

PUBLIC HEARING

2009 December 15

A Public Hearing (Zoning) was held in the Council Chamber, City Hall, 4949 Canada Way, Burnaby, B.C. on Tuesday, 2009 December 15 at 7:30 p.m.

PRESENT: Mayor D.R. Corrigan
Councillor P. Calendino
Councillor S. Dhaliwal
Councillor C. Jordan
Councillor P. McDonell
Councillor N.M. Volkow

ABSENT: Councillor R. Chang
Councillor D.N. Johnston
Councillor A. Kang

STAFF: Mr. Basil Luksun, Director Planning and Building
Mr. Sid Cleave, Administrative Officer 1
Ms. E. Prior, A/Administrative Officer 1

The Public Hearing was called to order at 7:33 p.m.

1. **"BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 45, 2009" - BYLAW NO. 12736**

Rez #08-20

7176 Barnet Road

Lot 115, D.L. 216, Plan 10936

From: C1 Neighbourhood Commercial District

To: CD Comprehensive Development District (based on RM2 Multiple Family Residential District, C1 Neighbourhood Commercial District and Apartment Study Area 'C' guidelines and in accordance with the development plan entitled "Barnet Road" prepared by Formwerks Architects)

The purpose of the proposed zoning bylaw amendment is to permit the construction of a mixed-use development composed of townhousing with a street-fronting commercial component with underground parking.

The Advisory Planning Commission advised it supports the rezoning application.

Craig Rowland, Listraor Holdings Ltd., 990 – 1040 Georgia Street, Vancouver, the rezoning applicant appeared before Council advising the proposed development will not generate much on street parking as the bulk of the parking will be provided underground. The speaker further noted the proposed development of Barnet Road adjacent to the subject site will accommodate two lanes of traffic and provide an opportunity for on street parking as well.

John Minichiello, 7257 Pandora Street, Burnaby, appeared before Council opposing the rezoning application. The speaker noted the following points:

- the proposed development is too dense and does not fit well into the neighbourhood
- it does not provide enough open space for children to play
- parking is currently a problem in the area; the proposed development will only make the parking situation worse.

Settimio Pagliaro, 7237 Pandora Street, Burnaby, appeared before Council opposing the rezoning application. The speaker raised the following issues:

- public hearing signs may have fallen to the ground shortly after being posted
- notification area for public hearing should be expanded
- proposed development is too large for the neighbourhood
- this proposal will worsen the parking problem in the area

A letter dated 2009 December 11 was received from Nicoloas Noort, Noort Bros. Construction and Associates, owner of 7191 Barnet Road, Burnaby, opposing the rezoning application. The writer advised that incorporation of a portion of Barnet Road right-of-way in the subject site will substantially reduce on street parking for his tenants and their visitors at 7191 Barnet Road. The writer concluded by requesting that Barnet Road be kept wide enough to allow parking on both sides of the street.

A letter dated 2009 December 14 was received from Mary Jordan on behalf of Jordan Noort Partnership, owner of apartment building at 7191 Barnet Road, Burnaby supporting redevelopment of subject property but opposing the sale of City owned road right-of-way to the applicant which would result in the loss of parking on the east side of Barnet Road.

There were no further submissions received regarding Rez. #08-20, Bylaw No. 12736.

MOVED BY COUNCILLOR CALENDINO:
SECONDED BY COUNCILLOR VOLKOW:

“THAT this Public Hearing relating to Rez. #08-20, Bylaw No. 12736 be now terminated.”

CARRIED UNANIMOUSLY

2. **"BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 46, 2009" - BYLAW NO. 12737**

Rez #09-25

4250 Marine Drive

Lot 1, D.L. 164, Group 1, NWD Plan BCP35866

From: CD Comprehensive Development District (based on RM1 Multiple Family Residential District)

To: Amended CD Comprehensive Development District (based on RM1 Multiple Family Residential District and New Haven Conceptual Development Plan guidelines and in accordance with the development plan entitled "New Haven Townhomes Revised Residential Concept" prepared by Robert Ciccozzi Architecture Inc.)

The purpose of the proposed zoning bylaw amendment is to permit the relocation of 90 previously approved townhouse units from the southern end of the site to the central portion of the site. The 90 relocated townhomes will be combined with previously approved townhouse pods for a total of 96 units.

The Advisory Planning Commission advised it supports the rezoning application.

Robert Vrooman, Amacon, 300 – 911 Homer Street, Vancouver, the rezoning applicant, appeared before Council to address concerns in the letter from Robert Pringle, President, United Growers Association, regarding the impact of noise generated by his company's flower business on future residents in the subject development. Mr. Vrooman advised the relocated townhouse units are no further west than those in the previous rezoning application. The speaker also noted there are two layers of buffer including a heavily treed right-of-way and an environmental riparian zone.

Arising from discussion, Councillor Volkow was granted leave by Council to introduce the following motion:

MOVED BY COUNCILLOR VOLKOW:

SECONDED BY COUNCILLOR McDONELL:

"THAT staff prepare a report on the advisability and feasibility of establishing a Section 219 covenant in regard to the surrounding industrial uses."

CARRIED UNANIMOUSLY

A letter dated 2009 December 15, was received from Robert Pringle, President, United Flower Growers Co-operative Association, 4085 Marine Way, Burnaby, opposing relocation of the proposed townhouse development to the central portion of the subject

site. The writer noted the proposed relocation places the townhouses immediately across from their main loading docks and very close to their 8560 Roseberry building which has a large transportation and logistics function. Given that residents of the proposed development will have difficulties resulting from the normal noise generated by loading and transporting flowers, the writer urged the City to consider requiring the developer to erect a sound barrier between his business and the proposed development.

There were no further submissions received regarding Rez. #09-25, Bylaw No. 12737.

MOVED BY COUNCILLOR CALENDINO:
SECONDED BY COUNCILLOR VOLKOW:

“THAT this Public Hearing relating to Rez. #09-25, Bylaw No. 12737 be now terminated.”

CARRIED UNANIMOUSLY

3. **"BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 47, 2009" - BYLAW NO. 12738**

Rez #09-22

4021 Kingsway

Lot 1, D.L. 34, Group 1, NWD Plan LMP33243

From: CD Comprehensive Development District (based on C2 Community Commercial District)

To: Amended CD Comprehensive Development District (based on C2 Community Commercial District and P1 Neighbourhood Institutional District and Metrotown Development Plan guidelines and in accordance with the development plan entitled “Proposed New Daycare at 4021 Kingsway, BBY., B.C.” prepared by Stephen Chan)

The purpose of the proposed zoning bylaw amendment is to permit a childcare facility for a maximum of 88 children.

The Advisory Planning Commission advised it supports the rezoning application.

There were no further submissions received regarding Rez. #09-22, Bylaw No. 12738.

MOVED BY COUNCILLOR CALENDINO:
SECONDED BY COUNCILLOR VOLKOW:

“THAT this Public Hearing relating to Rez. #09-22, Bylaw No. 12738 be now terminated.”

CARRIED UNANIMOUSLY

4. **"BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 48, 2009" - BYLAW NO. 12739**

Rez #09-21

7297 Ridge Drive

Lot 84, D.L. 216, Group 1, NWD Plan 10936

From: R2a Residential District

To: R2 Residential District

The purpose of the proposed zoning bylaw amendment is to return the property to the original R2 District zoning and to permit future subdivision into two single-family lots.

This rezoning application was withdrawn prior to the Public Hearing.

5. **"BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 49, 2009" - BYLAW NO. 12740**

Rez #09-19

5228 Neville Street

Parcel "B" (EP14458), Lots 2 & 3, Blk 13, D.L. 158, Group 1, NWD Plan 1908

From: C2 Community Commercial District

To: R5 Residential District

The purpose of the proposed zoning bylaw amendment is to bring the subject property into conformance with its existing residential use and to permit the future construction of a new single-family dwelling.

The Advisory Planning Commission advised it supports the rezoning application.

Parminder Mohan, 5250 Neville Street, Burnaby, the rezoning applicant, appeared before Council advising that rezoning the subject property to R5 Residential District would maintain consistency in the block. In fact, the speaker noted if commercial units were developed on the site then they would be jutting into the existing residential area. The speaker concluded by noting commercial development of the site would also aggravate the parking problem.

An email letter dated 2009 December 14 was received from Bob Herar, NJM Holdings Inc., 6610 Lakeview Avenue, Burnaby and owner of the building at 7712 Royal Oak Avenue, Burnaby urging the subject property maintain the current C2 Community Commercial District zoning.

There were no further submissions received regarding Rez. #09-19, Bylaw No. 12740.

MOVED BY COUNCILLOR CALENDINO:

SECONDED BY COUNCILLOR VOLKOW:

“THAT this Public Hearing relating to Rez. #09-19, Bylaw No. 12740 be now terminated.”

CARRIED UNANIMOUSLY

6. **"BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 50, 2009" - BYLAW NO. 12741**

Rez #09-28

1908 Rosser Avenue (Unit #2)

Lot 1, D.L. 119, Group 1, NWD Plan BCP29858

From: CD Comprehensive Development District (based on RM5 Multiple Family Residential District and C3 General Commercial District)

To: Amended CD Comprehensive Development District (based on RM5 Multiple Family Residential District, C3 General Commercial District and Brentwood Town Centre Plan guidelines and in accordance with the development plan entitled “Browns Social House Restaurant” prepared by Hearth Architectural)

The purpose of the proposed zoning bylaw amendment is to permit exterior changes to the building and a reduction in parking.

The Advisory Planning Commission advised it supports the rezoning application.

Robert Krueger, Mela Design Group, 130 – 8380 112th Street, Delta, the rezoning applicant, appeared before Council expressing concern regarding registration of a Section 219 Covenant to limit the hours of use of the proposed restaurant patio from 11:00 a.m. to 10:00 p.m., Monday to Saturday and from 12:00 noon to 10:00 p.m. on Sundays; as well as prohibit any amplified or live music.

Mr. Krueger requested the Section 219 Covenant be amended to limit the hours of use of the patio from 11:00 a.m. to 11:00 p.m., Monday to Friday, and from 10:00 a.m. to 11:00 p.m. on Saturdays, Sundays and holidays. Mr. Krueger also inquired regarding hours of use and prohibition of live music on patios of competitors in the area.

Arising from discussion, Councillor Jordan was granted leave by Council to introduce the following motion:

MOVED BY COUNCILLOR JORDAN:
SECONDED BY COUNCILLOR McDONELL:

“THAT staff prepare a report regarding the requested amendment to the Section 219 Covenant.”

CARRIED UNANIMOUSLY

In response to a query from Council, the Director Planning and Building advised that currently only 9 parking stalls are allocated for the proposed restaurant including the 50 seat patio. The Director Planning and Building also noted the Burnaby Zoning Bylaw would require an additional 31 parking stalls.

The Director Planning and Building further advised the request that parking not increase in connection with the subject restaurant proposal has merit. In addition, Mr. Luksun indicated a Section 219 Covenant guaranteeing access to 40 office parking spaces by restaurant patrons will be required.

The Director Planning and Building noted staff have received a parking impact study which indicated peak parking demands can be accommodated by the amount of parking already provided. Mr. Luksun advised he would provide Council with further details regarding parking arrangements as noted in the study.

Richard Weir, 500 – 1901 Rosser Avenue, Burnaby, representing the owner/developer of the subject property, appeared before Council advising that if additional parking is required then the restaurant/patio proposal would not proceed.

Dean Reed, 500 – 1901 Rosser Avenue, Burnaby, property manager for the subject site, appeared before Council advising additional security will be provided including a second security guard as well as the installation of cameras.

Dr. Tracy Halpen, 203 – 4430 Halifax Street, Burnaby appeared before Council expressing concern regarding lack of parking for the restaurant/patio proposal. The speaker noted that her clients already experience difficulty finding parking space and the proposed restaurant/patio could make the parking situation even worse, especially during the middle of the day.

A letter dated 2009 December 11 was received from Elva and John Clark, 503 – 4380 Halifax Street, Burnaby opposing development of a 200 seat restaurant including a 50 seat patio. The writers noted music and noise from the proposed restaurant, especially the patio area, will negatively impact people in apartments on the east and south sides of Buchanan North Tower.

A letter dated 2009 December 12 was received from Drs. Tracy Halpen, Cathy Hill and Michael de Jong, 203 – 4430 Halifax Street, Burnaby, expressing concern regarding the rezoning application. The writers advised that the parking allotted for the restaurant is inadequate. They are concerned restaurant patrons, unable to find convenient parking,

will park in their building parking lot. The writers concluded by requesting that the parking allotment for the restaurant be increased substantially.

There were no further submissions received regarding Rez. #09-28, Bylaw No. 12741.

MOVED BY COUNCILLOR CALENDINO:
SECONDED BY COUNCILLOR VOLKOW:

“THAT this Public Hearing relating to Rez. #09-28, Bylaw No. 12741 be now terminated.”

CARRIED UNANIMOUSLY

**7. "BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 51, 2009" - BYLAW NO. 12742**

Rez #09-15

8289 North Fraser Way, Units # 107 & 108

Lot 1, D.L. 155, Group 1, NWD Plan BCP31032

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 the Glenwood Industrial Estates Concept Plan guidelines and in accordance with the development plan entitled “Glenwood 5, North Fraser Way” prepared by Christopher Bozyk Architects Ltd.)

The purpose of the proposed zoning bylaw amendment is to permit the sale, servicing and storage of accessible automobiles related to the proposed use of Units 107 and 108 within Glenwood Industrial Estates.

The Advisory Planning Commission advised it supports the rezoning application.

There were no further submissions received regarding Rez. #09-15, Bylaw No. 12742.

MOVED BY COUNCILLOR CALENDINO:
SECONDED BY COUNCILLOR VOLKOW:

“THAT this Public Hearing relating to Rez. #09-15, Bylaw No. 12742 be now terminated.”

CARRIED UNANIMOUSLY

8. **"BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 52, 2009" - BYLAW NO. 12743**

Rez #09-26

4500 Still Creek Drive

Lot 1, D.L.'s 70, 73 & 124, Group 1, NWD Plan BCP25458

From: CD Comprehensive Development District (based on M1 Manufacturing District, M5 Light Industrial District, C2 Community Commercial District and C6a Gasoline Service Station District)

To: Amended CD Comprehensive Development District (based on M5 Light Industrial District, C2 Community Commercial District and C6a Gasoline Service Station District and in accordance with the development plan entitled "Costco Willingdon BC Proposed Garden Centre" prepared by Mitchell C. Smith Architect MAIBC)

The purpose of the proposed zoning bylaw amendment is to permit a seasonal outdoor garden centre for the existing Costco warehouse.

The Advisory Planning Commission advised it supports the rezoning application.

Craig Huether, 500 – 1110 112 NE Avenue, Bellevue, Washington, the rezoning applicant, appeared before Council to answer any questions Council may have.

In response to a query from Council, Mr. Huether advised the proposed garden centre will not displace any parking spaces.

There were no further submissions received regarding Rez. #09-26, Bylaw No. 12743.

MOVED BY COUNCILLOR CALENDINO:

SECONDED BY COUNCILLOR VOLKOW:

"THAT this Public Hearing relating to Rez. #09-26, Bylaw No. 12743 be now terminated."

CARRIED UNANIMOUSLY

9. **"BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 53, 2009" - BYLAW NO. 12744**

Rez #09-27

4350 Still Creek Drive (#100-4370 Still Creek Drive)

Lot 2 (BP247323), D.L. 70, Group 1, NWD Plan 71013

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

To: Amended CD Comprehensive Development District (based on M5 and M5r Light Industrial District, Willingdon Business Park guidelines and in accordance with the development plan entitled "Proposed Restaurant: Unit 100-4370 Still Creek Drive (Willingdon Park)" prepared by CEI Architecture Planning Interiors)

The purpose of the proposed zoning bylaw amendment is to permit a restaurant with 50 seats or less serving surrounding industrial/office developments.

The Advisory Planning Commission advised it supports the rezoning application.

There were no further submissions received regarding Rez. #09-27, Bylaw No. 12744.

MOVED BY COUNCILLOR CALENDINO:
SECONDED BY COUNCILLOR VOLKOW:

"THAT this Public Hearing relating to Rez. #09-27, Bylaw No. 12744 be now terminated."

CARRIED UNANIMOUSLY

Regarding rezoning #08-20, Bylaw 12736, dealt with previously in the Public Hearing, Councillor Jordan was granted leave by Council to introduce the following motion:

MOVED BY COUNCILLOR JORDAN:
SECONDED BY COUNCILLOR VOLKOW:

"THAT staff prepare a report responding to the issues and concerns raised at the Public Hearing for Rezoning #08-20, Bylaw 12736."

CARRIED UNANIMOUSLY

ADJOURNMENT

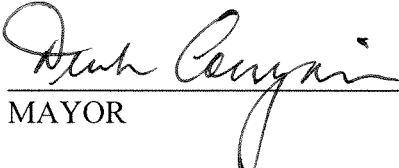
MOVED BY COUNCILLOR JORDAN:
SECONDED BY COUNCILLOR VOLKOW:

"THAT this Public Hearing do now adjourn."

CARRIED UNANIMOUSLY

The Public Hearing adjourned at 8:45 p.m.

Confirmed:


MAYOR

Certified Correct:


ADMINISTRATIVE OFFICER I