

TO: CITY CLERK 2015 January 21

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: REZONING REFERENCE #13-23
AMENDMENT BYLAW NO. 20/14; BYLAW #13354
Mixed-use development with two residential towers, commercial podium and townhousing
Third Reading

ADDRESS: 6280 Cassie Avenue and 6331, 6363 and 6377 McKay Avenue

LEGAL: Lot A, District Lot 153, Group 1, MWD Plan 8356, Lot 1, District Lot 151 and 153, Group 1, NWD Plan 8356, Lots 2 and 3, District Lot 153, Group 1, NWD Plan 8356

FROM: RM3 Multiple Family Residential District

TO: CD Comprehensive Development District (based on the RM5s Multiple Family Residential District, C2 Community Commercial District, and Metrotown Town Centre Development Plan as guidelines and in accordance with the development plan entitled "Gold House" prepared by Chris Dikeakos Architects Inc.)

The following information applies to the subject rezoning bylaw:

- a) First Reading given on 2014 July 07,
- b) Public Hearing held on 2014 July 22, and
- c) Second Reading given on 2014 August 25.

The prerequisite conditions have been partially satisfied as follows:

- a. The submission of a suitable plan of development.
 - *The applicant has submitted a virtually complete suitable plan of development. A few remaining details will be resolved prior to Final Adoption.*
- b. The deposit of sufficient monies, including a 4% Engineering Inspection Fee, to cover the costs of all services necessary to serve the site and the completion of a servicing agreement covering all requisite services. All services are to be designed to City

standards and constructed in accordance with the Engineering Design. One of the conditions for the release of occupancy permits will be the completion of all requisite services.

- *The applicant has submitted engineering design drawings for review and has agreed in a letter dated 2014 October 27 to deposit the necessary funds including 4% inspection fees and complete the servicing agreement prior to Final Adoption.*
- c. The installation of all electrical, telephone and cable servicing, and all other wiring underground throughout the development, and to the point of connection to the existing service where sufficient facilities are available to serve the development.
 - *The applicant has agreed to this prerequisite in a letter dated 2014 October 27.*
- d. Demolition of any improvements will be permitted after Second Reading of the Rezoning Bylaw has been granted provided that the applicant acknowledges that such permission does not fetter Council's ability to grant or not to grant Third Reading and/or Final Adoption of the Rezoning Bylaw. In addition, the demolition of any improvements will be permitted at any time if they are vacant and considered by staff to be subject to misuse and vandalism.
 - *The applicant has agreed to this prerequisite in a letter dated 2014 October 27. Demolition of Phase 1 improvements must be completed within six (6) months of Final Adoption or prior to issuance of Building Permit, whichever comes first. Phase 2 improvements must be completed prior to issuance of building permit.*
- e. The utilization of an amenity bonus through the provision of a \$16,520,994 cash in-lieu contribution in accordance with Section 3.3 of this report.
 - *As the development site is to be developed in two phases, the applicant will provide a phased cash in-lieu contribution. The Phase 1 contribution, \$9,912,596.40, would be provided prior to Final Adoption. The balance (\$6,608,397.60), with interest at a rate of Royal Bank Canada prime plus 2%, would be made payable prior to the issuance of the preliminary Plan Approval for Phase 2. A density allocation covenant and no build covenant over the Phase 2 site would be registered with the Land Title Office prior to Final Adoption. This approach is consistent with other similarly phased developments in the City.*
- f. The dedication of any rights-of-way deemed requisite.
 - *A subdivision plan dedicating the requisite rights-of-way has been submitted and will be deposited in the Land Title Office prior to Final Adoption.*

- g. The consolidation of the net project site into two legal parcels.
- *The requisite subdivision plan of consolidation has been submitted and will be deposited in the Land Title Office prior to Final Adoption.*
- h. The granting of any necessary statutory rights-of-way, easements and/or covenants, including provisions of an east-west mews through the site from McKay Avenue to Cassie Avenue, as outlined under Section 3.7 of this report.
- *The applicant has agreed to this prerequisite in a letter dated 2014 October 27 and the necessary easements and statutory rights-of-way will be deposited in the Land Title Office prior to Final Adoption.*
- i. The granting of a Section 219 Covenant to assure the provision and continuing maintenance of a commercial bicycle end of trip facilities.
- *The applicant has agreed to this prerequisite in a letter dated 2014 October 27 and the required covenant will be deposited in the Land Title Office prior to Final Adoption.*
- j. The granting of a Section 219 Covenant:
- Restricting enclosure of balconies;
 - Indicating that project surface driveway accesses will not be restricted by gates;
 - Guaranteeing the provision and maintenance of public art; and,
 - Ensuring that handicap accessible parking stalls in the underground residential parking areas be held in common property to be administered by the Strata Corporation.
 - *The applicant has agreed to this prerequisite in a letter dated 2014 October 27 and the required covenants will be deposited in the Land Title Office prior to Final Adoption.*
- k. The review of a detailed Sediment Control System by the Director Engineering.
- *The applicant has agreed to this prerequisite in a letter dated 2014 October 27.*
- l. The submission of a suitable on-site stormwater management system to the approval of the Director Engineering, the deposit of sufficient monies for its provision, and the granting of a Section 219 Covenant to guarantee its provision and continuing operation.


- *The applicant has agreed to this prerequisite in a letter dated 2014 October 27. A suitable on-site stormwater management system will require approval of the Director Engineering, the required covenant will be deposited in the Land Title Office and the required funds to guarantee this provision will be deposited prior to Final Adoption.*
- m. The submission of a suitable Solid Waste and Recycling plan to the approval of the Director Engineering
 - *The applicant has agreed to this prerequisite in a letter dated 2014 October 27.*
- n. The design and provision units adaptable to persons with disabilities, the provision of customized hardware and cabinet work being subject to the sale/lease of the unit to a disabled person and with allocated disabled parking spaces.
 - *The applicant has submitted a letter dated 2014 October 27 agreeing to meet this prerequisite, this provision is indicated on the development plans and the requisite covenant plans will be deposited in the Land Title Office prior to Final Adoption.*
- o. The provision of covered car wash stalls and adequately sized and appropriately located garbage handling and recycling material holding space to the approval of the Director Engineering and a commitment to implement the recycling provisions.
 - *The necessary provisions are indicated on the development plans and the applicant has submitted a letter dated 2014 October 27 agreeing to meet this prerequisite.*
- p. Compliance with the guidelines for underground parking for residential visitors and commercial patrons.
 - *The applicant has agreed to this prerequisite in a letter dated 2014 October 27.*
- q. The review of on-site residential loading facilities by the Director Engineering.
 - *The applicant has agreed to this prerequisite in a letter dated 2014 October 27.*
- r. The submission of an acoustic study to ensure compliance with the Council-adopted sound criteria.

- *An acoustic study has been submitted for review by the Engineering Environmental Services Division. Agreement by the applicant to comply with the Council-adopted sound criteria and an acceptable acoustic study will be achieved prior to Final Adoption.*
- s. Compliance with the Council-adopted sound criteria.
 - *The applicant has agreed to this prerequisite in a letter dated 2014 October 27.*
- t. The undergrounding of existing overhead wiring abutting the site.
 - *The applicant has agreed to this prerequisite in a letter dated 2014 October 27.*
- u. The provision of a public pedestrian walkway statutory right-of-way from McKay Avenue to Cassie Avenue and the construction of a concrete walk and lighting to the approval of the Director Engineering.
 - *The necessary provisions are indicated on the development plans and the applicant has submitted a letter dated 2014 October 27 agreeing to meet this prerequisite.*
- v. The submission of a detailed comprehensive sign plan.
 - *The necessary provisions are indicated on the development plans and the applicant has submitted a letter dated 2014 October 27 agreeing to meet this prerequisite.*
- w. The deposit of the applicable Parkland Acquisition Charge.
 - *The applicant has agreed in a letter dated 2014 October 27 to make the necessary deposits prior to Final Adoption.*
- x. The deposit of the applicable Metrotown Public Open Space Charge.
 - *The applicant has agreed in a letter dated 2014 October 27 to make the necessary deposits prior to Final Adoption.*
- y. The deposit of the applicable Metrotown Grade-separated Pedestrian Linkage Charge.
 - *The applicant has agreed in a letter dated 2014 October 27 to make the necessary deposits prior to Final Adoption.*

- z. The deposit of the applicable GVS & DD Sewerage Charge.
- *The applicant has agreed in a letter dated 2014 October 27 to make the necessary deposits prior to Final Adoption.*
- aa. The deposit of the applicable School Site Acquisition Charge.
- *The applicant has agreed in a letter dated 2014 October 27 to make the necessary deposits prior to Final Adoption.*
- bb. The submission of a written undertaking to distribute area plan notification forms, prepared by the City, with disclosure statements; and, to post area plan notification signs, also prepared by the City, on the development site and in the sales office in prominent and visible locations prior to Third Reading, or at the time marketing for the subject development commences, whichever is first, and remain posted for a period of one year, or until such time that all units are sold, whichever is greater.
- *The applicant has agreed to this prerequisite in a letter dated 2014 October 27 and the area plan notification signs are in place.*

As the prerequisite conditions to this rezoning are now substantially complete, could you please arrange to return this amendment bylaw to Council for Consideration and Third Reading on 2015 January 26, with Reconsideration and Final Adoption to follow when the prerequisites are completely fulfilled and Planning notifies you to that effect.

A copy of the Public Hearing minutes for this rezoning application is **attached** for information.


Lou Pelletier, Director
PLANNING AND BUILDING

ZT:tn
Attachment

cc: City Manager

**BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 20, 2014 - BYLAW NO. 13354**

Rez. #13-23

6280 Cassie Avenue and 6331/6363/6377 McKay Avenue

Lot A, DL 153, Group 1, NWD Plan 8356, Lot 1, DL 151 and 153, Group 1, NWD Plan 8356, Lots 2 and 3, DL 153, Group 1, NWD Plan 8356

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The purpose of the proposed zoning bylaw amendment is to permit the development of two residential apartment buildings, 41 – storeys (north apartment building) and 26 – storeys (south apartment building) respectively, with a townhouse component and a commercial office-retail component.

The Advisory Planning Commission advised it supports the rezoning application.

An email letter dated 2014 July 15 was received from Tisa Navak, 307-6280 Cassie Avenue, Burnaby objecting to the rezoning application. The writer is concerned that a number of rental buildings are being rezoned, demolished and rebuilt as owner occupied buildings, and therefore requested Council consider the impact this rezoning application has on the renters who will be displaced.

An email letter dated 2014 July 14 from Ken Gould, 405-6240 McKay Avenue, Burnaby opposing the rezoning application due to increase noise and traffic. The writer noted that another highrise in the neighbourhood will block sunlight from adjacent buildings.

Email letters dated 2014 July 21st and 22nd were received from the following residents of 6280 Cassie Avenue, Burnaby who object to the rezoning application of their building:

- Doru Botez, 101-6280 Cassie Avenue, Burnaby
- Joonkyu Park, 203-6280 Cassie Avenue, Burnaby
- Mary Mishreky, 316-6280 Cassie Avenue, Burnaby
- Lulu Xu, 201-6280 Cassie Avenue, Burnaby
- Engin Kirmaci, 301-6280 Cassie Avenue, Burnaby
- Rana Azimova, 213-6280 Cassie Avenue, Burnaby

- Emad Girgis, 316-6280 Cassie Avenue, Burnaby
- Balazs & Csilla Heczey, 205- 6280 Cassie Avenue, Burnaby
- Victoria Hoseph, 106-6280 Cassie Avenue, Burnaby
- Alejandra Escobar, 6280 Cassie Avenue, Burnaby
- Salif Amara, 303-6280 Cassie Avenue, Burnaby

The writers advise that there have been many buildings torn down in the area recently to make room for large high-rises, thus leaving fewer rental units available for the rental community.

Rick McGowan, 239-4155 Sardis Street, Burnaby appeared before Council expressing concern about a higher density in the area of the zoning application and whether there would be adequate space to accommodate two towers. Mr. McGowan further inquired regarding the status and process of introducing the 'S' category zoning district.

In response, the Director Planning and Building advised that there was sufficient space on the subject site for the two towers.

Helen Ward, 4819 Albert Street, Burnaby appeared before Council to discuss the review process for introduction of the 'S' category zoning district. Ms. Ward suggested that Council had avoided a public process regarding the text amendment in Burnaby's four town centres and was proceeding to permit higher density without the benefit of due process.

In response, the Director Planning and Building advised that, with regard to the process for completion of the Metrotown Plan review, staff are approximately two years away from completing the process.

Ms. Ward questioned how many towers will be approved before the process is complete and suggested that Council is "putting the cart before the horse".

Jason Haycock, 6331 McKay Street, Burnaby appeared before Council advising that, after living in Burnaby for a decade, he can no longer afford to live in Burnaby. Mr. Haycock felt that, by allowing the construction of more highrises, it is creating a wall of shadows and not allowing the sunlight in.

There were no further submissions received regarding Rezoning #13-23, Bylaw No. 13354.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR VOLKOW:

"THAT this Public Hearing for Rez. #13-23, Bylaw No. 13354 be terminated."

CARRIED UNANIMOUSLY