

## INTER-OFFICE MEMORANDUM

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**TO:** CITY CLERK 2015 March 04

**FROM:** DIRECTOR PLANNING AND BUILDING

**SUBJECT:** REZONING REFERENCE #13-42  
AMENDMENT BYLAW NO. 28/14; BYLAW #13374  
Low Rise Multiple-Family  
Third Reading

**ADDRESS:** 3205, 3209, 3229, 3239, 3249, 3279, 3311, 3337, 3361, 3369 Noel Drive,  
9083 and 9125 Cameron Street

**LEGAL:** See Schedule A (*attached*)

**FROM:** R2 Residential District

**TO:** CD Comprehensive Development District (based on RM2 Multiple-Family  
Residential District and Lougheed Town Centre Plan guidelines and in  
accordance with the development plan entitled "Noel Drive Residential" prepared  
by RHA Architecture)

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The following information applies to the subject rezoning bylaw:

- a) First Reading given on 2014 July 21;
- b) Public Hearing held on 2014 August 26; and,
- c) Second Reading given on 2014 September 29.

The prerequisite conditions have been partially satisfied as follows:

- a. The submission of a suitable plan of development.
  - *A virtually complete suitable plan of development has been submitted. 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 2015 February 25 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 2015 February 25.*
- d. The removal of all existing improvements from the site prior to Final Adoption of the Bylaw. 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 in a letter dated 2015 February 25, has requested an extension to the demolition to within six months of the rezoning being effected. Staff are supportive of the request, and a Section 219 Covenant will be registered in the Land Title Office prior to Final Adoption and sufficient funds will be deposited to ensure the demolition is completed.*
- e. 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.*
- f. The consolidation of the net project site into one legal parcel.
  - *The requisite subdivision plan of consolidation has been submitted and will be deposited in the Land Title Office Prior to Final Adoption*
- g. The undergrounding of existing overhead wiring abutting the site.
  - *The applicant has agreed to this prerequisite in a letter dated 2015 February 25, and will deposit the necessary funds prior to Final Adoption.*
- h. The granting of any necessary statutory rights-of-way, easements and/or covenants.
  - *The applicant has agreed to this prerequisite in a letter dated 2015 February 25, and the requisite statutory rights-of-way, easements and/or covenants will be deposited in the Land Title Office prior to Final Adoption.*

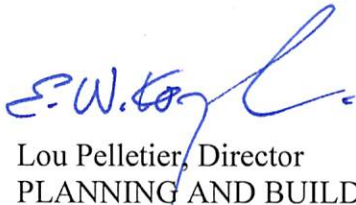
- i. The granting of Section 219 Covenants including:
  - restricting enclosure of balconies;
  - protecting the streamside protection and enhancement areas (SPEA);
  - protecting on-site trees to be retained; and,
  - providing that all disabled parking is to remain as common property.
- *The applicant has agreed to this prerequisite in a letter dated 2015 February 25, and the requisite covenants will be deposited in the Land Title Office prior to Final Adoption.*
- j. Compliance with the guidelines for underground parking for visitors.
  - *The applicant has agreed to this prerequisite in a letter dated 2015 February 25 and the necessary provisions have been indicated on the development plans.*
- k. The provision of covered car wash stalls and an 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 of undertaking dated 2015 February 25 committing to implement the recycling provisions.*
- l. The review of a detailed Sediment Control System by the Director Engineering.
  - *The applicant has agreed to this prerequisite in a letter dated 2015 February 25. A detailed Sediment Control System plan has been submitted to the Engineering Department – Environmental Services for approval 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 2015 February 25. A Solid Waste and Recycling Plan has been submitted to the Engineering Department – Environmental Services for approval prior to Final Adoption.*
- n. The review of on-site residential loading facilities by the Director Engineering.
  - *The applicant has agreed to this prerequisite in a letter dated 2015 February 25. An on-site residential loading plan has been submitted to the Engineering Department – Traffic Division for approval prior to Final Adoption.*

- o. 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 2015 February 25. A suitable on-site stormwater management system has been submitted for the 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.*
- p. The provision of facilities for cyclists in accordance with Section 4.5 of the rezoning report.
  - *This provision is indicated on the development plans and the applicant has submitted a letter dated 2015 February 25 agreeing to meet this prerequisite.*
- q. The completion of the Highway Closure Bylaw.
  - *The Highway Closure Bylaw has been advanced to Council for consideration. The Bylaw Plans will be deposited in the Land Title Office prior to Final Adoption.*
- r. The completion of the sale of City Property.
  - *Council has approved the sale and purchase price of the City property to be acquired by the applicant. The sale will be completed prior to Final Adoption.*
- s. The deposit of the applicable Parkland Acquisition Charge.
  - *The applicant has agreed in a letter dated 2015 February 25 to make the necessary deposits prior to Final Adoption.*
- t. The deposit of the applicable GVS & DD Sewerage Charge.
  - *The applicant has agreed in a letter dated 2015 February 25 to make the necessary deposits prior to Final Adoption.*
- u. The deposit of the applicable School Site Acquisition Charge.
  - *The applicant has agreed in a letter dated 2015 February 25 to make the necessary deposits prior to Final Adoption.*

- v. 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 2015 February 25 and the on-site area plan notification sign is 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 March 09, 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

JBS:tn

**Attachments**

cc: City Manager

## **SCHEDULE A**

### **REZONING 13-42**

<b>Address</b>	<b>Legal Description</b>
3205 Noel Drive	Lot 1, DL 6, Group 1, NWD Plan 17130
3209 Noel Drive	Lot 1, Blk 10, DL 6, Group 1, NWD Plan 17130
3229 Noel Drive	Lot 11, DL 6, Group 1, NWD Plan 18558
3239 Noel Drive	Lot 8 Except: Part on Plan with Bylaw Filed 44114; Blk 10, DL 6, Group 1, NWD Plan 17130
3249 Noel Drive	Lot 7 Except: Part Shown on Plan with Bylaw Filed 44114, Blk 10, DL 6, Group 1, NWD Plan 17130
3279 Noel Drive	Lot 6, Blk 10, DL 6, Group 1, NWD Plan 17130
3311 Noel Drive	Lot 5 Except: Part on Plan with Bylaw Filed 44114, Blk 10, DL 6, Group 1, NWD Plan 17130
3337 Noel Drive	Lot 4 Except: Part on Plan with Bylaw Filed 44114, Blk 10, DL 6, Group 1, NWD Plan 17130
3361 Noel Drive	Lot 3 Except: Part on Plan with Bylaw Filed 44114, Blk 10, DL 6, Group 1, NWD Plan 17130
3369 Noel Drive	Lot 1, Blk 10, DL 6, Group 1, NWD Plan 17130
9083 Cameron Street	Parcel "A" (Explanatory Plan 9672), Lot 17 Except: Parcel "One" (Reference Plan 22345); DL 6, Group 1, NWD Plan 748
9125 Cameron Street	Lot 2 Except: Part Outlined Red on Plan with Bylaw Filed 44114; Blk 10, DL 6, Group 1, NWD Plan 17130

**PUBLIC HEARING MINUTES  
HELD ON: 2014 AUGUST 26  
REZ. REF. NO. 13-42  
PAGE 1 OF 5**

**BURNABY ZONING BYLAW 1965, AMENDMENT  
BYLAW NO. 28, 2014 - BYLAW NO. 13374**

Rez. #13-42

Address	Legal Description
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From: R2 Residential District

To: CD Comprehensive Development District (based on RM2 Multiple Family Residential District, Lougheed Town Centre Plan guidelines and in accordance with the development plan entitled "Noel Drive Residential" prepared by RHA Architects Inc.)

The Deputy City Clerk advised that RHA Architects Inc. prepared the drawings.

The purpose of the proposed zoning bylaw amendment is to permit the construction of a 150 unit townhouse and low-rise apartment development with underground parking.

*\*Councillor Kang returned to the Public Hearing at 8:00 p.m. and took her seat at the Council table.*

The Advisory Planning Commission advised it supports the rezoning application.

A letter dated 2014 August 26 was received from Gary Wong, Vice President, Stonebrook Strata Council, 158-3288 Noel Drive, Burnaby supporting the rezoning application. The writer, however, noted a concern regarding the potential increase in traffic on Noel Drive between Cameron Street and Beaverbrook Drive.

A letter dated 2014 August 20 was received from Dr. Ronald Dong, 3293 Beaverbrook Drive, Burnaby objecting to the rezoning application. The writer noted the proposed development will significantly increase traffic in the area.

A letter dated 2014 August 21 was received from Liu Liang and Liang Jiantao, 130-3288 Noel Drive, Burnaby opposing the rezoning application.

A letter dated 2014 August 22 was received from Vasile Zamfirescu, 3302 Noel Drive, Burnaby expressing concern regarding the rezoning application. The writer noted the following questions:

- Is there any compensation contemplated for the owners of strata properties on Noel Drive who will see their immediate environment substantially altered by the proposed development?
- Is there a comprehensive plan in place to deal with the traffic impacts of the proposed development especially on Noel Drive?

A letter dated 2014 August 21 was received from Boris Rudnitski, 134-3288 Noel Drive, Burnaby objecting to the rezoning application. The writer noted the proposed development will significantly increase traffic on Noel Drive. The writer also expressed concern regarding noise, dust and road closures during the construction phase of the project.

A letter dated 2014 August 25 was received from Alan James, PO Box 56522 Lougheed Mall PO, Burnaby noting the following points regarding the rezoning application:

- Modify the area to be acquired for park space to include the steep slope on the west of Lots 8 and 11.
- Add a sentence to Recommendation 5.d. of the Manager's Report to have the developer remove any trash and invasive plants in the park area.
- The on-site stormwater management system should be designed to handle a 1000-year storm to take account of effects of climate change.
- Include responsibility for keeping sediment and other pollutants out of Stoney Creek as an item in the Strata by-laws.
- Add a requirement for demonstrating that the excavation for the units including the underground parking will not compromise the stability of the slope.
- Add a requirement that Fisheries and Oceans Canada approve the habitat restoration plan.

A letter dated 2014 August 26 was received from Ross Howitt, 3287 Beaverbrook Drive, Burnaby requesting street widths on all sides of the development be widened. The writer expressed traffic safety concerns related to increased traffic volumes on adjacent streets.



A letter dated 2014 August 26 was received from Reijo & Sinikka Seppanen, 9033 Cameron Street, Burnaby expressing concern regarding the rezoning application. The writers noted there should be no public access points from the subject property to their property. The writers further advised that the area between their property and the proposed building should have the maximum amount of privacy which could be achieved through a combination of retaining existing trees and adding more trees including a solid hedge of Thuja Occidentalis or similar as well as shrubbery and fence.

Ron Eban, 9083 Cameron Street, Burnaby appeared before Council expressing concern regarding the rezoning application. The speaker noted the following points:

- Embankment stability and safety issues pose a risk.
- The negative impact of the proposal on salmon and wildlife habitat will be significant.
- The developer should assist with relocation costs for existing residents on the subject site.

Cameron Thorn, Ledingham McAllister Communities Ltd., 3<sup>rd</sup> Floor, 1285 West Pender Street, Vancouver, the rezoning applicant, appeared before Council advising that Ward McAllister, President of the company, and other members of the development team were in attendance at this evening's hearing and available to answer any questions Council may have.

Alan James, 7551 Kraft Crescent, Burnaby, representing Stoney Creek Environment Committee, appeared before Council commending the City of Burnaby for their commitment to the streamside protection of Stoney Creek. The speaker, however, expressed concern regarding the rezoning application and noted the following questions:

- Will the proposed development impact peak flows in in the creek?
- If peak flows do change and result in damage to the spawning areas, will there be a guarantee of compensation?
- Will drains from the underground parking structure flow into the storm sewer system or sanitary sewer system?
- There is a steep cliff to the west of the proposed development and alongside the restoration area; have engineering studies been done to make sure construction activity does not result in a landslide?

In response to the speaker's queries, the Director Planning and Building noted the following points:

- Sediment control and stormwater management systems must perform to the satisfaction of the Director Engineering.
- Slope stability issues will be addressed through the building permit submission.
- The underground parking structure will be connected to the sanitary sewer system.

The speaker concluded by requesting a written response to the issues he raised at the public hearing including those in his previously noted letter.

Ross Howitt, 3287 Beaverbrook Drive, Burnaby appeared before Council to reiterate the concerns raised in his previously noted letter. The speaker requested a written response to his letter and

further, that a copy of the response also be forwarded to Mr. Gary Wong, Vice President, Stonebrook Strata Council.

In response to Mr. Howitt's letter, the Director Planning and Building noted that additional street widths are not part of the subject rezoning application.

Mr. Brenner, 3125 Noel Drive, Burnaby appeared before Council expressing concern in regard to increasing traffic in the subject area and requested the City address this matter.

Michael Schmidt, 1-2600 Beaverbrook Crescent, Burnaby appeared before Council expressing concern regarding the rezoning application. Mr. Schmidt supported the comments of Mr. Alan James, a previous speaker. Mr. Schmidt emphasized the importance of protecting salmon and other wildlife. He also noted flood and erosion risks.

Ms. Franca Zumpano, 1583 Springer Avenue, Burnaby appeared before Council to inquire regarding the school catchment area for the proposed development.

Mr. Cameron Thorn, Ledingham McAllister Communities Ltd, 3<sup>rd</sup> Floor, 1285 West Pender Street, Vancouver, the rezoning applicant, appeared before Council noting School District officials indicated the proposed development falls within the Stoney Creek catchment area and both Stoney Creek Elementary School and Burnaby Mountain Secondary School have capacity for new students.

Brian Arnold, 26-2600 Beaverbrook Crescent, Burnaby appeared before Council expressing concern regarding the rezoning application particularly with respect to stability of the embankment and protection of salmon and wildlife habitat.

Mr. John O'Donnell, Ledingham McAllister Communities Ltd., 3<sup>rd</sup> Floor, 1285 West Pender Street, Vancouver, the rezoning applicant, appeared before Council emphasizing the company's commitment to the health of Stoney Creek. The speaker noted the 30-meter setback from the creek actually enhances the Stoney Creek corridor.

There were no further submissions received regarding Rezoning #13-42, Bylaw No. 13374.

MOVED BY COUNCILLOR JORDAN:

SECONDED BY COUNCILLOR VOLKOW:

"THAT this Public Hearing for Rez. #13-42, Bylaw No. 13374 be terminated."

**CARRIED UNANIMOUSLY**

**MOVED BY COUNCILLOR JORDAN:**  
**SECONDED BY COUNCILLOR VOLKOW:**

“THAT staff prepare a report in response to the issues raised at the Public Hearing for rezoning #13-42, Bylaw No. 13374.”

**CARRIED UNANIMOUSLY**