

PUBLIC HEARING

2011 JULY 26

A Public Hearing (Zoning) was held in the Council Chamber, City Hall, 4949 Canada Way, Burnaby, B.C. on Tuesday, 2011 July 26 at 7:00 p.m.

PRESENT: Mayor D.R. Corrigan, In the Chair
Councillor P. Calendino
Councillor R. Chang
Councillor S. Dhaliwal
Councillor A. Kang (*arrived at 7:03 p.m.*)
Councillor D.N. Johnston
Councillor C. Jordan
Councillor P. McDonell
Councillor N.M. Volkow

STAFF: Mr. Basil Luksun, Director Planning and Building
Mr. Sid Cleave, Acting Deputy City Clerk
Ms. Eva Prior, A/Administrative Officer 1

The Public Hearing was called to order at 7:01 p.m.

1) **BURNABY ZONING BYLAW 1965,**
AMENDMENT BYLAW NO. 22, 2011 – BYLAW NO. 12970

Rez. #10-29

6566/6576/6584/6594 Nelson Avenue and 6565/6575/6583/6593 Dunblane Avenue

Lots 18/19/20/21/22/23/24/25, DL 152, Group 1, NWD Plan 8063

From: RM3 Multiple Family Residential District

To: CD Comprehensive Development District (based on RM5s Multiple Family Residential District and Metrotown Town Centre Plan guidelines and in accordance with the development plan entitled “Met” prepared by Buttjes Architecture Inc.)

The purpose of the proposed zoning bylaw amendment is to permit the construction of a high-rise multi-family residential development with street-fronting townhouses.

*** Councillor Kang arrived at 7:03 p.m. and took her seat at the Council table.***

The Advisory Planning Commission advised it supports the rezoning application.

An email letter dated 2011 July 18 was received from Brian Smetaniuk, on behalf of his mother, Lila Smetaniuk, 309-6676 Nelson Avenue, Burnaby opposing the rezoning application. The writer noted the following points:

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- The proposed development will increase parking and traffic problems in the neighbourhood.
 - The trees that complement Bonsor Park across the street will be lost and replaced with little shrubs.

An undated letter was received from Clayton Gillies, 6570 Dunblane Avenue, Burnaby advising the proposed development will have a negative impact on his property. The writer noted the following points:

- Metrotown Centre Plan recognizes this area of land as a succession precinct for possible CD(RM5) or continued RM3 development.
- The neighbourhood is well suited to 2 or 3 storey tower development.
- A shorter tower is preferable to a 35 storey tower.
- The new (s) designation zoning is not necessary for all future developments in the area to meet the projected density targets for the City.
- The proposed development will cast a shadow over adjacent properties and affect the amount of sunlight they receive.
- Density bonus funds should be used to revitalize Lobley Park.
- Garbage containers in the proposed development should be located well within the boundaries of the property.
- During the construction phase of the project, adjacent property owners should be compensated for noise and dust from the development.

Dirk Buttjes, Buttjes Architecture, 3707 First Avenue, Burnaby, Project Architect, appeared before Council to answer any questions Council may have.

Peter Web, Senior Vice President, Concord Pacific Holdings Ltd. 900-1095 West Pender Street, Vancouver, rezoning applicant, appeared before Council to answer any questions Council may have.

In response to a query from Council regarding concerns raised in the previously noted letter from Clayton Gillies pertaining to the construction schedule as well as noise and dust control, Mr. Web noted construction would typically take place from Monday to Friday and all of the City's noise and dust control bylaw requirements would be met.

There were no further submissions received regarding Rezoning #10-29, Bylaw No. 12970.

MOVED BY COUNCILLOR JOHNSTON:

SECONDED BY COUNCILLOR CALENDINO:

“THAT this Public Hearing for Rez. #10-29, Bylaw #12970 be terminated.”

CARRIED UNANIMOUSLY

2) **BURNABY ZONING BYLAW 1965,**
AMENDMENT BYLAW NO. 19, 2011 – BYLAW NO. 12961

Rez. #10-13

7399 North Fraser Way, 7400 Hugh Drive, and Portion of Hugh Drive Road Allowance
Adjacent to 7400 Hugh Drive

Lot 13 Except: Firstly; Part on Plan 5594, Secondly; Part on Plan 5734, Thirdly; Part
Dedicated Road on Plan BCP6, DL166A, GRP 1, NWD Plan 524 Part (as shown on
Expropriation PL 5594) Lot 13, DL166A, GRP 1, NWD Plan 524)

From: M2 General Industrial District

To: CD Comprehensive Development District (based on M2 General Industrial
District, M5 Light Industrial District and Big Bend Development Plan as
guidelines, and in accordance with the development plan entitled “Attachment
'A': 7399 North Fraser Way Design Guidelines” prepared by Omicron
Development Inc)

The purpose of the proposed zoning bylaw amendment is to consolidate and service the
subject site as well as to provide parameters for future development.

The Advisory Planning Commission advised it supports the rezoning application.

David Fawley, Omicron Development Inc., 595 Burrard Street, Vancouver, rezoning applicant,
appeared before Council to answer any questions Council may have.

There were no further submissions received regarding Rezoning #10-13, Bylaw No. 12961.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR CALENDINO:

“THAT this Public Hearing for Rez. #10-13, Bylaw #12961 be terminated.”

CARRIED UNANIMOUSLY

3) **BURNABY ZONING BYLAW 1965,**
AMENDMENT BYLAW NO. 20, 2011 – BYLAW NO. 12962

Rez. #11-16

2830 Douglas Road

Lot 1, District Lot 74, Group 1, NWD Plan LMP5585

From: C1 Neighbourhood Commercial District and C4 Service Commercial District

To: CD Comprehensive Development District (based on M2 General Industrial, M5 Light Industrial and M5r Light Industrial Districts as guidelines and in accordance with the development plan entitled “Proposed Industrial – Office Building, 2830 Douglas Road Burnaby, BC” prepared by WestCAD Services Ltd.)

The purpose of the proposed zoning bylaw amendment is to permit a change of use to the existing two-storey commercial building to an office-industrial use.

The Advisory Planning Commission advised it supports the rezoning application.

There were no further submissions received regarding Rezoning #11-16, Bylaw No. 12962.

MOVED BY COUNCILLOR JOHNSTON:

SECONDED BY COUNCILLOR CALENDINO:

“THAT this Public Hearing for Rez. #11-16, Bylaw #12962 be terminated.”

CARRIED UNANIMOUSLY

4) **BURNABY ZONING BYLAW 1965,**
AMENDMENT BYLAW NO. 21, 2011 – BYLAW NO. 12963

Rez. #11-19

107 – 1899 Rosser Avenue (4399 Lougheed Highway)

Lot B, D.L. 119, Plan LMP45761, Airspace Parcel 1, Group 1, NWD Airspace Plan LMP49418

From: CD Comprehensive Development District (based on RM5 Multiple Family Residential District, P3 Park and Public Use District, and C3 and C3h General Commercial District)

To: Amended CD Comprehensive Development District (based on RM5 Multiple Family Residential District, P3 Park and Public Use District, C3, C3h General Commercial District and Brentwood Town Centre Plan guidelines and in accordance with the development plan entitled “Joey Burnaby Rezoning Amendment” prepared by Denis Turco Architect Inc.)

The purpose of the proposed zoning bylaw amendment is to permit a “liquor primary” classification for the lounge component of the Joey’s Restaurant.

The Advisory Planning Commission advised it supports the rezoning application.

An undated letter was received from Lucia A. Galla, 2603-4398 Buchanan Street, Burnaby, opposing the rezoning application.

An undated letter was received from Gilippo Mameli, 404-4398 Buchanan Street, Burnaby opposing the rezoning application.

A letter dated 2011 July 6 was received from Cal Mancía, 302-4380 Halifax Street, Burnaby opposing the rezoning application. The writer advised this proposal could result in additional patron noise and necessitate an increased police presence. It could also set a precedent for similar requests from other restaurants in the immediate vicinity. The writer concluded by emphasizing the negative impact this proposal would have on the neighbourhood.

Steve Barron, H.O.S.T. Consulting Ltd., 520-88 E. Pender Street, Vancouver, representing Joey's Restaurant, appeared before Council to answer any questions Council may have.

In response to a query from Council related to concerns raised in the previously noted letter dated 2011 July 6 from Cal Mancía regarding patron noise and police presence in the vicinity of the restaurant late at night, Mr. Barron noted that signage is posted in the restaurant to remind patrons not to disturb neighbours. In addition, staff also remind people to keep their voices down as they leave.

His Worship, Mayor Derek R. Corrigan, advised the City would appreciate receiving information from Joey's Restaurant regarding their contingency plans for dealing with excessive patron noise and dispersal of crowds at closing time.

Janet Jesson, 2438 Avon Place, Port Coquitlam, appeared before Council to describe the Joey Great Neighbour's Agreement. Restaurant staff help disperse crowds and keep the noise level down. In addition, strict morning exercises include walk arounds and pick up of litter. The speaker advised she will provide Council with a detailed outline of how the program works.

Arising from discussion, Council encouraged Joey's Restaurant to get together with neighbouring restaurants to discuss a co-ordinated approach for dealing with any issues that may arise regarding patron noise and dispersal of crowds.

Arising from further discussion, Council requested staff provide a memorandum to Council regarding the liquor licence status of restaurants in the immediate vicinity of the subject site and noting if these restaurants have received complaints.

There were no further submissions received regarding Rezoning #11-19, Bylaw No. 12963.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR CALENDINO:

“THAT this Public Hearing for Rez. #11-19, Bylaw #12963 be terminated.”

CARRIED UNANIMOUSLY

5) **BURNABY ZONING BYLAW 1965,**
AMENDMENT BYLAW NO. 24, 2011 – BYLAW NO. 12976

TEXT AMENDMENT

The purpose of the proposed zoning bylaw text amendment is to clarify certain aspects of the bylaw and make minor amendments in support of existing practices and Council policies, as well as other minor regulatory changes regarding side and rear yard setback provisions for commercial or industrial developments adjacent to a Comprehensive Development District site, and regulation of business establishments for the purchase of gold, silver, and other precious metals.

There were no further submissions received regarding Text Amendment Bylaw No. 12976.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR CALENDINO:

“THAT this Public Hearing relating to Text Amendment, Bylaw No. 12976 be terminated.”

CARRIED UNANIMOUSLY

6) **BURNABY ZONING BYLAW 1965,**
AMENDMENT BYLAW NO. 25, 2011 – BYLAW NO. 12977

TEXT AMENDMENT

The purpose of the proposed zoning bylaw text amendment is to provide clarification and improvements to the wording of the bylaw regarding off-street parking provisions in the Hastings Street Area Plan.

Joan Anderson, Director of Employment and Language Programs, MOSAIC, 1522 Commercial Drive, Vancouver appeared before Council supporting the text amendment. The speaker noted that MOSAIC recently opened a language school at 4181 Hastings Street and this text amendment would give the school the opportunity to provide cash in-lieu of required off-street parking.

There were no further submissions received regarding Text Amendment Bylaw No. 12977.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR CHANG:

“THAT this Public Hearing relating to Text Amendment, Bylaw No. 12977 be terminated.”

CARRIED UNANIMOUSLY

ADJOURNMENT

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR CALENDINO:

"THAT this Public Hearing do now adjourn."

CARRIED UNANIMOUSLY

The Public Hearing adjourned at 7:42 p.m.

Confirmed:

Certified Correct:

MAYOR

ADMINISTRATIVE OFFICER I