

ITEM	10
MANAGER'S REPORT NO.	73
COUNCIL MEETING	Nov. 15/76

Re: REZONING REFERENCE #3/76
LOT 104, D.L. 127, PLAN 46737
LOTS 1, 2 AND 3, BLK. 85, D.L. 127, PLAN 4953
5310 CAPITOL DRIVE AND 5307/15/21/31 EAST HASTINGS STREET

FROM: RESIDENTIAL DISTRICT FOUR (R4)
TO: MULTIPLE FAMILY RESIDENTIAL DISTRICT (RM3)

Following is a report from the Director of Planning regarding Rezoning Reference #3/76.

RECOMMENDATION:

1. THAT the Director of Planning's recommendation be adopted.

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PLANNING DEPARTMENT
NOVEMBER 10, 1976

TO: MUNICIPAL MANAGER
FROM: DIRECTOR OF PLANNING
SUBJECT: REZONING REFERENCE #3/76
Lot 104, D.L. 127, Plan 46737
Lots 1, 2, and 3, Blk. 85, D.L. 127, Plan 4953
5310 Capitol Drive and 5307/15/21/31 East Hastings Street
From: Residential District Four (R4)
To: Multiple Family Residential District (RM3)

1.0 BACKGROUND

On March 22, 1976, Council received a Planning Department report involving an application to rezone the subject site for the purposes of constructing a 3-storey strata title apartment building (see attached Sketches #1 and #2).

In consideration of this request, the Planning Department recommended that:

1. The subject request not be given favourable consideration to the rezoning of Lots 1, 2, 3, and 104 as requested, but
2. The applicant be advised that the incorporation of Lot 4 and the redundant 20' Ranclagh Avenue road allowance to the east of the site will create a site capable of favourable consideration for RM3 redevelopment.

The foregoing recommendations were tabled by Council in light of the implication the subject rezoning would have on the adjacent Lot 4 to the east which is presently occupied by a modest 9-suite apartment building. In this respect, Council was advised that the subject rezoning would effectively create an incompatible "locked-in" lot situation on Lot 4 since its insufficient area and frontage would preclude the

possibility for appropriate apartment redevelopment without acquiring adjacent properties. Since a relatively new apartment complex lies to the immediate east of Lot 4, the possibility of land acquisition appeared unlikely.

As a result, the subject rezoning request was referred back to the Planning Department for further discussion with the applicant.

2.0 GENERAL OBSERVATIONS

As a result, the Planning Department has been working closely with the applicant towards finding an acceptable development solution for the subject properties which have been designated for medium density multiple family accommodation as outlined in Area "B" of the 1969 Apartment Study.

In this respect, Planning Department staff have undertaken a close examination of a number of alternative apartment site configurations for the 5 lots in question (Lots 1, 2, 3, 4 and 104 - see sketch #1) towards determining the ultimate development implications associated with each scheme. Essentially, this analysis recognized the fact that Lot 4 presently occupied by the 9-unit apartment building could not be consolidated with the 4 adjacent parcels since the owner has no interest in selling at this time. In addition, the Planning Department acknowledges the fact that direct vehicular access from East Hastings will be prohibited as indicated by the Department of Highways. As a result, only two potential apartment sites (in observance of the minimum desirable area requirements for medium density apartments) are possible, with some variation arising from alternative site geometry and associated site areas.

Several alternative site configurations were considered and discussed with the applicant, each of which entailed the creation of 2 apartment sites each with vehicular access from Capitol Drive, and involving the closure and consolidation of the redundant 20' Ranelagh Road allowance. The various alternatives were examined with a view to not only providing a reasonable geometry for the initial development site (the westerly portion of the properties under consideration), but also with a view to ensuring viability for future development of the remainder of the area, the easterly site which would include the property presently occupied by the 9-suite frame apartment building.

Only one solution (see sketch #3) satisfied the concerns expressed and also provided for a reasonable driveway access gradient from Capitol Drive to the easterly future site. The resulting configuration will yield an initial development site with an area of approximately 23,704 sq. ft. including the present Ranelagh road allowance, and the second development site of approximately 24,622 sq. ft. (precise site areas will be subject to detailed survey).

This configuration has been considered by the applicant and agreed to as the basis for the present rezoning application.

3.0 DEVELOPMENT CONSIDERATIONS

3.1 In order to implement the appropriate solution for apartment development of the subject sites, the applicant must provide a consolidation plan which reflects the suitable site configuration as outlined (see sketch #3). This includes the consolidation of whatever properties are necessary to create site #1 as a separate legal parcel. Although site #2 in total cannot be consolidated into

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one legal parcel at this time due to the separate ownership of the 9-unit apartment on Lot 4, Lot 3 as well as the remaining portions of Lots 104 and 2 will require consolidation into one legal parcel until such time as the desired site assembly as per site #2 takes place. As a result, it will be necessary to register a Restrictive Covenant under Section 24A of the Land Registry Act on the title of this newly created lot such that redevelopment of this site for apartment accommodation will require the acquisition and assembly of the adjacent Lot 4. This restrictive covenant will essentially ensure that redevelopment will reflect the appropriate site configuration as reflected in site #2.

Council is advised that the final site configuration will be accurately determined by legal survey and implemented by subdivision prior to the completion of rezoning.

- 3.2 As the existing undeveloped 20' Ranelagh Road allowance is redundant, it will be necessary to introduce a Road Closing Bylaw such that the allowance can be purchased by the applicant and consolidated with the proposed apartment site configuration.
- 3.3 Access to the two potential apartment sites will be from Capitol Drive only.
- 3.4 The subject rezoning to the RM3 category will therefore apply only to those properties associated with site #1 as outlined. The remaining non-RM3 property associated with site #2 (the easterly 32' of Lot 2, Lot 3 and a portion of Lot 4) will remain in its existing R4 zoning designation. As a result, the subject rezoning request will involve rezoning of the following legal parcels from R4 to RM3:

Lot 1, westerly 34' of Lot 2, Block 85, D.L. 127, Pl. 4953 a portion of Lot 104 (as illustrated in Alternative A on sketch #3 to be determined by legal survey), D.L. 127, Plan 46737, and the existing redundant 20' Ranelagh road allowance.
- 3.5 The applicant is aware of the situation and has agreed to the conditions associated with the proposed configuration.

4.0 CONCLUSION

In summary, Council is advised that appropriate apartment development can be accomplished on the subject properties provided that the applicant can achieve a suitable site configuration through rezoning and subdivision as outlined in Section 3.0 of this report. As a result, two viable medium density apartment sites will be created thereby providing a further step towards the implementation of the Apartment Study objectives.

The subject rezoning will preclude the creation of a "locked-in" lot situation on Lot 4 (as described in Section 1.0 of this report) as a relatively large site (approximately 24,600 sq. ft. inclusive of Lot 4) will remain available for redevelopment at a later date. In addition, the subject rezoning will provide for the effective utilization of existing vacant properties for multiple family accommodation.

It is therefore appropriate for Council to reconsider the subject rezoning request in light of the foregoing information and to submit the application to a Public Hearing in December 1976.


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5.0 RECOMMENDATION

It is recommended THAT:

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- 5.1 Council authorize the introduction of a Road Closing Bylaw for the redundant Ranelagh Road allowance as described in detail in Section 3.2 of this report.
- 5.2 Council authorize the preparation and registration of a Restrictive Covenant under Section 24A of the Land Registry Act over the newly created legal parcel as described in Section 3.1 of this report.
- 5.3 Council receive the report of the Planning Department and request that a rezoning bylaw be prepared and that the rezoning be advanced to a Public Hearing on December 14, 1976 and that the following be established as prerequisites to the completion of rezoning:
 - a) The submission of a suitable plan of development.
 - b) The completion of the Road Closing Bylaw.
 - c) The consolidation of the subject properties into one legal parcel as described in the foregoing report to include the closed portion of Ranelagh Avenue.
 - d) The execution and registration of the requisite Restrictive Covenant.
 - e) The dedication of any rights-of-way deemed requisite.
 - f) The granting of any necessary easements.
 - g) The deposit of sufficient monies to cover the costs of all services necessary to serve the subject site.
 - h) The installation of all electrical, telephone and cable servicing, and all other wiring underground throughout the development and to any existing service.
 - i) The satisfaction of all condominium guidelines as adopted by Council.
 - j) The deposit of a \$1,125 per unit levy to go towards the acquisition of proposed neighbourhood parks in the immediate area.
 - k) The approval of the Department of Highways.

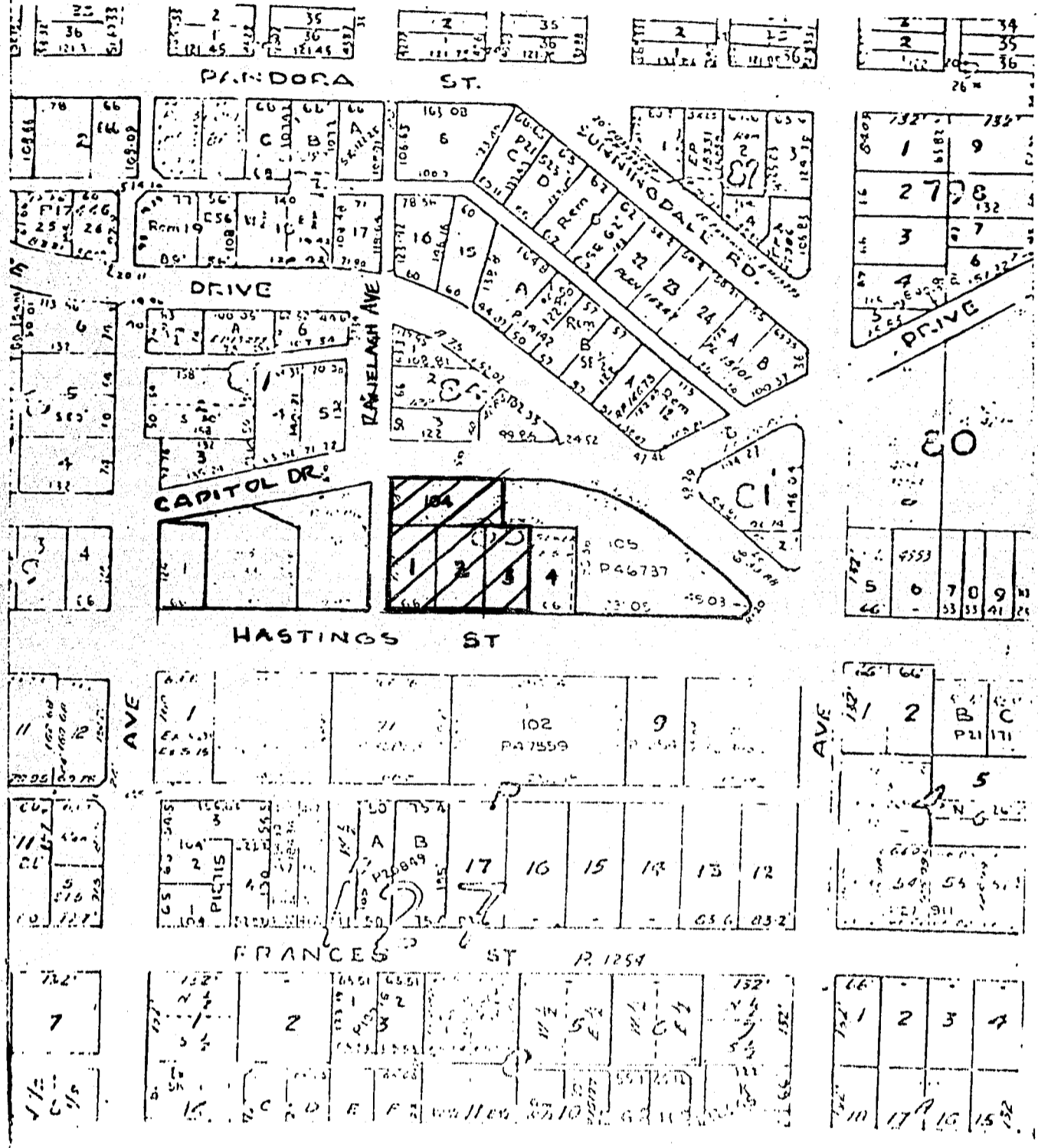

A. L. PARR,
DIRECTOR OF PLANNING.

PDS:cm

Attach.

c.c. Municipal Clerk

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Date
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Scale
 1"=200

Drawn By
 P.D.S.



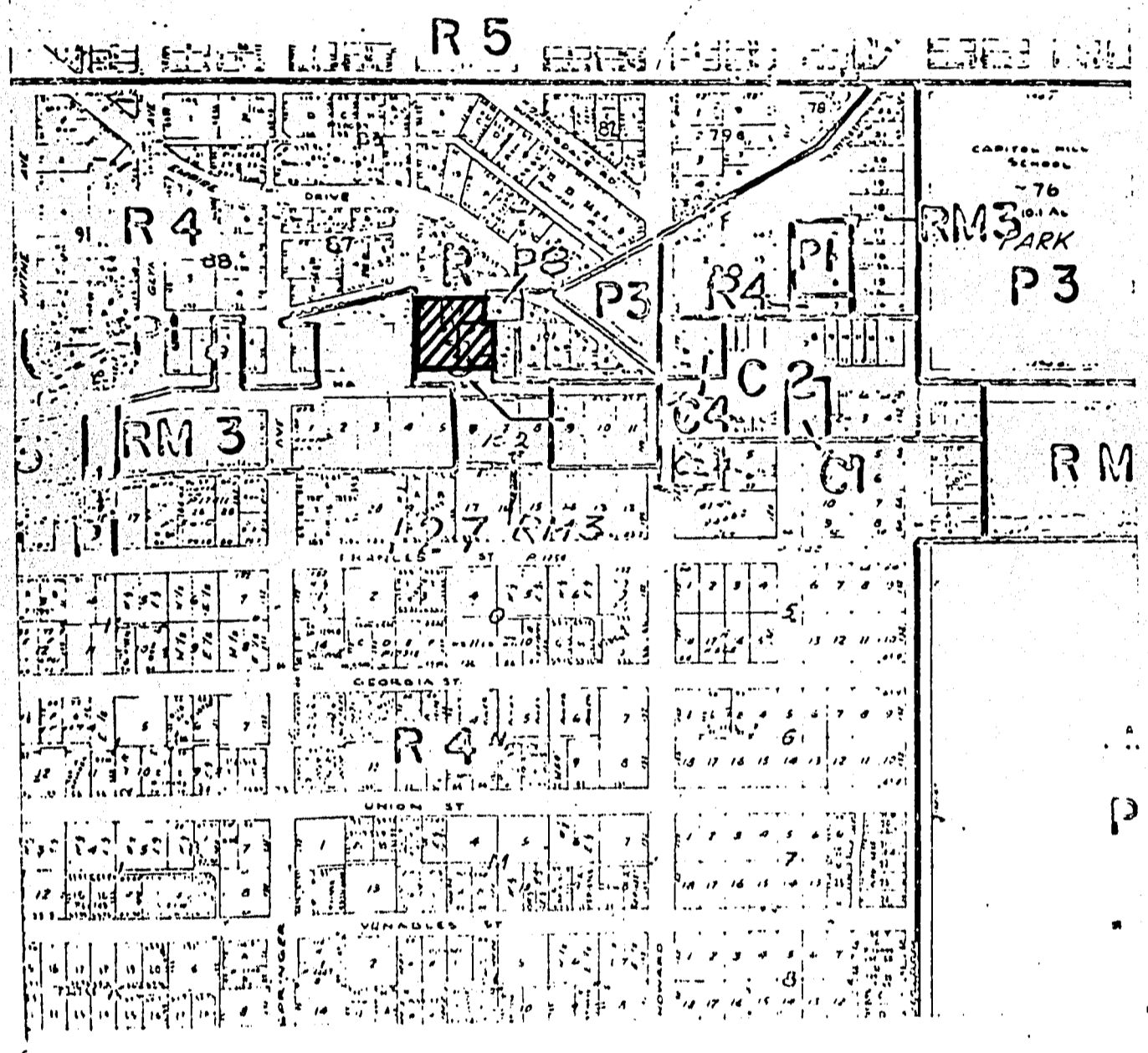
Burnaby Planning Department



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Date
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Scale
 1" = 400'

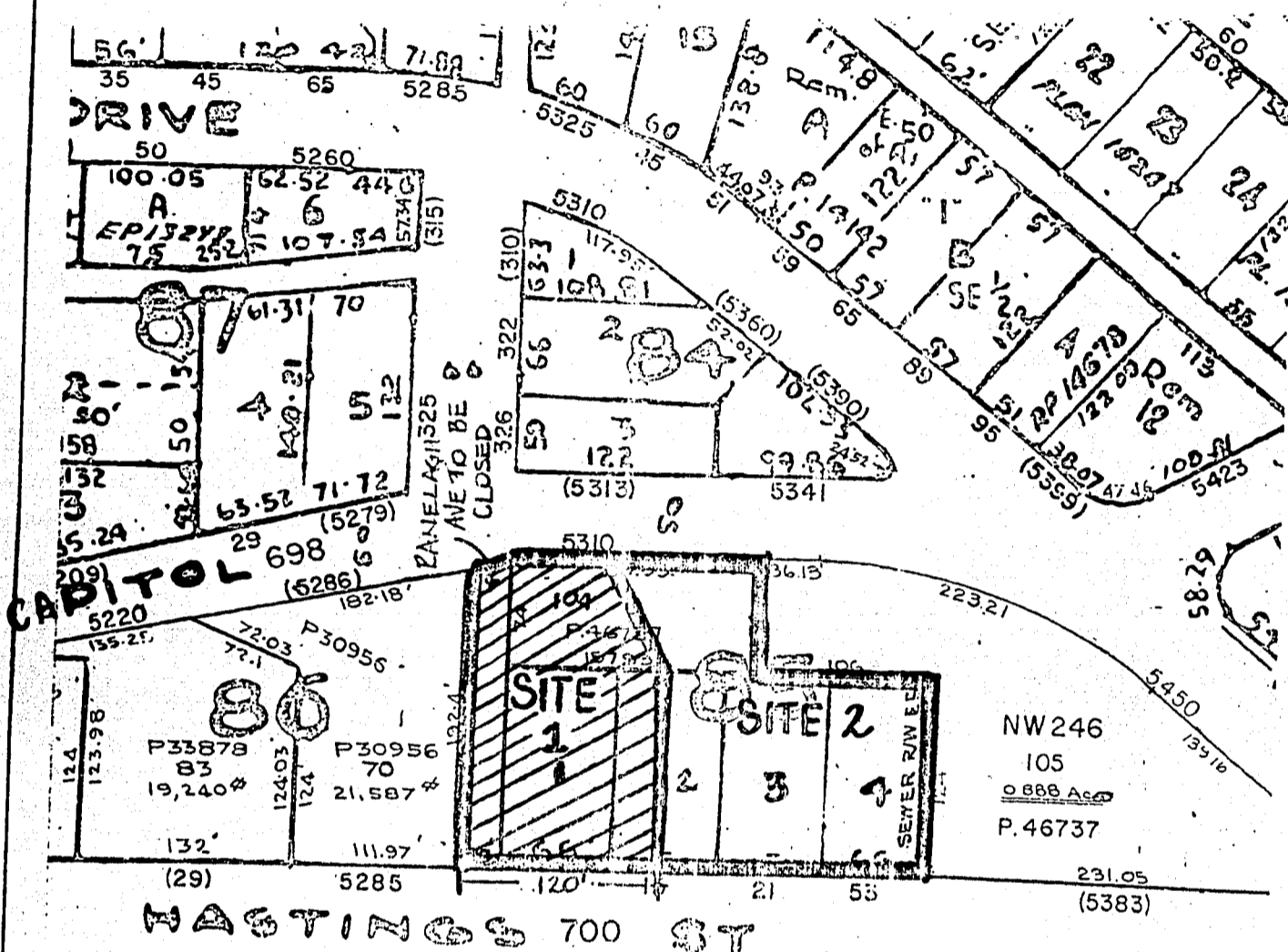
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REZONING REFERENCE # 3/76

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166.8	166.8	250.14	159.64
156.87	41.7	41.7	50
	75		

Date
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Scale
 1"=100'

Drawn By
 P.D.S.



Burnaby Planning Department

APARTMENT SITE CONFIGURATION

sketch