

**TO:** MUNICIPAL MANAGER 1992 AUGUST 05

**FROM:** ACTING DIRECTOR PLANNING AND BUILDING

**SUBJECT:** DEMOLITION OF OFFICE BUILDING AT 6035 SUSSEX AVENUE  
HIGH-RISE RESIDENTIAL DEVELOPMENT SITE  
REZONING REFERENCE #5/91/SUBDIVISION REFERENCE #29/90

**PURPOSE:** To provide Council with information regarding the office building at 6035 Sussex Avenue.

=====  
**RECOMMENDATION:**

1. THAT copies of this report be sent to Dr. S.E. Sheard, #4 - 6035 Sussex Avenue, Burnaby, B.C. V5H 3C1, and to the developer of the site, Intrawest Development Corporation, Suite 800, 200 Burrard Street, Vancouver, B.C. V6C 3L6.

**1.0 INTRODUCTION**

At the regular Council Meeting held on 1992 June 15, Council received a presentation from a representative of tenants of the Professional Arts Building at 6035 Sussex Avenue requesting postponement of the demolition of that building.

Arising from this request Council adopted the following motion:

"THAT Planning Staff canvass all the tenants of 6035 Sussex Avenue to determine their needs related to demolition of the building by 1992 August 31, and how extension of the demolition deadline would affect the proposed development schedule and road reconfiguration."

The purpose of this report is to provide this information together with some background.

**2.0 BACKGROUND**

The office building at 6035 Sussex Avenue is located on a site recently consolidated (Subdivision Reference #29/90) and rezoned (Rezoning Reference #5/91) for a high-rise residential development consisting of two towers, the first of which is currently under construction.

In the case of the rezoning of a developed site for a new form of redevelopment, Burnaby's usual approach is to require demolition of the existing improvements within a period of six months, in order to avoid perpetuation of the non-conforming situation created through the rezoning. This is typically achieved through the adoption and satisfying of the following standard prerequisite:

"The submission of an undertaking to remove all existing improvements from the site within six months of the rezoning being effected but not prior to Third Reading of the Bylaw. In the event that existing improvements on the site are vacant and considered to be unsafe, unstable, and a hazard to life, the Fire Prevention Office may recommend immediate demolition of such improvements and removal of the resultant debris prior to Third Reading."

In cases where a subdivision creates a new property line which would be straddled by an existing building, the usual approach is to require demolition of the building prior to completion of the subdivision in order to prevent creation of a situation contravening the Building Code as well as being non-complying in terms of zoning.

Due to required road-widening dedications for Hazel Street and Sussex Avenue it was recognized that the existing office building at 6035 Sussex Avenue would straddle both new property lines. However, due to timing constraints outlined by the developer, staff recommended that provision be made for accepting a delay in the demolition of the building, within a determined time frame following completion of the subdivision. Our report to Council on 1991 March 25, which recommended that the subject rezoning proceed to a Public Hearing, addressed this issue as follows:

"A small, currently tenanted office building is located on the Sussex Avenue frontage of the site, on the Phase II portion of the site. The developer anticipates the demolition of the building to take place mid-1992. Bonding and an appropriate legal guarantee should be implemented to ensure that the building is removed prior to the end of 1992."

At that time, Council adopted the following prerequisite to completion of the rezoning in this regard:

"d) The submission of bonding and an undertaking to remove the existing office building at 6035 Sussex Avenue and all other improvements from the site prior to the end of 1992, but not prior to Third Reading of the Bylaw. In the event that existing improvements on the site are vacant and considered to be unsafe, unstable and a hazard to life, the Fire Prevention Office may recommend immediate demolition of such improvements and removal of the resultant debris prior to Third Reading."

In a follow-up letter dated 1991 May 21, Planning advised the rezoning applicant as follows:

"Since it will be necessary to remove the building prior to completing required adjacent road improvements, the specific timing for demolition will be determined on the basis of the Servicing Agreement requirement for completion of all servicing. Bonding and a covenant will be required to guarantee removal of the building, and it will be necessary that all tenants of the building be given notice prior to Final Adoption of the rezoning.

The developer acknowledged this requirement in a letter dated 1991 August 26 (Attachment "A"), and further information in this regard was included in the Approving Officer's letter of 1991 September 26 granting Tentative Approval for the subject subdivision application as follows:

"15. The existing building at the corner of Sussex and Hazel will be encroaching onto the dedicated road right-of-way until mid-1992. Timing for demolition of this building is to be included in the Servicing Agreement and in a Section 215 covenant agreement. The building is to be demolished within nine months of entering into the Servicing Agreement in order that the required servicing can be completed within the one year servicing time period on the building encroachment portion of the road. The Municipal Solicitor will prepare the necessary covenant agreement.

Please submit an estimate prepared by a demolition contractor for the building removal. A Letter of Credit in this amount must be submitted to guarantee its removal. Confirmation that all tenants of the building have been given notice should also be submitted."

The covenant requiring demolition of the subject office building by 1992 August 31 was deposited in the Land Title Office on 1991 November 29, as was noted in our memo requesting Final Adoption of the subject rezoning on 1991 December 09.

### 3.0 EXISTING TENANTS AT 6035 SUSSEX AVENUE

As noted above and in Attachment "A", the developer had advised all tenants of the office building of its intended demolition more than one year before the demolition deadline specified in the Covenant and Servicing Agreement. In a letter to the Planning Department dated 1992 April 10, the developer, however indicated that due to unforeseen circumstances, reasonable terms could not be achieved with one tenant who did not have a demolition clause in his lease, and was unwilling to leave the premises. The letter from the developer included a request to extend the date for demolition to 1994 June for this reason. In response staff advised that release or amendment of the subject covenant would require approval by Council. The developer now advises that negotiations with the tenant in question have been successful, and a settlement has been reached whereby the tenant will move out by the end of the month.

To assist in the preparation of this report the developer has provided a current tenant summary (Attachment "B"), which indicates that four of eight tenants have already moved out and that the remaining four tenants have been given notice to vacate by 1992 July 31 (one tenant) and by 1992 August 31 (three tenants including the tenant noted above).

In accordance with Council direction, staff have canvassed the remaining four tenants (Attachment "C"). Three of the tenants advised that they would prefer to remain in the building for a longer time if possible, while the other tenant advised that he will be moving out by the end of August in accordance with the agreement reached with the developer as noted above.

### 4.0 SERVICING IMPLICATIONS

Required servicing in the area of the existing office building includes construction of a public walkway through the site as well as Sussex Avenue and Hazel Street widening including curb and sidewalk relocation, as illustrated on Sketch #1 attached.

The location of the existing building precludes construction of the public walkway (to be constructed within a registered statutory right-of-way) near the corner as well as construction of the relocated Sussex Avenue sidewalk prior to demolition of the building. Although both relocated curbs and the Hazel Street sidewalk could be constructed prior to its demolition, this approach was not recommended as there would be a possibility of subsequent damage as a consequence of the building demolition.

The Servicing Agreement for the subject subdivision requires demolition of the building at 6035 Sussex Avenue by 1992 August 31 and completion of the servicing works by 1992 November 30. There is provision for the Director Engineering to extend the time for completion of the works. In this regard, the Director Engineering advised Planning that from a servicing viewpoint there would be no objection to the developer's request to extend the demolition date to 1994 May 31. In this case Engineering advises that it would be the developer's responsibility to maintain a safe walking area on Sussex Avenue and Hazel Street abutting the building, and that any interim walks would be asphalt.

### 5.0 RESIDENTIAL SITE DEVELOPMENT

The area currently occupied by the office building and its parking is part of the second phase site for the high-rise residential development currently under construction. It is also to form part of the most significant area of landscaping for the development as a whole, including a gazebo, and public walkway with lighting (see Sketch #2 attached). If a phased Strata Plan is approved for the development, such common areas of the second phase site will be protected by easement, for the use of both phases, as will the common areas including driveways and visitor parking on the first phase site.

162

If the second phase of the development (Tower 2) is not commenced without a pause in construction following the completion of Tower 1, the developer would be required to provide simple interim grass landscaping over the Phase II site. The current intention of the developer is to proceed with Tower 2 early in the summer of 1993, without a pause in construction, although there can of course be no guarantee that this would necessarily take place. The developer has proposed that because the existing office building does not conflict with construction of the apartment towers themselves, the demolition date could be related to the anticipated occupancy date for Tower 2, and delayed to sometime in 1995.

#### 6.0 CONCLUSION

The usual requirement with respect to the subject office building would have been demolition prior to the completion of a subdivision creating property lines through it. In order to meet the developer's timing constraints, however, provision was made for the temporary retention of the subject office building crossing property lines and encroaching on road rights-of-way. A covenant was registered to formalize a mutually agreed deadline for the demolition, and to ensure that the non-conforming encroaching interim situation, and a potential servicing delay, was not perpetuated for an indefinite period of time. Tenants were advised of the intended demolition more than one year in advance of the deadline for demolition.

It is acknowledged that from a service construction and tower development viewpoint, it would be possible to delay the demolition to a later date. However, it is also recognized that several of the existing tenants have already vacated the building in accordance with the past agreement and the notice that had been given and that altering the terms of the agreement at this time could be perceived as inequitable. Basing the demolition and servicing completion date on the developer's currently anticipated occupancy dates for Tower 2 could also lead to further delays and uncertainties if market and economic conditions were to change, and commencement and/or completion of Tower 2 were delayed for any reason.

In light of the information outlined above, it is considered that there is not sufficient justification to recommend releasing or amending the covenant.

This is for the information of Council. It is recommended that copies of this report be sent to the delegation which appeared before Council and to the developer of the subject high-rise apartment project.

RR:yg

Attach.

cc: Director Engineering  
Municipal Solicitor  
Chief Building Inspector



D. G. Stenson, Acting Director  
Planning and Building

ITEM 21  
MANAGER'S REPORT NO. 52  
COUNCIL MEETING 92/08/10

# ATTACHMENT 'A'

08/26/91 16:30 604 669 0805

INTRAWEST

002/002

cc RE# 5/91

## INTRAWEST

August 26, 1991

Robert Renger  
Planner  
Planning Department  
The Corporation of the  
District of Burnaby  
4949 Canada Way  
Burnaby, B.C. V5G 1M2

Intrawest:

Development  
Corporation

Sixth Floor

111 West Hastings St.

Vancouver, B.C.

Canada V6E 2J3

Te.: (604) 669-9777

Fax: (604) 669-2005

Dear Robert:

RE: SUBDIVISION REFERENCE #29/90  
Grange Street/Sussex Avenue/Hazel Street  
The Professional Office Building at 6035 Sussex Avenue

Since we purchased the Professional Office building located at 6035 Sussex Avenue on June 28, 1991, we have been able to meet with all the tenants and discuss with them our plans for the subject property.

With the cooperation of the tenants after invoking the standard 6 month demolition clause in most of the leases, it is our intention to demolish this building near the end of our one year servicing agreement, sometime in the summer of 1992. The actual date will be determined by assessing the amount of work required to complete the agreement after demolition.

It should also be noted that this building will temporarily encroach onto Municipal lands after the Final Adoption of the Subdivision Plan because of the required road dedications. Please instruct us if there are any special procedures or requirements for this temporary encroachment.

If you should have any questions, please do not hesitate to contact me at 669-9777.

Sincerely,

INTRAWEST DEVELOPMENT CORPORATION



Carolyn L. Gladwell, P.Eng.  
Project Manager

cc: Ed Alm, IDC  
Noel Richardson, IDC  
Larry Doyle, Hamilton Doyle





ITEM

21

MANAGER'S REPORT NO.

52

COUNCIL MEETING 92/08/10

ATTACHMENT "C"

TELEPHONE CANVASS OF TENANTS AT 6035 SUSSEX AVENUE

REZONING REFERENCE #5/91

1. HOLMES AND ASSOCIATES - MR. GERRY HOLMES
  - intends to move out by 1992 August 31.
2. DR. S.E. SHEARD - MS. SANDRA MCIVOR
  - is having difficulty finding alternative space and would like to remain as long as possible.
3. S.O.I. SYSTEMS/NEIL GODIN INTERNATIONAL - MS. SHERRY LEWIS
  - difficult to find equivalent space at the current low rent; would like to remain as long as possible.
4. SMILE LINE DENTAL LABORATORY - MS. MIEKO SHINOKI
  - difficult to find suitable space; would like to stay longer if possible.

RR:yg







