

PUBLIC HEARING

2009 July 21

A Public Hearing (Zoning) was held in the Council Chamber, City Hall, 4949 Canada Way, Burnaby, B.C. on Tuesday, 2009 July 21 at 7:30 p.m.

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

STAFF: Mr. Basil Luksun, Director Planning and Building
Mr. Sid Cleave, Administrative Officer

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

1. **"BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 26, 2009" - BYLAW NO. 12655**

Rez #09-08b

7305, 7311 and 7317 13th Avenue,
7272, 7278, 7284, 7290, 7296 and 7316 14th Avenue,
Ptn. of lane – 14th Avenue and Ptn. of road - Ethel Avenue

Lots 71, 70 & 69, D.L. 29, Grp 1, NWD Plan 39217,
Lots 2, 3, 4, 5, 6 & 9, Blk 3, D.L. 29, Grp 1, NWD Plan 3035

From: R5 Residential District

To: P3 Park and Public Use District

The purpose of the proposed zoning bylaw amendment is to bring the subject City-owned properties into conformance with the approved park use designation.

This is the second public hearing for this bylaw amendment as certain properties within the required notification area were inadvertently not sent a notice of the first hearing held on 2009 June 23. The submissions at the second Public Hearing will be taken into account with the submissions at the first hearing.

There were no further submissions received regarding Rez. #09-08b, Bylaw No. 12655.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR VOLKOW:

“THAT this Public Hearing for Rez. #09-08b, Bylaw No. 12655 be terminated.”

CARRIED UNANIMOUSLY

2. **"BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 29, 2009" - BYLAW NO. 12673**

Rez #08-24

7425, 7435 Kingsway

Lots 5 and 6, DL 30, Grp 1, NWD, Plan 4098

From: R5 Residential District

To: CD Comprehensive Development District (based on RM2 Multiple Family Residential District and Edmonds Town Centre Plan guidelines and in accordance with the development plan entitled “Multi-Family Residential Development” prepared by Wilson Chang Architects)

The purpose of the proposed zoning bylaw amendment is to permit the construction of a townhouse development with under-unit parking.

The Advisory Planning Commission advised it supports the rezoning application.

There were no further submissions received regarding Rez. #08-24, Bylaw No. 12673.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR CALENDINO:

“THAT this Public Hearing relating for Rez. #08-24, Bylaw No. 12673 be terminated.”

CARRIED UNANIMOUSLY

3. **“BURNABY ZONING BYLAW 1965,
AMENDMENT BYLAW NO. 30, 2009” - BYLAW NO. 12674**

Rez #05-63

3841 Canada Way

Lots 8 & 9, Blk 45, D.L. 69, Plan 1321 and Lot 37, D.L. 69 Group 1, NWD Plan 39292

From: C4 Service Commercial District

To: CD Comprehensive Development District (based on C2 Community Commercial District, RM3 Multiple Family Residential District and Community Plan Eight guidelines and in accordance with the development plan entitled “Proposed Mixed-Use Commercial and Residential Development” prepared by Chris Dikeakos Architects Inc.).

The purpose of the proposed zoning bylaw amendment is to permit the construction of a four storey mixed-use development, including 30 residential units and at-grade and second floor commercial retail and office floor area, with full underground parking.

The Advisory Planning Commission advised it supports the rezoning application.

A letter dated 2009 July 11 was received from Linda Ellis, 203-3883 Laurel Street, Burnaby expressing concern regarding this rezoning application. The speaker does not support construction of a four storey building. The speaker also noted the following points:

- a very tall cottonwood tree containing an eagle’s nest should be retained
- the plan shows the proposed development will cut into the park.

A letter dated 2009 July 21 was received from Eric Damer, 3915 Creekside Place, Burnaby advising the proposed bylaw change and development are perfectly acceptable. The writer, however, noted the following broader concerns:

- consideration should be given to the eagle’s nest in a tree adjoining the property when scheduling demolition of old building and erection of new ones.
- as the population in this corner of Burnaby grows, the various utilities and services should meet the increased demand
- the site is well served by transit in north/south directions but less so in east/west directions
- consideration should be given to current commercial tenants on the site so they can survive displacement or at least resume their activities in a short time.

Emily Sutherland, 35-3960 Canada Way, Burnaby appeared before Council expressing concern for an eagle’s nest in a tree next to the subject property. The speaker also inquired if a portion of the park is being included in the development.

In response to the speakers comments, the Director Planning and Building advised if it is determined there is an eagle’s nest in the park area, then the developer would be required to meet provincial Ministry of Environment best management practices for raptor conservation and provisions of the Wildlife Act. The Director Planning and Building also noted no part of the park is being included in this rezoning application. The proposed development is on three private properties and the lot configuration is such that it makes an indentation into the park.

There were no further submissions received regarding Rez. #05-63, Bylaw No. 12674.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR DHALIWAL:

“THAT this Public Hearing relating to Rez. #05-63, Bylaw No. 12674 be terminated.”

CARRIED UNANIMOUSLY

**4. “BURNABY ZONING BYLAW 1965,
AMENDMENT BYLAW NO. 31, 2009” - BYLAW NO. 12675**

Rez #06-22

3812, 3826, 3842, 3854 & 3862 Norfolk Street

Lots 1, 2 & 3, West Half of Lot 4 and East Half of Lot 4, Blk 45, D.L. 69, Group 1,
NWD Plan 1321

From: R5 Residential District

To: CD Comprehensive Development District (based on RM3 Multiple Family Residential District and Community Plan Eight guidelines and in accordance with the development plan entitled “Proposed Residential Development at Norfolk and Smith Ave Burnaby, B.C.” prepared by Chris Dikeakos Architects Inc.)

The purpose of the proposed zoning bylaw amendment is to permit the construction of a 35-unit three-storey apartment building with underground parking.

The Advisory Planning Commission advised it supports the rezoning application.

A member of Council noted consideration should be given to mentioning the Gateway Project in notification forms regarding the proposed apartment building.

Tracey MacKinnon, 3883 Laurel Street, Burnaby appeared before Council inquiring about the Gateway Project.

In response to the speakers’ inquiry, the Director Planning and Building advised the Gateway Project is a provincial initiative to twin the Port Mann Bridge and includes eight lanes of traffic through Burnaby.

There were no further submissions received regarding Rez. #06-22, Bylaw No. 12675.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR DHALIWAL:

“THAT this Public Hearing relating to Rez. #06-22, Bylaw No. 12675 be terminated.”

CARRIED UNANIMOUSLY

5. **“BURNABY ZONING BYLAW 1965,
AMENDMENT BYLAW NO. 32, 2009” - BYLAW NO. 12676**

Rez #06-46

6842, 6858 and 6876 Royal Oak Avenue

Lot 6, Blk 5, Lot 7, Blk 4 & 5, and Lot 8, Blk 5, D.L. 98, Group 1, NWD Plan 2066

From: M4 Special Industrial District

To: CD Comprehensive Development District (based on C9 Urban Village Commercial District and Royal Oak Community Plan guidelines and in accordance with the development plan entitled “Residential/Commercial Development 6888 Royal Oak Ave. Burnaby, BC” prepared by Chris Dikeakos Architects Inc.).

The purpose of the proposed zoning bylaw amendment is to permit the construction of a four-storey mixed use development with retail at grade and residential above with underground parking.

The Advisory Planning Commission advised it supports the rezoning application.

A memorandum dated 2009 July 21 was received from the Director Planning and Building regarding this rezoning application. For the record, this memorandum read as follows:

“This memorandum is to correct two statistical figures in the rezoning report dated 2009 June 17 for Rezoning Reference #06-46. The commercial floor area is correctly noted in the report as 600.13 m² (6,460 sq. ft.). However, in section 3.1 it is incorrectly shown as 469.14 m² (5,050 sq. ft.). Secondly, on Page 6 in Section 4.5, the total parking for the project is 109 spaces and not 107 as indicated.

This information is for the Public Hearing record.”

Councillor Volkow noted the staff report regarding the proposed plan of development indicated that due to current market conditions and to make the project more economically viable and efficient, the applicant has increased the number of units from 48 to 60. Given recent reports from the real estate and development community noting that market conditions are better in the Lower Mainland than most places, Councillor Volkow requested an explanation as to why it is necessary to increase the number units in the development.

Richard Berstein, Chris Dikeakos Architects Inc., 212-3989 Henning Drive, Burnaby, Project Architect, appeared before Council to respond to Councillor Volkow’s comments. The speaker noted the revised design provides a good mix of units at a very affordable price point.

Tony Havlicek, 5025 Francis Street, Burnaby appeared before Council advising that he made a down payment on a unit as part of the previous development proposal for the subject site. The

speaker inquired regarding the status of his investment and whether or not he would get another unit in the development.

His Worship, Mayor D.R. Corrigan advised the speaker to consult with the developer regarding this matter.

There were no further submissions received regarding Rez. #06-46, Bylaw No. 12676.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR DHALIWAL:

“THAT this Public Hearing relating to Rez. #06-46, Bylaw No. 12676 be terminated.”

CARRIED UNANIMOUSLY

6. **“BURNABY ZONING BYLAW 1965,
AMENDMENT BYLAW NO. 28, 2009” - BYLAW NO. 12664**

Text Amendment

The purpose of the proposed zoning bylaw text amendment is to provide clarification and improvements to the wording of the bylaw regarding temporary buildings.

The Advisory Planning Commission advised it supports the text amendment.

There were no further submissions received regarding text amendment Bylaw No. 12664.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR CALENDINO:

“THAT this Public Hearing for Text Amendment Bylaw No.12664 be terminated.”

CARRIED UNANIMOUSLY

7. **“BURNABY ZONING BYLAW 1965,
AMENDMENT BYLAW NO. 33, 2009” - BYLAW NO. 12679**

Text Amendment

The purpose of the proposed zoning bylaw text amendment is to provide clarification and improvements to the wording of the bylaw regarding group homes.

The Advisory Planning Commission advised it supports the text amendment.

There were no further submissions received regarding text amendment Bylaw No. 12679.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR DHALIWAL:

“THAT this Public Hearing for Text Amendment Bylaw No. 12679 be terminated.”

CARRIED UNANIMOUSLY

Regarding Rezoning #05-63, Bylaw No. 12674 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 JOHNSTON:

“THAT the transit issues raised in the letter dated 2009 July 21 from Eric Damer be REFERRED to the Transportation Committee for review.”

CARRIED UNANIMOUSLY

ADJOURNMENT

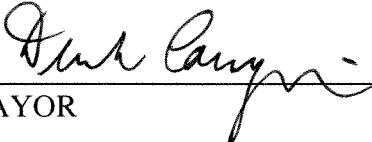
MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR JORDAN:

“THAT this Public Hearing do now adjourn.”

CARRIED UNANIMOUSLY

The Public Hearing adjourned at 8:01 p.m.

Confirmed:



MAYOR

Certified Correct:



ADMINISTRATIVE OFFICER I