



## INTER-OFFICE COMMUNICATION

**TO:** CITY CLERK 2018 June 06

**FROM:** DIRECTOR PLANNING AND BUILDING

**SUBJECT:** **REZONING REFERENCE #16-27**  
**BYLAW #13801, AMENDMENT BYLAW NO. 34/17**  
**High Rise Apartment Tower with Commercial Podium**  
**Third Reading**

**ADDRESS:** 4285 and 4295 Dawson Street

**LEGAL:** Lots' 1 and 2, DL 119, Group 1, NWD Plan 70369

**FROM:** M1 Manufacturing District

**TO:** CD Comprehensive Development District based on RM5s Multiple Family Residential District, C3 General Commercial District and Brentwood Town Centre Development Plan as guidelines, and in accordance with the development plan entitled "Dawson Street Rezoning Proposal" prepared by IBI Group)

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The following information applies to the subject rezoning bylaw:

- a) First Reading given on 2017 October 02,
- b) Public Hearing held on 2017 October 17; and,
- c) Second Reading given on 2017 October 30.

The prerequisite conditions have been partially satisfied as follows:

- a. The submission of a suitable plan of development.
  - *The applicant has submitted a virtually complete suitable plan of development. 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 2018 March 19 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 2018 March 19.*
- d. The submission of an undertaking to remove all improvements prior to Final Adoption of the Bylaw, 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. If requested, demolition may be delayed to more closely coincide with approval of building permits.
  - *The applicant has agreed to this prerequisite in a letter dated 2018 March 19.*
- e. The utilization of an amenity bonus through the provision of a cash in-lieu contribution in accordance with Section 3.6 of this report.
  - *The applicant has agreed to the provision of a \$14,395,601.60 (subject to detailed survey) cash in-lieu contribution, in accordance with the terms and conditions approved by Council.*
- f. The dedication of any rights-of-way deemed requisite .
  - *The requisite subdivision plan dedicating 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 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.*
- h. The granting of any necessary Easements, Covenants, and Statutory Rights-of-Way including, but not necessarily limited to:
  - restricting enclosure of balconies;
  - indicating that project surface driveway access will not be restricted by gates;

- guaranteeing the provision and maintenance of public art;
  - providing for future air space parcels covering both the commercial and residential components to ensure that the density of development of air space parcels and strata lots comply with the approved CD zoning for the site and to ensure that the overall site continues to function as an integrated development;
  - ensuring that handicap accessible parking stalls be held in common property to be administered by the Strata Corporation;
  - ensuring compliance with the approved acoustic study;
  - guaranteeing the provision and ongoing maintenance of stormwater management facilities;
  - ensuring that the site can be used safely in accordance with the approved geotechnical study;
  - ensuring that the water table will not be drawn down during and after development;
  - ensuring the achievement of a green building design with a Leadership in Energy and Environmental Design (LEED) Silver rating (mid-rise) or equivalent;
  - ensuring the provision and ongoing maintenance of EV plug-in stations;
  - ensuring the provision and ongoing maintenance of car share vehicles;
  - ensuring the provision and ongoing maintenance of end-of-trip facilities; and,
  - restricting the use of guest rooms.
- *The applicant has agreed to this prerequisite in a letter dated 2018 March 19, and the requisite Easements, Covenants and Statutory Rights-of-way will be deposited in the Land Title Office prior to Final Adoption.*
- i. The execution of an indemnity agreement by the developer saving the City harmless from all liability associated with this development in relation to its geotechnical and hydrological (including any potential contaminated groundwater) impacts to surrounding infrastructure and other nearby development.
- *The applicant has agreed to this prerequisite in a letter dated 2018 March 19.*
- j. 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.*

- k. The design and provision of units adaptable to persons with disabilities with allocated handicap parking spaces protected by a Section 219 Covenant.
- *The applicant has submitted a letter dated 2018 March 19 agreeing to meet this prerequisite, this provision is indicated on the development plans and the requisite covenant will be deposited in the Land Title Office prior to Final Adoption.*
- l. The undergrounding of existing overhead wiring abutting the site.
- *The applicant has agreed to this prerequisite in a letter dated 2018 March 19.*
- m. 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.*
- n. 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.*
- o. 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 dated 2018 March 19 agreeing to meet this prerequisite.*
- p. 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 2018 March 19 agreeing to meet this prerequisite.*
- q. The review of on-site residential loading facilities by the Director Engineering.

- *The necessary provisions are indicated on the development plans and the applicant has submitted a letter dated 2018 March 19 agreeing to meet this prerequisite.*
- r. The provision of facilities for cyclists in accordance with this report.
  - *The applicant has submitted a letter dated 2018 March 19 agreeing to meet this prerequisite.*
- s. The review of a detailed Sediment Control System by the Director Engineering.
  - *The applicant has agreed to this prerequisite in a letter dated 2018 March 19.*
- t. Compliance with the guidelines for underground parking for visitors.
  - *The applicant has agreed to this prerequisite in a letter dated 2018 March 19.*
- u. 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 2018 March 19. 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.*
- v. The submission of a comprehensive sign plan.
  - *The applicant has agreed to this prerequisite in a letter dated 2018 March 19.*
- x. The deposit of the applicable Parkland Acquisition Charge.
  - *The applicant has agreed in a letter dated 2018 March 19 to make the necessary deposits prior to Final Adoption.*
- y. The deposit of the applicable GVS & DD Sewerage Charge.
  - *The applicant has agreed in a letter dated 2018 March 19 to make the necessary deposits prior to Final Adoption.*
- z. The deposit of the applicable School Site Acquisition Charge.

- *The applicant has agreed in a letter dated 2018 March 19 to make the necessary deposits prior to Final Adoption.*
- aa. 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 2017 November 05 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 2018 June 11, 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

IW:eb  
**Attachment**

cc: City Manager

**PUBLIC HEARING MINUTES  
HELD ON: 2017 OCTOBER 17  
REZ. REF. NO. 16-27  
PAGE 1 OF 1**

**BURNABY ZONING BYLAW 1965, AMENDMENT  
BYLAW NO. 13801- BYLAW NO. 34/17**

Rez . #16-27

4285 and 4295 Dawson Street

From: M1 Manufacturing District

To: CD Comprehensive Development District (based on RM5s Multiple Family Residential District, C3 General Commercial District and Brentwood Town Centre Development Plan as guidelines)

The purpose of the proposed zoning bylaw amendment is to permit the construction of a 37-storey high-rise residential building atop a 3 level commercial podium.

One letter was received in response to the proposed rezoning application:

Narayan and Meera Raghunathan, 1206-2138 Madison Avenue, Burnaby

No speakers appeared before Council in support or opposition to the proposed zoning bylaw amendment.

MOVED BY COUNCILLOR JOHNSTON  
SECONDED BY COUNCILLOR MCDONELL

THAT this Public Hearing for Rez. #16-27, Bylaw #13801 be terminated.

CARRIED UNANIMOUSLY