

Re: REZONING REFERENCE #73/81
ANDY JOHNSON RESIDENCE

RECOMMENDATIONS:

1. THAT items 1 to 15 inclusive contained within the letter from Mr. S. J. Wales to the Municipal Manager dated 1981 June 10 be adopted by the Council as additional prerequisites to the final adoption of Rezoning Reference 73/81; and
2. THAT as necessitated by item 14 of the 1981 June 10 letter from Mr. S. J. Wales, those prerequisites to Rezoning Reference 73/81 contained within the Director of Planning's report dated 1981 May 21 adopted by Council at the meeting of 1981 May 25; be amended by deleting item i (the payment of the Parks Acquisition Levy) and item j (the payment of the Metrotown Open Space Levy); and
3. THAT the By-Law be brought forward.

REPORT

At the Council meeting of 1981 May 25 Council advanced Rezoning Reference 73/81 to a Public Hearing on 1981 June 23. At the same meeting an in-camera report No. 4 was received indicating that several issues were to be the subject of examination by the Municipal Manager followed by a further report to Council.

These issues involved primarily a request from the applicant for relief from property taxes, servicing costs, and park and metrotown open space levies.

As a result of this request the Municipal Manager held two comprehensive meetings with the applicant, in order to evaluate the relationship between the value to the applicant gained from increases in density granted in excess of those normally permitted in metrotown and the costs to the applicant of retaining the Andy Johnson residence.

The Municipal Manager concluded from these meetings that public access in perpetuity to those passive park lands surrounding the residence was acceptable in lieu of the park and open space levies; but that relief from property taxes and servicing costs was unacceptable. In very broad terms the application of these conclusions to the proposed development results in a reasonable balance of costs and benefits.

The total package which the Manager is prepared to recommend to the Council was transmitted to Mr. Wales in a letter dated 1981 June 03, a copy of which is attached; and the reply from Mr. Wales was received in a letter dated 1981 June 10, a copy of which is also attached. In this letter Mr. Wales accepts the recommendations of the Municipal Manager with the following variations:

- Item 8 - Rather than designate the house as a heritage site; Mr. Wales has chosen to follow the recommendation contained in the Director of Planning's report dated 1981 May 21 which established the following as a prerequisite of rezoning.
- "k the signing of an agreement such that the Andy Johnson residence will not be demolished, as described in Section 4.8 ..." (of the 1981 May 21 report).

Item 10 - In order to reflect the decision reached in Item 8, reference to the Heritage Designation Act is removed from Item 10.

Item 12 - A sentence is added to clarify that there may be one or two spaces more or less than the figure of 294 used in Item 12.

Item 15 - A sentence is added to clarify that normal minor changes resulting from the more detailed development and processing of the final plans will not be prohibited by Item 15.

Last paragraph on

page 2 - Mr. Wales has accepted responsibility for servicing on the basis of a \$36,000 preliminary estimate. He asks for the opportunity to discuss the matter further should the servicing costs "grossly exceed" this estimate.

CONCLUSION

None of the above variations alter the intent of the Manager's position as contained in his letter of 1981 June 03 addressed to Mr. S. J. Wales. It is therefore appropriate that the park and metrotown open space levies be deleted from the rezoning prerequisites adopted by Council on 1981 May 25, and that those items 1 to 15 listed in the letter from Mr. Wales dated 1981 June 10 be adopted as additional prerequisites to the final adoption of Rezoning Reference 73/81.

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ITEM	12
MANAGER'S REPORT NO.	27
COUNCIL MEETING	1981 06 15



THE CORPORATION
OF THE DISTRICT OF
BURNABY

4949 Canada Way, Burnaby, B.C. V5G 1M2

Manager's Department

Telephone (604) 294-7110
1981 June 03

Wales McLelland Development Company Ltd.
9111 Van Horne Way
RICHMOND, B.C.

Attention: Mr. S. J. Wales

Dear Sirs:

Re: Royal Oak/Kingsway Development

This letter will confirm my telephone conversation with you, on the evening of 1981 June 02, at which time as a result of meetings held on 1981 June 01 and 1981 June 02, I advised you that I will be recommending the following to the Municipal Council:

1. THAT the existing additions to the Andy Johnson House be removed.
2. THAT the permitted uses for the house be defined and be consistent with C3 zoning including office and retail space, restaurant and general craft and gallery uses.
3. THAT subject to approval by the municipality, additions be permitted to the south and east face of the house as required for the permitted uses.
4. THAT the existing redwood trees be retained.
5. THAT the existing stone wall be retained near the relocated house as shown on the site plan and the stone which is removed from the remainder of the wall be reused as a feature in the landscaping of the property.
6. THAT that portion of the property as shown on Plan L-1 prepared by Wendy Grandin BC SLA dated May 81 will be developed in a passive park-like manner, and that public access to that portion of the 16,000 sq. ft. lot excluding the house be provided in perpetuity by an appropriate agreement.
7. THAT an area of approximately 16,000 sq. ft. containing the house and trees be subdivided from the remainder of the project.

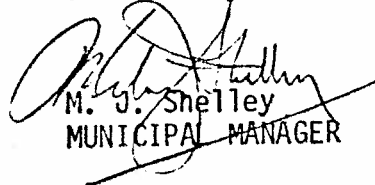
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8. THAT the house be désignated as a heritage site.
9. THAT the area to the south-east of the house be developed as a town square which will provide access to and compliment the house and park-like setting.
10. THAT as governed by the Heritage Designation Act the right to rebuild the structure for its agreed uses be granted in the event of total or partial destruction of the home.
11. THAT the developer dedicate to the municipality the land required for the widening of Kingsway and Royal Oak and the land required for the new lane exiting onto Burlington in exchange for transfer of the existing lane area within the project to the Developer.
12. THAT parking be provided for the project in the amount of 294 spaces.
13. THAT the developer landscape and maintain the entire area, including the portions dedicated to Burnaby in a manner consistent with the project.
14. THAT the provision by legal agreement of public access in perpetuity to that portion of the 16,000 sq. ft. lot surrounding the house be accepted in lieu of the neighbourhood park acquisition and Metrotown open space levies.
15. THAT no change be made in the development plan referred to in the report of the Director of Planning to the Municipal Manager dated 1981 May 21.

Would you please acknowledge receipt of this information and acceptance of these recommendations in order that the project may proceed without delay.

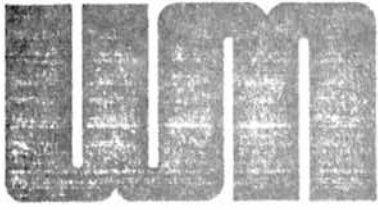
Yours truly


 M. J. Shelley
 MUNICIPAL MANAGER

MJS/nb

cc: MAYOR D.M. MERCIER

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COUNCIL MEETING	1981 06 15



9111 VAN HORNE WAY • RICHMOND, B.C. • V6X 1W2 • TEL. 273-9591

81/06/10

THE CORPORATION OF THE DISTRICT OF BURNABY
4949 Canada Way,
Burnaby, B. C.
V5G 1M2

Attention: Mr. M.J. Shelley,
Municipal Manager

Dear Sir:

RE: ROYAL OAK KINGSWAY DEVELOPMENT

Further to our Rezoning Application and Development Proposal letter dated 1981 May 15th and our subsequent meetings 1981 May 29th, June 1st and June 2nd. We acknowledge receipt of your letter 1981 June 3 and confirm our general acceptance of your recommendations as follows:

1. THAT the existing additions to the Andy Johnson House be removed.
2. THAT the permitted uses for the house be defined and be consistent with C3 zoning including office and retail space, restaurant and general craft and gallery uses.
3. THAT subject to approval by the municipality, additions be permitted to the south and east face of the house as required for the permitted uses.
4. THAT the existing redwood trees be retained.
5. THAT the existing stone wall be retained near the relocated house as shown on the site plan and the stone which is removed from the remainder of the wall be reused as a feature in the landscaping of the property.
6. THAT that portion of the property as shown on Plan L-1 prepared by Wendy Grandin BC SLA dated May 81 will be developed in a passive park-like manner, and that public access to that portion of the 16,000 sq. ft. lot excluding the house be provided in perpetuity by an appropriate agreement.
7. THAT an area of approximately 16,000 sq. ft. containing the house and trees be subdivided from the remainder of the project.

WALES McCLELLAND

DEVELOPMENT COMPANY LIMITED

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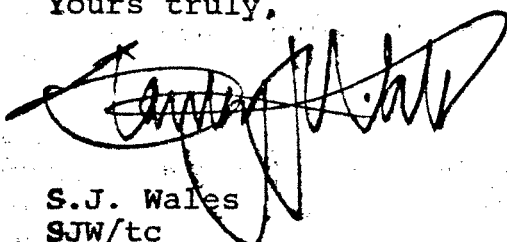
The Corporation of the District of Burnaby

8. THAT a formal legal agreement be entered into which is binding on any future owners such that the Andy Johnson Residence will not be demolished by any acts within the control of the owner. Such an agreement to be drafted prior to the second reading of this by-law.
9. THAT the area to the south-east of the house be developed as a town square which will provide access to and compliment the house and park-like setting.
10. THAT the right to rebuild the structure for its agreed uses be granted in the event of total or partial destruction of the home.
11. THAT the developer dedicate to the municipality the land required for the widening of Kingsway and Royal Oak and the land required for the new lane exiting onto Burlington in exchange for transfer of the existing lane area within the project to the Developer.
12. THAT parking be provided for the project in the amount of 294 spaces. (It is understood that this figure may be plus or minus depending upon final structural details, but in any event, the maximum amount of parking that can be reasonably, structurally and economically achieved will be provided).
13. THAT the developer landscape and maintain the entire area, including the portions dedicated to Burnaby in a manner consistent with the project.
14. THAT the provision by legal agreement of public access in perpetuity to that portion of the 16,000 sq. ft. lot surrounding the house be accepted in lieu of the neighbourhood park acquisition and Metrotown open space levies.
15. THAT no change be made in the development plan referred to in the report of the Director of Planning to the Municipal Manager dated 1981 May 21. (It is understood that the words "no change" mean no substantial change to the overall concept and general appearance of the project but that certain changes such as those dictated by structural requirements will be tolerated.

In the event that the costs to relocate the existing services within the existing lane grossly exceed the amounts previously quoted, we request the opportunity to discuss the matter further.

Assuming the aforementioned is acceptable we will proceed with satisfying the prerequisites as outlined in the letter from Mr. J. Hudson, Municipal Clerk dated 1981 May 27th with the exception of Items I and J.

Yours truly,



S.J. Wales
SJW/tc