



INTER-OFFICE COMMUNICATION

TO: CITY CLERK **DATE:** 2015 October 21

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: **REZONING REFERENCE # 12-29**
BYLAW 13389, AMENDMENT BYLAW NO. 33/14
Four-Storey Mixed-use Development
Third Reading

ADDRESS: 6205 Kingsway (formerly 6205 and 6255 Kingsway)

LEGAL: Lot 1, D.L. 97, Group 1, NWD Plan EPP49267 (formerly Lot "C", D.L. 97, Group 1, NWD Plan 15308; Lot A (X95792) Except: Part Dedicated Road on Plan 77668, D.L. 97, Group 1, NWD Plan 7570)

FROM: C4 Service Commercial District

TO: CD Comprehensive Development District (based on C9 Urban Village Commercial District and Royal Oak Community Plan guidelines and the development plan entitled "6205/6255 Kingsway, Burnaby" prepared by Wilson Chang Architect Inc.)

The following information applies to the subject rezoning bylaw:

- a) First Reading given on 2014 September 08;
- b) Public Hearing held on 2014 September 30; and,
- c) Second Reading given on 2014 October 06.

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 October 14 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 October 14.*
- d) The submission of a letter of undertaking to remove all existing improvements from the site prior to Final Adoption but not prior to Third Reading of the Bylaw. Demolition 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 or vandalism.
 - *The applicant has agreed to this prerequisite in a letter dated 2015 October 14.*
- e) 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.*
- 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 granting of any necessary statutory rights-of-way, easements and/or covenants.
 - *The requisite statutory right-of-way, easement and/or covenant plans have been submitted and will be deposited in the Land Title Office prior to Final Adoption.*
- h) The undergrounding of existing overhead wiring along Kingsway abutting the site.

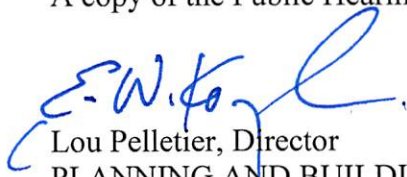
- *The applicant has agreed to this prerequisite in a letter dated 2015 October 14 and will deposit the necessary funds prior to Final Adoption.*
- i) The granting of any necessary Section 219 Covenants including restricting enclosure of balconies; restricting driveway gates; provision, access and maintenance of shared amenity areas; provision that all disabled parking is to remain as common property; and ensuring compliance with the submitted acoustical analysis.
 - *The applicant has agreed to this prerequisite in a letter dated 2015 October 14 and the required covenants will be deposited in the Land Title Office prior to Final Adoption.*
- j) In light of the proximity of the site to Kingsway, a noise study is required 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.*
- 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 October 14 and the necessary provisions are indicated on the development plans.*
- 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 2015 October 14. 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) Due to the commercial history of the site, the submission of a Site Profile and resolution of any requirements is required.
 - *The applicant has submitted the required Site Profile which is being processed to determine if remediation measures are required.*

- n) The review of a detailed Sediment Control System by the Director Engineering.
- *The applicant has agreed to this prerequisite in a letter date 2015 October 14. A detailed Sediment Control System plan has been submitted to the Engineering Department – Environmental Services for approval prior to Final Adoption.*
- o) In light of the proximity of the site to Kingsway, a noise study is required 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.*
- p) 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 October 14 committing to implement the recycling provisions.*
- q) The submission of a detailed Comprehensive Sign Plan.
- *The applicant has agreed to this prerequisite in a letter dated 2015 October 14.*
- r) 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 of undertaking dated 2015 October 14 committing to implement the solid waste and recycling provisions.*
- 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 October 14.*
- t) The deposit of the applicable Parkland Acquisition Charge.
- *The applicant has agreed in a letter dated 2015 October 14 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 October 14 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 October 14 to make the necessary deposits prior to Final Adoption.*
- w) 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 October 14 agreeing to meet this prerequisite.*
- x) 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 October 14 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 October 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

GT:spf
Attachment

cc: City Manager
Director Finance

**PUBLIC HEARING MINUTES
HELD ON: 2014 SEPT. 30
REZ. REF. NO. 12-29
PAGE 1 OF 2**

**BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 33, 2014 - BYLAW NO. 13389**

Rez. #12-29

6205 and 6255 Kingsway

Lot "C", D.L. 97, Group 1, NWD Plan 15308; Lot A (X95792) Except: Part Dedicated Road on Plan 77668, D.L. 97, Group 1, NWD Plan 7570

From: C4 Service Commercial District

To: CD Comprehensive Development District (based on C9 Urban Village Commercial District and Royal Oak Community Plan guidelines and the development plan entitled "6205/6255 Kingsway, Burnaby" prepared by Wilson Chang Architect Inc.)

The purpose of the proposed zoning bylaw amendment is to permit the construction of a four-storey mixed-use development with full underground parking, comprised of at grade commercial fronting Kingsway with residential uses behind and above.

The Advisory Planning Commission advised it supports the rezoning application.

A letter dated 2014 September 24 was received from Faith Rae, 6939 Gilley Avenue, Burnaby opposing the rezoning application. The writer expressed concern regarding traffic, noise, transients, and garbage and inquired about the type of retail stores in the proposed development.

A letter dated 2014 September 19 was received from Agnes Szilagyi, 6939 Gilley Avenue, Burnaby opposing the rezoning application. The writer expressed concern regarding traffic congestion, view impacts and construction noise, dust and dirt.

A letter dated 2014 September 28 was received from Margherita Okiyama, 218-6187 Kingsway, Burnaby opposing the rezoning application. The writer expressed concern regarding traffic congestion, construction noise, access to bus stops and disruption to the quality of life in the neighbourhood.

A letter dated 2014 September 29 was received from Paul SL Souza and Ana Johnson, 114-6187 Kingsway Street, Burnaby expressing concern regarding the rezoning application related to privacy, noise and trespassing. The writer also requested the protection of two trees close to the boundary separating 6187 Kingsway Street and 6205 Kingsway Street.

Joanne Rumley, 108-6939 Gilley Avenue, Burnaby appeared before Council expressing concern regarding the risk for damage to her property during the construction phase of the proposed development. The writer also asked if access to her underground parking would be impacted by the development.

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

- Any damage to adjacent properties would be a civil matter.
- Rear lane access to underground parking at 6949 Gilley Avenue will be maintained during the construction phase of the proposed development.

Wilson Chang, Wilson Chang Architect Inc., 288 West 8th Avenue, Vancouver, the rezoning applicant, appeared before Council advising the proposed development will enhance the neighbourhood.

There were no further submissions received regarding Rezoning #12-29, Bylaw No. 13389.

MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR VOLKOW:

“THAT this Public Hearing for Rez. #12-29, Bylaw No. 13389 be terminated.”

CARRIED UNANIMOUSLY