



INTER-OFFICE COMMUNICATION

TO: CITY CLERK 2017 May 10

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: REZONING REFERENCE #13-30
AMENDMENT BYLAW NO. 11/15; BYLAW #13436
Townhouse Development with Under-unit Parking
Canada Way and Claude Avenue Area Plan
Third Reading

ADDRESS: 5037, 5057 and 5067 Claude Avenue (*attached* Sketches #1 and #2)

LEGAL: Westerly Half of Lot 9 Except: The Westerly 75 Feet; DL 85, Group 1, NWD Plan 3304; West Half of the Easterly Half Lot 9, DL 85, Group 1, NWD Plan 3304; East Half of the East Half Lot 9, DLs 79 & 85, Group 1, NWD Plan 3304

FROM: R4 Residential District

TO: CD Comprehensive Development District (based on RM2 Multiple Family Residential District and Canada Way and Claude Avenue Area Plan guidelines and in accordance with the development plan entitled "Rayside Townhouse Development" prepared by Robert Jordan Kutev Architect Inc.)

The following information applies to the subject rezoning bylaw:

- a) First Reading given on 2015 April 13;
- b) Public Hearing held on 2015 April 28; and,
- c) Second Reading given on 2016 May 04.

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 2017 April 05 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 2017 April 27.*
- d) The removal of 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 2017 April 27.*
- e) The review of a detailed Sediment Control System by the Director Engineering.
 - *The applicant has agreed to this prerequisite in a letter dated 2017 April 27.*
- f) The pursuance of Stormwater Management Best Practices in line with established guidelines.
 - *The applicant has agreed to this prerequisite in a letter dated 2017 April 27.*
- g) The granting of any necessary statutory rights-of-way, easements and/or covenants including:
 - a Section 219 Covenant restricting the enclosure of balconies;
 - a Section 219 Covenant ensuring that all disabled parking remain as common property; and,
 - a Section 219 Covenant protecting the streamside protection and enhancement areas (SPEA).

- h) 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 2017 April 27 committing to implement the recycling provisions.*
- i) The approval of 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.*
- j) 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.*
- k) The deposit of the applicable Parkland Acquisition Charge.
 - *The applicant has agreed to this prerequisite in a letter dated 2017 April 27 to make the necessary deposits prior to Final Adoption.*
- l) The deposit of the applicable GVS & DD Sewerage Charge.
 - *The applicant has agreed to this prerequisite in a letter dated 2017 April 27 to make the necessary deposits prior to Final Adoption.*
- m) The deposit of the applicable School Site Acquisition Charge.
 - *The applicant has agreed to this prerequisite in a letter dated 2017 April 27 to make the necessary deposits prior to Final Adoption.*
- n) 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 2017 April 27 agreeing to meet this prerequisite*
- o) 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 2017 April 27 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 2017 May 15, 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

DR:spf
Attachment

cc: City Manager

P:\REZONING\Applications\Rez 13-30 - Claude Avenue\Rezoning Reference 13-30 Third Reading 20170515.doc

**BURNABY ZONING BYLAW 1965, AMENDMENT
BYLAW NO. 11, 2015 - BYLAW NO. 13463**

Rez. #13-30

5037, 5057 and 5067 Claude Avenue

From: R4 Residential District

To: CD Comprehensive Development District (based on RM2 Multiple Family Residential District and Canada Way and Claude Avenue Area Plan guidelines and in accordance with the development plan entitled "Rayside Townhouse Development" prepared by Robert Jordan Kutev Architect Inc.)

The purpose of the proposed zoning bylaw amendment is to permit the construction of a 3-storey (27 unit) townhouse development with underground parking.

The Advisory Planning Commission advised it supports the rezoning application.

There were no further submissions received regarding Rezoning #13-30, Bylaw No. 13463.

**MOVED BY COUNCILLOR JOHNSTON:
SECONDED BY COUNCILLOR VOLKOW:**

THAT this Public Hearing for Rez. #13-30, Bylaw #13463 be terminated.

CARRIED UNANIMOUSLY