



## INTER-OFFICE COMMUNICATION

**TO:** CITY CLERK 2015 May 27

**FROM:** DIRECTOR PLANNING AND BUILDING

**SUBJECT:** **REZONING REFERENCE #07-49**  
**AMENDMENT BYLAW NO. 38/14 ; BYLAW #13418**  
**Townhousing**  
**Third Reading**

**ADDRESS:** 5092, 5108, 5120, 5132, 5146, 5168, 5180, 5192 Canada Way and 4981, 4991 Claude Avenue

**LEGAL:** See *attached* Schedule A

**FROM:** R4 Residential District and C2 Community Commercial District

**TO:** CD Comprehensive Development District (based on RM2 Multiple Family Residential District, Canada Way and Claude Avenue Area Plan guidelines and in accordance with the development plan entitled "Deer Lake Townhomes" prepared by GBL Architects Inc.)

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The following information applies to the subject rezoning bylaw:

- a) First Reading given on 2014 November 24;
- b) Public Hearing held on 2014 December 09; and,
- c) Second Reading given on 2015 January 19.

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 May 11 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 May 11.*
- 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 has agreed to this prerequisite in a letter dated 2015 May 11 and the site is currently vacant.*
- e. The approval to the Ministry of Transportation to the rezoning application.
  - *The preliminary approval of the Ministry of Transportation to the subject rezoning proposal has been obtained. Final approval of the rezoning bylaw will be obtained prior to Final Adoption.*
- 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 undergrounding of existing overhead wiring abutting the site.
  - *The applicant has agreed to this prerequisite in a letter dated 2015 May 11, and will deposit the necessary funds prior to Final Adoption.*

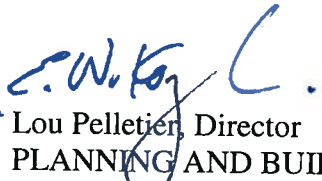
- i. The granting of any necessary statutory rights-of-way, easements and/or covenants.
  - *The applicant has agreed to this prerequisite in a letter dated 2015 May 11, and the requisite statutory rights-of-way, easements and/or covenants will be deposited in the Land Title Office prior to Final Adoption.*
- j. Compliance with the Council-adopted sound criteria.
  - *An acoustic study has been submitted for review by the Engineering Environmental Services Division, and the requisite covenant will be deposited in the Land Title Office prior to Final Adoption.*
- k. The granting of Section 219 Covenants including:
  - restricting enclosure of balconies;
  - indicating that project surface driveway access will not be restricted by gates;
  - protecting the streamside protection and enhancement areas (SPEA);
  - to ensure compliance with the approved geotechnical report;
  - providing that all disabled parking is to remain as common property; and,
  - to ensure compliance with the accepted acoustical evaluation.
  - *The applicant has agreed to this prerequisite in a letter dated 2015 May 11, and the requisite covenants will be deposited in the Land Title Office prior to Final Adoption.*
- l. Compliance with the guidelines for underground parking for visitors.
  - *The applicant has agreed to this prerequisite in a letter dated 2015 May 11, and the necessary provisions are indicated on the development plans.*
- m. The provision of covered car wash stalls and adequately sized and appropriately located garbage handling and recycling material holding space 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 May 11 committing to implement the recycling provisions.*
- n. The review of a detailed Sediment Control System by the Director Engineering.
  - *The applicant has agreed to this prerequisite in a letter dated 2015 May 11. A detailed Sediment Control System plan has been submitted to the Engineering Department – Environmental Services for approval prior to Final Adoption.*

- o. 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 May 11. A detailed Solid Waste and Recycling Plan has been approved by the Engineering Department – Environmental Services Division.*
- p. The review of on-site residential loading facilities by the Director Engineering.
  - *The applicant has agreed to this prerequisite in a letter dated 2015 May 11. An on-site residential loading plan has been submitted to the Engineering Department – Traffic Division for approval prior to Final Adoption.*
- q. 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 May 11. 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.*
- r. 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 May 11 agreeing to meet this prerequisite.*
- s. The deposit of the applicable Parkland Acquisition Charge.
  - *The applicant has agreed in a letter dated 2015 May 11 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 May 11 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 May 11 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 provided a letter of undertaking dated 2015 May 11 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 June 01, 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/spf  
**Attachment**

cc: City Manager  
Director Finance, Attn: R. Mester, Management Consultant

**Schedule A**  
**Rezoning Reference #07-49**

5092 Canada Way	-	Lot 1, D.L. 85, Group 1, NWD Plan 7571
5108 Canada Way	-	Lot 2, D.L. 85, Group 1, NWD Plan 7571
5120 Canada Way	-	Lot B Except: the northerly 205.5 ft., D.L. 85, Group 1, NWD Plan 4946
5132 Canada Way	-	Lot 3, D.L. 85, Group 1, NWD Plan 6317
5146 Canada Way	-	Lot 11 Except: Easterly 60 ft. having a frontage of 60 ft. on Douglas Road with a uniform width the full depth of said lot and adjoining Lot 10, NWD Plan 3304
5168 Canada Way	-	The Easterly 60 ft. of Lot 11, D.L. 85, Group 1, having a frontage of 60 ft. on Douglas Road with a uniform width the full depth of said lot and adjoining lot 10, NWD Plan 3304
5180 Canada Way	-	Lot A, D.L. 85, Group 1, NWD Plan 5049
5192 Canada Way	-	Lot B, D.L. 85, Group 1, NWD Plan 5049
4981 Claude Avenue	-	Lot 170, D.L. 85, Group 1, NWD Plan 40315
4991 Claude Avenue	-	Lot 171, D.L. 85, Group 1, NWD Plan 40315

**BURNABY ZONING BYLAW 1965, AMENDMENT  
BYLAW NO. 38, 2014 - BYLAW NO. 13418**

Rez. #07-49

5092, 5108, 5120, 5132, 5146, 5168, 5180, 5192 Canada Way and 4981, 4991 Claude Avenue

Lots 1 and 2, DL 85, Group 1, NWD 7571; Lot B Except: the northerly 205.5 ft., DL 85, Group 1, NWD Plan 4946; Lot 3, DL 85, Group 1, NWD Plan 6317; Lot 11 Except: Easterly 60 ft. having a frontage of 60 ft. on Douglas Road with uniform width the full depth of said lot and adjoining Lot 10, NWD Plan 3304; The easterly 60 ft. of Lot 11, DL 85, Group 1, having a frontage of 60 ft. on Douglas Road with a uniform width the full depth of said lot and adjoining lot 10, NWD Plan 3304; Lots A & B, DL 85, Group 1, NWD Plan 5049; Lots 170 and 171, DL 85, Group 1, NWD Plan 40315

From: R4 Residential District and C2 Community Commercial District

To: CD Comprehensive Development District (based on RM2 Multiple Family Residential District, Canada Way and Claude Avenue Area Plan guidelines and in accordance with the development plan entitled "Deer Lake Townhomes" prepared by GBL Architects Inc.)

The purpose of the proposed zoning bylaw amendment is to permit the construction of a 161 unit townhouse development with under-building and underground parking.

The Advisory Planning Commission advised it supports the rezoning application.

Carol Stinson, 5850 Buckingham Avenue, Burnaby appeared before Council expressing concern regarding the proposed development particularly in relation to traffic congestion, pedestrian safety and lack of infrastructure especially school capacity.

A letter dated 2014 December 09 was received from Denise Bemister, 7809 Stanley Street, Burnaby opposing the rezoning application. The writer expressed concern regarding high density, traffic congestion and safety, lack of infrastructure, elementary school access, pedestrian safety and shortage of parking.

**PUBLIC HEARING MINUTES  
HELD ON: 2014 DEC. 09  
REZ. REF. NO. 07-49  
PAGE 2 OF 2**

A letter dated 2014 December 09 was received from Keith Bemister, 7795 Stanley Street, Burnaby opposing the rezoning application. The writer expressed concern regarding high density, lack of transit, road access to the proposed development, pedestrian safety and lack of amenities and infrastructure.

There were no further submissions received regarding Rezoning #07-49, Bylaw No. 13418.

MOVED BY COUNCILLOR DHALIWAL:  
SECONDED BY COUNCILLOR KANG:

“THAT this Public Hearing for Rez. #07-49, Bylaw No. 13418 be terminated.”

CARRIED UNANIMOUSLY