

PUBLIC HEARING

2008 MAY 27

A Public Hearing (Zoning) was held in the Council Chamber, City Hall, 4949 Canada Way, Burnaby, B.C. on Tuesday, 2008 May 27 at 7:30 p.m.

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

ABSENT: Councillor G. Evans

STAFF: Mr. Basil Luksun, Director Planning and Building
Mr. Sid Cleave, A/Administrative Officer – Operations

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

1. “BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 22, 2008” - BYLAW NO. 12453

Rez #05-48

4509/19/39 Kingsway, 5956/68 Willingdon Avenue and 5955/67 Pioneer Avenue

Parcel A (Reference Plan 17013) of Lot 11 and 12 except: part dedicated road on Plan 76857, DL 153, Group 1, NWD Plan 1316

Westerly half Lot 13 except: part shown on plan with Expropriation Bylaw 30078; Blk 4, DL 153, Grp 1, having a frontage of 33 feet on Westminster Road by full depth as said lot and adjoining Lot 12, NWD Plan 1316

Easterly half Lot 12 except: part shown on plan with Expropriation Bylaw 30078, Blk 4, DL 153, Grp 1, having a frontage of 33 feet on Westminster Road by a full depth of said lot and adjoining Lot 13, NWD Plan 1316

Lot 14 except: part on plan with Bylaw filed 30078, DL 153, Grp 1, NWD Plan 1316

Parcel ‘A’ (J56134E), Lot 13, DL 153, Grp 1, NWD Plan 1316

Lot 9, DL 153, Grp 1, NWD Plan 1316

Lot 10, DL 153, Grp 1, NWD Plan 1316

Lot 16, DL 153, Grp 1, NWD Plan 1316

Lot A, DL 153, Grp 1, NWD Plan LMP22502

From: C3 General Commercial District, C4 Service Commercial District and R5 Residential District and P8 Parking District

To: Amended CD Comprehensive Development District (based on C3 General Commercial District, RM5 Multiple Family Residential District and Metrotown Development Plan as guidelines and in accordance with the development plan entitled “Kingsway & Willingdon Avenue Mixed Use Development” prepared by Chris Dikeakos Architects Inc.).

The purpose of the proposed zoning bylaw amendment is to permit the development of a mixed-use office and apartment tower over a 2-storey retail podium.

The Advisory Planning Commission advised it supports the rezoning application.

A letter dated 2008 May 27 was received from Mary Lynn Smith, 1705 4567 Hazel Street, Burnaby expressing concern regarding increased congestion on Hazel Street resulting from the proposed development. Ms. Smith requested that consideration be given to installing an island on the Hazel Street cul-de-sac to address the congestion issue. Ms. Smith also noted that all vehicles leaving the Monarch and Dynasty complexes as well as the Bosa building and Staples should only be allowed to turn right. The writer concluded by requesting that consideration be given to removing the parking meters from the Hazel Street cul-de-sac.

A letter dated 2008 May 27 was received from Govin Roopra, 316 4538 Kingsway, representing the sixty-eight owners of the strata titled office tower known as the Crystal Office Tower.

Mr. Roopra advised that his submission includes the following two objectives:

1. To ask the Mayor and the Council for the City of Burnaby for monetary compensation or concessions to the Office Tower (from either the City or the Developer) for the depreciation of commercial asset value it will experience due to the obliteration of the view many of the office tower’s view lots currently enjoy, the destruction of which will reduce the value of ALL strata lots on a relative basis within the Crystal Office Tower;
2. To ask the Mayor and the Council for the City of Burnaby to enforce the implementation of specific design improvements and or suggestions to protect the long term value and safety of the project while simultaneously improving all other buildings within its geographic area.

Regarding the second objective, Mr. Roopra suggested the following mandatory and voluntary improvements:

Mandatory Improvements

- (a) Security

- sound, practical design solutions should be implemented to help prevent loitering within building stairwells and reduce the likelihood of police call outs to remove vagrants

(b) Business Structure/Organization

- the business/political structure in the proposed complex should include the following:
 1. Individual management of the separate areas based on usage, but shared management and voting rights on shared areas, systems and fixtures
 2. Individual metered and billed water, sewage, electrical, and gas services for the residential, office and retail component.
 3. Individually monitored and unconnected fire panels for all three separate user components.
 4. Individually secured and separated elevators and ingress points as opposed to multi-use elevators and entrances that cannot address the differing needs of the various users.

Voluntary Improvements

1. Mandatory enforced (by all users of the building) signage scheme
2. Speed bumps both on approach and upon exit of the parkade
3. Surveillance equipment installed in all elevators
4. Access to freight elevator from parkade level

An undated petition containing 24 signatures was received from residents of “The Dynasty”, 4505 Hazel Street, Burnaby. The petition read as follows:

“We, the residents of the Dynasty, would like City Council to **reduce the size** of the proposed mixed use development of 2 level of retail, 1 level of amenities and non-profit group office, 9 levels of offices and 22 levels of residential units totaling to 162 units at Kingsway Avenue and Willingdon Avenue. We live north of the proposed development and are very upset with the big development that will affect our lives and our building during and after construction.”

A letter dated 2008 May 25 was received from Shuk Yi Pun, 1605 4505 Hazel Street, Burnaby, on behalf of his parents, opposing a driveway for the proposed development which would access onto Hazel Street. The writer also requested that Pioneer Avenue be kept in its present condition.

A letter dated 2008 May 27 was received from Stephen Ng, 1103 4505 Hazel Street, Burnaby, advising that the proposed project is too large in scope and does not fit in with the neighbouring buildings. The writer also requested that the City reconsider granting the density bonus to this project based on the following points:

1. This project may set a precedent for using the density bonus for projects which are normally not allowed in the City’s master plan for building density. Can a future developer be prevented from building even larger buildings with a bigger bonus?

2. The building bonus appears to be attractive to the City; it has an estimated value of \$2,000,155.20, however, is the dollar value to the developer even greater than this amount?
3. Does the City have a guideline regarding the limit of density bonuses?
4. The City needs to consider the negative impacts of this project to the neighbouring buildings versus the density bonus.

An undated letter was received from Ryan Chen, 2107 4505 Hazel Street, Burnaby expressing concern about construction trucks blocking “The Dynasty” complex driveway during the construction phase of the proposed development.

Emily Lai and Ralph McDiarmid, 505 4505 Hazel Street, Burnaby appeared before Council expressing a variety of concerns regarding the rezoning application.

The speakers noted the following points and questions:

1. The proposed development consisting of 34 storeys would dominate the skyline.
2. Can the City and other utilities handle the additional load from this development?
3. Construction of this development will take two years and subject neighbours to noise, pollution and a loss of privacy.
4. The proposed project should be built on the southwest corner of Willingdon and Kingsway.
5. Why is Bosa requesting to build 50 more parking stalls at the proposed development for their building at 4555 Kingsway?
6. Bosa should consider incentives for their employees to participate in Translink employee passes, carpool programs and other forms of environmental friendly transportation.
7. Where will construction workers park their vehicles and where will construction waste containers be placed?
8. Can recycling carts, garage dumpsters and garbage compactors be secured on site?
9. Can emergency vehicles and garbage trucks enter the driveway as built above 5 storeys of underground parking?
10. What will be the long term effect of the deep excavation required for the proposed development on the foundation/structure of “The Dynasty” complex?
11. Driveway access for the proposed development will increase traffic on the already congested Hazel Street cul-de-sac.
12. Change the metered parking stalls on Hazel Street to parking from 6 pm to 6 am.
13. A traffic study by an independent consultant is required.

The speakers concluded by proposing the following measures:

1. Keep Pioneer open for one way street so that the nine metered parking can be retained; an entrance to proposed development on Pioneer and exit through Willingdon will split the traffic evenly on both arterial roads.
2. Allow Pioneer to be an emergency exit route if intersection at Hazel and McKay is closed due to unforeseen circumstances.

3. Reduce the total number of floors in the proposed development to 22 or 25 in order to reduce the number of parking stalls required.
4. Retain seven trees on the Dynasty property as they reduce noise and pollution
5. Reduce traffic congestion on Hazel cul-de-sac during peak hours.
6. Ensure that the proposed development blends in with the existing buildings and does not dominate the skyline.

A copy of the speakers' Power Point presentation is on file in the Office of the City Clerk.

Pat Gleeson, 1502 4505 Hazel Street, Chair, Strata Council of "The Dynasty" complex, appeared before Council advising that the residents in the building have a number of concerns regarding the proposed development. Having said that, he noted that the strata council has agreed to move forward with negotiations with Bosa Properties to deal with issues including easement, trees, sound attenuation and parking exhaust.

Mr. Gleeson concluded by requesting that the City take a second look at the proposed closure of Pioneer Avenue and the effect this will have on traffic in the area.

Ann Evans, 2205 4505 Hazel Street, Burnaby, appeared before Council expressing a variety of concerns related to the rezoning proposal.

The speaker noted the following points:

1. Willingdon/Kingsway is already a high crash site; the proposed development will increase traffic and potentially the number of accidents.
2. Objects to provision of 50 parking stalls for use by the building at 4555 Kingsway.
3. Residential access to the proposed development should be off of Kingsway on Pioneer.
4. Trees on "The Dynasty" site should not be destroyed.
5. Proposed development is too high for the area.

Mr. Zhou, 1705/06 4505 Hazel Street, Burnaby appeared before Council opposing the rezoning application. The speaker noted that over time the subject area has become less residential and more commercial. In conclusion, Mr. Zhou advised that the proposed development is too high and will increase traffic and noise in the neighborhood.

Eric Lundgren, 1103 4957 Newton Street, Burnaby, appeared before Council supporting the rezoning application. Mr. Lundgren liked the design of the building and the attention given to the sidewalks.

The speaker concluded by noting the following points:

1. The proposed development incorporates green building practices
2. The high density is beneficial as far as housing affordability is concerned

Richard Bernstein, Chris Dikeakos Architects, 212 3989 Henning Drive, Burnaby, project architect, appeared before Council and noted the following points:

1. The proposed building includes Leadership in Energy and Environmental Design (LEED) Silver for commercial component and a Built-Green Gold rating for the residential component.
2. Two trees will be removed from “The Dynasty” site; the new landscape plan will be equal to, if not better than, the existing landscape plan.
3. Garbage pickup will be from Willingdon Avenue.
4. Closure of Pioneer Avenue will allow for construction of pedestrian connection from Hazel Street to Kingsway

There were no further submissions received regarding Rez. #05-48, Bylaw No. 12453.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR BEGIN:

“THAT this Public Hearing relating to Rez. #05-48, Bylaw No. 12453 be now terminated.”

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR JORDAN:
SECONDED BY COUNCILLOR JOHNSTON:

“THAT staff prepare a report responding to the issues raised at the public hearing regarding Rez. #05-48, Bylaw 12453.”

CARRIED UNANIMOUSLY

2. “BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 23, 2008” - BYLAW NO. 12454

Rez #08-10

2020 Boundary Rd

Lot A, D.L. 118, Group 1, NWD Plan BCP33954

From: M3 Heavy Industrial District

To: CD Comprehensive Development District (based on M5 Light Industrial District guidelines and in accordance with “Attachment A – Development Guidelines” prepared by City of Burnaby.)

The purpose of the proposed zoning bylaw amendment is to establish guidelines for future development of the subject site.

The Advisory Planning Commission advised it supports the rezoning application.

A letter dated 2008 May 26 was received from Phil Christie, Vice President, Real Estate, Translink, owner of the subject property, advising that the proposed rezoning is a Burnaby

initiative. Translink would have preferred to work with Burnaby staff prior to commencement of the rezoning application.

Mr. Christie further advised that Translink purchased the subject parcel primarily to accommodate certain transit-related uses that the current M3 zoning clearly permits.

The writer concluded by advising that Translink is not comfortable with the potential effect of the rezoning proposal on transit related uses and requested that Council table the application to allow enough time for Translink and City staff to work together on a mutually satisfactory approach to rezoning the property.

Phil Christie, Vice President, Real Estate, Translink, owner of the subject property, appeared before Council to re-iterate the points contained in the above noted letter he forwarded to Council.

Mr. Christie again requested that Council table this City initiated rezoning application and give Translink an opportunity to prepare and submit its own rezoning application for the subject property.

The Director Planning & Building advised it is the view of staff that the current rezoning application should proceed as originally set out. Having said that, the Director Planning & Building noted that Translink could initiate a different rezoning application and staff would be pleased to work with Translink on such an application. The Director Planning & Building concluded by advising that if work on a Translink rezoning application should overtake the current rezoning application then staff would so advise Council.

There were no further submissions received regarding Rez. #08-10, Bylaw No. 12454.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR VOLKOW:

“THAT this Public Hearing relating to Rez. #08-10, Bylaw No. 12454 be now terminated.”

CARRIED UNANIMOUSLY

3. “BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 24, 2008” - BYLAW NO. 12455

Rez #07-16

7450 – 12th Avenue

Lot 47, D.L. 29, Group 1, NWD Plan 2644

From: P5 Community Institutional District

To: Comprehensive Development District (based on P5 Community Institutional District and Edmonds Town Centre Plan guidelines and in accordance with the

development plan entitled “St. Thomas More Collegiate – 7450 12th Avenue, Burnaby, B.C.” prepared by Chris Dikeakos Architects)

The purpose of the proposed zoning bylaw amendment is to permit the phased expansion and renovation of the existing private secondary school on site and an increase in student enrolment.

The Advisory Planning Commission advised it supports the rezoning application.

A letter dated 2008 May 21 was received from William Woodson, 1515 Nanaimo Street, New Westminster supporting the proposed upgrades to St. Thomas More Collegiate’s building structure and surrounding areas.

Mr. Woodson noted the following points:

1. Proposed bus drop off areas around the school will improve student safety
2. Physical education facilities should be brought up to co-educational facility standards.

The writer concluded by advising that he is hopeful St. Thomas More Collegiate can continue to offer excellence in an upgraded environment.

A letter dated 2008 May 22 was received from George Molinari, 4528 Irmin Street, Burnaby, urging the City to approve the revitalization plans for St. Thomas More Collegiate. Mr. Molinari noted that the proposed rezoning will provide additional classroom space and improved physical education facilities. The writer also noted that the new plans for the school will have a positive effect on the neighbourhood.

A letter dated 2008 May 26 was received from Dennis and Flory Bosa, 6578 Oakhill Place, Burnaby, supporting the rezoning application. Mr. & Mrs. Bosa noted that it is important to maintain the current population size of the school and provide additional classroom space. The writers further noted that it is becoming increasingly difficult for the school to provide programs for the students given the current size of the facility. The writers concluded by noting that the rezoning proposal has merit and the community in general will benefit from making the school facilities better.

A letter dated 2008 May 22 was received from Gerald R. Hunter, 7949 Elwell Street, Burnaby, supporting the rezoning application.

Mr. Hunter noted the following points:

1. The planned expansion will provide additional classroom space.
2. The number of students will be maintained at the current level.
3. A new gymnasium and student plaza will provide more on site amenities for students.
4. The parking area will be improved and include bus drop off areas.
5. The new cul-de-sac on 12th Avenue will allow better traffic circulation in the morning and afternoon peak times and improve neighbourhood safety.

The writer concluded by commending St. Thomas More Collegiate's commitment to the concept of neighbourhood and urged Council to give favourable consideration to the rezoning application.

A letter dated 2008 May 20 was received from Heather Brookes, 7650 Burris Street, Burnaby, urging Council to approve plans for the upgrading of St. Thomas More Collegiate. Ms. Brookes noted that the proposed rezoning will provide numerous benefits to the community including improved traffic flow around the school. The letter writer concluded by noting that the proposed expansion of the facility will result in a better educational experience for students.

A letter dated 2008 May 20 was received from Alex Briglio, 105 N. Sea Avenue, Burnaby, supporting the rezoning application. Mr. Briglio noted that the proposed development will greatly enhance facilities for students. The writer further noted that new parking and traffic flow plans will improve neighbourhood safety.

A letter dated 2008 May 23 was received from Sheila Liddle, 7622 12th Avenue, Burnaby, representing Twelfth Avenue Elementary School Parent Advisory Council, expressing concern regarding the proposed expansion and increased enrolment at St. Thomas More High School. The writer noted that 12th Avenue becomes very busy during drop off and pickup times at the high school and this creates safety concerns for students walking to and from the elementary school. The writer also expressed concern regarding the lack of parking at the high school and noted it is the school's responsibility to provide adequate parking areas for students and not use the residential neighbourhood as their parking lot. Ms. Liddle concluded by requesting information regarding the high school's plans for creating additional parking areas and ensuring the safety of children walking to Twelfth Avenue Elementary School.

A letter dated 2008 May 27 was received from Ms. Asbia, Burnaby, expressing parking and traffic safety concerns related to the rezoning application.

Ms. Asbia noted the following points:

1. It is very dangerous to drop off children at school as parents often have to double park.
2. When events are being held at the school it is next to impossible to find a parking spot on adjacent streets.
3. There is no handicap accessible parking available.
4. Noise is a problem during certain events at the school.
5. The school should provide underground parking or increase parking in some other way.

The writer concluded by urging Council to oppose the rezoning application until neighbourhood concerns are addressed.

A letter and petition was received from C. Asbia, Burnaby, opposing the rezoning application. Ms. Asbia noted that the St. Thomas More Collegiate parking lot is too small and this situation creates pedestrian safety concerns and unbearable parking issues.

The petition submitted by Ms. Asbia contained 20 signatures from residents of 12th Avenue, 13th Avenue and Southwood Street, Burnaby and read as follows:

“I ask the Burnaby City Council to stop the amendment to expand and renovate St. Thomas More Collegiate School and increase student enrolment, as it will adversely affect my living conditions and parking on the street due to increased traffic and decreased parking availability, noise levels and safety concerns for residents and children and parents of Twelfth Avenue School.

There is not enough parking already due to St. Thomas More school events and not until a parking lot is made 4 times larger and enforced on St. Thomas More’s grounds should you consider it.

Please acknowledge this signed by me, a resident who lives next to St. Thomas More and/or visiting relative.”

Cheryl Asbia, Burnaby appeared before Council to re-iterate the concerns expressed in her previously noted letter.

In response to an inquiry from Council, the Director Planning & Building advised that during the construction phase of the project the school has made arrangements to use the church parking lot.

Brandy Harrington and Michael Toscano, 7514 12th Avenue, Burnaby appeared before Council expressing general support for the expansion of and renovations to the school. Both speakers, however, expressed some concerns regarding the rezoning application.

Ms. Harrington noted the following issues and concerns:

1. How will the proposed expansion and renovations impact the playing field? Will the children have enough playing space?
2. The proposed bus shelter should be covered.
3. The proposed cul-de-sac built on 12th Avenue will increase traffic volume on this section of the road.
4. There should be an absolute cap on enrolment

Mr. Toscano expressed parking and traffic concerns and requested assurance there would be no further increase in school enrolment.

The Director Planning & Building advised that the CD plan for this project is based on a maximum enrolment of 675 students. In addition, a Section 219 covenant will limit school enrolment to 675 students.

In response to an inquiry from Council, the Director Planning & Building advised that presently the school has 52 parking spaces. 18 additional parking spaces will be provided bringing the total number of spaces to 70. The Director Planning & Building further explained that 1 parking space is required for each staff member and 1 space is required for every 10 senior students.

Cheryl Asbia, Burnaby, again appeared before Council expressing concern regarding access to 12th Avenue during the construction phase of the project.

The Director Planning & Building advised that street access should not be an issue during the two phase construction process. He does not envision a lot of construction traffic on 12th Avenue.

Mike Alivojvodic, Project Architect, Chris Dikeakos Architects Inc., 212 3989 Henning Drive, Burnaby appeared before Council noting the following points:

1. During the construction phase of the project, space will be provided to allow for staging, drop off and deliveries; half of the current parking lot will remain operational and the school has made arrangements to use the church parking lot.
2. Six additional classrooms will be built which represents a net gain of four classrooms on the site.
3. The main purpose of the additional classrooms is to reduce the existing student/teacher ratio.

Ms. Cheryl Asbia, Burnaby, again appeared before Council requesting that consideration be given to using the grassy area on the east side of the school for parking.

Mr. Zhang, 7481 12th Avenue, Burnaby appeared before Council advising that it is difficult for residents to find parking near their homes during school events. The speaker requested that Council take action to address this issue.

There were no further submissions received regarding Rez. #07-16, Bylaw No. 12455.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR VOLKOW:

“THAT this Public Hearing relating to Rez. #07-16, Bylaw No. 12455 be now terminated.”

CARRIED UNANIMOUSLY

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR VOLKOW:

“THAT staff prepare a report responding to the issues raised at the Public Hearing regarding Rezoning #07-16, Bylaw 12455.”

CARRIED UNANIMOUSLY

4. “BURNABY ZONING BYLAW 1965,
BYLAW NO. 26, 2008” - BYLAW NO. 12457

Rez #07-38

Ptn. 8398 North Fraser Way

Ptn. of Lot 5, D.L.'s 155C, 166 & 167, Group 1, NWD Plan LMP38019 Except: Firstly: Part Subdivided by Plan BCP8603, Secondly: Part Subdivided by Plan BCP15933 and Thirdly: Part Dedicated Road Plan BCP 32333

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

To: Amended CD Comprehensive Development District (based on M2 General Industrial District, M5 Light Industrial District and Burnaby Business Park Concept Plan as guidelines and in accordance with the development plan entitled "Refrigerated Supply Limited (RSL)" prepared by Chip Barrett Architect and D. Forcier Design).

The purpose of the proposed zoning bylaw amendment is to permit the development of a light industrial office/warehouse building.

The Advisory Planning Commission advised it supports the rezoning application.

There were no further submissions received regarding Rez. #07-38, Bylaw No. 12457.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR DHALIWAL:

"THAT this Public Hearing relating to Rez. #07-38, Bylaw No. 12457 be now terminated."

CARRIED UNANIMOUSLY

5. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 20, 2008" – TEXT AMENDMENT BYLAW NO. 12452

Text Amendment

The purpose of the proposed zoning bylaw text amendment is to provide clarification and improvements to wording of the bylaw, regarding residential sales centres, taxi dispatch office in the M4 Special Industrial District, distances between buildings on the same lot in C8 and C9 Urban Village Commercial Districts, zoning districts permitted as guidelines for Comprehensive Development (CD), trade schools in the M4 Special Industrial District and retail sale of new goods in the C4 Service Commercial District.

The Advisory Planning Commission advised it supports the rezoning application.

There were no further submissions received regarding Text Amendment Bylaw No. 12452.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR CALENDINO:

"THAT this Public Hearing relating to Text Amendment Bylaw No. 12452 be now terminated."

CARRIED UNANIMOUSLY

ADJOURNMENT

MOVED BY COUNCILLOR VOLKOW:
SECONDED BY COUNCILLOR JOHNSTON:

"THAT this Public Hearing do now adjourn."

CARRIED UNANIMOUSLY

The Public Hearing adjourned at 9:47 p.m.

Confirmed:

Certified Correct:

MAYOR

A/ADMINISTRATIVE OFFICER - OPERATIONS