



## INTER-OFFICE COMMUNICATION

**TO:** CITY CLERK 2020 April 22

**FROM:** DIRECTOR PLANNING AND BUILDING

**SUBJECT:** **REZONING REFERENCE # 16-38**  
**AMENDMENT BYLAW NO. 18/32, BYLAW 13924**  
**Three Storey Townhouse Development**  
**Third Reading**

**ADDRESS:** 7422 and 7470 Buller Avenue

**LEGAL:** Lots 87 and 88, DL 97, Group 1, NWD Plan 62775

**FROM:** M1 Manufacturing District and M2 General Industrial District

**TO:** CD Comprehensive Development District (based on RM3 Multiple Family Residential District and Royal Oak Community Plan guidelines and the development plan entitled "Proposed Multi-Family Development, 7470, 7422 Buller Avenue, Burnaby, BC" prepared by Integra Architecture Inc.)

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The following information applies to the subject rezoning bylaw:

- a) First Reading given on 2018 November 26;
- b) Public Hearing held on 2018 December 11; and,
- c) Second Reading given on 2019 January 28.

The prerequisite condition has been partially satisfied as follows:

- a. The submission of a suitable plan of development.
  - *A virtually complete suitable plan of development has been submitted. 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 January 23 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 January 23.*
- d. 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 2020 January 23.*
- e. The consolidation of the net project 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.*
- f. The undergrounding of existing overhead wiring abutting the site.
- *The applicant has agreed to this prerequisite in a letter dated 2020 January 23 and will deposit the necessary funds prior to Final Adoption.*
- g. The dedication of any rights-of-way deemed requisite.
- *A subdivision plan dedicating the requisite rights-of-way has been submitted and will be deposited in the Land Title Office prior to Final Adoption.*
- h. The granting of any necessary statutory rights-of-way, easements and/or covenants, including but not limited to:
- Statutory right-of-way for the provision of a public pedestrian walkway from Buller Avenue to Prenter Street;
  - Section 219 Covenant restricting enclosure of balconies;
  - Section 219 Covenant ensuring compliance with the approved acoustical study; and,
  - Section 219 Covenant ensuring that handicap accessible parking stalls be held in common property to be administered by the Strata Corporation.
- *The requisite statutory right-of-way and covenant plans have been submitted and will be deposited in the Land Title Office prior to Final Adoption.*

i. 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.*

j. Compliance with the guidelines for underground parking for residential visitors.

- *The applicant has agreed to this prerequisite in a letter dated 2020 January 23 and the necessary provisions are indicated on the development plans*

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

- *The applicant has agreed to this prerequisite in a letter dated 2020 January 23. A detailed Sediment Control System plan has been submitted to the Engineering Department - Environmental Services for approval prior to Final Adoption.*

l. 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 of undertaking dated 2020 January 23 committing to implement the recycling provisions.*

m. 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, with allocated disabled parking spaces protected by a Section 219 Covenant.

- *This provision is indicated on the development plans and the applicant has submitted a letter dated 2020 January 23 agreeing to meet this prerequisite.*

n. The provision of a covered car wash stall and an adequately sized and appropriately located garbage handling and recycling material holding space, to the approval of the Director Engineering and a commitment to implement the recycling provisions.

- *The necessary provisions are indicated on the development plans and the applicant has submitted a letter of undertaking dated 2020 January 23 committing to implement the recycling provisions.*

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

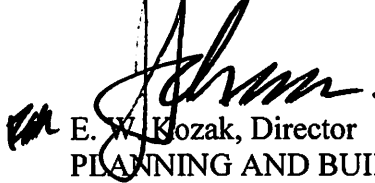
- *The applicant has submitted the required Site Profile which is being processed to determine if remediation measures are required.*

- p. The submission of a suitable on-site stormwater management system to the approval of the Director Engineering, and the granting of a Section 219 Covenant and deposit of sufficient monies to guarantee its provision and continuing operation.
- *The applicant has agreed to this prerequisite in a letter dated 2020 January 23. 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.*
- q. The provision of facilities for cyclists in accordance with this report.
- *This provision is indicated on the development plans and the applicant has submitted a letter dated 2020 January 23 agreeing to meet this prerequisite.*
- r. 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.*
- s. The deposit of the applicable Parkland Acquisition Charge.
- *The applicant has agreed in a letter dated 2020 January 23 to make the necessary deposits prior to Final Adoption.*
- t. The deposit of the applicable GVS & DD Sewerage Charge.
- *The applicant has agreed in a letter dated 2020 January 23 to make the necessary deposits prior to Final Adoption.*
- u. The deposit of the applicable School Site Acquisition Charge.
- *The applicant has agreed in a letter dated 2020 January 23 to make the necessary deposits prior to Final Adoption.*
- v. 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 2020 January 23 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 2020 April 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

GT:tn  
**Attachment**

cc: City Manager

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REPORTS\REZONING REFERENCE 16-38 THIRD READING MEMO 20200427.DOCX

**PUBLIC HEARING MINUTES  
HELD ON: 2018 December 11  
REZ. REF. NO. 16-38  
PAGE 1 OF 1**

**BURNABY ZONING BYLAW 1965, AMENDMENT  
BYLAW NO. 13924 - BYLAW NO. 32, 2018**

**Rez. #16-38**

**7422, 7470 Buller Avenue**

**From: M1 Manufacturing District and M2 General Industrial District**

**To: CD Comprehensive Development District (based on RM3 Multiple Family Residential District and Royal Oak Community Plan guidelines and the development plan entitled "Proposed Multi-Family Development, 7470 and 7422 Buller Avenue, Burnaby, BC" prepared by Integra Architecture Inc.)**

The purpose of the proposed zoning bylaw amendment is to permit the construction of a three-storey stacked townhouse development (124 units) with full underground parking.

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

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

*Joel Gibbs*, 7777 12th Avenue, Burnaby, appeared before Council and spoke in support of the proposed rezoning application. The speaker noted that the development is close to the SkyTrain station and requested that Council reconsider parking requirements mandated by the City, reduce parking for the development to encourage use of public transportation and support more sustainable land use.

*Natasha Silva*, #41-7128 Stride Avenue, Burnaby, appeared before Council and noted that frequent road closures of Prenter Street by the film studios can be disruptive and unsafe to cyclists who use Irmin Street as a detour. With construction and road closures, Ms. Silva expressed additional safety concerns for cyclists, as BC Parkway in this area is a narrow, gravel path. The speaker requested improvements to BC Parkway to accommodate needs of cyclists and their safety.

*Yogesh Sharma*, 6010 Irmin Street, Burnaby, appeared before Council and expressed concern with the development in the area due to accessibility to his neighbours' properties. In addition, Mr. Sharma requested that an alternative location to Irmin Street be identified for the entrance to the underground parking, as the street is narrow and experiences high traffic volumes. The speaker suggested Council consider high density zoning for properties across the street from the planned development.

**MOVED BY COUNCILLOR JOHNSTON**  
**SECONDED BY COUNCILLOR DHALIWAL**

**THAT this Public Hearing for Rez. #16-38, Bylaw #13924 be terminated.**

**CARRIED UNANIMOUSLY**