

ITEM 9

MANAGER'S REPORT NO. 27

COUNCIL MEETING April 8/74

Re: Strata Plan Application #STA 3/74
D.L. 29, Lot 65, Group 1, Plan 38396, N.W.D.
7450 - 7478 Thirteenth Avenue
(Item 11, Report No. 19, March 11, 1974)

The subject strata plan application was not approved by Council when it was submitted for consideration on March 11, 1974. On March 18, Council resolved to reconsider the matter because:

- a. All legal requirements and obligations to the Municipality had been fulfilled at the time the property was purchased for the development now planned, and the applicant indicated he intended to convert the premises to strata plan; and
- b. Council subsequently introduced "Guidelines for Residential Condominiums and Conversions" which, in certain instances, are at variance with the development scheme proposed by the applicant.

It was understood that staff would report on these two matters, together with any others that might be considered pertinent to the subject.

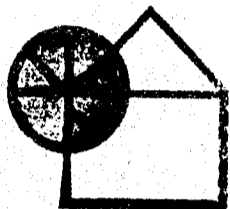
We have now received a letter dated March 21, 1974 from Mr. J.A. Sutherland (see attachment), requesting that the matter be considered by Council on April 8, 1974 when Mr. Koehli, the Firm's Vice President in Charge of Construction, will appear as a delegation to speak on behalf of the application.

Attached is a report from the Director of Planning regarding this matter.

RECOMMENDATION:

THAT Council grant approval to STA 3/74 subject to the fulfillment of Sections 2.1.2, 2.1.4, 2.1.6, and 2.1.8 of the Guidelines for Residential Condominiums and Conversions.

18-31-74



Community Builders Ltd.

March 21, 1974.

Mr. M. J. Shelley,
Manager,
The Corporation of the District of Burnaby,
4949 Canada Way,
Burnaby 2, B. C.

Dear Sir:

Re: Strata Plan Approval Application #STA 3/74
DL 29 Lot 65 Group 1 Plan 38396 N.W.D.
7450-7478 Thirteenth Avenue

We understand that Council at their meeting on March 18th. requested that you obtain further information regarding the history of the above application to assist them in determining whether their decision of March 11th. should be reconsidered.

I think perhaps, the problem is that when the application was discussed on March 11th. Council did not appreciate that the project had been planned as a Strata Title development since well before December 11, 1972, the date Council gave Final Adoption to the by-law rezoning the property to RML.

Mr. Koehli, our Vice President - Construction, who represented the company in the discussions with the Planning Department which led to rezoning, is quite definite that the officials concerned at that time clearly understood that we were planning to build a Strata Title project. Unfortunately, it would appear there is no written record to this effect on the Planning Department files and the officials concerned are no longer with the Department.

However, in his report to you dated March 6, 1974 Paragraph 2.2, Mr. Parr advised that "although we have no record that the project was proposed for condominium use during the rezoning process, the Preliminary Plan Approval record does state the intended use for the development to be condominiums". Preliminary Plan Approval was granted December 16, 1972, just one week after Council approved Rezoning.

Confirmation that the project was built as a condominium from the outset is contained in the following letters and permits, copies of which are attached:

Mar. 19/73 - Municipal Engineer's memo to Chief Building Inspector, copy attached, describes project as "15 Unit Condominium Development"

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Mar. 29/73 - Senior Public Health Inspector's letter to Chief Building Inspector, copy attached, describes project as "15 Unit Condominium Development".

June 25/73 - Excavation and Footing Permit, copy attached, describes "Use" as "Proposed 15 Unit Condominium".

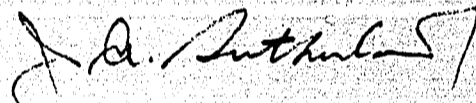
July 25/73 - Building Permit for Units #1 - #5, copy attached, describes "Use" as "5 Unit Condominium Development - Total Development 15 Units".

- Building Permit for Units #6 - #12, copy attached, describes "Use" as "7 Unit Condominium Development - Total Development 15 Units".

- Building Permit for Units #13 - #15, copy attached, describes "Use" as "3 Unit Condominium Development - Total Development 15 Units".

If further evidence is required that the Planning Department were aware that the project would be a Strata Title development before Rezoning was approved Dec. 11, 1972, we would be pleased to have Mr. Koehli appear before Council to confirm this first hand and answer any questions. Unfortunately, he is presently in Japan and will not be returning until April 4th. He would, however, be able to attend the meeting on April 8th. if Council so wished.

Yours very truly,



J. A. Sutherland.

JAS/jn

PLANNING DEPARTMENT
APRIL 1, 1974

MR. M. J. SHELLEY,
MUNICIPAL MANAGER.

Dear Sir:

1.0 SUBJECT:

- 1.1 On April 8, 1974, Council will reconsider the request for Strata Title Approval for the following development:

Strata Title Approval Application #STA 3/74

D.L. 29, Lot 65, Group 1, Plan 38396, N.W.D.

7450-78 Thirteenth Avenue

- 1.2 Applicant: Community Builders Ltd.,
302 Oxford Drive,
Port Moody, B. C.
Y3H 1T2

2.0 BACKGROUND:

On 11 March, 1974, Council gave first consideration to the applicant's request for Strata Title Approval of a 15-unit townhouse development called "The Poplars" located on the south side of 13th Avenue between Kingsway and Mary Street (see Sketch #1, attached). In the Planning Department report of that date (Manager's Report #19, Item #11), it was recommended that Council approve the STA application based on Council's condominium guideline #2.1.7 that:

"Any condominium previously approved by Council through the rezoning process shall be governed by the applicable approved suitable plan of development. In particular it is recommended that any new parking requirement approved by Council not be retroactive to include these previously approved condominium plans." (page 2, Guidelines for Residential Condominiums and Conversions).

Council determined not to approve the subject STA application at that time.

At the Council meeting on 18 March, 1974, it was resolved to reconsider STA #3/74 for the following reasons:

- a) all legal requirements and obligations to the Municipality had been fulfilled at the time the property was purchased for the development now planned, and the applicant indicated he intended to convert the premises to Strata Plan.
- b) The Council subsequently introduced "Guidelines for Residential Condominiums and Conversions" which, in certain instances, are at variance with the development scheme proposed by the applicant.

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3.0 DISCUSSION:

The Planning Department is satisfied, after review of Municipal files that the applicant made known to the Municipality via his application for Preliminary Plan Approval of his project and in correspondence with other Municipal Departments in mid-1973, that the project was proposed for condominium use. The project fulfilled all legal requirements and obligations to the Municipality in effect at that time.

Rezoning and Preliminary Plan Approval were granted by the Municipality prior to the formulation of the Guidelines for Residential Condominiums and Conversions. Therefore Section 2.1.7 of those guidelines does legitimately apply. However, Council does maintain full discretionary powers to consider Strata Title Approval for a given project based on its own merits (as stated in the introduction to the guidelines). Consequently, Council should be aware that the subject development does not meet the existing guidelines in the following ways:

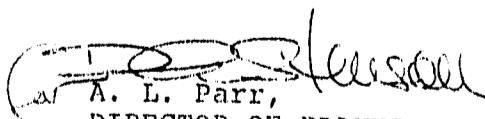
- a) a parking ratio of 1.7 is not met (the designed parking ratio is 1.26);
- b) the townhouse condominium density guideline of 10-12 units per acre is not met (the subject project has above 18 units per acre);
- c) play facilities for older children are not provided; and,
- d) unit sizes as outlined in the guidelines, i.e., 900 sq. ft. for 2-bedroom units and 1,100 sq. ft. for 3-bedroom units, are not met (the subject project has an average size for 2-bedroom units of 874.5 sq. ft. and for 3-bedroom units of 1,060.8 sq. ft.).

It is suggested, however, that, except in particularly objectionable cases, Council exercise its approval power based on the established condominium guidelines. For this reason, in the case of STA 3/74, as per the recommendation of 11 March, 1974, it is again recommended that Council approve the project subject to the fulfillment of the operational guidelines as prerequisites. However, Council should grant approval on the basis that such expression does not constitute a precedent whereby developments that do not meet the established guidelines will necessarily be favourably considered.

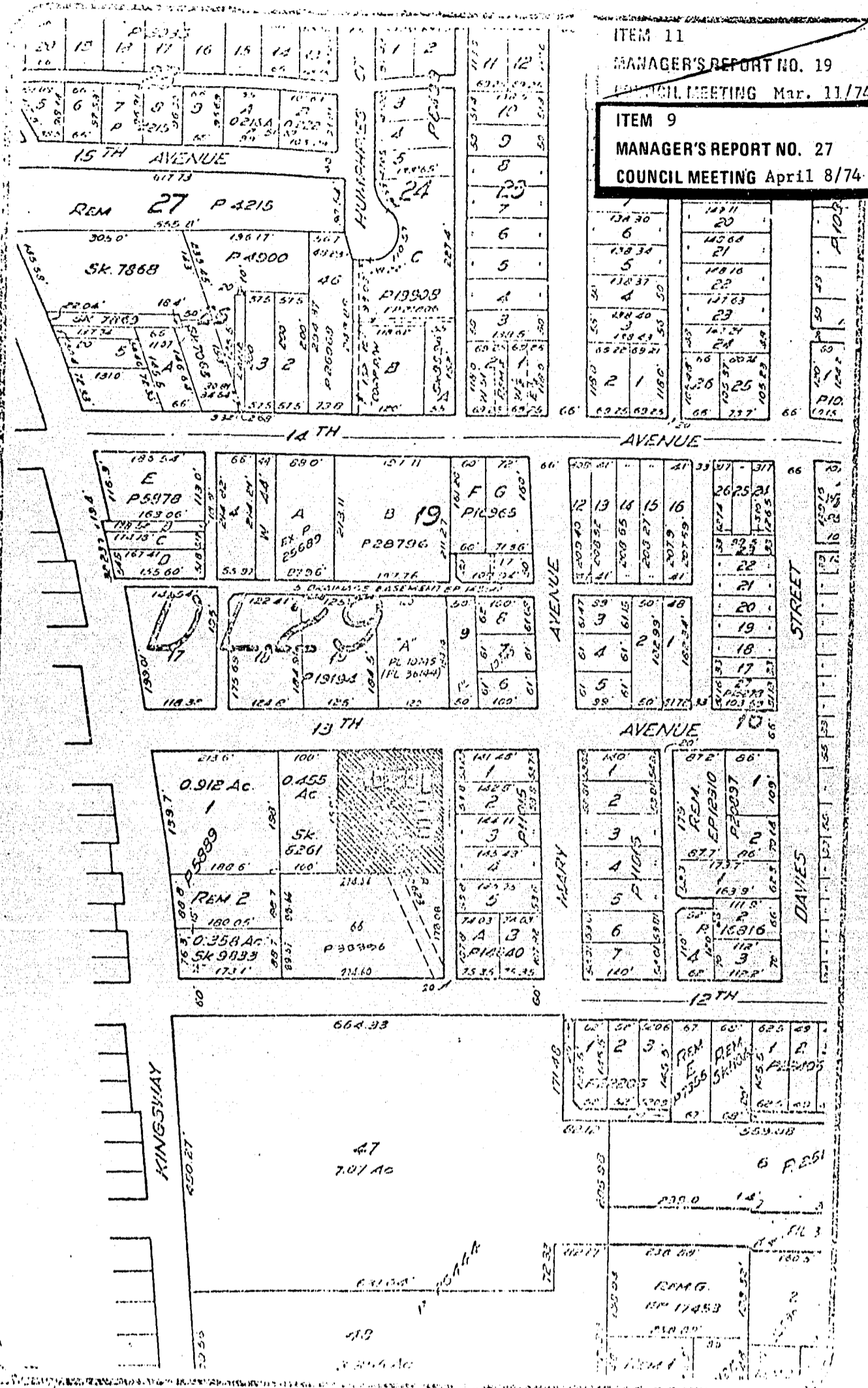
4.0 RECOMMENDATION:

It is recommended that, based on Section 2.1.7 of the Guidelines for Residential Condominiums and Conversions, Council grant approval to STA 3/74 subject to the fulfillment of Sections 2.1.2, 2.1.4, 2.1.6, and 2.1.8 of the Guidelines for Residential Condominiums and Conversions.

Respectfully submitted,


A. L. Parr,
DIRECTOR OF PLANNING.

ALP
TBB:bp
Attachments



ITEM 11
 MANAGER'S REPORT NO. 19
 COUNCIL MEETING Mar. 11/74

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SCALE 1" = 200'

STATION 3/74

DATE 3/27/74



PLANNING DEPARTMENT