



## INTER-OFFICE COMMUNICATION

**TO:** CITY CLERK 2020 March 04

**FROM:** DIRECTOR PLANNING AND BUILDING

**SUBJECT:** **REZONING REFERENCE #17-38**  
**AMENDMENT BYLAW NO. 49/18; BYLAW #13973**  
**High-rise Apartment Tower with Street-Oriented Townhouses**  
**Third Reading**

**ADDRESS:** 4455 Alaska Street and portion of lane and Willingdon Avenue

**LEGAL:** Lot A District Lot 119 Group 1 NWD Plan 40447 and Portion of Lane and Road

**FROM:** M1 Manufacturing District

**TO:** CD Comprehensive Development District (based on RM4s Multiple Family Residential District and Brentwood Town Centre Development Plan as guidelines, and in accordance with the development plan entitled "Alaska Street Residential High-rise Development" prepared by dys Architecture)

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The following information applies to the subject rezoning bylaw:

- a) First Reading given on 2018 December 10,
- b) Public Hearing held on 2019 January 29; and,
- c) Second Reading given on 2019 February 11.

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 2020 February 12 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 2020 February 12.*
- d. The submission of an undertaking to remove all improvements from the site prior to or within twelve months of the rezoning bylaw being effected. Demolition of any improvements will be permitted at any time, provided that the applicant acknowledges that such permission does not fetter Council's ability to grant or not to grant Second Reading, Third Reading and/or Final Adoption of the Rezoning Bylaw.
  - *The applicant has requested in a letter dated 2020 February 12 to postpone demolition until one year (1) after Final Adoption. Given existing tenancies on site this request is considered suitable. A Section 219 Covenant will be deposited in the Land Title Office and the required funds to guarantee this requirement will be deposited prior to Final Adoption.*
- e. The utilization of an amenity bonus through the provision of a cash in-lieu contribution in accordance with Section 3.3 of this report.
  - *The applicant has agreed to the provision of a \$8,573,668.83 (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 completion of the Highway Closure Bylaw.
  - *The Highway Closure Bylaw has been adopted by Council. The Bylaw plans will be deposited in the Land Title Office prior to Final Adoption.*
- h. The completion of the sale of City property.
  - *Council has approved the sale and purchase price of City property to be acquired by the applicant. The sale will be completed prior to Final Adoption.*

- i. The consolidation of the net site into one legal lot.
  - *The requisite subdivision plan of consolidation has been submitted and will be deposited in the Land Title Office prior to Final Adoption.*
- j. The granting of any necessary Easements, Covenants, and Statutory Rights-of-Way including, but not necessarily limited to:
  - restricting enclosure of balconies;
  - guaranteeing the provision and maintenance of signature art;
  - 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 compliance with the approved acoustic study;
  - ensuring the provision and ongoing maintenance of EV cars and EV plug-in stations;
  - guaranteeing the provision and ongoing maintenance of stormwater management facilities;
  - ensuring the site can be used safely in accordance with the approved geotechnical report;
  - ensuring that the project does not draw down the water table.
  - ensuring the achievement of a green building design with a Leadership in Energy and Environmental Design (LEED) Silver rating (mid-rise) or equivalent;
  - ensuring public access to the stairs and landing from Willingdon Avenue to Alaska Street;
  - *The applicant has agreed to this prerequisite in a letter dated 2020 February 12, and the requisite Easements, Covenants and Statutory Rights-of-way will be deposited in the Land Title Office prior to Final Adoption.*
- k. 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 2020 February 12.*
- l. The approval of the Ministry of Transportation to the rezoning application.

- *The approval of the Ministry of Transportation to the rezoning bylaw has been obtained.*
- m. The undergrounding of existing overhead wiring abutting the site where feasible.
  - *The applicant has agreed to this prerequisite in a letter dated 2020 February 12.*
- n. 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.*
- o. 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.*
- 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 2020 February 12 agreeing to meet this prerequisite.*
- q. 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 2020 February 12 agreeing to meet this prerequisite.*
- r. 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 2020 February 12 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 2020 February 12.*

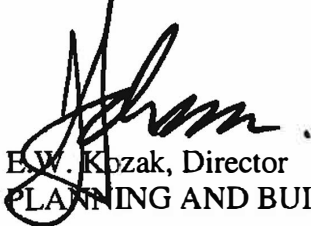
- t. The submission of a suitable on-site stormwater management system to the approval of the Director Engineering, the deposit of sufficient monies for its provision, and the granting of a Section 219 Covenant to guarantee its provision and continuing operation.
- *The applicant has agreed to this prerequisite in a letter dated 2020 February 12. 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.*
- u. 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 2020 February 12 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.*
- v. The provision of facilities for cyclists in accordance with this report.
- *The applicant has submitted a letter dated 2020 February 12 agreeing to meet this prerequisite.*
- w. Compliance with the guidelines for underground parking for visitors.
- *The applicant has agreed to this prerequisite in a letter dated 2020 February 12.*
- x. The deposit of the applicable Parkland Acquisition Charge.
- *The applicant has agreed in a letter dated 2020 February 12 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 2020 February 12 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 2020 February 12 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 2020 February 12.*

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 2020 March 09, 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

IW:tn

**Attachment**

cc: City Manager

**BURNABY ZONING BYLAW 1965, AMENDMENT  
BYLAW NO. 49, 2018 - BYLAW NO. 13973**

Rez. #17-38

4455 Alaska Street and portion of lane and Willingdon Avenue

From: M1 Manufacturing District

To: CD Comprehensive Development District (based on RM4s Multiple Family Residential District and Brentwood Town Centre Development Plan as guidelines, and in accordance with the development plan entitled "Alaska Street Residential High-rise Development" prepared by dys Architecture)

The purpose of the proposed zoning bylaw amendment is to permit the construction of a 22-storey residential apartment building with ground oriented townhouses and underground parking.

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

The following speaker appeared before Council in opposition to the proposed zoning bylaw amendment:

Joel Gibbs, 7777 12th Avenue, Burnaby, appeared before Council and expressed concerns with the comprehensive development plan. Mr. Gibbs requested Council consider amending the plan to decrease the number of parking stall and maximize land use. The speaker believes that decreasing the number of parking stalls will encourage residents to access nearby rapid transit options.

**MOVED BY COUNCILLOR JORDAN**  
**SECONDED BY COUNCILLOR CALENDINO**

THAT this Public Hearing for Rez. #17-38, Bylaw #13973 be terminated.

CARRIED UNANIMOUSLY