



INTER-OFFICE COMMUNICATION

TO: CITY CLERK 2019 May 22

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: **REZONING REFERENCE #13-07**
AMENDMENT BYLAW NO. 37/17; BYLAW #13805
Conceptual Master Plan and Phase I
Third Reading

ADDRESS: 4750 Kingsway

LEGAL: Lot A, District Lot's 32, 152 & 153, Group 1, NWD Plan 80588

FROM: CD Comprehensive Development District (based on C3 General Commercial District)

TO: Amended CD Comprehensive Development District (based on RM5s Multiple Family Residential District, C3 General Commercial District and "Metrotown Sears Site Master Plan and Phase I" prepared by IBI Group)

The following information applies to the subject rezoning bylaw:

- a) First Reading given on 2017 November 06,
- b) Public Hearing held on 2017 November 28; and,
- c) Second Reading given on 2017 December 04.

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 October 26 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 October 26.*
- d. The utilization of an amenity bonus in accordance with Section 6.3 of this report.
- *The applicant has agreed to this prerequisite in a letter dated 2018 October 26, the applicant will deposit the funds prior to issuance of Preliminary Plan Approval. A Section 219 Covenant to guarantee this provision, including restricting the sale of the Phase I Site, restricting marketing the proposed development, and restricting issuance of a building permit for the proposed development, will be deposited in the Land Title Office prior to Final Adoption.*
- e. The dedication of any rights-of-way deemed requisite .
- *The applicant has agreed to this prerequisite in a letter dated 2018 October 26.*
- f. The granting of any necessary covenants, including, but not necessarily limited to, Section 219 Covenants:
- allocating development densities on the overall site;
 - guaranteeing provision and maintenance of public art;
 - guaranteeing the provision of a Master Site Stormwater Management Plan and continued operation and maintenance of Phase I stormwater management facilities;
 - ensuring compliance with the approved acoustical study;
 - 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 EV cars and EV plug-in stations;
 - for the provision and ongoing maintenance of on-site car share vehicles and parking stalls;
 - ensuring the provision and ongoing maintenance of end of trip facilities;
 - ensuring that the site can be used safely in accordance with the approved geotechnical report, and that the project does not draw down the water table;
 - restricting enclosure of balconies; and,
 - indicating that project surface driveway access will not be restricted by gates.
- *The applicant has agreed to this prerequisite in a letter dated 2018 October 26 and the required covenants will be deposited in the Land Title Office prior to*

Final Adoption.

- g. The granting of any necessary statutory rights-of-way and easements, including, but not necessarily limited to those:
 - guaranteeing public access to the proposed private roads, plazas and walkways, and
 - guaranteeing reciprocal access to and from adjacent properties at 4700, 4800 Kingsway and 6411 Nelson Avenue.
- *The applicant has agreed to this prerequisite in a letter dated 2018 October 26 and the required statutory rights-of-way and easements will be deposited in the Land Title Office prior to Final Adoption.*
- h. 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.*
- i. The review of a detailed Sediment Control System by the Director Engineering.
 - *The applicant has agreed to this prerequisite in a letter dated 2018 October 26.*
- j. The submission of a Master Conceptual Stormwater Management Plan and suitable on-site stormwater management system for Phase I 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 October 26. 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.*
- k. The submission of a Master Servicing and Phasing Plan.
 - *The applicant has agreed to this prerequisite in a letter dated 2018 October 26.*
- l. The submission of a Construction Management and Access Plan.
 - *The applicant has agreed to this prerequisite in a letter dated 2018 October 26.*
- m. The submission of a District Energy Pre-feasibility study.
 - *The applicant has agreed to this prerequisite in a letter dated 2018 October 26.*

- n. 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 October 26 agreeing to meet this prerequisite.*
- o. 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 October 26 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.*
- p. 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 October 26 agreeing to meet this prerequisite.*
- q. Compliance with the guidelines for underground parking for residential visitors and commercial patrons.
 - *The applicant has agreed to this prerequisite in a letter dated 2018 October 26.*
- r. The review of on-site residential and commercial loading facilities by the Director Engineering.
 - *The necessary provisions are indicated on the development plans and the applicant has submitted a letter dated 2018 October 26 agreeing to meet this prerequisite.*
- s. The submission of an acoustic study to ensure compliance with the Council-adopted sound criteria.
 - *An acoustic study has been submitted for review by the Engineering Environmental Services Division. A Section 219 Covenant to ensure compliance with the Council-adopted sound criteria and an acceptable acoustic study will be deposited in the Land Title Office prior to Final Adoption.*
- t. The undergrounding of existing overhead wiring abutting the site.

- *There are no overhead wires abutting the site, as such this prerequisite condition is no longer required.*
- u. The deposit of the applicable Parkland Acquisition Charge.
 - *The applicant has agreed in a letter dated 2018 October 26 to make the necessary deposits prior to Final Adoption.*
- v. The deposit of the applicable GVS & DD Sewerage Charge.
 - *The applicant has agreed in a letter dated 2018 October 26 to make the necessary deposits prior to Final Adoption.*
- w. The deposit of the applicable School Site Acquisition Charge.
 - *The applicant has agreed in a letter dated 2018 October 26 to make the necessary deposits prior to Final Adoption.*
- x. 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 2018 October 26 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 2019 May 27, 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.


E.W. Kozak, Director
PLANNING AND BUILDING

JBS:rh
Attachment
cc: City Manager

**Burnaby Zoning Bylaw 1965,
Amendment Bylaw No. 37, 2017 - Bylaw No. 13805**

Rez. #13-07

4750 Kingsway

From: CD Comprehensive Development District (based on C3 General Commercial District)

To: Amended CD Comprehensive Development District (based on RM5s Multiple Family Residential District, C3 General Commercial District and "Metrotown Sears Site Master Plan and Phase I" prepared by IBI Group)

The purpose of the proposed zoning bylaw amendment is to establish a Conceptual Master Plan, Design Guidelines and a detailed first phase of development for the subject site, which would provide for specific development rights for the initial phase; and guide further site specific rezoning applications for the development of a multi-phased high-rise mixed-use residential and commercial development.

Five letters were received in response to the proposed rezoning application:

Adrian Yeung, 1703-4888 Hazel Street, Burnaby
Samantha Heng, 1902-4888 Hazel Street, Burnaby
Hui Liang, 1102 Hazel Street, Burnaby
Graeme Silvera, 700-650 West 41st Avenue, Vancouver
William McCarthy, 700-4980 Kingsway, Burnaby

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

Sameh Youesf, 806-4957 Newton Street, Burnaby, appeared before Council and spoke in opposition to the proposed rezoning application. Mr. Youesf stated concerns about the affordability of rental accommodations in the area, and that the addition of new buildings will result in local rent increases. The speaker also shared concerns about the negative impacts of construction activities on the mobility of seniors and individuals with disabilities.

Roger Whitehouse, 2000-6521 Bonsor Avenue, Burnaby, appeared before Council and spoke in opposition to the proposed rezoning. Mr. Whitehouse stated concerns regarding: the height of the proposed building, the impact on existing views/sightlines, the negative impact on local property values, and construction related activities such as increased traffic and noise.

Reinhard Schauer, 201-5868 Olive Avenue, Burnaby, appeared before Council and spoke in opposition to the proposed rezoning application. Mr. Schauer stated that the proposed development is to the benefit of the developer and not the community. The proposed development will attract investors and will not provide additional rental housing.

Sameh Youesf, 806-4957 Newton Street, Burnaby, appeared before Council and spoke for a second time. Mr. Youesf appreciates the accessibility of local services and is concerned that increased rental prices will result in many people relocating to areas in which services are more difficult to access.

MOVED BY COUNCILLOR JOHNSTON
SECONDED BY COUNCILLOR JORDAN

THAT this Public Hearing for Rez. #13-07, Bylaw #13805 be terminated.

CARRIED UNANIMOUSLY