



INTER-OFFICE COMMUNICATION

TO: CITY CLERK 2020 May 06

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: **REZONING REFERENCE #14-28**
AMENDMENT BYLAW NO. 09/16; BYLAW #13585
Apartment Tower and Low-Rise Development (Southgate Neighbourhood)
Third Reading

ADDRESS: Portion of 7201 11th Avenue

LEGAL: Portion of Lot A, DL 53, Group 1, NWD Plan EPP53090

FROM: CD Comprehensive Development District (based on RM5 and RM1 Multiple Family Residential Districts, C2 Community Commercial District, Southgate Neighbourhood Master Plan and Edmonds Town Centre Plan guidelines)

TO: Amended CD Comprehensive Development District (based on RM5 and RM1 Multiple Family Residential Districts, C2 Community Commercial District, Southgate Neighbourhood Master Plan and Edmonds Town Centre Plan guidelines and in accordance with the development plan entitled "Southgate Community Island 1 & 2" prepared by IBI Group, Integra Architecture Inc., and PWL Partnership Landscape Architects Inc.)

The following information applies to the subject rezoning bylaw:

- a) First Reading given on 2016 April 04;
- b) Public Hearing held on 2016 April 26; and,
- c) Second Reading given on 2016 May 09.

The prerequisite conditions have 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 May 04 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 (as well as underground switching and transformer/service boxes in town centre locations), 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 May 04.*
- d. The utilization of an amenity bonus in accordance with Section 3.5 of this report.
 - *The applicant has agreed to this prerequisite in a letter dated 2020 May 04, 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 subject 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.
 - *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.*
- f. The completion of the necessary subdivision.
 - *The requisite subdivision plan has been submitted and will be deposited in the Land Title Office prior to Final Adoption.*
- g. The approval of a detailed park master plan for the future City-owned park.
 - *A detailed park master plan for the future City-owned park has been submitted and approved.*
- h. The granting of any necessary statutory rights-of-way, easements and/or covenants, including but not necessary limited to the following:
 - Statutory right-of-way for the provision, ongoing maintenance and public access and use of identified pedestrian walkways, park/open space features and private roads.
 - *The applicant has agreed to this prerequisite in a letter dated 2020 May 04, and the requisite statutory rights-of-way, easements and/or covenants will be deposited in the Land Title Office prior to Final Adoption.*

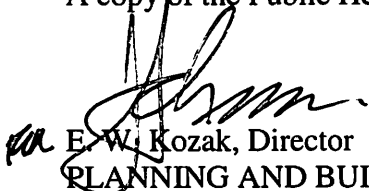
- i. The granting of a Section 219 Covenant:
 - Section 219 Covenant restricting enclosure of balconies;
 - Section 219 Covenant ensuring compliance with the approved acoustical study;
 - Section 219 Covenant ensuring the achievement of a green building design with a Leadership in Energy and Environmental Design (LEED) Silver rating (mid-rise) or equivalent;
 - Section 219 Covenant restricting the use of guest suites;
 - Section 219 Covenant ensuring the provision and ongoing maintenance of 12 (Level 2 – 40 amp) Electric Vehicle charging stations (including all necessary wiring, electrical transformer and mechanical ventilation modifications);
 - Section 219 Covenant ensuring that handicap accessible parking stalls in the underground parking areas be held in common property to be administered by the Strata Corporation; and,
 - Section 219 Covenant ensuring the provision and ongoing maintenance of the identified parkette feature.
- *The applicant has agreed to this prerequisite in a letter dated 2020 May 04, and the requisite covenants will be deposited in the Land Title Office prior to Final Adoption.*
- j. The review of a detailed Sediment Control System by the Director Engineering.
 - *The applicant has agreed to this prerequisite in a letter dated 2020 May 04.*
- k. 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 in accordance with the Southgate Master Storm Water Management Plan.
 - *The applicant has agreed to this prerequisite in a letter dated 2020 May 04, and the requisite easements and statutory rights-of-way will be deposited in the Land Title Office prior to Final Adoption.*
- l. The submission of a suitable Solid Waste and Recycling Plan to the approval of the Director Engineering.
 - *The necessary provision are indicated on the development plans and the applicant has submitted a letter dated 2020 May 04 committing to implement the recycling provisions.*
- m. Submission of a Site Profile and resolution of any arising requirements.

- *The applicant has submitted the required Site Profile for the development site and has committed to obtaining a Certificate of Compliance from the Ministry of Environment prior to release of any Occupancy Permits.*
- n. 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 2020 May 04, the necessary provisions have been indicated on the development plans, and the requisite covenant will be deposited in the Land Title Office prior to Final Adoption.*
- o. The provision of three covered car wash stalls and adequately sized and appropriately located garbage handling and recycling material holding space to the approval of the Director Engineering and commitment to implementing the recycling provisions.
 - *The necessary provision are indicated on the development plans and the applicant has submitted a letter dated 2020 May 04 committing to implement the recycling provisions.*
- p. The review of on-site residential loading facilities by the Director Engineering.
 - *The applicant has agreed to this prerequisite in a letter dated 2020 May 04 and the necessary provisions are indicated on the development plans.*
- q. Compliance with the Council-adopted sound criteria.
 - *An acoustic study has been submitted for review by the Engineering Department – Environmental Services Division, and the requisite covenant will be deposited in the Land Title Office prior to Final Adoption.*
- r. The deposit of the applicable per unit Edmonds Town Centre South Grade-Separated Crossings Charge.
 - *The applicant has agreed in a letter dated 2020 May 04 to make the necessary deposits prior to Final Adoption.*
- s. The deposit of the applicable Parkland Acquisition Charge.
 - *The applicant has agreed in a letter dated 2020 May 04 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 May 04 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 May 04 to make the necessary deposits prior to Final Adoption.*
- v. The submission of a written undertaking to comply with all prerequisites of the previous rezoning of the site (Rezoning Reference #14-25)
 - *The applicant has agreed in a letter dated 2020 May 04 to make the necessary deposits prior to Final Adoption.*
- w. 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 May 04 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 May 11, 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/tn
Attachments

cc: City Manager

**BURNABY ZONING BYLAW 1965,
AMENDMENT BYLAW NO. 9, 2016 – BYLAW NO. 13585**

Rez. #14-28

Portion of 7201 11th Avenue

From: CD Comprehensive Development District (based on RM5 and RM1 Multiple Family Residential Districts, C2 Community Commercial District, Southgate Neighbourhood Master Plan and Edmonds Town Centre Plan guidelines)

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The purpose of the proposed zoning bylaw amendment is to permit the construction of a 30-storey residential tower and a four-storey low-rise apartment building, which form part of the multi-phased development of the Southgate Master Plan.

The Advisory Planning Commission advised it supports the rezoning application.

One letter was received in opposition to the proposed bylaw amendment:

Janice & Gregory Smelser, 7551 Davies Street, Burnaby

The following speaker appeared before Council and spoke to the proposed zoning bylaw amendment:

Bob Estay, VP Development, Ledingham McAllister, 3rd Floor 1285 West Pender, Vancouver, appeared before Council to answer any questions regarding the rezoning application.

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

THAT this Public Hearing for Rez. #14-28, Bylaw #13585 be terminated.

CARRIED UNANIMOUSLY