



INTER-OFFICE COMMUNICATION

TO: CITY CLERK 2020 August 19

FROM: DIRECTOR PLANNING AND BUILDING

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

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.)

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;
- c) Second Reading given on 2019 January 28; and,
- d) Third Reading given on 2020 April 27.

The prerequisite conditions have been completely 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 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.
- *All improvements on the site have been demolished with the exception of one building which will be retained due to an existing lease with the building's current tenant. A Section 219 Covenant has been submitted in registerable form, ensuring that the building will be demolished no later than 12 months after Final Adoption, and will be deposited in the Land Title Office prior to Final Adoption.*
- e. The consolidation of the net project site into one legal parcel.
- *The requisite subdivision plan of consolidation has been submitted in registerable form 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 has deposited the necessary funds to guarantee the completion of this prerequisite.*
- g. 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.*
- 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 in*

registerable form 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 closure area will remain a road allowance under City ownership. The road portion will be rezoned and consolidated with 7320 Buller Avenue in the future, at which time the highway dedication will be removed.*

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 submitted the required Sediment Control System plans for approval by the Engineering Environmental Services Division and has agreed in a letter dated 2020 January 23 to install the system as approved prior to commencing construction.*

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 solid waste and 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.

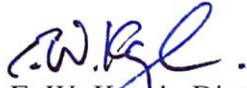
- *The necessary provisions are indicated on the development plans and the applicant has submitted a letter of undertaking dated 2020 January 23 committing to implement the recycling provisions.*

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

- *The applicant has submitted the required Site Profile. No remedial works are required in connection with the proposed development.*
- 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.
- *A suitable on-site stormwater management system has been approved by the Director Engineering, the required covenant has been submitted in registerable form and will be deposited in the Land Title Office prior to Final Adoption and the required funds to guarantee this provision have been deposited.*
- 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.
- *The applicant has submitted an acoustic study which has been accepted by Engineering Environmental Services Division and submitted a letter dated 2020 January 23 agreeing to comply with the Council-adopted sound criteria.*
- s. The deposit of the applicable Parkland Acquisition Charge.
- *The required deposit has been made to meet this prerequisite.*
- t. The deposit of the applicable GVS & DD Sewerage Charge.
- *The required deposit has been made to meet this prerequisite.*
- u. The deposit of the applicable School Site Acquisition Charge.
- *The required deposit has been made to meet this prerequisite.*
- 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.*

City Clerk
Director Planning and Building
Reconsideration and Final Adoption
2020 August 19.....Page 5

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 2020 August 24.

A handwritten signature in blue ink, appearing to read "E. W. Kozak", with a stylized flourish at the end.

E. W. Kozak, Director
PLANNING AND BUILDING

GT:
Attachment

cc: City Manager

P:\49500 REZONING\20 APPLICATIONS\2016\16-38 7470 BULLER AVENUE\COUNCIL REPORTS\REZONING REFERENCE 16-38
FINAL ADOPTION MEMO 20200824.DOCX