



INTER-OFFICE COMMUNICATION

TO: CITY CLERK 2015 August 19

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: REZONING REFERENCE #14-15
AMENDMENT BYLAW NO. 41/14 ; BYLAW #13421
Six-Storey Mixed-Use Development
Third Reading

ADDRESS: 4305 and 4349 Dawson Street

LEGAL: Lot 19 Except: Part on Bylaw Plan 52808: DL 119, Group 1, NWD Plan 25081;
Lot "J", Block 8, DL 119, Group 1, NWD Plan 2855

FROM: M1 Manufacturing District

TO: CD Comprehensive Development District (based on C9 Urban Village
Commercial District and Brentwood Town Centre Development Plan guidelines
and in accordance with the development plan entitled "Mixed Use Development"
prepared by GBL Architects Inc.)

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 July 17 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 July 17.*
- d. The submission of an undertaking to remove all existing improvements from the site within six months of the rezoning bylaw being effected, but not prior to Third Reading 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 July 17.*
- 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 consolidation of the net project site into one legal lot.
 - *The requisite subdivision plan 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 July 17, 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 July 17, 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 any necessary Section 219 Covenants including restricting enclosure of balconies, providing that all disabled parking remain as common property, provision and maintenance of Electric Vehicles, and to ensure compliance with the approved acoustical study.
 - *The applicant has agreed to this prerequisite in a letter dated 2015 July 17, and the requisite 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. Agreement by the applicant to comply with the Council-adopted sound criteria and an acceptable study will be achieved prior to Final Adoption.*
- k. Compliance with the guidelines for underground parking for residential visitors and commercial patrons.
 - *The applicant has agreed to this prerequisite in a letter dated 2015 July 17 and the necessary provisions have been indicated on the development plans.*
- l. The provision of a covered car wash stall 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 July 17 committing to implement the recycling provisions.*
- m. The submission of a suitable Solid Waste and Recycling Plan to the approval of the Director Engineering.
 - *The necessary provisions are indicated on the development plans and the applicant has submitted a letter dated 2015 July 17 committing to implement the solid waste and recycling provisions.*
- n. The pursuance of Storm Water Management Best Practices in line with established guidelines.
 - *The applicant has agreed to this prerequisite in a letter dated 2015 July 17.*
- o. The submission of a Site Profile and resolution of any arising requirements.

- *The applicant has submitted the required Site Profile which is being processed to determine if remediation measures are required.*
- p. The submission of a Comprehensive Sign Plan.
 - *The applicant has agreed to this prerequisite in a letter dated 2015 July 17.*
- q. The review of a detailed Sediment Control System by the Director Engineering.
 - *The applicant has agreed to this prerequisite in a letter dated 2015 July 17. A detailed Sediment Control System plan has been submitted to the Engineering Department – Environmental Services for approval 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 July 17 agreeing to meet this prerequisite.*
- s. The review of on-site residential and commercial loading facilities by the Director Engineering.
 - *The applicant has agreed to this prerequisite in a letter dated 2015 July 17.*
- t. The deposit of the applicable Parkland Acquisition Charge.
 - *The applicant has agreed in a letter dated 2015 July 17 to make the necessary deposits prior to Final Adoption.*
- u. The deposit of the applicable GVS & DD Sewerage Charge.
 - *The applicant has agreed in a letter dated 2015 July 17 to make the necessary deposits prior to Final Adoption.*
- v. The deposit of the applicable School Site Acquisition Charge.
 - *The applicant has agreed in a letter dated 2015 July 17 to make the necessary deposits prior to Final Adoption.*

- w. 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 July 17 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 August 24, 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

**BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 41, 2014 - BYLAW NO. 13421**

Rez. #14-15

4305 and 4349 Dawson Street

Lot 19 Except: Part on Bylaw Plan 52808: DL 119, Group 1, NWD Plan 25081; Lot "J", Block 8, DL 119, Group 1, NWD Plan 2855

From: M1 Manufacturing District

To: CD Comprehensive Development District (based on C9 Urban Village Commercial District and Brentwood Town Centre Development Plan guidelines and in accordance with the development plan entitled "Mixed Use Development" prepared by GBL Architects Inc.)

The purpose of the proposed zoning bylaw amendment is to permit the construction of a six-storey mixed use development with retail at-grade and residential uses above, with full underground parking.

The Advisory Planning Commission advised it supports the rezoning application.

Blair Smith, 1-2088 Madison Avenue, Burnaby appeared before Council in opposition to the proposed six-storey development. The speaker noted the C9 Urban Village Commercial District specifies that building heights not exceed four storeys. The writer further noted the proposed development is not compatible with the human scale of the concept of a high street referenced in the regional plan.

The speaker concluded by expressing concern regarding notice of the public hearing and indicated the staff report pertaining to the rezoning application was not available on the City website at the time he received the public hearing notice.

Azizbaegi Shahram, 403-2138 Madison Avenue, Burnaby appeared before Council expressing concern regarding the rezoning application particularly in relation to traffic congestion, intersection safety and the proposed six-storey building height.

In response to a query from Council, the Director Planning and Building noted the proposed six-storey form is a result of the site's location atop an underground rail tunnel. As the rail tunnel imposed significant challenges on the site in terms of building siting and underground parking, the site's available density needed to be coalesced west of the rail tunnel.

Blair Smith, 1-2088 Madison Avenue, Burnaby again appeared before Council noting the proposed development would set an unreasonable precedent for the neighbourhood and the residents of Renaissance Towers would face a six-storey wall.

A letter dated 2014 December 09 was received from Benita Vieira, 402-2138 Madison Avenue, Burnaby opposing the rezoning application. The writer expressed concern regarding loss of view and privacy, noise, traffic congestion and reduced property values for adjacent home owners.

A letter dated 2014 December 09 was received from Mike Delorme, 1-2088 Madison Avenue, Burnaby opposing the rezoning application. The writer noted the proposed building should be no higher than four-storeys.

A letter dated 2014 December 01 was received from Blair Smith, 1-2088 Madison Avenue, Burnaby expressing concern regarding the six-storey height of the proposed development. The writer also requested that the public hearing be rescheduled to provide sufficient time for neighbours to review the rezoning application.

A letter dated 2014 December 06 was received from Mohammad Atefat and Adeleh Motaghi, 303-2088 Madison Avenue, Burnaby opposing the rezoning application. The writers expressed concern regarding loss of view and noted their property value will decline as well.

A letter dated 2014 December 08 was received from Carol Chow, 1701-2088 Madison Avenue, Burnaby opposing the rezoning application and expressing traffic concerns.

There were no further submissions received regarding Rezoning #14-15, Bylaw No. 13421.

MOVED BY COUNCILLOR DHALIWAL:
SECONDED BY COUNCILLOR KANG:

“THAT this Public Hearing for Rez. #14-15, Bylaw No. 13421 be terminated.”

CARRIED UNANIMOUSLY