

## INTER-OFFICE COMMUNICATION

**TO:** CITY CLERK DATE: 2015 November 06

**FROM:** DIRECTOR PLANNING AND BUILDING

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

**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.)

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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,
- c) Second Reading given on 2014 August 25, and,
- d) Third Reading given on 2015 January 26.

The prerequisite conditions have been completely satisfied as follows:

- a. The submission of a suitable plan of development.
  - *The applicant has submitted a complete suitable plan of development.*
- 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 the necessary funds including a 4% inspection fee to cover the costs of all services necessary to serve the site and the servicing agreement has been completed.*
- 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 \$16,521,187.08 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 applicant has submitted the requisite Phase 1 contribution in the amount of \$9,912,712.25. The balance (\$6,608,474.83), with interest at a rate of Royal Bank Canada prime plus 2%, will 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 has been deposited in the Land Title Office. 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 deposited in the Land Title Office.*
- g. The consolidation of the net project site into two legal parcels.
  - *The requisite subdivision plan of consolidation has been deposited in the Land Title Office.*

- 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 necessary covenants and statutory rights-of-way have been deposited in the Land Title Office.*
- i. The granting of a Section 219 Covenant to assure the provision and continuing maintenance of a commercial bicycle end of trip facilities.
  - *The required covenant has deposited in the Land Title Office.*
- 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 required covenants have been deposited in the Land Title Office.*
- 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.
  - *A suitable on-site stormwater management system has been approved by the Director Engineering, the required covenant has been deposited in the Land Title Office and the required funds to guarantee this provision have been deposited.*
- 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 necessary provisions are indicated on the development plans and the requisite covenant plans have been deposited in the Land Title Office.*

- 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.
  - *The applicant has submitted an acoustic study which has been accepted by Engineering Environmental Services Division and submitted a letter dated 2014 October 27 agreeing to comply with the Council-adopted sound criteria.*
- 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 granting of a Section 219 Covenant assuring the submission and maintenance of a detailed comprehensive sign plan.
  - *A covenant is not required as the comprehensive sign plan is in compliance with the Burnaby Sign Bylaw 1972.*

- w. The deposit of the applicable Parkland Acquisition Charge.
  - *The required deposit has been made to meet this prerequisite.*
- x. The deposit of the applicable Metrotown Public Open Space Charge.
  - *The required deposit has been made to meet this prerequisite.*
- y. The deposit of the applicable Metrotown Grade-separated Pedestrian Linkage Charge.
  - *The required deposit has been made to meet this prerequisite.*
- z. The deposit of the applicable GVS & DD Sewerage Charge.
  - *The required deposit has been made to meet this prerequisite.*
- aa. The deposit of the applicable School Site Acquisition Charge.
  - *The required deposit has been made to meet this prerequisite.*
- 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 complete, could you please arrange to return this amendment bylaw to Council for Reconsideration and Final Adoption on 2015 November 09.

  
Lou Pelletier, Director  
PLANNING AND BUILDING

ZT/LJ:tn