



INTER-OFFICE COMMUNICATION

TO: CITY CLERK 2020 October 21

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: **REZONING REFERENCE #19-42**
AMENDMENT BYLAW NO. 10, 2020; BYLAW #14164
High-Rise Apartment Building
Third Reading

ADDRESS: 5970, 5986, and 5994 Kathleen Avenue

LEGAL: Parcel "A" (Explanatory Plan 24921) Lots 11 and 12 District Lot 153 Group 1 New Westminster District Plan 1191, Lot 13 and 14 District Lot 153 Group 1 New Westminster District Plan 1191, Lot "B" District Lots 151 And 153 Group 1 New Westminster District Plan 6950

FROM: R5 Residential District

TO: CD Comprehensive Development District (based on the RM5s Multiple Family Residential District, RM5r Multiple Family Residential District and Metrotown Downtown Plan as guidelines and in accordance with the development plan entitled "Bosa Kathleen" prepared by IBI Group Architects (Canada) Inc.)

The following information applies to the subject rezoning bylaw:

- a) First Reading given on 2020 June 08;
- b) Public Hearing held on 2020 June 23; and,
- c) Second Reading given on 2020 July 06.

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 October 20 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 October 20.*
- d) The utilization of an amenity bonus through the provision of a cash in-lieu contribution in accordance with Section 4.4 of the Public Hearing report.
 - *The applicant has agreed to this prerequisite in a letter dated 2020 October 20. An amenity bonus value will be determined prior to Final Adoption, and the applicant will deposit the funds prior to issuance of Preliminary Plan Approval. A Section 219 Covenant to guarantee this provision, including restricting the issuance of Preliminary Plan Approval and Building Permit for the proposed development, will be deposited in the Land Title Office prior to Final Adoption.*
- e) The granting of any necessary statutory rights-of-way, easements, and covenants.
 - *The necessary statutory right-of-way, easement, and covenant documentation will be deposited in the Land Title Office prior to Final Adoption.*
- f) The granting of any necessary Section 219 Covenants in accordance with Section 5.4 of the Public Hearing report.
 - *The necessary Section 219 covenant documentation will be deposited in the Land Title Office prior to Final Adoption.*
- g) The registration of a Housing Agreement and Housing Covenant, and Council consideration and approval of a Housing Agreement Bylaw.
 - *The applicant has agreed to this prerequisite in a letter dated 2020 October 20. A Housing Covenant and Housing Agreement will be registered on title prior to the issuance of an Occupancy Permit. A Section 219 Covenant guaranteeing this provision will be deposited in the Land Title Office prior to Final Adoption.*
- h) The submission of an undertaking to remove all improvements prior to Final Adoption of the Bylaw. If requested, demolition may also be delayed to more closely coincide with approval of building permits.
 - *The applicant has agreed to this prerequisite in a letter dated 2020 October 20.*

- i) The review of a detailed Sediment Control System by the Director Engineering.
 - *The applicant has agreed to this prerequisite in a letter dated 2020 October 20.*
- j) 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 October 20 committing to implement the solid waste and recycling provisions.*
- k) The completion of the Highway Closure Bylaw and sale of City property as described in Section 5.2 of the Public Hearing report.
 - *The applicant has agreed to this prerequisite in a letter dated 2020 October 20. The Highway Closure Bylaw has been granted Third Reading by Council. Approval of the Highway Closure Bylaw will be obtained prior to Final Adoption. The sale/transfer will be completed prior to Final Adoption of the rezoning.*
- l) Completion of Rezoning Application #17-32 concurrently with the subject rezoning application.
 - *The applicant has agreed to this prerequisite in a letter dated 2020 October 20.*
- m) The consolidation of the development site into one legal lot.
 - *The applicant has agreed to this prerequisite in a letter dated 2020 October 20. The requisite subdivision plan will be deposited in the Land Title Office prior to Final Adoption.*
- n) The design and provision of units adaptable to persons with disabilities, with the provision of customized hardware and cabinet work being subject to the renting of the unit to a disabled person.
 - *The applicant has agreed to this prerequisite in a letter dated 2020 October 20. 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 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 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 October 20 agreeing to meet this prerequisite.*
- 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 October 20, and the necessary provisions are indicated on the development plans.*
- q) The submission of a Public Art Plan.
 - *The applicant has agreed to this prerequisite in a letter dated 2020 October 20, and the required Public Art Plan will be submitted prior to Final Adoption.*
- r) Compliance with the Council-adopted sound criteria
 - *The applicant has agreed to this prerequisite in a letter dated 2020 October 20, and the necessary Section 219 Covenant to guarantee the provisions of the acoustical report, will be deposited in the Land Title Office prior to Final Adoption.*
- s) The provision of facilities for cyclists in accordance with the Public Hearing report.
 - *The necessary provisions are indicated on the development plans and the applicant has submitted a letter dated 2020 October 20 agreeing to meet this prerequisite.*
- t) The undergrounding of existing overhead wiring abutting the site, as determined by the Director Engineering.
 - *The applicant has agreed to this prerequisite in a letter dated 2020 October 20 and will deposit the necessary funds prior to Final Adoption.*
- u) Compliance with the guidelines for underground parking for visitors.
 - *The necessary provisions are indicated on the development plans and the applicant has submitted a letter dated 2020 October 20 agreeing to meet this prerequisite.*
- v) The deposit of the applicable Parkland Acquisition Charge.
 - *The applicant has agreed in a letter dated 2020 October 20 to make the necessary deposits prior to Final Adoption.*
- w) The deposit of the applicable GVS & DD Sewerage Charge.
 - *The applicant has agreed in a letter dated 2020 October 20 to make the necessary deposits prior to Final Adoption.*
- x) The deposit of the applicable School Site Acquisition Charge.
 - *The applicant has agreed in a letter dated 2020 October 20 to make the necessary deposits prior to Final Adoption.*

y) The deposit of the applicable Regional Transportation Charge.

- *The applicant has agreed in a letter dated 2020 October 20 to make the necessary deposits prior to Final Adoption.*

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 October 26, 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

MN:

Attachment

cc: City Manager

BURNABY ZONING BYLAW 1965
AMENDMENT BYLAW NO. 10, 2020 - BYLAW NO. 14164

Rez. #19-42

5970, 5986, 5994 Kathleen Avenue

From: R5 Residential District

To: CD Comprehensive Development District (based on the RM5s Multiple Family Residential District, RM5r Multiple Family Residential District and Metrotown Downtown Plan as guidelines and in accordance with the development plan entitled "Bosa Kathleen" prepared by IBI Group Architects (Canada) Inc.)

Purpose: to permit the development of a high-rise rental residential building with underground parking

Applicant: Blue Sky Properties Inc.

Seven (7) letters were received in response to the proposed rezoning application:

1. Reinhard Schauer, #21-5868 Olive Avenue, Burnaby
2. Yan Zhou, 5981 Kathleen Avenue, Burnaby
3. Heather Blackburn (for Doreen Blackburn), 6006 Kathleen Avenue, Burnaby
4. Al Louie, #2003-5833 Wilson Avenue, Burnaby
5. Reinhard Schauer, #21-5868 Olive Avenue, Burnaby (second submission)
6. G. Pettipas, 436 7th Street, New Westminster
7. a petition containing 99 signatures

The following speakers connected through the online webinar or teleconference in response to the proposed zoning bylaw amendment:

Yan Zhou, 5981 Kathleen Avenue, Burnaby, spoke in opposition to the proposed rezoning application on behalf of his family and neighbours. The speaker expressed concerns with loss of light, noise pollution, parking, and possible damage to the existing residential structures. Ms. Zhou inquired regarding neighbourhood notification.

Staff advised that legislated notification requirements have been met.

Greg Pettipas, 436 7th Street, New Westminster, spoke in opposition to the proposed rezoning application. The speaker expressed concerns with increased population and traffic in the area.

Earl Thomas Pollitt, #105-6431 Wilson Avenue, Burnaby, spoke in opposition to the proposed rezoning application. The speaker believes the three (3) proposed developments (Rez. #17-28, #17-32, #19-42) are excessive for the area, and expressed concerns with construction traffic and noise.

Councillor Dhaliwal left at 7:13 p.m. and returned at 7:14 p.m.

MOVED BY COUNCILLOR DHALI WAL
SECONDED BY COUNCILLOR JOHNSTON

THAT this Public Hearing for Rez. #19-42, Bylaw No. 14164 be terminated.

CARRIED UNANIMOUSLY