



## INTER-OFFICE COMMUNICATION

**TO:** CITY CLERK **DATE:** 2018 October 24

**FROM:** DIRECTOR PLANNING AND BUILDING

**SUBJECT:** **REZONING REFERENCE # 16-42**  
**BYLAW 13814, AMENDMENT BYLAW NO. 38/17**  
**Mixed-use Tower with Townhousing and a**  
**Non-Market Rental Apartment Component**  
**Final Adoption**

**ADDRESS:** 6525, 6559 and 6585 Sussex Avenue

**LEGAL:** Schedule A (*attached*)

**FROM:** RM3 Multiple Family Residential District

**TO:** CD Comprehensive Development District (based on RM5s Multiple Family Residential District, RM4 Multiple Family Residential District, C2 Community Commercial District, Metrotown Downtown Plan as guidelines, and in accordance with the development plan entitled "6525, 6559 & 6585 Sussex Avenue, Burnaby, BC Proposed Mixed-Use Commercial & Residential Development" prepared by Chris Dikeakos Architects Inc. and Durante Kreuk Ltd.)

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The following information applies to the subject rezoning bylaw:

- a) First Reading given on 2017 November 27;
- b) Public Hearing held on 2017 December 12;
- c) Second Reading given on 2018 January 22; and
- d) Third Reading given on 2018 July 23

The prerequisite conditions have been satisfied as follows:

- a) The submission of a suitable plan of development.
  - *A complete suitable plan of development has been submitted.*
- 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 2018 May 23.*
- 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.
- *Demolition of all improvements within the development site has been completed.*
- e) The utilization of an amenity bonus through the provision of a cash in-lieu contribution in accordance with Section 3.4 of this report.
- *The applicant has provided a cash-in lieu contribution, in accordance with the terms and conditions approved by Council.*
- f) The dedication of any rights-of-way deemed requisite.
- *A subdivision plan dedicating the requisite rights-of-way has been submitted in registerable form and will be deposited in the Land Title Office prior to Final Adoption.*
- g) The consolidation of the net project site into two legal parcels.
- *A subdivision plan consolidating the net project site into two legal parcels has been submitted in registerable form and will be deposited in the Land Title Office prior to Final Adoption.*
- h) Completion of the City acquisition of the non-market housing parcel.
- *The applicant has agreed to this prerequisite in a letter dated 2018 May 23.*
- i) The provision of a Housing Agreement for the non-market rental housing component of the development, as outlined in Section 3.5 of this report.

- *As noted in the Third Reading memo to Council, the Legal Department has advised that a Lease Agreement would be the appropriate legal instrument for implementing the business terms of the non-market housing component, as outlined in Section 3.5 of the Public Hearing report. The applicant has agreed to the revised prerequisite in a letter dated 2018 May 23. The Lease Agreement is in the process of being finalized and will be registered and deposited in the Land Title Office subsequent to the transfer of Lot 3 into City ownership.*

j) The granting of any necessary statutory rights-of-way, easements and/or covenants.

- *The requisite statutory rights-of-way, easement and covenant plans have been submitted in registerable form and will be deposited in the Land Title Office prior to Final Adoption.*

k) The granting of a Section 219 Covenant:

- restricting the enclosure of balconies;
  - indicating that project surface driveway access will not be restricted by gates;
  - ensuring 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 a single, integrated development;
  - ensuring compliance with the approved acoustical study;
  - ensuring the provision and ongoing maintenance of one electric vehicle and one Level 2 DC EV charging station within the residential parking area, and to ensure that they remain common property;
  - restricting the use of guest suites;
  - ensuring that handicap accessible parking stalls in the underground residential parking areas be held in common property to be administered by the Strata Corporation;
  - ensuring the provision and ongoing maintenance of End of Trip facilities and bicycle storage room within the commercial parking area; and,
  - ensuring the provision of a Housing Agreement, as outlined under Section 3.5 of this report.
- *The requisite covenants have been submitted in registerable form and will be deposited in the Land Title Office prior to Final Adoption.*

l) The review of a detailed Sediment Control System by the Director Engineering.

- *A detailed Sediment Control System Plan has been approved by the Engineering Department – Environmental Services.*

- m) 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 funds to guarantee this provision has been deposited and the required covenant has been submitted in registerable form and will be deposited in the Land Title Office prior to Final Adoption.*
- n) The submission of a suitable Solid Waste and Recycling Plan to the approval of the Director Engineering.
- *The applicant has submitted a letter of undertaking dated 2018 May 23 agreeing to meet this prerequisite. A detailed Solid Waste and Recycling Plan forms part of the development plans and is approved by the Engineering Department – Environmental Services Division.*
- o) The design and provision of 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 applicant has agreed to this prerequisite in a letter dated 2018 May 23 and the necessary provisions are indicated on the development plans.*
- p) The submission of a tenant assistance plan.
- *The applicant has submitted the requisite tenant assistance plan in accordance with the City's Tenant Assistance Policy.*
- q) The provision of five covered car wash stalls.
- *The applicant has agreed to this prerequisite in a letter dated 2018 May 23 and the necessary provisions are indicated on the development plans.*
- r) The review of on-site residential loading facilities by the Director Engineering.
- *The applicant has agreed to this prerequisite in a letter dated 2018 May 23 and the necessary provisions are indicated on the development plans.*
- s) Compliance with the Council-adopted sound criteria.
- *An acoustic study has been submitted for review by the Engineering Environmental Services Division, and the requisite covenant will be deposited in the Land Title Office prior to Final Adoption.*

- t) The submission of a detailed comprehensive sign plan.
- *The applicant has agreed to this prerequisite in a letter dated 2018 May 23, and the necessary provisions are indicated on the development plans.*
- u) The deposit of the applicable Parkland Acquisition Charge.
- *The necessary deposits have been made to meet this prerequisite.*
- v) The deposit of the applicable Metrotown Public Open Space Charge.
- *The necessary deposits have been made to meet this prerequisite.*
- w) The deposit of the applicable GVS & DD Sewerage Charge.
- *The necessary deposits have been made to meet this prerequisite.*
- x) The deposit of the applicable School Site Acquisition Charge.
- *The necessary deposits have been made to meet this prerequisite.*
- y) 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 2018 May 23 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 2018 October 29.

  
- Lou Pelletier, Director  
PLANNING AND BUILDING

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