public Hearing (Heritage Designation and Revitalization) was held in the Council Chamber, City Hall, 4949 Canada Way, Burnaby, B.C. on Tuesday, 2006 November 28 at 7:30 p.m.

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

ABSENT: Councillor S. Dhaliwal

STAFF: Mr. Lou Pelletier, Assistant Director – Long Range Planning  
Ms. Ann Lorentsen, Administrative Officer Operations

The Public Hearing was called to order at 8:31 p.m.

1. HERITAGE DESIGNATION BYLAW  
BYLAW NO. 2, 2006, BYLAW NO. 12174

3804 & 3814 Oxford Street

Lot 1 & 2, Block 15, DL 186, Group 1, NWD, Plan 1124

The purpose of the bylaw is to designate the Angus and Margaret McDonald House and grounds as a protected heritage property.

Peter MacDonald, 1108 Dansey Avenue, Coquitlam appeared before Council on behalf of his parents, owners of the subject heritage property, advising he was present should Council have any questions with regard to the designation and revitalization agreement for his family home.

His Worship, Mayor Corrigan acknowledged the MacDonald's generous contribution to the preservation of Burnaby's heritage.

There were no further submissions received regarding Heritage Designation Bylaw No. 2, 2006, Bylaw No 12174.

MOVED BY COUNCILLOR JOHNSTON:  
SECONDED BY COUNCILLOR VOLKOW:

“THAT this Public Hearing relating to Bylaw No 12174 be now terminated.”

CARRIED UNANIMOUSLY

2. HERITAGE REVITALIZATION AGREEMENT  
BYLAW NO. 3, 2006, BYLAW NO. 12175

3804 & 3814 Oxford Street

Lot 1 & 2, Block 15, DL 186, Group 1, NWD, Plan 1124

The purpose of the bylaw is to authorize a heritage revitalization Agreement for the Angus and Margaret McDonald House.

A letter dated 2006 November 28 was received from Piero Ferronato and Lisa Renzullo, 3555 Douglas Road, Burnaby advising they support the subject revitalization agreement. The owners, who went through a similar process several years ago (Fred & Edna Cunningham House) encourage the City and owners like the MacDonalds to continue their contribution and they look forward to seeing the Angus and Margaret MacDonald House and grounds fully revitalized and restored for future generations to admire and enjoy.

There were no further submissions received regarding Heritage Revitalization Agreement Bylaw No. 3, 2006, Bylaw No. 12175.

MOVED BY COUNCILLOR JOHNSTON :  
SECONDED BY COUNCILLOR JORDAN:

“THAT this Public Hearing relating to Bylaw No. 12175 be now terminated.”

CARRIED UNANIMOUSLY

3. HERITAGE DESIGNATION BYLAW  
BYLAW NO. 3, 2006, BYLAW NO. 12183

4250 Marine Drive

Portion of Parcel “A” (Ref. Plan 7878), DL 164, Group 1, NWD

The purpose of the bylaw is to designate the Duncan and Margaret McGregor Estate “Glen-Lyon” as a protected heritage property.

There were no submissions received regarding Heritage Designation Bylaw No. 3, 2006, Bylaw No. 12178.

MOVED BY COUNCILLOR JOHNSTON:  
SECONDED BY COUNCILLOR VOLKOW:

“THAT this Public Hearing relating to Bylaw No. 12178 be now terminated.”

CARRIED UNANIMOUSLY

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**ADJOURNMENT**

MOVED BY COUNCILLOR JOHNSTON:  
SECONDED BY COUNCILLOR CALENDINO:

"THAT this Public Hearing do now adjourn."

CARRIED UNANIMOUSLY

The Public Hearing adjourned at 8:35 p.m.

Confirmed:

  
MAYOR

Certified Correct:

  
ADMINISTRATIVE OFFICER I