

ITEM SUPPLEMENTARY 10
MANAGER'S REPORT NO. 9
COUNCIL MEETING 1984 02 06

RE: REZONING REFERENCE #19A/83
REQUEST FROM COUNCIL ON 1984 JANUARY 23 MEETING OF COUNCIL
FOR A REPORT ON THE PREREQUISITE FOR UNDERGROUNDING WIRING
AT 3960 CANADA WAY
(ITEM 15 OF ITEM 11 REPORT NO. 6, 1984 JANUARY 23)

MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the recommendation of the Director Planning & Building Inspection be adopted.

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TO: MUNICIPAL MANAGER 1984 FEBRUARY 01

FROM: DIRECTOR PLANNING &
BUILDING INSPECTION

SUBJECT: REQUEST FROM COUNCIL ON 1984 JANUARY 23
FOR A REPORT ON THE PREREQUISITE FOR
UNDERGROUNDING OF WIRING ABUTTING THE SITE OF
REZONING REFERENCE #19/83A (3960 CANADA WAY)

RECOMMENDATION:

1. THAT the prerequisite for placement underground of the wiring abutting the site in conjunction with R.Z. #19/83A be deleted on the basis that staff will pursue completion of the terms of the original letter of agreement from the developer to install such underground wiring.

REPORT

1.0 INTRODUCTION:

At the Council meeting of 1984 January 23 Council requested a report on one of the prerequisites to Rezoning Reference #19/83A pertaining to the placement of a pole line abutting the site along Canada Way into an underground conduit.

2.0 BACKGROUND OF THE REZONING PREREQUISITE REQUIREMENT FOR UNDERGROUND PLACEMENT OF OVERHEAD LINES ALONG CANADA WAY:

On 1980 November 17 Council approved the recommendation that Rezoning Reference #22/80 be sent to a Public Hearing on 1980 December 01. One of the prerequisites to this rezoning was listed as follows:

"(d) The undergrounding of existing overhead wiring abutting the site along Canada Way."

Subsequently a letter from Quadrant Developments dated 1981 March 20 was received agreeing:

"to deposit with you sufficient monies to cover the cost of undergrounding the existing overhead wiring abutting the site along Canada Way as soon as the cost estimates are received from the utility companies." (Attached)

On 1981 April 06 the rezoning bylaw was reconsidered and Finally Adopted. Staff do not recall any controversy or debate by the developer over this point at the time. Construction was started on the project but subsequently stopped by the developer at the foundation stage. The site was basically serviced at this time.

On 1983 May 24 Council considered an application to amend the approved rezoning bylaw which was proposed by the same developer to alter the design and increase the number of units within the basic site coverage guidelines. This was sent to a Public Hearing on 1983 June 21. In this report no specific reference was made in the prerequisites regarding the placement of the lines along Canada Way underground, as agreement on this item had previously been reached as demonstrated in the above-noted letter. It was clear to staff that the discussion subsequent to Quadrant's letter dated 1981 March 20 was premised on the expectation that Quadrant would honour its written undertaking to place the wires underground.

When a discrepancy in the calculations of Floor Area Ratio came to light in mid 1983 the developers response was, initially to proceed with Phase I of the site but to slightly reduce later phases (for which working drawings were not yet done.) to fit the .61 approved F.A.R. A letter was received from the developer outlining this approach.

Late in 1983 the developer then requested staff consider a proposal to build the site to an F.A.R. of .67. Due to the quality, design and impact of the project, staff indicated that the amendment (to raise the F.A.R. figure) would be supported if the developer chose to apply for an amendment rezoning.

On 1984 January 23 Council considered the current amendment rezoning for this site which again, notwithstanding the fact that an agreement exists, specifically repeats the prerequisite for underground wiring in view of recent indications that the developer was not intending to fulfill the underground wiring requirement. In their defense, the person raising this point was apparently not aware at that time of the company's agreement to do this work.

The restating of this prerequisite at this time is not essential insofar as the agreement on this matter has been reached. This situation is somewhat analogous to a servicing agreement for a site which is entered into between a developer and the Municipality. Once an agreement has been entered into, if the site is rezoned once again, for example to revise the plan, an amendment to the servicing agreement would not be required; and while it may be reviewed, the initial requirement for a new servicing agreement would not be a requirement of the amendment rezoning if the old agreement was still in place.

For this reason, it is not necessary for Council to include the undergrounding prerequisite in the present rezoning. The original letter of undertaking will be pursued and an update on the costs obtained from the utility companies and conveyed to the developer. This procedure would be the same whether or not an amendment rezoning had been requested for the site.

The Municipal Solicitor has indicated that pursuing the original undertaking from the developer is an acceptable approach to obtaining the completion of the work.

3.0 SUMMARY:

The placement of the wiring along Canada Way was one of the original prerequisites for the development of the site and a letter from the developer was received agreeing to do this work. To date virtually all the site servicing has been completed and after revisions to the original scheme the first phase is now under construction. The rezoning application presently under consideration is requested by the developer to adjust the Floor Area Ratio in the subsequent phases.

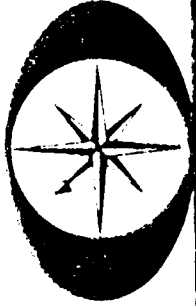
The requirement to place the wires along Canada Way underground is consistent with the original site servicing requirements and is acknowledged by the letter from the developer agreeing to do the work. The completion of this work will be pursued by staff.

ARL
BR/g1
Attachment

A. L. Parr
A. L. Parr,
DIRECTOR PLANNING &
BUILDING INSPECTION

cc: Municipal Solicitor

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 MANAGER'S REPORT NO. 9
 COUNCIL MEETING 1984 02 06



QUADRANT DEVELOPMENT LIMITED
 A Weyerhaeuser Company

March 20, 1981

The Corporation of the
 District of Burnaby,
 4949 Canada Way,
 Burnaby, B.C.

Attention: Mr. Don Stenson
Planning Dept.

Re: Rezoning Reference #22/80 Lot 115, DL 68,
Plan 24910

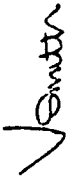
Dear Sir,

Further to our letter of December and January 16, 1981 we wish to elaborate on two of the subject matters.

Firstly item B, we have now deposited sufficient monies to cover the cost of services and we undertake to enter into a servicing agreement covering all of the requisite services as soon as your departments are able to draw up the agreement.

Secondly item D, we undertake to deposit with you sufficient monies to cover the cost of undergrounding the existing overhead wiring abutting the site along Canada Way as soon as the cost estimates are received from the utility companies.

Yours truly,


 P. Byrom
 Project Manager

PB/vs