

PUBLIC HEARING

2012 April 24

A Public Hearing (Zoning) was held in the Council Chamber, City Hall, 4949 Canada Way, Burnaby, B.C. on Tuesday, 2012 April 24 at 7:00 p.m.

PRESENT: Mayor D.R. Corrigan, In the Chair
Councillor R. Chang
Councillor S. Dhaliwal
Councillor D.N. Johnston
Councillor C. Jordan
Councillor P. McDonell
Councillor N.M. Volkow

ABSENT: Councillor P. Calendino
Councillor A. Kang

STAFF: Mr. Basil Luksun, Director Planning and Building
Mr. Sid Cleave, Acting Deputy City Clerk

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

1) **BURNABY ZONING BYLAW 1965,**
AMENDMENT BYLAW NO. 19, 2012 - BYLAW NO. 13077

Rez. #11-32

6509 and 6539 McKay Avenue

Lot 1, D.L. 151 & 153, Group 1, NWD Plan BCP40118; Lot "C", D.L. 153, Group 1, NWD Plan 7421

From: RM3 Multiple Family Residential District and CD Comprehensive Development District (based on RM3 Multiple Family Residential District)

To: CD Comprehensive Development District (based on RM3s Multiple Family Residential District and Metrotown Development Plan guidelines, and in accordance with the development plan entitled "36 + 8 Condo Development" prepared by Jordan Kutev Architect)

The purpose of the proposed zoning bylaw amendment is to permit the construction of a 44-unit low-rise apartment development with full underground parking.

The Advisory Planning Commission advised it supports the rezoning application.

Brent Lane, 101 – 6460 Cassie Avenue, Burnaby, Council president for strata NW 1794, appeared before Council, on behalf of the residents in his duplex, noting a variety of points regarding the rezoning proposal. The speaker supported the proposed change of pedestrian right of way from the north to the south side of the property. In addition, he applauded the decision to retain the row of mature cedars on the northwest corner of the property.

The speaker noted the following concerns:

- Proposed four storey height is excessive; previous proposal consisted of three stories with a mezzanine.
- This proposal will result in a loss of sunlight for the north facing patio of the development at 6460 Cassie Avenue and reduce the resale value of the units in the building as well.
- Parking access to proposed development should be from McKay Avenue rather than Cassie Avenue.
- The screened garbage and recycling areas should be located in such a way as to not create noise, mess or odor issues for neighbouring properties.
- The communal facilities and general amenities should not create noise, privacy or security problems for neighbouring properties.

The speaker concluded by cautioning Council that the developer has shown very little regard for the impact of their project on surrounding properties.

There were no further submissions received regarding Rezoning #11-32, Bylaw No. 13077.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR VOLKOW:

“THAT this Public Hearing for Rez. #11-32, Bylaw No. 13077 be terminated.”

CARRIED UNANIMOUSLY

2) **BURNABY ZONING BYLAW 1965,**
AMENDMENT BYLAW NO. 20, 2012 – BYLAW NO. 13078

Rez. #11-27

4908 Hastings Street

Lot 2 Except: Firstly: Part Subdivided By Plan 19297 Secondly: Part Outlined Red on Plan 22210, Block “G”, D.L. 127, Group 1, NWD Plan 1254

From: RM3 Multiple Family Residential District

To: CD Comprehensive Development District (based on RM2 Multiple Family Residential District, C1 Neighbourhood Commercial District and Apartment Study Area ‘B’ guidelines, and the development plan entitled “Mixed Use Building, 4908 Hastings Street, Burnaby, BC” prepared by Franco Tessari Architect)

The purpose of the proposed zoning bylaw amendment is to permit commercial use of the main floor of the existing apartment building on the subject site. Three existing apartment units within the building will remain. No new building construction is proposed.

The Advisory Planning Commission advised it supports the rezoning application.

There were no further submissions received regarding Rezoning #11-27, Bylaw No. 13078.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR VOLKOW:

“THAT this Public Hearing for Rez. #11-27, Bylaw No. 13078 be terminated.”

CARRIED UNANIMOUSLY

3) **BURNABY ZONING BYLAW 1965,**
AMENDMENT BYLAW NO. 6, 2012 – BYLAW NO. 13063

TEXT AMENDMENT

The purpose of the proposed zoning bylaw text amendment is to provide a revised approach for permitting child care facilities within a single-family residential dwelling with up to 10 children and/or one non-resident staff (in addition to the resident staff person). The revised approach would review such proposals through the Preliminary Plan Approval process. The intent of the proposed approach is to simplify the approval process for child care facilities within a single-family dwelling, while ensuring compliance with the provisions of Burnaby Zoning Bylaw and other relevant bylaws and regulations.

There were no submissions received regarding Text Amendment Bylaw No. 13063.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR VOLKOW:

“THAT this Public Hearing for Text Amendment Bylaw No. 13063 be terminated.”

CARRIED UNANIMOUSLY

4) **BURNABY ZONING BYLAW 1965,**
AMENDMENT BYLAW NO. 7, 2012 – BYLAW NO. 13064

Rez. #12-08a

7580 Curtis Street

Lot 4, D.L. 138, Group 1, NWD Plan 71750

From: R2b

To: R2

The purpose of the proposed zoning bylaw amendment is to remove the “b” subscript zoning for the subject property. The current on-site child care facility, previously approved through rezoning, would continue to be a permitted use within the existing single family dwelling and would not require preliminary plan approval.

The Advisory Planning Commission advised it supports the rezoning application.

There were no further submissions received regarding Rezoning #12-08a, Bylaw No. 13064.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR VOLKOW:

“THAT this Public Hearing for Rez. #12-08a, Bylaw No. 13064 be terminated.”

CARRIED UNANIMOUSLY

5) **BURNABY ZONING BYLAW 1965,**
AMENDMENT BYLAW NO. 8, 2012 – BYLAW NO. 13065

Rez. #12-08b

6409 Aubrey Street

Lot 2, D.L. 129, Group 1, NWD Plan 23366

From: R4b

To: R4

The purpose of the proposed zoning bylaw amendment is to remove the “b” subscript zoning for the subject property. The current on-site child care facility, previously approved through rezoning, would continue to be a permitted use within the existing single family dwelling and would not require preliminary plan approval.

The Advisory Planning Commission advised it supports the rezoning application.

A letter dated 2012 April 18 was received from Josephine Ho, 6405 Aubrey Street expressing concern regarding parking at 6409 Aubrey Street. The writer requested that the operator of the day care facility be asked to advise employees and parents to comply with off street parking requirements.

There were no further submissions received regarding Rezoning #12-08b, Bylaw No. 13065.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR VOLKOW:

“THAT this Public Hearing for Rez. #12-08b, Bylaw No. 13065 be terminated.”

CARRIED UNANIMOUSLY

6) **BURNABY ZONING BYLAW 1965,**
AMENDMENT BYLAW NO. 9, 2012 – BYLAW NO. 13066

Rez. #12-08c

5375 Gilpin Street

Lot 182, D.L. 83, Group 1, NWD Plan 42596

From: R2b

To: R2

The purpose of the proposed zoning bylaw amendment is to remove the “b” subscript zoning for the subject property. The current on-site child care facility, previously approved through rezoning, would continue to be a permitted use within the existing single family dwelling and would not require preliminary plan approval.

The Advisory Planning Commission advised it supports the rezoning application.

There were no further submissions received regarding Rezoning #12-08c, Bylaw No. 13066.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR VOLKOW:

“THAT this Public Hearing for Rez. #12-08c, Bylaw No. 13066 be terminated.”

CARRIED UNANIMOUSLY

7) **BURNABY ZONING BYLAW 1965,**
AMENDMENT BYLAW NO. 10, 2012 – BYLAW NO. 13067

Rez. #12-08d

7842 Welsley Drive

Lot 331, D.L. 87, Group 1, NWD Plan 46793

From: R2b

To: R2

The purpose of the proposed zoning bylaw amendment is to remove the “b” subscript zoning for the subject property. The current on-site child care facility, previously approved through rezoning, would continue to be a permitted use within the existing single family dwelling and would not require preliminary plan approval.

The Advisory Planning Commission advised it supports the rezoning application.

There were no further submissions received regarding Rezoning #12-08d, Bylaw No. 13067.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR VOLKOW:

“THAT this Public Hearing for Rez. #12-08d, Bylaw No. 13067 be terminated.”

CARRIED UNANIMOUSLY

8) **BURNABY ZONING BYLAW 1965,**
AMENDMENT BYLAW NO. 11, 2012 – BYLAW NO. 13068

Rez. #12-08e

7868 Elwell Street

Lot B, D.L. 90, Group 1, NWD Plan 20144

From: R5b

To: R5

The purpose of the proposed zoning bylaw amendment is to remove the “b” subscript zoning for the subject property. The current on-site child care facility, previously approved through rezoning, would continue to be a permitted use within the existing single family dwelling and would not require preliminary plan approval.

The Advisory Planning Commission advised it supports the rezoning application.

There were no further submissions received regarding Rezoning #12-08e, Bylaw No. 13068.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR VOLKOW:

“THAT this Public Hearing for Rez. #12-08e, Bylaw No. 13068 be terminated.”

CARRIED UNANIMOUSLY

9) **BURNABY ZONING BYLAW 1965,**
AMENDMENT BYLAW NO. 12, 2012 – BYLAW NO. 13069

Rez. #12-08f

4956 Rumble Street

Lot 51, D.L. 158, Group 1, NWD Plan 20106

From: R5b

To: R5

The purpose of the proposed zoning bylaw amendment is to remove the “b” subscript zoning for the subject property. The current on-site child care facility, previously approved through rezoning, would continue to be a permitted use within the existing single family dwelling and would not require preliminary plan approval.

The Advisory Planning Commission advised it supports the rezoning application.

Martin Cayer, 4956 Rumble Street, Burnaby appeared before members of Council expressing concern regarding the rezoning proposal and the larger impact on the neighbourhood of removing the ‘b’ subscript from the bylaw.

The speaker noted the following points:

- Removal of the “b” subscript could lead to an increase in day care facilities and result in additional vehicular and pedestrian traffic on an already busy Rumble Street where it is difficult for local residents to find a parking spot.
- An increase in the number of day care facilities may reduce the level of monitoring for all such facilities.
- Existing day care facilities may find it more difficult to fill vacancies.
- Litter and noise in the neighbourhood may increase.
- The value of his property may decline.
- It may become more difficult for his wife to open a day car in their home should they decide to do so.

In response to the speakers comment regarding monitoring of child care facilities, the Director Planning and Building noted these facilities are regulated under the Community Care Facility Act which is administered by Fraser Health through the Child Care Licensing Regulation.

There were no further submissions received regarding Rezoning #12-08f, Bylaw No. 13069.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR VOLKOW:

“THAT this Public Hearing for Rez. #12-08f, Bylaw No. 13069 be terminated.”

CARRIED UNANIMOUSLY

10) BURNABY ZONING BYLAW 1965,
AMENDMENT BYLAW NO. 13, 2012 – BYLAW NO. 13070

Rez. #12-08g

6141 Ewart Street

Lot 10, D.L. 159, Group 1, NWD Plan 2441

From: R4b

To: R4

The purpose of the proposed zoning bylaw amendment is to remove the “b” subscript zoning for the subject property. The current on-site child care facility, previously approved through rezoning, would continue to be a permitted use within the existing single family dwelling and would not require preliminary plan approval.

The Advisory Planning Commission advised it supports the rezoning application.

There were no further submissions received regarding Rezoning #12-08g, Bylaw No. 13070.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR VOLKOW:

“THAT this Public Hearing for Rez. #12-08g, Bylaw No. 13070 be terminated.”

CARRIED UNANIMOUSLY

11) **BURNABY ZONING BYLAW 1965,**
AMENDMENT BYLAW NO. 14, 2012 – BYLAW NO. 13071

Rez. #12-08h

8546 16th Avenue

Lot 81, D.L. 11, Group 1, NWD Plan 21666

From: R3b

To: R3

The purpose of the proposed zoning bylaw amendment is to remove the “b” subscript zoning for the subject property. The current on-site child care facility, previously approved through rezoning, would continue to be a permitted use within the existing single family dwelling and would not require preliminary plan approval.

The Advisory Planning Commission advised it supports the rezoning application.

There were no further submissions received regarding Rezoning #12-08h, Bylaw No. 13071.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR VOLKOW:

“THAT this Public Hearing for Rez. #12-08h, Bylaw No. 13071 be terminated.”

CARRIED UNANIMOUSLY

12) **BURNABY ZONING BYLAW 1965,**
AMENDMENT BYLAW NO. 15, 2012 – BYLAW NO. 13072

Rez. #12-08i

4415 Fitzgerald Avenue

Lot 318, D.L. 80, Group 1, NWD Plan 51483

From: R2b

To: R2

The purpose of the proposed zoning bylaw amendment is to remove the “b” subscript zoning for the subject property. The current on-site child care facility, previously approved through rezoning, would continue to be a permitted use within the existing single family dwelling and would not require preliminary plan approval.

The Advisory Planning Commission advised it supports the rezoning application.

Carla Hait, 5785 Monarch Street, Burnaby appeared before Council inquiring if removal of the 'b' subscript zoning from the subject property will change the maximum number of children currently permitted in the day care facility.

In response to the speaker's inquiry, the Director Planning and Building noted removal of the 'b' subscript zoning will not change the maximum number of children currently permitted in the day care facility.

There were no further submissions received regarding Rezoning #12-08i, Bylaw No. 13072.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR VOLKOW:

"THAT this Public Hearing for Rez. #12-08i, Bylaw No. 13072 be terminated."

CARRIED UNANIMOUSLY

13) **BURNABY ZONING BYLAW 1965,**
AMENDMENT BYLAW NO. 16, 2012 – BYLAW NO. 13073

Rez. #12-08j

6238 Ashworth Avenue

Lot 6, D.L. 92, Group 1, NWD Plan 20131

From: R5b

To: R5

The purpose of the proposed zoning bylaw amendment is to remove the "b" subscript zoning for the subject property. The current on-site child care facility, previously approved through rezoning, would continue to be a permitted use within the existing single family dwelling and would not require preliminary plan approval.

The Advisory Planning Commission advised it supports the rezoning application.

There were no further submissions received regarding Rezoning #12-08j, Bylaw No. 13073.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR VOLKOW:

"THAT this Public Hearing for Rez. #12-08j, Bylaw No. 13073 be terminated."

CARRIED UNANIMOUSLY

**14) BURNABY ZONING BYLAW 1965,
AMENDMENT BYLAW NO. 17, 2012 – BYLAW NO. 13074**

Rez. #12-08k

5960 Walker Avenue

Lot 1, D.L. 86, Group 1, NWD Plan 15380

From: R1b

To: R1

The purpose of the proposed zoning bylaw amendment is to remove the “b” subscript zoning for the subject property. The current on-site child care facility, previously approved through rezoning, would continue to be a permitted use within the existing single family dwelling and would not require preliminary plan approval.

The Advisory Planning Commission advised it supports the rezoning application.

A letter dated 2012 April 18 was received from Phyllis Dais, 7330 Burris Street, Burnaby opposing the rezoning application. The writer noted the noise from the day care operation negatively impacts the quality of life for the surrounding neighbours.

There were no further submissions received regarding Rezoning #12-08k, Bylaw No. 13074.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR VOLKOW:

“THAT this Public Hearing for Rez. #12-08k, Bylaw No. 13074 be terminated.”

CARRIED UNANIMOUSLY

**15) BURNABY ZONING BYLAW 1965,
AMENDMENT BYLAW NO. 18, 2012 – BYLAW NO. 13075**

Rez. #12-08l

2781 North Road

Lot B, D.L. 8, Group 1, NWD Plan LMP30275

From: R2b

To: R2

The purpose of the proposed zoning bylaw amendment is to remove the “b” subscript zoning for the subject property. The current on-site child care facility, previously approved through rezoning, would continue to be a permitted use within the existing single family dwelling and would not require preliminary plan approval.

The Advisory Planning Commission advised it supports the rezoning application.

There were no further submissions received regarding Rezoning #12-081, Bylaw No. 13075.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR VOLKOW:

“THAT this Public Hearing for Rez. #12-081, Bylaw No. 13075 be terminated.”

CARRIED UNANIMOUSLY

16) BURNABY ZONING BYLAW 1965,
AMENDMENT BYLAW NO. 21, 2012 – BYLAW NO. 13079

Rez. #12-05

9500 Glenlyon Parkway

Lot 1, D.L. 165, Group 1, NWD Plan BCP36073

From: CD Comprehensive Development District (based on M5 Light Industrial District, P1 Neighbourhood Institutional District and Glenlyon Concept Plan)

To: Amended CD Comprehensive Development District (based on M5 Light Industrial District, P1 Neighbourhood Institutional District and Glenlyon Concept Plan guidelines)

The purpose of the proposed zoning bylaw amendment is to permit the addition of 14 spaces to the existing child care facility, bringing the occupancy for childcare spaces to 59.

The Advisory Planning Commission advised it supports the rezoning application.

There were no further submissions received regarding Rezoning #12-05, Bylaw No. 13079.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR VOLKOW:

“THAT this Public Hearing for Rez. #12-05, Bylaw No. 13079 be terminated.”

CARRIED UNANIMOUSLY

17) BURNABY ZONING BYLAW 1965,
AMENDMENT BYLAW NO. 22, 2012 – BYLAW NO. 13080

Rez. #12-01

9001 Bill Fox Way

Lot B, D.L. 162, 163, 164 and 165, Group 1, NWD Plan LMP31531

From: P3 Park and Public Use District

To: P3 “f” Park and Public Use District

The purpose of the proposed zoning bylaw amendment is to permit liquor primary service within the Riverway Golf Course.

The Advisory Planning Commission advised it supports the rezoning application.

There were no further submissions received regarding Rezoning #12-01, Bylaw No. 13080.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR VOLKOW:

“THAT this Public Hearing for Rez. #12-01, Bylaw No. 13080 be terminated.”

CARRIED UNANIMOUSLY

Regarding rezoning #11-32, Bylaw No. 13077, 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 staff prepare a report in response to the issue raised by Mr. Brent Lane at the Public Hearing for rezoning #11-32 regarding access to and egress from the proposed development.”

CARRIED UNANIMOUSLY

ADJOURNMENT

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR VOLKOW:

"THAT this Public Hearing do now adjourn."

CARRIED UNANIMOUSLY

The Public Hearing adjourned at 7:50 p.m.

Confirmed:

Certified Correct:

MAYOR

ACTING DEPUTY CITY CLERK