



INTER-OFFICE COMMUNICATION

TO: CITY CLERK 2018 July 18

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: **REZONING REFERENCE #16-03**
AMENDMENT BYLAW NO. 29, 2016; BYLAW #13630
Permit Development under R4 District
Third Reading and Final Adoption

ADDRESS: 1431 Sperling Avenue

LEGAL: Lot 351, DL 132, Group 1, NWD Plan 53646

FROM: CD Comprehensive Development District (based on C1 Neighbourhood Commercial District and P1 Neighbourhood Institutional District)

TO: R4 Residential District

The following information applies to the subject rezoning bylaw:

- a) First Reading given on 2016 July 25;
- b) Public Hearing held on 2016 August 30; and,
- c) Second Reading given on 2016 September 12.

The prerequisite conditions have been completely satisfied as follows:

- a. The completion of requirements necessary for subdivision to create two lots.
 - *The requirements necessary for subdivision have been completed.*
- 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 4% inspection fee to cover the costs of all services necessary to serve the site and the servicing agreement has been completed.*

- c. The submission of an undertaking to remove all existing improvements from the site within six months of the rezoning 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 2018 January 18.*

- d. The granting of any necessary dedications, statutory rights-of-way, easements and/or covenants deemed requisite.

- *The subdivision plan dedicating the requisite right-of way has been deposited in the Land Title Office.*

- e. The submission of a Site Profile and resolution of any arising requirements.

- *The applicant has submitted the required Site Profile. No remedial works are required in connection with the proposed development.*

- f. The undergrounding of existing overhead wiring abutting the site.

- *The applicant has agreed to this prerequisite in a letter dated 2018 January 18 and has deposited the necessary funds to guarantee the completion of this prerequisite.*

- g. The deposit of the applicable Parkland Acquisition Charge.

- *The required deposit has been made to meet this prerequisite.*

- h. The deposit of the applicable GVS & DD Sewerage Charge.

- *The required deposit has been made to meet this prerequisite.*

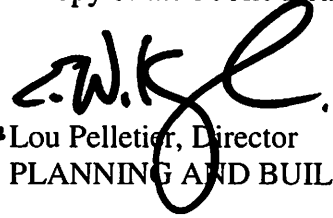
- i. The deposit of the applicable School Site Acquisition Charge.

- *The required deposit has been made to meet this prerequisite.*

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As the prerequisite conditions to this rezoning are now complete as outlined, please arrange to return this amendment bylaw to Council for Consideration and Third Reading, and Reconsideration and Final Adoption on 2018 July 23.

A copy of the Public Hearing minutes for this rezoning application is ***attached*** for information.

A handwritten signature in black ink, appearing to read 'L. Pelletier', is written over the printed name and title.

• Lou Pelletier, Director
PLANNING AND BUILDING

LS:tn
Attachment

cc: City Manager

P:\49500 Rezoning\20 Applications\2016\16-03 1431 Sperling Avenue\Rezoning Reference #16-03 Third Reading and Final Adoption Memo
2018.07.23.docx

**BURNABY ZONING BYLAW 1965,
AMENDMENT BYLAW NO. 29, 2016 – BYLAW NO. 13630**

Rez. #16-03

1431 Sperling Avenue

From: CD Comprehensive Development District (based on C1 Neighbourhood Commercial District and P1 Neighbourhood Institutional District)

To: R4 Residential District

The purpose of the proposed zoning bylaw amendment is to permit development under the R4 Residential District.

The Advisory Planning Commission advised it supports the rezoning application.

No letters were received in response to the proposed rezoning application.

The following speakers appeared before Council and spoke in opposition to the proposed rezoning application:

Olga Maltseva, 6783 Napier Street, Burnaby, appeared before Council and spoke in opposition to the proposed bylaw amendment. The speaker advised her son attends the Montessori daycare currently located in the existing building, and is concerned about securing daycare for her child. Mr. Maltseva believes that the loss of the building will result in a decrease in quality of life for surrounding community members as the businesses contained in the building will be lost.

Ron Basaera, 4806 Main Street, Vancouver, appeared before Council representing the applicant. Mr. Basaera stated that the building is old and the existing daycare does not have the funds necessary to address building deficiencies required to continue daycare operations. The applicant is willing to extend the vacancy notice period for the daycare to allow them additional time to secure a new location. Mr. Basaera spoke to the financial viability of the existing retail spaces and stated that competition from nearby shopping centres has resulted in decreased demand for retail space in the building, leading to high vacancy rates.

Joel Whittemore, 6778 Grant Place, Burnaby, appeared before Council and requested clarification as to how the City determined that the proposed zoning was appropriate for the neighbourhood.

The Director Planning and Building advised the speaker of the OCP public consultation and planning processes, and confirmed that the proposed rezoning is consistent with zoning practices in the surrounding community.

Olga Maltseva, 6783 Napier Street, Burnaby, spoke for a second time, and posed questions to the developer regarding the required building upgrades/maintenance and the viability of the remaining business spaces.

MOVED BY COUNCILLOR JOHNSTON
SECONDED BY COUNCILLOR JORDAN

THAT this Public Hearing for Rez. #16-03, Bylaw #13630 be terminated.

CARRIED UNANIMOUSLY